

## Agenda

### **Greenville City Council**

May 9, 2013 7:00 PM City Council Chambers 200 West Fifth Street

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

#### I. Call Meeting To Order

- II. Invocation Council Member Mercer
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Agenda
- VI. Special Recognitions
  - Anthony J. Dennison, Police Department Retiree
  - Graduates of the 2013 Citizens Academy

#### VII. Appointments

1. Appointments to Boards and Commissions

#### VIII. New Business

#### **Public Hearings**

- 2. Resolution to close a portion of Seventh Street
- 3. Ordinance to annex North Creek Commercial Park Lot 3, involving 4.2838 acres located at the terminus of North Creek Drive and about 350 feet west of North Woods Subdivision

4. Ordinance initiated by Ken Malpass of Malpass and Associates to amend the Zoning Ordinance to reduce the public street setback in the "O-Office" zoning district from thirty-five (35) feet to ten (10) feet

#### **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.

#### **Other Items of Business**

- 5. Reclassification of the Code Enforcement supervisor from a sworn position to a civilian position within the Police Department
- 6. Ordinance amending City Code Title 11, Chapter 12, Public or Private Clubs Safety Regulations
- 7. Resolution approving architectural and site requirements for the Georgetown Redevelopment Project
- 8. Selection of Construction Manager for the Uptown Parking Deck Project
- 9. Establishment of Uptown Outdoor Dining Permit
- 10. Consideration of a resolution regarding the North Carolina Parks and Recreation Trust Fund (PARTF)
- 11. Consideration of a resolution regarding voting
- 12. Consideration of a resolution regarding fracking

#### IX. Comments from Mayor and City Council

- X. City Manager's Report
- XI. Adjournment



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

Title of Item:	Appointments to Boards and Commissions
<u>Explanation:</u>	City Council appointments need to be made to the Community Appearance Commission, Environmental Advisory Commission, Historic Preservation Commission, Housing Authority, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Public Transportation and Parking Commission, Recreation & Parks Commission, Redevelopment Commission, and the Youth Council.
Fiscal Note:	No direct fiscal impact.
<u>Recommendation:</u>	Make appointments to the Community Appearance Commission, Environmental Advisory Commission, Historic Preservation Commission, Housing Authority, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Public Transportation and Parking Commission, Recreation & Parks Commission, Redevelopment Commission, and the Youth Council.

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Muni Report Appointments to Boards and Commissions 914698

## Appointments to Boards and Commissions

May 9, 2013

<b>Community Appearance Commission</b>				
Council Liaison:	Council Mem	ber Calvin Mercer		
Name	District #	Current Term	Reappointment Status	Expiration Date
Perry Kachroo	5	Second Term	Ineligible	April 2013
William Whisnant	4	Filling unexpired term	Resigned	July 2014
Environmental Advisory Commission				
<b>Council Liaison:</b>	Council Mem	ber Marion Blackburn		
Name	District #	Current Term	Reappointment Status	Expiration Date
James Holley	4	First term	Not seeking a 2 <sup>nd</sup> term	April 2013
Laura Williamson	5	First term	Not seeking a 2 <sup>nd</sup> term	April 2013

### **Historic Preservation Commission**

Council Liaison: (	Council Member	Marion Blackburn		
Name	District #	Current Term	Reappointment Status	Expiration Date
Ann Schwarzmann	3	First term	Not seeking a 2 <sup>nd</sup> term	January 2013
Richard Weir	5	First term	Resigned	January 2013

### **Housing Authority**

Council Liaison: Council Member Kandie Smith

		Current	Reappointment	Expiration
Name	District #	Term	Status	Date

Ann Huggins (Council Member C	2 Calvin Mercer)	First term	Eligible	May 2013
	-	Iman Relations Cour	ncil	
<b>Council Liaison:</b>	Mayor Pro Ter	n Rose Glover		
Name	District #	Current Term	Reappointment Status	Expiration Date
Geoffrey Kenan	1	Unexpired Term	Se	eptember 2013
Name Available (ECU)	District #	<i>Student Representative</i> Current Term Unexpired Term	<b>Reappointment Status</b> Eligible	<b>Expiration</b> <b>Date</b> October 2012

### Pitt Greenville Convention & Visitors Authority

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Joseph Frigden (City (2))		Second term	Resigned	July 2012

1: Owners/operators of hotels/motels

2: Members of tourist or convention-related businesses

3: Residents not involved in tourist or convention-related business

### Planning & Zoning Commission

**Council Liaison:** Council Member Max Joyner, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
Arthur Maxwell (Mayor Pro Tem Rose	3 e Glover)	First term	Eligible	May 2013
Tony Parker (Council Member Ma	4 rion Blackburn)	First term	Eligible	May 2013

Doug Schrade	1	Filling unexpired term	Eligible	May 2013
(Council Member	· Max Joyner, Jr.)			

Public Transportation & Parking Commission         Council Liaison:         Council Member Calvin Mercer				
Name	District #	Current Term	Reappointment Status	Expiration Date
Adam Lawler	1	Unexpired term	Resigned	January 2013
	Recrea	tion & Parks Commis	ssion	
Council Liaison:	Council Mer	nber Kandie Smith		
Name	District #	Current Term	Reappointment Status	Expiration Date
Brian Jacobs <i>(Council Member Ca</i>	1 Ivin Mercer)	First term	Resigned	May 31, 2015
Henry Jones (Mayor Allen Thomas	4 ;)	First term	Eligible	May 31, 2015
Freddie Outterbridge (Mayor Pro Tem Rose		Second term	Ineligible	May 31, 2015
Matt Smith (Council Member Der	4 nnis Mitchell)	First term	Eligible	May 31, 2015
Donald Williams (Council Member Kar	3 ndie Smith)	First term	Eligible	May 31, 2015

#### **Redevelopment Commission**

**Council Liaison:** Council Member At-Large Dennis Mitchell

Name	District #	Current Term	Reappointmen Status	t Expiration Date
Dana Coles (Council Member Ka	1 andie Smith)	First Term	Resigned	November 2016

### **Youth Council**

Council Liaison: Council Member Marion Blackburn

		Current	Reappointment	Expiration
Name	District #	Term	Status	Date

Youth Council continued			
13 Available Slots	Filling unexpired term	Eligible	September 2013

# Applicants for Community Appearance Commission

None.

## Applicants for Environmental Advisory Commission

#### David G Kimmel 3411 Dunhaven Drive Greenville, NC 27834

#### **District #:** 5

Caroline Loop 1107 W. Wright Road Greenville, NC 27858

**District #:** 3

#### Application Date: 4/18/2013

 Home Phone:
 (252) 439-5317

 Business Phone:
 (252) 328-9986

 Email: kimmeld@ecu.edu

#### **Application Date:**

 Home Phone:
 (252) 258-4098

 Business Phone:
 (252) 367-8276

 Email:
 carolineloop@yahoo.com

## Applicants for Historic Preservation Commission

#### Scott H. Duke 2223-C Locksley Drive Greenville, NC 27858

#### **District #:** 4

Terry King 1310 Thomas Langston Rd. #7 Winterville, NC 28590

#### **District #:** 2

Dustin Mills 504 Daventry Drive Greenville, NC 27858

#### **District #:** 5

Tyrone O. Walston 2706 Webb Street Greenville, NC 27834

#### **District #:** 2

#### Application Date: 2/20/2012

Home Phone: Business Phone: (252) 328-2950 Email: scotthduke@gmail.com

Application Date: 8/25/2012

Home Phone: (252) 412-5228 Business Phone: Email: terryeu2@aol.com

#### **Application Date:** 4/9/2012

 Home Phone:
 (919) 480-0791

 Business Phone:
 (252) 558-0207

 Email:
 dmills@pirhl.com

#### **Application Date:** 6/12/2012

Home Phone:	(252) 412-7351
<b>Business Phone:</b>	(252) 355-8736
Email: walston_tyror	ne@yahoo.com

## Applicants for Housing Authority

#### Jumail Blount 1901-A Norcott Circle Greenville, NC 27834

#### **District #:** 2

Thomas Hines 211 Patrick Street Greenville, NC 27834

#### **District #:** 1

Evan Lewis 3402 Dunhaven Drive Greenville, NC 27834

**District #:** 5

#### Application Date: 4/12/2010

 Home Phone:
 (252) 327-7716

 Business Phone:
 (252) 329-4549

 Email:
 harknot22@yahoo.com

Application Date: 10/6/2011

 Home Phone:
 (252) 864-4907

 Business Phone:
 (252) 695-9066

 Email:
 thinesg@aol.com

Application Date: 7/17/2007

 Home Phone:
 (252) 353-6997

 Business Phone:
 (252) 758-0113

 Email:
 evanl@legalaidnc.org

## Applicants for Human Relations Council

#### Wanda Carr 2304 British Court Greenville, NC 27834

#### **District #:** 1

Isaac Chemmanam 402 Lochview Drive Greenville, NC 27858

#### **District #:** 4

Scott H. Duke 2223-C Locksley Drive Greenville, NC 27858

#### **District #:** 4

Evan Lewis 3402 Dunhaven Drive Greenville, NC 27834

#### **District #:** 5

Aaron Lucier 1516 Thayer Drive Winterville, NC 28590

#### **District #:** 5

Angela Marshall 2609B Boone Court Greenville, NC 27834

#### **District #:** 1

Brittney Partridge 925 Spring Forest Road, Apt. 9 Greenville, NC 27834

#### **District #:** 1

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

#### **District #:** 5

#### Application Date: 10/13/2010

Home Phone: (252) 321-1409 Business Phone: Email: carrwdc@hotmail.com

**Application Date:** 1/18/2012

Home Phone:(252) 561-8759Business Phone:(252) 412-2045Email:isaac.chemmanam@gmail.com

#### Application Date: 2/20/2012

Home Phone: Business Phone: (252) 328-2950 Email: scotthduke@gmail.com

#### Application Date: 7/17/2007

 Home Phone:
 (252) 353-6997

 Business Phone:
 (252) 758-0113

 Email:
 evanl@legalaidnc.org

#### Application Date: 2/23/2011

 Home Phone:
 (252) 321-3910

 Business Phone:
 (252) 328-2758

 Email:
 luciera@ecu.edu

#### Application Date: 4/29/2011

 Home Phone:
 (252) 258-4104

 Business Phone:
 (252) 328-4173

 Email:
 marshalla@ecu.edu

#### Application Date: 7/15/2010

Home Phone: (252) 489-8390 Business Phone: Email: partridgeb06@students.ecu.edu

#### **Application Date:**

Home Phone: (252) 412-4584 Business Phone: Email: taft1986@yahoo.com

# Applicants for Pitt-Greenville Convention and Visitors Authority (City)

Brian Brown 2237 Penncross Drive Greenville, NC 27834

#### **District #:** 5

Wanda Carr 2304 British Court Greenville, NC 27834

#### **District #:** 1

Brian Cooper 1149 Mulberry Lane, #34-G Greenville, NC 27858

#### **District #:** 5

Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834

#### **District #:** 5

Terry King 1310 Thomas Langston Rd. #7 Winterville, NC 28590

#### **District #:** 2

JJ McLamb 102 Christina Drive Greenville, NC 27858

#### **District #:** 4

Bridget Moore 4128A Bridge Court Winterville, NC 28590

#### **District #:** 5

Application Date: 2/23/2011

 Home Phone:
 (252) 414-3943

 Business Phone:
 (252) 353-7379

 Email:
 bbrown@myrepexpress.com

#### Application Date: 10/13/2010

Home Phone: (252) 321-1409 Business Phone: Email: carrwdc@hotmail.com

#### Application Date: 3/5/2011

 Home Phone:
 (252) 439-0651

 Business Phone:
 (252) 439-0651

 Email:
 brianevans\_99@yahoo.com

#### Application Date: 2/13/2011

Home Phone: (252) 227-4240 Business Phone: Email: aeleanor@suddenlink.net

#### Application Date: 8/25/2012

Home Phone: (252) 412-5228 Business Phone: Email: terryeu2@aol.com

#### Application Date: 2/27/2012

 Home Phone:
 (252) 814-6050

 Business Phone:
 (252) 737-4669

 Email:
 jjmclamb@suddenlink.net

#### Application Date: 7/13/2011

 Home Phone:
 (252) 355-7377

 Business Phone:
 (252) 756-1002

 Email:
 bmoore2004@netzero.com

## Applicants for Planning and Zoning Commission

Cornell Allen 4030 Bells Chapel Road Greenville, NC 27858

#### **District #:** 5

Brian Brown 2237 Penncross Drive Greenville, NC 27834

#### **District #:** 5

JJ McLamb 102 Christina Drive Greenville, NC 27858

#### **District #:** 4

Dustin Mills 504 Daventry Drive Greenville, NC 27858

#### **District #:** 5

Bridget Moore 4128A Bridge Court Winterville, NC 28590

#### **District #:** 5

Tyler James Russell 3856 Forsyth Park Ct. Winterville, NC 28590

#### **District #:**

Renee Safford-White 340 Beasley Drive, A3 Greenville, NC 27834

#### **District #:** 1

Howard Stearn 2818 Jefferson Greenville, NC 27858

#### **District #:** 3

#### Application Date: 5/8/2011

 Home Phone:
 (252) 215-0486

 Business Phone:
 (252) 258-9718

 Email:
 mrcallen2436@gmail.com

Application Date: 2/23/2011

 Home Phone:
 (252) 414-3943

 Business Phone:
 (252) 353-7379

 Email:
 bbrown@myrepexpress.com

#### Application Date: 4/11/2013

 Home Phone:
 (252) 814-6050

 Business Phone:
 (252) 737-4669

 Email:
 jjmclamb@suddenlink.net

#### Application Date: 4/9/2012

 Home Phone:
 (919) 480-0791

 Business Phone:
 (252) 558-0207

 Email: dmills@pirhl.com

#### Application Date: 7/13/2011

 Home Phone:
 (252) 355-7377

 Business Phone:
 (252) 756-1002

 Email:
 bmoore2004@netzero.com

#### **Application Date:**

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 Business Phone:
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 Email:
 tjr@wardandsmith.com

#### Application Date: 11/1/2011

 Home Phone:
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 Business Phone:
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 Email:
 saffordwhiter@ecu.edu

#### Application Date: 11/9/2011

 Home Phone:
 (252) 862-6683

 Business Phone:
 (252) 321-1101

 Email:
 howardmstearn@gmail.com

# Applicants for Public Transportation & Parking Commission

None.

## Applicants for Recreation & Parks Commission

Brian Cooper 1149 Mulberry Lane, #34-G Greenville, NC 27858 District #: 5	Business Home Phone: Email:	<b>Application Date:</b> 3/5/2011 (252) 439-0651 (252) 439-0651 brianevans_99@yahoo.com
Gordon Darragh 1300 Oakview Drive Greenville, NC 27858 District #: 4	Business Home Phone: Email:	<b>Application Date:</b> (252) 917-0090 (252) 752-2633 gmdarragh@yahoo.com
Deb Jordan 4321 Davencroft Village Drive Winterville, NC 28590 <b>District #:</b> 5	Business Home Phone: Email:	Application Date: 1/31/2011 (252) 737-2990 (252) 367-1754 jordand@ecu.edu
Aaron Lucier 1516 Thayer Drive Winterville, NC 28590 District #: 5	Business Home Phone: Email:	Application Date: 2/23/2011 (252) 328-2758 (252) 321-3910 luciera@ecu.edu
Jan Maclaga 3402 Foxwood Lane Greenville, NC 27858 <b>District #:</b> 4	Business Home Phone: Email:	Application Date: 5/12/2011 (252) 756-4520 maclagaj@ecu.edu
Bridget Moore 4128A Bridge Court Winterville, NC 28590 District #: 5	Business Home Phone: Email:	Application Date: 7/13/2011 (252) 756-1002 (252) 355-7377 bmoore2004@netzero.com
Al Muller 212 Bristol Court Greenville, NC 27834 District #: 5	Business Home Phone: Email:	<b>Application Date:</b> 2/11/2011 (252) 328-6737 (252) 916-5667 axm6737@gmail.com
Knox Oakley 3906 Bach Circle Greenville, NC 27858	Business Home Phone:	<b>Application Date:</b> 1/31/2011 (252) 531-2457 (252) 321-6970
<b>District #:</b> 4	Email:	k.oakley@tridim.com
Charles Pennington		Application Date: 6/1/2012

Recreation & Parks Commission continued

100 Hickory Street Apt. C205Greenville, NC 27858District #:3	Business Home Phone: Email:	(252) 830-2092 chpennington@suddenlink.net	
James Yahnker 413 Beasley Drive, Apt. M-7 Greenville, NC 27834 <b>District #:</b> 1	Business Home Phone: Email:	<b>Application Date:</b> 2/28/2011 (252) 847-4400 (252) 758-3291 yahnker06@suddenlink.net	

## Applicants for Redevelopment Commission

Cornell Allen 4030 Bells Chapel Road Greenville, NC 27858

#### **District #:** 5

Brian Brown 2237 Penncross Drive Greenville, NC 27834

#### **District #:** 5

Wanda Carr 2304 British Court Greenville, NC 27834

#### **District #:** 1

Terry King 1310 Thomas Langston Rd. #7 Winterville, NC 28590

#### **District #:** 2

Evan Lewis 3402 Dunhaven Drive Greenville, NC 27834

#### **District #:** 5

JJ McLamb 102 Christina Drive Greenville, NC 27858

#### **District #:** 4

Dustin Mills 504 Daventry Drive Greenville, NC 27858

#### **District #:** 5

Brittney Partridge 925 Spring Forest Road, Apt. 9 Greenville, NC 27834

#### **District #:** 1

#### Application Date: 5/8/2011

 Home Phone:
 (252) 215-0486

 Business Phone:
 (252) 258-9718

 Email:
 mrcallen2436@gmail.com

Application Date: 2/23/2011

 Home Phone:
 (252) 414-3943

 Business Phone:
 (252) 353-7379

 Email:
 bbrown@myrepexpress.com

#### Application Date: 10/13/2010

Home Phone: (252) 321-1409 Business Phone: Email: carrwdc@hotmail.com

#### Application Date: 8/25/2012

Home Phone: (252) 412-5228 Business Phone: Email: terryeu2@aol.com

Application Date: 7/17/2007 (2) Home Phone: (252) 353-6997 Business Phone: (252) 758-0113 Email: evanl@legalaidnc.org

#### Application Date: 2/27/2012

 Home Phone:
 (252) 814-6050

 Business Phone:
 (252) 737-4669

 Email:
 jjmclamb@suddenlink.net

**Application Date:** 4/9/2012

 Home Phone:
 (919) 480-0791

 Business Phone:
 (252) 558-0207

 Email:
 dmills@pirhl.com

#### Application Date: 7/15/2010

Home Phone: (252) 489-8390 Business Phone: Email: partridgeb06@students.ecu.edu Redevelopment Commission continued

Katherine Wetherington 1503 East 4th Street Greenville, NC 27858

**District #:** 3

#### Application Date: 6/19/2010

Home Phone: Business Phone: Email: katherinewetherington@yahoo.com

## Applicants for Youth Council

None.



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

#### **<u>Title of Item:</u>** Resolution to close a portion of Seventh Street

**Explanation:** Abstract: This item is to consider a resolution to close a portion of Seventh Street being the section between Evans Street and Cotanche Street. The City will no longer receive Powell Bill Funds for these street sections upon adoption of the Resolution to Close by City Council.

**Explanation:** The City received a petition from Income Investments, LLC, requesting the City to close a portion of Seventh Street being the section between Evans Street and Cotanche Street. All of the property owners adjoining the street section have signed the petition. The property owners are in the design phase of a redevelopment project for the area from Reade Circle south to Eighth Street and from Evans Street east to Cotanche Street. Staff anticipates the property to be developed as a mixed use of commercial, residential apartments, and a parking deck.

The petition was reviewed by City staff and Greenville Utilities Commission. No adverse comments were received. Staff recommends, as a condition of the street closure, the recordation of a final plat to recombine all of the properties owned by the petitioners in accordance with the provisions of the Subdivision Regulations for Greenville, North Carolina.

The Planning and Zoning Commission gave a favorable recommendation to the petition for closure of a portion of Seventh Street during their January 15, 2013, meeting.

City Council adopted a Resolution of Intent to Close a Portion of Seventh Street during their March 4, 2013, meeting and also set the date for the public hearing on the regularly scheduled City Council meeting on April 11, 2013.

In pursuant to the provisions of G.S. 160A-299, the Resolution of Intent to Close was published in The Daily Reflector on four consecutive Mondays (March 18, March 25, April 1, and April 8, 2013), a copy thereof was sent by certified mail to all owners of property adjoining the street as shown on the Pitt County tax

	records, and a notice of the closing and public hearing has been prominently posted in two places along the street sections to be closed.
	Prior to the April 11, 2013 City Council meeting, a request was received from Income Investments, LLC, to continue the street closing request until the May 9, 2013 City Council meeting.
Fiscal Note:	Budgeted funds for the maintenance of these street sections will no longer be required upon adoption of a Resolution to Close by City Council. The City will no longer receive Powell Bill Funds for these street sections.
<b><u>Recommendation:</u></b>	Hold a public hearing and consider the Resolution to Close a Portion of Seventh Street.

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#### Attachments / click to download

- **D** Seventh Street Closing Map
- B Request to Continue
- B Resolution\_to\_Close\_a\_portion\_of\_Seventh\_Street\_950961

#### RESOLUTION NO.

#### AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA TO CLOSE A PORTION OF SEVENTH STREET

WHEREAS, the City Council of the City of Greenville, at its March 4, 2013 meeting, adopted a resolution declaring its intent to close a portion of Seventh Street; and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in <u>The Daily Reflector</u> setting forth that a hearing will be held on the 11<sup>th</sup> day of April, 2013, on the question of the closing a portion of said street; and

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining the portion Seventh Street, as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said portions of streets; and

WHEREAS, a hearing was conducted on the 11<sup>th</sup> day of April, 2013, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of a portion of Seventh Street is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property;

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for street purposes is released in accordance with the provisions of G.S. 160A-299:

- To Wit: Being a portion of the 100 block of E. Seventh Street as shown on the plat entitled, "Street Closing Acquisition Map for a Portion of Seventh Street", prepared by Rivers and Associates, Inc., dated December 12, 2012.
- Location: All that certain strip or tract of land known as Seventh Street lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, between Evans Street and Cotanche Street and being described by metes and bounds as follows:

#### TRACT 1: SEVENTH STREET:

BEGINNING at a point where the eastern right of way line of Evans Street intersects with the northern right of way line of Seventh Street, said point being a common corner with the Income Investments, LLC, property described in Deed Book 2410, Page 500, thence leaving Evans Street and with the northern right of way line of Seventh Street, same being the southern line of the Income Investments, LLC, property, S78°53'27"E-274.77 feet to a point in said right of way, said point being the eastern terminus of Seventh Street in the western line of the Georgetowne Apartments, LLC, property, described in Deed Book 2797, Page 49; thence with the eastern terminus line of Seventh Street, a common line with Georgetowne Apartments, LLC, S11°15'02"W-17.77 feet to a point in the southern right of way line of Seventh Street, said point being a corner with the Ward Holdings, LLC property described in Deed Book 2955, Page 206; thence with the southern right of way line of Seventh Street, same being the northern line of the Ward Holdings, LLC, property, N78°53'27"W-274.67 feet to a point in the eastern right of way line of Evans Street, a corner with the Ward Holdings, LLC, property; thence leaving the Ward Holdings, LLC, property and with the Evans Street right of way extended, N10°54'33"E 17.77 feet to the POINT OF BEGINNING, containing 4,882 square feet more or less and being all of TRACT 1 shown on Rivers and Associates, Inc. Drawing Z-2567, Dated December 12, 2012 entitled "Street Closing Acquisition Map for a Portion of Seventh Street", which by reference is made a part hereof.

#### TRACT 2: SEVENTH STREET:

BEGINNING at a point where the western right of way line of Cotanche Street intersects with the now or former southern right of way line of Seventh Street, said point being a common corner with the Ward Holdings, LLC, property described in Deed Book 1051, Page 826; thence leaving Cotanche Street and with the now or former southern right of way line of Seventh Street, same being the northern line of the Ward Holdings, LLC property, N79°15'19"W-50.86 feet to a point in said line, said point being the western terminus of the now or former Seventh Street, a common corner between the Ward Holdings, LLC property and the Georgetowne Apartments, LLC, property described in Deed Book 2797, Page 49; thence with the western terminus of Seventh Street in the eastern line of the Georgetowne Apartments, LLC, N09°08'23"E-9.97 feet to a point in said line, a corner with the Georgetowne Apartments, LLC property, said point further being a point in the former center line of Seventh Street, a common corner with the Georgetowne Apartments, LLC property; thence with the former centerline of Seventh Street, a common line with the Georgetowne Apartments, LLC, property, S78°31'15"E-55.85 feet to the now or former western right of way line of Cotanche Street; thence with a new line S37°42'47"W-10.38 feet to the POINT OF BEGINNING, containing 513 square feet more or less and being all of TRACT 2 shown on Rivers and Associates, Inc. Drawing Z-2567 entitled "Street Closing Acquisition Map for a Portion of Seventh Street", which by reference is made a part hereof.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this order. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City of Greenville.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that this Order shall become effective when the following condition is met:

The recordation of a final plat to recombine all of the properties owned by the petitioners lying and being bound by the southern right of way of Reade Circle, the northern right of way of Eighth Street, the eastern right of way of Evans Street, and the western right of way of Cotanche Street and including the closed street right of way of Seventh Street as described above in accordance with the provisions of the Subdivision Regulations for Greenville, North Carolina.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County after the effective date of this Order.

ADOPTED this the 9<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

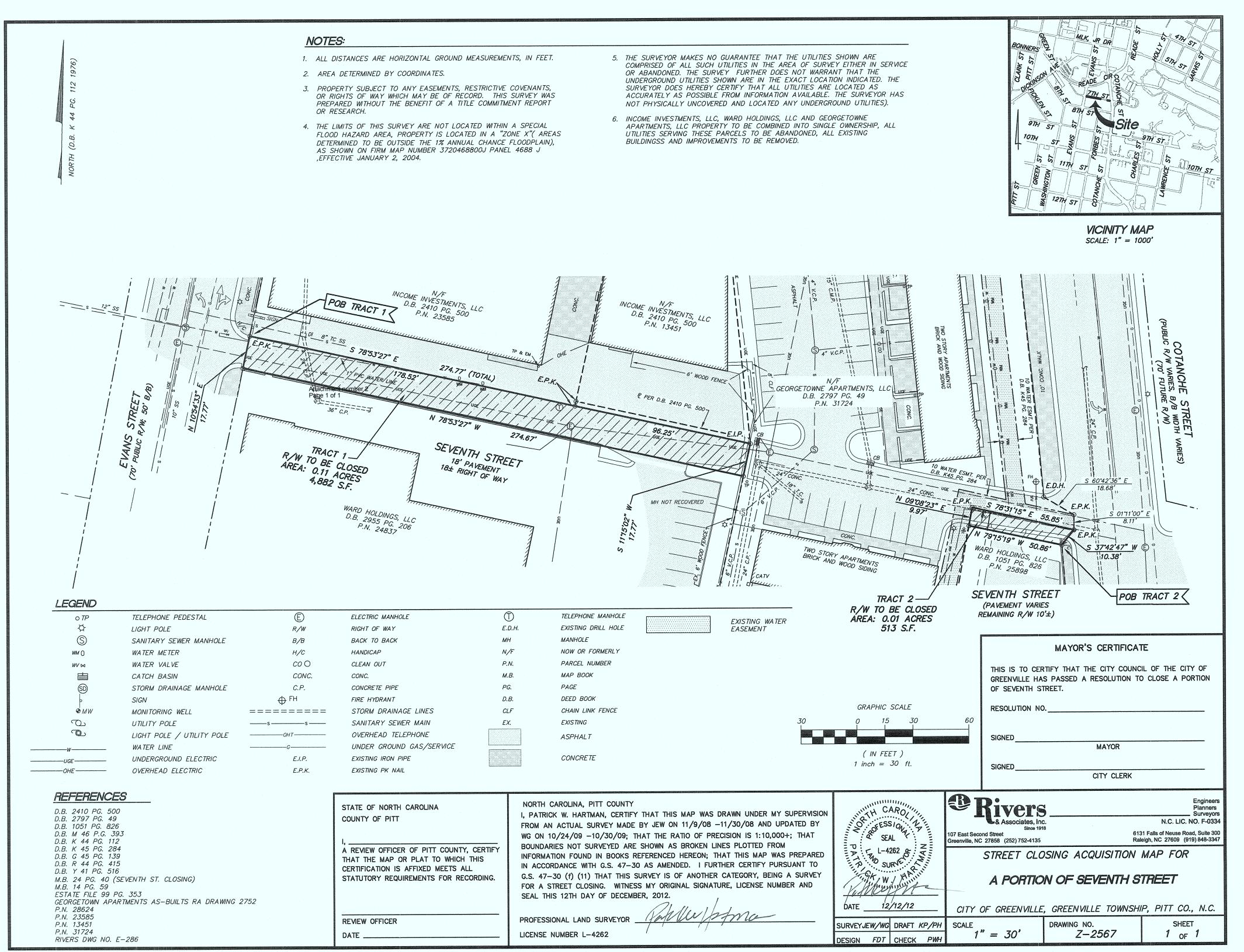
NORTH CAROLINA PITT COUNTY

I, Polly Jones, Notary Public for said County and State, 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 municipality, and that by authority duly given and as an act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this 11<sup>th</sup> day of April, 2013.

Notary Public

My Commission Expires: August 5, 2016



Item # 2

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### **Income Investments, LLC**

2217 Stantonsburg Road - P. O. Box 566 Greenville, North Carolina 27835

Telephone: (252) 752-7101

Telecopier: (252) 758-1002

April 10, 2013

Ms. Barbara Lipscomb, City Manager City of Greenville PO Box 7207 Greenville, NC 27835

> RE: Resolution to close a portion of Seventh Street April 11, 2013 City Council Meeting Agenda Item VII. 2.

Dear Ms. Lipsomb:

On behalf of Income Investments, LLC and Ward Holdings, LLC, we request that the Resolution to close a portion of Seventh Street that is currently scheduled for a Public Hearing at the Thursday April 11, 2013 Greenville City Council Meeting be continued until the next City Council Meeting on May 9, 2013.

Thank you for your time and consideration in this matter. Please call me if you would like to discuss.

Sincerely,

INCOME INVESTMENTS, LLC

anager LLC Cc: Ward Holdi



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

- Title of Item:Ordinance to annex North Creek Commercial Park Lot 3, involving 4.2838 acres<br/>located at the terminus of North Creek Drive and about 350 feet west of North<br/>Woods Subdivision
- **Explanation:** Abstract: The City received a voluntary annexation petition to annex North Creek Commercial Park Lot 3, involving 4.2838 acres located at the terminus of North Creek Drive and about 350 feet west of North Woods Subdivision. The subject area is currently undeveloped and is anticipated to yield 20,526 square feet of industrial space.

#### **Explanation**:

#### ANNEXATION PROFILE

- A. SCHEDULE
  - 1. Advertising date: <u>April 29, 2013</u>
  - 2. City Council public hearing date: <u>May 9, 2013</u>
  - 3. Effective date: June 30, 2013

#### B. CHARACTERISTICS

- 1. Relation to Primary City Limits: <u>Contiguous</u>
- 2. Relation to Recognized Industrial Area: Outside
- 3. Acreage: <u>4.2838</u>
- 4. Voting District:  $\underline{1}$
- 5. Township: <u>Pactolus</u>

- 6. Vision Area: <u>B</u>
- 7. Zoning: <u>RA20 (Residential-Agricultural)</u>
- 8. Land Use: Existing: <u>Vacant</u> Anticipated: <u>20,526 square feet of industrial space</u>
- 9. Population:

	People
	0
	0
	0
	0
	0
	0
-	     

\* - people per household in Greenville

- 10. Rural Fire Tax District: <u>Staton House</u>
- 11. Greenville Fire District: <u>Station #4 (Distance of 3.11</u> <u>miles)</u>
  - 12. Present Tax Value: <u>\$44,476</u>

Estimated Future Tax Value: <u>\$2,097,076</u>

**Fiscal Note:** The total estimated tax value at full development is \$2,097,076.

**Recommendation:** Approve the attached ordinance to annex North Creek Commercial Park, Lot 3.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

#### Attachments / click to download

Survey

Creek\_Commercial\_Park\_Lot\_3\_952504

#### ORDINANCE NO. 13-AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1 Page 1 of 2

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 9<sup>th</sup> day of May, 2013, after due notice by publication in <u>The Daily Reflector</u> on the 29<sup>th</sup> day of April, 2013; and

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

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

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

- TO WIT: Being all of that certain property as shown on the annexation map entitled "North Creek Commercial Park – Lot 3", involving 4.2838 acres as prepared by Malpass & Associates.
- LOCATION: Lying and being situated in Pactolus Township, Pitt County, North Carolina, located at the current terminus of North Creek Drive and about 350 feet west of North Wood Subdivision.

#### GENERAL DESCRIPTION:

Lying and being situate in Pactolus Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the southern right of way of North Creek Drive said point being located S 28-49-24 E – 15.15', thence S 31-10-57 E – 84.39', thence S 33-32-30 E – 474.24', thence S 45-29-30 E – 217.41', thence S 57-26-30 E – 501.08' from the intersection of the eastern right of way of NCSR 1529 – Old Creek Road and the southern right of way of North Creek Drive thence from said point of beginning with the southern right of way of North Creek Drive S 57-26-30 E – 48.94', thence 36.12' along the arc of a curve said curve being to the right having a radius of 28.00' and a chord bearing S 20-29-08 E – 33.67', thence 135.97' along the arc of a curve said curve being to the left having a radius of 55.00' and a chord bearing S 54-20-59 E – 103.89', thence leaving the southern right of way of North Creek Drive S 30-31-15 E – 773.79', thence N 65-20-00 W – 517.82', thence N 29-26-41 W – 348.85', thence N 22-50-00 E – 287.66' to the point of beginning 4.2838 acres.

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

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

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copyration number 1 map of the territory annexed by this ordinance and a certified copy of this ordinance  $\mathfrak{B} \mathfrak{G} \mathfrak{G}$  recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 30<sup>th</sup> day of June, 2013.

ADOPTED this 9<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

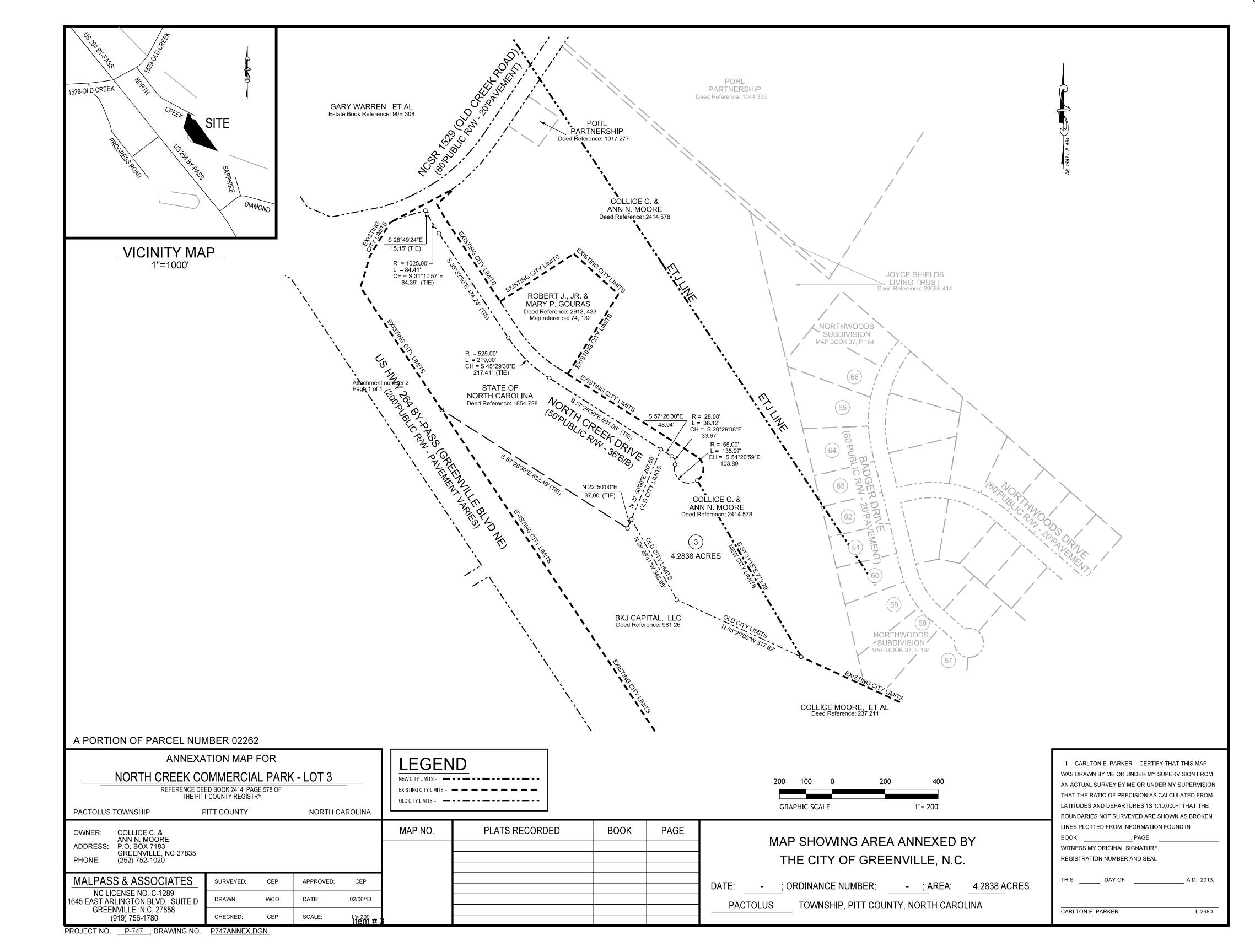
#### NORTH CAROLINA PITT COUNTY

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

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_\_, 2013.

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

Notary Public





# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

<u>Title of Item:</u>	Ordinance initiated by Ken Malpass of Malpass and Associates to amend the Zoning Ordinance to reduce the public street setback in the "O-Office" zoning district from thirty-five (35) feet to ten (10) feet
Explanation:	<b>Abstract</b> : The purpose of this text amendment initiated by Ken Malpass of Malpass and Associates is to amend the Zoning Ordinance to reduce the public street setback in the "O-Office" zoning district from thirty-five (35) feet to ten (10) feet.
	<b>Explanation</b> : The "O-Office" zoning district is the most restrictive non- residential zoning district. The current public street setback is thirty-five (35) feet. The applicant has requested that the standard be changed to ten (10) feet. This would bring the setbacks in line with the setbacks for the OR-Office- Residential district.
	The reduction of the "O-Office" public street setback could have some desirable effects. Buildings could be pushed closer to the street with parking in the rear. The current thirty-five (35) foot front setback typically results in parking lots being located in front of the building due to the land expense.
	The Planning and Zoning Commission voted to approve the request at its April 16, 2013 meeting.
Fiscal Note:	No fiscal impact anticipated
<b>Recommendation:</b>	In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with <b>Horizons: Greenville's Community Plan.</b>
	If City Council determines to approve the request, a motion to adopt the attached ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the

comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: "Motion to deny the request and to make a finding and determination that the denial of the request is consistent with the adopted comprehensive plan and the denial of the request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

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#### Attachments / click to download

- D Ordinance O setback reduction amendment 951803
- Excerpt P Z minutes\_Office\_zoning\_ordinance\_setback\_change\_953639

#### ORDINANCE NO. 13-\_\_\_ AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in <u>The Daily Reflector</u> setting forth that the City Council would, on May 9, 2013, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

<u>Section 1:</u> That Title 9, Chapter 4, Article B, Section 9-4-94 (S) (3) of the City Code is hereby amended by the following:

Title 9, Chapter 4, Article B, Section 9-4-94 (S) O District (3) Public Street Setback (MBL): All Uses: 10 feet and per Article G.

<u>Section 2</u>: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

<u>Section 3:</u> That this ordinance shall become effective upon its adoption.

ADOPTED this 9<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc# 951803

#### Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (4/16/13)

ORDINANCE INITIATED BY KEN MALPASS OF MALPASS AND ASSOCIATES TO AMEND THE ZONING ORDINANCE TO REDUCE THE PUBLIC STREET SETBACK IN THE "O-OFFICE" ZONING DISTRICT FROM THIRTY-FIVE (35) FEET TO TEN (10) FEET.- APPROVED

Mr. Andy Thomas, Lead Planner, stated as a point of reference that the Bradley Housing Developers for the request on Port Terminal Road withdrew their petition from going before City Council.

Mr. Thomas stated that the "O-Office" zoning district is the most restrictive non-residential zoning district. The current public street setback is thirty-five (35) feet. The applicant has requested that the standard be changed to ten (10) feet. This would bring the setbacks in line with the setbacks for the OR-Office-Residential district. The reduction of the "O-Office" public street setback could have some benefits. Buildings could be pushed closer to the street with parking in the rear. The current setback typically allows parking lots to be located in the front of buildings due to the land expense. The "O-Office" zoning is mainly in the gateway of some neighborhoods. There are only 66 parcels zoned "O" in the City.

Chairman Bell asked if changing the setback would improve the appearance.

Mr. Thomas stated that the request is in accordance to the Horizon Comprehensive Plan. A lot of "O" properties have been vacant for a while and it could spur some development of the properties. Commercial property is purchased by the square footage so the parking lot in the front has to be of some value to the property.

Ms Bellis asked if there will be a requirement to have parking provided in the rear.

Mr. Thomas stated if the setback was changed to ten feet that parking in the rear would not be mandatory but encouraged.

Mr. Parker stated that anyone who has a business knows you have to have parking so the parking would be behind the business.

Mr. Thomas stated that the business would still have to meet the parking requirements.

Ms Basnight asked for a specific location.

Mr. Thomas stated some properties on Greenville Boulevard have the "O-Office". He reiterated that the benefit for the change is to allow the building to be closer to the street and that the city only has 66 "O-Office" zoned parcels.

Mr. Griffin asked if the Fed Ex/Kinko's building on 10<sup>th</sup> Street was an example.

Doc #953639

Mr. Thomas answered right.

Ms Rich asked if the business owner would have problems with handicap entrances if the parking is in the rear.

Mr. Thomas stated that the business would still have to meet the handicap requirements.

Ms Rich stated that the handicap parking in the rear could be a handicap to the handicapped.

Chairman Bell stated that most businesses that have limited parking make sure they meet the parking requirements by having the handicap parking in the front.

Mr. Thomas stated that the business has to meet the handicap accessibility standards.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, applicant, spoke in favor of the petition. He stated that the request allows for some different things with buildings up front. Properties on the corner would benefit from the change so the parking would not have to be zigzagged. Commercial Downtown (CD), General Commercial (CG), and Heavy Commercial (CH) zones have recently been changed to twenty feet. Other cities have a lesser setback. No other requirements are changing. Parking is based on the square footage of the building unless it is in the downtown area. The request to change the setback will match what is in the OR – office residential requirement.

No one spoke in opposition.

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

Mr. Parker stated that the setback will give the city an urban-type feel. He stated that the apartments on Charles Boulevard look very attractive.

Motion made by Mr. Parker, seconded by Mr. Maxwell, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

<u>Title of Item:</u>	Reclassification of the Code Enforcement supervisor from a sworn position to a civilian position within the Police Department			
Explanation:	<b>Abstract:</b> This reclassification will allow for a search designed to yield a qualified and experienced civilian leader for the Code Enforcement Unit. The sworn positions currently supervising the unit will be used for traditional roles within the Police Department.			
	<b>Explanation:</b> The Code Enforcement Unit was originally housed within the Community Development Department. A fit was discovered within the Police Department, and the unit was moved. When initially implemented, the unit was supervised by civilian personnel. Sworn police supervisors eventually replaced the civilian supervisor, and this is the structure being utilized today. This request will allow the reinstitution of civilian leadership to a position currently held by a sworn Police Lieutenant. Additionally, the unit is supported by a sworn Police Corporal, who will also be moved.			
<u>Fiscal Note:</u>	The salary range for the civilian supervisor will be slightly less than that of the sworn Police Lieutenant. For comparison purposes, the beginning salary of the Police Lieutenant pay grade is \$60,070, and the beginning salary of the proposed pay grade for the civilian supervisor is \$56,534. The Police Department will decrease the number of Police Lieutenants by one position to make this reclassification possible. The position vacated by moving the sworn Police Corporal will not reduce the number of Code Enforcement Officers.			
<b>Recommendation:</b>	It is recommended that this reclassification be approved.			

Viewing Attachments Requires Adobe Acrobat. Click here to download.

#### Attachments / click to download

D Proposed Code Enforcement Coordinator Job Description 943966



## Title: Code Enforcement Coordinator (Proposed) FLSA Status: Exempt

## BRIEF DESCRIPTION:

The purpose of this position is to provide leadership and supervision to the Code Enforcement Division. This position is also responsible for the administration and enforcement of applicable City Ordinances and State Statutes related to Minimum Housing and Code violations and various Zoning violations. This position performs supervisory, administrative, and technical work involving office and field operations. This position is also responsible for meeting with community leaders to address neighborhood-level concerns, organizing community groups and events, preparing plans/strategies to address neighborhood concerns, coordinating and supervising the activities if the Code Enforcement Division to include delegating assignment for staff and evaluating results, identifying funding opportunities, coordinating with other agencies to address community concerns, implementing program plans for identified concerns in communities, providing oversight of the City's housing and environmental code enforcement program, providing staff assistance to the City and Council and other City Boards and Commissions as needed, and performing other duties as required.

## ESSENTIAL FUNCTIONS:

Note: This information is intended to be descriptive of the key responsibilities of the position. The list of essential functions below does not identify all duties performed by any single incumbent in this position. Additionally, please be aware of the legend below when referring to the physical demands of each essential function.

(0)	a 1 .					
(S)	Sedentar		(M) Medium	(H) Heavy	(V) Very Heavy	
	Exerting up to 10 lbs. occasionally or negligible occasionally; 10 lbs.		Exerting 20-50 lbs. occasionally; 10-25 lbs.	Exerting 50-100 lbs. occasionally; 10-25 lbs.	Exerting over 100 lbs. occasionally; 50-100 lbs.	
	tts frequently; sitt		frequently; or up to 10 lbs.	frequently; or up to 10-20	frequently; or up to 20-50	
	most of the time.	amounts constantly; OR	constantly.	lbs. constantly.	lbs. constantly.	
		requires walking or standing to a significant degree.				
		to a significant degree.				
#	Code	Essential Functions			% of Time	
1	S	Directs and supervises of	code enforcement a	ctivities and staff b	y 40%	
		planning and leading pr	ograms, projects an	d operations,		
		supervising housing reh	0 1 0	<b>1</b> '		
		enforcement, advising s			nα	
		, <b>.</b>	1	, <b>1</b>	0	
	and managing goals, objectives and strategies, developing policies					
		and procedures, and over	erseeing the implem	ientation of new co	odes.	
2	S	Manages staff by planni	ing and prioritizing	tasks, ensuring pol	licy 25%	
		and procedure complian	ice, recommending	changes and		
		adjustments, and monitor			ent	
3	S	Acts as a community lia			25%	
5	~	<i>.</i>	<i>J</i> 1 C	U U		
		relationships with prope	• •	. ,		
		local agencies, represen	ting the interests of	the City, providing	g	
		technical assistance, and	d coordinating publ	ic outreach and		
		education initiatives.	- 1			
4	S	Prepares and administer	s the annual budger	t by forecasting	10%	



revenues and expenditures, presenting proposals for approval, recommending staffing levels, compiling and analyzing data, authorizing payments and monitoring expenditures for recommended adjustments.

# JOB REQUIREMENTS:

	Description of Minimum Job Requirements
	-Description of Minimum Job Requirements-
Formal Education	Work requires broad knowledge in a general professional or technical field. Knowledge is normally acquired through four years of college resulting in a Bachelor's degree in one of the following fields: Urban
	Planning, Public Administration, or Construction Management.
Experience	Minimum of three years experience of a progressively responsible nature
	in personnel management, code enforcement, and community capacity building.
Supervision	Work requires the daily direction of other full-time employees.
Human	Recommendations regarding policy development and implementation are
Collaboration Skills	made, Evaluates customer satisfaction, develops cooperative
	associations, and utilized resources to continuously improve customer service.
Freedom to Act	Receives Limited Direction: The employee normally performs the duty
	assignment according to his/her own judgment; requesting supervisory
	assistance only when necessary. The assignment may be reviewed upon completion. Performance reviewed periodically.
Technical Skills	Work requires a comprehensive, practical knowledge of a technical field with use of analytical judgment and decision-making abilities appropriate
	to the work environment of the organization.
Fiscal	Fiscal responsibility to manage allocated funds. Responsible to provide
Responsibility	input to budget preparation by providing documentation/justification for
	requests.
Reading	Advanced - Ability to read literature, books, reviews, scientific or
	technical journals, abstracts, financial reports, and/or legal documents.
	Ordinarily, such education is obtained in at the college level or above.
	However, it may be obtained from experience and self-study.
Math	Intermediate - Ability to deal with system of real numbers; practical
	application of fractions, percentages, ratios/proportions and
	measurement. Ordinarily, such education is obtained in high school up to
	college. However, it may be obtained from experience and self-study.
Writing	Intermediate – Ability to write reports, prepare business letters,
	expositions, and summaries with proper format, punctuation, spelling,
	and grammar, using all parts of speech. Ordinarily, such education is
	obtained in high school up to college. However, it may be obtained from
	experience and self-study.



Certification	Possession of, or the ability to obtain a valid North Carolina Driver's
Other Requirements	License. State of North Carolina certification as a Level II Building
	Inspector is required with additional trade (electrical, mechanical,
	plumbing, and fire) certifications desirable. A candidate may be
	considered that does not have the State of North Carolina Level II
	Building Certification if they possess comparable nationally or
	internationally recognized qualifications such as International Code
	Council (ICC) residential and commercial qualifications for inspection.
	State of North Carolina Level II Building Certification would be required
	within 24 months of hire date.

## OVERALL PHYSICAL STRENGTH DEMANDS:

-Physical strength for this position is indicated below with "X"-					
Sedentary X	Light	Medium	Heavy	Very Heavy	
Exerting up to 10 lbs.	Exerting up to 20 lbs.	Exerting 20-50 lbs.	Exerting 50-100 lbs.	Exerting over 100 lbs.	
occasionally or negligible	occasionally, 10 lbs.	occasionally, 10-25 lbs.	occasionally, 10-25 lbs.	occasionally, 50-100 lbs.	
weights frequently;	frequently, or negligible	frequently, or up to 10	frequently, or up to 10-20	frequently, or up to 20-50	
sitting most of the time.	amounts constantly OR	lbs. constantly.	lbs. constantly.	lbs. constantly.	
	requires walking or standing				
	to a significant degree.				

## PHYSICAL DEMANDS:

С	Ŧ	D R	N
			NT.
Constantly	Frequently	Occasionally Rarely	Never
2/3 or more of the time.	From $1/3$ to $2/3$ of the time.	Up to 1/3 of the time. Less than 1 hour per week.	Never occurs.

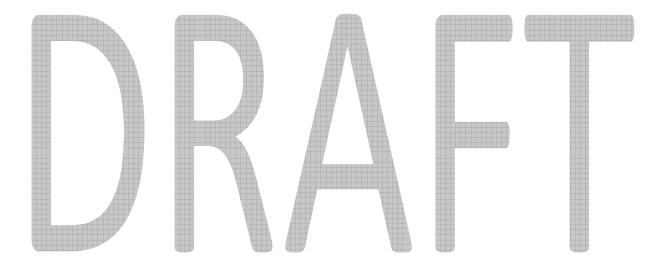
Note: This is intended as a description of the way the job is currently performed. It does not address the potential for accommodation.

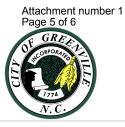
-Physical Demand-	-Frequency-	-Brief Description-
Standing	R	communicating with co-workers, making presentations,
		observing work duties, observing work site
Sitting	F	desk work, meetings, driving
Walking	0	around work site, to other departments
Lifting	R	files, supplies, equipment
Carrying	R	files, supplies, equipment
Pushing/Pulling	R	file drawers
Reaching	R	for files, for supplies
Handling	С	paperwork
Fine Dexterity	С	calculator, computer keyboard, telephone keypad
Kneeling	R	retrieving items from lower shelves/ground
Crouching	0	filing in lower drawers, retrieving items from lower
		shelves/ground
Crawling	N	
Bending	0	filing in lower drawers, retrieving items from lower
		shelves/ground
Twisting	R	from computer to telephone, getting in/out of vehicle

# City of Greenville, NC



Climbing	0	stairs
Balancing	Ν	
Vision	С	computer screen, reading, driving, observing work site
Hearing	F	communicating with co-workers and public and on telephone
Talking	F	communicating with co-workers and public and on telephone
Foot Controls	0	driving
Other		
(specified if applicable)		





## MACHINES, TOOLS, EQUIPMENT, SOFTWARE, AND HARDWARE:

Copier, fax machine, computer, general office equipment

## ENVIRONMENTAL FACTORS:

С	F	0	R	N	1	D	W	М	S	N
Continuously	Frequently	Occasionally	Rarely	Never		Daily	Several	Several	Seasonally	Never
							Times Per Week	Times Per Month		
					1					
		nd Safety F						onmental F	Factors-	
Mechanical			1				ry Hazards			N
Chemical Ha			1				Temperature	es		N
Electrical Ha				N			Vibration			N
Fire Hazards			1			Wetness/H	2			N
Explosives	los.	400000000000000000000000000000000000000		N		Physical H	Hazards			N
Communical	CHOCHOCHOCHOCHOCH,	00010010010010000001001000		N						
Physical Dat		ouse	1							
Other (see 1	below)		l l	N						
(1) N/A										
PROTEC	TIVE E	QUIPME	NT REC	UIRED	):					
None										
NON DU		DEMAN	me,							
NON-PHYSICAL DEMANDS:										
F			Ο			R			N	
Frequ			ccasional			Rarely Never				
From 1/3 to 2	/3 of the time	Up	to 1/3 of the ti	me	Les	s than 1 hour po	er week	Never	r occurs	
	a page of the second seco	Description	of Non-P	hysical D	ema	inds-		-Fr	equency-	
Time Pressu							400000		F	
Emergency S									R	
	Frequent Change of Tasks								R	
Irregular Work Schedule/Overtime								0		
Performing Multiple Tasks Simultaneously								Ο		
Ų	Working Closely with Others as Part of a Team								F	
Tedious or Exacting Work							R			
Noisy/Distracting Environment								Ν		
Other (see 2 below)								Ν		
(2) N/A										

## PRIMARY WORK LOCATION:

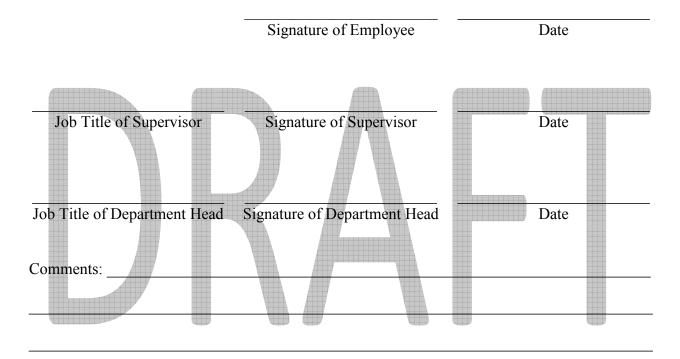
Office Environment	Х	Vehicle	
Warehouse		Outdoors	
Shop		Other (see 3 below)	
Recreation/Neighborhood Center			
$(2)\mathbf{N}\mathbf{I}/\mathbf{A}$			

(3)N/A



## SIGNATURE - REVIEW AND COMMENTS:

I have reviewed this description and understand the requirements and responsibilities of the position.



The above statements are intended to describe the general nature and level of work being performed by individuals assigned to this position. They are not intended to be an exhaustive list of all responsibilities, duties, and skills required. This description is subject to modification as the needs and requirements of the position change.



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

<u>The of Rem:</u>	Safety Regulations
Explanation:	<b>Abstract:</b> In 2009, the Public Safety Task Force was convened by the sitting City Council. The charge of the committee was to consider crime reduction programs citywide. One recommendation of the Public Safety Task Force was the implementation of City Ordinance 09-98, "Public or Private Clubs

Safety Regulations."

**Explanation:** In 2009 a double homicide occurred in the uptown area. This unusual occurrence led to public discussion about crime and ultimately a recommendation by the Chamber of Commerce that a Task Force on Public Safety be convened. The City Council appointed members to the committee, which met weekly for approximately one year. One of the recommendations of the Task Force was the implementation of City Ordinance 09-98, "Public or Private Clubs Safety Regulations." These regulations set forth requirements for all establishments zoned for principal use as a public or private club as defined by the Zoning Ordinance. The requirements address the hiring of employees, that will be designated as bouncers, to include a background check. The regulations further require that the employees attend training provided by the Greenville Police Department and that the business submit to the Chief of Police proof of compliance.

Colo Title 11 Charten 10 Dablie en Deinste Chab.

Since adoption of the ordinance, the uptown bar/restaurant owners have pointed out various aspects of the ordinance that are over burdensome to their operations. The Police Department has reviewed the ordinance at length with both the bar/restaurant owners and the City Attorney's Office. The recommendations in the attached amended ordinance reflect the changes that the Police Department feels would alleviate much of the hardship on the business owners while maintaining the portions of the ordinance that have proven beneficial.

Fiscal Note:	There is no fiscal impact to be noted with regard to the proposed amendments.
<b>Recommendation:</b>	Approval of the ordinance amending the public or private clubs safety regulations.

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

#### Attachments / click to download

- D ORDINANCE\_ESTABLISHING\_SAFETY\_REGULATIONS\_FOR\_PUBLIC\_OR\_PRIVATE\_CLUBS\_848863
- Amendment\_to\_Bouncer\_Ordinance\_949742

## ORDINANCE NO. 09-98

## AN ORDINANCE AMENDING TITLE 11 OF THE GREENVILLE CITY CODE BY ESTABLISHING SAFETY REGULATIONS FOR PUBLIC OR PRIVATE CLUBS

WHEREAS, the City Council of the City of Greenville has determined that there is a need to implement measures which will promote a safe environment in the areas where public or private clubs are located;

WHEREAS, public or private clubs create issues such as crowd control, noise, public intoxication, altercations, and potential violence;

WHEREAS, the City of Greenville has deployed a significant amount of law enforcement resources to address the issues created by public or private clubs;

WHEREAS, establishing reasonable safety regulations for public or private clubs is in the public interest to protect the health, safety, and welfare of the patrons of the public or private clubs, the citizens of the city, and surrounding neighborhoods; and

WHEREAS, North Carolina General Statute §160A-194 authorizes the City of Greenville, by ordinance, to regulate and license occupations, businesses, trades and professions and to prohibit those which may be inimical to the public health, welfare, safety, order, or convenience and North Carolina General Statute §160A-174 authorizes the City of Greenville, by ordinance, to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city;

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

<u>Section 1</u>: That Title 11 of the Code of Ordinances, City of Greenville is hereby amended by adding a Chapter 12 entitled "PUBLIC OR PRIVATE CLUBS SAFETY REGULATIONS," said chapter to read as follows:

CHAPTER 12. PUBLIC OR PRIVATE CLUBS SAFETY REGULATIONS.

Section 11-12-1. Purpose

In order to protect the health, safety, and welfare of the city and its citizens, it is the purpose of this chapter to establish reasonable and uniform requirements in order to address the harmful effects associated with establishments for which entertainment is the principal use and which a large number of patrons congregate late at night.

Section 11-12-2. Definitions

As used in this chapter the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

*Bouncer* means a person employed by a public or private club as an employee or contractor to perform the function of maintaining order, removing disorderly or disruptive patrons, checking identification cards or providing general security for the public or private club but not including a person who is employed for the primary and substantial purpose (greater than 90% of duties) to perform the functions of a bartender, waiter, or waitress and not including a person who is employed as a uniformed off-duty law enforcement officer or a uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes.

*Conviction* and *convicted* mean a finding of guilt for a violation of a state or federal law, an adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere, or the forfeiture of a bond or bail when charged with a violation of a state or federal law.

*Public or private club* means an establishment which the principal use is a public or private club as defined by the Zoning Ordinance for Greenville, North Carolina.

Section 11-12-3. Criminal Record Check of Bouncers

(a) No public or private club shall employ a person as a bouncer who has been convicted of a crime relating to either (1) the sale, manufacture, distribution, or possession of controlled substances as made unlawful by the provisions of North Carolina General Statute §90-95, or (2) criminal street gang activity as made unlawful by the provisions of the North Carolina Street Gang Suppression Act as provided in Article 13A of Chapter 14 of the North Carolina General Statutes, or (3) prostitution or assignation as made unlawful by the provisions of North Carolina General Statute §14-204 or (4) homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly firearms, or discharge of a dangerous or deadly firearm as made unlawful by the provisions of Chapter 14 of the North Carolina General Statutes.

(b) Notwithstanding the provisions of subsection (a), a public or private club is not prohibited from employing a person as a bouncer as a result of the conviction of an offense listed in subsection (a) when the following time period has elapsed:

1. More than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for a misdemeanor offense;

2. More than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; or

3. More than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the

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convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(c) A public or private club shall submit to the chief of police or designee on a monthly basis no later than the fifth day of the current month a list of all persons employed as a bouncer at the public or private club during the previous month. The list shall indicate the date of initial employment of each person as a bouncer and shall be on a form provided by the police department. The public or private club shall submit to the chief of police or designee no later than thirty (30) days after the date of initial employment of a person as a bouncer and, annually thereafter, a criminal record check for each person employed as a bouncer by the public or private club. The criminal record check submitted shall be conducted by a method acceptable to the chief of police but shall not be required to be a criminal record check based upon fingerprints from the North Carolina State Bureau of Investigation.

### Section 11-12-4. Training of Bouncers

(a) No public or private club shall employ a person as a bouncer who has not completed a training program for bouncers conducted by the police department within the immediately preceding twelve (12) month period except that a public or private club may employ a person as a bouncer for the person's initial employment with the public or private club for a period of no more than sixty (60) days commencing on the date of the person's initial employment with the public or private club without the person having received the training.

(b) All persons employed as a bouncer at a public or private club shall complete a training program for bouncers conducted by the police department at least once during every twelve (12) month period. The training program shall consist of classroom training on addressing disturbances occurring at public or private clubs and any other topic deemed appropriate by the chief of police.

(c) A public or private club shall submit to the chief of police or designee on a monthly basis no later than the fifth day of the current month a list of all persons employed as a bouncer at the public or private club during the previous month. The list shall indicate the date of initial employment of each person as a bouncer and the most recent date each person completed a training program for bouncers conducted by the police department. The list shall be on a form provided by the police department.

### Section 11-12-5. Enforcement

(a) A police officer or other person authorized by the city manager to enforce the provisions of this chapter may issue a written citation for a violation of the provisions of this chapter.

(b) The owner and the manager of the public or private club are responsible for compliance with the provisions of this chapter. A written citation for a violation of the provisions of this chapter may be issued to the owner or the manager of the public or private club and the owner or the manager who is issued the citation will suffer the penalties and be subject to the remedies as set forth in section 11-12-6.

(c) An owner or a manager who has been issued a citation may appeal the citation to the chief of police or designee. Written notice of appeal must be filed within ten (10) days of the date of the issuance of the citation.

Section 11-12-6. Penalties

(a) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

- (1) In the amount of fifty dollars (\$50.00) for each offense on the first day of such offense; and
- (2) In the amount of one hundred dollars (\$100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
- (3) In the amount of two hundred and fifty dollars (\$250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

(b) Violators shall be issued a written citation which must be paid within seventy-two (72) hours. If a person fails to pay the civil penalty within seventy-two (72) hours, the city may recover the penalty, together with all costs and reasonable attorneys' fees, by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(c) This chapter may also be enforced by any appropriate equitable action.

(d) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the escalating civil penalties authorized by subsection (a) may be invoked whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(f) Any violations of the provisions of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to North Carolina General Statute 14-4.

Section 11-12-7. No Effect on ABC Permits

The provisions of this chapter are not intended or designed to establish rules on the manufacture, sale, purchase, transportation, possession, consumption or other use of alcoholic beverages. The provisions of this chapter apply to a public or private club whether or not the public or private club has been issued an ABC permit by the North Carolina Alcoholic Beverage Control Commission. Any violation of the provisions of this chapter shall not affect any ABC permit issued to the public or private club by the North Carolina Alcoholic Beverage Control Commission.

<u>Section 2.</u> All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

<u>Section 3.</u> 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 on the 1<sup>st</sup> day of May, 2010.

This the 10th day of December, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

## ORDINANCE NO. 13-

## AN ORDINANCE AMENDING THE SAFETY REGULATIONS FOR PUBLIC OR PRIVATE CLUBS OF THE CITY OF GREENVILLE, NORTH CAROLINA

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

<u>Section 1.</u> That Title 11, Chapter 12 of the Code of Ordinances, City of Greenville is hereby amended by deleting Section 11-12-3(c) in its entirety and substituting the following:

(c) A public or private club shall submit to the chief of police or designee on a quarterly basis no later than the fifteenth day after the close of the quarter a list of all persons employed as a bouncer at the public or private club that quarter. The list shall indicate the date of initial employment of each person as a bouncer and shall be on a form provided by the police department. The public or private club shall submit to the chief of police or designee no later than thirty (30) days after the date of initial employment of a person as a bouncer and, annually thereafter, a criminal record check for each person employed as a bouncer by the public or private club. The criminal record check submitted shall be conducted by a method acceptable to the chief of police but shall not be required to be a criminal record check based upon fingerprints from the North Carolina State Bureau of Investigation.

<u>Section 2.</u> That Title 11, Chapter 12 of the Code of Ordinances, City of Greenville is hereby amended by deleting Section 11-12-4 in its entirety and substituting the following:

Section 11-12-4. Training of Bouncers

(a) No public or private club shall employ a person as a bouncer who has not completed a training program for bouncers conducted by the police department within the immediately preceding two (2) year period except that a public or private club may employ a person as a bouncer for the person's initial employment with the public or private club for a period of no more than ninety (90) days commencing on the date of the person's initial employment with the public or private club without the person having received the training.

(b) All persons employed as a bouncer at a public or private club shall complete a training program for bouncers conducted by the police department every two (2) years from the date of the initial training of the bouncer. The training program shall consist of classroom training on addressing disturbances occurring at public or private clubs and any other topic deemed appropriate by the chief of police.

(c) A public or private club shall submit to the chief of police or designee on a quarterly basis no later than the fifteenth day after the close of the quarter a list of all persons employed as a bouncer at the public or private club during that quarter. The list shall indicate the date of initial employment of each person as a bouncer and the most recent date each person completed a training program for bouncers conducted by the police department. The list shall be on a form provided by the police department.

<u>Section 3.</u> That Title 11, Chapter 12 of the Code of Ordinances, City of Greenville is hereby amended by deleting Section 11-12-6(b) and (d) in its entirety and substituting the following:

(b) Violators shall be issued a written citation which must be paid within ten (10) days. If a person fails to pay the civil penalty within ten (10) days, the city may recover the penalty, together with all costs and reasonable attorneys' fees, by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(d) Where a violation continues after the tenth  $(10^{\text{th}})$  day that a citation is issued and every tenth  $(10^{\text{th}})$  day thereafter that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the escalating civil penalties authorized by subsection (a) may be invoked whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

<u>Section 4.</u> All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

<u>Section 5.</u> 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.

<u>Section 6.</u> That this ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

- <u>Title of Item:</u> Resolution approving architectural and site requirements for the Georgetown Redevelopment Project
- **Explanation:** Abstract: Two local development firms have joined to complete a mixed-use development project at a site in Greenville's Uptown Commercial District bounded by Eighth Street, Evans Street, Reade Circle, and Cotanche Street. By way of resolution, the Greenville City Council is providing approval of the architectural and site requirements for the project, specified by covenants attached to the underlying land.

**Explanation**: As part of the development review process between the City of Greenville and the development team working on the Georgetown Redevelopment Project, the parties learned that 1970's era City-enacted redevelopment covenants were still in effect. These covenants had been attached to tracts of land throughout parts of the City's commercial core more than 40 years ago, at a time in Greenville's history when the City's land use and development codes were not nearly as robust as those that are in place today. By and large, these covenants mirror the City's current development codes and in some cases, current code requirements actually exceed those found in the covenants. A copy of the covenants is included with this agenda item.

In order for the development team to be able to receive title insurance for the development, lenders for the project will need documentation from the City of Greenville that demonstrates that the City accepts the development plans as compliant with the covenants. To date, the City has reviewed preliminary site plans and architectural renderings for the project, and City staff is of the opinion that the development plans presented for the Georgetown Redevelopment Project do comply with the covenants. This acceptance, as codified by the proposed City Council resolution, in no way waives the City's rights to enforce current land use restrictions and development codes. Plans and renderings for the development project are included with this agenda item.

Fiscal Note:	Redevelopment of the Georgetown site in the Uptown Commercial District is expected to add some \$30 million to the City's tax base. With more than 500 new residents occupying the development, as well as more than 11,000 square feet of new retail and commercial space, the project will significantly increase activity throughout the district.
<b>Recommendation:</b>	Adopt the resolution approving architectural and site requirements for the Georgetown Redevelopment Project.

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#### Attachments / click to download

- Land Use Provisions Building Requirements
- **Georgetown Commons Architectural Review**
- <u>Resolution Georgetown\_Redevelopment\_Project\_952935</u>

### RESOLUTION - 13 RESOLUTION MAKING CERTAIN APPROVALS AND A DETERMINATION RELATING TO THE GEORGETOWN REDEVELOPMENT PROJECT

WHEREAS, Income Investments, LLC, and Ward Holdings, LLC, are developing the Georgetown Redevelopment Project which is located within the property bounded by Eighth Street, Evans Street, Reade Circle, and Cotanche Street;

WHEREAS, the Georgetown Redevelopment Project will be required to comply with the applicable building, planning and development regulations contained in Title 9 of the Greenville City Code;

WHEREAS, the property whereupon the Georgetown Redevelopment Project is located is within the area subject to the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry;

WHEREAS, the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry require the approval by the Redevelopment Commission of the City of Greenville, or its successor, of the building design, the site plan and the off-street parking area, and a determination of the off-street parking requirements for the Georgetown Redevelopment Project;

WHEREAS, the City Council of the City of Greenville is vested with the rights and obligations of the Redevelopment Commission of the City of Greenville in accordance with the terms of Resolution No. 668 adopted on October 8, 1981, and the provisions of North Carolina General Statute 160A-505; and

WHEREAS, the City Council of the City of Greenville makes the approvals and determination set forth in this Resolution exercising the authority of the Redevelopment Commission of the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville as follows:

1) That the building design of the Georgetown Redevelopment Project, as shown by the plans, specifications, and plot plan showing the location of such building, be and is hereby approved as to harmony of external design with existing structures in the areas in which the building is proposed to be located and as to location with respect to topography and finished grade elevations, said approval being required by the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry.

2) That the site plan for the Georgetown Redevelopment Project showing the proposed location of the building, parking areas, loading areas and access be and is hereby approved, said

approval being required by the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry.

3) That the construction materials and methods of the off-street parking area as shown by the plans, specifications and plot plan be and is hereby approved, said approval being required by the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry.

4) That the requirements for off-street parking for the Georgetown Redevelopment Project be and is hereby determined to be the number of spaces required by the provisions of the Zoning Ordinance for Greenville, North Carolina, said determination being required by the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry.

5) That the development of the Georgetown Redevelopment Project in compliance with the applicable building, planning, and development regulations contained in Title 9 of the Greenville City Code be and is hereby approved, said approval including approval of any component of the Georgetown Redevelopment Project in compliance with said regulations whether or not in compliance with the provisions of the Land Use Provisions, Building Requirements and Covenants recorded in Book W42, at Page 501 through 512, Pitt County Registry.

This the 9th day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

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## LAND USE PROVISIONS, BUILDING REQUIREMENTS AND COVENANTS

WHEREAS, The Redevelopment Commission of the City of Greenville is in execution of its Project N. C. R-66, also known and referred to as the Central Business District Redevelopment Project, and in the process thereof will dispose of all the lands hereinafter described, and

WHEREAS, in accordance with its plan for redevelopment, all persons, firms or corporations acquiring any part of the same and by whomsoever owned, shall be required to improve and develop said land in accordance with the provisions, restrictions, and requirements of this instrument, to the end that the same, when improved, shall conform with standards of utility, aesthetics, and open space approved by the appropriate agencies of the City of Greenville, this Commission, and the Office of Housing and Urban Development.

THEREFORE, in accordance with its purpose and design each and every parcel of the aforesaid lands, when conveyed, shall conform to that portion of the provisions of this instrument to which it is made subject; and each deed of conveyance shall require use of the lands described therein in one of the following categories:

(1) Residential

(2) Office and Institutional

(3) Commercial Fringe

(4) Commercial Core

Each category being less restrictive in ascending number as set out above. However, nothing shall prevent lands, conveyed for a less restrictive use from being used and improved in accordance with a more restrictive category; by way of example only, lands conveyed for wholesale business use, may be used for commercial or residential purposes provided the more restrictive requirements as set out herein for such use is observed. In no case may lands subjected to a more restrictive use be utilized for a less restrictive category.

I. The lands subject to the provisions of this instrument are described as

#### follows:

Beginning at the intersection of the south right-of-way of Second Street and the west right-of-way of Greene Street and running west with the south right-ofway of Second Street 132 feet to a property corner; thence south along the rear lot lines of the properties facing the west side of Greene Street approximately 233 feet to the northwest corner of a lot facing the north side of Third Street, which is the second lot west of Greene Street; thence south along a property line

N. C. R-66

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2 of 12)

105 feet to the north side of Third Street; thence continuing southward approximately 50 feet to the south right-of-way line of Third Street; thence west along the south right-of-way line of Third Street approximately 50 feet to a property corner; thence south along a property line approximately 160 feet to a property corner; thence east along a property line approximately 160 feet to a property corner; thence south along a property line 150 feet to the north right-of-way line of Fourth Street; thence west along the north right-of-way line of Fourth Street; approximately 15 feet to a point which is the northward extension of the western property line of the lot at the southwest corner of Greene and Fourth Streets; thence south across Fourth Street and along the rear lot lines of the properties facing on the west side of Greene Street, the same being an irregular line, approximately 310 feet to a property corner; thence west along a property line approximately 46 feet to a property corner; thence west along a property line approximately 90 feet to a point on the north right-of-way line of Fifth Street; thence west along the north right-of-way line of Fifth Street; thence west along the north right-of-way line of Fifth Street; thence to a line extended across Pitt Street approximately 135 feet to the intersection of the west right-of-way line of Pitt Street with the north right-of-way line of Fifth Street; thence southwest to the inter-section of the west right-of-way line of Pitt Street with the south right-of-way line of Fifth Street; thence south along the west right-of-way line of Pitt Street and said line extended across Bonners Lane approximately 420 feet to a point; thence east approximately 40 feet to a point on the east right of line of Pitt Street; thence south along the east right-of-way line of Pitt Street 200 feet to a property corner; thence east along a property line approximately 113 feet to a point; thence south along a line which is parallel to the west side of Greene Street and approx-imately 164 feet from said west side of Greene Street approximately 29 feet to a point on a property line; thence in a southeasterly direction along a property line approximately 40 feet to a property corner on the north side of an alley; thence in a southeasterly direction along the north side of an alley approximately 55 feet; thence in a southeasterly direction across said alley along a property line approximately 90 feet to a point on the northwest right-of-way line of Dickinson Avenue; thence in a northeasterly direction along the northwest right-of-way line of Dickinson Avenue approximately 35 feet to a point; said point being on an extension of the southwestern right-of-way of Eighth Street; thence in a southeasterly direction across Dickinson Avenue approximately 40 feet to the intersection of the southacross Dickinson Avenue approximately 40 feet to the Intersection of the South-eastern right-of-way line of Dickinson Avenue and the southwestern right-of-way line of Eighth Street; thence in a southeasterly direction along the southwest right-of-way line of Eighth Street; thence south along the west right-of-way line of Washing-ton Street approximately 65 feet; thence east across Washington Street and along the rear property line of the lots facing on the south side of Eighth Street approx-imately 150 feet; thence south along the rear lot lines of imately 150 feet to a property corner; thence south along the rear lot lines of the lots facing on the west side of Evans Street 165 feet to a property corner; thence east along a property line approximately 60 feet to a property corner; thence south along the rear lot lines of the lots facing the west side of Evans Street and across Ninth Street approximately 135 feet to a point on the south right-of-way line of Ninth Street; thence west along the south side of Ninth Street approximately 7 feet to the northwestern corner of the lot on the southwestern corner of the interfeet to the northwestern corner of the lot on the southwestern corner of the inter-section of Ninth and Evans Streets; thence south along a property line 82.5 feet to a property corner; thence west along a property line approximately 50 feet to a property corner; thence south along a property line 82.5 feet; thence east along a property line approximately 7 feet to a property corner; thence east along a property line approximately 56 feet to a property corner; thence east along a prop-erty line approximately 30 feet to a property corner; thence east along a prop-erty line approximately 30 feet to a property corner; thence east along a prop-erty line approximately 31 feet to a property corner; thence east along a property line approximately 10 feet to a property corner; thence south along a property line along said line extended approximately 10 feet to a point on the south right-of-way line of Tenth Street; thence east along the south right-of-way line of Tenth Street approximately 32 feet to a property corner; thence south along a property line 82.5 approximately 32 feet to a property corner; thence south along a property line 82.5 feet to a property corner; thence East along a property line 99.6 feet to a point on the west right-of-way line of Evans Street; thence east across Evans Street and along a property line approximately 159 feet to a property corner; thence north along a property line and along said property line extended approximately 155 feet to the north right-of-way of Tenth Street; thence east along the north side of Tenth Street approximately 13 feet to a property corner the same being the southeast corner of the lot at the northeast corner of the intersection of Tenth and Evans Street; thence north along the rear lot lines of the lots facing on the east side of Evans Street 165 feet to a property corner; thence east along a property line approximately 8 feet to a property corner; thence north along a property line 82.5 feet to a property

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approximately 132.5 feet to a point on the north right-of-way line of Ninth Street; thence east along the north side of Ninth Street approximately 10 feet to a propentrice east along the north side of Minth Street approximately 10 feet to a prop-erty corner the same being the southeast corner of the lot at the northeast corner of Minth and Evans Street; thence north along a property line 82.5 feet to a prop-erty corner; thence east along a property line approximately 32 feet to a property corner; thence north along a property line 82.5 feet to a property corner; thence east along a property line approximately 55 feet to a property corner; thence north along the rear lot lines of the lots facing on the east side of Evans Street approximately 95 feet to a property line 70 feet to a property line approximately 95 feet to a property corner; thence north along a property line 70.5 feet to the south right-of-way line of Eighth Street; thence east along the south right-of-way line of Eighth Street approximately 370 feet to a point 10 feet east of the intersection of the east right-of-way line of Cotanche Street and the north right-of-way line of Eighth Street; thence north along the proposed east right-ofway line of the proposed Downtown Loop approximately 1080 feet to the intersection of the proposed right-of-way with the existing southern property line of a lot facing the south side of Fifth Street; thence northeast approximately 210 feet along a property line to a property corner; thence north along a property line 10 feet to the south right-of-way line of Fifth Street; thence west along the south right-of-way line of Fifth Street approximately 255 feet to the west right-of-way line of Reade Street; (from this point on to the point of beginning, the boundary is coterminous with the boundary of Project N. C. R-15) thence north along the west right-of-way line of Reade Street approximately 388 feet to the south right-of-way line of Fourth Street; thence west along the south right-of-way line of Fourth Street approximately 174 feet to a point approximately 95 feet east of the eastern right-of-way line of Cotanche Street; thence north across Fourth Street and along the east property line of the parcel northeast of the intersection of Cotanche and Fourth Streets approximately 128 feet to a property corner; thence east along a property line approximate-ly 41 feet to a property corner; thence north along the rear property lines of lots facing the east side of Cotanche Street approximately 132 feet to a property corner; thence east along a property line approximately 60 feet to a property corner; thence north along a property line approximately 121 feet to a point 5 feet south of the south right-of-way line of Third Street; thence west parallel with the south rightof-way line of Third Street approximately 64 feet to a point; thence north across Third Street and along the rear property lines of the lots facing on the east side of Cotanche Street approximately 223 feet to a property corner; thence east along a property line approximately 137 feet to a corner; thence northerly approximately 50 feet to a corner; thence westerly approximately 79 feet to a corner; thence institution of the strength of the strength of the strength of the strength strength of the strength northerly approximately 56 feet to a corner; thence westerly approximately 59 feet to a corner; thence northerly approximately 55 feet to a corner which is located in the southern right-of-way line of Second Street and is the northeastern corner of the parcel located southeast of the intersection of Second and Cotanche Street; thence westerly along the southern right-of-way line of Second Street across Cotanche and Evans Streets approximately 496 feet to the western right-of-way line of Evans and Evans Streets approximately 496 feet to the western right-of-way line of Evans Street; thence southerly along the western right-of-way line of Evans Street approx-imately 165 feet to the northern property line of the Pitt County Courthouse property; thence westerly approximately 161 feet to a property corner; thence northerly approx-imately 85 feet to a property corner; thence westerly approximately 96 feet to the eastern right-of-way line of Washington Street; thence northerly with said right-of-way line approximately 83 feet to the southern right-of-way line of Second Street; thence westerly approximately 355 feet to the western right-of-way line of Greene Street, being the place of beginning.

corner; thence west along a property line approximately 25 feet to a property corner; thence north along a property line and along said property line extended

The above described area contains 74.1 acres, more or less.

II. Land Use Provisions and Building Requirements:

In addition to the controls of the plan here set forth, the provisions of the Zoning Ordinance of the City of Greenville, as amended, will control. In all cases the more restrictive control will govern the minimum standards.

Definitions: Unless otherwise expressly stated, words shall have the meaning as

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defined in the Zoning Ordinance of the City of Greenville, as amended. Words used in the present tense include the future. The singular number includes the plural and the plural the siggular. The word "shall" is mandatory, not directory.

#### Permitted Uses

Within the boundaries of the hereinbefore described tract, the following uses shall be permitted:

- (1) <u>Residential Use</u>
- (2) Office and Institutional Use
- (3) <u>Commercial Fringe Use</u>
- (4) <u>Commercial Core Use</u>

The uses described in the above sections shall be those uses defined in the Zoning Ordinance of the City of Greenville as amended. In cases of doubt, and question, the Planning and Zoning Commission of the City of Greenville shall interpret this section and its restrictions and requirements, and its decision shall be binding on all parties.

General Regulations and Controls

The following general regulations and controls shall apply to all land within the project area, and described in Section I hereof. These regulations and controls are in addition to those set forth in the previous sub-section.

(a) Architectural Control

No building shall be erected, placed or altered on any parcel in the Public Use Areas, Commercial Use Areas, or Residential Use Areas until the building design, as shown by the plans, specifications, and plot plan showing the location of such building, have been approved in writing as to harmony of external design with existing structures in the areas in which the building is proposed to be located and as to location with respect to topography and finish grade elevations. External design shall be construed to include the entire site development of the parcel, including landscaping, signs, fences, walls, parking areas, and other appurtenances. Such approval may be given only by the Redevelopment Commission of the City of Greenville.

In the event the Redevelopment Commission of the City of Greenville fails to approve or disapprove a design and location within forty-five days after such plans and specifications have been submitted to it, or, in any event, if no suit to enjoin the erection of such building or the making of such

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alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with.

(b) Obstructions to Vision at Street Intersections

No retaining walls, embarkments, fences, shrubbery, signs, marquees, buildings, or other obstructions to vision, whatsoever, between the heights of three (3) feet and ten (10) feet above the center line grades' of intersecting streets and the center line grades of a parking access driveway with a street, shall be permitted within the triangular area formed by right-of-way lines at such corners and a straight line adjoining said right-of-way lines at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines and measured along said right-of-way lines.

(c) <u>Easements</u>

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When necessary for poles, electric lines, conduits, storm sewers and sanitary sewers, gas lines, water pipe lines, or other services, utility easements now existing, and to be granted by the Redevelopment Commission of the City of Greenville, shall be reserved and shown on a recorded plat of record in the Pitt County Registry prior to conveyance of each parcel so affected. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities. Any use of these easements by property owners shall be subject to the approval of the authority having jurisdiction. The easement area of each parcel and all improvements in it shall be maintained continuously by the owner of the parcel, except for those improvements for which a public authority or utility company is responsible.

(d) Nuisances

No noxious or offensive activity shall be carried on upon any parcel nor shall anything be done thereon which may become an annoyance or nuisance to adjacent or neighboring owners.

(e) Accessory Uses in Residential Areas

Accessory buildings in residential areas shall be located not less than sixty (60) feet from the front line of the lot or if not part of the main

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building not less than ten (10) feet from any portion of the principal building and not less than five (5) feet from any parcel line. An accessory use such as a church public bulletin board and temporary signs pertaining to the sale or lease of a building, parcel or premises may be located in any yard area provided that it is not illuminated, either directly or indirectly, and that the total area does not exceed twelve (12) square feet.

#### (f) Temporary Structures

No structure of a temporary character-trailer, basement, tent, shack, garage, barn or other outbuilding - shall be used at any time on any residential or commercial parcel either temporarily or permanently.

#### (g) Livestock

No rearing of animals, poultry, birds or the like for commercial purposes shall be permitted on any residential, business or public parcel within the Project Area.

#### (h) Sign Requirements

1. General regulations:

a. The following regulations shall apply to all existing and proposed signs, advertisements, or displays visible or intended to be viewed from the exterior of any structures in the project area.

b. No ground sign, marquee sign, pole sign, projecting sign, roof sign, suspended sign, or wall sign shall be erected by any person until its plan, design, color, and location have been approved by the Project Area Committee, and a permit has been granted by the Project Inspector. For illuminated signs, an additional permit is required from the Electrical Inspector.

No ground sign, marquee sign, pole sign, projecting sign, rodf sign, suspended sign, or wall sign in the project area shall hereafter be altered, rebuilt, enlarged, extended, or relocated except in conformity with the regulations contained herein. No sign shall be attached or painted on any telephone pole, light pole, telegraph pole, or on tree, rock, or other natural object.

d. Billboards are expressly prohibited within the boundaries of the Renewal Project.

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- e. Signs existing on the date these standards become effective will be expected to comply with the regulations contained herein. Signs which do not so comply must be brought into compliance within a maximum period of three (3) years from the effective date of these standards, but may be required to comply within a shorter period if the Project Inspector shall determine that compliance is feasible within said shorter period. When required, signs shall be repaired or shall be removed at the expense of the owner or operator of the premises.
- f. All signs shall be maintained in such a manner as to ensure the safety of pedestrians, customers, employees, and all other persons in the project area for any purpose. Should any sign become insecure or dangerous in any manner, the Project Inspector shall notify the owner and/or operator of the premises of the repairs to be made. If compliance with such an order is not secured within the time period specified by the Project Inspector, the sign shall be removed at the expense of the owner or operator of the premises.
- g. All signs which are obsolete, e. g. noting a business, product, service or activity no longer on the premises, shall be removed within six (6) months from the effective date of these standards at the expense of the owner or operator of the premises.
- h. All signs shall be harmonious with the overall structural appearance to be achieved through rehabilitation, and must not adversely affect the general appearance of the project area. All signs which have weathered or faded excessively, or upon which the paint has peeled or cracked excessively, or (if electrical) are non-operative or broken, shall be either put in a good state of repair or removed at the expense of the owner or operator of the premises.

i. Illuminated signs shall be so designed and placed that direct or reflected light or glare shall not constitute a hazard or annoyance to motorists, pedestrians, or occupants of adjoining property.

J. All signs shall conform to provisions of Section 2302 (Structural Requirements) and Section 2302 (Construction) of the N. C. State Building Code, 1967 Edition.

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- 2. Ground signs: No ground sign shall be at any point over 18 feet in height above the ground on which it rests. Each shall have an open space of not less than 2 feet and not more than 6 feet between the lower edge of the sign and the ground level. This space may be filled in with supports and decorative lattice work, provided that open spaces in such lattice work shall not be less than 16 square inches in area, and that at least 50 percent of the space between the lower edge of the sign and the ground level shall not be filled in. Ground signs of more than 13 feet in height shall be constructed entirely of noncombustible materials. A ground sign which is illuminated may have lighting reflectors projecting 6 feet beyond the building setback line.
- Harquee signs: Marquee signs shall in no case extend beyond a line drawn perpendicularly upward from the sidewalk 2 feet inside the curb line. No part of any marquee sign shall be less than 10 feet above the sidewalk or grade line. Marquee signs may be placed the entire length or width of a marquee, but no such sign shall extend more than 5 feet in vertical height.
   Pole signs: No pole sign shall be at any point over 18 feet in height above the ground on which it rests, nor shall any such sign maintain a clearance of less than 10 feet above the ground, nor shall any such sign project more than 4 1/2 feet beyond the building setback line, nor beyond a line drawn perpendicularly upward from the sidewalk 2 feet inside the curb line.
  - Projecting signs: No projecting sign shall project from the face of a building or structure more than 10 feet, nor shall any such sign project more than 4 1/2 feet beyond the building setback line, nor shall any such sign project beyond a line drawn perpendicularly upward from the sidewalk 2 feet inside the curb line. No part of any projecting sign shall be less than 10 feet above the sidewalk or grade line. No projecting vertical sign shall extend above the roof or top of the cornice wall, except that when a vertical sign is less than 4 1/2 feet.in width from the building setback line it may extend to 10 feet above the roof or top of the cornice wall.
  - Roof signs: In no case shall a roof sign be so placed as to prevent free passage from one part of the roof to any other part. Every roof sign shal? be set back at least 4 feet from the face of any front or rear wall, and in no case shall any part of a roof sign project beyond any exterior wall. If the sign is illuminated, however, lighting reflectors may project 6 feet

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beyond the building setback line. No roof sign structure having a closed or solid surface shall be at any point over 18 feet above the roof level. All roof signs, as well as their supports, braces, and anchors, shall be kept in good repair and, unless made of noncorroding materials, shall be painted at least once every two years.

 Suspended signs: No part of any suspended sign shall be less than ten (10) feet above the sidewalk or grade level.

8. Wall signs: Display signs placed against the exterior walls of buildings or structures shall not extend more than 12 inches from the wall surface, nor shall their lowest edge be less than 9 feet above the sidewalk or grade level. Such sighs shall not exceed 40 square feet in area unless made entirely of noncombustible materials. Wall signs shall not extend beyond the top or ends of the wall surface on which they are placed, nor shall any wall sign be so erected as to cover any portion of an opening required for ingress, egress, or ventilation. Wall signs shall be securely attached to the building by means of metal anchors, bolts, or expansion screws, signs shall not be fastened to wooden blocks or nailing strips built into the masonry. All wall signs shall be kept in good repair and appearance.

#### (1) Off-Street Parking

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Except in the Commercial Core Area, adequate off-street parking space shall be provided by the redeveloper to accommodate the vehicles of all employees, customers and other visitors. Said space shall be provided on the same lot as the building which it serves is located. No parking space shall be arranged so as to necessitate the backing to vehicles into the traveled roadway or pedestrianway of a public street. All parking areas and access thereto shall be paved and properly maintained and drained. The pavement base shall be constructed on a suitable sub-grade and of highway materials which have proven satisfactory for the local climate and soil conditions. The pavement wearing surface shall be of cement concrete or bituminous material which is impervious to water and which will support the contemplated traffic load. No off-street parking area shall be constructed, altered, extended or used until the construction materials and methods have been approved by the Redevelopment Commission. All off-street parking, loading and service areas shall be separated from walkways, sidewalks and streets by curbing or other suitable protective device to prevent vehicles from hanging

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over these use areas. Individual parking stalls shall measure at least nine (9) feet by twenty (20) feet. In addition, convenient access to each parking stall shall be provided by travel lanes and maneuvering area of proper dimensions within the private property lines. No parking area shall be provided or used within a required front year or, in the case of a corner lot, in the side yard abutting the side street. Parking may be provided in a required rear yard or in a required side yard where such yard does not abut a street, provided however that no parking shall be less than three (3) feet from any side or rear property line. In addition to the requirements set forth in the paragraph entitled "Submission of site and building plans," no building shall be erected, placed, altered, or extended on any lot until a site plan showing the proposed location of the building, parking areas, loading areas and access has been approved by the Redevelopment Commission and the Planning and Zoning Commission. Sepcific requirements for off-street parking will be determined by the Redevelopment Commission after obtaining a recommendation of the Planning and Zoning Commission. In making such determinations, the Commission will consider the following guideline requirements as minimums:

# Types of Uses

Apartment and Multi-family dwelling Auditorium or Theatre Auto Wash

Bowling Alley

Church or other place of worship

Club or Lodge

Fraternity or Sorority Commercialaor personal Service Establishment Hotel

Library

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Medical and Dental Offices and Clinics

Mortuary or Funeral Home

#### Minimum required off-Street Parking Space

One and one-half (1 1/2) spaces for each unit. One (1) space for each four (4) seats in the largest assembly area One (1) space for each two (2) employees on shift of greatest employment, plus one (1) space for the manager and reserve spaces equal to five times the capacity of the car wash at the loca-tion of ingress and egress. Three (3) spaces per alley plus require-ments for any other use associated with the establishment such as a restaurant, etc. One (1) space for each six (6) seats in the nave or main auditorium; not applicable in the CBD District. One (1) space for each one hundred (100) square feet used for assembely or dancing. ) space for each resident occupant, One + One (1) space for each one hundered (100) Two-thirds (2/3) space for each guest room, suite, or unit plus one (1) space for each two (2) employees. One (1) space for each three (3) seats provided for patron use. Five (5) spaces for each practicing doctor or dentist at the office or clinic, plus one (1) space for each employee. One (1) space for each four (4) seats in the assembly room or chapel plus a min-imum of five (5) spaces for funeral ve-hicles plus one (1) space for each two (2) employees.

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Types of Uses

Motel

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Office Building

Restaurant or place dispensing food, drink , or refreshments

Restaurant, drive-in

Service Station

Minimum required offstreet parking space One (1) space for each unit plus one(1) space for each two (2) employees plus requirements for any other use associated with the establishment. One (1) space for each two hundred (200) square feet of gross floor area. One (1) space for each three (3) seats plus one (1) space for each three (3) seats plus one (1) space for each three (3) seats plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees. Five (5) spaces for each grease or wash rack and one (1) space for each

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two (2) employees, but no fewer than ten (10) spaces. These spaces required are exclusive of vehicle service areas.

#### (j) Loading

Every building or structure used for business, trade or industry hereafter erected except in the Commercial Core Area shall provide space as indicated herein for loading and unloading of vehicles off the street or off the public alley. Such space shall have access to an alley or if there is no alley.to.the street. For the purpose of this requirement, an off-street loading and unloading space shall have minimum dimensions of twelve (12) feet by sixty (60) feet and an overhead clearance of fifteen (15) feet in height abové the alley or street grade.

Types of Uses Retail Business Minimum Required Off-Street Loading Space

Wholesale or Industrial

One (1) space for each five thousand (5,000) square feet of floor space or major fraction thereof, but not to exceed two (2) spaces. One (1) space for each ten thousand (10,000) square feet of floor space or major fraction thereof but not to exceed three (3) spaces.

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#### C. Period of Duration of These Provisions

The provisions and requirements established in this Redevelopment Plan shall become effective on the date said Plan is approved by the City Council of the City of Greenville.

Said provisions and requirements shall run with land, and shall bind and inure to the benefit of the declarant and the owner or owners of property within the project area, their respective heirs, executors, administrators, successors and assigns and shall remain in effect until April 1, 1989, at which time they shall be automatically

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## extended for successive five year intervals, unless a majority of the then owners elect, by written instrument, to modify or void said provisions and requirements. D. Other Conditions No covenant, agreement, lease, conveyance, or other instrument shall be effected or executed by the Redevelopment Commission of the City of Greenville or the purchasers or lessors from it (or any successors in interest of such purchasers or such lessors) which restricts the land in the project area upon the basis of race, creed, or color, and the sale, lease or occupancy thereof. Ε." Enforcement Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any of the provisions of this instrument either to restrain violation or to recover damages. "Severability Invalidation of any one of these provisions or conditions by Judgements or Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect. IN WITNESS WHEREOF, the REDEVELOPMENT COMMISSION OF THE CITY OF GREENVILLE has caused this instrument to be executed by its Chairman, attested by its Secretary, and its corporate seal hereto affixed, all by authority duly given $\frac{1}{2}$ REDEVELOPMENT COMMISSION OF THE CITY OF GREENVILLE . Al ATTEST: Secretary NORTH CAROLINA. PITT COUNTY. a Notary Public in and for the aforesaid County and State do hereby certify that J. M. Laney personally appeared before me this day and acknowledged that he is the Secretary of the Redevelopment Commission of the City of Greenville, and that by authority duly given by its Board of Commissioners, and as the act of the Commission, the foregoing instrument was signed in its name by its Chairman, Billy B. Laughinghouse, sealed with its corporate seal, and attested by himself as its Secretary ...HITHESS my hand and Notarial Seal this the 13 - 40 day of September, 1974. 1 11 NUMBER

Ny commission expires: Jan. 30, 197 N. C. R-65

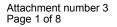
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NORTH CAROLINA: PITT COUNTY The forestoing cortificate of taged 3. More N. P. of Pitt County A S is cortified to be correct. Filed for registration at 9:31 o'clock a. M this 132 day of Arstendry, 1934. REVIEW T. ALLARY, Register of liveda

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# **GEORGETOWN COMMONS AT EAST CAROLINA**

Item # 7





**GEORGETOWN COMMONS AT EAST CAROLINA** 



Item # 7



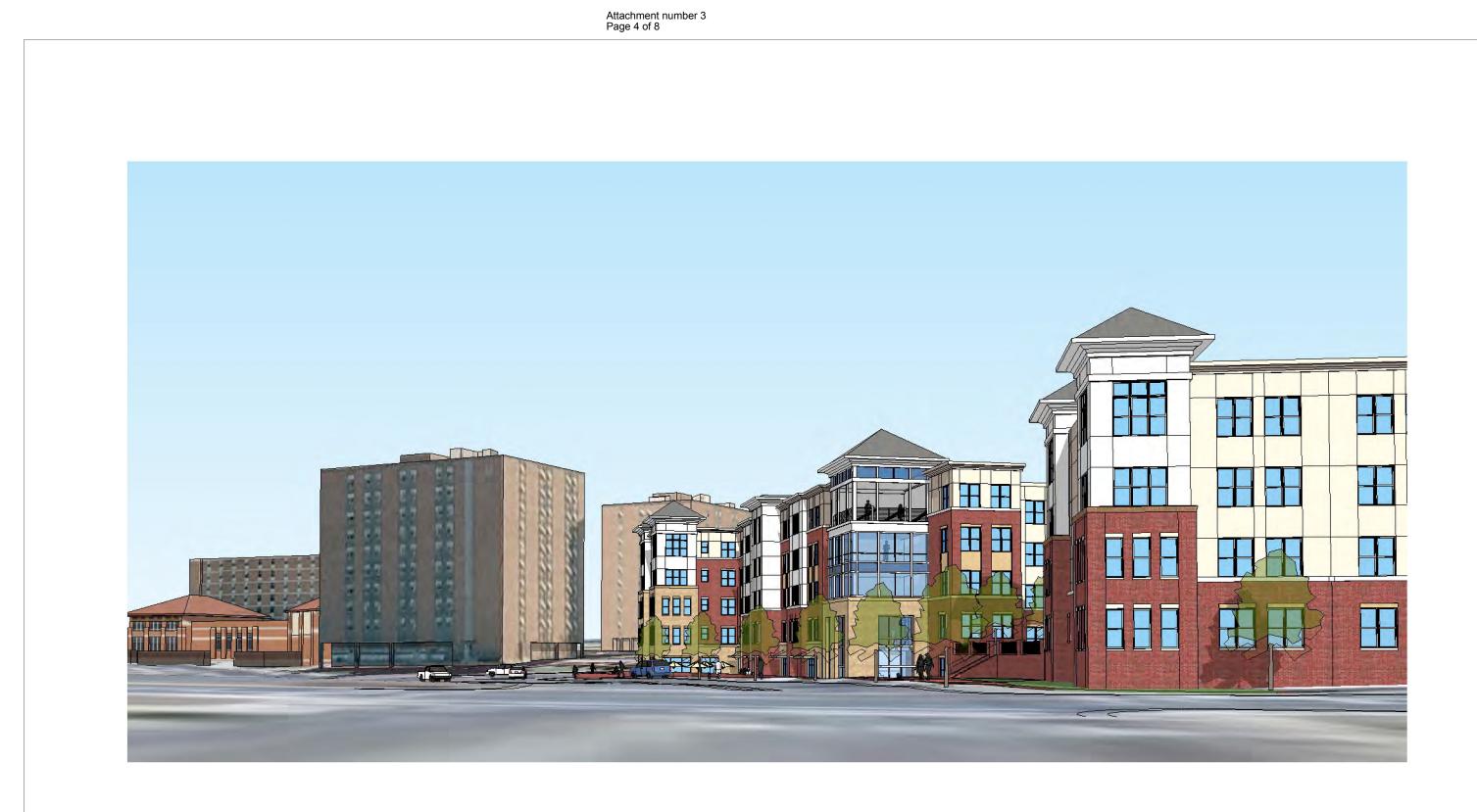






# **GEORGETOWN COMMONS AT EAST CAROLINA**







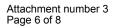
# **GEORGETOWN COMMONS AT EAST CAROLINA**







# **GEORGETOWN COMMONS AT EAST CAROLINA**





**Cotanche Elevation** 



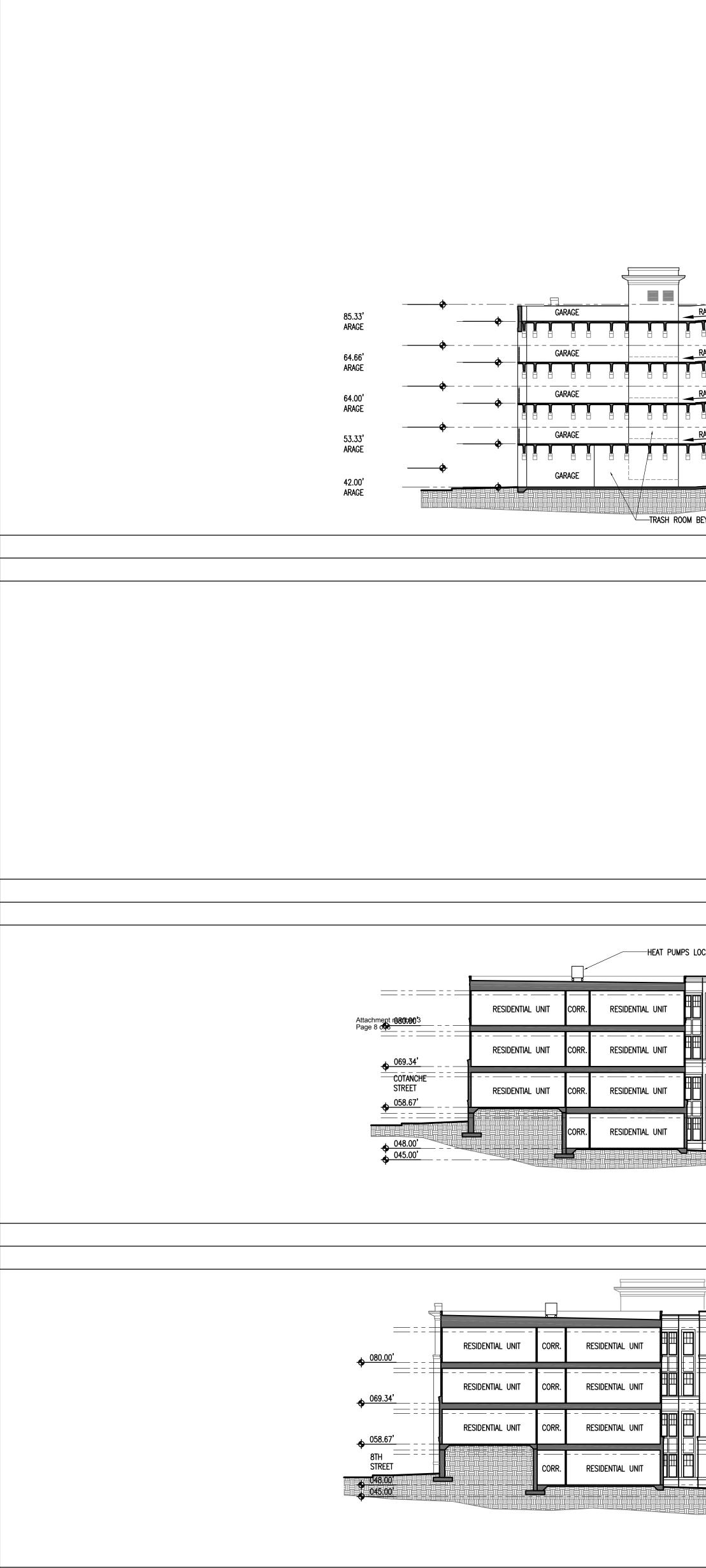
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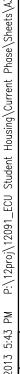






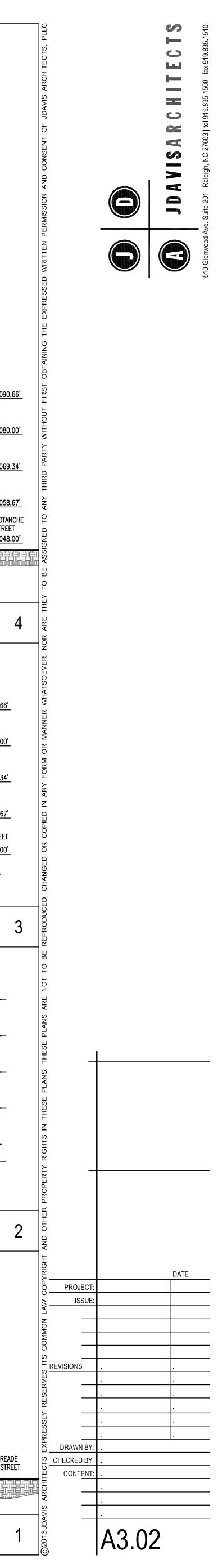






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			BUILDING SECTION #1 SCALE: 1/16" = 1'-0"





# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

#### **<u>Title of Item:</u>** Selection of Construction Manager for the Uptown Parking Deck Project

**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. City Council has selected a City-owned parking lot at the corner of 4th and Cotanche Streets for construction of the parking deck. The next step in the development process is for City Council to select a construction firm to serve as construction manager for the project.

**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. City Council has selected a City-owned parking lot at the corner of 4<sup>th</sup> and Cotanche Streets for construction of the parking deck. In December 2012, the Greenville City Council authorized staff to move forward with a procurement process that would culminate with selection of a construction manager at risk (CMAR) to oversee construction of the municipal parking deck.

According to the definition in the North Carolina General Statutes, construction management at risk services means "services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases, (ii) who is licensed as a general contractor, and (iii) who guarantees the cost of the project". Advantages afforded by utilization of a CMAR construction delivery method include having the contractor at the table during the design process to validate cost estimates, suggest modification to design details that simplify and speed construction, and to establish common expectations with regard to project schedule. Establishing a team approach to project planning and execution can help to lessen the potential for adversarial relationships sometimes found between project owner, designer, and contractor.

With authorization from City Council, staff initiated an open solicitation for qualified firms to serve as construction manager for the uptown parking deck project. The solicitation was advertised on March 11, with interested firms required to submit their proposals no later than April 19. A copy of the

	solicitation is included with this agenda item. Two (2) firms submitted their qualifications to serve as construction manager for the City's parking deck. The firms were Barnhill Contracting Company of Tarboro, NC, and T.A. Loving Company of Goldsboro, NC. Both firms are well qualified and are highly reputable.
	A staff team consisting of representatives from the Public Works and Community Development Departments, as well as the City Manager's Office, completed a review of the proposals based on the criteria specified in the solicitation. The review process resulted in consensus that while both firms are well qualified to serve the City on this project, Barnhill Contracting Company's response demonstrated a more thorough and clearly defined approach to the project. Further, Barnhill was able to provide clear examples of how their firm has found significant cost efficiencies on projects very similar to the City's parking deck project. Finally, the staff review team noted Barnhill's demonstrated and significant commitment to minority participation in previous projects. Next steps in this project include execution of a pre-construction phase contract with Barnhill, selection of appropriate design professionals for the project, design and cost estimation, and finally award of the project by City Council to Barnhill Contracting Company at a guaranteed maximum price.
Fiscal Note:	Staff estimates the cost for construction of a pre-cast parking deck at approximately \$3,810,400. Construction management services associated with the project are included within the estimate cited above.
Recommendation:	Select Barnhill Contracting Company to serve as construction manager at risk (CMAR) for the Uptown Parking Deck Project. Staff further requests authorization from City Council to enter into negotiations with Barnhill to develop a scope of services for pre-construction services with the associated fee subject to approval by City Council.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

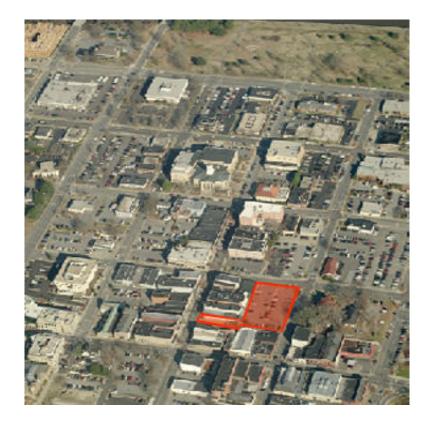
#### Attachments / click to download

D Uptown Office Project and Parking Deck

Attachment number 1 Page 1 of 30

# CALL FOR DEVELOPERS AND REQUEST FOR QUALIFICATIONS

# **Uptown Office Project and Parking Deck**



Greenville, NC - February 2013

Response Deadline: April 19, 2013 4:00 p.m. EST

For further information, Contact:

Carl Rees City of Greenville Office of Economic Development <u>crees@greenvillenc.gov</u> 252-329-4510

### 1.0 Background

The City of Greenville is a thriving economic hub that is the center of commerce, healthcare and education in the heart of eastern North Carolina. The City and region enjoyed relatively strong growth and prosperity in recent years, leading to a current city population of more than 84,000 persons in a MSA of nearly 200,000.

Since 2002, the Greenville Redevelopment Commission has been leading the City's efforts to revitalize its "Uptown" commercial and office area, which is adjacent to East Carolina University – the fastest growing public university in North Carolina. Copies of the Center City – West Greenville Revitalization plan (2006) and Strategic Economic Development Plan (2012) may be viewed on the Office of Economic Development's web site at

<u>www.greenvillenc.gov/economicdevelopment</u>. The revitalization plan initiated a series of incremental revitalization activities that laid the groundwork for pending larger-scale (re)development projects in Uptown Greenville, which the City is prepared to support on a strategic basis.

The development of attractive, mixed-use, urban infill projects and the transportation infrastructure to support them are key parts of the City's integrated economic development strategies. City of Greenville officials have discussed the possibility of constructing a parking deck in Uptown Greenville since as early as 2003 and set aside funds in reserve for its construction. This project will be the first municipal parking deck ever constructed in Greenville. Other concurrent program elements include installation of public infrastructure such as streetscape improvements; façade improvement grant programs; small business plan competition and other business and job creation programs focused on the Center City; acquisition of dilapidated structures and/or strategically-important properties in the Center City and adjacent residential neighborhoods; attraction and recruitment of business and industry.

## 2.0 Project Overview

#### 2.1 Goals

The Greenville Redevelopment Commission is seeking a creative, qualified team that will partner with the City of Greenville to develop – and own a portion of – a downtown mixed-use commercial/office building while also managing the construction of an adjacent parking deck.

The selected team, which must have a proven track record of developing urban infill projects, will work with the Greenville Redevelopment Commission to design, develop, and manage the construction of a multistory building on a 0.2 acre parcel in Uptown Greenville. The City is also seeking a general contractor to

City of Greenville Call for Developers/RFQ Page 2 **Ite20 # 8**  serve as "construction manager at-risk' (CM) for the four-level, 250+ space parking deck, to be located on an adjacent City-owned parcel, with the **possibility of that general contractor being a member of the development team** (both the call for developers and CM RFQ are combined in this solicitation to facilitate proposals that address these two needs in relation to each other). The City will own and manage the parking deck after construction. In the process of managing the construction of the deck, the construction manager at-risk may also be asked to coordinate design issues for the two sites with the development team.

The project will accommodate the relocation of the **Greenville Convention and Visitors Bureau (CVB)** to the Uptown area, provide additional office/commercial space close to the main campus of East Carolina University, and provide parking for those office users as well as to support downtown commercial parking demand.

Linking the **parking deck** construction with the commercial/office project, which involves some site constraints, is expected to generate considerable economies of scale. Portions of the parking deck site – currently a City surface parking lot – can be used as a staging and construction equipment access area during the majority of construction. Teams submitting proposals and qualifications for this project are encouraged to seek creative strategies for providing all required user needs while also making best use of the sites.

#### 2.2 Site Context

The CVB project and the parking deck are to be located within the Uptown Commercial District, which is part of the Center City Revitalization Area. The adjacent sites are within the historic Commercial District, which is listed on the National Register of historic places but is *not* a local historic district subject to design review. It might be characterized as a "main street" downtown, with predominantly 1-2 story commercial buildings, civic/government buildings, and churches.

The Uptown/Center City area is located between two of the fastest growing economic nodes in eastern North Carolina – the Vidant Health campus and the ECU main campus. The City has completed several important infrastructural improvements that will benefit the project site (e.g., Five Points Plaza) and has scheduled other major



improvements (streetscape improvements to Evans and Fifth streets,

respectively). Another very significant future upgrade is the 10<sup>th</sup> Street Connector Project, which will bring an infusion of vehicular traffic and redevelopment to the doorstep of Center City/Uptown Greenville. In other words, because the community has been laying the groundwork for larger-scale urban redevelopment and is prepared to support key projects (e.g., downtown hotel) in response to real estate market trends, the Center City is poised for more intensive redevelopment.

To encourage redevelopment that contributes to Greenville's potential as a "destination place," the community developed design guidelines for new projects and building renovations in the Center City. The guidelines<sup>1</sup> are a valuable design resource. They include strategies relevant to designing an infill (midblock) multistory building that will complement Greenville's unique character while helping to point 21<sup>st</sup> century Uptown in a forwardly direction.



The project site is served by water, sewer, and electric services provided by Greenville Utilities Commission. Other utility infrastructure includes telephone service provided by Embarq, cable television service provided by Suddenlink Communications, and free public wi-fi in the Uptown area.

The parking deck site, at the corner of Fourth and Cotanche streets, is currently used as a municipal parking lot with a total parking capacity of 77 spaces (approximately 200 feet along Cotanche Street and 130 feet along Fourth Street). The site is served by one-way south traffic on Cotanche Street and two-way traffic along Fourth Street. It appears that a four level parking deck could be erected at the location that would provide vehicular access from both Fourth and Cotanche Streets.

The Center City Design Guidelines are available at:

http://www.greenvillenc.gov/uploadedFiles/Departments/Community\_Development/Information/Urban\_Development\_ Division/Design\_Guidelines\_final\_11-19-09\_web.pdf.

# 3.0 Office Building Project: Call for Developers

#### 3.1 Building Design

To maximize the project's impact – especially given its midblock location – the building must be visually striking, with its upper floor(s) visible from surrounding 1-2 story urban blocks of "main street" commercial/office buildings in historic Uptown Greenville. The architecture should convey the site's dual civic/commercial purpose. Public visioning models have been completed for the project site, which will be provided to the developer as a potential source of inspiration.

The project will meet the following design needs and other criteria:

- First/second floor: approximately 3,500 SF of office space, for which tenants will commit to a long-term lease through the master development agreement.
  - This CVB use will be the centerpiece of the project accessed from the main entrance of the front facade (Evans Street or west elevation), with the building's exterior signage/branding indicating this civic use.

		SF per	
	rooms	room	total SF
Kitchen	1	350	350
Conference	1	525	525
Work area	1	225	225
Offices	6	168	1,008
Storage	1	150	150
Restrooms	4	305	1,220
Total	14		3,478

• General space needs are expected to breakdown approximately as:

- FF&E not the responsibility of developer/builder.
- A "cut through" (either plaza or interior to the building) will provide pedestrian access from Evans Street to the parking deck site, which is located on the back side (east elevation) of the parcel; this access-way must be accessible to the general public during business hours, Monday – Friday, 8 – 5:00 P.M. Note: costs associated with developing the "cut through" access to the parking deck will be applied to parking deck construction budget.

- Additional two floors: approximately 9,470 SF of additional office space will be sold to an institutional partner after construction.
  - Long-term general space needs are expected to breakdown approximately as:

	total SF
38 offices	4,940 ASF
7 exec offices	1,260 ASF
Conference space	410 ASF
Copy space	293 ASF
Ancillary space	585 ASF
Total ASF	7,488
10% Contingency	749
Total GSF	9,473

- FF&E not the responsibility of developer/builder.
- The project developer should propose additional space/uses within the building, including retail, office, and/or residential.
  - Development proposals that include mixed-use components are encouraged.
  - If ownership residential uses are proposed, condo association is preferred to occupancy-on-sale and additional covenants may apply.
- Teams are encouraged to consider design approaches and/or construction methods that might be expected to reduce development costs; the site is located within a primary fire district; the City is willing to consider any type of construction that meets North Carolina building codes.

#### 3.2 Project Financing

The Greenville Redevelopment Commission holds fee-simple ownership of the land parcel on which the commercial/office building will be located, which it will sell to the developer (at appraised value). The commission would also entertain proposals for a long-term ground lease.

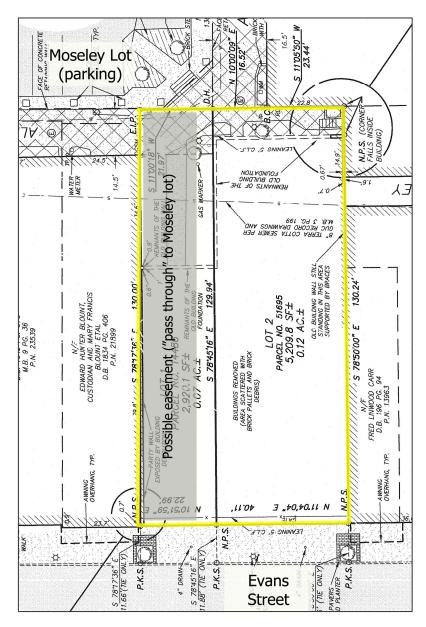
Any office/commercial/residential space completed by the developer in addition to the spaces required by CVB and institutional partner is limited only by Airport Zone height limitations.

The project developer will stipulate in the proposal either cost-per-SF caps for CVB and institutional office spaces or will disclose estimated costs-per-SF. The RDC will provide an allowance for administration fee of up to 12.5 percent for development of those spaces.

#### 3.3 Redevelopment Commission Participation

During the project development phase, it is expected that the selected developer will work with the Greenville Redevelopment Commission and associated staff to complete the financial plan, design, development, and construction for the project. It is expected that the Redevelopment Commission, and/or the City of Greenville will support the project as follows:

- Derived timely reviews of development plans
- Provide construction specifications and approvals
- Make available the office property at the appropriate time via the negotiated offer/upset bid process.



### 3.4 Site Data

#### Proposed Visitors Center: 423 Evans Street (Parcel #51695); 0.20 acres

Future Land Use Plan classification: **Commercial** Zoning: **CD (Commercial Downtown)**; supports high density mixed-use development.

#### Land acquisition price = \$198,250 (not including easements)

Total SF of parcel: 8,130

Note: 2,200 SF of easement may be subdivided, in lieu of providing interior "cut through" pedestrian access to Moseley Public Parking Lot, for a net acquisition reduction of \$50,050

> City of Greenville Call for Developers/RFQ Page 7 **Item # 8**

#### 3.5 Proposals

#### Submittal Deadline

In order to be considered, five (5) paper copies plus one (1) electronic copy of all developer submissions must be received on or before April 19, 2013, by 4:00 p.m. EST. All submissions must be delivered in a sealed envelope marked: Uptown Visitors Center and Parking Deck. All materials submitted in response to this notice become the property of the Greenville Redevelopment Commission and may be returned at their option. Any proposals received after the deadline will not be considered.

Proposals may be mailed or delivered to:

City of Greenville Office of Economic Development Att. Mr. Carl Rees P.O. Box 7207 201 West First Street Greenville, NC 27835

#### Submittal Format

Cover Letter

Briefly describe why your team is interested and should be considered for this project. Also, provide contact information for any questions or additional requests for information that may arise during the review of your proposal.

#### Proposal and Qualifications

Respondents should identify a single contact person for all correspondences and notifications. Submissions must address and incorporate the following criteria to be eligible for review:

1. Development Entity/Capacity – provide the following information for your firm and any subsidiaries that may be involved in the project: firm and individual names, backgrounds, history, numbers of years in the business, size of firm, number of employees dedicated to this project and their proposed responsibilities related to this project; contact addresses and persons on the proposed development team, including developer, architect (if determined), construction contractor (if determined) and any other known key personnel/parties to be utilized on the Project); please include applicable professional registrations of team members as well as any specialized experience in applicable areas.

a. Demonstrated experience in successful development, construction, operation and economic performance of comparable

City of Greenville Call for Developers/RFQ Page 8 **Ite20 # 8**  projects (submit names of references for other projects, particularly like public venues, project completion history).b. Demonstrated current capacity and commitment to successfully design, develop, and construct the project as described in this call for developers.

2. Development Plan – briefly outline your technical and procedural approach for this project and describe key issues and potential problems facing this project and how your firm or team would address these issues; submit conceptual or preliminary site plans and sketches including proposed elevations, floor plans, space uses, amenities, letters of commitment from additional lessees or plans to secure such commitment, letters of commitment from financial institutions etc. to indicate:

a. Extent to which the submittal meets the goals and objectives and other requirements as described in this call for developers.b. Ability to timely design, develop, finance, construct and manage a quality project as described in this call for developers.c. Experience with designing context-appropriate infill developments.

3. Economic Plan (Pro forma) – submit relevant financial, economic and other project information necessary to address:

a. Feasibility analysis of the development proposal.

b. Commitment to good faith utilization of local, minority-owned and small businesses.

Transaction Terms – submit a proposed Term Sheet to address:

 Alternative terms and conditions (business offer) which are exceptions to this call for developers or to the draft form of the Master Development Agreement.

b. Other considerations deemed relevant to the proposal and ability to complete the transaction.

Teams are encouraged to provide any other relevant information that will assist the City in the evaluation of their submission. However, bulky promotional material not directly related to this project is discouraged.

#### City of Greenville Equal Employment Opportunity Statement

The City of Greenville and the Greenville Redevelopment Commission do not discriminate in administering any programs or activities. The development and construction management team selected for this project will be required to insure that no person shall be denied employment, fair treatment or be discriminated against on the basis of race, sex, religion, age, national origin or handicap.

### 3.6 Evaluation and Selection Process

#### Submission Review Team

The initial submission review team will consist of 2-3 City of Greenville staff members who are assigned to work with the Greenville Redevelopment Commission, representatives of the CVB, and the institutional partner.

#### **Review Process**

The initial review team will evaluate all proposals submitted on time and conduct phone or in-person interviews to determine those firms or organizations that will be granted an opportunity to present their proposals to the RDC. Costs associated with the developer response and costs attributed to any interviews or agreement negotiations are at the expense of the developer and will not be reimbursed.

Shortlist firms will be notified via telephone by May 1, 2013. Those shortlist firms should prepare to present their qualifications before the Greenville Redevelopment Commission at their regularly scheduled meeting at 5:30 PM on May 7, 2013. Each firm will be allotted a total of fifteen (15) minutes for their presentation and an additional five (5) minutes to respond to questions from the Redevelopment Commission Members. The Redevelopment Commission will then designate a primary (preferred) proposal and an alternate proposal. The developer with the primary proposal will be notified by telephone no later than May 8, 2013.

The primary proposer will be given the opportunity to make the offer to acquire the property on which the office will be built and complete the primary proposal, subject to the Master Development Agreement, negotiated between the City and the primary proposer. Said offer shall be no less than \$198,250 if an interior 'cut through" pedestrian access to the proposed parking deck is proposed and no less than \$148,200, if the 2,200 foot easement to the parking deck is proposed. This offer, if determined to be acceptable, will be used as the negotiated offer in the upset bid procedure.

As a condition of the upset bid process, the winning bidder will be required to complete the preferred proposal as outlined in the Master Development Agreement.

In the event that no qualifying bids are received to complete the primary proposal, the City of Greenville will then negotiate a Master Development Agreement with the developer that submitted the alternate proposal, followed by an upset bid process initiated under the condition that the winning bidder will complete the alternative proposal.

# 4.0 Parking Deck: Construction Manager At-Risk RFQ

#### 4.1 Project Description

The City desires construction of a pre-cast two bay, four-level parking deck, which will yield approximately 256 spaces (64 spaces on each level):

- Pre-cast construction is a preferred option at this location.
- A conceptual lay-out of a parking deck configured for the selected site is provided below in section *4.3 Site Data*.
  - Two pedestrian access areas will be maintained and an additional pedestrian access will be created that will tie the parking deck site to Evans Street.
- Design features: required handicap accessibility features, stair and elevator access that maximize visibility and security, energy efficient lighting, emergency call stations and security cameras wired into the existing City of Greenville network.
  - Although attended parking will not be offered initially, the deck should be constructed in such a manner that an attendant booth could be added at a later date.
  - A variety of exterior up-fit options might 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 architecturally compatible with the surrounding structures.
- Geological conditions: a site assessment indicated that foundation enhancements and/or a pier system will be required for a structure of the magnitude of a parking deck. A copy of the geological report from Terracon is available on the City's website (<u>http://www.greenvillenc.gov/departments/community\_development/inform\_ation/default.aspx?id=18734</u>).
- Deck operations: Lower floor spaces available for lease, with upper floor spaces available for hourly parking. With leased spaces converting 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. Management of the hourly spaces will be conducted via pay stations.
- A survey of the parking deck site is available at the City of Greenville's Office of Economic Development website: http://www.greenvillenc.gov/departments/community\_development/information/default.as px?id=18734

As part of this RFQ, the City of Greenville is not yet seeking design proposals for the parking deck. The City of Greenville will work with the construction manager at-risk to complete and approve cost estimation and final design as part of the development process.

#### 4.2 Project Scope

The property owner of the parking deck, the City of Greenville will select a Construction Manager at-Risk to provide professional construction management services during the design and the construction of the project as described herein.

The work of the Construction Manager-at-Risk will be responsible for two phases of work:

- Phase I: Pre-construction phase services and the preparation and submission of the Guaranteed Maximum Price (GMP).
- Phase II: Bidding, award and management of numerous principal and specialty trade contracts for others to provide the actual construction of the Project. Since the Construction Manager-at-Risk will be providing only professional services for the benefit of the Owner based on a fee for such services, this procurement will be made in accordance with provisions of North Carolina General Statute (N.C.G.S) 143-64.31 which requires that firms qualified to provide such services be selected on the basis of demonstrated competence and qualification for the type of professional service required without regard to fee and thereafter negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.

Once the contract for the work is finalized and the project is underway, the construction manager at-risk will oversee administration of the contract for construction. The construction manager at-risk will inspect the construction work to ensure timeliness and quality of construction and issue any change directives as necessary and appropriate. After that work is completed (post-construction) the City of Greenville will manage and operate the parking deck.

### 4.3 Site Data



#### Proposed parking deck: corner of Cotanche and Fourth streets; 0.64 acres

City of Greenville Call for Developers/RFQ Page 13 **Item # 8**  4.5 Proposals

#### Submittal Deadline

In order to be considered, five (5) paper copies plus one (1) electronic copy of all developer submissions must be received on or before April 19, 2013, by 4:00 p.m. EST. All submissions must be delivered in a sealed envelope marked: Uptown Visitors Center and Parking Deck. All materials submitted in response to this notice become the property of the Greenville Redevelopment Commission and may be returned at their option. Any proposals received after the deadline will not be considered.

Proposals may be mailed or delivered to:

City of Greenville Office of Economic Development Att. Mr. Carl Rees P.O. Box 7207 201 West First Street Greenville, NC 27835

#### Submittal Format

#### Cover Letter

Briefly describe why your firm is interested and should be considered for this project. Also, provide contact information for any questions or additional requests for information that may arise during the review of your proposal.

#### Proposal and Qualifications

Respondents should identify a single contact person for all correspondences and notifications. Submissions must address and incorporate the following criteria to be eligible for review:

- 1. Construction Management Background:
  - a. Firm name, background, history, number of years in business, and size of firm.
  - b. Please include applicable professional registrations of team members as well as any specialized experience in applicable areas.
  - c. Proposers must possess all licenses required by North Carolina law, including, at a minimum, an unlimited general contractor's license in the building classification under N.C.G.S. Chapter 87, and shall submit proof of current licensing with their proposal.
  - d. If the Proposer is a joint venture firm or partnership, provide relevant identification information for all parties (i.e., licenses, insurance, etc.); identify the responsibilities of each joint venture or partnership party with respect to the scope of services/work inclusive of the responsibilities for each entity based on such services as applicable. All joint

venture/partnership parties would be held responsible for the contract obligations jointly and severally.

- 2. Project Approach- briefly outline your technical and procedural approach for managing construction of the parking deck.
  - a. Describe the capabilities of your firm or team to manage the project.
  - b. Describe key issues and potential problems facing this project and how your team would address these issues.
  - c. Provide a brief, overall description of how the project will be organized and managed, and how the services will be performed in both Pre-Construction and Construction Phases. Project planning that offers the same project manager for pre-construction and construction phases shall be given preference.
    - i. Value Engineering
    - ii. Constructability Issues
    - iii. Cost Model/Estimates
    - iv. Project Tracking/Reporting
    - v. Request for Information (RFI) and Shop Drawings
    - vi. Quality Control
    - vii. Schedule and Staffing Plan
- 3. Cost efficiency discuss any opportunities for incorporating cost saving measures into this project. Respondents should feel free to reference examples of previous projects where cost effective measures have been successfully implemented.
- 4. Please provide and notarize responses to the Qualifications for Construction Manager at-Risk Questionnaire that is attached to this RFQ (see: Appendix A).
- 5. Note: please specify any portions of your proposal that you deem to be confidential, proprietary information or trade secrets, and provide any justification of why such materials, upon request, should not be disclosed by the Owner under North Carolina public records laws. Proposals will be publicly opened. Proposers must clearly indicate each and every section that is deemed to be confidential, proprietary or a trade secret as required by statute. It is NOT sufficient to preface your entire proposal with a proprietary statement.

Teams are encouraged to provide any other relevant information that will assist the City in the evaluation of their submission. However, bulky promotional material not directly related to this project is discouraged.

#### City of Greenville Equal Employment Opportunity Statement

The City of Greenville and the Greenville Redevelopment Commission do not discriminate in administering any programs or activities. The development and construction management team selected for this project will be required to insure that no person shall be denied employment, fair treatment or be discriminated against on the basis of race, sex, religion, age, national origin or handicap.

Please see Appendix B and complete forms as required. Questions concerning the City of Greenville's M/WBE policies and programs may be directed to Ms. Denisha Harris, M/WBE Coordinator at 252-329-4862.

#### 4.6 Evaluation and Selection Process

#### **Submission Review Team**

The initial submission review team will consist of 3-4 City of Greenville staff members.

#### **Review Process**

The construction manager at-risk RFQ review team will evaluate all qualifications summaries submitted on time to determine those firms that will be granted an interview. Costs for developing the qualifications summaries and costs attributed to any interviews are at the consultant's expense and will not be reimbursed.

Following the interviews, City of Greenville staff will attempt to negotiate an agreement with the top ranked firm. The City of Greenville will request in writing a detailed fee proposal for Pre-construction Services from the selected Construction Manager-at-Risk. The City will attempt to negotiate a fair and equitable fee consistent with the project program and the professional services required for the specific project.

In the event a fee cannot be agreed upon, the City of Greenville shall terminate the negotiations and shall repeat the notification and negotiation process with the next ranked firm on the selection list. In the event a fee cannot be agreed upon with the second-ranked Construction Manager-at-Risk, the process will be repeated with the third-ranked Construction Manager-at-Risk, if applicable.

If a fee still cannot be agreed upon, the City shall review the history of negotiations and make appropriate determinations including program adjustments so as to lead to a negotiated contract with one of the original three firms selected. Such renegotiation with the firms shall be carried out in the original selection order, or a call will be made for the selection committee to submit another list of three firms in priority order to the Appropriate Authority for consideration and final approval. The negotiation process will continue until a fee has been determined that is agreed to by the City of Greenville and the Construction Manager-at-Risk.

Following successful negotiation, the Greenville City Council shall award the Pre-Construction Services contract to authorize the Construction Manager-at-Risk to provide the services outlined in the contract.

At the end of the Pre-construction Phase, and in accordance with the terms and conditions of the contract, the Construction Manager-at-Risk will ordinarily negotiate a Guaranteed Maximum Price to include Cost of the Work, Construction Manager-at-Risk Construction

Management Fee, Construction Manager-at-Risk Contingency, and the cost of Bonds and Insurance. Following successful negotiation, the City of Greenville as the final awarding authority will award the Guaranteed Maximum Price contract.

### 4.6 Review and Selection Criteria

The review committee will evaluate a range of criteria in selecting a construction manager at-risk for the parking deck. In particular, the review committee will be looking for proposals that demonstrate a firm will bring the following strengths:

- A workload that is fully able to accommodate the addition of this project.
- Record of successfully completed projects of similar scope without major legal or technical problems.
- Previous experiences with clients demonstrate a good working relationship with Owner representatives, have completed projects in a timely manner and have performed an acceptable quality of work.
- Key personnel that have appropriate experience and qualifications.
- Relevant and easily understood graphic or tabular presentations.
- Completion of CM-at-Risk projects in which there was little differences between the GMP and final cost.
- □ Projects that were completed on or ahead of schedule.
- □ Recent experience with project costs and schedules.
- Construction administration capabilities.
- □ Proximity to and familiarity with the area where the project is located.

# 5.0 Project Timeline: CVB Project & Parking Deck

As the site has previously been cleared for development, and the CVB relocation is a higher-priority item, the City anticipates proceeding on an aggressive schedule with this project. Development Teams demonstrating an ability to meet aggressive goals and objectives for the Project will be viewed favorably; provided quality assurance criteria for the Project can be met timely and assured as well.

2/25/2013	Call for developers and RFQ issued
4/19/2013	Submittals deadline
4/22 - 4/30/2013	Review of responses
5/7/2013	Presentations of CVB Project proposals to Redevelopment Commission & Selection of Primary and Alternate Proposals
5/9/2013	Greenville City Council approves selection of preferred development team for the CVB project and hires a construction manager at-risk for the parking deck
6/15/2013	Start of project

The above dates represent a projected timeline, which is subject to modification by the City. In such event, the City will provide written notice of such changes

# 6.0 Special Terms and Conditions

#### 6.1 Respondent Responsibilities

All facts and opinions stated herein and in any additional information, whether written or oral, provided by the City of Greenville and/or its representative, are based on available information that is believed to be accurate. No representation or warranty, however, is made with respect thereto. The information is provided to assist prospective respondents create viable responses to this call for developers. It is the sole and absolute responsibility of prospective respondents to complete their own due diligence with regard to information contained herein.

#### 6.2 Reservation of Rights

The issuance of this call for developers and RFQ – and the acceptance of submittal – do not constitute an agreement by the City of Greenville that any agreement will actually be entered into by the City. Any and all costs incurred by respondents in preparation of a response to this call for developers or future call for developers are the responsibility of the respondents. Any and all disputes arising under this call for developers and any agreement negotiated as a result of this call for developers shall be governed by the laws of the State of North Carolina.

The City reserves the right to issue written notice of any changes in the submittal process should the City determines in its sole and absolute discretion that such changes are necessary or desirable.

The City reserves the right to reject submittals if the terms and conditions or other proposed aspects of submittals are deemed unacceptable by the City in its sole and absolute discretion. The City reserves the right to disqualify any team who fails to provide information or data as requested in this call for developers or during the evaluation process, or who provides materially inaccurate or misleading information or data or who attempts to influence the selection process outside of the process established in this call for developers. The City reserves the right to disqualify any team on the basis of conflict of interest. Such disqualifications are at the sole and absolute discretion of the City.

#### 6.3 Property Rights/Disclosure of Information

All materials submitted in response to this call for developers and submittals subsequent thereto, shall become the property of the City of Greenville upon delivery. Any respondent tendering submittals in response to this call for developers hereby acknowledges and understands the City of Greenville is a public entity required to abide by the public records laws of the State of North Carolina, and to that extent shall make such disclosures as required by law. To that end, Respondents should review and be mindful of Chapter 132 of the North Carolina General Statue in submitting information that respondents deem confidential or proprietary; provided, however, respondents should provide information adequate for the purposes of evaluating proposals.

City of Greenville Call for Developers/RFQ Pa**te in # 8**0

## 7.0 Questions

In an effort to ensure that all potential respondents to this proposal have access to the same information, all questions should be posed via email to Mr. Carl Rees, Project Manager at the following email address: crees@greenvillenc.gov

Questions will be posted along with appropriate responses on the Office of Economic Development web page of the Community Development Department's website at <u>www.greenvillenc.gov/economicdevelopment</u>.

Questions will be accepted until April 17, 2013 and will typically be responded to within one business day.

- End of Call for Developers and Construction Manager at-Risk RFQ -

### APPENDIX A:

# Parking Deck (on Moseley Lot): adjacent to Uptown Visitors Center

### Qualifications Questionnaire for Construction Manager at-Risk

Submitted to:	Carl Rees, Economic Development Manager, Office of Economic
	Development, City of Greenville
	252-329-4510; crees@greenvillenc.gov

Project Title: City of Greenville Parking Deck adjacent to the Uptown Visitors Center

#### Proposer's Name and Principal Office serving this project:

(Include Company Name and address along with the name of the contact person with telephone number and e-mail address)

#### **Profile of Proposer:**

- A. Give corporate history of the company including organizational structure, years in business and evidence of authority to do business in North Carolina.
- B. List projects for which the company is currently committed including name & location of each project, time frame to complete & dollar volume of each project.
- C. Financials Attach latest balance sheet and income statement if available, based on company type. Audited statements preferred. If not available, attach a copy of the latest annual renewal submission to the relevant licensing board. Indicate Dunn & Bradstreet rating if one exists. (Firms must submit financial data and may clearly indicate a request for confidentiality to avoid this item becoming part of a public record.)
- D. Attach letter from Surety Company or its agent licensed to do business in North Carolina verifying proposer's capability of providing adequate performance and payment bonds for this project.
- E. Litigation/Claims. If yes to any of the questions below, list the project(s), dollar value, contact information for owner and designer and provide a full explanation with relevant documentation.
  - 1. Has your company ever failed to complete work awarded to it? \_\_\_\_Yes \_\_\_\_No
  - Has your company ever failed to substantially complete a project in a timely manner (i.e. more than 20% beyond the original contracted, scheduled completion date)? \_\_\_Yes \_\_\_No
  - 3. Has your company filed any claims with the North Carolina State Construction Office within the last five years? <u>Yes</u> No

- 4. Has your company been involved in any suits or arbitration within the last five years? <u>Yes</u> No
- Are there currently any judgments, claims, arbitration proceedings or suits pending or outstanding against your company, its officers, owners, or agents? \_\_\_\_Yes \_\_\_No
- 6. Has your present company, its officers, owners, or agents ever been convicted of charges relating to conflicts of interest, bribery, or bid-rigging? \_\_\_\_Yes \_\_\_No
- 7. Has your present company, its officers, owners, or agents ever been barred from bidding public work in North Carolina? \_\_\_\_Yes \_\_\_\_No

#### **Project Experience**

- A. List three projects of similar size, scope and complexity performed by the proposer.
- B. For each of the three projects, include specific details on the extent to which preconstruction & construction phase services were provided.
- C. For the three projects listed above where CM services were provided, list the Guaranteed Maximum Price (if given), or if not given, the estimated cost provided by you, and the total cost of the project at completion.
- D. For each of the three projects above where CM services were provided, compare the number of days in the original schedule with the number of days taken for actual completion.
- E. For each of the three projects listed above, attach project owner references including the name, address, telephone and fax numbers, and e-mail address of the project owner representative.

#### **Key Personnel**

- A. List of key personnel who will be assigned to the project.
- B. For each person listed above, list what aspects of pre-construction or construction the person will handle. For those persons who will divide their time between pre-construction and construction phases, indicate what percentage of their time will be devoted to each phase.
- C. For each person listed in response to A & B above, list his/her experience with firm, other prior and relevant experience with projects of similar size and scope in construction/design, and the person's location.

This the	day of	, 20			
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My Commission Expires:

#### Appendix B: M/WBE Professional and Personal Services Forms

City of Greenville/Greenville Utilities Commission Minority and/or Women Business Enterprise Program

#### City of Greenville M/WBE Guidelines for Professional and Personal Service Contracts \$10,000 and above

These instructions shall be included with each bid solicitation.

# City of Greenville/Greenville Utilities Commission Minority and/or Women Business Enterprise Program

### M/WBE Guidelines for Professional and Personal Service Contracts \$10,000 and above

#### **Policy Statement**

It is the policy of the City of Greenville and Greenville Utilities Commission to provide minorities and women equal opportunity for participating in all aspects of the City's and Utilities' contracting and procurement programs, including but not limited to, construction projects, supplies and materials purchases, and professional and personal service contracts.

#### **Goals and Good Faith Efforts**

Service providers responding to this solicitation shall comply with the M/WBE program by making Good Faith Efforts to achieve the following aspirational goals for participation.

	C	ITY
	MBE	WBE
Professional and Personal Services	4%	4%

Submitters shall submit M/WBE information with their submissions on the forms provided. This information will be subject to verification by the City prior to contract award. <u>As of July 1, 2009, contractors, subcontractors, suppliers, service providers, or M/WBE members of joint ventures intended to satisfy City M/WBE goals shall be certified by the NC Office of Historically Underutilized Businesses (NC HUB) only.</u> Firms qualifying as "WBE" for the City's goals must be designated as a "women-owned business" by the HUB Office. Firms qualifying as "MBE" for the City's goals must be certified in one of the other categories (i.e.: Black, Hispanic, Asian American, American Indian, Disabled, or Socially and Economically Disadvantaged). Those firms who are certified as both a "WBE" and "MBE" may only satisfy one requirement.

The City shall accept NCDOT certified firms on federally funded projects only. A directory of NC HUB certified firms that have expressed a direct desire to do business with the City may be found on the City's website at <u>www.greenvillenc.gov</u>. A complete database of NC HUB certified firms may be found at <a href="http://www.doa.nc.gov/hub/">http://www.doa.nc.gov/hub/</a>.

Please note: A contractor may utilize any firm desired. However, for participation purposes, all M/WBE vendors who wish to do business *as a minority* must be certified by NC HUB.

The submitter shall make good faith efforts to encourage participation of M/WBE's prior to submission of bids in order to be considered responsive. Submitters should be prepared to submit documentation of these efforts if aspirational goals are not met.

#### Instructions

The submitter shall provide with submission the following forms:

FORM 1—Sub-Service Provider Utilization Commitment

This form provides the amount of sub-contracted work committed to on the project for M/WBE. Submitter must turn in this form with submission. If the submitter does not customarily subcontract elements of this type of project, do not complete this form. Instead complete FORM 2.

#### FORM 2--Statement of Intent to Perform work without Sub-Service Providers

This form provides that the submitter does not customarily subcontract work on this type project. This form does not need to be accompanied by any other form and must be submitted with submission.

FORM 1A—Checklist of Good Faith Efforts

This checklist provides ways in which the prime service provider can actively work to increase participation by M/WBE firms. Please answer all questions honestly. The Checklist should be provided with submission if aspirational goals are not achieved. Documentation of efforts identified must be provided within 72 hours of selection/award.

#### Proof of Payment Certification

Submitted by the selected service provider with each payment application, listing payments made to subcontractors. This form is not submitted with the submission.

#### Types of Documentation Accepted

If aspirational goals are not achieved, documentation of good faith efforts must be submitted by the selected submitter within 72 hours of selection. This documentation must include but is not limited to:

- A list of all quotes/proposals received from M/WBE sub-service providers that indicates the action taken by the prime provider in response to the quote/proposal submitted. In cases where proposals were rejected, the reason for rejection must be indicated.
- Copies of solicitations provided to M/WBE's from the registries of certified firms provided by the M/WBE website.
- Copies of quotes/proposals from each firm responding to solicitations.
- Documentation of any contacts, correspondence, or conversations with M/WBE firms made in attempt to meet the goals.

Minimum Compliance Requirements:

All written statements, affidavits, or intentions made by the Bidder shall become a part of the agreement between the Contractor and the City for performance of contracts. Failure to comply with any of these statements, affidavits or intentions or with the minority business guidelines shall constitute a breach of the contract. A finding by the City that any information submitted (either prior to award of the contract or during the performance of the contract) is inaccurate, false, or incomplete, shall also constitute a breach of the contract. Any such breach may result in termination of the contract in accordance with the termination provisions contained in the contract. It shall be solely at the option of the City whether to terminate the contract for breach or not.

In determining whether a contractor has made Good Faith Efforts, the city will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts.

#### Sub-Service Provider Utilization Commitment FORM 1 (Must be included with submission if subcontracting any portion of work)

We\_\_\_\_\_

, do certify that on the (Company Name)

we will expend a minimum of %

(Project Name)

of the total dollar amount of the contract with certified minority and/or women business enterprises. If the submitter intends to subcontract, this form along with the Checklist of Good Faith Efforts must be completed and submitted at time of submission

Work description	% of Work
*M/WBE Category	

\*Minority categories: Black, African American (B), Hispanic or Latino (L), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (S) Disabled (D)

The undersigned will enter into a formal agreement with M/WBE firms for work listed in this schedule conditional upon execution of a contract. Failure to fulfill this commitment may constitute a breach of contract.

The undersigned hereby certifies that he/she has read the terms of this commitment and is authorized to bind the submitter to the commitment herein set forth.

Date:

Name & Title of Authorized Representative

Signature of Authorized Representative\_\_\_\_\_

#### Statement of Intent to Perform work without Sub-Service Providers FORM 2 (Must be included with submission if not subcontracting any portion of work)

We,	, hereby certify that it is our
intent to perform 100% of the work required for the	
contract.	(Project Name)

In making this certification, the submitter states that the submitter does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform <u>all elements of the work</u> on this project with his/her own work forces; and

The submitter agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he/she has read this certification and is authorized to bind the submitter to the commitments herein contained.

Date:
Name & Title of Authorized Representative
Signature of Authorized Representative
Signature of Authorized Representative

#### **Checklist of Good Faith Efforts**

#### FORM 1a

# (Must be included <u>with</u> submission if subcontracting any portion of work <u>and</u> the goal of 4% MBE/4% WBE has not been met) Documentation of theses efforts must be submitted by the selected service provider within 72 hours of award.

- Have you attended the pre-bid conference(s) scheduled?
   Yes
   No (Meeting attendance is documented by the local government agency)
- Did your firm identify specific items of work which could be executed by a M/WBE?
   ( ) Yes ( ) No
- Did your firm advertise identified work in media of general circulation, trade publications, and minority-focused media in a timely manner to allow sufficient time for the response of M/WBE firms?
   ( ) Yes
   ( ) No
- 4. Did your firm contact M/WBE firms, associations or centers which disseminate information to M/WBE firms, and utilize the registries of certified M/WBE firms located on the M/WBE website at <u>www.greenvillenc.gov</u> for proposals on identified work?

() Yes () No

Were contacted firms made aware of the type of work being solicited and expressed interest for proposals? Was assistance provided to M/WBE's concerning information about the requirements of the project including review of plans and specifications?

( ) Yes ( ) No

- 5. Did your firm follow up initial solicitations of interest by contacting M/WBE's to determine with certainty whether they were interested in submitting a proposal? ( ) Yes ( ) No
- 6. Did your firm attempt to enter into joint venture or partnership arrangements with M/WBE's for the execution of identified work?
  - ( ) Yes ( ) No
- Did your firm negotiate in good faith with interested M/WBE firms and did not unjustifiable reject as unsatisfactory proposals prepared by any Minority or Women Business Enterprise?
   ( ) Yes
   ( ) No
- 8. Did your firm provide assistance and relevant information to MBE/WBE's in review of Requests for Proposal an

work to be done by sub service provider for the project. ( ) Yes ( ) No

- 9. Did your firm make every effort to obtain M/WBE participation that could reasonably be expected to produce a level of
  - Participation sufficient to meet the goals of the City
  - ( ) Yes ( ) No

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

Name & Title of Authorized Representative\_\_\_\_\_

Signature of Authorized Representative

Pay Application No. \_\_\_\_\_

Purchase Order No. \_\_\_\_\_

### **Proof of Payment Certification**

M/WBE Contractors, Suppliers, Service Providers

Project Name:

Prime Service Provider:

Current Contract Amount (including change orders): \$\_\_\_\_\_

Requested Payment Amount for this Period: \$\_\_\_\_\_

Is this the final payment? \_\_\_\_Yes \_\_\_\_No

M/WBE Category*	Total Amount Paid from this Pay Request	Total Contract Amount	Total Amount Remaining
	Category*	Category* Paid from this Pay Request	Category* Paid from this Contract

\*Minority categories: Black, African American (**B**), Hispanic or Latino (**L**), Asian American (**A**) American Indian (**I**), Female (**F**), Socially and Economically Disadvantaged (**S**), Disabled (**D**)

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

Certified By: \_\_\_\_\_

Name

Title

Signature



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

**Title of Item:** Establishment of Uptown Outdoor Dining Permit

**Explanation:** Abstract: The establishment of the Outdoor Dining Permit will allow restaurants and dining and entertainment establishments in a selected area of the uptown area to use public sidewalks and/or alleys to provide outdoor dining.

**Explanation:** There has been public interest in allowing outdoor dining for restaurants (fast food and conventional) and dining and entertainment establishments (D&E's) in the uptown area. This proposal only applies to restaurants and D&E's that would require the use of public sidewalks and/or alleys and is located in the proposed Uptown Outdoor Dining Area. Outdoor dining would be beneficial to the uptown area as a way to add vitality and appeal to the area. Currently, there are no standards to allow for outdoor dining as described above.

Under this proposal, restaurants and D&E's in the proposed Uptown Outdoor Dining Area would be eligible to apply for an outdoor dining permit. Through this process, the sponsoring establishment has to demonstrate compliance with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board and the Pitt County Health Department (Environmental Health). Being located in the Uptown Outdoor Dining Area does not guarantee a permit will be granted by the City.

**Intent and Purpose:** The intent of this proposal is to establish outdoor dining in the uptown area and to create a streamlined process for requesting an outdoor dining permit. To further expedite the process, the permit would be approved at the staff level and not require City Council consideration. Standards would be crafted to allow outdoor dining, while also allowing safe and unimpeded pedestrian passage. These standards would eliminate or mitigate any negative effects associated with outdoor dining such as noise, trash, or a public nuisance.

Currently, there are several impediments to allowing outdoor dining on public

property. If this proposal is approved, these sections of the City Code will need to be amended.

- Consumption of alcoholic beverages in public (Sect. 12-1-2)
- Obstructions in streets and sidewalks (Sect. 6-2-1)
- Sale or display of goods on sidewalks (Sect. 6-2-3)

### **Proposed Changes - Definition:**

*Uptown Outdoor Dining*. Outdoor dining, operated by a restaurant and/or D&E in the Uptown Outdoor Dining Area, that utilizes public sidewalks or alleys that contains removable tables, chairs, plants and related appurtenances.

*Uptown Outdoor Dining Area.* The area where Uptown Outdoor Dining is allowed by permit and which is located in the geographic area within the following boundary: 3<sup>rd</sup> Street between Washington Street and Cotanche Street; Cotanche Street between 3<sup>rd</sup> Street and 4<sup>th</sup> Street; 4<sup>th</sup> Street between Cotanche Street and Reade Street; Reade Street and Reade Circle between 4<sup>th</sup> Street and Evans Street; Evans Street between Reade Circle and 5<sup>th</sup> Street; 5<sup>th</sup> Street between 5<sup>th</sup> Street and Washington Street; and, Washington Street between 5<sup>th</sup> Street.

**Application Process:** Applicants must submit an application for an outdoor dining permit with the following information. Incomplete applications will not be processed.

#### **Minimum Submission Requirements**

- Five (5) copies of a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details including property lines, sidewalks, lighting, trees, tree grates, planters, parking meters, benches, street signs, bus stops, and fire hydrants. The plan shall also include location, number and arrangement of tables, chairs and other appurtenances. The plan will be reviewed for compliance with applicable rules, regulations, ordinances, law, and statutes by the following departments/divisions: Police, Fire/Rescue, Engineering and Inspections;
- Valid Privilege License from the City of Greenville;
- State ABC license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);
- City Beer/Wine License to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);
- Proof of valid insurance policy that provides a minimum liability of one million dollars (\$1,000,000) and has the City of Greenville designated as an additional insured under the policy; and
- Written permission of abutting property owner (if outdoor dining area includes an area adjacent to the abutting property beyond the property upon which the restaurant or dining and entertainment establishment is located).

### Conditions

- Outdoor dining must be associated with an operating restaurant and/or dining and entertainment establishment in the Uptown Dining Area that is under the same management and shares the same food preparation facilities, restroom facilities, and other customer conveniences as the restaurant and/or dining and entertainment establishment.
- Outdoor dining shall be in accordance with the plan approved by the outdoor dining permit.
- Outdoor dining area shall not be enclosed by fixed walls and shall be open to the air.
- Furniture must be of metal construction.
- No tents or cash registers are allowed in the outdoor dining area.
- All furniture must be removed from the outdoor dining area each day by 10:00 p.m. Furniture cannot be stacked or stored in the outdoor dining area. Furniture may be returned to the outdoor dining area after 6:00 a.m. the following day.
- No music from any source (acoustic, electric or other) shall be allowed in the outdoor dining area.
- No additional signage shall be allowed in the outdoor dining area except as allowed in Title 9, Chapter 4, Article N of the City Code.
- Temporary barriers are allowed provided that these are no more than 36 inches in height and of all-metal construction.
- No umbrellas may be used in the outdoor dining area.
- No space heaters may be used in the outdoor dining area.
- No electrical/extension cords may be used in the outdoor dining area.
- No flooring, decking, terracing or other floor material may be installed in the outdoor area.
- No food serving equipment or food service equipment to hold, store, heat, warm, cold, chill or otherwise to keep food to be served may be located in the outdoor dining area.
- No food or beverage can be served to a patron in the outdoor dining area unless the patron is seated at a table.
- Accessible routes, as required by the North Carolina State Building Code, shall be maintained.
- Outdoor dining area may be expanded to an abutting property with the written permission of the abutting property owner and the inclusion of the area in the outdoor dining permit.
- Permit holder must comply with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board and the Pitt County Health Department (Environmental Health).
- Outdoor dining operation must comply with all State and local sanitary and health regulations.
- Addition of outdoor dining shall not cause the restaurant and/or dining and entertainment establishment to exceed the capacity of patrons as determined by the size of the kitchen as determined by the Pitt County Health Department.
- The permit holder shall maintain general commercial liability insurance,

naming the City as an additional insured in the amount of not less than \$1,000,000 and submit a current certificate of insurance demonstrating continued compliance with this subsection. Such insurance shall not be canceled without thirty (30) day written notice to the City.

• The City maintains the right to enter the outdoor dining area at any time for inspecting the area, ascertaining compliance with conditions of the permit or making any repairs to public sidewalks and/or alleys.

#### Responsibilities

- Permit holder shall keep the outdoor dining area free of garbage, trash, refuse, and other waste materials;
- Permit holder shall maintain the outdoor dining area in a clean and usable state and must protect the right-of-way from damage;
- Permit holder shall properly clean and remove, for the safety of pedestrians and for environmental concerns, any food, drink, and other items spilled in the sidewalk, alley, or adjacent areas located in the right-of-way;
- Permit holder shall use and occupy the outdoor dining area in a safe and reasonable manner in accordance with applicable laws including the provisions of this article; and
- Permit holder shall keep and maintain the outdoor dining area in good and complete state of repair and condition, except for ordinary wear and tear.

**Non Transferability:** The outdoor dining permit is not transferable. A change in ownership of the restaurant or dining and entertainment establishment requires re-application. The outdoor dining permit is valid for one year on a calendar year basis (from January 1 through December 31) and will expire on December 31 regardless as to when the outdoor dining permit is issued.

**Revocation:** The outdoor dining permit may be revoked if it is determined that the permit holder:

- Deliberately misrepresented or provided false information in the permit application;
- Violated any provision of the City Code or county health department regulations in connection with the operation of the outdoor dining;
- Violated any law, regulation, or ordinance regarding possession, sale, transportation or consumption of intoxicating beverages or controlled substances in connection with the operation of the outdoor dining;
- Operated the outdoor dining in such a manner as to create a public nuisance or to constitute a hazard to public health, safety, and welfare, specifically including failure to keep the outdoor dining area clean and free of refuse;
- Failed to maintain any health, business, or other permit or license required by law for the operation of the restaurant and/or dining and entertainment establishment.

### **Fiscal Note:** The permit fee of \$150 is anticipated to cover administrative costs.

**<u>Recommendation:</u>** Approve the attached ordinance establishing the Uptown Outdoor Dining Permit.

#### Viewing Attachments Requires Adobe Acrobat. Click here to download.

#### Attachments / click to download

**D** <u>Map</u>

ORDINANCE\_TO\_PROVIDE\_FOR\_AN\_UPTOWN\_OUTDOOR\_DINING\_PERMIT\_951727

#### ORDINANCE NO. 13 -ORDINANCE AMENDING THE PROVISION OF THE GREENVILLE CITY CODE TO PROVIDE FOR AN UPTOWN OUTDOOR DINING PERMIT

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

<u>Section 1:</u> That Chapter 2 of Title 6, of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by adding an article to be designated as Article E, which article reads as follows:

### ARTICLE E. UPTOWN OUTDOOR DINING PERMIT

#### **SECTION 6-2-60 DEFINITIONS.**

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Uptown Outdoor Dining.* Outdoor dining operated by a restaurant and/or dining and entertaining establishment in the Uptown Dining Area that utilizes public sidewalks and/or alleys that contain removable chairs, tables, plants and related appurtenances.

*Uptown Outdoor Dining Area.* The area where Uptown Outdoor Dining is allowed by permit and which is located in the geographic area within the following boundary: 3<sup>rd</sup> Street between Washington Street and Cotanche Street, Cotanche Street between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, 4<sup>th</sup> Street between Cotanche Street and Reade Street, Reade Street and Reade Circle between 4<sup>th</sup> Street and Evans Street, Evans Street between Reade Circle and 5<sup>th</sup> Street, 5<sup>th</sup> Street between Evans Street and Washington Street, and Washington Street between 5<sup>th</sup> Street and 4<sup>th</sup> Street.

#### SECTION 6-2-61 PERMIT REQUIRED.

Uptown Outdoor Dining will be permitted only in the Uptown Outdoor Dining Area. It is unlawful to operate outdoor dining on public sidewalks or alleys without an Outdoor Dining permit issued by the city.

#### SECTION 6-2-62 MINIMUM SUBMISSION STANDARDS.

All applications for an outdoor dining permit shall be submitted on a form provided by the city and contain the following information:

(A) Five (5) copies of a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details including property lines, sidewalks, lighting, trees, tree grates, planters, parking meters, benches, street signs, bus stops, and fire hydrants. The plan shall also include location, number and arrangement of tables, chairs and other appurtenances. The plan will be reviewed for compliance with applicable rules, regulations, ordinances, law, and statutes by the following departments/divisions: Police, Fire/Rescue, Engineering and Inspections.

(B) Valid Privilege License from the City of Greenville;

(C) State ABC license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(D) City Beer/Wine License to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(E) Proof of valid insurance policy that provides a minimum liability of one million dollars (\$1,000,000), and has the City of Greenville designated as an additional insured under the policy; and

(F) Written permission of abutting property owner (if outdoor dining area includes an area adjacent to the abutting property beyond the property upon which the restaurant or dining and entertainment establishment is located).

SECTION 6-2-63 CONDITIONS.

The following conditions apply to the Outdoor Dining permit:

(A) Outdoor dining must be associated with an operating restaurant and/or dining and entertainment establishment in the Uptown Dining Area that is under the same management and shares the same food preparation facilities, restroom facilities, and other customer conveniences as the restaurant and/or dining and entertainment establishment.

(B) Outdoor dining shall be in accordance with the plan approved by the outdoor dining permit.

(C) Outdoor dining area shall not be enclosed by fixed walls and shall be open to the

air.

(D) Furniture must be of metal-construction.

(E) No tents or cash registers are allowed in the outdoor dining area.

(F) All furniture must be removed from the outdoor dining area each day by 10 p.m. Furniture cannot be stacked or stored in the outdoor dining area. Furniture may be returned to the outdoor dining area after 6 a.m. the following day.

(G) No music from any source (acoustic, electric or other) shall be allowed in the outdoor dining area.

(H) No additional signage shall be allowed in the outdoor dining area except as allowed in Title 9, Chapter 4, Article N of the City Code.

(I) Temporary barriers are allowed provided that these are no more than 36 inches in height and of all-metal construction.

(J) No umbrellas may be used in the outdoor dining area.

(K) No space heaters may be used in the outdoor dining area.

(L) No electrical/extension cords may be used in the outdoor dining area.

(M) No flooring, decking, terracing or other floor material may be installed in the outdoor area.

(N) No food serving equipment or food service equipment to hold, store, heat, warm, cold, chill or otherwise to keep food to be served may be located in the outdoor dining area.

(O) No food or beverage can be served to a patron in the outdoor dining area unless the patron is seated at a table.

(P) Accessible routes, as required by the North Carolina State Building Code, shall be maintained.

(Q) Outdoor dining area may be expanded to an abutting property with the written permission of the abutting property owner and the inclusion of the area in the outdoor dining permit.

(R) Permit holder must comply with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board and the Pitt County Health Department (Environmental Health).

(S) Outdoor dining operation must comply with all State and local sanitary and health regulations.

(T) Addition of outdoor dining shall not cause the restaurant and/or dining and entertainment establishment to exceed the capacity of patrons as determined by the size of the kitchen as determined by Pitt County Health Department.

(U) The permit holder shall maintain general commercial liability insurance, naming the city as additional insured in the amount of not less than \$1,000,000 and submit a current certificate of insurance demonstrating continued compliance with this subsection. Such insurance shall not be cancelled without thirty (30) day written notice to the city.

(V) The city maintains the right to enter the outdoor dining area at any time for inspecting the area, ascertaining compliance with conditions of the permit or making any repairs to public sidewalks and/or alleys.

#### SECTION 6-2-64 RESPONSIBILITIES.

In addition to the conditions specified in section 6-2-63, the permit holder of an outdoor dining permit shall comply with the following:

(A) Permit holder shall keep the outdoor dining area free of garbage, trash, refuse, and other waste materials.

(B) Permit holder shall maintain the outdoor dining area in a clean and usable state and must protect the right-of-way from damage.

(C) Permit holder shall properly clean and remove, for the safety of pedestrians and for environmental concerns, any food, drink, and other items spilled in the sidewalk, alley, or adjacent areas located in the right-of-way.

(D) Permit holder shall use and occupy the outdoor dining area in a safe and reasonable manner in accordance with applicable laws including the provisions of this article; and

(E) Permit holder shall keep and maintain the outdoor dining area in good and complete state of repair and condition, except for ordinary wear and tear.

#### SECTION 6-2-65 NON TRANSFERABILITY.

The outdoor dining permit is not transferable. A change in ownership of the restaurant or dining and entertainment establishment requires re-application. The outdoor dining permit is valid for one year on a calendar year basis (from January 1 through December 31) and will expire on December 31 regardless as to when the outdoor dining permit is issued.

#### SECTION 6-2-66 REVOCATION.

The outdoor dining permit may be revoked if it is determined that the permit holder:

(A) Deliberately misrepresented or provided false information in the permit application;

(B) Violated any provision of the City Code or county health department regulations in connection with the operation of the outdoor dining;

(C) Violated any law, regulation, or ordinance regarding possession, sale, transportation or consumption of intoxicating beverages or controlled substances in connection with the operation of the outdoor dining;

(D) Operated the outdoor dining in such a manner as to create a public nuisance or to constitute a hazard to public health, safety, and welfare; specifically including failure to keep the outdoor dining area clean and free of refuse;

(E) Failed to maintain any health, business, or other permit or license required by law for the operation of the restaurant and/or dining and entertainment establishment.

#### SECTION 6-2-67 ENFORCEMENT AND APPEALS.

Enforcement of this article will be the responsibility of the director of the Community Development Department or designee. An appeal of a citation or of a denial or revocation of a permit shall be presented in writing to the director of the Community Development Department no later than five (5) calendar days after its issuance.

### SECTION 6-2-68 PENALTIES FOR VIOLATIONS.

(A) Any violation of the provisions of this section shall subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation, which must be paid within 72 hours. If the person fails to pay the civil penalty within 72 hours, the city may recover the penalty including all costs and attorneys fees by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(B) This article may also be enforced by any appropriate equitable action.

Section 2: That Section 6-2-1 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting said section so that it shall read as follows:

#### SECTION 6-2-1 OBSTRUCTIONS PLACED IN STREETS AND IN SIDEWALKS.

It shall be unlawful for any person to place in any street or upon any sidewalk any boxes, crates, casks, barrels or other obstructions of a like nature, except garbage or refuse receptacles and in which is deposited waste paper and trash of every description for removal by the city and except as allowed in accordance with a permit issued for uptown outdoor dining pursuant to Article E of Chapter 2 of Title 6 of the City Code.

Section 3. That Section 6-2-3 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting said section so that it shall read as follows:

# SECTION 6-2-3 SALE OR DISPLAY OF GOODS IN STREETS AND ON SIDEWALKS.

It shall be unlawful for any person to sell or display for the purpose of sale, any goods, wares or merchandise upon the sidewalks within the fire district except as allowed in accordance with a permit issued for uptown outdoor dining pursuant to Article E of Chapter 2 of Title 6 of the City Code.

<u>Section 4:</u> That Section 12-1-2 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting subsection (C)(1) so that said subsection shall read as follows:

(1) Notwithstanding any other provision of this section, upon obtaining the appropriate alcoholic beverages permits as required by law, possession and consumption of malt beverages or unfortified wine shall be permitted at:

- (a) A golf course owned, occupied or controlled by the city;
- (b) A convention center owned, occupied or controlled by the city;

(c) An area upon a public sidewalk or alley as allowed in accordance with a permit issued for outdoor dining pursuant to Article E of Chapter 2 of Title 6 of the City Code; and

(d) With the written approval of the City Manager and subject to any conditions identified by the City Manager in the written approval, other property owned, occupied or controlled by the city or public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.

Section 5: That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by the addition of a fee for an Outdoor Dining Permit contained in the Community Development Fees within a new section entitled "Miscellaneous" so that it shall read as follows:

#### **Miscellaneous**

Account Number	Service	Fee
010-0000-330-18 -12	Outdoor Dining Permit	\$150 flat fee

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

<u>Section 7:</u> 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.

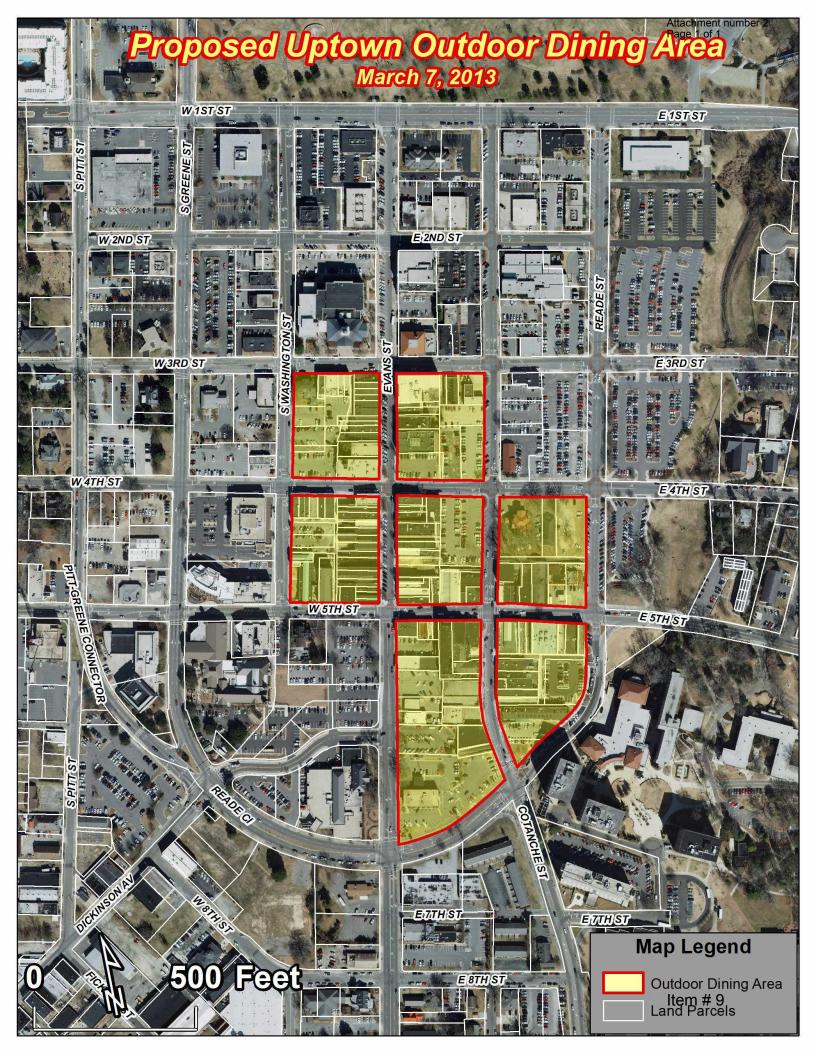
<u>Section 8:</u> This ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk





# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

Title of Item:	Consideration of a resolution regarding the North Carolina Parks and Recreation Trust Fund (PARTF)
Explanation:	<b>Abstract</b> : As part of his proposed budget, Governor Pat McCrory recently recommended the elimination of the dedicated source of funding for the North Carolina Parks and Recreation Trust Fund (PARTF), originally established in 1994 as the state's principal funding source for state parks and local parks and recreation projects. This item includes a resolution encouraging members of the General Assembly to retain a dedicated source of funding for this important program.
	<b>Explanation</b> : North Carolina Governor Pat McCrory's proposed budget includes reducing the Parks and Recreation Trust Fund (PARTF) from \$27.5 million to \$15.5 million. It also includes a proposal to eliminate a dedicated source of funding for PARTF, which has been provided through a portion of the state's tax on real estate deed transfers.
	30% of the program's funds go to support local parks and recreation projects, and to date the City of Greenville has been the recipient of \$1,750,000 in PARTF matching funds.
	A proposed PARTF reduction of almost 45% is disappointing, but since these are tight budgetary times, such cuts may be necessary. However, a much more serious and far-reaching concern is the Governor's recommendation to eliminate the program's tie to its dedicated source of funding, an established portion of North Carolina's real estate transfer tax.
	Since it's inception in 1994, PARTF has had a monumental impact on Greenville's and Pitt County's environment, economy, and quality of life, as well as the health of our citizens. That impact has also been prevalent all over the state, as only one of North Carolina's 100 counties has not had at least one PARTF-funded project.

	Greenville has been the recipient of PARTF support for five projects:	
	<ul> <li>1999 H. Boyd Lee Park Development - \$250,000</li> <li>2002 River Park North Nature Center - \$250,000</li> <li>2004 Guy Smith Park - \$250,000</li> <li>2006 Aquatics &amp; Fitness Center Renovations - \$500,000</li> <li>2010 Drew Steele Center - \$500,000</li> </ul>	
	PARTF originators had the foresight to establish the program with a dedicated funding source, and, without that, the program's future will always be in question. And, since a match is required, every approved project represents a long-standing partnership, since each investment will positively impact North Carolina's citizens for decades to come.	
	Retaining a dedicated source of funding for PARTF is essential to its continuing survival. The program has meant so much to Greenville's economy, environment, and people, and has enabled numerous improvements that may well have been impossible otherwise.	
	The attached resolution encourages the members of the North Carolina General Assembly to maintain this dedicated source of funding for PARTF.	
Fiscal Note:	No fiscal impact.	
Recommendation:	Approve the resolution to encourage the members of the General Assembly to retain a dedicated source of funding for the North Carolina Parks and Recreation Trust Fund.	

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D PARTF Resolution

### RESOLUTION NO. RESOLUTION TO REQUEST THE NORTH CAROLINA GENERAL ASSEMBLY TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE NORTH CAROLINA PARKS AND RECREATION TRUST FUND (PARTF)

**WHEREAS**, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more; and

**WHEREAS**, the Parks and Recreation Trust Fund (PARTF) was established with bipartisan support on July 16, 1994, to fund improvements in the state's park system, to fund grants for local park improvements, and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, the City of Greenville and its citizens and visitors have greatly benefitted from the health, economic, environmental, and quality of life impacts that various local PARTF supported projects have generated; and

**WHEREAS**, since its inception, PARTF has provided \$161 million through 722 grants to 370 local governments in 99 North Carolina counties and has been matched with \$312 million in local and private dollars for the purchase of park land, the construction and renovation of facilities, and the development of greenways and trails; and

**WHEREAS,** growth in North Carolina's population has made it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, with more state and local parks needed to meet the increased demands; and

**WHEREAS,** parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

**WHEREAS**, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

**WHEREAS**, the Parks and Recreation Trust Fund has leveraged funds that allowed North Carolina to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, the Parks and Recreation Trust Fund has funded capital improvement projects in the state parks, such as visitor centers and exhibit halls, which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, a 2008 study estimated the annual economic impact to local economies from tourists visiting the state parks system at more than \$400 million in sales and income, as well as nearly 5,000 jobs; and

**WHEREAS**, a portion of PARTF is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

**WHEREAS**, access to parks, recreation facilities, and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities, thereby reducing costs associated with obesity, heart disease, diabetes, and high blood pressure; and

**WHEREAS,** research has documented that structured park and recreational opportunities can prevent crime and provide positive activities and direction for young people; and

**WHEREAS**, dedicated, recurring funding of the Parks and Recreation Trust Fund allows for structured and objective planning and efficient management of the park system at both the state and local levels today and in the future; and

**WHEREAS**, the success of the Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Greenville that the **City of Greenville** does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for the Parks and Recreation Trust Fund.

**BE IT FURTHER RESOLVED** that the City Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of Greenville and to the North Carolina Recreation and Park Association.

Adopted this 6<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

Attest:

Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

<u>Title of Item:</u>	Consideration of a resolution regarding voting
Explanation:	Council Members Blackburn and Mercer requested an item be placed on the City Council agenda for consideration of a resolution in support of early voting and college students' right to vote. A draft resolution is attached for consideration.
Fiscal Note:	No direct cost to the City.
<b>Recommendation:</b>	Discuss and consider the resolution as requested by Council Members Blackburn and Mercer.

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**B** <u>Resolution\_Regarding\_Voting\_953283</u>

#### RESOLUTION NO. \_\_\_\_\_ RESOLUTION OF THE GREENVILLE CITY COUNCIL IN SUPPORT OF EARLY VOTING AND COLLEGE STUDENTS' RIGHT TO VOTE AND PARTICIPATE IN OUR COMMUNITY

WHEREAS, the right to vote is the basis of our democracy;

WHEREAS, early voting is a huge success that allows more people to participate in our democracy, especially college students with limited means of transportation and inflexible schedules;

WHEREAS, early voting is efficient and eliminates the potential for long lines at the polls that discourage voting;

WHEREAS, more than 2.5 million North Carolinians voted before Election Day in 2012 and North Carolina now ranks 11<sup>th</sup> in the nation in voter turnout;

WHEREAS, our nation was founded on the rejection of taxation without representation and college students pay local sales taxes and fees;

WHEREAS, college students live within our borders, contribute to our economy, work in our places of business, shop in our stores, enhance our quality of life, and generally play an integral role in our community;

WHEREAS, the United States Supreme Court has ruled that college students are legally entitled to vote in the community where they attend college;

WHEREAS, college students have participated in our local elections, petitioned their local government, and served honorably in official roles within our local government;

WHEREAS, the North Carolina General Assembly is considering legislation that would restrict the rights of college students to vote in the community in which they work, pay taxes, and live for the majority of the year;

WHEREAS, the General Assembly's method of prohibiting parents to claim their children as dependents on their tax returns if the children are living and legally voting elsewhere amounts to a de facto poll tax;

WHEREAS, the General Assembly is considering legislation that would reduce opportunities to vote early, which are convenient and popular not only with students but for all residents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Greenville, North Carolina, supports the rights of college students to vote and participate in our community and opposes any reduction in early voting. In addition, this Council calls on our representatives in

the North Carolina General Assembly to vote against any measure that reduces early voting or that restricts the right to vote of our college student population.

Adopted this 9<sup>th</sup> day of May, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 5/9/2013 Time: 7:00 PM

Title of Item:	Consideration of a resolution regarding fracking
Explanation:	Abstract: Council Member Marion Blackburn has requested that this item be placed on the agenda for discussion and consideration.
	<b>Explanation:</b> As the State moves forward with plans for hydraulic fracturing to release shale gas, a procedure known as fracking, there are unanswered questions about how to dispose of the wastewater from the procedure, which contains chemicals and in some cases, radioactive materials.
	It can take three to five million gallons of water to frack one well, with as much as a third of it becoming contaminated wastewater. State leaders are considering a plan to dispose of this wastewater in eastern North Carolina, possibly via a method known as deep-well injection. The geology to do this injection is highly suitable for the Coastal Plains. If fracking wastewater is injected into aquifers in the east, there is a great risk of polluting and contaminating them. In addition, toxic fracking water can seep into groundwater.
	Forty years ago, the State banned deep-well injection of polluted wastewater, but that ban could be overturned to allow fracking wastewater to be stored in eastern North Carolina. A bill pending in the N.C. Legislature would lift the current ban on deep-well injection. Council Member Blackburn has requested that this item be placed on the agenda for discussion and consideration of adopting a resolution opposing lifting the ban on deep-well injection that would allow disposal of fracking wastewater in eastern North Carolina.
Fiscal Note:	No direct cost to the City.
Recommendation:	Discuss and consider the item as requested by Council Member Blackburn.

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