

OFFICIAL MINUTES
MEETING OF THE CITY COUNCIL
CITY OF GREENVILLE, NORTH CAROLINA
THURSDAY, JANUARY 9, 2020



A regular meeting of the Greenville City Council was held on Thursday, January 9, 2019 in the Council Chambers, located on the third floor at City Hall, with Mayor P. J. Connelly presiding. Mayor Connelly called the meeting to order at 6:00 pm. The invocation was given by Council Member Meyerhoeffer, and was followed by the Pledge of Allegiance.

Those Present:

Mayor P. J. Connelly, Council Member Daniels, Council Member Will Bell, Council Member Rick Smiley, Council Member William F. Litchfield, Jr. and Council Member Brian V. Meyerhoeffer, Jr.

Those Absent:

Mayor Pro-Tem Rose H. Glover,

Also Present:

City Manager Ann E. Wall, City Attorney Emanuel D. McGirt, City Clerk Valerie Shiuwegar, Assistant City Manager Michael Cowin, Assistant City Manager Ken Graves

APPROVAL OF THE AGENDA

City Manager Wall asked the City Council to add the following items: a special recognition for Carlton Williams, retired member of the Greenville Police Department, Contract Award to Stewart-Cooper-Newell Architects for design of Fire-Rescue 7 to the Thursday, January 9, 2020 meeting for the City Council's consideration, and a Closed Session to discuss an economic development matter.

Council Member Smiley made a motion to accept the revision and approve the agenda as amended. Council Member Bell seconded the motion and it carried unanimously.

PUBLIC COMMENT PERIOD

Mayor Connelly opened the public comment period at 6:05 pm, explaining procedures which should be followed by all speakers.



Ms. Pam Strickland, founder of North Carolina Stop Human Trafficking Now and facilitator for the Pitt County Coalition Against Human Trafficking, thanked Mayor Connelly for proclaiming January as Human Trafficking Awareness Month. She introduced members of the Coalition and stated that there is Human Trafficking 101 information session on January 23. She stated that the Coalition meets monthly at Sheppard Memorial Library and she invited the City Council and members of the public to attend.

Mr. Robert O'Neal stated that he lives in a neighborhood close to a landfill and expressed concerns with the way that the noise ordinance is interpreted in Greenville. He stated that he had received a response from the City Attorney's office regarding his complaints about the landfill and noise from Transload's loading and unloading. He stated that he feels that the City should not have approved the County's request to zone that area as Industrial. He stated that he feels that the City does have the authority to address the issue per the state statute.

Mayor Connelly directed the City Attorney to reach out to Mr. O'Neal to go over some of the ordinances and statutes that were referenced in the City's response to Mr. O'Neal.

Mayor Connelly called for additional speakers who did not sign up to come forward to speak. Seeing none, Mayor Connelly closed the Public Comment Period at 6:13 p.m.

SPECIAL RECOGNITIONS

City Manager Wall, accompanied by Mayor Connelly and Police Chief Holtzman, recognized Carlton Williams on the occasion of his retirement from the Greenville Police Department with over 31 years of service. She noted his accomplishments and presented him with a plaque commemorating his service.

APPOINTMENTS

Mayor Connelly listed his City Council Liaison Assignments for the 2019-2021 term:

Affordable Housing Loan Committee – Mayor Pro-Tem Rose Glover
Board of Adjustment – Council Member Brian Meyerhoeffer
Community Appearance Commission – Council Member Rick Smiley
Environmental Advisory Commission – Council Member Brian Meyerhoeffer
Greenville Bicycle & Pedestrian Commission – Council Member Will Bell
Greenville Utilities Commission – Council Member Rick Smiley
Historic Preservation Commission – Council Member Monica Daniels
Housing Authority – Council Member Monica Daniels
Human Relations Council – Mayor Pro-Tem Rose Glover
Investment Advisory Committee – Council Member Will Litchfield



Pitt-Greenville Airport Authority – Council Member Will Litchfield
Pitt-Greenville Convention & Visitors Authority – Council Member Brian Meyerhoeffer
Planning & Zoning Commission – Council Member Will Bell
Police Community Relations Committee – Council Member Will Bell
Public Transportation & Parking Commission – Council Member Monica Daniels
Recreation & Parks Commission – Council Member Monica Daniels
Redevelopment Commission – Mayor Pro-Tem Rose Glover
Sheppard Memorial Library Board – Council Member Rick Smiley
Youth Council – Mayor Pro-Tem Rose Glover

Environmental Advisory Commission

Council Member Meyerhoeffer made a motion to:

- Reappoint David Ames to the *At-Large seat* for a second three-year term that will expire April 2022
- Appoint Caroline Tarpey to the *Lawyer/Someone with knowledge of environmental regulations and safety practices seat* to fill an unexpired term that will expire April 2022 in replacement of Drake Brinkley, who had resigned

Council Member Bell seconded the motion and it carried unanimously.

Firefighters' Relief Fund Committee

Council Member Smiley made a motion to reappoint Eric Mullet to a first two-year term that will expire January 2022. Council Member Bell seconded the motion and it carried unanimously.

OLD BUSINESS

RESOLUTION TO CLOSE AN ALLEYWAY LOCATED ON THE EAST SIDE OF CEDAR LANE AND SOUTH OF EAST TENTH STREET - Denied

Mayor Connelly noted that a public hearing was held in October for this item.

Director Mulligan provided the City Council with a brief overview. He stated that Cedar Alley extends from Cedar Lane down to Greenville Boulevard and the City is responsible for maintaining approximately 332 feet from the western portion up to the back of the Whitlow property. He stated that the Public Works Department maintains the alley by clearing the bushes, grading, power raking, installing, and rolling stone. Costs in 2019 were approximated at \$7K. He stated that Greenville PD had provided a count of complaints at Cedar Lane Alley from October 2016 – October 2019 that totaled up to 95. He noted that a number of the issues stemmed from loitering. He stated staff's recommendation to close 332 ft. of the alley and have the property reverted to abutting property owners, keeping the existing utility easement in place.

Council Member Litchfield asked if closing the alleyway would make an impact on the number of complaints in that area.



Director Mulligan stated that the area would be reverted to the property owner, and the property owner has indicated that they would put some improvements in place that would limit access. He stated that if the area is closed, half would go to the property owner and the other half would go to the owner of the gas station property. He stated that the utility easements would stay in place.

Mayor Connelly asked who would be responsible for changing the map to reflect the change in parcels.

Director Mulligan stated that the City would be responsible since the City is making the request to close the property. He estimated the cost to be a couple thousand dollars.

Civil Engineer Billy Merrill stated that the City follows the procedure outlined in North Carolina statute 168-299. He stated that once the alley is closed, the statute gives the adjoining property owners title, with no deed or transfer. It is done by the resolution that is executed by the City. He stated that each property owner would get the property up to the sum line of the alley projecting their property line perpendicular to the center of it. He stated that if the property owner wants a deed to start a chain of title, they would submit a quick claim deed to the City.

Council Member Meyerhoeffer asked about the Eckard property easement's restriction that prohibits drive-thru and truck delivery areas on the Eckard property which is reserved exclusively for JDH and their tenants.

Director Mulligan stated that staff has reviewed that easement with the City Attorney and has interpreted that the easement applies to the north side of the property and not the requested portion before the City Council.

Council Member Smiley made a motion to deny the request. Council Bell seconded the motion to deny and the motion was approved unanimously.

NEW BUSINESS

PUBLIC HEARINGS

ORDINANCE REQUESTED BY EAST CAROLINA UNIVERSITY TO REZONE 16.9 +/- ACRES – Approved (Ordinance #20-003)

Planner Brad Sceviour stated that East Carolina University has requested to rezone an area from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial) beginning at the intersection of 5th & Reade Streets proceeding north to East 3rd street and then one block west and north bounded by 1st Street and Town Creek. He stated that the future land use and Horizons Plan supports this rezoning and encourages development in the area. He noted that the Planning & Zoning Commission had moved to recommend the approval of this request to the City



Council. He stated that staff had determined that the request is in compliance and recommends approval.

Mayor Connelly opened the public hearing at 6:45 p.m. and invited those in favor of the request to come forward.

Mr. Merrill Flood, representing East Carolina University (ECU), stated that the request fits the character of the area and promotes development of the millennial campus. He stated that this request will help provide better standards for development of the property in a more efficient manner.

Mayor Connelly called for additional speakers in favor of the request to come forward. Seeing none, he called for speakers in opposition to the request to come forward. Seeing none, Mayor Connelly closed the hearing at 6:48 p.m.

Council Member Smiley disclosed for the record that he works for the division at ECU that is managing this request.

Council Member Bell made a motion to approve. The motion was seconded by Council Member Litchfield and unanimously carried.

ORDINANCE REQUESTED BY HAPPY TRAIL FARM, LLC TO REZONE 17.193 ACRES LOCATED NEAR THE NORTHEASTERN CORNER OF THE INTERSECTION OF EAST 10TH STREET AND PORT TERMINAL ROAD FROM RSA-RU (RESIDENTIAL [MEDIUM DENSITY]-RESTRICTED RESIDENTIAL OVERLAY DISTRICT) TO R6A (RESIDENTIAL [MEDIUM DENSITY]) – Approved (Ordinance #20-0004)

Chief Planner Chantae Gooby stated that this request was originally presented to the City Council in Spring 2019 and was rezoned to its current zoning. She stated that since the property had been rezoned, the property owner had it delineated for wetlands, which are regulated for development. She stated that the existing property is vacant and there are some single-family homes, as well as commercial and office uses as well. She stated that the property is located in the Hardee Creek watershed and will require 10-year detention. She noted that there is a small section of the property that lies within the 100-year floodplain and will therefore require any development in that area to be in compliance with the flood damage prevention ordinance. She stated that the current RU overlay on the property means that property can only be developed as single-family or duplex. Currently, the property can accommodate 80-90 duplex units. She stated that the future land use plan recommends commercial at the corner of Porter and 10th. The current request would allow for multi-family development and would increase density beyond the recommended 5 units per acre to 7 units per acre. She stated that staff recommends denying the request and noted that the Planning & Zoning Commission had moved to recommend the rezoning at their December 2019



by a vote of 5:3. She stated that if the City Council chooses to approve this request, the Future Land Use Map would be changed.

Council Member Smiley questioned the order of the request.

Chief Planner Gooby stated as a general practice, a requestor would typically request a Future Land Use Map amendment before making a rezoning request, but the ordinance does not require a specific order.

Council Member Meyerhoeffler asked if there is anything on the property immediately north of the parcel.

Chief Planner Gooby stated that the property is owned by the City. It was part of a buyout related to Hurricane Floyd so there will not be a northern neighbor.

Mayor Connelly opened the public hearing at 6:53 and called for speakers in favor of the request to come forward.

Mr. Mike Baldwin spoke on behalf of Happy Trails Farm. He stated that request has taken a while to come back to the City Council because they had been working on getting sewer and delineating the wetlands on the property. He stated they can use some wetland area in their density calculations, but the structures will only be in the spaces allowed. He stated that they are not trying to circumnavigate the process, but it seems to make sense to do the rezoning if the Future Land Use Map will automatically updated.

Council Member Smiley stated his concern about requesting a more intense use for the property if the area is more ecologically fragile.

Mr. Baldwin stated that he does not believe that they will be making an impact on the wetlands because they will be developing in the high areas.

Council Member Smiley questioned the practice of requesting the rezoning before a land use map amendment.

Mr. Baldwin stated that they had decided to go this route because they did not see a difference one way or the other.

Council Member Meyerhoeffler asked for the maximum buildout before the discovery of the wetlands.

Mr. Baldwin stated that they did not do a sketch until after the wetlands had been located. He stated that they will be able to build 30-34 duplex lots under the current request.

Mayor Connelly asked where the detention pond have to be located.

Mr. Baldwin stated that it would probably be located somewhere on the northwest side of the property.



Mayor Connelly called for additional speakers in favor of the request to come forward. Seeing none, he called for those in opposition to come forward.

Ms. Marion Blackburn, resident of the River Hills Neighborhood, stated that the area is a wonderful area for low-density development. She asked the City Council preserve the overlay and vote against this request.

Mayor Connelly called for additional speakers in opposition to come forward. Seeing none, he closed the public hearing at 7:10 p.m.

Council Member Smiley stated his concern with a more intensive development in this area and made a motion to deny the request. The motion died due to lack of a second.

Council Member Bell asked if the density under this request would be detrimental to the watershed conditions in any way.

Engineering Director Lisa Kirby stated that this property will require some amount of stormwater controls regardless of the wetlands. She stated that because of the presence of wetlands, there will have to be a constructed stormwater control either way so she does not believe that it will be detrimental to the watershed.

Council Member Bell made a motion to approve. Council Member Litchfield seconded the motion and it passed by a majority of 4:1, with Council Member Smiley casting the dissenting vote.

OTHER ITEMS OF BUSINESS

FINANCIAL AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2019 – Approved

Ms. April Adams, Partner with Cherry Bekaert CPA's and Advisors, presented the results of the external audit to the City Council. She stated that they audit under two standards: the United States standards and governmental standards. She stated that the City had received high ratings in all four fields:

- Opinions - all unmodified opinions,
- Internal controls - no significant deficiencies or material weaknesses,
- Single Audit - no compliance findings
- Required Communications - no significant changes in policy changes and no journal entries

She provided the financial results:

- Revenue over budget by \$1,813,898
- Expenditures under budget by \$1,570,201

Financial Services Director Byron Hayes stated that the calculated fund balance is based on the City's 14% policy. He stated that the fund balance above the 14% policy equated to \$1,119, 812.



After adjustments and appropriations, the adjusted available fund balance is equal to the calculated unassigned fund balance:



ALLOCATION OF EXCESS FUND BALANCE

Fund Balance Available for Appropriation	\$	12,376,619
Less Current Year Appropriations		
Fund Balance Appropriated in Original Budget	\$	(650,000)
Carryover Appropriated in FY2019-20		(246,926)
Façade Improvement Grant Carryover		(22,886)
Beach Volleyball Courts		(200,000)
Total Current Year Appopriations		(1,119,812)
Adjusted Available Fund Balance	\$	11,256,807
Calculated Unassigned Fund Balance		11,256,807
Difference		-

Find yourself in good company

Director Hayes stated that staff recommends accepting the audit results as presented by Cherry Bekaert for the year ended June 20, 2019 and the Fund Balance Reserve Calculation.

The City Council commended the Manager Wall, Assistant Manager Cowin, Director Hayes, and staff for their work. They noted that there was drop in healthcare expenses and praised measures like the Employee Clinic.

City Manager Wall thanked Financial Services and staff for being good Stewards.

Assistant City Manager Cowin noted that measures aimed at promoting the health of employees and increase in revenue from sales tax due to the growth of the City, have contributed to the City's strong performance.

Council Member Smiley made a motion to accept the audit findings and the Fund Balance Reserve Calculation. Council Member Bell seconded and it carried unanimously.

RESOLUTION APPROVING AN EXCHANGE OF PROPERTY WITH POBO, LLC

City staff presented a resolution for the exchange of City-owned property for properties owned by POBO, LLC. The City proposes to convey a tract of land identified as tax parcel 79548 located on Bayswater Road. Parcel 79548 is approximately 1.92 acres with an estimated value of \$710,700.



In exchange, the City will receive a tract of land identified as tax parcel 82543. Parcel 82543 is approximately 6 acres and has an estimated value of \$1, 701,700. Parcel 82543 will serve as the future site of the southside Fire-Rescue station. The exchange will also reserve an easement on the tract to access a cell tower at tax parcel 84010. The City will also receive a stormwater retention pond located on Bayswater Road that is also owned by POBO, LLC and will serve as a park area for surrounding communities.

Mayor Connelly asked for the cost of maintaining the pond.

Manager Wall stated that the costs are approximated at \$20k per year.

Council Member Bell made a motion to approve the exchange. Council Member Smiley seconded the motion and it was unanimously approved.

CONTRACT AWARD TO STEWART-COOPER-NEWELL ARCHITECTS FOR DESIGN OF FIRE-RESCUE STATION – Approved

The City's Fire-Rescue Department has undergone an accreditation process and through that process, the need for a fire station in the Firetower area was reaffirmed. The City issued a Request for Qualifications and letters of interest for design services from qualified architectural agencies. After reviewing the submissions and negotiating on price, City staff recommends awarding Steward-Cooper-Newell Architects with the contract for the design of Fire-Rescue Station 7.

Council Member Smiley made a motion to approve. Council Member Bell seconded the motion and it carried unanimously.

CITY MANAGER'S REPORT

Manager Wall stated that she did not have report to share with the City Council.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Bell congratulated the ECU Pirates on their recent wins and encouraged everyone to show their support by attending the game on Saturday.

Council Member Meyerhoeffler stated that Covenant Church will host a prom for Special Needs in part with Tim Tebow's efforts on February 7th and encouraged those interested in volunteering to contact the Covenant Church. He commended Kate Teel, President of the Pitt-Greenville Chamber of Commerce for stating her endorsement of the ENC Alliance. He also stated the importance of the Brody School of Medicine to the region and encouraged everyone to support the ENC Alliance and the state budget.



Mayor Connelly reminded everyone about upcoming events in the community to commemorate Martin Luther King, Jr. Day.

CLOSED SESSION

Council Member Bell made a motion to enter closed session in accordance with G.S. SS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered to the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in open session. Council Member Smiley seconded the motion and it carried unanimously.

Mayor Connelly declared the meeting in closed session at 7:40 p.m. and called for a brief recess to allow Council Members time to relocate to Conference Room 337.

Upon conclusion of closed session discussion, Council Member Smiley made a motion to return to open session. The motion was seconded by Council Member Bell and unanimously carried.

Mayor Connelly returned the City Council to open session at 8:04 p.m.

ADJOURNMENT

Council Member Bell moved to adjourn the meeting. The motion was seconded by Council Member Daniels. There being no further discussion, the motion passed by unanimous vote and Mayor Connelly adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Valerie Shiuwegar

Valerie Shiuwegar
City Clerk