

Agenda

Greenville City Council

June 9, 2011 7:00 PM City Council Chambers 200 West Fifth Street

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

- I. Call Meeting To Order
- II. Invocation Council Member Blackburn
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Agenda
- VI. Special Recognitions
 - Steven Hardy-Braz

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

- 2. Second reading and final adoption of an ordinance authorizing expansion of a taxicab franchise to Mahmoud Ahmad Atiyha, d/b/a Ace Cab
- 3. Ordinance requested by Kyle and Amy Kay Moore to rezone 0.2785 acres located along the northern right-of-way of West 6th Street and 500± feet west of South Memorial Drive from MS (Medical-Support) to MCH (Medical-Heavy Commercial)

- 4. Ordinance requested by Ward Holdings, LLC to rezone 0.47 acres located along the southern right-of-way of Green Springs Drive, adjacent to Village Green Apartments, and 150± feet west of Monroe Street from OR (Office-Residential) to CG (General Commercial)
- 5. Ordinance requested by V-SLEW, LLC to rezone 30.273 acres located along the northern right-of-way of East 10th Street and adjacent to Rolling Meadows Subdivision from RA20 (Residential-Agricultural) and RR (Rural Residential [County's Jurisdiction]) to R6S (Residential-Single-family [Medium Density])
- 6. Ordinance to annex V-SLEW, LLC property, involving 30.273 acres located north of NC Highway 33 at its intersection with L.T. Hardee Road and west of Rolling Meadows Subdivision
- 7. Ordinance requested by V-SLEW, LLC to rezone 6.587 acres located along the northern right-of-way of East 10th Street, 250± feet east of Bayt Shalom Synagogue and 1,300± feet west of Rolling Meadows Subdivision from OR (Office-Residential) to CG (General Commercial)
- 8. Ordinance requested by Century Financial Services Group, LLC and Reuben Turner to rezone 4.753 acres located along the northern right-of-way of East 10th Street, 1,000± feet east of Bayt Shalom Synagogue and 1,100± feet west of Rolling Meadows Subdivision from OR (Office-Residential) to CG (General Commercial)
- 9. Ordinance to annex North Green Commercial Park, Lot 1, involving 2.63 acres located at the southwest corner of the intersection of Greenpark Drive and Memorial Drive
- 10. Ordinance to annex Pitt County American Legion Agricultural Fair, Inc. property, involving 39.81 acres located at the northwest corner of the intersection of Whichard Road (NCSR 1523) and Martin Luther King, Jr. Boulevard (US 264 Bypass)
- 11. Resolution authorizing an application to the Federal Transit Administration for a Section 5307 grant for federal operating and capital assistance for Greenville Area Transit for fiscal year 2011-2012

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

- 12. Stadium Project at Elm Street Park
- 13. Ordinances adopting budgets for the 2011-2012 Fiscal Year:

- a. City of Greenville including Sheppard Memorial Library and Pitt-Greenville Convention and Visitors Authority
- b. Greenville Utilities Commission
- 14. Resolution authorizing the sale of 1210 Dickinson Avenue to Broderick Best
- 15. Resolutions authorizing conveyance of City-owned property located at 1502 West Fifth Street, 1504 West Fifth Street, 1508 West Fifth Street, 1514 West Fifth Street, and 1108 Douglas Avenue by private sale to Streets to Homes
- 16. Resolutions authorizing the conveyance of City-owned property located at 805 Douglas Avenue, 807 Douglas Avenue, and 915 Douglas Avenue by private sale to Metropolitan Housing and CDC, Inc.
- 17. Eastside Park Master Plan
- 18. Greenfield Terrace Park Master Plan
- 19. Discussion of the 500-foot separation requirement between public and/or private clubs and residential uses and residential zoning districts
- 20. Resolution calling for the refunding of the Series 2001 Special Obligation Revenue Bonds (Convention Center Bonds)
- IX. Comments from Mayor and City Council
- X. City Manager's Report
- XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Appointments to Boards and Commissions

Explanation: City Council appointments or reappointments need to be made to the Board of

Adjustment, Community Appearance Commission, Greenville Utilities Commission, Housing Authority, Human Relations Council, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission. In addition, a recommendation needs to be made to fill the Pitt County available slot for "owner/operator of hotel/motel" and to reappoint a Pitt County member of the Pitt-Greenville Convention and Visitors Authority.

Fiscal Note: No fiscal impact.

Recommendation: Make appointments or reappointments to the Board of Adjustment, Community

Appearance Commission, Greenville Utilities Commission, Housing Authority, Human Relations Council, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission; and make a recommendation to fill the Pitt County available slot for "owner/operator of hotel/motel" and to reappoint a Pitt County member of the Pitt-Greenville

Convention and Visitors Authority.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

D Appointments To Boards and Commissions City Council Meetings Agenda Deadline Material 138519

Appointments to Boards and Commissions June 9, 2011

	-	Board of Adjustmen	t	
Council Liaison:	Council Memb	er Marion Blackburn		
Name	District #	Current Term	Reappointment Status	Expiration Date
Renee Safford-Wh (Council Member Joyner)	ite 1	First term	Eligible	June 2011
Mulatu Wubneh	4	Second term	Ineligible	June 2011

Community Appearance Commission

(Mayor Dunn)

Council Liaison:	Council Memb	er Kandie Smith		
Name	District #	Current Term	Reappointment Status	Expiration Date
Valerie Guess	5	Filling unexpired term	Eligible	July 2011
Troy Jensen	4	First term	Does not wish to be reappointed for a second term	J

Greenville Utilities Commission Mayor Pro-Tem Bryant Kittrell **Council Liaison:** Current Reappointment Expiration Name **District** # Term **Status** Date Julia Carlson Second term June 2011 Ineligible (Council Member Mercer) County Eligible June 2011 Phil Flowers First term (County nomination)

May 2011

Housing Authority

Council Liaison: Mayor Pro-Tem Bryant Kittrell

4

Current Reappointment **Expiration** Name **District** # Term Status Date

First term

Sterling Edmonds (Council Member

Smith)

Human Relations Council

Council Liaison: Council Member Max Joyner, Jr.

<u>Name</u>	District #	Current Term	Reappointment Status	Expiration Date
Shatka Richardson	4	Filling unexpired term	Did not meet attendance requirements	September 2011

Pitt-Greenville Airport Authority

Council Liaison: Council Member Max Joyner, Jr.

4

Current Reappointment Expiration Name **District** # Term **Status** Date

Dennis Biggs (Council Member

Blackburn)

Second term June 2011 Ineligible

Eligible

Pitt-Greenville Convention and Visitors Authority

Council Liaison: Council Member Rose Glover Current Reappointment Expiration Name **District** # **Term Status** Date **Kurt Davis** 5 Filling unexpired term Eligible July 2011 (County (1) Jameson Inn) **Thomas Hines** 1 Second term Ineligible July 2011 (County (3)) 1 First term No longer employed July 2011 Linda Pleasants (City ((1) Holiday with Holiday Inn Inn)

Pitt Greenville Convention and Visitors Authority (continued)

Terry Shank Eligible 4 First term July 2011 (City (3))

Glover)

Owners/operators of hotels/motels
 Residents not involved in tourist or convention-related business

	Planni	ng and Zoning Comm	ission	
Council Liaison:	Council Men	nber Calvin Mercer		
Name	District #	Current Term	Reappointment Status	Expiration Date
Godfrey Bell Regular Member (Council Member Glover)	1	First term	Eligible	May 2011
Cathy Maahs-Fladur	ng 3	First term	Moved out of	May 2014
(Council Member Mercer)			city limits	
			2109 2222202	
Available Slot Alternate Member # (Council Member Joyner)	1	Filling unexpired term	Eligible	May 2013
	Recrea	tion and Parks Comm	nission	
Council Liaison:	Council Men	nber Marion Blackburn		
Name	District #	Current Term	Reappointment Status	Expiration Date
Sue Aldridge (Council Member	4	Second term	Ineligible	May 2011

Applicants for Board of Adjustment

Cornell Allen Application Date: 5/8/2011

4030 Bells Chapel Road Greenville, NC 27858

Home Phone: (252) 215-0486
Business Phone: (252) 258-9718
Email: mrcallen2436@gmail.com

District #: 5

William Fleming Application Date: 9/24/2010

3609 Oak Hills Drive Greenville, NC 27834

Greenville, NC 27834 **Home Phone:** (252) 756-8759 **Business Phone:** (252) 531-1600

District #: 1 Email: williamhfleming@yahoo.com

Nathan Frank **Application Date:** 7/2/2010

4001 Lyme Court
Greenville, NC 27834

Home Phone: (252) 321-9730
Business Phone: (615) 504-1933

District #: 5 Email: ncfrank@embarqmail.com

Jackie Parker Application Date: 7/8/2010

3709 Live Oak Lane
Greenville, NC 27858

Home Phone:
Business Phone:

District #: 5 **Email:** mrjparker@aol.com

Thomas Taft **Application Date:** 9/16/2010

2808 Stantonsburg Road, Apt. 1C Greenville, NC 27834 **Home Phone:** (252) 531-8716

Business Phone: (252) 752-7101

District #: 1 **Email:** t.taft983@yahoo.com

Applicants for Community Appearance Commission

Jeffrey O'Neill 1501 W. Ragsdale Drive Greenville, NC 27858

Home Phone: (919) 636-1646

Application Date: 3/24/2011

Business Phone:

District #: 3 Email: ncarolinasailor@gmail.com

Applicants for Greenville Utilities Commission

Brian Cooper Application Date: 3/5/2011

1149 Mulberry Lane, #34-G

Greenville, NC 27858 **Home Phone:** (252) 439-0651 **Business Phone:** (252) 439-0651

District #: 5 Email: brianevans_99@yahoo.com

Charles H. Farley Application Date: 2/9/2011

206 Oxford Road

Greenville, NC 27858 Home Phone: (252) 717-4873
Business Phone:

District #: 4 **Email:** privatepilot@earthlink.net

Jackie Parker Application Date: 7/8/2010

3709 Live Oak Lane
Greenville, NC 27858

Home Phone:
Business Phone:

District #: 5 Email: mrjparker@aol.com

Richard Weir Application Date: 2/20/2011

2074-3 Old Firetower Rd.

Greenville, NC 27858

Home Phone: (252) 565-5663

Business Phone: (252) 216-9347

District #: 5 **Email:** raw03@gmailcom

Applicants for Housing Authority

Jumail Blount
1901-A Norcott Circle

Greenville, NC 27834

District #: 2

Application Date: 4/12/2010

Home Phone: (252) 327-7716 **Business Phone:** (252) 329-4549

Email: harknot22@yahoo.com

Applicants for Human Relations Council

Wanda Carr Application Date: 10/13/2010

2304 British Court

Greenville, NC 27834 **Home Phone:** (252) 321-1409

Business Phone:

District #: 1 Email: carrwdc@hotmail.com

Aaron Lucier Application Date: 2/23/2011

1516 Thayer Drive

Winterville, NC 28590 **Home Phone:** (252) 321-3910 **Business Phone:** (252) 328-2758

District #: 5 Email: luciera@ecu.edu

Angela Marshall Application Date: 4/29/2011

2609B Boone Court Greenville, NC 27834 **Home Phone:** (252) 258-4104

Business Phone: (252) 328-4173 **District #:** 1 **Email:** marshalla@ecu.edu

Prudencio Martinez-Mengel Application Date: 12/7/2010

922 College View Drive Greenville, NC 27858 **Home Phone:** (252) 412-4907

Business Phone:

District #: 3 Email: prudencio4martinez@gmail.com

Brittney Partridge Application Date: 7/15/2010

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

Home Phone: (252) 489-8390

Business Phone:

District #: 1 Email: partridge606@students.ecu.edu

Applicants for Pitt-Greenville Airport Authority

Brian Cooper Application Date: 3/5/2011

1149 Mulberry Lane, #34-G

Greenville, NC 27858 **Home Phone:** (252) 439-0651 **Business Phone:** (252) 439-0651

District #: 5 Email: brianevans_99@yahoo.com

Charles H. Farley **Application Date:** 2/9/2011

206 Oxford Road
Greenville, NC 27858 **Home Phone:** (252) 717-4873

Business Phone:

District #: 4 **Email:** privatepilot@earthlink.net

William Fleming Application Date: 9/24/2010

3609 Oak Hills Drive
Greenville, NC 27834

Home Phone: (252) 756-8759
Business Phone: (252) 531-1600

District #: 1 Email: williamhfleming@yahoo.com

Nathan Frank **Application Date:** 7/2/2010

4001 Lyme Court
Greenville, NC 27834 **Home Phone:** (252) 321-9730

Business Phone: (615) 504-1933 **Email:** ncfrank@embarqmail.com

Will Litchfield **Application Date:** 4/9/2010

310 Dupont Circle
Greenville, NC 27858 **Home Phone:** (252) 364-2243

Business Phone: (252) 439-1100 **Email:**

Angela Marshall Application Date: 4/29/2011

2609B Boone Court

Greenville, NC 27834

Home Phone: (252) 258-4104

Business Phone: (252) 328-4173

District #: 1 Email: marshalla@ecu.edu

Pitt-Greenville Airport Authority (continued)

James Morris **Application Date:** 1/6/2010

3521 Warwick Drive

Greenville, NC 27858 **Home Phone:** (252) 756-9162 **Business Phone:** (252) 717-9163

District #: 5 **Email:** jymorris@suddenlink.net

James O'Bryant **Application Date:** 12/5/2010

1809 Planters Walk

Greenville, NC 27858 **Home Phone:** (252) 355-7618 **Business Phone:** (252) 414-1466

District #: 4 Email: mmobryants@suddenlink.net

William H. Russ Application Date: 1/4/2011

321 Hidden Branches Close Winterville, NC 28590

Winterville, NC 28590 **Home Phone:** (252) 258-0161

Business Phone:

District #: 5 **Email:** billruss@suddenlink.net

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

Brian Brown Application Date: 2/23/2011

2237 Penncross Drive Greenville, NC 27834

1149 Mulberry Lane, #34-G

Greenville, NC 27834 **Home Phone:** (252) 414-3943 **Business Phone:** (252) 353-7379

District #: 5 Email: bbrown@myrepexpress.com
Occupation: President/CEO, Rep Express

Catering

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

2304 British Court
Greenville, NC 27834 **Home Phone:** (252) 321-1409

Business Phone:
District #: 1 Email: carrwdc@hotmail.com

Occupation: Unemployed

Brian Cooper Application Date: 3/5/2011

Greenville, NC 27858 **Home Phone:** (252) 439-0651 **Business Phone:** (252) 439-0651

District #: 5

Email: brianevans_99@yahoo.com
Occupation: Self-employed; Bk. Author/
Writer-Editor/Communications Consultant

Ann Eleanor **Application Date:** 2/13/2011

102 Lindenwood Drive Greenville, NC 27834 **Home Phone:** (252) 227-4240

Business Phone:

District #: 5 **Email:** aeleanor@suddenlink.net

Occupation: Retired

Applicants for Pitt-Greenville Convention and Visitors Authority (County)

STATEMENT OF INTEREST TO SERVE

If you are a Pitt County resident and would like to volunteer your time and expertise to your community, please complete and return to:

Pitt County Board of Commissioners c/o Clerk to the Board 1717 W. 5th Street Greenville, N.C. 27834

Please list in order of preference the Boards and Commissions for which you would be willing to serve:

Convention & Visitors Authority

Pitt - Greenville Airport Authority

Greenville Utilities Commission

Full name: Elizabeth Weidner Date Of Birth: 8/13/1958

Residence Address: 116 Knight Drive Gender: F City and Zip Code: Winterville NC 28590 Race: White

Mailing Address (if different):

Home (Night) Phone No. :

Work (Day) Phone No.: 2523214034

Fax No.

Email: demrs5@suddenlink.net

Attributes: Greenville ETJ

South of the River GUC Customer District 5

Please list your County Commissioner District:

(This information can be obtained from the Board of Elections at 252-902-3300.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	University of Alabama-Birmingh		
Education	Albemarle High School		
Education	Albemane riigh School		

If I am appointed to serve on one or more boards, I will agree by signing an Affirmation of Understanding, to attend the required number of meetings each calendar year and not to exceed unexcused absences by more than 25%, three (3) meetings in any calendar years.

Signature:

Application Date: 6/22/2010

**Note: When applying for a Pitt County Board or Commission, your application is considered a public record. The Board Appointment policy requires that applications be on file in the Clerk's Office 30 days prior to consideration for appointment.

***Interest to Serve forms remain current for two full years. Following that the applicant may wish to contact the Clerk to the Board's Office for an updated form.

Pitt County Board of Commissioners 1717 W. 5th Street Greenville, N.C. 27834 (252) 902-2950

STATEMENT OF INTEREST TO SERVE

If you are a Pitt County resident and would like to volunteer your time and expertise to your community, please complete and return to:

Pitt County Board of Commissioners c/o Clerk to the Board 1717 W. 5th Street Greenville, N.C. 27834

Please list in order of preference the Boards and Commissions for which you would be willing to serve:

Pitt Community College Board Of Trustees

Pitt - Greenville Airport Authority Convention & Visitors Authority

Committee for Employment of People w/Disabilities

Full name: Edward Sontag Date Of Birth: 1/5/1938

Residence Address: 3902 Brookstone Drive Gender: M
City and Zip Code: Winterville NC 28590 Race:

Mailing Address (if different):

Home (Night) Phone No. :

Work (Day) Phone No.: 2523648198

Fax No.

Email: edsbadger@gmail.com

Attributes: Greenville City Limits

South of the River

District 5

Please list your County Commissioner District:

(This information can be obtained from the Board of Elections at 252-902-3300.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

5

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)				
	Organization	Description	Date(s)	
Education	Syracuse U		1971	
Education	Buffalo State	BS; MS	1964, 1967	
Education	Bennett High School; Buffalo N			
Experience	US Dept. of Education	Director of Special Education		

Experience	Governor Tommy Thompson	Policy Advisor	
Experience	CDC	Chief Management Official	2005-2010
Experience	HHS	Assistant Secretary	2001-2005
Volunteer/Prof. Associations	National Guard - NY State		

If I am appointed to serve on one or more boards, I will agree by signing an Affirmation of Understanding, to attend the required number of meetings each calendar year and not to exceed unexcused absences by more than 25%, three (3) meetings in any calendar years.

Signature:

Application Date: 1/21/2011

**Note: When applying for a Pitt County Board or Commission, your application is considered a public record. The Board Appointment policy requires that applications be on file in the Clerk's Office 30 days prior to consideration for appointment.

***Interest to Serve forms remain current for two full years. Following that the applicant may wish to contact the Clerk to the Board's Office for an updated form.

Pitt County Board of Commissioners 1717 W. 5th Street Greenville, N.C. 27834 (252) 902-2950

Reviewed for accur	racy
Signature: Date:	

STATEMENT OF INTEREST TO SERVE

If you are a Pitt County resident and would like to volunteer your time and expertise to your community, please complete and return to:

Pitt County Board of Commissioners c/o Clerk to the Board 1717 W. 5th Street Greenville, N.C. 27834

Please list in order of preference the Boards and Commissions for which you would be willing to serve:

P. C. M. H. Board of Trustees

Global Tranpark Development Commission
Industrial Revenue & Pollution Control Authority

Convention & Visitors Authority

Full name: Ralph Hall Jr Date Of Birth: 6/15/1936

Residence Address: 111 Hardee Street Gender: M
City and Zip Code: Greenville NC 27858 Race: White

Mailing Address (if different):

Home (Night) Phone No.: 2527560262

Work (Day) Phone No.:

Fax No.

Email: bajhall@aol.com

Attributes: District 6
Greenville ETJ

Please list your County Commissioner District: 6

(This information can be obtained from the Board of Elections at 252-902-3300.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973

Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		
Volunteer/Prof. Associations	State Board of Directors		

If I am appointed to serve on one or more boards, I will agree by signing an Affirmation of Understanding, to attend the required number of meetings each calendar year and not to exceed unexcused absences by more than 25%, three (3) meetings in any calendar years.

Signature:

Application Date: 2/26/2003

**Note: When applying for a Pitt County Board or Commission, your application is considered a public record. The Board Appointment policy requires that applications be on file in the Clerk's Office 30 days prior to consideration for appointment.

***Interest to Serve forms remain current for two full years. Following that the applicant may wish to contact the Clerk to the Board's Office for an updated form.

Pitt County Board of Commissioners 1717 W. 5th Street Greenville, N.C. 27834 (252) 902-2950

Reviewed for accur	racy	
Signature:		
Date:		

STATEMENT OF INTEREST TO SERVE

If you are a Pitt County resident and would like to volunteer your time and expertise to your community, please complete and return to:

Pitt County Board of Commissioners c/o Clerk to the Board 1717 W. 5th Street Greenville, N.C. 27834

Please list in order of preference the Boards and Commissions for which you would be willing to serve:

P. C. M. H. Board of Trustees

Pitt - Greenville Airport Authority

Pitt Community College Board Of Trustees

Development Commission

Convention & Visitors Authority

Full name: Brian Cooper Date Of Birth: 9/2/1946

Residence Address: 1149 Mulberry Lane #34G Gender: M City and Zip Code: Greenville NC 27858 Race: White

Mailing Address (if different):

Home (Night) Phone No.: 2524390651 Work (Day) Phone No.: 2524390651

Fax No.

Email: Brianevans_99@yahoo.com

Attributes: District 5

Greenville City Limits South of the River

Please list your County Commissioner District:

5

(This information can be obtained from the Board of Elections at 252-902-3300.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

Experience (Educ./	_			
	Organization	Description	Date(s)	
Education	Princeton University	AB-History		
Education	University of Michigan	MA		
Education	Sewanhaka High			

Experience	Self-Employed - Cooper Pearson	Writer-Editor & Marketing	currently
Experience	Air Force	ROTC	2 years
Experience	Hill & Knowlton/New York	Senior Account Executive	1984-1985
Experience	St. Regis Paper Company/New Y	PR Project Manager	1978-1984
Experience	Harcount Brace Jovanovich/New	Asst. to the CEO	1976-1978
Experience	The Port Authority		1972
Experience	Industry Experience	Publishing,Media, Airport Mang., Hea	
Experience	Treadway Ins. & Resorts	Marketing & Communications Directo	1976
Volunteer/Prof. Associations	Princeton Club of New York	Member, Board of Governors	1975-1990
Volunteer/Prof. Associations	The International Center	English/language tutor	
Volunteer/Prof. Associations	The Network of Independent Pub		1986-1988
Volunteer/Prof. Associations	Literacy Tutor/Orange County		
Volunteer/Prof. Associations	Radio Reading Services of Easter		
Volunteer/Prof. Associations	Greenville Writers Group	Member	
Volunteer/Prof. Associations	American Society of Journalists	Member	

Applicants for Planning and Zoning Commission

Home Phone:

Cornell Allen **Application Date:** 5/8/2011

4030 Bells Chapel Road Greenville, NC 27858

(252) 215-0486 **Business Phone:** (252) 258-9718 District #: 5 Email: mrcallen2436@gmail.com

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

2237 Penncross Drive

Greenville, NC 27834 **Home Phone:** (252) 414-3943 **Business Phone:** (252) 353-7379

Email: bbrown@myrepexpress.com District #: 5

William Fleming **Application Date:** 9/24/2010

3609 Oak Hills Drive Greenville, NC 27834 **Home Phone:** (252) 756-8759 **Business Phone:** (252) 531-1600

Email: williamhfleming@yahoo.com District #: 1

Nathan Frank **Application Date:** 7/2/2010

4001 Lyme Court Greenville, NC 27834 **Home Phone:** (252) 321-9730 **Business Phone:**

(615) 504-1933 District #: 5 **Email:** ncfrank@embargmail.com

Application Date: 2/11/2011 Terry King

1310 Thomas Langston Rd. #7 Winterville, NC 28590 **Home Phone:** (252) 412-5228 **Business Phone:**

District #: 5 Email: terryeu2@aol.com

Jeffrey O'Neill **Application Date:** 3/24/2011

1501 W. Ragsdale Drive **Home Phone:** Greenville, NC 27858 (919) 636-1646

Business Phone:

District #: 3 Email: ncarolinasailor@gmail.com Planning and Zoning Commission (continued)

Richard S. Patterson **Application Date:** 7/20/2010

107 Woodhaven Road

Greenville, NC 27834 **Home Phone:** (252) 916-6593 **Business Phone:** (252) 746-7018

Email: rspattersonsr33@gmail.com District #: 5

Richard Weir **Application Date: 2/20/2011**

2074-3 Old Firetower Rd.

Greenville, NC 27858 **Home Phone:** (252) 565-5663 **Business Phone:** (252) 216-9347

District #: 5 Email: raw03@gmailcom

L. H. Zincone **Application Date:** 3/7/2011

1730 Beaumont Drive Greenville, NC 27858 **Home Phone:** (252) 756-0071

Business Phone:

Applicants for Recreation and Parks Commission

Brian Cooper Application Date: 3/5/2011

1149 Mulberry Lane, #34-G

Greenville, NC 27858 **Home Phone:** (252) 439-0651 **Business Phone:** (252) 439-0651

District #: 5 Email: brianevans_99@yahoo.com

William Fleming Application Date: 9/24/2010

3609 Oak Hills Drive Greenville, NC 27834

Greenville, NC 27834 **Home Phone:** (252) 756-8759 **Business Phone:** (252) 531-1600

District #: 1 Email: williamhfleming@yahoo.com

Joseph P. Flood **Application Date:** 2/10/2009

1919 Sherwood Drive Greenville, NC 27858 **Home Phone:** (252) 353-9915 **Business Phone:** (252) 328-2745

District #: 4 Email: floodi@ecu.edu

Nathan Frank **Application Date:** 7/2/2010

4001 Lyme Court
Greenville, NC 27834 **Home Phone:** (252) 321-9730

Business Phone: (615) 504-1933 **District #:** 5 **Email:** ncfrank@embarqmail.com

Deb Jordan Application Date: 1/31/2011

4321 Davencroft Village Drive Winterville, NC 28590 **Home Phone:** (252) 367-1754

Business Phone: (252) 737-2990

District #: 5 Email: jordand@ecu.edu

Recreation and Parks Commission (continued)

Aaron Lucier Application Date: 2/23/2011

1516 Thayer Drive

Winterville, NC 28590 **Home Phone:** (252) 321-3910 **Business Phone:** (252) 328-2758

District #: 5 Email: luciera@ecu.edu

Jan Maclaga Application Date: 5/12/2011

3402 Foxwood Lane

Greenville, NC 27858 **Home Phone:** (252) 756-4520

Business Phone:

District #: 4 Email: maclagaj@ecu.edu

Al Muller Application Date: 2/11/2011

212 Bristol Court

Greenville, NC 27834 **Home Phone:** (252) 916-5667

Business Phone: (252) 328-6737

District #: 5 **Email:** axm6737@gmail.com

Knox Oakley Application Date: 1/31/2011

3906 Bach Circle

Greenville, NC 27858 **Home Phone:** (252) 321-6970 **Business Phone:** (252) 531-2457

District #: 4 **Email:** k.oakleyetridim.com

Jeffrey O'Neill Application Date: 3/24/2011

1501 W. Ragsdale Drive Greenville, NC 27858 **Home Phone:** (919) 636-1646

Business Phone:

District #: 3 **Email:** ncarolinasailor@gmail.com

Richard S. Patterson Application Date: 7/20/2010

107 Woodhaven Road

Greenville, NC 27834 **Home Phone:** (252) 916-6593 **Business Phone:** (252) 746-7018

District #: 5 Email: rspattersonsr33@gmail.com

Recreation and Parks Commission (continued)

James Yahnker Application Date: 2/28/2011

413 Beasley Drive, Apt. M-7

Greenville, NC 27834 **Home Phone:** (252) 758-3291 **Business Phone:** (252) 847-4400

District #: 1 Email: yahnker06@suddenlink.net

L. H. Zincone Application Date: 3/7/2011

1730 Beaumont Drive
Greenville, NC 27858 **Home Phone:** (252) 756-0071

Business Phone:

District #: 4 **Email:** bgrassnut@suddenlink.net



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Second reading and final adoption of an ordinance authorizing expansion of a

taxicab franchise to Mahmoud Ahmad Atiyha, d/b/a Ace Cab

Explanation: Mahmoud Ahmad Atiyha, d/b/a Ace Cab, has made application to expand his

existing taxicab franchise to operate a total of four taxicabs. The Financial Services, Community Development, and Police Departments have all reviewed the application packet and support approval of the applicant's request. A public hearing on this request is scheduled for June 9, 2011 after being advertised in The Daily Reflector on May 30, 2011 and June 6, 2011. Notification of the public hearing was mailed to all current vehicle for hire franchise owners.

Fiscal Note: No direct cost to the City.

Recommendation: Approval of the second reading and final adoption of an ordinance authorizing

expansion of a taxicab franchise to Mahmoud Ahmad Atiyha, d/b/a Ace Cab.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Application Packet from Ace Cab

Ordinance granting a taxicab franchise to Mahmoud Ahmad Atiyha Ace cab 2nd and final reading 898390

AN ORDINANCE GRANTING AN AMENDMENT TO TAXICAB FRANCHISE OF MAHMOUD AHMAD ATIYHA, D/B/A ACE CAB

WHEREAS, the City of Greenville is authorized by G.S. §160A-304 to license and regulate all vehicles operated for hire within the City of Greenville; and

WHEREAS, the City of Greenville has adopted an ordinance, Chapter 1 of Title 11 of the Greenville City Code, requiring the operators of taxicab businesses within the City to obtain a franchise from the City permitting said operation, and said ordinance sets forth certain requirements and criteria that must be satisfied in order to obtain and maintain the franchise for the operation of a taxicab business; and

WHEREAS, Mahmoud Ahmad Atiyha, d/b/a Ace Cab, was granted a taxicab franchise on March 3, 2011, which permitted the operation of 1 taxicab within the City limits and now seeks authorization to increase the number of taxicabs operated within the City limits to $\underline{4}$ taxicabs; and

WHEREAS, following investigation into the qualifications of the applicant, the City Council has determined that the applicant satisfies the requirements and conditions for the operation of a taxicab business within the City and has presented evidence substantiating the public convenience and necessity of such a business;

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

<u>Section 1</u>. A taxicab franchise issued to Mahmoud Ahmad Atiyha, d/b/a Ace Cab, is amended to permit the operation within the City of Greenville of not more than <u>4</u> taxicabs.

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

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

<u>Section 4</u>. This ordinance shall become effective immediately upon its adoption following its second reading.

First reading approved on the 6th day of June, 2011.

Second reading and final adoption on the 9th day of June, 2011.

ATTEST:	Patricia C. Dunn, Mayor
Carol L. Barwick, City Clerk	

898390

APPLICATION FOR TAXICAB FRANCHISE

(NOTE: \$30 application fee must be presented with application in order for application to be considered.)

To the Mayor and City Council of the City of Greenville

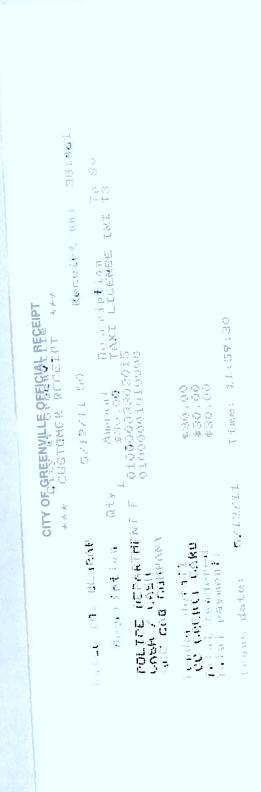
The undersigned hereby makes application for a taxicab franchise under the provisions of Chapter 564,

S	Session	Laws 19	ersigned 945, and	presents the follow	ving informat	tion:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, 		•
1		regulation	ons, regi	familiar with the or ulations of rates, ar	nd other matt	ers peπaining	to the ope	raudii di taxicat	<i>)</i> 5.	
2	2.	The indi	vidual, o	porporate or trade n	ame and but	siness address	s of the ap	plicant is:	c Unit	B 4
3	3.	The App	olicant is An indiv A corpo	idual and sole own ration chartered unsers of the corporat	er of the taxi	cab business of the State o	to be opera f North Ca	ated under the a rolina in the yea	above name	e. and
		C.	A partn	ership, as shown b	y articles her	eto attached, a	and the na	mes of partners	are:	
4	4.	The Apr	olicant o	perates in the follo	wing cities:	Green	ville	NC		
	5.	The Ap	plicant is	requesting franch	ise to operate	e <u> </u>	icabs. (3 additio	nad noved a	1102/2011
(6.	In supp	ort of thi A.	A full statement of	facts which.	it supported b	v substant	iai tesumony at	me neaml	, wili
		Exhibit	В.	support a finding of A complete list of	Applicant's m	venience and r notor equipme	necessity to nt showing	or this operation year, make, m	ı. odei, and c	arrying
		Exhibit	C	capacity of each u Financial stateme	nt showing a	ssets, liabilities	s and net v	vorth of applicar	nt.	
		Exhibit		Statement showin	g applicant h	as made com	olete arran	gement for off-s	street parkir	ng of
		Exhibit		Statement of prop	osed fares fo	or transportation	n of perso	ns and property	<i>1</i> .	
		Exhibit Exhibit		Statement of experience of persons who	erience of app	plicant in cond triver: Official	ucting taxi results of a	cap pusiness. a drug screenin	g for the	
		EXHIDIC	G.	applicant(s) from a conducted the dru Department	a practicino li	icensed physic	ian <u>AND</u> a	waiver from the	e pnysician	who
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Signature of Applicant ______

Subscribed and swom to before me this 12 day of ______

My Commission Expires: 07/02/2015



Dear Mayor Pat Dunn and the City Council of Greenville,

My name is Mahmoud Atiyha and I'm currently looking to add three more taxis vehicles to Ace Cab taxi business. My mission is to provide Greenville with excellent service. Ace Cab will be recognized as a leader in providing efficient, safe, and reliable taxi service to the city of Greenville. I want everybody to have a lovely and wonderful experience to my service. The reason I want add more taxicabs to the business is to help the community to find a way of transportation for as getting to their job, school, sporting event, evening night out, and much more reasons. I will be driving one 2000 Honda Van, two Ford crown Vitoria and one Toyota van. It has a maximum capacity of five people for the cars and ten people for the vans. I will be storing these vehicles at 900 N Greene St Greenville NC 27834. I'm 23 years old and currently a student at Pitt Community College. I have the competency to mange and obtain a professional place of business. I have the drive and determination to keep a successful taxi cab franchise. I would like to see my application reviewed for further reading and evaluation, so I can successfully add vehicles to my business.

Greenville, NC need more taxi service because Greenville is steadily growing. Everybody doesn't own a vehicle therefore has no way of getting around. There are more college students enrolling at ECU and Pitt Community college every year and lot of students need to find a way to get around, The locals' of Greenville also need away of transportation. The more transportation you have for grown city the more money it brings in to the city so it works out hand to hand. The bus only takes you certain location and only makes certain pickups a taxi cab can pick you up and take you where ever you want. That's why Greenville need more taxi services. I own no property but pay rent for housing and have no outstanding loans.

Contact #(252) 758-0888

Email: mikethemana@yahoo.com

Print | Close Window

Account Dashboard

Alert: This page is a summary of other pages in the application. It requires Javascript to be enabled in your web browser. You must enable Javascript to use this page, or go to the page to continue without Javascript.

Expense An	alysis		
3.			
1			

Net Worth Summary

Balance	Account Information	Account Type
\$1,509.41	Bank of America (All except WA & ID) - CampusEdge checking Edit Nickname Update Last updated 05/11/2011 09:34 PM EST	
\$509.40	Bank of America (All except WA & ID) - Regular Savings Edil Nickname Update Lasl updated 05/11/2011 09:34 PM EST	
Total Assets: \$2,028.70		
Balance	Account Information	Account Type
\$52.6	Bank of America (All except WA & ID) - Credit Card - Bank of America Edit Nickname Update Last updated 05/11/2011 09:34 PM EST	Credit Cards Total Credit Cards: \$52.61
\$0.0	Bank of America (All except WA & ID) - Credit Card - Business Card Edit Nickname Update Last updated 05/11/2011 09:34 PM EST	
Total Liabilities: \$52.6		
Total Net Worth Summary: \$1,976.1		

The information on this page represents the balance of your account(s) when data was last collected. If you have excluded any of your accounts from the Net Worth Calculation, those accounts will not appear in your Net Worth Summary.

Investments Detail

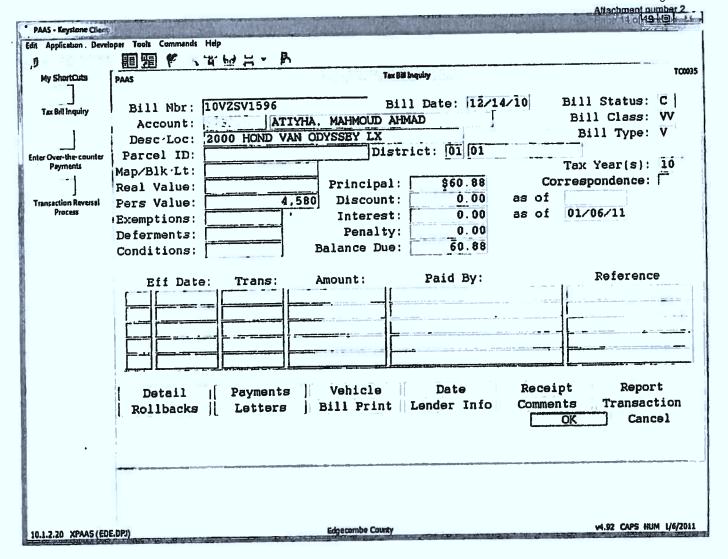
The Investments Detail module allows you to easily monitor and research your current investment holdings.

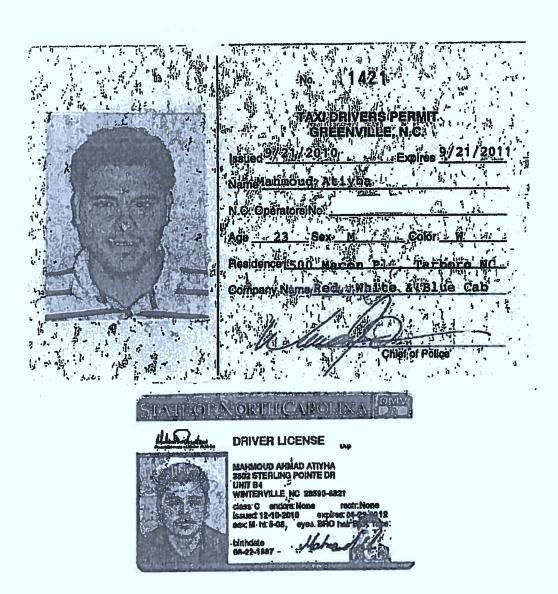
Bill Reminders

Amount Due	Minimum Payment	Biil	Due Date	Status
\$0.00	\$0.00	Bank of America (All except WA & ID) - Credit Card - Business Card Mark as Paid View Bill Update Last updated 05/11/2011 09:34 PM EST	05/11/2011	
\$73,20	\$0.00	Bank of America (All except WA & ID) - Credit Card - Bank of America Mark as Paid View Biil Update Last updated 05/11/2011 09:34 PM EST	05/18/2011	聖
\$73.20	\$0.00	Total Bills Due:		

Rewards Summary

The Rewards Summary module allows you to view point and mileage balances for your reward programs.





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HEARTHSIDE RENTALS

3493-D S. EVANS STREET GREENVILLE, NC 27834 252-355-5923

A notice to vacate from the LESSEE is required in writing 30 days prior to the move out date. Otherwise, the security deposit is automatically forfeited.

TO SUBLEASE AN APARTMENT:

The person moving has to come into the office and fill out intent to vacate form (30 day notice form). The person taking over the lease needs to fill out an application and be approved. Once they are approved we will draw up a new lease with the new name but with the dates and amounts that are on the original lease. The original security deposit will stay with the apartment. This means the new person will pay the moving tenant the security deposit. We will inspect the apartment after the original tenant moves out and before the new tenant moves in. The walk thru will be done by request only.

TERMINATION FEE:

If for some reason beyond your control (illness, job loss or transfer, etc.) you are forced to move before your lease terms is fulfilled, you must pay a termination fee to void the balance due on your lease. The termination fee is equal to 2 months rent and is payable by MONEY ORDER NO LATER THAN 2 WEEKS PRIOR TO MOVE OUT. A WRITTEN 30-DAY NOTICE IS STILL REQUIRED TO QUALIFY FOR THIS PROCESS. If there are no damages or other levies, your security deposit will be refunded in full. In multiple Tenant situations, if one tenant wishes to stay and one vacate, the existing tenant may continue the remainder of the lease with out penalty, or may sublease the leaving tenant's portion of lease.

If you move out prior to the end of the lease agreement with out paying the termination fee: You will forfeit your security deposit, be held!liable for rent on that unit until it is reccupied or end of lease, be charged for any damages and be charged a \$75.00 re-rental fee. Any or all of the above costs not paid within 30 days shall be reported to the Credit Bureau for Collection. It will also appear on your credit report as an unpaid judgment.

Hearthside Rentals
3493-D S. Evans Street
Greenville, NC 27858
252-355-5923
www.hearthsidenmingsoment.com

Renter's Insurance Addendum:

Henrihalde Rentals advises all residents to obtain a "Renter's Insurance Policy" to cover their personal property and/or personal injuries and any other damages that may occur in their residence. According to the terms of the rental agreement, the Owner and/or Hearthaide Rentals is not responsible for any damages to tenants personal property.

Renter's Insurance can provide you with coverage for loss, damage, or destruction of your property. It may also provide coverage for additional living expenses you may incur in the event the residence becomes uninhabitable. Such insurance can also protect you from any liability claims resulting from your own activities. For example, if you negligently cause a fire, you may be held responsible for damages to the property and the property of others. Similarly, if a guest were to have an accident in your residence, you could be held personally responsible for the guest's injuries.

We strongly encourage all resident to obtain a renters insurance policy. These policies are usually reasonable in cost a Consult your insurance agent as soon as possible.

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ADDITIONAL TERMS AND CONDITIONS

THE FOLLOWING TERMS AND CONDITIONS ARE AMENDEMENTS TO THE LEASE IN WHOLE OR IN PART:

- 1. The Security Deposit CANNOT be used as your last month's rent.
- 2. There is a \$250.00 liquidated damage fee for violation of the pet clause, which will be billed to you. You will be given 24 hours to remove the pet. If the pet is not removed within the allotted time, you will be given a 30-day notice to move, for breach of your lease.
- 3. Your rent is due on the 1st of each month and is late after the 5th at the end of the business day each month. Court papers will be filed on the 15th of each month.
- 4. You are responsible for changing the heat and a/c filter once a month.
- 5. You are responsible for checking the smoke detector monthly. If the battery needs replaced it is your responsibility for replacing it. If there is another problem with it please call the office and we will send our maintenance man to repair or replace it.
- 6. Your address must be on the check or money order or it will be considered late.
- 7. You are responsible for maintaining utilities in your apartment the entire time you live there, if for some reason the power is cut off (example: electric cut off for non-payment) you will be responsible for any inspections that may occur to reinstate the power. This includes gas, electric, and water/sewer where applicable.
- 8. If your apartment has gas:logs, you are responsible for any inspections required to connect service.
- 9. You are responsible for professionally cleaning the carpet at the time the unit is vacated and you must turn in a PAID receipt with your keys, or we will hold the money from your security deposit to have it cleaned.
- 10.Due to the fact that Hearthside Rentals does not insure your personal belongings we strongly recommend that you obtain renter's insurance. Hearthside Rentals and the property owner assume no liability for your personal belongings.
- 11.Satellite Dishes are allowed only with written permission. Dish must be located on the Apartment Balcony or Patio. Only one dish will be allowed per apartment.
- 12. No excessive use of elcohol, NO lilegal drugs, and loud music and loud partying are not tolerated.
- 13. Please do not drive on the grass when moving in or out.
- 14. No nails should be placed in doors (inside or outside) or in walkpaper border. No painting or walkpapering will be done by tenants.

SIGNATURE:

DAYS WRITTEN NOTICE PRIOR TO THE LAST DAY OF THE THEN CURRENT PERIOD OF THE THE OTHER 30 ... TENANCY.

- 2. Rent: Tenant shall pay the Rent, without notice, demand or deduction, to Landlord or as Landlord directs. The first Rent payment, which shall be prorated if the Initial Term commences on a day other than the first day of the Payment Period, shall be due on (date). Thereafter, all rentals shall be paid in advance on or before the FIRST day of each subsequent July 01, 2010 Payment Period for the duration of the tenancy.
- 3. Late Payment Fees and Returned Check Fees: Tenant shall pay the Late Payment Fee if any rental payment is not received by midnight on the fifth (5th) day after it is due This late payment fee shall be due immediately without demand therefor and shall be added to and paid with the late rental payment. Tenant also agrees to pay the Returned Check Fee for each check of Tenant that is returned by the financial institution because of insufficient funds or because the Tenant did not have an account at the financial institution.
- Tenant Security Deposit: The Security Deposit shall be administered in accordance with the North Carolina Tenant Security Deposit Act (N.C.G.S. § 42-50 et. seq.). IT MAY, IN THE DISCRETION OF EITHER THE LANDLORD OR THE AGENT, BE DEPOSITED IN AN INTEREST-BEARING ACCOUNT WITH THE BANK OR SAVINGS INSTITUTION NAMED ABOVE. ANY INTEREST EARNED UPON THE TENANT SECURITY DEPOSIT SHALL ACCRUE FOR THE BENEFIT OF, AND SHALL BE PAID TO, THE LANDLORD, OR AS THE LANDLORD DIRECTS. SUCH INTEREST, IF ANY, MAY BE WITHDRAWN BY LANDLORD OR AGENT FROM SUCH ACCOUNT AS IT ACCRUES AS OFTEN AS IS PERMITTED BY THE TERMS OF THE ACCOUNT.

Upon any termination of the tenency herein created, the Landlord may deduct from the Tenant Security Deposit amounts sufficient to pay: (1) any damages sustained by the Landlord as a result of the Tenant's nonpayment of rent or nonfulfillment of the Initial Term or any renewal periods, including the Tenant's failure to enter into possession; (2) any damages to the Premises for which the Tenant is responsible; (3) any unpaid bills which become a lien against the Premises due to the Tenant's occupancy; (4) any costs of re-renting the Premises after a breach of this lease by the Tenant; (5) any court costs incurred by the Landlord in connection with terminating the tenancy; and (6) any other damages of the Landlord which may then be a permitted use of the Tenant Security Deposit under the laws of this State. No fees may be deducted from the Tenant Security Deposit until the termination of the tenancy. After having deducted the above amounts, the Landlord shall, if the Tenant's address is known to him, refund to the Tenant, within thirty (30) days after the termination of the tenancy and delivery of possession, the balance of the Tenant Security Deposit along with an itemized statement of any deductions. If the extent of Landlord's claim against the security deposit cannot be determined within 30 days, Landlord shall provide Tenant with an interim accounting no later than 30 days after termination of the tenancy and delivery of possession of the Premises to Landlord and shall provide a final accounting within 60 days after termination of the tenancy and delivery of possession of the Premises to Landlord. If there is more than one person listed above as Tenant, Agent may, in Agent's discretion, pay said balance to any such person, and the other person(s) agree to hold Agent harmless for such action. If the Tenant's address is unknown to the Landlord, the Landlord may deduct the above amounts and shall then hold the balance of the Tenant Security Deposit for the Tenant's collection for a six-month period beginning upon the termination of the tenancy and delivery of possession by the Tenant. If the Tenant fails to make demand for the balance of the Tenant Security Deposit within the six-month period, the Landlord shall not thereafter be liable to the Tenant for a refund of the Tenant Security Deposit or any part thereof.

If the Landlord removes Agent or Agent resigns, the Tenant agrees that Agent may transfer any Tenant Security Deposit held by Agent hereunder to the Landlord or the Landlord's designee and thereafter notify the Tenant by mail of such transfer and of the transferee's name and address. The Tenant agrees that such action by Agent shall relieve Agent of further liability with respect to the Tenant Security Deposit. If Landlord's interest in the Premises terminates (whether by sale, assignment, death, appointment of receiver or otherwise), Agent shall transfer the Tenant Seurity Deposit in accordance with the provisions of North Carolina General Statutes § 42-54.

- 5. Tenant's Obligations: Unless otherwise agreed upon, the Tenant shall:
- (a) use the Premises for residential purposes only and in a manner so as not to disturb the other tenants;
- (b) not use the Premises for any unlawful or immoral purposes or occupy them in such a way as to constitute a nuisance; (c) keep the Premises, including but not limited to all plumbing fixtures, facilities and appliances, in a clean and safe condition;
- (d) cause no unsafe or unsanitary condition in the common areas and remainder of the Premises used by him;
- (e) comply with any and all obligations imposed upon tenants by applicable building and housing codes;
- (f) dispose of all ashes, rubbish, garbage, and other waste in a clean and safe manner and comply with all applicable ordinances concerning garbage collection, waste and other refuse;
- (g) use in a proper and reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances, if any, furnished as a part of the Premises;
- (h) not deliberately or negligently destroy, deface, damage or remove any part of the Premises (including all facilities, appliances and fixtures) or permit any person, known or unknown to the Tenant, to do so;
- (i) pay the costs of all utility services to the Premises which are billed directly to the Tenant and not included as a part of the
- rentals, including, but not limited to, water, electric, telephone, and gas services; (j) conduct himself and require all other persons on the Premises with his consent to conduct themselves in a reasonable manner and so as not to disturb other tenants' peaceful enjoyment of the Premises; and
 - (k) not abandon or vacate the Premises during the Initial Term or any renewals or extensions thereof. Tenant shall be deemed to

PREPARED BY: LINDA GADDIS, OFFICE MANAGER STANDARD FORM 410-T Revised 10/2009 © 10/2009 North Carolina Association of REALTORS® Inc. RealFA\$T® Software, ©2010, Version 6 17 Software Registered to Linda Gaddia. Heerthalds Rentals 08/23/10 11 39 55 Teneni(s) initials M

have abandoned or vaca(ed the Premises if Tenant removes substantially ali of his possessions from the Premises.

(i) n/a

6. Landlord's Obligations: Unless otherwise agreed upon, the Landlord shall:

(a) comply with the applicable building and housing codes to the extent required by such building and housing codes;

(b) make all repairs to the Premises as may be necessary to keep the Premises in a fit and habitable condition; provided, however. in accordance with paragraph 10, the Tenant shall be liable to the Landlord for any repairs necessitated by the Tenant's intentional or negligent misuse of the Premises;

(c) keep all common areas, if any, used in conjunction with the Premises in a clean and safe condition;

(d) promptly repair all facilities and appliances, if any, as may be furnished by the Landlord as part of the Premises, including electrical, plumbing, sanitary, heating, ventilating, and air conditioning systems, provided that the Landlord, except in emergency situations, actually receives notification from the Tenant in writing of the needed repairs; and

(e) within a reasonable period of time based upon the severity of the condition, repair or remedy any imminently dangerous condition on the Premises after acquiring actual knowledge or receiving notice of the condition. Notwithstanding Landlord's repair or remedy of any imminently dangerous condition, Landlord may recover from Tenant the actual and reasonable costs of repairs that are the fault of Tenant.

- 7. Snioke and Carbon Monoxide Detectors: Pursuant to North Carolina General Statutes § 42-42 and 42-43, the Landlord shall provide and install operable smoke detectors, either battery-operated or electrical, having an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval. Effective January 1, 2010, if the Premises has a fossil-fuel burning heater or appliance, fireplace, or an attached garage, the Landlord shall provide and install a minimum of one operable carbon monoxide detector per level in the Premises, either battery operated or electrical, that is listed by a national, OSHA-approved testing laboratory. The Tenant shall notify the Landlord, in writing, of the need for replacement of or repairs to a smoke or carbon monoxide detector. The Landlord shall replace or repair the smoke or carbon monoxide detector within 15 days of receipt of notification if the Landlord is notified of needed replacement or repairs in writing by the Tenant. The Landlord shall ensure that a smoke or carbon monoxide detector is operable and in good repair at the beginning of the Initial Term of the Tenancy. The Landlord shall place new batteries in any battery-operated smoke or carbon monoxide detectors at the beginning of the Initial Term of the tenancyfile Tenant shall replace the batteries as needed during the tenancy.
- 8. Rules and Regulations: The Tenant, his family, servants, guests and agents shall comply with and abide by all the Landlord's existing rules and regulations and such future reasonable rules and regulations as the Landlord may, at Landlord's discretion, from time to time, adopt governing the use and occupancy of the Premises and any common areas used in connection with them (the "Rules and Regulations"). Landlord reserves the right to make changes to the existing Rules and Regulations and to adopt additional reasonable rules and regulations from time to time; provided however, such changes and additions shall not alter the essential terms of this lease or any substantive rights granted hereunder and shall not become effective until thirty (30) days' written notice thereof shall have been furnished to Tenant. Tenant also agrees to abide by any applicable homeowners' association regulations as they now exist or may be amended. A copy of the existing Rules and Regulations, and any applicable homeowners' association regulations, are attached hereto and the Tenant acknowledges that he has read them. The Rules and Regulations shall be deemed to be a part of this lease giving to the Landlord all the rights and remedies herein provided.
- 9. Right of Entry: Landlord hereby reserves the right to enter the Premises during reasonable hours for the purpose of (1) inspecting the Premises and the Tenant's compliance with the terms of this lease; (2) making such repairs, alterations, improvements or additions thereto as the Landlord may deem appropriate; and (3) showing the Premises to prospective purchasers or tenants. Landlord shall also have the right to display "For Sale" or "For Rent" signs in a reasonable manner upon the Premises.
- 10. Damages: Tenant shall be responsible for and liable to the Landlord for all damage to, defacement of, or removal of property from the Premises whatever the cause, except such damage, defacement or removal caused by ordinary wear and tear, acts of the Landlord, his agent, or of third parties not invitees of the Tenant, and natural forces. Tenant agrees to pay Landlord for the cost of repairing any damage for which Tenant is responsible upon receipt of Landlord's demand therefor, and to pay the Rent during the period the Premises may not be habitable as a result of any such damage.
- 11. Pets: If pets are not allowed, Tenant agrees not to keep or allow anywhere on or about the Property any animals or pets of any kind, including but not limited to, dogs, cats, birds, rodents, reptiles or marine animals. If pets are allowed, Tenant acknowledges that the amount of the Pet Fee is reasonable and agrees that the Landlord shall not be required to refund the Pet Fee in whole or in part. If pets are allowed, Tenant agrees to reimburse Landlord for any primary or secondary damages caused thereby whether the damage is to the are allowed, Tenant agrees to reimburse Landlord for any primary or secondary damages caused thereby whether the damage is to the Premises or to any common areas used in conjunction with them, and to indemnify Landlord from any liability to third parties which may result from Tenant's keeping of such pet or pets.

The Tenant shall remove any pet previously permitted within hours of written notification from the Landford that the pet, in the Landford's sole judgment, creates a nuisance or disturbance or is, in the Landford's opinion, undesirable. If the pet is caused to be removed pursuant to this paragraph, the Landford shall not be required to refund the Pet Fee; however, the Tenant shall be entitled to acquire and keep another pet of the type previously authorized.

12. Alterations: The Tenant shall not paint, mark, drive nails or screws into, or otherwise deface or alter walls, ceilings, floors, windows, cabinets, woodwork, stone, ironwork or any other part of the Premises or decorate the Premises or make any alterations, additions, or improvements in or to the Premises without the Landlord's prior written consent and then only in a workmanlike manner

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Page-3 of 8 Landlord(s) Initials

using materials and contractors approved by the Landlord. All such work shall be done at the Tenant's expense and at such times and in such manner as the Landlord may approve. All alterations, additions, and improvements upon the Premises, made by either the Landlord or Tenant, shall become the property of the Landlord and shall remain upon and become a part of the Premises at the end of the tenancy hereby created.

- 13. Occupants: The Tenant shall not allow or permit the Premises to be occupied or used as a residence by any person other than Tenant and the Permitted Occupants.
- 14. Rental Application: In the event the Tenant has submitted a Rental Application in connection with this lease, Tenant acknowledges that the Landlord has relied upon the Application as an inducement for entering into this Lease and Tenant warrants to Landlord that the facts stated in the Application are true to the best of Tenant's knowledge. If any facts stated in the Rental Application prove to be untrue, the Landlord shall have the right to terminate the tenancy and to collect from Tenant any damages resulting therefrom.
- 15. Tenant's Dutles Upon Termination: Upon any termination of the Tenancy created hereby, whether by the Landlord or the Tenant and whether for breach or otherwise, the Tenant shall: (1) pay all utility bills due for services to the Premises for which he is responsible and have all such utility services discontinued; (2) vacate the Premises removing therefrom all Tenant's personal property of whatever nature; (3) properly sweep and clean the Premises, including plumbing fixtures, refrigerators, stoves and sinks, removing therefrom all rubbish, trash, garbage and refuse; (4) make such repairs and perform such other acts as are necessary to return the Premises, and any appliances or fixtures furnished in connection therewith, in the same condition as when Tenant took possession of the Premises; provided, however, Tenant shall not be responsible for ordinary wear and tear or for repairs required by law or by paragraph 6 above to be performed by Landlord; (5) fasten and lock all doors and windows; (6) return to the Landlord all keys to the Premises; and (7) notify the Landlord of the address to which the balance of the Security Deposit may be returned. If the Tenant fails to sweep out and clean the Premises, appliances and fixtures as herein provided, Tenant shall become liable, without notice or demand, to the Landlord for the actual costs of cleaning (over and above ordinary wear and tear), which may be deducted from the Security Deposit as provided in paragraph 4 above.
 - 16. Tenant's Default: in the event the Tenant shall fail to:
 - (a) pay the rentals herein reserved as and when they shall become due hereunder; or
- (b) perform any other promise, duty or obligation herein agreed to by him or imposed upon him by law and such failure shall continue for a period of five (5) days from the date the Landlord provides Tenant with written notice of such failure, then in either of such events and as often as either of them may occur, the Landlord, in addition to all other rights and remedies provided by law, may, at its option and with or without notice to Tenant, either (i) terminate this lease or (ii) terminate the l'enant's rigi t to possession of the Premises without terminating this lease. Regardless of whether Landlord terminates this lease or only terminates the Tenant's right of possession without terminating this lease, Landlord shall be immediately entitled to possession of the Prunises and the Tenant shall peacefully surrender possession of the Premises to Landlord immediately upon Landlord's demand. In the event Tenant shall fail or refuse to surrender possession of the Premises, Landlord shall, in compliance with Article 2A of Chapter 42 of the General Statutes of North Carolina, reenter and retake possession of the Premises only through a summary ejectment proceeding. If a summary ejectment proceeding is instituted against Tenant, in addition to any court costs and past-due rent that may be awarded, Tenant shall be responsible for paying Landlord the relevant Complaint-Filing Fee, Court Appearance Fee or Second Trial Fee, only one of which Landlord is entitled to charge and retain. The Complaint-Filing Fee may be charged if: (i) Tenant was in default of this lease, (ii) the Landlord filed and served a complaint for summary ejectment and/or money owed, (iii) Tenant cured the default or claim, and (iv) Landlord dismissed the complaint prior to judgment. The Court Appearance Fee may be charged if: (i) Tenant was in default of the lease, Landlord filed, served, and prosecuted successfully a compiaint for summary ejectment and/or monies owed in small claims court, and (iv) neither party appealed the judgment of the magistrate. The Second Trial Fee may be charged for a new trial following an appeal from the judgmen of a magistrate, provided Landlord proves: (i) that Tenant was in default of the lease and (ii) Landlord prevailed. (NOTE: If the rent is subsidized by HUD, the US Department of Agriculture, a State Agency, a public housing authority, or a local government, any fee charged pursuant to this paragraph 16 shall be calculated on Tenant's share of the rent only.) In the event Landlord terminates this lease, all further rights and duties hereunder shall terminate and Landlord shall be entitled to collect from Tenant all accrued but unpaid rents and any damages resulting from the Tenant's breach. In the event Landlord terminates the Tenant's right of possession without terminating this lease, Tenant shall remain liable for the full performance of all the covenants hereof, and Landlord shall use reasonable efforts to re-let the Premises on Tenant's behalf. Any such rentals reserved from such re-letting shall be applied first to the costs of re-letting the Premises and then to the rentals due hereunder. In the event the rentals from such re-letting are insufficient to pay the rentals due hereunder in fuil, Tenant shall be liable to the Landiord for any deficiency. In the event Landlord institutes a legal action against the Tenant to enforce the lease or to recover any sums due hereunder, Tenant agrees to pay Landlord reasonable attorney's fees in addition to all other damages. No fees may be deducted from the Tenant Security Deposit until the termination of the tenancy.
- 17. Landlord's Default; Limitation of Remedles and Damages: Until the Tenant notifies the Landlord in writing of an alleged default and affords the Landlord a reasonable time within which to cure, no default by the Landlord in the performance of any of the promises or obligations herein agreed to by him or imposed upon him by law shall constitute a material breach of this lease and the Tenant shall have no right to terminate this lease for any such default or suspend his performance hereunder. In no event and regardless of their duration shall any defective condition of or failure to repair, maintain, or provide any area, fixture or facility used in connection with recreation or recreational activities, including but not limited to swimming pools, club houses, and tennis courts, constitute a material breach of this lease and the Tenant shall have no right to terminate this lease or to suspend his performance hereunder. In any

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legal action instituted by the Tenant against the Landlord, the Tenant's damages shall be limited to the difference, if any, between the rent reserved in this lease and the reasonable rental value of the Premises, taking into account the Landlord's breach or breaches, and in no event, except in the case of the Landlord's willful or wanton negligence, shall the Tenant collect any consequential or secondary damages resulting from the breach or breaches, including but not limited to the following items: damage or destruction of furniture or other personal property of any kind located in or about the Premises, moving expenses, storage expenses, alternative interim housing expenses, and expenses of locating and procuring alternative housing.

18. Removal, Storage and Disposition of Tenant's Personal Property:

- (a) Ten days after being placed in lawful possession by execution of a writ of possession, the Landlord may throw away, dispose of, or sell all items of personal property remaining on the Premises. During the 10-day period after being placed in lawful possession by execution of a writ of possession, the Landlord may move for storage purposes, but shall not throw away, dispose of, or sell any items of personal property remaining on the Premises unless otherwise provided for in Chapter 42 of the North Carolina General Statutes. Upon the Tenant's request prior to the expiration of the 10-day period, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon. If the Landlord elects to sell the property at public or private sale, the Landlord shall give written notice to the Tenant by first-class mail to the Tenant's last known address at least seven days prior to the day of the sale. The seven-day notice of sale may run concurrently with the 10-day period which allows the Tenant to request possession of the property. The written notice shall state the date, time, and place of the sale, and that any surplus of proceeds from the sale, after payment of unpaid rents, damages, storage fees, and sale costs, shall be disbursed to the Tenant, upon request, within 10 days after the sale, and will thereafter be delivered to the government of the county in which the rental property is located. Upon the Tenant's request prior to the day of sale, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon. The Landlord may apply the proceeds of the sale to the unpaid rents, damages, storage fees, and sale costs. Any surplus from the sale shall be disbursed to the Tenant, upon request, within 10 days of the sale and shall thereafter be delivered to the government of the county in which the rental property is located.
- (b) If the total value of all property remaining on the Premises at the time of execution of a writ of possession in an action for summary ejectment is less than one hundred dollars (\$100.00), then the property shall be deemed abandoned five days after the time of execution, and the Landlord may throw away or dispose of the property. Upon the Tenant's request prior to the expiration of the five-day period, the Landiord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon.
- 19. Bankruptcy: If any bankruptcy or insolvency proceedings are filed by or against the Tenant or if the Tenant makes any assignment for the benefit of creditors, the Landlord may, at his option, immediately terminate this Tenancy, and reenter and repossess the Premises, subject to the provisions of the Bankruptcy Code (11 USC Section 101, et. seq.) and the order of any court having jurisdiction thereunder.
- 20. Tenant's Insurance; Release and Indemnity Provisions: The Tenant shall be solely responsible for insuring any of his personal property located or stored upon the Premises upon the risks of damage, destruction, or loss resulting from theft, fire, storm and all other hazards and casualties. Regardless of whether the Tenant secures such insurance, the Landlord and his agents shall not be liable for any damage to, or destruction or loss of, any of the Tenant's personal property located or stored upon the Premises regardless of the cause or causes of such damage, destruction, or loss, unless such loss or destruction is attributable to the intentional acts or willful or wanton negligence of the Landlord. The Tenant agrees to release and indemnify the Landlord and his agents from and against liability for injury to the person of the Tenant or to any members of his household resulting from any cause whatsoever except only such personal injury caused by the negligent, or intentional acts of the Landlord or his agents.
- 21. Agent: The Landlord and the Tenant acknowledge that the Landlord may, from time to time in his discretion, engage a third party ("the Agent") to manage, supervise and operate the Premises or the complex, if any, of which they are a part. If such an Agent is managing, supervising and operating the Premises at the time this lease is executed, his name will be shown as "Agent" on the first page hereof. With respect to any Agent engaged pursuant to this paragraph, the Landlord and the Tenant hereby agree that: (1) Agent acts for and represents Landlord in this transaction; (2) Agent shall have only such authority as provided in the management contract existing between the Landlord and Agent; (3) Agent may perform without objection from the Tenant, any obligation or exercise any right of the Landlord imposed or given herein or by law and such performance shall be valid and binding, if authorized by the Landlord, as if performed by the Landlord; (4) the Tenant shall pay all rentals to the Agent if directed to do so by the Landlord; (5) except as otherwise provided by law, the Agent shall not be liable to the Tenant for the nonperformance of the obligations or promises of the Landlord contained herein; (6) nothing contained herein shall modify the management contract existing between the Landlord and the Agent; however, the Landlord and the Agent may from time to time modify the management agreement in any manner which they deem appropriate; (7) the Landlord may, in his discretion and in accordance with any management agreement, remove without replacing or remove and replace any agent engaged to manage, supervise and operate the Premises.
- 22. Form: The Landlord and Tenant hereby acknowledge that their agreement is evidenced by this form contract which may contain some minor inaccuracies when applied to the particular factual setting of the parties. The Landlord and Tenant agree that the courts shall liberally and broadly interpret this lease, ignoring minor inconsistencies and inaccuracies, and that the courts shall apply the lease to determine all disputes between the parties in the manner which most effectuates their intent as expressed herein. The following rules of construction shall apply: (1) handwritten and typed additions or alterations shall control over the preprinted language when there is an inconsistency between them; (2) the lease shall not be strictly construed against either the Landlord or the Tenant; (3) paragraph headings are used only for convenience of reference and shall not be considered as a substantive part of this lease; (4) words in the

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singular shall include the plural and the masculine shall include the feminine and neuter genders, as appropriate; and (5) the invalidity of one or more provisions of this lease shall not affect the validity of any other provisions hereof and this lease shall be construed and enforced as if such invalid provision(s) were not included. 23. Amendment of Laws: In the event that subsequent to the execution of this lease any state statute regulating or affecting any duty or obligation imposed upon the Landlord pursuant to this lease is enacted, amended, or repealed, the Landlord may, at his option, elect to perform in accordance with such statute, amendment, or act of repeal in lieu of complying with the analogous provision of this leas 24. Eminent Domain and Casualties: The Landlord shall have the option to terminate this lease if the Premises, or any part thereof, are condemned or sold in lieu of condemnation or damaged by fire or other casualty. 25. Assignment: The Tenant shall not assign this lease or sublet the Premises in whole or part. 26. Waiver: No waiver of any breach of any obligation or promise contained herein shall be regarded as a waiver of any future breach of the same or any other obligation or promise. 27. Other Terms and Conditions: (a) (Check if applicable) The Premises were built prior to 1978. (Attach Standard Form # 430 - T, "Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards.") (b) If there is an Agent involved in this transaction, Agent hereby discloses to Tenant that Agent is acting for and represents Landlord. (c) The following additional terms and conditions shall also be a part of this lease: n/a (d) Itemize all addenda to this Contract and attach hereto: SEE ADDITIONAL TERMS, SUBLEASE AGREEMENT AND TERMINATION FEE 28. Inspection of Premises: Within seven days of occupying the Premises, Tenant has the right to inspect the Premises and complete a Move-in Inspection Form 29. Notice: Any notices required or authorized to be given hereunder or pursuant to applicable law shall be mailed or hand delivered to the following addresses: Tenant: the address of the Premises Landlord: the address to which rental payments are sent. 30. Execution; Counterparts: When Tenant signs this lease, he acknowledges he has read and agrees to the provisions of this (number) counterparts with an executed counterpart being retained by each party. lease. This lease is executed in THO 31. Entire Agreement: This Agreement contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed in writing. All changes, additions or deletions hereto must be in writing and signed by all parties. THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. MAKES NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION.

TENANT

MUANIA AEEAM

Date: G 29/0

LANDLORD

MCCLEES PROPERTIES

By: Hacy Hickland

, AGENT

(SEAL)

Date: 6 29/0

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FINANCIAL SERVICES MEMORANDUM

TO:

Carol L. Barwick, City Clerk's Office

FROM:

Brenda Matthews, Financial Services Collections

DATE:

May 20, 2011

SUBJECT:

Franchise Applications for:

Mahmoud Ahmad Atiyha d/b/a Ace Cab

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the names above. We did not find any debt owed in any of the names list.

There were no unpaid property tax records in the names and/or addresses of the above individual or business name.

If I can provide further assistance, please call.

CC:

Bernita Demery, Director of Financial Services Kimberly Branch, Financial Services Manager

Doc # 177282 v 12

Carol Barwick

From:

Michael Dail

Sent:

Thursday, May 19, 2011 10:58 AM

To:

Carol Barwick; Merrill Flood

Cc:

Christopher Padgett

Subject:

Taxi Cab Franchise Request - Zoning Comments

Ace Cab

Mahmoud Ahmad Atiyha can operate a taxi franchise with four vehicles out of his home at 3802 Sterling Pointe Drive, Unit B-4 as an incidental home occupation. It is important to note that only one cab can be stored at his property and it must be a vehicle that is typically associated with a residence. Also no other individuals may work out of or visit his home concerning work related matters.

Mr. Atiyha has stated in his application that the three additional cabs will be stored at 900 N. Greene Street which is zoned CH (Heavy Commercial). A taxi service is a permitted use within the CH zoning district. Since these cabs will be stored at this location there are no zoning issues regarding this request.

Thanks

Michael R. Dail, II Planner City of Greenville Community Development Dept. (252) 329-4116



GREENVILLE POLICE DEPARTMENT

MEMORANDUM

May 20, 2011

TO: Chief William Anderson

FROM: Cpl. C.B. Viverette

SUBJECT: Taxi/Limousine Operator Application for Mahmoud Atiyha d/b/a Ace Cab

DMV

*** DRIVER LICENSE STATUS: CLS C ACTIVE ***

11-27-10 01-04-11 CONV: (202) IMPROPER EQUIPMENT - SPEEDOMETER

COURT: LENOIR COUNTY COURT, NC

COURT: AOC #: 2010IF 703563 CITATION ID: 05158E31

06-08-09 07-14-09 CONV: (313) SPEEDING (60 MPH IN A 55) 3

COURT: PITT COUNTY COURT, NC

03-31-09 04-03-09 CONV: (313) SPEEDING (60 MPH IN A 55)

COURT: PITT COUNTY COURT, NC

COURT: AOC #: 2009IF 701561 CITATION ID: 0023E171

07-31-08 01-12-09 CONV: (239) EXCEED SAFE SPEED

COURT: PITT COUNTY COURT, NC PJC

COURT: AOC #: 2008CR 703697 CITATION ID: 033E2908

AOC

Charged EDGECOMBE.2008CR 004071 SPEEDING

Convicted EXCEEDING A SAFE SPEED - CITY CODE LOCAL ORDINANCE

Charged EDGECOMBE.2009CR 701248 RECKLESS DRIVING TO ENDANGER

Convicted PITT.2008CR 703697 EXCEEDING SAFE SPEED

Charged RECKLESS DRIVING TO ENDANGER

Convicted PITT.2009CR 703087 SPEEDING 20-141(B)

DCI

No Record

NEW WORLD

Charged Pitt Co. Fail to Yield to Emergency Vehicle 2009 Charged Pitt Co. Unsafe lane Change 2010

NCAWARE

No Record

Mr. Atiyha has applied requesting the ability to add three vehicles to his taxi franchise for a total of four. While the number of moving violations committed is cause for concern, the majority are at least 2 years old with only two violations having occurred in 2010.

Based on the above information, I recommend approval of the request by Mr. Mahmoud Atiyha d/b/a Ace Cab for the expansion of the Ace Cab franchise from 1 cab to 4.



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance requested by Kyle and Amy Kay Moore to rezone 0.2785 acres located along the northern right-of-way of West 6th Street and 500± feet west of South Memorial Drive from MS (Medical-Support) to MCH (Medical-Heavy Commercial)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on May 3, 2011.

On-site sign(s) posted on May 3, 2011.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on May 24, 2011.

Public hearing legal advertisement published on May 30 and June 6, 2011.

Comprehensive Plan:

The subject site is located in Vision Area F.

West 5th Street is considered a gateway corridor from its intersection with Memorial Drive and continuing west. Gateway corridors serve as primary entranceways into the City and help define community character.

South Memorial Drive is considered a connector corridor between West 3rd Street and Greenville Boulevard. Connector corridors are anticipated to contain a variety of higher intensity activities and uses.

The Future Land Use Plan Map recommends commercial (C) at the southwest corner of the intersection of West 5th Street and Memorial Drive transitioning to medical-support (MS) in the interior areas.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed

rezoning classification could generate 123 trips to and from the site to Memorial Drive, which is a net increase of 97 trips per day.

During the review process, measures to mitigate the traffic will be determined.

History/Background:

On the 1969 zoning series map, the subject property was zoned MA (Medical Arts). In 1986,the property was rezoned to MD-2 as part of the Medical District Study Plan. In 1997, the MD-2 district was re-named MS (Medical-Support).

Present Land Use:

Currently, a vacant office/commercial building is located on the property.

Water/Sewer:

Water and sanitary sewer are available in the right-of-way of West 6th Street.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: MS - Medical Pavilion

South: MS - Med 1 Ambulance Service

East: MCH - STRIVE NC (workforce initiative)

West: MS - Medical Pavilion

Density Estimates:

Under the current zoning (MS), the site could yield 2,426 square feet of office space.

Under the proposed zoning (MCH), the site could yield 2,426 square feet of commercial space.

The anticipated build-out time is within one year.

Fiscal Note: No direct cost to the City.

Recommendation: In staff's opinion, the request is in general compliance with <u>Horizons:</u> Greenville's Community Plan and the Future Land Use Plan Map.

"General compliance with the comprehensive plan" should be construed as meaning the requested rezoning is recognized as being located in a transition area and that the requested rezoning (i) is currently contiguous or is reasonably anticipated to be contiguous in the future, to specifically recommend desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted to approve the request at its May 17, 2011, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

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

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Location Map
- **Survey**
- Bufferyard and Vegetation Chart
- Ordinance Kyle and Amy Moore 897464
- Rezoning 11 02 Kyle and Amy Kay Moore 895646

- ☐ Minutes Kyle and Amy Moore 897532
- List_of_MS_to_MCH_896517

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 9, 2011, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; 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 rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property 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.

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

<u>Section 1.</u> That the following described territory is rezoned from MS (Medical-Support) to MCH (Medical-Heavy Commercial).

TO WIT: 1712 West 6th Street, LLC Property.

LOCATION: Located along the northern right-of-way of West 6th Street and 500± feet west of

South Memorial Drive.

DESCRIPTION: Lying and being in the City of Greenville, Greenville Township, Pitt County, North

Carolina, lying west of NC Highway 11/Memorial Drive and lying south of West 5th Street, being bounded on the south by West 6th Street, on the east by Thomas D. Taylor and William R. Taylor (Deed Book 1200, Page 853), and on the west by the subdivision of Medical Pavilion as recorded in Map Book 25, Page 111, and beginning at a point on the southern right-of-way of West 5th Street, the northeast corner of the Pitt County Memorial Hospital site (PN 29144), thence along the southern right-of-way of West 5th Street S 85°20'00" E, 283.00' to a point in the western line of Thomas D. Taylor and William R. Taylor, thence leaving the southern right-of-way of West 5th Street and following the western line of the Taylor property S 16°51'00" W, 176.65' to the true point of beginning.

Thence from the true point of beginning, continuing with the western line of the Taylor property S 16°51'00" W, 165.59' to the northern right-of-way of West 6th Street, thence along the northern right-of-way of West 6th Street N 77°30'36" W, 73.52' to a point in the eastern line of the Medical Pavilion subdivision, thence leaving the northern right-of-way of West 6th Street and following the eastern and southern lines of Medical Pavilion the following calls: N 16°51'00" E, 165.35',

thence S 77°41'47" E, 73.54' to the true point of beginning, containing 0.2785 Acre and being Parcel number 08894 as filed with the Pitt County Tax Assessor's Office.

The forgoing description is taken from information found in Deed Book 2304, Page 424 and from maps and deeds referenced herein. This description does not represent information found from an actual field survey by Stroud Engineering, PA.

<u>Section 2.</u> That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

<u>Section 3.</u> That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 9th day of June, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 897464

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Attachment number 2 Page 1 of 2

Case No: 11-02 Applicant: Kyle and Amy Kay Moore

Property Information

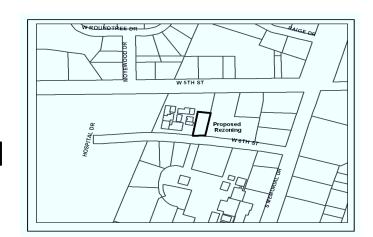
Current Zoning: MS (Medical-Support)

Proposed Zoning: MCH (Medical-Heavy Commercial)

Current Acreage: 0.2785 gross acres

Location: West Sixth Street, west of Memorial Drive

Points of Access: Memorial Drive Location Map



Transportation Background Information

1.) Memorial Drive-State maintained

<u>Existing Street Section</u> <u>Ultimate Thoroughfare Street Section</u>

Description/cross section 5-lane with curb & gutter 5-lane with curb & gutter

Right of way width (ft) 100 100 Speed Limit (mph) 45 45

Current ADT: 30,775 (*) Ultimate Design ADT: 45,000 vehicles/day (**)

Design ADT: 45,000 vehicles/day (**)

Controlled Access No

Thoroughfare Plan Status: Major Thoroughfare

Other Information: There are sidewalks along Memorial Drive that service this property.

Notes: (*) 2008 NCDOT count adjusted for a 2% annual growth rate

(**) Traffic volume based an operating Level of Service D for existing geometric conditions

ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 26 -vehicle trips/day (*) Proposed Zoning: 123 -vehicle trips/day (*)

Estimated Net Change: increase of 97 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Memorial Drive are as follows:

1.) Memorial Drive, North of Site: "No build" ADT of 30,775

Estimated ADT with Proposed Zoning (full build) – 30,837 Estimated ADT with Current Zoning (full build) – 30,788

Net ADT change = 49 (<1% increase)

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Item #3

Attachment number 2
Page 2 of 2 Case No: 11-02 Applicant: Kyle and Amy Kay Moore 2.) Memorial Drive, South of Site: "No build" ADT of 30,775 Estimated ADT with Proposed Zoning (full build) – 30,836 Estimated ADT with Current Zoning (full build) – Net ADT change = 48 (<1% increase) **Staff Findings/Recommendations** Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 123 trips to and from the site on Memorial Drive, which is a net increase of 97 additional trips per day. During the review process, measures to mitigate the traffic will be determined.

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (5/17/2011)

REQUEST BY KYLE AND AMY KAY MOORE – APPROVED

Ordinance requested by Kyle and Amy Kay Moore to rezone 0.2785 acres located along the northern right-of-way of West 6th Street and 500± feet west of South Memorial Drive from MS (Medical-Support) to MCH (Medical-Heavy Commercial).

Ms. Chantae Gooby, Planner, delineated the location of the property. A photograph of the property was presented. Ms. Gooby stated the area contains a variety of uses. Fifth Street is a gateway corridor and Memorial Drive is a connector corridor. Both of these corridors are designed to contain higher intensive uses. This rezoning could generate a net increase of 97 trips per day. The basic difference between the current and proposed zoning districts is that the proposed district will allow commercial uses in addition to the uses already allowed under the current zoning. The Future Land Use Plan Map recommends commercial at the corner of West 5th Street and Memorial Drive transitioning to medical-transition in the interior area. There is medical-support (MS) zoning to the west and medical-heavy commercial (MCH) to the east of the subject tract. The subject site is located in a transition area. Due to the small size of the tract, any impacts will be minimal. In staff's opinion, this request is in general compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Kyle Moore, spoke in favor of the request and offered to answer any questions.

Motion was made by Mr. Gordon, seconded by Mr. Randall, to approve the proposed amendment to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

EXISTING ZONING

MS (Medical-Support) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales; incidental
- (2) Residential:
- 1. Group care facility
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- a. City of Greenville municipal government building or use (see also section 9-4-103)
- b. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- (7) Office/Financial/Medical:
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- (8) Services:
- ee. Hospital
- ff. Mental health, emotional or physical rehabilitation center
- (9) *Repair*:
- * None
- (10) Retail Trade:
- d. Pharmacy
- w. Florist
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- (13) Transportation:
- h. Parking lot or structure; principal use
- (14) Manufacturing/Warehousing:

* None (15) Other Activities (not otherwise listed - all categories): * None MS (Medical-Support) Special Uses (1) General: * None (2) Residential: e. Land use intensity dormitory (LUI) development rating 67 per Article K i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home (3) Home Occupations (see all categories): * None (4) Governmental: a. Public utility building or use (5) Agricultural/Mining: * None (6) Recreational/Entertainment: * None (7) Office/Financial/Medical: a. Office; professional and business, not otherwise listed d. Bank, savings and loan or other savings or investment institutions (8) Services: a. Child day care facilities b. Adult day care facilities j. College and other institutions of higher learning 1. Convention center; private s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103) s.(1). Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103) gg. Vocational rehabilitation center jj. Health services not otherwise listed (9) Repair: * None (10) Retail Trade: h. Restaurant; conventional j. Restaurant; regulated outdoor activities k. Medical supply sales and rental of medically related products (11) Wholesale/Rental/Vehicle-Mobile Home Trade:

* None

- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- t. Manufacture of nonhazardous medical supplies or medical products; including distribution
- (15) Other Activities (not otherwise listed all categories):
- * None

PROPOSED ZONING

MCH (Medical-Heavy Commercial) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales: incidental
- (2) Residential:
- * None
- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- s. Athletic club; indoor only
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- (8) Services:
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium

- o. Church or place of worship
- r. Art Gallery
- u. Art studio including art and supply sales
- v Photography studio including photo and supply sales
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- ii. Wellness center; indoor and outdoor facilities
- kk. Launderette; household users
- ll. Dry Cleaners; household users
- (9) Repair:
- g. Jewelry, watch, eyewear or other personal item repair
- (10) Retail Trade:
- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- p. Furniture and home furnishing sales not otherwise listed
- s. Book or card store, news stand
- t. Hobby or craft shop
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:
- * None
- (12) Construction:
- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- f. Hardware store
- (13) Transportation:
- h. Parking lot or structure; principal
- (14) Manufacturing/Warehousing:
- c. Bakery; production, storage and shipment facilities
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- (15) Other Activities (not otherwise listed all categories):
- * None

MCH (Medical Heavy-Commercial)

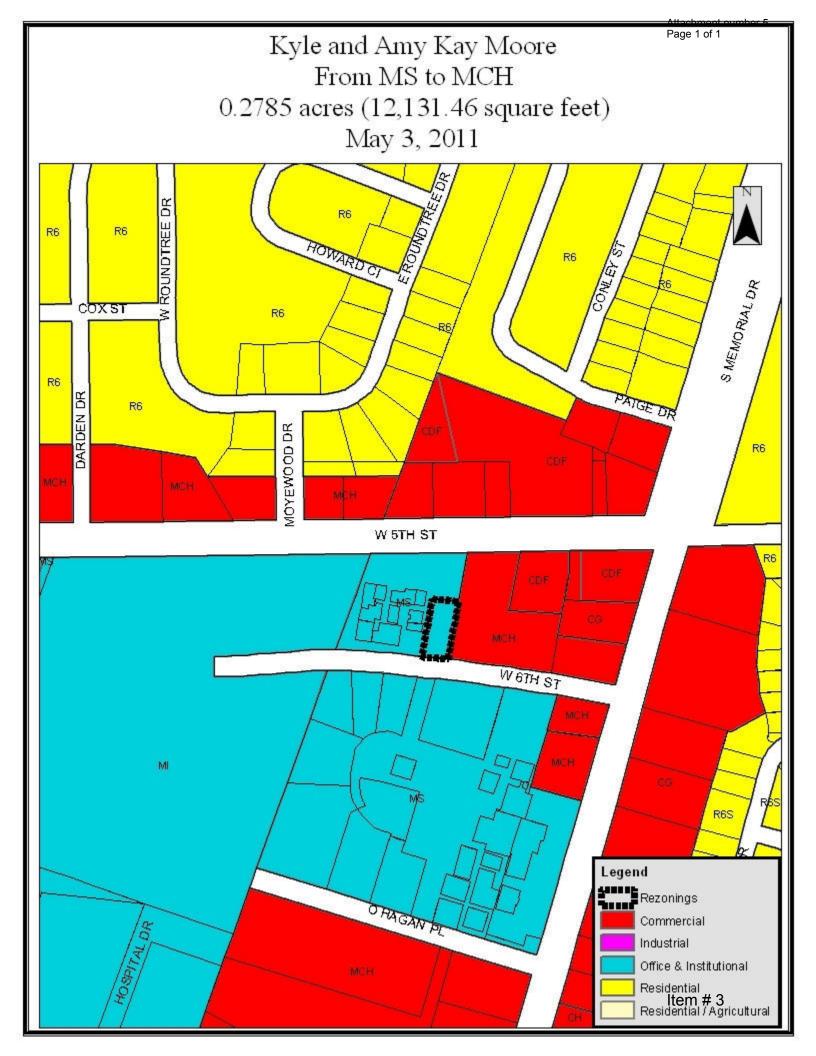
Special Uses

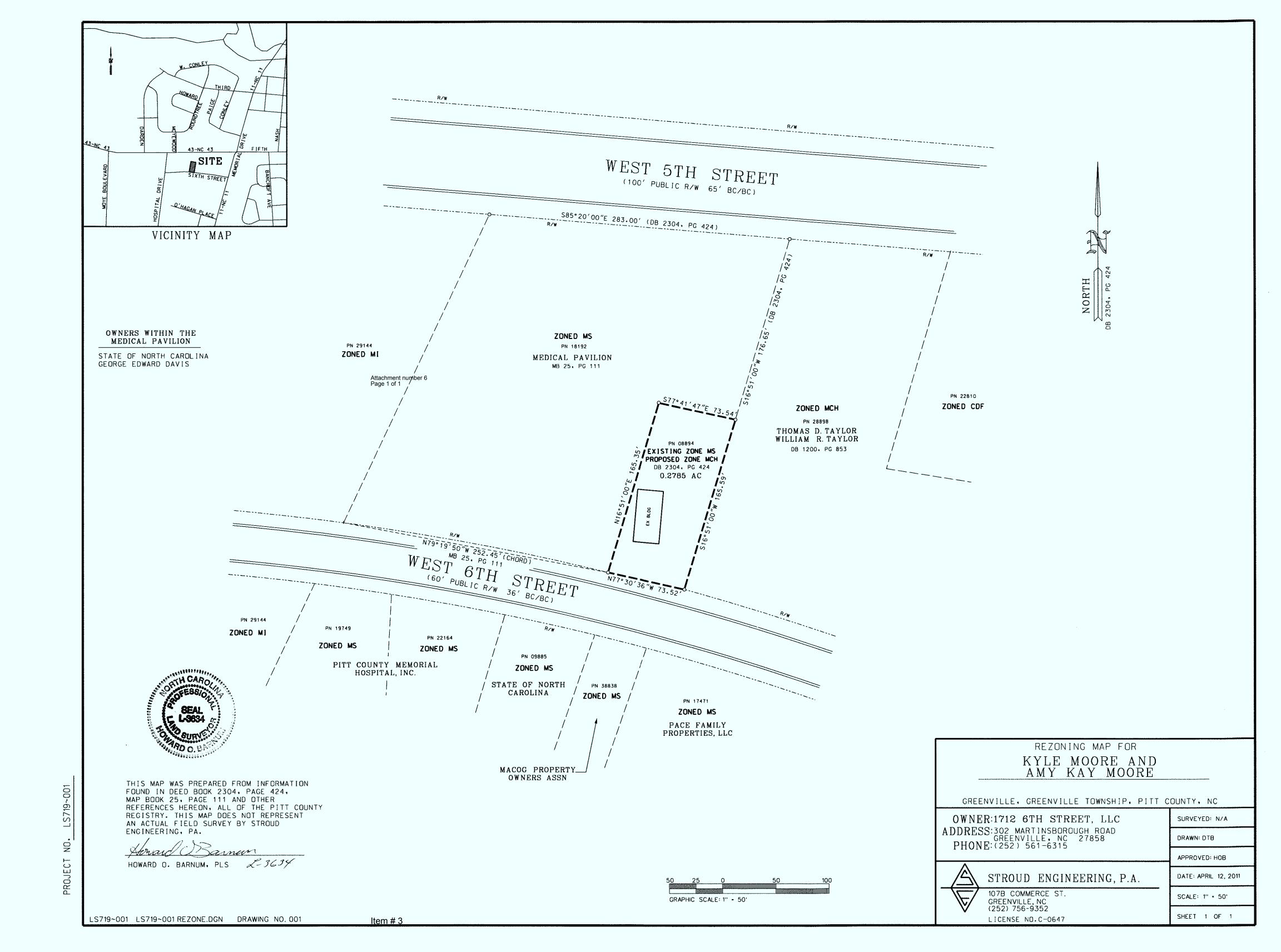
- (1) General:
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
- (2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker, excluding mobile homes
- (3) Home Occupations (see all categories):
- * None
- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/Mining:
- * None
- (6) Recreational/Entertainment:
- t. Athletic club; indoor and outdoor facilities
- (7) Office/Financial/Medical:
- c. Office; customer service not otherwise listed, included accessory service delivery vehicle parking and indoor storage
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- j. College and other institution of higher learning
- 1. Convention center; private
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager,

supervisor or caretaker and section 9-4-103)

- gg. Vocational rehabilitation center
- ij. Health services not otherwise listed
- (9) Repair:
- b. Minor repair; as an accessory or principal use
- (10) Retail Trade:
- j. Restaurant; regulated outdoor activities
- y. Auto part sales (see also major and minor repair)
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- m. Warehouse; accessory to approved commercial or industry uses within the district; excluding outside storage
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- (15) Other Activities (not otherwise listed all categories):
- * None





BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirments: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)		ADJACENT I	PERMITTED LAND U	SE CLASS (#)			/ACANT ZONE OR FORMING USE	PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	С	В	В	В	В	С	В	A
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	A
Heavy Commercial, Light Industry (4)	E	E	В	В	В	E	8	A
Heavy Industrial (5)	F	F	В	В	B	F	В	Α

	Bufferyard A	(street yard)
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees
Street tree	s may count to	vard the minimum acreage.

Bufferyard B (no	screen required)
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bu	fferyard C (screen required)
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard D (screen required)

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bu	fferyard E (screen required)
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs
Pufforused width a	now he reduced by fifty (50%) percent if a

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

	Bufferyard F (screen required)		
Width	For every 100 linear feet		
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs		

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance requested by Ward Holdings, LLC to rezone 0.47 acres located along the southern right-of-way of Green Springs Drive, adjacent to Village Green Apartments, and 150± feet west of Monroe Street from OR (Office-Residential) to CG (General Commercial)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on May 3, 2011.

On-site sign(s) posted on May 3, 2011.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on May 24, 2011.

Public hearing legal advertisement published on May 30 and June 6, 2011.

Comprehensive Plan:

The subject site is located in Vision Area I.

East Tenth Street is considered a connector corridor from its intersection with Greenville Boulevard and continuing west. Connector corridors are anticipated to contain a variety of higher intensity activities and uses.

The Future Land Use Plan Map recommends commercial (C) for the area bounded by East Tenth Street, Heath Street, Green Springs Drive, and Monroe Street.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 814 trips to and from the site on Fifth Street, which is a net increase of 792 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed

rezoning classification could generate 1,220 trips to and from the site to Tenth Street, which is a net increase of 1,189 trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may require traffic signal modifications at the signalized intersection of Fifth and Tenth Streets.

History/Background:

On the 1969 zoning series map, the property was zoned O&I (Office-Residential).

Present Land Use:

Vacant

Water/Sewer:

Water is available in the right-of-way of Green Springs Drive. Sanitary sewer is available in the right-of-way of East Tenth Street.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: OR - vacant (city-owned)

South: CG - vacant commercial building (under common ownership as

applicant)

East: OR - Shaw University Educational Center

West: OR - Village Green Apartments

Density Estimates:

Under the current zoning (OR), the site could yield less than 8 multi-family units.

Under the proposed zoning (CG), the site could yield 4,100 square feet of commercial/ retail/restaurant space.

The anticipated build-out time is within one year.

Fiscal Note: No direct cost to the City.

Recommendation:

In staff's opinion, the request is <u>in compliance</u> with <u>Horizons: Greenville's Community Plan</u> and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted to approve the request at its May 17, 2011, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Location Map
- **□** Survev
- Bufferyard and Residential Charts
- ☐ Ordinance Ward Holdings LLC 11 03 897121
- 11 03 Rezoning Ward Holdings LLC 896199
- Minutes Ward Holdings LLC 11 03 897536
- List of Uses OR to CG 896518

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 9, 2011, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; 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 rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property 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.

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

<u>Section 1.</u> That the following described territory is rezoned from OR (Office-Residential) to CG (General Commercial).

TO WIT: Ward Holdings, LLC Property.

LOCATION: Located along the southern right-of-way of Green Springs Drive, adjacent to

Village Green Apartments, and 150+ feet west of Monroe Street.

DESCRIPTION: All that certain tract or parcel of land lying and being situated in City of Greenville,

Greenville Township, Pitt County, North Carolina bounded on the north by Green Springs Drive, on the east by The Shaw University, Inc. property, on the south by Ward Holdings, LLC and N.C. Secondary Road 1598, also known as East Tenth Street, on the west by Village Green Investments, LLLP and being described by

metes and bounds as follows:

BEGINNING at a point in the southern right-of-way line of Green Springs Drive, said point being the northeast corner of the Village Green Investments, LLLP property described in Deed Book 2577, page 90, thence from said POINT OF BEGINNING and with the southern right-of-way line of Green Springs Drive, S 66°48′51" E, 89.69 feet, thence S 65°03′54" E, 90.10 feet to a point in said right-of-way, said point being the northwest corner of The Shaw University, Inc. property described in Deed Book 1125, page 149, thence leaving Green Springs Drive and with the western line of The Shaw University, Inc. property S 00°00′00" E, 108.45 feet to a point in said line, said point being located N 00°00′00" W, 109.55 feet from the northern right-of-way line of N.C. Secondary Road 1598, also known as East Tenth Street, said point further being located in the northern line of the City of Greenville's current General Commercial Zoning limits line, then the right in the said line, the right in the said line, then the right in the said line, then the right in the said line, the

Shaw University, Inc. property and with the current General Commercial Zoning limits line N 77°26′54″ W, 160.94 feet to a point in the Village Green Investments, LLLP property, said point being located N 02°45′00″ W, 153.86 feet from the northern right-of-way line of N.C. Secondary Road 1598, also known as East Tenth Street, thence with the eastern line of the Village Green Investments, LLLP property N 02°45′00″ W, 146.94 feet to the POINT OF BEGINNING containing 0.47 acres more or less and being a portion of that property belonging to Ward Holdings, LLC described in Deed Book 2846, page 176 and further shown on Rivers and Associates, Inc. Map Dated April 18, 2011, Drawing Z-2546 entitled REZONING MAP FOR WARD HOLDINGS, LLC which by reference is made a part hereof.

<u>Section 2.</u> That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

<u>Section 3.</u> That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 9th day of June, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. #897121

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Attachment number 2 Page 1 of 2

Case No: 11-03 Applicant: Ward Holdings, LLC

Property Information

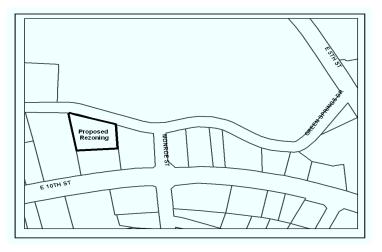
Current Zoning: OR (Office-Residential)

Proposed Zoning: CG (General Commercial)

Current Acreage: 0.47 gross acres

Location: Green Springs Drive, west of Fifth Street

Points of Access: Fifth Street, Tenth Street



Location Map

Transportation Background Information

1.) Fifth Street- City maintained

<u>Existing Street Section</u> <u>Ultimate Thoroughfare Street Section</u>

Description/cross section 2-lane with ditches 2-lane with curb & gutter

Right of way width (ft) 70 70 Speed Limit (mph) 35 35

Current ADT: 12,750 (*) UltimateDesign ADT: 12,000 vehicles/day (**)

Design ADT: 12,000 Controlled Access No

Thoroughfare Plan Status: Minor Thoroughfare

Other Information: There are no sidewalks along Fifth Street that service this property.

Notes: (*) 2008 NCDOT count adjusted for a 2% annual growth rate

(**) Traffic volume based an operating Level of Service D for existing geometric conditions

ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No Planned Improvements.

2.) Tenth Street- State maintained

<u>Existing Street Section</u>
Description/cross section

<u>Existing Street Section</u>

5-lanes with curb & gutter

<u>Ultimate Thoroughfare Street Section</u>

5-lanes with curb & gutter with sidewalks

Right of way width (ft) 85 90 Speed Limit (mph) 45 45

Current ADT: 19,100 (*) Ultimate Design ADT: 33,500 vehicles/day (**)

Design ADT: 33,500
Controlled Access No

Thoroughfare Plan Status: Major Thoroughfare

Other Information: There are sidewalks along Tenth Street that service this property.

Notes: (*) 2008 NCDOT count adjusted for a 2% annual growth rate

(**) Traffic volume based an operating Level of Service D for existing geometric conditions

ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No Planned Improvements.

Attachment number 2

Case No: 11-03 Applicant: Ward Holdings, LLC Page 2 of 2

Trips generated by proposed use/change

Current Zoning: 53 -vehicle trips/day (*) Proposed Zoning: 2,034 -vehicle trips/day (*)

Estimated Net Change: increase of 1981 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Fifth Street and Tenth Street are as follows:

1.) Fifth Street, South of Site: "No build" ADT of 12,750

Estimated ADT with Proposed Zoning (full build) – 13,157

Estimated ADT with Current Zoning (full build) – 12,761

Net ADT change = 396 (3% increase)

2.) Fifth Street, North of Site: "No build" ADT of 12,750

Estimated ADT with Proposed Zoning (full build) – 13,157
Estimated ADT with Current Zoning (full build) – 12,761

Net ADT change = 396 (3% increase)

3.) Tenth Street, West of Site: "No build" ADT of 19,100

Estimated ADT with Proposed Zoning (full build) – 19,710
Estimated ADT with Current Zoning (full build) – 19,116

Net ADT change = 594 (3% increase)

4.) Tenth Street, East of Site: "No build" ADT of 19,100

Estimated ADT with Proposed Zoning (full build) – 19,710
Estimated ADT with Current Zoning (full build) – 19,116

Net ADT change = 594 (3% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 814 trips to and from the site on Fifth Street, which is a net increase of 792 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1220 trips to and from the site on Tenth Street, which is a net increase of 1189 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may require traffic signal modifications at the signalized intersection of Fifth Street and Tenth Street.

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (5/17/2011)

REQUEST BY WARD HOLDINGS, LLC – APPROVED

Ordinance requested by Ward Holdings, LLC to rezone 0.47 acres located along the southern right-of-way of Green Springs Drive, adjacent to Village Green Apartments, and 150± feet west of Monroe Street from OR (Office-Residential) to CG (General Commercial).

Ms. Chantae Gooby, Planner, delineated the location of the property. A photograph of the property was presented. Ms. Gooby explained that the rezoning was a portion of a larger parcel that was split-zoned and the rezoning will make the lot have the same zoning. Ms. Gooby stated that the property was vacant and there was a variety of uses in the area. The property is not impacted by the floodplain associated with Green Mil Run. This rezoning could generate a net increase of 1,981 trips per day, which is a worst-case scenario. The trips would be dispersed on to 5th and 10th Streets. Under the current zoning, the property could yield up to eight (8) multi-family units. Under the proposed zoning, staff would anticipate the property to yield 41,000± square feet of commercial/restaurant space. The Future Land Use Plan Map recommends commercial along the northern right-of-way of East 10th Street from Heath Street continuing east. In staff's opinion, this request is in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Jim Ward spoke in favor of the request and offered to answer any questions.

Motion was made by Mr. Parker, seconded by Ms. Rich, to approve the proposed amendment to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

EXISTING ZONING

OR (Office-Residential) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental
- (2) Residential:
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting
- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- (8) Services:
- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium

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o. Church or place of worship (see also section 9-4-103)
p. Library
q. Museum
r. Art Gallery
u. Art studio including art and supply sales
v. Photography studio including photo and supply sales
w. Recording studio
x. Dance studio
bb. Civic organizations
cc. Trade or business organizations
(9) Repair:
* None
(10) Retail Trade:
s. Book or card store, news stand
w. Florist
(11) Wholesale/Rental/Vehicle-Mobile Home Trade:
* None
(12) Construction:
a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation:
* None
(14) Manufacturing/Warehousing:
* None
(15) Other Activities (not otherwise listed - all categories):
* None
OR (Office-Residential)
Special Uses
(1) General:
* None
(2) Residential:
d. Land use intensity multifamily (LUI) development rating 50 per Article K
e. Land use intensity dormitory (LUI) development rating 67 per Article K
i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
o.(1). Nursing, convalescent center or maternity home; minor care facility
r. Fraternity or sorority house
(3) Home Occupations (see all categories):
* None
(4) Governmental:
a. Public utility building or use
(5) Agricultural/Mining:
* None
```

- (6) Recreational/Entertainment:
- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed
- (7) Office/Financial/Medical:
- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor
 - or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center
- (9) Repair:
- * None
- (10) Retail Trade:
- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- * None
- (13) Transportation:
- h. Parking lot or structure; principle use
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

PROPOSED ZONING

CG (General Commercial) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use
- (2) Residential: * None

- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use. (See also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- h Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center
- (8) Services:
- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- o. Church or place of worship (see also section 9-4-103)
- g. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor
 - or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not
- exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height
 - (see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash
- (9) Repair:
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- 1. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.
- (12) Construction:
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store
- (13) Transportation:
- c. Taxi or limousine service
- h. Parking lot or structure; principal use
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- * None

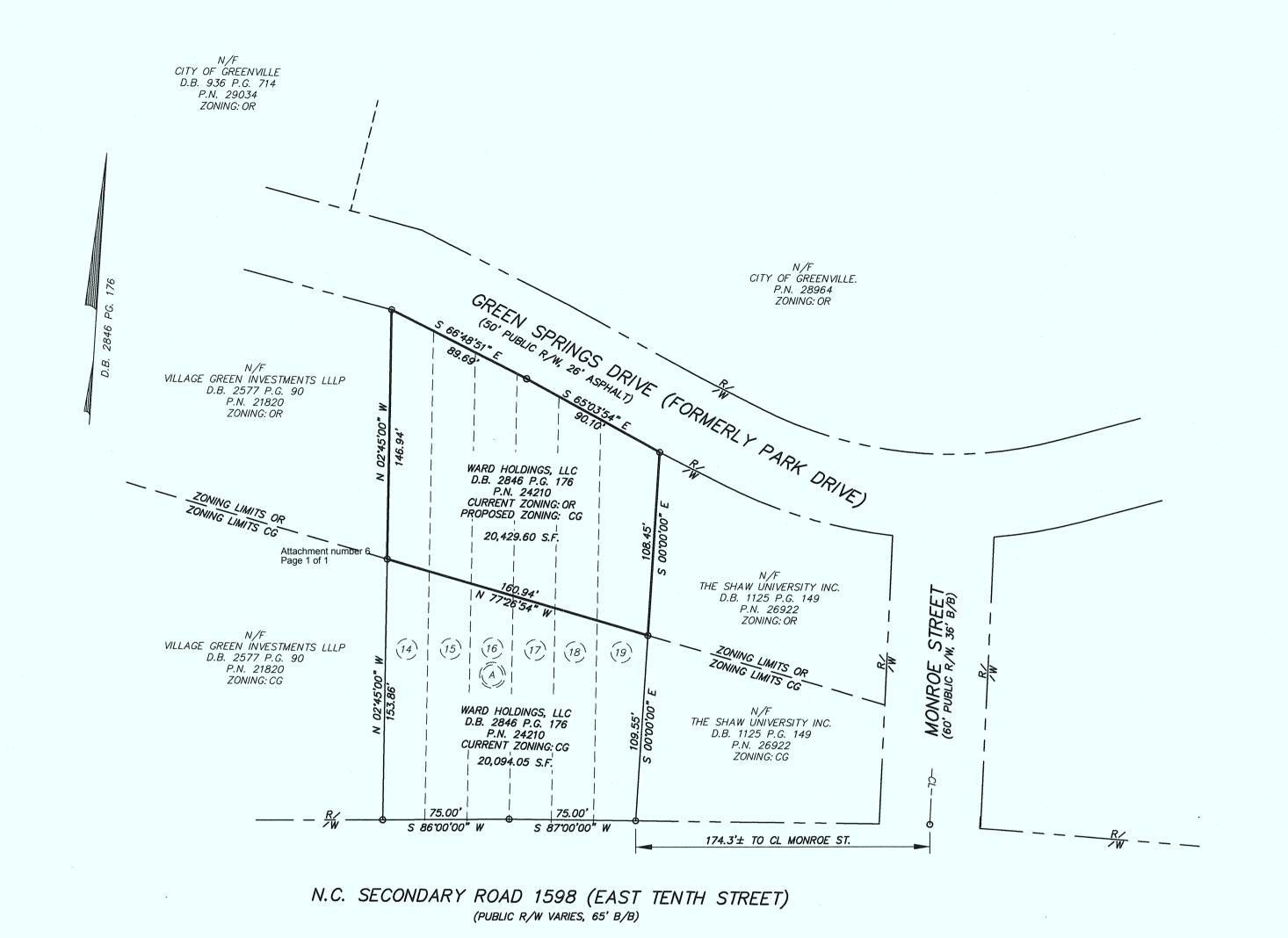
CG (General Commercial)

Special Uses

- (1) General:
- * None
- (2) Residential:
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

- (3) Home Occupations (see all categories):
- * None
- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/Mining:
- * None
- (6) Recreational/Entertainment:
- d. Game center
- 1. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities
- (7) Office/Financial/Medical:
- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private
- (9) Repair:
- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- (10) Retail Trade:
- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- k. Mini-storage warehouse, household; excluding outside storage
- (15) Other Activities (not otherwise listed all categories):
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Ward Holdings (11-03) From OR to CG 20,429.60 square feet or 0.47 acres May 3, 2011 R9 R9 R6S GREEN SPRINGS DE E 10TH ST MA DISONE Legend Rezonings Commercial Industrial Office & Institutional Residential Residential / Agricultural R₉S



ALVIN B. GRADY, JR. D.B. 2545 P.G. 526

P.N. 18871

ZONING: CG

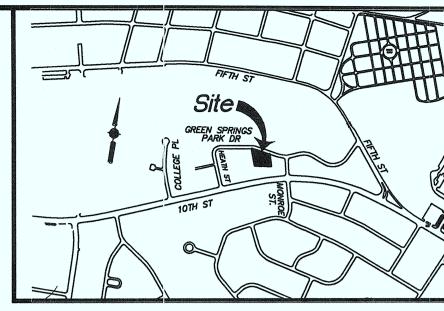
GRAPHIC SCALE

(IN FEET)

1 inch = 50 ft.

25 50

100



VICINITY MAP SCALE: 1" = 1000'

REZONED AREA

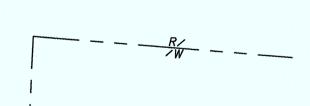
TOTAL = 20,429.60 S.F. (0.47 AC.)

LEGEND

P.N.	PARCEL NUMBER
N/F	NOW OR FORMERLY
S.F.	SQUARE FEET
B/B	BACK TO BACK
CG	GENERAL COMMERCIAL
OR	OFFICE-RESIDENTIAL
D.B.	DEED BOOK
P.G.	PAGE
CL	CENTERLINE
R/W	RIGHT OF WAY

REFERENCES

D.B. 2846 P.G. 176 P.N. 24210 M.B. 3 PG. 342



NORTH CAROLINA

I, JAMES M. WALKER, PROFESSIONAL LAND DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(11) T., THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZOWNG MAP WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 18TH DAY OF APRIL, 2011.

CERTIFICATION

PITT COUNTY

SIGNED Comes on Wacke PROFESSIONAL LAND SURVEYOR

REGISTRATION NUMBER L-1556

OWNER WARD HOLDINGS, LLC

503 CHESAPEAKE PLACE GREENVILLE, N.C. 27858 PHONE: (252) 355-7993

ATH CAROL

ivers

SEAL

1-1556

107 East Second Street Greenville, NC 27858 (252) 752-4135

NC License: F-0334 6131 Falls of Neuse Road, Suite 300 Raleigh, NC 27609 (919) 848-3347

Engineer

Planners Surveyor

REZONING MAP FOR

WARD HOLDINGS, LLC

2609 E. TENTH STREET

CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C. DRAWING NO.

SURVEY DRAFT AR CHECK

DATE

4/18/11

SCALE 1" = 50'

Z - 2546

SHEET 1 _{OF} 7

NOTES

- 1. AREA DETERMINED BY COORDINATES.
- 2. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
- 3. NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
- THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.

STATE OF NÓRTH CAROLINA

D.B. 781 P.G. 772 P.N. 18188

ZONING: CG

- 5. EXISTING ZONING WAS TAKEN FROM THE OFFICIAL ZONING MAP, THE CITY OF GREENVILLE, DATED APRIL 22, 2005 AND THE CITY OF GREENVILLE SPATIAL DATA EXPLORER WEB SITE.
- 6. BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN FROM OR CALCULATED FROM DEEDS AND MAPS REFERENCED HEREON. NO FIELD SURVEYING WAS PERFORMED UNDER MY SUPERVISION FOR THE PREPARATION OF THIS MAP.
- 7. STREET SECTION WIDTHS WERE TAKEN FROM THE GREENVILLE URBAN AREA THOROUGHFARE STREET INVENTORY.

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirments: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	.C	В	В	В	В	С	В	А
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	А
Heavy Commercial, Light Industry (4)	E	E	*B	В	В *	E	В	А
Heavy Industrial (5)	F	F	В	В	В	F	В	А

	Bufferyard A (st	reet yard)
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees
Street tree	s may count toward	I the minimum acreage.

Bufferyard B (no scr	reen required)
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bu	Bufferyard C (screen required)					
Width	For every 100 linear feet					
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs					

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Vidth	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

1	Bufferyard D (screen required)
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bı	ufferyard F (screen required)			
Width	For every 100 linear feet			
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs			

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

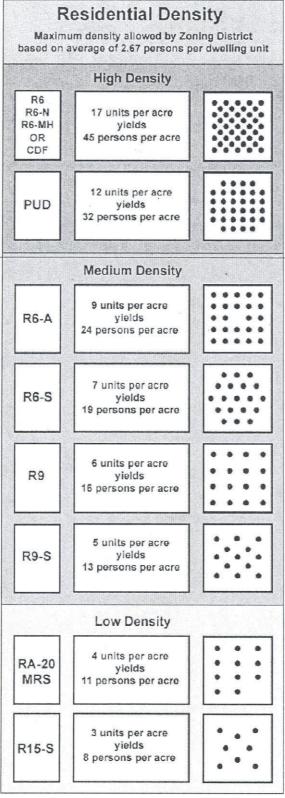


Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance requested by V-SLEW, LLC to rezone 30.273 acres located along the northern right-of-way of East 10th Street and adjacent to Rolling Meadows Subdivision from RA20 (Residential-Agricultural) and RR (Rural Residential [County's Jurisdiction]) to R6S (Residential-Single-family [Medium Density])

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 1, 2011.

On-site sign(s) posted on February 1, 2011.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on May 24, 2011.

Public hearing legal advertisement published on May 30 and June 6, 2011.

*Special Note: This application was scheduled originally for City Council consideration on March 3, 2011. The applicant requested that this item be continued until the April 14, 2011, City Council meeting. The applicant then requested that the item be continued until the May 12, 2011, City Council meeting. Subsequently, the applicant requested again that the item be continued until the June 9, 2011, City Council meeting.

Comprehensive Plan:

The subject site is located in Vision Area C.

East Tenth Street (NC 33) is considered a gateway corridor from its intersection with Greenville Boulevard and continuing east. Gateway corridors serve as primary entranceways into the City and help define community character.

There is a recognized intermediate focus area to the east of the intersection of East Tenth Street and Portertown Road. Intermediate focus areas generally contain 50,000 to 150,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends commercial (C) along the northern right-of-way of East Tenth Street between the Bayt Shalom Synagogue and Greenville Mobile Estates. To the west, office/institutional/multi-family is recommended transitioning to medium density residential (MDR), low density residential (LDR) and further decreasing to very low density residential (VLDR) toward the Tar River. Conservation/open space (COS) is recommended along the Tar River.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,675 trips to and from the site on NC 33, which is a net increase of 1,177 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on NC 33 and may require traffic signal modifications at the signalized intersection at NC 33 and Portertown Road. Access to the tract from NC 33 will be reviewed.

History/Background:

The portion of the subject property along the northern right-of-way of NC Highway 33 was incorporated into the City's Extraterritorial Jurisdiction (ETJ) after 1989 and zoned RA20 (Residential-Agricultural). The remaining portion of the subject tract is located in Pitt County's jurisdiction. A petition for voluntary annexation has been filed.

Present Land Use:

Farmland

Water/Sewer:

Sanitary sewer is located at the River Hills pump station. Water to be provided by Eastern Pines Water Corporation.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known effects on the subject property.

Surrounding Land Uses and Zoning:

North: RR - one (1) mobile home residence

South: RA20 - two (2) single-family residences; IU - vacant

East: RR - Rolling Meadows Subdivision

West: RA20 and RR - vacant (under common ownership as applicant); R6A -

Eastbend Mobile Home Estates; RR - one (1) mobile home residence and one (1) single-family residence; RA20 - one (1) mobile home residence

Density Estimates:

Under the current zoning (RA20 and RR), the site could yield no more than 52 single-family lots.

Under the proposed zoning (R6S), the site could yield no more than 175 single-family lots.

The anticipated build-out time is 2-5 years.

Additional Staff Comments:

Because a portion of the subject tract is located in Pitt County's jurisdiction, annexation is required. A voluntary annexation petition has been filed by the property owner.

Fiscal Note:

No direct cost to the City.

Recommendation:

In staff's opinion, the request is in general compliance with <u>Horizons:</u> <u>Greenville's Community Plan</u> and the Future Land Use Plan Map.

"General compliance with the comprehensive plan" should be construed as meaning the requested zoning is recognized as being located in a transition area and that the requested zoning (i) is currently contiguous, or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character, or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted to approve the request at its February 15, 2011, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with

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

Note: in addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Location Map
- Survey
- Bufferyard and Residential Charts
- Ordinance V SLEW rezoning 889226
- Rezoning V SLEW Case 10 12 887980
- ☐ Minutes for V SLEW rezoning 10 12 889730
- List of Uses RA20 RR to R6S 743314

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 9, 2011, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; 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 rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property 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.

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

<u>Section 1.</u> That the following described territory is rezoned from RR (Rural-Residential – County's Jurisdiction) and RA20 (Residential-Agricultural) to R6S (Residential-single-family).

TO WIT: V-SLEW, LLC Property

LOCATION: Located along the northern right-of-way of East 10th Street and adjacent to

Rolling Meadows Subdivision.

DESCRIPTION: Beginning at an iron pipe on the northern right-of-way of NC Hwy 33, said iron

pipe being the southwestern corner of the George L. Pugh Property as described in Deed Book 1789, Page 800 of the Pitt County Register of Deeds Office, said iron pipe also being located N 22°19'56" E, 50.85' from an existing P.K. Nail located at the centerline intersection of NC Hwy 33 and NCSR 1728 (L.T. Hardee Road). From the above described beginning, so located, running thence as

follows: Item # 5

With the northern right-of-way of NC Hwy 33, N 82°39'18" W, 160.68' to the point of curvature, thence with a curve to the right having a radius of 2,877.29' and a chord bearing N 81°50'31" W, 81.68', thence leaving the northern right-ofway of NC Hwy 33, N 13°26'15" E, 182.82' to an existing iron pipe, thence N 77°03'27" W, 269.31' to an existing iron pipe, thence N 13°54'06" E, 147.73' to an existing iron pipe, thence N 13°39'58" E, 651.96' to an existing iron pipe, thence N 13°42'15" E, 1,288.60' to an existing iron pipe, thence N 66°13'38" W, 190.25' to an existing iron pipe, thence N 23°50'57" E, 434.45' to an existing iron pipe, thence S 62°55'54" E, 558.66' to an existing iron pipe, thence S 09°26'24" W, 166.71' to an existing iron pipe, thence S 18°27'53" W, 188.00', thence S 65°36'49" E, 76.78', thence S 14°00'44" W, 900.61', thence S 13°56'54" W, 380.16', thence S 13°06'59" W, 683.37' to an existing concrete monument, thence S 12°23'43" W, 241.78' to the point of beginning containing 30.273 acres and being a portion of the property described in Deed Book 2439, Page 457 and all the property described in Deed Book 2411, Page 49 both of the Pitt County Register of Deeds Office.

<u>Section 2.</u> That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

<u>Section 3.</u> That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption for the property located within the City of Greenville and within the extraterritorial area of the City of Greenville as defined by the Zoning Ordinance for Greenville, North Carolina, and shall become effective upon annexation for property located outside of the City of Greenville and outside of the extraterritorial area of the City of Greenville as defined by the Zoning Ordinance for Greenville, North Carolina.

	Patricia C. Dunn, Mayor
TTEST:	

Carol L. Barwick, City Clerk

ADOPTED this 9th day of June, 2011.

Doc. # 889226

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Attachment number 2 Page 1 of 2

Case No: 10-12 Applicant: V-SLEW, LLC

Property Information

Current Zoning: RA-20 (Residential Agricultural) and

RR (Rural-Residential)

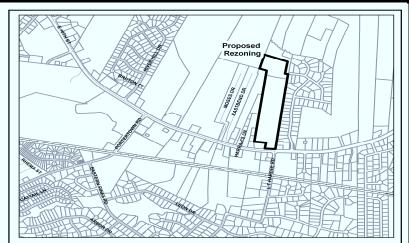
Proposed Zoning: R6S (Residential Single Family)

Medium Density

Current Acreage: 31.274 acres

Location: NC 33 West of L.T. Hardee Road

Points of Access: NC 33 Location Map



Transportation Background Information

1.) NC 33- State maintained

Description/cross section

<u>Existing Street Section</u> <u>Ultimate Thoroughfare Street Section</u>

5-lane Curb + Gutter 5-lane Curb + Gutter

Right of way width (ft) 100 100 Speed Limit (mph) 55 55

Current ADT: 21,000 (*) Ultimate Design ADT: 33,500 vehicles/day (**)

Design ADT: 33,500 vehicles/day (**)

Controlled Access No

Thoroughfare Plan Status: Major Thoroughfare

Other Information: There are no sidewalks along NC 33 that service this property.

Notes: (*) 2007 NCDOT count adjusted for a 2% annual growth rate

(**) Traffic volume based an operating Level of Service D for existing geometric conditions

ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 498 -vehicle trips/day (*) Proposed Zoning: 1,675 -vehicle trips/day (*)

Estimated Net Change: increase of 1177 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on NC 33 are as follows:

1.) NC 33, East of Site: "No build" ADT of 21,000

Estimated ADT with Proposed Zoning (full build) – 21,335

Estimated ADT with Current Zoning (full build) – 21,100

Net ADT change = 235 (1% increase)

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Item #5

Attachment number 2
Page 2 of 2 Case No: 10-12 Applicant: V-SLEW, LLC

2.) NC 33, West of Site:

"No build" ADT of 21,000

Estimated ADT with Proposed Zoning (full build) – 22,340 Estimated ADT with Current Zoning (full build) – Net ADT change = 942 (4% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1675 trips to and from the site on NC 33, which is a net increase of 1177 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on NC 33 and may require traffic signal modifications at the signalized intersection of NC 33 and Portertown Rd. Access to the tract from NC 33 will be reviewed.

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (2/15/2011)

REQUEST BY V-SLEW, LLC - APPROVED

Ordinance requested by V-SLEW, LLC to rezone 31.274 acres located along the northern right-of-way of East 10th Street and adjacent to Rolling Meadows Subdivision from RA20 (Residential-Agricultural) and RR (Rural Residential [County's Jurisdiction]) to R6S (Residential-Single-family [Medium Density]).

Ms. Chantae Gooby, Planner, presented a letter from the applicant requesting to reduce the size of their request. She presented a map showing the area to be removed.

Motion made by Mr. Gordon, seconded by Mr. Bell, to approve the request. Motion passed unanimously.

Ms. Gooby stated that her presentation was based on the original request, but the amendment would not create a significant change to the information. Ms. Gooby delineated the location of the property. She stated that 80% of the traffic would be toward town and 20% of the traffic would be to the east. The property is being used as farmland and is adjacent to Rolling Meadows Subdivision, which is a single-family neighborhood. A small portion of the property is located in the city's jurisdiction and the remaining portion is the county's jurisdiction. The owners have filed an annexation request. The requested zoning is for single-family only. The Future Land Use Plan Map recommends office/multi-family along East 10th Street transitioning to medium density residential and low density residential progressing toward the Tar River. The requested zoning is considered medium density residential. In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Mike Baldwin spoke on behalf of the applicant. He stated that the request is in compliance with the Comprehensive Plan and there are no environmental concerns. Upon development, it would conform to the City's stormwater policy. He stated that there is already a turn lane into the property and it will be in harmony with what is already out there.

Mr. Joseph Czinski, resident of the Rolling Meadows Subdivision, asked if there would be direct access or would traffic have to cut through Rolling Meadows and what type of development. He said that there are already enough apartments out that way. He said that the land is still in the county so he asked if he should take his issues to his County Commissioner.

Ms. Gooby explained there is an existing curb cut on the property, and the development would connect with Rolling Meadow Subdivision at the end of Rolling Meadows Drive. She stated that a portion of the property is in the county's jurisdiction, and the owners have requested annexation. Therefore the county is not involved.

Mr. Czinski asked if there are plans to have a traffic light and if a traffic count had been done.

Mr. Rik Decesare, Traffic Engineer, stated that NCDOT's current position is that they will not allow Wal-Mart to put up a traffic signal at their proposed entrance. The NCDOT wants Wal-Mart to place their signal as far east as possible to get maximum separation from the signal at Portertown Road. If a signal does not get placed at Wal-Mart, then it would be placed at L.T. Hardee Road.

Mr. Bell asked Ms. Gooby why her staff report said that staff did not recommend approval of the requested zoning.

Ms. Gooby explained that staff's opinion is that the request is in general compliance in that the request is not specifically recommended by the Future Land Use Plan Map, but staff does not have any objections either.

Motion was made by Mr. Randall, seconded by Mr. Bell, to approve the proposed amendment to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

EXISTING ZONING

RR DISTRICT (County's Jurisdiction)

(Per zoning permit and by-right - subject to standards)

SELECT USES

Bed and breakfast inn

Mobile home on individual lot

Mobile home park (5 or less units per park)

Multi- family dwelling (less than 5 units per lot) – (62,500 sq ft for 4 attached units)

Single-family dwelling – (25,000 sq ft lot per each detached unit)

Duplex dwelling (37,500 sq ft lot for 2 attached units)

Communication towers (60 feet in height or less)

Emergency shelter

Athletic fields

Civic, social, and fraternal associations

Private campground and RV Park

Private club or recreational center

Swim and tennis club

Church

Day care center

Nursing home

Retreat or conference center

Farming

RA20 (Residential-Agricultural) Permitted Uses

- (1) General:
- a. Accessory use or building
- c. On- premise signs per Article N
- (2) Residential:
- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting
- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- c. Wayside market for farm products produced on site
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- (7) Office/Financial/Medical:
- * None
- (8) Services:
- o. Church or place of worship (see also section 9-4-103)
- *(9) Repair:*
- * None
- (10) Retail Trade:
- * None
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- * None

RA20 (Residential-Agricultural)

Special Uses

- (1) General:
- * None
- (2) Residential:
- b. Two-family attached dwelling (duplex)
- g. Mobile Home
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- (3) Home Occupations (see all categories):
- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon
- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/Mining:
- b. Greenhouse or plant nursery; including accessory sales
- (6) Recreational/Entertainment:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities
- (7) Office/Financial/Medical:
- * None
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- ee. Hospital
- *(9) Repair:*
- * None
- (10) Retail Trade:
- * None
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- * None

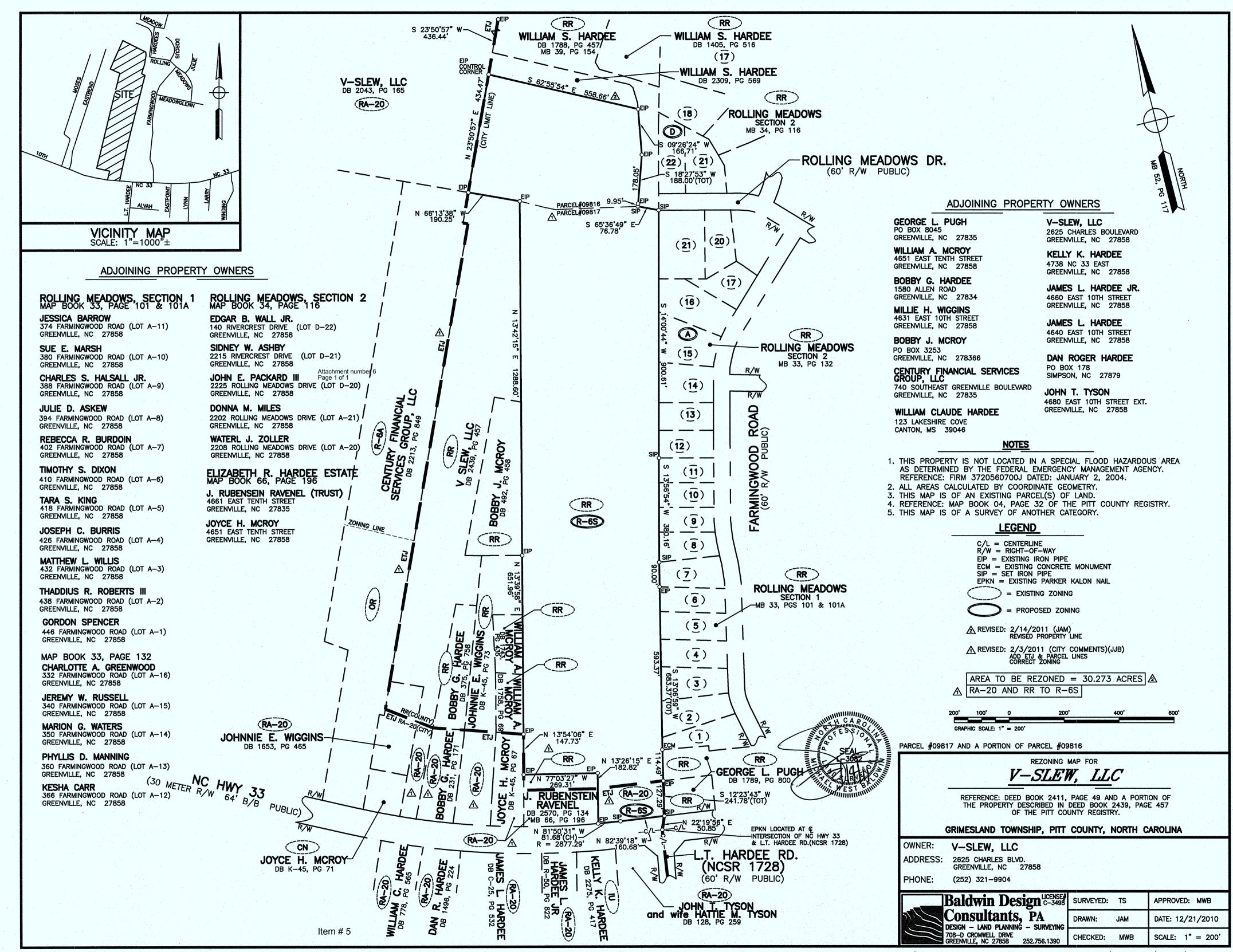
PROPOSED ZONING

R6S (Residential-Single-Family) Permitted Uses

- (1) General:
- a. Accessory use or building
- c. On- premise signs per Article N
- (2) Residential:
- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting
- (3) Home Occupations (see all categories):
- *None

- (4) Governmental: b. City of Greenville municipal government building or use (see also section 9-4-103) (5) Agricultural/Mining: a. Farming; agriculture, horticulture, forestry (see also section 9-4-103) (6) Recreational/Entertainment: f. Public park or recreational facility g. Private noncommercial park or recreational facility (7) Office/Financial/Medical: * None (8) Services: o. Church or place of worship (see also section 9-4-103) (9) *Repair*: * None (10) Retail Trade: * None (11) Wholesale/Rental/Vehicle-Mobile Home Trade: * None (12) Construction: c. Construction office; temporary, including modular office (see also section 9-4-103) (13) Transportation: * None (14) Manufacturing/Warehousing: * None (15) Other Activities (not otherwise listed - all categories): * None **R6S** (Residential-Single-Family) Special Uses (1) General: * None (2) Residential: * None
- (3) Home Occupations (see all categories):
- b. Home occupation; excluding barber and beauty shops
- c. Home occupation; excluding manicure, pedicure or facial salon
- d. Home occupation; including bed and breakfast inn (historic district only)

- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/Mining:
- * None
- (6) Recreational/Entertainment:
- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities
- (7) Office/Financial/Medical:
- * None
- (8) Services:
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- *(9) Repair:*
- * None
- (10) Retail Trade:
- * None
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- * None



BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirments: Match proposed land use with adjacent permitted land use or adjacent yacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)		ADJACENT F	PERMITTED LAND U	ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.		
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	.C	В	В	В	В	С	В	А
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	А
Heavy Commercial, Light Industry (4)	Е	E	·B	В	В *	E	В	А
Heavy Industrial (5)	F	F	В	В	В	F	В	А

	Bufferyard A (st	reet yard)
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees
Street tree	s may count toward	I the minimum acreage.

Bufferyard B (no scr	reen required)
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)		
Width	For every 100 linear feet	
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs	

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

For every 100 linear feet
6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

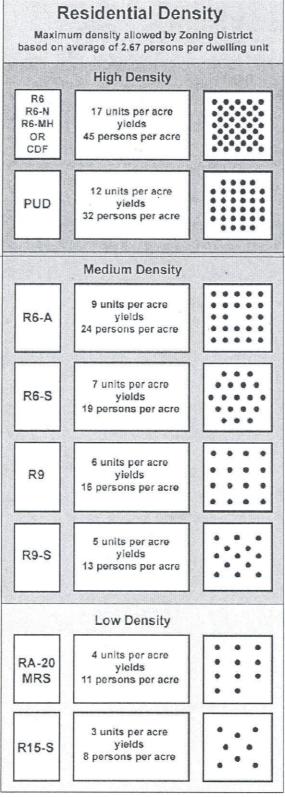


Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance to annex V-SLEW, LLC property, involving 30.273 acres located north of NC Highway 33 at its intersection with L.T. Hardee Road and west of Rolling Meadows Subdivision

Explanation:

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: May 30, 2011

2. City Council public hearing date: <u>June 9, 2011</u>

3. Effective date: June 9, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: <u>Contiguous</u>

2. Relation to Recognized Industrial Area: Outside

3. Acreage: <u>30.273</u>

4. Voting District: <u>3</u>

5. Township: Grimesland

6. Vision Area: <u>C* outside existing vision areas</u>

7. Zoning: R-6S, Single-Family Residential (proposed)

8. Land Use: Existing: <u>Vacant</u> Anticipated: <u>175 Single-family</u> <u>dwellings</u>

9. Population:

	Formula	Number of People
Total Current		0
Estimated at full development	175 x 2.66*	466
Current Minority		0
Estimated Minority at full development	466 x 23.6%	110
Current White		0
Estimated White at full development	466-110	356

^{* -} people per household in Grimesland Township

10. Rural Fire Tax District: <u>Eastern Pines</u>

11. Greenville Fire District: <u>Station #6 (Distance of 2.19 miles)</u>

12. Present Tax Value: \$373,532

Estimated Future Tax Value: \$28,290,549

Fiscal Note: The total estimated tax value at full development is \$28,290,549.

Recommendation: Approve the attached ordinance to annex V-SLEW, LLC property.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

D V-SLEW Annexation Map

U Slew Annexation Ordinance 889288

^{*}The applicant requested at the March 3, 2011, City Council meeting that this item be continued to April 14, 2011. The applicant then requested the item to be continued to the May 12, 2011, City Council meeting. The applicant then requested the item to be continued to the June 9, 2011, City Council meeting.

Attachment number 1

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

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 9th day of June, 2011, after due notice by publication in <u>The Daily Reflector</u> on the 30th day of May, 2011; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled

"V-SLEW, LLC" involving 30.273 acres as prepared by Baldwin Design

Consultants, PA.

LOCATION: Lying and being situated in Grimesland Township, Pitt County, North

Carolina, located north of NC Highway 33 at its intersection with L.T. Hardee Road and west of Rolling Meadows Subdivision. This annexation

involves 30.273 acres.

GENERAL DESCRIPTION:

Beginning at an iron pipe on the northern right-of-way of NC Hwy 33, said iron pipe being the southwestern corner of the George L. Pugh Property as described in Deed Book 1789, Page 800 of the Pitt County Register of Deeds Office, said iron pipe also being located N 22°19'56" E 50.85' from an existing P.K. Nail located at the centerline intersection of NC Hwy 33 and NCSR 1728 (L.T. Hardee Road). From the above described beginning, so located, running thence as follows.

With the northern right-of-way of NC Highway 33, N 82°39'18" W 160.68' to the point of curvature, thence with a curve to the right having a radius of 2877.29' and a chord bearing N 81°50'31" W 81.68', thence leaving the northern right-of-way of NC Highway 33, N 13°26'15" E 182.82' to an existing iron pipe, thence N 77°03'27" W 269.31' to an existing iron pipe, thence N 13°54'06" E 147.73' to an existing iron pipe, thence N 13°39'58" E 651.96' to an existing iron pipe, thence N 13°42'15" E 1288.60' to an existing iron pipe, thence N 66°13'38" W 190.25' to an existing iron pipe, thence N 23°50'57" E 434.45' to an existing iron pipe, thence S 62°55'54" E 558.66' to an existing iron pipe, thence S 09°26'24" W 166.71' to an existing iron pipe, thence

S 18°27'53" W 188.00', thence S 65°36'49" E 76.78', thence S 14°00'44" W 900.61', thence S 13°56'54" W 380.16', thence S 13°06'59" W 683.37' to an existing concrete monument, thence S 12°23'43" W 241.78' to the point of beginning containing 30.273 acres and being a portion of the property described in Deed Book 2439, Page 457 and all the property described in Deed Book 2411, Page 49 both of the Pitt County Register of Deeds Office.

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

Attachment number 1

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

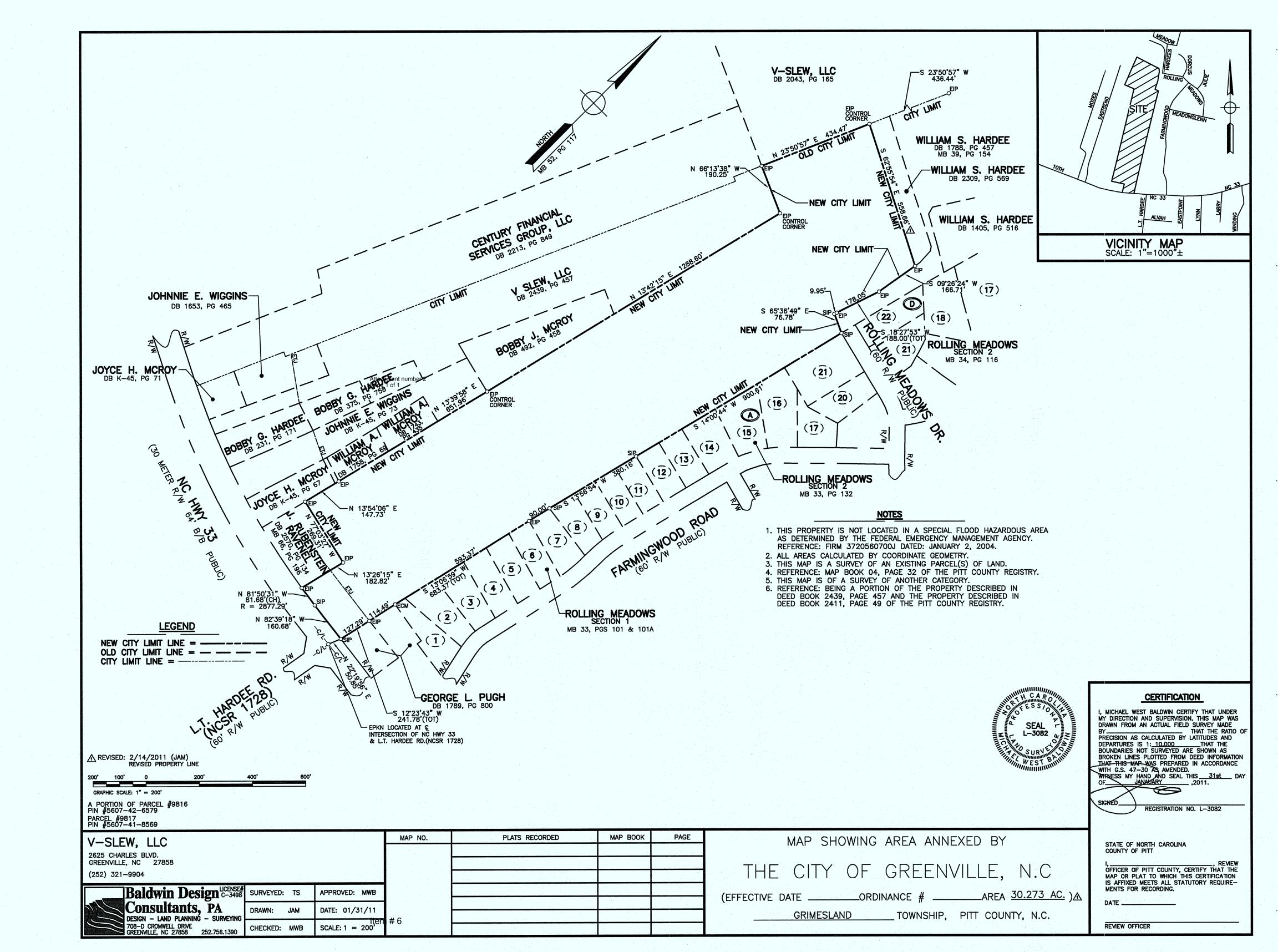
Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh,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

Section 5. This annexation shall take effect from and after the 9th day of June, 2011.

ADOPTED this 9th day of June, 2011.

ATTEST:	Patricia C. Dunn, Mayor
Carol L. Barwick, City Clerk	

#889288





City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance requested by V-SLEW, LLC to rezone 6.587 acres located along the northern right-of-way of East 10th Street, 250± feet east of Bayt Shalom Synagogue and 1,300+ feet west of Rolling Meadows Subdivision from OR (Office-Residential) to CG (General Commercial)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on May 3, 2011.

On-site sign(s) posted on May 3, 2011.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on May 24, 2011.

Public hearing legal advertisement published on May 30 and June 6, 2011.

Comprehensive Plan:

The subject site is located in Vision Area C.

East 10th Street (NC 33) is considered a gateway corridor from its intersection with Greenville Boulevard and continuing east. Gateway corridors serve as primary entranceways into the City and help define community character.

There is a recognized intermediate focus area to the east of the intersection of East 10th Street and Portertown Road. Intermediate focus areas generally contain 50,000 to 150,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends commercial (C) along the northern right-of-way of East 10th Street east of Bayt Shalom Synagogue to the eastern boundary of Eastbend Estates Mobile Home Park. To the east and west, office/institutional/multi-family is recommended transitioning to medium density residential (MDR), low density residential (LDR) and further decreasing to very low density residential (VLDR) toward the Tar River. Conservation /open space (COS) is recommended along the Tar River.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4,800 trips to and from the site on NC 33, which is a net increase of 4,055 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on NC 33 and may require traffic signal modifications at the signalized intersection of NC 33 and Portertown Road. Access to the tract from NC 33 will be reviewed.

History/Background:

On June 7, 2007, the subject property was part of a rezoning amendment and an annexation request as requested by the landowner. The subject property was rezoned from RA20 (residential-agricultural) to OR (office-multi-family).

Present Land Use:

Vacant

Water/Sewer:

Water is available from Eastern Pines Water Corporation. Sanitary sewer is available from the River Hills pump station.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There is an area of potential wetlands on the property.

Surrounding Land Uses and Zoning:

North: OR - vacant (under common ownership as applicant)

South: CG - four (4) single-family residences and farmland

East: OR - Greenville Mobile Home Estates (see rezoning application # 11-05-

Century

Financial Services Group, LLC and Reuben Turner)

West: O - farmland (under common ownership as applicant)

Density Estimates:

Under the current zoning (OR), staff would anticipate the site to yield 79-92 multi-family units (1, 2 and 3 bedrooms) at 12-14 units per acre. Under maximum density, the site could yield up to 112 multi-family units (1, 2 and 3 bedrooms) at 17 units per acre.

Under the proposed zoning (CG), the site could yield up to 57,385 square feet of retail/ restaurant/office space.

The anticipated build-out time is 2-5 years.

Fiscal Note: No direct cost to the City.

Recommendation: In staff's opinion, the request is <u>in compliance</u> with <u>Horizons: Greenville's</u> Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted to approve the request at its May 17, 2011, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Survey
 Survey
- Bufferyard and Residential Charts
- Ordinance V SLEW LLC 11 04 897117
- Rezoning 11 04 V SLEW LLC 895894
- ☐ Minutes V SLEW LLC 11 04 897541
- List of Uses OR to CG 896518

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 9, 2011, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; 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 rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property 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.

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

<u>Section 1.</u> That the following described territory is rezoned from OR (Office-Residential) to CG (General Commercial).

TO WIT: V-SLEW, LLC Property.

LOCATION: Located along the northern right-of-way of East 10th Street, 250+ feet

east of Bayt Shalom Synagogue, and 1,300+ feet west of Rolling

Meadows Subdivision.

DESCRIPTION: Beginning at an existing iron pipe on the northern right-of-way of NC

Highway 33, said iron pipe being the southwestern corner of the Reuben P. Turner Property as described in Deed Book 2211, Page 749 of the Pitt County Register of Deeds Office, said iron pipe also being located N 01°01'05" E, 54.69' from an existing P.K. Nail located at the centerline intersection of NC Highway 33 and Mobile Home Park Drive. From the above described beginning, so located, running

thence as follows:

With the northern right-of-way of NC Highway 33, N 63°07'42" W, 515.04' to an existing iron pipe at the southeastern corner of the

Darrell V. Elks Property as described in Deed Book 931, Page 91 of the Pitt County Register of Deeds Office, thence leaving the northern right-of-way of NC Highway 33 and with the eastern, northern and western lines of said Darrell V. Elks Property, N 32°55'27" E, 190.62', N 63°04'29" W, 209.49' and S 33°03'48" W, 190.87' to an existing iron pipe on the northern right-of-way of NC Highway 33, thence with the northern right-of-way of NC Highway 33, N 63°07'42" W, 60.35', thence leaving the northern right-of-way of NC Highway 33, N 33°03'48" E, 92.71' to the point of curvature, thence with a curve to the left having a radius of 175.00' and a chord bearing N 01°08'39" E, 185.05' to the point of compound curvature, thence with a curve to the left having a radius of 225.00' and a chord bearing N 30°30'36" W, 2.08', thence S 63°07'42" E, 329.45', thence N 26°27'10" E, 204.46', thence N 86°37'30" E, 296.72', thence S 23°48'48" W, 160.00', thence S 66°13'38" E, 240.02', thence S 23°48'48" W, 467.80' to the point of beginning containing 6.587 acres and being a portion of the property described in Deed Book 2043, Page 165 of the Pitt County Register of Deeds Office.

<u>Section 2.</u> That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

<u>Section 3.</u> That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 9th day of June, 2011.

	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

Doc. # 897117

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Attachment number 2 Page 1 of 2

Case No: 11-04 Applicant: V-SLEW, LLC

Property Information

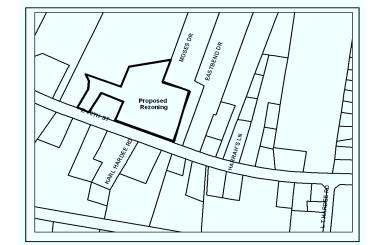
Current Zoning: OR (Office-Residential [mulit-family])

Proposed Zoning: CG (General Commercial)

Current Acreage: 6.587 gross acres

Location: NC Hwy 33

Points of Access: NC Hwy 33 Location Map



Transportation Background Information

1.) NC 33- State maintained

Description/cross section

<u>Existing Street Section</u> <u>Ultimate Thoroughfare Street Section</u>

5-lane with curb & gutter 5-lane with curb & gutter

Right of way width (ft) 100 100 Speed Limit (mph) 55 55

Current ADT: 21,000 (*) Ultimate Design ADT: 33,500 vehicles/day (**)

Design ADT: 33,500 vehicles/day (**)

Controlled Access No

Thoroughfare Plan Status: Major Thoroughfare

Other Information: There are no sidewalks along NC 33 that service this property.

Notes: (*) 2007 City count adjusted for a 2% annual growth rate

(**) Traffic volume based an operating Level of Service D for existing geometric conditions

ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 745 -vehicle trips/day (*) Proposed Zoning: 4,800 -vehicle trips/day (*)

Estimated Net Change: increase of 4055 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on NC 33 are as follows:

1.) NC 33, East of Site: "No build" ADT of 21,000

Estimated ADT with Proposed Zoning (full build) – 21,960 Estimated ADT with Current Zoning (full build) – 21,149

Net ADT change = 811 (4% increase)

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Item #7

Attachment number 2
Page 2 of 2

Case No: 11-04 Applicant: V-SLEW, LLC

2.) NC 33, West of Site:

"No build" ADT of 21,000

Estimated ADT with Proposed Zoning (full build) – 24,840
Estimated ADT with Current Zoning (full build) – 21,596

Net ADT change = 3,244 (13% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4800 trips to and from the site on NC 33, which is a net increase of 4055 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on NC 33 and may require traffic signal modifications at the signalized intersection of NC 33 and Portertown Rd. Access to the tract from NC 33 will be reviewed.

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (5/17/2011)

REQUEST BY V-SLEW, LLC – APPROVED

Ordinance requested by V-SLEW, LLC to rezone 6.587 acres located along the northern right-of-way of East 10th Street, 250± feet east of Bayt Shalom Synagogue and 1,300± feet west of Rolling Meadow Subdivision from OR (Office-Residential) to CG (General Commercial).

Chairman Thomas asked to be recused from the V-SLEW, LLC and Century Financial Services Group, LLC/Reuben Turner rezoning requests.

Bill Little explained that Chairman Thomas requested to be recused due to a conflict of interest. A family member has a financial interest in one of the properties and the rezonings are adjacent to one another. A motion with a simple majority was required. Mr. Thomas has the option to remain seated or sit in the audience, but he would not be able to participate in the discussions or votes.

Motion made by Mr. Lehman, seconded by Mr. Randall to recuse Mr. Thomas. Motion passed unanimously.

Mr. Bell asked that Mr. Thomas sit in the audience and for Brian Smith, alternate, to sit with the commission.

Ms. Chantae Gooby explained that since the rezonings were adjacent to one another there will be one presentation with 2 separate public hearings. She explained that the rezonings are zoned the same and are requesting the same zoning. In 2007, V-SLEW, LLC requested their property to be rezoned and annexed. The property was zoned to OR. Later in 2007, a rezoning request and an annexation request were made for the Century Financial Services Group, LLC and Reuben Turner properties. The requests were submitted by Allen Thomas. The properties were rezoned to OR. In December 2010, Horizons: Greenville's Community Plan and the Future Land Use Plan Map were updated. As part of the update, the Future Land Use Plan Map was amended from office/institutional/multi-family to commercial along the northern right-of-way of East 10th Street between the Bayt Shalom Synagogue and Eastbend Estates Mobile Home Park. The V-SLEW property is vacant and the Century Financial/Turner properties consist of Greenville Mobile Home Estates and Eastbend Estates Mobile Home Park. These rezoning are part of the Intermediate Focus Area located at East 10th Street and Portertown Road where commercial is anticipated and encouraged. The V-SLEW request will net an increase of a little over 4,000 trips per day and those trips will be divided 80% to the east and 20% to the west on 10th Street. The Century Financial/Turner request will net an increase of 3,500 trips per day and those trips will be divided 80% to the east and 20% to the west on 10th Street. There are potential wetlands located on both rezonings. The wetlands will be delineated at the time of development. Currently, the properties are zoned office-residential and are requesting general commercial. In staff's opinion, the requests are in compliance with the Horizons:

<u>Greenville's Community Plan</u> and the Future Land Use Plan Map.

Mr. Bell opened the public hearing for the V-SLEW, LLC rezoning.

Chairman Bell asked if both requests would be a total of roughly 8,000 additional trips.

Ms. Gooby answered that was correct.

Mr. Lehman asked what the zoning was prior to the OR zoning.

Ms. Gooby stated residential-agricultural for the V-SLEW, LLC property and rural residential (county zoning) for the Century Financial/Turner properties.

Mr. Parker asked if Portertown Road was included in the traffic study.

Ms. Gooby advised that Portertown Road had not been included.

Mr. Jim Hopf spoke on behalf of V-SLEW, LLC request. He explained the request complies with Horizons and the Future Land Use Plan Map. The request is consistent with the character and uses of properties in that area. Staff's recommendations indicated that the request is desirable and in the public interest. The size of the area that was recommended for commercial on the Future Land Use Plan Map is considerably larger than the size of this request. The request is in compliance with Horizons and the Future Land Use Plan Map.

Mr. Jon Day spoke in favor of the request. As the community grows, there is a need for larger retail centers and smaller retail centers. He feels that this request would serve the community well.

Steven Hardy-Braz spoke in opposition of the request. He is an avid cyclist and he is concerned about an increase in car trips when there are no requirements for infrastructure for sidewalks and bike lanes. He asked the Commission to think about how the request will limit citizens' ability to walk and bike.

Mr. Hopf spoke in rebuttal. He said that the road can handle the development. He is not sure that V-SLEW can address concerns about bike paths because that is an issue for NCDOT and the City, but they would adhere to City rules.

Mr. Barney Kane spoke in opposition in rebuttal. He thinks that while the request is in compliance with the Horizons Plan, it is also consistent with sprawl. It serves those that are outside of the city, east of the boundary, because it will drive up their property value since they will be closer to shopping areas, but it does not serve the people inside the city.

Mr. Parker stated he was disconcerted that Portertown Road was left out of the traffic report and wished it had been included in the traffic report.

Mr. Maxwell stated that he rode out to Portertown Road in the middle of the day and found there was a lot of traffic on Portertown Road and East 10th Street. He felt that the residents on Portertown Road had voiced their concerns and that no one had addressed their concerns.

Motion made by Mr. Maxwell, seconded by Mr. Parker to deny the proposed amendment that though the proposed amendment is in consistent with the Comprehensive Plan, there is a more appropriate classification for this area.

Mr. Lehman called for further discussion. He asked staff if it were possible to create a natural type of transportation system for all of the neighborhoods in the area to access the businesses.

Ms. Maahs-Fladung offered comments about Logan, Utah. She explained that Logan was similar in size to Greenville and has natural areas, numerous bike paths and free transportation. One of the problems that she has is that she thinks that this will increase the emphasis on developing the areas outside of the city rather than the downtown area.

Mr. Flood explained that the City recently adopted a Pedestrian-Bicycle Master Plan. He explained that the recent policy of NCDOT was to look at ways to provide interconnectivity with a combination of sidewalks and bike lanes. He wasn't sure if there were plans for that particular corridor. That information can be gathered and provided to the Commission.

Mr. Lehman did not anticipate that the developer was responsible for developing that network. He felt that it's something that needs to be looked at by the City to enhance the business area and alleviate people's fears about what is going to happen in that area.

Mr. Flood said that sidewalks are required as part of the subdivision process and staff would be looking at that for this area.

Mr. Parker said that it depends on who owns the road. A lot of this talk about the infrastructure is years out and you have to ask for what you want; if you don't ask for it, it won't be built.

Mr. Bell asked why Portertown was not included.

Mr. DiCesare said that the consultant for Wal-Mart did a comprehensive study and it included a number of intersections including Portertown Road. The study showed a level of decrease at each intersection. The capacity will not be felt along the roadway, but at the intersections. The big question is where will all this traffic collect and access onto the roadway, but staff does not have sufficient information yet. Wal-Mart submitted a new site plan where the stoplight was moved 100 feet to the east. The proposed signal will be located 2,200 feet from Portertown Road, but the NCDOT has not made a decision. That is where you will feel the first demise in level of capacity, not necessarily the roadway.

- Mr. Parker asked if NCDOT studied the road.
- Mr. DiCesare said that there had not been one relative to the Wal-Mart development.
- Mr. Parker asked if the City had done a study of Portertown Road and 10th Street.
- Mr. DiCesare answered no.
- Mr. Randall asked if NCDOT was staunch about requiring the traffic signal to be about half-a-mile from that intersection.
- Mr. DiCesare said that their original request was to try and develop the corridor at 2,500 foot spacing because the next signal down would be 7,500 feet and that would provide even spacing. DOT was willing to accept 2,200 feet because that was the eastern limit of the Wal-Mart site.
- Mr. Lehman asked if there was a common access point for Wal-Mart site and the other commercial property on the other side of the street.
- Mr. DiCesare said that the common access is about 1,200 feet from Portertown Road.
- Mr. Randall asked if there would be a stoplight.
- Mr. DiCesare said that the state would not allow a signal at that point.
- Mr. Maxwell said that Wal-Mart wanted a light there but the state said that was too close to Portertown.
- Mr. DiCesare confirmed that he was correct. That request was for 1,200 feet rather than 2,200 feet like the state had requested. The plan that Wal-Mart came back with moved the light 100 ft. to the east rather than 700 ft.
- Mr. Randall said that they spent months reviewing the Future Land Use Plan Map for their update. Not all of the changes were approved, but this one was. It was voted on just a few months ago and Mr. Parker had made the motion to approve it. He thought the request was in compliance with the adopted plan that they had just approved.
- Mr. Smith said that it would be hard to find 6.5 acres of land downtown to develop on and once everything gets built then Portertown will be made into a four lane road.
- Mr. Parker asked where it stops. He asked if the City would keep going out and annexing.
- Mr. Gordon said that when he came here over 40 years ago there were only 20,000 people. If Greenville had stopped growing at that point then there wouldn't be a hospital, medical school and other places. Growth means that others are interested in this town. If

you like the planners that build cities, like Columbia, Maryland, which has commercial areas that intermingle with residential areas you don't have to drive downtown. He said that the city that Ms. Maahs-Fladung mentioned did it the opposite way.

Ms. Maahs-Fladung said that Logan is a planned city, as well.

Mr. Gordon said that they planned to do it downtown and leave the outside areas.

Ms. Maahs-Fladung said that their focus was to maintain some of the small businesses that they had. They do have Wal-Mart and other large businesses, but they wanted to maintain the opportunities for the small businesses.

Mr. Gordon asked if the people in the outside of the central areas had any places to shop.

Ms. Maahs-Fladung answered that they did, but this is also a Wal-Mart.

Mr. Randall said that it could be an opportunity for a small business owner to utilize this property.

Mr. Smith stated that this could help the traffic on Greenville Boulevard.

Mr. Maxwell said that this is how Greenville Boulevard started years ago.

Mr. Bell said that there are small businesses that will be removed and it will be their choice to relocate, but this is all part of the growth pattern.

Mr. Little reminded the Commission that there was a motion on the floor.

Mr. Gordon asked for staff to clarify who would not be voting.

Mr. Little stated that the alternates, Mr. Smith and Ms. Maahs-Fladung, could not vote.

Those voting in favor of the denial: Mr. Maxwell and Mr. Parker. Those voting in opposition: Mr. Lehman, Mr. Gordon, Mr. Randall, Mr. Basnight, and Ms. Rich. Motion failed.

Motion made by Mr. Randall, seconded by Mr. Gordon, to approve the proposed amendment to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Mr. Lehman, Mr. Gordon, Mr. Randall, Ms. Basnight, and Ms. Rich. Those in opposition: Mr. Maxwell and Mr. Parker. Motion carried.

EXISTING ZONING

OR (Office-Residential) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental
- (2) Residential:
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting
- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- (8) Services:
- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium

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o. Church or place of worship (see also section 9-4-103)
p. Library
q. Museum
r. Art Gallery
u. Art studio including art and supply sales
v. Photography studio including photo and supply sales
w. Recording studio
x. Dance studio
bb. Civic organizations
cc. Trade or business organizations
(9) Repair:
* None
(10) Retail Trade:
s. Book or card store, news stand
w. Florist
(11) Wholesale/Rental/Vehicle-Mobile Home Trade:
* None
(12) Construction:
a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation:
* None
(14) Manufacturing/Warehousing:
* None
(15) Other Activities (not otherwise listed - all categories):
* None
OR (Office-Residential)
Special Uses
(1) General:
* None
(2) Residential:
d. Land use intensity multifamily (LUI) development rating 50 per Article K
e. Land use intensity dormitory (LUI) development rating 67 per Article K
i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
o.(1). Nursing, convalescent center or maternity home; minor care facility
r. Fraternity or sorority house
(3) Home Occupations (see all categories):
* None
(4) Governmental:
a. Public utility building or use
(5) Agricultural/Mining:
* None
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- (6) Recreational/Entertainment:
- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed
- (7) Office/Financial/Medical:
- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor
 - or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center
- (9) Repair:
- * None
- (10) Retail Trade:
- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- * None
- (13) Transportation:
- h. Parking lot or structure; principle use
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

PROPOSED ZONING

CG (General Commercial) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use
- (2) Residential: * None

- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use. (See also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- h Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center
- (8) Services:
- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- o. Church or place of worship (see also section 9-4-103)
- g. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor
 - or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not
- exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height
 - (see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash
- (9) Repair:
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

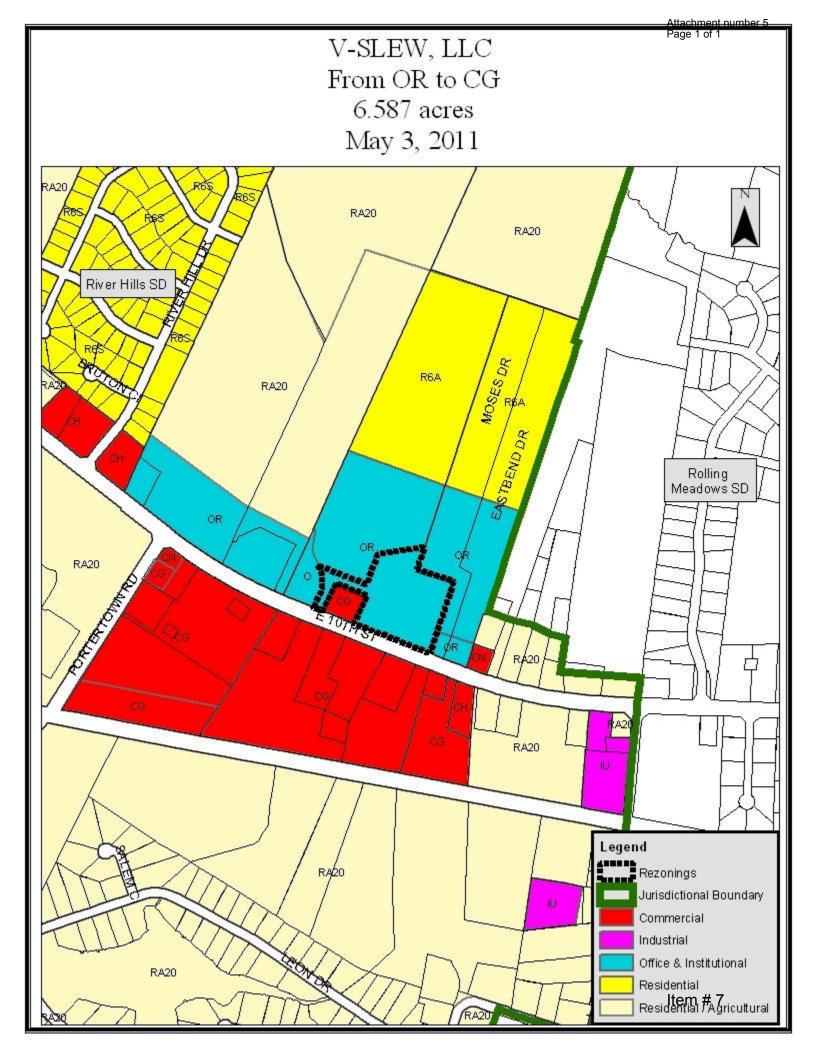
- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- 1. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.
- (12) Construction:
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store
- (13) Transportation:
- c. Taxi or limousine service
- h. Parking lot or structure; principal use
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- * None

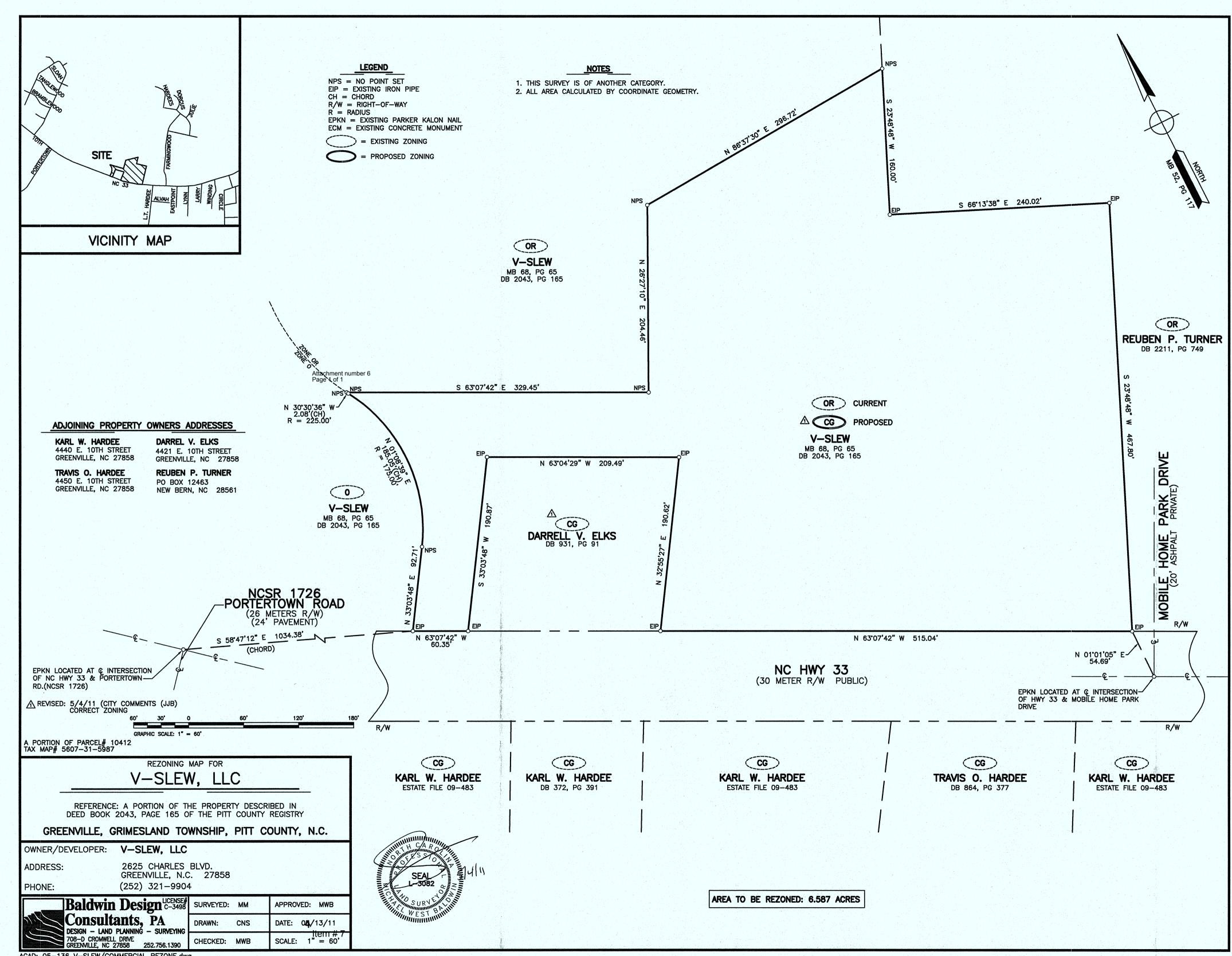
CG (General Commercial)

Special Uses

- (1) General:
- * None
- (2) Residential:
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

- (3) Home Occupations (see all categories):
- * None
- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/Mining:
- * None
- (6) Recreational/Entertainment:
- d. Game center
- 1. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities
- (7) Office/Financial/Medical:
- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private
- (9) Repair:
- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- (10) Retail Trade:
- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- k. Mini-storage warehouse, household; excluding outside storage
- (15) Other Activities (not otherwise listed all categories):
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed





ACAD: 05-136 V-SLEW/COMMERCIAL REZONE.dwg FILE# 05-136 C&G FILE: 05-136

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirments: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)		ADJACENT PERMITTED LAND LISE CLASS (#)			/ACANT ZONE OR FORMING USE	PUBLIC/PRIVATE STREETS OR R.R.		
-	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	В	В	В	В	С	В	А
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	А
Heavy Commercial, Light Industry (4)	E	E	*B	В	В *	E	В	А
Heavy Industrial (5)	F	F	В	В	В	F	В	А

Lot Size	Width	For every 100 linear feet	
Less than 25,000 sq.ft.	4'	2 large street trees	
25,000 to 175,000 sq.ft.	6'	2 large street trees	
Over 175,000 sq.ft.	10'	2 large street trees	

Bufferyard B (no screen required	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bu	Bufferyard C (screen required)		
Width	For every 100 linear feet		
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs		

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Vidth	For every 100 linear feet	
	6 large evergreen trees	
30'	8 small evergreens	
- 1	26 evergreen shrubs	

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Width	For every 100 linear feet
	8 large evergreen trees
50'	10 small evergreens
	36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

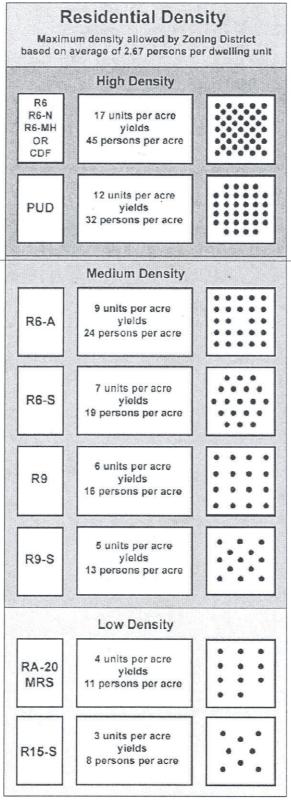


Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance requested by Century Financial Services Group, LLC and Reuben Turner to rezone 4.753 acres located along the northern right-of-way of East 10th Street, 1,000± feet east of Bayt Shalom Synagogue and 1,100± feet west of Rolling Meadows Subdivision from OR (Office-Residential) to CG (General Commercial)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on May 3, 2011.

On-site sign(s) posted on May 3, 2011.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on May 24, 2011.

Public hearing legal advertisement published on May 30 and June 6, 2011.

Comprehensive Plan:

The subject site is located in Vision Area C.

East 10th Street (NC 33) is considered a gateway corridor from its intersection with Greenville Boulevard and continuing east. Gateway corridors serve as primary entranceways into the City and help define community character.

There is a recognized intermediate focus area to the east of the intersection of East 10th Street and Portertown Road. Intermediate focus areas generally contain 50,000 to 150,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends commercial (C) along the northern right-of-way of East 10th Street east of Bayt Shalom Synagogue to the eastern boundary of Eastbend Estates Mobile Home Park. To the east and west, office/institutional/multi-family is recommended transitioning to medium density residential (MDR), low density residential (LDR) and further decreasing to very low density residential (VLDR) toward the Tar

River. Conservation/open space (COS) is recommended along the Tar River.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4,070 trips to and from the site to NC 33, which is a net increase of 3,538 trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on NC 33 and may require traffic signal modifications at the signalized intersection of NC 33 and Portertown Road. Access to the tract from NC 33 will be reviewed.

History/Background:

There was a small portion $(0.8\pm \text{ acres})$ of the subject tract that was incorporated into the extra-territorial jurisdiction (ETJ) after 1989 and zoned RA20. At that time, the remaining portion of the property was located in Pitt County's Jurisdiction.

On January 10, 2008, the remaining portion of the property was annexed into the City's Jurisdiction and zoned OR (office-multi-family) and R6A (multi-family) per the owner's requests.

On December 7, 2010, <u>Horizon's: Greenville's Community Plan</u> was updated. As part of the update, the Future Land Use Plan Map was amended. The approved amendment changed the recommended land use recommendation from office/institutional/multi-family (OIMF) to commercial (C), as per the land owners' request.

Present Land Use:

Currently, the subject property is a portion of Greenville Mobile Home Estates and Eastbend Estates Mobile Home Park.

Water/Sewer:

Water is available from Eastern Pines Water Corporation. Sanitary sewer is available from River Hills pump station.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There is an area of potential wetlands on the property.

Surrounding Land Uses and Zoning:

North: OR - Greenville Mobile Home Estates and Eastbend Mobile Home Park (under

common ownership of applicants)

South: CG - one (1) single-family residence; CH - commercial building East: CH - retail shop; RA20 and RR (County's Jurisdiction) - farmland West: OR - vacant (see rezoning application #11-04 - V-SLEW, LLC)

Density Estimates:

Under the current zoning (OR), staff would anticipate the site to yield 57-66 multi-family units (1, 2 and 3 bedrooms) at 12-14 units per acre. Under maximum density, the site could yield up to 80 multi-family units (1,2 and 3 bedrooms) at 17 units per acre.

Under the proposed zoning (CG), the site could yield up to 41,408 square feet of retail/restaurant/office space.

The anticipated build-out time is 2-5 years.

Fiscal Note: No direct cost to the City.

Recommendation: In staff's opinion, the request is <u>in compliance</u> with <u>Horizons: Greenville's Community Plan and the Future Land Use Plan Map.</u>

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted to approve the request at its May 17, 2011, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

Note: In addition to the other criteria, the Planning and Zoning Commission and

City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Location Map
- **□** Survey
- Bufferyard and Residential Charts
- Ordinance Century Financial and Reuben Turner 897120
- Minutes Century Financial ... 11 05 897542
- List of Uses OR to CG 896518

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 9, 2011, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; 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 rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property 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.

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

<u>Section 1.</u> That the following described territory is rezoned from OR (Office-Residential) to CG (General Commercial).

TO WIT: Century Financial Services Group, LLC and Reuben Turner Properties.

LOCATION: Located along the northern right-of-way of East 10th Street, 1,000± feet east of Bayt

Shalom Synagogue, and 1,100+ feet west of Rolling Meadows Subdivision.

DESCRIPTION: Beginning at an existing iron pipe on the northern right-of-way of NC Highway 33,

said iron pipe being the southeastern corner of the V-Slew, LLC Property as described in Deed Book 2043, Page 165 of the Pitt County Register of Deeds Office, said iron pipe also being located N 01°01'05" E, 54.69' from an existing P.K. Nail located at the centerline intersection of NC Highway 33 and Mobile Home Park

Drive. From the above described beginning, so located, running thence as follows:

Leaving the northern right-of-way of NC Highway 33, N 23°48'48" E, 467.80', thence N 66°13'38" W, 240.02', thence N 23°48'48" E, 180.00', thence S 66°13'38" E, 499.59', thence S 23°44'46" W, 310.01', thence N 65°54'12" W, 18.00', thence S 23°43'31" W, 350.22' to an existing iron pipe on the curved northern right-of-way of NC Highway 33, thence with the curved northern right-of-way of NC Highway 33 a curve to the right a radius of 2,877.29' and a chord bearing N 63°33'01" W, 39.38' to the point of tangency, thence N 63°09'18" W, 113.01' and N 63°24'59" W, 90.39' to the point of beginning containing 4.753 acres and being a portion of the property described in Deed Book 2211, Page 749 and Deed Book 2213, Page 849 both of the Pitt County Register of Deeds Office.

Attachment number 1 Page 2 of 2

<u>Section 2.</u> That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

<u>Section 3.</u> That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 9th day of June, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. #897120

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Attachment number 2 Page 1 of 2

Applicant: Century Financial Services Group, LLC & Reuben Turner Case No: 11-05

Property Information

Current Zoning:

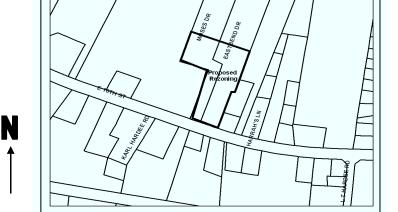
OR (Office-Residential [multi-family])

Proposed Zoning: CG (General Commercial)

Current Acreage: 4.753 gross acres

Location: NC Hwy 33

Points of Access: NC Hwy 33 **Location Map**



Transportation Background Information

1.) NC 33- State maintained

Existing Street Section <u>Ultimate Thoroughfare Street Section</u>

Description/cross section 5-lane with curb & gutter 5-lane with curb & gutter

Right of way width (ft) 100 100 Speed Limit (mph) 55 55

Current ADT: 21,000 (*) Ultimate Design ADT: 33,500 vehicles/day (**)

Design ADT: 33,500 vehicles/day (**)

Controlled Access No

Thoroughfare Plan Status: Major Thoroughfare

Other Information: There are no sidewalks along NC 33 that service this property.

Notes: (*) 2007 City count adjusted for a 2% annual growth rate

(**) Traffic volume based an operating Level of Service D for existing geometric conditions

ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 532 -vehicle trips/day (*) Proposed Zoning: 4,070 -vehicle trips/day (*)

Estimated Net Change: increase of 3538 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on NC 33 are as follows:

1.) NC 33, East of Site: "No build" ADT of 21,000

Estimated ADT with Proposed Zoning (full build) – 21,814

Estimated ADT with Current Zoning (full build) - 21,106

Net ADT change = 708 (3% increase)

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Item #8

Attachment number 2

Case No: 11-05 Applicant: Century Financial Services Group, LLC & Reuben Turner

2.) NC 33, West of Site:

"No build" ADT of 21,000

Estimated ADT with Proposed Zoning (full build) – 24,256
Estimated ADT with Current Zoning (full build) – 21,426

Net ADT change = 2,830 (13% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4070 trips to and from the site on NC 33, which is a net increase of 3538 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on NC 33 and may require traffic signal modifications at the signalized intersection of NC 33 and Portertown Rd. Access to the tract from NC 33 will be reviewed.

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (5/17/2011)

REQUEST BY CENTURY FINANCIAL SERVICES GROUP, LLC AND REUBEN TURNER – APPROVED

Ordinance requested by Century Financial Services Group, LLC and Reuben Turner to rezone 4.753 acres located along the northern right-of-way of East 10th Street, 1,000± feet east of Bayt Shalom Synagogue and 1,100± feet west of Rolling Meadow Subdivision from OR (Office-Residential) to CG (General Commercial).

Chairman Bell opened the public hearing for the Century Financial/Reuben rezoning request.

Mr. Mike Baldwin spoke on behalf of the Century Financial/Turner request. He said that the City had gone through significant lengths to update Horizons and the Future Land Use Plan Map. This area was amended to recommend commercial. It was approved by the City Council and so the request is in compliance. This is one of the few areas where infrastructure beat the growth. V-SLEW, the City and GUC spent close to \$800,000 putting in a regional lift station to serve a service area of about 750 acres in this area. The residents of Eastern Pines are shopping in Washington and this commercial node will allow Eastern Pines residents to shop and keep their money in the city. Traffic along 10th Street is at about a 50% service level; the staff report shows the average daily trips are about 21,000 based on a 2007 count adjusted for a 2% annual growth rate. Mr. Baldwin didn't think that the area had seen a 2% annual growth rate. He had a NCDOT 2008 study done in front of Lowe's and west of the Simpson cutoff. He took the two studies and averaged them. He came up with 17,000 trips per day, which on a design of 33,000 trips per day, would put them at 50%. Mr. Baldwin reiterated the request was in compliance with Horizons and the Future Land Use Plan Map. Also, that there are enough rules to prevent 10th Street from being another Greenville Boulevard.

Mr. Lehman asked Mr. Baldwin to address the issue of access on the north of 10th Street.

Mr. Baldwin said that Wal-Mart would have to take the lead in that issue.

Mr. Randall asked if current city standards require commercial development areas like this to have sidewalks.

Mr. Parker said that a lot of people complained about the sidewalks on Fire Tower Road, but it was amazing to see how many people use them.

Ms. Janet Thomas spoke in favor of the request and offered to answer any questions.

Mr. Steven Hardy-Braz spoke in favor of the application. He is familiar with the Bike-Pedestrian plan because he was involved in the process. He said that he hoped the City will look to the future. He said bike lanes are for other cars to pass him quickly and safely. He is fine riding with traffic because he is traffic. Without bike lanes in the plan,

17,000 extra cars will slow down traffic and makes it safer. Greenville Boulevard is one of the safest roads in town to ride on because the cars cannot go very fast. Some towns are very progressive and develop complete street policies so that it is fair for all development. He is in favor of more congestion if you're not going to balance it out with more bike lanes and sidewalks because it will slow it down and make it safer for everybody.

Mr. Jon Day spoke in favor of the request. He thinks that there is an opportunity to serve the neighborhoods that are on the north side of 10th Street so that those residents can walk, ride a bike and have commercial services close to their home. All comments about bicycle paths and walkways can be worked into the plan.

Mr. Bob Shedler, a resident a Lake Glenwood, spoke in opposition of the request. He stated he was not against commercial or growth, but he feels that there should be a moratorium of at least 5-8 years for additional commercial properties in that area. L.T. Hardee Road and Portertown Road are not prepared to handle extra traffic. He will shop at the new Wal-Mart, but he'll have to get onto Portertown Road and that's already an issue as it is. He checked with the NCDOT and there will not be a light at L.T. Hardee Road and that is a big issue. In his opinion, it is inappropriate to add more commercial after Wal-Mart. Residents of the Lake Glenwood and the community area have been bulldozed and not heard. Some of his neighbors have come before the Commission and the City Council. He stated that they have needed a stoplight at Portertown Road and Eastern Pines Road for the past 5-8 years. NCDOT does not intend to put a light there. The increased traffic will be extensive, but the road is not prepared for it. He said that he heard that additional commercial was needed out there, but in his opinion, extra commercial was not needed. He came out of desperation and he offered to answer any questions that the Commission might have.

Mr. Kane spoke in opposition. He served on the Greenville Utilities Commission and as Chair for one year. GUC runs their lines where the developers want them to run; this promotes sprawl. You should not let Greenville Utilities, who has a bigger budget, tell you where to go. He was surprised that city staff did not know the impact on alternative transportation. In his opinion, if you approve this, you would be promoting the ghastly conditions that are on Greenville Boulevard. This one area may not be, but it could prove to be a domino effect. Promoting sprawl and building highways to fix that problem is like trying to lose weight by loosening your belt line.

Mr. John Hylant, resident of the River Hills neighborhood, spoke in opposition. He read from a NCDOT traffic report about the section of 10th Street from Greenville Boulevard to Portertown Road. He stated 10th Street is considered a major thoroughfare corridor and currently carries 30,000 vehicles per day. Since 1998, traffic has increased from 19,000 vehicles. From February, 2006 – January, 2011, 45% of the crashes along this corridor involved cars turning onto or off of 10th Street. From 2006 – 2008, the average was 65 crashes per year. In 2009, there were 82 crashes reported. In 2010, there were 53 crashes reported. The statewide crash-rate for an NC route with two or more lanes and a center lane is 386.7; the crash-rate for this section of 10th Street is 483.65. He asked the

Commission to table the request.

Mr. Baldwin spoke in rebuttal. He said that the Planning Board, Planning staff and City Council had spent extensive time amending Horizons and the Future Land Use Plan Map and this request was in compliance. He used data provided to him by Ron Beechum at the NCDOT. He used information taken at Lowe's and information taken west of the intersection to Simpson and he was not trying to mislead the Commission. He respects the comments given, but the request stands on its own merits.

Mr. Dave Barham, resident of Highland Mobile Home Park on Portertown Road, spoke in rebuttal. He stated the bike paths and sidewalks are nice and the traffic will increase, but he's always depended on free enterprise and he's always thought that it's a good thing and a way to make a living. If you don't want the traffic, cut the college, hospital and hotels in half. He'll work around the traffic; he's not worried about it because it's just another deal.

Mr. Parker said his biggest concern is infrastructure on Portertown Road and the access roads. He's not opposed to commercial, but believes in infill building before than sprawling out.

Motion was made by Mr. Randall, seconded by Ms. Basnight, to approve the proposed amendment to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Mr. Lehman, Mr. Gordon, Mr. Randall, Mr. Basnight, and Ms. Rich. Those voting in opposition: Mr. Maxwell and Mr. Parker. Motion carried.

EXISTING ZONING

OR (Office-Residential) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental
- (2) Residential:
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting
- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- (8) Services:
- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium

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o. Church or place of worship (see also section 9-4-103)
p. Library
q. Museum
r. Art Gallery
u. Art studio including art and supply sales
v. Photography studio including photo and supply sales
w. Recording studio
x. Dance studio
bb. Civic organizations
cc. Trade or business organizations
(9) Repair:
* None
(10) Retail Trade:
s. Book or card store, news stand
w. Florist
(11) Wholesale/Rental/Vehicle-Mobile Home Trade:
* None
(12) Construction:
a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation:
* None
(14) Manufacturing/Warehousing:
* None
(15) Other Activities (not otherwise listed - all categories):
* None
OR (Office-Residential)
Special Uses
(1) General:
* None
(2) Residential:
d. Land use intensity multifamily (LUI) development rating 50 per Article K
e. Land use intensity dormitory (LUI) development rating 67 per Article K
i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
o.(1). Nursing, convalescent center or maternity home; minor care facility
r. Fraternity or sorority house
(3) Home Occupations (see all categories):
* None
(4) Governmental:
a. Public utility building or use
(5) Agricultural/Mining:
* None
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- (6) Recreational/Entertainment:
- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed
- (7) Office/Financial/Medical:
- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor
 - or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center
- (9) Repair:
- * None
- (10) Retail Trade:
- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- * None
- (12) Construction:
- * None
- (13) Transportation:
- h. Parking lot or structure; principle use
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

PROPOSED ZONING

CG (General Commercial) Permitted Uses

- (1) General:
- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use
- (2) Residential: * None

- (3) Home Occupations (see all categories):
- *None
- (4) Governmental:
- b. City of Greenville municipal government building or use. (See also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC
- (5) Agricultural/Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/Entertainment:
- f. Public park or recreational facility
- h Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only
- (7) Office/Financial/Medical:
- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center
- (8) Services:
- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- o. Church or place of worship (see also section 9-4-103)
- g. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor
 - or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not
- exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height
 - (see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- 11. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash
- (9) Repair:
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- 1. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.
- (12) Construction:
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store
- (13) Transportation:
- c. Taxi or limousine service
- h. Parking lot or structure; principal use
- (14) Manufacturing/Warehousing:
- * None
- (15) Other Activities (not otherwise listed all categories):
- * None

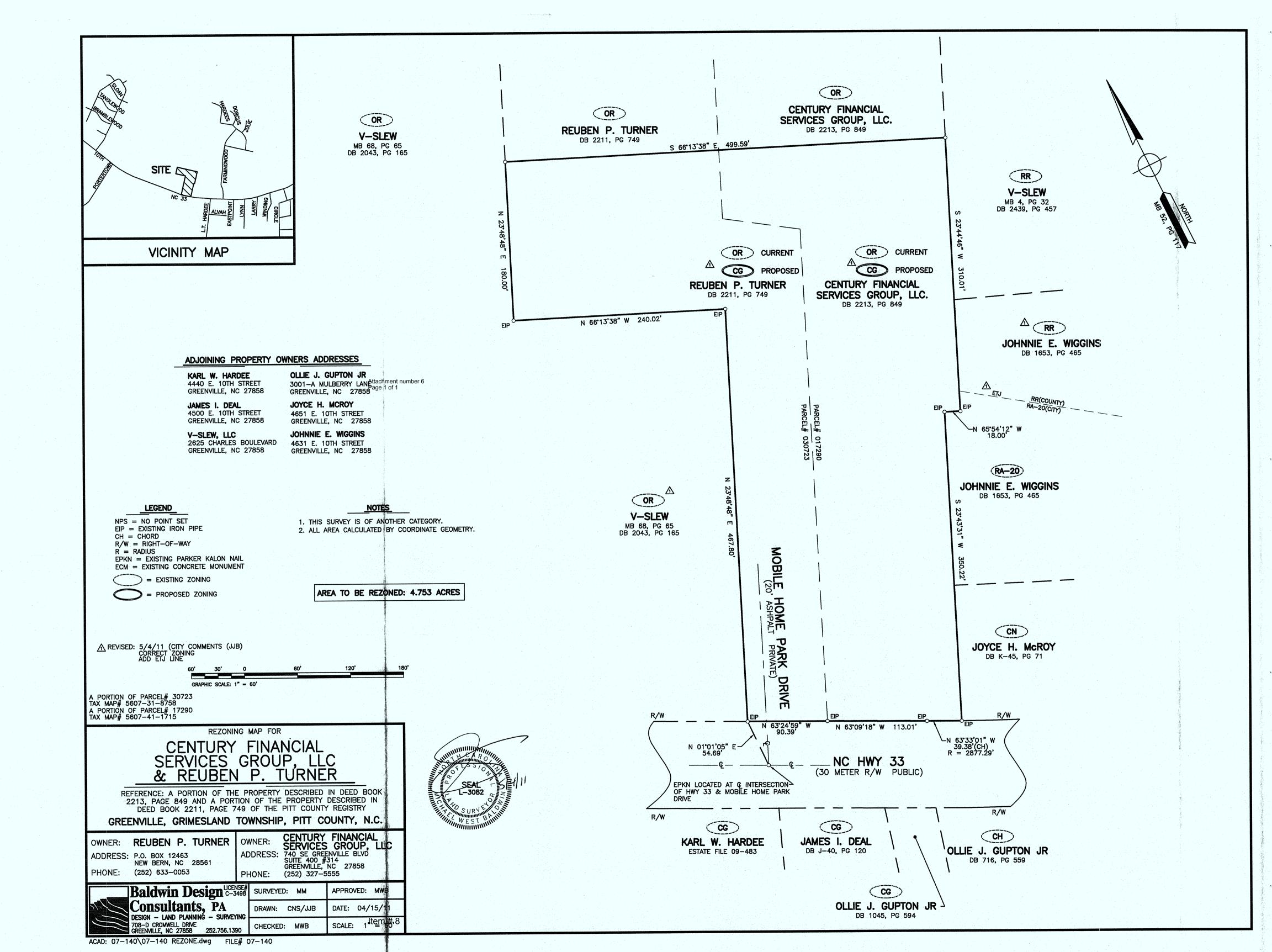
CG (General Commercial)

Special Uses

- (1) General:
- * None
- (2) Residential:
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

- (3) Home Occupations (see all categories):
- * None
- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/Mining:
- * None
- (6) Recreational/Entertainment:
- d. Game center
- 1. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities
- (7) Office/Financial/Medical:
- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private
- (9) Repair:
- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- (10) Retail Trade:
- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage
- (11) Wholesale/Rental/Vehicle-Mobile Home Trade:
- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
- (12) Construction:
- * None
- (13) Transportation:
- * None
- (14) Manufacturing/Warehousing:
- k. Mini-storage warehouse, household; excluding outside storage
- (15) Other Activities (not otherwise listed all categories):
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Century Financial Services Group, LLC and Reuben Turner From OR to CG 4.753 acres May 3, 2011 RA20 River Hills SD RA20 R6A RA20 Rolling Meadows SD OR OR RA20 RA20 Legend Rezonings Jurisdictional Boundary RA20 Commercial Industrial Office & Institutional Residential Residential #Agricultural



BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirments: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	.C	В	В	В	В	С	В	А
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	А
Heavy Commercial, Light Industry (4)	E	E	*B	В	В	Е	В	А
Heavy Industrial (5)	F	F	В	В	В	F	В	А

	Bufferyard A (st	reet yard)
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees
		the minimum acreage.

Bufferyard B (no sci	reen required)
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bu	Bufferyard C (screen required)			
Width	For every 100 linear feet			
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs			

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Vidth	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

E	Bufferyard D (screen required)
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Width	For every 100 linear feet
	8 large evergreen trees
50'	10 small evergreens
	36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

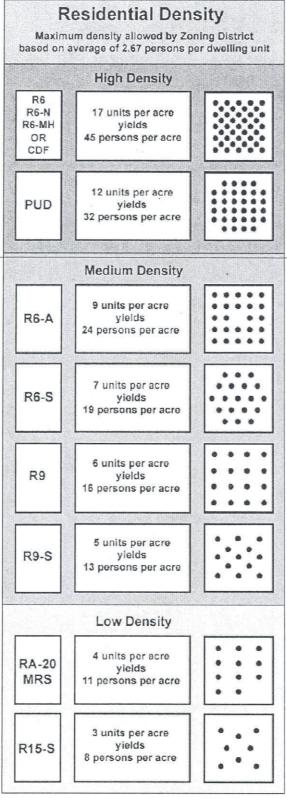


Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance to annex North Green Commercial Park, Lot 1, involving 2.63 acres located at the southwest corner of the intersection of Greenpark Drive and Memorial Drive

Explanation:

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: May 30, 2011

2. City Council public hearing date: <u>June 9, 2011</u>

3. Effective date: December 31, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: <u>Contiguous</u>

2. Relation to Recognized Industrial Area: Outside

3. Acreage: <u>2.63</u>

4. Voting District: 1

5. Township: Belvoir

6. Vision Area: A

7. Zoning: CH, Heavy Commercial

8. Land Use: Existing: Vacant

Anticipated: 6500 sq ft Sheetz Convenience Store

9. Population:

	Formula	Number of People
Total Current		
Estimated at full development		
Current Minority		
Estimated Minority at full development		
Current White		
Estimated White at full development		

10. Rural Fire Tax District: <u>Staton House</u>

11. Greenville Fire District: Station #4 (Distance of .44 miles)

12. Present Tax Value: \$39,450

Estimated Future Tax Value: \$689,450

Fiscal Note: The total estimated tax value at full development is \$689,450.

Recommendation: Approve the attached ordinance to annex North Green Commercial Park, Lot 1.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

North Green Commercial Park, Lot 1 Annexation Map

North Green Commercial Park Lot 1 Annexation 897657

Attachment number 1 Page 1 of 2

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

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 9th day of June, 2011, after due notice by publication in <u>The Daily Reflector</u> on the 30th day of May, 2011; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled

"North Green Commercial Park, Lot 1" involving 2.63 acres as prepared

by Rivers & Associates.

LOCATION: Lying and being situated in Belvoir Township, Pitt County, North

Carolina, located at the southwest corner of the intersection of Greenpark Drive and Memorial Drive (US HWY 13 & US HWY 11). This

annexation involves 2.63 acres.

GENERAL DESCRIPTION:

All that certain tract or parcel of land lying and being situated in Belvoir Township, Pitt County, North Carolina, bounded on the north by Greenpark Drive, on the east by U.S. Highway 13, N.C. Highway 11 also known as Memorial Drive, on the south and west by the Stow Management, Inc. property and being described by metes and bounds as follows:

Beginning at a point in the southern right of way line of Greenpark Drive, said point being marked by an existing iron pipe, thence from said POINT OF BEGINNING along a curve in a clockwise direction, said curve having a radius of 30.00 feet, a chord bearing of S25°33'57"E, and a chord distance of 42.37 feet to a point in the western right of way line of U.S. Highway 13, N.C. Highway 11, also known as Memorial Drive, said point being marked by an existing iron pipe, thence with the western right of way line of U.S. Highway 13, N.C. Highway 11 S19°21'30"W 277.99 feet to a point in said right of way, a new corner, thence leaving U.S. Highway 13, N.C. Highway 11 with a new line N70°38'31"W 371.99 feet to a point, a new corner, thence continuing with a new line N19°21'29"E 308.90 feet to a point in the southern right of way line of Greenpark Drive, a new corner, thence with the southern right of way line of

Greenpark Drive S70°29'25"E 342.08 feet to the POINT OF BEGINNING, containing 2.63 acres more or less as shown on Rivers and Associates, Inc. Drawing Z-2547, dated April 29, 2011, entitled Annexation Map North Green Commercial Park, Lot 1 which by reference is made a part hereof.

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

Section 3. The territory annexed and its citizens and property shall be subject to although number 1 laws, ordinances and regulations in force in the City of Greenville and shall be entitled to same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

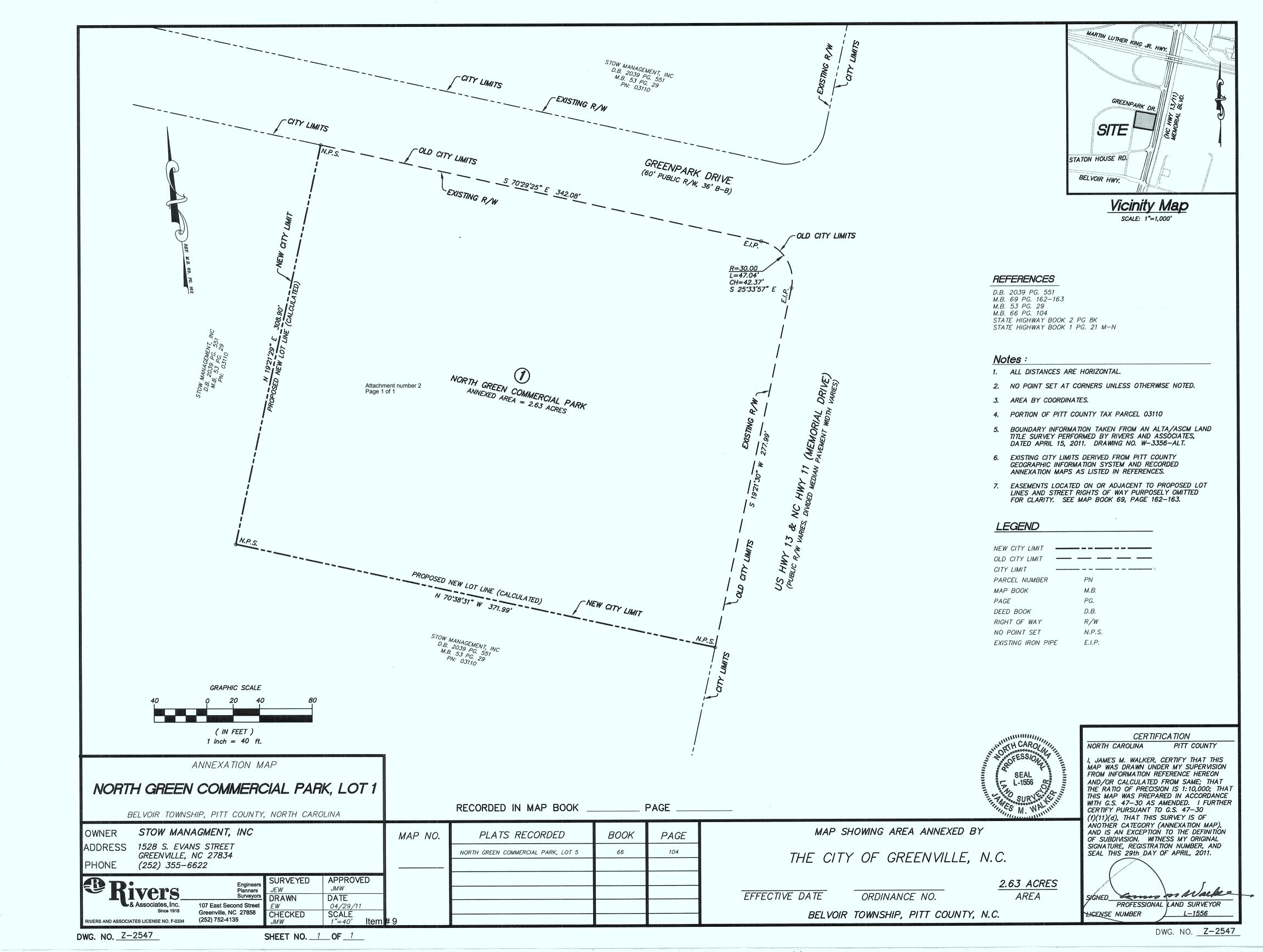
<u>Section 4</u>. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh,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

Section 5. This annexation shall take effect from and after the 31st day of December, 2011.

ADOPTED this 9th day of June, 2011.

ATTEST:	Patricia C. Dunn, Mayor
Carol L. Barwick, City Clerk	

#897657





City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinance to annex Pitt County American Legion Agricultural Fair, Inc. property, involving 39.81 acres located at the northwest corner of the intersection of Whichard Road (NCSR 1523) and Martin Luther King, Jr. Boulevard (US 264 Bypass)

Explanation:

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: May 30, 2011

2. City Council public hearing date: <u>June 9, 2011</u>

3. Effective date: June 30, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: Non-Contiguous

2. Relation to Recognized Industrial Area: Outside

3. Acreage: <u>39.81</u>

4. Voting District: 1

5. Township: Pactolus

6. Vision Area: <u>B</u>

7. Zoning: IU, Unoffensive Industrial

8. Land Use: Existing: Fairgrounds Anticipated: Fairgrounds

9. Population:

	Formula	Number of People
Total Current		
Estimated at full development		
Current Minority		
Estimated Minority at full development		
Current White		
Estimated White at full development		

10. Rural Fire Tax District: Staton House

11. Greenville Fire District: <u>Station #4 (Distance of 2.84</u> miles)

12. Present Tax Value: \$862,706

Estimated Future Tax Value: \$862,706

Fiscal Note: The total tax value is \$862,706.

Recommendation: Approve the attached ordinance to annex the Pitt County American Legion

Agricultural Fair, Inc. property.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Pitt County American Legion Agriculural Fair, Inc. property Annexation Map

D Pitt County American Legion Agricultural Fair Annexation 897641

Attachment number 1

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

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 9th day of June, 2011, after due notice by publication in <u>The Daily Reflector</u> on the 30th day of May, 2011; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled

"Pitt County American Legion Agricultural Fair, Inc." involving 39.81

acres as prepared by Malpass & Associates.

LOCATION: Lying and being situated in Pactolus Township, Pitt County, North

Carolina, located at the northwest corner of the intersection of Whichard Road (NCSR 1523) and Martin Luther King, Jr. Boulevard (US 264

Bypass). This annexation involves 39.81 acres.

GENERAL DESCRIPTION:

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

Beginning at the intersection of the western right of way of US Hwy 264 Bypass (Martin Luther King, Jr. Blvd) and the southern right of way of NCSR 1523 (Whichard Road) thence from said point of beginning with the southern right of way of NCSR 1523 N 58-10-19 W - 51.81', thence S 80-46-12 W - 50.87', thence S 68-22-06 W - 445.52', thence leaving the southern right of way of NCSR 1523 N 21-37-54 W - 60.35' to the northern right of way of NCSR 1523 at the southeast corner of the Clara H. Bland Heirs property, thence with the eastern line of the Clara H. Bland Heirs property N 18-41-47 E - 287.26', thence N 75-39-30 W - 30.09' to the northeast corner of the Fairview MHP, LLC property as recorded in deed book 2544, page 224, thence with the northern line of the Fairview MHP, LLC property N 76-51-43 W - 204.95', thence N

69-09-46 W – 257.34', thence N 69-39-51 W – 316.11' to the eastern line of the Pitt County American Legion Fair, Inc. property as recorded in deed book 495, page 10, thence with the eastern line of the Pitt County American Legion Fair, Inc. property N 18-13-33 E – 464.15', thence N 58-41-19 W – 33.57', thence continuing with the eastern line of the Pitt County American Legion Fair, Inc. property and the eastern line of the Lou Mills Heirs property as recorded in deed book P 49, page 175 N 09-43-00 E – 981.65' to the southern line of the Cornelius Harris, et al property as recorded in deed book 1117, page 616, thence with the southern line of the Cornelius Harris, et al property S 74-58-00 E – 983.50' to the western right of way of US Hwy 264 Bypass (Martin Luther King, Jr. Blvd), thence with the western right of way of US Hwy 264 Bypass (Martin Luther King, Jr. Blvd) S 05-00-00 E – 74.74', thence S 02-29-00 E – 137.55', thence S 00-17-00 E – 100.00', thence S 01-08-00 W – 58.85', thence S 02-06-00 W – 304.10', thence S 03-04-07 W – 797.70', thence S 05-51-40 E – 139.00' to the pointent number 1 Page 2 of 2

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

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

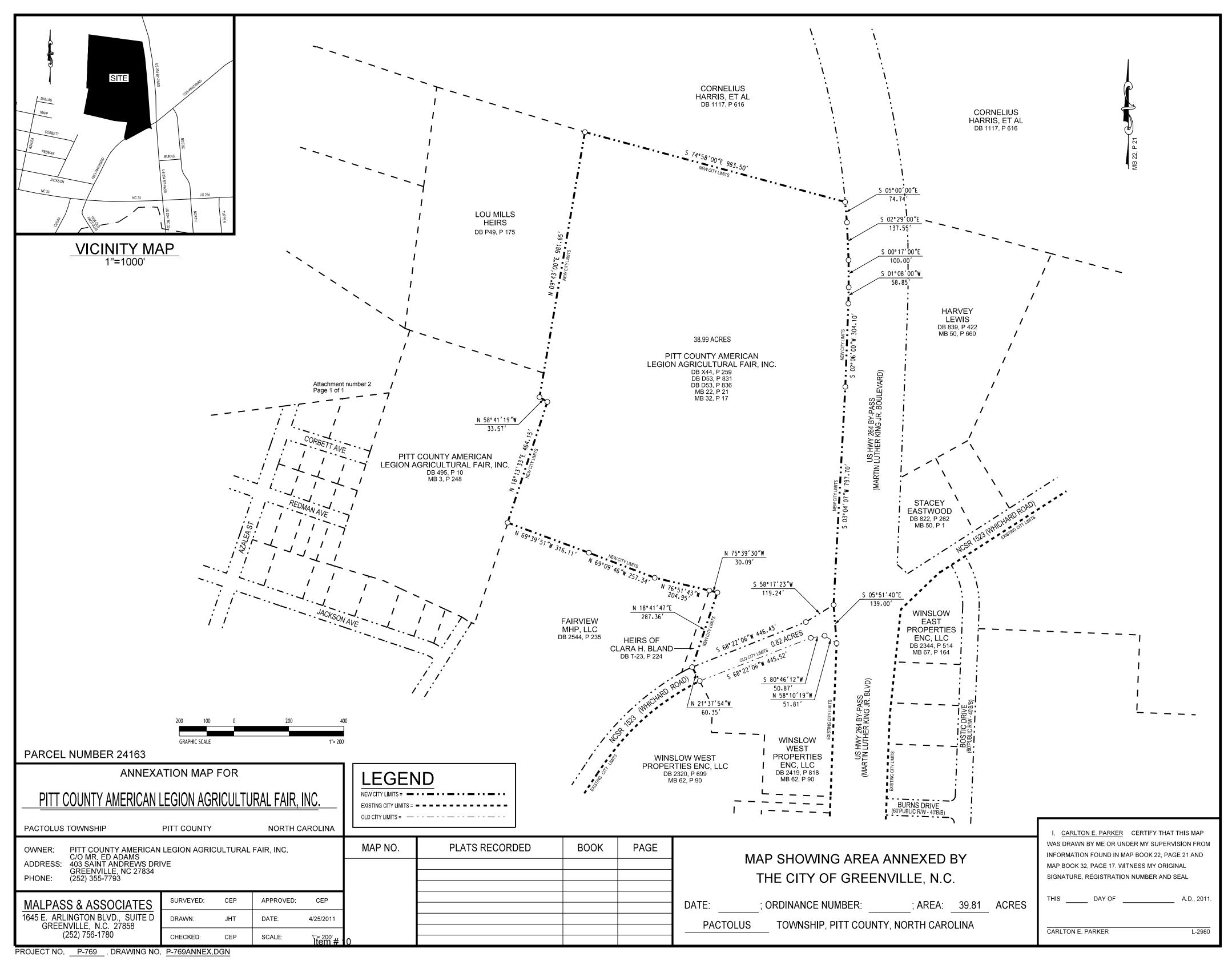
Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh,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

Section 5. This annexation shall take effect from and after the 30th day of June, 2011.

ADOPTED this 9th day of June, 2011.

ATTEST:	Patricia C. Dunn, Mayor
Carol L. Barwick, City Clerk	
, <u>,</u>	

#897641



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City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Resolution authorizing an application to the Federal Transit Administration for a

Section 5307 grant for federal operating and capital assistance for Greenville

Area Transit for fiscal year 2011-2012

Explanation: Attached for City Council consideration is a resolution authorizing the filing and

execution of a federal grant application for operating and capital funds designated for the City of Greenville to assist with the operations of the

Greenville Area Transit (GREAT) system. The grant funding supports transit systems that are open to the public in areas with populations between 50,000 and 200,000. The federal funds are available to reimburse the City for 50% of the

operating deficit and 80% of the capital expenditures.

The City Council has previously authorized the City Manager to file and execute all Section 5307 grant applications. Once City Council approves the grant request, therefore, the City Manager will file and execute the application.

Fiscal Note: The total federal amount allocated for the City of Greenville is \$1,113,379.

Maximum matching funds are estimated at \$437,500 and are included in

the fiscal year 2011-2012 budget.

Recommendation: Conduct a public hearing to receive comments on the proposed grant application,

and adopt the attached resolution approving the grant request and authorizing the

filing and execution of the application for these federal funds.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Resolution for Section 5307 Grant Application 868567

RESOLUTION NO.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR A SECTION 5307 FEDERAL GRANT FOR OPERATING AND CAPITAL ASSISTANCE FOR GREENVILLE AREA TRANSIT

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision by the Applicant of the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964 as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE GREENVILLE CITY COUNCIL:

- 1. That the City Manager is authorized to execute and file applications on behalf of the City of Greenville with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, and other Federal and State Statutes authorizing a project administered by the Federal Transit Administration and/or the North Carolina Department of Transportation.
- 2. That the City Manager is authorized to execute and file the Annual Certifications and Assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
- 3. That the City Manager is authorized to submit additional information as the Federal Transit Administration or the North Carolina Department of Transportation may require in connection with the application or project.
- 4. That the City Manager is authorized to set forth and execute affirmative minority business policies in connection with the project.

5.	That the City Manager is authorized to execute grant and cooperative agreements with the Federal Transit Administration and the North Carolina Department of Transportation of behalf of the City of Greenville.		
	ADOPTED this the 9th day of June, 2011.		
	Pat	ricia C. Dunn, Mayor	
	CERTIFICATION		
the fo	e undersigned duly qualified City Clerk, acting on behalf of to foregoing is a true and correct copy of a resolution adopted a seenville City Council on June 9, 2011.		
	Carol L. B	arwick, City Clerk	
	Date		
SEAL	AL		
868567	567		

APPLICATION FOR

OMB Approval No. 0348-0043

FEDERAL A	ASSISTA	NCE	2. DATE SUBMITTE	:D	Applicant Identifier		
					3101		
1. TYPE OF SUBM	MISSION:		3. DATE RECEIVED	BY STATE	State Application Identifier	,	
Application Construction	ın.	Preapplication Construction					
✓ Non-Constru		Non-Construction	4. DATE RECEIVED	BY FEDERAL AGENCY	Federal Identifier		
5. APPLICANT IN		I Mon-construction	<u></u>	<u> </u>			
Legal Name:		·	· .	Organizational Unit:			
City of Gree				Public Works	Department		
Address (give city,		· ·		Name and telephone	number of person to be cont	acted on matters involvin	
		(Pitt County)		this application (give a	area code) gton (252) 329-404	7	
Greenville, N	NC 2783	4		Tvaricy Training	yion (232) 329-404	•1	
6. EMPLOYER IDE	NTIFICATIO	N NUMBER (EIN):		7. TYPE OF APPLICA	ANT: (enter appropriate lette	r in box)	
5 6 - 6	0 0 0	2 2 9			, , , ,	С	
8. TYPE OF APPL	ICATION:			A. State	H. Independent School Dis	t	
O. TIPE OF AFFE			_	B. County C. Municipal	State Controlled Institution Private University	n of Higher Learning	
	✓ New	Continuation	Revision	D. Township	K. Indian Tribe		
If Revision, enter a	ppropriate lette	er(s) in box(es)		E. Interstate	L. Individual		
				F. Intermunicipal	M. Profit Organization		
A. Increase Awar		rease Award C. Increase	Duration	G. Special District	N. Other (Specify)		
D. Decrease Dura	ation Other(s	specify):		O NAME OF SERVE			
					9. NAME OF FEDERAL AGENCY:		
	· .			Federal Transit A	Administration		
10. CATALOG OF	FEDERAL DO	MESTIC ASSISTANCE NU	MBER:	11. DESCRIPTIVE TIT	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
			2 0 - 5 0 7	Section 5307 Op	Section 5307 Operating and Capital Assistance for		
TITLE:				Greenville Area	Greenville Area Transit (GREAT)		
12. AREAS AFFEC	TED BY PRO	JECT (Cities, Counties, Stat	tes, etc.):				
Greenville, Nor	th Carolina						
13. PROPOSED PR	ROJECT	14. CONGRESSIONAL DIS	TRICTS OF:				
Start Date En	ding Date	a. Applicant		b. Project	· .		
	6/30/12	1st &	3rd	D. 1 Tojeci	1st & 3rd		
15. ESTIMATED FU	JNDING:			16. IS APPLICATION	SUBJECT TO REVIEW BY	STATE EXECUTIVE	
				ORDER 12372 PR			
a. Federal		\$ 1	,113,379				
b. Applicant		\$	90		a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12 PROCESS FOR REVIEW ON:		
		_	•				
c. State		\$.00				
d. Local		\$	00	DATE			
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e. Other		\$	00		RAM HAS NOT BEEN SELE		
				FOR REV			
f. Program Income	!	\$,00	-			
g. TOTAL		\$	00		T DELINQUENT ON ANY F	EDERAL DEBT?	
		1,	113,379	J	ttach an explanation.	☑ No	
18. TO THE BEST C	F MY KNOW	LEDGE AND BELIEF, ALL	DATA IN THIS APPLI	CATION/PREAPPLICATI	ON ARE TRUE AND CORR	ECT, THE	
DOCUMENT HAS E	BEEN DULY A	NUTHORIZED BY THE GOV HE ASSISTANCE IS AWAR	ERNING BODY OF T	HE APPLICANT AND TH	E APPLICANT WILL COMP	LY WITH THE	
a. Type Name of Aut	horized Repre	esentative	o. Title		o Tolophone Name -		
Wayne Bowers			City Manager		c. Telephone Number (252) 329-4432		
l. Signature of Autho	orized Represe	entative			e. Date Signed		
Provious Edition Lles		- -					



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Stadium Project at Elm Street Park

Explanation:

The Greenville Little Leagues, a non-profit 501 (c) (3) organization providing little league baseball services within the City, is requesting permission to initiate a major capital improvement to the City-owned baseball facility the organization utilizes at Elm Street Park. This initiative, funded through a generous donation and requiring no City funds, would represent a major construction project, entailing the installation of stadium seating behind home plate, increased spectator capacity, improved backstop with netting, a new press box, storage area, and office space.

Work would begin in August 2011, with completion anticipated by March 2012.

After completion, the stadium would be named in honor of a family member specified by the donor. Such an action is permitted under the City's guidelines for naming City of Greenville recreation and park facilities. Though often referred to as the "Little League Field at Elm Street Park," the facility currently has no official name. The appropriate naming legislation would be brought before the Recreation and Parks Commission and then City Council once the project was completed.

In addition to benefiting area residents, it is anticipated this improvement would further foster the Greenville Little Leagues' ability to attract high level baseball tournaments to the City of Greenville.

At their May 11, 2011 meeting, the members of the Greenville Recreation and Parks Commission voted unanimously to recommend that Greenville City Council take the necessary steps to permit this project to move forward.

Fiscal Note:

No fiscal impact relating to the construction of this improvement. All funding would be provided from outside of the City's budget.

Recommendation:

Approve granting permission to Greenville Little Leagues to make improvements to the Elm Street Park Little League Field, and authorize the City Manager to negotiate and execute an agreement with Greenville Little Leagues which sets forth the terms and conditions for the granting of this permission.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Ordinances adopting budgets for the 2011-2012 Fiscal Year:

- a. City of Greenville including Sheppard Memorial Library and Pitt-Greenville Convention and Visitors Authority
- b. Greenville Utilities Commission

Explanation:

Attached are the Fiscal Year 2011-2012 budget ordinances for the City of Greenville (including Sheppard Memorial Library and Pitt-Greenville Convention & Visitors Authority) and Greenville Utilities Commission. The amounts to be approved include unspent monies approved during Fiscal Year 2010-2011. The ordinances establish the fiscal year 2011-2012 budgets.

Fiscal Note:

The 2011-2012 budget ordinances provide revenues and appropriations for the following funds:

General Fund	\$ 74,511,274
Debt Service Fund	4,745,953
Public Transportation Fund	1,839,879
Fleet Maintenance Fund	3,896,856
Sanitation Fund	6,730,025
Bradford Creek Golf Course Fund	845,714
Stormwater Utility Fund	3,835,271
Community Development Housing Fund	1,942,648
Dental Reimbursement Fund	263,481
Capital Reserve Fund	200,000
Vehicle Replacement Fund	3,082,860
Sheppard Memorial Library	2,469,373

Convention & Visitors Authority	1,265,651
Greenville Utilities Commission	274,173,019

Recommendation: Approve attached budget ordinances for the 2011-2012 fiscal year.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

☐ GUC Budget Ordinance

□ Budget Ordinance FY 2011 2012 895926

ORDINANCE NO. 11-

CITY OF GREENVILLE, NORTH CAROLINA 2011-2012 BUDGET ORDINANCE

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

Section I: Estimated Revenue. It is estimated that the following revenues will be available for the City of Greenville during the fiscal year beginning July 1, 2011 and ending June 30, 2012:

GENERAL FUND

Ad Valorem Taxes; Current Year Taxes - Operations Prior Year's Taxes and Penalties Subtotal Sales Tax \$14,350,430 Video Prog. & Tele. Comm. Svcs Tax Rental Vehicle Gross Receipts Utilities Franchise Tax Motor Vehicle Tax Other Unrestricted Intergovernmental Revenues Subtotal Restricted Intergovernmental Revenues Subtotal Licenses, Permits, & Fees: Privilege Licenses Other Licenses, Permits & Fees Privilege Licenses Subtotal Sales and Services Rescue Service Transport Rescue Service Transport Rescue Service Transport Rescue Service Transport Subtotal Sales and Services Subtotal Sales and Services Subtotal Sales and Services Subtotal Sales and Services Sales and S	Unrestricted Intergovernmental Revenues:		
Prior Year's Taxes and Penalties		\$ 29.818.647	
Subtotal \$29,813,308	·	* -11-	
Sales Tax		(0,000)	\$ 29.813.308
Video Prog. & Tele. Comm. Svcs Tax 905,080 Rental Vehicle Gross Receipts 106,659 Utilities Franchise Tax 5,974,803 Motor Vehicle Tax 782,706 Other Unrestricted Intergovernmental Revenues 716,583 Subtotal \$ 22,836,261 Restricted Intergovernmental Revenues: \$ 2,213,148 Powell Bill - State allocation payment 2,032,692 Subtotal \$ 4,245,840 Licenses, Permits, & Fees: \$ 636,540 Privilege Licenses \$ 636,540 Other Licenses, Permits & Fees 2,955,249 Subtotal \$ 3,591,789 Sales and Services: \$ 2,652,260 Parking Violation Penalties, Leases, and Meters 464,613 Other Sales and Services 577,570 Subtotal \$ 3,694,443 Other Revenue Sources \$ 305,976 Investment Earnings: \$ 1,884,450 Investment Earnings: \$ 1,884,450 Other Financing Sources: \$ 1,884,450 Transfer from Greenville Utilities Commission \$ 4,986,085 Appropriated Fund Balance 2,090,585 <td></td> <td></td> <td>, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</td>			, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
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Utilities Franchise Tax Motor Vehicle Tax 5,974,803 782,706 Other Unrestricted Intergovernmental Revenues Subtotal 716,583 72,836,261 Restricted Intergovernmental Revenues: \$2,213,148 2,032,692 Restricted Intergovernmental Revenues \$2,213,148 2,032,692 Powell Bill - State allocation payment Subtotal \$2,032,692 Subtotal \$4,245,840 Licenses, Permits, & Fees: Privilege Licenses Other Licenses, Permits & Fees Subtotal \$3,591,789 Sales and Services: Rescue Service Transport Parking Violation Penalties, Leases, and Meters Other Sales and Services Subtotal \$3,591,789 Subtotal \$3,694,443 Other Revenues: Other Revenues: Other Revenue Sources Subtotal \$305,976 Investment Earnings: Interest on Investments Subtotal \$1,884,450 Other Financing Sources: Transfer from Greenville Utilities Commission Appropriated Fund Balance Other Transfers Subtotal \$4,986,085 Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$8,139,207	Video Prog. & Tele. Comm. Svcs Tax	905,080	
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Other Revenue Sources Subtotal \$ 305,976 Investment Earnings: Interest on Investments Subtotal \$ 1,884,450 Other Financing Sources: Transfer from Greenville Utilities Commission Appropriated Fund Balance Other Transfers Subtotal \$ 4,986,085 2,090,585 1,062,537 Subtotal \$ 8,139,207	Other Revenues:		
Subtotal \$ 305,976 Investment Earnings: \$ 1,884,450 Interest on Investments \$ 1,884,450 Subtotal \$ 1,884,450 Other Financing Sources: Transfer from Greenville Utilities Commission \$ 4,986,085 Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$ 8,139,207		\$ 305,976	
Investment Earnings: Interest on Investments			\$ 305,976
Interest on Investments \$ 1,884,450 Subtotal \$ 1,884,450 Other Financing Sources: \$ 4,986,085 Transfer from Greenville Utilities Commission \$ 4,986,085 Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$ 8,139,207			,
Subtotal \$ 1,884,450 Other Financing Sources: Transfer from Greenville Utilities Commission \$ 4,986,085 Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$ 8,139,207			
Other Financing Sources: Transfer from Greenville Utilities Commission Appropriated Fund Balance Other Transfers Subtotal \$ 4,986,085 2,090,585 1,062,537 \$ 8,139,207		\$ 1,884,450	
Transfer from Greenville Utilities Commission \$ 4,986,085 Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$ 8,139,207	Subtotal		\$ 1,884,450
Transfer from Greenville Utilities Commission \$ 4,986,085 Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$ 8,139,207	011 51 1 0		
Appropriated Fund Balance 2,090,585 Other Transfers 1,062,537 Subtotal \$ 8,139,207		4.000.005	
Other Transfers 1,062,537 Subtotal \$ 8,139,207			
Subtotal <u>\$ 8,139,207</u>			
		1,002,537	\$ 8 130 207
TOTAL GENERAL FUND REVENUES \$ 74,511,274	Oubtotal		Ψ 0,133,201
	TOTAL GENERAL FUND REVENUES		\$ 74,511,274

DEBT SERVICE FUND

Powell Bill Fund Occupancy Tax Transfer from General Fund TOTAL DEBT SERVICE FUND	\$	61,521 536,466 4,147,966	\$	4,745,953
PUBLIC TRANSPORTATION FU	ND		===	
Operating Grant 2011-2012 Capital Grant 2009-2010 Planning Grant 2008-2009 State Maintenance Assistant Program Hammock Source Miscellaneous Revenue Pitt Community College Bus Fare Eastern Carolina Vocational Center Service Contract Bus Fares Bus Ticket Sales Pitt Co. Bus Service Appropriated Fund Balance	\$	534,434 306,560 28,100 175,000 818 198 4,300 1,500 150,000 58,000 4,185 576,784		
TOTAL PUBLIC TRANSPORTATION FUND			\$	1,839,879
FLEET MAINTENANCE FUND)			
Fuel Markup Vehicle Labor Fees Pool Car Rentals	\$	1,878,849 1,004,146 1,002,611 11,250		
TOTAL FLEET MAINTENANCE FUND			\$	3,896,856
SANITATION FUND				
Refuse Fees NC Mosquito Control Extra Pickup Recycling Revenue Cart and Dumpster Solid Waste Tax Transfer from General Fund Appropriated Fund Balance TOTAL SANITATION FUND	\$	6,195,919 12,000 2,000 5,000 138,400 50,000 190,000 136,706	\$	6,730,025
BRADFORD CREEK GOLF COURSE				
Green Fees Cart Fees Driving Range Concessions (Food & Beverage) Other (Tournaments, Rentals) Tournaments Rentals Pro Shop Sales	\$	501,059 19,000 95,655 63,000 97,000 32,000 4,000 34,000		
TOTAL BRADFORD CREEK GOLF COURSE FUND			\$	845,714

STORMWATER MANAGEMENT UTILITY FUND

Utility Fee Interest on Checking Appropriated Fund Balance	\$	2,951,000 60,616 823,655	
TOTAL STORMWATER MANAGEMENT UTILITY FUND			\$ 3,835,271
COMMUNITY DEVELOPMENT HOUSING FUND (GF	RANT P	ROJECT FUND)	
Annual CDBG Grant Funding HUD City of Greenville Loan Payment Program Income Transfer from General Fund	\$	800,000 800,000 5,000 11,000 326,648	
TOTAL COMMUNITY DEVELOPMENT HOUSING FUND			\$ 1,942,648
DENTAL REIMBURSEMENT FU	ND		
Employer Contributions - City of Greenville Employee Contributions - City of Greenville	\$	192,755 70,726	
TOTAL DENTAL REIMBURSEMENT FUND			\$ 263,481
CAPITAL RESERVE FUND			
Appropriated Fund Balance	\$	200,000	
TOTAL CAPITAL RESERVE FUND			\$ 200,000
VEHICLE REPLACEMENT FUN	ID		
Transfer from Other Funds	\$	3,082,860	
TOTAL VEHICLE REPLACEMENT FUND			\$ 3,082,860
TOTAL ESTIMATED CITY OF GREENVILLE REVENUES			\$ 101,893,961
SHEPPARD MEMORIAL LIBRARY	FUND		
City of Greenville Pitt County Town of Bethel Town of Winterville State Aid Desk/Copier Receipts Interest Miscellaneous Revenues Greenville Housing Authority LSTA Grant Appropriated Fund Balance TOTAL SHEPPARD MEMORIAL LIBRARY FUND	\$	1,207,986 603,993 28,520 139,437 202,448 121,667 5,000 47,216 10,692 25,000 77,414	\$ 2,469,373
LOTAL OTTELL VIA MEMORIAL FIDITALL LOND			Ψ 2,+05,513

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Occupancy Tax (2%)	\$ 450,444
Occupancy Tax (1%)	226,040
Interest on Checking	10,000
Appropriated Fund Balance	579,167

TOTAL PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND

\$ 1,265,651

Section II: Appropriations. The following amounts are hereby appropriated for the operation of the City of Greenville and its activities for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

GENERAL FUND

	02.12.9.2.01.2	
Mayor & City Council		\$ 431,749
City Manager		1,114,636
City Clerk		308,883
City Attorney		455,445
Human Resources		2,708,693
Information Technology		2,971,218
Fire/Rescue		12,924,530
Financial Services		2,299,332
Contingency		150,000
Other Post Employment Benefits		250,000
Police		22,449,243
Recreation & Parks		6,305,388
Public Works		9,168,758
Community Development		1,725,349
Capital Improvement		5,915,283
Transfers to Other Funds		5,934,121
Indirect Cost Reimbursement		(601,354)
TOTAL GENERAL FUND		\$ 74,511,274
	DEBT SERVICE FUND	
Debt Service		\$ 4,745,953
	PUBLIC TRANSPORTATION FUND	
Transit		\$ 1,839,879
	FLEET MAINTENANCE FUND	
Fleet		\$ 3,896,856
	SANITATION FUND	

Item # 13

Sanitation Service \$ 6,730,025

BRADFORD CREEK GOLF COURSE FUND

Bradford Creek Golf Course	\$	845,714
STORMWATER MANAGEMENT UTILITY FUND		
Stormwater Management Utility	\$	3,835,271
COMMUNITY DEVELOPMENT HOUSING PROGRAM FUND		
Community Development Housing/CDBG	\$	1,942,648
DENTAL REIMBURSEMENT FUND		
Dental Reimbursement Fund	\$	263,481
CAPITAL RESERVE FUND		
Capital Reserve Fund	\$	200,000
VEHICLE REPLACEMENT FUND		
Vehicle Replacement Fund	\$	3,082,860
TOTAL CITY OF GREENVILLE APPROPRIATIONS	\$ 1	01,893,961
SHEPPARD MEMORIAL LIBRARY FUND		
Sheppard Memorial Library	\$	2,469,373
PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY		
Pitt-Greenville Convention and Visitors Authority	\$	1,265,651

Section III: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding purchase orders as of June 30, 2011, added to each appropriation as it appears in order to account for the expenditures in the fiscal year in which it was paid.

Section IV: Taxes Levied. There is hereby levied a tax rate of 52 cents per one hundred dollars (\$100) valuation of taxable properties, as listed for taxes as of January 1, 2011, for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section V: Salaries.

(a) Salaries of Elected Officials. The annual salaries of the Mayor, Mayor Pro-Tem, and other members of the City Council shall be as follows:

 Mayor
 \$ 11,500

 Mayor Pro-Tem
 \$ 7,800

 Council Members
 \$ 7,500

(b) Salary Cap of Greenville Utilities Commission Members. Pursuant to Section 4 of the Charter of the Greenville Utilities Commission of the City of Greenville, the monthly salaries of members of the Greenville Utilities Commission shall not exceed the following caps:

Chair \$ 350 Member \$ 200 Section VI: Amendments.

- (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.
- (b) Notwithstanding Subsection (a) above, the City Manager is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the City Council at its regular meeting and shall be entered in the minutes.
- (c) In case of emergency which threatens the lives, health, or safety of the public, the City Manager may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the City Council as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Section VII: The Manual of Fees, dated July 1, 2011, is adopted herein by reference.

Section VIII: Community Development. The City Council does hereby authorize grant project funds for the operation of FY 2011-2012 CDBG Entitlement and Community Development Home Consortium programs under the Community Development Block Grant Program and Home Consortium Program for the primary purpose of housing rehabilitation and other stated expenditures.

Section IX: Greenville Utilities Commission. The City Council adopts a separate ordinance for the budget of the Greenville Utilities Commission.

Section X: Distribution. Copies of this ordinance shall be furnished to the City Manager and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 9th day of June, 2011.		
ATTEST:	Patricia C. Dunn, Mayor	
Carol L. Barwick, City Clerk		

ORDINANCE NO. _____ CITY OF GREENVILLE, NORTH CAROLINA 2011-12 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2011 and ending June 30, 2012 to meet the subsequent expenditures, according to the following schedules:

	REVENUE		<u>BUDGET</u>
A.	Electric Fund		
	Rates & Charges Fees & Charges U.G. & Temp. Service Charges Miscellaneous Interest on Investments Installment Purchase	\$200,977,249 850,000 86,400 606,750 420,000 834,477	
	Total Electric Fund Revenue		\$203,774,876
В.	Water Fund		
	Rates & Charges Fees & Charges Miscellaneous Interest on Investments Installment Purchase	\$15,126,330 382,716 162,896 35,000 179,564	
	Total Water Fund Revenue		\$15,886,506
C.	Sewer Fund		
	Rates & Charges Fees & Charges Pitt County Miscellaneous Interest on Investments Installment Purchase	\$16,674,024 373,460 65,219 113,950 70,000 101,097	
	Total Sewer Fund Revenue		\$17,397,750
D.	Gas Fund		
	Rates & Charges Fees & Charges Miscellaneous Interest on Investments Installment Purchase	\$36,698,512 133,500 129,813 130,000 22,062	
	Total Gas Fund Revenue		\$37,113,887
	TOTAL REVENUE		\$274,173,019

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2011 and ending on June 30, 2012, according to the following schedules:

		BUDGET
Electric Fund	203,774,876	
Water Fund	15,886,506	
Sewer Fund	17,397,750	
Gas Fund	37,113,887	
TOTAL EXPENDITURES		\$274,173,019
Section III: Amendments. (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council. (b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another in an amount not to exceed \$100,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes. (c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting. Section IV: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the		
Chief Financial Officer of the Greenville Uti Greenville to be kept on file by them for the	neir direction in the disbursement of	funds
Adopted this the day of Jun	ne, 2011.	
Attest:	Patricia C. D	Dunn, Mayor

Carol Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Resolution authorizing the sale of 1210 Dickinson Avenue to Broderick Best

Explanation: This requested action is to authorize the sale of property owned by the City of

Greenville at 1210 Dickinson Avenue to Mr. Broderick Best. Mr. Best notified the City of his interest in purchasing the property in December 2010. City staff contracted with F. Bruce Sauter and Associates, Inc., to appraise the property to establish its fair market value. The appraisal report (attached) was completed on January 28, 2011, and determined that the "As Is Market Value of the Property"

was \$14,700.

opened on May 9, 2011.

At the March 3, 2011, City Council meeting, fair market value was established for 1210 Dickinson Avenue at \$14,700. A "Notice of Sale and Advertisement for Bids" was then published in <u>The Daily Reflector</u> from April 4, 2011 until May 2, 2011, alerting the public of the property's availability. All bidders were instructed that bids would be accepted until May 6, 2011, and

Mr. Broderick Best was the only party to submit a bid for the property. His bid was for \$15,160 and included the required 5% bid deposit. Mr. Best has indicated his plans are to use the property for additional parking in association with a proposed barber college to be operated next to the subject property at 1206 Dickinson Avenue.

Fiscal Note: Approximate deed preparation costs of \$500. If approved, \$15,160 will be

revenue realized by the General Fund.

Recommendation: Approve the attached resolution authorizing the sale of 1210 Dickinson Avenue

to Broderick Best and authorize staff to execute documents related to the sale of

the property.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Bid Letter from Mr. Broderick Best
- 1210 Appraisal Report
- ☐ Resolution to sell 1210 Dickinson Avenue 897783

RESOLUTION NO. 11-___ RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY AT 1201 DICKINSON AVENUE TO BRODERICK BEST

WHEREAS, the City of Greenville has received an offer to purchase and redevelop 1210 Dickinson Avenue and being further identified as Pitt County Parcel number 12885; and,

WHEREAS, the City Council at its March 3, 2011, meeting, established fair market value of the parcel for \$14,700 and authorized staff to advertise the availability of the parcel for sealed bids; and,

WHEREAS, the City of Greenville made available said parcel for interested buyers from April 4, 2011 until May 6, 2011; and,

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-268 to dispose of properties by means of sealed bids; and,

WHEREAS, Mr. Broderick Best was the sole bidder for the property located at 1210 Dickinson Avenue, having submitted a bid in the amount of \$15,160, along with the required 5% deposit; and,

WHEREAS, the City Council, at its June 9, 2011, meeting, considered the offer submitted by Broderick Best for 1210 Dickinson Avenue; held in accordance with the provisions G.S. 160A-268;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby approve the sale of the property located at 1210 Dickinson Avenue to Broderick Best for \$15,160, said amount being not less than the fair market value of said property.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute the deed and any other necessary documents to accomplish the conveyance of said property to said person.

This the 9th day of June, 2011.

	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	



GRACE College of Barbering 4266 Lee Street Ayden, NC 28513 252-746-6255 gracecollege@live.com

April 11, 2011

/Merrill Flood City of Greenville P.O Box 7207 Greenville, N.C. 27835-7207

My name is Broderick Best. I submitted a bid of 15,160.00 for property at corner of 14th and Dickinson Ave. I enclosed a cashiers check of 758.00, which is 5% of my bid offer. I will need to use this property for additional parking for the Barber College which is located beside property of interest. To better serve the City of Greenville we would want to be sure we can provide adequate parking.

Sincerely,

Broderick Best

Director of Operations

F. BRUCE SAUTER & ASSOCIATES, INC.

Real Estate Appraisers and Consultants

2301 Executive Park West, Greenville, North Carolina 27835-7123

Telephone: (252) 758-7000 • Fax: (252) 758-4762 Email: fbs@fbrucesauter.com

SUMMARY APPRAISAL REPORT OF:

PREPARED FOR:

City of Greenville 0.25*-Acre Vacant Lot 1210 Dickinson Avenue Greenville, Pitt County, North Carolina PIN: 12885

City of Greenville Post Office Box 7207 Greenville, North Carolina 27835-7207

APPRAISER:

PREPARED BY:

F. Bruce Sauter, MAI NC General Certification No.: A8 F. Bruce Sauter & Associates, Inc. 2301 Executive Park West Greenville, North Carolina 27835

DATE OF VALUATION:

DATE OF REPORT:

January 21, 2011

January 28, 2011

MARKET VALUE CONCLUSION "AS IS":

\$14,700

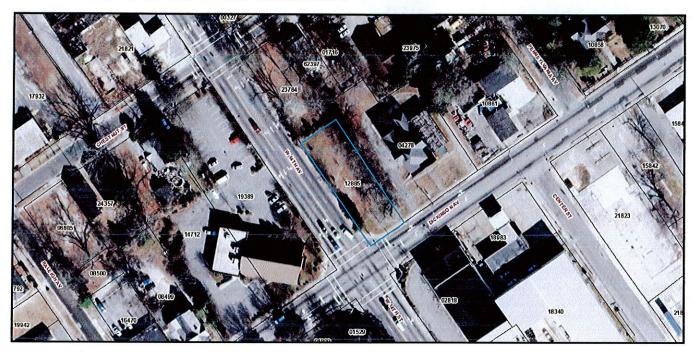
SUMMARY APPRAISAL REPORT

This is a Summary Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice (USPAP). As such, it presents only brief discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use, the appraiser's opinions and conclusions set forth may not be understood properly without additional information in the appraiser's file. The appraisers are not responsible for unauthorized use of this report.

CONFIDENTIALITY AGREEMENT

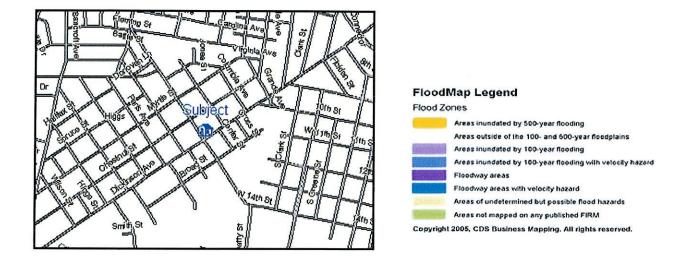
Acceptance and use of this appraisal is an implied confidentiality agreement between F. Bruce Sauter and Associates, Inc. and the named client and/or intended user(s). Due to the nature of the appraisal industry, and most importantly, client and USPAP confidentiality requirements, the contents of this appraisal are considered confidential. In addition, the contents of this appraisal are also the intellectual property of F. Bruce Sauter and Associates, Inc. not to be distributed without prior written agreement. Significance is given to the distribution of data that involves prior confidentiality agreements.

IDENTIFICATION OF THE PROPERTY



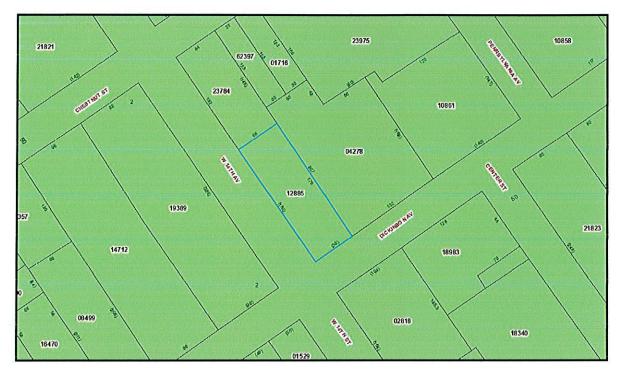
The subject is identified as a .25*-acre or 10,890 square foot vacant lot located at the northwest corner of Dickinson Avenue and West 14th Street. The physical address is 1210 Dickinson Avenue, Greenville, North Carolina. The legal description for the site is recorded in Deed Book 2017, Page 647 of the Pitt County Registry. The property is identified as PIN 12885 by the Pitt County Tax Department.

The subject lot is rectangular and is approximately at the grade of Dickinson Avenue and 14th Street, with the topography of the lot nearly level. All public utilities are available to the lot. Access to the property is via a driveway cut on Dickinson Avenue, a two-lane city street and a driveway cut on 14th Street, which is a four-lane city street. Drainage appears adequate. Specific soil conditions are unknown. Based on the surrounding construction, the soils appear to be suitable for commercial downtown fringe development. The lot is not located in a flood hazard area as shown on the following Flood Insurance Rate Map - Community Panel Number 370191 4687 J dated January 2, 2004.



The lot is zoned CDF (Commercial Downtown Fringe), by the City of Greenville. This District is "...to provide commercial and service activities designed to enhance the downtown commercial area, stimulate redevelopment and encourage a compatible mix of commercial and high density residential development.

TAXES AND ASSESSMENTS



Parcel	12885
Physical Address	1210 DICKINSON AVENUE EX
Owner Name	GREENVILLE CITY OF
OwnerAddress1	PO BOX 7207
City / State / Zip	GREENVILLE NC 27835
NC PIN	4687094216
Prior Legal Description	RES 1210 DICKINSON AVENUE
Acres	0.25
Map Book	DB297-712
Deed / Document Date	05/2007
Deed / Document Sales Price	\$0
Building Type / Use	RESIDENTIAL(Single Family Residential)
Number of Buildings	0
Extra Features Value	\$0
Land Value	\$20,691
Total Current Market Value	\$20,691
Total 2007 Market Value	\$20,390
Revaluation Year	2008
Municipality	GREENVILLE
Township	GREENVILLE
Fire Tax District	GREENVILLE
Census Tract	7.02
Neighborhood	004450

The combined tax rate for the County and City of Greenville is \$1.185 per \$100 assessed value. The assessed value for parcel 12885 is \$20,691 allocated to the land.

Pitt County has recently completed a countywide revaluation with an effective date of January 1, 2008, with the next planned revaluation being January 1, 2012. The history

of tax rates for Pitt County and Greenville indicates that they have fluctuated approximately 1% to 1.5% per year over the past 10 years. Since the City of Greenville currently owns the lot, it is considered tax exempt. If sold to a non-exempt entity, the lot would have a tax liability calculated as follows:

 $$20,691 \div $100 = $206.91 \times $1.185 = 245.18

HISTORY OF THE PROPERTY

The subject lot is currently owned by the City of Greenville since November 2005 as recorded in Deed Book 2017, Pages 647-649 of the Pitt County Registry. The purchase was by Commissioner's Deed for a sales price of \$2,000. After the property was acquired by the City, an existing structure was demolished in 2005 and the property has remained vacant since that time. To the best of my knowledge, there have been no other third party transfers of this property during the past five years.

SCOPE OF THE ASSIGNMENT

- F. Bruce Sauter and Associates, Inc. completed the following steps for this assignment in accordance with the Uniform Standards of Professional Appraisal Practice.
 - > Inspected the subject property;
 - Understood the intended use of the report;
 - ➤ Gathered information relative to local market conditions, zoning, comparable land sales and cost data (if applicable), and;
 - > Confirmed and analyzed the data and applied the Sales Comparison Approach;
 - Estimated a reasonable exposure and marketing time associated with the property.

This Summary Use Appraisal Report is a brief recapitulation of the appraiser's data, analyses, and conclusions. Additional supporting documentation is retained in the appraiser's file.

F. Bruce Sauter and Associates, Inc. does not warrant any unauthorized use, nor is it my intention for another party to rely on this appraisal without prior written consent. It is my intention for this report to comply with the Uniform Standards of Professional Appraisal Practice, 12th Edition, and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as currently amended.

HIGHEST AND BEST USE

The Appraisal of Real Estate ³ defines Highest and Best Use as:

"that reasonable and probable use that will support the highest present value as defined as of the effective date of the appraisal. Alternatively, that use, from among reasonable and legal alternative uses, should be found to be physically possible, appropriately supported, financially feasible, and result in the highest land value."

Implied within these definitions is recognition of the contribution of that specific use to community environment or community development goals, in addition to wealth maximization or individual property owners. Highest and best use analysis recognizes trends in the subject's neighborhood in order to determine what practical, reasonably market supported uses, would provide the highest return per dollar invested in the subject's real estate.

Four common standards are normally utilized to determine the highest and best use of a site, as if vacant or improved. The highest and best use of the land must be:

- 1. Legally Permissible: What uses of the land or site are permitted by zoning or deed restrictions?
- 2. Physically Possible: What uses of the land or site are physically possible?
- 3. *Financially Feasible:* Which possible and permissible uses will produce the highest return to the owners of the land or site?
- **4.** Maximally Productive: The use that produces the highest price or value consistent with the rate of return warranted by the market for that use is the highest and best use.

³ The Appraisal of Real Estate 12th Addition published by the Appraisal Institute

HIGHEST AND BEST USE AS THOUGH VACANT

The highest and best use of the subject as vacant is for assemblage with the

adjoining property for commercial development in accordance with the CDF zoning and

surrounding land uses.

HIGHEST AND BEST USE AS IMPROVED

N/A.

MARKETING AND EXPOSURE TIME

The marketing time is the anticipated time required to sell the property as of the

date of the appraisal should the property be placed on the market The exposure time is

assumed to reflect the time period required prior to the valuation required to conclude in a

sale as of the date of valuation.

Given the proximity to the downtown area of the city, I believe that marketing

time would be 12 month or less, if fairly priced and aggressively marketed. I believe the

exposure time prior to the date of valuation would have been similar.

F. Bruce Sauter and Associates, Inc. City of Greenville Property = 0.25 Acre Vacant Lot 1210 Dickinson Avenue, Greenville, Put Conaty, North Carolina January 2014

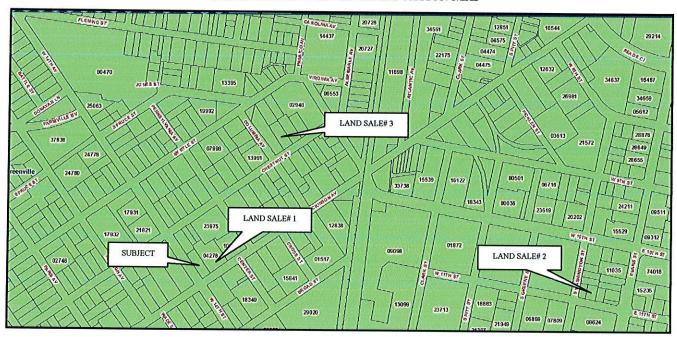
VALUATION OF THE SUBJECT PROPERTY

SALES COMPARISON APPROACH

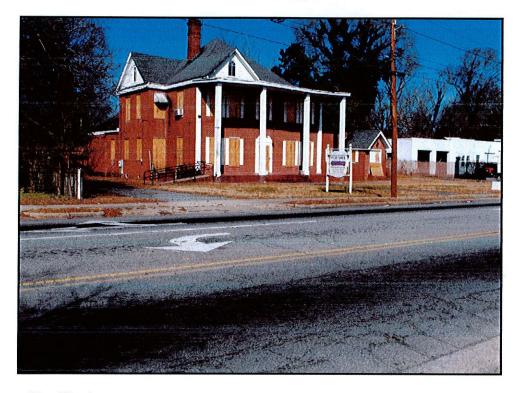
The Sales Comparison Approach has been applied in estimating the market value of the subject site, as if vacant and available for its highest and best use. Because the assignment involves a vacant commercial downtown fringe (CDF) lot, the Cost and Income Approaches are not applicable in this instance, and have been omitted.

In the following analysis, sales of similar type CDF lots were located and inspected. The sale prices and conditions of the sales were confirmed. The physical characteristics, location, and other pertinent details of the sales were evaluated and compared to the subject lot. Of all the sales found during my investigation, the following are considered to be the most comparable to the subject, and to have the greatest bearing on the present value and market position of the subject lot.

COMPARABLE LAND SALES LOCATION MAP



LAND SALE NO. 1



Property Identification

Record ID 2269

Property Type Vacant Land, Vacant Land

1206 Dickinson Avenue, Greenville, Pitt County, North Carolina Address Near Intersection of Dickinson Avenue and West 14th Street Location

Tax ID Parcel No. 04278

Sale Data

Grantor The Mattie Macklin Norcott Living Trust/The Gratz Norcott, Jr.

Living Trust

Grantee **Broderick Best**

Sale Date December 07, 2010

Deed Book/Page 2812/692 **Property Rights** Fee Simple **Conditions of Sale** Arms Length **Financing** Cash to Seller

Michael Colombo, Attorney; Other sources: Public Records, Verification

Confirmed by Bruce Sauter, MAI

Sale Price \$30,000 \$30,000 **Cash Equivalent**

LAND SALE NO. 1 (CONTINUED)

Downward Adjustment

\$5,000 Cost of Building Demolition

Adjusted Price

\$25,000

Land Data

Zoning

CDF, Commercial Downtown Fringe

Topography Utilities Basically Level All City

Shape

Irregular

Land Size Information

Gross Land Size

0.550 Acres or 23,959 SF

Useable Land Size

0.550 Acres or 23,959 SF, 100.00%

Front Footage

132 ft Dickinson Avenue

Indicators

Sale Price/Gross Acre

\$45,455 Adjusted

Sale Price/Gross SF

\$1.04 Adjusted

Sale Price/Useable Acre

\$45,455 Adjusted

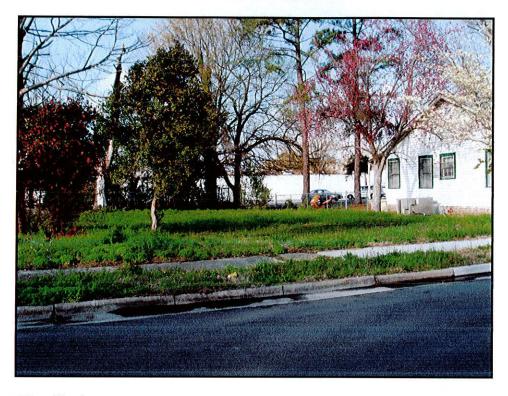
Sale Price/Useable SF

\$1.04 Adjusted

Remarks

This property contains a 7,327 square foot funeral home building built in 1915, which is in total disrepair. The estimated cost to raze the building is \$5,000, resulting in an adjusted sales price of \$25,000 for the land.

LAND SALE NO. 2



Property Identification

Record ID 2128

Property Type

Vacant Land, Vacant Lot 114 West 11th Street, Greenville, Pitt County, North Carolina Address

Parcel No. 024824 Tax ID

Sale Data

Grantor American General Financial Services, Inc.

Grantee David Jaggers Mitchell, II

Sale Date April 04, 2008 Deed Book/Page 2476/70 **Property Rights** Fee Simple **Conditions of Sale** Arms Length Financing Cash to Seller

Verification Other sources: Public Records, Confirmed by Bruce Sauter, MAI

Sale Price \$11,000 **Cash Equivalent** \$11,000

LAND SALE NO. 2 (CONTINUED)

Land Data

Zoning

CDF, Commercial Downtown Fringe

Topography Utilities

Level All City

Shape

Rectangular

Land Size Information

Gross Land Size Front Footage

0.130 Acres or 5,663 SF 60 ft West 11th Street

Indicators

Sale Price/Gross Acre Sale Price/Gross SF

\$84,615 \$1.94

LAND SALE NO. 3



Property Identification

Record ID

Property Type

Address

Tax ID

2126

Vacant Land, Vacant Lot

1008 Chestnut Street, Greenville, Pitt County, North Carolina

Parcel # 023347

Sale Data

Grantor

Grantee

Sale Date

Deed Book/Page

Property Rights Conditions of Sale

Financing

Verification

SCM Investments, LLC

Dax R. and Gloria C. Nelson

October 22, 2008

2559/265

Fee Simple

Arms Length

Cash to Seller

Other sources: Public Records, Confirmed by Bruce Sauter, MAI

Sale Price

Cash Equivalent

\$14,000 \$14,000

F. Bruce Sauter and Associates, Inc.

City of Greenville Property – 0.25-Acre Vacant Lot 1210 Dickinson Avenue, Greenville, Pitt County, North Carolina January 2011

LAND SALE NO. 3 (CONTINUED)

Land Data

Zoning

CDF, Commercial Downtown Fringe

Topography Utilities Shape

Level All City Rectangular

Land Size Information

Gross Land Size Front Footage

0.270 Acres or 11,761 SF 68 ft Chestnut Street

Indicators

Sale Price/Gross Acre Sale Price/Gross SF \$51,853 \$1.19 The following table summarizes the results of my analysis of these sales as compared to the subject lot:

SUMMARY - COMPARABLE LAND SALES ANALYSIS

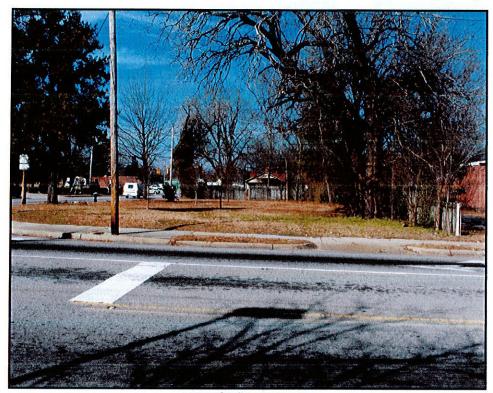
LAND SALE NO.	Subject	Sale No. 1	Sale No. 2	Sale No. 3
Parcel#	12885	4278	24824	23347
Address	1210 Dickinson Avenue	1206 Dickinson Avenue	114 East 11th Street	1008 Chestnut Street
	Greenville, NC	Greenville, NC	Greenville, NC	Greenville, NC
SALE DATA		2000 00 0000 0000		
		Mattie Norcott Living		
		Trust/Gratz Norcott, Jr. Living	American General Financial	
Seller	The City of Greenville	Trust	Services, Inc.	SCM Investments, LLC
Buyer		Broderick Best	David Jaggers Mitchell, II	Dax R. and Gloria C. Nelson
Sale Date		12/7/2010	4/4/2008	10/22/2008
Deed Book/Page	2017/647	2812/692	2476/70	2559/265
Sale Price		\$30,000	\$11,000	\$14,000
PHYSICAL FEATURES	450000000			
Land Size (SF)	10,890	23,959	5,663	11, 7 61
Sale Price/SF Land		\$1.25	\$1.94	\$1.19
Location	Commercial Downtown Fringe	Commercial Downtown Fringe	Commercial Downtown Fringe	Commercial Downtown Fringe
ADJUSTMENTS		leaves source source		
Property Rights		Fee Simple	Fee Simple	Fee Simple
Adjustment		-17%	0%	0%
Adjusted Price		\$1.04	\$1.94	\$1.19
Financing		Cash to Seller	Cash to Seller	Cash to Seller
Adjustment		0%	0%	0%
Adjusted Price		\$1.04	\$1.94	\$1.19
Time		0%	0%	0%
Adjusted Price		\$1.04	\$1.94	\$1.19
Location		5%	-10%	10%
Size/Shape	Rectangular	10%	-10%	0%
Topography	Level At Street Grade	0%	0%	0%
Zoning	CDF	0%	0%	0%
Utilites	All City	0%	0%	0%
Net Adjustments	12	15%	-20%	10%
Adjusted Price		\$1.20	\$1.55	\$1.31

These sales are relatively similar in terms of topography, zoning, and utilities. Sale No. 1 is larger than the subject, and required an upward adjustment of 10%; whereas, Sale No. 2 is smaller and a downward adjustment was made to make it more comparable to the subject lot. Sale No. 1 involved a lot with an existing building, which is in disrepair. An adjustment was made to the sales price for the future razing of the structure. Sale No. 1 is located adjacent to the subject, but the subject property is located on a corner lot with access from Dickinson Avenue and West 14th Street and is considered a superior location. Appropriate adjustments have also been made to the other comparable sales for their location differences. The adjusted sales prices offer a range from \$1.20 to \$1.55 per square foot. After careful comparison and analysis, I believe these sales will support a

present unit value for the subject lot near the midpoint of the range at \$1.35 per square foot.

Applied to Subject

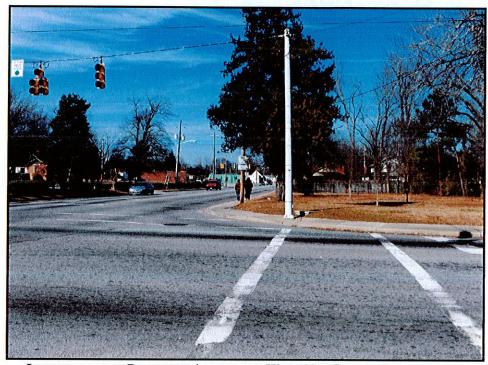
10,890 SQUARE FEET X \$1.35 / SQUARE FOOT = \$14,701.50 INDICATED VALUE OF LOT: \$14,700 (RD)



VIEW OF SUBJECT LOT



VIEW OF DICKINSON AVENUE FACING WEST



INTERSECTION AT DICKINSON AVENUE AND WEST 14TH STREET FACING NORTH



VIEW OF WEST 14TH STREET FACING SOUTH

Cac. IO: 000215380003 Type: CAP
Recorded: 11/04/2005 at 03:31:50 PM
Fee Ant: \$24.00 Page 1 of 3
EXCISE Tax: \$4.00
Judy J. Tart Register of Deede
6K 2017 Pa647-649

total after recording to: David C. Sutton

Prepared by: David C. Sutton, Commissioner, without benefit of title search.

Parcel # 12885 Revenue Stamps: \$4.00

COMMISSIONER'S DEED

Greenville, Pitt County, North Carolina

THIS COMMISSIONER'S DEED made this the 4th day of November, 2005, by and between David C. Sutton, Commissioner, hereinafter "Grantor"; and, City of Greenville, North Carolina, hereinafter "Grantee";

WITNESSETH:

THAT Grantor, the duly appointed Commissioner, pursuant to authority granted by the Clerk of Superior Court and the Superior Court Judge Presiding in Special Proceeding File No. 05-SP-216, Pitt County, North Carolina, in the matter of the foreclosure pursuant to Ordinance No. 03-112, in consideration of One Thousand, Two Hundred Fifty-Five and 90/100 Dollars (\$1,255.90), and other valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, grant, sell and convey, to Grantee, his heirs and assigns, all that tract or parcel of land lying and being in Pitt County, North Carolina, and more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION

To have and to hold said land and premises and all privileges and appurtenances thereto belonging unto the said Grantee, his heirs and assigns forever, in as full and ample manner as the said Grantor as aforesaid, is authorized and empowered to convey the same.

The plural number as used herein shall equally include the singular and vice versa. The masculine or feminine gender as used herein shall equally include the neuter and vice versa.

IN TESTIMONY WHEREOF, Grantor has adopted the word "SEAL" as his seal and has hereunto set his hand and seal, this the day and year first above-written.

avid C. Sutton Commissioner (SEA)

NORTH CAROLINA

PITT COUNTY

I, Marcia P. Hocks, a Notary Public in and for the aforesaid County and State, do hereby certify that David C. Sutton, Commissioner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the Hay of November, 2005.

Musia D. Stocks

My Commission Expires: 7-28-2007



BEGINNING at the North-East corner of Dickinson Avenue and Broadway Street and running along Broadway Street northwardly 178 feet 3 feet to the corner of the lot of the Proctor heirs; thence at right angles to Broadway Street 65 feet to the line of E.H. Taft; thence southwardly parallel with Broadway Street 179 feet to Dickinson Avenue; thence along Dickinson venue westwardly 66 feet to the beginning, it being the lot formerly conveyed by W.J. Proctor, Ellen M. Proctor and Annie E. Stanford to Tat and Van Dyke, and later conveyed to Jas. R. Patton, Jr., and wife, Bertha Moye Patten.

Save and Except the following: BEGINNING at a point in the easterly property line of Fourteenth Street which point is located 39.89 feet at a bearing of North 35-00-17 West from the point of intersection of the northerly property line of Dickinson Avenue with the easterly property line of Fourteenth Street and from said beginning point running South 35-00-17 East and along the easterly property line of Fourteenth Street, 39.89 feet to the northerly property line of Dickinson Avenue: thence South 55-14-23 West and along the northerly property line of Dickinson Avenue, 39.89 feet to a point: thence subtending to the left and along an arc whose chord distance is 55,53 feet with a bearing of North 79-32-57 West to the POINT OF BEGINNING.

EXHIBIT "A"

ASSUMPTIONS AND LIMITING CONDITIONS

- 1) No responsibility is assumed for legal or title considerations. Title to the property is assumed good and marketable unless otherwise stated in this report.
- 2) The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
- 3) Responsible ownership and competent property management are assumed unless otherwise stated in this report.
- 4) The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
- 5) All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
- 6) It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
- 7) It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
- 8) It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non conformity has been stated, defined, and considered in this appraisal report.
- 9) It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
- 10) Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
- 11) It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

- The appraisers are not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraisers that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
- 13) Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
- Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans and specifications.
- 15) The distribution, if any, of the total valuation in this report between land and improvements applied only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- Possession of this report or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraisers, and in any event, only with proper written qualification and only in its entirety.
- 17) Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or the firm with which the appraisers are connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraisers.

APPRAISER'S CERTIFICATION

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported contingent and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- My compensation is not contingent upon the reporting or a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation; and the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant professional assistance to the persons signing this report.
- The reported analyses, opinions, and conclusions were developed, and this report has been
 prepared, in conformity with the requirements of the Code of Professional Ethics and the
 Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

F. Bruce Sauter, MAI

NC General Certification No.: A8

1. Bruce Santes

01/28/11

Date of Report

F. BRUCE SAUTER. MAI

APPRAISER QUALIFICATIONS

2301 Executive Park West, Greenville, North Carolina 27835-7123 Telephone: (252) 758-7000 • Fax: (252) 758-4762

Email: fbs@fbrucesauter.com

EDUCATION

B.S. University of Maryland, 1966 Commissioned Officer USMC, 1967 NC Real Estate Broker, 1971 (License No. 19201) Member Appraisal Institute (MAI), 1978 (Certificate No. 5816) NC Certified General Real Estate Appraiser, 1991 (Certificate No. A8) SC Certified General Real Estate Appraiser, 1994 (Certificate No. CG 2395) GA Certified General Real Estate Appraiser, 2004

EMPLOYMENT HISTORY

(Certificate No. CG 278965)

F. Bruce Sauter & Associates, Inc. 1984 - Present Moore and Sauter, Inc. 1975 - 1984 Wheless and Moore, Inc. 1972 - 1975

APPRAISAL EXPERIENCE

Single and Multi-family Residentials, Office Buildings, Shopping Centers, Townhouses, PUD's, Condominiums, Warehouses, Manufacturing Buildings, Motels, Restaurants, Marinas, Day Care Centers, FNMA DUS. Highway Right-of-Way Acquisitions, Power Line Right-of-Ways, National and State Park Acquisitions, Farms, Timberlands, Rural Residentials, Estates, Subdivisions and Planned Communities, Conservation Easements, Industrial and Special Purpose Properties, Condemnations, Automotive Dealerships, Golf Courses, Resort Developments and Ocean Beach Properties.

EXPERT WITNESS EXPERIENCE

Federal Bankruptey Court NC Property Tax Commission NC Superior Court: Beaufort, Brunswick, Carteret, Chowan, Dare, Duplin, Durham, Hertford, Lenoir, Martin, New Hanover, Pender, Pitt, Wake, Washington,

Beaufort County Economic Development Commission

INSTITUTIONAL CLIENTELE

Carolina Power & Light Company / Progess Energy City of Greenville, North Carolina City of Kinston, North Carolina City of New Bern, North Carolina City of Washington, North Carolina FDIC Federal Home Loan Mortgage Corporation (FHLMC) Federal National Mortgage Association (FNMA) Greenville Utilities Commission, North Carolina Internal Revenue Service North Carolina Department of Administration North Carolina Department of Transportation North Carolina Nature Conservancy Pamlico-Tar River Foundation U.S. Bankruptcy Court U.S. Department of Interior-National Park Service U.S. Forestry Service & U.S. Postal Service

PROFESSIONAL AFFILIATIONS

American Academy State Cert Appraisers-Past President NC Chapter-Appraisal Institute-Past President National Association of Realtors North Carolina Association of Realtors Greenville-Pitt County Board of Realtors Past Member - NC Real Estate Appraisal Board Past Member - Grnvl. Planning & Zoning Commission

FINANCIAL CLIENTELE Bank of Boston, Boston, MA

Capitol Bank, Raleigh, NC

BB&T, NC, SC

Bank of America, FL, GA, MD, NC

Central Carolina Bank, Durham, NC City National Bank, Charleston, WV First Bank, Troy, NC First Citizens Bank, Greenville, Elizabeth City, NC First South Bank, Greenville, Washington, NC First Union National Bank, Charlotte, NC Gateway Bank, Greenville, Elizabeth City, NC Grand Pacific Finance Corporation, Flushing, NY M&T Bank, Towson, MD Marine Federal Credit Union, Jacksonville, NC Mercury Real Estate Services, Fort Washington, PA Navy Federal Credit Union, CT, NC, VA North American Savings Bank - FSB, Grandview, MO RBC-Centura Bank, Greenville, Raleigh, Durham, NC Regions Bank, Wilmington, NC Southern Bank & Trust, Greenville, NC State Employees Credit Union, NC SunTrust Bank, Chesapeake, VA Wachovia Bank, NC, SC

PROFESSIONAL/CORPORATE CLIENTELE

Wachovia Mortgage Company, Greenville, NC

ACMO, Mayfield Heights, OH AT&T, Burlington, NC Cendant Mobility Services, Danbury, CT Coastal Federal Credit Union, Raleigh, NC Colombo, Kitchin, & Dunn, Attnys, Greenville, NC Cumalander, Adcock & McCraw, LLP, Fuquay-Varina, NC E.I. DuPont, Wilmington, DE Emmett B. Haywood Attorney, Raleigh, NC Greenville Storage Company, Greenville, NC Kirk, Kirk, Howell Cutler & Thompas, LLP L.M. Sandler & Sons, Inc., Virginia Beach, VA Fountain Power Boats, Washington, NC McDonald's Corporation, Raleigh, NC McGladrey & Pullen, CPA's, Greenville, NC Moore & Van Allen Attnys., Charlotte, NC Crescent Resources, Charlotte, NC Pamlico Investments, LLC Payless Shoes, Topeka, KS Primacy Relocation, CA, IL, NE, TX Proctor and Gamble, Cincinnati, OH Vandeventer, Black, Attnys., Kitty-Hawk, NC

Ward and Smith, Attnys., Greenville, NC Womble, Carlyle, Attnys., Winston-Salem, NC



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Resolutions authorizing conveyance of City-owned property located at 1502 West Fifth Street, 1504 West Fifth Street, 1508 West Fifth Street, 1514 West Fifth Street, and 1108 Douglas Avenue by private sale to Streets to Homes

Explanation:

This is a request to convey five City-owned lots, which are located at 1502 West Fifth Street, 1504 West Fifth Street, 1508 West Fifth Street, 1514 West Fifth Street, and 1108 Douglas Avenue to Streets to Homes, a certified Community Housing Development Organization. Streets to Homes will utilize the designated lots to construct three single-family homes for low income homebuyers. North Carolina General Statue 160A-279 permits a city to convey real property by private sale.

It is further requested that due to the current state of the local economy, an alternate plan of rental with option to purchase be considered.

The proposed project would consist of acquisition of property, recombination of lots, construction, and downpayment assistance to eligible homebuyers.

Once approved by City Council, the transaction will be formally closed by the City Attorney or an attorney designated by the City Attorney.

Fiscal Note:

In accordance with the New Construction Lot Policy adopted by City Council at its May 9, 2005, meeting, lot cost for new construction is the value as determined by the Pitt County Tax Assessor's Office. In order to facilitate the goals of the Revitalization Program, the City Council further authorized a 50% reduction in the lot purchase price as established by the Pitt County Tax Assessor's Office when the home is sold to a homebuyer with an annual income less than 80% of the Area Family Median Income.

The tax value of the lots is as follows:

1502 West 5th Street \$2,800

1504 West 5th Street \$3,054 1508 West 5th Street \$2,800 1514 West 5th Street \$2,800 1108 Douglas Avenue <u>\$6,400</u> (combined lot 1110 Douglas Avenue) Total \$17,854 (50% reduction = \$8,927)

Revenue in the amount of \$8,927 will be received by the City of Greenville from the sale of the lots once the properties are sold to eligible homebuyers.

Recommendation:

Adopt the attached resolutions authorizing the conveyance of City-owned property located at 1502 West Fifth Street, 1504 West Fifth Street, 1508 West Fifth Street, 1514 West Fifth Street, and 1108 Douglas Avenue to Streets to Homes for construction of three single-family homes for low income homebuyers as rental with option to purchase.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

City Council Minutes May 9, 2005 New Construction Lot Policy

Resolution Conveying 1502 West Fifth Street to Streets to Homes 897715

Resolution Conveying 1504 West Fifth Street to Streets to Homes 897717

Resolution Conveying 1508 West Fifth Street to Streets to Homes 897719

Resolution Conveying 1514 West Fifth Street to Streets to Homes 897720

Resultion Conveying 1108 Douglas Avenue to Streets to Homes 897710

Builders Agreement 1502 West Fifth Street 897732

Builders Agreement 1504 West Fifth Street 897730

Builders Agreement 1508 West Fifth Street 897727

Builders Agreement 1514 West Fifth Street 897723

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 1502 WEST FIFTH STREET TO STREETS TO HOMES

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 1502 West Fifth Street to Streets to Homes, a certified Community Housing Development Organization for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Streets to Homes for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 14819 located at 1502 West Fifth Street to Streets to Homes with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 1504 WEST FIFTH STREET TO STREETS TO HOMES

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 1504 West Fifth Street to Streets to Homes, a certified Community Housing Development Organization for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Streets to Homes for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 01414 located at 1504 West Fifth Street to Streets to Homes with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 1508 WEST FIFTH STREET TO STREETS TO HOMES

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 1508 West Fifth Street to Streets to Homes, a certified Community Housing Development Organization for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Streets to Homes for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 09530 located at 1508 West Fifth Street to Streets to Homes with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 1514 WEST FIFTH STREET TO STREETS TO HOMES

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 1514 West Fifth Street to Streets to Homes, a certified Community Housing Development Organization for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Streets to Homes for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 05503 located at 1514 West Fifth Street to Streets to Homes with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 1108 DOUGLAS AVENUE TO STREETS TO HOMES

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 1108 Douglas Avenue to Streets to Homes, a certified Community Housing Development Organization for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Streets to Homes for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 79968 located at 1108 Douglas Avenue to Streets to Homes with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

Document Number: 897710 Item # 15

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY), and STREETS TO HOMES (hereinafter BUILDER) and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 14819, 1502 West Fifth Street, legally described as all that certain tract or parcel of land with permanent improvements thereon, lying and being situate in the City of Greenville, County of Pitt and State of North Carolina, on the northwest corner of the intersection of Fifth and Cadillac Streets, and beginning at an iron stake at the northwest corner of the intersection of Fifth and Cadillac Streets, and running thence northwardly with the western property line of Cadillac Street 92 feet to the corner of Lot No. 12 in Block "P" of the Riverdale Subdivision; thence southwardly with the line of Lot No. 12 in Block "P" a distance of 50 feet to the corner of Lot No. 10 in Block "P"; thence southwardly with the line of Lot No. 10 in Block "P", and parallel with Cadillac Street a distance of 97 feet to the northern property line of Fifth Street; thence eastwardly with the northern line of Fifth Street a distance of 50 feet to the place of beginning, and being Lot No. 11 in Block "P" of the Riverdale Subdivision, according to plat of said subdivision duly of record in Map Book 2, at Page 252, in the office of the Register of Deeds of Pitt County, to which plat reference is hereby made, and being also the same property conveyed to Reynolds May by the Land Investment Company by deed dated September 10, 1942 recorded in Book A-24, Page 403, in the office of the Register of Deeds of Pitt County, and being also the same property conveyed by S. Reynolds May and wife, Doris Garris May to Amos T. Mills and wife, Christine Payton Mils dated September 29, 1942 and recorded in Book A-24, Page 412, in the office of the Register of Deeds of Pitt County. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 14819, 1502 West Fifth Street, legally described as all that certain tract or parcel of land with permanent improvements thereon, lying and being situate in the City of Greenville, County of Pitt and State of North Carolina, on the northwest corner of the intersection of Fifth and Cadillac Streets, and beginning at an iron stake at the northwest corner of the intersection of Fifth and Cadillac Streets, and running thence northwardly with the western property line of Cadillac Street 92 feet to the corner of Lot No. 12 in Block "P" of the Riverdale Subdivision; thence southwardly with the line of Lot No. 12 in Block "P" a distance of 50 feet to the corner of Lot No. 10 in Block "P"; thence southwardly with the line of Lot No. 10 in Block "P", and parallel with Cadillac Street a distance of 97 feet to the northern property line of Fifth Street; thence eastwardly with the northern line of Fifth Street a distance of 50 feet to the place of beginning, and being Lot No. 11 in Block "P" of the Riverdale Subdivision, according to plat of said

subdivision duly of record in Map Book 2, at Page 252, in the office of the Register of Deeds of Pitt County, to which plat reference is hereby made, and being also the same property conveyed to Reynolds May by the Land Investment Company by deed dated September 10, 1942 recorded in Book A-24, Page 403, in the office of the Register of Deeds of Pitt County, and being also the same property conveyed by S. Reynolds May and wife, Doris Garris May to Amos T. Mills and wife, Christine Payton Mils dated September 29, 1942 and recorded in Book A-24, Page 412, in the office of the Register of Deeds of Pitt County, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$2,800 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in the 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$2,800.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	STREETS TO HOMES	
	AMANDA HOPKINS, President	(SEAL
	CITY OF GREENVILLE	
	By: WAYNE BOWERS, City Manager	(SEAL)
ATTEST:		
Carol L. Barwick, City Clerk		

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY), and STREETS TO HOMES (hereinafter BUILDER) and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 01414, 1504 West Fifth Street, legally described as beginning at an iron stake on the North side of Fifth Street 50 feet West of the Northwest corner of Fifth and Cadillac Streets, in the Town of Greenville, Greenville Township, Pitt County, North Carolina, and known as lot No. 10 in Block (F) Riverdale. Bounded on the North by Evelina Smith on the East by Cadillac Street, on the South by Fifth Street and on the West by Lewis Daniel. Beginning at an iron stake on the North side of Fifth Street 50 feet West of the Northwest corner of Fifth and Cadillac Streets; thence North 84-40 West with Fifth Street 50 feet; thence North 9-50 East 108 feet; thence South 79-10 East 50 feet; thence South 10 West 97 feet to the beginning, and containing 4575 square feet of land. It being the lot of land on which Willie Bell and wife Amy Bell now reside. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 01414, 1504 West Fifth Street, legally described as beginning at an iron stake on the North side of Fifth Street 50 feet West of the Northwest corner of Fifth and Cadillac Streets, in the Town of Greenville, Greenville Township, Pitt County, North Carolina, and known as lot No. 10 in Block (F) Riverdale. Bounded on the North by Evelina Smith on the East by Cadillac Street, on the South by Fifth Street and on the West by Lewis Daniel. Beginning at an iron stake on the North side of Fifth Street 50 feet West of the Northwest corner of Fifth and Cadillac Streets; thence North 84-40 West with Fifth Street 50 feet; thence North 9-50 East 108 feet; thence South 79-10 East 50 feet; thence South 10 West 97 feet to the beginning, and containing 4575 square feet of land. It being the lot of land on which Willie Bell and wife Amy Bell now reside, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$3,054 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from

time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in the 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$3,054.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	STREETS TO HOMES	
	AMANDA HOPKINS, President	(SEAL)
	CITY OF GREENVILLE	
By:	(SEAL) WAYNE BOWERS, City Manager	
ATTEST:	WATNE BOWERS, City Manager	
Carol L. Barwick, City Clerk		

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY) and STREETS TO HOMES (hereinafter BUILDER); and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 09530, 1508 West 5th Street, legally described as being all of Lot # 2 in Block P of the Riverdale Subdivision as shown by that Plat recorded in Map Book 2, Page 251 of the Pitt County Registry. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 09530, 1508 West 5th Street, legally described as being all of Lot # 2 in Block P of the Riverdale Subdivision as shown by that Plat recorded in Map Book 2, Page 251 of the Pitt County Registry, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$2,800 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville of Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$2,800.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	STREETS TO HOMES	
	AMANDA HOPKINS, President	(SEAL)
	CITY OF GREENVILLE	
By:	(SEAL) WAYNE BOWERS, City Manager	
ATTEST:		
Carol Barwick, City Clerk	<u> </u>	

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY) and STREETS TO HOMES (hereinafter BUILDER); and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 05503, 1514 West 5th Street, legally described as lying and being in the City of Greenville, Pitt County, North Carolina and beginning at a stake at the northeast corner of the intersection of Fifth Street and Nash Street, and runs thence with the eastern boundary of Nash Street 113 feet to the corner of Lot No. 3; thence in an easterly direction with the southern boundary of Lot No. 3, fifty (50) feet to the northwest corner of Lot No. 2, thence in a southerly direction with the dividing line between Lots Nos. 1 and 2 and parallel with Nash Street 107 feet to Fifth Street, thence in a westerly direction with the northern boundary of Fifth Street 50 feet more or less to the beginning, the same being Lot No. 1 in Block "P" of the Riverdale Sub-Division as shown on map of the same duly registered in Map Book No. 2 at page 257 in the Office of the Register of Deeds of Pitt County, to which reference is hereby directed for more accurate description. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 05503, 1514 West 5th Street, legally described as lying and being in the City of Greenville, Pitt County, North Carolina and beginning at a stake at the northeast corner of the intersection of Fifth Street and Nash Street, and runs thence with the eastern boundary of Nash Street 113 feet to the corner of Lot No. 3; thence in an easterly direction with the southern boundary of Lot No. 3, fifty (50) feet to the northwest corner of Lot No. 2, thence in a southerly direction with the dividing line between Lots Nos. 1 and 2 and parallel with Nash Street 107 feet to Fifth Street, thence in a westerly direction with the northern boundary of Fifth Street 50 feet more or less to the beginning, the same being Lot No. 1 in Block "P" of the Riverdale Sub-Division as shown on map of the same duly registered in Map Book No. 2 at page 257 in the Office of the Register of Deeds of Pitt County, to which reference is hereby directed for more accurate description, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$2,800 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer.

A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville of Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$2,800.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	STREETS TO HOMES	
	AMANDA HOPKINS, President	(SEAL)
	CITY OF GREENVILLE	
	By:WAYNE BOWERS, City Manager	(SEAL)
ATTEST:		
Carol Barwick, City Clerk		

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY) and STREETS TO HOMES (hereinafter BUILDER); and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 79968, 1108 Douglas Avenue, legally described as being a recombination of lots 6,7,8 & 9 Block C of the Cherry Lands as recorded in Map BK. 73, PG. 55 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 79968, 1108 Douglas Avenue, legally described as being a recombination of lots 6,7,8 & 9 Block C of the Cherry Lands as recorded in Map BK. 73, PG. 55 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$6,400 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville of Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$6,400.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	STREETS TO HOMES	
		(SEAL)
	AMANDA HOPKINS, President	
	CITY OF GREENVILLE	
	By:	(SEAL)
	WAYNE BOWERS, City Manager	
ATTEST:		
Carol Barwick, City Clerk		

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville seven cities in North Carolina that have tree preservation ordinances. The Community Appearance Commission would like to offer their services in crafting an ordinance and coming up with ideas. He extended the services of the Commission members to help the City Council come up with an ordinance that works for the City.

Mayor Parrott informed Mr. Spell that this is not something that can be introduced to the General Assembly this year; however, if the Community Appearance Commission would like to draft something and get it back to the City Council by January, the City Council may consider presenting it to the legislators. He thanked the Commission for its efforts.

Mr. Spell stated that the Community Appearance Commission has discussed having a subcommittee to study this issue.

STATUS REPORT ON TENTH STREET CONNECTOR PROJECT

Mr. Thomas Tysinger, Director of Public Works, stated that staff is continuing to work with the Program Development and Environmental Branch of the Department of Transportation in evaluating the Scope of Work and fee proposed by Kimley-Horn and Associations for the planning, environmental studies, and design of this project. It is expected that a contract will be presented for Council consideration in June. This is a very involved project. In accordance with the Municipal Agreement, the Department of Transportation will be responsible for construction of the project with state and federal funds. This requires the City to go through an extensive public involvement process, development of environmental impact statements, and a determination of the Least Environmentally Damaging Preferred Alternative. It is anticipated that the public involvement process and environmental studies will take approximately 30 months to complete. According to the recently released Draft State Transportation Improvement Program, right-of-way acquisition is not scheduled to begin until late 2007 with construction planned to begin in late 2009 and take approximately three years. The schedule for right-of-way acquisition and construction is totally dependent upon completion of the environmental studies phase. This project is being funded by a not-to-exceed six million dollar commitment from the City, East Carolina University and Pitt County Memorial Hospital, equally shared. remaining funds are being provided by the North Carolina Department of Transportation. The City is taking the lead in planning, environmental studies, and design. The Department of Transportation will be responsible for right-of-way acquisition and construction. As part of the public involvement process, there will be several workshops open to the public, required public hearings, staff and consultants will be available for small group meetings, and there will be project newsletters forwarded to an extensive mailing list. Staff will also be working with a citizen advisory committee consisting of representatives having a direct interest in the project. A recommended membership list will be presented to City Council for consideration at the time a recommended contract is brought forward.

CONSIDERATION OF NEW CONSTRUCTION LOT POLICY IN 45-BLOCK REVITALIZATION AREA

Mr. Merrill Flood, Director of Planning and Community Development, stated that the recent acquisition of properties in the 45-Block Revitalization Area have created building sites for new

homes. Several substandard lots have been recombined to create standard building sites to support new housing and comply with local zoning requirements. These lots allow the City to make affordable housing available to the residents of the 45-Block area. In order to make housing available and comply with the General Statutes, lot cost must be established. Also, in order to keep housing production affordable, some financial "write down" of costs is sometimes necessary. A guide has been prepared establishing lot value and financial incentives with the cost of lots utilized for housing development in the 45-Block Revitalization Area. The policy is as follows:

"COPY"

Recombination and Reuse of Lots

As lots are obtained within the 45-Block Revitalization Area, substandard lots will be combined with other properties owned by the City (if adjacent to the substandard lot) to create conforming lots for the construction of single-family housing. Re-use of lots for this purpose will comply with the recommended actions of the 2003 Consolidated Plan as adopted by City Council on June 9, 2003 and the Center City-West Greenville Revitalization Plan upon its adoption by City Council. Lots that will be used for the development of new housing would be disposed of following this policy.

Lot Value, Resale Cost and Financial Incentives for Development of Affordable Housing

Lots will be sold at value to the lot determined by the Pitt County Tax Assessor's Office for tax purposes. The cost of the lot to the purchaser will be reduced at a rate of 50% for persons at or below 80% of the median income for the City of Greenville by use of grant assistance (Document No. 05-4). Reduction of the lot cost will make homes more affordable for families with lower incomes. The Affordable Housing Loan Committee will recommend all lot awards to City Council for approval.

"COPY"

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Miller to approve the recommended policy. Motion carried unanimously.

REVIEW OF MAY 12, 2005 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the May 12, 2005 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

Deputy City Manager Richardson informed the Council that a request was received from Jackie Leonard requesting that the Claredon Drive street closing request be continued due to the fact that she is having to deal with her sick mother. Another letter was received from Fred Mattox, Attorney, requesting that the City act on the resolution due to the fact that the option on the property will expire at the end of the month.



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item:

Resolutions authorizing the conveyance of City-owned property located at 805 Douglas Avenue, 807 Douglas Avenue, and 915 Douglas Avenue by private sale to Metropolitan Housing and CDC, Inc.

Explanation:

This is a request to convey three City-owned lots, which are located at 805 Douglas Avenue, 807 Douglas Avenue, and 915 Douglas Avenue, to Metropolitan Housing and CDC, Inc., a certified Community Housing Development Organization. Metropolitan Housing and CDC, Inc. will utilize the designated lots to construct three single-family homes for low income homebuyers. North Carolina General Statute 160A-279 permits a city to convey real property by private sale.

It is further requested that due to the current state of the local economy, an alternative plan of rental with option to purchase be considered.

The proposed project would consist of acquisition of property, construction, and downpayment assistance to eligible homebuyers.

Once approved by City Council, the transaction will be formally closed by the City Attorney or an attorney designated by the City Attorney.

Fiscal Note:

In accordance with the New Construction Lot Policy adopted by City Council at its May 9, 2005, meeting, lot costs for new construction are the value as determined by the Pitt County Tax Assessor's Office. In order to facilitate the goals of the Revitalization Program, the City Council further authorized a 50% reduction in the lot purchase price as established by the Pitt County Tax Assessor's Office when the home is sold to a homebuyer with an annual income less than 80% of the Area Median Income.

The tax value of the lots for conveyance is as follows:

805 Douglas Avenue \$4,370 (Combined lot 803 Douglas Avenue)

807 Douglas Avenue \$4,370 (Combined lot 0 Douglas Avenue)

915 Douglas Avenue \$5,400

Total \$14,140 (50% reduction = \$7,070)

Revenue in the amount of \$7,070 will be received by the City of Greenville from the sale of the lots once the properties are sold to eligible homebuyers.

Recommendation:

Adopt the attached resolutions authorizing the conveyance of City-owned property located at 805 Douglas Avenue, 807 Douglas Avenue, and 915 Douglas Avenue to Metropolitan Housing and CDC, Inc. for construction of three single-family homes for low income homebuyers, as rental with an option to purchase.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Lot Policy

☐ Resolution Conveying 805 Douglas Avenue 897722

Resolution Conveying 807 Douglas Avenue 897723

Pesolution Conveying 915 Douglas Avenue 897726

<u>Builders Agreement</u> 805 Douglas Avenue 897716

<u>Builders Agreement</u> 807 Douglas Avenue 897718

Builders Agreement 915 Douglas Avenue 897721

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 805 DOUGLAS AVENUE TO METROPOLITAN HOUSING AND CDC, INC.

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 805 Douglas Avenue to Metropolitan Housing and CDC, Inc., a certified Community Housing Development Organization, for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Metropolitan Housing and CDC, Inc. for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 77395 located at 805 Douglas Avenue to Metropolitan Housing and CDC, Inc. with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

Document Number: 897722 Item # 16

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 807 DOUGLAS AVENUE TO METROPOLITAN HOUSING AND CDC, INC.

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 807 Douglas Avenue to Metropolitan Housing and CDC, Inc., a certified Community Housing Development Organization, for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Metropolitan Housing and CDC, Inc. for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 77396 located at 807 Douglas Avenue to Metropolitan Housing and CDC, Inc. with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

Document Number: 897723 Item # 16

RESOLUTION NO. 11-RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 915 DOUGLAS AVENUE TO METROPOLITAN HOUSING AND CDC, INC.

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income residents; and

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to entities carrying out a public purpose; and

WHEREAS, the City Council, during the June 9, 2011 meeting, heard a request to convey the following property located at 915 Douglas Avenue to Metropolitan Housing and CDC, Inc., a certified Community Housing Development Organization, for the purpose of construction of a single-family home for low to moderate income residents; and

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Metropolitan Housing and CDC, Inc. for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel 77378 located at 915 Douglas Avenue to Metropolitan Housing and CDC, Inc. with the condition that the use of the property is limited to affordable housing for low to moderate income residents, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9 th day of June, 2011.	
	Patricia C. Dunn, Mayor
ATTEST:	
Carol L. Barwick, City Clerk	

Document Number: 897726 Item # 16

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY), and METROPOLITAN HOUSING AND CDC, INC. (hereinafter BUILDER) and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 77395, 805 Douglas Avenue, legally described as being Lot #2 of a redivision of a portion of Block J Cherry View Addition as recorded in Map Bk. 2, Pg. 148 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 77395, 805 Douglas Avenue, legally described as being Lot #2 of a redivision of a portion of Block J Cherry View Addition as recorded in Map Bk. 2, Pg. 148 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$4,370 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in the 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$4,370.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	METROPOLITAN HOUSING AND CDC, INC.	
	DAVID MOORE, President	(SEAL)
	CITY OF GREENVILLE	
	By:	(SEAL)
	WAYNE BOWERS, City Manager	(SL/1L)
ATTEST:		
Carol L. Barwick, City Clerk	<u> </u>	

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY), and METROPOLITAN HOUSING AND CDC, INC. (hereinafter BUILDER) and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 77396, 807 Douglas Avenue, legally described as being Lot #3 of a redivision of a portion of Block J Cherry View Addition as recorded in Map Bk. 2, Pg. 148 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 77396, 807 Douglas Avenue, legally described as being Lot #3 of a redivision of a portion of Block J Cherry View Addition as recorded in Map Bk. 2, Pg. 148 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$4,370 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in the 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities;

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$4,370.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	METROPOLITAN HOUSING AND CDC, INC.		
	DAVID MOODE B. 11.4	(SEAL)	
	DAVID MOORE, President		
	CITY OF GREENVILLE		
	By:	(SEAL)	
ATTEST:			
Carol L. Barwick, City Clerk	_		

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville

NORTH CAROLINA PITT COUNTY

BUILDERS AGREEMENT

THIS AGREEMENT made this the _____ day of June, 2011, between the CITY OF GREENVILLE, a Municipal Corporation (hereinafter THE CITY), and METROPOLITAN HOUSING AND CDC, INC. (hereinafter BUILDER) and its successors in interest, as follows:

STATEMENT OF FACTS AND INTENT

THE CITY is the owner of Parcel Number 77378, 915 Douglas Avenue, legally described as being a recombination of Tract #1 & Tract #2 of the property of Massey & Taft as recorded in Map Bk. 20, Pg. 152 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina. Such lots in the 45 Block Revitalization Project are subject to Conditions and Restrictions on Use of the Land, attached as Exhibit A to the deed (hereinafter CONDITIONS AND RESTRICTIONS) and those Protective and Restrictive Covenants for the 45 Block Revitalization Project attached as Exhibit B to the deed (hereinafter PROTECTIVE AND RESTRICTIVE COVENANTS).

BUILDER desires to purchase Parcel Number 77378, 915 Douglas Avenue, legally described as being a recombination of Tract #1 & Tract #2 of the property of Massey & Taft as recorded in Map Bk. 20, Pg. 152 of the Pitt County Registry Greenville, Greenville Township, Pitt County, North Carolina, subject to the terms of this agreement, and to construct on the lot(s) affordable residences for a person or persons whose family income is no more than eighty percent (80%) of the Median Family Income for Greenville, North Carolina, as established from time to time by the U. S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development;

Because THE CITY is desirous of the revitalization of this portion of the City, THE CITY will reduce the \$5,400 cost of the lot by fifty percent (50%) if BUILDER sells to a qualified buyer. A qualified buyer is defined as "a person or persons whose family income is no greater than eighty percent (80%) of the Median Family Income for Greenville, North Carolina," as established from time to time by the U.S. Department of Housing and Urban Development (hereinafter "Median Family Income") and as determined by the City of Greenville Department of Community Development; and

BUILDER acknowledges that the 45 Block Revitalization Project was made possible by public funds for the purpose of providing moderate income housing, and that the ownership of lots and residences in the 45 Block Revitalization Project is subject to audit by the Internal Revenue Service and other entities:

Based on the foregoing Statement of Facts and Intent, the undersigned agree to the following:

OPERATIVE PROVISIONS

- 1. In order to protect the moderate income character of the subdivision, BUILDER and its successors in interest agree:
 - a. To make no improvement to any lot prior to obtaining a deed to that lot.
 - b. To use the lot for no other purpose than the construction and sale of a single family residence affordable by a person or persons whose family income is no more than 80% of the Median Family Income.
 - c. To be bound by all terms of the CONDITIONS AND RESTRICTIONS and PROTECTIVE AND RESTRICTIVE COVENANTS as referenced in the first paragraph of the Statement of Facts and Intent, above.
 - d. To provide at the closing of each real estate transaction proof of the prospective purchaser's income in the form of either a loan application signed by purchaser and his/her prospective lender or a copy of the prospective purchaser's most recent Federal income tax return; and
 - e. To cause the purchase of each lot to be closed by the City Attorney or an attorney designated by the City Attorney, the cost of closing including document preparation to be paid by the Builder, and to refrain from signing any deed to a prospective purchaser, except in conjunction with a closing conducted by the City Attorney or an attorney designed by the City Attorney.
 - f. Consistent with the 45 Block Revitalization Project, upon completion of construction, BUILDER must sell to an owner-occupant.
- 2. The purchase price of each lot is \$5,400.00. BUILDER may purchase each lot with a purchase money note and a corresponding purchase money deed of trust securing the same. BUILDER shall pay for recording the deed and for the preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. BUILDER agrees to list the lot for ad valorem taxes on the next year's listing. BUILDER further agrees to assume all site preparation costs for the lot(s). THE CITY shall not be responsible for any such costs incurred by BUILDER.
- 3. THE CITY may cancel this contract with respect to any entity or individual named herein in the event that the closing for the lot does not occur within thirty (30) days from the date of written notice from the City of Greenville Department of Community Development.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals on the date first above written.

	METROPOLITAN HOUSING AND CDC, INC.		
		(SEAL)	
	DAVID MOORE, President		
	CITY OF GREENVILLE		
	By:	(SEAL)	
ATTEST:			
Carol L. Barwick, City Clerk			

I agree to act as Depositary of the ESCROW DEED according to the terms and conditions of paragraph 1.d. of this Agreement.

DAVID A. HOLEC, City Attorney City of Greenville seven cities in North Carolina that have tree preservation ordinances. The Community Appearance Commission would like to offer their services in crafting an ordinance and coming up with ideas. He extended the services of the Commission members to help the City Council come up with an ordinance that works for the City.

Mayor Parrott informed Mr. Spell that this is not something that can be introduced to the General Assembly this year; however, if the Community Appearance Commission would like to draft something and get it back to the City Council by January, the City Council may consider presenting it to the legislators. He thanked the Commission for its efforts.

Mr. Spell stated that the Community Appearance Commission has discussed having a subcommittee to study this issue.

STATUS REPORT ON TENTH STREET CONNECTOR PROJECT

Mr. Thomas Tysinger, Director of Public Works, stated that staff is continuing to work with the Program Development and Environmental Branch of the Department of Transportation in evaluating the Scope of Work and fee proposed by Kimley-Horn and Associations for the planning, environmental studies, and design of this project. It is expected that a contract will be presented for Council consideration in June. This is a very involved project. In accordance with the Municipal Agreement, the Department of Transportation will be responsible for construction of the project with state and federal funds. This requires the City to go through an extensive public involvement process, development of environmental impact statements, and a determination of the Least Environmentally Damaging Preferred Alternative. It is anticipated that the public involvement process and environmental studies will take approximately 30 months to complete. According to the recently released Draft State Transportation Improvement Program, right-of-way acquisition is not scheduled to begin until late 2007 with construction planned to begin in late 2009 and take approximately three years. The schedule for right-of-way acquisition and construction is totally dependent upon completion of the environmental studies phase. This project is being funded by a not-to-exceed six million dollar commitment from the City, East Carolina University and Pitt County Memorial Hospital, equally shared. remaining funds are being provided by the North Carolina Department of Transportation. The City is taking the lead in planning, environmental studies, and design. The Department of Transportation will be responsible for right-of-way acquisition and construction. As part of the public involvement process, there will be several workshops open to the public, required public hearings, staff and consultants will be available for small group meetings, and there will be project newsletters forwarded to an extensive mailing list. Staff will also be working with a citizen advisory committee consisting of representatives having a direct interest in the project. A recommended membership list will be presented to City Council for consideration at the time a recommended contract is brought forward.

CONSIDERATION OF NEW CONSTRUCTION LOT POLICY IN 45-BLOCK REVITALIZATION AREA

Mr. Merrill Flood, Director of Planning and Community Development, stated that the recent acquisition of properties in the 45-Block Revitalization Area have created building sites for new

homes. Several substandard lots have been recombined to create standard building sites to support new housing and comply with local zoning requirements. These lots allow the City to make affordable housing available to the residents of the 45-Block area. In order to make housing available and comply with the General Statutes, lot cost must be established. Also, in order to keep housing production affordable, some financial "write down" of costs is sometimes necessary. A guide has been prepared establishing lot value and financial incentives with the cost of lots utilized for housing development in the 45-Block Revitalization Area. The policy is as follows:

"COPY"

Recombination and Reuse of Lots

As lots are obtained within the 45-Block Revitalization Area, substandard lots will be combined with other properties owned by the City (if adjacent to the substandard lot) to create conforming lots for the construction of single-family housing. Re-use of lots for this purpose will comply with the recommended actions of the 2003 Consolidated Plan as adopted by City Council on June 9, 2003 and the Center City-West Greenville Revitalization Plan upon its adoption by City Council. Lots that will be used for the development of new housing would be disposed of following this policy.

Lot Value, Resale Cost and Financial Incentives for Development of Affordable Housing

Lots will be sold at value to the lot determined by the Pitt County Tax Assessor's Office for tax purposes. The cost of the lot to the purchaser will be reduced at a rate of 50% for persons at or below 80% of the median income for the City of Greenville by use of grant assistance (Document No. 05-4). Reduction of the lot cost will make homes more affordable for families with lower incomes. The Affordable Housing Loan Committee will recommend all lot awards to City Council for approval.

"COPY"

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Miller to approve the recommended policy. Motion carried unanimously.

REVIEW OF MAY 12, 2005 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the May 12, 2005 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

Deputy City Manager Richardson informed the Council that a request was received from Jackie Leonard requesting that the Claredon Drive street closing request be continued due to the fact that she is having to deal with her sick mother. Another letter was received from Fred Mattox, Attorney, requesting that the City act on the resolution due to the fact that the option on the property will expire at the end of the month.



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item: Eastside Park Master Plan

Explanation:

"Eastside Park" is the working title of a 120+ acre tract of land owned by the City of Greenville, adjacent to the River Hills community in the eastern section of the City. Due to the wetlands and riparian areas on this property, only 50 acres of the total site can be developed. Based on National Recreation and Park Association (NRPA) standards, this park will ultimately be a community park (20-75 acres), serving areas beyond the immediate neighborhood.

The City of Greenville Comprehensive Recreation and Parks Master Plan, adopted in 2008, recommended the development of a park on this site to ensure that the recreation needs of Greenville were being met. In 2009, Recreation and Parks conducted a Capital Needs Assessment (CNA), which revealed significant capital improvements are needed throughout the park system in order to achieve a minimally acceptable level of service. The development of a master plan for Eastside Park and the ultimate development of this park were considered in this assessment.

The Department contracted with Rivers and Associates to lead development of a park master plan for this property, which includes extensive environmentally sensitive wetlands and riparian areas that are strictly regulated by North Carolina's Department of Natural Resources and by the U.S. Army Corp of Engineers. Rivers and Associates devoted eight (8) professionals from various planning disciplines to assemble a plan that was comprehensive in nature and provided the public with a full range of options to consider.

The final draft master plan document was presented at the April 13, 2011 Recreation and Parks Commission meeting. Commissioners voted to recommend that City Council adopt this plan. A copy of the plan is being sent to City Council under separate cover, and it is also accessible through a link on the Recreation and Parks Department's website.

Fiscal Note: No cost for adoption, though the cost of implementing the full Eastside Park

Master Plan is \$13,618,500. The development process, however, is designed so it can be broken into at least five phases enabling development and associated

costs to be spread over an extended period of time.

Recommendation: Adopt the Eastside Park Master Plan and incorporate it by reference into the

Comprehensive Recreation and Parks Master Plan.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

Title of Item: Greenfield Terrace Park Master Plan

Explanation:

Greenfield Terrace is a 25-acre park located in the northeastern section of the City of Greenville. Though in terms of size it is classified as a "Community Park" by National Recreation and Park Association (NRPA) standards (20-75 acres), in terms of facilities it does not meet the minimum criteria of a "Community Park," nor does it address many park needs for the surrounding north-of-the-river community. The park's Barnes-Ebron-Taft (BET) Community Center is highly utilized and was reserved 144 times last calendar year, suggesting a clear need for additional facilities in the area.

City Council approved Capital Improvement funding of \$85,000 for Greenfield Terrace Park improvements within the fiscal year 2009-2010 budget.

The City of Greenville Comprehensive Recreation and Parks Master Plan, adopted in 2008, recommended that the Recreation and Parks Department study Greenfield Terrace Park to ensure the community needs were being met. In 2009, Recreation and Parks conducted a Capital Needs Assessment (CNA), which revealed that significant capital improvements are needed within various areas of the park system in order to achieve a minimally acceptable level of service. Greenfield Terrace Park is a good example of this deficiency, with only five (5) of its 25 acres currently developed. As a result, it now functions as a "Neighborhood Park." Staff recommends the remaining 20 acres be developed to bring this facility up to a true "Community Park" standard.

In an effort to ensure citizen input for this park master plan, the Department developed an extensive process of public meetings to gain input. As a result of this input, the developed plan emphasizes:

- 1. Programming opportunities for the area's large senior population,
- 2. Opportunities for camps and cooperative programming with the Boys & Girls Club,
- 3. Providing a family-friendly park that serves the community north of the

river, and

4. Providing athletic opportunities geared towards the communities' youth.

At the April 13, 2011 Recreation and Parks Commission meeting, Commissioners voted to recommend City Council adopt this plan. A copy of the plan is being sent to City Council under separate cover, and it is also accessible through a link on the Recreation and Parks Department's website.

Fiscal Note:

No cost for adoption, but the estimated cost for implementing the full Greenfield Terrace Park Master Plan is \$2,604,166. Proposed development, however, is designed so that it can be broken into at least four phases thus spreading development and associated costs over an extended period of time.

Recommendation:

Adopt the Greenfield Terrace Park Master Plan and incorporate it by reference into the City of Greenville's Comprehensive Recreation and Parks Master Plan.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Discussion of the 500-foot separation requirement between public and/or private

clubs and residential uses and residential zoning districts

Explanation: Council Member Joyner has requested that the City Council discuss the attached

proposal submitted by HSII LLC to change the ordinance that requires a 500-foot

separation between public and/or private clubs and residential uses and residential zoning districts. A copy of the current ordinance is attached.

Fiscal Note: No cost to discuss this issue.

Recommendation: Discuss changing the ordinance that requires a 500-foot separation

between public and/or private clubs and residential uses and residential zoning

districts.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

HSII LLC Proposal

Current Ordinance

Points for Discussion by City Council

- 1) Given the existing 500 foot buffer requirement for any proposed new Club, what properties exist in the City which would permit such a business to operate?
- 2) Effectively none exists, so if the intent was to have a dry county, then it is simply a matter of time before that goal is achieved.
- 3) Alternatively, if our goals was to acquire thoughtful control over such establishments, now that we have all applicants' attention, we should address details that would continue to be compatible with our goal, while at the same time allowing for the possibility of such a business to open as a responsible site of business.
- 4) By review, the issues focused on:

Noise:

Crowds;

Disruptive, if not violent conduct;

A sense that we have lost control after the business has been permitted to open;

- 5) But what if an initiative was brought forward with thoughtful additional details that addressed each of those concerns, and then some? For example,
 - a) if sound was not amplified in a way that escaped the premises by more than 100 feet;
 - b) if a combination of off-duty, uniformed law enforcement officers were augmented by "Bouncer-trained" security personnel, such that a ratio of one security person for every 50 patrons was maintained;
 - c) if end-of-night traffic was planned for and managed to route it away from downtown and away for residential neighborhoods;
 - d) if the surrounding parking areas was monitored by the premises security personnel;
 - e) the Premises establishes and enforces a set of 'Entry Rules' that establishes a "Code of Conduct" contract in order to gain admission;
 - f) if the Special Use Review cycle is voluntarily tightened to enable oversight at least twice the first year of operation;
 - g) if the premises exceeds general building code standards;
 - h) if the front-door registration is both thorough and networked, etc.

Consider for a moment, if five out of the foregoing eight additional, thoughtful details were incorporated into the business plan of a proposed establishment, wouldn't a relaxing of the 500 foot buffer by 100 feet be prudent and reasonable? And if, say, all eight such additional,

thoughtful details were incorporated into the business plan of a proposed establishment, then couldn't the buffer be safely relaxed by as much as 350 feet. This would effectively prevent future Clubs from opening up right next door to each other, but would allow for the introduction of responsible, new businesses within our diverse community. The point being, if the identified problems no longer threaten to overflow into the surrounding communities and/or tax on-duty law enforcement personnel in order to control them, then there really is no legal reason to prohibit the possibility of just such an establishment. An establishment incorporating any of the details outlined here would improve the current Club population and may help effect a change in cultural attitude.

WHEREAS the City of Greenville's current guidelines associated with public or private club applications includes an otherwise inflexible 500 foot buffer zone that prevents any such new establishment from opening if another likebusiness or residence is located within that buffer, the rigid 500 foot buffer does not take into account for well thought out business plans.

ACCORDINGLY, if an applicant for a Club business license and/or special use permit incorporates any five of the following additional, thoughtful details:

- 1) limiting sound to 100 feet or less;
- 2) employing off-duty law enforcement personnel alongside Bouncer-trained Security personnel at a ratio of 1 to every 50 patrons;
- 3) coordinating traffic, both foot and vehicular, particularly at night's end;
- 4) monitoring the surrounding parking areas;
- 5) established and enforced a Business-like Code of Conduct posted as entry rules;
- 6) submits to more frequent review by permitting agencies;
- 7) opens an establishment designed and constructed, surpassing minimal building codes;
- 8) uses an electronic registration system that records biographical information of patrons prior to admission;
- 9) Etc.

then the buffer requirement shall be reduced to 400 feet; and, if eight of any such additional, thoughtful details are incorporated into the business plan of a proposed establishment, then the buffer shall be reduced to 150 feet.

ORDINANCE NO. 10 - 68 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 North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in <u>The Daily Reflector</u> setting forth that the City Council would, on August 12, 2010 at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance 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, Section 9-4-86(F), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection 6 to read follows:

- "(6) At the time of special use permit approval, a public or private club shall not be located within a five hundred (500) foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the public or private club to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term "single-family residential zoning district" shall include any RA20, R15S, R9S, R6S, and MRS district."
- Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Section 4. This ordinance shall become effective Augustian

Patricia C. Dunn, Mayor

Carol L. Barwick, City Clerk

864675



City of Greenville, North Carolina

Meeting Date: 6/9/2011 Time: 7:00 PM

<u>Title of Item:</u> Resolution calling for the refunding of the Series 2001 Special Obligation

Revenue Bonds (Convention Center Bonds)

Explanation: Financial Services staff has been working with First Southwest Company (the

City's Financial Advisors) to refinance the Series 2001 Special Obligation Revenue Bonds. These bonds were issued in 2001 to construct the Convention Center. Given the current interest rate environment, staff has reviewed all of the City's outstanding debt in efforts of finding areas of potential interest

savings.

Attached is the resolution that calls for the refunding of these Convention Center

Bonds. Additionally, the resolution requests that the Director of Financial Services be authorized to file an application with the Local Government Commission (LGC) to enter into this transaction. This resolution authorizes

borrowing not to exceed \$4,315,000.

Fiscal Note: The August 9, 2011 sale date will include a refunding amount for the Series 2001

Special Obligation Revenue Bonds (\$4,315,000). Annual debt service payment amounts are included in the 2011-2012 debt service budget, which is satisfied by

the hotel occupancy tax.

Refunding the Series 2001 Special Obligation Revenue Bonds is estimated to

generate approximately \$369,126 in savings over ten years.

Recommendation: Approve the attached resolution calling for the refunding of the Series 2001

Special Obligation Revenue Bonds.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Resolution for Special Revenue Obligation Bond 898367

A regular meeting of the City Council of the City of Greenville, North Carolina, was held in the City Council Chambers at the City Hall in Greenville, North Carolina, the regular place of meeting, on June 9, 2011, at 7:00 p.m.

Present: Mayor Patricia C. Dunn, presiding, and Council members						
Absent:						
*	*	*	*	*	*	

City Manager Wayne Bowers introduced the following resolution, a copy of which had been provided to each Council member, and which was read by its title:

RESOLUTION NO. 2011 - __

RESOLUTION RELATING TO THE AUTHORIZATION AND ISSUANCE OF CITY OF GREENVILLE SPECIAL OBLIGATION REVENUE REFUNDING BONDS SERIES 2011 TO REFUND CITY OF GREENVILLE SPECIAL OBLIGATION REVENUE BONDS SERIES 2001

WHEREAS, the City of Greenville, North Carolina (the "City") is considering refunding outstanding callable City of Greenville, North Carolina Special Obligation Revenue Bonds, Series 2001 (the "Bonds to be Refunded") by issuing City of Greenville, North Carolina Special Obligation Revenue Refunding Bonds, Series 2011 (the "Series 2011 Bonds") but with a reduced interest rate cost;

WHEREAS, the City desires to proceed with the refunding and to proceed with the authorization and issuance, pursuant to the provisions of The State and Local Government Revenue Bond Act, of revenue bonds of the City in an aggregate principal amount not to exceed \$4,500,000 for the purpose of providing funds, together with any other available funds, for refunding the Bonds to be Refunded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE:

Section 1. The Director of Financial Services of the City and such other officers of the City as may be appropriate are hereby authorized to apply to the Local Government Commission of North Carolina (the "LGC") for the approval of the issuance of the Series 2011 Bonds and otherwise to participate in the development of such financing.

898367 Item # 20

Section 2. The City Council recommends the selection of the following professionals to assist the City in connection with such financing and requests the LGC to approve such selection:

Bond Counsel - Sidley Austin LLP

Trustee, Bond Registrar

and Escrow Agent -- The Bank of New York Mellon Trust Company, N.A.

Financial Advisor -- FirstSouthwest

Verification Agent -- The Arbitrage Group, Inc.

Section 3. The LGC is hereby requested to sell the Series 2011 Bonds in the form of a registered bond or bonds at private sale, without advertisement, to a bank chosen by the City as the most favorable bid received pursuant to a request for proposal to be issued by the Financial Advisor.

Section 4. The City Council hereby finds and determines in connection with the issuance of the Series 2011 Bonds that (i) the issuance of the Series 2011 Bonds is necessary or expedient for the City, (ii) the proposed principal amount of the Series 2011 Bonds is adequate and not excessive for the proposed purpose of such issue, (iii) the Bonds to Be Refunded proposed to be refunded with the proceeds of the Series 2011 Bonds and any other available funds are feasible and the net present value savings of the refunded bonds will exceed 3.0%, (iv) the City's debt management procedures and policies are good and are managed in strict compliance with law, (v) the Pledged Net Occupancy Tax Revenues proposed to secure the Series 2011 Bonds will be sufficient to make the necessary payments on the Series 2011 Bonds and (vi) under current economic conditions, the Series 2011 Bonds can be marketed at a reasonable interest cost to the City.

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

Adopted this the 9th day of June, 2011.

	Patricia C. Dunn Mayor
ATTEST:	
Carol L. Barwick City Clerk	

	After	consideratio	n of the fore	egoing resolu	tion, Counc	eil member		
moved	for the	he passage	thereof, wh	ich motion	was duly	seconded by	Council	member
			_, and the for	egoing resolu	ıtion was pa	assed by the fol	llowing vo	ote:
	Ayes:							
	Noes:							
		*	*	*	*	*		*
	I, Caro	ol L. Barwic	k, City Clerk	of the City of	of Greenvill	e, North Carol	ina, DO I	IEREBY
CERTI	IFY tha	it the forego	oing has been	carefully co	pied from t	the recorded m	ninutes of	the City
Counci	il of sai	d City at a	meeting held	on June 9, 20	11, said rec	cord having bee	en made i	n Minute
Book 1	No	of the mir	nutes of said	City Council	, beginning	at page a	and ending	g at page
, ar	nd is a t	rue copy of	so much of sa	aid proceedin	gs of said C	City Council as	relates in	any way
to the p	passage	of the resol	ution describe	ed in said pro	ceedings.			
	WITN	ESS my har	nd and the offi	icial seal of sa	aid City, thi	s 9 th day of Jur	ne, 2011.	
			_		City Clerk			
[SEAL	<i>_</i>]				City Citik			