

NOTES

TO: Honorable Mayor and City Council Members

FROM: Barbara Lipscomb, City Manager *BL*

DATE: May 1, 2013

SUBJECT: Materials for Your Information

Please find attached the following material for your information:

1. A memo from Chris Padgett, Assistant City Manager, regarding budget materials
2. A memo from Bernita Demery, Financial Services Director, regarding the MWBE 2011 and 2012 Annual Reports
3. A poster announcing the 2013 Sunday in the Park schedule
4. A copy of the agenda from the April 25, 2013, Board of Adjustment meeting, and minutes from their March 28, 2013, meeting
5. A memo from Chris Padgett, Assistant City Manager, regarding special event permits recently approved

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Attachments

cc: Dave Holec, City Attorney
Carol Barwick, City Clerk

MEMORANDUM

TO: Mayor and City Council Members

FROM: Chris Padgett, Assistant City Manager *C.M.A.*

DATE: May 1, 2013

SUBJECT: Budget Materials

As you are aware, you are scheduled to hold a Budget Workshop on Monday, May 13, 2013, beginning at 6:00 p.m. in Council Chambers. The City, GUC, CVB and SML are scheduled to present their FY14 budgets to City Council during this session.

Budget materials will be provided to you electronically next Wednesday, May 8, 2013. For the City's budget, this will include fund summaries, the approved FY 14 Financial Plan and a detailed account of any changes or deviations from the approved FY 14 Financial Plan.

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cc: Dave Holec, City Attorney
Carol Barwick, City Clerk



**FROM THE OFFICE OF THE
DIRECTOR OF FINANCIAL SERVICES
MEMORANDUM**

TO: Barbara Lipscomb, *City Manager*

FROM: Bernita W. Demery, *Director of Financial Services* *BWD*

DATE: April 30, 2013

SUBJECT: Minority and/or Women-Owned Business Enterprise (M/WBE) Annual Reports 2011 and 2012

Per the M/WBE Plan, the M/WBE Coordinator shall submit annual progress reports to the City Manager's Office. The report shall include the procurement and contracting activity and the level of M/WBE participation. The City Manager shall then submit an annual report to the City Council. Enclosed please find the annual reports for fiscal years 2011 and 2012.

The Financial Services department has worked with the Information Technology department to create an ad hoc data mining program that gathers and categorizes the spend data based on the category of work. This process has taken quite some and still requires the Coordinator to perform a number of functions once the program has completed its work. We look forward to the new Enterprise Resource Planning (ERP) system and M/WBE reporting module which should make this process more efficient.

Please contact me with questions.

cc: Christopher Padgett, *Assistant City Manager*



FY 2011 and FY 2012 Annual Reports

City of Greenville, NC

Bernita Demery, Director of Financial Services
Angelene Brinkley, Purchasing Manager
Denisha Harris, M/WBE Coordinator
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E: dharris@greenvillenc.gov

Executive Summary

As many economists predicted, the deep economic recession of a few years ago lingers still in the form of a slow recovery. In 2010-2011, the widening ripple of economic contraction hit local governments' pockets with revenue slowing, leading to a concerted effort to reduce spending. The City of Greenville followed suit in reducing its services spending by 15% and its supplies and materials spending by 9%. This trend continued in 2012 with an additional 13% decrease in supplies and materials purchases. However, services contracts increased by 31% due to the unexpected expense of debris removal from Hurricane Irene. Construction costs increased 44% in fiscal year 2011, increasing by another 31% in 2012 due to a pent up demand. Utilizing federal and state dollars, the City was able to complete a number of construction projects that had languished in previous fiscal years. As a result, opportunities for minority spend in the services and supplies/materials sectors decreased (overall) while construction opportunities increased. Following this trend, the City of Greenville was able to meet its construction participation goal of 10%MBE and 6%WBE in 2011. In 2012, the City saw an uptick in M/WBE construction participation to exceed its utilization goals in both the MBE (13%) and WBE (10%) categories. This increase can be attributed to (1) an improving economy where MBE primes are more able to competitively win contracts and (2) a significant increase in WBE subcontracting dollars. The City was unable to meet its goals in services (4%MBE, 4%WBE) and supplies/materials (2%MBE, 2%WBE) which has held steady at less than 1% for both MBE and WBE firms over the last two years.

When considering both certified and non-certified M/WBE firms, the goals attainment improves. In 2011, construction exceeds both MBE and WBE at 11% and 9%, respectively. Services goals attainment increases to 3%MBE and 1%WBE while supplies and materials remain at less than 1% for each group. In 2012, construction M/WBE participation inches upward from actual totals at tenths of a percentage point in both the MBE and WBE categories. Services and supplies and materials see a jump of approximately 1% in the MBE category. Nevertheless, there is not significant improvement in either of these categories for WBE spend.

The number of new, certified minority and women owned firms utilized by the City of Greenville increased by thirty-seven (37) percent in 2011 and an additional fifty (50) percent in 2012, which can be reasonably attributed to the education and outreach effort of the M/WBE Office. The number of M/WBE firms in the service and supplies/materials sectors saw the most expansion, an accomplishment worthy of note in that these areas historically have had the lowest goals attainment. Several programming opportunities including annual networking and recognition events have encouraged and facilitated the utilization of M/WBE vendors. City buyers are able to build relationships with M/WBE firms willing to do business while M/WBE firms are educated on how to effectively market themselves to a governmental agency. These marketing efforts include most strongly becoming certified as a minority and/or women-owned firm by the State of NC. Though some firms are still reluctant to take this very important step in doing business with government, many have and are reaping the benefits of more bidding opportunities by virtue of identification. Resulting herein are the fiscal year **2010-2011 and 2011-2012 Annual Reports**—an overview of the previous years' activities and utilization outcomes for the City of Greenville.

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M/WBE Program Overview

Our Policy

The Minority and/or Women-owned Business Enterprise (M/WBE) Program is a joint venture established by the City of Greenville and Greenville Utilities Commission to provide minorities and women equal opportunity for participating in all aspects of the City's and Utilities' contracting and procurement programs, including but not limited to, construction projects, supplies and materials purchases, and professional and personal service contracts. The program is housed in the Purchasing Division of the Department of Financial Services of the City of Greenville.

Goals

The M/WBE Program has voluntary goals in each category of work: construction, purchasing, and professional and personal services.

Definition of M/WBE (Minority and/or Women Business Enterprise)

A M/WBE is one that is at least fifty-one (51) percent owned and controlled by ethnic minorities or women. An MBE/WBE is bona fide only if the minority group or female ownership interests are real and continuing and not created solely to meet the MBE/WBE requirement. In addition, the MBE/WBE must perform satisfactory work or services or provide supplies under the contract and not act as a mere conduit.

City of Greenville/GUC Goals

	CITY		GUC	
	MBE	WBE	MBE	WBE
Construction	10%	6%	7%	4%
Professional & Personal Services	4%	4%	2%	2%
Supplies & Materials	2%	2%	1.5%	1.5%

Participation Results FY 2011, FY 2012

As of June 30, 2011, the City of Greenville expensed a total of **\$24.5M** in procurement and contracting. This number includes all eligible dollars (transactions such as salary and travel were excluded). This number is up 4.6% or \$1.1M from the 2010 fiscal year due to the increase in construction dollars spent. City funds matched with federal and state dollars were utilized to satisfy the pent up demand for projects that had languished over the last few years while other ongoing projects reached completion. The percentage increase, however, is off-set by the reduction in spending for the services and supplies/materials categories. This reduction can be largely attributed to flat City revenues and a subsequent concerted effort to reduce spending, particularly in these areas. Participation for MBE and WBE's combined totaled **\$1,749,926.91** or **7.1%** of total eligible dollars. This number is down 250,355.43 from the 2010 fiscal year. Though the number of M/WBE firms participating in City contracting has increased 37% over 2010, the types of contracts awarded to M/WBE firms have changed. Many contracts are of a lower dollar amount, which is to be expected when expenses are reduced. Furthermore, some higher dollar contracts awarded to M/WBE firms ongoing in the 2010 fiscal year have closed. Therefore, due to a reduction in the number of new contracts being let and/or the dollar amount of those contracts awarded, the level of participation has lowered from 2010.

As of June 30, 2012, the City of Greenville expensed a total of **\$28.7M** in procurement and contracting, excluding all ineligible dollars. This number increased from fiscal year 2011 due to the continued rise in construction and service-related contracts. Similar to fiscal year 2011, an availability of state and federal dollars along with a pent up demand for construction and repair contributed to the increased spending. Furthermore, the occurrence of Hurricane Irene contributed to the rise in service-related costs for storm debris removal. Nevertheless, supplies and materials spending continued to decline, down \$1.2M from fiscal year 2011. Participation for MBE and WBE's combined increased in 2012 to **\$3,194,256.18** or **11.2%** of total eligible dollars. This number is up \$1,444,329.27 from fiscal year 2011 largely as a result of increased M/WBE participation in construction. Below, find an explanation of goals attainment by category of work.

Construction

Goals for participation are based upon three categories of work: Construction, Professional and Personal Services, and Supplies and Materials. **The goals for construction are 10% Minority and 6% women-owned.** Total dollars spent for construction (including subcontracted dollars) equaled \$9,722,935.02 with \$1,019,790.19 spent with minority firms and \$575,367.69 spent with women-owned firms in 2011. The City of Greenville met its goal for MBE participation in construction with a goal's attainment of **10.49%**. The total number of dollars spent on construction increased by approximately 44% or \$3M, however, MBE participation was not able to maintain its high of 22% from fiscal year 2010. This differential is most likely due to the number of *prime* contracts awarded to minority firms decreasing in fiscal year 2011. In the 2010 fiscal year, a number of contracts including sidewalk construction projects and others above the \$100,000 range were awarded to minority primes. In 2011, the City did not let these same sidewalk projects. Instead, there was a heavy concentration of renovation/repair building contracts, which were awarded to non-minority prime contractors as these contractors presented more competitive bids. However, subcontracted dollars held the goal attainment steady at 10% as primes honored the good faith effort requirement of subcontracting to M/WBE firms. The City also met its goal for WBE participation at **5.92%**. An increase of 4% from prior year, this participation can be attributed most reasonably to primes meeting the good faith requirements on subcontracted dollars.

In fiscal year 2012, the total dollars spent for construction (including subcontracted dollars) equaled \$13,541,372.48 with \$1,769,011.15 spent with minority firms and \$1,308,673.02 with women-owned firms. As such, the City of Greenville exceeded its goals for MBE and WBE participation with **13.06%** and **9.66%**, respectively. Total number of dollars spent on construction increased by 39% or \$3.8M over fiscal year 2011. This increase was met with an increase in the number of prime contracts awarded to MBE firms. In fact, the substantial increase in MBE spend can be attributed to the award of a

major stormwater drainage project to a MBE firm. WBE spend doubled from fiscal year 2011 due to increased spending on subcontracted amounts with WBE firms also on stormwater drainage projects.

Professional and Personal Services

The goals for Professional and Personal Services include those contracts pertaining to architectural and engineering services as well as janitorial and lawn maintenance amongst a host of other service contracts. **The goals for services equal 4% minority and 4% women-owned.** In fiscal year 2011, the total dollars spent on services equaled \$4,927,635.34 with \$35,028.63 spent with MBE firms and \$36,778.25 spent with WBE firms. The City reached utilization of **less than 1%** in both the MBE and WBE categories. These goal attainments are down from 1.07% and 1.32%, respectively, in 2010. In 2011, the City expended almost \$1M less in services contracts. Additionally, the differential between 2010 and 2011 participation is approximately \$30,000 in each group (roughly the equivalent of one major service contract.) For example, the Housing Division expended approximately \$31K with a minority contractor in 2010. The need for this service ceased in 2011. Also, the Urban Development Division – now Office of Economic Development- closed the 5 Points Plaza project (designed by a female-owned firm) in 2010, which accounted for approximately \$76,000 in WBE spend.

Total service dollars spent in 2012 equaled \$6,468,022.78 with \$19,858.31 spent with MBE firms and \$9,961.69 spent with WBE firms. The total dollars spent are up 31% primarily due to the unexpected expenses associated with Hurricane Irene storm debris clean-up. The City continues to reach utilization of **less than 1%** in both the MBE and WBE categories. Services typically let to minority contractors (i.e. demolition) continued to decrease in 2012. Furthermore, an episodic expense (i.e.: maintenance and repair project) awarded to a WBE firm in 2011 was not made in 2012.

Supplies and Materials

The goals for Supplies and Materials include the purchase of apparatus, supplies, materials, and equipment. **The goals for Supplies and Materials equal 2% minority and 2% women-owned.** The total dollars spent on supplies and materials equaled \$9,880,624.50 with \$33,583.49 spent with minority firms and \$49,378.66 spent with women-owned firms. The City reached utilization of **less than 1%** in both the MBE and WBE groups. Though the MBE percentage of dollars spent is the same as prior year, the actual dollar amount is up by approximately \$23K. The percentage of WBE participation is down by approximately 2%. The majority of the spend in 2010 was to USAT Corporation in the purchase of police mobile laptops which was not expensed in 2011.

In 2012, total dollars spent on supplies and materials equaled \$8,642,631.19 with \$53,546.80 spent with minority firms and \$33,205.21 spent with women-owned firms. Total dollars spent continued to decrease with approximately \$1.2M less spent in 2012 when compared to 2011 – this is a total of \$2M less since 2010. The City reached utilization of **less than 1%** in both the MBE and WBE groups. However, MBE spend continues to increase with approximately \$20K more spent in 2012 over 2011. This increase is due to the addition of a MBE asphalt supplier. Nevertheless, WBE spend continues to decline without the use of WBE technology suppliers

Certified vs. Self-Certified Firms

The numbers presented recognize firms certified as a minority or women-owned under the State of North Carolina's Statewide Uniform Certification (SWUC) program. Enacted as an amendment to NC GS 143-128.2, all political subdivisions of the state including city governments are required to recognize only SWUC certified firms for participation purposes. Those firms known to be owned and controlled by minorities and/or women are included in the data section of this report under "All Firms" to provide a snapshot of actual participation for comparison purposes.

M/WBE Hall of Fame

Certified Minority and Women-Owned Firms
Doing Business with the City of Greenville

A-1 Paving

A-10 Clinical Solutions

AOA Signs

ASJ Wilson Construction

Air Mania

Bailey Hall

Brydge and Lee

Burney & Burney Construction

Carolina Earth Movers

Clean Touch Pressure Washing

Copymatic/United Cerebral Palsy

Custom Overhead Doors

Forms and Supply

Fred Adams Paving

Garris Grading & Paving

Greater Diversity News

Hibbert Enterprises

Hine Sitework

Incline Construction Inc.

KV Contractors

Lanier Construction

L.R. Griffin & Associates

Mayer Electric

Mickey Braswell

Nease Personnel

NC Steel

PGProduction

Precision Walls

SDF Professional Computers

SHI Corp

SMA Microsystems of Virginia

Stay Alert Safety

Susan Hatchell Landscape Architecture

United Builders Group

Unshakable Builders

USAT Corporation

Ward Consulting

Watson Electrical Construction Co.

Williams Fire Sprinkler Co.

Business Development & Technical Assistance

Minority and women-owned firms face a number of obstacles in starting and expanding their businesses. One of the foremost challenges includes a lack of access to social and resource networks. These networks provide the critical opportunities to learn business knowledge, to connect with individuals who will lead to business opportunities, and to develop the acumen of marketing and selling your business. In order to prepare a steady pipeline of M/WBE firms who are ready and willing to do business with the City, the M/WBE program delivers a number of business development and technical assistance workshops, events, and activities throughout the year.

Contractor's Workshop: Submitting Responsive Bids August 26, 2010

According to NC general statute, the standard of award for competitive bids requires that one submit a bid that is both responsible and responsive. A responsive bid is one that meets or "responds" to the requirements outlined in the bid package. Each construction contract \$100,000 or above is required to meet a 16% M/WBE participation goal or document efforts made in good faith to meet the goal. With the introduction of Statewide Uniform Certification (SWUC), new rules came into play that affected how this requirement could be met. As a result of the new legislation, only firms certified by the NC Office of Historically Underutilized Businesses (HUB Office) could be utilized to meet the participation goal. At the "Contractor's Workshop," the M/WBE Coordinator discussed the new rules for meeting the M/WBE requirement, including an overview of the bid documentation, suggestions on how to outreach to M/WBE firms, and a crash course in "Good Faith Effort" expectations.

MED Week Celebration September 23, 2010

Each year since 1983, the President of the United States has proclaimed a week as National Minority Enterprise Development (MED) Week to honor the achievements and many contributions of minority entrepreneurs, individuals, and organizations that support minority business development. Greenville instituted its inaugural MED celebration in 2010 to follow suit in acknowledging the many minority and women-owned firms that contribute to the economic vibrancy of our community.

Tips for Submitting a Responsive Bid...

Read special instructions to bidders thoroughly and completely.

Make sure all firms utilized to meet participation goals are HUB certified.

Make certain that all forms are filled out completely. Blank forms are non-responsive.

Standard of Award

"lowest responsive, responsible bidder, or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract"

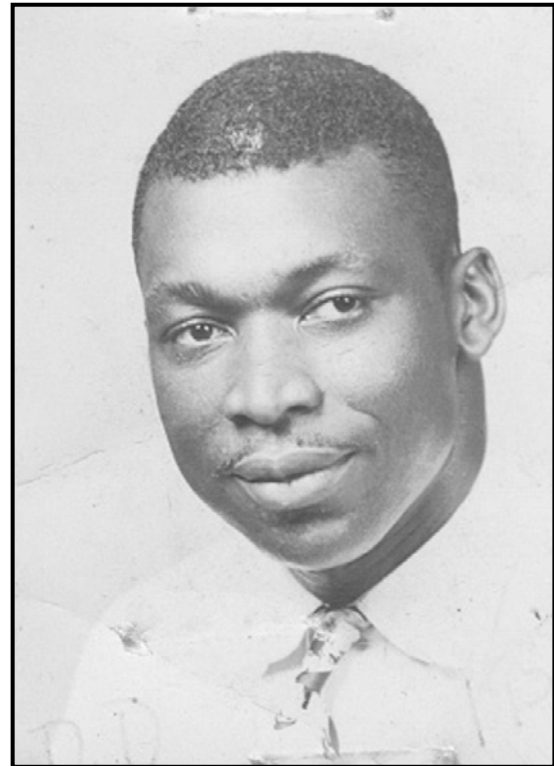
(NC G.S. 143-129(b))



Keynote speaker, Ben Dixon of Chick-Fil-A, University Commons

To celebrate, a luncheon was held at the former Ronald G. Michels Center at 2335 Hemby Lane. Approximately 100 individuals were in attendance, including over 30 M/WBE business owners. In addition to certificates of appreciation presented to each business owner, the M/WBE Office presented the "Standing on the Shoulders of Giants" Award to equal opportunity advocate and long-time entrepreneur, the late D.D. Garrett.

2010 Sponsors



Denison Dover ("D.D.") Garrett
 ~1950~

The Spirit of Celebration!

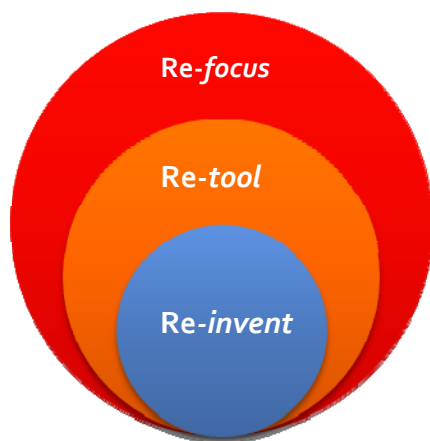


Working Together, Making It Work: Business Opportunity Fair & Educational Symposium April 2, 2011

Building Strategic Alliances to Weather the Economic Storm

In 2011, the American economy pushed the reset button. All businesses were required to think about how to retool, revamp, and recreate themselves for the New Economy. The 2011 Business Opportunity Fair & Educational Symposium also known as the Mix-n-Meet-n-Learn was designed to help jump start the engineering process.

The event helped enlighten business owners with fresh ideas and perspectives for “out-of-the-box” thinking by showcasing two plenary sessions. In Session 1—*Not Business As Usual*—business owners learned re-tooling strategies from subject matter experts in the fields of Finance, HR, Marketing, and Business Opportunity. Session 2—*Working Together, Making It Work*—highlighted successful joint venture partnerships, providing insight on how to make it work.



PLENARY SESSION TOPICS

▲ NOT BUSINESS AS USUAL: RETOOLING FOR THE NEW ECONOMY

As the economy resets, every business owner must adapt to the new rules of the game. Business as usual is a thing of the past; owners must re-think how they do business to capitalize on new opportunities and revamp old strategies. Take advice from leading experts in the fields of Finance, HR, Marketing, and Business Opportunity to reorganize and retool for business success

▲ WORKING TOGETHER, MAKING IT WORK: JOINT VENTURING FOR SUCCESS

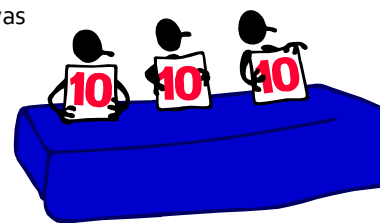
Interested in increasing your market reach, breaking down barriers to entry, or simply generating more revenues? Learn the challenges and triumphs of joint venturing from those who have done it and been successful at it.

Over 75 guests and vendors attended the event.

100% of respondents confirmed that they were either satisfied or very satisfied with the information presented in the plenary sessions and the business opportunity fair.

100% of respondents agreed that the Mix-n-Meet was beneficial and informative.

100% of respondents agreed that they would attend the Mix-n-Meet again next year.



2011 Sponsors





Attendees actively engaged in the plenary sessions of the Educational Symposium.

"I enjoyed the event as a whole—the related environment and the education. Education was tops."--Attendee

Do you plan to attend this event again next year?

"Yes, absolutely will!"--Attendee



Co-owner of I&S Enterprises, Sean Moye, and Co-owner of Chance and Smith Builders, Eddie Chance, represent their companies at the Annual Mix-n-Meet.



Marketing guru, Mary Patterson, and HR expert, LaSonya Berry, shake hands at the Business Opportunity Fair.

**RETOOLING FOR THE NEW ECONOMY:
 PANELISTS**

LaSonya Berry
 McPherson, Berry & Associates
Human Resources

Adelcio Lugo
 Self-Help Credit Union
Finance

Mary Patterson
 Independent Consultant
Marketing

Dan Stafford
 NCIMED
Business Opportunity

**WORKING TOGETHER, MAKING IT WORK:
 PANELISTS**

Owen Burney
 Burney & Burney Construction

Ron E. Cohn
 Rogers Builders

Walter B. Davis
 Walter B. Davis Company

Thomas R. Daye
 Dayco Landscaping & Construction



Public Works Operations Manager, Ken Jackson, greets business owners at the Fair.

MED Week Celebration September 26-30, 2011

Did you know in 2002, there were 4 million minority-owned firms in the US, grossing \$661 billion in receipts and employing 4.7 million workers?¹ Despite the significant economic impact of minority (including women)–owned firms in the US and even our Greenville community, the contributions of these firms go largely unnoticed. For the second year in a row, the M/WBE Program replicated the national celebration on the local level to acknowledge the numerous accomplishments of our local minority and women-owned firms.

MED week was held September 26-30, 2011 with events highlighting minority firms each day of the week. The Mayor kicked off the celebration with a proclamation on Monday followed by a Twitter event called “Follow Me” Tuesday where the M/WBE Coordinator tweeted noteworthy M/WBE facts such as that detailed above. Next, the Purchasing Manager, Angelene Brinkley, facilitated a workshop on “How to do Business with Government” on Wednesday. A celebration and awards luncheon was held Thursday at the Hilton Greenville; President of the NC Institute of Minority Economic Development, Andrea Harris, delivered the keynote address. **The M/WBE Program was pleased to sponsor three M/WBE Awards presented by our honored guest, Congressman G.K. Butterfield: GK Café and Catering, winner of the M/WBE Excellence Award and Owen Burney and Raymond Carney, winners of the “Standing on the Shoulders of Giants” Award.** The week culminated on Friday with the inaugural “Diversity Marketplace” event, a special opportunity for participating M/WBE firms to offer patrons a 10% discount on September 30 to all those who mentioned “Diversity Marketplace.”

¹ US Department of Commerce, Survey of Business Owners



Keynote Speaker, Andrea Harris, NC IMED

Minority Enterprise Development (MED) Week Celebration 2011

September 26th – 30th

You are invited!!

Highlights

Mayoral Proclamation:
City of Greenville MED Week 2011
September 26
“Follow Me” Tuesday
September 27
M/WBE Information Session:
Doing Business with the City
September 28
Celebration & Awards Luncheon
September 29
“The Diversity Marketplace”
September 30

2011 Sponsors



The Daily Reflector
Reflector.com



PGPRODUCTION
WEBSITES • BROCHURES • COMMERCIALS

Jim Rouse
Communications

Building HOPE: Highly Optimistic Prepared Entrepreneurs April 21, 2012

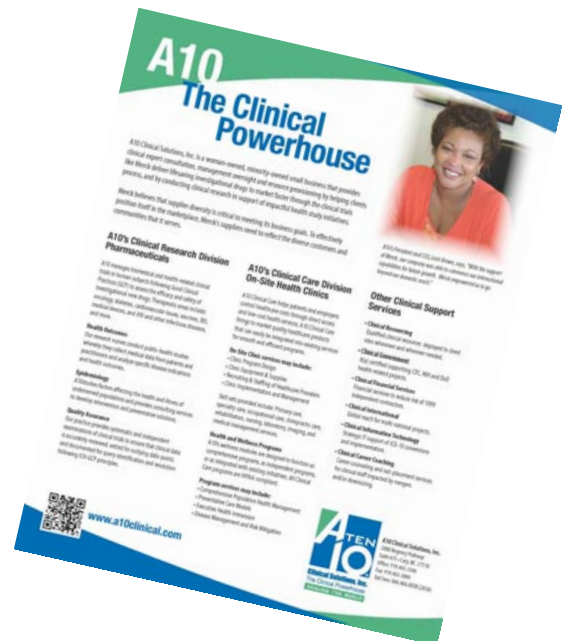
The 2012 Business Opportunity Fair & Symposium was all about Building HOPE: Highly Optimistic Prepared Entrepreneurs. Still in an economic recovery, the planning committee sought to inspire and motivate entrepreneurs to be optimistic about success, knowing that hard work and preparation can make the difference. An exceptional example of a HOPEful entrepreneur was the keynote speaker, Leah Brown, President and CEO of A10 Clinical Solutions. A10 is a multi-million dollar clinical research and clinical care firm featured on CNBC's "How I Made My Millions." A panel discussion of business owners closer to home told their story on "What HOPE Looks Like." These participants included Angela Garris, of Garris Grading and Paving – the owner of the first known female-owned asphalt plant in the US – and Becky Ward of Ward Consulting Engineers – a successful civil engineering firm. The panel was moderated by Aaron Thomas of Metcon, the 2011 National Minority Construction Firm of the Year by the US Department of Commerce.

Over 50 guests and vendors attended the event.

96% of respondents confirmed that they were either satisfied or very satisfied with the keynote speaker.

96% of respondents confirmed that they were either satisfied or very satisfied with the panel discussion.

96% of respondents agreed that the Symposium was beneficial and informative.

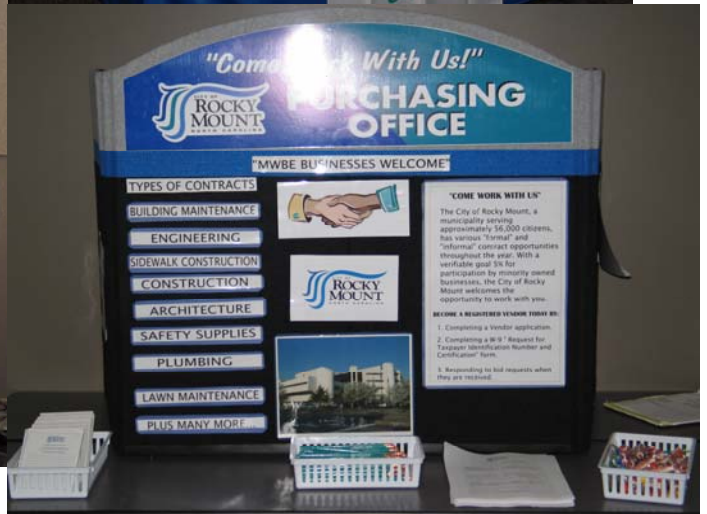


2012 Business Opportunity Fair & Symposium

Great job on the program on Saturday... I have attended all 7, and I must admit this was by far the best...Angelía Garrís was just fantastic on the panel and Leah was a great keynote speaker. She is one energized lady! One could not help but leaving inspired after attending this event.

Unfortunately for you two, you now have raised the bar and the expectations are high, so good luck, I am already looking forward to next year's meeting. Thanks again for the all the work!!!

Bill Seyler, Lend-Lease



2012 Sponsors



**Greenville
Utilities**

VIDANT HEALTH™

RODGERS
Our Passion is Building®



Balfour Beatty
Construction



The Minority Business Roundtable

MBR 2011: YEAR IN REVIEW

BOARD MEMBERS:

Russell Parker, President
Clean Touch Pressure Washing

Owen Burney, Vice-President
Burney and Burney Construction

Dollie Lucas, Secretary
Dollie's Delectable Carobs

Tilwanda Steinberg, Treasurer
BB& T

Carlton Gay, Education Chair
EXCEED

Ariel Brown, Opportunity Chair

DeDe Carney, Empowerment Chair
Keller Williams Realty

Pam Galbreath, Webmaster/Asst. Secretary
PGProduction

Denisha Harris, Advisor
City of Greenville/GUC

**Amanda Nichols/
Bessie Barnes**,
Advisors
Greenville-Pitt
Chamber of Commerce

2011 marked a year of change and growth for the Minority Business Roundtable (MBR). From taking on new projects such as the Greenville Small Business Incubator to restructuring the organization as an independent nonprofit, MBR is taking the lead in building a foundation for wealth creation, economic advancement, and community engagement.

2011 Highlights:

- Creation of **"Minority Business Boot camp"** to encourage participation in the Pitt Community College small business seminars.
- Participant in the City of Greenville/GUC/ECU Annual **Mix-n-Meet-n-Learn** workshop.
- Talk with **Tiane Mitchell-Gordon**, Diversity Expert in Residence at East Carolina, recently retired from AOL as Senior Vice President and Chief Diversity Officer.
- Champion of the **Greenville Small Business Incubator** Project. President, Russell Parker and Secretary, Dollie Lucas serve on the steering committee.
- Host of the **"Speed of Business"** networking function sponsored by Mochas Dance Studio, Bespoke Event Designs, and LawnCare Solutions.

The Minority Business Roundtable (MBR) is a professional networking association designed to foster supportive relationships to strengthen and develop MWBE networks. The association began in 2008 as a vision of the M/WBE Program and the Greenville-Pitt Chamber of Commerce to help leverage resources within the M/WBE community for the M/WBE community. The membership focuses on three target areas: Education, Opportunity, and Empowerment. They meet at lunch time on the 2nd Thursday of each month at the United Way of Pitt County unless otherwise announced. www.mbrnc.org

The Minority Business Roundtable



Creating Educating *Empowering* **MBR 2012** **Year in Review**



In 2012, Minority Business Roundtable stayed the course and continued to provide relevant educational and empowerment opportunities for its expanding membership. Through monthly educational workshops and biannual networking socials, MBR opened the doors for the minority business community to interact and gain vital knowledge and resources that help grow and sustain the minority business community.

HOSTED **11 BUSINESS DEVELOPMENT WORKSHOPS** ON TOPICS RANGING FROM TAXES TO GOVERNMENT CONTRACTING

SPONSORED **2 NETWORKING SOCIALS** TO CONNECT BUSINESS OWNERS. EVENTS HOSTED BY GK CAFÉ AND CATERING AND MORNING GLORY HAIR PRODUCTS.

PARTICIPANT IN THE CITY OF GREENVILLE/GUC/ECU BUSINESS OPPORTUNITY FAIR AND EDUCATIONAL SYMPOSIUM

SUPPORTER OF THE 2012 MINORITY ENTERPRISE DEVELOPMENT (MED) WEEK CELEBRATION

FEATURED ON "BUSINESS BEAT" - THE CHAMBER OF COMMERCE'S LOCAL TALK SHOW

Minority Business Roundtable

Post Office Box 1239
Greenville, NC 27858

www.mbrnc.org

Meetings 2nd Thursday of each month @ United Way of Pitt County

Appendices

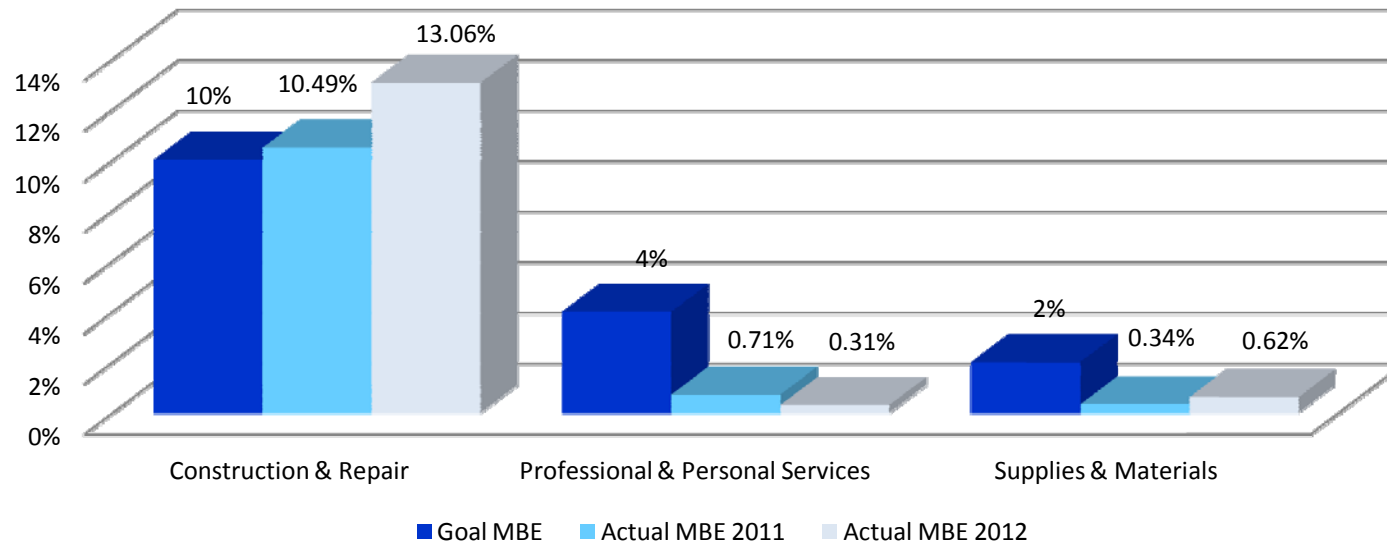
M/WBE Participation 2011 and 2012

Certified Firms

SUMMARY

	Goal MBE	Actual MBE 2011	Actual MBE 2012	Goal WBE	Actual WBE 2011	Actual WBE 2012
Construction & Repair	10%	10.49%	13.06%	6%	5.92%	9.66%
Professional & Personal Services	4%	0.71%	0.31%	4%	0.75%	0.15%
Supplies & Materials	2%	0.34%	0.62%	2%	0.50%	0.38%

MBE Goal vs Spend

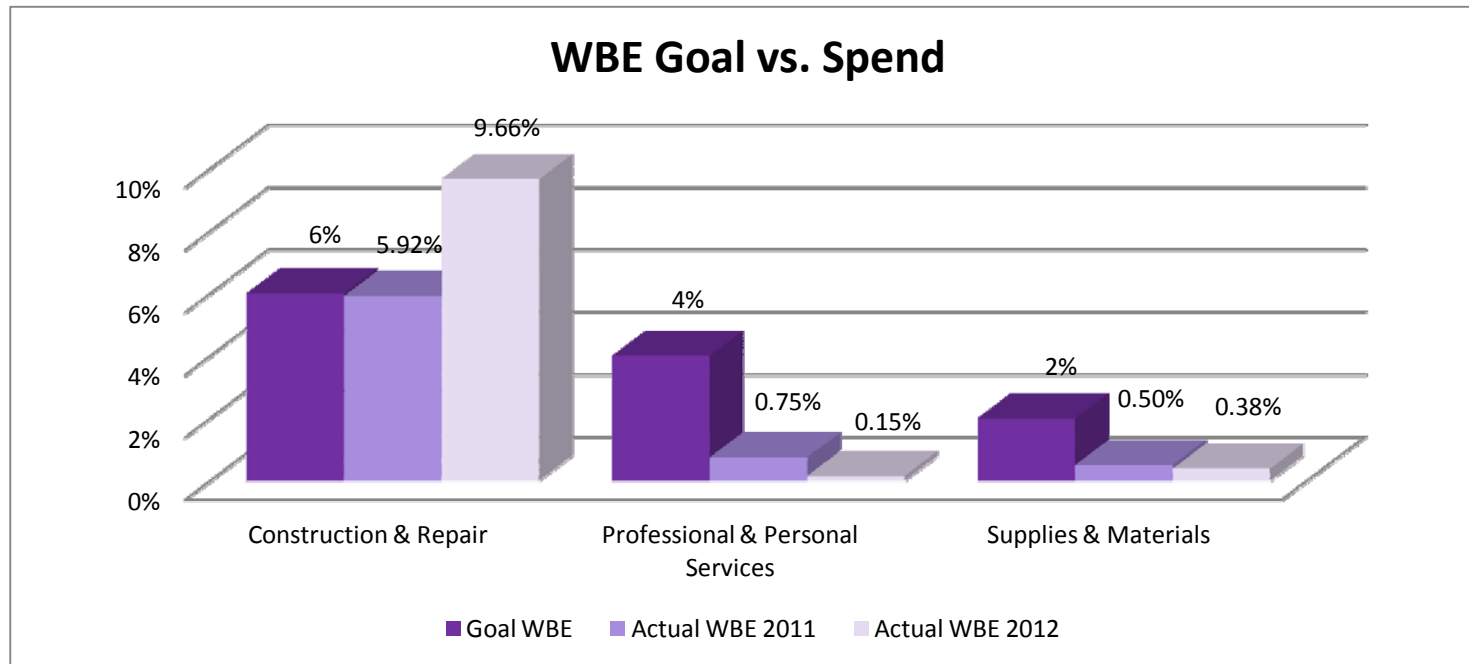


M/WBE Participation 2011 and 2012

Certified Firms

SUMMARY

	Goal MBE	Actual MBE 2011	Actual MBE 2012	Goal WBE	Actual WBE 2011	Actual WBE 2012
Construction & Repair	10%	10.49%	13.06%	6%	5.92%	9.66%
Professional & Personal Services	4%	0.71%	0.31%	4%	0.75%	0.15%
Supplies & Materials	2%	0.34%	0.62%	2%	0.50%	0.38%



M/WBE Participation 2011 and 2012

Certified Firms

Participation as a percentage of Total Eligible Dollars
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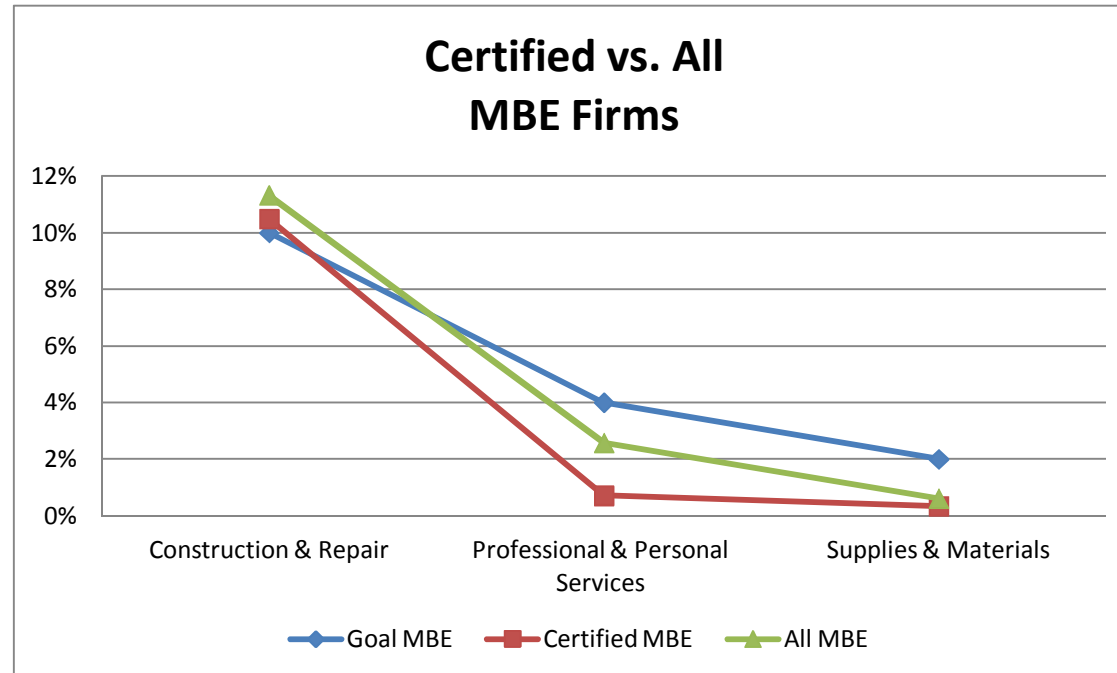
	2012 Eligible Dollars	Minority	%	Women	%
Construction & Repair	\$13,541,372.48	\$1,769,011.15	13.06%	\$1,308,673.02	9.66%
Professional & Personal Services	\$6,468,022.78	\$19,858.31	0.31%	\$9,961.69	0.15%
Supplies & Materials	\$8,642,631.19	\$53,546.80	0.62%	\$33,205.21	0.38%
Total	\$28,652,026.45	\$1,842,416.26	6.43%	\$1,351,839.92	4.72%
M/WBE Total			11.15%	\$3,194,256.18	

	2011 Eligible Dollars	Minority	%	Women	%
Construction & Repair	\$9,722,935.02	\$1,019,790.19	10.49%	\$575,367.69	5.92%
Professional & Personal Services	\$4,927,635.34	\$35,028.63	0.71%	\$36,778.25	0.75%
Supplies & Materials	\$9,880,624.50	\$33,583.49	0.34%	\$49,378.66	0.50%
Total	\$24,531,194.86	\$1,088,402.31	4.44%	\$661,524.60	2.70%
M/WBE Total			\$1,749,926.91	7.13%	

M/WBE Participation 2011

Certified vs. All M/WBE Firms

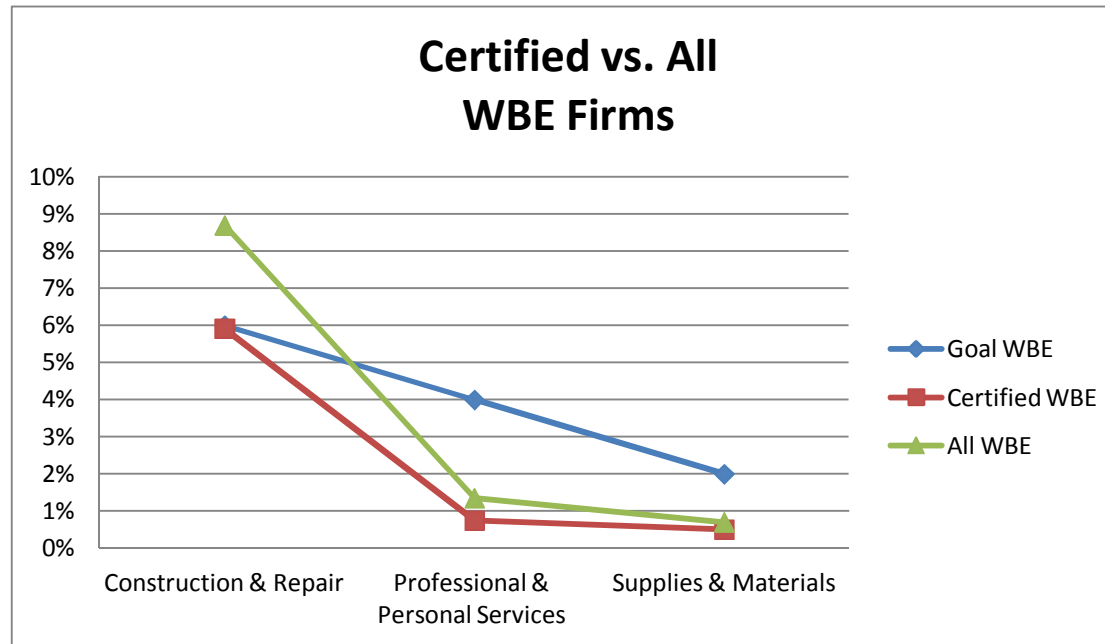
	Goal	Certified		Goal	Certified	
	MBE	MBE	All MBE	WBE	WBE	All WBE
Construction & Repair	10%	10.49%	11.33%	6%	5.92%	8.70%
Professional & Personal Services	4%	0.71%	2.58%	4%	0.75%	1.35%
Supplies & Materials	2%	0.34%	0.61%	2%	0.50%	0.70%



M/WBE Participation 2011

Certified vs. All M/WBE Firms

	Goal	Certified		Goal	Certified	
	MBE	MBE	All MBE	WBE	WBE	All WBE
Construction & Repair	10%	10.49%	11.33%	6%	5.92%	8.70%
Professional & Personal Services	4%	0.71%	2.58%	4%	0.75%	1.35%
Supplies & Materials	2%	0.34%	0.61%	2%	0.50%	0.70%

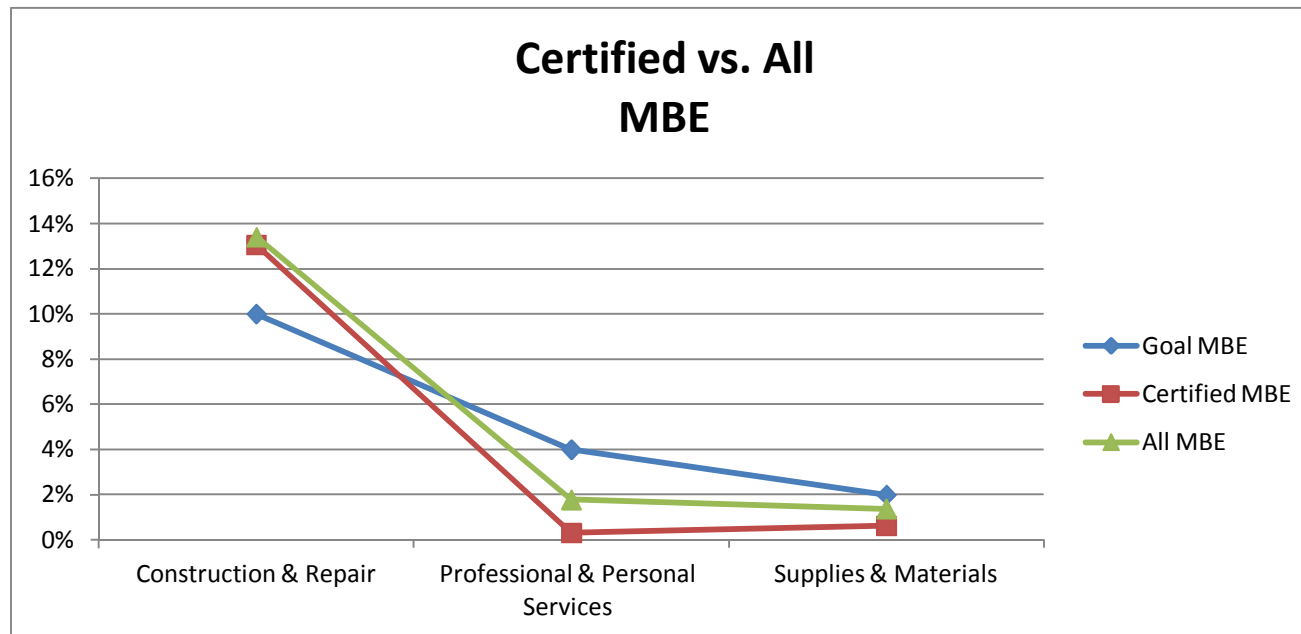


M/WBE Participation 2012

Certified vs. All M/WBE Firms

SUMMARY

	Goal	Certified		Goal	Certified	
	MBE	MBE	All MBE	WBE	WBE	All WBE
Construction & Repair	10%	13.06%	13.41%	6%	9.66%	9.94%
Professional & Personal Services	4%	0.31%	1.78%	4%	0.15%	0.61%
Supplies & Materials	2%	0.62%	1.38%	2%	0.38%	0.57%

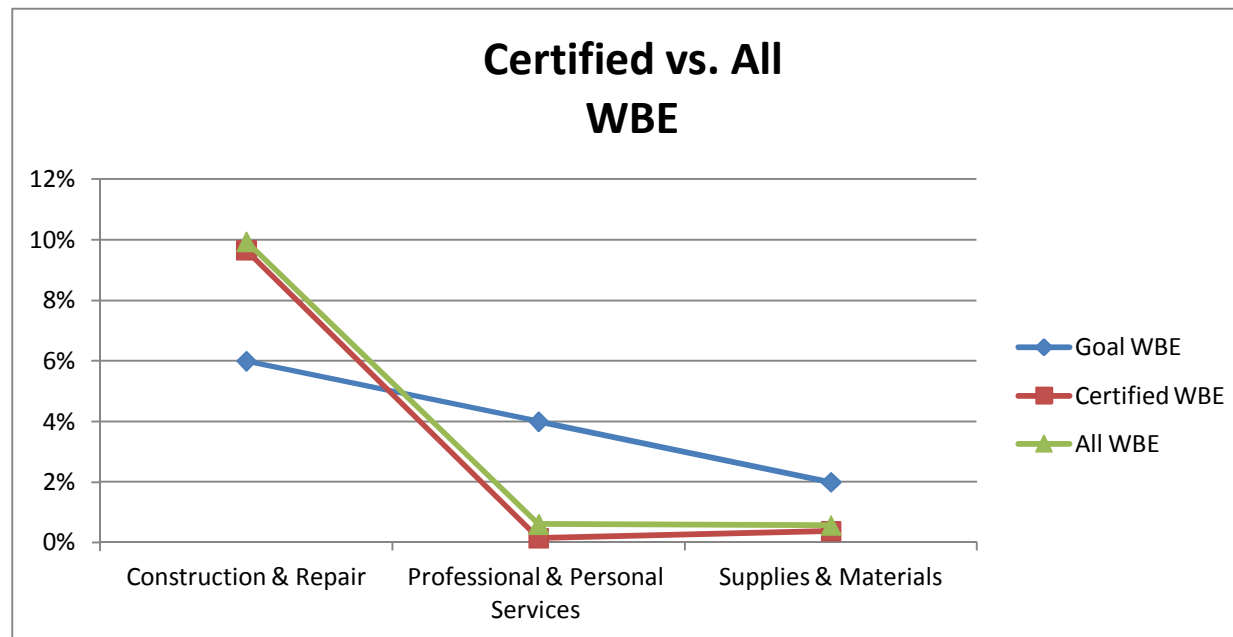


M/WBE Participation 2012

Certified vs. All M/WBE Firms

SUMMARY

	Goal MBE	Certified MBE	All MBE	Goal WBE	Certified WBE	All WBE
Construction & Repair	10%	13.06%	13.41%	6%	9.66%	9.94%
Professional & Personal Services	4%	0.31%	1.78%	4%	0.15%	0.61%
Supplies & Materials	2%	0.62%	1.38%	2%	0.38%	0.57%



Trend Analysis

2010 vs 2011 Fiscal Years

DETAIL

ASME

Total Spend 2010	% Change	Total Spend 2011
10,888,298.78	9.25%	\$9,880,624.50

MBE 2010	% Change	MBE 2011
10,697.28	213.94%	33,583.49

WBE 2010	% Change	WBE 2011
259,248.43	80.95%	49,378.66

0.10%

0.34%

2.38%

0.50%

SERVICE

Total Spend 2010	% Change	Total Spend 2011
\$5,831,263.00	15.50%	4,927,635.34

MBE 2010	% Change	MBE 2011
\$62,476.91	43.93%	35,028.63

WBE 2010	% Change	WBE 2011
\$76,760.00	52.09%	36,778.25

1.07%

0.71%

1.32%

0.75%

CONSTRUCTION

Total Spend 2010	% Change	Total Spend 2011
\$6,739,582.20	44.27%	\$9,722,935.02

MBE 2010	% Change	MBE 2011
\$1,472,470.90	30.74%	\$1,019,790.19

WBE 2010	% Change	WBE 2011
\$118,628.82	385.02%	575,367.69

21.85%

10.49%

1.76%

5.92%

Trend Analysis

2011 vs 2012 Fiscal Years

DETAIL

ASME

Total Spend 2011	% Change	Total Spend 2012
\$9,880,624.50	12.53%	\$8,642,631.19

Minority 2011	% Change	Minority 2012
33,583.49	59.44%	\$53,546.80
0.34%		0.62%

Female 2011	% Change	% Female 2012
49,378.66	32.75%	\$33,205.21
0.50%		0.38%

SERVICE

Total Spend 2011	% Change	Total Spend 2012
4,927,635.34	0.00%	\$6,468,022.78

Minority 2011	% Change	Minority 2012
35,028.63	43.31%	\$19,858.31
0.71%		0.31%

Female 2011	% Change	% Female 2012
36,778.25	72.91%	\$9,961.69
0.75%		0.15%

CONSTRUCTION

Total Spend 2011	% Change	Total Spend 2012
\$9,722,935.02	0.00%	\$13,541,372.48

Minority 2011	% Change	Minority 2012
\$1,019,790.19	73.47%	\$1,769,011.15
10.49%		13.06%

Female 2011	% Change	% Female 2012
575,367.69	127.45%	\$1,308,673.02
5.92%		9.66%



SUNDAY IN THE PARK

OUTDOOR CONCERT SERIES
—2013—

ALL SHOW TIMES

June 2	The Tar River Community Band
June 9	The Emerald City Big Band
June 16	The Pitt Community College Symphony Orchestra
June 23	The North Carolina Jazz and Blues Collaborative
June 30	The Monitors
July 7	Supergrit Cowboy Band
July 14	Panyelo
July 21	David Dyer and the Crooked Smile Band
July 28	Greenville Grass
August 4	Spare Change
August 11	The Donald Underwood Thompson Band
August 18	Molassas Creek

ARE AT 7:00 PM

AT THE GREENVILLE TOYOTA AMPHITHEATER
ON THE TOWN COMMON - 100 EAST 1ST STREET
BROUGHT TO YOU BY THE CITY OF GREENVILLE

sponsored by:





**PROPOSED AGENDA
GREENVILLE BOARD OF ADJUSTMENT
Thursday, April 25, 2013
7:00 PM
City Council Chambers
200 West Fifth Street**

- I. ROLL CALL
- II. APPROVAL OF MINUTES – March 28, 2013
- III. NEW BUSINESS
 - 1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SCOTT CHARLES

The applicant, Scott Charles, desires a special use permit to operate a game center (bingo) pursuant to Appendix A, Use (6)d. of the Greenville City Code. The proposed use is located at 1202 N. Memorial Drive. The property is further identified as being tax parcel number 44159.
 - 2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SOUTHERN EQUIPMENT COMPANY

The applicant, Southern Equipment Company, desires a special use permit to operate a commercial outside storage facility and a commercial service not otherwise listed (concrete crushing) pursuant to Appendix A, Use (14)l. and Use (15)c. of the Greenville City Code. The proposed use is located at 507 N. Greene Street. The property is further identified as being tax parcel numbers 04223 and 35573.
- IV. ADJOURN

DRAFT MINUTES PROPOSED FOR ADOPTION BY THE BOARD OF ADJUSTMENT
MARCH 28, 2013

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of City Hall.

Scott Shook, Chairman-*

Charles Ewen *

Linda Rich *

Justin Mullarkey *

Kevin Faison *

Claye Frank X

Sharon Ferris *

Bill Fleming *

Thomas Taft, Jr. X

The members present are denoted by an "*" and those absent are denoted by an "X".

VOTING MEMBERS: Ewen, Faison, Rich, Ferris, Mullarkey, Fleming, Shook

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Mr. Chris Kelly, Engineering
Mrs. Elizabeth Blount, Secretary
Mr. Jonathan Edwards, Communications Technician

MINUTES

Mr. Fleming made a motion to approve the February 19th minutes as presented, Ms Rich seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BENBOW PUB, LLC -
APPROVED**

The applicant, Benbow Pub, LLC, desires a special use permit to operate a dining and entertainment establishment pursuant to Appendix A, Use (6)m(1). of the Greenville City Code. The proposed use is located at 114 E. Fifth Street. The property is further identified as being tax parcel number 01357.

Mr. Dail delineated the area on the map. He stated that the property is located in the downtown core of the city's jurisdiction.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

North: CD (Downtown Commercial)

South: CD (Downtown Commercial)

East: CD (Downtown Commercial)

West: CD (Downtown Commercial)

Surrounding Development:

North: Levels, Pirates Den, The Halfway House, The Scullery
South: East Carolina Bartending School, UBE
East: G-Vegas Magazine, 5th Street Distillery
West: Taxi King, Another Level Hair Bar

Description of Property:

The subject property is a 23, 399 square foot commercial building located south of E. Fifth Street. The portion of the property under consideration is the former Armadillo Grill. The building also houses the The Lofts on 5th Street Apartments.

Comprehensive Plan:

The property is located within Vision Area "H" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on March 14, 2013. Notice of the public hearing was published in the Daily Reflector on March 18, 2013 and March 25, 2013.

Related Zoning Ordinance Regulations:

Definition: *Dining and entertainment establishment.*

An eating and entertainment establishment open to the general public and which meets all of the following:

- (1) May require a membership, cover or minimum charge for admittance or service during special periods of operation in accordance with this chapter;
- (2) Has sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.
 - (a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishments kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.
 - (b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.
 - (c) A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for the establishment or in the portion of sales that can be attributed to the

sale of prepared and/or packaged food in a ready-to-consume state. For purposes of determining compliance under this subsection (2), the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the state;

- (3) Does provide sit-down dining area(s);
- (4) May provide food attendant (waiter/waitress) table ordering and busboy services;
- (5) May offer food in disposable containers;
- (6) May offer carry-out and/or off-site delivery services;
- (7) Does not offer drive-in attendant services;
- (8) May exhibit one but not both of the following operational functions or characteristics:
 - (a) Drive-through service; or
 - (b) Over the counter service. For purposes of this section, the term over the counter service shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils and the like, from an order/delivery station or counter remote to the on-site place of consumption.
- (9) May have one or more of the following activities or services, which is open to the establishments patrons and general public and is limited to the hours of operation of complete food services including regular menu food ordering, food preparation and on-premises food consumption, except as otherwise provided in this subsection (9): full service bar, live or recorded amplified music, floor show and dancing area. Complete food services including regular menu food ordering, food preparation and on-premises food consumption services may be suspended at the option of the owner/operator not less than one hour prior to the close of business each evening. For purposes of interpretation of this section, when a dining and entertainment establishment closes for business at 12:00 a.m. (midnight) complete restaurant services including regular menu food ordering, food preparation and on-premises food consumption shall be provided until not less than 11:00 p.m. of the same day;
- (10) Shall be limited to a maximum mechanically conditioned floor area requirement and shall comply with a minimum separation and security requirement as specified under sections 9-4-86 and 9-4-103;
- (11) Does not qualify under the definition of restaurant, fast food or restaurant, conventional as contained herein; and
- (12) Any dining and entertainment establishment that does not meet the aforesaid requirements shall be classified as a public or private club for purposes of zoning regulation.

Specific Criteria: *Dining and entertainment establishments.*

- (1) (a) A special use permit for a dining and entertainment establishment is subject to revocation in

accordance with the provisions of this subsection (F)1. Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a dining and entertainment establishment in accordance with the provisions of section 9-4-83.

- (b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a dining and entertainment establishment which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
- (c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a dining and entertainment establishment for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes, and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (F)1.(4) below shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.
 - 1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:
 - a. The use of the property is inconsistent with the approved application;
 - b. The use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code;
 - c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or
 - d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.
 - 2. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this subsection (F)1. and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the

rehearing shall constitute a revocation of the previously granted special use permit for a dining and entertainment establishment.

- (e) The requirements and standards set forth in this subsection (F)1. are in addition to other available remedies, and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.
- (3) In addition to subsection (F)1.(2) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a dining and entertainment establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of Community Development an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.
- (5) May require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.
- (6) Weekdays. Except as further provided under subsection (F)1.(8) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 p.m. each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 a.m. of the next day. For purposes of this section, amplified audio entertainment shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.
- (7) Weekends. Except as further provided under subsection (F)1.(8) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 a.m. each Friday and Saturday night and before 11:00 a.m. of the next day, and shall not have amplified audio entertainment after 11:00 p.m. each Sunday night and before 11:00 a.m. of the next day. For purposes of this section, amplified audio entertainment shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended

as a principal form of entertainment shall not be deemed amplified audio entertainment.

(8) Provisions for extended hours of operation for amplified audio entertainment.

- (a) The allowable period for amplified audio entertainment for any dining and entertainment establishment in any zoning district may be extended, at the option of the owner/operator, from the times specified under subsections (F)l.(6) and (7) above to not later than 2:00 a.m. the following day on December 31 (New Year's Eve).
 - (b) The allowable period for amplified audio entertainment for any dining and entertainment establishment that meets the separation requirements as specified under subsection (F)l.(8)(d) below may be extended, at the option of the owner/operator, from the times specified under subsections (F)l.(6) and (7) above on each Thursday night to no later than 2:00 a.m. the following day.
 - (c) The allowable period for amplified audio entertainment for any dining and entertainment establishment that meets the separation requirements as specified under subsection (F)l.(8)(d) below may be extended, at the option of the owner/operator, from the times specified under subsections (F)l.(6) and (7) above to no later than 2:00 a.m. the following day on March 17 (St. Patrick's Day), May 5 (Cinco de Mayo); July 4 (Independence Day) and October 31 (Halloween).
 - (d) To qualify for extended hours of operation for amplified audio entertainment as provided in subsections (F)l.(8)(b) and (F)l.(8)(c) above, the dining and entertainment establishment shall not be located within a 500-foot radius, including street rights-of-way, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the dining and entertainment establishment to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this subsection, the term "single-family residential zoning district" shall include any RA20; R15S; R9S; R6S; and MRS district.
 - (e) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code.
- (9) Shall have sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.
- (a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishments kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.
 - (b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including

the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

- (c) A membership, cover or minimum charge for admittance or service shall not be included in either the total gross receipts for the establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state.
 - (d) For purposes of determining compliance under this subsection, the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.
- (10) Records related to the sale of prepared and/or packaged food in a ready-to-consume state and the sale of all other products and services shall be maintained on premises for not less than one year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises of the establishment or may request copies of the written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready-to-consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (F)1.(9) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the Zoning Enforcement Officer shall constitute a violation of the zoning regulations.
- (11) A lighting plan shall be submitted to the Director of Community Development or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Community Development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.
- (12) A parking plan which conforms to the provisions of Article O shall be submitted to the Director of Community Development or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(B) shall not apply to a dining and entertainment establishment, and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.
- (13) No dining and entertainment establishment located in a CN (Neighborhood Commercial) District shall contain more than 7,000 total square feet of mechanically conditioned floor area, including but not limited to any activity area, kitchen, restroom, interior walk-in storage room, hallway, foyer, bar and serving station, seating area, dance floor and sound stage.
- (14) No dining and entertainment establishment located in a CN (Neighborhood Commercial) District shall

be located within a 200-foot radius of an existing or approved dining and entertainment establishment located within any CN (Neighborhood Commercial) District as measured from the nearest lot line.

- (15) When a dining and entertainment establishment both: is located within a 500-foot radius, including street rights-of-way, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary; and the establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 p.m. on any day, the establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:
- (a) Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the Building Inspector shall employ not less than one uniformed off-duty law enforcement officer, or not less than one uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 p.m. to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.
 - (b) Establishments that have an approved occupancy of 200 or more total persons as determined by the Building Inspector shall employ not less than two uniformed off-duty law enforcement officers, or not less than two uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 p.m. to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.
 - (c) For purposes of this section, the term residential zoning district shall include the following districts: RA-20, R-6MH, R-6, R-6A, R-6A-RU, R-6N, R-6S, R9, R9S, R-15S, PUD, MR and MRS.

Other Comments:

The proposed project must meet all related NC State fire and building codes prior to occupancy.

Staff Recommended Conditions:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Mr. James Benson, applicant, spoke in favor of the request. He stated that the club wanted to charge for entertainment that will be held 2-3 times a week. He stated he would like to bring larger entertainment groups to town and charging a cover fee would help augment the cost. He said he would like to continue business as a

restaurant and also have entertainment.

Mr. Mullarkey asked if the applicant was the previous owner of Pheasants.

Mr. Benson stated that he is the current owner.

Mr. Fleming asked if apartments were above the club.

Mr. Benson stated yes.

Mr. Fleming stated that the music was loud in the restaurant and that he did not see how anyone could live above.

Mr. Benson stated that they have worked out a deal with the building owner and they will not have live entertainment after 11pm on Sunday-Thursday nights. They will have live entertainment on Friday and Saturday nights until 2 am. The tenants have agreed to the arrangements.

Mr. Mullarkey stated that the apartments have been there for a long time and loud music is in that part of town.

No one spoke in opposition.

Mr. Dail stated that staff had no objection to the request.

Chairman Shook closed the public hearing and opened for board discussion.

No board discussion.

Chairman Shook read the required findings criteria. No objections.

Ms Ferris made a motion to adopt the finding of facts with the stated conditions, Mr. Ewen seconded and the motion passed unanimously.

Mr. Fleming made a motion to approve the petition with the stated conditions, Ms Rich seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY-APPROVED

The applicant, North Carolina Eastern Municipal Power Agency, desires a special use permit to operate a public utility (peak shaving generators) pursuant to Appendix A, Use (4)a. of the Greenville City Code. The proposed use is located at 490 W. Firetower Road. The property is further identified as being tax parcel number 36048.

Mr. Dail delineated the area on the map. He stated that the property is located in the extreme southern portion of the city's jurisdiction, north of West Firetower Rd.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: GB (General Business) & OI (Office Institutional) - *Winterville's Jurisdiction*
East: RA20 (Residential Agricultural)
West: RA20 (Residential Agricultural)

Surrounding Development:

North: Vacant
South: GUC Substation, North Winterville Cemetery, Vacant, Sunclassics, LLC
East: Vacant, Single Family Residences (South Hall), Temple FWB Church
West: Vacant, Reimage Church

Description of Property:

The subject property is owned by The City of Greenville, and is 9.57 acres in size and contains the Greenville Utilities Winterville Substation. The area proposed for new development is located 1,000 feet north of W. Firetower Road and is 2.5 acres in size. The applicant plans to install ten peak-shaving generators and supporting equipment in the proposed area. The property is located 761+/- feet to closest residence in South Hall, 708 feet to Temple FWB Church, and 1100 feet to the closest residence in Winterville's jurisdiction, and 722 feet to the closest building on Reimage's campus.

Comprehensive Plan:

The property is located within Vision Area "E" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends conservation/open space for the subject property.

Notice:

Notice was mailed to the adjoining property owners on March 14, 2013. Notice of the public hearing was published in the Daily Reflector on March 18, 2013 and March 25, 2013.

Related Zoning Ordinance Regulations:

Definition: Public utility building or use.

Any above-ground building or use necessary for the delivery of electric, water, sanitary sewer, storm drainage, gas, telephone, cable TV or other utility service system which meets any one of the following conditions:

- (1) Utilizes structures in excess of 100 total square feet;
- (2) Utilizes any structure in excess of 15 feet in height;
- (3) Requires any on-site permanent maintenance or service attendant;
- (4) Requires or utilizes three or more parking spaces; and
- (5) Creates noise, smoke, dust, odor glare or any other condition which may have an adverse impact on area properties or uses.

Other Comments:

The proposed project must meet all related NC State fire and building codes prior to occupancy.

Mr. Ewen asked if there were any screening requirements for vegetation.

Mr. Dail stated no.

Attorney Phil Dixon, applicant's legal representative, spoke in favor of the request. He stated that the applicant selected Greenville as a potential site for peak shaving generators. This would create a \$500,000 savings for Greenville Utilities Commission (GUC). The generators help reduce demand and cost and provide backup power in case of a catastrophe. GUC submitted five possible locations. North Carolina Eastern Municipal Power Agency (NCEMPA) selected the proposed location because it was the most buffered, most remote, least likely to interfere with anyone, and is a suitable site. The noise level for the generators is expected to be 65 dba even though the proposed ordinance does not have to abide by the city's 75 dba noise level ordinance.

Mr. Todd Rouse, chief operating officer at GUC, spoke in favor of the request. He presented GUC background information. He stated that Greenville currently has twelve similar units since 1994. GUC customers also own and operate 40 units for peak shaving purposes throughout the service area. The benefits of the generators include: (1) Electric system reliability and quality support, (2) Annual savings to GUC customers of \$500,000 per year in wholesale power costs, (3) Contribution to local tax base, (4) Local temporary construction jobs, (5) Impact fee and facility charge payments to GUC, (6) Land lease payments to GUC, (7) GUC and the City of Greenville have approved the lease agreement with NCEMPA.

Chairman Shook asked the definition of peak times.

Mr. Rouse stated that GUC pays 4 ½ ¢ per kilowatt hour (kwh) for the power that is purchased from the power agency. During peak times in the day, GUC pays 12 ½ ¢ per kwh. The bill is based upon trying to reduce the load during peak times which have been designated at 6-8 am in the winter and 2-5 pm in the summer only on weekdays. The units will only be operated approximately 200 hours a year.

Chairman Shook asked how much does it cost per hour to run the generators.

Mr. Rouse stated that another speaker could address the cost.

Mr. Fleming asked why the generators use diesel fuel rather than natural gas.

Mr. Rouse stated that a natural unit is 1 ½ times bigger than a diesel unit and companies do not make many natural units the size needed for the proposed project.

Mr. Andrew Fusco, director of Planning at Electricities of North Carolina, spoke in favor of the request. He stated that the site location was selected due to its proximity away from residential areas, the flatness of the land which will have minimum construction cost. The other sites posed technical difficulties, were too close to residents or could not handle the load. The site will run 20 megawatts of power over 20 year which is the life span for the units. The Power Agency will save \$29 million in which GUC gets 18%. Within a year, the Power Agency will save \$2.5 million and \$500,000 will be directly saved for GUC. The generators cost \$1.7 million each for a total of \$15 million. They are the size of a tractor trailer truck. The plan is to install five generators

by July, two by end of the year and three by 2014. If the project is delayed, the Power Agency lost savings is \$200,000 every month. GUC was selected for the generators because of the fiber optics in place in order to remotely operate the generators and the workforce expertise. GUC also has experience with peak shavings and is the second largest municipal-owned utilities in the state. Electricities also provides management for North Carolina Municipal Power Agency 1 (NCMPA) which has 34 – 2 MW generators in 19 cities in western North Carolina. NCMPA has not had any emissions violations, fuel or chemical spills, or work related injuries.

Mr. Fleming asked will additional power lines be needed.

Mr. Fusco stated electrical lines will run from the generators to the substations.

Mr. Fleming asked will the train be used to install the generators since the proposed location is near the train tracks.

Mr. Fusco stated that the train was mentioned because vegetation near the tracks provides additional buffer.

Mr. Fleming asked if the new power line in the Simpson area would have anything to do with the project.

Mr. Rouse stated that the line will be additional power into Pitt County and add to the reliability of the system in Pitt County.

Mr. Fleming asked if there is any risk affiliated with the generators.

Mr. Fusco stated that another speaker will address safety issues.

Mr. Faison asked if the units will operate 24 hours to detect the peak hour or does a monitoring system track the levels.

Mr. Fusco stated that the generators are operated remotely from Raleigh and that they run approximately 15 hours a month.

Mr. Faison asked if there will be days that the units are completely nonoperational.

Mr. Fusco stated they will not be operational 90% of the time. Operational times will usually be when the temperatures are at its hottest or coldest.

Mr. Michael Dougherty, President of Southeastern Consulting Engineers, spoke in favor of the request. His company has been instrumental in installing 500 MW of generators. The fuel used for the generators is #2 diesel fuel which is not combustible. The units have a secondary containment area for leak prevention. The units are also bullet proof. The transformers use biodegradable material. The generators are state-of-the-art units that meet the latest EPA Tier 4i standards for air emissions. The ten proposed generators together will have emissions rate equal to one unit installed ten years prior. All the required state and local permits have been or will be applied for. The units are located in a 50' x 10' shipping container and are sound attenuated. The sound of all ten is equivalent to the sound of one unit installed ten years prior. Noise from the generators does conform to the City's noise ordinance of 75 dBA even though the units are located in the ETJ. When all generators are running, the sound level at the closest home is calculated to be less than 59 dBA; quieter than the

inside of a Lexus LS 600h L hybrid at 70 mph. Tree buffer would further reduce sound levels. The running of the generators is quieter than a train horn that is 100-150 dBA.

Ms Rich asked where the generators are manufactured.

Mr. Dougherty stated near Minneapolis, Minnesota.

Chairman Shook asked about the noise emitted from the exhaust pipe on the roof of the units.

Mr. Dougherty stated the three major sources of noise on the generator is the engine, radiator and the exhaust. The exhaust runs through a silencer.

Chairman Shook asked about the fan and how air is pumped in and out.

Mr. Dougherty stated that the air comes underneath the enclosure, goes across the engine and then goes up to be exhausted out.

Mr. Ewen asked if the proposed units would be quieter than the starting of the unit behind his building on ECU's campus.

Mr. Dougherty stated that the starting of the unit is the loudest but since he did not design those units he was not sure if it would be quieter. He stated that the proposed units are quieter than their normal design.

Mr. Fleming asked if the residents in South Hall would be able to hear the generators.

Mr. Dougherty stated that he did not know.

Attorney Dixon stated that the generators would run during the coldest or the hottest times so windows will be down and doors will be shut. The proposed site was selected because of the distance to the closest residents.

Mr. Paul Cuomo, president of Coastal Carolina Group, Inc., spoke in favor of the request. He stated that he was a state certified real estate appraiser and his engagement with the application was to determine if any adjacent property value diminution occurred because of the proposed site selection for the generators. He observed the proposed site on March 13 and 14. The site has several uses surrounding it and it has massive and stable growth. The property is unique and well buffered. Its highest and best use is a substation. He conducted a sales comparison approach analysis of recent sites close to existing generator sites.

Mr. Faison asked if the proposed project would increase property value.

Mr. Cuomo stated no because its highest and best use is extremely depreciated because it is a substation. It will add nor take away the value of adjacent property.

Mr. David Barnes, Chief Legal and Ethics Officer of Electricities of North Carolina, Inc., spoke in favor of the request. He is the legal representative for NCEMPA. He stated that the proposed project is an effort to make their rates competitive and the rate payers have to pay as little as possible. The applicant did extensive research in selecting the proposed site for the generators in order to be good neighbors. The applicant paid extra money

to make sure that the diesel generators were in attenuated containers to ensure sound was as low as possible and that the diesel fuel was encased as safe as possible. They also hired people that were experience with the installation of the diesel generators. He stated that the company is committed to do whatever they can to make everything right.

Chairman Shook asked the specifics concerning the company doing whatever is needed to make the proposal right.

Mr. Barnes stated that the company has taken several precautionary measures – trying not to remove trees, to have a retention pond, encasing the units, etc. They are open to suggestions.

Attorney Dixon summarized the presentation.

Chairman Shook asked Attorney Little to explain admissible testimony and evidence.

Attorney Little stated that facts must be presented versus an opinion or a belief unless it is based on a fact. The opinion of an expert witness can be considered. A lay person can have an opinion as long as it has a factual basis.

No one else spoke in favor.

Mr. Griff Garner, resident of South Hall, spoke in opposition of the request. He stated that he lived in the house closest to the proposed location. He stated that only 10 residents in South Hall received notices because of the notification requirement. He stated that he talked to City staff and others affiliated with the project about his concerns with emissions and noise. He is not sure emissions will be a problem due to technology. He believed that the noise of the generators will be heard at and inside his house. He and his wife visited the peak shaving generators near Minges Coliseum. The generators were remotely started one at a time and then both at the same time. The group backed up an estimated 700 feet and the generators could still be heard with the assumption that the bulk of the noise came out of the exhaust. He did research via the Internet on attenuation of sound. He walked through a mathematical exercise about the noise level and is convinced that he will be able to hear the noise. He asked the board to ensure residents that the proposed site is the least offensive spot to single family residences. He also requested the following from the applicant: (1) to do everything possible to attenuate the sound which may involve installation of vegetation or sound walls; (2) to ensure that ten generators are not too many for one site; (3) limit the hours that the generator can run per year except during natural disasters; (4) fund \$5,000 to residents to hire a sound engineer to review the attenuation plan.

Mr. Ewen asked how often the train comes by South Hall.

Mr. Garner stated that he thought the train came by once a day approximately 8 pm for approximately three – four minutes.

Chairman Shook stated the train runs twice a day- once around noon and the other around 5 pm.

Mr. Garner stated that the train tracks were there when he bought the house.

Mr. Faison asked if the noise from Firetower a nuisance.

Mr. Garner stated that he can hear traffic late at night but he was aware of that when he bought the home.

Mr. Mullarkey asked if the catfish industrial plant still operational.

Mr. Garner stated the residents were originally told that the smell would be comparable to fresh baked bread and it is nowhere close. The owner of the company is also not cooperative.

Chairman Shook asked if the total number of hours the generators will run or the time of day the issue.

Mr. Garner stated the total hours. The time of day is comforting.

Mr. Faison asked if Mr. Garner could visit a site with generators similar to the proposed project.

Mr. Garner stated that Mr. Rouse chose the location. He was told that the noise at his property line is 60 dBA which is comparable to normal conversation at three feet.

Mr. Barnes stated the company has an attenuation plan. He stated that a sound wall may help South Hall but it may send the sound towards Reimage Church. They could plant additional trees on the north side; however, that side is under the GUC transmission line. Certain liability requirements from the federal government state that trees cannot be near transmission lines. They will be happy to plant trees that will be less than 20 feet tall and feel that will be helpful in buffering the sound. Providing money for the neighborhood to hire an engineer will translate to higher rates. The company did hire an independent engineer when they hired Mr. Dougherty. \$2 million was spent on should attenuation for ten generators. Someone would monitor the load to anticipate the peak. If the hours are limited, it will affect the project.

Chairman Shook asked how many peak hours would occur in a month.

Mr. Barnes stated that the company only wants to hit one hour but is uncertain of when it will be.

Ms Ferris asked the highest number of hours they ever needed in order to hit the peak.

Mr. Fusco stated three hundred or four hundred hours.

Mr. Rouse stated the estimated distance away from the generators was approximately 300 feet in order to hear 60 dBA.

Mr. Mullarkey asked if the new generators are 1/10 of the sound of the existing generators then would two of the existing generators be equivalent to twenty new ones.

Mr. Rouse stated the ratio was referring to emissions.

Mr. Dougherty stated that 65 dBA would register at the Garner's property line. All ten generators would create 75 dBA. After applying a mathematical formula to calculate noise over distance, 58 dBA would actual be heard at the Garner's house. This is equivalent to less than a normal conversation.

Ms Ferris asked for a comparison of a air conditioning unit of a house to the noise level of the generators.

Mr. Dougherty stated that the noise level of a busy street is 80 dBA.

Chairman Shook asked if Mr. Dougherty agreed that Mr. Garner would be able to hear the units at his property line.

Mr. Dougherty stated that he could not say what Mr. Garner would be able to hear.

Attorney Dixon handed Mr. Dougherty papers that listed some sound source examples and noise reduction examples based on distance.

Mr. Dougherty read the examples and explained the distance formula.

Mr. Fleming asked about the vibration from the generators.

Mr. Dougherty stated that the generators have vibration isolators underneath the engine.

Mr. Fleming asked how long the generators have been available.

Mr. Dougherty stated that the proposed generators have been in existence for a couple of years.

Mr. Fleming asked how the proposed generators been installed in North Carolina.

Mr. Dougherty stated that he was not sure. The builders are taking generators that have been around and adding the new emissions reduction technology.

Mr. Porter Kaffman, resident of South Hall, spoke in opposition of the request. He stated that he did not understand the value that the generators will create. He also asked how much of the savings will be passed on to the customers. He also wanted to know about future expansions and a guarantee that the tree buffer will always been in place. He wanted to know what the company will do if the noise level goes above 59 dBA. He also wanted to know if the company will replace old generators with newer technology when it becomes available. He suggested that the company get written testimonies about the noise from other residents that are near some of the existing units. He suggested that the board not make a decision until all the questions have been answered.

Mr. Faison asked if written testimony was admissible.

Attorney Little stated the document would have to be from an expert within that field and within the scope of business.

Mr. Fleming asked how the City will benefit from the generators other than from the utility savings.

Attorney Dixon stated Eastern Municipalities will pay taxes and the location is leased.

Mr. Fleming asked how much tax the project will generate.

Attorney Dixon stated that he had no idea how much but the project will generate lease payments every year, hookup charges, significant savings, and a backup energy source.

Mr. Fleming asked if the generators will attract industries.

Attorney Dixon stated that the City was excited to be selected and stated that one of the other speakers will elaborate on the benefits.

Mr. Fusco stated that the company does not plan to expand beyond the ten units. The tract of land is not big enough for expansion. The air permit limits tons of emission to the air. The ten generators has a air permit limit of 1100 run hours so the generators cannot go over the cap. Nineteen cities in the western part of North Carolina have the 2MW peak shaving generators. Greenville would be the first in the eastern part of the state to have them. The benefits include the economic savings, the reliable source of energy, the local tax, and the lease payments. Greenville will contribute 18% of the capital and receive 18% of the benefit. It will cost the company \$200,000 every month if the project is delayed.

Mr. Faison asked if the site selected was chosen because it was the most intrusive.

Attorney Dixon stated yes and asked Mr. Rouse to speak in rebuttal to the opposition.

Mr. Rouse stated the new EPA laws have required that the older units have to be retrofitted with new catalytic converters to improve emissions.

Mr. Dougherty stated that the trees on the site will remain because erosion control prohibits it.

Chairman Shook asked if the bufferyard will preclude the company from planting anything inside the site.

Mr. Dougherty stated the retention pond is on the west side of the property and the trees on the side will not be touched.

Mr. Rouse stated that GUC is willing to work with property owners if an issue should arise. GUC is willing to look at modifying the site for plantings that are 15-20 feet tall in order to not interfere with power lines.

Mr. Ewen asked if a 15' vegetative buffer would make a difference if the exhaust is on top of the unit.

Mr. Rouse stated the buffer would block some noise and attenuate the noise closer to the ground. He stated that the substation and the railroad tracks were constructed prior to South Hall.

Ms Meredith Stone, resident of South Hall, spoke in opposition to the application. She stated that the railroad runs once a day for two minutes and should not be compared to ten generators running for one hour. She asked if the company looked at putting the generators in an industrial zoned area versus residential. She said the company has not addressed the plan for controlling sound or aesthetics. The impact of the property value of the homes next to the site has not been addressed.

Attorney Dixon stated that an appraiser testified that adjoining properties will have no adverse impact.

Mr. Barnes spoke in rebuttal to the opposition. He stated that some of the questions Ms Stone were addressed. The company looked at locations in Greenville and Rocky Mount and the selected site was the furthest away from any residence. He said the residents would not be disturbed.

Mr. Fusco addressed the four other sites in Greenville: (1) Across from Third Street School – closer than 700' to an apartment building and permit issues with site previously housed a coal plant; (2) McGregor Downs location- residents along B's BBQ road closer than 700'; (3) Simpson location – near the new Wal-Mart location and residents much closer than 700'; (4) Welcome – technical issue preclude installation

Mr. Faison asked if the current Winterville substation had noise problems.

Mr. Rouse stated no complaints to date.

Mr. John Moore, resident of South Hall, spoke in opposition of the request. He stated that he served on Board of Adjustment in 1980's. He stated the peak noise levels from the Cummings Diesel manual of 42 dBA at night and 52 dBA during the day. He stated that the board does not have the information to make a quality decision about the generators. 34 generators are located in 19 counties. Ten generators will be placed in 2.5 acres. He suggested that the request be put on hold until adequate information about noise is supplied.

Chairman Shook asked what legal statue the board could stand on.

Mr. Moore stated he did not know except when they stated that the selected site was the least objectionable. He asked what it will cost the City to generate at \$500,000 savings. He stated that the biggest mistake the board made in the 1980's was listening to people that did not paint the whole picture.

Mr. Mullarkey stated that it will cost 18% of \$17 million.

Mr. Ferris stated that unless the opposition can show a good, factually supported reason why the applicant should not be approved.

Mr. Moor stated that the decision should be postponed. Only ten people in the neighborhood were notified. He felt that the application was rushed in.

Mr. Ewen asked if the applicant met the required deadlines.

Mr. Dail stated sure.

Mr. Fleming asked why only ten people received written notification a couple of days before the meeting.

Mr. Dail stated that the letters were mailed on March 14 and the state requires letter to be mailed to residents within 100'. Staff went above and beyond the notification requirements of the state.

Mr. Faison asked technically staff could not have sent any notices because the residents were beyond the state requirements.

Mr. Dail stated that several would have been required to send notices to but staff strives to go above and beyond

the bare requirements. The notice of the meeting is also put in the Daily Reflector two times along with signs posted on the property.

Attorney Dixon stated that the company went before the GUC Board of Commissioners several months ago for the lease. The Board recommended it to City Council for approval. Approval was granted on the condition that the company receives a special use permit. The manager then signed the special use permit paperwork. The company has demonstrated why the permit should be approved. No sound basis of fact was presented on behalf of the opposition. The big issue is the appropriateness of the site and the noise level. Proof has been given that the selected site is the most appropriate and the noise level 700 feet is comparable to conversation noise.

Mr. Barnes stated that ElectriCities and NCEMPA are non-profit organizations.

Mr. John Trolley, deacon for Temple Free Will Baptist Church, spoke neither for nor against the application. He asked if the special use permit is indefinite and if the church expands will the noise levels be enforced.

Mr. Dail stated that the property is not located in the city's limit so the noise level does not apply to the property. The church can notify the City if there a noise issues and staff will bring it back to the board.

Chairman Shook stated that a special use permit does not expire but it can be revoked.

Mr. Trolley asked if complaints were from any of the other sites in Greenville near residential areas.

Mr. Fusco stated that no complaints were received from the units located in the western part of North Carolina. He added that peak hours would not occur on Sundays.

Mr. Trolley asked if there would be any interference with the church's electrical equipment.

Mr. Fusco shook his head no.

Attorney Dixon stated that if the church or residents had issue that they would first come to GUC before going to start in order for the company to exert their best efforts to resolve them.

Mr. Ed Adams, resident of South Hall, spoke in opposition of the request. He asked if the applicant actually measured the noise from the top of the generator or have come into the neighborhood and measured the noise. He stated that the only way sound could be stopped was by mass.

Mr. Fleming asked if \$2 million was going towards attaining sound.

Mr. Adams said he heard sound and trees and would like more details to what exactly will be done. He wanted to see the plans on the attenuation of sound and suggest that the board have an engineer to review the plans.

Mr. Garner asked to speak again.

Attorney Dixon stated that the opposition does not get an opportunity to rebut the rebuttal.

Attorney Little stated that the decision was up to the board.

Mr. Faison asked if the loss of \$200,000 a month a presumed loss or actual.

Mr. Fusco stated it is an actual loss based on formula rate from Progress Energy.

Mr. Ewen asked if the City would be losing \$200,000 every month if the project does not go online.

Mr. Fusco stated yes.

Ms Christy Garner, resident of South Hall, spoke in opposition of the request. She stated that the approval for the request does not need to be rushed. Her and her husband's were more concerned after visiting the site near ECU. She asked if the company visited any sites with ten generators.

Mr. Fusco stated the company currently does not have a site with ten generators but they had a project with two combustion turbines in Monroe, North Carolina that were equivalent to 24 MW.

Ms Garner stated that the company is already not willing to implement the suggestions from the neighborhood prior to receiving the permit. This is not indicative of being a good neighbor and asked if the speakers would like for it to be behind their house.

Attorney Dixon spoke in rebuttal to the opposition. He stated that he was not intending any misrepresentation of any kind. Noise is not an issue. There is no need to build a brick wall or plant additional trees. The applicant addressed the noise level. The company cannot install one generate in order to measure the noise but they did bring in an independent expert who calculated the amount of noise at various locations.

Mr. Al Stone, resident of South Hall, spoke in opposition of the request. He asked for the board to deny the request. The selected site is the cheapest site. The noise will travel into South Hall. If the generators are installed, then more industries will be able built in the area. This decision will take precedence for future endeavors.

Attorney Dixon spoke in rebuttal to the opposition. He stated that the existing peak shaving generators have run 15.8 hours on an average per month over the past ten years of hours. This will total to 7,224 hours with significant savings and very little if any inconvenience to the adjoining properties.

Mr. Dail stated that staff had no objection with the proper findings by the board.

Chairman Shook closed the public hearing and opened board discussion.

Mr. Faison stated that the residents made good points but the board is bond by the finding of facts and the residents did not have any expert witnesses. The applicant presented at least four experts.

Mr. Fleming stated that he could appreciate their concern about the noise, but the installation of the generators is a tremendous economic opportunity. The other sites were not close to as nice as homes as South Hall and the people probably are not as well educated.

Ms Ferris stated that the applicant took a lot of effort to examine other sites. The selected location is the best option and they are willing to continue to make an effort to make people happy.

Mr. Mullarkey stated that the residents made good points but they could not be considered with the finding of facts. The board had to use expert testimony. The board can use the best science at hand and the educated opinions. The site was selected because (1) it has an existing substation; (2) an industrial facility is next to the site; and (3) the property is divided by an active railroad.

Mr. Ewen stated there are legitimate concerns about the noise but the residents do not know what the noise level will be. Engineers that work with the generators are saying the noise will not be a problem. The board has to work with the laws of the City. If there is a problem, bring it back to the board.

Chairman Shook read the required findings criteria. No objections.

Mr. Ewen made a motion to adopt the finding of facts with the stated conditions, Ms Ferris seconded and the motion passed unanimously.

Mr. Fleming made a motion to approve the petition with the stated conditions, Mr. Ewen seconded and the motion passed unanimously.

ANNUAL REVIEW OF PUBLIC AND PRIVATE CLUBS AND DINING AND ENTERTAINMENT ESTABLISHMENTS OPERTING PURSUANT TO AN APPROVED SPECIAL USE PERMIT-

Mr. Dail stated that staff conducts an annual review of public and private clubs and dining and entertainment establishments. Information is gathered from the Police Department, Code Enforcement, Pitt County ABC Commission, Fire Department and Inspections. A spreadsheet was created to summarize the comments. No major concerns with any of the establishments.

Captain Rob Williams stated that he reviewed the information and no business stands outs to give the Police any concerns of any of the establishments.

Mr. Fleming asked what has caused the change downtown from several years ago when there were a lot of issues and extra police were needed to patrol downtown.

Captain Williams stated that extra officers are downtown on weekends and the speed cushions have helped with the vehicular traffic. Egress plans have been established in certain areas where a lot of people are coming out of the club at closing time. A very well orchestrated response to Friday and Saturday nights. Collective all the efforts have helped improve conditions downtown.

Chairman Shook stated that none of the places downtown have a special use permit so the board has no jurisdiction.

Captain Williams stated that the high number of service calls for some of the establishments could be because the alarm went off.

Chairman Shook stated that some of the calls are near the establishments but did not occur in the establishment.

Captain Williams stated that is correct. Just because the call is under a particular club does not mean that the call originated at that address.

Mr. Mullarkey stated that the best report is from the guys on the street.

With no further business, Mr. Fleming made a motion to adjourn, Mr. Faison seconded, and it passed unanimously. Meeting adjourned at 10:18 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner

Memorandum

To: Honorable Mayor and City Council Members

From: Chris Padgett, Assistant City Manager *C.M.P.*

Date: May 1, 2013

Subject: Notice of Special Event Permits Approved

The following special event applications were approved by the Greenville Police Department. If you have any questions about this report, contact me or Chief Aden.

Name of Event	Event Date	Event Location	Event Organizer/ Sponsoring Agency	Law Enforcement Required
Relay for Life Walk (amplified sound)	4/26/2013	South Central HS	American Cancer Society	No
Pool Party (amplified sound)	5/1/2013	Pirate Place Townhomes	Pirate Place Townhomes	Yes

als

cc: Dave Holec, City Attorney
Carol Barwick, City Clerk