



Agenda

Greenville City Council

October 13, 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 Mercer

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Bradford Creek Public Golf Course's Junior Golf Team
- Leigh Montejo and Bosco
- Community Appearance Commission Annual Awards
- Marvin Collins Award from N.C. Chapter of the American Planning Association

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Ordinance revising Title 11, Chapter 1 - Vehicles for Hire section of the City Code
3. Second reading and final adoption of an ordinance granting an expansion of the taxicab franchise of Mahmoud Ahmad Atiyha, d/b/a Ace Cab
4. Ordinance requested by F. Durward Tyson Jr, P.E. of Rivers and Associates, Inc. to amend the Zoning Ordinance, Section 9-4-96 (F) Proximity to Streets
5. Ordinance to annex Foss Commercial Park, Lot 2, involving 1.145 acres located on the southern right-of-way of US 264 Alternate approximately 540 feet west of its intersection with Frog Level Road (NCSR 1127) adjacent to City of Greenville property (GUC substation)
6. Ordinance to annex Upton Tract, Phase 1-Revised involving 0.52 acres located on the cul-de-sac of Wyngate Drive east of Wyngate, Phase 2, Section 2 and approximately 500 feet north of MacGregor Downs Road
7. Resolution to close a portion of West Gum Road

Public Comment Period

- The Public Comment Period is a period reserved for comments by the public. Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

Other Items of Business

8. Endorsement of proposed ranking of transportation projects for inclusion in the Greenville Area Metropolitan Planning Organization's transportation improvement project priority list
9. Resolutions approving the exchange of property for construction of Melody Lane
10. Establishment of fair market value of City-owned property at 806 Fleming Street

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments or reappointments need to be made to the Affordable Housing Loan Committee, Board of Adjustment, Greenville Bicycle and Pedestrian Commission, Human Relations Council, Investment Advisory Committee, Pitt-Greenville Convention and Visitors Authority, Police Community Relations Committee, Public Transportation and Parking Commission, and Sheppard Memorial Library Board. In addition, a recommendation needs to be made to fill the County available slot for "resident not involved in tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation" on the Pitt-Greenville Convention and Visitors Authority.

Fiscal Note: No fiscal impact.

Recommendation: To make appointments or reappointments to the Affordable Housing Loan Committee, Board of Adjustment, Greenville Bicycle and Pedestrian Commission, Human Relations Council, Investment Advisory Committee, Pitt-Greenville Convention and Visitors Authority, Police Community Relations Committee, Public Transportation and Parking Commission, and Sheppard Memorial Library Board; and make a recommendation to fill the County available slot for "resident not involved in tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation" on the Pitt-Greenville Convention and Visitors Authority.

Attachments / click to download

 [Appointments To Boards and Commissions City Council Meetings Agenda Deadline Material 138519](#)

Appointments to Boards and Commissions

October 13, 2011

Affordable Housing Loan Committee

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
John Martin (Alternate)	4	Filling unexpired term	Resigned	February 2012

Board of Adjustment

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Minnie Anderson (Alternate #1; Mayor Pro-Tem Kittrell)	2	Filling unexpired term	Resigned; Moved out of state	June 2012

Greenville Bicycle and Pedestrian Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Brad Beggs	3	First term	Resigned	January 2014

Human Relations Council

Council Liaison: Council Member Max Joyner, Jr.

Name	District #	Regular Member Current Term	Reappointment Status	Expiration Date
Robert Thompson	1	Filling unexpired term	Resigned	September 2011

Human Relations Council (cont.)

Student Representatives from Higher Educational Institutions

Name	District #	Current Term	Reappointment Status	Expiration Date
Guillaume Bagal (ECU)	1	First term	Eligible	October 2011
Michael Rouse (PCC)	5	First term	Moved out of city limits	October 2011
Issac Blount (Shaw)	5	Second term	Eligible	October 2011

Investment Advisory Committee

Council Liaison: Mayor Pro-Tem Bryant Kittrell

Name	District #	Current Term	Reappointment Status	Expiration Date
Girard Newkirk	5	Filling unexpired term	Did not meet attendance requirements	October 2011

Pitt-Greenville Convention and Visitors Authority

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Available Slot (Deceased; City (3))	1	First term	Deceased	July 2013
Thomas Hines (County (3))	1	Second term	Ineligible	July 2011

(3) Resident not involved in tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation.

Police Community Relations Committee

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Norwood Bradshaw (Council Member Smith)	1	Second term	Ineligible	October 2011
Diane Kulik (Council Member Mercer)	4	Second term	Ineligible	October 2011
Jane Rolfe (Council Member Joyner)	5	Second term	Ineligible	October 2011

Public Transportation and Parking Commission

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Mike Hamer	3	First term	Resigned	January 2012

Sheppard Memorial Library Board

Council Liaison: Mayor Pro-Tem Bryant Kittrell

Name	District #	Current Term	Reappointment Status	Expiration Date
Jeffrey Coghill	5	Second term	Ineligible	October 2011
Sanjay Saha	1	First term	Resigned; Relocating	October 2011

Applicants for Affordable Housing Loan Committee

Jackie Parker
3709 Live Oak Lane
Greenville, NC 27858

Application Date: 7/8/2010

District #: 5

Home Phone:

Business Phone:

Email: mrjparker@aol.com

Applicants for Board of Adjustment

Cornell Allen
4030 Bells Chapel Road
Greenville, NC 27858

District #: 5

Nathan Frank
4001 Lyme Court
Greenville, NC 27834

District #: 5

Jackie Parker
3709 Live Oak Lane
Greenville, NC 27858

District #: 5

Allen M. Thomas
1108 Bexley Drive
Winterville, NC 28590

District #: 5

Richard Weir
2074-3 Old Firetower Rd.
Greenville, NC 27858

District #: 5

Application Date: 5/8/2011

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

Application Date: 7/2/2010

Home Phone: (252) 321-9730
Business Phone: (615) 504-1933
Email: ncfrank@embarqmail.com

Application Date: 7/8/2010

Home Phone:
Business Phone:
Email: mrjparker@aol.com

Application Date: 7/18/2011

Home Phone:
Business Phone: (252) 902-9021
Email: athomasemail@yahoo.com

Application Date: 8/21/2011

Home Phone: (252) 565-5663
Business Phone: (252) 216-9347
Email: raw03@gmail.com

Applicants for Greenville Bicycle and Pedestrian Commission

Nathan Frank
4001 Lyme Court
Greenville, NC 27834

District #: 5

Patrick Harris
1609 Rondo Drive
Greenville, NC 27858

District #: 4

Application Date: 7/2/2010

Home Phone: (252) 321-9730

Business Phone: (615) 504-1933

Email: ncfrank@embarqmail.com

Application Date: 6/28/2011

Home Phone: (252) 355-2813

Business Phone: (252) 737-2082

Email: patharrisnc@gmail.com

Applicants for Human Relations Council

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

District #: 5

Angela Marshall
2609B Boone Court
Greenville, NC 27834

District #: 1

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

District #: 1

Shawan Sutton
903 Douglas Avenue
Greenville, NC 27834

District #: 1

Richard Weir
2074-3 Old Firetower Rd.
Greenville, NC 27858

District #: 5

Fred E. Wright
3740 Bostic Drive, Apt. 102
Greenville, NC 27834

District #: 1

Application Date: 10/13/2010

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

Application Date: 2/23/2011

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

Application Date: 4/29/2011

Home Phone: (252) 258-4104
Business Phone: (252) 328-4173
Email: marshalla@ecu.edu

Application Date: 7/15/2010

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

Application Date: 11/04/2011

Home Phone: (252) 414-3384
Business Phone: (252)328-5803
Email: shawrasc@aol.com

Application Date: 8/21/2011

Home Phone: (252) 565-5663
Business Phone: (252) 216-9347
Email: raw03@gmailcom

Application Date: 6/6/2011

Home Phone: (910) 308-3627
Business Phone: (252) 744-1000
Email: wrightf04Wstudents.ecu.edu

Applicants for Investment Advisory Committee

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Nathan Frank
4001 Lyme Court
Greenville, NC 27834

District #: 5

Will Litchfield
310 Dupont Circle
Greenville, NC 27858

District #: 5

Application Date: 2/23/2011

Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com

Application Date: 7/2/2010

Home Phone: (252) 321-9730
Business Phone: (615) 504-1933
Email: ncfrank@embarqmail.com

Application Date: 4/9/2010

Home Phone: (252) 364-2243
Business Phone: (252) 439-1100
Email:

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

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Application Date: 2/23/2011

Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com
Occupation: President/CEO, Rep Express
Catering

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Application Date: 10/13/2010

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

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

District #: 5

Application Date: 3/5/2011

Home Phone: (252) 439-0651
Business Phone: (252) 439-0651
Email: brianevans_99@yahoo.com
Occupation: Self-employed; Bk. Author/
Writer-Editor/Communications Consultant

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

District #: 5

Application Date: 2/13/2011

Home Phone: (252) 227-4240
Business Phone:
Email: aeleonor@suddenlink.net
Occupation: Retired

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

District #: 1

Application Date: 7/13/2011

Home Phone: (252) 355-7377
Business Phone: (252) 756-1002
Email: bmoore2004@netzero.com
Occupation: Billing Specialist
Carolina East Medical Associates

Applicants for Pitt-Greenville Convention & Visitors Authority (City) (continued)

Shawan Sutton
903 Douglas Avenue
Greenville, NC 27834

Application Date: 11/04/2011

Home Phone: (252) 414-3384

Business Phone: (252)328-5803

District #: 1

Email: shawrasc@aol.com

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

Christopher Jenkins
2024 Mare's Way
Greenville NC 27858

Day Phone: (252) 439-1185
Evening Phone: (252) 321-7644
Fax: (252) 439-1184
E-mail: jmgmtc@earthlink.net

Gender: M
Race: African
District: 6
Priority:

Applied for this board on: 9/29/2011

Application received/updated: 09/29/2011

Applicant's Attributes: District 6

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Emory University	Masters/ Business Admin	
Education	Kinston HS		
Experience	Proctor & Gamble	Finance Manager	
Experience	Jenkins Management Consulting	CPA Firm Owner	
Volunteer/Prof. Associations	Big Brothers/Big Sisters		
Volunteer/Prof. Associations	Prison Visitation Volunteer		
Volunteer/Prof. Associations	Habitat for Humanity		
Volunteer/Prof. Associations	United Way of Pitt County	Board Member	

Little, Steve

3314 NC 33 W
Greenville NC 27834

Day Phone: 2527143559
Evening Phone: 2527582040
Fax:
Email: steve.little@nashfinch.com

Gender: M
Race: White
District: 2
Priority:

Applied for board on: 1/5/2007

Application received/updated: 7/30/2010

Applicant's Attributes: District 2

County Planning Jurisdiction

North of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

<u>Boards Assigned To</u>	
ABC Board	9/22/2009 to 6/30/2012
Pitt County Board of Adjustment North of the River	1/11/2010 to 1/1/2013

Avery, Debbie S

3010 Sapphire Lane
Winterville NC 28590

Day Phone: 2525314590
Evening Phone: 2527569832
Fax:
Email: davery60@hotmail.com

Gender: F
Race: White
District: 4
Priority:

Applied for board on: 1/16/2009

Application received/updated: 1/20/2011

Applicant's Attributes: County Planning Jurisdiction
District 4

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina	BS - Education	
Education	Ayden Grifton High		
Experience	First State Bank		1978-1984
Experience	ECU School of Medicine	Standardized Patient	2007-present
Experience	Pitt County Schools	Middle School Science Teacher	30 years
Experience	Winterville Chamber of Commer	Executive Director	
Volunteer/Prof. Associations	Winterville Kiwanis Club		
Volunteer/Prof. Associations	Winterville Watermelon Festival		

<u>Boards Assigned To</u>	
Development Commission	2/7/2011 to 12/31/2013

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: 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./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	University of Alabama-Birmingham		
Education	Albemarle High School		

Friday, May 27, 2011

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

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

<p><i>Reviewed for accuracy</i></p> <p><i>Signature:</i> _____</p> <p><i>Date:</i> _____</p>
--

Friday, May 27, 2011

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

<p><i>Reviewed for accuracy</i></p> <p><i>Signature:</i> _____</p> <p><i>Date:</i> _____</p>
--

Friday, May 27, 2011

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./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Princeton University	AB-History	
Education	University of Michigan	MA	
Education	Sewanhaka High		

Friday, May 27, 2011

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	Harcourt 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	

Friday, May 27, 2011

Applicants for Police Community Relations Committee

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

District #: 5

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

District #: 5

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

District #: 5

Shawan Sutton
903 Douglas Avenue
Greenville, NC 27834

District #: 1

Wayne M. Whipple
3102 Cleere Court
Greenville, NC 27858

District #: 4

Application Date: 2/13/2011

Home Phone: (252) 227-4240

Business Phone:

Email: aeleonor@suddenlink.net

Application Date: 2/11/2011

Home Phone: (252) 412-5228

Business Phone:

Email: terryeu2@aol.com

Application Date: 2/23/2011

Home Phone: (252) 321-3910

Business Phone: (252) 328-2758

Email: luciera@ecu.edu

Application Date: 11/04/2011

Home Phone: (252) 414-3384

Business Phone: (252) 328-5803

Email: shawrasc@aol.com

Application Date: 3/4/2011

Home Phone: (252) 321-0611

Business Phone: (252) 321-0611

Email: whippleville@aol.com

Applicants for Public Transportation and Parking Commission

Robert G. Thompson
303-A Paladin Drive
Greenville, NC 27834

Application Date: 9/2/2011

January 2009

Home Phone: (252) 493-0017

Business Phone: (252) 355-6215

Email: bobthompson63@suddenlink.com

District #: 1

Applicants for Sheppard Memorial Library Board

Cornell Allen
4030 Bells Chapel Road
Greenville, NC 27858

District #: 5

Mary Grier
1704 South Elm Street
Greenville, NC 27858

District #: 4

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

District #: 5

Catherine Rouse
1504 Brownlea Drive
Greenville, NC 27834

District #: 4

Richard Wolfe
123 North Harding Street
Greenville, NC 27858

District #: 3

Application Date: 5/8/2011

Home Phone: (252) 215-0486

Business Phone: (252) 258-9718

Email: mrcallen2436@gmail.com

Application Date: 9/20/2011

Home Phone: (252) 756-1076

Business Phone:

Email: perfecttaste2002@yahoo.com

Application Date: 2/11/2011

Home Phone: (252) 412-5228

Business Phone:

Email: terryeu2@aol.com

Application Date: 3/1/2011

Home Phone: (252) 756-5238

Business Phone:

Email: catherineandthomas@suddenlink.net

Application Date: 9/21/2011

Home Phone:

Business Phone:

Email: wolfer@suddenlink.net



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Ordinance revising Title 11, Chapter 1 - Vehicles for Hire section of the City Code

Explanation: This revision is designed to streamline the procedures for obtaining and granting franchises for taxis and limousines, placing the responsibility for oversight with the Police Department, adding regulations for transport services and other vehicles for hire, updating the inspection and equipment requirements, adding a provision concerning conduct of drivers, clarifying insurance requirements, and clarifying suspension and revocation procedures. A proposal for addressing rates and rate structures also is included.

I. February, 2011

Initially brought to council in February. the ordinance was tabled with direction to hold more public hearings/meetings.

Four additional public meetings held plus presentation to City Transportation and Parking Commission.

Input received from Council Members, public, organizations and taxi association.

II. Changes Made from Meetings

Definitions were added or clarified for the following:

A. Standing (11-1-64) – prohibiting stopping or standing in the street, public right of way to solicit passengers so as to block traffic

B. Cruising/on demand - the operation of a vehicle on the streets of the city in search of or soliciting prospective passengers for hire. No passenger vehicle for hire, other than a taxicab or pedi-cab, shall engage in cruising or be operated on call or demand.

C. Establishment of taxi stands other than downtown – chief of police and

director of public works or their designees will establish where practical additional sites for taxi stands other than downtown location.

D. Condition of vehicles/appearance – requiring taxis to be kept clean both interior and exterior, in safe mechanical condition and not operate if in a wreck where safe operation is affected.

E. ADA compliance – vehicles for hire must comply with the requirements so that persons with disabilities may have access to this form of public transportation. Complies with changes imposed by the federal government.

F. Tobacco use restrictions – no tobacco use in vehicles at any time.

G. Restrictions on ability to operate if have any DMV restrictions – if DMV imposes restrictions as a result of convictions for driving offenses, then permits suspended until all restrictions removed.

III. Vehicle Inspections

Based on council comments and meeting comments, changed from semi-annual to annual. Must have a current NC inspection.

The items to be inspected by vehicle for hire inspector do not require to be certified mechanic.

The items to be inspected by vehicle for hire inspector are set out specifically in the ordinance.

Changes made so that if fails inspection can come back anytime within 30 days for reinspection. Not have to wait 30 days. If fails reinspection, then has mandatory 15 days out of service before reinspection can occur.

IV. Taxi Fares and Charges

Currently is based on zones. Maps are sometimes confusing. Complaints made that riders do not understand the fares or are not sure if they are being charged properly.

A. Change to use of taximeters.

Fees are set and clear
Meters do not charge for sitting at the stop light or train.
Based on distance.
Easier for individuals from out of town to understand.
Reduces number of complaints concerning overcharging.
Increases or changes in rates can be accomplished more easily at less cost.

B. Taxi Association Proposed Zone Rates Zones not defined.

Zones are destination oriented not based on geography
Creates more confusion about charging.
The areas to be included can't be easily converted to a map.
Doesn't address destinations that are not one of locations proposed.

- C. Current zone rate proposal
 - Increase by \$1 per zone
 - Increase fees for wait time

Fiscal Note: There is no fiscal impact expected.

Recommendation: Approval of the attached ordinance revising Title 11, Chapter 1 - Vehicles for Hire section of the City Code including the use of taximeters with the proposed rates and fees.

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Attachments / click to download

- [Ordinance Revising Vehicles for Hire Section of City Code 885921](#)
 - [Amending the Manual of Fees Taximeter Rates 908091](#)
 - [Amending the Manual of Fees Proposed Staff Zone Rate 908092](#)
 - [AN ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO PROPOSED TAXI ASSOCIATION RATE 908093](#)
 - [Vehicle for hire zone fee language 908114](#)
 - [Vehicle for Hire of franchises alternative language 908121](#)
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ORDINANCE NO. 11-

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 11 OF THE GREENVILLE CITY
CODE SAID CHAPTER BEING ENTITLED VEHICLES FOR HIRE

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

Section 1. That Chapter 1 of Title 11 of the Code of Ordinances, City of Greenville, is hereby
amended by rewriting said chapter to read as follows:

CHAPTER 1. VEHICLES FOR HIRE

ARTICLE A. IN GENERAL

Sec. 11-1-1. Definitions.

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

Call or demand means transportation arrangements made indiscriminately and
instantaneously with a request for service which shall include, but not limited to, the hailing of a
taxicab or pedicab made from a public street location, airport terminal roadway, or public
vehicular area as the pickup. No vehicle for hire other than a taxicab or pedicab shall engage in
cruising or be operated on call or demand.

Certificate shall mean a certificate of public convenience and necessity which has been
issued to a holder in accordance with the provisions of this chapter, unless otherwise defined
herein.

Chief of police shall mean chief of police or designee.

Contract vehicle means any passenger vehicle for hire that provides contract
transportation to passengers for compensation by written prearrangement with a business,
facility, institution or group. The contract vehicle for hire does not accept other passengers
indiscriminately between points along streets, roads and highways and does not accept
compensation from any passenger. No contract vehicle shall engage in cruising or be operated on
call or demand.

Cruising means the operation of a vehicle on the streets of the city in search of or
soliciting prospective passengers for hire. No passenger vehicle for hire, other than a taxicab or
pedi-cab, shall engage in cruising or be operated on call or demand.

Driver's permit means the license issued to any person to enable that person to operate a
taxicab vehicle upon the streets of the City of Greenville.

Exclusive-ride service means the operation of a taxicab by transporting one passenger, or a group of passengers, from one trip origin to one destination and not allowing additional passengers to board until the prescribed destination is reached.

For-hire vehicle means any motor vehicle or non-motorized vehicle including, but not limited to, full sized station wagon, transport vehicle, handicap accessible transport vehicle or van style vehicle, used for the purpose of transporting passengers for a set charge or fee, based upon the origin or destination requested. For-hire vehicle services shall be prearranged and not on demand. For purposes of this chapter, for-hire vehicles also shall include such vehicles that accept donations and do not have a set rate charge. For the purpose of this chapter, the term "for-hire vehicle" shall not include "medical transport" or "private ambulance" as herein defined. For the purposes of this chapter, all for-hire vehicles shall be required to possess a privilege license.

Holder shall mean an individual(s), trustee, fiduciary, corporation, partnership, or other entity to whom a certificate of public convenience and necessity has been issued in accordance with the provisions of this chapter, unless otherwise defined herein.

Limousine means any motor vehicle that meets the manufacturer's specifications for a luxury limousine and that provides limousine service as defined in this section. Every limousine shall have a minimum of four seats or one continuous sofa-styled seating area located behind the operator of the vehicle. No limousine shall engage in cruising or be operated on call or demand.

Limousine company means any passenger vehicle for hire company issued a company operating certificate that engages in the business of operating limousines or providing limousine service as an owner or franchisor.

Limousine sedan means those vehicles that provide executive transportation services and are necessarily limited to full-sized luxury sedans.

Limousine service means the service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company.

Manifest means a daily record, prepared by the owner, of all trips made by the taxicab(s) which the owner operates, showing time and place of origin and destination of each trip and the amount of fare.

Medical transport or private ambulance means those vehicles designed to carry medical patients requiring special medical equipment including but not limited to oxygen, intravenous systems or ventilators, stretcher or bed bound patients, using trained emergency medical technicians or paramedics to transport and care for those in their care and licensed by the North Carolina Department of Health and Human Services pursuant to N.C.G.S. §131E, Article 7.

Owner/holder means any person, firm or corporation to whom a certificate of public convenience and necessity has been issued under this chapter.

Pedi-cab means any business or individual who operates a small-scale local means of transport that is human powered but also may be powered in whole or part by an electric or small gasoline motor.

Privilege license means the business license required and issued to all businesses that operate within the City of Greenville.

Shared-ride service means the operation of a taxicab by transporting passengers from one or several different origins to one or several different destinations, not necessarily using the most direct route, but using a route that will allow the driver to deviate in order to pick up or discharge passengers other than, and in addition to, the first or original passenger.

Shuttle van means any passenger vehicle for hire that provides shuttle transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, schools to after school daycare, business or commercial buildings, stadiums, convention center or theaters by prearrangement for a fee, pursuant to a contract or agreement, and that does not accept or discharge passengers indiscriminately between prescribed locations. No shuttle van shall engage in cruising or be operated on call or demand. Shuttle service charges **may not** be collected from the passenger.

Taxicab means and includes any motor driven vehicle, seating nine or fewer passengers, for which public patronage is solicited and which calculates the fare by means of the schedule of fares as approved by the City Council. For the purposes of this chapter, the term “taxicab” shall not include “limousine” or “for-hire vehicle” but shall include pedi-cab as herein defined.

Taxicab inspector means the person designated by the chief of police or designee who is charged with the duties required under this chapter, including the inspection and licensing of taxicabs and the drivers thereof.

Taxi stand shall mean such places and locations as designated by the city manager, director of public works and chief of police or their designees as locations where only taxicabs or pedi-cabs may stand or park awaiting passengers on demand for pickup or discharge.

Taxi Fare Service Zones shall mean the map used to reflect the zones in which the corporate limits of the City of Greenville is divided and shall designate the applicable rate for each zone and as set out in the Manual of Fees for the City of Greenville.

Taxi service or limousine service shall mean the holder of one of the certificates of public convenience and necessity issued under this chapter.

Transport services shall include contract vehicles for hire, vehicles for hire that carry 15 passengers or less, or for-hire vehicles that carry persons with disabilities exclusively. Transport services do not accept passengers indiscriminately between points along streets, roads and highways and do not accept compensation directly from any passenger. Unless under written contract or agreement with a restaurant, club or other business, no transport service may wait

outside a business to pick up passengers on a for-hire basis or donation basis. No contract vehicle shall engage in cruising or be operated on call or demand.

Tobacco, Tobacco Products shall mean cigarettes, pipes, cigars, smokeless tobacco, snuff, and chewing tobacco.

Wait or waiting time shall mean the period of time consumed when a taxicab is not in motion at the direction of a passenger from the time of acceptance of a passenger to the time of discharge and also the time consumed while a driver is waiting for a passenger after having responded to a call; however, wait or waiting time shall not include and may not be charged for:

- (1) The time consumed by a premature response.
- (2) The first three (3) minutes following the timely arrival in response to a call.
- (3) The delay caused by traffic interruption, traffic lights, accidents, railroad train crossing.
- (4) The inefficiency of the driver.
- (5) Any other cause other than at the request, act, or fault of the passenger.

Sec. 11-1-2. Insurance

(A) **Liability insurance policy prerequisite to operation.** The owners or operators of any and all taxicabs, limousines, contract vehicles, transport services or other vehicles for hire and used for the transportation of passengers for remuneration, and operating within the corporate limits of the city or within five (5) miles in each direction from the corporate limits, shall, before engaging in such business, procure liability insurance in a minimum amount of one hundred thousand dollars (\$100,000.00) for one (1) person and three hundred thousand dollars (\$300,000.00) for more than one (1) person for the protection of all passengers transported against personal injuries and fifty thousand dollars (\$50,000.00) property damage, against liability for damages to the person and property of others.) No person shall operate or cause to be operated any passenger vehicle for hire over the streets of the city or between the city and points not incorporated within a radius of five (5) miles of the city, without first furnishing proof of financial responsibility. It shall be unlawful for any person to violate any provision of this section.

(B) **Proof of financial responsibility.** The operator and driver of every taxicab, limousine, contract vehicle, transport service and vehicle for hire shall furnish and keep in effect for each vehicle operated under this chapter proof of financial responsibility. The insurance policy shall contain a clause obligating the insurance company to give 15 days' written notice to the chief of police prior to the cancellation of such insurance. The certificate of convenience and necessity for any taxicab, limousine, and the privilege license for any contract vehicle, transport service and vehicle for hire shall be automatically revoked upon the lapse, cancellation or

termination of the insurance on that vehicle unless the same has been renewed or replaced and a new certificate filed with the chief of police. The operator shall also furnish proof of payment of the City of Greenville's privilege license.

(C) **Filing of policies of insurance.** The certificate or privilege license holder shall file with the chief of police a copy of the insurance policy insuring the liability of the vehicle, as a condition precedent to the operation of any taxicab, limousine, contract vehicle, transport service or vehicle for hire on the city streets. The policy filed shall, among other things, set forth a description of every vehicle operating under the terms of such policy.

(D) **Contents of policy.** Such liability policy shall contain a further provision that the insolvency or bankruptcy of the person insured shall not release the insurance company from payment of damages for injuries sustained, or death by wrongful act, or loss incurred, and in case of recovery against the insured on account of any such injury, death or loss that the insurance company will pay on account of the judgment recovered in any such action an amount equal to, but not exceeding, the amount of the policy or of the judgment, and that the policy may be sued upon at any time.

Sec. 11-1-3. Failure to pay fare.

It shall be unlawful for any person to retain the services of the operator or driver of a taxicab, licensed under this chapter or any other provision of the Greenville Code regulating taxicabs or limousines to transport passengers for hire, for the purpose of transporting such person from one place to any other place, and to fail to pay such operator or driver the regular transportation fare upon reaching his destination, provided that there was no agreement that the fare should be paid at some later date.

Sec. 11-1-4. Application of provisions to for-hire vehicles.

Unless otherwise provided, all provisions of this chapter shall apply to for-hire vehicles and the owners and operators thereof.

Sec. 11-1-5. Designation of a taxicab inspector.

The chief of police shall designate one or more taxicab inspectors from within the police department who shall be responsible for the inspection of taxicabs, limousines, contract carriers and all other for-hire vehicles and the administration of this chapter. The taxicab inspector may be a civilian or sworn law enforcement employee of the police department. Enforcement of this chapter shall be the responsibility of the taxicab inspectors and any city police officer. A taxicab inspector or sworn law enforcement officer is hereby given authority to issue a civil penalty for violations of this chapter.

Section 11-1-6. Taxi Stands.

(A) The city manager, director of public works and chief of police or their designees may elect to establish taxi stands. If such taxi stands are established, they shall be established jointly by these individuals or their designees.

(B) Taxis including pedi-cabs shall enter the designated taxi stands from the rear only, and each taxi must be headed in the direction of the exit. No taxi shall stop at a taxi stand unless there is a vacancy therein. Taxis shall exit taxi stands in the order in which they enter. Drivers shall remain in their taxis or within the taxi stand so that normal operations of the taxi stand are maintained. Taxi drivers may leave the taxi stand only in an emergency or to assist passengers.

(C) No vehicle for hire may use a taxi stand except taxicabs and pedi-cabs.

(D) If taxi stands are established, a list shall be maintained by the taxi inspector, placed on the city website or at such other places as determined by the chief of police or designee. Such lists shall be open for inspection.

Section 11-1-7. Passengers with Disabilities.

All taxis, limousines, transports and other vehicles for hire shall be required to comply with the Americans With Disabilities Act of 1990 and the Americans With Disabilities Amendment Act of 2008 and any subsequent changes and amendments including implementing regulations. For purpose of compliance with this section, vehicle for hire includes but is not limited to taxis, limousines, transports, contract vehicles and other vehicles for hire that provide transportation services to persons with a disability. No vehicle for hire operator may deny service to a customer with a disability solely because of the disability. If a person with a disability uses a powered or rigid frame wheelchair or mobility device, accessible vehicles with a power lift are required. If the vehicle for hire is not equipped with a power lift, the vehicle for hire operator will assist the passenger with obtaining a vehicle for hire that has such capability. Collapsible mobility devices may be placed in the trunk of the vehicle for hire.

Vehicle for hire operators may not charge persons with disabilities extra fees, higher rates or costs for necessary assistance. If the vehicle for hire has a charge for placing a piece of luggage in the trunk of the vehicle for hire, the passenger with a disability who uses a wheelchair or other mobility device shall not be charged a fee for storage of the wheelchair or mobility device in the trunk of the vehicle for hire, greater than the fee charged for a piece of luggage.

The vehicle for hire operator will inquire of the passenger with a disability what assistance the passenger may need or specific instructions that may be requested. The vehicle for hire operator is not required to actually lift the passenger from the wheelchair or mobility device and place the passenger within the vehicle.

Vehicle for hire operators must permit passengers with a disability who use service animals to ride in the customer compartment of the vehicle for hire. The passenger must stay with the service animal at all times and is responsible for the animal's conduct. If the service animal

becomes unruly, begins to bark or snap, the vehicle operator may request the passenger with the disability to exit the vehicle with the service animal.

Section 11-1-8. Taxicab Signs.

All taxicabs operating under this chapter shall have on the side of the door of each taxicab in letters the name of the taxicab company and telephone number of the taxicab dispatcher for the company and any other information as directed by this chapter. The letters shall be of uniform size, color and shape not less than 3 and 1/2 inches in height. No metallic or other sign may be affixed to the door of the taxicab in lieu of the required information in this paragraph.

Secs. 11-1-9--11-1-11. Reserved.

ARTICLE B. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 11-1-12. Required.

It shall be unlawful for any person to operate a taxicab or limousine upon and over the streets of the city without having first applied for and secured from the chief of police a certificate of public convenience and necessity in accordance with the provisions of this article or to be a designated driver under the holder of a certificate as provided elsewhere in this chapter.

Sec. 11-1-13. Certificate of public convenience and necessity; limited number; renewal.

(A) A certificate of public convenience and necessity shall constitute an authorization from the city for the operation of taxicabs or limousines within the city limits subject to the provisions of this article for three (3) years, unless a shorter period of time is specified in the certificate. Applications for renewals shall be filed either by the 10th day of January unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from February 1 – July 31 or by the 10th day of July unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from August 1 – January 31.

(B) The chief of police shall review in January and then again in July the conduct of the holder with regard to his compliance with the provisions of section 11-1-22. Thereafter, if the chief of police believes there are grounds for the revocation of the certificate, he shall forward his recommendations in writing, with supporting documentation and findings, to the city council for consideration and decision in accordance with this chapter.

(C) For the purpose of administering the provisions of this article, it is determined and declared that a maximum number of fifteen (15) taxicab not including pedi-cab franchises with a maximum number of ten (10) taxicabs under each franchise are all that the public convenience and necessity require at this time and until the city council shall determine that public convenience and necessity require a greater number, business licenses will not be issued to exceed that number. The maximum number of pedi-cab franchises shall be five (5) with a maximum number of six (6) pedi-cabs per franchise. The same guidelines for increasing the

number of taxi franchises shall apply to pedi-cabs. If at the time this ordinance is enacted, the number of franchises exceed the maximum number, those in existence at the time this ordinance is made effective shall be grandfathered and may continue to operate as long as remain compliant with this chapter. No new franchises shall be issued until such number of franchises is less than the maximum number authorized by this chapter.

(D) A franchise issued under this article is not transferable. However, the assignment of a taxi certificate under a “family business” request to assign a certificate from one family member to another immediate family member may be considered. Application for a permit to transfer shall be filed in the same manner as an application for a franchise. The proceedings upon the application for a transfer shall be the same as those described for the issuance of a franchise.

(E) When the maximum number of franchises has been issued, any person or business desiring to obtain a franchise shall complete an application for franchise and be placed on a waiting list. When a franchise vacancy occurs, the chief of police shall conduct a drawing from the names on the waiting list to fill the available vacant franchise. Such drawings as are needed to fill the remaining vacancies shall occur. The person or business selected shall be required to comply with the requirements of this article within sixty (60) days of such drawing or the franchise will be withdrawn.

Sec. 11-1-14. Application.

An application for a taxicab or limousine certificate, including any amendments thereto and including applications for transfer of certificates, shall be filed with the taxicab inspector upon forms provided by the taxicab inspector and a filing fee as established in the manual of fees. Such application and amendments shall be verified under oath and shall furnish the following information:

(A) The name and address of the applicant, and if an applicant is:

- (1) A corporation, a certified copy of the articles of incorporation;
- (2) An association, a certified copy of the bylaws of the association; or
- (3) A partnership, a certified copy of the partnership agreement.

(B) The number of vehicles to be owned, operated and controlled by the applicant, including the make, type, year of manufacture, serial number and passenger capacity of each taxicab or limousine, provided however, the number of vehicles to be owned, operated and controlled shall not be less than three. The applicant also shall provide the name and completed application for each person designated to drive under the applicant’s certificate of public convenience and necessity. This vehicle number requirement shall not apply to existing certificate holders on the effective date of the ordinance from which this section derives.

(C) The proposed hours of operation.

(D) The applicant's complete record of criminal arrests and convictions, including those for traffic violations, during the past five years. If an applicant is a corporation, association or partnership, the criminal record of the officers, directors, partners and supervising employees thereof, including general manager, if any.

(E) The experience of the applicant in the transportation of passengers for hire.

(F) The location of a depot or terminal on private property that is in compliance with city zoning ordinance and which has sufficient private off-street parking to accommodate those vehicles to be owned, operated and controlled by the applicant during times of nonuse.

(G) The ability to provide dispatch taxi service with centralized dispatching through the use of a radio; the ability to provide 24-hour dispatch taxi service with centralized dispatching when the requested number of taxicabs is to exceed ten.

(H) The ability to provide adequate supervision of taxicabs or limousines and drivers operating under the certificate.

(I) An assurance that the telephone number of the taxicab or limousine company will be listed in the next city telephone directory issued.

(J) An assurance that the applicant will meet the insurance requirements of this chapter.

(K) An assurance that each vehicle operating under the certificate shall be kept clean and in good mechanical condition and in good physical condition at all times.

(L) A criminal background records check of the applicant(s) and all proposed drivers. The applicant(s) and drivers shall report to the taxicab inspector for fingerprinting.

Failure to furnish required or requested information shall be grounds for denial, revocation or suspension of certificates.

Sec. 11-1-15. Issuance standards and procedures.

(A) In determining whether public convenience and necessity require the operation of a taxicab or taxicabs or limousines and in issuing certificates for which applications are made, the chief of police shall consider in addition to the information set forth in the applications:

- (1) The financial responsibility, experience and quality of service being rendered, if any, by each applicant.
- (2) The ability to provide continuity of service regarding certificates surrendered by associates of applicant.
- (3) The number, kind and type of equipment.

- (4) The ability of each applicant to provide an efficient level of service.
- (5) Any other considerations that will tend to improve taxicab service in the city.

(B) The chief of police shall not issue a certificate of public convenience and necessity to any applicant unless the chief of police is satisfied that the applicant is qualified pursuant to the provisions of this chapter, and shall conform to and comply with the provisions, terms and conditions of this article, and the applicant has been determined to meet the following requirements:

- (1) The applicant is at least eighteen (18) years of age or is otherwise legally emancipated.
- (2) The applicant is not a habitual user of drugs or intoxicating liquors.
- (3) There are no unpaid judgments of record against the applicant; or, if unpaid judgments of record exist, the applicant has established and maintained regular periodic payments in discharge of the liability, which payments are designed to discharge the liability within a reasonable period of time considering the amount of the liability.
- (4) The applicant is not in default in the payment of any indebtedness secured by lien, mortgage or any other encumbrance on the vehicle intended to be operated pursuant to the certificate; or, if the vehicle intended to be operated pursuant to the certificate has not yet been purchased, the applicant has demonstrated the financial ability through projected revenues, or otherwise, to make the regularly scheduled payments of any indebtedness arising from any expected liens, mortgages or any other encumbrances, on the said vehicle.
- (5) The applicant has demonstrated the ability to purchase insurance within sixty (60) days as required by this chapter.
- (6) The applicant has demonstrated the ability to place in service within sixty (60) days of the issuance of the certificate a vehicle adequate to provide and maintain the quality of service required by this chapter and meeting all of the requirements of this chapter for a taxicab or limousine.
- (7) The applicant has demonstrated the ability to establish within sixty (60) days of the issuance of the certificate, a depot, terminal, or other base of operation for receiving of requests for service and the dispatching of vehicles in response to requests for service adequate to provide and maintain the quality of service required by this chapter, and has demonstrated the ability to obtain within sixty (60) days of the issuance of the certificate the necessary recording and office equipment and other necessary equipment and things adequate to provide and maintain the quality of service required by this chapter and

sufficient to comply with all of the provisions of this chapter including all the record keeping and reporting provisions.

- (8) The applicant has registered properly with the state the correct and true owner's name of any vehicle intended to be operated pursuant to the certificate.
- (9) There has not been a revocation of any certificate of public convenience and necessity previously issued to the applicant within the twelve (12) months preceding application.
- (10) Issuance of the certificate to the applicant will not result in the applicant holding such number of certificates or such percentage of all issued certificates that a pernicious effect on competition will result or that the quality of service to the public sought and required by the provisions of this chapter will be impaired.
- (11) The applicant is a legal resident of the United States.
- (12) The applicant is not addicted to or does not habitually use any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or use of any controlled substances as defined by Chapter 90 of the North Carolina General Statutes not therapeutically prescribed.
- (13) The applicant has not been involved in repeated and persistent acts impugning his truthfulness or veracity, including, but not limited to, fraud or deception.
- (14) The applicant has not entered a plea of guilty or no contest to nor has been convicted of:
 - (a) A felony against the state or conviction of any offense against another state, which would have been a felony if committed in this state. This section shall not apply to felony convictions (as defined herein) which occurred ten (10) years from the date of the application;
 - (b) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or any controlled substance as defined by Chapter 90 of the North Carolina General Statutes;
 - (c) Any federal or state law relating to prostitution or gambling;
 - (d) Three (3) convictions including any action which results in a prayer for judgment or continuation of the judgment within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations

resulting in not guilty verdicts are not counted for purposes of this section;

- (e) A single city, county, or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his passenger(s), or the community;
- (f) Any crime involving the use of a weapon of any type.
- (g) Any charge alleging assault, domestic violence; or
- (h) Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within ten (10) years preceding the application.

(C) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in § 90-89--§ 90-94 of the North Carolina Controlled Substances Act, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application.

(D) The applicant shall provide to the chief of police or designee any and all facts, evidence, information or documents within the possession or control of the applicant or available to the applicant that shall be reasonably related to the determination of the qualifications of the applicant and as the chief of police shall request. Further, the submission of the application shall constitute a waiver of all applicant's privileges and rights of privacy with respect to any document in existence reasonably related to the determination of the applicant's qualifications and shall serve as an authorization to the chief of police or designee to make inquiry of any person or entity, and to receive any oral or written reports from any person or entity, regarding any facts, evidence or information reasonably related to the determination of the applicant's qualifications. The applicant shall sign any separate written authorization that any person or entity shall require prior to the release of any documents or information concerning the applicant.

(E) The issuance of certificates of convenience and necessity shall be done semiannually. All of those persons interested in obtaining a certificate of public convenience and necessity shall submit an application during the first ten (10) days in January and the first ten (10) days in July. The chief of police or designee shall review the applications to determine whether or not the applicants meet the requirements of this chapter by February 15 and August

15. If the chief of police determines an applicant meets the requirements of this chapter, the applicant will be placed on a list in chronological order.

(F) If the chief of police finds that one (1) applicant is more qualified than the other applicants after considering the requirements of this chapter, then the applicant who is more qualified shall be awarded the certificate of public convenience and necessity. However, if after reviewing the applications, the chief of police or designee feels that some of the applicants are equally qualified, a list of the equally qualified applicants shall be maintained in prioritized order based upon the date and time of application, and each certificate will be awarded according to the sequence of a certificate of public convenience and necessity available semiannually. Any certificate of public convenience and necessity available shall be awarded according to the priority of the applicant on the list, when the chief of police finds the applicants to be equally qualified.

(G) If any person shall refuse the offer of a certificate of public convenience and necessity or fails, refuses, or neglects to furnish such service within sixty (60) days after the certificate is offered him, the chief of police shall withdraw the certificate of public convenience and necessity.

(H) No taxicab or limousine may be operated by any person, owner, or holder of a certificate until all inspections, proof of insurance and other requirements of this chapter are completed. If any person, owner or holder of such certificate fails to comply with the requirements of this chapter within sixty (60) days of award of the certificate of public convenience and necessity, then certificate shall be revoked immediately.

(I) A certificate of public convenience and necessity, when granted, shall be issued in the name of the city by the chief of police.

11-1-16. Burden of proof to be upon the applicant.

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of a taxicab or limousine business as specified in this application, and all other facts required for the granting of such certificate.

Sec. 11-1-17. Appeals of denials of certificates of public convenience and necessity.

(A) An applicant may appeal the denial of an application for a taxicab or limousine franchise certificate of public convenience and necessity by the chief of police or designee. Such appeal will be to the city council, be in writing and state the specific reason(s) for the appeal. The appeal must be received in the office of the city clerk within 10 business days after the date of the denial. The applicant must include the reason for the appeal, any documents, the names and addresses of any person(s) that the applicant contends or asserts are sufficient to support the appeal and reverse the decision to deny.

(B) If a timely notice of appeal and the required submissions stated in (A) above are received, a public hearing on the denial and issue(s) raised in the appeal will be held before the city council within thirty (30) days of the receipt of the appeal.

(C) Any request to continue the hearing must be submitted to the city clerk, and a decision to approve or deny the request will be made by the city clerk.

Sec. 11-1-18. Expiration or cessation of operation; death of franchisee.

(A) If a holder shall for any period of time, in excess of sixty (60) days, fail to operate such franchise, that holder shall offer in writing to the chief of police an explanation for such failure to so operate. If such explanation fails to satisfy the chief of police of its reasonableness, the chief of police shall notify the city council and the council may, after a hearing, revoke the certificate or condition a revocation upon compliance with any reasonable order in relation thereto it deems advisable.

(B) Upon the death of a holder, the certificate of public convenience and necessity shall continue in effect for a period of sixty (60) days, provided that a responsible person, as approved by the chief of police, shall be placed in charge of the taxicab or limousine operation. At the expiration of the sixty (60) days, such certificate shall become null and void.

Sec. 11-1-19. Transfer.

A certificate of public convenience and necessity under this article is not transferable without the consent of the chief of police. Applications for a transfer of such a certificate shall be filed in the same manner as an application for a certificate of public convenience and necessity. The proceedings upon such application for a transfer shall be the same as those described for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.

Sec. 11-1-20. Substitution of vehicles.

A holder, by appropriate endorsement on the certificate by the chief of police, may substitute another vehicle for the vehicle for which the certificate was granted. Before any such vehicle may be approved as a substitute vehicle, it shall first meet the inspection requirements and any other inspection required by the state. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle.

Sec. 11-1-21. Revocation.

(A) The chief of police may, at any time after a hearing, revoke any certificate of public convenience and necessity issued by authority of this article for any one (1) or more of the following causes:

- (1) Failure to operate the taxicabs or limousines specified in the certificate issued to the holder in accordance with this article; or operating taxicabs or limousines other than those specified on the certificate;
- (2) Failure to maintain motor equipment in good repair, in accordance with the requirements of this article and/or state law;
- (3) Failure to carry liability insurance or bond as is required by this chapter;
- (4) Failure to pay to the city taxes or license fees levied or imposed upon such taxicabs or limousines;
- (5) More than three (3) violations in a calendar year, not necessarily resulting in convictions, by the holder's drivers of city, county or state traffic and safety ordinances or laws, or state laws relating to alcoholic beverages or prostitution;
- (6) Failure to report accidents as required by Chapter 20 of the North Carolina General Statutes;
- (7) Repeated and persistent acts by one or more of the holder or holder's drivers impugning their truthfulness or veracity, including but not limited to acts of fraud and deception;
- (8) Willful failure to comply with any provision of this chapter or other ordinances or state laws relating to the operation of taxicabs or limousines; or
- (9) Any charge alleging assault or domestic violence.

(B) No certificate shall be revoked until the holder has had at least ten (10) days' notice by personal service or registered mail of the charges against him and of the time and place of hearing.

(C) Any holder of a certificate of public convenience and necessity that is revoked may appeal to the city council within ten (10) days of the date of the notice of the revocation, by providing a written notice of appeal to the city clerk. No appeal will be permitted if the written notice is not received by the city clerk within the time limits stated. The appealing party must include the reason for the appeal, any documents, the names and addresses of any person(s) that the applicant contends or asserts are sufficient to support the appeal and reverse the decision to revoke.

The city clerk will schedule the hearing before the city council and provide notice of the hearing to the appealing party.

Sec. 11-1-22. Records; collection of fees.

All records relative to the issuance of certificates, inspection of vehicles, assignments of taxicab numbers and substitution of vehicles shall be kept and maintained by the police department, provided that the responsibility for collection of all privilege license fees shall be retained by the Financial Services Department. It shall be the responsibility of the owner to report any changes in contact information for the owner or the driver to the taxicab inspector within ten (10) days of the change. It shall also be the responsibility of the owner to notify the taxicab inspector when new drivers are hired or when drivers are no longer employed by the owner. Failure to do so will subject the offender to a \$100 civil penalty.

Secs. 11-1-23—11-1-50. Reserved.

ARTICLE C. INSPECTIONS

Sec. 11-1-51. Inspection of vehicles as prerequisite; subsequent inspections.

(A) Before any certificate of public and necessity for a taxicab or limousine will be issued under the provisions of this chapter, the applicant shall present to the taxicab inspector proof of inspection by an inspector certified by the State of North Carolina to conduct vehicle inspections. Such proof of inspection shall have been issued not more than 60 days prior to the submission of the vehicle for inspection by the taxicab inspector. Such inspection shall include all equipment inspected as identified in North Carolina General Statutes §20-183.3 or its successor statutes.

(B) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire except pedi-cabs operated within the city shall be inspected at least once annually during the month of August. Each approved taxicab, limousine, contract service, transport service or other vehicle for hire shall have affixed to the lower left side of the rear glass, a city police department inspection sticker. A list of all approved taxicabs, limousines, contract services, transport services or other vehicles for hire shall be furnished to the financial services department and no privilege license shall be issued for any taxicab, limousine, contract service, transport service or other vehicle for hire failing this inspection. Each vehicle owned, operated or controlled by the certificate holder, the contract service, transport service or other vehicle for hire that is not inspected shall be subject to a civil penalty in the amount of \$250. At the time of the inspection, the owners of such vehicles for hire as described above shall present to the taxicab inspector proof of inspection as required in §11-51-1(A) above except that such proof of inspection shall not have been issued more than 60 days prior to presentment to the taxicab inspector or other current state inspection certification provided by the State of North Carolina since the last city required vehicle inspection.

(C) The taxicab inspector may conduct random vehicle inspections of any taxicab, limousine, contract service vehicle, transport service or other vehicle for hire at times and places other than the time and place designated for the annual inspection.

(D) If a company operating certificate holder, vehicle operating permit holder, or a driver fails to make a passenger vehicle for hire available for inspection within 24 hours after being requested to do so, the chief of police or designee may order the passenger vehicle for hire removed from service until it is made available for inspection.

Section 11-1-52. Inspection items.

(A) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire owner shall maintain a monthly vehicle inspection log showing the items in this section have been inspected and the date of any correction. Such inspection logs will be made available to the taxicab inspector or members of the Greenville Police Department upon request. Failure to maintain such inspection logs shall subject the vehicle operator to a civil penalty in the amount of \$50 for each violation of this paragraph.

(B) In addition to the proof of inspection as required by §11-1-51 above, each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire during the annual inspection required by this section shall have the following equipment items inspected by the taxicab inspector and the vehicle owner shall maintain the inspection log referenced in this section for the following equipment:

- (1). Each taxicab shall have a minimum of three doors allowing entry into the driver's compartment of the vehicle and allowing entry into the passenger's compartment of the vehicle. All doors must be operable from the inside and outside and constructed with a double or safety lock on each door.
- (2). All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts, tears, rips or stains.
- (3). Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (4). Working seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.
- (5). Windshield wiper and defroster operable and adequate;
- (6). Mirrors, rear and left side view free of cracks and defects;
- (7). Windshield shall be clean and clear from both the outside and inside, free of cracks, chips, scratches or any other condition that reduces clarity of vision. All

windows of the vehicle must have a light transmittance of 70 percent or more, with the exception of the uppermost six inches of the front windshield.

(8). Windows shall be intact and must open and close properly: no decals, posters, or other materials on windows, other than credit card acceptance decals and PVH decals. Window gaskets shall not have any dry rot or leak;

(9). Taxicab windows shall not be equipped with shades, curtains, film or coatings to such extent that the occupants of the vehicle cannot be seen from the outside of the vehicle;

(10). Toplight (taxicabs only) equipped with a top light of as required by this chapter. The toplight shall be in working order as required by this chapter;

(11). Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. The heater and air conditioner must be able to adequately cool or heat the vehicle in cold or warm weather as required;

(12). Headlights, tail lights, parking lights, turn signal lights, brake lights, back-up lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;

(13). Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;

(14). Door handles and locks. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers. No devices that restrict the ability of a passenger from readily exiting the vehicle in an emergency are allowed;

(15). Tires, including spare (with tire jack and handle), properly inflated and having minimum tread depth of 2/32-inch and free of defects. Spare tire and jack shall be properly secured using manufacturer's equipment in designated trunk area;

(16). Vehicle wheels properly aligned, matching hubcaps or wheel covers, wheel rims of uniform type, size and color. All shall have hubcaps attached unless the wheels are of a design which do not require hubcaps;

(17). Horn operable; loud, clear sound;

(18). Interior panels properly secured, free of tears and dirt;

- (19). Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;
- (20). Headliner clean, completely attached to interior ceiling and along edges;
- (21). Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;
- (22). Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;
- (23). Trunk or luggage area. Floor covering, clean, free of offensive odors, litter, and items or materials that could damage or stain the passenger's baggage and shall be free of any flammable liquids or other hazardous materials. Trunk shall contain nothing except spare tire, tire jack and handle, emergency tools, and child car seat. Spare tire and jack shall be secured in proper location using manufacturer's equipment;
- (24). Bumpers, grills, and body molding. Advertisements on racks are permitted if such do not impede operator visibility and the racks are attached in a safe manner;
- (25). All bumpers and body moldings shall be in good condition and properly attached as when manufactured;
- (26). Vehicle body shall be free from dents, rust and holes which impair its safety or appearance. Unacceptable body defects (dents, creases, blemishes, ripples, rust or holes) which impair the appearance or serviceability of the vehicle include:
 - (a). A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater; or
 - (b). A body defect three inches in width or greater and three inches in height or greater and where the deepest point of depression is one-quarter-inch or greater; or
 - (c). Any defect which is one-half-inch at the deepest point of depression regardless of width or height (this includes any hole in the surface area); or
 - (d). Exterior paint which is not uniform in color, does not completely cover the vehicle;
 - (e). Any body panel, trunk, or hood misalignment;
- (27). Exhaust system. No exhaust leaks, no missing support for tail pipe;

(28). Gas cap for fuel fill.

(29). A frame or other device to display the driver's permit, memorandum operating permit, and rate schedule to passengers;

(30). An operational two-way radio providing direct communication for immediate dispatch of taxicabs.

(C) Violations that are determined to present a clear, substantial and imminent hazard to life, safety, or property shall result in an immediate suspension of the vehicle operating permit.

Sec. 11-1-53. Removal from service.

(A). Any vehicle subject to the provisions of this chapter is subject to immediate removal from service if the vehicle and the operator fail to produce any of the following: no proof of insurance, no current registration, no current vehicle tags, and current inspection. If removed from service, the vehicle shall not be returned to service until such time as the chief of police or designee can determine the owner and operator are in compliance. Removal from service shall be in addition to any other state or city penalty or citation that may be imposed.

(B). During the course of any inspection required by this chapter, or at any other time any vehicle subject to this chapter should be found to be unsafe or unfit for operation or not kept and maintained in the condition and appearance required by this article, notice shall be given by the chief of police or designee to the holder of the certificate of public convenience and necessity issued under this chapter and such vehicle shall not thereafter be operated as a vehicle for hire for transporting persons until said vehicle has been placed back into safe condition and inspected by the taxi inspector. Nothing herein shall be construed to relieve any owner or operator of any vehicle from any or all duties imposed by law nor relieve such owner or driver from liability resulting from the unfitness of such vehicles or the negligent operation thereof.

(C). The owner or operator may request a re-inspection of any vehicle subject to this chapter removed from service for failing to pass any vehicle inspection required under this chapter at any time the owner or operator believes such vehicle is ready to be re-inspected within 30 days of the removal from service. The owner or operator shall be responsible for scheduling such re-inspection and payment of any inspection fees as required by this chapter. If the vehicle fails the re-inspection, the vehicle shall be removed from service for 15 days and may not be re-inspected until after the 15-day period. If the vehicle fails to pass inspection after the 15-day removal, then, the owner's permit and authorization to operate that vehicle shall be withdrawn. Appeals of the decision to withdraw the permit and authorization to drive a particular vehicle may be appealed to the City Council, but said vehicle may not be operated until the decision by the City Council on the appeal.

Sec. 11-1-54. Signs.

No signs of any shape, size, design or for any purpose may be installed on a vehicle for hire that interferes with or blocks the front, rear or side windows or blocks or interferes with any safety lights or equipment. Violations will result in the imposition of a civil penalty as provided by this chapter.

Secs. 11-1-55—11-1-60. Reserved.

ARTICLE D. TAXICABS

Division 1. General Provisions

Sec. 11-1- 61. Annual license for operation of taxicab business.

Every person before operating any taxicab business within the city, or within a distance of five (5) miles thereof, shall apply to and procure from the city an annual license for the privilege of operating such business and shall pay for such annual license a tax in such sum as may be required by the provisions of Title 3, Chapter 2 of this Code. This license shall be in addition to any and all other certificates, permits or documents required by this article.

Sec. 11-1-62. Duty to transport persons and property; exceptions.

It shall be unlawful for any taxicab holder or driver, while on duty, to refuse to transport any person or property from the point of origin of any trip to the intended destination, provided such holder or driver shall, at the time of such request for transportation, have adequate seating capacity or space in his taxicab for such person or property and not be engaged in proceeding to a destination to transport a prior fare. Every holder or driver shall have a right to refuse transportation if:

(A) Such holder or driver believes that his safety or that of his passenger(s) will be placed in jeopardy;

(B) Such holder or driver knows from previous experience that the person seeking transportation has contributed to the disruption of taxicab service, has caused damage to property, has failed to pay a fare, or committed any violation of this article.

(C) The person being transported jeopardizes the safety of the driver or passengers or otherwise disrupts service during the transport; or

(D) The person seeking transport is under the influence of an impairing substance.

Sec. 11-1-63. Operating Condition of Vehicles.

Every taxicab, limousine, contract service, transport service or vehicle for hire operating under this chapter shall be kept in a clean and sanitary condition. The owner and driver shall keep the body of the vehicle, both interior and exterior, safe and clean and its general appearance

with respect to sheet metal and finish of car, normal wear and tear exempted. In addition, when any vehicle is wrecked or damaged so as to be unsafe for operation, the owner and/or driver shall make such repairs and alterations as may be required and shall not operate, or cause or permit to be operated, any such vehicle until such repairs and alterations have been completed and the vehicle has been re-inspected for compliance with this chapter.

Sec. 11-1-64. Conduct of drivers.

(A) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall deceive or attempt to deceive any passenger or prospective passenger as to the passenger's destination or rate of fare to be charged nor shall he convey or cause to be conveyed any passenger to a place other than directed by the passenger. No driver providing for hire service shall take a longer route to the requested destination than is necessary, unless he is so requested by the passenger, except for shared ride service as provided in subsection (f) of this section.

(B) No tobacco products of any kind may be used by any driver or operator of a taxicab, limousine, contract service, transport service or other vehicle for hire while any passenger is being carried. If the driver or operator uses any tobacco product when not carrying passengers, the driver or operator must deodorize, clean and remove any evidence of tobacco use from the vehicle before carrying any passengers.

(C) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall park, stand or operate a for hire vehicle at any time in such a manner as to obstruct the movement of traffic. Nothing in this subsection shall prohibit drivers or operators of a taxicab, limousine, contract service, transport service or vehicle for hire from alighting to the street or sidewalk for the purpose of assisting passengers and their belongings into or out of a for hire vehicle.

(D) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall park or stand a for hire vehicle upon any public street or public ground in the city for the purpose of receiving calls, directions or instructions over the dispatch system, except in areas that the city may subsequently establish as taxicab stands and those areas where parking is not regulated.

(E) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall allow the seating capacity of his for hire vehicle to be exceeded, including driver. Drivers must ensure that all seatbelt and infant seat requirements imposed by law are followed by all passengers. Children may not be held in the arms of the passenger. No more passengers than the number of seatbelts which are available for use within the vehicle shall be permitted.

(F) If agreed to by the first passenger, a taxicab may answer other calls or pick up additional passengers prior to taking the first passenger to his destination, provided the first passenger agrees to the amount of additional time above the time normally required for the exclusive ride service as estimated in advance by the driver. Taxicab drivers shall specify any fare discounts to passengers participating in shared ride service. If a child under 16 years of age

and unaccompanied by a person 16 years or age or older is the original passenger, no other passengers shall be permitted in the taxicab.

(G) No driver shall refuse or neglect to convey any person because of the person's race, color, national origin, religion, sex, age or handicap.

(H) Drivers shall be clean in dress and in person.

(I) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall be under the influence of drugs or alcohol, which impairs judgment, performance or behavior while on duty.

(J) The driver shall inspect each for hire vehicle daily for articles left by passengers and make every reasonable effort to return such to the rightful owners as soon as possible after their discovery. If the owner cannot be located or determined, the lost article shall be turned over to the Greenville Police Department not later than 48 hours after the article is found along with the record of attempts to locate the rightful owner.

(K) When requested by a passenger, every driver shall give a receipt showing the company's name, driver's name, date, place and time of trip, origin and destination and the amount of fare charged. Any citation issued for overcharging or failing to provide a receipt shall be issued to the driver of the taxicab.

(L) No driver shall monitor the dispatch frequencies of other taxicab businesses.

Section 11-1-65. Accident Reports.

Every accident involving the operation of a for hire vehicle shall be reported to the taxicab inspector within 48 hours of the accident, excluding Saturdays, Sundays and legal holidays. The certificate holder for the vehicle for hire involved in an accident and the driver of the vehicle for hire so involved shall be jointly and individually responsible for making the required report, which report shall be on a form to be furnished by the taxicab inspector. Upon receipt of the report, the taxicab inspector shall determine whether the damage renders the vehicle unsafe for operation and, if so, shall immediately order the vehicle out of service until repaired and re-inspected.

Section 11-1-66. Manifest.

(A) A daily manifest shall be maintained by the owner of each taxicab noting all trips made each day, showing the driver's name, cab number, place and time of origin and destination of each trip and the amount of fare. Each driver shall complete an entry on the manifest for each fare incurred whether the driver is dispatched by phone or radio communication.

(B) Every owner shall retain and preserve all drivers' manifests in a safe place for at least 180 days and such manifests shall be made available upon demand for inspection by the taxicab inspector.

(C) All such completed manifests shall be returned to the holder by the driver at the conclusion of his tour of duty and shall be open for inspection at any reasonable time to any Greenville police officer whose duty it is to enforce the provisions of this chapter. The forms for such records shall be furnished to the driver by the holder and shall be of a character approved by the chief of police.

Sec. 11-1-67. Taxicabs used for private purposes.

No taxicab shall be used other than as a vehicle for hire, unless the driver's permit is first removed therefrom and an "off-duty" sign is thereon prominently displayed.

Secs. 11-1-68—11-1-80. Reserved.

Division 2. Driver's Permits

Sec. 11-1-81. Driver's permit required.

No person shall drive any taxicab carrying passengers for hire from place to place within the city, or within a distance of five (5) miles thereof, unless that person shall have first applied to and secured from the chief of police a permit to drive a taxicab. Permits are valid only for the holder named on the permit. An application for a permit to drive for another holder within six (6) months of the date of initial issuance or subsequent renewal will constitute a transfer and shall be applied for on a form supplied by the city police department. An application for a permit to drive for another holder in excess of six (6) months from the date of initial issuance or subsequent renewal shall constitute a renewal and the applicant shall comply with all provisions of this article. Upon receipt of an application for a permit to operate a taxicab within the city, the chief of police shall, within fourteen (14) calendar days, issue a permit, if consistent with this article.

Sec. 11-1-82. Permit application; fingerprints and photograph as part thereof.

(A) The application for a permit or renewal to drive a taxicab shall be made upon forms furnished by the chief of police.

(B) No driver's permit shall be issued to any person until and unless such person shall have made and filed with the chief of police an application, sworn to before a notary public or other officer authorized to administer oaths. The sworn application for such permit or renewal thereof shall contain the following information:

- (1) The name and address of the applicant;
- (2) Whether there are any unpaid judgments of record against such owner, and if so, the title of all actions and the amount of all judgments unpaid, and reference to the judgment docket and page where the judgment is recorded;

- (3) The make, type, year of manufacture, serial number, engine number and passenger capacity of each taxicab to be operated under the driver's permit applied for;
- (4) The applicant shall further appear at the city police department for the purpose of having his fingerprints taken and photograph made, both of which constitute part of his application;
- (5) The applicant shall provide proof of insurance in the amounts required by this chapter.
- (6) Whether there are any liens, mortgages or other encumbrances on such taxicabs, and, if so, the amount and character thereof;
- (7) The experience of the applicant in the transportation of passengers for hire;
- (8) Any person applying for a driver's permit or renewal under this division shall produce a completed drug screen report with a date not less than ten (10) calendar days prior to submission of the completed application or renewal. Such drug screen tests shall be at the expense of the applicant and at the drug screen testing facility directed by the chief of police.

(C) Each applicant shall submit to a controlled substance test as directed by the chief of police and provide authorization for release of the results of such testing to the chief of police and those involved in the permitting process or any appeals. The test must be not less than the full 10-panel test required by the Department of Transportation. The cost of the testing shall be borne by the applicant. The request for testing and the results of the test both shall constitute and become part of the application.

Sec. 11-1-83. Chief of police to investigate.

The chief of police shall investigate the facts stated in the application, taking into account the factors set forth in section 11-1-84. A criminal history shall be requested from sources permitted by law. The chief of police shall report his findings in writing, including all supporting documentation, with his determination as to whether a permit is issued to the applicant. The chief of police shall notify the applicant in writing whether the application is approved or denied and if denied, the reason or reasons for the denial.

Sec. 11-1-84. Refusal and revocation.

The following factors shall be deemed sufficient grounds upon which the chief of police may refuse to issue a driver's permit or may revoke a permit of any driver already issued such permit:

(A) Conviction of a felony against the state or conviction of any offense against another state, which would have been a felony if committed in this state. This section shall not apply to

felony convictions (as defined herein) which occurred more than ten (10) years from the date of the application or revocation;

(B) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or any controlled substance as defined by Chapter 90 of the North Carolina General Statutes within five (5) years of the application for a driver's permit. Such permit may be revoked if the violation occurred during the issuance period;

(C) Conviction, no contest plea, judgment continued or deferred for operation of any motor vehicle while under the influence of an impairing substance and/or the receipt of a restricted driving privilege by the North Carolina Department of Motor Vehicles as a result of such arrest, conviction, judgment continued or deferred for driving while under the influence of an impairing substance. Any permit issued will be revoked and no initial application or application for reinstatement may be submitted until unrestricted driving privileges are granted by the North Carolina Department of Motor Vehicles and the applicant has no other violations of federal or state law;

(D) Addiction to or habitual use of any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or use of any controlled substances as defined by Chapter 90 of the North Carolina General Statutes not therapeutically prescribed;

(E) Conviction of any federal or state law relating to prostitution;

(F) Not being a legal resident of the United States;

(G) Three (3) convictions including any prayer for judgment or continuation of the judgment within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations resulting in not guilty verdicts are not counted for purposes of this section;

(H) A single conviction of a city, county, or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his passenger(s), or the community;

(I) Conviction of any crime involving the use of a weapon of any type;

(J) Repeated and persistent acts impugning the driver's truthfulness or veracity, including but not limited to fraud or deception;

(K) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in § 90-89--§ 90-94 of the North Carolina Controlled Substances Act, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six

months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application;

(L) Any charge alleging assault or domestic violence.

(M) Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within ten (10) years preceding the application or revocation.

Sec. 11-1-85. Fee; term; renewal.

Upon issuance of a taxicab driver's permit, subject to the provisions of this article, the person to whom such permit is issued shall pay therefore such fee as may be required by the city Manual of Fees. Such permit shall be renewed annually. Upon the application for renewal, the applicant for renewal shall be subject to the same investigation as required for initial issuance and shall pay such renewal fee as may be required by the city Manual of Fees.

Sec. 11-1-86. Posting in taxicab.

The driver of every taxicab while on duty shall prominently post and display in such taxicab, so as to be visible to the passengers therein, his permit to drive a taxicab, which shall contain the driver's photograph, fingerprint and such other information as required by the chief of police.

Sec. 11-1-87. Assignment or Transfer.

No owner's permit granted and issued under this chapter shall be assigned or transferred. In the event any taxicab operated pursuant to an owner's permit issued under this chapter shall become damaged or worn out or for other reason is rendered unfit for use and its use for taxicab purposes is discontinued by the holder of the owner's license pursuant to which such taxicab was operated, and such licensee desires to operate another vehicle in its place, then such licensee shall file an affidavit with the taxicab inspector setting forth the fact that such vehicle has been discontinued in use and that such other vehicle has replaced it. Such affidavit shall also contain the make, model, serial number and body style of the vehicle that is being replaced and the same information for the replacement vehicle.

Sec. 11-1-88. Revocation upon change of ownership: Issuance to new owner.

Change of ownership or title to any taxicab shall automatically revoke any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs. The purchaser of any such taxicab shall not operate such vehicle as a taxicab unless and until he has applied for and has been granted an owner's permit in the manner provided by this chapter. For the purposes of this chapter a change of ownership is deemed to have taken place if, in addition to other methods usually employed, the owner of any taxicab leases the same to

any person under any lease or other arrangement whereby such person shall have the right upon the payment of an amount of money or other consideration of any other thing of value to acquire title at any future date to such taxicab.

Sec. 11-1-89. Appeal to appeal board.

(A) Any person who makes application to the chief of police and who is refused a driver's permit shall have the right of appeal to the appeal board as hereinafter constituted. The applicant must give notice of appeal in writing within ten (10) calendar days of the notification from the chief of police as set forth in section 11-1- 83. The notice of appeal shall be directed to the office of the city manager. If such application is a renewal of a currently valid permit, the refusal to renew by the chief of police shall be stayed during the pendency of the appeal. If the application is for an initial permit, no stay will be issued. The stay of a refusal to renew can be dissolved pending the appeal by request of the chief of police and a showing that the refusal to renew was a direct result of a gross act by the applicant that jeopardized the safety of the applicant, his passengers or the community while he or she was operating a taxicab vehicle. The request of the chief of police to dissolve a stay shall be made to the city manager and the applicant shall have a reasonable and timely opportunity to respond to the same before ruling by the city manager.

(B) The appeal to the appeal board shall be conducted within fifteen (15) calendar days of the date of the notice of appeal. The appeal shall be an informal administrative hearing in which the rules of evidence shall not apply, but the applicant's right to confront and cross-examine witnesses against him or her shall be enforced. The applicant shall be entitled to be represented by counsel and shall have the right to present evidence, call witnesses and confront and cross-examine witnesses against him or her. Witnesses shall testify under oath. The hearing shall be conducted in accordance with the principles of due process.

(C) The appeal board shall be constituted of three (3) members who shall be the current city manager or his designee, an elected member from the Greenville Taxicab Association, and a designated member from the city council. There shall be an alternate elected member from the Greenville Taxicab Association to serve in the event that the applicant is employed by or for the initial elected member. Each appeal board member shall have the right to question witnesses. The city manager shall be the chairman and conduct the hearing and govern procedural questions. The decision of the appeal board shall be by majority vote and said decision shall be made at the conclusion of the hearing, unless the appeal board requests additional evidence. The appeal board may issue probationary or conditional licenses if the mitigating or extenuating evidence outweighs the decision to revoke, suspend or deny a driver's permit. The decision of the appeal board shall be documented by the city manager in writing, including findings to support their decision, and forwarded to the applicant within ten (10) calendar days of the conclusion of the hearing.

Sec. 11-1-90. Suspension and revocation; causes and hearings.

(A) An owner's permit may be suspended or revoked by the appeal board at any time in case the appeal board finds and determines:

- (1) That the past record of the holder of the owner's permit is unsatisfactory and that it is detrimental to and not in the public interest to permit the continued operation of a taxicab business by such person; or
- (2) That the owner has failed to operate the taxicab or taxicabs in accordance with the provisions of this chapter; or
- (3) That the taxicab or taxicabs of the owner have been operated at a rate of fare other than that provided by this chapter; or
- (4) That the holder of a permit has failed to register properly with the State, in the correct and true owner's name, any taxicab covered by the owner's permit; or
- (5) That the holder of an owner's permit has been convicted of a felony; or violation of any federal or state statute or city ordinance relating to the possession or sale of intoxicating liquors; or violation of any federal or state statute or city ordinance relating to prostitution; or any federal or state statute or city ordinance relating to the use, possession or sale of narcotic drugs; or repeated violations of traffic laws or ordinances; or becomes a habitual user of intoxicating liquors or narcotic drugs; or
- (6) That the holder of any owner's permit has made a false or misleading statement on his application.

(B) An owner's permit may be temporarily suspended by the chief of police when it is found that there has been a violation of subsection (A). Notice of suspension will be delivered to the owner in person or through registered mail. The notice shall state that the owner may have a hearing before the chief of police within ten (10) days upon the written request of the owner. The owner will have the right to appeal to the appeal board in writing within ten (10) days of the decision of the chief of police. It shall be unlawful for an owner to operate a taxicab business regulated by this article during the pendency of an appeal taken pursuant to this section.

Secs. 11-1-91—11-1-99. Reserved.

Division 3. Vehicle Requirements

Sec. 11-1-100. Taxicab numbers.

Whenever a certificate shall be granted under the provisions of this article, the chief of police shall designate upon the certificate a number for each taxicab to be operated by the holder. Each taxicab shall be given a different number. It shall be the duty of each holder, before operating such taxicab, to imprint, legibly and visibly, upon each side and the rear of the exterior

of the body of the taxicab, the number given it by the chief of police in figures at least three and one-half (3 ½) inches in size.

Sec. 11-1-101. Illuminated signs on taxicabs.

Each taxicab operated in the city shall have an illuminated sign on top of the taxicab with the name of the taxicab company and the number of the taxicab legibly and visibly imprinted thereon. Such sign shall be no less than eighteen (18) inches in length and lettering thereon shall be no less than three and one-half (3 ½) inches in height. The taxicab operator shall not be required to have the sign on the top of the taxicab illuminated during daylight hours, which shall be that period from one hour after sunrise to one hour before sunset.

Sec. 11-1-102. Solicitation of passengers by driver.

(A) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except upon request to assist in the handling of baggage of a passenger or prospective passenger.

(B) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person, obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.

(C) No driver shall solicit passengers at the terminal of any other common carrier.

(D) No driver shall solicit passengers from private property without a notarized written statement granting permission from the property owner. Such notarized written statement must be maintained inside the vehicle and be available to be presented to a police officer upon request.

Sec. 11-1-103. Lost articles.

The driver of a taxicab shall make every effort possible to return any lost article that may be found in the taxicab to the rightful owner as soon as possible after discovery of such article. If the owner cannot be located or determined, the lost article shall be turned over to the police department within 48 hours of discovery.

Sec. 11-1-104. Unauthorized passengers.

No taxicab shall be used other than as a vehicle for hire unless the driver is off duty. No individual except the holder or driver shall be allowed to ride in a taxicab which is in service unless such individual is a fare-paying passenger.

Sec. 11-1-105. Compliance of passenger's request required.

(A) Each taxicab driver shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

(B) The driver of a taxicab shall, upon the request of any passenger, give to such passenger the correct name and address of such driver and such other information as will identify the vehicle, driver and owner thereof.

Secs. 11-1-106—11-1-118. Reserved

Division 4. Fares

Sec. 11-1- 119. Authority of city council to establish.

The schedule of fares charged by all taxicabs operating within the city shall be as fixed by the city council from time to time.

Sec. 11-1-120. Schedule of fares.

Every taxicab shall have affixed thereto and must use a taximeter the model, maker, size, design and contents of which have been approved by the chief of police or designee and which conforms to the following specifications:

(A) A taximeter is a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time or both and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter is changed from the nonearning position to the earning position.

(B) Each taximeter must be driven direct from the taxicab transmission and not connected to the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be non-tamperable.

(C) No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five (5) percent incorrect to the prejudice of any passenger.

(D) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which does not have its cover and gear intact.

(E) If requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof in legible type or writing containing the name of the owner, the vehicle number, the taximeter number and each item for which a charge is made, the total amount paid and the date of payment.

(F) Taxicab owners and operators shall be responsible for the purchase, installation and maintenance of the approved taximeter.

(G) No taxicab shall be operated on a for hire basis unless and until such installed taximeter has been inspected and passed by the taxicab inspector. It shall be unlawful to change the size of the wheels or tires or the gears operating the taximeter or to change a taximeter from one vehicle to another unless the taximeter is retested and approved by the taxicab inspector. Violations of this provision will result in revocation of all drivers' permits and franchises issued to the owner or operator.

(H) The taximeter shall be sealed at all points and connections which, if manipulated would affect its correct reading and recording. The taximeter on each taxicab shall be inspected, except as noted in (G) above, annually and recertified during the regular annual vehicle inspection. If the taximeter is inspected either randomly or upon complaint and is discovered to be inaccurate, the owner and/or operator shall immediately cease operations until such taximeter has been inspected and certified by the taxicab inspection. If such inspection reveals or discovers the taximeter has been tampered or altered, the taxicab inspector shall notify the chief of police who will issue notification of revocation of all driver's permits and franchises issued to the owner or operator.

(I) Rates established. The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(J) Rates posted. Every taxicab operated under this chapter shall have the rates authorized under this chapter posted on the exterior door of the taxicab in letters of sufficient size to be viewed at least thirty (30) feet and also posted on a rate card setting forth the authorized rates of fare for the distance traveled and the wait time displayed in a conspicuous place inside of each taxicab.

(H) Pedi-cabs shall not be required to install taximeters but shall be permitted to charge such fees and fares as provided in the Manual of Fees as approved by the City Council.

Sec. 11-1-121. Prior notice and payment of fare.

The driver of every taxicab shall inform the passenger of the lawful fare prior to transporting the passenger and may, if he so desires, demand the payment of his lawful fare prior to transporting any person or property.

Secs. 11-1-122—11-1-127. Reserved.

ARTICLE E. LIMOUSINES

Sec. 11-1-128. License required; fee.

Every person, firm or corporation shall apply to and receive from the chief of police an annual license for the privilege of operating a limousine service within the city, or within the distance of five (5) miles thereof, before operating such business and shall pay an annual license fee in a sum established by the city council. Renewals of a license issued by the city council may be issued by the collector of revenue.

Sec. 11-1-129. Certificate of public convenience and necessity required.

It shall be unlawful for any person, firm or corporation to operate a limousine upon the streets of the city without having first applied for and secured from the chief of police a certificate of public convenience and necessity in accordance with the provisions of Article B of this chapter. For purposes of insurance, operations, inspections, and licensing limousines, all provisions of Articles A, B and C also shall apply to limousines.

Sec. 11-1-130. Driver's permit required.

It shall be unlawful for any person to drive a limousine carrying passengers for hire from place to place within the city, or within a distance of five (5) miles thereof, unless that person shall have first applied to and secured from the chief of police a permit to drive a limousine in accordance with the provisions of Division 2 of Article D of this chapter.

Sec. 11-1-131. Application of Conditions.

All limousines and limousine services operated under the chapter shall comply with the same requirements for insurance; vehicle maintenance, condition and inspections; applications; and will be subject to the same grounds for suspension or revocation of certificates of public convenience and necessity as taxicabs.

ARTICLE F. CONTRACT VEHICLES, TRANSPORT SERVICES AND OTHER VEHICLES FOR HIRE.

Sec. 11-1-132. Compliance with state laws and city ordinances.

(A) Every vehicle for hire shall be operated in accordance with the laws of this state and the ordinances of this city and with due regard for the safety, comfort and convenience of passengers and for the safe and careful transportation of property and for the safety of the general public.

(B) No vehicle for hire shall be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, and the hazard at intersections and any other conditions then existing, nor in such manner or condition to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the person and property of others.

(C) Vehicles identified under this Article will comply with the requirements and duties imposed by Article A, Article C, and Article D of this chapter.

(D) No vehicle for hire identified under this article shall operate without a privilege license as required by Title 3, Chapter 2, Article C of the Greenville City Code.

(E) All drivers of vehicles for hire identified under this Article shall secure a permit to drive from the chief of police in accordance with the provisions of Division 2 of Article D of this chapter.

(F) No signs of any shape, size, design or for any purpose may be installed on a vehicle for hire that interferes with or blocks the front, rear or side windows or blocks or interferes with any safety lights or equipment. Violations will result in the imposition of a civil penalty as provided by this chapter.

(G) Transport services provide an unusual and unique service essentially different from typical taxicab services and require a special service permit issued by the chief of police or designee. Services under this subsection include, but are not limited to, fixed route service, para-transit service, geographically or time-of-day/limited service or any other innovative services. A special service permit shall be issued under the following conditions:

- (1) Application for a special service permit shall be addressed in writing to the chief of police and shall designate the proposed service in detail and shall provide reasons why a regular vehicle operating permit is inadequate.
- (2) Approval and subsequent operation under a special service permit shall be contingent upon any conditions of this article placed in the special service permit by the chief of police. Failure to carry out the conditions of the special service permit shall be grounds for revocation of the permit.
- (3) Fees for the application of special service permits shall be set out in the Manual of Fees.
- (4) A special service permit holder must also obtain a vehicle operating permit for the service to be provided.
- (5) Unless specifically exempted in the special service permit, each service operating pursuant to a special service permit shall be subject to every section of this article, including driver permits for each person operating the transport service vehicle.

Sec. 11-1-133. License required; fee.

Every person, firm or corporation shall apply to and receive from the city an annual license for the privilege of operating a vehicle for hire service within the city, or within the distance of five (5) miles thereof, before operating such business and shall pay an annual license fee in a sum established by the city council as provided in the Manual of Fees for the City of Greenville. Gross receipts from tax or business tax filings will be used to determine such license

fees. Renewals of a license issued may be issued by the Financial Services Department, Collections Division.

ARTICLE G. PENALTIES AND ENFORCEMENT ACTIONS

(A) Any person operating a taxicab, limousine, contract service, transport service or other vehicle for hire as defined in this chapter without a privilege license shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days as provided and set forth in Sec. 3-2-42 of the Greenville City Code in addition to any taxes, interest, penalties and other civil remedies that may be available including but not limited to injunctions, garnishment, attachment and levy and sale of real and personal property as further provided in Sec. 3-2-43 of the Greenville City Code.

(B) Unless provided for elsewhere in this chapter, all other violations shall subject the offender to a civil penalty and, where applicable, suspension of any certificate of public convenience and necessity or privilege license as provided elsewhere in this chapter as follows:

- (1) For a first offense, a civil penalty will be assessed in the amount of \$100.00.
- (2) In the event there is more than one (1) violation within any thirty (30) days period, then the civil penalty shall be increased for each additional violation over one (1) during such period as follows:
 - (a) The date of the first violation shall establish the beginning for the initial thirty (30) days period. The next violation within that thirty (30) days period shall be considered a second violation and shall subject the offender to a civil penalty of \$250.00.
 - (b) Third and subsequent violations within the same thirty (30) days period shall subject the offender to a civil penalty of \$500.00 for each violation.

(C) Once the thirty (30) days period has run from the “first violation,” the next violation shall be considered the first violation for establishing a new thirty (30) days period. Each subsequent violation that follows more than thirty (30) days from the previous first violation shall be a new first violation for the purpose of establishing a new thirty (30) days period.

(D) The levying of civil penalties shall be initiated by any police officer or the taxicab inspector giving written notice of the infraction committed to the vehicle for hire owner or driver, along with a statement that a civil penalty is being imposed.

(E) Civil penalties shall be paid within seventy-two (72) hours of the issue date to Financial Services, Collections Division. If not paid within the seventy-two (72) hours of the date of issue, an additional fifty (\$50) dollars delinquency charge will be added for each seventy-two (72) hours period thereafter upon nonpayment until paid in full.

(F) The city attorney or designee is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the police chief or designee is authorized

to verify and sign the complaints on behalf of the city in such suits. If litigation is required to recover the penalties and delinquency charges, the city attorney or designee may recover, in addition to the penalties and delinquency charges, reasonable attorneys fees and other costs incurred in bringing the action and collecting the judgment.

(G) Additionally, this chapter may be enforced through available equitable remedies including but not limited to enjoining the operation of any taxi, limousine, contract service, transport service or other vehicle for hire as issued by a court of competent jurisdiction. Citations issued to any driver or operator of any taxi, limousine, contract service, transport service or other vehicle for hire and not paid when the driver or operator leaves employment of the business or franchise holder shall be the responsibility of the franchise holder or business.

(H) Any permit required to be issued and renewed under the terms of this Chapter shall not be issued or renewed in the event civil penalties for violations remain unpaid by the applicant or by an employee of the applicant.

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

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

Section 4. This ordinance will become effective on _____.

This the _____ day of _____, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

**OPTION 1
PROPOSED METER RATE**

ORDINANCE NO. 11-

AN ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO TAXICAB FARES
THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY
ORDAIN:

Section 1. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

Taximeter rates and fees:

\$2.75 Drop fee
\$0.25 per 1/10th of mile
\$.50 surcharge night time from 11 pm to 6 am per person
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Pedi-cab rates and fees:

\$1.50 per person per 1/2 mile

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

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

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

This the 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

**OPTION 2
PROPOSED STAFF ZONE RATE**

ORDINANCE NO. 11-

AN ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO TAXICAB FARES

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

Section 1. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

TAXICAB FARES

The following rates shall be applicable for each standard zone fare:

ZONES	1	2	3	4	5	6	7	8
1	5.00	5.35	5.70	6.05	6.40	6.75	7.10	7.50
2	5.35	5.35	5.70	6.05	6.40	6.75	7.10	7.50
3	5.70	5.70	5.70	6.05	6.40	6.75	7.10	7.50
4	6.05	6.05	6.05	6.05	6.40	6.75	7.10	7.50
5	6.40	6.40	6.40	6.40	6.40	6.75	7.10	7.50
6	6.75	6.75	6.75	6.75	6.75	6.75	7.10	7.50
7	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.50
8	7.50	7.50	7.50	7.50	7.50	7.50	7.50	7.50

The fare charged shall be the amount of the highest zone which is traveled through.

Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination

The following rates are for fares across town:

ZONES	1	2	3	4	5	6	7	8
1	5.00	5.60	6.20	6.80	7.40	8.00	9.60	9.20
2	5.60	6.20	6.80	7.40	8.00	8.60	10.20	9.80
3	6.20	6.80	7.40	8.00	8.60	9.20	10.80	10.40
4	6.80	7.40	8.00	8.60	9.20	9.80	10.40	11.00
5	7.40	8.00	8.60	9.20	9.80	10.40	11.00	11.60
6	8.00	8.60	9.20	9.80	10.40	11.00	11.60	12.20
7	8.60	9.20	9.80	10.40	11.00	11.60	11.20	12.80
8	9.20	9.80	10.40	11.00	11.60	12.20	11.80	13.50

Ironwood/Bradford Creek	Standard Fare	7.50
	Across Town	13.50
Over two persons (per person extra)		2.00
Stops en route to destination		1.50
Waiting time (per hour)		18.00
Trunks or footlockers (each)		2.00
Baggage (each)		1.50
Rates outside zones unless previously specified (per mile)		2.75

Pedi-cab rates: \$1.50 per person per ½ mile

The zone map and description is amended to read as stated in Exhibits A and B which are attached.

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

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

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

This the 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Exhibit A



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING

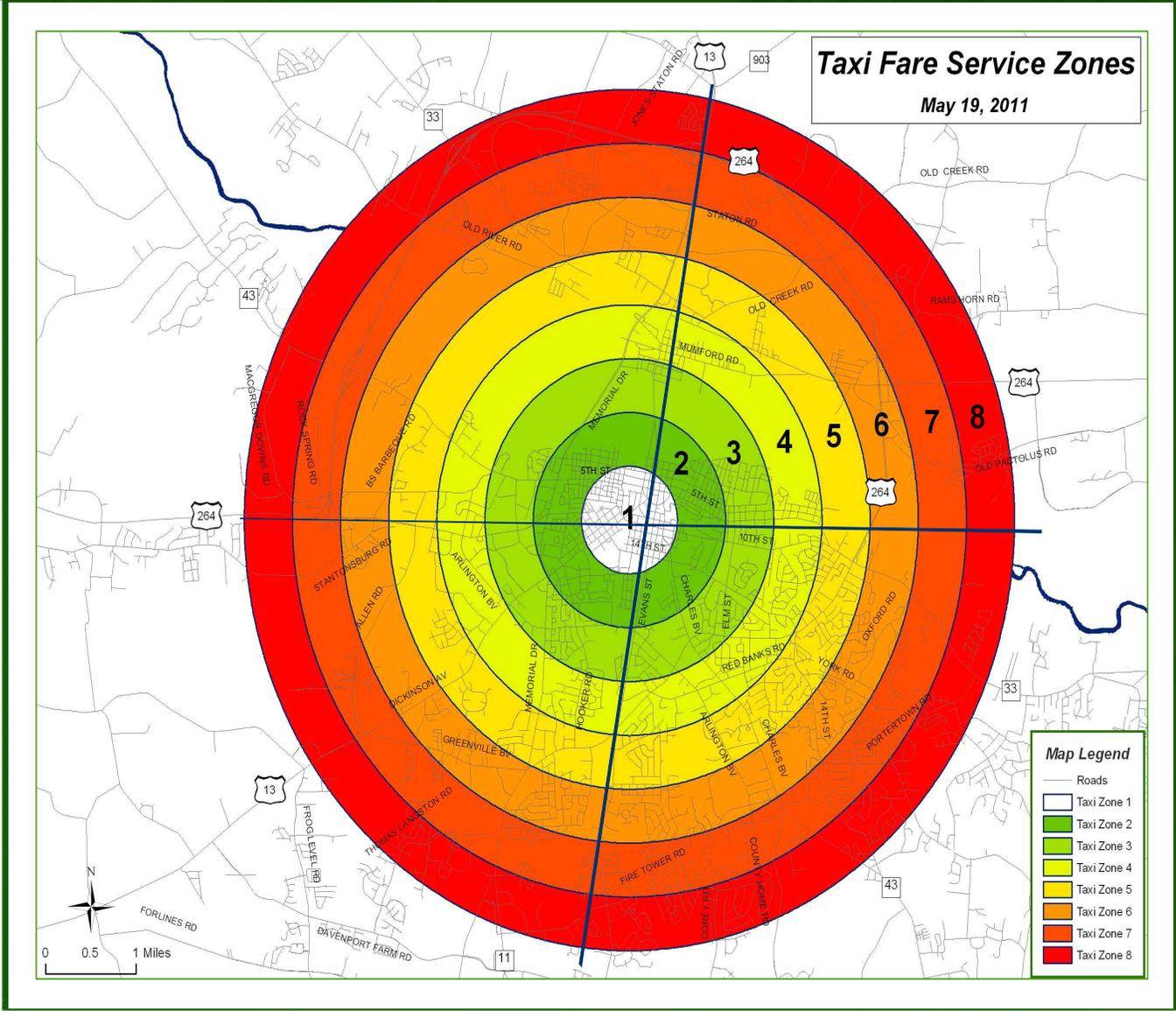


Exhibit B

Lines indicating across town fares apply would run:

East/West Division:

From a point North at Hwy 11 and 903,
South Down Highway 11,
South Down Greene Street to First Street,
East on First Street to Evans Street,
South on Evans Street out of the City Limits
across Firetower Rd.

North/South Division:

From a point on Stantonsburg Rd at Old Stantonsburg Rd,
East down Stantonsburg Rd to Memorial Drive,
East Down Farmville Blvd to Dickinson Ave,

(May be replaced/renamed when the 10th Street connector is complete)

East down Dickinson Ave to 10th Street,
East down 10th Street to NE Greenville Blvd,
East down Greenville Blvd to the Tar River,*
East along the Tar River to a point at Portertown Rd.*

* This was done to have the division be as equal as possible.

OPTION 3
PROPOSED TAXI ASSOCIATION ZONE RATE

ORDINANCE NO. 11-

AN ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO TAXICAB FARES

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

Section 1. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

Zone 1 - \$6.00 for the destinations identified in Exhibit A in Zone 1
Zone 2 - \$7.00 for the destinations identified in Exhibit B in Zone 2
Zone 3 - \$8.00 for the destinations identified in Exhibit C in Zone 3
Zone 4 - \$9.00 for the destinations identified in Exhibit D in Zone 4
Zone 5 - \$10.00 for the destinations identified in Exhibit E in Zone 5
Zone 6 - \$11.00 for the destinations identified in Exhibit F in Zone 6

The table of fares for the zones is attached as Exhibit G.

The additional charges are attached as Exhibit H.

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

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

Section 4. This ordinance shall become effective on the 1st day of January, 2012.

This the 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Exhibit A – Zone 1 destinations

Greenfield Heights

Cherry View

Woodlawn Park

Downtown Area

Town Common Area

Riverdale

Lincoln Park

Village Grove

Higgs Street

Chatam Circle

Johnston Heights

College View

Rock Springs Rd

CM Eppes Middle School

Kearney Park

Hopkins Park

Off Memorial Dr

Exhibit B – Zone 2 destinations

**Sheraton Place
Drexelbrook
EB Aycock School
Trinity Christian School
Jaycee Park
Speight
Arlington Village
Williamsburg Manor
Fairlane Farms
Singletree Arms
Cambridge
Country Club Drive
Summerfield Gardens
(end of Peed & McLawhorn Drive)
Executive Park
East Meadowbrook
Dellwood
Target
Doctor's Park Offices
Barrett Place
Meridian Park
Lynndale Shoppes
The Plaza
Sedgefield
Hospital
Wal-Mart**

Exhibit C – Zone 3 destinations

**Upton Court
Oakmont Plaza
Paramore
WNCT TV Station
Back of Westhaven
Airport
Greenfield Terrace
River Park North
Belvoir Trailer Park & Store
Jolly's Pawn Shop
Back of Lynndale
Cape Pointe Townhomes
Arlington Square
Brook Valley
Tuckahoe
Social Security Office
Hyde Park
United Industrial Park
Pitt Community College
Back of Tucker Estates**

Exhibit D – Zone 4 destinations

Agri-Supply
Park West Apartments
Med Center One
South Hall
Planters Walk
Colonial Trailer Park
The Kash & Carry (HWY 33)
Green Pointe
Forbes Woods
Teakwood
Radio Station Rd
DSM
The Landing
University Manor Apartments

Exhibit E – Zone 5 destinations

Eastbend Trailer Park
Camelot
River Hills
Azalea Gardens
Bells Fork
Cherry Oaks
Hungate Community Park
Evans Mobile Home Park
Scotchman (HWY 33)
Hard Times
Frog Level
Smith Trailer Park
Fairgrounds
Jackson Trailer Park
North Campus Crossing
Oakgrove
The Bellamy
Sams Club

Exhibit F – Zone 6 destinations

Beaches Trailer Park
Back of Cherry Oaks
Rolling Meadows
Rock Springs (Hwy 43)
Bradford Creek

Exhibit G – Table of fares for zones



ZONE TO ZONE	FARE
Zone 2 to Zone 1.....	\$7.00
Zone 2 to Zone 2.....	\$9.00
Zone 2 to Zone 3.....	\$10.00
Zone 2 to Zone 4.....	\$11.00
Zone 2 to Zone 5.....	\$12.00
Zone 2 to Zone 6.....	\$13.00
<hr/>	
Zone 3 to Zone 1.....	\$8.00
Zone 3 to Zone 2.....	\$10.00
Zone 3 to Zone 3.....	\$12.00
Zone 3 to Zone 4.....	\$14.00
Zone 3 to Zone 5.....	\$16.00
Zone 3 to Zone 6.....	\$17.00
<hr/>	
Zone 4 to Zone 1.....	\$9.00
Zone 4 to Zone 2.....	\$11.00
Zone 4 to Zone 3.....	\$14.00
Zone 4 to Zone 4.....	\$15.00
Zone 4 to Zone 5.....	\$17.00
Zone 4 to Zone 6.....	\$18.00
<hr/>	
Zone 5 to Zone 1.....	\$10.00
Zone 5 to Zone 2.....	\$12.00
Zone 5 to Zone 3.....	\$16.00
Zone 5 to Zone 4.....	\$17.00
Zone 5 to Zone 5.....	\$18.00
Zone 5 to Zone 6.....	\$19.00
<hr/>	
Zone 6 to Zone 1.....	\$11.00
Zone 6 to Zone 2.....	\$13.00
Zone 6 to Zone 3.....	\$17.00
Zone 6 to Zone 4.....	\$18.00
Zone 6 to Zone 5.....	\$19.00
Zone 6 to Zone 6.....	\$20.00

Exhibit H – Additional charges



MISCELLANEOUS SERVICES	CHARGE
Waiting time per hour	\$30.00
Rate for out of town trips per mile.....	\$2.00
Trunks & Suitcases (each).....	\$ 2.00
Passengers (each passenger over 1).....	\$2.00
A stop directly on the way to a destination.....	\$ 2.00
Get money in advance	
Children under 12 years old or 100 lb.	FREE

**OPTION 2 - - SECTION 11-1-120
PROPOSED STAFF ZONE RATE**

Sec. 11-1-120. Schedule of fares.

(A) **Adopted; zone map; rates.** Under the provisions of the General Statutes of North Carolina, Section 160A-304 and section 11-1-119 of this Code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

- (1) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on a map entitled "Taxi Fare Service Zones". The map shall periodically be revised to reflect expansion of the city's corporate limits. Said map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.
- (2) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the Manual of Fees for the City of Greenville.

(B) **Additional rates.** Additional rates may be in effect in certain situations. These additional rates are described and set forth in the Manual of Fees for the city.

(C) **Franchise holders.** Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

NOTE: Option 1 - - Section 11-1-120 is contained in the proposed ordinance

**OPTION 3 - - - SECTION 11-1-120
PROPOSED TAXI ASSOCIATION ZONE RATE**

Sec. 11-1-120. Schedule of fares.

(A) **Adopted; zone map; rates.** Under the provisions of the General Statutes of North Carolina, Section 160A-304 and section 11-1-119 of this Code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

- (1) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on exhibits listing destinations for each zone. The exhibit shall periodically be revised to reflect expansion of the city's corporate limits. Said exhibits and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.
- (2) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the Manual of Fees for the City of Greenville.

(B) **Additional rates.** Additional rates may be in effect in certain situations. These additional rates are described and set forth in the Manual of Fees for the city.

(C) **Franchise holders.** Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

Sec. 11-1-13. Certificate of public convenience and necessity; renewal.

(A) A certificate of public convenience and necessity shall constitute an authorization from the city for the operation of taxicabs or limousines within the city limits subject to the provisions of this article for three (3) years, unless a shorter period of time is specified in the certificate. Applications for renewals shall be filed either by the 10th day of January unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from February 1 – July 31 or by the 10th day of July unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from August 1 – January 31.

(B) The chief of police shall review in January and then again in July the conduct of the holder with regard to his compliance with the provisions of section 11-1-22. Thereafter, if the chief of police believes there are grounds for the revocation of the certificate, he shall forward his recommendations in writing, with supporting documentation and findings, to the city council for consideration and decision in accordance with this chapter.

(C) The city council has not established a maximum number of franchises or maximum number of taxicabs that may operate under each franchise. Each applicant for franchise has the burden of establishing the need for an additional franchise and the proposed number of taxicabs plans to operate, the financial ability to operate and comply with the requirements of this ordinance; and the specific skills or talents offers to enhance the professional image of a taxicab owner and operator. The city council reserves the right to establish a maximum number of franchises and a maximum number of taxicabs that may operate under each franchise including the establishment of procedures to implement the maximum authorized number, to grandfather existing businesses and select new franchise applicants to fill vacancies.

(D) A franchise issued under this article is not transferable. However, the assignment of a taxi certificate under a “family business” request to assign a certificate from one family member to another immediate family member may be considered. Application for a permit to transfer shall be filed in the same manner as an application for a franchise. The proceedings upon the application for a transfer shall be the same as those described for the issuance of a franchise.



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Second reading and final adoption of an ordinance granting an expansion of the taxicab franchise of Mahmoud Ahmad Atiyha, d/b/a Ace Cab

Explanation: Mahmoud Ahmad Atiyha, d/b/a Ace Cab, has made application to expand an existing taxicab franchise to allow for the operation of a total of four taxicabs. The existing franchise was initially approved on March 3, 2011 for one taxicab and was subsequently amended on June 9, 2011 for a total of four taxicabs, although only two were inspected for operation within the allotted time. The Financial Services, Community Development, and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. A public hearing on this request is scheduled for October 13, 2011, with advertising in The Daily Reflector on October 3, 2011 and October 10, 2011. Notification of the public hearing was mailed to all current vehicle for hire franchise owners.

Fiscal Note: There is no direct cost to the City.

Recommendation: Conduct a public hearing, then consider approval of the second reading and final adoption of the attached ordinance granting 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 Final reading 908582](#)

**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 franchise on March 3, 2011 to operate 1 taxicab within the City limits and was granted expansion of said franchise on June 9, 2011 so that he currently operates 2 taxicabs and now seeks authorization to increase the number of taxicabs operated within the City limits to 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:

Section 1. 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 4 taxicabs.

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

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

Section 4. This ordinance shall become effective immediately upon its adoption following its second reading.

First reading approved on the 10th day of October, 2011.

Second reading and final adoption on the 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

908582

Revised 3/30/2009

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, Session Laws 1945, and presents the following information:

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is: Mahmoud Atiyha, Ace Cab 3802 Sterling Point Dr Unit B4
3. The Applicant is:
 - A. An individual and sole owner of the taxicab business to be operated under the above name.
 - B. A corporation chartered under the laws of the State of North Carolina in the year _____, and the officers of the corporation are _____
 - C. A partnership, as shown by articles hereto attached, and the names of partners are: _____
4. The Applicant operates in the following cities: Greenville, NC
5. The Applicant is requesting franchise to operate 4 taxicabs. (2 additional) #2, approved 6/09/2011
6. In support of this application, the following Exhibits are attached. Exhibit 1 approved 03/03/2011
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.
 - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME <u>Atiyha</u>		FIRST NAME <u>Mahmoud</u>		MIDDLE NAME <u>Ahmad</u>	
ALIAS OR NICKNAME	SEX <u>M</u>	AGE <u>24</u>	WEIGHT <u>170</u>	HEIGHT <u>5'-8"</u>	ID NO.
ADDRESS <u>3802 Sterling Point Dr Unit B4</u>		HAIR <u>Black</u>	EYES <u>Brown</u>	COMPLEXION <u>Olive</u>	
OCCUPATION <u>Taxi Driver, Disbatcher</u>		DRIVERS LICENSE NO.		IDENTIFICATION NO.	
PLACE OF BIRTH <u>Jerusalem</u>		DATE OF BIRTH <u>08/22/1987</u>		SOCIAL SECURITY NO.	

Signature of Applicant Mahmoud Atiyha

Subscribed and sworn to before me this 1st day of Sept, 2011.

My Commission Expires: 07/02/2015
Carol & Barwick
 Notary Public

City of Greenville
CITY OF GREENVILLE OFFICIAL RECEIPT *

Batch ID: JLOPEZ 9/01/11 09 Receipt no: 390673

Description	Qty	Amount	Description	Tr	Sy
POLICE DEPARTMENT	F	\$30.00	TAXI LICENSE	INI	T3
CASH / CASH		01000005502015			
ACE CAB COMPANY		01000001010000			
LICENSE APPLICATION FEE					

Tender detail
CA CASH \$30.00
Total tendered: \$30.00
Total payment: \$30.00

Trans date: 9/01/11 Time: 12:52:36

Dear Mayor Pat Dunn and the City Council of Greenville,

My name is Mahmoud Atiyha and I'm currently looking to add two more taxi 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 to add more taxicabs to the business is to help the community to find a way of transportation to get to jobs, school, sporting events, evening outings, and many more reasons. I will be driving a 2000 Honda Van, two Ford Crown Victoria's and one Toyota Van. It has a maximum capacity of five people for the cars and ten for the vans. I will be storing these vehicles at 900 N Greene St. Greenville NC 27834. I am 23 years old and I am currently a student at Pitt Community College. I have the competency to manage 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 that I can successfully add vehicles to my business.

Greenville, NC is in need for more taxi services because Greenville is steadily Growing. Many residents in the area may not be fortunate enough to own a vehicle; therefore, they have no way of transportation. There are more college students enrolling at ECU and Pitt Community College every year and lots of students need to find reliable transportation as well as the local residents. The more transportation you have for a growing city, the more money it brings into the city, so it works hand to hand. The bus only takes residents to certain locations and only makes certain pickups, whereas a taxi cab can transport customers anywhere instead of just a specific place. That is why Greenville needs more taxi cab services. I do not own any property but pay rent for housing and have no outstanding loans.

Contact #: (252)758-0888

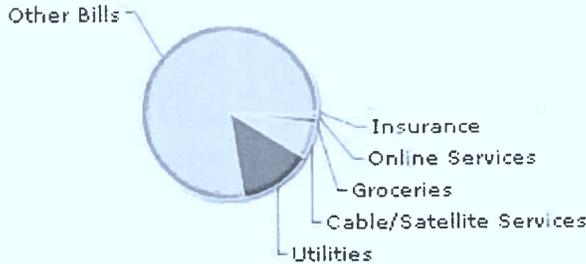
Email: Mikethemana@yahoo.com

My Portfolio Overview

[Print](#) | [Close Window](#)

Account Dashboard

Expense Analysis



Net Worth Summary

Account Type	Account Information	Balance
Banking Total Banking: \$ 12,631.16	Bank of America (All except WA & ID) - CampusEdge checking-: Edit Nickname Update Last updated 09/01/2011 11:48 AM EDT	\$ 1,529.97
	Bank of America (All except WA & ID) - Regular Savings- Edit Nickname Update Last updated 09/01/2011 11:48 AM EDT	\$ 11,130.37
		Total Assets: \$ 12,631.16
Account Type	Account Information	Balance
Credit Cards Total Credit Cards: \$ 198.75	Bank of America (All except WA & ID) - Credit Card - Bank of America Edit Nickname Update Last updated 09/01/2011 11:48 AM EDT	\$ 198.75
	Bank of America (All except WA & ID) - Credit Card - Business Card Edit Nickname Update Last updated 09/01/2011 11:48 AM EDT	\$ 0.00
		Total Liabilities: \$ 198.75
		Total Net Worth Summary: \$ 12,432.41

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

Item # 3

Status	Due Date	Bill	Minimum Payment	Amount Due
	09/08/2011	Bank of America (All except WA & ID) - Credit Card - Business Card Mark as Paid View Bill Update Last updated 09/01/2011 11:48 AM EDT	\$ 0.00	\$ 0.00
	09/17/2011	Bank of America (All except WA & ID) - Credit Card - Bank of America Mark as Paid View Bill Update Last updated 09/01/2011 11:48 AM EDT	\$ 15.00	\$ 1,412.87
Total Bills Due:			\$ 15.00	\$ 1,412.87

Rewards Summary

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

**OF NORTH CAROLINA
REGISTRATION CARD**

PLT VALID THRU 11/15/2011	INSPECTION DUE 10/31/2011
46	
TITLE # 77045410293052W	EQUIP #
STYLE VN	YEAR 2000
FUEL G	TOTAL FEE 78.00
VEHICLE BRAND	
R1 CUSTOMER ID # OWNER 2	COUNTY EDGE
TIYHA	

6-2639

ESTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC

6 POLICY NUMBER

SIGNATURE



2HKRL1868YH607646

**NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID**

MAHMOUD AHMAD ATIYHA
L'icense 50.00 VN
2000 HOND
2HKRL1868YH607646
147 10/20/2010 TIC1472

TOTAL 50.00 CASH

+

+ 25178345

NC DIVISION OF MOTOR VEHICLES
REGISTRATION CARD

2007 FORD
2FAHP71MX7X118035
77518112136147
147 08/03/2011 TIC1478
45
MAHMOUD AHMAD ATIYHA
L'icense 50.00
TOTAL 50.00 CASH

**STATE OF NORTH CAROLINA
REGISTRATION CARD**

VEHICLE ID # 7A8310	PLT VALID THRU 09/15/2012	INSPECTION DUE 08/31/2012	GROSS WT
MAKE/SERIES FORD	TITLE # 77518112136147	EQUIP # 77518112136147	VEHICLE BRAND
SHIPPING WEIGHT	STYLE 45	YEAR 2007	FUEL G
CLASSIFICATION TAXI/PASS VEH	VEHICLE BRAND		
CUSTOMER ID # OWNER 1 00038823897	CUSTOMER ID # OWNER 2	COUNTY PITT	

MAHMOUD AHMAD ATIYHA
3802 STERLING POINTE DR UNIT B4
WINTERVILLE NC 28590-8821

109 - INTEGON NATIONAL INS CO
INSURANCE COMPANY AUTHORIZED IN NC
NCC686855500
POLICY NUMBER
SIGNATURE



2FAHP71MX7X118035

36485336

+

TOTAL 50.00 CASH

+

+

STATE OF NORTH CAROLINA DMV

DRIVER LICENSE

MAHMOUD AHMAD ATIYHA
3802 STERLING POINTE DR
UNIT B4
WINTERVILLE NC 28590-8821

class: C endors: None
issued: 08-20-2010 expires: 08-20-2012
sex: M/ ht: 5-08 eyes: BRO hair: BLACK



No. 1421

TAXI DRIVERS PERMIT
GREENVILLE, N.C.

Issued 9/21/2010 Expires 9/21/2011

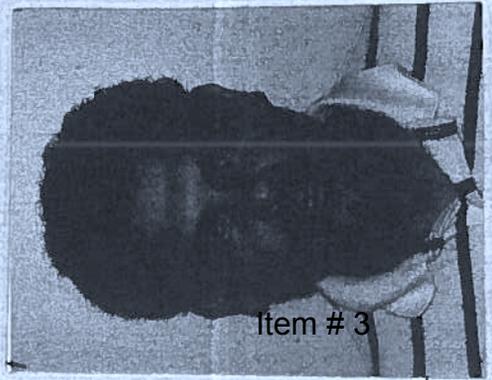
Name: Mahmoud Atiyha

N.C. Operators No. _____

Age 23 Sex M Color W

Residence 1500 Macon Pl., Tarboro NC

Company Name Red, White & Blue Cab



Item # 3

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 re-occupied 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.

SIGNATURE: _____



Item # 2

Item # 3

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

Renter's Insurance Addendum:

Hearthside 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 Hearthside 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. Consult your insurance agent as soon as possible.

DATE: 6-21-10 MA

Tenant: MAA 111 A22AA

Tenant: _____

Tenant: _____

Address: _____

Item # 2

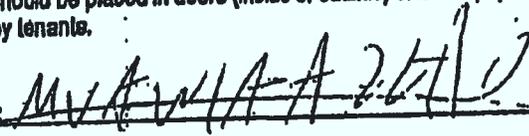
Item # 3

ADDITIONAL TERMS AND CONDITIONS

THE FOLLOWING TERMS AND CONDITIONS ARE AMENDMENTS 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 out off (example: electric out 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 Heartheide Rentals does not insure your personal belongings we strongly recommend that you obtain renter's insurance. Heartheide 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 alcohol, NO illegal 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 wallpaper border. No painting or wallpapering will be done by tenants.

SIGNATURE: _____



Item # 2

Item # 3

THE OTHER 30 DAYS WRITTEN NOTICE PRIOR TO THE LAST DAY OF THE THEN CURRENT PERIOD OF THE 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 July 01, 2010 (date). Thereafter, all rentals shall be paid in advance on or before the FIRST day of each subsequent 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.*

4. **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 tenancy 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 Security 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

have abandoned or vacated the Premises if Tenant removes substantially all of his possessions from the Premises.

(l) 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. **Smoke 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 tenancy; the 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 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 24 hours of written notification from the Landlord that the pet, in the Landlord's sole judgment, creates a nuisance or disturbance or is, in the Landlord's opinion, undesirable. If the pet is caused to be removed pursuant to this paragraph, the Landlord 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

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 Duties 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 Tenant's right 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 Premises 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 complaint 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 judgment 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 full, Tenant shall be liable to the Landlord 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 Remedies 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

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 Landlord 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 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

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 lease.

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 lease. This lease is executed in TWO (number) counterparts with an executed counterpart being retained by each party.

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 MUANZA ABBAM (SEAL)
MUANZA ABBAM

Date: 6/29/10

LANDLORD _____ (SEAL)
MCCLLES PROPERTIES

By: Stacey Strickland AGENT (SEAL)

Date: 6/29/10



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Ordinance requested by F. Durward Tyson Jr, P.E. of Rivers and Associates, Inc. to amend the Zoning Ordinance, Section 9-4-96 (F) Proximity to Streets

Explanation: **Background and Current Standards**
Prior to 1989, the Zoning Ordinance required that all portions of all buildings be located within 600 feet of a public street. Private streets were qualified for this purpose and the distance was reduced to 500 feet in January 1989.

The standard was again modified in 1994 following an application submitted by Michael Baldwin on behalf of Vanrack, Inc. This revision allowed developments with common access drives and parking areas of sufficient design, dimension and construction for use by City fire and rescue vehicles to have all buildings located within 750 feet of an approved public or private street.

The City's standards have remained unchanged since 1994 and currently read as follows:

(F) Proximity to streets.

(1) All portions of each building erected in accordance with this section shall be located within 500 feet of an approved public or private street, except as further provided under subsection (F)(2) below.

(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas of sufficient design, dimension and construction, for use by fire and rescue vehicles of the city shall be located within 750 feet of an approved public or private street. For purposes of this section, the term "use by fire and rescue vehicles" shall be construed as ingress and egress by continuous forward movement unless otherwise approved by the Chief of Fire Rescue.

Proposed Modifications

The current request proposes to increase the distance buildings can be from

public or private streets, as provided in subsection (F)(2) above, from 750 feet to 1,000 feet; to incorporate language and standards from State Fire Code related to access; and to clarify that the City retains the right to require the construction of public streets where such is desirable. These changes specifically include modifying subsection (F)(2) and creating a subsection (F)(3) as follows:

(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas meeting the requirements of the North Carolina State Fire Code for a fire apparatus access road shall be located within 1,000 feet of an approved public or private street. The fire apparatus access road shall extend to within 150 feet of all portions of the facility as approved by the Chief of Fire and Rescue.

(3) No portion of this subsection shall preclude the city from requiring the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and/or provide appropriate levels of access and linkages associated with the city's street network.

Staff Comments

The primary purpose of the proximity to streets standards is to ensure that emergency vehicles have appropriate access to structures requiring service. Since the standards were last revised in 1994, the City has adopted the North Carolina State Fire Code. Appendix D of this Code provides design standards for appropriate levels of access for emergency vehicles, thus addressing the needs for such vehicles.

A secondary purpose of the standards is to encourage the construction of streets through development tracts, thus supporting the development of an interconnected street network. While staff does not believe that increasing the permitted street / building separation from 750 feet to 1,000 feet will cause a negative impact to the desired street network in most instances, it is important to specify that the City may require the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and/or provide appropriate levels of access and linkages associated with the City's street network. The applicant has addressed this concern by including subsection (F)(3) as part of the proposed amendment.

The Fire-Rescue Department, Public Works Department, and Community Development Department have reviewed the proposed amendment and have determined that it will not cause adverse impacts to access for emergency services or the City's street network.

Fiscal Note: No fiscal impact to the City is anticipated.

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

The Planning and Zoning Commission recommend approval of the proposed ordinance amendment at their September 20, 2011 meeting.

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

If City Council determines to deny the amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the comprehensive plan and that the denial of the text amendment 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.

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

Attachments / click to download

- [Application](#)
- [Proximity to Streets Ordinance 907772](#)
- [PZ_EXCERPT_TEXT_AMENDMENT_SEPT_2011_907794](#)

ORDINANCE NO. 11-_____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on October 13, 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 amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article F, Section 9-4-96(F)(2), of the City Code, is hereby amended by deleting said subsection in its entirety and substituting new subsections (F)(2) and (F)(3) to read as follows:

- (2) *All portions of each building located within any development which has exclusive and/or common property access drives and parking areas meeting the requirements of the North Carolina State Fire Code for a fire apparatus access road shall be located within 1,000 feet of an approved public or private street. The fire apparatus access road shall extend to within 150 feet of all portions of the facility as approved by the Chief of Fire and Rescue.*
- (3) *No portion of this subsection shall preclude the city from requiring the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and/or provide appropriate levels of access and linkages associated with the city's street network.*

Section 2. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

Adopted this 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (9/20/2011)

**REQUEST BY F. DURWARD TYSON, JR., P.E. OF RIVERS AND ASSOCIATES, INC.
TO MODIFY SECTION 9-4-96 (F) PROXIMITY TO STREETS - APPROVED**

Request by F. Durward Tyson Jr, P.E. of Rivers and Associates, Inc. to modify Section 9-4-96 (F) Proximity to Streets.

Mr. Chris Padgett, Chief Planner, presented the item and its background to the Commission. Prior to 1989, the Zoning Ordinance required that all portions of all buildings be located within 600 feet of a public street. Private streets were qualified for this purpose and the distance was reduced to 500 feet in January, 1989. The standard was again modified in 1994 following an application submitted by Michael Baldwin on behalf of Vanrack, Inc. This revision allowed developments with common access drives and parking areas of sufficient design, dimension and construction for use by city fire and rescue vehicles to have all buildings located within 750 feet of an approved public or private street. The city's standards have remained unchanged since 1994 and currently read as follows:

(F) Proximity to streets.

(1) All portions of each building erected in accordance with this section shall be located within 500 feet of an approved public or private street, except as further provided under subsection (F)(2).

(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas of sufficient design, dimension and construction, for use by fire and rescue vehicles of the city shall be located within 750 feet of an approved public or private street. For purposes of this section, the term "use by fire and rescue vehicles" shall be construed as ingress and egress by continuous forward movement unless otherwise approved by the Chief of Fire Rescue.

Mr. Padgett presented the proposed modifications which would increase the distance buildings can be from public or private streets, as provided in subsection (F)(2) from 750 feet to 1,000 feet; incorporate language and standards from State Fire Code related to access; and clarify that the city retains the right to require the construction of public streets where such is desirable. These changes specifically include modifying subsection (F)(2) and creating a subsection (F)(3) as follows:

(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas meeting the requirements of the North Carolina State Fire Code for a fire apparatus access road shall be located within 1,000 feet of an approved public or private street. The fire apparatus access road shall extend to within 150 feet of all portions of the facility as approved by the Chief of Fire and Rescue.

This section of the proposed amendment references the State Fire Code as the guiding reference, it provides specific language from the Fire Code and it makes the substantive change of going from 750 ft. to 1000 ft. Staff wanted it to be clear that when the context of development was

such that you had public streets stubbing out to the property then you may be required to extend that street through the property; for that reason, the applicant also proposed another section that states:

(3) No portion of this subsection shall preclude the city from requiring the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and/or provide appropriate levels of access and linkages associated with the city's street network.

Mr. Padgett presented an example to the Commission.

Mr. Gordon, using the example presented, asked if all the buildings would need to be within a 1000 ft. of that.

Mr. Padgett answered that if the development site were another 250 ft. deeper, then in order for that street to stay where it is and for the overall design to be okay, it would have to be changed from 750 ft. to 1000 ft.

Mr. Bell asked if the request that was being made would only apply to the example presented.

Mr. Padgett answered that the request would be applicable to anyone that wanted to develop in the future in this manner.

Mr. Smith asked if the City was okay with this proposal.

Mr. Padgett answered that the City was okay. The primary issue was with interconnectivity and with the language that the applicant has provided in subsection 3, staff feels comfortable with the proposed amendments.

Mr. Randall said that the parking lots are required to give adequate access for emergency vehicles, so technically it could be extended to 1000, 1200, 2000 ft.

Mr. Padgett said that the concern is that at some point you will be creating a great deal of volume of traffic driving through double-stacked parking lots.

Mr. Parker noted that Fire-Rescue said that 1000 ft. is fine.

Mr. Padgett said that the departments that reviewed the proposed text amendment said that 1000 ft. worked and staff did not propose any other increments.

Mr. Dirk Tyson addressed the example provided and said that it was only one of the instances where the 750 ft. has applied; it occurs frequently in developments in Greenville. With the adoption of the current Fire Code and Appendix D, which sets standards for fire apparatus roads, he believes that separation to a public or a private street is no longer necessary. He had initially wanted to request that the City remove that, but after meeting with City staff he was able to come up with hypothetical situations where some limitations might be necessary; he also added the last subsection so that it could not be construed to avoid extension of public streets to interconnect to

adjacent properties.

No one spoke in opposition of the request.

Motion was made by Mr. Gordon, seconded by Mr. Parker, 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 passed unanimously.

September 6, 2011

Mr. Christopher N. Padgett, AICP
Community Development Department
City of Greenville
PO Box 7207
Greenville, NC 27835

Subject: Greenville City Code
Section 9-4-96 (f) Proximity to streets

Dear Mr. Padgett,

North Carolina State Fire Code (Section 503.1.1) requires "the fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility ..." The dimensional standards for Fire Apparatus Access Road contained in Appendix D have been adopted by the City of Greenville.

Since the current Fire Code requirements ensure adequate access for fire and rescue vehicles, I respectfully request that the City of Greenville modify Section 9-4-96 Item (f) as follows:

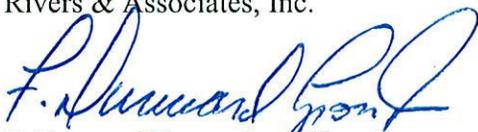
(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas *meeting the requirements the North Carolina State Fire Code for a fire apparatus access road of sufficient design, dimension and construction, for use by fire and rescue vehicles of the city* shall be located within one thousand (1,000) seven hundred fifty (750) feet of an approved public or private street. *The fire apparatus access road shall extend to within 150 feet of all portions of the facility as approved by the chief of fire and rescue.* For purposes of this section the term "use by fire and rescue vehicles" shall be construed as ingress and egress by continuous forward movement unless otherwise approved by the chief of fire and rescue.

(3) *No portion of this subsection shall preclude the city from requiring the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and / or provide appropriate levels of access and linkages associated with the city's street network.*

This revision will allow more flexibility and efficiency in the design of new developments and reduce construction and maintenance costs from unnecessary street construction.

Thank you for your consideration and assistance.

With best regards,
Rivers & Associates, Inc.



F. Durward Tyson, Jr., P.E.
Project Manager



Date Received September 7, 2011

CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) F. Durward Tyson, Jr., P.E.

Mailing Address Rivers & Associates, Inc.

107 East Second Street

Greenville, NC 27858

Contact Phone Number (252) 752-4135

Contact Fax Number (252) 752-3974

Zoning Ordinance Section Proposed to be Amended: 9-4-96(f) Proximity to streets.

Reason for Request: See attached letter

Proposed Language of Text Amendment (attach additional pages if needed):

See attached letter

F. Durward Tyson, Jr., P.E.

Print Name

Signature of Applicant

9-7-11

Date



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Ordinance to annex Foss Commercial Park, Lot 2, involving 1.145 acres located on the southern right-of-way of US 264 Alternate approximately 540 feet west of its intersection with Frog Level Road (NCSR 1127) adjacent to City of Greenville property (GUC substation)

Explanation: ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: October 3, 2011
2. City Council public hearing date: October 13, 2011
3. Effective date: December 31, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: Non-Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 1.145
4. Voting District: 2
5. Township: Arthur
6. Vision Area: E
7. Zoning: CH, Heavy Commercial
8. Land Use: Existing: Vacant
Anticipated: Recycling Center

9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	-----	0
Current Minority	-----	0
Estimated Minority at full development	-----	0
Current White	-----	0
Estimated White at full development	-----	0

10. Rural Fire Tax District: Red Oak

11. Greenville Fire District: Station #5 (Distance of 2.27 miles)

12. Present Tax Value: \$25,900
 Estimated Future Tax Value: \$1,218,220

Fiscal Note: The total estimated tax value at full development is \$1,218,220.

Recommendation: Approve the attached ordinance to annex Foss Commercial Park, Lot 2.

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

Attachments / click to download

- [Foss Commercial Park, Lot 2](#)
- [Foss Commercial Park Lot 2 Annexation Ordinance 907735](#)

ORDINANCE NO. 11-_____
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 3

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1, 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 13th day of October, 2011 after due notice by publication in The Daily Reflector on the 3rd day of October, 2011; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Greenville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Greenville.
- c. The area described is so situated that the City of Greenville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Greenville; and

WHEREAS, the City Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and meets all other requirements of G.S. 160A-58.1, as amended; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Greenville and of the area proposed for annexation will be best served by annexing the area described herein;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Greenville:

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

Commercial Park, Lot 2" prepared by Baldwin and Associates, containing 1.145 acres.

LOCATION: Lying and being situated in Arthur Township, Pitt County, North Carolina and located on the southern right-of-way of US 264 Alternate approximately 540 feet west of its intersection with Frog Level Road (NCSR 1127) adjacent to City of Greenville property (GUC substation). This is a non-contiguous annexation involving 1.145 acres.

GENERAL DESCRIPTION:

Beginning at an iron pipe on the eastern right-of-way of US Hwy 264 Alt., said iron pipe being the northeastern corner of the City of Greenville (Greenville Utilities Commission) Property as described in Deed Book T-51, Page 340 of the Pitt County Register of Deeds, said iron pipe also being located S 33°27'07" E 50.00' from a P.K. Nail located in the centerline of US Hwy 264 Alt. said P.K. Nail being located S 56°32'02" W 725.35' as measured along the centerline of US Hwy 264 Alt. from a P.K. Nail located at the centerline intersection of US Hwy 264 Alt. and NCSR 1127 (Frog Level Road). From the above described beginning, so located, running thence as follows.

With the eastern right-of-way of US Hwy 264 Alt. N 56°32'53" E 187.47' to an iron pipe, thence leaving the eastern right-of-way of US Hwy 264 Alt., S 33°27'07" E 265.94' to an iron pipe, thence S 56°32'53" W 187.47' to an existing iron pipe, thence N 33°27'07" W 265.94' to the point of beginning containing 1.145 acres.

Section 2. The 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 two. 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 two.

Section 3. 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 parts of 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 31st day of December, 2011.

ADOPTED this 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

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

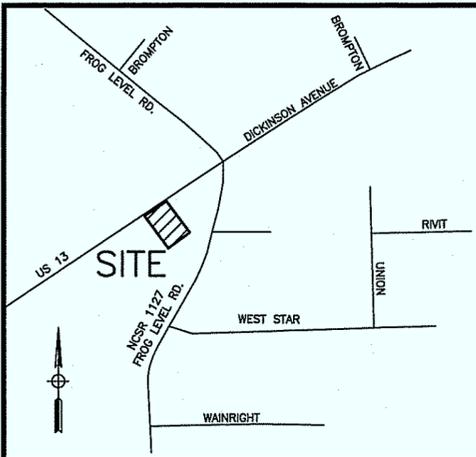
WITNESS my hand and official seal, this the 13th day of October, 2011.

Attachment number 1
Page 3 of 3

_____, Notary Public

My Commission Expires:

Doc # 907735



VICINITY MAP

LEGEND

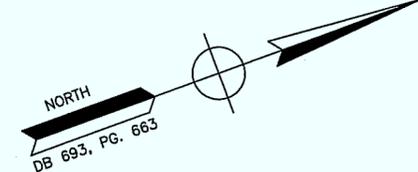
- R/W= RIGHT-OF-WAY
- CH= CHORD
- R = RADIUS
- EIP= EXISTING IRON PIPE
- EPKN= EXISTING PARKER KALON NAIL
- PC= POINT OF CURVATURE
- PT= POINT OF TANGENCY

CITY OF GREENVILLE
(GREENVILLE UTILITIES COMMISSION)
DB T-51, PG 340

FOSS ENTERPRISES, INC.
DB 962, PG 639

ANNE W. MEEKS
MB K-54, PG 414
DB 2441, PG 274

ANNE W. MEEKS
MB K-54, PG 414
DB 2441, PG 274

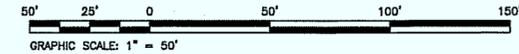


NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY, UNLESS OTHERWISE NOTED.
2. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
3. REFERENCE: DEED BOOK 1789, PAGE 711 OF THE PITT COUNTY REGISTRY.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, NO GRID FACTORS HAVE BEEN APPLIED.

NCGS MONUMENT
"NURSERY"
X-2,459,154.0392
Y-864,271.4792
NAD 1983

NCGS MONUMENT
"LAYTON"
X-2,484,073.7002
Y-867,555.9477
NAD 1983



LEGEND

- NEW CITY LIMIT LINE =
- OLD CITY LIMIT LINE =
- CITY LIMITS =

CERTIFICATION

I, MICHAEL WEST BALDWIN CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY DALE FOGHT THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000 THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 1st DAY OF SEPTEMBER, 2011.

SIGNED _____
REGISTRATION NO. L-3082



NORTH CAROLINA, PITT COUNTY
THE FOREGOING CERTIFICATE OF MICHAEL W. BALDWIN IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS DAY OF _____ AT _____ O'CLOCK _____ M. _____ REGISTER OF DEEDS.
BY _____ DEPUTY REGISTER OF DEEDS

PARCEL# 57187 TAX MAP# 4666.00-26-3075

FOSS COMMERCIAL PARK, LOT 2
OWNER: FOSS ENTERPRISES, INC.
7037 US HWY 70 W
LAGRANGE, NC 28551
(866) 534-5865

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C
(EFFECTIVE DATE _____ RESOLUTION # _____ AREA 1.145 AC.)
_____ ARTHUR _____ TOWNSHIP, PITT COUNTY, N.C.

Baldwin Design Consultants, PA
ENGINEERING - LAND PLANNING - SURVEYING
708-D CROMWELL DRIVE
GREENVILLE, NC 27858 252.756.1390

SURVEYED: DF	APPROVED: MWB
DRAWN: JJB	DATE: 09/01/11
CHECKED: MWB	SCALE: 1" = 50'



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Ordinance to annex Upton Tract, Phase 1-Revised involving 0.52 acres located on the cul-de-sac of Wyngate Drive east of Wyngate, Phase 2, Section 2 and approximately 500 feet north of MacGregor Downs Road

Explanation: ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: October 3, 2011
2. City Council public hearing date: October 13, 2011
3. Effective date: December 31, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 0.52
4. Voting District: 1
5. Township: Arthur
6. Vision Area: F
7. Zoning: MS, Medical Support
8. Land Use: Existing: Vacant
Anticipated: Parking Lot (37 spaces)

9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	-----	0
Current Minority	-----	0
Estimated Minority at full development	-----	0
Current White	-----	0
Estimated White at full development	-----	0

10. Rural Fire Tax District: Red Oak

11. Greenville Fire District: Station #2 (Distance of 1.91 miles)

12. Present Tax Value: \$0
 Estimated Future Tax Value: \$26,275

Fiscal Note: The total estimated tax value at full development is \$26,275.

Recommendation: Approve the attached ordinance to annex Upton Tract, Phase 1-Revised.

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

Attachments / click to download

- [Upton Tract, Phase 1-Revised Annexation Map](#)
- [Upton Tract Phase 1 Revised Annexation Ordinance_907739](#)

ORDINANCE NO. 11-_____
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 13th day of October, 2011, after due notice by publication in The Daily Reflector on the 3rd day of October, 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:

Section 1. 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 "Upton Tract, Phase 1 - Revised" involving 0.52 acres as prepared by Rivers & Associates, Inc.

Location: Lying and being situated in Arthur Township, Pitt County, North Carolina, located on the cul-de-sac of Wyngate Drive east of Wyngate Phase 2, Section 2 and approximately 500 feet north of MacGregor Downs Road. This annexation involves 0.52 acres.

GENERAL DESCRIPTION:

All that certain tract or parcel of land lying and being situated in Arthur Township, Pitt County, North Carolina bounded on the north and east by Pitt County Memorial Hospital, Inc. property, on the south by Wyngate Drive and GPH Greenville, LLC property, and on the west by Wyngate Phase 2, Section 2 and being more particularly described as follows:

BEGINNING at a point in the northern right-of-way line of Wyngate Drive said point being the southeast corner of Lot 26, Wyngate Subdivision, Phase 2, Section 2 recorded in Map Book 58, page 128, thence with the northern right-of-way line of Wyngate Drive S 78°10'39" E 25.00 feet to a point in said right-of-way the TRUE POINT OF BEGINNING, thence with the eastern line of Wyngate Subdivision as heretofore referenced N 11°49'21" E 177.94 feet to a point, a new corner, thence leaving Wyngate Subdivision with a new line N 89°59'47" E 151.92 feet to a point, a new corner thence with a new line S 04°13'49" W 149.81 feet to a point in the northern

line of the GPH Greenville, LLC property recorded in Deed Book 2661, page 712 and further shown on a map entitled Revised Final Plat UPTON TRACT PHASE I, recorded in Map Book 69, page 46, a new corner, thence with the northern line of the GPH Greenville, LLC property S 77°53'11" W 61.04 feet to a point on a curve, thence with said curve in a counter-clockwise direction said curve having a radius of 50.00 feet, a chord bearing of N 89°16'02" W and a chord distance of 99.65 feet to a point of reverse curve, thence with said reverse curve in a clockwise direction along an arc having a radius of 15.00 feet, a chord bearing of S 53°40'37" W and a chord distance of 22.35 feet to the TRUE POINT OF BEGINNING containing 0.52 acres more or less and being a portion of the Pitt County Memorial Hospital, Inc. property described in Deed Book 1799, page 509 and further shown on a map prepared by Rivers and Associates, Inc, entitled Annexation Map, UPTON TRACT, PHASE 1 – REVISED, dated May 18, 2011 being Rivers Drawing number Z-2362-R1 which by reference is made a part hereof.

Attachment 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.

Section 3. 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 31st day of December, 2011.

ADOPTED this 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal, this the 13th day of October, 2011.

_____, Notary Public

My Commission Expires:

#907739

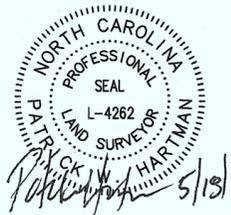
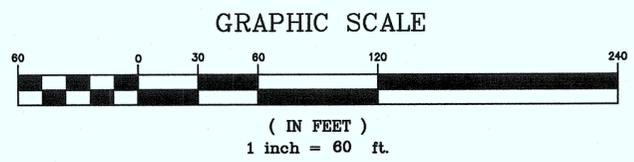


Location Map
SCALE: 1" = 1000'

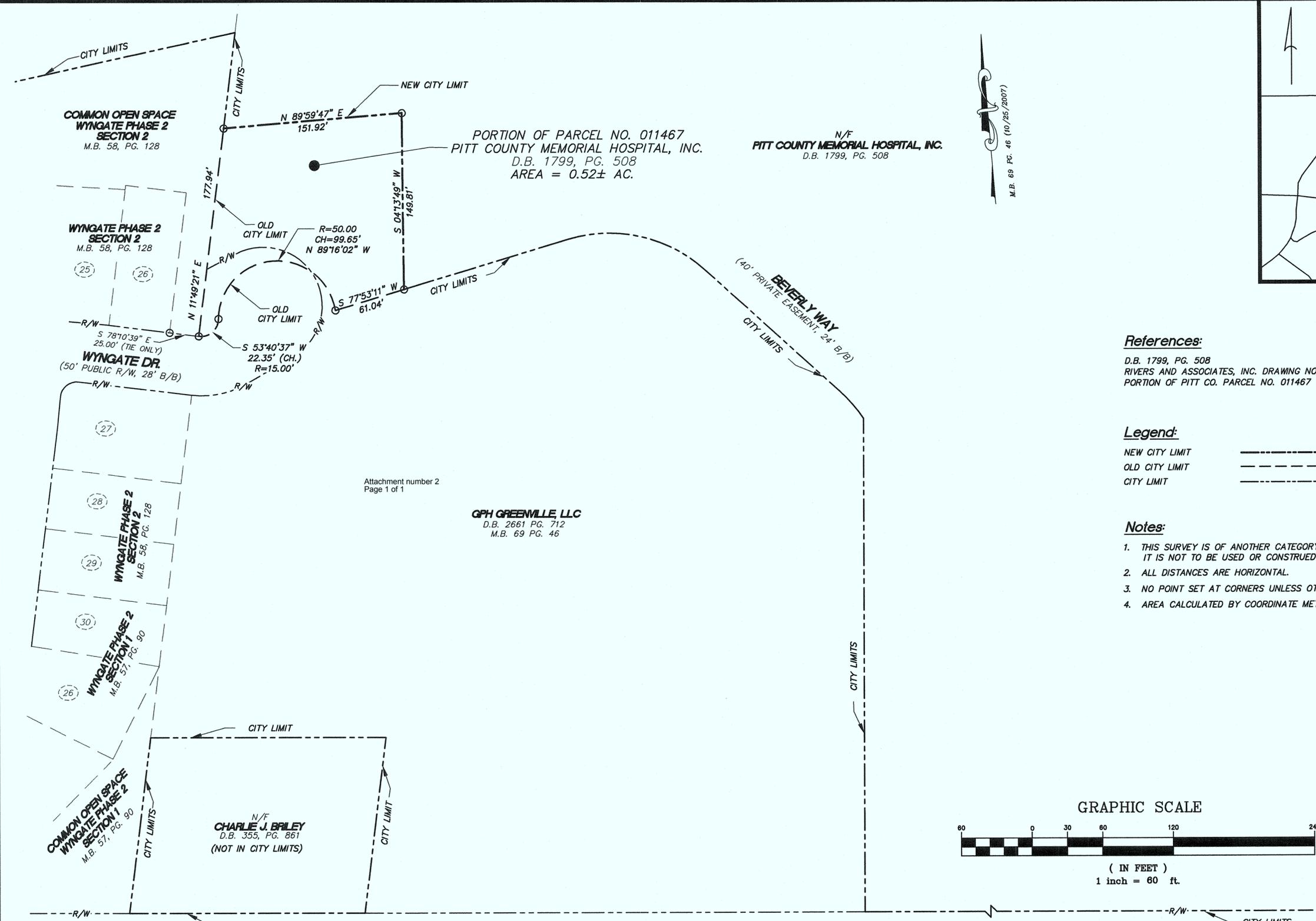
References:
D.B. 1799, PG. 508
RIVERS AND ASSOCIATES, INC. DRAWING NO. Z-2185
PORTION OF PITT CO. PARCEL NO. 011467

Legend:
NEW CITY LIMIT -----
OLD CITY LIMIT - - - - -
CITY LIMIT _____

- Notes:**
1. THIS SURVEY IS OF ANOTHER CATEGORY; FOR THE PURPOSE OF ANNEXATION ONLY. IT IS NOT TO BE USED OR CONSTRUED AS A SUBDIVISION OF THE PARENT PARCEL.
 2. ALL DISTANCES ARE HORIZONTAL.
 3. NO POINT SET AT CORNERS UNLESS OTHERWISE NOTED.
 4. AREA CALCULATED BY COORDINATE METHOD.



CERTIFICATION
NORTH CAROLINA PITT COUNTY
I, PATRICK W. HARTMAN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM INFORMATION REFERENCED HEREON AND/OR CALCULATED FROM THE SAME; THAT THE RATIO OF PRECISION IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1)(d), THAT THIS SURVEY IS OF ANOTHER CATEGORY (ANNEXATION MAP), AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 18th DAY OF MAY, 2011.
SIGNED: *Patrick W. Hartman*
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4262



GPH GREENVILLE, LLC
D.B. 2661 PG. 712
M.B. 69 PG. 46

Attachment number 2
Page 1 of 1

ANNEXATION MAP
UPTON TRACT
PHASE I - REVISED
CITY OF GREENVILLE, ARTHUR TWP., PITT CO., NORTH CAROLINA

OWNER **PITT COUNTY MEMORIAL HOSPITAL, INC.**
ADDRESS 2100 STANTONSBURG ROAD, GREENVILLE, NC 27858
PHONE (252) 847-6843

MAP NO.	PLATS RECORDED	BOOK	PAGE
	UPTON TRACT PHASE 1	65	192
	WYNGATE PHASE 2, SECT. 1	57	90
	WYNGATE PHASE 2, SECT. 2	58	128

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
EFFECTIVE DATE _____ ORDINANCE NO. _____ AREA **0.52± ACRES**
ARTHUR TOWNSHIP, PITT COUNTY, N.C.

Rivers & Associates, Inc.
Engineers, Planners, Surveyors
107 East Second Street
Greenville, NC 27858
(252) 752-4135

SURVEYED BY **JEW**
DRAWN BY **PWH**
CHECKED BY **PWH**

APPROVED BY **FDT**
DATE **5/18/11**
SCALE **1" = 60'**



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Resolution to close a portion of West Gum Road

Explanation: Attached for consideration is a resolution to close a portion of West Gum Road, being a ten (10) foot strip running along the northern right-of-way of West Gum Road from Julie Street to the Seaboard Coastline Railroad. The attached map identifies the segment of right-of-way that the City has received a request to close. City Council adopted a Resolution of Intent to close this street segment during their September 8, 2011 meeting and also set the October 13, 2011 City Council meeting as the date for the public hearing on the request.

In accordance with State Statute, the Resolution of Intent was advertised in The Daily Reflector on four consecutive Mondays (September 19, September 26, October 3, and October 10, 2011). Signs displaying the notice of a public hearing, the adopted Resolution of Intent, and a site map were posted on September 14, 2011 at two prominent locations on the street section to be closed. The resolution was also delivered by certified mail to adjoining property owners as listed on the Pitt County tax records.

Perdue Agribusiness removed and replaced a silo on their property adjacent to West Gum Road. The silo that was removed was considered an existing non-compliant structure per the zoning ordinance. Construction of the replacement silo was started without the owner first obtaining a building permit. This was discovered by the Building Inspections Division, which then issued a stop work order. The owner then applied for a building permit, which also includes an analysis of the request to determine if the project is in compliance with City zoning ordinances. Staff determined that the project was not in compliance with the zoning ordinance because the replacement silo, even though on the same foundation as the removed structure, does not comply with City front yard setback requirements. One of several options is to reduce the width of the street's right-of-way. The reduction in width of the right-of-way will make the silo compliant with the zoning ordinance.

Perdue Agribusiness and the Fred Webb Estate, the property owner along the

southern right-of-way of West Gum Road, have agreed to dedicate to the City a right-of-way for the relocation of the section of Melody Lane that is north of Airport Road. This section of Melody Lane is a graveled access that is east of the Fred Webb property and is located within the railroad right-of-way. The future location of this section of Melody Lane, when constructed, will be on the west side of the Fred Webb property. The dedication of this new right-of-way is made a condition of the street closing. The City will be responsible for the construction of the new section of Melody Lane.

City and Greenville Utilities Commission staffs have reviewed the proposed closing, and no objections or adverse comments were received.

Fiscal Note:

Budgeted funds for the maintenance of this street section will no longer be required upon adoption of a Resolution to Close by City Council.

Recommendation:

Conduct a public hearing and approve the attached resolution to close a portion of West Gum Road, that portion being a ten (10) foot strip running along the northern right-of-way of West Gum Road from Julie Street to the Seaboard Coastline Railroad.

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

Attachments / click to download

[West Gum Rd Street Closing](#)

[Resolution and Order to Close a portion of West Gum Road. 908441](#)

**STATE OF NORTH CAROLINA
COUNTY OF PITT**

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

**STREET CLOSING RESOLUTION PORTION OF
WEST GUM ROAD**

**RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA
TO CLOSE A PORTION OF WEST GUM ROAD**

WHEREAS, the City Council of the City of Greenville, at its September 8th, 2011 meeting, adopted a resolution declaring its intent to close a portion of West Gum Road and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 13th day of October, 2011, on the question of the closing a portion of said streets; and

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

WHEREAS, a hearing was conducted on the 13th day of October, 2011, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

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

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

- To Wit: Being the 10 foot wide strip of right of way on the northern side of West Gum Road adjoining Parcel No. 24129 as shown on plat entitled, "Street Closing Map for a Portion of West Gum Road", prepared by Stroud Engineering, PA, dated April 18, 2011 designated as project number LS718~001 drawing no. 001.
- Location: Lying and being in the City of Greenville, Greenville Township, Pitt County, North Carolina, lying north of NCSR 1441 Airport Road and west of NCSR 1531 N. Greene Street and being more particularly described as follows:
- Description: Beginning at NGS Monument "Guard" with published coordinates of (N) 689705.6645, (E) 2481899.1110, NAD 83 (2001); thence from "Guard" S75-16-58E – 1586.35' to an existing iron pipe found on the northeast right of way intersection of Jule Street and West Gum Road, the true point of beginning. Thence from the true point of beginning, leaving the eastern right of way of Julie Street and following the northern existing 60' right of way of West Gum Road S47-51-21E – 280.62' to an existing iron pipe on the western right of way of Seaboard Coastline Railroad, thence in line with the railroad right of way S15-10-26W – 11.22' to a point, thence N47-51-21W – 263.35' to a point of curvature, thence with a curve to the right, having a radius of 30.00' and a chord of N23-45-40W – 24.49' to the point of beginning, containing 0.0634 acre.

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

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

1. The recordation of a final plat in accordance with the Subdivision Regulations for Greenville, North Carolina, to dedicate a new right of way of Melody Lane over and upon tax parcel numbers 37945 and 12826.

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

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

ADOPTED this the 13th day of October, 2011.

Patricia C. Dunn

ATTEST:

Carol L. Barwick, City Clerk

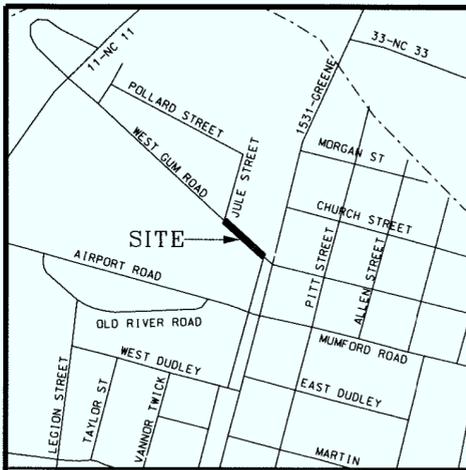
NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public, do hereby certify that Carol L. Barwick, City Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this 13th day of October, 2011.

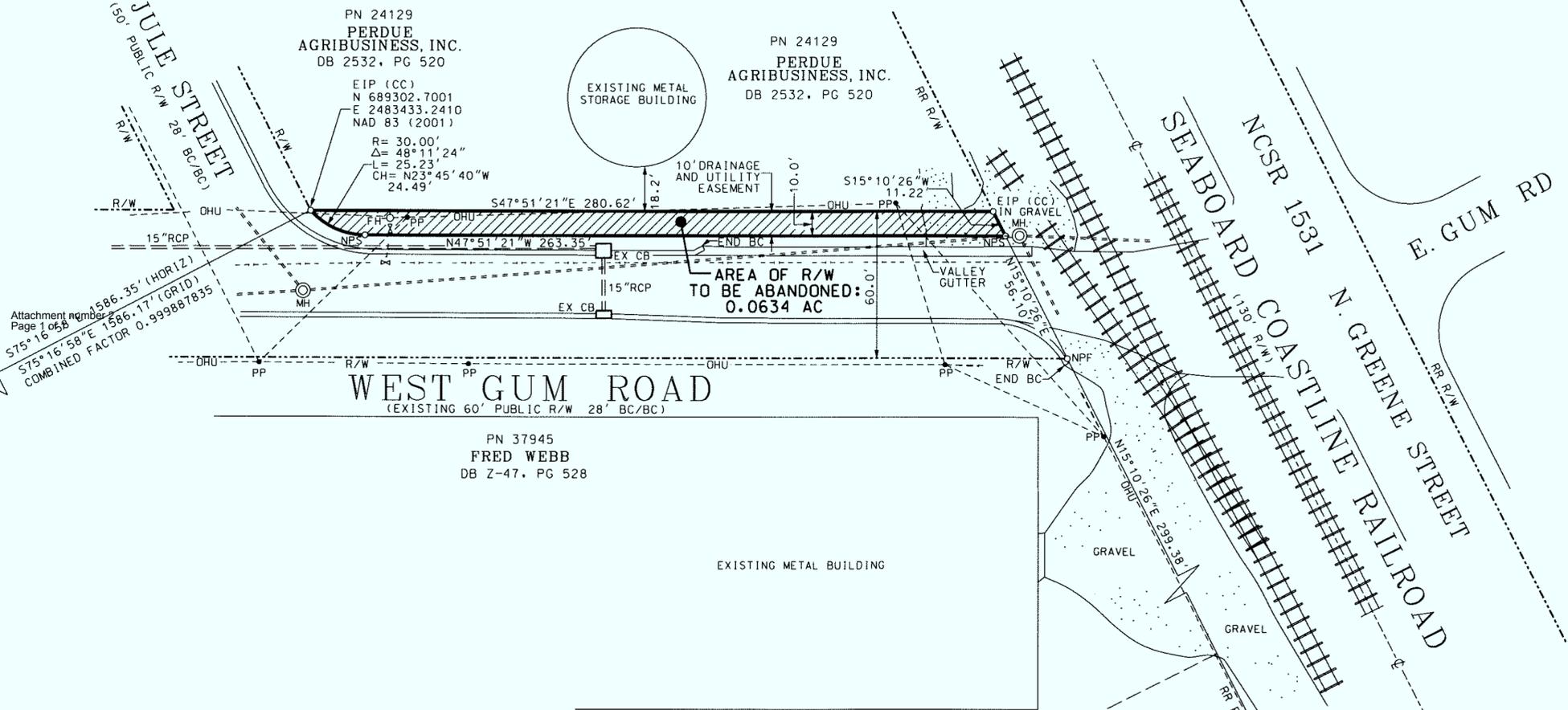
NOTARY PUBLIC

My Commission Expires: _____



VICINITY MAP
N. T. S.

- LEGEND:**
- EIP= EXISTING IRON PIPE
 - R/W= RIGHT-OF-WAY
 - NPS= NO POINT SET
 - NPF= NO POINT FOUND
 - BC= BACK OF CURB
 - HORIZ= HORIZONTAL
 - OHU= OVERHEAD UTILITY
 - PP= POWER POLE
 - RR= RAILROAD
 - NGS= NATIONAL GEODETIC SURVEY
 - ☉= CENTERLINE
 - = NOT TO SCALE
 - N. T. S.= NOT TO SCALE
 - MH= MANHOLE
 - FH= FIRE HYDRANT
 - CB= CATCH BASIN
 - RCP= REINFORCED CONCRETE PIPE
 - CC= CONTROL CORNER



NGS MONUMENT "GUARD"
N 689705.6645
E 2481899.1110
NAD83(2001)

Attachment number
Page 1 of 3
S75°16'58"E 1586.17' (GRID)
S75°16'58"E 1586.17' (GRID)
COMBINED FACTOR 0.999887835

NGS MONUMENT "RUNWAY"
N 687846.4100
E 2481381.4000
NAD83(2001)

REVIEW OFFICER CERTIFICATE

NORTH CAROLINA, PITT COUNTY

REVIEW OFFICER OF PITT COUNTY,
CERTIFY THAT THIS MAP OR PLAT TO
WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS
FOR RECORDING.

REVIEW OFFICER _____
DATE _____

SURVEYOR'S CERTIFICATE

I, HOWARD O. BARNUM, CERTIFY
THAT THIS MAP IS OF A
SURVEY OF ANOTHER CATEGORY
AND IS AN EXCEPTION TO THE
DEFINITION OF A SUBDIVISION.
THIS MAP IS OF A SURVEY FOR
A PARTIAL ROAD CLOSING.

Howard O. Barnum
PROFESSIONAL LAND SURVEYOR



MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL
OF THE CITY OF GREENVILLE HAS PASSED A
RESOLUTION TO CLOSE A PORTION OF WEST
GUM ROAD.

RESOLUTION NO. _____

SIGNED _____ MAYOR

SIGNED _____ CLERK

STREET CLOSING MAP FOR A PORTION OF
WEST GUM ROAD

GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

CLIENT: PERDUE AGRIBUSINESS, INC.
ADDRESS: 242 PERDUE ROAD
COFIELD, NC 27922
PHONE: W.E. "BILLY" MIZELLE, JR.
(252) 209-9261

STROUD ENGINEERING, P.A.
107B COMMERCE ST.
GREENVILLE, NC
(252) 756-9352
LICENSE NO. C-0647

SURVEYED: HOB/DTB
DRAWN: DTB
APPROVED: HOB
DATE: 4-18-11
SCALE: 1" = 40'
SHEET 1 OF 1

PROJECT NO. LS718-001



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Endorsement of proposed ranking of transportation projects for inclusion in the Greenville Area Metropolitan Planning Organization's transportation improvement project priority list

Explanation: The North Carolina Department of Transportation (NCDOT), in January, 2011, released a new methodology for developing the bi-annual highway transportation projects priorities list. This process is a significant departure from the previous methodology.

The new methodology (attachment 1) provides each Metropolitan Planning Organization (MPO) with NCDOT's quantitative score for projects submitted for consideration in the State's Transportation Improvement Plan (TIP). In November, 2011 the MPO must submit to NCDOT a prioritization of its highway projects.

This new process/schedule provides the MPO the opportunity to prioritize the projects to maximize the points these projects earn which increases their potential for funding.

The new system allows each MPO to divide 1300 points among all of its highway transportation projects. Each project can be given no more than 100 points by an MPO. It is through this mechanism that MPOs effectively "rank" candidate projects.

Conceptually, an MPO can improve the funding potential of a project by awarding more points to those projects that received a higher score through NCDOT's quantitative scoring process.

Staff has developed an implementation plan by merging MPO best management practices into NCDOT's new methodology. A tentative timeline of this plan is attached for visual reference.

1. Public involvement process (Jan)

2. TCC/TAC meeting to develop eligible projects for priorities list submission (Jan-March)
3. MPO staff submit the projects to NCDOT (July)
4. NCDOT calculates quantitative score for each project and makes it available to MPO staff. (Aug)
5. TCC/TAC rank projects with consideration to NCDOT's score. (Oct – Nov)

Attached (attachment #2) is the Greenville-specific list of highway transportation projects along with the proposed ranking/point distribution that is under consideration. The projects are listed in descending order of NCDOT's quantitative score. City Council previously endorsed the projects that constitute this list of highway transportation projects during their February 10, 2011 meeting.

City Council will be asked to endorse the prioritization of these projects for submission to the MPO as part of the combined, MPO area-wide prioritized list of projects. The proposed ranking/point distribution will be reviewed by the MPO's Technical Coordination Committee on October 12, 2011. The Committee's point distribution recommendation to the MPO's Technical Advisory Committee (TAC), the MPO decision making body, will be briefed to City Council at their October 13, 2011 meeting.

The rankings/point distribution will be submitted to the MPO's TAC for their consideration in November. The final, MPO-adopted ranking will be submitted to NCDOT for their consideration in development of their next Transportation Improvement Program.

Other non-highway transportation projects are not subject to this new point-distribution system, and are simply considered in priority order. Per NCDOT regulations, the MPO can only submit a total of five bicycle/greenway projects and five pedestrian projects. In February, 2011, the City's Bicycle and Pedestrian Commission had recommended a list of bicycle and pedestrian projects for Council's consideration at the March 3, 2011 City Council meeting. City Council unanimously approved the projects and priority order as recommended for bicycle, pedestrian, rail, and transit projects. The approved non-highway project priority order is attached for reference (attachment #3).

Fiscal Note:

There are no costs associated with endorsement of the proposed rankings of the transportation improvement project list.

Recommendation:

Endorse the proposed prioritization of highway transportation improvement projects.

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

Attachments / click to download

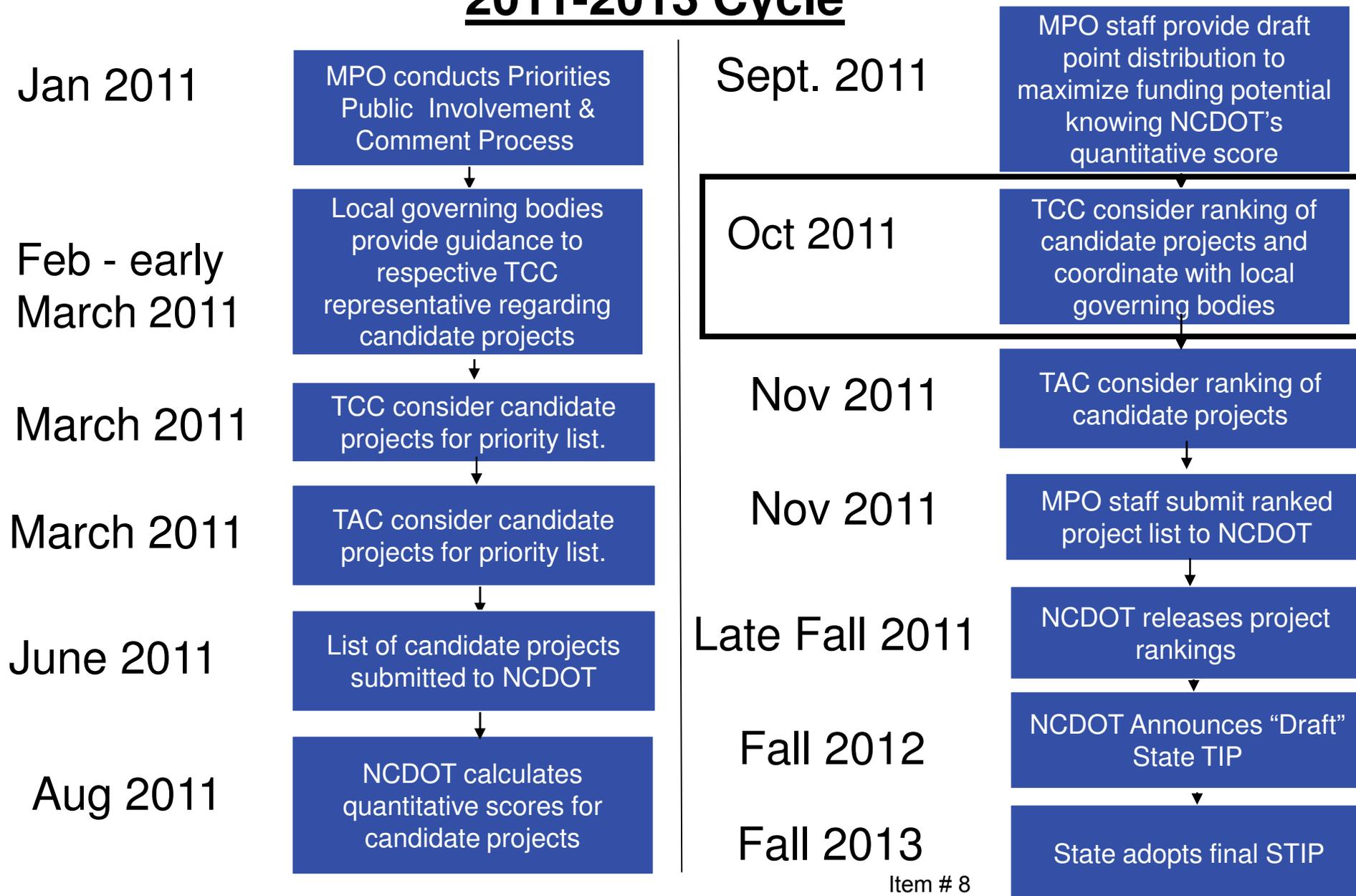
 [Priority List Cycle](#)

 [MPO Non-Highway Projects](#)

 [MPO Highway Project Scoring](#)

Attachment 1--Two-Year Transportation Improvement Program Process -- Tentative Timeline

2011-2013 Cycle



Attachment 2 - Proposed Ranking of Highway Projects

TIP #	Tier	Goal	Improve- ment Type	Route	Route Name	From / Cross Street	To	Description	Scoring Category	NCDOT- Quantitative Score	Total Division Points	MPO Staff Proposed Points	Total Points
	Regional	Infrastructure Health	Modernization	NC903		NC 11	Greene County Line	Widen existing pavement to 32 ft (4ft widening either side to accommodate Bicycle) - Utility relocation, structure improvements, widen typical roadway section, various Intersection improvements	Infrastructure Health-Regional	35.97	0	100	35.97
	Subregional	Mobility	Corridor Management		Arlington Boulevard	SR 1708 Firetower Rd	NC43 (W 5Th St)	Upgrade drainage facilities, construct medians / channelized turn lanes, bicycle facilities, and sidewalk.	Mobility-Subregional	31.33	0	100	31.33
	Subregional	Infrastructure Health	Modernization	SR1723, SR1759, SR2241	Ayden Golf Club Road, Tucker Road, Ivy Road	NC 102	NC 33	Widen to meet tolerable lane width requirements, including straightening and realigning Intersections, to serve as a connector between NC-102, NC-43 South, and NC-33 East.	Infrastructure Health-Subregional	23.87	0	100	23.87
	Subregional	Mobility	Capacity	SR1708	Firetower Road	NC 43 (Charles Boulevard)	SR 1704 (Fourteenth Street)	Widen existing 2-lane roadway to a multi-lane urban section facility	Mobility-Subregional	23.45	0	100	23.45
	Subregional	Infrastructure Health	Modernization	074 SR1126	Boyd Street	NC 11	Railroad Street	Widen to meet tolerable lane width requirements, provide bicycle and pedestrian facilities, construct curb and gutter and associated drainage structures, and construct turn lanes to allow the facility to serve as a connector between NC 11 and Railroad Street	Infrastructure Health-Subregional	22.15	0	100	22.15
	Subregional	Infrastructure Health	Modernization	SR1127	Frog Level Road	US 13 (Dickinson Avenue)	NC 903	widen to tolerable lane width and add continuous 2 way left turn lane	Infrastructure Health-Subregional	20.26	0	100	20.26
	Regional	Mobility	Capacity	US264A	Greenville Boulevard	NC 11 (Memorial Drive)	NC 33 (East 10th Street)	Widen to 6 travel lanes and improve Intersections from NC-11 to NC 33.	Mobility-Regional	20.22	0	90	20.22
U-2817	Subregional	Mobility	Capacity	SR1700	Evans Street/Old Tar Road	SR 1711 (Worthington Road) in Winterville	US 264A (Greenville Boulevard)	SR 1711 (Worthington Road) in Winterville to US 264A (Greenville Boulevard). Widen to Multi-Lanes.	Mobility-Subregional	19.85	0	90	19.85
	Subregional	Infrastructure Health	Modernization	074 SR1598	Dickinson Avenue	NC11	SR 1610 (Reade Circle)	Demolition and replacement of subgrade, asphalt, and curb & gutter, demolition of concrete slab beneath roadway; as necessary provide drainage repairs and upgrades, removal / replacement of existing sidewalk and construction of wheelchair ramps to meet current ADA requirements.	Infrastructure Health-Subregional	19.65	0	90	19.65
	Subregional	Mobility	Capacity	SR1203	Allen Road	SR 1467 (Stantonsburg Road)	US 13 (Dickinson Avenue)	Widen existing 2 and 3 lane roadway to multi-lane urban section facility with sidewalk, bicycle, and landscaping improvements	Mobility-Subregional	19.57	0	80	19.57
	Subregional	Mobility	Capacity	SR1708, SR1726	Firetower Road, Portertown Road	SR 1704 (Fourteenth Street)	NC 33	Widen existing 2-lane roadways to multi-lane urban section facilities . includes Intersection improvements at Firetower Road and Portertown Road change the primary movement to East Firetower Road and the northern leg of Portertown Road	Mobility-Subregional	17.31	0	80	17.31

Attachment 2 - Proposed Ranking of Highway Projects

TIP #	Tier	Goal	Improve ment Type	Route	Route Name	From / Cross Street	To	Description	Scoring Category	NCDOT- Quantitative Score	Total Division Points	MPO Staff Proposed Points	Total Points
R-3407C	Regional	Mobility	Capacity	NC033		NC 222 at Belvoir Crossroads	US 264 Bypass	US 264 Bypass in Greenville to US 64 Southeast of Tarboro. Widen to A Multi-Lane Facility. Section C: NC 222 at Belvoir Crossroads to US 264 Bypass.	Mobility-Regional	14.59	0	40	14.59
	Regional	Mobility	Capacity	NC043		North of Signature Drive	SR 1711 (Worthington Road)	Widen existing 2-lane and 3-lane roadway to a multi-lane urban section facility including sidewalk, landscaping, and bicycle improvements	Mobility-Regional	13.86	0	40	13.86
	Subregional	Mobility	Capacity	SR1704	Fourteenth Street	Red Banks Road	SR 1708 (Firetower Road)	Widen existing 2-lane roadway to a multi-lane urban section facility with Intersection improvements from Red Banks Road to Firetower Road (SR 1708)	Mobility-Subregional	13.63	0	60	13.63
	Statewide	Mobility	Capacity		New Route Northeast Bypass	US 264	NC 33	Construct a 4-lane, median divided, limited access facility on new location from US-264 to NC 33 East with a new bridge over the Tar River	Mobility-Statewide	12.67	0	0	12.67
U-3430	Subregional	Mobility	Capacity		New Route US 264-NC 33 Connector	US 264	NC 33	US264-NC33 connector: Construct new bridge over Tar River, East of Greenville	Mobility-Subregional	11.79	0	30	11.79
	Subregional	Mobility	Capacity	074 SR1713		NC 11	SR 1149 (Mill Street)	Laurie Ellis Rd Extension/Connector: Construct on new location 2-lane roadway with bicycle and pedestrian facilities. Construct intersection with NC11 turn lane improvements and traffic light installation	Mobility-Subregional	10.96	0	30	10.96
U-5006	Subregional	Mobility	Capacity		New Route Firetower Road Extension	SR 1127 (Frog Level Road)	NC 11/903	SR 1127 (Frog Level Road) to NC 11/903. Construct Multi-Lane Facility, Part on New Location.	Mobility-Subregional	10.32	0	30	10.32
	Subregional	Mobility	Capacity	SR1126	Forlines Road	Greenville Southwest Bypass (R-2250)	NC 11	Widen existing 2-lane roadway to multi-lane urban section facility including bicycle and pedestrian facilities	Mobility-Subregional	10.05	0	20	10.05
	Regional	Mobility	Capacity	NC102		NC 11	Verna Avenue	Widen to a multi-lane facility with sidewalks	Mobility-Regional	9.82	0	20	9.82
Total =											1300		

Attachment #3 Draft Non-Highway Project Ranking 2011-2012 TRANSPORTATION IMPROVEMENT PROJECTS

RAIL PROJECTS

1. **PASSENGER RAIL SYSTEM (Raleigh to Greenville)** – Feasibility/planning study for passenger rail service from Raleigh to Greenville, as described in NCDOT’s 2001 North Carolina Rail Plan.

BICYCLE PROJECTS

1. **SOUTH TAR RIVER PHASE III** – Construct new bicycle path from the western edge of Town Common to intersection with Harris Mill Trail
2. **SCHOOLHOUSE BRANCH GREENWAY & COMPLETION OF 3RD STREET CONNECTOR** – Construct multi-use path along Schoolhouse Branch from South Tar River Trail to medical complex area.
3. **SOUTH TAR RIVER, PHASE II** – Construct new bicycle path from new recreational area purchased by the City near the cemetery on NC33 to the trail head for the connector trail running south to the Green Mill Run Greenway.
4. **TAR RIVER TO HARDEE CREEK** – Construct new bicycle path from South Tar River Trail to Hwy 33 intersection with Bells Branch.
5. **PARKERS CREEK GREENWAY/BICYCLE PATH** - Construct new bicycle path along Parkers Creek from SR-1579 (Staton Road) to River Park North (3.4 miles). **(ID No. EB-4997)**

PEDESTRIAN PROJECTS

1. **CITY OF GREENVILLE PEDESTRIAN SIGNALS AND HIGH-VISIBILITY CROSSWALKS**--Purchase, construction, and installation of pedestrian crosswalk signals and/or high-visibility crosswalk roadway markings at the following 15 locations:

<u>Intersection</u>	<u>Location</u>	<u>Upgrade</u>
a) Evans St/Arlington Blvd	N	Ped signal
b) 14 th St/Charles Blvd	E,W,N,S	Crosswalk and Ped signals
c) Greenville Blvd/Arlington	N	Ped signal
d) 10 th St/Greenville Blvd	N, E	Ped signal
e) Greenville Blvd/Charles Blvd	N,W	Crosswalk and Ped signals
f) Greenville Blvd/Elm St	N	Ped signal
g) 14 th St/Evans St	N,W	Ped signal
h) 14 th St/Dickinson Ave	E,W,N,S	Ped signal
i) NC43/Arlington Blvd	S,W	Crosswalk and Ped signal
j) NC43/Moye Blvd	N,S,E,W	Crosswalk and Ped signal
k) Greenville Blvd/Evans St	N	Crosswalk and Ped signal
l) Greenville Blvd/Landmark St	N,W	Crosswalk and Ped signal

- | | | |
|---------------------------------|---|--------------------------|
| m) Greenville Blvd/Bismark St | N | Crosswalk and Ped signal |
| n) Memorial Blvd/Arlington Blvd | N | Crosswalk and Ped signal |
| o) Dickinson Ave/Arlington Blvd | W | Crosswalk and Ped signal |

2. TOWN OF AYDEN HAWK PEDESTRIAN SIGNAL ON THIRD ST NEAR AYDEN MIDDLE AND ELEMENTARY SCHOOLS + NC102/NC11 SIDEWALK AND CROSSING IMPROVEMENTS + NC102/LEE ST CROSSING IMPROVEMENTS

Construct new handicapped-accessible curb ramps near Ayden Middle School driveway, replace existing crosswalk across Third St with high-visibility crosswalk, install high-visibility pedestrian warning signs on Third St, install HAWK pedestrian signal to provide a connection between Ayden Middle and Ayden Elementary Schools.

NC102/NC11: Construct sidewalk from end of existing sidewalk near schools on NC102 westward to NC11 intersection. Construct the following intersection enhancements: high-visibility crosswalk, advanced stop lines, median pedestrian refuge island, pedestrian countdown signals, and curb radius reduction.

NC102/Lee St: Construct/provide the following pedestrian enhancements: curb extensions, pedestrian countdown signals, pedestrian crossing signage, driveway access management at SE corner.

3. COUNTY HOME ROAD MID-BLOCK CROSSING AND SIDEWALK CONSTRUCTION

Construct sidewalk parallel to County Home Road to connect end of existing trail to proposed mid-block crossing location (both sides of roadway). Installation of high visibility pedestrian warning signs with flashing beacon on County Home Road. Construction of handicapped-accessible ramps. Installation of HAWK pedestrian signal.

4. TOWN OF WINTERVILLE – SIDEWALK CONSTRUCTION

Construct sidewalk on both sides of Mill St (Old NC11) from Vernon White Rd to Main Street.

5. VILLAGE OF SIMPSON – SIDEWALK CONSTRUCTION

Construction of sidewalk on Telfaire St, Queen St, Virginia St, and Simpson St to create a walking trail connection to local Community Park and Post Office.

PUBLIC TRANSPORTATION PROJECTS

1. **INTERMODAL TRANSPORTATION CENTER** – Environmental assessment, design, land acquisition, and construction of a multimodal transfer center for intercity buses, GREAT, ECU Student Transit, PATS, taxis, and possibly passenger rail (**ID No. TD-4716**).

2. REPLACEMENT BUSES (TA-4965)

- FY14 – 4 busses
- FY16 – 1 bus
- FY17 – 2 busses
- FY19 – 2 busses

3. EXPANSION BUSES (TA-4773)

- FY12 – 2 busses
- FY13 – 2 busses
- FY14 – 2 busses
- FY15 – 2 busses
- FY16 – 2 busses
- FY17 – 2 busses
- FY18 – 2 busses
- FY19 – 2 busses
- FY20 – 2 busses

4. TECHNOLOGY - VEH. TRACKING, PASSENGER INFO, DATA COMMUNICATIONS, TRAFFIC SIGNAL PRIORITY, ETC. (TT-5208)

- FY14 – \$250,000
- FY15 – \$50,000
- FY16 – \$50,000
- FY17 – \$50,000

HIGHWAY IMPROVEMENTS

(see attached spreadsheet)



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Resolutions approving the exchange of property for construction of Melody Lane

Explanation: The interagency agreement implementing the recommendations of the Traffic Separation Study for the City's railroad crossings was approved by all parties on November 20, 2010. This agreement includes the closing of five existing at-grade railroad crossings on City streets. One of the five crossings that will be closed is West Dudley Street, which is the only at-grade crossing that provides residents of the West Meadowbrook neighborhood direct access to North Greene Street. The City, to maintain access to the east, is proposing to construct a connector street, Melody Lane, from West Dudley Street north to Airport Road. A map of the project area is attached.

The City has already acquired most of the property needed for the new street right-of-way. Two property exchanges are required to secure the remaining right-of-way necessary to construct the street. One exchange will convey City property to Greenville Community Christian Church, Inc., in exchange for the dedication of property for the new right-of-way on the west side of the proposed street near Airport Road. The second exchange will convey City property to Edwards Property Group, LLC, in exchange for the dedication of property for a portion of the new right-of-way on the east side of the street near Airport Road.

Although the City is conveying more property to other parties than it is receiving in the land "swaps", the exchange has other benefits. The City will eliminate the costs of maintaining property for which it has no use and will add property to the City and County's tax rolls.

Greenville Community Christian Church, Inc. and Edwards Property Group, LLC support the property exchange.

City staff recommends that City Council approve the proposed property exchange for the construction of Melody Lane.

Fiscal Note:

There is no financial impact associated with the property exchange other than the City receiving the area for the right-of-way and no longer owning the property it conveys. The City will save the funds that would have been used to maintain the property that is being conveyed.

The City has sufficient Powell Bill funds in its capital reserve to construct Melody lane.

Recommendation:

Approve the attached resolutions authorizing the exchange of property necessary to construct Melody Lane from West Dudley Street to Airport Road.

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

Attachments / click to download

[Map for Melody Lane](#)

[Resolution Approving Exchange of Property Edwards Property Group 908210](#)

[Resolution Approving Exchange of Property Greenville Communtiy Christian Church 908213](#)

RESOLUTION NO.

RESOLUTION APPROVING THE EXCHANGE OF PROPERTY WITH
EDWARDS PROPERTY GROUP, LLC RELATING TO
THE MELODY LANE CONSTRUCTION PROJECT

WHEREAS, public notice of the intent of the City Council to authorize an exchange of real property at a regular meeting was published as required by law;

WHEREAS, the City Council has determined that the City of Greenville will receive a full and fair consideration for its property in the exchange; and

WHEREAS, North Carolina General Statute 160A-271 authorizes the exchange of real property by the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that the exchange of property by and between the City of Greenville and Edwards Property Group, LLC, involves the City conveying the property being known as Lot 9 as shown on a map titled "Final Plat, Bernice Branch Division, Revision of Lots 6, 7, & 8, Section 2 and Dedication of Right of Way for Melody Lane", dated August 12, 2011, as prepared by the City of Greenville, with said property being located on the south of Airport Road and west of CSX Railroad, being a portion of Tax Parcel Number 36038, consisting of approximately 3,640 square feet, more or less, and having a value of approximately \$1,559 to Edwards Property Group, LLC, in exchange for the dedication of property for a portion of the new right of way of Melody Lane as shown on the above referenced map, and being a portion of the Edwards Property Group, LLC, a portion of Tax Parcel Number 36681, containing about 440 square feet more or less, having a value of approximately \$447. Additional consideration to the City is the value of the elimination of the responsibility of maintaining property for which the City has no use.

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 a deed relating to the aforementioned exchange on behalf of the City of Greenville.

This the 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

RESOLUTION NO.

RESOLUTION APPROVING THE EXCHANGE OF PROPERTY WITH GREENVILLE COMMUNITY
CHRISTIAN CHURCH, INC. RELATING TO THE MELODY LANE CONSTRUCTION PROJECT

WHEREAS, public notice of the intent of the City Council to authorize an exchange of real property at a regular meeting was published as required by law;

WHEREAS, the City Council has determined that the City of Greenville will receive a full and fair consideration for its property in the exchange; and

WHEREAS, North Carolina General Statute 160A-271 authorizes the exchange of real property by the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that the exchange of property by and between the City of Greenville and Greenville Community Christian Church, Inc. involves the City conveying the property being shown as Lot 6, on a map titled, "Final Plat, Bernice Branch Division, Revision of Lots 6, 7, & 8, Section 2 and Dedication of Right of Way for Melody Lane", dated August 12, 2011, as prepared by the City of Greenville, with said property being located on the north side of West Dudley Street and west of CSX Railroad, being all of Tax Parcel Number 39462 and a portion of Tax Parcel Number 36038, consisting of approximately 49,982 square feet, more or less, and having a value of approximately \$21,401 to Greenville Community Christian Church, Inc. in exchange for the dedication of property for a portion of the new right of way of Melody Lane as shown on the above referenced map, and being a portion of the Greenville Community Christian Church, Inc. property, a portion of Tax Parcel Number 39039, containing about 2,896 square feet more or less, and having a value of approximately \$3,318. Additional consideration to the City is the value of the elimination of the responsibility of maintaining property for which the City has no use.

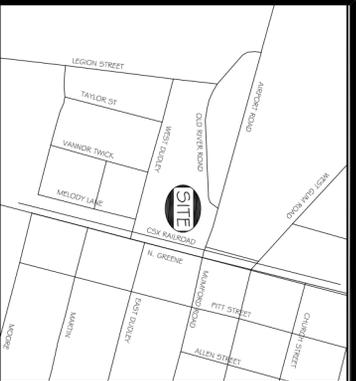
BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute a deed relating to the aforementioned exchange on behalf of the City of Greenville.

This the 13th day of October, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk



VICINITY MAP

J.T. HOBBY & SON, Inc.
 BEING LOT 5 OF THE REDIVISION OF LOTS 3, 4 & 5
 BERNICE BRANCH DIVISION, SECTION 2,
 DB 1797, PG 879, MB 411, PG 82

CURVE	BEARING	CHORD	RADIUS
C-1	5 02°12'53" W	44.79'	100.00'
C-2	5 09°11'33" E	7.49'	140.00'
C-3	5 05°34'13" W	64.08'	140.00'
C-4	5 07°09'05" W	40.38'	100.00'
C-5	5 07°36'43" E	10.87'	100.00'

NGS MONUMENT "GUARD"
 N = 639.705' ± 0.05' ± FT.
 E = 2,481.699' ± 0.90' ± FT.
 DATUM: FPCOH (83/2007)

NC GRID NORTH

GENERAL NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY. ALL BEARINGS ARE NC GRID. ALL DISTANCES ARE GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
2. THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
3. PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FRM 3720468900J, DATED JANUARY 2, 2004.
4. LOT 6 IS TO BE CONVEYED TO THE OWNER OF LOT 7.
5. LOT 9 IS TO BE CONVEYED TO THE OWNER OF LOT 8.
- 6.

LEGEND

- ▲ - NGS CONTROL MONUMENT
- ▲ - ECM = EXISTING CONCRETE MONUMENT
- - IPS = IRON PIPE SET
- - EIP = EXISTING IRON PIPE
- - NPS = NO POINT SET
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PI = POINT OF INTERSECTION

SURVEYORS CERTIFICATION

I, **LEE MERRELL**, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION. I DEED DESCRIPTIONS, RECORDED IN BOOKS REFERENCED HEREON, THAT THE RATIO OF PRECISION FOR TRADITIONAL SURVEY METHOD IS 1:20,000+; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE CLASS "A" ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

POSITIONAL ACCURACY: 0.07 FEET ± 5PPM
 TYPE OF GPS FIELD PROCEDURE: RTK NETWORK
 DATE(S) OF SURVEY: JULY 26-27, 2011
 DATUM / EPOCH: NAD83/2007, NAVD 88
 PUBLISHED/FIXED-CONTROL MONUMENTS USED: "GUARD", "MUMFORD", "LURTON", "MIDDLE"
 GEIOD MODEL: "GEOID 09"
 COMBINED GRID FACTOR: 0.99989480
 UNITS: US SURVEY FOOT

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

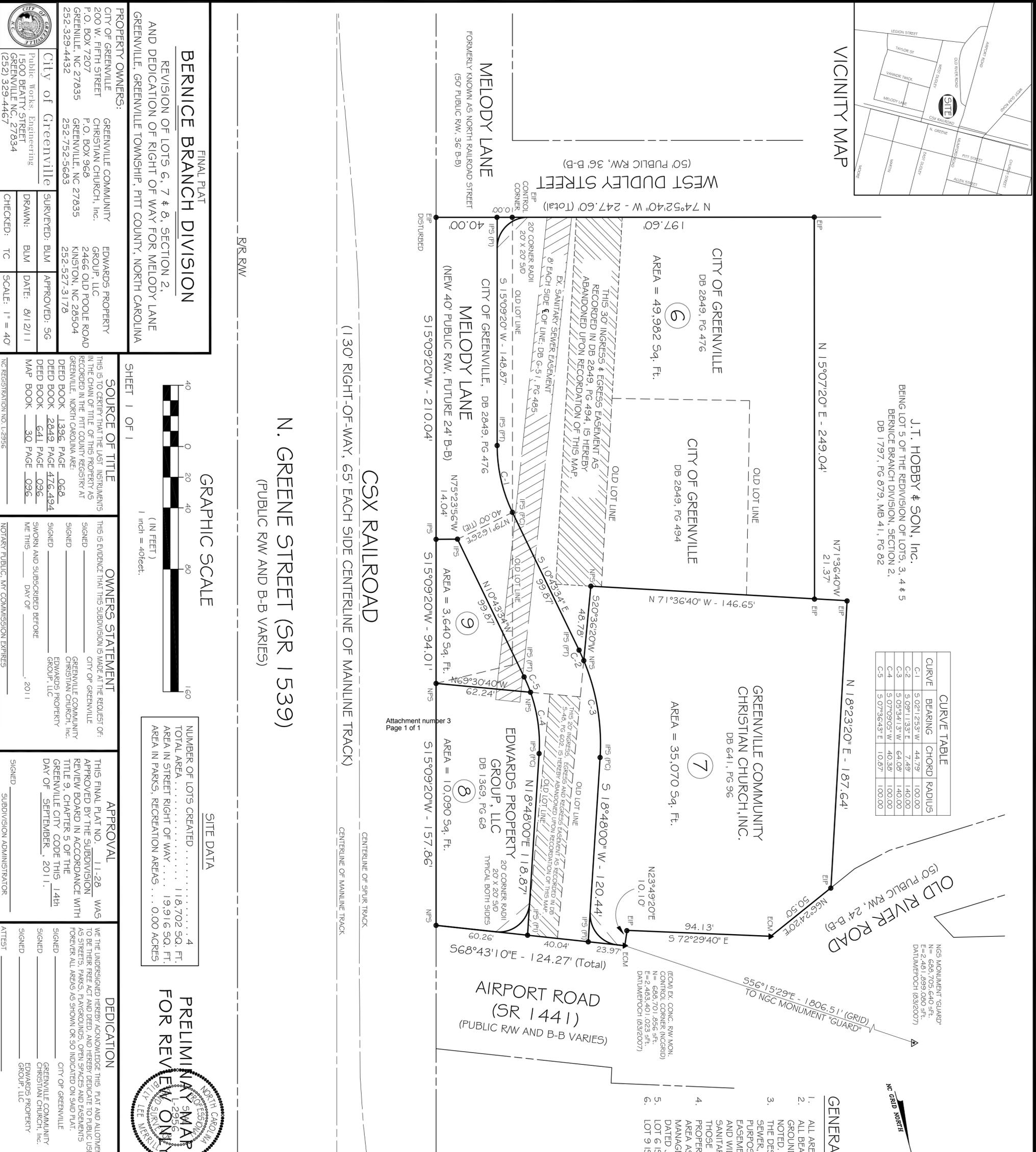
I, FURTHER CERTIFY PURSUANT TO G.S. 47-30 (1)(1)(b), THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 12th DAY OF AUGUST, 2011.



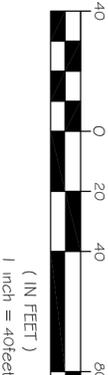
REVIEW OFFICERS CERTIFICATE

1. OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: _____ DATE: _____



GRAPHIC SCALE



SITE DATA

NUMBER OF LOTS CREATED 4
 TOTAL AREA 118,702 SQ. FT.
 AREA IN STREET RIGHT OF WAY 19,916 SQ. FT.
 AREA IN PARKS, RECREATION AREAS, 0.00 ACRES

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENTS IN THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA ARE:
 DEED BOOK 1396, PAGE 068
 DEED BOOK 2842, PAGE 476, 494
 DEED BOOK 641, PAGE 096
 MAP BOOK 30, PAGE 096

OWNERS STATEMENT

THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF:
 SIGNED _____ CITY OF GREENVILLE
 SIGNED _____ GREENVILLE COMMUNITY CHRISTIAN CHURCH, Inc.
 SIGNED _____ EDWARDS PROPERTY GROUP, LLC
 SIGNED AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2011.

APPROVAL

THIS FINAL PLAT NO. 11-28 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THIS 14th DAY OF SEPTEMBER, 2011.

DEDICATION

WE THE UNDERSIGNED HEREBY ACKNOWLEDGE THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATE TO PUBLIC USE AS STREETS, PARKS, FLAGGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.
 SIGNED _____ CITY OF GREENVILLE
 SIGNED _____ GREENVILLE COMMUNITY CHRISTIAN CHURCH, Inc.
 SIGNED _____ EDWARDS PROPERTY GROUP, LLC

PROPERTY OWNERS:
 CITY OF GREENVILLE
 200 W. FIFTH STREET
 P.O. BOX 7207
 GREENVILLE, NC 27835
 252-329-4432

City of Greenville
 Public Works, Engineering
 1500 BEATTY STREET
 GREENVILLE, NC, 27834
 (252) 329-4467

GREENVILLE COMMUNITY CHRISTIAN CHURCH, Inc.
 P.O. BOX 968
 GREENVILLE, NC 278504
 252-752-5683

EDWARDS PROPERTY GROUP, LLC
 2466 OLD POOLE ROAD
 KINSTON, NC 28504
 252-527-3178

City of Greenville
 Public Works, Engineering
 1500 BEATTY STREET
 GREENVILLE, NC, 27834
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 252-752-5683

REVIEW OFFICERS CERTIFICATE
 OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.



City of Greenville, North Carolina

Meeting Date:
10/13/2011
Time: 7:00 PM

Title of Item: Establishment of fair market value of City-owned property at 806 Fleming Street

Explanation: The Community Development Department has recently received interest from a citizen in acquiring property owned by the City of Greenville. The property is Tax Parcel #22141 located on Fleming Street and was once addressed as 806. The property is a substandard lot containing 0.10 acres and approximately 20 feet of width. The property was acquired by the City of Greenville in 2001 by means of a voluntary sale to remove a dilapidated structure on the property.

The property has limited use because of its size. Because of this factor, City staff did not see the need to obtain an appraisal, as the cost to complete an appraisal report would be a substantial amount of the value of the property as established by the Pitt County Tax Assessor's Office. Staff consulted the Pitt County Tax Assessor's Office to determine if the value assessed by the Tax Office was the market value.

Based upon the opinion of Mr. B.J. Pittman of the Tax Assessor's Office, the parcel was determined to have a value of \$2,545.

If City Council agrees to establish the value for the parcel at \$2,545, staff would proceed with advertising the site to interested parties for submission of sealed bids. Staff would bring back to City Council at a future meeting the highest bid to authorize sale of the parcel.

Fiscal Note: Advertising costs of approximately \$200.

Recommendation: Establish the fair market value for 806 Fleming Street, also being Pitt County Tax Parcel number 22141, at \$2,545.

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

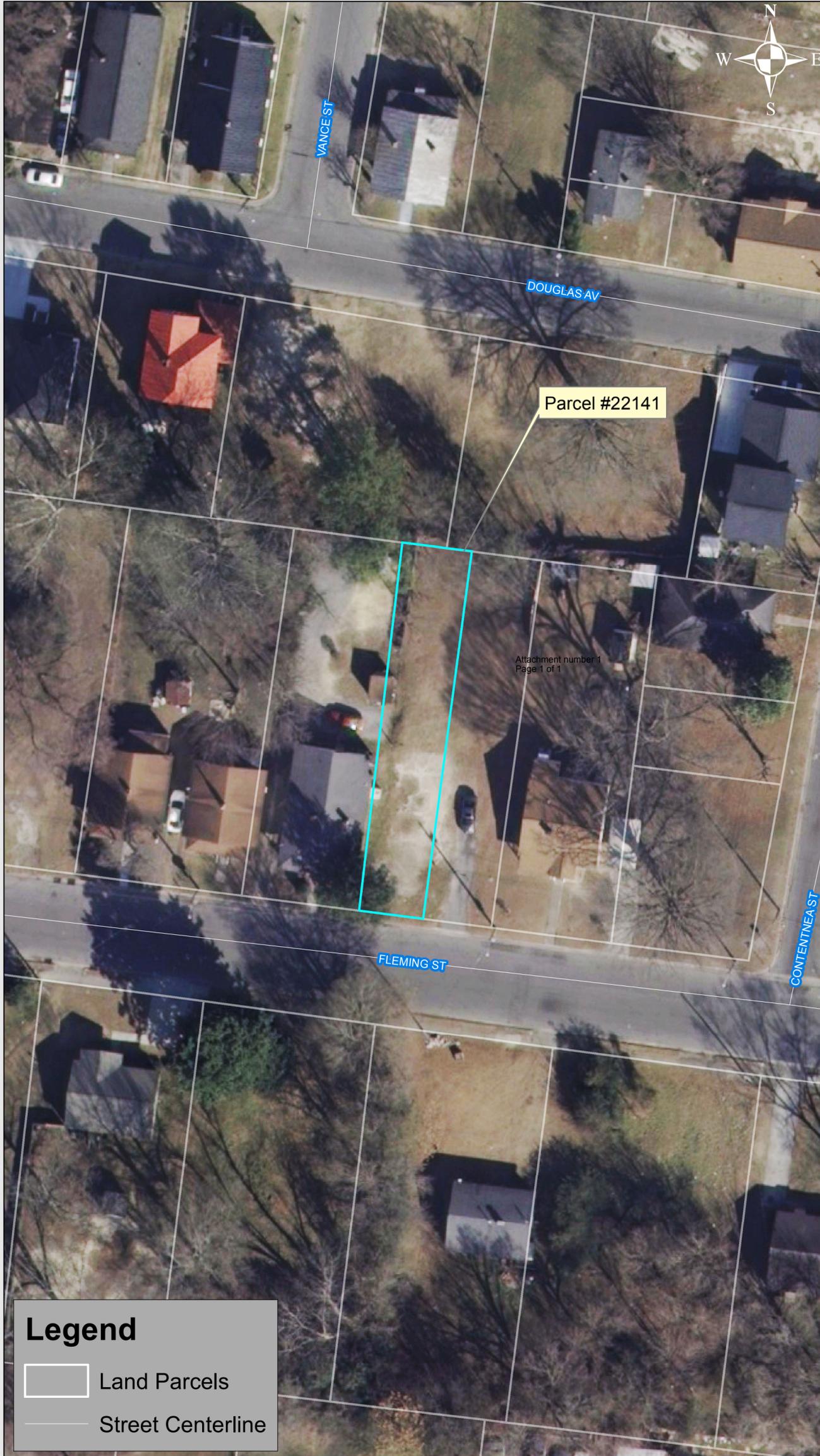
Attachments / click to download

 [email from Pitt County Tax Acessor's Office 806 Fleming](#)

 [Map of Parcel 22141](#)



Parcel Number: 22141



Parcel #22141

Attachment number 1
Page 1 of 1

ID	55312
PIN	22141
Account No.	
Owner	GREENVILLE CITY OF
Owner Address 1	PO BOX 7207
Owner Address 2	
Owner Address 3	
City, State and Zip	GREENVILLE NC 27835
Municipality (Inside City of:)	GREENVILLE
Legal Description	806 FLEMING*MUNFORD-HIGGS
Physical House No.	806
Physical Street Prefix	
Physical Street Name	FLEMING
Physical Street Type	ST
Deed Book	
Deed Page	
Use Code	
Township	GREENVILLE
Census Tract	7.01
Fire Tax District	GREENVILLE
Rescue Tax District	
Year Built	
Heated Square Footage	
Total Square Footage	
Sales Price	
Sales Month and Year	
Current Tax Value	\$2,545
Current Building Value	
Current Land Value	\$2,545
Current Other Features Value	
Prior Tax Value	\$10,830
Prior Building Value	\$9,270
Prior Land Value	\$1,440
Prior Other Features Value	\$120
Elementary School	SOUTH GREENVILLE ES
Middle School	C M EPPES MS
High School	J H ROSE HS
Historic District Information	
Local Historic District	
Name	
Style	

Legend

-  Land Parcels
-  Street Centerline

Merrill Flood

From: Pittman, BJ [wjppittman@pittcountync.gov]
Sent: Tuesday, September 13, 2011 3:30 PM
To: Merrill Flood
Subject: RE: Land Value of City of Greenville property, pitt county tax parcel #22141

Mr. Flood, The Tax Value of parcel 22140 for the 2012 Revaluation will be \$2,545. After reviewing all the lot sales in the area from 2008 to current this looks to be Market Value at this time. Parcel 22141 will have the same value as Parcel 22141. I hope this will be of assistance to you. If you need further information please let me know.

From: Merrill Flood [mailto:mfflood@GREENVILLENC.GOV]
Sent: Tuesday, September 13, 2011 2:34 PM
To: Pittman, BJ
Cc: Sandra W. Anderson
Subject: Land Value of City of Greenville property, pitt county tax parcel #22141

Mr. Pittman

In follow-up of our phone conversation this afternoon, I am requesting your assistance to determine the value of the above parcel owned by the City of Greenville. Current tax data reveals that the parcel has a value of \$2,545 as of 2011. Is this value market of the parcel in question based upon determinations by the Pitt County tax office?

Thank you for your assistance in this matter.

Parcel:	22141
Physical Address:	806 FLEMING ST
Owner Name:	GREENVILLE CITY OF
OwnerAddress1:	PO BOX 7207
OwnerAddress2:	
OwnerAddress3:	
City / State / Zip:	GREENVILLE NC 27835
NC PIN:	4688004764
Subdivision / Section / Phase:	
Prior Legal Description:	806 FLEMING*MUNFORD-HIGGS
Block / Lot:	
Tract:	
Building Number / Unit:	
Acres:	0.10
Current Owner Deed/Document:	SEE HIST
Map Book:	1-106
Deed / Document Date:	01/1901
Deed / Document Sales Price:	\$0
Building Type / Use:	
Number of Buildings:	0
Year Built:	
Heated Square Feet:	
Building Value:	
Extra Features Value:	
Land Value:	\$2,545
Total Current Market Value:	\$2,545
Total 2007 Market Value:	\$10,830
Revaluation Year:	2008

Municipality:	GREENVILLE
Township:	GREENVILLE
Fire Tax District:	GREENVILLE
Census Tract:	7.01
Neighborhood:	004232
Elementary School:	SOUTH GREENVILLE ES
Middle School:	C M EPRES MS
High School:	J H ROSE HS



Merrill Flood
Community Development Director
P.O. Box 7207
Greenville, NC 27835
(252) 329-4500

email address: mflood@greenvillenc.gov

Department Web Site: http://www.greenvillenc.gov/departments/community_development/default.aspx?id=1087

Comprehensive Plan:

http://www.greenvillenc.gov/uploadedFiles/Departments/Community_Development/Information/Planning_Division/Horzons%202009%20-%202010%20Update,%20Dec.%207,%202010.pdf

Redevelopment Plan:

http://www.greenvillenc.gov/departments/community_development/information/default.aspx?id=1344

Consolidated Plan:

http://www.greenvillenc.gov/uploadedFiles/Departments/Community_Development/Information/Housing_Division/Consolidated%20Plan%202008%20-%202013.pdf

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