



Agenda

Greenville City Council

April 8, 2013
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Mayor Thomas

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. Consent Agenda

1. Minutes from the September 10 and November 8, 2012 City Council meetings
2. Encroachment agreement with Irish Creek Section 2 Owners' Association, Inc., to install a subdivision sign in the right-of-way of Guinness Drive
3. Revisions to Five Points Plaza Rules of Use
4. Purchase of one Brammo all-electric motorcycle for specialized Police patrols

5. Purchase of 30 police package bicycles
6. Electric capital project budget ordinance for Greenville Utilities Commission's Outage Management System Software and Implementation Project

VII. New Business

7. Presentations by Boards and Commissions
 - a. Community Appearance Commission
8. Branding Campaign Update
9. Update on Uptown Office and Parking Deck Projects
10. Capital Investment Grant Program
11. Discussion on Contract for Services with the Greenville-Pitt County Chamber of Commerce
12. Neighborhood Plan Development
13. Neighborhood Advisory Board Ordinance Revision
14. Budget ordinance amendment #7 to the 2012-2013 City of Greenville budget (Ordinance #12-027), amendment to the Affordable Housing Loan Fund (Ordinance #2614), and amendment to the Special Revenue Grant Fund (Ordinance #11-003)

VIII. Review of April 11, 2013, City Council Agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Closed Session

- 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 law rendering the information as privileged or confidential being the Open Meetings Law
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Minutes from the September 10 and November 8, 2012 City Council meetings

Explanation: **ABSTRACT:**
Review and approval of proposed minutes from the City Council meetings held on September 10 and November 8, 2012

EXPLANATION:
Proposed minutes from the City Council meetings held on September 10 and November 8, 2012 are presented for review and approval

Fiscal Note: There is no direct cost to the City

Recommendation: Review and approve proposed minutes from the City Council meetings held on September 10 and November 8, 2012

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

Attachments / click to download

[Proposed_Minutes_of_September_10_2012_City_Council_Meeting_948082](#)

[Proposed_Minutes_for_November_8_2012_City_Council_Meeting_949596](#)

PROPOSED MINUTES
MEETING OF THE CITY COUNCIL
CITY OF GREENVILLE, NORTH CAROLINA
MONDAY, SEPTEMBER 10, 2012



The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Allen M. Thomas presiding. The meeting was called to order, followed by the invocation by Council Member Marion Blackburn and the Pledge of Allegiance to the flag.

Those Present:

Mayor Allen M. Thomas; Mayor Pro Tem Rose H. Glover; Council Member Kandie D. Smith; Council Member Marion Blackburn; Council Member Calvin R. Mercer; Council Member Max R. Joyner, Jr.; and Council Member Dennis J. Mitchell

Those Absent:

None

Also Present:

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

APPROVAL OF THE AGENDA

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to approve the agenda and to move Items 3 (Resolution of intent to close a portion of Carolina Avenue) and 4 (Resolution of intent to close a portion of McKinley Avenue) after the Consent Agenda for discussion. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Killian Moore – 304 Millbrook Street, Greenville, North Carolina

Mr. Moore spoke in support of the resolution to overturn Citizens United's ruling through a constitutional amendment stating corporations are not people and financial contributions are not speech. Mr. Moore asked that the Greenville City Council support the resolution along with nine other cities.

Jake Gellar-Good – 1821 Green Street, Durham, North Carolina

Mr. Gellar-Good spoke in support of the resolution supporting transparent and clean elections and opposing the influence of unlimited secret funds in elections through the Citizens United ruling. Mr. Gellar-Good stated that without clean elections, it is difficult to have a commitment to good government. Whether the issue is education, healthcare, crime

or the environment, all residents of Greenville are affected, if public policies are unduly influenced by money rather than what is best for the public.

Charles Pennington – Cypress Glen, 100 Hickory Street, Greenville, North Carolina

Mr. Pennington stated that he collected 25-30 used golf clubs to give to young people as part of a new program created to encourage and to teach them to play golf at the Bradford Creek Public Golf Course. Mr. Pennington asked for the City’s update on erecting wayfinding signs for Bradford Creek.

Minerva Freeman – PO Box 37, Falkland, North Carolina

Ms. Freeman stated that she supports clean elections and certainly hopes that the City Council will consider adopting the resolution on the agenda for same.

Andrew Gorman – 213 White Hall, East Carolina University, Greenville, North Carolina

Mr. Gorman spoke in opposition of the Citizens United decision because he is increasingly worried about the government being under control of the money interest. It would be a step in the right direction to overturn this decision.

Melissa Price Kromm – No Address Given

Ms. Kromm stated that Greenville is about to become the tenth City in North Carolina to join with its citizens to take a stand on this very important issue.

Dan Swordoff – No Address Given

Mr. Swordoff made comments about how a monetary donation made by one person was able to influence a presidential primary election and stated that is how important the decision is about the Citizens United ruling.

Rebecca Powers – No Address Given

Ms. Powers spoke in support of clean elections and the resolution amending the United States Constitution that is before the City Council for consideration.

Ann Eleanor – No Address Given

Ms. Eleanor spoke in support of the Open and Clean Government Act and asked the City Council to support this resolution for clean elections.

CONSENT AGENDA

City Manager Barbara Lipscomb introduced items on the Consent Agenda, reading out the title of each as follows:

- Minutes from the April 12, 2012 City Council meeting and the May 21, 2012 joint City Council-Greenville Utilities Commission meeting

- Request to withdraw rezoning application by The East Carolina Bank
- Revisions to the City of Greenville Investment Policy (Document No. 12-01)
- Resolutions declaring as surplus and authorizing the disposition of two 2013 International Model 7400 rear loader refuse trucks (Resolution Nos. 039-12 and 040-12)
- Business Applications Needs Assessment (BANA) project update and approval of associated request for proposals
- Supplemental municipal agreement with the North Carolina Department of Transportation for the Green Mill Run Greenway Phase 2 project
- Resolution approving the execution of a municipal agreement with the North Carolina Department of Transportation for Section 5303 Planning Grant Funds (Resolution No. 041-12)
- Memorandum of agreement with the North Carolina Sedimentation Control Commission for the City of Greenville's erosion control program
- Electric Capital Projects Budget ordinance for Greenville Utilities Commission's Generator – EPA Carbon Monoxide Emission Reduction (Ordinance No. 12-036)
- Series resolution for Greenville Utilities Commission's Westside Pump Station and Force Main Project (Resolution No. 042-12)

Council Member Blackburn asked if the City received money for the disposition of the two refuse trucks.

City Manager Lipscomb responded that the rear loader refuse trucks were sold to two municipalities, and there was a deficit in the amount of \$25,000.

Council Member Blackburn asked should the City dispose of trucks that may be needed for future use.

Assistant City Manager Moton responded that these particular rear packers were not the low entry cab refuse trucks, which will be used in the near future knowing that the City will be transitioning to the automatic trucks. The surplus trucks were ordered based on specifications suitable for services in effect last year. Those services have changed, and that type of truck is being phased out of the City's fleet.

Motion made by Council Member Blackburn and seconded by Council Member Mercer to approve the Consent Agenda as amended. Motion carried unanimously.

RESOLUTION OF INTENT TO CLOSE A PORTION OF CAROLINA AVENUE - ADOPTED

Council Member Smith stated she requested that this item be removed from the Consent Agenda in order for staff to speak more about it so that residents of District #1 will be aware and better informed of the City's intent to close Carolina Avenue.

Director of Community Development Merrill Flood stated that the intent of closing Carolina Avenue results from a parcel of property purchased by the City. There are three structures on the property and a paper street, which is a right-of-way that was dedicated but the street was never built. This portion of Carolina Avenue is basically a dirt cart path. The City would like to close Carolina Avenue and use the additional property for renovation of the existing three homes and potentially, there will be construction of a new one. Fleming Street will be used to access the properties. Under the current code, there is not enough room for the requirements for the setback of the additional structure or to maintain the setback requirements on the existing structures, if modifications are needed.

Mayor Thomas asked if there are any properties that are accessed from these cart paths.

Director of Community Development Flood responded currently, there are none with the exception of the City property. There is a dead end on Douglas Avenue that the City could use and make some modifications for the structures.

City Attorney David A. Holec stated that the first step of the street closure process is for the City Council to adopt a resolution of intent which, after its adoption, is posted on the street for four weeks and the resolution of intent is advertised. After the required four weeks, a resolution to order closing of the street will come to the City Council for consideration following a public hearing.

Motion was made by Council Member Smith and seconded by Council Member Mercer to adopt the resolution of intent to close a portion of Carolina Avenue. Motion carried unanimously. (Resolution No. 043-12)

RESOLUTION OF INTENT TO CLOSE A PORTION OF MCKINLEY AVENUE - ADOPTED

Director of Community Development Merrill Flood stated that there is a section of McKinley Avenue in the Douglas Avenue area that is supposed to go through to Fleming Street directly across from Sadie Saulter Elementary School. There is a white house that the City Council directed staff to dispose of to a local nonprofit. The paper street was never built and the street needs to be closed in order for the City to use the right-of-way and accommodate the setback requirements for the structure.

Council Member Joyner asked if the City received a complaint last year from a citizen about a City fence blocking her property in this area.

Director of Community Development Flood stated that it is in the same area. Closing of McKinley Street may not solve that problem, but it will certainly solve the setback problem that the City has encountered.

Mayor Pro-Tem Glover requested staff to contact the individual so that she will be aware of the City's intent and purpose to close McKinley Avenue.

Motion was made by Council Member Smith and seconded by Council Member Blackburn to adopt the resolution of intent to close a portion of McKinley Avenue. Motion carried unanimously. (Resolution No. 044-12)

NEW BUSINESS

RESOLUTION REQUESTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO CLARIFY THAT CORPORATIONS ARE NOT PEOPLE AND FINANCIAL CONTRIBUTIONS ARE NOT SPEECH - ADOPTED

City Manager Lipscomb stated that this item was requested by Council Members Blackburn and Smith.

Council Member Blackburn stated that the Supreme Court ruling stating that basically corporations are not limited in their ability to contribute to political campaigns has created a lot of concerns. Even at the local level, there is concern that big money can make a big difference and that money does not represent people. Corporate money can affect elections at all levels, and corporations have buying large profit motives while elections have different motives. Elected officials are representing the public and ideally, some very important concepts and things that need to take place. A resolution opposing the use of corporations as people and money as speech is important at the local level to support.

Council Member Smith stated when considering the amount of money that is spent for political campaign advertisements, people are not getting information about what candidates stand for and will do for the citizens of the country. In her opinion, the advertisements are negative and people want to listen to reality and are interested in what will be done for them. She is in support of transparency, and the City must continue to have clean elections. The more money that is involved clouds what people are really looking for because everybody is not in a position or at the same level to contribute big money to elections. Hopefully, Greenville will be the tenth city to get on board with the other cities that are supportive of same.

Council Member Mercer stated money is important and useful when rightly used. For example, capital is needed for both government and private projects that all want to see in our city. Undue financial influence at all levels of government can be detrimental to our democratic process. He is very cautious about voting on issues related to amending the

Constitution and is concerned about the language in this resolution, but that is a technical matter. The main point and spirit of this issue are what he supports.

Council Member Joyner stated that consideration of the adoption of this resolution should not be on the City Council's agenda because it is a national level concern and not a local one.

Motion was made by Council Member Blackburn and seconded by Council Member Smith to adopt the resolution requesting an amendment to the United States Constitution to clarify that corporations are not people and financial contributions are not speech. Motion passed with a 5:1 vote. Mayor Pro-Tem Glover and Council Members Blackburn, Smith, Mercer and Mitchell voted in favor of the motion and Council Member Joyner voted in opposition. (Resolution No. 045-12)

RESOLUTION AMENDING THE CITY OF GREENVILLE PERSONNEL POLICIES FOR PAY OF RECLASSIFIED EMPLOYEE/PAY FOR EMPLOYEE AFFECTED BY REORGANIZATION OR RESTRUCTURING – CONTINUED TO OCTOBER

Director of Human Resources Gerry Case stated that a reclassification is a change in the hierarchy or placement of a position in the pay plan. It is based on job content, duties and the labor market wage data. The City currently has that section in its Personnel Policies, but there is no provision for any type of pay adjustment when a position or a classification does take on higher skills and job duties and there is no reward involved. Staff is recommending an amendment in the City of Greenville Personnel Policies giving the City Manager the authority to grant up to a five percent salary increase for those employees moving to a higher classification and that resets the performance evaluation review date to one year from the date of the reclassification. Obviously, if the employee's position is reclassified to the same or a lower pay grade, no salary change occurs. There would be a minimum budget impact each year as the City Council and staff goes through the budget process. Normally this is done through general operating funds and of course, this year, the City has some specific monies for the reclassifications that have been allocated. This is a good item because it does reward an employee for their higher skills or higher level of duties. It is consistent with best practices and was recommended in the Waters Consulting Group's report on the City's Classification Pay Plan.

Council Member Blackburn stated it was her understanding that the City Council had already approved all of the consulting firm's recommendations. She asked if this recommendation was omitted when the City Council adopted the other recommendations, or if it did not fit in the City's budget last year.

Director of Human Resources Case responded that the recommendation was not written up into an amendment form and there are several others. Those recommendations involve staff comparing them to the City's sister cities and equivalent cities and obtaining the policy wording.

Council Member Mitchell asked if this recommendation must be approved in order for the City to use the \$100,000 that was for the merit pool or are these two different issues.

Director of Human Resources Case responded they are two different issues. This recommendation is the authority for the City Manager to actually do it and the other was the authority for the budget funding.

Council Member Mercer asked how much this action will impact the budget.

Director of Human Resources Case responded the current amount is approximately \$29,000 for the full fiscal year.

Council Member Mercer asked is this reoccurring money and this is not one time.

Assistant City Manager Thom Moton stated it is reoccurring in the sense that once the five percent is added to an employee's salary, the City does not take it back. It is not reoccurring in the sense that the City does reclassification for every employee every year. The reclassification process is done once every ten years when the pay and classification study is done. Infrequently, there may be one or two positions in any given year that may be reclassified.

Mayor Pro-Tem Glover asked how this recommendation addresses pay compression.

Assistant City Manager Moton responded that this request does not directly address compression because it applies to people who are already on the payroll. It is not a promotion. It impacts employees whose duties have been adjusted over time. This was discussed at great length during the budgeting process. This is an important process as there are times in which it is certainly appropriate to provide employees recognition in terms of monetary awards because their jobs are at a higher level.

Mayor Pro-Tem Glover stated that at a Joint City of Greenville/Greenville Utilities Commission Pay and Benefits Committee meeting, their main concern was that something should be done about pay compression. The former City Manager discussed pay compression involving 90 employees and a motion was approved to look into the issue. Mayor Pro-Tem Glover stated she is not ready to vote on this item until she receives information on how the City is going to address pay compression.

Assistant City Manager Moton stated the comprehensive plan for addressing the pay compression issue will be presented to the City Council in October. Assistant City Manager explained the following preliminary plan for pay compression.

\$100,000 Pay Adjustment Pool Allocation

Allocation	Amount	%
Reclassifications	\$ 29,474.00	29%
Pay compression (multi-incumbent positions)	\$ 65,316.16	66%
Pay compression (single-incumbent positions)	\$ 3,348.80	3 %
Other - To Be Determined	\$ 1,861.04	2 %
TOTAL	\$100,000.00	100%

Mayor Pro-Tem Glover stated that she would like to know who is impacted by the pay compression issue and she wants to make sure that the money is allocated. She stated that she dislikes receiving recommendations from staff about one or two positions or issues when there is a larger study that affects a lot of people and not just one or two individuals.

Council Member Smith stated when the reclassification study was done, there were some employees who were participating in the appeals process because they were concerned about the original decision about their pay classifications. Council Member Smith asked if this recommendation affects those employees and if the review has been completed yet.

Director of Human Resources Case responded the appeals were completed and were part of the final package that the City Council adopted. This recommendation applies to those positions that have come up since then because of reorganization within a department or changes in technology.

Council Member Joyner asked how many employees will the amendment affect, if the City Council adopts this resolution.

Director of Human Resources Case responded that it will affect 23 employees.

Council Member Mitchell asked how often are recommended reclassifications done.

Director of Human Resources Case stated historically, reclassifications have been done every year in the budget process. Normally, the City Council receives the budget and a list of the positions that are recommended for reclassification. It was done a little differently this year.

Council Member Mitchell asked is it possible in a year that the City does the market rate increase and the merit rate increase, an employee can also get a reclassification increase on top of that.

Director of Human Resources Case responded it is possible, depending upon the timing.

Council Member Blackburn stated that some reclassification is done every year, but as far as the big consulting overhaul, the City does that every 10 years.

Assistant City Manager Moton responded that staff receives requests for reclassification annually, but that does not mean that those requests are approved every year. The process for reclassification is very objective and a request has to go through several thresholds in order for reclassification to be achieved. Even if the City Council approves this policy tonight, nothing will change until the City Council actually approves the amendment to the pay classification.

Council Member Smith stated there seems to be some confusion among employees about the status of their appeal requests. She asked if all employees have been notified.

Director of Human Resources Cases responded employees were notified by sending those employees individual letters.

Council Member Smith announced that employees who are unsure of the status of their appeal should contact the Human Resources Department.

Council Member Mitchell asked if employees can tell staff about their having more job duties and request their position to be reclassified.

Director of Human Resources Case responded that the employees report to their supervisors. If the department head agrees that there is merit in the request, the department head initiates the process of the employee completing the job description questionnaire; the supervisor completing the job evaluation manual; and the department head analyzing both, making comments and submitting the request to the City Manager's Office; and sending all of the documentation to Human Resources to begin the review process.

Council Member Mitchell asked how many reclassifications have been done by the City in the last five years.

Director of Human Resources Case responded that in some years there were no reclassifications, but the average is 3-4 per year. The 23 reclassifications this year is more than usual.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Glover to postpone this item and look at all of the information simultaneously at next month's meeting. Motion carried unanimously.

RESOLUTION AMENDING THE CITY OF GREENVILLE PERSONNEL POLICIES BY ADDING A NEW SECTION ON SUPPLEMENTAL INTERIM PAY - ADOPTED

Director of Human Resources Gerry Case stated that the City's Supplemental Interim Pay standard practice has been in place for over 40 years. City employees take over the duties of vacant positions 100 percent and are given a supplement in their paychecks which is 10 percent of their base salary. However, currently, there is no provision in place to recognize the performance of other key exempt employees.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt the resolution amending the City of Greenville Personnel Policies by adding a new section on Supplemental Interim Pay. Motion carried unanimously. (Resolution No. 046-12)

AMENDMENT TO UPTOWN GREENVILLE CONTRACT FOR SERVICES - APPROVED

Carl Rees stated that the City has contracted with Uptown Greenville since 2010 to perform a range of services related to downtown revitalization. In discussions over the last three or four months, Uptown Greenville has indicated an interest in expanding their services to the City of Greenville, particularly with regard to teaming up with the City and its adopted economic development plan. Uptown Greenville would like to continue to assist the City with those items that would have some impact in the downtown area and are economic development items as the City has extended its focus.

President of Uptown Greenville, Todd Hickey, stated that the City currently contracts with Uptown Greenville for \$25,000, and Uptown Greenville is requesting an additional \$25,000 to match the contributions of Vidant Medical Center and East Carolina University. The function of Uptown Greenville's service is to develop the business of uptown Greenville beyond the level of events and planning, to recruit new businesses, to be attractive to new businesses and to have infrastructure in place to be able to react promptly to inquiries. Uptown Greenville wants to form a business recruitment team that creates a supportive business environment that will partner with the City and business owners. There has been discussion about arts incubation opportunities to bring cultural activities to the downtown area. Marketing is important and resources are needed in order for Greenville to be seen as a viable alternative to its competitors. In the infrastructure plan alignment, Uptown Greenville will allow public input and will work to develop consensus of their work in order to get buying, foot traffic, etc. needed to have a vibrant downtown area. Our organization will provide other niche services such as increasing programs downtown that increase security and a lighting program that can engage merchants to keep their lights on and also give them energy based incentives for doing so. Their plan is to continue to invest in that service and to be able to provide a better service to the City, but to also create a better leveraged area for the downtown to recruit businesses there.

Council Member Blackburn stated that the City is currently working on a major marketing effort with the Convention and Visitors Bureau (CVB) and others. Council Member Blackburn asked if Uptown Greenville is involved in what CVB is doing.

Director of Uptown Greenville Bianca Shoneman responded that Uptown Greenville is willing to collaborate with the City and the Convention and Visitors Bureau on marketing efforts that come out of the branding initiative.

Council Member Smith stated that making sure that all of Greenville is being represented is a big issue, and she emphasized that last year other nonprofits could ask the City for money. The City Council must justify why the money is being used, where it is going, etc. to ensure that groups, agencies or organizations are not doing a repetitive process. Also, people want answers to their questions and citizens should be informed of what is happening in Greenville. Council Member Smith asked what have been Uptown Greenville's efforts in downtown revitalization thus far and what does it plan to do.

Ms. Shoneman responded that in the year 2000, the taxable base in the City of Greenville's Uptown District was \$36,000,000. Over the course of 10 years, Uptown Greenville and the City of Greenville worked as partners and that tax base grew from \$30,000,000 to \$66,000,000. Partnerships are formed naturally and organically around the initiatives of promoting uptown through events such as Freeboot, PirateFest, Artwalk, The Umbrella Market and business recruitment. Uptown Greenville is working with other organizations to support small business creation. For example, Women for Women recently submitted an application to create a woman owned business to support diversity and ownership in retail environments.

Council Member Smith asked what progress has been made with diversity marketing for the downtown area.

Ms. Shoneman responded over the last two months, Uptown Greenville has been fortunate to leverage support for the Freeboot Friday music series. There was a 21 percent increase in trade agreements to support media purchases and that includes the diversity of the media channels such as Mixer magazine and Pirate radio. Uptown Greenville is working across all media lines to promote their events and make sure that everyone is aware of the Uptown District events to make a welcoming and inclusive environment. The diversity at the Umbrella Market includes some new vendors, i.e., children, women, students, and farmers. It is really a great opportunity which attracts a cross section of Greenville at the Five Points Plaza as the result of the investment that Greenville made.

Council Member Smith asked if Uptown Greenville has included bar owners in the lighting program because bar businesses were considered as a separate issue and not a part of uptown. If so, has there been an increase of people visiting downtown since the bar owners have been aboard.

Ms. Shoneman responded Uptown Greenville had a meeting recently with the bar owners to introduce herself as the new director and to discuss some of Uptown Greenville's initiatives. The uptown bar owners would be targeted for inclusion in the lighting program, which is tentatively called Light Up Uptown.

Council Member Mitchell suggested that perhaps next year, the Uptown Greenville contract with the City could include some key performance indicators to measure services that the City received versus what was expected. Uptown Greenville is one of the few nonprofits that are receiving money from the City. Regarding the deliverables in the contract, Uptown Greenville should have the expertise to carry out the services because of the funding behind them.

Council Member Blackburn asked what are the top five infrastructures that Uptown Greenville would like to do.

Mr. Hickey responded that there are small items such as speed bumps, bike racks, planters and items that add beautification to the downtown area. Bigger ticket items address how

the City migrates toward the river, how the City develops different services and perhaps larger infrastructure, and what the City could do with a river front organization. Uptown Greenville and others are developing potential stakeholders that would be interested in that area. Uptown needs some large infrastructure that smaller businesses and organizations will want to be near it. That area is the key to the uptown infrastructure development.

Mayor Thomas stated that hopefully, the City will look back in a few years at 2012 as a step up for the City's downtown area. It is essential for a city's downtown to have life and vitality.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to approve the amended contract for services to reflect the new services and increased fee of \$25,000. Motion carried unanimously.

REPORT ON STANDARDS FOR INTERNET SWEEPSTAKES BUSINESSES – CONTINUED UNTIL OCTOBER

City Manager Lipscomb stated that this item was placed on the agenda at the request of Council Member Smith.

Chief Planner Chris Padgett stated staff visited five of the fifteen local establishments finding that internet sweepstakes operations contain computer gaming terminals where customers pay for internet time. While regular internet service and some limited programs are generally available on these terminals, seventy percent to ninety percent of the customers use them to play sweepstakes according to the operators. Sweepstakes come in many forms, but winning is not based on random chance or skill, it is based on predetermined odds. That is really the difference between video poker and these internet sweepstakes games. One is based on skill or chance and the other is predetermined odds.

When customers enter these facilities, there is typically an attendant at a counter or kiosk where customers pay to rent internet time. The game rate that staff saw was \$.20 per minute. The attendant gives the customer a log-in number and the customer chooses which terminal to use and logs in. At this point, the customer can begin playing the sweepstakes games or using the terminal for other purposes. If the customer wins a sweepstakes, they can receive their cash prize from the attendant.

Some of the other characteristics that staff noted included the following:

- Most offer refreshments (water, soft drinks, coffee, chips, candy, etc.). Some of these refreshments are complimentary as long as customers are "playing", while others are sold.
- Some are open 24 hours a day, while others do close in the early morning hours (i.e. closed between 2:00 a.m. and 9:00 a.m.).

- Some limit entrance to those 18 years of age or older. Others allow minors, but prohibit them from playing sweepstakes games.
- All of the facilities visited provided smoking and non-smoking areas. Several provided a small area designated non-smoking, while the vast majority of the facility allowed smoking.
- None offer alcoholic beverages; however, this type of facility is eligible to apply for an ABC permit.
- Many offer ancillary office services such as access to fax machines, copiers, and ATM's. Some also have limited inventories of basic office supplies available for sale.
- Based upon police records, these establishments generate few calls for service.

There is a long and complicated legal history associated with these establishments. In 2006, the General Assembly banned video poker in North Carolina. With that being in place, the industry responded with a shift from video poker machines to video sweepstakes machines. The General Assembly then adopted the State Law in 2010 which expanded the prohibition to include video sweepstakes machines and similar devices. On March 6, 2012, the State Court of Appeals held that the 2010 ban was unconstitutional. Appeals to this decision have been filed, but the result is that the internet sweepstakes businesses are currently legal in North Carolina. Municipal zoning authority may be exercised in connection with these businesses. There was certainly an attempt at the State level to make them illegal. There was a bill at the General Assembly last session that would have regulated and taxed them, but that bill did not move forward out of the committee it was in. It is anticipated that bill or a similar bill coming forth in the long session.

The first internet sweepstakes businesses were established in Greenville in 2008. The first establishments presented themselves as "business centers" because they offered computers with internet access, fax machines and similar business support services. In the fall of 2011, it was determined that the primary purpose of these establishments was sweepstakes and they were classified as "Game Centers", which was an existing land use category in the City's current Zoning Ordinance. Game Centers are permitted with a special use permit in the Heavy Commercial (CH), General Commercial (CG), Downtown Commercial Fringe (CDF) and Downtown Commercial (CD) zoning districts.

Two of the 15 local facilities were issued a special use permit by the Board of Adjustment last month. Six operate under special use permits, and nine are nonconforming meaning that they were permitted prior to the requirement for a special use permit and are technically grandfathered.

Staff surveyed nine other North Carolina communities to obtain information about how they are regulating these establishments. It is interesting that six of the nine communities have separation requirements from one or more of the following list:

- Another Internet Sweepstakes Business
- Residential zoning or uses
- Gateway corridors
- Schools
- Playgrounds
- Churches

- Daycares

- Libraries

Separation standards are fairly widely used in relation to these types of facilities.

Staff is asking the City Council to give direction for a potential text amendment and standards. First, internet sweepstakes businesses must be defined. Staff is proposing that they be allowed with a special use permit in the City's two most intense zoning districts which are CH and CG and that specific criteria be adopted that the City's Zoning Ordinance currently is lacking. That would be the following:

Specific Criteria:

- ✓ ¼ mile separation from existing or approved internet sweepstakes businesses.
- ✓ 500 foot separation from any conforming use single family dwelling, single family residential zoning district, or school.
- ✓ Require that the use be conducted within building with no outside congregation of customers.

Chief Planner Padgett delineated on a map the areas where new facilities would be permitted with a special permit under the proposed standards. Chief Planner Padgett stated these areas are primarily located around primary thoroughfares and separate from the residential areas.

Council Member Smith asked since staff has added schools within the 500 foot separation requirement, has staff considered adding churches as well.

Chief Planner Padgett responded that the portion of the City's zoned area available for these facilities is about 2 percent of the City's overall jurisdiction. When churches were added to that, the portion shrunk to the extent that there may have been a couple of sites remaining in the City. It became a lot more difficult and staff wanted to be sure that the direction received from the City Council was to regulate these facilities in a way that they will be placed in appropriate locations. Not necessarily to have standards that would prohibit them entirely.

Council Member Smith asked is it legal to have a cap on the number of businesses because they are already saturating the City.

City Attorney Holec responded that the better approach rather than the cap is to actually have the restrictions that are suggested by staff. Having the cap involves an issue similar to the taxicab franchises that they are not regulated based upon the land use, which is suggested. If the City Council wants to discuss adding churches, then maybe the City could have a lesser than a 500 foot separation requirement, i.e. a 100 foot one and that would be another potential approach.

Council Member Smith asked staff to consider a separation requirement for churches and playgrounds.

Council Member Mitchell stated his concern is that the majority of these businesses are in low income neighborhoods. Council Member Mitchell asked what was the typical customer demographic in internet sweepstakes businesses.

Chief Planner Padgett responded that the majority of the customers were minority.

Council Member Mitchell stated these businesses could negatively impact a neighborhood's economic factors. Council Member Mitchell asked if census tract data could be used to identify those with a median income below the federal poverty line and prohibit these businesses from locating in those areas.

City Attorney Holec responded that the City would have difficulty with that restriction. The best approach is the separation from residential neighborhoods, which would still provide the separation of all neighborhoods including low income neighborhoods.

Council Member Mitchell asked could the City create certified economic development zones and not allow these businesses to be established in those zones.

City Attorney Holec stated that the City could possibly do that, and again that is something that could be looked at, but there should be caution in doing so.

Council Member Smith asked if there is caution for including the churches and playground in the 500 foot separation requirement.

City Attorney Holec responded the City has to ensure that there are some reasonable areas for the internet sweepstakes businesses to be located. That is one of the changes that have to be met. Staff can look at that and see if it is something that is justifiable, but there is a caution for that as well.

Council Member Joyner asked of the 15 internet cafes that are located in Greenville, have any of them been a problem.

Interim Police Chief Joseph Bartlett responded the businesses are not in general a problem as far as calls for service. The general complaint received at the Police Department is out of concern about what the businesses are perceived to have done to an area.

Council Member Joyner asked are calls for violent crimes occurring at these businesses received at the Police Department.

Chief Bartlett responded other than those listed in staff's report on standards for internet sweepstakes businesses; there is generally a low call for service at those businesses.

Council Member Joyner stated that last week, he visited some of the internet sweepstakes businesses and was surprised that they were quiet like a library. At one location, there was mostly adults and smoking and nonsmoking areas, and at another location, small children were banging on computers. An age limit is required at these businesses. Council Member Joyner asked if the City could propose standards at the nine grandfathered internet sweepstakes businesses.

Chief Planner Padgett responded that the typical process when somebody is approved under existing standards is that they would be legal non-conforming and could continue to operate under the provisions of their previous approval. If they ceased operating for a period of six months, they would lose those non-conforming rights. There are mechanisms to look at that the businesses wherein the City would consider that these individuals do not abide by the City's current standards. Therefore, the City would give them a certain amount of time for them to comply. Some of those facilities probably would not fall within the areas and be able to pursue a special use permit.

Council Member Joyner asked about the number of machines in use at local internet sweepstakes businesses.

Chief Planner Padgett responded that staff does not have information regarding the number of machines at the five of the fifteen locations surveyed, but for those they do have, the number ranges from 15 to 50.

Council Member Joyner stated that there should not be locations where there are only one or two machines and people are gathering outside at the locations.

Chief Planner Padgett stated that the definition that is proposed defines that an internet sweepstakes business is any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games, including but not limited to sweepstakes and video poker, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This use does not include any lottery approved by the State of North Carolina. That is whether the business has one or 50 machines, if the business is meeting this definition and having these machines and conducting this activity then the business falls under the same use category and have to meet these standards.

Mayor Thomas asked during the visits, did staff find alcohol as limited or unlimited.

Chief Planner Padgett responded that it was interesting that the local entities do not sell alcohol nor do they in the communities surveyed. It was the interpretation of an individual who reviews the ABC permits in Raleigh that this type of facility falls within the definition of the type of business that could apply for an ABC license, but he did not say that one was issued.

City Attorney Holec stated that the general understanding across the State is that the sweepstakes businesses would not be entitled to receive a permit, but staff received the previous response when staff actually asked.

Mayor Pro-Tem Glover stated Morrisville has a 1,600 foot separation requirement from any residential use. Staff is proposing a separation for single family residential use and, in her opinion, the businesses should not be located near any residential use.

Chief Planner Padgett stated that staff's proposal is a 500 foot separation standard. It would include any conforming single family dwelling located in any district as long as the district allows single family dwellings and any single family residential zoning district. The actual residence itself is what that would be measured from similar to how the City does private clubs. Morrisville is extremely strict; 1,600 feet is substantial and Morrisville limits no more than five machines per establishment and restricts the hours of operation to 9:00 a.m. through 6:00 p.m. Those are very strict operational requirements.

Mayor Pro-Tem Glover stated that there should be a separation standard from churches. Monroe has a 400 foot separation standard from residences churches, schools, and other gaming centers. With the local tobacco stores, there is one on both sides of the streets and sometimes two doors down for one another. She is sure that the Police Department receives service calls from those stores regarding illegal activity. Mayor Pro-Tem Glover asked staff to add a separation standard for not having the internet sweepstakes businesses and tobacco shops in close proximity of each other by including a 500 foot separation from any residences, churches, and schools, and gaming centers. West Greenville is in a revitalization area, but the City has these establishments that are bringing down the efforts of revitalizing the community.

Council Member Blackburn stated the City should make sure that children do not visit the internet sweepstakes businesses. The businesses should not be established near federally funded housing complexes. It is an unregulated, untaxed market making money hand over fist from the City's poorest residents.

Council Member Mercer agreed with the issue about residential areas.

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to direct staff to use all of the information from this evening and to come back in October with additional information and draft text amendments for the City Council's consideration. Motion carried unanimously.

DISCUSSION OF PRIVILEGE LICENSE FEE STRUCTURE FOR INTERNET SWEEPSTAKES BUSINESSES - DENIED

Director of Financial Services Bernita Demery stated based on the Financial Services Department's review, there are annual gross receipts recorded from four internet sweepstakes businesses at \$50 for the first \$25,000 of sales. There is also a maximum of

\$2,000 for any business which does apply to the internet sweepstakes businesses. If the City Council would decide this evening to change that fee, staff could implement that if the City Council adopts a fee schedule of \$1,000 per location based on staff's survey. In the results of the survey, staff saw ranges from \$500 to \$5,000 per location. If the City was to adopt a fee schedule of \$1,000 per business location and \$500 per internet sweepstakes computer terminal, the City could generate an additional \$200,000 this fiscal year using an estimate of 25 terminals per location.

Director of Financial Services Demery stated that staff's recommendation is that the City Council should discuss the privilege license fee structure related to internet sweepstakes businesses, and direct staff of any actions to be taken.

Council Member Blackburn stated that she requested this item to be placed on the agenda for the City Council's discussion. Having the ability to apply the business fees is a good direction for the City.

City Attorney Holec stated that the City Council's action would be to direct that an ordinance be prepared for the City Council's implementation.

Council Member Joyner stated that the internet sweepstakes business is a legal business that complies with rules and regulation as other businesses. In January 2013, the State of North Carolina will tax the machines and do away with the municipalities' ability to do so. The City asked for a six-month moratorium and it is not too far from January. Since this item is also going before the Court of Appeals, his recommendation is to wait for the State's action to be taken.

Council Member Mitchell stated that he was shocked to hear about the service calls to the Police Department. If the City Council will consider taxing or having a special type of privilege license for businesses, it should be based on those businesses that use more City resources. Is the logic to penalize internet sweepstakes businesses or is the need for the City to raise additional tax revenues. The City should increase the privilege license fee. There is a huge issue with the box stores' calls for services, entities that increase additional stormwater runoff. If the City Council will look at businesses and maybe create a special type of privilege license, he would like to have a purpose for it. If businesses are not requiring any additional City services, he does not see a reason to increase the tax on them.

Mayor Thomas asked is staff basing this off of gross receipts or net receipts. A business could be next to bankruptcy and the City could literally push them in bankruptcy based upon the fees that the City would want to put on any business. The City is not aware of what the net results are for businesses.

Chief Financial Services Demery responded the requirement is that the businesses submit their gross receipts to the City.

Council Member Blackburn stated that other cities surveyed by staff charge \$2,500 for a machine plus a \$2,000 flat fee and some of these charges have been legally challenged. 49 cities are using this approach to regulate and to make sure that there is not an epidemic of these businesses.

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to direct staff to bring back an ordinance to adopt the fee schedule of \$1,000 per business location and \$500 per internet sweepstakes computer terminal. Motion failed with a 2:4 vote. Council Members Blackburn and Mercer voted in favor of the motion and Mayor Protem Glover and Council Members Mitchell, Joyner and Smith voted in opposition.

RESOLUTION CALLING FOR A PUBLIC HEARING TO REFUND BONDS (2009 INSTALLMENT FINANCING AGREEMENT AND SERIES 2004 CERTIFICATES OF PARTICIPATION) - ADOPTED

Financial Services Director Bernita Demery stated that staff has been working with its financial advisors to refinance the 2009 Installment Financing Agreement and the Series 2004 Certificates of Participation. Based on the amount to be refunded, commercial banks can purchase the bonds, which will lower costs compared to the option of a public offering through investment banks. Proposals were sought from commercial banks and proposals from four banks were opened on August 28, 2012. Ms. Demery recommended approval.

Upon motion by Council Member Joyner and second by Council Member Mitchell, the City Council voted unanimously to adopt the resolution calling for a public hearing on September 13, 2012 to refund bonds and authorizing the Director of Financial Services to file an application with the Local Government Commission to enter into this transaction.

BUDGET ORDINANCE AMENDMENT #2 TO THE 2012-2013 CITY OF GREENVILLE BUDGET (ORDINANCE #12-027) AND AMENDMENTS TO THE SPECIAL REVENUE GRANT FUND (ORDINANCE #11-003) - ADOPTED

Motion was made by Council Member Joyner and seconded by Council Member Mitchell to adopt the ordinance approving budget ordinance amendment #2 to the 2012-2013 City of Greenville budget (Ordinance No. 12-027) and amendments to the Special Revenue Grant Fund (Ordinance No.11-003). Motion carried unanimously. (Ordinance No. 12-037)

REVIEW OF SEPTEMBER 13, 2012 CITY COUNCIL AGENDA

The Mayor and City Council reviewed the agenda for the September 13, 2012 City Council meeting.

COMMENTS BY MAYOR AND CITY COUNCIL

The Mayor and City Council made general comments about past and future events.

Council Member Blackburn expressed interest in adding an item to the agenda for the Thursday, September 13, 2012 meeting related to the proposal to create an overlay district, which was approved by the City Council on August 11, 2012, although she did not vote for it. That motion called for an overlay district in the University community that would allow four unrelated people to live together in a single-family home. This week, the City Council received information that the proposed district has been substantially changed by excluding significant areas, therefore the proposal is no longer the motion that was passed by the City Council. She requested the item be added to Thursday's agenda for review because it is scheduled to go before Planning and Zoning, yet the public and especially the residents who will be impacted by the overlay have not had time to incorporate these changes into their efforts or their understanding and their knowledge of the proposal. Council Member Blackburn stated she feels the City Council has a legal responsibility to reconsider the motion and review it and vote on it again given the changes that have taken place.

City Attorney Dave Holec stated the motion that was made by Council Member Joyner and approved by the City Council identified where the overlay district was to be applied as all the properties located within a boundary which was the Tar River, Elm Street, Fifth Street and Reade Street. The proposal which will go to the Planning and Zoning Commission will be to implement the motion to the fullest extent possible while complying with State law and being consistent with best-practices. There are basically two adjustments that were made to that boundary, one being to remove areas owned by the State of North Carolina because State law dictates that an overlay district cannot be applied to land owned by the State of North Carolina without the express consent of the Council of State and the other being to remove areas to be consistent with a best-practice of avoiding the splitting of existing lots. In the case of this overlay area, the Northeast and Northwest Corners are City-owned park properties which extend outside the proposed boundary. Mr. Holec displayed a map which had been colorized to depict state owned properties in yellow and the park properties in red. Staff believes these adjustments are implementing the motion adopted by the City Council that is in compliance with State law and compatible with best-practices.

Mr. Holec stated this revised information was provided to all individuals who requested a protest petition form and it was included in the information giving notice of the Planning and Zoning Commission meeting which was sent to all owners and Commission members so they have pre-knowledge of the adjustments before the matter goes before the Commission.

Council Member Joyner asked if the City Council was notified of the changes.

Mr. Holec stated the Mayor and Council Members were notified when the adjustments were made.

Council Member Joyner stated he would not support a motion to add this item to Thursday's agenda because he believes the matter was handled properly.

Council Blackburn stated she was previously offering her comments, but she would now like to make this in the form of a motion to add discussion of adjustments to the proposed overlay district to the agenda for the September 13, 2012 City Council meeting. She stated her reason for bringing this up was that a group of people, in addition to herself, objects to this change. To be as fair as possible, she believes it is the City Council's responsibility to provide for time for discussion and to take another vote because this is essentially a different district being proposed.

Council Member Mercer seconded the motion.

Council Member Mitchell observed this is the second meeting in a row that the City Council is being asked to add something to an agenda that is a non-emergency item.

Council Member Mercer stated the rationale for adding this item is that it is about to go before the Planning and Zoning Commission, so the only way the City Council can address the concern is to add it to Thursday's agenda. In case the motion to add does not pass, he wanted to acknowledge that citizens have been very frustrated in trying to understand the proposed boundaries. Removing the State-owned property is a fairly significant change and in the interest of good communication with citizens, he feels the City Council should be clear before sending it to Planning and Zoning.

Council Member Blackburn added that it is important to do this in a public way because of transparency. Resident homeowners do not want this and she feels it is important that the City Council have a proper and transparent airing of any changes that are made.

Council Member Mercer stated the City Council passed a motion, which has been amended before sending the matter to the Planning and Zoning Commission. He feels it is very appropriate that the matter come back to the City Council for a clear vote before it moves forward. He stated he is not suggesting the City Council is doing anything illegal if that does not happen, but he feels the City Council should want to err on the side of clarity and advanced communications for citizens.

Council Member Joyner stated he has had calls from citizens who live in the impacted area who are in support of the change, but they are afraid to come to a City Council meeting to show their support because of the people who are against the change. He said he hopes the City Council will not have to sit through this discussion again.

There being no further discussion, the motion to add discussion of adjustments to the proposed overlay district to the agenda for the September 13, 2012 City Council meeting failed by a vote of 4 -2, with Council Members Blackburn and Mercer casting the only affirmative votes.

The Mayor and City Council made comments about past and future events.

Mayor Pro-Tem Glover stated that she has some concerns about mosquito spraying because of the West Nile Virus and there have been a few cases in North Carolina. Mayor Pro-Tem asked does the City still have mosquito control.

Interim Public Works Director Scott Godefroy responded that personnel trap and collect mosquitoes to verify the types of mosquitoes that are in the City before spraying.

Mayor Pro-Tem Glover stated that there is concern about the overwhelming amount of mosquitoes in areas such as Hop Tyson where there is a significant amount of ditches and stagnant water.

Mayor Pro-Tem Glover asked staff for the current number of City code enforcement officers providing service to the districts.

Interim Chief Bartlett responded that the Police Department has seven code enforcement officers.

Mayor Pro-Tem Glover stated there have been a lot of code enforcement efforts mainly in the Tar River/University Neighborhood Association (TRUNA) area because there are two designated code enforcement officers assigned to that area. Sometimes officers who are assigned to service Districts 1 and 2 and other areas are asked to work specifically around the University area, and that is not fair for the remainder of the community. She is aware that it is difficult for the City personnel to handle the violations in Districts 1 and 2. Hopefully, code enforcement officers will be able to stay in their respective areas since there are not that many of them. Every year, she recommends that more code enforcement officers should be hired because the City continues to grow and to make sure that the entire community is well maintained. She has been informed that citizens are not receiving returned telephone calls from the Code Enforcement Division. She realizes that the code enforcement officers are not in the office 100 percent of the time, but telephone calls should be returned at least the next day.

Interim Police Chief Bartlett stated that there are six code enforcement areas. The East Carolina University funded a position and the geographic overlay is part of one of those districts. That officer is dedicated to part of that particular code district and the other officer is responsible for that area and the remainder of that particular code district. It is the Police Department's intent to make sure that the officers are assigned to and work their districts. Recently, staff has assigned some clerical assistance to the Code Enforcement Division to answer the telephone calls and make sure that the calls are forwarded to the appropriate officers for action. The complaints are received by the code enforcement officers and the complainants should be responded to in a timely manner.

CITY MANAGER'S REPORT

City Manager Lipscomb thanked the City Council for their confidence in having her in Greenville and stated she is very pleased to be here to serve the community. Already, she has experienced some of the City Council's hot issues and had the opportunity to meet the City staff, visit City facilities, become familiar with the budget, and to visit Greenville, South Carolina with community leaders. As the City moves toward building that center place in Greenville, quality makes a difference between successful communities versus others. She hopes to be part of all of the economic development and revitalization and working cooperatively with others. City Manager Lipscomb thanked the City Council for her welcome reception.

City Manager Lipscomb recommended cancelling the third meeting in September because there are no pressing issues for that meeting.

Motion made by Council Member Mercer and seconded by Council Member Smith to cancel the September 24, 2012 City Council Meeting. Motion carried unanimously.

CLOSED SESSION

Council Member Joyner 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 and in accordance with G.S. §143-318.11(a)(5) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The property being discussed is owned by Vandermere Partnership, consists of Tax Parcel #77037 and is intended to be used for parking purposes. Council Member Blackburn seconded the motion, which passed by unanimous vote

Mayor Thomas declared the City Council in closed session at 8:46 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 Mitchell and seconded by Council Member Blackburn to return to open session. Motion was approved unanimously, and Mayor Thomas returned the City Council to open session at 9:07 pm.

ADJOURNMENT

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adjourn the meeting. Motion carried unanimously. Mayor Thomas declared the meeting adjourned at 9:08 p.m.

Respectfully Submitted



Polly Jones
Deputy City Clerk

PROPOSED MINUTES
MEETING OF THE CITY COUNCIL
CITY OF GREENVILLE, NORTH CAROLINA
THURSDAY, NOVEMBER 8, 2012



The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Allen M. Thomas presiding. The meeting was called to order, followed by the invocation by Council Member Kandie D. Smith and the Pledge of Allegiance to the flag.

Those Present:

Mayor Allen M. Thomas; Mayor Pro Tem Rose H. Glover; Council Member Kandie D. Smith; Council Member Marion Blackburn; Council Member Calvin R. Mercer; Council Member Max R. Joyner, Jr.; and Council Member Dennis J. Mitchell

Those Absent:

None

Also Present:

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

APPROVAL OF THE AGENDA

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to approve the agenda and to add the 2013 Schedule of the City Council Meetings to the agenda to be considered by the City Council after the Public Comments. Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Council Member Smith continued the replacement of Gregory James, who resigned.

Greenville Bicycle & Pedestrian Commission

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint John Derek Swart for an unexpired term expiring January 2014 replacing Uriah Ward, who resigned. Motion carried unanimously.

Human Relations Council

Mayor Pro-Tem Glover continued the replacement of Abdel Abdel-Rahman who is ineligible to be reappointed as a regular member. Mayor Pro-Tem Glover also continued the appointments for the two student representative slots.

Pitt-Greenville Convention & Visitors Authority

Mayor Pro-Tem Glover continued the replacement of Joseph Fridgen who is ineligible for reappointment.

Police Community Relations Committee

Council Member Mitchell continued the replacement of Richard Crisp who did not wish to be reappointed.

Mayor Thomas announced that Brian Paiz is appointed to serve a first two-year term expiring October 2014, replacing Dennis Winstead who is ineligible for reappointment.

Redevelopment Commission

Mayor Pro-Tem Glover continued the replacement of Evan Lewis who is ineligible for reappointment.

Council Member Joyner continued the replacement of Terri Williams who is ineligible for reappointment.

Youth Council

Council Member Blackburn continued the appointments for the remaining available slots on the Youth Council.

Appointments to University Neighborhood Revitalization Initiative Citizen Working Group

City Manager Lipscomb stated Mayor Thomas and Council Members Blackburn and Mitchell are requested to make two appointments each to the University Neighborhood Revitalization Initiative Citizen Working Group.

Mayor Thomas announced the appointments of Phillip Rogers and Michael Saad.

Council Member Blackburn stated that even though there is considerable opposition to this policy and proposed change, understandably, there is a lack of enthusiasm in District 3 and in this proposed overlay district to serve on a panel to initiate new policies, which were neither sought nor are they wanted, that will change the substance and the character of the neighborhood by increasing the amount of unrelated people who can live in one home.

Nevertheless, two people have agreed to serve on the panel because these individuals believe their voices are important. Council Member Blackburn announced the appointments of James Sullivan and Joann Kollar.

Council Member Mitchell announced the appointments of Chris Woelkers and David Carpenter.

NEW BUSINESS

PUBLIC HEARINGS

ORDINANCE REQUESTED BY FLEMING ALLEN, LLC TO REZONE 1.30 ACRES LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF W. H. SMITH BOULEVARD AND DICKINSON AVENUE, 200+ FEET EAST OF W. H. SMITH BOULEVARD AND 300+ FEET NORTH OF DICKINSON AVENUE FROM CG (GENERAL COMMERCIAL) TO MCG (MEDICAL GENERAL COMMERCIAL) – ADOPTED

Planner Chantae Gooby stated that this is a request to rezone 1.30 acres to Medical-General Commercial. The property is located in the central section of the City specifically near the intersection of Dickinson Avenue and W. H. Smith Boulevard. Planner Gooby delineated the property on a map and stated the property is currently vacant and the remainder of the area is either vacant or of institutional uses. This rezoning could result in a decrease of trips; therefore, no traffic volume report was generated. Currently, the eastside of W. H. Smith Boulevard is zoned as General Commercial, and this area is part of the recognized Medical District. Both of the districts would yield approximately the same square footage. However, under the proposed rezoning, it would be limited to more medical uses as opposed to non-medical uses. In staff's opinion, this request is in compliance with the Horizons: Greenville's Community Plan, Future Land Use Plan Map and Medical District Land Use Plan Update (2007). Also, the requested rezoning is specifically recommended in the Horizons: Greenville's Community Plan to increase the intensity of medical related establishments and promotes the desired urban form. At its October 16, 2012 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mayor Thomas declared the public hearing open and solicited comments from the audience.

F. Durward "Durk" Tyson, Jr. – Rivers and Associates, 107 East 2nd Street

Mr. Tyson stated that on behalf of Fleming Allen, LLC, he is available to answer any questions about the requested rezoning.

There being no further comments, the public hearing was declared closed.

Motion was made by Council Member Mercer and seconded by Council Member Joyner to adopt the ordinance rezoning 1.30 acres located near the northeast corner of the intersection of W. H. Smith Boulevard and Dickinson Avenue, 200+/- feet east of W. H. Smith Boulevard and 300+/- feet north of Dickinson Avenue from CG to MCG. 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. Motion carried unanimously. (Ordinance No. 12-049)

ORDINANCE REQUESTED BY MICHAEL GARRETT TO REZONE 0.15 ACRES LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF ALBEMARLE AVENUE BETWEEN BONNERS LANE AND SOUTH ALLEY STREET FROM IU (UNOFFENSIVE INDUSTRY) TO CD (DOWNTOWN COMMERCIAL) – ADOPTED

Planner Chantae Gooby stated this request is to rezone .15 acres. The property is located in the downtown section of the City specifically along Albemarle Avenue and between West Fifth Street and Dickinson Avenue. This rezoning could generate three trips per day difference and no traffic volume report was generated. Either of these districts will yield about the same amount of square footage, however, under the requested zoning, there would be more neighborhood friendly uses including IU, Retail or Office as opposed to the industrial use. In recent years there has been a trend to rezone this downtown area to Downtown Commercial (CD) District and this is encouraged in the 45-Block Revitalization Plan. The Future Land Use Plan Map recommends Commercial in the downtown area. This rezoning is considered part of the downtown focus area. In staff's opinion, the request is in compliance with the Horizons: Greenville's Community Plan, the Future Land Use Plan Map and the West Greenville 45-Block Revitalization Plan, and the request promotes the desired urban form. The Planning and Zoning Commission voted to recommend approval of the request at its October 16, 2012 meeting.

Mayor Thomas declared the public hearing open and solicited comments from the audience.

Michael Garrett – No Address Given

Mr. Garrett stated this rezoning is the domino effect of what happened to Watauga Avenue and Farmville Boulevard. As the petitioner, he is available to answer any questions.

There being no further comments, the public hearing was declared closed.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt the ordinance rezoning 0.15 acres located along the western right-of-way of Albemarle Avenue between Bonners Lane and South Alley Street from IU to CD. 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. Motion carried unanimously. (Ordinance No. 12-50)

ORDINANCE REQUESTED BY THE GREENVILLE COMMUNITY LIFE CENTER, INC. TO AMEND THE ZONING ORDINANCE SO THAT THE LAND USE TITLED "SHELTER FOR HOMELESS OR ABUSED" BE PERMITTED WITH THE ISSUANCE OF A SPECIAL USE PERMIT IN THE OR (OFFICE-RESIDENTIAL) DISTRICT SUBJECT TO A MINIMUM LOT AREA REQUIREMENT OF TWO ACRES - ADOPTED

Interim Assistant City Manager Chris Padgett stated six months ago, representatives of the Greenville Community Life Center, Inc. approached the City and explained that their homeless shelter property includes a relatively large lot at the corner of Manhattan and Chestnut Avenues. The facility is one of the two structures on the property. It fronts solely on Manhattan Avenue and is in need of significant repair and really no longer meets their needs. The Center's goal was to build a new structure on the same lot to be used for activities currently conducted at the site. The property is zoned OR (Office-Residential), which does not permit homeless shelter facilities. Initially, the Center pursued the option of rezoning the property and made an application that was submitted to the Planning and Zoning Commission in July 2012. At that meeting, there were some of the facility's neighbors who did not oppose the homeless shelter and plans for its expansion, but the neighbors opposed the idea of commercial zoning possibly infringing into their neighborhood. The Planning and Zoning Commission unanimously recommended approval of that rezoning. However, due to the applicant's concern about how the facility neighbors' felt about the rezoning, the applicant requested that City Council's consideration of the request be tabled for December 2012. The City Council granted the request for a continuance until December 2012. In the meantime, the representatives of the Center indicated a possibility of pursuing a text amendment to address the neighbors' concern about commercial zoning.

The current standards applicable in this situation are that the land use titled "shelter for homeless or abused" is permitted with a special use permit in the CDF (Downtown Commercial Fringe) zoning district. There is no provision to allow them in the OR district. Shelters were permitted with a special use permit in the O&I (Office and Institutional) zoning district in 1997. At that time, the O&I district was removed from the Zoning Ordinance and mainly replaced by the OR district. This particular land use was left off of the permitted use table for this new zoning district.

The request before the City Council this evening is the Greenville Community Life Center, Inc. has submitted a text amendment application requesting that "shelter for homeless or abused" be permitted in the OR district with the special use permit and subject to a minimum lot area of two (2) acres. The OR district is designed to serve as a transitional zoning district. To this end, it allows a range of duplex, multi-family, business and professional office uses. At their October 16, 2012 meeting, the Planning and Zoning Commission unanimously recommended approval of the requested text amendment. Staff found that the proposed text amendment would be in general compliance with the Comprehensive Plan. General compliance is the term used, because most of the objectives would be met, but if these particular types of land uses are not properly managed, they can

have adverse impacts on adjacent properties and neighborhoods. Some of the specific objectives that appear to support the request include the following:

H12: To provide transitional housing.

H13: To increase the quality and quantity of shelters for homeless people.

UF2: To encourage a mixing of land uses.

UF3: To encourage a diversity of housing options.

Some of the objectives that may be construed as adverse to the request are as follows:

H5: To improve and revitalize existing neighborhoods.

UF6: To preserve neighborhood livability.

Staff feels that many of the potential problems associated with these zoning issues can be addressed through appropriate design and management. This evening, the City Council would not be approving any specific location, shelter or expansion to a homeless shelter, but will be considering the proposed Zoning Ordinance Text Amendment allowing individuals to apply for a special use permit.

Council Member Blackburn asked if other group homes are allowed by right to be located in R6, R8 or R9 zoning districts.

Interim Assistant City Manager Padgett responded that a family care home, which is strictly and narrowly defined by State statutes, is permitted anywhere that a single family dwelling is permitted. Homeless shelter facilities will rise to a different level of land use and the City has the authority and ability to regulate them as a separate land use and not as a single family dwelling.

Council Member Mercer stated that a boarding house could not be opened and be called a homeless shelter.

Interim Assistant City Manager Padgett responded that in his experience, the homeless shelters have been facilities managed by nonprofits and are really intended to be of a not for profit nature. Through the special use permit process, staff could obtain information about who is making the request and be able to determine the applications that are not made in good faith.

Council Member Mitchell asked what zoning area is immediately around this rezoning.

Director of Community Development Merrill Flood responded that the zoning district is CDF basically on Dickinson Avenue and R6 along Myrtle Avenue.

Council Member Smith asked how many of the properties in the area are over two acres.

Interim Assistant City Manager Padgett responded that not all of the properties are over two acres, but probably a substantial number of those not already developed are over.

Mayor Thomas declared the public hearing open and solicited comments from the audience.

F. Durward "Durk" Tyson, Jr. – Rivers and Associates, 107 East 2nd Street

Mr. Tyson stated in the mid 1980s', Greenville identified the need for a homeless shelter. This homeless shelter property is the site of the former Agnes Fuller School. The classroom building is used for administrative purposes and the former gymnasium is used as an emergency shelter, which is only for overnight stay. In 1987, when this property was identified as a potential site for the shelter, the property was rezoned to O&I and the City had the homeless shelter identified as a special use. The zoning was approved and the special use application was submitted and approved. The shelter has been in operation for 24 years. Earlier this year, Center representatives started a campaign to replace the emergency shelter and when the architects started doing their due diligence with regards to zoning and setback, it was realized that the shelter was no longer an allowable use. In the mid 1990s, during the administrative rewrite of the City's Zoning Ordinance, the O&I was renamed to OR and the homeless shelter was dropped as a use. As the Center is trying to move forward, it was discovered that the Center is a non-conforming land use. After speaking to City staff, it was decided that the text amendment to put the homeless shelter back as a special use would be more appropriate. Greenville Community Life Center, Inc. is the only homeless shelter in Greenville and Pitt County. There is a large need, but there are very few people providing that service. The provision for the two acres was to limit where this use could be applied within the zoning.

Council Member Mitchell asked is it mandatory that residents leave the shelter during the day, and if so, will the Center ever change back to the residents staying at the shelter during the day. Council Member Mitchell stated that he realizes that was the requirement a few years ago because of a funding issue.

Executive Director Bob Williams of the Greenville Community Shelter, Inc. responded the residents are required to leave the shelter at 8:00 a.m. and to return at 6:00 p.m. Historically, that was due to funding constraints and he has heard of no plans to allow the residents to stay at the shelter during the day. A lot of capital would be needed for that operational change. Mr. Williams stated the emergency shelter is almost uninhabitable and deplorable, and does not meet the requirements for handicapped people. A new shelter is needed for this community.

Council Member Mercer asked if the homeless shelter pursues a special use permit, how restrictive can the Board of Adjustment be in terms of addressing areas where there is concern.

City Attorney Holec responded that a special use permit is a quasi-judicial action and not a legislative action. What is before the City Council in considering the text amendment is legislative. What is before the Board of Adjustment is quasi-judicial, therefore, the Board would look at specific standards that are required to be met by the applicant and make a determination based upon the evidence that is given to the Board. As long as the

applicant's request complies with those standards, then the Board would have to issue the permit. They cannot be influenced by the number of opponents or by opinion. The Board may apply certain restrictions in order to ensure that the particular use would meet those particular criteria and standards, for example, fencing, hours of operation of the establishment in order to comply with standards that the Board has to decide upon.

Council Member Mercer asked if there are more restrictive City standards or options.

Interim Assistant City Manager Padgett responded that the specific standards that would address a facility depend upon the specific circumstances of the facility's location. Other than the two acres minimum lot size, staff decided to first review site specific standards at the time where they have a site specific development plan, which is going through the special use permit process. There a number of site specific standards that could be placed on a proposed shelter facility but without knowing the specifics and trying to write a standard city-wide, staff was comfortable with the minimum lot size extension.

Council Member Blackburn asked if a nonprofit wanted to open up another shelter in one of the other areas and there is an objection from a neighborhood, could that be considered during the special permit use process.

City Attorney Holec responded that there are specific standards, which must be met, but the fact that the neighborhood objects to the request is insufficient for denial. The neighborhood has to have evidence to show that the applicant is not complying with one of the standards. The standards are whether or not the proposed use meets all required conditions and specifications of the Zoning Ordinance, whether it is in compliance and general conformity with the Comprehensive Land Use Plan, whether the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use and has such health and safety considerations such as safe and convenient location and onsite parking and drives, existing vehicular traffic on streets, conditions and passage of area streets of visibility afforded to pedestrians and other standards detrimental to public welfare, the proposed use will not be detrimental to the public welfare or to the use development of adjacent properties or other neighborhood uses.

Mayor Pro-Tem Glover asked if the Center's request will provide more room for the current residents or will there be more residents permitted at the new facility due to this request. Also, how many are permitted at the facility presently.

Mr. Williams responded the new facility will house the same approximate number of 78 people. However, the unique design of the new facility will provide an ease of maintenance, a decrease of the heating and electricity bills and much more habitable space for those residents. In addition, there will be no change to the number of beds and the Center is not asking to increase the number of the beds.

Mr. Tyson stated that currently the housing separation of males and females does not work really well for families or children. The new facility will be designed with some family rooms so families will not be split up and sent to separate rooms at night.

Ann Huggins -1500 Spruce Street

Ms. Huggins stated that she is not speaking in opposition per se of the new amendment or the ordinance. In fact, she would like to thank the applicant for changing their request to meet the neighborhood's concerns. Residents who live near the Greenville Community Life Center, Inc. are not aware of the City Council's consideration of this item this evening. Also, her concern is that the new zoning for this facility would possibly bring facilities that would not enhance the neighborhood. She is in favor of the text amendment since it only adds the shelter use and not other uses for this property.

Interim Assistant City Manager Padgett stated that the adjoining properties in the neighborhood received a notice when the rezoning went before the Planning and Zoning Commission in July 2012. Many of the residents of the neighborhood attended that meeting. When the applicant asked that the rezoning application be tabled until December, a notice was sent again informing the residents that the rezoning application would not come back before the City Council until December. In the meantime the nonprofit decided to pursue the text amendment, which is not site specific and city-wide, and this hearing was advertised in the newspaper. Letters were not mailed to individual property owners as it was done for the rezoning.

Ms. Huggins stated that even though this ordinance was pertaining to the homeless shelter property, the City did not feel that the residents should receive a letter about this hearing.

Interim Assistant City Manager Padgett stated that it is standard practice to not send out any letters related to a text amendment, but he appreciates Ms. Huggins' point.

Mayor Thomas stated that this is a unique situation.

Ms. Huggins stated that it is a unique situation which requires unique circumstances.

Mayor Pro-Tem Glover asked if Ms. Huggins feels that this text amendment should be continued until December so that other members of the neighborhood could be present at that meeting.

Ms. Huggins stated that it could be done that way or the City Council Members could continue their process because this request involves a text amendment that could go before the Board of Adjustment. Of course, the neighbors could be notified and be available at that meeting to address it.

There being no further comments, the public hearing was declared closed.

Council Member Blackburn stated that she will support this text amendment because it is an effort to reach a solution that allows a shelter to continue to operate without affecting the quality and character of the neighborhood. The City is grateful that it has a nonprofit that is operating a single shelter. This is not a business or a nonprofit model that has a lot of people knocking at the door to get into. Changes are good and this is the only location that would require this kind of special use request.

Council Member Joyner stated that he supports the homeless center, but because the request is not site specific, he has a problem with the text amendment.

Mayor Thomas stated that good feedback from citizens on any of these items is always important, and the neighbors and City have had a good relationship over a period of time with the shelter. People need a place to live. It is surprising that this is the only shelter in the City taking care of that many people and during these economic times, the shelter is absolutely a necessity. In his heart, there is the idea of a family at night being separated, and having children involved is already tough for a family. The issue here is bigger than this situation because it has implications across the City, but he understands this specific need.

Motion was made by Council Member Blackburn and seconded by Council Member Smith to adopt the ordinance requested by Greenville Community Life Center, Inc. to amend the Zoning Ordinance so that the land use titled "shelter for homeless or abused" be permitted with the issuance of a special use permit in the OR (Office -Residential) district subject to a minimum lot area requirement of two acres.

Council Member Joyner stated that this is a zoning change that affects the entire City.

Motion made by Council Member Joyner to table this item that will make the request site specific instead of city-wide died for the lack of a second.

Council Member Blackburn stated that the way that the text amendment has been written in such a way that it is very limiting with the two acres requirement and will preclude any inappropriate location of a homeless shelter. It is very important that Greenville is a city of laws and not result to a spot zoning situation.

Council Member Mercer stated the only way to make this site specific is to make it in a way that there is opposition from a specific neighborhood and he is not willing to go against the neighborhood that is concerned. Staff has creatively made it as site specific as possible without it being technically site specific and addresses the concerns of the neighborhood.

There being no further discussion, the motion to adopt the ordinance requested by Greenville Community Life Center, Inc. to amend the Zoning Ordinance so that the land use titled "shelter for homeless or abused" be permitted with the issuance of a special use permit in the OR (Office -Residential) district subject to a minimum lot area requirement of two acres passed with a 5:1 vote. 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. Mayor Pro-Tem Glover and Council Members Mercer, Mitchell, Smith and Blackburn voted in favor of the motion and Council Member Joyner voted in opposition. (Ordinance No. 12-051)

ADOPTION OF THE DEVELOPMENT CODE REVIEW AND POLICY GAP ANALYSIS TO IMPROVE THE COMMUNITY'S HEALTH, DESIGN, AND APPEARANCE - ADOPTED

Planner Chantae Gooby stated that the Pitt County Health Department received grant money that was part of the American Recovery Investment Act of 2009 from the National Center for Disease Control. The purpose of the funding is to improve the health of citizens and the grant program is "Communities Putting Prevention to Work". The City received \$20,000 from the Pitt County Health Department to hire a consultant to review the City's existing community plans and development standards from a public health perspective. Also, the consultant would facilitate meetings with representatives of the local development community and citizens to build consensus on policy and development standards that will improve community health, design, and appearance. On January 17, 2012, the City Council adopted a work plan for the grant program including the composition of a work group that would meet with consultants and staff and make recommendations. The City hired Clark-Nexsen as the consultant to work with the group consisting of commercial and residential developers as well as members of five of the City's boards and commissions. Their report, Development Code Review and Policy Gap Analysis to Improve the Community's Health, Design and Appearance, is the product of this initiative. The Planning and Zoning Commission voted to approve the report at its October 16, 2012, meeting.

Mr. Lee Smith of Clark-Nexsen stated a grant project through the National Center for Disease Control was administered for local communities to determine ways to combat obesity and tobacco use. Obesity was the big focus of this study. The City of Greenville partnered with Pitt County to explore innovative measures to improve access to healthier foods and to increase daily physical activity through the design of healthy communities. Healthy Community Design is planning and designing communities that make it easier for people to live healthy lives. Some of the Healthy Community Design benefits are

- Easier incorporation of physical activity into our everyday lives
- Increase social connectivity and sense of community
- Increase access to healthy food
- Lowers risk of traffic related injuries.

Thirty minutes a day of additional physical activity can help control weight, strengthen bones and muscles, reduce risk of cardiovascular disease and risk of Type 2 diabetes, and promote good mental health. In 2011, the obesity trends in North Carolina in 2011 were just at 29.1 percent which is just under the 30 percent obesity rate. As new figures came

out within the last month, Pitt County is probably going to be over that and Pitt County is actually higher than the State of North of North Carolina's 27.1 percent.

Healthy food access may be more difficult in certain communities because weekly shopping is done often at convenience marts having canned or processed food and dining is done at fast food establishments. A lot of communities, specifically rural communities, do not have access to quality grocery stores. There is actually a food desert in the City of Greenville near downtown. It cost a lot of money to prevent diseases caused by the obesity epidemic. In 2015, the projected medical costs in North Carolina are \$94.31 billion for older adults and \$204.96 million for younger children.

Throughout this program, Clark and Nexsen and the work group targeted the City's policies and programs, land use and community development, and transportation. The following are the specific ordinances and plans that were reviewed by them.

- Zoning Ordinance for Greenville, North Carolina.
- Subdivision Regulations for Greenville, North Carolina.
- 2011 Bicycle & Pedestrian Master Plan for the Greenville Urban Area Metropolitan Planning Organization.
- Horizons: Greenville's Community Plan. 2009-2010 Comprehensive Plan Review and Update.
- 2004 Greenway Master Plan, City of Greenville, North Carolina.
- 2004 Greenville Urban Area Thoroughfare Plan.

This review resulted in five specific recommendations:

1. Drafting and implementation of a Mixed-Use development ordinance.
2. Improve/increase the acceptance of property dedications for inclusion into the greenway corridor system and/or the community's parks program.
3. Adoption and implementation of recommendations presented in the 2011 Bicycle & Pedestrian Master Plan.
4. Adoption of NCDOT Complete Streets Planning and Design Guidelines to promote design flexibility and alternatives to increase pedestrian amenities in street design.
5. Adopt language to require commercial developments to install sidewalks along corridors adjoining property development

Council Member Blackburn stated that this is one of the first times the City Council had a really big picture of the City's plans. It is great work, and the conclusions drawn by Clark-Nexsen provide extra emphasis on what the City is trying to do even though there are limited resources. The numbers that were shown are not millions, but are billions. In

addition, this is the first generation for which children may live a shorter life than their parents. Council Member Blackburn made comments about an 18-year old individual who died of a heart attack because of metabolic syndrome and diabetes, obesity, and just a constellation of issues. Council Member Blackburn stated regarding food deserts, hopefully, the City will be able to address making sure that fresh fruits and vegetables are available for everyone. Clark-Nexsen has really incorporated all of these things in this report.

Mayor Thomas asked is the adoption of the five recommendations by Clark-Nexsen the direction being sought from the City Council.

Director of Community Development Merrill Flood responded that the Council will give staff direction and as staff incorporates some of five things that they are going through, staff will bring back.

Mayor Thomas asked has recommendation #3 already been adopted by the City Council.

Director of Community Development Flood responded that to be correct and stated that the recommendation would be an amendment to the plan.

Mayor Thomas asked if recommendation #4 is an increase requirement.

Interim Assistant City Manager Padgett responded that is an essential recommendation of the Bicycle & Pedestrian Master Plan, which has already been adopted by the City Council.

Mayor Thomas stated that recommendation #5 is a new requirement.

Interim Assistant City Manager Padgett responded that to be correct.

Council Member Joyner asked staff to expand further about recommendation #5.

Interim Assistant City Manager Padgett responded that currently, in the City's zoning requirements that are really development standards, the only time a developer is required to install a sidewalk is when they are doing a project that involves constructing a street. If they construct a residential street, they have to construct a sidewalk on one side of that street. In most jurisdictions, there is a requirement for sidewalk construction related to commercial development. For example, the City has a large commercial development on East 10th Street which is the Walmart development that contains a great amount of frontage on 10th Street and Portertown Road. Both of those streets are in the City's adopted Bicycle and Pedestrian Master Plan to have sidewalks. Presently, that developer is not required to construct any sidewalk along those rights-a-way. Recommendation #5 is indicating that staff would go back and try to develop some language and possibly some options to bring back through the Planning and Zoning Commission and City Council addressing that identified shortcoming on the City's current development standards.

City Manager Lipscomb stated that staff would be bringing back certain sections for all of these key five points and would be developing legislation if needed to clarify or enhance existing programs. For example, she would not know what the incentives would be today for recommendation #1, but those incentives would come before the City Council to have an opportunity to basically consider and decide whether to move in that direction. The whole notion of the program and the five key points would have to come back before a public hearing.

Council Member Joyner asked regarding the promotion of sidewalks, bike paths, etc. for health purposes, would that take precedence over areas that need sidewalks due to lack of having a car or will the City be changing the priority status for sidewalks.

Interim Assistant City Manager Padgett stated the recommendation does not change the priority status. There is a program in place for the Public Works Department in which a certain amount is set aside annually that goes primary toward sidewalks and in some cases to facilities as well, but that will remain unchanged. Future nonresidential commercial development, being proposed along the corridor that is designated for sidewalk, would construct the sidewalk along their frontage. The legislation has not been created yet. There may be some circumstances where the City Council may not want it to be done so staff will do the framework.

Mayor Thomas declared the public hearing open and solicited comments from the audience.

Reginald Elliott – Riverdale Subdivision

Mr. Elliott spoke in favor of the adoption of the review and analysis to improve the community's health, design, and appearance stating that sidewalks are installed all over the country for safety purposes. Without sidewalks, people will use the street instead for walking and wheelchair mobility. If there are sidewalks, more people would use them for walking as an exercise instead of using their automobiles.

There being no further comments, the public hearing was declared closed.

Motion was made by Council Member Blackburn and seconded by Mayor Pro-Tem Glover to approve the Development Code Review and Policy Gap Analysis to Improve the Community's Health, Design and Appearance. Staff will work with the various departments to implement the recommendations of the study and bring amendments to City Council for approval. Motion carried unanimously.

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1004 BANCROFT AVENUE – ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to

repair or demolish and remove the dwelling located at 1004 Bancroft Avenue. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on February 3, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since October 10, 2006 on side A and July 29, 2008 on side B. The tax value on the property as of May 12, 2010 is \$7,276 (the building value is \$3,366 and the land value is \$3,910). The estimated cost to repair the property is \$45,915.20. There have been 10 Code Enforcement cases initiated on this property since 2004 including public nuisance, minimum housing, and abandoned structure. Also, the Greenville Police Department has responded to 35 calls for service at this property since June 1995. Calls include assault, breaking and entering, larceny, burglary, damage to property, domestic, and violations of the North Carolina Controlled Substance Act.

Complaints were made that this structure has come before the City Council previously, but demolition has not taken place. Staff recommended that a follow-up report on these properties be submitted to the City Manager for distribution to the City Council.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion was made by Mayor Pro-Tem Glover and seconded by Council Member Blackburn to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1004 Bancroft Avenue. Motion carried unanimously. (Ordinance No. 12-052)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1114 COLONIAL AVENUE - ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1114 Bancroft Avenue. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on March 12, 2007 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most

recent notice to the owner was sent on October 4, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since March 10, 2001. The current tax value on the property as of October 16, 2012 is \$6,593 (the building value is \$2,453 and the land value is \$4,140). The estimated cost to repair the property is \$42,673.85. There have been 14 Code Enforcement cases initiated on this property since 2004 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 48 calls for service at this property since December 1992. Calls include breaking and entering, suspicious activity, damage to property, shots fired, and missing person.

Concerns have been expressed that these structures are negatively affecting the neighborhoods. Property values are being decreased and some of the structures are open. A vacant dwelling registry may be needed. Concerns were also raised about the limited amount of money for demolition and the number of Police Department service calls where property owners are not paying taxes and maintaining their properties.

Mayor Thomas declared the public hearing open and solicited comments from the audience.

Unknown

A citizen spoke in favor of the ordinance stating that, over the years, he has reported this dilapidated property to the City on at least five occasions. He recalls a permit was posted on a house since 1986 and hopefully, action will be taken on this eyesore before 90 days.

Bobby Crincher 802 Colonial Avenue

Mr. Crincher spoke in favor of the ordinance stating there are two abandoned houses, which have been beside his property for 21 years and should be demolished. People are vandalizing the houses and then staying in them, making it difficult to know who their neighbors really are. The City will respond to requests for bulk refuse collections and traffic lights malfunctioning, but nothing has been done about the abandoned houses.

Crystal Staton - 105 Ford Street

Ms. Staton stated her residence is surrounded by abandoned houses and apartments. While other property owners are maintaining their boarded property and paying taxes, the City maintains the grass on other abandoned properties. Her concern is whether those property owners are paying that service fee and their taxes. Ms. Staton reported that during the winter months, a man sleeps in front of an abandoned apartment complex in the subdivision.

There being no further comments, the public hearing was declared closed.

Motion was made by Council Member Joyner and seconded by Council Member Mitchell to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1114 Colonial Avenue. Motion carried unanimously. (Ordinance No. 12-053)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1208 BATTLE STREET - ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1208 Battle Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on March 13, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 3, 2005. The current tax value on the property as of October 17, 2012 is \$13,691 (the building value is \$11,036 and the land value is \$2,545). The estimated cost to repair the property is \$26,387.20. There have been 14 Code Enforcement cases initiated on this property since 2002 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 22 calls for service at this property since October 1994. Calls received regarding this location include breaking and entering, larceny, assault, damage to property, gun shots, and violations of the North Controlled Substance Act.

On November 7, 2012, an heir to the property entered into an agreement with the City. Staff recommends that the City Council continue with the ordinance and the memorandum of agreement to rehabilitate the property will coincide with the ordinance timeline of 90 days. This will still allow the heir(s) or owner(s) to get this property corrected within the 90-day period.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion made by Council Member Mitchell and seconded by Mayor Pro-Tem Glover to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1208 Battle Street. Motion carried unanimously. (Ordinance No. 12-054)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1304 BATTLE STREET - ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1304 Battle Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on October 30, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 11, 2012 and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since January 2009 on side A and June 2006 on side B. The current tax value on the property as of October 16, 2012 is \$9,504 (the building value is \$7,304 and the land value is \$2,200). The estimated cost to repair the property is \$40,480.20. There have been 17 Code Enforcement cases initiated on this property since 2001 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 13 calls for service at this property since April 1995. Calls include auto larceny, assault, recovered property, and death investigations.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion was made by Mayor Pro-Tem Glover and seconded by Council Member Smith to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1304 Battle Street. Motion carried unanimously. (Ordinance No. 12-055)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1504 FLEMING STREET – ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1504 Fleming Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on August 3, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance.

Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 10, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since January 2007 on side A and December 2006 on side B. The tax value on the property as of October 16, 2012 is \$18,346 (the building value is \$14,783 and the land value is \$3,563). The estimated cost to repair the property is \$48,976.50. There have been 20 Code Enforcement cases initiated on this property since 2000 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 14 calls for service at this property since December 1992. Calls include larceny, damage to property, assault, and violations of the North Controlled Substance Act.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, he public hearing was declared closed.

Motion made by Mayor Pro-Tem Glover and seconded by Council Member Mitchell to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1504 Fleming Street. Motion carried unanimously. (Ordinance No. 12-056)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1506 FLEMING STREET – ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1506 Fleming Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on January 3, 2007 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 10, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since November 2004 on side A and March 2006 on side B. The current tax value on the property as of October 16, 2012 is \$18,374 (the building value is \$15,320 and the land value is \$3,054). The estimated cost to repair the property is \$49,090.90. There have been 32 Code Enforcement Cases initiated on this property since 1998 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 11 calls for service at this property since November 1993. Calls include larceny, recovered property, assault, communicating threats, and shots fired.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion made by Mayor Pro-Tem Glover and seconded by Council Member Mitchell to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1506 Fleming Street. Motion carried unanimously. (Ordinance No. 12-057)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1911 SOUTH PITT STREET – ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1911 South Pitt Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on August 20, 2008 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 11, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 20, 2011. The current tax value on the property as of October 18, 2012 is \$15,176 (the building value is \$7,976 and the land value is \$7,200). The estimated cost to repair the property is \$25,988. There have been 23 Code Enforcement cases initiated on this property since 2005 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to eight calls for service at this property since January 2000. Calls include larceny, assault, damage to property, and violations of the North Controlled Substance Act.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion was made by Mayor Pro-Tem Glover and seconded by Council Member Blackburn to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1911 South Pitt Street. Motion carried unanimously. (Ordinance No. 12-58)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 610 HUDSON STREET - ADOPTED

Police Lieutenant Richard Allsbrook informed the City Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to

repair or demolish and remove the dwelling located at 610 Hudson Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on November 13, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since March 23, 2009, on side A and August 24, 2007 on side B. The current tax value on the property as of October 18, 2012 is \$7,006 (the building value is \$3,556 and the land value is \$3,450). The estimated cost to repair the property is \$44,425.20. There have been 10 Code Enforcement cases initiated on this property since 2003 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 26 calls for service at this property since August 1995. Calls include animal complaints, damage to property, breaking and entering, larceny, communicating threats, burglary, and assaults.

Mayor Thomas declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 610 Hudson Street. Motion carried unanimously. (Ordinance No. 12-059)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 800 VANDERBILT LANE - TABLED TO DECEMBER 13, 2012

Police Lieutenant Richard Allsbrook informed the Council that the ordinance to be considered requires the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 800 Vanderbilt Lane. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on October 22, 2008 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 9, 2012, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since February 12, 2006. The current tax value on the property as of

October 18, 2012 is \$36,411 (the building value is \$33,057 and the land value is \$3,054). The estimated cost to repair the property is \$33,497.20. There have been 10 Code Enforcement cases initiated on this property since 1998 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 10 calls for service at this property since July 1996. Calls include breaking and entering, damage to property, assault, shots fired, and violations of the North Controlled Substance Act.

Lieutenant Allsbrook stated that when he visited the property, the tree had been removed and Mr. Sutton had a crew doing interior work to the building. Extensive repairs are needed to the interior including ceiling issues that have been identified and there are some exterior problems with the property as well.

Mayor Thomas declared the public hearing open and solicited comments from the audience.

Jonathan Sutton

Mr. Sutton stated the taxes on the property have been paid annually and currently, there are no taxes owed. The number of calls to 800 Vanderbilt Lane since 1998 is not even $\frac{3}{4}$ of one call per year. He and his father have no record on the electrical fire, but there was a breaking and entering at the house. Improvements were made to the property including yard maintenance, siding repair and installation of a new glass door. The house is certainly not dilapidated. He and his father have been paying taxes on the \$38,000 instead of \$36,411. Mr. Sutton asked for a deferment on any type of ruling relating to this property until his involvement with an extensive lawsuit has been resolved through the court system. The City photographs are not representative of the property in its current state.

Mayor Thomas asked if staff visited the property since the repairs were made.

Lieutenant Allsbrook responded that Police Corporal Chris Viverette and he visited the property today, and it was noted that the interior being shown by the property owners' photographs is of nicer quality. The property was boarded until they began the repair recently. The file on this property contains 2008 pictures showing a series of issues relating to the property.

Mr. Sutton's father, Anthony Sutton, made comments about limbs being on the City's property which is located behind this property and about the damages and repair done to the house due to the breaking and entering in 2008.

Council Member Mitchell stated that current and accurate information regarding abandoned properties requiring repair or demolition should be provided to the City Council.

Code Enforcement Officer A. J. Basile stated that, based upon the pictures shown by the property owners, staff will definitely perform a re-inspection and evaluate a repair cost estimate immediately.

Council Member Joyner asked if the City Council's action for this item could be postponed for a month.

City Attorney Holec responded that postponing action for a month is an option for the City Council. Also, the City Council probably wants to close the public hearing because if this public hearing is continued it would be reopened.

Council Member Blackburn stated the utilities at this location have been disconnected six years.

Mr. Sutton stated that the disconnection of the utilities is related to a situation involving all of the properties which began escalating in 2007 and culminated early 2010 with a lawsuit. A letter was sent to the Code Enforcement Division regarding the situation. Hopefully, the lawsuit will be resolved by mid or end of 2013 and that is the reason for his request for a deferment on any type of ruling and the property will be addressed after that particular time.

There being no further comments, the public hearing was declared closed.

Mayor Pro-Tem Glover stated during the 30-day period approved by the City Council, the City Inspector should accompany a code enforcement officer to make sure that the dwelling fully complies with standards of the Minimum Housing Code. Mayor Pro-Tem Glover stated City Manager Lipscomb will provide the City Council with information regarding the inspection and any change of repair costs.

Council Member Blackburn stated that after this item is brought back to the City Council, the property owners might have an additional 90 days to bring the property up to the City's code.

Motion was made by Council Member Mitchell and seconded by Council Member Smith to table the ordinance requiring the repair or the demolition and removal of the dwelling located at 800 Vanderbilt Lane until the December 13, 2012 meeting. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Reginald Elliott – Riverdale Subdivision

Mr. Elliott stated that a lot of the abandoned property heirs live out-of-state. He recommended that information regarding the probate process be included with the notices to the abandoned property owners.

Niagara Whichard – No Address Given

Ms. Whichard asked if there is a limit on how many 90-day notices that owners of abandoned property can receive when enough repair is done to avoid the demolition of their properties.

City Attorney Holec responded that a repair started one day before the deadline and involving a minor amount of the work to be done to the abandoned property does not stop the action. The action is that the property repair must comply with the standards within that 90-day period or else the City proceeds with the demolition. A delay might be considered if a property owner gets the property close to complying with the standards and has done so in good faith, but someone who is trying to circumvent the system would not be accepted.

ADDITIONAL ITEM

2013 SCHEDULE OF CITY COUNCIL MEETINGS – APPROVED

Motion was made by Council Member Mitchell and seconded by Council Member Joyner to approve the 2013 Schedule of City Council Meetings.

Council Member Blackburn asked why there was only one November meeting listed on the proposed 2013 Schedule of City Council Meetings.

City Clerk Carol L. Barwick stated the sentiment expressed by the City Council during initial discussion of this item on Monday night was that the City Council did not want to meet the evening prior to Election Day.

Motion carried unanimously.

COMMENTS BY MAYOR AND CITY COUNCIL

The Mayor and City Council made comments about past and future events.

CITY MANAGER'S REPORT

City Manager Lipscomb stated that a date is needed for staff's workshop presentation regarding the Sanitation Division. City Council directed staff to look at the efficiencies in that division, and staff is ready to make their report on December 6 or December 13, 2012.

Motion was made by Council Member Mercer and seconded by Council Member Mitchell to hear the Sanitation Division presentation on December 13, 2012, at 5:00 p.m. in Third Floor Conference Room 337 at City Hall prior to the 7:00 p.m. City Council Meeting. Motion carried unanimously.

City Manager Lipscomb distributed copies of a brief report regarding Stop and Frisk Police Procedures.

ADJOURNMENT

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adjourn the meeting. Motion carried unanimously. Mayor Thomas declared the meeting adjourned at 9:50 p.m.

Respectfully Submitted



Polly Jones
Deputy City Clerk



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Encroachment agreement with Irish Creek Section 2 Owners' Association, Inc., to install a subdivision sign in the right-of-way of Guinness Drive

Explanation: **Abstract:** The City has received a request from Irish Creek Section 2 Owners' Association, Inc., to install a monument type subdivision name sign in the median portion of the public right-of-way of Guinness Drive.

Explanation: Attached for City Council's consideration is a right-of-way encroachment agreement setting out the terms by which Irish Creek Section 2 Owners' Association, Inc., can install a monument type subdivision name sign in the median portion of the public right-of-way of Guinness Drive. A map depicting the limits of the encroachment is attached to the agreement.

No adverse comments regarding this encroachment were received through the departmental review process. Staff takes no exception to this request.

Fiscal Note: No fiscal impact is anticipated with this action.

Recommendation: City Council approve the right-of-way encroachment agreement permitting Irish Creek Section 2 Owners' Association, Inc., to install a monument type subdivision name sign in the median portion of the public right-of-way of Guinness Drive.

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

Attachments / [click to download](#)

[Irish Creek Sign Drawing](#)

[Encroachment Agreement for Irish Creek SD Sign 950799](#)

-----[SPACE ABOVE THIS LINE IS RESERVED FOR RECORDATION DATA]-----

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared by: City of Greenville
Mail to: City of Greenville PWD
PO Box 7207
Greenville, NC 27834

Right of Way Encroachment Agreement
Guinness Drive in Irish Creek S/D

THIS AGREEMENT made and entered into this the 8th day of April, 2013, by and between the **CITY OF GREENVILLE**, a municipal corporation created under the laws of the State of North Carolina, P.O. Box 7207, Greenville, NC 27835, party of the first Part and hereinafter sometimes referred to as the **CITY**, and **IRISH CREEK SECTION 2 OWNERS' ASSOCIATION, INC.**, a non-profit corporation created under the laws of the State of North Carolina, P.O. Box 1601, Winterville, NC 28590, party of the second Part and hereinafter sometimes referred to as the **OWNER**;

W I T N E S S E T H

THAT WHEREAS, the OWNER desires to encroach upon the public right of way of the public street designated as Guinness Drive at a location being about 25 feet east of Old Tar Road (SR 1700) to install a monument type subdivision name sign in the median as shown on the drawings attached.

WHEREAS, it is to the material advantage of the OWNER to effect this encroachment, and the CITY, in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated on the drawings attached subject to the conditions of this Agreement.

NOW, THEREFORE, in consideration of the execution of this Agreement by the CITY, the benefits flowing to the OWNER, and the covenants and agreements herein contained with respect to the obligations of the OWNER hereunder, the CITY does hereby give and grant unto the OWNER, the right and privilege to make the encroachment, as shown on the drawings attached, subject to the conditions contained in this Agreement.

TO HAVE AND TO HOLD said encroachment rights under this Agreement unto the OWNER, provided, however, the OWNER performs and abides by the covenants and agreements herein contained.

The covenants and agreements to be performed by the OWNER as a part of the consideration for this encroachment agreement are as follows:

1. All costs of construction and maintenance of the encroaching structure will be at the sole cost and expense of the OWNER.

2. All damages to the right of ways, including the traveled portion of the street located thereon, or to facilities maintained by Greenville Utilities Commission as a result of the construction or maintenance of the encroaching structure, shall be borne by the OWNER, including but not limited to the following:

- a. Restoring the traveled portion of the street to good, passable condition for use by the public.
- b. Repairing any damage to the existing curbing or sidewalks.
- c. Repairing any damage to facilities maintained by Greenville Utilities Commission

3. Any damage to the OWNER's encroaching structure caused by the CITY's or Greenville Utilities Commission use of its right of ways for construction or maintenance work in the ordinary course of its business, shall be borne by the OWNER.

4. The OWNER shall maintain the encroaching structure so that it does not interfere with the utilization of the right of way by the CITY or utilization by the Greenville Utilities Commission of the right of way or facilities maintained by Greenville Utilities Commission.

5. The OWNER shall install and maintain the encroaching structure in such safe and proper condition that it will not obstruct or interfere with the proper maintenance of the right of way, or facilities maintained by Greenville Utilities Commission and if at any time in the future the CITY shall require the removal of or changes in the location of the encroaching structure, the OWNER shall promptly remove or alter the location of the encroaching structure in order to conform to such requirements without cost to the CITY.

6. The OWNER hereby agrees to indemnify and save the CITY and its officers and employees harmless from all damages and claims for damage that may arise by reason of the installation and maintenance of the encroaching structure.

7. The OWNER agrees to exercise every reasonable precaution during construction and maintenance of the encroaching structures to prevent damage to the right of way or facilities maintained by Greenville Utilities Commission. The OWNER shall comply with all applicable rules, regulations, and ordinances of the CITY as well as those of state and federal regulatory agencies. Whenever any installation or maintenance operation by the OWNER or its contractors disturbs the ground surface, the OWNER agrees to return the area as nearly as possible to its condition prior to disturbance.

8. The OWNER agrees to assume the actual cost of any inspection of the OWNER's work considered to be necessary by the CITY.

9. In the event of noncompliance by the OWNER with any of the covenants and agreements herein contained, the CITY reserves the right to stop all works by the OWNER until the OWNER complies, or to cause the removal of the encroaching structure from its right of way or from City property without cost to the CITY.

10. Notwithstanding any other provision of this Agreement, the CITY may terminate the right, privilege, and easement granted herein by the provision of at least thirty-day (30) written notice to the OWNER.

IT IS UNDERSTOOD AND AGREED that this Agreement shall become null and void if actual installation of the encroaching structure is not complete within one (1) year from the date of the execution of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate originals as of the day and year first above written.

IRISH CREEK SECTION 2 OWNERS' ASSOCIATION, INC.

By: _____ (Seal)
Daniel Thomas Jenkins, President

CITY OF GREENVILLE

By: _____
Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

APPROVED AS TO FORM:

David A. Holec, City Attorney

RECOMMENDED:

Kevin Mulligan, P.E., Director of Public Works

State of North Carolina

County of Pitt

I, _____, Notary Public of said County and State, do hereby certify that Daniel Thomas Jenkins, personally appeared before me this day and acknowledges, he is the President of IRISH CREEK SECTION 2 OWNERS' ASSOCIATION, INC., and that by authority duly given by the members of the association, he signed the foregoing instrument for and on behalf of said corporation.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 2013.

_____, Notary Public
(Print or Type Name of Notary Here)

My Commission Expires: _____

State of North Carolina

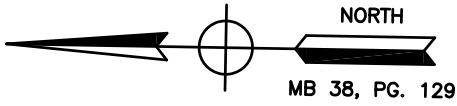
County of Pitt

I, _____, Notary Public of Pitt County, North Carolina, do hereby certify that Carol L. Barwick, personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville through and by the City Council, its governing body, the foregoing instrument was signed in its name by Allen M. Thomas, sealed with its corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and Notarial Seal, this the ____ day of April, 2013.

_____, Notary Public
(Print or Type Name of Notary Here)

My Commission Expires: _____



GUINNESS DRIVE
(50' R/W 36' B/B PUBLIC)

8" PVC WATER

SAN. MH

179

178

181

20' UTILITY EASEMENT

10' NON-ACCESS EASEMENT

10' x 70' SIGHT TRIANGLE

18" RCP

CB

18" RCP

10' x 70' SIGHT TRIANGLE

FUTURE R/W

EXIST. 8" PVC WATER

FUTURE R/W

R/W

R/W

R/W

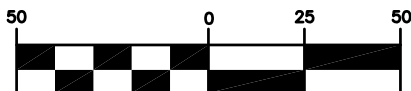
R/W

EXIST. 8"x8" TEE
EXIST. 8" GV

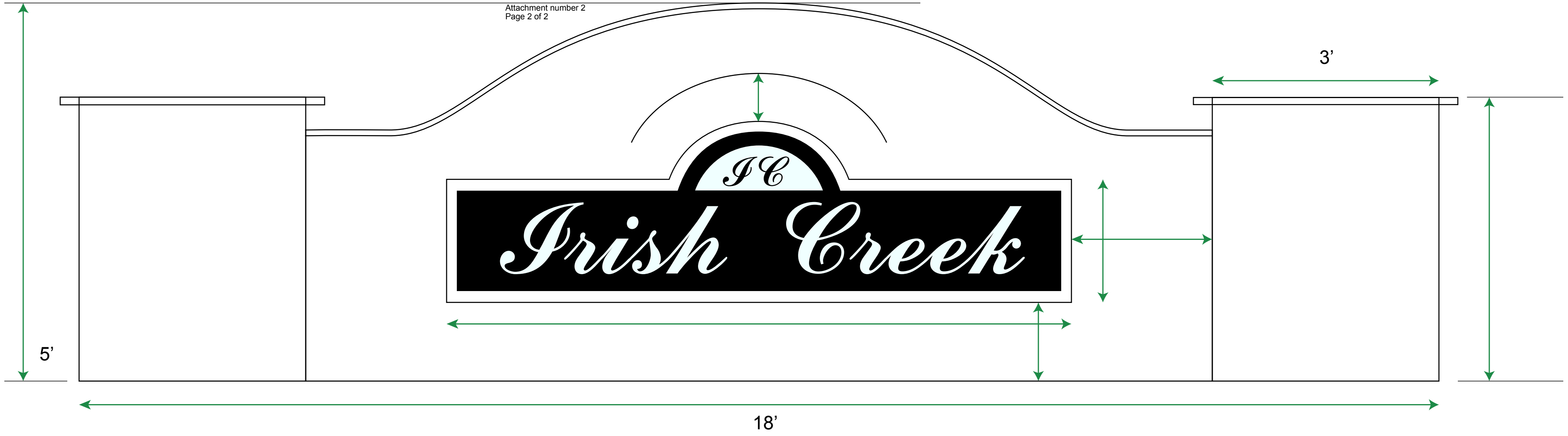
OLD TAR ROAD (NCSR 1700)

(60' PUBLIC R/W, 20' ASPHALT)
(FUTURE 100' R/W, 20' EACH SIDE)

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.





City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Revisions to Five Points Plaza Rules of Use

Explanation: **Abstract:** City Council adopted the Five Points Plaza Rules of Use in order to ensure that events are organized and staged in a safe manner and that events are scheduled in such a way that they compliment, rather than detract, from downtown business activities. The rules were developed with the understanding that some revisions might need to be considered following the first season of use. In advance of a second season of use, staff is recommending two changes in order to streamline the application process.

Explanation: Five Points Plaza was envisioned and constructed to serve as a gathering place for Greenville's citizens. Located in the heart of Greenville's historic Uptown Commercial District, the Plaza has hosted the popular Freeboot Friday series, the Uptown Umbrella Market series, the heavily attended BMX bicycle festival, and several charity events. With the popularity of the venue growing steadily, City Council adopted the Five Points Plaza Rules of Use in order to ensure that events are organized and staged in a safe manner and that events are scheduled in such a way that they compliment, rather than detract, from downtown business activities.

The "pilot" Rules of Use, adopted by City Council in March of 2012, were developed by a committee with representation from the City Manager's Office, Police Department, Public Works Department, Community Development Department, Recreation and Parks Department, and Uptown Greenville. The rules were developed with the understanding that some revisions might need to be considered following the first season of use. In advance of a second season of use, staff representatives from the departments and agencies listed above recommend that two revisions be made to the Rules of Use.

1. Eliminate the requirement for a Special Use Permit. This requirement was placed on events other than those that carry City of Greenville sponsorship. After further review, staff is of the opinion that a Special Use Permit is redundant given the intensity of the application and review process. This review process is actually more stringent than what customarily accompanies a Special Use Permit,

but is accomplished in half the time that is required to process and consider a Special Use Permit through the Board of Adjustment. Elimination of this requirement will leave important public health and safety protections in place while reducing the length of the administrative process.

2. Reduce the requirement to submit applications from 120 days in advance of an event to 60 days. While it is best practice for event organizers to plan their event 4-6 months in advance, staff has found that such time frames may not be practical. It appears that most organizations started planning for their event 3-4 months prior to the event and initiated contact with the City about use of Five Points Plaza 2-3 months before the event. Without the requirement for a special use permit in place, 60 days notice should be ample time to review an application and to ensure that City staffing and resources are in place as needed for a well-planned event.

A revised version of the Five Points Plaza Rules of Use reflecting the changes described above is attached to this agenda item for review.

Fiscal Note:


The rules of use for Five Points Plaza outline a range of usage fees which give priority to local users above out-of-town users and seek to recover a portion of the City's permitting and management costs for events in which the City is not a sponsor or active participant. Additional fees may be charged for use of City-owned property such as barricades and bleachers, as well as for the use of "off-duty" police officers.

Recommendation:

Staff is of the opinion that Five Points Plaza should continue to be made available to a broad range of uses as long as those uses comply with the mission of the plaza as established within the Rules of Use. Staff further recommends that the Rules of Use be revised to reflect the changes outlined above.

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

Attachments / click to download

 [Five Points Use Policy \(revised\)](#)

Rules of Use for Five Points Plaza Uptown Greenville, NC

The City of Greenville, North Carolina welcomes persons, organizations or groups to use Five Points Plaza for various purposes provided that the proposed use enhances the vibrancy of the Uptown District and generates increased patronage of Uptown businesses and venues. The following rules have been developed to ensure the care and protection of the Plaza grounds and features and to ensure a safe and orderly environment for the events. The nature and scheduling of all activities must be approved by the Five Points Plaza Activities Committee (Committee). A "Special Event Permit Application" must be completed and signed by the applicant. Enforcement of the rules of use will not be influenced or affected by age, race, national origin, disability, religion or partisan politics.

Application Process:

1. Applications may be submitted on-line through the City's web site by visiting www.invest.greenvillenc.gov. Alternately, a hard copy may be picked up at the front desk of the Greenville City Hall, 200 West 5th Street, with completed copies returned to the same location. Once submitted, all applications will be reviewed by the Five Points Plaza Activities Committee. All applicants will be notified as to the status of their application within fourteen (14) days of the date of application. In addition to the application form, applicants shall submit the following either at the time of application or according to the schedule provided:
 - i. A sketch plan depicting use of the lot or general Five Points area must be provided at the time of application submission. Applicants may use the template provided with the application to depict the location and types of activities they desire to conduct at Five Points Plaza.
 - ii. A security plan for the event will be required at the time of application. The size of event, intention to serve alcoholic beverages, total expected attendance, parking requirements, need for medical personnel, time of day and location of the event are all items that should be considered and addressed within a written security plan. With minimal training, volunteer event staff are often able to meet the security needs of smaller community events and private activities. For certain larger events, especially those that include amplified sound and/or the sale of alcoholic beverages, the City of Greenville may require the user to retain off-duty police officers from the Greenville Police Department to assist with event security. Based on location and time of day, supplemental lighting and temporary light towers may be required for outdoor special events to enhance public safety and security within the event site. Temporary light towers may require electrical and structural permitting.
 - iii. Users must present the City of Greenville with a certificate of liability insurance within thirty (30) days of the event. This insurance should show general liability insurance for at least \$1,000,000.00, also naming the City of Greenville as an additional insured. If alcoholic beverages are to be served at the event, an alcohol/liquor rider should be attached.
 - iv. Users must provide any additional applications required for the event such as street closing, outdoor amplified sound, and ABC permits within thirty (30) days of event. Please note that some of these permits require notifications to nearby property owners as part of the application process. All permit fees other than SUP and amplified sound permit must be paid separately and are not discounted.



Non profits must submit 501 (c)(3) certification along with application and other required forms.

- 2. General application fees must be paid at the time of submission of the application and may be paid electronically with a credit/debit card or with cash or check. Please note that depending upon the nature and scale of the event, the City of Greenville may require the user to utilize additional resources such as off-duty Greenville Police Officers and/or event assistance from the Greenville Public Works Department. A fee schedule for these services is provided in Section 2 (ii) below and notification of the need for these additional resources will be made at the time of the conditional application approval. All additional fees must be paid within thirty (30) days of the event.

i. General Fee Schedule

- o City event..... No Fee
- o Event where City is major sponsor.....\$275*
- o Greenville based non-profit.....\$275*
- o Local commercial venture..... \$550*
- o Out of town non-profit.....\$1050**
- o Out of town commercial venture.....\$1250**

*Fees includes amplified sound permit permit
**Fees include amplified sound permit and \$500 facility use charge

ii. Additional Fee Schedule

- o Off duty Greenville Police Officer.....\$30/Hr. with four (4) hour minimum
- o Public Works event assistance...Fees assessed during application processes

- iii. In addition to any other required application fee such as those for the use of required off-duty police officers or for set-up and clean-up work by Greenville Public Works crews, a \$200 refundable deposit will be required. This deposit will be refunded following the event once the City is assured that the Five Points Plaza area utilized by the event has been cleaned up and that all requirements of the permit have been complied with.

Applications for an event may be submitted as early as ten (10) months prior to the event, but no later than sixty (60) days prior to the event date. An event shall be defined as a single activity of the same type sponsored and/or promoted by the same business or organization with a duration not to exceed eight (8) hours. Applications are considered on a first come, first served basis and according to the event priority guidelines. Certain black-out dates apply and are listed in the Five Points events calendar at www.invest.greenvillenc.gov. All applicants will be notified of their application status within fourteen (14) days of application filing. Cancellations made at least thirty (30) days prior to the event are eligible for a refund minus the \$25.00 application fee.

General Rules of Use:

- 1. Applications for use of Five Points Plaza must comply with all City Codes (and City operating procedures) as well as applicable State and Federal laws.
- 2. Street Closing Procedure: Applicants must complete street closure application in conjunction with their application if any street closings are planned for the event. A street closing application may be found at www.invest.greenvillenc.gov.



3. Fireworks and open flames are prohibited.
4. Temporary permits for food sales at public events are required through the Pitt County Health Department per North Carolina law. Event coordinators (no application fee) plus each food vendor (\$75 application fee, unless the vending is for a tax exempt entity) must submit completed applications and fees at least 10 days prior to the event to the Pitt County Health Department.
5. Alcoholic Beverages:
 - i. Permit applications must be submitted to NC ABC in Raleigh.
 - o ABC "Limited Special Occasion" permit (\$50) must be obtained to serve fortified wine and/or spirituous liquor (and/or to allow "brown bagging"), regardless of whether these products are sold. No permit necessary to serve (not sell) beer and wine, although all NC laws regarding legal age, etc. shall apply.
 - o Officially recognized non-profit and/or political organizations are eligible to obtain an ABC "Special One-Time Permit for Sale of Alcoholic Beverages" permit (\$50) to *sell* alcoholic beverages (beer, wine, fortified wine, spirituous liquors). In very limited cases (e.g., class reunion), it's possible for groups that do not have a recognized non-profit status to receive a one-time exemption letter from the NC Dept. of Revenue to sell alcoholic beverages.
 - Signatures must be notarized, declaring that the applicant/event is eligible for this type of permit (non-profit), with an oath affirming that applicant is at least 21 years old, and has not been convicted of a felony within the past three years. Applicants are required to include a copy of his/her Criminal Record Check. Typically, the applications take about a week to process (approve or deny), but the ABC Commissions request that they be submitted at least two weeks in advance.
 - ii. Rules for the Use/Sale of Alcohol
 - o "Alcoholic Beverage" is defined as champagne, beer, wine (fortified and unfortified) or spirituous liquor.
 - o An Alcoholic Beverage Control (ABC) "Limited Special Occasion" permit must be obtained in order to serve fortified wine and spirituous liquor. The permit may be secured from the North Carolina Alcoholic Beverage Control Commission (NCABCC) www.ncabc.com/permits. The permit fee is \$50 and must be paid to the NCABCC.
 - o An Alcoholic Beverage Control (ABC) "Special One-Time Permit for the Sale of Alcoholic Beverages" must be obtained in order to sell alcoholic beverages. The permit may be secured from the North Carolina Alcoholic Beverage Control Commission (www.ncabc.com/permits).
 - o Alcohol may not be served at events hosted for persons under the age of 21. It is unlawful to serve alcoholic beverages to anyone under the age of 21.
6. Restrooms and Sanitation - It is the responsibility of the event organizer to provide adequate on-site restrooms to meet the specific needs of their event. Installation of portable restrooms may be required to supplement existing facilities based upon the maximum number of attendees at the event during peak periods. At a minimum, all



events with attendance of 100 persons or more and with a duration of four (4) hours are required to provide restroom facilities at a quantity of two (2) toilets for every 100 people – one male, one female. One out of every three of these facilities must be ADA accessible. The location and delivery schedule for portable restrooms must be approved through Building Safety and Fire Prevention permits. Depending upon the type and duration of a proposed event, the applicant may be required to provide portable restrooms in excess of the minimum requirements.

7. Sound Amplification - Amplification of music and sound, including megaphones, as part of an outdoor special event is regulated in compliance with the City's noise ordinance. If an applicant intends to utilize amplified sound at a proposed event, the applicant should complete an Amplified Sound Permit which may be found at www.invest.greenvillenc.gov.
8. A Peddlers License is required for any vendor that intends to sell food or merchandise at an event at Five Points Plaza. The cost of this license is \$45 and application for the license is available online, and must be submitted in person at the Greenville Police Department.
9. Each entity using Five Points Plaza will be responsible for immediately removing all litter, signs, and other materials brought to the Plaza at the end of the activity. While litter and recycling receptacles are provided at Five Points Plaza, applicants should request additional receptacles should there be a need beyond what is provided. Please note that failure to properly clean up following an event will result in forfeiture of the \$200 event deposit.

Additional Information:

For additional information regarding the use of Five Points Plaza for an event, please contact the City's Office of Economic Development.

City of Greenville Office of Economic Development
201 West 5th Street
Greenville, NC 27835
Tel. (252) 329-4502
Fax: (252) 329-4631
Web: www.invest.greenvillenc.gov





City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Purchase of one Brammo all-electric motorcycle for specialized Police patrols

Explanation: **Abstract:** Recently conducted testing of an all-electric motorcycle by the Police Department proved to be very beneficial for use in specialized patrol activities. The unit tested was provided by Brammo and was tested primarily in areas where a "green" vehicle is preferred and foot patrol is hindered.

Explanation: To address areas that are not conducive to foot patrols, the Police Department contacted three companies to provide an all-electric motorcycle for testing. The only company that provided such a vehicle for testing was Brammo, and the unit was tested by officers who possess a motorcycle endorsement as part of their driver's license. Testing was conducted primarily on the greenway portions of the city where noise discipline is preferred and gas powered vehicles are not. The interaction with walking and biking members of the public was proof that the concept of an all-electric vehicle not only addresses concerns of patrol in remote areas but also is preferred in areas where citizens exercise and enjoy the outdoors.

The unit will sustain an electric charge for approximately 70 miles of travel and is capable of speeds acceptable for all city streets. The vehicle is fully equipped for law enforcement use and can be used for regular greenway patrols as well as at special events and for road races.


During the trial period, the officers who used the vehicle gave it outstanding reviews. Additionally, Brammo, Inc. demonstrated a high level of customer service before and during the demonstration period. These factors, combined with the inability of the other two vendors to meet staff's requirements for product demonstration and customer service, make Brammo, Inc. the preferred vendor for this purchase. The price quote from Brammo is attached.

Fiscal Note: The preferred unit will cost \$16,449. Funds to purchase this unit will be from the federal asset forfeiture account of the Police Department.

Recommendation: It is recommended that the unit be approved for purchase.

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 [Brammo Quote](#)



Brammo Inc.
550 Clover Ln
Ashland, OR 97520

Phone: 541-482-9555 x327
Fax: 541-552-0414
E-mail: glemhouse@brammo.com

QUOTATION DATE: 02/11/2013

To: Greenville Police Department

Greenville Police Department
500 S. Greene St.
Greenville, NC 27835

Quantity	Item	Units	Description	Discount	Taxable	Unit Price	Total
1	Enertia Plus LE		Police Package			\$15,999	\$15,999
1	Shipping						\$450
						Subtotal	\$16,449
						Tax	
						Shipping	
						Miscellaneous	
						Balance Due	\$16,449

Quotation valid for **90** days.

Quotation prepared by: **Greg Lemhouse**

Notes: Quote is for base police package, which includes:
-Police wiring harness to support lights and siren accessories (installed)
-(2) Hard case, locking Givi bags (mounted)
-(2) Givi racks (installed)

****2 Year Full Warranty included. Covers batteries and fender to fender.**



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Purchase of 30 police package bicycles

Explanation: **Abstract:** The bicycles in the Police Department's current fleet exceed 10 years in age. The primary use of these units has been to police areas inaccessible by motor vehicles, to patrol special events, and to provide for increased mobilization of the Police Department within the community. To maintain an active program of this caliber requires the purchase of new equipment.

Explanation: The bicycles currently in use by the Police Department are more than 10 years old. These units are predominantly Mongoose in make with one or two being Treks. The bicycles have been a very integral part of the community policing efforts of the department and will be used more heavily as the program is expanded to include all aspects of the Field Operations Bureau and the Special Operations Division. Research has been conducted, and the proposed model was presented by the research committee to the Chief of Police. The new bicycles will be for use by all IPMBA (International Police Mountain Bike Association) certified police officers.


Informal bids were solicited (see attached bid tabulation sheet), and staff recommends purchasing the bikes from the Bicycle Post in Greenville, NC.

Fiscal Note: The purchase of 30 bicycles will cost \$31,349.10. It is recommended that the funds be allocated from the Controlled Substance Tax Account within the Police Department budget.

Recommendation: Approve the purchase of 30 police package bicycles.

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 [Bid Tab for PD Bicycles](#)

BID TABULATION SHEET
City of Greenville, North Carolina
Financial Services Department

Description: 30 eac. Cannondale Law Enforcement Bikes with Lights , Bags & Vehicle Racks
 Informal Bid

Item # 5

Contractor	Address	Bid Bond	Addendum #1	Base Bid	Comments
Bicycle Post	530 Cotanche St. Greenville, NC	N/A	N/A	\$31,349.10	
The Bicycle Shop	909 N. Marine Blvd. Jacksonville, NC 28540	N/A	N/A	\$28,439.40	Bid does not include blue lights and sirens
Bicycle World	2211-A East Ash Street Goldsporo, NC 27530	N/A	N/A	\$49,289.88	
Babbits		N/A	N/A	\$36,540.00	

Doc#951179

Angela E. Brinkley

 Angelene E. Brinkley, CLGPO, MPA Purchasing Manager
 Date: 4/3/13



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Electric capital project budget ordinance for Greenville Utilities Commission's Outage Management System Software and Implementation Project

Explanation: **Abstract:** Greenville Utilities Commission recommends approval of a capital project budget for the acquisition of an outage management system to assist with swifter restoration of outages.

Explanation: An Outage Management System (OMS) consists of computer software that provides GUC's electric system operators with real time information about the status of the electric network to assist in faster restoration of outages. The software integrates with GUC's existing geographic information system (GIS), supervisory control and data acquisition system (SCADA), integrated voice response system (IVR), and customer information system (CIS) to predict the location of a system disturbance. This enables dispatchers to send crews directly to the scene of an incident, avoiding lengthy line inspections to find the root cause of the outage. The OMS will also have the capability for automatic vehicle location (AVL) technology to track crew locations and dispatch accordingly during an incident.

The OMS will vastly increase the speed of trouble analysis and increase the ability of system operators to prioritize and make quick decisions for restoration of power, especially during overwhelming major events such as a hurricane or ice storm. The system will also provide better information to key stakeholders such as management, media, and customers as to the extent of outages, progress of restoration, and restoration time through a corporate dashboard and website interface. The Outage Management System Software and Implementation Project's estimated cost is \$400,000, to be funded with capital reserve funds. The project includes software/hardware design, development, implementation, and installation for a fully functional outage management system.

The GUC Board of Commissioners approved the Capital Project Budget at its regular meeting on March 21, 2013, and recommends similar action by City Council.

Fiscal Note: No costs to the City.

Recommendation: Approve the attached electric capital project budget ordinance for GUC's Outage Management System Software and Implementation Project

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 [Ordinance - GUC - Electric Capital Project](#)

ORDINANCE NO. 13-_____

FOR ELECTRIC CAPITAL PROJECTS BUDGET
OUTAGE MANAGEMENT SYSTEMS

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

Section 1. Revenues. Revenues of the Electric Capital Projects Budget, Outage Management Systems, is hereby established to read as follows:

Revenue

Fund Balance	<u>\$400,000</u>	<u>\$400,000</u>
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Section 2. Expenditures. Expenditures of the Electric Capital Projects Budget, Outage Management Systems, is hereby established to read as follows:

Expenditures

Project Costs	<u>\$400,000</u>	
Total Project Expenditures		<u>\$400,000</u>

Section 3. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

Adopted this the _____ day of _____, 2013

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Presentations by Boards and Commissions

a. Community Appearance Commission

Explanation: **Abstract:** Each City board and commission is scheduled to make an annual presentation at a regularly scheduled City Council meeting each year, and the presentations are spread throughout the year so that usually no more than three occur at any City Council meeting. The Community Appearance Commission is scheduled to make their annual presentation to City Council on April 8.

Explanation: Each City board and commission is scheduled to make an annual presentation at a regularly scheduled City Council meeting each year, and the presentations are spread throughout the year so that usually no more than three occur at any City Council meeting. The Community Appearance Commission is scheduled to make their annual presentation to City Council at the April 8, 2013, City Council meeting.

Fiscal Note: N/A

Recommendation: Hear the presentation by the Community Appearance Commission

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City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Branding Campaign Update

Explanation: **Abstract:** A representative of North Star Destination Strategies will provide a report to the City Council about the progress made so far on the brand development and discuss the results and insights gleaned from the interviews with community leaders and the Vision Survey.

Explanation: The City and Convention and Visitors Authority (CVA) have contracted with North Star Destination Strategies to create a community brand which will help attract businesses, visitors, and residents to Greenville. North Star representatives started the process several months ago and have conducted a series of interviews and surveys to begin putting together the picture of who we are as a community. The brand and plan for strategic implementation should be finished in the fall of 2013. This is an update on the process.

Fiscal Note: No fiscal impact; report only.

Recommendation: Accept consultant's progress report

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City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Update on Uptown Office and Parking Deck Projects

Explanation: **Abstract:** Development of a parking deck in Greenville's Uptown Commercial District was identified as a goal by the City Council for the current year. Similarly, the Redevelopment Commission work plan for the current fiscal year included study of parking deck feasibility as well as development of a public/private partnership to construct an office building at 423 Evans Street, a site owned by the Redevelopment Commission. Competitive procurement for both projects is under way and is expected to be completed by early May with groundbreaking for the projects expected in October.

Explanation: Review of opportunities for construction of a parking deck in Greenville's Uptown Commercial District was identified as a goal by the City Council for the current year. Similarly, the Redevelopment Commission work plan for the current fiscal year includes study of parking deck feasibility as well as development of a public/private partnership to construct an office building at 423 Evans Street, a site owned by the Redevelopment Commission. In December of 2012, the Greenville City Council authorized staff to move forward with a joint procurement process that would culminate with selection of a private sector development partner to construct and own an office building on the 423 Evans Street site as well as a construction manager at risk (CM) to oversee construction of the municipal parking deck. The attached report, which was initially provided to City Council in December, provides detailed information regarding the feasibility of constructing a 256-space parking deck on a City-owned parking lot located at the corner of Fourth and Cotanche Streets.

Following City Council's vote in December to move forward with the project, the procurement process was briefly delayed based on staff understanding that the Convention and Visitors Bureau (CVB), a potential tenant in the office building, needed to clarify its ability to lease versus purchase its proposed space in the building. With the CVB's recent decision to lease space in the building, the dual procurement process commenced on March 1st with proposals from developers and CM firms due on April 19th. The Redevelopment Commission will make recommendations on the development team for the private office

building at their meeting on May 7th, with the Council slated to finalize the selection of a construction manager at risk for the parking deck on May 9th.

Next steps in the process include preparation of a master development agreement that will guide the sale of the vacant lot at 423 Evans Street to a private developer as well as the lease and sale terms of office space in the building to the CVB and to an institutional partner slated to occupy two floors of the building.

City staff will work with the selected CM and other design team members to prepare the building plans and cost estimates for the parking deck. In order to finalize the projects, City Council will be required to consider the sale of the vacant lot at 423 Evans Street as well as enter into a contract with the construction manager at risk to deliver the parking deck at an agreed-to price.

Due to site constraints associated with adjacent buildings, it is expected that portions of the City's Moseley parking lot at the corner of Fourth and Cotanche Street will be used as a staging and construction equipment access area during the early stages of the office building construction project. As such, alignment of construction schedules and mobilization for the office project and the parking deck project will be critical. While timelines will not be finalized until the private developer and CM are in place, it is expected that groundbreaking for the projects can take place in October following design of both structures. Once the Moseley parking lot is no longer needed for staging and access for the office building, site work can begin for the parking deck. Site work is likely to be completed in approximately three (3) months with the majority of the parking deck superstructure completed in six (6) weeks. Interior work on the parking deck is likely to require an additional two months prior to occupancy. City staff will work with officials at East Carolina University to develop temporary parking alternatives for those patrons who have been displaced from the Moseley parking lot as a result of construction.

Fiscal Note:

Staff estimates place the cost for construction of a parking deck at approximately \$3,810,400. The City currently has reserves earmarked for construction of a parking deck in the amount of \$1,779,565 thus creating the need to borrow an additional amount of \$2,364,191 in order to construct the parking deck. The Redevelopment Commission expects to sell the property at 423 Evans Street for fair market value, which has been established at \$198,250.

Recommendation:

No action required at this time.

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 [Parking Deck Documents](#)

GREENVILLE, NC



ECONOMIC
DEVELOPMENT

MEMO

To: Barbara Lipscomb, City Manager
From: Carl Rees, Economic Development Manager
Date: November 28, 2012
SUBJECT: Uptown Parking Deck Feasibility Report

As requested by the Greenville City Council and Redevelopment Commission, this memorandum provides detailed information regarding the feasibility of constructing a parking deck in the City's Uptown Commercial District.

Background:

Review of opportunities for construction of a parking deck in Greenville's Uptown Commercial District was identified as a goal by the City Council for the current year. Based on this goal, City staff completed due diligence work on a total of six (6) potential sites, then delivered a report to City Council in August of 2012. The site research included evaluations of surrounding traffic patterns, density analysis of existing business activity, identification of issues that might impact development costs and rankings of the ability of a potential site location to influence new development. The report is attached and marked as "Appendix A".

Based on the findings in the report, City Council directed staff to further evaluate two (2) sites, a City-owned parking lot at the corner of Fourth and Cotanche Streets, as well as a property across the same intersection owned by East Carolina University (ECU). City Council gave preference to the City-owned site but directed staff to investigate the willingness of the administration at ECU to collaborate with the City on a parking deck on the ECU property. Based on discussions with several members of the ECU administration, it appears that the university is not interested in partnering on a parking deck at their Fourth and Cotanche Street property. University administration members did voice support however for the City's downtown revitalization efforts and noted that further conversations should not be ruled out about other collaborations in the Uptown District including for parking. With the understanding that the ECU site was not available, this review is entirely focused on the City-owned property at Fourth and Cotanche Streets.

Site Considerations:

The site is currently used as a municipal parking lot with a total parking capacity of 77 spaces. There is a common-use refuse facility in the central portion of the parking lot. The dimensions of the site are approximately 200 feet along Cotanche Street and 120 feet along Fourth Street. A survey of the property is included and marked as "Appendix B". The site is served by one-way south traffic on

Cotanche Street and two-way traffic along Fourth Street. Removal of nine (9) angled parking spaces along Cotanche Street will be required in order to appropriately site the parking deck. There are currently two (2) service alleys that border the parking lot, one on the back side of businesses fronting on Fifth Street and one on the back side of businesses fronting on Evans Street. Although design work for the parking deck has not been completed, it is expected that these two pedestrian access areas will be maintained and that an additional pedestrian access will be created that will tie the parking deck site to Evans Street.

There are two (2) municipal parking lots across Fourth Street from the proposed deck site. The Harris Lot has 32 spaces with a mix of lease and 2-Hour time limited parking while the Roses Lot has a total of 24, 2-Hour parking spaces. With construction of a parking deck across Fourth Street, it is recommended that both the Harris and Roses Lots be classified as entirely 2-Hour time limited parking with all lease spaces moved to the parking deck. The City may consider metering these parking lots in the future as parking demand increases in the Uptown District.

In order to assess the geological capacity of the site to host a heavy structure such as a parking deck, the local office of Terracon was engaged to complete soil borings and analysis that included encountered soil conditions, seismic site classification, design values for deep foundation systems and earthwork recommendations. The geotechnical analysis completed by Terracon indicates that the soil conditions at the site are not substantially different than most other sites in Greenville's Uptown Commercial District and thus foundation enhancements and/or a pier system will be required for a structure of the magnitude of a parking deck. A copy of the report from Terracon is included and marked as "Appendix C".

Construction Considerations:

There are two primary options for construction of parking decks which include poured in place and pre-cast. The first method is the oldest and is often used in sites with limited access as well as in sites where the parking deck is an integral part of a larger, complex construction project. Pre-cast parking decks are a great option for sites such as Fourth and Cotanche where there is adequate room for a crane to erect structural members and panels that have been transported to the site. Pre-cast construction is often a less expensive option and can match the durability of poured in place structures provided that routine maintenance tasks are completed by the owner. Pre cast decks can usually be erected much more quickly as all the pieces of the parking deck have been formed off-site in factory conditions and are transported to the construction site on a "just in time" basis.

For the Fourth and Cotanche street site, it appears that a four level parking deck could be erected that would provide vehicular access from both Fourth and Cotanche Streets. The height of such a structure would be approximately 36' feet above grade. This height would be similar to several adjacent buildings. A two-bay deck on this site would allow for approximately 64 parking spaces on each level with a total parking space yield of some 256 spaces. A model lay-out of a parking deck configured for the selected site is provided as "Appendix D". It is expected that the parking deck would include required handicap accessibility features, stair and elevator access, energy efficient lighting, emergency call stations and security cameras wired into the existing City of Greenville network. Although attended parking might not be offered initially, staff recommends that the parking deck be constructed in such a manner that an attendant booth could be added at a later date. A variety of exterior up-fit options can be considered during the design phase but it is expected that the exterior would be treated in such a manner that the parking deck is compatible with the surrounding structures. Based on consultations with a regional pre-cast parking deck construction firm it appears that a parking deck could be erected and finished within a six-month window.

Construction Cost

Construction costs for parking structures can range from close to \$10,000 per space for a precast parking deck with no exterior architectural finish to close to \$20,000 for a poured in place parking deck with high end architectural features. Parking decks at the extreme low end of the range are typically those that are wrapped entirely by a primary structure. For the 256 space parking deck under consideration for the Fourth and Cotanche Street site, staff has secured preliminary estimates prepared by a regional contractor and pre-cast parking deck construction firm that place the cost at \$13,500 per parking space. This per space construction cost would equate to a total of \$3,464,000 for the finished four level parking structure. This preliminary estimate may be adjusted up or down based on the final design process to include variations in finish levels desired by the City. In order to provide a level of flexibility in the cost estimate as well as to account for any unknown variables that might emerge during the design process, a 10% contingency is recommended for the project resulting in a final construction estimate of \$3,810,400.

Operating and Maintenance Cost

Industry estimates place operating costs in a range of \$250 to \$500 per space per year. Some factors that drive up operating costs include parking management that relies on human resources as well as environmental factors such as snow and ice removal and/or frequent cleaning related to the removal of road or sea salt. Typical operating expenses include utilities, elevator service contracts, routine cleaning, communication fees, and insurance premiums. For a parking deck in Uptown Greenville, it is expected that annual maintenance costs would likely fall in a range between \$300 per space for an unattended parking deck to \$350 per space for a deck that employs part-time parking attendants. It is recommended that approximately \$50 per space per year be reserved for significant maintenance of the parking deck that must take place every 10 years.

Revenue Estimates

While there are many parking revenue models that might be developed for a 256 space parking deck in Uptown Greenville, staff is recommending a simple parking management and revenue plan for initial implementation. With additional office projects expected to come on-line in the next 12-18 months in the blocks surrounding the Fourth and Cotanche Street site, the demand for daytime lease parking will continue to grow. A common strategy for management of parking spaces in a parking deck is to make lower floor spaces available for lease patrons who pay a higher rate than those parking patrons utilizing spaces on an hourly basis. It is recommended that an initial lease/hourly split of the 256 available spaces include the lower three floors of lease parking with the top floor made available for hourly parking patrons. Lease spaces would be reserved for patrons Monday Through Friday from 7:00 a.m. until 5:00 p.m. but would convert to free parking during evening and weekend hours. The metered spaces on the top level would also convert to free parking during evening and weekend hours. Staff recommends that management of the hourly spaces be conducted via the Duncan parking pay stations that have been successfully deployed in other Uptown District locations with existing municipal parking enforcement resources utilized to enforce hourly limits.

The table below depicts a preliminary revenue forecast for the parking management strategy described above. It should be noted that parking management strategies for the deck can be adjusted over time to include parking fees for evening parking. It is important to note that should such a strategy be implemented, other parking lots within the Uptown District would need to be

converted to evening fee parking as well. Although a full study of such a strategy has not been conducted, staff estimates that a three (3) evening per week parking program management by an outside vendor could generate revenues of approximately \$90,000 per year after expenses.

Parking Type	Total Spaces	Monthly/Hourly Fee	Notes	Annual Revenue
Monthly lease	192	\$52 per month	Escalates \$2 annually and assumes 80% occupancy	\$119,808
Unlimited hourly	64	\$.75 per hour	Current rate and assumes 60% occupancy	\$48,000
First year revenue total:				\$167,808
Average 20-year revenue:				\$177,360

Financial Summary

The construction cost and revenue estimates described in previous sections of this memorandum are intended to represent an approximate, but not final projection of revenues and expenses required to construct a 256 space parking deck at the City-owned site at the corner of Reade and Cotanche Streets. Final projections can only be completed once a construction contract is in hand and debt agreements have been structured and approved by the Local Government Commission. Construction of a parking deck in Uptown Greenville has been under consideration since as early as 2003 with previous City Councils even taking the proactive step to set aside funds in reserve for construction of a parking deck in the Uptown District. While that reserve fund has previously reached levels of as much as \$3.8 million, the fund currently stands at \$1,779,565. Previous expenditures from the account have been utilized to increase parking at Shepard Library and in the Five Points area. None-the-less, the availability of this reserve fund makes construction of the City's first parking deck much more attainable.

The table at right depicts sources and uses of funds required to construct the parking deck described in this memorandum. With interest rates at or near historic lows, it is expected that the City could realize rates of as little as 3% on twenty-year debt for this project. While a variety of debt instruments may be considered, an installment purchase agreement securitized by the parking deck is the most probable financing method. This method of financing does not require voter approval.

Procurement Considerations

While construction of parking decks in downtown settings is quite common in urban areas across the United States, this will be the first municipal parking deck constructed in Greenville. Consequently it is

Parking Deck Budget	
Total Revenue	\$177,360
Operating Costs/yr. w/o attendant	\$76,800
Avail. for debt serv.	\$100,560
Available Bond Debt	\$1,446,209
Total Deck Cost	\$3,810,400
GAP	\$2,364,191
Deck reserve fund:	\$1,779,565
GAP less reserves:	\$584,626
Annual budget impact:	\$29,232

important to recognize that construction of the parking deck will have ramifications throughout Greenville's urban core to include impacts on current parking policy, citizen perspectives regarding the Uptown District, and most importantly on businesses throughout the Uptown District.

Perhaps the project that will be most immediately impacted is the planned four-story office building slated for construction at 423 Evans Street. The office building will be home to the City's visitor center, and will also host three floors of class "A" office space above that use. The building is being constructed on property owned by the Redevelopment Commission and will be procured as a public/public/private partnership between the Redevelopment Commission, East Carolina University and a private developer. Office tenants within the building will create demand for as many as 40 parking spaces during daytime hours. Due to site constraints associated with adjacent buildings, it is expected that portions of the City's parking lot at the corner of Fourth and Cotanche Street would be used as a staging and construction equipment access area during the majority of the construction project. As such alignment of construction schedules and mobilization for the office project and the parking deck project will be critical. Staff also believes that there could be considerable economies of scale created by linking the office building and parking deck projects.

With a goal of aligning the 423 Evans office project and the parking deck project, staff is exploring a blended procurement process in which a "call for developers" is issued concurrently with a "request for qualifications". The blended process will seek to deliver a development team that will build and own a portion of the office building at 423 Evans Street with the City able to select that project's contractor to serve as a "construction manager at risk" (CM) for the parking deck project. The City would also have the ability to select the same design team being used for the office project to provide design services for the parking deck. The CM process was recently used by the City for construction of the Drew Steele Center and provides a streamlined process for completing construction projects while still maintaining the competitive nature of a public procurement process.

Should the City choose not to align the parking deck and office building project, other traditional methods of procurement could be considered. These include requesting the General Assembly to reinstate the City's ability to utilize a design/build process for construction of a parking deck. This authority was granted to the City in 2003 but expired in 2008. The design/build process allows a single procurement process to take place where the design and construction costs are bundled into one price to the project owner. Alternatively, the City could pursue the longer and more cumbersome process where a designer is competitively procured to complete construction plans and specifications. Once the plans are prepared, the City would utilize a formal bidding process to bid the project, and then select the lowest, qualified responding company to construct the parking deck. Due to time constraints this would be the least preferable of the procurement methods for construction of a parking deck.

CC: Chris Padgett – Interim Assistant City Manager
Merrill Flood, Community Development Director

APPENDIX "A"

SITE ANALYSIS – UPTOWN PARKING DECK

I. How well does the site serve existing businesses?

Description	Rank
<p>Site 5: Corner of Cotanche & 4th (Moseley Lot)</p> <p>A parking deck on this site would accommodate a relatively high number of existing businesses within a 1,000 foot buffer, compared to other prospective sites. In the immediate vicinity of Site 5 is Uptown’s primary retail/restaurant/bar cluster on east Fifth and Cotanche streets; a deck here would also conveniently serve historic Evans Street as well as the cluster of legal/professional services around the courthouse.</p>	<p>H I G H</p>
<p>Site 6: Corner of Cotanche & 4th (NE corner lot)</p> <p>Similar to site 5, a parking deck on this site would accommodate a high number of existing businesses within a 1,000 feet buffer, compared to other prospective sites. In the immediate vicinity of Site 6 is Uptown’s primary retail/restaurant/bar cluster on east Fifth and Cotanche streets; a deck here would also conveniently serve historic Evans Street as well as the cluster of legal/professional services around the courthouse.</p>	<p>H I G H</p>
<p>Site 4: East of Reade, between 4th and 5th Streets</p> <p>This site has many of the same strengths and weaknesses in terms of serving existing businesses as Sites 5 & 6, but it is a little less favorable on all counts: good, not great, access to the primary Uptown retail/restaurant/bar cluster; fair access to historic Evans Street and the legal/professional services node, respectively.</p>	<p>M E D</p>
<p>Site 3: Corner of Pitt, Reade, and Dickinson Avenue</p> <p>This site has the highest number of businesses within the planning industry standard ¼ mile buffer; however, it has the lowest number of businesses within 1,000 feet. In the immediate vicinity are several small-scale existing businesses on or adjacent to Dickinson Avenue – barber shop, antiques, dance studio, auto repair. The site is almost 1,000 feet from the corner of Evans and Fifth Street (entry to historic Evans Street). A deck here would not be especially convenient to Uptown’s primary retail/restaurant/bar cluster and it would not adequately serve the legal/professional services cluster.</p>	<p>M E D</p>

SITE ANALYSIS – UPTOWN PARKING DECK

Description	Rank
<p>Site 2: Corner of Pitt, 5th, and Greene Streets</p> <p>There are a significant number of businesses within the ¼ mile or 1,000 feet buffers; however, relatively few businesses are within the immediate vicinity except for Wells Fargo and a few non-profits or home-based businesses (site borders West Greenville residential neighborhood). A deck here would provide excellent access to the few businesses on W. Fifth Street (e.g. Winslow’s, Starlight Café); good access to historic Evans Street and the legal/professional services cluster; but only fair access to Dickinson Avenue as well as Uptown’s primary retail/restaurant/bar cluster.</p>	M E D
<p>Site 1: Corner of Pitt, 4th, and Greene Streets</p> <p>There are a significant number of businesses within the ¼ mile or 1,000 feet buffers; however, relatively few businesses are within the immediate vicinity except for Wells Fargo and a few non-profits or home-based businesses (site borders West Greenville residential neighborhood). A deck here would provide excellent access to the few businesses on W. Fifth Street (e.g. Winslow’s, Starlight Café); good access to historic Evans Street and the legal/professional services cluster; but only fair access to Dickinson Avenue as well as Uptown’s primary retail/restaurant/bar cluster.</p>	M E D

SITE ANALYSIS – UPTOWN PARKING DECK

II. How well does the site leverage new development?

Description	Rank
<p>Site 3: Corner of Pitt, Reade, and Dickinson Avenue</p> <p>This site is located across Dickinson Avenue from the site selected by the General Services Administration for the new bankruptcy court project. There is little public parking near the proposed site to serve visitors to the courthouse. There are as many as three additional land assemblages in the vicinity that could host a range of private sector projects including office, multi-family residential and potentially a hotel project. Each of these projects would benefit from the proximate location of additional municipal parking. The City is also considering at least one nearby site for the intermodal transit center project. A deck at this location might also help to support small business development on Dickinson Avenue.</p>	<p>H I G H</p>
<p>Site 2: Corner of Pitt, 5th, and Greene streets</p> <p>Most of the land in the immediate vicinity of this site has been developed, including entire blocks to the south and east devoted to municipal government uses. The block is large enough however to host both a parking deck and additional development thus providing a significant development opportunity. A parking deck located on this site might also leverage development on the City-owned property identified as “Site 1” in this report.</p>	<p>H I G H</p>
<p>Site 4: East of Reade, between 4th and 5th streets</p> <p>This site is owned by East Carolina University and is identified by their master plan as an appropriate location for a parking deck and “general purpose” building. City planners have identified the site as a prime location for a hotel project which would be a heavy parking demand generator. In addition, the block immediately across Reade Street is currently being considered by several development interests for potential redevelopment and reuse.</p>	<p>M E D</p>
<p>Site 5: Corner of Cotanche & 4th (Moseley Lot)</p> <p>Most of the land in the immediate vicinity of this site has been developed and is currently in use. The block immediately across Cotanche Street is currently being considered by several development interests for potential redevelopment and reuse. It is worth noting that a parking deck in this location would be beneficial to the Visitor’s Center project that is slated for an adjacent property that fronts on Evans Street.</p>	<p>M E D</p>

SITE ANALYSIS – UPTOWN PARKING DECK

Description	Rank
<p>Site 6: Corner of Cotanche & 4th (NE corner lot)</p> <p>Most of the land in the immediate vicinity of this site has been developed or is owned by East Carolina University (ECU) and slated for university related uses. City planners have identified the ECU owned site across Reade Street as a prime location for a hotel project, which would be a heavy parking demand generator. The block immediately across 4th Street is being considered by several development interests for potential development and reuse.</p>	<p>M E D</p>
<p>Site 1: Corner of Pitt, 4th, and Greene streets</p> <p>Although most of the land in the immediate vicinity of this site has been developed, a parking deck in this location might leverage redevelopment of the block identified in this report as “Site 2”. It is also possible that a deck in this location could spur redevelopment of existing businesses in the block immediately across Greene Street.</p>	<p>L O W</p>

SITE ANALYSIS – UPTOWN PARKING DECK

III. How well will the site accommodate appropriate traffic patterns?

Description	Rank
<p>Site 1: Corner of Pitt, 4th, and Greene Streets</p> <p>The current volumes of traffic on S. Greene Street, W. 4th Street, and S. Pitt Street are modest; however, these streets do have relatively high street capacities compared to other prospective sites (S. Greene Street is 40 feet wide, with a street capacity of 28,290 average daily trips (ADT). Also, the street segments are relatively free of other constraints and/or negative factors, such as roadway sections with existing parking or nearby signalized intersections.</p> <p>The Greene Street (three lanes) and Pitt Street (two lanes) segments are both one-way streets, which have less overall capacity than two-way streets, but greater directional capacity.</p>	<p>H I G H</p>
<p>Site 3: Corner of Pitt, Reade, and Dickinson Avenue</p> <p>The current volumes of traffic on Dickinson Avenue and Pitt Street around the site are low-to-moderate. The street capacity of these segments is moderate. Accessing points to a deck from these street segments could not be within the functional boundary of the Dickinson/Pitt intersection, which requires special consideration and might limit access potentials along the roadway frontage of the site.</p> <p>Dickinson Avenue is a 52-foot wide, two-way street, yet which has a relatively low capacity for a commercial corridor (14,900 ADT), while Pitt Street is a medium capacity (19,140 ADT) one-way street.</p>	<p>M E D</p>
<p>Site 6: Corner of Cotanche & 4th (NE corner lot)</p> <p>Along with Site 5, this site has the lowest existing traffic volumes, among prospective sites, on its servicing street segments – E. 4th Street (2,300 ADT) and Cotanche Street (4,100). However, the street capacity of E. 4th Street (14,900 ADT) and Cotanche Street (19,140) is on par with sites 1 and 3.</p> <p>Likewise, this site has seven angled parking spaces and a loading zone on its west side, which will require special consideration and which might cause conflicts with ingress/egress access points to a parking deck; however, the site is not as constrained as Site 5.</p> <p>The two-lane E. 4th Street is relatively narrow for a two-way street (31 feet), while the Cotanche segment is 3-lane (32 feet wide)/2-lane (24 feet wide).</p>	<p>M E D</p>

SITE ANALYSIS – UPTOWN PARKING DECK

Description	Rank
<p>Site 4: East of Reade, between 4th and 5th streets</p> <p>This site has moderate-to-high existing traffic volumes compared to other prospective sites. Specifically, E. 5th Street (13,000 ADT) has the highest existing volume of any street segments in this survey. On the other hand, the street capacity of E. 5th Street is relatively low (14,900), so there is not much capacity for additional traffic volume along that street.</p> <p>As a result, this site remains on par with sites 3 and 6 (above). Like Site 6, a deck here would be served by a segment of E. 4th Street, which has relatively low current traffic volumes and only moderate capacity. Overall, the street segments serving the site have modest street capacity.</p> <p>Both E. 5th and E. 4th streets two-way streets; however, the high-volume E. 5th Street segment is only 31 feet wide. Also, traffic operations at Reade/5th Street may create conflicts with parking deck access.</p>	<p>M E D</p>
<p>Site 2: Corner of Pitt, 5th, and Greene Streets</p> <p>The current volumes of traffic on S. Greene Street and S. Pitt Street are modest; however, these streets do have relatively high street capacities compared to other prospective sites (S. Greene Street is 40 feet wide, with a street capacity of 28,290 ADT). Also, the street segments are relatively free of other constraints and/or negative factors, such as roadway sections with existing parking or nearby signalized intersections. The Greene Street (three lanes) and Pitt Street (two lanes) segments are both one-way streets, which have less overall capacity than two-way streets, but greater directional capacity.</p> <p>East 5th Street (13,000 ADT) has the highest existing volume of any street segments in this survey. On the other hand, the street capacity of E. 5th Street is relatively low (14,900), so there is not much capacity for additional traffic volume along that street.</p>	<p>M E D</p>
<p>Site 5: Corner of Cotanche & 4th (Moseley Lot)</p> <p>This site has several drawbacks in terms of accommodating appropriate traffic patterns. Along with Site 6, which is also served by E. 4th and Cotanche streets, the existing traffic volumes here are tied for the lowest among prospective sites. And, like for Site 6, these segments offer only modest street capacities (14,900 ADT and 19,140, respectively). Again, these two segments are also relatively narrow (31 and 32/24 feet, respectively).</p> <p>In addition, this site has more added constraints than Site 6: the access point on E. 4th Street is expected to be difficult given auxiliary turn lanes on 4th at Cotanche and Reade. Also, a road section of Cotanche has nine angled parking spaces on the west side, which must be removed in order to accommodate a two-bay parking deck.</p>	<p>L O W</p>

SITE ANALYSIS – UPTOWN PARKING DECK

IV. How conducive is the site for minimizing development costs?

Description	Rank
<p>Site 4: Corner of Pitt, Reade, and Dickinson Avenue</p> <p>This site scores “high” in terms of projected development costs in that development costs are expected to be manageable (or “lower”) here compared to some other possible sites.</p> <p>This site has a relatively flat grade and minimal underground stormwater infrastructure. Construction of parking deck on this site might require minimal signal improvements depending upon the traffic patterns assessment. The site is City-owned and has been certified as having no known environmental concerns.</p>	<p>H I G H</p>
<p>Site 1: Corner of Pitt, 4th, and Greene streets</p> <p>This site has a relatively flat grade and no known underground stormwater infrastructure onsite. A deck at this location would likely have little impact on the surrounding street network.</p> <p>The site is City-owned. The City recently completed a surfacing project of the parking lot.</p>	<p>H I G H</p>
<p>Site 6: ECU lot on Cotanche & 4th (NE corner lot)</p> <p>This site has a relatively flat grade; however, a deck on this site would require demolition of existing building onsite. It may require minimal signal improvements depending upon traffic patterns assessment.</p> <p>This property is owned by ECU. The university would likely require a land swap or other financial arrangement to offset the land value.</p>	<p>M E D</p>
<p>Sites 5: Moseley Lot</p> <p>This site scores “medium” in terms of likely development costs because it has several factors that might complicate construction. It has significant grade changes across property toward southern end and along Cotanche. Construction of a deck against adjacent buildings/businesses, and protection of same, will be a consideration as well as loss of public parking during construction.</p> <p>The relatively small size of the site may potentially drive up the construction cost in order to accommodate steeper ramping.</p>	<p>M E D</p>

SITE ANALYSIS – UPTOWN PARKING DECK

Description	Rank
Site 4: East of Reade, between 4th and 5th Streets	L O W
<p>This site scores “low” in this category because development costs are projected to be highest at this location compared to other possible sites. The site has significant grade challenges that will either need fill or retaining walls, although it might present a good opportunity for below-grade level parking. In addition, a parking deck project on this site would have to deal with stormwater and sanitary sewer infrastructure.</p>	
<p>This property is owned by ECU. The university would likely require a land swap or other financial arrangement to offset the land value.</p>	
Site 2: Corner of Pitt, 5th, and Greene Streets	L O W
<p>This site has a relatively flat grade and no known underground storm water infrastructure onsite. A deck at this location would likely have little impact on the surrounding street network. The site is in private ownership and would likely have a high acquisition cost.</p>	
<p>The site has been used as a gas station and automotive repair facility for at least 50 years raising concerns over potential environmental contamination on the site. If underground fuel tanks remain on-site, there would be significant costs to remove the tanks.</p>	

Uptown Parking Deck: Site Analysis

Tar River

Map Legend

- Major_Roads
- Parking Deck Sites

1st St

Pitt St

Greene St

Reade St

1

2

5

6

4

Evans St

5th St

Dickinson Ave

Cotanche St

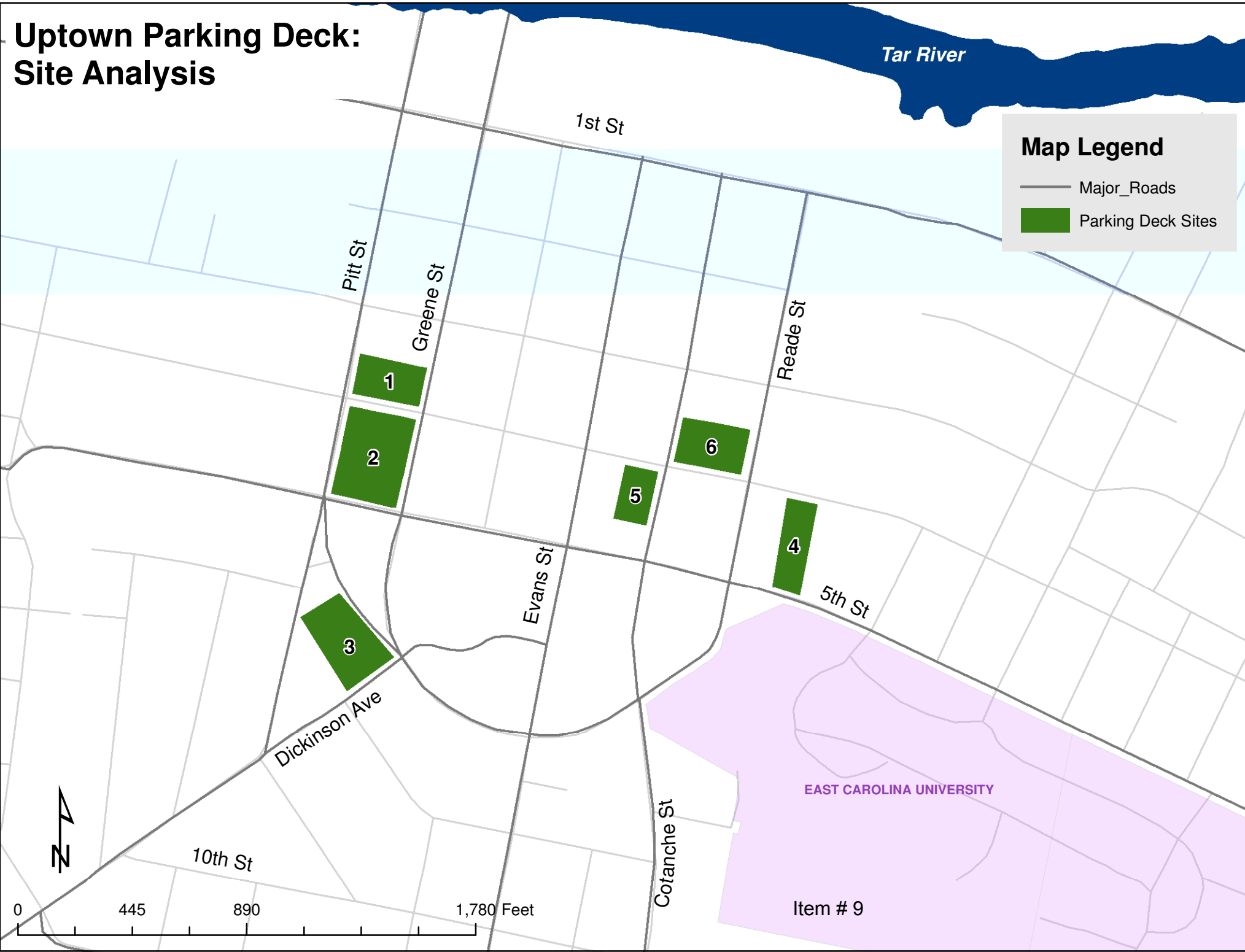
EAST CAROLINA UNIVERSITY

10th St



0 445 890 1,780 Feet

Item # 9

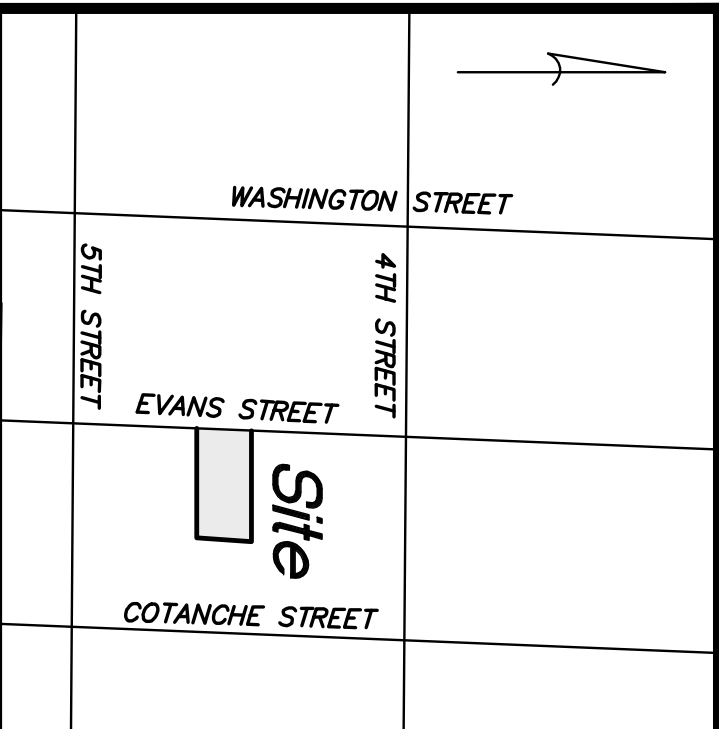


Summary Table: How each site ranked in all four categories

(A "high" ranking represents favorable conditions; a "low" rankings represents less favorable conditions)

Site	Location	Existing businesses	Leverage development	Traffic patterns	Development costs
1	Corner of Pitt, 4 th , and Greene streets	Med	Low	High	High
2	Corner of Pitt, 5 th , and Greene streets	Med	High	High	Low
3	Corner of Pitt, Reade, and Dickinson Avenue	Med	High	Med	Low
4	East of Reade, between 4 th and 5 th streets	Med	Med	Med	High
5	Corner of Cotanche & 4 th (Moseley Lot)	High	Med	Low	Med
6	Corner of Cotanche & 4 th (NE corner lot)	High	Med	Med	Med

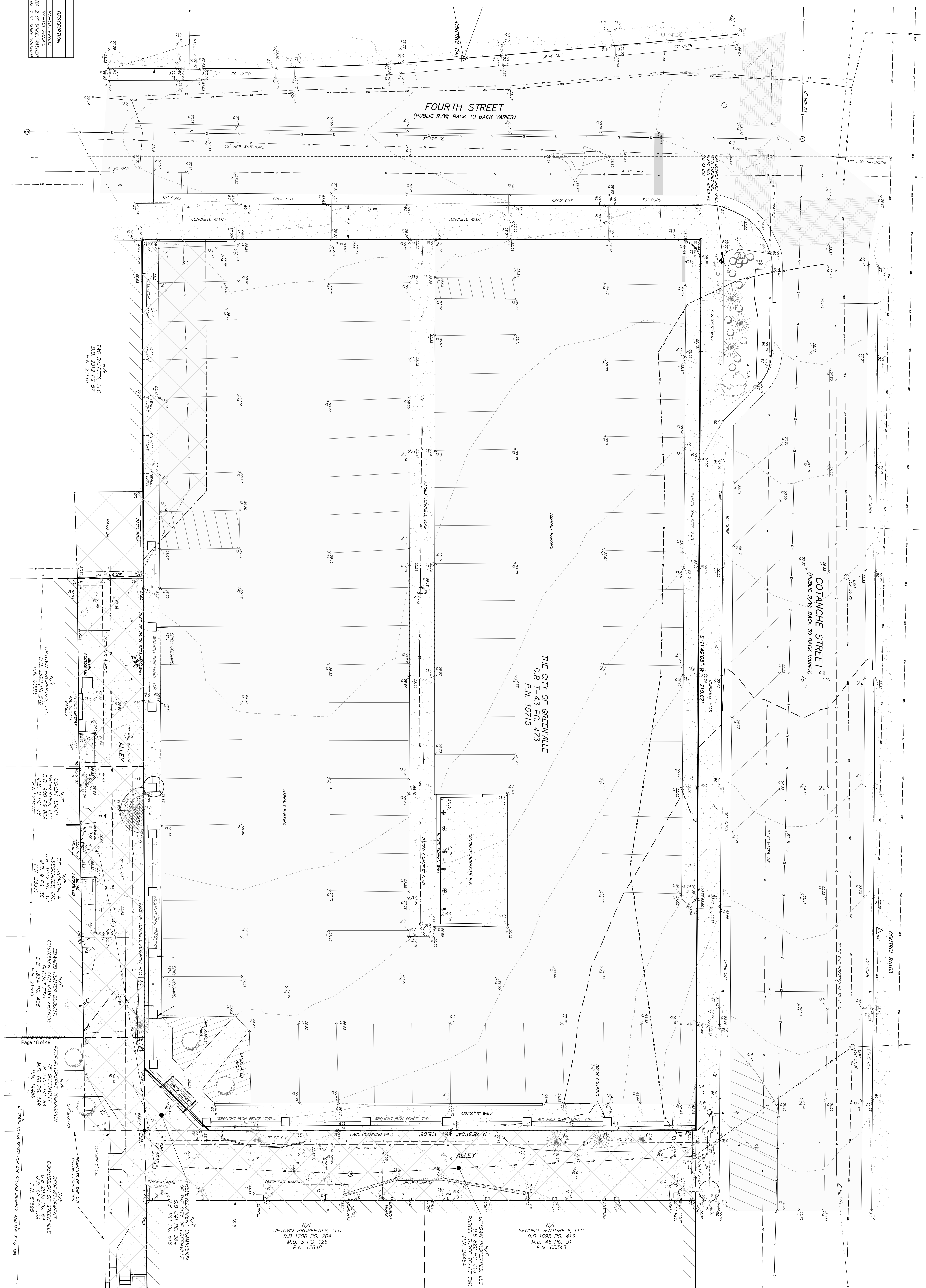
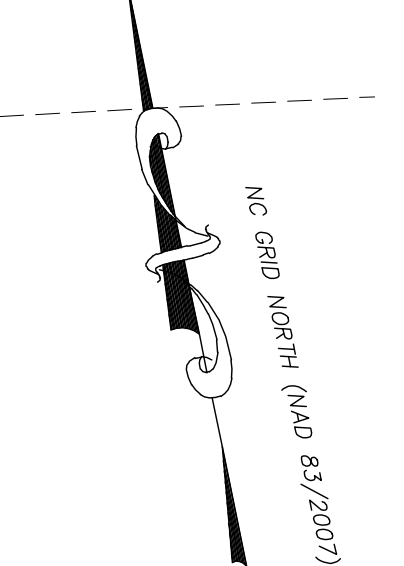
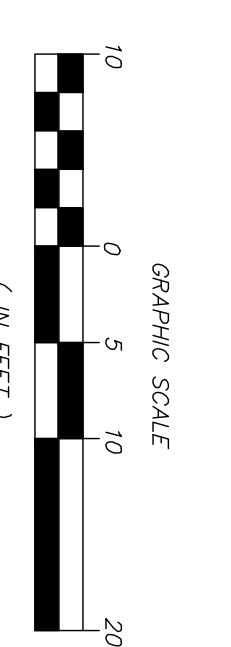
APPENDIX “B”



Vicinity Map - NTS

Table with columns: POINT NUMBER, NORTHING (GROUND), EASTING (GROUND), ELEVATION (DATA POINT), DESCRIPTION.

Reference table listing parcel numbers and descriptions for various lots.



- Notes: 1. ALL DIMENSIONS ARE HORIZONTAL MEASUREMENTS... 2. PROPERTY IS SUBJECT TO ANY EASEMENTS... 3. CONTOURS ARE BASED ON MAPPING DATA...

- LEGEND: Symbols for ORHP MET, TRAP SIGNAL BOX, FIBER OPTIC WALK, etc.

- LEGEND: Symbols for CONCRETE PILE, TEMPORARY ENCUMBRANCE, DEED BOOK, etc.

PROFESSIONAL LAND SURVEYOR LICENSE NO. 1-4826

Project title block containing: TOPOGRAPHIC SURVEY, MOSELEY PARKING LOT - COTANCHE AND FOURTH STREET, CITY OF GREENVILLE, NORTH CAROLINA, date 09/19/2012, and logo for Rivers & Associates, Inc.

REVISIONS table with columns: REV, DESCRIPTION, DATE, APP.

APPENDIX “C”

Geotechnical Engineering Report

**Proposed Parking Deck
Cotanche Street and Fourth Street – Moseley Lot
Greenville, North Carolina**

November 27, 2012
Project No. 72125054

Prepared for:

City of Greenville
Economic Development
Greenville, North Carolina

Prepared by:

Terracon Consultants, Inc.
Greenville, North Carolina

Offices Nationwide
Employee-Owned

Established in 1965
terracon.com

Terracon

November 27, 2012



City of Greenville
Economic Development
PO Box 7207
Greenville, North Carolina 27835

Attention: Mr. Carl J. Rees
Economic Development Officer

Subject: Geotechnical Engineering Report
Proposed Parking Deck
Cotanche and Fourth Streets – Moseley Lot
Greenville, NC
Terracon Project No. 72125054


Dear Mr. Rees:

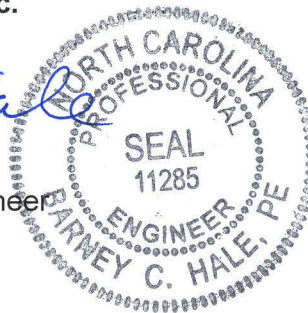
Terracon Consultants, Inc. (Terracon) has completed the geotechnical engineering services for the above referenced project. This study was performed in accordance with our proposal dated October 16, 2012. This report presents the findings of the subsurface exploration at the proposed site and provides geotechnical recommendations concerning the design and construction of earthwork, foundations and pavements for the proposed parking deck.


We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report, or if we may be of further service, please contact us.

Sincerely,

Terracon Consultants, Inc.


Barney C. Hale, PE
Senior Geotechnical Engineer
Registered, NC 11285




Raymond L. (Levi) Denton, II, PE
Geotechnical Department Manager

Enclosures

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APPENDIX A – FIELD EXPLORATION

Exhibit A-1	Site Location Plan
Exhibit A-2	Boring Location Plan
Exhibit A-3	Field Exploration Description
	Laboratory Testing Description
Boring Logs	B-1 through B-7

APPENDIX B – SUPPORTING DOCUMENTS

Exhibit B-1	General Notes
Exhibit B-2	Unified Soil Classification

EXECUTIVE SUMMARY

The following items represent a brief summary of the findings of our subsurface exploration, our conclusions and recommendations for the proposed parking deck to be located at Cotanche Street and Fourth Street in Greenville, North Carolina. This summary should be reviewed in conjunction with the complete report. Please refer to the report for a detailed discussion.

1. The proposed structure will be a three-story concrete parking deck.
2. Currently, the project site is developed as a paved parking lot. Native deposits of loose to dense sands with interbedded layers of clay are present. Loose to medium dense sands generally occur within 32 feet of the ground surface. Soils between depths of about 20 feet and 32 feet were very loose or very soft. Medium dense to dense sand is typically present below a depth of about 35 feet.
3. We recommend that the parking deck be pile supported. Augured, cast-in-place displacement piles extending to a depth of 60 feet are expected to develop a design compressive capacity of approximately 85 tons per pile, an uplift capacity of 60 tons per pile, and a lateral capacity of 10 tons per pile. Precast concrete piles, 12 inches square, driven to a depth of 50 to 55 feet would be expected to develop a design compressive capacity of approximately 70 tons per pile, an uplift capacity of 50 tons per pile, and a lateral capacity of 8 tons per pile.
4. Support of the proposed parking deck on conventional shallow foundations in conjunction with ground improvement can be considered if the structure can tolerate settlement on the order of 2 inches. Ground improvement should consist of rammed aggregate piers or stone columns installed to a depth of 18 to 20 feet. With ground improvement and the acceptance of the higher settlement potential, shallow foundations could be designed using a maximum net allowable soil bearing pressure of 1500 psf.
5. It is the opinion of Terracon that field monitoring of the pile installation or ground improvement is a direct extension of the design process. Therefore, the preceding foundation recommendations should be considered valid only if the piles, aggregate piers or stone columns are installed, tested and monitored by a qualified geotechnical engineer as stated in this report.
6. Existing subgrade soils should be observed and tested by proofrolling to evaluate the suitability of this material for support of the ground level pavement of the parking deck and corrected if necessary, as described in the following report. We recommend an experienced geotechnical engineer be retained to observe and test the foundation bearing materials and as well as other construction materials at the site.

This summary should be used in conjunction with the entire report for design purposes. It should be recognized that details were not included or fully developed in this section, and the report must be read in its entirety for a comprehensive understanding of the items contained herein. The section titled **GENERAL COMMENTS** should be read for an understanding of the report limitations.

**GEOTECHNICAL ENGINEERING REPORT
PROPOSED PARKING DECK
COTANCHE STREE AND FOURTH STREET – MOSELEY LOT
GREENVILLE, NORTH CAROLINA**

**Project No. 72125054
November 26, 2012**

1.0 INTRODUCTION

A geotechnical engineering report has been completed for the proposed parking deck to be located at the intersection of Cotanche Street and Fourth Street in Greenville, North Carolina. Seven borings were performed to depths of approximately 60 to 85 feet below the existing ground surface. Logs of the borings along with a site vicinity map and a boring location diagram are included in Appendix A of this report.

The purpose of these services is to provide information and geotechnical engineering recommendations relative to:

■ subsurface soil conditions	■ foundation design and construction
■ groundwater conditions	■ seismic considerations
■ earthwork	■ pavement thickness design

2.0 PROJECT INFORMATION

2.1 Project Description

ITEM	DESCRIPTION
Structure	A three level parking deck. See Exhibit A-2 of Appendix A for the approximate building layout.
Building construction	Assumed to be a combination cast-in-place and precast concrete.
Finished Grades	Not provided. Proposed grades are expected to closely match existing site grades.
Maximum loads	Column Loads: 400 kips (assumed, to be verified by structural engineer) Floor: 300 psf (assumed, to be verified by structural engineer)
Maximum allowable settlement	Settlement tolerance not specified



2.2. Site Location and Description

ITEM	DESCRIPTION
Location	The proposed parking deck will be located in the southwest quadrant of Cotanche Street and Fourth Street in Greenville, NC. See Exhibit A-1 of Appendix A.
Existing improvements	The site is currently developed with an existing asphalt parking lot.
Current ground cover	Asphalt
Existing topography	Slopes gently towards the south

Should any of the above information or assumptions be inconsistent with the planned construction, please let us know so that we may make any necessary modifications to this proposal

3.0 SUBSURFACE CONDITIONS

3.1 Typical Profile

Based on the site information and results of the borings, subsurface conditions on the project site can be generalized as follows:

Description	Approximate Depth to Bottom of Stratum (feet)	Material Encountered	Consistency/Density
Surface	0.4 to 2	Asphalt, Concrete, Stone Base Course	N/A
Stratum 1	20	Silty Sand, Clayey Sand, Occasional Clay Layers	Very Loose to Medium Dense (Sand) Medium Stiff (Clay)
Stratum 2	33	Silty Sand, Clayey Sand, Occasional Clay Layers	Very Loose to Loose (Sand) Very Soft (Clay)
Stratum 3	60	Silty Sand and Clayey Sand	Loose to Dense
Stratum 4	Boring Termination Depth 85 Feet	Silty Sand and Clayey Sand	Dense to Very Dense



Conditions encountered at the boring locations are indicated on the boring logs. Stratification boundaries on the boring logs represent the approximate location of changes in soil types; in-situ, the transition between materials may be gradual and indistinct. Further details of the borings can be found on the boring logs in Appendix A of this report.

3.2 Groundwater

A mixture of water and “drilling mud” was used to advance the borings. The fluid used in this process can obscure the measurements of groundwater levels. At the completion of drilling, the fluid level typically drops to a level close to the groundwater level. The fluid level was observed at a depth of approximately 19 to 24 feet in the borings during drilling. The moisture condition of the soil samples supported an approximate groundwater level at these depths.

Groundwater level fluctuations can occur due to seasonal variations in the amount of rainfall, runoff and other factors not evident at the time the borings were performed. There is also a potential for perched water conditions to develop following periods of wet weather and water infiltrating the surface sand becomes trapped above an underlying clay layer. Therefore, groundwater levels during construction or at other times in the life of the structure may be higher or lower than the levels indicated on the boring logs. The possibility of groundwater level fluctuations should be considered when developing the design and construction plans for the project.

3.3 Site Geology

The project site is located in the Coastal Plain physiographic province. The Coastal Plain soils consist mainly of marine sediments that were deposited during successive periods of fluctuating sea level and moving shoreline. The marine sediments are typical of those laid down in a shallow sloping sea bottom; sands, silts, and clays with irregular deposits of shells. According to the *1985 Geologic Map of North Carolina*, the site is mapped within the Yorktown Formation.

3.4 Seismic Considerations

Code Used	Site Classification
North Carolina / International Building Code	D

The seismic site classification is based on subsurface information to a depth of 85 feet. Based on the soft/loose soils encountered in the upper 85 feet of the soil profile, it is our opinion that the subsurface conditions at the project site correspond most closely with those of Site Class D as described in Section 1615.1.1 of the 2006 North Carolina State Building Code. The seismic

site classification can be further evaluated by developing the shear wave profile to a depth of 100 feet.

4.0 RECOMMENDATIONS

4.1 Geotechnical Considerations

Based on the estimated column loads of a parking deck and the soft/loose soils in the upper 32 feet of the subsurface profile, support of the structure on a shallow foundation system without additional ground improvement is expected to result in excessive settlement. We recommend that a deep foundation system of augured, cast-in-place concrete piles or driven pre-cast concrete piles extending into the medium dense sand at a depth of 50 to 60 feet be used to support the structure. Shallow foundations in conjunction with rammed aggregated piers or stone columns (stone piers) may be considered as an alternative if building settlement on the order of 2 inches can be tolerated.

Sixteen-inch augured, cast-in-place displacement piles or 12-inch pre-cast concrete piles are expected to develop a design axial compressive capacity of 85 tons and 70 tons, respectively, per pile. The use of un-grouted, rammed aggregate piers or stone columns (stone piers) installed to a depth of 20 feet will allow shallow foundations sized for an allowable bearing pressure of 3,000 pounds per square foot.

The near surface soils, after demolition of existing pavements and vibratory rolling, generally appear suitable for pavement support. Some localized over-excavation and replacement may be required during site preparation and earthwork.

It is the opinion of Terracon that field monitoring of the pile installation or stone piers is a direct extension of the design process. Pile installation techniques must be observed, weighed against the pile design capacity and evaluated to determine the acceptance of each pile. Stone pier installation should be observed for depth, spacing, and compaction of the stone. Understanding the subsurface conditions and design requirements is necessary to make the routine engineering judgments required during installation. Therefore, the preceding foundation recommendations should be considered valid only if the piles/piers are installed and monitored by a qualified geotechnical engineer as stated in this report.

A more complete discussion of these points and additional information is included in the following sections.

4.2 Earthwork

Site preparation should begin with the complete removal of the existing asphalt and concrete paving materials. The stone base beneath the asphalt surface can be left in place. The asphalt surface is generally 2 to 4 inches thick and increases to 8 inches in thickness in some locations. Concrete pavement 8 to 16 inches thick is indicated in the vicinity of Borings B-1 and B-3. Stripped asphalt should be disposed off-site. The concrete pavement should either be disposed off-site or pulverized on-site and incorporated into the stone base course of the new pavement.

After site stripping, the exposed subgrade soils in areas to receive fill and at the design subgrade elevation in cut areas should be rolled with a medium to heavy-weight, smooth drum vibratory roller to compact the loose, near surface sand. The vibratory roller should make six passes with the second set of three passes perpendicular to the first set of three passes.

Upon completion of the vibratory rolling operations, the subgrade soils should be proof-rolled with a moderately loaded tandem-axle dump truck. The proof-rolling operations should be observed by a qualified engineering technician or geotechnical engineer. Subgrade soils that appear to be excessively loose or unstable should be over-excavated as directed by the technician/engineer and replaced with properly compacted fill.

Engineered fill should meet the following material property requirements:

Fill Type ¹	USCS Classification	Acceptable Location for Placement
Imported sand with >20% fines	SC or SM with (LL < 50 & PI < 30)	All locations and elevations
<p>1. Controlled, compacted fill should consist of approved materials that are free of organic matter and debris. A sample of each material type should be submitted to the geotechnical engineer for evaluation.</p>		

4.2.1 Compaction Requirements

ITEM	DESCRIPTION
Fill Lift Thickness	9-inches or less in loose thickness (4" to 6" lifts when hand-operated equipment is used)
Compaction Requirements ¹	95% of the materials maximum Standard Proctor dry density (ASTM D698)
Moisture Content – Structural Fill	Within the range of -2% to +2% of optimum moisture content as determined by the standard Proctor test at the time of placement and compaction
<p>1. Engineered fill should be tested for moisture content and compaction during placement. If in-place density tests indicate the specified moisture or compaction limits have not been met, the area represented by the tests should be reworked and retested as required until the specified moisture and compaction requirements are achieved. Moisture conditioning may be required on the on-site soils.</p>	

4.2.2 Grading and Drainage

During construction, grades should be sloped to promote runoff away from the construction area. Final surrounding grades should be sloped away from the structure to prevent ponding of water.

4.2.3 Construction Considerations

The site should be kept sloped during construction to reduce ponding of surface water runoff. The subgrade soils should be protected from becoming frozen, excessively wet or excessively disturbed.

Temporary excavations should be sloped or braced as required by Occupational Health and Safety Administration (OSHA) regulations to provide stability and safe working conditions. Temporary excavations will most likely be required during grading operations. The grading contractor, by his contract, is usually responsible for designing and constructing stable, temporary excavations and should shore, slope or bench the sides of the excavations as required, to maintain stability of both the excavation sides and bottom. All excavations should comply with applicable local, state and federal safety regulations, including the current OSHA Excavation and Trench Safety Standards.

The geotechnical engineer should be retained during the construction phase of the project to observe earthwork and to perform necessary tests and observations during subgrade preparation, subgrade evaluation, placement and compaction of controlled compacted fills, and backfilling of excavations.

4.3 Foundation Recommendations

4.3.1 Augured, Cast-in-Place Displacement Piles

Augured, cast-in-place piles offer some lower construction costs compared to driven piles due to reduced installation time and the elimination of pile hauling and handling costs. The installation of augured piles produces less noise and vibrations than pile driving. In addition, augured piles have an advantage over driven piles in the ability to penetrate intermediate layers of medium dense sand that may produce driving difficulties for pre-cast concrete piles.

Augured, cast-in-place piles can be installed using non-displacement or displacement drilling methods. Non-displacement piles are installed by drilling a hole with a hollow stem auger system with the auger cuttings raised to the ground surface. The hole is grouted full with concrete grout as the auger is extracted. While this method can be cost-effective, the successful performance of the installed piles is highly dependent on the quality of installation. In very soft/loose ground conditions, there is a risk of soil inclusions or “necking” of the grout column that can significantly reduce the structural capacity of the grout column. Very soft/loose ground conditions exist at the proposed parking deck site between depths of about 20 and 32 feet.

Augured, cast-in-place piles installed using a displacement method mitigates the risk of drilling through very soft/loose soils. In the displacement method, the drilling tool resembles steel pipe or casing with auger flights and an enlarged bulb at the tip of the tool. The upper half of the auger flights are reversed in direction from the lower half. During drilling, the soil cuttings are forced into the sidewall of the hole by the reverse auger flights and the enlarged bulb. This process eliminates soil cuttings at the surface, acts to compact the soil along the sidewall of the drilled hole and helps to stabilize soft/loose soils. As the drilling tool is withdrawn, the enlarged bulb pushes upward and outward loose soil above the tip. As with the non-displacement piles, the hole is grouted full with concrete grout as the drilling tool is removed.

The displacement piles generally offer a greater axial design capacity than the non-displacement since the soil around the pile is compacted during drilling. On sites where the soils may require special handling and disposal, the absence of cuttings at the ground surface is also a benefit. For the proposed parking deck site, the most significant benefit of the displacement piles over the non-displacement piles is the reduced risk of grout column/structural pile deficiencies. For the proposed parking deck, we recommend the displacement type pile if augured, cast-in-place piles are selected.

Sixteen-inch diameter, augured, cast-in-place displacement piles installed to a depth of 60 feet below current grades are expected to develop a design axial capacity of 85 tons and a design uplift capacity of 60 tons. These design values are based on static analysis procedures, assumed installation techniques, and our experience with the general soil conditions of the area. The capacities embody a factor of safety of at least two and should result in deflection values

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consistent with the planned structure. A minimum center-to-center spacing of three pile diameters should be maintained to limit the possibility of damage to adjacent piles during installation.

The noted capacities are for individual piles. Organization of the piles in the pile group, the pile group efficiency, will determine the actual load carrying capacity of the pile cap. Depending on the spacing of the piles, this value can be substantially less than the sum total of the individual pile capacities. Once the pile groups and pile dimensions are determined, Terracon can perform the calculations to determine the efficiency of the various pile groups and aid the designers in maximizing the group support, if requested. For preliminary planning, we recommend an efficiency of 0.75 be used when estimating the group compressive capacity for pile caps.

The allowable group uplift capacity of piles should be limited to the least of the following loading conditions:

1. The individual pile uplift capacity times the number of piles in the group,
2. $2/3$ of the effective weight of the pile-soil mass defined by the perimeter of the pile group and the length of the piles. In this case, the soil unit weight should be estimated as 115 pounds per cubic foot above the water table and as 52 pounds per cubic foot below the water table. The concrete unit weight should be estimated as 145 pounds per cubic foot above the water table and as 82 pounds per cubic foot below the water table.

The LPILE software program was used to estimate the lateral capacity of a 16-inch diameter pile installed to 55 feet. Based on the analysis, a design lateral capacity of 10 tons per pile can be used to resist lateral forces. The lateral capacity assumes an allowable lateral deflection of $1/2$ inch. When piles are used in groups, the lateral capacities of the piles in the second and third rows of the group should be reduced to 50% of the capacity of a single, independent pile.

The pile capacity estimates do not necessarily reflect the structural capacity of the pile. The compressive strength (f'_c) of the grout and steel reinforcement should be as required by the governing building codes.

We recommend a test pile be installed at the site at the start of pile construction to evaluate the piling contractor's installation methods and to determine the axial compressive capacity of an installed pile. The test pile should be installed in a location clear of proposed production pile locations. The load test for compression capacity should be conducted in accordance with ASTM Standard D-1143, "*Standard Method of Testing Piles under Axial Compressive Load*". The reaction frame and hydraulic jack by which a compressive load will be applied to the pile should have a capacity equivalent to 2.5 times the design compressive capacity of the piles. We recommend a Terracon representative monitor the installation of the test and reaction piles, the load test program, and evaluate the load test data.

During production installation of the piles, acceptance of the individual pilings is dependent on a number of criteria, including installation time, refusal of the piling equipment, withdrawal rate

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during pumping, grout take, tested compressive strength of the grout, etc. Each pile should contain at least the theoretical “neat-line” volume of grout for its individual length. Therefore, each pile must be evaluated separately.

The quality of the contractor’s equipment and the expertise of his personnel are critical to successful installation of the piling system. We recommend that as a minimum the contractor’s personnel have at least 5 years of total experience in the piling industry. All personnel and equipment should be subject to the review of the geotechnical engineer.

The project documents should address the procedures that should be followed in the event of a questionable pile. The bid documents should provide for line items for the addition/subtraction of pile length and addition of extra piles. Typically, a minimum set time of 18 hours should be provided between installation of adjacent piles.

Comprehensive testing of the pile grout should be performed for this project. Qualified personnel should be on-site throughout the pile installation process to perform quality control testing including recording the grout age, temperature, flow rate, location of placement and prepare grout cube specimens for compressive strength testing for compliance with the project specifications.

Field monitoring of the pile installation is a direct extension of the design process. Pile installation techniques must be observed, weighed against load test data, and evaluated to determine the acceptance of each pile. Understanding of the subsurface conditions and pile design requirements are necessary to make the routine engineering judgments required during installation. Therefore, the preceding foundation recommendations should be considered valid only if we are given the opportunity to monitor the pile installation.

4.3.2 Pre-Cast Concrete Piles

Pre-cast concrete piles can also be used to support the parking deck. The primary advantage of pre-cast concrete piles over augured piles is that the structural condition of the pile can be assessed prior to installation, the driving behavior can be compared to the anticipated subsurface conditions, and pile compressive can be evaluated by using the Pile Driving Analyzer at a lower cost than static load testing.

The parking deck can be supported on 12-inch square precast, pre-stressed concrete piles driven into the medium dense sand at a depth of approximately 50 to 55 feet below the existing ground surface. Precast concrete piles, 12 inches square and driven to a depth of 50 to 55 feet would be expected to develop a design compressive capacity of approximately 70 tons per pile and an uplift capacity of 50 tons per pile.

The LPILE software program was used to estimate the lateral capacity of a 12-inch square pile installed to 55 feet. Based on the analysis, a design lateral capacity of 8 tons per pile can be used to resist lateral forces. The lateral capacity assumes an allowable lateral deflection of ½

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inch. When piles are used in groups, the lateral capacities of the piles in the second and third rows of the group should be reduced to 50% of the capacity of a single, independent pile.

We recommend that piles be spaced on-center no closer than the three times the pile width; a center-to-center spacing of approximately 3.5 feet. The minimum spacing should be maintained to prevent the pile group compressive and uplift capacities from being significantly less than the summation of individual pile capacities. This spacing restriction also serves to limit surface heave and to reduce the possibility of damaging previously installed piles.

A minimum of two indicator piles should be driven across the parking deck footprint prior to ordering production piles. Indicator pile installation should be observed by the Geotechnical Engineer. The results of the indicator pile driving can be used to evaluate driving resistance, termination criteria and production pile length. The indicator piles are expected to be part of the design pile layout. We recommend that 65-foot-long indicator piles be used.

We recommend that driving stresses and strains of the indicator piles be monitored during driving by using a Pile Driving Analyzer (PDA). The data from the dynamic strain testing should be used in conjunction with computer software such as CAPWAP to determine ultimate capacity of the driven piles and to determine that the driving stresses are within the structural limits of the piles. The observed driving behavior, PDA data and CAPWAP analysis should then be used to establish the driving criteria for the remaining production piles. The pile driving hammer that is used for driving the indicator piles should be used for the production piles as well.

The installation of a pile foundation system should be in accordance with the local and state building code requirements. In addition, the installation of all piles should be monitored by the geotechnical engineer's representative. In general, the representative should:

1. Confirm installation is in accordance with driving criteria.
2. Be present continuously during driving.
3. Record the dimensions of each pile and report any obvious defects.
4. Count and record the blows for each foot of driving.
5. Record energy rating of hammer and adjust where appropriate for chamber pressure, such as in the case of a diesel hammer.
6. Have knowledge of soil conditions at the site and the minimum required penetration of each pile.
7. Be cognizant of intended support mechanisms of piles on which to base acceptance or rejection or pre-drilling, etc.

4.3.1 Shallow Foundations

Shallow foundations in conjunction with ground improvement can be considered if the proposed parking deck can tolerate settlement on the order of 2 inches. Either rammed aggregate piers or stone columns will serve to stiffen the soils within 18 to 20 feet of the ground surface, thereby reducing the compressibility of these materials. Foundation stresses will still be applied to soils below a depth of 20 feet. Although the applied stresses will be relatively low, the soils below a depth of 20 feet at the parking deck site are very loose and very soft. Because of the potential for consolidation settlement in these deeper soils, even with the upper ground improvement, the structure must be able to tolerate a higher magnitude of total settlement.

Stone elements are created by using an auger or vibrating probe to reach the planned termination depth. The resulting void is then backfilled with compacted, crushed stone. The diameter of the stone elements is generally on the order of 30 inches. Elements are spaced on a grid that extends beyond the edges of a planned footing. The actual layout, spacing, and depth of the stone elements is typically determined by the specialty contractor with allowable settlement and bearing pressure being the defining design criteria.

With ground improvement, the proposed control building structure can be supported by a shallow, spread footing foundation system. Design recommendations for a shallow foundation system are presented in the following table and paragraphs.

DESCRIPTION	VALUE
Maximum Net allowable bearing pressure¹	3,000 psf
Minimum embedment below lowest adjacent finished grade for frost protection and protective embedment²	18 inches
Minimum width for continuous wall footings	16 inches
Minimum width for isolated column footings	24 inches
Approximate total settlement³	Up to 2 inches
Estimated differential settlement³	Up to 1 inch differential
Coefficient of Friction for Lateral Resistance⁴	0.4

1. The recommended net allowable bearing pressure is the pressure in excess of the minimum surrounding overburden pressure at the footing base elevation.
2. For perimeter footings and footings beneath unheated areas.
3. The actual magnitude of settlement that will occur beneath the foundations would depend upon the variations within the subsurface soil profile, the structural loading conditions and the quality of the foundation excavation. The estimated total and differential settlements listed assume that the foundation related earthwork and the foundation design are completed in accordance with our recommendations.
4. The value given does not include a factor of safety.

4.3.2 Construction Considerations

A representative of Terracon should monitor the ground improvement process by observing the location, depth, and installation of the stone elements. At the time of foundation construction, the footing excavation should be visually examined to determine that the bearing surface incorporates the stone elements as designed. The base of all foundation excavations should be free of water and loose soil prior to placing concrete. Concrete should be placed soon after excavating to reduce bearing soil disturbance. Should the soils at bearing level become excessively disturbed or saturated, the affected soil should be removed prior to placing concrete and replaced with washed, crushed stone (NCDOT No. 57).

4.4 Pavements

The ground floor level of the parking deck will function as a pavement. The pavement subgrade should be vibratory rolled and then proof-rolled as outlined in section **4.2 Earthwork** of this report. Loose or excessively wet soils delineated by the proof-rolling operations should be undercut and backfilled as directed by the geotechnical engineer. The use of a geotechnical fabric and crushed stone is also a potential option for subgrade improvement. Upon completion of any necessary remediation, the subgrade should be adequate for support of the pavement sections recommended below.

Pavement thickness design is dependent upon:

- the anticipated traffic conditions during the life of the pavement;
- subgrade and paving material characteristics;
- climatic conditions of the region

Based on the height restrictions and general use associated with parking decks, we do not envision the ground level pavement being used by heavy trucks. As a result, our pavement thickness recommendations are based on automobile and light truck traffic only.

Climatic conditions are considered in the design subgrade support value listed above and in the paving material characteristics. Recommended paving material characteristics, taken from the North Carolina Department of Transportation (NCDOT) Standard Specifications for Roads and Structures, are included with each pavement design recommendation listed below.



Recommended Pavement Sections		
	Material	Layer Thickness (inches)
Pavement Type (Flexible)	Asphalt Surface (NCDOT SF-9.5A)	1.5
	Asphalt Intermediate Course (NCDOT I-19.0A)	2.5
	Crushed Stone (NCDOT ABC, Type A or B)	6
	Material	Layer Thickness (inches)
Pavement Type (Rigid)	Portland Cement Concrete 28-day compressive strength of 4000psi	6
	Crushed Stone (NCDOT ABC, Type A or B)	4

The placement of a partial pavement thickness for use during construction is not suggested without a detailed pavement analysis incorporating construction traffic.

Recommendations for pavement construction presented depend upon compliance with recommended material specifications. To assess compliance, observation and testing should be performed under the direction of the geotechnical engineer. Pavements and bases should be constructed in accordance with the guidelines of the North Carolina Department of Transportation “Standard Specifications for Roads and Structures”. The 2006 publication addresses the use of the “Superpave” mixes (SF-9.5A and I-19.0B). Materials, weather limitations, placement, and compaction are specified under appropriate sections of these publications. Concrete pavement should be air-entrained and have a minimum compressive strength of 4,000 psi after 28 days of laboratory curing per ASTM C-31.

The performance of all pavements can be enhanced by minimizing excess moisture which can reach the subgrade soils. The following recommendations should be considered a minimum:

- site grading at a minimum 2 percent grade away from the pavements;
- the subgrade and the pavement surface have a minimum 1/4 inch per foot slope to promote proper surface drainage;
- install joint sealant and seal cracks immediately;

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- place curb, gutter and/or sidewalk directly on subgrade soils without the use of base course materials.

Prevention of infiltration of water into the subgrade is essential for the successful performance of any pavement. Both the subgrade and the pavement surface should be sloped to promote surface drainage away from the pavement structure.

Preventive maintenance should be planned and provided for an on-going pavement management program in order to enhance future pavement performance. Preventive maintenance activities are intended to slow the rate of pavement deterioration, and to preserve the pavement investment. Preventive maintenance of asphalt pavement typically consists of filling cracks that develop and application of a seal coat as the surface oxidizes. Preventive maintenance is usually the first priority when implementing a planned pavement maintenance program and provides the highest return on investment for pavements. Prior to implementing any maintenance, additional engineering observation is recommended to determine the type and extent of preventive maintenance most applicable to the proposed project.

5.0 GENERAL COMMENTS

Terracon should be retained to review the final design plans and specifications so comments can be made regarding interpretation and implementation of our geotechnical recommendations in the design and specifications. Terracon also should be retained to provide observation and testing services during grading, excavation, foundation construction and other earth-related construction phases of the project.

The analysis and recommendations presented in this report are based upon the data obtained from the borings performed at the indicated locations and from other information discussed in this report. This report does not reflect variations that may occur across the site, or due to the modifying effects of weather. The nature and extent of such variations may not become evident until during or after construction. If variations appear, we should be immediately notified so that further evaluation and supplemental recommendations can be provided.

The scope of services for this project does not include either specifically or by implication any environmental or biological (e.g., mold, fungi, bacteria) assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be undertaken.

This report has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geotechnical engineering practices. No warranties, either expressed or implied, are intended or made. Site safety, excavation support, and dewatering requirements are the responsibility of others. In the

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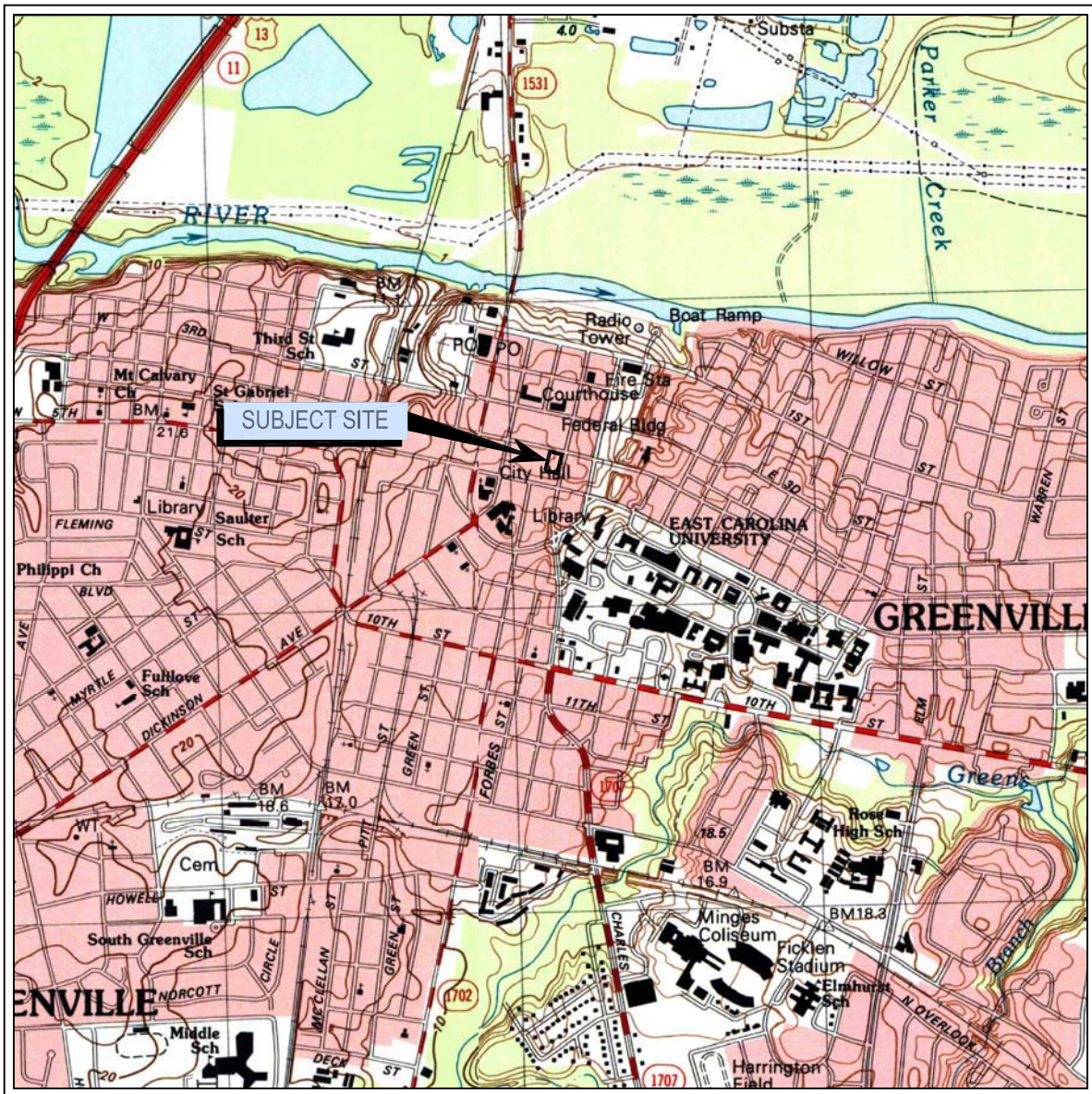


event that changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Terracon reviews the changes and either verifies or modifies the conclusions of this report in writing.

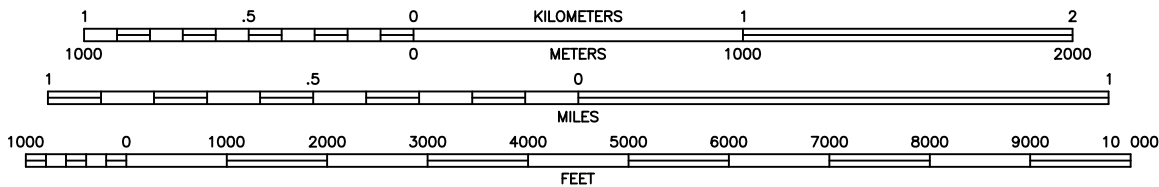
APPENDIX A

FIELD EXPLORATION

UNITED STATES – DEPARTMENT OF THE INTERIOR – GEOLOGICAL SURVEY



SCALE 1:24 000



CONTOUR INTERVAL 2 METERS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

QUADRANGLE
GREENVILLE SW, NC & GREENVILLE SE, NC
1998
7.5 MINUTE SERIES (TOPOGRAPHIC)



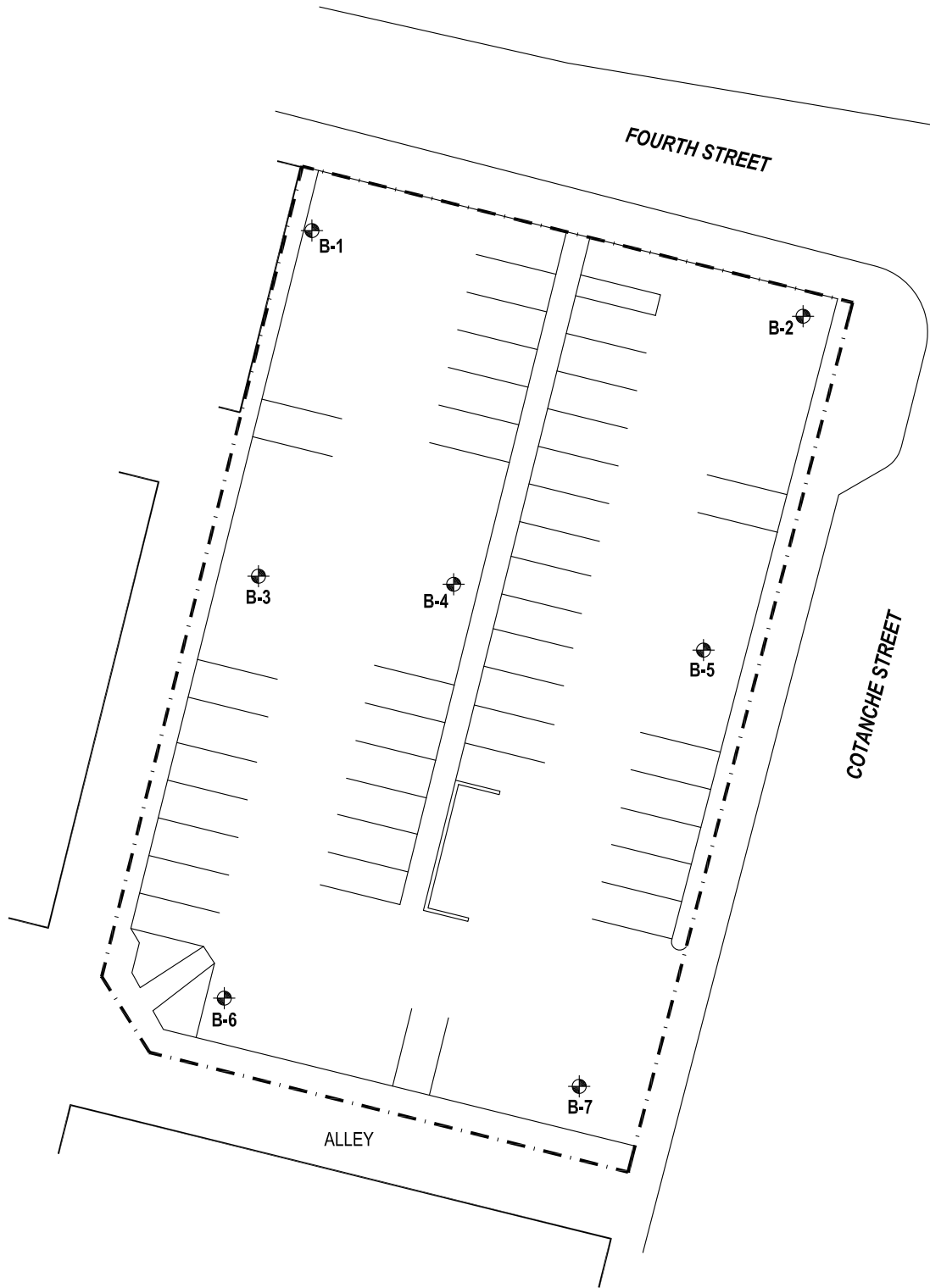
Project Mng:	CB	Project No.	72125054
Drawn By:	DWD	Scale:	AS SHOWN
Checked By:	CB/MRF	File No.	GEO72125054-1
Approved By:	CB	Date:	NOV. 2012

Terracon
Consulting Engineers and Scientists

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SITE LOCATION PLAN
GEOTECHNICAL ENGINEERING REPORT
PROPOSED PARKING DECK **Item # 9**
COTANCHE STREET AND FOURTH STREET
GREENVILLE, NC

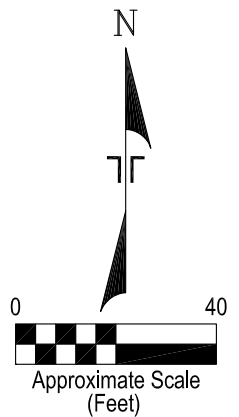
EXHIBIT
A-1



LEGEND



SUBJECT SITE
APPROXIMATE BORING LOCATION



THIS DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

Project Mngr:	CB	Project No.	72125054
Drawn By:	DWD	Scale:	AS SHOWN
Checked By:	CB/MRF	File No.	GEO72125054-2
Approved By:	CB	Date:	NOV. 2012

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BORING LOCATION PLAN
GEOTECHNICAL ENGINEERING REPORT
PROPOSED PARKING DECK **Item # 9**
COTANCHE STREET AND FOURTH STREET
GREENVILLE, NC

EXHIBIT

A-2

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Field Exploration Description

The soil test borings was performed by a truck-mounted power drilling rig utilizing mud rotary drilling procedures to advance the boreholes. Representative soil samples were obtained at 2.5 to 5 foot intervals using split-barrel sampling procedures. To follow the split-barrel sampling procedure, a standard 2-inch outer diameter split-barrel sampling spoon was driven into the ground with a 140-pound hammer falling a distance of 30 inches. After seating the sampler 6 inches at the bottom of the borehole to penetrate any loose cuttings, the sampler was driven an additional 12 inches. The number of blows required to advance the sampling spoon the last 12 inches was recorded as the standard penetration resistance value (N-value). These N-values are indicated on the boring logs at the depths of occurrence.

An automatic SPT hammer was used to advance the split-barrel sampler in the borings performed on this site. A greater efficiency is typically achieved with the automatic hammer compared to the conventional safety hammer operated with a cathead and rope. Published correlations between the SPT values and soil properties are based on the lower efficiency cathead and rope method. This higher efficiency affects the standard penetration resistance blow count (N) value by increasing the penetration per hammer blow over what would be obtained using the cathead and rope method. The effect of the automatic hammer's efficiency has been considered in the interpretation and analysis of the subsurface information for this report.

The samples were tagged for identification, sealed to reduce moisture loss, and taken to our laboratory for further examination, testing, and classification. Information provided on the boring logs attached to this report includes soil descriptions, consistency evaluations, boring depths, sampling intervals, and groundwater conditions in accordance with the attached General Notes. The borings were backfilled with auger cuttings prior to the drill crew leaving the site.

A field log of each boring was prepared by the drill crew. These logs included visual classifications of the materials encountered during drilling as well as the driller's interpretation of the subsurface conditions between samples. Final boring logs included with this report represent the engineer's interpretation of the field logs and estimated Unified Soil Classification Symbols based on visual manual procedures. A brief description of this classification system is attached to this report.












Laboratory Testing

Descriptive classifications of the soils indicated on the boring logs are in accordance with the enclosed General Notes and the Unified Soil Classification System. Also shown are estimated Unified Soil Classification Symbols. A brief description of this classification system is attached to this report. All classification was by visual manual procedures.

APPENDIX B
SUPPORTING DOCUMENTS

GENERAL NOTES

DESCRIPTION OF SYMBOLS AND ABBREVIATIONS

SAMPLING			WATER LEVEL		Water Initially Encountered	FIELD TESTS	(HP) Hand Penetrometer	
	Auger	Split Spoon			Water Level After a Specified Period of Time		(T) Torvane	
					Water Level After a Specified Period of Time		(b/f) Standard Penetration Test (blows per foot)	
	Shelby Tube	Macro Core		Water levels indicated on the soil boring logs are the levels measured in the borehole at the times indicated. Groundwater level variations will occur over time. In low permeability soils, accurate determination of groundwater levels is not possible with short term water level observations.			(PID) Photo-Ionization Detector	
							(OVA) Organic Vapor Analyzer	
Ring Sampler	Rock Core							
								
Grab Sample	No Recovery							

DESCRIPTIVE SOIL CLASSIFICATION

Soil classification is based on the Unified Soil Classification System. Coarse Grained Soils have more than 50% of their dry weight retained on a #200 sieve; their principal descriptors are: boulders, cobbles, gravel or sand. Fine Grained Soils have less than 50% of their dry weight retained on a #200 sieve; they are principally described as clays if they are plastic, and silts if they are slightly plastic or non-plastic. Major constituents may be added as modifiers and minor constituents may be added according to the relative proportions based on grain size. In addition to gradation, coarse-grained soils are defined on the basis of their in-place relative density and fine-grained soils on the basis of their consistency.

LOCATION AND ELEVATION NOTES

Unless otherwise noted, Latitude and Longitude are approximately determined using a hand-held GPS device. The accuracy of such devices is variable. Surface elevation data annotated with +/- indicates that no actual topographical survey was conducted to confirm the surface elevation. Instead, the surface elevation was approximately determined from topographic maps of the area.

STRENGTH TERMS	RELATIVE DENSITY OF COARSE-GRAINED SOILS (More than 50% retained on No. 200 sieve.) Density determined by Standard Penetration Resistance Includes gravels, sands and silts.			CONSISTENCY OF FINE-GRAINED SOILS (50% or more passing the No. 200 sieve.) Consistency determined by laboratory shear strength testing, field visual-manual procedures or standard penetration resistance		
	Descriptive Term (Density)	Standard Penetration or N-Value Blows/Ft.	Ring Sampler Blows/Ft.	Descriptive Term (Consistency)	Unconfined Compressive Strength, Qu, psf	Standard Penetration or N-Value Blows/Ft.
Very Loose	0 - 3	0 - 6	Very Soft	less than 500	0 - 1	< 3
Loose	4 - 9	7 - 18	Soft	500 to 1,000	2 - 4	3 - 4
Medium Dense	10 - 29	19 - 58	Medium-Stiff	1,000 to 2,000	4 - 8	5 - 9
Dense	30 - 50	59 - 98	Stiff	2,000 to 4,000	8 - 15	10 - 18
Very Dense	> 50	≥ 99	Very Stiff	4,000 to 8,000	15 - 30	19 - 42
			Hard	> 8,000	> 30	> 42

RELATIVE PROPORTIONS OF SAND AND GRAVEL

<u>Descriptive Term(s) of other constituents</u>	<u>Percent of Dry Weight</u>
Trace	< 15
With	15 - 29
Modifier	> 30

GRAIN SIZE TERMINOLOGY

<u>Major Component of Sample</u>	<u>Particle Size</u>
Boulders	Over 12 in. (300 mm)
Cobbles	12 in. to 3 in. (300mm to 75mm)
Gravel	3 in. to #4 sieve (75mm to 4.75 mm)
Sand	#4 to #200 sieve (4.75mm to 0.075mm)
Silt or Clay	Passing #200 sieve (0.075mm)

RELATIVE PROPORTIONS OF FINES

<u>Descriptive Term(s) of other constituents</u>	<u>Percent of Dry Weight</u>
Trace	< 5
With	5 - 12
Modifier	> 12

PLASTICITY DESCRIPTION

<u>Term</u>	<u>Plasticity Index</u>
Non-plastic	0
Low	1 - 10
Medium	11 - 30
High	> 30

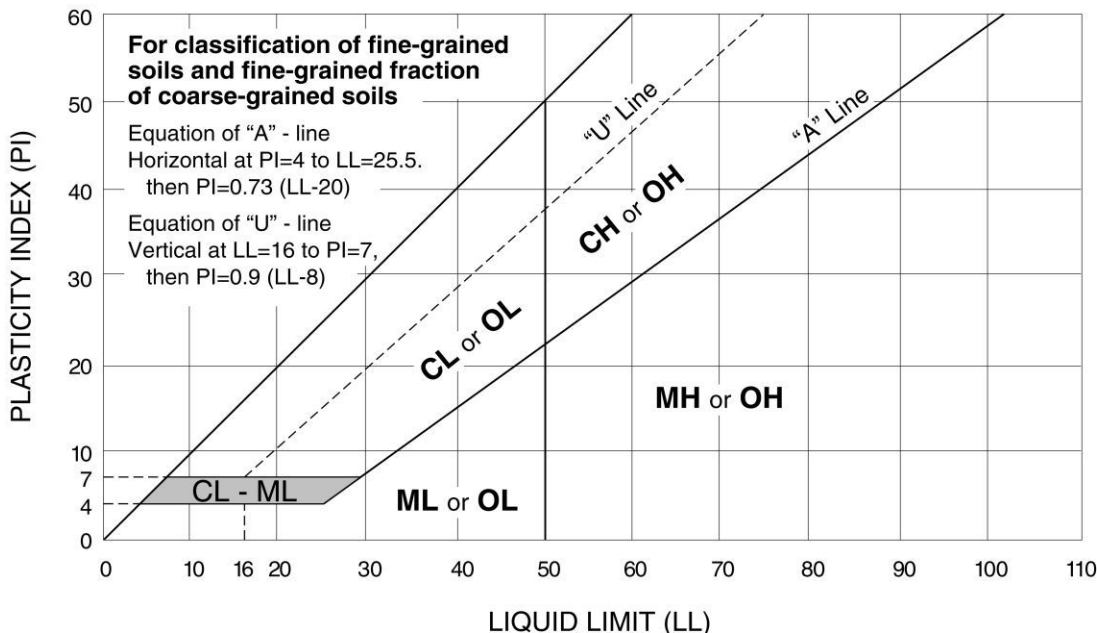


UNIFIED SOIL CLASSIFICATION SYSTEM

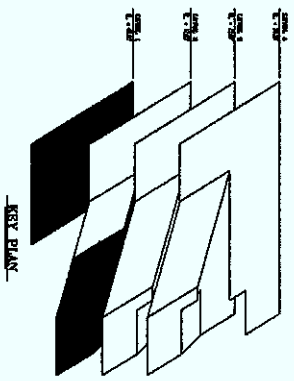
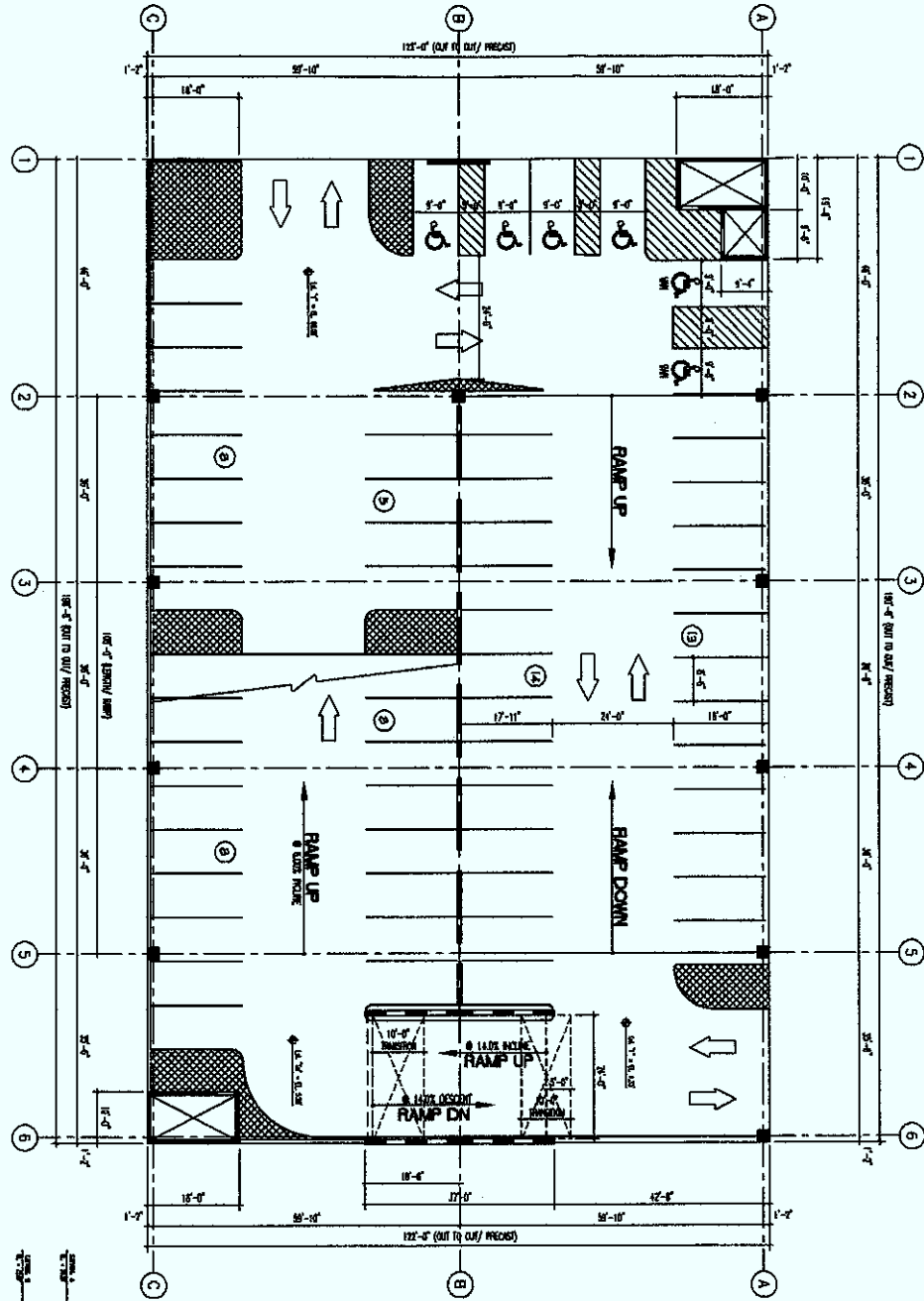
Criteria for Assigning Group Symbols and Group Names Using Laboratory Tests ^A				Soil Classification		
				Group Symbol	Group Name ^B	
Coarse Grained Soils: More than 50% retained on No. 200 sieve	Gravels: More than 50% of coarse fraction retained on No. 4 sieve	Clean Gravels: Less than 5% fines ^C	$Cu \geq 4$ and $1 \leq Cc \leq 3$ ^E	GW	Well-graded gravel ^F	
		Gravels with Fines: More than 12% fines ^C	Fines classify as ML or MH	GP	Poorly graded gravel ^F	
			Fines classify as CL or CH	GM	Silty gravel ^{F,G,H}	
		Sands: 50% or more of coarse fraction passes No. 4 sieve	Clean Sands: Less than 5% fines ^D	$Cu \geq 6$ and $1 \leq Cc \leq 3$ ^E	GC	Clayey gravel ^{F,G,H}
	Sands with Fines: More than 12% fines ^D		Fines classify as ML or MH	SW	Well-graded sand ^I	
			Fines Classify as CL or CH	SP	Poorly graded sand ^I	
	Fine-Grained Soils: 50% or more passes the No. 200 sieve		Silts and Clays: Liquid limit less than 50	Inorganic:	$PI > 7$ and plots on or above "A" line ^J	SM
		$PI < 4$ or plots below "A" line ^J			SC	Clayey sand ^{G,H,I}
Organic:		Liquid limit - oven dried		< 0.75	CL	Lean clay ^{K,L,M}
		Liquid limit - not dried			ML	Silt ^{K,L,M}
Silts and Clays: Liquid limit 50 or more		Inorganic:	PI plots on or above "A" line	OL	Organic clay ^{K,L,M,N}	
			PI plots below "A" line	OH	Organic silt ^{K,L,M,O}	
		Organic:	Liquid limit - oven dried	< 0.75	CH	Fat clay ^{K,L,M}
			Liquid limit - not dried		MH	Elastic Silt ^{K,L,M}
Highly organic soils:	Primarily organic matter, dark in color, and organic odor			PT	Peat	

- ^A Based on the material passing the 3-in. (75-mm) sieve
- ^B If field sample contained cobbles or boulders, or both, add "with cobbles or boulders, or both" to group name.
- ^C Gravels with 5 to 12% fines require dual symbols: GW-GM well-graded gravel with silt, GW-GC well-graded gravel with clay, GP-GM poorly graded gravel with silt, GP-GC poorly graded gravel with clay.
- ^D Sands with 5 to 12% fines require dual symbols: SW-SM well-graded sand with silt, SW-SC well-graded sand with clay, SP-SM poorly graded sand with silt, SP-SC poorly graded sand with clay
- ^E $Cu = D_{60}/D_{10}$ $Cc = \frac{(D_{30})^2}{D_{10} \times D_{60}}$
- ^F If soil contains $\geq 15\%$ sand, add "with sand" to group name.
- ^G If fines classify as CL-ML, use dual symbol GC-GM, or SC-SM.

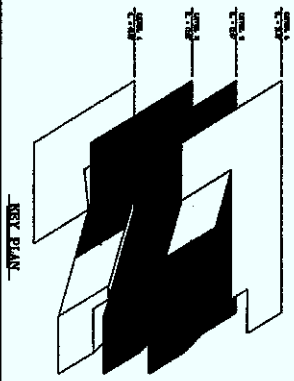
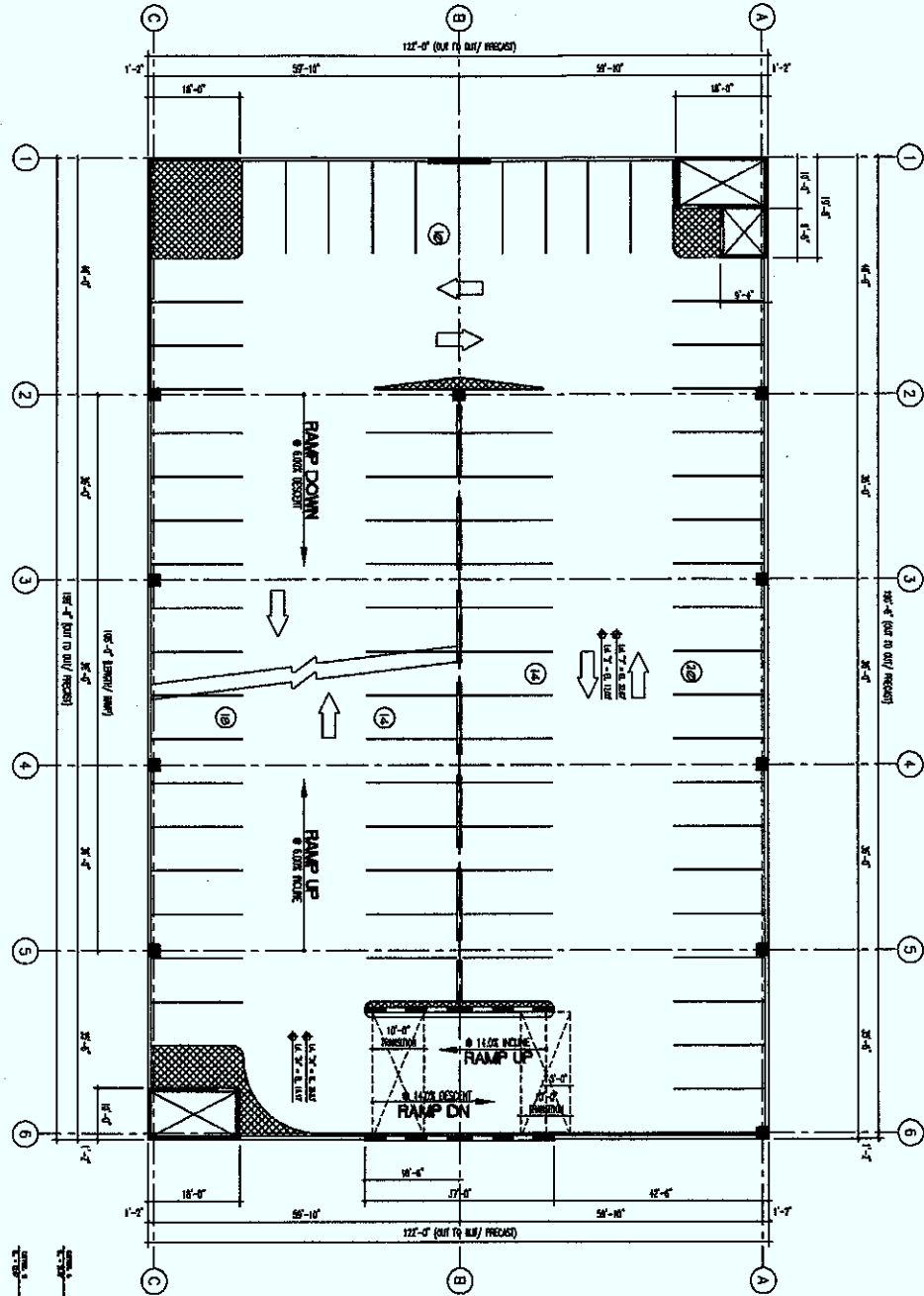
- ^H If fines are organic, add "with organic fines" to group name.
- ^I If soil contains $\geq 15\%$ gravel, add "with gravel" to group name.
- ^J If Atterberg limits plot in shaded area, soil is a CL-ML, silty clay.
- ^K If soil contains 15 to 29% plus No. 200, add "with sand" or "with gravel," whichever is predominant.
- ^L If soil contains $\geq 30\%$ plus No. 200 predominantly sand, add "sandy" to group name.
- ^M If soil contains $\geq 30\%$ plus No. 200, predominantly gravel, add "gravelly" to group name.
- ^N $PI \geq 4$ and plots on or above "A" line.
- ^O $PI < 4$ or plots below "A" line.
- ^P PI plots on or above "A" line.
- ^Q PI plots below "A" line.



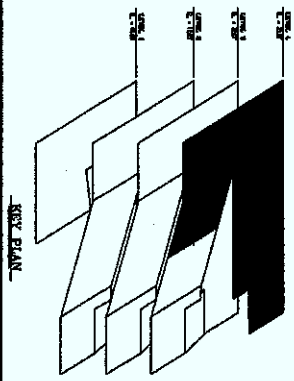
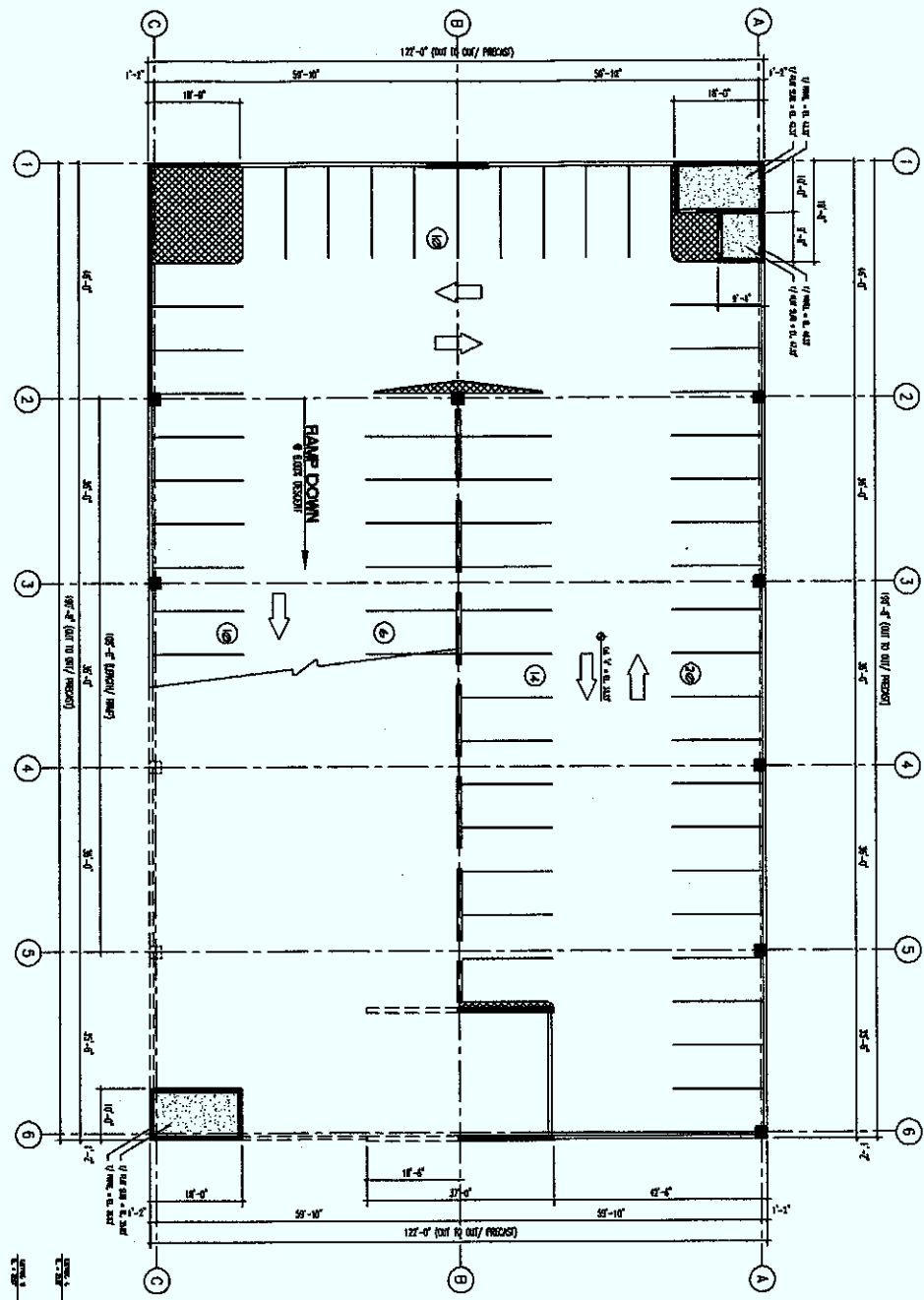
APPENDIX “D”



Moseley Lot PD Slab-on-Grade Level Greenville, N. Carolina		 TINDALL CORPORATION SOUTH CAROLINA DIVISION <small>P.O. BOX 1726, GREENVILLE, SOUTH CAROLINA 29616 803.733.7000, FAX: 803.733.7001 WWW.TINDALL.COM</small>		REVISIONS <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION										<small>Proprietary Data is included in the information disclosed herein and in the sale process of Tindall Corporation. This information is submitted in confidence and neither this document nor the information disclosed herein shall be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Tindall Corporation.</small>
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Moseley Lot PD 2nd & 3rd Level Parking Greenville, N. Carolina		 TINDALL CORPORATION SOUTH CAROLINA DIVISION <small>P.O. BOX 2704, WYOMING, SOUTH CAROLINA 29574 803-792-4000, FAX 803-792-4000 803-792-3333 For 24-HOUR SERVICE</small>		REVISIONS <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION										<small>Proprietary Data is included in the information contained herein and is the sole property of Tindall Corporation. This information is submitted in confidence and neither this document nor the information contained herein shall be released or transmitted to other documents or used as evidence in other proceedings or for any other purpose except as specifically authorized in writing by Tindall Corporation. Date:</small>
NO.	DATE	DESCRIPTION															
CONTRACTOR: PROJECT:	DATE: 09/27/07 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1/4" = 1'-0" SHEET NO.: [Number] TOTAL SHEETS: [Number]	For Rouses & Pridgen City - Not for Construction															



Moseley Lot PD 4th Level Parking Greenville, N. Carolina		 TINDALL CORPORATION SOUTH CAROLINA DIVISION <small>P.O. BOX 1706, SPARTANBURG, SOUTH CAROLINA 29301 TEL: 803.582.1000 FAX: 803.582.1001 WWW.TINDALLCORP.COM</small>		REVISIONS <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION										PROPRIETARY DATA IS INCLUDED IN THE INFORMATION CONTAINED HEREIN AND IS THE SOLE PROPERTY OF TINDALL CORPORATION. THIS INFORMATION IS INTENDED TO BE USED FOR THE PROJECT SPECIFICALLY IDENTIFIED HEREIN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TINDALL CORPORATION.
NO.	DATE	DESCRIPTION															
DRAWN BY: J/S CHECKED BY: J/S DATE: 03/27/07 PROJECT NO: P105	CONTRACTOR:	ARCHITECT:	For Walker & Price City - Not for Construction	DESCRIPTION:													



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Capital Investment Grant Program

Explanation: **Abstract:** The Capital Investment Grant Program proposal includes program guidelines as well as a scoring system used for evaluating prospective economic development projects.

Explanation: Among the action items listed in the City of Greenville’s Strategic Economic Plan is to “study options for developing an economic development incentives toolkit.” That item was included in the Strategic Economic Plan – Implementation Work Plan (July 1, 2012 – June 30, 2013). As a first step, the Office of Economic Development staff provided to City Council an outline of various economic development incentives options to possibly consider at their December 13, 2012 meeting.

That outline of possible incentives approaches noted that although local economic development incentives rarely provide sufficient inducements, on their own, for luring new or additional business and industry to locate within a market area, they have become increasingly important, and even necessary, for closing deals. Typically, a business owner/executive or location specialist will narrow down a list of 2-3 preferred locations in which to locate a business investment and will then select among that “short list” depending on the total availability of local, state, federal incentives and/or other outside financial or infrastructural contributions to the proposed project.

As an initial step in developing local incentives, staff developed a policy framework for one of the outlined options in particular – the Capital Investment Grant. Attached herein is the proposed program guidelines as well as the scoring system used for evaluating projects. The guidelines explain the program’s policy rationale and fiscal approach, how projects would qualify for funding under the program, how the scoring system works, application eligibility and procedural requirements, the application process, and terms and conditions of grant funding.

Essentially, the Capital Investment Grant Program is a self-supporting grant program that is funded from the increases to the City’s property tax revenues that

are generated as a result of incentivized projects. Grant funds are dispersed annually, only after taxes have been paid on the properties associated with projects that are receiving annual incentives disbursements. The grant might pay up to 75 percent of the projected net increase in City property tax revenue. The number (or duration) of annual grant disbursements can be adjusted from 3 to 7 years or longer, depending on project prioritization. After the grant term has concluded, and all grant disbursements have been allocated, the project would be generating full fiscal benefits as well as other direct and indirect positive economic impacts. It is expected that projects completed with the assistance of this grant otherwise would not have been completed without such assistance; that by helping to “close the deal” on economically beneficial projects, the incentive program is actually enabling the jurisdiction to come out ahead fiscally in the short-term but especially in the long-term (after the grant term has been completed).

Fiscal Note:

Initial capitalization of the Capital Investment Grant Program would be determined during the budget development process for Fiscal Year 2013-2104.

Recommendation:

Staff recommends that City Council adopt the attached Capital Investment Grant Program Guidelines and Scoring System, which would enable staff to begin responding to, and facilitating, inquiries and requests from parties interested in local economic development incentives.

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

Attachments / click to download

 [Capital Investment Grant Guidelines](#)

City of Greenville

Capital Investment Grant Program Guidelines

I. Introduction

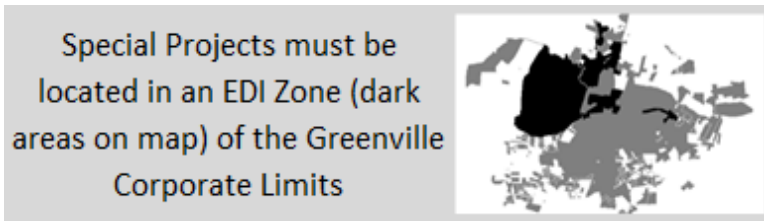
The purpose of the Capital Investment Grant program is to support attraction and retention of quality job growth and tax base development through new investment in business. Economic development projects that infuse new private investment into the Greenville economy may be eligible for cash grant funds. The grant program is supported by increases of property tax revenue to the City of Greenville generated as a result of incentivized projects, which otherwise might not have been completed. All grant awards are approved by the City Council of the City of Greenville. The grant awards are dispersed in annual installments only after property taxes have been paid.

Qualifying Projects/Areas: Qualifying projects under the Capital Investment Grant program fall into two general categories:

1. **Economic Driver Projects** are projects with new investments (relocations or expansions of business operations) in "targeted" industry sectors or other driving or basic industries (e.g., biomed facility), which are expected to have a significant positive communitywide and/or regional economic development impact, or major investments in non-targeted sectors (e.g., distribution or call center) or commercial projects that exceed a \$15 million investment threshold. Because Economic Driver projects are expected to generate new quality job growth for Greenville's citizens and/or increase the size and diversity of the City's tax base, they qualify to apply for grant funds provided that they are located *within the Greenville corporate limits*.



2. **Special Projects in EDI (Economic Development Investment) Zones** are projects not meeting the general qualifying standards (above) may qualify for a Capital Investment Grant provided that they are located in the Greenville Corporate Limits if they are located within designated EDI Zones and either (a). involve "catalytic" mixed-use (re)development and/or promote City Council goals (e.g., providing neighborhood-serving commercial in underserved areas), or (b). have the potential to transform districts, including community empowerment areas (e.g., West Greenville), further the City's Uni-Med Marketplace strategic vision (e.g., Center City, Medical District), or strengthen Greenville's status as a commercial hub and destination place for consumers and tourists in eastern North Carolina.



Capital Investment Grant Program Guidelines

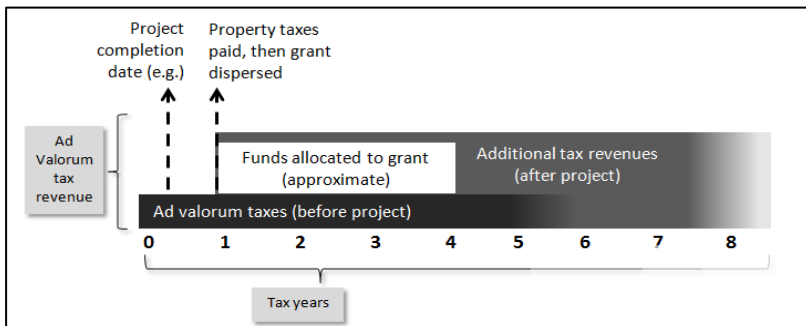
II. Policy Rationale and Fiscal Approach

The Capital Investment Grant program aims to attract projects that generate net positive economic value to the community, which were not expected to be feasible and/or be pursued to completion in the absence of the incentives – i.e., the economic and fiscal benefits are expected to exceed the costs of public investment. The grant program is effectively self-supported by the net increases in ad valorem tax revenue generated by new incentivized projects. After all annual installments have been allocated, it is expected that the City will enjoy the full value from the incentive private capital investment – increased and/or diversified tax base, employment, “spin off” economic activities, etc.

Annual installments are based on the annual increased tax revenue generated to the City of Greenville.

The annual installment is equal to no more than 75-percent of the increased ad valorem property tax revenue to the City of Greenville, while the remaining increased property tax revenue effectively

contributes to the City’s general revenue collections. It is expected that a project aided by a Capital Investment Grant otherwise would not have been completed without the incentive (“but for”); and that by helping to “close the deal” on an economically beneficial project, the incentive program at least partly enabled the jurisdiction to outperform the fiscal results that would have ensued in the absence of the incentive.



To maintain fiscal neutrality, the size of the annual installment is to be calculated in absolute terms – a larger capital investment will generate a higher “baseline” from which to dispense funds: the tax increment generated by a \$10 million private capital investment will be ten times larger than the tax increment generated by a \$1 million investment; therefore the potential annual installment for the \$10 million investment would generally be ten times larger than the annual installment for a \$1 million project.

The total size of the grant award, however, takes into consideration the extent to which a project furthers the City’s strategic planning goals. Although the size of annual installments is largely dependent on the increased annual tax revenue generated to the City of Greenville, the City Council can adjust the total amount of grant funds offered over the life of a Capital Investment Grant incentive package by increasing or decreasing the total number of annual installments awarded to the project. Cash grants typically represent up to 75-percent of 4-6 years (depending on prioritization) of expected increased property tax revenue; however, in special cases, the grant offer might be based on 7 - 12 years of additional revenue (e.g., to support a small, undercapitalized project of strategic importance; or to support a very large-scale economic driver project).

Annual payments will be made in March of each year based on the actual increased real ad valorem property tax revenue generated to the City of Greenville by the project from the previous tax year. The annual payments will be up to and not exceed the increased ad valorem property tax revenue generated to the City of Greenville by the project using the formula determined by staff and approved by the Greenville City Council. Disbursements will only be made if property taxes for the project are paid in full.

Capital Investment Grant Program Guidelines

III. Qualifying for a Grant Award

Staff initially consults with grant applicants to determine whether a prospective project qualifies for funding under the Capital Investment Grant program. If staff determines that a project does *not* qualify within one of two categories, staff will not recommend to City Council that the project be considered for funding under the program.

Economic Driver Projects: If a capital business investment (relocation or expansion) meets general qualifying standards as an Economic Driver Project, that project may be eligible for funding *anywhere within the Greenville corporate limits*. These projects are expected to generate significant positive communitywide and/or regional economic development impacts that will broadly benefit all citizens of Greenville. Economic Driver Projects will either create a high number of net new quality jobs (e.g., >50 new jobs) for citizens in the local/regional economy, or attract/retain talent in specialized, high-value fields that make Greenville more competitive economically. Economic Driver Projects not only generate direct economic benefits at the incentivized facility; they also tend to generate indirect economic activities from other local firms providing goods and services to the Economic Driver Project.

The City of Greenville may seek to capitalize on its existing strategic advantages in target sectors. Smaller-scale capital investments in these sectors may also qualify for grant funding, provided that they are expected to have disproportionately positive impacts. Even modest growth in target sectors might have the potential to enhance Greenville's economic competitiveness, spur innovation and entrepreneurial activities, and raise the community's economic profile.

Special Projects in EDI Zones: Projects not meeting the general qualifying standards as an Economic Driver Project, may qualify for a Capital Investment Grant provided that they are located in the Greenville Corporate Limits if they are located within designated EDI Zones and either (a). involve "catalytic" mixed-use (re)development and/or promote City Council goals (e.g., providing neighborhood-serving commercial in underserved areas), or (b). have the potential to transform districts, including community empowerment areas (e.g., West Greenville), further the City's Uni-Med Marketplace strategic vision (e.g., Center City, Medical District), or strengthen Greenville's status as a commercial hub and destination place for consumers and tourists in eastern North Carolina.

The City of Greenville has adopted six EDI Zones: Airport Area, Center City, Dickinson Avenue, East Tenth Street, Medical District, and West Greenville (See Appendix C: Map of EDI Zones).

Examples of catalytic projects within an EDI Zone:

- Hotel
- Retail/commercial anchor
- Mixed-use residential project in the Center City
- Major arts/entertainment venue

In reviewing grant requests for Special Projects in EDI Zones, staff and the City Council will consider, among other factors, to what extent the project promotes the goals and strategies addressed in relevant area and corridor plans or studies, including *Center City – West Greenville Revitalization Plan*, the *Medical District Plan*, the *Streetscape Master Plan*, and *Horizons* comprehensive plan. Additionally, the Council will consider to what extent a project supports economic development that will positively impact broad, diverse segments of the public.

Capital Investment Grant Program Guidelines

A few examples of goals and strategies addressed in City Council's Strategic Goals, the *Horizons* comprehensive plan, or other plans, which might be especially relevant to Capital Investment Grant projects in EDI Zones:

- Increase neighborhood-serving retail in underserved areas.
- Bring more retail and professional activities downtown (Center City, Dickinson Avenue).
- Expand and define the boundaries of downtown to connect to the residential neighborhoods both east and west of the center city (Center City, Dickinson Avenue, West Greenville, Medical District).
- Promote joint opportunities for quality development which enhance the growth, image, and identity of downtown Greenville and East Carolina University (Center City, Dickinson Avenue, East Tenth Street).
- Increase the scope of uses and activities in the downtown to create night and weekend activity (Center City, Dickinson Avenue, West Greenville).
- Increase the density and the scope of land use in the downtown core to create night and weekend activity (Center City, Dickinson Avenue, West Greenville).
- Encouragement of infill retail and entertainment uses along Evans Street and the key parcels on the Tenth Street corridor to provide critical mass.
- Development of an arts and science/cultural/entertainment district in the area bounded by Dickinson Avenue, Reade Circle, Evans Street, and Tenth Street (Center City, Dickinson Avenue, West Greenville).

The above is a partial list of goals and strategies that might apply to Special Projects in EDI Zones. Projects that promote multiple strategic goals are more likely to qualify and/or be prioritized for funding.

Applicants are urged to contact staff to ascertain whether a proposed project qualifies within one of the above two categories – Economic Driver Projects or Special Projects in EDI Zones.

IV. Scoring System

Qualifying projects may be eligible for a range of funding levels under the Capital Investment Grant depending on how well the project promotes the City of Greenville's strategic goals. To prioritize the most economically impactful investments, a points system (Appendix A) will be utilized for determining appropriate levels of funding for different types and scales of projects, which apply both to qualifying Economic Driver Projects and Special Projects in EDI Zones. The points system recognizes projects to the extent that they are expected to have significantly positive economic and fiscal impacts on Greenville (e.g., creation of new high quality jobs); that they further the City's land development and strategic economic goals; that they increase the numbers of for lease and homeownership residential units in the Center City; that they increase the supply of premium spec office space; and that they demonstrate the financial viability of public and private investment in the project.

Projects that score especially high on the prioritization scale (over 40 points) can be offered a larger number of annual installments (e.g., 7 years) and/or higher funding levels, while lower priority projects (over 30 points) will be limited to 3 or 4 years of installments. In addition, the City Council may adjust the size of annual installments (up to 75-percent of the increased property tax generated to the City by the project) to account for new job creation or other values; other factors being equal, a grant amount that corresponds to the increase in property tax revenue over 7 years would be considerably larger than one that corresponds to only 4 years of the increase.

Staff will use the scoring system to evaluate projects and then recommend to City Council an appropriate grant package. The final grant offer is at the sole discretion of City Council, which can use staff guidelines, scoring, and recommendations as frameworks for adjusting grant amounts as needed.

Capital Investment Grant Program Guidelines

Qualifying projects *may* be eligible for grant funds but are *not entitled* to receive funds (City Council discretion). The amount of grant funds offered, if any, is at the sole discretion of City Council.

An applicant may request any or all of the above incentives, subject to available funding, qualification, and execution of formal agreements as necessary. Approval of an application under the Capital Investment Grant program does not grant a project vested rights for development or grant any third-party benefit. The City Council reserves the right to set priorities among applications under consideration if necessary. The City Council also reserves the right to revoke or amend the incentives which may be offered at any time and for any or no reason. The City Council may reject an application if the applicant does not provide additional information requested, or if circumstances change during consideration. The City Council may offer other incentives for projects that the City Council initiates.

V. Eligibility

In order for a qualifying project to be eligible for incentives, the applicant must submit a request and that request must be approved by the Greenville City Council prior to commencing construction

The applicant will be required to agree that in the event some or all of the Project/Project Site is transferred by the applicant to a form or type of ownership that is exempt, in whole or in part, from City or County property taxes, the City of Greenville's obligations to provide incentives may be reduced or subject to repayment, and any further grant payments shall cease. There will be default language in the development agreement that protects the City of Greenville from changes within the project after approval and that incentives can be withdrawn, or be required to be repaid, if default occurs.

The applicant must demonstrate that the project would not be feasible but for the incentives amount requested. Staff may utilize an independent party to verify the "but for" gap.

The potential increased property tax revenue generated to the City by a project will be calculated based on the project uses. Staff will work closely with the Pitt County Property Appraiser's office to generate the best possible estimate. In the event that the amount of the increased City or County ad valorem property taxes related to the Project or Project Site is less than the estimated amount for any reason, the amount of the incentive will be reduced accordingly. Each year the actual increased property tax revenue generated by the project will be determined and used as a basis for calculating the payment to the applicant

Capital Investment Grant Program Guidelines

VI. Application Process

1. Applicant (property owner or agent with property owner's written consent) will submit an application to the Office of Economic Development including:
 - a. Description of the proposed project including location, preliminary design, square footage of commercial, and/or number of residential units;
 - b. Current taxable value for the property;
 - c. Estimated taxable value after construction of the entire project;
 - d. Construction pro forma demonstrating that the project would not be undertaken but for the public funds necessary to make the project financially feasible;
 - e. Summary of the incentive funds that are requested for the project (number of annual installments and percent of increment requested: up to 75-percent);
 - f. Information about any governmental approvals required, including land use and zoning changes, etc.; and
 - g. Other information as requested by staff considering the particular project.
2. Staff may consult with a real estate development professional or other consultant in reviewing the application and shall prepare a Cost/ Benefit Analysis for any project.
3. Based on a favorable review, staff will make a recommendation to the City Council based on evaluation of the information provided in the application and supporting materials.
4. Based on an evaluation of the information provided in the application, and considering the recommendation by staff, the City Council may accept or reject the application, or may approve the application with changes or conditions.
5. Following approval the staff shall prepare or cause to be prepared a development agreement with the property owner/applicant, which must be entered into before any disbursement of funds by the City of Greenville.

Economic development incentive programs must balance the need for speed (market responsiveness) with need to satisfy all legal requirements and to ensure the public has an opportunity to comment upon proposed incentives. The City of Greenville is required to hold public hearings to approve the incentives available as a result of the Capital Investment Grant program.

VII. Terms and Conditions

A written development agreement will be required. The development agreement will include any agreed upon performance requirements such as a schedule of additional payroll or jobs to be created or retained and capital investment to be made by the business enterprise. It will also include the terms for repayment of the incentive if the business fails to meet the performance requirements specified in the agreement.

Disqualifications: Factors which will preclude applicants from participating in the program include non-payment of taxes or other City fees, non-compliance with local regulations, and conflicts-of-interest.

Confidentiality: Project details, including local incentives negotiations and offers, may remain confidential until the public hearing, subject to the North Carolina Public Records Law.

DRAFT

Capital Investment Grant: Scoring System

TOTAL SCORE

Economic and Fiscal Impacts	Point ranges	Scores
1. Investment in target clusters, basic economic sector, other driving industry	0; or 5 - 8	<input style="width: 50px; height: 20px;" type="text"/>
2. Generates new, well-paying jobs Total net new jobs directly created by the project a. 100+ jobs: Excellent (4 - 6 pts) b. 40 - 99 jobs: Good (2-3 pts) c. 20 - 40 jobs: Fair (1 pt) Average wage/salary levels of jobs compared to area median wage/salary levels a. > 2 times area median: Excellent (4 - 6 pts) b. 1.3 - 2 times area median: Good (2 - 3 pts) c. 1 - 1.3 area median: Fair (1 pt)	0 - 12	<input style="width: 50px; height: 20px;" type="text"/>
3. Attract/retain talent (knowledge/creative workers, analysts, entrepreneurs)	0- 5	<input style="width: 50px; height: 20px;" type="text"/>
4. Percent increase in the tax base from the property to be redeveloped a. Greater than 300%: Excellent (6 - 8 pts) b. 200 to 300%: Good (4 - 7 pts) c. 100 to 200%: Fair (1 - 3 pts)	0 - 8	<input style="width: 50px; height: 20px;" type="text"/>
5. Supports retention of existing business	0 - 3	<input style="width: 50px; height: 20px;" type="text"/>
6. Uses public resources effectively and/or as a catalyst for desired outcomes: Amount of private dollars leveraged by each public dollar a. \$12 or more private per \$1 public: Excellent (4 - 5 pts) b. \$8-12 private per \$1 public: Good (2-3 pts) c. \$4-8 private per \$1 public: Fair (1 pt)	0 - 5	<input style="width: 50px; height: 20px;" type="text"/>
7. Contributes to community development goals	0; or 8 - 10	<input style="width: 50px; height: 20px;" type="text"/>
8. Annual recruiting target	0 or 6	<input style="width: 50px; height: 20px;" type="text"/>
Other Strategic Economic and Land Development Goals		
1. Increases retail activity in EDI Zone a. 800 - 4,999 SF (1 - 2 pts) b. 5,000 - 14,999 SF (3 - 4 pts) c. over 15,000 SF (5 pts)	0 - 5	<input style="width: 50px; height: 20px;" type="text"/>
2. Contributes to arts and cultural activities in the Uptown District	0 - 3	<input style="width: 50px; height: 20px;" type="text"/>
3. Catalyst project/major mixed-use commercial project within EDI zone a. Minor anchor in EDI Zone (1 - 3 pts) b. Major anchor in EDI zone (4 - 5 pts) c. Regional Destination Place/"Lifestyle" Center (6 - 8 pts) d. Development of a (first or second) downtown hotel (6 - 8 pts)	0 - 8	<input style="width: 50px; height: 20px;" type="text"/>

DRAFT

4. Enhances urban form	0 - 12	<input type="text"/>
<ul style="list-style-type: none"> a. Architecture/design enhances key corridors and/or gateways. b. Architecture/design attentive to Uptown Design Guidelines (where applicable) c. Provision of additional public parking where needed. d. Attracts regional sporting events and tournaments. e. Furthers goals of Center City - West Greenville Revitalization Plan f. Facilitates intermodal transportation goals. g. Contributes to the improvement of infrastructure. h. Within ¼ mile of GTAC i. Within 250 feet of a bus stop j. Higher density (residents/acre or building floors) development k. Promotes street connectivity, pedestrian and bicycle access l. Uses green building technology m. Redevelops brownfield or greyfield n. Uses stormwater best management practices, exceeding code requirements 		

Center City Residential

1. Development of new/rehabilitated market rate residential rental units	0 - 6	<input type="text"/>
<ul style="list-style-type: none"> a. 5 - 29 units (1 pt) b. 30 - 49 units (2 pts) c. 50 - 149 units (3 - 4 pts) d. over 149 units (5 - 6 pts) 		

2. Development of new/rehabilitated homeownership units	0 - 4	<input type="text"/>
<ul style="list-style-type: none"> a. 5 - 9 units (1 pt) b. 10 - 19 units (2 - 3 pts) c. 20 - 29 units (4 -5 pts) d. over 29 units (6 pts) 		

Development of additional Class A and B rental (spec) office space

1. Not in EDI Zone	0 - 3	<input type="text"/>
<ul style="list-style-type: none"> a. 4,000 - 14,999 SF (1 pt) b. 15,000 - 30,000 SF (2 pts) c. over 30,000 SF (3 pts) 		

2. In EDI Zone	0 - 6	<input type="text"/>
<ul style="list-style-type: none"> a. 1,000 - 4,999 SF (1 pt) b. 5,000 - 14,999 SF (2 pts) c. 15,000 - 24,999 SF (3 - 4 pts) d. over 25,000 SF (5 - 6 pts) 		

Financial Need and Risk/Return

1. Staff evaluation of pro forma analysis:	0 - 12	<input type="text"/>
<ul style="list-style-type: none"> a. loan-to-value ratio b. demonstrated financial need c. private debt coverage ratio d. City exposure e. private equity in the project f. developer experience with similar projects g. projected financial returns to City h. risk to City 		



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Discussion on Contract for Services with the Greenville-Pitt County Chamber of Commerce

Explanation: **Abstract:** Mayor Pro-Tem Glover has requested that the City's contract for services with the Greenville-Pitt County Chamber of Commerce be added as a discussion item for City Council. This item was initially placed on the January 17, 2013, agenda but was continued to the February 14, 2013, agenda. Due to a scheduling conflict, the item was then continued to the April 8, 2013, meeting. The City's current contract for services with the Chamber is for \$10,000. This contract runs July 1, 2012 – June 30, 2013, and has been paid in full via two payments of \$5,000.

Explanation: The City currently has a contract for services with the Chamber of Commerce for \$10,000. This contract runs July 1, 2012 – June 30, 2013, and has been paid in full via two payments of \$5,000. Under the terms of the contract for services, it is stated that the Chamber will use its best efforts to publicize the economic, educational, social, and cultural benefits of Greenville; assist in recruiting business and industry to Greenville; and provide information on the City. Further, the Chamber will:

- a. Help publicize and promote the City's economic development initiatives and programs;
- b. Coordinate the annual joint appreciation dinner for law enforcement and Greenville Fire-Rescue professionals;
- c. Coordinate the annual Community Unity Breakfast; and
- d. Help support and promote the Minority Business Council.

The Chamber is required at the end of the contract period to provide City Council with a report outlining the significant achievements of the Chamber with regard to the work performed under the contract.

In addition to this contract for services, the City is a member of the Chamber and, as such, membership dues are paid annually. The City's Chamber

membership runs January 1 – December 31, and the City has paid the invoice for calendar year 2013 dues in the amount of \$4,086.

Fiscal Note:

Funds were included in the current year's budget for the contract for services and the Chamber membership. The City has paid the Chamber the full \$10,000 obligated under the current Contract for Services, which is effective until June 30, 2013. The City has also paid the Chamber \$4,086 for membership dues for calendar year 2013.

Recommendation:

Provide direction to staff on any further action desired.

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 [Contract](#)

NORTH CAROLINA
PITT COUNTY

CONTRACT FOR SERVICES

This CONTRACT is made the 1st day of July, 2012 between the City of Greenville, a North Carolina municipal corporation (the CITY), and the Greenville-Pitt County Chamber of Commerce (the CHAMBER);

WITNESSETH

1. Consideration.

The consideration of this CONTRACT are the services to be performed by the CHAMBER for the CITY, and the sum of \$10,000 paid by the CITY to the CHAMBER.

2. Work to be Performed.

The CHAMBER will use its best efforts to publicize the economic, educational, social, and cultural benefits of Greenville; assist in recruiting business and industry to Greenville; and provide information on the City.

Further, the CHAMBER will:

- a. Help publicize and promote the CITY's economic development initiatives and programs;
- b. Coordinate the annual joint appreciation dinner for law enforcement and Greenville Fire-Rescue professionals;
- c. Coordinate the annual Community Unity Breakfast; and
- d. Help support and promote the Minority Business Council.

Both parties expressly acknowledge the mutual benefit of acting in a cooperative manner in pursuit of each of their missions. In the spirit of total quality, the CHAMBER seeks continuous improvement in those key areas of community development addressed in its Program of Work.

3. Schedule of Payments.

Payment of \$10,000 will be made by the CITY to the CHAMBER on a semi-annual basis. Each payment shall be \$5,000, with the first payment to be made within 30 days of receipt of the

annual report for the 2011-2012 contract period, and the second and final payment to be made on or about January 1, 2013.

4. Reports.

At the end of the contract period, the CHAMBER shall report to the City Council the significant achievements of the CHAMBER with regard to the work performed under Section 2 of this CONTRACT.

5. Duration, Termination, and Amendment.

This CONTRACT shall commence on July 1, 2012, and terminate on June 30, 2013. This CONTRACT may be amended with the consent of both parties when such an amendment is made in writing and signed by an authorized officer of each party.

IN WITNESS WHEREOF, the parties have set their hands and seals this the day and year first written above.

CITY OF GREENVILLE



Thomas M. Moton, Jr.
Thomas M. Moton, Jr., Interim City Manager

ATTEST:

Carol L. Barwick
Carol L. Barwick, City Clerk

APPROVED AS TO FORM:

David A. Holec
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
Bernita W. Demery, Director of Financial Services

Account Number 010-1050-400.00-01

CHAMBER OF COMMERCE

Susanne D. Sartelle
Susanne D. Sartelle, President

ATTEST:

SSP
Scott Senatore, Senior Vice President



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Neighborhood Plan Development

Explanation: **Abstract:** The Community Development Department works with neighborhoods in the development of neighborhood plans. The purpose of the plan is to help identify issues and resources that will address many of the issues facing neighborhoods.

Explanation: Since 2007, the Community Development Department has worked with over 8 neighborhoods in the development of 5 neighborhood improvement plans. These plans allow residents and citizens to work with City staff in the identification of specific issues affecting the neighborhood. Often times, the plans result in the identification of future public infrastructure improvements needed and the identification of code enforcement concerns.

As part of the 2012-2014 goals, one of the action items was to *"initiate and complete one new neighborhood plan for an established city neighborhood"* under the goal to "Develop strategies to protect and preserve neighborhoods through systematic approaches."

Community Development Department staff has evaluated past planning efforts and areas of the city that have not been addressed. Staff that work with neighborhoods and the planning effort have identified two neighborhood areas to work with to develop a neighborhood plan. Staff proposes to work in Oakgrove Estates in the spring and summer of 2013 and then the South Greenville Area in the winter of 2013.

Strategies will be developed working across departmental lines and other agencies such as Greenville Utilities to create improvement plans in these communities. Neighborhood plan development and neighborhood association building are existing functions of the Community Development Department. Community Development Department staff working with neighborhoods and plan development will lead the planning efforts.

Some of the benefits of the planning process include but are not limited to the following: (1) identification of issues faced by the neighborhood, (2) development of improvement strategies, (3) increasing community pride, (4) involvement and establishing or strengthening the neighborhood association for the community, and (5) educating the community on how to better access City services.

Fiscal Note: Costs will be approximately \$2,000 and will come from the Community Development Department budget.

Recommendation: Consideration of the staff recommendation to complete neighborhood plans for the identified areas.

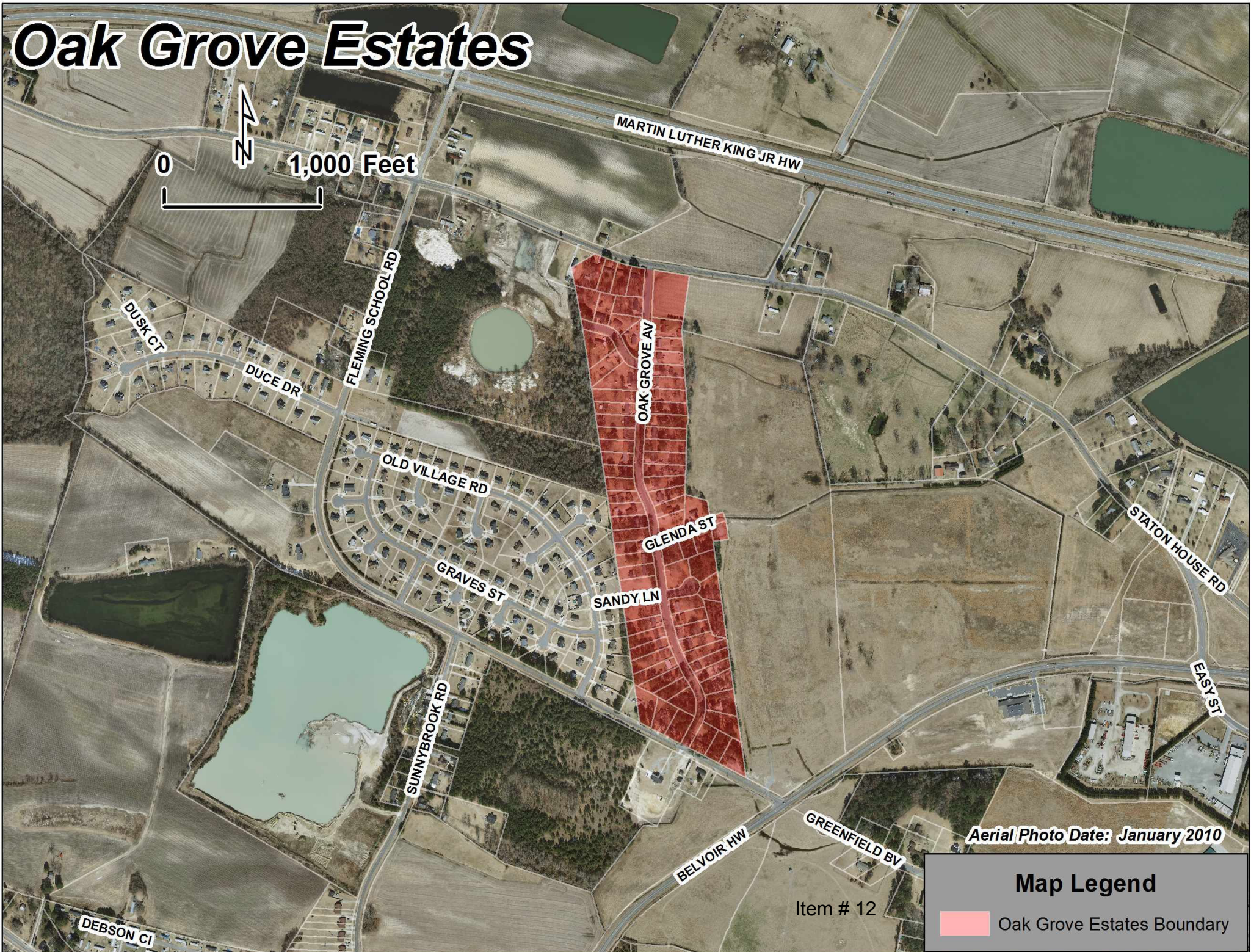
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Attachments / click to download

 [Oakgrove Estates Map](#)

 [South Greenville Area Map](#)

Oak Grove Estates



Aerial Photo Date: January 2010

Item # 12

Map Legend

 Oak Grove Estates Boundary

DEBSON CI

SUNNYBROOK RD

GRAVES ST

OLD VILLAGE RD

DUCE DR

DUSK CT

FLEMING SCHOOL RD

SANDY LN

GLENDA ST

OAK GROVE AV

MARTIN LUTHER KING JR HW

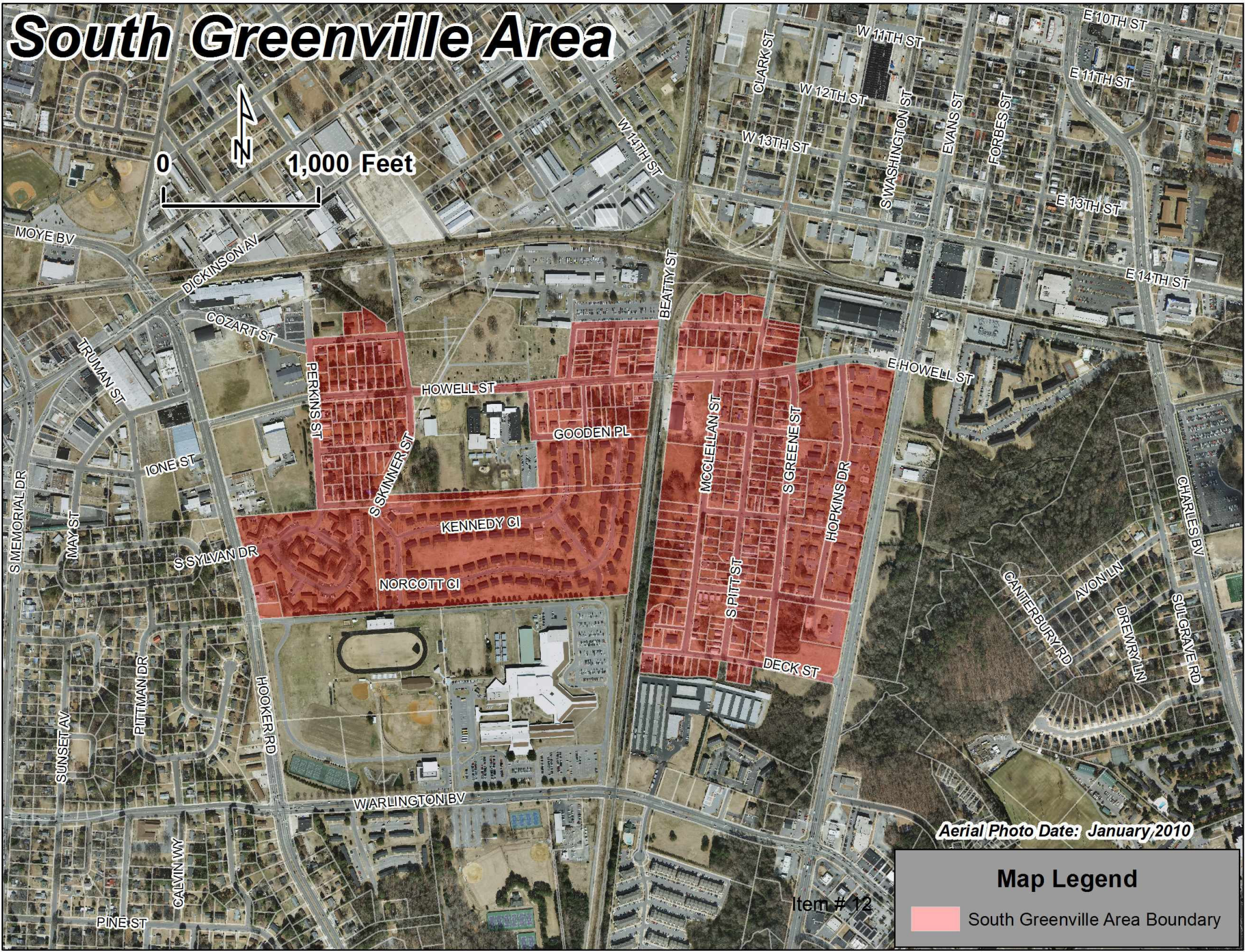
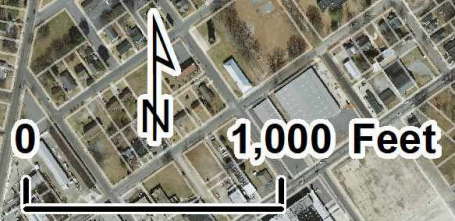
BELVOIR HW

GREENFIELD BV

STATON HOUSE RD

EASY ST

South Greenville Area



Aerial Photo Date: January 2010

Map Legend

 South Greenville Area Boundary

Item # 12



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Neighborhood Advisory Board Ordinance Revision

Explanation: **Abstract:** Council Member Kandie Smith requested that this item be placed on the agenda for discussion.

Explanation: Council Member Kandie Smith has expressed interest in an ordinance to assure equal rights and equal voting privileges to all property owners and renters immediately upon establishing residency and/or ownership in a designated association area. Council Member Smith would like to eliminate any barriers, economic or otherwise, that prevent equal rights, and to make the same requirement for a neighborhood association to be recognized by the City of Greenville for inclusion in the Neighborhood Advisory Board.

Attached is information that was sent in Notes to Council on March 20, 2013, regarding bylaws of neighborhood associations represented on the Neighborhood Advisory Board. Also attached are copies of Ordinance #08-53, which establishes the Neighborhood Advisory Board, and Ordinance #09-88, which amends certain provisions relating to the Neighborhood Advisory Board.

Fiscal Note: N/A

Recommendation: Staff will defer to Council direction.

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Attachments / click to download

[Neighborhood Assn. Bylaws Info](#)


[NAB Ordinances](#)

COMMUNITY DEVELOPMENT

MEMO

DEPARTMENT

TO: Barbara Lipscomb, City Manager

FROM: Merrill Flood, Director Community Development Department 

DATE: March 20, 2013

SUBJECT: Review of Neighborhood Association Bylaws Represented on the Neighborhood Advisory Board

As requested by City Council during its February 14, 2013 meeting, staff has completed a review of the neighborhood association bylaws represented on the Neighborhood Advisory Board in order to determine if there are restrictions related to rental households. The current Neighborhood Advisory Board has representation from 9 recognized neighborhoods throughout the city. Of the 9 Neighborhood Associations seated on the Neighborhood Advisory Board, 2 Neighborhood Associations were identified with restrictions related to rental residents.

Sample bylaws suggested as a guide for new associations by the City recommends that membership include owner and rental households for neighborhood associations. This information is included in the attached report prepared by staff.

Please contact me if additional information is needed.

cc: Seth Laughlin, Planner II

Community Development

Department

MEMO

TO: Merrill Flood, Community Development Dept. Director

FROM: Seth Laughlin, Planning Liaison *SAL*

DATE: March 18, 2013

SUBJECT: Neighborhood Association Voting Members per Bylaws

Staff was asked by City Council on February 14, 2013 to review the bylaws the "neighborhood associations" represented on the Neighborhood Advisory Board to determine if renters are allowed full participation. An important distinction must be made in consideration of the differences between Neighborhood Associations and Homeowner Associations. Staff has provided definitions of "neighborhood associations and homeowner's associations" below to illustrate the differences between the two entities.

- *Neighborhood association* - a group of residents who meet regularly to improve their neighborhood. It may include homeowners, renters, apartment residents, business owners, school and church officials, and members of non-profit organizations.
- *Homeowners' associations* are formal legal entities created to maintain common areas; they have the authority to enforce deed restrictions. Unlike neighborhood associations, membership includes only property owners.

Several neighborhood associations within the City of Greenville base their bylaws on a sample document made available by the Community Development Department. These sample bylaws are available in the Neighborhood Ombudsman's office in the Municipal Building or on the City's webpage. These recommended sample bylaws include "all residents" as members and as having the right to cast a vote at all neighborhood meetings (See Article III of the attached sample by-laws document).

In order for a particular neighborhood association to restrict membership rights to certain members or residents, language would have to be developed and adopted into said association's bylaws **separate** from the standard language supplied by the City.

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Staff reviewed the bylaws of the recognized neighborhoods of the nine (9) current NAB sitting members for standards defining membership and voting. Please see this information below listed by association name:

1. **College Hill/ Coghill:**
 - A member shall be one adult resident per household whose dues are current. Each member shall have one vote.
2. **Countrywide Estates:**
 - The neighborhood has recorded restrictive covenants and is working to adopt its bylaws for the Neighborhood Association.
3. **Eastwood:**
 - Membership in the association shall be open to any property owner in the defined neighborhood. There shall be no more than one voting member per home.
4. **Forrest Hills:**
 - Membership in the association shall be open to any adult (18 or older), legal resident or property owner who supports the objectives and functions of the association. Each member of the association shall have one vote
5. **Greenbrier:**
 - Membership is open to both renters and property owners. Each member shall have one vote with no more than one vote per home.
6. **Greenfield Terrace**
 - Membership is open to both renters and property owners. Each member shall have one vote with no more than one vote per home.
7. **The Oaks:**
 - Membership is open to both renters and property owners. Each member shall have one vote with no more than one vote per home.
8. **Red Oak**
 - Anyone who resides in the neighborhood, pays membership dues, attends meetings and contributes to the well being of the neighborhood shall be eligible for membership and office. Each member, 18 years or older, or family shall have the right to cast one vote.
9. **Tar River University Neighborhood Association:**
 - Membership shall be open to any adult who is a legal resident and property owner in the Tar River University Neighborhood or any adult who has legally resided in the Tar River University Neighborhood for 4

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years. Associate membership is open to any adult who supports the objectives and functions of the Corporation. Associate members shall enjoy all rights and privileges of membership with the exception of voting. Each member of the Corporation shall have one vote.

10. Vacant Seat

Staff Summary: Of the nine (9) current NAB sitting member neighborhoods, only two (Eastwood and Tar River University Neighborhood Association) have bylaws restricting membership of renters.

Attachment
City Doc # 776359
City of Greenville Sample Neighborhood Association By-Laws

ARTICLE I *Name of Organization.* The name of the organization shall be _____.

ARTICLE II *Boundaries.* The boundaries of the _____ (organization) _____ shall be defined as follows: Beginning at the _____.

ARTICLE III **Membership**

Section 1 *Membership qualification.* Membership in _____ shall be open to all residents, business owners, business licensees, and nonprofit organizations located within the boundaries as defined in Article II.

Section 2 *Membership voting.* All residents, property owners, and business licensees (18 years of age or older) located within the boundaries as defined in Article II shall have one vote at any general or special meeting. One representative from each nonprofit shall have one vote at any general or special meeting.

ARTICLE IV **Meetings**

Section 1 *General meetings.* There shall be at least 10 meetings per calendar year. The meetings shall be convened the _____ of the month at ____ p.m. with decisions being made by a majority of members present. Notification of general meetings shall require at least ____ days advanced written or telephone notice to all members.

Section 2 *Special meetings.* Special meetings of the membership may be called by the President as deemed necessary. Notification and purpose(s) of the special meeting shall require ____ days advanced written or telephone notice to all members.

Section 3 *Executive meetings.* In cases where a decision must be made quickly, the President can call an executive meeting consisting of the President, Vice-President, Secretary, Treasurer, and one additional active member. In such cases, a summary of the action taken must be made at the next regularly scheduled general meeting. Action taken at an executive meeting that requires follow-up action must be voted on at the next regularly scheduled general meeting.

Section 4 *Quorum.* A quorum for any general or special meeting shall be the number of members in attendance. Unless otherwise specified in these bylaws, decisions at these meetings will be made by a majority vote of members present.

ARTICLE V **Officers**

Section 1 *President.* The President shall prepare the agenda; shall preside at all board and membership meetings; and shall appoint members of committees not elected, with a majority approval of the other officers, except for members of any Grievance Committee. The President also shall act as the official spokesperson of the association unless the members choose to elect one.

Section 2 *Vice-President.* The Vice-President shall assist the President; and shall function as "Acting President" in the President's absence. The Vice-President also shall function as "Acting Chairperson" of any committee that lacks a chairperson.

Section 3 **Secretary.** The secretary shall keep minutes and written records of majority and minority opinions expressed at all meetings; shall be responsible for all correspondence; and shall make records available for inspection for any proper purpose at any reasonable time.

Section 4 **Treasurer.** The treasurer shall be held accountable for all funds; shall give an accounting update at each general meeting; and shall receive, safeguard, and disburse funds, but such disbursement shall require the signature of one other officer.

Section 5 **Elections.** All four executive officers shall maintain office for one year. Nominations for each office shall be made at the general meeting in ____, with the election being held at the general meeting in ____.

Section 6 **Termination for nonattendance.** If officers fail to attend _____ consecutive membership and special meetings, then automatic resignation will be assumed.

Section 7 **Declaring a conflict of interest.** Whenever an officer determines that he or she has a conflict of interest relating to an item under discussion, he or she must inform the body hearing the proposal of the conflict of interest and may not vote on that matter.

ARTICLE VI Miscellaneous

Section 1 **Checking account.** A checking account will be held in the association's name at the following institution: _____.

Section 2 **Fiscal year.** The fiscal year will be from _____ to _____.

ARTICLE VII **Amendments.** The bylaws may be amended at any regular meeting provided that the proposed items have been circulated to all members at least ____ days prior to the meeting at which they are to be considered and that two-thirds (2/3) of members in attendance approve the amendment.

ORDINANCE NO. 08-53
AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 2 OF THE CITY CODE
BY ADDING AN ARTICLE H WHICH ESTABLISHES A
NEIGHBORHOOD ADVISORY BOARD

WHEREAS, the City Council has determined there is the need within the City of Greenville for the establishment of a Neighborhood Advisory Board;

WHEREAS, it has been determined that a central forum for neighborhood associations to establish common goals and avenues of mutual interest including communication channels between citizens, elected officials, and city staff is important to improving livability of the City of Greenville;

WHEREAS, it is the desire of the elected officials and staff of the City to assist neighborhood associations in understanding the City of Greenville Code of Ordinances; and

WHEREAS, it is recognized that having an all-inclusive community involves all neighborhoods working together;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

Section 1: That Chapter 3 of Title 2 of the Greenville City Code be amended by adding a new Article H entitled "Neighborhood Advisory Board," said article shall read as follows:

Article H. Neighborhood Advisory Board

Sec. 2-3-81. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board Member shall mean an individual elected by the Liaison Members of the Neighborhood Advisory Board to attend meetings of the Neighborhood Advisory Board, participate in actions of the Neighborhood Advisory Board, and bring to the attention of elected officials and city staff the concerns of the neighborhood associations during the regular meetings of the Neighborhood Advisory Board.

Neighborhood shall mean an organized residential area within the corporate limits of the City of Greenville.

Neighborhood Association shall mean an organized group of residents within a specific neighborhood within the corporate limits of the City of Greenville and that operates under a formal association by-laws, holds at least two board or membership meetings a year, has elected officers, maintains records of meetings, maintains an association membership roster, and has placed on file with the Neighborhood Liaison/Ombudsman a current set of by-laws and amendments and a list of current officers. There shall be only one neighborhood association for each neighborhood.

Liaison Member shall mean an individual appointed by a neighborhood association to represent the

association in electing Board Members to the Neighborhood Advisory Board and offering feedback to the Board Members of the Neighborhood Advisory Board.

Sec. 2-3-82. Creation.

There is hereby created the Neighborhood Advisory Board.

Sec. 2-3-83. Composition.

(a) The Neighborhood Advisory Board shall consist of ten (10) Board Members with two (2) Board Members being elected from each of the five (5) districts from which Council Members are elected.

(b) Each neighborhood association shall appoint a Liaison Member to the Neighborhood Advisory Board and an alternate Liaison Member to the Neighborhood Advisory Board. The Liaison Member and the alternate Liaison Member shall serve at the pleasure of the neighborhood association. The alternate Liaison Member, while attending a meeting of the Liaison Members or of the Neighborhood Advisory Board in the absence of the Liaison Member from the same neighborhood association, may serve as the Liaison Member and shall have and may exercise the powers of the Liaison Member.

(c) The Liaison Members of the Neighborhood Advisory Board shall elect at the initial meeting of the Liaison Members and annually thereafter, at a meeting of the Liaison Members established by the Neighborhood Advisory Board for that purpose, ten (10) Board Members of the Neighborhood Advisory Board with two (2) Board Members being elected from each of the five (5) districts from which Council Members are elected. The Liaison Members of the Neighborhood Advisory Board who represent neighborhood associations of neighborhoods located primarily within a district from which a Council Member is elected shall only be eligible to vote for Board Members for said district. The Board Members of the Neighborhood Advisory Board elected from a district from which a Council Member is elected must be a Liaison Member for a neighborhood association of a neighborhood located primarily within said district. For the purpose of determining eligibility to vote and to serve as a Board Member, a neighborhood is located primarily within the district if the majority of the residences in the neighborhood served by the neighborhood association are located within said district.

(d) The Neighborhood Liaison/Ombudsman shall serve as an ex-officio, non-voting member of the Neighborhood Advisory Board.

(e) The Liaison Members of the Neighborhood Advisory Board shall consist of the Liaison Members appointed by each neighborhood association. In addition to electing the Board Members of the Neighborhood Advisory Board in accordance with the provisions of subsection 2-3-83(b), the Liaison Members shall offer feedback to the Board Members of the Neighborhood Advisory Board at least twice each year at a meeting of the Neighborhood Advisory Board..

Sec. 2-3-84. Meetings; officers; by-laws; records.

The Neighborhood Advisory Board shall establish a schedule of regular monthly meetings and shall meet as necessary to accomplish its mission statement approved by City Council. At least twice each year, the Neighborhood Advisory Board shall meet with the Liaison Members of the Neighborhood

Advisory Board to receive feedback from the Liaison Members. All of the meetings of the Neighborhood Advisory Board shall be public meetings. The Neighborhood Advisory Board will elect from its Board Members a chair and a vice-chair. The Neighborhood Liaison/Ombudsmen or designee shall serve as secretary. The secretary shall keep the records of who is in attendance and minutes of the meetings, resolutions, discussions, findings, and recommendations and these records shall be public records. The Neighborhood Advisory Board shall adopt by-laws, not inconsistent with state law or this article, for the transaction of business.

Sec. 2-3-85. Quorum.

(a) In order for the Liaison Members of the Neighborhood Advisory Board to elect Board Members of the Neighborhood Advisory Board, at least sixty (60%) percent of the Liaison Members of the neighborhood associations shall be present.

(b) In order for the Neighborhood Advisory Board to take action, a majority of the Board Members of the Neighborhood Advisory Board shall be present.

Sec. 2-3-86. Decisions.

All decisions of the Neighborhood Advisory Board other than the election of Board Members, shall be by vote of a majority of those Board Members of the Neighborhood Advisory Board present at a meeting of the Neighborhood Advisory Board with a quorum being present. The election of Board Members of the Neighborhood Advisory Board shall be by vote of a majority of the Liaison Members of the Neighborhood Advisory Board eligible to vote for the Board Member, in accordance with the provisions of subsection 2-3-83(b), at a meeting of the Liaison Members of the Neighborhood Advisory Board with a quorum being present.

Sec. 2-3-87. Purpose.

The Neighborhood Advisory Board shall serve as a liaison between the neighborhoods and the City of Greenville. The Neighborhood Advisory Board shall develop its mission statement and submit it for approval to City Council with any amendments deemed appropriate by City Council. The mission statement may include, but is not limited to, the following purposes:

- (a). To serve as a liaison between the neighborhoods and the City of Greenville over issues of common interest;
- (b). To serve as an advocate for programs, ideas and methods to promote working relationships between the neighborhoods and with the City of Greenville;
- (c). To disseminate information to the neighborhoods and the City of Greenville with regard to issues of healthy, strong and vibrant neighborhoods;
- (d). To assist and promote neighborhood education efforts concerning ways to develop, revitalize, and maintain healthy, strong and vibrant neighborhoods;

- (e). To increase citizen participation in neighborhood revitalization and development; and
- (f). To provide information to new neighborhood associations and encourage formation of new neighborhood associations.

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 will become effective upon its adoption.

This the 8th day of May, 2008.

/s/ Patricia C. Dunn
Patricia C. Dunn, Mayor

ATTEST:

/s/Wanda T. Elks
Wanda T. Elks, City Clerk

ORDINANCE NO. 09- 88
AN ORDINANCE AMENDING ARTICLE H OF CHAPTER 3 OF TITLE 2 OF THE
CITY CODE RELATING TO THE NEIGHBORHOOD ADVISORY BOARD

WHEREAS, the Neighborhood Advisory Board has requested City Council to amend certain provisions contained in the Greenville City Code relating to the Neighborhood Advisory Board;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

Section 1: That Section 2-3-81 of the Greenville City Code is hereby amended by rewriting the definition of Board Member contained in said section to read as follows:

Board Member shall mean an individual elected by the Liaison Members of the Neighborhood Advisory Board to attend meetings of the Neighborhood Advisory Board, participate in actions of the Neighborhood Advisory Board, and bring to the attention of elected officials and city staff the concerns of the neighborhood associations during the meetings of the Neighborhood Advisory Board.

Section 2: That Section 2-3-83 of the Greenville City Code is hereby amended by rewriting said section to read as follows:

Sec. 2-3-83. Composition.

(a) The Neighborhood Advisory Board shall consist of ten (10) regular Board Members, with two (2) regular Board Members being elected from each of the five (5) districts from which Council Members are elected, and five (5) alternate Board Members, with one (1) alternate Board Member being elected from each of the five (5) districts from which Council Members are elected.

(b) Regular Board Members of the Neighborhood Advisory Board shall serve staggered terms with each term being two (2) years. The Neighborhood Advisory Board shall designate which initial regular Board Member from each of the five (5) districts from which Council Members are elected shall have an initial term of one (1) year and which initial regular Board Member from each of the five (5) districts from which Council Members are elected shall have an initial term of two (2) years to the end that thereafter the terms of the regular Board Members from the same district shall not expire at the same time. Alternate Board Members of the Neighborhood Advisory Board shall serve terms of two (2) years.

(c) Each neighborhood association shall appoint a Liaison Member to the Neighborhood Advisory Board and an alternate Liaison Member to the Neighborhood Advisory Board. The Liaison Member and the alternate Liaison Member shall serve at the pleasure of the neighborhood association. The alternate Liaison Member, while attending a meeting of the Liaison Members or of the Neighborhood Advisory Board in the absence of the Liaison Member from the same neighborhood association, may serve as the Liaison Member and shall have and may exercise the powers of the Liaison Member.

(d) The Liaison Members of the Neighborhood Advisory Board shall elect, at a meeting of the Liaison Members established by the Neighborhood Advisory Board for that purpose, the regular Board Members and alternate Board Members of the Neighborhood Advisory Board. Elections shall be conducted annually. With the regular Board Members having staggered terms, one (1) regular Board Member from each of the five (5) districts from which Council Members are elected will be elected annually. One (1) alternate Board Member from each of the five (5) districts from which Council Members are elected will be elected biannually. The Liaison Members of the Neighborhood Advisory Board who represent neighborhood associations of neighborhoods located primarily within a district from which a Council Member is elected shall only be eligible to vote for Board Members for said district. The Board Members of the Neighborhood Advisory Board elected from a district from which a Council Member is elected must be a Liaison Member for a neighborhood association of a neighborhood located primarily within said district. For the purpose of determining eligibility to vote and to serve as a Board Member, a neighborhood is located primarily within the district if the majority of the residences in the neighborhood served by the neighborhood association are located within said district.

(e) Each alternate Board Member of the Neighborhood Advisory Board, while attending any meeting of the Neighborhood Advisory Board and serving in the absence of a regular Board Member, shall have and may exercise all powers and duties of a regular Board Member of the Neighborhood Advisory Board. An alternate Board Member of the Neighborhood Advisory Board may serve only for a regular Board Member of the Neighborhood Advisory Board elected from the same district.

(f) The Neighborhood Liaison/Ombudsman shall serve as an ex-officio, non-voting member of the Neighborhood Advisory Board.

(g) The Liaison Members of the Neighborhood Advisory Board shall consist of the Liaison Members appointed by each neighborhood association. In addition to electing the Board Members of the Neighborhood Advisory Board in accordance with the provisions of subsection 2-3-83(d), the Liaison Members shall offer feedback to the Board Members of the Neighborhood Advisory Board at least twice each year at a meeting of the Neighborhood Advisory Board..

Section 3: That Section 2-3-85 of the Greenville City Code is hereby amended by rewriting subsection (a) of said section to read as follows:

(a) In order for the Liaison Members of the Neighborhood Advisory Board to elect Board Members of the Neighborhood Advisory Board for a district, at least sixty percent (60%) of the Liaison Members of the neighborhood associations from that district shall be present at a meeting of the Liaison Members of the Neighborhood Advisory Board.

Section 4: That Section 2-3-86 of the Greenville City Code is hereby amended by rewriting said section to read as follows:

Sec. 2-3-86. Decisions.

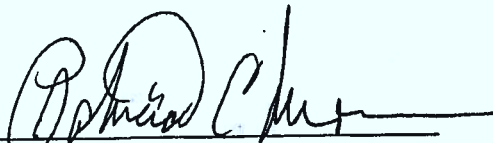
All decisions of the Neighborhood Advisory Board, other than the election of Board Members and the approval of amendments to the by-laws for the transaction of business of the Neighborhood Advisory Board, shall be by vote of a majority of those Board Members of the Neighborhood Advisory Board present at a meeting of the Neighborhood Advisory Board with a quorum being present. The election of Board Members of the Neighborhood Advisory Board shall be by vote of a majority of the Liaison Members of the Neighborhood Advisory Board eligible to vote for the Board Member, in accordance with the provisions of subsection 2-3-83(d), at a meeting of the Liaison Members of the Neighborhood Advisory Board with a quorum being present. The approval of an amendment to the by-laws for the transaction of business of the Neighborhood Advisory Board shall be by the number of votes required to approve such an amendment as stated in the by-laws for the transaction of business of the Neighborhood Advisory Board.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


Section 6. 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 7. This ordinance will become effective upon its adoption.

This the 8th day of October, 2009.


Patricia C. Dunn, Mayor

ATTEST:


Wanda T. Elks, City Clerk

844030



City of Greenville, North Carolina

Meeting Date: 4/8/2013
Time: 6:00 PM

Title of Item: Budget ordinance amendment #7 to the 2012-2013 City of Greenville budget (Ordinance #12-027), amendment to the Affordable Housing Loan Fund (Ordinance #2614), and amendment to the Special Revenue Grant Fund (Ordinance #11-003)

Explanation: **Abstract:** The budget amendment is for City Council to review and approve proposed changes to the adopted 2012-2013 budget that have been submitted for approval by the departments.

Explanation: Attached for consideration at the April 8, 2013, City Council meeting is an ordinance amending the 2012-2013 budget (Ordinance #12-027), the Affordable Housing Loan Fund (Ordinance #2614), and the Special Revenue Grant Fund (Ordinance #11-003). For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

A To appropriate grant funds to be received from the Department of Transportation for radar replacements. The grant will support 75% of the costs, while the remaining 25% will be funded by Federal Forfeiture funds (\$35,000).

B To carry over funds from prior year for facade improvements. The purpose of this program is to provide an economic incentive to renovate building facades in the downtown revitalization area (\$64,703).

C To appropriate revenues received and expenses incurred during the past few years in the Affordable Housing Project Fund (\$900,000).

Fiscal Note: The budget ordinance amendment affects the following funds: increase the Special Revenue Grant Fund by \$35,000, increase the General Fund by \$73,453; and increase the Affordable Housing Project Fund by \$900,000.

			<u>Amended</u>
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<u>Fund Name</u>	<u>Original /Amended Budget</u>	<u>Proposed Amendment</u>	<u>Budget 4/8/2013</u>
Special Revenue Grant	\$ 1,038,446	\$ 35,000	\$ 1,073,446
General	\$ 77,846,699	\$ 73,453	\$ 77,920,152
Affordable Housing Project	\$ 3,003,600	\$ 900,000	\$ 3,903,600

Recommendation: Approve budget ordinance amendment #7 to the 2012-2013 City of Greenville budget (Ordinance #12-027), amendment to the Affordable Housing Loan Fund (Ordinance #2614), and amendment to the Special Revenue Grant Fund (Ordinance #11-003)

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

Attachments / click to download

 [Budget Amendment FY 2012 2013 932360](#)

ORDINANCE NO. -
CITY OF GREENVILLE, NORTH CAROLINA
Ordinance (#7) Amending the 2012-2013 Budget (Ordinance No. 12-027), Amending the Affordable Housing Loan Fund
(Ordinance No. 2614) and Amending the Special Revenue Grant Fund (Ordinance No. 11-003)

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

Section I: Estimated Revenues and Appropriations. **General Fund**, of Ordinance 12-027, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2012-2013 BUDGET	#7 Amended 4/8/13	Total Amendments	Amended 2012-2013 Budget
<u>ESTIMATED REVENUES</u>				
Property Tax	\$ 29,312,043	\$ -	\$ -	\$ 29,312,043
Sales Tax	14,611,439	-	-	14,611,439
Utilities Franchise Tax	5,540,166	-	-	5,540,166
Other Unrestricted Intergov't Revenue	2,739,598	-	-	2,739,598
Powell Bill	2,157,640	-	-	2,157,640
Restricted Intergov't Revenues	1,006,337	A 8,750	322,073	1,328,410
Privilege License	627,800	-	-	627,800
Other Licenses, Permits and Fees	4,118,755	-	-	4,118,755
Rescue Service Transport	3,062,835	-	-	3,062,835
Other Sales & Services	921,707	-	-	921,707
Other Revenues	397,449	-	-	397,449
Interest on Investments	1,768,922	-	-	1,768,922
Transfers In GUC	5,952,192	-	-	5,952,192
Other Financing Sources	404,920	-	70,000	474,920
Appropriated Fund Balance	4,480,238	B 64,703	426,038	4,906,276
TOTAL REVENUES	\$ 77,102,041	\$ 73,453	\$ 818,111	\$ 77,920,152
<u>APPROPRIATIONS</u>				
Mayor/City Council	\$ 308,647	\$ -	\$ -	\$ 308,647
City Manager	1,210,711	-	80,307	1,291,018
City Clerk	271,798	-	-	271,798
City Attorney	446,673	-	-	446,673
Human Resources	2,512,101	-	6,391	2,518,492
Information Technology	2,965,501	-	-	2,965,501
Fire/Rescue	13,364,981	-	68,194	13,433,175
Financial Services	2,352,946	-	1,396	2,354,342
Recreation & Parks	7,264,287	-	148,485	7,412,772
Police	22,675,599	-	185,234	22,860,833
Public Works	10,276,600	-	43,864	10,320,464
Community Development	1,698,394	B 64,703	111,493	1,809,887
OPEB	300,000	-	-	300,000
Contingency	181,871	-	(40,431)	141,440
Indirect Cost Reimbursement	(1,014,572)	-	-	(1,014,572)
Capital Improvements	6,293,123	-	(503,631)	5,789,492
Total Appropriations	\$ 71,108,660	64,703	\$ 101,302	\$ 71,209,962
<u>OTHER FINANCING SOURCES</u>				
Debt Service	\$ 4,041,455	\$ -	\$ -	\$ 4,041,455
Transfers to Other Funds	1,951,926	A 8,750	716,809	2,668,735
	\$ 5,993,381	\$ 8,750	\$ 716,809	\$ 6,710,190
TOTAL APPROPRIATIONS	\$ 77,102,041	\$ 73,453	\$ 818,111	\$ 77,920,152

Section II: Estimated Revenues and Appropriations. **Affordable Housing Project Fund**, of Ordinance 2614 is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	Adjusted BUDGET		Amended 4/8/13	Total Amendments	Amended Budget
ESTIMATED REVENUES					
Sale of Property	\$ 1,176,000		C \$ 530,000	\$ 530,000	\$ 1,706,000
Investment Earnings	160,500		C 20,000	20,000	180,500
Loan Payment/CDBG Income	142,100		C 350,000	350,000	492,100
Other Financing Sources	525,000		-	-	525,000
Bond Proceeds	1,000,000		-	-	1,000,000
TOTAL REVENUES	\$ 3,003,600	\$ -	\$ 900,000	\$ 900,000	\$ 3,903,600
APPROPRIATIONS					
Bond Admin Expense	\$ 6,349		\$ -	\$ -	\$ 6,349
Home Ownership	1,496,151		C 400,000	400,000	1,896,151
Land Banking	733,000		C 350,000	350,000	1,083,000
Rehabilitation	243,100		C 150,000	150,000	393,100
Loans Made	525,000		-	-	525,000
Total Expenditures	\$ 3,003,600		\$ 900,000	\$ 900,000	\$ 3,903,600
TOTAL APPROPRIATIONS	\$ 3,003,600		\$ 900,000	\$ 900,000	\$ 3,903,600

Section III: Estimated Revenues and Appropriations. **Special Revenue Grant Fund**, of Ordinance 11-003, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ADJUSTED BUDGET		Amended 4/8/13	Total Amendments	Amended 2012-2013 Budget
ESTIMATED REVENUES					
Special Fed/State/Loc Grant	\$ 608,501		A \$ 26,250	\$ 385,659	\$ 994,160
Transfer from General Fund	50,536		A 8,750	28,750	79,286
TOTAL REVENUES	\$ 659,037	\$ -	\$ 35,000	\$ 414,409	\$ 1,073,446
APPROPRIATIONS					
Personnel	\$ -		\$ -	\$ 22,000	\$ 22,000
Operating	399,255		A 35,000	364,572	763,827
Capital Outlay	259,782		-	27,837	287,619
Total Expenditures	\$ 659,037		\$ 35,000	\$ 414,409	\$ 1,073,446
TOTAL APPROPRIATIONS	\$ 659,037		\$ 35,000	\$ 414,409	\$ 1,073,446

Section IV: All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section V: This ordinance will become effective upon its adoption.

Adopted this 8th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk