



Agenda

Greenville City Council

January 8, 2009
7:00 PM
City Council Chambers
200 West Fifth Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Invocation - Council Member Kittrell

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Jane Willoughby, Financial Services Department Retiree
- Betty Hudson, Public Works Department Retiree
- Millard Garris, Public Works Department Retiree
- Jackson Williams, Recreation and Parks Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions

VIII. Old Business

2. Ordinance amending the Nuisances Regulations of the City Code

IX. New Business

Public Hearings

3. Ordinance requested by 43 Land Holdings, LLC to rezone 1.769 acres located at the southwest corner of the intersection of Bayswater Drive and East Fire Tower Road from OR (Office-Residential) to CG (General Commercial)
4. Ordinance to annex Tiburon Subdivision, Phase One, containing 16.439 acres located at the terminus of Teakwood Drive off of Allen Road
5. Ordinance to annex Eastern Carolina Vocational Center, Inc. containing 14.514 acres located at the northeast corner of the intersection of North Greene Street and Industrial Boulevard
6. Ordinance establishing Article G of Chapter 1 of Title 9 of the Greenville City Code relating to a nonresidential building or structure code

Public Comment Period

- The Public Comment Period is a period reserved for comments by the public. Items that were the subject of a public hearing at this meeting 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.

Other Items of Business

7. How the City Council appoints citizens to boards and commissions

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments or reappointments need to be made to the Firefighters' Relief Fund Committee, Historic Preservation Commission, Human Relations Council, Public Transportation and Parking Commission, Recreation and Parks Commission, and Redevelopment Commission.

Fiscal Note: No fiscal impact.

Recommendation: To make appointments or reappointments to the Firefighters' Relief Fund Committee, Historic Preservation Commission, Human Relations Council, Public Transportation and Parking Commission, Recreation and Parks Commission, and Redevelopment Commission.

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[Appointments To Boards and Commissions City Council Meetings Agenda Deadline Material 138519](#)

Appointments To Boards and Commissions

January 8, 2009

Firefighters' Relief Fund Committee

Council Liaison: Not Applicable

Name	Current Term	Reappointment Status	Expiration Date
Henry McNeese	Appointed by Council	Resigned	January 2009

Historic Preservation Commission

Council Liaison: Council Member Calvin Mercer

Name	Current Term	Reappointment Status	Expiration Date
Dennis Chestnut	First term	Eligible	January 2009
Greg Jarrell	Second term	Ineligible	January 2009
Franceine Rees	Second term	Ineligible	January 2009

Human Relations Council

Council Liaison: Mayor Pro-Tem Mildred A. Council

Regular Members

Name	Current Term	Reappointment Status	Expiration Date
Mary Bragaw	Second term	Ineligible	September 2008
Reginald Watson	Second term	Ineligible	September 2008

Public Transportation and Parking Commission

Council Liaison: Council Member Max Joyner, Jr.

Name	Current Term	Reappointment Status	Expiration Date
Don Anderson	Filling unexpired term	Eligible	January 2009
Ronald Dunbar	First term	Did not meet attendance requirements	January 2010
Margaret Gemperline	Second term	Ineligible	January 2009
Robert Thompson	Second term	Ineligible	January 2009

Recreation and Parks Commission

Council Liaison: Council Member Larry Spell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Vacancy	Filling unexpired term		June 2009

Redevelopment Commission

Council Liaison: Council Member Max Joyner, Jr.

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Melissa Hill (Mayor Pro-Tem Council)	First term	Did not meet attendance requirements	November 2011

Applicants for Firefighters' Relief Fund Committee

NONE

Applicants for Historic Preservation Commission

Roger Kammerer 1115 Ragsdale Road Greenville, NC 27858	758-6882	Application Date: 5/12/2008
Christy Koren 424 Evans Street Greenville, NC 27858	347-5476	Application Date: 9/3/2008
Kay Swope 107 Valley Place Greenville, NC 27834	758-4692	Application Date: 10/17/2007
Ashley Wetherington 101 Eastern Street Greenville, NC 27858	916-7049	Application Date: 7/23/2008
Blake Wiggs 1400-B Ashley Way Greenville, NC 27858	902-7343	Application Date: 10/9/2007

Applicants for Human Relations Council

Tawanda Boone 3338 Tobacco Road Greenville, NC 27834	414-2454	Application Date: 12/20/2007
Ronnie Christian 2608 Mulberry Lane Greenville, NC 27858	561-5405	Application Date: 7/2/2008
Joseph P. Flood 1919 Sherwood Drive Greenville, NC 27858	353-9915	Application Date: 7/18/2007
Judith Havermann 2009-A Cambria Drive Greenville, NC 27834	321-1655	Application Date: 11/19/2007

Applicants for Public Transportation and Parking Commission

Edna Atkinson 202 Haw Drive Greenville, NC 27834	752-1468	Application Date: 9/13/2007
Richard Malloy Barnes 208 South Elm Street Greenville, NC 27858	752-5278	Application Date: 6/27/2007
Mary Fedash 3223 Meeting Place Greenville, NC 27858	jmfedash@suddenlink.net	Application Date: 10/20/2008
Zeke Jackson 3226 Meeting Place Greenville, NC 27858	(919) 750-1420	Application Date: 12/10/2007

Applicants for Recreation and Parks Commission

Paul C. Anderson 3704 Tucker Dr. Greenville, NC 27858	752-6880	Application Date: 10/21/2008
Martha Brown 2780 Stantonsburg Rd., Apt 2C Greenville, NC 27834	551-9921	Application Date: 6/28/2007
Mary Fedash 3223 Meeting Place Greenville, NC 27858	jmfedash@suddenlink.net	Application Date: 10/20/2008
Joseph P. Flood 1919 Sherwood Drive Greenville, NC 27858	353-9915	Application Date: 7/18/2007
Carlton Floyd 104 East Catawba Road Greenville, NC 27834	757-3302	Application Date: 7/25/2008
Theodore Arthur Graepel 317 Baytree Drive Greenville, NC 27834	756-9172	Application Date: 6/10/2006
Clifton Bell Hickman 112 Roanoke Place Greenville, NC 27834	756-3591	Application Date: 10/11/2007
Mitchell Jones 94 Tuckahoe Drive Greenville, NC 27858	756-7660	Application Date: 8/11/2006
Chad Reynolds 104 Marion Drive Greenville, NC 27858	321-6311	Application Date: 9/18/2007
Seth Shoneman 2700 Jackson Drive Greenville, NC 27858	341-4235	Application Date: 12/15/2008
Don M. Wilkerson 3714 Cantata Drive Greenville, NC 27834	355-7331	Application Date: 2/28/2007
L. H. Zincone 1730 Beaumont Drive Greenville, NC 27858	756-0071	Application Date: 8/15/2008

Applicants for Redevelopment Commission

Paul C. Anderson 3704 Tucker Dr. Greenville, NC 27858	752-6880	Application Date: 10/21/2008
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	848-4257	Application Date: 12/1/2007
Zeke Jackson 3226 Meeting Place Greenville, NC 27858	(919) 750-1420	Application Date: 12/10/2007
Justin Mullarkey 1509 East 5th Street Greenville, NC 27858	364-1183	Application Date: 1/28/2008
Corey Rhodes 3911 Sterling Pointe Drive, Winterville, NC 28590	756-7776	Application Date: 5/11/2008
Wayne M. Whipple 3102 Cleere Court Greenville, NC 27858	321-0611	Application Date: 7/18/2007
Deryck Steven Wilson 1203 Franklin Drive Greenville, NC 27858	714-5950	Application Date: 11/7/2008



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: Ordinance amending the Nuisances Regulations of the City Code

Explanation: An amendment to the nuisances regulations of the City Code is being proposed to accomplish one of the Implementation Strategies included in the Lake Ellsworth, Clark's Lake, and Tripp Subdivisions Neighborhood Report and Plan.

The Implementation Strategy that this amendment addresses reads as follows:
"The City will consider amendment of the public nuisance regulations to allow trimming of vegetation and/or removal of vegetation from private property where vegetation impedes public safety vehicle ingress and egress in designated apparatus access areas."

The proposed amendment has been reviewed and approved by the City of Greenville Fire/Rescue Department.

At the November 6 meeting, the City Council requested staff to conduct further research on the impact of this ordinance change and to hold a public hearing at the December 11, 2008, City Council meeting. The public hearing was advertised and conducted on December 11, 2008. No one spoke at the public hearing.

Fiscal Note: No direct cost to the City.

Recommendation: Approval of the attached ordinance to amend the nuisances regulations.

Attachments / click to download

 [Ordinance Amending th Nuisance Regulations 797014](#)

ORDINANCE NO. 09-__
AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, 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 December 11, 2008 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the nuisances regulations contained in the City Code; and

WHEREAS, North Carolina General Statute 160A-193 authorizes the City of Greenville to abate conditions which are dangerous or prejudicial to the public health or public safety.

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

Section 1: That Title 12, Chapter 3, Article A, Section 12-3-3, of the City Code, is hereby amended by renumbering subsection “(19)” as “(20)”.

Section 2: That Title 12, Chapter 3, Article A, Section 12-3-3, of the City Code, is hereby amended to include a new subsection “(19)” to read as follows:

“(19) Any place of growth of shrubs, trees, or other vegetation that impedes public safety vehicle and firefighting equipment ingress and egress in the following locations that are utilized as public safety vehicle and firefighting equipment access routes and areas: private street easements, private drives, parking lots and/or drive isles, fire hydrant easements, designated fire lanes or other public vehicular area; or”

Section 3: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 4: That this ordinance shall become effective upon its adoption.

ADOPTED this 8th day of January, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: Ordinance requested by 43 Land Holdings, LLC to rezone 1.769 acres located at the southwest corner of the intersection of Bayswater Drive and East Fire Tower Road from OR (Office-Residential) to CG (General Commercial)

Explanation:

Required Notice:

Planning and Zoning Commission meeting notice (adjoining property owner letters) was mailed on November 21, 2008.
On-site Sign(s) posted on December 1, 2008.
City Council public hearing notice (adjoining property owner letters) mailed on December 16, 2008
Public Hearing Legal Advertisement published on December 29, 2008 and January 5, 2009.

Comprehensive Plan:

The subject property is located in a corridor transition area at the western edge of a recognized focus area. The existing 10.462 acres of commercial zoning to the east will serve as a neighborhood focus. The neighborhood focus area should be restricted to this central location and further linear expansion along Fire Tower Road would be discouraged. The Land Use Plan Map, otherwise, recommends high density residential to the south of Fire Tower Road and medium density residential to the north of Fire Tower Road. The existing neighborhood focus area location (spacing) is in general compliance with Horizons: Greenville's Community Plan guidelines, however the commercial (retail) component in combination with existing zoning, is in excess of plan recommendations.

The subject site is located in Vision Area D.

Fire Tower Road, between Old Tar Road and Corey Road, is designated as a residential corridor. The purpose of these roads is to collect traffic from local neighborhood streets and move it onto connector/gateway thoroughfares. Residential collectors should be designed to accommodate public transit and

non-vehicular traffic.

The Future Land Use Plan Map recommends Office/Institutional/Multifamily (OIM) for the subject site, while recommending Commercial within the neighborhood focus area east of the subject property.

Thoroughfare/Traffic Volume (PW-Engineering Division) Report Summary

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 983 trips to and from the site on Fire Tower Road which is a net increase of 449 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include the construction of turn lanes on Fire Tower Road and may require traffic signal modifications at nearby signalized intersection(s).

Detail Report Attached

History/Background

The subject tract was zoned R6MH and RA20 in conjunction with an Extraterritorial Jurisdiction (ETJ) Extension in 1988. The property was rezoned from R6MH and RA20 to OR in 2002 at the request of the owner (William Dansey).

The applicant made an identical rezoning request (OR to CG) for the subject property that was denied by the City Council at its June 14, 2007 meeting.

The following are past rezoning actions (to CG) for the property located immediately to the east of the subject tract:

Year	Acreage
1994	3.27
1999	0.72
2001	1.941
2004	1.37
2005	3.161
<u>2007</u>	<u>24.00</u>
TOTAL:	34.462

Present LandUse:

The subject property contains one (1) single-family residence.

Water/Sewer:

Water service is located in the right-of-way of Bayswater Drive.

Sanitary sewer service is located in the right-of-way of Bayswater Drive.

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: R6S- Sheffield Subdivision (single-family)

South: R6MH and CG – Vacant (former Greystone Mobile Home Park)

East: CG – Fire Tower Crossing Shopping Center and Fire Tower Mini-Storage

West: R6 – One (1) single-family residence and Dudley’s Grant Townhomes

Density Estimates:

Under the current zoning (OR), staff would anticipate the site to yield approximately 13,000 square feet of office space and one (1) conventional restaurant (3,000 sq.ft.), for a total of 16,000 square feet.

At the proposed zoning (CG), staff would anticipate the site to yield approximately 13,800 square feet of retail space and one (1) conventional restaurant (3,000 sq.ft.).

Fiscal Note:

No cost to the City.

Recommendation:

The Planning and Zoning Commission on December 9, 2008, voted to approve the request.

In staff’s opinion, the request is **not** in compliance with Horizons: Greenville’s Comprehensive Plan and the Future Land Use Plan Map.

“Not in compliance with the comprehensive plan” should be construed as meaning the requested zoning (i) is specifically noncompliant with plan objectives and recommendations including the range of allowable uses in the proposed zone, etc. and/or is of a scale, dimension, configuration or location that is not objectively in keeping with plan intent and (ii) does not promote or preserve the desired urban form. The requested zoning is considered undesirable and not in the public interest, and staff recommends denial of the requested rezoning.

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Attachments / click to download

- [📄 Survey](#)
 - [📄 Location Map](#)
 - [📄 Bufferyard Chart](#)
 - [📄 Ordinance to Rezone 43 Land Holdings LLC 795143](#)
 - [📄 Rezoning Case 08 18 43 Land Holdings LLC 794409](#)
 - [📄 List of Uses OR to CG 795203](#)
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ORDINANCE NO. 09-__
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 January 8, 2009 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, 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; and,

WHEREAS, in accordance with the provisions of North Carolina General Statutes 160A-383, the City Council does hereby find and determine that although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification and therefore, approval is reasonable and in the public interest.

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

Section 1. That the following described territory is rezoned from OR (Office-Residential [High Density Multi-family]) to CG (General Commercial).

TO WIT: 43 Land Holdings, LLC Property.

LOCATION: Located at the southwest corner of the intersection of Bayswater Drive and East Fire Tower Road.

DESCRIPTION: Beginning at the intersection of the existing 100-foot southern right of way of SR 1708 – E. Fire Tower Road and the western right of way of Bayswater Road; thence running along the western right of way of Bayswater Road S 20-15-35 E, 327.75 feet to a point; thence leaving the western right of way of Bayswater Road S 74-35-12 W, 297.25 feet to a point; thence N 16-30-00 W, 170.19 feet to a point; thence N 69-44-25 E, 100.00 feet to a point; thence N 16-30-00 W, 133.10 feet to a point located on the existing 100-foot southern right of way of SR 1708 – E. Fire Tower Road; thence running along said right of way N 69-44-25 E, 176.31 feet to the point of beginning containing 77,066 square feet or 1.769 acres.

Section 2. That the Director of Community Development 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 8th day of January, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Case No: 08-18

Applicant: 43 Land Holdings, LLC

Property Information

Current Zoning: OR (Office-Residential)

Proposed Zoning: CG (General Commercial)

Current Acreage: 1.769 acres

Location: Fire Tower Road, E of Dudley's Grant Dr

Points of Access: Fire Tower Road



Location Map

Transportation Background Information

1.) Fire Tower Road- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes	4-lanes
Right of way width (ft)	100	100
Speed Limit (mph)	45	45
Current ADT:	24,970 (*)	Ultimate Design ADT: 35,000 vehicles/day (**)
Design ADT:	12,000 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along Fire Tower Road that service this property.

Notes: (*) 2006 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: Project # U-3613 currently under construction to widen to a multi-lane facility.

Trips generated by proposed use/change

Current Zoning: 534 -vehicle trips/day (*) **Proposed Zoning: 983** -vehicle trips/day (*)

Estimated Net Change: increase of 449 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 Fire Tower Road are as follows:

1.) Fire Tower Road , East of Site: **“No build” ADT of 24,970**

Estimated ADT with Proposed Zoning (full build) – 25,560
 Estimated ADT with Current Zoning (full build) – 25,290
Net ADT change = 270 (1% increase)

2.) Fire Tower Road , West of Site:

“No build” ADT of 24,970

Estimated ADT with Proposed Zoning (full build) – 25,363

Estimated ADT with Current Zoning (full build) – 25,184

Net ADT change = 179 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 983 trips to and from the site on Fire Tower Road, which is a net increase of 449 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include the construction of turn lanes on Fire Tower Road and may require traffic signal modifications at nearby signalized intersection(s).

EXISTING ZONING

OR (Office-Residential)

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:

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting

(3) Home Occupations (see all categories):

*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; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan 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 shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- 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. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(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:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- 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

OR (Office-Residential)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) Office/ Financial/ Medical:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- 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)
- ff. Mental health, emotional or physical rehabilitation center

(9) Repair:

- * None

(10) Retail Trade:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- * None

(12) Construction:

- * None

(13) Transportation:

- h. Parking lot or structure; principle use

(14) Manufacturing/ Warehousing:

- * None

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

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 principle use

*(2) Residential: * None*

(3) Home Occupations (see all categories):

- *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; agriculture, horticulture, forestry (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 alleys
- 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 loan 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 shop
- f. Manicure, pedicure, or facial salon
- 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.(1) Television 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)
- z. Printing or publishing service including graphic art, map, 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

(9) Repair:

- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed

- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (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
- l. Electric; stereo, radio, computer, television, etc. 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, compact disk, etc. 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 sales
- 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 (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.

(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 outside storage
- 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 (see all categories):

* 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

(7) Office/ Financial/ Medical:

- c. Office; customer services, 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
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage

(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 activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

LOT 63
ANTHONY S. HART
D.B. 1740, PG. 643

LOT 64
ROCKY F. RUSSELL
D.B. 1264, PG. 344

LOT 65
ROCKY F. RUSSELL
D.B. 1447, PG. 525

SHEFFIELD
SECTION 2
M.B. 52, PG. 110
ZONED R-6S

LOT 25
ALTON L. ADAMS
D.B. 1870, PG. 425

LOT 26
IRENE ROSE OBOYLE SINGLETON
D.B. 2379, PG. 261

LOT 27
SHEREESE JOY HARRIS
D.B. 1684, PG. 308

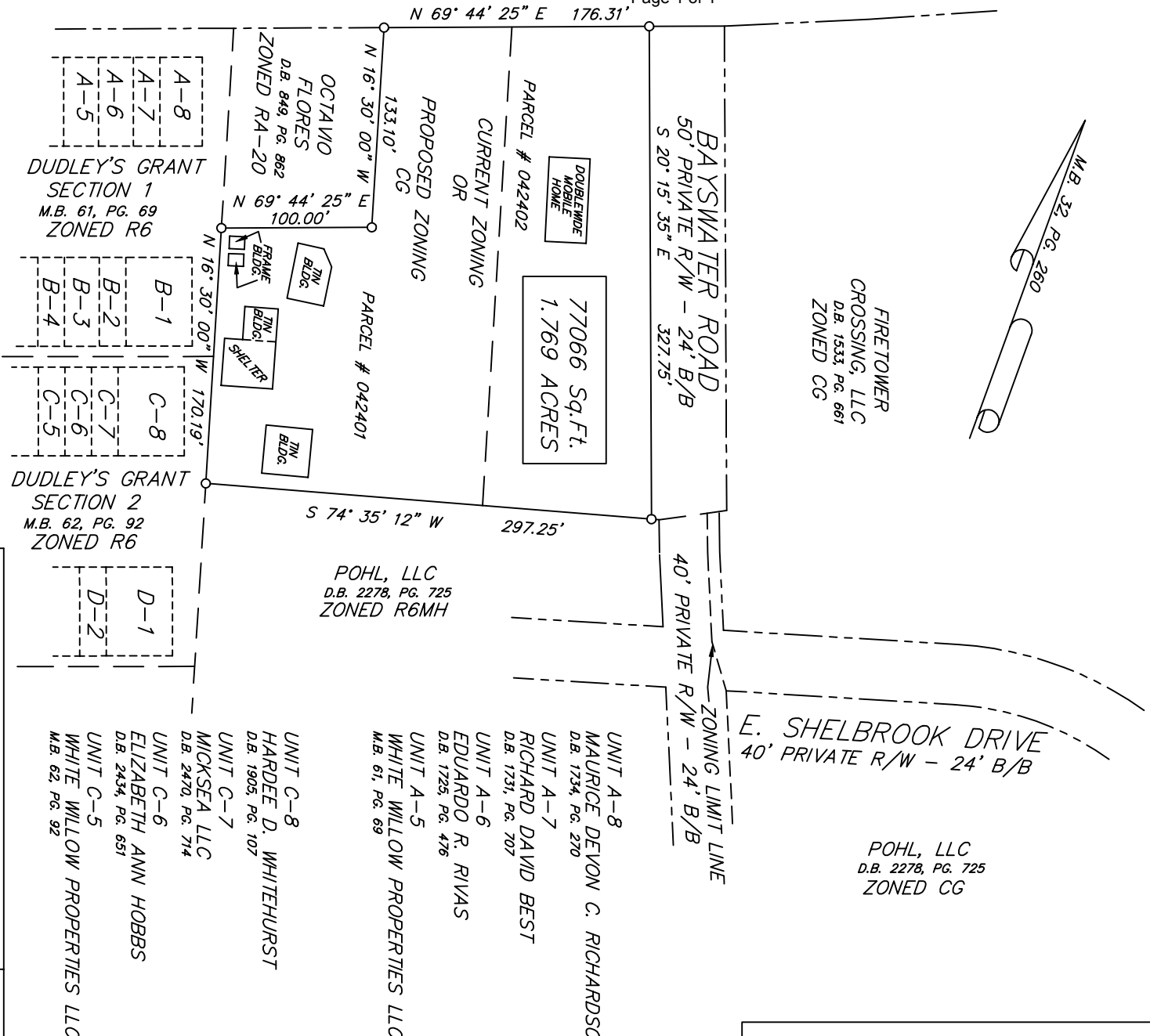
LOT 28
ELWOOD C. DAVENPORT LIVING TRUST
D.B. 1839, PG. 44

LOT 29
JOYNER PATRICK TRIPP
D.B. 1001, PG. 544

SHEFFIELD
M.B. 46, PG. 43
ZONED R-6S

SR 1708 - E. FIRETOWER ROAD
100' PUBLIC R/W - ASPHALT VARIES

Attachment number 4
Page 1 of 1



LEGEND:

EIP - EXISTING IRON PIPE
IPS - IRON PIPE SET
P/K - PARKER/KALON NAIL
C/L - CENTERLINE

R/W - RIGHT OF WAY
B/B - BACK TO BACK
P/P - POWER POLE
O/H - OVERHEAD

T/P - TELEPHONE PEDESTAL
E/T - ELECTRICAL TRANSFORMER
E/V - ELECTRICAL VAULT
M/H - MANHOLE

REFERENCE:
DEED BK. 2468, PG. 39-41
MAP BK. 32, PG. 260
TAX PARCEL # 042401 & 042402



GARY S. MILLER
& ASSOCIATES, P.A.
LAND SURVEYORS

1803 South Charles Blvd.
Greenville, N.C. 27858

Phone (252)756-7878
Fax (252)756-0785



PARCEL NO. 42402 & 42401

DRAWN BY BLW

CERTIFICATION

I, GARY S. MILLER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM INFORMATION AS RECORDED IN MAP BOOK SEE PAGE REF. AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND SEAL THIS 15th DAY OF OCTOBER, 2008.

REZONING REQUEST MAP

FOR
43 LAND HOLDINGS, LLC

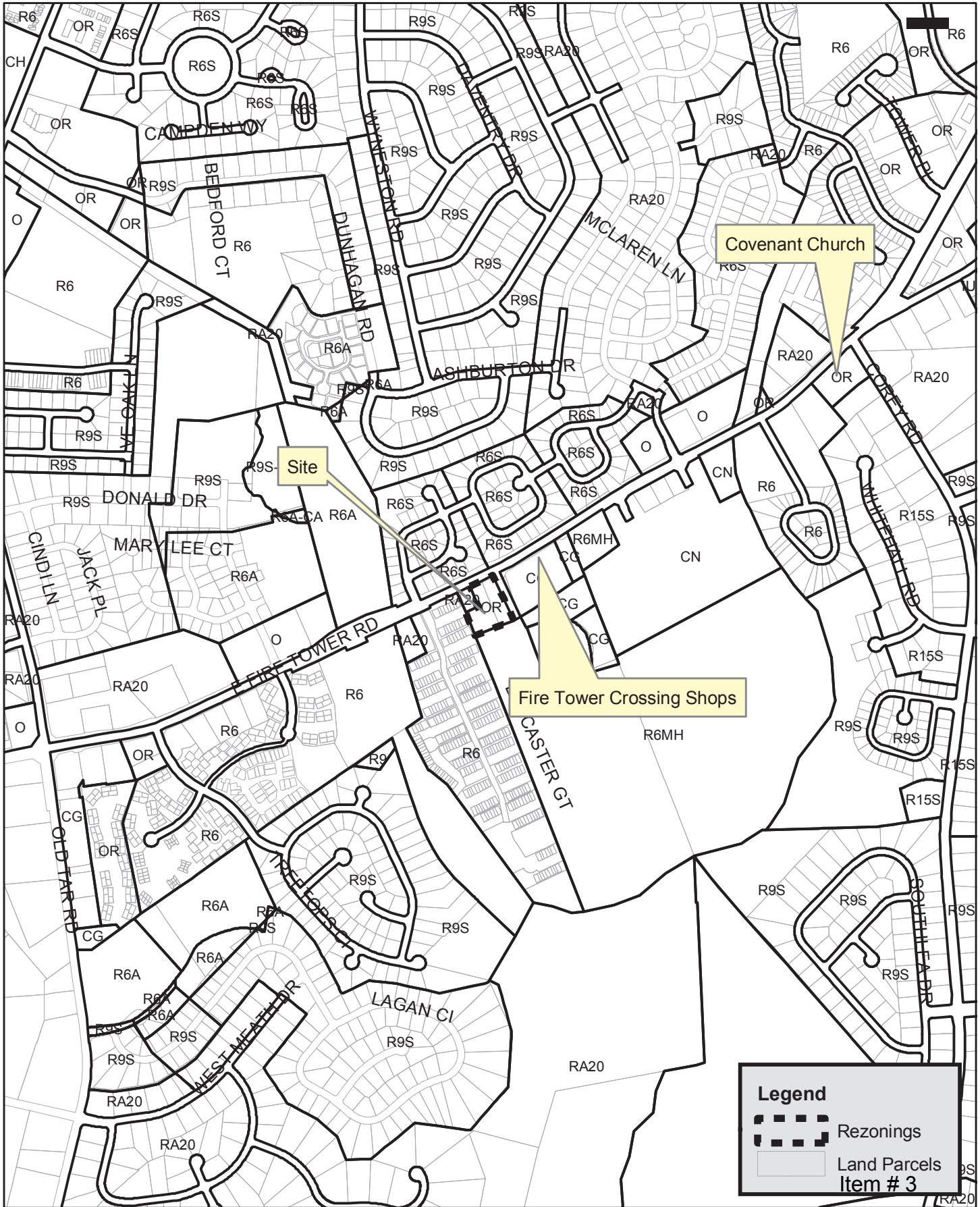
TRACT 1 & TRACT 2
AS RECORDED IN
DEED BK. 2468, PG. 39-41
OF THE PITT CO. REGISTRY
WINTERVILLE TOWNSHIP
PITT CO., N.C.
SCALE: 1" = 100'
OCTOBER 15, 2008

SIGNED
PROFESSIONAL LAND SURVEYOR NO. L-2562

WO 08109

FB -

43 Land Holdings, LLC
OR to CG
1.79 Acres
November 3rd 2008



BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirments: 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.

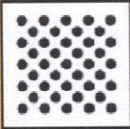
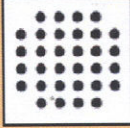
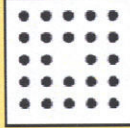
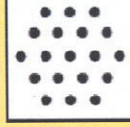

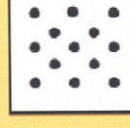
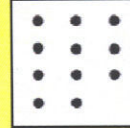

Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: Ordinance to annex Tiburon Subdivision, Phase One, containing 16.439 acres located at the terminus of Teakwood Drive off of Allen Road

Explanation: ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: December 29, 2008
2. City Council public hearing date: January 8, 2009
3. Effective date: June 30, 2009

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 16.439 acres
4. Voting District: 1
5. Township: Arthur
6. Vision Area: F
7. Zoning District: RA-20 (Residential Agricultural)
8. Land Use: Existing: Vacant
Anticipated: 47 single-family homes at approximately 1,620 square feet per dwelling.
9. Population:

	Formula	Number of People
Total Current	N/A	N/A
Estimated at full development	47 x 2.45*	115
Current Minority	N/A	N/A
Estimated Minority at full development	115 x 31%**	35
Current White	N/A	N/A
Estimated White at full development	115-35	80

*2.45 Average household size in Arthur Township based on 2000 census data

**31.0% minority population based on 2000 census data taken from census tract 17

10. Rural Fire Tax District: Red Oak
11. Greenville Fire District: Station #5 (Distance of 2.9 miles)
12. Present Tax Value: \$132,334
Estimated Future Tax Value: \$7,365,634

Fiscal Note: The total estimated tax value at full development is \$7,365,634.

Recommendation: Approval of the ordinance to annex Tiburon Subdivision, Phase One.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Survey](#)

[Annexation Ordinance W and A Dev. Tiburon Subdivision 802738](#)

ORDINANCE NO. 09-____
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 8th day of January, 2009 after due notice by publication in The Daily Reflector on the 29th day of December, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

To Wit: Being all of that certain property as shown on the annexation map entitled “Tiburón Subdivision, Phase One” involving 16.439 acres as prepared by Gary S. Miller & Associates, P.A.

Location: Lying and being situated in Arthur Township, Pitt County, North Carolina, located at the terminus of Teakwood Drive off of Allen Road. This annexation involves 16.439 acres.

General Description: Lying and being located in Arthur Township, Pitt County, NC and being more particularly described as follows:

Beginning at the intersection of the southwest property corner of Lot 55, Teakwood, Section Two as recorded in Map Book 39, Page 100 of the Pitt County Registry and the northwestern end of the existing Teakwood Drive as recorded in Map Book 39, Page 100 of the Pitt County Registry; thence running S 02-00-17 W, 230.26 feet to a point; thence S 05-41-53 E, 113.47 feet to a point; thence S 85-58-09 W, 727.48 feet to a point; thence N 04-01-51 W, 190.00 feet to a point; thence N 85-58-09 E, 20.81 feet to a point; thence N 04-01-51 W, 130.00 feet to a point; thence S 85-58-09 W, 384.60 feet to a point; thence N 04-01-51 W, 130.00 feet to a point; thence S 85-58-09 W, 12.92 feet to a point; thence N 04-01-51 W, 295.08 feet to a point; thence N 86-00-53 E, 1,167.61 feet to a point; thence S 02-00-17 W, 404.00 feet to the point of beginning containing 16.439 acres.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district one. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 30th day of June, 2009.

ADOPTED this 8th day of January, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

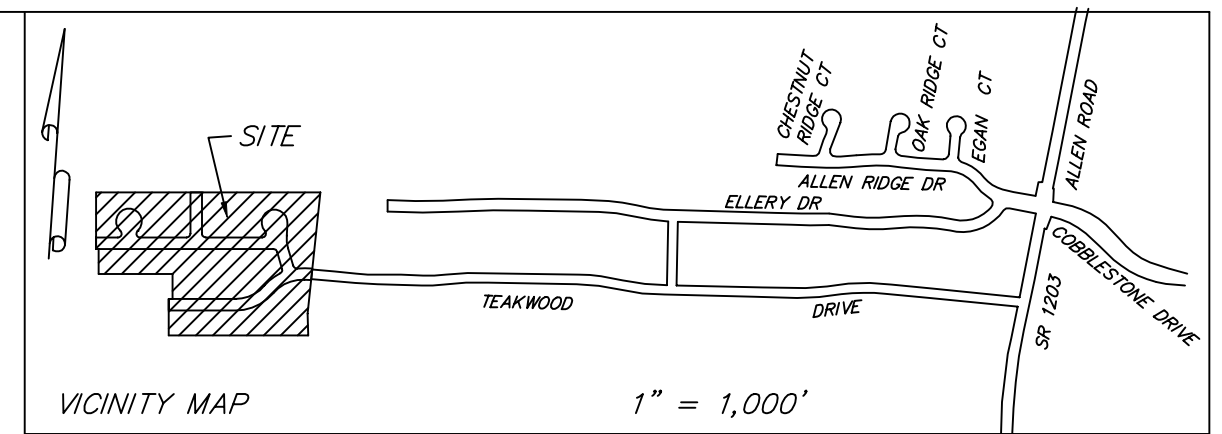
NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

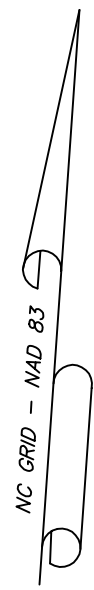
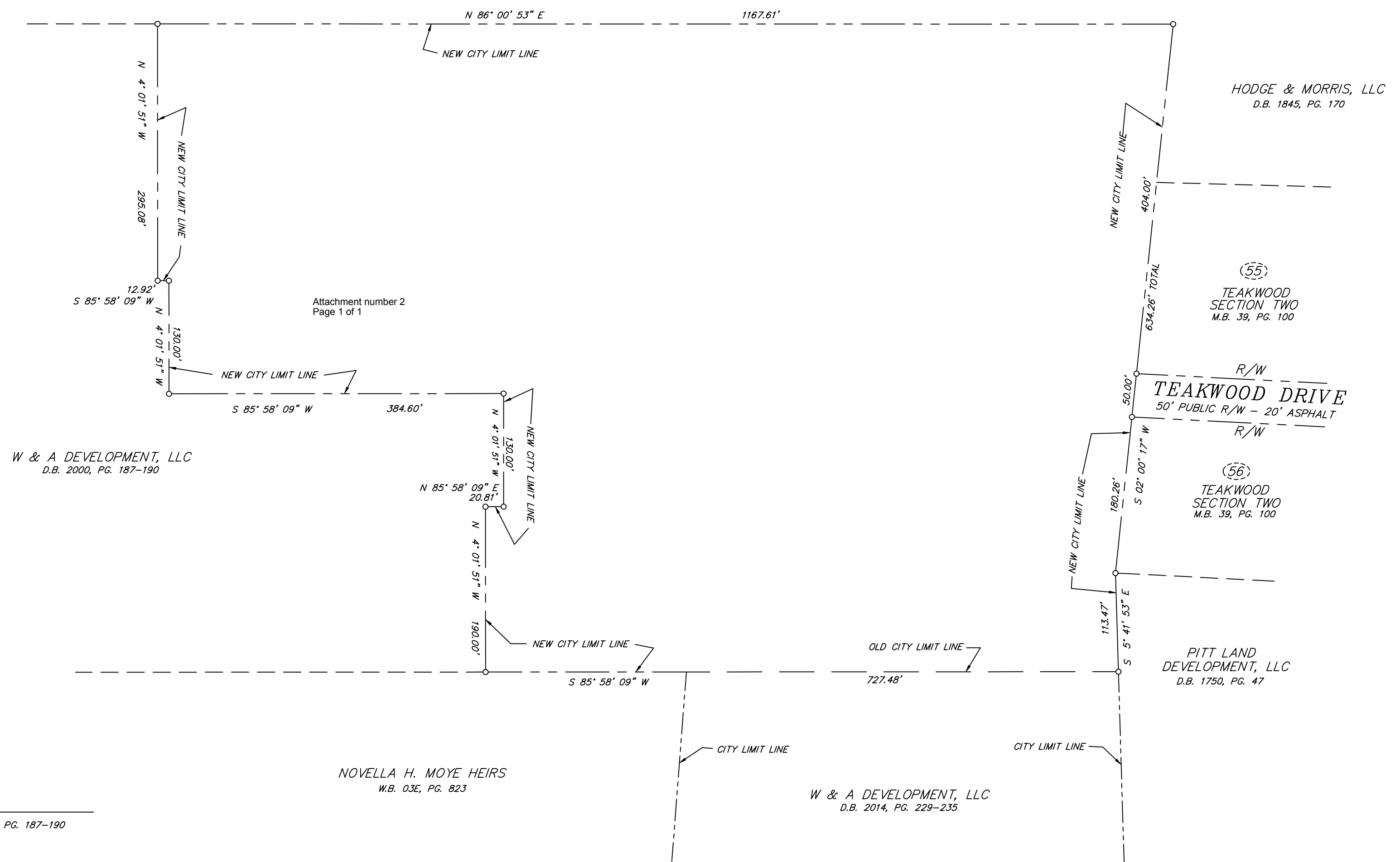
WITNESS my hand and official seal, this the _____ day of _____, 2009.

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011



HODGE & MORRIS, LLC
D.B. 1845, PG. 170



W & A DEVELOPMENT, LLC
D.B. 2000, PG. 187-190

Attachment number 2
Page 1 of 1

NOVELLA H. MOYE HEIRS
W.B. 03E, PG. 823

W & A DEVELOPMENT, LLC
D.B. 2014, PG. 229-235

HODGE & MORRIS, LLC
D.B. 1845, PG. 170

(55)
TEAKWOOD SECTION TWO
M.B. 39, PG. 100

R/W
TEAKWOOD DRIVE
50' PUBLIC R/W - 20' ASPHALT
R/W

(56)
TEAKWOOD SECTION TWO
M.B. 39, PG. 100

PITT LAND DEVELOPMENT, LLC
D.B. 1750, PG. 47

REFERENCE:
DEED BK. 2000, PG. 187-190

LEGEND

- NEW CITY LIMIT
- OLD CITY LIMIT
- CITY LIMIT



NOTE:
THIS MAP IS EXEMPT FROM GS 47-30 AS PER GS 47-30 (J).

CERTIFICATION
I, GARY S. MILLER, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY MIKE PHILLIPS. THAT THIS CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 28th DAY OF NOVEMBER, 2008 A.D.

SIGNED _____
GARY S. MILLER, P.L.S. REG. NO. L-2562

NORTH CAROLINA, _____ COUNTY I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT GARY S. MILLER, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

North Carolina, Pitt County
The foregoing certificate of _____, a Notary Public, is certified to be correct. Filed for registration this _____ day of _____, 20____, at _____ o'clock _____ M.
JUDY J. TART, Register of Deeds

BY _____
Deputy Register of Deeds

ANNEXATION PLAT
TIBURON SUBDIVISION
PHASE ONE
ARTHUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

GARY S. MILLER & ASSOCIATES, P.A.
LAND SURVEYORS
1803 South Charles Blvd.
Greenville, N.C. 27858
Phone (252)756-7878
Fax (252)756-0765

SURVEYED: MCP APPROVED: GSM
DRAWN: BLW DATE: 11-28-08
CHECKED: TEM SCALE: 1" = 100'

MAP NO.	PLATS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, N.C.

EFFECTIVE DATE: _____ ORDINANCE NO. _____ AREA 16.439 Ac.

ARTHUR TOWNSHIP, PITT COUNTY, N.C.



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: Ordinance to annex Eastern Carolina Vocational Center, Inc. containing 14.514 acres located at the northeast corner of the intersection of North Greene Street and Industrial Boulevard

Explanation: ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: December 29, 2008
2. City Council public hearing date: January 8, 2009
3. Effective date: June 30, 2009

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Inside
3. Acreage: 14.514 acres
4. Voting District: 1
5. Township: Greenville
6. Vision Area: B
7. Zoning District: IU (Unoffensive Industry)
8. Land Use: Existing: Eastern Carolina Vocational Center
9. Population:

	Formula	Number of People
Total Current	N/A	N/A
Estimated at full development	N/A	N/A
Current Minority	N/A	N/A
Estimated Minority at full development	N/A	N/A
Current White	N/A	N/A
Estimated White at full development	N/A	N/A

10. Rural Fire Tax District: Staton House
11. Greenville Fire District: Station #4 (Distance of 1.5 miles)
12. Property is Tax Exempt.

Fiscal Note: This property is tax exempt.

Recommendation: Approval of the ordinance to annex Eastern Carolina Vocational Center, Inc.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Survey](#)
- [Annexation Ordinance Eastern Carolina Vocational Center Inc 802646](#)

ORDINANCE NO. 09-_____
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 8th day of January, 2009 after due notice by publication in The Daily Reflector on the 29th day of December, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

To Wit: Being all of that certain property as shown on the annexation map entitled “Eastern Carolina Vocational Center, Inc.” involving 14.514 acres as prepared by Baldwin & Janowski, P.A.

Location: Lying and being situated in Greenville Township, Pitt County, NC, located the northeast corner of the intersection of North Greene Street and Industrial Boulevard. This annexation involves 14.514 acres.

General Description: Beginning at an existing concrete monument located where the northern right-of-way of NCSR 1591 (Industrial Boulevard) intersects the eastern right-of-way of NCSR 1527 (North Greene Street). From the above described beginning, so located, running thence as follows:

With the eastern right-of-way of NCSR 1527 (North Greene Street), N 13°10'10" E 665.16', thence leaving the eastern right-of-way of NCSR 1527 (North Greene Street), S 72°38'27" E 234.84', thence N 05°24'20" W 14.03', thence S 67°01'18" E 242.97', thence N 05°59'35" W 208.51', thence S 76°55'05" E 461.47', thence S 13°10'57" W 817.91', thence N 76°48'30" W 862.00' to the point of beginning containing 14.514 acres.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district one. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 30th day of June, 2009.

ADOPTED this 8th day of January, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

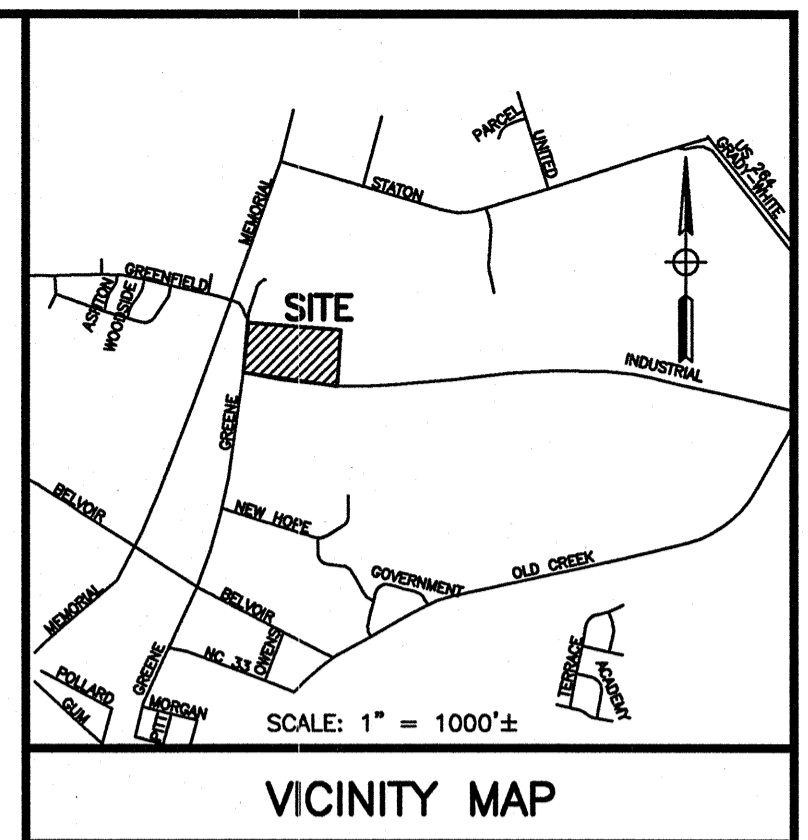
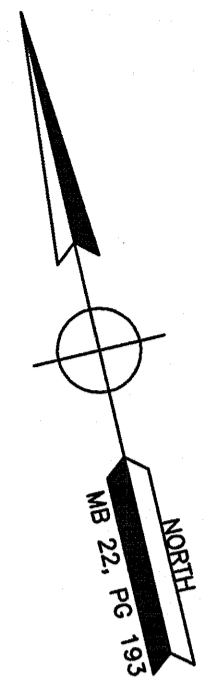
NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

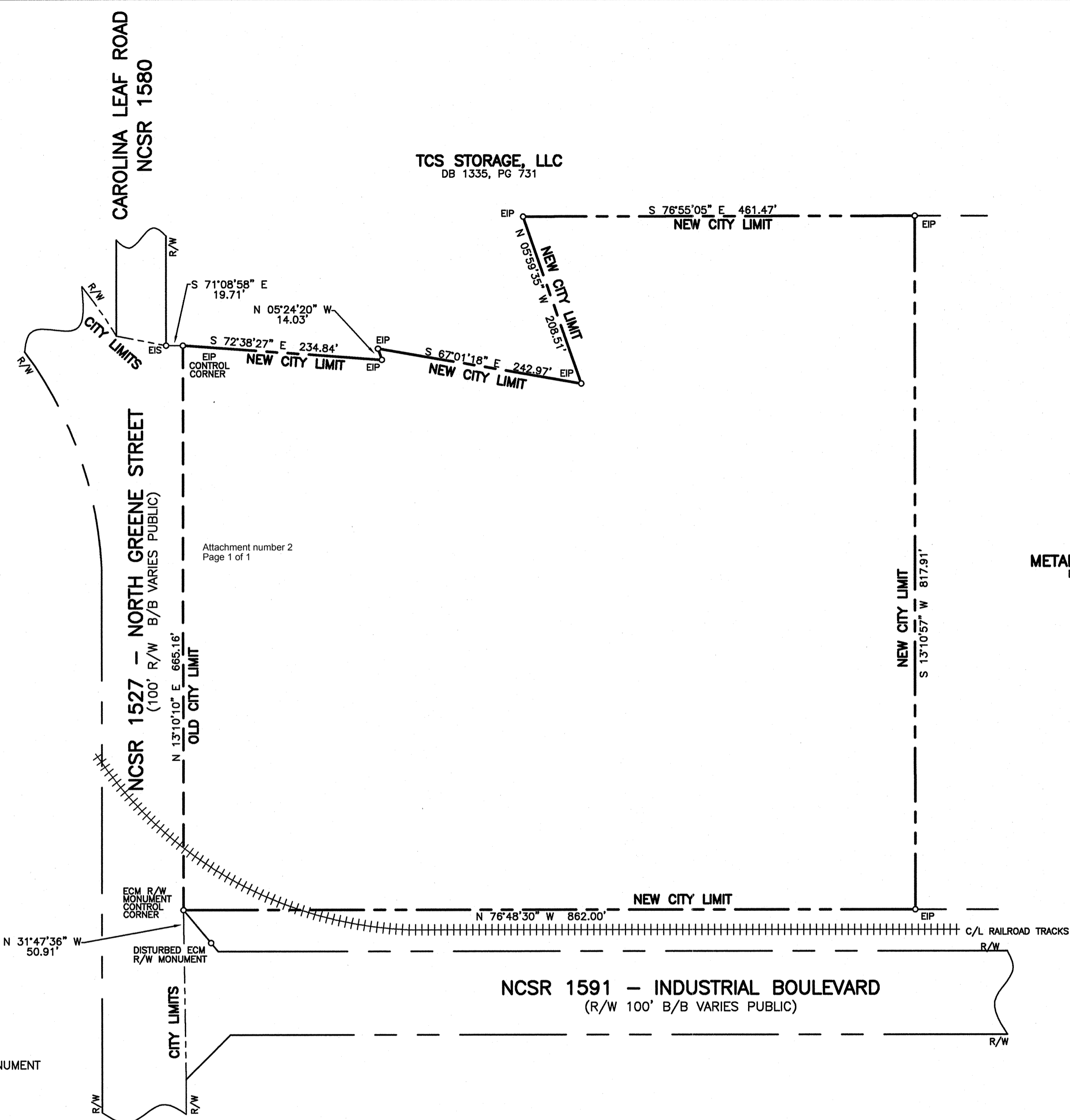
WITNESS my hand and official seal, this the _____ day of _____, 2009.

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011



VICINITY MAP



PRELIMINARY
NOT FOR RECORDATION,
CONVEYANCES, OR SALES

Attachment number 2
Page 1 of 1

METALLIX REALTY, LLC
DB 1536, PG 334
MB 27, PG 34

NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
3. REFERENCE: DEED BOOK 2223, PAGE 653 OF THE PITT COUNTY REGISTRY.

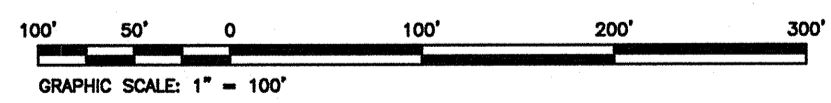
LEGEND

EIP = EXISTING IRON PIPE
ECM = EXISTING CONCRETE MONUMENT
EIS = EXISTING IRON STAKE
R/W = RIGHT-OF-WAY

LEGEND

NEW CITY LIMIT LINE =
OLD CITY LIMIT LINE =
CITY LIMITS =

PARCEL #019962
NC PIN #4689546116



CERTIFICATION

I, STUART C. BARWICK CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY DENNIS GIPPRICH THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000± THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
WITNESS MY HAND AND SEAL THIS 25th DAY OF NOVEMBER, 2008

SIGNED _____
REGISTRATION NO. L-4461

EASTERN CAROLINA VOCATIONAL CENTER, INC. OWNER: EASTERN CAROLINA VOCATIONAL CENTER, INC. P.O. BOX 1686 GREENVILLE, NC 27835 (252) 758-4188	MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
		PROPERTY OF SINGLETON ASSOCIATES, INC.	22	193
 Baldwin & Janowski ENGINEERING - SURVEYING - PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27858 252.756.1390	SURVEYED: DG	APPROVED: SCB		
	DRAWN: SCB	DATE: 11/25/2008		
	CHECKED: SCB	SCALE: 1 = 100'		

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C
(EFFECTIVE DATE _____ ORDINANCE # _____ AREA 14.514 AC.)
GREENVILLE TOWNSHIP, PITT COUNTY, N.C.



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: Ordinance establishing Article G of Chapter 1 of Title 9 of the Greenville City Code relating to a nonresidential building or structure code

Explanation: For many years the City has had a minimum housing code that applies to all residential structures. No similar law has applied to nonresidential structures. For nonresidential structures that have fallen into disrepair the City had the authority to address major deficiencies through its abandoned structure ordinance and through the unsafe building provisions of the North Carolina General Statutes. Buildings must be in very serious structural condition to be deemed in violation of the unsafe building provisions of the North Carolina General Statutes.

In 2005 the City Council established as a goal the adoption of a minimum nonresidential building code. Since municipalities were not granted the power to enact such codes, authorization was sought from the General Assembly. With support from the Pitt County Legislative Delegation, a new law was enacted in 2007 that authorized all cities to enact nonresidential building or structure codes following guidelines included in the new state law. The attached proposed ordinance has been drafted to meet all the statutory requirements.

The proposed ordinance applies to all nonresidential buildings or structures located in the City's corporate limits. The ordinance establishes a listing of 20 conditions (Section 9-1-125) that constitute potential violations that could be dangerous to the public health, safety and welfare such as rotted interior or exterior walls, roofs that are not structurally sound, and improperly attached exterior objects such as signs or other protrusions. The ordinance provides for the designation of enforcement officers, a notification process for violations, a hearing process, and other enforcement procedures.

A copy of the proposed ordinance was provided to the Mayor and City Council on December 10, 2008. The proposed ordinance was reviewed with the Greenville-Pitt County Chamber of Commerce Governmental Affairs Issues Committee on December 16, 2008. As required by state law, consideration of

the ordinance has been advertised for a public hearing on January 8, 2009.

Fiscal Note:

Enforcement will be the responsibility of existing code enforcement officers, building inspectors, or fire code inspectors. No additional staff will be needed to enforce the ordinance. A small amount of additional administrative costs will be incurred such as postage for sending official notices.

Recommendation:

Conduct a public hearing on the proposed ordinance establishing a nonresidential building or structure code and, following the public hearing, adopt the ordinance.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance Nonresidential building maintenance code 768230](#)

ORDINANCE 09-
AN ORDINANCE ESTABLISHING ARTICLE G OF CHAPTER 1 OF TITLE 9
OF THE GREENVILLE CITY CODE RELATING TO A NONRESIDENTIAL
BUILDING OR STRUCTURE CODE

The City Council of the City of Greenville, North Carolina does hereby ordain:

Section 1. That the Code of Ordinances, City of Greenville, is hereby amended by adding an Article G to Chapter 1 of Title 9, which article reads as follows:

Article G
Nonresidential Building or Structure Code

Sec. 9-1-121. Title

This article shall be known and may be cited and referred to as the “Nonresidential Building or Structure Code”.

Sec. 9-1-122. Purpose.

In order to protect the health, safety and welfare of the city and its citizens, it is the purpose of this article to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by North Carolina General Statute §160A-439. This article provides for the repair, closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare.

Sec. 9-1-123. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

(a) “*Basic structural elements*” means the parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including, but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

(b) “*Building*” means any structure, place, or any other construction built for the shelter or enclosure of persons, animals, chattels or property of any kind or any part of such structure, shelter or property.

(c) “*Enforcement Officer*” means a City of Greenville code enforcement officer, building inspector, fire code inspector, or other employee designated by the city manager to enforce the provisions of this article.

(d) “*Nonresidential*” means any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one (1) or more human beings, either permanently or transiently.

(e) “*Occupant*” means any person who is a tenant or has actual possession of a nonresidential building or structure or part thereof.

(f) “*Operator*” means any person who has charge, care, or control of a nonresidential building or structure, or part thereof.

(g) “*Owner*” means any person who alone, or jointly, or severally with others:

(1) Shall have title in fee simple to any nonresidential building or structure, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any nonresidential building or structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(h) “*Parties in interest*” means all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

(i) “*Premises*” means any lot or parcel of land inclusive of any building or improvements located thereon.

(j) “*Safe*” means a condition which is not likely to do harm to humans or to real or personal property.

(k) “*Structure*” means anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.

(l) “*Structurally sound*” means substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

(m) “*Unsafe*” means a condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.

(n) “*Vacant manufacturing facility*” means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

(o) "*Vacant industrial warehouse*" means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use."

Section 9-1-124 Applicability and compliance

(a) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the city.

(b) Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This article establishes minimum standards for all nonresidential buildings and structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure, equipment or facilities contained therein.

Section 9-1-125 Maintenance standards for nonresidential buildings and structures.

All nonresidential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety, and welfare of occupants or members of the general public. Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety and welfare for which a public necessity exists for the repair, closing, or demolition of such building or structure and must be corrected in accordance with the provisions of this article:

- (1) Interior walls, vertical studs, partitions, supporting members, sills, joists, rafters, or other basic structural members that list, lean, or buckle to such an extent as to render the building unsafe, that are rotted, deteriorated or damaged, and that have holes or cracks which might admit rodents.
- (2) Exterior walls that are not structurally sound, free from defects and damages, and capable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, such wall must have all doors, windows, vents, or other similar openings closed with material of the type comprising the wall. The exposed wall shall be painted, stuccoed, or bricked and sufficiently weatherproofed to prevent deterioration of the wall.
- (3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used. Roofs shall be kept structurally sound and shall be maintained in such a manner so as to prevent rain or other objects from penetrating into the interior

of the building.

- (4) Such damage by fire, wind, or other causes as to render the building unsafe.
- (5) Dilapidation, decay, unsanitary conditions, or disrepair, which is dangerous to the health and safety of the occupants or members of the general public.
- (6) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or members of the general public.
- (7) Buildings and structures including their environs that have accumulations of garbage, trash, or rubbish, which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary manner.
- (8) Buildings and structures that have loose and insufficiently anchored overhanging objects, which constitute a danger of falling on persons or property.
- (9) Buildings and structures including their environs that have insufficiently protected holes, excavations, breaks, projections, obstructions, and other such dangerous impediments on and around walks, driveways, parking lots, alleyways, and other areas which are accessible to and generally used by persons on or around the premises.
- (10) Buildings and structures that have cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic, or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration and repaired or replaced with like or similar material according to its original use.
- (11) Buildings and structures that have objects and elements protruding from building walls or roofs, which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.
- (12) Chimneys, flues, and vent attachments thereto which are not structurally sound. Chimneys, flues, gas vents, or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases.
- (13) Exterior porches, landings, balconies, stairs, or fire escapes which are not structurally sound . All exterior porches, landings, balconies, stairs, and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept sound, in good repair, and free of defects.

- (14) Cornices which are not structurally sound. Rotten or weakened portions shall be repaired and/or replaced. All exposed wood shall be treated or painted.
- (15) Improperly attached gutters or down-spouts that are located so as to cause a hazard to pedestrian, vehicular traffic, or adjacent property.
- (16) Advertising sign structures, attached or freestanding awnings, marquees and their supporting members, and other similar attachments and structures that cause a safety hazard to the occupants or members of the general public.
- (17) All exterior surfaces that may cause unsafe conditions due to a lack of maintenance. Exterior surfaces shall be painted or sealed in order to protect the underlying surface from deterioration. All exterior surfaces that have been painted shall be maintained generally free of peeling and flaking. Where fifty percent (50%) or more of the aggregate of any painted surface shall have peeling or flaking or previous paint worn away, the entire surface shall be repainted in order to prevent further deterioration.
- (18) Windows containing broken or cracked glass that could be in danger of falling or shattering. All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions.
- (19) All openings originally designed as windows, doors, loading docks, or other means of egress or ingress which have been temporarily closed by boarding or other manner in a non-secure manner so as to allow unauthorized admittance. If an opening is temporarily closed by boarding to secure the building or structure, the boarding shall be trim fit, sealed to prevent water intrusion, and painted or stained to properly conform with the other exterior portions of the building and the building or structure shall be maintained in a state that secures the building or structure from any unauthorized admittance from humans, animals, or birds.
- (20) Any combination of conditions which in the judgment of the enforcement officer renders any building or structure dangerous or injurious to the health, safety, or general welfare of occupants or members of the general public.

Sec. 9-1-126. Duties of Enforcement Officer.

The enforcement officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. It shall be the duty of the enforcement officer:

- (1) To investigate the conditions of nonresidential buildings and structures in the city and to inspect nonresidential buildings and structures located in the city in order to determine which nonresidential buildings and structures are not being maintained so

that the health and safety of its occupants or members of the general public are jeopardized and for the purpose of carrying out the objectives of this article with respect to such nonresidential buildings and structures;

- (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect the repair or demolition of nonresidential buildings and structures which have not been properly maintained in compliance with minimum standards established by this article.;
- (3) To keep a record of the results of inspections made under this article and an inventory of those non-residential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this article; and
- (4) To perform such other duties as may be herein prescribed.

Sec. 9-1-127. Powers of the Enforcement Officer.

The enforcement officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

- (1) To investigate nonresidential buildings and structures in the city to determine whether they have been properly maintained in compliance with the minimum standards established by this article so that the safety or health of the occupants or members of the general public are not jeopardized.
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and
- (4) To appoint and fix duties of such officers, agents, and employees as the enforcement officer deems necessary to carry out the purposes of this article.

Sec. 9-1-128. Inspections.

For the purpose of making inspections, the enforcement officer is hereby authorized to enter, examine, and survey at all reasonable times, nonresidential buildings and structures. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

Sec. 9-1-129. Procedure for enforcement.

(a) **Preliminary investigation.** Whenever it appears to the enforcement officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this article, the enforcement officer shall undertake a preliminary investigation.

(b) **Complaint and Hearing.** If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the enforcement officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that a hearing will be held before the enforcement officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the enforcement officer.

(c) **Procedure after Hearing.**

- (1) If, after notice and hearing, the enforcement officer determines that the nonresidential building or structure has been maintained in that the property meets the minimum standards established by this article, the enforcement officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of said determination.
- (2) If, after notice and hearing, the enforcement officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article, the enforcement officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order in accordance with the provisions of subsection (c) (3) and (c) (4) of this section and subject to the limitations set forth in sections 9-1-130 and 9-1-131.
- (3) If the enforcement officer determines that the cost of repair, alteration, or improvement of the building or structure would not exceed fifty percent (50%) of its then current value, then the enforcement officer shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either (i) repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by this article or (ii) vacate and close the nonresidential building or structure for any use.
- (4) If the enforcement officer determines that the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value, then the enforcement officer shall state in writing the findings of fact in

support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either (i) remove or demolish the nonresidential building or structure or (ii) repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article.

(d) Failure to Comply with Order and Ordinances.

- (1) If the owner fails to comply with an order to either (i) repair, alter, or improve the nonresidential building or structure or (ii) vacate and close the nonresidential building or structure, the enforcement officer shall submit to the city council an ordinance ordering the enforcement officer to cause such nonresidential building or structure to be repaired, altered, or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed for any use. The property shall be described in the ordinance. If city council adopts the ordinance, the enforcement officer shall cause the building or structure to be vacated and closed for any use.
- (2) If the owner fails to comply with an order to either (i) remove or demolish the nonresidential building or structure or (ii) repair, alter, or improve the nonresidential building or structure, the enforcement officer shall submit to the city council an ordinance ordering the enforcement officer to cause such nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the city council. The property shall be described in the ordinance. If city council adopts the ordinance, the enforcement officer shall cause the building or structure to be removed or demolished.

Sec. 9-1-130. Limitations on Orders and Ordinances – Historic Landmark or Historic District.

Notwithstanding any other provision of this article, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the city council determines, after a public hearing, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, an order issued by the enforcement officer pursuant to Section 9-1-129(c) and an ordinance approved by city council pursuant to section 9-1-129(d) may only require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this article.

Sec. 9-1-131. Limitations on Orders and Ordinances – Vacant Manufacturing Facility or Vacant Industrial Warehouse.

Notwithstanding any other provision of this article, an order issued by the enforcement officer pursuant to Section 9-1-29(c) and an ordinance approved by city council pursuant to section 9-1-129(d) may not require repairs, alterations, or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

Sec. 9-1-132. Vacated and Closed Nonresidential Buildings or Structures.

(a) If the city council has adopted an ordinance or the enforcement officer has issued an order requiring the building or structure to be repaired, altered, or improved or vacated and closed and the building or structure has been vacated and closed for a period of two (2) years pursuant to the ordinance or order, then if the city council finds that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the city in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area, then city council may, after the expiration of the two (2) year period, adopt an ordinance and serve such ordinance on the owner, setting forth the following:

- (1) The ordinance shall require that the owner either (i) demolish and remove the nonresidential building or structure within ninety (90) days or (ii) repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within ninety (90) days.
- (2) The ordinance shall require that if the owner does not either (i) demolish and remove the nonresidential building or structure within ninety (90) days or (ii) repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within ninety (90) days, then the t coordinator or officer shall demolish and remove the nonresidential building or structure.

(b) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five (5) years before city council may take action under this section

(c) If the owner fails to comply with the requirements of the ordinance within ninety (90) days, the enforcement officer shall demolish and remove the nonresidential building or structure.

Sec. 9-1-133. Methods of service of complaints and orders.

(a) Complaints or orders issued by the enforcement officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner or service is by regular mail in

conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(b) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the enforcement officer in the exercise of reasonable diligence, and the enforcement officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Sec. 9-1-134. In rem action by the enforcement officer.

After failure of an owner of a nonresidential building or structure to comply with an order of the enforcement officer issued pursuant to the provisions of this article and upon adoption by the city council of an ordinance authorizing and directing the owner to do so, as provided by G. S. 160A-439(f) and section 9-1-129(d) of this article, the enforcement officer shall proceed to cause such nonresidential building or structure to be repaired, altered, or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the city council. The enforcement officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

Sec. 9-1-135. Costs, a lien on premises.

(a) As provided by G. S. 160A-439(i), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the enforcement officer pursuant to section 9-1-129(d) or section 9-1-132 shall be a lien against the real property upon which such costs were incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the North Carolina General Statutes. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(b) If the nonresidential building or structure is removed or demolished by the enforcement officer, the enforcement officer shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the

removal or demolition, and any balance remaining shall be deposited in the superior court by the enforcement officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 9-1-136. Ejectment.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the enforcement officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the enforcement officer produces a certified copy of an ordinance adopted by the city council pursuant to G.S. 160A-493(f) and Section 9-1-129(d) to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least thirty (30) days before the filing of the summary ejectment proceeding, that the city council has ordered the enforcement officer to proceed to exercise his duties under G.S. 160A-493(f) and Section 9-1-129(d) to vacate and close or remove and demolish the nonresidential building or structure.

Sec. 9-1-137. Filing of ordinances.

An ordinance adopted by city council pursuant to sections 9-1-129(d) or 9-1-132 of this article shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index, as provided by G. S. 160A-439(f) and (g).

Sec. 9-1-138. Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the City of Greenville to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4, and Section 9-1-142 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

Sec. 9-1-139. Board of adjustment to hear appeals.

(a) All appeals which may be taken from decisions or orders of the enforcement officer pursuant to this article shall be heard and determined by the board of adjustment. As the appeals body, the board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

(b) Appeals shall be subject to the following:

- (1) An appeal from any decision or order of the enforcement officer may be taken by any person aggrieved thereby. Any appeal from the enforcement officer shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the enforcement officer and with the board of adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the enforcement officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the enforcement officer refusing to allow the person aggrieved thereby to do any act, the enforcement officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the enforcement officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the enforcement officer certifies to the board, after the notice of appeal is filed, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant) a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the enforcement officer, by the board, or by a court of record upon petition made pursuant to G. S. 160A-446 (f) and Section 9-1-140.
- (2) The board shall fix a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the enforcement officer, but the concurring vote of four-fifths of the members of the board shall be necessary to reverse or modify any decision or order of the enforcement officer. The board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.

- (3) Every decision of the board shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.

Sec. 9-1-140. Temporary Injunction Remedy for Aggrieved Person

Any person aggrieved by an order issued by the enforcement officer or a decision rendered by the board of adjustment shall have the right within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the enforcement officer pending a final disposition of the cause, as provided by G. S. 160A-446(f).

Sec. 9-1-141. Conflict with other provisions.

In the event any provision standard, or requirement of this article is found to be in conflict with any other ordinance or code of the city, the provisions which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the city shall prevail.

Sec. 9-1-142. Violations; penalty.

(a) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the enforcement officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to section 9-1-129(c) of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, improvement, or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) The violation of any provision of this article shall constitute a misdemeanor, as provided by G. S. 14-4.

(c) In addition to or in lieu of the other remedies provided by this article, any owner of a nonresidential building or structure that fails to comply with an order of the enforcement officer within the time specified therein, shall be subject to a civil penalty in the amount of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense in the calendar year, and two hundred fifty dollars (\$250.00) for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250.00. Each thirty (30) day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby

repealed to the extent of such conflict.

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 4. This ordinance shall become effective upon its adoption.

This the 8th day of January, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/8/2009
Time: 7:00 PM

Title of Item: How the City Council appoints citizens to boards and commissions

Explanation: At the December 8, 2008 City Council meeting, Councilmember Joyner requested that an item be placed on an upcoming agenda to discuss how the Council appoints citizens to the boards and commissions. The board and commission appointment process is part of the attached "Board and Commission Policy for the City of Greenville."

Fiscal Note: No cost to discuss the Policy.

Recommendation: Discuss how the Council appoints citizens to the boards and commissions.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Official Board and Commission Policy for the City of Greenville 623155](#)

BOARD AND COMMISSION POLICY FOR THE CITY OF GREENVILLE

Having citizens to serve on boards and commissions gives them an opportunity to participate in local government. In order to maintain some consistency, a policy has been adopted to aid in the appointment process and in other areas dealing with the boards and commissions. In order to provide all citizens of Greenville with an opportunity to serve on City boards and commissions, this board and commission policy is being established.

Talent Bank

A pool of applicants for the various boards and commissions, called the talent bank, shall be maintained by the City Clerk's Office. This talent bank shall be updated on a biennial basis. Solicitation of applications for this pool of applicants shall be done through such methods as advertising in local newspapers, the City website and the government access channel.

Appointments

City Council Members shall be notified of upcoming appointments to City boards and commissions by the first day of the month preceding the month in which the appointment is to be made. A list of persons who have indicated an interest in serving on the board or commission through the talent bank shall also be provided to the City Council.

The list of upcoming appointments shall be advertised in the local newspaper, on the government access channel and on the City's website at least four weeks prior to the meeting at which the appointment is to be made in order to provide citizens with an opportunity to indicate their interest in serving.

Prior to the 15th day of the month preceding the month in which the appointment is to be made, City Council Members shall submit any nominations for upcoming vacancies to the City Council liaison to the board or commission. City Council liaisons shall be provided a copy of resumes from citizens for upcoming appointments as they are received by the City Clerk's Office.

During review of nominations for upcoming appointments, City Council liaisons may request the City Clerk's assistance in obtaining the nominees' addresses and any pertinent background information. The City Council liaison shall contact the individual to discuss the applicant's interest in the board and his/her ability to attend the meetings in accordance with this policy.

Several of the boards and commissions have representation from other entities. Also, criteria for the membership is noted in the by-laws or ordinance creating many of the boards and commissions. The criteria and/or appointment process are detailed below.

Affordable Housing Loan Committee. The committee shall have seven regular members and one alternate member. It shall be racially diverse and composed of persons with experience and an interest in housing. The members may be of the following professions: banker, lawyer, realtor, member of the building profession or developer, member of a social service organization, and a member of a local housing group.

Board of Adjustment. The board shall consist of seven regular members and four alternate members. Five of the regular members and three alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the City Council. Two of the regular members and one alternate member shall reside outside of the corporate limits of the city but within the extraterritorial jurisdiction at the time of their appointment and shall be appointed by the Board of Commissioners. City members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The County Commissioners shall appoint county candidates and the appointment letter shall be sent from the County Clerk's Office for those appointments. A copy of the appointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated.

Community Appearance Commission. The commission shall consist of 15 members, all of whom shall be citizens and residents of the city.

Environmental Advisory Commission. The commission shall have seven members that are designated as follows: (A) a lawyer; (B) a building contractor, land developer, or someone familiar with construction techniques; (C) a member of a local environmental group; (D) a professor of the natural or physical sciences (E) a professional engineer; (F) an at-large member from the Greenville community; and (G) an at-large member from the Greenville community with an active interest in the preservation of significant architectural/historical housing in the city. The Mayor shall serve as an ex-officio non-voting member of the commission.

Firemen's Relief Fund Committee. The committee shall consist of five trustees. The firemen shall elect two members, the City Council shall elect two members, and the Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner.

Greenville Utilities Commission. The commission shall consist of eight members, one of whom is the City Manager. The charter specifies that the members shall have utilities expertise. Representation should include some members with financial, engineering, environmental, technical, or development backgrounds. Five City members shall be appointed by the City Council in accordance with this policy, and appointment letters for the City members sent by the City Clerk's Office. Two County candidates shall be nominated by the County Commissioners, at which time the County Clerk shall submit to the City Clerk a letter of recommendation. (The two candidates shall be bonafide residents of Pitt County but residing outside the city

limits, who shall be customers of Greenville Utilities.) The City Clerk's Office shall then obtain background information on the nominee and provide it along with the letter to the City Council liaison. The information shall be provided to City Council for consideration at a regular City Council meeting. The City Council shall have the right to reject any nominee from the Board of Commissioners and to request additional nominees. If the Pitt County Board of Commissioners fails to recommend a nominee to the City Council within 60 days of the original date requested by the City Council, then the City Council may appoint any individual that meets the residency requirement. The City Clerk's Office shall send a letter of appointment to the new members informing them of the appointment. A copy of the letter for County appointments shall be sent to the County Clerk. Greenville Utilities Commissioners filling the first three-year term shall automatically fill a second three-year term unless the City Council initiates the replacement process.

Historic Preservation Commission. The commission shall consist of ten members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology.

Housing Authority. The seven Housing Authority members are appointed by the Mayor. No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the Mayor.

Human Relations Council. The 14-member council shall consist of ten regular members, two high school representatives and two representatives appointed to serve from an institution of higher learning. Nominations from the high schools and the institutions of higher learning shall be submitted to City Council for consideration.

Investment Advisory Committee. The three-member committee shall be composed of three members that have a background in investing and money management (i.e., bankers, stock brokers, accountants, economists, etc.).

Pitt-Greenville Airport Authority. The authority shall have eight members, four appointed by the City Council and four appointed by the Pitt County Commissioners. The City Council and Pitt County Commissioner liaisons shall serve as voting members of the authority. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent by the City Clerk's Office for City Members. County members shall be appointed by the County Commissioners, and appointment letters for those members sent by the County Clerk's Office. A copy of the letter shall be forwarded to the City Clerk's Office, at which time the City records shall be updated.

Pitt-Greenville Convention and Visitors Authority. The authority shall have eleven members as follows: Four owners or operators of hotels, motels, or other taxable

accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council; two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council; two residents of Greenville, appointed by the City Council, and two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation; and one individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce. City members of the Convention and Visitors Authority Board shall be appointed by the City Council. Appointment letters shall be sent by the City Clerk's Office for the City appointments. The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The Board of Commissioners has the right to reject any nominee from the City Council and request additional nominees. If the City Council fails to recommend a nominee to the County within sixty days after a written request for nominees is sent by the County to the City, then the Board of Commissioners may appoint any individual meeting the eligibility requirements of the Enabling Legislation. The County Clerk shall be responsible for sending out appointment letters for County members. The Chamber of Commerce shall appoint one of its members and is responsible for sending out the appointment letter for that appointment and sending a copy of the letter to the City Clerk's Office, at which time the records are updated.

Planning and Zoning Commission. The commission shall be composed of nine regular members and three alternate members. Appointments of members appointed by City Council shall be made to promote the representation of a variety of interests. This representation should include some members with environmental, neighborhood preservation, development and business interests. Seven regular City members and two alternate members shall reside within the corporate limits of the City and shall be appointed by the City Council. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint two regular County members and one alternate member. The appointment letter for County appointees shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letters shall be sent to the City Clerk's Office, at which time the City records shall be updated.

Police Community Relations Committee. The committee shall be composed of seven members (one from each district, one at-large and one appointed by the Mayor). Members are appointed directly by the Mayor and individual Council Members. Members should not hold any elected office.

Public Transportation and Parking Commission. The commission shall be composed of seven members, all of whom shall be citizens and residents of the City. Each member shall be appointed by the City Council.

Recreation and Parks Commission. The commission shall be composed of nine members, all of whom shall be residents of the City. Each member shall be appointed by the City Council.

Redevelopment Commission. The commission shall consist of seven members, all of whom shall be residents of the City. Each member shall be appointed by the City Council.

Sheppard Memorial Library Board. The board shall consist of nine members. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint county candidates, and the appointment letters for County members shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated. The City Council liaison to the Sheppard Memorial Library Board shall serve as a voting ex-officio member of the Board.

Youth Council. The Greenville Youth Council shall be composed of twenty-five members as follows: three representatives from each of the Pitt County public high schools; one representative from each of the private schools located in Pitt County (Trinity Christian School, Greenville Christian Academy, Calvary Christian Academy, and The Oakwood School); one home schooled student; and two youth members from the Human Relations Council. With the exception of the two youth members from the Human Relations Council, all members shall be appointed by City Council.

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2) the Housing Authority, to which the Mayor makes the appointments, and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the

Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a recommendation has not been selected, at which time the appointment shall be continued to the following month.

Appointment to a Board at the Conclusion of Service on a Board

When a citizen completes at least one full term on a board or commission, that person shall be eligible to serve on another as a City member at the completion of the term. However, a one-year waiting period is required in order to serve on the same board or commission.

Alternate Members

On certain boards and commissions, members shall originally be appointed as Alternate Members in order to provide a learning period unless there are more vacancies on the Board than the number of alternate slots for the Board at the time of appointment (see last sentence of this section). The alternates vote only when a regular member is absent or unable to vote. City alternates shall be provided for various boards as follows:

Affordable Housing Loan Committee	Alternate
Board of Adjustment	Alternate Nos. 1, 2 and 3
Planning and Zoning Commission	Alternate Nos. 1 and 2

Alternates shall move up in rank or to a regular member slot as vacancies become available on the board upon approval by the City Council and in accordance with the following rotation. In the instance of only one alternate, when a vacancy becomes available to replace regular member, the alternate shall move up and a new alternate member appointed. In the instance of two alternates, when a vacancy becomes available to replace a regular member, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, and a new Alternate #2 appointed. In the instance of three alternates, when a vacancy becomes available to replace a regular member, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, Alternate #3 shall be elevated to Alternate #2, and a new Alternate #3 appointed. In the event that there are two elevations at one time, the Alternate members shall move in the order in which they would have normally been elevated.

Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board, City appointees may be reappointed to a second term. The purpose of this exception is to

create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. The Housing Authority shall also be excepted, in that it is regulated by the provisions of State Statute.

Resignation of Board or Commission Members Elected to Public Office

Members of City boards or commissions who are elected as Mayor or as a City Council Member shall submit a resignation from the board or commission prior to becoming installed as an elected official.

Service of a Full-Time Employee on a Board or Commission

A full-time employee of the City of Greenville shall not be eligible to serve on a city authority, board, commission or committee as an appointee of the Mayor, City Council or a Council Member. If such a member becomes a full-time employee of the City of Greenville, that shall constitute a resignation from the authority, board, commission or committee upon which he serves, effective upon the date a replacement is appointed. The prohibition established herein shall not apply to any current full-time City employee who is currently serving on an authority, board, commission or committee for so long as said employee serves on the same body until the completion of the current term. The prohibition established herein shall not apply to service resulting from being an ex-officio member.

Serving on Two Boards Simultaneously

Individuals shall not serve on more than one of the following boards or commissions as a City Council appointment at the same time. The list of boards and commissions that fall in this category include:

- Affordable Housing Loan Committee
- Board of Adjustment
- Community Appearance Commission
- Environmental Advisory Commission
- Firemen's Relief Fund Committee
- Greenville Utilities Commission
- Historic Preservation Commission
- Housing Authority
- Human Relations Council
- Investment Advisory Committee
- Pitt-Greenville Airport Authority
- Pitt-Greenville Convention and Visitors Authority
- Planning and Zoning Commission
- Police Community Relations Committee
- Public Transportation and Parking Commission
- Recreation and Parks Commission
- Redevelopment Commission

Sheppard Memorial Library Board
Youth Council (except that two members shall serve as members of the Human Relations
Council)

Individuals shall not hold more than two appointive offices or more than one appointive office and an elective office concurrently in violation of North Carolina General Statute 128-1.1.

Designation of Liaisons and their Roles and Responsibilities

Designation. The Mayor shall designate City Council Members and the Mayor as liaisons to boards and commissions whose members are appointed by the City. Prior to the designation of the liaisons, the Mayor shall ask Council Members to which boards and commissions they prefer to be designated as liaison. The Council Members shall be provided an opportunity to discuss their choices with the Mayor.

Length of Designation. The liaisons shall serve until the end of their elected two-year term as a City Council Member or the Mayor.

Roles of the Liaisons. The liaison is a communication link between the City Council and the appointed board or commission. The liaison role is not to regularly and actively discuss subjects on the agenda with the board or commission members, but to offer insight into overall City goals and policies that have been adopted by the City Council as it may relate to an issue being considered by the board or commission. The liaison, from time to time as appropriate, shall inform City Council of major activities of the board or commission.

Attendance. The attendance at board or commission meetings is at the discretion of the liaison. While attendance at every meeting is not required, attendance sufficient to understand the subjects before the board or commission is important.

Voting. The liaison is not a voting member of the board or commission and may not make motions at a meeting of the board or commission. The exception to this is the Sheppard Memorial Library Board of Trustees and the Pitt-Greenville Airport Authority where the liaison is a voting member and should participate as a full member.

Appointments. The liaison is to review the applications in the talent bank for vacancies on the board or commission and to make recommendations of persons to City Council to fill the vacancies. The exception to this is the Housing Authority to which the Mayor has appointive authority and the Police Community Relations Committee to which each individual City Council Member has appointive authority.

Attendance of Members

All appointed members of the various boards and commissions are expected to attend all regular meetings. Whenever a member of any board or commission has missed three or more consecutive regular meetings or fails to attend seventy-five percent of all regularly scheduled meetings, the staff liaison to the board or commission shall notify the City Clerk of the member's attendance record.

The City Clerk's Office shall send a letter to the member asking to be notified about the person's ability to attend future meetings. A copy of the letter shall be sent to the City Council liaison, and the attendance will be monitored for a period of three months, at which time replacement may occur if the attendance requirements are still not met. If the member responds that he desires to continue serving and will attend future meetings on a regular basis, the City Clerk's Office will notify the City Council liaison. However, if the person either fails to respond to the letter within 30 days or indicates that he is unable or unwilling to attend, the City Council liaison will be notified by the City Clerk's Office and the vacancy placed on the next possible City Council agenda for replacement. The appointment shall be for the duration of the unexpired term of the member whose position has been vacated.

Failure to observe any requirement of this policy shall not affect the validity or legality of any appointment.

This policy, adopted April 13, 2006 and amended December 11, 2006, August 6, 2007, September 10, 2007, and November 5, 2007 supercedes previous board and commission policies.