



Agenda

Greenville City Council

November 12, 2020

6:00 PM

**This meeting will be virtual and conducted via Zoom. See the City's website
(www.greenvillenc.gov) for details.**

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 Meyerhoeffer**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Approval of Agenda**
- VI. 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.

- VII. Appointments**

1. Appointments to Boards and Commissions
2. Appointments to the Audit & Investment Committee

VIII. New Business

Public Hearings

3. Ordinance requested by 3810 Charles, LLC to rezone 1.2354 acres located along the western side of Charles Boulevard/NC HWY 43 south of the intersection of the same and Fire Tower Road from RA20 (Residential-Agricultural) to CH (Heavy Commercial)
4. Ordinance requested by Langston Farms, LLC to rezone 1.881 acres located at the northeastern corner of the intersection of South Memorial Drive and Regency Boulevard from O (Office) to CG (General Commercial)
5. Ordinance requested by the Planning and Development Services Department to amend the City Code by adding "microdistillery" as a special use in the CD (Downtown Commercial) district. The amendment includes a definition and additional standards.
6. 2020-2021 Annual Action Plan Amendment for CDBG-CV

Other Items of Business

7. Resolution and Lease Agreement for Greenville Utilities Commission's Use of Parcel 18875
8. Discussion of 500' Spacing Rule

IX. City Manager's Report

X. Comments from Mayor and City Council

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 11/12/2020

<u>Title of Item:</u>	Appointments to Boards and Commissions
<u>Explanation:</u>	<p>City Council appointments need to be made to the Environmental Advisory Commission (Engineer Seat), Human Relations Council, Pitt-Greenville Convention and Visitors Authority (City member; resident not involved in tourist or convention-related business), and the Youth Council.</p> <p>The City Council updated the Boards and Commission Policy on October 9, 2017 to include a provision for extended vacancies:</p> <p>Nominations for Extended Vacancies</p> <p><i>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.</i></p> <p><i>Under this provision, the following seats are open to nominations from the City Council:</i></p> <ul style="list-style-type: none">• Maurice Whitehurst- Human Relations Council• 7 seats on the Youth Council
<u>Fiscal Note:</u>	No direct fiscal impact
<u>Recommendation:</u>	Make appointments to the Environmental Advisory Commission (Engineer Seat), Human Relations Council, Pitt-Greenville Convention and Visitors Authority (City member; resident not involved in tourist or convention-related business), and the Youth Council.

ATTACHMENTS

 [November 2020 Appointment List 2.pdf](#)

Appointments to Boards and Commissions

November 2020

Environmental Advisory Commission

Council Liaison: Council Member Brian Meyerhoeffer

Name	District #	Current Term	Reappointment Status	Expiration Date
Derrick Smith	4	Filling unexpired term	Resigned	April 2021

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Maurice Whitehurst (Pitt Community College)	2	Second term	Did not meet attendance Requirement	Oct. 2015
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Pitt-Greenville Convention and Visitors Authority

Council Liaison: Council Member Brian Meyerhoeffer

Name	District #	Current Term	Reappointment Status	Expiration Date
Dede Carney	5	Second term	Ineligible	July 2020

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Current Name	Reappointment Term	Expiration Status	Date
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7 spots open

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

Applicants for Environmental Advisory Commission

None.

Applicants for Human Relations Council

None.

Applicants for
Pitt-Greenville Convention and Visitors Authority

None.

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 11/12/2020

<u>Title of Item:</u>	Appointments to the Audit & Investment Committee
<u>Explanation:</u>	At their October 19, 2020 meeting, the City Council adopted a resolution updating the Audit Committee and requiring the appointment of three members of the City Council to the Committee.
<u>Fiscal Note:</u>	No direct fiscal impact.
<u>Recommendation:</u>	Appoint three members to the Committee by a vote of the City Council.



City of Greenville, North Carolina

Meeting Date: 11/12/2020

Title of Item: Ordinance requested by 3810 Charles, LLC to rezone 1.2354 acres located along the western side of Charles Boulevard/NC HWY 43 south of the intersection of the same and Fire Tower Road from RA20 (Residential-Agricultural) to CH (Heavy Commercial)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 6, 2020.
On-site sign(s) posted on October 6, 2020.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on October 27, 2020.
Public hearing legal advertisement published on November 2, 2020 and November 9, 2020.

Comprehensive Plan:

The Future Land Use and Character Map shows commercial (C) along this side of Charles Boulevard between Signature Drive and Fire Tower Road. The character type transitions to traditional neighborhood medium-high density (TNMH) as it moves farther from the major intersection of Charles Boulevard and Fire Tower Road.

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from the 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

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 streetscape features such as sidewalks, street trees, and lighting
- Allow neighborhood-scale commercial or 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)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 532 trips to and from the site on Charles Boulevard, which is a net increase of 503 additional trips per day.

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

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned to its present zoning.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Fork Swamp Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen reduction.

It is not located in the Special Flood Hazards Area. Therefore, development is not subject to the Flood Damage Prevention Ordinance. No jurisdictional wetlands exist on the property; however, a jurisdictional stream and riparian buffer may exist on the north side of the property.

The stream/ditch along the north side of the property flows into a large regional stormwater pond.

Surrounding Land Uses and Zoning:

North: CH - Greenville Pool & Supply

South: CH: Greenville AutoWorld; RA20: Three (3) mobile home residences

East: CG - Speedway Convenience Store

West: RA20 - One (1) mobile home residence

Density Estimates:

Under the current zoning, the site could accommodate three (3) single-family lots.

Under the proposed zoning, the site could accommodate 12,000+/- square feet of retail space.

The anticipated build-out is within 1-2 years.

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. Therefore, staff recommends approval.

"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 October 22, 2020 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning 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 rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS

-  [Ordinance_3810__LLC_1137704.pdf](#)
-  [Minutes 3810 Charles, LLC 1137622.pdf](#)
-  [20-11 RZ 3810 Charles LLC Attachments.pdf](#)

LOCATION: Located on the western side of Charles Boulevard/NC HWY 43 south of the intersection of the same and Fire Tower Road.

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

Beginning at a point at the centerline intersection of NC Hwy 43 – Charles Blvd. and NCSR 1729 – Bells Fork Road thence from said point of beginning S19-50-16 E – 5.50’, thence S 87-26-15 W – 52.32’ to a point in the western right of way of NC Hwy 43 – Charles Blvd. the True Point of beginning, thence from said point with the western right of way of NC Hwy 43 – Charles Blvd. 155.55’ along the arc of a curve said curve being to the left having a radius of 1870.00’ and a chord bearing S 21-49-38 E – 155.51’ to a point in the northern line of the 3810 Charles, LLC property recorded in deed book 2006, pages 389 of the Pitt County Registry, thence with the northern line of the 3810 Charles, LLC property S 87-51-04 W – 71.21’ to the eastern line of the 3810 Charles, LLC property as recorded in deed book 2006, page 384, thence with the eastern line of the 3810 Charles, LLC property N 10-21-18 W – 59.36’, thence with the northern line of the 3810 Charles, LLC property and the northern line of the Charlie Mack Long property as recorded in deed book 3973, page 526 S 87-51-04 W – 545.71’ to the eastern line of the Charlie Mack Long property as recorded in deed book 3973, page 526, thence with the eastern line of the Charlie Mack Long property N 02-06-00 E – 83.81’ to the southern line of the F. Keith Bishton property as recorded in deed book 1175, page 74, thence with the southern line of the F. Keith Bishton property and the southern line of the Crown Castle South, LLC property as recorded in deed book 2252, page 299 and the southern line of the MIT Properties, LLC as recorded in deed book 3687, page 697 N 87-26-15 E – 566.83’ to the point of beginning containing 1.2354 acres.

Section 2. That the Director of Planning and Development Services 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 16th day of November, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1137704

Excerpt from the draft Planning & Zoning Commission Minutes (10/20/2020)

REQUEST BY 3810 CHARLES, LLC TO REZONE 1.2354 ACRES LOCATED ALONG THE WESTERN SIDE OF CHARLES BOULEVARD/NC HWY 43 SOUTH OF THE INTERSECTION OF THE SAME AND FIRE TOWER ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CH (HEAVY COMMERCIAL) – APPROVED.

Brad Sceviour delineated the property. The property is located in the southeast quadrant of the city. The land is currently vacant. The property is not in the flood plain, however it is in Fork Swamp Watershed. If storm water rules apply, then 25-year detention as well as nitrogen reduction would be required for any project. There is an anticipated net increase of 503 vehicle trips per day. Currently the property is zoned RA20. The surrounding property along Fire Tower Road and Charles Boulevard are zoned CH (Heavy Commercial). Across from the property the area is zoned CG (General Commercial). With the current zoning there could be three single family lots. If rezoned there could be up to 10,000 square feet of commercial space. The Future Land Use map projects the property be commercial. In Staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Therefore, staff recommends approval.

Ken Malpass spoke in favor on behalf of the applicant.

Excerpt from the draft Planning & Zoning Commission Minutes (10/22/2020)

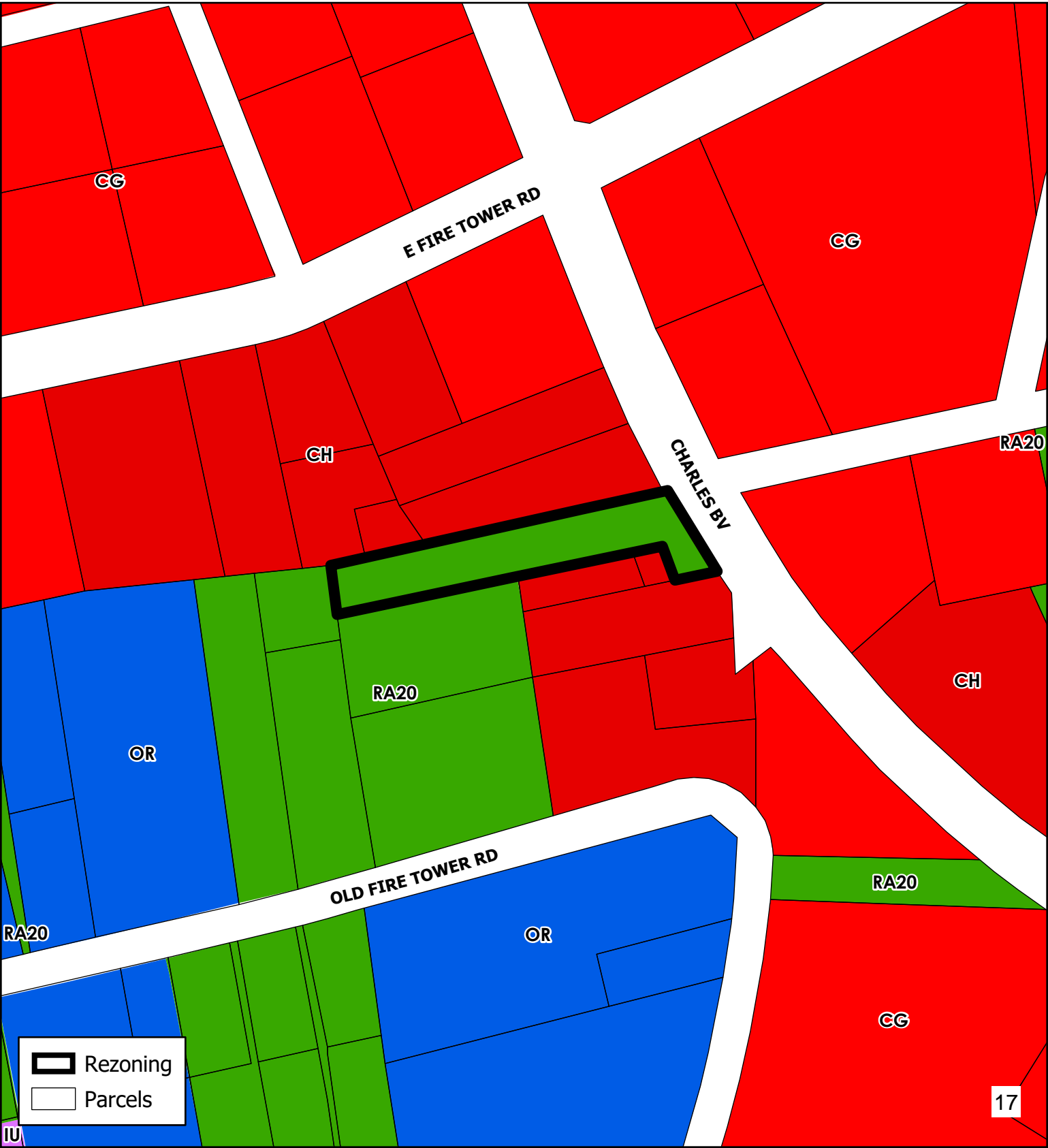
Motion made by Mr. West, seconded by Mr. Parker, to recommend to approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



3810 Charles, LLC
From: RA-20
To: CH
Acres: 1.2354
October 6th, 2020

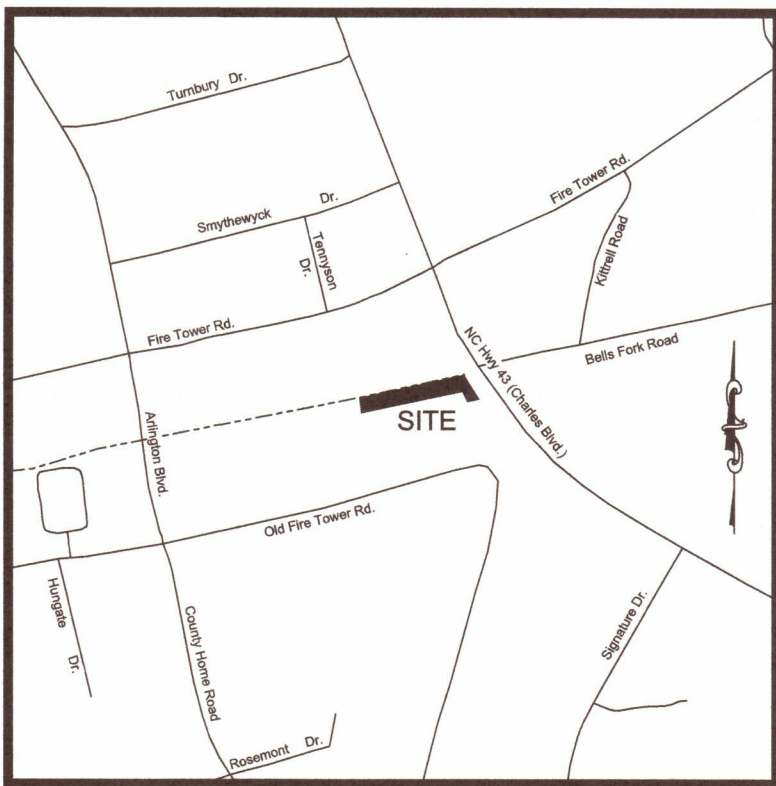
N



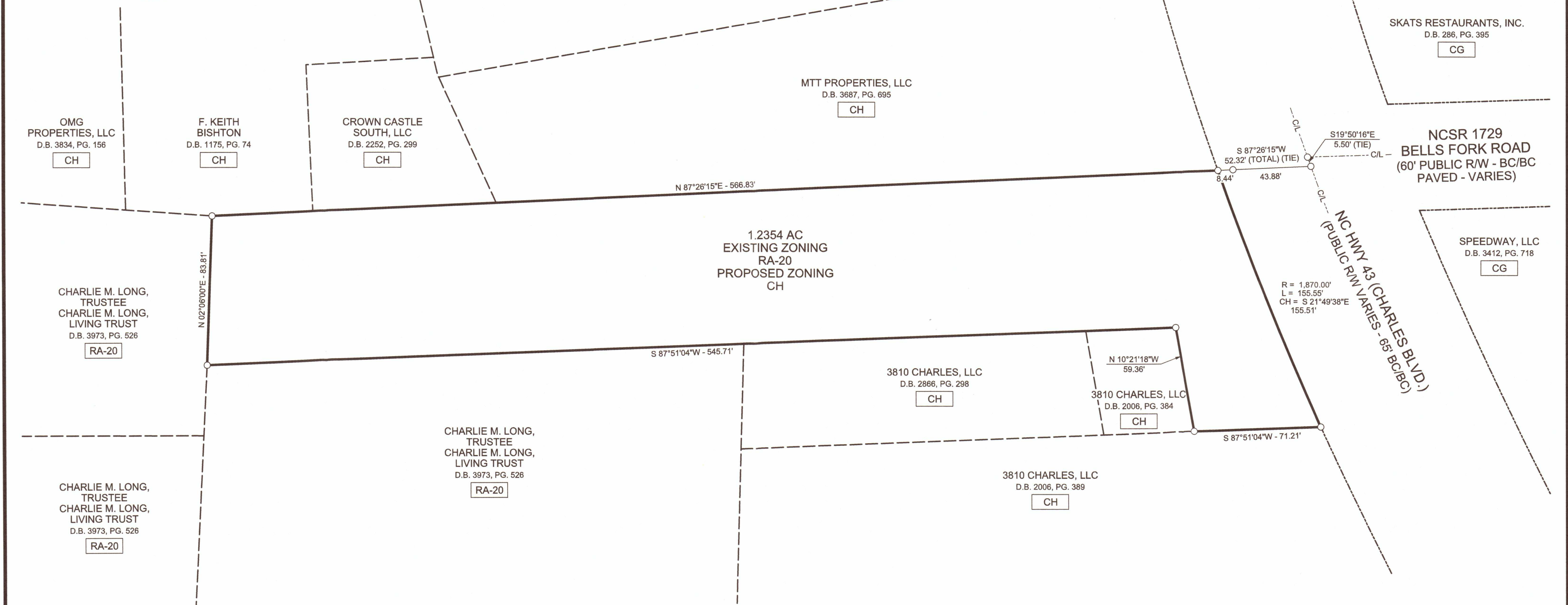
0 0.01 0.03 0.05 Miles



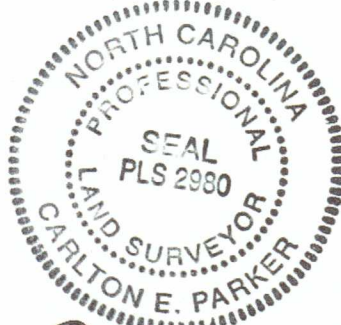
 Rezoning
 Parcels



VICINITY MAP
1" = 2000'



BOUNDARY INFORMATION FROM SURVEY BY
GARY MILLER & ASSOCIATES, PA DATED
SEPTEMBER 5, 2013 AND RECORDED IN DEED
BOOK 3510, PAGE 814.



CARLTON E. PARKER, PLS 2980



REZONING MAP FOR			
3810 CHARLES, LLC			
REFERENCE DEED BOOK 3897, PAGE 1 OF THE PITT COUNTY REGISTRY			
GREENVILLE	WINTERVILLE TOWNSHIP	PITT COUNTY	NORTH CAROLINA
OWNER: 3810 CHARLES, LLC			
ADDRESS: 3203 S MEMORIAL DR. GREENVILLE, NC 27834			
PHONE: (252) 756-2585			
MALPASS & ASSOCIATES (NC LICENSE NUMBER C-1289) 1645 E. ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780		SURVEYED: N/A	APPROVED: CEP
DRAWN: WCO		DATE: 09/11/20	
CHECKED: CEP		SCALE: 1"= 40'	

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 20-11

Applicant: 3810 Charles, LLC

Property Information

Current Zoning: RA20 (Residential-Agricultural)

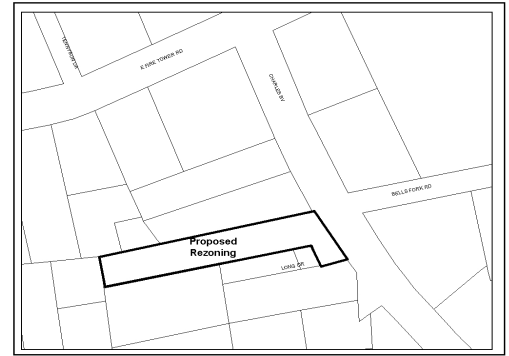
Proposed Zoning: CH (Heavy Commercial)

Current Acreage: 1.2354 acres

Location: Charles Blvd, south of Fire Tower Rd

Points of Access: Charles Blvd

Location Map



Transportation Background Information

1.) Charles Blvd- State maintained

	<u>Existing Street Section</u>
Description/cross section	5-lanes - curb & gutter
Right of way width (ft)	100
Speed Limit (mph)	45
Current ADT:	21,850 (*)
Design ADT:	29,900 vehicles/day (**)
Controlled Access	No

Ultimate Thoroughfare Street Section

no change
no change

Thoroughfare Plan Status Major Thoroughfare

Other Information: There are no sidewalks along Charles Blvd that service this property.

Notes: (*) 2018 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based on operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status:

Trips generated by proposed use/change

Current Zoning: 29 -vehicle trips/day (*)

Proposed Zoning: 532 -vehicle trips/day (*)

Estimated Net Change: increase of 503 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Charles Blvd are as follows:

1.) Charles Blvd , North of Site (60%): “No build” ADT of 21,850

Estimated ADT with Proposed Zoning (full build) – 22,169

Estimated ADT with Current Zoning (full build) – 21,867

Net ADT change = 302 (1% increase)

2.) Charles Blvd , South of Site (40%): “No build” ADT of 21,850

Estimated ADT with Proposed Zoning (full build) – 22,063

Estimated ADT with Current Zoning (full build) – 21,862**Net ADT change =** 201 (<1% increase)**Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 532 trips to and from the site on Charles Blvd, which is a net increase of 503 additional trips per day.

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

EXISTING ZONING	
RA20 (RESIDENTIAL-AGRICULTURAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
c.	On-premise signs per Article N
(2) Residential	
a.	Single-family dwelling
b(1).	Master Plan Community per Article J
f.	Residential cluster development per Article M
k.	Family care homes (see also 9-4-103)
q.	Room renting
(3) Home Occupations - None	
(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
c.	Wayside market for farm products produced on-site
e.	Kennel (see also section 9-4-103)
f.	Stable; horse only (see also section 9-4-103)
g.	Stable; per definition (see also section 9-4-103)
h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
i.	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	
RA20 (RESIDENTIAL-AGRICULTURAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
b.	Two-family attached dwelling (duplex)
g.	Mobile home (see also section 9-4-103)
n.	Retirement center or home
o.	Nursing, convalescent or maternity home; major care facility
o(1).	Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	
a.	Home occupation; not otherwise listed

	b.	Home occupation; barber and beauty shop
	c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining		
	b.	Greenhouse or plant nursery; including accessory sales
	m.	Beekeeping; major use
	n.	Solar energy facility
(6) Recreational/Entertainment		
	a.	Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1).	Golf course; 9-hole regulation length (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; nursery and kindergarten (see also section 9-4-103)
(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		
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 principal uses
(2) Residential - None		
(3) Home Occupations - 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; agricultural, 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
i.	Beekeeping; minor use (see also section 9-4-103)
(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 alley
m(1).	Dining and entertainment establishment (see also section 9-4-103)
n.	Theater; movie or drama, indoor only
o.	Theater; movie or drama, including outdoor facilities
q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
s.	Athletic club; indoor only
t.	Athletic club; indoor and outdoor facilities
(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 loans 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 salon
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.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
y(4)	Distributed Antenna System (See also 9-4-103 (Q))
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
cc.	Trade or business organizations
hh.	Exercise and weight loss studio; indoor only
kk.	Laundrette; 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.	Upholsterer; 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 sales; accessory or principal use, retail
c.	Wine shop; including on-premise consumption (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 including uniforms and related
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
o.	Appliance; household, 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, CD and the like 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 service
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 division (10k.))
c.	Rental of clothes and accessories; formal wear, and the like
d.	Rental of automobiles, 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 boats sales and services (see also major and minor repair)
g.	Mobile home sales including accessory mobile home office
(12) Construction	
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including 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 outdoor sales
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 upholstery
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 the 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 - None	
(4) Governmental - None	
(5) Agricultural/Mining	
m.	Beekeeping; major use
(6) Recreational/Entertainment	
d.	Game center
l.	Billiard parlor or pool hall
m.	Public or private club
r.	Adult uses
u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical - None	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
dd.	Massage establishment
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair	
a.	Major repair; as an accessory or principal use
(10) Retail Trade	
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
z.	Flea market
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
gg.	Tobacco shop (Class 2) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
(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 services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales not otherwise listed

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.

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	Uptown Edge (UE)	CDF and CD*	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6, MR	17 units per acre
	Residential, High Density (HDR)	R6, MR, OR	17 units per acre
		R6MH	17 units per acre
	Medical-Transition (MT)	MR	17 units per acre
High to Medium	Mixed Use (MU)	OR	17 units per acre
		R6, MR	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
	Medium to Low	Traditional Neighborhood, Low-Medium Density (TNLM)	R9
R9S			5 units per acre
R15S			3 units per acre
Residential, Low-Medium Density (LMDR)		R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

* The residential density of the CD zoning district is based on the size of the mechanically conditioned floor area. See Section 9-4-153 in the City Code for development standards.

*** Maximim allowable density in the respective zoning district.



City of Greenville, North Carolina

Meeting Date: 11/12/2020

Title of Item: Ordinance requested by Langston Farms, LLC to rezone 1.881 acres located at the northeastern corner of the intersection of South Memorial Drive and Regency Boulevard from O (Office) to CG (General Commercial)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 6, 2020.
On-site sign(s) posted on October 6, 2020.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on October 27, 2020.
Public hearing legal advertisement published on November 2, 2020 and November 9, 2020.

Comprehensive Plan:

The Future Land Use and Character Map shows commercial (C) at the northeastern corner of the intersection of Memorial Drive and Regency Boulevard. The rest of the intersection is either commercial or mixed use high intensity (MUHI). Moving away from the intersection with Memorial Drive, Regency Boulevard transitions into a mixture of office/institutional (OI) and low-medium density residential (LMDR).

Commercial

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 (Engineering Department:

Based on the possible uses permitted by the requested land use category, the proposed land use category could generate 744 trips to and from the site on Regency Boulevard, which is a net increase of 689 additional trips per day. Of those, it is estimated that 413 trips would travel north on Memorial Drive and 276 trips would travel south on Memorial Drive.

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

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned to RA20. In 2005 the property was rezoned to O (Office). The property was the subject of a Future Land Use and Character Map designation from office/institutional (OI) to commercial (C). On September 14, 2020, the request was approved by the City Council.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Fork Swamp Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen reduction.

It is not located in the Special Flood Hazards Area. Therefore, development is not subject to the Flood Damage Prevention Ordinance. No jurisdictional wetlands or streams exist on the property.

The property drains to the drainage ditch along Regency Boulevard and from there into a regional stormwater pond.

Surrounding Land Uses and Zoning:

North: CH - Sonic Restaurant
South: CG - Walmart Neighborhood Market
East: R9S - Westhaven Subdivision (single-family)
West: CH - Wafflehouse

Density Estimates:

Under the current zoning, the site could accommodate 5,000+/- square feet of office space.

Under the proposed zoning, the site could accommodate 1,500+/- square feet of commercial space (fast food restaurant).

The anticipated build-out is within one year.

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. Therefore, staff recommends approval.

"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 October 22, 2020 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning 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 rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS

-  [**Ordinance Langston Farms, LLC 1137709.pdf**](#)
-  [**Minutes Langston Farms LLC 1137711.pdf**](#)
-  [**Langston Farms Attachments.cleaned.pdf**](#)

ORDINANCE NO. 20-
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 12th day of November, 2020, at 6:00 p.m., conduct an electronic meeting and 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 Map and is located in a Preferred Growth Area;

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) to CG (General Commercial).

TO WIT: Langston Farms, LLC

LOCATION: Located at the northeastern corner of the intersection of South Memorial Drive and Regency Boulevard

DESCRIPTION: Beginning at a point on the northern right-of-way of Regency Boulevard, said point being the southwestern corner of Lot 1, Westhaven South, Phase One as recorded in Map Book 69, Page 115 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

With the northern right-of-way of Regency Boulevard, N 51°41'55" W 225.06', N 39°17'29" W 51.20', N 51°41'55" W 172.56' and N 18°18'04" W 50.09' to an existing concrete monument located where the northern right-of-way of Regency Boulevard intersects the eastern right-of-way of NC Hwy 11 (Memorial Drive), thence with the eastern right-of-way of NC Hwy 11 (Memorial Drive), N 15°05'47" E 46.03', thence leaving the eastern right-of-way of NC Hwy 11 (Memorial Drive), S 84°41'55" E 381.64', thence S 05°18'05" W 344.28' to the point of beginning containing 1.881 acres.

Section 2. That the Director of Planning and Development Services 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 16th day of November, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1137709

Excerpt from the draft Planning & Zoning Commission Minutes (10/20/2020)

REQUEST BY LANGSTON FARMS, LLC TO REZONE 1.881 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF SOUTH MEMORIAL DRIVE AND REGENCY BOULEVARD FROM O (OFFICE) TO CG (GENERAL COMMERCIAL). APPROVED

Brad Sceviour delineated the property. The property is located in the southwest quadrant of the city. The land is currently vacant. The property is not in the flood plain, however it is in Fork Swamp Watershed. If storm water rules apply, then 25-year detention as well as nitrogen and phosphorus reduction would be required for any project. There is an anticipated net increase of 689 vehicle trips per day. Currently the property is zoned O (Office) which would allow for approximately 5,000 square feet of office building. The requested zoning could yield about 1,500 square feet of restaurant or retail space. The Future Land Use map projects the property be commercial. In Staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Therefore, staff recommends approval.

Mike Baldwin spoke in favor on behalf of the applicant.

Excerpt from the draft Planning & Zoning Commission Minutes (10/22/2020)

Motion made by Mr. Collins, seconded by Mr. Maxwell, to recommend to approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Langston Farms, LLC

From: O

To: CG

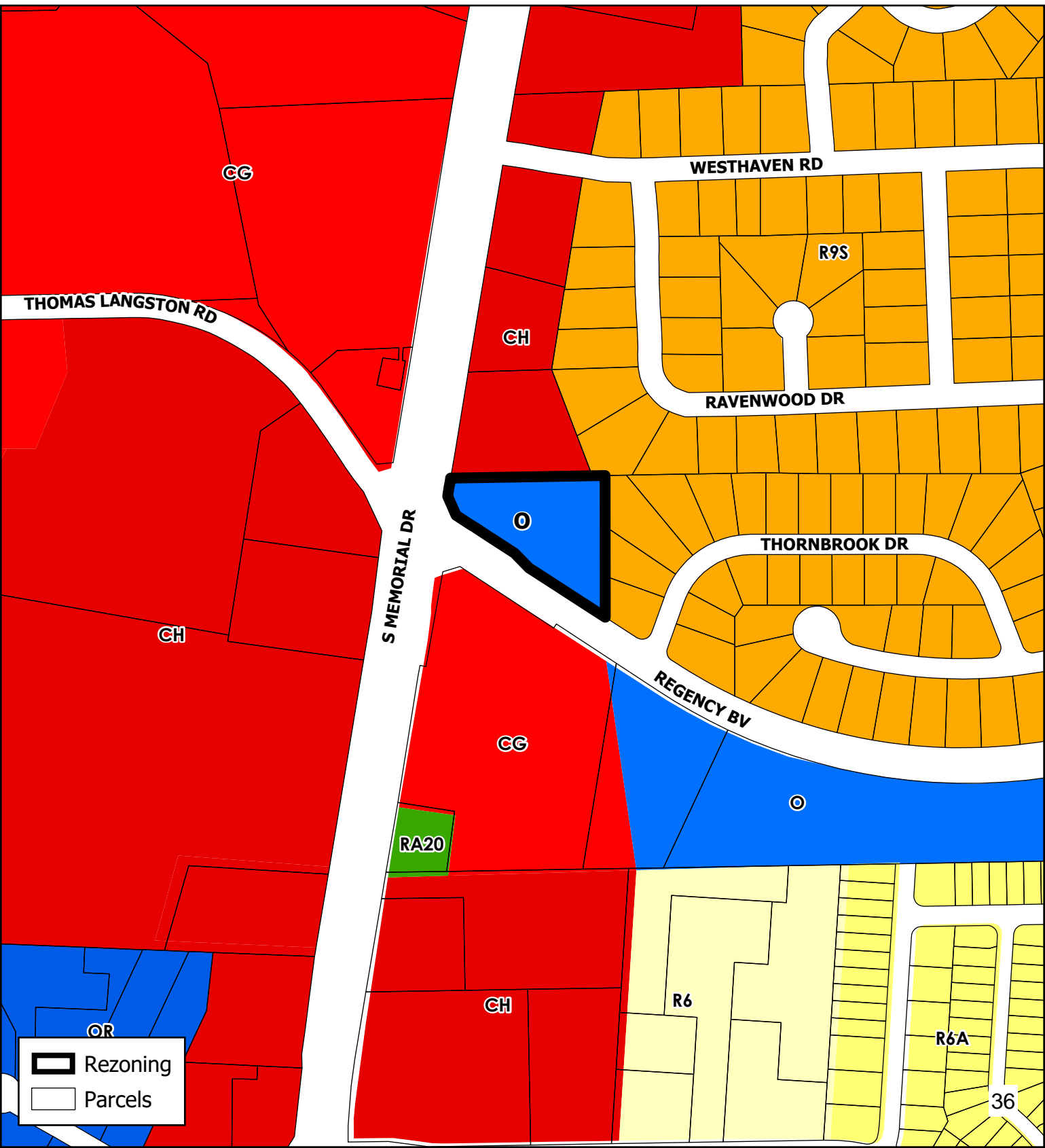
Acres: 1.881



October 6th, 2020

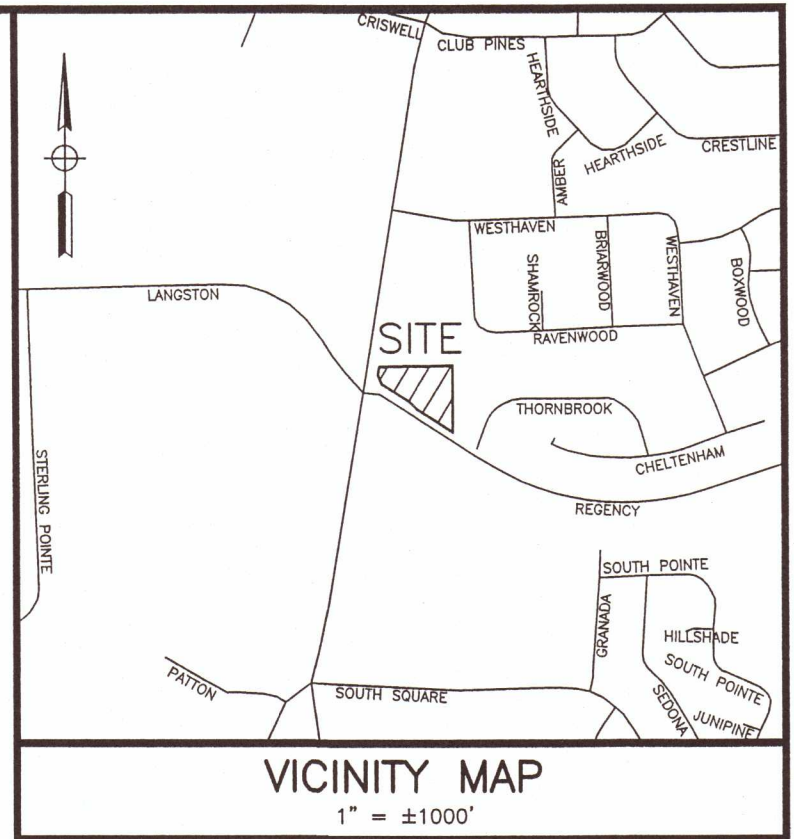
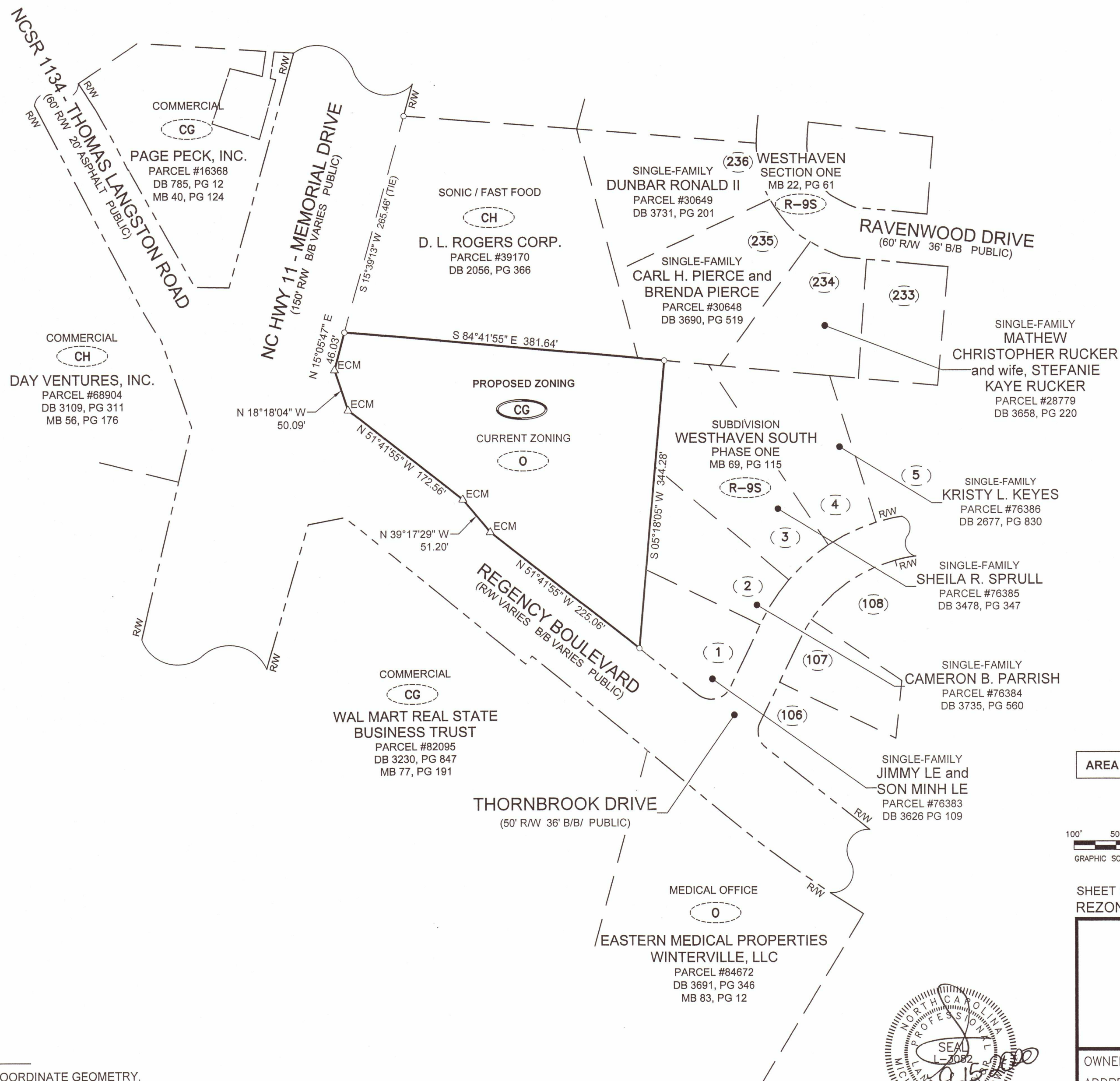
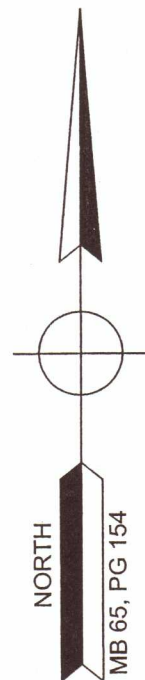
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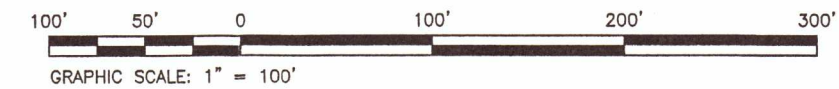


 Rezoning
 Parcels



- LEGEND**
- R/W = RIGHT-OF-WAY
 - EIP = EXISTING IRON PIPE
 - EIS = EXISTING IRON STAKE
 - SIP = SET IRON PIPE
 - ECM = EXISTING CONCRETE
 - MONUMENT C/L = CENTERLINE
 - DB = DEED BOOK
 - DC = DEATH CERTIFICATE
 - MB = MAP BOOK
 - NPS = NO POINT SET
 - EPKN = EXISTING PARKER KALON NAIL
 - - - = NOT TO SCALE
 - () = ZONING EXISTING
 - = ZONING PROPOSED

AREA TO BE REZONED: 1.881 ACRES

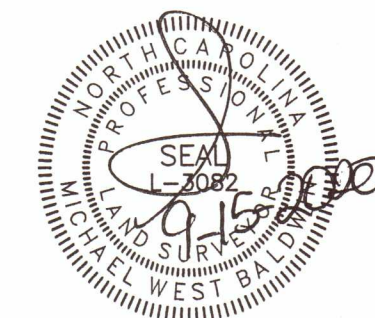


SHEET 1 OF 1
REZONING MAP

PARCEL #74014
TAX MAP #4676-42-5739

NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. REFERENCE: MAP BOOK 65, PAGE 154 OF THE PITT COUNTY REGISTER OF DEEDS.
3. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA; REFERENCE: FIRM 3720467600K, EFFECTIVE DATE: JULY 7, 2014.



BOUNDARY CLOSURE CHECK	
CHECKED: MAH	DATE: 09/08/2020

LANGSTON FARMS, LLC		
REFERENCE: DEED BOOK 1845, PAGE 459 OF THE PITT COUNTY REGISTER OF DEEDS		
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.		
OWNER: LANGSTON FARMS, LLC		
ADDRESS: 4529 LOWELL STREET NW WASHINGTON, DC 20016		
PHONE: (202) 607-8755		
Baldwin Design Consultants, PA LICENSE# C-3498 ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27658 252.756.1390	SURVEYED: N/A	APPROVED: MWB
	DRAWN: MAH	DATE: 09/10/2020
	CHECKED: MWB	SCALE: 1" = 100'

LAND USE AMENDMENT THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 20-02

Applicant: Langston Farms, LLC

Property Information

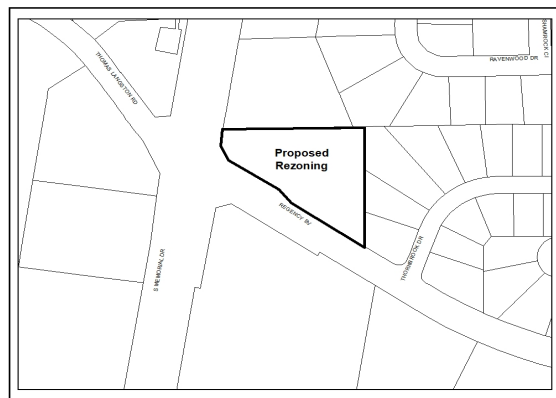
Current Land Use: Office-Institutional

Proposed Land Use: Commercial

Current Acreage: 1.881 gross acres

Location: northeast corner of Memorial Dr and Regency Blvd

Points of Access: Regency Blvd



Location Map

Transportation Background Information

1.) Regency Blvd- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes with raised median	no change
Right of way width (ft)	80-100	no change
Speed Limit (mph)	45	
Current ADT:	16,235 (*)	
Design ADT:	39,700 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Minor Thoroughfare	
Other Information:		

Notes: (*) 2016 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status:

2.) Memorial Dr- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	6 lanes with raised median	no change
Right of way width (ft)	150	no change
Speed Limit (mph)	45	
Current ADT:	41,130 (*)	
Design ADT:	59,600 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:		

Notes: (*) 2016 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status:

Trips generated by proposed use/change**Current Land Use: 55** -vehicle trips/day (*)**Proposed Land Us 744** -vehicle trips/day (*)**Estimated Net Change: increase of 689 vehicle trips/day (assumes full-build out)**

(*) - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed land use.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Regency Blvd and Memorial Dr are as follows:

1.) Regency Blvd, At Site (100%): "No build" ADT of 16,235

Estimated ADT with Proposed Land Use (full build) – 16,979

Estimated ADT with Current Land Use (full build) – 16,290

Net ADT change = 689 (4% increase)**2.) Memorial Dr, North of Site (60%): "No build" ADT of 41,130**

Estimated ADT with Proposed Land Use (full build) – 41,576

Estimated ADT with Current Land Use (full build) – 41,163

Net ADT change = 413 (1% increase)**4.) Memorial Dr, South of Site (40%): "No build" ADT of 41,130**

Estimated ADT with Proposed Land Use (full build) – 41,428

Estimated ADT with Current Land Use (full build) – 41,152

Net ADT change = 276 (<1% increase)**Staff Findings/Recommendations**

Based on possible uses permitted by the requested land use, the proposed land use classification could generate 744 trips to and from the site on Regency Blvd, which is a net increase of 689 additional trips per day. Of those, it is estimated that 413 trips would travel north on Memorial Drive and 276 trips would travel south on Memorial Drive.

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

EXISTING ZONING	
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 - 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; agricultural, 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 loans 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 salon
g.	School; junior and senior high (see also section 9-4-103)
h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (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.	Digital broadcast studio (see also section 9-4-103)
x.	Dance studio
y(4) Distributed Antenna System (See also 9-4-103 (Q))	
(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 home
(3) Home Occupations - 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 or 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	
PROPOSED ZONING	
CG (GENERAL COMMERCIAL) - 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 principal uses
(2) Residential - None	
(3) Home Occupations - 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; agricultural, 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
h.	Commercial recreation; indoor only, not otherwise listed
j.	Bowling alley
m(1).	Dining and entertainment establishment (see also section 9-4-103)
n.	Theater; movie or drama, indoor only
q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
s.	Athletic club; indoor only
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
b.	Operation/processing center
d.	Bank, savings and loans or other savings or investment institutions
e.	Medical, dental, ophthalmology or similar clinic, not otherwise listed
g.	Catalogue processing center
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
k.	Business or trade school
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
w.	Digital broadcast studio (see also section 9-4-103)
y(1)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
y(4) Distributed Antenna System (See also 9-4-103 (Q))	
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
hh.	Exercise and weight loss studio; indoor only
kk.	Launderette; household users
ll.	Dry cleaners; household users
oo.	Clothes alteration or shoe repair shop
pp.	Automobile wash
qq.	Pet grooming facility (see also section 9-4-103)
(9) Repair	
g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
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 (see also section 9-4-103)
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
l.	Electronic; stereo, radio, computer, TV and the like, sales and accessory repair
m.	Appliance; household 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
t.	Hobby or craft shop
u.	Pet shop (see also animal boarding; outside facility)
v.	Video or music store; records, tape, CD and the like 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 service
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.))
c.	Rental of clothes and accessories; formal wear, and the like
(12) Construction	
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 outdoor sales
f.	Hardware store
(13) Transportation	
c.	Taxi or limousine service
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
CG (GENERAL COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None	
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
d.	Game center
l.	Billiard parlor or pool hall

m.	Public or private club
t.	Athletic club; indoor and outdoor facilities
u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical	
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
(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
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
gg.	Tobacco shop (Class 2) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
f.	Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
k.	Mini-storage warehouse; household excluding outside storage
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales not otherwise listed

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: 11/12/2020

Title of Item: Ordinance requested by the Planning and Development Services Department to amend the City Code by adding "microdistillery" as a special use in the CD (Downtown Commercial) district. The amendment includes a definition and additional standards.

Explanation: The Planning and Development Services Department received a request to amend the City Code by adding "microdistillery" as a special use in the CD (Downtown Commercial) zoning district. Currently, the City's zoning ordinance does not contain a definition or use for "microdistillery". After research, staff has determined that the microdistillery use is very much akin to the microbrewery use that was added to the City Code in 2014. Therefore, the microdistillery use will have the same standards as the microbrewery use.

In keeping with the original intent to direct microbreweries toward the downtown area rather than throughout the city, microdistilleries are only allowed with a special use permit in the CD district. This approach was developed to encourage investment in vacant buildings and vacant lots in the downtown area.

Underutilized warehouses, manufacturing and commercial buildings within the downtown area can serve as appropriate adaptive reuse opportunities for microdistilleries. Warehouse and manufacturing buildings offer open floor plans with high ceilings suitable for bulky distilling equipment and often include loading docks for receiving and shipping materials.

Microdistilleries frequently locate in historic buildings in an urban setting as these properties offer a unique ambiance through their architectural elements such as exposed brick walls and an eclectic decor. Existing restaurants within the CD zoning district may also add microdistillery operations.

The standards set a maximum area within each building devoted to spiritous liquor production to 5,000 square feet. The regulations do not set a maximum of 5,000 square feet for the entire microbrewery, but only for the spiritous liquor production component. This does not include space for a tasting room, outdoor plaza, and/or gift shop.

Consideration was given to ensure this text amendment does not allow microdistilleries to turn into de facto nightclubs. The following are distinctions between microdistilleries and public/private clubs regulations.

Cover Charges. Microdistilleries are prohibited from charging cover charges

while public/private clubs are allowed to charge cover charges.

Separation Requirements. Microdistilleries do not have any separation requirements (except for amplified equipment - see below) while public/private clubs must be separated at least 500 feet from other public/private clubs and from conforming use single-family dwellings and any single-family residential zoning district.

Noise Control. Microdistilleries shall not have amplified equipment within 150 feet from any residential use while public/private clubs do not have such a distance requirement since they are required to separate at least 500 feet from single-family dwellings.

Minimum Requirement of Floor Area for Brewing Equipment. Microdistilleries regulations include another control to help prevent microdistilleries from converting into a public/private club. The existing standards require microdistilleries to devote a significant amount of floor area (30%) to operating equipment.

See the attached ordinance for the definition and additional standards.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the following adopted policies in Chapter 1, Building Great Places, Goal 1.4 A Vibrant Uptown

Policy 1.4.4 Support and Control Uptown Nightlife

Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 1, Building Great Places, Goal 1.4 A Valued History Policy

1.5.1 Preserve Historic Buildings, Landmarks and Areas Cultural and historic buildings should be restored and reused in order to foster a sense of place, promote green building practices, and emphasize Greenville's unique heritage. New buildings in historic areas should be compatible with the surrounding neighborhood...

Policy 1.5.3 Encourage Adaptive Reuse of Historic Structures Encourage developers to preserve historic structures and adapt them to fit modern day needs while preserving their unique character. Use this strategy for residential, commercial, industrial, and warehouse buildings...

Chapter 3, Maintaining Fiscal Responsibility, Goal 3.1 Benefit from Past

Investments Policy

3.1.3 Promote Rehabilitation and Reuse of Commercial and Industrial Buildings

Promote the rehabilitation and reuse of commercial and industrial buildings as another means of achieving the benefits of infill development.

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its October 22, 2020 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning 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 request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: "Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan: Chapter 1, Building Great Places, Goal 1.4 A Vibrant Uptown Policy 1.4.4 Support and Control Uptown Nightlife Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly."

ATTACHMENTS

 [Ordinance_-_microdistillery.pdf](#)

 [Minutes_-_Microdistillery.pdf](#)

ORDINANCE NO. 20-
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 November 12, 2020, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a virtual 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 does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and is reasonable and in the public interest.

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 definitions for “*Microdistillery*”:

Microdistillery. A facility for the distillation of spirituous liquors that is limited in its location, size and operation in accordance with the provisions of section 9-4-86. UU. (See also section 9-4-86. UU).

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by adding the following new land uses:

(10) ll. “*Microdistillery (see also section 9-4-86)*”; by allowing this land use with a special use permit in the CD (Downtown Commercial) zoning district; and by assigning a LUC 4 to the land use.

Section 3: That Title 9, Chapter 4, Article F, Section 9-4-86, of the City Code, is hereby amended by adding the following new subsections:

SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.

UU. Microdistillery (see also section 9-4-22).

- (1) Microdistilleries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
- (2) The principal use is the production of spirituous liquor for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spiritous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended

and all other laws pursuant to G.S.18B as amended.

- (3) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.
- (4) The portion of the building devoted to operating distilling equipment shall not exceed 5,000 square feet.
- (5) A minimum of 30% of the microdistillery's floor area shall have operating distilling equipment that produces spirituous liquor for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.
- (6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.
- (7) A microdistillery shall not require a membership, cover or minimum charge for admittance or service.
- (8)
 - (a) A special use permit for a microdistillery is subject to revocation in accordance with the provisions of this subsection (8)(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microdistillery in accordance with the provisions of section 9-4-83.
 - (b) An annual review shall be conducted by the Director of Planning and Development Services or his or her authorized representative of a microdistillery which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Planning and Development Services or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
 - (c) At a meeting of the Board of Adjustment, the Director of Planning and Development Services or his or her authorized representative shall present to the Board of Adjustment the staff report of a microdistillery for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.
 - (d) Based on the staff report, the Board of Adjustment, by a majority vote, may

either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.

1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:
 - a. The use of the property is inconsistent with the approved application;
 - b. The use is not in full compliance with all specific requirements set out in this chapter;
 - c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or
 - d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.
2. The rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this subsection (UU) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a microdistillery.

- (e) The requirements and standards set forth in this subsection (UU)(8) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

- (9) Existing conforming use conventional restaurants may add, subject to an approved special use permit, a microdistillery operation as an accessory use provided they comply with the following:

- (a) The restaurant must be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
- (b) The area of the restaurant devoted to operating distilling equipment shall not exceed 30% of the area of the restaurant including the area devoted to operating distilling equipment.

- (c) Spiritous liquor produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spiritous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S.18B as amended.
- (d) The restaurant and the microdistillery accessory use shall not require a membership, cover or minimum charge for admittance or service.
- (e) A special use permit for a microdistillery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microdistillery ancillary use in accordance with the provisions of section 9-4-83.
- (f) An annual review of the microdistillery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions with subsection UU.8(b) through (e).

Section 4. 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 5. That this ordinance shall become effective immediately upon adoption.

Adopted this 16th day of November, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1137195

Excerpt from the draft Planning & Zoning Commission Minutes (10/20/2020)

ORDINANCE REQUESTED BY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE CITY CODE BY ADDING "MICRODISTILLERY" AS A SPECIAL USE IN THE CD (DOWNTOWN COMMERCIAL) DISTRICT. THE AMENDMENT INCLUDES A DEFINITION AND ADDITIONAL STANDARDS- APPROVED

Chantae Gooby explained that staff developed this text amendment for microdistilleries. Several years ago, staff developed a text amendment for microbreweries and felt these two uses were very similar and should have the same standards. In keeping with the original intent to direct microbreweries toward the downtown area rather than throughout the city, microdistilleries are only allowed with a special use permit in the CD district. This approach was developed to encourage investment in vacant buildings and vacant lots in the downtown area. Existing restaurants within the CD zoning district may also add microdistillery operations. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the following adopted policies in Horizons 2026: Greenville's Community Plan:

Chapter 1, Building Great Places, Goal 1.4 A Vibrant Uptown

Policy 1.4.4 Support and Control Uptown Nightlife

Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 1, Building Great Places, Goal 1.4 A Valued History

Policy 1.5.1 Preserve Historic Buildings, Landmarks and Areas

Cultural and historic buildings should be restored and reused in order to foster a sense of place, promote green building practices, and emphasize Greenville's unique heritage. New buildings in historic areas should be compatible with the surrounding neighborhood...

Policy 1.5.3 Encourage Adaptive Reuse of Historic Structures

Encourage developers to preserve historic structures and adapt them to fit modern day needs while preserving their unique character. Use this strategy for residential, commercial, industrial, and warehouse buildings...

Chapter 3, Maintaining Fiscal Responsibility, Goal 3.1 Benefit from Past Investments

Policy 3.1.3 Promote Rehabilitation and Reuse of Commercial and Industrial Buildings

Promote the rehabilitation and reuse of commercial and industrial buildings as another means of achieving the benefits of infill development.

Therefore, staff recommends approval.

Mr. Trey Herring spoke in favor. He is interested in starting a microdistillery in Greenville.

Excerpt from the draft Planning & Zoning Commission Minutes (10/22/2020)

Motion made by Mr. West, seconded by Mr. Thomas, to recommend approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



City of Greenville, North Carolina

Meeting Date: 11/12/2020

Title of Item: 2020-2021 Annual Action Plan Amendment for CDBG-CV

Explanation: The Annual Action Plan is mandated by the US Department of Housing and Urban Development and is designed to assist municipalities in assessing their needs in affordable housing, economic and community development. To receive CDBG and HOME Investment Partnership funds, the City must prepare an Annual Action Plan each year. The Plan is the annual allocation of resources for housing activities utilizing CDBG and HOME funds.

The City has received an additional CDBG-CV allocation of \$589,258 for a total of \$1,164,559 dedicated to COVID-19 recovery and response. The proposed activities utilizing this funding include business assistance, rental assistance, public service, and related administrative costs.

Fiscal Note: The 2020-2021 program year allocations are as follows:

CDBG- \$977,960
CDBG-CV- \$1,164,559
HOME- \$545,511

Recommendation: Following a public hearing, staff recommends Council approve the amended 2020-2021 Annual Action Plan and authorize the Mayor and/or City Manager, as appropriate, to sign required documents for submission.

ATTACHMENTS

 [Amended 2020-2021 Annual Action Plan for CDBG, CDBG-CV, and HOME.pdf](#)



2020-2021 DRAFT Annual Action Plan

Public Comment Period: November 2, 2020- November 12, 2020

Amended to include CDBG-CV allocations made available through the CARES Act to directly address COVID-19 response and recovery efforts.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The 2020-2021 Annual Action Plan (AAP) is the third of the City of Greenville's 2018-2022 Five-Year Consolidated Plan. The AAP is a requirement of the Department of Housing and Urban Development (HUD) as a condition of receiving funding under certain federal programs. The goal of this plan is to identify the community's priorities related to housing and community development for primarily low- and moderate-income citizens, characterized by being at, or below, 80% of the area median income (AMI). Included are strategies, resources, and partnerships the community expects to leverage to address identified needs.

The Annual Action Plan serves as the City of Greenville's application for federal funding for the following grant programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership Program (HOME)
- Community Development Block Grant COVID-19 (CDBG-CV)

The City leverages other federal, state, and local resources to support community development efforts prioritizing decent, affordable housing. These additional funding sources include:

- Lead-Based Paint Hazard Control and Healthy Homes Grant (Healthy Homes)
- NC Rural Housing Recovery Infrastructure Grant
- Greenville Utilities Commission Energy Efficiency
- General Fund

The additional programs allow for lead abatement and mitigation in owner-occupied and rental homes with children, supplement infrastructure improvements for multi-family tax-credit projects providing affordable rental units, energy efficiency improvements for owner-occupied units, down payment assistance for homebuyers, and other program administration necessities.

The Housing Division of the Planning and Development Services Department administers and supports the aforementioned programs and related activities. Available activities range from neighborhood-specific to citywide initiatives with the overall aim to create and preserve affordable housing and neighborhood revitalization.

2. Summarize the objectives and outcomes identified in the Plan

Please refer to the tables located on pages 30 and 31 in this plan. These tables summarize and describe our goals for the 2020-2021 funding year. Anticipated outcomes are also identified.

3. Evaluation of past performance

During the 2019-2020 year, the Housing Division implemented programs to more broadly address decent, affordable housing citywide and within the West Greenville Redevelopment Area. The Healthy Homes program was adopted as an opportunity to create safe living environments for both low- and moderate-income homeowners and renters with children under age six. This program is complemented by CDBG funding to address additional sustainability concerns in owner-occupied homes.

Additionally, the City became a recipient of the Rural Housing Recovery Infrastructure Grant from the State to subsidize the Old Firetower Place NC Housing Finance Agency (NCHFA) 9% Tax-Credit Project. The funds will assist with creation of infrastructure and amenities in an effort to support the development of this 60-unit affordable rental project.

Local dollars were invested in a new energy efficiency improvement program that targets homeowners ranging from 100-120% AMI. The intent of this program is to increase inclusivity in the West Greenville Redevelopment Area by supporting the needs of a mixed-income community.

Ongoing programs, such as the owner-occupied rehabilitation, continued to serve citizens citywide and stabilized families with the support of CDBG dollars. The City began implementation of city-sponsored Lincoln Park development by procuring Bill Clark Homes to construct four single-family units for the purposes homeownership to buyers at or below 80% AMI. This project will utilize HOME dollars as one of the largest construction projects to take place using this federal resource in several years. Down payment assistance will be available to qualified buyers to assist with affordability. Other activities in the Lincoln Park project area include acquisition of slum and blighted property and subrecipient funding to non-profits.

4. Summary of Citizen Participation Process and consultation process

The City of Greenville continues to acknowledge the importance of citizen participation in developing activities for each upcoming year. Public input was encouraged in developing the 2020-2021 Annual Action Plan by holding three public meetings in the fall of 2019 and a public hearing during City Council on the dates and locations for the input sessions are as follows:

Date	Location	Event
November 13	City Council Chambers	Affordable Housing Loan Committee Meeting
November 18	Eppes Recreation Center	Public Meeting
November 25	Sheppard Memorial Library	Public Meeting
December 12	City Council Chambers	Public Hearing

Copies of the Draft Plan will be made available to the Affordable Housing Loan Committee members and general public by way of the City of Greenville website, public libraries, City community recreational centers, and Housing Division office. In addition, public meetings will be held where citizens may comment at the following dates and locations:

Date	Location	Event
March 16	Carver Library	Public Meeting cancelled. Location unavailable (COVID-19)
March 30	Barnes, Ebron, Taft Community Center	Public Meeting held virtually via Zoom (COVID-19)
April 8	City Council Chambers	Affordable Housing Loan Committee Meeting held virtually via Zoom (COVID-19)
April 9	City Council Chambers	Public Hearing held virtually via Zoom (COVID-19)

September 9	Held virtually via Zoom (COVID-19)	Affordable Housing Loan Committee Meeting held virtually via Zoom (COVID-19)
September 10	Held virtually via Zoom (COVID-19)	Public Hearing held virtually via Zoom (COVID-19)

5. Summary of public comments

The Draft 2020-2021 Annual Action Plan will continue to receive public comments through April 9, 2020. All comments will be included in the Draft Plan as an attachment. The award of additional CDBG-CV funds through the CARES Act triggered the need for an additional public comment period and amendments to the Draft Plan presented in the spring.

6. Summary of comments or views not accepted and the reasons for not accepting them

No written comments received by the City have been rejected during the public participation process. All comments will be reviewed and considered before submission.

7. Summary

The City of Greenville is committed to meeting and, when possible, exceeding federal requirements for citizen participation by holding multiple public meetings throughout the city in both the fall and spring as an opportunity for community input prior to the adoption of the Annual Action Plan. A public hearing in each season is held to provide citizens and Council an opportunity to engage and comment, as well. Both public hearings and two public meetings are aired on television to increase accessibility. An electronic copy is made available on the City's website and for stakeholders upon request. Paper copies of the Plan are located in the Housing Division office, at Sheppard Memorial and Carver libraries, and City community centers. Other paper copies can be made upon request.

In addition, as a response to the COVID-19 pandemic, the spring opportunities for community input required staff to utilize current and available technology to stay connected and engaged with the community. Both State and Local Stay At Home Orders from the NC Governor and City of Greenville Mayor prohibited the physical assembly of citizens.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Greenville	Planning and Development Services Department/ Housing Division
CDBG Administrator	Greenville	Planning and Development Services Department/ Housing Division

Table 1 – Responsible Agencies

Narrative (optional)

The 2020-2021 Annual Action Plan dictates activities to be undertaken during the fiscal year July 1, 2020- June 30, 2021. The City of Greenville is a recipient of the Community Development Block Grant (CDBG), Home Investment Partnership Program and recently, the Community Development Block Grant COVID-19 (CDBG-CV) funding. The Department of Housing and Urban Development (HUD) makes funds available and encourages leverage of additional resources. Supplemental funds in Greenville include General Fund, Greenville Utilities Commission funds, North Carolina Department of Commerce Rural Housing Recovery Infrastructure funding, and HUD-funded Lead Based Paint Hazard Control and Health Homes grants.

The Housing Division of the Planning and Development Services Department administers these funds for various community development programs.

Annual Action Plan Public Contact Information:

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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Greenville (hereafter referred to as the City) is actively engaged in ongoing coordination with its local network of public and private community service providers and non-profit organizations that serve the people of Greenville through housing programs, public services and community and economic development programs. The City is the lead agency responsible for HUD's CDBG and HOME programs, and works with its partners to ensure the needs of the residents are met.

To comply with the Consolidated Plan development process and federal regulations (24 CFR 91.200(b), 91.215(i)) the City of Greenville consulted with community service providers, Pitt County, and other entities with a potential interest in or knowledge of Greenville's housing and non-housing community development issues. The City reached out through its website, advertisements in the local newspaper of general circulation, stakeholder meetings, and citizen participation meetings.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

Housing Division staff meets regularly with affordable housing partners and stakeholders in an effort to coordinate, and when possible, create or improve housing programs. Staff has worked with Greenville Housing Development Corporation (GHDC), the non-profit arm of the Housing Authority, to add affordable units within the Neighborhood Revitalization Strategy Area (NRSA). GHDC is completing construction of a new unit for a low- to moderate-income buyer. The City will further support this effort by providing down-payment assistance up to \$20,000, should the buyer be eligible.

Habitat for Humanity of Pitt County constructed a new unit for a first-time LMI buyer within the NRSA. Habitat participated in the City's Subrecipient Program to receive funding to support the development of the unit. The City also provided down payment assistance to the buyer to improve affordability.

The City partners with other nonprofit agencies through the Subrecipient Program that address mental health and related services. During the 2019-2020 program year, the City funded labor costs for therapy services for the Center for Family Violence Prevention and East Carolina University's Family and Marriage Therapy Clinic. Both aim to address mental health needs for victims of abuse.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The North Carolina Balance of State Continuum of Care (CoC) is a multi-county regional committee of homeless service providers that includes the City of Greenville and Pitt County. The COC is managed by the North Carolina Coalition to End Homelessness (NCCEH). Within the COC, Pitt County Government and the City of Greenville work to actively end homelessness in the region.

To date, Pitt County has received funding every year since the 2003 funding cycle. Funding received under the 2004 and 2005 award was allocated to implement a Homeless Management Information System (HMIS) which is currently fully operational. All actions will address obstacles to meet the underserved needs in the community, assist with the reduction of poverty level families, assist with the development of institutional structures, and enhance coordination between public and private housing and social service providers. Other actions will include marketing of the Continuum to reach out to surrounding communities in an endeavor to promote regional participation.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Greenville is a member of the Regional Balance of State Continuum of Care (BoS CoC) which is comprised of 4 counties known as Region 12- Beaufort, Bertie, Martin and Pitt counties. The BoS CoC was created in 2005 in order to help rural communities apply for Continuum of Care funding from HUD. The BoS is one of twelve CoCs in North Carolina, representing 79 out of 100 counties in the state.

As a voting member of the regional 12 BoS CoC board, the City participates in the application review and submission process for CoC grants. Once local applications are submitted, they are scored and ranked. They are then submitted to the full committee for final vote as to which applications should be submitted to the BoS CoC. The BoS CoC then reads and reviews the submitted applications. Once scored and ranked the BoS CoC submits the approved applications to HUD to request funding. Those agencies approved for funding from HUD will be notified by the BoS CoC. The BoS CoC signs the grant agreement with HUD and the agencies then contract with the BoS CoC.

The City participates in the Point in Time count annually in January.

The BoS CoC develops funding, policies and procedures for all regions. The regional members do have an opportunity for input in the development of policies and procedures but the final decision stands with the BoS CoC.

HMIS data is collected and entered by local agencies that receive funding from COC grants, as well as, agencies that have a first point of contact with individuals / families that are at risk of homelessness. Pitt County is the lead agency for region 12 and has a staff member that monitors and updates the HMIS data collection.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities.

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	City of Greenville
	Agency/Group/Organization Type	Housing Services - Housing Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Greenville is the lead responsible agency of the Consolidated Plan. The mission of the City is to provide all citizens with high-quality services in an open, inclusive, professional manner, ensuring a community of excellence now and in the future.
2	Agency/Group/Organization	Housing Authority of the City of Greenville, North Carolina
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	HACG promotes the development and professional management of a variety of affordable housing opportunities, facilities and supportive services to nurture neighborhoods, provide economic development and self-sufficiency activities for residents while also assuring equal access to safe, quality housing for low and moderate income families throughout the community.

3	Agency/Group/Organization	Pitt County
	Agency/Group/Organization Type	Housing Services - Housing Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Pitt County works with the City of Greenville in community and housing needs assessments. The City is the major metropolitan area in the county. The mission of the of Pitt County Government is to enhance the health, safety, and well-being of our community by advocating for and providing quality services in a friendly and cost-effective manner.
4	Agency/Group/Organization	Community Crossroads Center
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Community Crossroads Center is an emergency shelter that provides homeless adults and families with temporary shelter and meals. Its mission is to serve the homeless and those at risk of homelessness by providing safe housing, and assisting them in developing a long-term plan that leads to self-sufficiency.
5	Agency/Group/Organization	Center for Family Violence Prevention
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services-homeless
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Center for Family Violence Prevention is a private, non-profit agency primarily funded by state, federal and local grants. Through this funding, the Center for Family Violence Prevention provides resources and services to victims of domestic violence and their families.
6	Agency/Group/Organization	NC Balance of State COC
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Balance of State Continuum of Care (BOS COC) was created in 2005 in order to help rural communities apply for Continuum of Care funding from HUD. COC funding serves homeless populations through permanent supportive housing, transitional housing, rapid re-housing, supportive services, and HMIS projects, and is accessed through an annual application process.
8	Agency/Group/Organization	Mid-East Commission
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The mission of Mid-East Commission is to enhance the ability of local governments to successfully improve the quality of life for area citizens: Leadership in technical assistance, planning, program management and development and public-private partnerships.
9	Agency/Group/Organization	LWG Intergenerational Community Center
	Agency/Group/Organization Type	Services-Education Services-Employment

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	IGCC is committed to promoting independence and self-sufficiency among residents of West Greenville and Pitt County by enriching living and social conditions, increasing economic development, community involvement, improving and advocating educational opportunities, stimulating health awareness, and providing outreach networks. Community members benefit from these services regardless of age, race, creed, religion, economic status, or educational level. IGCC brings all members of the community together to identify and solve community issues with multiple community programs.
10	Agency/Group/Organization	METROPOLITAN HOUSING AND CDC, INC.
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Metropolitan Housing is a Community Development Corporation that has developed housing in the West Greenville area.
11	Agency/Group/Organization	Literacy Volunteers - Pitt County
	Agency/Group/Organization Type	Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The mission of LV-PC is to promote literacy in Pitt County through trained volunteer tutors who provide one on one and small group tutoring to adults with limited reading, writing or English speaking/literacy skills.
12	Agency/Group/Organization	Pitt County Council on Aging
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Pitt County Council on Aging works to enhance the quality of life for adults by providing access to a continuum of services, programs, and resources that promote healthy living and independence.
13	Agency/Group/Organization	ECU Marriage and Family Therapy
	Agency/Group/Organization Type	Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	East Carolina University's marriage and family therapy program prepares students to become a licensed marriage and family therapists. The program has been continuously accredited by Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) since 1992.
14	Agency/Group/Organization	Mediation Center of Eastern Carolina
	Agency/Group/Organization Type	Services - Mediation
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	MCEC is a conflict resolution based center, offering a variety of programs for the communities they serve. Their mission is to help individuals in the community develop the capacity to respectfully resolve conflict.
15	Agency/Group/Organization	Habitat for Humanity Pitt County
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The mission of Habitat for Humanity is to bring people together to build homes, communities and hope.
16	Agency/Group/Organization	Operation Sunshine, Inc.
	Agency/Group/Organization Type	Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	OS provides nurturing and motivating programs, structured activities to develop and promote academic success, social skills, cultural awareness, personal growth and self-esteem to economically and socially deprived at-risk females ages 5-13 in the Pitt County Community.
17	Agency/Group/Organization	Boys and Girls Clubs of the Coastal Plain
	Agency/Group/Organization Type	Services-Education

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The mission of the Boys and Girls Clubs of the Coastal Plains is to enable all young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens.
18	Agency/Group/Organization	KCC CDC
	Agency/Group/Organization Type	Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	KCC CDC provides before and after school programs, summer camps and youth leadership programs to children and youth in Greenville, NC. The City has partnered with KCC CDC to develop an affordable housing project and has donated a home to them for rehabilitation as an affordable rental unit. This improved coordination is expected to continue with future projects.
19	Agency/Group/Organization	Restore One
	Agency/Group/Organization Type	Services-Education Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Restore One is a ministry that seeks to open shelters that offer faith-based residential recovery programs, free of cost to American boys who are survivors of domestic minor sex trafficking. Restore One also counteracts human trafficking and human exploitation by community awareness, education, outreach and partnerships.

20	Agency/Group/Organization	United Way of Pitt County
	Agency/Group/Organization Type	Services-Education Services-Employment Regional organization Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	United Way PC creates lasting change by addressing the underlying causes of community issues. UWPC provides a safety net of basic needs services, while also focusing on school success and workforce development.
21	Agency/Group/Organization	Gods Love
	Agency/Group/Organization Type	Philanthropy, Charity and Volunteer Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Gods Love is a philanthropy, charity and volunteer promotion organization in North Carolina.
22	Agency/Group/Organization	Trillium Health Resources
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Trillium is a local governmental agency that manages mental health, substance use, and intellectual/developmental disability services in eastern North Carolina.
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Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Consolidated Plan	City of Greenville	The Consolidated Plan identifies high priority areas and activities to address housing and community development needs
City of Greenville City Council Goals and Priorities	City of Greenville	The council goals emphasize creating and sustaining complete neighborhoods enhancing public infrastructure, and economic development

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Greenville values citizen participation in identifying needs and developing activities for each plan year. Staff utilizes multiple modes of communication to inform citizens of opportunities to engage around Action Plan activities. Five public meetings were held with three being in various locations and two held via video technology as a response to COVID-19 to accommodate and encourage citizen participation on the 2020-2021 Plan. Two of the meetings were televised as part of the Affordable Housing Loan Committee meeting airing on the public access television station. Two meetings were scheduled within the Neighborhood Revitalization Strategy Area, one of which was within the West Greenville Redevelopment Area but had to be canceled because of State and Local Stay At Home orders to prevent the spread of COVID-19. Copies of the Plan were made available on the City's website, the Housing Division office, and at the local libraries. Hard copies are also available upon request.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Comment Period	Non-targeted/broad community	30-day public comment period was held from November 12, 2019- December 12, 2019 for citizens to provide input	No written comments were received	NA	NA
2	Public Meeting	Non-targeted/broad community	A community meeting was held during the Affordable Housing Loan Committee Meeting in City Hall on November 13 from 4p-5p to receive input on the 2020-2021 AAP.	No written comments were received	NA	NA

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Meeting	Non-targeted/broad community	A community meeting was held at Eppes Recreation Center on November 18, 2019 from 6p-8p to receive input on the 2020-2021 AAP.	No written comments were received	NA	NA
4	Public Meeting	Non-targeted/broad community	A community meeting was held at Sheppard Memorial Library on November 25, 2019 from 6p-8p to receive input on the 2020-2021 AAP.	No written comments were received	NA	NA

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
5	Public Hearing	Non-targeted/broad community	A Public hearing was held at City Council on December 12, 2019 for citizens to provide input	No written comments were received	NA	NA
6	Public Comment Period	Non-targeted/broad community	31-day public comment period was held from March 9, 2020- April 9, 2020 for citizens to provide input	No written comments were received	NA	NA

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
7	Public Meeting	Non-targeted/broad community	A community meeting was scheduled at Carver Library on March 16, 2020 from 6p-8p but had to be canceled. State/Local Stay At Home Orders were issued/COVID-19. Staff made recorded a video & made it available for the public.	No written comments were received	NA	NA
8	Public Meeting	Non-targeted/broad community	A community meeting was held virtually via Zoom on March 30, 2020 from 6p-8p to receive input on the 2020-2021 AAP.	No written comments were received	NA	NA

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
9	Public Meeting	Non-targeted/broad community	A community meeting was held virtually via Zoom during the Affordable Housing Loan Committee Meeting on April 8 from 4p-5p to receive input on the 2020-2021 Draft AAP.	No written comments were received	NA	https://greenville.granicus.com/MediaPlayer.php?view_id=12&clip_id=3371
10	Public Hearing	Non-targeted/broad community	A Public hearing was held virtually via Zoom at City Council on April 9, 2020 for citizens to provide input on the 2020-2021 Draft AAP.	No written comments were received	NA	https://greenville.granicus.com/MediaPlayer.php?view_id=10&clip_id=3373

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Greenville will continue to support housing and community development activities with funding from CDBG, HOME, CDBG-CV, General Fund revenues, local Bond funding, Lead-Based Paint Hazard Control and Healthy Homes grants, Greenville Utilities Commission (GUC) Energy Efficiency funds, and other resources as available. The availability of CDBG and HOME funds makes possible the leveraging of additional funding through public-private partnerships and other agencies. Program income from

these programs is reinvested in the community to further community development activities.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Acquisition Admin & Planning Demolition Public Improvements Public Services Rehabilitation	977,960	30,000	890,008	1,897,968	NA	CDBG funds will be utilized for administration and planning to facilitate all eligible activities. Funds will support acquisition and demolition of blighted properties in priority areas, public improvements to enhance priority areas, citywide owner-occupied home rehabilitation, and continued support of non-profits.
HOME	Public-federal	Admin & Planning Homebuyer Assistance Rehabilitation Multifamily New Construction	545,511	575,200	1,696,749	2,817,460	NA	HOME funds will be utilized for administration and planning to facilitate all eligible activities. Funds will support down payment assistance, new construction of single and multifamily development.

CDBG-CV	Public-federal	Micro-business Public Service Admin & Planning	1,164,559	0	0	1,164,559	NA	CDBG-CV funding will be used to assist local small businesses and non-profit organizations who have been negatively affected by the COVID-19 pandemic along with administration and planning related to those activities. Funds will be used to help retain jobs, create jobs and help viable local businesses stay in business as well as help non-profits continue to provide vital services to low/mod income residents.
General Fund	Public-local	Admin & Planning	328,695	0	0	328,695	NA	Local funding will be used for administrative and operating costs, and planning.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Additional funds are leveraged due to the availability of federal resources through a variety of programs. They include:

- Lead-Based Paint Hazard Control and Healthy Homes grants account for \$1.3 million in funding available for administration and lead abatement or control measures in homes with children under age six. Qualifying as match dollars, CDBG funding supports operational costs.
- Greenville Utilities Commission (GUC) supports energy efficiency improvements in owner-occupied units of households at or below 100% area median income (AMI). This supplemental funding makes possible additional repairs for homeowners participating in CDBG or HOME rehab programs, or an opportunity for repairs for families that may not qualify for federally funded programs.
- The City is a recipient of \$350,000 through the NC Department of Commerce's Rural Housing Recovery Infrastructure program. These funds will be used to supplement infrastructure improvements in a NC Housing Finance Agency 9% tax credit affordable housing development.
- City-owned property purchased with federal or local bond funds has been made available to affordable housing developers to encourage production in priority areas.
- General Fund dollars support the administrative and operational costs of the Housing Division demonstrating the City's commitment to adequate capacity for facilitation of federal programs.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Discussion

The City has acquired property in the West Greenville Revitalization Area. The Consolidated Plan has identified this area for federal and local investment. The buildable lots in this priority area will be used for affordable housing. Concentrated effort will be focused in the Lincoln Park neighborhood. Completion of one new unit was documented during the 2019-2020 plan year and construction of four more began. Completion and sale of these units is expected in the 2020-2021 program year.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing Preservation and Development	2018	2022	Affordable Housing	West Greenville NRSA Citywide	Supply of Affordable Housing	CDBG HOME	Homeowner Housing Rehabilitated: 10 units Rental units constructed: 10 units Homeowner Housing Added: 5 units Down payment assistance: 10
2	Reduce Slum & Blight in Residential Areas	2018	2022	Affordable Housing Non-Housing Community Development	West Greenville NRSA	Affordable Housing Preservation & Development	CDBG	Buildings Demolished: 2 units
3	Addressing Homelessness	2018	2022	Homelessness	Citywide	Addressing Homelessness	CDBG HOME CDBG-CV	Individuals Assisted: 650 individuals
4	Improvements to Public Facilities and Improvements	2018	2022	Non-Housing Community Development	West Greenville NRSA	Affordable Housing Preservation & Development	CDBG	Individuals Benefited: 50
5	Expansion of Available Public Services	2018	2022	Affordable Housing Non-Housing Community Development	Citywide	Affordable Housing Preservation & Development Addressing Homelessness	CDBG CDBG-CV	Households Assisted: 1,950
6	Micro-Business Enterprise	2020	2020	Economic Development & Sustainability	Citywide	Retain & Add Local Employment, Business Longevity & Sustainability	CDBG-CV	Individuals Assisted: 100

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing Preservation and Development
	Goal Description	The City will create and preserve affordable housing for low- and moderate- income families by extending the lifespan of units through rehabilitation, providing down payment assistance for first-time homebuyers, and by working with private developers to produce affordable owner-occupied and rental units.
2	Goal Name	Reduction of Slum and Blight
	Goal Description	The City will eliminate environmental hazards and improve neighborhood quality by demolishing dilapidated structures in West Greenville. These vacant properties will then be used to create new housing opportunities.
3	Goal Name	Addressing Homelessness
	Goal Description	The City will utilize federal funding to support the regional efforts of the CoC that provide housing and services to special needs populations and very-low income individuals.
4	Goal Name	Improvements to Public Facilities and Infrastructure
	Goal Description	To complement and support homeownership opportunities in the West Greenville community, the City will use federal funds to increase and improve facilities and

		infrastructure that may include sidewalks, lighting, streetscapes, and green or other community spaces.
5	Goal Name	Expansion of Available Public Services
	Goal Description	The City will continue to support non-profits through CDBG sub-recipient funding.
6	Goal Name	Microbusiness Enterprise
	Goal Description	The City will provide short-term working capital assistance to small businesses to enable retention of jobs held by low-moderate income persons to avoid job loss caused by business closures related to COVID-19.

Projects

AP-35 Projects – 91.220(d)

Introduction

CDBG and HOME resources will be used to administer housing and community development activities throughout the city with emphasis in the West Greenville Neighborhood Revitalization Strategy Area (NRSA). CDBG-CV resources will be used to prevent job loss and additional HOME resources will also be used to establish a temporary Tenant Based Rental Assistance (TBRA) program to assist City of Greenville residents affected by COVID-19.

Projects

#	Project Name
1	CDBG: Program Administration (2020)
2	CDBG: Rehabilitation (2020)
3	CDBG: Public Facilities (2020)
4	CDBG: Public Services (2020)
5	CDBG: Acquisition (2020)
6	CDBG: Clearance/Demolition (2020)
7	CDBG-CV: Small Business Forgivable Loan (2020)
8	CDBG-CV: Public Services (2020)
9	CDBG-CV: Emergency Rental Assistance (2020)
10	HOME: Program Administration (2020)
11	HOME: CHDO Reserve Activities (2020)
12	HOME: Down Payment Assistance (2020)
13	HOME: New Construction/Housing (2020)

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The community goals and needs identified in the 2018-2022 Consolidated Plan determine the project and funding priorities for the 2020-2021 program year. The needs of the community exceed available funding, increasing the importance of leveraging additional resources. Several of the intended activities are for citywide participation, while the majority will be concentrated within priority area of the NRSA.

AP-38 Project Summary
Project Summary Information

1	Project Name	CDBG: Program Administration (2020)
	Target Area	NA
	Goals Supported	All
	Funding	\$195,592
	Description	Staff salary, planning, and administrative service delivery costs for implementing CDBG will be funded with the 20% administrative cap allowed by federal regulations and with support of local general fund.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	NA
	Planned Activities	Program administration of the CDBG program
2	Project Name	CDBG: Rehabilitation (2020)
	Target Area	Citywide
	Goals Supported	<ol style="list-style-type: none"> 1. Affordable housing preservation and development 2. Reduce slum and blight
	Funding	\$1,102,376
	Description	The rehabilitation program assists low- and moderate-income homeowners with repairing existing housing. Rehab activities eliminate code violations and extend the lifespan of housing units.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	Number of units rehabilitated: 10
	Planned Activities	Rehabilitation activities are intended to remediate code violations providing decent, safe, and sanitary living environments for 10 qualified homeowners with annual incomes at or below 80% AMI citywide or 120% AMI within the NRSA.
3	Project Name	CDBG: Public Facilities (2020)
	Target Area	West Greenville NRSA
	Goals Supported	<ol style="list-style-type: none"> 1. Affordable housing preservation and development 2. Reduction of slum and blight 3. Addressing Homelessness
	Funding	\$200,000
	Description	Efforts will continue to improve public facilities including infrastructure, streetscape, sidewalks, public parks, drainage, etc that will attract and support residents in the West Greenville community. Public facility improvements may also support needs of homeless resources.
	Target Date	June 30, 2021
	Estimate the number and type of families that will benefit from the proposed activities	Number of households to benefit: 50
	Planned Activities	Improvements to public facilities, streetscape, sidewalks, parks, drainage, etc. that benefit 50 LMI households.
4	Project Name	CDBG: Public Services (2020)

	Target Area	Citywide
	Goals Supported	<ol style="list-style-type: none"> 1. Expansion of available public services 2. Addressing homelessness 3. Affordable housing preservation and development
	Funding	\$150,000
	Description	The City will make available funds to assist non-profit organizations with approved activities. The Affordable Housing Loan Committee (AHLC) makes a recommendation for funding that is included in the AAP. Qualified agencies will provide services that assist low- and moderate- income individuals, homeless persons, youth development, housing providers, and mental health services. Other services may be procured throughout the program year.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Number of individuals served: 1,950

	Planned Activities	<p>The City of Greenville will make available funding to assist approved non-profit sub-recipients that address the needs and goals identified by the 2018-2022 Consolidated Plan. The agencies, activities, and funding amounts recommended by the AHLC are below:</p> <p>Center for Family Violence- \$22,000</p> <p>Community Crossroads Center- \$10,000</p> <p>Martin-Pitt Partnership or Children- \$20,000</p> <p>Habitat for Humanity- \$18,000</p> <p>Boys & Girls Club of the Coastal Plain- \$15,000</p> <p>Lucille Gorham Intergenerational Center- \$15,000</p> <p>Other community needs addressed by non-profits- \$50,000</p>
5	Project Name	CDBG: Acquisition (2020)
	Target Area	West Greenville NRSA
	Goals Supported	<ol style="list-style-type: none"> 1. Affordable housing preservation and development 2. Reduction of slum and blight
	Funding	\$150,000
	Description	Acquiring substandard property for purposes of creating new units and/or eliminating environmental hazards.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	Number of units acquired: 2
	Planned Activities	In an effort to eliminate environmental hazards and to create new housing opportunities, the City will seek to acquire property in target areas such as the Lincoln Park neighborhood.
6	Project Name	CDBG: Clearance/Demolition (2020)
	Target Area	West Greenville NRSA
	Goals Supported	<ol style="list-style-type: none"> 1. Reduction of slum and blight 2. Affordable housing preservation and development 3. Improvements to public facilities and infrastructure
	Funding	\$50,000
	Description	Following acquisition, demolition of substandard structures in the West Greenville NRSA supports the City's ongoing effort to improve the living conditions of residents. Parcels of demolished structures may be recombined to create lots suitable for new development of affordable housing.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Number of units to be demolished: 2
	Planned Activities	The City anticipates demolition of up to 2 units within the West Greenville community for purposes of supporting new development and/or reduction of slum and blight.

7	Project Name	CDBG-CV: Small Business Forgivable Loan (2020)
	Target Area	NA
	Goals Supported	1. Retention of jobs and business longevity and sustainability
	Funding	\$672,802
	Description	Provide short-term working capital assistance to small businesses to enable retention of jobs held by low-moderate income persons to avoid job loss caused by business closures related to COVID-19.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 businesses
	Planned Activities	Capital funding to small businesses to help retain jobs & sustain business.
8	Project Name	CDBG-CV: Public Services (2020)
	Target Area	Citywide
	Goals Supported	4. Expansion of available public services 5. Addressing homelessness Affordable housing preservation and development
	Funding	\$150,001

	Description	The City will make available funds to assist non-profit organizations with approved activities. The Affordable Housing Loan Committee (AHLIC) makes a recommendation for funding that is included in the AAP. Qualified agencies will provide services that assist low- and moderate- income individuals, homeless persons, youth development, housing providers, and mental health services. Other services may be procured throughout the program year.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	Number of individuals served: 500
	Planned Activities	The City of Greenville will make available funding to assist approved non-profit sub-recipients that address the needs of residents impacted by COVID-19.
	Planned Activities	Program administration of the CDBG program
9	Project Name	CDBG-CV: Emergency Rental Assistance (2020)
	Target Area	Citywide
	Goals Supported	1. Affordable housing preservation and development
	Funding	\$225,301
	Description	Funding will be made available to assist Greenville residents affected by the COVID-19 continue to maintain their residence by providing temporary funding towards rent, utilities and deposits.
	Target Date	12/31/2020

	Estimate the number and type of families that will benefit from the proposed activities	Number of new units: 150
	Planned Activities	Provide direct payment to local landlords and utility companies on behalf of residents affected by COVID-19 to help them retain their housing and prevent homelessness.
10	Project Name	HOME: Program Administration (2020)
	Target Area	NA
	Goals Supported	All
	Funding	\$190,078
	Description	Staff salary, planning, and administrative service delivery costs for implementing HOME will be funded with the 10% annual allocation administrative cap allowed by federal regulations and with support of local general fund.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	NA
11	Planned Activities	Program administration of the HOME program
	Project Name	HOME: CHDO Reserve Activities (2020)
	Target Area	West Greenville NRSA
	Goals Supported	1. Affordable housing preservation and development
	Funding	\$300,000

	Description	The City plans to continue supporting development of affordable units with an eligible Community Housing Development Organization (CHDO). The City is actively recruiting non-profit developers to participate in the program.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Number of new single-family units: 1
	Planned Activities	Production of one new single-family unit for a first-time low-to moderate income homebuyer
12	Project Name	HOME: Down Payment Assistance (2020)
	Target Area	Citywide
	Goals Supported	1. Affordable housing preservation and development
	Funding	\$200,000
	Description	Down payment assistance for LMI first-time or buyers who have not owned a home within the past three years.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Number of new homeowners: 10
	Planned Activities	Following completion of homeownership counselling, down payment assistance of up to 20% of the purchase price not to exceed \$20,000 will be made available to qualified buyers.

13	Project Name	HOME: New Construction/Housing (2020)
	Target Area	Citywide
	Goals Supported	2. Affordable housing preservation and development
	Funding	\$1,817,460
	Description	Funding will be made available for the development of new affordable housing via partnerships with private developers. New units will support the need for rental and owner-occupied housing for low- and moderate-income families.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Number of new units: 10
	Planned Activities	New construction or rehabilitation for purposes of creating new rental or owner-occupied units.
14	Project Name	CDBG-CV: Admin
	Target Area	Citywide
	Goals Supported	All
	Funding	\$116,455
	Description	Staff salary, planning, and administrative service delivery costs for implementing CDBG-CV will be funded with the 20% administrative cap allowed by federal regulations and with support of local general fund.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	200
	Planned Activities	Program administration of the CDBG-CV program

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Most activities include eligibility citywide in an effort to support broad and diverse affordable housing practices. The West Greenville community, however, benefits from focused attention and some exceptions to decrease racially-concentrated areas of poverty and to remain aligned with plans for redevelopment.

Geographic Distribution

Target Area	Percentage of Funds
West Greenville NRSA	75
Citywide Scattered Site	25

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Discussion

Funds are concentrated within the NRSA in an effort to create significant improvements. Development has been initiated and will continue implementation with a focused approach to increase momentum and ensure both an efficient and effective use of resources. While program data suggests a majority of households are minority occupied, eligibility for programs is extended to all racial, ethnic, and gender groups equally.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Greenville prioritizes creating and preserving affordable housing with the use of federal and local housing resources. A variety of housing and community economic development strategies are utilized including:

1. Down Payment Assistance
2. Owner-Occupied Home Rehabilitation
3. New Construction
4. Homeownership Education
5. Homeless Services
6. Emergency Rental Assistance

One Year Goals for the Number of Households to be Supported	
Homeless	650
Non-Homeless	34
Special-Needs	0
Total	684

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	150
The Production of New Units	10
Rehab of Existing Units	22
Acquisition of Existing Units	2
Total	74

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City will continue to support a variety of low- and moderate- income families with affordable housing. Homeless support will be provided through the Community Crossroads Center, a sub-recipient of CDBG. Other households receiving assistance will include 10 owner-occupied rehabilitations, 12 Healthy Home program participants supplemented with CDBG funding, 4 HOME-funded new builds in partnership with Bill Clark Homes, 2 CHDO builds, 1 new construction project by Habitat for Humanity of Pitt County through the sub-recipient program, 3 additional down payment assistance subsidies not associated with any other project and 40 households with TBRA assistance.

AP-60 Public Housing – 91.220(h)

Introduction

There are four (4) Public Housing managing agencies in Pitt County that receive federal funding to address and maintain public housing needs. The agencies are Greenville Housing Authority, Mid-East Commission, Farmville Housing Authority, and Ayden Housing Authority.

Actions planned during the next year to address the needs to public housing

The City will continue to partner with the Greenville Housing Authority to provide homeownership counselling in preparation for ownership and to create new affordable units for low- and moderate-income buyers. The City partners with GHA for monthly workshops offered to public housing residents and the general public.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Preparing and assisting public housing residents with obtaining homeownership goals helps transition residents to self-sustainability and reduces the overwhelming demand for public housing.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

NA

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City is an active partner of the Pitt County Continuum of Care. The group, comprised also of County, nonprofit, and service providers, meets regularly to discuss homeless needs and concerns within the community. The January 2018 Homeless Population Point in Time count revealed 122 homeless individuals in Pitt County.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

The City plans to fund homeless services for an anticipated 650 individuals. Services will be administered through sub-recipient partners, Community Crossroads and the Center for Family Violence Prevention.

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City is committed to continuing support for the regional committee through services and programs that aid in the reduction, and ultimate elimination, of homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City addresses emergency shelter with services administered through sub-recipient partners, Community Crossroads and the Center for Family Violence Prevention.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Considering the relationship between mental health and chronic homelessness, the City is funding the mental health counselling through ECU Family Clinic in addition to other direct housing assistance for homeless individuals and families. Financial literacy classes are being provided by staff and through sub-recipient, Literacy Volunteers of America, to address issues such as credit, budgeting, and employment that tend to also create obstacles to obtaining housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities,

foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Greenville is not a recipient of the Emergency Solutions Grant (ESG), however is a committed partner of the ESG-funded Continuum of Care. The City provides CDBG funding to help address housing, social service, education, and youth needs through sub-recipient grants.

Discussion

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Greenville developed an Analysis of Impediments to Fair Housing Choice (AI) serving as a comprehensive consideration of housing issues in the city limits. From this, there were five (5) goals identified to address impediments to fair housing including: increasing access to affordable housing, reducing substandard housing, increasing employment training and opportunities, increasing economic development activities and investments, and increasing fair housing awareness and education.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In an attempt to address and remove negative, or unintended consequences of public policies that serve as barriers to affordable housing, the City supplements affordable housing strategies with locally funded programs that benefit citizens citywide and/or above maximums for federal programs. These programs include the Energy Efficiency, West Greenville and University Area Down Payment Assistance, and 10% Loan Assistance programs. While programs and services are emphasized in a racially concentrated area of poverty, the NRSA designation allows some CDBG-funded programs to be extended to residents with incomes above 80% AMI. This allows for creating and sustaining mixed-income communities.

Discussion:

AP-85 Other Actions – 91.220(k)

Actions planned to address obstacles to meeting underserved needs

Staff partners with a variety of other agencies to understand community needs and to leverage additional resources to address them. The City continues to create affordable housing through a variety of strategies, to support community economic development, and to fund services that benefit low- to moderate-income citizens. Sub-recipient funding makes available social services, senior services, homeless services, youth development and family programs for residents of Greenville meeting a variety of underserved needs. Staff will continue to create opportunities to engage the public on specific needs through an increasing amount of community outreach.

Actions planned to foster and maintain affordable housing

1. **Down Payment Assistance** reduces the amount of financing required for homebuyers to achieve homeownership.
2. **Owner-Occupied Home Rehabilitation** assists homeowners with maintenance of older homes by financing needed repairs through grants or zero-interest loans.
3. **New Construction** of single- and multi-family units is incentivized by providing a number of subsidies to developers.
4. **Homeownership Counselling** provided in partnership with other agencies educates and provides support to prospective homebuyers about the homebuying process.
5. **Homeless Services** are provided through sub-recipient funding creating emergency solutions for individuals and families in need.

Actions planned to reduce lead-based paint hazards

The City has been awarded a \$1.6 million dollar grant over a three (3) and a half year period beginning April 1, 2019 for lead abatement and mitigation. Lead will continue to be addressed in pre-1978 built homes through the owner-occupied rehabilitation program.

Actions planned to reduce the number of poverty-level families

The City actively removes barriers to elevate poverty-level families by providing financial literacy education, extending the lifespan of housing for low-income homeowners through the owner-occupied rehabilitation program, and by providing down payment assistance to reduce needed financing for low-income homebuyers. Social and housing services provided through sub-recipients also eliminate financial burdens for citizens at or near poverty-level.

Actions planned to develop institutional structure

The City of Greenville, through the Housing Division, a network of sub-recipients, Community Housing Development Organization (CHDO), housing contractors, and Continuum of Care partnership is organized to utilize all local, state, and federal funding through appropriate programs. The private sector is incentivized to provide services that address the goals of the

Consolidated and Annual Action Plans. By coordinating with other governmental agencies, non-profit organizations, private enterprises, and individuals, the network of resources will increase opportunities within the target area and citywide.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Greenville partners with local nonprofit agencies to provide homeownership counselling and workshops for potential homebuyers. At program completion, participants are eligible for down payment assistance for the purchase of their first home.

In addition, the City partners with Metropolitan Housing and CDC and Greenville Housing Development Corporation for creation of new single-family units in the West Greenville NRSA. The City is continuing to expand partnerships with affordable housing developers for additional production.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(l)(2)

1. **A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

The City has partnered with the Greenville Housing Development Corporation to access their down payment assistance funds through a partnership with the North Carolina Housing Finance Agency (NCHFA). The NCHFA program can bring up to \$20,000 in down payment assistance to qualified buyers. When combined with the City's down payment assistance program, up to \$40,000 is available to reduce the burden of homeownership for low-wealth families.

2. **A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

In accordance with the applicable homebuyer recapture/resale provision outlined in 24 CFR Part 92.254, the City of Greenville has adopted the recapture provision. Greenville provides direct HOME subsidy, on a pro-rata basis, to eligible homebuyers, which includes down payment assistance and closing costs. Greenville provides HOME funds to its CHDO's to develop affordable housing. Greenville CHDO's have adopted the HOME recapture provision, with the exception of development of rental units. When CHDO's develop homeownership single-family housing, down payment assistance is provided by the city.

All CHDO's, sub-recipients and all entities who administer HOME programs will follow recapture provisions that have been adopted by the City. The City requires the recapture of its HOME-funded homeownership housing assistance from net sales proceeds when the original homebuyer sells the property during the affordability period.

Net sales proceeds are the funds remaining from the sale of the property by the original homebuyer less the repayment of the outstanding balance on any superior mortgage, sales commission, the original homebuyer's down payment and the cost of any property improvements made by the original homebuyer. To the extent that net proceeds are available at closing, all of the HOME funds are due and payable. In the event of foreclosure, the Lender may not require the Borrower to repay an amount greater than the net proceeds available after the foreclosure sale. The recapture provision is enforced through execution of a Declaration of Deed Restrictions, which identifies the

period of affordability, primary residency requirement, and term and conditions required when using the recapture provision.

Homebuyer assistance may be used for down payment assistance and/or principal mortgage reduction via Secondary Mortgage. Borrower's income cannot exceed 80% of the area median income adjusted by family size as published annually for Greenville. Maximum loan amounts of up to \$20,000 (20% of sales price of home with cap of \$20,000). Loans will be amortized over a fifteen-year period at 0% interest. If the property is disposed voluntarily, involuntarily or is in default, the percentage for repayment is based on the actual year.

Assistance provided to nonprofit agencies through the CDBG Program will be secured with a sub-recipient agreement/contract. Should the agency fail to comply with program rules, the assistance will be recaptured.

Recaptured HOME funds by a CHDO, on behalf of City of Greenville, are not considered to be CHDO proceeds but shall be used by the CHDO's to provide affordable housing for the City of Greenville residents.

Recaptured HOME funds provided by an agency other than a CHDO, will be recaptured by City of Greenville to be used for eligible HOME activities in accordance with the requirements of the HOME statute and regulations, in the same manner as program income.

The recapture provision will ensure that each HOME assisted unit will remain affordable for a period of time determined by the recapture schedule below, established in accordance with 24 CFR 92.254(a)(4):

<u>HOME Funds Provided</u>	<u>Period of Affordability</u>
Less than \$15,000	5 years
\$15,000 to \$40,000	10 years
More than \$40,000	15 years
New Construction	20 years

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Housing rehabilitation assistance will be offered to persons/families with incomes up to but not greater than 80% AMI adjusted by family size and as published annually for Greenville. For households with incomes less than 50% AMI, a 15-year deferred loan will be offered up to \$60,000 for rehabilitation

assistance. For households with incomes from 51% to 80% AMI, the combination of a deferred payment loan and a no-interest loan is available. Deferred loans are forgiven at a rate of 10% each year and no-interest loans are amortized over ten (10) years. In no case may the assistance exceed \$60,000 unless special circumstances exist that warrant exceeding the maximum price and approval of the City Manager is granted.

Assistance provided to nonprofit agencies through CDBG will be secured with a sub-recipient agreement/contract. Should the agency fail to comply with program rules, the assistance will be recaptured.

Recaptured HOME funds by CHDOs, on behalf of the City of Greenville, are not considered to be CHDO proceeds but shall be used by the CHDO to provide affordable housing for City of Greenville citizens.

Recaptured HOME funds provided by an agency other than a CHDO, will be recaptured by the City of Greenville to be used for eligible HOME activities in accordance with the requirements of the HOME statute and regulations, in the same manner as program income.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Greenville does not have existing debt.



City of Greenville, North Carolina

Meeting Date: 11/12/2020

<u>Title of Item:</u>	Resolution and Lease Agreement for Greenville Utilities Commission's Use of Parcel 18875
<u>Explanation:</u>	<p>In 2002, the City acquired several parcels along North Greene Street as part of Hurricane Floyd mitigation efforts. Parcel 18875 was acquired with CDBG resources and therefore must continue to meet a national objective in perpetuity. The three CDBG national objectives are (1) benefit to low- and moderate-income persons, (2) aid in the prevention or elimination of slums or blight, and (3) meet a need having a particular urgency.</p> <p>GUC has interest in placing a water pump station on the lot in question. With the parcel located in what is considered a low-moderate income area (LMA), this agreement presents an eligible infrastructure project. GUC will ensure maintenance and will assume liability for the property.</p>
<u>Fiscal Note:</u>	GUC will maintain the lot, which is an annual expense of \$700-\$1,000.
<u>Recommendation:</u>	Staff recommends approving resolution and lease agreement with GUC for the use of parcel 18875 for a pump station.

ATTACHMENTS

-  [GUC Resolution Lease Parcel Pump Station Greene St.pdf](#)
-  [GUC Lease Pump Station.pdf](#)

RESOLUTION NO. -20

RESOLUTION APPROVING THE LEASE AGREEMENT WITH GREENVILLE UTILITIES
COMMISSION FOR PROPERTY FOR A TERM
OF 25 YEARS

WHEREAS, the City of Greenville (the "City") owns a lot on N. Greene St., Tax Parcel #18875 in Greenville, North Carolina ("Property"). The Property abuts 710 N. Greene St., parcel # 34807;

WHEREAS, Greenville Utilities Commission ("Tenant") desires to utilize the Property as a pump station to assist with the movement of sanitary sewage, and to improve the Property by constructing a pump station on the Property;

WHEREAS, the purchase of the Property was made by the City with Community Development Block Grant ("CDBG") funds;

Whereas, the City has determined that it is in the best interest of the City to convey the Property to Tenant for no monetary consideration but instead that Tenant provide consideration by: 1) maintaining the Property and improvements (pump station) in a safe and sanitary condition by mowing premises, and securing the property to prevent trespassing or injury of persons and other duties as delegated by City Manager; and 2) maintenance and replacement of existing sidewalk which abuts the property, along its frontage;

WHEREAS, the City and Tenant have agreed upon a Lease, under which Tenant will lease the Property for a term of 25 years, with option to renew for three additional periods of 5 years, with such term beginning on the effective date of the lease agreement;

Whereas, the improvements (pump station and related facilities) to the Property will improve the sanitary sewer system and improve quality of life of households of persons of low to moderate income in this area of the City;

WHEREAS, North Carolina General Statute § 160A-274 authorizes the City to enter into leases in real property with another governmental unit, upon such terms and conditions as it deems wise, with or without consideration;

WHEREAS, the City and Tenant are both governmental units; and

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

- Council declares that the Property is surplus and not needed by the City during the term

of the Lease as described herein; and

- Council approves the Lease of the Property to Tenant for 25 years with options as described herein, and authorizes the Mayor or City Manager to negotiate any additional terms necessary for the Lease that are in the best interests of the City, not inconsistent with the terms herein, and execute any instruments necessary associated with the Lease.

This the 12th day of November, 2020.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

LEASE AGREEMENT

This LEASE AGREEMENT, made and entered into on this the ____ day of _____, 2020, effective at 12:01 a.m. on the ____ day of _____, 2020, by and between the CITY OF GREENVILLE, North Carolina, a North Carolina municipal corporation with an office at 200 West Fifth Street, Greenville, Pitt County, North Carolina 27835 (hereinafter referred to as “LANDLORD” or “CITY”), and GREENVILLE UTILITIES COMMISSION of the City of Greenville, North Carolina, a body politic duly chartered by the State of North Carolina with offices at 401 South Greene Street, P.O. Box 1847, Greenville, Pitt County, North Carolina 27835-1847 (hereinafter referred to as “TENANT”);

W I T N E S S E T H

WHEREAS, TENANT is duly chartered by the State of North Carolina for the operation and maintenance of the public utilities of the City of Greenville, North Carolina, and surrounding areas by providing sewer, water, gas, and electricity; and

WHEREAS, TENANT desires to establish a pump station site to assist with the movement of sanitary sewage along the North Greene Street corridor north of the Town Common and adjacent to the right-of-way of CSX Railroad; and

WHEREAS, LANDLORD previously purchased on March 22, 2002, property commonly known as Tax Parcel No. 18875 (“Property”) containing 1.33 acres, more or less, which said Property is more particularly described in that certain North Carolina General Warranty Deed from Herbert S. Corey and wife, Joanne W. Corey, to the City of Greenville which appears of record in Book 1285 at Page 589, Pitt County Public Registry, to which reference is hereby made for a more particular and accurate description of the Property; and

WHEREAS, such purchase of this Property was made by the City with Community Development Block Grant (“CDBG”) funds; and

WHEREAS, the current ad valorem tax value for the Property is \$21,715 which has been determined by an appraisal to be the fair market value of the Property; and

WHEREAS, TENANT initially indicated an interest in purchasing such Property, but LANDLORD instead offered to lease such Property to TENANT for a period of twenty-five (25) years with renewals for three (3) additional periods of five (5) years each upon the terms set forth herein; and

Whereas, North Carolina General Statute § 160A-274 authorizes the City to enter into leases in real property with another governmental unit, upon such terms and conditions as it deems wise, with or without consideration; and

WHEREAS, the parties desire to reduce to writing their agreements with respect thereto.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration passing from each party to the other, receipt of which is hereby respectively acknowledged by each of the parties hereto, LANDLORD and TENANT do hereby agree each with the other as follows:

1. Property. LANDLORD hereby leases to TENANT, and TENANT provides consideration by agreeing to maintain the premises and the abutting public right-of-way described herein on the Property containing approximately 1.33 acres, more or less, as more particularly described on Exhibit “A” which is attached hereto and made a part hereof. Such Property is commonly known as Tax Parcel No. 18875 according to the records in the Office of the Tax Administration of Pitt County, North Carolina.

2. Term. The initial term of this Lease Agreement shall begin at 12:01 a.m. on the effective date of this Lease Agreement and shall exist and continue for a period of twenty-five (25) years or until midnight on the _____ day of _____, 2045.

3. Extension of Term. TENANT shall have the further option to extend this Lease Agreement for three (3) additional periods of five (5) years each, beginning with the expiration of the initial twenty-five (25) year lease term, and continuing for an additional five (5) year term each time, so long as TENANT provides LANDLORD with at least sixty (60) days' advanced written notice before the end of the current lease term (or any renewal term) of its desire to exercise its option to renew this Lease Agreement upon the terms set forth herein. In the event TENANT remains in possession of the demised Property beyond the initial twenty-five (25) year term, or any renewal term, such possession by TENANT shall be as a "holdover" and subject to the same terms and conditions set forth herein on a month-to-month basis until LANDLORD demands that TENANT vacate the premises upon at least one (1) year's advance written notice.

4. Consideration. TENANT agrees to maintain the Property for the LANDLORD as directed by the City Manager or designee, including improvements described herein (pump station and related facilities) to the Property. Tenant shall maintain the Property and improvements in a safe and sanitary condition by mowing premises, securing the Property (including improvements) to prevent trespassing or injury of persons and other duties as delegated by City Manager. In addition, Tenant shall replace and maintain existing sidewalk which abuts the Property, along its frontage on N. Greene Street. The improvements described herein (pump station and related facilities) to the Property will improve the sanitary sewer system and improve quality of life of households of persons of low to moderate income in this area of the City.

5. Taxes. No ad valorem taxes are payable on the Property because it is owned by the LANDLORD, a municipal corporation.

6. Utilities. All Utilities utilized on site shall be the responsibility of TENANT during the lease term and during any extension thereof.

7. Security Deposit. There will be no security deposit required of TENANT.

8. Insurance. TENANT shall be responsible for insurance, if any, on any improvements on the demised premises and LANDLORD shall have no liability or responsibility therefore. TENANT shall also provide insurance on other property owned and used by TENANT at the demised premises throughout the term of this Lease Agreement, and LANDLORD shall have no liability or responsibility therefore.

The Tenant agrees to purchase at its own expense insurance coverages to satisfy the following minimum requirements. A certificate reflecting the following minimum coverages shall accompany this lease agreement. The Tenant shall not commence services under this Lease until the Tenant has obtained all insurance required, and such insurance has been approved in writing by the City. Insurance required shall remain in effect through the term of this lease. Failure to maintain the required insurance coverage shall constitute grounds for lease agreement termination.

Insurance requirements are as follows:

A. Public Liability and Property Damage:

The Tenant shall take out and maintain during the life of this lease agreement Commercial General Liability Insurance as shall protect from claims for damage for Bodily Injury, Property Damage, Personal Injury, including death which may arise from operations under this lease agreement, whether such operations be by the Tenant or by any sub-contractor, sub-consultant, or by anyone directly or indirectly employed by any of the above.

The Minimum Limits of Insurance required are:

Each Occurrence:	\$1,000,000
Personal and Advertising Injury:	\$1,000,000
General Aggregate:	\$3,000,000
Products and Completed Operations Aggregate:	\$3,000,000

The Tenant shall take out and maintain during the life of this lease agreement Excess Liability (umbrella) Insurance with underlying coverages to include General Liability.

The Minimum Limit of Insurance required is:

Excess Liability: \$10,000,000

The aggregate limit must apply per policy term. The form of coverage must be the ISO CG 00 01 policy as approved by the State of North Carolina Department of Insurance. If a form of coverage other than the CG 00 01 is used it must be approved by the Risk Manager for the City of Greenville. Any endorsed exclusions or limitations from the standard policy must be clearly stated in writing and attached to the Certificate of Insurance. Completed Operations coverage must be maintained for the period of the applicable statute of limitations

The City of Greenville must be added as an Additional Insured to the Commercial General Liability policy.

B. Workers' Compensation Insurance:

Limits:

Workers Compensation: Statutory for the State of North Carolina

Employers Liability:

Bodily Injury by Accident	\$1,000,000 each accident
Bodily Injury by Disease	\$1,000,000 policy limit
Bodily Injury by Disease	\$1,000,000 each employee.

No sub-contractor may exclude executive officers. Workers Compensation must include all employees.

C. Pollution Liability Insurance

Tenant shall maintain Pollution Liability Insurance

Limit of Insurance: \$1,000,000

Pollution Liability Insurance must include clean-up, testing and monitoring

Cancellation:

Each certificate of insurance shall bear the provision that the policy cannot be canceled in less than 30 days after mailing written notice to the assured of such cancellation.

The Insurance policies must be endorsed to reflect a 30 day notice of cancellation or material change in coverage be given to the City of Greenville

9. Access. Tenant will permit the City and its agents to enter on the demised premises at all reasonable times to examine the condition thereof.

10. Permits for Occupancy or Renovation. Tenant shall be responsible for obtaining any building permits, zoning compliance, or special use permits for use of the demised premises for the

intended activities of the Tenant. The City will cooperate as necessary to assist Tenant, at no cost to the City.

11. Environmental.

- a. Tenant covenants that with respect to any Hazardous Materials (as defined below) it will comply with any and all federal, state or local laws, ordinances, rules, decrees, orders, regulations or court decisions relating to hazardous substances, hazardous materials, hazardous waste, toxic substances, environmental conditions on, under or about the demised premises or soil and ground water conditions, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Resource Conservation and Recovery Act, the Hazardous Materials Transportation Act, any other legal requirement concerning hazardous or toxic substances, and any amendments to the foregoing (collectively, all such matters being "Hazardous Materials Requirements"). Tenant shall remove all Hazardous Materials from the demised premises, either after their use by Tenant or upon the expiration or earlier termination of this Lease, in compliance with all Hazardous Materials Requirements.
- b. Tenant shall be responsible for obtaining all necessary permits in connection with its use, storage and disposal of Hazardous Materials, and shall develop and maintain, and where necessary file with the appropriate authorities, all reports, receipts, manifest, filings, lists and invoices covering those Hazardous Materials and Tenant shall provide the City with copies of all such items upon request. Tenant shall provide within five (5) days after receipt thereof, copies of all notices, orders, claims or other correspondence from any federal, state or local government or agency alleging any violation of any Hazardous Materials Requirements by Tenant, or related in any manner to Hazardous Materials. In addition, Tenant shall provide the City with copies of all responses to such correspondence at the time of the response.
- c. Tenant hereby indemnifies and holds harmless the City, its successors and assigns from and against any and all losses, liabilities, damages, injuries, penalties, fines, costs, expenses and claims of any and every kind whatsoever (including attorney's fees and costs) paid, incurred or suffered by, or asserted against the City as a result of

any claim, demand or judicial or administrative action by any person or entity (including governmental or private entities) for, with respect to, or as a direct or indirect result of, the presence on or under or the escape, seepage, leakage, spillage, discharge, emission or release from the demised premises of any Hazardous Materials caused by Tenant or Tenant's employees, agents, invitees or contractors. This indemnity shall also apply to any release of Hazardous Materials caused by a fire or other casualty to the demised premises if such Hazardous Materials were stored on the demised premises by Tenant, its agents, employees, invitees or successors in interest.

- d. For purposes of this Lease, "Hazardous Materials" means any chemical, compound, material, substance or other matter that: (i) is defined as a hazardous substance, hazardous material or waste, or toxic substance pursuant to any Hazardous Materials Requirements, (ii) is regulated, controlled or governed by any Hazardous Materials Requirements, (iii) is petroleum or a petroleum product, or (iv) is asbestos, formaldehyde, a radioactive material, drug, bacteria, virus, or other injurious or potentially injurious material (by itself or in combination with other materials).
- e. The warranties and indemnities contained in this Section shall survive the termination of this Lease.

12. Assignments/Subletting. This Lease Agreement shall not be assigned, or the leased premises sublet, without the written consent of LANDLORD, which said consent shall not be unreasonably delayed or denied.

13. Improvements and Repairs. It is anticipated that TENANT will construct on the Property a pump station and related facilities and will, from time to time, make any necessary repairs required for the appropriate construction, operation, and maintenance of such facility. Upon termination of this Lease Agreement, TENANT may remove any and all improvements, or may allow such improvements to remain on the Property in TENANT's sole and absolute discretion.

14. Condition/Use. TENANT covenants and agrees that it will take good care of the premises and will make no unlawful or offensive use of the premises, and at all times shall use the

premises in conformity and compliance with all local, state, and federal ordinances, regulations, and laws as they relate to the construction, operation, and maintenance of a pump station for sanitary sewage.

15. Catastrophe. If during the term of this Lease Agreement, or any extension hereof, the leased premises are so damaged by fire, tornado, or other catastrophe or casualty as to render the same unusable, at TENANT's option, this Lease Agreement shall thereupon terminate.

16. Default. If TENANT shall fail or neglect to make any payment of rent when due, and if such default shall continue for a period of thirty (30) days, or if TENANT shall violate any of the other provisions of this Lease, the LANDLORD may terminate this Lease Agreement upon one (1) year's written notice to TENANT and therefore require TENANT to vacate the premises hereby demised, or may enter the premises and expel the TENANT therefrom, or LANDLORD may, in lieu of the above, or in conjunction therewith, pursue any other lawful right or remedy incident to the relationship created by this Lease Agreement.

17. Termination. On the termination of this lease term, TENANT shall vacate the premises, shall remove all of its personal property, and shall repair any damage done to the Property other than ordinary wear and tear.

18. Notice. Any notice to be given by one party to the other party hereunder may be delivered or deposited postage prepaid addressed to the following:

LANDLORD Name: City of Greenville, NC
Address: 200 West Fifth Street
City/State/Zip: Greenville, NC 27858
Telephone No.: (252) 329-4425

TENANT Greenville Utilities Commission of the City of Greenville, NC
Name: Phillip R. Dixon, General Counsel
Address: 401 S. Greene Street, P.O. Box 1847
City/State/Zip: Greenville, NC 27835-1847
Telephone No.: (252) 551-3366

19. Governing Law. This Lease Agreement shall be governed by North Carolina law.

20. Mediation / Arbitration. In the event of a dispute between the parties which the parties are unable to resolve, the parties shall submit their dispute to non-binding mediation before a mutually agreeable mediator prior to initiating litigation. If the parties are unable to agree upon a mediator within thirty (30) days after failing to resolve the dispute, either party may petition a Court of competent jurisdiction for the designation of a qualified mediator for these purposes. Each party shall bear its own costs and expenses of participating in the mediation (including, without limitation, reasonable attorneys' fees), and each party shall bear one-half (½) of the costs and expenses of the mediator. Unless otherwise agreed, the parties will hold mediation in Greenville, North Carolina. The matters discussed or revealed in the mediation session shall not be revealed in any subsequent litigation.

In the event the matter is not resolved in mediation, either party may request arbitration. The parties shall jointly select an Arbitrator and shall be bound by the decision of the Arbitrator with respect to any dispute between the parties with respect to this Agreement. If the parties are unable to mutually agree upon an Arbitrator, the parties shall each select an Arbitrator, and the two Arbitrators so selected shall select a third Arbitrator, and the decision of the majority of the Arbitrators shall be conclusive and binding upon the parties. The parties at all times agree to equally split the costs of any Arbitrator(s) selected in an effort to resolve the dispute between the parties. Any party desiring to resolve a dispute under the terms of this Agreement shall notify the other party in writing, and the parties shall seek to agree upon a mutually agreed-upon Arbitrator within a period of ten (10) days from the date of such written demand. If the parties are unable to agree within such ten (10) day period, the parties shall each select an Arbitrator, and the two (2) Arbitrators so selected shall select a third Arbitrator within fifteen (15) days from the date of the

written demand for arbitration, and a decision shall be rendered by the Arbitrator(s) so selected within five (5) days after such Arbitrator(s) is selected.

21. Indemnity. To the extent permitted by law, Tenant shall and does hereby indemnify the City and agrees to save it harmless and, at the City's option, defend it from and against any and all claims, actions, damages, liabilities and expenses (including reasonable attorneys' and other professional fees), judgments, settlement payments, and fines paid, incurred or suffered by the City in connection with loss of life, personal injury and/or damage to property suffered by third parties arising from or out of the occupancy or use by Tenant of the Leased Premises or any part thereof, occasioned wholly or in part by any act or omission of Tenant, its officers, managers, members, shareholders, directors, agents, contractors, employees or invitees. Tenant's obligations pursuant to this section shall survive any termination of this Lease with respect to any act, omission or occurrence which took place prior to such termination.

22. E-Verify Requirements. (a) If this Lease is awarded pursuant to North Carolina General Statutes (NCGS) 143-129 – (i) Tenant represents and covenants that its contractors and subcontractors comply with the requirements of Article 2 of Chapter 64 of the NCGS; (ii) the words "contractor," "contractor's subcontractors," and "comply" as used in this subsection (a) shall have the meanings intended by NCGS 143-129(j); and (iii) the City is relying on this subsection (a) in entering into this Lease. (b) If this Lease is subject to NCGS 143-133.3, the Tenant and its contractors and subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NCGS.

[SIGNATURE PAGES FOLLOW]

IN TESTIMONY WHEREOF, each of the parties hereto has executed this Lease Agreement in duplicate originals, one of which shall be retained by the LANDLORD and one of which shall be retained by the TENANT.

LANDLORD: CITY OF GREENVILLE, NORTH CAROLINA

By: _____
P.J. Connelly, Mayor

[OFFICIAL SEAL]

ATTEST:

Valerie Shiuwegar, City Clerk

TENANT: GREENVILLE UTILITIES COMMISSION OF
THE CITY OF GREENVILLE, NORTH CAROLINA

By: _____
Anthony C. Cannon
General Manager/Chief Executive Officer

[OFFICIAL SEAL]

ATTEST:

Amy Wade, Executive Secretary

NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public of the aforesaid County and State, certify that Valerie Shiuwegar personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, North Carolina, and that by authority duly given and as the act of the City of Greenville, North Carolina, the foregoing instrument was signed in its name by P.J. Connelly, its Mayor, sealed with its official seal and attested by her as its City Clerk.

WITNESS my hand and seal, this the _____ day of _____, 2020.

NOTARY PUBLIC

My Commission Expires: _____

NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public of the aforesaid County and State, do certify that Amy Wade personally appeared before me this day and acknowledged that she is Executive Secretary of GREENVILLE UTILITIES COMMISSION, and that by authority duly given and as an act of Commission, the foregoing instrument was signed in its name by Anthony C. Cannon, its General Manager/CEO, sealed with its official seal, and attested by herself as its Executive Secretary, all pursuant to the authority of the Board of Commissioners of the Commission.

WITNESS my hand and seal, this the _____ day of _____, 2020.

NOTARY PUBLIC

My Commission Expires: _____

Pre-Audit Certificate
This Instrument has been pre-audited in the
manner required by the Local Government
Budget and Fiscal Control Act

Finance Officer

Approved as to Form

Phillip R. Dixon
General Counsel

EXHIBIT
"A"

Lying and being in the City of Greenville, Pitt County, North Carolina and beginning at a stake on the eastern right-of-way of North Greene Street, said stake being located North 2 degrees 30 minutes East, 300 feet from the northwest corner of the Allied Petroleum Company lot, as appears on survey by Algie D. Hicks, R.S., dated December 12, 1972, to which reference is hereby made for an accurate and complete description: the same being of record in Map Book 22, on Page 13, in the Pitt County Registry; and running thence North 4 degrees 17 minutes East, 250.21 feet along the eastern right-of-way of North Greene Street to an iron stake at the southwest corner of the R. L. Smith property; thence South 87 degrees 30 minutes East, 225.88 feet to an iron stake; thence South 2 degrees 30 minutes West, 250 feet along R. L. Smith's property line to an iron stake; thence North 87 degrees 30 minutes West ,233 feet to the beginning, and being the identical property as is shown on map of Algie D. Hicks, Rivers and Associates, Inc. dated December 12, 1972, of record in Map Book 22, Page 13, Pitt County Registry, and being the identical property conveyed to Herbert S. Corey and wife, Jo Anne W. Corey by deed from James John Terrell and wife, Billie Wood Terrell, dated November 8, 1989, recorded in Book 244, on Page 618, Pitt County Registry.



City of Greenville, North Carolina

Meeting Date: 11/12/2020

<u>Title of Item:</u>	Discussion of 500' Spacing Rule
<u>Explanation:</u>	Council Member Will Bell requested an item be added to the agenda to discuss the 500' spacing rule.
<u>Fiscal Note:</u>	No direct cost
<u>Recommendation:</u>	Discuss the issue as requested by Council Member Bell.
