



# Agenda

## Greenville City Council

June 7, 2010  
6:00 PM  
City Council Chambers  
200 West Fifth Street

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

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**I. Call Meeting To Order**

**II. Invocation - Council Member Smith**

**III. Pledge of Allegiance**

**IV. Roll Call**

**V. Approval of Agenda**

**VI. Consent Agenda**

1. Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 2; Brighton Park; and Park West, Section Two
2. Right-of-way encroachment agreement with Ironwood Homeowners' Association, Inc., to allow the construction of a subdivision name entrance sign with lighting and landscaping for Ironwood Subdivision in the median of Golf View Drive near the entrance from NC Highway 43
3. Resolution for new banking depositories
4. Authorization for the Police Department to make a sole source purchase
5. Water capital projects budget ordinance amendment and series resolution for Greenville Utilities Commission's Thomas Langston Road Water Main Extension Project
6. Sewer capital projects budget ordinance amendment and series resolution for Greenville Utilities Commission's Wastewater Treatment Plant Electrical/SCADA Upgrade Project - Upgrades to the Northside & Southside Regional Pumping Stations

7. Budget ordinance amendment for Greenville Utilities Commission's FY 2009-2010 Budget
8. Budget ordinance amendment #9 to the 2009-2010 City of Greenville General Fund and amendments to Ordinance No. 05-50 West Greenville Revitalization Capital Project Fund, Ordinance No. 09-73 Public Transportation Capital Assistance Recovery Grant Project Fund, and Ordinance No. 94-140 Insurance Loss Reserve Fund

## **VII. New Business**

### **Public Hearings**

9. Public hearing on proposed Fiscal Year 2010-2011 Budgets
  - a. Pitt-Greenville Convention & Visitors Authority
  - b. Sheppard Memorial Library
  - c. Greenville Utilities Commission
  - d. City of Greenville

### **Other Items of Business**

10. Presentations by boards and commissions
  - a. Planning and Zoning Commission
  - b. Redevelopment Commission
11. Redevelopment Commission 2010-2011 work plan and budget
12. Resolution supporting Senate Bill 955 of the General Assembly of North Carolina requiring bicycles to use lights at night
13. Resolution to not support House Bill 1686 of the General Assembly of North Carolina requiring that bicyclists riding two abreast shall move into a single-file formation as quickly as is practical when being overtaken from the rear by a faster moving vehicle
14. Resolution supporting enactment of legislation which will enhance the enforcement of ABC laws
15. Municipal and Crossing Closures Agreement for railroad crossing safety improvements and crossing closures
16. Erosion of stream banks located on private properties
17. Maintenance responsibilities for common stormwater facilities

## **VIII. Review of June 10, 2010 City Council Agenda**

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

**X. City Manager's Report**

**XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 2; Brighton Park; and Park West, Section Two

**Explanation:** In accordance with the City's Subdivision regulations, rights-of-way and easements have been dedicated for Kittrell Farms Patio Homes, Section 1, Phase 2 (Map Book 66 at Pages 169-170); Brighton Park (Map Book 56 at Pages 101, 101A, and 101B); and Park West, Section Two (Map Book 607 at Page 102). A resolution accepting the dedication of the aforementioned rights-of-way and easements is attached for City Council consideration. The final plats showing the rights-of-way and easements are also attached.

**Fiscal Note:** Funds for the maintenance of these rights-of-way and easements are included within the FY 2009-2010 budget.

**Recommendation:** Adopt the attached resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 2; Brighton Park; and Park West, Section Two.

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

**Attachments / click to download**

- [Kittrell Farms Patio Homes Section 1 Phase 2](#)
- [Brighton Park](#)
- [Park West Section Two](#)
- [June Right of Way Resolution 867152](#)

RESOLUTION NO. 10- \_\_\_\_\_

A RESOLUTION ACCEPTING DEDICATION TO THE PUBLIC OF  
RIGHTS-OF-WAY AND EASEMENTS ON SUBDIVISION PLATS

WHEREAS, G.S. 160A-374 authorizes any city council to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, the Subdivision Review Board of the City of Greenville has acted to approve the final plats named in this resolution, or the plats or maps that predate the Subdivision Review Process; and

WHEREAS, the final plats named in this resolution contain dedication to the public of lands or facilities for streets, parks, public utility lines, or other public purposes; and

WHEREAS, the Greenville City Council finds that it is in the best interest of the public health, safety, and general welfare of the citizens of the City of Greenville to accept the offered dedication on the plats named in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina:

Section 1. The City of Greenville accepts the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes offered by, shown on, or implied in the following approved subdivision plats:

Kittrell Farms Patio Homes, Section 1, Phase 2	Map Book 66	Pages 169-170
Brighton Park	Map Book 56	Pages 101,101A,101B
Park West, Section Two	Map Book 607	Page 102

Section 2. Acceptance of dedication of lands or facilities shall not place on the City any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations or specific acts of the City, or as provided by the laws of the State of North Carolina.

Section 3. Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution.

Adopted the 7<sup>th</sup> day of June, 2010.

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

ATTEST:

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

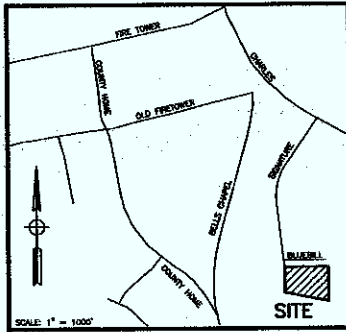
NORTH CAROLINA  
PITT COUNTY

I, Patricia A. Sugg, 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 7<sup>h</sup> day of June, 2010.

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

My Commission Expires: 9/4/2011



**SITE DATA**

TOTAL AREA	9.127 ACRES
NUMBER OF LOTS CREATED	34
AREA IN OPEN AREA	0
AREA IN PARKS, RECREATION AREAS, CEMETERIES AND THE LIKE	0

VICINITY MAP

**C/L CURVE DATA**

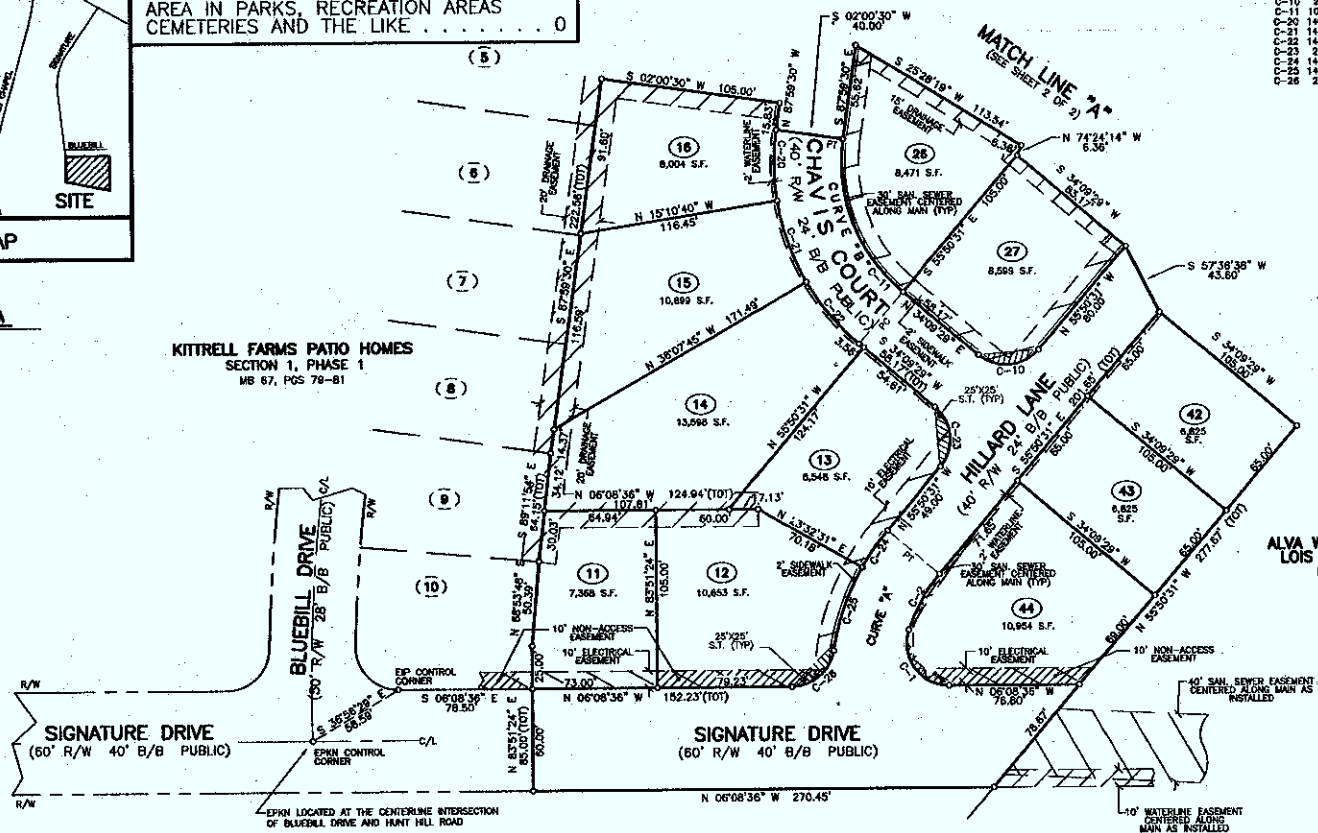
**CURVE "A"**

R	= 122.00'
Δ	= 40°10'52"
L	= 85.74'
T	= 44.72'
Ch	= S 75°27'27" E 63.80'

**CURVE "B"**

R	= 150.00'
Δ	= 57°51'01"
L	= 121.11'
T	= 63.51'
Ch	= N 17°04'59" E 118.50'

**KITRELL FARMS PATIO HOMES**  
SECTION 1, PHASE 1  
MB 67, PGS 70-81



**ALVA W. WORTHINGTON & LOIS D. WORTHINGTON**  
DB 1558, PG. 508

**CURVE TABLE**

CURVE	RADIUS	TANGENT	LENGTH	CHORD	CH-BEARING
C-1	25.00'	35.05'	47.66'	40.71'	N 48°21'38"E
C-2	102.00'	18.15'	37.81'	37.68'	S 62°32'20"E
C-10	25.00'	25.00'	39.27'	35.35'	N 10°50'31"W
C-11	100.00'	25.25'	100.87'	88.73'	N 83°08'56"E
C-20	140.00'	21.16'	41.89'	41.84'	S 83°24'55"W
C-21	140.00'	25.89'	51.18'	55.91'	S 64°20'48"W
C-22	140.00'	24.32'	48.17'	47.83'	S 44°00'52"W
C-23	25.00'	25.00'	39.27'	35.35'	S 79°09'28"W
C-24	140.00'	14.00'	28.31'	13.16'	N 81°00'00"W
C-25	142.00'	28.35'	52.17'	51.87'	N 76°58'56"W
C-26	25.00'	21.49'	35.50'	32.59'	N 46°42'24"W

Doc ID: 0008185002 Type: COP  
Recorded: 13/09/2008 at 10:24:24 AM  
Fee Amt: \$42.00 Page 1 of 2  
Pitt County, NC  
Judy J. Tami, Register of Deeds  
Bk 66 Pg 169-170



- GENERAL NOTES**
- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
  - THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
  - IRON PIPES TO BE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
  - 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.
  - THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, REF: 3720469800 J, DATED JANUARY 2, 2004.
  - NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND APPURTENANCES HERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, LIGHT FIXTURES, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, AND OBSTACLES AND IMPERVIOUS SURFACES, SHALL ENROACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF GREENVILLE.



**CERTIFICATION**

I, MICHAEL W. BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE, ETC.) (OTHER), THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE. I STATE THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:100,000 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 20th DAY OF MARCH, 2008.

SIGNED: [Signature] REGISTRATION NO. L-3082

**REVIEW OFFICER'S CERTIFICATE**

Andrew Thomas, Jr.  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
SIGNED: [Signature] DATE: 4/19/08

NORTH CAROLINA, PITT COUNTY  
FILED FOR REGISTRATION THIS 20th DAY OF MARCH, 2008.  
JUDY J. TAMM, REGISTER OF DEEDS  
DEPUTY REGISTER OF DEEDS

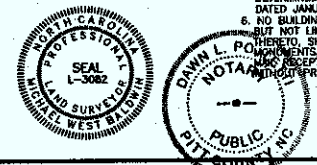
**FINAL PLAT SHEET 1 OF 2**

**KITRELL FARMS PATIO HOMES**  
SECTION 1, PHASE 2

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1503, PAGE 639 OF THE PITT COUNTY REGISTRY.  
GREENVILLE, WATERSVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: ROSEWOOD FARMS, LLC  
ADDRESS: PO BOX 20370 GREENVILLE, NC 27834  
PHONE: (252) 756-4052

<p><b>Baldwin and ASSOCIATES</b> ENGINEERING, LAND SURVEYING AND PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27858 (252) 756-1580</p>	SURVEYED: MMB	APPROVED: MMB
	DRAWN: SCB	DATE: 08/02/2008
	CHECKED: MMB	SCALE: 1" = 50'
	<p>DEED BOOK 1503 PAGE 639 DEED BOOK PAGE NO REGISTRATION NO. L-3082</p>	



**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

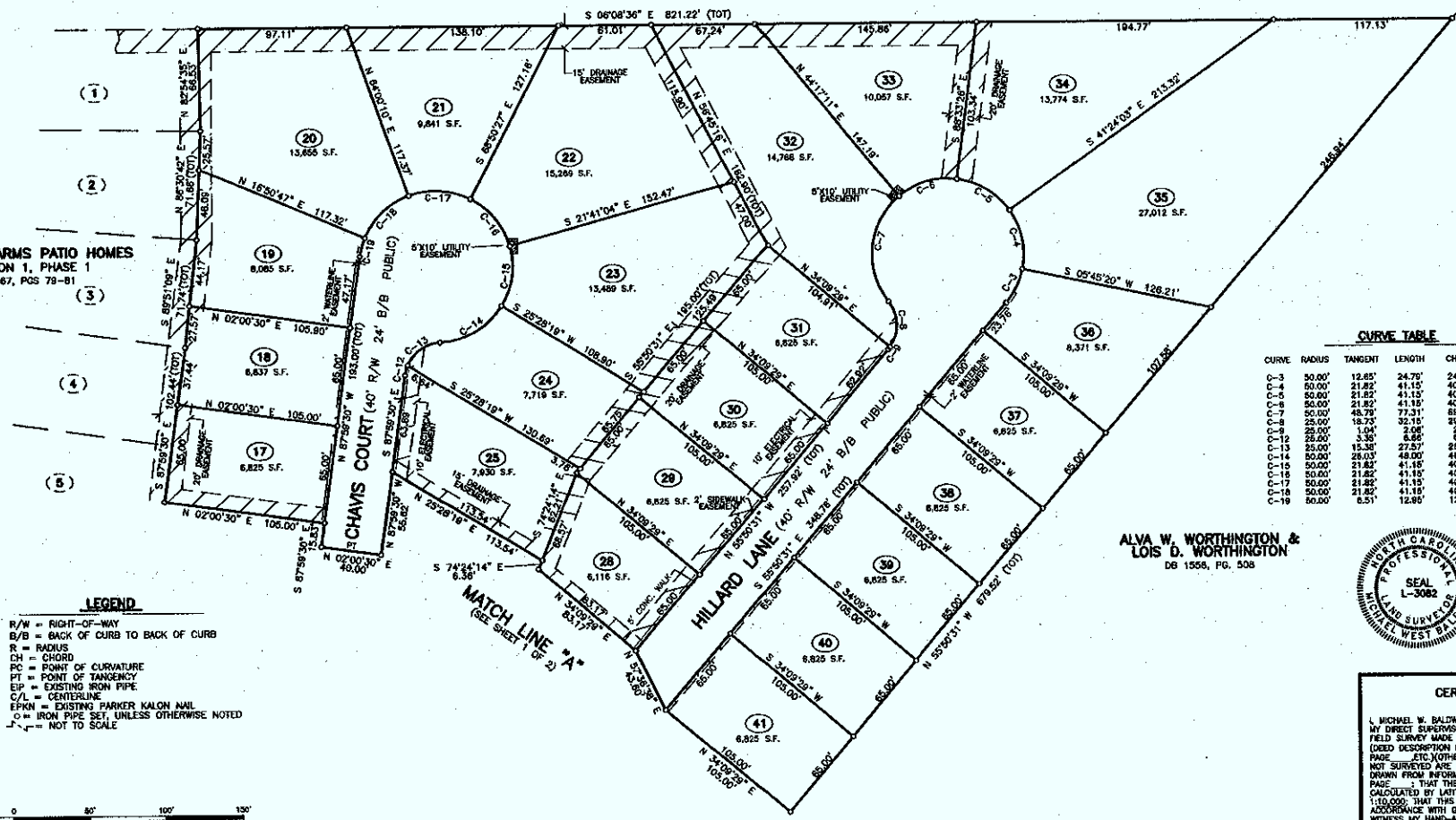
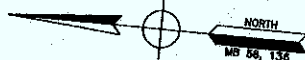
**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF:  
[Signature]  
SWORN AND SUBSCRIBED BEFORE ME THIS 20th DAY OF MARCH, 2008.  
[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 03/28/09

**APPROVAL**  
THIS FINAL PLAT NO. 08-95 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 27th DAY OF SEPTEMBER, 2008.  
SIGNED: [Signature] CITY PLANNER  
Tom # 1

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.  
SIGNED: [Signature]  
ATTEST: [Signature]

WILLIAM H. BROWN &  
JOHN I. BROWN  
DB J-42, PG 123

Doc ID: 0008155002 Type: CD  
Recorded: 11/09/2006 at 10:14:54 AM  
Fee Amt: \$42.00 Page 1 of 2  
Pitt County: NC  
Judy J. Tart, Register of Deeds  
BK 66 PG 169-170



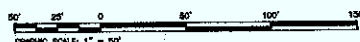
**CURVE TABLE**

CURVE	RADIUS	TANGENT	LENGTH	CHORD	CH BEARING
C-3	50.00'	12.85'	24.76'	24.53'	S 70°02'35"E
C-4	50.00'	21.82'	41.15'	40.00'	N 72°10'38"E
C-5	50.00'	21.82'	41.15'	40.00'	N 23°01'15"E
C-6	50.00'	21.82'	41.15'	40.00'	N 22°08'08"W
C-7	50.00'	48.79'	77.31'	88.84'	S 82°59'27"W
C-8	25.00'	10.94'	22.08'	20.84'	S 82°32'27"W
C-9	25.00'	10.94'	22.08'	20.84'	S 80°21'28"E
C-10	25.00'	10.94'	22.08'	20.84'	S 82°01'35"E
C-11	50.00'	20.03'	48.00'	48.17'	S 37°01'42"E
C-12	50.00'	21.82'	41.15'	40.00'	S 68°04'23"E
C-13	50.00'	21.82'	41.15'	40.00'	N 44°41'14"E
C-14	50.00'	21.82'	41.15'	40.00'	N 82°25'08"W
C-15	50.00'	21.82'	41.15'	40.00'	N 49°34'31"W
C-16	50.00'	21.82'	41.15'	40.00'	N 80°34'21"W
C-17	50.00'	21.82'	41.15'	40.00'	N 80°34'21"W
C-18	50.00'	21.82'	41.15'	40.00'	N 80°34'21"W
C-19	50.00'	21.82'	41.15'	40.00'	N 80°34'21"W

ALVA W. WORTHINGTON &  
LOIS D. WORTHINGTON  
DB 1556, PG. 508



**LEGEND**  
R/W = RIGHT-OF-WAY  
B/B = BACK OF CURB TO BACK OF CURB  
R = RADIUS  
CH = CHORD  
PC = POINT OF CURVATURE  
PT = POINT OF TANGENCY  
EP = EXISTING IRON PIPE  
C/L = CENTERLINE  
EPKN = EXISTING PARKER KALON NAIL  
IP = IRON PIPE SET, UNLESS OTHERWISE NOTED  
- = NOT TO SCALE



FINAL PLAT SHEET 2 OF 2

**KITTRILL FARMS PATIO HOMES**  
SECTION 1, PHASE 2  
REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1503, PAGE 639 OF THE PITT COUNTY REGISTRY.  
GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: ROSEWOOD FARMS, LLC  
ADDRESS: PO BOX 20370 GREENVILLE, NC 27834  
PHONE: (252) 756-4052

**Baldwin and Associates**  
ENGINEERING, LAND SURVEYING AND PLANNING  
1015 CONFERENCE DRIVE GREENVILLE, NC 27834 (252) 756-1390  
SURVEYED: MM APPROVED: MWD  
DRAWN: SCB DATE: 09/02/2006  
CHECKED: MWD SCALE: 1" = 50'



**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
DEED BOOK 1503 PAGE 639  
DEED BOOK PAGE  
DEED BOOK PAGE  
NC REGISTRATION NO. L-3082

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF  
*Alva W. Worthington*  
SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF Oct, 2006.  
*Dan L. Poalletti*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 03/28/09

**APPROVAL**  
THIS FINAL PLAT NO. 08-06 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 27th DAY OF SEPTEMBER, 2005.  
SIGNED: *Paul H. Jones*  
CITY PLANNER

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALIGNMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.  
SIGNED: *Alva W. Worthington*  
ATTEST: *Dan Poalletti*

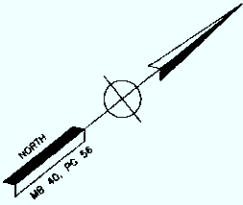
**CERTIFICATION**  
I, MICHAEL W. DALTON, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE ETC. (OTHER) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 20th DAY OF MARCH, 2006.  
SIGNED: *Michael West Dalton*  
REGISTRATION NO. L-3082

**REVIEW OFFICER'S CERTIFICATE**  
ANDREW THOMAS, JR.  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
SIGNED: *Andrew Thomas, Jr.*  
REVIEW OFFICER DATE

NORTH CAROLINA, PITT COUNTY  
FILED FOR REGISTRATION THIS DAY  
OF 20 AT O'CLOCK  
JUDY J. TART, REGISTER OF DEEDS  
DEPUTY REGISTER OF DEEDS

Item # 1

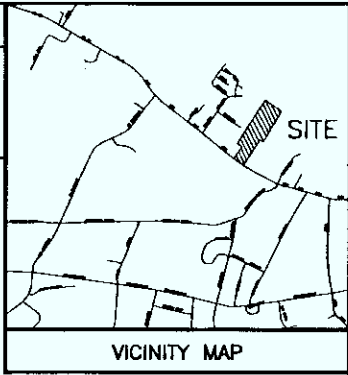




- LEGEND**
- EIP = EXISTING IRON PIPE
  - R/W = RIGHT-OF-WAY
  - PP = POWER POLE
  - NPS = NO POINT SET
  - R = RADIUS
  - CH = CHORD
  - PT = POINT OF TANGENCY
  - PC = POINT OF CURVATURE

**SITE DATA**

TOTAL AREA IN TRACT	67.365 AC.
NUMBER OF LOTS CREATED	9
AREA IN COMMON AREA	0
AREA IN PARKS, RECREATION AREAS, AND THE LIKE	0



**CURVE TABLE**

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH-BEARING
C-1	25.00'	8.17'	15.78'	36°11'44"	229°10'59"	15.53'	N 21°42'49"E
C-2	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	N 84°35'41"E
C-3	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	N 09°04'19"W
C-4	50.00'	70.71'	218.63'	259°31'44"	114°35'30"	81.85'	N 89°20'11"W
C-5	25.00'	17.66'	128.31'	288°28'18"	229°10'59"	28.87'	S 04°33'49"W
C-6	204.89'	29.11'	57.83'	16°10'20"	275°51'51"	57.84'	S 48°00'59"W
C-7	148.89'	21.16'	42.03'	16°10'30"	38°28'55"	41.89'	S 48°00'40"W
C-8	25.00'	8.99'	19.00'	43°32'41"	229°10'59"	18.55'	S 81°41'52"W

**GENERAL NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- IRON PIPES TO BE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
- 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.
- A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE DEPT. OF HOUSING AND URBAN DEVELOPMENT. REF: FROM 370191 0005 B, DATED 04/30/86.
- GLC GAS/UTILITY EASEMENT IS 10' IN WIDTH AND IS CENTERED OVER LINES AS INSTALLED.
- MAINTENANCE OF LANDSCAPE ISLAND BY THE OWNERS ASSOCIATION.

**CURVE TABLE**

L-1	N 39°56'33" W	86.16'
L-2	N 54°31'19" W	83.16'

STATE OF NORTH CAROLINA  
COUNTY OF PITT

*Andrew Thomas Jr.*  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE *11/20/17*  
*Al Long*  
REVIEW OFFICER



Filed for registration this the 2 day of November, 2017 at 3:27 o'clock P. M.

RUDY J. TART, Register of Deeds  
By *Kara Spear*  
Deputy Register of Deeds

**CERTIFICATION**

I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY ALFRED BIEBER 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 2nd DAY OF NOV, 2017

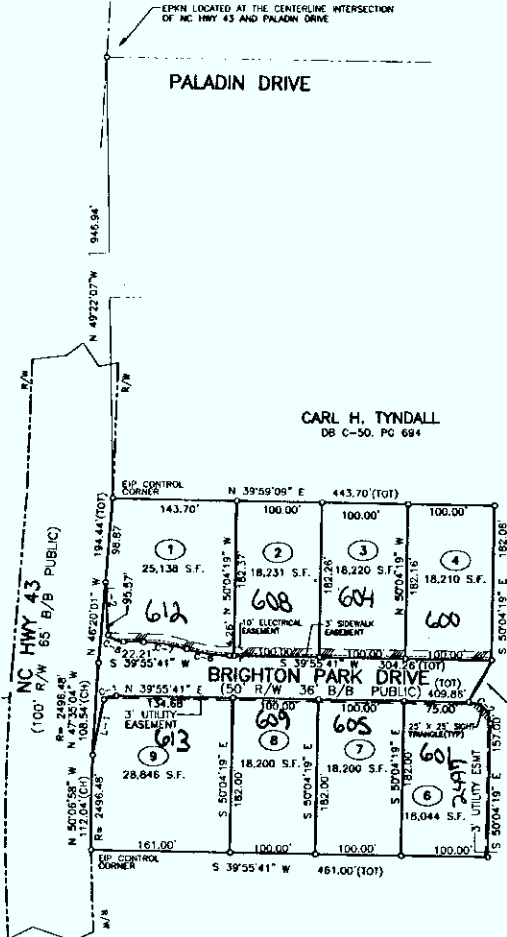
SIGNED \_\_\_\_\_  
REGISTRATION NO. L-3082

NORTH CAROLINA, PITT COUNTY  
STATE AFORESAID, CERTIFY THAT MICHAEL W. BALDWIN, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 2nd DAY OF NOV, 2017

NOTARY PUBLIC: *Stuart C. Barwick*  
MY COMMISSION EXPIRES: 04/03/2024

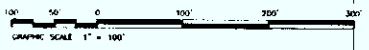
NORTH CAROLINA, PITT COUNTY  
THE FOREGOING CERTIFICATE OF STUART C. BARWICK IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS DAY OF \_\_\_\_\_ M. \_\_\_\_\_ AT \_\_\_\_\_ REGISTER OF DEEDS.  
BY DEPUTY REGISTER OF DEEDS



MEDICAL FOUNDATION OF EAST CAROLINA UNIVERSITY, INC.  
DB 728, PG 475

MEDICAL FOUNDATION OF EAST CAROLINA UNIVERSITY, INC.  
DB 728, PG 475

L.H. ROUNDTREE HEIRS  
DB V-22, PG 27



FINAL PLAT PARCEL #000956 TAX MAP #4678.10-45-4848 SHEET 1 OF 3

**BRIGHTON PARK**

REFERENCE: DEED BOOK 1078, PG 708 OF THE PITT COUNTY REGISTRY.

GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: BRIGHTON PARK APARTMENTS, LLC  
ADDRESS: P.O. BOX 20370 GREENVILLE, NC 27858  
PHONE: (252) 756-4052

**SOURCE OF TITLE**  
THIS IS EVIDENCE THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
DEED BOOK 1078 PAGE 708  
DEED BOOK 1078 PAGE 708  
DEED BOOK 1078 PAGE 708

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AS THE REQUEST OF:  
*Respiel J. Tart*  
SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF NOV, 2017.  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 04/03/04

**APPROVAL**  
THIS FINAL PLAT NO. 01-17 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE CHAPTER 47 OF THE GREENVILLE CITY CODE THE 20TH DAY OF NOVEMBER, 2017.

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID P.P.P.

SIGNED *Respiel J. Tart*  
CITY PLANNER

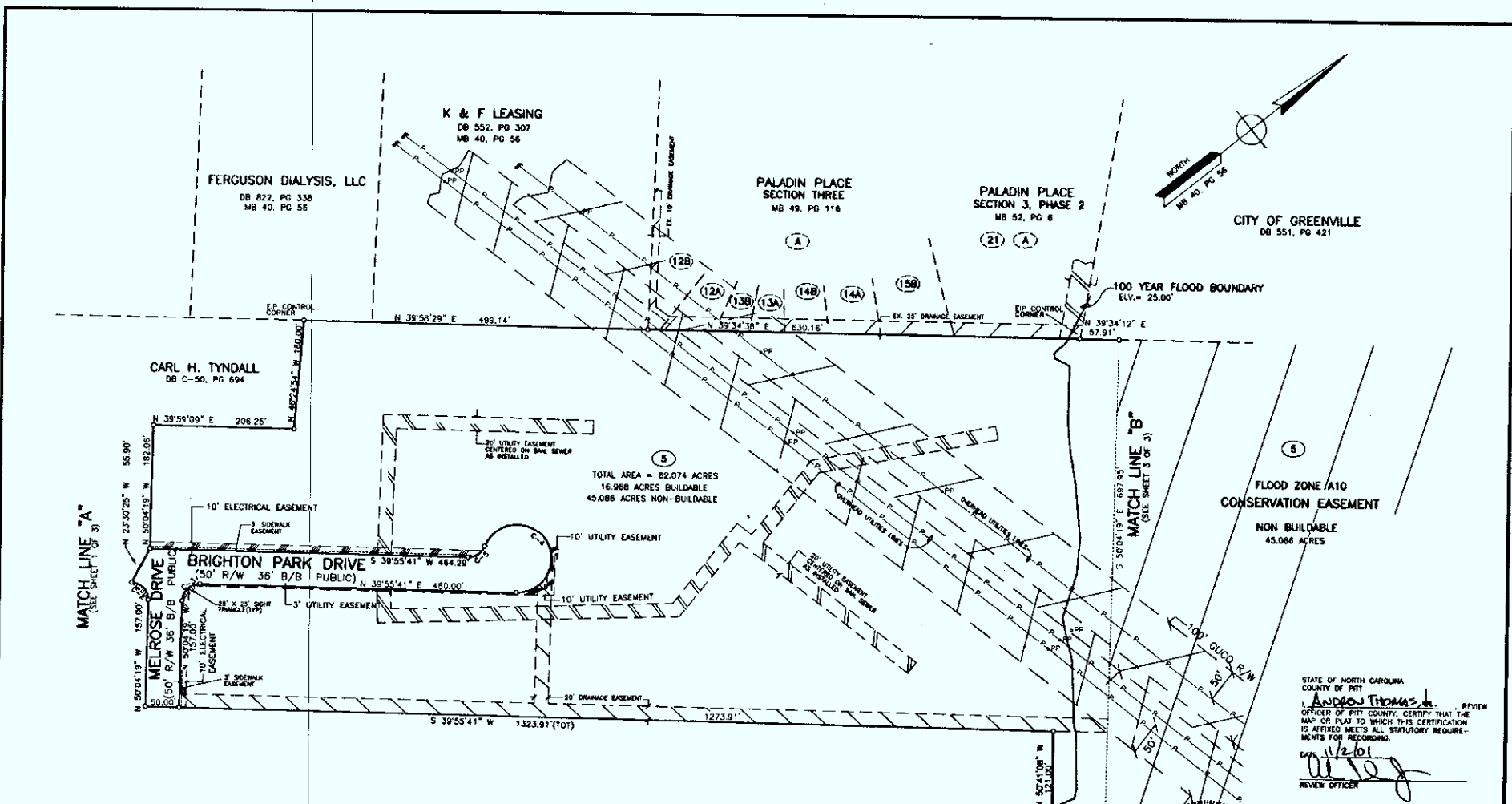
SIGNED *Respiel J. Tart*  
ATTEST

NC REGISTRATION NO. L-3082

Surveyed: HRB Approved: MWB  
Drawn: SCB Date: 08/03/01  
Checked: MWB Scale: 1" = 100'

**Baldwin and ASSOCIATES**  
LAND SURVEYING & PLANNING  
115 D EAST VICTORIA COURT  
GREENVILLE, NC 27858  
(252) 756-1390

map book 56 PS 1000 101



CITY OF GREENVILLE  
DB 551, PG 421

FERGUSON DIALYSIS, LLC  
DB 822, PG 338  
MB 40, PG 58

PALADIN PLACE  
SECTION THREE  
MB 49, PG 116

PALADIN PLACE  
SECTION 3, PHASE 2  
MB 52, PG 8

CARL H. TYNDALL  
DB C-50, PG 694

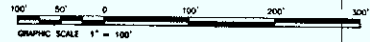
BRIGHTON PARK DRIVE  
(50' R/W 36' B/B PUBLIC)

TOTAL AREA = 82.074 ACRES  
16.988 ACRES BUILDABLE  
45.086 ACRES NON-BUILDABLE

FLOOD ZONE A10  
CONSERVATION EASEMENT  
NON BUILDABLE  
45.086 ACRES

L.H. ROUNDTREE HEIRS  
DB V-22, PG 27

STATE OF NORTH CAROLINA  
COUNTY OF PITT  
I, ANDREW THOMAS JR., REVIEW  
OFFICER OF PITT COUNTY, CERTIFY THAT THE  
MAP OR PLAN TO WHICH THIS CERTIFICATION  
IS AFFIXED MEETS ALL STATUTORY REQUIRE-  
MENTS FOR RECORDING.  
DATE: 11/2/01  
[Signature]  
REVIEW OFFICER



FINAL PLAT PARCEL #000956 SHEET 2 OF 3  
TAX MAP #4678.10-45-4848

**BRIGHTON PARK**

REFERENCE: DEED BOOK 1076, PG 708 OF THE  
PITT COUNTY REGISTRY.

GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: BRIGHTON PARK APARTMENTS, LLC  
ADDRESS: PO BOX 20370 GREENVILLE, NC 27858  
PHONE: (252) 756-4052

**Baldwin and ASSOCIATES**  
LAND SURVEYING & PLANNING  
105-D EAST VICTORIA COURT  
GREENVILLE, N.C. 27858  
(252) 756-1390

SURVEYED: HRB APPROVED: MWB  
DRAWN: SCB DATE: 08/03/01  
CHECKED: MWB SCALE: 1" = 100'

**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST  
INSTRUMENT(S) IN THE CHAIN OF TITLE(S)  
OF THIS PROPERTY AS RECORDED IN THE  
PITT COUNTY REGISTRY AT GREENVILLE,  
NORTH CAROLINA IS:  
DEED BOOK 1076 PAGE 708  
DEED BOOK 1076 PAGE 708  
DEED BOOK 1076 PAGE 708

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS  
MADE AT THE REQUEST OF  
[Signature]  
SWORN AND SUBSCRIBED BEFORE ME  
THIS 20th day of November, 2001.  
[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 04/03/04

**APPROVAL**  
THIS FINAL PLAT NO. D-87 WAS  
APPROVED BY THE SUBDIVISION REVIEW  
BOARD IN ACCORDANCE WITH TITLE 9,  
CHAPTER 5 OF THE GREENVILLE CITY  
CODE THE 20th DAY OF November,  
2001.  
[Signature]  
SIGNED CITY PLANNER

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS  
PLAT AND ALLOTMENT TO BE A FREE ACT  
AND DEED, AND HEREBY DEDICATES TO PUBLIC  
USE AS STREETS, PARKS, PLAYGROUNDS, OPEN  
SPACES AND EASEMENTS FOREVER ALL AREAS AS  
SHOWN OR SO INDICATED ON SAID PLAT.  
[Signature]  
SIGNED ATTEST

Filed for registration this the 2 day of November  
2001, at 3:22 o'clock P. M.  
JUDY J. TART, Register of Deeds  
By [Signature]  
Deputy Register of Deeds



**CERTIFICATION**  
I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY  
DIRECT SUPERVISION, THIS MAP WAS DRAWN  
FROM AN ACTUAL FIELD SURVEY MADE BY:  
ANDREW THOMAS JR. 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 3rd DAY  
OF August, 2001.  
SIGNED: [Signature]  
REGISTRATION NO. L-3082  
NORTH CAROLINA, PITT COUNTY  
I, A NOTARY PUBLIC OF THE COUNTY AND  
STATE AFORESAID, CERTIFY THAT MICHAEL W.  
BALDWIN, A PROFESSIONAL LAND SURVEYOR,  
PERSONALLY APPEARED BEFORE ME THIS DAY  
AND ACKNOWLEDGED THE EXECUTION OF THE  
FOREGOING INSTRUMENT.  
WITNESS MY HAND AND SEAL THIS 3rd DAY  
OF August, 2001.  
NOTARY PUBLIC: [Signature]  
MY COMMISSION EXPIRES: 04/03/2004  
NORTH CAROLINA, PITT COUNTY  
I, THE FOREGOING CERTIFICATE OF STUART C.  
SARWICK IS CERTIFIED TO BE  
CORRECT, FILED FOR REGISTRATION THIS  
DAY OF August, 2001, AT  
O'CLOCK P. M. REGISTER OF DEEDS  
BY [Signature] DEPUTY REGISTER OF DEEDS

map book 56 PG 1076 107A

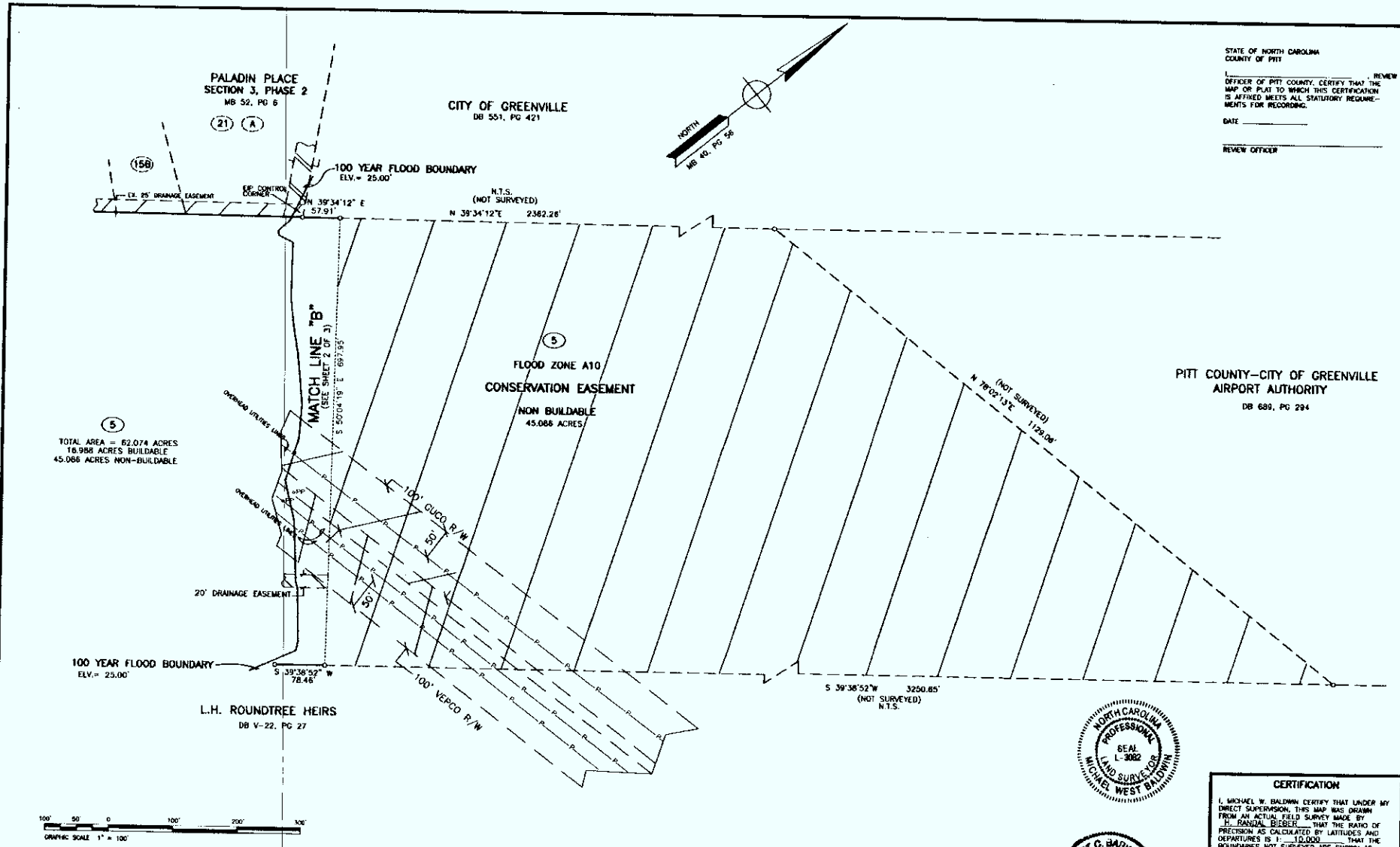
STATE OF NORTH CAROLINA  
 COUNTY OF PITT

REVIEW OFFICER \_\_\_\_\_

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

DATE \_\_\_\_\_

REVIEW OFFICER \_\_\_\_\_



**FINAL PLAT**

PARCEL #000956  
 TAX MAP #4678.10-45-4848 SHEET 3 OF 3

**BRIGHTON PARK**

REFERENCE: DEED BOOK 1076, PG 708 OF THE PITT COUNTY REGISTRY.

GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: **BRIGHTON PARK APARTMENTS, LLC**  
 ADDRESS: PO BOX 20370 GREENVILLE, NC 27858  
 PHONE: (252) 756-4052

**Baldwin and ASSOCIATES**  
 LAND SURVEYING & PLANNING  
 109-D EAST VICTORIA COURT  
 GREENVILLE, N.C. 27858  
 (252) 756-1390

SURVEYED: HRB APPROVED: MWB  
 DRAWN: SCB DATE: 08/03/01  
 CHECKED: MWB SCALE: 1" = 100'

NC REGISTRATION NO. L-3082

**SOURCE OF TITLE**

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK 1076 PAGE 708  
 DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**OWNERS STATEMENT**

THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF

*Roger C. Smith*  
 SWORN AND SUBSCRIBED BEFORE ME THIS 03rd DAY OF SEPTEMBER 2001.

NOTARY PUBLIC  
 MY COMMISSION EXPIRES 04/03/04

**APPROVAL**

THIS FINAL PLAT NO. 01-87 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 04th DAY OF SEPTEMBER 2001.

SIGNED: *Paul J. J...*  
 CITY PLANNER

**DEDICATION**

THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED: *Roger C. Smith*  
 DEPUTY REGISTER OF DEEDS

**CERTIFICATION**

I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY J. RANDAL BUDGETT 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 3rd DAY OF \_\_\_\_\_ 2001

SIGNED: *[Signature]*  
 REGISTRATION NO. L-3082

NORTH CAROLINA, PITT COUNTY COUNTY I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT MICHAEL W. BALDWIN, A PROFESSIONAL LAND SURVEYOR PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 3rd DAY OF \_\_\_\_\_ 2001

NOTARY PUBLIC: *[Signature]*  
 MY COMMISSION EXPIRES: 04/03/2004

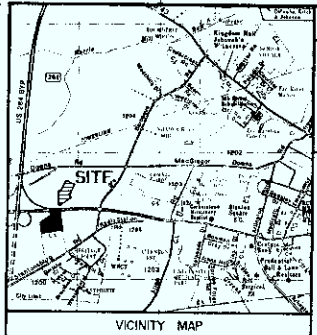
NORTH CAROLINA, PITT COUNTY THE FOREGOING CERTIFICATE OF \_\_\_\_\_ STUART C. BARWICK IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. REGISTER OF DEEDS BY DEPUTY REGISTER OF DEEDS

Filed for registration this the 2 day of November 2001 at 3:27 o'clock P M.

JUDY I. TART, Register of Deeds  
 By *Michael West Baldwin*  
 Deputy Register of Deeds

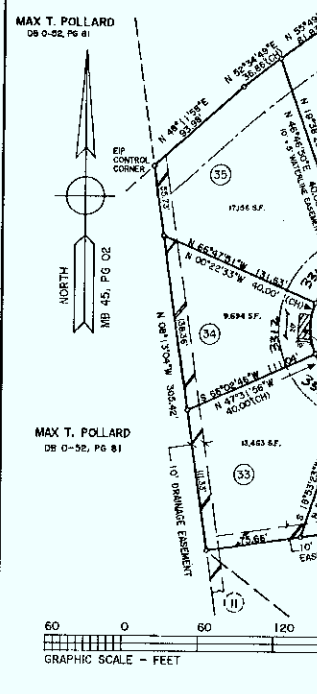


map 1018 50 P3 1018



SITE DATA	
TOTAL AREA IN TRACT	10.000 AC.
NUMBER OF LOTS CREATED	32
AREA IN COMMON AREA	0
AREA IN PARKS, RECREATION AREAS AND THE LIKE	0

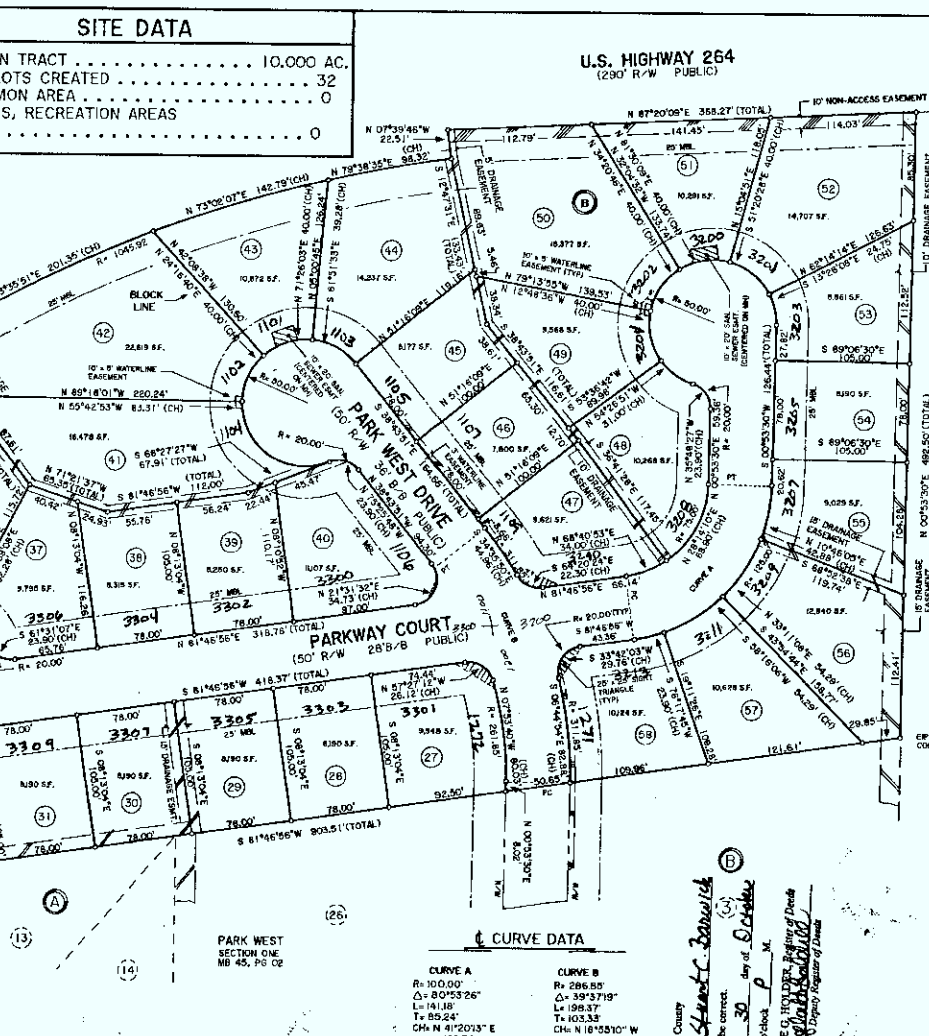
U.S. HIGHWAY 264  
(230' R/W PUBLIC)



MAP FOR RECORD  
**PARK WEST**  
SECTION TWO  
REFERENCE: DEED BOOK 607, PAGE 102 OF THE  
PITT COUNTY REGISTRY.  
GREENVILLE, ARTHUR TOWNSHIP, PITT COUNTY, N.C.

OWNER/DEVELOPER: D.C. DEVELOPMENT, CO.  
300 ARLINGTON BOULEVARD  
SUITE 4A, PARLMENT PLACE  
GREENVILLE, NC 27608  
(919) 756-1854

SURVEYED: MRJ	APPROVED: MWB
DRAWN: SCB	DATE: 08/27/96
CHECKED: MWB	SCALE: 1" = 60'



**CURVE DATA**

CURVE A	CURVE B
R=100.00'	R=286.85'
Δ=80°53'26"	Δ=39°37'19"
L=141.88'	L=198.37'
T=85.24'	T=130.33'
CH: N 41°20'13" E	CH: N 16°55'10" W
129.74'	194.44'

**GENERAL NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- IRON PIPES LOCATED AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
- THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE FOR 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.
- DRAINAGE EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE NOTED.

HICKS I. POLLARD  
DB M-53, PG 700

**LEGEND**

- EIP = EXIST. IRON PIPE
- SIP = SET IRON PIPE
- NPS = NO POINT SET
- R/W = RIGHT-OF-WAY
- MBL = MIN. BUILDING LINE
- EIS = EXIST. IRON STAKE
- EPKN = EXIST. P.K. NAIL
- SPKN = SET P.K. NAIL
- PP = POWER POLE
- BOC = BACK OF CURB
- PAL = PROPERTY LINE
- CNL = CENTERLINE
- ECM = EXIST. CONC. MONUMENT

**CERTIFICATION**

I, MICHAEL WEST BALDWIN, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY WISE S. JOHNSON, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:16,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION THAT THEY HAVE BEEN PREPARED IN ACCORDANCE WITH N.C.S. 42-17.1; THAT THE MAP WAS MADE BY ME ON AUGUST 27th, 1996; THAT I AM A NOTARY PUBLIC OF THE COUNTY AND STATE OF NORTH CAROLINA, PITT COUNTY, AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 27th DAY OF AUGUST, 1996.

NOTARY PUBLIC: *[Signature]*

**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENTS IN THE CHAIN OF TITLES OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
DEED BOOK 607 PAGE 102  
DEED BOOK 607 PAGE 102  
DEED BOOK 607 PAGE 102  
NC REGISTRATION NO. L-3082

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF:  
*[Signature]*  
SWORN AND SUBSCRIBED BEFORE ME THIS 27th DAY OF AUGUST, 1996.  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 08/03/99.

**APPROVAL**  
THIS FINAL PLAT NO. 48-142 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 14th DAY OF SEPTEMBER, 1996.  
SIGNED: *[Signature]*  
CITY PLANNER

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR INDICATED ON THIS PLAT.  
SIGNED: *[Signature]*

NORTH CAROLINA, PITT COUNTY  
I, A NOTARY PUBLIC OF THE COUNTY AND STATE OF NORTH CAROLINA, CERTIFY THAT MICHAEL WEST BALDWIN, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.  
WITNESS MY HAND AND SEAL THIS 27th DAY OF AUGUST, 1996.  
NOTARY PUBLIC: *[Signature]*  
BY COMMISSION EXPIRES 08/03/99.  
NORTH CAROLINA, PITT COUNTY  
THE FOREGOING CERTIFICATE OF STUART C. BARNICK, IS CERTIFIED TO BE CORRECT, FILED FOR REGISTRATION THIS 27th DAY OF AUGUST, 1996, AT 10:00 O'CLOCK A.M., REGISTER OF DEEDS  
BY: *[Signature]*  
DEPUTY REGISTER OF DEEDS

map book 47 page 140



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Right-of-way encroachment agreement with Ironwood Homeowners' Association, Inc., to allow the construction of a subdivision name entrance sign with lighting and landscaping for Ironwood Subdivision in the median of Golf View Drive near the entrance from NC Highway 43

**Explanation:** Attached for City Council's consideration is a right-of-way encroachment agreement for Ironwood Homeowners' Association, Inc., establishing the terms permitting the Association to construct a subdivision name entrance sign with lighting and landscaping for Ironwood Subdivision in the median of Golf View Drive near the entrance from NC Highway 43. A map presenting the limits of the encroachment is attached to the agreement.

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

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

**Recommendation:** Approve the right-of-way encroachment agreement permitting Ironwood Homeowners' Association, Inc., to construct a subdivision name entrance sign with lighting and landscaping for Ironwood Subdivision in the median of Golf View Drive near the entrance from NC Highway 43.

---

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

**Attachments / click to download**

- [Encroachment Agreement](#)
- [Ironwood Location Map](#)
- [Ironwood Sign Sketches](#)

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

STATE OF NORTH CAROLINA  
COUNTY OF PITT

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

Right of Way Encroachment Agreement  
Golf View Drive, Ironwood Subdivision

---

THIS AGREEMENT made and entered into this the \_\_\_\_\_ day of June, 2010, by and between the **CITY OF GREENVILLE**, Party of the First Part and hereinafter sometimes referred to as the **CITY**, and **IRONWOOD HOMOWNERS' ASSOCIATION, INC.** Party of the Second Party and hereinafter sometimes referred to as the **OWNER**;

WITNESSETH

THAT WHEREAS, the OWNER desires to encroach upon the public right of ways of the public streets designated as Golf View Drive with the construction of a subdivision entrance sign and associated landscaping as shown on Attachment "A";

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

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

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

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

1. All costs of construction and maintenance of the encroaching structure will be at the sole cost and expense of the OWNER.

2. All damages to the right of ways, including the traveled portion of the street located thereon, or to facilities maintained by Greenville Utilities Commission as a result of the construction or maintenance of the encroaching structure, shall be borne by the OWNER, including but not limited to the following:

- a. Restoring the traveled portion of the street to good, passable condition for use by the public.
- b. Repairing any damage to the existing curbing or sidewalks.
- c. Repairing any damage to facilities maintained by Greenville Utilities Commission

3. Any damage to the OWNER's encroaching structure caused by the CITY's or Greenville Utilities Commission use of its right of ways for construction or maintenance work in the ordinary course of its business, shall be borne by the OWNER.

4. The OWNER shall maintain the encroaching structure so that it does not interfere with the utilization of the right of way by the CITY or utilization by the Greenville Utilities Commission of the right of way or facilities maintained by Greenville Utilities Commission.

5. The OWNER shall install and maintain the encroaching structure in such safe and proper condition that it will not obstruct or interfere with the proper maintenance of the right of way, or facilities maintained by Greenville Utilities Commission and if at any time in the future the CITY shall require the removal of or changes in the location of the encroaching structure, the OWNER shall promptly remove or alter the location of the encroaching structure in order to conform to such requirements without cost to the CITY.

6. The OWNER hereby agrees to indemnify and save the CITY and its officers and employees harmless from all damages and claims for damage that may arise by reason of the installation and maintenance of the encroaching structure.

7. The OWNER agrees to exercise every reasonable precaution during construction and maintenance of the encroaching structures to prevent damage to the right of way or facilities maintained by Greenville Utilities Commission. The OWNER shall comply with all applicable rules, regulations, and ordinances of the CITY as well as those of state and federal regulatory agencies. Whenever any installation or maintenance operation by the OWNER or its contractors disturbs the ground surface, the OWNER agrees to return the area as nearly as possible to its condition prior to disturbance.

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

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

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

IT IS UNDERSTOOD AND AGREED that after completion of the construction of the encroaching structures, the OWNER may assign, subject to the conditions contained in this Agreement, the encroachment rights under this Agreement to the Homeowners' Association provided that said assignment is in writing with the association, agreeing to perform and abide by the covenants and conditions to be performed by the OWNER contained in this Agreement and provided that a copy of said assignment is delivered to the CITY within ten (10) days of the execution of the assignment.

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

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

IRONWOOD HOMEOWNERS' ASSOCIATION, INC.

By: Wilson Morris Brown (Seal)  
Wilson Morris Brown, President

CITY OF GREENVILLE

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

ATTEST:

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

APPROVED AS TO FORM:

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

RECOMMENDED:

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



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

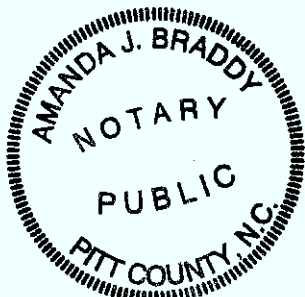
WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of June, 2010.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
(Print or Type Name of Notary Here)

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

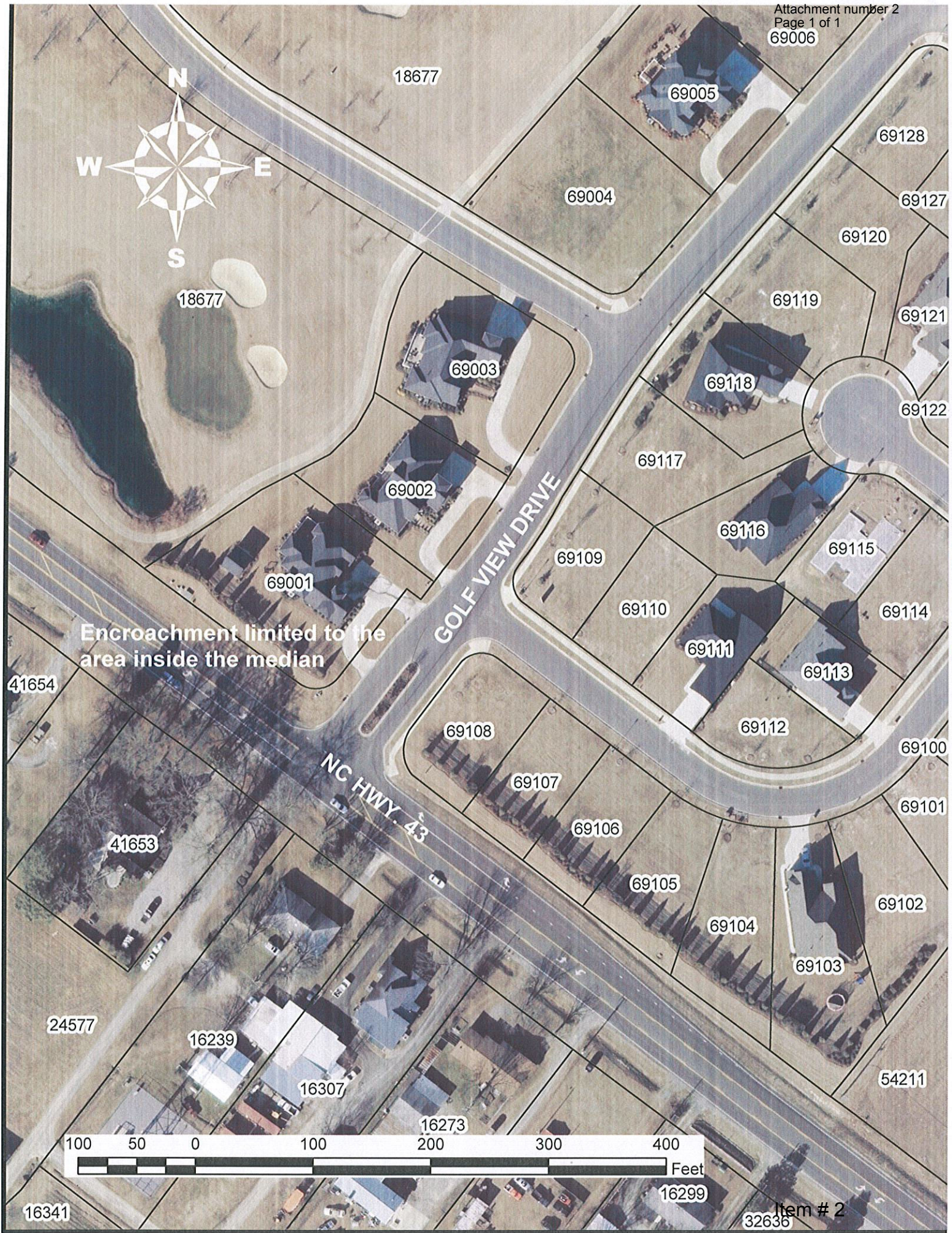
I, Amanda J. Braddy, Notary Public of said Pitt County, North Carolina, do hereby certify that Wilson Morris Brown, personally appeared before me this day and acknowledged he is the president of IRONWOOD HOMEOWNERS' ASSOCIATION, INC., and that by authority duly given, he signed the foregoing instrument for and on behalf of said association..

WITNESS my hand and Notarial Seal, this the 27 day of May 2010.



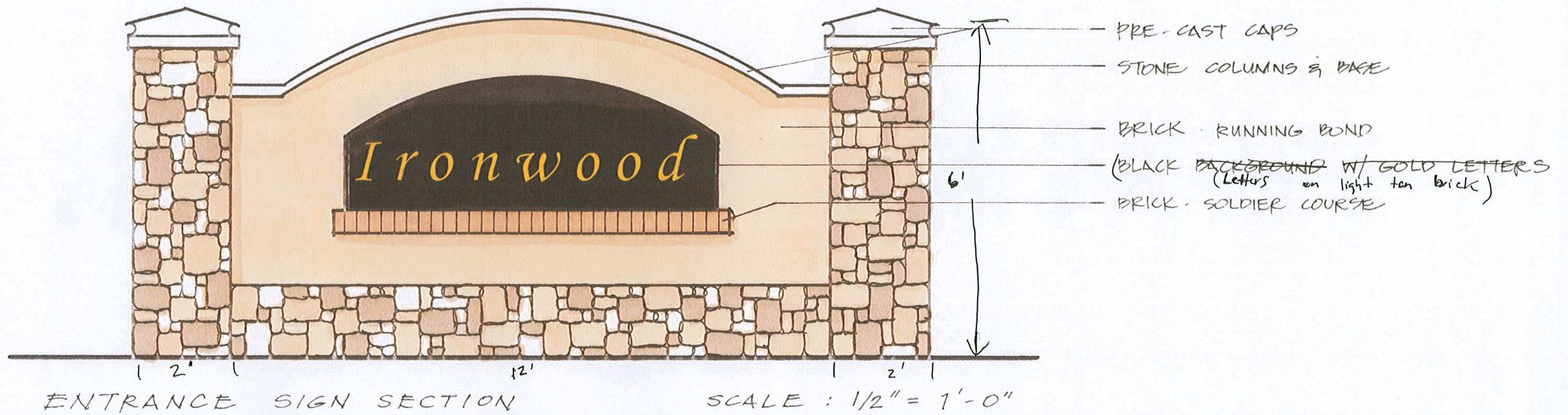
Amanda J. Braddy  
\_\_\_\_\_, Notary Public  
(Print or Type Name of Notary Here)

My Commission Expires: September 7, 2011

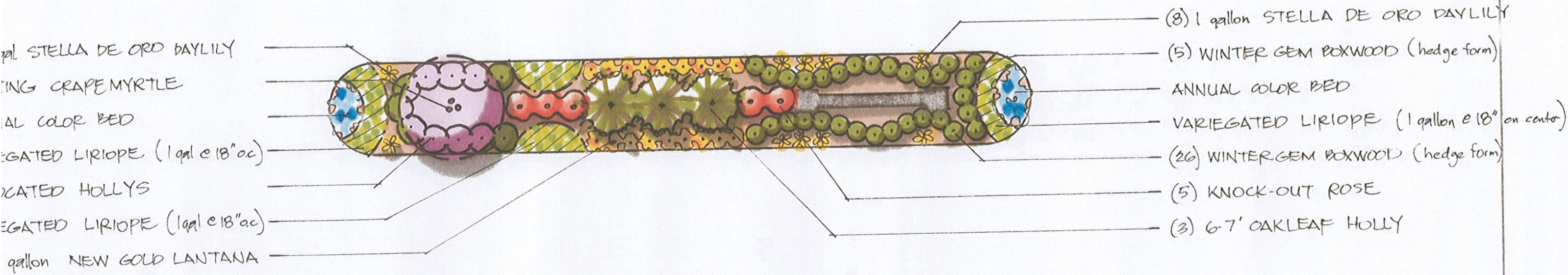




Item # 2



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ENTRANCE SIGN PLAN

SCALE: 1" = 10' - 0"



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Resolution for new banking depositories

**Explanation:** The City's Financial Services Department is responsible for the investing and safekeeping of City funds. According to NC General Statue 159-31, the governing board of each local government and public authority shall designate as its official depositories one or more banks, savings and loan associations, or trust companies in this State or, with the written permission of the secretary of the Local Government Commission., a national bank located in another state. Each time the North Carolina Department of State Treasurer's office adds a new bank to the depository list of approved banks, Financial Services is required to obtain City Council authorization to invest available funds with newly approved banks.

Currently, staff has funds available to invest and would like to invest those funds into a money market account with Carter Bank & Trust at a rate of 1.30%. Attached is a resolution adding Carter Bank & Trust and other potential depositories to the City of Greenville's banking depository list.

**Fiscal Note:** No budget impact.

**Recommendation:** Approve the attached resolution adding new depositories.

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Attachments / click to download

[Resolution\\_for\\_additional\\_bank\\_depositories\\_864730](#)

RESOLUTION NO. 10-  
RESOLUTION AUTHORIZING DEPOSITORIES  
FOR CITY OF GREENVILLE INVESTMENTS

WHEREAS, North Carolina General Statute 159-31 requires that the governing board of each local government designate one or more banks, saving and loan associations, or trust companies as its official depositories for public monies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

Section 1: The City is authorized to deposit and withdraw City money at the following banks.

Bank of America  
Carter Bank & Trust  
First Carolina State Bank  
Branch Bank & Trust  
East Carolina Bank  
Select Bank & Trust  
Southern Bank & Trust  
Trust Atlantic Bank

Section 2: This resolution shall become effective immediately upon its adoption and shall remain in full force and effect until rescinded or modified by resolution of the City Council.

This the 7<sup>th</sup> day of June, 2010.

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

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**Title of Item:** Authorization for the Police Department to make a sole source purchase

**Explanation:** The grant awarded by the Governor's Crime Commission to the Police Department for the H.I.T.S. program includes funding for the purchase of a data extraction tool. Although several companies sell data extraction technology, their products are not self-contained and require a computer and specific phone drivers to be operational. Cellebrite readily provides the necessary technology to meet the Police Department's operational needs. Staff research indicates that no other product meets all of the Police Department's specific requirements.

**Fiscal Note:** The cost of the technology is \$6,999 and will be covered with funds from the H.I.T.S. grant.

**Recommendation:** Authorize the Police Department to expend funds from the H.I.T.S. grant to a sole source (Cellebrite) without going through the bid process.

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

Attachments / [click to download](#)

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# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

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**Title of Item:** Water capital projects budget ordinance amendment and series resolution for Greenville Utilities Commission's Thomas Langston Road Water Main Extension Project

**Explanation:** Greenville Utilities Commission (GUC) budgeted \$310,055 for the construction of the Thomas Langston Road Water Main Extension in January 2010. The anticipated cost of the project can be reduced by \$9,945 due to better pricing, bringing the total projected cost of the project to \$300,055.

The Water Main Extension has been approved for funding from the State Revolving Fund (SRF) loan fund provided by North Carolina Department of Environment and Natural Resources in the amount of \$300,055 at an interest rate of 2.50%.

The budget for the project needs to be amended to reflect the \$9,945 reduction in cost, and a series resolution is also needed for the loan.

The GUC Board, at their meeting on May 18, adopted a series resolution, amended the water capital project budget and recommended similar action by the City Council.

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

**Recommendation:** Adopt the attached series resolution and the attached ordinance amending the water capital project budget for the Thomas Langston Road Water Main Extension Project.

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

**Attachments / click to download**

 [Series Resolution](#)

 [Water Capital Project Budget Amendment](#)

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A regular meeting of the City Council of the City of Greenville, North Carolina was held in the City Council Chamber at the City Hall in Greenville, North Carolina, the regular place of meeting, on \_\_\_\_\_, 2010 at 6:00 P.M.

Present: Mayor Patricia C. Dunn, presiding, and Councilmembers

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

\* \* \* \* \*

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

**RESOLUTION NO. 10-**

**SERIES RESOLUTION AUTHORIZING THE INCURRENCE OF ADDITIONAL INDEBTEDNESS EVIDENCED BY A STATE REVOLVING LOAN FUND PROGRAM NOTE OF UP TO \$300,055 PURSUANT TO THE PROVISIONS OF SECTION 216 OF THE BOND ORDER ADOPTED BY THE CITY COUNCIL ON AUGUST 11, 1994, AMENDED AND RESTATED AS OF APRIL 13, 2000.**

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

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

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

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

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

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

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

WHEREAS, the Commission and the City Council have determined to finance a portion of the cost of paying for such Additional Improvements by incurring Additional Indebtedness evidenced by another State Revolving Loan Fund Program Note referred to herein as the “Series 2010D Promissory Note”; and

WHEREAS, the City Council has received information to the effect that the City will be able to satisfy the requirements of Section 216 of the Order with respect to the Series 2010D Promissory Note; and

WHEREAS, pursuant to Section 216 of the Order, the Series 2010D Promissory Note is to have such terms and provisions as may be provided by a series resolution to be adopted by the City Council prior to the incurrence of said Additional Indebtedness; and

WHEREAS, the Commission has adopted a resolution to the effect that it approves the provisions of this resolution and recommends to the City Council that the City Council adopt this series resolution authorizing and setting forth the terms and provisions of the Series 2010B Promissory Note;

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

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

Section 2. Authorization of the Series 2010D Promissory Note. (A) The Series 2010D Promissory Note. Pursuant to the Enabling Act and Section 216 of the Order, the City Council hereby authorizes the incurrence of Additional Indebtedness evidenced by a State Revolving Fund Program Note (as defined in the Order) designated “Greenville Utilities Commission Combined Enterprise System State Revolving Loan Fund Program Note, Series 2010D” (the “Series 2010B Promissory Note”) in a principal amount of up to \$300,055 for the purpose of

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

(B) Note Provisions. The Series 2010D Promissory Note shall be executed on such date, be effective as of such date, shall bear interest at the rate, shall be repaid, subject to prepayment, in the amounts and on the dates, all as hereinafter provided.

(C) Interest Payment Dates. Interest on the Series 2010D Promissory Note shall begin to accrue on the unpaid principal balance thereof from the original estimated completion date for said Additional Improvements as established by the General Manager of the Commission or any officer of the Commission authorized by the General Manager of the Commission (an "Authorized Officer of the Commission") and shall be payable semi-annually on or before each May 1 and each November 1 until the principal balance of the Series 2010D Promissory Note is paid or prepaid in accordance with its terms. The first interest payment shall be due not earlier than six (6) months nor later than twelve (12) months after the date of completion of said Additional Improvements as certified by the Department of Environmental and Natural Resources – Division of Environmental Health ("DENR").

(D) Principal Payment Dates. Principal on the Series 2010D Promissory Note shall be payable annually on or before each May 1, all as set forth in the Series 2010D Promissory Note. The first principal payment shall be due not earlier than six (6) months after the date of completion of said Additional Improvements as certified by the DENR.

(E) Prepayment of the Series 2010D Promissory Note. The Series 2010D Promissory Note shall be prepayable in accordance with its terms.

Section 3. Delegation and Standards. The City Council hereby delegates to any Authorized Officer of the Commission, subject to the limitations contained herein, the power to determine and carry out the following with respect to the Series 2010D Promissory Note:

(A) Principal Amount. To determine the aggregate principal amount of the Series 2010D Promissory Note, such principal amount, up to \$300,055, to be sufficient for the purposes described in Section 2(A) of this Resolution;

(B) Interest Rates. To determine the interest rate on the Series 2010B Promissory Note, which interest rate shall not exceed the lesser of four percent (4%) per annum or one-half (1/2) the prevailing national market rate as derived from the Bond Buyer's 20-Bond Index in accordance with North Carolina G.S. 159G-40(b) for the applicable priority review period;

(C) Repayment of Series 2010B Promissory Note. To determine a schedule for the payment of the principal amount of the Series 2010B Promissory Note, such principal payment schedule not to extend more than twenty (20) years after the first principal payment date as established in Section 2(D) of this Resolution;

(D) Execution Date and Effective Date. To determine the date of execution of the Series 2010D Promissory Note and the effective date of the Series 2010D Promissory Note;

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

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

Section 5. Form of the Series 2010D Promissory Note. The Series 2010D Promissory Note shall be substantially in the form attached hereto as Appendix B, with such variations, omissions and insertions as are required or permitted by this Resolution or the Order.

Section 6. Method of Payment of the Series 2010D Promissory Note. All principal and interest on the Series 2010D Promissory Note which is payable and is punctually paid or duly provided for shall be made payable by the Commission to DENR on or before each principal and interest payment date.

Section 7. Application of Proceeds of the Series 2010D Promissory Note. Moneys received by the City or the Commission pursuant to the Series 2010B Promissory Note shall be deposited to the credit of the [Greenville Utilities Commission Capital Projects Fund in the Water Enterprise Fund.]

Section 8. Application of Certain Revenues. In accordance with the provisions of Section 507 of the Order and after making the payments required by paragraphs (a) - (e) thereof, the Commission shall withdraw from the Operating Checking Account moneys held for the credit of the Appropriate Operating Funds in such amounts as shall be necessary for the purpose of making principal and interest payments on the Series 2010D Promissory Note to DENR.

Section 9. LGC Approval of the Series 2010D Promissory Note; Execution of the Promissory Note. The City Council recognizes that the North Carolina Local Government Commission (the "LGC") has approved the incurrence of Additional Indebtedness evidenced by the Series 2010D Promissory Note in accordance with the terms and provisions of this Resolution. Based upon the LGC approval of the incurrence of such Additional Indebtedness evidenced by the Series 2010D Promissory Note as hereinabove requested, the form of the Series 2010D Promissory Note presented to the City Council for its consideration is hereby approved in all respects, and the General Manager of the Commission or an Authorized Officer of the Commission are hereby authorized to signify such approval by the execution of the Series 2010D Promissory Note in substantially the form presented, taking into account among other items any changes made pursuant to the delegation set forth in Section 3 of this Resolution, such execution to be conclusive evidence of the approval thereof by the City.

Section 10. Authorization to City and Commission Officials. The officers, agents and employees of the City and the Commission are hereby authorized and directed to do all acts and things required of them by the provisions of the Series 2010D Promissory Note, the Order and

this Resolution for the full, punctual and complete performance of the terms, covenants, provisions and agreements therein.

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

Adopted this the \_\_\_ day of \_\_\_\_\_, 2010.

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

[SEAL]

ATTEST:

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

## **APPENDIX A**

### **THE ADDITIONAL IMPROVEMENTS**

The Additional Improvements referenced in the resolution to which this is Appendix A include, but are not limited to, improvements consisting of the addition of 5790 lineal feet of 10” water main piping, 250 lineal feet of 8” water main piping, 5 fire hydrants, 130 lineal feet of 20” steel casing bored and jacked and associated appurtenances which are being used in the project extending Thomas Langston Road to meet Evans Street in the City of Greenville.



After consideration of the foregoing resolution, Councilmember \_\_\_\_\_ moved the passage thereof, which motion was duly seconded by Councilmember \_\_\_\_\_, and the foregoing resolution was passed by the following vote:

Ayes: \_\_\_\_\_  
\_\_\_\_\_.

Noes: \_\_\_\_\_.

\* \* \* \* \*

I, Carol L. Barwick, City Clerk of the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the City Council of said City at a meeting held on \_\_\_\_\_, 2010, said record having been made in Minute Book No. \_\_\_ of the minutes of said City Council, beginning at page \_\_\_ and ending at page \_\_\_, and is a true copy of so much of said proceedings of said City Council as relates in any way to the passage of the resolution described in said proceedings.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held in the City Council Chamber in the City Hall in Greenville, North Carolina on the second Thursday of each month, the Monday preceding the second Thursday of each month and the second Monday after such second Thursday at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

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

\_\_\_\_\_  
City Clerk

[SEAL]

ORDINANCE NO \_\_\_\_\_  
AMENDING ORDINANCE NO. 10-10  
FOR WATER CAPITAL PROJECTS BUDGET  
THOMAS LANGSTON ROAD WATER MAIN EXTENSION PROJECT

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

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

	Current Budget	Change	Proposed Budget
Revenue:			
SRF Loan	\$310,000	(\$9,945)	\$300,055
	\$310,000	(\$9,945)	\$300,055
Expenditures:			
Project Cost	\$310,000	(\$9,945)	\$300,055
	\$310,000	(\$9,945)	\$300,055

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Sewer capital projects budget ordinance amendment and series resolution for Greenville Utilities Commission's Wastewater Treatment Plant Electrical/SCADA Upgrade Project - Upgrades to the Northside & Southside Regional Pumping Stations

**Explanation:** In early 2007, the Greenville Utilities Commission (GUC) Board authorized this project to provide a complete Wastewater Treatment Plant (WWTP) electrical system upgrade, replace aging equipment, and provide complete redundancy for all critical equipment. The project also provides 100% standby generator capability and an upgrade of the Supervisory Control and Data Acquisition (SCADA) systems at the WWTP and 32 remote pump station sites.

In October 2009, failures occurred with the Program Logic Controllers (PLCs) used for control and monitoring of the equipment at the Southside Regional Pumping Station. These PLC failures shut down this critical regional pumping station, jeopardizing the system's ability to transport wastewater to the WWTP. The PLCs are the computers that control the pumping station operations.

The current PLCs at both the Northside and Southside Regional Pumping Stations are 12 years old, are no longer supported by the manufacturer, and replacement parts are hard to find.

Continuing operation of both the Southside and Northside pumping stations is essential in controlling the collection of sanitary and industrial wastewater being pumped to the WWTP. The PLC system at both of these stations is the same. Considering the recent PLC failures at Southside, and the critical need to maintain operations at these major regional pumping stations, replacement of the failing PLC systems, with redundant backup, is necessary to ensure reliable operations. The project cost is \$302,680, which includes construction, engineering and start-up services.

Additional SRF loan funding in the amount of \$495,600 is available for this project. The additional funding available is a result of the Local Government

Commission approved loan amount being more than the initial loan required for the current project. The difference between the additional loan amount of \$495,600 and the proposed pumping stations upgrade project cost of \$302,680 is \$192,920. These additional funds will be reserved for additional contingency, if needed, to complete the WWTP Electrical/SCADA Project as well as the proposed upgrade to the pumping stations.

The original project included a 5% contingency (\$485,000). Two change orders have been issued to date totaling \$162,705 for new technology updates, the addition of communications equipment for a new pump station, and unforeseen field conditions. Two additional change orders totaling approximately \$310,000 have been submitted for consideration and are pending approval by GUC. These change orders are for additional electrical work associated with instrumentation upgrades, and equipment upgrades not included in the original design work. The additional funding will provide contingency funds for the project completion, if needed.

The total requested budget amendment is as follows:

Cost of Pump Stations PLC Upgrade	\$302,680
Additional Contingency	192,920
SRF Loan Closing Fee	9,912
Total	\$505,512

Current total project budget is \$13,868,622. Additional work described above has been approved by the State SRF agency and will result in an increase of \$495,600 in the SRF loan amount. A loan closing fee of \$9,912 will be funded with GUC funds. The interest rate for this SRF loan is 2.48%.

The GUC Board, at their meeting on May 18, adopted a series resolution, amended the sewer capital project budget, and recommended similar action by the City Council.

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

**Recommendation:** Adopt the attached series resolution and the attached ordinance amending the sewer capital project budget for Wastewater Treatment Plant Electrical/SCADA Upgrade Project - Upgrades to the Northside & Southside Regional Pumping Stations.

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**Attachments / click to download**

 [Series Resolution](#)

 [Sewer Capital Project Budget Amendment](#)

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A regular meeting of the City Council of the City of Greenville, North Carolina was held in the City Council Chamber at the City Hall in Greenville, North Carolina, the regular place of meeting, on \_\_\_\_\_, 2010 at 6:00 P.M.

Present: Mayor Patricia C. Dunn, presiding, and Councilmembers

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

\* \* \* \* \*

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

**RESOLUTION NO. 10-**

**SERIES RESOLUTION AUTHORIZING THE INCURRENCE OF ADDITIONAL INDEBTEDNESS EVIDENCED BY A STATE REVOLVING LOAN FUND PROGRAM NOTE OF UP TO \$13,851,680 PURSUANT TO THE PROVISIONS OF SECTION 216 OF THE BOND ORDER ADOPTED BY THE CITY COUNCIL ON AUGUST 11, 1994, AMENDED AND RESTATED AS OF APRIL 13, 2000.**

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

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

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

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

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

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

WHEREAS, the Commission and the City Council have determined including through the provisions of a series resolution adopted by the City Council on April 6, 2009 (the “2009 Series Resolution”) that it was necessary to acquire, construct and pay for a portion of the cost of certain additional improvements to the Combined Enterprise System, which improvements are described in Appendix A attached hereto and constitute Additional Improvements; and

WHEREAS, the Commission and the City Council determined to finance a portion of the cost of paying for such Additional Improvements by incurring Additional Indebtedness evidenced by another State Revolving Loan Fund Program Note referred to herein as the “Series 2009 Promissory Note”; and

WHEREAS, the Commission and City Council have received information that the Series 2009 Promissory Note has been approved for an increase in the aggregate principal amount from the North Carolina Department of Environment and Natural Resources – Division of Water Quality; and

WHEREAS, the Commission and City Council have determined to approve the increased principal amount of the Series 2009 Promissory Note (the “Revised Series 2009 Promissory Note”) and ratify and approve the other terms of such borrowing; and

WHEREAS, the City Council has received information to the effect that the City will be able to satisfy the requirements of Section 216 of the Order with respect to the Revised Series 2009 Promissory Note; and

WHEREAS, pursuant to Section 216 of the Order, the Revised Series 2009 Promissory Note is to have such terms and provisions as may be provided by a series resolution to be adopted by the City Council prior to the incurrence of said Additional Indebtedness; and

WHEREAS, the Commission has adopted a resolution to the effect that it approves the provisions of this resolution and recommends to the City Council that the City Council adopt this series resolution authorizing and setting forth the terms and provisions of the Revised Series 2009 Promissory Note;

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

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

Section 2. Authorization of the Series 2009 Promissory Note. (A) The Revised Series 2009 Promissory Note. Pursuant to the Enabling Act and Section 216 of the Order, the City Council hereby authorizes the incurrence of Additional Indebtedness evidenced by a State Revolving Fund Program Note (as defined in the Order) designated “Greenville Utilities Commission Combined Enterprise System State Revolving Loan Fund Program Note, Revised Series 2009” (the “Revised Series 2009 Promissory Note”) in a principal amount of up to \$13,851,680 for the purpose of providing funds, together with any other available funds, for (1) paying, or reimbursing the Commission and the City for paying, a portion of the Cost of the Additional Improvements described in Appendix A hereto and (2) paying expenses incidental and necessary or convenient thereto.

(B) Note Provisions. The Revised Series 2009 Promissory Note shall be executed on such date, be effective as of such date, shall bear interest at the rate, shall be repaid, subject to prepayment, in the amounts and on the dates, all as hereinafter provided.

(C) Interest Payment Dates. Interest on the Revised Series 2009 Promissory Note shall begin to accrue on the unpaid principal balance thereof from the original estimated completion date for said Additional Improvements as established by the General Manager of the Commission or any officer of the Commission authorized by the General Manager of the Commission (an “Authorized Officer of the Commission”) and shall be payable semi-annually on or before each May 1 and each November 1 until the principal balance of the Revised Series 2009 Promissory Note is paid or prepaid in accordance with its terms. The first interest payment shall be due not earlier than six (6) months nor later than twelve (12) months after the date of completion of said Additional Improvements as certified by the Department of Environmental and Natural Resources – Division of Water Quality (“DENR”).

(D) Principal Payment Dates. Principal on the Revised Series 2009 Promissory Note shall be payable annually on or before each May 1, all as set forth in the Revised Series 2009 Promissory Note. The first principal payment shall be due not earlier than six (6) months after the date of completion of said Additional Improvements as certified by the DENR.

(E) Prepayment of the Series 2009 Promissory Note. The Revised Series 2009 Promissory Note shall be prepayable in accordance with its terms.

Section 3. Delegation and Standards. The City Council hereby delegates to any Authorized Officer of the Commission, subject to the limitations contained herein, the power to determine and carry out the following with respect to the Revised Series 2009 Promissory Note:

(A) Principal Amount. To determine the aggregate principal amount of the Revised Series 2009 Promissory Note, such principal amount, up to \$13,851,680, to be sufficient for the purposes described in Section 2(A) of this Resolution;

(B) Interest Rates. To determine the interest rate on the Revised Series 2009 Promissory Note, which interest rate shall not exceed the lesser of four percent (4%) per



annum and one-half (1/2) the prevailing national market rate as derived from the Bond Buyer's 20-Bond Index in accordance with North Carolina G.S. 159G-40(b) for the applicable priority review period;

(C) Repayment of Revised Series 2009 Promissory Note. To determine a schedule for the payment of the principal amount of the Revised Series 2009 Promissory Note, such principal payment schedule not to extend more than twenty (20) years after the first principal payment date as established in Section 2(D) of this Resolution;

(D) Execution Date and Effective Date. To determine the date of execution of the Revised Series 2009 Promissory Note and the effective date of the Revised Series 2009 Promissory Note;

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

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

Section 5. Form of the Revised Series 2009 Promissory Note. The Revised Series 2009 Promissory Note shall be substantially in the form attached hereto as Appendix B, with such variations, omissions and insertions as are required or permitted by this Resolution or the Order:

Section 6. Method of Payment of the Revised Series 2009 Promissory Note. All principal and interest on the Revised Series 2009 Promissory Note which is payable and is punctually paid or duly provided for shall be made payable by the Commission to DENR on or before each principal and interest payment date.

Section 7. Application of Proceeds of the Revised Series 2009 Promissory Note. Moneys received by the City or the Commission pursuant to the Revised Series 2009 Promissory Note shall be deposited to the credit of the Greenville Utilities Commission Capital Projects Fund in the Sewer Enterprise Fund.

Section 8. Application of Certain Revenues. In accordance with the provisions of Section 507 of the Order and after making the payments required by paragraphs (a) - (e) thereof, the Commission shall withdraw from the Operating Checking Account moneys held for the credit of the Appropriate Operating Funds in such amounts as shall be necessary for the purpose of making principal and interest payments on the Revised Series 2009 Promissory Note to DENR.

Section 9. LGC Approval of the Revised Series 2009 Promissory Note; Execution of the Promissory Note. The City Council recognizes that the North Carolina Local Government Commission (the "LGC") has approved the incurrence of Additional Indebtedness evidenced by the Revised Series 2009 Promissory Note in accordance with the terms and provisions of this Resolution. Based upon the LGC approval of the incurrence of such Additional Indebtedness evidenced by the Revised Series 2009 Promissory Note as hereinabove requested, the form of the

Revised Series 2009 Promissory Note presented to the City Council for its consideration is hereby approved in all respects, and the General Manager of the Commission or an Authorized Officer of the Commission are hereby authorized to signify such approval by the execution of the Revised Series 2009 Promissory Note in substantially the form presented, taking into account among other items any changes made pursuant to the delegation set forth in Section 3 of this Resolution, such execution to be conclusive evidence of the approval thereof by the City.

Section 10. Authorization to City and Commission Officials. The officers, agents and employees of the City and the Commission are hereby authorized and directed to do all acts and things required of them by the provisions of the Revised Series 2009 Promissory Note, the Order and this Resolution for the full, punctual and complete performance of the terms, covenants, provisions and agreements therein.

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

Adopted this the \_\_\_ day of \_\_\_\_\_, 2010.

---

Patricia C. Dunn  
Mayor

[SEAL]

ATTEST:

---

Carol L. Barwick  
City Clerk

## **APPENDIX A**

### **THE ADDITIONAL IMPROVEMENTS**

The Additional Improvements referenced in the resolution to which this is Appendix A include a Wastewater Treatment Plant (WWTP) electrical system upgrade to replace existing electrical distribution wiring, transformers, switch boards and motor control centers (MCC) with new equipment in a configuration that will provide complete redundancy in the WWTP electrical system, as well as new generators capable of providing 100% emergency/standby power. The project will also include an upgrade of the Supervisory Control and Data Acquisition (SCADA) system at the WWTP and 31 remote pump station sites. At the WWTP, the project will include the installation of a fiber optic network, installation of new programmable logic controllers (PLC), installation of new computers and servers, installation of new Intellution software and all necessary hardware and software programming. At the remote pump station sites, the project will include installation of new PLC, antenna, radios and remote terminal units (RTU) and all necessary hardware and software programming. The project includes upgrades and modifications to the Dewatering Building, Generator Power Building, Filter Electrical Building, new South Electrical Building, new Electrical Blower Building, Operations Building, standby generators, and remote pump stations.

After consideration of the foregoing resolution, Councilmember \_\_\_\_\_ moved the passage thereof, which motion was duly seconded by Councilmember \_\_\_\_\_, and the foregoing resolution was passed by the following vote:

Ayes: \_\_\_\_\_  
\_\_\_\_\_.

Noes: \_\_\_\_\_.

\* \* \* \* \*

I, Carol L. Barwick, City Clerk of the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the City Council of said City at a meeting held on \_\_\_\_\_, 2010, said record having been made in Minute Book No. \_\_\_ of the minutes of said City Council, beginning at page \_\_\_ and ending at page \_\_\_, and is a true copy of so much of said proceedings of said City Council as relates in any way to the passage of the resolution described in said proceedings.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held in the City Council Chamber in the City Hall in Greenville, North Carolina on the second Thursday of each month, the Monday preceding the second Thursday of each month and the second Monday after such second Thursday at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

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

\_\_\_\_\_  
City Clerk

[SEAL]

ORDINANCE NO \_\_\_\_\_  
AMENDING ORDINANCE NO. 08-120  
FOR SEWER CAPITAL PROJECTS BUDGET  
WASTEWATER TREATMENT PLANT ELECTRICAL AND SCADA UPGRADE PROJECT

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

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

	<u>Current Budget</u>	<u>Change</u>	<u>Proposed Budget</u>
Revenue:			
Operating Transfer	\$229,500	\$9,912	\$239,412
SRF Loan	13,356,080	495,600	13,851,680
Debt Financing	<u>283,042</u>	<u>0</u>	<u>283,042</u>
	\$13,868,622	\$505,512	\$14,374,134
Expenditures:			
Project Cost	<u>\$13,868,622</u>	<u>\$505,512</u>	<u>\$14,374,134</u>
	\$13,868,622	\$505,512	\$14,374,134

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

---

**Title of Item:** Budget ordinance amendment for Greenville Utilities Commission's FY 2009-2010 Budget

**Explanation:** The FY 2009-2010 Electric, Water, Sewer, and Gas Fund Budgets need to be amended to ensure that the estimated sources of revenue appropriately cover the estimated expenditures and contingencies for the remainder of the fiscal year and to also alleviate the potential of actual expenditures being over budget.

The GUC Board, at their meeting on May 18, amended the FY 2009-2010 budget and recommended similar action be taken by the City Council.

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

**Recommendation:** Adopt the attached ordinance to amend GUC's FY 2009-2010 budget.

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 [GUC FY 2009-10 Budget Amendment Ordinance](#)

ORDINANCE NO. \_\_\_\_\_  
TO AMEND ORDINANCE 09-54  
CITY OF GREENVILLE, NORTH CAROLINA  
2009-10 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2009 and ending June 30, 2010 to meet the subsequent expenditures according to the following schedules:

<u>REVENUES</u>	<u>Budget</u>	<u>Change</u>	<u>Revised</u>
<b>A. <u>Electric</u></b>			
Rates & Charges	\$196,646,496	(\$2,891,841)	\$193,754,655
Fees & Charges	725,000	158,870	883,870
U.G. & Temp. Service Charges	236,400	(134,400)	102,000
Miscellaneous	570,906	(73,649)	497,257
Interest on Investments	525,000	15,000	540,000
Equipment Loan	540,000	0	540,000
	<hr/>	<hr/>	<hr/>
Total Electric Revenue	\$199,243,802	(\$2,926,020)	\$196,317,782
<b>B. <u>Water</u></b>			
Rates & Charges	\$13,943,976	(\$1,372,239)	\$12,571,737
Fees & Charges	386,756	(66,476)	320,280
Capacity Fees	130,000	0	130,000
Miscellaneous	159,602	129,762	289,364
Interest on Investments	54,000	(3,000)	51,000
Bond Proceeds	0	80,000	80,000
Equipment Loan	0	140,800	140,800
Transfer from Capital Projects	93,000	0	93,000
Appropriated Fund Balance	0	723,701	723,701
	<hr/>	<hr/>	<hr/>
Total Water Revenue	\$14,767,334	(\$367,452)	\$14,399,882
<b>C. <u>Sewer</u></b>			
Rates & Charges	\$14,029,444	(\$434,668)	\$13,594,776
Fees & Charges	367,297	(89,377)	277,920
Capacity Fees	115,000	0	115,000
Acreage Fees	255,000	(105,000)	150,000
Pitt County	130,437	0	130,437
Miscellaneous	105,906	18,703	124,609
Interest on Investments	112,500	(7,500)	105,000
Bond Proceeds	0	225,000	225,000
Equipment Loan	278,000	55,800	333,800
Transfer from Capital Projects	125,000	105,000	230,000
Appropriated Fund Balance	120,000	(52,722)	67,278
	<hr/>	<hr/>	<hr/>
Total Sewer Revenue	\$15,638,584	(\$284,764)	\$15,353,820
<b>D. <u>Gas</u></b>			
Rates & Charges	\$39,585,974	(\$3,696,144)	\$35,889,830
Fees & Charges	141,000	(16,500)	124,500
Miscellaneous	125,145	183,510	308,655
Interest on Investments	45,000	75,000	120,000
Equipment Loan	422,000	0	422,000
	<hr/>	<hr/>	<hr/>
Total Gas Revenue	\$40,319,119	(\$3,454,134)	\$36,864,985

TOTAL REVENUES

\$269,968,839

(\$7,032,370)

\$262,936,469



Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2009 and ending on June 30, 2010, according to the following schedules:

	<u>Budget</u>	<u>Change</u>	<u>Revised</u>
Governing Body Department	\$3,698,904	\$118,603	\$3,817,507
Finance Department	\$16,781,578	(908,973)	\$15,872,605
Human Resources Department	\$3,026,402	273,587	\$3,299,989
IT Department	\$3,034,138	8,526	\$3,042,664
Customer Relations Department	\$4,302,009	65,810	\$4,367,819
Electric Department	\$185,064,450	(3,225,463)	\$181,838,987
Meter	\$2,545,712	(222,180)	\$2,323,532
Water Department	\$7,695,008	399,273	\$8,094,281
Sewer Department	\$7,640,099	(206,547)	\$7,433,552
Gas Department	\$35,620,108	(3,332,099)	\$32,288,009
Utility Locating Services	<u>\$560,431</u>	<u>(2,907)</u>	<u>\$557,524</u>
TOTAL EXPENDITURES	<u>\$269,968,839</u>	<u>(\$7,032,370)</u>	<u>\$262,936,469</u>

Section III: Amendments. (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at its next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the the emergency so long as the expenditure(s) is/are reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next meeting.

Section IV: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Attest:

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



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Budget ordinance amendment #9 to the 2009-2010 City of Greenville General Fund and amendments to Ordinance No. 05-50 West Greenville Revitalization Capital Project Fund, Ordinance No. 09-73 Public Transportation Capital Assistance Recovery Grant Project Fund, and Ordinance No. 94-140 Insurance Loss Reserve Fund

**Explanation:** Attached is an ordinance that contains an amendment to the 2009-2010 budget ordinance and amendments to Ordinance #05-50 West Greenville Revitalization Capital Project Fund, Ordinance #09-73 Public Transportation Capital Assistance Recovery Grant Project Fund, and Ordinance #94-140 Insurance Loss Reserve Fund. These budget amendments are for consideration at the June 7, 2010, City Council meeting. For ease of reference, a footnote has been added to each budget ordinance amendment item that corresponds to the below explanation:

**A** To allocate funds for Workers Compensation Loss and General Liability Premium accounts by transferring the required balance from the Insurance Loss Reserve fund. (Total - \$687,957).

**B** To allocate donation funds received from the Eppes Alumni and the Pitt County Arts Council for the West Greenville Gateway Public Art Project. These funds will be used for Thomas Foreman Park's art installation. (Total - \$18,500).

**C** To appropriate additional funds granted by the U.S. Department of Transportation for GREAT Bus video surveillance equipment. (Total - \$99,000).

**D** To appropriate Federal Forfeiture funds to renovate Municipal Building space into a Police Department ComStat Room. (Total - \$25,000).

**Fiscal Note:** The budget ordinance amendment affects the following funds: increase General Fund by \$712,957; increase West Greenville Revitalization Capital Project Fund by \$18,500; increase the Public Transportation Capital Assistance Recovery Grant Fund by \$99,000; and increase the Insurance Loss Reserve Fund by \$687,957.

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
General Fund	\$ 74,855,426	\$ 712,957	\$ 75,568,383
West Greenville Revitalization Capital Project Fund	5,909,135	18,500	5,927,635
Public Transportation Capital Assistance Recovery Grant Fund	1,478,464	99,000	1,577,464
Insurance Loss Reserve Fund	-	687,957	687,957

**Recommendation:** Approve the attached ordinance that contains amendment #9 to the 2009-2010 City of Greenville General Fund and amendments to the West Greenville Revitalization Capital Project Fund, Public Transportation Capital Assistance Recovery Grant Project Fund, and Insurance Loss Reserve Fund

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[Budget Amendments FY 2009 2010 838154](#)

ORDINANCE NO. 10-\_\_\_\_\_

CITY OF GREENVILLE, NORTH CAROLINA

ORDINANCE (#9) AMENDING ORDINANCE NO. 09-53 and AMENDMENTS TO ORDINANCE NO. 05-50,  
WEST GREENVILLE REVITALIZATION CAPITAL PROJECT, ORDINANCE NO. 09-73, PUBLIC  
TRANSPORTATION CAPITAL ASSISTANCE RECOVERY GRANT PROJECT  
AND ORDINANCE NO. 94-140, INSURANCE LOSS RESERVE FUND

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

Section I: Estimated Revenues and Appropriations. General Fund, of Ordinance 09-53, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ORIGINAL 2009-2010 BUDGET</b>		<b>#9 Amended June-10</b>	<b>Total Amendments</b>	<b>Amended 2009-2010 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>					
Property Tax	\$ 29,641,438		\$ -	\$ -	\$ 29,641,438
Sales Tax	13,736,686		-	-	13,736,686
Utilities Franchise Tax	5,338,099		-	-	5,338,099
Other Unrestricted Intergov't Revenue	2,634,640		-	(223,205)	2,411,435
Powell Bill	1,901,793		-	-	1,901,793
Restricted Intergov't Revenues	847,977	<b>D</b>	25,000	1,382,435	2,230,412
Building Permits	730,735		-	-	730,735
Other Licenses, Permits and Fees	2,269,768		-	-	2,269,768
Rescue Service Transport	2,409,670		-	-	2,409,670
Other Sales & Services	1,738,944		-	(262,313)	1,476,631
Other Revenues	287,502		-	2,900	290,402
Interest on Investments	1,464,348		-	-	1,464,348
Transfers In GUC	5,250,135		-	1,606	5,251,741
Other Financing Sources	805,041	<b>A</b>	687,957	2,051,804	2,856,845
Appropriated Fund Balance	2,076,906		-	1,481,475	3,558,381
	<b>\$ 71,133,682</b>		<b>\$ 712,957</b>	<b>\$ 4,434,701</b>	<b>\$ 75,568,383</b>

<b><u>APPROPRIATIONS</u></b>					
Mayor/City Council	\$ 428,288		\$ -	\$ (25,000)	\$ 403,288
City Manager	1,086,153		-	51,461	1,137,614
City Clerk	275,445		-	-	275,445
City Attorney	435,459		-	-	435,459
Human Resources	2,101,831	<b>A</b>	105,000	105,000	2,206,831
Information Technology	2,907,322		-	-	2,907,322
Fire/Rescue	12,127,343	<b>A</b>	159,650	368,827	12,496,170
Financial Services	2,218,950		-	2,900	2,221,850
Recreation & Parks	6,197,166	<b>A</b>	69,484	219,777	6,416,943
Police	20,677,674	<b>A,D</b>	321,509	1,000,332	21,678,006
Public Works	9,653,824	<b>A</b>	57,314	260,335	9,914,159
Community Development	1,628,898		-	374,843	2,003,741
Contingency	828,687		-	(328,999)	499,688
Capital Improvements	4,099,961		-	1,797,716	5,897,677
Total Appropriations	<b>\$ 64,667,001</b>		<b>\$ 712,957</b>	<b>\$ 3,827,192</b>	<b>\$ 68,494,193</b>

<b><u>OTHER FINANCING SOURCES</u></b>					
Debt Service	\$ 4,270,892		\$ -	\$ -	\$ 4,270,892
Transfers to Other Funds	2,195,789		-	607,509	2,803,298
	<b>\$ 6,466,681</b>		<b>\$ -</b>	<b>\$ 607,509</b>	<b>\$ 7,074,190</b>

**TOTAL APPROPRIATIONS \$ 71,133,682                      \$    712,957    \$ 4,434,701    \$ 75,568,383**

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Section II: Estimated Revenues and Appropriations. West Greenville Revitalization Fund, of Ordinance 05-50, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ADJ. BUDGET</b>		<b>Amended June-10</b>	<b>Total Amendments</b>	<b>Amended 2009-2010 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>					
Sale of Property	\$ 382,020		\$ -	\$ -	\$ 382,020
Investment Earnings	105,798		-	-	105,798
Donations	400,000	<b>B</b>	18,500	18,500	418,500
Rental Income	21,317		-	-	21,317
Bond Proceeds	5,000,000		-	-	5,000,000
<b>TOTAL REVENUES</b>	<b>\$ 5,909,135</b>		<b>\$ 18,500</b>	<b>\$ 18,500</b>	<b>\$ 5,927,635</b>

<b><u>APPROPRIATIONS</u></b>					
Construction	\$ 649,756		\$ -	\$ -	\$ 649,756
Rehab-Owner Occupied	275,000		-	-	275,000
Acquisition	2,629,635		-	-	2,629,635
Demolition Services	401,847		-	-	401,847
Infrastructure	1,323,153	<b>B</b>	18,500	18,500	1,341,653
Relocation Costs	275,000		-	-	275,000
Dvelopment Financing	300,000		-	-	300,000
Furnishings	54,744		-	-	54,744
Total Expenditures	\$ 5,909,135		\$ 18,500	\$ 18,500	\$ 5,927,635
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 5,909,135</b>		<b>\$ 18,500</b>	<b>\$ 18,500</b>	<b>\$ 5,927,635</b>

Section III.: Estimated Revenues and Appropriations. Public Transportation Capital Assistance Recovery Grant Program Fund, of Ordinance 09-73, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ORIG. BUDGET</b>		<b>Amended June-10</b>	<b>Total Amendments</b>	<b>Amended 2009-2010 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>					
Recovery Act Grant	\$ 1,478,464	<b>C</b>	\$ 99,000	\$ 99,000	\$ 1,577,464
<b>TOTAL REVENUES</b>	<b>\$ 1,478,464</b>		<b>\$ 99,000</b>	<b>\$ 99,000</b>	<b>\$ 1,577,464</b>

<b><u>APPROPRIATIONS</u></b>					
Renovation	\$ 60,000		\$ -	\$ -	\$ 60,000
Capital Improvements	1,418,464	<b>C</b>	99,000	99,000	1,517,464
Total Expenditures	\$ 1,478,464		\$ 99,000	\$ 99,000	\$ 1,577,464
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,478,464</b>		<b>\$ 99,000</b>	<b>\$ 99,000</b>	<b>\$ 1,577,464</b>

Section IV: Estimated Revenues and Appropriations. Insurance Loss Reserve Fund, of Ordinance 94-140, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ORIG. BUDGET</b>		<b>Amended June-10</b>	<b>Total Amendments</b>	<b>Amended 2009-2010 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>					
Appropriated Fund Balance	\$ -	<b>A</b>	\$ 687,957	\$ 687,957	\$ 687,957
<b>TOTAL REVENUES</b>	<b>\$ -</b>		<b>\$ 687,957</b>	<b>\$ 687,957</b>	<b>\$ 687,957</b>
<b><u>APPROPRIATIONS</u></b>					
Transfer to the General Fund	\$ -	<b>A</b>	\$ 687,957	\$ 687,957	\$ 687,957
Total Expenditures	\$ -		\$ 687,957	\$ 687,957	\$ 687,957
<b>TOTAL APPROPRIATIONS</b>	<b>\$ -</b>		<b>\$ 687,957</b>	<b>\$ 687,957</b>	<b>\$ 687,957</b>

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

Section VI: This ordinance will become effective upon its adoption.

Adopted this 7th day of June, 2010.

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Public hearing on proposed Fiscal Year 2010-2011 Budgets

- a. Pitt-Greenville Convention & Visitors Authority
- b. Sheppard Memorial Library
- c. Greenville Utilities Commission
- d. City of Greenville

**Explanation:** Attached are the 2010-2011 proposed City of Greenville and Greenville Utilities Commission budget ordinances. The City Council is required by Section 159-12 of the North Carolina General Statutes to hold a public hearing before adopting the budget ordinances. The City of Greenville's budget ordinance also includes Sheppard Memorial Library and Pitt-Greenville Convention & Visitors Authority budgets. The amounts represented within the ordinances include unused funding approved as part of the Fiscal Year 2009-2010 budget.

The attached ordinances are submitted for consideration at the City Council's June 10, 2010, meeting.

**Fiscal Note:** The Fiscal Year 2010-2011 budget ordinances provide revenues and appropriations for the following funds:

General Fund	\$ 72,300,619
Debt Service Fund	4,556,594
Public Transportation Fund	2,617,310
Fleet Maintenance Fund	3,350,397
Sanitation Fund	6,533,013
Bradford Creek Golf Course Fund	809,097
Stormwater Utility Fund	4,552,703
Community Development Housing Fund	1,796,678



Dental Reimbursement Fund	253,348
Capital Reserve Fund	200,000
Vehicle Replacement Fund	3,142,541
Sheppard Memorial Library	2,375,947
Convention & Visitors Authority	982,978
Greenville Utilities Commission	273,097,306

**Recommendation:** Receive a staff presentation and conduct a public hearing on the proposed budget ordinances for Fiscal Year 2010-2011.

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[Budget Ordinance FY 2010 2011 866407](#)

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## ORDINANCE NO.

CITY OF GREENVILLE, NORTH CAROLINA  
2010-2011 BUDGET ORDINANCE

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

Section I: Estimated Revenue. It is estimated that the following revenues will be available for the City of Greenville during the fiscal year beginning July 1, 2010 and ending June 30, 2011:

## GENERAL FUND

## Unrestricted Intergovernmental Revenues:

## Ad Valorem Taxes;

Current Year Taxes - Operations	\$ 30,459,427	
Prior Year's Taxes and Penalties	(6,391)	
Subtotal		\$ 30,453,036

Sales Tax	\$ 13,153,874	
Video Prog. & Tele. Comm. Svcs Tax	937,555	
Rental Vehicle Gross Receipts	95,950	
Utilities Franchise Tax	5,770,350	
Motor Vehicle Tax	767,309	
Other Unrestricted Intergovernmental Revenues	713,093	
Subtotal		\$ 21,438,131

## Restricted Intergovernmental Revenues:

Restricted Intergovernmental Revenues	\$ 1,565,038	
Powell Bill - State allocation payment	1,910,210	
Subtotal		\$ 3,475,248

## Licenses, Permits, &amp; Fees:

Privilege Licenses	\$ 618,000	
Other Licenses, Permits & Fees	2,869,524	
Subtotal		\$ 3,487,524

## Sales and Services:

Rescue Service Transport	\$ 2,626,000	
Parking Violation Penalties, Leases, and Meters	422,394	
Other Sales and Services	553,915	
Subtotal		\$ 3,602,309

## Other Revenues:

Other Revenue Sources	\$ 212,085	
Subtotal		\$ 212,085

## Investment Earnings:

Interest on Investments	\$ 1,865,731	
Subtotal		\$ 1,865,731

## Other Financing Sources:

Transfer from Greenville Utilities Commission	\$ 5,521,506	
Appropriated Fund Balance	1,245,611	
Other Transfers	999,438	
Subtotal		\$ 7,766,555

## TOTAL GENERAL FUND REVENUES

\$ 72,300,619

DEBT SERVICE FUND

Powell Bill Fund	\$	49,563	
Occupancy Tax		535,226	
Transfer from General Fund		<u>3,971,805</u>	
TOTAL DEBT SERVICE FUND			<u>\$ 4,556,594</u>

PUBLIC TRANSPORTATION FUND

Operating Grant 2010-2011	\$	477,497	
Capital Grant 2010-2011		1,203,437	
Planning Grant		28,100	
State Maintenance Assistant Program		175,000	
Hammock Source		818	
Miscellaneous		150	
Pitt Community College Bus Fare		4,300	
Eastern Carolina Vocational Center Service Contract		1,500	
Bus Fares		146,000	
Bus Ticket Sales		56,000	
Pitt Co. Bus Service		4,185	
Appropriated Fund Balance		<u>520,323</u>	
TOTAL PUBLIC TRANSPORTATION FUND			<u>\$ 2,617,310</u>

FLEET MAINTENANCE FUND

Fuel	\$	1,380,444	
Vehicle		974,899	
Labor Fees		983,804	
Pool Car Rentals		<u>11,250</u>	
TOTAL FLEET MAINTENANCE FUND			<u>\$ 3,350,397</u>

SANITATION FUND

Refuse Fees	\$	6,135,613	
NC Mosquito Control		12,000	
Extra Pickup		2,000	
Recycling Revenue		5,000	
Cart and Dumpster		138,400	
Landfill Charges		50,000	
Transfer from General Fund		190,000	
TOTAL SANITATION FUND			<u>\$ 6,533,013</u>

BRADFORD CREEK GOLF COURSE FUND

Green Fees	\$	469,097	
Cart Fees		18,000	
Driving Range		98,000	
Concessions (Food & Beverage)		63,000	
Other (Tournaments, Rentals)		128,000	
Pro Shop Sales		<u>33,000</u>	
TOTAL BRADFORD CREEK GOLF COURSE FUND			<u>\$ 809,097</u>

STORMWATER MANAGEMENT UTILITY FUND

Utility Fee	\$	2,942,000	
Interest on Checking		60,616	
Appropriated Fund Balance		<u>1,550,087</u>	
TOTAL STORMWATER MANAGEMENT UTILITY FUND			<u>\$ 4,552,703</u>

COMMUNITY DEVELOPMENT HOUSING FUND (GRANT PROJECT FUND)

Annual CDBG Grant Funding	\$	887,849	
HUD City of Greenville		575,192	
Program Income		16,000	
Transfer from General Fund		<u>317,637</u>	
TOTAL COMMUNITY DEVELOPMENT HOUSING FUND			<u>\$ 1,796,678</u>

DENTAL REIMBURSEMENT FUND

Employer Contributions - City of Greenville	\$	185,342	
Employee Contributions - City of Greenville		<u>68,006</u>	
TOTAL DENTAL REIMBURSEMENT FUND			<u>\$ 253,348</u>

CAPITAL RESERVE FUND

Appropriated Fund Balance	\$	<u>200,000</u>	
TOTAL CAPITAL RESERVE FUND			<u>\$ 200,000</u>

VEHICLE REPLACEMENT FUND

Transfer from Other Funds	\$	3,142,541	
TOTAL VEHICLE REPLACEMENT FUND			<u>\$ 3,142,541</u>
TOTAL ESTIMATED CITY OF GREENVILLE REVENUES			<u>\$ 100,112,300</u>

SHEPPARD MEMORIAL LIBRARY FUND

City of Greenville	\$	1,127,008	
Pitt County		563,504	
Town of Bethel		27,689	
Town of Winterville		135,375	
State Aid		202,448	
Desk/Copier Receipts		119,281	
Interest		10,680	
Miscellaneous Revenues		46,180	
Greenville Housing Authority		10,692	
LSTA Grant		24,720	
Appropriated Fund Balance		<u>108,370</u>	
TOTAL SHEPPARD MEMORIAL LIBRARY FUND			<u>\$ 2,375,947</u>

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Occupancy Tax (2%)	\$ 452,081
Occupancy Tax (1%)	226,040
Interest on Checking	10,000
Appropriated Fund Balance	<u>294,857</u>

TOTAL PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND	<u>\$ 982,978</u>
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Section II: Appropriations. The following amounts are hereby appropriated for the operation of the City of Greenville and its activities for the fiscal year beginning July 1, 2010 and ending June 30, 2011:

GENERAL FUND

Mayor & City Council	\$ 383,212
City Manager	1,106,836
City Clerk	301,737
City Attorney	453,632
Human Resources	2,415,051
Information Technology	2,925,300
Fire/Rescue	12,725,838
Financial Services	2,276,083
Contingency	615,844
Other Post Employment Benefits	250,000
Police	22,231,538
Recreation & Parks	6,189,381
Public Works	8,659,419
Community Development	1,631,515
Capital Improvement	4,406,019
Transfers to Other Funds	5,729,214
TOTAL GENERAL FUND	<u>\$ 72,300,619</u>

DEBT SERVICE FUND

Debt Service	\$ 4,556,594
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PUBLIC TRANSPORTATION FUND

Transit	\$ 2,617,310
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FLEET MAINTENANCE FUND

Fleet	\$ 3,350,397
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SANITATION FUND

Sanitation Service	\$ 6,533,013
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BRADFORD CREEK GOLF COURSE FUND

Bradford Creek Golf Course \$ 809,097

STORMWATER MANAGEMENT UTILITY FUND

Stormwater Management Utility \$ 4,552,703

COMMUNITY DEVELOPMENT HOUSING PROGRAM FUND

Community Development Housing/CDBG \$ 1,796,678

DENTAL REIMBURSEMENT FUND

Dental Reimbursement Fund \$ 253,348

CAPITAL RESERVE FUND

Capital Reserve Fund \$ 200,000

VEHICLE REPLACEMENT FUND

Vehicle Replacement Fund \$ 3,142,541

TOTAL CITY OF GREENVILLE APPROPRIATIONS \$ 100,112,300

SHEPPARD MEMORIAL LIBRARY FUND

Sheppard Memorial Library \$ 2,375,947

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Pitt-Greenville Convention and Visitors Authority \$ 982,978

Section III: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding purchase orders as of June 30, 2010, added to each appropriation as it appears in order to account for the expenditures in the fiscal year in which it was paid.

Section IV: Taxes Levied. There is hereby levied a tax rate of 52 cents per one hundred dollars (\$100) valuation of taxable properties, as listed for taxes as of January 1, 2010, for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section V: Salaries.

(a) Salaries of Elected Officials. The annual salaries of the Mayor, Mayor Pro-Tem, and other members of the City Council shall be as follows:

Mayor	\$ 11,500
Mayor Pro-Tem	\$ 7,800
Council Members	\$ 7,500

(b) Salary Cap of Greenville Utilities Commission Members. Pursuant to Section 4 of the Charter of the Greenville Utilities Commission of the City of Greenville, the monthly salaries of members of the Greenville Utilities Commission shall not exceed the following caps:

Chair	\$ 350
Member	\$ 200

Section VI: Amendments.

(a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the City Manager is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the City Council at its regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the City Manager may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the City Council as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Section VII: The Manual of Fees, dated July 1, 2010, is adopted herein by reference.

Section VIII: Community Development. The City Council does hereby authorize grant project funds for the operation of FY 2010-2011 CDBG Entitlement and Community Development Home Consortium programs under the Community Development Block Grant Program and Home Consortium Program for the primary purpose of housing rehabilitation and other stated expenditures.

Section IX: Greenville Utilities Commission. The City Council adopts a separate ordinance for the budget of the Greenville Utilities Commission.

Section X: Distribution. Copies of this ordinance shall be furnished to the City Manager and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 10th day of June, 2010.

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

ATTEST:

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

ORDINANCE NO. \_\_\_\_\_  
 CITY OF GREENVILLE, NORTH CAROLINA  
 2010-11 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the subsequent expenditures, according to the following schedules:

<u>REVENUE</u>		<u>BUDGET</u>
<b>A. <u>Electric</u></b>		
Rates & Charges	\$198,190,528	
Fees & Charges	852,000	
U.G. & Temp. Service Charges	108,000	
Miscellaneous	605,359	
Interest on Investments	600,000	
Installment Purchase	882,040	
Total Electric Revenue		\$201,237,927
<b>B. <u>Water</u></b>		
Rates & Charges	\$14,065,803	
Fees & Charges	327,734	
Capacity Fees	165,000	
Miscellaneous	161,114	
Interest on Investments	50,000	
Bond Proceeds	504,000	
Installment Purchase	51,620	
Total Water Revenue		\$15,325,271
<b>C. <u>Sewer</u></b>		
Rates & Charges	\$15,146,007	
Fees & Charges	302,561	
Capacity Fees	125,000	
Acreage Fees	153,000	
Pitt County	130,437	
Miscellaneous	111,359	
Interest on Investments	110,000	
Installment Purchase	183,040	
Transfer from Capital Projects	187,000	
Appropriated Fund Balance	200,000	
Total Sewer Revenue		\$16,648,404
<b>D. <u>Gas</u></b>		
Rates & Charges	\$39,330,024	
Fees & Charges	136,500	
Miscellaneous	127,780	
Interest on Investments	120,000	
Installment Purchase	171,400	
Total Gas Revenue		\$39,885,704
<b>TOTAL REVENUE</b>		<b>\$273,097,306</b>



Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2010 and ending on June 30, 2011, according to the following schedules:

BUDGET

Governing Body Department	\$3,810,832
Finance Department	\$17,628,125
Human Resources Department	\$3,325,870
IT Department	\$3,493,432
Customer Relations Department	\$4,501,453
Electric Department	\$186,648,365
Meter	\$2,535,942
Water Department	\$7,937,599
Sewer Department	\$7,661,440
Gas Department	\$35,059,331
Utility Locating Services	<u>\$494,917</u>
TOTAL EXPENDITURES	<u><u>\$273,097,306</u></u>

Section III: Amendments. (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting.

Section IV: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds

Adopted this the \_\_\_\_\_ day of June, 2010.

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

Attest:

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



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

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**Title of Item:** Presentations by boards and commissions

- a. Planning and Zoning Commission
- b. Redevelopment Commission

**Explanation:** The Planning and Zoning Commission and the Redevelopment Commission will make their annual presentations to City Council at the June 7, 2010 meeting.

**Fiscal Note:** N/A

**Recommendation:** For information only; no action recommended

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# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

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**Title of Item:** Redevelopment Commission 2010-2011 work plan and budget

**Explanation:** As has been the custom since the adoption of the Center City-West Greenville Revitalization Plan in January 2006, the Redevelopment Commission prepares a program of work and corresponding budget to run concurrently with the City of Greenville's fiscal year. The program of work is presented to the City Council each year for consideration and approval.

**Fiscal Note:** The majority of Redevelopment Commission projects and programs are funded through the use of 2004 general obligation bond funds. The bonds were approved by Greenville's citizens for revitalization activities in the Center City and West Greenville revitalization areas. Sources and uses of funding along with an annual budget are included in the 2010-2011 work plan. Budget ordinance amendments necessary to enact the proposed budget are scheduled for consideration as a separate item.

**Recommendation:** The Greenville Redevelopment Commission approved its 2010-2011 work plan and budget at its regular meeting on May 4, 2010, and recommends City Council approval.

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[RDC Work Plan 2010-2011](#)



**From Concept to Action:**  
A Science Museum for the Center City

# 2010 - 2011 ANNUAL WORK PLAN



## REDEVELOPMENT COMMISSION OF GREENVILLE

P.O. Box 7207 ~ 201 West 5th Street  
Greenville, NC, 27835

[WWW.GREENVILLENC.GOV/URBANDEVELOPMENT](http://WWW.GREENVILLENC.GOV/URBANDEVELOPMENT)

## **A. Introduction**

The Redevelopment Commission of Greenville is engaged in a multi-year revitalization effort aimed at transforming Greenville's urban core into the premier destination for Eastern North Carolinians to live, work, shop and play. Projects and programs outlined in this work plan are based on the vision outlined in the Center City - West Greenville Revitalization Plan, which was adopted in January 2006. Over the course of the four years since the adoption of that plan, the Redevelopment Commission has engaged in an ambitious program of public work that has set the stage for significant private investment to include new housing units and significant commercial investment. In a work plan of seventeen items, five are new while the other twelve are maintained as carry-over items. This work plan will guide City of Greenville staff and private contractors who will carry out a defined set of activities listed herein and timed to coincide with the City's fiscal year running from July 1, 2010 through June 30, 2011. Funding for these projects and programs comes from a combination of general obligation bonds, grant funds and general government operating funds.

Activities related to the West Greenville 45-Block Community Development Block Grant (CDBG) project, as listed in the current CDBG Annual Plan, are incorporated into this document by reference.

## **B. 2010 – 2011 Work Plan Items**

### 1. West 5<sup>th</sup> Streetscape Phase II Design

As part of its 2005 – 2006 Annual Work Plan, the Redevelopment Commission selected a consultant to develop a set of design guidelines for future streetscape improvement projects undertaken within the Revitalization Project area. The goal of the design process was to create a unique and distinctive vision for public spaces within the project area. Key factors considered in the process included, vehicular/pedestrian/bicycle access, public utility location and improvements, street and gateway character, and wayfinding. The final deliverable from that process was the Center City – West Greenville Streetscape Master plan which was subsequently adopted by both the Redevelopment Commission as well as the City Council. Initial projects selected for design and construction were a segment of West 5<sup>th</sup> Street running from Memorial Drive to Cadillac Street along with portions of Reade and Cotanche Streets.

Based on cost estimates and prioritization developed as part of the master planning process, the Redevelopment Commission and Greenville City Council have selected a segment of West 5<sup>th</sup> Street running from Cadillac Street to Tyson Street as a second phase of streetscape design and construction in West Greenville. A key feature of this project will be the realignment of West 14<sup>th</sup> Street and Tyson Street at their intersection with West 5<sup>th</sup> Street.

*Fiscal Note: Use of general funds, West Greenville bond funds and potentially CDBG funds for design and construction documentation. Construction funds for this project have not been identified.*  
**(Design budget: \$95,000)**

## 2. Adaptive Re-use Projects for Historic Structures \*\*

The Redevelopment Commission will solicit input and receive inquiries from interested parties including architectural and development firms intent on finding new uses for unoccupied and underutilized historic structures within the Center City – West Greenville Revitalization Project area. The Redevelopment Commission will review any proposals, and where appropriate, may take action to partner with an interested developer and/or facilitate the redevelopment of these structures.

*Fiscal Note: Potential use of Center City bond funds and tax increment funds for activities including land acquisition, clearance, and infrastructure.*

## 3. Evans Street Gateway Design

As part of its 2005 – 2006 Annual Work Plan, the Redevelopment Commission selected a consultant to develop a set of design guidelines for future streetscape improvement projects undertaken within the Revitalization Project area. The goal of the design process was to create a unique and distinctive vision for public spaces within the project area. Key factors considered in the process included, vehicular/pedestrian/bicycle access, public utility location and improvements, street and gateway character, and wayfinding. The final deliverable from that process was the Center City – West Greenville Streetscape Master plan which was subsequently adopted by both the Redevelopment Commission as well as the City Council. Initial projects selected for design and construction were a segment of West 5<sup>th</sup> Street running from memorial Drive to Cadillac Street along with portions of Reade and Cotanche Streets.

Based on cost estimates and prioritization developed as part of the master planning process, the Redevelopment Commission and Greenville City Council have selected a segment of Evans Street running from the intersection of 5<sup>th</sup> Street to the intersection of 10<sup>th</sup> Street as a second phase of streetscape design and construction in the Uptown District. Design and construction of this project is planned to coincide with design and construction of the 10<sup>th</sup> Street Connector Project which will deliver hundreds of new vehicular trips per day to the Evans Street gateway to the Uptown Commercial District.

*Fiscal Note: Use of Center City bond funds for design and construction documentation.*  
**(Design budget: \$115,000)**

#### 4. Small Business Plan Competition\*\*

To facilitate the expansion of small business in appropriate locations within the Center City - West Greenville Redevelopment Project area, the Redevelopment Commission has developed and adopted a business plan competition program. The program has been developed in conjunction with the local office of the North Carolina Small Business Technology Development Center, EXCEED and the Pitt Community College Small Business Center and will utilize those training and assistance programs to help participants develop their plans. The program provides grants in the amount of between \$15,000 and \$30,000 to as many as eight competition winners per year.

*Fiscal Note: Use of West Greenville and Center City bond funds for capitalization of grant program.*

#### 5. West 5<sup>th</sup> Street Gateway Construction Project\*\*

As part of its 2005 – 2006 Annual Work Plan, the Redevelopment Commission selected a consultant to develop a set of design guidelines for future streetscape improvement projects undertaken within the Revitalization Project area. The goal of the design process was to create a unique and distinctive vision for public spaces within the project area. Key factors considered in the process included, vehicular/pedestrian/bicycle access, public utility location and improvements, street and gateway character, and wayfinding.

Based on cost estimates and prioritization developed as part of the master planning process, the Redevelopment Commission and Greenville City Council have selected a segment of West 5<sup>th</sup> Street running from Memorial Drive to Cadillac Street as a pilot project. Construction of the West 5<sup>th</sup> Street Gateway project is expected to be complete in September of 2010.

*Fiscal Note: Use of West Greenville bond funds for construction.*  
**(Construction budget: \$1,100,000)**

#### 6. Comprehensive Wayfinding Project \*\*

The design and installation of a comprehensive citywide wayfinding system will have an immediate positive impact on Greenville's urban core. Such a system was recommended as part of the Center City – West Greenville Streetscape Master Plan and has been given a high priority by both the Redevelopment Commission and the Greenville City Council. Once implemented, the wayfinding system will help visitors and residents to navigate throughout the city using all modes of transportation. Upon completion, the sign system will also help to "brand" Greenville's distinctive urban core and promote key civic, educational, commercial and transportation facilities. During the 2007 – 2008 fiscal year, both the Redevelopment Commission and the Greenville City

Council signed off on the design for the system. Bidding for construction of the system will take place during the 2009 – 2010 fiscal year with construction expected to be complete in September of 2010.

*Fiscal Note: Use of Center City bond and general funds for project construction.*  
**(Construction budget: \$690,000)**

#### 7. Five Points Plaza Project\*\*

At the request of the Uptown Greenville organization, the Redevelopment Commission has undertaken a planning process for improvements to the existing Evans Street parking lot at the corner of 5<sup>th</sup> and Evans Streets. This parking lot has become the home to the popular Freeboot Friday events as well as the bi-weekly Umbrella Market. Likely improvements to the parking lot include a new surface that will better suit shared parking and event needs, hardening of the edges to create a more intimate gathering space along with lighting, vegetation and public art. Design of the project will be complete during the spring of 2010 with construction slated to be complete by early winter of 2011.

*Fiscal Note: Use of Center City bond funds for project design and construction.*  
**(Construction budget: \$750,000)**

#### 8. West Greenville Commercial Center

The Center City – West Greenville Revitalization Plan calls for the establishment of a small-scale commercial center to serve the neighborhoods of West Greenville. Such a center might include a small grocery store, retail pharmacy as well as additional space for other commercial ventures. The adopted Redevelopment Plan initially called for location of such a center in the Albemarle Avenue and Dickinson Avenue area, but as the corridor for the Tenth Street Connector Project has been more accurately defined, it has become clear that the proposed location would be in conflict with the new alignment of 10<sup>th</sup> Street. With right-of-way acquisition for the 10<sup>th</sup> Street project expected to begin in 2011, the Redevelopment Commission will begin planning for the location of the West Greenville neighborhood commercial center. There is a strong opportunity for a public/private partnership with this project in which the Redevelopment Commission assembles the land required for the commercial center then partners with a commercial center developer to build the improvements and bring in the commercial tenants. Once the site is properly located, land acquisition and the search for a private sector development partner can commence.

*Fiscal Note: Use of West Greenville bond funds for predevelopment activities*



## 9. Center City Micro Improvement Projects

Since adoption of the Center City – West Greenville revitalization plan in 2006, the Redevelopment Commission has generally focused on large projects such as multi-block streetscape projects, large housing projects such as Nathaniel Village or promoting large private development projects such as redevelopment of the Imperial Tobacco warehouse site. While completion of these projects is vital to accomplishing the goals established by the Redevelopment Plan, completion of a series of smaller projects will also help to further the goals of the Redevelopment Plan. Toward that end, the Redevelopment Commission will consider a series of small projects for the Center City area including the installation of bike racks, security call boxes, lighting, multi-space parking meters and alley way improvements during the upcoming year. Many of these projects can be coordinated with the efforts of the Uptown Greenville organization which is under contract to advise the City on such matters.

*Fiscal Note: Potential use of Center City bond funds for planning and construction.*  
**(Design and construction budget: \$150,000)**

## 10. Residential & Mixed Use Project Development\*\*

The Center City – West Greenville Revitalization Plan calls for mixed use office, residential and retail development in the Uptown Central Business District. Toward this end, the Redevelopment Commission will explore redevelopment options for key business corridors. Redevelopment of important but underutilized corridors has the potential to jumpstart downtown office, residential, and retail sectors while creating a vital node for cultural activity. By introducing mixed-use office/residential development around relatively underutilized public and semi-public open spaces such as the Town Common, larger scale mixed-use redevelopment has the potential to energize the overlapping pedestrian, business, and entertainment zones while “pulling” commercial activity down the length of key commercial corridors. Recently, the Redevelopment Commission received a market study that confirmed the latent demand within the Uptown Commercial District for mixed use development inclusive of residential, office and commercial uses.

*Fiscal Note: Potential use of Center City bond and tax increment funds for activities including land acquisition, clearance, development financing and infrastructure*

## 11. West Greenville Business Incubator\*\*

Development of a business incubator in West Greenville would support the creation and development of small, creative businesses in diverse industries by providing office space/amenities and technical assistance to fledgling companies and entrepreneurs. Amenities might include furnished office space; conference and training rooms;

computer lab with high-speed Internet connection or wireless technology; office equipment; and reception services. Technical assistance allows entrepreneurs to consult with business experts; to collaborate with other tenants on problem solving, lead generation, and new ideas; and to get referrals on training programs, workshops, and financing. Incubator participants also reach new clients through onsite networking resources.

In recent years, the Redevelopment Commission visited successful small business incubators in Durham, Raleigh, Chapel Hill, and Siler City, worked with a steering committee to develop a preliminary model for the incubator, hired the Small Business Technology Development center to complete a feasibility study based on that model, and vetted several sites that might serve as host to the incubator. Over the next fiscal year, the Commission will work to narrow the potential sites to one, complete the feasibility study and work on a business plan with community partners such as East Carolina University and Pitt Community College interested in joining the effort.

*Fiscal Note: Use of general funds to commission consulting work, associated with completion of the feasibility study and West Greenville bond funds for predevelopment activities. Grant funds from the Economic Development Administration and Golden Leaf Foundation may be accessed for the implementation phase of the project.*

## 12. Civic Art Initiative \*\*

One of the key recommendations of the 2006 Streetscape Master Plan was the creation of a civic art program. The Center City – West Greenville Revitalization Plan likewise calls for “creating and expanding cultural resources” within the Revitalization Project area. Across the nation, some 350 jurisdictions have established civic art programs, including cities in North Carolina such as Cary, Chapel Hill and Raleigh (Americans for the Arts, 2003). Construction projects associated with two streetscape pilot projects provide opportunities to incorporate civic art into the public realm. It is hoped that such pilot projects may serve as a catalyst for implementing broader, city-wide approaches to civic art. Toward that end, the Redevelopment Commission has contracted with the Pitt County Arts Council to assist with the development of a Public Art Master Plan and the Arts Council in turn is seeking grant funding from the State Arts Council that will be used to advance the process. A draft arts plan is expected to be presented by the Arts Council by the end of the 2010-2011 fiscal year.

*Fiscal Note: Use of West Greenville and Center City bond funds for design, construction and purchase of pilot civic artwork*

## 13. Revitalization Area Marketing Program \*\*

City Council called for more extensive marketing programs to promote Center City revitalization as part of recent annual goals statements. The Revitalization Area

Marketing Program aims to provide media services, property investors, business interests, and the public with timely revitalization events and stories as well as relevant statistics and background information. The marketing program utilizes a variety of media - including but not limited to press releases & feature articles; brochures/handbooks; targeted marketing pieces – to promote positive Center City revitalization stories and accomplishments. During the 2010 – 2011 fiscal year, the Redevelopment Commission will continue to market the assets of Greenville’s center city via the means described above.

*Fiscal Note: Potential use of general and Center City bond funds for marketing activities*

#### 14. Town Common Area Improvement Study\*\*

The Center City - West Greenville Revitalization Plan calls for “Improvement of the open space in the Town Common to leverage other adjacent residential and commercial projects”. In a similar manner as Central Park in New York City serves as a major attraction to commercial development around its boundaries, the Town Common can serve to attract development to Greenville’s center city, although at a much smaller scale than that of the Central Park example. Toward that end, the Redevelopment Commission along with the Recreation and Parks Department has completed a public visioning process that has culminated in a list of public priorities for programming and improvements to the Town Common. These elements will be incorporated into a master plan that will guide improvements to the park and surrounding areas in the years ahead.

*Fiscal Note: Potential use of general and Center City bond funds for planning and design activities (Design budget: \$50,000)*

#### 15. Establishment of a Center City Science Center\*\*

The Eastern North Carolina Science Center (Go-Science) is a 501C3 nonprofit focused on enhancing the level of science and math literacy for the people of Greenville and eastern North Carolina. Envisioned as a teaching, learning and research center, the science center will ultimately offer programs from kindergarten through twelfth grade as well as undergraduate and graduate-level programs for the independent adult learner. Proposed components to be phased in over a number of years include a planetarium, exhibit space capable of hosting a wide range of life and physical science displays, a Challenger Space Shuttle learning center as well as a gift shop and café. The center would be open to the general public as a regional resource. The location of such a resource in Greenville’s Center City would provide an important entertainment and cultural resource and would also serve to draw in numerous visitors to the Center City.

*Fiscal Note: Potential use of Center City bond funds or general funds for land acquisition (Acquisition budget: \$378,000)*

## 16. State Theatre Restoration Project\*\*

In December of 2008, the Redevelopment Commission completed the acquisition of the historic State Theatre. The theatre, originally known as White's Theatre and later as the Park, has been shuttered for more than a decade and has fallen into disrepair over that time. Working through a partnership with the Magnolia Arts Center, the Redevelopment Commission will develop a plan that will lead to design for improvements to the theatre along with required fundraising to complete the renovation. It is expected that restoration activities will be completed in two phases, with initial structural stabilization and weatherization activities taking place during the 2010 – 2011 fiscal year followed by a full restoration project once funds have been raised.

*Fiscal Note: Potential use of general and Center City bond and grant funds for planning and design activities (Design and Phase I construction budget: \$298,000)*

## 17. Promotion of Ecotourism Activities

An action item associated with the goals of the City Council for the 2010 – 2011 fiscal year includes an effort to tie into a regional ecotourism initiative being promoted by various organizations for the eastern region of our state. This action item as well as the broader initiative is based on the premise that Eastern North Carolina can be a major destination for eco and other sustainable tourism, thereby producing an economically valuable and environmentally sound tourism industry in the region. Examples of existing activities that have been cited by supporters of this concept include hunting and fishing tours, estuarine cruises, wildlife tours, natural history field trips, back-water paddle adventures, horseback riding trails, and camping trips. With amenities such as the Town Common and greenway trails as well as plans for the location of a hotel and intermodal transportation facility, Greenville's Center City is poised to be an active participant in this effort. As the City Council studies the proper role for the City of Greenville, the Redevelopment Commission will examine how Greenville's Center City revitalization areas can fit into the larger effort.

*Fiscal Note: No funding currently identified for activities associated with this project.*

\*\*Denotes carryover item

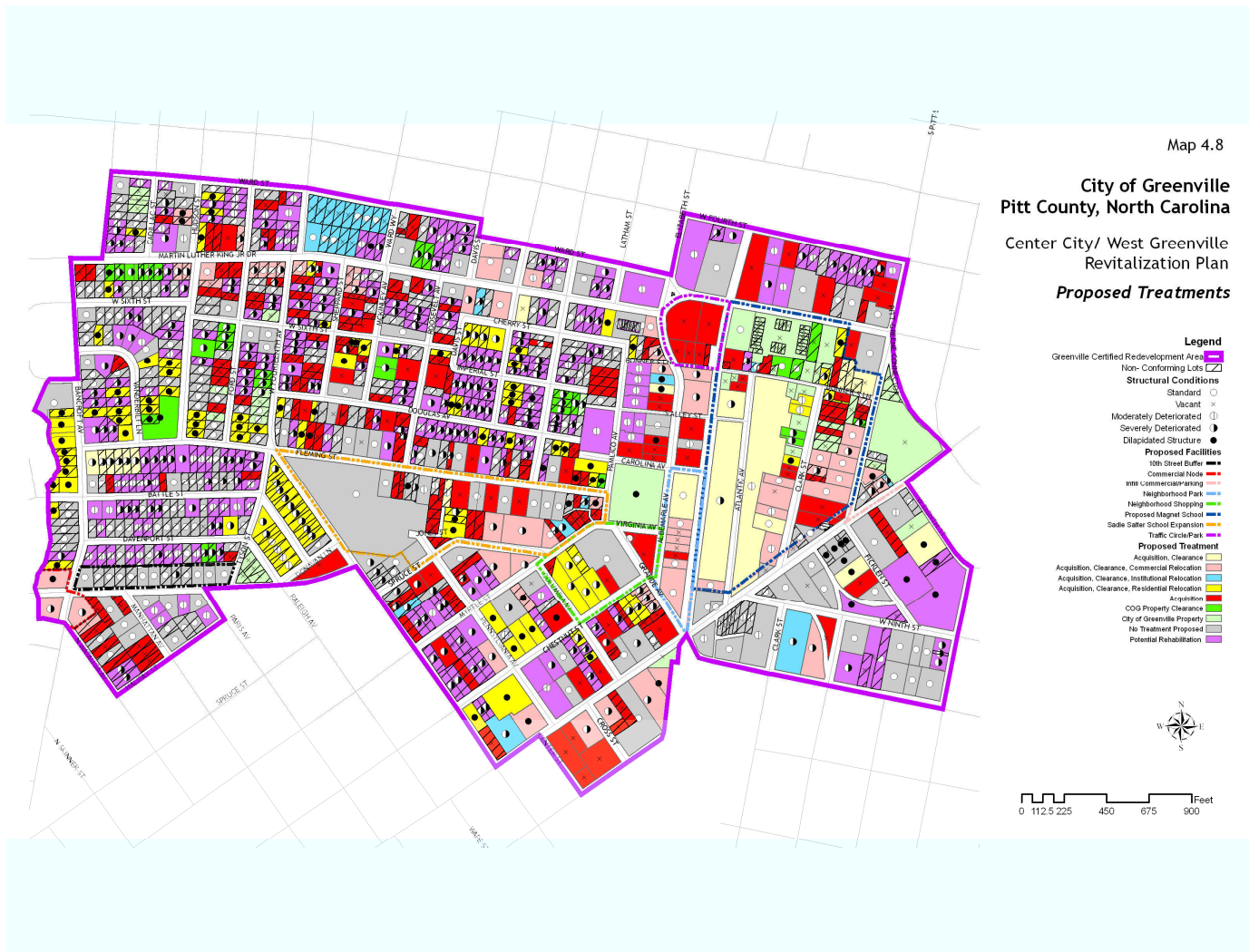
**C. Budget**

Center City Bond Funds Description		Carryover from 09' - 10' Budget	2010 - 2011 Budget
Acquisition:		\$447,222.13	447,222.13
114-466-452-50-00	Per Center City - West Greenville Revitalization Plan and current fiscal year project priorities		
Demolition:		\$80,150.00	80,150.00
114-466-452-55-00	Right-of-way and structural demolition		
Infrastructure:		\$528,306.48	1,495,000.00
114-466-452-63-00	Design and construction of streetscapes and other public improvements		
Development Financing		\$39,000.00	120,000.00
114-466-452-72-00	Business start-up grants, business retention, expansion and attraction activities		
Construction		\$72,433.23	298,000.00
114-466-463-03-00	Design, weatherization and structural repairs to Uptown theatre		
<b>Totals:</b>		<b>\$1,167,111.84</b>	<b>2,440,372.13</b>
West Greenville Bond Funds Description		Carryover from 09' - 10' Budget	2010 - 2011 Budget
Acquisition		\$0.00	\$0.00
113-4665-452-50-00	Per acquisition program in Redevelopment Commission Annual Work Plan		
Business Relocation		\$0.00	\$0.00
113-4665-452-70-00	Business relocation payments in accordance with adopted relocation plan		
Demolition		\$0.00	\$0.00
113-4665-452-55-00	Demolition of structures acquired by Redevelopment Commission		
Infrastructure		\$1,112,250.95	\$1,207,250.95
113-4665-452-63-00	Design and construction of streetscape improvements and installation of public art		
Construction		\$0.00	\$30,000.00
113-4665-452-03-00	Predevelopment activities for business incubator & West Greenville commercial center		
Development Financing		\$156,583.91	\$156,583.91
113-4665-452-72-00	Business Plan Competition grants		
<b>Totals:</b>		<b>\$1,268,834.86</b>	<b>\$1,393,834.86</b>

\*\*\* Note: Carryover funds associated with ongoing projects and programs

## D. Property Acquisition

In furtherance of the projects outlined above, and in conjunction with the ongoing West Greenville 45-Block CDBG Project, City of Greenville staff will utilize General Obligation Bond, CDBG and City of Greenville general funds to implement a property acquisition program that will focus on the acquisition of blighted properties as well as other properties where current uses do not conform to the intent of the Center City – West Greenville Revitalization Plan. It is expected that the Affordable Housing Loan Committee will continue to provide guidance throughout the acquisition process for purchase of residential properties within the CDBG project area. Real properties within the West Greenville Redevelopment Area (see map below) may be acquired during the current program year based on their compliance with the Center City – West Greenville Revitalization Plan, availability of funding, the willingness of property owners to sell their property, and staff capacity to implement the acquisition. Properties within the Center City Revitalization Area will be considered for acquisition based upon their relevance to projects described within this work plan.





# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Resolution supporting Senate Bill 955 of the General Assembly of North Carolina requiring bicycles to use lights at night

**Explanation:** Senate Bill 955, if adopted by the General Assembly of North Carolina, will require bicycles operating during the period from sunset to sunrise on a street, highway, or a public vehicle area to be equipped on the bicycle or on the rider with a lighted lamp on the front visible from 300 feet and a red light on the back visible from 200 feet. Additionally, SB 955 will make all motor vehicle accidents with a total property damage of \$500 or more and involving a bicycle a reportable crash.

The City of Greenville's Bicycle and Pedestrian Commission convened a special meeting on May 27, 2010, to discuss Senate Bill 955. The Commission recommends City Council support the passage of this legislation, as it will improve bicycle safety at night.

**Fiscal Note:** There is no cost to support this legislation.

**Recommendation:** The Bicycle and Pedestrian Commission recommends adoption of the attached resolution supporting the passage of North Carolina Senate Bill 955 requiring bicycles to be equipped with lights when operating at night.

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**Attachments / click to download**

- [Senate Bill 955](#)
- [Resolution endorsing SB955 bicycle lights at night 868795](#)

RESOLUTION NO. 10-  
RESOLUTION SUPPORTING NORTH CAROLINA GENERAL ASSEMBLY SENATE BILL 955  
OF THE 2009-2010 LEGISLATIVE SESSION REQUIRING THAT BICYCLES BE EQUIPPED  
WITH LIGHTS DURING NIGHTTIME USE

WHEREAS, the North Carolina General Assembly, 2009-2010 session, is considering the passage of Senate Bill 955 requiring the use of bicycle lights at nighttime; and

WHEREAS, the Bicycle and Pedestrian Commission of the City of Greenville recommends that City Council endorse SB 955; and

WHEREAS, the requirement that bicycles have front and rear lights during nighttime hours will aid in bicyclist visibility and therefore bicyclist safety;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby support and endorse the passage of Senate Bill 955 requiring the use of lights on bicycles at night.

This 7<sup>th</sup> day of June, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

5

SENATE BILL 955  
Judiciary I Committee Substitute Adopted 5/11/09  
Third Edition Engrossed 5/12/09  
House Committee Substitute Favorable 6/18/09  
House Committee Substitute #2 Favorable 7/30/09

Short Title: Bicycle Lights at Night. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT BICYCLES HAVE VISIBLE LIGHTS ON THE FRONT AND REAR OF THE BICYCLE, OR ON THE PERSON OPERATING THE BICYCLE, WHEN OPERATED DURING THE PERIOD FROM SUNSET TO SUNRISE ON A STREET, HIGHWAY, OR PUBLIC VEHICULAR AREA, AND TO REQUIRE THE REPORT OF A CRASH INVOLVING A MOTOR VEHICLE AND A BICYCLE WHERE THE TOTAL PROPERTY DAMAGE EXCEEDS FIVE HUNDRED DOLLARS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-129(e) reads as rewritten:

"(e) Lamps on Bicycles. – Every bicycle shall be ~~equipped~~ equipped, on the front of the bicycle or on the person operating the bicycle, with a lighted lamp ~~on the front thereof,~~ visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle, and shall also be ~~equipped with a reflex mirror or~~ equipped, on the rear of the bicycle or on the person operating the bicycle, with a lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such bicycle, when ~~used at night~~ in operation during the period from sunset to sunrise on a street, highway, or public vehicular area."

SECTION 2. G.S. 20-4.01(33b) reads as rewritten:

"(33b) Reportable Crash. – A crash involving a motor vehicle that results in one or more of the following:

- a. Death or injury of a human being.
- b. Total property damage of one thousand dollars (\$1,000) or more, or property damage of any amount to a vehicle seized pursuant to G. S. 20-28.3.
- c. Total property damage of five hundred dollars (\$500.00) or more and involves a bicycle as defined in G.S. 20-171.8(1)."

SECTION 3. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.





# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Resolution to not support House Bill 1686 of the General Assembly of North Carolina requiring that bicyclists riding two abreast shall move into a single-file formation as quickly as is practical when being overtaken from the rear by a faster moving vehicle

**Explanation:** House Bill 1686, if adopted by the General Assembly of North Carolina, will require bicyclists riding on a street or highway to not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Additionally, if adopted, it will require persons riding two abreast to move into a single-file formation as quickly as practical when being overtaken by a faster moving vehicle from the rear.

The City of Greenville's Bicycle and Pedestrian Commission convened a special meeting on May 27, 2010, to discuss House Bill 1686. The Commission believes that:

- If passed by the General Assembly, this legislation sets a precedent for limiting allowed use of the full travel lane by cyclists. Bicycles are currently recognized as vehicles with the same rights and responsibilities on the roadway as other vehicles. This legal standing is an important recognition of cyclists' access to the full lane as a protective measure.
- It is often much safer and easier for cars to pass a group of two- or even three-abreast cyclists than it is to pass a long single-file line, because riding abreast shortens the length of the group.
- It is inherently safer for an overtaking vehicle to change lanes when passing from behind. Cyclists riding two abreast will experience this courtesy more frequently than single-file riders who are sometimes "squeezed" to the right by overtaking vehicles into unstable pavement, debris and other unsafe conditions that can cause a cyclist to lose control of their balance and the bike.

The Commission recommends City Council not support the passage of this legislation.

City staff strongly supports efforts, including legislation, that promotes positive gains for bicyclists and motorists. In staff's opinion, the House Bill attempts to seek a balance between the needs of bicyclists and the motorists. Therefore, staff does not oppose the bill. Instead, staff recommends support of the bill with the exception that roadways with posted speed limits of 25 MPH or less be excluded from the bill's requirements.

**Fiscal Note:** There is no cost to not support this legislation.

**Recommendation:** Consider request of the Bicycle and Pedestrian Commission adopting the attached resolution not supporting the passage of North Carolina House Bill 1686.

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**Attachments / click to download**

- [House Bill 1686](#)
  - [Resolution not supporting HB 1686 bicyclist two abreast 868799](#)
-

RESOLUTION NO. 10-  
RESOLUTION NOT SUPPORTING NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE BILL 1686 OF THE 2009-2010 LEGISLATIVE SESSION  
REQUIRING THAT BICYCLISTS RIDING TWO ABREAST SHALL MOVE INTO A  
SINGLE-FILE FORMATION AS QUICKLY AS IS PRACTICABLE WHEN BEING  
OVERTAKEN FROM THE REAR BY A FASTER MOVING VEHICLE

WHEREAS, the North Carolina General Assembly, 2009-2010 session, is considering the passage of House Bill 1686 requiring bicyclists riding two abreast to move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle.; and

WHEREAS, the Bicycle and Pedestrian Commission believes that if passed by the General Assembly, this legislation sets a precedent for limiting allowed use of the full travel lane by cyclists. Bicycles are currently recognized as vehicles with the same rights and responsibilities on the roadway as other vehicles. This legal standing is an important recognition of cyclists' access to the full lane as a protective measure; and

WHEREAS, the Bicycle and Pedestrian Commission of the City of Greenville is of the opinion that it is often much safer and easier for cars to pass a group of two- or even three-abreast cyclists than it is to pass a long single-file line, because riding abreast shortens the length of the group.; and

WHEREAS, the Bicycle and Pedestrian Commission of the City of Greenville believes it is inherently safer for an overtaking vehicle to change lanes when passing from behind. Cyclists riding two abreast will experience this courtesy more frequently than single-file riders who are sometimes "squeezed" to the right by overtaking vehicles into unstable pavement, debris and their unsafe conditions that can cause a cyclist to lose control of their balance and the bike; and

WHEREAS, the Bicycle and Pedestrian Commission of the City of Greenville recommends that City Council not support HB 1686;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby not support the passage of House Bill 1686 requiring that bicyclists riding two abreast move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle.

This 7<sup>th</sup> day of June, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1686

Short Title: Bicycle Safety Changes. (Public)

Sponsors: Representatives Cole; Hughes, Neumann, and Whilden.

Referred to: Transportation, if favorable, Judiciary III.

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO ENSURE THE SAFE OPERATION OF BICYCLES BEING OPERATED IN  
GROUPS OF TWO OR MORE ON THE STATE'S STREETS AND HIGHWAYS, AS  
RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT  
COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new  
section to read:

**"§ 20-171.3. Operation of bicycles on streets and highways.**

Bicyclists riding bicycles upon a street or highway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. Persons riding two abreast shall move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle."

**SECTION 2.** This act becomes effective December 1, 2010, and applies to offenses committed on or after that date.



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# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Resolution supporting enactment of legislation which will enhance the enforcement of ABC laws

**Explanation:** At its May 27, 2010, meeting, the Special Task Force on Public Safety adopted a resolution which supported the enactment of "An Act to Modernize the North Carolina Alcoholic Beverage Control System as recommended by the Joint Study Committee on Alcoholic Beverage Control" (Senate Bill 1112 and House Bill 1717) as well as the restoration of the provision considered by the Joint Study Committee on Alcoholic Beverage Control but not included in its approved proposal, to set aside two percent (2%) of the gross receipts from local sales of alcoholic beverages for the State Alcohol Law Enforcement Division to be used for additional enforcement efforts. A copy of the resolution is attached.

The Joint Study Committee on Alcoholic Beverage Control, a study committee established by the North Carolina General Assembly, approved a proposal to reform the ABC system on May 5, 2010. Several provisions were considered by the Committee which were not included in the Committee's approved proposal. The Committee's approved proposal has been introduced as Senate Bill 1112 and House Bill 1717.

Included in the provisions of the bills are provisions which would enhance the ability of local law enforcement officers to be involved in the enforcement of ABC laws. This comes in two forms – (1) ABC boards would be allowed to contract with a local law enforcement agency to enforce ABC laws "in addition to" hiring its own ABC officers (designated officers certified by the chief ABC officer as having been trained in the enforcement of ABC laws on the same basis as local ABC officers) and (2) even without a contract with a local ABC board, designated officers of a local law enforcement agency could enforce ABC laws provided that they have been certified by the chief ABC officer as having been trained in the enforcement of ABC laws as are local ABC officers. The North Carolina League of Municipalities supports these provisions since they provide greater local authority to enforce the ABC laws.

A provision which was considered by the Committee but which was not a part of the Committee's approved proposal (and therefore is not included in the bills) was a requirement that 2% of a local ABC board's ABC revenue be required to be used to fund the operations of the State Alcohol Law Enforcement Division. The North Carolina League of Municipalities, the Association of County Commissioners, and the Association of ABC Boards supported the removal of this requirement since it involves a limitation on local ABC system autonomy. It also significantly reduced the amount of revenue available for distribution to local governments. The State Alcohol Law Enforcement Division receives its funding from appropriations from the State and contracts with local ABC boards. The 2% requirement would have provided an additional revenue source for the State Alcohol Law Enforcement Division. However, if the 2% requirement were adopted, it is not known what, if any, impact it would have on the level of appropriations from the State.

Local ABC boards are statutorily required to spend at least 5% of net revenues for law enforcement. This provision remains in place. Local ABC boards can comply with this provision by contracting with the State Alcohol Law Enforcement Division, contracting with a local law enforcement agency, or employing its own ABC officers. For FY 08-09 for the Pitt County ABC Board, the 2% requirement would have amounted to around \$280,000 – if the 2% requirement were adopted, this amount would be deducted from the net revenue of the Pitt County ABC board and be paid to the State Alcohol Law Enforcement Division.

Chief of Police Anderson advises that the North Carolina Metro Police Chiefs Coalition supports the provision relating to local law enforcement officers being able to enforce ABC laws but did not take a position on the requirement that 2% of a local board's ABC revenue be required to be used to fund the operations of the State Alcohol Law Enforcement Division.

**Fiscal Note:** There is no fiscal impact with supporting the enactment of the legislation.

**Recommendation:** Adoption of the attached resolution will express City Council's support of the enactment of legislation which will enhance the enforcement of the ABC laws, as requested by the Special Task Force on Public Safety.

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Attachments / click to download

 [Special Task Force Resolution](#)





RESOLUTION NO. 10 –  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
SUPPORTING ENACTMENT OF LEGISLATION WHICH WILL ENHANCE  
THE ENFORCEMENT OF ABC LAWS

WHEREAS, the Joint Study Committee on Alcoholic Beverage Control's approved proposal on the reform of the ABC system has been introduced as Senate Bill 1112 and House Bill 1717;

WHEREAS, Senate Bill 1112 and House Bill 1717 include provisions which authorize designated officers of a local law enforcement agency to enforce ABC laws;

WHEREAS, a proposal which was considered by the Joint Study Committee on Alcoholic Beverage Control, although not included in the Committee's approved proposal or in Senate Bill 1112 and House Bill 1717, would provide an additional revenue source for the State Alcohol Law Enforcement Division of two percent (2%) of a local ABC board's ABC revenue to be utilized to enforce the ABC laws; and

WHEREAS, enactment of provisions which will enhance the enforcement of ABC laws will promote the safety and welfare of the citizens of the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to enact legislation that enhances the enforcement of ABC laws including the provisions contained in Senate Bill 1112 and House Bill 1717 which authorize designated officers of a local law enforcement agency to enforce ABC laws and a provision, not included in said bills, which establishes a requirement that at least two percent (2%) of the gross receipts of a local ABC board's ABC revenue be used to fund the operations of the State Alcohol Law Enforcement Division thereby providing an additional revenue source for enforcement of ABC laws.

This the 7th day of June, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

RESOLUTION OF THE SPECIAL TASK FORCE ON PUBLIC SAFETY REQUESTING  
CITY COUNCIL TO IMMEDIATELY TAKE ACTION TO PARTNER WITH OTHER  
CITIES TO LOBBY THE GENERAL ASSEMBLY TO INCLUDE PROVISIONS IN THE  
ABC REFORM BILL WHICH WILL ENHANCE LOCALITIES ABILITY TO MAINTAIN  
ORDER VIA MORE EFFECTIVE ENFORCEMENT OF THE ABC LAWS.

WHEREAS, the City of Greenville has a large nighttime entertainment district;

WHEREAS, alcoholic beverages are often consumed in excess in this district; and

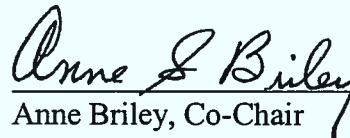
WHEREAS, the need for additional law enforcement is evident;

NOW, THEREFORE, BE IT RESOLVED by the Special Task Force on Public Safety that it does hereby request that the City Council of the City of Greenville support the enactment of "An Act to Modernize the North Carolina Alcoholic Beverage Control System as recommended by the Joint Study Committee on Alcoholic Beverage Control" as well as the restoration of the provision considered by the Joint Study Committee, but not included in its approved proposal, to set aside two (2) percent of the gross receipts from local sales of alcoholic beverages for the State Alcohol Law Enforcement Division to be used for additional enforcement efforts.

This the 27<sup>th</sup> day of May, 2010.



\_\_\_\_\_  
Bill Koch, Co-Chair



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Anne Briley, Co-Chair



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Municipal and Crossing Closures Agreement for railroad crossing safety improvements and crossing closures

**Explanation:** Attached for City Council consideration is a Municipal and Crossing Closures Agreement with the North Carolina Department of Transportation (NCDOT), CSX Transportation, Inc., Carolina Coastal Railway, and Norfolk Southern Railway Company regarding safety improvements and crossing closures for existing at-grade railroad crossings located within the City. The Agreement facilitates the implementation of the recommendations in NCDOT's "Traffic Separation Study for the City of Greenville" and the "Greenville Rail Improvements Study", which were presented to and approved by the City Council in the attached resolution adopted at the August 11, 2008 meeting. The recommended safety improvements and crossing closures for existing at-grade railroad crossings are presented in "Exhibit A" in the Agreement.

The Traffic Separation Study was conducted to determine what safety improvements should be made at existing highway/rail grade crossings within the City and if highway/rail at-grade crossings should be closed. It involved a systematic review of rail crossing safety that evaluated traffic (both rail and highway) patterns and road usage for the area to determine required safety improvements and/or elimination of public grade crossings. The overall scope of project follows:

- 1) Removal and permanent closure of the following existing road/rail at-grade crossings:
  - a. On the CSXT rail line
    - Gum Road (Crossing # 641 859V)
    - Dudley Street (Crossing # 641 553R)
    - Alley Street (Crossing # 641 610C)
  - b. On the Norfolk Southern rail line
    - Skinner Street (Crossing # 465 509U)
    - S. Pitt Street (Crossing # 465 496V)

- 2) Construction of a new at-grade crossing on the CSXT rail line at Mile Post AA-152.95 to include signals and gates for the Thomas Langston Road Extension Project
- 3) Design and installation/upgrade of grade crossing warning devices (automatic warning devices) and crossing surface widening improvements, as noted on attached Exhibit A
- 4) Installation of railroad-preempted traffic signals on municipal system streets at the grade crossing improvement project, as noted on attached Exhibit A

The implementation of the recommended improvements and closures will be subject to the availability of federal funds administered through NCDOT. As funding becomes available, the City will enter into a separate municipal agreement with NCDOT that will assign responsibilities for the improvements at each crossing and the cost share. The City's share is typically 10% of the total project costs. The City is also responsible for the annual equipment maintenance costs for each crossing, which are paid to the railroads. The municipal agreements for the improvements will be presented to the City Council for consideration as these projects are developed.

**Fiscal Note:** Funding for the City's share of the at-grade crossing improvements is included in the annual Capital Improvement Program.

**Recommendation:** Approve the attached Municipal and Crossing Closures Agreement for railroad crossing safety improvements and crossing closures.

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**Attachments / click to download**

- [Resolution Certification](#)
- [NCDOT Municipal and Crossing Closures Agreement for TSS 868759](#)
- [TSS Recommended Crossing Improvements 868734](#)

NORTH CAROLINA  
PITT COUNTY

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

AND

CITY OF GREENVILLE

AND

CSX TRANSPORTATION, INC.

AND

CAROLINA COASTAL RAILWAY

AND

NORFOLK SOUTHERN RAILWAY  
COMPANY

5/7/2010

MUNICIPAL AND CROSSING  
CLOSURES AGREEMENT

TIP #: Y-4802I

WBS Elements:

OTHER FUNDING:

THIS AGREEMENT is made and entered into on the last date executed below, by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the "Department", the CITY OF GREENVILLE, a local government entity, hereinafter referred to as the "Municipality", CSX TRANSPORTATION, INC., a corporation of Virginia, hereinafter referred to as "CSXT" and CAROLINA COASTAL RAILWAY, a corporation of Virginia, hereinafter referred to as "CLNA" and NORFOLK SOUTHERN RAILWAY COMPANY, a corporation of Virginia, hereinafter referred to as "NS".

**WITNESSETH:**

WHEREAS, the Department, CSXT, CLNA and NS entered into separate Master Agreements for Grade Crossing Warning Devices executed 10/16/08, 1/22/08 and 3/28/08 respectively for the construction and implementation of signal improvements statewide, including but not limited to those municipal crossings referenced in this Agreement; and,

WHEREAS, said Master Agreements serve as a guide and set forth a process

between the Department, Municipality, CSXT, CLNA and NS for crossing improvements;  
and,

WHEREAS, the Department and the Municipality, on the 4th day of September 2003, entered into an Agreement to conduct a Greenville Traffic Separation Study completed July 2008 that outlines certain near-term, mid-term and long-term recommendations for highway-rail at-grade crossings within the Municipality to include crossing closures, roadway improvements, and safety device enhancements as shown on the attached "Final Improvements Listing" (Exhibit "A"); and,

WHEREAS, said Agreement was supplemented on the 26<sup>th</sup> day of April, 2005 to include an investigation of the feasibility to improve rail capacity and transference of freight between CSX Transportation and Norfolk Southern Railway at the CSXT/NS railroad at-grade crossing; thereby dividing the Traffic Separation Study in two - (2) phases; and,

WHEREAS, Phase 1 consists of the feasibility study of improving the rail capacity and transference of freight at the CSXT/NS railroad at-grade crossing; and,

WHEREAS, Phase 2 consists of the comprehensive study and highway/railroad at-grade crossing analysis of the public crossing of the tracks of CSX Transportation and Norfolk Southern Railway within the Municipality; and,.

WHEREAS, the analysis has been completed and the Municipality, by resolution on the 11<sup>th</sup> day of August 2008, has approved the recommendations in the Greenville Railroad Congestion Project Study (Phase 1) dated April 2008 and the Traffic Separation Study for the City of Greenville (Phase 2) , which include the closure of specific at-grade crossings; and,

WHEREAS, the Department and the Municipality have agreed to make a "best effort" to adhere to the finding of the analysis and implement the recommendations of the analysis; and,

WHEREAS, the Resolution adopted on the 11th day of August, 2008 ("Exhibit B") by the City Council of the City of Greenville approved the recommendations in the "Traffic Separation Study for the City of Greenville" and the "Greenville Rail Improvements Study"

including the closure and removal of the following municipal crossings: Gum Road (Crossing No. 641 859V), Dudley Street (Crossing No. 641 553R), Alley Street (Crossing No. 641 610C), Skinner Street (Crossing No. 465 509U), and S. Pitt Street (Crossing No. 465 496V) in Pitt County; and,

WHEREAS, the Department, Municipality, CSXT, CLNA and NS have agreed to participate in certain costs and/or other responsibilities in the manner and to the extent as hereinafter set out; and,

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

#### **1. SCOPE OF PROJECT**

The project consists of the following safety improvements:

(A) removal and permanent closure of the Crossing No. 641 859V (Gum Road), Crossing No. 641 553R (Dudley Street), Crossing No. 641 610C (Alley Street), Crossing No. 465 509U (Skinner Street), and Crossing No. 465 496V (S. Pitt Street) in Pitt County; and,

(B) construction of a new at-grade crossing on the CSXT rail line at Mile Post AA-152.95 to include signals and gates; said new crossing, including signals and gates to be funded entirely by the Municipality and covered by a separate agreement between CSXT and Municipality. In accordance with CSXT procedures, the removal and permanent closure of Crossing No. 641 859V (Gum Road), Crossing No. 641 553R (Dudley Street), Crossing No. 641 610C (Alley Street) shall be counted towards the Municipality receiving approval for the approval of the new at-grade crossing on the CSXT rail line; and,

(C) design and install/upgrade of grade crossing warning devices (automatic warning devices) and crossing surface widening improvements, as noted on attached Exhibit A; and,

(D) install railroad-preempted traffic signals on municipal system streets at the

grade crossing improvement project, as noted on attached Exhibit A.

## **2. FUNDING**

Subject to compliance by all parties with the provisions set forth in this Agreement, and the availability of federal funds, the Department's Rail Division shall be responsible for the cost of the design and construction of those improvements as shown on Exhibit A, at no expense to the Municipality. Said work shall be charged against the Department's Rail Division Federal funds, Federal-aid Crossing Hazard Elimination Program, under TIP Project No. Y-4802I

## **3. PLANNING AND DESIGN**

### **CONTENT OF PLAN PACKAGE**

The Department, and/or its agent, shall be responsible for the preparation of the environmental and/or planning document, obtain any environmental permits, needed to construct the project, prepare a State approved erosion and sedimentation control plan, be responsible for the design of the project plans and specifications for the project and estimates (PS&E package) as appropriate, and administer and/or award the construction contract and supervise project construction as outlined in Provision 1 of this Agreement. Work will be determined by the environmental planning process and specified in the final construction plans. Said work shall be performed by the Department in accordance with Departmental and Federal standards and specifications, policies, procedures and local codes and ordinances, at no expense to the Municipality. Plans for said work shall be prepared by the Department and submitted to the Municipality, CSXT and CLNA for review. Written review comments from the Municipality CSXT and CLNA shall be received by the Department within sixty (60) days of submittal. If comments are not received within sixty days, the Department will presume plan approval and concurrence by the Municipality, and CSXT and CLNA. The Department shall have the right to abandon the project at any time before the Municipality has been called upon to perform any part of its agreement. All sites



selected for improvement, all plans for improvements and all contracts with CSXT and CLNA will be subject to the approval of the Municipality prior to CSXT and CLNA performing any work.

#### **4. RIGHT OF WAY (ROW)/ UTILITY AUTHORIZATION**

The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

##### **TIME FRAME FOR ROW ACTIVITY**

The Municipality will accomplish all ROW activities, to include certification of ROW, within sixty (60) days after receipt of written authorization from the Department to proceed.

#### **5. PROJECT LIMITS AND RIGHT OF WAY (ROW)**

The Municipality, at no liability or expense whatsoever to the Department, shall be responsible for providing and/or acquiring any required right of way and/or easements for the Project.

The Department shall coordinate closures and removal of crossing surfaces within the operating right-of way with the Municipality, CSXT, NS, and CLNA.

##### **RIGHT OF WAY GUIDANCE**

The Municipality shall accomplish all right of way (ROW) activities, including acquisition and relocation, in accordance with the following: Federal Aid Policy Guide, Title 23 of the Code of Federal Regulations, Part 710, Subpart B, and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm); North Carolina General Statutes, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp); and the North Carolina Department of Transportation Right of Way Manual.

##### **CLEARANCE OF PROJECT LIMITS/RIGHT OF WAY**

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said right of way, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within said right of way. The Municipality shall indemnify and save harmless the Department, Federal Railroad Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project.

### **RELOCATION ASSISTANCE**

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Railroad Administration.

### **6. UTILITIES**

The Municipality, and/or its agent, at no expense or liability to the Department, CSXT, CLNA or NS, shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to beginning construction of the project. The Municipality shall submit a request, in writing, to all utility owners to relocate or adjust their facilities in accordance with the Right of Way Acquisition Policy contained in the Federal-

Aid Policy Guide, Title 23 of the Code of Federal Regulations, Part 710, Subpart B, incorporated by reference at: [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm).

If the Municipality and other authorized utility providers must maintain service in the areas proximate to the crossing, CSXT, CLNA and NS shall work with said parties to enter into standard license agreements for any utility transverse crossings for aerial or underground electric, telecommunication, water, sanitary sewer, storm sewer, natural gas and other facilities, public and/or private that presently exist and are being maintained. The Municipality or other authorized utility providers shall be responsible for providing a description of said utilities and descriptions of facilities and locations to CSXT, CLNA and NS for the development of the necessary instruments and shall sign and comply with said instruments. The Municipality shall not be responsible for payment of the normal and customary licensing fees for utilities it owns and maintains at the project site.

## **7. RIGHT OF WAY CERTIFICATION**

The Municipality, upon acquisition of all right of way/property necessary for projects on a street maintained by the Municipality, shall provide the Right of Way Agent, located at the Agency's Local Right of Way Office, all required documentation (deeds/leases/easement/plans) to secure right of way certification from that office. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated.

## **8. CONSTRUCTION**

Subject to successful completion of the planning document and all required environmental work, the Department, and/or its agent, will construct the project in accordance with the plans and specifications adopted therefore or as altered or amended by the Department. The Department shall perform, or cause to be performed, the necessary construction engineering, sampling and testing, and supervision required prior to and during the construction of the Project. The Department shall have the right to abandon

the project at any time before the Municipality has been called upon to perform any part of its agreement.

The Department shall be responsible for all improvements to and repair of the municipal street approaches to the subject grade crossing closure project. Improvements shall consist of, but not be limited to, installation of all pavement markings, signs, drainage, sidewalk relocation/repair, fill materials, and pipe extensions. All work shall be performed within the existing rights of way and in accordance with Departmental and Federal standards and specifications, policies, procedures and local codes and ordinances, and the current CSXT, CLNA, and NS standard track construction specifications, the current AREMA Manual, Volume 1, the current NC DOT's Standard Specifications for Roads and Structures, and the grade crossing system manufacturers' specifications.

The Municipality shall allow the Department to install and/or construct said crossing signals and/or related safety improvements on city maintained streets at the specified at-grade crossings shown in the "Final Improvements Listing" (Exhibit "A").

The Department will notify the Municipality, CSXT and CLNA as to the date when Crossing No. 641 859V (Gum Road), Crossing No. 641 553R (Dudley Street), Crossing No. 641 610C (Alley Street), Crossing No. 465 509U (Skinner Street), and Crossing No. 465 496V (S. Pitt Street) in Pitt County can be closed and removed. The closing of Crossing No. 641 859V (Gum Road), Crossing No. 641 553R (Dudley Street), Crossing No. 641 610C (Alley Street) shall occur after CSXT has approved the new at-grade crossing on the CSXT rail line at Mile Post AA-152.95. CSXT and CLNA shall have sixty (60) days after this date to close and remove crossings. Said crossing will not be closed until written authority is given by the Department to permanently close the crossings.

## **9. RAILROAD OBLIGATIONS**

CSXT and CLNA will coordinate the removal of Crossing No. 641 859V (Gum Road), Crossing No. 641 553R (Dudley Street), Crossing No. 641 610C (Alley Street), Crossing No.

465 509U (Skinner Street), and Crossing No. 465 496V (S. Pitt Street )in Pitt County with the Department's Division 2 District Engineer, who may be contacted at (252) 946-7433 or the Department's Rail Division Project Engineer, Nancy Horne, who may be contacted at (919) 715-3686 or via email: nhorne@ncdot.gov.

The pavement in the operating railroad's right of way will be removed by CSXT and CLNA, at their respective crossings, including the removal of tile and continuation of any drainage ditches that exist parallel to CSXT and CLNA. The Department will haul and dispose of all asphalt, if requested to do so by CSXT and CLNA. CSXT and CLNA will be responsible for removal of the crossing timbers. The Department will grade and seed these areas to prevent erosion of the adjacent roadway and/or track bed. CSXT and CLNA agrees to provide flagging protection as necessary for work related to the crossing closure and said improvement projects. CSXT and CLNA shall remove related whistle posts and any grade crossing protection devices previously installed at Gum Road (Crossing No. 641 859V), Dudley Street (Crossing No. 641 553R), Alley Street (Crossing No. 641 610C), Skinner Street (Crossing No. 465 509U), and S. Pitt Street (Crossing No. 465 496V) in Pitt County and perform all work with its forces at no cost to the Department or Municipality. All closure related work, hereinafter referred to under Railroad Obligations, will be completed by CSXT and CLNA on their respective lines, at no cost to the Department or Municipality. All closure related work, hereinafter referred to in this section, will be completed by CSXT and CLNA on their respective lines at no cost to the Department or Municipality. The Department will also make a final inspection of the improvements upon completion of all work.

## **10. PROJECT EVALUATION REPORTS**

The Department, CSX, CLNA and Municipality shall each assign a representative that will serve as a project manager on behalf of each party. The process shall be governed and guided by the Department's Rail Division representative that will serve as the lead

agency. The Department and Municipality will hold project coordination and progress meetings at least every ninety (90) days to discuss and review project progress. The Department, through its engineering consultant, will develop and maintain project evaluation reports that detail the progress achieved and potential benefits realized to date for the project and addresses short-term and long-term concerns. The Municipality shall provide information and updates for said reports in a timely manner. Project Evaluation Reports shall be completed for identified funded projects.

## **11. INDEMNIFICATION**

The Municipality agrees to indemnify and hold harmless the Department and the State of North Carolina, to the extent allowed by law, for any and all claims for payment, damages and/or liabilities of any nature, asserted against the Department in connection with the Municipality's Project activities performed pursuant to this Agreement.

To the extent allowed under North Carolina law, CSXT, CLNA and NS will indemnify and hold harmless the Department and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damages and/or liabilities of any nature in connection with CSXT's, CLNA's and NS's Project activities performed pursuant to this Agreement. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

To the extent allowed under North Carolina law, the Department and the State of North Carolina will indemnify and hold harmless the Municipality, CSXT, CLNA and NS, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damages and/or liabilities of any nature in connection with the Department's and State of North Carolina's Project activities performed pursuant to this Agreement.

## **12. DEBARMENT POLICY**

Per OMB Circular A-133, CSXT, CLNA and NS are prohibited from contracting with or making subawards under transactions covered by this agreement to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and all nonprocurement transactions (e.g., subawards to subrecipients). Contractors receiving individual awards for \$25,000 or more and all subrecipients must certify that the organization and its principals are not suspended or debarred. CSXT, CLNA and NS may rely upon the certification unless it knows that the certification is erroneous. CSXT, CLNA and NS agree that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by Federal department or agency.

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, CSXT, CLNA and NS certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

### **13. COMPLIANCE**

The Department shall be responsible for ensuring compliance with all applicable State, Federal and local environmental laws and regulations and ordinances and shall be responsible for any fines, assessments or other penalties resulting from non-compliance by any entity performing work under contract with the Department.

### **14. AGREEMENT MODIFICATIONS**

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented. Any changes to the project description will be agreed upon by all parties by means of a Supplemental Agreement.

#### **15. AVAILABILITY OF FUNDS**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of departmental funding and fiscal constraints and the Agreement shall automatically terminate if funds cease to be available.

#### **16. TERMINATION OF PROJECT**

The Department shall have the right to abandon the project at any time before the Municipality has been called upon to perform any part of its agreement.

If CSXT, CLNA and NS decide to terminate the Project without the concurrence of the Department, CSXT, CLNA and NS shall reimburse the Department and the Municipality one hundred percent (100%) of all costs expended by the Department and the Municipality as associated with the Project.

If, upon completion of the design phase of the Project, the Municipality decides to terminate the Project, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project. If the Department decides to terminate the Project, the Department shall reimburse the Municipality one hundred percent (100%) of all costs expended by the Municipality associated with said Project. Any notification of termination of this Project shall be in writing to the other party. Reimbursement to the Department shall be made in one lump sum payment within sixty (60) days of billing. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

#### **17. TRAFFIC AND MAINTENANCE**

It is further agreed that, upon completion of the project, the Department shall establish, enforce, install and maintain all traffic operating controls and devices in



accordance with the project plans, the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the Policy on Street and Driveway Access to North Carolina Highways, and all departmental criteria. Maintenance responsibility for the roadway improvements shall be assigned in accordance with the current Powell Bill Map and any subsequent revisions and the maintenance of the completed signal revision shall be accomplished in the same manner as maintenance of other State system signalized intersections and/or in accordance with Municipal Maintenance Agreements Schedule C and D.

Upon completion of the improvements as specified in this agreement, it is understood that the appropriate Railroad will be responsible for the maintenance of the warning devices (crossing signals and gates) on Municipal system streets, and the Municipality shall be responsible for payment to the operating Railroad for the proportional share of the annual maintenance costs of the new automatic warning devices or fifty percent (50%) of the operating Railroad's cost of maintenance of said devices pursuant to the provision of G.S. 160A-298(c) and G.S.136-20(h). Maintenance shall be performed in accordance with all applicable State and Federal specifications and ordinances. Maintenance of the highway/railroad grade crossing improvements and devices shall be at no expense to the Department, CSXT, CLNA or NS.

Upon completion of the project, the Municipality shall be responsible for the maintenance of all non-railroad signal and roadway improvements located on the municipally maintained street system, at no expense to the Department, CSXT, CLNA or NS.

#### **18. ADDITIONAL PROVISIONS**

The Department, Municipality, CSXT, CLNA and NS fully recognize that these closings are intended to be perpetual, and that one party shall not petition any other party

or entity to reopen the subject at-grade crossings to be closed or to open any new at-grade public or private crossing in proximity to the closure locations.

This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or any person or to the public at large.

The Department must approve any assignment or transfer of the responsibilities of the Municipality, CSXT and CLNA set forth in this Agreement to other parties or entities.

No member, officer or employee of the Department, Municipality, CSXT, CLNA or NS shall have any interest, direct or indirect, in this Agreement or the proceeds there from.

#### **19. ETHICS PROVISION**

The parties acknowledge the requirements of N.C.G.S. § 133-32. In addition, the Department and its employees are bound by the provisions of Executive Order 24 (issued by Governor Perdue on October 1, 2009), which bans State employees from accepting or receiving gifts. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (i) have a contract with a governmental agency; or
- (ii) have performed under such a contract within the past year; or
- (iii) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

### **SUNSET PROVISION**

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

This Agreement is made under, and shall be governed and construed in accordance with, the laws of the State of North Carolina.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality, CSXT, CLNA and NS.

IN WITNESS WHEREOF, this Agreement has been executed, the day and year heretofore set out, on the part of the Department, Municipality, CSXT, CLNA and NS by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

ATTEST:	CITY OF GREENVILLE
BY: _____	BY: _____
TITLE: _____	TITLE: _____
DATE: _____	DATE: _____

Approved by City Council of the City of Greenville as attested to by the signature of \_\_\_\_\_, Clerk of the City Council on \_\_\_\_\_ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
Finance Officer

Federal Tax Identification Number

\_\_\_\_\_  
City of Greenville

Remittance Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IN WITNESS WHEREOF, this Agreement has been executed, the day and year heretofore set out, on the part of the Department, Municipality, CSXT, CLNA and NS by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any

L.S.

ATTEST:

CSX TRANSPORTATION, INC.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

IN WITNESS WHEREOF, this Agreement has been executed, the day and year heretofore set out, on the part of the Department, Municipality, CSXT, CLNA and NS by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any

L.S.

ATTEST:

CAROLINA COASTAL RAILWAY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

IN WITNESS WHEREOF, this Agreement has been executed, the day and year heretofore set out, on the part of the Department, Municipality, CSXT, CLNA and NS by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any

L.S.

ATTEST:

NORFOLK SOUTHERN RAILWAY COMPANY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TIITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

IN WITNESS WHEREOF, this Agreement has been executed, the day and year heretofore set out, on the part of the Department, Municipality, CSXT, CLNA and NS by authority duly given.

ATTEST:  
  
BY: \_\_\_\_\_  
Secretary to the Board of Transportation

DEPARTMENT OF TRANSPORTATION  
  
BY: \_\_\_\_\_  
DIRECTOR – ENGINEERING & SAFETY  
RAIL DIVISION

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

Remittance Address:  
North Carolina Department of Transportation  
Rail Division, Engineering & Safety Branch  
1556 MSC  
Raleigh, NC 27699-1556  
Attn: Nancy M. Horne, PE, Project Engineer

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_  
(Date)



ATTACHMENT – EXHIBIT A

## FINAL IMPROVEMENTS LISTING

Crossing Number	Street Name	Recommendation
465 482M	SR 1726 (Portertown Rd)	No Action
465 483U	SR 1809 (Windsor Rd)	Add Gates/Re-do pavement
465 485H	SR 1807 (Oxford Rd)	No Action
465 488D	SR 1704 (14th St)	Add Median Barrier & Pedestrian Improvements across RR Crossing
465 489K	US 264 (Greenville Blvd)	Add Concrete Barrier/Replace crossing surface & Pedestrian Improvements across RR Crossing
465 490E	Brownlea Dr	No Action
465 491L	Elm St	Add Gates & Signal Preemption
465 492T	W. Berkley Rd	Add Gates
465 495N	SR 1702 (Evans St)	Add Concrete Barrier & Pedestrian Improvements across RR Crossing
465 496V	S. Pitt St	Railroad Closure
465 506Y	Beatty St	Add Gates & Signal Preemption
465 509U	Skinner St	Railroad Closure
465 512C	US 13 (Memorial Dr)	Replace Concrete Median & Pedestrian Improvements across RR Crossing
465 514R	SR 1324 (W.H. Smith Blvd)	Add Concrete Barrier & Pedestrian Improvements across RR Crossing
465 515X	Arlington Blvd	Add Concrete Barrier & Pedestrian Improvements across RR Crossing
465 516E	Spring Forest Rd	Add Gates
465 517L	SR 1203 (Allen Rd)	No Action
465 709D	W. 9th St	Removal of Spur once there is no longer service
	Ficklen St	Removal of Spur once there is no longer service
465 708W	W. 10th St	Removal of Spur once there is no longer service
465 707P	W. 11th St	Removal of Spur once there is no longer service
465 706H	W. 12th St	Removal of Spur once there is no longer service
465 705B	W. 13th St	Removal of Spur once there is no longer service
465 704U	W. 14th St	Removal of Spur once there is no longer service
641 847B	NC 903	No Action
641 850J	SR 1579 (Staton Rd)	Add Median Barrier
641 851R	SR 1527 (N. Greene St)	No Action
641 852X	NC 33 (N. Greene St)	Add Gates
641 853E	SR 1591 (Industrial Blvd)	Removal of Spur
641 857G	SR 1528 (W. Belvoir Rd)	Improve Pavement Markings
641 859V	Gum Rd	Railroad Closure
641 860P	SR 1530 (Airport Rd)	Pedestrian Improvements across RR Crossing
641 553R	Dudley St	Railroad Closure
641 557T	W. 3rd St	Adjust signals and gates for new vertical alignment
641 558A	W. 4th St	Add Gates
641 609H	5th St	Add Gates
641 610C	Alley St	Railroad Closure
641 854L	10th St Connector: SR 1598 (W. 10th St)	NCDOT TIP Project: U-3315
641 855T	10th St Connector: SR 1531 (Dickinson Ave)	NCDOT TIP Project: U-3315
641 614E	14th St	Add Median Barrier & Pedestrian Improvements across RR Crossing
904 748H	Moye Hooker Connection/Line Ave	Add Median Barrier
642 719W	Arlington Blvd	Add Median Barrier
641 618G	US 264 Alt. (Greenville Blvd)	Add Median Barrier
641 620H	SR 1708 (Fire Tower Rd)	Add Median Barrier

CERTIFICATION

I, Patricia A. Sugg, Deputy City Clerk of the City of Greenville, North Carolina do hereby certify that the attached Resolution No. 08-47 was adopted by the Greenville City Council in a regular meeting held on August 11, 2008. The copy attached is true and accurate as adopted.

This the 21st day of August, 2008.



*Patricia A. Sugg*  
Patricia A. Sugg, Deputy City Clerk

RESOLUTION NO. 08-47  
RESOLUTION APPROVING THE RECOMMENDATIONS IN THE  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S "TRAFFIC SEPARATION  
STUDY FOR THE CITY OF GREENVILLE" AND THE "GREENVILLE RAIL  
IMPROVEMENTS STUDY"

WHEREAS, the North Carolina Department of Transportation and the City of Greenville, on the 4<sup>th</sup> day of September, 2003, entered into an agreement for the performance of a railroad crossing analysis to eliminate redundant or unsafe crossings within the city limits;

WHEREAS, the North Carolina Department of Transportation and the City of Greenville, on the 26<sup>th</sup> day of April, 2005, supplemented this agreement to more specifically address the transportation issues within the city limits;

WHEREAS, the North Carolina Department of Transportation and the City of Greenville have agreed to make a "best faith" effort to adhere to the finding of the analysis and implement the recommendations of the analysis; and

WHEREAS, the analysis has been completed and the City of Greenville accepts the recommendations in the North Carolina Department of Transportation's "Traffic Separation Study for the City of Greenville" and the "Greenville Rail Improvements Study", which include the closure of the following road crossings at-grade:

Gum Road (Crossing # 641 859V)  
Dudley Street (Crossing # 641 553R)  
Alley Street (Crossing # 641 610C)  
Skinner Street (Crossing # 465 509U)  
S. Pitt Street (Crossing # 465 496V)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby approve the recommendations in the North Carolina Department of Transportation's "Traffic Separation Study for the City of Greenville" and the "Greenville Rail Improvements Study" and, further, that the City Council of the City of Greenville does hereby request that the North Carolina Department of Transportation develop the necessary agreements for execution to move forward with the implementation of projects related to these recommendations.

This the 11<sup>th</sup> day of August, 2008.



ATTEST:

Wanda T. Elks  
Wanda T. Elks, City Clerk

Patricia C. Dunn  
Patricia C. Dunn, Mayor



# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Erosion of stream banks located on private properties

**Explanation:** At the March 1, 2010, meeting of City Council, staff presented a report on stream bank erosion and stream degradation, and identified that these problems are becoming an issue for some City residents and private developments due to the impacts on their properties. City residents with streams or tributaries running through their private properties are concerned about the existing erosion of their stream banks and are asking the City to correct the problem as these streams handle City stormwater. Because these are natural (under the jurisdiction of the State) streams, the City has not assumed responsibility for directly addressing the issue of stream bank erosion or stream restoration. The majority of the streams located within the City's jurisdiction convey varying amounts of stormwater runoff (city water) from City- and State-maintained roads.

Staff estimates that 15% of the stream miles within the city limits, which would equate to approximately 28 miles, are in need of some manner of stream bank stabilization. In addition, it is also estimated that 5% of the streams within the city limits, which would equate to approximately 9.5 miles, are in need of some restoration due to varying levels of degradation. At an estimated average cost of \$396,000 per mile, a stream bank stabilization project would have a cost of \$11,088,000. At an estimated average cost of \$1,082,400 per mile, a stream restoration project would have a cost of \$10,282,800. This analysis does not address localized flooding or drainage problems on private property.

During the meeting, staff presented its analysis of this issue and identified the following as possible options:

- City does not adopt a program.
- City adopts a program funding all work.
- City adopts a hybrid approach to participate in project costs to address stream bank stabilization and stream restoration

Staff's recommendation was a hybrid approach that would address a number of stream bank stabilization projects on an annual basis, but would be subject to

available resources. The City's participation in stream restoration projects would primarily involve seeking and applying for grants and, if necessary, provide a required cost share. Stream restoration projects would be dependent upon available grant opportunities and receipt of adequate grant funds.

In response to staff's presentation, the City Council directed staff to obtain additional information from other communities regarding this matter. Staff contacted 14 communities within the state that have Stormwater Utilities regarding their policies and procedures for addressing stream bank erosion or stream degradation. The following is a summary of staff's findings:

1. Do other communities require a buffer in addition to the Riparian Buffer? Are there any preventative measures the City could take?

*Four communities identified that they require a larger buffer along jurisdictional streams. This gives the stream more room to adjust and move as the watershed changes and the area is built out.*

2. Is a cost share program feasible?

*Yes. Several surveyed communities identified that they do participate in some form of a cost share program, but their programs varied. For example, one municipality provides a 50/50 program where the property owner and City equally share in the cost of the design, materials and labor. Another municipality's program functions more like a grant where the city may provide up to 50% of the construction costs, but the property owner is responsible for 100% of design and permitting. Another municipality will provide the resources for design, permitting and labor, but the property owner is responsible for all material costs.*

3. How do other communities handle erosion of stream banks on private property?

*Of the communities that do address stream bank erosion on private properties, most have a cost share requirement, which varies between the communities and is subject to available funding.*

4. What is the number of citizens requesting projects, and where are they located?

*The majority of requests are located within the watersheds of Green Mill Run and Meetinghouse Branch. There are a minimum of 10 requests in each watershed. This would include the named and un-named tributaries located within these watersheds. In the past, staff has received a few requests scattered throughout other areas of the city. The following are some of the loations within each watershed:*

#### **Green Mill Run Watershed**

- \* 1713 Morningside Circle
- \* 2010 Fern Drive
- \* 3004 Westview Drive
- \* Greenville Country Club (2 locations)
- \* 305 Horseshoe Drive

**Meetinghouse Branch Watershed**

- \* 2006 Crooked Creek Road
- \* 2008 Crooked Creek Road
- \* 2010 Crooked Creek Road
- \* 410 Oxford Road
- \* 500 Westchester Drive
- \* 103 Nichols Drive
- \* 201 Kent Road

**Fiscal Note:**

The estimated costs per year for a hybrid program are as follows:

Stream Bank Stabilization	\$745,335
Stream Restoration	<u>\$188,596</u>
Total	\$933,931

The Stream Bank Stabilization Program is proposed to be funded through the Stormwater Utility and assumes a 20-year effort. To undertake this effort, it will be necessary to increase the Stormwater Utility fee by \$0.85/Equivalent Rate Unit (ERU). The current rate is \$2.85/ERU. The average household (2,000 sq.ft. - 4,000 sq.ft.) would experience a monthly increase from \$5.70/month to \$7.40/month, which is an average increase of \$1.70 per month. A commercial development's stormwater fee is based upon the actual square footage of impervious area on the property. For example, the average fast food restaurant with 36,000 sq. ft. of impervious area currently pays \$51.30 at a fee rate of \$2.85/2000 sq.ft. If the program and fee rate increase were implemented, the restaurant's monthly Stormwater Utility fee would be \$66.60, which is an average increase of \$15.30 per month. A Stormwater Utility fee increase would apply to all properties.

The annual estimated cost for a Stream Restoration Program is subject to the receipt of grant funds and assumes receipt of a grant on an every other year basis. The cost also includes \$10,000 per year for contracting with a professional services group to prepare the grants. Grant preparation would be funded through the Stormwater Utility.

**Recommendation:**

Receive staff report and provide policy direction on addressing erosion of stream banks located on private properties.

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# City of Greenville, North Carolina

Meeting Date: 6/7/2010  
Time: 6:00 PM

**Title of Item:** Maintenance responsibilities for common stormwater facilities

**Explanation:** At the March 22, 2010, City Council meeting, staff presented a report on maintenance responsibilities for common stormwater facilities. Staff identified that developments with BMPs (Best Management Practices) built under the requirements of the City's Stormwater Management Program will soon be of an age where extensive maintenance is required to keep these facilities functioning as designed. At the completion of the development, the responsibility for maintenance of BMP facilities is automatically transferred from the developer to the Homeowners Association (HOA). This maintenance includes work such as dredging the facility to remove sediment and removing invasive plants. Other communities in the state that have similar programs, which have been in place longer, have experienced issues with HOAs not being able to perform this more extensive and expensive work for various reasons.

To address this concern, staff presented possible options to prevent this matter from becoming an issue for the City in the future. These options include:

- Keeping the current program with minor modifications to the existing ordinance to include permitting the City to place a lien on all properties that are party to the BMP Agreement when property owners do not pay the City for funds expended by the City on BMP maintenance.
- Require a maintenance bond from developers for a specified amount of time and then implement one of the three following maintenance methods:
  1. The City would maintain the BMP after the bond expires.
  2. The Homeowners Association (HOA) would maintain the BMP after the bond expires.
  3. The Homeowners Association (HOA) and City would share responsibility of maintaining the BMP after the bond expires.
- Require an escrow account be established and initially funded by the developer, which the HOA would contribute to annually and the HOA would use to fund BMP maintenance.

Based on an assessment of these options, staff recommended a hybrid approach that consists of the following:

- Modifying the City’s stormwater ordinance to update the process of transferring maintenance responsibilities from the developer to the HOA.
- The developer maintaining the BMP(s) and providing a maintenance bond for a specified amount of time.
- Establishing an escrow account to maintain the BMP after the maintenance bond expires. The developer would establish and initially fund an escrow account prior to transfer, and the HOA members would contribute annually to the account.
- After the BMP is transferred to the HOA, the Association performs the maintenance utilizing funds from the escrow account.

In response to staff’s presentation, the City Council directed staff to obtain additional information from other communities regarding this matter. Staff contacted 14 communities within the state that have Stormwater Utilities on their policies and procedures regarding the maintenance responsibilities for BMP(s). The following is a summary of staff’s findings:

1. Is there a difference between commercial or residential property?

*No. Most BMPs for a single commercial property (lot) only treat stormwater run-off for that site. A commercial development with multiple lots may have a regional stormwater facility that receives stormwater run-off (City-water) from a city-maintained street(s). As with a residential development, the properties within a commercial development with a regional stormwater facility are still responsible for the maintenance of the regional stormwater facility. Staff does not envision that the application of the hybrid approach would differ between commercial or residential developments. The communities that were surveyed and provided information do not treat commercial properties differently than residential properties.*

2. What procedures do other communities use?

*The following communities were surveyed and provided information:*

<i>Jacksonville</i>	<i>Greensboro (*)</i>	<i>Wilmington(+)</i>	<i>Gastonia (*)</i>
<i>Asheville (*)</i>	<i>Cary</i>	<i>Charlotte (+)</i>	<i>Wilson (*)</i>
<i>Concord (*)</i>	<i>Winston-Salem (*)</i>	<i>Fayetteville (*)</i>	
<i>Durham (*)</i>	<i>Raleigh (*)</i>	<i>Rocky Mount</i>	

*(\*)These communities do not maintain any BMPs in commercial or residential developments, except for retrofits installed by the city forces or BMPs installed on city property for a new city facility.  
(+) Wilmington and Charlotte have varied levels of responsibilities for BMP maintenance that receive City-water. Staff is waiting on additional data from Jacksonville, Cary and Rocky Mount.*

3. NC State BMP Maintenance Certification Course: Does NC State certify people to perform annual inspections? And is this recognized by the State?

*The NC Department of Environmental and Natural Resources' Division of Water Quality (DWQ) requires that annual inspections for BMP(s) be performed by a "qualified professional" but does not specifically define this term. This matter is to be addressed by the local municipality or agency*

*responsible for enforcement of the local stormwater management program, as approved by the DWQ. The City Code of Greenville and Stormwater Management Program define a qualified professional as "an individual who*

*both: has received a baccalaureate or postgraduate degree in the natural sciences or engineering; and is trained and experienced in stormwater treatment techniques and related fields as may be demonstrated by state registration, professional certification, or completion of coursework that enable the individual to make sound, professional judgments regarding stormwater control/treatment and drainage planning." It also defines a registered professional as "an individual who is registered in the State of North Carolina as a professional engineer."*

- *The North Carolina State University Cooperative Extension's "BMP Inspection and Maintenance Certification" course provides participants with the necessary abilities to only perform monthly maintenance inspections of BMPs and to address needed repairs. Dr. William Hunt, author and co-instructor of this course, informs participants that this course does not certify participants to perform the annual inspections that may be required by local governments' and agencies' programs. He provides examples in his instructions of what this course does and does not qualify participants to perform. He also identifies that they are qualified to perform the monthly maintenance inspections and address needed repairs. The Cooperative Extension course description states that this certification is NOT intended to be a replacement for professional licensure (like a PE) and is only a supplement.*

4. Will this potential policy change be retroactive?

*No. This policy would only apply to developments that have not received construction plan approval.*

**Fiscal Note:**

No direct costs associated with the planning process, only staff's time. Cost of implementation will be subject to the selected option.

**Recommendation:**

Receive a report from staff and provide policy guidance and direction on the proposed solutions to address maintenance responsibilities for common stormwater BMP facilities.

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