



# Agenda

## Greenville City Council

May 13, 2010  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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

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**I. Call Meeting To Order**

**II. Invocation - Mayor Dunn**

**III. Pledge of Allegiance**

**IV. Roll Call**

**V. Approval of Agenda**

**VI. Special Recognitions**

- Wanda Elks, City Clerk's Office Retiree
- Citizens Academy Graduation

**VII. Appointments**

1. Appointments to boards and commissions

**VIII. New Business**

**Public Hearings**

2. Second reading of an ordinance granting a taxicab franchise to Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue
3. Ordinance requested by the Redevelopment Commission to amend the sign regulations to allow wall projection signs within the CD (Downtown Commercial) zoning district subject to ordinance

requirements and standards

4. Ordinance to annex DTF, LLC (Trade/Wilco) property, involving 4.844 acres located at the northwestern corner of US Highway 13 (Highway 264A) and Allen Road, east and south of Nancy A. Beardsworth Subdivision, Section 2, Lots 1 and 3
5. Resolution authorizing the sale of City-owned property at 605 Hudson Street to Tyiana Bond
6. Resolution authorizing the sale of City-owned property located at 903 Douglas Avenue to Shawan Rascoe

### **Public Comment Period**

- The Public Comment Period is a period reserved for comments by the public. Items that were the subject of a public hearing at this meeting 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**

7. Proposed ordinance excluding porches and similar areas as an approved parking area
8. Proposed ordinance to require a separation requirement between public and/or private clubs and residential uses and residential zoning districts
9. Review of fiscal year 2010-2011 proposed budgets and fiscal year 2011-2012 financial plans

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

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

## **XI. Closed Session**

- To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

## **XII. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

**Title of Item:** Appointments to boards and commissions

**Explanation:** City Council appointments or reappointments need to be made to the Community Appearance Commission, Environmental Advisory Commission, Historic Presevation Commission, Housing Authority, Human Relations Council, Planning and Zoning Commission, Public Transportation and Parking Commission, and Recreation and Parks Commission.

Please note that in accordance with the recent legislation, Larry Barbour's slot will be a recommendation by Mayor Pro-Tem Kittrell and Barbara Taft's slot will be a nomination from the Greenville Housing Authority as a person directly assisted by the Authority. The Greenville Housing Authority is scheduled to discuss the appointment in May, which will not be in time to be considered by City Council on May 13.

**Fiscal Note:** No fiscal impact.

**Recommendation:** To make appointments or reappointments to the Community Appearance Commission, Environmental Advisory Commission, Historic Presevation Commission, Housing Authority, Human Relations Council, Planning and Zoning Commission, Public Transportation and Parking Commission, and Recreation and Parks Commission.

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# Appointments to Boards and Commissions

May 13, 2010

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## Community Appearance Commission

**Council Liaison:** Council Member Kandie Smith

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Teasha Barrett	Filling unexpired term	Resigned	July 2011

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## Environmental Advisory Commission

**Council Liaison:** Council Member Marion Blackburn

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Jessica Christie (3)	Second term	Ineligible	April 2010

(3) A member of a local environmental group

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## Historic Preservation Commission

**Council Liaison:** Council Member Calvin Mercer

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Minnie Anderson	Filling unexpired term	Resigned	January 2011

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## Housing Authority

**Council Liaison:** Mayor Pro-Tem Bryant Kittrell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Larry Barbour (Council Member At-Large Nomination)	Filling unexpired term	Eligible	May 2010
Barbara Taft (Housing Authority Nomination)	Second term	Ineligible	May 2010

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## Human Relations Council

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

### Regular Members

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
James Cox	Second term	Resigned	September 2010

Franchine Pena	Second term	Ineligible	September 2009
Shane Martin	Filling unexpired term	Moved out-of-state	September 2011

**Student Representative from Higher Educational Institution (Pitt Community College)**

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
T. Neal Lowery	First term	Resigned	October 2010
Keisha Staton	Third term	Resigned	October 2009

**Planning and Zoning Commission**

**Council Liaison:** Council Member Calvin Mercer

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Tony Parker (Alternate #1)	Filling unexpired term	Eligible	May 2010
Robert Ramey (Regular)	First term	Eligible	May 2010
Len Tozer (Regular)	Second term	Ineligible	May 2010

**Public Transportation and Parking Commission**

**Council Liaison:** Council Member Kandie Smith

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Mary Fedash	Filling unexpired term	Moved out of city limits	January 2011

**Recreation and Parks Commission**

**Council Liaison:** Council Member Marion Blackburn

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
James Bond	Second term	Ineligible	May 2010
Gary Hassell	Second term	Ineligible	May 2010
Wilson McDowell	Second term	Ineligible	May 2010
Freddie Outterbridge	First term	Eligible	May 2010

## Applicants for Community Appearance Commission

Valerie Guess 3915 Sterling Pointe Drive Winterville, NC 28590	227-4991	<b>Application Date:</b> 6/9/2009 <b>District:</b> #5
Jeffrey Johnson 2008 Pinecrest Drive Greenville, NC 27858	355-0644	<b>Application Date:</b> 2/12/2009 <b>District:</b> #4
Jeremy Jordan 707 West 4th Street Greenville, NC 27834	341-3066	<b>Application Date:</b> 6/25/2009 <b>District:</b> #1
Justin Mullarkey 207 Kenilworth Road Greenville, NC 27858	364-1183	<b>Application Date:</b> 5/4/2010 <b>District:</b> #4
Ray M. Spears 3609 Prestwick Place Greenville, NC 27834	364-2565	<b>Application Date:</b> 9/18/2009 <b>District:</b> #1
Wayne M. Whipple 3102 Cleere Court Greenville, NC 27858	321-0611	<b>Application Date:</b> 3/9/2009 <b>District:</b> #4

## Applicants for Environmental Advisory Commission

Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	848-4257	<b>Application Date:</b> 2/10/2009 <b>District:</b> 5 <b>Occupation:</b> Retired
Valerie Guess 3915 Sterling Pointe Drive Winterville, NC 278590	227-4991	<b>Application Date:</b> 6/9/2009 <b>District:</b> 5 <b>Occupation:</b> Retired US Army Veteran
James Holley 1906 Fairview Way Greenville, NC 27858	215-0065	<b>Application Date:</b> 10/18/2009 <b>District:</b> 4 <b>Occupation:</b> Hydrogeologist



## Applicants for Historic Preservation Commission

Emily Carter 113 Avon Lane Greenville, NC 27858	919-356-6687	<b>Application Date:</b> 1/15/2010 <b>District:</b> #4
Allan Kearney 218 Stancill Drive Greenville, NC 27858	532-0522	<b>Application Date:</b> 4/7/2010 <b>District:</b> #3
Cathy Maahs-Fladung 2009 East Fifth Street Greenville, NC 27858	695-0534	<b>Application Date:</b> 3/31/2010 <b>District:</b> #3

## Applicants for Housing Authority

Jumail Blount  
1901-A Norcott Circle  
Greenville, NC 27834

327-7716

**Application Date:** 4/12/2010  
**District:** #2

Emanuell Brown  
1801-A West 3rd Street  
Greenville, NC 27834

341-0498

**Application Date:** 4/15/2010  
**District:** #1

## Applicants for Human Relations Council

### Regular Member Candidates:

Gloria Brewington-Person 1005 Cortland Road Greenville, NC 27834	321-3227	<b>Application Date:</b> 10/1/2009 <b>District:</b> #2
Brian Brown 2237 Penncross Drive Greenville, NC 27834	367-5831	<b>Application Date:</b> 9/11/2009 <b>District:</b> #5
Emily Carter 113 Avon Lane Greenville, NC 27858	919-356-6687	<b>Application Date:</b> 1/15/2010 <b>District:</b> #4
Ronnie Christian 2608 Mulberry Lane Greenville, NC 27858	561-5405	<b>Application Date:</b> 7/2/2008 <b>District:</b> #5
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	848-4257	<b>Application Date:</b> 2/10/2009 <b>District:</b> #5
Eric Foushee 4113 Dublin Road Winterville, NC 28590	902-7286	<b>Application Date:</b> 4/14/2010 <b>District:</b> #5
Corey Rhodes 3911 Sterling Pointe Drive, #006 Winterville, NC 28590	916-4523	<b>Application Date:</b> 2/11/2009 <b>District:</b> #5
Heena Shah 4415 Oaksong Drive Greenville, NC 27834	353-7424	<b>Application Date:</b> 4/22/2010 <b>District:</b> #1

### Student Member Candidates from Higher Educational Institutions:

Guillaume Bagal 3008 Ellsworth Drive Greenville, NC 27834	864-0966	<b>Application Date:</b> 4/12/2010 <b>District:</b> #1
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## Applicants for Planning and Zoning Commission

Paul C. Anderson 3704 Tucker Dr. Greenville, NC 27858	752-6880	<b>Application Date:</b> 10/21/2008 <b>District:</b> #4
Brian Brown 2237 Penncross Drive Greenville, NC 27834	367-5831	<b>Application Date:</b> 9/11/2009 <b>District:</b> #5
Eric Foushee 4113 Dublin Road Winterville, NC 28590	902-7286	<b>Application Date:</b> 4/14/2010 <b>District:</b> #5
Cathy Maahs-Fladung 2009 East Fifth Street Greenville, NC 27858	695-0534	<b>Application Date:</b> 3/31/2010 <b>District:</b> #3
Andy Miller 3406 Foxwood Lane Greenville, NC 27858	717-2750	<b>Application Date:</b> 8/26/2009 <b>District:</b> #4
Justin Mullarkey 207 Kenilworth Road Greenville, NC 27858	364-1183	<b>Application Date:</b> 5/4/2010 <b>District:</b> #4
Corey Rhodes 3911 Sterling Pointe Drive Winterville, NC 28590	916-4523	<b>Application Date:</b> 2/11/2009 <b>District:</b> #5
Deryck Steven Wilson 1203 Franklin Drive Greenville, NC 27858	714-5950	<b>Application Date:</b> 11/7/2008 <b>District:</b> #3
L. H. Zincone 1730 Beaumont Drive Greenville, NC 27858	756-0071	<b>Application Date:</b> 8/15/2008 <b>District:</b> #4

# Applicants for Public Transportation and Parking Commission

Richard Malloy Barnes  
208 South Elm Street, Apt. N  
Greenville, NC 27858

752-5278

**Application Date:** 3/23/2009

**District:** #3

## Applicants for Recreation and Parks Commission

Paul C. Anderson 3704 Tucker Dr. Greenville, NC 27858	752-6880	<b>Application Date:</b> 10/21/2008 <b>District:</b> #4
Joseph P. Flood 1919 Sherwood Drive Greenville, NC 27858	353-9915	<b>Application Date:</b> 2/10/2009 <b>District:</b> #4
Carlton Floyd 104 East Catawba Road Greenville, NC 27834	757-3302	<b>Application Date:</b> 7/25/2008 <b>District:</b> #1
Eric Foushee 4113 Dublin Road Winterville, NC 28590	902-7286	<b>Application Date:</b> 4/14/2010 <b>District:</b> #5
Jeffrey Johnson 2008 Pinecrest Drive Greenville, NC 27858	355-0644	<b>Application Date:</b> 2/12/2009 <b>District:</b> #4
Allison Moran-Wasklewicz 3310 Cadenza Street Greenville, NC 27858	227-4505	<b>Application Date:</b> 8/27/2009 <b>District:</b> #4
Al Muller 212 Bristol Court Greenville, NC 27834	756-4299	<b>Application Date:</b> 8/18/2009 <b>District:</b> #5
Ray M. Spears 3609 Prestwick Place Greenville, NC 27834	364-2565	<b>Application Date:</b> 9/18/2009 <b>District:</b> #1
Donald Williams 800 River Hill Drive Greenville, NC 27858	814-7848	<b>Application Date:</b> 4/15/2010 <b>District:</b> #3
L. H. Zincone 1730 Beaumont Drive Greenville, NC 27858	756-0071	<b>Application Date:</b> 8/15/2008 <b>District:</b> #4



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

**Title of Item:** Second reading of an ordinance granting a taxicab franchise to Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue

**Explanation:** Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue have requested a taxicab franchise to operate a taxicab in the City of Greenville. Upon review of the application by the Financial Services, Police, and Community Development Departments, staff recommends approval of the request. The ordinance was considered on first reading at the May 10, 2010 City Council meeting, and the public hearing and second reading of the ordinance are scheduled for May 13, 2010. Notice of the public hearing scheduled for May 13, 2010 was advertised in The Daily Reflector on May 3, 2010 and notification has been submitted to all taxicab franchisees.

**Fiscal Note:** No direct cost to the City.

**Recommendation:** Conduct a public hearing and adopt the attached ordinance on second reading granting a taxicab franchise to Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue

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[Backup Information](#)

[Ordinance granting a taxicab franchise to Melvin Elam Jr. and Melvin Elam Sr. DBA Red White and Blue 865643](#)

ORDINANCE NO. 10-\_\_\_\_\_  
AN ORDINANCE GRANTING A TAXICAB FRANCHISE  
TO MELVIN ELAM JR. AND MELVIN ELAM SR. D/B/A RED WHITE AND BLUE

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, Title 1 of Chapter 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, Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue are applicants for a franchise permitting the operation of one taxicab within the City limits; 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 is hereby issued to Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue to permit the operation within the City of Greenville of not more than two 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.

First reading passed on the 10<sup>th</sup> day of May, 2010.

Second reading passed on this the 13<sup>th</sup> day of May, 2010.

Duly adopted on the 13<sup>th</sup> day of May, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk

Item # 2



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:  
Melvin Elam Jr., ~~Fast Express~~, 802 E 3rd Street #7  
Red White and Blue
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 2010, and the officers of the corporation are  
Melvin Elam Jr.
  - C. A partnership, as shown by articles hereto attached, and the names of partners are:  
Melvin Elam Sr.
4. The Applicant operates in the following cities: Greenville, NC
5. The Applicant is requesting franchise to operate 4 taxicabs.
6. In support of this application, the following Exhibits are attached.
  - 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>Elam</u>		FIRST NAME <u>Melvin</u>		MIDDLE NAME <u>Lynn</u>	
ALIAS OR NICKNAME	SEX <u>M</u>	AGE <u>25</u>	WEIGHT <u>185</u>	HEIGHT <u>5'10</u>	ID NO.
ADDRESS <u>802 E 3rd Street #7</u>	HAIR <u>Black</u>	EYES <u>Brown</u>	COMPLEXION <u>Black</u>		
OCCUPATION <u>Taxi Driver</u>	DRIVERS LICENSE NO.		IDENTIFICATION NO.		
PLACE OF BIRTH <u>Chester, SC 29706</u>	DATE OF BIRTH		SOCIAL SECURITY NO.		

Signature of Applicant [Signature]

Subscribed and sworn to before me this 15<sup>th</sup> day of March, 2010.

My Commission Expires: 9-4-2011

[Signature]  
 Notary Public

Item # 2

Dear Mayor Pat Dunn and The City Council of Greenville,

My name is Melvin Lynn Elam Jr. and I'm currently looking to start my own taxicab franchise. The name of my franchise will be called <sup>Red White and Blue</sup> ~~Fast-Express~~ and the reason I choose this name is to assure the customer they will get to their destination on time and safely as possible. The reason I want to operate a taxicab service in Greenville, NC is to help the community to find a way of transportation for as getting to their job, school, sporting event, evening night out, and much more reasons. I'm currently employed at Courtesy Cab in Greenville, NC. I have been obtaining my full privileged driver's license for quite some time now. At the age of 15 I had a special privileged license. This was an essential part of my driving career because at the time I needed a job to help out my family. So at a young age I learned the responsibility of driving. I've always had a sense of exhilaration when it comes to driving.

I will be driving a 1989, blue, Crown Victoria. It has a maximum capacity of four people. I'm 25 years old and recently

enlisted in the National Guard. When I was a freshman in college at Vermilion Community College in Ely, Minnesota I acquired the highest GPA of college freshman athlete in the surrounding arrears. When it came to education, I've never been daft about the issue. My idea on establishing a taxi cab franchise has never been inferential. I've always had an ambition to own my business. 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.

Under these certain circumstances, I would like to see my application reviewed for further reading and evaluation, so I can successfully upstart my new business.

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

TABLE B FARES

ATTACHMENT A

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

ZONES	1	2	3	4	5	6	7	8
1	4.00	4.35	4.70	5.05	5.40	5.75	6.10	6.50
2	4.35	4.70	5.05	5.40	5.75	6.10	6.50	
3	4.70	5.05	5.40	5.75	6.10	6.50		
4	5.05	5.40	5.75	6.10	6.50			
5	5.40	5.75	6.10	6.50				
6	5.75	6.10	6.50					
7	6.10	6.50						
8	6.50							

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	4.00	4.60	5.20	5.80	6.40	7.00	7.60	8.20
2	4.60	5.20	5.80	6.40	7.00	7.60	8.20	8.80
3	5.20	5.80	6.40	7.00	7.60	8.20	8.80	9.40
4	5.80	6.40	7.00	7.60	8.20	8.80	9.40	10.00
5	6.40	7.00	7.60	8.20	8.80	9.40	10.00	10.60
6	7.00	7.60	8.20	8.80	9.40	10.00	10.60	11.20
7	7.60	8.20	8.80	9.40	10.00	10.60	11.20	11.80
8	8.20	8.80	9.40	10.00	10.60	11.20	11.80	12.50

between Bradford Creek	Standard Fare	6.50
	Across Town	12.50
for two persons (per person extra)		1.50
tips at route to destination		1.50
waiting time (per hour)		16.50
tips for footlockers (each)		2.00
luggage (each)		1.25
fare outside zones unless previously specified (per mile)		2.00

Rev. 6/06/00

# NO PETS WITHOUT A PET LEASE!

Rental contract for

802-7 East 3rd Street

In consideration of the rent reserved and the mutual promises each to the other made herein, Pinnacle Property Management of NC, Inc., as Agent for the Landlord, does here by and through lease and rent to:

Melvin Lynn Elam

as Tenant ("Tenant") and Tenant does hereby lease and rent from Landlord the premises more particularly described below (the "Premises") in accordance with the standard provisions on the REVERSE SIDE HEREOF and upon the following terms and conditions:

1. THE PREMISES, Located in the City of Greenville, County of Pitt, State of North Carolina, being known as and more particularly described as Apartment # 7, 802 East 3rd St - Magnolia Place Apartments, Greenville, NC. 278 58

2. TERM: The term of this lease shall be for 1 year commencing 8-1-08 and expiring 7-31-09 (the Initial Term). The Tenant may terminate the tenancy at the expiration of the Initial Term by giving written notice, signed by all parties, to the Agent, at least 60 days, but not later than 30 days, prior to the expiration date of the Initial Term. If written notice is not received it is understood that the security deposit will be applied as a rental payment in order to satisfy the 30 day notice requirement. Failure to fulfill the initial term set forth above will result in immediate prosecution, credit reporting and any other agency necessary to acquire all money due resulting from the tenants abandonment.

3. RENT: Tenant shall pay, without notice, demand, or deduction to Landlord or as Landlord directs, monthly rentals in the amount of \$ 350. The first payment, which shall be prorated if the Initial Term commences on a day other than the first day of the applicable rental payment period, shall be due upon occupancy and shall constitute payment for the period ending 8/08. Thereafter all rentals shall be paid in advance on or before the first day of each subsequent calendar month for the duration of the tenancy.

4. SECURITY DEPOSIT: The tenant shall deposit with the Landlord the sum of \$ 350 to secure the faithful performance of the Tenants promises and duties contained herein (the "Security Deposit").

**AFTER 72 HOURS, SECURITY DEPOSIT IS NON-REFUNDABLE**  
until fulfillment of lease agreement

The landlord will:

(X) Deposit the Security Deposit in a trust account with Centura Bank, or 1<sup>st</sup> Citizens Bank or:

( ) Furnish a bond from \_\_\_\_\_ to secure the performance of the landlord's obligation to refund the Security Deposit as herein provided.

The Security Deposit shall be held, and upon the termination of the tenancy be applied in the manner and for the purpose set forth in paragraph 3 of the REVERSE SIDE.

5. 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 from time to time at his discretion adopt, governing the use and occupancy of the Premises and any common areas used in connection with them (the Rules and Regulations). A copy of the existing rules and Regulations is attached hereto and the tenant acknowledges that he has read them. The rules and Regulations shall be deemed to be part of this Agreement and any violation of any of them shall constitute a breach of this Agreement giving to the Landlord all the rights and remedies herein provided. Loitering is prohibited. This includes gathering on the lawn, parking lot, balcony and/or stairwells.

6. ASSIGNMENT: The Tenant shall not assign this Agreement or sublet the Premises in whole or in part unless approved in writing by the Landlord.

7. PETS: The Tenant shall not keep or harbor in or about the premises any animals or pets of any kind including, but not limited to: dogs, cats, birds, and marine animals unless a pet lease is signed and addended to this contract. If a pet agreement has not been signed, and the required proof of insurance policy attached, it is the understanding of both parties that NO PETS ARE ALLOWED. Dogs breeds such as Rottweiler, Bulldog, Chow, Pincher or other "viscous" dogs are prohibited due to insurance regulations. Visiting pets are prohibited as well. The tenant will be fined \$200 for each day of violation of pet clause.

8. TERMINATION: In addition to all other termination rights, the Landlord may, with or without cause, terminate the tenancy during the Initial Term or during any extensions of holdover periods by giving written notice to the Tenant 30 days prior to the desired termination date. The Tenant may not terminate the tenancy during the Initial Term, but may terminate the tenancy thereafter as provided for in paragraph 2.

9. TENANTS 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 there from all his personal property of whatever nature. (3) Properly sweep and clean the Premises, including plumbing fixtures, refrigerators, stoves, and sinks, removing there from all rubbish, trash, 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 this Agreement was executed, ordinary wear and tear excepted. (5) Fasten and lock all doors and windows. (6) Return to the Landlord the keys to the Premises NO LATER THAN 2 PM ON MOVE OUT DAY. (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, he shall become liable, without notice or demand, to the Landlord for a cleaning fee in the amount of \$350.00.

10. ACCEPTANCE OF PREMISES: The Tenant acknowledges that he has inspected the Premises and he agrees that the Premises and any common areas used in connection with them are in safe, fit and habitable condition and where applicable, that the electrical, plumbing, sanitary, heating, ventilating, air conditioning and other appliances furnished with the Premises are in a good and proper working order. The Tenant also acknowledges that no representation as to the condition or state of repair of the Premises has been made.



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requested by the Redevelopment Commission to amend the sign regulations to allow wall projection signs within the CD (Downtown Commercial) zoning district subject to ordinance requirements and standards

**Explanation:** Currently, no wall sign in any district may project more than 12 inches from the building wall. This requirement was designed to restrict wall signs to flush mount displays. A wall sign requirement of this type is appropriate in areas where buildings are set back from the roadway an adequate distance to afford acute angle visibility of flush mount displays. In areas such as the downtown, where most buildings are located close to or on the right-of-way line, the 12-inch projection rule substantially restricts sign visibility at even modest distances.

The Redevelopment Commission has studied this issue over the last several months and has determined that an increase in the wall sign projection standard is necessary to afford reasonable wall sign visibility in the CD (downtown commercial) district, and that this proposed amendment is in support of the goals and objectives of the Center City Revitalization Plan.

The proposed ordinance does not affect or change the total amount of wall signage area currently allowed. The ordinance provides wall sign projection flexibility as an option to the property owner.

The Redevelopment Commission recommended amendment is as follows:

Wall projection signs shall be allowed only in the CD (downtown commercial) district and such signs shall be subject to compliance with all of the following requirements:

- (a) Shall be permanently attached to an exterior wall of a building in a manner approved by the Building Inspector.
- (b) Shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy.



- (c) May project horizontally from the building wall not more than three (3) feet, or two-thirds (2/3) the distance from the building wall to the inside edge of the street curb line as located at the time of sign permit approval, whichever is less.
- (d) The message portion of the sign, including any letters and/or graphics, shall be perpendicular in orientation to the building wall.
- (e) The bottom edge of a projection wall sign shall be parallel to the finished floor of the building.
- (f) There shall not be more than twelve (12) inches between the sign display areas (faces) of a double sided sign. Three-dimensional projection wall signs not composed of flat sign display surfaces shall not be permitted.
- (g) Projection wall signs shall be located on private property, provided however, a projection wall sign may encroach into the street right-of-way in accordance with an encroachment agreement approved by the City, and where applicable, the State Department of Transportation.
- (h) Buildings with two (2) or more stories shall not have projecting signs located higher than the inside finished ceiling of the second story or twenty-four (24) feet, as measured from the finished grade directly below the sign to the highest point of the sign, whichever is less.
- (i) Not more than one (1) projection wall sign shall be allowed per each individual principal use establishment.
- (j) Projection wall signs for individual principal use establishments located in a common building shall not be located closer than eight (8) feet from any other projection wall sign located on the same building.
- (k) All projection wall signs for individual principal use establishments located on a common building facade shall be of equal dimension, including but not limited to, individual sign display area, width, height, horizontal projection. Sign height above grade may vary provided compliance with subsection (m) below.
- (l) Projection wall signs shall be considered part of the total wall sign allowance, provided however, no projecting wall sign shall exceed ten (10) total square feet in sign display surface area. A single side of a double-face sign shall be utilized for the sign surface area calculation.
- (m) Minimum height of a projection wall sign, as measured from the finished grade directly below the sign to the lowest point of the sign, shall be not less than eight (8) feet, except as further provided. Projection wall signs subject to street right-of-way encroachment agreement approval shall have a minimum height of not less than ten (10) feet, or per encroachment agreement condition, whichever is greater.



(n) If required, all right-of-way encroachment agreement(s) must be granted by the approval authority prior to sign permit application. A copy of any encroachment agreement and any conditions shall be attached to the sign permit application.

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

**Recommendation:** In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan.

The Planning and Zoning Commission recommended approval of the ordinance amendment at its April 20, 2010, meeting.

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

If City Council determines to deny the 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 adopted 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.

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**Attachments / click to download**

[Redevelopment Commission proposed projection sign ordinance 859755](#)

[Excerpt from the 042210 PandZ minutes for text amendment 865112](#)

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ORDINANCE NO. 10 - \_\_\_\_  
AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on May 13, 2010 at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article N, Section 9-4-234(A), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by deleting said section in its entirety and substituting the following:

“(A) Except as further provided, no portion of any sign shall extend beyond any property boundary line or street right-of-way line.”

Section 2: That Title 9, Chapter 4, Article N, Section 9-4-234(B)(3), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by deleting said section in its entirety and substituting the following:

“(3) No wall sign shall project more than 12 inches from the building, except as provided under subsection (B)(4) and (5) below.”

Section 3: That Title 9, Chapter 4, Article N, Section 9-4-234(B)(5), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by renumbering subsection (5) as “(6)”.

Section 4: That Title 9, Chapter 4, Article N, Section 9-4-234(B), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection (5) to read as follows:

“(5) Wall projection signs.

1. For purposes of this section, wall projection signs shall be any wall sign that projects more than 12 inches from the building and does not qualify under subsection (4).
2. Wall projection signs shall be allowed only in the CD (downtown commercial) district and such signs shall be subject to compliance with all of the following requirements:
  - (a) Shall be permanently attached to an exterior wall of a building in a manner approved by the Building Inspector.
  - (b) Shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy.
  - (c) May project horizontally from the building wall not more than three (3) feet, or two-thirds (2/3) the distance from the building wall to the inside edge of the street curb line as located at the time of sign permit approval, whichever is less.
  - (d) The message portion of the sign, including any letters and/or graphics, shall be perpendicular in orientation to the building wall.
  - (e) The bottom edge of a projection wall sign shall be parallel to the finished floor of the building.
  - (f) There shall not be more than twelve (12) inches between the sign display areas (faces) of a double-sided sign. Three-dimensional projection wall signs not composed of flat sign display surfaces shall not be permitted.
  - (g) Projection wall signs shall be located on private property, provided however, a projection wall sign may encroach into the street right-of-way in accordance with an encroachment agreement approved by the City, and where applicable, the State Department of Transportation.
  - (h) Buildings with two (2) or more stories shall not have projecting signs located higher than the inside finished ceiling of the second story or twenty-four (24) feet, as measured from the finished grade directly below the sign to the highest point of the sign, whichever is less.
  - (i) Not more than one (1) projection wall sign shall be allowed per each individual principal use establishment.
  - (j) Projection wall signs for individual principal use establishments located in a common building shall not be located closer than eight (8) feet from any other projection wall sign located on the same building.
  - (k) All projection wall signs for individual principal use establishments located on a common building facade shall be of equal dimension, including but not limited to,

individual sign display area, width, height, horizontal projection. Sign height above grade may vary provided compliance with subsection (m) below.

- (l) Projection wall signs shall be considered part of the total wall sign allowance, provided however, no projecting wall sign shall exceed ten (10) total square feet in sign display surface area. A single side of a double-face sign shall be utilized for the sign surface area calculation.
  
- (m) Minimum height of a projection wall sign, as measured from the finished grade directly below the sign to the lowest point of the sign, shall be not less than eight (8) feet, except as further provided. Projection wall signs subject to street right-of-way encroachment agreement approval shall have a minimum height of not less than ten (10) feet, or per encroachment agreement condition, whichever is greater.
  
- (n) If required, all right-of-way encroachment agreement(s) must be granted by the approval authority prior to sign permit application. A copy of any encroachment agreement and any conditions shall be attached to the sign permit application.”

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. 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 7. This ordinance shall become effective May 13, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk

**Excerpt from the Planning and Zoning Commission Meeting Minutes (04/22/10)**

Text Amendments

*Request by the Redevelopment Commission to amend the sign regulations to allow wall projection signs within the CD (downtown commercial) district subject to ordinance requirements and standards.*

Mr. Harry Hamilton said this was a request from the Redevelopment Commission of the City of Greenville. He said the Redevelopment Commission deals with the Center City area and the West Greenville Revitalization project. He said the Center City is very unique in that parking, building setbacks, & signage are all unique to that area. Within the past year, several businesses have expressed interest in projection signage. Mr. Hamilton said projection signs were very common in the past in urban areas. He said the City's sign regulations were adopted in 1986 and were mainly geared toward a suburban environment where projection signs weren't really needed. He said projection signs are historically seen in areas with very little setback from the street right-of-way. Mr. Hamilton said staff had surveyed several other cities around the state and in other states and found a number of them currently allow projection signs. He said this amendment would only apply to the CD (downtown commercial) district. He showed the board some examples of current signage from the downtown area illustrating how difficult it is to see the signs. He then showed examples of projection signs from other areas illustrating how appealing they can be. Mr. Hamilton said the projection signs shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy. They may project horizontally from the building wall not more than three feet, or two-thirds the distance from the building wall to the inside edge of the street curb line as located at the time of sign permit approval, whichever is less. The sign display area of a projection wall sign shall be oriented perpendicular to the building wall. Mr. Hamilton said there shall not be more than twelve inches between the sign display areas of a double sided sign. He said three-dimensional projection wall signs not composed of flat sign display surfaces shall not be permitted. Projection wall signs shall be located on private property; provided however, a projection wall sign may encroach into the street right-of-way in accordance with an encroachment agreement approved by the City and/or State Department of Transportation. Buildings with two or more stories shall not have projecting signs located higher than the top wall plate of the second story or twenty-four feet, whichever is less. He said not more than one projection wall sign shall be allowed per each individual establishment. Projection wall signs for individual establishments located in a common building shall not be located closer than eight feet from any other projection wall sign. Projection wall signs shall be considered part of the total wall sign allowance; provided however, no projecting wall sign shall exceed ten total square feet in sign display surface area. A single side of a double face sign shall be utilized for the sign surface area calculation. Mr. Hamilton said the minimum height of a projection wall sign shall have an 8 ft. clearance, and when deemed necessary by engineering, a 10 ft. clearance. Mr. Hamilton said some of the potential benefits of projection signage are the economic benefits of increased visibility; it fosters a pedestrian friendly environment, is aesthetically pleasing and is in historical context with the downtown area. Mr. Hamilton showed the areas where the rules would apply and stated the area would be expanded in the future to Tenth Street and in the vicinity of the railroad tracks.

Ms. Basnight asked if the signs could be lighted.

Mr. Hamilton said lights were permitted; however, flashing lights were not allowed in the City.

Mr. Thomas asked if there were any potential impacts to the Fire Department or Utilities Department.

Mr. Hamilton said there were not. He said one of the conditions is that the signs could not project beyond the property line without an encroachment agreement.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Parker to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. All members except Ms. Basnight voted in favor. Motion carries.



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

**Title of Item:** Ordinance to annex DTF, LLC (Trade/Wilco) property, involving 4.844 acres located at the northwestern corner of US Highway 13 (Highway 264A) and Allen Road, east and south of Nancy A. Beardsworth Subdivision, Section 2, Lots 1 and 3

**Explanation:** ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: May 3, 2010
2. City Council public hearing date: May 13, 2010
3. Effective date: June 30, 2010

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 4.844 acres
4. Voting District: 1
5. Township: Arthur
6. Vision Area: E
7. Zoning District: CG - General Commercial & CH - Heavy Commercial
8. Land Use: Existing: Convenience store Anticipated: New Convenience store

9. Population:

	Formula	Number of People
Total Current	N/A	N/A
Estimated at full development	N/A	N/A
Current Minority	N/A	N/A
Estimated Minority at full development	N/A	N/A
Current White	N/A	N/A
Estimated White at full development	N/A	N/A

10. Rural Fire Tax District: Red Oak

11. Greenville Fire District: Station #5 (Distance of 2.41 miles)

12. Present Tax Value: \$424,816  
Estimated Future Tax Value: \$532,363

**Fiscal Note:** The total estimated tax value at full development is \$532,363.

**Recommendation:** Approve the attached ordinance to annex the DTF, LLC (Trade/Wilco) property.

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**Attachments / click to download**

[DTF, LLC \(Trade/Wilco\) Annexation Map](#)

[DTF, LLC TRADE WILCO Annexation Ordinance 865059](#)



ORDINANCE NO. 10-\_\_\_\_\_  
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 13<sup>th</sup> day of May, 2010 after due notice by publication in The Daily Reflector on the 3rd day of May, 2010; 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 that certain property as shown on the annexation map entitled "DTF, LLC" involving 4.844 acres as prepared by Baldwin Design Consultants, PA.

LOCATION:                Lying and being situated in Arthur Township, Pitt County, North Carolina, located at the northwestern corner of US HWY 13 (HWY 264A) and Allen Road, east and south of Nancy A. Beardsworth subdivision, Section 2, Lots 1 and 3. This annexation involves 4.844 acres.

GENERAL DESCRIPTION:

Beginning at an existing iron pipe on the northern right-of-way of US Hwy 13 (Hwy 264A), said iron pipe being the southeastern corner of Lot 1, Nancy A. Beardsworth Subdivision, Section 2 as recorded in Map Book 71, Page 115 of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows.

Leaving the northern right-of-way of US Hwy 13 (Hwy 264A), N 24°34'37" W 367.25', thence N 65°41'18" E 204.51' to a point on the western right-of-way of NCSR 1203 (Allen Road), thence with the western right-of-way of NCSR 1203 (Allen Road), N 33°21'53" W 39.95', N 29°45'38" W 156.01', N 27°04'47" W 139.68', N 24°21'44" W 152.33', N 21°08'42" W 182.92' and N 17°54'29" W 94.10', thence crossing the right-of-way of NCSR 1203 (Allen Road), S 89°48'32" E 105.21' to a point on the eastern right-of-way of NCSR 1203 (Allen Road), thence with the eastern right-of-way of NCSR 1203 (Allen Road), S 17°54'29" E 58.59', S 21°08'42" E 177.29', S 24°21'44" E 147.15', S 27°04'47" E 134.96', S 29°45'38" E 318.42', S 41°50'17" E 42.85', S 59°37'20" E 129.77' and S 83°20'00" E 190.65' to a point where the eastern right-of-way of NCSR 1203 (Allen Road) intersects with the northern right-of-way of US Hwy 13 (Hwy 264A), thence crossing the right-of-way of NCSR 1203 (Allen Road), S 64°30'21" W 285.84' to an existing iron pipe where the western right-of-way of NCSR 1203 (Allen Road) intersects the northern right-of-way of US Hwy 13 (Hwy 264A), thence with the northern right-of-way of US Hwy 13 (Hwy 264A), S 65°25'06" W 252.32' and S 65°12'48" W 25.00' to the point of beginning containing 4.844 acres.

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 30th day of June, 2010.

ADOPTED this 13<sup>th</sup> day of May, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk

NORTH CAROLINA  
PITT COUNTY

I, \_\_\_\_\_, Notary Public for said County and State, certify that Patricia A. Sugg personally came before me this day and acknowledged that she is Interim 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 Interim City Clerk.

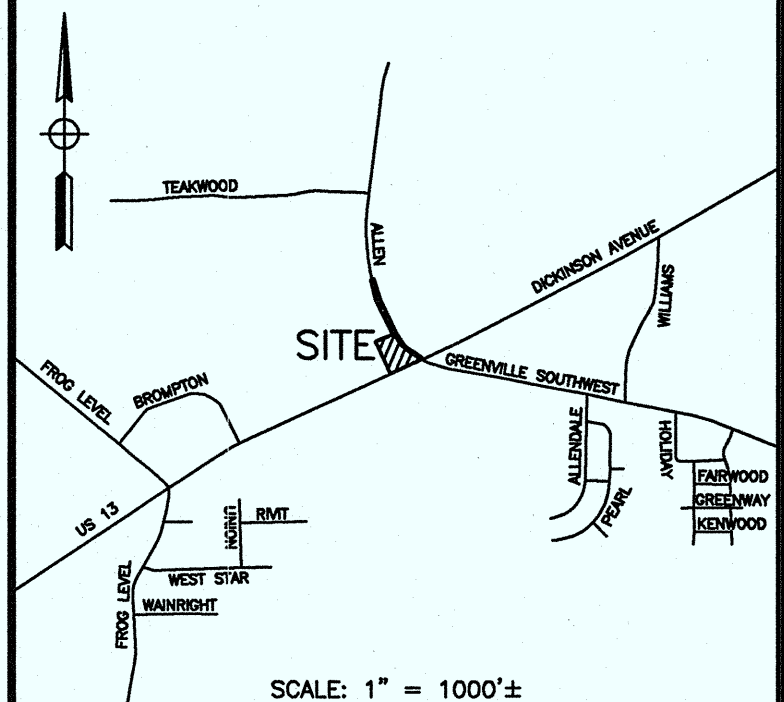
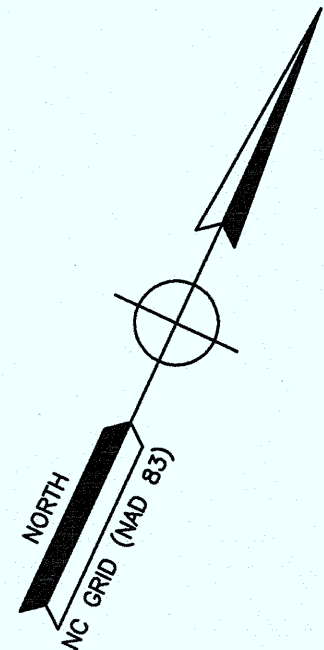
WITNESS my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Attachment number 1  
Page 3 of 3

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

My Commission Expires:

*Document # 865059*



**LEGEND**  
 R/W = RIGHT-OF-WAY  
 EIP = EXISTING IRON PIPE  
 EPKN = EXISTING PARKER KALON NAIL  
 C/L = CENTERLINE

**NOTES**

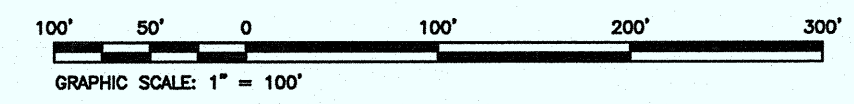
1. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
2. ALL AREA BY COORDINATE GEOMETRY.
3. REFERENCE: DEED BOOK 2722, PAGE 508 AND DEED BOOK 2573, PAGE 527 OF THE PITT COUNTY REGISTRY.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, NO GRID FACTORS HAVE BEEN APPLIED.

**LEGEND**  
 NEW CITY LIMIT LINE = ————  
 OLD CITY LIMIT LINE = - - - - -  
 CITY LIMIT LINE = - - - - -

**CERTIFICATION**

I, STUART C. BARWICK CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY ARRON BROOK 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 22nd DAY OF MARCH, 2010

SIGNED \_\_\_\_\_ REGISTRATION NO. L-4461



**US HWY 13 (HWY 264A)**  
 (100' R/W 69' B/B PUBLIC)  
 (NCDOT PROJECT #6.801803)

**NCGS MONUMENT "LAYTON"**  
 SPC 83/86  
 X = 2,464,073.700 FEET  
 Y = 667,555.9483 FEET

**NCGS MONUMENT "RED OAK"**  
 SPC 83/86  
 X = 2,466,405.133 FEET  
 Y = 668,524.9458 FEET

(1)  
**NANCY A. BEARDSWORTH SUBDIVISION**  
 SECTION 2  
 MB 71, PG 115

(3)  
**NANCY A. BEARDSWORTH SUBDIVISION**  
 SECTION 2  
 MB 71, PG 115

**KERMIT A. LYLE**  
 DB 2573, PG 582

**KERMIT A. LYLE**  
 DB 2573, PG 582

**MARGARET C. SULLIVAN**  
 DB 105, PG 812

**ELVY K. FORREST**  
 DB R-45, PG 502

**NANNIE S.C. BEST**

**NANNIE S.C. BEST**

**DVML, LLC**  
 DB 2714, PG 325

**ALLEN ROAD - NCSR 1203**  
 (R/W VARIES ASPHALT VARIES PUBLIC)  
 (NCDOT PROJECT #MA02017R)

PARCEL #56070 AND #78576

OWNER: **DTF, LLC**  
 ADDRESS: PO BOX 3435  
 GREENVILLE, NC 27834  
 PHONE: (252) 355-0260

**Baldwin Design Consultants, PA**  
 LICENSE# C-3498  
 DESIGN - LAND PLANNING - SURVEYING  
 708-D CROMWELL DRIVE  
 GREENVILLE, NC 27858 252.756.1390

SURVEYED: AB	APPROVED: SCB
DRAWN: SCB	DATE: 02/22/2010
CHECKED: SCB	SCALE: 1 = 100'

Item # 4

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
	NANCY A. BEARDSWORTH	46	61
	NANCY A. BEARDSWORTH SUBDIVISION		
	SECTION 2	71	115

MAP SHOWING AREA ANNEXED BY  
**THE CITY OF GREENVILLE, N.C**  
 (EFFECTIVE DATE \_\_\_\_\_ ORDINANCE # \_\_\_\_\_ AREA 4.844 AC.)  
 \_\_\_\_\_ TOWNSHIP, PITT COUNTY, N.C.



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

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**Title of Item:** Resolution authorizing the sale of City-owned property at 605 Hudson Street to Tyiana Bond

**Explanation:** This is a request to authorize the sale of the City-owned property located at 605 Hudson Street, Pitt County tax parcel number 007136, to Ms. Tyiana Bond. The new single-family dwelling is a three-bedroom, two-bath home with fair market value set previously at \$100,000 by action of City Council on August 11, 2008. The buyer has proposed a closing date on or before May 21, 2010. Ms. Bond will occupy the structure as her principal residence.

Ms. Bond has provided a \$500 earnest money deposit, and she received pre-approval from her mortgage lender. In addition, Ms. Bond plans to use the Federal New Home Buyer Tax Credit Program.

City Council must hold a public hearing prior to the approval of a resolution authorizing the conveyance of the home to Ms. Bond.

**Fiscal Note:** The purchase price offered is \$100,000. Proceeds from the sale will be used to reimburse the 1992 and 2004 bond funds for expenses involved in the home's development and construction costs.

**Recommendation:** Approval of the offer following a public hearing. In addition, staff recommends the City Manager or his designee be authorized to sign the required documents for the sale of the home to Ms. Tyiana Bond.

**Attachments / click to download**

 [Resolution to Sell 605 Hudson Street to Tyiana Bond 865176](#)

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RESOLUTION NO. 10-\_\_\_\_  
RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO  
TYIANA BOND FOR HOMEOWNERSHIP

WHEREAS, the City of Greenville has established the West Greenville Certified Redevelopment Area and a program to increase homeownership within this area;

WHEREAS, the City of Greenville recognizes the importance of homeownership for low and moderate income persons and intends to dispose of certain properties owned by the City of Greenville for this purpose;

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-456 to undertake community development programs and activities and to exercise powers granted by law to municipal housing authorities and is authorized pursuant to North Carolina General Statute 160A-457 to acquire and dispose of property for redevelopment as a part of a community development program;

WHEREAS, pursuant to the aforelisted authority, the City of Greenville has acquired and developed certain properties for the purpose of resale for development of housing for ownership by low and moderate income persons, including the property located at 605 Hudson Street; and

WHEREAS, the City Council, at its May 13, 2010, meeting, held a public hearing on the proposed sale of property located at 605 Hudson Street to Tyiana Bond for the purposes described herein, and notice of said public hearing was published and the public hearing was held in accordance with the provisions G.S. 160A-457;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby approve the sale of the property located at 605 Hudson Street to Tyiana Bond for \$100,000, said amount being not less than the appraised value of said property.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute the deed and any other necessary documents to accomplish the conveyance of said property to said person.

This the 13th day of May, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk





# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

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**Title of Item:** Resolution authorizing the sale of City-owned property located at 903 Douglas Avenue to Shawan Rascoe

**Explanation:** This is a request to authorize the sale of the City-owned property located at 903 Douglas Avenue, Pitt County tax parcel number 011424, to Ms. Shawan Rascoe. The new single-family dwelling is a three-bedroom, two-bath home with a fair market value set previously at \$95,000 by action of City Council on August 11, 2008. The buyer has proposed a closing date on or before May 17, 2010. Ms. Rascoe will occupy the home as her principal residence.

Ms. Rascoe has provided a \$1,000 earnest money deposit and has received pre-approval from her mortgage lender. In addition, Ms. Rascoe plans to use the Federal New Home Buyer Tax Credit Program.

City Council must hold a public hearing prior to the approval of a resolution authorizing the conveyance of the home to Ms. Rascoe.

**Fiscal Note:** The purchase price offered is \$95,000. Proceeds from the sale will be used to reimburse the 1992 and 2004 bond funds for expenses involved in the home's development and construction costs.

**Recommendation:** Approval of the offer following a public hearing. In addition, staff recommends the City Manager or his designee be authorized to sign the required documents for the sale of the home to Ms. Shawan Rascoe.



**Attachments / click to download**

 [Rascoe Resolution 903 Douglas Avenue 865178](#)

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RESOLUTION NO. 10-\_\_\_\_  
RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO  
SHAWAN RASCOE FOR HOMEOWNERSHIP

WHEREAS, the City of Greenville has established the West Greenville Certified Redevelopment Area and a program to increase homeownership within this area;

WHEREAS, the City of Greenville recognizes the importance of homeownership for low and moderate income persons and intends to dispose of certain properties owned by the City of Greenville for this purpose;

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-456 to undertake community development programs and activities and to exercise powers granted by law to municipal housing authorities and is authorized pursuant to North Carolina General Statute 160A-457 to acquire and dispose of property for redevelopment as a part of a community development program;

WHEREAS, pursuant to the aforelisted authority, the City of Greenville has acquired and developed certain properties for the purpose of resale for development of housing for ownership by low and moderate income persons, including the property located at 903 Douglas Avenue; and

WHEREAS, the City Council, at its May 13, 2010, meeting, held a public hearing on the proposed sale of property located at 903 Douglas Avenue to Shawan Rascoe for the purposes described herein, and notice of said public hearing was published and the public hearing was held in accordance with the provisions G.S. 160A-457;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Greenville that it does hereby approve the sale of the property located at 903 Douglas Avenue to Shawan Rascoe for \$95,000, said amount being not less than the appraised value of said property.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute the deed and any other necessary documents to accomplish the conveyance of said property to said person.

This the 13th day of May, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

**Title of Item:** Proposed ordinance excluding porches and similar areas as an approved parking area

**Explanation:** At its April 5, 2010, meeting, City Council requested that an ordinance be prepared which would prohibit motorcycles being on porches. During discussion on this matter, aesthetic concerns were raised. Additionally, a motorcycle being on a porch poses a safety issue since it involves fueled equipment being located near a building, which is a concern in the event of a fire. The concern is heightened since the location also would likely be near a point of ingress and egress to the building.

Section 9-4-248 of the Zoning Ordinance currently requires that all parking surface areas be constructed of hard surfaced all-weather material. This ordinance is enforced by Code Enforcement by the issuance of a citation when a vehicle is not parked on a hard surfaced all-weather material. The civil penalty for the violation is \$25. Citations are issued when automobiles, trucks, motorcycles, trailers, and similar vehicles are parked. Citations are not issued for bicycles, toys, and similar items.

Extending the coverage of this ordinance by providing an additional restriction could accomplish the desired result of prohibiting the parking of motorcycles on porches. This would be accomplished by defining as a non-qualified approved parking surface or parking area a porch and similar locations (stoops, stairs and landings, roofs, access ramps, fire escapes, decks, balconies, building ledges, improved walkways, sidewalks, greenway easements and exterior mechanical equipment). An ordinance which accomplishes this is attached.

In order to determine whether other North Carolina cities have an ordinance which prohibits the parking of motorcycles on porches, inquiries were made on the listserves of planners, city clerks, and city attorneys. None of the inquiries received a response that any North Carolina city had such an ordinance.

**Fiscal Note:**

It is not anticipated that there would be a significant fiscal impact resulting from the adoption and enforcement of this ordinance.

**Recommendation:**

If Council determines to further consider an ordinance which excludes porches and similar areas as an approved parking area, the Council should initiate the amendment to the Zoning Ordinance and refer it to the Planning and Zoning Commission for review and recommendation.

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 [Parking\\_area\\_surface\\_requirement\\_864899](#)

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ORDINANCE NO. 10 - \_\_\_\_  
AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 10, 2010 at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Section 9-4-248(A), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by deleting said subsection in its entirety and substituting the following:

(A) All parking areas, except as provided herein, shall be constructed with a hard surfaced all-weather material such as asphalt, concrete, brick, CABC or any other approved materials. The parking area shall be maintained in a safe, sanitary and neat condition. All spaces shall be marked clearly to be recognizable to the general public. For purposes of these requirements the following surfaces and areas shall not qualify as an approved parking surface or parking area:

- (1) Grass and bare earth areas; or
- (2) Porches, stoops, stairs and landings, roofs, access ramps, fire escapes, decks, balconies, building ledges, improved walkways, sidewalks, greenway easements and exterior mechanical equipment.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

**Title of Item:** Proposed ordinance to require a separation requirement between public and/or private clubs and residential uses and residential zoning districts

**Explanation:** Staff submitted the attached nightclub separation survey report to the City Council in the City Manager's March 31, 2010, report. At the April 5, 2010, City Council meeting, Council Member Blackburn requested and the City Council approved a motion to direct staff to return to the City Council in May 2010 with information on how an ordinance regulating distances between public and/or private clubs and residential uses and residential zoning districts may be developed. This agenda item fulfills the City Council's directive.

Currently, no new public and/or private club may be located within 500 feet of an existing club as measured from the nearest lot line. No other land use separation requirements apply at this time with respect to public and/or private clubs. The attached draft ordinance will require an additional club land use separation requirement as follows: "At the time of special use permit approval, a public or private club shall not be located within a five hundred (500) foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the public or private club to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section the term "single-family residential zoning district" shall include any RA20, R15S, R9S, R6S, and MRS district."

**Fiscal Note:** No direct cost to the City.


**Recommendation:** If the City Council determines to further consider an ordinance which establishes a separation requirement between public or private clubs and single family residential uses or zones, then City Council should initiate the amendment to the Zoning Ordinance and refer it to the Planning and Zoning Commission for review and recommendation.

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 [Survey of Nightclub Separation Requirements from Residential Zoning or Uses 856801](#)

 [Public and private club spacing ordinance 864675](#)

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## **Survey of Nightclub Residential Zone and/or Residential Uses Separation Requirements**

CDD Planning Division, March 30, 2010

The term “nightclub” as used in this survey includes public or private club, bar, pub, etc.

Fifteen (15) North Carolina municipalities were surveyed by the CDD Planning Division to determine if the surveyed cities currently require any spacing or separation requirements between nightclubs and residential uses or residential zoning districts. Of the fifteen (15) cities surveyed three (3) were determined to have a residential use and/or zone separation requirement. A summary of the separation requirements for the three (3) cities is included below.

### **Municipalities with Residential Separation Requirements**

**Cary** – If a nightclub has outdoor activities it must be located at least a 100 feet from any residential zoning district.

**Garner** – Nightclubs located in industrial districts (permitted use category) cannot be located within 500 feet of a residential use [dwelling] or residential zoning district.

**Wilson** – Nightclubs cannot be located within 500 feet of a residence [located in any zone].

**Rocky Mount** – Currently considering a spacing requirement between night clubs and other uses. The proposed separation requirement is 500 feet between a night club and residential uses, churches, schools, or parks. No spacing requirement between night clubs is proposed.

### **Municipalities without Residential Separation Requirements**

**Asheville, Atlantic Beach, Chapel Hill, Durham, Fayetteville, Havelock,  
Jacksonville, Kinston, Raleigh, Washington, Wilmington, Rocky Mount**

#### **Staff Recommendation:**

If the City Council determines nightclubs should be separated, by a minimum distance, from single-family dwellings and/or single-family residential zoning districts, the Planning Division staff would recommend the following requirement be added to the minimum public or private club special use permit criteria – Section 9-4-86(f):

At the time of special use permit approval, a public or private club shall not be located within a five hundred (500) foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, and (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the public or private club to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section the term “single-family residential zoning district” shall include any RA20, R15S, R9S, R6S, and MRS district.

ORDINANCE NO. 10 - \_\_\_\_  
AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

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

Section 1: That Title 9, Chapter 4, Section 9-4-86(F), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection 6 to read follows:

“(6) At the time of special use permit approval, a public or private club shall not be located within a five hundred (500) foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the public or private club to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section the term “single-family residential zoning district” shall include any RA20, R15S, R9S, R6S, and MRS district.”

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

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 \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Sugg, Interim City Clerk

864675



# City of Greenville, North Carolina

Meeting Date: 5/13/2010  
Time: 7:00 PM

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**Title of Item:** Review of fiscal year 2010-2011 proposed budgets and fiscal year 2011-2012 financial plans

**Explanation:** Proposed budgets for 2010-2011 were presented during the May 10, 2010 City Council meeting. As provided in the approved budget schedule, representatives from Greenville Utilities Commission, Sheppard Memorial Library, and Pitt-Greenville Convention and Visitors Authority will be available to respond to questions.

The proposed budgets will be scheduled for additional discussion/comment during the May 24, 2010, City Council meeting.

**Fiscal Note:** The final amount for each of the budgets will be determined by City Council action at the June 10, 2010, City Council meeting.

**Recommendation:** Review and ask questions regarding proposed fiscal year 2010-2011 budgets and fiscal year 2011-2012 financial plans.

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