



# Agenda

## Greenville City Council

February 9, 2012  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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**I. Call Meeting To Order**

**II. Invocation - Mayor Thomas**

**III. Pledge of Allegiance**

**IV. Roll Call**

**V. Approval of Agenda**

**VI. Consent Agenda**

1. Minutes from the November 17, 2011 City Council meeting
2. Right-of-way encroachment agreement with Pitt County Memorial Hospital, Incorporated, to construct fiber optic communication lines in a portion of the right-of-way of W. H. Smith Boulevard and Hemby Lane
3. Grant of sanitary sewer easement to Greenville Utilities Commission on the Boyd Lee Park property
4. Reimbursement resolution for Greenville Utilities Commission's Frog Level Electric Substation Improvement Project
5. Series resolution for Greenville Utilities Commission's Sterling Pointe Sewer Pump Station and Force Main Project
6. Sewer capital project budget amendment ordinance for Greenville Utilities Commission's Westside Pump Station and Force Main Project

## **VII. New Business**

### **Public Hearings**

7. Ordinance amending Article N of the Zoning Ordinance relating to sign regulations associated with flags and wind blades

### **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**

8. Communities Putting Prevention to Work grant project proposal
9. Budget ordinance amendment #7 to the 2011-2012 City of Greenville budget (Ordinance #11-038) and budget ordinance establishing the capital project for the South Tar River Greenway Phase III (Pitt Street to Moye Boulevard) project
10. Policy on Consent Agenda and Policy on Time Limitations on Presentations at City Council Meetings

## **VIII. Review of February 20, 2012 City Council Agenda**

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

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

## **XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

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- Title of Item:** Minutes from the November 17, 2011 City Council meeting
- Explanation:** Proposed minutes for the regular City Council meeting held on November 17, 2011 are presented for review and approval.
- Fiscal Note:** There is no direct cost to the City.
- Recommendation:** Review and approve attached proposed minutes for the regular City Council meeting held on November 17, 2011.
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[Proposed\\_Minutes\\_of\\_the\\_November\\_17\\_2011\\_City\\_Council\\_Meeting\\_915163](#)

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OFFICIAL MINUTES  
MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
THURSDAY, NOVEMBER 17, 2011



The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia Dunn presiding. The meeting was called to order, followed by the invocation by Mayor Dunn and the pledge of allegiance to the flag. The following were present.

Those Present:

Mayor Patricia C. Dunn; Mayor Pro Tem Bryant Kittrell, III; Council Member Kandie D. Smith; Council Member Rose H. Glover; Council Member Marion Blackburn; Council Member Calvin R. Mercer; and Council Member Max R. Joyner, Jr.

Those Absent:

None

Also Present:

Wayne Bowers, City Manager; William Little, Assistant City Attorney; Carol L. Barwick, City Clerk and Polly Jones, Deputy City Clerk

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**APPROVAL OF THE AGENDA**

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Motion was made by Council Member Glover and seconded by Council Member Joyner to move the Public Comment Period after Special Recognitions on the agenda. Motion carried unanimously.

Motion was made by Council Member Glover and seconded by Council Member Joyner to approve the agenda as amended. Motion carried unanimously.

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**SPECIAL RECOGNITIONS**

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COMMUNITY PARTNER AWARD PRESENTED BY EASTER SEALS/UNITED CEREBRAL PALSY OF NORTH CAROLINA/VIRGINIA

Mr. Gary Fenton, Recreation and Parks Director, recognized the Specialized Recreation Staff for their hard work in making sure that disabilities are not an obstacle to participation in recreational activities whenever that is possible. Mr. Fenton stated this past summer Mr. Scott Lineberger and Ms. Deitra Crandol worked with Easter Seals and United Cerebral Palsy as well as East Carolina Behavioral Health to create a summer inclusion program. Those agencies provided a \$30,000 grant which enabled the Recreation and Parks

Department to make its existing camps inclusive. At least three of the City camps invited those with special needs into the program so they could participate side by side with those who did not have any disabilities. In September, Easter Seals and United Cerebral Palsy recognized this particular program and these two people as community partners with their Community Partner Award. Mr. Lineberger and Ms. Crandol were recognized for their creativity and determination in making this program possible. The North Carolina Recreational Association at their annual conference awarded the program with the 2011 Innovative Program Award, a one of a kind award given annually by the Association. Mr. Fenton further stated that Ms. Crandol was also recognized as the Special Olympics Coastal Plains Coordinator of the Year. He thanked these two employees for their efforts that brought such favorable recognition to the summer inclusion program, the Recreation and Parks Department and City of Greenville.

2011 OUTSTANDING PARKS AND RECREATION DEPARTMENT AWARD PRESENTED BY THE NORTH CAROLINA CHAPTER OF THE UNITED STATES TENNIS ASSOCIATION

Mr. Gary Fenton, Recreation and Parks Director, stated that Mr. Chris Hinson is the Supervisor in charge of tennis services. Mr. Hinson is quite a tennis player who has introduced tennis to young people and adults in the community. In July of this year, the Recreation and Parks Department hosted the North Carolina Junior Team Tennis State Championships. In June, the City of Greenville was the site of the North Carolina Adult and Super Senior Tennis State Championships. River Birch Tennis Center at Evans Park was the headquarters for both of these tournaments. The tournaments brought 1,700 youth and adult players to Greenville, resulting in a significant economic impact from groups coming to the community and staying overnight. The Convention and Visitors Bureau estimated an economic impact of about \$662,000 from the tournaments held here this year. Mr. Hinson deserves full credit for the success of the 2011 tournaments and for ensuring their return to Greenville.

Mr. Fenton stated that because of Mr. Hinson, volunteers, the Recreation and Parks Department, and the community showing our guests a really fine event and welcoming them warmly to Greenville, the United States Tennis Association of North Carolina presented our department with the Outstanding Parks and Recreation Department of the Year Award. Mr. Fenton further stated that thanks to Medaltek, a company which supports the Tennis Association, the Award also includes a tennis ball machine which can be used in Mr. Hinson's instructional program. Mr. Hinson is mostly responsible for securing the tournaments and he and his team made everything go well during the tournaments.

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**PUBLIC COMMENT PERIOD**

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PUBLIC COMMENT PERIOD

Mr. Harold Barnes – No address given

Mr. Barnes, an employee of the Public Works Department, stated that the Sanitation workers have been totally disrespected. A written apology that they received from the City appeared in the newspaper and at the end of the article the Sanitation worker was still considered as the bad person. Sanitation workers are on the job, overworked and underpaid. Mr. Barnes described the disrespect and verbal abuse that the workers have received from their supervisors. In addition, the workers have been called or referred to by derogatory racial slang. Supervisors are allowed to use profanity when speaking to the workers. When these occurrences are reported to Wes Anderson, Public Works Department Director and Ken Jackson, Superintendent of Operations, no action is taken.

Mr. Barnes stated that the Sanitation workers are simply tired of what they are actually going through, and management is allowing these problems to continue. One-half of the workers here tonight are working two jobs because of their salaries with the City of Greenville. Mr. Barnes asked those in the audience who are working two jobs to raise their hands, and approximately seven people did so. Mr. Barnes said that because management is not addressing their concerns, Sanitation workers decided to take a stand on what they believe and need. What happened on November 9, 2011 was not a strike, it was a protest. The workers are supporting the citizens' needs one hundred percent and are aware of the cards received from citizens thanking them for a job well done.

Mr. Barnes stated that they work during rain, sleet or hail. Sanitation workers have a job and they should report to work at 7:00 a.m., and the time that they were supposed to report to work that morning is not the issue. The problem is that the Sanitation workers need their dignity. Mr. Barnes stated that people come in and throw everything at the Sanitation workers and they expect them to take it. Mr. Barnes said that it's like we're not even people. We all have families and are concerned about the citizens.

Mr. Barnes further stated that they are disrespected and are not allowed to speak about their employment with the City. Mr. Barnes concluded by questioning how can employees come to work in an environment of disrespect and where grown men are treated like children and are expected to give one hundred percent. They are here tonight because they are tired, they need their dignity and respect, and they need management to recognize that each Sanitation worker is somebody.

Mr. Don Cavellini – No address given

Mr. Cavellini, Co-Chair of the Pitt County Coalition Against Racism, spoke in support of the Sanitation workers. Mr. Cavellini stated that for those who were watching television and were really unaware of what happened, 72 workers in the Sanitation Division of the Public Works Department did not take their trucks out after reporting to work on November 9, 2011. Mr. Cavellini asked what could possibly have prompted 72 people to risk their jobs by such a collective action. As they gathered together to formulate their grievances, it became very clear that first and foremost there was a pattern of disrespect and abuse by supervisors, and it hadn't started that day. That day they just got served with two pages of an edict having to do with time and attendance, but that was the "straw that broke the camel's back". This has been a longstanding pattern that Mr. Barnes more adequately indicated than he could because Mr. Barnes is subjected to it when he goes to work. When the workers got together, they also realized that they had a pattern of not being included in any decisions. The immediate issue was only a very small part of the problem. In a meeting, they realized that they needed a grievance procedure--an organized way where they could be heard and not by management only. They wanted job security, fair wages and to meet on an equal basis with their boss. It is called meet and confer. It's not unreasonable, and it happens all across the country, even in North Carolina and among public employees who do not have collective bargaining. Also, they wanted safety on the job because there are machines that are not being used to carry heavy items so the items can be taken away. If City Council Members do nothing else, they have to ask themselves the question as the people who hire the administrators in Public Works, how they could have let this happen. Mr. Cavellini further stated that residents of Greenville ask that same question. The residents hold the Council Members responsible for getting an answer. Workers do not withhold their labor and risk their job for no small reason. City Manager Bowers and all of the subordinates, Wes Anderson and those at Public Works, you all got some answering to do.

Mr. Ricardo Santos – No address given

Mr. Santos, an employee of the Public Works Department, displayed a copy of correspondence responding to the action taken by the Sanitation workers on November 9. Mr. Santos said that day the workers were told by City Manager Wayne Bowers that if the workers left the Public Works Department premises, there were not going to be any repercussions for their action. Mr. Santos stated that Sanitation workers do not want this correspondence to be placed in their personnel files. This is something they were told was not going to happen. He is unaware if management at Public Works did this without the City Manager's permission. Sanitation workers do not receive special pay for working on hot or rainy/cold/windy days. Other employees go under shelter and wait until the weather calms down and then they return to work.

Mr. William Shiver – No address given

Mr. Shiver, member of Occupy Greenville, spoke in support of the Sanitation workers stating that Occupy Greenville has to take a stand against racism within the workplace. Human beings should never tolerate anyone calling anyone else the “n” word. It is the City Council’s duty to ensure that whoever has created this hostility in the workplace is removed immediately. Council Member Glover has always said that we need to take people out of the poverty level. However, a few years later this has not taken place. All of these workers are here tonight representing the community, and the City has put a value so low on the Sanitation workers’ salaries. They are the ones who ensure that we keep green in Greenville. They have been working for 10, 20, and 30 years not even making \$30,000 a year while the City Manager is making over \$100,000 plus receiving merit raises. Some of the Sanitation workers in the audience have not seen a merit increase and are forced to work two jobs and he is aware that other people are working two jobs. The jobs performed by the Sanitation workers are ones that other people might not want to do. Mr. Shiver asked the Council Members if the workers go on strike, who is going to pick up their trash.

Pastor Kenneth Battle – No address given

Pastor Battle of New Covenant Church and representative of the North of the River residents stated that with every great challenge there is an opportunity to galvanize people, and the speakers this evening have certainly been passionate and have a valid point. Many times passion drives us beyond reason, and the City Council could use this controversy as an opportunity to do something positive. It is understandable that the Council will do an investigation.

Pastor Battle further stated if excessive time is spent assigning blame, instead of navigating out of this chaos, it would not solve anything. This incident is an opportunity to have a better Council, greater City and better employees. Pastor Battle said that they might not solve all the problems, but they should put one on the table, and when they solve that one, they can put another problem on the table.

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**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Council Member Kandie Smith continued the replacement of John Martin until December.



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Community Appearance Commission

Council Member Kandie Smith continued the replacement of Valerie Guess until December.

Greenville Bicycle and Pedestrian Commission

Motion was made by Council Member Mercer and seconded by Council Member Joyner to recommend the appointment of Harry Stubbs to fill an unexpired term expiring January 2014, replacing Brad Beggs who resigned. Motion carried unanimously.

Historic Preservation Commission

Council Member Mercer continued the replacement of Charlotte Cohen until December.

Human Relations Council

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Kittrell to recommend the appointment of Enji Abdo for a first three-year term expiring September 2014, replacing Robert G. Thompson who resigned; and to reappoint Issac Blount for a third one-year term expiring October 2012. Motion carried unanimously.

Police Community Relations Committee

Council Member Kandie Smith continued the replacement of Norwood Bradshaw until December.

Council Member Mercer announced the appointment of Wayne Whipple for a first two-year term expiring October 2013, replacing Diane Kulik who is ineligible for reappointment. Council Member Rose Glover continued the replacement of Willie Roberts until December.

Redevelopment Commission

Motion was made by Council Member Smith and seconded by Council Member Joyner to appoint Dana Coles for a five-year term expiring November 14, 2016, replacing Melissa Hill who is ineligible for reappointment. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Joyner to appoint Judy Siguaw for a five-year term expiring November 14, 2016, replacing Robert J. Thompson who is ineligible for reappointment. Motion carried unanimously.

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**OLD BUSINESS**

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ORDINANCE AMENDING TITLE II, CHAPTER 1 - VEHICLES FOR HIRE SECTION OF THE CITY CODE - ADOPTED

Mr. William Little, Assistant City Attorney, stated that after last month's public hearing, Council instructed Staff to look at several issues that were raised during presentations and meetings that have occurred on this ordinance. An additional meeting was held and a hearing was conducted on November 16 in front of the Public Transportation and Parking Commission concerning the proposed ordinance. Assistant City Attorney Little stated tonight's presentation is broken down in three parts.

Basic Ordinance

Assistant City Attorney Little explained that the Basic Ordinance is a significant rewrite from the ordinance that has been in existence for a number of years. In the past, all franchise requests had to come before Council. It would take sometimes 30, 60, or 90 days to get the requests to the Council after going through the initial procedures. In order to streamline this process, the Chief of Police would approve a franchise and if there was a denial, the person could appeal to the Council. This would help expedite the process, take it out of the City Clerk's Office and other departments, and give an opportunity to get folks on the road into business. This proposed ordinance also establishes a procedure where the taxi drivers would recommend additional locations for taxi stands. The Chief of Police and Director of Public Works would investigate the feasibility of designating other locations as taxicab stands. This works well with the intermodal system wherever that is going to be located. The driver suspensions/revocations would go to the Chief of Police then to the Taxi Appeal Board. Also, under the new rules if a person has had any restrictions placed on his/her driver's license by the Department of Motor Vehicles (DMV), generally because of DWI (Driving While Intoxicated), he/she would be ineligible to have his/her driver's license reinstated or become a taxicab driver until that revocation is resolved. The DMV has gone through a procedure where now many times they would put restrictions such as the interlocking device and other instruments on the vehicles. In our opinion, that does not set the appropriate tone for the taxi driver which was suggested by Council Member Joyner in the past.

Assistant City Attorney Little further stated that in this new ordinance, it is required that all of the vehicles for hire should be American with Disabilities Act (ADA) compliant. Transportation is also a big issue and some of the most recent amendments to ADA focused on access to transportation and other access to public facilities. Again, all vehicles will have to become ADA compliant. ADA compliancy is simply making reasonable accommodations.

For example, if one taxi driver or taxi franchise does not have a van accessible vehicle when a service call is received from the disabled, it is not a prohibition under ADA for them not to have one. However, the franchise would call one of the franchises with a van accessible vehicle or taxi. That way a reasonable accommodation has occurred. Since the ordinance was first established, this has not been available even though the laws required it. There are several van accessible vehicles and taxis in the City.

Assistant City Attorney Little informed the Council that the Basic Ordinance for approval does not address the ceilings or no ceilings. Currently, there is no ceiling on the franchises and it does not address anything beyond what is currently zoned. Those parts of the new ordinance have been set aside for separate action.

Assistant City Attorney Little informed the Council that the members of the Public Transportation and Parking Commission voted unanimously to recommend that Council approve the Basic Ordinance. They were specifically pleased to see that the City was moving forward with ADA compliance requirements. One of the members of the Commission noted that this has not been done in the past. The Commission is looking forward to these requirements being a positive step that vehicles for hire and the City are making sure that folks with disabilities are included. Also, the Commission was very interested in the driver education initiative and the addition of customer education. People may not know how to get cabs in the City, whatever rate structure is used, and that they can make a complaint. In addition, they suggested that he make arrangements with Steve Hawley, Public Relations Officer, to make presentations through GTV9 to educate groups on how to obtain a taxi franchise.

Assistant City Attorney Little asked Council to approve the Basic Ordinance which does not address the current no ceilings on the number of franchises and the current zone rate structure. The franchise limits and rate structure issues will be decided by separate action of Council.

QUESTION: When will the fees be established?

RESPONSE: That will be discussed later and the Basic Ordinance is the first out of three parts to be discussed.

QUESTION: What are the drivers' rights to have meters and/or zones?

RESPONSE: These options will be discussed later for Council to make an amendment to the Basic Ordinance. The current ordinance uses the zone map and the Council will decide later to make an amendment to this ordinance to make it either meters, zones, or a combination.

QUESTION: What is it going to cost each taxi to become ADA compliant?

RESPONSE: It depends upon what their particular vehicle needs are. For example, an individual with a walker or a folding wheelchair and is without an attendant would need the driver's assistance with placing the mobility device in the trunk of the car. Another example is if the individual is sight impaired the service could be as simple as helping the individual in and out of the vehicle for hire.

QUESTION: Will the cars have to be retrofitted to become ADA compliant?

RESPONSE: Most of the vehicles would not have to be retrofitted.

QUESTION: Is the City not requiring ADA compliance for every vehicle? When the vehicle is not ADA compliant will the driver be required to call another company with ADA compliance?

RESPONSE: The only time there might be an issue about ADA compliance is when a customer is limited to a mobility device and a van accessible type of vehicle would be required. Not all of the taxis have van accessible capabilities and some do. For example if somebody needed a van accessible vehicle for hire, a reasonable accommodation would be when that disabled person calls Cab Company X, a company without the capabilities, and Cab Company X would call Cab Company Y which has the capabilities and could accommodate the customer's needs.

QUESTIONS: Is a van accessible vehicle a van with a ramp? What is the device that would lock the vehicle steering wheel?

RESPONSE: That is correct and the interlocking device is for those who have had limited privileges permitted by the Department of Motor Vehicles after DWI conviction.

QUESTION: Is this for drivers of taxis?

RESPONSE: One of the items included in the ordinance was that they cannot drive. The driver would have to have all restrictions removed before being able to drive again.

QUESTION: Again, what is that device?

RESPONSE: Basically, it is an ignition interlock device that fits on the ignition. The driver blows into the device and if the device reads any alcohol, the ignition would not turn over. Every so often, the ignition would signal and the driver would have to pull over alongside the road and blow in it again before the device would allow the driver to continue on.

QUESTION: So this is a device installed on a vehicle for hire because a driver had a prior conviction?

RESPONSE: That maybe the case if that is a privileged permit that somebody has. If the person is a taxi driver, he/she will have no restrictions of that kind. If they had such a restriction, they would stay suspended until that time.

QUESTION: Are these restrictions by the City?

RESPONSE: No. The restrictions are by the State. As long as the State has their license not fully restored the City would comply with the State requirements.

Council Member Glover stated she has concerns about the ADA compliance. As a handicapped individual, she has never been in a city or state and rode on a cab, van, or shuttle that had ADA equipment where a wheelchair could be placed on. She has not seen any vans or other public transportation that have a ramp. Council Member Glover further stated that having worked in a medical profession for 37 years, most people in this City who are handicapped and need ADA accessibility transportation ride the PATS van or other vans. For example, veterans use vans that are designated for veterans. She is unsure that at this time the Council wants to put those restrictions on the drivers. Somebody could purchase three or four vans and get all the business.

Assistant City Attorney Little said that the most recent amendments of the ADA stated that public transportation must be ADA compliant. It could be anywhere from having large text inside the vehicle to show the rates, having Braille cards, and instructions about how to file a complaint. That may be all that is required. Individuals who have a disability may use public transportation and there must be reasonable accommodations made. That is a mandate and a federal issue.

Mayor Dunn said that this is not a City issue, it is a State one.

Council Member Glover said that she is aware that it is a State issue. However, she wants the Assistant City Attorney to explain this in a way that the cab drivers and others who are listening can understand it. There are several different issues being discussed and it is hard to separate what they are talking about here.

Assistant City Attorney Little stated that a vehicle is ADA compliant if an individual with a disability can use public transportation at the same rate and ability as individuals without disabilities with or without a reasonable accommodation. Reasonable accommodations could be providing assistance with getting in and out of a vehicle for hire. If the customers have attendants riding with them, the attendants would not be charged. The driver may provide literature in the vehicle concerning the cab operations, i.e. complaints, rates, fare charges and it would be in print that is large enough to be seen or by Braille. If the individual uses a walker or fold up wheelchair that can be thrown in the trunk of the

vehicle, there would not be a charge unless the driver regularly charges for placing luggage in a vehicle. If they charge for luggage, they could charge for a walker or wheelchair. If they do not, there would not be an extra charge. That would be violative of the new rules for vehicle public transportation accommodations. If the individual is sight impaired and without an attendant, the driver would be required to assist that person with getting in and out of the vehicle to avoid the passenger being injured. There are only a number of drivers providing that type of service for regular long-term passengers. A driver indicated he has one customer who is visually impaired, and he has assisted her getting in and out of his vehicle for 20 years. That makes his vehicle ADA compliant. It does not necessarily require special equipment be placed in the vehicle. When the driver calls a company or lets the passengers know which companies do have a van accessible vehicle that is a reasonable accommodation. It does not require an individual to purchase a van accessible vehicle.

Mayor Dunn stated that page 6 of the information in our agenda packages addresses passengers with disabilities. It states that if a vehicle for hire is not equipped with a power lift, the vehicle for hire operator will assist the passenger with obtaining a vehicle for hire with such capability.

QUESTION: Are there taxicabs currently in Greenville that are ADA compatible?

RESPONSE: A couple of the companies have van accessibility. Some of the individual owners have made special assistance accommodations for the visual or physical impaired, but there is no uniformity.

QUESTION: Is there a taxicab company in Greenville that is 100 percent ADA compatible?

RESPONSE: No.

QUESTION: If there are no taxicab companies that are ADA compatible, what are people supposed to do?

RESPONSE: A couple of the taxicab companies do have van accessible vehicles. If they do not have such a vehicle, they would make arrangements to call the PATS or another transport service that has a van accessible vehicle.

Council Member Joyner said that they are shifting the burden to the taxi operator instead of to the individual.

Assistant City Attorney said that is what the Federal law requires.

QUESTION: Couldn't there be a form for companies that could assist them?

RESPONSE: No.

Assistant City Attorney Little said that it is a Federal mandate and they are complying with the law.

QUESTION: How long has the Federal law been enforced?

RESPONSE: Since 1999.

QUESTION: If it has not done been adjusted for 21 years, why is it so important now?

RESPONSE: There were amendments in 2007. The federal government started through Federal regulations with getting public comments on public access to such vehicles for individuals who wanted to ride. So it started with that public comment period in 2007, and it was finally included in the 2009 amendments which became effective the first part of this year.

Council Member Joyner said that he understands the need of the disabled but they are putting the burden on the taxicab owners. This is not part of our rules. If it was that important, it should have been done 11 months ago.

Assistant City Attorney Little said that when Staff first presented this ordinance for amendment, ADA compliance for all vehicles was included in the ordinance. These ADA provisions had been in the packet each time it was presented. There had not been an amendment because there had not been a specific requirement until the Federal law was changed. Staff saw it coming and started incorporating the amendment into the ordinance. The amendment was specifically identified, addressed and liked by the Public Transportation and Parking Commission. It has been brought to Council's attention tonight as part of a major rewrite of the ordinance and was presented to Council 11 months ago.

QUESTION: Is there any costs to the taxicab owner to make the vehicles ADA compliant?

RESPONSE: It is a requirement that the vehicles have to be ADA compliant. There may be costs to the taxicab owner which would be based upon whatever has to be done to the vehicle for it to be compliant. The City had to spend money to make City vehicles compliant.

QUESTION: Are all the City vehicles ADA compliant?

RESPONSE: Yes. All public transportation vehicles are compliant.

Council Member Blackburn said that just for clarification, this is a Federal mandate and the Council does not have a choice. Council is just doing what the Federal law is requiring.

Mayor Dunn stated that they have seen transition in our society over the years. A few years ago, public buildings were not accessible to the handicap. A number of years ago, handicap accessibility was not at the East Carolina University buildings. Over a period of years, institutions have been transitioning to ADA compliance. The same is happening with the taxi industry.

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Kittrell to approve the Basic Ordinance which includes the current no ceilings on the number of franchises and the current zone rate structure. Motion carried unanimously. (Ordinance No. 11-069)

### Franchise Limits v. No Limits

Assistant City Attorney Little summarized the number of current and proposed taxi franchises. He noted that based upon the approval of the taxi franchise this evening, the current authorized franchises changed from 17 to 18.

**CITY OF GREENVILLE, NC**  
CITY COUNCIL MEETING

### Franchise limits v. No limits

- Current – taxi franchises
  - 17 authorized franchises
  - 60 authorized taxis
  - 34 taxis operational
- 2 Pedi-cabs authorized and operational
- 5 taxi franchises under review for operational status

Proposal: 15 taxi franchises/ 10 vehicles per franchise  
5 pedi-cabs/ 6 per franchise

Assistant City Attorney Little said this information was based upon recommendations at one of the earlier meetings by the Taxi Association. The basis for this was due to economic issues and concerns about having additional franchises. There was no statistical information provided by the Taxi Association. Staff looked at other municipalities and about half of the ones in the State that have it are smaller cities and towns than Greenville. Staff looked at the Certificate of Public Convenience and Necessity using State law as well as our requirements under the current ordinance. It said that to have a Certificate of Public Convenience and Necessity which grants a franchise, the applicant must be able to do the following.

- Must demonstrate financial responsibility, experience in operating such a business.
- Must be able to show how to improve efficient operation within the City
- No unpaid judgments
- No record of habitual use of drugs/alcohol



- Not in default on any lien, debt, mortgage
- Must demonstrate ability to obtain insurance and place vehicles in operation within 60 days
- Not had a revocation of certificate in previous 12 months
- Legal resident of the United States
- No convictions for alcohol/drugs or other felonies
- Not have three moving violations within year prior to application
- No conviction of offense involving weapons, sex offenses

Assistant City Attorney Little said that those are the requirements in the new ordinance. The requirements have been loosely read and interpreted over a period of time. If the franchise limits are imposed, then the guidelines are still there and would be enforced under the new ordinance. Restrictions are not always favorable because of the impact on competition. The question is what are the wait times for taxis. There has not been any statistical data on this because of the current manifests that were used were not designed to address that. However, in working through the new ordinance and requirements that are to be imposed, the manifest requirements for the taxi operators are there to address wait time. Also, there is an organization that specifically does such studies. The web address for this organization is [www.tlpa.org](http://www.tlpa.org). Assistant City Attorney Little said that the folks in Winston-Salem and Greensboro are looking at having this company do such a statistical study for them. However, the company's service is not cheap.

Assistant City Attorney Little stated that this idea was given to the Public Transportation and Parking Commission and their recommendation was that Council not set limits to the franchises that may be awarded. The Commission believed that 1) this would foster competition among those who are working 2) this would require taxis take better care of their own vehicle and improve their appearance. Otherwise, customers would take their business elsewhere.

QUESTION: Limits are not favored by whom?

RESPONSE: Limits are not favored because of restrictions on competition. That was pretty much the opinion earlier of Council. Council did not like the idea of limitations, and it had been recommended based upon the recommendation of the Taxi Association.

QUESTION: Are there any objective benefits that come from limiting franchises?

RESPONSE: Part of the primary benefit that would occur is that it would allow those that are involved in the oversight to be able to focus on those that are in operation to make sure they are still complying with their certificates and all the requirements of the ordinance. If the drivers do not comply, then their privilege to operate the franchise could be discontinued. It allows for better oversight and management of the franchise. However, it does tend to stifle

competition. Sometimes competition and improvements can be simply the fact that somebody is operating a better service than somebody else.

Council Member Blackburn said that many residents of our community use taxis and know the better driver or franchise. However, many people from out of town do not know the individual companies and anything at all about Greenville. The Assistant City Attorney is saying that when there is a little bit better ability to manage and oversee and safeguard safety and all that make for a good environment, they have a better ability to monitor that when there is a cap on the franchise. That is something that would benefit our out of town visitors.

Assistant City Attorney Little stated that is a significant potential.

QUESTION: Are there any other businesses in the City that have caps.

RESPONSE: I am not aware of any particularly. Competition generally restricts most of the businesses. There are no specific ones.

Mayor Dunn said this particular law is governed by the State.

Assistant City Attorney Little stated that the Certificate of Public Convenience and Necessity is governed by State law, and Staff is using those guidelines.

Council Member Smith stated that for the Council to start supporting issues for just one business versus all the businesses in Greenville might be a bit unfair.

Mayor Pro-Tem Kittrell stated that it does not make any sense to him for an organization to want to police itself, limit how many franchises it has and then the statistical information is purely a guess. He asked Council Member Blackburn if she would want to eliminate freelance writers, professors, or real estate people because of a guess.

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Kittrell to approve the Public Transportation and Parking Commission's recommendations and to let the current no limits stand. Motion carried unanimously.

Assistant City Attorney Little clarified the motion was made to not to have a ceiling and to keep the no ceiling as is.

#### Meter v. Zone

Assistant City Attorney Little said that currently taxi fares are calculated based on the travel between a series of concentric circles or zones. Fares originating in one half of the City which terminate across the imaginary lines dividing the City are charged at an across

town rate based on the cross town table. Staff looked at the municipalities throughout the State that are using taximeters. On the slide, the underlined cities are close to the City of Greenville geographically and are using taximeters. There are also cities listed under Zones. Washington has two zones, in-town and out-of-town. Chapel Hill has a map and the charge is whatever is on the map. That is close to a zone system but no city has one set up like the City of Greenville.

Assistant City Attorney Little said that the confusion regarding the zone map was addressed yesterday at the Public Transportation and Parking Commission meeting. Taxi operators were asked how they calculate the fare according to what zones that they are in, and there were five different answers. This is what brought on the question about education. Folks from out of town are familiar with taximeters; they watch the digital readout and there are no hidden charges. The use of taximeters tends to have some positive impact. However, the use of taximeters has a negative impact because of the initial cost of installation of meters. The meter that would be recommended for use is one used in Rocky Mount which is about \$300 for the meter installation. Taxi inspectors would be certified by the State to allow them to continue the calibration and check of the meter of a taxi.

Assistant City Attorney informed the Council of the benefits and costs of the continued use of the Zone Fee System.

The slide is green with white text. At the top left is a small circular logo. To its right, the text reads 'CITY OF GREENVILLE, NC' and 'CITY COUNCIL MEETING'. The main title is 'Meter v. Zone (continued)'. Below it is the subtitle 'Continued use of Zone Fee System'. The content is organized into two main bullet points: 'Benefits:' and 'Costs:'. Each has three sub-bullets.

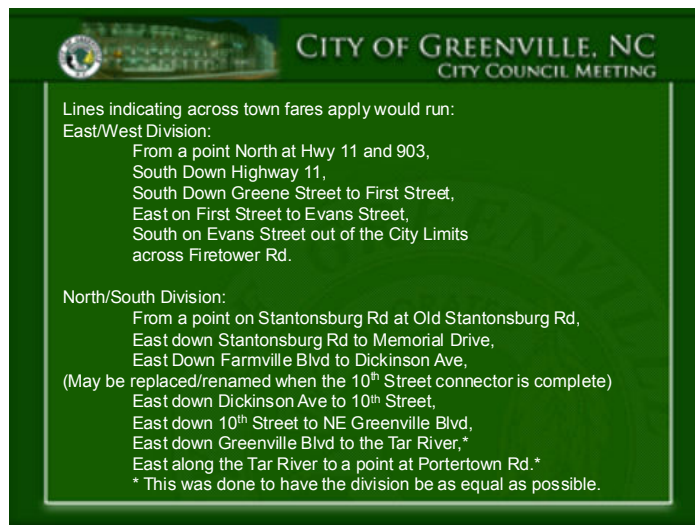
**Meter v. Zone (continued)**  
**Continued use of Zone Fee System**

- Benefits:
  - Knowledge of existing system
  - Low cost implementation
  - Improved understanding among citizens
- Costs:
  - Does not resolve questions of integrity concerning over charges;
  - Potential for abuse by drivers because it is open to interpretation by drivers rather than charging for exact distance traveled.

Assistant City Attorney Little stated that the bull's-eye, the Zones Fee System, is currently being used by the City consisting of imaginary lines dividing the City and the concentric Zones 1-8. Currently, an in-zone table is in the Manual of Fees. If travel stays within one

section of the pie, the in-zone table would be used. The cross town chart would be used when travel crosses the lines going from one zone to another zone.

Assistant City Attorney Little stated that this is the basic geographical delineation for the lines.



Assistant City Attorney Little stated that on the chart with the proposed \$1.00 increase for fares across town, Zone 1 is \$4.00 and the proposed rate would increase by \$1.00 changing the Zone 1 rate to \$5.00. Specific items noted under the current rate chart have not been changed with the exception of the increase in the standard rate to cross town to Ironwood and Bradford Creek. Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination. Under the ADA compliance, when customers have an assistant with them there would be no charge for that assistant. Other specific items are intermediate stops, waiting time, luggage and baggage. Also, taxi drivers would be able to charge people with more grocery bags. When travel is outside the City limits, for example taking a taxi from Zone 1 to Zone 8 to Winterville, Ayden or Grifton, the rate would be \$2.75 per mile in addition to the zone rate. That is the current zone rate and it has not changed. The proposed rate for pedi-cabs is \$1.50 per half mile. The pedi-cab folks were happy and thought it was more than a fair rate, and they could also charge for grocery bags.

Assistant City Attorney Little stated that if there was a \$2.00 increase, the rate would change from \$4.00 to \$6.00 in Zone 1. If the travel was across town, across the imaginary lines, the additional items with the \$2.00 fee would not change with the exception of the

increase in the standard rate to cross to Ironwood and Bradford Creek. The same mileage per mile outside the zone would still apply.

QUESTION: If I am picked up in Zone 2 and taken to Zone 4 would my starting fee be \$6.00 or \$6.60? What would the charge be if I go across town?

RESPONSE: Using the \$2.00 chart if you stay in the zone and do not cross the imaginary lines, the charge would be \$7.05. If you go across the imaginary line from Zone 2 to Zone 4, the rate would be \$8.40.

QUESTION: Are our taxicab drivers required to have the zone map in their cars?

RESPONSE: Not in the ordinance that was existing through tonight. That is one of the things that did not occur, and Staff put into the new ordinance regardless of whether it goes zone or metered the zone map must be posted in the back of the vehicle for hire. The law also requires that the name and phone number of the taxi inspector be posted for kudos or complaint purposes. That is required whether the Council's decision is zoned or metered.

Assistant City Attorney Little explained the Zone - Meter Election Option stating that the franchise holders would choose to either use zones or meters for a period of one year. The rates would be established for each by Council action. At the end of the year, the franchise holder would change their election option or the option would stay the same. The posting of rates in the vehicle would still be required as well as the posting of the taxi inspector's name and phone number for complaints. Also, if they use zones the bull's-eye, the zone map, is required to be in the vehicle.

Assistant City Attorney Little stated that Council asked Staff to look at the fares for taximeter rates. He briefly described the sample fares highlighting the drop rate, rate per mile, waiting time and the proposal for out of town trips.



**CITY OF GREENVILLE, NC**  
CITY COUNCIL MEETING


**Sample fares**

**Taximeter rates**

	Drop Flag \$	Rate \$ Per Mile	Waiting \$/Hr	Out of Town Trips
Concord	\$2.00	\$1.00 (.25/4 <sup>th</sup> )	\$15.00	Meter
Fayetteville	\$2.00	\$ 2.10 (.35/6 <sup>th</sup> )	\$15.00	Meter within 5 miles of City Flat rate beyond 5 miles.
High Point	\$2.80	\$2.10 (.30/7 <sup>th</sup> )	\$18.00	Meter or flat rate.
Jacksonville	\$2.50	\$2.00	\$12.00	Meter
Kinston	\$2.10	\$2.00	\$12.00	Flat fee or Meter
Rocky Mount	\$2.00	\$2.10	\$18.00	Meters or flat rate; cannot exceed meter max
Wilmington	\$3.00	\$2.10	\$20.00	Meter
Greenville (1/6)	\$2.75	\$1.50	\$18.00	Meter
Greenville (1/10)	\$2.75	\$2.50	\$18.00	Meter

Assistant City Attorney Little described the zone sample fares in other cities stating that Washington has two fares \$6.00 for anything in the city and \$8.00 is the fare for travelling outside of the city. In Lumberton it is \$2.50 anywhere, and the fare in Morehead City is \$6.00 per person.

Assistant City Attorney Little said that the recommendation of the Commission included a taxicab education initiative. At Council’s request, Staff worked with the taxi operators as well as the Public Transportation and Parking Commission to obtain their ideas and recommendations about what needed to be included in the taxi education program. The Commission wanted to add customer education.



**CITY OF GREENVILLE, NC**  
CITY COUNCIL MEETING

**Taxi education initiative**

Initial training for new franchise holders and drivers  
 Provided by chief of police or designee  
 Successfully completed before begin operations or driving.

Topics

- Basic ordinance
- Inspections
- Rates – fees and schedules
- Suspensions/Revocations

Annual refresher – franchise holders and drivers

Assistant City Attorney Little stated that the \$.25 per 1/6<sup>th</sup> per mile was selected because it was the meter rate most compatible with either a \$1.00 or \$2.00 increase in the zones. The figures off to the right give Council an approximation of how much of the increase would occur with the particular rates, the \$1.00 or \$2.00 increase and the 1/6 per mile or 1/10<sup>th</sup> per mile. For shorter rides, the meter would be cost effective. For intermediate rides, the zone would be most cost effective for folks. Once travel goes outside the city limits because of the \$2.75 per mile under the zone the meter rates would be better.

**CITY OF GREENVILLE, NC**  
CITY COUNCIL MEETING

**Action Requested – Approve a rate structure and fee**

- Zones or Meters
  - Zone with a \$1 increase (13% - 20% increase)
  - Zone with a \$2 increase (23% - 33% increase)
  - Meter - \$.25 per 1/6<sup>th</sup> mile (5% - 40% increase)
  - Meter - \$.25 per 1/10<sup>th</sup> mile (23% – 200% increase)
  - Zone or meter election - \$1 zone increase or \$.25 per 1/6<sup>th</sup> mile
  - Zone or meter election - \$2 zone increase or \$.25 per 1/6<sup>th</sup> mile

QUESTION: What is the recommendation?

RESPONSE: The action required is to choose one of those combinations.

QUESTION: What are the recommendations of the Convention and Visitors Bureau and/or Uptown Greenville, the organizations that weighed in on this?

RESPONSE: The Uptown Greenville folks disliked and spoke against the \$.25 per 1/10<sup>th</sup> of a mile. They used Scott Poag as their spokesman. He was in email and telephone contact and present at the meetings where he supported their recommendations for strictly taximeters and \$.25 per 1/6<sup>th</sup> mile.

Council Member Smith said that before Council Member Mercer makes a motion, she would like to hear the recommendations of the Public Transportation and Parking Commission. The Commission sat through the meeting and has done more research than probably any of the Council Members.

Council Member Blackburn said that this is an awful lot of information. Council might have skipped the part about the rates. Council breezed through the slides and the drop and

mileage rates are very important. She said that if any other Council members would like to see more about the rates that might be something that Council might want to reconsider.

Assistant City Attorney Little stated that the Commission by a 3:2 vote has recommended that the City use the option of taximeters and zones, allow the franchise holders to make the election and the Commission recommended the \$2.00 increase and the meter rate of \$.25 1/6<sup>th</sup> per mile be adopted.

Motion was made by Council Member Joyner and seconded by Council Member Smith to approve the Public Transportation and Parking Commission recommendations to adopt the rate option that would permit the franchise holders to opt to use zones or taximeters and that the rate that would provide a \$2.00 increase and a meter rate of \$.25 per 1/6<sup>th</sup> mile be adopted.

The vote on the motion was delayed due to a request for further discussion.

Council Member Blackburn said that she appreciates the recommendation from the Public Transportation and Parking Commission and they are the people who have spent a lot of time on this. Council Member Blackburn further said that having a hybrid system is going to be really confusing for people from out of town. If they are aiming for professionalism with the meters, it would seem that they should do just meters.

Council Member Glover said that it would not make any difference one way or the other. When a person enters the cab there would be a meter or a zone map. It would not be confusing to people coming in or going out of the City because most people are accustomed to travelling to cities. Council Member Glover further said that a lot of people are coming into Greenville to visit businesses such as ASMO. There would be no confusion at all because rates, meters, and zone maps would be in the taxicabs.

Mayor Pro-Tem Kittrell said that there has been so much effort, work and information. This is a good hybrid recommendation of \$.25 per 1/6<sup>th</sup> mile that some people wanted and the \$2.00 increase that some of the taxicab drivers wanted. If somebody comes from Washington, DC and there are no cabs with meters, with this recommendation they could look through the yellow pages and call a cab with a meter. A lot of people like the zone because they are use to getting in the cab with the person that they know. With this recommendation, they could call a cab with the zone. That way it would not be required for everyone to spend the \$300 to upfit their cars and make that investment. If the meters are working better, they would have to change from zone to meter in order to be in business. Mayor Pro-Tem Kittrell stated that the only issue was supervising the zone or taximeter option, and City Attorney Holec said that would not be a problem.



Motion was made by Council Member Glover and seconded by Council Member Smith to approve the Public Transportation and Parking Commission's recommendations to adopt the rate option that would permit the franchise holders to opt to use zones or taximeters and that the rate that would provide a \$2.00 increase and a meter rate of \$.25 per 1/6<sup>th</sup> mile be adopted. 5:1 vote with Council Members Glover, Smith, Joyner, and Mercer in favor and Council Member Blackburn in opposition. (Ordinance No. 11-070)

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**NEW BUSINESS**

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PUBLIC HEARINGS

SECOND READING AND FINAL APPROVAL OF ORDINANCE GRANTING TAXICAB FRANCHISE TO SAM TIM WOOLARD D/B/A AROUND TOWN SHUTTLE - ADOPTED

City Manager Wayne Bowers stated that notice of public hearing was published in The Daily Reflector on November 7 and November 14, 2011 setting this time, date and place for a public hearing and second reading of an ordinance establishing a taxicab franchise for Sam Tim Woolard, d/b/a Around Town Shuttle. The first reading of the ordinance was on November 14, 2011. Notices were mailed to all current taxicab franchisees.

Ms. Carol Barwick, City Clerk, stated that Mr. Sam Tim Woolard has applied for a franchise to operate a taxicab business under the trade name of Around Town Shuttle operating one taxicab. City staff has reviewed the application and recommended approval of his franchise request. At the meeting on November 14, 2011, the City Council approved first reading of the franchise ordinance. Following the public hearing, City Council will be asked to consider this ordinance for second reading and final adoption.

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

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt on second reading the ordinance granting a taxicab franchise to Sam Tim Woolard, d/b/a Around Town Shuttle. Motion carried unanimously. (Ordinance No. 11-071)

ORDINANCE REZONING WARD HOLDINGS, LLC ET. AL. PROPERTY LOCATED AT SOUTHEAST CORNER OF INTERSECTION OF GREENVILLE BOULEVARD AND EAST 14<sup>TH</sup> STREET FROM R9S TO CG - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on November 7 and November 14, 2011 setting this time, date and place for

a public hearing to consider a request by Ward Holdings, LLC et. al. to rezone 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14<sup>th</sup> Street from Residential-Single Family [Medium Density] to General Commercial. At its October 28, 2011 meeting, the Planning and Zoning Commission voted to approve the request.

Ms. Chantae Gooby, Planner, stated that a land use plan amendment came before the City Council a couple of months ago, and this is the rezoning that goes in hand with that land use plan map amendment. Planner Gooby stated that the property is located in the eastern section of the City, and she delineated the property on a map. The property contains eight lots and it is 3.8 acres. Currently, there are three vacant lots, four single-family lots and one duplex located on the property. Planner Gooby further stated that the area has a variety of uses. There is a neighborhood commercial focus area at the intersection of Greenville Boulevard and 14<sup>th</sup> Street. This particular rezoning could generate 4,300 additional trips, and those trips would be split evenly onto Greenville Boulevard. A traffic impact study will be required at the time of development. The property is currently zoned for single-family. Under the proposed zoning which is General Commercial, the site could build up to 38,000 square feet of commercial retail or restaurant space. Again, the land use plan map was changed recently and it does recommend commercial zoning at the corner of this intersection. In staff's opinion the request is in compliance with the Horizon's: Greenville's Community Plan and the Future Land Use Plan Map.

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

Mr. Jim Ward – No Address Given

Mr. Ward, representative of the petitioner for the request, spoke in favor of the rezoning request stating this process from the beginning has been straightforward with the engagement of all the stakeholders throughout the process. It has worked and he really appreciates everyone's involvement along the way. Tonight, Ward Holdings, LLC is requesting the intermediate zone allowed for this use, Commercial Shopping. Unlike the highway commercial across the street from the property, they feel that Commercial Shopping will be the best zoning classification to enhance the development and make it an area that everyone will be excited about participating in. Mr. Ward said it is a unique opportunity because a couple of things are going to happen as a result of the rezoning: 1) when a site plan and a development plan are submitted, it is expected that the existing intersection at 14<sup>th</sup> Street and Greenville Boulevard will really be enhanced favorably for the motoring traffic and 2) a better traffic flow will be created heading east of the property along U.S Highway 264 with the possible inclusion of some signalization down the road. Transportation Engineer Rik DiCesare's reports indicated that there was not going to be a material impact on Greenville Boulevard, and that there would be an extensive traffic survey prior to any site plan being approved. Mr. Ward stated that that there will be

additional commercial creep to the east, so he does not see that as a potential issue now or in the future.

Mr. Ward concluded by saying this zoning request comes before the Council tonight with the unanimous support of the Eastwood Neighborhood Association, all of the adjoining land owners, and most importantly the unanimous support of the Hardee Road and Hardee Circle neighborhood. This project comes before the Council with the unanimous approval and recommendation of the Planning and Zoning Commission. In addition, it is in compliance with the City's Horizons Plan. Finally, the requested district is considered desirable and in the public interest and Staff recommends the approval of the requested rezoning. Mr. Ward respectfully asked the City Council for approval of the rezoning request.

Mr. Scott Hucks – No address given

Mr. Hucks, President of the Eastwood Neighborhood Association, spoke in favor of the rezoning request stating he talked to the residents in the neighborhood who attended the meetings and they support the rezoning request. The property is currently vacant and is being wasted. Ward Holdings, LCC has ensured the residents that they will bring something that will actually complement the neighborhood instead of deteriorating it.

Mr. Eric Restal – No address given

Mr. Restal spoke in opposition of the Ward Holdings, LCC request stating that this property has a long history, and the issue isn't so much related to this individual parcel. There is a document that many people in the City are not aware of. It is the Horizons: Greenville Community Plan which is often referred to as the Comprehensive Plan. Within that Plan is the Future Land Use Plan Map. This Horizons Plan was established in the 1990s and was developed by the City's professional planners and also citizens of the City had input. The Plan has had periodic revisions. One of the problems with the Plan which is also one of the pluses is that it can be amended. A person, landowner, makes a petition for rezoning to the Planning and Zoning Commission. Actually, the first thing that happens is there is an amendment to the Comprehensive Plan then it goes to the City Council where it may be approved or denied. Once it is approved; however, the individual can now come back to the Planning and Zoning Commission and ask for the property to be rezoned from Office Residential as in this case or Office Multi-Family to Commercial. This particular process has happened multiple times throughout Greenville. It is the reason Greenville Boulevard looks the way it does from Memorial Drive to Charles Boulevard. That way is attempting to move on East 10th Street. The basic premise of the Plan is to keep commercial development near major hubs and thoroughfares such as East 10<sup>th</sup> Street which is a large hub East/West and Greenville Boulevard which is North/South. Moving outside of these areas is against natural or good planning and appearance of the City. He would like the citizens to know the process then he would like an opinion from the City Council as to what direction we want the City to go. There is constant creep with commercial development,

strip malls along these thoroughfares and especially in adjacent areas to neighborhoods where a person's major investment in their life is located.

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

Council Member Blackburn briefly stated that she appreciates Mr. Ward and his efforts to involve the neighborhood. She expects the motion to pass. She will be voting against the Ward Holdings' request because the scale and intensity of the commercial development is too much for this area.

Council Member Mercer stated that he has three concerns. First, the Land Use Plan was written with all the stakeholders at the table and designed for the good of the whole City. He bet all the stakeholders would say that they want to grow the City in a way that it creates a quality of life and economic development. That Land Use Plan was changed obviously to accommodate the request of one developer. He has long opposed this kind of ad hoc change to the Land Use Plan. This rezoning, while it is legal and follows all the procedures, is in contention with the policies of the Land Use Plan. He is certainly not saying that this is an illegal act or it did not follow the procedures. This is not the issue.

Council Member Mercer stated that the second concern has to do with these policies. According to the Land Use Plan, this intersection is a neighborhood focal point. Neighborhood Commercial would be appropriate here but not General Commercial. The square footage is supposed to be limited to 20,000 - 40,000 on this whole intersection. This request will likely max that out making it larger than supported by the Land Use Plan, probably going to around 50,000 square feet with what is already there. Also, the Land Use Plan discourages strip development. This is a possibility, not a certainty, but a possibility that derives from this particular rezoning.

Council Member Mercer further stated that a respected Council Member from the 1960's stated publicly that the traffic mess West of this intersection on Greenville Boulevard could have been avoided by sound planning which he advocated back in the 1960s. He worries that this kind of ad hoc land use decision might contribute to the same kind of traffic problems east of this intersection toward Hastings Ford. This commercial creep to the East will be inconsistent with policies in the Land Use Plan. That creep is a possibility if Council approves the request. The point of course is that back in the 1960's, if they had listened to thoughtful ideas like those offered by that Council Member and citizens had demanded sound policy from all members of their City Council, they would still have all the wonderful stores on Greenville Boulevard, but without it being a horrible slow-moving parking lot.

Council Member Mercer concluded by stating that his larger concern that drives him to vote against this General Commercial zoning is that what Council wants to grow is a quality city that not only gives our citizens a quality of life but is a city that is attractive for jobs,

businesses and industry. He has spoken to Mr. Ward on numerous occasions and has been out to the property with other people and experts. He is hopeful and his fingers are crossed that this rezoning will result in a development which will be good for the neighborhood, Greenville Boulevard and the City. If Council approves this rezoning it does not guarantee that.

Motion was made by Council Member Mercer and seconded by Council Member Blackburn to not adopt the ordinance rezoning 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14<sup>th</sup> Street Residential-Single Family [Medium Density] to General Commercial. Motion failed with a 4:2 vote. Mayor Pro-Tem Kittrell and Council Members Smith, Glover, and Joyner voted in favor of the motion. Council Members Blackburn and Mercer voted in opposition.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance rezoning 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14<sup>th</sup> Street from Residential-Single Family [Medium Density] to General Commercial. Motion carried with a 4:2 vote. Mayor Pro-Tem Kittrell and Council Members Smith, Glover, and Joyner voted in favor of the motion. Council Members Blackburn and Mercer voted in opposition. (Ordinance No. 11-072)

ORDINANCE AMENDING ZONING ORDINANCE, ARTICLE P. VEGETATION REQUIREMENTS  
- ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on November 7 and November 14, 2011 setting this time, date and place for a public hearing to consider an ordinance amending the Zoning Ordinance, Article P. - Vegetation Requirements. The Planning and Zoning Commission at its October 18, 2011 meeting voted to approve the request.

Mr. Chris Padgett, Chief Planner, stated that this proposed text amendment is a result of one of the City Council's goals for the current year. An action item associated with that goal is to analyze the comments received from landscape professionals on the vegetation requirements as part of the review process and recommend changes to landscape regulations as appropriate. There has been an extensive process that Staff has engaged in to solicit input from local landscape professionals for this text amendment. That process began a little over 10 months ago when Staff contacted 12 local landscape professionals requesting input on the possible modifications to Article P. Vegetation Requirements. The landscape professionals contacted were landscape architects, landscapers, and nursery operators. They are professionals that use the City's standards most often and are most familiar with this area and what possible changes would benefit the existing standards. Based on the comments that were received, Staff identified two potential areas for modifications: 1) Bufferyard Vegetation Requirements and 2) Approved Vegetation List.

Mr. Padgett informed the Mayor and Council that in July, Staff developed and presented a report to the Planning and Zoning Commission outlining the potential modifications. The Planning and Zoning Commission voted to initiate the Zoning Ordinance text amendment. Staff created an initial draft of the text amendment and provided it to the same 12 landscape professionals. The initial draft amendment was also distributed to the Tree Preservation Work Group, a group of individuals who have been working with the Public Works Department to create tree preservation strategies for the community. That group includes a wide range of stakeholders. Representatives from Releaf, the Neighborhood Advisory Board, and Community Appearance Commission sit on that board. The initial draft was modified based upon the comments that Staff received from those groups. The draft was then taken to the Planning and Zoning Commission on October 18, 2011 where the members recommended approval.

Mr. Padgett stated that the first recommendation from the landscape professionals was related to Bufferyard Vegetation Requirements. The comment was to reduce the amount of vegetation required for a bufferyard when a qualifying fence, evergreen hedge or berm is provided. Mr. Padgett explained that under current standards when a qualifying fence, evergreen hedge or berm is used, it is permitted to have a reduction in the bufferyard of typically 50 percent. For example, for an office/institutional use going next to single-family residential, it is required to have a 20-foot bufferyard. When one of these qualifying items is provided, that bufferyard can be reduced to 10 feet. However, the plantings still remain the same. One hundred percent of those plantings are required. The local landscape professionals said that it becomes too crowded. In regards to the materials that are currently prescribed, if they are located within a reduced bufferyard with a fence, berm, or evergreen hedge those plantings began to compete for resources and ultimately some will die or trees do not reach maturity at the rate they would in other circumstances. That was the rationale for this recommendation. The proposed text amendment states that where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4119, then the minimum vegetation material required by this subsection is reduced by 25 percent for Type D, E and F bufferyards.

Mr. Padgett further stated that the second recommendation related to Bufferyard Vegetation Requirements is when a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, some portion of the required vegetation material should be allowed to be deciduous. The City currently requires that 100 percent of the vegetation in a bufferyard be evergreen. The rationale is that by providing this fence, evergreen hedge or berm, there is an achievement of a complete opaque visual screen to a height of six feet automatically by providing those things. The thought was in order to provide some vegetative diversity within the bufferyard to make the bufferyards look more attractive. There could be allowed some percentage of them to be deciduous without decreasing the effectiveness of the bufferyard as a visual screen. The text amendment recommendation is that when there is one of the qualifying items, fence, evergreen hedge or berm, up to 25

percent of the minimum vegetation material required in the bufferyard may be deciduous. It's not required, but people are given the opportunity to do something a little different.

Mr. Padgett concluded stating that the third and final recommendation was to update the Approved Vegetation List in the Zoning Ordinance. The recommendation was to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and would add to the community's vegetative diversity. There is an extensive tree/planting list in the Zoning Ordinance consisting of well over six pages in length which has not been updated in a decade. A number of the landscape professionals considered this as a top priority. There is a number of the species listed that were never used, have never been available in this area or are prone to disease or other ailments. Also, there are new species that are being used very successfully in this area that are currently not allowed. Staff is really leaning heavily on the landscape professionals specifically for this portion of the modification. Mr. Padgett thanked Marsha Wyly of Releaf, Myriah Shewchuk of Rivers & Associates, Todd Williams of Worthington Farm Nursery, and Dr. Vincent Bellis of the Neighborhood Advisory Board because those individuals spent a lot of time and effort on the text amendment portion of the ordinance.

Council Member Blackburn said that one of our goals had been to increase the amount of evergreen hedges. This amendment allows 25 percent deciduous plantings where previously they had required an evergreen buffer. This seems to be contrary to what she thought would be better for neighborhoods.

Mr. Padgett responded that Staff solicited input from local professionals and this was their direction for Staff. There was some discussion at one point and time before he came aboard about the possibility of having evergreen plantings or vegetation in parking lots. The group's consensus was first of all the City does not require that the plantings in parking lots should be deciduous. Evergreen is an option. They usually use deciduous because the landscape professionals think that aesthetically they are visually more appealing and offer more diversity than an evergreen tree. Also, they tend to be more of shade trees during the heat of summer but then they lose their foliage and allow radiant energy to warm the parking lot during the winter. According to the landscape professionals, the deciduous trees serve a purpose in parking lots.

Council Member Blackburn stated that with the new Lowes store on East 10<sup>th</sup> Street there has been considerable concern with light, noise and disruptions.

Mr. Padgett stated that Staff has looked at that site and are in the process of looking at various bufferyards around the community. Recently, they inspected that particular bufferyard and it appears that Lowes does not have all of the required landscaping that was shown on the development plan.

Mr. Padgett stated that it appears that what was originally planted has died and never been replaced. Staff is working with Lowes to correct this.

Council Member Joyner asked who is on the list of people who worked on the amendment to the Zoning Ordinance.

Mr. Padgett stated that following participated:

**Tree Preservation Work Group**

Marsha Wyly, Landscape Architect, Releaf  
Dr. Vincent Bellis, Neighborhood Advisory Board  
Myron Casper, Community Appearance Commission  
Michelle Clements, Local Design Professional

**Local Developers**

Don Edmondson  
Alicia Hawk  
Charles Lewis

**Landscape Professionals**

Myriah Shewchuk, Rivers & Associates  
Dirk Tyson, Rivers & Associates  
Gary Miller, Miller Associates  
Ken Malpass, Malpass and Associates  
Mike Bowen, Bowen Design Consultants  
Linda Taylor, Garden Keepers Landscape & Design, Inc.  
George Gee, R. I. Grifton and Associates  
Mark Hicks, The Hicks Group  
Bruce Johnston, Johnston Landscaping and Maintenance  
Tod Williams, Worthington Farms

**Arborist**

Kevin Heifferon, City of  
Greenville

Mayor Pro-Tem Kittrell stated that this is a really diverse group and their hard work is appreciated.

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

Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Joyner to adopt the ordinance amending the Zoning Ordinance, Article P. - Vegetation Requirements. Motion carried unanimously. (Ordinance No. 11-073)

ORDINANCE ANNEXING PITT COUNTY HISTORICAL SOCIETY, INC. PROPERTY LOCATED ON NORTHERN RIGHT-OF-WAY OF EAST FIRETOWER ROAD AT ITS INTERSECTION WITH 14<sup>TH</sup> STREET AND THE INTERSECTION WITH ELEANOR STREET - ADOPTED



City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on November 7, 2011 setting this time, date and place for a public hearing to consider an ordinance annexing Pitt County Historical Society, Inc. property located on northern right-of-way of East Firetower Road at its intersection with 14<sup>th</sup> Street and the intersection with Eleanor Street.

Mr. Chris Padgett, Senior Planner, delineated the property on a map and stated that this site is located in the southeastern quadrant of the community. It is contiguous to the primary city limits and located in Vision Area C. The property includes two parcels of land totaling 2.92 acres. One parcel has an historic church located on it, the other parcel is currently vacant, and both parcels are owned by the Pitt County Historical Society. The current population is 0 and the anticipated population at full development is 0. For the record, in the staff report and draft ordinance it states that the annexation area would be in Voting District 5, but it will be actually located in Voting District 4.

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

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to adopt the ordinance annexing the Pitt County Historical Society, Inc. property involving 2.92 acres located on the northern right-of-way of East Firetower Road at its intersection with 14<sup>th</sup> Street and the intersection with Eleanor Street. Motion carried unanimously. (Ordinance No. 11 - 074)

ORDINANCE ANNEXING HARDEE CROSSING AT PORTERTOWN PROPERTY LOCATED SOUTH OF EAST TENTH STREET (NC HIGHWAY 33), EAST OF PORTERTOWN ROAD (SR 1726, NORTH AND SOUTH OF THE NORFOLK SOUTHERN RAILROAD, AND NORTH OF GLENWOOD SUBDIVISION - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on November 7, 2011 setting this time, date and place for a public hearing to consider a request by Walmart to annex 54.026 acres located south of East Tenth Street (NC HWY 33), east of Portertown Road (SR 1726), north and south of the Norfolk Southern Railroad, and north of Glenwood Subdivision.

Mr. Chris Padgett, Senior Planner, delineated the property on a map and stated that the site is located in the eastern portion of the community. It is contiguous to the primary city limits and located in Vision Area C. Upon annexation the property will be in Voting District 4. The site has footage on both Portertown Road and East Tenth Street including multiple parcels totaling 54.026 acres. The property is currently vacant and the proposed use is a new Walmart and additional commercial development. The current population is 0 and the

anticipated population at full development is 0. The estimated tax value upon build out is projected to be \$31,960,000.

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

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to adopt the ordinance annexing the Hardee Crossing at Portertown property involving 54.026 acres located south of East Tenth Street (NC HWY 33), east of Portertown Road (SR 1726), north and south of the Norfolk Southern Railroad, and north of Glenwood Subdivision. Motion carried unanimously. (Ordinance No. 11-075)

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**OTHER ITEMS OF BUSINESS**

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PRESENTATION BY TAMMY PERDUE ABOUT THE NEED FOR A NEW AQUATICS CENTER

Ms. Tammy Perdue stated that she is a representative of a much larger group of both young and old individuals and some of those people are in the audience tonight. They would like for the City Council to give serious thought to the fact that the citizens of Greenville and Pitt County are in desperate need of an updated pool facility. She highlighted some of the ways swimming can benefit the community.

- Swimming is a skill that can save lives
- Swimming is a life-long sport and recreational activity
- Swimming helps with weight loss, strengthening and flexibility
- Water is the "Great Equalizer" for the disabled, arthritic and even pregnant women

Ms. Perdue stated that in regards to safety and accidental drowning, every day nine people die from drowning. Of these nine people, two are children ages 14 and under. Drowning is the sixth leading cause of death for all ages and the second leading cause of death for ages 1-14. In regards to unintentional drowning statistics for children, minority children bear the brunt of these statistics. African American children drown at 3.1 times the rate of Caucasian children. American Indian children drown at the rate of 2.3 times the rate of Caucasian children. If these children participate in formal swimming lessons, the risk of drowning would reduce to 88 percent. Among racial groups, African American adults and children report the most limited swimming ability, followed closely by American Indians and Hispanics.

Ms. Perdue presented the Council with a video of a message regarding swimming from Mr. Cullen Jones, an Olympian swimmer and former swimmer for North Carolina Central State

University. As spokesperson for Make A Splash with Cullen Jones which was a 2009 six city event series, Mr. Jones was committed to promoting the availability of lifesaving swimming lessons.

Ms. Perdue stated that with a true aquatics complex/center, a goal could be set that by fourth to fifth grade every child in the school system would have the chance to take swimming lessons as a part of physical fitness. If a large enough aquatics center is built, nine different group categories and others could benefit from it. The most wonderful thing about swimming is that it crosses all the boundaries. Swimming is fun. Everyone can do it and even people who are not great at swimming can enjoy it.

**What Groups Could Benefit?**

Boys and Girls Club and other childcare centers	Senior Citizens	Learn to Swim
Public High School Swim Teams	Youth & Adult Competitive Swimmers	Families
Programming options for Parks & Rec and Comm.Schools	Disabled	WSI, Military Training, SCUBA, Small Craft Safety

*And Many Others!*

Ms. Perdue further stated there are already pools available in the community. However, the outdoor pools are summer only, private pools are members only, and East Carolina University (ECU) facilities are for ECU only. That leaves basically one pool, the Greenville Aquatics and Fitness Center. While that pool is much-loved and well-used by a lot of people, it has some severe limitations.

Ms. Perdue said that the Greenville Aquatics Center pool is a warm water pool which is not very big. The water temperature is kept warm so that the arthritic classes and water aerobics people can use it. Anyone who is swimming laps hard and high schoolers who use it for practice can get overheated. It is hard to have more than one type of use for a pool and part of that reason is water temperature. The deck space is very small. Also, it is too shallow to dive so high school teams that use it for their practice space never get to practice their starts or relay exchanges. When they attend high school meets, the students have

never gotten once on the blocks in their event which is a major problem. For some people the northern location of the pool is convenient, but for the vast majority of Greenville with the growth going south and west, it would be nice to have a central facility. Also, it is an aging facility which has been kept as well as can be and some improvements have been made. Overall, it leaves a lot of needs unmet.

Ms. Perdue described their idea of a 4.5 acre complex with a series of pools. Two acres would be used for parking.

### A complex of specifically designed pools

- Variations in

- Water Temperature
- Size and depth
- Indoors or Outdoors
- Competition or Recreation



Most public pool complexes in Central and Western NC are a combination of four different types of pools

Ms. Perdue described the four types of pools for a true aquatics complex. Pool Type #1 would be all about summer fun for families including spring and climbing toys for children. It is important to have a zero-level entry into this type of pool which is perfect for the disabled to enter the water independently and small children can sit at the edge and have a great time. A similar outdoor recreation pool is located in Huntersville, North Carolina and is a County facility.

#### *Pool Type #1*

### Outdoor Recreation Pool

*Outdoor family fun!*

- Zero-level entry to accommodate very young and disabled
- Resistance walkway for water aerobic exercise
- Spraying, climbing toys for families

Ms. Perdue described Pool Type #2 stating it is a competition pool to meet the needs of local teams. The beauty of the 50-meter pool is it can be used in the long course or a movable bouquet which is a wall that floats and anchors in about midway and it will divide the long pool to two shorter pools. This opens up a lot different opportunities including several user groups using both sides of the pool and allowing our region to host some larger swimming meets. When there are 700-1000 kids at a swim meet heats must be run simultaneously at both ends of the 50 meter pool. A similar pool is located at that same Huntersville facility.

*Pool Type #2*  
**50 Meter Covered Pool**  
*Meet the needs of local teams*

- An Olympic sized 50 Meter Facility covered with an inexpensive roof
  - Would allow multiple teams or usage groups to be in the water simultaneously
  - Would allow our region to host large swimming competitions bringing revenue to our area and a reputation for aquatic excellence \$\$\$\$\$\$

Ms. Perdue said that competition swimming is one of our area's fastest growing sports. The Greenville Area Summer Swim League (GASSL) set a record last year with 700 swimmers and eight teams. Also the Greenville Swim Club, which is a year round team, set a record of

enrollment at 270, and there is even an adult team now. Three high school teams (J. H. Rose, Conley, and South Central) share early morning and late night practice time at the Greenville Aquatics and Fitness Center. That is an issue for kids to be out that early or late and driving. There are several more high schools that would like to have swim teams, but they have been denied. It is not because of lack of interest; it is simply that there is no space for them to practice. Our high school, middle school and age group swimmers are out of water. At the GASSL Championship meet there was standing room only. The meet was held on one of the hottest days of the summer in July of last year.

Ms. Perdue informed the Mayor and Council about the revenue that could be generated in Pitt County in one year with only three swim meets. She stated that one of the beautiful things about swim meets is that you don't have to pay any organizations to come here. The providing of the right facilities is required. They would apply for the meets and the meets will come. These are very conservative numbers and some of the meets are actually closer to 1,000 swimmers. The top section is for hotel, the second section is eating in restaurants, and the third section is incidentals such as gasoline. At the very bottom row one can see conservative estimates for what revenue would be brought into the City and the County for just one of those weekends from meets which equals to over a half of million dollars a year.

Proposed Pitt County Aquatic Center PROJECTED REVENUE GENERATED IN PITT COUNTY PER YEAR				
	Junior Olympics	Sectionals	High School State	TOTAL
Potential meets				
Total number of swimmers	700	700	700	2,100
Number of local swimmers	100	50	200	350
Number of swimmers from out-of town	600	650	500	1,750
Percent from out-of town to stay in motels	75%	75%	75%	75%
Total number of swimmers to stay in motels	450	488	375	1,313
Number of nights stayed	2	2	2	2
Average price of motel for one night	\$65	\$65	\$65	\$65
<b>Total motel revenue generated</b>	<b>\$58,500</b>	<b>\$63,440</b>	<b>\$48,750</b>	<b>\$170,690</b>
Total number of swimmers to stay in motels	450	488	375	1,313
Total number of meals purchased during meet	6	6	6	6
Estimated cost of each meal for family of four	\$40	\$40	\$40	\$40
<b>Total food revenue generated</b>	<b>\$108,000</b>	<b>\$117,120</b>	<b>\$90,000</b>	<b>\$315,120</b>
Total number of swimmers from out-of-town	600	650	500	1,750
Estimated amount spent on shopping (including gas)	\$100	\$100	\$100	\$100
<b>Total retail and gas revenue generated</b>	<b>\$60,000</b>	<b>\$65,000</b>	<b>\$50,000</b>	<b>\$175,000</b>
<b>TOTAL REVENUE GENERATED IN PITT COUNTY</b>	<b>\$226,500</b>	<b>\$245,560</b>	<b>\$188,750</b>	<b>\$660,810</b>

Courtesy of Murphy & Bunch, CPAs, PA, 2011

Ms. Perdue described Pool Type #3 and stated that this pool is great for the high schools to use. At this point, Pitt County high schools cannot host a swim meet. There is not a pool at

Greenville Aquatics and Fitness Center that swimmers can dive in and the deck is not big enough. A multi-use pool is located at the Sportsplex in Hillsborough, North Carolina.

*Pool Type #3*  
**Indoor 10 Lane/25 Yard Pool**  
*Multi-use*

- Would be available for recreational lap swimming, deep water aerobics and team use
- Great for hosting high school meets which we cannot currently do

Ms. Perdue described Pool Type #4 stating that warm water pools can be configured in any way.

*Pool Type #4*  
**Warm Water Pool**  
*Very young, elderly and disabled*

- Warm water and shallow depth allow for lessons, water aerobics and use by the disabled
- Zero-level entry would allow disabled persons to get themselves in and out of the water
- Would be a great place for kids' recreation and birthday parties

Ms. Perdue said that this may seem like an unrealistic goal. Towns and cities including New Bern, Rocky Mount, and Goldsboro, Washington have newer and better pool facilities than

Greenville. Kinston is breaking ground on a state of the art outdoor pool this year. Ms. Perdue described the possible recreational links.

- Incorporation of gym space
- Incorporation of weight/cardiovascular training
- Link with a clinic for obese patients to teach swimming as weight loss modality
- Link to underserved county areas with van transportation

Ms. Perdue stated the reasons why so much money should be spent on a new pool complex.

- Lives are saved, and health increased for our citizens
- Draws the health-conscious and recreation-loving citizen to our community from all across the state
- Families can enjoy time together
- Young people can find physical focus and learn to compete.

Ms. Perdue provided the Mayor and City Council with ways to pay for the complex and stated that there is a great deal of interest.

### How to Pay For It?

- Would require combination of public funding and private donations
  - A ‘Circle-the-Wagons’ mentality
  - State Funding and/or Grant Monies
  - Local Corporate Sponsors
  - Private Donors (large and small)

Ms. Perdue stated that they are requesting that the City Council initiate the formation of a development committee to develop recommendations on location, funding, composition and other details related to making an aquatics center a reality for Greenville and Pitt County. The Committee would include one Council Member liaison and at least one member of County Commissioners and/or the Pitt County School Board.



Council Member Joyner thanked Ms. Perdue for her presentation and stated that he had received emails from some of the parents who are probably in the audience tonight. Council Member Joyner said that the City wants to have pools and the concern is how they pay for the pools. He asked Mr. Fenton if there are any plans for pools in the City parks.

Mr. Fenton responded yes and stated that they have placed these issues into the Capital plan as a wish list and certainly the pools are not a low priority. It is a challenge for the Staff to look at this issue. The outdoor pool was patched up and it is a seasonal operation with about a 2 1/2 month benefit. The Aquatics Center is getting a lot of use, but it does not answer the need entirely. Certainly, there is a need for more aquatics in this community, but they recognize that it is a big issue that would require huge partnerships.

Council Member Joyner asked Mr. Fenton to present information at the upcoming Planning Session. He would like information regarding any partnership interest of the County and school system as well as information from cities and towns about how they managed to do this. He is aware that it is a money issue.

Council Member Joyner asked Ms Perdue what entities are willing to assist with this project.

Ms. Perdue stated that one very interested person asked to be made aware when the train is pulling out of the station.

Mr. Fenton stated that they met with the Athletic Director, Ron Butler and Aaron Beaulieu of the School Superintendent's Office about this issue. Money is the issue. Everyone wants to know where the money is coming from.

Mayor Pro-Tem Kittrell stated that if there are health issues such as obesity potential grant dollars are available. He is going off the Council to the Hospital Board and would definitely throw the Hospital Foundation in the mix.

Ms. Perdue stated that if they all pull together and circle the wagon, money should not be a reason for them to not move forward on this project.

Council Member Glover complimented Ms. Perdue on her presentation. She stated that Ms. Perdue and the group are very passionate about this project and the City will be glad to work with them. Other organizations have been able to raise money, to match money and do recreational projects.

#### PROPERTY TAX COLLECTION PROCESS

City Manager Bowers stated the Council received the information regarding the property tax collection process from Staff some time back. Council Member Joyner had some additional questions and requested that Staff have representatives from the County tonight to respond to those questions related to current and delinquent property taxes. The City has an interlocal agreement with Pitt County to collect City property taxes which includes delinquent taxes.

Pitt County staff members were present for the presentation including Ms. Cathy Booker, Pitt County Tax Administrator; Mr. Ramon Revilla, Deputy Tax Collector; Mr. Scott Elliott, County Manager; and Melanie Bryan, Chief Financial Officer.

Ms. Booker stated that each year they utilize all the collection remedies available to them through the North Carolina Machinery Act. These collection remedies include wage garnishment, bank attachment, sheriff and rent levy, debt setoff, escheat fund attachments, payment plans and as a last result, foreclosure. An account may be flagged for bank attachment or wage garnishment and they still submit the account to debt setoff for attachment of state income tax return or lottery winnings. A paralegal handles the interim foreclosure process. All of the collection remedies are utilized all year long on delinquent accounts. When the annual bills were mailed in July, these tax bills were due on September 1 and do not become past due until January 6, 2012. After the January 6 delinquent date, these bills will be subject to the collection remedies just as the previous and prior years delinquent bills. Registered motor vehicle bills are mailed monthly. Their billing information is received from the Department of Motor Vehicles (DMV) monthly, and it is processed upon their receipt of it. After processing the DMV file, they mail out DMV tax bills. The taxpayer has 30 days to pay the registered motor vehicle bill. After the published payment due date on the motor vehicle tax bill, the delinquent motor vehicle bill will then be subject to all of the applicable delinquent collection remedies. To assist in the location of delinquent taxpayers, they scan all of the checks and match information on different internet search sites and request lists of employees from businesses. When they receive and process payments for each municipality the allocation of payments or payment are in the proportional share of the total tax bill. When they apply collection remedies, they do not give County collection priority over the City collection or City collection priority over the County collection. All delinquent accounts are actively pursued in a fair and equitable manner while providing good customer service to the taxpayers of Pitt County and the City of Greenville. Ms. Booker asked the Mayor and City Council to feel free to call or email her or the Deputy Tax Collector any time they have a question or concern.

Council Member Joyner thanked Ms. Booker for their service. Council Member Joyner stated that he reviewed a list of delinquent taxpayers provided by City Manager Bowers which consisted of 50-100 pages, and the total dollar amount of delinquent taxes was \$1,000,025. He is aware of the economic hardship, but how will the County collect this money? How often does the County send out a reminder to delinquent taxpayers?

Ms. Booker responded that they carry delinquent taxes several years back and do not write those off at this time. They try to collect delinquent taxes as far back as 10 years on real property.

Council Member Mercer commented on the questions that he submitted to Ms. Booker. He asked how could someone's name appear on the list for more than three years.

Ms. Booker stated that Council Member Joyner's biggest concern is related to one that is not a structured plan but is a voluntary pay plan, and the taxpayer is actually making payments monthly. Individuals on that list are on bankruptcy and in foreclosure. The County is not only working on current payments, the County is constantly working on delinquent taxes all year long from several different sources. There are employees who are entirely dedicated to collecting the delinquent taxes, and it has become even more difficult to collect delinquent taxes with the economic times. When delinquent taxpayers are located, they use a bank attachment, wage garnishments, etc.

Council Member Joyner asked why is foreclosure used to collect delinquent taxes.

Ms. Booker responded that foreclosure is the end process which is used when they cannot successfully enter into a contract with the taxpayer. The Commissioners request that all of the remedies be utilized to collect taxes that are delinquent for three years, and many times these are heir properties and it is difficult to locate heirs.

RESOLUTION AUTHORIZING CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 417 NASH STREET TO METROPOLITAN HOUSING AND CDC, INC. - ADOPTED

Mr. Merrill Flood, Director of Community Development, stated this request to the Council is to authorize the conveyance of property at 417 Nash Street to Metropolitan Housing and Community Development Corporation, Inc. The parcel was acquired by the City of Greenville in an effort to continue revitalization in the West Greenville certified redevelopment area. North Carolina General Statute 160A-279 allows the City to convey property to a non-profit organization by private sale when they do one of the projects that is outlined in the Statute that is deemed appropriate for conveying property to a non-profit. This project would involve the disposition of the property to Metropolitan Housing and Community Development Corporation, Inc. in exchange they would provide affordable rental housing at that site for a 20-year period. Under the HOME program which would fund this activity, the City of Greenville has been requested by HUD to produce additional affordable rental units. This is one of those items that the City would be getting a check-off from HUD for completing a rental development. Staff would recommend that the City transfer this property to the organization in exchange for them producing the housing at an affordable rate for a 20-year period. In addition, expiring HOME funds from 1999 and 2001

that were part of the home consortium utilized by another non-profit would be allocated to this organization along with 2009 and 2010 CHDO set aside. Staff is recommending the conveyance of the property to the organization following the ten-day notification.

Motion was made by Council Member Smith and seconded by Council Member Glover to adopt the resolution authorizing conveyance of 417 Nash Street, tax parcel #19323 to the Metropolitan Housing and CDC, Inc. to develop an affordable rental duplex for eligible low to moderate income families. Motion carried unanimously. (Resolution No. 071-11)

FISCAL YEARS 2012-2013 AND 2013-2014 BUDGET AND CAPITAL IMPROVEMENT PROGRAM SCHEDULE -APPROVED

City Manager Wayne Bowers informed the Mayor and City Council that the proposed schedule for the next two-year budget process is in their packets. City Manager Bowers stated the meeting dates are the normal City Council meeting dates and Staff did not deviate from that schedule. The traditional last Saturday in January has been chosen for the City Council Planning Session which will be January 28, 2012. He has already shared the information with the Mayor-Elect and the Council Member-Elect, and they have not indicated any conflicts with those dates. It is Council's decision to adopt this schedule. City Manager Bowers stated that Council has used different facilitators for the Planning Session in the past and asked that the Council's ideas about the facilitator be forwarded to him.

Council Member Blackburn stated that she has a potential conflict with the meeting scheduled for January 28, 2012 and asked for Council's feedback on moving the Planning Session to Saturday, January 21, 2012. If the Mayor-Elect or Council Member-Elect has an issue about this date, Council can reconsider it.

No meeting conflicts for moving the Planning Session from January 28 to January 21, 2012 were identified from the City Council.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt the schedule with an amendment of the 2012 City Council Planning Session being changed from Saturday, January 28, 2012 to Saturday, January 21, 2012. Motion carried unanimously.

Budget and Capital Improvement Program (CIP) Schedule  
Fiscal Year(s) 2012-2013 and 2013-2014

Saturday	January 21, 2012	City Council planning retreat and draft CIP presentation
Monday	March 5, 2012	CIP presentation to City Council
Monday	April 9, 2012	City Council preview of proposed City budget
Wednesday	May 2, 2012	Proposed City, GUC, SML, and CVA budgets distributed to City Council
Monday	May 7, 2012	Proposed City, GUC, SML, and CVA budgets presented to City Council
Thursday	May 10, 2012	Further discussion of proposed budgets by City Council
Monday	May 21, 2012	City Council budget review
Monday	June 11, 2012	Public Hearing - Fiscal Year 2012-2013 Budget and 2013-2014 Plan
Thursday	June 14, 2012	Adoption of the Fiscal Year 2012-2013 Budget and 2013-2014 Plan

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to approve the 2012-2013 and 2013-2014 budget and capital improvement program schedule with a change of the City Council Planning Session date from January 28, 2012 to January 21, 2012. Motion carried unanimously.

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**COMMENTS FROM MAYOR AND COUNCIL**

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Comments from Mayor and City Council

Council Member Glover stated that “a cooling off period” is required with what has happened in the Sanitation Division, specifically last Wednesday’s activities, until the Council Members decide how as a governing body they are going to deal with this situation. Council has heard from the Sanitation workers who are very passionate about their complaints. She has listened to their complaints for twelve years, and she knows all of the City Council Members who would talk to them have heard their complaints as well. It is recommended that Council make a decision about how to address this situation and whether there should be an investigation.

Motion was made by Council Member Glover and seconded by Council Member Smith to approve that there should be no penalties or docking of hours of pay or any penalty be implemented until the Council has been given the opportunity to look into the situation and conditions in which the Sanitation Division employees feel that they are having to work in.

Council Member Mercer stated that he does not agree or disagree with the motion, but his concern is the public has not been notified of this item that is not appearing on the agenda. In terms of procedures, he is uncomfortable about voting on anything of substance.

Council Member Glover stated other issues have been brought up, discussed and voted on a lot at previous meetings and asked why this issue should be any different.

Council Member Mercer stated that he does not recall substantial issues being brought up a lot on the same night of a meeting and then voting on those issues and if this continues, they could be doing this all the time.

Council Member Joyner stated that the good or bad about Council's recommendations is the majority rules at anything, and Council makes its own rules. Council Member Glover's request is only for "a cooling off period" which he supports, and Council is not making a policy or procedure. The incident occurred and correspondence was sent to the Sanitation workers including a letter of apology from the City and a letter of notice regarding docking of hours of their pay. This is all about communication with the Sanitation workers who are only asking to be included in some of the discussions about procedures at the Public Works Department. Council Member Joyner further stated that he receives a variety of numerous complaints, and it is very rare that he receives a complaint from or about one of the Sanitation workers. This is a big issue, and Council should find out what the problem is and a solution to the problem. There is no problem with this motion, and Council has done this before maybe not on an issue like this one.

Council Member Glover restated the motion. Council Member Glover said these employees are working in a hostile working environment and additional Sanitation workers thought there would be repercussions on the job if they attended this meeting. The City Council could conduct an investigation if there is something causing City employees to feel disgruntled about how they are being treated at work. Also, the City Council could hold an investigation and issue subpoenas and the Council Members who are not aware of this could look it up.

Mayor Dunn asked for the motion.

Council Member Glover repeated the motion. In addition, Council Member Glover stated that the Sanitation workers have been inundated with letters. In the middle of the distribution of the letter of apology from the City, a letter of reprimand was distributed to the Sanitation workers. The City Council should make an executive decision about how to handle this problem including whether there should be a committee. These employees are upset and feel that they are worthless. There is no other option for them if the City Council does not care about their concerns.

Council Member Blackburn thanked Council Member Glover for bringing up this motion during Council Comments allowing them to flesh out a bit. Also, she thanked the Sanitation employees who spoke so eloquently. Council Member Blackburn said that she will see them tomorrow morning when they pick up her trash and they brighten her day every week. Absolutely, they are critical and do such a loyal service for our City. Her concern with this specific motion is that right now she does not have the information needed before making a decision, for example, have wages been docked and have penalties been applied. Council Member Blackburn said it might be a top down decision for the Council to make a decision tonight without having a proper report. Then there is Council Member Mercer's suggestion of possibly having it placed on the agenda.

City Manager Bowers commented that on November 9, 2011, certain employees in the Sanitation Division chose not to work that day and they requested a meeting with him. He met with the group until 12:00 Noon, and when the meeting was over they expected the Sanitation workers to go back to work. For those who did not go back to work, they were issued this week a notice that they would not be paid for those three hours from 12:00 Noon to 3:00 p.m. Certain employees did go back to work and they did not receive that notice. Other employees wanted to go back to work, but a full crew was not available.

City Manager Bowers further stated that the intent of the motion is that those employees who received that notice that they would not receive those three hours of pay and that would be held in abeyance for some period of time.

Council Member Mercer asked whether the intent of the motion is that the employees would be paid.

City Manager Bowers stated that they would be paid and it would not be suspended.

Council Member Joyner said that their pay would not be docked. He further stated that there was a motion and it was seconded.

Mayor Dunn requested City Clerk Barwick to read the motion so that the Council can be very clear about what they are voting on.

City Clerk Barwick read that the motion is until final decisions are made, there be "a cooling off period" implemented with no penalties, no docking of hours, and no impact of any kind on employees' pay imposed until the governing body decides how it wants to address the issue.

Council Member Glover questioned the wording of that motion.

City Clerk Barwick read that the motion is to implement “a cooling off period” during which there would be no penalty to employees, no docking of hours, no impact on their pay imposed until such time as the governing body decides how it wishes to move forward with the issue.

Mayor Dunn asked is the governing body the City Council. Mayor Dunn commented on Council Member Mercer’s concerns.

City Manager Bowers clarified that if this motion passes tonight then those employees will receive that pay. If it doesn’t pass, it is his intent that the employees would not receive that pay. It is a time sensitive issue.

Council Member Blackburn stated that she will probably support this motion because she agrees that they need to give things time to find out what happened and to determine the best way to approach it. Clearly, she does not want to undermine the normal departmental operation. At this point, it is way too premature for the Council to intervene and make decisions. If she supports this motion, her intent is that there should be some time for this to be worked out with the City Manager, departmental management and the employees.

Council Member Glover stated that the Sanitation Division employees are not being treated fairly. She feels there is a need for some cooling off time, and they as a governing body should direct the City Manager on how to handle this situation. Council Member Glover further stated that it definitely needs to be handled because employees are going to work every day with guns killing people, and a grown man cannot be pushed but so far until he is backed against the wall. She thinks that the employees are at that point and if they do not take action as a Council, Council would be responsible for anything that happens in that Department.

Mayor Dunn stated that the question is if the City Council will be making that decision tonight or will Council do an investigation and then come back with the conclusion which Council would like to make.

Mayor Pro-Tem Kittrell said that Council Member Mercer has a valid point and in most cases he would agree with him. Tonight, the reason he would probably vote to pay the employees for the three hours and to try to have “a cooling off period” was the sensitivity about this number of employees coming before the governing body. Typically, that does not happen very often with City employees. Also, the City Manager stated that it is a time sensitive issue because the pay would not go out. Three hours of pay is relatively modest to offer as a token of the Council trying to look into the issue deeper which he supports. He is clearly not supportive of bringing up issues that are critical at the last minute and to vote on those that are systemic. One problem could be systemic with the whole operation, and he does know whether that is true or not or whether there is an issue with the Staff or how



it has been handled. He does not know enough about that and will not be here to make the good or bad decision. He believes that to hold back on being penal for a short time is not unreasonable to try to diffuse the situation and address the concerns.

Mayor Dunn stated that she believes it is how they address the concerns and asked would they want to draw a conclusion tonight based on the motion tonight. Mayor Dunn further stated that every coin has two sides to a story. In addition, Mayor Dunn asked whether Mayor Pro-Tem Kittrell is saying that management has made a bad decision.

Mayor Pro-Tem Kittrell said that not necessarily and they are already making the decision to dock the pay. The pay could be docked later or maybe not.

City Manager Bowers stated that he thinks that is a legal issue.

Mayor Pro-Tem Kittrell stated that three hours is not worth it to him to hold over somebody's head.

Council Member Mercer stated that he has not expressed his view about this motion. He has expressed strongly that he opposes any move by this Council or any Council to start bringing substantial issues and voting on them on the night of a meeting. That is going to be unacceptable. They need to let the people understand what is on the agenda so they can get feedback, think about it and make thoughtful decisions. This is a very close call here because he is leery of bypassing the normal approach. The standard approach of the kind of government program or structure that they have is where the City Council makes policy and hires a manager to implement that policy and to manage the employees. He is very leery of tinkering around with that kind of structure. The Council is going to get in a big mess if they start doing that. He is convinced just barely by Mayor Pro-Tem Kittrell's argument that this is a small price to pay to look at it. He is intending to vote for the motion but it is with a very strong insistence that this Council or the next Council not get in the habit of bringing up substantial issues and voting on them the same night. That is just simply going to be unacceptable.

Council Member Smith asked for clarification purposes whether the Council is asking for an investigation to be done.

Mayor Dunn responded that Council is overruling the decision that has been made by Staff.

Council Member Smith responded to Council Member Mercer's comments about the City Council not wanting to set this type of precedence and that this is something that Council does not normally do. Council Member Smith stated that the situation itself was abnormal and was not expected at all. Council should take some action and find out what happened because they never want this to happen again in any department throughout the City as a

whole. "A cooling off period" is the least that Council could do, and she definitely would support that issue.

Mayor Dunn asked whether the item will be placed on a future agenda and who will be doing the investigation.

Council Member Blackburn said that they are not calling for an investigation.

Council Member Glover stated that an investigation is not in the motion.

Motion was made by Council Member Glover and seconded by Council Member Smith to implement "a cooling off period" during which there would be no penalty to employees, no docking of hours, no impact on their pay imposed until such time as the governing body decides how it wishes to move forward with the issue. Motion carried unanimously.

Council Member Glover announced that the Lucille W. Gorham Intergenerational Center has started their shoebox crusade which is for kids whose parents cannot afford to buy them toys for Christmas. The shoebox program was started by Ms. Loretta Pruitt who was very active in the community, and she fought to revitalize and beautify our communities. As a tradition of Ms. Loretta Pruitt, the Center will continue her annual shoebox crusade. Council Member Glover said that wrapped shoeboxes with a label on them identifying the age and gender of the child (0-18 year old) who would be appropriate for that toy can be dropped off at the Intergenerational Center, 1100 Ward Street. If anyone is interested in working with the Center on this project, please call 252-328-5800.

Council Member Blackburn announced that the Tenth Interfaith Thanksgiving Service is scheduled for Sunday, November 20, 2011, 3:00 PM. at St. Paul's Episcopal Church. A nursery is provided and they are asking individuals to bring a dish. Also, Friday, November 25, 2011 is the Greenville Gives Center City Holiday Kickoff at 6:00 PM. at Five Points Plaza.

Mayor Dunn commended the East Carolina University (ECU), Greenville Police Department, Sheriff's Office, and Highway Patrol. Mayor Dunn stated that when the alarm went off yesterday at Mendenhall, she thought it was a drill and was unaware of what happened on the campus. They were at Mendenhall for three hours, and it was amazing that law enforcement and ECU students and staff addressed this scary emergency appropriately.

Council Member Glover stated that during the shutdown at the West Campus, the Medical Director and Head Nurse were extremely polite and provided refreshments for those who were waiting. They handled the situation very well including bringing people up-to-date on what was happening, recommending everyone to stay at the office, and directing those who wanted to leave to exit with caution.

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**CITY MANAGER'S REPORT**

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City Manager Bowers reminded the City Council of the Monday, November 21, 2011 meeting to recognize Mayor Dunn and Mayor Pro-Tem Kittrell. City Manager Bowers further stated that the swearing in of the new Mayor and City Council is scheduled for Monday, December 5, 2011. Both meetings are at 6:00 PM.

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**CLOSED SESSION**

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Motion was made by Council Member Blackburn and seconded by Council Member Joyner to enter closed session pursuant to G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law and pursuant to G.S. §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Motion carried unanimously.

Mayor Dunn declared the City Council in closed session at 9:58 PM, calling a brief recess to allow the Council and Staff to relocate to Conference Room 337, where she reconvened the closed session at 10:03 PM.

Upon conclusion of closed session discussion, motion was made by Council Member Joyner and seconded by Council Member Blackburn to return to open session. Motion carried unanimously, and Mayor Dunn returned the City Council to open session at 10:48 PM.

Motion was made by Council Member Joyner and seconded by Council Member Smith to adjourn the meeting. Motion carried unanimously. Mayor Dunn declared the meeting adjourned at 10:49 PM.

Respectfully submitted,

Polly Jones  
Deputy City Clerk



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

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**Title of Item:** Right-of-way encroachment agreement with Pitt County Memorial Hospital, Incorporated, to construct fiber optic communication lines in a portion of the right-of-way of W. H. Smith Boulevard and Hemby Lane

**Explanation:** Pitt County Memorial Hospital has requested permission to construct a fiber optic communication line encased in an HDPE conduit in a portion of the right-of-way of W. H. Smith Boulevard and Hemby Lane.


Attached for City Council's consideration is a right-of-way encroachment agreement setting out the terms by which Pitt County Memorial Hospital may encroach upon the right-of-way of W. H. Smith Boulevard and Hemby Lane. A map depicting the limits of the encroachment is attached to the agreement.

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

**Fiscal Note:** There will be no direct cost to the City associated with the proposed encroachment.

**Recommendation:** Approve the attached right-of-way encroachment agreement permitting Pitt County Memorial Hospital to construct lines encased in HDPE conduit in a portion of the right-of-way of W. H. Smith Boulevard and Hemby Lane.

**Attachments / click to download**

 [Agreement for WH Smith Blvd Encroachment](#)

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

STATE OF NORTH CAROLINA  
COUNTY OF PITT

Right of Way Encroachment Agreement  
WH Smith Blvd. & Hemby Lane

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

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THIS AGREEMENT made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_ 2012, by and between the **CITY OF GREENVILLE**, Party of the First Part and hereinafter sometimes referred to as the **CITY**, and **PITT COUNTY MEMORIAL HOSPITAL, INCORPORATED** Party of the Second Party and hereinafter sometimes referred to as the **OWNER**;

WITNESSETH

THAT WHEREAS, the OWNER desires to encroach upon the public right of ways of the public streets designated as WH Smith Blvd. & Hemby Lane with the construction of (1) 1.25" HDPE innerduct containing (1) fiber optic cable as shown on Attachment "A";

WHEREAS, it is to the material advantage of the OWNER to effect this encroachment, and the CITY, in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of ways as indicated on attachment "A", subject to the onditions of this Agreement.

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

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

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

1. All costs of construction and maintenance of the encroaching structure will be at the sole cost and expense of the OWNER.
2. All damages to the right of ways, including the traveled portion of the street located thereon, or to facilities maintained by Greenville Utilities Commission as a result of the construction or maintenance of the encroaching structure, shall be borne by the OWNER, including but not limited to the following:
  - a. Restoring the traveled portion of the street to good, passable condition for use by the public.
  - b. Repairing any damage to the existing curbing or sidewalks.
  - c. Repairing any damage to facilities maintained by Greenville Utilities Commission
3. Any damage to the OWNER's encroaching structure caused by the CITY's or Greenville Utilities Commission use of its right of ways for construction or maintenance work in the ordinary course of its business, shall be borne by the OWNER.
4. The OWNER shall maintain the encroaching structure so that it does not interfere with the utilization of the right of way by the CITY or utilization by the Greenville Utilities Commission of the right of way or facilities maintained by Greenville Utilities Commission.
5. The OWNER shall install and maintain the encroaching structure in such safe and proper condition that it will not obstruct or interfere with the proper maintenance of the right of way, or facilities maintained by Greenville Utilities Commission and if at any time in the future the CITY shall require the removal of or changes in the location of the encroaching structure, the OWNER shall promptly remove or alter the location of the encroaching structure in order to conform to such requirements without cost to the CITY.
6. The OWNER hereby agrees to indemnify and save the CITY and its officers and employees harmless from all damages and claims for damage that may arise by reason of the installation and maintenance of the encroaching structure.
7. The OWNER agrees to exercise every reasonable precaution during construction and maintenance of the encroaching structures to prevent damage to the right of way or facilities maintained by Greenville Utilities Commission. The OWNER shall comply with all applicable rules, regulations, and ordinances of the CITY as well as those of state and federal regulatory agencies. Whenever any installation or maintenance operation by the OWNER or its contractors disturbs the ground surface, the OWNER agrees to return the area as nearly as possible to its condition prior to disturbance.



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

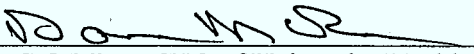
9. In the event of noncompliance by the OWNER with any of the covenants and agreements herein contained, the CITY reserves the right to stop all works by the OWNER until the OWNER complies, or to cause the removal of the encroaching structure from its right of way or from City property without cost to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

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

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

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

PITT COUNTY MEMORIAL HOSPITAL,  
INCORPORATED

BY:  (SEAL)  
Dave C. McRae, CEO of University Health Systems of Eastern Carolina, Inc., on behalf of and as agent for Pitt County Memorial Hospital, Inc.

CITY OF GREENVILLE

BY: \_\_\_\_\_ (SEAL)  
Allen M. Thomas, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
David A. Holec, City Attorney

RECOMMENDED:

\_\_\_\_\_  
Wes Anderson, PE, Public Works Director

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

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

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

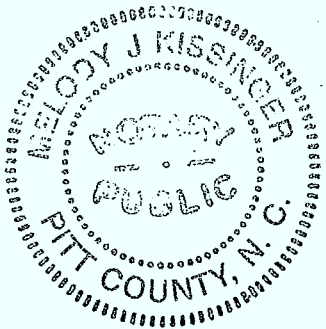
*State of North Carolina  
County of Pitt*

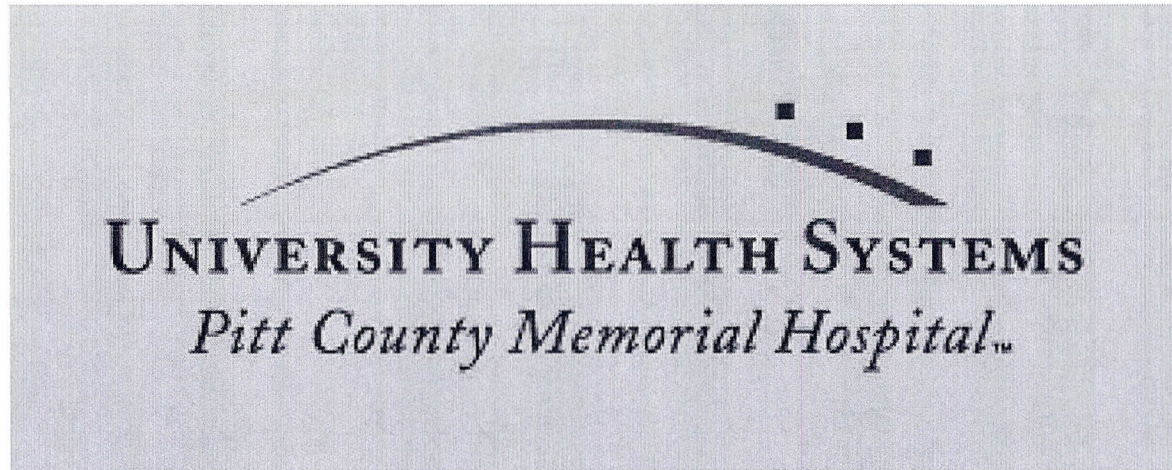
I, Melody J. Kissinger, Notary Public of said County and State, do hereby certify that Davel C. McRae, CEO of University Health Systems of Eastern Carolina, Inc., on behalf of and as agent for Pitt County Memorial Hospital, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 3<sup>rd</sup> day of January 2012.

Melody J. Kissinger  
Notary Public

8/24/2013  
My Commission Expires





OUTSIDE PLANT CONSTRUCTION  
FIBER OPTIC CABLE ROUTE

PROJECT #: BE-5026

PROJECT TITLE  
PITT COUNTY MEMORIAL HOSPITAL SERVICE  
GREENVILLE, NC

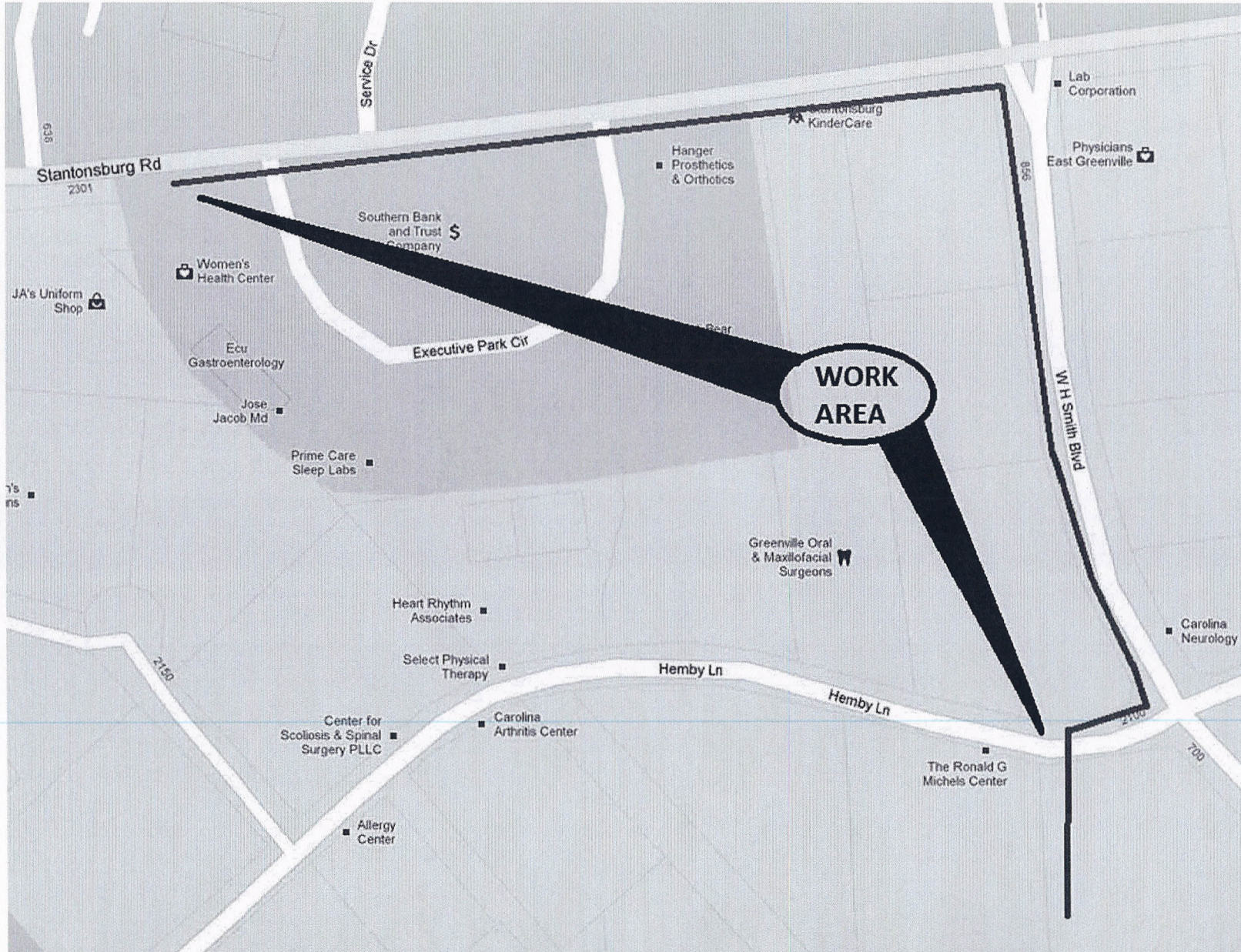
PROJECT STATUS (AS-BUILTS)


Item # 2




Beta Engineering, PA  
PO BOX 505  
Thomasville, NC 27361

GREENVILLE, N.C.  
PITT COUNTY  
LOCATION MAP 1



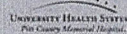
ENGINEERED AND DRAFTED BY:  
 Beta Engineering, PA  
 PO BOX 505  
 Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHK	APP'D

J.A. BURKHART  BETA ENGINEERING, PA APPROVED

GREENVILLE, N.C.  
 SCALE  
 HORIZONTAL: N/A  
 VERTICAL: N/A

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**# 2**  
  
 2100 STANTONBURG ROAD  
 GREENVILLE, NC 27835

PROJECT CODE:  
 BE-5026

FILE:  
 PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC  
 SHEET NO: 2

GREENVILLE, N.C.  
PITT COUNTY  
BILL OF MATERIALS

**CONTRACTOR SUPPLIED**

ARMORED FIBER 96 SINGLE MODE	2,395 FEET + 10% = 2,635 FEET
FREEDM I/O FIBER 12 SINGLE MODE	738 FEET + 10% = 812 FEET
DIRECTIONAL BORE FOOTAGE	1,781 FEET
2" HDPE INNERDUCT	1,781 FEET + 10% = 1,959 FEET
BLOW / PULL FIBER	3,133 FEET + 10% = 3,446 FEET
8 FOOT COPPER CLAD GROUND RODS	8
HANDHOLE 24" X 36" X 30"	6
SET RECOVERED HANDHOLE	2
BURIED MARKER POST	8

THIS PROJECT CONSISTS OF PLACING A 96 COUNT ARMORED FIBER OPTIC CABLE FOR PITT COUNTY MEMORIAL HOSPITAL IN GREENVILLE, NC. FIBER AND AN INNERDUCT WILL BE PLACED FROM THE MICHAELS CENTER ON HEMBY ROAD TO INTERCEPT AN EXISTING DUCT BEHIND THE WOMENS CENTER ON STANTONSBURG ROAD. THIS PROJECT WILL REQUIRE PLACEMENT OF 3,446 FEET OF FIBER OPTIC CABLE AND 8 HANDHOLES. THERE WILL BE 1,781 FEET OF DIRECTIONAL BORE.

ENGINEERED AND DRAFTED BY: Beta Engineering, PA PO BOX 505 Thomasville, North Carolina 27361	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>CHK</th> <th>APP'D</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REV	DATE	DESCRIPTION	BY	CHK	APP'D																			GREENVILLE, N.C.  SCALE HORIZONTAL: N/A VERTICAL: N/A	INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, COPIED, REPRODUCED OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.  # 2	PROJECT CODE  2100 STANTONSBURG ROAD GREENVILLE, NC 27835	PROJECT NUMBER BE-5026	SHEET PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC  SHEET NO. 3	
REV	DATE	DESCRIPTION	BY	CHK	APP'D																										
J.A. BURKHART ENGINEERED BY BETA ENGINEERING, PA		APPROVED																													

GREENVILLE, N.C.  
PITT COUNTY  
CONTACT SHEET

PITT COUNTY MEMORIAL HOSPITAL

OUTSIDE PLANT ENGINEERING:

PROJECT ENGINEER: ED GAETANO (919) 819-3227  
SUPERVISOR:  
MANAGER:

OUTSIDE PLANT CONSTRUCTION:

PROJECT SUPERVISOR: ED GAETANO (919) 819-3227  
FIELD CONST. SUPERINTENDENT:  
MANAGER:

RIGHT-OF-WAY:

AGENT:  
MANAGER:

CONTRACTS:

COORDINATOR:  
MANAGER:

OTHERS:

PROGRAM MANAGER:  
LIGHTWAVE ENGINEER:  
CIVIL ENGINEER:  
TERMINAL CONST. REP.:  
SPlicing MANAGER:  
TSO MANAGER:

ENGINEERING CONTRACTOR

NAME OF FIRM: BETA ENGINEERING, PA (336) 475-2364  
PROJECT MANAGER: JASON BURKHART (336) 689-0875  
ENG. PROJECT SUPERVISOR:

CONSTRUCTION CONTRACTOR

NAME OF FIRM: DATAWATT SOLUTIONS, INC. (336) 475-2364  
PROJECT COORDINATOR: MARTIN BURKHART (336) 687-6232  
PROJECT SUPERINTENDENT:

RAILROADS

UTILITIES

ONE CALL SYSTEM (UTILITY LOCATES) 1-800-632-4949

MEMBERS:

CITY GOVERNMENT

CITY OF GREENVILLE

PO BOX 7207  
GREENVILLE, NC 27834

1500 BEATTY STREET  
GREENVILLE, NC

BILLY MERRILL OFFICE (252) 329-4478

COUNTY GOVERNMENT

STATE GOVERNMENT


NCDOT - HIGHWAY DIVISION 2  
DISTRICT 1  
1701 WEST 5TH STREET  
WASHINGTON, NC 27889

GENE PITTMAN OFFICE (252) 946-3689  
FAX (252) 946-7433

FEDERAL GOVERNMENT

OTHER

ENGINEERED AND DRAFTED BY:

 Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

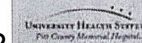
REV	DATE	DESCRIPTION	BY	CHK	APP'D
			J.A. BURKHART		

GREENVILLE, N.C.

SCALE  
HORIZONTAL: N/A  
VERTICAL: N/A

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# 2

 UNIVERSITY HEALTH SYSTEMS  
Pitt County Memorial Hospital

2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

PROJECT CODE:

PROJECT NUMBER:  
BE-5026

TITLE:  
PITT COUNTY MEMORIAL  
HOSPITAL SERVICE  
GREENVILLE, NC

REV NO: 4

# GREENVILLE, N.C. PITT COUNTY GENERAL NOTES / ADDENDUM NOTES

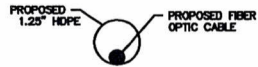
1. THE CONTRACTOR IS REQUIRED TO CONTACT THE APPROPRIATE UTILITY COMPANIES INVOLVED AND MAKE SATISFACTORY ARRANGEMENTS TO ADJUST THE UTILITIES IN CONFLICT WITH THE PROPOSED WORK PRIOR TO BEGINNING CONSTRUCTION.
2. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS AND SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, AND LOCAL ENVIRONMENTAL PERMITS, INCLUDING BUT NOT LIMITED TO, THOSE RELATED TO SEDIMENT CONTROL, STORMWATER, WETLAND, STREAMS, ENDANGERED SPECIES, AND HISTORICAL SITES.
3. TRENCHING, BORE PITS, AND/OR OTHER EXCAVATIONS SHALL NOT BE LEFT OPEN OR UNSAFE OVERNIGHT. THE CONTRACTOR SHALL COMPLY WITH ALL OSHA REQUIREMENTS AND PROVIDE A COMPETENT PERSON ON SITE TO SUPERVISE EXCAVATION AT ALL TIMES.
4. ALL FILL AREAS/BACKFILL SHALL BE COMPACTED TO 95% DENSITY IN ACCORDANCE WITH AASHTO T99 AS MODIFIED BY THE NCDOT. ALL MATERIAL TO A DEPTH OF 8 INCHES BELOW THE FINISHED SURFACE OF THE SUBGRADE SHALL BE COMPACTED TO DENSITY EQUAL TO AT LEAST 100% OF THAT OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH AASHTO T99.
5. VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DIVISION ROADSIDE ENVIRONMENTAL ENGINEER.
6. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE N.C.D.O.T. STANDARDS AND SPECIFICATIONS MANUALS.
7. ANY DRAINAGE STRUCTURE DISTURBED OR DAMAGED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AS DIRECTED BY THE DISTRICT ENGINEER.
8. ALL DRIVEWAYS ALTERED DURING CONSTRUCTION SHALL BE RETURNED TO A STATE COMPARABLE WITH THE CONDITION OF THE DRIVEWAYS PRIOR TO CONSTRUCTION.
9. RIGHT OF WAY MONUMENTS DISTURBED DURING CONSTRUCTION SHALL BE REFERENCED BY A REGISTERED LAND SURVEYOR AND RESET AFTER CONSTRUCTION.
10. PROPER TRAFFIC CONTROL DEVICES, SIGNS, ETC., SHALL BE INSTALLED TO ENSURE PUBLIC SAFETY IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND ANY SUPPLEMENTS THERETO AND NCDOT ROADWAY STANDARD DRAWINGS.
11. ALL LANES OF TRAFFIC ARE TO BE OPEN DURING THE HOURS OF 6:00AM TO 9:00AM AND FROM 4:00PM TO 7:00PM MONDAY THRU FRIDAY. TWO WAY TRAFFIC WILL BE MAINTAINED AT ALL TIMES.
12. INGRESS AND EGRESS SHALL BE MAINTAINED TO ALL BUSINESSES AND DWELLINGS AFFECTED BY THE PROJECT.
13. ANY WORK REQUIRING EQUIPMENT OR PERSONNEL WITHIN 5' OF THE EDGE OF ANY TRAVEL LANE OF AN UNDIVIDED FACILITY AND WITHIN 10' OF THE EDGE OF ANY TRAVEL LANE OF A DIVIDED FACILITY SHALL REQUIRE A LANE CLOSURE WITH APPROPRIATE TAPERS.
14. NO PARKING OR MATERIAL STORAGE SHALL BE ALLOWED ALONG THE SHOULDERS OF ANY ROADWAY.
15. DURING NON-WORKING HOURS, EQUIPMENT SHALL BE REMOVED FROM THE RIGHT OF WAY.
16. ALL ROADWAY SIGNS THAT ARE REMOVED DUE TO CONSTRUCTION SHALL BE REINSTALLED AS SOON AS POSSIBLE.
17. EXCAVATION MATERIAL SHALL NOT BE PLACED ON THE PAVEMENT. DRAINAGE STRUCTURES SHALL NOT BE BLOCKED WITH EXCAVATION MATERIALS.
18. ALL MANHOLES, SPLICE BOXES AND OTHER APPURTENANCES WITHIN THE NCDOT RIGHT OF WAY SHALL BE LOCATED AT/OUTSIDE THE RIGHT OF WAY LINE. MANHOLES AND/OR VAULTS SHALL NOT BE PLACED IN THE DITCH LINE, SIDE SLOPES OF THE DITCHES OR IN THE PAVEMENT.
19. ALL MANHOLES, SPLICE BOXES, AND/OR VAULTS WITHIN NCDOT RIGHT OF WAY SHALL BE OF A PRE-APPROVED DESIGN.
20. PROPOSED TRAFFIC-BEARING MANHOLES AND VALVE COVERS SHALL BE FLUSH MOUNTED AND SHALL BE OF A NCDOT APPROVED DESIGN FOR HS-20 LOADING.
21. ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE APPLICABLE CODES OR REQUIREMENTS OF ANY REGULATING GOVERNMENTAL AGENCY, PITT COUNTY MEMORIAL HOSPITAL, AND THE RIGHT-OF-WAY GRANTOR.
22. LOCATIONS OF SOME OF THE PHYSICAL FEATURES WERE OBTAINED FROM DATED EVALUATION MAPS OR OTHER DRAWINGS AND MAY NOT SHOWN OR DEPICTED ON THESE DRAWINGS.
23. UNDERGROUND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE RECORDS AND FIELD OBSERVATIONS BUT ARE NOT NECESSARILY EXACT. THEREFORE, UTILITY LOCATIONS WILL BE VERIFIED AT LEAST 100 FEET IN ADVANCE OF TRENCHING OR PLOWING, SO THAT CHANGES IN CABLE PLACEMENT CAN BE MADE IN THE EVENT OF CONFLICT.
24. ALL KNOWN BURIED OBSTRUCTIONS ARE SHOWN ON THE CONSTRUCTION DRAWINGS, ANY AND ALL OTHERS ENCOUNTERED ARE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE, PROTECT, AND REPAIR IF DAMAGED.
25. ANY AND ALL IMPROVEMENTS, SUCH AS ASPHALT OR CONCRETE PAVEMENT, CURBS, GUTTERS, WALKS, DRAINAGE DITCHES, EMBANKMENTS, SHRUBS, TREES, GRASS SOD, ETC., IF DAMAGED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND RESTORED TO ORIGINAL CONDITION.
26. EQUIPMENT TYPES SPECIFIED HEREIN (IE: "BACKHOE," "SWAMP PLOW" ETC.) ARE SUGGESTIONS ONLY AND ARE NOT INTENDED AS REQUIREMENTS. CONTRACTOR WILL BE NOTIFIED AS TO EXPECTATIONS.
27. SHORING OF BORE PITS AND TRENCHES IN ACCORDANCE WITH OSHA REGULATIONS SHALL BE MANDATORY.
28. BURIED CABLE MARKERS WILL BE PLACED AT ALL UNDERGROUND UTILITY LOCATIONS AND ALL OTHER LOCATIONS IN ACCORDANCE WITH THE CONSTRUCTION DRAWINGS AND THE OUTSIDE PLANT HANDBOOK.
29. ALL CONDUIT WILL BE SDR 11 OR AS SPECIFIED.
30. UNDERGROUND CONDUIT WILL BE PLACED AT 48" MINIMUM COVER UNLESS SPECIFIED ON THE CONSTRUCTION DRAWINGS.

## ADDENDUM NOTES

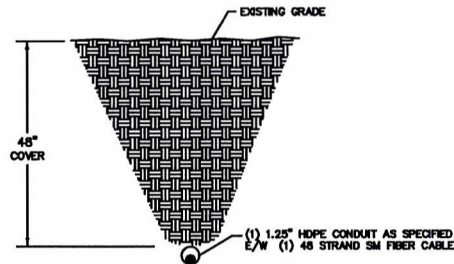
<b>ENGINEERED AND DRAFTED BY:</b> Beta Engineering, PA PO BOX 505 Thomasville, North Carolina 27361	<b>REV</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>BY</b>	<b>CHKD</b>	<b>APP'D</b>	<b>GREENVILLE, N.C.</b>	INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, COPIED, REPRODUCED OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.	# 2	<b>PROJECT CODE:</b>	<b>FIELD</b>
							<b>SCALE</b> HORIZONTAL: N/A VERTICAL: N/A			UNIVERSITY HEALTH SYSTEMS Pitt County Memorial Hospital 2100 STANTONSBURG ROAD GREENVILLE, NC 27835	BE-5026
											DRG NO: 5 SHEET:
			J.A. BURKHART	ENGINEERED			BETA ENGINEERING, PA				

# GREENVILLE, N.C. PITT COUNTY CONSTRUCTION DETAILS

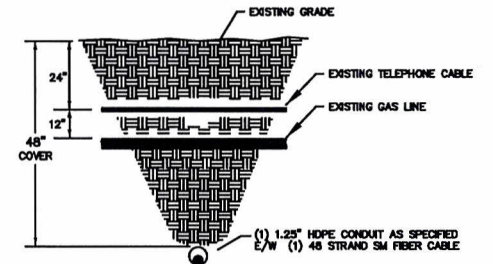
**TYPICAL DETAIL "A"**  
CROSS SECTION OF PROPOSED HDPE



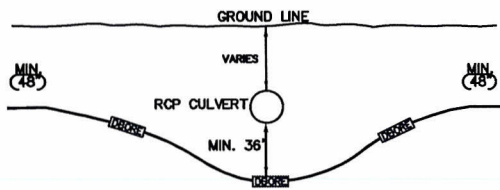
**TYPICAL DETAIL "B"**  
DIRECTIONAL BORE CROSS SECTION FOR CONDUIT



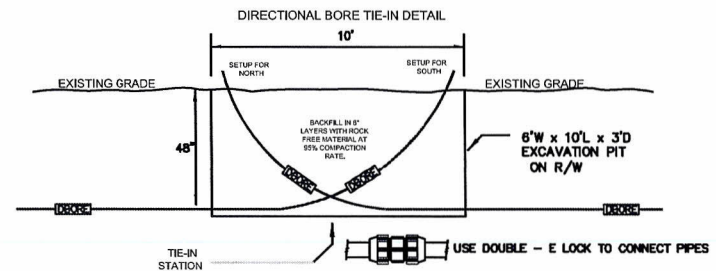
**TYPICAL DETAIL "C"**  
DIRECTIONAL BORE CROSS SECTION FOR CONDUIT PLACED BENEATH / PERPENDICULAR TO EXISTING UTILITIES



**TYPICAL DETAIL "D"**  
CULVERT CROSSING DETAIL



**TYPICAL DETAIL "E"**  
DIRECTIONAL BORE TIE-IN DETAIL



\* BORE FROM EACH DIRECTION IS RUN AT DESIGN DEPTH TO SOME POINT PAST THE INTENDED TIE-IN, THEN TURNED UP TO DAYLIGHT.

\* THE TIE-IN POINT IS EXCAVATED, PIPES CUT OFF WHERE THEY CROSS EACH OTHER AT DESIGN DEPTH, AND A HIGH PRESSURE COUPLER IS INSTALLED TO CONNECT THE TWO PIPES AT THE DESIGN DEPTH.

\* ALL EXCAVATIONS OR TRENCHES 4 FEET OR GREATER IN DEPTH SHALL BE APPROPRIATELY BENCHED, SHORED, OR SLOPED ACCORDING TO THE PROCEDURES AND REQUIREMENTS SET FORTH IN OSHA'S EXCAVATION STANDARD, 29 CFR 1926.650, .651, and .652.

ENGINEERED AND DRAFTED BY:

**B** Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHK	APP'D

J.A. BURKHART ENGINEER BETA ENGINEERING, PA

APPROVED

GREENVILLE, N.C.

SCALE  
HORIZONTAL: N/A  
VERTICAL: N/A

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#2

UNIVERSITY HEALTH SYSTEMS  
Pitt County Memorial Hospital

2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

PROJECT CODE:

BE-5026

PROJECT NUMBER:

SITE: PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC

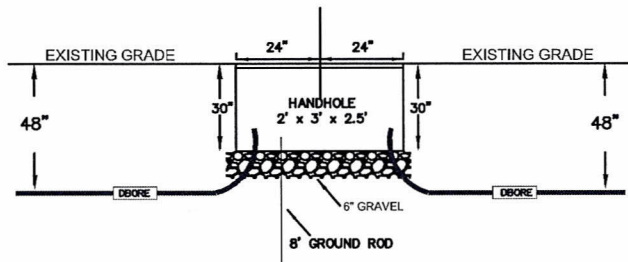
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# GREENVILLE, N.C. PITT COUNTY CONSTRUCTION DETAILS

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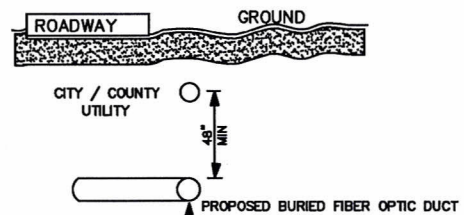
HANDHOLE CONSTRUCTION DETAILS  
CONDUIT TO HANDHOLE PROFILE  
FOR R/W INSTALLATION



ALL EXCAVATIONS OR TRENCHES 4 FEET OR GREATER IN DEPTH SHALL BE APPROPRIATELY BENCHED, SHORED, OR SLOPED ACCORDING TO THE PROCEDURES AND REQUIREMENTS SET FORTH IN OSHA'S EXCAVATION STANDARD, 29 CFR 1926.650, .651, and .652.

TYPICAL DETAIL "B"

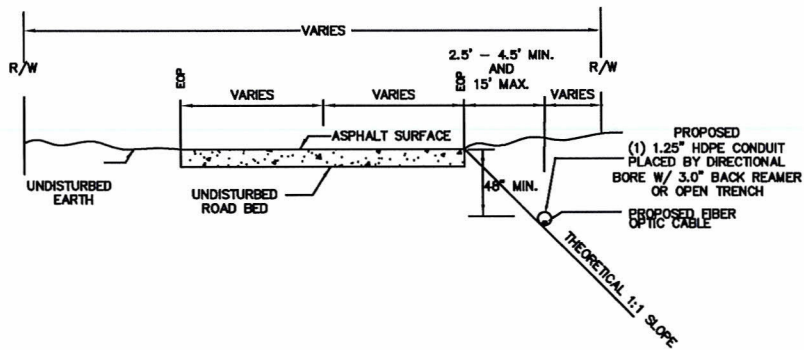
BURIED CABLE COVER PROFILE  
RELATIONSHIP TO CITY / COUNTY UTILITIES



PROPOSED BURIED CABLE TO BE PLACED WITH A MIN. OF 48" SEPARATION WHEN CROSSING A CITY / COUNTY UTILITY

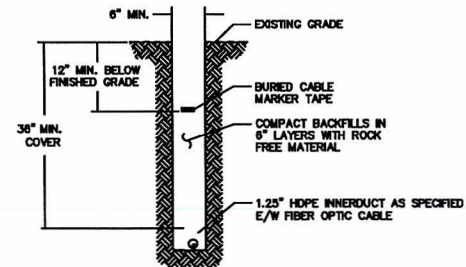
TYPICAL DETAIL "C"

PARALLEL CONDUIT DETAIL  
FOR NCDOT RIGHT OF WAY



TYPICAL DETAIL D

OPEN TRENCH & PLACE HDPE INNERDUCT



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**B** Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHK	APP'D
J.A. BURKHART			BETA ENGINEERING, PA		

GREENVILLE, N.C.

SCALE  
HORIZONTAL: N/A  
VERTICAL: N/A

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#2

UNIVERSITY HEALTH SYSTEMS  
Pitt County Memorial Hospital  
2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

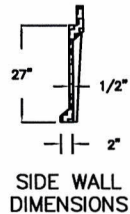
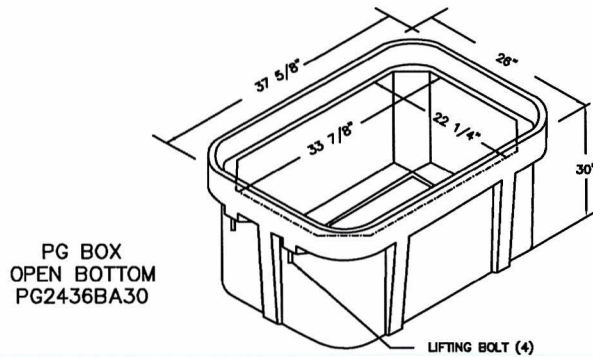
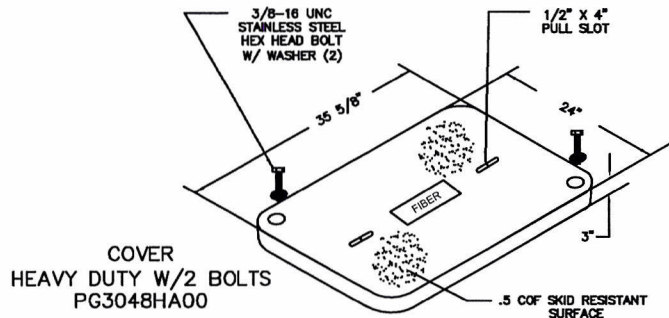
PROJECT CODE  
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TITLE  
PITT COUNTY MEMORIAL  
HOSPITAL SERVICE  
GREENVILLE, NC

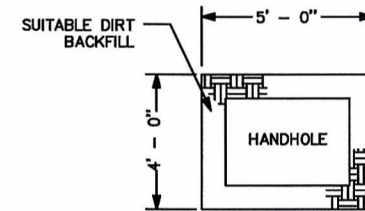
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7

GREENVILLE, N.C.  
PITT COUNTY  
24" x 36" x 30" HANDHOLE DETAILS

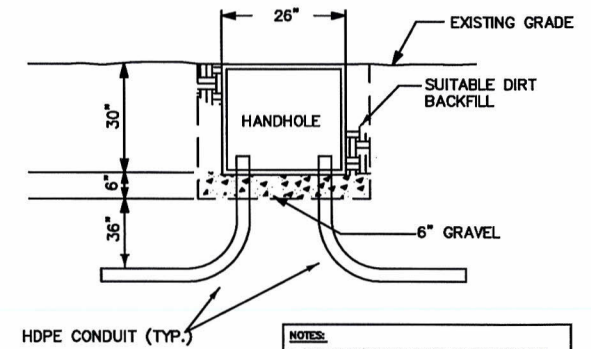
DETAIL "A"  
EXPLODED ISOMETRIC DETAIL  
QUAZITE PG2436BA30



DETAIL "B"  
EXCAVATION PIT  
PLAN



PROFILE



- NOTES:**
1. VOID IN EXCAVATED AREAS TO BE BACKFILLED WITH SELECT MATERIAL.
  2. BOTTOM OF EXCAVATED PIT TO BE BACKFILLED WITH 6" OF GRAVEL (.75% GRADE).
  3. SHORING WILL BE REQUIRED.
  4. ALL HANDHOLES SHALL BE PLACEBORING GRADE.
  5. THIS HANDHOLE IS OF FIBERGLASS MATERIAL, APPROXIMATELY 343 POUNDS IN WEIGHT. THE LIDS ARE POLYMER CONCRETE MATERIAL, EACH APPROXIMATELY 208 POUNDS IN WEIGHT.

DESCRIPTION	PART NO.	WEIGHT	OVERALL DEPTH	INSIDE DEPTH	DESIGN/TEST LOAD#	ANSI TIER
OPEN BOTTOM	PG2436BA30	212	30"	27"	22,500 / 33,750	15

ENGINEERED AND DRAFTED BY:  
**B** Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHK	APP'D
1			J.A. BURKHART		

DESIGNED BY: BETA ENGINEERING, PA  
APPROVED:

GREENVILLE, N.C.

SCALE  
HORIZONTAL: N/A  
VERTICAL: N/A

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# 2

UNIVERSITY HEALTH SYSTEMS  
Pitt County Memorial Hospital  
2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

PROJECT CODE:

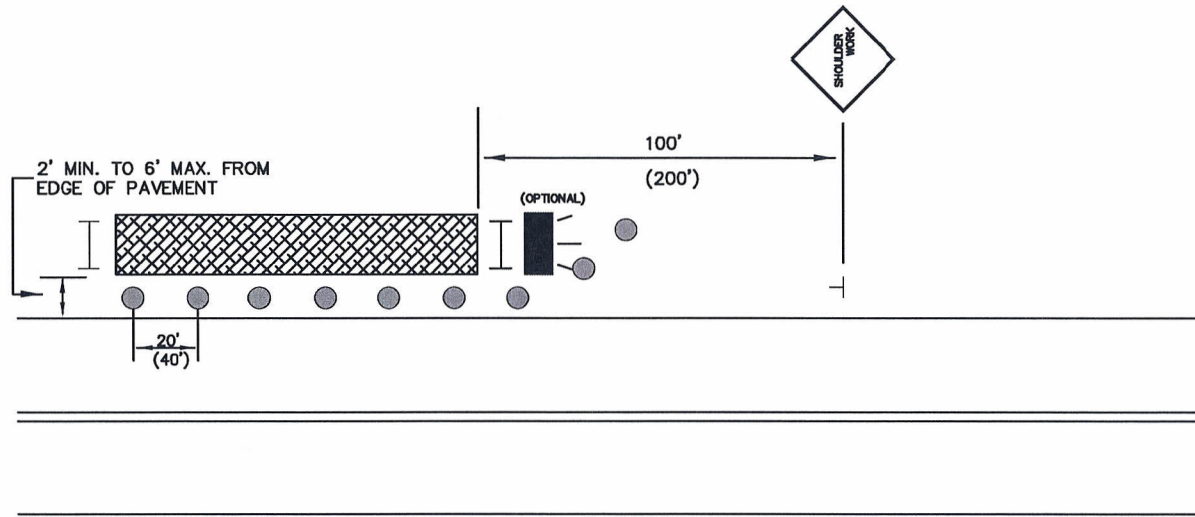
BE-5026

TITLE: PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC

REV: 8

GREENVILLE, N.C.  
PITT COUNTY  
TRAFFIC SAFETY

**WORK AREA ON SHOULDER**  
**(2' TO 6' FROM PAVEMENT)**



NOTES:

1. IF WORK AREA AND EQUIPMENT ARE CLOSER THAN 2' TO THE EDGE OF PAVEMENT, THEN USE OTHER APPLICABLE DIAGRAMS.
2. SPACING – 35 M.P.H. OR LESS (SPACING) – ABOVE 35 M.P.H.
3. WHEN EXCAVATING WITHIN 4' OF THE EDGE OF PAVEMENT, THE ADJACENT LANE SHOULD BE CLOSED TO TRAFFIC USING OTHER APPLICABLE DIAGRAMS UNLESS BRACING OR SHORING IS USED.
4. TYPE III BARRICADE REQUIRED ONLY IF WORK ZONE IS LEFT UNATTENDED OVERNIGHT.



ARROW PANEL  
DISPLAY  
(IF USED)

LEGEND

- CONES / DRUMS
- SIGNS
- TYPE III BARRICADE (SEE NOTE 4)
- WORK AREA
- ARROW PANEL

ENGINEERED AND DRAFTED BY:

Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHKD	APP'D

DESIGNED BY: J.A. BURKHART  
ENGINEERED BY: BETA ENGINEERING, PA  
APPROVED BY: \_\_\_\_\_

GREENVILLE, N.C.

SCALE  
HORIZONTAL: N/A  
VERTICAL: N/A

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# 2

2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

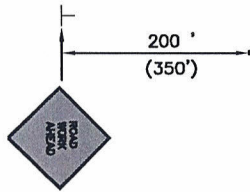
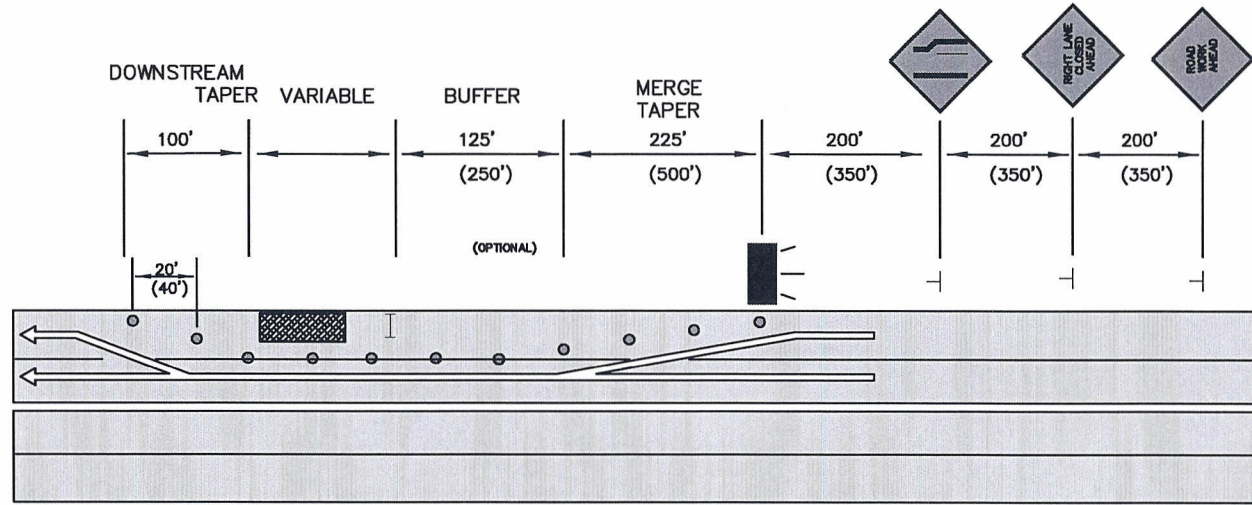
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TITLE: PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC

DATE: 9

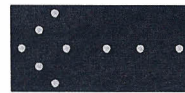
GREENVILLE, N.C.  
PITT COUNTY  
TRAFFIC SAFETY

**WORK AREA IN RIGHT LANE**  
**(MULTI-LANE ROADWAY)**



NOTES:

1. ROADWAYS WITH MEDIANS REQUIRE A SECOND SET OF SIGNS.
2. SPACING – 35 M.P.H. OR LESS (SPACING) – ABOVE 35 M.P.H.
3. IF CLOSURE IS LONG-TERM, THE PAVEMENT MARKINGS SHALL BE REVISED TO MATCH THE TRAFFIC PATTERN.
4. TYPE III BARRICADE REQUIRED ONLY IF WORK ZONE IS LEFT UNATTENDED OVERNIGHT.



ARROW PANEL DISPLAY (IF USED)

LEGEND

- CONES / DRUMS
- T SIGNS
- |— TYPE III BARRICADE (SEE NOTE 4)
- ▨ WORK AREA
- |— ARROW PANEL

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Thomasville, North Carolina 27361

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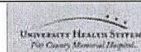
DESIGNED BY: J.A. BURKHART  
ENGINEERED BY: BETA ENGINEERING, PA

GREENVILLE, N.C.

SCALE  
HORIZONTAL: N/A  
VERTICAL: N/A

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# 2



2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835









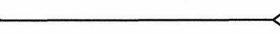

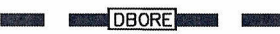



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










BE-5026


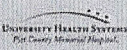
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PITT COUNTY MEMORIAL  
HOSPITAL SERVICE  
GREENVILLE, NC

DWG NO: 9-A

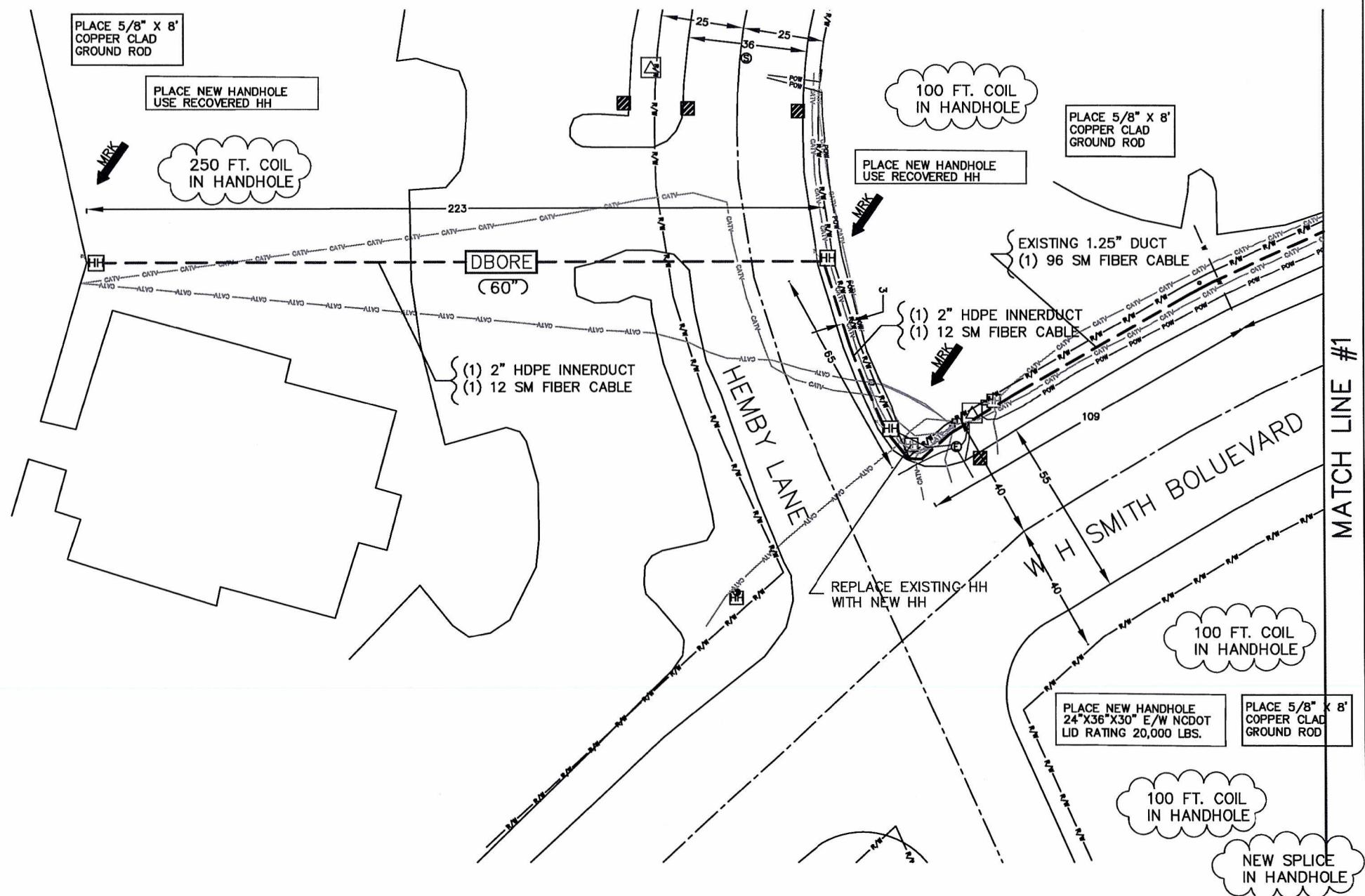
# GREENVILLE, N.C. PITT COUNTY SYMBOL KEY

WATER UTILITY	
GAS UTILITY	
CABLE UTILITY	
ELECTRIC UTILITY	
SEWER UTILITY	
RIGHT-OF-WAY	
EDGE OF PAVEMENT	
BUILDING	
CULVERT	
EXISTING DUCT	
DIRECTIONAL BORE	
WATER VALVE	
WATER METER	
FIRE HYDRANT	

UTILITY COVER DEPTH	
NEW HANDHOLE WITH 8' GROUT ROD	
EXISTING HANDHOLE, MANHOLE OR PULLBOX	
UTILITY POLE	
LIGHT POLE	
MANHOLES	 
PEDESTALS	
TRANSFORMER	
MARKER POST	
STORM DRAIN	

<b>ENGINEERED AND DRAFTED BY:</b>  Beta Engineering, PA PO BOX 505 Thomasville, North Carolina 27361	<b>REV</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>BY</b>	<b>CHKD</b>	<b>APP'D</b>	<b>GREENVILLE, N.C.</b>	INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, COPIED, REPRODUCED OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.	<b># 2</b>	 University Health Systems Pitt County Memorial Hospital	<b>PROJECT CODE:</b>	<b>PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC</b>		
	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><b>J.A. BURKHART</b></td> <td style="width: 30%;"><b>ENGINEERED: BETA ENGINEERING, PA</b></td> <td style="width: 40%;"><b>APPROVED:</b></td> </tr> </table>							<b>J.A. BURKHART</b>	<b>ENGINEERED: BETA ENGINEERING, PA</b>	<b>APPROVED:</b>	<b>SCALE</b> HORIZONTAL: N/A VERTICAL: N/A	<b>2100 STANTONSBURG ROAD GREENVILLE, NC 27835</b>	<b>PROJECT NUMBER:</b> BE-5026	<b>DWG NO:</b> 10
<b>J.A. BURKHART</b>	<b>ENGINEERED: BETA ENGINEERING, PA</b>	<b>APPROVED:</b>												

GREENVILLE, N.C.  
PITT COUNTY



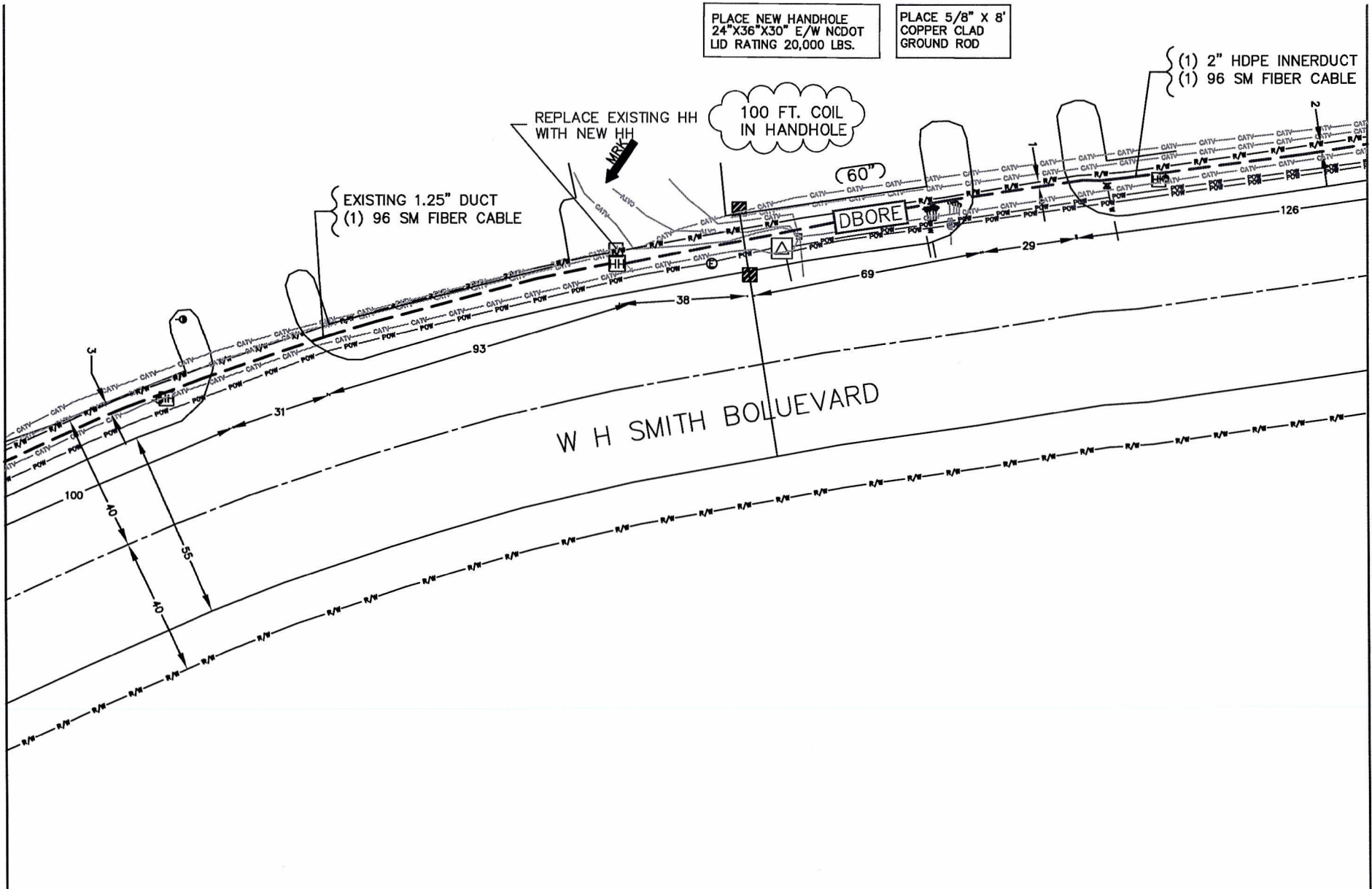
<b>ENGINEERED AND DRAFTED BY:</b> Beta Engineering, PA PO BOX 505 Thomasville, North Carolina 27361	REV	DATE	DESCRIPTION	BY	CKD	APP'D	GREENVILLE, N.C.  SCALE HORIZONTAL: 1"=40' VERTICAL: 1"=40'	INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT WRITTEN CONSENT.	#2 2100 STANTONSBURG ROAD GREENVILLE, NC 27835	PROJECT CODE:	SLD PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC
	J.A. BURKHART			DESIGNED BY: BETA ENGINEERING, PA APPROVED:	PROJECT NUMBER: BE-5026	DWG NO: 11				REV:	

# GREENVILLE, N.C. PITT COUNTY



MATCH LINE #1

MATCH LINE #2



PLACE NEW HANDHOLE  
24"X36"X30" E/W NCDOT  
LID RATING 20,000 LBS.

PLACE 5/8" X 8'  
COPPER CLAD  
GROUND ROD

(1) 2" HDPE INNERDUCT  
(1) 96 SM FIBER CABLE

EXISTING 1.25" DUCT  
(1) 96 SM FIBER CABLE

REPLACE EXISTING HH  
WITH NEW HH

100 FT. COIL  
IN HANDHOLE

(60")

DBORE

W H SMITH BOLUEVARD

ENGINEERED AND DRAFTED BY:  
**B** Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHK	APP'D

J.A. BURKHART ENGINEERED BETA ENGINEERING, PA APPROVED

GREENVILLE, N.C.  
SCALE  
HORIZONTAL: 1"=40'  
VERTICAL: 1"=40'

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am #2

UNIVERSITY HEALTH SYSTEMS  
Pitt County Memorial Hospital  
2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

PROJECT CODE:  
BE-5026

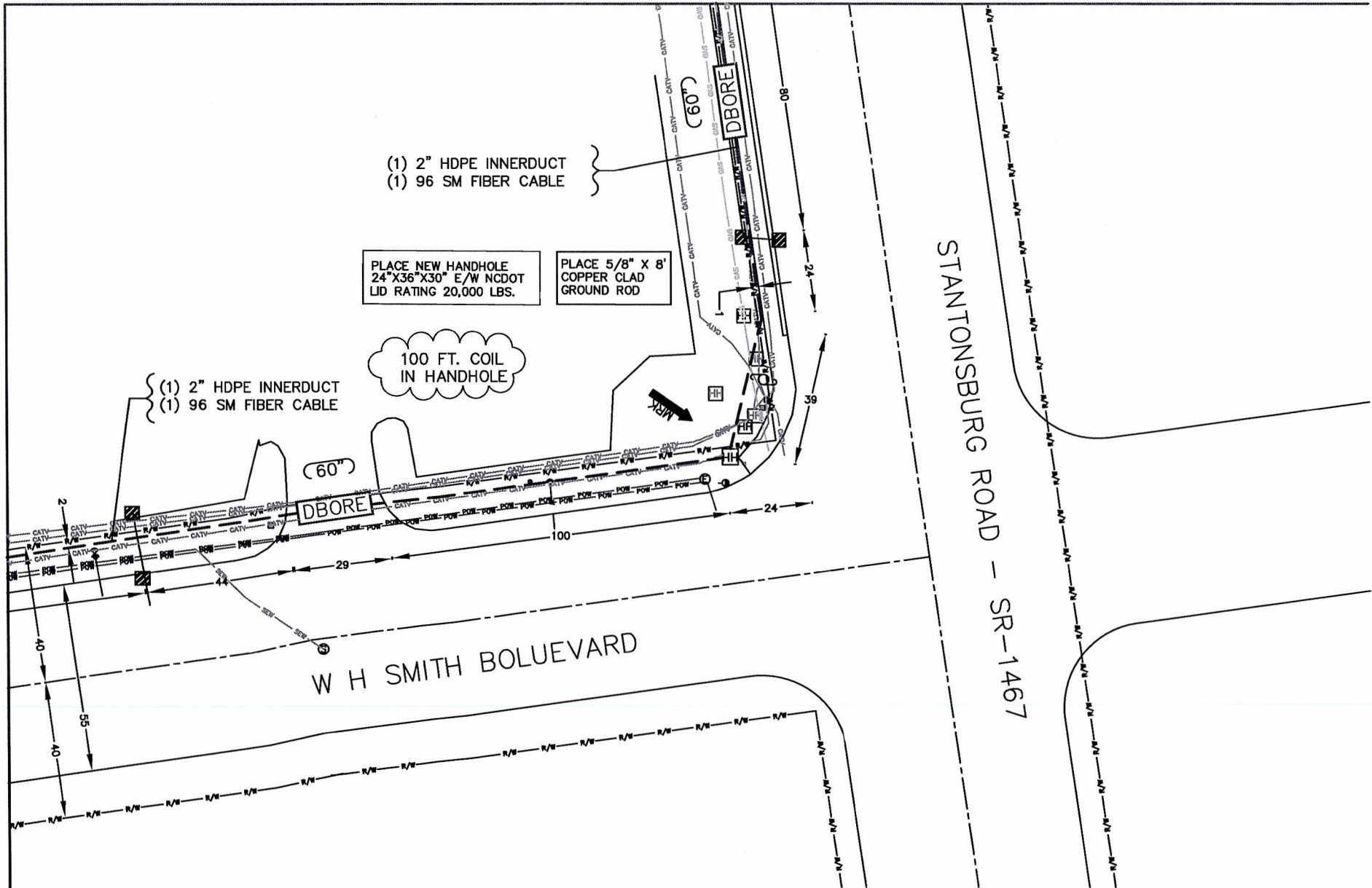
TITLE:  
PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC  
SHEET NO: 12



GREENVILLE, N.C.  
PITT COUNTY

MATCH LINE #3

MATCH LINE #2



(1) 2" HDPE INNERDUCT  
(1) 96 SM FIBER CABLE

PLACE NEW HANDHOLE  
24"x36"x30" E/W NCDOT  
LID RATING 20,000 LBS.

PLACE 5/8" X 8'  
COPPER CLAD  
GROUND ROD

100 FT. COIL  
IN HANDHOLE

(1) 2" HDPE INNERDUCT  
(1) 96 SM FIBER CABLE

W H SMITH BOLUEVARD

STANTONSBURG ROAD - SR-1467

ENGINEERED AND DRAFTED BY:

Beta Engineering, PA  
PO BOX 505  
Thomasville, North Carolina 27361

REV	DATE	DESCRIPTION	BY	CHK	APP'D

J.A. BURKHART ENGINEER BETA ENGINEERING, PA APPROVER

GREENVILLE, N.C.

SCALE  
HORIZONTAL: 1" = 40'  
VERTICAL: 1" = 40'

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am #2

UNIVERSITY HEALTH SYSTEMS  
Pitt County Memorial Hospital  
2100 STANTONSBURG ROAD  
GREENVILLE, NC 27835

PROJECT CODE:	TITLE:
PROJECT NUMBER:	DATE:
BE-5026	PITT COUNTY MEMORIAL HOSPITAL SERVICE GREENVILLE, NC
13	REV:





# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

**Title of Item:** Grant of sanitary sewer easement to Greenville Utilities Commission on the Boyd Lee Park property

**Explanation:** Greenville Utilities Commission (GUC) will be installing a sewer line in association with extending sewer service to Chicod Elementary School. GUC has requested that the City grant a sanitary sewer easement located upon the Boyd Lee Park property. The easement consists of 57,850.3 square feet. It is 15 feet in width along Corey Road and 20 feet in width as it extends from the eastern property line to the western property line of Boyd Lee Park. The easement location is shown on the attached map. GUC will install an 8-inch diameter sewer force main within the easement area. The force main will connect with GUC's Fork Swamp Regional Sewer Pumping Station located at the rear of the Corey Ridge Subdivision.

City staff has reviewed the proposed easement and does not object to the proposed easement location on the City's property.

**Fiscal Note:** The City would incur no cost with the grant of this easement. The City will not receive any payment or other form of compensation for granting this easement.

**Recommendation:** Approve the grant of the sanitary sewer easement to Greenville Utilities Commission on the Boyd Lee Park property.

---

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Attachments / click to download



NORTH CAROLINA  
PITT COUNTY

GRANT OF SANITARY SEWER  
EASEMENT AND ACCESS EASEMENT  
FOR INGRESS, EGRESS, AND REGRESS  
DATE \_\_\_\_\_

Attachment number 1  
Page 1 of 6

KNOW ALL MEN BY THESE PRESENTS, that the undersigned "GRANTOR" (whether one or more), for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration to it in hand paid by GREENVILLE UTILITIES COMMISSION of the City of Greenville, Pitt County, North Carolina, 401 South Greene Street (PO Box 1847), Greenville, NC 27835-1847, hereinafter referred to as the "COMMISSION" and the "GRANTOR," the receipt of which is hereby acknowledged, does hereby grant the City of Greenville, a body politic and corporate in Pitt County, North Carolina, for use of the "COMMISSION," its licensees, successors and assigns, the right, privilege and easement to go in, through, under, and upon lands of the GRANTOR located in Winterville Township, Pitt County, North Carolina, and more fully described as follows:

The installation, operation, and maintenance of a new 8" diameter sewer force main being routed to the Greenville Utilities Commission Fork Swamp Regional Sewer Pumping Station located at the rear of the Corey Ridge Subdivision, in association with Pitt County's project to extend sanitary sewer service to the Chicod Elementary School. A substantial portion of the new permanent sanitary sewer easement runs parallel to NCSR 1709, also commonly known as Corey Road (70' r/w; 20' paved). Said easement contains 57,850.3 sq. ft., more or less, all as shown on that certain plat entitled Easement Survey for Greenville Utilities Commission across the property of the City of Greenville, Deed Book 834, Page 124, Tax Parcel # 25796, City of Greenville, Winterville Township, Pitt County, North Carolina, Dated: October 24, 2011, signed by Stephen N. Spruill, PLS #L-2723 on November 28, 2011, Spruill & Associates Inc., 2747 E. 10<sup>th</sup> Street, Greenville, NC 27858, telephone (252) 757-1200, Firm No. C-978, denominated Drawing No. 110.54A (sheet 1), Drawing No. 110.54B (sheet 2), and Drawing No. 110.54C (sheet 3), to which reference is made for a more particular description of the subject property, and which said Sheets 1, 2, and 3 are attached hereto, marked Exhibit A, and made a part hereof.

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Tax Parcel # 25796, according to the records in the Office of the Tax Assessor and Tax Collector of Pitt County, North Carolina.

Reference is hereby made to Deed Book 834, at Page 124, Pitt County Public Registry. Reference is hereby further made to Deed Book D-44 at Page 608, Pitt County Public Registry (property now or formerly owned by Donna Sue Corey Range), and to Estate File 92-E-707). Reference is hereby further made Deed Book W-53, Page 821, Pitt County Public Registry, property now or formerly owned by Phillip W. Worthington and wife, Tamala Worthington, in the Office of the Register of Deeds of Pitt County, North Carolina). Commission is hereby authorized to construct, install, operate and maintain a sanitary sewer easement in a manner suitable to the Commission upon, across, under and through said premises within an easement and right of way strip of the width, location and approximate length hereinafter defined and to be utilized by the Commission a permanent easement and a temporary construction easement for the public use with the right to do all things necessary or convenient thereto, including the following:

- (a) the right of officers, agents, and workmen of the Commission and its contractors to go to and from said right of way strip at all times over the above described land by such route or routes as shall occasion the least practicable inconvenience to Grantor, including private roads and ways then existing thereon, on foot or by conveyance, with materials, machinery, supplies and equipment as may be desirable; provided that except in emergencies, existing roads and ways thereon shall be used to the extent that they afford ingress and egress to and from the right of way strip; and to construct,

reconstruct, work upon, repair, alter, inspect and in general do any other thing necessary or convenient to maintain and operate said lines for the purpose aforesaid;

- (b) the right and privilege to enter upon the land included in the construction easement hereinabove described for the purpose of constructing said utility facilities, and the right and privilege at all times to enter upon the land included in the area of the permanent easement hereinabove described for the maintenance and repair of said utility facilities;
- (c) the right to clear, and keep cleared, from said right of way strip all structures (other than ordinary fences, but when Commission desires, such fences may be opened and closed or temporarily removed and replaced, or Commission may provide suitable gates therein) and all vegetation which may interfere with the utility facilities herein described and to use (1) chemicals which are not injurious to human beings, domestic animals, fish or game, (2) machinery, and (3) other forms of equipment and devices in so doing;
- (d) the right to install, construct, repair, maintain and operate all utility lines, structures and appurtenant facilities of the Commission.

The structures and appurtenant facilities installed by the Commission shall be and remain the property of the Commission and may be removed by it at any time and from time to time.

Grantor reserves the right to use the lands in and over which the right of way and easement rights are hereby granted for all purposes not inconsistent with said right of way and easement rights, except that Grantor agrees that (1) no buildings or permanent structures, wells, septic tanks, absorption pits, underground or overhead storage tanks, burial plots, or any other obstruction which might interfere with the construction, maintenance and operation of said utility facilities shall be placed within the area of said strip without the express written permission of the Commission; and (2) the Commission's facilities shall in no way be interfered with or endangered by the Grantor or Grantor's licensees, successors or assigns, without the express written permission of the Commission.

The Commission agrees that it will repair, rebuild, replace or pay the actual damages sustained as mutually agreed upon by the Commission and Grantor, and pay the actual damages to actual crops inside said right of way strip on the above land caused by the construction, operation, maintenance, inspection, rebuilding and removal of said lines, and in going to and from said right of way strip, and will repair any extraordinary damage to any bridge or to any road due to heavy hauling to and from the said right of way strip if claim is made within a period of thirty (30) days after such damages are sustained by Grantor.

Any notice to be given by one party to the other party hereunder may be delivered or deposited postage prepaid addressed to the following:

Grantor:                      Name:                      City of Greenville, NC  
    Address:                      P.O. Box 7207  
    City/State/Zip: Greenville, NC 27835-7207

Commission:                      Greenville Utilities Commission  
    401 S. Greene Street  
    P.O. Box 1847  
    Greenville, North Carolina 27835-1847

TO HAVE AND TO HOLD the aforesaid rights, privileges and construction easement unto the Grantee for such period of time as may be required to complete the construction of said utility facilities, and thereafter a permanent easement unto the Grantee and its successors, licensees and assigns for the uses and purposes hereinabove set forth.

And Grantor, for the Grantor and for the Grantor's heirs, executors, administrators, licensees, successors and assigns, covenants to and with the Commission, its licensees, successors and assigns, that Grantor is lawfully seized of the above described land in fee and has the right to convey the said rights, easements and privileges herein described; that the same is free and clear from any and all encumbrances not satisfactory to the Commission; that the Commission shall have quiet and peaceful possession, use and enjoyment of the

aforescribed easement of right of way, rights and privileges; that the Grantor shall execute such further assurances thereof as may be required by the Commission; and Grantor will forever warrant and defend the title to the said easement of right of way, rights and privileges against the lawful claims of all persons whomsoever.

The singular shall include the plural and reference to gender shall include masculine, feminine and neuter.

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

CITY OF GREENVILLE, NORTH CAROLINA

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

[SEAL]

Attest:

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

NORTH CAROLINA  
PITT COUNTY

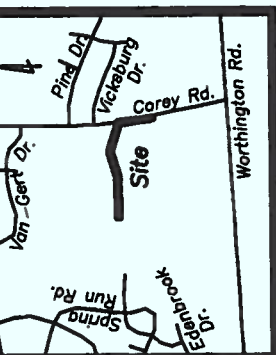
I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, certify that CAROL L. BARWICK personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, North Carolina, and that by authority duly given and as the act of the City of Greenville, North Carolina,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

WITNESS my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2012.

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

My Commission Expires:

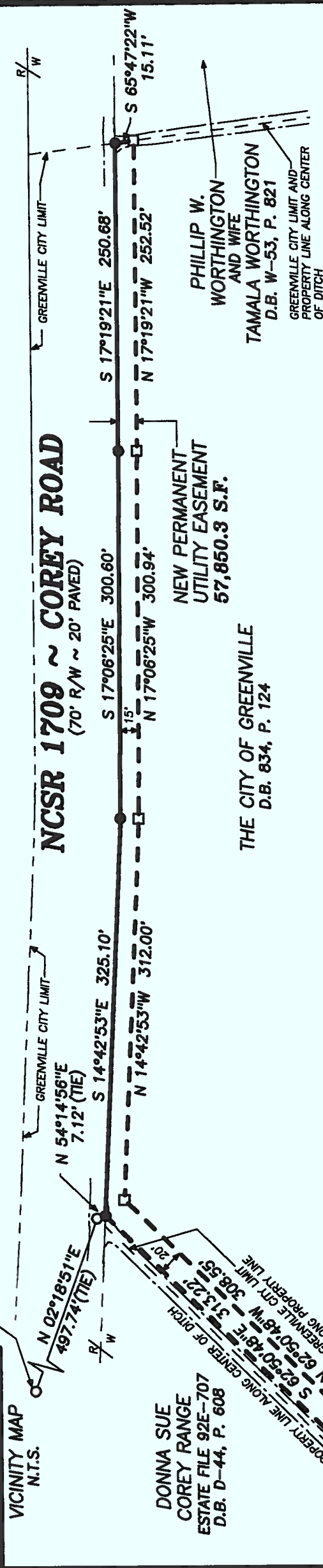
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NORTH (D.B. 834, P. 124)

EXISTING IRON PIPE AT THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS OF WAY OF COREY RD. & VICKSBURG DR.

- LEGEND**
- EXISTING IRON PIPE
  - IRON PIPE SET
  - CALCULATED EASEMENT CORNER; NO POINT SET
  - R/W RIGHT OF WAY



VICINITY MAP N.T.S.

DONNA SUE  
COREY RANGE  
ESTATE FILE 92E-707  
D.B. D-44, P. 608

THE CITY OF GREENVILLE  
D.B. 834, P. 124

NEW PERMANENT  
UTILITY EASEMENT  
57,850.3 S.F.

PHILLIP W.  
WORTHINGTON  
AND WIFE  
TAMALA WORTHINGTON  
D.B. W-53, P. 821  
GREENVILLE CITY LIMIT AND  
PROPERTY LINE ALONG CENTER  
OF DITCH

**MATCH LINE**  
(SEE SHEET 2 OF 5)

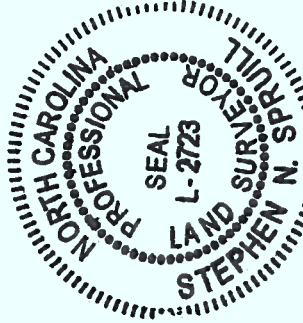
SHEET 1 OF 3

**GREENVILLE UTILITIES COMMISSION**

ACROSS THE PROPERTY OF

**THE CITY OF GREENVILLE**  
DEED BOOK 834, PAGE 124  
TAX PARCEL NUMBER 25796  
CITY OF GREENVILLE

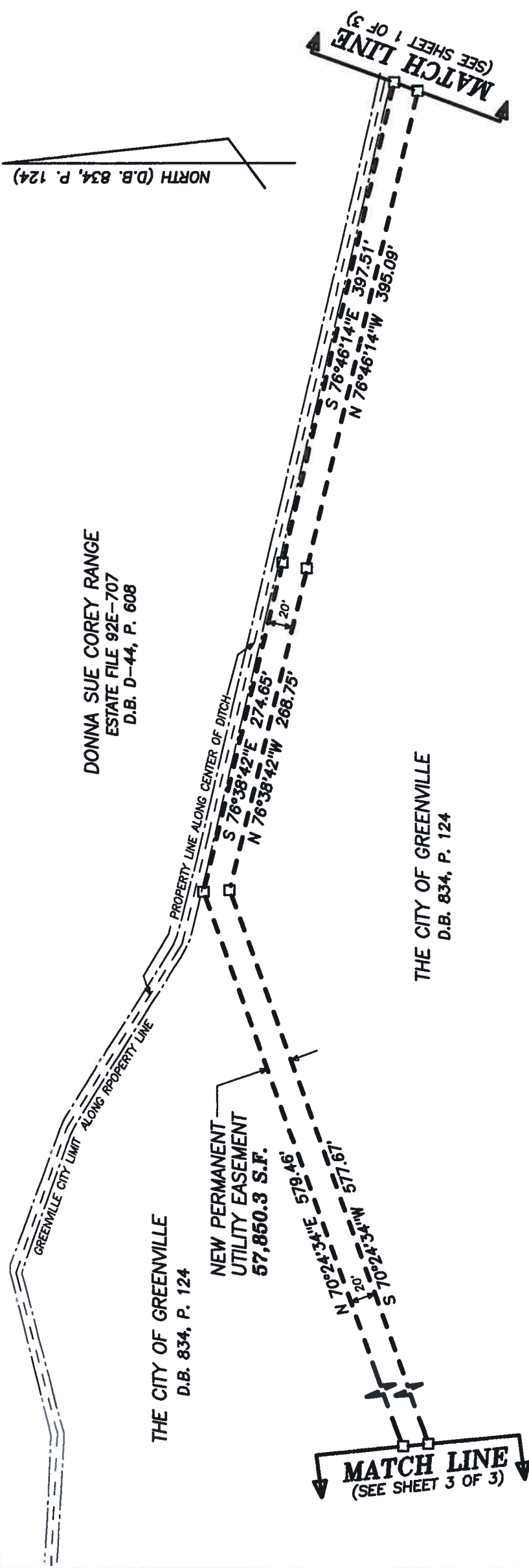
I CERTIFY THAT THIS IS AN EASEMENT SURVEY UPON AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET AND THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED REFERENCE SHOWN IN TITLE BLOCK); THAT ANY BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS 28 DAY OF NOVEMBER 2011.



**Spruill & Associates Inc**  
2747 East Tenth Street  
Greenville, North Carolina 27858  
(252) 757-1200 Firm No. C-978

WINTERVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA  
DATE: OCTOBER 24, 2011 SCALE: 1"=100'  
GRAPHIC SCALE - FEET

*Stephen N. Spruill*  
STEPHEN N. SPRUILL  
L-2723



SHEET 2 OF 3

EASEMENT SURVEY FOR

**GREENVILLE UTILITIES COMMISSION**

ACROSS THE PROPERTY OF

**THE CITY OF GREENVILLE**

DEED BOOK 834, PAGE 124

TAX PARCEL NUMBER 25796

CITY OF GREENVILLE

WINTERVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA

DATE: OCTOBER 24, 2011 SCALE: 1"=100'



Attachment number 1  
Page 5 of 6

DONNA SUE COREY RANGE  
ESTATE FILE 92E-707  
D.B. D-44, P. 608

THE CITY OF GREENVILLE  
D.B. 834, P. 124

NEW PERMANENT  
UTILITY EASEMENT  
57,850.3 S.F.

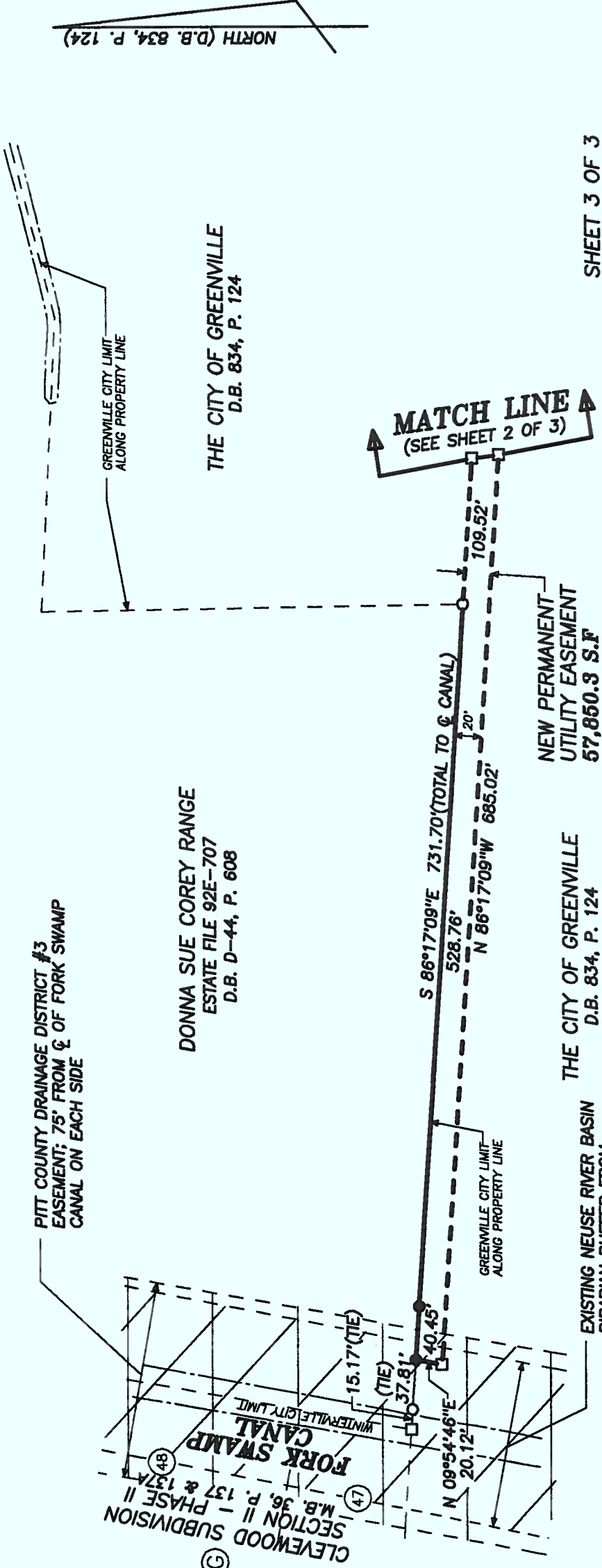
THE CITY OF GREENVILLE  
D.B. 834, P. 124



**Spruill & Associates Inc**

2747 East Tenth Street  
Greenville, North Carolina 27858  
(252) 757-1200 Firm No. C-978





NORTH (D.B. 834, P. 124)

SHEET 3 OF 3

EASEMENT SURVEY FOR

# GREENVILLE UTILITIES COMMISSION

ACROSS THE PROPERTY OF

## THE CITY OF GREENVILLE

DEED BOOK 834, PAGE 124

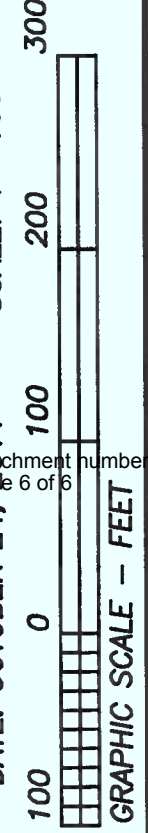
TAX PARCEL NUMBER 25796

CITY OF GREENVILLE

WINTERVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA

DATE: OCTOBER 24, 2011

SCALE: 1"=100'



Attachment number 1 of 6

PITT COUNTY DRAINAGE DISTRICT #3 EASEMENT: 75' FROM C OF FORK SWAMP CANAL ON EACH SIDE

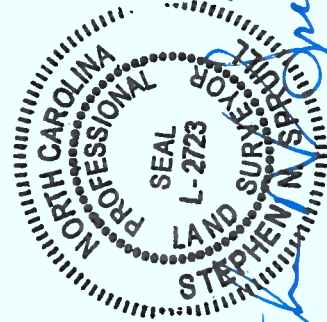
DONNA SUE COREY RANGE ESTATE FILE 92E-707 D.B. D-44, P. 608

S 86°17'09"E 731.70' (TOTAL TO C CANAL) 528.76' N 86°17'09"W 685.02'

NEW PERMANENT UTILITY EASEMENT 57,850.3 S.F.

THE CITY OF GREENVILLE D.B. 834, P. 124

EXISTING NEUSE RIVER BASIN RIPARIAN BUFFER FROM CENTER OF CANAL TO 50' OFF TOP OF BANK (ON BOTH SIDES)



*Stephen N. Spruill*

**Spruill & Associates Inc**



2747 East Tenth Street  
Greenville, North Carolina 27858  
(252) 757-1200 Firm No. C-978





# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

---

**Title of Item:** Reimbursement resolution for Greenville Utilities Commission's Frog Level Electric Substation Improvement Project

**Explanation:** In June of 2011, the Greenville Utilities Commission Board approved a capital project budget in the amount of \$1,500,000 for the Frog Level Substation Improvement project which is part of GUC's capital improvement program. The project will provide redundancy for increased reliability and support of anticipated load growth in the southwestern portion of GUC's service area. Long-term financing was identified as a funding source for the project.

To facilitate this process, a reimbursement resolution is needed to enable GUC to reimburse itself for costs associated with improvements which include, but are not limited to, equipment, materials, construction, and related expenditures, associated with the project. The GUC Board approved the Reimbursement Resolution at its January 17, 2012 regular meeting.

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

**Recommendation:** Adopt the attached reimbursement resolution.

---

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Attachments / click to download

[Reimbursement Resolution Frog Level Substation Improvement Project](#)

**RESOLUTION NO. 12-\_\_**  
**RESOLUTION DECLARING THE INTENTION OF THE**  
**CITY COUNCIL OF THE CITY OF GREENVILLE**  
**TO REIMBURSE THE CITY FROM THE PROCEEDS**  
**OF A DEBT FINANCING FOR CERTAIN EXPENDITURES**  
**MADE AND TO BE MADE IN CONNECTION WITH THE ACQUISITION**  
**AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS**

WHEREAS, the City of Greenville, North Carolina (the "City") has paid, beginning, January 17, 2012, which date is no more than 60 days prior to the date hereof, certain expenditures in connection with the acquisition and construction of certain improvements (the "Improvements") more fully described in Exhibit A attached hereto, consisting of improvements to its electric, gas, sanitary sewer and water systems (collectively, the "System"); and

WHEREAS, the City Council of the City (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof to pay such expenditures in connection with the acquisition and construction of the Improvements (the "Expenditures") are available only on a temporary period and that it is necessary to reimburse the City for the Expenditures from the proceeds of an issue of debt (the "Debt");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

Section 1. The City Council hereby declares its intent to reimburse the City from the proceeds of the Debt for the Expenditures made on and after January 17, 2012, which date is no more than 60 days prior to the date hereof. The City Council reasonably expects on the date hereof that it will reimburse the City for the Expenditures from the proceeds of a like amount of the Debt.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to capital account under general federal income tax principles (determined as of the date of the Expenditures), (b) the cost of issuance with respect to the Debt, (c) a non-recurring item that is not customarily payable from current revenues of the System, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The principal amount of the Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be \$1,500,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Debt to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Improvements are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

Section 5. The resolution shall take effect immediately upon its passage.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2012.

---

Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

**EXHIBIT A**

**THE IMPROVEMENTS**

The Improvements referenced in the resolution include, but are not limited to, equipment, materials, labor, construction, and related expenditures, associated with the addition of a 20 MVA power transformer for the Frog Level Substation expansion to primarily serve load in the southwestern portion of the Greenville Utilities service area.



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

---

**Title of Item:** Series resolution for Greenville Utilities Commission's Sterling Pointe Sewer Pump Station and Force Main Project

**Explanation:** In June 2011, the Greenville Utilities Commission (GUC) Board adopted a resolution accepting the State Revolving Fund (SRF) loan program offer for the Sterling Pointe Sewer Pump Station and Force Main Project that is part of GUC's capital improvement program. The budget authorized by the GUC Board for this project totals \$9,900,000, and \$1,538,607 has been expended on the project to date. By utilizing the SRF program for this project, GUC obtains a favorable financing interest rate of 2.455% over a twenty (20) year period.

It is projected that utilizing this financing instrument in lieu of other financing options will enable GUC to obtain a savings of \$3,150,000 in interest for its customers over the twenty (20) year period. The GUC Board adopted the Series Resolution for SRF loan program at its regular meeting on January 17, 2012.

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

**Recommendation:** Adopt the attached Series Resolution for State Revolving Fund loan program financing of up to \$9,241,586.

---

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

Attachments / click to download

 [Series Resolution Sterling Pointe](#)

A regular meeting of the City Council of the City of Greenville, North Carolina was held in the City Council Chamber at the City Hall in Greenville, North Carolina, the regular place of meeting, on February \_\_, 2012 at 6:00 P.M.

Present: Mayor Allen M. Thomas, presiding, and Council members

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Absent: \_\_\_\_\_

\* \* \* \* \*

Mayor Thomas introduced the following resolution, a copy of which had been provided to each Councilmember and which was read by its title:

**RESOLUTION NO. \_\_ -**

**SERIES RESOLUTION AUTHORIZING THE INCURRENCE OF ADDITIONAL INDEBTEDNESS EVIDENCED BY A STATE REVOLVING LOAN FUND PROGRAM NOTE OF UP TO \$9,241,586 PURSUANT TO THE PROVISIONS OF SECTION 216 OF THE BOND ORDER ADOPTED BY THE CITY COUNCIL ON AUGUST 11, 1994, AMENDED AND RESTATED AS OF APRIL 13, 2000.**

WHEREAS, the City of Greenville, North Carolina (the "City"), a municipal corporation in Pitt County, North Carolina, owns certain public utility or public service enterprise facilities comprising an electric system, a natural gas system, a sanitary sewer system and a water system, within and without the corporate limits of the City (collectively, the "Combined Enterprise System"), and

WHEREAS, in accordance with Chapter 861 of the 1992 Session Laws of North Carolina, the Greenville Utilities Commission (the "Commission") has been created for the proper management of the public utilities of the City, within and without the corporate limits of the City, with responsibility for the entire supervision and control of the management, operation, maintenance, improvement and extension of the public utilities of the City, including the Combined Enterprise System; and

WHEREAS, the Federal Clean Water Act Amendments of 1987, the Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 authorize the making of loans and grants to aid eligible units of government in financing

the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems; and

WHEREAS, the City Council of the City (the “City Council”) adopted, on August 11, 1994, a bond order, which, among other things, authorizes and secures Greenville Utilities Commission Combined Enterprise System Revenue Bonds of the City, which order was amended and restated as of April 13, 2000 (the “Order”); and

WHEREAS, Section 216 of the Order authorizes the incurrence or assumption of Additional Indebtedness (as defined in the Order) for any lawful purpose of the City related to the ownership or operation of the Combined Enterprise System (as defined in the Order); and

WHEREAS, the Commission and the City Council have determined that it is necessary to acquire, construct and pay for a portion of the cost of certain additional improvements to the Combined Enterprise System, which improvements are described in Appendix A attached hereto and constitute Additional Improvements; and

WHEREAS, the Commission and the City Council have determined to finance a portion of the cost of paying for such Additional Improvements by incurring Additional Indebtedness evidenced by another State Revolving Loan Fund Program Note referred to herein as the “Series 2012 Promissory Note”; and

WHEREAS, the City Council has received information to the effect that the City will be able to satisfy the requirements of Section 216 of the Order with respect to the Series 2012 Promissory Note; and

WHEREAS, pursuant to Section 216 of the Order, the Series 2012 Promissory Note is to have such terms and provisions as may be provided by a series resolution to be adopted by the City Council prior to the incurrence of said Additional Indebtedness; and

WHEREAS, the Commission has adopted a resolution to the effect that it approves the provisions of this resolution and recommends to the City Council that the City Council adopt this series resolution authorizing and setting forth the terms and provisions of the Series 2012 Promissory Note;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. Definitions. Capitalized words and terms used in this series resolution (this “Resolution”) and not otherwise defined herein shall have the meanings given to them in the Order.

Section 2. Authorization of the Series 2012 Promissory Note. (A) The Series 2012 Promissory Note. Pursuant to the Enabling Act and Section 216 of the Order, the City Council hereby authorizes the incurrence of Additional Indebtedness evidenced by a State Revolving Fund Program Note (as defined in the Order) designated “Greenville Utilities Commission Combined Enterprise System State Revolving Loan Fund Program Note, Series 2012” (the “Series 2012 Promissory Note”) in a principal amount of up to \$9,241,586 for the purpose of

providing funds, together with any other available funds, for (1) paying, or reimbursing the Commission and the City for paying, a portion of the Cost of the Additional Improvements described in Appendix A hereto and (2) paying expenses incidental and necessary or convenient thereto.

(B) Note Provisions. The Series 2012 Promissory Note shall be executed on such date, be effective as of such date, shall bear interest at the rate, shall be repaid, subject to prepayment, in the amounts and on the dates, all as hereinafter provided.

(C) Interest Payment Dates. Interest on the Series 2012 Promissory Note shall begin to accrue on the unpaid principal balance thereof from the original estimated completion date for said Additional Improvements as established by the General Manager of the Commission or any officer of the Commission authorized by the General Manager of the Commission (an "Authorized Officer of the Commission") and shall be payable semi-annually on or before each May 1 and each November 1 until the principal balance of the Series 2012 Promissory Note is paid or prepaid in accordance with its terms. The first interest payment shall be due not earlier than six (6) months nor later than twelve (12) months after the date of completion of said Additional Improvements as certified by the Department of Environmental and Natural Resources – Division of Water Quality ("DENR").

(D) Principal Payment Dates. Principal on the Series 2012 Promissory Note shall be payable annually on or before each May 1, all as set forth in the Series 2012 Promissory Note. The first principal payment shall be due not earlier than six (6) months after the date of completion of said Additional Improvements as certified by the DENR.

(E) Prepayment of the Series 2012 Promissory Note. The Series 2012 Promissory Note shall be pre-payable in accordance with its terms.

Section 3. Delegation and Standards. The City Council hereby delegates to any Authorized Officer of the Commission, subject to the limitations contained herein, the power to determine and carry out the following with respect to the Series 2012 Promissory Note:

(A) Principal Amount. To determine the aggregate principal amount of the Series 2012 Promissory Note, such principal amount, up to \$9,241,586, to be sufficient for the purposes described in Section 2(A) of this Resolution;

(B) Interest Rates. To determine the interest rate on the Series 2012 Promissory Note, which interest rate shall not exceed the lesser of four percent (4%) per annum and one-half (1/2) the prevailing national market rate as derived from the Bond Buyer's 20-Bond Index in accordance with North Carolina G.S. 159G-40(b) for the applicable priority review period;

(C) Repayment of Series 2012 Promissory Note. To determine a schedule for the payment of the principal amount of the Series 2012 Promissory Note, such principal payment schedule not to extend more than twenty (20) years after the first principal payment date as established in Section 2(D) of this Resolution;



(D) Execution Date and Effective Date. To determine the date of execution of the Series 2012 Promissory Note and the effective date of the Series 2012 Promissory Note;

(E) Other Provisions. To determine any other provisions deemed advisable and not in conflict with the provisions of this Resolution or the Order.

Section 4. Series Certificate. The General Manager of the Commission or an Authorized Officer of the Commission shall execute a certificate or certificates evidencing determinations or other actions taken pursuant to the authority granted in this Resolution, and any such certificate or certificates shall be conclusive evidence of the action taken.

Section 5. Form of the Series 2012 Promissory Note. The Series 2012 Promissory Note shall be substantially in the form attached hereto as Appendix B, with such variations, omissions and insertions as are required or permitted by this Resolution or the Order:

Section 6. Method of Payment of the Series 2012 Promissory Note. All principal and interest on the Series 2012 Promissory Note which is payable and is punctually paid or duly provided for shall be made payable by the Commission to DENR on or before each principal and interest payment date.

Section 7. Application of Proceeds of the Series 2012 Promissory Note. Moneys received by the City or the Commission pursuant to the Series 2012 Promissory Note shall be deposited to the credit of the Greenville Utilities Commission Capital Projects Fund in the Sewer Enterprise Fund.

Section 8. Application of Certain Revenues. In accordance with the provisions of Section 507 of the Order and after making the payments required by paragraphs (a) - (e) thereof, the Commission shall withdraw from the Operating Checking Account moneys held for the credit of the Appropriate Operating Funds in such amounts as shall be necessary for the purpose of making principal and interest payments on the Series 2012 Promissory Note to DENR.

Section 9. LGC Approval of the Series 2012 Promissory Note; Execution of the Promissory Note. The City Council recognizes that the North Carolina Local Government Commission (the "LGC") has approved the incurrence of Additional Indebtedness evidenced by the Series 2012 Promissory Note in accordance with the terms and provisions of this Resolution. Based upon the LGC approval of the incurrence of such Additional Indebtedness evidenced by the Series 2012 Promissory Note as hereinabove requested, the form of the Series 2012 Promissory Note presented to the City Council for its consideration is hereby approved in all respects, and the General Manager of the Commission or an Authorized Officer of the Commission are hereby authorized to signify such approval by the execution of the Series 2012 Promissory Note in substantially the form presented, taking into account among other items any changes made pursuant to the delegation set forth in Section 3 of this Resolution, such execution to be conclusive evidence of the approval thereof by the City.

Section 10. Authorization to City and Commission Officials. The officers, agents and employees of the City and the Commission are hereby authorized and directed to do all acts and

things required of them by the provisions of the Series 2012 Promissory Note, the Order and this Resolution for the full, punctual and complete performance of the terms, covenants, provisions and agreements therein.

Section 11. Effective Date. This Resolution shall take effect immediately upon its adoption.

Adopted this the \_\_\_\_th day of February, 2012.

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Allen M. Thomas  
Mayor

[SEAL]

ATTEST:

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Carol L. Barwick  
City Clerk

## **APPENDIX A**

### **THE ADDITIONAL IMPROVEMENTS**

The Additional Improvements referenced in the resolution to which this is Appendix A include preliminary engineering design, easements, site acquisition, engineering analyses, pump station site and pipeline route surveys, environmental assessment and permitting, geotechnical investigations, wetlands delineations and construction of a wastewater pump station and force main.

North Carolina Water Pollution Control Revolving Fund

Project No. E-SRF-T-10-0261  
CS370487-08

**REVISED - PROMISSORY NOTE**

For value received, the Greenville Utilities Commission, City of Greenville herein referred to as the "Unit," hereby promises to pay the State of North Carolina the principal sum of Nine Million Two Hundred Forty One Thousand Five Hundred Eighty Six Dollars (\$9,241,586) with interest on the unpaid principal sum, from the estimated completion date for a loan made to the Unit by the Department of Environment and Natural Resources for a Sanitary Sewer Project, herein referred to as the "Project," until said principal sum shall be paid.

Interest will accrue at the rate of 2.455 percent per annum on the unpaid principal sum from the Water Pollution Control Revolving Fund. The first interest payment is due not earlier than six months nor later than twelve months after the certified completion of the Project by The Department of Environment and Natural Resources - Division of Water Quality. All interest payments will be made semiannually, payable on or before May 1 and November 1. (see attached maturity schedule).

The principal sum shall be repaid in not more than 20 annual installments on May 1, the first principal payment is due not earlier than six months after completion of the Project.

The Unit may be required by the North Carolina Department of Environment and Natural Resources to prepay this note in whole and any further commitment of funds may be withdrawn if the Unit fails to: (i) adopt on or before completion of Project, place into effect, and agree to maintain until the principal sum is paid, a schedule of fees, charges, and other available funds, that will adequately provide for proper operation, maintenance, and administration of the project and for repayment of all principal of and interest on loans; (ii) arrange for necessary financing of the Project within one year of the date of acceptance of a revolving loan; (iii) award a contract for construction of the Project within one year of the date of acceptance of a revolving loan.

The principal sum will be used entirely within the intent of Water Pollution Control Revolving Fund for the purpose of acquiring, constructing and equipping the Project.

The Unit shall keep the Project continuously insured against such risks as are customarily insured against. In case of material damage to the Project, prompt notice shall be given to Department of Environment and Natural Resources. Proceeds from any insurance settlement shall either be used to reduce the unpaid principal amount or replace, repair, rebuild or restore the Project, in the discretion of the unit.

The Project will be made accessible for inspection by any duly authorized representative of the State.

This note is not secured by a pledge of the faith and credit of the State of North Carolina or of the Unit, but is payable solely from the revenues of the Project or benefited systems, or other available funds.

Payments of principal and interest on this Note shall be made directly to Department of Environment and Natural Resources. All obligations of the Unit hereunder shall terminate when all sums due and to become due pursuant to this Note have been paid. This Note shall be governed by, and construed in accordance with, the laws of the State of North Carolina.

The Unit agrees that any other monies due to the unit of local government from the State may be withheld by the State and applied to the payment of this obligation whenever the unit fails to pay any payment of principal or interest on this note when due.

The obligation of the Unit to make payments on this Note and observe all conditions herein stated shall be absolute and unconditional. The Unit shall not suspend or discontinue any such payment on this Note for any cause including, without limitation, failure to complete the Project, failure of title to all or any part of the Project, destruction or condemnation of all or any part of the Project.

In Witness Whereof, the Greenville Utilities Commission, City of Greenville caused this Note to be executed as of this date.

By \_\_\_\_\_  
Authorized Representative

**ACKNOWLEDGMENT OF EXECUTION**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally came before me \_\_\_\_\_ who, being by me duly sworn, says that he is the authorized representative of Greenville Utilities Commission, City of Greenville and that the said writing was signed by him, in behalf of said governmental unit by its authority duly given. And the said authorized representative acknowledged the said writing to be the act and deed of the said governmental unit.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
(NOTARIAL SEAL)



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

**Title of Item:** Sewer capital project budget amendment ordinance for Greenville Utilities Commission's Westside Pump Station and Force Main Project

**Explanation:** On July 19, 2011, the Greenville Utilities Commission Board accepted an offer for the funding of the Westside Regional Pump Station and Force Main Project under the Clean Water State Revolving Fund (SRF) Program. Construction bids for the project were subsequently received and publicly opened on January 5, 2012. A total of eleven bids were received for the pump station and eight for the pipelines portion of the project. The pump station bids ranged from a high of \$6,345,095 to a low bid of \$4,573,845. The pipeline bids ranged from a high of \$10,240,983 to the low bid of \$7,340,243.98. The low bid for the pump station was submitted by D. H. Griffin Construction Co. of Greensboro, NC, and the low bid for the pipelines was submitted by Ralph Hodge Construction Co. of Wilson, NC.

The recommended amended budget, in the amount of \$15,287,368.98, includes (1) \$11,914,088.98 for the construction contracts and (2) \$3,373,280 for (a) engineering design, (b) permitting, (c) surveying and easement map preparation, (d) pipeline easements and pump station site appraisals and acquisition costs, (e) DENR SRF loan administration fee, (f) construction administration and observation and (g) construction contingency.

The GUC Board approved the capital project budget amendment at its January 17, 2012 regular meeting.


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

**Recommendation:** Adopt the attached sewer capital project budget amendment ordinance.

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 [Ordinance for Westside Pump Station and Force Main Project](#)

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ORDINANCE NO. 12-\_\_\_\_  
AMENDING ORDINANCE NO. 08-108  
FOR SEWER CAPITAL PROJECT BUDGET  
WESTSIDE PUMP STATION AND FORCE MAIN PROJECT

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

Section 1. The Sewer Capital Project Budget is amended, so that as amended, it shall read as follows:

	Current Budget	Change	Proposed Revised
<b>Revenue:</b>			
Bond Proceeds-2008A Series	\$1,300,000.00	\$0.00	\$1,300,000.00
State Revolving Loan Fund	\$0.00	\$13,987,368.98	\$13,987,368.98
<b>Total Revenue</b>	<b>\$1,300,000.00</b>	<b>\$13,987,368.98</b>	<b>\$15,287,368.98</b>
 <b>Expenditures:</b>			
Project Cost	\$1,300,000.00	\$13,987,368.98	\$15,287,368.98
<b>Total Expenditures</b>	<b>\$1,300,000.00</b>	<b>\$13,987,368.98</b>	<b>\$15,287,368.98</b>

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

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

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2012

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

**Title of Item:** Ordinance amending Article N of the Zoning Ordinance relating to sign regulations associated with flags and wind blades

**Explanation:** The City of Greenville's standards for regulating signs are located in Article N of the Zoning Ordinance and are typically referred to as the City's sign regulations. These regulations are comprehensive in that they include minimum standards relative to the construction, type, size, height, number, location, illumination, and maintenance of all signs within the city's planning and zoning jurisdiction.

### **Background**

Council Member Max Joyner requested on May 31, 2011, that a report on the sign regulations be placed on an August City Council meeting agenda. As a result of this request, Planning Division staff developed a report (attached) on the city's sign regulations and presented the report to the City Council at their August 8, 2011, meeting.

Following staff's presentation, Council Members asked a variety of questions related to the sign regulations, and specifically about temporary signs and flags. Following this discussion, City Council directed staff to develop options for possible modifications to the sign regulations for their review.

Staff developed a list of possible modifications to the sign regulations based primarily upon comments made by City Council members at the August 8, 2011, meeting and presented the same to City Council at their September 8, 2011, meeting. The possible modifications presented included the following:

**1. Temporary Signs.** These signs are currently permitted at a rate of one per lot, are limited to six square feet in area, and are permitted continuously (365 days per year).

Possible Modification 1: Eliminate the use of temporary signs.

**2. Flags.** Flags, either with or without commercial messages, are permitted so



long as each flag does not exceed 100 square feet in area. There is no limitation to the number of flags that can be erected per lot or business. "Wind blades" are not considered flags.

Possible Modification 2: Allow "wind blades", but limit the number permitted per lot or business.

Possible Modification 3a: Limit the number of flags with commercial messages per lot or business.

Possible Modification 3b: Eliminate the use of flags with commercial messages.

**3. Education.** The Code Enforcement Division distributes a brochure outlining the standards for temporary/permit exempt signs to individuals in the field. The Planning Division distributes materials outlining the standards for permanent signs to new businesses when they apply for a business license.

Possible Modification 4: Develop a unified "sign regulations brochure" and distribute information to all business license holders during annual renewal process.

Possible Modification 5: Require all businesses engaged in the production of signs to confirm in writing that they have received a copy of the City's sign regulations and have reviewed the same.

Following staff's presentation of possible modifications and significant discussion, City Council directed staff to contact local sign companies to get input on potential modifications. Staff scheduled individual meetings with the owners/operators of four local sign companies. These individuals provided comments on the potential modifications presented to City Council and other miscellaneous provisions of the current standards.

A full summary of the comments provided by the sign companies (see attached) was presented to City Council at their November 14, 2011, meeting. After some discussion, City Council voted to initiate a Zoning Ordinance text amendment that would allow the use of "wind blades", but limit the number permitted and to limit the number of flags with commercial messages per lot or business.

### **Current Standards**

Flags, either with or without commercial messages, are permitted so long as each flag does not exceed 100 square feet in area. There is no limitation to the number of flags that can be erected per lot. "Wind blades" are not classified as flags; they are temporary signs which are limited to 6 square feet in area and one per lot.

### **Proposed Text Amendment**

1. Define "wind blades" as follows:

A non-self supporting fabric or film display that is supported on one side by a pole or mast that is curved at the top so that the message is visible regardless of wind conditions. Wind blades shall be freestanding and shall not be attached to

any permanent structure.

*(Wind blades are currently not defined.)*

2. Flags without commercial messages shall be no more than 100 square feet in area. There is no limitation on the number permitted per lot.  
*(This is the same as the current standard.)*

3. Flags with commercial messages that are located on functioning light poles internal to the business lot shall be no more than 50 square feet in area. There is no limitation on the number permitted per lot.

*(Currently permitted up to 100 square feet in area.)*

4. Freestanding flags with commercial messages and wind blades with commercial messages or noncommercial messages are permitted as follows:

- At least one freestanding flag or wind blade will be permitted per lot.
- One freestanding flag or wind blade will be permitted for each 100 feet of lot frontage on a public or private street.
- Each freestanding flag or wind blade shall not exceed 25 square feet in area or 12 feet in height.

*(Wind blades are currently considered temporary signs and are limited to one per lot and 6 square feet in area. Self-supporting flags are permitted up to 100 square feet in area with no limitation on the number permitted.)*

#### **Staff Comments**

The sign regulations strive to balance the rights and needs of businesses and other entities to advertise and promote themselves to the public with the community's need to maintain public safety and the aesthetic quality. The proposed text amendment attempts to provide such balance by placing greater restrictions on the use of flags with commercial messages (improve aesthetic quality) while allowing wind blades, a new form of advertising structure (new opportunity for businesses to promote themselves).

Specific provisions of **Horizon's: Greenville's Community Plan** that will be furthered or supported by this text amendment include:

Community Character Goal: To enhance the appearance of all areas of the city.

Objective UF8: To enhance the appearance of highway and gateway corridors.

Economy Goal: To provide a healthy, diversified, expanding economy that provides jobs for all of Greenville's residents in a truly livable setting.

Objective E1: To create conditions favorable for healthy economic expansion in the area.

### **Planning and Zoning Commission Recommendation**

At their January 17, 2012, meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the text amendment (excerpt of meeting minutes attached).

**Fiscal Note:** No direct cost 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 be needed. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explains why City 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 proposed text amendment and to make a finding and determination that the denial is consistent with the comprehensive plan and that the denial is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

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#### **Attachments / click to download**

[Summary of Comments from Sign Companies 910200](#)

[Temporary Sign Survey August 2011 904867](#)

[Report on Sign Regulations](#)

[Sign Regs Ordinance 917044](#)

[PZ Excerpt Sign Regulations 2 917141](#)

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ORDINANCE NO. 12-  
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 February 9, 2012 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 N, Section 9-4-222, of the City Code, is hereby amended by adding the following:

*Wind blade. A non-self supporting fabric or film display that is supported on one side by a pole or mast that is curved at the top so that the message is visible regardless of wind conditions. Wind blades shall be freestanding and shall not be attached to any permanent structure.*

Section 2: That Title 9, Chapter 4, Article N, Section 9-4-227, of the City Code, is hereby amended by deleting subsection (D)(1) and replacing said subsection with the following:

*(1) Flags and wind blades are permitted as follows:*

*(a) Flags without commercial messages shall be no more than 100 square feet in area. There is no limitation on the number permitted per lot.*

*(b) Flags with commercial messages that are located on functioning light poles internal to the business lot shall be no more than 50 square feet in area. There is no limitation on the number permitted per lot.*

*(c) Freestanding flags with commercial messages and wind blades with commercial messages or noncommercial messages are permitted as follows:*

*(i) At least one freestanding flag or wind blade will be permitted per lot.*

*(ii) One freestanding flag or wind blade will be permitted for each 100-feet of lot frontage on a public or private street.*

*(iii) Each freestanding flag or wind blade shall not exceed 25 square feet in area or 12-feet in height.*

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

Section 4. That this ordinance shall become effective upon its adoption.

Adopted this 9<sup>th</sup> day of February, 2012.

---

Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

**Excerpt from the DRAFT Planning & Zoning Minutes (1/17/12)**

Zoning Ordinance Text Amendment: Sign Regulations – APPROVED.

Mr. Christopher Padgett, Chief Planner, provided background information on this request to the Commission. The process that led to this text amendment began at the May 31, 2011, City Council meeting when a report on the city's sign standards was requested. Staff developed the requested report and presented it to City Council at their August 8, 2011, meeting. A copy of that report is included in the Commission's agenda packet. Following this presentation, City Council directed staff to develop options for possible modifications to the sign standards for their review. Staff developed a list of potential modifications and presented them to City Council at their September 8, 2011, meeting. Following staff's presentation City Council directed staff to contact local sign companies to get their input on the potential modifications. Staff then met with the owners/operators of four local sign companies and gathered their input as directed. The list of potential modifications was again presented to City Council along with the sign company comments at their November 14, 2011, meeting. City Council then voted to initiate a Zoning Ordinance Text Amendment to allow the use of wind blades with limitations on the number permitted and their size and to limit the number of flags with commercial messages per business or lot.

Mr. Padgett reviewed the existing standards applicable to flags and wind blades. Flags, either with or without commercial messages, are permitted so long as each flag does not exceed 100 square feet in area. There is no limitation to the number of flags that can be erected per lot. Wind blades are not classified as flags; they are temporary signs which are limited to 6-square feet in area and one per lot.

Mr. Padgett presented the specific text of the proposed standards as follows:

1. Define "wind blades" as follows:  
A non-self supporting fabric or film display that is supported on one side by a pole or mast that is curved at the top so that the message is visible regardless of wind conditions. Wind blades shall be freestanding and shall not be attached to any permanent structure.
2. Flags without commercial messages shall be no more than 100 square feet in area. There is no limitation on the number permitted per lot.
3. Flags with commercial messages that are located on functioning light poles internal to the business lot shall be no more than 50 square feet in area. There is no limitation on the number permitted per lot.
4. Freestanding flags with commercial messages and wind blades with commercial messages or noncommercial messages are permitted as follows:
  - At least one freestanding flag or wind blade is permitted per lot.

- One freestanding flag or wind blade is permitted for each 100-feet of lot frontage on a public or private street.
- Each freestanding flag or wind blade shall not exceed 25 square feet in area or 12-feet in height.

Mr. Padgett asked if there were any questions. Ms. Bellis asked if the signs would be allowed in the street right way. Mr. Padgett stated that like all other signs they would have to be on private property.

Mr. Parker brought up the fact that wind blades are a new form of advertising as well as the fan air blowers. He asked had anyone taken a look at those.

Mr. Padgett said that by the definition of the ordinance the wind blowers are not permitted. Mr. Randall asked if the fan blowers would be allowed anywhere or any time. Mr. Padgett informed him that they could be used for grand openings. The standard allows for full range of signs during a grand opening.

Mr. Smith asked what would happen if multiple stores wanted to have advertising flags but the lot size did not permit based on the proposed ordinance. Mr. Padgett stated that that would be a private property matter for the property owner to decide.

Mr. Schrade asked for clarification on the basis for allowing one per lot instead of one per business? Mr. Padgett stated that they modeled the draft standards after the current standards for temporary signs. Each lot is permitted one temporary (yard) sign up to 6 square feet in area. If there are multiple shops on very small frontage and each one wanted to put a sign out, it would be problematic from an aesthetic stand point.

Mr. Bell asked how this would be monitored. Mr. Padgett stated that it would be monitored through code enforcement the same way we do temporary signs. Mr. Bell asked if this would be done Monday through Friday or on the weekends. Mr. Padgett stated that code enforcement does routinely patrol on weekends.

Mr. Randall opened the public hearing.

No one spoke in favor of the request.

No one spoke in opposition of the request.

The public hearing was closed and opened up for commission to discuss or motion.

**Mr. Bell made a motion to approve 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. Mr. Gordon seconded the motion. The motion passed unanimously.**



## Summary of Comments from Local Sign Companies

### Brite Signs

#### Temporary Signs

- Not in favor of eliminating. These signs are needed for businesses to convey messages to motoring public of sales or special events.
- Signs should be allowed to be larger for better visibility.

#### Flags

- Self supportive commercial flags need to be limited.
- No limit on flags on light poles on private property.

#### Education

- The brochure for businesses and requiring sign companies to review the ordinance are both good ideas.

#### Other Comments

- Banners should be allowed with a time limit. They are cheap and can be reused.
- Decrease the change time for electronic signs (currently once per hour).
- A survey of citizens should be done to determine the opinions of signage in Greenville.

### Signs Now

#### Temporary signs

- Businesses need this form of advertisement especially in this economy, not in favor of eliminating.

#### Flags

- No distinction should be made between self supportive flags and wind blades or wind blades or wind feathers.
- Commercial flags should not be eliminated however the number allowed should be limited.

#### Education

- The brochure for businesses and requiring sign companies to review the ordinance are both good ideas.

#### Other Comments

- Provisions for “coming soon” signs should be added.
- Temporary wall signs (including banners) should be allowed for specified time during permanent sign fabrication.
- ECU should not be allowed to violate the city’s electronic sign requirements.
- Electronic signs should be allowed to change once every 15 minutes.

## **Mr. Sign Guy**

### Temporary signs

- Supports the elimination of these signs. They make the community look terrible.

### Flags

- No distinction should be made between self supportive flags and wind blades.
- Commercial flags should not be eliminated however the number allowed should be limited.

### Education

- The brochure for businesses is a waste of money because business owners will not read it. Sign company should educate the business owners when they purchase signs.
- Requiring sign companies to confirm in writing that they have received a copy of the city's sign regulations is a good idea.

### Other Comments

- The city's voicemail system should be easier to navigate to report code violations.
- Sign fees are too low compared to other cities. Greenville is missing out on revenues. There should be a fee for each sign. (The City currently charges one permit fee regardless of how many wall signs are proposed.)
- Overall Greenville is doing a good job with signs, fees are low, permits are easy to get and the regulations are not too difficult compared to other cities.

## **Signsmith**

### Temporary signs

- Should not be eliminated because they are necessity for businesses that have limited road exposure.
- They should be limited for aesthetic purposes.
- Metal frames should be required instead of the wire frames typically used for aesthetic purposes.
- Penalties should be more severe for habitual offenders of the temporary sign regulations.

### Flags

- No distinction should be made between self supportive flags and wind blades.
- Self supported flags should be limited or eliminated all together.
- Flags on light poles should not be eliminated. They should be required to be removed if tattered.

### Education

- The brochure for businesses and requiring sign companies to review the ordinance are both good ideas.

### Other Comments

- No hand drawn or hand written signs should be allowed.
- Greenville is easy to deal with, has reasonable fees and has ample sign allowances.

## **Temporary Sign and Flag Standards Survey**

### **Cary**

Temporary signs are prohibited in Cary except in conjunction with a grand opening event. These signs can be erected for 30 days and can be no larger than 32 square feet.

Flags that contain logos or advertisements are considered temporary signs and are not allowed. Ornamental flags can be erected on permanent poles at the rate of 3 poles per structure and two flags per pole not to exceed 25 foot in height. Flags are limited to 5'x8' or 40 square feet each in size.

### **Chapel Hill**

Temporary signs are prohibited in Chapel Hill except in conjunction with a grand opening event. These signs can be erected for 21 days and can be no larger than 32 square feet.

Chapel Hill only allows the use of local, state or federal flags.

### **Fayetteville**

Temporary signs are prohibited in Fayetteville except in conjunction with a grand opening event or going out of business sale. These signs can be erected for 30 days during each period. There is no size limit to the signs.

Flags are permitted at the rate of 5 per business and can only be business logo flags, local, state or federal flags.

### **Jacksonville**

Temporary signs are permitted in the following manner:

- In conjunction with a grand opening which allows no more than two signs per lot or business to be erected no longer than 3 consecutive days or 10 total days per 365 days.
- 1 sign per lot no larger than 4 square feet and erected no longer than 3 consecutive days or 10 total days per 365 days.

Commercial and non commercial flags are permitted as long as they remain in good physical condition. There is no limit to the size or quantity.

## **Raleigh**

Temporary signs are permitted in the following manner:

- Special Events: permitted for 30 days twice during the life of a business. Typically used in association with grand opening and going out of business events.
- Temporary Events: permitted for 20 days per calendar year

There is no limit to the size or amount of signs during these events.

Flags are considered wind blown signs and count toward the wall sign allowance of a business. They are limited to 20-feet in height or the height of the tallest structure, whichever is greater; 35 square feet in area; no more than 3 total flags per business; and all flags must be installed on permanent poles.

## **Report on the City of Greenville Sign Regulations**

### Contents:

- Section I. Report Purpose– Page 2
- Section II. Summary of Existing Sign Standards – Page 2
- Section III. Adoption and Amendment History – Page 12
- Section IV. Enforcement – Page 20

**Report Developed by the City of Greenville  
Community Development Department - Planning Division  
July 21, 2011**

## **SECTION I – Report Purpose**

The City of Greenville’s standards for regulating signs are located in Article N of the Zoning Ordinance and are typically referred to as the city’s sign regulations. The sign regulations attempt to balance the rights and needs of businesses and other entities to advertise and promote themselves to the public with the need to maintain the aesthetic quality of the community. The purpose of this Report is to provide City Council with an overview of the current sign standards; the history and background related to how they were first developed and have been modified since initial adoption; and how they are enforced.

## **SECTION II – Summary of Existing Sign Standards**

The City of Greenville’s sign regulations are comprehensive in nature. They include minimum standards relative to the construction, type, size, height, number, location, illumination and maintenance of all signs within the city’s planning and zoning jurisdiction. The purpose of this Section (II) is to provide a general summary of these standards in the form of commonly asked questions.

### **❖ What is a sign?**

A sign is defined as any display device that is visible and is located and designed to attract the attention of persons or to communicate any information to them.

### **❖ What types of on-site signs are permitted for a business in Greenville?**

#### **1. Freestanding Signs**

Freestanding signs are permanent signs that are not attached to or supported by a building. These signs are typically referred to as pole, pylon, or monument signs. Businesses can typically have one or more freestanding signs; the number, height and size of which are determined by the specific zoning district in which they are located and the amount of frontage the business lot has on a public street.

Generally, freestanding signs may be up to twenty-five (25) feet in height in commercial, office and industrial zoning districts and up to fifteen (15) feet in height in medical related zoning districts.

Examples of freestanding signs are provided below:



## 2. Wall Signs

Wall signs are permanent signs that are directly attached to a building wall. All businesses are permitted wall sign(s) on their building up to fifty (50) square feet in area. Businesses may be eligible for additional wall signage (additional square feet) determined by the width of the building's façade facing a public street or shared parking area.

Examples of wall signs are provided below:



## 3. Flags

Businesses may have flags with or without commercial messages so long as they do not exceed one-hundred (100) square feet in area (no permit required / no limitation on time).

An example of flags with a commercial message is provided below:





#### 4. Temporary Signs

- Each lot may have one temporary sign not exceeding six (6) square feet (no permit required / no limitation on time).
- Businesses are permitted a variety of signs (with no maximum number or area) associated with a Grand Opening. Such a Grand Opening event may last up to ten (10) days and must commence no later than sixty (60) days following any occupancy for use.

Examples of temporary signs for businesses are provided below:



#### ❖ What types of signs are permitted for a church?

- Churches are permitted wall signs the same as businesses.
- They have specific standards for freestanding signs. These standards generally limit the area of such a sign to thirty-six (36) square feet. When more than one (1) freestanding sign is permitted, a single seventy-two (72) square foot sign is permitted so long as it does not exceed ten (10) feet in height.
- They may have off-site directional signs so long as they do not exceed three (3) square feet in area; six (6) feet in height; and are located on private property.

Examples of signs for churches are provided below:



❖ **What types of signs are permitted for subdivisions and multi-family developments?**

They are permitted two (2) freestanding identification signs per entrance. Such signs are limited to fifty (50) square feet in area each and ten (10) feet in height.

Examples of subdivision and multi-family development entrance signs are provided below:



❖ **What types of signs are permitted for non-profit and governmental organizations?**

- They are permitted the same on-site signs as businesses.
- They are permitted not more than one (1) on-site and three (3) off-site temporary signs in conjunction with a special event. These temporary signs, which may include banners, must be on private property with the permission of the property owner. They may not exceed thirty (30) square feet in area per sign, may not be erected more than seven (7) days and the maximum frequency of any special event shall be one (1) occurrence within any twelve (12) month period. Such signs do require zoning compliance permits.

❖ **Are there special standards for signs in the Uptown Greenville area?**

Much of the area referred to as Uptown Greenville is located in the CD (Downtown Commercial) zoning district. This district does have specific sign standards recognizing the unique character of the area. These standards include wall and freestanding signs being limited to fifty (50) square feet in area and freestanding signs being limited to ten (10) feet in height.

❖ **How are real estate signs regulated?**

Real estate signs are considered temporary signs include both “for sale” and “lease occupancy advertising”. Such signs may be up to twelve (12) square feet in area within any residential zoning district and up to fifty (50) square feet in area within any nonresidential zoning district and multifamily development with more than twenty (20) units. The signs must be removed within fourteen (14) days of the property being sold or leased.

Examples of real estate signs are provided below:



### **When can banners be legally used?**

- Banners may be used in conjunction with a business grand opening.
- Banners are permitted to be used by non-profit and governmental organizations.
- Banners or any other signs made out of non-self-supporting materials may be used as legal wall signs when they are attached to the building subject to the following:

They must be permanently affixed to the building by a method approved by the Building Inspector, and the display (sign face) shall be enclosed and/or attached by a two-inch or wider raised frame that supports the sign face; or within a two-inch or wider raised sign cabinet specifically designed for support of the sign.

- Banners erected or used in any other way are considered illegal.

### **❖ How are billboards regulated?**

Billboards are considered off-premise advertising signs and are only permitted in three (3) zoning districts (CH, IU and I). They must be located at least one-thousand (1,000) feet from another off-premise advertising sign and are limited to four hundred (400) square feet in area and thirty-five (35) feet in height.

Examples of off-premise advertising signs (billboards) are provided below:



❖ **What are the standards for electronic signs?**

Electronic signs may be used as permanent wall or freestanding signs. Such signs may not include flashing, intermittent lights, or lights of changing degree of intensity or color. The sign's face copy (message) may not be changed more than one time in any sixty (60) minute period.

An example of an electronic sign is provided below:



❖ **What are nonconforming signs?**

Signs are nonconforming (sometimes called grandfathered) if they were legally permitted when they were constructed, but because of amendments to the sign regulations they no longer meet the city's requirements. These signs may be allowed to remain provided the signs are not enlarged or materially altered.

❖ **Are there maintenance requirements for signs?**

Signs must be maintained in a safe and aesthetic manner. Standards are provided that require any sign with specified maintenance issues to be repaired or removed within thirty (30) days.

❖ **What types of signs are not permitted?**

1. Kites and similar devices;
2. Ballons that do not meet specific standards;
3. Spotlights (except for defined on-site special events);
4. Flags that exceed 100 square feet in area and are displayed on a property with a commercial use;
5. Any temporary sign not expressly permitted;
6. Signs attached to radio or television towers or poles;
7. Signs suspended between two structures or poles and supported by a wire, rope or similar device including banners (except as permitted for non-profit and governmental organizations);
8. Roof signs;
9. Revolving signs;
10. Flashing signs;
11. Strings or ribbons, tinsel, small flags and similar devices; and
12. Pinwheels, windmills or other similar devices.

**Note:** These items identified above as prohibited are permitted for grand openings.

Examples of signs not permitted are provided below:



## **SECTION III – Adoption and Amendment History**

### **ADOPTION SUMMARY**

- Prior to 1986 the City had few standards regulating the number, location and size of on-premise signs. The pre 1986 on-premise sign regulations could be summarized as follows: freestanding signs over 5' in height must be setback not less than 10' from the street right-of-way; freestanding signs limited to 35' in height. There was no limit on the number or size of on-premise wall, freestanding or temporary signs.
- In the 1960's the City adopted minimum off-premise (billboard) sign standards. Standards included: 100' spacing from residential uses and street intersections; 300' radius spacing between billboards; copy area limited to 750 sq. ft. per sign face.
- Prior to 1972, the City did not exercise zoning outside the city limits and the County had no sign regulations. As such, there were no sign requirements outside the city limits. As the city limits expanded over time the City assumed control over the County authorized signs within the City's zoning jurisdiction – few of which complied with the City's previous (1960's) requirements. The County authorized signs were allowed to remain, in most cases as non-conforming situations or uses.
- In 1979 the City adopted a revised billboard ordinance. The new standards increased the spacing requirement between billboards from 300' to 1,000' for signs located on the same side of the street, established a 600' minimum radius spacing in all directions and decreased the maximum copy area size from 750 sq. ft. to 550 sq. ft. per sign face. Existing signs, which did not meet these requirements, were allowed to remain as non-conforming uses.
- Over the years many of the non-conforming billboards have been upgraded and repaired giving them a much younger physical appearance than the originally located signs. This upgrade and repair has been permitted by the code.
- In May of 1986, as part of the Medical District Plan preparation, a specialized on-premise sign ordinance was prepared for the hospital area. At the direction of the Planning and Zoning Commission the standards were expanded to cover the entire city and updated billboard standards were requested. The Commission felt aesthetic standards should benefit the entire community and not just an isolated area. This citywide equal treatment concept is the basic principle of the current sign regulations.



- The current sign standards are essentially the same in all non-residential zoning districts, the exception being a reduced height allowance for freestanding signs in the medical and central business districts. This equal treatment concept was determined as the most equitable and manageable method available and the business community and citizens have generally supported this approach over the past 25 years.
- The Planning and Zoning Commission considered the 1986 sign ordinance draft at three consecutive regular meetings and one special call meeting.
- In the interim, Planning Staff held two meetings – one with the sign companies and one with the business community and interested citizens. A compromise ordinance was prepared as a result of these meetings.
- Early in this process City Council elected to impose a temporary moratorium on the issuance of all sign permits pending adoption of the new regulations.
- Through this process the Chamber of Commerce, Environmental Advisory Commission, Community Appearance Commission, local environmental and citizens groups, the sign companies, the business community and numerous interested persons were provided every opportunity to comment on the proposals and offer suggestions.
- In conjunction with the Planning and Zoning Commission's final recommended draft, separate drafts from the Chamber of Commerce, the Environmental Advisory Commission, the Sierra Club as well as staff's original proposal were all forwarded to City Council for comparison.
- City Council reviewed the proposals at four consecutive regular meetings and at three special call meetings.
- The special call meetings included a section-by-section, line-by-line discussion of the Planning and Zoning Commission recommendation, comparison of recommended options from the interest groups noted above, a slide presentation of approximately 50 sign examples and a two hour City Council bus tour of all areas of the city. During the bus tour staff explained the effect of the proposals in detail as they might apply to specific sites and signs.

- All meetings were well attended by the public and discussion was contentious on both sides of this issue.
- The ordinance was ultimately adopted in November of 1986, following nine months of study and continuous debate and has resulted in a compromise between business and community character interests.
- The new (current) ordinance increased the spacing requirement between billboards and residential uses/zones from 100' to 300'; increased the spacing requirement between billboards from 1,000' on the same side of the street and 600' minimum radius spacing to 1,000' in all directions; reduced the copy size from 550 sq. ft. to 400 sq. ft. per sign face, and restricted billboard location to the Heavy Commercial (CH) and Industrial (IU, I) districts.
- Additionally, the billboards which did not meet all of the new requirements had to be brought into compliance within five and one-half years from the date of ordinance adoption. This is referred to as an amortization provision. The five and one-half years expired in May 1992 and 37 billboards were subsequently removed as a result.
- In accordance with judicially recognized compensation alternatives, the City optioned to allow non-conforming billboards to remain in use for this five and one-half year period.
- This amortization option was based in part on a compromise between the billboard industry representatives and the City. The City agreed to adopt a more flexible regulation – allowed signs in more zones (i.e. heavy commercial and industrial); less spacing between signs (i.e. 1,000' as opposed to 2,000'); greater surface area (i.e. 400 sq. ft. as opposed to 200 sq. ft.), etc., in consideration of the removal of a significant number of the non-conforming billboards.
- All legal non-conforming billboards located adjacent to Federal Aid Highways – portions of Greenville Boulevard, Memorial Drive, US 264, etc, could not be removed under this amortization provision due to federal law.
- The right to utilize non-conforming on-premise temporary signs was also phased-out over a six-month period using this same amortization method. The six-months expired in June 1987 and 60 or more trailer signs (characterized by overhead arrows and flashing lights) were subsequently removed as well as a significant number of

- other temporary displays. Today, trailer signs are only permitted as part of a 10 day grand opening event and temporary signs are limited to 1 per lot and six sq. ft. in size.
- Non-conforming on-premise wall and freestanding signs were allowed to remain, however strict limitations on expansion and change of copy have resulted in the voluntary removal of many non-compliant signs through natural attrition due to change in use or occupant, business name and logo changes, and site (facility) upgrades.
  - Since the adoption of the sign ordinance rewrite in 1986 there have been 26 amendments to the regulations. All but one of these amendments has been consistent with the original philosophy or intent of the 1986 code. Thirteen (13) of the amendments were proposed by a Department or Board/Commission of the City. Most amendments were for operational and/or clarification purposes.
  - The first and most significant substantive amendment occurred in 1999. This amendment (Ord. # 99-4), proposed by the Pitt County Auto Dealers Group, reintroduced several categories of previously banned temporary signs including banners, balloons, pennants, spotlights, flags with logos and roof mounted inflatable displays.
  - A related subsequent amendment (following a six-month trial period) returned the banner options (created by Ord. # 99-4) to prohibited status. Today, banners are only permitted as part of a 10-day grand opening event or as part of a seven-day (Secretary of State) certified non-profit organization event.
  - In 2002, there were two amendments to the sign regulations. First, the off-premise sign regulations were changed to allow point-of-sale (on-premise) advertising on “billboards”. The second change specified the requirements and allowed frequency of sign copy change (one change allowed per hour). The change of copy requirements specifically pertain to electronic and/or mechanical (roll) type reader boards.
  - In August of 2003, the non-conforming sign standards were changed to allow the replacement of off-premise signs which are non-conforming due to inadequate spacing (1,000 foot radius encroachment), provided that there are not any non-conforming situations increased or created, and the replacement sign complies with zone location requirements and sign height/dimension standards.

- In 2005, City Council adopted an amendment concerning permit requirements for roof mounted inflatable balloons and to limit free floating balloons to 125-feet in height, 20-feet in dimension, require a 25-foot clear fall zone, and to subject other temporary signs to the standards applicable to permanent signs including height and setback.
- In 2006 an ordinance was adopted which requires that abandoned signage be removed 12-months after the associated use is vacated.
- Also in 2006, City Council adopted an amendment to include a new definition of “banner” and “flag”, and to amend the definition and standards for “wall sign” and “freestanding sign” to include a raised two-inch frame for flex-face signs, and to amend the requirements for temporary real estate signs size and height (now 50 sq. ft. for large multi-family developments).
- A complete list of all sign ordinance related amendments (1986 to date) is set out below.

**AMENDMENT HISTORY - November 1986 to June 2011**

Date	Petitioner	Description	Ordinance
1986	P&CD	Amend Zoning Ord. Article VIII, Entitled " <b>Signs</b> " (Complete rewrite)	1667
1988	P&CD	Amend Section 32-109.13.D of the Zoning Ordinance to allow one (1) <b>menu reader board</b> per each restaurant drive-through facility	1928
1989	P&CD	Amending Zoning Ord. Re: <b>Wall sign</b> provision to allow signs on all walls provided compliance with maximum area allowance and coverage	1966
1989	P&CD	Amend Sec. 32-109-11(c) of the Zoning Ord. Regarding number of <b>free-standing signs</b> permitted within "Planned Center" to eliminate the unified development penalty.	2045
1995	P&CD	Amend the sign regulations to include provisions for " <b>Open door and/or open window signs</b> ".	95-53

1995	P&CD	Amend the sign regulations; including the clarified method of <b>calculating allowable wall signage</b>	95-61
1995	P&CD	Amend the <b>sign regulations</b> to allow alteration of freestanding signs which are nonconforming due (only) to encroachment into the public street setback area.	95-137
1996	P&CD	Amend the sign regulations to include clarified <b>"Grand opening" sign</b> standards.	96-29
1996	Red Oak Christian Church	Amend the <b>"church" freestanding identification sign</b> regulations to allow an option to erect one 72 sq. ft. sign in lieu of two 36 sq. ft. signs on lots having 300 or more feet of frontage.	96-35
1996	P&CD	Amendment to the sign regulations to permit <b>temporary off-premise special event signage</b> , including banners, for nonprofit and governmental organizations.	96-73
1996	P&CD	Amend the <b>church freestanding sign requirements</b> to allow large lot option signs up to ten (10) feet in height within residential districts.	96-79
1996	Saint Peter's Catholic Church	Amend the <b>church wall sign requirements</b> to allow signage based on building frontage in accordance with the general sign standards for nonresidential uses.	96-91
1997	P&CD	Amend the subdivision directory sign standards to allow increased height and display area for industrial subdivisions.	97-64 (6/12/97)
1998	P&CD	Amend the wall sign standards to allow wall sign support structures and wall signs (combined) to project up to three (3) feet from the building face provided the width of the sign (excluding supports) perpendicular to the wall is not more than one (1) foot.	98-34 (3/12/98)
1998	Pitt County Auto Dealer Group (J R Philips, Craig Goess, Steve Grant)	Amend the sign regulations to allow balloons, pennants, banners, spotlights and flags with logos.	99-4 (1/14/99)

1999	Taco Bell (Tom McLean)	Amend the sign regulations to increase the restaurant drive-thru menu reader board from 20 square feet to 42 square feet. Maximum height increased from 6 feet to 8 feet.	99-38 (4/8/99)
1999	P&CD (per council directive following 6 mo. report on the status of ordinance 99-4)	Amend the sign regulations by deleting banners as a temporary sign option excepting grand opening events and nonprofit organization events.	99-152 (12/9/99)
2002	Conrad Paysour for Craig Goess (Toyota of Greenville)	Amend the off-premise sign regulations to allow point-of-sale (on-premise) advertising on "billboards". Creates a new definition for both permanent panel and temporary poster panel off-premise signs.	02-63 (6/13/02)
2002	P&CD	Amend the sign regulations to specify the requirements and frequency of sign copy change allowed; specifically electronic and/or mechanical (roll) type reader boards.	02-94 (9/12/02)
2003	Fairway Sign Co. (Todd Allen) Raleigh – ph# 919-755-1900	Amend the nonconforming sign standards to allow replacement of off-premises signs, which are nonconforming due to inadequate spacing (1000' radius encroachment), provided no nonconforming situations are increased or created and the replacement sign complies with zone location requirements and sign height/dimension standards.	03-78 (8/14/03)
2005	P&CD	Amend the sign regulations, signs not requiring permits and roof mounted inflatable balloons, to limit free floating balloons to 125 feet in height, 20 foot in dimension and to require a 25 foot clear fall zone and to subject other temporary signs to the standards applicable to permanent signs including height and setback.	05-15 (3/10/05)
2006	P&CD (Per direction of the City Manager)	Amend the sign regulations to require removal of abandoned signs. Twelve (12) month trigger.	06-35 (4/13/06)

2006	CDD (Planning) at the request of Council Member Ray Craft	Amend the sign regulation to include a definition of "banner" and "flag", and to amend the definition and standards for "wall signs" and "freestanding signs" to include a raised (2") frame for flex-face signs, and to amend the requirements for temporary real estate signs-size (50 sq ft. for large multi-family developments) and height.	06-76 (8/10/06)
2009	Place Properties	Amend the sign regulations to allow wall signs for multi-family development in the CD district.	09-17 (3/5/09)
2010	CDD (Urban Development/Planning) - initiated by the Redevelopment Commission)	Amend the sign regulation to allow extended projection wall signs in the CD district.	10-44 (5/13/10)
2011	Cheddar's Restaurant	Amend the sign regulation to allow wall signs on top of decorative roof structures (i.e. canopies and awnings) with specified restrictions.	11-22 (5/12/11)

## **SECTION IV – Enforcement**

The city exercises zoning within both the city limits and within an extraterritorial zoning jurisdiction (ETJ), which collectively encompass 66.64 square miles. Within the city's jurisdictional area there are approximately 4,000 (total) commercial, industrial, office and service establishments and multifamily residential complexes, most of which utilize individual and/or joint (planned center) sign displays. Between January, 1991 and December, 2010, a period of 20 years, the Planning Division issued 4,569 zoning compliance permits (avg. 228 per year) for permanent wall and/or freestanding signs, including new development locations, and replacement sign faces and/or structures at existing establishments.

Responsibility for enforcing the sign regulations is currently divided between the Police Department's Code Enforcement Division and the Community Development Department's Planning Division. The Code Enforcement Division is responsible for enforcing the standards applicable to permit-exempt (temporary) signs. The Planning Division is responsible for enforcing the standards applicable to permit-dependent (permanent) signs and vehicle mounted displays. The vast majority of all sign ordinance violations are related to temporary signs including banners, flags and multiple small signs displayed on-site and/or in public rights-of-way.

Staff recognizes that education is the most effective compliance tool. To this end, the Planning Division has developed general sign information, including wall and freestanding sign standards and permit application requirements, for distribution to commercial establishment privilege license applicants, business operators and the general public. The Code Enforcement Division has developed a temporary sign brochure for field distribution. This brochure describes the various types of temporary signs and their regulation including small advertising signs (six or less sq. ft.), real estate signs, election signs, flags, banners, balloons and the like.

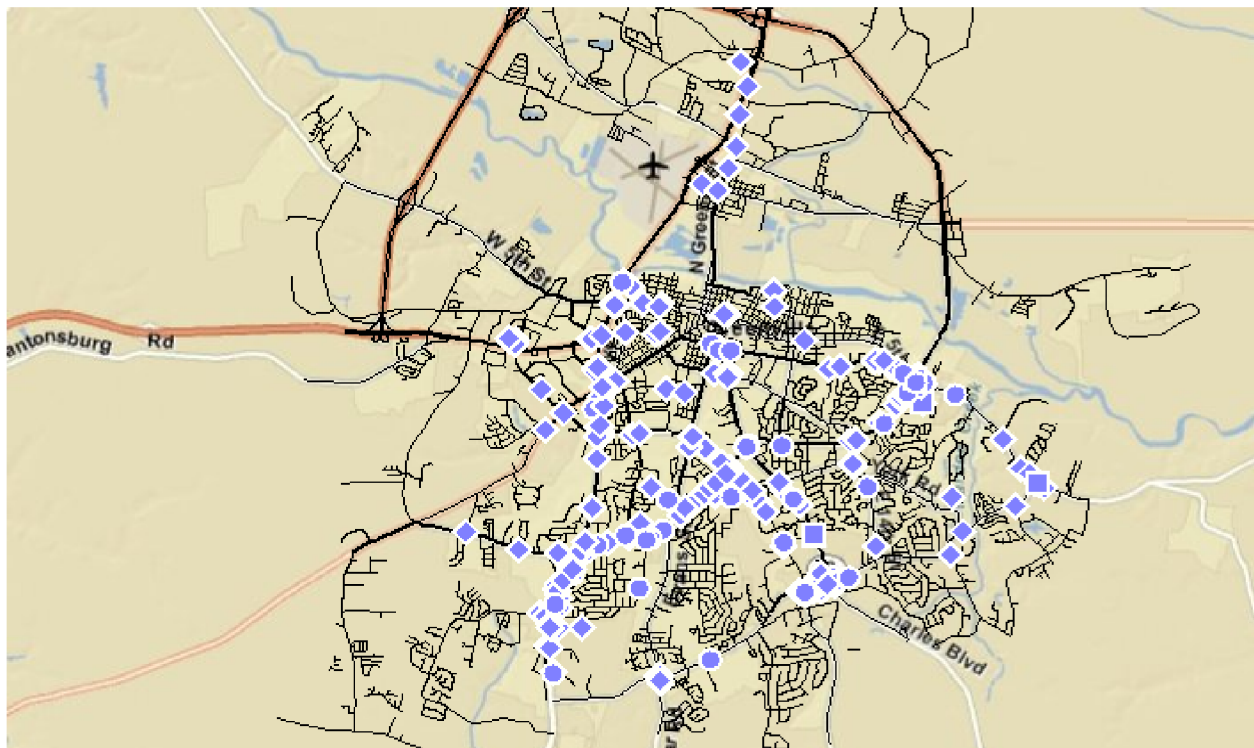
A violation of the zoning ordinance, sign regulations included, is subject to civil citation as follows:

- \$50 for the first violation;



- \$100 for the second violation occurring within a 12-month period;
- \$250 for each subsequent violation within the original 12-month period  
(Each day a violation continues constitutes a separate offense.)

The Code Enforcement Division logs temporary sign enforcement cases into the Mobile 311 system (this system has been in place since March 12, 2010) and the related enforcement location data may be displayed using the City's Geographic Information System (GIS). The map below is intended to illustrate the geographic distribution of enforcement actions over a one-year period beginning on July 1, 2010 and ending on June 30, 2011.



Sign Enforcement Summary for the period July 1, 2010 – June 30, 2011

1. Enforcement activities related to permit-exempt temporary signage (banners, flags, multiple small signs etc.): **293** (includes abatement notices and citations)

\*Source: Police Department's Code Enforcement Division

2. Enforcement activities related to permit-dependent permanent signage:  
**16** (includes abatement notices and citations)

\*Source: Community Development Department, Planning Division

Notes:

- (1) Code Enforcement Officers may immediately remove without notice any sign located within the street right-of-way or which constitutes an immediate public hazard.
- (2) Zoning enforcement actions may be appealed to the Board of Adjustment.

## TEMPORARY SIGNS BROCHURE:

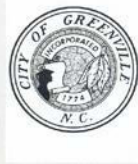


### The Purpose

This pamphlet is a user friendly tool to answer many of the questions asked staff about temporary signs in the City of Greenville. Many of the questions answered within this pamphlet include the following:

1. What are temporary signs?
2. What are exempt signs?
3. What are the square footage regulations for real estate signs?
4. What signs do not require a building permit or zoning approval?
5. Are temporary signs entitled to a legally nonconforming status?
6. What are the prohibited signs and the exceptions?
7. What special event signs are allowed and time limits?
8. What are the square footage coverage limits for windows and doors?
9. Are flags allowed?

*Let's all team up and work together in partnership to keep our community safe and clean!*



#### Contact Information

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[www.greenvillenc.gov](http://www.greenvillenc.gov)



City of Greenville  
Police Department

### Code Enforcement Division's Guide to Understanding



### Temporary Signs

## The City of Greenville Guide to Understanding Temporary Signs

### Definitions

[Sec 9-4-222]

**Temporary Sign:** Any portable advertising sign which attracts the public attention to an event or specific products sold. Such signs include the following:

- Signs made of paper, cloth, polyethylene film.
- Signs not permanently affixed to the ground or building surface as approved by the building inspector.
- Trailer signs
- Balloons exception 9-4-227
- Portable signs
- Banners, flags and other similar materials

### No Permits required (Exempt Signs):

[Sec 9-4-227]

- a. Residential signs- noncommercial  
Purpose, e.g. address or identification **3 sq. ft. limit.**
- b. Memorial plaques
- c. On-premises signs with a governmental purpose
- d. On premises governmental or nonprofit balloons, flags, Insignia
- e. Architectural features of a bldg.
- f. Directional signs on property, e.g. signs for restroom, exits, parking  
**3 sq. ft. limit**
- g. Signs permanently attached to a licensed motor vehicle.

### Exempt signs cont'd

#### h. Certain temporary signs

- Election signs
- Holiday signs remove **10 days** after event
- Construction identification signs
- Interior bldg signs with no more than **25% coverage of windows or doors.** Painted signs are not temporary.
- **Temporary non illuminated real estate signs** provided:
  - **12 sq. ft. area limit residential zones**
  - **50 sq. ft. area limit commercial**
- Other temporary (commercial) signs
- Not more than one sign per lot
- **6 sq. ft. area limit**
- Only applicable to commercial zones

#### Special provisions for certain signs

[Sec 9-4-233]

#### k. Temporary on-premises special event Spotlights and Roof Mounted Inflated Balloons:

- **Restrictions for spotlights**
  - a. No more than one spotlight per lot
  - Two (2) consecutive day limit
  - Display limited to 20 days in one year
- **Roof mounted Inflatable balloons**
  - Restrictions same as spotlights

### Signs Not Allowed (Prohibited Signs)

[Sec 9-4-237]

- a. Kites
- b. Balloons except as described.
- c. Spotlights except as described
- d. **Flags exceeding 100sq ft commercial use**
- e. Temporary signs except as described
- f. Attached signs to radio/TV towers or poles
- g. Suspended signs between two structures or poles
- h. Roof signs except as described.
- i. Revolving signs
- j. Flashing signs except time and temperature
- k. Strings, ribbons, tinsels, small flags
- l. Pinwheels, windmills, or other devices

### Nonconforming Signs. [Section 9-4-225]

(f.) All temporary signs existing on the effective date (November 13, 1986) of this article which do not conform to the requirements... shall be removed...



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

**Title of Item:** Communities Putting Prevention to Work grant project proposal

**Explanation:**

**Background**

The Pitt County Health Department received a \$1.3 million grant from the American Recovery and Reinvestment Act of 2009 from the National Center for Disease Control. The grant program is titled "Communities Putting Prevention to Work," and the purpose of the funding is to assist local health departments in the development of jurisdiction-wide plans and programs that will improve the health of citizens. A primary focus is to address the growing rates of obesity and increases in chronic diseases such as diabetes and heart disease.

The program supports the development of comprehensive strategies that impact many sectors of a community in the prevention of chronic diseases due to inactivity, lack of proper diet, and other lifestyle habits. Health officials, school administrators, health care professionals, planners, engineers, business sector representatives and others work together to address the health of the community. This blended approach creates opportunities for communities to examine policies affecting public health, including modifications to the built environment that will lead to the improved health of citizens.

This initiative includes members of local governments (City of Greenville, Town of Ayden, Town of Winterville, and Pitt County), Greenville-Pitt County Chamber of Commerce, Vidant Health (formerly University Health Systems), and Pitt County Schools. Each member sent a representative to attend three days of required training in November 2010, and the governing board/ body of each entity adopted a resolution supporting the effort (see City of Greenville Resolution No. 11-11 attached).

The Pitt County Health Department awarded the City of Greenville \$24,000 as part of this grant program. \$4,000 of this funding was designated for hosting a symposium that was conducted on September 8, 2011, at the Greenville Hilton. The remaining \$20,000 is designated to hire a consultant to review existing community plans and development standards from a public health perspective

and to facilitate meetings with representatives of the local development community to build consensus on policy and development standard modifications that will improve community health, design and appearance.

### **Proposed Work Plan**

Staff proposes the following general work plan as a means of moving forward with the grant-funded project outlined above:

Step 1: Select a consultant to assist with the project.

- An RFQ will be developed and advertised.
- A consultant will be selected based upon qualifications.
- A professional services contract will be prepared and executed between the City and the consultant to be paid with grant funds.

Step 2: Assemble a Work Group to work with the consultant and Community Development and Public Works Departments' staff and make recommendations related to preferred policy and/or development standard modifications that will improve community health, design, and appearance.

Staff recommends a Work Group consisting of the following:

- Residential Developers (2)
- Commercial Developers (2)
- Local Design Professional (1)
- Planning and Zoning Commission Representative (1)
- Bicycle and Pedestrian Commission Representative (1)
- Community Appearance Commission Representative (1)
- Neighborhood Advisory Board Representative (1)
- Recreation and Parks Commission Representative (1) (suggested addition following Planning and Zoning Commission consideration on January 17, 2012)

Step 3: Consultant reviews existing plans and development standards and identifies opportunities for possible modifications that will improve community health, design, and appearance.

Step 4: Consultant facilitates meetings with the Work Group to build consensus on policy and development standard modifications.

Step 5: Work Group recommendations presented to the Planning and Zoning Commission, and City Council.

### **Staff Comments**

Staff views this initiative as an opportunity to work with various stakeholders to build consensus on topics that are already supported by the community's comprehensive plan. An example of one such topic is the need for more mixed-use development within the community.

### **Planning and Zoning Commission Recommendation**

At their January 17, 2012, meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed Work Plan. An excerpt of the Commission's drafting meeting minutes is attached.

**Fiscal Note:**

This project is funded 100% by a grant from the Pitt County Health Department via the American Recovery and Reinvestment Act of 2009.

**Recommendation:**

Approve the proposed work plan as provided herein.

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

**Attachments / click to download**

- [City Council Resolution No. 11-11](#)
  - [PZ Excerpt CPPW Work Plan 917001](#)
-

**Excerpt from the DRAFT Planning & Zoning Minutes (1/17/12)**

Communities Putting Prevention to Work Grant Project Proposal - Review and Possible Modifications to Plans and Development Standards– APPROVED

Mr. Padgett gave some background information on the project. The Pitt County Health Department received a \$1.3 million grant from the American Recovery and Reinvestment Act of 2009 via the National Center for Disease Control. The grant program is titled "Communities Putting Prevention to Work" and the general purpose of the funding is assist local health departments in the development of jurisdiction-wide plans and programs that will improve the health of citizens. A primary focus is to address the growing rates of obesity and chronic diseases such as diabetes and heart disease.

The program supports the development of comprehensive strategies that impact many sectors of the community in the prevention of chronic disease. Health officials, school administrators, health care professionals, planners, engineers, business sector representatives and others work together to address the health of the community. This blended approach creates opportunities for communities to examine policies affecting public health.

In Pitt County, the initiative partners includes members of local governments (City of Greenville, Town of Ayden, Town of Winterville, and Pitt County), Greenville-Pitt County Chamber of Commerce, Vidant Health (formerly University Health Systems), and Pitt County Schools. Each of these partners sent a representative to attend three days of required training in November, 2010, and the governing board / body of each entity adopted a Resolution supporting the initiative (see City Council adopted Resolution No. 11-11 attached).

The Pitt County Health Department has awarded the City of Greenville \$24,000 as part of this grant initiative. \$4,000 was to support hosting a symposium that brought national and regional experts on the health/built environment relationship to Greenville. This symposium was held on September 8, 2011 at the Greenville Hilton and some members of the commission did attend. There was a great turn out and it was very informative.

\$20,000 is designated towards hiring a consultant to review existing community plans and development standards from a public health perspective and to facilitate meetings with stakeholders to build consensus on policy and development standard modifications that will improve community health, design and appearance.

Mr. Padgett then presented the Proposed Work Plan in an effort to the Commission's input and recommendation before taking it to City Council.

**Step 1:** Select a consultant to assist with the project.

- An RFQ will be developed and advertised.
- A consultant will be selected based upon qualifications. The consultant will be paid with grant funds as provided by Pitt County Health Department.

**Step 2:** Assemble a Work Group to meet with the consultant and staff and make recommendations related to preferred policy and/or development standard modifications that will improve community health, design and appearance. Staff proposes a nine member Work Group consisting of the following:

- Residential Developers (2)
- Commercial Developers (2)
- Local Design Professional (1)
- Planning and Zoning Commission Representative (1)
- Bicycle and Pedestrian Commission Representative (1)
- Community Appearance Commission (1)
- Neighborhood Advisory Board Representative (1)

The staff endeavored to get some balance to include all the stakeholders that would be needed to come to a consensus on some of these policy and development standard changes.

**Step 3:** Consultant reviews existing plans and development standards and identifies opportunities for possible modifications that will improve community health, design and appearance.

**Step 4:** Consultant facilitates meetings with the Work Group to build consensus on policy and development standard modifications.

**Step 5:** Work Group recommendations presented to the Planning and Zoning Commission and City Council.

Staff views this project as an opportunity to look into the community's comprehensive plan, find substitutive areas that relate to public health in order to find different/better ways of implementing them into our development standards. An example of such topic is the need for more mixed-use development within the community. We have tried different things to encourage the use of mixed-use in Greenville, but have not been as successful as we would like. This is an opportunity to have some outside help in facilitation with the development community and other stakeholders in order to identify barriers that are keeping mixed-use developments from being constructed in the community. Perhaps there are unknown obstacles in our zone ordinance that makes it difficult for people to build mixed use. We hope to tear down some of the barriers and to pave the way to getting more of this development form within our community.

Mr. Randall asked since the Health Department received \$1.3 million and graciously gave City of Greenville \$24,000, will any additional funding be available to implement the plan?

Mr. Padgett stated that the grant was designed to look at the local policies and standards. For example, one part of the grant is to work with the Pitt County Chamber of Commerce to look at their members and see what type of wellness programs there may or may not be within the businesses in the community. The grant is paying for the policy changes and not necessarily for infrastructure improvements like building a greenway.

Mr. Randall stated that we already have some great ideas with bicycle paths, sidewalks and greenways. It would be nice to use this money to build rather than create a plan to do something.



Mr. Parker stated that this project would be able to look at the internal plan in order to see if there are opportunities for mixed use in which zoning barriers may be blocking. This is also a way to word policies in order to open up some areas for development for mixed use and infill development.

Mr. Randall stated that this policy did not require a public hearing but a request to approve the work plan; therefore, it did not require full text motion.

Mr. Parker made a motion to approve the recommended Work Plan as presented. The motion was seconded by Ms Basnight. The motion passed unanimously.

RESOLUTION NO. 011-11  
RESOLUTION SUPPORTING AND ENDORSING THE PITT COUNTY BOARD OF  
HEALTH RESOLUTION RECOMMENDING A COMPREHENSIVE STRATEGY TO  
PROMOTE HEALTHY EATING AND ACTIVE LIVING IN PITT

WHEREAS, the Pitt County Board of Health is committed to improve the health of Pitt County Residents; and

WHEREAS, the Pitt County Board of Health recently adopted a resolution entitled, "RECOMMENDING A COMPREHENSIVE STRATEGY TO PROMOTE HEALTHY EATING AND ACTIVE LIVING IN PITT COUNTY", and is developing multi-jurisdictional programs for all of Pitt County; and,

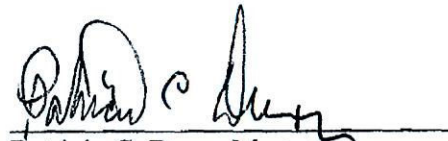
WHEREAS, the Greenville City Council is committed to insuring that healthy options and environments are available to all of Greenville's residents; and

WHEREAS, the City Council of the City of Greenville recognizes the importance of the health and social well-being of the community; and

WHEREAS, the City of Greenville develops programs and policies that affect the well being of its citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby support and endorses the Pitt County Board of Health's program for the development of strategies to promote healthy eating and active living in Pitt County.

This 10<sup>th</sup> day of February, 2011.

  
Patricia C. Dunn, Mayor

Attest:

  
Carol L. Barwick

887317



# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

**Title of Item:** Budget ordinance amendment #7 to the 2011-2012 City of Greenville budget (Ordinance #11-038) and budget ordinance establishing the capital project for the South Tar River Greenway Phase III (Pitt Street to Moye Boulevard) project

**Explanation:** 1) Attached is an amendment to the 2011-2012 budget ordinance for consideration at the February 9, 2012, City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

**A** To appropriate Federal Forfeiture funds to purchase equipment needed by the US Marshall's Service (Total - \$4,895).

**B** To reverse appropriated fund balance from Capital Reserve Fund for the Hooker Road Warehouse; funding was approved as part of the Capital Improvement Program (CIP) effective July 1, 2011 (the 2011-2015 CIP Plan). During the November 2011 City Council meeting, Council approved the appropriation of General Fund fund balance to cover the \$200,000 needed to complete this project; therefore, \$200,000 from Capital Reserve Fund is no longer required. (Total -\$200,000).

**C** To appropriate funds for current-year activity for Police grants with inception dates beginning prior to this fiscal year and therefore being approved by Council for appropriations during a prior year. The attached appropriations are for law enforcement equipment, improvement and technology grants. The grants have been approved for a 75/25 percent share for grant funding and local match, respectively (Total - \$363,257).

**D** To appropriate Contingency funds to pay for memorial and plaque expenses incurred on behalf of the Beatrice Maye Park (Total - 4,848).

2) Attached is a Capital Project Budget Ordinance for the South Tar River Greenway Phase III Project (Pitt St. to Moye Blvd.). This project has been established to construct a greenway between Pitt Street and Moye Boulevard.

Funding for this project will be provided via a North Carolina Department of Transportation (NCDOT), eighty percent grant and a \$50,000 grant from the Communities Putting Prevention to Work (CPPW) program. Total project will be \$1,184,511, with NCDOT grant funding of \$1,134,511. The City's match of \$226,902 will be appropriated from appropriated fund balance.

**Fiscal Note:**

The budget ordinance amendments affect the following funds: increase General Fund by \$395,054; increase the South Tar River Greenway Phase III Project by \$1,184,511 and decrease to the Capital Reserve Fund by \$200,000:

<u>Fund Name</u>	<u>Amended Budget</u>	<u>Proposed Amendment</u>	<u>Amended Budget 2.09.2012</u>
General	\$ 78,482,603	\$ 395,054	\$ 78,877,659
South Tar River Greenway Phase III (Pitt St. to Moye Blvd.) Capital Project Fund	\$ - 0 -	\$ 1,184,511	\$ 1,184,511
Capital Reserve	\$ 337,191	\$ (200,000)	\$ 137,191

**Recommendation:**

Approve the attached budget ordinance amendment #7 to the 2011-2012 City of Greenville budget (Ordinance #11-038) and budget ordinance establishing the capital project for the South Tar River Greenway Phase III (Pitt St. to Moye Blvd.) project.

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**Attachments / click to download**

[Budget Amendment FY 2011\\_2012\\_902782](#)

[South Tar review Phase III\\_917296](#)

ORDINANCE NO. -  
CITY OF GREENVILLE, NORTH CAROLINA  
Ordinance (#7) Amending the 2011-2012 Budget (Ordinance No. 11-038)

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

Section I: Estimated Revenues and Appropriations. **General Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET		#7 Amended 2/9/12	Total Amendments	Amended 2011-2012 Budget
<b>ESTIMATED REVENUES</b>					
Property Tax	\$ 29,813,308		\$ -	\$ -	\$ 29,813,308
Sales Tax	14,350,430		-	(100,000)	14,250,430
Utilities Franchise Tax	5,974,803		-	-	5,974,803
Other Unrestricted Intergov't Revenue	2,475,028		-	-	2,475,028
Powell Bill	2,032,692		-	-	2,032,692
Restricted Intergov't Revenues	2,149,013	A, C	277,338	967,487	3,116,500
Building Permits	733,701		-	-	733,701
Other Licenses, Permits and Fees	2,858,088		-	-	2,858,088
Rescue Service Transport	2,652,260		-	-	2,652,260
Other Sales & Services	1,042,183		-	-	1,042,183
Other Revenues	295,641		-	36,500	332,141
Interest on Investments	1,884,450		-	-	1,884,450
Transfers In GUC	4,986,085		-	-	4,986,085
Other Financing Sources	1,062,537	B	(200,000)	617,191	1,679,728
Appropriated Fund Balance	3,079,408	C, 2	317,716	1,966,852	5,046,260
<b>TOTAL REVENUES</b>	<b>\$ 75,389,627</b>		<b>\$ 395,054</b>	<b>\$ 3,488,030</b>	<b>\$ 78,877,657</b>

<b>APPROPRIATIONS</b>					
Mayor/City Council	\$ 431,749		\$ -	\$ -	\$ 431,749
City Manager	1,116,824		-	77,130	1,193,954
City Clerk	308,883		-	-	308,883
City Attorney	455,445		-	-	455,445
Human Resources	2,708,693		-	-	2,708,693
Information Technology	3,214,564		-	(4,100)	3,210,464
Fire/Rescue	12,944,364		-	131,661	13,076,025
Financial Services	2,299,332		-	(8,036)	2,291,296
Recreation & Parks	6,334,925	D	4,848	88,589	6,423,514
Police	22,536,036	A, C	368,152	679,455	23,215,491
Public Works	9,191,938		-	128,500	9,320,438
Community Development	1,730,349		-	232,710	1,963,059
OPEB	250,000		-	-	250,000
Contingency	150,000	D	(4,848)	(56,473)	93,527
Indirect Cost Reimbursement	(601,354)		-	-	(601,354)
Capital Improvements	6,347,428	B	(200,000)	1,660,069	8,007,497
Total Appropriations	\$ 69,419,176		\$ 168,152	\$ 2,929,505	\$ 72,348,681

<b>OTHER FINANCING SOURCES</b>					
Debt Service	\$ 4,209,487		\$ -	\$ -	\$ 4,209,487
Transfers to Other Funds	1,760,964	2	226,902	558,525	2,319,489
	<b>\$ 5,970,451</b>		<b>\$ 226,902</b>	<b>\$ 558,525</b>	<b>\$ 6,528,976</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 75,389,627</b>		<b>\$ 395,054</b>	<b>\$ 3,488,030</b>	<b>\$ 78,877,657</b>

Section II: Estimated Revenues and Appropriations. **Capital Reserve Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET		#7 Amended 2/9/12	Total Amendments	Amended 2011-2012 Budget
<b>ESTIMATED REVENUES</b>					
Appropriated Fund Balance	\$ 200,000	C	\$ (200,000)	\$ (62,809)	\$ 137,191
<b>TOTAL REVENUES</b>	<b>\$ 200,000</b>	<b>\$ -</b>	<b>\$ (200,000)</b>	<b>\$ -</b>	<b>\$ (62,809)</b>
<b>APPROPRIATIONS</b>					
Transfer to General Fund	\$ 200,000	C	\$ (200,000)	\$ (62,809)	\$ 137,191

Total Expenditures	<u>\$</u>	<u>200,000</u>	<u>\$</u>	<u>(200,000)</u>	<u>\$</u>	<u>(62,809)</u>	<u>\$</u>	<u>137,191</u>
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>200,000</b>	<b>\$</b>	<b>(200,000)</b>	<b>\$</b>	<b>(62,809)</b>	<b>\$</b>	<b>137,191</b>

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

Section IV: This ordinance will become effective upon its adoption.

Adopted this 9th day of February, 2012.

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

ATTEST:

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

ORDINANCE NO. 12-\_\_\_\_  
CITY OF GREENVILLE, NC  
SOUTH TAR RIVER GREENWAY PHASE III (Pitt St. to Moye Blvd.)  
BUDGET ORDINANCE

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

Section I: Estimated Revenues. It is estimated that the following revenues will be available for the South Tar River Greenway Phase III Capital Project Fund:

<b><u>ESTIMATED REVENUES</u></b>	<b>ORIGINAL 2011-2012 BUDGET</b>
Transfer from General Fund	\$ 226,902
Loc / State / Federal Grant	957,609
<b>TOTAL REVENUES</b>	<b>\$ 1,184,511</b>

Section II: Appropriations. The following amounts are hereby appropriated for the South Tar River Greenway Phase III Capital Project Fund:

<b><u>APPROPRIATIONS</u></b>	
Design	\$ 120,000
Planning	50,000
Acquisition	75,000
Construction	939,511
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,184,511</b>

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

Section IV: This ordinance will become effective upon its adoption.

Adopted this 9th day of February, 2012.

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

ATTEST:

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







# City of Greenville, North Carolina

Meeting Date: 2/9/2012  
Time: 7:00 PM

**Title of Item:** Policy on Consent Agenda and Policy on Time Limitations on Presentations at City Council Meetings

**Explanation:** At its January 21, 2012, Annual Planning Session, City Council discussed rules relating to efficiency of meetings. City Council approved a Policy on Council Debate with a three (3) month sunset provision. Additionally, City Council directed that two (2) additional policies be scheduled for consideration. First is a Policy on Consent Agenda. The attached policy places in written form the current practice utilized for the consent agenda. Second is a Policy on Time Limitations on Presentations at City Council Meetings. The attached policy provides for the following:

- A presentation by a Board or Commission is limited to a total of 7 minutes unless City Council votes to extend the time period.
- A presentation on any other matter is limited to a total of 10 minutes unless either the City Manager, prior to the meeting, authorizes a longer presentation due to the need for a detailed presentation or City Council votes to extend the time period.
- Response to questions by the Mayor or a Council Member does not count toward the presentation time.

**Fiscal Note:** No fiscal impact as a result of the adoption of the policies.

**Recommendation:** By approval of a motion, City Council may adopt the Policy on Consent Agenda and the Policy on Time Limitations on Presentations at City Council Meetings.

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 [Policy on Consent Agenda 915732](#)

 [Policy on Presentations at City Council Meetings 917374](#)

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GREENVILLE CITY COUNCIL  
POLICY ON CONSENT AGENDA

Each regular City Council meeting may have a part of the agenda designated as the "Consent Agenda." Items shall be placed on the Consent Agenda if they are expected to be non-controversial and routine. The Mayor or any Council Member may remove an item from the Consent Agenda so that it is considered individually at the same meeting. All items on the Consent Agenda, not removed, shall be voted on by a single motion.

GREENVILLE CITY COUNCIL POLICY  
ON TIME LIMITATIONS ON PRESENTATIONS AT CITY COUNCIL MEETINGS

The presentation by a Board or Commission appearing on the agenda to make a report to City Council shall be limited to a total of no more than seven (7) minutes for all of the persons involved in the presentation unless City Council, by a majority vote of those members present, allows a longer period of time.

The presentation to City Council on any other matter appearing on the agenda or added as an unagendaed matter to the agenda shall be limited to a total of no more than ten (10) minutes for all of the persons involved in the presentation unless the City Manager, prior to the meeting, authorizes a longer period of time due to the need for a detailed presentation or unless City Council, by a majority vote of those members present, allows a longer period of time. In the event the City Manager authorizes, prior to the meeting, a longer period of time, the City Manager shall state this prior to the beginning of the presentation.

Response to questions by the Mayor or a Council Member shall not be considered part of or count toward the presentation time.

This policy does not amend the Greenville City Council Policy on Public Hearings, the Greenville City Council Policy on Public Comment, or the Greenville City Council Policy on Council Debate.