A workshop of the Greenville City Council was held on Monday, January 7, 2019, in Conference Room 337, located on the third floor at City Hall, with Mayor P.J. Connelly presiding. Mayor Connelly called the meeting to order at 4:10 p.m.

Those Present:
   Mayor P.J. Connelly, Mayor Pro-Tem Rose Glover (joined at 4:25 p.m.), Council Member Will Bell, Council Member Rick Smiley, Council Member William Litchfield, Jr., and Council Member Brian Meyerhoeffer, Jr.

Those Absent:
   District 1 Council Member (vacant)

Also Present:
   City Manager Ann E. Wall, City Attorney Emanuel McGirt, Assistant City Manager Michael Cowin, Assistant City Manager Ken Wall, Administrative Assistant Valerie Shiuwegar

APPROVAL OF THE AGENDA

Council Member Bell made a motion to approve the agenda as presented. Council Member Smiley seconded the motion and it passed unanimously.

2018 YEAR IN REVIEW

Public Information Officer Brock Letchworth presented a video presentation highlighting the work done by the City and notable events in 2018. The City Council expressed their appreciation for the presentation and requested that the video be played on GTV9, the City's government channel.

PRESENTATION ON SPECIAL EVENTS APPLICATION ESTABLISHING A ONE-STOP PROCESS
City Manager Ann Wall stated that the current application process for special events that take place on City property and right-of-ways is broken down into several processes among different departments. She asked staff to look into ways to improve the process to make it easier for applicants and to give the City a more collaborative role in reviewing requests.

Assistant City Manager Michael Cowin stated that the proposed special events process will streamline the current procedure for events, creating a simpler and more efficient process for applicants and providing staff with a consistent framework of how events are approved or denied, as well as a consistent method of determining what services will be required for each event. He noted that the policy would not apply to the rental of Recreation & Parks facilities and the Bradford Creek Public Golf Course Clubhouse.

Under the current proposal, applications would be submitted with the following forms:

- Event descriptions, public benefit, and required City services
- Event site plan
- Event marketing plan
- Promoter and performing acts identification form
- Street closure/sidewalk impact notification & petition
- Outdoor amplified sound application
- Alcoholic beverages at Town Common authorization form
- Application for parade permit

A Special Events Coordinator position would be created to facilitate the process and a Special Events Committee would be established to review applications. Recommendations for approval or denial by the Committee would be reviewed by the City Manager's Office for final approval. Applications would be due a minimum 90 days prior to the event, reviews would be completed 60 days prior, and final forms would be due 30 days prior to the event.

Assistant City Manager Cowin presented a proposed schedule of fees including:

- Application/permit fees
- Refundable deposit
- Late fees
- Security services fees
- Fire/Rescue fees
- Recreation & Parks fees
- Public Works fees
- Clean-up/Additional expenses
Assistant City Manager Cowin stated that staff’s next step would be to seek public input on the proposed process and then seek approval from the City Council for the proposed policy and fees.

Council Member Meyerhoeffer asked if the proposed fees were based off benchmarks from other cities.

Assistant Manager Cowin stated that staffing fees were based on the cost of staff time.

Council Member Litchfield requested that the policy address spray paint on streets and City property due to races.

Mayor Connelly asked if the City would have some discretion for events that do not occur under ordinary circumstances, such as the Hurricane Benefit concert or Batter Uptown.

Assistant City Manager stated that City-sponsored events are exempt from the policy.

Mayor Connelly expressed his support for an easier process for applicants.

Presentation on 500 ft. Spacing Rule and Potential Locations and Establishing Another Entertainment District

City Manager Wall stated that staff is following up on a discussion from the December 2018 City Council Workshop about the 500 ft. spacing rule and the potential impacts of establishing an entertainment district.

City Planner Elizabeth Blount presented a comparison of zoning codes versus building/fire codes. She stated that zoning codes are based on a community’s zoning ordinance and they determine how a building is used in its location. Zoning codes have the ability to be modified by the City Council based on standards and preferences. Building/fire codes are based on North Carolina (NC) State building and fire codes. They determine how a building functions internally and cannot be changed by the community.

She stated that a legal nonconformity is defined as a structure, lot, or land that does not meet current code requirements, but was legal at the time that it was originally established. Legal nonconformities may continue in its existing state under a grandfathered status. She stated that legal nonconformities are not allowed to increase or extend in space, volume, or frequency. She noted that legal nonconformities in the Uptown area are allowed to add on rooftop spaces, but they must meet and abide by specific criteria. She stated that if a legal
nonconformity is discontinued for 6 months, or 180 days, the original use cannot be re-established, and the new use must be compliant with existing standards in the district.

Chief Building Inspector Les Everett addressed the building code aspect of legal nonconformities. He stated that once buildings are constructed and receive a Certificate of Occupancy (C.O.), as long as they are maintained without any major alterations, they can continue to operate as long as they do not make any changes, and they are not subject to further building inspections but they are subject to fire inspections.

Council Member Smiley asked if buildings with certain elements such as asbestos and lead paint would still be allowed to operate under this standard.

Chief Building Inspector Everett noted that the State would be able to better address questions regarding hazardous materials like asbestos, but as long as the material is maintained and not airborne, the building meets the standards to remain operating. He stated that if something were to happen and it was brought to the City’s attention, then the City would be able to take steps to have the building inspected to remediate those issues. Inspector Everett stated that “occupancy” is defined as the type of use, such as assembly, residential, industrial, etc.

Planner Blount defined “Special Use Permit” (SUP) as a permit that is required for a use that is allowed in a particular zoning district only under specific criteria. She stated that SUPs are issued by the Board of Adjustment (BOA) and do not have expiration dates.

Council Member Smiley asked how much discretion the BOA has to place reasonable conditions on a SUP.

Planner Blount stated that as long as the proposed use meets specific criteria, the BOA does not have the authority to deny the application, but the Board can add reasonable conditions.

City Attorney Emanuel McGirt advised the Council that the BOA is a quasi-judicial board that makes decisions based on evidentiary hearings. He stated that applicants must provide evidence to the Board that proves that all requirements are met.

Council Member Smiley asked what measures are in place to ensure that applicants continue to meet the requirements of the SUP.

Planner Blount stated that some applicants are required to come back before the boards,
such as churches and applicants in the industrial zoning district, but most of the time issues are addressed as staff receives complaints from the community.

Planner Blount addressed information provided to the City Council at their last presentation. She clarified that the property listed at 207 E. Fifth Street is currently leased, not owned, by East Carolina University (ECU). She stated that StillLife’s occupancy load had been stated as 250, but it did not take the entire building into account. The occupancy load for the entire building is 815. She stated that the property at 220 E. Fifth Street is noted with an occupancy load of 0 because there is not a record for that property and it is currently vacant. She stated that the annotations by The Buccaneer, Tiebreakers, and Buckwild Tavern indicate that the square footage listed for those establishments are for the entire building and each establishment occupies one unit in those buildings.

Planner Blount stated that a map had been presented to the City Council in December 2018 outlining zoning districts for clubs citywide, but it did not reflect the three separations in place: 500 ft. separation from existing clubs, 500 ft. from a residential zoning district, and 500 ft. from a conforming single-family dwelling. She stated that while it would be easy to update the map to show the separations from existing clubs and residential zoning districts, it would take extensive work by staff to accurately inspect areas for single family dwellings.

Council Member Smiley stated that he understood the rules to mean that a nonconforming residence would not justify enforcing separation.

Planner Blount confirmed that he was correct. She stated that the area in the Uptown district is tight, with the possibility for 1 or 2 clubs, maximum.

Council Member Smiley asked there are zoning districts where you could automatically rule out residential dwellings.

Planner Blount stated that it would be possible, but for the sake of accuracy, staff would prefer to conduct site visits.

Chief Planner Gooby presented the possibility of an entertainment district to the City Council. She stated that she had examined Raleigh’s entertainment district, which is divided into five districts: Glenwood South, Capital District, Warehouse District, Fayetteville Street, and Moore Square. She stated that the Moore Square District is a mixed-use district that is similar to Greenville, with an IMAX theater, Marbles Kids Museum, the Lincoln Theater, Shaw University, and some residential neighborhoods. She stated that each use in the
district has a required amount of parking and each can pay into a shared account that the City will use to pay for additional parking. She stated that restrictions are in place to encourage harmony and minimize potential impacts to nearby residents, including set hours of operation, limit on outdoor seating, and a noise ordinance. She stated that separations are in place between residential and non-residential uses, but not between like uses.

Chief Planner Gooby presented the proposed area and stated that staff is exploring a master plan for the Uptown and Dickinson Avenue area. She noted that there are transportation based funds available to help fund the master plan. She asked the Council to provide direction on how to proceed with an entertainment district.

Council Member Smiley stated that the current separations in place in the Uptown District seem to be negatively impacting density in that area.

Community Development Director Thomas Barnett stated that creating a district would provide built in controls that would allow growth and density in the area while providing the City with a way to ensure that the performance in that area benefits the community.

Council Member Smiley asked for an approximate timeline for the master plan.

Community Development Director Barnett stated that it could possibly be done within a year if the funding is in place. He stated that the approximate cost is around $150k.
Council Member Litchfield requested that staff look into aspects of the plan that can be done internally to help reduce costs.

City Manager Wall stated that staff will look into creating a scope to lay out a hybrid of work done by staff and outside sources to reduce costs where possible and still deliver a quality product.

The City Council accepted City Manager Wall’s suggestion and directed staff to proceed with the master plan.

**ADJOURNMENT**

There being no further business before the City Council, motion was made by Council Member Bell and seconded by Council Member Smiley to adjourn the meeting. Motion carried unanimously. Mayor Connelly adjourned the meeting at 5:35 p.m.

Prepared by:
Valerie P. Shiwegar
Administrative Assistant

Respectfully submitted,

Carol Barwick, CMC
City Clerk