



# Agenda

## Greenville City Council

March 20, 2017  
6:00 PM  
City Council Chambers  
200 West Fifth Street

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### **I. Call Meeting To Order**

### **II. Invocation - Council Member Godley**

### **III. Pledge of Allegiance**

### **IV. Roll Call**

### **V. Approval of Agenda**

- **Public Comment Period**

The Public Comment Period is a period reserved for comments by the public. Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

### **VI. Special Recognitions**

- Cheryl Curtis - Police Department Retiree
- Ken Hadnott - Police Department Retiree
- Douglas Jones - Public Works Department Retiree
- Samuel Walker - Public Works Department Retiree

## **VII. Appointments**

1. Appointments to Boards and Commissions

## **VIII. Consent Agenda**

2. Minutes from the December 7 and December 8, 2016 City Council meetings
3. Resolution and Deed of Release authorizing the abandonment of a portion of a ten-foot wide electrical easement located across property commonly known as Bradford Executive Park Subdivision, Block A, Lot 1 (parcel no. 73284) and Lot 2 (parcel no. 62610) of The Sabre Companies, LLC
4. Grant of a temporary construction easement for the Dickinson Avenue Improvement Project
5. Ordinance authorizing the Use of Petty Cash Funds and Procedures over Petty Cash and Change Account
6. Ordinance Authorizing the Use of Electronic Payments and Adoption of the Accounts Payable Policy
7. Elimination of the Site Ready Program
8. Contract with Cherry Bekaert, LLP for auditing services for Fiscal Year 2016-2017
9. Report on Bids and Contracts Awarded
10. Various tax refunds greater than \$100

## **IX. New Business**

### **Public Hearings**

11. Ordinance to annex Westhaven South, Section 5, Lot 3 involving 19.850 acres located along the southern right-of-way of Regency Boulevard and adjacent to South Point Townhomes
12. Ordinance requested by Happy Trail Farms, LLC to rezone 2.903 acres located along the western right-of-way of Allen Road and 1,100+/- feet south of Landfill Road from MRS (Medical-Residential-Single-family) to MCH (Medical-Heavy Commercial)
13. Ordinance requested by Patricia S. Bowen, et al. to rezone 84.533 acres located along the eastern right-of-way of Charles Boulevard and adjacent to Grace Church from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]) - 26.000 acres, R6S (Residential-Single-family [Medium Density]) - 12.549 acres, R9S (Residential-Single-family [Medium Density]) - 15.807 acres, R15S (Residential-Single-family [Low Density]) - 21.887 acres, and O

(Office) - 8.290 acres

14. Ordinance requested by WGB Properties, Incorporated, to rezone 7.87 acres located along the northern right-of-way of Clifton Street and the eastern right-of-way of Evans Street from CG (General Commercial) to OR (Office-Residential [High Density Multi-family])
15. Ordinance amending the Subdivision Ordinance to Extend the Review Time of Preliminary Plats by Twenty Working Days
16. Economic Development Incentive for Pitt Street Brewing Company

### **Other Items of Business**

17. Amendment to the current alcohol policy for City Parks and Recreation Facilities
18. Ordinance Amending City Code Provisions Relating to Consumption of Alcoholic Beverages in Public to Allow Consumption on the Town Common Subject to Conditions
19. Request by Home Builders Supply Company to purchase City-owned property located at Wilson Street and Line Avenue, being Pitt County Parcel Number 19999
20. Interlocal Agreement with Pitt County Board of Education related to the Red Light Camera Program
21. Agreement with American Traffic Solutions, Inc. related to the Red Light Camera Program
22. NC Emergency Management Hazard Mitigation Grant Program Application and Resolution Adopting a Prioritization and Policy Plan for the Development and Implementation of a Hazard Mitigation Grant Program Acquisition and/or Elevation Project
23. Adoption of the 2017 City Council Planning Session Report
24. Additional One-Stop Voting Site(s) for the 2017 Municipal Election
25. Update on the Draft Active Transportation Plan Project
26. Resolution supporting proposed safety improvements on South Memorial Drive between O'Hagan Street and West 5th Street
27. Discussion of New River Overlook
28. Discussion of amending the authority for certain purchasing decisions relating to apparatus, supplies, materials or equipment
29. Presentation by Greenville Utilities on electric rates

**X. City Manager's Report**

**XI. Comments from Mayor and City Council**

**XII. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Appointments to Boards and Commissions

**Explanation:** **Abstract:** The City Council fills vacancies and makes reappointments to the City's boards and commissions. Appointments are scheduled to be made to five of the boards and commissions.

**Explanation:** City Council appointments need to be made to the Affordable Housing Loan Committee, Environmental Advisory Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, and the Youth Council.

The City's Board and Commission Policy on the Pitt-Greenville Convention & Visitors Authority states that the City Council shall make the nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The County seats for Beatrice Henderson and Christopher Jenkins are up for nomination.

The City Council updated the Board and Commission Policy on August 15, 2016. A provision for extended vacancies was included:

*Nominations for Extended Vacancies*

*In the event there is a vacancy on a City board or commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nominations and elections in Robert's Rules of Order.*

Under this provision, the following seats are open to nominations from the City Council:

- Kathy Moore, Human Relations Council, Shaw University Seat
- Maurice Whitehurst - Human Relations Council, Pitt Community College Seat
- Ron Feeney - Pitt-Greenville Convention & Visitors Authority, City - Owner/Operator of hotel/motel
- Beatrice Henderson - Pitt-Greenville Convention & Visitors Authority, County - Resident not involved in tourist or convention-related business
- Christopher Jenkins - Pitt-Greenville Convention & Visitors Authority, County - Resident not involved in tourist or convention-related business
- 13 vacant seats - Youth Council, Pitt County High Schools

**Fiscal Note:** No direct fiscal impact.

**Recommendation:** Make appointments to the Affordable Housing Loan Committee, Environmental Advisory Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, and the Youth Council.

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 [Muni\\_Report\\_2015\\_Appointments\\_to\\_Boards\\_and\\_Commissions\\_998631](#)

# Appointments to Boards and Commissions

March 2017

## Affordable Housing Loan Committee

**Council Liaison:** Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Thomas Hines	1	First term	Resigned	Feb 2017

## Environmental Advisory Commission

**Council Liaison:** Council Member McLean Godley

Name	District #	Current Term	Reappointment Status	Expiration Date
Jon Weaver	3	First term	Resigned	October 2018
<i>(Building contactor/land developer/one familiar with construction techniques)</i>				

## Human Relations Council

**Council Liaison:** Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Isaac Blount	4	Second term	Resigned	Sept 2019
Kathy Moore	3	First term	Eligible	October 2016
<i>(Shaw University)</i>				
Maurice Whitehurst	2	Second term	Did not meet attendance requirement	Oct. 2015
<i>(Pitt Community College)</i>				

## Pitt-Greenville Convention & Visitors Authority

**Council Liaison:** Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Ron Feeny	City	First term	Resigned	July 2017
<i>(Owner/Operator of Hotel/Motel)</i>				

Beatrice Henderson	County	First term	Eligible	July 2016
<i>(Resident not involved in tourist or convention related business)</i>				
Christopher Jenkins	County		Resigned	July 2017
<i>(Resident not involved in tourist or convention related business)</i>				

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### **Youth Council**

**Council Liaison:** Council Member Calvin Mercer

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
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13 spots open to the City Council

\*Seats that are open to nomination from the City Council are highlighted.

# Applicants for Affordable Housing Loan Committee

Crystal M Kuegel  
1200 B Glen Arthur Avenue  
Greenville, NC 28540

**Application Date:** 2/23/2015

**District #:** 4

**Home Phone:** (252) 885-9245

**Business Phone:** (252) 885-9245

**Email:** crystal.kuegel@gmail.com

## Applicants for Environmental Advisory Commission

Orrin Allen Beasley  
3601 Live Oak Lane  
Greenville, NC 27858

**Application Date:** 12/8/2015

**District #:** 5

**Home Phone:** (252) 216-6099

**Business Phone:** (252) 216-6099

**Email:** oab0119@gmail.com

Elaine U. Brestel  
106 Christenbury Drive  
Greenville, NC 27858

**Application Date:** 1/21/2014

**District #:** 4

**Home Phone:** (252) 752-2255

**Business Phone:**

**Email:** ebrestel@suddenlink.net

Sherryl Gregory  
1303 E. 10th Street Apt N  
Greenville, NC 27858

**Application Date:** 2/3/2014

**District #:**

**Home Phone:** (252) 559-9049

**Business Phone:**

**Email:**

Daniel Hemme  
3921 Nantucket Road #B  
Greenville, NC 27858

**Application Date:** 1/12/2017

**District #:** 1

**Home Phone:** (252) 752-2255

**Business Phone:**

**Email:** hemmed@gmail.com

Wendy Klein  
318 Rutledge Road  
Greenville, NC 27858

**Application Date:** 2/10/2014

**District #:** 4

**Home Phone:** (252) 329-7005

**Business Phone:** (252) 902-9005

**Email:** wakspg1@suddenlink.net

Matthew Mellis  
529 Spring Forest Road Apt. H  
Greenville, NC

**Application Date:** 3/6/2014

**District #:** 1

**Home Phone:** (252) 702-3429

**Business Phone:** (252) 752-5938

**Email:** mellism@pitt.k12.nc.us

## Applicants for Human Relations Council

Montez Bishop  
4271 Dudley's Grant Drive  
Winterville, NC 28590

**District #:** 5

**Application Date:** 2/01/2017

**Home Phone:** (252) 367-0345  
**Business Phone:** (252) 940-0146  
**Email:** Montez\_bishop@yahoo.com

Crystal M Kuegel  
1200 B Glen Arthur Avenue  
Greenville, NC 28540

**District #:** 4

**Application Date:** 2/23/2015

**Home Phone:** (252) 885-9245  
**Business Phone:** (252) 885-9245  
**Email:** crystal.kuegel@gmail.com

Deborah J. Monroe  
1308 Old Village Road  
Greenville, NC 27834

**District #:** 1

**Application Date:** 1/15/2015

**Home Phone:** (252) 714-0969  
**Business Phone:**  
**Email:** debj.monroe@gmail.com

Bridget Moore  
4128A Bridge Court  
Winterville, NC 28590

**District #:** 5

**Application Date:** 8/28/2014

**Home Phone:** (252) 355-7377  
**Business Phone:** (252) 355-0000  
**Email:** bmoore2004@netzero.com

Travis Williams  
3408 Evans Street Apt. E  
Greenville, NC 27834

**District #:** 5

**Application Date:**

**Home Phone:** (252) 412-4584  
**Business Phone:**  
**Email:**



## *Applicant Interest Listing*

Experience	NC National Guard
Volunteer/Prof. Associations	Fountain Wellness Ctr Board
Volunteer/Prof. Associations	Rural Fire Board
Volunteer/Prof. Associations	Meals on Wheels
Volunteer/Prof. Associations	Past Fireman

<u>Boards Assigned To</u>	
Fire District Commission	2/15/2016 to 12/31/2015
Fountain FD	

**Brad Guth**  
113 Loran Circle  
Greenville NC 27858

Day Phone: (704) 240-1095  
Evening Phone: (252) 689-4323  
Fax:  
E-mail: bradjguth@bellsouth.net

Gender: M  
Race: White  
District: 6  
Priority:

Applied for this board on: 4/22/2016

Application received/updated: 04/22/2016

Applicant's Attributes: Greenville ETJ  
VolAg Southeast  
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>		
	<u>Organization</u>	<u>Description</u>
Education	University of Tenn Knoxville TN	MS
Education	Furman U. Greenville SC	BA
Education	Travelers Rest High School, SC	
Experience	Gaffney Main Street Program, G	Executive Director
Experience	Pride of Kinston, Kinston NC	Executive Director
Experience	City of Lincolnton, NC	Business & Community Development
Experience	Craven County Schools	Teacher
Volunteer/Prof. Associations	Lincoln County Apple Festival	

## *Applicant Interest Listing*

Volunteer/Prof. Associations	Habitat For Humanity
Volunteer/Prof. Associations	Rotary
Volunteer/Prof. Associations	Gaston-Lincoln Comm Action/H
Volunteer/Prof. Associations	Lincolnton-Lincoln Co. Chamber
Volunteer/Prof. Associations	Lincolnton-Lincoln Co. Historic
Volunteer/Prof. Associations	United Way of Lincoln County

Ralph Hall Jr  
111 Hardee Street  
Greenville NC 27858

Day Phone:  
Evening Phone: (252) 756-0262  
Fax:  
E-mail: bajhall@aol.com

Gender: M  
Race: White  
District: 6  
Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6  
Greenville ETJ  
VolAg Southeast

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		

## *Applicant Interest Listing*

Volunteer/Prof. Associations	American Cancer Society
Volunteer/Prof. Associations	State Board of Directors

<u>Boards Assigned To</u>	
Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007

**Michelle Joyner**  
264 Cooper Street  
Winterville NC 28590

Day Phone:  
Evening Phone: (252) 756-5546  
Fax:  
E-mail: michellejoyner28590@gma

Gender: F  
Race: Other  
District: 6  
Priority:

Applied for this board on: 3/27/2015

Application received/updated: 03/27/2015

Applicant's Attributes: Winterville City Limits  
South of the River  
VolAg Southeast

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	Everest University	Criminal Justice	
Education	Farmville Central HS		
Experience	NC Education System		
Experience	Philanthropist & Civil Activist		
Experience	Asso Minister in PC & Eastern N		
Volunteer/Prof. Associations	Parks & Recreations		
Volunteer/Prof. Associations	The Civitan Club		
Volunteer/Prof. Associations	Chamber of Commerce		
Volunteer/Prof. Associations	Ruritian Club		
Volunteer/Prof. Associations	WHR Library Sci Program		
Volunteer/Prof. Associations	WH Robinson Ele School BED P		

## *Applicant Interest Listing*

	Organization	Description	Date(s)
Education	2 years of College	Commercial Artist	
Education	High School - yes		
Experience	Retired CIA		20+ years
Volunteer/Prof. Associations	Town of Fountain		

<u>Boards Assigned To</u>			
	Fire District Commission		2/15/2016 to 12/31/2015
	Fountain FD		

Eric Williams  
527 Rachel Lane  
Grimesland NC 27858

Day Phone: (252) 258-5002  
Evening Phone:  
Fax:  
E-mail: logetw423@gmail.com

Gender: M  
Race: African  
District: 3  
Priority:

Applied for this board on: 12/11/2014                      Application received/updated: 02/01/2016

Applicant's Attributes:    County Planning Jurisdiction  
   South of the River  
   VolAg Southeast

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	East Carolina University		
Education	J.H. Rose High		
Experience	East Carolina University	Helpdesk Tech. Spec.	
Experience	NC National Guard Army		

<u>Boards Assigned To</u>			
	P.C. Nursing Home/Adult Care Community Advisory		3/7/2016 to 3/17/2019

# Applicants for Youth Council

None.



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

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**Title of Item:** Minutes from the December 7 and December 8, 2016 City Council meetings

**Explanation:** Proposed minutes from the Special City Council meeting held on December 7, 2016 and the regular City Council meeting held on December 8, 2016 are presented for review and approval.

**Fiscal Note:** There is no direct cost to the City.

**Recommendation:** Review and approve proposed minutes from the Special City Council meeting held on December 7, 2016 and the regular City Council meeting held on December 8, 2016.

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[Proposed City Council Workshop Minutes Dec 7 2016 1045356](#)

[Proposed Minutes of the December 8 2016 City Council Meeting 1044634](#)



OFFICIAL MINUTES  
CITY COUNCIL WORKSHOP  
CITY OF GREENVILLE, NORTH CAROLINA  
WEDNESDAY, DECEMBER 7, 2016

A workshop of the Greenville City Council was held on Wednesday, December 7, 2016, in Conference Room 337, located on the third floor at City Hall, with Mayor Pro-Tem Kandie Smith presiding. Mayor Pro-Tem Smith called the meeting to order at 6:00 p.m.

Those Present:

Mayor Pro-Tem Kandie Smith, Council Member Rose Glover, Council Member Rick Smiley, Council Member PJ Connelly and Council Member Calvin Mercer

Those Absent:

Mayor Allen Thomas, Council Member McLean Godley

Also Present:

City Manager Barbara Lipscomb, City Attorney David A. Holec, Fire/Rescue Chief Eric Griffin, and Administrative Assistant Valerie P. Shiuwegar

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**APPROVAL OF THE AGENDA**

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Council Member Connelly moved to approve the agenda as presented. Council Member Glover seconded the motion, and it carried unanimously.

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**PRESENTATION AND DISCUSSION OF PROGRAM FOR FUTURE FIRE STATIONS**

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City Manager Barbara Lipscomb stated that the purpose of the workshop is to present the City Council with background information prior to the Planning Session regarding future fire stations in the City.

Chief Eric Griffin presented data reflecting an increase in calls for Fire/Rescue and Emergency Medical Services (EMS) over a three-year period:

- EMS Calls
  - 2014 - 9,834 calls
  - 2015 - 12,411 calls
  - 2016 - 14,403 calls



- Fire/Rescue Calls
  - 2014 – 2,257 calls
  - 2015 – 2,439 calls
  - 2016 – 2,582 calls
- All Calls
  - 2014 – 12,091 calls
  - 2015 – 14,850 calls
  - 2016 – 16,985 calls
- Percent EMS Calls
  - 2014 – 81%
  - 2015 – 84%
  - 2016 – 85%

Chief Griffin stated that the increase is due to the City's growth in combination with a lack of 911 transports from other EMS services in the area. He noted a marked increase for the Greenville Veterans' Affairs Health Clinic (VA), with transports numbering as high as 70 per day when the VA hosts certain clinics. He stated that the City does not have a contract with the VA, but the City does get reimbursed by the patients and Medicaid for those transports.

Chief Griffin outlined the risk matrix and GIS analysis that was used to determine the locations of fire station sites. Key components include travel time for emergency calls, amount of calls, growth, service areas for each district, gaps in coverage, and areas where calls cluster. Based on the analysis of these factors, Chief Griffin stated the recommendation to locate Station 7 on Bayswater Road. The proposed location would address the calls that are outside of Station 3's window of four minutes, the recommended window of time to administer cardiopulmonary resuscitation (CPR) to maximize survival rates. Chief Griffin stated that the land on Bayswater Road had been purchased in 2009. Staff recommendations for Fire Station 7 include:

- Allocating \$3 million for site work and construction.
- Constructing Fire Station 7 similar to Fire Station 6, at 8,500 square feet, LEED certified, with a truck bay measuring 41 x 80 ft.
- Staffing 9 additional employees at a cost of \$59, 422, totaling \$534, 798, with salaries and benefits.
- Total estimate – around \$3.5 million

City Manager Lipscomb stated that details regarding funding would be provided to the City Council at the Planning Session.



Chief Griffin stated that the same methodology was used to determine the location for Station 8. Staff recommends locating Station 8 in the area of Frog Level Road near Davenport Farms Road to cut down on the travel time for Fire Station 5. Chief Griffin advised that a cut-through at Front Gate Drive would alleviate certain areas, but not Frog Level Road. Staff anticipates residential and commercial growth in that area with a potential increase in population of 28,000 within the next 20 years. Staff recommends purchasing land in the area of Frog Level Road near Davenport Farms Road and constructing Fire Station 8 similar to Fire Station 7.

Chief Griffin stated that the unincorporated areas of Pitt County fall under the Red Oak Volunteer Fire Department, including southwest portions that border the City limits. Under an automatic agreement with the City, Red Oak provides services to portions of the City. Red Oak volunteers train with City firefighters as their time permits, and currently staffs its facility with one or two volunteers per day. Staff advises strengthening the relationship between the City and Red Oak to better address anticipated needs in that area.

Council Member Smiley asked how much the City expects to receive in EMS revenue this year.

Assistant City Manager Michael Cowin stated that the City anticipates \$3 - \$3.5 million. He noted that there are still some cost reports that have not been settled.

Council Member Connelly asked if the City has considered outsourcing Collections to someone more aggressive.

City Manager Lipscomb stated that option was being considered.

Council Member Mercer asked when the construction of Fire Station 8 would begin.

City Manager Lipscomb stated that construction may begin in 3-5 years, depending on the Southwest Bypass and anticipated growth.

Council Member Connelly asked how many Fire/Rescue personnel would be required to staff Station 8.

Chief Griffin stated that 12 members are required for a 24-hour facility. The staff recommendation for 9 additional members for Fire Station 7 is in addition to the 3 budgeted personnel that will start in January 2017.



Council Member Connelly asked for the number of vacancies within the Fire/Rescue Department.

Chief Griffin stated that there are currently 13 vacancies, but there are plans to bring on 17 new members to address vacancies and retirements.

Mayor Pro-Tem Smith asked for the length of the training session.

Chief Griffin stated that the session lasts for 7 months. Recruiting is done once on an annual basis, with Pitt Community College providing the training at no cost to the City. Chief Griffin suggested hiring part-time workers, such as paramedics, who can transition over to full-time Fire/Rescue personnel, and hiring at different stages to address attrition.

City Manager Lipscomb stated that efforts are being made to recruit more women and minorities.

Mayor Pro-Tem Smith asked if recruits can be hired as they go through the academy, like the Greenville Police Department.

Chief Griffin stated that option could be examined.

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**ADJOURNMENT**

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Council Member Mercer moved to adjourn the meeting, seconded by Council Member Smiley. The motion carried unanimously, and Mayor Pro-Tem Smith adjourned the meeting at 6:43 p.m.

Respectfully submitted,

Carol Barwick  
City Clerk, CMC

Prepared by:  
Valerie P. Shiuwegar  
Administrative Assistant

PROPOSED MINUTES  
MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
THURSDAY, DECEMBER 8, 2016



A regular meeting of the Greenville City Council was held on Thursday, December 8, 2016 in the Council Chambers, located on the third floor at City Hall, with Mayor Allen M. Thomas presiding. Mayor Pro-Tem Smith called the meeting to order at 6:00 pm, as Mayor Thomas was a few moments late arriving. Council Member Connelly gave the invocation, followed by the Pledge of Allegiance.

Those Present:

Mayor Allen M. Thomas, Mayor Pro-Tem Kandie Smith, Council Member Rose H. Glover, Council Member McLean Godley, Council Member Rick Smiley, Council Member P. J. Connelly and Council Member Calvin Mercer

Those Absent:

None

Also Present:

City Manager Barbara Lipscomb, City Attorney David A. Holec, City Clerk Carol L. Barwick and Deputy City Clerk Polly W. Jones

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**APPROVAL OF THE AGENDA**

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City Manager Lipscomb asked that the City Council add an item to the agenda for an EPA Brownfields Assessment Grant application.

Upon motion by Council Member Godley and second by Mayor Pro-Tem Smith, the City Council voted unanimously to approve the agenda with the requested addition.

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**PUBLIC COMMENT PERIOD**

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Mayor Thomas opened the public comment period at 6:06 pm, explaining procedures which should be followed by all speakers.

Bianca Shoneman – No Address Given

Ms. Shoneman stated she is President of Uptown Greenville, which is the center city revitalization organization. She stated that Uptown Greenville, working in partnership



with the Pitt County Arts Council, believes that the time is now to create a policy supporting the consumption of alcohol on the Town Common. This program is critical in City spaces that are not scenic wonders. They believe there must be a strategy to consistently activate the City's public spaces, and specifically the Town Common. When changes are made, such as the Trillium Park addition at the Town Common, they are incredible improvements that elevate the value of the City and make Greenville a great place to live. They would like to see a program with clear guidelines that encourage responsible consumption that works with seasoned event production companies and engages in a partnership between the municipality, potentially a non-profit and an event production company.

#### Andrew Schmidt – No Address Given

Mr. Schmidt, Executive Director of the Greenville-Pitt County Convention and Visitors Bureau, stated that one of their jobs is to create a positive economic impact for Greenville and Pitt County. They want people to come in for conventions, meetings, reunions, weddings and other functions which will help Greenville economically because they will stay in hotels, dine in restaurants and shop in retail outlets. A choice community does allow alcohol at approved events. When people are brought into Greenville to review as a potential site for their events, the Town Common is one of their favorite places. One of the stipulations is almost always can they have beer and wine, and right now, the answer is no. Greenville is losing business to other destinations because of this. Mr. Schmidt stated they are not suggesting a free-for-all, but rather events with organizers that are insured, bonded and will put on an organized and structured event. This will help sell all of the City because most event planners want an option for participants to get outside, get away from the hotel or the convention center and relax for an evening.

#### Jim Blount – No Address Given

Mr. Blount stated he is representing the University Neighborhood Association, as well as Blount Properties, who specialize in leasing to young professionals and students in the University area. He stated he is also a Board Member for Uptown Greenville. Allowing alcohol at the Town Common is an opportunity for Greenville. He has done focus groups with some of the young professionals who lease from them and he asked them what is needed to encourage them to remain in this area. They said more events, particular music events, and other things for them to do. Currently, they are driving to Wilmington and Raleigh, as well as other areas, to go to these types of events. Mr. Blount stated he is advocating for an alcohol policy for the Town Common Riverfront because it is an opportunity to activate that space. It is time to look at ways to utilize that space. Two years ago, the organization in Wilmington that is comparable to Uptown Greenville, organized an event on their riverfront with a band called Widespread Panic. They sold tickets for \$85 and beer for \$8. A percentage of that money is retained by that organization, which can be a nice amount of revenue for an Uptown Greenville-type organization. Mr. Blount said he knows this needs to be regulated and well thought



through, but it is time to give this a real look. He feels it would make a difference in keeping young professionals in Greenville.

Franchine Philpot-Pena – No Address Given

Ms. Philpot-Pena stated her purpose in speaking is two-fold. First, on behalf of the Human Relations Council (HRC), and specifically the Sub-Committee on establishing a Sister City relationship with Yoensu-gu, South Korea, they would like to personally thank Mayor Allen Thomas, City Manager Barbara Lipscomb, Assistant City Manager Merrill Flood, Public Information Officer Brock Letchworth and Jimmy, whose last name she doesn't know, but he was the van driver, for their efforts during the Korean delegation's exploratory visit to Greenville in November. The success of their visit was due, in part, to the willingness of these people to arrange, or perhaps rearrange, their schedule to accommodate this visit. It was also due to the warm welcome and level of interest exhibited. The hospitality was greatly appreciated and they found themselves in good company.

For her second reason for speaking, Ms. Philpot-Pena, stated in the November 10<sup>th</sup> City Council meeting a motion was approved to pursue adoption of a Sister City. The HRC Sub-Committee's needs to know what role does the City Council would like the HRC to play in the Sister City initiative moving forward.

Mary Snow Hill – No Address Given

Ms. Hill stated she is President of the Shamrock Homeowner's Association and would like to talk about the Evans Street road widening project. She hopes to provide some insight from the people in her neighborhood before this planning process moves forward. In 2012, their Board voted to do a major improvement to their berm. There was an assessment of \$150 per home, with 66 houses in the neighborhood, so \$9,900 was spent on the berm at that time. That shows the level of commitment their neighborhood has to insuring that they have a good buffer between traffic on the Evans Street Extension and their neighborhood. She has had a number of conversations with a Mr. Deaton at the North Carolina Department of Transportation (NC-DOT) about the project. Her understanding is that bike lanes and sidewalk are currently still in the project. Mr. Deaton has assured her that sidewalks should not affect their berm, but the addition of bike lanes could impact their berm. She understands a median is needed there for safety reasons, but hopes that it can be more narrow than the one currently planned in order to minimize encroachment on the neighborhood. Ms. Hill also requested that consideration be given to lowering the speed limit in this residential corridor. Encouraging an active lifestyle with bike lanes and walking spaces is great, but not if it is detrimental to the people living in the area.

Bill Hill – No Address Given

Mr. Hill stated the people living in the neighborhoods along the Evans Street Extension – in South Hall, Paramore and Shamrock – bought their houses on the premise of there being a right of way of a certain width. Obviously, traffic needs change, and everyone understands the need for an improved traffic pattern to carry more traffic flow. The neighborhoods'



request is that the City Council and the NC-DOT be mindful of not just a policy, which is to foster not just increased bike usage or increased pedestrian traffic, but that everything that is done should be a balancing of property rights and a balancing of interests. It feels like the property rights of owners in these neighborhoods are being subjugated to a public policy that would make a much wider road. He asked that the Council consider what has already been invested by the residents along with the best way to move traffic in a safe and efficient way.

Tony Parker – No Address Given

Mr. Parker stated he wants to focus on the big picture view. While listening to the presentation by NC-DOT tonight, please consider this: the desire to include sidewalks and bike lanes within the City's infrastructure has been exhilarating, and at times, maddening. He remembers being asked once, a long time ago, why would anyone want sidewalks along Fire Tower Road. But now, when you drive along Fire Tower Road, you see the sidewalks being used constantly. What is lacking there is bicycle lanes. Now, one could ask why anyone would want bicycle lanes along Evans Street, thinking that only the lunatic fringe would want to ride a bicycle from Winterville to Greenville or from Greenville to Winterville. But bicycle sales continue to grow and streets are being filled with people who are trying to change their lives for the better by becoming active. These people are your family, friends and neighbors, bankers, doctors, sanitation workers, school teachers, artists and grocery store clerks. They are constituents and voters. They cross every strata of data imaginable and they want and demand a better Pitt County. Infrastructure is so very important to economic vitality. Sidewalks and bike lanes are economic drivers and, along with greenways, will give a high return on investment.

Delia Parker – No Address Given

Ms. Parker stated she is speaking on the need for sidewalks and bicycle lanes. The NC-DOT presentation tonight will highlight design schemes that will include sidewalks and bicycle lanes on all these projects and future projects as well. Throughout this community, there are well-worn paths along roadways that have been created out of necessity by people walking. These unsafe, and often muddy, walkways are used by people walking to and from work. This is prominent along Dickinson Avenue. These people should not be treated as second-class citizens, but rather should be given the basic dignity of a sidewalk. There is an opportunity to begin a new era here in Greenville and Pitt County by investing in infrastructure to create sidewalks and bike lanes along the current NC-DOT projects.

Robert Wright – No Address Given

Mr. Wright stated he is a retired Greenville Police Officer. He is speaking in support of the hate crime resolution because he believes that any act of violence, property crime, bullying, etc. that is based on gender, race, religion or sexual preference should be categorized as a hate crime. Mr. Wright stated one thing he is passionate about, that was left out and should be included, is acts of violence toward emergency services personnel – police, fire and EMS. Almost nightly, the news opens with the story of an officer being ambushed or targeted,



where they are killed or wounded while responding to a call, or even just sitting in their vehicle at a traffic light. The acts perpetrated against them are done because of the uniform that they wear and not because of the person that they are. Sixty-one police officers have been killed this year by gunfire in the line of duty. That is a 69% increase from this time last year. Firefighters and EMTs are being shot while on the scene at accidents, house fires and medical calls. They are there to save lives, only to have theirs taken away. These vicious acts tear up the fabric of society. Mr. Wright asked that the word "profession" be added into the proposed resolution in hopes that this City will acknowledge the value of the lives of so many men and women who sacrifice daily – sometimes giving the ultimate sacrifice – so that the rest of the community might live happy and secure lives.

#### Holly Garriott – No Address Given

Ms. Garriott, Executive Director of the Pitt County Arts Council at Emerge, stated they are currently in the midst of a research project about arts districts. In looking at other cities that have vibrant downtowns and cultural activities, she believes the City really should look at creating a policy on alcohol consumption at the Town Common. She stated she was on the Uptown Greenville Board more than 17 years ago when they did something similar to this with Freeboot Fridays. What we need now is an experienced non-profit in partnership with the municipality and involvement by the Police Department to create well-planned, family-friendly events that will attract the community. Speaking in the role of both a citizen and a mother in the community, Ms. Garriott stated she would like to be able to go to an event and relax with her kids. With the opening of the Trillium Playground, perhaps she can go one day for Sunday in the Park and play with her kids at the playground, then walk over to the amphitheater and be able to relax and enjoy music.

#### Brad Hufford – No Address Given

Mr. Hufford stated he wanted to add his support in favor of a common sense alcohol policy for the Town Common. The Town Common was designed to be a central gathering spot for the community, but it's not functioning as that. He feels that one reason for that is the lack of ability to have alcoholic beverages served at that location. He feels Five Points Plaza has become the central gathering point because alcohol is permitted at that location. It is clear from the growth of Freeboot Friday and Pirate Fest that the space has become maxed out. Having these events at Town Common could take them to the next level. He asked that the City Council keep an open mind when considering a policy that would allow alcohol at the Town Common.

#### Michelle Purvis – No Address Given

Ms. Purvis stated she came to talk about housing rehab. Her mother had a rehab done in 2013 that was left incomplete, and a roof truss was cut in the home. She has spoken to many City officials on her mother's behalf and they have been invited into the home to look at the house. She is asking that someone come into the house and identify who cut the truss in the house.



Moses Teal – No Address Given

Mr. Teal stated he was present in support of Ms. Purvis and asked that a City Official come out to look at the workmanship of what has been done in the house. It doesn't fit his standard, and in looking at the contract for what was paid to the contractor, he doesn't feel it fits the terms of the contract. Mr. Teal stated they are tired of sending pictures and talking about it. They would like to have a witness to see exactly what has been done. The truss that was cut is a violation.

Mayor Thomas asked that Ms. Purvis leave her information and the property address with Assistant City Manager Merrill Flood.

There being no one else present who wished to address the City Council, Mayor Thomas closed the public comment period at 6:36 pm.

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**SPECIAL RECOGNITIONS**

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**COMMUNITY APPEARANCE COMMISSION BIENNIAL AWARDS**

City Manager Lipscomb and Mayor Thomas, along with Thomas Alligood, Vice Chair of the Community Appearance Commission, presented Biennial Awards to Carolina Breast Imaging, the City of Greenville Dream Park and Kappa Delta Sorority for their efforts to beautify and improve the City.

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**APPOINTMENTS**

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**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Historic Preservation Commission

Mayor Pro-Tem Smith made a motion to appoint Jamitress Bowden to fill an unexpired term that will expire in January 2018, in replacement of David Hurch, who had resigned. Council Member Connelly seconded the motion and it carried unanimously.

Human Relations Council

Council Member Glover continued all appointments.

Investment Advisory Committee

Council Member Connelly made a motion to reappoint Cameron Evans to a second three-year term that will expire October 2019. Council Member Godley seconded the motion and it carried unanimously.



Planning & Zoning Commission

Council Member Smiley continued the appointment of Dustin Mills' seat.

Public Transportation & Parking Commission

Council Member Smiley continued the appointment for Will Russ' seat.

Redevelopment Commission

Mayor Pro-Tem Smith made a motion to reappoint Angela Marshal to a first and final five-year term that will expire November 14, 2021. Council Member Godley seconded the motion and it carried unanimously.

Youth Council

Council Member Mercer continued all appointments

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**NEW BUSINESS**

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**PUBLIC HEARINGS**

**RESOLUTION TO CLOSE COLLEGE VIEW DRIVE** – (Resolution No. 066-16)

City Engineer Scott Godefroy stated the City received a petition from College View of Greenville, LLC requesting the closure of a College View Drive from East Tenth Street to the northern terminus. The City Council adopted a Resolution of Intent to close this portion of Eleventh Street during its October 17, 2016 meeting and also set tonight's meeting as the date for a public hearing on the matter.

City Engineer Godefroy stated the petition has been reviewed by City staff and the Greenville Utilities Commission (GUC). GUC has requested an easement over and upon the utilities that will remain in the closed street right-of-way.

Upon adoption of a Resolution to Close by City Council, budgeted funds for the maintenance of this street section will no longer be required and the City will no longer receive Powell Bill Funds for this street section. The Planning and Zoning Commission gave a favorable recommendation to the petition for closure during their September 20, 2016 meeting.

Mayor Thomas declared the public hearing for the proposed resolution open at 6:48 pm and invited anyone wishing to speak in favor to come forward.



Jim Walker – No Address Given

Mr. Walker of Rivers and Associations, speaking on behalf of the petitioners, stated that this request is made as part of a redevelopment project. Right now, there are separate apartment buildings that are very dated and have environmental issues. Site plans have been submitted for review of the proposed project, which would consist of three buildings with 161 units, having a total of 423 beds and 436 surface parking spaces. Mr. Walker offered to answer any questions the City Council might have.

Hearing no one else wishing to comment in favor of the proposed resolution, Mayor Thomas invited comment in opposition. Hearing none, Mayor Thomas closed the public hearing at 6:49 pm.

Council Member Connelly moved to adopt the resolution to close College View Drive from East Tenth Street to the northern terminus. Council Member Smiley seconded the motion, which passed by unanimous vote.

**RESOLUTION TO CLOSE A PORTION OF SOUTH PITT STREET** – (Resolution No. 067-16)

City Engineer Scott Godefroy stated the City received a petition from RDC Gather Uptown, LLC requesting the closure of a portion of the right-of-way of South Pitt Street. The City Council adopted a Resolution of Intent to close this portion of Eleventh Street during its November 7, 2016 meeting and also set tonight's meeting as the date for a public hearing on the matter.

City Engineer Godefroy stated the petition has been reviewed by City staff and the Greenville Utilities Commission (GUC), with no comment from either. The Planning and Zoning Commission gave a favorable recommendation to the petition for closure during their November 15, 2016 meeting.

Mayor Thomas declared the public hearing for the proposed resolution open at 6:52 pm and invited anyone wishing to speak in favor to come forward.

Rusty Thompson – No Address Given

Mr. Thompson, who said he represented the civil engineers working on the project, offered to answer any questions the City Council might have.

Council Member Mercer related a concern he'd received about heavy traffic in that area and the potential for accidents. He asked if this closure would create a bottleneck in traffic.

City Engineer Godefroy stated he had not been made aware of any significant traffic concerns at that location, but a parking deck is being installed. The street will remain open with just one lane closing.



Council Member Smiley asked about the potential impact on pedestrians.

City Engineer Godefroy stated the Gather project will reconstruct the sidewalk on that side and there will be no negative pedestrian impact.

Hearing no one else wishing to comment in favor of the proposed resolution, Mayor Thomas invited comment in opposition. Hearing none, Mayor Thomas closed the public hearing at 6:53 pm.

Council Member Connelly moved to adopt the resolution to close a portion of South Pitt Street. Council Member Glover seconded the motion, which passed by unanimous vote.

**ORDINANCE REQUESTED BY DEBBIE AND JACKIE JAMES TO REZONE 2.2609 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF NORTH GREENE STREET AND MARTIN STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CH (HEAVY COMMERCIAL) – (Ordinance No. 16-064)**

Planner Chantae Gooby stated that Debbie and Jackie James have requested to rezone 2.2609 acres located at the northeastern corner of the intersection of North Greene Street and Martin Street from CDF (Downtown Commercial Fringe) to CH (Heavy Commercial).

According to Ms. Gooby, the Future Land Use Plan Map recommends commercial (C) at the southwestern corner of the intersection of North Greene Street and Mumford Road, transitioning to conservation/open space (PCOS) in the interior areas.

Since the subject property can accommodate the same size development under the current and requested zoning, Planner Gooby stated that no net traffic impact is anticipated, so a traffic report was not generated. During the review process, measures to mitigate traffic impacts will be determined.

In 1972, the property was zoned CH (Heavy Commercial). In 1983, the property was part of a large scale rezoning request (19 acres), which changed it to CDF (Downtown Commercial Fringe). Water and sanitary sewer are available to the property. There are no known historical designations on the site; however, the property is impacted by the 100-year floodplain associated with the Tar River.

Surrounding land uses and zoning are as follows:

North: CDF – El Azador Restaurant and one (1) vacant City-owned lot

South: CDF – One (1) vacant lot; CH – Budget Bail Bonds

East: CH – Warehouses; R6 – Two (2) vacant lots, of which one is City-owned

West: IU – One (1) vacant lot; R6 – Two vacant lots and one (1) single-family residence



Ms. Gooby stated under the current zoning (CDF) and the requested zoning (CH), the property could accommodate the same size development with similar uses.

Ms. Gooby stated that, in staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. "In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest and staff recommends approval of the requested rezoning.

Ms. Gooby stated the Planning and Zoning Commission voted to recommend approval of the request at its November 15, 2016 meeting.

Mayor Thomas declared the public hearing for the proposed rezoning open at 6:59 pm and invited anyone wishing to speak in favor to come forward.

Steve Spruill – No Address Given

Mr. Spruill indicated he was present on behalf of the owners and would be happy to answer any questions that might arise. He requested favorable consideration of the rezoning request.

Hearing no one else wishing to comment in favor of the application to rezone, Mayor Thomas invited comment in opposition. Hearing none, Mayor Thomas closed the public hearing at 7:00 pm.

Mayor Pro-Tem Smith moved to adopt the ordinance to rezone 2.2609 acres located at the northeastern corner of the intersection of North Greene Street and Martin Street from CDF to CH. Council Member Connelly seconded the motion, which passed by unanimous vote.

**ORDINANCE REQUESTED BY HART TRUST C/O DON PARROTT TO REZONE 1.7619 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF DAVENPORT FARM ROAD AND FROG LEVEL ROAD FROM O (OFFICE) AND CN (NEIGHBORHOOD COMMERCIAL) TO R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) FOR TRACT 1 AND FROM R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO O (OFFICE) FOR TRACT 2 – (Ordinance No. 16-065)**

Planner Chantae Gooby stated that Hart Trust c/o Ton Parrott requested to rezone 1.7619 acres located at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road from O (Office) and CN (Neighborhood Commercial) to R6A (Residential [Medium Density Multi-Family]) for Tract 1 and from R6A (Residential [Medium Density Multi-Family]) to O (Office) for Tract 2.



According to Ms. Gooby, the Future Land Use Plan Map recommends traditional neighborhood, medium-high density (TNMH) at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road, transitioning to residential, low-medium density (LMDR) to the north and west.

Since this rezoning request is intended for zoning lines to follow parcel lines associated with the preliminary plat for Taberna Subdivision, Phase 4, this should not result in a significant change in density or related traffic generating tendencies. During the review process, measures to mitigate traffic impacts will be determined.

In 1998, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20 (Residential-Agricultural). In 2001, the property was rezoned to its current zoning pattern. Water and sanitary sewer are available to the property. There are no known historical designations on the site, nor any known environmental conditions or constraints.

Surrounding land uses and zoning are as follows:

North: R6A – Vacant (under common ownership as the applicant and is part of the approved preliminary plat for Taberna Subdivision, Phase 4)

South: O and CN – Vacant (under common ownership as the applicant)

East: O - Vacant

West: R9S – Taberna Subdivision

Ms. Gooby stated that, in staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. "In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest and staff recommends approval of the requested rezoning.

Ms. Gooby stated the Planning and Zoning Commission voted 6-2 to recommend approval of the request at its November 15, 2016 meeting.

Mayor Thomas declared the public hearing for the proposed rezoning open at 7:05 pm and invited anyone wishing to speak in favor to come forward.

Ken Malpass – No Address Given

Mr. Malpass indicated he was present on behalf of the owners and would be happy to answer any questions that might arise. He requested favorable consideration of the rezoning request.



Hearing no one else wishing to comment in favor of the application to rezone, Mayor Thomas invited comment in opposition. Hearing none, Mayor Thomas closed the public hearing at 7:06 pm.

Mayor Pro-Tem Smith moved to adopt the ordinance to rezone 1.7619 acres located at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road from O (Office) and CN (Neighborhood Commercial) to R6A (Residential [Medium Density Multi-Family]) for Tract 1 and from R6A (Residential [Medium Density Multi-Family]) to O (Office) for Tract 2. Council Member Connelly seconded the motion, which passed by unanimous vote.

**ORDINANCE TO AMEND THE ZONING ORDINANCE TO ADD PLACEMENT AND AESTHETIC REVIEW CRITERIA FOR DISTRIBUTED ANTENNA SYSTEMS (DAS) –**  
(Ordinance No. 16-066)

Chief Planner Tom Weitnauer explained that Distributed Antenna Systems (DAS) equipment is a network of spatially separated antenna sites and supporting equipment connected to a common source that provides wireless service within a geographic area or structure. It is used to improve the connection to wireless services by those using wireless devices. Recent changes by the Federal Communications Commission have made this technology more readily available in communities to improve wireless services.

Chief Planner Weitnauer stated the proposed ordinance establishes certain standards for the use and placement of DAS equipment located within the public right-of-way and on existing utility devices, as well as standards for equipment mounted outside of the public right-of-way on private property. Standards are also established for placement of DAS equipment in the Downtown Commercial (CD) zoning district.

Chief Planner Weitnauer noted that the proposed text amendment is in compliance with Horizons 2026: Greenville's Community Plan, and that the Planning and Zoning Commission voted unanimously to recommend approval of the proposed amendment at its November 15, 2016 meeting.

Council Member Connelly questioned why spacing in the downtown district is only 25 feet, whereas in other areas it is 35 feet, and if that is the standard in other communities. He also asked about the power source.

Chief Planner Weitnauer stated spacing was established by advice from Public Works, based on available poles. For power, this will tap into the City's electrical system.

Council Member Connelly noted the legislature forbids the City from charging.



City Attorney Dave Holec stated the City cannot charge for use of the right-of-way, but can charge for electrical use.

Council Member Connelly asked how their use will be captured.

City Attorney Holec stated that is a technical question for the Greenville Utilities Commission (GUC), and Public Works Director Kevin Mulligan added that they are working with GUC on that currently.

Mayor Thomas declared the public hearing for the proposed text amendment open at 7:18 pm and invited anyone wishing to speak in favor to come forward.

Michael Hicks – No Address Given

Mr. Hicks stated he works with Mobility, and anticipates they will be the first applicant under this ordinance, if adopted. They are bringing infrastructure to be ready for next generation technology. Mr. Hicks stated they are registered with the North Carolina Utilities Commission, and they partner with the entire industry. He stated they want to treat viewsapes in the best way possible and is glad to see there is now a pathway, although they may want to come back at a later date for higher height limits. He requested favorable consideration of the proposed text amendment.

Hearing no one else wishing to comment in favor of the proposed amendment, Mayor Thomas invited comment in opposition. Hearing none, Mayor Thomas closed the public hearing at 7:21 pm.

Council Member Glover moved to adopt the ordinance amending the Zoning Ordinance to add placement and aesthetic review criteria for distributed antenna systems. Council Member Connelly seconded the motion, which passed by unanimous vote.

**ORDINANCE AMENDING CHAPTER 2 OF TITLE 6 OF THE GREENVILLE CITY CODE RELATING TO DISTRIBUTED ANTENNA SYSTEMS EQUIPMENT** – (Ordinance No. 16-067)

City Attorney Dave Holec stated this is complimentary ordinance to the one just approved. This is the right-of-way management ordinance, and the City does have the authority to regulate attachments to the right-of-way on, above or below the surface level. This ordinance applies to City maintained rights-of-way. State maintained rights-of-way within the city limits are not regulated by this ordinance. NC-DOT would be regulating those. This ordinance does address Distributed Antenna Systems (DAS), which improve speed and data capacity.

The City has received requests for DAS or “small cell” structures within City rights-of-way. The small cells improve speed and data capacity in areas where there is a concentrated



use of cell phones and provide coverage to areas where coverage is not available. The recent requests received are from companies which are not wireless carriers but are companies which are installing these for use by wireless carriers. The companies have been granted Certificates of Public Convenience and Necessity from the North Carolina Utilities Commission. Because of this, these companies have the right to locate in the right-of-way but are still subject to local regulations.

The Federal Telecommunications Act was enacted for the purpose of promoting competition and higher quality in telecommunication services and to encourage rapid deployment of new telecommunications technologies. The Federal Communications Commission (FCC) is the federal agency charged with creating rules and policies to implement this law. Under federal law, a city:

- cannot unreasonably discriminate among providers of functionally equivalent services
- cannot regulate these providers in a manner that prohibits or has the effect of prohibiting the provision of telecommunications service or personal wireless service
- must act on applications within a reasonable time
- must document denial of an application in writing supported by substantial evidence

This is an issue which is being encountered by cities across the country. Cities want to embrace the new technologies in order to progressively have these services available to citizens and businesses. But cities also want to ensure that safety and aesthetic concerns are addressed.

In order to address this issue, City Attorney Holec stated that both a Zoning Ordinance amendment and a right-of-way management ordinance are proposed. The Zoning Ordinance amendment addresses location and aesthetic criteria. The right-of-way management ordinance addresses the procedures and criteria for processing requests.

The City can charge an application and processing fee for applications. However, due to 2016 legislation adopted by the North Carolina General Assembly, the ability to charge an on-going fee for location within the right-of-way is doubtful.

Mayor Thomas declared the public hearing for the proposed ordinance open at 7:29 pm and invited anyone wishing to speak in favor to come forward.

Michael Hicks – No Address Given

Mr. Hicks stated he remains available should anyone have any questions. He requested favorable consideration of the proposed ordinance.



Council Member Smiley asked about the average cost of a typical installation.

Mr. Hicks estimated a range between \$15,000 and \$35,000 depending upon pole height, range and equipment used.

Hearing no one else wishing to comment in favor of the proposed ordinance, Mayor Thomas invited comment in opposition. Hearing none, Mayor Thomas closed the public hearing at 7:30 pm.

Council Member Connelly moved to adopt the ordinance establishing procedure and criteria for processing requests for the location of small cells within the City right-of-way. Council Member Godley seconded the motion, which passed by unanimous vote.

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**OTHER ITEMS OF BUSINESS**

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City Manager Lipscomb stated the next four items relate to various transportation projects within the City limits, which will be presented by the North Carolina Department of Transportation (NC-DOT). Originally, Council Member Connelly requested a presentation on the Evans Street widening project, then NC-DOT asked to discuss some other projects. Related information was not available until after agenda packets went out on Friday, but maps were sent out on Monday. The recommendation in the packet is that Council receive these presentations, but there is the option to make a decision depending upon level of comfort since some of these are new projects.

**PRESENTATION BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ON SAFETY IMPROVEMENTS AT MEMORIAL DRIVE AND WEST 5TH STREET**

Public Works Director Kevin Mulligan thanked representatives of NC-DOT for coming, noting that the City has a great working relationship with that organization. He then introduced Division Traffic Engineer Steve Hamilton, with whom he has had conversation for several years about what can be done for pedestrian safety and motorists' safety and who will make the presentation.

Mr. Hamilton stated he would discuss the safety improvement project on Memorial Drive between Stantonsburg Road/10<sup>th</sup> Street Connector and 5<sup>th</sup> Street. Issues identified in this area include:

- The intersection of Memorial Drive and O'Hagan Place was identified as a High Hazard location as part of the 2015 Highway Safety Improvement Program (HSIP), and in the 2016 HSIP given a Statewide ranking of 198 up from its 2015 rank of 429



- This 1,200 ft. section of Memorial Drive is a 7 lane cross-section with a two way center left turn lane
- The 2014 Average Daily Traffic Volume on Memorial is 27,000
- In a five year period from August 2011 through July 2016 there were 131 total reported crashes with 51 crashes (40%) involving vehicles crossing through the center turn lane, 8 sideswipes involving vehicles exiting or entering the center turn lane, 39 rear-end crashes, and 1 head-on crash
- There were two bicycle and one pedestrian crash in this section of Memorial Drive

Mr. Hamilton stated the corrective action selected for this section was to replace the existing two way center left turn lane with a raised median based on the Crash Reduction Factors that it provides.

- Left turn and angle crashes 36%
- Sideswipe crashes 21%
- Rear-end crashes 19%
- Head-on crashes 47%

Two options were reviewed:

- A single direction channelized U-turn at each end of the new median
- A dual direction channelized U-turn about mid-point of the new median

The dual direction was selected because it provided more uniform spacing between crossovers, located the U-turn points outside the vehicle queue from the signals and could accommodate installation of a traffic signal in the future, if warranted.

Mr. Hamilton stated there are two types of medians which could be considered. One would be a typical concrete median, or raised concrete island which is cast on top of the existing asphalt and is estimated to cost around \$200,000. The second option would be a landscaped median with plantings. NC-DOT would work with the City on plant selection and the City would need to execute an agreement to maintain after project completion. This option is expected to cost \$250,000.

Mr. Hamilton asked that the City adopt a resolution in support of the safety enhancement project and indicate the type of median preferred.

City Manager Lipscomb suggested the City Council agree on a preference for median type now and said a resolution could be drafted for approval at the next City Council meeting.

Mr. Hamilton stated that NC-DOT really needs the resolution now.

Council Member Smiley made a motion to draft and approve a resolution in support of the safety enhancement project, to include a landscaped median.



Council Member Connelly expressed concern that the Council had no information on this until Monday, and no idea about public preference.

Council Member Smiley said the Council has asked for more beautification on the area coming into town from the airport, and this will accomplish that, largely at State expense.

Mayor Thomas asked Mr. Hamilton if there had been public input process associated with the project.

Mr. Hamilton stated there has not.

Mayor Pro-Tem Smith asked what happens if the City does not make a decision until the next City Council meeting. She stated she is not comfortable approving the project without public input since it is in her district.

Mr. Hamilton stated it will delay the project.

Council Member Smiley said crashes happen in this area frequently and this is intended to preserve life and property. His motion died for lack of a second.

Upon motion by Mayor Pro-Tem Smith and second by Council Member Connelly, the City Council voted unanimously to table the matter for consideration at the first City Council meeting in January.

**PRESENTATION ON FIRE TOWER ROAD AND PORTERTOWN ROAD WIDENING PROJECT BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

Public Works Director Kevin Mulligan introduced NC-DOT Project Development Engineer Bill Kincannon, who will be giving a status update on the project on Firetower Road. The project is currently from the west side of Charles Boulevard, heading east along Firetower, then on Portertown, heading north toward 10<sup>th</sup> Street.

Mr. Kincannon stated he wanted to share some good news before beginning his presentation. NC-DOT is going to open up the hurricane-damaged area on 10<sup>th</sup> Street opposite Brook Valley in the morning.

Mr. Kincannon then introduced Dwayne Alligood, Senior Project Manager at Vaughn and Melton Consulting Engineers, Inc. and Justin Carroll, Traffic Engineering Operations Manager with STV, Inc.

Mr. Kincannon stated the current Firetower/Portertown project runs from Hwy. 33, around the traffic circle and down Firetower until it stops at Charles. The project is necessary to relieve congestion on Firetower Road and Portertown Road, with its main



purposes being to improve traffic operations, reduce crashes and enhance connectivity. This section of road is considered a major thoroughfare needing improvement on the Greenville Urban Area Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan.

Mr. Kincannon stated that right-of-way acquisition and utility relocation are expected to begin late in 2017, with construction beginning in 2019. Total project cost is estimated to be just under \$30 million. He then discussed elements of a proposed typical section, using the following illustration:

### *Typical Proposed Section*

- Four through travel lanes and a 23' median are needed to accommodate anticipated traffic
- Five-foot bicycle lanes are recommended to safely accommodate bicycle traffic, and are supported by local governments
- The curb and gutter facility minimizes impacts to homes, businesses, and environmental resources compared to a ditch and shoulder facility
- A reduced 16-foot median is proposed to minimize property impacts.



Transportation

Mayor Thomas asked about an adjoining historic property. He said it was his understanding that County Commissioner Jimmy Garris grew up in the house.

Mr. Kincannon stated they will not impact that property.

Mr. Alligood stated the historic property is the church and the cemetery at 14<sup>th</sup> Street. It is on the National Register. The property Mayor Thomas referred to where Commissioner Garris grew up was determined not to be eligible for the Historic Register.

Mayor Thomas asked what that means for this property.

Mr. Kincannon stated the right-of-way folks have determined that they can purchase the house and sell it back to him, and that it can be moved back and not impacted.



Mr. Kincannon continued his presentation with a discussion of crash data in the project area between Charles and Hwy. 33. The bulk of these crashes are left turn crashes and rear end crashes as a result of an over-congested road. The Firetower Road intersections with NC43 and Arlington do not function acceptably most hours of the day, with near total gridlock at peak morning and evening hours. Just east of Charles, Firetower has about 22,000 average daily trips and is expected to have 33,000 daily by 2040. NC-DOT is proposing to include this section within the current project. If not included, this section will fail much worse due to City growth and a separate project would need to be approved and funded almost immediately after completion of the current project.

Mr. Kincannon discussed a number of potential conventional and unconventional solutions, noting that everything being considered is currently in use successfully in other areas of the state:

*Conventional and Unconventional Solutions*

- Conventional - Adding more lanes still result in a failing intersection because:
  - Still have large numbers of traffic with conflicting movements
  - Too many high volume movements competing for green light time – resulting in longer backed up traffic
  - More turn lanes require extended islands further restricting access
- Unconventional – Increased capacity and access
  - Single or dual quadrant roadway, which provides left turns away from the main intersection
  - Median U-turn options restrict left turns at key intersections, providing for turning movements at U-turn bulb-outs away from main intersection
  - Initial study shows several unconventional intersection designs have potential for better level of service for intersections and increased access to commercial properties within corridor
  - *Each alternative design being studied is used successfully in North Carolina*



Mr. Kincannon asked that the City Council approve NC-DOT's continued study of this project and, at their next presentation to the City Council, approve a resolution to add this section to their project. They will bring back visualizations, with the objective of reducing left turn lanes at Charles and Arlington.

Upon motion by Council Member Smiley and second by Council Member Mercer, the City Council voted unanimously to support NC-DOT's continued study of this project.

**PRESENTATION ON EVANS STREET WIDENING PROJECT**

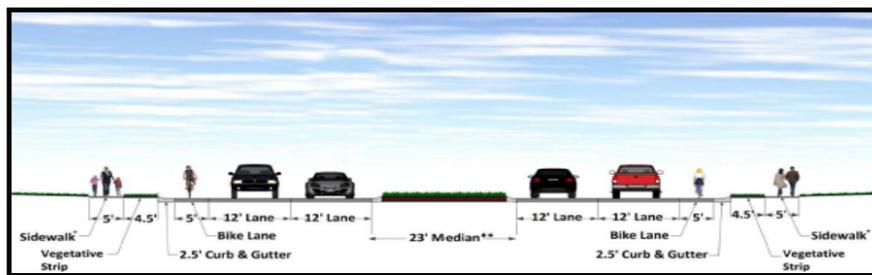
Public Works Director Kevin Mulligan introduced NC-DOT Project Engineer Maria Rogerson, noting that there are two main area driving discussion – Firetower and Evans, as well as Greenville Boulevard and Evans.



Ms. Rogerson stated the purpose of this project is to increase capacity and improve traffic flow along Old Tar Road and Evans Street. This section of road is considered a major thoroughfare needing improvement in the Greenville Urban Area Metropolitan Planning Organization Comprehensive Transportation Plan. Project cost is estimated at a little over \$33 million. She then discussed a proposed typical section for the project:

### *Typical Section*

- Four through travel lanes and a 23' median are needed to accommodate anticipated traffic
- Five-foot bicycle lanes are recommended to safely accommodate bicycle traffic, and are supported by local governments
- The curb and gutter facility minimizes impacts to homes, businesses, and environmental resources compared to a ditch and shoulder facility
- A reduced 16-foot median is proposed just north of Fire Tower Road to reduce property impacts.



Transportation

Ms. Rogerson noted that the proposed 23 foot median is needed to accommodate storage for multiple left turn lanes at intersections and to provide for future turn lanes. It will provide a safe haven for crossing pedestrians, protect bicyclists and pedestrians from turning vehicles and reduce head-on collisions.

Ms. Rogerson stated that 5 foot bike lanes are proposed. Safety is improved by providing bicycle lanes and sidewalks for cyclists and pedestrians in the project, and it promotes alternative means of travel. Bicycle and pedestrian accommodations need to be included along Evans Street/Old Tar Road because this is a critical link in the larger network of bicycle and pedestrian facilities throughout the City. Both Greenville and NC-DOT have adopted Complete Streets Standards, and both sidewalks and bicycle lanes along the Evans Street corridor are supported in Horizons 2016: Greenville's Community Plan and the Greenville Metropolitan Area Municipal Planning Organization's 2011 Bicycle and Pedestrian Master Plan. The Greenville Urban Area Municipal Planning Organization requested that bicycle and pedestrian facilities be included in the project, specifically 5 foot wide bike lanes.



She then discussed the following projects with current or proposed bicycle facilities, which will be interconnected with Evans Street/Old Tar Road:

### *Projects With Current or Proposed Bicycle Facilities*

- Existing
  - Regency Boulevard (From NC 11 to Evans Street) 14' Wide Outside Lanes to Accommodate Cyclists
  - Fire Tower Road (From NC 11 to Cory Road) 14' Wide Outside Lanes to Accommodate Cyclists
- Proposed
  - U-5785 - Fire Tower Road
  - U-5870\* – Fire Tower Road and Portertown Road
  - U-5875 – Allen Rd.
  - U-5921 – Laurie Ellis Rd.

*\*The State Bicycle Route NC 2 (Mountains to Sea) runs on Fire Tower Road from East 14<sup>th</sup> Street to Portertown Road.*



Transportation

Ms. Rogerson addressed issues which came up at the public meeting they held on November 3<sup>rd</sup>. There may be impacts to the South Hall Wall and the Paramore Berm based on the design being proposed at Evans and Firetower. NC-DOT is looking at reducing the median in that area from 23 feet to 16 feet along with other measures that may be feasible to minimize impacts to the berm and wall to the extent possible. NC-DOT has made a commitment that, if a section of the wall is impacted, they will coordinate with the South Hall Home Owners' Association to ensure that the impacted section of the wall is rebuilt under the construction contract, although any site distance conflicts with the wall will have to be addressed as design progresses.

Because of the high volume of projected traffic at the Old Tar Road/Evans Street intersections with Firetower Road and Greenville Boulevard, Ms. Rogerson stated that conventional intersections improvements are being investigated with other design options:

- Quadrant roadway, which provides for left turns away from the main intersection
- Median U-Turn options, which restrict left turns at key intersections, providing for those turning movements at U-turn bulb-outs away from the main intersection
- Conventional intersection improvements, which would add more travel and/or turn lanes to a four-way intersection



Council Member Smiley expressed his appreciation for the attention given to bike lanes.

Council Member Godley asked about the possibility of using multi-purpose paths that would accommodate both bicycle and pedestrian traffic without the need to construct separate spaces.

Council Member Connelly stated this area is in his District and the people he has spoken with do not want the bike lanes. He knows of one person who has received 686 emails in opposition to the bike lanes, although everyone agrees something needs to be done about the volume of traffic on Evans Street. He asked who made the decision on Regency Boulevard to omit bike lanes.

Director Mulligan stated the decision probably pre-dates the Complete Streets Policy, and that it definitely pre-dates his employment with the City. He stated he would look into the matter and report back.

Ms. Rogerson noted that even if bike lanes were eliminated, there may still be impact to property owners due to other aspects of the project. She cannot guarantee that the wall or the berm will not be impacted because of drainage and utility impacts. The planning process is not yet far enough along to predict that.

Council Member Godley asked if there can be any tweaking to the widths of various elements of the design.

Ms. Rogerson stated that is all part of the design phase.

### **UPDATE ON THE 10TH STREET SAFETY STUDY BETWEEN CHARLES BOULEVARD AND OXFORD ROAD**

Public Works Director Kevin Mulligan stated there is no visual presentation with this item, but Steve Hamilton, who spoke earlier, will provide a brief update on this process.

Mr. Hamilton stated that progress on this project has been a little slow. Before they can move to the next level, they must look at developing a benefit cost and what kind of funding it may qualify for. They have gotten a preliminary construction cost for different parts of the project. The right-of-way cost came in last month, but they are still waiting on utility cost estimates and what utility adjustments are needed. After that, they will begin work on the benefit cost, overall cost, and funding sources. When all of that is done, they will finalize the concept, hold another public workshop to show the final design concept. The consultant is hoping this will occur in late February or early March, but that is not yet firm.

Council Member Godley suggested working with representatives of the Neighborhood Advisory Board from that area to hear their input on design.



## **DISCUSSION OF A RESOLUTION ON HATE CRIME REPORTING**

Mayor Pro-Tem Smith stated that she asked for this to be on the agenda because she wants to ensure Greenville protects people from hate crimes. While there has not been a great deal of hate crime in Greenville, there has been some. She has been looking at FBI reports on hate crimes and wants to be sure in Greenville that it is identified and reported properly so that measures can be taken to deter it. All of Greenville's citizens should be protected and she wants to be proactive. Hate crimes should not be an option.

Mayor Thomas stated he feels this is important. He wanted to better understand what a hate crime is, what the City currently produces in the way of reports and where those reports go, so he spoke to his brother, who is a District Attorney and asked how these reports are monitored and managed, and if each City acts independently. He feels Mayor Pro-Tem Smith is absolutely correct in that there is no excuse to tolerate hate crime in this community in any capacity. North Carolina is behind the times in what it designates as a hate crime. Mayor Thomas stated there is nothing in the resolution proposed by Mayor Pro-Tem Smith that does not deserve the Council's complete support.

Mayor Thomas provided council members with a copy of North Carolina's Hate Crime Annual Report as required by the Federal Hate Crime Statistics Act of 1990 and by G. S. §143B-902, noting that this report must be completed annually and forwarded to the State Bureau of Investigation's Crime Reporting Unit by January 22<sup>nd</sup> of each year. It indicates the total number of hate crimes, domestic violence homicides and deaths as a result of deadly force that occurred within the year for each jurisdiction.

Mayor Thomas stated that what surprised him was how hate crimes are defined in North Carolina. They are not defined. The term in North Carolina is Ethnic Intimidation, and it is not a felony. It is a misdemeanor and it is not a stand-alone charge. It can only be tacked on when a perpetrator admits their actions were based on someone being in a protected class.

Mayor Thomas stated that Greenville's Chief of Police, Mark Holtzman, and the City's Assistant City Attorney, Donald Phillips, have been working with the State Legislature to craft the State's first Hate Crime Bill. He then provided the Council with copies of G. S. §14-401.14 as it currently exists and with the proposed revisions that he'd asked Chief Holtzman to send him. Senator Don Davis and others in the Legislative delegation are involved in this. He asked Chief Holtzman to explain.

Chief Holtzman stated the resolution as proposed by Mayor Pro-Tem Smith has much common ground with what he and Assistant City Attorney Phillips have been working on with Senator Davis. His department is already doing much of what is included in the resolution and it includes the training piece, which they are currently only doing at inception of police work, rather than annually, but they can add that. Their proposal makes



hate crime a felony and broadens the definition. It also includes a civil component in that someone who damages property because of bias is subject to civil action with the damages in the amount of three times the actual value of damage or \$10,000, whichever is greater, plus attorney fees and costs.

Mayor Thomas noted that the protected classes listed in the proposed hate crime bill include a few that are not in Mayor Pro-Tem Smith's resolution and suggested it might be desirable to add those.

Council Member Godley thanked Mayor Pro-Tem Smith for bringing this resolution forward, Mayor Thomas for his research and support, and Chief Holtzman and Assistant City Attorney Phillips for the work they are doing to pursue this at the State level. Hearing a former officer speak tonight – he is absolutely right that profession must be a part of the equation.

Mayor Pro-Tem Smith expressed appreciation to her peers for making the effort to look at this more. There was an incident, which was very trying. She looked at how the FBI did their reporting and what they suggested. She considered profession, but she does not want to dilute, in any way, the original intent of a hate crime resolution. If someone commits a heinous act such as killing a police officer, the laws already mandate longer sentences for those. They are automatic. It is harder with these other categories because there must be proof of intent. 65% of all hate crimes are not reported to the police for fear that it will not be investigated and the perpetrators will not be prosecuted. Victims are concerned about retaliation. She wants to send a strong message to the citizens of Greenville that the City and its Police Department are doing everything possible to protect them.

Mayor Pro-Tem Smith stated she spoke to the Assistant City Manager about the Lobbyist coming and indicated she wanted this to be pushed to the legislators. Based on this last incident, it was heart wrenching to see how lightly it was taken. She does not want to dilute this resolution now, but perhaps it can be altered later or there can be a separate resolution for crimes against law enforcement.

City Attorney Dave Holec stated the City is in the process of compiling legislative initiatives and he anticipates presenting those to the City Council in January. This issue is one of the things on the list for consideration.

Council Member Smiley offered a motion, seconded by Council Member Godley, to approve the proposed resolution with the addition of those protected classes from the proposed state bill that were not already included; specifically:

- Genetic information
- Gender identity, gender reassignment or gender expression
- Military or veteran status



- Marital status
- Employment status or position
- Socio-Economic status
- Political affiliation
- Association with a person or group with one or more of these actual or perceived characteristics

Mayor Pro-Tem Smith stated she does not want to dilute this in any way. When all of these other classes are added, what emphasis does it really put on hate crimes. She wants to maintain the original intent to be sure citizens feel protected.

Council Member Godley asked if Mayor Pro-Tem Smith is suggesting that the additional categories should not be added to the resolution.

Mayor Pro-Tem Smith said not at this time. If she'd had this information earlier, she might have considered it further.

Council Member Godley asked if someone is killed strictly because he or she is a police officer, would that not be considered a hate crime.

Mayor Pro-Tem Smith stated that type of violence should be considered separately. Killing a police officer already has specific penalties, but for someone to kill her because she is a Black female, there is nothing specific to address it and there should be.

Council Member Mercer said he agrees with not diluting the resolution, but fails to understand how adding more categories dilutes it.

Mayor Pro-Tem Smith said if everything is added, it is essentially going back to what there was before. She stated she would be in favor of tabling the matter for further discussion, but would not be in favor of diluting it.

Mayor Thomas stated that hate is hate. He does not feel adding categories would dilute the intent. These additional categories did not come out of thin air, but rather are based on research across multiple states. If it will upgrade ethnic intimidation to a hate crime and make it a felony, he is for it. But he would also support tabling for further consideration to ensure all council members are on the same page.

In the interest of further discussion, Council Member Smiley withdrew his motion.

Upon motion by Council Member Connelly and second by Mayor Pro-Tem Smith, the City Council voted unanimously to table for further discussion at a later time.



## **DISCUSSION OF A PROCESS TO DEVELOP A POLICY TO ALLOW THE CONSUMPTION OF ALCOHOL ON THE TOWN COMMON**

Recreation and Parks Director Gary Fenton reported that City staff continues to receive requests for the development of a policy and guidelines to allow the consumption of alcoholic beverages at the Town Common in connection with special events such as PirateFest, Sunday in the Park, concerts and other sponsored events. The City Council last considered this issue at its September 8, 2014 meeting.

City staff is seeking guidance from City Council on this issue. If approved by City Council, a committee with representatives from various City departments could develop a list of standards, using existing research, for City Council's consideration and bring it back within a few months. Staff will work with partners in the development of the standards in order to bring back a set of guidelines that has input from organizations that might sponsor events in the park.

Council Member Godley expressed concern that this not be limited to just non-profits. For-profit organizations want to bring bands to Greenville, but feel there is no need to do that unless they can sell alcohol.

Director Fenton stated that can certainly be considered. When this was discussed in 2014, it was not just non-profits, but also the City, who could work with organizations as a sponsor.

Council Member Smiley asked what has been learned through allowing alcohol at other parks that could be applied to the Town Common.

Director Fenton stated there have been no major problems, but those locations host nothing that could be compared to the magnitude of what could be held at Town Common.

Council Member Godley suggested if the existing policy is likely to be recommended for the Town Common, the Council should just do it. There is an opportunity right now to make the town fun and enjoyable for all ages.

Assistant City Manager Merrill Flood stated there was one event at the Town Common that involved alcohol, and the feeling is that the existing policy may need to be tweaked.

Upon motion by Council Member Connelly and second by Council Member Smiley, the City Council voted unanimously to develop a policy related to alcohol at the Town Common, and to consider including a sunset provision for reevaluation.





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**CLOSED SESSION (ADDED)**

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Council Member Smiley moved to enter closed session in accordance with G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said laws rendering the information as privileged or confidential being the Personnel Privacy Statute and the Open Meetings Law, or more specifically, to approve closed session minutes, and in accordance with G. S. §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Mayor Pro-Tem Smith seconded the motion, which passed by unanimous vote.

Mayor Thomas declared the City Council in closed session at 9:38 pm and called a brief recess to allow Council Members time to relocate to Conference Room 337.

Upon conclusion of closed session discussion, motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Smith to return to open session. Motion was approved unanimously, and Mayor Thomas returned the City Council to open session at 10:24 pm.

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**ADJOURNMENT**

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Council Member Smiley moved to adjourn the meeting, seconded by Council Member Connelly. There being no further discussion, the motion passed by unanimous vote and Mayor Thomas adjourned the meeting at 10:25 pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Resolution and Deed of Release authorizing the abandonment of a portion of a ten-foot wide electrical easement located across property commonly known as Bradford Executive Park Subdivision, Block A, Lot 1 (parcel no. 73284) and Lot 2 (parcel no. 62610) of The Sabre Companies, LLC

**Explanation:** **Abstract:** Greenville Utilities Commission seeks to abandon a portion of an electrical easement located across Tax Parcel Nos. 73284 and 62610.

**Explanation:** The Sabre Companies, LLC desires to expand the building located on property commonly known as Bradford Executive Park Subdivision, Block A, Lot 1 (parcel no. 73284) and Lot 2 (parcel no. 62610), which will necessitate the relocation of an existing electrical transformer and the abandonment of a portion of an existing ten foot (10') wide electrical easement. At its February 16, 2017 regular meeting, the GUC Board of Commissioners authorized the execution of a resolution requesting the City Council to abandon a portion of a ten foot (10') wide electrical easement across Tax Parcel No. 73284 and Tax Parcel No. 62610 and to execute a Deed of Release in favor of The Sabre Companies, LLC.

**Fiscal Note:** No costs to the City.

**Recommendation:** Authorize the execution of the attached Resolution and Deed of Release

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

Attachments / click to download

[Resolution](#)

[Deed of Release](#)

RESOLUTION \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF GREENVILLE, NORTH CAROLINA,  
ABANDONING A PORTION ONLY OF A TEN FOOT (10') WIDE ELECTRICAL EASEMENT  
HERETOFORE GRANTED TO THE CITY OF GREENVILLE,  
FOR THE USE AND BENEFIT OF GREENVILLE UTILITIES COMMISSION,  
PER MAP BOOK 78 AT PAGE 82, PITT COUNTY PUBLIC REGISTRY,  
AND AUTHORIZING EXECUTION OF DEED OF RELEASE

Attachment number 1  
Page 1 of 6

WHEREAS, Greenville Utilities Commission of the City of Greenville, North Carolina (hereinafter referred to as "Commission"), heretofore obtained a ten foot (10') wide Electrical Easement along the eastern right-of-way of Arlington Boulevard (80' Public R/W; 60' BC/BC) per Map Book 78 at Page 82, Pitt County Public Registry, across property commonly known as Lots 1 (Tax Parcel No. 73284) and 2 (Tax Parcel No. 62610), Block A, Bradford Executive Park Subdivision; and

WHEREAS, a portion only of such ten foot (10') wide Electrical Easement containing 503 square feet, more or less, is no longer needed by the Commission now or in the future and is necessary to allow an expansion of the existing building facilities of the current owner; and

WHEREAS, Commission anticipates no use or need now or in the future for such portion only of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, to be abandoned as hereinafter described; and

WHEREAS, Commission desires to abandon such portion only of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, previously granted;

WHEREAS, the current owner of such property has requested the City of Greenville, North Carolina, and Greenville Utilities Commission to abandon such portion only of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, and requests that the City Council of the City of Greenville, for the use and benefit of Greenville Utilities Commission, acknowledge such abandonment and release; and

WHEREAS, Commission deems such abandonment to be reasonable and in the best interest of the Commission and all parties and therefore requests that the City Council of the City of Greenville, North Carolina, acknowledge such abandonment and release of such portion only of the ten foot (10') wide Electrical Easement to be abandoned containing 503 square feet, more or less, which is shown as to be abandoned as hereinafter described; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, in Regular Session held in the Council Chambers of City Hall of the City of Greenville, North Carolina, on the \_\_\_\_\_ day of March, 2017, as follows:

1. That the City Council of the City of Greenville does hereby abandon such portion only of a ten foot (10') wide Electrical Easement containing 503 square feet, more or less, <sup>Attachment number 1</sup> ~~pages 2 of 3~~ shown as a grant on Map Book 78 at Page 82, Pitt County Public Registry, and shown as to be abandoned on Exhibits "A," "B," "C," and "D," which are attached hereto and made a part hereof; and

2. That the appropriate City Officials be and are hereby empowered to make, execute and deliver to The Sabre Companies, LLC, 2705 Forest Glen Drive, Greenville, North Carolina 27858, or the then current owner of the subject property encumbered by such portion of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, to be abandoned, an instrument in a form suitable for recording to release whatever interests the City of Greenville, North Carolina, for the use and benefit of Greenville Utilities Commission, might have in and to such portion of the ten foot (10') wide Electrical Easement heretofore granted, which is shown as to be abandoned as hereinabove described.

Adopted this the \_\_\_\_\_ day of March, 2017.

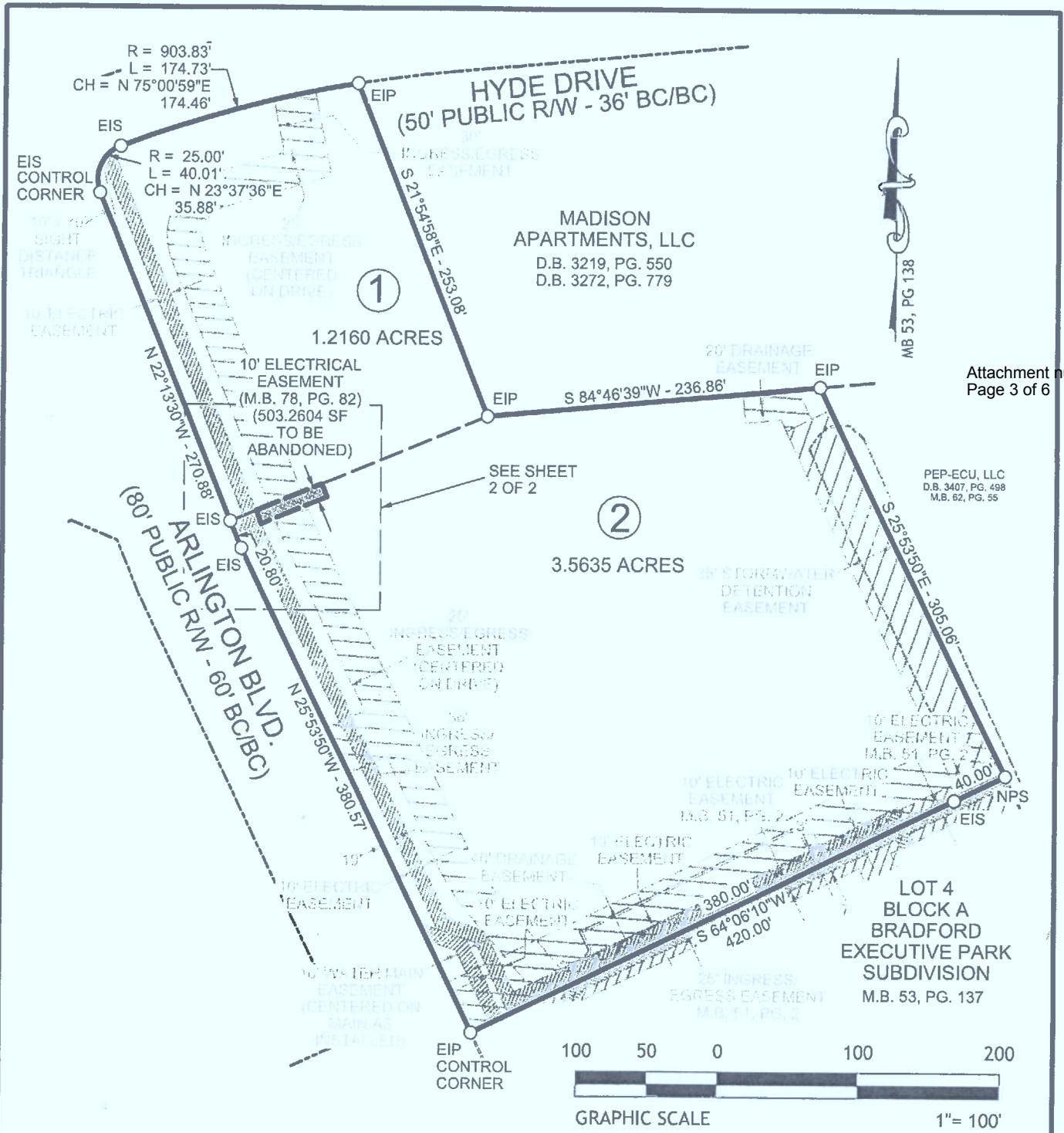
CITY OF GREENVILLE

By \_\_\_\_\_  
ALLEN M. THOMAS, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
CAROL L. BARWICK, Clerk

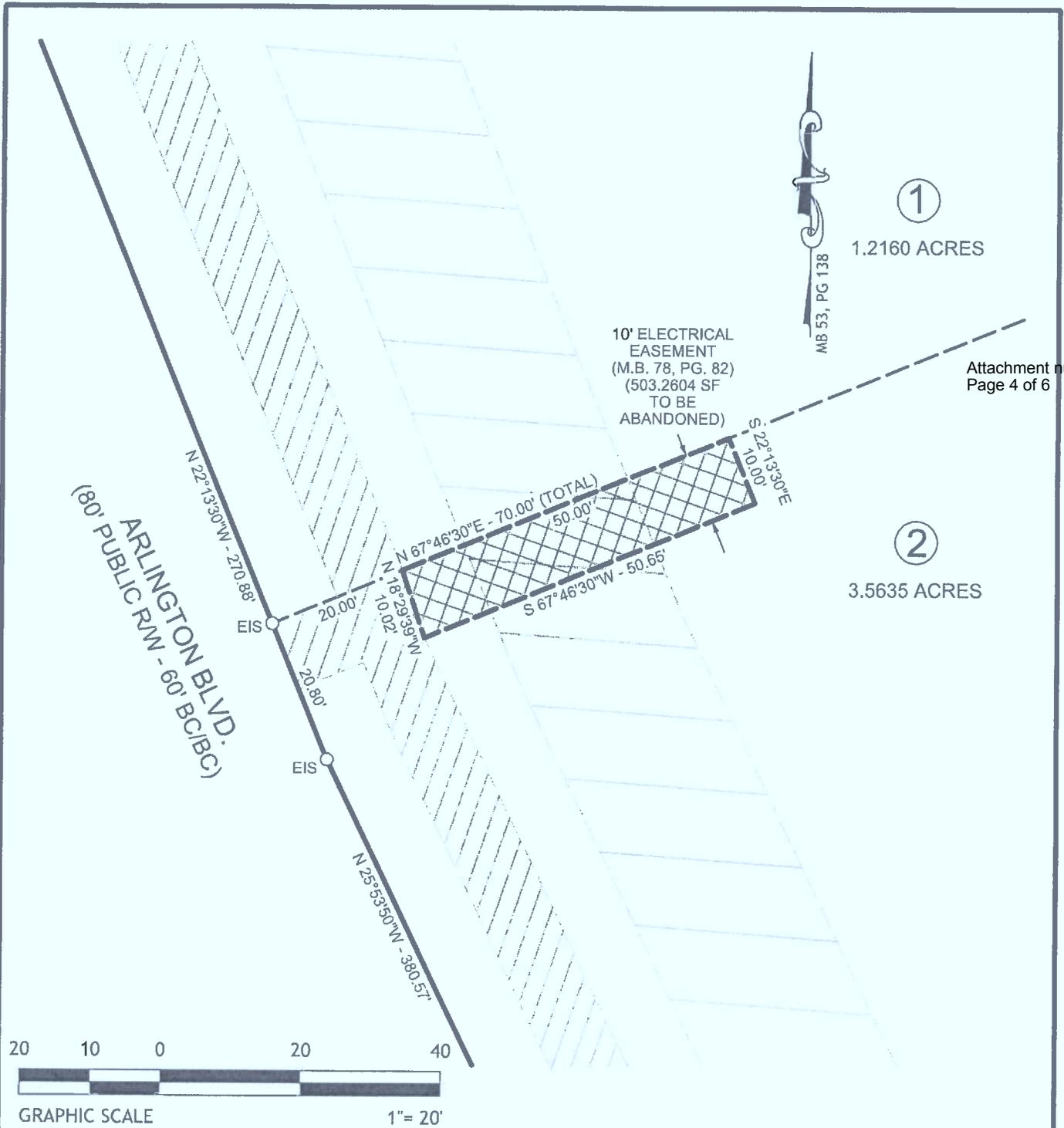


Attachment number 1  
Page 3 of 6

ELECTRICAL EASEMENT ABANDONMENT MAP FOR GREENVILLE UTILITIES COMMISSION  BRADFORD EXECUTIVE PARK SUBDIVISION BLOCK A, LOTS 1 & 2  WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA	APPROVED: CEP	DATE: 01/18/17
	DRAWN: WCO	SCALE: 1" = 100'
	SHEET: 1 OF 2	
OWNER: THE SABRE COMPANIES, LLC ADDRESS: 2705 FOREST GLEN DRIVE GREENVILLE, NC 27858 PHONE: (252) 756-8354		<b>MALPASS &amp; ASSOCIATES</b> <small>(NC LICENSE NUMBER C-1289)</small> 1645 E. ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780

PROJECT NO. P-1157 , DRAWING NO. P1157ESMT-ELEC-ABANDON.DGN

EXHIBIT "A"



ELECTRICAL EASEMENT ABANDONMENT MAP FOR  
GREENVILLE UTILITIES COMMISSION

BRADFORD EXECUTIVE PARK SUBDIVISION  
BLOCK A, LOTS 1 & 2

WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

APPROVED: CEP	DATE: 01/18/17
DRAWN: WCO	SCALE: 1" = 20'
	SHEET: 2 OF 2

OWNER: THE SABRE COMPANIES, LLC

ADDRESS: 2705 FOREST GLEN DRIVE  
GREENVILLE, NC 27858

PHONE: (252) 756-8354



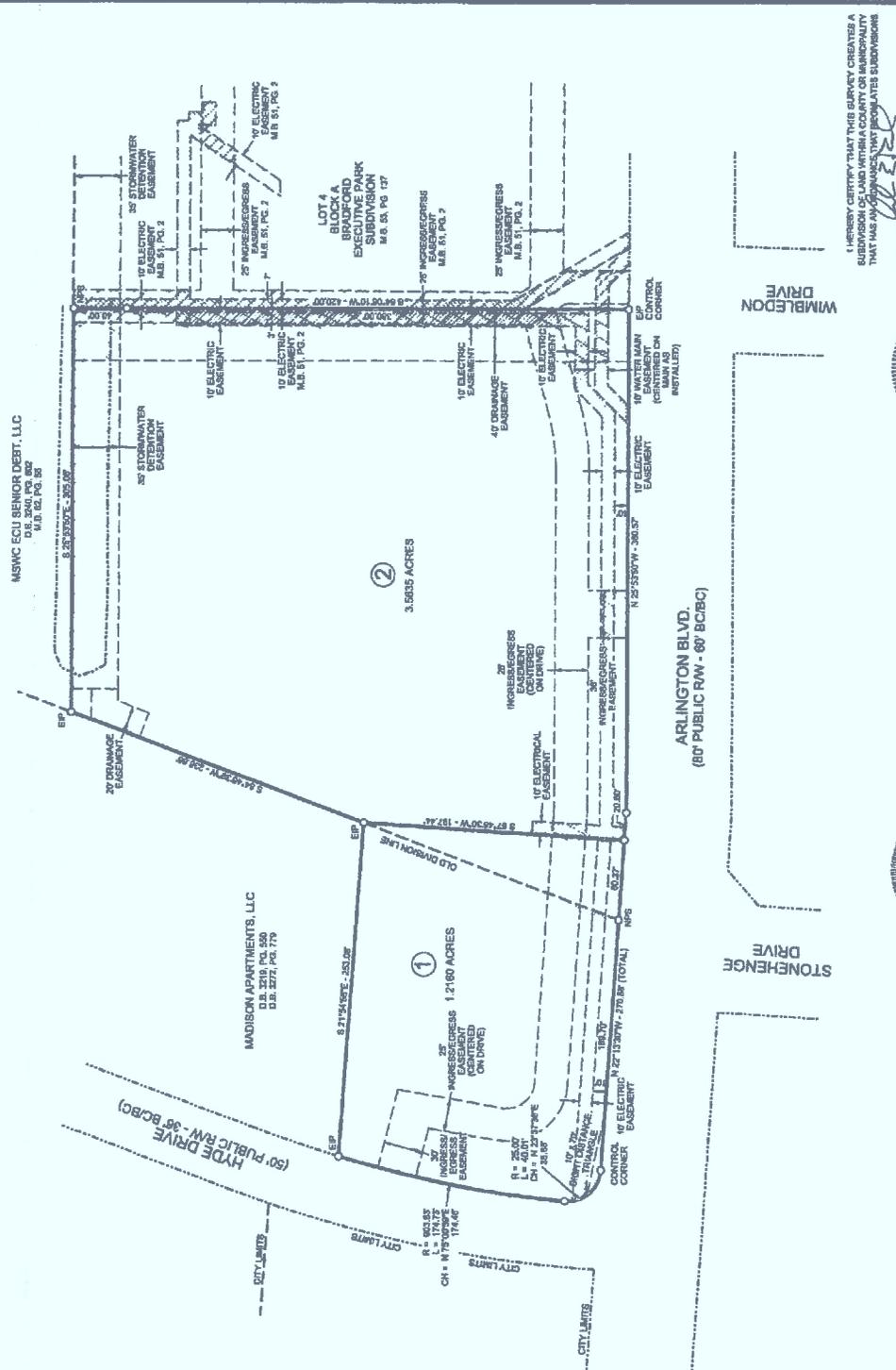
**MALPASS & ASSOCIATES**  
(NC LICENSE NUMBER C-1289)  
1645 E. ARLINGTON BLVD., SUITE D  
GREENVILLE, N.C. 27858  
(252) 756-1780

PROJECT NO. P-1157 , DRAWING NO. P1157ESMT-ELEC-ABANDON.DGN

EXHIBIT "B"

**SITE DATA**

AREA IN TOTAL TRACT.....	4.784 ACRES
NUMBER OF LOTS CREATED.....	2
AREA IN COMMON AREA.....	0.0000 ACRES
AREA IN PARKS, RECREATION AND THE LIKE.....	0.00 ACRES

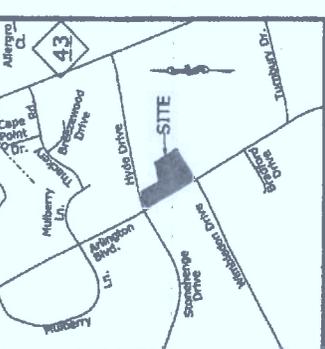


**78** 82

MSWC EQU SENIOR DEBT, LLC  
D.B. 2041, PG. 802  
M.E.S. PG. 55

MANISON APARTMENTS, LLC  
D.B. 2012, PG. 350  
D.B. 2071, PG. 179

LOT 4  
BRADFORD  
EXECUTIVE PARK  
SUBDIVISION  
M.E.S. PG. 137



**NOTES:**

- 1) THE DESIGNATION NOTED OVER WATER, WATER MAIN, GAS OR ELECTRIC LINES ARE SUBJECT TO THE EXISTING UTILITY LINES AND THE WIDTH OF BAND EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
- 2) THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS PER FEMA PANEL NUMBER 37288BOOK, DATED JULY 7, 2014.
- 3) NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND SECONDARY DRIVEWAYS, SIDEWALKS, FENCES, APARTMENTS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, OR OTHER ITEMS SHALL BE PLACED OR SHALL BE RECEIVED ON THE SURFACE. ALL RECEIPTABLES AND IMPROVEMENTS SHALL ENCRUMBER WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.
- 4) THE SOUTHERN PORTION OF THIS DEVELOPMENT DRAINS TO THE EXISTING STORM WATER DETENTION POND LOCATED ON THE EASTERN SIDE OF THE PROPERTY AS PER THE DRAINAGE EASEMENT AND MAINTENANCE AGREEMENT AS RECORDED IN DEED BOOK 3268 PAGE 444.

**LEGEND**

- > -> EXISTING (THE LINES OTHERWISE NOTED)
- EP - EXISTING PIPE
- EM - EXISTING MANHOLE
- IP - IRON POINT SET
- CC - CONTROL CORNER
- MC - MILE ROD CORNER

**MAP FOR RECORD**  
**BRADFORD EXECUTIVE PARK SUBDIVISION**  
**BLOCK A, LOTS 1 & 2**  
PAGE 82 OF THE PITT COUNTY DEED BOOK 3181

GREENVILLE WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: POHL, LLC  
ADDRESS: P.O. BOX 33930 GREENVILLE, NC 27633  
PHONE: (252) 714-5700

**MALPASS & ASSOCIATES**  
ALLIANCE LAND SURVEYING SUITE D  
1945 E. ARLINGTON BLVD., #2650  
GREENVILLE, NC 27630  
(252) 756-1700

SURVEYED: CEP	APPROVED: CEP
DRAWN: WCD	DATE: 10/27/14
CHECKED: CEP	SCALE: 1" = 80'

PROJECT NO. 2-1157 - DRAWING NO. F1515/MP/ED/EN



**OWNERS STATEMENT**  
I, THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN AND SUBSCRIBED BEFORE ME THIS DAY OF OCTOBER, 2014, AT GREENVILLE, NORTH CAROLINA, HAVE READ THIS SUBDIVISION'S MAP AND HEREBY DEDICATED TO PUBLIC USE ACCORDING TO TITLE 9, CHAPTER 6 OF THE GREENVILLE CITY CODE ON THE DATE OF THE REGISTRATION NUMBER 1087.

APPROVAL  
THIS FINAL PLAN NUMBER 1641 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 6 OF THE GREENVILLE CITY CODE ON THE DATE OF THE REGISTRATION NUMBER 1087.

OWNER: POHL, LLC  
DAY OF: OCTOBER  
YEAR: 2014  
NOTARY PUBLIC: [Signature]  
BY COMMISSION EXPIRES: 1/10/17

**DEDICATION**  
I, THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN AND SUBSCRIBED BEFORE ME THIS DAY OF OCTOBER, 2014, AT GREENVILLE, NORTH CAROLINA, HAVE READ THIS SUBDIVISION'S MAP AND HEREBY DEDICATED TO PUBLIC USE ACCORDING TO TITLE 9, CHAPTER 6 OF THE GREENVILLE CITY CODE ON THE DATE OF THE REGISTRATION NUMBER 1087.

APPROVAL  
THIS FINAL PLAN NUMBER 1641 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 6 OF THE GREENVILLE CITY CODE ON THE DATE OF THE REGISTRATION NUMBER 1087.

OWNER: POHL, LLC  
DAY OF: OCTOBER  
YEAR: 2014  
NOTARY PUBLIC: [Signature]  
BY COMMISSION EXPIRES: 1/10/17

**MAP FOR RECORD**  
**BRADFORD EXECUTIVE PARK SUBDIVISION**  
**BLOCK A, LOTS 1 & 2**  
PAGE 82 OF THE PITT COUNTY DEED BOOK 3181

GREENVILLE WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: POHL, LLC  
ADDRESS: P.O. BOX 33930 GREENVILLE, NC 27633  
PHONE: (252) 714-5700

**MALPASS & ASSOCIATES**  
ALLIANCE LAND SURVEYING SUITE D  
1945 E. ARLINGTON BLVD., #2650  
GREENVILLE, NC 27630  
(252) 756-1700

SURVEYED: CEP	APPROVED: CEP
DRAWN: WCD	DATE: 10/27/14
CHECKED: CEP	SCALE: 1" = 80'

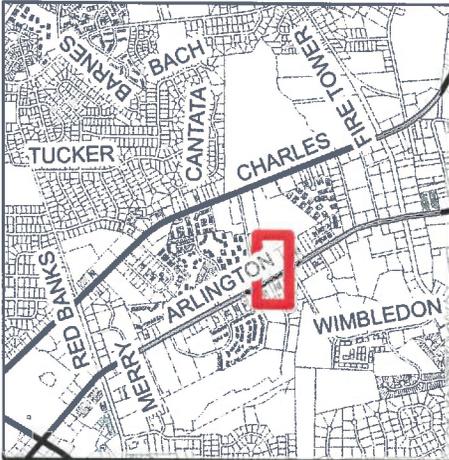
PROJECT NO. 2-1157 - DRAWING NO. F1515/MP/ED/EN

I, HENRY CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN COUNTY OR MUNICIPALITY THAT HAS NOT BEEN PREVIOUSLY SUBDIVIDED.

CHARLOTTE PALMER  
1. CHARLOTTE PALMER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE INFORMATION AS SHOWN ON THIS PLAN IS TRUE AND CORRECT AS FAR AS THE INFORMATION AS SHOWN ON THIS PLAN IS CONCERNED. I AM AN EMPLOYED WITNESS IN THE STATE OF NORTH CAROLINA. I HAVE REGISTERED MY PROFESSIONAL SURVEYING LICENSE WITH THE STATE OF NORTH CAROLINA. MY REGISTRATION NUMBER AND YEAR: 13390, 2014.

1. [Signature]  
CARLOTTE PALMER  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED, MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

EXHIBIT "C"



Proposed portion of the existing easement, 10' in width and 503 sq ft +/- to be abandoned

Greenville Utilities  
 P.O. Box 1847  
 Greenville, NC 27835  
 (252) 752-7166  
 Fax (252) 329-2172



**Greenville Utilities**

Date Created: 1/27/2017  
 Created by: GDS  
 Requested by: Phillip Dixon

Attachment number 1  
 Page 6 of 6

**The Sabre Companies, LLC**  
**Easement to be Abandoned**  
 Pitt Co., NC

**Disclaimer:**  
 Easements depicted on this map are for illustrative purposes only and may not be relied upon as an accurate representation for spatial reference. This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations. The source data is referenced from Pitt County Planning Department, the City of Greenville and GUC.

Prepared by: Phillip R. Dixon, Attorney  
File: Greenville Utilities  
Post Office Box 1847  
Greenville, NC 27835

Attachment number 2  
Page 1 of 13

NORTH CAROLINA

**DEED OF RELEASE**

PITT COUNTY

THIS DEED OF RELEASE, made and entered into this the \_\_\_\_\_ day of March, 2017, by and between the City of Greenville, North Carolina, a municipal corporation in Pitt County, North Carolina, party of the first part (hereinafter called GRANTOR), and The Sabre Companies, LLC, 2705 Forest Glen Drive, Greenville, North Carolina 27858, party of the second part (hereinafter called GRANTEE).

WITNESSETH

THAT WHEREAS, the GRANTOR for the use and benefit of Greenville Utilities Commission previously received a grant of a ten foot (10') wide Electrical Easement per Map Book 78 at Page 82, Pitt County Public Registry; and

WHEREAS, a portion of such ten foot (10') wide Electrical Easement containing 503 square feet, more or less, is no longer needed by the Commission; and

WHEREAS, such portion of such Electrical Easement to be abandoned as more particularly shown on Exhibits "A," "B," "C," and "D," which are attached hereto and made a part hereof; and

WHEREAS, the current owner of the underlying fee interest in such property, The Sabre Companies, LLC, has requested abandonment of such portion of such easement to be abandoned; and

WHEREAS, Greenville Utilities Commission has requested GRANTOR to indicate formally that it has no plans or interest in such property encumbered by such portion of such easement to be abandoned; and

WHEREAS, Greenville Utilities Commission has therefore requested GRANTOR to execute a Deed of Release to GRANTEE, or the then current owner of such property, to indicate its abandonment and release of such a portion of such ten foot (10') wide Electrical

Easement to be abandoned containing 503 square feet, more or less, all as is described and shown on Exhibits "A," "B," "C," and "D," which are attached hereto and made a part hereof; and

WHEREAS, the City Council of the GRANTOR, acting on the recommendation of Greenville Utilities Commission, has duly adopted the Resolution abandoning to GRANTEE, such portion of such ten foot (10') wide Electrical Easement, shown on Exhibits "A," "B," "C," and "D," as to be abandoned, and a copy of which said Resolution is attached hereto as <sup>Attachment number 2</sup> Exhibit 3  
"E" and made a part hereof.

NOW THEREFORE, pursuant to and in accordance with said Resolution, GRANTOR does hereby remise, release, discharge and forever quitclaim unto GRANTEE, The Sabre Companies, LLC, as the current owners of the subject property, their heirs and assigns, all the GRANTOR's rights, title and interest in and to the 503 square feet, more or less, of the ten foot (10') wide Electrical Easement previously granted to the City of Greenville, for the use and benefit of Greenville Utilities Commission, per Map Book 78 at Page 82, Pitt County Public Registry, all as is more particularly shown as to be abandoned on Exhibits "A," "B," "C," and "D," which are attached hereto and made a part hereof.

IN TESTIMONY WHEREOF, GRANTOR has caused this Deed of Release to be executed in its name by its Mayor, attested by the City Clerk, and its official seal hereto affixed, all by Resolution duly entered by the City Council of GRANTOR, on the day and year first above written.

CITY OF GREENVILLE, NORTH CAROLINA

By: \_\_\_\_\_  
ALLEN M. THOMAS, Mayor

[SEAL]

Attest:

\_\_\_\_\_  
CAROL L. BARWICK, City Clerk

NORTH CAROLINA

PITT COUNTY

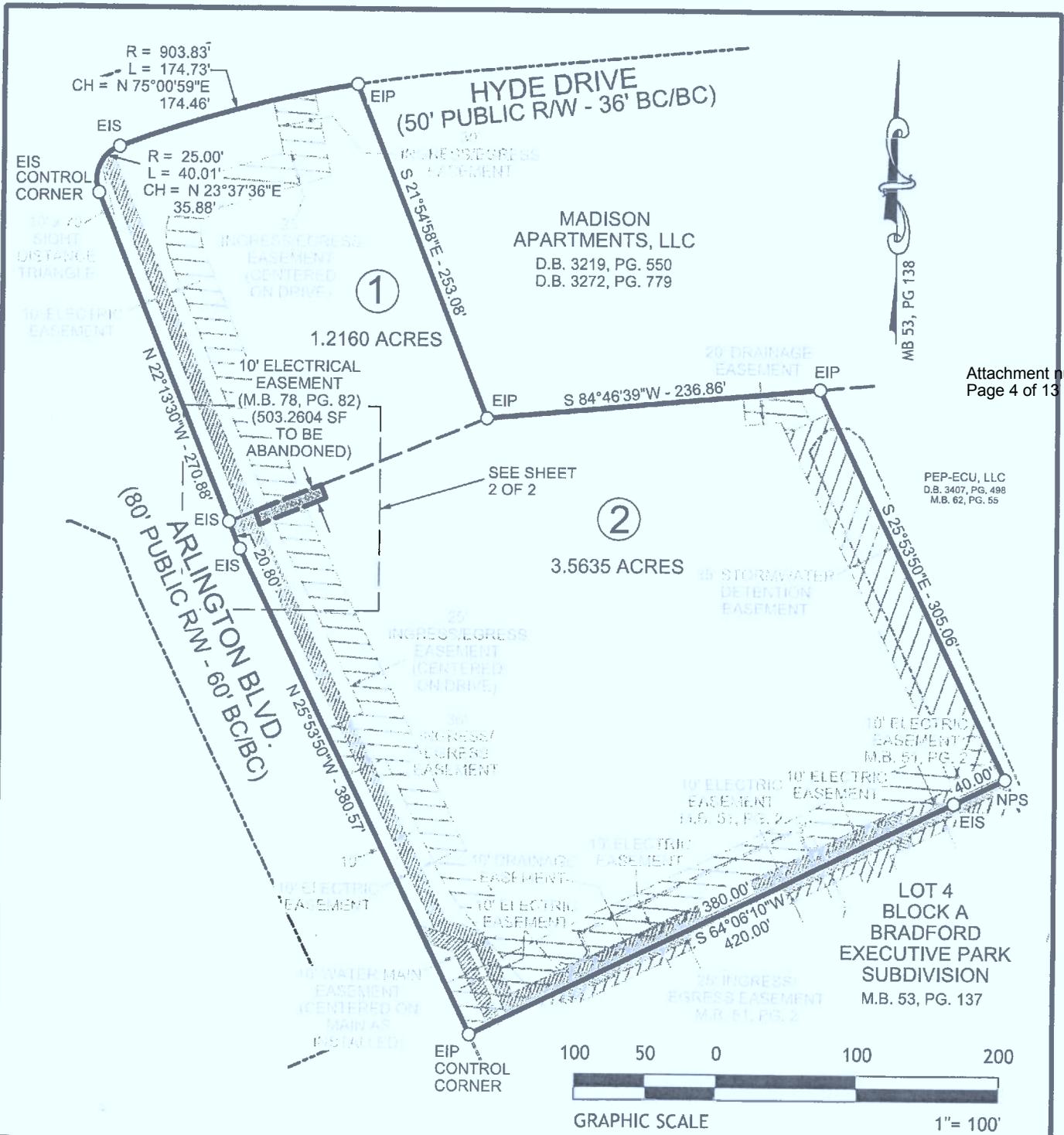
I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, certify that CAROL L. BARWICK personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, North Carolina, and that by authority duly given and as the act of the City of Greenville, North Carolina, the foregoing instrument was signed in its name by its Mayor, Allen M. Thomas, sealed with its official seal and attested by her as its City Clerk.

Attachment number 2  
Page 3 of 13

WITNESS my hand and official stamp or seal, this the \_\_\_\_\_ day of March, 2017.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



Attachment number 2  
Page 4 of 13

ELECTRICAL EASEMENT ABANDONMENT MAP FOR  
GREENVILLE UTILITIES COMMISSION  
**BRADFORD EXECUTIVE PARK SUBDIVISION**  
BLOCK A, LOTS 1 & 2  
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

APPROVED: CEP	DATE: 01/18/17
DRAWN: WCO	SCALE: 1"= 100'
	SHEET: 1 OF 2

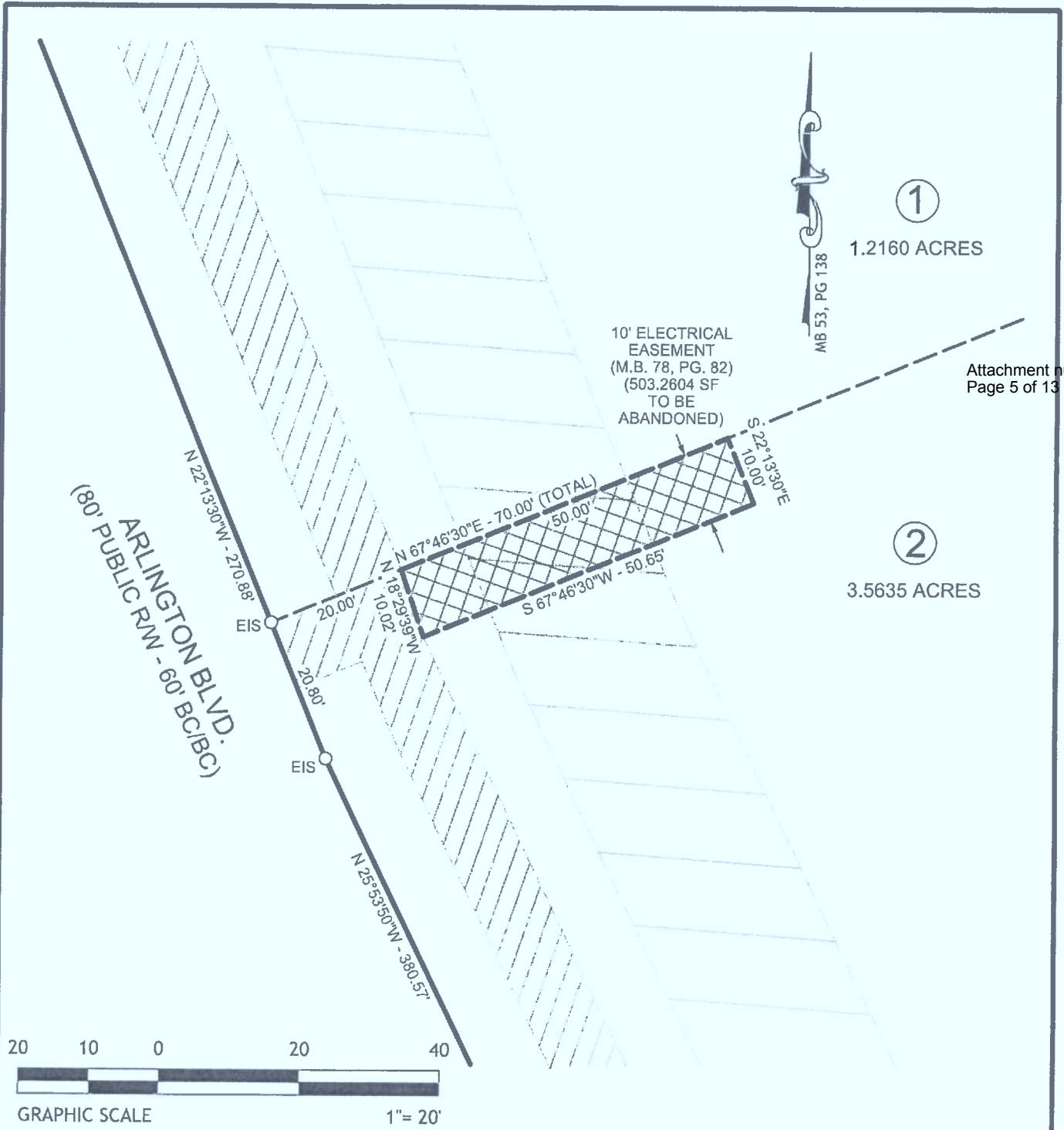
OWNER: THE SABRE COMPANIES, LLC  
ADDRESS: 2705 FOREST GLEN DRIVE  
GREENVILLE, NC 27858  
PHONE: (252) 756-8354



**MALPASS & ASSOCIATES**  
(NC LICENSE NUMBER C-1289)  
1645 E. ARLINGTON BLVD., SUITE D  
GREENVILLE, N.C. 27858  
(252) 756-1780

PROJECT NO. P-1157 , DRAWING NO. P1157ESMT-ELEC-ABANDON.DGN

EXHIBIT "A"



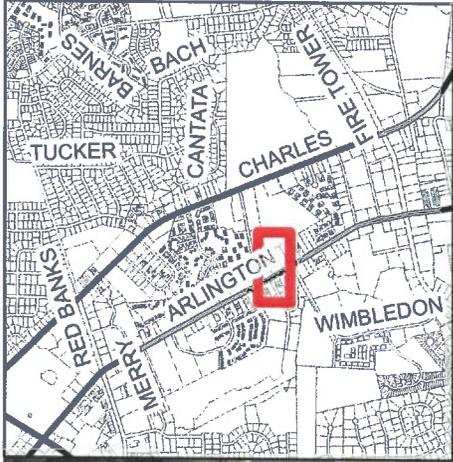
Attachment number 2  
Page 5 of 13

ELECTRICAL EASEMENT ABANDONMENT MAP FOR GREENVILLE UTILITIES COMMISSION  BRADFORD EXECUTIVE PARK SUBDIVISION BLOCK A, LOTS 1 & 2  WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA	APPROVED: CEP	DATE: 01/18/17
	DRAWN: WCO	SCALE: 1" = 20'
	SHEET: 2 OF 2	
OWNER: THE SABRE COMPANIES, LLC ADDRESS: 2705 FOREST GLEN DRIVE GREENVILLE, NC 27858 PHONE: (252) 756-8354		<b>MALPASS &amp; ASSOCIATES</b> <small>(NC LICENSE NUMBER C-1289)</small> 1645 E. ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780

PROJECT NO. P-1157 , DRAWING NO. P1157ESMT-ELEC-ABANDON.DGN

EXHIBIT "B"





Proposed portion of the existing easement, 10' in width and 503 sq ft +/- to be abandoned



Greenville Utilities  
 P.O. Box 1847  
 Greenville, NC 27835  
 (252) 752-7166  
 Fax (252) 329-2172

Date Created: 1/27/2017
Created by: GDS
Requested by: Philip Dixon

**The Sabre Companies, LLC**  
**Easement to be Abandoned**  
 Pitt Co., NC

Disclaimer:  
 Easements depicted on this map are for illustrative purposes only and may not be relied upon as an accurate representation for spatial reference. This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations. The source data is referenced from Pitt County Planning Department, the City of Greenville and GUC.

Attachment number 2  
 Page 7 of 3

RESOLUTION \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF GREENVILLE, NORTH CAROLINA,  
ABANDONING A PORTION ONLY OF A TEN FOOT (10') WIDE ELECTRICAL EASEMENT  
HERETOFORE GRANTED TO THE CITY OF GREENVILLE,  
FOR THE USE AND BENEFIT OF GREENVILLE UTILITIES COMMISSION,  
PER MAP BOOK 78 AT PAGE 82, PITT COUNTY PUBLIC REGISTRY,  
AND AUTHORIZING EXECUTION OF DEED OF RELEASE

Attachment number 2  
Page 8 of 13

WHEREAS, Greenville Utilities Commission of the City of Greenville, North Carolina (hereinafter referred to as "Commission"), heretofore obtained a ten foot (10') wide Electrical Easement along the eastern right-of-way of Arlington Boulevard (80' Public R/W; 60' BC/BC) per Map Book 78 at Page 82, Pitt County Public Registry, across property commonly known as Lots 1 (Tax Parcel No. 73284) and 2 (Tax Parcel No. 62610), Block A, Bradford Executive Park Subdivision; and

WHEREAS, a portion only of such ten foot (10') wide Electrical Easement containing 503 square feet, more or less, is no longer needed by the Commission now or in the future and is necessary to allow an expansion of the existing building facilities of the current owner; and

WHEREAS, Commission anticipates no use or need now or in the future for such portion only of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, to be abandoned as hereinafter described; and

WHEREAS, Commission desires to abandon such portion only of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, previously granted;

WHEREAS, the current owner of such property has requested the City of Greenville, North Carolina, and Greenville Utilities Commission to abandon such portion only of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, and requests that the City Council of the City of Greenville, for the use and benefit of Greenville Utilities Commission, acknowledge such abandonment and release; and

WHEREAS, Commission deems such abandonment to be reasonable and in the best interest of the Commission and all parties and therefore requests that the City Council of the City of Greenville, North Carolina, acknowledge such abandonment and release of such portion only of the ten foot (10') wide Electrical Easement to be abandoned containing 503 square feet, more or less, which is shown as to be abandoned as hereinafter described; and

EXHIBIT "E"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, in Regular Session held in the Council Chambers of City Hall of the City of Greenville, North Carolina, on the \_\_\_\_\_ day of March, 2017, as follows:

1. That the City Council of the City of Greenville does hereby abandon such portion only of a ten foot (10') wide Electrical Easement containing 503 square feet, more or less, shown as a grant on Map Book 78 at Page 82, Pitt County Public Registry, and shown as to be abandoned on Exhibits "A," "B," "C," and "D," which are attached hereto and made a part hereof; and

Attachment number 2  
Page 9 of 13

2. That the appropriate City Officials be and are hereby empowered to make, execute and deliver to The Sabre Companies, LLC, 2705 Forest Glen Drive, Greenville, North Carolina 27858, or the then current owner of the subject property encumbered by such portion of the ten foot (10') wide Electrical Easement containing 503 square feet, more or less, to be abandoned, an instrument in a form suitable for recording to release whatever interests the City of Greenville, North Carolina, for the use and benefit of Greenville Utilities Commission, might have in and to such portion of the ten foot (10') wide Electrical Easement heretofore granted, which is shown as to be abandoned as hereinabove described.

Adopted this the \_\_\_\_\_ day of March, 2017.

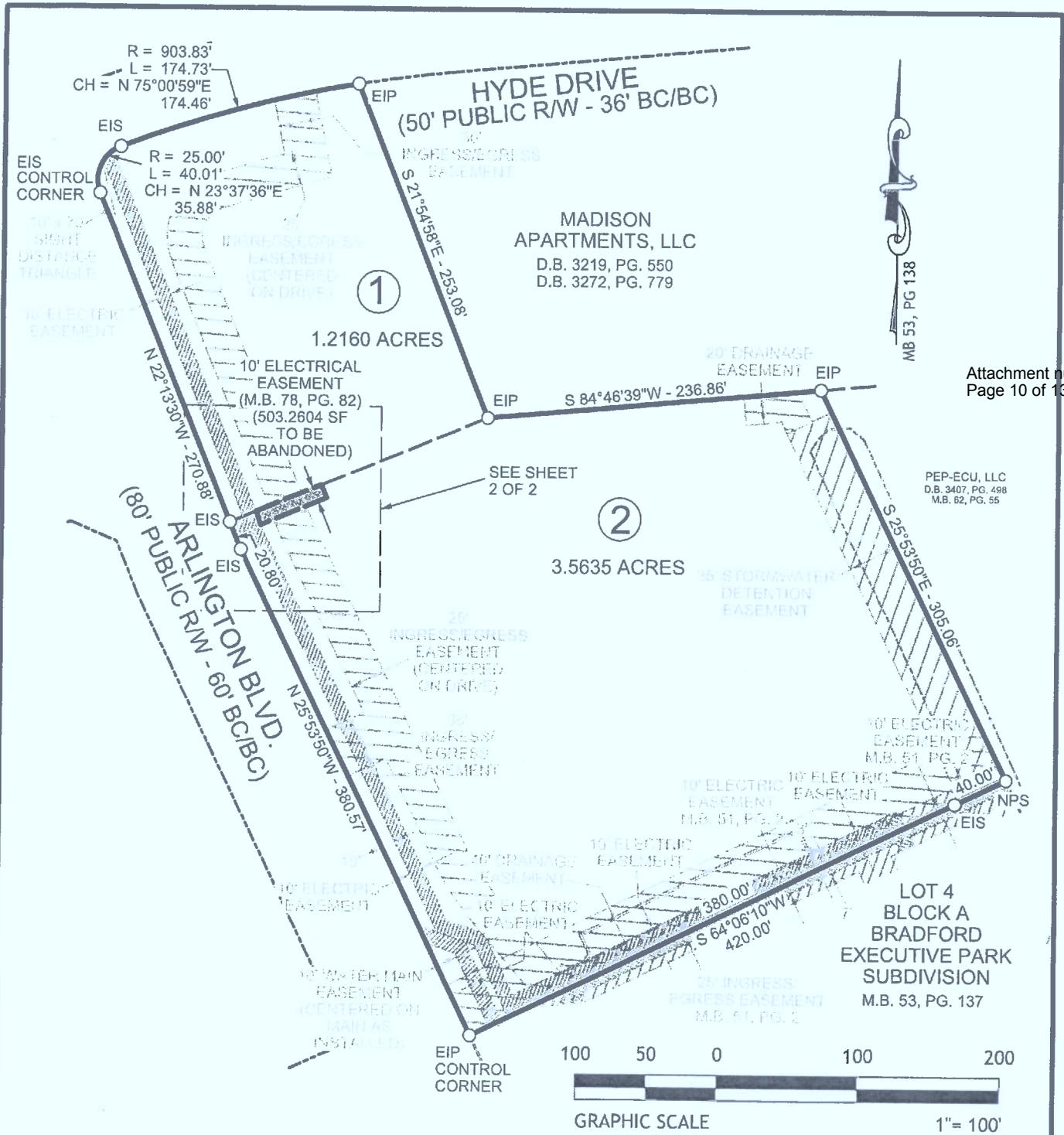
CITY OF GREENVILLE

By \_\_\_\_\_  
ALLEN M. THOMAS, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
CAROL L. BARWICK, Clerk

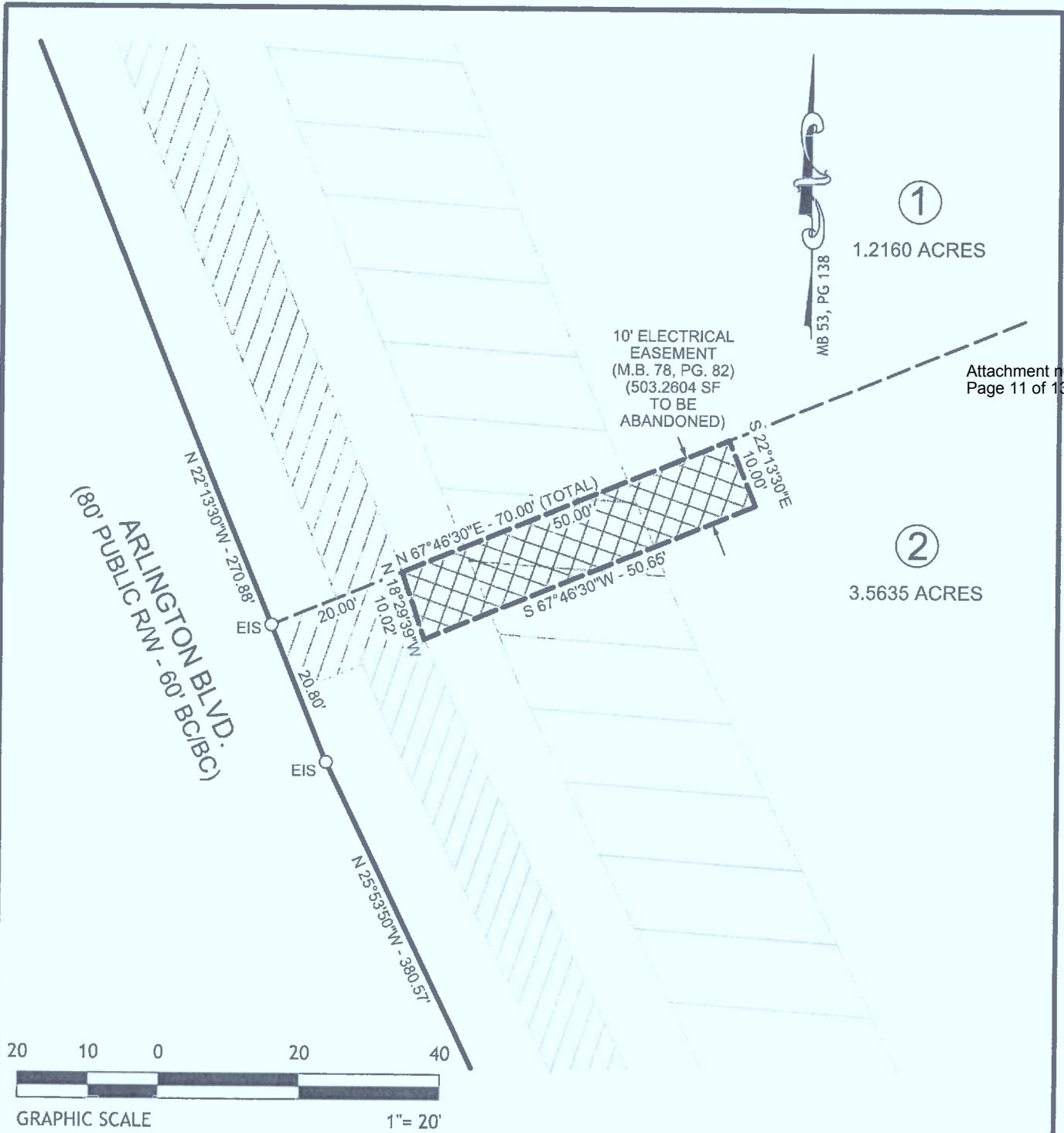


Attachment number 2  
Page 10 of 13

ELECTRICAL EASEMENT ABANDONMENT MAP FOR GREENVILLE UTILITIES COMMISSION BRADFORD EXECUTIVE PARK SUBDIVISION BLOCK A, LOTS 1 & 2	APPROVED: CEP	DATE: 01/18/17
	DRAWN: WCO	SCALE: 1"= 100'
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA	SHEET: 1 OF 2	
OWNER: THE SABRE COMPANIES, LLC ADDRESS: 2705 FOREST GLEN DRIVE GREENVILLE, NC 27858 PHONE: (252) 756-8354		<b>MALPASS &amp; ASSOCIATES</b> <small>(NC LICENSE NUMBER C-1289)</small> 1645 E. ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780

PROJECT NO. P-1157 , DRAWING NO. P1157ESMT-ELEC-ABANDON.DGN

EXHIBIT "A"



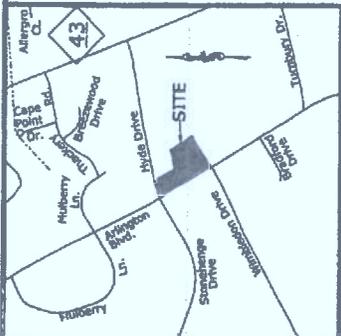
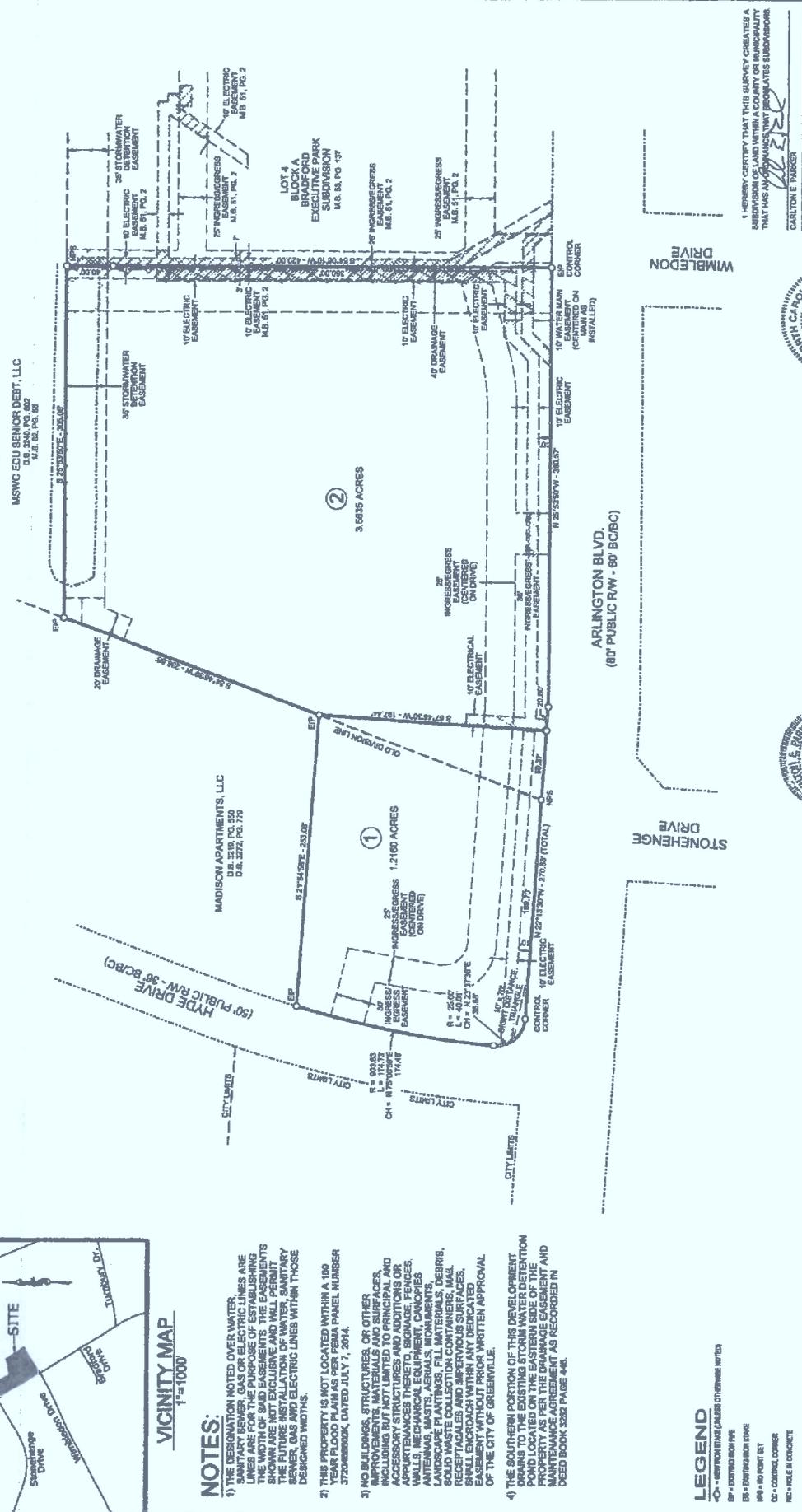
ELECTRICAL EASEMENT ABANDONMENT MAP FOR GREENVILLE UTILITIES COMMISSION  BRADFORD EXECUTIVE PARK SUBDIVISION BLOCK A, LOTS 1 & 2  WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA	APPROVED: CEP	DATE: 01/18/17
	DRAWN: WCO	SCALE: 1" = 20'
		SHEET: 2 OF 2
OWNER: THE SABRE COMPANIES, LLC ADDRESS: 2705 FOREST GLEN DRIVE GREENVILLE, NC 27858 PHONE: (252) 756-8354		<b>MALPASS &amp; ASSOCIATES</b> <small>(NC LICENSE NUMBER C-1289)</small> 1645 E. ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780

PROJECT NO. P-1157 , DRAWING NO. P1157ESMT-ELEC-ABANDON.DGN

EXHIBIT "B"

**SITE DATA**

AREA IN TOTAL TRACT.....	4.794 ACRES
NUMBER OF LOTS CREATED.....	2
AREA IN COMMON AREA.....	0.0000 ACRES
AREA IN PARKS, RECREATION AND THE LIKE.....	0.00 ACRES



- NOTES:**
- 1) THE DESIGNATION NOTED OVER WATER, IMPROVEMENTS, MATERIALS AND SURFACES, ARE LIMITED TO THE EXISTING CONDITIONS. THE LINES ARE FOR INFORMATION ONLY. THE WIDTH OF SAID EASEMENTS, THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
  - 2) THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS PER FEMA PANEL NUMBER 37208800K, DATED JULY 7, 2014.
  - 3) NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, ARE TO BE CONSTRUCTED OR PLACED ON THE ACCORDING TO THE PRINCIPAL AND ACCESSORY USES OF THE PROPERTY. APARTMENTS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, SIGNAGE, LIGHT FIXTURES, FILL MATERIALS, DEBRIS, RECREATIONAL FACILITIES, SHALL BE PROHIBITED. THIS DEVELOPMENT SHALL ENCOMPASS WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.
  - 4) THE SOUTHERN PORTION OF THIS DEVELOPMENT DRAINS TO THE EXISTING STORM WATER DETENTION POND LOCATED ON THE EASTERN SIDE OF THE PROPERTY. THE DRAINAGE EASEMENT AND MAINTENANCE AGREEMENT AS RECORDED IN DEED BOOK 3285 PAGE 448.

- LEGEND**
- - VERTICALLY CENTERED OVER THE CENTERLINE
  - EP - EXISTING POWER POLE
  - ES - EXISTING SAND EASEMENT
  - EP - 40 FOOT SET
  - CC - CONTROL CORNER
  - NO - WALL IN CONCRETE

**MAP FOR RECORD**  
**BRADFORD EXECUTIVE PARK SUBDIVISION**  
**BLOCK A, LOTS 1 & 2**  
 REFERENCE DEED BOOK 2007, PAGE 598 & DEED BOOK 2718, PAGE 633 OF THE PITT COUNTY REGISTRY

GREENVILLE WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: POHL, LLC  
 ADDRESS: P.O. BOX 30830 GREENVILLE, NC 27633  
 PHONE: (252) 714-8700

**MALPASS & ASSOCIATES**  
 1945 E. ARLINGTON BLVD., SUITE D GREENVILLE, NC 27614  
 (252) 755-1700

SURVEYED	CEP	APPROVED	CEP
DRAWN	MSD	DATE	10/27/14
CHECKED	CEP	SCALE	1" = 80'

PROJECT NO. 2-1157 - DRAWING NO. P157MFLDGN

**SOURCE OF TITLE**

THIS IS A TRUE AND CORRECT COPY OF THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK 2087 PAGE 098  
 DEED BOOK 2185 PAGE 033

OWNER: MALPASS & ASSOCIATES  
 DAY OF: 10/27/2014  
 NOTARY PUBLIC: [Signature]  
 MY COMMISSION NUMBER: 11017

**OWNERS STATEMENT**

THE SIGNATURE OF THE OWNER OF THIS SUBDIVISION IS MADE AT THE REQUEST OF THE CITY OF GREENVILLE:

OWNER: [Signature]  
 DAY OF: 10/27/2014  
 NOTARY PUBLIC: [Signature]  
 MY COMMISSION NUMBER: 11017

**APPROVAL**

THIS FINAL PLAN NUMBER 1541 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 8, CHAPTER 5 OF THE GREENVILLE CITY CODE ON THE 13TH DAY OF NOVEMBER, 2014.

SIGNED: [Signature]  
 CITY PLANNER

**DEDICATION**

UNDERRIVING HEREBY ACKNOWLEDGES THE DEDICATION OF THE EASEMENT AND INTERESTS TO THE CITY OF GREENVILLE, PARKS, PLAYGROUND, OPEN SPACES AND RECREATION AREAS AS SHOWN ON THIS PLAN. ALL AREAS AS SHOWN ON THIS PLAN ARE TO BE DEDICATED TO THE CITY OF GREENVILLE.

SIGNED: [Signature]  
 DATE: 10/27/2014

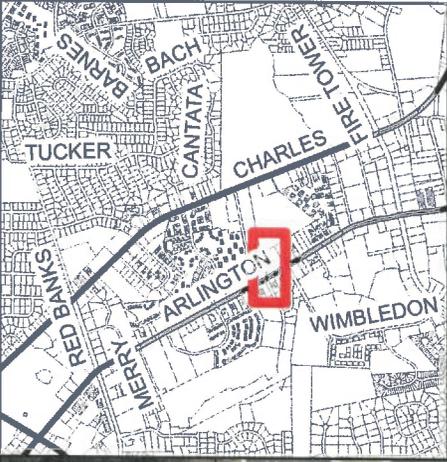
**CERTIFICATION**

I, HENRY CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OF NORTH CAROLINA THAT HAS AN AREA THAT IS REGULATED BY SUBDIVISIONS ACT.

CARLTON E. THORNER  
 1. CARLTON E. THORNER CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATE OF PRECISION AS CALCULATED IS SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION AS SHOWN ON PLAN THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITH MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND BOOK, THIS REGISTRATION NUMBER AND BOOK, THIS

CARLTON E. THORNER A.D. 2014  
 10/27/2014  
 1541

EXHIBIT "C"



Proposed portion of the existing easement, 10' in width and 503 sq ft +/- to be abandoned



Greenville Utilities  
 P.O. Box 1847  
 Greenville, NC 27835  
 (252) 752-7166  
 Fax (252) 329-2172

Date Created: 1/27/2017

Attachment number 2  
 Page 13 of 13

Created by: GDS

Requested by: Philip Dixon

**The Sabre Companies, LLC**  
**Easement to be Abandoned**  
 Pitt Co., NC

Disclaimer:  
 Easements depicted on this map are for illustrative purposes only and may not be relied upon as an accurate representation for spatial reference. This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations. The source data is referenced from Pitt County Planning Department, the City of Greenville and GUC.



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Grant of a temporary construction easement for the Dickinson Avenue Improvement Project

**Explanation:** **Abstract:** City Council approval is needed for the Redevelopment Commission to grant the North Carolina Department of Transportation a temporary construction easement for the Dickinson Avenue Improvement Project. The easement will be located on property owned by the Redevelopment Commission.

**Explanation:** The Redevelopment Commission granted a request from the North Carolina Department of Transportation (NCDOT) for a temporary construction easement in connection with the Dickinson Avenue Improvement Project, subject to approval from City Council. NCDOT needs the easement to complete roadwork on Dickinson Avenue.

The easement is located on property owned by the Redevelopment Commission adjacent to Dickinson Avenue. The property is located at the southeast intersection of Dickinson Avenue and Ficklen Street, described in Map Book 16, Page 37, Pitt County Registry of Deeds, a 0.017 acre easement.

NCDOT will pay \$3,950 for the easement. This amount was determined by an NCDOT standard formula. Attached are a map showing the location and a plan diagram.

**Fiscal Note:** The City will receive \$3,950 from the North Carolina Department of Transportation as compensation for the temporary construction easement.

**Recommendation:** Staff recommends that City Council approve the granting of a temporary construction easement to the North Carolina Department of Transportation for the Dickinson Avenue Improvement Project.

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

**Attachments / click to download**

 [Easement Location](#)

 [Easement Diagram 729 Dickinson Ave](#)

---

- NOTES**
- 1. TIE TO EXIST CURB AND GUTTER AT EXIST CONCRETE JOINT
  - 2. TRANSITION 2'-0" C&G TO MATCH EXIST GUTTER WIDTH IF NECESSARY
  - 3. TIE TO EXISTING CONCRETE SIDEWALK
  - 4. PARTS OF PAVED AREA REMOVAL AND REPLACEMENT
  - 5. ADJUSTMENT OF MANHOLE
  - 6. ADJUSTMENT OF METEN OR VALVE BOX
  - 7. REMOVE AND STOCKPILE EXISTING GRANITE CURB
  - 8. RETAIN EXISTING MAST ARM
  - 9. PROP CONC SIDEWALK HARK ON PROP BACK OF CURB TIE TO EXIST BUILDING FACE
  - 10. THE FILM INTO EXISTING SYSTEM WITH TANK VERTICAL AND HORIZONTAL LOCATIONS TO BE FIELD DETERMINED
  - 11. THE FILM INTO EXISTING SYSTEM WITH TANK VERTICAL AND HORIZONTAL LOCATIONS TO BE FIELD DETERMINED REPLACE 30" EXISTING TRENCH

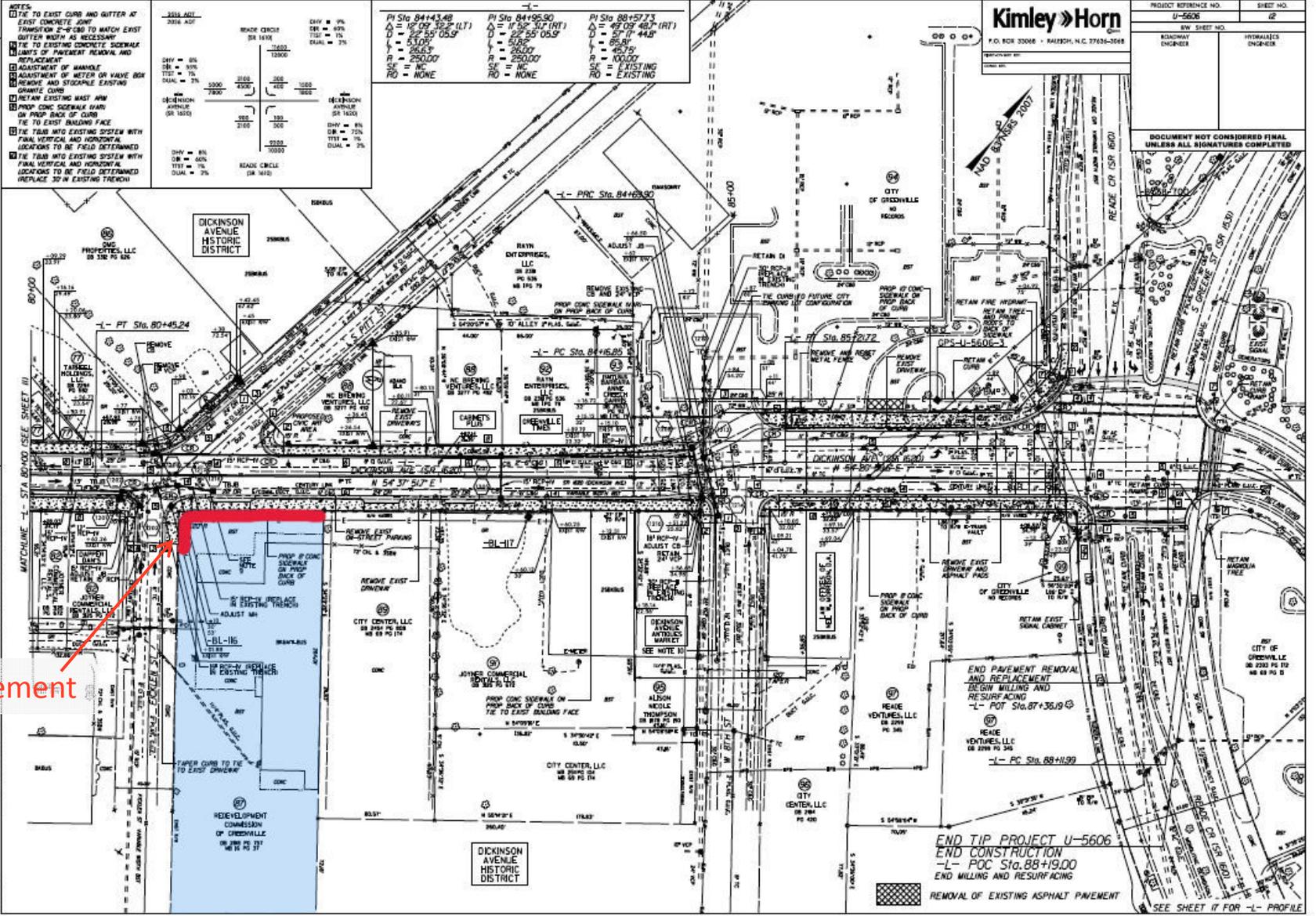
PI Sta 84+43.88 A = 57.00' (LT) D = 22.55' 05.5" L = 53.00' R = 250.00' SE = NC RO = NONE	PI Sta 84+56.20 A = 0' 52.57' (RT) D = 22.55' 05.5" L = 53.00' R = 250.00' SE = NC RO = NONE	PI Sta 88+19.00 A = 49' 02' 46.7" (RT) D = 57' 0' 44.8" L = 68.00' R = 100.00' SE = EXISTING RO = EXISTING
---	--	--

**Kimley Horn**  
 P.O. BOX 30066 • RALEIGH, N.C. 27635-0066

PROJECT REFERENCE NO.	SHEET NO.
U-5606	22
ENV. SHEET NO.	
ROADWAY ENGINEER	HYDRAULICS ENGINEER

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

Easement







# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance authorizing the Use of Petty Cash Funds and Procedures over Petty Cash and Change Account

**Explanation:** **Abstract:** Attached is an ordinance authorizing the use of petty cash by City departments and a reference to the procedure that governs the petty cash function.

**Explanation:** In the past, an ordinance was adopted to reserve a portion of unappropriated fund balance of the City of Greenville's General Fund to establish a Petty Cash Account for the City's Purchasing Division. Since this time, petty cash accounts have been set up within most City departments.

Recently, the Legislature (General Statute 159-28(d)) officially allowed local governments to use petty cash when the unit's governing board adopts an ordinance authorizing the use and specifying the limits on the amount of petty cash that can be used. Attached is an ordinance authorizing the use of petty cash for the City of Greenville.

Attached also are the updated procedures necessary to have proper petty cash use (within the Cash Management Procedure). Petty cash accounts are currently reviewed annually by the Financial Services Department's Collections Division. The updated procedure also discusses periodic audits to be completed by the Internal Auditor.

**Fiscal Note:** No fiscal impact.

**Recommendation:** Approve the attached ordinance authorizing the use of petty cash for payments that do not exceed \$100 and review the procedures on the petty cash process.

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 [Ordinance Petty Cash 1045370](#)

 [COG\\_1036894\\_v1\\_Administrative\\_Procedure\\_Cash\\_Handling\\_1046008](#)

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ORDINANCE NO. 17 -  
AN ORDINANCE TO ESTABLISH PETTY CASH FUNDS FOR  
THE CITY OF GREENVILLE

WHEREAS, it is the desire of the City Council that all public funds of the City of Greenville, NC (hereafter the “City”) be maintained in a secure, efficient, and effective manner;

WHEREAS, it is the responsibility of the Chief Financial Officer to supervise the receipt, custody, and disbursement of all public funds of the City;

WHEREAS, the payment of a bill, invoice, or other claim by cash is authorized by G.S. 159-28(d)(4);

WHEREAS, the Chief Financial Officer has prepared and presented to the City Council detailed Operating Procedures establishing the limits, internal controls, and procedures for the payment of bills, invoices, and other claims under \$100 by cash from an imprest account to be known as the “Petty Cash”; and

WHEREAS, the Chief Financial Officer has prepared and presented to the City Council detailed Operating Procedures establishing the limits, internal controls, and procedures for providing change from an imprest account to be known as the “Cash Change Fund” to citizens and customers paying in cash for taxes and services.

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

**Section 1.** The Petty Cash accounts are hereby established in an amount not to exceed \$1,280 (per department) and City of Greenville is hereby designated as the initial “Official Custodian” of the Petty Cash Accounts. The Chief Financial Officer shall be and is hereby authorized and directed to name a replacement “Official Custodian” when necessary.

**Section 2.** The imprest account to be known as the “Cash Change Fund” is hereby established in an amount not to exceed \$1,280 and the City of Greenville is hereby designated as the initial “Official Custodian” of the Cash Change Fund. The Chief Financial Officer shall be and is hereby authorized and directed to name a replacement “Official Custodian” when necessary.

**Section 3.** The “Petty Cash and the Cash Change Account Operating Procedures” (the “Operating Procedures”) established by the Chief Financial Officer, a copy of which is attached to this Ordinance, is hereby approved. The Chief Financial Officer shall be and is hereby authorized to revise the Operating Procedures from time to time and provide a copy as revised to the City Council at its next meeting.

**Section 4.** It shall be the policy of the City that no payments may be made from the Petty Cash Account unless in compliance will all procurement laws and policies; that all payments made from the Petty Cash Account be supported by proper documentation and receipts as

required by the Operating Procedures established by the Chief Financial Officer; that no loans or advances be made to employees or City Council members from the Petty Cash Account(s) or the Cash Change Account; and that no amount that may be categorized as employee compensation or as travel advances may be paid in cash. Payment through the Accounts Payable system is always preferable to payment using the Petty Cash Account.

**Section 5.** The Chief Financial Officer, or designee, will review each reconciliation and reimbursement of the Petty Cash and shall approve the supporting journal entries. The Petty Cash Account shall be reconciled no less frequently than monthly.

**Section 6.** Any shortage in the Petty Cash and Cash Change Accounts shall be reported to the Chief Financial Officer.

**Section 7.** This ordinance shall take effect immediately upon its adoption.

ADOPTED this 20<sup>th</sup> day of March, 2017.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



## ADMINISTRATIVE PROCEDURE

### *City of Greenville*

<b>Cash Management</b>	<b>Procedure Number:</b> 20	<b>Effective Date:</b> 7/1/16	
	<b>Version:</b> <input checked="" type="checkbox"/> Original Version <input type="checkbox"/> Replaces Version Dated:	<b>Issuing Department/Division:</b>  CMO: Budget and Evaluation	
	<b>Approved By:</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">                     Michael Cowin,                      Assistant City Manager                 </div> <div style="width: 45%;">                     Barbara Lipscomb,                      City Manager                 </div> </div>		

### **PURPOSE**

The purpose of this Procedure is to establish a uniform Cash Handling Procedure for the City of Greenville. This procedure governs the handling of cash, as directed by the City Manager’s Office and the Financial Services Department and in accordance with North Carolina General Statutes (NCGS) 159-32. The term “cash” applies to currency, coin, checks, credit charge and debit card payments, other electronic media and other negotiable instruments payable in money to the City.

Citizens (customers) have the right to expect that financial transactions with the City, especially transactions involving cash, will be handled accurately. In an effort to improve the efficiency and accuracy in handling City funds, this procedure is established to ensure proper internal controls and performance expectations that are measurable and represent prudent financial practices. Ensuring the existence of procedures governing all payment types allows for the effective management of the City’s revenues and its ability to meet all obligations, and aids in the defense against fraud.

### **SCOPE**

These procedures are required to be followed by any employee handling City funds and funds handled by the City on behalf of another party.

### **PROCEDURE**

These procedures set forth guidelines for the use and control of the City of Greenville’s cash and provides specific instructions for all employees with cash handling responsibilities.

Safeguarding of Assets

City revenue must be secure at all times. All cash must be in a secure location during use, breaks, and overnight. Receipt books must also be kept secure at all times. Any combinations and/or keys to access cash must remain restricted to a minimum number of employees.

Segregation of Duties

The concept of Segregation of Duties is to separate the major responsibilities of authorizing transactions, custody of assets, recording of transactions, and reconciliation of transactions for each business process. From a segregation of duties perspective, the completion of more than one of these functions would be considered performing “incompatible duties”. The cash process is designed to ensure that an appropriate level of segregation exists for the major functions within the process. However, departmentally, staff limitations can create issues related to segregation. In these circumstances, departments shall at least strive for an acceptable (minimal) level of segregation of duties, which when combined with compensating controls will minimize the impact of control deficiencies and exposure to errors or irregularities. A compensating control would be a managerial review or review by another employee without related responsibilities.

**Revenues**

The matrix below describes the cash process and responsibilities of all involved parties.

***Revenue Collection Matrix***

<b>DEPARTMENTS</b>	<b>FINANCIAL SERVICES (COLLECTIONS)</b>	<b>FINANCIAL SERVICES (ACCOUNTING)</b>
Receive payments	Collect deposits slips from the bank daily	Receive, maintain, and process all Accounts Receivable (AR) documentation provided by Collections weekly (Accounting Generalist)
Payment entry into the primary financial system  (Secondary financial systems) Where applicable	Reconcile deposit slips to financial system and make necessary corrections with departments daily (Collections Officer)	Complete monthly reconciliation of all bank accounts owned by the City (Accounting Generalist)
Daily turnover/settlement	Post cash receipts to the General Ledger (GL) (Collections Supervisor)	Post all other transactions to the GL (Accounting Supervisor)
Monthly Reconciliation	Provides Accounts Receivables (AR) to the Accounting Division upon posting to the GL	
Deposits (Preparation/Transport)	Return Items Collection (Collections Officer)	

## Collection and Deposit of Revenues

City revenue is collected in various methods including cash, check, credit/debit card, and electronic payments/deposits (wire transfer).

1. Cash payments are only permitted in person. Cash is not permitted to be sent through internal or external mail.
2. The following activities are prohibited using the cash drawers or any City of Greenville cash funds. This list may not be all inclusive:
  - a. Check cashing
  - b. Customer refunds (including returning change for a check in excess of amount due)
  - c. Making change (other than in collection of payments, possibly via petty cash account)
  - d. Employee borrowing/personal use (even temporary)
  - e. Disbursement for non-City of Greenville expenses
  - f. Disbursement for City of Greenville expenses (other than petty cash)
3. Check payments may be made in person or via mail. Checks must be made payable to the City of Greenville. All checks and money orders are restrictively endorsed immediately as received. Any checks not made payable to the City of Greenville are immediately returned to the customer.
4. Credit card payments can be made through electronic (online) platforms, when applicable. Additionally, credit card payments may be made in person or called in to a payment processor or other authorized personnel.
5. Information collected for credit card payments must be Payment Card Industry (PCI) compliant at all times. Information can only be written down temporarily until it can be entered into a secure payment platform. Once entered, the temporary document must be securely destroyed. All personnel have the responsibility of safeguarding this information.
6. Employees are not authorized to use collected funds for any purpose whatsoever other than for deposit.
7. All collected revenues are required to be entered into the Citywide Financial System upon receipt from the customer. For all transactions taken in person, a numbered or controlled receipt must be issued to the customer when payment is received. For revenues collected in the field, a control receipt shall be issued to the customer and the payment immediately entered into the system upon delivery of daily receipts to the cashier.
8. Each employee with the responsibility for collecting revenues must be accountable for his/her transactions. Employees handling a variety of payment types must have their own locked drawer and/or change bag. Any variance from this procedure must be approved by the Director of Financial Services and the Internal Auditor.
9. Cash transactions must be reconciled and balanced daily. Cash on hand must be equal to the total cash receipts less any change fund, where applicable. Cash funds must always end and start with the specific amount assigned.
10. Each city department/facility that collects payments must prepare the deposit of these funds to the official depository selected by the City. Deposit shall be made

- at least daily. Prior to bank transport, all deposits shall be verified by a second person to ensure accuracy. Verification of the deposit, in dual, must be represented on the deposit slip. All monies shall be placed in a sealed bank bag along with the deposit slip and information required by the bank. Copies of the deposit must be maintained within the respective department<sup>1</sup>.
11. Any monies received during business hours shall be deposited that day. Deposits that are received after the daily deposit is made must be locked in a secure location and deposited the following business day.

### Accounting for Revenue

1. All personnel with cashiering responsibilities are required to enter revenues into the Citywide Financial System upon receipt. All payments received in person or by mail shall be entered upon receipt.
2. All transactions are required to be entered as a cash receipt (CRP) into the primary financial system with the following payment methods identified:
  - 1- Checks
  - 2- Cash
  - 3- Credit Card
  - 4- Bank Transfer
  - 5- Other
  - 8- Wire Transfer
  - 9- Multiple (Used only when keying cash and checks in the same receipt)

*NOTE- 9 (Multiple) should not be used to key multiple tender such as credit cards, wire transfers, and other transactions along with cash/check. These tender types shall be keyed individually using their respective method so that they are easily identifiable.*
3. For all transactions except cash and check, supporting documentation must be attached to the receipt at the time of entry. All supporting documentation shall be scanned into the financial system so that it is completely legible. Supporting documentation includes but is not limited to credit card receipts, reports from secondary financial systems, and any other documentation that illustrates the related revenue.
4. Each cashier must prepare and maintain Daily Cash Turnovers to ensure that cash on hand and cash per the financial system are equal. This includes verifying the credit card settlement agrees with the total amount of credit card transactions for the day. Daily cash shall be reported and reconciled using the Daily Cash Turnover Report in **Appendix A** (*Doc #1036672*).
5. Cashiers are required to immediately report all shortages and overages to their supervisor. Overages and shortages must be reported on the Over/Short Report in **Appendix B**. The form must be filled out completely and submitted to the Collections Supervisor. The Collections Supervisor will provide direction on how the discrepancy shall be resolved. When applicable, a journal entry will be made

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<sup>1</sup> Departments/Facilities are not required to obtain a copy of the validated deposit ticket if the selected bank location is used. However, when deposits are made at another location, departments are responsible for obtaining the validated deposit ticket and providing it to the Collections Division.

- by the department/division to record the discrepancy and notate the employee responsible for the cash drawer. The Collections Supervisor will also notify both the Senior Financial Services Manager and the Internal Auditor when deemed necessary.
6. An employee's performance is deemed unacceptable when the employee has a material (>\$.99) shortage or overage or repeated occurrences of cash differences. All discrepancies must be researched and resolved whenever possible. Significant, persistent, or intermittent overages or shortages, or falsifying cash balancing reports will result in appropriate disciplinary procedures in accordance with the City of Greenville's Personnel Policies.
  7. Each cashier is responsible for completing a monthly reconciliation of revenues received for all financial systems. All secondary systems must be reconciled to the primary financial system. This can be accomplished using either the Deposit Report or the Payments Report within the City's financial system. *(These can be located under General Revenues-Accounts Receivable-Inquiries and Reports-Select the desired report type).*
  8. Any department without a secondary financial system that receives electronic payments such as wire transfers or Automated Clearing House (ACH) will be notified by the Accounting Division daily when cash is received. Upon notification, all revenues must be entered into the City's financial system within 48 hours to ensure that revenues are properly accounted for in the period in which they were received.
  9. Any cash-related transactions not entered into the financial systems as a cash receipt (CRP) shall be keyed as a General Journal (GEN) within 48 hours of the receipt of revenue no matter the source. Under no circumstance should any transaction be unaccounted for in the general ledger for more than one period (month).
  10. All departments will be subject to periodic reviews of all cash handling procedures by the Internal Auditor. The results will be reported to the Department Director as well as the City Manager. Major exceptions will be escalated to an appropriate means deemed necessary per the City of Greenville's Personnel Policies.
  11. Financial Services' supervisors and managers who have posting responsibilities must post pending transactions to the general ledger at least weekly. Posting shall not occur without appropriate supporting documentation.

#### Returns (Insufficient Funds)

The Accounting Division must notify the Collections Division daily of any returned items identified. The Collections Officer is responsible for collecting the funds returned as well as working with the Collections Agency when necessary. The Collections Officer must keep a detailed account of all collections related to returned revenues and report to the Accounting Division timely.

## **Non-Revenue Cash**

Any funds collected for an organization outside of the City of Greenville should follow the guidelines established within this procedure. All funds handled by the City of Greenville and its employees must be properly receipted and accounted for within the Financial Management System.

### Petty Cash/Change Fund

#### Assignment of Responsibility

Petty Cash and Change Account Custodians have sole responsibility for funds assigned to him/her and should be the only person with access to the cash. The Custodian must maintain cash in an appropriate cash bag or cash box, which must be double locked in a drawer or cabinet at all times. Custodians must balance cash accounts as needed, at least monthly. All custodians must complete the Petty Cash Custodial Agreement prior to receiving these funds. The Department Head is responsible for designating persons to be Petty Cash Custodians. In the absence of the Petty Cash and Change Account Custodian, the Department Head or designee and the Custodian shall have a backup custodian. In this procedure wherever the Petty Cash and Change Account Custodian is addressed the same responsibility and instruction is applicable to any assigned backup custodian.

#### Cash Audits

The Director of Financial Services, Internal Auditor, or designee, has the authority to perform random cash audits anytime during the normal course of business. Petty cash and change account custodians must be present during audits. Custodians are required to immediately report any discrepancies to their supervisor. The Over/Short Report (**Appendix B**) must also be completed and submitted to the Collections Supervisor. The Collections Supervisor will provide direction on how the discrepancy should be resolved. The Collections Supervisor will also notify both the Senior Financial Services Manager and the Internal Auditor when deemed necessary.

#### Personal Checks

Custodians are not permitted to cash any personal checks for any reason.

#### Establishing an Account

- A Department Head must provide the Director of Financial Services the Petty Cash Request form indicating the purpose of the account, requested amount, and the designated custodian's name and title (**Appendix E**).
- Once approved by the Director of Financial Services, the Department Head will be notified. A Petty Cash Custodial Agreement (**Appendix C**) shall be completed acknowledging his or her responsibility.

- Invoice Entry and New Vendor (if not set up as a vendor) set-up processes shall be followed in order to request the funds for the petty cash account. The Petty Cash Custodial Agreement shall be attached to the invoice entry requesting the funds.

#### Increasing, Decreasing, Consolidating, or Closing an Account

- A Department Head must notify the Director of Financial Services using the Petty Cash Request form (**Appendix E**) of desired action and amounts.
- Once approved, the Director of Financial Services will notify the appropriate personnel.
- For approved account increases, the Director of Financial Services will notify the Department Head of the approval. The custodian shall make the request using Invoice Entry in the Financial Management System. The Petty Cash Request identifying the changes shall be attached to the Invoice entry for the increase.
- The amount per department begins with a minimum of \$500 and does not exceed \$1,280.

#### Change in Custodian

- A Department Head must immediately notify the Director of Financial Services of all custodian changes and complete the Petty Cash Change of Custodian Form (**Appendix D**).
- The outgoing custodian and appropriate Department Head or designee shall count the cash on hand in the Petty Cash Account.
- The outgoing custodian shall prepare a request to replenish petty cash amount using Invoice Entry in the Financial Management System.
- If the outgoing custodian is not available, a Department Head and the new custodian must count the cash account.

#### Reimbursements- Petty Cash Accounts Only

- Custodians are authorized to reimburse expenditures up to \$100 using a Petty Cash Voucher (**Appendix F**). Reimbursements above \$100 must have prior written approval from the Director of Financial Services.
- Employees must submit all receipts to the custodian before any Petty Cash disbursements are made. In the event that a petty cash advance is needed, receipts must be submitted within two days of the employee's return. No more than \$100 can be advanced from the petty cash account at any time.
- If there is a need for an employee to receive a petty cash advance, he or she must acknowledge that an advance has been received.
- The custodian must complete a Petty Cash Voucher and disburse the appropriate amount to the employee.
- The employee must sign the Petty Cash Voucher attesting to the purpose and the amount of the purchase.

- The petty cash custodian must maintain all vouchers in the petty cash box to be reconciled with balances at the end of the month.

#### Replenishing Petty Cash

- As needed, the petty cash custodian shall request replenishment through Invoice Entry in the Financial Management System.
- The petty cash custodian must electronically submit all petty cash vouchers with the request to the Financial Services Department.
- Accounts Payable will issue a check in the name of the custodian.

#### Security of Petty Cash

- The safeguarding of currency, checks, and vouchers is the primary responsibility of the custodian. All money must remain locked at all times.
- Actual currency or checks that represent the account will be locked and stored in a safe location. After hours, the cash box or bag will be removed and double locked in a department safe or other secure location. The key or combination to the petty cash will be kept or known only by the Custodian, Authorized Representative(s), and Department Head.
- Verification of funds is accomplished by a cash and receipt count made by the custodian on a routine basis. Counts shall be made at least monthly and after each replenishment checks are cashed.

#### **DISCIPLINE**

Employees who violate this policy will be subject to discipline pursuant to the City of Greenville's Personnel Policies.

#### **Acknowledgement of the Procedure**

Employee Acknowledgements are required to be signed upon hire and updated annually. All forms shall be submitted to the Internal Auditor. Annual updates of the acknowledgment shall be submitted to the Internal Auditor by July 1 of each year. Employees are not permitted to handle any cash for the City of Greenville until the Employee Acknowledgement is completed and submitted to the Internal Auditor.

## EMPLOYEE ACKNOWLEDGMENT

I, \_\_\_\_\_, have read the Cash Management Procedure and accompanying addendum (if any) and I understand my responsibilities regarding security, cash handling and balancing, check acceptance policy and all implications related to my position with the City of Greenville. I understand and agree that violation of this policy could lead to disciplinary actions deemed appropriate per the Personnel Policies.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date



**APPENDIX B**

**CASH DRAWER BALANCE SHEET  
OVER/SHORT REPORT**

- 1. CURRENCY \$ \_\_\_\_\_
- 2. COINS \$ \_\_\_\_\_
- 3. CHECKS \$ \_\_\_\_\_
- 4. CREDIT CARDS \$ \_\_\_\_\_
- 5. SUBTOTAL (Add lines 1-4) \$ \_\_\_\_\_
- 6. LESS CHANGE FUND (Starting amount in drawer) \$ \_\_\_\_\_
- 7. ALL CASH RECEIPTS (Line 5 minus line 6) \$ \_\_\_\_\_
- 8. RECEIPTED AMOUNT (per Financial System)\* \$ \_\_\_\_\_
- 9. CASH- OVER/SHORT
  - A. Line 7 is GREATER than Line 8 = OVERAGE
  - B. Line 7 is LESS than LINE 8 = SHORTAGE \$ \_\_\_\_\_

Explanation:

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I certify that the above funds represent all monies in my possession for which I am responsible.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Verified By (Supervisor): \_\_\_\_\_ Date: \_\_\_\_\_

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Report from the Financial System should be attached to verify the receipted amount.*

**APPENDIX C**



**THE CITY OF GREENVILLE  
PETTY CASH CUSTODIAL AGREEMENT**

As custodian of these funds for the \_\_\_\_\_ Department, I,  
\_\_\_\_\_, acknowledge receipt from the Financial Services- Collections  
Division the principal sum of \_\_\_\_\_, (\$ \_\_\_\_\_). As the designated custodian, I  
acknowledge that I am directly responsible for the safekeeping and disbursement of the cash.

My signature indicates my intent to comply with the policies and procedures set forth by the City of  
Greenville’s Administrative Procedure on Cash Management (Doc# 1046008), regarding cash management  
and security, maintaining records of petty cash expenditures, and collecting and maintaining itemized  
original receipts. Records and receipts will be maintained to support all expenditures from the petty cash  
fund. The receipts must be original, itemized and show evidence of being “paid”.

I understand that I am required to maintain supporting documentation when operating a petty cash account.  
This documentation should include, but is not limited to, the original check requests and receipts for any  
expenditure from the fund. Should there be any shortage or disappearance of these funds, I understand that  
I must contact the Department Head or my direct supervisor, whichever is necessary, immediately. I  
further understand that failure to comply with the procedure could result in disciplinary action.

\_\_\_\_\_  
Signature of Primary Custodian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Secondary Custodian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Department Head

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Director of Financial Services

\_\_\_\_\_  
Date

**CITY OF GREENVILLE**  
**FINANCIAL SERVICES DEPARTMENT**  
**PETTY CASH**  
**CHANGE OF CUSTODIAN FORM**

SUBMITTED BY: \_\_\_\_\_

Accountability for a petty cash account should be assigned to one primary employee who is designated as the account custodian. The account custodian is responsible for maintaining the account in a safe manner, distributing cash to others upon request, obtaining supporting documents for disbursements made, and maintaining petty cash receipts. If a secondary person has been assigned as a backup, the primary and secondary custodians must sign the custodial agreement. The Petty Cash Audit will take place in the presence of both custodians before and following a transfer of petty cash responsibility.

The account custodian will be reimbursed by the Collections Division for amounts paid out of the petty cash account. Upon presentation of documents for reimbursement, a check payable to the custodian is issued to bring the fund back to its original amount.

<b>PRESENT CUSTODIAN CERTIFICATION</b>			
I currently have the following combination of cash and receipts totaling the amount authorized for my petty cash account.			
Cash on hand	\$ _____	Signature	_____
Amount in receipts	\$ _____	Print Name:	_____
Total of Cash & Receipts	\$ _____	Date Signed	_____

<b>NEW CUSTODIAN CERTIFICATION</b>			
I agree that I have received the following cash and receipts. I have reviewed and agree to follow the procedures specified in the Cash Management Administrative Procedure.			
Cash on hand	\$ _____	Signature	_____
Amount in receipts	\$ _____	Date Signed	_____
Total of Cash & Receipts	\$ _____	*****	_____

<b>SUPERVISOR/MANAGER AUTHORIZATION</b>	
_____	_____
Supervisor Signature	Department Head

**APPENDIX E**

**CITY OF GREENVILLE**  
**PETTY CASH REQUEST FORM**

Date of Request: \_\_\_\_\_

Department: \_\_\_\_\_

Request Being Made:

- Establishment of Petty Cash Account
- Increase in Petty Cash Amount
- Decrease in Petty Cash Amount
- Consolidate Petty Cash Amount
- Close Petty Cash Account

Requested Account Custodian: \_\_\_\_\_

Requested Account Amount: \_\_\_\_\_

Purpose/Reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Requested By

\_\_\_\_\_  
Department Head

FINANCIAL SERVICES USE ONLY		
_____ Director of Financial Services		_____ Date Approved
_____ Check Number	_____ Date Account Established	_____ Account Number

**RETURN REQUEST TO: DIRECTOR OF FINANCIAL SERVICES**

**CITY OF GREENVILLE**

<b>PETTY CASH VOUCHER</b>		<b>\$100 LIMIT</b>
<b>CITY OF GREENVILLE</b>		
<b>PAY TO:</b>	<b>DEPARTMENT:</b>	
<b>DESCRIPTION OF PURCHASE:</b>		
<b>DEPARTMENT APPROVAL:</b>	<b>RECEIVED BY:</b>	
<b>ACCOUNT NUMBER:</b>		
<b>CHARGE TO:</b>		
<b>REVENUE APPROVAL:</b>	<b>DATE:</b>	
<b>AMOUNT PAID</b>		<b>\$</b>
<b>TAX: (010-00-00-00-000-000-113021)</b>		<b>\$</b>
<b>TOTAL PAID OUT:</b>		<b>\$</b>

<b>PETTY CASH VOUCHER</b>		<b>\$100 LIMIT</b>
<b>CITY OF GREENVILLE</b>		
<b>PAY TO:</b>	<b>DEPARTMENT:</b>	
<b>DESCRIPTION OF PURCHASE:</b>		
<b>DEPARTMENT APPROVAL:</b>	<b>RECEIVED BY:</b>	
<b>ACCOUNT NUMBER:</b>		
<b>CHARGE TO:</b>		
<b>REVENUE APPROVAL:</b>	<b>DATE:</b>	
<b>AMOUNT PAID:</b>		<b>\$</b>
<b>TAX: (010-00-00-00-000-000-113021)</b>		<b>\$</b>
<b>TOTAL PAID OUT:</b>		<b>\$</b>



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance Authorizing the Use of Electronic Payments and Adoption of the Accounts Payable Policy

**Explanation:** **Abstract:** City Council is asked to approve an ordinance authorizing the use of electronic payments and approve the policy that governs the accounts payable process to include electronic payments.

**Explanation:** The City has been using electronic payments for more than eight years. Staff has worked to determine proper processing to ensure that the pre-audit certification is included on all items of payment, including electronic transactions. In 2015, the Legislature modified G.S. 159-28 to allow the Local Government Commission (LGC) to adopt rules to address the execution of the pre-audit and disbursement process as it pertains to electronic payments. The LGC has not completed its process for establishing an administrative code adoption process. However, the LGC has advised local municipalities and counties to obtain the proper documentation so that when those rules are established it will result in a more efficient process for municipalities, eliminating the requirements for pre-audit certifications on every electronic payment transaction.

The approval of the attached resolution and Accounts Payable Policy will exempt the City from having to include a pre-audit certificate on the P-card, credit card, or fuel card transactions, and will exempt the City from having to include a disbursement certificate on an electronic payment.

Other revisions to G.S. 159-28 and G.S. 115C-441 are that "Certification" of Pre-audit required for obligation and disbursements shall not apply to the following:

1. An obligation or a document related to the obligation that has been approved by the Local Government Commission
2. Payroll expenditures, including all benefits for employees of the local

government

3. Electronic payments, as specified in rules adopted by the LGC.

**Fiscal Note:** No fiscal impact.

**Recommendation:** Approve the Ordinance Authorizing the Use of Electronic Payments and the Accounts Payable Policy

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**Attachments / click to download**

 [Resolution for Authorization of Electronic Payments 1046304](#)

 [Updated 2017 Accounts Payable Policy 1046659](#)

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ORDINANCE NO. 17 -  
ORDINANCE AUTHORIZING THE USE OF ELECTRONIC PAYMENTS

WHEREAS, it is the desire of the City Council that electronic payments by the City of Greenville, NC (hereafter the "City") be an acceptable means for payments to vendors as defined by G.S 159-28 or G.S. 115C-441;

WHEREAS, it is the responsibility of the Chief Finance Officer to prepare a written policy outlining basic procedures for disbursing public funds by electronic transaction. The written policy and any procedures developed by the Chief Finance Officer must provide sufficient controls;

WHEREAS, the Chief Finance Officer has prepared and presented to the City Council detailed operating procedures for the disbursement of public funds via electronic transactions, as included in the Accounts Payable Policy;

WHEREAS, the sufficient internal controls, which are included within the procedure:

- a. Ensure that the amount claimed is payable;
- b. Ensure that there is a budget ordinance or project for grant ordinance appropriation authorizing the expenditure;
- c. Ensure that sufficient monies remain within the appropriation to cover the amount that is due during the current fiscal year if accounted for in the budget ordinance, or to cover the entire amount if accounted for in a project or grant ordinance; and
- d. Ensure that the unit has sufficient cash to cover the payment.

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

**Section 1.** The use of electronic transactions disbursements through the use of credit cards, procurement cards and fuel cards is hereby authorized.

**Section 2.** The Accounts Payable Policy is hereby adopted.

**Section 3.** This ordinance shall take effect immediately upon its passage.

ADOPTED this 20<sup>th</sup> day of March, 2017.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



# Accounts Payable Policy

**Authority:**

**Supersedes:**

**Review Responsibility:** Financial Services

**Approval Needed:** City Council

**Adopted:** March 20, 2017

### PURPOSE

The purpose of this policy is to document the City of Greenville's accounts payable and cash disbursements processes. The City currently uses the Munis Financial System software for processing accounts payable and cash disbursements.

The process described in this policy addresses the following:

- Overview of City Accounts Payable Process
- Invoice Processing
- Vendor Payments
- Manual Checks
- Electronic Payments
  - Purchasing Card Payments
  - Electronic Funds Transfer
- General Ledger Posting
- New Vendor Set-Up
- Vendor File Modifications and Additions
- Voided Checks
- Financial System Access
- System Access Controls
- Internal Controls

### OVERVIEW OF CITY ACCOUNTS PAYABLE PROCESS

The City procures goods and services through a decentralized purchasing process. Invoices for goods and services are addressed to, and received by, the various City departments. City departments are responsible for establishing controls to ensure items invoiced have been received in accordance with City policies and procedures. Invoices processed and approved at the department level are entered and matched within Munis, and funneled through a workflow process to the Financial Services/Accounting Division for payment. The process that departments follow to enter and match invoices is provided on the City's Cognet portal, under the Munis Payment Process procedure.

### INVOICE PROCESSING

Invoice processing depends upon several factors such as the following:

- Whether it is a good or service ordered on a Purchase Order (PO)
- A service or good being paid for after receipt through Invoice Entry
- An item purchased with a Procurement Card

Items are paid for via Invoice Entry if the vendor does not accept purchasing cards or purchase orders. Generally goods over \$500 should be purchased with a PO. There are exceptions to this rule. If there is a question of whether a PO or Invoice Entry should be used, contact the

Accounting Supervisor. Within the system, invoices are received in the department and matched with a copy of the PO, receiving report, purchase requisition, and if any, invoice entry request, whenever applicable. This process, with the authorized approvers, takes place prior to any payments being made.

Financial Services does not require additional approvals outside of the set up workflow payments of purchase orders, because payment authorization approval is pre-audited and electronically approved by all appropriate levels before the purchase order is issued. The materials received process confirms that goods have been received in good condition and that the invoice may be paid.

Once all electronic approvals have been satisfied, the item(s) with appropriate back-up is (are) routed to the Accounting Supervisor for review and approval prior to payment. If the invoice relates to a service or an item where a purchase order cannot be used, then the department should enter the invoice into Munis via "Invoice Entry." Invoice Entry within Munis is also preset to have each request go through a proper review workflow process. Similar to matched POs, awaiting payment approval, once the invoice entry documents are approved through proper workflow they are routed to the Accounting Supervisor for review and approval prior to payment.

For all purchases that are desired to be made by the use of a purchase order, the department must first prepare a purchase requisition in the system. This electronic requisition initiates the procurement cycle. The receipt of this requisition, with the necessary approval, gives the Purchasing Division the authority to proceed with competitive pricing and to issue a purchase order to the most suitable vendor.

Any document received in Accounting without a required approval and/or backup documentation is declined and rerouted to the originator to be corrected, which restarts the approval workflow. All invoices are entered in the financial system. City policy is to only pay for goods and services actually received, with the exception of conference registrations, memberships, and subscriptions, so partial payments of a purchase order are allowed.

### VENDOR PAYMENTS

After all requisitions and/or invoices are entered into the system and properly reviewed and approved through workflow, an Accounting Generalist and/or the Accounting Supervisor will match the payment amounts from the approved source documents to the invoices, correct flagging and treatment for 1099 purposes. If all items have been submitted in the system and routed through departmental workflow to Accounting by noon on Friday, payment will be made by the following Wednesday. All documents get detailed review at the individual invoice level before posting and summary review with the select items to be paid report. Once an invoice has been reviewed, the payment is posted to the Accounts Payable ledger which automatically posts transactions to the General Ledger.

Checks are processed and issued on Wednesday of each week. Before a batch check run is processed, an output check list is prepared and the Accounting Generalist verifies that it matches the select items to be paid report. Once the final review is completed, the check run is submitted to create the electronic versions of the checks. Within the past few years, Financial

# City of Greenville

## Accounts Payable Policy

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Services has gone to the electronic funds transfer payment method to ensure that all vendors are paid more timely. The Vendor Request Form (document #839516) must be completed for all vendors interested in doing business with the City of Greenville. This will ensure timely payment, upon the completion of services, to the vendor via electronic payment. See the "Electronic payments" section below for more detail.

### MANUAL CHECKS

Accounts Payable has no means for printing/writing manual checks. On demand checks can be printed individually or in small batches as needed. On demand checks are entered by the same process as all other invoices and are processed just like weekly batch checks. Regular operational expenses are required to be processed through the regular check processing procedures specified above.

### ELECTRONIC PAYMENTS

To ensure the City is in compliance with the requirements of G.S. 159-28 (d), the Finance Director must provide sufficient internal controls to ensure the following guidelines are followed:

- A) All expenditures must be authorized by the annual budget ordinance or an adopted capital budget.
- B) Sufficient remaining budget amounts must be available before the purchase is made.
- C) Adequate cash balances must be available to fund the purchase.
- D) All purchases must be in compliance with the City's Procurement Card Administrative Procedure.
- E) Purchases guided by this policy will be included in the financial records each month and encumbered.
- F) All purchases must be transacted exclusively for the operations and capitalized spending of the City. Purchases cannot be transacted for personal benefit.

### PURCHASING CARD PAYMENT

Purchasing cards are used for certain purchases under the \$2,500 single transaction threshold. Department Heads may request that an employee receive a purchasing card by completing the cardholder enrollment form (see Administrative Procedure 13-Procurement Card-Purchasing System, document #902310). For certain departments, there are exceptions to the maximum allowed on respective procurement cards. The employee, the employee's direct supervisor, and the Department Head are all responsible for ensuring adherence to the written purchasing card procedures. Each card holder must review the Purchasing Card Administrative Procedure, which explains the restrictions on purchasing card use, prior to receiving a purchasing card. Each card holder must pick up the card in person in the Financial Services Department, read and sign the card holder agreement on card usage, and receive personal instruction along with a copy of the Administrative Procedure. The Department Head and the Director of Financial Services will determine the authorization limits for the card.

Any violation requires immediate action, including a written notice to the supervisor and Department Head. Repeated violations result in cancellation of the purchasing card and can result in disciplinary action up to and including termination, in accordance with the City's Personnel Policies. Each employee receives a monthly statement directly from the purchasing card issuer and must prepare a report distributing and explaining the cost of each charge to an appropriate line item and another report summarizing the charges in total by line item. These reports are routed for approval by the card holder's direct supervisor. Department Heads may elect to require additional levels of review and approval.

Purchasing card expense reports are due in the Financial Services Department by the 15<sup>th</sup> of each month.

### ELECTRONIC FUNDS TRANSFER

Moving funds electronically is efficient, effective, and common within local government. The City has migrated to electronic payment because the issuance of checks is not only costly, but it includes additional risk for fraud, requires additional handling and processing time, and is more difficult to track than using electronic payments. Electronic payments are not immune from fraud and criminals are becoming increasingly more sophisticated. Governments must put safeguards in place to help prevent fraudulent activity. The use of electronic payments will:

- Eliminate the storage, handling, and processing of paper checks.
- Reduce the time spent on reconciliation
- Eliminate the occurrence of lost or stolen checks and the cost of check reissuance.
- Reduce security risks, including reducing the visibility of information used in check payment fraud.
- Improve the tracking of payments through enterprise resource planning (ERP) systems and integration with banking technologies.

### GENERAL LEDGER POSTING

Accounts Payable batches automatically interface real-time with the General Ledger when any AP batch is posted. After the check run batch is posted, there is no means to edit the invoice data, including dates. After posting to the ledger, any corrections for transactions posted to incorrect account codes must be made via general journal entry or by entering an entirely new batch in the Accounts Payable ledger such as a Void and Reissue or a Void and No Reissue batch. These batches must go through supervisory review and posting.

### NEW VENDOR SET-UP

Departments that need a new vendor added to the City's vendor file can make this request through the Accounting Division. The department must complete the New Vendor Form (document #839516). The W-9 form is required for all new vendors who are considered independent Contractors. New vendors will not be added if the form is not completely filled out.

Deletions of a vendor master file within the financial management software are prohibited. However, inactivating a vendor has a similar effect without removing the audit trail on the vendor. If a department knows there will be no more business with a particular vendor, they should contact the Accounting Supervisor so the vendor can be appropriately reflected within the system.

### VENDOR FILE MODIFICATIONS AND ADDITIONS

A W-9 form is not required to establish another remittance address unless the vendor is also changing its legal address, legal name, or tax identification number. Departments may request address changes or an additional remittance address for a vendor by forwarding appropriate supporting documentation to Accounts Payable. Such documentation consists of a signed request from the requesting vendor on business stationery or a copy of the vendor's invoice reflecting the additional or a change of remittance address. Vendors cannot be deleted if there is any activity for the vendor.

### VOIDED CHECKS

A check to be voided should be brought in to the Accounting Supervisor with written documentation as to the reason for the void. VOID is written on the check in ink. After the void check batch is posted, the check is then filed. Voided checks are entered as either Void and Reissue or as a Void and No Reissue batch. The type of batch controls the accounting entries made and sets up the reprinting of a check, if necessary. Once posted, both AP checks are cancelled and the accounting entries are made by the system to back out the check or the check is reissued to have a new printed check. Voided and Reissued checks typically are performed when a check has been damaged and returned uncashed, lost in the mail, where the vendor has had a name change and needs the check reprinted with a corrected name or address, or the check has become stale dated and must be reissued because the bank will not accept it. If the physical check is not returned, depending upon the age and amount of the check, a stop payment is placed on the check at the bank. The banking feature Positive Pay prevents double or duplicated presentments of the same check.

### FINANCIAL SYSTEM ACCESS

Access to the financial management software is limited to those individuals with a legitimate business need and functional responsibilities. Access is obtained by an employee's supervisor initiating an email request for access specifying the type of access and responsibility codes desired to the Department Head of the requesting department. The Department Head or designated authority forwards the request, if approved, to the Information Technology Department. Once the employee has been granted access rights, the Information Technology Department notifies the Financial Services Department. Within the system, functionalities are further restricted based on the user's job responsibilities. Access to the system is restricted through logon IDs and confidential passwords with functionality restricted through user roles. Users outside of the Financial Services Department typically only have inquiry and/or invoice entry capabilities.

### SYSTEM ACCESS CONTROLS

To ensure that functions have been adequately segregated, the following system securities exist within the financial management software:

- At the department level, staff that have invoice payment entry responsibilities cannot approve and post batches.
- Financial Services staff that have security for final approval of requests do not perform set up or change invoice entry information.
- The function of approving documents is segregated from the check printing and issuance functions.
- Financial Services staff that enter payment requests in the system cannot approve documents.
- Accounts Payable is responsible for ensuring that all of the necessary documents have been properly matched prior to issuing payment(s) to the vendor.

### INTERNAL CONTROLS

Within any accounting system, an organization is always exposed to a certain level of risks. The City of Greenville has implemented certain controls in efforts to prevent and reduce risk exposure. While these controls are set in place, they are only able to provide reasonable assurance of effectiveness because it is impossible to completely eradicate the occurrence or the possible occurrence of fraudulent activity. The controls have been listed below:

- 1) Payments are only issued with an accompanying invoice and other supporting documentation.
- 2) All invoices entered into the system are approved by proper workflow and by the Accounting Supervisor and/or designee.
- 3) Purchase requisitions are prepared by City departments and approved by Supervisors/Managers and department heads.
- 4) Purchase orders are generated by the Purchasing Division.
- 5) Upon receiving merchandise the departments perform the necessary receiving procedures. The receiving report is then matched to other support documents within the system.
- 6) Invoice entry payment requests also follow correct workflow and are approved by the Department Head.
- 7) Maintenance to the master vendor file is restricted to the appropriate personnel.
- 8) Check numbers are automatically generated by the financial system.
- 9) Positive pay services are used so that any check not previously registered by number and amount with the bank and uploaded by the check writing software will automatically be rejected unless manually approved by the proper authority.
- 10) The Accounts Payables are reconciled monthly by the Accounting Generalist.
- 11) Transactions will be periodically tested by the Internal Auditor.
- 12) A budget ordinance with appropriate budget is adopted annually to ensure funds are available for spending.
- 13) Encumbrances are utilized within the Financial System to ensure that sufficient monies remain available in an appropriation to cover the amount that is expected to be paid out during the current fiscal year.



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Elimination of the Site Ready Program

**Explanation:** **Abstract:** Staff recommends that City Council eliminate the Site Ready Program due to lack of interest in the program.

**Explanation:** In 2014, City Council approved \$60,000 in funding for the Site Ready Program and subsequently approved the guidelines for the program. Program partners included Greenville Utilities Commission, which provided \$50,000 to the program, and the Golden LEAF Foundation. The goal of the Site Ready Program is to diversify the inventory of buildings and sites within the city of Greenville that are suitable for jobs-producing economic development projects. The program provides loans that pre-development soft costs to private land owners/investors to make sites “ready” for commercial/office/industrial development.

There have been two grant application cycles of the Site Ready Program. In the first cycle, the City received one application, but the review committee did not fund this particular application because it did not promote job growth and economic development in accordance with the program guidelines. In the second cycle, no applications were received. Several property owners later expressed that the program was not a good fit for their plans.

The need for “ready” sites continues to be a priority for the City; however, staff believes that other approaches will be more effective. At the January 2017 City Council Planning Retreat, the City Council authorized Economic Development staff to move forward on strategies to utilize the Virtual Building and explore opportunities to create business and corporate parks. Additionally, City Council gave informal approval to eliminate the Site Ready Program. This request is seeking to formally eliminate the program and discontinue non-value-adding work associated with it.

**Fiscal Note:** Elimination of the Site Ready Program will have a neutral effect on the budget.

Existing program funds appropriated to the Site Ready Program will be reallocated within the Economic Development Division to serve other economic development initiatives as outlined at the January 2017 Council retreat.

**Recommendation:** Staff recommends that City Council eliminate the Site Ready Program.

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

Attachments / click to download

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# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

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**Title of Item:** Contract with Cherry Bekaert, LLP for auditing services for Fiscal Year 2016-2017

**Explanation:** **Abstract:** This item is to approve an audit contract for the fiscal year 2016-2017.

**Explanation:** On April 30, 2015, Cherry Bekaert, LLP was awarded a contract for auditing services for an intended agreement of five years beginning the fiscal year ending June 30, 2015, and continuing through the fiscal year ending June 30, 2019, subject to annual contract approval by City Council. This is the third year of the contract.

The annual contract is attached with the engagement letter describing the auditing services for the fiscal year ending June 30, 2017. The proposed fees for auditing services for the fiscal year ending June 30, 2017 total \$85,500. This is \$32,000 less than the audit fee for the prior fiscal year ending June 30, 2016, which totaled \$117,500. The annual contract will be authorized once audit fees are approved by City Council.

**Fiscal Note:** In accordance with the firm's proposal, the cost of the audit for the fiscal year ending June 30, 2017 will be \$85,500. Funds for this contract are available in the Financial Services Department's budget.

**Recommendation:** Approve the auditing contract with Cherry Bekaert, LLP for the fiscal year ending June 30, 2017.

**Attachments / click to download**

 [Audit\\_2017\\_Contract\\_1046847](#)

 [Audit\\_2017\\_Engagement\\_Letter\\_1046846](#)

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**CONTRACT TO AUDIT ACCOUNTS**

Of City of Greenville

Primary Governmental Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

On this 17th day of February, 2017,

Auditor: Cherry Bekaert LLP Auditor Mailing Address: 2626 Glenwood Ave., Suite 200,

Raleigh, NC 27608

Hereinafter referred to as The Auditor

and City Council (Governing Board(s)) of City of Greenville

(Primary Government)

and N/A : hereinafter referred to as the Governmental Unit(s), agree as follows:

(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2016, and ending June 30, 2017. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).  
  
County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.
3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government* **Item # 8**

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

*Auditing Standards.* The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2017. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on signature pages.**)
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, agreed-upon procedures report, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract needs to be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract, and then must be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload your amended contract is <http://nctreasurer.slgfd.leapfile.net>. No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of

Contract to Audit Accounts (cont.)

City of Greenville

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #22 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

17. Special provisions should be limited. Please list any special provisions in an attachment.

See attached engagement letter.

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of October 2015. These instructions are subject to change. Please check the NC Treasurer's web site at [www.nctreasurer.com](http://www.nctreasurer.com) for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

N/A

***SIGNATURE PAGES FOLLOW***

Contract to Audit Accounts (cont.)

City of Greenville

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

City of Greenville

- FEES

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] N/A

Audit \$73,500

Preparation of the annual financial Statements \$12,000

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$63,825

\*\* NA if there is to be no interim billing

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Cherry Bekaert LLP

Name of Audit Firm

By Michelle Thompson

Authorized Audit firm representative name: Type or print

Michelle Thompson

Signature of authorized audit firm representative

Date February 17, 2017

mthompson@cbh.com

Email Address of Audit Firm

Governmental Unit Signatures:

City of Greenville

Name of Primary Government

By

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By

Chair of Audit Committee - Type or print name

\*\*

Signature of Audit Committee Chairperson

Date

\*\* If Governmental Unit has no audit committee, mark this section "N/A"

City of Greenville

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By

Primary Governmental Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate must be dated.)

Email Address of Finance Officer

Date Primary Government Governing Body Approved Audit Contract - G.S. 159-34(a)

Contract to Audit Accounts (cont.)

City of Greenville

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

**\*\* This page to only be completed by Discretely Presented Component Units \*\***

N/A

FEEES

Year-end bookkeeping assistance – [*For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards*]

**Audit**

**Preparation of the annual financial Statements**

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$

**\*\* NA if there is to be no interim billing**

*Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.*

**DPCU Governmental Unit Signatures:**

N/A

Name of Discretely Presented Component Unit

By

**DPCU Board Chairperson:** Type or print name and title

Signature of Chairperson of DPCU governing board

Date

By

Chair of Audit Committee - Type or print name

\*\*

Signature of Audit Committee Chairperson

Date

**\*\* If Governmental Unit has no audit committee, mark this section "N/A"**

N/A

**PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)**

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By

**DPCU Finance Officer:**

Type or print name

**DPCU Finance Officer Signature**

Date

*(Pre-audit Certificate must be dated.)*

**Email Address of Finance Officer**

**Date DPCU Governing Body Approved Audit Contract - G.S. 159-34(a)**

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

**Steps to Completing the Audit Contract**

1. Complete the Header Information – NEW: If a DPCU is subject to the audit requirements as detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not issued for the DPCU and is to be included in the Primary Government's audit, the DPCU must be named with the parent government on this Audit contract. The Board chairman of the DPCU also must sign the Audit contract.
2. Item No. 1 – Complete the period covered by the audit
3. Item No. 6 – Fill in the audit due date. For Governmental Unit (s), the contract due date can be no later than 4 months after the end of the fiscal year, even though amended contracts may not be required until a later date.
4. Item No. 8 – If the process for invoice approval instructions changed, the Auditor should make sure he and his administrative staff are familiar with the current process. Instructions for each process can be found at the following link. <https://www.nctreasurer.com/slgl/Pages/Audit-Forms-and-Resources.aspx>
5. Item No. 9 – NEW: Please note that the fee section has been moved to the signature pages, Pages 5 & 6.
6. Item No. 16 – If there is a reference to an engagement letter or other document (ex: Addendum), has the engagement letter or other document been acknowledged by the Governmental Unit and attached to the contract submitted to the SLGFD?
  - a. Do the terms and fees specified in the engagement letter agree with the Audit contract? *"In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control."*
  - b. Does the engagement letter contain an indemnification clause? **The audit contract will not be approved if there is an indemnification clause – refer to LGC Memo # 986.**
7. Complete the fee section for BOTH the Primary Government and the DPCU (if applicable) on the signature pages, please note:
  - The cap on interim payments is 75% of the current audit fee for services rendered if the contracted fee amount is a fixed amount. If any part of the fee is variable, interim payments are limited to 75% of the prior year's total audit fee. If the contract fee is partially variable, we will compare the authorized interim payment on the contract to 75% of last year's actual approved total audit fee amount according to our records. There is a report of audit fees paid by each governmental unit on our web site: <https://www.nctreasurer.com/slgl/Pages/Non-Audit-Services-and-Audit-Fees.aspx> - Auditors and Audit Fees.  
Please call or email Steven Holmberg of our office at 919-807-2394 [steven.holmberg@nctreasurer.com](mailto:steven.holmberg@nctreasurer.com) if you have any questions about the fees on this list.
  - For variable fees for services, are the hourly rates or other rates clearly stated in detail? If issued separately in an addendum, has the separate page been acknowledged in writing by the Governmental Unit?

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

- For fees for services that are a combination of fixed and variable fees, are the services to be provided for the fixed portion of the fee clearly stated? Are the hourly rates or other rates clearly stated for the variable portion of the fee? (Note: See previous bullet point regarding variable fees.)
  - If there is to be no interim billing, please indicate N/A instead of leaving the line blank.
8. Signature Area – There are now 2 Signature Pages: one for the Primary Government and one for the DPCU. Send the page(s) that are applicable to your Unit of Government. Make sure all signatures have been obtained, and properly dated. **The contract must be approved by Governing Boards pursuant to G.S. 159-34(a).** NEW - If this contract includes auditing a DPCU that is a Public Authority under the Local Government Budget and Fiscal Control Act it must be named in this Audit contract and the Board chairperson of the DPCU **must also sign** the Audit contract in the area indicated. If the DPCU has a separate Audit, a separate Audit contract is required for the DPCU.
9. Please place the date the Unit's Governing Board and the DPCU's governing Board (if applicable) approved the audit contract in the space provided.
- a. Please make sure that you provide email addresses for the audit firm and finance officer as these will be used to communicate official approval of the contract.
  - b. Has the pre-audit certificate for the Primary Government (and the DPCU if applicable) been signed and dated by the appropriate party?
  - c. Has the name and title of the Mayor or Chairperson of the Unit's Governing Board and the DPCU's Chairperson (if applicable) been typed or printed on the contract and has he/she signed in the correct area directly under the Auditor's signature?
10. If the Auditor is performing an audit under the yellow book or single audit rules, has year-end bookkeeping assistance been limited to those areas permitted under the revised GAO Independence Standards? Although not required, we encourage Governmental Units and Auditors to disclose the nature of these services in the contract or an engagement letter. Fees for these services should be shown in the space indicated on the applicable signature page(s) of the contract.
11. Has the most recently issued peer review report for the audit firm been included with the contract? This is required if the audit firm has received a new peer review report that has not yet been forwarded to us. The audit firm is only required to send the most current Peer Review report to us once – not multiple times.
12. After all the signatures have been obtained and the contract is complete, please convert the contract and all other supporting documentation to be submitted for approval into a PDF file. Peer Review Reports should be submitted in a separate PDF file. These documents should be submitted using the most current submission process which can be obtained at the NC Treasurer's web site – <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.
13. NEW: If an audit is unable to be completed by the due date, an Amended Contract should be completed and signed by the unit and auditor, using the new "Amended LGC-205" form (Rev. 2015). The written explanation for the delay is now included on the contract itself to complete, and must be signed by the original parties to the contract.

February 17, 2017

Ms. Bernita Demery  
Director of Financial Services  
City of Greenville  
P.O. Box 7207  
Greenville, NC 27835-7207

Dear Ms. Demery:

This engagement letter between City of Greenville (hereinafter referred to as the "City") and Cherry Bekaert LLP (the "Firm" or "Cherry Bekaert") sets forth the nature and scope of the services we will provide, the City's required involvement and assistance in support of our services, the related fee arrangements and other Terms and Conditions, which are attached hereto and incorporated by reference, designed to facilitate the performance of our professional services and to achieve the mutually agreed-upon objectives of the City.

### **SUMMARY OF SERVICES**

We will provide the following services to the City as of and for the year ending June 30, 2017:

#### **Audit services**

1. We will audit the basic financial statements of the City as of and for the year ending June 30, 2017 including the governmental activities, the business type activities, each major fund and the remaining fund information.
2. The introductory section and the statistical tables accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements and our auditor's report will not provide an opinion or any assurance on that information.
3. We will audit the supplementary information such as the combining and individual fund statements and schedules and the Schedule of Expenditures of Federal and State Awards. As part of our engagement, we will apply certain additional procedures including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or the financial statements themselves.
4. We will apply limited procedures to the Management's Discussion and Analysis (MD&A), Law Enforcement Officers' Special Separation Allowance (LEOSSA), and the Other Post-Employment Benefits (OPEB) Schedule of Funding Progress and Employer Contributions, and the Local Governmental Employees' Retirement System Schedules of Proportionate Share of Net Pension Liability (Asset) and Contributions, which will consist of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the financial statements.

#### **Accounting and other services**

We will provide the following additional services:

5. Assist in the preparation of the financial statements and footnotes.
6. Complete the appropriate sections of and sign the Data Collection Form.
7. Provide year-end adjusting journal entries.

## **YOUR EXPECTATIONS**

Our service plan, which includes our audit plan, is designed to provide a foundation for an effective, efficient, and quality-focused approach to accomplish the engagement objectives and meet or exceed your expectations. Our service plan will be reviewed with you periodically and will serve as a benchmark against which you will be able to measure our performance. Any additional services that you may request, and that we agree to provide, will be the subject of separate written arrangements.

The City recognizes that our professional standards require that we be independent from you in our audit of your financial statements and our accompanying report in order to ensure that our objectivity and professional skepticism have not been compromised. As a result, we cannot enter into a fiduciary relationship with you and you should not expect that we will act only with due regard to your interest in the performance of this audit and you should not impose on us special confidence that we will conduct this audit with only your interest in mind. Because of our obligation to be independent of you, no fiduciary relationship will be created by this engagement or audit of your financial statements.

The engagement will be led by Michelle Thompson, who will be responsible for assuring the overall quality, value, and timeliness of the services provided to you.

## **AUDIT SERVICES**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles ("GAAP") and to report on the fairness of the additional information referred to in the Summary of Services section when considered in relation to the basic financial statements taken as a whole. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with the provisions of applicable laws, regulations, contracts, agreements and grants, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996, and *Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance") and the State Single Audit Implementation Act.

The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and with Single Audit Act Amendments of 1996, Uniform Guidance, and the State Single Audit

**City of Greenville**  
**February 17, 2017**  
**Page 3**

Implementation Act in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America ("GAAS"); *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; Uniform Guidance; and the State Single Audit Implementation Act and will include tests of accounting records, a determination of major programs in accordance with Uniform Guidance, and other procedures as deemed necessary to enable us to express such opinions and to render the required reports. If any of our opinions resulting from the procedures described above are other than unmodified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue a report as a result of this engagement.

## **ACCOUNTING AND OTHER SERVICES**

### **Accounting services**

We will advise Management about the application of appropriate accounting principles, and may propose adjusting journal entries to the City's financial statements. Management is responsible for reviewing the entries and understanding the nature of any proposed entries and the impact they have on the City's financial statements. If, while reviewing the journal entries, Management determines that a journal entry is inappropriate, it will be Management's responsibility to contact us to correct it.

### **Financial statement preparation**

We will assist in the preparation of the City's financial statements and notes, based on information in the City's accounting records. However, the responsibility for the City's financial statements and notes remains with Management. This responsibility includes establishing and maintaining adequate records and effective internal controls over financial reporting, the selection and application of accounting principles, the safeguarding of assets, and adjusting the financial statements for any material misstatements as well as reviewing and approving for publication the draft financial statements prepared with our assistance.

### **Data Collection Form**

We will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide copies of our reports to the City; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the designated federal audit clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period.

### **Management's responsibilities related to accounting and other services**

For all nonattest services we perform in connection with the engagement, you are responsible for designating a competent employee to oversee the services, make any management decisions, perform any management functions related to the services, evaluate the adequacy of the services, and accept overall responsibility for the results of the services.

Prior to the release of the report, Management will need to sign a representation letter acknowledging your responsibility for the results of these services.

## **MANAGEMENT'S RESPONSIBILITIES RELATED TO THE AUDIT**

Management is responsible for the fair presentation of the financial statements in conformity with GAAP, including the appropriate basis of accounting is applied by all component units, if applicable, for making all financial records and related information available to us, for ensuring that all material information is disclosed to us, and for identifying and ensuring that the City complies with the laws and regulations applicable to its activities and with the provisions of contracts and grant agreements.

Management is responsible for the preparation of the supplementary information in conformity with GAAP. Management agrees to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. Management also agrees to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon.

Management is also responsible for adjusting the financial statements to correct material misstatements, informing us of events that occurred subsequent to the balance sheet date until the date of the auditors' report that might affect the financial statements or related disclosures and informing us of any discovery of facts related to items that existed at the financial statement date that might affect the financial statements or related disclosures.

Management is responsible for informing us of its views regarding the risk of fraud at the City. Management must inform us of their knowledge of any allegations of fraud or suspected fraud affecting the City received in communications from employees, former employees, regulators, or others. Additionally, Management must inform us about all known or suspected fraud affecting the City involving (a) Management, (b) employees who have significant roles in internal control, and (c) others where the fraud could have a material effect on the financial statements.

Management is responsible for the design and implementation of programs and controls over financial reporting and to prevent and detect fraud. Appropriate supervisory review procedures are necessary to provide reasonable assurance that adopted policies and prescribed procedures are adhered to and to identify errors and fraud or illegal acts. As a part of our audit, we will consider the City's internal control structure, as required by GAAS, sufficient to plan the audit and to determine the nature, timing, and extent of auditing procedures necessary for expressing our opinion concerning the financial statements. An audit is not designed to provide any assurance on internal controls. As part of our consideration of the City's internal control structure, we will inform you of matters that come to our attention that represent significant deficiencies or material weaknesses in the design or operation of the internal control structure.

**City of Greenville**  
**February 17, 2017**  
**Page 5**

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying to us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions and recommendations, as well as your planned corrective actions, and the timing and format related thereto.

At the conclusion of the engagement, Management will provide to us a representation letter that, among other things, addresses (1) Management's responsibilities related to the audit and confirms certain representations made to us during the audit, including, Management's acknowledgement of its responsibility for the design and implementation of programs and controls to prevent and detect fraud; (2) Management's responsibilities related to the monitoring of internal control over financial reporting; and (3) Management's knowledge, directly or from allegations by others, of fraud or suspected fraud affecting the City. The representation letter will also affirm to us that Management believes that the effects of any uncorrected misstatements, if any, pertaining to the financial statements are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. The Firm will rely on Management providing these representations to us, both in the planning and performance of the audit, and in considering the fees that we will charge to perform the audit.

**FEES**

As a result of our preliminary discussions, the City and the Firm have agreed to a fee, subject to the following conditions:

The estimated fee contemplates only the services described in the Summary of Services section of this letter. If Management requests additional services not listed above, we will provide an estimate of those fees prior to commencing additional work.

The following summarizes the fees for the services described above:

<u>Description of Services</u>	<u>Estimated Fee</u>
<b>Audit services</b>	
Audit of the financial statements	\$73,500
<b>Accounting services</b>	
Financial statement preparation	<u>12,000</u>
Total	<u>\$85,500</u>

The fees will be billed periodically. Invoices are due on presentation. A service charge will be added to past due accounts equal to 1-1/2% per month (18% annually) on the previous month's balance less payments received during the month, with a minimum charge of \$2.00 per month.

**City of Greenville**  
**February 17, 2017**  
**Page 6**

If the foregoing is in accordance with your understanding, please sign a copy of this letter in the space provided and return it to us. If you have any questions, please call Michelle Thompson at (919) 782-1040.

Sincerely,

**CHERRY BEKAERT LLP**

*Cherry Bekaert LLP*

ATTACHMENT – Engagement Letter Terms and Conditions

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**CITY OF GREENVILLE**

ACCEPTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Cherry Bekaert LLP**  
**Engagement Letter Terms and Conditions**

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The following Terms and Conditions are an integral part of the attached engagement letter and should be read in their entirety in conjunction with your review of the letter.

**LIMITATIONS OF THE AUDIT REPORT**

Should the City wish to include or incorporate by reference these financial statements and our report thereon into *any* other document at some future date, we will consider granting permission to include our report into another such document at the time of the request. However, we may be required by generally accepted auditing standards ("GAAS") to perform certain procedures before we can give our permission to include our report in another document such as an annual report, private placement, regulator filing, official statement, offering of debt securities, etc. You agree that you will not include or incorporate by reference these financial statements and our report thereon, or our report into any other document without our prior written permission. In addition, to avoid unnecessary delay or misunderstandings, it is important to provide us with timely notice of your intention to issue any such document.

**LIMITATIONS OF THE AUDIT PROCESS**

In conducting the audit, we will perform tests of the accounting records and such other procedures as we consider necessary in the circumstances to provide a reasonable basis for our opinion on the financial statements. We also will assess the accounting principles used and significant estimates made by Management, as well as evaluate the overall financial statement presentation.

Our audit will include procedures designed to obtain reasonable assurance of detecting misstatements due to errors or fraud that are material to the financial statements. Absolute assurance is not attainable because of the nature of audit evidence and the characteristics of fraud. For example, audits performed in accordance with GAAS are based on the concept of selective testing of the data being examined and are, therefore, subject to the limitation that material misstatements due to errors or fraud, if they exist, may not be detected. Also, an audit is not designed to detect matters that are immaterial to the financial statements. In addition, an audit conducted in accordance with GAAS does not include procedures specifically designed to detect illegal acts having an indirect effect (e.g., violations of fraud and abuse statutes that result in fines or penalties being imposed on the City) on the financial statements.

Similarly, in performing our audit we will be aware of the possibility that illegal acts may have occurred. However, it should be recognized that our audit provides no assurance that illegal acts generally will be detected, and only reasonable assurance that illegal acts having a direct and material effect on the determination of financial statement amounts will be detected. We will inform you with respect to errors and fraud, or illegal acts that come to our attention during the course of our audit unless clearly inconsequential. In the event that we have to consult with the City's counsel or counsel of our choosing regarding any illegal acts we identify, additional fees incurred may be billed to the City. You agree to cooperate fully with any procedures we deem necessary to perform with respect to these matters.

We will issue a written report upon completion of our audit of the City's financial statements. If, for any reason, we are unable to complete the audit, or are unable to form, or have not formed an opinion on the financial statements, we may decline to express an opinion or decline to issue a report as a result of the engagement. We will notify the appropriate party within your organization of our decision and discuss the reasons supporting our position.

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## **AUDIT PROCEDURES – GENERAL**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve professional judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and fraud, or illegal acts that come to our attention during the course of our audit. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

## **AUDIT PROCEDURES – INTERNAL CONTROLS**

Our audit will include obtaining an understanding of the City and its environment, including internal controls, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, and *Government Auditing Standards*.

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## **AUDIT PROCEDURES – COMPLIANCE**

As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

## **NONATTEST SERVICES (IF APPLICABLE)**

All nonattest services to be provided in the attached engagement letter (if applicable) shall be provided pursuant to the AICPA Code of Professional Conduct. The AICPA Code of Professional Conduct requires that we establish objectives of the engagement and the services to be performed, which are described under nonattest services in the attached letter.

You agree to assume all management responsibilities for the nonattest services we provide; oversee the services by designating an individual, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them. In order to ensure we provide such services in compliance with all professional standards, you are responsible for:

- Making all financial records and related information available to us.
- Ensuring that all material information is disclosed to us.
- Granting unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- Identifying and ensuring that such nonattest complies with the laws and regulations.

The accuracy and appropriateness of such nonattest services shall be limited by the accuracy and sufficiency of the information provided by you. In the course of providing such nonattest services, we may provide professional advice and guidance based on knowledge accounting, tax and other compliance, and of the facts and circumstances as provided by you. Such advice and guidance shall be limited as permitted under the Code of Professional Conduct.

## **COMMUNICATIONS**

At the conclusion of the audit engagement, we may provide Management and those charged with governance a letter stating any significant deficiencies or material weaknesses which may have been identified by us during the audit and our recommendations designed to help the City make improvements in its internal control structure and operations related to the identified matters discovered in the financial statement audit. As part of this engagement we will ensure that certain additional matters are communicated to the appropriate members of the City. Such matters include (1) our responsibility under GAAS; (2) the initial selection of and changes in significant accounting policies and their application; (3) our independence with respect to the City; (4) the process used by Management in formulating particularly sensitive accounting estimates and the basis for our conclusion regarding the reasonableness of those estimates; (5) audit adjustments, if any, that could, in our judgment, either individually or in the aggregate be significant to the financial statements or our report; (6) any disagreements with Management concerning a financial accounting, reporting or auditing matter that could be significant to the financial statements; (7) our views about matters that were the subject of Management's consultation with other accountants about auditing and accounting matters; (8) major issues that were discussed with Management in connection with the retention of our services, including, among other matters, any

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discussions regarding the application of accounting principles and auditing standards; and (9) serious difficulties that we encountered in dealing with Management related to the performance of the audit.

We have attached, as required by the North Carolina Local Government Commission, a copy of the report on our most recent peer review.

## **OTHER MATTERS**

### **Access to working papers**

The working papers and related documentation for the engagement are the property of the Firm and constitute confidential information. We have a responsibility to retain the documentation for a period of time to satisfy legal or regulatory requirements for records retention. It is our policy to retain all workpapers and client information for seven years from the date of issuance of the report. It is our policy to retain emails and attachments to emails for a period of 15 months, except as required by any governmental regulation. Except as discussed below, any requests for access to our working papers will be discussed with you prior to making them available to requesting parties. Any parties seeking access to our working papers must agree to sign our standard access letter.

We may be requested to make certain documentation available to regulators, governmental agencies (e.g., SEC, PCAOB, HUD, DOL, etc.) or their representatives ("Regulators") pursuant to law or regulations. If requested, access to the documentation will be provided to the Regulators. The Regulators may intend to distribute to others, including other governmental agencies, our working papers and related documentation without our knowledge or express permission. You hereby acknowledge and authorize us to allow Regulators access to and copies of documentation as requested. In addition, our Firm, as well as all other major accounting firms, participates in a "peer review" program covering our audit and accounting practices as required by the American Institute of Certified Public Accountants. This program requires that once every three years we subject our quality assurance practices to an examination by another accounting firm. As part of the process, the other firm will review a sample of our work. It is possible that the work we perform for you may be selected by the other firm for their review. If it is, they are bound by professional standards to keep all information confidential. If you object to having the work we do for you reviewed by our peer reviewer, please notify us in writing.

### **Electronic transmittals**

During the course of our engagement, we may need to electronically transmit confidential information to each other, within the Firm, and to other entities engaged by either party. Although email is an efficient way to communicate, it is not always a secure means of communication and thus, confidentiality may be compromised. As an alternative, we recommend using our Client Portal ("Portal") to transmit documents. Portal allows you, us, and other involved entities to upload and download documents in a secure location. You agree to the use of email, Portal, and other electronic methods to transmit and receive information, including confidential information between the Firm, the City, and other third party providers utilized by either party in connection with the engagement.

### **Subpoenas**

In the event we are requested or authorized by you or required by government regulation, subpoena, or other legal process to produce our working papers or our personnel as witnesses with respect to our engagement for you, you will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and

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expense, as well as the fees and expenses of our counsel, incurred in responding to such a request at standard billing rates.

**Dispute resolution procedures**

If any dispute, controversy, or claim arises in connection with the performance or breach of this agreement, either party may, on written notice to the other party, request that the matter be mediated. Such mediation would be conducted by a mediator acceptable to both parties. Both parties would exert their best efforts to discuss with each other in good faith their respective positions in an attempt to finally resolve such dispute, controversy, or claim.

**Waiver of Trial by Jury**

In the event the parties are unable to successfully mediate any dispute, controversy, or claim, the parties agree to WAIVE TRIAL BY JURY and agree that the court will hear any matter without a jury.

**TERMS AND CONDITIONS SUPPORTING FEE**

The estimated fees set forth in the attached engagement letter are based on anticipated full cooperation from your personnel, timely delivery of requested audit schedules and supporting information, timely communication of all significant accounting and financial reporting matters, the assumption that unexpected circumstances will not be encountered during the audit, as well as working space and clerical assistance as mutually agreed upon and as is normal and reasonable in the circumstances. We strive to ensure that we have the right professionals scheduled on each engagement. As a result, sudden City requested scheduling changes or scheduling changes necessitated by the agreed information not being ready on the agreed upon dates can result in expensive downtime for our professionals. Any last minute schedule changes that result in downtime for our professionals could result in additional fees. Our estimated fee does not include assistance in bookkeeping or other accounting services not previously described. If for any reason the City is unable to provide such schedules, information and assistance, the Firm and the City will mutually revise the fee to reflect additional services, if any, required of us to achieve these objectives.

The estimated fees contemplate that the City will provide adequate documentation of its systems and controls related to significant transaction cycles and audit areas.

In providing our services, we will consult with the City with respect to matters of accounting, financial reporting or other significant business issues as permitted by professional standards. Accordingly, time necessary to effect a reasonable amount of such consultation is reflected in our fee. However, should a matter require research, consultation or audit work beyond that amount, the Firm and the City will agree to an appropriate revision in our fee.

The estimated fees are based on auditing and accounting standards effective as of the date of this engagement letter and known to apply to the City at this time, but do not include any time related to the application of new auditing or accounting standards that impact the City for the first time. If new auditing or accounting standards are issued subsequent to the date of this letter and are effective for the period under audit, we will estimate the impact of any such standard on the nature, timing, and extent of our planned audit procedures and will communicate with you concerning the scope of the additional procedures and the estimated fees.

The City agrees to pay all costs of collection (including reasonable attorneys' fees) that the Firm may incur in connection with the collection of unpaid invoices. In the event of nonpayment of any invoice rendered by us, we retain the right to (a) suspend the performance of our services, (b) change the payment conditions under this engagement letter, or (c) terminate our services. If we elect to suspend our services, such services will not be resumed until your account is paid. If we elect to terminate our services for nonpayment, the City will be obligated to compensate us for all time expended and reimburse us for all expenses through the date of termination.

This engagement letter sets forth the entire understanding between the City and the Firm regarding the services described herein and supersedes any previous proposals, correspondence, and understandings whether written or oral. Any subsequent changes to the terms of this letter, other than additional billings, will be rendered in writing and shall be executed by both parties. Should any portion of this engagement letter be ruled invalid, it is agreed that such invalidity will not affect any of the remaining portions.

## System Review Report

January 10, 2017

To the Partners of Cherry Bekaert LLP  
And the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Cherry Bekaert LLP (the firm), applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended April 30, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*; audits of employee benefit plans, audits performed under FDICIA, and examinations of service organizations [Service Organizations Control (SOC) 1 and SOC 2 engagements].

In our opinion, the system of quality control for the accounting and auditing practice of Cherry Bekaert LLP, applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended April 30, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Cherry Bekaert LLP has received a peer review rating of *pass*.

EisnerAmper LLP  
EisnerAmper LLP  
Iselin, NJ

January 13, 2017

Howard Joseph Kies  
Cherry Bekaert LLP  
200 S 10th St Ste 900  
Richmond, VA 23219

Dear Mr. Kies:

It is my pleasure to notify you that on January 12, 2017 the National Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is October 31, 2019. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,



Michael Fawley  
Chair—National PRC  
nprc@aicpa.org 919 4024502

cc: Marc T. Fogarty; Raymond R Quintin

Firm Number: 10011816

Review Number 451036

Letter ID: 1139057A



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Report on Bids and Contracts Awarded

**Explanation:** **Abstract:** The Director of Financial Services reports monthly the bids and/or contracts awarded over a certain dollar threshold by the Purchasing Manager and City Manager.

**Explanation:** The Director of Financial Services reports that the following bids and contracts were awarded during the month of February 2017.

<u>Date Awarded</u>	<u>Description</u>	<u>Vendor / PO Number</u>	<u>Amount</u>	<u>MWBE Vendor?</u>	<u>Does Local Preference Apply?</u>
2/20/2017	Boyd Lee Park Gym HVAC Replacement	Unshakable Builders 17000317	\$230,000	Yes	No
2/20/2017	EMS Manual Monitor Defibrillator plus Accessories	Zoll Medical Corporation 17000324 Note: National Association of State Procurement Officials Cooperative Contract	\$76,546.49	No	No

**Fiscal Note:** Funding for the bids and contracts awarded are included in the City of Greenville's 2016-2017 budget.

**Recommendation:** The award information be reflected in the City Council minutes.

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Attachments / click to download

 [Boyd Lee Park Gym HVAC Bid Tab](#)

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**BID TABULATION SHEET**  
**City of Greenville, North Carolina**  
**Recreation and Parks Department**

**RECREATION AND PARKS**

<b>Project Name:</b>	Boyd Lee Park Gym HVAC Replacement	<b>Project No.</b>	PC-0008
<b>Opening Location:</b>	Jaycee Park Building 2000 Cedar Lane, Greenville, NC	<b>Bid Opening Date:</b>	Thursday, February 9, 2017

Contractor Name	MWBE Forms	License Number	Ref. & Cont. Info	IDA Form	Ack Add.	Base Bid	Alternate #1
Central Heat & Air	Yes	17027-25556	No	Yes	Yes	\$317,650.00	\$10,000.00
Designco Construction Co	Yes	73384	Yes	Yes	Yes	\$315,800.00	\$0.00
Unshakable Builders LLC	Yes	71924	Yes	Yes	Yes	\$230,000.00	\$10,000.00

Item # \_\_\_\_\_  
Certified by: \_\_\_\_\_

Mike Watson, Parks Coordinator

COG 1025367 V12



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Various tax refunds greater than \$100

**Explanation:** **Abstract:** Pursuant to North Carolina General Statute 105-381, refunds are being reported to City Council. These are refunds created by a change or release of value for City of Greenville taxes by the Pitt County Tax Assessor. Pitt County Commissioners have previously approved these refunds; they are before City Council for their approval as well. These refunds will be reported as they occur when they exceed \$100.

**Explanation:** The Director of Financial Services reports refunds of the following taxes:

<b><u>Payee</u></b>	<b><u>Adjustment Refunds</u></b>	<b><u>Amount</u></b>
Allen, Willie L.	Registered Property Tax	\$ 433.84
Edwards, Tammy L.	Registered Property Tax	1,035.18
Pitt & Greene Electric Membership Cooperative	Registered Property Tax	14,946.78
Saad Rentals LLC	Registered Property Tax	1,460.52

**Fiscal Note:** The total to be refunded is \$17,876.32.

**Recommendation:** Approval of tax refunds by City Council

**Attachments / click to download**

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# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance to annex Westhaven South, Section 5, Lot 3 involving 19.850 acres located along the southern right-of-way of Regency Boulevard and adjacent to South Point Townhomes

**Explanation:** **Abstract:** The City received a voluntary annexation petition to annex Westhaven South, Section 5, Lot 3 involving 19.850 acres located along the southern right-of-way of Regency Boulevard and adjacent to South Point Townhomes. The subject area is currently undeveloped and is anticipated to yield 154 multi-family units.

## ANNEXATION PROFILE

### A. SCHEDULE

1. Advertising date: March 6, 2017
2. City Council public hearing date: March 20, 2017
3. Effective date: June 30, 2017

### B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 19.850
4. Voting District: 5
5. Township: Winterville
6. Zoning: R6A (Residential [Medium Density Multi-family])

8. Land Use: Existing: Vacant  
Anticipated: 154 multi-family units

9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	154 x 2.18*	336
Current Minority	-----	0
Estimated Minority at full development	336 x 43.4%	146
Current White	----	0
Estimated White at full development	336 - 146	190

\* average household size

10. Rural Fire Tax District: Rural Winterville

11. Greenville Fire District: Station #5 (Distance of 3.0 miles)

12. Present Tax Value: \$185,873  
Estimated Future Tax Value: \$24,825,873

**Fiscal Note:** The total estimated tax value at full development is \$24,825,873.

**Recommendation:** Approve the attached ordinance to annex Westhaven South, Section 5, Lot 3

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Attachments / click to download

[Survey](#)

[Ordinance Westhaven South Sect 5 lot 3 1046748](#)

ORDINANCE NO. 17-  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 6:00 p.m. on the 20<sup>th</sup> day of March, 2017, after due notice by publication in The Daily Reflector on the 6<sup>th</sup> day of March, 2017; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Westhaven South, Section 5, Lot 3” involving 19.850 acres as prepared by Gary S. Miller & Associates, PA.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located along the southern right-of-way of Regency Boulevard and adjacent to South Point Duplexes.

GENERAL DESCRIPTION:

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

Beginning at an existing iron pipe located at the intersection of the southern right-of-way of Regency Boulevard and the northeast property corner of the property known as Tract 7, Langston Farms, LLC as recorded in Map Book 65, Page 154, Pitt County Registry; thence running along the southern right-of-way of Regency Boulevard N 76°52'01" E, 447.47 feet to a point located on the southern right-of-way of Regency Boulevard; thence leaving the southern right-of-way of Regency Boulevard S 13°07'59" E, 300.00 feet to a point; thence N 76°52'01" E, 159.64 feet to a point; thence N 81°23'07" E, 143.38 feet to a point; thence S 89°34'41" E, 143.38 feet to a point; thence S 85°03'35" E, 69.78 feet to a point; thence with a curve to the right having a radius of 260.00 feet a chord bearing and distance N 20°12'47" W, 221.01 feet to a point; thence N 04°56'25" E, 73.93 feet to a point; thence with a curve to the left having a radius of 25.00 feet a chord bearing and distance N 41°15'02" W, 36.08 feet to a point located on the southern right-of-way of Regency Boulevard; thence running along the southern right-of-way of Regency Boulevard with a curve to the right having a radius of 1,210.00 feet

a chord bearing and distance S 86°15'40" E, 49.69 feet to a point located on the southern right-of-way of Regency Boulevard; thence continuing along the southern right-of-way of Regency Boulevard S 85°03'35" E, 61.36 feet to a point located on the southern right-of-way of Regency Boulevard; thence leaving the southern right-of-way of Regency Boulevard with a curve to the left having a radius of 25.00 feet a chord bearing and distance S 49°56'25" W, 35.36 feet to a point; thence S 04°56'25" W, 74.95 feet to a point; thence with a curve to the left having a radius of 200.00 feet a chord bearing and distance S 21°28'02" E, 177.90 feet to a point; thence S 47°52'29" E, 340.62 feet to a point; thence N 84°25'41" W, 100.74 feet to an existing iron pipe; thence S 00°52'37" W, 181.57 feet to a point; thence S 01°39'22" E, 82.36 feet to a point; thence S 11°55'32" E, 39.87 feet to an existing iron pipe; thence S 72°17'54" E, 102.87 feet to an existing iron pipe; thence S 17°42'06" W, 225.00 feet to an existing iron pipe; thence N 72°17'54" W, 150.00 feet to an existing iron pipe; thence N 84°17'54" W, 1,060.48 feet to a point; thence N 07°18'00" E, 171.53 feet to a point; thence N 05°57'58" W, 22.47 feet to a point; thence N 14°57'05" W, 114.55 feet to a point; thence N 06°03'14" W, 146.93 feet to a point; thence N 06°03'14" W, 271.59 feet to the point of beginning containing 19.850 acres.

Attachment number 1  
Page 2 of 2

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

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

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

Section 5. This annexation shall take effect from and after the 30<sup>th</sup> day of June, 2017.

ADOPTED this 20<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

NORTH CAROLINA  
PITT COUNTY

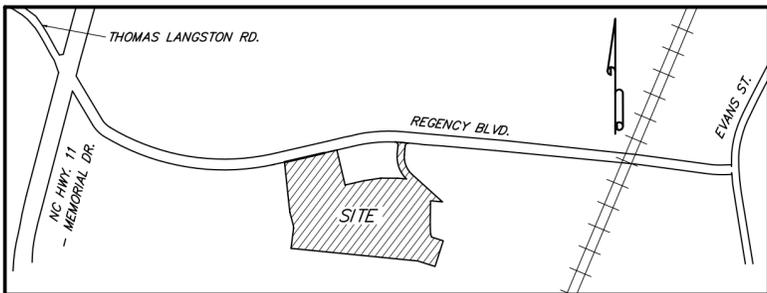
I, Polly Jones, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument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

WITNESS my hand and official seal this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017.

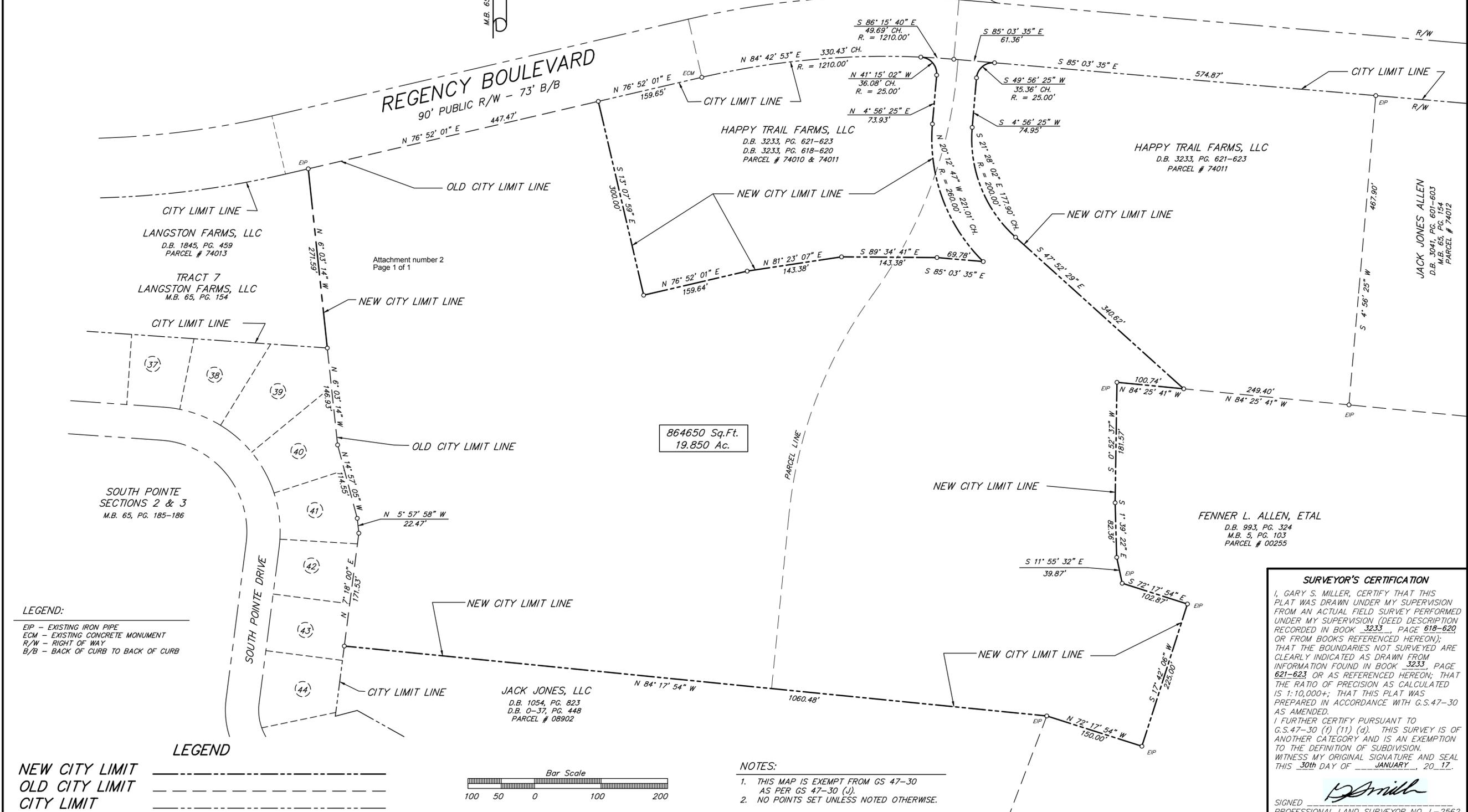
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

1046748



VICINITY MAP 1" = 1,000'



**LEGEND:**  
 EIP - EXISTING IRON PIPE  
 ECM - EXISTING CONCRETE MONUMENT  
 R/W - RIGHT OF WAY  
 B/B - BACK OF CURB TO BACK OF CURB

**LEGEND**  
 NEW CITY LIMIT ————  
 OLD CITY LIMIT - - - - -  
 CITY LIMIT \_\_\_\_\_



**NOTES:**  
 1. THIS MAP IS EXEMPT FROM GS 47-30 AS PER GS 47-30 (J).  
 2. NO POINTS SET UNLESS NOTED OTHERWISE.

**SURVEYOR'S CERTIFICATION**  
 I, GARY S. MILLER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 3233, PAGE 618-620 OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 3233, PAGE 621-623 OR AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED.  
 I FURTHER CERTIFY PURSUANT TO G.S.47-30 (f) (11) (d). THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF SUBDIVISION. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 30th DAY OF JANUARY, 2017.  
 SIGNED: *G. Miller*  
 PROFESSIONAL LAND SURVEYOR NO. L-2562



ANNEXATION PLAT FOR <b>WESTHAVEN SOUTH</b> SECTION 5 - LOT 3 BEING A PORTION OF TAX PARCEL # 74010 & 74011		MAP NO.	PLATS RECORDED	BOOK	PAGE	MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, N.C.
			LANGSTON FARMS, LLC	65	154	
			THOMAS LANGSTON ROAD EXTENSION PROJECT	71	88-90	DATE: _____ ORDINANCE NO. _____ AREA: 19.850 AC. WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.
<b>GARY S. MILLER</b> & ASSOCIATES, P.A. LAND SURVEYORS	SURVEYED: MCP	APPROVED: GSM				
	DRAWN: BLW	DATE: 01-30-17				
CHECKED: TEM	SCALE: 1" = 100'	Item # 11				

GARY S. MILLER, PLS  
 Phone (252)756-7878  
 Fax (252)756-0785

1803 South Charles Blvd.  
 Greenville, N.C. 27858  
 License # C-0225



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance requested by Happy Trail Farms, LLC to rezone 2.903 acres located along the western right-of-way of Allen Road and 1,100+/- feet south of Landfill Road from MRS (Medical-Residential-Single-family) to MCH (Medical-Heavy Commercial)

**Explanation:** **Abstract:** The City has received a request from Happy Trail Farms, LLC to rezone 2.903 acres located along the western right-of-way of Allen Road and 1,100+/- feet south of Landfill Road from MRS (Medical-Residential-Single-family) to MCH (Medical-Heavy Commercial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 7, 2017.  
On-site sign(s) posted on February 7, 2017.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on March 7, 2017.  
Public hearing legal advertisement published on March 6 and March 13, 2017.

**Comprehensive Plan:**

The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of Allen Road and Landfill Road transitioning to industrial/logistics (IL) to the west and south.

Further, potential conservation/open space (PCOS) is recommended in this area. The Future Land Use Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally specific and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Land Use Plan designations, contextual considerations, and the general policies of the

comprehensive plan.

Commercial:

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Located new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as, signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Industrial/Logistics:

Area is characterized by warehouses and light manufacturing operations and related office uses. It includes the Greenville Industrial Park, airport area, and Southwest Bypass Corridor.

Intent:

- Encourage expansion of light industrial, assembly and research uses
- Encourage the use of higher-quality building materials and landscaping for highly-visible sites

Primary Uses:

Industrial

Light industrial

Research and assembly

Warehousing

Secondary Uses:

Office

Commercial

There is a designated neighborhood activity center at the intersection of Allen Road and Landfill Road. These centers are intended to contain 20,000-50,000 square feet of conditioned floor space and serve an area within one mile.

**Thoroughfare/Traffic Report Summary (PWD-Engineering Division):**

Based on the analysis comparing the existing rezoning (115 trips) and requested rezoning, the proposed rezoning classification could generate approximately 59 trips to and from the site on Allen Road, which is a net *decrease* of 56 trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

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

**History/Background:**

In 2001, the subject property was part of a large-scale extra-territorial jurisdiction (ETJ) extension and was zoned MRS (Medical-Residential-Single-family).

**Present Land Use:**

Vacant

**Water/Sewer:**

Water and sanitary sewer are available.

**Historic Sites:**

There are no known effects on designated sites.

**Environmental Conditions/Constraints:**

There are no known environmental constraints.

**Surrounding Land Uses and Zoning:**

North: MRS - One (1) single-family residence; MCH - farmland (under common ownership of applicant)

South: MRS - One (1) single-family residence; MCH - One (1) single-family residence (under common ownership of applicant)

East: R6 - Wells Chapel Church of God in Christ; OR - Vacant

West: MCH - farmland (under common ownership of applicant)

**Density Estimates:**

Under the current zoning (MRS), the site could yield 8-12 single-family lots.

Under the proposed zoning (MCH), the site could yield 23,700+/- square feet of mini-storage.

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

**Fiscal Note:** No cost to the City.

**Recommendation:** In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission unanimously voted to approve the request at its February 21, 2017 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the zoning map amendment, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

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

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

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

Attachments / click to download

- [📎 Attachments](#)
  - [📎 Ordinance Happy Trail Farms 17 03 1046735](#)
  - [📎 Minutes Happy Trail Farms 17 03 1046734](#)
  - [📎 List of Uses for MRS to MCH 900329](#)
-

ORDINANCE NO. 17-  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 20<sup>th</sup> day of March, 2017, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area and at an activity center;

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

Section 1. That the following described territory is rezoned from MRS (Medical-Residential-Single-family) to MCH (Medical-Heavy Commercial).

TO WIT: Happy Trail Farms, LLC Property

LOCATION: Located along the western right-of-way of Allen Road and 1,100+/- feet south of Landfill Road.

Beginning at a point on the western right-of-way of NCSR 1203 (Allen Road), said point being located S 48°09'41" W 1,084.67' from an existing P.K. nail located at the centerline intersection of NCSR 1203 (Allen Road) and Norfolk & Southern Railroad. From the above described beginning, so located, running thence as follows:

With the western right-of-way of NCSR 1203 (Allen Road), S 34°54'04" W 207.97' to an iron pipe, thence leaving the western right-of-way of NCSR 1203 (Allen Road), N 65°00'00" W 560.23' to an iron pipe, thence N 22°58'36" E 125.04' to an iron pipe, thence S 87°36'09" E 467.33' to an iron pipe, thence S 38°28'55" W 56.73' to an iron pipe, thence S 51°15'57" E 187.55'' to the point of beginning containing 2.903 acres.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

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

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

ADOPTED this 20<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

Doc. # 1046735

**Excerpt from DRAFT the Planning & Zoning Commission Minutes (2/21/2017)**

Ordinance requested by Happy Trail Farms, LLC to rezone 2.903 acres located along the western right-of-way of Allen Road and 1,100+/- feet south of Landfill Road from MRS (Medical-Residential-Single-family) to MCH (Medical-Heavy Commercial) – APPROVED

Ms. Gooby delineated the property. It is located in the western section of the city along Allen Road and adjacent to the Pitt County Landfill. There is a neighborhood activity center in this area, which are intended to contain 20,000-40,000 square feet of commercial conditioned floor space and serve a one-mile area. There are scattered single-family homes in the area and large vacant tracts. The property is currently zoned for single-family. Under the current zoning, the property could accommodate 8-10 single-family lots. Under the proposed zoning, the property could accommodate 23,000+/- square feet of mini-storage space. Since a traffic analysis indicates a decrease in traffic, a traffic report was not prepared. The Future Land Use and Character Map recommends commercial (C) at the intersection of Allen Road and Landfill Road transitioning to industrial/logistics (IL). Both land use character types allow commercial uses. The property is adjacent to similar zoning. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan, the Future Land Use and Character Plan Map

Chairman King opened the public hearing.

Mike Baldwin, representative of the applicant, spoke in favor of the request.

No one spoke in opposition.

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

**Motion made by Mr. Robinson, seconded by Ms. Leech, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

## **EXISTING ZONING**

### **MRS (Medical-Residential-Single-Family)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal uses

*(6) Recreational/Entertainment:*

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

*(7) Office/Financial/Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:\* None*

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/Warehousing: \* None*

(15) *Other Activities (not otherwise listed - all categories):*\* None

**MRS (Medical-Residential-Single-Family)**

***Special Uses***

(1) *General:*\* None

(2) *Residential:*\* None

(3) *Home Occupations (see all categories):*

b. Home occupations; excluding barber and beauty shops

d. Home occupations; excluding manicure, pedicure or facial salon

(4) *Governmental:*

a. Public utility building or use

c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair

(5) *Agricultural/Mining:*

b. Greenhouse or plant nursery; including accessory sales

(6) *Recreational/Entertainment:*

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/Financial/Medical:*\* None

(8) *Services:*

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]

(9) *Repair:*\* None

(10) *Retail Trade:*\* None

(11) *Wholesale/ Rental/ Vehicle-Mobile Home Trade:*\* None

(12) *Construction:*\* None

(13) *Transportation:*\* None

(14) *Manufacturing/Warehousing:* \* None

(15) *Other Activities (not otherwise listed - all categories):*\* None

## **PROPOSED ZONING**

### **MCH (Medical-Heavy Commercial)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales; incidental

*(2) Residential:*\* None

*(3) Home Occupations (see all categories):*\*None

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

*(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales

*(6) Recreational/Entertainment:*

- f. Public park or recreational facility
- s. Athletic club; indoor only

*(7) Office/Financial/Medical:*

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)

*(8) Services:*

- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales

- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- ii. Wellness center; indoor and outdoor facilities
- kk. Launderette; household users
- ll. Dry Cleaners; household users

*(9) Repair:*

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

*(10) Retail Trade:*

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- p. Furniture and home furnishing sales not otherwise listed
- s. Book or card store, news stand
- t. Hobby or craft shop
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist

*(11) Wholesale/Rental/Vehicle-Mobile Home Trade:\* None*

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- f. Hardware store

*(13) Transportation:*

- h. Parking lot or structure; principal

*(14) Manufacturing/Warehousing:*

- c. Bakery; production, storage and shipment facilities
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage

*(15) Other Activities (not otherwise listed - all categories):\* None*

**MCH (Medical Heavy-Commercial)**  
***Special Uses***

*(1) General:*

g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses

*(2) Residential:*

i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile homes

*(3) Home Occupations (see all categories):\* None*

*(4) Governmental:*

a. Public utility building or use

*(5) Agricultural/Mining:\* None*

*(6) Recreational/Entertainment:*

t. Athletic club; indoor and outdoor facilities

*(7) Office/Financial/Medical:*

c. Office; customer service not otherwise listed, included accessory service delivery vehicle parking and indoor storage

*(8) Services:*

a. Child day care facilities

b. Adult day care facilities

j. College and other institution of higher learning

l. Convention center; private

s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

gg. Vocational rehabilitation center

jj. Health services not otherwise listed

*(9) Repair:*

b. Minor repair; as an accessory or principal use

*(10) Retail Trade:*

j. Restaurant; regulated outdoor activities

y. Auto part sales (see also major and minor repair)

*(11) Wholesale/Rental/Vehicle-Mobile Home Trade:\* None*

*(12) Construction:\* None*

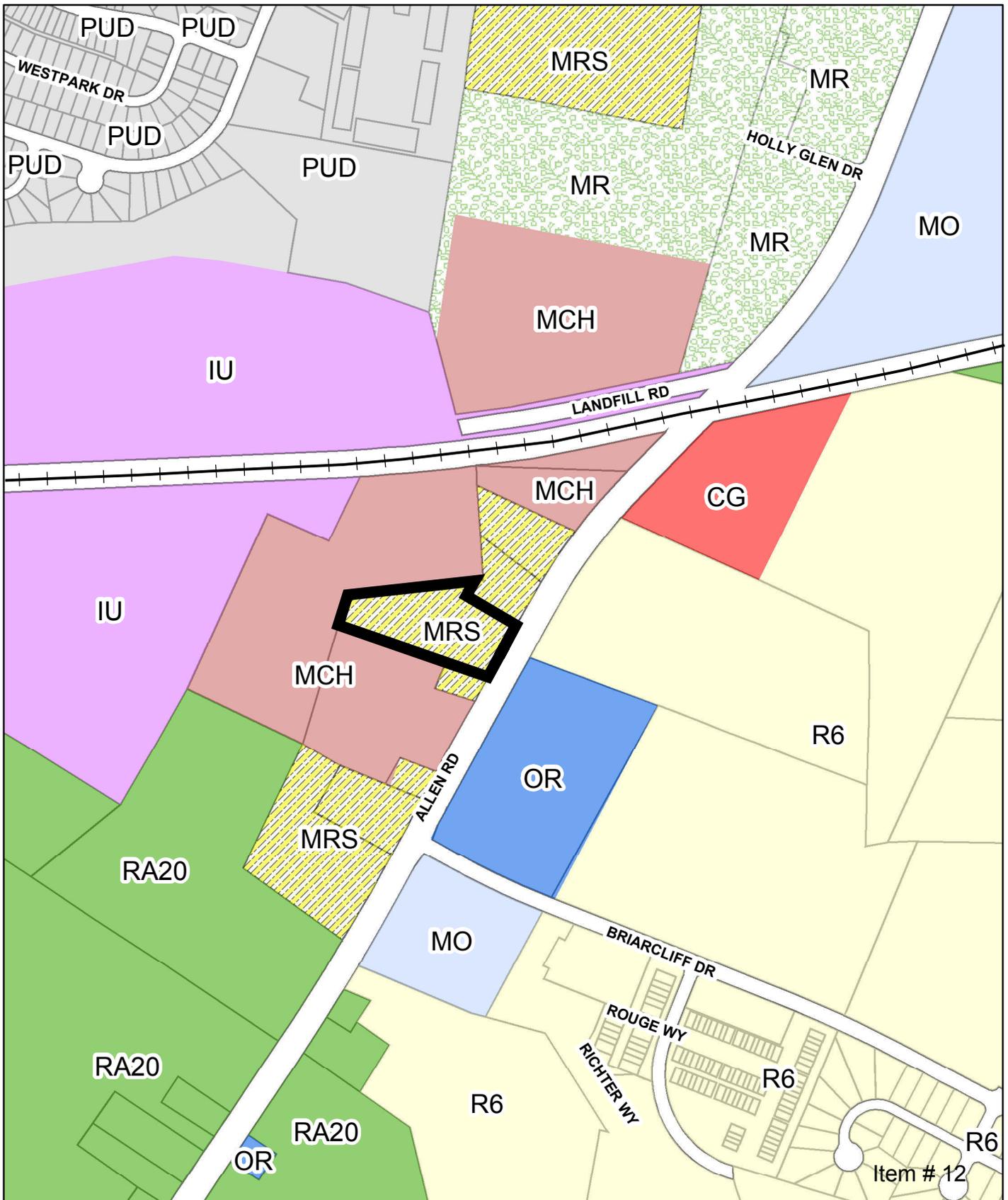
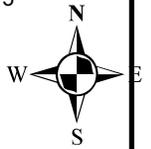
*(13) Transportation:\* None*

*(14) Manufacturing/Warehousing:*

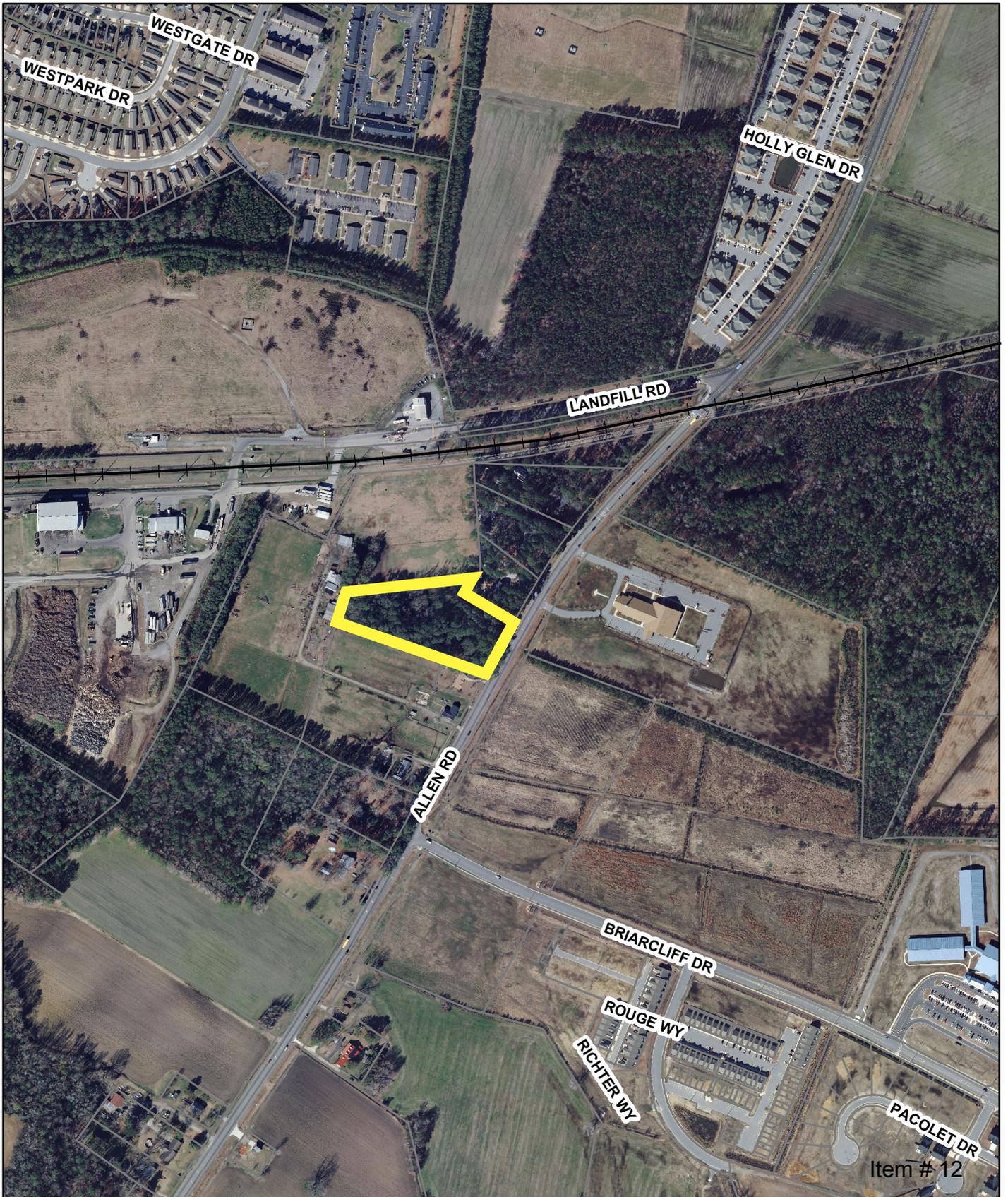
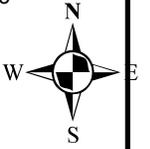
- m. Warehouse; accessory to approved commercial or industry uses within the district; excluding outside storage
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution

*(15) Other Activities (not otherwise listed - all categories):*\* None

Happy Trail Farms, LLC  
From: MRS To: MCH  
2.903 acres  
February 1, 2017

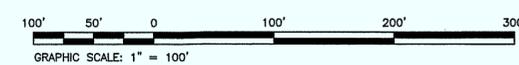
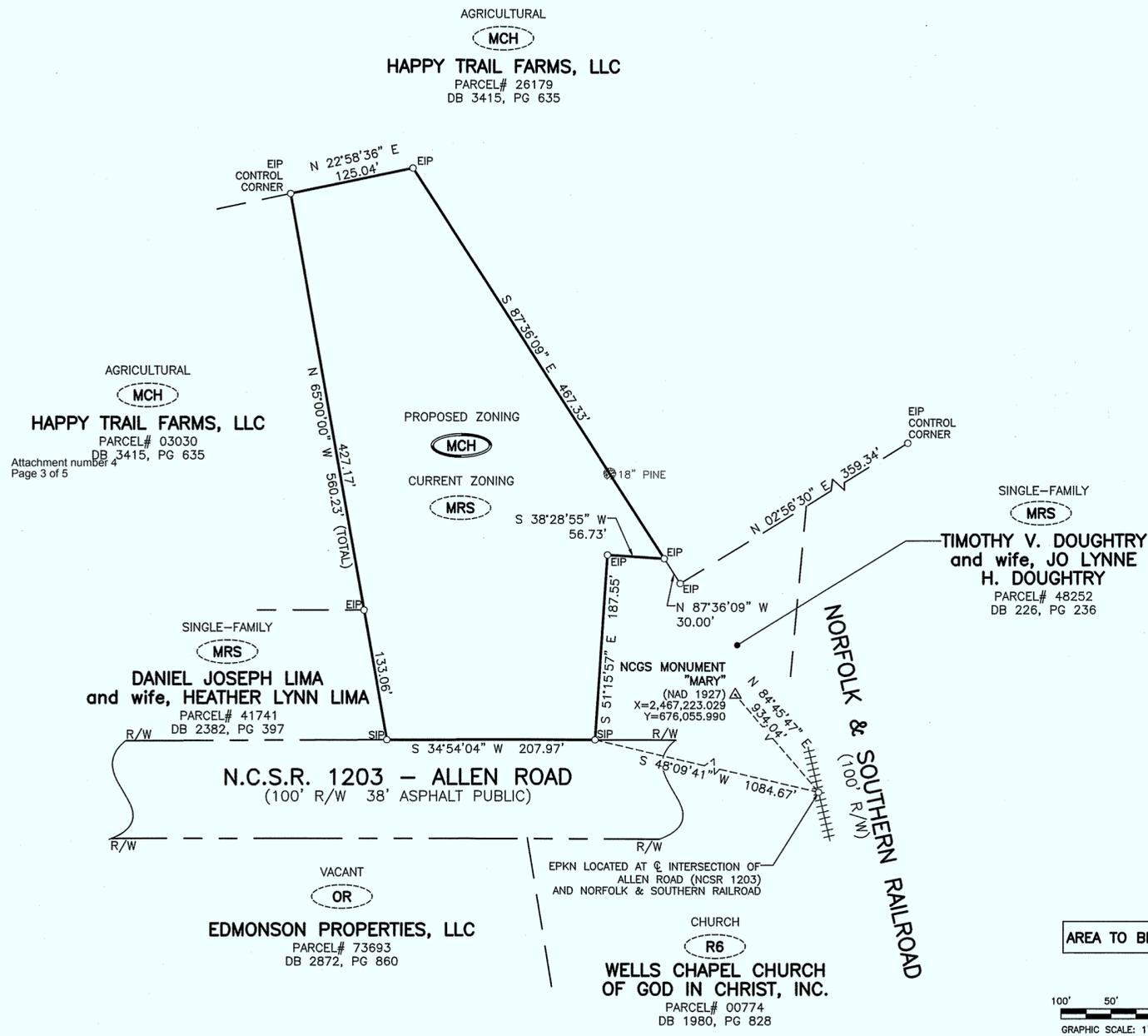
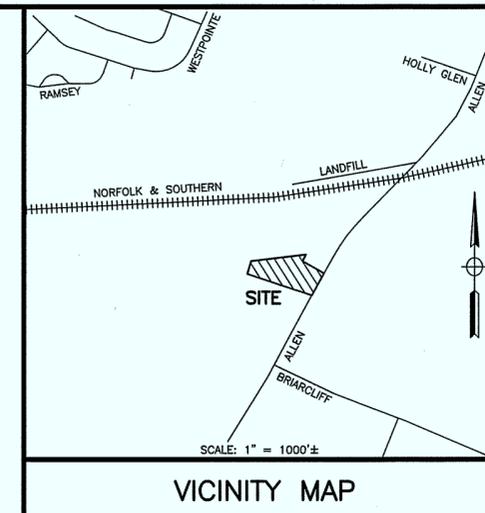
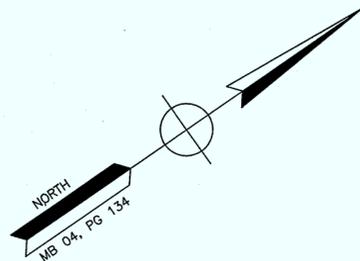


Happy Trail Farms, LLC  
From: MRS To: MCH  
2.903 acres  
February 1, 2017



**NOTES**

1. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. THIS MAP IS OF AN EXISTING PARCEL OF LAND.
4. REFERENCE: NCDOT PROJECT #MA02017R.
5. REFERENCE: MAP BOOK 04, PG 134 OF THE PITT COUNTY REGISTRY.



SHEET 1 OF 1 REZONING MAP PARCEL# 00334 TAX MAP# 4667-75-2434

**HAPPY TRAIL FARMS, LLC**  
 REFERENCE: DEED BOOK 3495, PAGE 194 OF THE PITT COUNTY REGISTER OF DEEDS  
 GREENVILLE TOWNSHIP, PITT COUNTY, NC

OWNER: HAPPY TRAIL FARMS, LLC  
 ADDRESS: P.O. BOX 1863 GREENVILLE, NC 27835  
 PHONE: (252) 916-9028

<p><b>Baldwin Design Consultants, PA</b>                  ENGINEERING - SURVEYING - PLANNING                  1700-D EAST ARLINGTON BOULEVARD                  GREENVILLE, NC 27858 252.756.1390</p>	LICENSE# C-3498	SURVEYED: WP	APPROVED: MWB
	DRAWN: CCB/MAH	DATE: 01/23/2017	
	CHECKED: BLS/MWB	SCALE: 1" = 100'	

CLOSURE CHECK BOUNDARY  
 CHECKED: MAH DATE: 12/01/2016



**PROPERTY OWNERS ADDRESSES WITHIN 100 FEET OF PROPERTY**

<b>WELLS CHAPEL CHURCH OF GOD IN CHRIST, INC.</b> PO BOX 1036 GREENVILLE, NC 27834	<b>DANIEL JOSEPH LIMA and wife, HEATHER LYNN LIMA</b> 1620 ALLEN ROAD GREENVILLE, NC 27834	<b>TIMOTHY V. DOUGHTRY and wife JO LYNN H. DOUGHTRY.</b> 1590 ALLEN ROAD GREENVILLE, NC 27834
<b>EDMONSON PROPERTIES, LLC</b> 2625 CHARLES BOULEVARD GREENVILLE, NC 27858	<b>HAPPY TRAIL FARMS, LLC</b> P.O. BOX 1863 GREENVILLE, NC 27835	

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

Y:\DRAWINGS\16-035 HAPPY TRAIL FARMS\Hardsee Rezoning Map.dwg Mon, Jan 23, 2017-11:48am MHERREJON

04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirements:** Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

**Parking Area:** Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

<b>RESIDENTIAL DENSITY CHART</b>			
<b>Density Level</b>	<b>Future Land Use and Character Type</b>	<b>Applicable Zoning District(s)</b>	<b>Units per Acre***</b>
High	Uptown Edge (UE)	CDF	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6	17 units per acre
	Residential, High Density (HDR)	R6	17 units per acre
		R6MH	17 units per acre
Medical-Transition (MT)	MR	17 units per acre	
High to Medium	Mixed Use (MU)	OR	17 units per acre
		R6	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
Medium to Low	Traditional Neighborhood, Low-Medium Density (TNLM)	R9	6 units per acre
		R9S	5 units per acre
		R15S	3 units per acre
	Residential, Low-Medium Density (LMHR)	R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

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



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:**

Ordinance requested by Patricia S. Bowen, et al. to rezone 84.533 acres located along the eastern right-of-way of Charles Boulevard and adjacent to Grace Church from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]) - 26.000 acres, R6S (Residential-Single-family [Medium Density]) - 12.549 acres, R9S (Residential-Single-family [Medium Density]) - 15.807 acres, R15S (Residential-Single-family [Low Density]) - 21.887 acres, and O (Office) - 8.290 acres

**Explanation:**

**Abstract:** The City has received a request from Patricia S. Bowen, et al. to rezone 84.533 acres located along the eastern right-of-way of Charles Boulevard and adjacent to Grace Church from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]) - 26.000 acres, R6S (Residential-Single-family [Medium Density]) - 12.549 acres, R9S (Residential-Single-family [Medium Density]) - 15.807 acres, R15S (Residential-Single-family [Low Density]) - 21.887 acres, and O (Office) - 8.290 acres.

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 7, 2017.  
On-site sign(s) posted on February 7, 2017.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on March 7, 2017.  
Public hearing legal advertisement published on March 6 and March 13, 2017.

**Comprehensive Plan:**

The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of the intersection of Fire Tower Road and Charles Boulevard, transitioning to office/institutional (OI) then traditional neighborhood, medium-high density (TNMH).

Further, the Future Land Use and Character recommends potential conservation/open space (PCOS) along Meeting House Branch. The map is not meant to be dimensionally specific and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/ open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

#### Traditional Neighborhood, Medium-High Density

Primarily residential area featuring a mix of higher density housing types ranging from multifamily, townhomes, and small-lot single- family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees, and lighting
- Allow neighborhood-scale commercial or mixed-use centers at key intersections within neighborhoods

Primary Uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small-lot)

Secondary Uses:

Institutional (neighborhood scale)

#### Office/Institutional:

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

Primary Uses:

Office

Institutional/Civic

## **Chapter 5: Creating Complete Neighborhoods**

### **Goal 5.1. Strong Existing Neighborhoods**

Greenville will have strong established neighborhoods, with support for neighborhood organizations, high quality housing, unique character, and robust integration with the rest of the community.

#### **Policy 5.1.5 Address Disinvestment Occurring at Multi-family Housing Complexes.**

The City will mitigate the disinvestment in multi-family housing complexes that is occurring on the edges of the city through the land use vision identified on the Future Land Use and Character Map. These multi-family complexes historically served as student housing. As newer, higher quality student housing is being developed closer to the ECU campus, disinvestment is occurring at a few multi-family complexes on the city's edge due to increased vacancy rates, lack of amenities, and distance to campus. The Future Land Use and Character Map and this policy encourage these areas to redevelop to other, more appropriate uses, such as commercial or office centers, with existing buildings either eventually replaced or retrofitted to the NC commercial building code. Future multi-family developments should be developed in areas that are supported by transit service, proximate to needed services, employment areas, and the ECU campus, and are walkable and designed with community amenities.

## **Chapter 9: Action Plan**

### **Priority Implementation Action #4: Develop Strategy to Address Overdevelopment of Peripheral Apartment Complexes (Action 5.7.)**

A handful of multi-family apartment complexes on the periphery of the city have the potential to face disinvestment due to overdevelopment. The impact of these properties can extend beyond property lines, and a strategy to tackle the issue should be developed before the full effect of disinvestment hits. This action was not a top ten priority at the public open house, but addresses a condition in particular need of attention from the City.

#### **Thoroughfare/Traffic Report Summary (PWD-Engineering Division):**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4,556 trips to and from the site on Charles Boulevard, which is a net increase of 1,638 trips per day.

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

#### **History/Background:**

In 1972, the property was incorporated into the City's extra-territorial jurisdiction

(ETJ) zoned RA20 (Residential-Agricultural).

**Present Land Use:**

Farmland and one (1) single-family residence

**Water/Sewer:**

Water and sanitary sewer are available to the subject property.

**Historic Sites:**

There are no known effects on designated sites.

**Environmental Conditions/Constraints:**

The subject property is impacted by the floodway, 100- and 500-year floodplains associated with Meeting House Branch.

**Surrounding Land Uses and Zoning:**

North: OR - Tucker Professional Center; R15S and R6S - Tucker Estates Subdivision

South: RA20 - Grace Church and one (1) vacant lot; OR - one (1) vacant lot; R6S - Meeting Place and Red Banks Subdivisions

East: R9S - Tuckahoe Subdivision

West: OR - The Madison, The Landing and Tara multi-family complexes; Tara Office Complex, one (1) vacant lot, and East Carolina Carpet and Interiors (under common ownership of one of the applicants); RA20 - one (1) single-family residence

**Density Estimates:**

Tract 1 - 26.000 acres

Under the current zoning (RA20), staff would anticipate the site to yield 90-100 single-family lots.

Under proposed zoning (R6), staff would anticipate the site to yield 310-325 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is within one (1) year.

Tract 2 - 12.549 acres

Under the current zoning (RA20), staff would anticipate the site to yield 35-40 single-family lots.

Under proposed zoning (R6S), staff would anticipate the site to yield 60-65

single-family lots.

The anticipated build-out is 1-2 years.

Tract 3 - 15.807 acres

Under the current zoning (RA20), staff would anticipate the site to yield 50-55 single-family lots.

Under proposed zoning (R9S), staff would anticipate the site to yield 58-63 single-family lots.

The anticipated build-out is 1-2 years.

Tract 4 - 21.887 acres

Under the current zoning (RA20), staff would anticipate the site to yield 67-78 single-family lots.

Under proposed zoning (R15S), staff would anticipate the site to yield 47-52 single-family lots.

The anticipated build-out is 1-2 years.

Tract 5 - 8.290 acres

Under the current zoning (RA20), staff would anticipate the site to yield 27-32 single-family lots.

Under proposed zoning (O), staff would anticipate the site to yield 61,230+/- square feet of office space.

**Fiscal Note:** No cost to the City.

**Recommendation:** Tracts 1 and 2

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

### **Tracts 3, 4 and 5**

In staff's opinion, the request is in general compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

"In general compliance with the comprehensive plan" should be construed as meaning the requested zoning is recognized as being in a transition area and that the requested zoning (i) is currently contiguous, or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan (or addendum to the plan), (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted 7-1 to approve the request at its February 21, 2017 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the zoning map amendment, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the request to rezone and to make a finding and determination that although Tracts 1 and 2 are in compliance and Tracts 3, 4 and 5 are in general compliance with the adopted comprehensive plan, in this instance the denial of the rezoning request is reasonable and in the public interest due to the potential uses under the proposed rezoning and due to there being a more appropriate zoning classification that promotes the safety and general welfare of the community.

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

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

**Attachments / click to download**

- [Attachments](#)
  - [Ordinance Patricia S Bowen 1047258](#)
  - [Minutes Patricia S Bowen Etal 1046936](#)
  - [List of Uses RA20 to R6 R15S R6S R9S O 1045554](#)
-

ORDINANCE NO. 17-  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 20<sup>th</sup> day of March, 2017, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area and at an activity center;

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]).

TO WIT: Patricia S. Bowen Etal and Rudolf Scheller Properties, Tract 1

LOCATION: Located along the eastern right-of-way of Charles Boulevard and adjacent to Grace Church.

Beginning at a point on the eastern right-of-way of NC Hwy 43 (Charles Boulevard), said point being located S 53°16'19" E 53.36' from a P.K. Nail located in the centerline intersection of NC Hwy 43 (Charles Boulevard) and Turnbury Drive. From the above described beginning, so located, running thence as follows:

With the eastern right-of-way of NC Hwy 43 (Charles Boulevard), N 15°30'00" W 1,089.15' to a point, thence leaving the eastern right-of-way of NC Hwy 43 (Charles Boulevard), N 74°30'00" E 571.18' to a point, thence S 83°36'08" E 974.28' to a point, thence N 06°23'06" E 135.25' to a point, thence S 83°36'54" E 438.18' to a point, thence S 06°23'06" W 226.83' to a point on the centerline of Meeting House Branch, thence with the centerline of Meeting House Branch, S 87°03'52" W 78.36', N 75°42'40" W 82.84', S 80°06'31" W 123.12', S 74°43'27" W 77.46', S 79°16'24" W 35.60', S 62°33'56" W 22.33', S 41°37'45" W 11.33', S 67°40'44" W 12.04', N 81°44'37" W 18.96', S 67°10'43" W 27.41', S 41°29'09" W 51.78', S 41°42'10" W 94.24', S 49°36'31" W 95.84', S 69°29'14" W 67.12', S 71°14'41" W 63.37', S 61°10'01" W 35.94', S 53°44'00" W 45.55', S 48°26'48" W 187.76', S 76°36'59" W 28.75', S 84°06'31" W 42.66', S 77°25'11" W 52.68', S 59°55'09" W 50.92', S 56°44'52" W 65.62', S 35°18'13" W 40.89', S 24°15'25" W 60.30', S 29°34'12" W 92.75', S 39°15'28" W 27.10', S 31°53'38" W 34.02', S 40°20'21" W 65.25', S 46°57'44" W 60.02', S 58°39'48" W 54.79', S 62°44'33" W 30.52', S 57°35'39" W 31.17', S 53°25'53" W 61.52', S 71°30'09" W 52.69', S 68°34'25" W 13.58', S 49°38'28" W 18.40' and S 74°30'00" W 11.84' to a point on the eastern right-of-way of NC Hwy 43 (Charles Boulevard), thence with the eastern right-of-way of NC Hwy 43 (Charles Boulevard), N 15°30'00" W 20.00' to the point of beginning containing 26.000 acres and being a portion of the property recorded in Map Book 11, Page 35 of the Pitt County Register of Deeds.

Section 2. That the following described territory is rezoned from RA20 (Residential-Agricultural) to R6S (Residential-Single-family [Medium Density]).

TO WIT: Patricia S. Bowen Etal Property, Tract 2

LOCATION: Located 300+/- feet east of Charles Boulevard and adjacent to Meeting Place Subdivision.

Beginning at a point located N 74°30'00" E 300.00' from a point on the eastern right-of-way of NC Hwy 43 (Charles Boulevard), said point being located S 53°16'19" E 53.36' and N 15°30'00" W 1089.15' from a P.K. Nail located in the centerline intersection of NC Hwy 43 (Charles Boulevard) and Turnbury Drive. From the above described beginning, so located, running thence as follows:

N 15°27'48" W 378.35' to a point, thence S 83°35'47" E 2,421.17' to a point on the centerline of a branch, thence with the centerline of said branch, S 42°46'05" E 29.17', S 62°34'58" W 50.99', S 60°50'02" W 49.01', S 51°53'08" W 76.60', S 30°11'43" W 72.62', S 68°20'11" W 180.66', S 65°26'00" W 54.51', S 87°24'22" W 65.80', N 87°24'36" W 54.69', S 88°50'09" W 97.83' and N

89°45'16" W 49.69', thence leaving the centerline of said branch N 06°23'06" E 226.83' to a point thence N 83°36'54" W 438.18' to a point, thence S 06°23'06" W 135.25' to a point, thence N 83°36'08" W 974.28' to a point, thence S 74°30'00" W 80.58' to a point, thence S 74°30'00" W 190.60' to the point of beginning containing 12.549 acres and being a portion of the property recorded in Map Book 11, Page 35 of the Pitt County Register of Deeds.

Section 3. That the following described territory is rezoned from RA20 (Residential-Agricultural) to R9S (Residential-Single-family [Medium Density]).

TO WIT: Patricia S. Bowen Etal Property, Tract 3

LOCATION: Located 300+/- feet east of Charles Boulevard and adjacent to Tuckahoe Subdivision.

Beginning at a point located N 74°30'00" E 300.00' and N 15°27'48" W 378.35' from a point on the eastern right-of-way of NC Hwy 43 (Charles Boulevard), said point being located S 53°16'19" E 53.36' and N 15°30'00" W 1089.15' from a P.K. Nail located in the centerline intersection of NC Hwy 43 (Charles Boulevard) and Turnbury Drive. From the above described beginning, so located, running thence as follows:

N 15°27'48" W 323.26' to a point, thence S 83°35'47" E 2,269.32' to a point, thence S 03°26'32" W 5.29' to a point, thence S 01°01'38" E 131.94' to a point on the centerline of a branch, thence with the centerline of said branch, S 43°24'42" E 63.46', S 62°40'08" E 52.12', S 62°40'06" E 42.50', S 48°43'14" E 93.86' and S 42°46'05" E 54.25', thence leaving the centerline of said branch N 83°35'47" W 2,421.17' to the point of beginning containing 15.807 acres and being a portion of the property recorded in Map Book 11, Page 35 of the Pitt County Register of Deeds.

Section 4. That the following described territory is rezoned from RA20 (Residential-Agricultural) to R15S (Residential-Single-family [Low Density]).

TO WIT: Patricia S. Bowen Etal Property, Tract 4

LOCATION: Located 300+/- feet east of Charles Boulevard and adjacent to Tucker Estates Subdivision.

Beginning at a point located N 74°30'00" E 300.00' and N 15°27'48" W 701.61' from a point on the eastern right-of-way of NC Hwy 43 (Charles Boulevard), said point being located S 53°16'19" E 53.36' and N 15°30'00" W 1,089.15' from a P.K. Nail located in the centerline intersection of NC Hwy 43 (Charles Boulevard) and Turnbury Drive. From the above described beginning, so located, running thence as follows:

N 15°27'48" W 441.79' to a point, thence S 83°35'47" E 2,379.85' to a point, thence S 01°20'36" E 256.85' to a point, thence S 01°22'13" E 135.10' to a point, thence S 03°26'32" W 21.67' to a point, thence N 83°35'47" W 2,269.32' to the point of beginning containing 21.887 acres and being a portion of the property recorded in Map Book 11, Page 35 of the Pitt County Register of Deeds.

Section 5. That the following described territory is rezoned from RA20 (Residential-Agricultural) to O (Office).

TO WIT: Patricia S. Bowen Etal Property, Tract 5

LOCATION: Located along the eastern right-of-way of Charles Boulevard and adjacent to Tucker Professional Center.

Beginning at a point located on the eastern right-of-way of NC Hwy 43 (Charles Boulevard), said point being located S 53°16'19" E 53.36' and N 15°30'00" W 1089.15' from a P.K. Nail located in the centerline intersection of NC Hwy 43 (Charles Boulevard) and Turnbury Drive. From the above described beginning, so located, running thence as follows:

With the eastern right-of-way of NC Hwy 43 (Charles Boulevard), N 15°27'48" W 1,263.99' to a point, thence leaving the eastern right-of-way of NC Hwy 43 (Charles Boulevard), S 83°35'47" E 323.26' to a point, thence S 15°27'48" E 1,143.40' to a point, thence S 74°30'00" W 300.00' to the point of beginning containing 8.290 acres and being a portion of the property recorded in Map Book 11, Page 35 of the Pitt County Register of Deeds.

Section 6. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 7. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 8. That this ordinance shall become effective upon its adoption.

ADOPTED this 20<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

Doc. # 1047258

**Excerpt from DRAFT the Planning & Zoning Commission Minutes (2/21/2017)**

Ordinance requested by Patricia S. Bowen Etal to rezone 84.533 acres located along the eastern right-of-way of Charles Boulevard and adjacent to Grace Church from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]) - 26.000 acres, R6S (Residential-Single-family [Medium Density]) - 12.549 acres, R9S (Residential-Single-family [Medium Density]) - 15.807 acres, R15S (Residential-Single-family [Low Density]) - 21.887 acres, and O (Office) - 8.290 acres – APPROVED

Ms. Gooby delineated the property. It is located in the eastern section of the city along Charles Boulevard and adjacent to Grace Church. The property is directly across from Tara Condos. Currently, the property is farmed and there is one single-family residence. The property is currently zoned residential-agricultural. This rezoning could result in a net increase of 1,600 trips per day. Any measures to mitigate traffic will be determined when preliminary plats and site plans are submitted. This is the anticipated density under the current zoning and proposed zoning.

TRACTS	CURRENT ZONING	PROPOSED ZONING
1 – R6	90-100 single-family lots	310-325 multi-family units
2 – R6S	35-40 single-family lots	60-65 single-family lots
3 – R9S	50-55 single-family lots	58-63 single-family lots
4 – R15S	67-78 single-family lots	47-52 single-family lots
5 - O	27-32 single-family lots	60K sq. ft. office space

The Future Land Use and Character Map recommends commercial (C) at the intersection of Charles Boulevard and Fire Tower Road transitioning to office/institutional (OI) then traditional neighborhood medium-high density (TNMH). The zoning districts associated with the TNMH character are R6, R6A and R6S. Tracts 1 and 2 (R6 and R6S) are considered in compliance and Tracts 3, 4 and 5 (R9S, R15S and O) are considered in general compliance. There is similar zoning adjacent to this rezoning. The R15S and R9S districts are lower density zoning districts that what is recommended on the FLUC map. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan, the Future Land Use and Character Plan Map

Chairman King opened the public hearing.

Mike Baldwin, representative of the applicant, spoke in favor of the request. The residents of Tucker Estates have worked with the applicants. He distributed letters of support from Tucker Estates Subdivision and Grace Church, which are in favor of this request. This request is a model of transitional zoning. Tracts 3 and 4 are lower density than the FLUC map recommendation. Tract 5 is requested for office, which is a continuation of the office development along Charles Boulevard. There are restaurants, pharmacies and other amenities in this area that are conducive to this request. The applicants have met with DOT staff and the city concerning stormwater.

Leech asked about traffic for interconnectivity.

Mr. Baldwin explained there will be an outlet for traffic on Fire Tower Road west of Meeting Place Subdivision. There are future plans for a traffic light at Charles Boulevard and Hyde Drive.

Christian Porter, on behalf of Tucker Estates Subdivision, there have been meetings with the owners and developers concerning the future land use of the property. There have been three neighborhood meetings. There was full support of this request of those that attended the meetings.

Ernest Bell, property owner in Tara Condos, serves on the Homeowners Association, stated he is opposed due to traffic increase on Charles Boulevard, which is already congested. Tract 1 will greatly reduce value of the properties across the street.

Ben Bankard, property owner of Tara Condos, serves as President of the Homeowners Association of Tara Condos, opposed to the request because of the high density multi-family and the increase in traffic. There is already difficulty making left-hand turns on to Charles Boulevard. He asked if there had been a traffic study?

Mike Baldwin, spoke in rebuttal, Tara Condos has same density as requested R6 zoning as Tract 1.

Ben Bankard, spoke in rebuttal, he stated that Tara Condos only has 154 units but 325 units are anticipated for Tract 1. This request will result in more people and more cars.

Chairman King closed the public hearing.

Rik Di Cesare, City Traffic Engineer, there was an exhaustive study on traffic. Mr. Baldwin worked with the City and DOT to map out inter-connectivity. The peak traffic on Charles Boulevard is 4-6 PM. It is anticipated that 60% of the trips from this project will head north and 40% head south. Charles Boulevard is a DOT-maintained thoroughfare. The request will result in an overall 4% increase in traffic.

Ms. Bellis asked about traffic during the road widening project on Fire Tower Rd.

Mr. DiCesare Rik stated that the traffic can be managed. There are no planned traffic lights for this project.

**Motion made by Mr. Overton, seconded by Mr. Robinson, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. In favor: Herring, Reid, Bellis, Collins, Robinson, Leech, and Overton. Opposed: Maxwell. Motion passed.**

## **EXISTING ZONING**

### **RA20 (Residential-Agricultural)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- c. Wayside market for farm products produced on site
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

*(6) Recreational/Entertainment:*

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

*(7) Office/Financial/Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/Rental/Vehicle-Mobile Home Trade:\* None*

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

**RA20 (Residential-Agricultural)**  
***Special Uses***

(1) *General*:\* None

(2) *Residential*:

- b. Two-family attached dwelling (duplex)
- g. Mobile Home
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility

(3) *Home Occupations (see all categories)*:

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/Mining*:

- b. Greenhouse or plant nursery; including accessory sales

(6) *Recreational/Entertainment*:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/Financial/Medical*:\* None

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:\* None

(12) *Construction*:\* None

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

## **PROPOSED ZONING**

### **TRACT 1**

#### **R6 (Residential)**

##### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/Entertainment:*

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

*(7) Office/Financial/Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/Rental/Vehicle- Mobile Home Trade:\* None*

*(12) Construction:*

- a. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

**R6 (Residential)**  
***Special Uses***

(1) *General*:\* None

(2) *Residential*:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- l. Group care facility
- n. Retirement center or home
- p. Board or rooming house
- r. Fraternity or sorority house
- o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) *Home Occupations (see all categories)*:

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/Mining*:\* None

(6) *Recreational/Entertainment*:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/Financial/Medical*:\* None

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/Rental/Vehicle-Mobile Home Trade*:\* None

(12) *Construction*:\* None

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

## TRACT 2

### **R6S (Residential-Single-Family)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- b(1). Master Plan Community per Article J
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/Entertainment:*

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

*(7) Office/Financial/Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/Rental/Vehicle-Mobile Home Trade:\* None*

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

### **R6S (Residential-Single-Family)**

#### ***Special Uses***

*(1) General:\* None*

(2) *Residential*:\* None

(3) *Home Occupations (see all categories)*:

- a. Home occupation; not otherwise listed
- d. Home occupation; including bed and breakfast inn (historic district only)

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/Mining*:\* None

(6) *Recreational/ Entertainment*:

- a. Golf course; 18-hole regulation (see also section 9-4-103)
- a(1). Golf course; 9-hole regulation (see also section 9-4-103)
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/Financial/Medical*:\* None

(8) *Services*:

- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- t. Guest house for a college and other institution of higher learning

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/Rental/Vehicle-Mobile Home Trade*:\* None

(12) *Construction*:\* None

(13) *Transportation*:\* None

(14) *Manufacturing/Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

### **TRACT 3**

#### **R9S (Residential-Single-Family)**

##### ***Permitted Uses***

(1) *General*:

- a. Accessory use or building
- c. On-premise signs per Article N

(2) *Residential*:

- a. Single-family dwelling
- f. Residential cluster development per Article M

- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) *Home Occupations (see all categories):*\*None

(4) *Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) *Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- l. Beekeeping; minor use (see also section 9-4-103)

(6) *Recreational/Entertainment:*

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

(7) *Office/Financial/Medical:*\* None

(8) *Services:*

- o. Church or place of worship (see also section 9-4-103)

(9) *Repair:*\* None

(10) *Retail Trade:*\* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:*\* None

(12) *Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation:*\* None

(14) *Manufacturing/ Warehousing:* \* None

(15) *Other Activities (not otherwise listed - all categories):*\* None

## **R9S (Residential-Single-Family)**

### ***Special Uses***

(1) *General:*\* None

(2) *Residential:*\* None

(3) *Home Occupations (see all categories):*

- a. Home occupation; not otherwise listed

(4) *Governmental:*

- a. Public utility building or use

(5) *Agricultural/Mining:*\* None

(6) *Recreational/Entertainment:*

- a. Golf course; 18-hole regulation (see also section 9-4-103)
- a(1). Golf course; 9-hole regulation (see also section 9-4-103)
- c.(1). Tennis club; indoor and outdoor facilities

*(7) Office/Financial/Medical:*\* None

*(8) Services:*

- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

*(9) Repair:*\* None

*(10) Retail Trade:*\* None

*(11) Wholesale/Rental/Vehicle-Mobile Home Trade:*\* None

*(12) Construction:*\* None

*(13) Transportation:*\* None

*(14) Manufacturing/Warehousing:* \* None

*(15) Other Activities (not otherwise listed - all categories):*\* None

## **TRACT 4**

### **R15S (Residential-Single-Family)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):*\*None

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- l. Beekeeping; minor use (see also section 9-4-103)

*(6) Recreational/Entertainment:*

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

(7) *Office/Financial/Medical*:\* None

(8) *Services*:

o. Church or place of worship (see also section 9-4-103)

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/Rental/Vehicle-Mobile Home Trade*:\* None

(12) *Construction*:

c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation*:\* None

(14) *Manufacturing/Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*: \* None

**R15S (Residential-Single-Family)**

***Special Uses***

(1) *General*:\* None

(2) *Residential*:\* None

(3) *Home Occupations (see all categories)*:

a. Home occupation; not otherwise listed

(4) *Governmental*:

a. Public utility building or use

(5) *Agricultural/Mining*:

f. Stable; horse only (see also section 9-4-103)

(6) *Recreational/Entertainment*:

a. Golf course; 18-hole regulation (see also section 9-4-103)

a(1). Golf course; 9-hole regulation (see also section 9-4-103)

c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/Financial/Medical*:\* None

(8) *Services*:

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/Rental/Vehicle-Mobile Home Trade*:\* None

(12) *Construction*:\* None

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

## **TRACT 5**

### **O (Office)**

#### ***Permitted Uses***

(1) *General*:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales; incidental

(2) *Residential*:\* None

(3) *Home Occupations (see all categories)*:\*None

(4) *Governmental*:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) *Agricultural/Mining*:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) *Recreational/Entertainment*:

- f. Public park or recreational facility

(7) *Office/Financial/Medical*:

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) *Services*:

- c. Funeral home
- e. Barber or beauty shop
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- o. Church or place of worship (see also section 9-4-103)
- p. Library

- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio

(9) *Repair*:\* None

(10) *Retail Trade*:

- s. Book or card store, news stand
- w. Florist

(11) *Wholesale/Rental/Vehicle-Mobile Home Trade*:\* None

(12) *Construction*:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

## **O (Office)**

### ***Special Uses***

(1) *General*:\* None

(2) *Residential*:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile homes

(3) *Home Occupations (see all categories)*:\* None

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/Mining*:\* None

(6) *Recreational/Entertainment*:\* None

(7) *Office/Financial/Medical*:\* None

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities
- j. College and other institutions of higher learning
- l. Convention center; private
- bb. Civic organizations
- cc. Trade and business organizations

(9) *Repair:*\* None

(10) *Retail Trade:*\* None

(11) *Wholesale/Rental/Vehicle-Mobile Home Trade:*\* None

(12) *Construction:*\* None

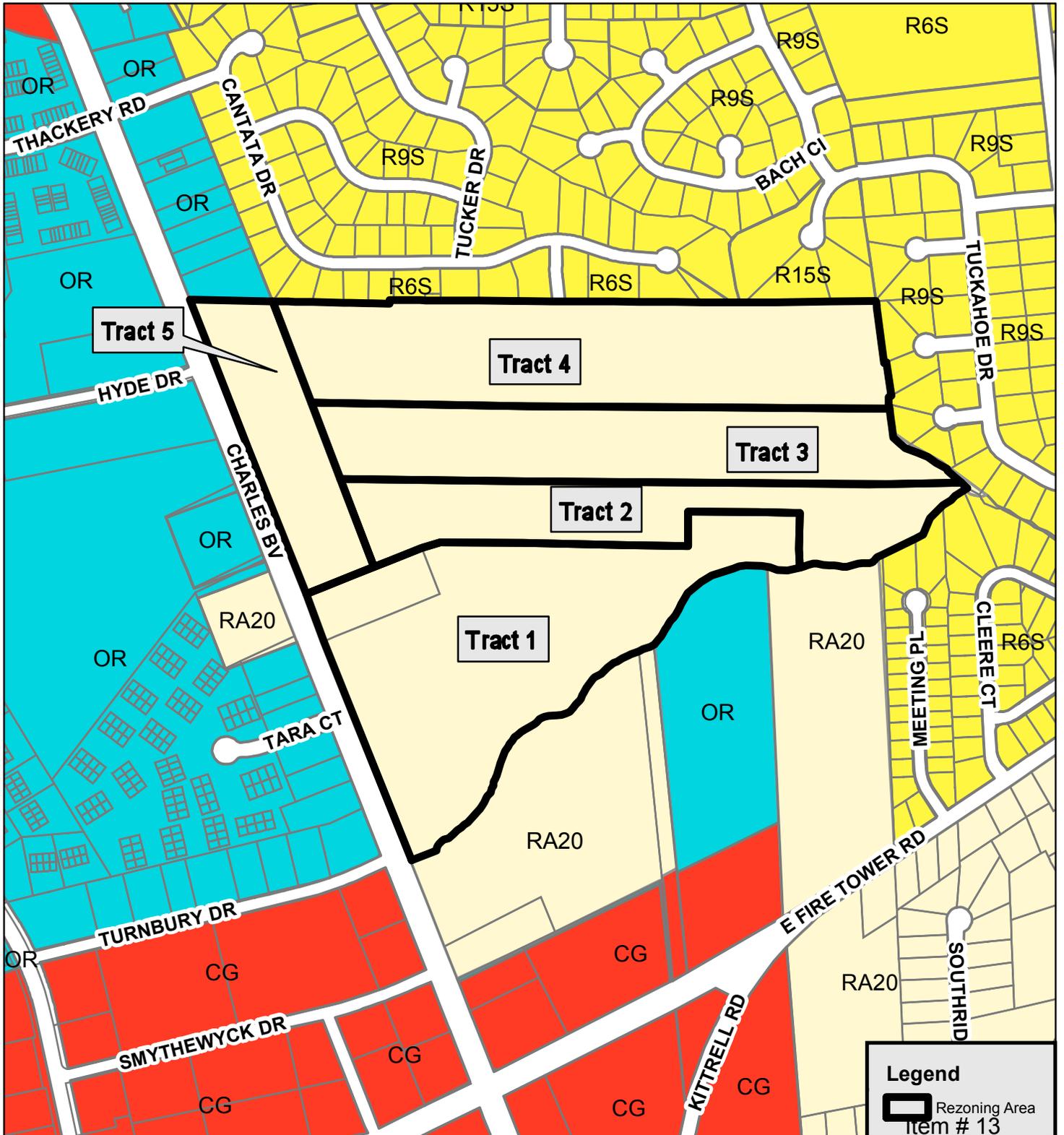
(13) *Transportation:*\* None

(14) *Manufacturing/Warehousing:* \* None

(15) *Other Activities (not otherwise listed - all categories):*\* None

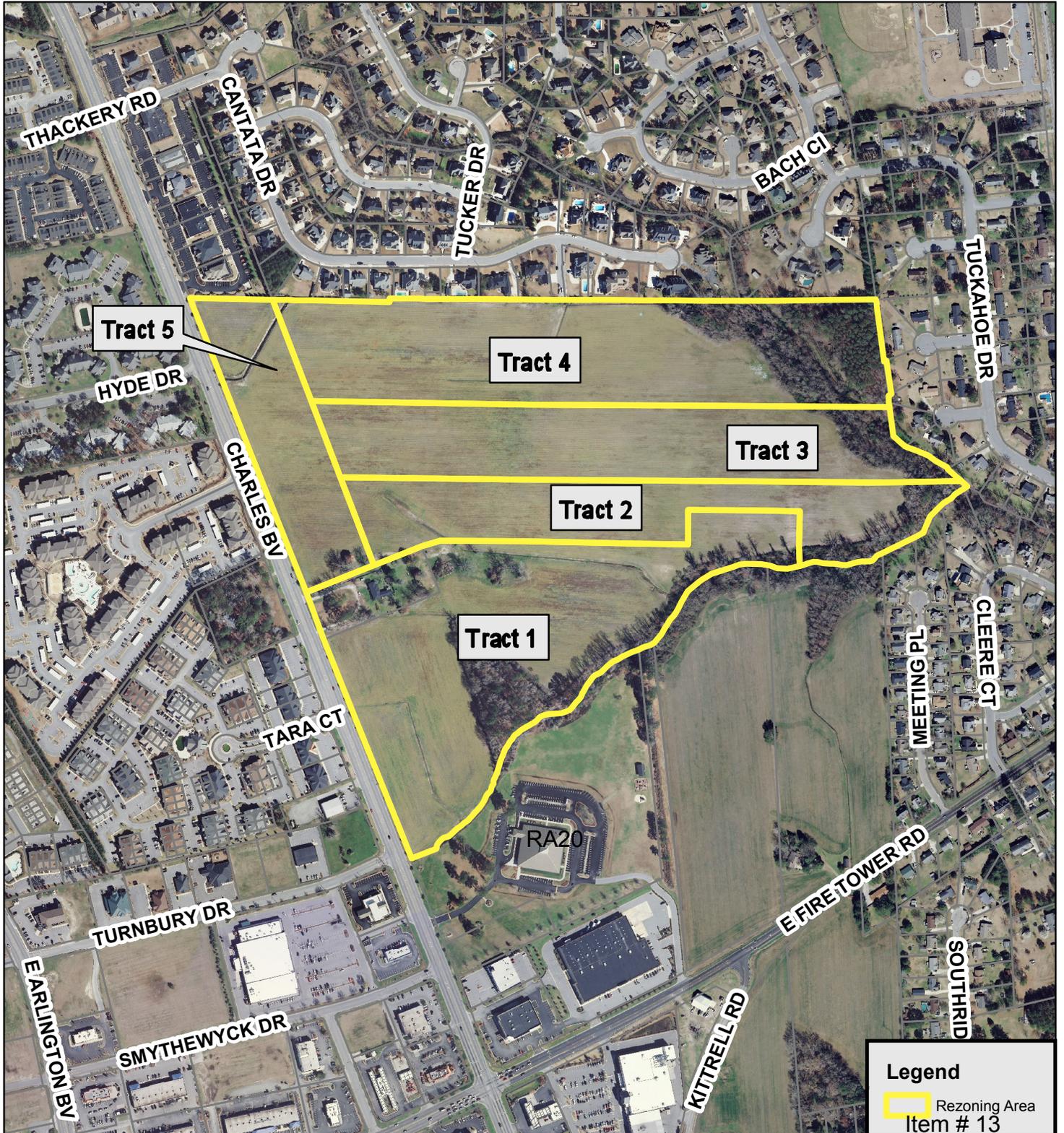


Patricia S. Bowen Etal  
Tract 1: RA20 to R6  
Tract 2: RA20 to R6S  
Tract 3: RA20 to R9S  
Tract 4: RA20 to R15S  
Tract 5: RA20 to O  
February 7, 2017





Patricia S. Bowen Etal  
Tract 1: RA20 to R6  
Tract 2: RA20 to R6S  
Tract 3: RA20 to R9S  
Tract 4: RA20 to R15S  
Tract 5: RA20 to O  
February 7, 2017



**PROPERTY OWNERS ADDRESSES  
WITHIN 100 FEET OF PROPERTY**

**TRUST ATLANTIC BANK**  
4801 GLENWOOD AVENUE-SUITE 500  
RALEIGH, NC 27612

**HANS GREGORY SCHELLER**  
3300 CHARLES BOULEVARD  
GREENVILLE, NC 27858

**CEFM PROPERTIES, LLC.**  
3282 S. CHARLES BOULEVARD  
GREENVILLE, NC 27858

**WINTERGREEN INVESTMENTS**  
3208 CHARLES BOULEVARD  
GREENVILLE, NC 27858

**PEP ECU, LLC.**  
8850 RIO SAN DIEGO DRIVE, SUITE 750  
SAN DIEGO, CA 92108

**MADISON APARTMENTS, LLC.**  
1515 MOCKINGBIRD LANE, SUITE 550  
CHARLOTTE, NC 28209

**MWJ PROPERTIES, LLC.**  
2865 CHARLES BOULEVARD  
GREENVILLE, NC 27858

**GREENBRIER REALTY COMPANY, INC.**  
P.O. BOX 2548  
GREENVILLE, NC 27836

**MARK W. SPRAGUE**  
**THERESA H. SPRAGUE**  
3706 CANTANA DRIVE  
GREENVILLE, NC 27858

**JERRY WAYNE CARROLL**  
P.O. BOX 20665  
GREENVILLE, NC 27858

**KIRBY HARRIS**  
**SHARON HARRIS**  
P.O. BOX 3726  
GREENVILLE, NC 27836

**ADIB FARHADI**  
**ABDUL SHAKOOR FARHADI-et al**  
3712 CANTATA DRIVE  
GREENVILLE, NC 27858

**DONALD WILKERSON, JR.**  
**ANGELA H. WILKERSON**  
3714 CANTATA DRIVE  
GREENVILLE, NC 27858

**ADCO BUILDING VENTURES, INC.**  
3718 CANTATA DRIVE  
GREENVILLE, NC 27858

**NELSON DEAN ADAMS**  
**JACKIE ROBERSON ADAMS**  
3718 CANTATA DRIVE  
GREENVILLE, NC 27858

**BOBBY J. FUSSELL**  
3800 CANTATA DRIVE  
GREENVILLE, NC 27858

**FRANK LIPSCOMB GAY, JR.**  
3802 CANTATA DRIVE  
GREENVILLE, NC 27858

**A. SPRUILL ALEXANDER**  
**DENISE J. ALEXANDER**  
3900 CANTATA DRIVE  
GREENVILLE, NC 27858

**DENNIS P. ROSS**  
3904 CANTATA DRIVE  
GREENVILLE, NC 27858

**JULIAN J. WHITE, III**  
**HEATHER S. WHITE**  
3906 CANTATA DRIVE  
GREENVILLE, NC 27858

**JEFFREY S. ALDRIDGE**  
**PATTI D. ALDRIDGE**  
3910 CANTATA DRIVE  
GREENVILLE, NC 27858

**MICHAEL L. ALDRIDGE-trustee**  
**JEFFREY S. ALDRIDGE COMPANY-trustee**  
**for STEPHEN W. ALDRIDGE-et al**  
P.O. BOX 123  
GREENVILLE, NC 27835

**SUSAN L. ALDRIDGE**  
**MICHAEL L. ALDRIDGE**  
82 TUCKAHOE ROAD  
GREENVILLE, NC 27858

**LOUIS MITCHELL JONES, JR.**  
**DEBORAH C. JONES**  
92 TUCKAHOE ROAD  
GREENVILLE, NC 27858

**RUSSELL P. JACKSON**  
**DEBORAH SHEETS**  
7120 SANDRINGHAM DRIVE  
RALEIGH, NC 27613

**BOBBY W. JOYNER**  
2345 EAST FIRE TOWER ROAD  
GREENVILLE, NC 27858

**CLIFTON LLOYD BROCK, JR.-trustee**  
**for the Kittrell Irrevocable trust**  
3302 ALVIN ROAD  
GRIMESLAND, NC 27837

**RUDOLF SCHELLER**  
3201 SOUTH CHARLES BOULEVARD  
GREENVILLE, NC 27858

**ABC FAMILY, LLC.**  
P.O. BOX 2067  
GREENVILLE, NC 27836

**PITT COUNTY FARM BUREAU**  
3200 CHARLES BOULEVARD  
GREENVILLE, NC 27858

**JOHN MARVIN TAFT**  
**PATRICIA SCHELLER BOWEN-et al**  
P.O. BOX 30924  
GREENVILLE, NC 27833

**BISO, LLC.**  
P.O. BOX 2037  
GREENVILLE, NC 27836

**GRACE CHURCH OF PITT COUNTY, INC.**  
3551 CHARLES BOULEVARD  
GREENVILLE, NC 27834

**SELECT BANK & TRUST COMPANY**  
P.O. BOX 1988  
DUNN, NC 28335

**WILLIAM ROBERT ROBINSON**  
**GERALDINE OAKLEY ROBINSON**  
102 ARRENDAL CIRCLE  
GREENVILLE, NC 27858

**JOHNNY RAY STANLEY, JR.**  
**LISA D. COLTRAIN STANLEY**  
104 ARRENDAL CIRCLE  
GREENVILLE, NC 27858

**HAROLD F. NAU**  
**MARY H. NAU**  
102 CASUAL CIRCLE  
GREENVILLE, NC 27858

**DONNA J. SMITH-trustee**  
402 TUCKAHOE DRIVE  
GREENVILLE, NC 27858

**HAYLEY LAINE HARRISON**  
404 TUCKAHOE DRIVE  
GREENVILLE, NC 27858

**ANTHONY M. HAYES**  
5117 CLEERE COURT  
GREENVILLE, NC 27858

**LEROY T. CHERRY, SR.**  
5115 CLEERE COURT  
GREENVILLE, NC 27858

**JEFFREY J. BLICK**  
106 ARRENDAL CIRCLE  
GREENVILLE, NC 27858

**LESLIE S. ARNOLD**  
104 CASUAL COURT  
GREENVILLE, NC 27858

**BINTZ LOUIS-living trust**  
102 BRITANNY COURT  
MADISON, MS 39110

**DURWARD F. TYSON, JR.**  
3201 MEETING PLACE  
GREENVILLE, NC 27858

**PAUL BERNIER**  
3200 MEETING PLACE  
GREENVILLE, NC 27858

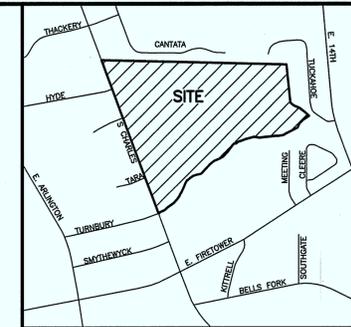
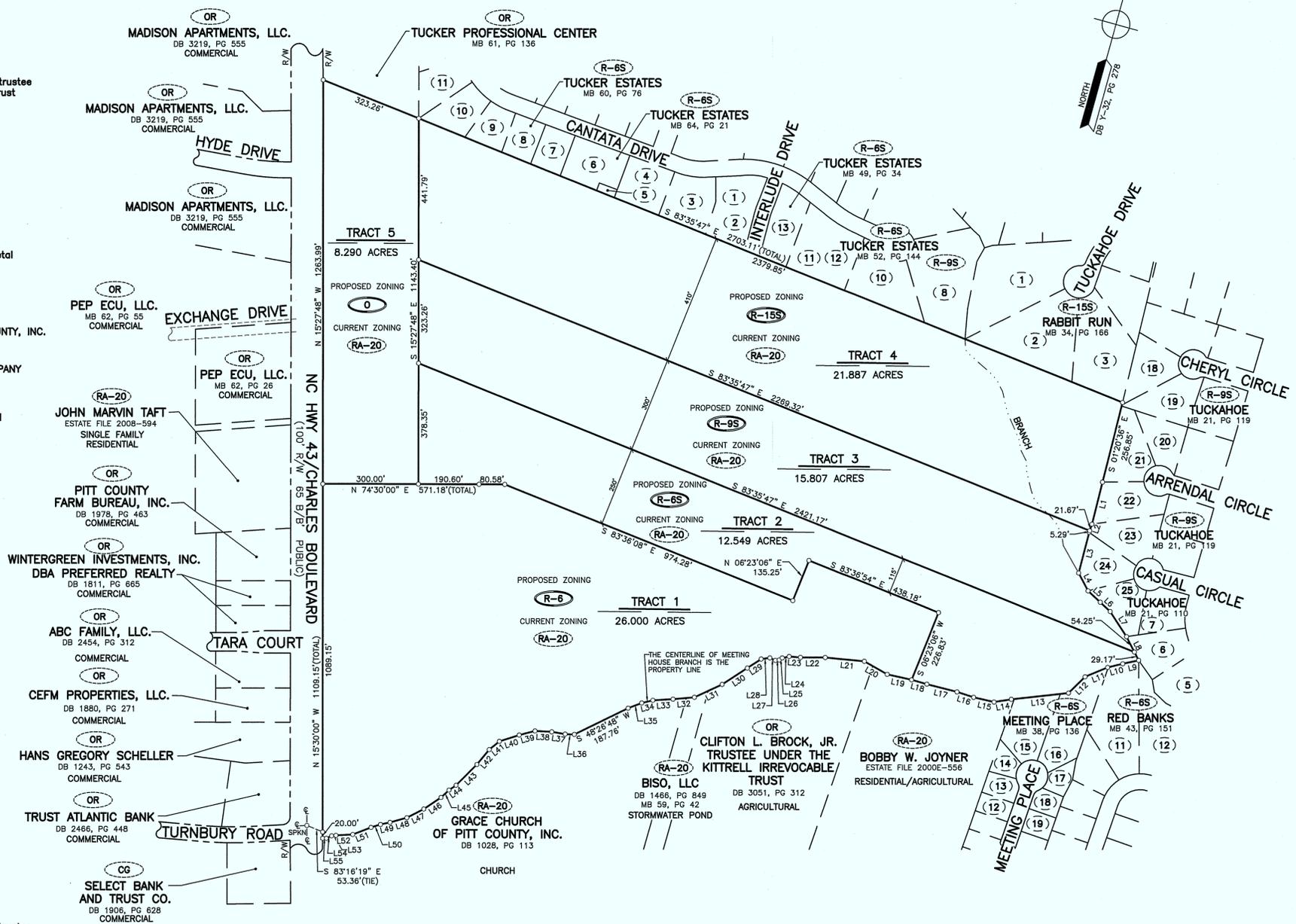
**BOBBY W. JOYNER**  
2345 EAST FIRE TOWER ROAD  
GREENVILLE, NC 27858

**CLIFTON LLOYD BROCK, JR.-trustee**  
**for the Kittrell Irrevocable trust**  
3302 ALVIN ROAD  
GRIMESLAND, NC 27837

**JEFFREY J. BLICK**  
106 ARRENDAL CIRCLE  
GREENVILLE, NC 27858

**THERESA MICHELLE CLARK**  
2451 BLACK JACK SIMPSON ROAD  
GREENVILLE, NC 27858

**DAVID AHLISCHLAGER**  
**JULIA AHLISCHLAGER**  
208 CHERYL CIRCLE  
GREENVILLE, NC 27858



LINE TABLE					
COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
L1	S 01°22'13" E	135.10'	L28	S 67°10'43" W	27.41'
L2	S 03°26'32" W	26.96'	L29	S 41°29'09" W	51.78'
L3	S 01°01'38" E	131.94'	L30	S 41°42'10" W	94.24'
L4	S 43°24'42" E	63.46'	L31	S 49°36'31" W	95.84'
L5	S 62°40'08" E	52.12'	L32	S 69°28'14" W	67.12'
L6	S 62°40'08" E	42.50'	L33	S 71°14'41" W	63.37'
L7	S 48°43'14" E	93.86'	L34	S 61°10'01" W	35.94'
L8	S 42°46'05" E	83.41'	L35	S 53°44'00" W	45.55'
L9	S 62°34'58" W	50.99'	L36	S 76°36'59" W	28.75'
L10	S 60°50'02" W	49.01'	L37	S 84°06'31" W	42.66'
L11	S 51°53'08" W	76.60'	L38	S 77°25'11" W	52.68'
L12	S 30°11'43" W	72.62'	L39	S 59°55'09" W	50.92'
L13	S 68°20'11" W	180.66'	L40	S 56°44'52" W	65.62'
L14	S 65°26'00" W	54.51'	L41	S 35°18'13" W	40.89'
L15	S 87°24'22" W	65.80'	L42	S 24°15'25" W	60.30'
L16	N 87°24'36" W	54.69'	L43	S 29°34'12" W	92.75'
L17	S 88°50'09" W	97.83'	L44	S 39°15'28" W	27.10'
L18	N 89°45'16" W	49.69'	L45	S 31°53'38" W	34.02'
L19	S 87°03'52" W	78.36'	L46	S 40°20'21" W	65.25'
L20	N 75°42'40" W	82.84'	L47	S 46°57'44" W	60.02'
L21	S 80°06'31" W	123.12'	L48	S 58°39'48" W	54.79'
L22	S 74°43'27" W	77.46'	L49	S 62°44'33" W	30.52'
L23	S 79°16'24" W	35.60'	L50	S 57°35'39" W	31.17'
L24	S 62°33'56" W	22.33'	L51	S 53°25'53" W	61.52'
L25	S 41°37'45" W	11.33'	L52	S 71°30'09" W	52.69'
L26	S 67°40'44" W	12.04'	L53	S 68°34'25" W	13.58'
L27	N 81°44'37" W	18.96'	L54	S 49°38'28" W	18.40'
			L55	S 74°30'00" W	11.84'

**LEGEND**

R/W = RIGHT-OF-WAY  
C = CENTERLINE  
SPKN = SET PARKER KALON NAIL  
B/B = BACK OF CURB  
TO BACK OF CURB

**NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- REFERENCE: A PORTION OF A PROPERTY AS SHOWN ON A MAP IN MAP BOOK 11, PAGE 35 OF THE PITT COUNTY REGISTER OF DEEDS.

GRAPHIC SCALE: 1" = 200'  
SHEET 1 OF 1  
REZONING MAP

TAX PARCEL #09010  
MAP #4696-07-9875

**LCD ACQUISITIONS, LLC**  
A PORTION OF TRACT #1, C.A. TUCKER LAND DIVISION  
REFERENCE: MAP BOOK 11, PAGE 35 OF THE  
PITT COUNTY REGISTER OF DEEDS  
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER: PATRICIA S. BOWEN, ETAL ADDRESS: 3325 DAVIE STREET WINTERVILLE, NC 28590 PHONE: (252) 756-0714	OWNER: RUDOLF SCHELLER ADDRESS: 3201 CHARLES BLVD. GREENVILLE, NC 27858 PHONE: (252) 341-9407
--	--

**Baldwin Design Consultants, PA**  
ENGINEERING - SURVEYING - PLANNING  
1700-D EAST ARLINGTON BOULEVARD  
GREENVILLE, NC 27858 292.756.1390

SURVEYED: JDP	APPROVED: MWB
DRAWN: NRW/JBE	DATE: 12/07/16
CHECKED: MWB	SCALE: 1" = 200'

**CLOSURE CHECK BOUNDARY**  
CHECKED: NRW DATE: 12/08/16



Case No: 16-16

Applicant: Patricia S. Bowen Etal (revised)

**Property Information**

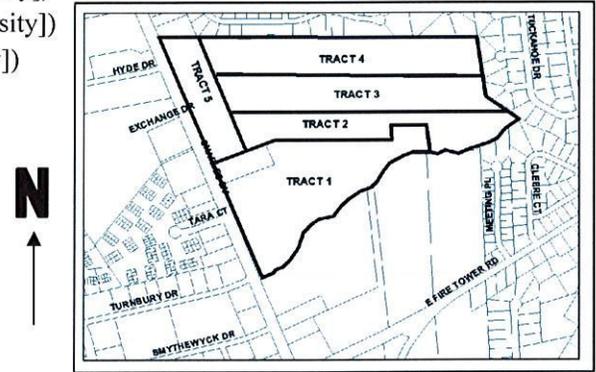
**Current Zoning:** Tract 1: RA20 (Residential-Agricultural)  
 Tract 2: RA20 (Residential-Agricultural)  
 Tract 3: RA20 (Residential-Agricultural)  
 Tract 4: RA20 (Residential-Agricultural)  
 Tract 5: RA20 (Residential-Agricultural)

**Proposed Zoning:** Tract 1: R6 (Residential [High Density Multi-Family])  
 Tract 2: R6S (Residential -Single -family [Medium Density])  
 Tract 3: R9S (Residential-Single - Family [Medium Density])  
 Tract 4: R15S (Residential -Single-Family [Low Density])  
 Tract 5: O (Office)

**Current Acreage:** Tract 1: 26 acres  
 Tract 2: 12.549 acres  
 Tract 3: 15.807 acres  
 Tract 4: 21.887 acres  
 Tract 5: 8.290 acres

**Location:** Charles Blvd, north of Fire Tower Rd

**Points of Access:** Charles Blvd



**Location Map**

**Transportation Background Information**

**1.) Charles Blvd- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	45	no change
<b>Current ADT:</b>	22,888 (*)	Ultimate Design ADT: 39,700 vehicles/day (**)
<b>Design ADT:</b>	29,900 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

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

**Notes:** (\*) 2014 NCDOT count adjusted for a 2% annual growth rate  
 (\*\*) Traffic volume based an operating Level of Service D for existing geometric conditions  
 ADT – Average Daily Traffic volume

**Transportation Improvement Program Status:** No planned improvements.

**Trips generated by proposed use/change**

**Current Zoning: 2,918** -vehicle trips/day (\*)                      **Proposed Zoning: 4,556** -vehicle trips/day (\*)

**Estimated Net Change: increase of 1638 vehicle trips/day (assumes full-build out)**

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

**Impact on Existing Roads**

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

1.) Charles Blvd , North of Site (60%):           **“No build” ADT of 22,888**

Estimated ADT with Proposed Zoning (full build) – 25,622  
Estimated ADT with Current Zoning (full build) – 24,639  
**Net ADT change = 983 (4% increase)**

2.) Charles Blvd , South of Site (40%):           **“No build” ADT of 22,888**

Estimated ADT with Proposed Zoning (full build) – 24,710  
Estimated ADT with Current Zoning (full build) – 24,055  
**Net ADT change = 655 (3% increase)**

**Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4556 trips to and from the site on Charles Blvd, which is a net increase of 1638 additional trips per day.

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

04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirements:** Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

**Parking Area:** Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

<b>RESIDENTIAL DENSITY CHART</b>			
<b>Density Level</b>	<b>Future Land Use and Character Type</b>	<b>Applicable Zoning District(s)</b>	<b>Units per Acre***</b>
High	Uptown Edge (UE)	CDF	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6	17 units per acre
	Residential, High Density (HDR)	R6	17 units per acre
		R6MH	17 units per acre
Medical-Transition (MT)	MR	17 units per acre	
High to Medium	Mixed Use (MU)	OR	17 units per acre
		R6	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
Medium to Low	Traditional Neighborhood, Low-Medium Density (TNLM)	R9	6 units per acre
		R9S	5 units per acre
		R15S	3 units per acre
	Residential, Low-Medium Density (LMHR)	R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

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

# Grace Church

3551 South Charles Boulevard  
Greenville, North Carolina 27858  
Phone (252) 355-3500  
Fax (252) 355-0338  
www.gracechurchnc.com

February 16, 2017

City of Greenville Planning Board and  
City of Greenville City Council  
P.O. Box 7207  
Greenville, NC 27834-7207

REF: Rezoning of 3180 and 3201 South Charles Boulevard

Dear Greenville Planning Board Members and Greenville City Council Members:

On behalf of Grace Church, I have spoken to representatives of LCD Acquisitions, LLC about their request to rezone two parcels, totaling roughly 84 acres, that are adjacent to our property. I would like to express our support for this rezoning request.

Sincerely,



Mike Meshaw  
Pastor

MM/dp

*"Grace and Truth came by Jesus Christ."  
John 1:17*

Item # 13

February 16, 2017

Planning and Zoning Commission and City Council  
200 W Fifth Street  
Greenville, NC

**RE: Rezone Application for 3180 South Charles Boulevard**

To Whom It May Concern:

In early October 2016, representatives of Landmark proactively began reaching out to homeowners in Tucker estates about their proposed rezone. During those discussions, several community members expressed concerns about the impact the rezone would have on them. In response, we hosted a meeting with the broader Tucker Estates community on November 6, 2016. Approximately 120 community members were in attendance. The conclusion of the meeting was twofold:

- 1) that the community had concerns about the proposed rezoning; and
- 2) that this site would eventually be developed, so it was in the interest of Tucker Estates owners to work with the Landmark and the property owners.

In response, we (the signatories below) were nominated, on behalf of Tucker Estates, to work with Landmark and the property owners on a compromise proposal that would work for both them and our community.

After several meetings with Landmark, we were able to reach a mutually agreeable solution.

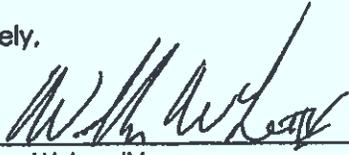
In response to our concerns about future development, Landmark updated their proposal to include the following:

- 1) an agreement to rezone the entire parcel and include several different zoning classifications to help transition density from the larger-lot single-family homes found in Tucker Estates to the proposed higher density use at the far end of the of the site
- 2) an agreement to place restrictive design covenants on the land closest to Tucker Estates, thereby guaranteeing the construction of high-quality large-lot homes closest to our existing homes
- 3) an agreement to purchase a 50-foot wide strip of land along the boundary of Tucker Estates closest to the site and convey it fee-simple to the respective owners, to serve as an added buffer between Tucker and future development
- 4) a reduced and adjusted footprint of the proposed R6 zoning classification

We called a second community meeting on January 8<sup>th</sup> and roughly 60 community members attended despite the inclement. We presented the updated proposal and discussed the key changes. Following the larger meeting, we met with many other property owners individually who were not able to attend the meeting due to the inclement weather.

Everyone reacted positively to the collaborative efforts that had taken place between Landmark, the property owners and ourselves, and we voted as a community to support the rezoning effort.

Sincerely,



---

William W. Lee IV  
Neighborhood Representative  
2605 Surrey Lane  
Greenville, NC 27858



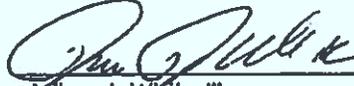
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Christian E. Porter  
Neighborhood Representative  
3901 Cantata Drive  
Greenville, NC 27858



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Jeffrey S. Aldridge  
Neighborhood Representative  
3910 Cantata Drive  
Greenville, NC 27835-0000



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Julian J. White III  
Neighborhood Representative  
3906 Cantata Drive  
Greenville, NC 27858



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance requested by WGB Properties, Incorporated, to rezone 7.87 acres located along the northern right-of-way of Clifton Street and the eastern right-of-way of Evans Street from CG (General Commercial) to OR (Office-Residential [High Density Multi-family])

**Explanation:** **Abstract:** The City has received a request from WGB Properties, Incorporated, to rezone 7.87 acres located along the northern right-of-way of Clifton Street and the eastern right-of-way of Evans Street from CG (General Commercial) to OR (Office-Residential [High Density Multi-family]).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 7, 2017.  
On-site sign(s) posted on February 7, 2017.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on March 7, 2017.  
Public hearing legal advertisement published on March 6 and March 13, 2017.

**Comprehensive Plan:**

The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of the intersection of Evans Street and Arlington Boulevard transitioning to office/institutional (OI) and university/institutional (UI) in the interior area.

Further, the Future Land Use and Character recommends potential conservation/open space (PCOS) along Green Mill Run. The map is not meant to be dimensionally specific and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Land Use Plan designations,

contextual considerations, and the general policies of the comprehensive plan.

Office/Institutional:

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

Primary Uses:

Office

Institutional/Civic

University Neighborhood:

Mainly comprised of ECU's Main Campus, surrounding facilities (athletic fields), and the future Millennial Campus. The core of the campus area tends to cluster buildings in a walkable pattern. At the edges of the campus are related facilities and parking areas.

Intent:

- Encourage better physical links between Uptown and ECU
- Support campus development as described in A Campus Within Context, A Comprehensive Master Plan for East Carolina University (2012) and in potential master plan updates by coordinating infrastructure improvements and leveraging investments to revitalize adjacent areas.

Primary Uses:

Institutional/Civic

Secondary Uses:

Office

Multi-family residential

There is a designated neighborhood activity center at the intersection of Arlington Boulevard and Evans Street. These centers are intended to contain 20,000-50,000 square feet of conditioned floor space and serve an area

within one mile.

## **Chapter 5: Creating Complete Neighborhoods**

### **Goal 5.1. Strong Existing Neighborhoods**

Greenville will have strong established neighborhoods, with support for neighborhood organizations, high quality housing, unique character, and robust integration with the rest of the community.

#### **Policy 5.1.5 Address Disinvestment Occurring at Multi-family Housing Complexes.**

The City will mitigate the disinvestment in multi-family housing complexes that is occurring on the edges of the city through the land use vision identified on the Future Land Use and Character Map. These multi-family complexes historically served as student housing. As newer, higher quality student housing is being developed closer to the ECU campus, disinvestment is occurring at a few multi-family complexes on the city's edge due to increased vacancy rates, lack of amenities, and distance to campus. The Future Land Use and Character Map and this policy encourage these areas to redevelop to other more appropriate uses, such as commercial or office centers, with existing buildings either eventually replaced or retrofitted to the NC commercial building code. Future multi-family developments should be developed in areas that are supported by transit service, proximate to needed services, employment areas, and the ECU campus, and are walkable and designed with community amenities.

## **Chapter 9: Action Plan**

### **Priority Implementation Action #4: Develop Strategy to Address Overdevelopment of Peripheral Apartment Complexes (Action 5.7.)**

A handful of multi-family apartment complexes on the periphery of the city have the potential to face disinvestment due to overdevelopment. The impact of these properties can extend beyond property lines, and a strategy to tackle the issue should be developed before the full effect of disinvestment hits. This action was not a top ten priority at the public open house, but addresses a condition in particular need of attention from the City.

#### **Thoroughfare/Traffic Report Summary (PWD-Engineering Division):**

Based on the analysis comparing the existing zoning (3,509 daily trips) and requested rezoning, the proposed rezoning classification could generate approximately 732 trips to and from the site on Evans Street and Arlington Boulevard, which is a net *decrease* of 2,777 less trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

#### **History/Background:**

In 1969, the property was zoned CG (General Commercial).

Last year, an identical rezoning request was submitted by the applicant. The Planning and Zoning Commission recommended approval, but City Council denied the request on April 14, 2016.

**Present Land Use:**

Vacant

**Water/Sewer:**

Water and sanitary sewer are available to the subject property.

**Historic Sites:**

There are no known effects on designated sites.

**Environmental Conditions/Constraints:**

The subject property is impacted by the floodway, 100- and 500-year floodplains associated with Green Mill Run.

**Surrounding Land Uses and Zoning:**

North: CH - City of Greenville (vacant); OR - East Carolina University (wooded)

South: CG - McGee Cadd, Hope of Glory Thrift Store and one (1) vacant lot (under common ownership of applicant)

East: OR - Cypress Creek Townhomes; CG - State of North Carolina

West: CG - Vacant (under common ownership of applicant); CH - Vacant

**Density Estimates:**

Under the current zoning (CG), staff would anticipate the site to yield 51,000+/- square feet of commercial space.

Under proposed zoning (OR), staff would anticipate the site to yield 100-110 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is 1-2 years.

**Additional Staff Comments:**

The property is impacted by the Green Mill Run Greenway, Phase 2 Extension Project that runs for 1.2 miles between Evans Street and Charles Boulevard. There is a 20-foot greenway easement located on the property (see survey).

**Fiscal Note:** No cost to the City.

**Recommendation:** In staff's opinion, the request is in general compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

"In general compliance with the comprehensive plan" should be construed as meaning the requested zoning is recognized as being in a transition area and that the requested zoning (i) is currently contiguous, or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan (or addendum to the plan), (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted 5-3 to deny the request at its February 21, 2017 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the zoning map amendment, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the request to rezone and to make a finding and determination that although the proposed amendment is in general compliance with the adopted comprehensive plan, in this instance the denial of the rezoning request is reasonable and in the public interest due to the potential uses under the proposed rezoning and due to there being a more appropriate zoning classification that promotes the safety and general welfare of the community.

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

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

**Attachments / click to download**

- [Attachments](#)
  - [Ordinance WGB Properties 1047262](#)
  - [Minutes WGB Properties 1047537](#)
  - [List of Uses for CG to OR 1033499](#)
-

ORDINANCE NO. 17-  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 20<sup>th</sup> day of March, 2017, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area and at an activity center;

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

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

TO WIT: WGB Properties, Incorporated Property

LOCATION: Located along the northern right-of-way of Clifton Street and the eastern right-of-way of Evans Street.

All that certain tract or parcel of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, bounded on the north by the City of Greenville property, East Carolina University property and the State of North Carolina property, on the east by Cypress Creek Townhomes and Cypress Creek Lane, on the south by Clifton Street and on the west by Kenneth McGee property and Evans Street and being described by metes and bounds as follows:

BEGINNING at a point in the eastern right-of-way line of Evans Street, said point being the northwest corner of the Kenneth J. McGee property described in Deed Book 1118, Page 717, thence leaving the McGee property and with the eastern right-of-way line of Evans Street N 15°58'33" E 237.75 feet to a point in the centerline of Green Mill Run, a common corner with the City of Greenville property as shown on a map recorded in Map Book 27, Page 117, thence leaving Evans Street and with the southern line of the City of Greenville property, meandering along the centerline of Green Mill Run N 68°29'25" E 88.35 feet, N 52°34'10" E 172.49 feet, N 40°30'02" E 54.97 feet, N 21°22'09" E 48.10 feet, N 71°41'51" E 22.19 feet, S 75°21'16" E 34.76 feet to a point in Green Mill Run, a common corner with the City of Greenville property and the East Carolina University property, thence leaving the City of Greenville property and Green Mill Run and with the southern line of the East Carolina University property S 44°32'24" E 355.85 feet to a point in said line, a common corner with the State of North Carolina property recorded in Deed Book 564, Page 256, thence leaving the East Carolina University property and the State of North Carolina property S 49°29'21" W 179.02 feet, thence S 59°50'40" E 151.02 feet to a point in said line, a common corner with the Cypress Creek Townhomes, thence leaving the State of North Carolina property and with the Cypress Creek Townhomes S 00°14'31" W 98.58 feet, S 22°20'22" E 321.24 feet to a point in the western right-of-way line of Cypress Creek Lane, thence leaving Cypress Creek Townhomes and with the western right-of-way line of Cypress Creek Lane S 59°21'39" W 49.04 feet, S 67°12'56" W 76.01 feet, thence N 75°22'09" W 37.16 feet to a point where the western right-of-way line of Cypress Creek Lane intersects with the northern right-of-way of Clifton Street, thence with the northern right-of-way of Clifton Street along a curve in a counter clockwise direction, said curve having a radius of 415.04 feet, a chord bearing of N 50°20'56" W, and a chord distance of 292.22 feet, thence continuing with said right-of-way N 73°55'17" W 258.73 feet to a point, said point being the southeast corner of the Kenneth McGee property recorded in Deed Book 1118, Page 717, thence leaving Clifton Street and with the McGee property N 15°58'33" E 135.00 feet, thence N 73°55'17" W 180.00 feet to the POINT OF BEGINNING, containing 7.87 acres more or less as shown on Rivers and Associates, Inc. drawing Z-2608, dated January 19, 2016, last revised January 13, 2017 entitled REZONING MAP FOR WGB PROPERTIES, INC. which by reference is made a part hereof for a more detailed description.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

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

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

ADOPTED this 20<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

Doc. # 1047262

**Excerpt from DRAFT the Planning & Zoning Commission Minutes (2/21/2017)**

ORDINANCE REQUESTED BY WGB PROPERTIES, INCORPORATED TO REZONE 7.87 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF CLIFTON STREET FROM CG (GENERAL COMMERCIAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – DENIED

Ms. Gooby delineated the property. It is located in the central section of the city near the intersection of Evans Street and Arlington Boulevard. There is a city greenway that bisects the property. This property is impacted by the floodway and 100 and 500-year floodplains associated with Green Mill Run. There are a variety of uses in this area. The property is adjacent to Cypress Creek Townhomes and ECU property. Since a traffic analysis indicates this rezoning could generate a decrease of traffic, a traffic report was not prepared. This property has been zoned CG since 1969. Under the current zoning, staff would anticipate 50,000 square feet of commercial space. Under the proposed zoning, staff would anticipate 100-110 multi-family units. The Future Land Use and Character Map recommends commercial (C) at the intersection of Evans Street and Arlington Boulevard transitioning to office/institutional (OI). The property is adjacent to OR-zoned property. In staff's opinion, the request is in general compliance with Horizons 2026: Greenville's Community Plan, the Future Land Use and Character Plan Map.

Ms. Leech stated she is familiar with this property and knows it has two separate elevations, which floods. She asked how anyone could develop the site and access to the property.

Ms. Gooby referred the question about development to the applicant. Access to the property will be from Clifton Street.

Ms. Leech stated that any additional traffic on Clifton Street is very close to the busy Arlington Boulevard/Evans Street intersection.

Ms. Bellis asked about access from one side of the property to the other side due to the greenway.

Ms. Gooby stated the greenway bisects the property from east to west. The northern portion is lower in topography and it is possible that that portion is not developable.

Mr. Maxwell asked if the City Engineer could speak to runoff and stormwater.

Ms. Cathy Meyer, City Engineer, stated that Green Mill Run is under a watershed study. A memorandum, issued today by City Engineer Scott Godefroy, stated that a 25-year watershed detention is needed. That means there will be no increase in volume of water. Extra steps are being put in place because problems already exist.

Chairman King opened the public hearing.

Mr. Darsen Sowers, representative of the applicant, spoke in favor of the request. The property for the greenway was taken through eminent domain. We would like to develop the buildable section (southern) of the property and work with the City regarding the stormwater/retention area by making it some type of water feature. He has met with some of the neighbors regarding the request. WGB Properties want to work with the neighbors. The best use would be for housing. They take good care of their properties. They would like to do a project similar to The Berkley or market rate housing.

Mr. Herring asked about the concerns of the neighborhood.

Mr. Sowers stated traffic making a left turn onto Evans Street from Clifton Street and accidents. He suggested a stop light would create safety.

Mr. Maxwell stated that a traffic light so close to a major intersections is not allowed.

Mr. Sowers stated that the new NCDOT standard is 1,500 feet, which is shorter than the older standard. It is City Council's job to eliminate those obstacles.

Mr. Steve Janowski, Engineer with Rivers and Associates, representative of the applicant, spoke in favor. The current zoning is General Commercial which can have over 3,000 vehicles per day. The request is for Office/Residential which would be an improvement with 800 vehicles or less per day. Some of the land is not developable. They would mitigate stormwater appropriately.

Mr. Maxwell asked about the difference in traffic with commercial versus residential.

Mr. Janowski stated there is a manual with calculations to formulate averages based on acreage and use to determine peak/non-peak hours. This helps to estimate traffic patterns for mitigation.

Mr. Robinson asked for examples of current zoning.

Mr. Janowski stated examples of uses for commercial zoning: municipal/state government buildings, federal buildings, liquor stores, agricultural, parks, circus, carnival, fair, professional/business offices, bank, dental/medical offices, funeral homes, barber/beauty shops, jewelry stores, retail, grocery stores and more.

Ms. Bellis asked if developing townhomes was considered.

Mr. Janowski stated that it is not feasible due to development cost.

Ms. Bellis asked if anyone looked into vacancy rates of apartments in Greenville.

Mr. Janowski stated no.

Mr. Sowers stated there is no control over demand but they can design to cater to a certain demographic. They have no plans to develop right now.

Ms. Barbara Dunlap, 14 Palmetto Place, spoke in opposition, on behalf of herself and three other residents (Barbara Jackson, Tyree Walker, and Robert Carroll). More development in this area means more traffic, accidents, water run-off and flooding. Retail development will increase the value of their homes and apartments would decrease the value. She wants the zoning to remain the same.

Ms. Libby Nelson, Cypress Creek Townhomes owner, spoke in opposition. She stated not to cut the trees and to keep people healthy and build a yogurt/juice bar.

Ms. Diane Wade, 13 Palmetto Place, spoke in opposition. She stated that WGB Properties speak to intent but there is no guarantee what will be there. Water run-off is a big problem. She suggested a continuance or to table the request so that the owner can have more discussion with the neighboring residents.

Mr. Collins asked what she thought about commercial zoning being a higher traffic generator.

Ms. Wade stated she doesn't believe it and it doesn't seem plausible on 4 acres. Multi-family would create more traffic. Clifton Street is a cut through from Arlington Boulevard to Evans Street.

Ms. Mollye Otis, 10 Palmetto Place, spoke in opposition. She stated the only benefit to the request is to the developer. The greenway is not close to anything. There would be too much traffic on Clifton Street and even worse to exit onto Arlington Boulevard or Evans streets. All surrounding properties already drain their run-off into the watershed, which is polluted. The Horizons Plan speak to preserving the character of a neighborhood.

Ms. Ariana Perlata, assistant professor of Biology at ECU, spoke in opposition. She studies how land use impacts water quality and stormwater. Development at this property would exacerbate flooding in the area and add flooding both up/down stream. Flooding impacts nutrient levels.

Mr. Collins asked for the difference of developing as residential versus commercial.

Ms. Perlata stated to build a green infrastructure.

Mr. Herring asked about run-off.

Ms. Peralta stated that currently the water is filtered by the soil. If developed, there is no way to capture the water and treat it before it goes into the river.

Ms. Leech asked if the bluff was helping the area.

Ms. Perlata stated yes. It is doing a service by treating the water and having a place for it to go.

Ms. Ann Maxwell spoke in opposition. She doesn't want to see the trees cut because it will impact the area, the water, and flooding. Evans Street already floods. The 25-year pond will not be able to mitigate fully. Traffic, safety and environmental issues are already a concern in this area. The possible use of multi-family has no guarantee.

Ms. Ruth Leggett, spoke in opposition, she is opposed because of flooding and traffic.

Ms. Ann Harrington, spoke in opposition, she is opposed to cutting the trees and potential environmental damage.

Mr. Darson Sowers, spoke in favor in rebuttal, he stated they have no plan to build a 400 bed development on this property. They want to preserve trees and take into consideration the

adjoining neighborhood. They will not build in the flood plain. Any development will have green infrastructure.

Mr. Collins asked if the applicant could accomplish anything if the request was tabled.

Mr. Sowers stated that not everyone is opposed. If they sold the property, which they won't, the new owner would possibly not be as kind. The applicant is a self-sustained business for the wealth and benefit of the City. The application needs to go to City Council. He would consider waiting on that until he can meet with the residents.

Ms. Barbara Dunlap, spoke in opposition in rebuttal, she stated that currently half of Clifton Street is office/retail space, which has minimal traffic. The proper use of the land would be to continue the same types of retail. There is only 4 acres to build on which means the building would have to go vertical and have a large number of beds in order to cover development costs. If there is no plan for the property, then there is no reason to rezone it now.

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

Mr. Collins asked about a letter the Commission received from Ken McGee regarding a heliport.

Ms. Gooby stated that Mr. McGee owns McGee CADD at the corner of Evans Street and Clifton Street and has a heliport on his property

Mr. Maxwell stated that no mitigation will reduce water run-off due to the elevation difference.

Ms. Leech stated this is a sensitive area that floods often and adding development will complicate it.

Mr. Overton stated the trees could be cut at any time by the owner. The current commercial zoning would need to be mitigated and trees could be removed. He is concerned with the traffic problems.

Mr. Collins referenced Mr. McGee's letter where it is stated that heliports are not compatible with the adjacent residential high density multi-family zoning. He asked if Staff could confirm.

Ms. Gooby stated the letter provides the FAA identifier for the helipad, which are regulated by the FAA. Staff has no further information.

**Motion made by Mr. Maxwell, seconded by Mr. Collins, to recommend denial of the proposed amendment to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. In favor: Maxwell, Collins, Leech, Bellis, and Reid. Oppose: Herring, Robinson, and Overton. Motion carried.**

## **EXISTING ZONING**

### **CG (General Commercial)**

#### ***Permitted Uses***

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

##### *(2) Residential: \* None*

##### *(3) Home Occupations (see all categories):\*None*

##### *(4) Governmental:*

- b. City of Greenville municipal government building or use. (See also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

##### *(5) Agricultural/Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

##### *(6) Recreational/Entertainment:*

- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only

##### *(7) Office/Financial/Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center

##### *(8) Services:*

- c. Funeral home
- e. Barber or beauty shop

- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Laundrette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

*(9) Repair:*

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

*(10) Retail Trade:*

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales

- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

*(13) Transportation:*

- c. Taxi or limousine service
- h. Parking lot or structure; principal use

*(14) Manufacturing/Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

**CG (General Commercial)**

***Special Uses***

*(1) General:\* None*

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

*(3) Home Occupations (see all categories):\* None*

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/Mining:\* None*

*(6) Recreational/Entertainment:*

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club

t. Athletic club; indoor and outdoor facilities

*(7) Office/Financial/Medical:*

- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private

*(9) Repair:*

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use

*(10) Retail Trade:*

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage

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

- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)

*(12) Construction:\* None*

*(13) Transportation:\* None*

*(14) Manufacturing/Warehousing:*

- k. Mini-storage warehouse, household; excluding outside storage

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

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

**PROPOSED ZONING**

**OR (Office-Residential)**

***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales incidental

*(2) Residential:*

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

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

*(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) *Repair*:\* None

(10) *Retail Trade*:

- s. Book or card store, news stand
- w. Florist

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:\* None

(12) *Construction*:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

**OR (Office-Residential)**

***Special Uses***

(1) *General*:\* None

(2) *Residential*:

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

(3) *Home Occupations (see all categories):*\* None

(4) *Governmental:*

a. Public utility building or use

(5) *Agricultural/ Mining:*\* None

(6) *Recreational/ Entertainment:*

c.(1). Tennis club; indoor and outdoor facilities

h. Commercial recreation; indoor only, not otherwise listed

(7) *Office/ Financial/ Medical:*

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

(8) *Services:*

a. Child day care facilities

b. Adult day care facilities

l. Convention center; private

s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

ff. Mental health, emotional or physical rehabilitation center

(9) *Repair:*\* None

(10) *Retail Trade:*

h. Restaurant; conventional

j. Restaurant; regulated outdoor activities

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:*\* None

(12) *Construction:*\* None

(13) *Transportation:*

h. Parking lot or structure; principle use

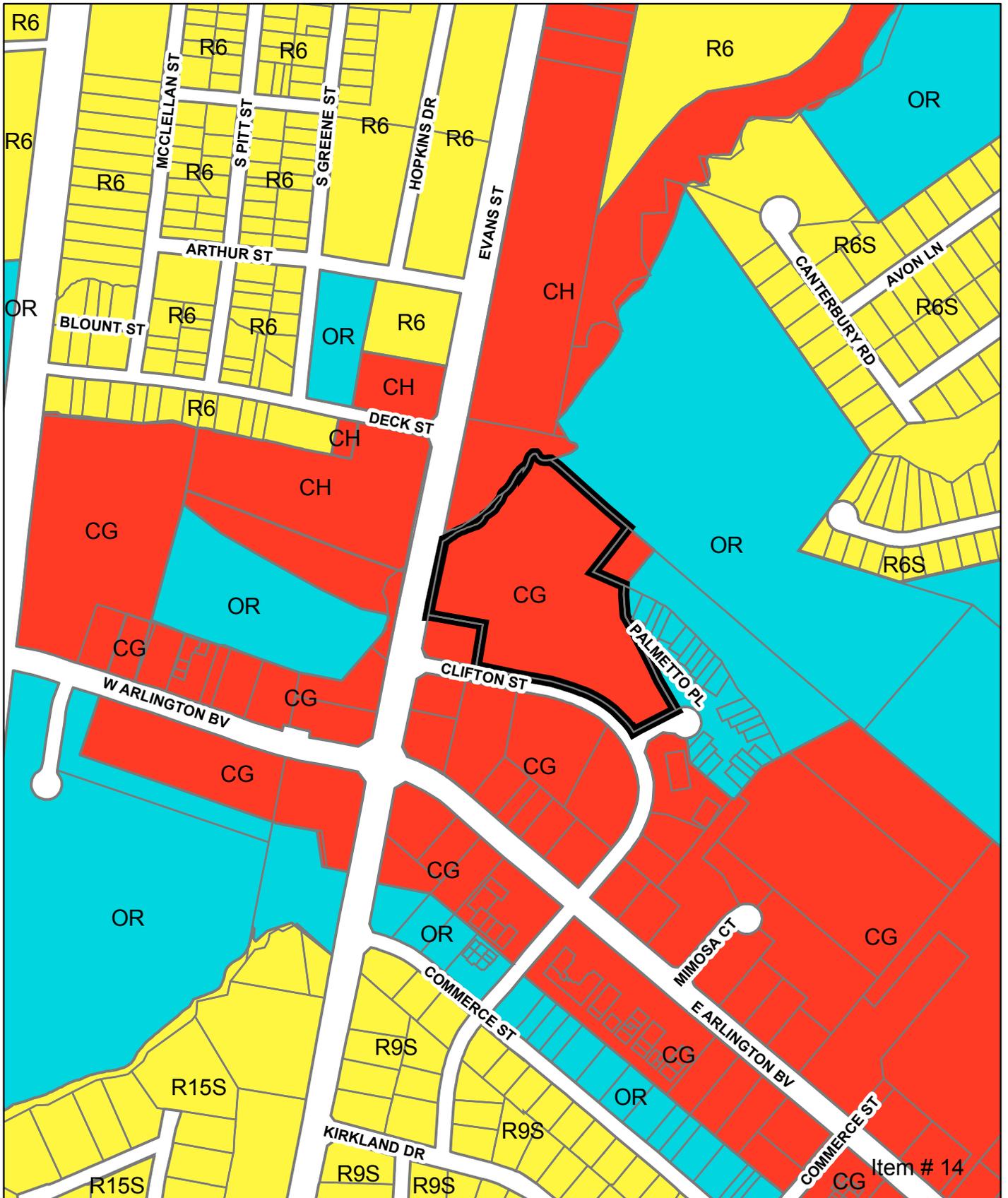
(14) *Manufacturing/ Warehousing:* \* None

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

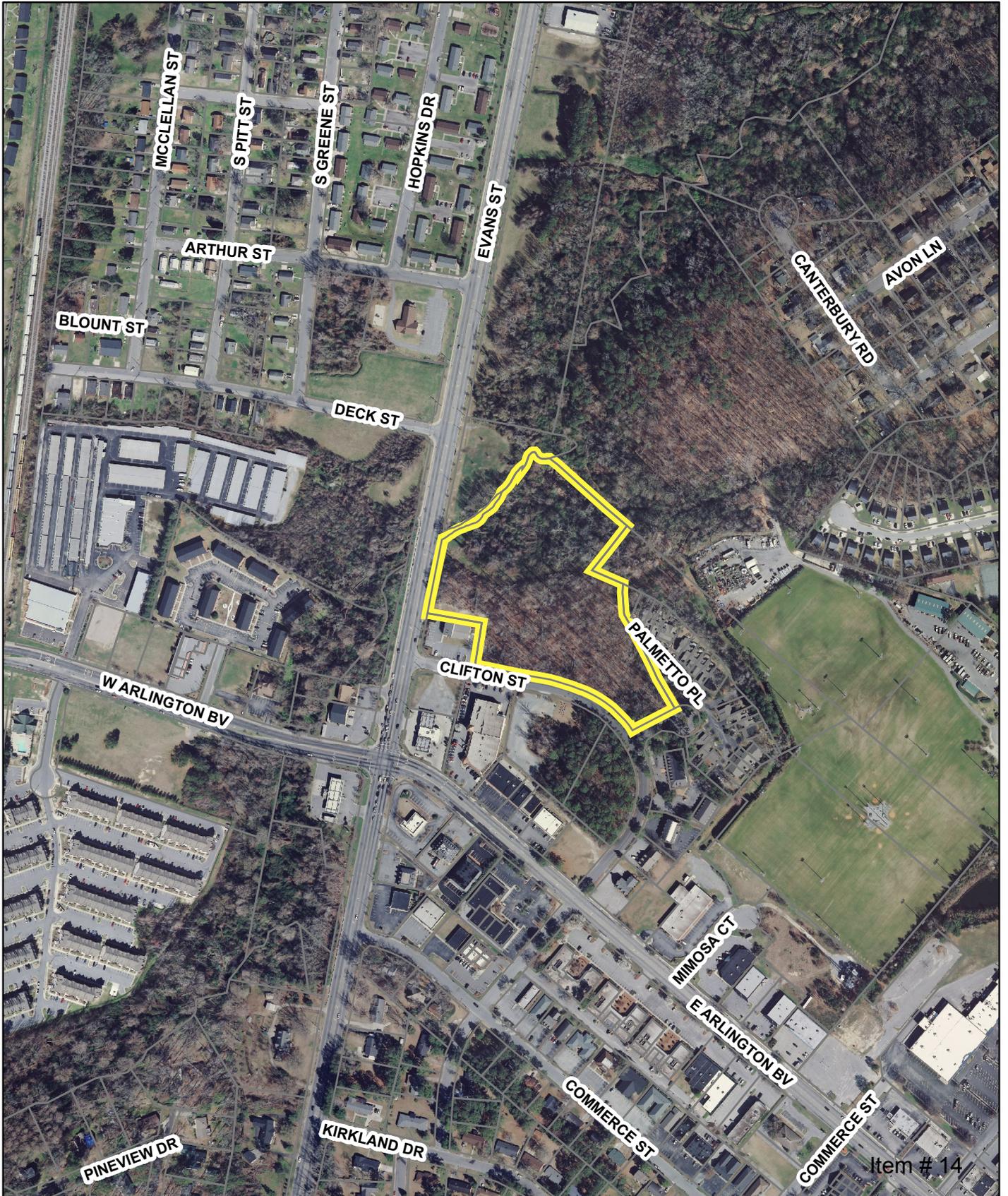
a. Other activities; personal services not otherwise listed

b. Other activities; professional services not otherwise listed

WGB Properties, Incorporated  
From: CG (General Commercial)  
To: OR (Office-Residential [High Density Multi-family])  
7.87 acres  
February 7, 2017



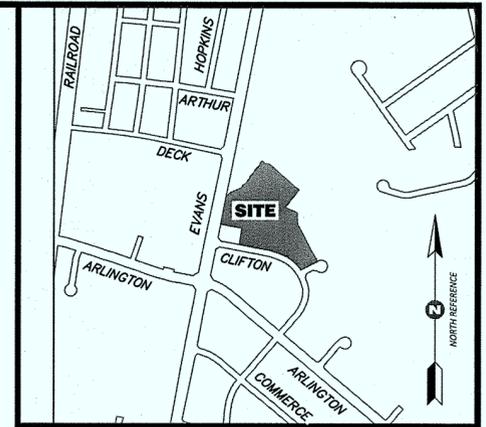
WGB Properties, Incorporated  
From: CG (General Commercial)  
To: OR (Office-Residential [High Density Multi-family])  
7.87 acres  
February 7, 2017



N/F  
LOUIS CHESTERFIELD ARTHUR, III  
JULIA D. ARTHUR  
D.B. 3051 PG. 321  
CH ZONING  
P.N. 00598

N/F  
EAST CAROLINA UNIVERSITY  
OR ZONING  
P.N. 37969

CYPRESS CREEK TOWNHOMES  
LOT 1 JAMES GARLAND TAYLOR & APRIL LEE TAYLOR  
LOT 2 SHIRLEY DAIL WILLIAMSON  
LOT 3 DIANA WALLEIGH  
LOT 4 KENT E. NELSON & LIBBY C. NELSON  
LOT 5 MOLLYE OTIS  
LOT 6 TYREE WALKER  
LOT 7 DONNA J. PRESTON  
LOT 8 MICHELLE D. RAMSEY & RAYMOND P. MYERS  
LOT 9 JAMES ROBERT CARROLL  
LOT 10 MARTINA A. JONES & COLIN D. JONES, ET AL



VICINITY MAP  
SCALE: 1" = 1000'

N/F  
CITY OF GREENVILLE  
M.B. 27 PG. 117  
CH ZONING  
P.N. 18832

N/F  
STATE OF NORTH CAROLINA  
D.B. 564 PG 256  
P.N. 54499  
ZONING CG

25' SAN. SEWER EASEMENT  
M.B. 30, PG. 106

N/F  
CYPRESS CREEK TOWNHOMES SECTION 1  
M.B. 31 PG. 6  
OR ZONING

N/F  
CYPRESS CREEK TOWNHOMES SECTION 2  
M.B. 31 PG 200  
OR ZONING

N/F  
STORAGE KINGS, LLC  
D.B. 2823 PG. 691  
M.B. 72 PG. 175  
CG & CH ZONING  
P.N. 79715

N/F  
LYNNS PROPERTIES, LLC  
D.B. 2749 PG. 723  
CG ZONING  
PN 74951  
N/F  
CLIFTON OFFICE PARK SECTION 1  
M.B. 68 PG. 78  
CG ZONING

N/F  
WGB PROPERTIES, INC.  
D.B. A50 PG. 747  
M.B. 51 PG. 46  
CG ZONING  
P.N. 39478

N/F  
HOPE OF GLORY MINISTRIES, INC.  
D.B. 3149 PG. 234  
M.B. 51 PG. 46  
CG ZONING  
P.N. 59908

N/F  
HOPE OF GLORY MINISTRIES, INC.  
D.B. 3149 PG. 234  
M.B. 37 PG. 46  
CG ZONING  
P.N. 01790

N/F  
JO DI, INC  
D.B. 265 PG. 358  
CG ZONING  
P.N. 47592

N/F  
KENNETH J. MCGEE  
D.B. 1118 PG. 717  
M.B. 30 PG. 106  
CG ZONING  
P.N. 62974

N/F  
WILLIAM G. BLOUNT  
D.B. 0 48  
PG. 707  
CG ZONING  
P.N. 01785

**LEGEND:**

UC ZONING = URBAN CORE  
CD ZONING = COMMERCIAL DEVELOPMENT  
N/F = NOW OR FORMERLY  
R/W = RIGHT OF WAY  
B/B = BACK TO BACK  
P.N. = PARCEL NUMBER  
D.B. = DEED BOOK  
M.B. = MAP BOOK  
PG. = PAGE

REZONING LINE \_\_\_\_\_  
ADJACENT OWNER LINE \_\_\_\_\_  
RIGHT OF WAY LINE \_\_\_\_\_  
PLATTED LOT NUMBER (5)

**NOTES:**

- 1) AREA DETERMINED BY COORDINATES.
- 2) ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
- 3) NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
- 4) THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
- 5) EXISTING ZONING WAS TAKEN FROM THE OFFICIAL ZONING MAP, THE CITY OF GREENVILLE, DATED APRIL 22, 2005 AND THE CITY OF GREENVILLE SPATIAL DATA EXPLORER WEB SITE.
- 6) BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN, FROM A SURVEY BY BALDWIN AND ASSOCIATES, RECORDED IN MAP BOOK 55, PAGE 24 AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY RIVERS AND ASSOCIATES, INC.
- 7) STREET SECTION WIDTHS WERE TAKEN FROM THE GREENVILLE URBAN AREA THROUGHFARE STREET INVENTORY OR MAPS REFERENCED HEREON.
- 8) ADJOINING PROPERTY DATA WAS TAKEN FROM THE PITT COUNTY ONLINE PARCEL INFORMATION WEB SITE AND HAS NOT BEEN VERIFIED FOR ACCURACY OR CORRECTNESS.

TAX PARCEL 38622  
EXISTING ZONING CG  
PROPOSED ZONING OR

AREA = 7.87 ACRES  
OR 342,851 SF

REZONED AREA:  
TOTAL = 342,851 S.F. ±  
7.87 ACRES ±

REFERENCES:  
D.B. A50, PG. 747  
M.B. 30, PG. 106  
P.N. 38622

OWNER:  
WGB PROPERTIES, INC.  
P.O. BOX 7226  
GREENVILLE, N.C. 27835  
PHONE: (252) 758-1081

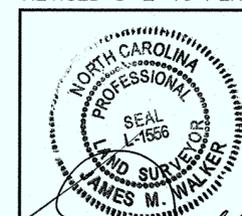
REVISED 1-13-17 ADJOINERS/OPIS  
REVISED 3-2-16 PER CITY COMMENTS

**CERTIFICATION**

NORTH CAROLINA PITT COUNTY

I, JAMES M. WALKER, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(11)D., THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17 DAY OF January 2016.

SIGNED: *James M. Walker*  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NUMBER L - 1556



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& ASSOCIATES, INC.  
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Greenville, NC 27858  
(252) 752-4135

REZONING MAP FOR  
**WGB PROPERTIES, INC.**

DATE: 01 - 19 - 2016	CITY OF GREENVILLE	GREENVILLE TOWNSHIP	PITT COUNTY	NORTH CAROLINA
SURVEY: N/A	DRAFT: JT	SCALE: 1" = 60'	DRAWING NO. Z - 2608	SHEET 1 OF 1
DESIGN:	CHECK: JMW	JOB NO. 2015181		



04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirements:** Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

**Parking Area:** Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

<b>RESIDENTIAL DENSITY CHART</b>			
<b>Density Level</b>	<b>Future Land Use and Character Type</b>	<b>Applicable Zoning District(s)</b>	<b>Units per Acre***</b>
High	Uptown Edge (UE)	CDF	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6	17 units per acre
	Residential, High Density (HDR)	R6	17 units per acre
		R6MH	17 units per acre
Medical-Transition (MT)	MR	17 units per acre	
High to Medium	Mixed Use (MU)	OR	17 units per acre
		R6	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
Medium to Low	Traditional Neighborhood, Low-Medium Density (TNLM)	R9	6 units per acre
		R9S	5 units per acre
		R15S	3 units per acre
	Residential, Low-Medium Density (LMHR)	R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

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

## **Chantae Gooby**

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**From:** Mollye Otis <mollyeotis@gmail.com>  
**Sent:** Saturday, February 18, 2017 6:29 AM  
**To:** Chantae Gooby  
**Subject:** Opposition to re-zoning of Clifton

Hello Chantae,

I am a resident at Cypress Creek (Palmetto Place). Several of our residents plan to attend Tuesday's Planning and Zoning Commission meeting and speak in opposition to the proposed zoning change.

This is absolutely not the site for high-density housing and that is the sole purpose of the attempt by WGB Properties to change the zoning.

Besides environmental issues that the city already is aware of from the Watershed Report, there is insufficient roadway to accommodate any more traffic on this short stretch. Building housing there would make it very difficult to access our community. It is already difficult to turn onto Clifton from Evans or from Arlington. No street lights are going to ease that problem.

We hope to persuade the P&Z committee to deny this request.

See you there.

Sincerely,

Mollye Otis

Monday, February 20, 2017 at 3:56:44 PM Eastern Standard Time

**Subject:** FW: Rezoning property at Clifton & Evans St.  
**Date:** Monday, February 20, 2017 at 3:49:09 PM Eastern Standard Time  
**From:** Ken Mcgee  
**To:** Chantae Gooby

---

**From:** ken mcgee <[ken@mcgee-cadd.com](mailto:ken@mcgee-cadd.com)>  
**Date:** Monday, February 20, 2017 at 1:51 PM  
**To:** <[cgooby@greenvillenc.gov](mailto:cgooby@greenvillenc.gov)>  
**Subject:** Rezoning property at Clifton & Evans St.

Hi Ms Gooby

With reference to your letter of February 7, 2017 regarding request to rezone property around our business at 2095 S. Evans Street from General Commercial (GC) to Office – Residential / High Density Multi-family, (OR) is of concern. The commercial property of McGee Cadd Reprographics was purchased in a surrounding commercial zone purposely as its day to day operations involve not only public traffic from customers but also 18 wheelers delivering in and out heavy loads of product. The property also contains an on site FAA authorized Heliport, identifier "02NR". As planning is aware, Airports and Heliports are not compatible with adjacent residential / High Density Multi-Family property. We request that consideration be given not to rezone the area around our business and this Heliport at this time.

With regret I will not be in town for the public meeting date of February 21, 2017.

Attached for your review is the FAA Heliport Information print out of "02NR". If the City of Greenville or WGB properties has any questions concerning this request, please do not hesitate to call.

Best Regards,

**McGee Cadd**  
Reprographics and  
Drafting Supply Co.





# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance amending the Subdivision Ordinance to Extend the Review Time of Preliminary Plats by Twenty Working Days

**Explanation:** **Abstract:** The City of Greenville Planning and Zoning Commission initiated a text amendment to the Subdivision Ordinance to extend the review time of preliminary plats by 20 working days.

**Explanation:** Greenville's Subdivision Ordinance requires that all preliminary plats shall be submitted to the Director of Community Development or designee, as agent for the city Planning and Zoning Commission, at least twenty (20) working days prior to the scheduled meeting date of the Planning and Zoning Commission. In addition, plats revised pursuant to the initial review and as required shall be submitted to the Director of Community Development or designee not less than six (6) working days prior to the scheduled meeting date.

During the Planning and Zoning Commission meeting held on September 20, 2016, the Commission discussed the review time with staff and asked what percentage of preliminary plats were continued and why. In summary, staff explained the existing short review time of preliminary plats is not enough time for review by all agencies. (See Exhibit A, Excerpt of Approved Planning and Zoning Commission Meeting Minutes, September 20, 2016).

At the September 20, 2016 meeting, Mike Dail, Lead Planner, stated preliminary plats were frequently continued to subsequent Planning and Zoning Commission meetings because the review cycle is only 20 working business days by the City ordinance. Preliminary plats are submitted 20 working days before the P&Z meeting. Mr. Dail stated the plats are routed to about ten agencies for review of technical requirements. Preliminary plats with comments are then returned to the surveyor. The surveyor then needs to make corrections but then may find significant issues in review comments which causes postponements. Once corrections are made, the revised preliminary plats are brought back to the City and are routed out again to the agencies to obtain approval. The 20-day review process was established in 1989, and now there are more standards, regulations,

and technical requirements to consider.

Commissioner Bellis asked what staff recommended for a time frame. Mr. Dail stated to add another 10-20 working days. Staff recommends a text amendment to extend the review time from 20 days to 40 days and to make two other related scheduling changes as illustrated as follows.

During the Planning and Zoning Commission meeting held on December 20, 2016, the Commission's agenda included a discussion item on this subdivision text amendment to extend the review time on preliminary plats. During the meeting, staff stated the proposed extension would allow 25 days of review before the first public notice. It gives an opportunity for review, changes, and sit-down meetings to decide to proceed or hold the project before public advertisements and notices are sent. Once preliminary plats are advertised, it must come before the Commission for a vote to continue the item. Staff stated the extended process would reduce continuances. After receiving a staff presentation and discussing the need to extend the review time, the Commission unanimously approved a motion to initiate this text amendment. (See Exhibit B, Excerpt of Approved Planning and Zoning Commission Meeting Minutes, December 20, 2016).

As directed by the Planning and Zoning Commission, on January 17, 2017, the Commission held a public hearing to consider approval of the text amendment to the subdivision ordinance by extending the review time of preliminary plats by 20 working days. The Commission unanimously recommended approval of the text amendment. (See Exhibit C, Excerpt of DRAFT Planning and Zoning Commission Meeting Minutes, January 17, 2017).

Title 9, Chapter 5, Article B, Section 9-5-44 of the City Code is proposed to be amended by rewriting the section so that it shall read as follows. Stricken text denotes text to be deleted while underlined text denotes text to be added.

*Sec. 9-5-44 SAME; SUBMISSION.*

*All preliminary plats shall be submitted to the Director of Community Development or designee, as agent for the city Planning and Zoning Commission, at least ~~20~~ forty working days prior to the scheduled meeting date of the Planning and Zoning Commission. Working days shall not be construed to include city-observed holidays or weekends. It is the intent of the City of Greenville and Utilities Commission staff and other agencies to review all properly submitted plats in a timely manner, which will afford the subdivider a reasonable period of time within which to respond to all comments and/or requested revisions. All plats submitted in accordance with the minimum requirements contained herein shall be available for revision not less than ~~thirty~~ thirty working days prior to the scheduled meeting date. Plats revised pursuant to the initial review and as required shall be submitted to the Director of Community Development or designee in accordance with section 9-5-45(A)(8) (b) and (c), below, not less than ~~six~~ twenty-six working days prior to the scheduled meeting date.*

**City Council Direction to Staff to Hold a Town Hall Meeting with the Development Community:** This item was considered by Greenville City Council during an advertised public hearing on February 9, 2016. Mike Dail, Lead Planner, presented the ordinance noting the Planning and Zoning Commission initiated the amendment. After Mr. Dail's presentation, Mayor Thomas stated he believes there is a need to hold a town hall meeting in order for the development community to discuss the amendment as well as other development review procedures that are currently in place. City Council unanimously approved a motion to continue this item until the March 20 Council meeting so staff could hold the town hall meeting and return to Council on the development community's response to the proposed twenty day extension for preliminary plat reviews.

**Summary of Town Hall Meeting with Development Community:** In response to the City Council's direction, the City held a town hall meeting on March 6, 2017 at the Sheppard Memorial Library. Staff members from the City of Greenville (Departments of Community Development, Public Works, and Fire/Rescue), GUC (Departments of Gas, Water/Sewer, and Electric), and NCDOT, who conduct plan reviews, presented slides, supplied handouts, and answered questions on 9 different review procedures. A total of 20 City/GUC/NCDOT staff members were in attendance. Prior to the meeting, the City Manager's Office notified City Council of the scheduled town hall meeting through the February 22, 2017 Notes to Council package. Mayor Allen Thomas and Council Member Rose Glover attended the town hall meeting and participated in the discussions.

Fourteen members of the local development community attended the meeting composed of surveyors, engineers, architects and developers. Attendees received a presentation of the proposed subdivision ordinance text amendment along with a summary of various plan review procedures. Mike Dail presented the proposed subdivision ordinance text amendment to extend the review time of preliminary plats by 20 working days. Mr. Dail presented the same notes he reviewed with the Planning and Zoning Commission and City Council regarding the basis of the request and why more review time was proposed by the Planning and Zoning Commission, and why staff agrees more review time is necessary.

Following Mr. Dail's presentation, several attendees from the development community responded they would not be in favor of doubling the review time. Mr. Dail responded that the main objective of the ordinance is to improve the review process by adding more time so multiple agency reviewers can evaluate applications and resolve issues before public notices are mailed and applications are advertised with the goal to reduce continuations at the Planning and Zoning Commission meetings. The sentiment of the discussion was that extending the review time by 20 days was too long, but 10 days might be acceptable. Staff is evaluating whether adding 10 days to the review time instead of 20 days would accomplish the Planning and Zoning Commission's goal.

Staff would like to take this item back to the Planning and Zoning Commission

for their consideration to extend the review time of preliminary plats by 10 days (for a total review time of 30 days) instead of the previously recommended extension of 20 days (for a total review time of 40 days).

**Fiscal Note:** No cost to the City.

**Recommendation:** North Carolina General Statute 160A-373 authorizes a subdivision ordinance to contain provisions setting forth the procedure to be followed in granting or denying approval of a subdivision plat prior to its registration.

During the Planning and Zoning Commission public hearing held on January 17, 2017, the Commission unanimously recommended approval of the subdivision ordinance text amendment. (See Exhibit C, Excerpt of DRAFT Planning and Zoning Commission Meeting Minutes, January 17, 2017).

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**Attachments / click to download**

 [Exhibits A, B and C, P and Z Meeting Minutes](#)

 [Preliminary Plat Extend Review Time Subdivision Ordinance Amendment 1039874](#)

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ORDINANCE NO. 17-  
AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE  
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on March 20, 2017, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-373, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance is reasonable and in the public interest to enhance existing coordination with organizational partners in the technical review of preliminary subdivision plats;

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

Section 1: That Title 9, Chapter 5, Article B, Section 9-5-44 of the City Code is hereby amended by rewriting said section so that it shall read as follows:

Sec. 9-5-44 SAME; SUBMISSION.

All preliminary plats shall be submitted to the Director of Community Development or designee, as agent for the city Planning and Zoning Commission, at least forty working days prior to the scheduled meeting date of the Planning and Zoning Commission. Working days shall not be construed to include city-observed holidays or weekends. It is the intent of the City of Greenville and Utilities Commission staff and other agencies to review all properly submitted plats in a timely manner, which will afford the subdivider a reasonable period of time within which to respond to all comments and/or requested revisions. All plats submitted in accordance with the minimum requirements contained herein shall be available for revision not less than thirty working days prior to the scheduled meeting date. Plats revised pursuant to the initial review and as required shall be submitted to the Director of Community Development or designee in accordance with section 9-5-45(A)(8)(b) and (c), below, not less than twenty-six working days prior to the scheduled meeting date.

Section 2. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 3. That this ordinance shall become effective immediately upon adoption.

Adopted this 20th day of March, 2017.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

#1039874

**EXHIBIT A: Excerpt of Approved Planning and Zoning Commission Meeting Minutes, 9/20/16**

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

No discussion was made.

**Motion made by Mr. Collins, seconded by Mr. Schrade, to recommend approval of the petition to City Council to close College View Drive. Motion passed unanimously.**

Ms. Bellis asked staff what is the percentage of plats being continued and why.

Mr. Dail stated he could not speak to the percentage but they are frequent. The reason why is because the review cycle is only 20 working business days by the City ordinance. Preliminary plats are submitted 20 working days before the P&Z meeting. They are routed to about 10 agencies for review of technical requirements. They are returned with comments and then given back to the surveyor. The surveyor then needs to make the corrections but then find significant issues and that causes the postponement. Once the corrections are made they are brought back to the City and they are routed out again to the agencies to obtain approval. The 20-day review process was established in 1989 and now there are more standards, regulations and technical requirements to consider. The continued preliminary plat on the agenda was due to NCDOT requiring turn lanes and the surveyor did not have time to get the information back to have it considered at tonight's meeting. Staff and agencies are spread thin and have other work besides reviewing preliminary plats. Twenty days is just not enough time for review by all agencies.

Ms. Bellis asked what he recommended for a time frame.

Mr. Dail stated to add another 10-20 working days. The advertisements and the mailed notices are being done for items that may or may not be heard.

Ms. Bellis asked Attorney Holec what would need to be done legally.

Attorney Holec stated an amendment could be done to the subdivision ordinance. He stated that the Commission has the ability to initiate an amendment. He suggested directing Staff to first consider it as a discussion item at the next meeting.

**Motion made by Ms. Bellis, seconded by Ms. Leech, to direct Staff to initiate a discussion item on extending the time frame for preliminary plat review. Motion passed unanimously.**

**With no further business, Ms. Leech made a motion to adjourn, seconded by Mr. Collins. Motion passed unanimously. Meeting adjourned at 7:21 p.m.**

**EXHIBIT B: Excerpt of Approved Planning and Zoning Commission Meeting Minutes, 12/20/2016**

**DISCUSSION ITEM – SUBDIVISION ORDINANCE TEXT AMENDMENT TO EXTEND THE REVIEW TIME OF PRELIMINARY PLATS.**

Mr. Michael Dail presented for the City. The discussion item is for P&Z to consider initiating a text amendment to Sec 9-5-44 of the Subdivision Ordinance for the review time of preliminary plats currently as 20 working days to 40 working days. The current 20 day review time was established in 1989. Since 1989, there has been a significant increase in development regulations, for example, erosion control and storm water requirements. The current 20 working day review is misleading. It is actually 19 days because the application is due by 5pm on the 20<sup>th</sup> day. The application is routed to reviewers on the 19<sup>th</sup> day and not in the reviewers' hands until the 18<sup>th</sup> day. Staff is asking for a longer period of 40 working days to give adequate review time and have sufficient time to work out issues. Many of the issues are not just simple phone calls. They require sit down meetings with multiple agencies. Another reason to extend review time is to avoid continuances by the applicant after the public notices have been sent out to the adjoining property owners and public hearings have been published in the newspaper. Of the six preliminary plats submitted this year, three have been continued. Mr. Dail provided Commissioners with a handout that outlines the current 20 day review process and the proposed 40 day review process. The most significant item is there are only 8 days in the 20 day review process before notices go out to the public. The proposed 40 day review process would have 25 days before notices go out. The text amendment would require three dates to be changed in Section 9-5-44: 20 working days to 40 working days, minimum time to return revision from 10 days to 30 days, and time to submit for second review from 6 days to 26 working days.

Mr. Overton asked if the twenty days were review days.

Mr. Dail stated no. The application can be received up to 5pm on the 20<sup>th</sup> working day. They are routed out on the 19<sup>th</sup> day and received by reviewers on the 18<sup>th</sup> day. Comments are expected back by reviewers on the 12<sup>th</sup> day which is one day before the required ad is published in the newspaper and two days before the proposed ad needs to be received by the City Communications Office. Comments are returned back to the applicant on the 11<sup>th</sup> working day, which is also the first advertisement day. Property notices are mailed out on the 7<sup>th</sup> working day. A revised plat is expected back by the applicant on the 6<sup>th</sup> working day. Therefore three notifications are done before a completed plat is ready to come before the Commission. Many times it comes down to the day of the meeting to hash items out and if the applicant is ready to present. A new longer process would prevent notices going out before a plat is ready to come to the Commission and avoid a continuance.

Ms. Leech asked if time could be added to notices and advertisements so that the community and developers could make contact to discuss issues.

Mr. Dail stated that the Commission recently approved to have advertisements for plats. Notices to adjoining property owners are set by State Law. A time frame for advertisements and notices can be looked at and discussed separately so it meets State Law and the Commission request.

Mr. Overton asked if the Site Plan Review will follow this 40 day process.

Mr. Dail stated that Site Plan Review process does need to be looked at but it is a separate issue.

Mr. Robinson asked for clarity about the extended review time would allow extend time before notices are mailed.

Mr. Dail stated the extension would allow 25 days of review before the first notice. It gives an opportunity for review, changes and sit down meetings to decide to proceed or hold the project before advertisements and notices are sent. Once it is advertised, it must come before the Commission for a vote to continue the item. The new process would reduce continuances.

**Motion made by Mr. Collins, seconded by Mr. Robinson, to initiate a text amendment to extend the review time of preliminary plats. Motion passed unanimously.**

**EXHIBIT C: Excerpt of DRAFT Planning and Zoning Commission Meeting Minutes, 1/17/17**

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in Council Chambers of City Hall.

Mr. Terry King –Chair \*

Mr. Doug Schrade – *	Ms. Chris Darden – *
Mr. Les Robinson – *	Ms. Ann Bellis – X
Ms. Margaret Reid - *	Mr. John Collins - *
Ms. Betsy Leech –*	Mr. Anthony Herring – X
Mr. Michael Overton - *	

The members present are denoted by an \* and the members absent are denoted by an X.

**VOTING MEMBERS:** Schrade, Darden, Collins, Leech, Robinson, Reid, Overton

**PLANNING STAFF:** Michael Dail, Lead Planner; Chantae Gooby, Planner II; Thomas Weitnauer, Chief Planner & Amy Nunez, Staff Support Specialist II

**OTHERS PRESENT:** Dave Holec, City Attorney; Ben Griffith, Director of Community Development; Cathy Meyer, Civil Engineer & Kelvin Thomas, Communication Technician

**MINUTES:** Motion made by Mr. Overton seconded by Mr. Robinson, to accept the December 20, 2016 minutes as presented. Motion passed unanimously.

**NEW BUSINESS**

TEXT AMENDMENT

SUBDIVISION ORDINANCE TEXT AMENDMENT TO EXTEND THE REVIEW TIME OF PRELIMINARY PLATS. - APPROVED

Mr. Mike Dail presented the staff report. This request is to amend the subdivision ordinance Sec. 9-5-44 of the City Code for review times of preliminary plats to be changed from 20 working days to 40 working days. It was a discussion item at the December 20, 2016 P&Z Meeting where the Commission unanimously approved to initiate the text amendment.

Chairman King opened the public hearing.

No one spoke in favor or opposition.

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

**Motion made by Mr. Schrade, seconded by Ms. Darden, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Economic Development Incentive for Pitt Street Brewing Company

**Explanation:** **Abstract:** The North Carolina Department of Commerce, Rural Economic Development Division approved a grant in the amount of \$45,000 for Pitt Street Brewing Company through the Building Reuse Program. The grant requires a 5% local government match. This matching payment is considered an economic development incentive and requires the City to hold a public hearing.

**Explanation:** The North Carolina Department of Commerce, Rural Economic Development Division approved a Building Reuse Grant in the amount of \$45,000 for Pitt Street Brewing Company. At its February 6, 2017 meeting, City Council passed a resolution in support of this grant application, agreeing to fund the 5% local government match. A public hearing is now required to approve this matching payment of \$2,250.

Pitt Street Brewing Company will feature a 15 barrel system with a canning line for regional distribution. The microbrewery will locate at 630 South Pitt Street in the old Coca Cola building. The company will create 9 new full-time jobs with an average annual salary of \$32,777, and invest over \$500,000 in renovations to the building.

The City's 5% matching payment represents a local economic development incentive pursuant to North Carolina General Statute 158-7.1. It is offered in consideration of the expected public benefits accrued as a result of the project – job creation. Under North Carolina state law, a public hearing is required prior to consideration of such incentives. On the basis of objections, debate and discussion at the hearing, changes may be made from what has been proposed.

**Fiscal Note:** The Building Reuse Grant program administered through the NC Department of Commerce awarded Pitt Street Brewing Company a \$45,000 grant. The grant requires a 5% matching payment from the City of Greenville in the amount of \$2,250. Funds to match the grant are included in the FY 2016-2017 budget.

**Recommendation:** Staff recommends that City Council approve the economic development incentive for Pitt Street Brewing Company in the amount of \$2,250.

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# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Amendment to the current alcohol policy for City Parks and Recreation Facilities

**Explanation:** **Abstract:** At the December 8, 2014 meeting of City Council, the Council voted unanimously for the development of an amendment to the current policy on alcohol consumption at City park facilities to include the Town Common. In addition, the amendment was to include a "sunset" provision to include a review and evaluation of the effects of the amendment.

**Explanation:** In 2014, Recreation and Parks staff researched existing alcohol policies for city parks and recreation facilities in approximately 30 U.S. communities. While most had a general prohibition regarding the service/sale and consumption of alcohol products in parks and in recreation facilities, many also had clearly defined exceptions built into the policies. The Recreation and Parks Department proposed some similar exceptions to the City's alcohol-related prohibitions, with criteria for such exceptions, at several recreation and parks venues, including the Town Common. On September 8, 2014, Council made minor modifications and then adopted several components of this proposed policy, but chose to defer adopting the Town Common portion of the policy until sometime in the future.

As a result of the recent request by Council, an updated version of the Town Common exceptions is being brought back to Council for consideration. The current policy allowing alcohol consumption at City of Greenville parks facilities allows alcohol consumption at the Bradford Creek Public Golf Course, the Eppes Alumni's annual reunion activities at the Eppes Recreation Center, the Magnolia Arts Center building at the Perkins Complex, and private rentals after operating hours within the Walter L. Stasavich Science and Nature Center at River Park North.

The Director, Parks Superintendent, Interim Recreation Superintendent, and Recreation Supervisor of the Recreation and Parks Department have twice met with a committee assembled to consider and develop an update to the previously proposed policy for the Town Common. In addition to the Recreation and Parks

staff identified, members of the committee included City Attorney David Holec, GPD Captain Chris Ivey, Economic Development Manager Roger Johnson, and Uptown Greenville Executive Director Bianca Shoneman, who together reviewed the original proposed policy for the Town Common and considered whether modifications were needed. The group reached consensus on the rules, requirements, and procedures for exceptions to a general alcohol prohibition on the Town Common. The proposed policy identifies when sales and consumption of beer and/or wine might be permitted within a designated area of the park, with sponsorship by a non-profit organization or by the City of Greenville.

The proposed language to be incorporated into the policy (copy attached) is intended to accomplish the following:

1. Minimize the likelihood of any problems related to alcohol sales and consumption at the  
Town Common
2. Adhere to state and local law
3. Promote the consistent treatment of permit applicants
4. Protect the safety of citizens and staff
5. Ensure the protection of the facility and the enjoyment of all event participants.

Some of the provisions of the proposed policy includes the following: (1) Requires the establishment of a designated area for sales/service and/or consumption, (2) Limits sales and consumption in the park to the hours between noon and 10:00 p.m., and (3) Requires at least two additional special duty police officers (beyond any already required) to be present at the designated sales and consumption area during the duration of sales/consumption. If the policy is adopted, a related ordinance amendment will be required, and is addressed in a separate agenda item that will follow this item. Additional requirements are proposed for the event sponsor, to include obtaining the appropriate ABC permits, acquiring insurance coverage, covering the expense of special duty police officers, installation of temporary fencing, and applying and paying for, and receiving a special alcohol service permit from the City.

The Recreation and Parks Commission considered the issue at their March 8, 2017 meeting and voted unanimously to recommend that the Greenville City Council adopt this policy for the 2017 PirateFest event, and to include an April 10th "sunset" of the policy that will enable PirateFest to serve as a "trial run" of the newly developed procedure. This will provide an opportunity to evaluate the components and procedural requirements of the policy after the event and determine if additional changes are needed before Council considers approving a final version. Staff would make recommendations for needed changes and return to Council with a final proposed version at the May 11, 2017 meeting of Council.

**Fiscal Note:**

Minor costs for developing the appropriate forms, which would be absorbed in the departmental budget. There is also nominal revenue potential from application fees.

**Recommendation:** Amend the current Alcohol Policy for City Parks and Recreation Facilities by adding a section to allow alcohol consumption at the Town Common for the 2017 PirateFest, with the amendment to expire on April 10, 2017, and with a final version to be submitted to the City Council at the May 11, 2017 City Council meeting.

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 [AITP\\_\\_Proposed\\_Alcohol\\_Policy\\_for\\_the\\_Town\\_Common\\_1047914](#)

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**PROPOSED LANGUAGE TO BE INCORPORATED INTO  
POLICY REGARDING ALCOHOL CONSUMPTION AT THE TOWN COMMON:**

- The City of Greenville, upon obtaining the alcoholic beverage permits required by law, may sell and serve malt beverages and unfortified wine to persons of legal drinking age attending an event at Town Common. Persons served malt beverages or unfortified wine from the City may consume the served malt beverages and unfortified wine in areas designated by the City.
- Permitting service/sale of malt beverages or unfortified wine at events at the Town Common for other than the City of Greenville will be allowed only for non-profit organizations which have been determined by the Internal Revenue Service to be exempt from federal income tax. The non-profit organization must be the event sponsor that rents/reserves a portion of the Town Common for the event by an approved lease or rental agreement with the City of Greenville Recreation and Parks Department. Through the rental application process, the non-profit organization may request permission to sell and/or serve malt beverages and unfortified wine at the event.
- ☐ All service, sales and consumption must take place within a designated, secured, and enclosed area with a controlled entrance/exit, developed to the City's specifications and established in cooperation with City staff. Persons served malt beverages or unfortified wine from the non-profit organization may consume the served malt beverages and unfortified wine within this area. The event sponsor will absorb any costs associated with establishing this area.
- ☐ Service and sale of malt beverages and unfortified wine is limited to the hours between 12:00 noon and 10:00 PM. Consumption must be completed within thirty (30) minutes of the conclusion of sales and service.
- ☐ At least two (2) Special Duty Police Officers are required to be present at this enclosed area for the duration of the sales, service and consumption. Depending upon the size of the enclosed area, additional officers may be required, as determined by the City. Expenses for these police officers will be borne by the event sponsor and will be added to the rental fee. There will be a minimum charge of four (4) hours for each Special Duty Police Officer.
- ☐ Non-profit organization must obtain the alcoholic beverage permits required by law.
- ☐ The representative of the event sponsor named on the permit application to the City must be present at the site of the malt beverages or unfortified wine sales, service and consumption for the duration of the sales, service, and consumption.

- ☐ The event sponsor must provide proof of insurance no later than fourteen (14) days prior to the event, or be subject to a substantial late fee. Event will be cancelled if proof of insurance coverage is not received at least seven (7) days prior to the event. The event insurance policy must specifically acknowledge that the event includes alcohol service and consumption. The insurance coverage must be public liability, property damage and liquor liability insurance at amounts acceptable to the City of Greenville and name the City of Greenville as an additional insured on all coverage.
  
- ☐ No glass containers are permitted.
  
- ☐ The event sponsor must assure that participants do not bring their own alcoholic beverages into the designated area.



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Ordinance Amending City Code Provisions Relating to Consumption of Alcoholic Beverages in Public to Allow Consumption on the Town Common Subject to Conditions

**Explanation:** **Abstract:** The City ordinance relating to the possession and consumption of alcohol needs to be adjusted if Council determines to adopt the proposed policy which allows consumption of malt beverages and unfortified wine in the Town Common subject to certain conditions. An amendment to the ordinance to conform to the policy is proposed.

**Explanation:** As requested by City Council, a review was conducted about the issue of allowing the possession and consumption of alcoholic beverages on the Town Common. As a result of the review, a policy was recommended for Council's consideration.

The policy allows possession and consumption on the Town Common where this was not previously allowed. As a result, an amendment is required to the City ordinance which addresses at which properties owned, occupied, or controlled by the City that possession and consumption of malt beverages and unfortified wine is permitted. North Carolina General Statute 18B-300 authorizes City Council to regulate or prohibit the possession and consumption of malt beverages and unfortified wines on the public streets in the city and on property owned, occupied, or controlled by the City. The City's ordinance on this subject is Section 12-1-2 of the City Code.

The proposed ordinance amends Section 12-1-2 by providing that possession and consumption of malt beverages or unfortified wine is permitted at:

The Town Common in accordance with the provisions of the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities.

Please note that Section 5 of the Ordinance is a sunset provision for the provision relating to the Town Common. This is included since the policy relating to the

Town Common is recommended, at this time, to be temporary in order to allow it to be used at the PirateFest as a test case. After the PirateFest, an evaluation of the policy will be conducted and it will be presented to Council for consideration again, with the benefit of some experience.

**Fiscal Note:** No anticipated fiscal impact as a result of the ordinance amendment.

**Recommendation:** Adoption of the attached ordinance which amends the City Code provisions relating to the consumption of alcoholic beverages in public to allow consumption on the Town Common subject to conditions.

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[2017 Ordinance Amending City Code Provisions Relating to Consumption of Alcohol in Public 1047482](#)

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ORDINANCE NO. 17 -  
ORDINANCE AMENDING CHAPTER 1 OF TITLE 12 OF THE CITY CODE  
RELATING TO CONSUMPTION OF ALCOHOIC BEVERAGES IN PUBLIC

WHEREAS, North Carolina General Statute 18B-300 authorizes the City of Greenville to regulate or prohibit the consumption and possession of malt beverages and unfortified wine on the public streets and City owned property;

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

Section 1. That Section 12-1-2 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (C)(1) so that said subsection shall read as follows:

*(C) Malt beverages and unfortified wine - exemptions.*

- (1) Notwithstanding any other provision of this section, upon obtaining the alcoholic beverages permits as required by law, possession and consumption of malt beverages or unfortified wine shall be permitted at:
  - (a) A golf course owned, occupied or controlled by the city;
  - (b) A convention center owned, occupied or controlled by the city;
  - (c) The Walter L. Stasavich Science and Nature Center and River Park North in accordance with the provisions of the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities;
  - (d) The building owned by the city at the Perkins Complex in accordance with the provisions of the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities;
  - (e) The C.M. Eppes Recreation Center in accordance with the provisions of the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities;
  - (f) A building owned by the city and leased to a person for a period greater than two years, other than a building addressed in the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities, and with possession and consumption being in accordance with any applicable lease provisions;

- (g) The Town Common in accordance with the provisions of the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities; and
- (h) With the written approval of the City Manager and subject to any conditions identified by the City Manager in the written approval, other property owned, occupied or controlled by the city or public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

Section 5. Subsection (C)(1) (g) of Section 12-1-2 set forth in Section 1 of this ordinance shall expire and shall be null and void after the 10<sup>th</sup> day of April, 2017. This provision, commonly known as a sunset provision, is included in this ordinance to ensure that the ordinance, its effectiveness, and its necessity will be reviewed by the City Council within a reasonable time after its adoption.

This the 20th day of March, 2017.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Request by Home Builders Supply Company to purchase City-owned property located at Wilson Street and Line Avenue, being Pitt County Parcel Number 19999

**Explanation:** **Abstract:** Home Builders Supply Company has submitted a request for consideration to purchase City-owned property located at the southeast corner of the intersection of Wilson Street and Line Avenue.

**Background:** Home Builders Supply Company has submitted a request to purchase City-owned property located at the southeast corner of the intersection of Wilson Street and Line Avenue. The property is a triangular-shaped property used for overflow parking at the Guy Smith Stadium. The property contains just over 11,300 square feet. The most recent tax valuation of the property by the Pitt County Tax Assessor in 2015 valued the property at \$4,550. The property was donated to the City of Greenville on October 4, 1993, by the Higgs Family heirs in honor of Jacob Higgs, Edward Higgs, and Joseph Higgs. The Higgs family was instrumental in the development of many of the neighborhoods in West Greenville.

Representatives of the Home Builders Supply Company contacted City staff indicating their interest in the property and the methods to purchase the property. They have cited the need to expand the area for Home Builders Supply Company as their need for the property.

If City Council decides to entertain the request, staff will assess the value of the property by contracting for a property appraisal. Once the appraisal is completed, staff will then ask City Council to establish the fair market value based upon the appraisal, then advertise the property sale by accepting sealed bids for City Council's consideration.

No conditions limiting or prohibiting future resale of the property were recorded or conditioned by the Higgs family heirs when the site was donated to the City. The site was a gift by the Higgs family, and City staff at the agenda preparation

time has not been able to contact members of the family for their input. However, the disposition of property that was a gift is a matter that the City Council should consider in its deliberations on this request.

**Fiscal Note:** Appraisal costs of approximately \$1,500 if City Council directs staff to move forward with the sale.

**Recommendation:** Council to direct staff on whether to start the property disposition process as outlined.

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

Attachments / click to download

 [Higgs Property Material](#)

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## Merrill Flood

---

**From:** blountg@homebuildersnc.com  
**Sent:** Thursday, February 02, 2017 3:04 PM  
**To:** Merrill Flood  
**Cc:** Jason Tew  
**Subject:** Parcel #11230

Merrill,  
I am writing as to express interest in purchasing the above referenced parcel for Home Builders Supply Company. Specifically this land would assist in the growth of our business as we need the area to inventory product that we sell to our customers. Please advise on the next steps if land is approved for sale. Thanks for your assistance in advance.

Regards,

Gray Blount

**Gray Blount**

**Vice President**

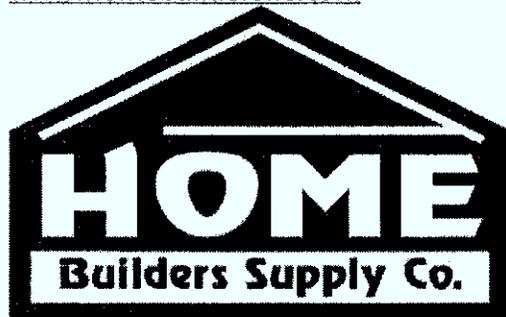
*Office: 252-758-4151 X-119*

*Cell: 252-754-4665*

*Fax: 252-758-9477*

[blountg@homebuildersnc.com](mailto:blountg@homebuildersnc.com)

[www.homebuildersnc.com](http://www.homebuildersnc.com)



Greenville/Wilson

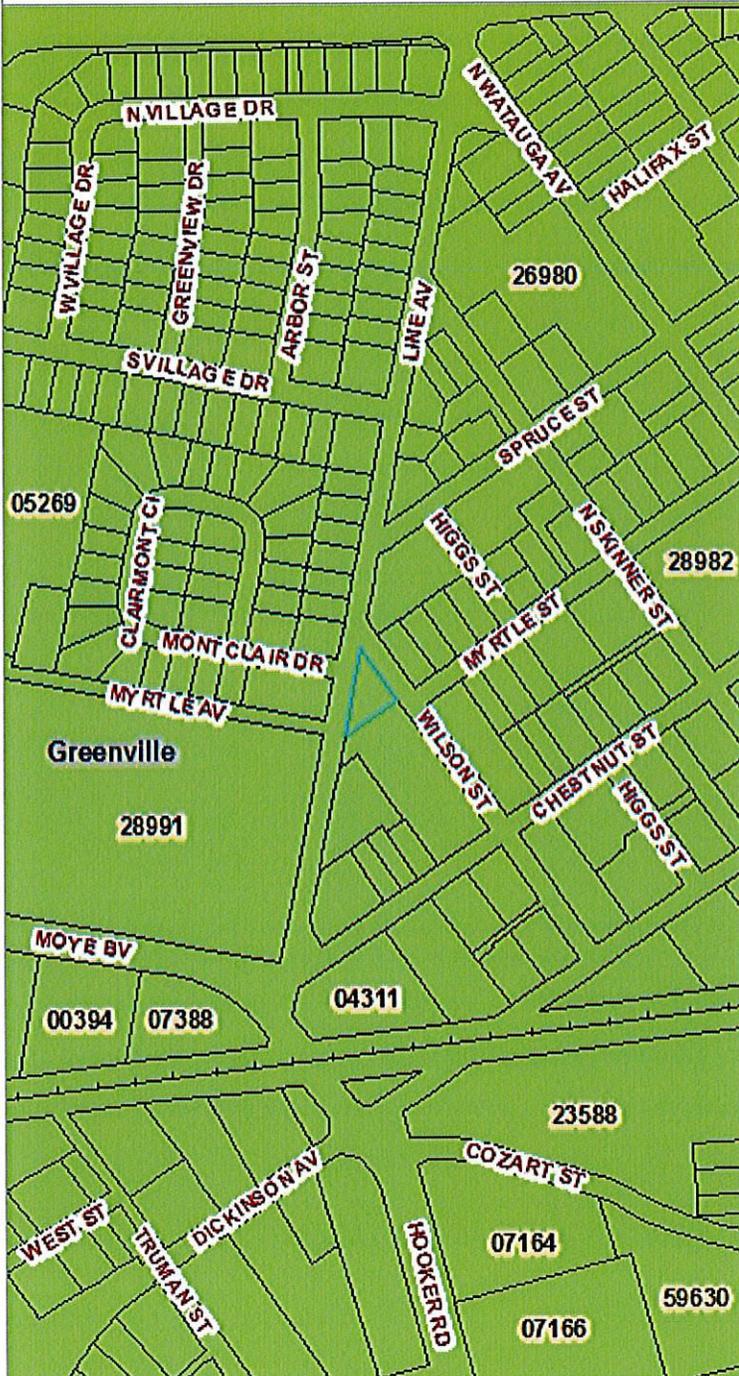


# Pitt County Government

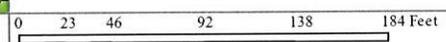
Greenville, North Carolina



www.pittcountync.gov



Parcel	19999
Physical Address	0 LINE AV
Owner Name	GREENVILLE CITY OF
OwnerAddress1	PO BOX 7207
OwnerAddress2	
OwnerAddress3	
City / State / Zip	GREENVILLE NC 27835
NC PIN	4677788397
Subdivision / Section / Phase	
Prior Legal Description	10-6,7 HIGGS BROS.
Block / Lot	
Tract	
Building Number / Unit	
Acres	0.26
Current Owner	SEE FILE
Deed/Document	
Map Book	2-180
Deed / Document Date	05/2007
Deed / Document Sales Price	\$0
Building Type / Use	RESIDENTIAL(Single Family Residential)
Number of Buildings	0
Year Built	
Total Living Area	
Building Value	
Extra Features Value	\$0
Land Value	\$4,550
Total Current Market Value	\$4,550
Total 2015 Market Value	\$4,550
Revaluation Year	2016
Municipality	GREENVILLE
Township	GREENVILLE
Fire Service District	INSIDE MUNICIPALITY
Census Tract	702
Neighborhood	004035
Elementary School	South Greenville ES
Middle School	C M Eppes MS
High School	J H Rose HS



**Disclaimer:** This tax record is prepared for the inventory of real property within Pitt County and is compiled from recorded deeds, plats, tax maps, surveys, and other public records. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification. Pitt County assumes no legal responsibility for the information contained herein.

Copyright © 2015, Pitt County, North Carolina.

**PLEASE NOTE:**  
Parcel ownership information updated nightly.  
Map printed 2/20/2017.



THIS PROPERTY WAS GIVEN TO THE  
CITY OF GREENVILLE IN HONOR OF  
THE ORIGINAL OWNERS:

JACOB WILSON HIGGS  
EDWARD BENJAMIN HIGGS  
JOSEPH SIDNEY HIGGS

BY THEIR DESCENDANTS  
OCTOBER 4, 1994

BOOK 475 PAGE 811

NORTH CAROLINA  
PITT COUNTY

THIS DEED, made and entered into on this the 4th. day of October, 1994, by and between Joseph H. Goodson, Administrator CTA of the Estate of Theodore Warrington Skinner, deceased, party of the first part; and The City of Greenville, a North Carolina Municipal corporation, party of the second part; both of Pitt County, North Carolina;

W-I-T-N-E-S-S-E-T-H

THAT WHEREAS, Theodore Warrington Skinner died October 10, 1991, a resident of Pitt County, North Carolina; and whereas, Joseph H. Goodson is the duly qualified and acting Administrator CTA of the Estate of Theodore Warrington Skinner pursuant to the records of his estate on file in File Number 89-E-606 in the office of the Clerk of Superior Court of Pitt County, North Carolina;

AND WHEREAS, the public records tend to show that the property hereinafter described is owned by Gretchen W. Skinner (widow) pursuant to the Will of Sidney H. Skinner on file in the records of the Clerk of Superior Court of Pitt County, pursuant to a deed from J. S. Higga (single) to S. H. Skinner of record in the Pitt County Registry in Book Y29, Page 404;

AND WHEREAS, the possibility exists that Theodore W. Skinner at the time of his death owned an undetermined interest in the property hereinafter described, and the undersigned as Administrator CTA of the Estate of Theodore Warrington Skinner desires to eliminate any cloud of title, if any should exist, and conveys all right, title, and interest of the Estate of Theodore W. Skinner as hereinafter set out;

AND WHEREAS, Theodore Warrington Skinner, in his Last Will and Testament, gave his Executor full power and authority to sell and convey land, and all those powers set forth in North Carolina General Statute 32-27, incorporated by reference pursuant to the provisions of G. S. 32-26; and

PREPARED BY  
LAW OFFICES  
WILLIAM L. WOOTEN, JR.  
GREENVILLE, N. C.

BOOK 475 PAGE 812

whereas, Joseph M. Goodson has qualified as Administrator CIA pursuant to said Will with all powers therein given to the original Executor and has determined that it is in the best interest of the estate of Theodore Warrington Skinner, deceased, that the property hereinafter described be conveyed.

NOW, THEREFORE, the party of the first part, for and in consideration of the sum of ONE (\$1.00) DOLLAR to him in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has remised and released, and by these presents does hereby remise, release, and forever quitclaim unto the said party of the second part, its successors and assigns, all right, title, claim, and interest of the undersigned in and to the following described real property:

Those two certain adjacent lots situate, lying and being in the City of Greenville, Pitt County, North Carolina, the same being Lots Nos. 6 and 7 in Block 10 of the Higge Bros. Subdivision as shown on map of said subdivision of record in Map Book 2 on Page 180 in the office of the Register of Deeds of Pitt County, and beginning at a point in the north property line of Myrtle Street 300 feet westwardly from the northwest corner of the intersection of Higge Avenue and Myrtle Street, or at the southwest corner of Lot No. 8 in Block 10, and running thence westwardly with the north property line of Myrtle Street to the eastern property line of Line Avenue; thence northwardly with the east property line of Line Avenue to the corner of Lot No. 8 in Block 10; thence southwardly with the line of Lot No. 8 to Myrtle Street at the place of the beginning, said tract of land being triangular in shape lying between and being bounded by Myrtle Avenue, Line Avenue, and Wilson Avenue Extension, being the identical property described in deed from J. S. Higge (single) to S. H. Skinner dated July 2, 1952, of record in Book Y29, Page 404, Pitt County Registry, identified as Pitt County Tax Parcel No. 19999.

TO HAVE AND TO HOLD the real property hereinbefore described, together with all and singular the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining unto the said party of the second part, its successors and assigns, in fee simple absolute forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, on this the day and year first above written.

 (SEAL)  
Joseph M. Goodson, Administrator CIA of  
the Estate of Theodore  
Warrington Skinner, deceased

PREPARED BY:  
LAW OFFICES  
WILLIAM L. WOOTEN, JR.  
GREENVILLE, N. C.

BOOK 475 PAGE 813

NORTH CAROLINA  
PITT COUNTY

Personally appeared before me this day, Joseph H. Goodson, Administrator CTA of the Estate of Theodore Warrington Skinner, deceased, and acknowledged the due execution of the foregoing or annexed Deed for the purposes therein expressed.



Witness my hand and Notarial Seal, this the 4<sup>th</sup> day of  
1993.

Margaret Ladgett  
Notary Public

My Commission Expires: 1-21-95

NORTH CAROLINA  
PITT COUNTY

The foregoing certificate of Margaret Ladgett, a Notary Public of the aforesaid County and State, is certified to be correct.

Filed for registration at 4:28 o'clock P M., this  
the 22nd day of October, 1993.  
November

Annice G. Heller  
Register of Deeds of Pitt County, N. C.

PREPARED BY  
LAW OFFICES  
WILLIAM L. WOOPER, JR.  
GREENVILLE, N. C.

475 843

NORTH CAROLINA

PITT COUNTY

THIS DEED, made and entered into on this the 4th. day of October, 1993, by and between Gretchen W. Skinner (widow), party of the first part; and The City of Greenville, a North Carolina municipal corporation, party of the second part; both of Pitt County, North Carolina;

W-I-T-N-E-S-S-E-T-H

That the party of the first part, for and in consideration of the high regard and esteem she has for the party of the second part, and the sum of ONE (\$1.00) DOLLAR to her in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does hereby bargain, sell, and convey unto the said party of the second part, its successors and assigns, all of her right, title, and interest in and to the following described real property:

Those two certain adjacent lots situate, lying and being in the City of Greenville, Pitt County, North Carolina; the same being Lots Nos. 6 and 7 in Block 10 of the Higgs Bros. Subdivision as shown on map of said subdivision of record in Map Book 2 on Page 180 in the office of the Register of Deeds of Pitt County, and beginning at a point in the north property line of Myrtle Street 300 feet westwardly from the northwest corner of the intersection of Higgs Avenue and Myrtle Street, or at the southwest corner of Lot No. 8 in Block 10, and running thence westwardly with the north property line of Myrtle Street to the eastern property line of Line Avenue; thence northwardly with the east property line of Line Avenue to the corner of Lot NO. 8 in Block 10; thence southwardly with the line of Lot No. 8 to Myrtle Street at the place of the beginning, said tract of land being triangular in shape lying between and being bounded by Myrtle Avenue, Line Avenue, and Wilson Avenue Extension, being the identical property described in deed from J. S. Higgs (single) to S. H. Skinner dated July 2, 1952, of record in Book W29, Page 404, Pitt County Registry, identified as Pitt County Tax Parcel No. K9999.

TO HAVE AND TO HOLD the real property hereinbefore described, together with all and singular the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining unto the said party of the second part, its successors and assigns, in fee simple absolute forever.

PREPARED BY:  
LAW OFFICES  
WILLIAM I. WOOTEN, JR.  
GREENVILLE, N. C.

BOOK 475 PAGE 844

And the Grantor, for herself, her heirs and assigns, covenants to and with the said party of the second part, its successors and assigns, that she is seized of said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances, except restrictions and assessments of record, if any, and that she does hereby warrant and will forever defend the title to the same against the lawful claims of all other persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, on this the day and year first above written.

Gretchen W. Skinner (SEAL)  
Gretchen W. Skinner (widow)

NORTH CAROLINA  
PITT COUNTY

Personally appeared before me this day, Gretchen W. Skinner (widow), and acknowledged the due execution of the foregoing or annexed Deed for the purposes therein expressed.



Witness my hand and Notarial Seal, this the 4th day of October, 1993.

Margaret Padgett  
Notary Public

My Commission Expires: 1-21-95

NORTH CAROLINA  
PITT COUNTY

The foregoing certificate of Margaret Padgett, a Notary Public of the aforesaid County and State, is certified to be correct.

Filed for registration at 4:28 o'clock P.M., this the 22 day of October, 1993.  
November

Annie B. Heller  
Register of Deeds of Pitt County, N. C.

PREPARED BY  
LAW OFFICES  
WILLIAM I. WOOTEN, JR.  
GREENVILLE, N. C.



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Interlocal Agreement with Pitt County Board of Education related to the Red Light Camera Program

**Explanation:** **Abstract:** During the 2016 Session of the North Carolina General Assembly, the City of Greenville was authorized to implement a Red Light Camera program which utilizes an interlocal agreement with the Pitt County Board of Education on cost-sharing and reimbursement procedures to support the program. The purpose of the Red Light Program is to improve traffic safety. Approval of the interlocal agreement will allow implementation of the program. The interlocal agreement provides a mechanism for program revenue to cover program costs and to make new revenues available to the Pitt County Schools system.

**Explanation:** During the 2016 Session of the North Carolina General Assembly, a local act was approved which allows the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost sharing and reimbursement. This local act was patterned after a 2014 local act for the City of Fayetteville which authorized the implementation of such a red light camera enforcement program. This innovative approach has been successfully implemented by Fayetteville.

This approach allows the City to implement the red light camera enforcement program in a fiscally prudent manner. Without this authority, the clear proceeds of the fines which are collected from citations issued due to red light camera enforcement would be paid to and retained by the local school system. And the City could only retain the amount which represents the cost of collection of the fines which could not exceed 10% of the amount of the fines.

Drivers of motor vehicles who violate the law by entering an intersection after the signal light turns red create a serious safety hazard. The implementation of this enforcement tool is expected to result in a decline of stoplight violations and a correlating increase in the safety for the citizens of Greenville. Additionally, the Pitt County Board of Education would be provided revenue it would not

otherwise receive.

The interlocal agreement is attached and provides for the following:

- (1) City is responsible for operating the Red Light program by entering into a contract for services with a contractor whereby the contractor will install, operate and maintain the red light camera system, issue citations, and collect fees.
- (2) The City is to pay to the School Board the clear proceeds of the revenue derived by the citations collected by the contractor. Clear proceeds allows a deduction not to exceed 10% of expenses relating to the provision of notices to violators.
- (3) The School Board pays to the City monthly the actual costs of the service contract with the contractor. Additionally, the School Board is to pay monthly to the City \$6,250 which is to defray the expense of the salary and benefits of the sworn law enforcement officer position which will serve as the Red Light Camera Program manager and the fees of the hearing officers conducting the nonjudicial administrative hearings on appeals by violators. The Red Light Program Manager is responsible for final approval of violations as well as oversight of equipment integrity, calibration certification and quality assurance.

**Fiscal Note:**

The Interlocal Agreement is designed to ensure that the cost of the Red Light Camera program is borne by the violators with program revenue to cover program cost.

**Recommendation:**

It is recommended that the City Council approve the Interlocal Agreement with the Pitt County Board of Education related to the Red Light Camera Program.

---

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

Attachments / click to download

[Interlocal Agreement](#) [Red Light Camera](#) [Pitt County School Board 1032277](#)

NORTH CAROLINA  
PITT COUNTY

INTERLOCAL  
AGREEMENT

THIS INTERLOCAL AGREEMENT, made and entered into on the \_\_\_\_\_ day of March, 2017, by and between the CITY OF GREENVILLE (hereinafter "CITY"), a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina, and the PITT COUNTY BOARD OF EDUCATION (hereinafter "BOARD"), a North Carolina body politic, organized and existing under the laws of the State of North Carolina; (Collectively, the CITY and the BOARD are the "Parties");

WITNESSETH:

WHEREAS, the General Assembly of North Carolina has enacted Session Law 2016-64 (the "Act") concerning the law governing Red Light Cameras in the City of Greenville;

WHEREAS, the operation of a Red Light Camera program is expected to result in a significant decrease in traffic collisions and resulting injury and property loss;

WHEREAS, the Parties find and determine that improved traffic safety is beneficial to both organizations and the community that they each serve;

WHEREAS, the Red Light Camera program is expected to make new revenue available to the Pitt County School system to support operations at the discretion of the BOARD;

WHEREAS, the Parties find and determine that making new resources available for school operations is in the best interests of their respective constituents and that program costs should be covered by program revenues;

WHEREAS, interlocal cooperation between units of local government is specifically authorized by Article 20 of the North Carolina General Statutes, and

WHEREAS, Section 4 of Session Law 2016-64 authorizes the City of Greenville and the Pitt County Board of Education to enter into an interlocal agreement to effectuate the purpose of the Act and to include provisions on cost-sharing and reimbursement procedures to support a Red Light Camera program.

NOW, THEREFORE, pursuant to North Carolina General Statutes § 160A-300.1, as amended, Session Law 2016-64, and Article 20 of the North Carolina General Statutes, and in consideration of the respective rights, powers, duties, and obligations hereinafter set forth, the CITY and the BOARD mutually agree as follows:

1. PURPOSE:

- (a) The CITY and BOARD have a mutual interest in the operation of a Red Light Camera program for the safety of the citizenry and providing additional funding for the benefit of the public schools. The CITY and BOARD desire to enter into this Interlocal Agreement in order to set forth the relationship of the Parties while also complying with North Carolina law.
- (b) In accordance with the provisions of S.L. 2016-64, the CITY and BOARD may enter into an interlocal agreement necessary and proper to effectuate the purpose

and intent of G.S. 160A-300.1 including provisions on cost-sharing and reimbursement.

2. RED LIGHT CAMERA PROGRAM:

- (a) The CITY will operate a Red Light Camera program consisting of the utilization of automated camera, video, and radar equipment installed at intersections throughout the CITY to detect traffic signal violators.
- (b) As authorized by N.C.G.S. §160A-300.1(c)(4a), the CITY will contract for the installation, maintenance, and operation of the red light camera systems with a contractor (Contractor). The contract for services with the Contractor (Service Contract) will also include operation of the Red Light Camera program consisting of issuing all citations and collecting all fines. The CITY will administer the Service Contract utilizing CITY personnel.
- (c) The CITY will also be responsible for administering all appeals of citations, validating the Contractor's performance, responding to all inquiries from the public, and providing public information and education regarding the Red Light Camera program.

3. DISTRIBUTION OF CLEAR PROCEEDS:

- (a) The CITY shall pay to the BOARD the clear proceeds of the revenue collected by the Contractor and paid over to the CITY. These funds will be transferred at least monthly in accordance with procedures established by the Parties and detailed in Attachment A (Payment Procedures). The BOARD's financial institution, account number, and point of contact may be revised by the BOARD upon reasonable written notice to the CITY.
- (b) For the purposes of determining the clear proceeds derived from the citations, the following expenses, not to exceed ten percent (10%) of revenue collected by the Contractor and paid over to the CITY, are authorized to be deducted from said revenue:
  - 1) The cost of materials and postage directly related to the printing and mailing of the first and second notices sent to the owner and, if necessary, the driver of the vehicle.
  - 2) The cost of computer services directly related to the production and mailing of the notices.

4. FINANCIAL SUPPORT FOR THE PROGRAM:

- (a) Except as set forth in subsection (c) below, the CITY will invoice the BOARD monthly the actual cost of the Service Contract. The CITY shall provide the BOARD a copy of the monthly invoices submitted by the Contractor for accounting purposes. The BOARD shall remit payment to the CITY within 30 days of receipt of invoice from the CITY in accordance with payment procedures detailed in Attachment A

(Payment Procedures). The CITY's financial institution, account number, and point of contact may be revised by the CITY with reasonable written notice to the BOARD.

- (b) The CITY will invoice the BOARD monthly the amount of Six Thousand Two Hundred Fifty Dollars (\$6,250), said amount to be utilized by the City to pay the salary and benefits of a sworn law enforcement officer position to serve as the Red Light Camera program manager who will be responsible for final approval of violations as well as oversight of equipment integrity, calibration certification and quality assurance, the fees of the hearing officers conducting the nonjudicial administrative hearings to review objections to citations or penalties issued or assessed pursuant to the Red Light Camera program, and other expenses incurred by the City relating to the Red Light Camera program. The BOARD shall remit payment to the CITY within 30 days of receipt of invoice from the CITY in accordance with payment procedures detailed in Attachment A (Payment Procedures). The CITY's financial institution, account number, and point of contact may be revised by the CITY with reasonable written notice to the BOARD.
- (c) Notwithstanding any other provision of this Section 4, the financial support for the Red Light Camera program invoiced by the CITY and paid by the BOARD shall not include any amount which the CITY has not paid to the BOARD as a result of a deduction made pursuant to Section 3(b).
- (d) Notwithstanding any other provision of this Section 4, the Board will not be required to make payments to the City as required above which are greater than the amount distributed to the Board by the City pursuant to Section 3.

#### 5. DURATION:

This Interlocal Agreement shall become effective on March 20, 2017, and unless sooner terminated as provided herein, shall extend for the term established in the Service Contract. Any renewal or extension of this Agreement shall be approved in writing by the CITY and BOARD.

#### 6. MISCELLANEOUS:

- (a) This Interlocal Agreement is entered into in Pitt County, North Carolina and shall be construed under the laws, statutes, and ordinances of such jurisdiction.
- (b) This Interlocal Agreement shall not be modified, amended, or changed in any respect except in writing, duly signed by the Parties hereto.
- (c) No party may transfer or assign its rights under this Interlocal Agreement without written approval from the governing boards of the respective Parties. This Interlocal Agreement shall bind the Parties hereto, respective successors, permitted assignees, and transferees.
- (d) The Parties agree that if any provision of this Interlocal Agreement shall be held invalid for any reason, the remaining provisions shall not be affected if they may continue to conform to the purposes of this Interlocal Agreement and the requirements of applicable law.
- (e) This Interlocal Agreement shall not be binding upon the Parties unless and until approved or ratified by the Pitt County Board of Education and the Greenville City Council.

**7. LIABILITY:**

In the event that litigation is brought against the CITY or BOARD as a result of this Interlocal Agreement, each party shall have sole discretion to determine its participation in the litigation, if any. Each party shall be responsible for its own costs and attorney's fees.

**8. TERMINATION:**

Either party may terminate this Interlocal Agreement for any reason by providing written notice to the other party no less than sixty (60) days prior to the effective date of termination. The duties and obligations of the Parties shall extend through the effective date of said termination and the payment of all obligations resulting therefrom.

IN TESTIMONY WHEREOF, the CITY and BOARD have caused this Interlocal Agreement to be executed in duplicate originals, their seals to be affixed and attested, this the day and year first written above.

**CITY OF GREENVILLE**

BY: \_\_\_\_\_  
Allen M. Thomas, Mayor

**ATTEST:**

\_\_\_\_\_  
Carol L. Barwick, City Clerk

**PITT COUNTY BOARD OF  
EDUCATION**

BY: \_\_\_\_\_  
Caroline W. Doherty, Chair

**ATTEST:**

\_\_\_\_\_  
Dr. Ethan Lenker, Superintendent of Pitt County Schools and  
Secretary to the Pitt County Board of Education

**APPROVED AS TO FORM**

\_\_\_\_\_  
David A. Holec, City Attorney

**PRE-AUDIT CERTIFICATION – CITY OF GREENVILLE**

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_ Date \_\_\_\_\_  
Bernita W. Demery, Financial Services Director  
City of Greenville

Account Number: \_\_\_\_\_

Project Code (if applicable): \_\_\_\_\_

**APPROVED AS TO FORM**

\_\_\_\_\_  
Cynthia Grady, Attorney  
Pitt County Board of Education

**PRE-AUDIT CERTIFICATION – PITT COUNTY BOARD OF EDUCATION**

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Debra Baggett, Finance Officer  
Pitt County Board of Education

Date \_\_\_\_\_

Account Number: \_\_\_\_\_

Project Code (if applicable): \_\_\_\_\_

## Attachment A

### Payment Procedures

1. The CITY has an obligation under Paragraph 3(a) to transfer funds to the BOARD monthly. This task will be accomplished as follows:

Within 30 calendar days following the end of the previous month, the CITY will remit the clear proceeds of the revenue received by the CITY during that period. Funds will be transferred to the BOARD's account via inter-fund transfer and the BOARD's point of contact (POC) will be notified at the time of transfer. The BOARD's financial institution, account number and POC are identified below:

Financial Institution: Wells Fargo  
Account Number: xxxxxxxxxxxxxxxxxxxxxxxxx  
BOARD POC: Renee Dunn  
Phone Number: 252-830-4252  
Email [rdunn@pitt.k12.nc.us](mailto:rdunn@pitt.k12.nc.us)  
Address: 1717 West Fifth Street, Greenville, NC 27834

2. The CITY has an obligation under Paragraph 4 to invoice the BOARD monthly for program costs. This task will be accomplished as follows:

Within 45 calendar days following the end of the month, the CITY will submit an invoice for program costs incurred, with required supporting documentation, to the BOARD's POC as identified below:

BOARD POC: Renee Dunn  
Phone Number: 252-830-4252  
Email Address: [rdunn@pitt.k12.nc.us](mailto:rdunn@pitt.k12.nc.us)

3. The BOARD has an obligation under Paragraph 4 to transfer funds to the CITY to pay the invoices submitted hereunder, and will do so as follows:

Upon receipt of the invoice from the CITY, the BOARD intends to remit payment within 10 business days; however, in no case shall the transfer occur more than 30 calendar days after receipt of the CITY's invoice. Funds will be transferred to the CITY's account via inter-fund transfer and the CITY's POC will be notified at the time of transfer. The CITY's financial institution, account number and POC are identified below:

Financial Institution: Wells Fargo  
Account Number: xxxxxxxxxxxxxxxxxxxxxxxxx  
CITY POC: Shawna Wooten  
Phone Number: 252-329-4442  
Email – [swooten@greenvillenc.gov](mailto:swooten@greenvillenc.gov)  
Address: 200 W. 5<sup>th</sup> Street, Greenville, NC 27835



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Agreement with American Traffic Solutions, Inc. related to the Red Light Camera Program

**Explanation:** **Abstract:** During the 2016 Session of the North Carolina General Assembly, the City of Greenville was authorized to implement a Red Light Camera program which utilizes an interlocal agreement with the Pitt County Board of Education on cost sharing and reimbursement procedures to support the program. The purpose of the Red Light Camera Program is to improve traffic safety. Implementation of the program requires an agreement with a company to install, maintain, and operate the equipment and to collect penalties for citations. Approval of an agreement with American Traffic Solutions, Inc. to perform this service is proposed.

**Explanation:** During the 2016 Session of the North Carolina General Assembly, a local act was approved which allows the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost-sharing and reimbursement. This local act was patterned after a 2014 local act for the City of Fayetteville which authorized the implementation of such a red light camera enforcement program. This innovative approach has been successfully implemented by Fayetteville.

This approach allows the City to implement the red light camera enforcement program in a fiscally prudent manner. Without this authority, the clear proceeds of the fines which are collected from citations issued due to red light camera enforcement would be paid to and retained by the local school system. And the City could only retain the amount which represents the cost of collection of the fines which could not exceed 10% of the amount of the fines.

Drivers of motor vehicles who violate the law by entering an intersection after the signal light turns red create a serious safety hazard. The implementation of this enforcement tool is expected to result in a decline of stoplight violations and a correlating increase in the safety for the citizens of Greenville. Additionally,

the Pitt County Board of Education would be provided revenue it would not otherwise receive.

The contractor which will manage the Red Light Program by installing, maintaining and operating the equipment and collecting the civil penalties resulting from citations was chosen through a Request for Proposal (RFP) selection process. The City received seven (7) responses to the RFP, and two (2) of these companies were interviewed. The contractor determined to best meet the needs of the City is American Traffic Solutions, Inc. This is the same contractor who provides this service to the City of Fayetteville.

The agreement is attached and provides for the following:

- (1) Contractor is responsible for purchasing, installing, maintaining, and operating the equipment which will be at ten (10) approaches to intersections.
- (2) Contractor will process the recorded images to review potential violations. City makes the determination in all instances as to whether a citation is issued.
- (3) Contractor processes the citations by printing and mailing notices of violations. Contractor collects the civil penalties and deposits the revenues in a City account. Collection also includes use of a collection agency.
- (4) City is responsible for addressing the appeals to the citations by having administrative appeal hearings with hearing officers.
- (5) Contractor and City will coordinate in public information about the Red Light Program. The Contractor is providing the City with an allowance of \$10,000 for paid advertising to promote the Red Light Program.
- (6) The ten (10) approaches where the monitoring will occur is mutually agreed upon by the City and the Contractor. These sites will be the sites which have been determined to be safety concerns due to red light running. When a camera is installed, there will be a thirty (30) day period where warning citations will be issued, but no penalty collected.
- (7) There are provisions relating to termination of the Agreement and payments to the Contractor as a result of a termination prior to the completion of the five (5) year term of the Agreement.
- (8) The compensation to be paid to the Contractor is \$31.85 per each paid violation plus a percentage of recovered revenue when additional efforts are required to collect the penalties.

**Fiscal Note:**

The Agreement, together with the Interlocal Agreement with the Pitt County School Board, is designed to ensure that the cost of the Red Light Camera

program is borne by the violators with program revenue to cover program cost. The contractor will receive \$31.85 for each paid citation with the payment amount to be provided to the City by the School system.

**Recommendation:** It is recommended that the City Council approve the Agreement with the American Traffic Solutions, Inc., related to the Red Light Camera Program.

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

Attachments / click to download

 [Agreement with American Traffic Solutions](#)

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**AGREEMENT FOR MANAGEMENT OF THE PHOTO CITATION PROGRAM  
BETWEEN THE CITY OF GREENVILLE  
AND  
AMERICAN TRAFFIC SOLUTIONS, INC.**

This AGREEMENT FOR MANAGEMENT OF THE PHOTO CITATION PROGRAM (referred to herein as the “Contract”) is entered into this \_\_\_ day of March, 2017, by and between the CITY OF GREENVILLE (hereinafter referred to as the “City”) and AMERICAN TRAFFIC SOLUTIONS, INC. (hereinafter referred to as the “Contractor”) with reference to the following.

**ARTICLE 1  
DESCRIPTION OF PROJECT**

The Contractor shall be responsible for purchase, installation, maintenance, operation of equipment, collections and management associated with Greenville’s Traffic Signal Red Light Violation Program as described herein. The terms as used herein shall mean:

1.1. **RED LIGHT CAMERA** - The project involves the monitoring of ten (10) approaches. The number of approaches monitored may be increased by mutual consent of the City and Contractor. The installation of any Camera is contingent upon the determination by the City and Contractor that the site selected has been analyzed and concludes the installation is feasible. The Contractor will assist the City with the site selection analysis of the candidate sites. The results of these evaluations shall be provided to the City.

1.2. **PROGRAM** - Includes (a) Camera systems being installed in final configuration and in full working order, including the process to capture, transport and process images to the location where the citations are to be produced; (b) provide an automated web-based Citation processing system, first notice printing and mailing of Citation or notice of violation per chargeable event and a mailing of a text only reminder notice, a hearing scheduled letter, a hearing denied letter, an insufficient information letter and a dismiss letter; (c) any software needed to produce citations, track violations, issue citations; production of clear, easily identifiable citations; and d) connections needed with the Division of Motor Vehicles to obtain motor vehicle registration information, which may be done directly or through a third-party provider, such as the National Law Enforcement Telecommunication System (NLETS).

1.3. **PHOTO CITATION CIVIL PENALTY RATES** - Pursuant to N.C.G.S. 160A-300.1, as amended by Session Law 2016-64, and Article X of Chapter 2 of Title 10 of the Greenville City Code, the civil penalty amount for running a red light is set at \$100.00. If the penalty is unpaid and no appeal is taken within thirty (30) days after issuance of the citation, an additional civil penalty of \$100.00 is assessed.

1.4. **PROJECT LOCATION** - The project location shall be Greenville, North Carolina with certain aspects of the processing portion of the operations, including data storage servers, to be located at a site selected and maintained by the Contractor during the term of the Contract, unless otherwise mutually agreed to by the parties.

1.5. **WARNING PERIOD** – Upon installation of any Camera, warning citations shall be issued for a period of thirty (30) calendar days. During this period, warning citations will

be issued to violators, but no penalty will be collected.

## ARTICLE 2 SCOPE OF SERVICES

2.1. **PROCUREMENT OF EQUIPMENT** - Contractor agrees to procure City-approved equipment for the monitoring of a mutually agreeable number of intersections. All equipment shall remain the property of the Contractor.

2.2. **MAINTENANCE** - The Contractor shall maintain the Photo Citation system and all associated equipment in good working order. Any malfunctioning Camera or related equipment shall be returned to good working order within Seventy-two (72) hours of notification that the equipment is not in proper working order.

2.3. **ENFORCEMENT** - The City shall issue civil citations to enforce regulations associated with N.C.G.S. 160A-300.1, as amended by Session Law 2016-64 and Article X of Chapter 2 of Title 10 of the Greenville City Code. The City has the sole authority to determine whether a citation will be issued. The City authorizes the Contractor to act as authorized agent of the City for the limited purpose of administratively processing recorded images of potential violations as described in this Contract. This Contract does not and shall not be interpreted as creating a general agency relationship between the City and the Contractor. Notwithstanding anything in this Contract to the contrary, the Contractor shall not have discretion to determine the process for addressing red light violations. The Contractor shall comply with the specific instructions in the business requirements questionnaire (BRQ) provided by the City to the Contractor, and agreed to by Contractor, as the same may be amended from time to time, upon the agreement of the City and Contractor subject to compliance with applicable law. The Contractor must strictly comply with the instructions set forth in the BRQ. If there is a conflict between any BRQ instruction and the terms of this Contract, the BRQ instructions govern. Authorized City staff shall have access to a review queue in the Aaxis System to review violations to ensure quality control.

2.4. **COLLECTIONS** - The Contractor shall collect and deposit payments on civil penalties resulting from citations issued pursuant to N.C.G.S. 160A-300.1, as amended by Session Law 2016-64 and Article X of Chapter 2 of Title 10 of the Greenville City Code. Collections shall include referral to a collection agency. Collections shall also include the filing of a civil action in the nature of a debt in accordance with City approved procedures. Contractor shall be responsible for paying any and all filing and processing fees that may be required in conjunction with institution of civil actions and will be entitled to receive any such advanced costs that are awarded and received. Funds collected shall be deposited into an account designated by the City. Funds collected shall be deposited weekly.

2.5. **ADDITIONAL MONITORING** - The Contractor shall provide enforcement monitoring of traffic regulations, other than red light violations, as permitted by State statute and as directed by the City, at a compensation to be mutually agreed to.

2.6. **ADJUDICATION** - The City and Contractor will use the Aaxis Adjudication module to manage the adjudication process and to coordinate the hearing appeals process for citizen protests of citations and collect and process appeal hearing deposits.

The Contractor will be responsible for providing the City access to an evidence package containing a copy of the citation under appeal and upon request with an affidavit designed to authenticate and ensure the admissibility of the citation. The affidavit must be from someone capable of stating facts necessary to qualify the citation as a business record and to establish the reliability of the equipment and processes that produced the citation.

In the event that a court requires the personal appearance of an individual capable of testifying as to the authenticating of the citation as a business record and/or to establish the reliability of the equipment and processes that produced the citation so as to ensure the admissibility of the citation, the Contractor will be responsible for satisfying any such court-imposed requirement. If the individual is required to testify more than twice in a twelve (12) month period the City agrees to compensate the Contractor for the travel and lodging of the individual for additional travel occurring during the twelve (12) month period.

The Contractor will not be responsible for costs related to hearing officers and the hearing location.

2.7. MANAGEMENT – The Traffic Safety Unit of the Police Department of the City will manage the Photo Citation Program and the Contractor will operate the Photo Citation Program, at the direction of the Traffic Safety Unit of the Police Department of the City.

2.8. CUSTOMER SERVICE - City shall handle inbound and outbound phone calls and correspondence from citizens who have questions about legal disputes and other issues relating to Citation adjudication. The Contractor shall handle inbound and outbound phone calls and correspondence from citizens who have questions regarding Contractor's technology and processes. City and the Contractor may refer citizens with questions regarding Contractor's technology and processes to websites and/or toll free telephone numbers provided by ATS for that purpose. The Contractor shall keep records of citizen inquiries and their resolution. Violators shall also be given access to review their violation and review answers to frequently asked questions on the Contractor's website violationinfo.com.

2.9. PUBLIC INFORMATION - The Contractor shall provide the City with access to one of Contractor's communications project managers who will assist the City in development and implementation of public information program, including providing content for mailings, public opinion pieces, surveys, the City's website, including a "how it works video" and content for public service announcements. Additionally, the Contractor shall provide the City an allowance of \$10,000 for paid advertising, media, and public relations to promote the City's traffic signal red light violation program, as determined by the City. The allowance may either be used by the City to purchase the services, in which case the \$10,000 will be credited on the City's monthly Contractor invoice, or if the City desires, Contractor will purchase the services directly and provide the invoices totaling \$10,000 to the City as evidence of the allowance.

2.10. RECORD KEEPING - The Contractor shall keep true and accurate records of revenue and expenses and shall provide copies to the City upon request in a form to be determined by the City and Contractor. All financial records relating to the project, with the exception of Contractor's cost or pricing data, shall be made available to a duly authorized representative of the City upon request. In accordance with the City's retention period, the

Contractor will be requested to maintain other non-financial information as it relates to the project for current year audit plus three (3) fiscal years. The Contractor will store video for up to 30 days and make the video available upon request by the City for use in non-red light running investigations. In the event of a request for video by the City, copies of the video will not be released by Contractor without prior approval from the City.

2.11. **ADDITIONAL SERVICE** - The Contractor shall set up additional locations for red light monitoring, at the direction of the City's Project Manager and upon the agreement of the Contractor. The price charged by the Contractor for the additional locations shall be the same unit price specified in Article 12 of this Contract, unless otherwise agreed to by the parties.

2.12 **WARRANTIES** - The Contractor represents and warrants that: (i) the Photo Citation equipment provided will satisfy all requirements and specifications set forth in the RFP and any addenda thereto unless otherwise exempted; (ii) all services performed by the Contractor will be of a professional quality and performed in a workmanlike manner with qualified personnel; (iii) none of the products or services provided by the Contractor will infringe on any third-party's patent, copyright, trademark, trade secret, or other right to tangible or intangible property; (iv) all information systems and devices which will be used or relied upon by Contractor in performing its obligations under this Contract have been properly secured and licensed and are functionally adequate for the purposes required by this Contract.

*ADDITIONAL WARRANTIES*

Contractor further represents and warrants that:

(1) It is a corporation duly incorporated, validly existing and in good standing under the laws of the State of Arizona and is properly registered to do business in the State of North Carolina;

(2) It has all the requisite corporate power and authority to execute, deliver and perform its obligations under this Contract;

(3) The execution, delivery and performance of this Contract have been duly authorized by Contractor; and

(4) In connection with its obligations under this Contract, it shall comply with all applicable federal, state and local laws and regulations and shall obtain all applicable permits and licenses.

**ARTICLE 3  
SCHEDULE**

3.1. A Notice to Proceed will be issued to the Contractor upon receipt of a fully executed Contract, insurance certificates and any other documentation required by this Contract.

3.2. Within fifteen (15) working days of receipt of the Notice to Proceed, the Contractor shall proceed with the statistical analysis validating violation rates at a minimum of twenty (20) possible sites. The findings of such validations shall be presented to the City within thirty (30) days subsequent to commencement.

3.3. Upon agreement by the City and Contractor of locations for photo enforcement, the Contractor shall proceed with construction. The warning period shall commence within thirty (30) calendar days of site construction completion. All Cameras will issue warning notices, pursuant to section 1.6 of this Contract. Contractor shall not be held responsible for delays associated with weather or permitting.

3.4. The remainder of installations will be completed in accordance with a mutually agreed schedule.

#### ARTICLE 4 TERM OF CONTRACT

The initial term of this Contract is for five (5) years commencing with the first issued and payable notice of violation pursuant to Article 3. No changes in the Contract terms shall be effective unless agreed to and accepted in writing, by the City and the Contractor. The City Manager or his/her designee shall be authorized on behalf of the City to amend the Contract.

#### ARTICLE 5 OWNERSHIP AND USE OF DOCUMENTS

Upon request, all documents, reports and computations prepared or obtained under the terms of this Contract, excluding any previously developed proprietary software, shall be delivered to and become the property of the City without restriction or limitation on their use in conjunction with the project. The City accepts responsibility for any changes made to these documents after final submittal by the Contractor. The City agrees not to release proprietary information and data, subject to required public laws.

#### ARTICLE 6 CONTRACT EXTENSIONS

Reasonable extensions of time for unforeseen or unavoidable delays may be made by mutual consent of the parties involved. Such extensions shall be made in writing.

#### ARTICLE 7 TERMINATION

7.1. WITHOUT CAUSE - This Contract may be terminated without cause by the City upon sixty (60) days written notice. In the event of termination, the Contractor shall immediately terminate work, but shall bring to a reasonable state, not to exceed thirty (30) days, the completion of those items whose value would be otherwise lost and shall turn over to the City all data, charts, reports, notes, figures, drawings and other records or information collected or secured herein, whether partial or complete. Upon such termination, the Contractor will be paid the greater of either: (A) (i) the compensation provided in Article 12 of this Contract for all civil penalties collected as of the termination date; and (ii) sixty percent (60%) of the amount Contractor would receive pursuant to Section 12.1 of all outstanding civil penalties for violations of Article X of Chapter 2 of Title 10 of the Greenville City Code that occurred within the 365-day period immediately preceding the date that notice of termination is given were paid

immediately without additional collection efforts (i.e., addition of late payment civil penalty to citations not yet 21 days old, referral of civil penalty accounts to collection agency, or filing of civil action to recover civil penalties), or (B) an amount equal to the direct cost of equipment, installation, and construction solely associated with the installation of the Camera systems which have been installed prior to the date of the notice of termination, amortized for each Camera system on a straight line basis over the number of complete months between the date of issuance of the first payable notice of violation for the Camera system and the last date of the term of this Contract as defined in Article 4 of this Contract and reduced for each Camera system by the salvage or reuse value of any equipment installed as a component of the Camera system. The amortization schedule for said costs for each Camera system shall be a reduction by  $1/(\text{number of complete months between the date of issuance of the first payable notice of violation for the Camera system and the last date of the term of this Contract as defined in Article 4 of this Contract})$  for each complete month after the date of issuance of the first payable notice of violation for the Camera system. As an example, if there are 50 complete months between the date of issuance of the first payable notice of violation for the Camera system and the last date of the term of this Contract as defined by Article 4 of this Contract, the amortization schedule for said costs shall be reduced by  $1/50^{\text{th}}$  for each complete month after the date of issuance of the first payable notice of violation for the Camera system. The Contractor shall provide an itemization to the City, with supporting invoices and documentation, of the direct cost of equipment, installation, and construction solely associated with the installation of each Camera system within thirty (30) days of the termination of the Contract without cause if Contractor seeks recovery of its costs under subsection (B), and if said supporting invoices and documentation are not provided then Contractor's sole recovery of costs shall be under subsection (A).

7.2. FOR CAUSE - The City may terminate this Contract immediately without the penalty defined in section 7.1 upon written notice to the Contractor if:

A) The Contractor violates or fails to perform any covenant, provision, obligation, term or condition contained in this Contract, including failure to deliver any services within seven (7) calendar days after the time required for delivery in the delivery schedule agreed upon by the parties, provided that, unless otherwise stated in this Contract, such failure or violation shall not be cause for termination if both of the following conditions are satisfied: (i) such default is reasonably susceptible to cure; and (ii) the Contractor cures such default within twenty (20) calendar days of receipt of written notice of default from the City.

B) The Contractor ceases to do business as a going concern, except in the case of an assignment as contemplated in Article 16.11 of this Contract, makes an assignment for the benefit of creditors, admits in writing its inability to pay debts as they become due, files a petition in bankruptcy or has an involuntary bankruptcy petition filed against it (except in connection with a re-organization under which the business of such party is continued and performance of all its obligations under this Contract shall continue), or if a receiver, trustee or liquidator is appointed for it or any substantial part of the Contractor's assets or properties.

C) The Contractor fails to obtain or maintain the insurance policies and endorsements as required by this Contract; or fails to provide the proof of insurance as required by this Contract.

D) Subject to the provisions of Articles 16.2 (Force Majeure) and 16.3 (City and Contractor Not Liable for Delays), the Contractor fails to meet the schedule set forth in Article 3 of this Contract. Upon termination under this provision, the Contractor will not be reimbursed for expenses incurred prior to the termination, but is entitled to payment for citations issued under the terms of the program for which payment is collected within 365 days of the date of termination.

E) The City is prohibited from using a traffic control photographic system for the civil enforcement of North Carolina General Statute 20-176 in the manner allowed by Session Law 2016-64 as a result of either the North Carolina General Assembly enacting a law, a court ruling in an action in which the City is a party, or an appellate court decision. In the event a termination occurs as a result of a reason cited in this subsection E, upon such termination, the Contractor will be paid the compensation provided in Article 12 of this Contract for all civil penalties collected as of the termination date and, one year later, the compensation provided in Article 12 of this Contract for all civil penalties collected within 365 days of the date of termination for citations issued prior to the termination date.

F) The Pitt County School Board takes action to terminate the Interlocal Agreement between the Board and the City relating to a red-light camera program. Notice of such action by the School Board shall operate as notice consistent with section 7.6 hereof. In the event a termination occurs as a result of the Pitt County School Board terminating the Interlocal Agreement, upon such termination, the Contractor will be paid the compensation provided in Article 12 of this Contract for all civil penalties collected as of the termination date and, one year later, the compensation provided in Article 12 of this Contract for all civil penalties collected within 365 days of the date of termination for citations issued prior to the termination date.

7.3. FAILURE TO PERFORM OBLIGATIONS - Subject to the provision of Section 7.2A, if the Contractor fails to provide services, as described in this Contract on any day (or days) for which this Contract calls for such services to be provided, the Contractor will be in default and the City may take any of the following actions:

A) Employ such means as it may deem advisable and appropriate to continue work until the matter is resolved and the Contractor is again able to carry out operations under this Contract; and/or

B) Deduct reasonable operating expenses incurred by the City from any money then due or to become due the Contractor.

7.4. NON-APPROPRIATION OF FUNDS – Any monies due the Contractor by the City for services awarded under this Contract are subject to an appropriation of funds by the City Council. In the event a sufficient appropriation of funds is not made available to the City for payment of these services, this Contract shall terminate immediately without further obligation of the City. The City covenants that it will take all steps necessary to seek appropriations and will not use this Article 7.4 to substitute one Contractor for another.

7.5. CANCELLATION OF ORDERS AND SUBCONTRACTS – In the event this Contract is terminated by the City for any reason prior to the end of the term, the Contractor shall, upon the effective date of termination (unless the City’s Notice of Termination directs otherwise), immediately discontinue all service in connection with this Contract and promptly cancel all existing orders and any subcontracts which are chargeable to the Contract. As soon as practicable after receipt of Notice of Termination, the Contractor shall submit a statement to the City, showing in detail all products delivered and all services performed under the Contract to the date of termination.

7.6. AUTHORITY TO TERMINATE – The City Manager, and his/her designee is the authorized agent of the City to terminate this Contract on behalf of the City, in accordance with Article 7. Any termination of this Contract shall not relieve the Contractor of the obligation to pay any fees, taxes or other charges then due to the City nor relieve the Contractor of the obligation to file any daily, monthly, quarterly or annual reports for services for which such reports have not already been provided, which reports shall be filed within sixty (60) days of termination. In addition, the Contractor shall not be relieved from any claim for reasonable direct damages previously accrued or then accruing against the Contractor.

7.7. Upon any termination under Article 7, the Contractor shall be required to remove the equipment. The Contractor shall remove all equipment within 90 days after the termination date, unless otherwise agreed to by the parties. If the City and Contractor agree to continue to process violations in the pipeline after the termination date, the Contractor shall continue to process violations for up to a period of ninety (90) days, and the Contractor shall be entitled to its monthly fee as if the Contract was not terminated, however the Contractor may take any steps necessary during this ninety (90) day period to reduce its costs regarding walk-in and online payments. Upon final termination of the Contract and after the ninety (90) day post-termination period has expired, Contractor shall provide all closed and open violation data to the City and the Contractor shall no longer retain any data pertaining to the City’s program.

ARTICLE 8  
THE CITY’S RESPONSIBILITIES

The City Manager will designate in writing a Project Manager who will coordinate all communication between the Contractor and all other parties and who is authorized to act on behalf of the City.

ARTICLE 9  
(UNUSED)

ARTICLE 10  
TAXES

The Contractor shall pay all applicable Federal, State and Local taxes, which may be chargeable, however, Contractor shall not be required to pay any City tax implemented after the execution date of this Contract not reasonably anticipated in the ordinary course of Contractor’s business.

ARTICLE 11  
DRUG-FREE WORKPLACE REQUIREMENT

DRUG-FREE WORKPLACE - The City of Greenville is a drug-free workplace employer. The Contractor shall provide a drug-free workplace during the performance of this Contract. This requirement is met by:

A) Notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken for violations of such prohibition;

B) Establishing a drug-free awareness program to inform employees about (i) the dangers of drug abuse in the workplace, (ii) the contractor's policy of maintaining a drug-free workplace, (iii) any available drug counseling, rehabilitation and employee assistance programs, and (iv) the penalties that may be imposed upon employees for drug abuse violations.

C) Notifying each employee that as a condition of employment, the employee will (i) abide by the terms of the prohibition outlined in A) above, and (ii) notify the Contractor of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.

D) Imposing a sanction on, or requiring the satisfactory participation in a drug counseling, rehabilitation or abuse program by an employee convicted of drug crime;

E) Making a good faith effort to continue to maintain a drug-free workplace for employees; and

F) Requiring any party to which it subcontracts any portion of the work under the Contract to comply with the provisions of A)-F).

Failure to comply with the above drug-free workplace requirements during the performance of this Contract shall be grounds for suspension, termination or debarment.

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ARTICLE 12  
COMPENSATION

12.1. The following compensation shall be paid to the Contractor:

PART	DESCRIPTION	COST
1	This fee will cover the services set out in Article 2 – Scope of Services. For civil penalties assessed for violations of Section 10-2-283 of the Greenville City Code, the amount the City will pay the Contractor each month for each of the civil penalties that are deposited in a designated City bank account in the preceding month. Includes Red-Light Safety Camera (one camera/rear imaging) equipment for a four-lane approach with up to two signal phases, installation, maintenance, violation processing services, DMV records access, notice processing (first class mailing of 1st notice in color with return envelope), first class mailing of 2nd notice, epayment with up to 5% convenience fee charged to violator, call center support for general program questions, court and legislative support, access to SafetyCameraLaw.com and public awareness program support.	\$31.85 per paid violation
2	For civil penalties assessed pursuant to Section 10-2-284 of the Greenville City Code for failure to timely pay the initial penalty, the Contractor shall provide skip-tracing services and send a pre-collections letter to the violator and City will pay the Contractor for each penalty deposited in a designated City account.	10% of the recovered revenue in addition to the fee in Part 1 above.
3	This Part 3 shall be used to compensate Contractor for full collection services, as provided by law, which may include the subcontracting to a collection agency or law firm specializing in collections. If the City requests the Contractor to file a civil action to recover delinquent unpaid citations, the parties will negotiate the scope of work and associated fees for this action in an addendum to this Contract.	30% of the recovered revenue in addition to the fee in Part 1 above.
4	Optional Additional Services	
4.a	Subsequent notices – Any additional notices or documents sent by First Class Mail required by the City or required by law.	\$2 per notice, plus \$2 per page after first page.
4.b	Certified Mail - Any additional notices or documents sent by Certified Mail required by the City or required by law.	\$2 per notice, plus \$2 per page after first page, plus USPS per unit cost for certified mail

12.2. Contractor will invoice the City in accordance with the provisions established in Parts (1), (2) and (3) of Article 12.1 above.

A) Civil penalty fee schedules for violations of Section 10-2-283 of the Greenville City Code are based upon the notice volumes stated within Article 12.1, Part 1 of this Contract.

B) In accordance with Article 12.1, Part (2), Contractor will bill additional fees to the City for those penalties collected after assessment of the late penalty pursuant to Section 10-2-284 of the Greenville City Code. The fee under Parts (2) and (3) (based upon the collections services provided and volume of penalties collected) will be added to the fee under Part (1) as described above.

C) For information purposes only and not as a charge, the invoice shall separately state, for the period covered by the invoice, the following:

- 1) The cost of materials and postage directly related to the printing and mailing of the first and second notices sent to the owner and, if necessary, the driver of a vehicle relating to citations.
- 2) The cost of computer services directly related to the production and mailing of the notices, which including the costs in subsection 1) immediately above amount to a total cost of \$2.00 per notice, which is subject to change and any such change will be noted on the invoice.

12.3. Prior to the start of the program, and by January 15 of each year thereafter, the Contractor shall submit reports, or provide City access to reports, that allows for an estimate of total payments to be invoiced and revenue for the following fiscal year, beginning July 1, or as may be consistent with City budget practices.

12.4. Payment of the fees provided for under this Contract will be made to the Contractor on a monthly basis upon submission of an invoice by the fifteenth of each month stating the amount due and accompanied by proper supporting documentation. Proper supporting documentation is to include the number and dollar amount of citations collected the late fees and any civil action. In the event that the Contractor is to be paid on a time and material basis for any work performed under this Contract, proper supporting documentation will include the date the service was performed and the hours spent performing the service. A correct payment request is defined as an invoice that indicates only those items that have been satisfactorily completed and accepted by the City. Payment of the fee will be mailed to the Contractor no later than thirty (30) days after receipt of the invoice.

12.5. INVOICING - Original invoices shall be sent to:

City of Greenville  
Greenville Police Department- Traffic Safety Unit  
P.O. Box 7207  
Greenville, NC 27835  
Attention: Chief of Police

ARTICLE 13  
CONTRACT CORRESPONDENCE

All notices, demands, consents or reports provided for in this Contract shall be in writing and shall be given to the City or the Contractor at the address set forth below or at such other addresses as each may specify hereafter in writing:

**City of Greenville**  
P.O. Box 7207  
Greenville, NC 27835  
Attention: City Manager

**American Traffic Solutions, Inc.**  
1150 N. Alma School Rd.  
Mesa, Arizona 85201  
Attention: Legal Department- Contract Division

Any such notice, demand, consent or report, shall be deemed to have been rendered or given on the date when it is received by the addressee or when it shall have been delivered by hand.

ARTICLE 14  
PERSONNEL (*UNUSED*)

ARTICLE 15  
INDEMNIFICATION AND INSURANCE

15.1 INDEMNIFICATION BY CONTRACTOR - Contractor assumes entire responsibility and liability for losses, expenses, demands and claims in connection with or arising out of any physical injury, or alleged physical injury (including death) to any person, or damage, or alleged damage, to property of the City or others sustained or alleged to have been sustained in connection with or to have arisen out of or resulting from the negligence of the Contractor, his/her subcontractors, agents, and employees, in the performance of the work/service set forth under this Contract, and agrees to indemnify and hold harmless the City, its officials, employees or volunteers from any and all such losses, expenses, damages, demands and claims and agrees to defend any suit or action brought against them, or any of them, based on any such alleged physical injury or property damage, and to pay all damages, costs and expenses in connection therewith or resulting therefrom. Contractor agrees to purchase and maintain during the life of this Contract contractual liability insurance in the amount required in the general liability requirements and to furnish proper evidence thereof.

15.2 INSURANCE - Contractor shall not commence any work in connection with this Contract until it has obtained all of the following types of insurance and such insurance has been approved by the City. Nor shall the Contractor allow any subcontractor to commence work on its subcontract until all similar insurance required of the subcontractor has been obtained and approved. All insurance policies shall be with insurers qualified and licensed to do business in North Carolina as recognized by the Secretary of State and the Insurance Commissioner's Office.

The Contractor will purchase and maintain during the life of this Contract, with an insurance company rated not less than A- by A.M. Best, authorized to do business in the State of North Carolina, acceptable to the City.

**AUTOMOBILE LIABILITY** – Contractor shall take out and maintain during the life of this Contract automobile liability insurance in an amount not less than \$1,000,000 combined single limit per accident for bodily injury and property damage from owned, non-owned, leased, hired or borrowed automobiles.

**COMMERCIAL GENERAL LIABILITY** - The Contractor shall take out and maintain during the life of this Contract commercial general liability insurance with limits of \$1,000,000 per occurrence; \$2,000,000 aggregate other than products/completed operations; \$2,000,000 aggregate for products/completed.

**WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE** – The Contractor shall take out and maintain during the life of this Contract workers' compensation insurance as required by the laws of the State of North Carolina and Employers' Liability with limits of \$100,000 each accident, \$500,000 policy limit and \$100,000 each employee for all employees employed on the project. In case any employee(s) engaged in work under this Contract is or are not protected under the Workers' Compensation Statute, the Contractor shall provide adequate coverage for the protection of employees not otherwise protected.

**UMBRELLA LIABILITY** - The Contractor shall take out and maintain during the life of this Contract additional umbrella liability insurance with minimum limits of \$1,000,000 per occurrence; \$2,000,000 aggregate.

#### 15.4 OTHER PROVISIONS:

(A) Any deductible or self-insured retention must be declared to and approved by the City.

(B) The policies are to contain, or be endorsed to contain, the following provisions:

(i) **Commercial General Liability Coverage** – The City of Greenville, its officials, employees and volunteers shall be named as additional insured as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, leased or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officials, employees or volunteers. Certificates of required insurance shall accompany all Contract documents. The City shall in no way be liable for any sums of money, which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Contractor and/or subcontractor providing such insurance.

(ii) The Contractor's insurance coverage shall be primary insurance as respects the City, its officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

(iii) Coverage shall state that Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(C) All Coverages – The Contractor shall not suspend, void, cancel or reduce coverage or limits of any insurance policy required by this Contract, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been made pursuant to Article 13 of this Contract. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officials, employees, and volunteers. In the event the City is damaged by the failure of the Contractor to maintain such insurance and to so notify the City, the Contractor shall bear all reasonable costs properly attributable thereto.

(D) Subcontractors – Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

(E) No Waiver of Immunity – Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that the City is named as an additional insured, shall constitute waiver of the City's governmental immunity pursuant to NCGS 160A-485 in any respects, under North Carolina law.

## ARTICLE 16 GENERAL PROVISIONS

16.1. INDEPENDENT CONTRACTOR STATUS - The Contractor and the City agree that the Contractor is an independent contractor and not an employee or agent of the City, except for the limited purpose as described in section 2.3 of this Contract. Nothing herein shall be construed as creating a partnership, agency, joint venture or other similar relationship between the City and Contractor.

The Contractor agrees that it will not represent to anyone that its relationship with the City is other than that of an independent contractor. The Contractor shall be fully and solely responsible for its own acts and omissions and those of its employees, officers, agents and subcontractors.

16.2. FORCE MAJEURE - The Contractor shall not be liable for any failure or delay in the performance of its obligations pursuant to the Contract and such failure or delay shall not be deemed a default of the Contract or grounds for termination hereunder if and to the extent such failure or delay is caused, directly or indirectly, by fire, flood, earthquake, hurricane, elements of nature or acts of God, acts of war, terrorism, Acts of Government, strikes, riots, civil disorders, rebellions or revolutions or any other cause beyond the reasonable control of the Contractor.

Upon the occurrence of a Force Majeure Event, the Contractor shall immediately notify the City by telephone (to be confirmed by written notice within two (2) days of the inception of the failure or delay) of the occurrence of a Force Majeure Event and shall describe in reasonable detail the nature of the Force Majeure Event. If any Force Majeure Event prevents the Contractor from performing its obligations for the entire program for more than twenty consecutive (20) days, the City shall have the right to terminate the Contract by written notice to the Contractor.

If the Force Majeure Event preventing the Contractor or the City from performing obligations under this Contract is a change in state or federal law or judicial interpretation thereof, the City may terminate the Contract without payment for early termination as described in section 7.1 after the exhaustion of reasonable legal action taken by either the City or the Contractor to defend against a legal challenge to the operation of the Program that prevented performance under this Contract. The City shall have no obligation to pay the Contractor a fee for any period when it is unlawful to issue citations. The term of the Contract shall be suspended during any period in which the City is not obligated to pay the Contractor and such time period shall be added to the term of the Contract once it becomes lawful for the Contractor to issue citations.

16.3. CITY AND CONTRACTOR NOT LIABLE FOR DELAYS - It is further expressly agreed that in no event shall the City or Contractor be liable for or responsible for or responsible to each other, any subcontractor or to any other person for or on account of any stoppages or delay in the work herein provided for by injunction or other legal or equitable proceedings or on account of any delay for any cause over which the City or Contractor has no control. The Term of the Contract shall be suspended during such period as performance is prevented by injunction or similar legal action.

16.4. AMENDMENTS TO THE CONTRACT - Any changes to this Contract must be mutually agreed upon by the parties and must be incorporated by written amendments to this Contract. The City Manager or his/her designee shall have the authority to amend the Contract on behalf of the City.

16.5. WAIVER - A waiver of any breach of any provision of this Contract shall not constitute or operate as a waiver of any other provision, nor shall any failure to enforce any provision hereof operate as a waiver of the enforcement of such provision or any other provision.

16.6. LAW TO GOVERN - The parties acknowledge that the Contract is made and entered into in Greenville, North Carolina, and will be performed in Greenville, North Carolina. The parties further acknowledge and agree that North Carolina law shall govern all the rights, obligations, duties and liabilities of the parties under the Contract; and that North Carolina law shall govern the interpretation and enforcement of the Contract and any other matters relating to the Contract (all without regard to North Carolina conflicts of law principles). The parties further agree that any and all legal actions or proceedings relating to the Contract shall be brought in a state or federal court sitting in Pitt County, North Carolina. By execution of the Contract, the parties submit to the jurisdiction of said courts and hereby irrevocably waive any and all objections which they may have with respect to venue in any court sitting in Pitt County, North Carolina.

16.7. ENTIRETY OF CONTRACT - This Contract and Contractor's written proposals that are incorporated by reference, comprise the entire agreement between the City and the Contractor. In the Event of a conflict, the terms of this Contract control over the Proposal.

16.8. SEVERABILITY - The invalidity of one or more of the phrases, sentences, clauses or sections contained in the Contract shall not affect the validity of the remaining portion of the Contract so long as the material purposes of the Contract can be determined and effectuated.

16.9. NO JURY TRIAL - The City and Contractor waive and will waive trial by jury in any action, proceeding or counterclaim brought by either of them against the other on any matter whatsoever arising out of or in any way connected with or related to the Contract or the relationship of the City and the Contractor under the Contract.

16.10. APPROVALS - Notwithstanding anything herein which may be to the contrary, all approvals or consents required or permitted pursuant to the Contract shall be in writing in order to be considered valid and effective.

16.11. ASSIGNMENT – The Contractor may not assign this Contract or any of its rights, duties or obligations hereunder, or subcontract any of the services to be performed hereunder, without the prior written consent of the City. In the event of an assignment, the assignee shall assume all liabilities and responsibilities specified herein.

16.12. The Contractor shall notify the City within ten (10) days of the occurrence of a change in Control. As used in this Contract, the term "Control" shall mean the possession, direct or indirect, of either (i) the ownership of or ability to direct the voting of, as the case may be fifty-one percent (51%) or more of the equity interests, value or voting power in the Contractor or (ii) the power to direct or cause the direction of the management and policies of the Contractor whether through the ownership of voting securities, by contract or otherwise.

16.13. SUCCESSORS AND ASSIGNS - This Contract shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto; provided, however, this provision shall not be deemed to authorize the assignment or other transfer of this Contract which may only be accomplished as expressly provided in this Contract.

16.14. IRAN DIVESTMENT ACT CERTIFICATION - The Contractor hereby certifies that, it is not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. The Contractor shall not utilize in the performance of the Contract any subcontractor that is identified on the Iran Final Divestment List.

16.15. E-VERIFY COMPLIANCE - The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further if the Consultant utilizes a subcontractor, the Contractor shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. The Contractor represents that the Contractor and its subcontractors are in compliance with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.

## ARTICLE 17 CONTRACTOR CERTIFICATION

By signing this Contract, the Contractor certifies:

17.1. Neither he/she, nor any official, agent or employee of the Contractor, has entered into any agreement, participated in any collusion, or otherwise taken any action, which is in restraint of free competitive contracting in connection with this Contract.

17.2. He/she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, disability or veteran status.

17.3. The City of Greenville has an equal opportunity purchasing policy. The City of Greenville seeks to ensure that all segments of the business community have access to supplying the goods and services needed by City programs. The City affirmatively works to encourage utilization of minority business enterprise in our procurement activities. The City provides equal opportunity for all businesses and does not discriminate against any vendors regardless of race, color, religion, age, sex, national origin or disability.

## ARTICLE 18 HUMAN RESOURCES PROVISIONS

### 18.1. PERSONNEL ADMINISTRATION

#### A) Character and Conduct of Employees

1) The Contractor's employees who normally and regularly come into direct contact with the public shall be clearly identifiable by, but not limited to, individual uniforms with name badges, nametags or identification cards.

2) The Contractor shall assure that its employees serve the public in a courteous, helpful and impartial manner. All employees of the Contractor in both field and office shall refrain from belligerent behavior and/or profanity. Correction of any such behavior and language shall be the responsibility of the Contractor.

3) In the event a report is received alleging an employee(s) of the Contractor was discourteous, belligerent, and profane or in any way intimidating, either physically or verbally, the Contractor shall submit a written report to the Project Manager, outlining the complete details of the incident. Said report shall include the nature of the incident, time, date and location and name, address and telephone number of the person alleging the violation. The report shall also include the name and title of the employee and what resolution or disciplinary action, if any, was taken. The report shall also include the action taken to re-contact the complaining party. The Contractor shall keep on file such reports for the duration of the project and make them available upon request by the Project Manager.

#### B) Nondiscrimination

1) The Contractor agrees that it has adopted and will maintain and enforce a policy of nondiscrimination on the basis of race, color, religion, sex, age, national origin or

disability.

2) The Contractor agrees that on written request, it will provide the City with a copy of its EEO Policy.

3) The Contractor agrees that it will inform the City of any final court judgments which find Contractor liable of violating employment practices in connection with the Greenville Traffic Signal Red Light Violation Program.

18.2. AUDIT AND INSPECTION - The Contractor agrees to an annual audit of project financial information by an independent auditor mutually acceptable to the City and the Contractor, upon request by the City. The firm is to be hired by the Contractor and expense of the audit is to be paid by the Contractor for up to fifteen (15) hours of audit work. The parties agree the scope of the annual audit shall be to account for any and all citations issued and fine revenue paid on said citations to ensure City was invoiced properly by Contractor. In addition, the Contractor must agree to periodic and random inspections of City only related project records and equipment by duly authorized City staff.

18.3. LOCAL AND SDBE PARTICIPATION - The Contractor agrees to make a good faith effort to give local and/or small disadvantaged business enterprise firms an opportunity to provide a bid on any subcontracting opportunity which may exist in the performance of the services under this Contract.

*[Remainder of Page Intentionally Blank; Signature Page Follows]*

**CITY:**

(CITY SEAL)

**CITY OF GREENVILLE**

By: \_\_\_\_\_  
Print Name: Allen M. Thomas  
Title: Mayor

ATTEST: \_\_\_\_\_  
(City Clerk) Carol L. Barwick, City Clerk

**CONTRACTOR:**

**AMERICAN TRAFFIC SOLUTIONS, INC.**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(Name and Title)

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_  
David A. Holec, City Attorney

**PRE-AUDIT CERTIFICATION:**

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Bernita W. Demery, Director of Financial Services

Date \_\_\_\_\_

Account Number \_\_\_\_\_

Project Code (if applicable) \_\_\_\_\_

[Signature Page to AGREEMENT FOR MANAGEMENT OF THE PHOTO CITATION PROGRAM  
BETWEEN THE CITY OF GREENVILLE AND AMERICAN TRAFFIC SOLUTIONS]



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** NC Emergency Management Hazard Mitigation Grant Program Application and Resolution Adopting a Prioritization and Policy Plan for the Development and Implementation of a Hazard Mitigation Grant Program Acquisition and/or Elevation Project

**Explanation:** **Abstract:** In order to be considered for Hazard Mitigation Grant Program funds, the City of Greenville must adopt a Prioritization Plan and submit a Letter of Interest by March 31, 2017. Initial buyout "intake" sessions for the public were held on March 8 and 9, 2017 with NC Emergency Management staff. The requested action is to approve the proposed Prioritization Plan and authorize the submittal of the required Letter of Interest to the State of North Carolina by March 31, 2017.

**Background:** Following Hurricane Matthew, NC Emergency Management has announced the largest Hazard Mitigation Grant Program (HMGP) since Hurricane Floyd. Programs are designed to assist those families and individuals whose properties were located within the 100-year floodplain and experienced flooding from Hurricane Matthew. The Hazard Mitigation Grant Program offers three areas of assistance: Acquisition ("buyout"), Elevation ("house raising"), and Reconstruction ("demolition and rebuild"). Applicants were encouraged to attend one of two application intake sessions that took place on March 8 and 9, 2017 at the Pitt County Agricultural Center in Greenville and at the Harvey Building in Grifton. Representatives from North Carolina Emergency Management, Pitt County, and the City of Greenville were present at the intake sessions.

The much-anticipated "buyout" program associated with the flooding of the Tar River in the aftermath of Hurricane Matthew was announced recently with the first round of Letters of Intent due to the State of NC by March 31, 2017. At the time this agenda item was prepared, the intake sessions had not begun, but a report will be provided to Council at the March 20<sup>th</sup> meeting. City staff estimates that approximately 50 structures within the 100-year floodplain could have been damaged enough to qualify for assistance. Of these, approximately 25

may be severely damaged, based on information available at this time.

Funding by the State of NC and granted to the Golden Leaf Foundation will be available for relocation assistance for those participating in the buyout program. Additionally, the Golden Leaf Foundation will administer programs for repairs to public infrastructure for flood remediation purposes.

City staff has proposed a Prioritization Plan for the buyout or repair program which will include all properties eligible for buyout or repair, in compliance with state grant program guidelines. The first requirement is the submittal of the Letter of Intent to the State by March 31, 2017. Due to the timing of the public input sessions, a more accurate count will be available at the March 20, 2017 Council meeting, including a map of potential participating properties. Engineering staff is preparing a list of proposed infrastructure projects, along with cost estimates, for needs not eligible for FEMA's Public Assistance Grant Program. The deadline for the submittal of a second Letter of Interest if necessary is May 1, 2017, for property owners who were not able to submit applications during the initial intake process. Following the submission of the Letter of Interest, applications for buyout or repair will then be submitted to the State. Additionally, applications for repairs to public infrastructure that are not eligible for reimbursement from FEMA will be submitted to the Golden Leaf Foundation.

At this time, staff recommends that the City of Greenville's prioritization plan for Hurricane Matthew recovery consist of the following activities and programs:

- A. Buyout of up to 24+ properties (with a first priority given to owner occupied dwellings first) located within the 100-year floodplain that were flooded.
- B. SARF relocation funds provided to owners and or tenants as applicable who either own or resided in a home purchased in the Hurricane Matthew buyout program.
- C. Public Remediation funding for repairs to public infrastructure damaged during Hurricane Matthew and not covered by FEMA reimbursement.
- D. Repair of homes not eligible for buyout but damaged by flooding from Hurricane Matthew.

NC Emergency Management has been involved with intake sessions for the public and has assisted in determining eligibility. The actual grant application amounts will be determined after the application intake sessions and eligibility determinations by NC Emergency Management. Staff will submit funding applications for approval to City Council once the applications and other items have been completed.

**Fiscal Note:**

No direct cost to the City.

**Recommendation:** City Council is requested to take the following actions:

1. Approve the proposed Resolution and Prioritization Plan,
2. Authorize Submittal of the Letter of Interest, and
3. Authorize the City Manager and/or her designee to assemble the required applications for recovery assistance.

Staff will submit grant applications for City Council approval once the applications have been completed.

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

Attachments / click to download

 [LOI MATTHEW](#)

 [matthew\\_prioritization\\_plan\\_1047733](#)

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RESOLUTION NO. 17-  
RESOLUTION ADOPTING A PRIORITIZATION AND POLICY PLAN FOR THE  
DEVELOPMENT AND IMPLEMENTATION OF A HAZARD MITIGATION GRANT  
PROGRAM ACQUISITION AND/OR ELEVATION PROJECT IN THE CITY OF  
GREENVILLE AND ITS EXTRATERRITORIAL JURISDICTION

WHEREAS, areas within the corporate limits of the City of Greenville and its extraterritorial jurisdiction established pursuant to the provisions of North Carolina General Statute 160A-360 have recently been devastated by flooding caused by Hurricane Matthew;

WHEREAS, the City of Greenville is in the process of developing a Hazard Mitigation Grant Program (HMGP) grant application for the purpose of acquiring and demolishing, repairing and/or elevating flood-prone structures to address the widespread flooding problem within its corporate limits and extraterritorial jurisdiction;

WHEREAS, the HMGP is administered by the North Carolina Emergency Management (NCEM);

WHEREAS, the NCEM requires that all applicants for HMGP funds adopt a Prioritization Plan to rank the order in which potential acquisition and repair projects will be submitted and conducted;

WHEREAS, the City of Greenville is required to adopt policies and procedures for the implementation of the proposed HMGP Acquisition and/or Repair Project that support the City's long-term vision for redevelopment of land in the floodplain;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby adopt and approve the use of the attached Prioritization and Policy Plan for the Development and Implementation of a HMGP Acquisition, and/or Repair Project within the corporate limits of the City of Greenville and its extraterritorial jurisdiction established pursuant to the provisions of North Carolina General Statute 160A-360.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Affordable Housing Loan Committee is hereby authorized to implement on behalf of the City of Greenville the attached Prioritization and Policy Plan for the Development and Implementation of the HMGP Acquisition and/or Repair Project and that the City Manager and or designee, is hereby authorized to execute for and on behalf of the City of Greenville, applications related to the HMGP Acquisition, and/or Repair Project.

This the 20th day of March, 2017.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

PRIORITIZATION AND POLICY PLAN FOR THE DEVELOPMENT AND  
IMPLEMENTATION OF A HAZARD MITIGATION GRANT PROGRAM (HMGP)  
ACQUISITION AND/OR REPAIR PROJECT IN THE CITY OF GREENVILLE, NORTH  
CAROLINA AND ITS EXTRATERRITORIAL JURISDICTION

Background

The North Carolina Emergency Management (NCEM) requires that each applicant for HMGP funds adopt a Prioritization Plan for the Development and Implementation of a HMGP Acquisition and/or Repair Project.

The purpose of this policy is to answer the following questions:

- A) Which mitigation measures will be allowed and in what areas?
- B) Who is eligible to indicate their interest in the HMGP acquisition or repair program to the City and participate in a HMGP elevation or acquisition project?
- C) On what basis will properties be prioritized for application and implementation?
- D) In what order will applications for HMGP assistance be submitted?
- E) In what order will individual structures be acquired or repaired, IF funds are made available for these activities under the HMGP?
- F) How will disputes be resolved and policies be clarified that result from this prioritization plan?
- G) What are some limitations of this plan?
- H) What are the local policies that govern the implementation of the HMGP in the City of Greenville – above and beyond the requirements of Federal and State law, regulation, and policy?

A) Mitigation Measures Allowed

- i) The City of Greenville will allow only the acquisition and demolition of structures within the 100 year floodplain as defined by the City's Flood Insurance Rate Maps (FIRM) produced by the Federal Emergency Management Agency (FEMA) with HMGP funds.
- ii) The City of Greenville will allow property owners outside of the 100 year floodplain as defined by FEMA to choose whether they prefer the acquisition and demolition of their structure OR the on-site repair of their existing structure in accordance with applicable program guidelines for eligibility. These property owners will only be offered the mitigation option (i.e.: acquisition or repair) that is approved by and determined to be the most cost-effective by NCEM.

## B) Eligibility to Express Interest and Participate in a HMGP Project

- i) Except as noted in paragraph B(ii) and (iii) and paragraph H below, all land owners whose land was inundated by flood waters in October of 2016 are eligible to indicate their interest in the HMGP acquisition or repair program to the City and participate in a HMGP acquisition or repair project *IF* their property is approved for participation in such a program by FEMA.
- ii) Due to Federal policies, tenants cannot request to have the structure they live in acquired or repaired. A tenant is a person who has the temporary use and occupancy of real property owned by another person. This included persons who own mobile homes that occupy land rented from another person.
- iii) Due to State policy, property owners whose property contains a secondary, vacation, or other non-primary residence cannot request to have their structure elevated or acquired, and cannot participate in the HMGP program. This policy DOES NOT exclude tenant occupied properties from being assisted under the HMGP.

## C) Prioritization Criteria

- i) There are three primary prioritization criteria, as follows:
  - a) Land Use
  - b) Damage Category
  - c) Geographic Area
- a) Land Use
  - 1) Land Use shall be the primary criteria for prioritization of properties under any HMGP grant in the City of Greenville.
  - 2) Primary residential structures will be prioritized for treatment over all other properties. "Primary residence" will be defined by the Internal Revenue Service definition of this term. The structure must have been the primary residence of the applicant or the previous owner of the structure (if the structure has been sold since the flood) at the time of the flood (October 15, 2016).
  - 3) All property in other non-residential uses, except for vacant parcels, will be prioritized second.
  - 4) Vacant parcels of land will be prioritized last.
- b) Damage Category
  - 1) Damage Category shall be the second prioritization criteria employed.
  - 2) Properties determined to be substantially damaged, as defined in FEMA regulations, properties that had two (2) feet or more of

water above the lowest finished floor as reported by the structure owner and verified by City staff, and/or properties that are in the floodway as defined by FEMA will be prioritized first within this criteria. Properties which contain a structure damaged by flood waters in October of 2016 and that are directly contiguous to a property determined to be substantially damaged, as defined in FEMA regulations, properties that had two (2) feet or more of water above the lowest finished floor as reported by the structure owner and verified by City staff, and/or properties that are in the floodway as defined by FEMA will also be prioritized first within this criteria.

- 3) All other properties with structures on them, and not described in paragraph C(i)(b)(2) above, and within the 100-year floodplain as defined by FEMA will be prioritized second within this criteria.
- 4) All other properties with structures on them, and not described in paragraph C(i)(b)(2) above, and outside of the 100-year floodplain as defined by FEMA will be prioritized third within this criteria.

c) Geographic Area

- 1) Geographic Area shall be the third prioritization criteria employed.
- 2) The following geographic areas will be prioritized within this criteria, in the following order:
  - (I) Scattered Sites within the 100 year Flood Plain(all program eligible sites)
  - (II) Scattered sites outside of the Flood Plain (all eligible locations for repair programs)

A map of these areas is on file with the City of Greenville  
Community Development Department

D) Application Submittal Order

- i) Applications will be submitted in accordance with NCEM guidelines and in accordance with the submission criteria.

E) Buyout Implementation Order

- i) For properties determined to be substantially damaged, as defined in FEMA regulations, properties that had two (2) feet or more of water above the lowest finished floor as reported by the structure owner and verified by City staff, and/or properties that are in the floodway as defined by FEMA, or contiguous properties (as described above), implementation for acquisition of projects will be based on the individual property owner's ability to schedule closing on property, on a "first

- come, first served” basis.
- ii) For properties in the 100-year floodplain, but not described by paragraph (E)(i) above, prioritization of implementation for acquisition projects will be based on the base flood elevation (100 year flood) minus the finished floor elevation of the primary structure on each site, with a greater number indicating higher priority.
  - iii) For properties outside of the 100-year floodplain and as determined eligible by NCEM, but not described by paragraph (E)(i) above, prioritization of implementation for acquisition projects will be based on the base flood elevation (500 year flood) minus the finished floor elevation of the primary structure on each site, with a greater number indicating higher priority.
  - iv) Implementation order as described in this section may be modified with the approval of the Affordable Housing Loan Committee of the City of Greenville on the recommendation of the Director of the Community Development Department for just cause, such as title problems, inability to locate a property owner after several attempts, or the City’s foreknowledge of a property owner’s inability to accept an offer of just compensation due to relocation issues.
  - v) In acquisition projects, property owners will have thirty (30) days to accept or reject an offer for just compensation, if it is made by the City of Greenville. The offer for just compensation will be withdrawn and invalid at the conclusion of this period if the property owner has not responded to the offer.
  - vi) If an offer of just compensation is rejected by a property owner, the Director of the Community Development Department for the City of Greenville may make a new offer of just compensation thirty (30) days after the termination date of the first offer of just compensation, or later, for good cause and at his sole discretion.
  - vii) Offers for just compensation will be made until available HMGP funds are exhausted.

#### F) Disputes and Clarifications

- i) The City’s Affordable Housing Loan Committee will serve to hear all disputes and make clarifications and interpretations of this plan, with staff assistance from the City of Greenville’s Community Development Department. Actual changes to this plan will have to be approved by the City Council.

#### G) Limitations of this Plan

- i) State and Federal statutes, regulations, policies, and procedures regarding the HMGP will hold precedence over the policies of this plan.

#### H) Local Policies Governing the HMGP in the City of Greenville

- i) Persons whose property was not affected by flooding in October of 2016 cannot be purchased under the HMGP in the City of Greenville.
- ii) Any property that suffered flood damage in October of 2016 and has subsequently had a new, permanent structure built or placed on it is not eligible to be purchased under the HMGP in the City of Greenville.

- iii) Any property that has been sold since October 15, 2016, can only be purchased for its pre-flood fair market value or the purchase price at which it was obtained by the current owner, whichever is less.
- iv) Any property sold to the City of Greenville under the HMGP must be fully and formally vacated at the time of real estate closing.
- v) Any property on which there was a structure destroyed by the flood that has subsequently been demolished and/or removed by the owner may be purchased **ONLY** if there has not been a new structure placed on the site and it is owned by the owner at the time of the flood (October 15, 2016).

**HAZARD MITIGATION GRANT PROGRAM (HMGP)  
DR-4285 (HURRICANE MATTHEW)  
LETTER OF INTEREST**

APPLICANT:

COUNTY:

POINT OF CONTACT NAME AND TITLE:

ADDRESS:

TELEPHONE: (     )

FAX: (     )

EMAIL:

NAME OF YOUR JURISDICTION'S LOCAL MITIGATION PLAN:

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Eligible project types include: Acquisition (Buyouts), Elevation (House Raising), and Mitigation Reconstruction (Demo/Rebuild), Generators, Early Warning Systems, Regional Plans, Stormwater Management, Wind Retrofits, and the Mitigation of commercial properties. Please see the attached NCEM Notice of Funds Availability for important information pertaining to this funding cycle.

Federal Guidance: [www.fema.gov/hazard-mitigation-assistance](http://www.fema.gov/hazard-mitigation-assistance)

1. **Description of problem to be mitigated** *(If project is an acquisition, elevation or mitigation reconstruction, tax cards, .jpeg photos of structure (entire circumference of the structure in 3-4 photos), elevation certificates (if available) for each structure must be provided.) If applying for funding for a Hazard Mitigation Plan, note that only proposals for regional plans will be accepted.*
2. **Description of previous damages and/or hazard history specific to the mitigation projects being submitted:** (Attach additional sheets if necessary):
3. **Description of proposed project or mitigation measure:** (List structures to be protected, including location. Attach additional sheets if necessary.)

**4. Estimated Line Item Budget for Project Costs:**

**5. Technical Assistance Needed from NCEM: (To help us provide you with the best possible level of customer service, please indicate how much support you anticipate needing from NCEM) – select all that apply:**

- A. General, ongoing assistance and guidance
- B. Quite a bit of assistance
- C. Substantial hands-on assistance throughout the process
- D. Especially need support with intake of potential HMGP participants

Please also describe the *type* of support you anticipate needing from NCEM (i.e. providing data to support a Benefit-Cost Analysis, technical writing, etc.)

**6. NFIP Rep Loss Information**

If you need a current copy of your community's severe repetitive loss list and/or repetitive loss list, please e-mail [hmgrants@ncdps.gov](mailto:hmgrants@ncdps.gov) and we will be in touch immediately.

**7. Important Deadlines:**

- A. **March 31, 2017 (Close of Business)** – Letters of Interest (LOIs) are due for all Expedited Sub-Applications. *Expedited LOIs and attachments can be sent anytime before for processing.* All documents to support a benefit-cost analysis are due. For acquisition and elevation projects, these include tax cards and elevation certificates (if available), as well as loss histories for all properties being mitigated. NCEM will conduct analysis to determine if projects are cost effective, including use of all waivers, and submit grant applications in NEMIS. **\*\*Please note that Mitigation projects require a FEMA-approved and adopted Hazard Mitigation Plan at the time of submittal to FEMA, as well as on FEMA's subsequent award date, if selected.\*\*** For technical assistance with these requirements, please contact Nick Burk, Section Manager for Hazard Mitigation Grants at (919) 825-2301 or Sharon Winstead, Hazard Mitigation Supervisor at (919) 825-2356. NCEM will provide grant writing support on expedited subapplications, especially to support emergency housing/resilience needs.
- B. **May 1, 2017 (Close of Business)** – Letters of Interest (LOIs) are due for Standard Sub-Applications including all previously mentioned required documentation. NCEM-HM will begin working with sub-recipients prior to ensure all required attachments have been retrieved and are formatted correctly.
- D. **June 19, 2017** – For standard sub-applications selected by NCEM to be submitted to FEMA, NCEM-HM will begin working with sub-recipients on a strong first draft of the grant application.
- E. **August 25, 2017** – Final drafts of grant applications are due to NCEM, integrating comments from NCEM Hazard Mitigation staff.

Please return completed LOI electronically to:

HM Grants Branch – Attention: Kathy Brewer  
Hazard Mitigation Branch  
e-mail: [hmgrants@ncdps.gov](mailto:hmgrants@ncdps.gov)



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Adoption of the 2017 City Council Planning Session Report

**Explanation:** **Abstract:** The Greenville City Council held its Annual Planning Session on January 27-28, 2017. The facilitator's summary report of the session is being submitted for City Council consideration and adoption. The report provides guidance and directions to the staff carrying out the City Council's priorities for 2017.

**Explanation:** The Greenville City Council held its Annual Planning Session on January 27-28, 2017. Al Delia was the facilitator, and completed a summary report of the session, which is being submitted for City Council consideration and adoption. The report provides guidance and directions to staff of the City Council's priorities for 2017.

The City Council received a list of 23 priority projects which staff aligned with the current goals and priorities of City Council. The following is the full listing of the priority projects considered.

1. Sycamore Hill Memorial
2. Other Town Common Development
3. Evans Street Widening Project
4. 14th Street Widening Project
5. Firetower Road Widening Project
6. Firetower/Portertown Road Widening Project
7. Allen Road Widening Project
8. Dickinson Avenue Improvements
9. Street Light Installation (various streets)
10. Traffic Signal System Upgrade (Citywide)
11. Town Common to River Park North
12. Green Mill Run to Eastside Park
13. Pitt Street to Nash Street
14. Nash Street to VA Hospital
15. Tar River Legacy Plan Projects
16. Eastside Park

17. River's Edge Park
18. Southwest Park
19. South Central Area Park
20. Greenfield Terrace Park Expansion
21. Southside Fire Station
22. Parking Lots: Sidewalk Development/City Employees
23. Skate Park

City Council prioritized these projects by voting. While several items received priority votes, the top four projects in terms of ranking will receive priority attention by staff during 2017. Some items may not be completed in the 2017 time frame. There are additional items that did not receive priority votes, but because they have existing funding or are part of other initiatives, they will be worked on in addition to the priority ranked projects.

Ranking of Priority Projects included the following:

Priority Project Rankings

1. Southside Fire Station (15)
2. Sycamore Hill Memorial (13)
2. Street Light Installation (Various Streets) (13)
4. Dickinson Avenue Improvement (10)
4. Town Common to River Park North (10)
4. Eastside Park (10)
7. Other Town Common Development (9)\*
8. Tar River Legacy Plan (7)\*
9. Skate Park/BMX (6)\*
10. River's Edge Park (5)\*
11. 14th Street Widening (3)
12. Traffic Signal System Upgrade (Citywide) (2)\*
12. Nash Street to VA hospital (2)\*
12. Greenfield Terrace Park Expansion (2)\*
15. Evans Street Widening (1)\*
15. Green Mill Run to Eastside Park (1)

\* Projects that will receive attention due to funding and connection with other ongoing projects.

City Council also received reports on long-term projects referred to as "Big Ideas". These are projects that have a completion time line that may span several years. These items were also prioritized and provide direction to City staff on what the focus should be in addition to the priority projects previously identified.

"Big Ideas" Rankings

1. Sidewalk Imagineering/STEAM Project (12)
2. Commercial/Industrial Site (10)
3. Town Common Pedestrian Bridge (8)
4. Sports Destination Projects: (7)
  - a. Triangle Field Complex (5)

- b. Indoor Court Facility (2)
5. Coastal Plain Baseball League (5)

Based upon the ranking and prioritization by City Council, the priority focus areas by staff on Priority Projects will be:

1. Southside Fire Station
2. Sycamore Hill Memorial
3. Street Light Installations
4. Town Common to River Park North
5. Eastside Park

As previously noted, these projects represent the priority projects that staff will primarily focus their attention to. Although work on other identified projects will continue by staff, first priority will be given to these identified projects.

The "Big Ideas" focus areas will be:

1. Sidewalk Imagineering/STEAM Project
2. Commercial/Industrial Site (property acquisition and park development)
3. Town Common Pedestrian Bridge
4. Sports Destination Projects
5. Coastal Plain Baseball League

**Fiscal Note:**

The 2017 City Council Planning Session included the presentation of a Long-Term Capital Debt Plan to address the future funding needed to bring the Council's identified priorities to fruition. The following is a summary of the Debt Plan as presented at the Planning Session:

1. As part of the General Fund Budget, the City will strive to invest approximately \$3.5 million each year into Capital Improvement Projects (CIP) on a pay-as-you-go basis. Approximately 70-80% of the CIP budget is anticipated to be used for street lighting & improvement projects.
2. Over the next ten fiscal years, the City will strive to fund approximately \$40 million in capital projects through the application of the Long-Term Debt Plan. Projects are to be funded in intervals of four years.
3. The City will seek to finance projects through the Long-Term Debt Plan within the confines of the following objectives: a) maximize the number of projects funded, b) minimize the time needed to begin new projects, c) minimize the impact on the budget and the tax rate.
4. Funding will be sought to finance projects of high priority as determined by City Council. Projects deemed to be high priority by the Council at the Planning Session were the following: a) Southside Fire Station, b) Sycamore Hill Memorial, c) Street Light Installations, d) Town Common to River Park North, e) Eastside Park.
5. The City will use a combination of debt financing and one-time funding above the City's minimum unrestricted fund balance policy to fund projects as included in the Long-Term Debt Strategy.

6. Interest rates are a significant factor in the application of the Long-Term Debt Strategy. A minor increase/decrease can have a tremendous impact on the amount of projects funded in the future.
7. The potential funding scenario does not include any increase in operating expense that comes to fruition as a result of new capital projects completed. An example includes the increase in personnel expense of approximately \$610,000 annually to operate a new fire station on the south side of the City.
8. As the City strives to fund the Council's priority capital projects in the future, staff will need to further formalize the cost of each project in order to determine the future financial impact to the City.

The following is a summary of the proposed timeline for capital funding based on the above criteria and the projected interest rates at the time of borrowing:

FY2018	Parking Lots: Sidewalk Dev/City Employees	\$ 1,900,000
FY2019	2015 G.O. Bond Part Two	8,000,000
FY2019	Projects to be Determined	9,000,000
FY2023	Projects to be Determined	10,000,000
FY2027	Projects to be Determined	12,000,000
	Total	\$40,900,000

**Recommendation:** Adoption of the 2017 City Council Planning Session Report

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[Facilitator Report Greenville City Council Planning Session 01 27 28 2017 1046643](#)

*Al Delia, Facilitator*  
*Report submitted February 3, 2017*

# Facilitator Report Greenville, NC City Council Planning Session January 27-28, 2017

## Setting Priorities & Providing Direction

This report summarizes the outcome of presentations to, discussions among and priority-setting exercises by Greenville City Council members with the objective of providing direction to the City Manager and staff. The intent of the planning session was not to make final commitments or decisions on any topic.



## Summary

The planning session provided information and sought direction from City Council members in four basic categories: 1. General Fund budget forecast; 2. “Pay As You Go” use of General Fund revenues to pay for some capital projects; 3. Long-Term Capital Debt Planning and prioritization of identified capital projects; and 4. “Big Ideas” for future development of capital projects. The amount of detailed information available, the degree of certainty about the likelihood of individual items coming to fruition as planned, the confidence in cost estimates and the timing of project start and completion decreases quite substantially from items identified in the “Pay As You Go” category (likely to occur as presented during the planning session) to the “Big Ideas” presentations (which still require a high degree of information and refinement before detailed proposals may be discussed and decided by City Council.)

The planning session began on Friday afternoon, January 27<sup>th</sup> with a presentation by the Office of Economic Development highlighting the City’s overarching economic development strategy and plan, as well as a more detailed review of retail strategies, the Imperial Site Redevelopment and new action items for 2017. In response to the Imperial Site Redevelopment presentation made by Jordan Jones of DFI, several Council members expressed concern about specific components of the redevelopment plan. Mr. Jones specifically acknowledged and noted the concerns and confirmed he would take the concerns and objections raised into account as further refinement of the redevelopment plan takes place. The economic development presentation was followed by a discussion during which consensus was sought and given by Council members for the Office of Economic Development to continue in the directions on which they had embarked.

The planning session reconvened on Saturday morning, January 28<sup>th</sup> with a presentation and discussion about the General Fund Budget Forecast for FY 2017-18, followed by an overview of long-term capital debt planning (10 years) and a priority-setting exercise to re-examine previously established possible projects. Of note from the budget forecast was information that 62% of the City’s general fund expenditures were for human resources. An issue that will require closer examination is the rate of increase in general fund expenses, particularly resulting from escalating human resources costs, which is exceeding the rate of revenue growth. The divergence in the rate of growth between expenditures and revenues is clearly an issue that will require City Council attention in the future.

After an easily arrived at consensus by City Council members that the direction and plan outlined in the general fund presentation, which included a ten-year plan to “Pay As You Go” for certain identified projects, attention turned to setting priorities for long-term capital projects. A detailed review of the process and results of the long-term capital projects priority-setting exercise follows.



# Setting Priorities & Providing Direction

## Established Goals & Priorities

At previously held planning sessions, as well as during normal Council deliberations and budgeting processes, Council established 8 goals and 10 priorities for the City of Greenville. Those goals and priorities are itemized in the sidebar on the right side of this page, below.

City staff presented information pertaining to projects completed, underway or being planned within these previously established goals and priorities. The estimated cost of each identified project, the cost-share for each project by source of funds (e.g. – Greenville, State, Federal, Other) was also provided for each project. The Greenville cost share for all projects is approximately, \$43.2 million of nearly \$190 million in total project costs. At the conclusion of the presentation, City Council members were asked for consensus to continue pursuing these goals and priorities without change. No concerns or objections were raised to continuing with the established goals and priorities for planning purposes. As a result, the remainder of the planning session took place with the understanding that the overarching goals and priorities would serve as guidance in providing direction to City staff about specific project priorities.

Additionally, City staff presented information highlighting possible funding mechanisms for the Greenville share of capital improvement projects over the next 10 years. Those funding mechanisms for specific projects or groups of projects included options to “Pay As You Go” from general funds, to installment payments, to issuing voter approved bonds.

### *Established City Council Goals & Priorities*



#### Goals

- A. Building Great Places That Thrive
- B. Enhancing Accessible Transportation Networks
- C. Governing With Transparency & Fiscal Responsibility
- D. Growing the Economic Hub of Eastern N.C.
- E. Create Complete Neighborhoods
- F. Growing a Green and Resilient City
- G. Making a Healthy and Vibrant City
- H. Safe Community: Police and Fire/Rescue

#### Priorities

- 1. Town Common- Do the Whole Thing
- 2. Farmer's / Organic Market
- 3. Long-Term Debt Strategy
- 4. River Access / Tar River Vantage Points
- 5. Tar River Legacy Plan Additions
- 6. Virtual Building
- 7. Red Light Cameras
- 8. Lighting- LED
- 9. Arts Coalition
- 10. Southside Police Precinct



## Providing Direction

The underlying purpose for asking City Council members to provide more and clearer direction about which projects to prioritize is to most efficiently use City staff time and resources. As was presented during the planning session, 62% of all general fund expenses for the City of Greenville are human resource costs. With human resources both the largest portion of the budget, as well as the most important asset of the City, it is vital for City Council to provide direction about priorities in order to most effectively and efficiently spend limited resources.

Working with a previously identified list of projects to be undertaken that coincide with one or more of the established goals or priorities for the City of Greenville, City Council members were asked to evaluate each project in relation to the priority they would assign it in relation to all other projects. A list of the identified projects to be prioritized is provided in the sidebar on the right side of this page.

Each Council member received 9 sticky dots (3 green dots each valued at 3 points; 3 yellow dots each valued at 2 points; and 3 red dots each valued at 1 point) with which to designate their individual priorities. Green dots denoted the highest relative priority. Each Council member was asked to affix one or more dots next to an identified project to provide direction to City staff about how staff time and City resources ought to be expended to further explore and develop each specific project. The total points attained by the various projects determined the priority order, and therefore, direction given by Council to City staff to gather further information, develop more detailed costs and funding models, and present details of if, how and when to move forward with each project at future City Council meetings. After more detailed

### Possible Projects



#### Town Common Development

- Sycamore Hill Memorial
- Other Town Common Development

#### Transportation Related Projects

- Evans Street Widening
- 14<sup>th</sup> Street Widening
- Firetower Road Widening
- Firetower/Portertown Road Widening
- Allen Road Widening
- Dickenson Avenue Improvement
- Street Light Installation (Various Streets)
- Traffic Signal System Upgrade (Citywide)

#### Greenway Projects

- Town Common to River Park North
- Green Mill Run to Eastside Park
- Pitt Street to Nash Street
- Nash Street to VA hospital

#### Tar River Legacy Plan & Park Development

- Tar River Legacy Plan
- Eastside Park
- River's Edge Park
- Southwest Park
- South Central Area Park
- Greenfield Terrace Park Expansion

#### Public Safety Projects

- Southside Fire Station

#### Economic Development Projects

- TBD



information is provided, the final approvals to move forward with any individual project will occur in the normal budget process and/or at future City Council meetings.

## Priority Projects

At the start of the priority setting exercise, Council members were invited to add any projects or opportunities to the existing list that they would like their colleagues to consider as a priority item, in addition to those already identified.

One possible project was added to the existing list. This project was identified as “Skate Park/BMX” and described as a legacy to the contribution of the late Dave Mirra to the community and the sport. In addition to being a recreational facility, it was described as a potential economic development project.

The exercise resulted in the identification of 16 prioritized projects, from the original list of 22 projects (1 project was added to the original list, for a total of 23). In the order of the highest to lowest point total obtained (total points attained are in parenthesis), the results of the exercise are shown in the sidebar on the right side of this page, above.

It’s important to clarify that although some projects did not receive votes, while others were ranked high or low, this exercise was designed to help City staff set priorities for the expenditure of staff resources in developing further details for plans to carry-out all 23 of the projects identified. Council review and approval of each project will be sought in the regular course of City Council business at future dates. After submittal of the report by the facilitator, the City Manager’s office felt that it is important to advise the City Council that 7 of the 23 presented projects did not receive priority votes but are still priorities as they have funding or are part of other ongoing projects that will require staff time and work. These projects include the Firetower Road Widening, Firetower/Portertown Road Widening, Allen Road Widening, Pitt Street to Nash Street improvements, South West Park development, South Central Area Park development, Parking Lot development for Sidewalk project and City Employees. A full listing of all of the projects prioritized is included at the end of this report.

## Project Rankings



1. Southside Fire Station (15)
2. Sycamore Hill Memorial (13)
2. Street Light Installation (Various Streets) (13)
4. Dickenson Avenue Improvement (10)
4. Town Common to River Park North (10)
4. Eastside Park (10)
7. Other Town Common Development (9)
8. Tar River Legacy Plan (7)
9. Skate Park/BMX (6)
10. River’s Edge Park (5)
11. 14<sup>th</sup> Street Widening (3)
12. Traffic Signal System Upgrade (Citywide) (2)
12. Nash Street to VA hospital (2)
12. Greenfield Terrace Park Expansion (2)
15. Evans Street Widening (1)
15. Green Mill Run to Eastside Park (1)



## Exploring Future Possibilities

### “Big Ideas”

The latter part of the City Council Planning Session on Saturday was reserved for presentation and discussion of a variety of themes or possibilities that are in the early or concept stage. In addition to the Friday evening topic regarding the Imperial Site Redevelopment, other possibilities presented, considered and discussed included the items in the sidebar on the right.

At the conclusion of the presentation and discussion of all of the “Big Ideas” possibilities, each City Council member received 3 sticky dots (1 green dot valued at 3 points; 1 yellow dot valued at 2 points; and 1 red dot valued at 1 point) with which to designate their individual priorities. Green dots denoted the highest relative priority. Each Council member was asked to affix one or more dots next to a “Big Ideas” project to provide direction to City staff about how staff time and City resources ought to be expended to further explore and develop each specific project. The total points attained by the various projects determined the priority order, and therefore, direction given by Council to City staff to gather further information or develop more specific information, including cost estimates, funding models, and other relevant facts to present

### “Big Ideas” Rankings



1. Sidewalk Imagineering/STEAM Project (12)
2. Commercial/Industrial Site (10)
3. Town Common Pedestrian Bridge (8)
4. Sports Destination Projects: (7)
  - a. Triangle Field Complex (5)
  - b. Indoor Court Facility (2)
5. Coastal Plain Baseball League (5)

### “Big Ideas”



- Coastal Plain Baseball League
- Commercial/Industrial Site
- Disney Imagineering/STEAM Project
- Imperial Site:
  - Public Improvements
  - Parking Deck
- Sports Destination Projects:
  - Natatorium
  - Indoor Court Facility
  - Triangle Field Complex
- Thomas Langston Road to Greenville Blvd Extension
- Town Common Pedestrian Bridge

to City Council at future dates for further consideration of if, how and when to proceed with any of the ideas. The ranked results of the prioritization exercise (with the points obtained by each idea in parenthesis) is shown in the sidebar on the left side of this page.

Again, it’s important to clarify that although some projects did not receive votes, while others were ranked high or low, this exercise was designed to help City staff set priorities in developing information about the “big ideas” presented. City Council review, specific direction

and possible approval of projects stemming from proposed ideas will be sought in the future.



## Concluding Observations

### Facilitator Thoughts and Recommendations

The various presentations were informative and thorough. Ample time was allotted for the subsequent discussions and resulting questions. The atmosphere and tenor of the planning session was informal, respectful and collegial. No one seemed reluctant to express their concerns or viewpoints. These factors were critical to the high level of productivity for the planning session. As to be expected, City Council members often had differing views and priorities with regard to the relative importance or priority of a project or about the details or components of a specific project or proposal presented. Nonetheless, Council members had a remarkable degree of consensus on the broad direction City staff were given to pursue projects or ideas further.

As was evident throughout the planning session, the City of Greenville enjoys many advantages and opportunities but also faces a number of challenges. Several proposals to meet the City's opportunities and challenges were presented, discussed and prioritized. City staff has been provided clear direction and has had Council priorities reaffirmed or set for the first time. These should serve as unambiguous guidance to the City Manager and senior staff in determining the day-to-day allocation of personnel time and other resources to gather the needed information for Council members to debate and decide specific options in a well-informed manner.

While Council has provided staff with some direction on the priorities, it must be clearly noted and understood that there are some ongoing activities that, although they may not have been identified as priorities in the "Big Ideas" portion of the exercise, will still be ongoing projects. An example is the continuing work to progress with plans for the Imperial Site. In addition, it must be recognized that these items may not be completed within a year and will be balanced or worked-on within existing day to day priorities

As more specific information is developed, it will be incumbent on City staff to apprise Council of progress in a timely fashion and to seek further direction or decisions for action expeditiously.



## Full Listing of Projects Considered

1. Sycamore Hill Memorial
2. Other Town Common Development
3. Evans Street Widening Project
4. 14<sup>th</sup> Street Widening Project
5. Firetower Road Widening Project
6. Firetower/Portertown Road Widening Project
7. Allen Road Widening Project
8. Dickinson Avenue Improvements
9. Street Light Installation (various streets)
10. Traffic Signal System Upgrade (Citywide)
11. Town Common to River Park North
12. Green Mill Run to Eastside Park
13. Pitt Street to Nash Street
14. Nash Street to VA Hospital
15. Tar River Legacy Plan Projects
16. Eastside Park
17. Rivers Edge Park
18. Southwest Park
19. South Central Area Park
20. Greenfield Terrace Park Expansion
21. Southside Fire Station
22. Parking Lots: Sidewalk Development/City Employees
23. Skate Park



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Additional One-Stop Voting Site(s) for the 2017 Municipal Election

**Explanation:** **Abstract:** The Pitt County Board of Elections has requested a decision as to whether the City would like to host up to two additional One-Stop voting sites for the 2017 municipal election. The One-Stop sites, if approved, would be in addition to those at the Pitt County Agricultural Center and the Community Schools Building.

**Explanation:** The City Manager's Office received a letter from David Davis, Director of the Pitt County Board of Elections (PCBE), inquiring as to whether the City would like to host up to two additional One-Stop sites for early voting in the 2017 municipal election.

In accordance with the 2009 agreement regarding conduct of municipal elections, two One-Stop voting sites will be in operation beginning no earlier than October 19, 2017, and closing no later than 1:00 p.m. on November 4, 2017. Those One-Stop sites will be located at the Pitt County Agricultural Center and the Community Schools Building, with operational costs being shared proportionally by all Pitt County municipalities based on their number of registered voters.

A municipality may request an additional One-Stop voting site located within their jurisdiction and, if approved, said municipality shall be responsible for all expenses related to the operation of the additional One-Stop site. Additional One-Stop sites will operate from October 30, 2017 through November 4, 2017.

In 2013, the City hosted two additional One-Stop sites with one being at the Pitt County Office Complex (PATS Conference Room located at 1717 West 5th Street) and the other being at the Drew Steele Center (located at 1058 South Elm Street). In 2015, the City again hosted two additional One-Stop sites with one being in the PATS Conference Room and the other being at the ECU Willis Building (located at 300 East 1st Street).

The PCBE is requesting a decision on whether the City would like to host up to

two additional One-Stop voting sites for the 2017 municipal election. One site would be located in the PATS Conference Room and the other would be located at the ECU Willis Building. The additional site(s) would be open for one week: Monday, October 30, through Saturday, November 4.

**Fiscal Note:**

Based on the maximum utilization of all possible resources, the PCBE has calculated the City of Greenville's estimated cost for the 2017 municipal election to be \$83,908.91. This estimate does not include the cost to operate an additional One-Stop site(s). If the City wishes to host an additional One-Stop Site, the cost for each site is estimated to be \$4,938.44. The following is a summary of the total projected costs of operating additional sites:

- One additional site: \$88,847.35
- Two additional sites: \$93,785.79

Funding will be available in the FY 2017-18 General Fund budget to cover this cost should one or more additional sites be desired.

**Recommendation:**

Discuss One-Stop voting and determine whether the City will request one or more additional sites be opened in either the PATS Conference Room and/or the Willis Building.

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 [PCBE Letter](#)



Patrick M. Neison, Chair

Mark D. Stewart, Secretary

David P. Davis, Director  
Calvin Boston-Hill, Member

Barbara Lipscomb, City Manager  
City of Greenville  
PO Box 7207  
Greenville, NC 27835

RECEIVED

MAR - 6 2017

CITY MANAGER'S OFFICE

February 27, 2017

Dear Ms. Lipscomb:

We have calculated the City of Greenville's estimated costs for the 2017 Municipal Election to be \$83,908.91. This estimate is based on the maximum utilization of all possible resources.

If the City of Greenville wishes to host an additional One-Stop site(s), the cost for each site is estimated to be \$4,938.44:

- One additional site brings the total to \$88,847.35.
- Two additional sites brings the total to \$93,785.79.

The additional site(s) would be located at the Pitt County Office Complex (PATS Conference Room) and/or the ECU Willis Building. The additional site(s) would be open for one week – Monday, October 30 through Saturday, November 4. If the City of Greenville wishes to host one or two additional One-Stop sites, please let me know and I will present it to the Board of Elections for their approval.

If you have any questions please feel free to contact me.

Sincerely,

David P. Davis





# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Update on the Draft Active Transportation Plan Project

**Explanation:** **Abstract:** Consultants, Alta Planning + Design, will update Council on the planning process and work completed to-date for the Greenville Urban Area MPO Active Transportation Plan.

**Explanation:** In early 2016, the City of Greenville requested proposals from consultants to work with the City in development of an Active Transportation Master Plan for the entire Greenville Urban Area Metropolitan Planning Organization (MPO) to include bicycle, pedestrian, and greenway elements. The purpose of the plan is to provide clear priorities, tools, and programs for improving the bike, pedestrian, and greenway environments in the Greenville urban area. The ultimate goal is to provide a master plan that can be used by transportation professionals when decisions are being made regarding funding various transportation projects. The planning process includes input from the public, participation and direction from a steering committee, and presentations of draft and final plans. The timeframe and accomplishments for past and future steps are outlined below:

### **Summer 2016:**

- Steering Committee Kick-Off: Project Vision & Goals
- Launch of the Project Website, Public Comment Form, & Online Input Map
- Existing Conditions Analysis
- Steering Committee Meeting #2: Opportunities & Constraints

### **Fall 2016:**

- Public Outreach at Local Events in August & September
- Steering Committee Meeting #3: Draft Recommendations Mapping
- Begin Draft Plan Report

**Winter 2016/2017:**

- Continue Draft Plan Report
- Steering Committee Meeting #4: Draft Plan Presentation

**Spring 2017:**

- Public Open House Workshops:

March 13, 2017, 3:30-6:30 PM at Alice Keene Park, 4561 County Home Rd., Greenville, NC 27858 (in the Pitt County room);

March 14, 2017, 3:30-6:30 PM at the Sheppard Memorial Library, 530 Evans St., Greenville, NC 27858

- Public Outreach at Local Event: April 8, 2017, 11:00 AM-1:00 PM at Pirate Fest at Uptown Greenville's riverfront park, the Town Common
- Begin Final Plan & Presentations
- Plan Adoption & Begin Implementation

Consultants, Alta Planning + Design, will be present to update Council on the planning process and work completed to-date for the Greenville Urban Area MPO Active Transportation Plan.

The plan serves as an update to the adopted 2011 Bicycle and Pedestrian Plan and aims to create better walking and bicycling connections throughout the Greater Greenville Area.

The plan also builds upon key components of Greenville's Community Plan, Horizons 2026, including: "Building Great Places," "Enhancing Mobility," "Creating Complete Neighborhoods," "Fostering a Resilient City," and "Growing a Healthy City." The presentation will be for information only and will include a brief draft overview and outline of next steps.

**Fiscal Note:** There is no fiscal impact with this presentation.

**Recommendation:** City Council receive the presentation by Alta Planning+Design as information.

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Attachments / click to download



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

**Title of Item:** Resolution supporting proposed safety improvements on South Memorial Drive between O'Hagan Street and West 5th Street

**Explanation:** **Abstract:** This is a follow up request by the North Carolina Department of Transportation (NCDOT) on a presentation made to City Council on December 8, 2016, regarding proposed safety improvements on South Memorial Drive between O'Hagan Street and West 5<sup>th</sup> Street.

**Explanation:** On December 8, 2016, the North Carolina Department of Transportation made a presentation to City Council regarding proposed safety improvements on South Memorial Drive between O'Hagan Street and West 5th Street. NCDOT also requested input as to City Council's preference for either a landscaped median where possible or concrete medians throughout. After the presentation, City Council continued this item to allow Council Members to receive public input.

The City asked that NCDOT look into the possibility of extending the limits of this project southward to the railroad crossing just south of Moye Boulevard. NCDOT will advise Council of its findings during this presentation.

The original layouts of the medians as well as pictorial examples of the possible median types are attached as information. The schedule for these improvements is approximately one year from the time the funds are allocated to account for design, bidding, and construction. Funding allocations are determined on a quarterly basis. At this time there is no construction schedule for this project.

**Fiscal Note:** The cost to maintain these landscaped medians between 5th and O'Hagan would be approximately \$5,000 to \$7,500 annually. If the medians were extended to Moye Blvd the maintenance cost would double to \$10,000 to \$15,000 annually.

**Recommendation:** City Council approve a resolution in support of the proposed safety project to install a median in the existing center turn lane of South Memorial Drive as well as indicate their preference for a landscaped median where possible or concrete medians throughout.

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 [Safety Improvements Backup](#)

 [Resolution of Support South Memorial Medians 03 20 2017 1047911](#)

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**RESOLUTION NO. \_\_\_\_-17**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE**  
**EXPRESSING ITS SUPPORT AND ENDORSEMENT OF MEDIAN IMPROVEMENTS**  
**ON SOUTH MEMORIAL DRIVE BETWEEN O'HAGAN STREET AND WEST 5TH**  
**STREET**

**WHEREAS**, the City of Greenville has an interest in the safe and efficient movement of people and goods;

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) has proposed safety improvements on South Memorial Drive between O'Hagan Street and West 5th Street to mitigate unsafe turning movements both north and south bound on South Memorial Drive;

**WHEREAS**, NCDOT is asking that the City support the installation of medians between O'Hagan Street and West 5th Street and indicate their preference for either landscaped medians where possible or concrete medians throughout;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Greenville that it does support and endorse the installation of medians on South Memorial Drive between O'Hagan Street and West 5th Street to include the installation of landscaped medians where feasible.

Adopted this 20<sup>th</sup> day of March, 2017

\_\_\_\_\_  
Allen M. Thomas, Mayor

Attest:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

### *Selected Crash Reduction Treatment*



2 *Transportation*

### *Selected Crash Reduction Treatment*



3 *Transportation*

Item # 26

## *Median Option Typical Concrete Median*



- Constructed as part of project
- Estimated Project Cost \$200,000



Transportation

## *Median Option Typical Landscaped Median*

- Plantings would be provided as part of project
- NCDOT would work with city as to type of plantings
- City Would need to execute agreement to maintain after completion of project
- Estimated Project Cost \$250,000



Transportation



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

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**Title of Item:** Discussion of New River Overlook

**Explanation:** Council Member McLean Godley requested that an item be added to the agenda to discuss the new river overlook. Attached is a memo from Recreation and Parks Director Gary Fenton which was included in Notes to Council on February 22, 2017.

**Fiscal Note:** No direct cost to discuss the issue.

**Recommendation:** Discuss the issue as requested by Council Member Godley.

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[Memo re River Overlook at Rivers Edge Park](#)

# Memo

**To:** Barbara Lipscomb, City Manager  
**From:** Gary Fenton, Director of Recreation and Parks *GF*  
**Date:** February 22, 2017  
**Re:** Overlook at River's Edge Park

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The "overlook pavilion" at River's Edge Park has recently been completed, and is located next to the small garden and trail through the woods developed by the Friends of the Greenville Greenways (FROGGS).

Various briefings regarding plans for this overlook project were presented to the Recreation and Parks Commission and City Council during 2016.

While the facility does not encroach into the river, it does give greenway users and other visitors the opportunity take a break, sit down and enjoy the view of the river or adjacent parkland.

This cost of this project was approximately \$52,000.00. The source of these funds were in the current Tar River Legacy Plan (TRLP) allocation, capital funds intended for improvements related to recommendations coming out of the TRLP.

For additional overlooks in the future, we may want to consider covered platforms that that actually extend into the river, but this will significantly increase costs, as well as complicate – and lengthen – the permitting process. (A no-rise certification will be required.)

Please let me know if you have any questions.

cc: Merrill Flood, Assistant City Manager  
Lamarco Morrison, Parks Planner



# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

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**Title of Item:** Discussion of amending the authority for certain purchasing decisions relating to apparatus, supplies, materials or equipment

**Explanation:** Council Member PJ Connelly requested that an item be added to the March 20, 2017 City Council agenda to discuss amending Resolution 05-74, Resolution Delegating Authority for Certain Purchasing Decisions Relating to Apparatus, Supplies, Materials or Equipment. Council Member Connelly would like to amend the purchasing power from \$300,000 to \$100,000 without City Council approval.

**Fiscal Note:** No direct cost to discuss the issue.

**Recommendation:** Discuss the issue as requested by Council Member Connelly.

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# City of Greenville, North Carolina

Meeting Date: 3/20/2017  
Time: 6:00 PM

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**Title of Item:** Presentation by Greenville Utilities on electric rates

**Explanation:** Council Member PJ Connelly asked that an item be added to the March 20, 2017 City Council agenda to request that Greenville Utilities make a presentation on the recent 3.5% reduction in electric rates effective July 1, 2017 while the wholesale rate will be reduced by 4.5% effective April 1, 2017.

**Fiscal Note:** No direct cost to receive a presentation.

**Recommendation:** Hear presentation from Greenville Utilities on electric rates.

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