



# Agenda

## Greenville City Council

September 12, 2013  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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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.

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

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

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

### **IV. Roll Call**

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

### **VI. Special Recognitions**

- Alonza Price, Recreation and Parks Department Retiree
- Cynthia Suggs, Police Department Retiree
- Michael Hobgood, Fire/Rescue Department Retiree
- Officers and Citizens Involved in the Shooting Incident on June 21, 2013

### **VII. Appointments**

1. Appointments to Boards and Commissions
2. Nomination to the Pitt County Commissioners for the Chairperson of the Pitt-Greenville Convention and Visitors Authority

### **VIII. New Business**

## **Public Hearings**

3. Consolidated Annual Performance and Evaluation Report (CAPER)
4. Ordinance to amend the Zoning Ordinance by adding rear yard parking standards applicable to the University Neighborhood Revitalization Initiative (UNRI) Overlay District
5. Ordinance requiring the repair or demolition and removal of the dwelling located at 200 Tyson Street
6. Ordinance requiring the repair or the demolition and removal of the dwelling located at 202 Tyson Street
7. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1706 South Greene Street
8. Ordinance requiring the repair or the demolition and removal of the dwelling located at 200 Cadillac Street
9. Ordinance requiring the repair or the demolition and removal of the dwelling located at 210 Cadillac Street
10. Ordinance requiring the repair or the demolition and removal of the dwelling located at 446 West Third Street

## **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**

11. Ordinance amending the concealed handgun ordinance
12. Ordinance amending the provisions of the City Code relating to an Uptown Outdoor Dining Permit

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

## **X. City Manager's Report**

13. Amend the 2013 City Council Meeting Schedule to cancel the September 23, 2013, meeting and add a Joint City Council/Greenville Utilities Commission meeting on September 30, 2013 at 5:00 p.m. in the GUC Board Room

**XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

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

**Explanation:** **Abstract:** The City Council fills vacancies and makes reappointments to the City's Boards and Commissions. Appointments are scheduled to be made to seven of the Boards and Commissions.

**Explanation:** City Council appointments need to be made to the Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Planning and Zoning Commission, Recreation and Parks Commission, and the Youth Council.

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

**Recommendation:** Make appointments to the Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Planning and Zoning Commission, Recreation and Parks Commission, and the Youth Council.

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[Muni\\_Report\\_Appointments\\_to\\_Boards\\_and\\_Commissions\\_914698](#)

# Appointments to Boards and Commissions

September 2013

## Greenville Bicycle and Pedestrian Commission

**Council Liaison:** Council Member Calvin Mercer

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Anthony R. Little	3	First term	Resigned	January 2015

## Historic Preservation Commission

**Council Liaison:** Council Member Marion Blackburn

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Richard Weir	5	First term	Resigned	January 2013
Maury York	3	Unexpired term	Resigned	January 2013

## Human Relations Council

**Council Liaison:** Mayor Pro Tem Rose Glover

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Lloyd Horton	4	First term	Eligible	September 2013
Hassam Kandil	2	Unexpired term	Eligible	September 2013
Byung Lee	5	First term	Eligible	September 2013
Angel Mondragon	3	First term	Resigned	September 2013
Corey Rhodes	5	First term	Resigned	September 2014

### Student Representative

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Available (ECU)		Unexpired Term	Eligible	October 2012

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## Pitt Greenville Convention & Visitors Authority

**Council Liaison:** Mayor Pro-Tem Rose Glover

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Terry Shank (City – 3)	4	Second term	Resigned	July 2014

- 1: Owners/operators of hotels/motels  
 2: Members of tourist or convention-related businesses  
 3: Residents not involved in tourist or convention-related business

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## Planning & Zoning Commission

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

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Kevin Burton (Mayor Pro Tem Rose Glover)	1	First term	Resigned	May 31, 2015

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## Recreation & Parks Commission

**Council Liaison:** Council Member Kandie Smith

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Freddie Outterbridge (Mayor Pro Tem Rose Glover)	2	Second term	Ineligible	May 31, 2015

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## Youth Council

**Council Liaison:** Council Member Marion Blackburn

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Lauren Applewhite	County	First term	Eligible	September 2013
Daniel Barondes	5	First term	Eligible	September 2013
Jacob Barondes	5	Filling unexpired term	Eligible	September 2013
Mercy Buckman	County	Second term	Eligible	September 2013

Ashish Khanchandani	4	First term	Eligible	September 2013
Michael Montalvo	1	First term	Eligible	September 2013
Charlotte Overton	4	Second term	Eligible	September 2013
Casey Sokolovic	4	First term	Eligible	September 2013
Samaria Trimble	County	Second term	Eligible	September 2013
Rivik Verma	4	Second term	Eligible	September 2013

# Applicants for Greenville Bicycle and Pedestrian Commission

None.



## Applicants for Historic Preservation Commission

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

**Application Date:** 2/20/2012

**District #:** 4

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

Dustin Mills  
504 Daventry Drive  
Greenville, NC 27858

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

**District #:** 5

**Home Phone:** (919) 480-0791  
**Business Phone:** (252) 558-0207  
**Email:** dmills@pirhl.com

Tyrone O. Walston  
2706 Webb Street  
Greenville, NC 27834

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

**District #:** 2

**Home Phone:** (252) 412-7351  
**Business Phone:** (252) 355-8736  
**Email:** walston\_tyrone@yahoo.com

## Applicants for Human Relations Council

Wanda Carr  
2304 British Court  
Greenville, NC 27834

**Application Date:** 10/13/2010

**District #:** 1

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

Isaac Chemmanam  
402 Lochview Drive  
Greenville, NC 27858

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

**District #:** 4

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

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

**Application Date:** 2/20/2012

**District #:** 4

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

Aaron Lucier  
1516 Thayer Drive  
Winterville, NC 28590

**Application Date:** 2/23/2011

**District #:** 5

**Home Phone:** (252) 321-3910  
**Business Phone:** (252) 328-2758  
**Email:** luciera@ecu.edu

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

**Application Date:** 7/15/2010

**District #:** 1

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

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

**Application Date:**

**District #:** 5

**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	<b>Application Date:</b> 2/23/2011
<b>District #:</b> 5	<b>Home Phone:</b> (252) 414-3943 <b>Business Phone:</b> (252) 353-7379 <b>Email:</b> bbrown@myrepexpress.com
Wanda Carr 2304 British Court Greenville, NC 27834	<b>Application Date:</b> 10/13/2010
<b>District #:</b> 1	<b>Home Phone:</b> (252) 321-1409 <b>Business Phone:</b> <b>Email:</b> carrwdc@hotmail.com
Brian Cooper 1149 Mulberry Lane, #34-G Greenville, NC 27858	<b>Application Date:</b> 3/5/2011
<b>District #:</b> 5	<b>Home Phone:</b> (252) 439-0651 <b>Business Phone:</b> (252) 439-0651 <b>Email:</b> brianevans_99@yahoo.com
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	<b>Application Date:</b> 4/15/2013
<b>District #:</b> 5	<b>Home Phone:</b> (252) 227-4240 <b>Business Phone:</b> <b>Email:</b> aeleonor@suddenlink.net
Bridget Moore 4128A Bridge Court Winterville, NC 28590	<b>Application Date:</b> 7/13/2011
<b>District #:</b> 5	<b>Home Phone:</b> (252) 355-7377 <b>Business Phone:</b> (252) 756-1002 <b>Email:</b> bmoore2004@netzero.com
Tyler D Richardson 125 Squire Drive Winterville, NC 28540	<b>Application Date:</b> 5/1/2013
<b>District #:</b> 5	<b>Home Phone:</b> (704) 641-1449 <b>Business Phone:</b> <b>Email:</b> tdr0827@gmail.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

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

Uriah Ward  
106 Osceola Drive  
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:** 4/9/2012

**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:**

**Home Phone:** (910) 840-0337  
**Business Phone:** (252) 215-4000  
**Email:** tjr@wardandsmith.com

**Application Date:** 11/1/2011

**Home Phone:** (252) 752-1029  
**Business Phone:** (252) 744-3070  
**Email:** saffordwhiter@ecu.edu

**Application Date:** 11/9/2011

**Home Phone:** (252) 862-6683  
**Business Phone:** (252) 321-1101  
**Email:** howardmstearn@gmail.com

**Application Date:** 5/7/2013

**Home Phone:** (252) 565-2038  
**Business Phone:**  
**Email:** uriahward@yahoo.com

## Applicants for Recreation & Parks Commission

Tyler Clark  
1904 Tempo Court  
Greenville, NC 27858

**District #:** 4

**Application Date:** 8/26/2013

**Home Phone:** (252) 717-1679  
**Business Phone:** (252) 752-3529  
**Email:** tclark1185@gmail.com

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

**District #:** 5

**Application Date:** 3/5/2011

**Home Phone:** (252) 439-0651  
**Business Phone:** (252) 439-0651  
**Email:** brianevans\_99@yahoo.com

Gordon M Darragh  
1300 Oakview Drive  
Greenville, NC 27858

**District #:** 4

**Application Date:**

**Home Phone:** (252) 752-2633  
**Business Phone:** (252) 917-0090  
**Email:** gmdarragh@yahoo.com

Aaron Lucier  
1516 Thayer Drive  
Winterville, NC 28590

**District #:** 5

**Application Date:** 2/23/2011

**Home Phone:** (252) 321-3910  
**Business Phone:** (252) 328-2758  
**Email:** luciera@ecu.edu

Jan Maclaga  
3402 Foxwood Lane  
Greenville, NC 27858

**District #:** 4

**Application Date:** 5/12/2011

**Home Phone:** (252) 756-4520  
**Business Phone:**  
**Email:** maclagaj@ecu.edu

Bridget Moore  
4128A Bridge Court  
Winterville, NC 28590

**District #:** 5

**Application Date:** 7/13/2011

**Home Phone:** (252) 355-7377  
**Business Phone:** (252) 756-1002  
**Email:** bmoore2004@netzero.com

Al Muller  
212 Bristol Court  
Greenville, NC 27834

**District #:** 5

**Application Date:** 2/11/2011

**Home Phone:** (252) 916-5667  
**Business Phone:** (252) 328-6737  
**Email:** axm6737@gmail.com

Knox Oakley  
3906 Bach Circle  
Greenville, NC 27858

**Application Date:** 1/31/2011

**Home Phone:** (252) 321-6970  
**Business Phone:** (252) 531-2457

*Recreation & Parks Commission continued*

**District #:** 4

Charles H. Pennington  
100 Hickory Street Apt. C205  
Greenville, NC 27858

**District #:** 3

James Yahnker  
413 Beasley Drive, Apt. M-7  
Greenville, NC 27834

**District #:** 1

**Email:** k.oakley@tridim.com

**Application Date:** 6/1/2012

**Home Phone:** (252) 830-2092

**Business Phone:**

**Email:** chpennington@suddenlink.net

**Application Date:** 2/28/2011

**Home Phone:** (252) 758-3291

**Business Phone:** (252) 847-4400

**Email:** yahnker06@suddenlink.net

# Applicants for Youth Council

None.



# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Nomination to the Pitt County Commissioners for the Chairperson of the Pitt-Greenville Convention and Visitors Authority

**Explanation:** **Abstract:** In accordance with the Interlocal Agreement between the City of Greenville, Pitt County, and the Pitt-Greenville Convention & Visitors Authority, the City Council will nominate three members of the Pitt-Greenville Convention & Visitors Authority to serve as Chairman. Those nominations will be forwarded to the Pitt County Board of Commissioners, who will elect the Chairman from those nominations. This item was continued at the August 8 City Council meeting.

**Explanation:** In accordance with Section 7 of the Interlocal Agreement between the City of Greenville, Pitt County, and the Pitt-Greenville Convention & Visitors Authority, "... the Chairman of the Authority shall be designated by the Board of Commissioners of the County from a list of three (3) members of the Board of Directors nominated by the City Council of the City." The most recent Chairman was Joseph Fridgen, who has served a second term on the board and is no longer eligible to serve. A nomination of three members must be submitted to the Pitt County Commissioners so that they may select a Chairman from the list in accordance with the Interlocal Agreement. The current members are:

Kurt Davis, who is serving a first term that will expire July 2014

George Fenich, who is filling an unexpired term that will expire July 2015

Beatrice Henderson, who is serving a first term that will expire July 2016

Candace Hollingsworth, who is serving a second term that will expire July 2016

Scott Hucks, who is serving a first term that will expire July 2016

Christopher Jenkins, who is filling an unexpired term that will expire July 2014



Hanna Magnusson, who is serving a first term that will expire July 2016

JJ McLamb, who is filling an unexpired term that will expire July 2015

Jose Morales, who is filling an unexpired term that will expire July 2014

Robert Sheck, who is serving a second term that will expire July 2015

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

**Recommendation:** Nominate three members of the Pitt-Greenville Convention and Visitors Authority to the Pitt County Commissioners for consideration of appointment as Chairperson.

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# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Consolidated Annual Performance and Evaluation Report (CAPER)

**Explanation:** **Abstract:** The Consolidated Annual Performance and Evaluation Report (CAPER) is a requirement by the U.S. Department of Housing and Urban Development. This is an end-of-year report for Community Development Block Grant and HOME Investment Partnership Program funds, outlining the progress made in providing decent housing and establishing and maintaining a suitable living environment for Greenville residents.

**Explanation:** The Community Development Department, Housing Division, is in the process of completing the annual report, which is mandated by the U.S. Department of Housing and Urban Development (HUD). The Consolidated Annual Performance and Evaluation Report is designed to assist municipalities in assessing how effective they were throughout the year in affordable housing, community development, and economic development. The end-of-year report summarizes activities for the 2012 – 2013 fiscal year. Federal funding for the program year was as follows:

<b>Project</b>	<b>HOME</b>	<b>CDBG</b>
1. Administration	\$38,700	\$156,200
2. Owner-Occupied Rehab	\$140,000	\$206,837
3. Public Service	\$0	\$68,000
4. Community Housing Dev. Org.	\$58,000	\$0
5. Economic Development	\$0	\$50,000
6. Revitalization	\$0	\$220,000
7. Multi-Family Development	\$110,537	\$0
8. Public Facility	\$0	\$80,000
9. Down Payment Assistance	\$40,000	\$0
10. Estimated Program Income	\$30,000	\$30,000
<b>TOTAL</b>	<b>\$417,237</b>	<b>\$811,037</b>

Activities accomplished during the reporting period included the following:

Eight (8) Owner-Occupied home rehabilitations were completed.

Four (4) homes were cleared of lead-based paint hazards.  
Eight (8) public service grants were awarded to public service agencies serving low income clients.  
One (1) substandard unit was acquired.  
Six (6) substandard units were demolished and removed.  
One (1) displaced tenant was relocated.  
One (1) public facility improvement was completed.  
Nine (9) down payment assistance's (deferred loans) were administered.  
Six (6) new single-family homes were constructed.  
One (1) new single-family home was sold.  
Four (4) homes were sold to GHA for their lease-purchase program.

The end-of-year report outlines the City's progress in providing affordable housing, establishing and maintaining suitable living environments, and expansion of economic development activities. The **draft** CAPER for the 2012-2013 fiscal year is attached for review and approval by the City Council.

**Fiscal Note:** No direct cost

**Recommendation:** Conduct the public hearing to allow citizen participation in the planning of the 2013 -2018 Consolidated Plan and the 2013 - 2014 Annual Action Plan for CDBG and HOME programs

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 [2012\\_2013\\_CAPER\\_957050](#)

**Public Comment Period: August 9 –  
September 9, 2013**

# City of Greenville

## **DRAFT 2012 -2013 Consolidated Annual Performance and Evaluation Report**



For information regarding the  
CAPER, Contact:  
Niki Jones, Housing Administrator  
[nsjones@greenvillenc.gov](mailto:nsjones@greenvillenc.gov)  
252-329-4518



## CAPER

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## CAPER

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## CAPER

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### **Executive Summary**

The Consolidated Annual Performance and Evaluation Report (CAPER) details the housing and community development activities undertaken by the City of Greenville Community Development Department during the fiscal year 2012-13 program year. This program year commenced on July 1, 2012 and ended June 30, 2013.

As an entitlement community, the City of Greenville receives federal funds from the U.S. Department of Housing and Urban Development (HUD) programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnerships (HOME)

In assessing the progress accomplished towards meeting the five-year goals identified in the 2008-2013 Consolidated Plan, the City's program allocated these resources to support the national goals of community development and planning programs to develop viable urban communities. In particular, the City seeks opportunities to provide decent housing, a suitable living environment and expand economic opportunities for very low, low and moderate income persons/families.

The 2012-13 program year CAPER represents the fifth and final reporting year of the 2008-2013 Consolidated Plan. It is divided into six sections, the: 1.) Summary of the Overall Assessment of the fourth year Performance, 2.) Housing Needs, 3.) Community Development Block Grant, 4.) HOME Investment Partnerships, 5.) Supporting text and, 6.) The Integrated Distribution and Information System (IDIS) reports.

On August 1, 2013, a draft of this document was made available for a thirty (30) day public review and comment period. Staff intentionally extended the public comment period by fifteen (15) days in order to receive all potential comments. A Public Hearing for comments on this CAPER document was held on September 9, 2013 at 7:00 PM in the City Council Chambers at City Hall. The fiscal year 2012-13 CAPER can be found online at: [www.greenvillenc.gov/communitydevelopment/housing](http://www.greenvillenc.gov/communitydevelopment/housing).

## CAPER

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### **SECTION 1 - OVERVIEW**

#### **Assessment of Activities Undertaken to Address Consolidated Plan Objectives and Priorities.**

The City of Greenville received a total of \$1,209,424 in federal funds for the 2012-13 fiscal year from the following federal programs: Community Development Block Grant \$851,448 and HOME Investment Partnerships \$357,976.

The City of Greenville was the lead entity of the Pitt County HOME Consortium. However, the Greenville City Council voted on January 7, 2008 to disband the existing Consortium and made an application to become a separate Participating Jurisdiction (PJ) for HOME Investment Partnership funds. The effective date of the dissolution was June 30, 2009. During the Action Plan Year July 1, 2012-June 30, 2013, the City continued to monitor the progress and close out of projects and worked closely with the Consortium members to provide support to consortium members until all remaining funds of the Pitt County HOME Consortium were expended.

The City of Greenville and Pitt County HOME Consortium continued to carry out activities that were identified as the needs and priorities identified within the five (5) year Consolidated Plan. Priority needs from 2008 through 2013 call for a concentrated effort within the West Greenville 45-Block Revitalization Area and Housing Rehabilitation within the entire jurisdiction of the City of Greenville. These efforts are designed to preserve the existing housing stock and provide decent, safe affordable housing. The City of Greenville recently updated the five (5) year Consolidated Plan. The new Consolidated Plan identifies priority needs from 2013-2018. Many of the resources, needs, goals, and objectives have remained the same. However, the City placed emphasis on partnerships with other government agencies, non-profits, and the private sector.

Within the City of Greenville, all efforts during the course of the five (5) year period will primarily focus on the needs within the boundaries of the West Greenville 45-Block Revitalization Area bounded by West Fifth Street on the north side, Albemarle Avenue on the east, Fleming Street on the south and Bancroft Avenue on the west. The following activities are being carried out while addressing the needs in this area: housing assistance through rehabilitation, preservation of the existing housing stock, new construction or infill on vacant lots, down payment assistance, homeownership counseling, working with lenders to identify special programs/products for low to moderate income homebuyers, addressing lead-based paint issues, support and implement revolving loans for rehabilitation, support local Continuum of Care Plan, economic development, and overall neighborhood revitalization.

In addition, to avoid deterioration of other parts of the City, funds were made available for housing rehabilitation and down payment assistance for residents citywide. However, the City of Greenville



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expended the majority of CDBG and HOME allocations in the West Greenville 45-Block Revitalization Area.

### **Consolidated Plan Priority – Affordable Housing**

#### **Owner-Occupied Rehabilitation**

At the beginning of the Fiscal Year 2012-13, funds for rehabilitation of substandard dwellings were budgeted. \$206,837 in CDBG and \$140,000 of HOME funds were set aside to rehabilitate single family homes. During FY 2012-13, a total of eight (8) units were completed utilizing past year funding and current year funding.

#### **Property Acquisition**

During the 2012-13 Fiscal Year, one (1) dilapidated property was acquired to remove blighted conditions. The property was acquired to remove a dilapidated structure for the construction of new affordable housing or for economic development initiatives.

#### **Tenant Displacement/Relocation**

There was only one (1) tenant of a property that got displaced as a result of acquisition. The tenant of the property was relocated to standard housing in accordance with the Uniform Acquisition and Relocation Act during the Fiscal Year 2012-13.

#### **Down payment Assistance**

During the current program year, nine (9) down payment loans were made to first time low and moderate income homebuyers from Federal and locally funded sources. These loans enabled homebuyers to purchase homes for owner occupancy.

### **Consolidated Plan Priority – Other Special Needs**

#### **Transitional / Affordable Housing Production**

At the beginning of FY 2012-13, \$58,000 of HOME funds were allocated for certified Community Housing Development Organization (CHDO) new affordable home construction activities for eligible first time homebuyers. Furthermore, the City of Greenville partnered with a private development firm to construct eighty-four (84) affordable multi-family units. The total cost of the Winslow Pointe affordable housing multi-family development was approximately \$11.9 million dollars. The City of Greenville allocated \$450,000 in HOME funds for this activity.

During the fiscal year, two (2) units were converted from Lease-Purchase properties to owner-occupied housing.

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In addition, Streets to Home sold a single family unit. The unit was assisted with HOME funds, conveyed to Streets to Home for a CHDO project to provide affordable owner-occupied housing.

### Consolidated Plan Priority – Non Housing Community Development

The goal of the CDBG Program for non-housing community development is to support the expansion of economic opportunities for low to moderate income persons and to support the community's involvement and participation efforts in relation to supporting non housing priority needs. The following are allocated public service and public facility projects for approved non-profit organizations.

#### Public Service – Subrecipient Projects

The following is summary of approved public service projects for FY 2012-13.

**Name of Agency:** Boys & Girls Club of Pitt County, Inc.  
**Program:** Triple Play – Prevention of Childhood Obesity (Expanded Service)  
**Accomplishments:** Total youth served = 167  
**Amount of Funding Allocated:** \$12,250                      **Expenditures through June 30, 2013:** \$6,137.98

**Name of Agency:** Pitt County 10-Year Plan to End Chronic Homelessness  
**Program:** SOAR – Project Homeless Connect (PHC)  
**Accomplishments:** Several people received SOAR training & 279 Homeless Individuals attended Project Homeless Connect  
**Amount of Funding Allocated:** \$30,000                      **Expenditures through June 30, 2013:** \$25,751.08

**Name of Agency:** Literacy /volunteers of Pitt County  
**Program:** Adult Basic Education Classes  
**Accomplishments:** Total adults served = 228  
**Amount of Funding Allocated:** \$14,200.00                      **Expenditures through June 30, 2013:** \$14,200.00

**Name of Agency:** Center for Family Violence Prevention, Inc. (Family Center)  
**Program:** Systematic Training for Effective Parenting & Supervised visitations  
**Accomplishments:** Total served = 153  
**Amount of Funding Allocated:** \$25,000                      **Expenditures through June 30, 2013:** \$16,649.25

**Name of Agency:** Center for Family Violence Prevention, Inc. (Safe House)  
**Program:** Transitional Housing  
**Accomplishments:** Total served = 132  
**Amount of Funding Allocated:** \$25,000.00                      **Expenditures through June 30, 2013:** \$5,390.90

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**Name of Agency:** Building Hope Community Life Center, Inc.  
**Program:** ReCycle Workforce & 21<sup>st</sup> Century Leadership Academy (21LA)  
**Accomplishments:** 35 very low – low income youth served & 1 homeless  
**Amount of Funding Allocated:** \$18,000                      **Expenditures through June 30, 2013:** \$17,126.54

**Name of Agency:** Greenville Police Athletic League (PAL)  
**Program:** Youth Enrichment: 2012 Summer Camp  
**Accomplishments:** Total served = 150  
**Amount of Funding Allocated:** \$13,500                      **Expenditures through June 30, 2013:** \$2,375.16

**Name of Agency:** Lucille Gorham Intergenerational Center (East Carolina University)  
**Program:** Youth Excelling for Success (YES)  
**Accomplishments:** Total youth served = 56  
**Amount of Funding Allocated:** \$3,000                      **Expenditures through June 30, 2013:** \$1,462.00

### **Public Facility Improvements – Subrecipient Projects**

The following is a summary of approved projects:

**Name of Agency:** Dream Park  
**Repair:** Add mechanical room, restrooms, and spray ground  
**Accomplishments:** Area wide benefit for low – moderate income households  
**Amount of Funding Allocated:** \$80,000                      **Expenditures through June 30, 2012:** \$80,000

### **Affirmatively Furthering Fair Housing**

The Federal Fair Housing Act, as Amended, prohibits discrimination in the rental, sale, or financing of any dwelling based upon race, color, religion, sex, national origin, familial status, or disability. As a condition for receiving federal funds from HUD, entitlement communities, such as City of Greenville must “affirmatively further fair housing.” This phrase means to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction;
- Take appropriate actions to overcome the effects of any impediments identified through the analysis; and
- Maintain records reflecting the analysis and actions taken in this regard.

An update to the Analysis of Impediments to Fair Housing Choice is currently under preparation by the City of Greenville, and is expected to be completed by November 2013. This section presents the Fair Housing Analysis Update for the 2013-2018 Consolidated Plan. It primarily includes existing

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impediments to fair housing choice currently being addressed and the plans recommended to remedy them. The update relies on public/private information regarding the real estate and banking industries, Greenville housing and community development activities, North Carolina and Greenville Human Relations Agencies, and the Greensboro and Atlanta HUD Offices of Fair Housing and Equal Opportunity.

The City of Greenville always seeks to promote equal opportunity, equal access, and equal rights for those who are underprivileged, disabled, and homeless. During the fiscal year 201-2013, the City of Greenville made numerous advancements towards this goal. These advancements are as follows:

- Nine (9) down payment assistance's (deferred loans) were administered
- Six (6) new single-family homes were constructed
- One (1) new single-family home was sold
- Four (4) homes were sold to GHA for their Lease-Purchase program
- Eighty-four (84) multi-family units were constructed through leveraging HOME funds

The following impediments were identified:

Impediment 1: Lack of affordable housing forces the lower income population to find alternative housing. Alternative housing may consist of doubling up; where households combine to cut the expenses of housing. Others are forced to live in housing that is in poor condition that leads to disparate treatment of protected class families and individuals.

Plan of Action:

The financing industry may have the best strategy for this impediment. While it appears to be true that there are insufficient affordable housing units available for housing choice in Greenville, the fact is that a surplus of moderately priced housing is available. Therefore, if lower income home seekers attempt to follow financing recommendations such as using the City's down payment assistance programs and efforts such as West Greenville revitalization that have been instrumental in bringing clients representing "all realms" of the population to apply for loans to purchase homes.

The City's down payment assistance is available to everyone. While some applicants appear to be well educated in the homebuyer loan process, the lending industry feels that most still are not. When lenders counsel prospective borrowers about the financial responsibility associated with home mortgages, offering practical advice regarding savings and spending, borrowers become frustrated and seek mortgage loans elsewhere. If all mainstream lenders have similar policies, it is possible that this serves drive people to seek loans through brokers and subprime lenders. Therefore, a stronger push to promote homebuyer counseling appears to be an appropriate solution.

Impediment 2: The lack of education about discrimination and fair housing laws in Greenville. An essential part of fair housing opportunities and enforcement is the education of the public regarding the

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rights and responsibilities afforded by fair housing laws. This includes the education of housing and financial providers, as well as citizens.

### Plan of Action:

Education is a key element on two fronts. First, it is one of the most pressing needs to ensure fair housing choice. It is imperative that individuals and families seeking housing know their rights and responsibilities and that those involved in the housing industry understand their rights and responsibilities, as well. Secondly, providing public education that produces an employable workforce with higher earning potential will help improve creditworthiness of future homebuyers. The onus falls to the public school system to ensure that tomorrow's residents have the skills they need to be competitive in the job marketplace, as well as to be educated consumers armed with the skills to make informed decisions.

Impediment 3: Awareness of fair housing issues is important. Everyone needs to know what may constitute a violation, and what they can do in the event they believe they may have been discriminated against. In addition, it is important for lenders, housing providers and their agents to know their responsibilities and when they may be violating fair housing laws.

### Plan of Action:

In responding to whether Fair Housing was an issue in Greenville, the financing industry again addressed the results of the recent NCRC report, stating that the minority stigma has improved, but it still exists. The lenders need for production (or writing of loans) drives greater leniency in which lenders select to lend to, thereby lessening the impact of race. Mortgage brokers, on the other hand, know that people do business with people who look like them, and so they hire people that resemble the markets they serve. This is good marketing, but also encourages minority homebuyers to seek loans with lenders who are not necessarily looking out for the borrowers' best interests. Additionally, brokers are most familiar with the products that are most popular in the markets they serve and are not aware of all the products offered by the institutions they represent, thus limiting their offerings to higher-cost products. Unfortunately, uninformed buyers also choose lenders on the basis of word-of-mouth referrals from friends and family, and the belief that banks do not lend money to minorities. Again, while educating consumers is indicated, it is difficult to reach them when they will not avail themselves of the opportunities.

The City will continue its efforts to educate the public during Fair Housing month. During this month several activities are provided to educate the public on specific areas of fair housing and our local loan counseling programs. The City will also encourage lenders, housing providers and their agents to know their responsibilities and to attend training on fair housing laws.

Impediment 4: There are limited housing opportunities for the homeless, those who are at risk of homelessness, and special needs populations. There is not enough funding for permanent housing. Too

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many citizens are on the brink of becoming homeless because they have to spend too much of their income on housing (many times not decent or safe housing).

### Plan of Action:

The City will continue to support programs to increase family self-sufficiency and to prepare homeless, at risk and special needs populations for rental or homeownership opportunities through financial literacy, credit counseling and rental assistance. The City also needs to support a number of initiatives to assist low-moderate homebuyers with down-payment assistance, default delinquency counseling, anti-predatory lending counseling and homeless prevention programs.

### Impediment 5: Lack of Access to Homeownership (Based on HMDA and apparent Predatory Lending Practices)

This Impediment can be addressed in the 2008-2013 Consolidated Plan as the City considers inequities that may occur in homeownership opportunities for protected classes or those covered by the Fair Housing Law. An analysis of the HMDA data in this document reveals, for example, that while black residents comprise 34 percent of the population, 21 percent of all home purchase mortgage applications come from black families/individuals so therefore, it appears that black applicants may be underrepresented although improving substantially over the past five (5) years. City programs targeted to assist low-moderate income protected classes should focus more closely on educating the population on the importance of homeownership and how to access local lending resources.

In addition, consistently high denial rates on home improvement loans may reflect policies in the lending industry, but this is an area that warrants some attention in Greenville. The disinvestment associated with an inability to raise funds to maintain one's home can have an undesirable effect on the community when it occurs in great numbers.

### Plan of Action:

In responding to whether Fair Housing was an issue in Greenville, the financing industry again addressed the results of the recent NCRC report, stating that the minority stigma has improved, but it still exists. The need for production (that is, writing loan business) in the lending industry drives greater leniency in which lenders select to lend to, thereby lessening the impact of race. Mortgage brokers, on the other hand, know that people do business with people who look like them, and so they hire people that resemble the markets they serve. This is good marketing, but also encourages minority homebuyers to seek loans with lenders who are not necessarily looking out for the borrowers' best interests. Additionally, brokers are most familiar with the products that are most popular in the markets they serve and are not aware of all the products offered by the institutions they represent, thus limiting their offerings to higher-cost products. Unfortunately, uninformed buyers also choose lenders on the basis of word-of-mouth referrals from friends and family, and the belief that banks do not lend money to minorities. Again, the solution lies in educating consumers, although it is difficult to reach them when they will not avail themselves of the opportunities.

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The City of Greenville is currently evaluating, sharing, and updating our Analysis of Impediments to Fair Housing. Staff is working in tandem with the consultant TDA, Inc. (Training and Development Associates). Normally, the AI would be completed prior to the completion of the ConPlan; however, the schedule has not worked in this direction. The updated AI will be reflected in next year's CAPER.

### **Affirmative Marketing Plan**

It is the policy of the City of Greenville Housing Division not to discriminate against any person on the basis of race, color, national origin, sex, religion, familial status, or disability: in the sale or rental of housing or residential lots; in the advertising the sale or rental of housing; in the financing of housing; in the provision of real estate brokerage services; or in the appraisal of housing.

In accordance with the regulations of the HOME program and in furtherance of the City of Greenville's commitment to fair housing and equal housing opportunity, a policy that establishes procedures to affirmatively market rental or residential units constructed or rehabilitated under the HOME program was approved June 1, 2009. These procedures are designed to assure that individuals who normally might not apply for available housing units because they are socially and/or economically disadvantaged - are provided an opportunity to apply.

In addition, the City of Greenville has adopted policies that assure and encourage the full participation of Women and Minority-Owned Business Enterprises (WMBE) and Disadvantaged Business Enterprises (DBE) in the provision of goods and services. The City of Greenville's WMBE Coordinator publishes a quarterly newsletter and maintains a Business Directory for the construction, maintenance and building trades services. The directory identifies firms that have been certified or registered as DBE by the City of Greenville, and provides information that can assist their efforts to obtain contracts with the City of Greenville. The City expended approximately \$56,000 in general fund dollars to cover the WMBE Coordinator labor and activities, during FY 2012-13.

The City continues to affirmatively market fair housing strategies. These strategies are inherent to each of the housing programs provided through the Housing Division. To ensure equal opportunity access to federal housing programs, the Housing Division includes Minority and Women Business Enterprise (MBE/WBE) requirements in all contracts and agreements.

Education of the Fair Housing Laws will occur throughout the year and more specifically during the month of April, which is designated as "Fair Housing Month" and "CDBG Week".

During the month of April 2013, in celebration of Fair Housing Month, the City of Greenville, the Greenville Human Relations Council, Greenville Property Managers Association and Greenville-Pitt

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Association of Realtors sponsored a Fair Housing Month Poster Contest for residents in grades K-12, including the special education program. The purpose of the poster contest was to demonstrate non-discriminatory housing for all people regardless of race, sex, color, national origin, disability or family status.

City of Greenville will continue to use administrative dollars to affirmatively further fair housing. Funds that are used to assist very low and low income households will be advertised in local newspapers. Special outreach will be provided through various community events and non-profit agencies in the community.

In addition to these activities, the City provides a full time staff position (Human Relations Coordinator) to address landlord/tenant issues, provide emergency housing assistance and outreach to citizens. This position is funded with approximately \$60,000 general government revenues. One of the primary responsibilities of the staff member is to serve as a liaison to the Greenville Human Relations Council. The Greenville Human Relations Council serves as an advocate for all people in pursuit of human and economic relationships, to promote activities, education and programs which enhance human dignity, equal opportunity, mutual respect and harmony among the many different citizens of Greenville.

Each HOME PJ must adopt affirmative marketing procedures and requirements for any housing with five or more HOME-assisted units. Affirmative marketing differs from general marketing activities because it specifically targets potential tenants and homebuyers who are least likely to apply for the housing, in order to make them aware of available affordable housing opportunities.

The City of Greenville understands that we have population that is in a greater disproportionate need. The Hispanic population is not only a growing population across the nation, but also in Greenville-Pitt County. The city has already created affordable housing brochures in Spanish, but we are also planning for entire home education workshops in Spanish.

- Nine (9) down payment assistance's (deferred loans) were administered
- Six (6) new single-family homes were constructed
- One (1) new single-family home was sold
- Four (4) homes were sold to GHA for their Lease-Purchase program
- Eighty-four (84) multi-family units were constructed through leveraging HOME funds

### **Homeless Needs**

#### **Actions to meet supportive housing needs (include HIV/AIDS)**



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Funding to nonprofit organizations that address supportive needs is made available each fiscal year for eligible applicants. All nonprofits that receive funding are encouraged to participate with local Continuum of Care efforts.

Although the City does not receive Housing Opportunities for Persons with Aids (HOPWA) funds, the Greenville Housing Authority and Pitt County AIDS Service Organization (PICASO), a local nonprofit apply on an annual basis. They are currently managing ten (10) units of housing for HIV AIDS afflicted citizens.

### **Actions to plan and/or implement continuum of care**

HUD encourages communities to address housing and homelessness through a comprehensive, collaborative, and strategic approach that it has promoted since 1994. HUD's Continuum of Care concept facilitates this process and is designed to help communities envision, organize, and plan comprehensive and long-term solutions to address the problem of homelessness.

As in past years, the City of Greenville has actively assisted with the creation and development of a Continuum of Care for Pitt County. The group, known as the Pitt County Continuum of Care, is comprised of City and County staff, as well as non-profit and for-profit representatives. The group meets monthly to discuss issues impacting the ever-growing homeless population. Efforts to end homelessness and to coordinate supportive services to homeless persons are top priorities for the community. The Pitt County Continuum of Care's mission for combating homelessness is to have a seamless continuum of housing and services to meet the housing and support service needs of all homeless subpopulations in the County and the City of Greenville, in both urbanized and non-urbanized areas. This requires the strengthening of coordinated activities of the local homeless coalition, the providers, other non-profit organizations and homeless individuals and advocates. The January 2013 Point in Time Count revealed that there are one hundred twenty three (123) homeless persons in Pitt County and one hundred ten (110) beds available to serve them.

During the upcoming fiscal year, the group will continue to develop the Continuum of Care and prepare an Emergency Services grant application for submission. To date, the Pitt County Continuum of Care has received funding from the 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 funding cycle. Funding received under the 2004 and 2005 award was allocated to implement a Homeless Management Information System (HMIS). All actions by the Continuum of Care group will address obstacles to meet the underserved needs in the community, assist with the reduction of poverty level families, assist with the development of institutional structures, and enhance coordination between public and private housing and social service providers.

### **Actions to prevent homelessness**

The United States Interagency Council on Homelessness issued a challenge to communities across the country to address the problem of homelessness, specifically the chronically homeless. In the fall of

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2006 and spring of 2007, the Pitt County Board of Commissioners and the City of Greenville City Council adopted resolutions to develop a 10-Year Plan to End Chronic Homelessness in Pitt County. The 10-Year Plan is a comprehensive effort of various community organizations, leaders and citizens. The City of Greenville committed \$15,000 CDBG funding towards this effort.

The Blue Ribbon Task Force to End Chronic Homelessness in Pitt County spent approximately eight (8) months gathering data on homelessness in community and reviewing best practice approaches being used in other communities to reduce and end homelessness. The Task Force held focus groups and forums to help determine the best approaches for the community. The 10-Year Plan to End Chronic Homelessness in Pitt County represents the culmination of work over the past year. The two major recommended goals featured in the plan are evidenced-based practices drawn from best practices of innovative programs and initiatives in place across the country:

- **Goal 1:** Provide community-based services and support to prevent homelessness before it happens and diminish risks for homelessness to recur.
- **Goal 2:** Create adequate short-term housing options and supportive permanent housing for those who are chronically homeless or at risk of becoming homeless.

In addition, Pitt County Government was awarded Homeless Prevention and Rapid Re-Housing Program (HPRP) funds from the North Carolina Office of Recovery and Investment (OERI), which is funded under the American Economic Recovery and Reinvestment Act of 2009. The City of Greenville serves as a partnering agency.

Ending chronic homelessness is a challenge for the entire community. There are no simple solutions. Ending homelessness will require a cooperative effort among government agencies, private and public services, businesses, faith-based organizations and neighborhoods.

### **Actions to address emergency shelter needs**

The City of Greenville, through its CDBG Program provided financial assistance during the 2012-13 fiscal year to Center for Family Violence Prevention, which provides emergency housing to battered women and young children.

### **Actions to develop transitional housing**

During the fiscal year 2012-13, funding was provided to the Center for Family Violence Prevention for safe family visits. Center for Family Violence Prevention provides transitional housing for domestic violence victims. The need for safe, affordable housing for victims of domestic violence is well documented. Without access to housing options, women fleeing from abusive relationships are often forced to live in substandard conditions or return to their batterers. While many battered women need only short-term, emergency shelter, others face numerous barriers to achieving independence free from abuse and require long-term housing assistance and a variety of support services.

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Recognizing the housing needs of battered women, many domestic violence service providers now offer longer-term, transitional housing to the women and children they serve. The City has also continued its relationship with the CHDO Streets to Home to provide transitional rental housing for victims of domestic violence and homelessness who are transitioning from emergency shelter to permanent housing.

Transitional housing, sometimes called second stage housing, or supportive housing is a residency program that includes support services. Usually provided after crisis or homeless shelter, transitional housing is designed as a bridge to self-sufficiency and permanent housing. Residents usually remain from six months to two years, and are typically required to establish goals to work towards economic stability.

### **Meeting Underserved Needs**

#### **Actions taken and accomplishments to meet worst-case needs**

The Greenville Police Department and LIFE/STRIVE of North Carolina, Inc. have collaborated together to implement a prisoner re-entry program in the City of Greenville, through a grant funded by the North Carolina Governor's Crime Commission. Re-entry involves the use of programs targeted at promoting the effective reintegration of offenders back to communities upon release from prison and jail. Re-entry programming, which often involves a comprehensive case management approach, is intended to assist offenders in acquiring the life skills needed to succeed in the community and become law-abiding citizens. A variety of programs are used to assist offenders in the re-entry process, including pre-release programs, drug rehabilitation, vocational training and work programs. STRIVE has a successful job training program which was partially funded with CDBG Public Service funds in the past.

#### **Actions and accomplishments to serve people with disabilities**

Elderly and disabled homeowners wishing to have their homes rehabilitated are given first priority. In situations in which a homeowner has special needs, those needs are taken into account by Housing Division staff. Provisions are made to provide devices necessary for mobility and comfort.

Within the City of Greenville there continues to be a need to assist homeless, unemployed, "at risk" youth, victims of domestic abuse, and drug abuse. The program responds to such needs through the CDBG funding of organizations that cater to the needs of these groups. Such groups include the Greenville Community Shelter, L.I.F.E. of NC, Lucille Gorham Intergenerational Center, and Center for Family Violence Prevention Program.

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### **Efforts to Reduce Poverty**

City of Greenville housing programs inherently address poverty by creating housing opportunities for low income households and services for low wealth individuals and communities. Without these housing opportunities many low income households would not be able to afford housing repair costs or to purchase a home.

City of Greenville also provides funding for various projects to create economic opportunities for low to moderate income persons, which aid in the reduction of poverty. The City's Urban Development Division operates the following programs: business facade improvement program; small business plan competition and is currently working on development of a small business incubator in the designated redevelopment area.

Transportation systems in Pitt County and major highways have been improved and will continue to be improved to meet the demands of a growing population.

### **Program Monitoring**

The Housing Division conducts formal monitoring of its CDBG and HOME grant programs annually in August and September. The monitoring visits consist of reviewing programmatic procedures to ensure that each grant program regulations defined in the Code of Federal Regulations and the scope of work described in the Subrecipient Agreement is met. General financial and accounting procedures are also reviewed in accordance with applicable Office of Management and Budget circulars.

If a finding or concern is identified as a result of the monitoring, technical assistance is provided in order for the agency to correct the deficiency. If deficiencies persist, reimbursement fund may be suspended and/or the subrecipient could jeopardize future funding opportunities.

The City ensures that all monitoring letters detail specific time frames for a monitoring response and the corrective actions that need to be taken. Additionally, the City will impose sanctions if the corrective actions are not taken within the specified time frame. Furthermore, staff is discussing a quarterly monitoring schedule.

### **Leveraging Resources**

On November 2, 1992, the citizens of Greenville approved a one million dollar bond referendum for affordable housing. The funding was divided into three (3) revolving loan categories. The categories include homeownership, land banking, and elderly housing rehabilitation. As revolving loans, these

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funds are continually recaptured and recycled into the activities to further efforts to promote and preserve affordable housing. These funds have been recycled since 1992 and are available for the West Greenville 45-Block Revitalization area and other affordable housing initiatives of the City of Greenville.

In 2004, Greenville citizens again approved a \$10 million dollar bond referendum for the revitalization efforts in the Uptown Greenville and West Greenville Certified Redevelopment Area which focused efforts in the 45-Block Revitalization area. \$5 million of the \$10 million is set aside for the priorities and goals identified below within the West Greenville 45-Block Revitalization area to leverage CDBG and HOME funds.

The City of Greenville was awarded through the 2009 American Recovery and Reinvestment Act (ARRA) from the U.S. Department of Housing and Urban Development a Lead Based Paint Hazard Control Grant. The \$1.9 million grant funds have been implemented since that time to accomplish the following within 36 months, beginning April 15, 2009:

- Control and reduce lead hazards in one hundred ten (110) low-income housing units in the Greenville area
- Addressing one hundred ten (110) housing units occupied by children under the age of six (6) years with elevated blood lead levels
- Provide eighty five (85) outreach programs for community awareness and education regarding lead hazards aimed at reaching 5,000 people
- Screen and test children under the age of six (6) years for elevated lead blood levels
- Provide Lead Safe Work and Lead Certification training to at least ten (10) Contractors involved in the City of Greenville housing rehabilitation program
- Provide economic opportunities to at least sixty (60) unemployed and underemployed persons in the targeted neighborhoods, creating sixty (60) jobs
- Develop a self sustaining program by integrating lead hazard reduction into housing rehabilitation programs

**At the program's completion, one hundred twenty five (125) units have been tested for lead pain and one hundred two (102) units were cleared of lead based paint. The program was also responsible for training forty six (46) persons in lead safe worker training and created twenty seven (27) jobs.**

The City of Greenville has been very successful over the past five (5) years in partnering with private housing organizations. Just within the past year, the Community Development Department leveraged nearly \$12 million dollars from partnering with the NRP Group to construct an eighty four (84) unit affordable multi-family housing development. In addition to the funds leveraged, the City was also able to obtain three (3) HOME units which must remain affordable over a twenty (20) year period. Over the

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next five (5) years, staff will continue to pursue these types of opportunities.

In addition to working with private developers, the City of Greenville has also assisted in several transitional housing units. We have partnered with Pitt County and the Greenville Community Shelter in adding beds for both supportive and transitional housing. Over the next five (5) years, staff will continue to assist and partner with other agencies to ensure that both families and individuals have enough resources to fight their way out of poverty.

In addition, the City of Greenville contributes approximately \$300,000 of General Fund (local) dollars to support the Housing Division staff administrative costs to administer federal grants and bond fund projects.

### **Managing the Process**

The Community Development Housing Division consistently seeks methods to improve and strengthen its programs. Assessment of program activities in compliance with outlined performance measurement objectives, indicators and outcomes in the action plan is performed annually.

In addition, the Senior Planner conducts regular “desk audits” of all programs to insure compliance with regulations.

### **Citizen Comments and Public Participation**

The City of Greenville continues to acknowledge the importance of citizen participation in developing activities for each upcoming year. During the development of the fiscal 2010-11 Consolidated Plan year, three (3) public hearings were held to advise the community of proposed activities and sources of funds. In addition, two (2) community meetings were held to receive comments from citizens in developing the plan.

All requests for bids from contractors to assist with housing repairs and construction throughout the year were handled in an open and fair manner.

The notice of availability of the CAPER for review and to receive public comments was published in the “Daily Reflector” on Monday, August 5, 2013, August 12, 2013, and August 19, 2013. The CAPER was made available for review for a period of thirty (30) days. See attached copy of Publisher’s Affidavits. Also, the “Notice of Public Hearing” to receive comments at City Council meeting was published in the “Daily Reflector” on August 5, 2013, August 12, 2013, and August 19, 2013. Notices were also

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published in two (2) minority newspapers during month of **September 2012** in “Daily Drum” and “M-Voice”.

In addition to the public hearing, the following meetings were conducted as part of Greenville’s public participation process as well as to disseminate program information:

- Monthly Affordable Housing Loan Committee meetings (AHLC);
- Technical assistance meetings during the CDBG Notice of Funding cycle for nonprofits with interested organizations;
- Monthly Continuum of Care meetings;

Finally, to improve access of the CAPER for the community, the Housing Division posted the CAPER on the city’s website for review.

There were no public comments received by the City of Greenville for the **2011-2012** CAPER.

### **Institutional Structure**

The City of Greenville, through its Housing Division, other public agencies, private developers and contractors, and the network of housing subrecipients and Community Housing Development Organizations (CHDOs) are effectively organized to utilize all the funding received through the various state/federal programs.

The private sector is provided with incentives for developing affordable rental housing through tax credits provided by the federal tax credit program. Tax credits provide developers with an additional North Carolina subsidy for low income apartment construction. In addition, each year efforts are made to work with local institutions to provide housing and economic opportunities for low income persons through public service activities and participation in the Pitt County Continuum of Care.

The Pitt County Continuum of Care began in 2001 and has successfully grown into a well-balanced organization made up of local government agencies, housing providers, service providers, and other interested group. The development of the continuum and participation by the City of Greenville will greatly enhance coordination between these agencies. The Greenville Housing Authority has also joined this group and began working in concert with the City of Greenville in revitalization efforts in the West Greenville 45-Block Revitalization Area. Over the next year, the Greenville Housing Authority will be our partner in both supportive housing and lease-purchase programming.

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### **Reduction of Lead-Based Paint Hazards**

The City of Greenville is committed to testing and abating lead in all pre-1978 housing units assisted with federal grant funds in housing programs. Currently, the City of Greenville has contracted with an agency to provide all lead testing and clearance activities. This agency has also agreed to provide training for the housing rehabilitation contractors.

All projects in which HUD funding is used are in compliance with the new Lead Based Paint (LBP) guidelines as enacted on September 15, 2000. Testing of all units is conducted and, if found, all lead hazards are abated.

In addition, the City of Greenville was awarded a grant from Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control a Lead-based Paint Hazard Control Grant Program for thirty-six (36) month period, as part of the American Economic Recovery and Reinvestment Act of 2009. The grant agreement was signed April 15, 2009. In FY 2011-2012 there were twenty-one (21) units abated of Lead Based Paint hazards. During this fiscal year, four (4) units were cleared of Lead Based Paint hazards.

The goals of the grant included; 1. Testing and abatement of one hundred ten (110) units, 2. Training for Contractors and 3. creation of sixty (60) jobs.

### **Self Evaluation**

The overall goal of the Housing Division of the Community Development Department is to develop viable communities by providing safe, sanitary, and decent housing, a suitable living environment, and expanding economic opportunities principally for low to moderate income persons. The Consolidated Plan is a vehicle which enables officials and citizens of the City of Greenville to pursue this goal, collectively address neighborhood and community problems and plan for the future. To structure these efforts, a five (5) year strategic plan and annual action plan was created. While the five (5) year strategic plan typically remains static, the annual action plan changes every year to address various goals outlined in the larger and more global strategic plan. To evaluate progress, efforts are annually assessed through the CAPER.

Thus, the purpose of the self-evaluation section is to look at how activities and strategies have made an impact on identified community needs. An analysis of the City of Greenville's Program Year 2012-13 Annual Action Plan goals are grouped into five (5) priority areas: Affordable Housing Strategy, Homeless Strategy, Special Needs Strategy, Community Development and Economic Development Strategies.



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### **Affordable Housing Strategy**

Over the past year, the housing market in Greenville continued recovery at a slow pace like the rest of the country. The City of Greenville continued programs that focused toward achieving the following priority housing goals. Three (3) program activities were carried out in an effort to meet the City's affordable housing goal: down payment assistance, owner occupied rehabilitation and implementation of lease/purchase options. In addition, City staff continued to be successful in providing technical and educational support to both non-profits and homeowners.

### **Homelessness Strategy**

The City of Greenville has made a priority of addressing the homeless issue by participating in various community efforts. In collaboration with Pitt County Government and other partners, a "Project Homeless Connect" event was held March 2012. This event initially served 350 "at risk" or homeless individuals and their families. Pitt County Government has taken the lead in this event and scheduled to be held again in October 2014.

In addition, City Staff and Elected Officials will continue to serve on the 10-Year Plan to End Homelessness Advisory Committee, as well as the Continuum of Care.

### **Special Needs Strategy**

To address individuals and families with special needs, the City provided local non-profit organizations with CDBG funds to assist with job training and placement of ex-offenders re-entering society, victims of domestic violence, and at risk youth development.

Moreover, the City of Greenville recognizes that over the next five (5) years there an influx of both veterans and Hispanics into the community. A high percentage of veterans are at risk of becoming homeless, and many need supportive housing options. Furthermore, during the course of completing the 2013-2018 five (5) year Consolidated Plan, staff was made aware that the Hispanic population is in disproportionately greater need within our community. Therefore, staff has planned to take action to help mitigate these issues over the next five (5) years.

### **Community Development Strategy**

During FY 2012-2013, the City used CDBG funds to make necessary facility improvements and repairs to aid in providing services to low income individuals and families. This strategy was implemented through a partnership with the Recreation and Parks Department.

The City is also in the process of both designing and preparing for phase II of a streetscape project associated with the major thoroughfare (West Fifth Street) that runs through the West Greenville Redevelopment Area. Moreover, staff has been preparing for both a small business incubator and a commercial center within the Redevelopment Area. Currently, we are in the final stages of property

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acquisition. The subsequent step will allow for completion of the design for the building, bid the construction, and create an agreement with a private developer.

### **Economic Development Strategy**

The City of Greenville understands that it takes a comprehensive approach to grow communities and neighborhoods. Only recently has the City of Greenville embraced economic development. In communities and neighborhoods of low wealth, the economy is just as important as the affordability of the housing.

Over the next five (5) years, the City will utilize CDBG funds for small businesses and entrepreneurs within low wealth communities. Creating a neighborhood commercial and business friendly environment is a top priority. Furthermore, we will pursue non-profit agencies that provide workforce development initiatives that teach middle skills and beyond.

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### **SECTION 2 – HOUSING NEEDS**

#### **Public Housing Strategy**

There are four (4) Public Housing Authority managing agencies in the Pitt County area, which include Greenville Housing Authority with a total of seven hundred fourteen (714) units; Mid East Commission who manages a total of one hundred thirty five (135) units in three (3) towns; Farmville Housing Authority who manages one hundred seventy four (174) units and Ayden Housing Authority who manages one hundred seventy five (175) units. Each of the mentioned Public Housing Authorities receives federal funds to modernize and repair public housing units. None of the public housing authorities in Pitt County have been designated as “troubled” agencies or otherwise performing poorly.

During fiscal year 2012-13, the City of Greenville Community Development Department, Housing Division continued in partnership with the Greenville Housing Development Corporation to implement a Lease/Purchase program utilizing rehabilitated single family units for low to moderate income residents in the West Greenville 45-Block Revitalization Area. Two (2) homes sold during the fiscal year to a lease purchase program participant.

#### **Foster and Maintain Affordable Housing**

The City of Greenville continually seeks methods for fostering and maintaining affordable housing. During the 2012-13 program year, funds were reserved for downpayment assistance to low-moderate income homebuyers within the City of Greenville. These funds are used to address goals for increasing homeownership within the West Greenville Redevelopment Area. Funding from previous years has also been made available to homebuyers as downpayment assistance. Provision of downpayment assistance decreases the amount of financing and or private source of funding a homebuyer needs in order to purchase a home. This past fiscal year, three (3) homebuyers utilized the program.

The City also provides assistance with local bond funds to aide with downpayment or closing costs. Bond funds are awarded to qualifying applicants as a zero interest loan up to 10 percent of the purchase price of the home and amortized over ten (10) years. This past fiscal year, six (6) homebuyers utilized this program.

#### **Eliminate Barriers to Affordable Housing**

The City of Greenville partners with local nonprofit agencies to provide homeownership counseling and workshops for potential homebuyers. The City also offers a Homeownership Academy that provides

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participants with the opportunity to gain a working knowledge of the home buying process and to prepare financially to purchase a home within the West Greenville Revitalization Area. At the completion of the program, participants receive a certificate for \$500.00 redeemable at closing to assist with the purchase of an existing or new home within the West Greenville Revitalization Area.

There are also other barriers to Affordable Housing. Some of these barriers citizens cannot hope to break through by themselves. Public policy will always affect groups or individuals in one way or the other. However, most of the time policies are put in place to make environments more equitable. There are instances where public policy will adversely affect a minority group more so than others. In Greenville, NC, there are a couple of policies that create barriers to affordable housing.

**Non-living wages:** The City of Greenville housing prices are among the highest in the county, yet wages have not gone up at the pace of rents and housing prices. A working adult earning a \$7.25/hour wage makes \$15,080.00 /year, which places them in just above 30% AMI for an individual. An adult would have to work two (2) full-time jobs to place themselves near 80 percent of AMI. In addition, families receiving public assistance, such as Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI) receive a fixed amount of a few hundred dollars a month for basic needs, such as housing, food, and healthcare. Some of these fixed incomes are always in danger of being cut.

**Mental illness:** The State of North Carolina has pivoted several times in the business of handling mental illness. In 2001 the State Legislature created the "Mental Health Systems Reform Act". The state privatized the arrangement of local and regional mental health services; thus, requiring that local jurisdictions contract out delivery of services. As a result, most would note the quality of care that North Carolinians with mental illness receive has declined. Moreover, allegations of fraud and waste have increased. The most recent pivot is to cut funding to many of the Family Care Homes around the state. This would certainly adversely affect a small group of people, and potentially make them homeless.

**Financing:** In the financing industry, credit terms are tightening and lenders are paying more attention to widening gaps in sources and uses; thus, requiring more money up front from the borrowers. Historically borrowers negotiated with lenders based on the borrower's creditworthiness, collateral and track record. For various reasons the lenders are looking beyond just the numbers of the borrowers. Public policy allowed the bank and other financial institutions to relax lending standards over a decade, and now those standards have tightened – along with the lending mentality. The lack of available financing for low-moderate income households will become a larger barrier to affordable housing over the next five (5) years.

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### **SECTION 3 - COMMUNITY DEVELOPMENT BLOCK GRANT**

#### **Relationship of Expenditures to Priority Needs**

During FY 2012-13, Community Development Block Grant (CDBG) activities were conducted in accordance with the priority goals and objectives identified in the Consolidated Plan. Greenville's total CDBG program allocation for FY 2012-13 was \$781,037. Funds were distributed among owner-occupied housing rehabilitation; acquisition of dilapidated/substandard properties; clearance and demolition; assistance to nonprofits and administration. As per regulation, a jurisdiction cannot spend more than fifteen percent (15%) of its allocated FY 2012-13 grant amount on public services and cannot spend more than twenty percent (20%) on administrative costs, irrespective of actual expenditures during the program year.

According to the Integrated Disbursement and Information System (IDIS) PR26 Financial Summary Report, the City of Greenville spent 8.04 percent of its allocated FY 2012-13 grant amount on public services and 17.62 percent of its allocated grant amount on administration costs.

#### **Low/moderate Area Benefit**

Excluding costs for planning and administration, all CDBG expenditures during FY 2011-12 went toward activities and projects with a national objective of benefitting low to moderate income residents.

#### **Amendments and Other Changes to Programs**

None.

#### **National Objective Failures**

None.

#### **Actions Taken to Avoid Displacement**

Efforts are made to avoid displacement. Should a family occupy a structure that is not a feasible rehabilitation project or unit and the structure is contributing to a slum/blighting situation, the family is then relocated. Downpayment assistance is offered to tenants that qualify under program guidelines for purchase of a home. The property can also be rehabilitated under our owner-occupied rehabilitation

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program. When displacement is necessary, efforts are in place to relocate the person(s) to comparable, decent, safe, and sanitary housing. All efforts are made to find units within the same neighborhood however per Uniform Relocation Act (URA) regulations; it is ultimately the decision of the individual as to where they chose to relocate.

### **Compliance With Uniform Relocation Act**

All necessary measures for complying with URA guidelines have been met and the necessary documentation is located in the files.

### **If Jobs Were Filled With Over Income People**

None

### **For Limited Clientele Activities, if any**

Public service funds were provided to two nonprofits organizations serving only homeless individuals and families; and victims of domestic violence.

### **Rehabilitation Accomplishments and Costs**

Eight (8) owner occupied rehabilitation units were completed at a cost of approximately \$430,000.

### **Property Acquisition**

One (1) substandard property was acquired at a cost of \$11,452.

### **Units Completed For Each Type of Program**

Rehabilitation of eight (8) Owner Occupied homes were completed

Five (5) homes were cleared of Lead Based Paint Hazards

Eight (8) public services grants awarded to public service agencies serving low income clients

One (1) substandard unit was acquired

Nine (9) Down-Payment Assistance loans were approved

One (1) displaced tenant was relocated

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One (1) public facility improvement was completed that served a low-moderate income area

### **CDBG Expenditures For Rehabilitation**

\$89,216

### **Other Funds Invested**

1992 Bond Funds and 2004 Bond Funds

### **Delivery Costs**

\$147,265

### **Neighborhood Revitalization Strategy Area, if any**

No area established

### **CDBG Financial Summary Attachments**

See attached.

- Reconciliation of cash balances (Federal Cash Transaction Reports)
- Program income, adjustments and receivables

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### **Summary of Activities Accomplishments:**

Activities accomplished during the reporting period included the following:

- Eight (8) Owner-Occupied home rehabilitations were completed.
- Four (4) homes were cleared of Lead-Based Paint Hazards
- Eight (8) public services grants awarded to public service agencies serving low income clients
- One (1) substandard unit was acquired
- Six (6) substandard units were demolished and removed
- One (1) displaced tenant was relocated
- One (1) public facility improvement was completed
- Nine (9) down payment assistance's (deferred loans) were administered
- Six (6) new single-family homes were constructed
- One (1) new single-family home was sold
- Four (4) homes were sold to GHA for their Lease-Purchase program
- Eighty-four (84) multi-family units were constructed through leveraging HOME funds



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### **SECTION 4 - HOME INVESTMENT PARTNERSHIPS PROGRAM**

#### **Distribution of HOME Funds Among Identified Needs**

During the 2012-13 fiscal year, HOME program resources totaled \$387,237. HOME funds were provided to assist with new construction, housing rehabilitation, downpayment assistance and administrative costs. While efforts to increase new housing units continued, the City also continued to support the existing housing stock through housing rehabilitation. Seven (7) housing rehabilitation activities were completed by the City of Greenville from the HOME program. Total costs of each rehab ranged from \$35,000 to \$70,000. Additional rehabs were underway at the end of the fiscal year. Other activities included the provision of down payment assistance to three (3) low-income, first-time homebuyers through the City of Greenville. All activities completed addressed identified needs and objectives as found in the adopted Consolidated Plan. All activities are monitored for compliance with program guidelines. As lead entity, the City of Greenville maintains the necessary documentation, monitors all participating jurisdictions and CHDO's, and provides daily assistance to members with program rules and regulations as well as the requisition of funding.

#### **HOME Match Report (HUD 40107A)**

According to the HOME final rule 24 CFR Part 92, Participating Jurisdictions (PJs) under the HOME program must provide a 25 percent non-federal match for eligible HOME activities (minus administration costs). For FY 2012-13, Greenville used Local Affordable Housing Bonds and General fund dollars to provide a match needed for the grant and carried forward a match credit of \$960,067.87.

#### **Contracting Opportunities For W/MBE's**

Submittal of each annual CAPER must also include Part III of HUD Form 4107, otherwise known as HOME Annual Performance Report. Specifically, this report is used to report on the contract and subcontracting opportunities with MBEs and WMEs for any HOME projects completed during FY 2010-11. While there are no statutory requirements for contracting with a MBE or WBE, HUD uses this report to determine the outreach efforts of the Division to MBEs and WBEs.

#### **Summary of Results of Onsite Inspections of HOME Rental Units**

Not applicable

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### **Assessment of Effectiveness of Affirmative Marketing Plans**

The City routinely solicits minority and female contractors to provide services. Each advertisement encourages minority and females business owners to apply where applicable. Efforts include advertising in local minority publications where available. While affirmative marketing plans are in place, the availability of minority and female owned businesses is limited within City of Greenville.

### **Information About the Use of Program Income**

Any program income generated through the HOME program is reallocated to program activities to further the City's efforts.

### **Analysis of Successes and Failures and Actions Taken to Improve Programs**

The Housing Division consistently evaluates the HOME Program for efficiency and continually updates the requirements and procedures as needed.

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### ATTACHMENTS FOR CDBG PROGRAM INCOME; ADJUSTMENTS AND LOANS & RECEIVABLES

#### Program Income

1. Total program income to revolving funds:  
(Identify by fund type and amount)

##### Entitlement Funds

Owner-Occupied Rehab: \$55,830.24

These funds are program income from loan payments that were reprogrammed for Housing Rehabilitation.

2. Float-funded activities: *None*
3. Other loan repayments by category: *None*
4. Income received from sale of property: *\$0*

#### Prior Period Adjustments

1. Reimbursement made for disallowed costs: *None*
  - Activity name
  - Activity number
  - Program Year expenditure was reported
  - Amount returned to program account

#### Loans and Other Receivables

1. Float-funded activities outstanding as of the end of the reporting period: *None*
2. Total number of loans outstanding and principle balance as of the end of reporting period: *17 loans with a balance of \$156,193.05*
3. Parcels acquired or improved with CDBG funds that are available for sale as of reporting period: *None*
4. Number and amount of loans in default and for which the balance was forgiven or written off during the reporting period: *None*

Lump sum drawdown agreement: *None*

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### ATTACHMENTS FOR HOME PROGRAM INCOME; ADJUSTMENTS AND LOANS & RECEIVABLES

#### Program Income

1. Total program income to revolving funds:  
(Identify by fund type and amount)

Entitlement Funds

Owner-Occupied Rehab: \$5,625.93

These funds are program income from loan payments that were reprogrammed for Housing Rehabilitation.

5. Float-funded activities: *None*
6. Other loan repayments by category: *None*
7. Income received from sale of property: *\$0*

#### Prior Period Adjustments

2. Reimbursement made for disallowed costs: *None*
  - Activity name
  - Activity number
  - Program Year expenditure was reported
  - Amount returned to program account

#### Loans and Other Receivables

5. Float-funded activities outstanding as of the end of the reporting period: *None*
6. Total number of loans outstanding and principle balance as of the end of reporting period: *10 loans with a balance of \$101,152.51*
7. Parcels acquired or improved with HOME funds that are available for sale as of reporting period: *None*
8. Number and amount of loans in default and for which the balance was forgiven or written off during the reporting period: *None*

Lump sum drawdown agreement: *None*



# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance to amend the Zoning Ordinance by adding rear yard parking standards applicable to the University Neighborhood Revitalization Initiative (UNRI) Overlay District

**Explanation:** **Abstract:** An amendment to the Zoning Ordinance is being proposed that establishes rear yard parking standards applicable to the UNRI Overlay District. This amendment was initiated by the UNRI Committee and unanimously supported by the Planning and Zoning Commission.

**Explanation:** The UNRI Committee was appointed by City Council following the establishment of the University Neighborhood Revitalization Initiative and associated Overlay District. Several objectives were established by City Council for the UNRI Committee. The following was one such objective:

**Pursue a parking permit plan for the overlay district which includes permits by right to all legal residents and/or employees in the overlay district with valid driver's licenses as well as a set number of available permits for purchase to East Carolina University students, staff and faculty. Funds generated will be dedicated to increased code enforcement, trash collection, lighting, security and marketing of best practices for the overlay district.**

The committee has been meeting since December of 2012 and has been actively evaluating all of the established work items. In consideration of the complexities of parking issues, the committee has spent considerable time analyzing parking to develop programs that will ease some of the parking issues within the overlay district.

During the March 19, 2013, meeting of the UNRI Committee, two parking related items were recommended by the committee to City Council for consideration and are listed below:

Item #1. Develop standards that will establish rear yard surface and screening parking standards for dwellings in the overlay district. Suggested standards

would limit the number of vehicles on site to four (4), require parking to be on an improved surface and with property screening. Currently there are no standards and the committee felt this would improve the visual appearance of structures within the overlay district.

Item #2. Establish the on-street parking areas within the overlay district as an area for controlled residential parking for residents of the overlay district only.

After evaluation, the committee recognized that parking is a system and together the two recommendations were to positively impact parking for the district. These parking items were recommended to City Council by a 5-1 vote of the UNRI Committee.

City Council at their April 11, 2013, meeting voted to move forward with ordinance creation and directed staff to hold a public input meeting concerning parking changes for the UNRI Overlay District.

A public input meeting was held on April 29, 2013, to inform citizens of proposed parking changes in the UNRI Overlay District and to receive comments concerning potential changes. Item #2 (on-street parking standards) was adopted by City Council on June 13, 2013.

Item #1 (rear yard parking standards, Section 9-4-255 of the City Code) is the item currently being presented. This item has been considered over several meetings of both the UNRI Committee and the Planning and Zoning Commission. The Planning and Zoning Commission first heard initial discussions on this item during their July 16, 2013, meeting. Just prior to the meeting, the UNRI Committee voted to amend their recommended ordinance for rear yard parking to require screening only when more than one vehicle was parked in the rear yard. Because staff did not have an opportunity to fully evaluate the change, staff recommended that the Planning and Zoning Commission continue the request to the August meeting of the Planning and Zoning Commission. This was to allow staff time to develop modified language that reflected the UNRI Committee's intent. After some discussion, the Planning and Zoning Commission continued the request to the August 20, 2013 meeting.

The proposed ordinance contains the following language:

a. Single family dwellings and two family attached dwelling units shall be limited to the parking and/or storage of four vehicles, boats, trailers, campers and the like total per dwelling unit on the subject lot. This requirement is not intended to limit the occasional parking of guests.

**\*Modified Standard Resulting from the July 16, 2013, UNRI Meeting and recommended for approval\***

**b. Screening of the rear yard shall be required when more than one vehicle, boat, trailer, camper and the like total are parked and/or stored in the rear yard and are visible from adjoining properties on the side and rear of the subject lot.**

c. Screening requirements can be satisfied by either a fence at least six (6) feet in height that creates a complete visual barrier from adjoining properties or with evergreen vegetative materials that are three (3) feet in height at the time of planting and will reach a height of six (6) feet and create a complete visual barrier from adjoining properties within two (2) years of planting. Vegetation materials listed in section 9-4-267(C)(3),(5) and (7) shall be utilized to satisfy screening requirements of this section. The property owner shall be responsible for maintaining all vegetation required by this section in a healthy condition. Any dead, unhealthy or missing vegetation shall be replaced. Replacement shall occur at the earliest suitable planting season.

d. Rear yard parking and/or storage areas shall be constructed of an all-weather material such as asphalt, concrete, brick, CABC or other materials approved by the City engineer, and rear yard parking and/or storage areas shall be connected to the front and/or side yard parking and/or storage areas by a driveway constructed of an all-weather material such as asphalt, concrete, brick, CABC or other materials approved by the City engineer.

e. Rear yard parking and/or storage areas shall be contained and delineated by a barrier at least six (6) inches in height.

f. Notwithstanding the provisions related to nonconforming situations contained in Article C of this chapter, the requirements contained herein shall be applicable to all existing and future required or proposed parking areas.

g. The exemption provided in Section 9-4-243 (B) shall not apply to the University Neighborhood Revitalization Initiative Overlay District.

h. The exemption provided in Section 9-4-248 (B) shall not apply to rear yard parking areas in the University Neighborhood Revitalization Initiative Overlay District.

Because the majority of the College View Historic District is located within the UNRI Overlay District, the proposed standards were reviewed by the Historic Preservation Commission on June 23, 2013 . The Commission noted the following language from their design guidelines, "it is not appropriate to create large off-street parking areas encompassing so much of the rear yard that the residential character of the site is lost" as their major comment concerning the standards.

This zoning ordinance amendment has been evaluated by the various departments of the City responsible for implementation and administration of the recommended action.

The Planning and Zoning Commission voted unanimously to approve the request at its August 20, 2013 meeting.

**Fiscal Note:**

No fiscal impact is anticipated.

**Recommendation:**

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with **Horizons: Greenville's Community Plan**.

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

**Attachments / click to download**

[UNRI Parking Ordinance Amendment 957991](#)

[Excerpt August P Z minutes Zoning Ordinance Rear Yard Parking 961540](#)

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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 The Daily Reflector setting forth that the City Council would, on September 12, 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:

Section 1: That Title 9, Chapter 4, Article O, of the City Code, is hereby amended by the addition of a Section 9-4-255 to read as follows:

Sec. 9-4-255. Parking Standards Specific to the University Neighborhood Revitalization Initiative (UNRI) Overlay District.

Within a University Neighborhood Revitalization Initiative Overlay District, in addition to the other requirements of this article, the following provisions shall be applicable:

(A) Single family dwellings and two family attached dwelling units shall be limited to the parking and/or storage of four vehicles, boats, trailers, campers and the like total per dwelling unit on the subject lot. This requirement is not intended to limit the occasional parking of guests.

(B) Screening of the rear yard shall be required when more than one vehicle, boat, trailer, camper and the like total are parked and/or stored in the rear yard and are visible from adjoining properties on the side and rear of the subject lot.

(C) Screening requirements can be satisfied by either a fence at least six (6) feet in height that creates a complete visual barrier from adjoining properties or with evergreen vegetative materials that are three (3) feet in height at the time of planting and will reach a height of six (6) feet and create a complete visual barrier from adjoining properties within two (2) years of planting. Vegetation materials listed in section 9-4-267(C)(3),(5) and (7) shall be utilized to satisfy screening requirements of this section. The property owner shall be responsible for maintaining all vegetation required by this section in a healthy condition. Any dead, unhealthy or missing vegetation shall be replaced. Replacement shall occur at the earliest suitable planting season.

(D) Rear yard parking and/or storage areas shall be constructed of an all-weather material such as asphalt, concrete, brick, CABC or other materials approved by the City engineer and rear yard parking and/or storage areas shall be connected to the front and/or side yard parking and/or storage areas by a driveway constructed of an all-weather material such as asphalt, concrete, brick, CABC or other materials approved by the City engineer.

(E) Rear yard parking and/or storage areas shall be contained and delineated by a barrier at least six (6) inches in height.

(F) Notwithstanding the provisions related to nonconforming situations contained in Article C of this chapter, the requirements contained herein shall be applicable to all existing and future required or proposed parking areas.

(G) The exemption provided in Section 9-4-243 (B) shall not apply to the University Neighborhood Revitalization Initiative Overlay District.

(H) The exemption provided in Section 9-4-248 (B) shall not apply to rear yard parking areas in the University Neighborhood Revitalization Initiative Overlay District.

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

Section 3: That this ordinance shall become effective upon its adoption.

ADOPTED this 12<sup>th</sup> day of September, 2013.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

**Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (8/20/13)**

**ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING REAR YARD PARKING STANDARDS SPECIFIC TO THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY DISTRICT.**

Mr. Merrill Flood, Director of Community Development, provided the history of the University Neighborhood Revitalization Initiative (UNRI) Overlay District and its purpose. The group made a recommendation for on street parking and to create standards for rear yard parking. The on street parking was adopted by City Council on June 13, 2103. The committee recommended the following for rear yard parking: rear yard parking being permitted on an approved surface, screened properly and limited to four vehicles per lot. The screening requirement was modified by the UNRI committee on July 16 to include screening requirements only if more than one vehicle is parked in the rear. Staff needed the opportunity to evaluate the committee's recommendation in order to draft the language for the ordinance since the meeting was on the same day as the Planning and Zoning meeting. Mr. Flood stated that staff submitted a revised ordinance which included the purpose of the amendment and the modified standard.

Ms Bellis stated that the Board received the revision just before the meeting and wanted a brief description of the differences between the previous meeting package and the revision.

Mr. Flood stated that the differences included the purpose of the amendment and the screening required only when more than one vehicle in the rear is visible from adjoining properties.

Ms Bellis asked if the UNRI committed had a chance to review the revision.

Mr. Flood stated that they did.

Mr. Weitz asked if any amendments, besides the UNRI committee suggestions, were made concerning the discussion from the last P&Z meeting.

Mr. Flood stated that the stormwater was further discussed with the City Engineer. The stormwater requirements will only come into affect if any land disturbance activity exceeds one acre in area. Most of the lots in the UNRI district are approximately 6,000 square feet so no stormwater issues would be required. No changes were made to the document based on the discussion from last month's P&Z meeting.

Mr. Weitz asked if the lot is less than one acre would Public Works not review the plans.

Mr. Flood stated that is correct in accordance to section 2(c) of the stormwater ordinance. The zoning compliance will be the city's mechanism for any types of improvements.

Mr. Dail presented the eight provisions of the text amendment.

1. Single family dwellings and two family attached dwelling units shall be limited to the parking and/or storage of four vehicles, boats, trailers, campers and the like total per dwelling unit on the subject lot. This requirement is not intended to limit the occasional parking of guests. If it is a duplex, it will be limited to four on each duplex lot.

Mr. Parker asked about the parking for triplexes.

Mr. Dail stated that the text amendment would not affect multi-family parking.

Mr. Parker asked what the multi-family parking for a triplex is.

Mr. Flood stated two spaces per unit for a total of six parking spaces.

Mr. Dail stated that there is no maximum parking for multi-family and currently there is no maximum parking for single family dwelling or duplexes.

Mr. Weitz asked if a definition giving the square footage of a parking space would be included in the text amendment.

Mr. Dail stated currently there is no limit to impervious area in the rear yard. There is a standard in the text amendment that speaks on delineating the parking area so the whole back yard cannot be covered.

2. Screening of the rear yard shall be required when more than one vehicle, boat, trailer, camper and the like total are parked and/or stored in the rear yard and are visible from adjoining properties on the side and rear of the subject lot.
3. Screening requirements can be satisfied by either a fence at least six (6) feet in height that creates a complete visual barrier from adjoining properties or with evergreen vegetative materials that are three (3) feet in height at the time of planting and will reach a height of six (6) feet and create a complete visual barrier from adjoining properties within two (2) years of planting. Vegetation materials listed in section 9-4-267(C)(3),(5) and (7) shall be utilized to satisfy screening requirements of this section. The property owner shall be responsible for maintaining all vegetation required by this section in a healthy condition. Any dead, unhealthy or missing vegetation shall be replaced. Replacement shall occur at the earliest suitable planting season.

Ms Bellis asked who would check on the vegetation.

Mr. Dail stated that it will be noticed by staff or a call will be received from a concerned citizen. Staff will investigate the call and inform the property owner if it needs to be re-established.

4. Rear yard parking and/or storage areas shall be constructed of an all-weather material such as asphalt, concrete, brick, CABC(gravel) or other materials approved by the City

Doc #961540

engineer and rear yard parking and/or storage areas shall be connected to the front and/or side yard parking and/or storage areas by a driveway constructed of an all-weather material such as asphalt, concrete, brick, CABC or other materials approved by the City engineer.

5. Rear yard parking and/or storage areas shall be contained and delineated by a barrier at least six (6) inches in height.
6. Notwithstanding the provisions related to nonconforming situations contained in Article C of this chapter, the requirements contained herein shall be applicable to all existing and future required or proposed parking areas. Nothing can be grandfathered.
7. The exemption provided in Section 9-4-243 (B) shall not apply to the University Neighborhood Revitalization Initiative Overlay District.
8. The exemption provided in Section 9-4-248 (B) shall not apply to rear yard parking areas in the University Neighborhood Revitalization Initiative Overlay District.

Ms Bellis asked if property owners still have to pay for a percentage of the lot that is an impervious surface.

Mr. Dail stated that he believed that was still the case.

Ms Bellis asked if the property owner paves the rear yard, will their bill increase and will someone monitor the increase.

Mr. Flood stated that the property owner's stormwater assessment could increase as a result and would be billed with their current utility bill.

Mr. Parker stated that the size of the parking spaces should be addressed.

Mr. Flood stated that the amendment is modeled after the existing unimproved surface ordinance which does not have the area requirements; however, the board can make a suggestion. The UNRI wanted to see some standard as opposed to no standard.

Mr. Weitz asked if the Design Manual stated whether drainage had to be addressed if there were two or more parking spaces.

Mr. Flood stated that the City Engineer directed him to the stormwater manual and did not give any specifics concerning drainage affiliated with parking spaces. The City Engineer has the ultimate authority.

Ms Bellis asked was the Historic District taken into consideration in drafting the amendment.

Mr. Dail stated that the Historic Preservation Commission reviewed the amendment on June 23 and there major comment was “it is not appropriate to create large off-street parking areas encompassing so much of the rear yard that the residential character of the site is lost”.

Ms Bellis asked was the statement incorporated into the text amendment.

Mr. Flood stated that the more restrictive standards will apply and the HPC can place conditions on Certificates of Appropriateness.

Chairwoman Basnight opened the public hearing.

No one spoke.

Chairwoman Basnight closed the public hearing and opened for board discussion.

Mr. Parker stated that the text amendment may need additional discussion but it is better than what we currently have which is nothing.

**Motion made by Mr. Parker, seconded by Ms Rich, to recommend approval of the proposed text 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: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or demolition and removal of the dwelling located at 200 Tyson Street

**Explanation:** **Abstract:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 200 Tyson Street.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 200 Tyson Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on January 22, 2013, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 16, 2013, and provided notice to the owner that the dwelling was considered an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since November 28, 2012.

There have been 12 Code Enforcement cases initiated on this property since 1998 including public nuisance (five weeded lots), minimum housing, and abandoned structure.

The Greenville Police Department has responded to 18 calls for service at this

property since March 1997. Calls include assaults, breaking and entering, auto larceny, damage to property, and violations of the NC Controlled Substance Act.

The tax value on the property as of August 26, 2013, is \$35,600 (the building value is \$32,291 and the land value is \$3,309).

There is \$1,082.44 owed to the Pitt County Tax Department on this property.

The estimated costs to repair the property are \$42,068.90.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 200 Tyson Street.

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[200 Tyson Street](#)

[200\\_Tyson\\_Street\\_Ordinance\\_959439](#)



ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 200 TYSON STREET  
TAX PARCEL NUMBER 22254

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Willard Jones of the dwelling located at 200 Tyson Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 200 Tyson Street and owned by Willard Jones.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

# 939148

200 Tyson Street







# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 202 Tyson Street

**Explanation:** **Abstract:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 202 Tyson Street.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 202 Tyson Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on February 26, 2013, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 21, 2013, and provided notice to the owner that the dwelling was considered an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since July 29, 1998.

There have been seven Code Enforcement cases initiated on this property since 1998 including public nuisance (three weeded lots), minimum housing, and abandoned structure.

The Greenville Police Department has responded to three calls for service at this

property since January 2003. Calls include armed robbery, request officer, and an accident report for hit and run.

The tax value on the property as of August 26, 2013, is \$18,459 (the building value is \$15,150 and the land value is \$3,309.)

There is currently \$288.08 owed to the Pitt County Tax Department for this property.

The estimated costs to repair the property are \$43,282.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.


**Recommendation:**

Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 202 Tyson Street.

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 [202 Tyson Street](#)

 [202\\_Tyson\\_Street\\_Ordinance\\_959488](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 202 TYSON STREET  
TAX PARCEL NUMBER 08849

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Olivia Clark Hines and Fanny Ruth Clark et al of the dwelling located at 202 Tyson Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 202 Tyson Street and owned by Olivia Clark Hines and Fanny Ruth Clark et al.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

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Allen M. Thomas, Mayor

ATTEST:

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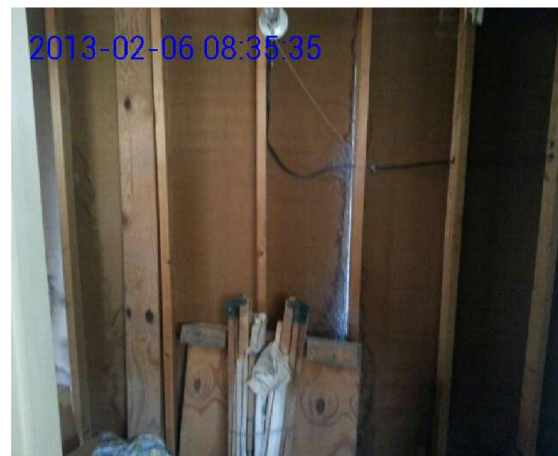
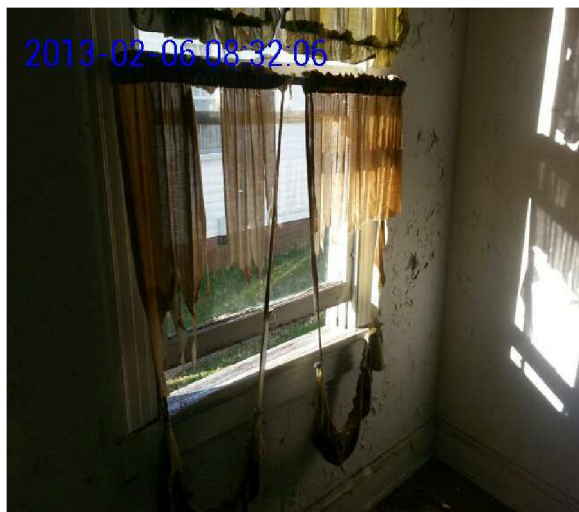
Carol L. Barwick, City Clerk

# 939148



202 Tyson Street







# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1706 South Greene Street

**Explanation:** **Abstract:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 1706 South Greene Street.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 1706 South Greene Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on November 28, 2012, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 21, 2013, and provided notice to the owner that the dwelling was considered an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since July 29, 2010.

There have been 10 Code Enforcement cases initiated on this property since 2009 including public nuisance (seven weeded lots), and abandoned structure.

The Greenville Police Department has responded to 2 calls for service at this property since December 2007. Calls include breaking and entering and

recovered property-consent search.

The tax value on the property as of August 26, 2013, is \$19,839 (the building value is \$15,939 and the land value is \$3,900).

There is currently \$334.97 owed to the Pitt County Tax Department for this property.

The estimated costs to repair the property are \$24,062.70.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.


**Recommendation:**

Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 1706 South Greene Street.

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 [1706 S Greene Street](#)

 [1706 S. Greene Street Ordinance 959459](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1706 S. GREENE STREET  
TAX PARCEL NUMBER 19464

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Margie D. Williams of the dwelling located at 1706 S. Greene Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1706 S. Greene Street and owned by Margie D. Williams.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

# 939148

1706 South Greene Street











# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 200 Cadillac Street

**Explanation:** **Abstract:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 200 Cadillac Street.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 200 Cadillac Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on February 5, 2013, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 21, 2013, and provided notice to the owner that the dwelling was considered an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since November 7, 1998, on side A and February 20, 2008, on side B.

There have been 20 Code Enforcement cases initiated on this property since 1999 including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 11 calls for service at this

property since 1991. Calls include armed robbery, breaking and entering, larceny, damage to property, and violations of the NC Controlled Substance Act.

The tax value on the property as of August 26, 2013, is \$17,070 (the building value is \$14,270 and the land value is \$2,800).

There is \$344.63 owed to the Pitt County Tax Department for this property.

The estimated costs to repair the property are \$37,095.40.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 200 Cadillac Street.

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 [200 Caillac Street](#)

 [200 Cadillac Street Ordinance 959487](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 200 CADILLAC STREET  
TAX PARCEL NUMBER 12668

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Daisy Gray Joyner and Dorothy Jean Whitehurst et al of the dwelling located at 200 Cadillac Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 200 Cadillac Street and owned by Daisy Gray Joyner and Dorothy Jean Whitehurst et al.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

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Allen M. Thomas, Mayor

ATTEST:

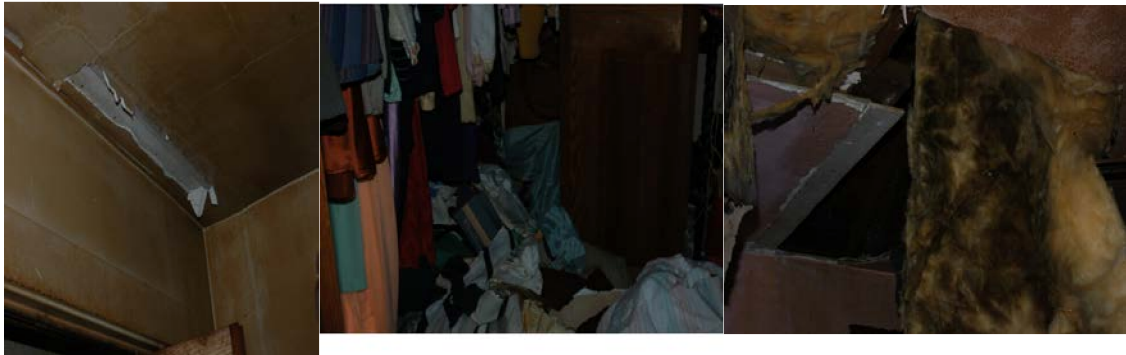
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Carol L. Barwick, City Clerk

# 939148

200 Cadillac Street







# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 210 Cadillac Street

**Explanation:** **Abstract:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 210 Cadillac Street.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 210 Cadillac Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on January 10, 2013, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 21, 2013, and provided notice to the owner that the dwelling was considered an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since December 19, 2012.

There have been 23 Code Enforcement cases initiated on this property since 2003 including public nuisance (13 weeded lots), minimum housing (2 six months lights off), and abandoned structure.

The Greenville Police Department has responded to 10 calls for service at this



property since July 1993. Calls include armed robbery, breaking and entering, auto larceny, burglary, and violations of the NC Controlled Substance Act.

The tax value on the property as of August 26, 2013, is \$23,466 (the building value is \$20,666 and the land value is \$2,800).

There is currently \$727.71 owed to the Pitt County Tax Department on this property.

The estimated costs to repair the property are \$23,547.70.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 210 Cadillac Street.

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**Attachments / click to download**

 [210 Cadillac Street](#)

 [210\\_Cadillac\\_Street\\_Ordinance\\_959453](#)

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ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 210 CADILLAC STREET  
TAX PARCEL NUMBER 20521

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Stonecrest Income and Opportunity Fund 1 LLC c/o Jon Freeman of the dwelling located at 210 Cadillac Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 210 Cadillac Street and owned by Stonecrest Income and Opportunity Fund 1 LLC c/o Jon Freeman.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Allen M. Thomas, Mayor

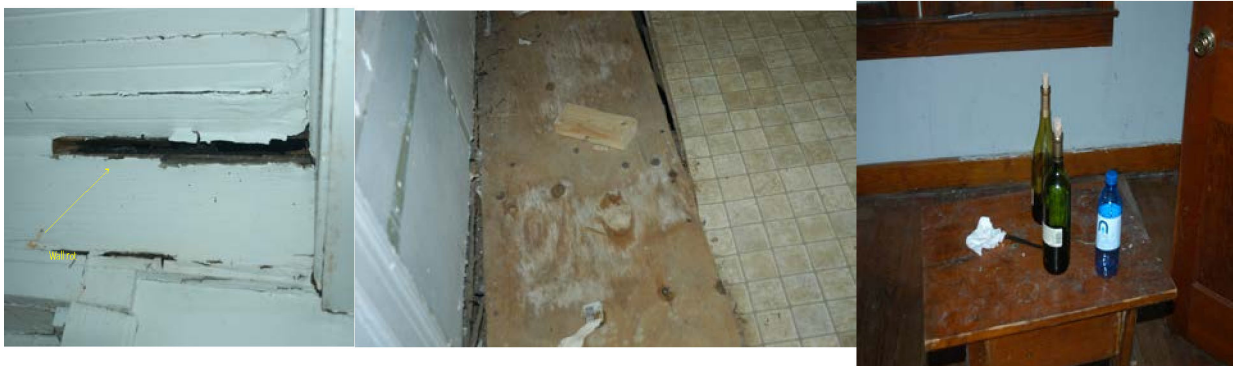
ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

# 939148

210 Cadillac Street







# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 446 West Third Street

**Explanation:** **Abstract:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 446 West Third Street.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months, pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 446 West Third Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on April 11, 2013, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on April 24, 2013, and provided notice to the owner that the dwelling was considered an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since September 26, 2012.

There have been 10 Code Enforcement cases initiated on this property since 2004 including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 38 calls for service at this property since September 1993. Calls include assault, breaking and entering, auto larceny, larceny, and damage to property.

The tax value on the property as of August 26, 2013, is \$19,801 (the building value is \$17,101 and the land value is \$2,700).

There is currently \$637.46 owed to the Pitt County Tax Department on this property.

The estimated costs to repair the property are \$28,918.60.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 446 West Third Street.

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[446 W Third Street](#)

[446 W 3rd Street Ordinance 959483](#)

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ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 446 WEST 3RD STREET  
TAX PARCEL NUMBER 25105

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Action Investment Group LLC of the dwelling located at 446 West 3rd Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 446 West 3rd Street and owned by Action Investment Group LLC.



Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

# 939148

446 West 3<sup>rd</sup> Street







# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance amending the concealed handgun ordinance

**Explanation:** **Abstract:** During the 2013 Session of the North Carolina General Assembly, a law was enacted which limited the existing authority of cities to regulate the carrying of a concealed handgun by a person having a permit to carry a concealed handgun. An ordinance amendment is necessary in order to comply with the new law which is effective on October 1, 2013.

**Explanation:** During the 2013 Session of the North Carolina General Assembly, a law was enacted which limited the existing authority of cities to regulate the carrying of a concealed handgun by a person having a permit to carry a concealed handgun. Session Law 2013-369 retained the authority for cities to prohibit, by the posting of signs, the carrying of a concealed handgun in a city building and its appurtenant premises and in "recreational areas." But, it changed the authority relating to "recreational facilities" by redefining "recreational facilities." Previously, "recreational facilities" was defined by statute as "a playground, an athletic field, a swimming pool, and an athletic facility". The new law defines "recreational facilities" as:

"(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the recreation and parks department.

(2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.

(3) A facility used for athletic events, including, but not limited to, a gymnasium.

The new law further states that "recreational facilities" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an

"athletic field", and any other area that is not specifically described in the definition of recreation facility.

The new law is effective October 1, 2013. The enactment of this law requires the City to amend its current ordinance relating to the carrying of a concealed handgun. This is because some facilities currently listed in the ordinance are no longer considered as "recreational facilities" under the new law. As such, they are required to be deleted from the City's ordinance in order to comply with the new law's definition of "recreational facilities".

The new law continues to require the ordinance to list each recreational facility for which the prohibition applies. Signs are required to be posted in order to provide the public with appropriate notification of the prohibition.

In the event the ordinance is not amended to include specified recreational facilities, the current ordinance's prohibition relating to recreational facilities which are not within the definition of the new law could not be enforced as of October 1, 2013. The remaining provisions relating to other recreational facilities and buildings and their appurtenant premises would remain in effect and could be enforced. In effect, this is a clean-up ordinance to ensure the City's ordinance is in compliance with State law.

A summary of the statutory provisions on concealed handguns is attached. The general rule established by the North Carolina General Statutes is that it is unlawful to carry a concealed handgun except when a person is on his own premises. An exception to the general rule is that a person with a concealed handgun permit may carry a concealed handgun unless "otherwise specifically prohibited by law". The places where a person with a concealed handgun permit is otherwise specifically prohibited by law from carrying a concealed handgun includes "premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises". However, unlike other property owners, cities and counties are not authorized to post all of their properties but may only post a prohibition against carrying a concealed handgun (1) on local government buildings and their appurtenant premises and (2) (as of October 1, 2013) on specifically identified recreational facilities as statutorily defined.

Attached are the following:

- (1) Proposed amendment to section 12-1-14;
- (2) Current section 12-1-14 with changes shown in red; and
- (3) Summary of the statutory provisions on concealed handguns.

**Fiscal Note:**

There is no fiscal impact caused by the adoption of the ordinance other than the expense associated with the posting of signs.

**Recommendation:**

Approval of the attached ordinance will result in the continued prohibition of the carrying of concealed weapons in recreational facilities as permitted by law.

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**Attachments / click to download**

 [Ordinance Amending Section 12 1 14 Subsection b 961808](#)

 [CURRENT SECTION 12 1 14 961807](#)

 [Concealed Handgun General Statutes 908661](#)

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ORDINANCE NO. 13 -  
ORDINANCE AMENDING SECTION 12-1-14 OF THE GREENVILLE CITY CODE,  
AMENDING THE LIST OF RECREATIONAL FACILITIES WHERE CONCEALED  
HANDGUNS ARE PROHIBITED

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

Section 1. That Section 12-1-14 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B) to read as follows:

(B) *Prohibition in recreational facilities.* The carrying of a concealed handgun is prohibited, by the posting of signs indicating that the carrying of a concealed handgun is prohibited, in or on the following recreational facilities owned, leased, operated, managed or controlled by the city:

- (1) The athletic field at Andrew A. Best Freedom Park at 315 Oakdale Road;
- (2) The Bradford Creek Golf Course at 4950 Old Pactolus Road;
- (3) The soccer fields at the Bradford Creek Soccer Complex at 4523 Old Pactolus Road;
- (4) The Greenville Community Pool at 2113 Myrtle Avenue;
- (5) The Greenville Aquatics and Fitness Center at 921 Staton Road;
- (6) The Drew Steele Center, Elm Street Center, tennis courts, Stallings Stadium baseball field, Sara Vaughn Field of Dreams baseball field, shuffleboard courts, horseshoe pits and bocce courts at Elm Street Park at 1058 and 1055 South Elm Street;
- (7) The tennis courts, softball fields, and archery range at Evans Park at 625 West Arlington Blvd;
- (8) The basketball court at Greenfield Terrace Park at 120 Park Access Road;
- (9) The Guy Smith Stadium baseball field, baseball fields and batting cages at Guy Smith Park at 1000 Moye Boulevard;
- (10) The Boyd Lee Center, softball fields, and cricket field at H. Boyd Lee Park at 5184 Corey Road;
- (11) The tennis courts, extreme park, inline hockey rink, softball/baseball field and athletic field at Jaycee Park at 2000 Cedar Lane;
- (12) The soccer field, softball field, baseball field, and disc golf course at Matthew Lewis Park at West Meadowbrook at 900 Legion Street;

- (13) The baseball fields, batting cage, and volleyball courts at the Perkins complex at 1703 E. 14<sup>th</sup> Street;
- (14) The volleyball court at River Park North at 1000 Mumford Road;
- (15) The South Greenville Recreation Center, athletic field, and baseball field at South Greenville Park at 851 Howell Street;
- (16) The Sports Connection at 1701 E. 14<sup>th</sup> Street;
- (17) The Eppes Recreation Center, tennis courts and baseball field at Thomas Foreman Park at 400 Nash Street;
- (18) The athletic field at Westhaven Park on Cedarhurst Drive; and
- (19) The basketball court and volleyball court at Woodlawn Park on Woodlawn Avenue.

The prohibition for a recreational facility designated herein as either an athletic field, baseball field, softball field, softball/baseball field, or cricket field shall apply during an organized athletic event when the field has been scheduled for use with the recreation and parks department and shall include appurtenant facilities to said field.

The prohibition for the recreational facility designated herein as the Greenville Community Pool includes the swimming pool and any appurtenant facilities used for dressing, storage of personal items, and other uses relating to the swimming pool.

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

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

Section 4. This ordinance shall become effective on the 1<sup>st</sup> day of October, 2013.

This the 12th day of September, 2013.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



**CURRENT SECTION 12-1-14 WITH CHANGES SHOWN IN RED**

**SEC. 12-1-14 CONCEALED HANDGUNS PROHIBITED; PUBLIC BUILDINGS, GROUNDS AND RECREATIONAL FACILITIES.**

(A) *Prohibition in buildings and appurtenant premises.* The carrying of a concealed handgun is prohibited, by the posting of signs indicating that the carrying of a concealed handgun is prohibited, in or on each building or portion of building now or hereafter owned, leased, operated, managed or controlled by the city and the appurtenant premises to the building.

(B) *Prohibition in recreational facilities.* ~~For the purpose of this section, recreational facilities shall mean a playground, an athletic field, a swimming pool, and an athletic facility.~~

The carrying of a concealed handgun is prohibited, by the posting of signs indicating that the carrying of a concealed handgun is prohibited, in or on the following recreational facilities ~~now or hereafter~~ owned, leased, operated, managed or controlled by the city:

- (1) The ~~playground and~~ athletic field at Andrew A. Best Freedom Park at 315 Oakdale Road;
- (2) The Bradford Creek Golf Course at 4950 Old Pactolus Road;
- (3) The soccer fields at the Bradford Creek Soccer Complex at 4523 Old Pactolus Road;
- ~~4) The playground at Dream Park, 1711 Chestnut Street;~~
- ~~5) (4)~~ The Greenville Community Pool at 2113 Myrtle Avenue;
- ~~6) (5)~~ The Greenville Aquatics and Fitness Center at 921 Staton Road;
- ~~7) (6)~~ The Drew Steele Center, Elm Street Center, tennis courts, ~~playgrounds, baseball stadium, Stallings Stadium baseball field,~~ Sara Vaughn Field of Dreams ~~baseball field,~~ shuffleboard courts, horseshoe pits and bocce courts at Elm Street Park at 1058 and 1055 South Elm Street;
- ~~8) (7)~~ The tennis courts, softball fields, and archery range at Evans Park at 625 West Arlington Blvd;
- ~~9) (8)~~ The basketball court ~~and playground~~ at Greenfield Terrace Park, at 120 Park Access Road;
- ~~10) (9)~~ The Guy Smith Stadium ~~baseball field,~~ baseball fields and batting cages at Guy Smith Park at 1000 Moye Boulevard;

~~11) (10)The Boyd Lee Center, softball fields, **playground**, and cricket field **and cross country course** at H. Boyd Lee Park at 5184 Corey Road;~~

~~12) **The playground at Hillsdale Park at 2531 Sunset Avenue;**~~

~~13) (11)The **playground**, tennis courts, extreme park, inline hockey rink, softball/baseball field and athletic field at Jaycee Park at 2000 Cedar Lane;~~

~~14) (12)The soccer field, softball field, baseball field, **and disc golf course and playground** at Matthew Lewis Park at West Meadowbrook at 900 Legion Street;~~

~~(15) **The playground for dog owners and their pets at the Greenville Off Leash Dog Area at 218 N. Ash Street;**~~

~~(16) **The playground and tot lot playground at Paramore Park at 401 E. Firetower Road;**~~

~~(17) **The playground at Peppermint Park at 1400 Brownlea Drive;**~~

~~18) (13)The baseball fields, batting cage, and volleyball courts at the Perkins complex at 1703 E. 14<sup>th</sup> Street;~~

~~19) (14)The volleyball court **and playground** at River Park North at 1000 Mumford Road;~~

~~20) (15)The South Greenville Recreation Center, **playground**, athletic field, and baseball field at South Greenville Park at 851 Howell Street;~~

~~21) (16)The Sports Connection at 1701 E. 14<sup>th</sup> Street;~~

~~22) (17)The Eppes Recreation Center, **playground**, tennis courts and baseball field at Thomas Foreman Park at 400 Nash Street;~~

~~23) **The playgrounds at Kristin Drive;**~~

~~24) (18)The athletic field **and playground** at Westhaven Park on Cedarhurst Drive; and~~

~~25) (19)The **playground**, basketball court, and volleyball court at Woodlawn Park on Woodlawn Avenue.~~

The prohibition for a recreational facility designated herein as either an athletic field, baseball field, softball field, softball/baseball field, or cricket field shall apply during an organized athletic event when the field has been scheduled for use with the recreation and parks department and shall include appurtenant facilities to said field.

The prohibition for the recreational facility designated herein as the Greenville Community

Pool includes the swimming pool and any appurtenant facilities used for dressing, storage of personal items, and other uses relating to the swimming pool.

(C) *Application of provisions.* The provisions of this section shall also apply to buildings and appurtenant premises leased, operated, managed or controlled by the Greenville Utilities Commission and Sheppard Memorial Library.

(D) *Persons excepted.* The provisions of this section shall not apply to the carrying of a concealed handgun by those persons enumerated in G.S. 14-269(b).

(E) *Violations.* Violations of the prohibitions authorized by this section are punishable as provided in G.S.14-269(c).

(F) *Exemptions.* (1) Notwithstanding any other provision of this section, upon obtaining the appropriate permit required by law, the possession of a concealed handgun shall be permitted at a convention center owned, leased, managed, operated or controlled by the city, by vendors or exhibitors at an event where the display, sale or exhibition of handguns is permitted or by individuals who have or possess a handgun for the sole purpose of sale or trade at an event where the display, sale or exhibition of handguns is permitted. Such persons shall be required to display their permit upon entrance into the convention center and have the handgun checked, inspected and disabled upon entrance into the convention center.

(2) Notwithstanding any other provision of this section, upon obtaining the appropriate permit required by law, the possession of a concealed handgun shall be permitted provided that the concealed handgun permittee secures the handgun in a locked vehicle within the trunk, glove box or an enclosed compartment or area within or on the motor vehicle.

## Summary of Statutory Provisions on Concealed Handguns

### **G.S. 14-269 (a1)**

Establishes the general rule that it is unlawful to carry a concealed handgun except when the person is on his own premises.

### **G.S. 14-415.11(a)**

Establishes an exception to the general rule so that a person with a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law.

### **G.S. 14-415.11(c)**

Lists areas where, even if have a concealed handgun permit, prohibited to carry a concealed handgun. Several areas are listed (law enforcement or correctional facility, state or federal offices, and financial institution) but also includes the following:

- premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises.

### **G.S. 14-415.23**

Provides that no city may enact an ordinance concerning legally carrying a concealed handgun except for an ordinance to permit the posting of a prohibition against carrying a concealed handgun (1) on local government buildings and their appurtenant premises and (2) on specifically identified city recreational facilities (statutorily defined as "(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the recreation and parks department. (2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool. (3) A facility used for athletic events, including, but not limited to, a gymnasium."). Also, provides that, when a city adopts an ordinance relating to recreational facilities, then the concealed handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk, glovebox, or other closed compartment or area within or on the motor vehicle.

(NOTE: The intent of this statute is to prescribe a uniform statewide system for regulating the carrying of concealed handguns).

### **G.S. 14-269 (b)**

Establishes an exception to the general rule by listing persons to which the prohibition does not apply as follows:

- (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (2) Civil and law enforcement officers of the United States;

- (3) Officers and soldiers of the militia and the National Guard when called into actual service;
- (4) Officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties;
- (4a) Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The district attorney, assistant district attorney, or investigator shall secure the weapon in a locked compartment when the weapon is not on the person of the district attorney, assistant district attorney, or investigator;
- (4b) Any person who meets all of the following conditions:
- a. Is a qualified retired law enforcement officer as defined in G.S. 14-415.10.
  - b. Is the holder of a concealed handgun permit in accordance with Article 54B of this Chapter.
  - c. Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26.
- (4c) Detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the locked vehicle, or (ii) the firearm is in a locked container securely affixed to the vehicle.
- (5) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.
- (6) State probation or parole certified officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

**G.S. 14-269 (c)**

Sets forth the penalty for a violation as a Class 2 misdemeanor for first offense and Class I felony for second or subsequent offenses.



# City of Greenville, North Carolina

Meeting Date: 9/12/2013  
Time: 7:00 PM

**Title of Item:** Ordinance amending the provisions of the City Code relating to an Uptown Outdoor Dining Permit

**Explanation:** **Abstract:** Uptown Outdoor Dining Permit standards were adopted on May 9, 2013. Since that time, staff and Uptown Greenville merchants, property owners, and members have met on several occasions to address some concerns, and several changes to the standards are proposed.

**Explanation:** Staff and Uptown Greenville merchants, property owners, and members have met on several occasions to address concerns with the Uptown Outdoor Dining Permit standards. Below are items that were specifically discussed as well as proposed revisions to the current standards.

1. Requirement for metal furniture. This requirement was recommended to keep these items from becoming a hazard during events of high winds and to ensure the furniture is a non-combustible material.

**Revision:** Furniture may be of any construction except plastic.

2. Removal of furniture by 10 PM. This requirement was recommended by the Police Department in an effort to reduce the potential for vandalism and loitering after business hours.

**Revision:** Removal of furniture by 12 AM (midnight).

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

**Revision:** This standard has been deleted from the revised standards. City staff has agreed to work with Uptown Greenville representatives to address this issue in a comprehensive manner.

4. Umbrellas are not allowed. This standard was recommended recognizing the

varying widths of sidewalks in the uptown district, the requirements for vertical and horizontal sidewalk clearance, concerns about possible injury to those passing by on the sidewalks, and concern regarding them potentially becoming a hazard during periods of wind gusts.

**Revision:** Umbrellas are allowed provided vertical and horizontal clearances on sidewalk, as required by North Carolina State Building Code and the Americans with Disabilities Act are maintained.

5. Annual application flat fee of \$150. The recommended annual fee of \$150 was envisioned as a way to recoup a portion of staff time devoted to review of outdoor dining applications. The fee is in line with other communities that were surveyed during the deliberations.

**Revision:** Initial application fee of \$125, and a renewal fee of \$25 if no changes to original plan.

6. While not included in the original standards, the use of menu reader board ("sandwich") signs located within public rights-of-way has been discussed. Staff and Uptown Greenville have agreed to discuss this at a later date.

**Fiscal Note:**

The application fee of \$125 is anticipated to cover a portion of the administrative costs.

**Recommendation:**

Approve the attached ordinance amending the Uptown Outdoor Dining Permit Standards.

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

**Attachments / click to download**

 [Map](#)

 [Adopted Ordinance](#)

 [Ordinance for revisions to Outdoor Dining Standards 959364](#)

ORDINANCE NO. 13 -  
ORDINANCE AMENDING THE PROVISIONS OF THE GREENVILLE CITY CODE  
RELATING TO AN UPTOWN OUTDOOR DINING PERMIT

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

Section 1: That Section 6-2-63 of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by deleting subsection (G).

Section 2: That Section 6-2-63 of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by rewriting subsections (D), (F), and (J) so that said subsections read as follows:

(D) Furniture may be of any construction except plastic.

(F) All furniture must be removed from the outdoor dining area each day by 12:00 a.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.

(J) Umbrellas are allowed provided vertical and horizontal clearances on sidewalks, as required by the North Carolina State Building Code and the American with Disabilities Act, are maintained.

Section 3: That the Manual of Fees for the City of Greenville, North Carolina, be and is hereby amended by rewriting the fee for an Outdoor Dining Permit within the section entitled "Miscellaneous" within the Community Development Fees so that it shall read as follows:

**Miscellaneous**

<b>Account Number</b>	<b>Service</b>	<b>Fee</b>
010-0000-330-18 -12	Outdoor Dining Permit	\$125 flat fee; except \$25 renewal fee if no changes to original plan

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: This ordinance shall become effective upon its adoption.

This the 12<sup>th</sup> day of September, 2013.

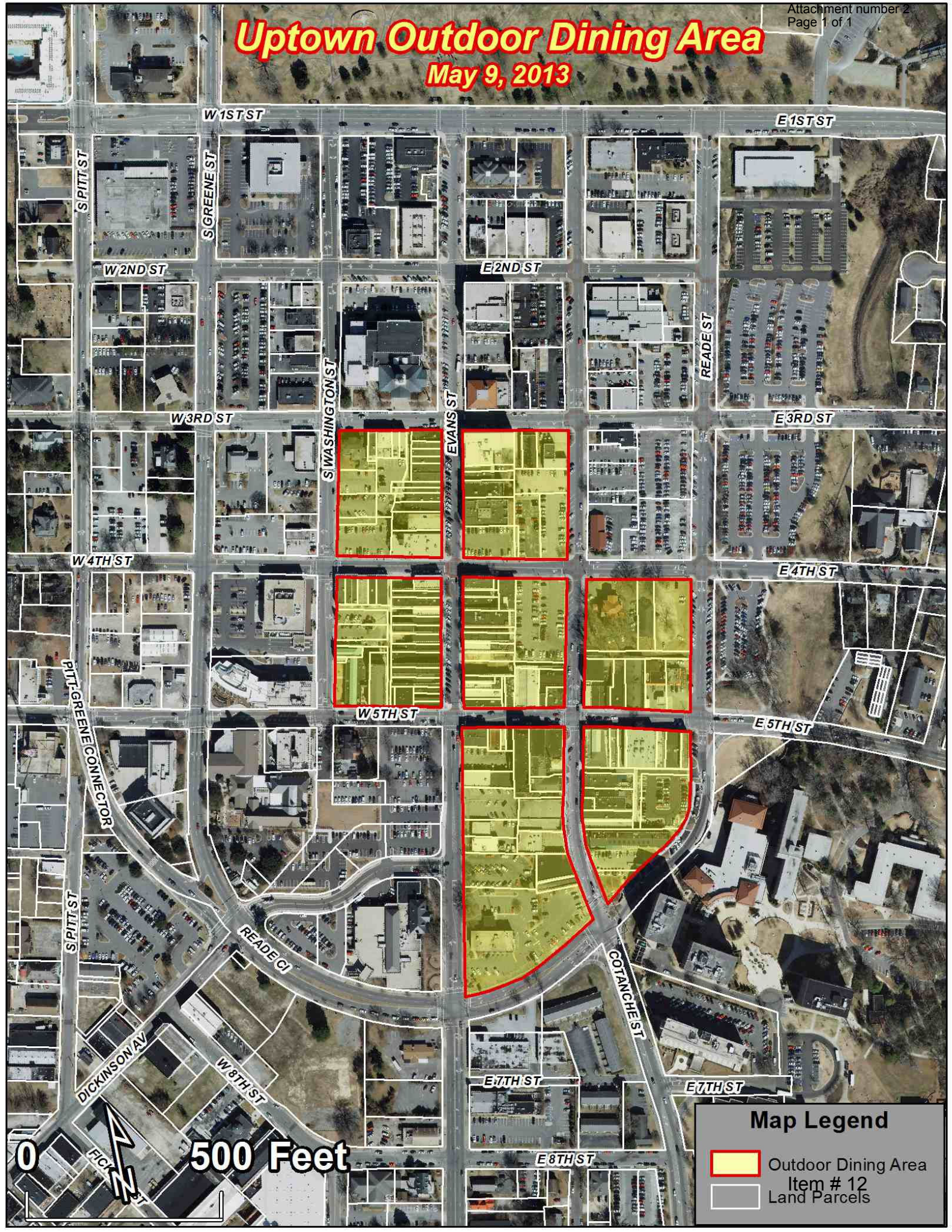
\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

# Uptown Outdoor Dining Area

May 9, 2013



0 500 Feet

### Map Legend

-  Outdoor Dining Area
-  Land Parcels

ORDINANCE NO. 13-022  
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:

Section 1: 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.

Section 4: 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.

Section 7: 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 8: This ordinance shall become effective upon its adoption.

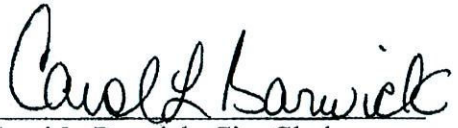
This the 9<sup>th</sup> day of May, 2013.



Allen M. Thomas, Mayor



ATTEST:

  
\_\_\_\_\_  
Carol L. Barwick, City Clerk

