



Agenda

Greenville City Council

March 1, 2010
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Pitt County Girl Scouts

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes of the January 14, 2010 joint City Council/Greenville Utilities Commission meeting and the January 14, January 29, and February 11, 2010 City Council meetings
2. Support of Pitt County's hosting of the 2010 North Carolina Association of County Commissioners Conference
3. Resolution to protect the hotel room occupancy tax
4. Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the construction of roadway improvements on Persimmon Place between Winding Branches Drive and Pine Branches Circle
5. West Greenville Brownfields Petroleum Assessment Project Agreement with Concurrent Technologies Corporation
6. Resolution authorizing the disposal of surplus computer equipment to Pitt Community College
7. Resolution declaring police canine Sandor as surplus property and authorizing his disposition

to Officer Michael Broadwell

8. Resolution abandoning a utilities easement in Windsor Downs Subdivision
9. Reimbursement resolution for Greenville Utilities Commission's Wastewater Treatment Plant Headworks Improvement Project
10. Series resolutions for Greenville Utilities Commission's Water Treatment Plant Raw Water Pump Station Improvement Project
11. Ordinance amending the sewer capital project budget for Greenville Utilities Commission's Sanitary Sewer Outfall Rehabilitation Phase II-B Project
12. Budget ordinance amendment #6 to the 2009-2010 City of Greenville General Fund and an ordinance establishing the Health Insurance Fund
13. Various tax refunds

VII. New Business

14. Presentations by boards and commissions
 - a. Board of Adjustment
 - b. Human Relations Council
 - c. Neighborhood Advisory Board
15. Resolutions relating to the "Honor and Remember" flag
16. Sewer service for the Village of Simpson
17. Resolution authorizing disposition of property at 1003 W. Fifth Street to Kinston Charter Academy
18. Community housing development organization agreement with Metropolitan Housing & CDC for an affordable housing program in the West Greenville 45-Block Revitalization Area
19. Funding for walking trail at Greenfield Terrace Park
20. Capital Improvement Program for fiscal years 2011 through 2015
21. Erosion of stream banks located on private properties
22. Resolution seeking legislation to authorize municipalities, at their option, to sponsor a public financing program for local elections

VIII. Review of March 4, 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: 3/1/2010
Time: 6:00 PM

Title of Item: Minutes of the January 14, 2010 joint City Council/Greenville Utilities Commission meeting and the January 14, January 29, and February 11, 2010 City Council meetings

Explanation: A draft of the minutes of the January 14, 2010 joint City Council/Greenville Utilities Commission meeting and the January 14, January 29, and February 11, 2010 City Council meetings have been prepared and are ready for City Council consideration.

Fiscal Note: No direct cost.

Recommendation: Approval of the minutes of the January 14, 2010 joint City Council/Greenville Utilities Commission meeting and the January 14, January 29, and February 11, 2010 City Council meetings.

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Attachments / click to download

[January 14 2010 Joint City Council Greenville Utilities Commission Meeting 856637](#)

[January 14 2010 Minutes 855244](#)

[January 29 2010 City Council Minutes Planning Session 856355](#)

[February 11 2010 City Council Minutes 856455](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 14, 2010

The Greenville City Council held a joint meeting with the Greenville Utilities Commission on the above date at 6:00 PM in Conference Room 337 of City Hall. Mayor Dunn and Chairman Brown presided over the meeting. Invocation was given by Mayor Dunn. The following members were present.

Council Members

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

Commission Members

Chairman Lester Brown
Vice-Chairman Freeman Paylor
Commissioner Wayne Bowers
Commissioner Don Edmonson
Commission Stan Eakins
Commissioner Virginia Hardy
Commissioner Vickie Joyner
Commissioner Julie Carlson

CALL TO ORDER

Mayor Dunn called the City Council to order and ascertained that a quorum was present.

Chairman Brown called the Greenville Utilities Commission Board to order and Commissioner Carlson ascertained that a quorum was present.

APPROVAL OF AGENDA

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to approve the agenda as presented. Motion carried unanimously.

Motion was made by Vice-Chairman Paylor and seconded by Commissioner Carlson to approve the agenda as presented. Motion carried unanimously.

REVIEW STATUS OF MERIT PAY PROGRAM

City Manager Wayne Bowers stated that in a joint meeting of the City Council and Greenville Utilities Commission on April 21, 2009, the following action was taken related to employee compensation:

1. Decision to grant no market adjustments to the pay plan or to the salaries of employees for fiscal year 2009-2010
2. Decision to suspend the merit pay program for fiscal year 2009-2010 and to revisit the issue in six months based on economic and financial conditions
3. Decision to delay the budgeted Classification and Compensation study and to revisit consideration of the project in six months

The joint City/Greenville Utilities Commission Pay and Benefits Committee met on December 14, 2009 to conduct a six month review of the merit program and to consider the status of the Classification and Compensation study. The Committee voted unanimously to submit the following recommendations for the remainder of FY 2009-2010:

1. Re-visit the issue of the merit program in two months, and
2. Proceed with the Classification and Compensation study

The committee felt that for financial reasons it would be better to delay the merit program for two additional months to allow staff more time to collect financial information about revenues. If the decision could be delayed, more information would be available to determine if financial conditions improved in order to consider the merit program.

Greenville Utilities Commission General Manager/CEO Ron Elks stated that he was in agreement with delaying the merit program decision for two additional months.

Commissioner Eakins asked if a two-month delay would allow sufficient time.

General Manager/CEO Elks responded that Wayne Bowers and he had discussed the two-month delay. Staff would like to get the mid-year numbers and have an opportunity to update the forecasts for the remainder of the fiscal year and two months may or may not be sufficient time. Staff would revisit this issue in that timeframe.

City Manager Bowers stated that staff may not have all the answers in that timeframe. If not, staff would recommend that the issue be revisited at a later date.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to revisit the issue of the merit program in two months. Motion carried unanimously.

Motion was made by Commissioner Joyner and seconded by Commissioner Carlson to revisit the issue of the merit program in two months. Motion carried unanimously.

REVIEW STATUS OF CLASSIFICATION AND COMPENSATION STUDY

City Manager Bowers pointed out that the practice of the City and Greenville Utilities Commission has been to conduct a comprehensive study every ten years. The last time a study of this nature was conducted was in 1998 and it was implemented in 1999. A market analysis of the wage matrix was conducted and implemented in 2004. In early 2009, the staff was ready to move forward with a Classification and Compensation Study and went through the RFP and selection process. On February 6, 2009, the joint Pay and Benefits Committee made a recommendation to select a consultant to undertake the study. Because of the financial uncertainties and the general economy's direction, on February 23, 2009, the joint Pay and Benefits Committee recommended that the study be delayed for six months. The committee decided it should meet again in six months to re-evaluate this issue. At the joint Greenville Utilities Commission/City Council meeting on April 21, 2009, the decision to delay the study for six months was ratified by both groups. The consultant agreed to hold their proposal for six months in case at the end of the six months the City and Greenville Utilities Commission decided to move forward with the study. In December 2009, the Joint Pay and Benefits Committee brought this recommendation back and felt that since the money was included in the budget that it was time to move forward with the study. Based on the fact that it would take six months to a year to complete this comprehensive study, it would be in the next fiscal year before the results were obtained. It has been 10 years since this type of study was performed. In order to keep a competitive posture with other employers, the committee recommended that staff proceed with this study and to move forward with Waters Consulting.

General Manager/CEO Elks stated that he agreed with this approach. The results of the study, and any recommended changes to the pay plan, will be critical to successful strategies to recruit, develop, and retain the most qualified employees. Staff is finding it increasingly challenging to recruit for certain professional jobs and others as well. It is important for Greenville Utilities Commission and the City to maintain a competitive posture, as they are a service business first and foremost. It is important to retain qualified employees as well as recruit qualified employees. Greenville Utilities Commission, like many other companies, is being impacted very heavily by the retirement of the "baby boomers" population. In the next few months, Greenville Utilities Commission has the potential of over 100 years of experience in key areas walking out the door to retire. Greenville Utilities Commission does not want to fall behind the curve any further than necessary.

Commissioner Edmonson asked what type of information staff would obtain from this type of study.

General Manager/CEO Elks stated that historically these studies are done every 10 years. At the fifth year, a benchmark analysis is done by obtaining a sample of positions that is representative throughout the pay plan and comparing those to market so that they do not get completely off track throughout the 10-year period. There has to be some way to gauge the progress through that 10-year period.

Mayor Pro-Tem Kittrell asked if the 10-year study would last for five years and then "tweak" it in the fifth year.

General Manager/CEO Elks responded that it is adjusted as necessary to make sure that they are still consistent with the market at that time. He asked Gerry Case, Human Resources Director, to explain what is involved and how comprehensive the study is.

Ms. Case explained that this is a classification compensation study which is a little different from a pay study. This is a major comprehensive look at how employees are valued in the compensation structure. The first part of it is looking at the jobs. There is hardly a job in the organization that is the same as the job was 20 years ago. Employees are in a ranking within the organizations that is reflected in the pay plan. That ranking will probably change because the jobs have changed. They are trying to get back the internal equity within each organization and between the two organizations that have occurred over time. Most people are not doing the same duties in their jobs and dealing with the same issues at the same level of difficulty as they were 10 years ago. Once that information is gathered, there are a lot of things that go with that. One is the succession planning. Another aspect of the study is giving staff some basis on the entire performance appraisal system. The job descriptions are very important because they contain the key elements on which performance evaluations are done on employees. With all the new regulations on the Americans with Disabilities Act and some of the others, all employees are having to redo their job descriptions to meet some of the new legal requirements. This is also part of the study. The market competitiveness part will be the last part added because of wanting to make it more current. The recommendation for the market competitiveness does not mean that changes will be all immediate. It may be a phased-in approach. This study will assess the information and make sure there is comparability between the two organizations because the pay practices have never been reviewed between the two organizations except for an individual case by case. This is a very complex study and it can be very time consuming. This study will be done jointly. There needs to be a philosophy for Greenville Utilities Commission and the City that is not only cost conscious but is perceived as fair across the organization. It should also be perceived as fair for outsiders.

Commissioner Edmonson questioned if the two entities would get their money's worth out of this study. A lot of work will be done but he questioned if it would benefit the organizations.

General Manager/CEO Elks stated that the two entities need to maintain a competitive posture as employees continue to retire. This is very important to staff. As employees retire, employees with less experience will have to be hired, and they do not have the experience needed. There is a two to four year minimum window to get the new employees to achieve the same level of performance. When a manager looks at the costs and the amount of work, this is one of the more valuable things that can be done to ensure compliance with the Fair Labor Standards Act. They want to make sure that employees are being paid properly.

Council Member Joyner stated that succession planning should be concentrated on and instead of hiring someone from the outside, promotion should occur from within. He added that employees should be trained so that there would be promotions within the organizations. More cross training and additional education opportunities should be offered. He is not against conducting the study but is concerned about the costs in this economic time. Action was taken to postpone the merit program for an additional two months. The Human Resources Departments for the

City and Greenville Utilities Commission could do a lot of this work. He suggested that staff re-negotiate the contract with Waters Consulting.

Council Member Blackburn agreed that staff should re-negotiate the contract with Waters Consulting. This sounds like an investment for both organizations in the professionalism and the capacity of the staff. She asked if the private sector does this type of study to remain competitive.

City Manager Bowers stated that Waters Consulting does more work in the private sector than for municipalities.

Vice-Chairman Paylor asked if there would be another RFP or would staff stay with Waters Consulting.

General Manager/CEO Elks stated that staff would go back to Waters, who indicated that they would honor that price for one year.

Mayor Pro-Tem Kittrell asked about the value of this study. Staff is looking for different benchmarks to be able to hire experienced employees. If the position is needed and critical, the board could give that authority.

General Manager/CEO Elks responded that the Board would provide flexibility so that staff can meet their mission. He added that in these situations, internal equity for the rest of the positions needs to be considered.

Council Member Mercer stated that the League of Municipalities provided a proposal. He asked if the League normally does this type of work. It seems that the League would be competent and less expensive.

Human Resources Director Gerry Case stated that the League does not do this type of work but they do contract with another firm, who primarily does the pay plan part and not the full picture.

Council Member Glover stated that the Joint Pay and Benefits Committee felt that it would be beneficial to have this study completed. It is very important to do pay studies every few years. It is very important for the employee and also for the organizations to make sure that employees are being compensated fairly. That is one of the reasons that the joint committee felt that it would be beneficial to both the City and Greenville Utilities Commission to move forward even though there are both competent managers and staff on board. It helps to have someone from the outside to bring in to review this information. The Hospital and the Medical School do these classification and compensation studies frequently.

Assistant City Manager Moton pointed out that most companies would not hesitate to spend \$200,000 for the study when \$55 million is invested every year. Between the organizations, there are 180 job classifications in the City and 181 job classifications at Greenville Utilities Commission. There are challenges to filling positions. There is a cost to fill a position more than once. The issue with the Fair Labor Standards Act is so large that it is not an issue that staff

can tackle. An expert is needed from the outside with this issue. An entity is needed to conduct the study that has the expertise and can also be fair “across the board”. When a firm of this caliber is obtained, there is going to be a greater level of credibility because they have a proven system.

City Manager Bowers pointed out that the City’s portion of the study would be \$107,000.

Motion was made by Commissioner Carlson and seconded by Commissioner Eakins to proceed with the Classification and Compensation Study with Waters Consulting and for staff to re-negotiate for a lower fee with Waters. Motion carried unanimously.

Motion was made by Council Member Glover and seconded by Council Member Blackburn to proceed with the Classification and Compensation Study with Waters Consulting and for staff to re-negotiate for a lower fee with Waters. Motion carried unanimously.

ADJOURN

There being no further business, motion was made by Council Member Joyner and seconded by Council Member Mercer to adjourn the meeting at 6:40 p.m. Motion carried unanimously.

There being no further business, motion was made by Commissioner Edmonson and seconded by Commissioner Carlson to adjourn the meeting at 6:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
January 14, 2010

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

Mayor Patricia C. Dunn
Mayor Pro-Tem J. Bryant Kittrell III
Council Member Max R. Joyner, Jr.
Council Member Marion Blackburn
Council Member Rose H. Glover
Council Member Calvin R. Mercer
Council Member Kandie Smith
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Wayne Bowers reminded the City Council that two changes were approved by City Council on January 11, 2010. Council had also added an item (one and a half) which is an appointment of co-chairs for the Special Task Force on Public Safety between items 1 and 2 before you take action. Council also added item 9 which is the Drew Steel Fund Offer of Gift Council has already added the motions and Council will only need to approve the agenda as amended.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to approve the agenda with the changes noted by City Manager Bowers. Motion carried unanimously.

Discussion occurred regarding the Council moving forward with a motion so that the citizens would not have to come back again to another meeting.

Motion was made by Council Member Mercer and seconded by Council Blackburn to go forward with the public hearing and take action on the Special Task Force on Public Safety and the Drew Steele Fund Offer of Gift.

SPECIAL RECOGNITIONS

Ms. Carol Clark was recognized with a plaque upon her retirement with 18 years and 6 months of service in the Police Department.

Mr. John Fisher was recognized with a plaque upon his retirement with 30 years of service in the Fire Rescue Department.

Ms. Theresa Holley was recognized with a plaque upon her retirement with 21 years of service in the Recreation and Parks Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to appoint LaRonda Hodges to fill an unexpired term expiring April 2011, replacing Catherine Wetherington, and to continue the appointment of Evon Zell until February. Motion carried unanimously.

Environmental Advisory Commission

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to continue the appointment of Stephen Janowski. Motion carried unanimously.

Firefighters' Relief Fund Committee

Motion was made by Council Member Joyner and seconded by Council Member Glover to appoint George Powell to a first two-year term that will expire January 2012. Motion carried unanimously.

Greenville Bicycle and Pedestrian Commission

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Brad Beggs to the Greenville Bicycle and Pedestrian Commission filling an initial one-year term that will expire January 2011; to appoint Walter Council to fill an initial two-year term to expire January 2012; to appoint Brian Glover to an initial one year term that will expire January 2011; appoint Jerry Hopfengardner to fill an initial two-year term that will expire January 2012; appoint Donald McGlohon to an initial one year term that will expire January 2012; appoint J. P. Walsh to fill an initial two-year term that will expire January 2012, and to appoint Orren Ward to fill a one year term that will expire January 2011. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Mercer and seconded by Council Member Joyner to reappoint Roger Kammerer for a first three-term to expire to expire January 2013; appoint Ann Schwarzmann to fill a first three year term to expire January 2013; and to reappoint Ryan Webb to fill a first three year term to expire January 2013 and to continue the replacement for Ashley Wetherington. Motion carried unanimously.

Human Relations Council

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to appoint Kimberly Boyd-Mohammad to fill an unexpired term that will expire September 2011, replacing Tawanda Boone who resigned; continue the replacements for James Cox who resigned; replace Franchine Pena who is ineligible and to replace Shane Martin who has moved out-of-state. Motion carried unanimously.

Pitt Greenville Convention and Visitors Authority

Council Member Glover stated that she would like to continue the Pitt Greenville Convention and Visitors Authority appointment until the February 11th meeting.

Public Transportation and Parking Commission

Motion was made by Council Member Kittrell who spoke on behalf of Kandie Smith to reappoint Ronald Dunbar for a second term which expires January 2013; reappoint Lisa Faison-Simmons to serve a first three-year term to expire January 2013; and to appoint Calvin Garris to replace Shannon White, whose term expires January 2011. Motion carried unanimously.

Youth Council

Council Member Glover requested to continue the appointments for the Youth Council.

Appointment to the Special Task Force on Public Safety and appointment of two Co-Chairs

City Manager Bowers informed the Council that this is the item that was added, which is the appointment of co-chairs for the Special Task Force on Public Safety. The City Attorney has sent information regarding the options that Council would need to change what was put back in November and have the co-chairs appointed by the members of the Task Force.

Motion was made by Council Member Kitrell and seconded by Council Member Joyner to not make appointments, but to allow the Task Force to appoint the members. Motion carried unanimously.

Appointments to the Special Task Force

City Manager Bowers reminded the Council that the 8 members were selected by different groups. Greenville Pitt County Chamber of Commerce appointed Tony Cannon, Assistant General Manager for Greenville Utilities Commission, Citizens United Against Violence appointed their President, Retired Captain C.J. Hardee, East Carolina University appointed Associate Vice Chancellor for Environmental Health and Campus Safety, Bill Coke, East Carolina Student Government Association appointed their President, Brad Congleton. The Police Communications Relations Committee appointed Chair-person Diane Kulak, The Faith

Community received from the Ministerial Association Jay White and from the Black Ministerial Association, Mary Faircloth. The Neighborhood Advisory Board appointed Citizen Member Richard Crisp.

City Manager Bowers informed the Council that to complete the Task Force, Council must officially appoint their members. Council Member Joyner voted for George Thomas McCullough, Council Member Kittrell voted for Spence Cosby, Council Member Dunn voted for Ann Briley, Council Member Mercer voted for Buddy Zincone, Council Member Blackburn voted for Maury York, Council Member Glover voted for Howard Conner, and Council Member Smith voted for Alton Woods.

ORDINANCE GRANING A TAXICAB FRANCHISE TO VALENTINE LONG PERKINS
d/b/a EARLYBIRDS TRANSPORTATION AND TAXI SERVICE - ADOPTED

City Clerk Wanda Elks informed the Council that Valentine Perkins d/b/a Earlybirds Transportation has requested a taxicab franchise to operate within the City of Greenville. In order for a taxicab franchise to be approved, City Council has to consider it at two meetings. The ordinance was considered on first reading on January 11, 2010, and is scheduled for the public hearing and second reading tonight. The Police, Financial Services, and Community Development Departments have reviewed the application and have recommended approval of the request. If approved by Council, the applicants will need to be approved by the Community Development Department as an incidental use prior to beginning operation. Advertisement of the public hearing was run in The Daily Reflector on January 4 and 11, 2010. In accordance with the City Code, letters have been submitted to other taxicab owners in the City of Greenville informing them of the request and of the public hearing scheduled for January 14, 2010.

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

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to adopt on second reading the ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service. Motion carried unanimously. (Ordinance No. 10-05)

ORDINANCE AMENDING THE ZONING REGULATIONS TO INCLUDE A FIVE-
HUNDRED FOOT MINIMUM SEPARATION REQUIREMENT BETWEEN "PUBLIC OR
PRIVATE CLUBS"- ADOPTED

Director of Community Development Merrill Flood stated that this item will also be co-presented with Chief of Police Anderson following up with the Fire Marshal presentation. This item was brought up as a result of action by the City Council on November 9, 2009 to begin the process and consideration of various options to improve public safety within the downtown and other areas wherein entertainment establishments are permitted. The City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new

public or private clubs to be separated by not less than 500 feet as measured between the closest property line.

The original proposed spacing requirement will apply to all public or private clubs located within the downtown and within the outlying areas of the City's jurisdiction.

The Planning and zoning commission at their December 15, 2009 meeting recommended a substitute ordinance, summarized as follows:

In lieu of a spacing requirement between public or private clubs in all districts the Commission recommends a 500 foot spacing requirement between clubs located within the CD (downtown commercial district). Both the original and the Commission's substitute (downtown only) ordinance are included in City Council's agenda materials.

Other public safety ordinances, not involving the amendment of the zoning regulations which the City Council has recently approved (12/10/09), related to the qualification of club bouncers.

It provided prohibition of a club employing a person as a bouncer who has been convicted of certain crimes and prohibition of a club employing a person as a bouncer who has not completed an annual training program for bouncers conducted by the police department.

On November 20, 2009 the City Attorney's office mailed notice of City Council's determination to proceed with consideration of ordinances that apply to all public or private clubs to the owners and managers of all clubs operating in Greenville's jurisdiction.

The notice invited the club owners and managers to attend the scheduled public meetings and voice their opinion on the proposed regulations if they so desired.

On December 18, 2009 the City Attorney's office also mailed like notices of tonight's meeting to the owners/managers and property owners of all clubs operating in Greenville's jurisdiction.

Planner Merrill Flood summarized the proposed spacing requirement as follows:

- (1) No new club and no addition to an existing club will be allowed unless the club meets the minimum 500 foot separation requirement (between Clubs), and existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that the club activity does not cease for a period of six (6) months. A change in ownership does not impact the "grandfather" protection.

Other land uses that are subject to spacing requirements are family care homes which require ¼ mile (1,320) feet between family care homes. Adult uses require a 500 foot separation between residential zones or uses, church, school, park playground, synagogue, convent, library or other adult use. Dining and entertainment establishments located in a CN district must be 200 feet

between other dining and entertainment establishment in the CN district. Off-premise signs are required to have 1,000 feet between signs.

Staff conducted a survey of 11 cities and found a variety of spacing requirements or no spacing requirements. The following 11 cities were surveyed: Cary, Raleigh, Chapel Hill, Fayetteville, Garner, Jacksonville, Kinston, Rocky Mount, Washington, Wilmington and Wilson. There were six cities that did have some sort of spacing requirements and they were Jacksonville, Kinston, Rocky Mount, Washington, Wilmington and Wilson. Staff found spacing requirements of 100 to 500 feet.

There are currently 25 public or private clubs operating within Greenville's jurisdiction. A public or private club is defined as an establishment whose principal use is entertainment. A club does not have a minimum food sales requirement as is required for dining and entertainment establishments (30%) and restaurant use (51%). There are 16 clubs in the downtown area.

The Planning and Zoning Commission has submitted a substitute ordinance for Council's consideration.

Police Chief William Anderson informed the Council that the Greenville Police Department supports the planning staff's recommendation to adopt the zoning ordinance with a separation requirement for public and private clubs, it is my opinion that the primary issue concerning safety in the downtown area during the nightlife activities is the fact that our downtown is a major attraction in eastern North Carolina. The concentration of nightclubs in a four block area that sell alcohol and it is adjacent to a major university particularly on a Thursday, Friday and Saturday night creates a party type atmosphere that requires enormous amounts of law enforcement resources to control. While it is my opinion the adoption of the ordinance as written will not have any immediate impact on the current downtown situation, it could have an effect on the future by restricting the number of clubs in the downtown area. One of the other concerns expressed in the planning and zoning meeting would the adoption of the ordinance cause other clubs to be located in other areas of the City and would this have a negative impact on police services. I do not feel that the existence of other clubs in the city would have a negative impact on services as long as those clubs are held accountable for their actions. There are 25 public and private clubs in the City, eight are located outside of the downtown area. It has been our experience we have little or no calls for service from these establishments. For the most part they police themselves, all have parking lots for their customers and it is clear that their customers are patronizing a particular location. Should we have a problem we can easily identify the source of the problem and hold the individual business accountable and seek legal action if necessary to obtain compliance. This type of enforcement is very difficult in the downtown area due to the concentration of existing establishments and the volume of patrons that frequent the businesses on a regular basis. Therefore the police department will support the adoption of the original ordinance.

Council Member Joyner asked if a police officer could be placed at the bar, Club Faces, in case there was a problem with the clubs downtown.

Chief Anderson replied that Club Faces could hire an off duty officer, but the Greenville Police Department does not have the resources to station an officer at a particular business.

City Attorney Holec informed the City Council that pursuant to the City of Greenville's requirements, bars should have security, not necessarily in form of an officer or an off duty officer, but also a security officer licensed by the State would meet the requirements.

Council Member Kittrell discussed the differences between property lines to property lines and store front to store front measurements.

Mr. Flood informed the City Council that from a practical standpoint the measuring of the distance of the property line would probably be more effective because it is more of a defined location. Either ordinance accomplishes the objective set out. The 500 foot minimum separation requirement would probably have a greater level of disbursement of clubs from each other.

Council Member Kitrell asked if any of the clubs would be in violation or have to be grandfathered because there are two clubs that are close together at Fire Tower.

Mr. Merrill Flood responded that the two property lines are actually further apart than 500 feet, property line to property line. There are no existing problems in the Fire Tower area, but there are issues in the downtown area where there is a greater concentration.

Upon being asked if there was an ordinance up until 1992 requiring a 500 foot spacing requirement, Director of Community Development Merrill Flood replied that during that time the North Carolina ABC Commission changed some of the requirements or based on a court case there was some concern that an applicant wanted to locate a public/private club within a 500 foot radius and because of the court case there was concern that not allowing some relaxation standard may be a problem for the City's ordinance long term so at that time the spacing requirement was eliminated from the ordinance

Council Member Blackburn requested staff to quantify the change in terms of public and private clubs since the ordinance was recinded and also measure what kind of growth the City had in clubs in the absence of that ordinance.

Council Member Joyner stated that this item is a zoning change and asked why staff did not notify the bar owners or those that would be effected in the area.

City Attorney Dave Holec stated that the City sent notices to the owners of the clubs, managers of the clubs and all the owners of the property upon which the clubs were located and there is no requirement to send this notice to that level or send it beyond that, and the reason it was not

done was a question of expense. If you started notifying all persons either in 500 feet of the clubs or within the zones where those clubs are located then it would be a great expense . Additionally, we did comply with the requirements of the statutes and this is a North Carolina Law that sets forth what your notice requirements are. We have complied with that by publishing the public hearing in the newspaper and the other point is that this has also received a large amount of press coverage just in stories. We have met the legal requirements.

Council Member Max Joyner stated that the whole purpose of the ordinance was to reduce crime at East Carolina University because of a tragic accident. It was an unfortunate accident, but he did not think any amount of planning would have prevented the accident downtown.

Council Member Max Joyner further stated that based on City Staff's research no other college town in North Carolina has a spacing requirement. Council Member Max Joyner stated that he had not been provided with the 2007 and 2008 figures that he requested on August 22nd to show where the figures were coming from.

Council Member Calvin Mercer stated that since one of the Council Members is absent that the Council wait and take a vote in February. Council Member Blackburn agreed.

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

Mr. George Saieed, a Night Club Operator, displayed pictures to give everyone an idea of the clientele that the City is dealing with. Mr. Saieed stated that the ordinance started out as a safety subject for downtown Greenville. The properties that are being spoken about are not just the clubs, it is the adjoining properties and other properties that have nothing to do with clubs, but someone in the future may want to be a Night Club Operator or rent to night clubs. These are the people whose rights are being restricted.

Mr. Saieed stated that he totally objected to the process taken at the Planning and Zoning Commission meeting. None of the property owners were invited to the meeting and the meeting letters went out only to property owners that owned properties that are now public or private clubs. Mr. Saieed discussed the rights that citizens have when they take possession of real estate property and develop the property. These people have the right to use all the "Bundle of Rights" that came with their property. The proposal takes away those rights. Mr. Saieed further stated that at the Planning and Zoning Commission, one of the commissioners objected to the clubs downtown, because he was instructed by his employer to pick up bottles on the street next morning. This is not a valid reason for a commissioner to vote or not vote on any proposal. Another commissioner stated that he had property which was close to the downtown area and he did not like looking at the downtown activity. This commissioner is voting on the rights of other people who took advantage of his own property and Mr. Saieed did not believe this was a valid vote. Mr. Saieed also informed the Council that when an attorney showed up at this meeting talking about the "Bundle of Rights" and the transfer of property rights, the commissioners immediately took off the shopping centers and made the proposal only for the downtown area because of this "Bundle of Rights" issue. Certainly the City Council does not expect the rights to

be more for the shopping centers than for the downtown area. Mr. Saieed informed the Council that he had never heard of any crime inside the private or public clubs since all this started. Statistics also show that downtown is not one of the highest crime areas and Mr. Saieed thought that downtown looked safe and he had not seen that much crime in the area. There needs to be more control of the blight downtown. There are some nonprofit organizations downtown that have been taking advantage of the situation by picking up properties and are saying that they are trying to help downtown. Mr. Saieed stated that he objected to the ordinance at this time because it did not make good since and he would be willing to open any conversation with anybody regarding the crimes or anything that the clubs have done,

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

Council Member Bryant Kittrell stated that Mr. Saieed is the only club owner that he knew who was against the proposal and the other club owners were for the proposal for the same reasons that Mr. Saieed has stated.

Mr. Saieed stated that if you give a person one right and you take away another. This is not what should be happening. You are making this a real estate right instead of a safety right and that is why the City should switch their thinking to real estate and the rights of real estate property

Max said that was his point, the city did a bad job of notifying people who will be effected by this they just notified bar owners instead of the property owners. If we are going to make a change that will affect the bar owners ability to sell or rent their property and will affect the price of the property they should be notified.

Motion was made by Council Member Kittrell and seconded by Council Member Blackburn to carry the item over to the February 11th meeting. Motion carried unanimously.

Council Member Blackburn asked if City staff could look into some future discussion of a similar ordinance that would set a separation between residential areas and public and private club.

City Attorney Dave Holec informed Council Member Blackburn that if intent was to ask staff to investigate the request and report back to City Council, and that would require a motion and approval by Council.

Council Member Calvin Mercer asked that since this request by Council Member Marion Blackburn is almost like a separate ordinance, would it be required to then go through Planning

and Zoning or would it be possible in February to add this as an amendment to the ordinance that is currently on the table.

City Attorney Holec advised that Council could not accomplish this as an amendment, Council is restricted to what Council can act on based upon what was advertised and what was the subject of the public hearing. What was advertised subject to the public hearing related to a separation requirement between clubs and 500 feet was the distance. Council could not without going through an additional advertisement and public hearing, increase the distance to a larger distance but could have a lesser distance than 500 feet that would be acceptable because that would be within the parameters of what was advertised. Also Council could not add spacing separation requirement for other locations such as residential uses or residentially zoned property. The intent of Ms Blackburn's motion then would be for staff to look at the issue and make a report back to the City Council and then it would be up to City Council to determine if they want to proceed with consideration of that. With consideration of it being through the same process as this ordinance would have to initiate the amendment and refer it to the Planning and Zoning Commission for review and consideration and recommendation.

Council Member Calvin Mercer asked the City Manager why the Council could not address the amendment to the ordinance during Council comments and why the Council needed a motion.

City Attorney Holec informed the Council that the the best approach is that it is a Council action and it is consistent with what Council's practices are and a lot of times if it does not involve a lot of staff effort receiving information then that is something that can get accomplished. It is better that Council, as a body, making that requests opposed to individually. It is a question of practice. The better practice is to ask Council because you are asking for some staff time to devote to this.

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to request that staff investigate and report back information regarding separation between residential areas and public and private clubs. Motion carried unanimously.

ORDINANCE AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN TO INCORPORATE BY REFERENCE THE CAROLINA HEIGHTS, GREENBRIER, HILLSDALE AND TUCKER CIRCLE SUBDIVISIONS NEIGHBORHOOD REPORT AND PLAN - ADOPTED

Planner Chantae Gooby stated as part of the Task Force on Preservation of Neighborhoods and Housing's recommendations, City Council's 2006-2007 Goals, and Horizons: Greenville's Community Plan recommendations, the Community Development Department has prepared the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan. This plan is intended to guide policy and investment decisions for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

The development of these reports and plans are a joint effort between the City Departments, Community Development , Greenville Police Department, Fire Rescue, Public Works Department , Recreation and Parks and Greenville Utilities Commission and also to the neighborhoods. At the very beginning of this process we mailed surveys to each property owner and household. A neighborhood information meeting was held on July 28, 2009. This year staff had a public meeting in July and presented the statistical information from the survey staff received and also took any questions and comments. Since that time City Staff has worked on developing the plan and finishing the report. This item went before the Planning and Zoning Commission and was approved last month.

Planner Gooby delineated the property on a map, stating that the property is located in the central area of the City and it is specifically located between Memorial Drive and Hooker Road. These reports and plans take a major microscopic view of the neighborhood , staff looks at all the different aspects, and run the gamut from environment , transportation, quality of life and various different aspects. An example of some of the things that staff looks at are the fire departments to make sure someone goes out and assesses the neighborhood, looks at the different accesses into the neighborhood and make sure that the response times are in accordance with standards and to check fire hydrants to make sure they are within distances and that the water flow is adequate. Planner Gooby informed the Council that staff had 422 different properties and received 104 surveys back.

For the actual plan this contains the items for the strategies in the neighborhood. The goals is to create, maintain and enhance a sustainable neighborhood. The objective is for staff and citizens to identify the strengths and weaknesses within their neighborhood and to come up with issues on ways to improve it . There are two kinds of strategies, policy strategies and Capital Improvement strategies. Some of these strategies are city wide, some are relative to the neighborhood itself and a few are repeats from prior plans.

Planner Gooby informed the Council that under policy if Council votes to approve the plan it will be incorporated into Horizons: Greenville's Community Plan and it would be used to guide public policy decisions within the neighborhood. Also, staff created a rental registration program as recommended by the Task Force on Preservation of Neighborhoods and Housing.

Staff will periodically conduct a review of the neighborhood report and plan, and to adopt implementation and improvement strategies to evaluate plan progress toward the goal of continued neighborhood sustainability. Also, staff would prepare cost estimates and project schedules for capital improvement and implementation strategies included in the plan and investigate options for neighborhood identification signage to be located at neighborhood entrances. There will also be increased neighborhood-wide code enforcement efforts through the allocation of additional resources and staff-directed patrols.

For under Capital Improvement and implementation strategies the City Council and the City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows: The City will investigate the creation of a home improvement

matching grant fund for older-site built single-family owner occupied dwellings to be awarded on an annual basis , to encourage qualified home improvement / upgrades that will increase the tax value and marketability of older dwellings . Such grant to be secured by an owner occupancy condition for a determined period. This neighborhood does not have a neighborhood homeowners association for design and construction of neighborhood (subdivision) entrance signs. The neighborhood has several GREAT bus stops. Most of those bus stops only have a sign and staff will look at that for additional improvements that could be made such as a bench or a shelter. Staff will also look at the existing crosswalks in the neighborhood, assess street lighting levels throughout the neighborhood, install additional lamps as determined necessary by the City Engineer, and monitor Green Mill Run, and institute bank stabilization as necessary to minimize sedimentation/erosion and land loss as determined to be necessary by the City Engineer. Staff has also encouraged area residents to become involved with the Neighborhood Association and the Neighborhood Watch Program.

ORDINANCE TO ANNEX FIRE TOWER COMMERCIAL VILLAGE, LOT 2, INVOLVING 0.9120 ACRES LOCATED NORTH OF FIRE TOWER ROAD AND APPROXIMATELY 760 FEET EAST OF SOUTH MEMORIAL DRIVE

Director of Community Development Merrill Flood explained that advertisement was run in The Daily Reflector on January 4, 2010 setting this time, date and place for a public hearing for a request by Firetower Commercial Village, Lot 2. This property is contiguous to the corporate limits of the City and contains 0.9120 acres. It is located in Voting District 5. The property is currently vacant and it is anticipated that there will be a 9,000 square feet commercial building on the property. The current and anticipated population is 0. The property will be served by Station _____, which is _____ miles from the location. If approved, the effective date of annexation will be June 30, 2010.

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

Motion was made by Council Member _____ and seconded by Council Member _____ to adopt the ordinance to annex Firetower Commercial Village, Lot 2. Motion carried unanimously. (Ordinance No. 09-92)

NAMING THE CITY'S OUTDOOR POOL THE GREENVILLE COMMUNITY POOL

Director of Recreation and Parks Gary Fenton informed the City Council that Recreation and Parks Department Supervisor Mike Godwin is in charge of the City's aquatics programs at the Greenville Aquatics and Fitness Center and also at the outdoor pool. Mr. Godwin has only been on staff for two years but the impact that he has had in the short time he has been with us has been phenomenal. Mr. Fenton stated that when he came to Greenville he asked the staff what the name of the city pool was and got the response "The City Pool". Mr. Fenton stated that tonight he is asking the City Council to change it by giving the pool anew name which staff thinks it deserves.

Michael stated that over the past two years the aquatics staff has worked to increase activity at the aquatics facility as well as increase the quality of service to its patrons. Staff has intensified training efforts in order to increase safety and preparedness. Staff has devoted off duty time to conversing with patrons and helping kids with their swimming skills. Staff established this facility as the home field for the City's summer swim team. This was the first year and aquatics program also hosted three competitive swim meets at the Aquatics Center. For the second year in a row staff has also provided a free cook out for pool patrons on July 4th. These are just a brief sample of things happening at the City pool. The City Pool is yielding results. For the past two years there have been no major incidence at the aquatics facility, and there have been days that recorded the facility at capacity.

City staff has received positive feedback from Windsor, Cherry Oaks, and the Brook Valley Swim team during the swim meets that were hosted at the City Pool. Staff has also earned the honor of hosting the 2010 Greenville Area Summer Swim Week Championship at the City pool an event THAT featured more than 300 individual swimmers. But most of all we received positive supportive feedback from our patrons many of whom were warned against visiting the pool was unsafe and dangerous. They thanked us for proving that description to be incorrect. It has been the help of the aquatics staff, parks maintenance, Greenville Police and Fire/Rescue, public works, recreation and parks administration and numerous others that this pool has regained some prominence in that community. With this in mind staff is requesting that the City Pool facility be changed to Greenville Community Pool. Michael stated that staff believes that by renaming the facility, staff can renew interest in the community and truly make the City Pool the centerpiece for summer aquatics in Greenville.

Opened for public hearing against the name of the City Pool to the Greenville Community Pool.

Closed the public hearing and called for a motion.

Council Member Joyner It is great giving the pool an identity

Gary: Certainly naming it tonight the Greenville Community Pool would not include that. We have been working on the naming process and clarifying it we have one that City Council passed in 1979 and we would like to update that _____ and bring that back to council ... Would not be helping tonight... in honor of someone certainly that could still be a possibility

DREW STEELE FUND OFFER OF GIFT

City Attorney Holec informed the City Council that the Drew Steele Fund is offering a gift in the sum of \$460,000 to the City of Greenville with certain conditions. The offer and conditions are contained in a letter dated January 7, 2010 from Mike Steele on behalf of the Drew Steele Fund,

and that letter was delivered to the Mayor's office on January 7, 2010. A copy of the letter was previously provided to the City Council. City Attorney Holec highlighted two conditions that were contained in the letter. One is that the sum shall only be used for the purpose of funding the renovation of the existing Elm Street Gym facility into a multi-use accessible recreation facility that serves as a focal point for the services that are offered by the Recreation and Parks Department of the City of Greenville for persons with special needs. The second is if the City of Greenville does not commence the first phase of the renovation, which is estimated to cost approximately \$1 million, no later than two years after the sum is received, then the City shall return the sum to the Drew Steele Fund upon request. This \$460,000 gift would be utilized as part of the \$500,000 local match required for the application for the 2010 North Carolina Parks and Recreation Trust Fund Grant, which City Council approved at its December 10, 2009 meeting. The application requested a grant in the amount of \$500,000 in support of the first phase of the renovation of the Elm Street Gym into the Drew Steele Center. The Recreation and Parks Commission considered this gift with the conditions at its meeting on January 14, 2010, and the Commission voted to recommend to City Council to accept the gift. If the City is successful with the grant application, the \$500,000 local match would consist of the \$460,000 gift from the Drew Steele Fund, and \$40,000 to be provided by City funds unless the City receives another gift. A budget amendment will be necessary, but that would occur after the award of the grant and if that does occur it would be recommended that those funds come from the Capital Reserve. The recommendation to City Council was to accept the gift in the amount of \$460,000 from the Drew Steele Fund with the conditions stated in the January 7, 2010 letter from Mike Steele.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to accept the gift in the amount of \$460,000 from the Drew Steele Fund with the conditions stated in the January 7, 2010, letter from Mike Steele. Motion carried unanimously.

ELM STREET PARK MASTER PLAN

Recreation and Parks Director Gary Fenton informed the City Council that they had been in the process of completing the third application for the Parks and Recreation Trust Fund to support the first phase of the Drew Steele Center project. Mr. Fenton stated that staff would be traveling to the regional office of the North Carolina Department of Environment and Natural Resources to meet with the PARTF representative and review the draft application. The application must be submitted in its final form by the end of January. Staff has been trying to generate as many points as possible for the application. Scores are not the only factor considered in awarding PARTF grants, but are essential in getting Greenville the grant. There are various areas where points can be generated and having a specific Master Plan is one of them and having City Council adopt that plan is another. While the development of this Master Plan was triggered by the PARTF process, staff will be working to develop other Park Master Plans to assure that any future development is appropriate, well planned, and in the right spot within the park. Staff has given this particular plan precedence because of the PARTF process. A copy of the Master Plan for Elm Street Park with map was previously provided to City Council. A key component of this Master Plan was the Capital Needs Assessment (CNA) developed for Elm Street Park and all

other parks in Greenville's park system. This CNA represents the input from neighborhood associations, stakeholders, a Master Plan development meeting and park staff. Elm Street Park is the first and is therefore the oldest park in the system. It was determined through this process to be a park that is fully developed so that the plan does not propose any additional facilities, other than those associated with the Drew Steele Center Project. There is not any space to add anything else without negatively impacting the remaining natural aspects of the park. Future capital work should focus only on renovation of the existing facilities.

Mr. Fenton advised that at its January 13, 2010, meeting, the Recreation and Parks Commission recommended that City Council adopt the Master Plan for Elm Street Park.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to adopt the Master Plan for Elm Street Park. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

CITY MANAGER'S REPORT

ADJOURNMENT

Motion was made by Council Member Joyner and seconded by Council Member Spell to adjourn the meeting at 12:40 a.m. on November 10, 2009. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 29, 2010

The Greenville City Council met in a regular meeting on the above date at 2:00 p.m. at Bradford Creek Golf Course Clubhouse. The meeting was called to order by Mayor Patricia C. Dunn. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem J. Bryant Kittrell III
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Kandie Smith
Council Member Calvin R. Mercer
Council Member Marion Blackburn
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers informed the Council that there is a winter storm warning for January 30, and he suggested to the Council that in lieu of having presentations from staff at today's meeting and goal setting at the Saturday meeting, that the Council instead do goal setting at this meeting and have presentations at regular Council meetings.

After discussion, motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Mercer to do the goal setting today and to meet until 9:00 p.m. and to have the reports on the February 22 agenda. Motion carried unanimously.

2010-2011 Goals Setting Process

Council Member Joyner asked that the fiscal note be added to all goals so that the Council can see what the actual cost is. City Manager Bowers stated that if staff could quantify the action items, it would.

Upon being asked to provide a brief budget report, City Manager Bowers informed the Council that property tax revenue is five percent ahead of where it was last year, meaning that it is \$700,000 more than budgeted. Sales tax is 1.9 percent or \$.5 million below where it was last year, as \$13.7 million was budgeted and \$13.2 million was projected. The utilities franchise tax is up \$354,000, from \$5.3 million to \$5.7 million. Rescue fees are up \$120,000. Building permits are on target. Overall, expenses are down, and the City expects to end on a positive balance. Staff doesn't expect a significant growth in property tax next year, and sales tax is expected to flatten out. There will not be a lot of new revenue next year. The City is currently

ahead of where it was last year with regard to revenues and expenses. It will be February or March before staff has a final report on sales tax.

Mr. Tim Ware, facilitator, reviewed the guidelines for the planning session and the 10 goals from last year. The Council Members were asked to come up with objectives for the respective goals and to create any new goals.

The goals and objectives established by the Council and that will be voted on at a future meeting include:

1. Goal: Promote a Safe Community

- A. Objective: Continue to support community policing
- B. Objective: Continue and expand crime prevention activities for youth
- C. Objective: Continue to strengthen partnerships between the Police Department and the Pitt County School System
Action Item: Continue partnerships with Pitt County Schools truancy prevention programs
- D. Objective: Explore police substations in high crime areas
- E. Objective: Create jobs and housing opportunities for adults/youth re-entering the community from the correctional system
Action Item: Coordinate efforts with activities at the Lucille W. Gorham Intergenerational Center
- F. Objective: Address problems created by gang activity
- G. Objective: Provide effective service to our community in the event of a natural, manmade or other type of disaster

Action Item: Conduct at least one activation of the City's Emergency Operations Center at a Level 2 status via an event or exercise

Action Item: Search for funding avenues for improvements to or replacement of the City of Greenville Emergency Operations Center through The Ferguson Group and other sources
- H. Objective: Increase education and awareness and ways to prevent crime and work to eliminate crime by department/ensure accurate perception; make residents aware of successes

- I. Objective: Aggressively expand neighborhood crime prevention programs
 - J. Objective: Participate in the Bright and Safe Initiative
2. Goal: Promote/Strengthen Economic Development Opportunities
- A. Objective: Explore ways (including nontraditional approaches) the City can better accomplish/promote economic development
 - Action Item: Consider new marketing campaign
 - Action Item: Survey other cities approach to economic development
 - B. Objective: Promote public/private partnerships and nonprofit partnerships for economic development
 - C. Objective: Work with others as the hub for servicing eco-tourism in eastern North Carolina
3. Goal: Promote Sustainability and Livability of Both Old and New Neighborhoods
- A. Objective: Continue to create walkable/bikeable communities
 - B. Objective: Expand the greenway system
 - Action Item: Consider new approaches to fund alternative transportation (greenways)
 - C. Objective: Continue/enhance predatory lending programs
 - D. Objective: Continue to promote community gardens
 - E. Objective: Continue to monitor the implementation of the 10-Year Plan to End Chronic Homelessness in Pitt County
 - F. Objective: Review and re-evaluate garbage/trash collection
 - G. Objective: Preserve historic homes and businesses
 - H. Objective: Explore ways to improve quality of rental properties in neighborhoods (rental task force)
 - Action Item: Explore opportunity for East Carolina University and the City to work together in neighborhoods near campus (community appearance)

Action Item: Consider requiring a dumpster during rehab work on homes in neighborhoods

- I. Objective: Explore new strategies to sell homes in revitalization area
 - J. Objective: Promote new neighborhood associations
4. Goal: Develop Progressive and Comprehensive Transportation Initiatives
- A. Objective: Continue to upgrade Greenville Boulevard and other State-maintained Streets within the City (safety and more attractive)
 - B. Objective: Accelerate the improvement of pedestrian mobility
 - C. Objective: Improve public transit
 - D. Objective: Explore ways to finance construction of new streets, sidewalks, crosswalks, and bikeways
 - E. Objective: Finalize move of the railroad switching yard
 - F. Objective: Continue working with railroad companies to better maintain railroad properties and street crossings
 - G. Objective: Initiate passenger rail service out of Greenville
 - H. Objective: Improve commercial air service at Pitt-Greenville Airport
5. Goal: Keep Planning for Quality Growth Ahead of Anticipated Growth
- A. Objective: Initiate, strategize, and encourage use of the planned unit development zoning classification
 - B. Objective: Have a public hearing and complete the update of the Manual of Standard Designs and Details
 - C. Objective: Complete the five-year review of the Comprehensive Plan
 - D. Objective: Enhance and review the net benefit of vegetation beautification around commercial areas
 - E. Objective: Review the zoning categories as they relate to neighborhood preservation
6. Goal: Enhance Cultural and Recreational Opportunities

- A. Objective: Provide better and improved park/recreation facilities in underserved neighborhoods
 - Action Item: Staff to meet with South Greenville area residents as part of the process for the development of a master plan for South Greenville Park and its Recreation Center
 - Action Item: Staff to look at upgrading old parks on the fringe of district vs. building new parks
 - B. Objective: Consider a bond referendum for parks.
 - C. Objective: Develop strategies for ensuring more open space and neighborhood parks
 - D. Objective: Establish a nonprofit to enhance recreation projects/parks
 - E. Objective: Encourage East Carolina University in its efforts to construct a performing arts center
 - F. Objective: Promote cultural entertainment in the downtown area
7. Goal: Enhance Understanding and Increase Broader Citizen Participation in City Government
- A. Objective: Continue to look at ways to improve communication with citizens through the media, primarily GTV-9 and the internet
 - B. Objective: Notify neighborhoods and stakeholders of issues that impact them
 - C. Objective: Keep promoting the Talent Bank (increase recruitment)
8. Goal: Enhance Diversity
- (Because Council Member Glover had to leave the meeting early and wished to be involved in the discussion on this item, it was continued to February 22, 2010)
9. Goal: Promote Effective Partnerships
- A. Objective: Stay engaged with student groups such as East Carolina University Student Government Association
 - B. Objective: Address extraterritorial jurisdiction (ETJ) issues
 - C. Objective: Encourage cooperation of fellow governmental agencies
 - D. Objective: Continue contacts with the Pitt County Board of Education

- E. Objective: Explore stronger partnership with such agencies as the Pitt County Commission, University Health Systems, and East Carolina University

10. Goal: Promote Sound Environmental Policies

- A. Objective: Involve all citizens in recycling
Action Item: Develop strategies to increase recycling
- B. Objective: Monitor air quality situation
- C. Objective: Continue to implement the US Mayor's Climate Protection Agreement
- D. Objective: Work with East Carolina University to address environmental issues
- E. Objective: Enhance energy efficiency and reduce energy consumption
- F. Objective: Further investigate Pitt-Greenville Airport noise, vibration, and fumes experienced by citizens in nearby neighborhoods and find solutions to the problem
- G. Objective: Create a community Climate Protection Plan that includes, but is not limited to, energy reduction goals for the community
- H. Objective: Proactively work with Greenville Utilities Commission and other agencies to educate the community about energy efficiency/weatherization
- I. Objective: Explore how other cities are addressing sustainability (plans)

During the course of the planning session, the following items were requested by individual Council Members.

- Periodic reports on gang activity (Chief Anderson stated that he could put in the monthly report what the Police Department is doing each month regarding enforcement.)
- A copy of the last and next ISO report.
- Research on what other towns have a dedicated economic development person.
- Information on how community development money is being recycled and what the City's plans are so they can continue the revitalization process.
- Information on \$1 leases, etc. with nonprofits to get a handle on how many the City is doing, how many it is going to do, and the benefits.

Mayor Pro-Tem Kittrell suggested that if there are no new goals, that the Council go with the ones they had last year, leaving them in the same order, without prioritizing. Council Member Smith suggested that diversity needed to be moved up in the ranking.

Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Blackburn to cancel the January 30, 2010 portion of the planning session because of the threat of a snowstorm. Motion carried unanimously.

Council Members asked that the note, "Due to current economic conditions, the City Council indicates an awareness of budgetary constraints that impact all goals and is prepared to make adjustments as necessary based on financial impacts" be left on the goals for 2010.

ANNOUNCEMENT BY CITY CLERK

City Clerk Wanda Elks announced her retirement from the City with 30 years of service (27 with the City), effective May 1, 2010.

ADJOURN

There being no further business to discuss, motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Joyner to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
February 11, 2010

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

Mayor Patricia C. Dunn
Mayor Pro-Tem J. Bryant Kittrell III
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Kandie Smith
Council Member Calvin R. Mercer
Council Member Marion Blackburn
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers informed the Council that a request had been received to continue Items 17 and 18, “Ordinance requested by Edwards Community Group to amend the zoning ordinance to establish a new overlay district entitled “Urban Core (UC) Overlay” and standards applicable within the area bound by Tenth Street, the CSXT Railroad, Fourteenth Street, and Greenville Mill Run/ECU Easement” and “Ordinance requested by Edwards Community Development company to rezone 16.14 acres located along the eastern right-of-way of Charles Boulevard, between Tenth and Fourteenth Streets, and west of Rock Spring Subdivision from OR (Office-Residential) to OR-UC (Office-Residential) with a UC (urban core) overlay.”

Motion was made by Council Member Joyner and seconded by Council Member Glover to continue Items 17 and 18 to March 4, 2010. Motion carried unanimously.

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

SPECIAL RECOGNITIONS

Ms. Kathy Moore, North Carolina State Chapter Director of Honor and Remember, made a presentation to City Council on the Honor and Remember Program. Ms. Moore’s son was killed March 5, 2007 in Iraq and since that time, she has been involved with Honor and Remember, which was founded by George Lutz of Virginia after his son was killed in Iraq in December 2005. Mr. Lutz realized that there was not a national symbol honoring America’s fallen service members, so he designed the Honor and Remember Flag. The purpose of Honor and Remember

is to Establish – Educate – Present. Honor and Remember, Inc. would like to establish the Honor and Remember Flag as a national symbol and to educate the public about the Honor and Remember Flag. It will present personalized flags to families of fallen service members. There is currently a bill in Congress (HR 1034) that, if signed by the President, would make the Honor and Remember Flag a national symbol honoring America's fallen. Ms. Moore requested that the City adopt both a resolution supporting HR 1034 as well as the flag itself.

The veterans were asked to stand, and 15-20 people in the audience stood. They were thanked for their service.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to add this item to the March 4, 2010 agenda. Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Motion was made by Council Member Smith and seconded by Council Member Joyner to reappoint Howard Conner and Melissa Grimes for a first term to expire February 2013. Motion carried unanimously.

Community Appearance Commission

Motion was made by Council Member Smith and seconded by Council Member Joyner to appoint Teasha Barrett to fill the unexpired term that expires June 2011, replacing Evon Zell, who resigned. Motion carried unanimously.

Environmental Advisory Commission

Council Member Blackburn asked that the replacement for J. Stephen Janowski, who moved out of the City limits, be continued to March 2010.

Greenville Bicycle and Pedestrian Commission

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Mitchell Craib for an initial term to expire January 2012 and to appoint Christopher Davis, Rebecca Davis, John Kenney, and Matthew Rosenbaum for a first three-year term to expire January 2013. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Kerry Carlin to fill an unexpired term that expires January 2012, replacing Ashley Wetherington, who resigned. Motion carried unanimously.

Human Relations Council

Council Member Joyner asked that the appointment of the replacements for James Cox, Franchine Pena, Shane Morris, and Keisha Staton be continued until March 2010.

Pitt Greenville Convention and Visitors Authority

Motion was made by Council Member Glover and seconded by Council Member Joyner to nominate Ivory Mewborn to the County for the replacement of Marion Blackburn, who is no longer a member due to being elected as a City Council Member. The term will expire July 2010.

Youth Council

Motion was made by Council Member Glover and seconded by Council Member Joyner to appoint Joseph Wobbleton and Sue Forrest for a term to expire September 30, 2010 to the Greenville Youth Council. Motion carried unanimously.

APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO THE PITT COUNTY ADVISORY BOARD TO END CHRONIC HOMELESSNESS

Director of Community Development Merrill Flood reminded the Council that the 10-Year Plan to End Chronic Homelessness is a strategy to reduce homelessness and improve the delivery of services to the homeless populations in Greenville and Pitt County. The plan was approved by the City and County in 2009, and the City is a partner with Pitt County and several human service organizations in this initiative. The City Council appointed seven City representatives to the Advisory Board, one of which was the former Mayor Pro-Tem Mildred Council to serve as the City Council representative. Since she is no longer a member of the City Council, another member of the City Council needs to be appointed to fill the vacancy.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to appoint Council Member Glover as the City Council representative on the Pitt County Advisory Board to End Chronic Homelessness. Motion carried unanimously.

APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO THE TAXICAB APPEAL BOARD

City Clerk Wanda Elks informed the Council that Section 11-1-67 of the City Code establishes a Taxicab Appeal Board that is composed of the City Manager or designee, a member from the Greenville Taxicab Association, and a designated member from the City Council. The purpose of the Board is to hear appeals from any decision of the Chief of Police to refuse the issuance of a taxi driver's permit. Previously, Mayor Pro-Tem Mildred Council was the designated member from the City Council. Since she is no longer on the City Council, a replacement needs to be appointed.

Motion was made by Council Member Blackburn and seconded by Council Member Smith to appoint Council Member Joyner as the City Council's representative on the Taxicab Appeal Board. Motion carried unanimously.

APPOINTMENT OF TENTH STREET CONNECTOR CITIZEN ADVISORY COMMITTEE MEMBERSHIP REPLACEMENTS

City Manager Bowers stated that on August 11, 2005, City Council appointed the Tenth Street Connector Citizen Advisory Committee to assist staff and consultants with developing the Tenth Street Connector Project. The 18-member committee has met six times as part of the project's Public Involvement Program. The Committee has provided the project team with valuable feedback and has served as an important link to the community. Committee members' attendance at these meetings is important to maintaining this link. A review of attendance records determined that some members have only attended a few meetings in the beginning of the project or have not attended at all. A letter was sent to six members inquiring if they wished to maintain an active membership on the project's Citizens Advisory Committee. It was requested that they contact the City by December 15, 2009 regarding their desire to maintain an active membership. The letters also informed the six members that the City would interpret no response as a desire not to continue participating and that the City would proceed with new appointments. Two of the six responded that they wished to continue their participation on the Committee. In consideration of the non-responses, it is requested that two new members be appointed at this time to fill the vacant positions. Staff anticipates that it will be necessary to conduct two more committee meetings during the remaining time for the project. Mr. William Gorham of Air Mania Custom Printing located at 1307 Fourteenth Street and Pastor Ronald Williams of the Sycamore Chapel Missionary Baptist Church located at 1610 Farmville Boulevard have consented to submit their names in consideration of appointment.

Motion was made by Council Member Glover and seconded by Council Member Blackburn to appoint Mr. William Gorham of Air Mania Custom Printing located at 1307 Fourteenth Street and Pastor Ronald Williams of the Sycamore Chapel Missionary Baptist Church located at 1610 Farmville Boulevard to the Tenth Street Connector Citizen Advisory Committee. Motion carried unanimously.

CONSENT AGENDA

The items listed under the consent agenda included:

1. Minutes of the January 11, 2010 City Council meeting
2. Ordinance adopting the Code of Ordinances of the City of Greenville, North Carolina, revising, amending, restating, codifying and compiling certain existing general ordinances of the City of Greenville dealing with subjects embraced in such Code of Ordinances (Ordinance No. 10-08)
3. Award of bid for three rear-loading refuse trucks
4. Contract award for architectural/engineering services for design/construction/inspection services of the elevator and fire escape project at the Lucille W. Gorham Intergenerational Center Lessie Bass Building (Resolution No. 10-10; Contract No. 1839)

5. Rejection of all bid proposals for the construction contract for HVAC System for City Hall IT Server Room Project
6. Contract award for the South Tar River Greenway Project—Phase II (Resolution No. 10-03; Contract No. 1840)
7. Resolution approving the execution of a municipal agreement with NCDOT for Section 5303 Planning Grant funds (Resolution No. 10-04; Contract No. 1841)
8. Resolution authorizing the Director of Public Works to sign and execute all papers and documents in connection with the FY 2011 application for State aid for mosquito control (Resolution No. 10-05)
9. Ordinance adopting a sewer capital project budget for Greenville Utilities Commission's Wastewater Treatment Plant Headworks Improvement Project (Ordinance No. 10-09)
10. Ordinance adopting a water capital project budget for Greenville Utilities Commission's Thomas Langston Road Water Main Extension Project (Ordinance No. 10-10)

Concern was expressed by Council Member Joyner about the bids for the City Hall IT Server Room Project being rebid. He had received an e-mail from someone who bid on the project who felt that the non-collusion clause did not have to be included.

Director of Public Works Wes Anderson informed the Council that the non-collusion clause is a part of the base contract. Three bids were received, only one of which had the information included. Therefore, the two bids were rejected because they were not complete. Staff felt it could save money by rebidding since there was only one complete bid package.

City Attorney Holec stated that documents requested are a part of the bid package and everyone should submit them. He advised that although a non-response could be determined not to be material, in fairness to all bidders, it would be appropriate to consider a non response to bid documents as a reason to disqualify the bidder. Regardless, the City reserves the right to reject any and all bids and go through the bid process.

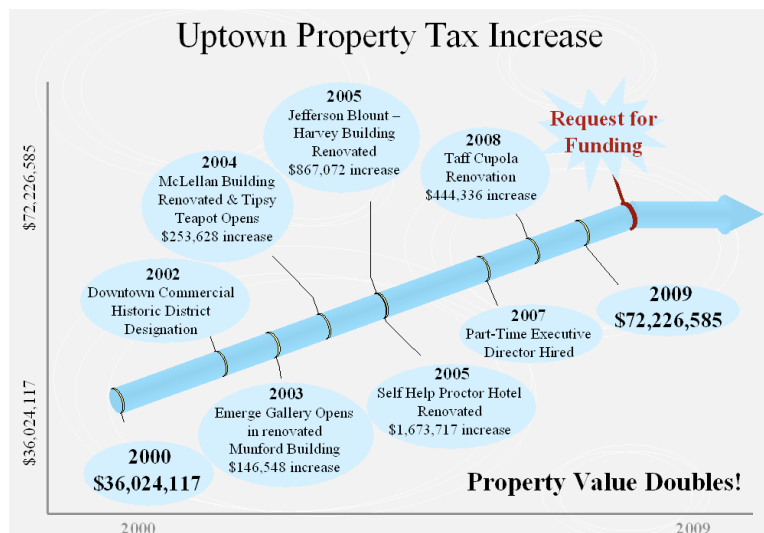
Motion was made by Council Member Mercer and seconded by Council Member Kittrell to approve the items under the consent agenda. Motion carried unanimously.

UPTOWN GREENVILLE CONTRACT FOR SERVICES

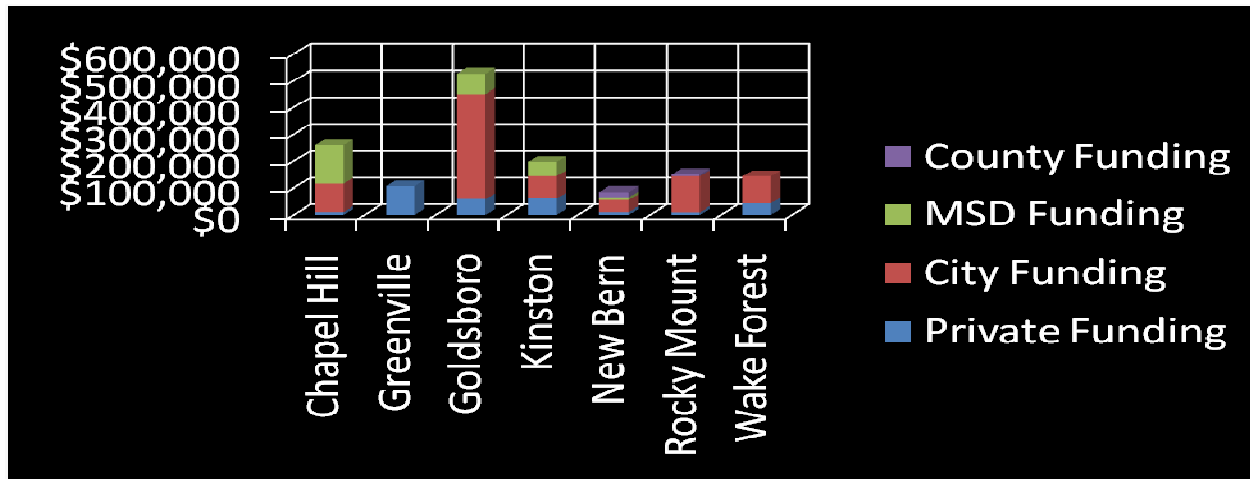
Director of Community Development Merrill Flood explained that on August 10, 2009, the City Council considered a request to execute a contract for services with Uptown Greenville. After deliberations, the City Council determined that input from the Redevelopment Commission was essential to its decision-making process. The Redevelopment Commission considered the request at its January 5, 2010 meeting and unanimously approved recommending to the City Council that the \$25,000 contract be executed. In a July 22, 2009 letter to the Mayor and City Council, Uptown Greenville requested \$50,000 in recognition of services provided to the City over the course of one year. Services detailed in a proposed contract include business recruitment and retention, beautification projects, management of special events and promotions, along with organization and management of public input for infrastructure projects in the district. Several letters of support have been received and provided to the Council. Information from the North Carolina Main Street organization shows that at least 40 local governments in North Carolina provide various levels of financial support to organizations like Uptown Greenville.

Annual municipal support ranges from \$2,500 to nearly \$400,000. The Main Street survey information also reveals that 25 downtown promotion organizations also receive funding from municipal service districts (MSD). North Carolina law allows municipalities to levy a special tax on property located in a defined district for downtown revitalization. An MSD is an available option for future funding of Uptown Greenville revitalization efforts. The proposed contract requires Uptown Greenville to work towards gaining property owner support for the establishment of a downtown MSD. Uptown Greenville has operated without direct local government financial support, but is now requesting that the City provide funds as other municipal governments do because Uptown's traditional corporate financial support has been significantly reduced over the last two years because of the recession. Additionally, Uptown Greenville's role in managing events and promoting the Center City has steadily grown.

Mr. Eric Clark informed the Council that Uptown Greenville is a private, nonprofit corporation established to develop plans and implement actions necessary to revitalize and to ensure continued growth of the Uptown Business District of Greenville. It was established by Mayor Nancy Jenkins and the City Council out of recommendations from a Downtown Steering Committee in 1994. Public investment has been made in staff, policy, and capital projects. Private ventures include civic leaders, business risk, volunteers, private investment and funding for public projects. Uptown is valuable to the entire community. One of the programs implemented by Uptown Greenville was the Façade Improvement Grant Program, which was founded in 1995 as a partnership between Uptown Greenville and the City of Greenville. It led to the central business district listing on the National Register of Historic Places. It enables properties within the district to qualify for major federal and state rehabilitation tax credits. Examples of the work of Uptown Greenville include the Jefferson's Blount Harvey Building, which had a tax value of \$206,020 in 2000 and, after renovations, it had a tax value of \$1,073,092. Similarly, the former Proctor Hotel (Self-Help Credit Union) had a tax value in 2000 prior to renovations of \$231,480. After renovations, in 2009, the tax value was \$1,905,197. First Street Place Properties had a tax value of \$354,020 before the building was constructed, and, in 2009, the tax value of the property was \$12,306,729. Uptown Greenville has contributed to an increase in the tax base in the Uptown District from \$36,202,468 in 2000 to \$72,226,585 in 2009.



Mr. Clark continued by stating that downtown is valuable to ECU in recruiting staff, faculty and students. There is a lot of missed opportunity for Uptown Greenville because they don't have the resources to do certain things. It would like to have a contract to do the work that city staff doesn't have the time to do. If they can't receive additional funding, they can't increase the things they want to do. More money allows them to do more initiatives. All organizations started with private funding and then the City began funding them. This is the life cycle for organizations like Uptown Greenville. A contract will enable them to take it to the next level and not plateau.



Mr. Clark informed the Council that over 30 Uptown Greenville events attracted over 40,000 attendees in 2009. Event attendees' spending at uptown businesses is estimated at \$651,000. More tax dollars are generated per acre in the Commercial Business District than anywhere else in the County, with uptown value per acre being \$903,623 and Pitt County value per acre being \$19,685. Uptown Greenville and Co-Sponsored events in 2009 included Uptown Member socials, Uptown ArtWalks, Uptown Criterium, 3rd Annual PirateFest (Communitywide celebration), Uptown Umbrella Markets, Freeboot Fridays, Uptown Holiday Celebration, and Community stakeholder meetings. The entire community benefits from the efforts of Uptown Greenville. The budget for 2009 was reviewed, which included \$18,500 for business recruitment and retention, \$12,300 for uptown beautification, \$3,500 for guidance for public infrastructure, and \$71,100 for community events and promotions. Those numbers do not include staff and volunteer time. The budget for Uptown Greenville, indicating what is being requested to be included in the contract is:

BUDGET ITEM	CITY	UPTOWN
Operating	\$ 2,000	\$ 47,865
Marketing & Promotions	\$ 3,000	\$ 12,180
Design	\$ 6,500	\$ 7,100
Economic Development	\$ 2,000	\$ 4,500
Membership	\$ 0	\$ 3,000
Events	\$11,500	\$ 65,300
Agencies	\$ 0	\$ 500
TOTAL BUDGET	\$25,000	\$140,445

Mr. Todd Hickey, Vice President of Clinical Services at Pitt County Memorial Hospital and a Board Member for Uptown Greenville asked those in the audience who are in support of the efforts of Uptown Greenville to stand, and about 60 people stood. The contract for services being requested includes business recruitment and retention; uptown beautification; special events, promotions and private support such as PirateFest, Freeboot Friday, and Uptown Umbrella Market, and guidance for public infrastructure projects. Mr. Hickey concluded by stating that everyone comes downtown to get a sense of the community when looking for a place to relocate.

Upon being asked where the funding would come from if approved by City Council, City Manager Bowers stated that it would come from the Community Development Department from the Façade Program budget from funds that will not be needed this year because the Redevelopment Commission had funded another project through bond funds for the Redevelopment Commission.

Upon being asked how many businesses are in uptown Greenville, Ms. Denise Walsh, the Program Manager for Uptown Greenville, stated from last spring's data, there were 150 businesses listed, 120 of which were viable. There are 246 members that are businesses and individuals, 91 being businesses in Uptown Greenville.

The Council Members discussed how they were appreciative of the events sponsored by Uptown Greenville and of the efforts they put forth. Council asked that activities be planned that would reflect more diversity.

Upon being asked if Uptown Greenville is asking for long-term or one-time funding, Mr. Clark stated that this is a request for services, something that Uptown Greenville foresees going into the future. The group will provide exponential return for the City. Uptown Greenville does not see it as just a 2010 request, and it plans to prove to the Council that the rate of return on the City's investment will be great.

Upon being asked if Uptown Greenville has thought about doing a co-op and each business paying so much to be a part, which is done in other cities, Mr. Clark stated that there have been times when Uptown Greenville has had a subcommittee, called the Merchants Committee, and it is important for the merchants to take ownership of that committee. That subcommittee helps support the businesses there. Uptown Greenville is willing to do that.

Mr. Hickey stated that Uptown Greenville believes that it provides value and would like to have a contract for multi-years and demonstrate how it provides additional dollars so the Council can see it as an investment. Uptown Greenville follows the Mainstreet Program where they have contracted services.

Mr. Clark stated that Uptown Greenville has accomplished so much with private dollars and is proud of that. It needs to be taken to the next step. Uptown Greenville will be happy to provide a report to Council as often as they request, at a minimum annually.

Upon being asked if they had approached any other organization for funding, Mr. Clark stated that it has for many years and has received support from Pitt County Memorial Hospital, East Carolina University, and other businesses. Responding to the request for more

inclusiveness, Mr. Clark stated that he agreed with having inclusiveness. Citizens need to realize that just because events are titled Piratefest and Freeboot Friday, it does not mean that one has to be a student or support East Carolina University to participate. They are truly community wide events. Uptown Greenville would like for everyone to be a part.

Upon being asked why the 31 businesses that are uptown are not members of Uptown Greenville, Mr. Clark replied that he doesn't know if there is a specific reason. Uptown Greenville has demonstrated that it provides value and that the businesses get a great return on investment; however, it has only gotten to 75% participation.

Discussion occurred about an annual report, and Mr. Clark informed the Council that Uptown Greenville would be happy to provide a report to Council as often as it requests. The current contract says an annual report; however, that can be changed to reflect semi-annual reports.

Discussion occurred about having an MSD and how long it would take to get the process started. City Manager Bowers stated that it has to be done prior to the beginning of a fiscal year. There are guidelines regarding this, and it takes several months prior to the beginning of a fiscal year.

Ms. Ann Holland requested to speak and encouraged the Council to enter into the agreement with Uptown Greenville, a group of people who are putting their own money towards this. They are very inclusive. Uptown Greenville needs the funding from the City to get them to the next step. They have improved so much and need the help of the Council. Ms. Holland asked the Council to please help Uptown Greenville by entering into the contract.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to enter into the one-year contract for professional services with Uptown Greenville for \$25,000, with an amendment requiring a semi-annual update on performance instead of a yearly update. Motion carried unanimously. (Contract No. 1838)

ORDINANCE AMENDING THE ZONING REGULATIONS TO INCLUDE A FIVE HUNDRED FOOT MINIMUM SEPARATION REQUIREMENT BETWEEN PUBLIC OR PRIVATE CLUBS – ADOPTED

Director of Community Development Merrill Flood informed the Council that at the November 9, 2009 City Council meeting and after consideration of various options to improve public safety within the downtown and other areas where in entertainment establishments are permitted, the City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new public or private clubs to be separated by not less than 500 feet as measured between the closest property line. This new requirement will apply to all public or private clubs located both within the downtown commercial district and the rest of the city's zoning jurisdiction. Prior to its November 9, 2009, meeting, the City Council requested and received a report on possible actions to improve public or private club safety from the City Attorney which included the following option: "7) Enact a zoning ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs. The concentration of public or private clubs within an area has an adverse impact from a land use perspective in addition to the adverse impact that the concentration creates for law enforcement purposes. There are sixteen

(16) public or private clubs located in approximately a four (4) block area of the downtown area. Establishment of a separation requirement in the zoning ordinance would disperse these uses and minimize their adverse impact. A separation requirement would apply to the location of new establishments and the expansion of existing establishments. Current establishments would be grandfathered. A separation requirement would not have an immediate impact but it would ensure that additional public or private clubs would not be located in the immediate area." On November 20, 2009, the City Attorney's office mailed notice of City Council's determination to proceed with consideration of ordinances that apply to all public or private clubs to the owners and managers of all clubs. The notice invited the club owners and managers to attend the scheduled meetings of the Planning and Zoning Commission and the City Council when these proposed ordinances would be considered and voice their opinion on these and related proposals if they so desired. Existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. No new club and no addition to an existing club will be allowed unless the club meets the minimum 500-foot separation requirement and existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. This proposed spacing requirement is an amendment to the zoning ordinance. Other related ordinances, not involving amendment of the zoning regulations or review and recommendation of the Planning and Zoning Commission, which the City Council has determined to also consider include the following: (1) a prohibition on a public or private club employing a person as a bouncer who has been convicted of certain crimes and a requirement that a public or private club conduct criminal record checks of each person employed as a bouncer and (2) a prohibition on a public or private club employing a person as a bouncer who has not completed a training program for bouncers conducted by the police department within certain time frames and a requirement that a bouncer employed at a public or private club annually complete a training program for bouncers conducted by the police department. The above options (1) and (2) were considered and approved by City Council at its December 10, 2009, meeting. On November 20, 2009, the City Attorney's office provided written notice to the owners and managers of all public and private clubs concerning these proposed amendments to the city code. Although related to the common goal of increased downtown public safety, the City Council's approval of the aforementioned actions is separate from the proposed public or private club spacing requirement.

Director of Community Development Flood continued by stating that at the December 15, 2009, Planning and Zoning Commission meeting, the Commission did not approve a motion to recommend adoption of the original draft ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs in all districts. In addition, the Planning and Zoning Commission approved a motion recommending approval of a substitute ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs located only in the CD (downtown commercial) district. On December 18, 2009, the City Attorney's office mailed notice of the public hearing to consider adoption of the proposed ordinance amending the zoning ordinance to require spacing between public or private clubs to the property owners and the club owners and managers of all clubs. The notice invited the property owners and club owners and managers to attend the public hearing and voice their opinion on this proposal if they so desire. On January 14, 2010, the City Council held and closed the public hearing on the adoption of the subject ordinance. Following the public hearing, the City Council continued the item for

consideration at the February 11, 2010, City Council meeting. In staff's opinion, both the original draft ordinance and the Planning and Zoning Commission recommended substitute ordinance are in compliance with Horizons: Greenville's Community Plan. The Planning and Zoning Commission did not recommend approval of the original draft ordinance at its December 15, 2009 meeting. Following Planning and Zoning Commission action on the original draft ordinance, the Commission did recommend approval of a substitute ordinance at its December 15, 2009 meeting that limited the scope of the proposed ordinance to the downtown commercial district. If City Council determines to approve the amendment request that applies to all public or private clubs, a motion to adopt the attached original ordinance will accomplish this. If City Council determines to approve the amendment request as recommended by the Planning and Zoning Commission that applies only within the downtown commercial district, a motion to adopt the revised ordinance will accomplish this. The ordinances include the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest. If City Council determines to deny the amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

Chief of Police William Anderson expressed support of the ordinance and stated that even though he did not feel it would have an immediate impact, it would have a long-term impact.

Upon being asked if there are any other areas that have a concentration of clubs like there is downtown, Director of Community Development Merrill Flood stated that there is not another area that has such a concentration.

It was suggested that the Public Safety Committee look at this prior to it being voted on by Council, and Council Member Glover stated that a committee should not take authority away from the Police Department.

Upon being reminded that in 1992, the Chief of Police liked having the patrons concentrated together and the Council was told that it would not survive a legal challenge, City Attorney Holec stated that there has been a change in the law since 1992. The City Attorney, in 1992, did not say definitely that it would not survive a legal challenge. In 1994, rather than the ABC Commission considering the zoning regulations in place, the language of the Statute was changed to "shall consider" instead of "may consider".

The Council was reminded that it instructed staff, the Police Chief, and the City Manager to come up with things they felt could help problems downtown. If the Council allows a board to run the Police Department, that would be a terrible injustice to the City, as the Police Department has spent a lot of hours trying to make all of Greenville safe. The Council needs to let the department heads do their job. The Public Safety Committee does not consist of professional police chiefs.

Council Member Kittrell stated that he called past Council Members, and the consensus of the group was that they would be in favor of the ordinance if it was enforceable.

The Council was reminded by Council Member Smith that it needs to consider other changes that need to be made to make the students safe.

Council Member Joyner stated that there has been no study and dialogue with citizens regarding this ordinance. It needs to be pulled because of improper notification, meaning that only bar owners were notified, not necessarily people who own other properties or people who own bars citywide.

Council Member Glover expressed concern about African-Americans not being allowed in nightclubs because of the way they dress. She expressed concern about nightclubs owned by African-Americans being closed, leaving them nowhere to go.

Motion was made by Council Member Mercer and seconded by Council Member Blackburn to adopt the ordinance amending the zoning regulations to include a five hundred foot minimum separation requirement between public or private clubs. Motion carried with a 4:2 vote. Mayor Pro-Tem Kittrell and Council Members Glover, Mercer, Blackburn voted in favor of the motion. Council Members Joyner and Smith voted in opposition. (Ordinance No. 10-11)

ORDINANCE REQUESTED BY THOMAS F. TAFT, SR. MANAGER/PARTNER FOR ATLANTIC AVENUE HOLDING CO., LLC TO REZONE 6.34 ACRES LOCATED ALONG ATLANTIC AVENUE BETWEEN DICKINSON AVENUE AND BONNERS LANE FROM CDF (DOWNTOWN COMMERCIAL FRINGE) AND IU (UNOFFENSIVE INDUSTRY) TO CD (DOWNTOWN COMMERCIAL) – ADOPTED

Planner Chantae Gooby delineated the property on a map and explained the request. In staff's opinion, the request is in compliance with Horizon's: Greenville's Community Plan and the Future Land Use Plan Map. The Planning and Zoning Commission, at its January 19, 2010 meeting, voted to recommend approval of the request.

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

Mr. Thomas F. Taft, Sr. informed the Council that this request is being made so that the adjacent property will support the parking requirements for a large student housing project. The ordinance allows for off-site parking within 1600 feet of the property, and providing it at this site would allow that.

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

Motion was made by Council Member Mercer and seconded by Council Member Glover to adopt the ordinance rezoning 6.34 acres located along Atlantic Avenue between Dickinson Avenue and Bonners Lane from CDF (Commercial Downtown Fringe) and IU (Unoffensive Industry) to CD (Downtown Commercial). Motion carried unanimously. (Ordinance No. 10-12)

ORDINANCE TO ANNEX THE REGGIE SPAIN CONSTRUCTION, LLC PROPERTY, INVOLVING 0.9643 ACRES LOCATED SOUTH OF MACGREGOR DOWNS ROAD APPROXIMATELY 1,052 FEET EAST OF ITS INTERSECTION WITH B'S BARBECUE ROAD, NORTH AND EAST OF CASCADE SUBDIVISION, PHASES 1 AND 2 – ADOPTED

Director of Community Development Merrill Flood informed the Council that notice was placed in The Daily Reflector on February 1, 2010, establishing this time, date, and place for a public hearing on a request to annex the Reggie Spain Construction, LLC property, involving 0.9643 acres located south of Macgregor Downs Road approximately 1,052 feet east of its intersection with B's Barbecue Road, north and east of Cascade Subdivision, Phases 1 and 2. The property is located in Voting District 1 and is contiguous to the City limits. The property is currently vacant, and the proposed use of the property is four duplexes (eight dwelling units). The population is currently 0, and the anticipated population at full development is 18, with 10 being white and 8 being minority. The property is 1.53 miles from Fire Station #2.

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

Motion was made by Council Member Kittrell and seconded by Council Member Blackburn to adopt the ordinance annexing the Reggie Spain Construction, LLC property, involving 0.9643 acres located south of Macgregor Downs Road approximately 1,052 feet east of its intersection with B's Barbecue Road, north and east of Cascade Subdivision, Phases 1 and 2. Motion carried unanimously. (Ordinance No. 10-13)

ORDINANCE TO ANNEX GATEWAY WEST, LOT 10, AND A PORTION OF GATEWAY DRIVE, INVOLVING 4.15 ACRES LOCATED SOUTH OF STANTONSBURG ROAD AND EAST OF PARK WEST AND PARK WEST 2 SUBDIVISIONS – ADOPTED

Director of Community Development Merrill Flood informed the Council that notice was placed in The Daily Reflector on February 1, 2010, establishing this time, date, and place for a public hearing on a request to annex Gateway West, Lot 10, and a portion of Gateway Drive, involving 4.15 acres located south of Stantonburg Road and east of Park West and Park West 2 Subdivisions. The property is located in Voting District 1 and is contiguous to the City limits. The property is and will continue to be a detention pond/road. The current and proposed population of the property is 0. The property is 1.49 miles from Fire Station #2.

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

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to adopt the ordinance annexing Gateway West, Lot 10, and a portion of Gateway Drive, involving 4.15 acres located south of Stantonburg Road and east of Park West and Park West 2 Subdivisions. Motion carried unanimously. (Ordinance No. 10-14)

2010-2011 ANNUAL ACTION PLAN FOR FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) - APPROVED

Senior Planner Sandra Anderson informed the Council that the HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) funding require all participating jurisdictions to prepare and submit an Annual Action Plan detailing how funds will be spent and for what activities. The Housing Division is in the process of identifying activities for the upcoming 2010-2011 fiscal year in accordance with the City of Greenville Consolidated Plan, which covers fiscal years 2008-2013. An Annual Action Plan must be submitted for each year of the five-year Consolidated Plan. The Annual Action Plan process requires two public hearings to give citizens an opportunity to participate in the plan development process and provide comments. The purpose of the first public hearing is to present a preliminary budget of activities, receive suggestions/comments on other eligible activities, and approve the completion schedule. The proposed completion schedule is as follows:

2010-2011 ANUAL ACTION PLAN
PROPOSED COMPLETION SCHEDULE

January 8, 2010	Deadline for Submission of Subrecipient Applications for funding
February 1 and 8, 2010	Notice of Public Hearing Publication
February 10, 2010	Subrecipient Organizations present funding request to Affordable Housing Loan Committee
February 11, 2010	First Public Hearing
February 12, 2010	Deadline for Submission of Community Housing Development Organization (CHDO) Applications for funding
March 2, 2010	Redevelopment Commission Review of Draft Annual Action Plan
March 10, 2010	Continuum of Care Group Review of Draft Annual Action Plan
March 10, 2010	Affordable Housing Loan Committee Review/Recommendation of Subrecipient Funding
March 10, 2010	Affordable Housing Loan Committee Review of Draft Annual Action Plan
March 19, 2010	Draft of Annual Action Plan/Staff review

March 29-April 30, 2010	Thirty (30) Day Public Comment Period
March 29, April 5, 2010	Notice of Public Hearing
April 8, 2010	Second and Final Public Hearing
April 8, 2010	City Council Adoption/Resolution
April 22, 2010	Submission to U.S. Dept. of H.U.D.

The top priorities and goals include the following:

- Owner Occupied Rehabilitation
- Homeownership
- Acquisition & Demolition of Substandard Units
- New construction
- Conversion of Rental units to homeownership
- Development of Commercial Corridor
- Streetscape
- Support Nonprofits
- Eliminate lead-based paint hazards

The program activities include:

Activity	HOME Investment Partnership	CDBG
Planning and Administration	\$75,000	\$162,000
Housing Rehabilitation	\$250,000	\$360,000
Relocation	\$0	\$10,000
Acquisition	\$0	\$60,000
New Construction	\$175,000	\$0
Downpayment Assistance	\$135,000	\$0
Clearance/Demolition	\$0	\$30,000
Community Housing Development Corporation	\$115,000	\$0
Public Facilities Improvement	\$0	\$70,000
Public Service	\$0	\$122,000
Program Income	\$11,000	\$5,000
Total	\$761,000	\$819,000

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

Motion was made by Council Member Glover and seconded by Council Member Mercer to approve the proposed Annual Action Plan completion schedule. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Mr. Jeff Lee asked those in the audience who were in support of the bike park to stand, and about 20 people stood. He explained that the bike park is not just a park for Greenville; it brings notoriety nationally and internationally. Fifty riders live in this area. Many people have chosen to come to East Carolina University because of the bike park. He has an 8 and a 10 year old who have been using the park for 2.5 years. The older riders provide support for the younger riders. There has been a tremendous growth of riders, some international. Losing the bike ramp makes it dangerous. Mr. Lee concluded by asking the Council to not look at it as a park for each district, but as a City of Greenville Park. It generates a lot of income for Greenville as people ride, stay in hotels and eat in restaurants. People come from Australia and Europe. It is a benefit to the City of Greenville to keep the park in good condition. If it goes downhill, people will start going elsewhere.

Mr. Clifton Hickman, representing the South Greenville Recreation Coalition, stated that the Recreation and Parks Commission presented a new plan for the expansion of the South Greenville Gym, which was built in 1949. Renovations were done in 1956 and the building has not been touched since then. It has a leaky roof and inadequate meeting spaces. It has been treated less than stepchildren. There are free neighborhood facilities in Greenville, such as Elm Street, South Greenville and Eppes. While South Greenville serves more people had has more programs, it has less space and is in an inadequate building. Over the past 15 years, at least two of the others have had major renovations. Better facilities are needed. In 1998, there was an approved bond referendum for \$14.8 million to support such activities as recreation. In 2004, the City approved a \$21 million bond referendum for four projects, each being \$5 million. He asked the Council to approve funding.

Mr. Rufus Huggins, President of the Southern Christian Leadership Conference spoke in favor of American Legion Post 160, stating that he is a Charter member of that post. It partners with the Jackie Robinson League. Sixty people per month are fed out of that Post. Grants have been received to renovate the building. The Post is struggling with funds, but they are there. The Post is used by many in the community for get togethers, church worship services, weddings, meetings, etc. He would like for them to be able to continue that relationship.

Mr. Dave Mirra stated that the BMX skatepark at Jaycee Park is responsible for his career. He moved here in 1995, and someone had started a park previous to that. The ESPN X-Games started in 1995. Greenville has been given national coverage, as there have been at least 50 pros that have moved here and purchased property. Mr. Mirra stated that he is raising two children here. The BMX riders fully support and give back to Greenville. Jaycee Park has and will continue to create champions around the world. In return, they get people moving into Greenville and inspiring youth who go to the skate park to stay away from drugs and alcohol.

Mr. Cass Wigent, who helped build the skate park, stated that he has been a skateboarder for 26 years and hopes that the youth that are doing it now will be doing so into their 30s and 40s. To do that, they have to have great facilities. He has been to facilities around the world, especially in eastern North Carolina, and Greenville has some room to grow in that regard. He would love to see the facility improve and get back to where it was. The use per dollar spent should be considered, especially the bike and skate park at Jaycee Park. The return on investment for those

is substantially better than some other investments the City has made. A dozen people ride at one time and then they exchange with another one. Mr. Wigent concluded by stating that there is tremendous support for the bike and skate park.

Mr. Sylvester Hughey stated that anything that can be done to have a safe and enjoyable place for the children is well worth what it takes. Some of the funding is from federal set aside monies, recreational grants, bonds, etc. The recreational center that Mr. Hickman has brought forward will help some of the things they hear about child obesity, etc. Children have little area to play in and have to meet in the street. He asked that the Council consider the facility that is in dire need of renovation.

Mr. Kenneth Battle, representing the North of the River Focus Group, asked the Council to look at the proposals the group put before the Council. What the group is trying to do north of the river is just as important as the other things it is trying to do. North of the river needs the help of the City of Greenville. Mr. Battle stated that he will be speaking during the public comment period on a continual basis, because he feels that dialogue is important. He asked that the Council consider the group and what it is trying to accomplish.

Pastor Tyrone Turnage asked the Council to take into consideration the North of the River Focus Group. He listed to Mr. Hickman and prays that the Council will take into consideration all they have put before the Council. People north of the river are saying they don't know how much money is going around Greenville and around the county, but none is going around in that area. He asked the Council to take into consideration the request that has been made.

Mr. Walt Morehead expressed his support of the American Legion Post 160 being reinstated, as positive things go on in Post 160. The Veterans Council has been important in working for the Veterans Home, and groundwork has been laid for a clinic. This building is an added value to the City of Greenville. Mr. Morehead asked that the Council take into consideration approving the lease.

An unidentified citizen stated that he spends every day after school at the skate park riding. It brings people to Greenville and is something that is needed. It keeps kids off of the street and gives them something active to do.

RESOLUTION AFFIRMING SUPPORT AND PARTNERSHIP WITH THE 2010 CENSUS –
ADOPTED

Director of Community Development Merrill Flood informed the Council that activities and events are underway to publicize and promote the 2010 US Census, which will provide important statistical data on the population and make-up of communities across the United States. Locally, the results of community information gathered by the U. S. Census forms are used to determine the revenue sharing distribution done by several programs funded by both federal and state agencies. A complete and accurate residential count is of vital importance to the City of Greenville. Data obtained from the census forms is treated with the highest degree of confidentiality and the data must remain confidential for 72 years. The Census Bureau requests that local communities adopt resolutions in support of the 2010 Census.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt the resolution affirming support and partnership with the 2010 Census. Motion carried unanimously. (Resolution No. 10-06)

RESOLUTION APPROVING A LEASE AGREEMENT WITH AMERICAN LEGION POST 160 FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHESTNUT STREET AND NORTH SKINNER STREET – ADOPTED

City Attorney Dave Holec informed the Council that American Legion Post 160 has been leasing the old West End Fire Station located on the northeast corner of Chestnut Street and North Skinner Street since 1997. Post 160 uses the building for its meetings and activities and also allows other groups to use it for meetings and functions. Additionally, Post 160 recently allowed a nonprofit corporation to use the location as a food distribution site for persons in need. The annual lease payment is \$1, but the Post is responsible for all repairs and maintenance and utilities expense. During the Fall of 2009, the Post invested a substantial amount in accomplishing necessary repairs identified by the City. The most recent lease would have allowed the Post to continue its lease for another five years, but the Post inadvertently failed to provide the required notice to extend the lease term. The proposed lease is for a five-year period under basically the same terms as the previous lease. This has been considered as a good use of the building, which provides a site for community meetings and functions. The required notice of the intent to authorize the lease has been published. The resolution approves the lease agreement with the American Legion Post 160 for the property known as the old West End Fire Station located on the northeast corner of the intersection of Chestnut Street and North Skinner Street for a term of five years commencing on March 1, 2010, and terminating on February 28, 2015, for the annual rental sum of one dollar and further authorizes the City Manager to execute the lease agreement.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adopt the resolution approving a lease agreement with American Legion Post 160 for property located on the northeast corner of Chestnut Street and North Skinner Street. Motion carried unanimously. (Resolution No. 10-07)

MEMORANDUM OF UNDERSTANDING WITH EAST CAROLINA UNIVERSITY RELATING TO THE LUCILLE W. GORHAM INTERGENERATIONAL CENTER – APPROVED

City Attorney Dave Holec informed the Council that the City of Greenville acquired the property in the Fall of 2006, which now comprises the Lucille W. Gorham Intergenerational Center. On September 15, 2006, the City and East Carolina University entered into a memorandum of understanding for the provision of services, lease of a building, and site management of the Intergenerational Center. The memorandum of understanding has expired, and East Carolina University has agreed to continue the cooperative effort with the City of Greenville in order to provide a multidisciplinary community center in an attempt to meet needs that exist in West Greenville. The memorandum of understanding is for a one-year period with a provision that it could be extended for additional terms upon mutual agreement. It provides that the University will lease the first floor of the Lessie Bass Building and will provide services and activities at the Lessie Bass Building and that it will coordinate with a planning team relating to the services and

activities. The planning team consists of persons appointed by the University and members of the Board of Directors of the Lucille W. Gorham Intergenerational Community Center, Inc. (a recently formed nonprofit corporation whose representatives have been working closely with the University in the activities and services at the Lessie Bass Building). The memorandum of understanding recognizes that the second floor of the Lessie Bass Building may be leased to this nonprofit and provides that the University will cooperate with the shared use of the building. The memorandum of understanding also provides that the University will provide site management for the Center by developing regulations relating to the use of the Center by the tenants of the Center. Currently, Pitt Community College and Little Willie Center, Inc. are tenants on the property.

Dr. Velde stated that she represents the University and has been working with a team of five other people. A true partnership has been developed.

Upon being asked if there are any changes from the original lease, City Attorney Holec stated that this is a memorandum of understanding. The lease is another agenda item. There are some changes between this memorandum of understanding and the previous one, mostly with clarifying the involvement of the community and the establishment of a planning team to assist in providing input on the services that are provided. East Carolina University is providing the services and makes decision on services to be provided after receipt of input. There is definite input and requirement that there be input from the community.

Council Member Glover stated that the strategy has been addressed versus where it was three years ago. They have had numerous meetings and have come up with a good partnership with the community and with the University.

Council Member Kittrell asked to hear more about the separate nonprofit being on the second floor.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to approve the memorandum of understanding with East Carolina University relating to the Lucille W. Gorham Intergenerational Center. Motion carried unanimously. (Contract No. 1843)

RESOLUTION APPROVING A LEASE AGREEMENT WITH THE STATE OF NORTH CAROLINA FOR THE FIRST FLOOR OF THE LESSIE BASS BUILDING LOCATED AT 1100 WARD AVENUE – ADOPTED

City Attorney Dave Holec informed the council that the State of North Carolina has been leasing the first floor of the Lessie Bass Building at the Lucille W. Gorham Intergenerational Center since November 2006. The building has been leased for the purpose of East Carolina University offering programs and activities in order to meet the objective of providing a multidisciplinary community center in an attempt to meet needs that exist in West Greenville. The University has been working closely with the community in providing these programs and activities - in particular with the recently formed nonprofit corporation Lucille W. Gorham Intergenerational Community Center, Inc. This nonprofit will be leasing the second floor of the Lessie Bass Building under a separate lease agreement, and both the University and the nonprofit will be working together as set forth in the memorandum of understanding relating to the Lucille W.

Gorham Intergenerational Center. This lease has expired, and the State desires to continue to lease the first floor. The proposed lease is for a one-year term with a provision for an extension for two additional one-year terms upon mutual agreement. The terms and conditions of the previous lease remain basically the same. This includes an annual rental payment to the City in the amount of \$24,999. The required notice of intent to authorize the lease has been published. A copy of the lease is attached. The resolution approves the lease agreement with the State of North Carolina for the property located on the first floor of the Lessie Bass Building located at 1100 Ward Avenue, Greenville, North Carolina, for a term of one (1) year with a provision for an extension for two additional one-year terms upon mutual agreement, and for an annual rental payment of twenty-four thousand nine hundred ninety-nine dollars (\$24,999), and does further authorize the City Manager to execute said lease agreement. Having the University lease the first floor has been a good arrangement.

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to adopt the resolution approving the lease agreement with the State of North Carolina. Motion carried unanimously. (Resolution No. 10- 08; Contract No. 1844)

RESOLUTION APPROVING A LEASE AGREEMENT WITH LUCILLE W. GORHAM INTERGENERATIONAL COMMUNITY CENTER, INC. FOR THE SECOND FLOOR OF THE LESSIE BASS BUILDING LOCATED AT 1100 WARD AVENUE – ADOPTED

City Attorney Dave Holec informed the Council that the Lucille W. Gorham Intergenerational Community Center, Inc. filed its Articles of Incorporation as a nonprofit corporation with the North Carolina Secretary of State on October 7, 2009. The incorporators listed in the Articles of Incorporation are Dr. Tom Irons, Gracie Vines, William Robinson, Rose H. Glover, Mildred Council, Ozie L. Hall, and Howard Conner. This group of citizens, along with other citizens, has been working closely with East Carolina University in providing the programs and activities at the Lessie Bass Building in order to meet the objective of providing a multidisciplinary community center to meet needs that exist in West Greenville. The nonprofit corporation was formed so that the community could more formally become involved in the Center including leasing the second floor of the Lessie Bass Building so that additional areas could be available for some programs and activities. East Carolina University concurs with this arrangement, and the Memorandum of Understanding between the City and the University relating to the Lucille W. Gorham Intergenerational Center recognizes this cooperation. The proposed lease is for a one-year term with a provision for an extension for two one-year terms upon mutual agreement. This term and the other terms and conditions of the lease basically parallel the provisions of the lease with the State for the second floor except that the annual rental amount is a nominal amount of \$1. The lease also provides for the nonprofit to cooperate with East Carolina University relating to matters involving the shared use of the Lessie Bass Building. The required notice of the intent to authorize the lease has been published. The resolution approves the lease agreement with the Lucille W. Gorham Intergenerational Community Center, Inc., for the property located on the second floor of the Lessie Bass Building located at 1100 Ward Avenue, Greenville, North Carolina, for a term of one (1) year with a provision for an extension for two additional one-year terms upon mutual agreement, and for an annual rental payment of one dollar, and does further authorize the City Manager to execute said lease agreement.

Upon being asked if there is an elevator in the grant so it can be used by the University in the future, Council Member Glover stated that they have talked about shared space with the University, but it has to happen after the elevator and fire escape have been put in. They have sat down with all parties. This was a dream that Dr. Bass had, to be able to be a partner and bring monies in as well for the community so it would have ownership in the Lucille Gorham community.

Upon being asked to provide a status report a year from now, Council Member Glover stated that it is in the agreement. They are operating the same as all the partners currently at the center. The nonprofit will be operating as a partner and is required to give a report to East Carolina University, which is the lead agency. She was informed that the Council would like to have the report also.

Discussion occurred about the nine rooms on the second floor, two of which are meeting rooms. The second floor is not able to be used except by a nonprofit until the elevator is installed. Also, until the fire escape is installed, only a limited area of the second floor can be utilized.

Council Member Glover stated that all parties have discussed this. They realized that there is a limited space downstairs for the University, so the nonprofit has agreed to be a partner with the University, and if the University needs more space, the nonprofit has no problem with that.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the resolution approving the lease agreement with the Lucille W. Gorham Intergenerational Community Center, Inc. Motion carried unanimously. (Resolution No. 10-09; Contract No. 1845)

FUNDING FOR EMERGENCY REPAIRS AT THE EXTREME PARK - APPROVED

Director of Recreation and Parks Gary Fenton informed the Council that many communities have extreme parks and more will have them in the future. The uniqueness of this is that they have spectator value. The ages that utilize the park range from 14 to 28, which is a difficult age to reach with other sports. The facility has been a catalyst for attracting BMX to the community. There are more BMXers in Greenville than any other city in the world because of the investment Greenville has made in that park. The park leads to amateurs being professionals, and it is hoped that a free flow tour will be hosted by Greenville this summer. Last year, the Parks Division staff anticipated repairs would be needed for a specific element (the "double half-pipe with center spine") within the Extreme Park (the BMX and skateboard facility located at Jaycee Park), and proposed that funds be included within the upcoming capital budget to address this need. Recent inspections, however, determined that the potential for the failure of this element and serious injuries to users required its immediate removal. Appropriation of emergency repair funds in the amount of \$41,000 will enable its timely replacement. The Recreation and Parks Commission addressed this last night, and it voted to recommend that Council approve the repairs. It is not about putting one park against another; it is about ensuring that resource continues to make a difference. This request is not about expanding the park, it is about make repairs, a replacement with a steel foundation with a skate light. The entire foundation will be steel instead of wood and that will last for many years. The Extreme Park has served the City's BMX and skateboard community, and was one of several important factors in the City being

designated "Sportstown USA" for North Carolina by Sports Illustrated Magazine and the National Recreation and Park Association.

The riders were asked to tutor and mentor some youth from the African American youth so that they, too, might become interested in the sport. Staff was also informed that it needs to look at diverse activities, activities that will help the community diversely. The kids in the African American community can play something besides baseball and should be asked if they would like to have something like this in the African American neighborhoods. It was suggested that there be some summer camps to provide instruction to all kids.

Staff was encouraged to see how the City could also meet the recreational needs of other parts of the City, such as north of the river and in the inner city.

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to approve the appropriation of \$41,900 from the General Fund contingency account for the replacement of a double half-pipe at the Extreme Park. Motion carried unanimously.

LANDSCAPE MAINTENANCE OF RAILROAD RIGHTS-OF-WAY WITHIN THE CITY OF GREENVILLE – APPROVED

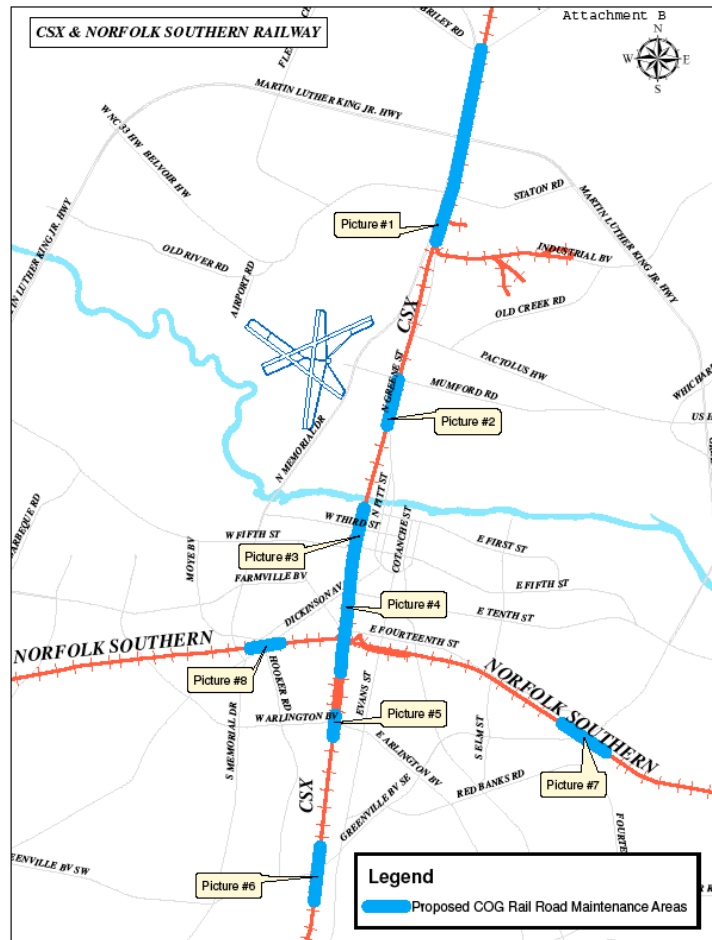
Director of Public Works Wes Anderson informed the Council that the railroad rights-of-way within the City of Greenville are maintained presently by Carolina Coastal Railway (east to west) and CSX (north to south). The railway companies maintain the railway to facilitate safe travel of trains, and for adequate sight distance at intersections. Railroad companies' maintenance standards are based on safety and function rather than aesthetics. There are several sections of the railroad that are very prominent from roadways within the city. The section of CSX rail line from Dickinson Avenue north to the river is particularly prominent, as it is in the center section of the city. This section not only has vegetative growth that is unattractive but also collects litter and debris that is visually unappealing. The City Council established in their 2009 Goals and Objectives an objective to work with railroad companies to maintain vegetation in the area outside of the flagman zone (25' from rail center line) but within the right-of-way of the railroad. Public Works staff met with CSX regarding the possibilities of entering into a beautification agreement. CSX supports the agreement, but the City is responsible for costs of maintenance of the area without subsidy from the railroad. At the September 10, 2009 City Council Meeting, staff presented two options for maintaining the railroad rights-of-way. Option 1 was to maintain all railroad rights-of-way within the city, and Option 2 was to maintain only the area between Dickinson Avenue and the Tar River on the CSX line. City Council asked staff to bring back to Council a recommendation that was in between the two options. Public Works staff has prepared an estimate of the cost of the recommended areas of maintenance. The estimate of \$32,400 is based on four mowing and litter collection cycles per year of 21,000 lineal feet (~30 acres). The areas recommended for city maintenance are as follows:

- CSX line from Howell Street to West 3rd Street
- CSX line in vicinity of Arlington intersection
- CSX line in vicinity of Greenville Boulevard intersection
- CSX line along N. Greene Street in vicinity of Farmer Street to vicinity of Pactolus Highway intersection

- CSX line along N. Memorial Drive from vicinity of N. Greene Street intersection to vicinity of Highway 903 intersection
- Coastal Carolina Railroad line in vicinity of Greenville Boulevard and 14th Street intersections
- Coastal Carolina Railroad line in vicinity of Dickinson Avenue intersection

The recommended areas to maintain include:

- | | |
|---|------------------|
| • CSX line from Howell to W. Third Street | 3500 lineal feet |
| • CSX line at Arlington intersection | 1500 lineal feet |
| • CSX line at Greenville Boulevard intersection | 1500 lineal feet |
| • CSX line along N. Greene Street from Farmer Street to Pactolus Highway | 3400 lineal feet |
| • CSX line along N. Memorial Drive from North Greene Street to Highway 903 | 8800 lineal feet |
| • Carolina Coastal Railway at Greenville Blvd and 14 th Street intersections | 1500 lineal feet |
| • Dickinson Avenue Overpass Area | 800 lineal feet |



The tasks that will need to be performed include mowing and litter pickup four times per year and selected application of growth retardants two times per year. To do so, the City would need to negotiate a draft maintenance agreement with the railroad(s), gain approval from City Council for maintenance agreements, contract for bid mowing, complete required training for contractors and in-house staff, and to establish a maintenance schedule. The estimated cost per year is \$32,000, which is broken down as follows:

- Contract Mowing (Combination of small mowers, tractor mowers, and side arm mowers)
 - - Estimated \$70 per acre (~30 acres) \$ 8,400
- Litter Pickup \$ 5,000
- Safety Equipment \$ 1,000
- Application of Growth Retardant \$10,000
- Required Training (10 people X \$400) CSX/NS \$ 8,000

Director of Public Works Anderson requested Council guidance in order to complete development of the departmental budget. If City Council directs staff to pursue maintenance of the railroad rights-of-way, staff must develop landscape maintenance agreement(s) with one or both railroad companies, present to City Council the proposed maintenance agreement(s) for consideration and approval, and establish a maintenance plan for 2010-2011.

Concern was expressed about the portion of the railroad track on Memorial Drive by Abrams Restaurant not being included in the list and the railroad not paying the City back if the City maintains the landscaping, Mr. Anderson stated that the railroad doesn't have to do any maintenance. There are some properties that they own that fall within the right of way that don't fall within their rules. He has never been successful at winning a battle with the railroad against the right-of-way.

Staff was asked if community service workers could do the maintenance, and Council was informed that special training is required to operate in the area. There is a 75-foot range that if the City is going into the railroad's rules, they would have to have the training.

It was suggested that the City Council do a resolution and send it to the railroad.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to request that the railroad reimburse the City or cooperate with it in this effort to address approving the areas with an extension further to the west of #8 shown on the above map, which would add a couple of more thousand dollars; to approve the staff recommendation to maintain vegetation outside of the 25 foot flagman zone of the aforementioned sections of railroad; and to fund the cost of maintaining the vegetation within those sections of railroad. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

Mayor Dunn informed the Council that discussion needs to take place on the replacement of the City Clerk, Wanda Elks, who has announced her retirement effective May 1, 2010.

Motion was made by Council Member Mercer and seconded by Council Member Joyner to add to the February 22 agenda the process for selecting a new City Clerk and to direct staff to put together materials for the Council to look at. Motion carried unanimously.

Mayor Dunn informed the Council that Democracy North Carolina has asked that the Council consider passing a resolution to ask the legislature to give authority to cities to finance campaigns if they choose to do so.

City Attorney Holec stated that the City would have the option to opt into the program. If it did so, there would be public funding for the financing campaign that would come from the cities. He will provide information to the Council so it will know what it is voting on.

Motion was made by Council Member Mercer and seconded by Council Member Blackburn to place on the March agenda a resolution asking the legislature to give authority to cities to finance campaigns if they choose to do so. Motion carried with a 4:3 vote. Council Members Smith, Mercer and Blackburn voted in favor of the motion. Mayor Pro-Tem Kittrell and Council Members Glover and Joyner voted in opposition. Mayor Dunn broke the tie by voting in favor of the motion.

Council Member Joyner asked that the Interim Fire Rescue Chief give a report on ISO so he can understand it better.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to have staff obtain information on whether other cities have a policy on City Council Members and City staff serving on the boards of other organizations (non-profits and others). Motion carried unanimously.

Council Member Joyner stated that the City needs to establish a policy regarding demolitions and how a house can be brought back up to code in a timely way. He would like for the owner of the property to not be able to get a building permit in 90 days unless they have a plan, for the City to either not issue a building permit or to issue one but with specific information on what needs to be improved.

City Manager Bowers stated that was listed in the goals and objectives of Council.

City Attorney Holec informed the Council that there are State regulations that have to be abided by.

Lieutenant Earl Phipps informed the Council that he provides a list with specific information on what the property owners need to improve. He had prepared a power point presentation for six properties owned by Saad Rentals LLC--1011 Chestnut Street, 1305 West Third Street, 1311 West Third Street, 1313 West Third Street, 209 Cadillac Street, and 707 Cherry Street. The property located at 707 Cherry Street has had the utilities disconnected since January 29, 2007. The taxes are delinquent in the amount of \$259.94. The total value of the property is \$15,357, (\$2,545 land value and \$12,812 building value). The estimated cost to repair the property is \$27,144.90. There have been eleven code enforcement cases initiated on this property since 1998 ranging from public nuisance, trash and debris, abandoned junk vehicles, to minimum

housing and abandoned structure. The Greenville Police Department has responded to 114 calls for service at this property since January 2000 for calls ranging from a subject down call to numerous code related issues requiring a law enforcement officer such as unsecured structure and vagrants occupying the dwelling. The first minimum housing case on this property was initiated on March 7, 2001. Additional historical case records show that the first abandoned structure case was established February 5, 2007 with a hearing set for February 15, 2007. The owner failed to appear at this hearing. Multiple six month lights off inspections were conducted through 2007. Communication has been established with the owners by written notification of violations:

- May 22, 2007 Public Nuisance (Josephine Saad)
- Jun 8, 2007 Public Nuisance (Violette Saad)
- Aug 14, 2007 Public Nuisance (Violette Saad)
- Aug 14, 2007 Weeded Lot (Violette Saad)
- Oct 11, 2007 Follow up notification on Public Nuisance (Violette Saad)

Lieutenant Phipps further explained that the utilities were disconnected on March 6, 2008. Minimum housing violation notifications were sent out on August 12, 2008 and again on August 29, 2008. The second notification for abandoned structure was initialed and notification was sent on February 23, 2009. The notice was unclaimed, however the regular mailing notification was not returned. A hearing was scheduled for March 9, 2009 at the Code Enforcement Office. George Saad signed receipt of this notification; however, no one representing the property owner appeared for the hearing. In efforts to establish a working relationship with the property owners, a meeting was scheduled for April 22, 2009. Mr. George Saad Jr. came to this meeting and introduced himself as being newly responsible for the Saad rental properties throughout the city. During this meeting, 85 properties belonging to Saad Rentals were discussed as several had active ongoing code enforcement cases ranging from public nuisance, to minimum housing and abandoned structure. Mr. Saad was asked by staff to prepare and submit a detailed plan of action outlining steps he would be taking to bring each of the properties into compliance with the Minimum Housing Code. No plan was presented to staff by Mr. Saad as requested. Written notification was provided to Mr. George Saad Jr. on August 24, 2009 concerning several properties that became eligible for Council ordinance consideration on August 11, 2009. A meeting concerning this notification was requested by Mr. Saad prior to bring the properties to Council. In efforts to work with Mr. Saad to resolve the numerous properties having issues as a whole without Council intervention, a meeting was held on August 28, 2009 between staff and Mr. Saad. In this meeting, Mr. Saad was once again asked to provide a concrete plan and time line on bringing each of the properties into compliance. No plan was presented to staff by Mr. Saad as requested. On September 28, 2009, written notification was provided to Mr. George Saad Jr. concerning the first six of his properties being presented to Council for ordinance consideration on October 8, 2009. The six properties that were brought before Council on October 8, 2009 were 209 Cadillac Street; 1313, 1311 and 1305 West Third Street; 707 Cherry Street, and 1011 Chestnut Street. On October 8, 2009, Council adopted ordinances ordering the property owner to repair or demolish each of the properties within 90 days. Written notification was sent out on October 14, 2009 concerning the Council resolutions and was returned signed by George Saad Jr. on October 29, 2009. The deadline for ordinance compliance passed on January 8, 2010. On January 8, 2010, a follow up inspection of the properties was conducted by staff. No discernable work had begun on any of the properties. Additionally, no plan to bring the

properties into compliance had been submitted to Code Enforcement by Mr. Saad or any other representative of his properties. Prior to noon on January 8, 2010, staff noted a generator and paint sprayer on scene at the 209 Cadillac Street property. Further investigation revealed that Mr. Keith Frizelle had hired someone to paint 209 Cadillac Street with an air spray paint gun. The gentleman told staff that he was hired by Mr. Frizelle to spray paint the entire property as quickly as possible. Staff observed that the painter was not repairing any of the deteriorated surfaces of the structure, only painting over them. Staff advised the gentleman to have Mr. Frizelle contact Code Enforcement as soon as possible in order to discuss the location and the covering up of the rotted and deteriorated surfaces throughout the interior and exterior of the property. Mr. Frizelle made contact with staff and was advised of the violations and an agreement was reached to allow him to work over the weekend to repair the property with a follow up inspection to take place by staff on Monday morning. Mr. Frizelle was warned concerning his workers covering up deteriorated/soft, decaying wood with paint and caulk. Additionally, he was advised that in order for staff to hold up on the demolition process on this address he would be required to begin to complete discernable work in a manner that is consistent with the NC building code and the minimum housing standards. Following the contact with Mr. Frizelle on Cadillac Street, Mr. George Saad contacted the Code Enforcement Coordinator and asked to have a 90 day extension to the properties in order to begin to work on them to bring them into compliance. Mr. Saad was advised that, with the passed deadline and no discernable work, the only property being considered for extension was 209 Cadillac Street and that consideration was only if discernable work had begun on the structure. During the course of this conversation, Mr. Saad advised staff that he had already called his Council representative prior to our conversation and that he was told that he would be granted a 60 day extension for all of his properties. On the afternoon of January 8, 2010, the Code Enforcement Coordinator received direction from the City Manager's office to hold off on any demolition proceedings until Monday afternoon. The Code Enforcement Coordinator postponed the decision to initiate the demolition process until Monday afternoon to allow time for direction from upper management. In turn, Mr. Saad agreed to meet staff at 209 Cadillac Street on Monday morning January 11, 2010 to discuss the process. On Monday, January 11, 2010, staff responded to Cadillac Street to meet Mr. George Saad Jr. Mr. Saad did not report to the location as agreed. Instead, Mr. Frizelle was at the location. Mr. Frizelle advised staff that he was handling the properties for Mr. Saad. A walk through was conducted with Mr. Frizelle of the Cadillac Street property. Upon the inspection of Cadillac Street on Monday, January 11, 2010, Mr. Frizelle had begun to remove the exterior rear wall area of the structure. The rear wall was open and the studs and seal were exposed. Several of the exposed studs to the dwelling had soft, deteriorated, decaying wood. The exposed rear seal was deteriorated beyond repair and would need to be replaced as well. A follow up inspection of this property was scheduled for Friday, January 15, 2010. On Friday, January 15, staff met Mr. Frizelle at the Cadillac Street property. Upon inspection, the rear wall was completely enclosed and painted. The interior floors were partially carpeted. The floors remained uneven and at places unsteady during this inspection. When asked if any of the work had been reviewed by the Chief Building Inspector's staff, Mr. Frizelle confirmed that it had not. Without inspection of the work completed, there is no way to determine if work was completed in a manner that meets the NC Building Code or the minimum housing standards. On January 25, 2010, members of staff met with Council Members Joyner and Smith and Mr. Frizelle at 209 Cadillac Street to review the property. On January 27, 2010, Staff requested via email correspondence that Mr. Saad explain the relationship between Mr. Frizelle and he concerning the properties. Additionally, staff instructed Mr. Saad to provide a

written plan of action with a timeline concerning repairs of 209 Cadillac Street by Friday, January 29, 2010 at 1700 hours. Mr. Saad failed to meet this obligation. On February 1, 2010, Mr. Saad contacted staff via e-mail and advised he would be submitting a plan of action by the end of the week. On February 2, 2010 following approval, the Code Enforcement Coordinator sent via email and certified letter a notification of pending demolition of four of the six properties and the immediate steps necessary to avoid the demolition of 209 Cadillac Street and 1313 West Third Street. On Friday, February 5, 2010 Code staff was instructed to hold off once again on the demolition process by the City Manager's office. On Wednesday, February 10, 2010, a follow up inspection was conducted at each of the six properties. Photographic evidence of these inspections reveal that no discernable work has been made to any of the properties to bring them into compliance.

Lieutenant Phipps stated that there are 18 active Code Enforcement Division cases on Saad Rentals LLC properties. Out of the 85 properties owned by the Saad's, 21.17% have an open case against the parcel and/or structure, six of which have active demolition orders. Total back taxes and fees owed on the properties as of January 11, 2010 are \$61,735.61 (\$12,973.54 to the City and \$48,762.07 to the County). Lieutenant Phipps recommended that all six properties (209 Cadillac Street, 1313 West Third Street, 1311 West Third Street, 1305 West Third Street, 707 Cherry Street, and 1011 Chestnut Street) be demolished.

The consensus of the Council was for the City to proceed with the demolition.

Council Member Joyner stated that he has not been given a list of meetings that he can and cannot attend. He made a motion for staff to give guidelines on what other cities are doing and provide a policy to Council for consideration about what meetings the Council can and cannot attend. Motion was seconded by Council Member Kittrell and carried unanimously.

Upon inquiry, City Attorney Holec stated that the meeting Council Member Joyner is referring to was a meeting of staff.

Motion was made by Council Member Smith and seconded by Council Member Glover to add "Consideration for funding of Walking Trail in Greenfield Terrace from the Contingency Fund" to the March 1, 2010 agenda. Motion carried unanimously.

Staff was asked to look into the feasibility of solar panels and if they can be done in a cost effective manner.

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to add to a March or April 2010 agenda "Discussion of steps to take to separate public/private clubs from neighborhoods." and for staff to provide information on how such an ordinance would look and how it might function. Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Bowers stated that discussion about the nonresidential building code was scheduled to be on the February 11, 2010 agenda; however, because of an advertising error, it will be on a March agenda.

City Manager Bowers reminded the Council that because the January 30 Planning Session was not held because of the snow, the Council decided to place many of the items on the February 22, 2010 agenda. Tim Ware, the facilitator, will come back to complete Goal #8 (enhance diversity). He informed the Council that the meeting would be in the Chambers unless action is taken to move it to Room 337 in City Hall.

Motion was made by Council Member Kittrell and seconded by Council Member Glover to change the location of the February 22, 2010 meeting to Room 337 of City Hall. Motion carried unanimously.

City Manager Bowers stated that several reports have been added to the February 22 meeting, and he doesn't think they can be completed at that meeting. He recommended that some of them need to be moved to another meeting. He recommended that the three presentations from Public Works (special assessments, erosion on stream banks and stormwater facilities) be placed on the regular agenda in March. They should go ahead with the update on crime and the crime free rental housing and the finances. The CIP is scheduled for March 1, 2010. He recommended that the OPEB (Other Post-Employment Benefits) and the City Clerk process be placed on the February 22 agenda.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to proceed with the agenda items as detailed by the City Manager. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to adjourn the meeting at 11:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Support of Pitt County's hosting of the 2010 North Carolina Association of County Commissioners Conference

Explanation: This year Pitt County officials will host in Greenville for the first time the North Carolina Association of County Commissioners Annual Conference. Hosting such a conference marks a significant milestone in our community. The long-term benefits of bringing hundreds of visitors to Greenville will generate the expected hotel occupancy tax revenue, as well as indirect revenues resulting from travel, dining, and shopping.

During the City of Greenville's 2009 North Carolina League of Municipalities Annual Conference planning process, the City and County pledged to be supportive of each other as each organization would be hosting its respective state-wide association conference. Pitt County officials helped support the City's efforts through a \$10,000 sponsorship.

The County Manager requests that the City of Greenville support its conference planning efforts through a \$10,000 sponsorship of its campaign. As a sponsor, Pitt County will ensure that the City is recognized in its materials highlighting sponsors.

Fiscal Note: \$10,000. Funds are available in the unreserved, designated NCLM 2009 Annual Conference General Fund balance.

Recommendation: Authorize payment of \$10,000 to Pitt County for sponsorship of the North Carolina Association of County Commissioners Conference.

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Attachments / click to download

 [Pitt County Letter](#)



PITT COUNTY
OFFICE OF THE COUNTY MANAGER
1717 W. 5TH STREET
GREENVILLE, NORTH CAROLINA 27834-1696
TELEPHONE: (252) 902-2950 FAX: (252) 830-6311

D. Scott Elliott
County Manager

February 12, 2010

Mr. Thom Moton, Jr.
Assistant City Manager
City of Greenville
PO Box 7207
Greenville, NC 27835-7207

Dear Mr. ~~Moton~~ *Thom*:

Pitt County Government greatly appreciates the City's sponsorship and support of the upcoming 2010 NCACC (North Carolina Association of County Commissioners) Conference. As you are aware, the conference will be held August 26-29, 2010. I would like to thank you for the City's generous pledge of \$10,000 and ask for remittance as we plan our budget for this conference.

On behalf of the entire Pitt County Board of Commissioners and the County staff, I greatly appreciate your support of this special event. We can make this conference a success with your help.

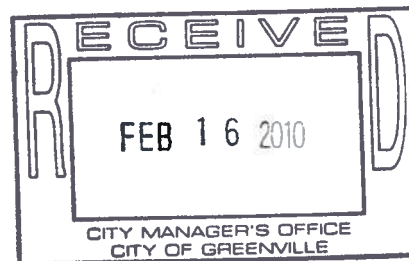
Sincerely,

A handwritten signature in blue ink that reads "D. Scott Elliott".

D. Scott Elliott
Pitt County Manager

Cc: Mike Taylor, Deputy County Manager/Chief Information Officer
Melonie Bryan, Deputy County Manager/Financial Services

Kwh#79319



Item # 2



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolution to protect the hotel room occupancy tax

Explanation: Attached is a letter from the Greenville-Pitt Convention and Visitors Authority's Executive Director, Debbie Vargas, advising the City Council of potential federal law(s) that would exempt online/internet-based travel agencies from payment of hotel occupancy taxes. The Convention and Visitors Authority board members unanimously adopted the attached resolution and request the City Council pass a similar resolution in support of its position opposing the exemption of online travel agencies from payment of hotel occupancy taxes.

Fiscal Note: In fiscal year 2008-2009, \$1.356 million was collected in hotel room occupancy tax in Pitt County.

Recommendation: Adopt the attached resolution opposing the exemption of online travel agencies from payment of hotel occupancy taxes.

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Attachments / click to download

- [CVA Letter](#)
- [Resolution](#)
- [Resolution to Protect the Room Occupancy Tax 857602](#)

RESOLUTION NO. 10-
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
TO PROTECT THE ROOM OCCUPANCY TAX

WHEREAS, in fiscal year 2008-2009, \$1.356 million was collected in hotel room occupancy tax in Pitt County; and

WHEREAS, room occupancy tax in Pitt County funds the Greenville Convention Center and the promotion of travel and tourism which generates visitor spending in local businesses including hotels, restaurants, retail merchants, rental car and cab companies, and more; and

WHEREAS, in 2008 the economic impact from travel to Pitt County was estimated at \$182.7 million, provided more than 2,000 jobs with a total payroll of \$37.34 million, and generated \$9.24 million in state tax revenues and \$4.32 million in local tax revenues; and

WHEREAS, additional sales tax in Pitt County helps to fund local government operations and services including education, public safety, and human service programs; and

WHEREAS, most destination marketing organizations and State and local governments are already operating in strained budgets and facing fiscal crises, and reducing or eliminating taxes for online travel companies would further cut vital funding to local governments that will result in job losses, service cutbacks, and severe reductions in tourism promotion; and

WHEREAS, reducing or eliminating online travel companies' taxes would provide them an unfair competitive advantage by providing them preferential tax treatment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it strongly opposes any action which impacts local governments' ability to levy taxes on rooms that are marketed through online travel companies.

Adopted this the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

TO: Mayor, Mayor Pro-Tem, and Members of the City Council

FROM: Debbie Vargas, Convention & Visitors Bureau

DATE: February 19, 2010

RE: Request for Resolution Regarding Occupancy Taxes and Online Travel Companies

It was recently brought to our attention that there is an effort to exempt online travel companies such as Expedia and Hotels.com from collecting local occupancy taxes. For North Carolina counties, this could be a revenue loss in excess of \$75 million. This would provide online companies with an unfair competitive advantage by providing them preferential tax treatment. There is also an ultimate fear that elimination of occupancy taxes for online travel companies could lead to elimination of all occupancy taxes on room rental bookings thus eliminating the revenue source for the promotion of travel and tourism as well as for other tourism projects in communities, such as convention centers.

We have been asked by the North Carolina Travel Industry Association and the North Carolina Association of County Commissioners to contact our United States Senators to voice our opinion on this matter. I have included a copy of a resolution that was unanimously passed by the Pitt-Greenville Convention and Visitors Authority opposing this exemption for online travel companies. I would like to ask that the Greenville City Council consider adopting a similar resolution showing your support for a level playing field and the integrity of the use of the occupancy tax funds for viable tourism promotion and development.

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY
RESOLUTION
TO PROTECT THE ROOM OCCUPANCY TAX

WHEREAS, in fiscal year 2008-2009, \$1.356 million was collection in hotel room occupancy tax in Pitt County; and

WHEREAS, room occupancy tax in Pitt County funds the Greenville Convention Center and the promotion of travel and tourism which generates visitor spending in local businesses including hotels, restaurants, retail merchants, rental car and cab companies, and more; and

WHEREAS, in 2008 the economic impact from travel to Pitt County was estimated at \$182.7 million; and provided more than 2,000 jobs with a total payroll of \$37.34 million; and generated \$9.24 million in state tax revenues and \$4.32 million in local tax revenues; and

WHEREAS, additional sales tax in Pitt County helps to fund local government operations and services including education, public safety, and human service programs; and

WHEREAS, most destination marketing organizations, and State and local governments are already operating on strained budgets and facing fiscal crises; and reducing or eliminating taxes for online travel companies would further cut vital funding to local governments that will result in job losses, service cutbacks, and severe reductions in tourism promotion; and

WHEREAS, reducing or eliminating online travel companies' taxes would provide them an unfair competitive advantage by providing them preferential tax treatment.

NOW, THEREFORE, BE IT RESOLVED, that the Pitt-Greenville Convention and Visitors Authority strongly opposes any action which impacts local governments' ability to levy taxes on rooms that are marketed through online travel companies.

ADOPTED this the ___ day of February, 2010.

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

James Streeeter, Chairman

ATTEST:

Debbie Vargas, CEO, Greenville-Pitt County Convention & Visitors Bureau



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the construction of roadway improvements on Persimmon Place between Winding Branches Drive and Pine Branches Circle

Explanation: Attached for City Council consideration is a municipal agreement for the construction of roadway improvements on Persimmon Place between Winding Branches Drive and Pine Branches Circle. Upon completion of these improvements, Persimmon Place would be accepted for maintenance by the City. The project involves widening Persimmon Place, installing curb and gutter, and resurfacing the street.

At its October 14, 2004 meeting, the City Council approved a request to add Persimmon Place to the Greenville Street System subject to it being upgraded to City Standards. This was one of the proposed terms of a settlement in the Fire Tower Road litigation. In June 2006, the City Council approved a municipal agreement with NCDOT for the Fire Tower Road Project that set out the responsibilities of NCDOT and the City associated with this project. The agreement identified that NCDOT was responsible for funding upgrades along Persimmon Place. It was also identified that this matter would be handled under a separate agreement between NCDOT and the City at a later date once those improvements and costs have been identified.

Per the attached agreement, the City will be responsible for completing the necessary documents and performing the construction administration for the project. NCDOT is responsible for all costs associated with this project work and the acquisition of the needed right-of-way for Persimmon Place. The State will reimburse the City up to an amount not to exceed \$149,000 for actual project design, construction, and inspection costs.

Fiscal Note: Powell Bill funds will be utilized for this project, which will be reimbursed by NCDOT.

Recommendation: Approve the attached municipal agreement with the North Carolina Department

of Transportation for the construction of roadway improvements on Persimmon Place between Winding Branches Drive and Pine Branches Circle.

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 [Municipal Agreement for Persimmon Place](#)

NORTH CAROLINA
PITT COUNTY

FINAL
1/25/2010

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

MUNICIPAL AGREEMENT
WBS ELEMENT: 44082

AND

CITY OF GREENVILLE

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" and the City of Greenville, a municipal corporation, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department and the Municipality propose to make certain street and highway constructions and improvements within the Municipality in conjunction with Project U-3613 B, Pitt County, said Project to consist of performing a minimum upgrade along Persimmon Place such that it qualifies for addition to the Greenville City Street System; and

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-66.3, Section 136-18 (24), Section 20-169, Section 160A-296 and Section 297, to participate in the planning and construction of the Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Municipality, as of the date of the awarding of the contract for the construction of the above-

mentioned Project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, the Department has agreed to provide funds to the Municipality in accordance with Paragraph 11 of the Municipal Agreement between NCDOT and the City of Greenville, executed June 26, 2006; 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:

SCOPE OF PROJECT:

1. The Project consists of the minimal upgrade to include widening and resurfacing of 0.14 miles on Persimmon Place from Winding Branches Drive to Pine Branches Circle in Greenville in conformity with the plans and specifications prepared by the Municipality and dated August 19, 2009.

PROCUREMENT OF SPECIALIZED SERVICES:

2. If the Municipality causes the professional engineering services required by this Agreement to be performed by contracting with a private engineering firm and seeks reimbursement for said services under this agreement, it is agreed as follows:

(A) The Municipality shall ensure that an engineering firm is obtained through an equitable selection process and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.

(B) The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of the professional services contract by the Municipality.

(C) The Municipality shall perform construction administration and project administration in accordance with all applicable Municipal and state policies and procedures.

PLANNING AND DESIGN:

3. The Municipality, and/or its consultant, shall prepare, at the Department's expense, applicable environmental and/or planning documents and obtain any environmental permits and/or Municipal approvals needed for the Project. The Municipality, at the Department's expense, shall be responsible for preparing and reviewing any plats required for the purpose of conveying and dedicating any right of way needed for the Project. All work shall be done in accordance with the Municipality's standards, specifications, policies and procedures.

UTILITIES:

4. The Municipality shall relocate and adjust all utilities in conflict with the Project, at the Department's expense, subject to review and approval of the plans prior to commencement of the work.

RIGHT OF WAY:

5. The Department, at no expense or liability whatsoever to the Municipality, shall be responsible for acquiring any needed right-of-way and/or permanent easements for said Project. Additionally, the Department shall acquire the right-of-way necessary to provide a right-of-way of the width and of the length along Persimmon Place such that it qualifies for addition to the Greenville City Street System, such right-of-way to be provided by the Department and dedicated to the Municipality without any cost whatsoever to the Municipality.

CONSTRUCTION:

6. The Municipality shall construct, or cause to be constructed, the Project in accordance with the plans and specifications dated August 19, 2009. The Municipality shall enter into and

shall administer the construction contract for said Project and the procedures set out herein below shall be followed:

(A) Prior to advertising the Project for construction bids, the Municipality or its agents, shall provide the total contract proposal and an estimate of the Project costs to the Division Engineer. Bids received along with proper documentation of Municipal approval shall be submitted to the Division Engineer. Upon award of the contract, the Municipality shall provide the Division Project Manager a copy of the executed contract.

(B) The Municipality shall follow Municipal and state regulations and North Carolina General Statutes pertaining to bid procedures for award of the contract. The Municipality shall obtain a "Concurrence of Award" from the Division Engineer prior to entering into any contractual agreement for any phase of the project.

(C) The construction engineering and supervision will be furnished by the Municipality. Said work shall be accomplished in accordance with terms set out in Paragraph 2 of this Agreement.

(D) The Department's Division Engineer shall have the right, at the Department's expense, to inspect, sample, and test to approve or reject any portion of the Project being performed by the Municipality or the Municipality's contractor, to ensure compliance with the provisions of this Agreement.

(E) The Municipality shall sample and test all materials in accordance with the Municipality's policies and procedures for process control and acceptance sampling and testing.

(F) Any changes to the August 19, 2009 plans and specifications, dated August 19, 2009, are subject to review and approval by the Division Engineer.

(G) Prior to final acceptance and payment by the Department, the Division Engineer shall make a final inspection of the completed work.

(H) During construction of the Project, the Municipality shall provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformance with the standards and specifications of the Department and the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

(I) Construction of the Project shall be completed within one (1) year of the award of the construction contract and receipt of the "Concurrence of Award" from the Department.

CONSTRUCTION SUBCONTRACTOR GUIDELINES:

7. Any construction contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses and Women Businesses as required by GS 136-28.4 and the North Carolina Administrative Code.

The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at:

www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html

FUNDING:

8. Subject to compliance by the Municipality with the provisions set forth in this Agreement, the Department shall reimburse the Municipality for the actual construction, design, and inspection costs of the Project not to exceed \$149,000.00. Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Division Engineer and the Department's Fiscal Section.

(A) The Municipality may bill the Department for actual costs by submitting an itemized invoice and requested documentation to the Department. Reimbursement shall be made upon completion of the Project. By submittal of an invoice, the Municipality certifies that it has adhered to all applicable state laws and regulations as set forth in this Agreement.

(B) Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process. Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/a087/a087.html). Reimbursement shall be based on actual costs incurred with the exception of equipment owned by the Municipality or its project partners. Reimbursement rates for equipment owned by the Municipality or its project partners cannot exceed the Department's rates in effect for the time period in which the work is performed. If a contractor performs the work, said invoices shall show the contract costs.

(C) In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html) dated June 27, 2003, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

(D) The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate all costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this Agreement, for inspection and audit by the Department's Fiscal Section.

(E) The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs.

(F) All invoices associated with the Project must be submitted within one (1) year of the completion of construction of the Project to be eligible for reimbursement by the Department.

TRAFFIC:

9. During construction of the Project, all traffic operating controls and devices shall be established, enforced, and installed in accordance with 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 maintained and controlled by the Department upon completion of the Project.

MAINTENANCE:

10. Upon completion of the Project, the roadway shall be added to the City Street System and owned and maintained by the Municipality.

ADDITIONAL PROVISIONS:

11. It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency. By execution of this Agreement, the Municipality 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 a governmental department or agency.

12. The Municipality shall certify compliance to the Department with all applicable state laws and regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by the Municipality or any entity performing work under contract with the Municipality.

13. The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for reimbursement under this Agreement.

14. The Municipality 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 damage and/or liability in connection with the Project activities which are the responsibility of the Municipality and performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages claims, which may be initiated by third parties.

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

16. In compliance with state policy, the Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall have a Conflict of Interest Policy and adhere to the Department's Women Business Enterprise (WBE) and Minority Business Enterprise (MBE) policy which requires goals to be set and participation to be reported, as more fully described in the Procurement section of this Agreement.

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 expenditure 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.

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

L.S.

ATTEST:

CITY OF GREENVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

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

(SEAL)

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

Finance Officer

Federal Tax Identification Number

City of Greenville

Remittance Address:
City of Greenville

DEPARTMENT OF TRANSPORTATION

BY: _____
STATE HIGHWAY ADMINISTRATOR

DATE: _____

BOARD OF TRANSPORTATION AGENDA DATE: _____



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: West Greenville Brownfields Petroleum Assessment Project Agreement with Concurrent Technologies Corporation

Explanation: The City of Greenville was recently awarded a \$200,000 Environmental Protection Agency (EPA) Brownfields Petroleum Assessment Grant to assess West Greenville Certified Redevelopment Area properties' environmental conditions. This is the second EPA Brownfields grant received by the City of Greenville. Since acceptance of this award, City staff conducted a competitive procurement process that has led to the selection of Concurrent Technologies Corporation (CTC) as the management consultant for the project.

Currently, CTC manages the City's 2007 EPA Brownfields Hazardous Assessment grant. In addition to its role as the management consultant, CTC will complete a portion of the assessment project using two subcontractors, one of which is the locally operated Rivers and Associates. Brownfields Assessment funds enable the City to promote the redevelopment of West Greenville properties while identifying and evaluating potential threats to human health and the environment. Assessment funds also enable the City to give industrial and heavy commercial properties that may have the potential to be contaminated, but have no contamination, a clean bill of health - including facilities like closed tobacco warehouses, bulk petroleum storage facilities, railroad facilities, and abandoned service stations.

Attached to this agenda item are CTC's executive summary of the agreement and a professional services agreement. The executive summary provides additional details about the consultant's and subcontractors' contractual obligations.

Fiscal Note: All fees for the management consultant, as well as environmental and planning sub-consultants, will be paid through the \$200,000 EPA Brownfields Petroleum Assessment Grant awarded to the City.


Recommendation: Approve the attached agreement with Concurrent Technologies Corporation to

manage the City's EPA Petroleum Assessment grant.

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

Attachments / click to download

 [CTC Service Agreement](#)

 [Brownfield Contract Executive Summary](#)

West Greenville Brownfields Petroleum Assessment Project Agreement between the City of Greenville and Concurrent Technologies Corporation

Executive Summary

CTC will partner with the City of Greenville to effectively administer and manage all aspects of the US EPA Brownfields Petroleum Assessment Grant, including all required reporting and contractor procurement. *CTC* will insure that all activities are completed in accordance with the work plan and all required statutes, circulars, terms & conditions, including establishment and maintenance of necessary cooperative agreement records and files; financial management, project oversight, attendance at necessary project meetings, and attendance at EPA conferences and meetings.

In addition to the project management activities, *CTC* will complete the following five (5) tasks described below.

Community Outreach & Education

Community involvement is a vital aspect of EPA Brownfield Grants, and one that requires knowledgeable and experienced staff to execute. Incorporating lessons learned and successful strategies developed from 12 years of experience with the EPA Brownfield program, *CTC's* staff will craft a customized and effective community outreach and education program for the City of Greenville. *CTC* will develop a draft Public Involvement Plan (PIP) to ensure the City's objectives are met and that community concerns are considered in site identification, assessment and redevelopment planning, and execution. The Plan will not only ensure that the public is kept informed of project's progress and results but also will encourage public involvement in the project. The Plan will be developed with input from the City and the community. Some of the activities to be detailed in the PIP will include community service announcements, public meetings, presentations to community and neighborhood groups, and development of outreach materials (videos, brochures, website, etc.).

Site Inventory and Mapping

CTC will work with the City, stakeholders/investors, cooperative partners, and the target population to identify and select those brownfields sites with the greatest potential for economic development and reduction of risk to human health and the environment for further assessment. The first step will be to create an inventory of all the petroleum brownfield sites in the project area. *CTC* will task subcontractor Duncklee & Dunham to prepare a Geographic Information System (GIS)-based Brownfields Inventory to identify candidate sites. Duncklee & Dunham will use the City of Greenville's GIS shape files and begin the development of an inventory

database by creating additional attributes for environmental public record information and for site reconnaissance observations of environmental concerns. This newly developed database and GIS file developed using ArcGIS will reflect the parcel's history, potential contamination issues, redevelopment potential, and other related concerns. Information on property owner's names, size of property, zoning, tax value, and other pertinent information will also be included in the database. The City will then be able to utilize the database to assist in the prioritization and selection of brownfield sites for further assessment.

Phase I and Phase II Environmental Site Assessments

CTC and subcontractor Duncklee & Dunham will utilize an innovative GIS approach to conducting multiple Phase I Environmental Site Assessments (ESA). This will allow for a greater number of ESAs to be performed using grant funding. The focus of assessments will be collection and reporting of information in evaluating business environmental risk in a commercial real estate transaction and to obtain protection from potential liability as an innocent landowner, a contiguous property owner, or a bona fide prospective purchaser. Based on the results of the Phase I ESAs, with direction from the City and their redevelopment objectives, sites will then be prioritized for Phase II ESA work.

Based upon the results of the Phase I ESA's, we will conduct Phase II ESA's under the City's direction on the high priority sites. Site-specific sampling and analyses will be performed in an effort to characterize the occurrence, distribution, nature and extent of petroleum and hazardous compounds in soil and groundwater at a property. In order to maximize the potential redevelopment of selected sites, the project team plans to use non-traditional, innovative approaches.

Visioning

CTC along with land planning and engineering firm Rivers and Associates will engage stakeholders, cooperative partners, the target population, and the general public in envisioning how key petroleum brownfields properties and adjacent public infrastructure can be enhanced to create opportunities for public-private reinvestment in West Greenville. The enhancement of public and semi-public spaces and infrastructure - parks, plazas, streets, streetscapes, bikeways, utilities – can serve as a catalyst for the economic and physical revitalization of brownfields within the project area. The project team will coordinate the visioning workshops and develop a visioning/planning document that will define the community's needs, explore the market potential, identify potential funding opportunities, and define a redevelopment strategy.

Remediation Planning

CTC will prepare a Cleanup and Redevelopment Plan for the highest priority sites where Phase II ESA activities have been completed. The Cleanup and Redevelopment Plans will include an Analysis of Brownfields Cleanup Alternatives (ABCA). The ABCA will summarize information about the site and contamination based upon the Phase I and II ESA's; cleanup standards; applicable laws; alternatives considered; and the proposed cleanup plan. The primary goal for this effort will be to identify potentially applicable remediation alternatives and to estimate the nature, extent, duration, and cost of implementing select remediation alternatives at the sites. This task will provide potential buyers and end users with a general description of potential remediation alternatives and approximate cost to assist in redevelopment planning.

SERVICES AGREEMENT
(Cost Plus Fixed Fee)

THIS SERVICES AGREEMENT is executed and delivered as of _____, 2010 between the **City of Greenville, North Carolina** ("**Client**"), and **Concurrent Technologies Corporation** ("**CTC**"), an independent nonprofit organization organized and existing under the laws of the Commonwealth of Pennsylvania. The parties intending to be legally bound hereby agree as follows:

1. **Scope of Work.** In consideration of the fees specified herein and pursuant to the terms of this Agreement, **CTC** shall perform the services described on Exhibit A, attached hereto ("**Services**"), which Exhibit shall contain a description of fees and services. Any waiver, alteration, modification or amendment to this Agreement or the attached Exhibits shall not be effective unless reduced to writing and signed by a duly authorized representative of each party. Should a conflict arise between the body of this Agreement or the referenced Exhibits, the body of this Agreement shall control.

2. **Deliverables.** The Services include development of deliverables listed on Exhibit B, attached hereto ("**Deliverables**"). The parties agree that the Deliverables, excluding **CTC** Technology, shall be the property of **Client**, provided that **Client** performs its payment obligations under this Agreement. The **Client** agrees and acknowledges that all rights, title and interests to **CTC** Technology shall belong to **CTC**. Subject to the provisions of confidentiality contained herein, **CTC** hereby grants **Client** a perpetual, non-exclusive license to use the **CTC** Technology in connection with the Deliverables. **Client** hereby grants **CTC** a perpetual, unrestricted, non-exclusive right and license to use any and all portions of the Deliverables owned by Client. The Deliverables shall be deemed accepted by **Client** upon delivery. The term "**CTC** Technology" shall mean any and all source code for software provided as or in connection with a Deliverable, as well as any and all Technology which is provided by **CTC** to **Client** as or in connection with a Deliverable and (i) developed by **CTC** prior to the effective date of this Agreement, whether exclusively or jointly with a third party, regardless of the source of funding for such development; (ii) developed by **CTC**, whether exclusively or jointly with **Client** or a third party, at the exclusive expense of **CTC** and any individuals or entities other than **Client**; or (iii) developed by **CTC**, whether exclusively or jointly with a third party, pursuant to any contract or arrangement except this Agreement. The term "Technology" shall mean information, data, processes, methodologies, ideas, compositions of matter, machines, articles of manufacture, software and documentation.

3. **Confidential Information.** Each party agrees that it shall not duplicate, use or disclose the Confidential Information (as defined below) of the other party and shall keep confidential and safeguard such Confidential Information with the same degree of protection and care that such party uses to protect its own Confidential Information. Within thirty (30) days after termination of this Agreement for any reason, each party shall return the Confidential Information of the other party or certify that all copies of such Confidential Information in its possession have been destroyed. Confidential Information shall mean all information disclosed by the disclosing party to the other party, which is clearly identified as proprietary or confidential at the time of disclosure. Information which is disclosed orally shall be reduced to writing and marked

confidential within five (5) days of disclosure. Confidential Information does not include information which is: (i) already known to the receiving party as may be shown by competent written evidence; (ii) in the public domain; (iii) conveyed to the receiving party by a third party without restriction; (iv) released by the disclosing party without restriction; (v) independently developed by the receiving party; or (vi) required by the Court Order to be released. The **CTC** Technology shall be deemed Confidential Information of **CTC**.

Notwithstanding the foregoing, this paragraph shall not prohibit the release of information pursuant to: (1) a valid Open Records Request; (2) request from the property site owner; or (3) request from the North Carolina Department of the Environment and Natural Resources, provided **CTC** is made aware, in writing, prior to such release of information and the nature of such requests.

4. **Client Responsibilities.** **Client** shall perform the tasks and provide the items set forth on Exhibit C, attached hereto as a condition precedent to the obligations of **CTC** hereunder. **Client** acknowledges that, in order for **CTC** to successfully perform its obligations hereunder, **Client** must cooperate with **CTC** and provide information, resources and make **Client's** facilities available to **CTC** as **CTC** may request from time to time. **CTC** shall be entitled to rely on any information provided by **Client** as true and correct and **Client** shall indemnify **CTC** from any and all damages, costs, liabilities resulting from such reliance.

5. **Payment and Fees.** The Services shall be performed by **CTC** on a cost reimbursable basis, including facilities capital cost of money (FCCM). **Client** shall pay to **CTC** any and all invoices within thirty (30) days from the date of such invoice, unless other terms are specified by **CTC**. Any invoiced amount which is not paid by **Client**, shall be increased by a late charge equal to 1.5% for each month (or a portion thereof) in which such invoiced amount is not paid. **Client** shall be responsible for the payment of all taxes based upon the Services provided herein to the Deliverables, except taxes based upon the income of **CTC**. **Client** agrees to pay any sales, excise or use tax or similar taxes that are assessed against **CTC**. **Client** shall be responsible to pay or reimburse **CTC** for all reasonable disbursement of travel (in accordance with the Federal Joint Travel Regulations), common meals and lodging expenses incurred by **CTC** in connection with the performance of Services hereunder.

6. **Warranty.** **CTC** warrants that it shall perform the Services in a workmanlike manner.

7. **Liability.** Liability of the respective parties with regard to negligence and/or breach of contract shall be governed by the laws of the State of North Carolina.

8. **Term and Termination.** The term of this Agreement shall begin as of the date first written above and end on the date specified on Exhibit A, unless earlier terminated pursuant to the terms herein. The estimated time schedule for the Services to be provided hereunder and delivery of the Deliverables shall be as set forth on Exhibit B, attached hereto. Either party may terminate this Agreement upon providing sixty (60) days written notice to the other party. If **Client** terminates this Agreement without cause, **Client** shall pay all fees owed to **CTC** under this Agreement and any and all reasonable disbursements and expenditures. Either party may terminate this Agreement at any time in the event that the

other party commits a material default of any of its covenants or obligations hereunder, which such defaulting party fails to cure within thirty (30) days after receiving written notice of such default from the non-defaulting party.

9. **Miscellaneous.** Neither party shall make any public announcements or issue any news releases containing references to this Agreement or the working relationship of the *Client* and *CTC* hereunder without the prior written consent and authorization of the other party. *Client* acknowledges that due to the nonprofit status of *CTC*, *CTC* shall have the right to refer to projects completed under this Agreement in proposals and marketing summaries for purposes of demonstrating the qualifications and work experience of *CTC* and to publish the technology created during or as a result of this Agreement in professional or governmental journals. The technical contacts for each party are specified on Exhibit B. Nothing contained herein shall be construed as creating a partnership, employment relationship, or agency relationship between the parties, or as authorizing either party to act as an agent for the other. Each party maintains its separate identity. This Agreement shall be governed by the laws of Pitt County North Carolina and venue shall be Pitt County, North Carolina.

IN WITNESS WHEREOF, the duly authorized representative of each party has executed this Agreement effective as of the day and year first above written.

CONCURRENT TECHNOLOGIES CORPORATION

By: _____

Print Name: Darnella Parker

Title: Manager, Contract Resources

Date: _____

CLIENT:

City of Greenville, North Carolina

By: _____

Print Name: _____

Title: _____

Date: _____

CTC2106a (T&M)

Bid & Proposal Number: BDPRP.PES.0090

EXHIBIT A

Services:

CTC will partner with the City of Greenville to effectively administer all aspects of the US EPA Brownfields Assessment (Petroleum) Grant. In addition, *CTC* will perform the following project management tasks as required to implement and manage this project under the cooperative agreement, including all required reporting and contractor procurement.

Project Management

CTC will complete those activities necessary to manage the project in accordance with the work plan and all required statutes, circulars, terms & conditions, including establishment and maintenance of necessary cooperative agreement records and files; financial management, project oversight, attendance at necessary project meetings, and attendance at EPA conferences and meetings.

Periodic Reporting

CTC will complete and submit the following required periodic reports.

- Monthly Progress Reports
- Quarterly Progress Reports within 30 days of the end of each federal fiscal quarter
- MBE/WBE reports (quarterly)
- Financial Status reports (annually)
- Property Profile Form for each site, when identified and verified as eligible, updated quarterly

Final Performance Report

CTC will submit a final performance report to the City and EPA Project Officer within 90 calendar days after the expiration or termination of the award. The report will detail all activities conducted under the project and will include before and after photos of the assessment sites, if available. The report will include a discussion of the environmental, health, and economic benefits realized as a result of the project. In addition, the Final Performance Report will specifically address lessons learned by the project team in implementing the Brownfields assessment as well as successes achieved.

Task 1 – Community Outreach & Education

Community involvement is a vital aspect of EPA Brownfield Grants, and one that requires knowledgeable and experienced staff to execute. Incorporating lessons learned and successful strategies developed from 11 years of experience with the EPA Brownfield program, *CTC's* staff will be able to craft a customized and effective community outreach and education program for the City of Greenville. In the first 30 days, *CTC* will develop a draft (revise existing PIP) Public Involvement Plan (PIP) to ensure the City's objectives are met and that community concerns are considered in site identification, assessment planning, and execution. The Plan will not only ensure that the public is kept informed of project's progress and results but also will encourage public involvement in the project. The Plan will be developed with input from the City and the community. The activities to be detailed in the PIP will include, at a minimum the following outreach efforts:

- Publish community service announcements in the local media to keep local residents informed of planned community meetings and project updates.
- Coordinate and facilitate public meetings, "round tables" and hearings to educate the public on brownfield redevelopment opportunities, environmental and public health issues, and the revitalization potential of brownfield sites.
- Visit with community groups and neighborhood associations at their locations to gather input and develop ideas.
- Communicate to potential investors about potential brownfield redevelopment opportunities.

- Develop outreach materials including, project brochure (update existing brochure), informational materials, and property marketing sheets. Outreach materials will also be designed to highlight the project's goals and objectives, explain the events that will occur in the program, and provide contact names and information on how to get involved in the project.
- Update project website (www.ctcbrownfields.com/greenville_nc) that will also serve as an informational repository.
- Create an informational video marketing the brownfield project to potential investors and developers, to increase the potential of private investment.

Task 2 – Site Inventory and Mapping

CTC will work with the City, stakeholders/investors, cooperative partners, and the target population to identify and select those brownfields sites with the greatest potential for economic development and reduction of risk to human health and the environment for further assessment. The first step will be to create an inventory of all the brownfield sites in the project area with known or potential petroleum contamination. *CTC* will task subcontractor Duncklee & Dunham to continue site inventory and mapping (started under previous EPA Brownfield Assessment – Hazardous Substance Grant) activities to prepare a Geographic Information System (GIS)-based Brownfields Inventory to identify candidate sites. Duncklee & Dunham will use the City of Greenville's GIS shapes files to develop the inventory database by creating additional attributes for environmental public record information and for site reconnaissance observations of environmental concerns. This database and GIS file developed using ArcGIS will reflect the parcel's history, potential contamination issues, redevelopment potential, and other related concerns. Information on property owner's names, size of property, zoning, tax value, and other pertinent information will also be included in the database.

Site reconnaissance observations and data will be directly placed into the GIS database developed for the West Greenville Redevelopment Area in the field using a laptop computer equipped with ArcPad. A review of the data will be performed by a Duncklee & Dunham senior level professional for quality assurance/quality control. Additionally, a digital photograph of each parcel will be linked to the GIS file to allow the general public and/or perspective developers to view the condition of the site. This information can then be used by city planners or potential developers to identify environmental issues early in the redevelopment process.

Final deliverables will include a Geodatabase file presenting all of the information developed as part of the inventory and digital pictures of each property. The Geodatabase will include general parcel, records review information and site observations regarding environmental issues. This data will then be integrated into the City of Greenville's GIS system.

After the City's review and evaluation of the inventory, the project team will survey and request additional information on potential priority brownfield sites based on input from the City, stakeholders, cooperative partners, and the target population. Site submittal forms will be made available to all interested parties. Information from sites will be collected and added to the inventory as necessary.

The project team will develop a property ranking system and apply it to each of the properties in the inventory to focus the majority of the effort on the sites that have the greatest potential for the end user. The criteria for ranking the properties will be based on the tentative ranking criteria developed by the City, and from additional input acquired from stakeholders. The tentative ranking criteria are as follows:

Potential for end users

- A private or non-profit entity has expressed interest in redeveloping the site, especially if the project will be bring jobs and mixed-use residential and commercial development to the area and will enhance the local tax base

- The site is available for acquisition and expected to be in demand
- The community supports and has an interest in redeveloping the site
- Reutilization of the site has potential to provide additional open space, community/recreational resources, and/or buffers from industrial uses

Public Health and Environmental Safety

- The site has been identified as a possible public health, safety, and/or environmental hazard
- Reutilization of the site has the potential to set a precedent for sustainable or “green” building practices, which could serve as a model for other redevelopment projects

In addition to the development priority ranking, the project team will perform limited preliminary research on properties in the site inventory in support of prioritizing properties for further assessment. Public environmental records of the West Greenville Redevelopment Area will be searched and reviewed by subcontracting with Environmental Data Resources, Inc. (EDR) for federal, state, and local agency environmental information in the area. The following federal and state public records will be reviewed in order to screen prospective properties prior to proceeding with Phase I and II Environmental Site Assessments (ESAs):

- Office of Solid Waste and Emergency Response for any National Priorities List facilities, generators of hazardous waste listed in the Resource Conservation and Recovery Information System (RCRIS), or sites with sudden or accidental releases of oil or hazardous substances in the Emergency Response Notification System.
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) for any records of abandoned hazardous waste sites.
- DENR public record files for registered underground storage tanks (USTs), leaking USTs, solid waste facilities, and water quality violations.

The project team will also perform preliminary research into the historical information of the properties within the inventory area by reviewing available aerial photographs provided by EDR or the North Carolina Department of Transportation (NCDOT). Evidence on the historical use of the properties and the potential use and storage of petroleum products or hazardous substances can be acquired from review of the aerial photo suite.

The project team will prepare a report for the City of Greenville summarizing the site screening and selection process as well as the limited preliminary search of environmental records and historical property use. This report will present the findings from the analysis of each property and present:

- Final ranking of the properties based on criteria developed for the West Greenville Redevelopment Area with direction from the City
- Preliminary market analysis of key sites, and
- Final list of sites selected for Phase I Environmental Site Assessments

Task 3 – Phase I and Phase II Environmental Site Assessments

Phase I ESA

To maximize the use of funds, the project team will perform Phase I ESAs on selected properties simultaneously when feasible. This multi-parcel Phase I ESA methodology was recently performed by Duncklee & Dunham for the City of Fayetteville, North Carolina for their Brownfields Pilot Grant. This non-traditional, innovative GIS approach to conducting multiple Phase I ESAs will allow for a greater number to be performed using grant funding. Based on the results of the Phase I ESAs, with direction from the City and their redevelopment objectives, sites will then be prioritized for Phase II ESA work.

Duncklee & Dunham will use applicable GIS information for each of the parcels located in the West Greenville Redevelopment Area from the City of Greenville and from the inventory process. Shape files

of the parcels, roads and other necessary layers as well as any aerial photographs will be acquired. This information will be manipulated with ArcGIS 9.2 to present our assessment and inventory information. The purpose of gathering this data is to effectively manage parcel information and present results in a usable format.

Although a non-traditional Phase I ESA approach will be used, the American Society for Testing & Materials (ASTM) Standard Practice for Environmental Site Assessment (E 1527) and EPA's All Appropriate Inquiries Rule will be followed on each of the selected parcels in the study area. Inspection of properties and building interiors will not generally be performed unless permission is granted by property owner. The methodology described in the Phase I ESA Section will be applied to each of the parcels under investigation. The final deliverable will be a report summarizing the findings on GIS-based drawings detailing information gathered in the assessment. Information developed under this assessment can be combined with other pertinent city data or potential cooperation of land owners to select candidate parcels for Phase II ESAs.

In addition to the Multi-parcel Phase I ESA approach, Dunklee and Dunham will also utilize the traditional approach of completing Phase I ESAs on single parcels.

The focus of assessments will be collection and reporting of information in evaluating business environmental risk in a commercial real estate transaction, rather than solely assisting in satisfying base due diligence issues under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Phase I assessments will consist primarily of the following components:

- An on-site reconnaissance of each site, including a review of adjacent properties;
- Interviews with owners/occupants and local government officials to obtain information indicating recognized environmental conditions in connection with the site;
- A review of database records to help identify recognized environmental conditions in connection with the subject site and nearby properties;
- Preparation of a final report specific to each site which details the assessment findings and includes supporting documentation.

Phase II ESA

Based upon the results of the Phase I ESA's, we will conduct Phase II ESA's under the City's direction on the high priority sites. Site-specific sampling and analyses will be performed primarily by Dunklee & Dunham with oversight and assistance, as needed, from CTC. The Phase II ESA is an effort to characterize the occurrence, distribution, nature and extent of petroleum and hazardous compounds in soil and groundwater at a property. In order to maximize the potential redevelopment of selected sites, the project team plans to use non-traditional, innovative approaches, such as Membrane Interface Probe (MIP), to site assessment when appropriate.

Prior to conducting Phase II ESA field activities, we will prepare a Generic Quality Assurance Project Plan (QAPP) that will cover all Phase II ESAs completed on the project. In addition, a site specific QAPP addendum and an Environmental Health and Safety Plan (EHSP) will be developed for each site selected for Phase II ESA activity.

Generic Quality Assurance Project Plan (QAPP) and Site Specific QAPP Addendums

Region 4 EPA must have data quality and data management consistent with specific Superfund criteria. Phase II ESA sample determination and collection cannot proceed without a USEPA-approved Data Quality Objectives Plan and Data Quality Assurance Project Plan that meets federal requirements. EPA Region 4 will require structured development of plans and methods specific to the City's Brownfields Program. The project team will, therefore, develop a Generic Project Plan to guide and maintain the quality of project data to support the decision process. The project team will provide an organized process to direct project assessment work suitable to City of Greenville's needs and achieving EPA Region 4 data requirements in a practical and straightforward manner. This process will be documented in a Project

Work Plan of three parts:

- Part 1: General Project and Phase I Management Plans, suitable for immediate implementation;
- Part 2: Generic Phase II Data Quality Objectives and Quality Assurance Project Plan (DQO/QAPP); and
- Part 3: Site-Specific Sampling and Analysis Checklists to produce the sampling design, either judgmental or statistical, to provide an accelerated approval by EPA Region 4.

The plans and methods generated under these services will be developed in accordance with the following:

- EPA Standard Operating Procedures and Quality Assurance Manual,
- EPA Quality Assurance Guidance for Conducting Brownfields Site Assessments (EPA-R-98-038), and/or
- EPA Guidance on Quality Assurance Project Plans (EPA QA/G-5)

Property Specific Environmental Health and Safety Plan (EHSP)

The project team will also develop a health and safety plan for each site. Conditions will be confirmed prior to mobilization to affirm the assumptions and provide contingency measures of hazard recognition and response based on the Phase I findings. Personnel working on this project will have completed 40 hours of certified hazardous waste worker training consistent with the guidelines of the Office of Safety and Health Administration (OSHA) set forth in 29CFR 1910.120. This training will be inclusive of respiratory training.

Endangered Species Act and National Historic Preservation Act Reporting

EPA requires that an endangered species and cultural resource survey be completed on all sites where Phase II ESA activities will be conducted. A letter report describing the results of our investigations and the potential effect of the proposed project on protected species or cultural resources will be prepared and provided to the City for each site prior to the start of Phase II field activity.

Task 4 – Visioning

Completing environmental site assessments alone will not spark the redevelopment of the West Greenville Redevelopment Area. A commitment from key stakeholders and a unifying vision are also necessary. The project team will engage stakeholders, cooperative partners, the target population, and the general public in envisioning how key brownfields properties and adjacent public infrastructure can be enhanced to create opportunities for public-private reinvestment in West Greenville. The enhancement of public and semi-public spaces and infrastructure - parks, plazas, streets, streetscapes, bikeways, utilities – can serve as a catalyst for the economic and physical revitalization of brownfields within the project area. Visioning workshops with local stakeholders will play a key role in this effort. *CTC* and Rivers & Associates will coordinate 1 – 2 visioning workshops and develop a visioning/planning document that will define the community’s needs, explore the market potential, identify potential funding opportunities, and define a redevelopment strategy for the West Greenville Redevelopment Area. The visioning/planning document will be utilized to leverage public and/or private development dollars. This will provide *CTC* and Rivers the necessary information to pursue funding options, such as EPA Brownfield Cleanup Grants/Revolving Loan Fund, HUD CDBG funding, EDA Infrastructure funding, etc.

Task 5 – Remediation Planning

The project team will prepare a Cleanup and Redevelopment Plan according to EPA guidelines for the highest priority sites where Phase II ESA activities have been completed and as funding allows. The Cleanup and Redevelopment Plans will include an Analysis of Brownfields Cleanup Alternatives (ABCA) per EPA guidelines. The ABCA will summarize information about the site and contamination based upon the Phase I and II ESA’s; cleanup standards; applicable laws; alternatives considered; and the proposed

cleanup plan. The primary goal for this effort will be to identify potentially applicable remediation alternatives and to estimate the nature, extent, duration, and cost of implementing select remediation alternatives at the sites. This task will provide potential buyers and end users with a general description of potential remediation alternatives and approximate cost to assist in redevelopment planning. Where applicable, we will use risk-based corrective action and innovative site assessment and remediation techniques during the site assessment and cleanup planning tasks.

Period of Performance:

The services shall be completed by September 30, 2012. This can be extended upon written consent of both parties.

Costs

This is a cost reimbursable type contract with total eligible reimbursable costs of all services performed in accordance with the approved scope of work to be capped at \$173,000. No further services shall be rendered by *CTC* in excess of the capped amount of \$173,000. Correspondingly, *CTC* shall invoice monthly in accordance with its actual incurred costs as identified by its Cost Proposal dated December 18, 2009. The rates identified in *CTC*'s proposal are considered proprietary and shall not be publically released without written permission of *CTC*.

EXHIBIT B

Deliverables:

- Revised Public Involvement Plan (1)
- Revised Project Brochure (1 – additional as needed)
- Updated Project Website (1)
- Educational Materials and audio/visual presentations (as needed)
- Documentation and report of public input (as needed)
- Public Advertisements and Announcements (as needed)
- GIS-based Site Inventory/Portfolio (1)
- Composite list of brownfield sites ranked and prioritized according to set criteria (1)
- Phase I Environmental Site Assessment Reports (estimated 10-15)
- Threatened and Endangered Species and Historical and Cultural Resource Letter Reports (1 per Phase II)
- Generic Quality Assurance Project Plan (1)
- Site-Specific Quality Assurance Project Plan Addendum (1 per Phase II)
- Environmental Health and Safety Plans (1 per Phase II)
- Phase II Environmental Site Assessment Reports (TBD)
- Analysis of Brownfields Cleanup Alternatives (TBD)
- Cleanup and Redevelopment Plan (TBD)
- Visioning/Planning/Master Plan for key sites of interest (TBD)
- Monthly Progress Reports (32)
- Quarterly Progress Reports (11)
- Project Closeout Report (1)
- Property Profile Forms (quantity unknown, will depend on number of sites assessed – will be updated quarterly as new information is collected)
- MBE/WBE Utilization Forms and Payment Request Forms (11)

Technical Points of Contact:

Mr. David W. Sykes
Brownfields Project Manager
Concurrent Technologies Corporation
1233 Washington Street, Suite 1000
Columbia, SC 29201
803-929-6063
Facsimile 803-929-6065

Mr. Carl Rees
Urban Development Planner
City of Greenville
PO Box 7207 / 201 W. 5th St
Greenville, NC 27834
252-329-4510
Facsimile 252-329-4631

EXHIBIT C

Client Responsibilities:

Provide the following information to CTC so that CTC may complete the services as outlined in Exhibit A : geographic information for the project area as required, either in hard copy maps at scale or as GIS digital data based on aerial photography and tax data (preferred); copies of relevant City of Greenville plans, ordinances, design guidelines and special plans including but not limited to the Horizons Comprehensive Plan, the Center City – West Greenville Revitalization Plan, the Recreation Master Plan, and the Center City – West Greenville Streetscape Master Plan. The City’s responsibilities do not include doing survey work or completing research and design tasks for the consultant. The City of Greenville will work with the consultant to answer questions, make decisions, provide guidance and assist with coordination where needed.



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolution authorizing the disposal of surplus computer equipment to Pitt Community College

Explanation: The Information Technology Department staff has replaced several computer monitors, laptops, and servers during this fiscal year. Those obsolete computer items are considered surplus by the Information Technology Department and no longer meet the City's needs. Pitt Community College will refurbish the equipment and assign it to areas that are in need.

Article 12, Section 160A-274 of the North Carolina General Statutes permits the City to sell property to another governmental unit using terms and conditions it deems wise by action of the City Council. Attached is a resolution declaring computer equipment surplus and authorizing the sale of the equipment to Pitt Community College for \$1.00.

Fiscal Note: Items to be sold at the cost of \$1.00 to be paid by Pitt Community College.

Recommendation: Approve the attached resolution authorizing the disposal of surplus computer equipment to Pitt Community College.

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Attachments / click to download

[Resolution Authorizing the disposal of surplus computer equipment to PCC 2010_856707](#)

RESOLUTION NO. 10-___

RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS
AND AUTHORIZING ITS DISPOSITION TO PITT COMMUNITY COLLEGE

WHEREAS, the Information Technology Department has determined that certain property is surplus to the needs of the City;

WHEREAS, Pitt Community College can put this property to use; and

WHEREAS, North Carolina General Statute 160A-274 permits City Council to authorize the disposition, upon such terms and conditions it deems wise, with or without consideration, of real or personal property to another governmental unit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that the hereinafter described property is declared as surplus to the needs of the City of Greenville and that said property shall be conveyed to Pitt Community College for one dollar (\$1.00), said property being described as follows:

Seven (7) Monitors
Two (2) WalkAbout Mobile Computers
Four (4) Panasonic Laptop Computers
One (1) Dell Laptop Computer and
Ten (10) Servers

This the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolution declaring police canine Sandor as surplus property and authorizing his disposition to Officer Michael Broadwell

Explanation: Police canine Sandor has served with Officer Michael Broadwell for three and a half years. The canine was retired from service at the end of 2009. Officer Broadwell is interested in the continued care of the police canine at his home.

Fiscal Note: No direct cost to the City.

Recommendation: Approve the attached resolution declaring police canine Sandor as surplus property and selling him to Officer Michael Broadwell for \$1.00.

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Attachments / click to download

[K 9 Sandor Resolution 856250](#)

RESOLUTION NO. 10-____

RESOLUTION DECLARING A POLICE CANINE AS SURPLUS AND AUTHORIZING HIS
DISPOSITION TO OFFICER MICHAEL BROADWELL

WHEREAS, the police canine for the Greenville Police Department, K-9 Sandor, has retired;

WHEREAS, Officer Michael Broadwell has been K-9 Sandor's handler for three and a half years and he has expressed an interest that Sandor be released to his care for the remainder of Sandor's life; and

WHEREAS, North Carolina General Statute 160A-267 permits City Council to authorize the disposition of property valued at less than thirty thousand dollars (\$30,000) by private sale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that K-9 Sandor be and is hereby declared surplus to the needs of the City and is authorized to be conveyed to Officer Michael Broadwell for one dollar (\$1.00).

This the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolution abandoning a utilities easement in Windsor Downs Subdivision

Explanation: Greenville Utilities has received a request from a property owner to abandon an easement for electric transmission poles and overhead electric transmission lines in a section of Windsor Downs Subdivision. The poles and lines have long been removed, and were simply there at the outset of the creation of this subdivision in order to provide electric service to a mobile home on adjoining property. This action will remove the cloud of this easement on the title to two of the lots. GUC staff has reviewed the request and has no need for the easement.

The GUC Board, at their meeting on February 16, 2010, adopted a resolution to abandon the easement and recommended similar action be taken by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt attached resolution to abandon easement and authorize Mayor to execute Deed of Release.

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

Attachments / click to download

- [Resolution - Abandonment of Easement](#)
- [Attachment A to Resolution](#)

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF GREENVILLE, NORTH CAROLINA, ABANDONING
AN EXISTING UTILITIES EASEMENT FOR OVERHEAD ELECTRIC
TRANSMISSION LINES, IF ANY, ACROSS
PN 73484 AND PN 73485 (LOTS 5 AND 6) OF
WINDSOR DOWNS SUBDIVISION, PHASE II,
ACCORDING TO MAP BOOK 66 AT PAGES 112-113,
PITT COUNTY PUBLIC REGISTRY,
AND AUTHORIZING EXECUTION OF DEED OF RELEASE

WHEREAS, Greenville Utilities Commission of the City of Greenville, North Carolina (hereinafter referred to as "Commission") heretofore obtained certain utilities easements for electric transmission poles and electric transmission lines extending from the western right-of-way of NCSR 1709 (Corey Road) across Lots 5 and 6 of Windsor Downs Subdivision Phase II, as shown on the plat appearing of record in Map Book 66 at Pages 112-113, Pitt County Public Registry, which said lots are further denominated as PN 73484 and PN 73485 according to the records in the Office of the Tax Assessor and Tax Collector of Pitt County, NC, and which said electric transmission poles and electric transmission lines were initially installed so as to provide service to a mobile home on adjoining property now or formerly owned by Wedco Enterprises, Inc. (Reference is hereby made to Deed Book 649 at Page 756, and Deed Book 1246 at Page 561, and Map Book 28 at Page 292, which said property is commonly known as PN 25822 according to the records in the Office of the Tax Assessor and Tax Collector of Pitt County, NC; and

WHEREAS, such electric transmission poles and electric transmission lines extending from the western right-of-way of NCSR 1709 (Corey Road) across said Lots 5 and 6 of Windsor Downs Subdivision Phase II, to a common corner between Lots 6 and 7, has been removed and is no longer needed by Greenville Utilities Commission; and

WHEREAS, Commission anticipates no use or need now or in the future for the such utilities easement for electric transmission poles and electric transmission lines hereinafter to be abandoned; and

WHEREAS, the current owner of the property has requested that Commission abandon such utilities easement; and

WHEREAS, Commission now desires to abandon such utilities easement, if any, all as herein described and as shown on that certain plat appearing of record in Map Book 66 at Pages 112-113, Pitt County Public Registry, and more particularly described on Exhibit "A," which is attached hereto and made a part hereof; and

WHEREAS, Greenville Utilities Commission deems such abandonment to be reasonable and in the best interests of Commission and all parties, and has requested the City of Greenville to acknowledge such abandonment and release any such utility easements as shown on such plat as to be abandoned as hereinabove described; and

WHEREAS, Greenville Utilities Commission expressly reserves the right to a ten foot (10') wide electric easement extending across the western boundary of Lot 6 of Windsor Downs Subdivision Phase II as shown on Map Book 66 at Pages 112-113, Pitt County Public Registry, which is approximately one hundred twenty feet (120'), more or less, in length and parallels the boundary line between the said Lot 6 and property now or formerly owned by Wedco Enterprises, Inc., as hereinabove described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, in Regular Session held in the Council Chambers of the Municipal Building of the City of Greenville, North Carolina, on the ____ day of _____, 2010, as follows:

1. That the City of Greenville does hereby abandon any utilities easement for electric transmission poles and electric transmission lines extending from the western right-of-way of NCSR 1709 (Corey Road) across Lots 5 and 6 of Windsor Downs Subdivision

Phase II, as shown on the plat appearing of record in Map Book 66 at Pages 112-113, Pitt County Public Registry, which said lots are further denominated as PN 73484 and PN 73485 according to the records in the Office of the Tax Assessor and Tax Collector of Pitt County, NC, and extending to the common corner of Lots 6 and 7 of the said Windsor Downs Subdivision Phase II, according to such plat, all as shown on such plat and more particularly described on Exhibit "A," attached hereto and made a part hereof.

2. That the appropriate City officials be and they hereby are empowered to make, execute, and deliver to the current owner of such property encumbered by any such easement to be abandoned, in an instrument in a form suitable for recording and releasing whatever interests the City might have in and to the portion of such electric transmission line and utilities easement to be abandoned, as hereinabove described.

Adopted this the ____ day of _____, 2010.

PATRICIA C. DUNN, MAYOR

ATTEST:

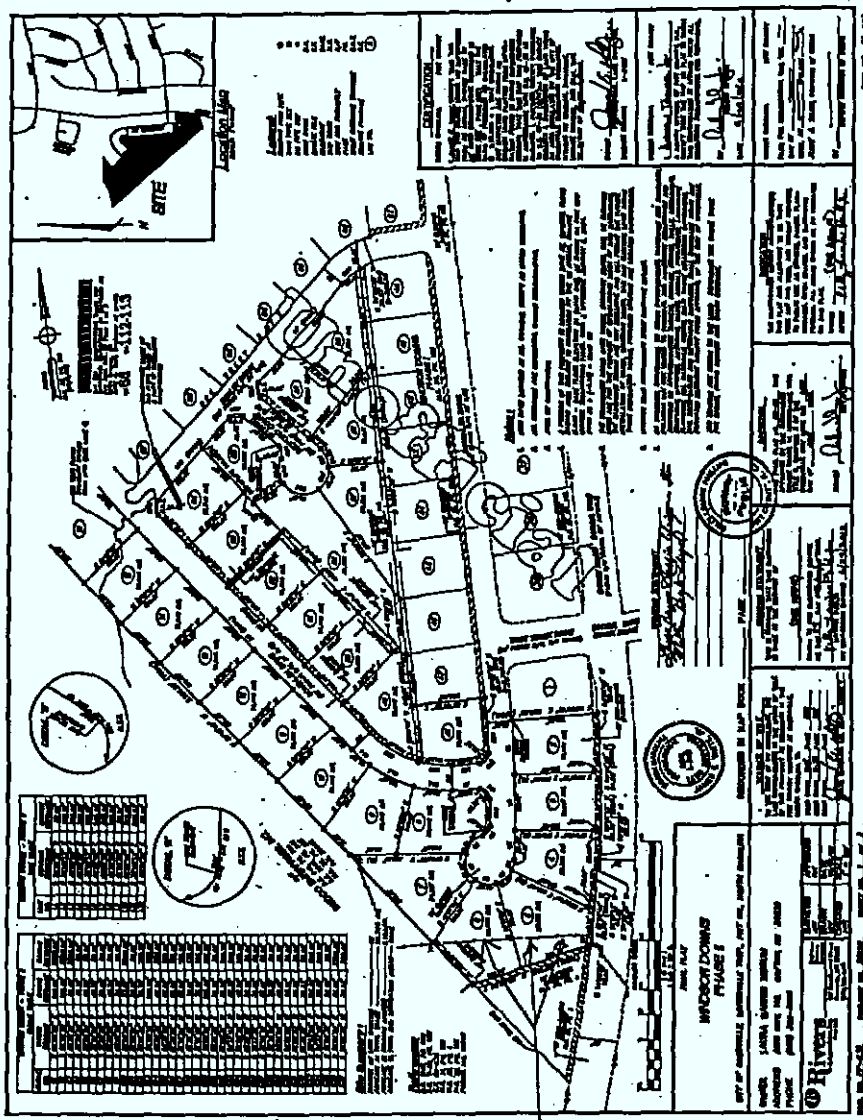
WANDA T. ELKS, CITY CLERK

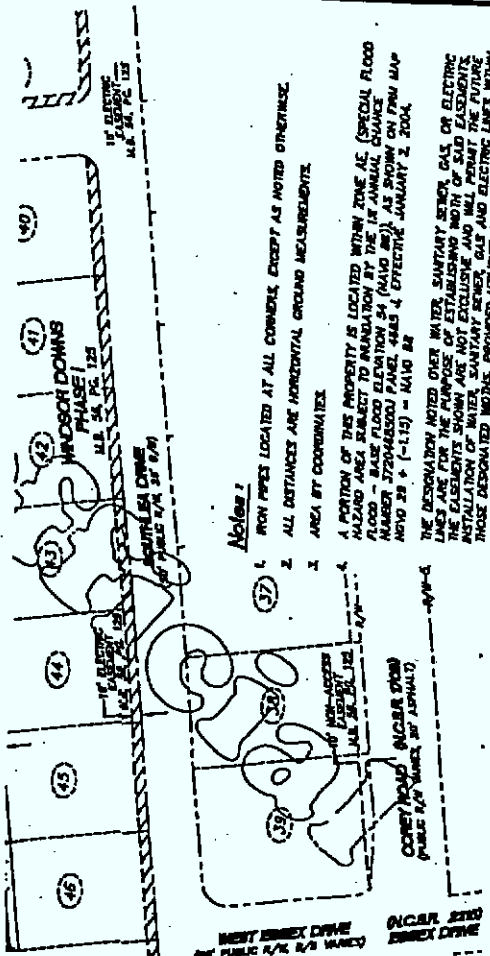
[SEAL]

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Page 1 of 2

Exhibit "A"





CERTIFICATION
NORTH CAROLINA PITTS COUNTY
I, JAMES L. TRAVIS, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR AS SHOWN IN THE RECORDS OF THE STATE OF NORTH CAROLINA. THE DATE OF PRECEDENCE AS CALLED FOR IN THIS CERTIFICATION IS JANUARY 2, 2004. THE PLAN IS 11" X 17" IN SIZE AND IS NOT SUBJECT TO ANY OTHER REQUIREMENTS FOR RECORDATION.
SIGNED: *James L. Travis*
LICENSE NUMBER: L-2423

NORTH CAROLINA PITTS COUNTY
A REVIEW OFFICER OF PITTS COUNTY, N.C., CERTIFIES THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDATION.
BY: *Paul J. Tart*
REVIEW OFFICER
DATE: *9/24/04*

NORTH CAROLINA PITTS COUNTY
FILED FOR REGISTRATION THIS THE _____ DAY OF _____ 2004, AT _____ O'CLOCK _____ AL.
JULY 2, 2004, REGISTER OF DEEDS
BY: _____ DEPUTY REGISTER OF DEEDS

DWG. NO. FP-032

OWNERS STATEMENT
James L. Travis
Paul J. Tart

NOTARISE PHILIPS
NOTARY PUBLIC
UNIT NO. 09-08
PITTS COUNTY, N.C.

APPROVAL
FINAL PLAN NO. 09-08 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE NORTH CAROLINA GENERAL STATUTES ON THE 14TH DAY OF JUNE, 2004.
SIGNED: *Paul J. Tart* CITY ENGINEER

DEDICATION
THE UNDERSIGNED HEREBY ACKNOWLEDGE(S) THIS EASEMENT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATE TO PUBLIC USE AS STREETS, PARKS, PLAY-GROUNDS, OPEN SPACES, AND EASEMENTS. HOWEVER, ALL AREAS SHOWN OR SO INDICATED ON SAID PLAN, (SEE ABOVE) SIGNED: *James L. Travis*

OWNERS STATEMENT
EVIDENCE THAT THIS SUBDIVISION IS AT THE REQUEST OF _____ (SEE ABOVE)
TO AND SUBSCRIBED BEFORE ME, _____ DAY OF _____ 2004.
I, _____ NOTARY PUBLIC
MISSION EXPIRES _____



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Reimbursement resolution for Greenville Utilities Commission's Wastewater Treatment Plant Headworks Improvement Project

Explanation: The Wastewater Treatment Plant Headworks Improvement Project involves the 1) replacement of the painted steel climber screen bar rake and support structure with new corrosion resistant equipment, 2) upgrade of the odor control system to adequately treat increasing hydrogen sulfide concentrations, and 3) installation of a dedicated septage receiving station to accommodate increasing discharge from septage haulers this fiscal year.

A reimbursement resolution in the amount of \$180,000 is needed to allow GUC to reimburse itself for costs expended prior to obtaining long-term financing.

The GUC Board, at their meeting on February 16, 2010, adopted a reimbursement resolution and recommended similar approval by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached reimbursement resolution.

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Attachments / click to download

[Reimbursement Resolution](#)

RESOLUTION NO. 10-___

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF ONE OR MORE TAX EXEMPT FINANCINGS FOR
CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE
ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS**

WHEREAS, the City of Greenville, North Carolina (the “City”) has paid, beginning, February 11, 2010, which date is no more than 60 days prior to the date hereof, certain expenditures in connection with the acquisition and construction of certain improvements (the “Improvements”) more fully described in Exhibit A attached hereto, consisting of improvements to its electric, gas, sanitary sewer and water systems (collectively, the “System”); and

WHEREAS, the City Council of the City (the “City Council”) has determined that those moneys previously advanced no more than 60 days prior to the date hereof to pay such expenditures in connection with the acquisition and construction of the Improvements (the “Expenditures”) are available only on a temporary period and that it is necessary to reimburse the City for the Expenditures from the proceeds of one or more tax exempt financings (the “Tax-Exempt Financing”);

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

Section 1. The City Council hereby declares its intent to reimburse the City from the proceeds of the Tax-Exempt Financing for the Expenditures made on and after February 11, 2010, which date is no more than 60 days prior to the date hereof. The City Council reasonably expects on the date hereof that it will reimburse the City for the Expenditures from the proceeds of a like amount of the Tax—Exempt Financing.

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

Section 3. The principal amount of the Tax-Exempt Financing estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be not more than \$180,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City’s use of proceeds of the Tax-Exempt Financing to

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

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

Adopted this the __ day of _____ 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include, but are not limited to, all operating and capital expenditures associated with the improvements for:

- 1) Replacement of the painted steel climber screen bar rake and support structure with new corrosion resistant equipment.
- 2) Upgrade of the odor control system to adequately treat increasing hydrogen sulfide concentrations.
- 3) Installation of a dedicated septage receiving station to accommodate increasing discharge from septage haulers this fiscal year.



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Series resolutions for Greenville Utilities Commission's Water Treatment Plant Raw Water Pump Station Improvement Project

Explanation: The Water Treatment Plant Raw Water Pump Station Improvement Project involves the installation of two new 32" intake pipes with multiple screens in the Tar River that will connect to the existing Raw Water Pump Station.

GUC obtained two State Revolving Fund (SRF) loans of \$460,425 and \$2,942,152 for a combined loan of \$3,402,577 for the project. Separate series resolutions are needed for each of the SRF loans.

The GUC Board, at their meeting on February 16, 2010, adopted resolutions and recommended similar approval by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached series resolutions.

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

Attachments / click to download

[Series Resolution - \\$460,425](#)

[Series Resolution - \\$2,942,152](#)

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

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 \$460,425 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 2010B 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 2010B Promissory Note; and

WHEREAS, pursuant to Section 216 of the Order, the Series 2010B 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 2010B Promissory Note. (A) The Series 2010B 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 2010B” (the “Series 2010B Promissory Note”) in a principal amount of up to \$460,425 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 2010B 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 2010B 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 2010B 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 2010B Promissory Note shall be payable annually on or before each May 1, all as set forth in the Series 2010B 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 2010B Promissory Note. The Series 2010B 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 2010B Promissory Note:

(A) Principal Amount. To determine the aggregate principal amount of the Series 2010B Promissory Note, such principal amount, up to \$460,425, 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 2010B Promissory Note and the effective date of the Series 2010B 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 2010B Promissory Note. The Series 2010B 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 2010B Promissory Note. All principal and interest on the Series 2010B 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 2010B 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 2010B Promissory Note to DENR.

Section 9. LGC Approval of the Series 2010B 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 2010B 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 2010B Promissory Note as hereinabove requested, the form of the Series 2010B 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 2010B 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 2010B Promissory Note, the Order and

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

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

Adopted this the ___th day of _____, 2010.

Patricia C. Dunn
Mayor

[SEAL]

ATTEST:

Wanda T. Elks
City Clerk

APPENDIX A

THE ADDITIONAL IMPROVEMENTS

The Improvements referenced in the resolution included, but are not limited to, all operating and capital expenditures associated with the installation of two new 30" intake pipes with multiple screens in the Tar River that will connect to the existing Raw Water Pump Station.

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, Wanda T. Elks, 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]

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

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 \$2,942,152 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 2010A 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 2010A Promissory Note; and

WHEREAS, pursuant to Section 216 of the Order, the Series 2010A 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 2010A 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 2010A Promissory Note. (A) The Series 2010A 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 2010A” (the

“Series 2010A Promissory Note”) in a principal amount of up to \$2,942,152 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 2010A 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 and Interest Payment Dates. Pursuant to the provisions of the Series 2010A Promissory Note the interest rate on the Series 2010A Promissory Note will be 0% and no interest payments will be due on such Series 2010A Promissory Note.

(D) Principal Payment Dates. Principal on the Series 2010A Promissory Note shall be payable annually on or before each May, all as set forth in the Series 2010A 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 Department of Environmental and Natural Resources – Division of Environmental Health (“DENR”). Pursuant to the terms of the Series 2010A Promissory Note, the aggregate amount of principal to be payable shall be one-half of the aggregate principal amount of the Series 2010A Promissory Note.

(E) Prepayment of the Series 2010A Promissory Note. The Series 2010A 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 2010A Promissory Note:

(A) Principal Amount. To determine the aggregate principal amount of the Series 2010A Promissory Note, such principal amount, up to \$2,942,152, to be sufficient for the purposes described in Section 2(A) of this Resolution;

(B) Repayment of Series 2010A Promissory Note. To determine a schedule for the payment of the principal amount of the Series 2010A Promissory Note to be repaid, 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 2010A Promissory Note and the effective date of the Series 2010A 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 2010A Promissory Note. The Series 2010A 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 2010A Promissory Note. All principal and interest on the Series 2010A 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 2010A Promissory Note. Moneys received by the City or the Commission pursuant to the Series 2010A 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 2010A Promissory Note to DENR.

Section 9. LGC Approval of the Series 2010A 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 2010A 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 2010A Promissory Note as hereinabove requested, the form of the Series 2010A 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 2010A 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 2010A Promissory Note, the Order and this Resolution for the full, punctual and complete performance of the terms, covenants, provisions and agreements therein.

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

Adopted this the ___th day of _____, 2010.

Patricia C. Dunn
Mayor

[SEAL]

ATTEST:

Wanda T. Elks
City Clerk

APPENDIX A

THE ADDITIONAL IMPROVEMENTS

The Improvements referenced in the resolution included, but are not limited to, all operating and capital expenditures associated with the installation of two new 30" intake pipes with multiple screens in the Tar River that will connect to the existing Raw Water Pump Station.

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, Wanda T. Elks, 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]



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Ordinance amending the sewer capital project budget for Greenville Utilities Commission's Sanitary Sewer Outfall Rehabilitation Phase II-B Project

Explanation: The rehabilitation of the Green Mill Run, Tar River, and Parker's Creek outfall sewers is a multi-phased effort to rehabilitate the deteriorated and failure-prone portions of GUC's existing trunk sewer system. Staff has been pursuing a multi-year multi-phase approach to rehabilitate the aging concrete sewers since the completion of an engineering evaluation in December 1997. Thus far, three major capital projects totaling approximately \$4 million have been completed. The current 5-year capital improvements plan includes \$1,000,000 for outfall sewer rehabilitation for FY 2010.

The GUC Board, at their meeting on February 16, 2010, amended the sewer capital projects budget to cover additional work on this project and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Approve attached ordinance amending the sewer capital projects budget for the Sanitary Sewer Outfall Rehabilitation Phase II-B Project.

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 [Sewer Capital Project Budget](#)

ORDINANCE NO _____
AMENDING ORDINANCE NO. 08-50
FOR SEWER CAPITAL PROJECTS BUDGET
SANITARY SEWER OUTFALL REHABILITATION PROJECT - PHASE II

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 Revised</u>
Revenue:			
Debt Financing	\$1,026,479	\$905,000	\$1,931,479
	<u>\$1,026,479</u>	<u>\$905,000</u>	<u>\$1,931,479</u>
Expenditures:			
Project Costs	\$1,026,479	\$905,000	\$1,931,479
	<u>\$1,026,479</u>	<u>\$905,000</u>	<u>\$1,931,479</u>

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:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Budget ordinance amendment #6 to the 2009-2010 City of Greenville General Fund and an ordinance establishing the Health Insurance Fund

Explanation: 1) Attached is an amendment to the 2009-2010 budget ordinance for consideration at the March 1, 2010, City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

A To appropriate funds received from area sponsors for the Annual M/WBE Mix-n-Meet that was scheduled to take place on February 13, 2010 and reschedule to March 6 because of inclement weather. These funds will be used for souvenirs, advertising, and printing. (Total - \$2,900).

B A total of \$150,000 was budgeted in the General Fund over six fiscal years for the City's hosting of the 2009 NCLM Annual Conference in Greenville; \$85,970 in sponsorships and other revenues were generated and \$115,364 in expenses was incurred. Thus, there is a balance of \$120,606 in the General Fund fund balance. Staff recommends that \$120,606 be reserved for the City's next NCLM Annual Conference hosting. The amendment reallocates the \$25,000 appropriated for NCLM within the Mayor/City Council's FY 2009/2010 budget into the NCLM Conference special project fund to cover expenses and \$4,394 appropriated from General Fund fund balance.

C To appropriate funding awarded by the NC General Assembly's NC Committee on Drop Out Prevention to initiate innovative programs that encourage students to stay in school (\$58,333).

D To appropriate contingency funds to repair a significant element at the BMX and skateboard park located at Jaycee Park. This request was submitted and approved at the January 11, 2010, City Council meeting (\$41,900).

2) Attached is an Internal Service Fund budget ordinance to establish a fund for the City's Self Insured Health Plan, including SML, CVA, PGV, and GHA. This

fund will be used to pay Cigna for plan administration starting January 1, 2010, to pay submitted claims, and to pay other plan related costs. Revenues into the fund will include the premiums paid by participating employees, retirees and the City of Greenville, SML, CVA, PGV, and GHA (\$9,543,727).

Fiscal Note:

The budget ordinance amendment affects the following funds: increase General Fund by \$65,627 and increase the Health Insurance Internal Service Fund by \$9,542,727.

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
General Fund	\$ 74,279,191	\$ 65,627	\$74,344,818
Health Insurance Fund	\$ -	\$ 9,543,727	\$ 9,543,727

Recommendation:

Approve ordinance amendment #6 to the 2009-2010 City of Greenville Budget and the ordinance establishing the Health Insurance Fund

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[Budget Amendments FY 2009 2010 838154](#)

[Health Insurance Fund 856647](#)

ORDINANCE NO. 10-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#6) AMENDING ORDINANCE NO. 09-53

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:

	ORIGINAL 2009-2010 BUDGET		#6 Amended 3/1/10	Total Amendments	Amended 2009-2010 Budget
<u>ESTIMATED REVENUES</u>					
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	C	58,333	1,095,435	1,943,412
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	A	2,900	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		-	1,363,847	2,168,888
Appropriated Fund Balance	2,076,906	B	4,394	1,232,867	3,309,773
TOTAL REVENUES	\$ 71,133,682		\$ 65,627	\$ 3,211,136	\$ 74,344,818
<u>APPROPRIATIONS</u>					
Mayor/City Council	\$ 428,288	B	\$ (25,000)	\$ (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		-	-	2,101,831
Information Technology	2,907,322		-	-	2,907,322
Fire/Rescue	12,127,343		-	198,302	12,325,645
Financial Services	2,218,950	A	2,900	2,900	2,221,850
Recreation & Parks	6,197,166	D	41,900	115,293	6,312,459
Police	20,677,674	C	58,333	586,823	21,264,497
Public Works	9,653,824		-	203,021	9,856,845
Community Development	1,628,898		-	374,843	2,003,741
Contingency	828,687	D	(41,900)	(283,124)	545,563
Capital Improvements	4,099,961		-	1,627,716	5,727,677
Total Appropriations	\$ 64,667,001		36,233	\$ 2,852,235	\$ 67,519,236
<u>OTHER FINANCING SOURCES</u>					
Debt Service	\$ 4,270,892		\$ -	\$ -	\$ 4,270,892
Transfers to Other Funds	2,195,789	B	29,394	358,901	2,554,690
	\$ 6,466,681		\$ 29,394	\$ 358,901	\$ 6,825,582
TOTAL APPROPRIATIONS	\$ 71,133,682		\$ 65,627	\$ 3,211,136	\$ 74,344,818

ORDINANCE NO. 10-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#6) AMENDING ORDINANCE NO. 09-53

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

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

Adopted this 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 10-____
CITY OF GREENVILLE, NC
HEALTH INSURANCE FUND
BUDGET ORDINANCE

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

Section I: Estimated Revenues. It is estimated that the following revenues will be available for the Health Insurance Fund:

	ORIGINAL 2009-2010 BUDGET
<u>ESTIMATED REVENUES</u>	
Employee Contributions (COG)	\$ 1,431,882
Employee Contributions (Other Entities)	198,505
Employer Contributions (COG)	7,013,530
Employer Contributions (Other Entities)	899,810
TOTAL REVENUES	<u><u>\$ 9,543,727</u></u>

Section II: Appropriations. The following amounts are hereby appropriated for the Health Insurance Fund:

<u>APPROPRIATIONS</u>	
Administrative Fees	664,368
Stop Loss Insurance	200,000
Increase in Reserves	1,167,359
Claims Funding	7,512,000
TOTAL APPROPRIATIONS	<u><u>\$ 9,543,727</u></u>

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

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

Adopted this 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Various tax refunds

Explanation: The Director of Financial Services reports the refund of the following taxes:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Mercedes Benz Financial	Refund of City Taxes Paid	\$459.60
Pitt County Tax Collector	Refund of City Taxes Paid	\$211.75

Fiscal Note: The total amount to be refunded is \$671.35.

Recommendation: Approval of two tax refunds.

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City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

- a. Board of Adjustment
- b. Human Relations Council
- c. Neighborhood Advisory Board

Explanation: The Board of Adjustment, Human Relations Council, and Neighborhood Advisory Board are scheduled to make their annual presentations to City Council at the March 1, 2010 meeting.

Fiscal Note: N/A

Recommendation: For information only; no action recommended

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City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolutions relating to the "Honor and Remember" flag

Explanation: At its February 11, 2010, meeting, a presentation was made to City Council by Kathy Moore, Gold Star Mother of CPL Ryan Russell and N.C. State Chapter Director of "Honor and Remember". Ms. Moore requested that City Council adopt both a resolution supporting HR 1034 (a bill introduced in the United States Congress) which would establish the "Honor and Remember" Flag as a national symbol and the flag itself. City Council directed that this matter be scheduled for consideration at its March 1, 2010, meeting. Attached are the following:

1. January 24, 2010, letter from Kathy Moore;
2. H.R.1034
3. Resolution in Support of Legislation to Establish the "Honor And Remember" Flag as a National Symbol to Recognize and Honor Members of the Armed Forces Who Have Died in the Line of Duty ; and
4. Resolution Adopting the "Honor and Remember" Flag.

Fiscal Note: No expense relating to adopting the resolutions. There is a cost to acquire the flag.

Recommendation: Adoption of the resolution seeking support of the national legislation would result in the City requesting its United States Senators and Representatives to enact the legislation making the flag a national symbol. Adoption of the resolution adopting the flag would result in City Council adopting the flag as a symbol.


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 [letter](#)

 [HR 1034](#)

 [Picture of Flag](#)

 [Resolution Honor and Remember Flag 856921](#)

 [Resolution Adopting Honor and Remember Flag 856980](#)

RESOLUTION 10-
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH
CAROLINA, IN SUPPORT OF LEGISLATION TO ESTABLISH THE “HONOR AND
REMEMBER” FLAG AS A NATIONAL SYMBOL TO RECOGNIZE AND HONOR
MEMBERS OF THE ARMED FORCES WHO HAVE DIED IN THE LINE OF DUTY

WHEREAS, since the Revolutionary War, more than one million members of the United States Armed Forces have sacrificed their lives in the line of duty to preserve our freedom;

WHEREAS, the service and sacrifice of those fallen members of our Armed Forces are deserving of national recognition;

WHEREAS, at the present time, there is no officially recognized symbol to acknowledge and honor members of our Armed forces who have died in the line of duty;

WHEREAS, House of Representatives Bill 1024 proposes to amend Chapter 9 of Title 36 of the United States Code to designate the “Honor and Remember” Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of our Armed Forces who have died in the line of duty; and

WHEREAS, the “Honor and Remember” Flag will serve as a symbol of national gratitude for all those members of the Armed Forces who have given their lives for our freedom, will serve as a daily reminder for all Americans to acknowledge the ultimate price of freedom, and will give comfort to the families who have lost loved ones during military service;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, that it supports legislation to establish a national flag to honor and remember those who have given their lives in military service for our great nation.

BE IT FURTHER RESOLVED that the United States Congress is urged to adopt House of Representatives Bill 1034 to select the “Honor and Remember” Flag which has been created by Honor and Remember, Inc., to serve as a national symbol.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to United States Senator Richard Burr, United States Senator Kay R. Hagan, United States Representative Walter B. Jones and United States Representative G.K Butterfield.

This the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

RESOLUTION 10-

RESOLUTION ADOPTING THE “HONOR AND REMEMBER” FLAG

WHEREAS, the “Honor and Remember” Flag created by Honor and Remember, Inc. recognizes all individuals from all wars or conflicts involving the United States who died while serving our nation in the line of duty;

WHEREAS, the flag serves as a symbol of gratitude for the hundreds of thousands of American men and women who bravely made the ultimate sacrifice to preserve the freedoms we enjoy; and

WHEREAS, it is appropriate to adopt the “Honor and Remember” Flag as a symbol to honor and recognize the members of the Armed Forces who have died in the line of duty.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, that it does hereby adopt the “Honor and Remember” Flag created by Honor and Remember, Inc. as a symbol of the service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

This the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



MAYOR'S OFFICE
RECEIVED 2/1/10
DISTRIBUTION
Wayne

HONOR AND REMEMBER, INC.

January 24, 2010

Dear Mayor Dunn:

Please allow me to introduce myself. My name is Kathy Moore and I have lived in Ayden for the last five years. I am the Gold Star Mother of CPL Ryan Russell. Ryan was killed March 5, 2007 in Iraq.

Since that time, I have been involved with an organization called Honor and Remember. This organization was founded by George Lutz of Virginia after his son Tony was killed in Iraq December 2005. George realized there was not a National symbol that honors Americans fallen service members. Therefore, he designed the Honor and Remember Flag.

The purpose of Honor and Remember is to Establish ~ Educate ~ Present. We would like to establish the Honor and Remember Flag as a national symbol. We would like to educate the public about the Honor and Remember Flag. We will present personalized flags to families of fallen service member.

The first step in this process has started with the fact there is a bill in Congress (HR 1034) that if signed by the President the Honor and Remember Flag would be a national symbol honoring Americas fallen.

You can visit our website for more information at www.honorandremember.org.

I would like to see the City of Greenville adopt both the resolution supporting HR 1034 as well as the flag itself.

I think that this is a very worth while cause. For that reason, I would like to be on the agenda for the next City Council meeting on February.

I would like to thank you in advance for your support of Honor and Remember,

Kathy Moore
Gold Start Mother of CPL Ryan Russell
NC State Chapter Director of Honor and Remember

I

111TH CONGRESS
1ST SESSION

H. R. 1034

To amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. FORBES introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DESIGNATION OF HONOR AND REMEMBER**

4 **FLAG FOR FALLEN MEMBERS OF THE ARMED**

5 **FORCES.**

6 (a) FINDINGS.—Congress finds the following:

1 “(2) The required Honor and Remember Flag display
2 days are the following:

3 “(A) Armed Forces Day, the third Saturday in
4 May.

5 “(B) Memorial Day, the last Monday in May.

6 “(C) Flag Day, June 14.

7 “(D) Independence Day, July 4.

8 “(E) National POW/MIA Recognition Day.

9 “(F) Veterans Day, November 11.

10 “(3) In addition to the days specified in paragraph
11 (2), Honor and Remember Flag display days include—

12 “(A) in the case of display at the World War
13 II Memorial, Korean War Veterans Memorial, and
14 Vietnam Veterans Memorial (required by subsection
15 (c)(3)), any day on which the United States flag is
16 displayed;

17 “(B) in the case of display at medical centers
18 of the Department of Veterans Affairs (required by
19 subsection (c)(7)), any day on which the flag of the
20 United States is displayed; and

21 “(C) in the case of display at United States
22 Postal Service post offices (required by subsection
23 (c)(8)), the last business day before a day specified
24 in paragraph (2) that in any year is not itself a
25 business day.

1 “(c) LOCATIONS FOR FLAG DISPLAY.—The locations
2 for the display of the Honor and Remember Flag under
3 subsection (b) are the following:

4 “(1) The Capitol.

5 “(2) The White House.

6 “(3) The World War II Memorial, the Korean
7 War Veterans Memorial, and the Vietnam Veterans
8 Memorial.

9 “(4) Each national cemetery.

10 “(5) The buildings containing the official office
11 of—

12 “(A) the Secretary of State;

13 “(B) the Secretary of Defense;

14 “(C) the Secretary of Veterans Affairs;

15 and

16 “(D) the Director of the Selective Service
17 System.

18 “(6) Each major military installation, as des-
19 ignated by the Secretary of Defense.

20 “(7) Each medical center of the Department of
21 Veterans Affairs.

22 “(8) Each United States Postal Service post of-
23 fice.

24 “(d) DISPLAY TO BE IN A MANNER VISIBLE TO THE
25 PUBLIC.—Display of the Honor and Remember Flag pur-

1 suant to this section shall be in a manner designed to en-
2 sure visibility to the public.

3 “(e) LIMITATION.—This section may not be con-
4 strued or applied so as to require any employee to report
5 to work solely for the purpose of providing for the display
6 of the Honor and Remember Flag or any other flag.”.

7 (e) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by adding
9 at the end the following new item:

“904. Honor and Remember flag for fallen members of the Armed Forces.”.

10 (d) REGULATIONS FOR IMPLEMENTATION.—Not
11 later than 180 days after the date of the enactment of
12 this Act, the head of each department, agency, or other
13 establishment responsible for a location specified in sub-
14 section (c) of section 904 of title 36, United States Code,
15 as added by subsection (a), shall prescribe such regula-
16 tions as necessary to carry out such section.

17 (e) PROCUREMENT AND DISTRIBUTION OF FLAGS.—
18 Not later than 30 days after the date of the enactment
19 of this Act, the Administrator of General Services shall
20 commence the procurement of Honor and Remember
21 Flags and distribute them as necessary to permit compli-
22 ance with section 904 of title 36, United States Code, as
23 added by subsection (a).

○

HONOR AND REMEMBER





City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Sewer service for the Village of Simpson

Explanation: The Greenville Utilities Commission (GUC) Charter provides that sewer service extended beyond the City's extraterritorial jurisdiction is subject to approval by the City Council. Attached is a letter from the Village of Simpson requesting that the City Council approve GUC providing wastewater treatment services to Simpson. Also attached is a letter from GUC providing some preliminary information to Simpson's consulting engineer for project planning purposes.

This item has been discussed at GUC Board meetings. City staff has raised the following questions concerning the proposed service. What are the anticipated total costs of providing sewer service to Simpson? Who will pay for these costs? What will be the on-going rate charged to Simpson for treatment services? How does this rate compare to rates charged to other customers? What will be the procedure for adjusting this rate? What will be the term of the commitment to provide service? Will there be a maximum amount of flow that GUC will accept? Does GUC have available treatment capacity for the entire term of the commitment? Will the provision of service in any way impact GUC's ability to serve current or future customers in the City of Greenville?

Before beginning to gather the data needed to answer these questions, GUC staff requests a preliminary indication that the City Council will consider approving this request for sewer service.

Fiscal Note: No cost to the City. GUC staff will identify the GUC and Simpson costs involved in providing the requested sewer service as part of the project evaluation process.

Recommendation: Provide preliminary approval of the request to provide wastewater treatment to Simpson with consideration of final approval to be scheduled after GUC provides responses to the questions submitted by City staff.

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

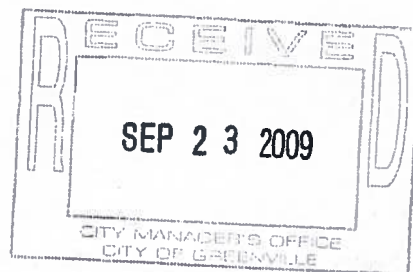
Attachments / click to download

 [Simpson Letter](#)

 [GUC Letter](#)



*Village of Simpson
Office of Mayor*
Email: Simpson@suddenlinkmail.com



Mayor
David C. Boyd Jr.

Mayor Pro Tem
Brenda Hawkins

Councilman
Willie L. Sumerlin

Village Clerk
Finance Officer
Jeanette Newbern

Address
Post Office Box 10
2768 Thompson St
Simpson, NC
27879

Phone:
252-757-1430
Fax:
252-757-0434

Office Hours
Mon thru Thursday
9:00 am - 5:00 pm
Closed Fridays

Planning Board &
BOA Members

Mary Miller Chair
Mary Moya
Ethel Telfaire
Rebecca Thompson
Don Duff
Eugene Williamson
Byran Harris

Council Meetings
Third Monday
Night of month
7:00 pm

Planning Board or
BOA Meetings
First Monday Night
of month
7:00pm

September 21, 2009

Mr. Wayne Bowers, City Manager
City of Greenville
Post Office Box 7207
Greenville, North Carolina 27835-7207

RE: Inquiry for Wastewater Acceptance
Village of Simpson, NC

Dear Mr. Bowers:

We had a meeting today with Mr. Ron Elks, Mr. Randy Emory, Mr. Steve Porter and Mr. Tony Cannon of Greenville Utilities Commission regarding the provision of wastewater treatment service to the Village of Simpson by Greenville Utilities Commission. These gentlemen requested that Simpson obtain prior approval from the City of Greenville before moving forward with any contract negotiations with GUC. Therefore, we kindly ask that Greenville approve the acceptance of Simpson's wastewater for treatment and disposal at GUC's Wastewater Treatment Facility. It is preliminarily estimated that approximately 50,000 gallons per day of capacity will be requested, with an option to purchase additional capacity at a later date.

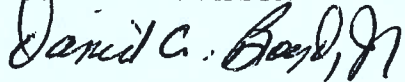
The proposed sewer project in Simpson generally involves construction of 23,000 LF of 10- and 8-inch gravity sewer, 85 manholes, 2 main pump stations, 15,000 LF of 6- and 4-inch force main and 250 service connections. The estimated total project cost is \$4.92 million. Simpson has already secured \$500,000 from the NC Rural Economic Development Center and is approaching the NC Rural Economic Development Center, NC Division of Community Assistance and USDA Rural Development for the remaining \$4.42 million.

To take advantage of the attractive financial grant/loan packages available through ARRA, we need to move quickly to secure the remaining funds. It is our intention to have secured all project funds by December 2009, and key issues to resolve before doing so will be the wastewater capacity tap fee and wastewater treatment charges assessed by GUC to Simpson's residents.

We certainly appreciate your consideration of our request and look forward to working with the City and GUC on this project. If you have any questions, please do not hesitate to contact me at 252/757-1430 or Gary Hartong with The Wooten Company at 252/757-1096.

Best Regards,

VILLAGE OF SIMPSON

A handwritten signature in black ink that reads "David C. Boyd, Jr." The signature is written in a cursive style with a large, stylized "D" and "B".

David Boyd, Mayor

Cc: Mr. Ron Elks, GUC
Mr. Randy Emory, GUC
Mr. Gary Hartong, The Wooten Company



**Greenville
Utilities**

October 9, 2009

Mr. Gary Hartong, P.E.
The Wooten Company
301 West 14th Street
Greenville, NC 27834

**Subject: Village of Simpson Proposed Sewer System Funding Applications
Greenville Utilities Wastewater Capacity and Volume Charges**

Dear Gary:

In response to your request for planning wastewater capacity and treatment cost for the proposed Village of Simpson sewer system we offer the following:

- a. The pricing and cost figures offered below are for planning purposes only and are offered to assist the Village of Simpson in its endeavors to meet certain deadlines for funding applications.
- b. The time span involved in funding, designing and constructing the proposed sewer system may be significant. Therefore, the GUC's charges shown below are subject to change as dictated by budgetary needs, costs of service increases and actions of GUC's governing board.
- c. The pricing that you may use for planning purposes for GUC's capacity fee, to reserve a 50,000 gallon per day wastewater treatment capacity, for the Village of Simpson is \$150,000 - \$200,000.00.
- d. The pricing that you may use for planning purposes for GUC's initial volume rate to be charged is in the range of for \$4.62 to \$5.78 per thousand gallons.

801 Mumford Road
Greenville, NC
27835
www.guc.com

Your Local
Advantage

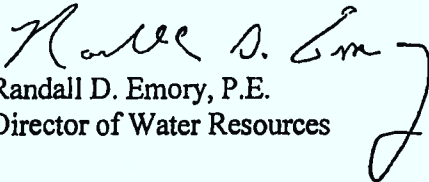
Item # 16

Mr. Gary Hartong, P.E.
October 9, 2009
Page 2

As a reminder, GUC provision of wastewater service to the Village of Simpson is subject to the approval of the appropriate governing bodies.

If there are any questions, please give us a call at 551-1551.

Sincerely,


Randall D. Emory, P.E.
Director of Water Resources

RDE/lpb

cc: Mr. Ronald D. Elks, General Manager/CEO
Mr. Anthony C. Cannon, Assistant General Manager/COO
Mr. J. Steven Porter, Water Resources Systems Engineer
Mr. David Springer, P.E., Water Resources Planning/ Programs Engineer



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolution authorizing disposition of property at 1003 W. Fifth Street to Kinston Charter Academy

Explanation: The Redevelopment Commission recommends disposal of real property located at 1003 W. Fifth Street to the Kinston Charter Academy for the sum of one dollar. The property includes tax parcel number 16938, a 0.12 acre lot containing a 2,600 square foot structure, and tax parcel number 16939, which consists of a 0.13 acre vacant lot. The properties were purchased by the City of Greenville in 2006 for a combined price of \$19,000 using Community Development Block Grant (CDBG) funds. The current tax value is \$40,097 for parcel number 16938 and \$6,110 for tax parcel 16939.

The Kinston Charter Academy was one of two organizations who appeared before the Redevelopment Commission requesting that the subject property be donated for their use. A third non-profit organization (Exceed) withdrew its proposal and plans to lease space in the building, if it is acquired by Kinston Charter Academy. Kinston Charter Academy is a 501(c)3 organization operating a charter school in Kinston, North Carolina. The organization wishes to use the property to provide after-school services to both Kinston Charter Academy students and other students attending various Greenville schools. Additional information about the Kinston Charter Academy's mission and operations are attached to this agenda item. The organization proposes to make some \$50,000 in repairs to the structure and grounds. The organization has furnished an estimate of work to be done. Information provided by the other non-profit organization (Step-by-Step) submitting a proposal is attached.

Fiscal Note: Donation of real property to a non-profit organization such as the Kinston Charter Academy for a public purpose is authorized under CDBG program rules as well as under North Carolina General Statutes.

Recommendation: At its February 2, 2010, meeting, the Redevelopment Commission unanimously recommended that the subject property be donated to the Kinston Charter Academy. The Redevelopment Commission also recommended that the City

Council ensure that the organization has the financial capacity to complete the repairs required to occupy the building. As a result, staff recommends a claw-back provision within the donation resolution that requires the property's return to the City should a certificate of occupancy not be obtained by the Kinston Charter Academy within 24 months. Also, The fee simple interest of the Kinston Charter Academy, Inc. shall terminate if at any time, the Kinston Charter Academy, Inc. shall cease to use the property for the public purpose of providing financial literacy training and cooperative economic projects such as small business development, community investment groups and community meeting space for local groups and after school recreational and cultural programming for children and youth.

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

Attachments / click to download

- [Property Fact Sheet](#)
 - [Staff Summary of Proposals](#)
 - [Kinston Charter Academy](#)
 - [Step by Step](#)
 - [Exceed](#)
 - [Kinston Charter Resolution 856916](#)
-

RESOLUTION NO. 10-
RESOLUTION APPROVING THE CONVEYANCE OF PROPERTY
TO KINSTON CHARTER ACADEMY, INC.

WHEREAS, Kinston Charter Academy, Inc. is a nonprofit corporation incorporated in the State of North Carolina for the purpose of providing educational services;

WHEREAS, Kinston Charter Academy, Inc. is requesting the conveyance of real property located at 1003 West Fifth Street and further identified as tax parcel numbers 16938 and 16939 for the purposes of providing financial literacy training and cooperative economic projects such as small business development, community investment groups and community meeting space for local groups and after school recreational and cultural programming for children and youth;

WHEREAS, financial literacy training and cooperative economic projects such as small business development, community investment groups and community meeting space for local groups is the public purpose of economic development which the City is authorized to engage in pursuant to the provisions of G.S. 159-7.1 and after school recreational and cultural programming for children and youth is the public purpose of recreation which the City is authorized to engage in pursuant to the provisions of G.S. 160A-353; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of real property by private sale to a nonprofit corporation if the City is authorized by law to appropriate money to the nonprofit corporation and G.S. 160A-20.1 permits a city to contract with and appropriate money to a nonprofit corporation in order to carry out a public purpose that the City is authorized to engage in;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville as follows:

1) The conveyance of property consisting of tax parcel numbers 16938 and 16939 to the Kinston Charter Academy, Inc. is hereby authorized, said conveyance to be by private sale for the consideration of the use of the property consistent with the hereinafter listed conditions, covenants, and restrictions and to be accomplished by a deed executed by the Mayor and City Clerk.

2) The consideration for the conveyance is the following set of conditions, covenants, and restrictions which shall be incorporated in the deed given by the City to the Kinston Charter Academy, Inc.:

- (a) Kinston Charter Academy, Inc. will renovate, rehabilitate, and improve the building located on the property so that a certificate of occupancy is issued no later than twenty four (24) months from the date of conveyance by the Chief Building Inspector of the City which authorizes the building to be utilized for the purpose of providing financial literacy training and cooperative economic projects such as small business development,

community investment groups and community meeting space for local groups and after school recreational and cultural programming for children and youth.

- (b) Once the certificate of occupancy is issued after completion of the renovation, rehabilitation and improvement, Kinston Charter Academy, Inc. will use the property for the public purpose of providing financial literacy training and cooperative economic projects such as small business development, community investment groups and community meeting space for local groups and for the public purpose of providing after school recreational and cultural programming for children and youth.

3) The deed from the City to the Kinston Charter Academy, Inc. shall convey a title in fee simple determinable. The fee simple interest of the Kinston Charter Academy, Inc. shall terminate if the certificate of occupancy which authorizes the building to be utilized for the aforelisted purposes is not issued within twenty four (24) months of the date of the conveyance or if, at any time, the Kinston Charter Academy, Inc. shall cease to use the property for the public purpose of providing financial literacy training and cooperative economic projects such as small business development, community investment groups and community meeting space for local groups and after school recreational and cultural programming for children and youth.

4. A notice summarizing the contents of this resolution shall be published and the property may be conveyed at any time after ten (10) days after publication of the notice.

This the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

INFORMATION SHEET

1003 West Fifth Street



COMMUNITY DEVELOPMENT

DEPARTMENT

MEMO

TO: Redevelopment Commission
FROM: Merrill Flood, Director Community Development Department *MF*
DATE: October 29, 2009
SUBJECT: Summary of Proposals Received for 1003 West Fifth Street

Staff presented information to the Redevelopment Commission during August 4, 2009 and September 1, 2009 meetings regarding the sale of 1003 West Fifth Street. A process for consideration of the proposals was developed with the Redevelopment Commission for the commission's recommendation for the sale to the Greenville City Council. The City issued a Request for Proposals to non-profit organizations, to consider the sale of real property at 1003 West Fifth Street (owned by the City of Greenville). The Request for Proposals was published from July 12, 2009 until August 17, 2009. In order to be considered, the organization was required to provide a community service and their proposed use was required to comply with local zoning and the Center City-West Greenville Revitalization Plan. In addition, the organization should demonstrate the ability to accept the property in an "As Is" condition and make improvements to the facility in a timely manner.

Three proposals were received for the structure at 1003 West 5th Street. These proposals are submitted to the Redevelopment Commission for consideration during the November 3, 2009, meeting of the commission. The Redevelopment Commission will make a recommendation to City Council for final action. A summary of the proposals is provided below in the order that the proposals were received.

Summary of the Request

The first proposal received was from the Kinston Charter Academy and is proposed to provide a business counseling center for businesses in the community and after school program. The proposal indicates that the organization proposes to purchase the property for a price of \$1 and operate the programs indicated above.

The second proposal received was from an organization entitled "Step By Step Taking Steps Toward Healthier Living, Inc". Their offer is to purchase the structure for \$501.00. Their proposal is to use the structure as an office to further educational services to persons with HIV/AIDS. Their indicated use does not include providing a place of residence for persons with HIV/ AIDS.

The third request received was from EXCEED, Inc. Their proposal is to purchase the property for \$10.00 for the purposes of providing a business center promoting economic development and small businesses as an outreach center.

Compliance Section

The property is currently zoned "CDF" (Downtown Commercial Fringe) based upon the City of Greenville Zoning map. In each case, office use of the property is a permitted use under the City of Greenville Zoning Ordinance. The After School Care use proposed by the Kinston Charter Academy will require the issuance of a special use permit issued by the Board of Adjustment.

The Center City-West Greenville Redevelopment Plan recommends that the property be utilized for Office Residential purposes (exhibit 4-28 The Center City-West Greenville Revitalization Plan). In addition, the sale of real property for less than the "fair market" value by a municipality, must meet a "public purpose" as defined by G.S. 160-279. Information the proposed uses by the three organizations have been discussed with the Greenville City Attorney's Office. Each of the proposed uses meets the requirements for conveyance to a non-profit entity at a price less than the fair market value.

Each organization is scheduled to make a presentation up to 10 minutes to the Redevelopment Commission at the November 3, 2009, meeting. Ranking sheets are included with the materials as developed during the September meeting.

If you have additional questions, please contact me at 329-4500.

Merrill Flood

From: Harry Hamilton
Sent: Thursday, October 29, 2009 9:33 AM
To: Merrill Flood
Cc: Carl Rees; Sandra W. Anderson; Michael Dail; Niki Sean Jones; Tom Wisemiller
Subject: RE: Parcels 16938 and 16939 (1003 Fifth Street and adjacent vacant lot)
Attachments: Base Map.pdf

Merrill,

The subject parcels are currently zoned CDF (downtown commercial fringe).

Listed below are the provided descriptions for the 3 proposed establishments and zoning comments for each.

Kinston Charter Academy - a business counseling center for businesses and after school care.

- A business counseling center would be considered an Office; professional and business, not otherwise listed and would be a permitted (by-right) use in the CDF district.
- After school care would be considered a Child day care facility (principal or accessory use) and would be subject to special use permit approval of the Board of Adjustment in the CDF district. See definition - below.

“Day care; child. An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.”

Step By Step “Taking Steps Toward Healthier Living, Inc. - an office to further educational services to persons with HIV/AIDS. The proposed use does not include providing a place of residence for persons with HIV/ AIDS.

- An office and educational counseling center, without residential occupancy, would be considered an Office; professional and business, not otherwise listed and would be a permitted (by-right) use in the CDF district.

EXCEED, Inc. - a business center promoting economic development and small businesses as an Outreach Center.

- A business/outreach (economic development counseling and promotion) center would be considered an Office; professional and business, not otherwise listed and would be a permitted (by-right) use in the CDF district.

Note: Site plan approval, including parking lot improvement, would be required in advance of any occupancy of the proposed uses.


Harry V. Hamilton, Jr.
Chief Planner
Community Development Department
City of Greenville, NC
Office (252) 329-4511
Fax (252) 329-4483

hhamilton@greenvillenc.gov

From: Merrill Flood
Sent: Wednesday, October 28, 2009 8:06 PM
To: Harry Hamilton
Subject:

Harry please see the memo and let me know if possible by lunch on Thursday if the proposals and information I have provided will comply with zoning for the property. Thanks.

MEMORANDUM

TO: Merrill Flood, Director of Community Development
FROM: David A. Holec, City Attorney 
DATE: March 16, 2009
SUBJECT: Kinston Charter Academy

At the February 17, 2009, Planning & Zoning Commission meeting, you provided me a copy of the January 27, 2009, letter from Ozie Lee Hall, Jr., Chief Executive Officer of Kinston Charter Academy, requesting the City transfer fee simple title of property owned by the City to Kinston Charter Academy (a nonprofit, tax-exempt corporation) for \$1. The letter cites as the uses which the property will serve as the following:

- (1) Administrative office for Kinston Charter Academy's City of Greenville and Pitt County operations;
- (2) After School Program site for Kinston Charter Academy students in Greenville and the West Greenville community; and
- (3) office space and community meeting space available by West Greenville Regional Development, Inc., EXCEED, Inc., and other community groups.

G.S. 160A- 279 permits a city to convey real property by private sale to a nonprofit organization whenever a statute permits the city to appropriate money to the nonprofit corporation. G.S. 160A-20.1 permits a city to contract with and appropriate money to a nonprofit organization in order to carry out any public purpose that the city is authorized to engage in. The city is required to attach to the conveyance conditions that will ensure that the property will be put to a public use by the organization. Therefore, if the nonprofit organization is carrying out a public purpose that the city is authorized to engage in and that property will be used for that public purpose, then the city may convey the property by private sale. And it would be acceptable for the sale to be for \$1 with the theory being that the consideration being provided is its use for the public purpose which the city is authorized to engage in.

An example of when this statutory authorization has been used is when City Council approved the conveyance of property (parking lots) to the Greenville Museum of Art since museums are a public purpose which the city is authorized to engage in. This statutory authority was not utilized as the basis for the leases of portions of the Intergenerational Center since each of these were for leases of less than 10 years (therefore the leases were not required to be treated as a sale of real property) and these leases were approved by Council pursuant to G.S. 160A-272. This statutory authority also was not used as the basis for the long term lease with the Chamber which instead was based upon G.S. 160A-266 which authorizes a private sale of a historic or architectural

landmark provided that conditions are attached which ensure its maintenance as a historic or architectural landmark.

The City is not authorized to operate schools so the use of this property as an administrative office for Kinston's Charter Academy is not a public purpose which would support the conveyance. Having an after school program site is possibly under the coverage of recreation which is a public purpose which the city is authorized to engage in (although limiting the program to Kinston Charter Academy students causes a concern). Offering office space to community groups is not a public purpose that the city is authorized to engage in (although the City could legally lease office space of surplus property – it is not a public purpose). Offering meeting space to community groups would be a public purpose and is accomplished by the city at various recreation sites. My understanding of the mix proposed in Mr. Hall's letter is that the primary purpose will be to meet the needs of the Kinston Charter Academy --- serving as the administrative office for the Kinston Charter Academy's City of Greenville and Pitt County operations and also as an after school site for its students.

In my opinion, the use as described in Mr. Hall's letter would not support a conveyance by private sale pursuant to the provisions of G.S. 160A-279. The property could still be sold to the Kinston Charter Academy but it would require that it be accomplished by one of the competitive methods of sale --- (1) advertisement for sealed bids, (2) negotiated offer, advertisement, and upset bid; (3) public auction; or (4) exchange of property. Another possibility would be a lease pursuant to G.S. 160A-272 for less than 10 years for such terms and conditions as the Council may determine (this would also require Council to determine that the property is not needed for the term of the lease).

cc: Wayne Bowers, City Manager

FORM 00000000 011

03/19/2009 10.13

#235 P.002/004

PROPOSAL FOR PURCHASE
OF
1003 WEST 5TH STREET PROPERTY
(former NEMO HOUSE)

To:

City of Greenville
Community Development
Administrative Division
P.O. Box 7207
Greenville, NC 27835-7207
Attention: Merrill Flood
Community Development Director

From:

Kinston Charter Academy
2000 Dr. Martin Luther King, Jr. Blvd
Kinston, NC 28501
Telephone: (252) 522-0210, Ext. 281
Fax: (252) 522-2584
Telephone: (252) 902-4595
Attention: Ozie Lee Hall, Jr.
Chief Executive Officer

Date:

March 19, 2009

From:deborah ort

03/19/2009 10:18

#285 P.003/004

Proposal:

The Kinston Charter Academy hereby proposes that the City of Greenville convey to Kinston Charter Academy, for the amount of one dollar (\$1.00), the fee simple title to the property located at 1003 West 5th Street (former Nemo House) for as follows:

1. For use as a Recreational Program site:

Kinston Charter Academy will use the facility as a location to operate an after school program for children and youth ages 5-14 years old. The after school program will be open to all City of Greenville residents. The program will provide tutoring, academic enrichment, arts and crafts, board games, life skills training, and other recreational and enrichment activities.

2. For Economic Development Purposes:

Kinston Charter Academy will use the facility to house financial literacy training and organize cooperative economic projects such as small business development, community investment groups, and community meeting space for local community groups. The facility use will be available to all City of Greenville residents. Kinston Charter Academy will organize a project that will create approximately 50 jobs in the City of Greenville.

From:deborah orr

03/19/2009 10:17

#285 P.004/004

3. Other:

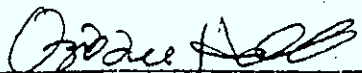
Kinston Charter Academy will not restrict the facility's use to Kinston Charter Academy use or its students and parents. The facility will be used to serve the west Greenville community and the entire City of Greenville. Kinston Charter Academy use of a room in the facility as an administrative office is a temporary arrangement for part of its economic development project which is projected to create about 50 jobs within the next two years. Please also note that Kinston Charter Academy will work in conjunction with other local groups to create additional jobs and improve economic conditions in the community.

Summary and Conclusions:

Kinston Charter Academy is seeking to purchase 1003 West 5th Street (former Nemo House) for one dollar (\$1.00). The facility will be used for recreation and economic development purposes.

Dated: March 19, 2009

KINSTON CHARTER ACADEMY



Ozie Lee Hall, Jr.
Chief Executive Officer

MEMORANDUM OF UNDERSTANDING

Between
KINSTON CHARTER ACADEMY
AND
EXECUTIVE CENTER FOR ECONOMIC & EDUCATIONAL
DEVELOPMENT, INC
(Exceed, Inc)

This Memorandum of Understanding (MOU) establishes an agreement by and between EXCEED, INC. (a North Carolina Non-Profit Corporation) and KINSTON CHARTER ACADEMY (A North Carolina Non-Profit Corporation) this the 23rd day of November, 2009.

Recitals

WHEREAS, both Kinston Charter Academy and Exceed, Inc. have applied to the City of Greenville for ownership of certain real estate located at 1003 W. Fifth Street, Greenville, North Carolina, known as the Nemo House; and

WHEREAS, Kinston Charter Academy and Exceed, Inc., have agreed to work cooperatively and to share usage of the facility with legal title conveyed to Kinston Charter Academy, and

WHEREAS, the parties are committed to providing services to the community;

NOW THEREFORE, the parties do hereby memorialize their understanding as follows:

- (1) Exceed, Inc Community Development Corporation (CDC) aim or mission is to help develop and carry out a Community Revitalization Plan that will beautify, preserve the historical buildings and sites; and upgrade and increase the availability of decent affordable housing for low and low-to-moderate income individuals and families in the West Greenville Community.
- (2) The Kinston Charter Academy will provide Exceed, Inc. CDC office space to carry out its efforts in the West Greenville Community free of charge for a period of one year in the Nemo House

upon its conveyance, by the City of Greenville, to Kinston Charter Academy and upon completion of any renovations planned by Kinston Charter Academy prior to occupancy.

- (3) The purpose and scope of this Memorandum of Understanding (MOU) is to provide Exceed, Inc a location to obtain office space within the community it is intended to carry out its mission.
- (4) The points of contact responsible for administration of this Memorandum of Understanding are:

Exceed, Inc
Mr. Carlton Gay, Chief Operations Officer
Post Office 8396
Greenville, North Carolina 27834

Kinston Charter Academy
Mr. Ozie Hall, CEO
2000 Dr. Martin Luther King, Jr. Blvd
Kinston, North Carolina 28501

- (5) The organizations agree to the following tasks for this MOU
- A. Exceed, Inc will:
1. Enter into a lease agreement outlining the terms of occupancy, including but not limited to providing liability insurance.
 2. Develop and maintain effective management and control over all activities performed by Exceed, Inc in the facility.
 3. Exceed, Inc will provide small business counseling and job skills training, including computer skills and financial literacy classes, homeownership counseling and community activities in the neighborhood addressing health wellness and positive lifestyles.

4. Be responsible for, and pay all costs of improvements, additions, fixtures and/or office equipment used by Exceed, Inc.
5. Share conference and common areas with others in the building.
6. Work with Kinston Charter Academy to maintain the facility and its operations during regular business hours.

B. Kinston Charter Academy will:

1. Lease two office spaces to Exceed, Inc and receive compensation in proportion to the space leased by Exceed for utilities, with no rental fees for a period of one year.
2. Insure the facility is available to Exceed, Inc at any reasonable time to serve its clients.

(6) The terms of this MOU is for a period of one (1) year from the effective date of this agreement and may be extended upon written mutual agreement. It shall be reviewed at any time to ensure that it is full filling its purpose and to make necessary revisions.

Either (organization/entity) may terminate this MOU upon thirty (30) days written notice without penalties or liabilities.

Hold Harmless

The undersigned hereby acknowledge and agree that pursuant to NCGS § 115C-238.29H that no indebtedness of any kind incurred or created by Kinston Charter Academy shall constitute an indebtedness of the State of North Carolina or its political subdivisions, and no

indebtedness of Kinston Charter Academy shall involve or be secured by the faith, credit or taxing power of the State of North Carolina or its political subdivisions.

Authorization

The signing of the MOU is not for a formal undertaking. It implies that the signatories will strive to reach, to the best of their ability, the objectives stated in the MOU.

On behalf of the (organization/entity) I represent, I wish to sign this MOU and contribute to its further development.

EXCEED, INC.

KINSTON CHARTER ACADEMY

By: Carlton Gay Date: 11/23/09

By: _____ Date _____

Carlton Gay, Chief Operations Officer

Ozie L. Hall, CEO/Principal

**Articles of Incorporation and Board Member
Information**

SOSID: 662393
Date Filed: 1/31/2003 12:03:00 PM
Effective: 2/1/2003
Elaine F. Marshall
North Carolina Secretary of State

23 031 9026

State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

Pursuant to §55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the corporation is: Kinston Charter Academy
2. (Check only if applicable.) The corporation is a charitable or religious corporation as defined in NCGS §55A-1-40(4).
3. The street address and county of the initial registered office of the corporation is:
 Number and Street 901 North Queen Street
 City, State, Zip Code Kinston, North Carolina 28501 County Lenoir
4. The mailing address *if different from the street address* of the initial registered office is:

5. The name of the initial registered agent is:
Johnny Lyles
6. The name and address of each incorporator is as follows:
Johnny Lyles
901 N. Queen Street
Kinston, N.C. 28501
7. (Check either a or b below.)
 a. The corporation will have members.
 b. The corporation will not have members.
8. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.
9. Any other provisions which the corporation elects to include are attached.
10. The street address and county of the principal office of the corporation is:
901 N. Queen St., Kinston, NC 28501 County Lenoir
11. The mailing address *if different from the street address* of the principal office is:

12. These articles will be effective upon filing, unless a later time and/or date is specified: Feb. 1, 2003

This is the 31st day of January, 2003.

Johnny Lyles (PB)
Signature of Incorporator
Johnny Lyles, Incorporator
Type or print Incorporator's name and title, if any

NOTES:

1. Filing fee is \$60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

Revised January 2000

Form N-01

CORPORATIONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

religious,

charitable,

educational,

testing for public safety,

scientific,

literary,

fostering national or international amateur sports competition, and/or

prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the

corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for religious, charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Code as the Board of Directors shall determine, or to federal, state, or local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, such as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.

C200728400250

SOSID: 0662393
Date Filed: 10/12/2007 8:41:00 AM
Elaine F. Marshall
North Carolina Secretary of State
C200728400250

State of North Carolina
Department of the Secretary of State

NONPROFIT CORPORATION'S STATEMENT OF CHANGE OF PRINCIPAL OFFICE

Pursuant to §55A-16-23(b) of the General Statutes of North Carolina, the undersigned nonprofit corporation does hereby submit the following for the purpose of changing its principal office address currently on file with the Secretary of State.

INFORMATION CURRENTLY ON FILE

The name of the corporation is: Kinston Charter Academy

The street address and county of the principal office of the corporation currently on file is:

Number and Street: 901 N. Queen St.

City, State, Zip Code: Kinston, NC 28501 County: Lenoir

The mailing address *if different from the street address* of the principal office currently on file is:

Same as principal office

NEW INFORMATION

1. The street address and county of the new principal office of the corporation is:

Number and Street: 2000 Dr. Martin Luther King, Jr. Blvd.

City, State, Zip Code: Kinston, NC 28501 County: Lenoir

2. The mailing address *if different from the street address* of the new principal office is:

Same as principal office

3. This statement will be effective upon filing, unless a later date and/or time is specified: _____

This is the 10th day of October, 2007.

KINSTON CHARTER ACADEMY

[Handwritten Signature]
Name of Corporation
[Handwritten Signature]
Signature

Demyra R. McDonald, Chairman of the Board

Type or Print Name and Title

NOTES:

- 1. Filing fee is \$5. This statement and one exact or conformed copy of it must be filed with the Secretary of State.

C200735500252

SOSID: 0662393
Date Filed: 12/31/2007 2:02:00 PM
Elaine F. Marshall
North Carolina Secretary of State
c200728400252

STATE OF NORTH CAROLINA
DEPARTMENT OF THE SECRETARY OF STATE

STATEMENT OF CHANGE OF REGISTERED
OFFICE AND/OR REGISTERED AGENT

Pursuant to §55D-31 of the General Statutes of North Carolina, the undersigned entity submits the following for the purpose of changing its registered office and/or registered agent in the State of North Carolina.

OLD INFORMATION

The name of the entity is: KINSTON CHARTER ACADEMY

Entity Type: Corporation, Foreign Corporation, Nonprofit Corporation, Foreign Nonprofit Corporation,
 Limited Liability Company, Foreign Limited Liability Company Limited Partnership, Foreign Limited Partnership,
 Limited Liability Partnership, Foreign Limited Liability Partnership

The street address and county of the entity's registered office currently on file is:

Number and Street: 901 N. Queen St.

City, State, Zip Code: Kinston, NC 28501 County: Lenoir

The mailing address *if different from the street address* of the registered office currently on file is:
Same

The name of the current registered agent is: Johnny Lyles

NEW INFORMATION

1. The street address and county of the new registered office of the entity is:
(complete this item only if the address of the registered office is being changed)

Number and Street: 2000 Dr. Martin Luther King, Jr. Blvd.

City, State, Zip Code: Kinston, NC 28501 County: Lenoir

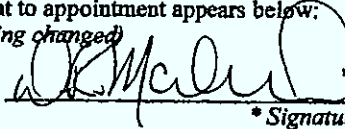
2. The mailing address *if different from the street address* of the new registered office is:
(complete this item only if the address of the registered office is being changed)

Same as new registered office

3. The name of the new registered agent and the new agent's consent to appointment appears below:
(complete this item only if the name of the registered agent is being changed)

Demyra R. McDonald

Type or Print Name of New Agent

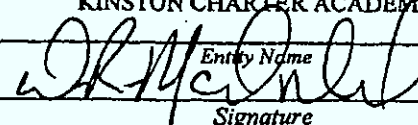
 , Chairman of the Board
** Signature & Title*

4. The address of the entity's registered office and the address of the business office of its registered agent, as changed, will be identical.

5. This statement will be effective upon filing, unless a date and/or time is specified: _____

6.

This is the 10TH day of October, 2007.

KINSTON CHARTER ACADEMY

Entity Name
Signature
Demyra R. McDonald, Chairman of Board
Type or Print Name and Title

Financial Information

Merrill Flood

From: Ozie Lee Hall [ozhall@kinstoncharteracademy.com]
Sent: Wednesday, October 28, 2009 6:10 PM
To: Merrill Flood
Subject: Nemo House Proposal
Attachments: INC-ArticlesofIncorporation_230319026[1].pdf; COPA-ChangeofPrincipalOfficeAddress_C200728400250[1].pdf; CROA-ChangeofAddressofRegisteredOffice_Agent_c200728400252[1].pdf; Board of Directors List.doc; nemo house proposal.PDF; Audit Report-End June 30, 2008.pdf

Dear Merrill:

Please find attached our articles of incorporation and amendments, a list of our board of directors, a copy of the proposal, and our 2008 audit report. Our 2009 audit report should be completed by our auditors within the next few days.

Our operating budget this year is approximately \$2.8 million.

We have sufficient unrestricted funds to complete renovations of the subject property immediately. We have estimated immediately spending about \$30,000.00 to up grade the property.

Sincerely,

Ozie Lee Hall, CEO
Kinston Charter Academy
2000 Dr. Martin Luther King, Jr. Blvd.
Kinston, NC 28501
Telephone: (252)522-0210, Ext. 281
Fax: (252) 522-2584

**KINSTON CHARTER ACADEMY
BOARD OF DIRECTORS LIST**

10/27/2009

<u>Member Name and Mailing Address</u>	<u>Residence</u>	<u>Board Title</u>
Demyra R. McDonald-Hall, Esq. 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 demyrarmcdonald@yahoo.com	Greenville	Chairman of the Board
Vanish E. Green 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 greenve@unifi.com	Winterville	Treasurer
Linda McKnight 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 lindamcknight@hotmail.com	Kinston	Secretary
Sherba Allen 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 sherba@lanierconstructionco.com	Snow Hill	Board Member
Dr. David Gabbard 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 gabbardd@ecu.edu	Greenville	Board Member
Corey Lawson 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 clawson@precisionhealthnc.net	Kinston	Board Member
Jacqueline Davis 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 kountrygirljbd@yahoo.com	Kinston	Board Member
Ozie Lee Hall, Jr. 2000 Dr. Martin Luther King, Jr. Blvd. Kinston, NC 28501 ozhall@kinstoncharteracademy.com	Greenville	Chief Executive Officer

munell

KINSTON CHARTER ACADEMY

NEMO HOUSE PROJECT

Schedule of Repairs*

<u>Completion Date</u>	<u>Repair Completed</u>	<u>Completed By</u>
Day 30	Begin repairs.	Contractor
Day 35	Inspection of plumbing system and upgrade discharge portion of the plumbing system.	Contractor
Day 40	Installation of new HVAC system.	Contractor
Day 45	Installation of new roof.	Contractor
Day 50	Repair or replacement of nine windows.	Contractor
Day 55	Installation of parking areas with handicapped space.	Contractor
Day 57	Landscaping.	Contractor
Day 61	Occupancy.	KCA & Tenants
Day 65	Services available to the public.	KCA & Tenants

*Start date for repairs will begin one day after completion of the closing and transfer of title.



BURNEY & BURNEY CONSTRUCTION Co., INC.

PHONE (252)752-8000

~ ~ ~ ~

FAX (252)752-9100

January 27, 2010

Kinston Charter Academy
Attn: Mr. Ozie Hall
2000 Martin Luther King Jr, Blvd
Kinston, NC 28501

Re: **Estimated cost to repair 1003 West Fifth Street**

The following is a cost proposal for repairs required by the City Of Greenville for the above property:

1. Installation of a new heating and air conditioner System
2. Installation of a parking area 8 spaces with one handicapped space
3. Landscaping to repair upset areas
4. Installation of a new roof
5. Replace nine windows
6. Inspection of plumbing system for upgrade of the discharge portion

Total Cost = \$41,500.00

P.O. Box 340 ~ 3410 N. Memorial Drive ~ Greenville, NC 27834

"Quality From Start To Finish"

KINSTON CHARTER ACADEMY
2009-2010

Budget Report for December 1, 2009 to December 31, 2009

	<u>Month to Date</u>		<u>Year to Date</u>		<u>Budget Balance</u>	
REVENUE						
State	\$	1,926,409.00	\$	232,463.18	\$	613,545.82
Local	\$	639,600.00	\$	74,550.74	\$	408,061.94
Child Nutrition (Fund 5)	\$	203,000.00	\$	16,809.95	\$	151,363.39
Federal	\$	452,618.00	\$	43,010.13	\$	241,273.07
Total Income	\$	3,221,627.00	\$	366,834.00	\$	1,414,244.22
EXPENSES						
Total Salaries and Bonuses	\$	1,501,866.42	\$	139,194.22	\$	679,615.88
Total Benefits	\$	433,378.40	\$	56,858.96	\$	207,924.25
Total Books & Supplies	\$	32,500.00	\$	10,023.03	\$	44,821.14
Total Technology	\$	12,000.00	\$	2,854.98	\$	9,510.90
Total Non-Cap Equipment & Leases	\$	45,000.00	\$	5,221.06	\$	37,594.68
Total Contracted Student Services	\$	142,000.00	\$	10,277.50	\$	58,107.50
Total Staff Development	\$	12,000.00	\$	8,639.48	\$	22,873.89
Total Administrative Services	\$	120,500.00	\$	8,961.28	\$	57,417.82
Total Insurance	\$	62,500.00	\$	4,545.00	\$	38,779.00
Total Rents and Debt Service	\$	472,505.00	\$	23,389.03	\$	140,133.90
Total Facilities	\$	34,000.00	\$	3,794.29	\$	58,828.88
Total Utilities	\$	73,500.00	\$	9,569.05	\$	59,771.72
Total Nutrition & Food	\$	86,000.00	\$	9,405.42	\$	13,728.28
Total Transportation & Travel	\$	64,000.00	\$	5,066.79	\$	43,939.71
Total Capital Purchase	\$	26,000.00	\$	-	\$	41,997.60
Total Expenses	\$	3,117,749.82	\$	297,800.09	\$	1,499,706.28
GROSS SURPLUS (DEFICIT)	\$	103,877.18	\$	69,033.91	\$	307,676.50
NET SURPLUS (DEFICIT)	\$	53,877.18	\$	53,877.18	\$	53,877.18

*Nemo House Project may also be financed for a monthly payment of \$418.00 per month on a 20 year note at 8 percent.

Dated: 1/28/2010

323 Clifton Street Suite #20
Greenville, North Carolina 27858

August 7, 2009

Claudia G. James
CEO/Health Chairman NAACP
Step By Step "Taking Steps Toward Healthier Living" Inc
323 Clifton Street Suite #20
Greenville, North Carolina 27858
(252)207-0355
(252)531-6195

City Of Greenville, North Carolina

Step By Step "Taking Steps Toward Healthier Living" Inc. purposes bid of \$501.00 for real property located 1003 West Fifth Street Greenville, North Carolina 27858. Possessing real property located 1003 West Fifth Street Greenville North Carolina will be used as commercial property for ongoing services of Step By Step "Taking Steps Toward Healthier Living "Inc. as well as renovating to other non- profit organizations in our community.

Step By Step "Taking Steps Toward Healthier Living" Inc is a non-profit organization that specializes in prevention education for those infected or affected by HIV/AIDS. We are committed to accelerating positive movement on critical issues and affecting enduring systemic change in our communities. This plague HIV/AIDS is spreading rapidly throughout the communities in which we live. In the event we are offering our services to assist other established agencies in the war against HIV/AIDS. The services we provide are as follows Rapid Testing, Prevention Services, Referral Services, Healthier Living Education, Reproductive Health, Pre/Post Counseling, Communicating Skills Training , Medicaid Application, Pastoral Counseling Services, Parent to Parent Counseling & Training, It's About Teenage Girls, It's About Teenage Boys, Love Like Me Programs ,HIV Couple Counseling & Testing ,Homeless/Prevention and Tutoring for our youths. We also have many more projects we are working on for the upcoming years.

We collaborate with NAACP, EXCEED, DSS, PICASO, CASCADE, PITT COUNTY HEALTH DEPARTMENT, WHETSTONE CONSULTATIONS, CDC, REAL CRISIS INTERVENTION, STAND-ATLANTA GEORGIA. Step By Step "Taking Steps Toward Healthier Living" Inc. plans to network with different organizations in order to better assist our communities in areas most needed.

Step By Step "Taking Steps Toward Healthier Living "Inc will apply for grants within the city of Greenville North Carolina. We Step By Step" Taking Steps Toward Healthier Living" Inc. will match the Block grant amounts for redevelopment of real property located 1003 West Fifth Street Greenville, North Carolina. Redevelopment projected date for completion is September 2010. We do look forward to networking with the city of Greenville, North Carolina.

Claudia G. James/CEO
Step By Step TSTHL Inc.

**Articles of Incorporation and Board Member
Information**



NORTH CAROLINA Department of The Secretary of State

To all whom these presents shall come, Greetings:

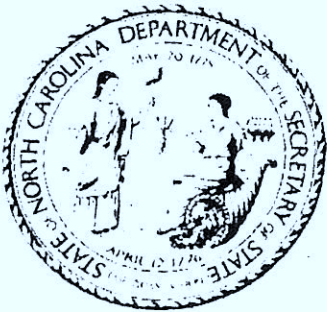
I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION

OF

STEP BY STEP "TAKING STEPS TOWARD HEALTHIER LIVING INC.

the original of which was filed in this office on the 15th day of January, 2009.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 15th day of January, 2009

Elaine F. Marshall
Secretary of State

SOSID: 1079749
Date Filed: 1/15/2009 2:24:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C200900200567

State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

Pursuant to §55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the corporation is: Step by Step "Taking Steps Toward Healthier Living" Inc.
2. (Check only if applicable.) The corporation is a charitable or religious corporation as defined in NCGS §55A-1-40(4).
3. The street address and county of the initial registered office of the corporation is:
Number and Street 3313 #B Parkway Court
City, State, Zip Code Greenville, N.C 27834 County Pitt
4. The mailing address if different from the street address of the initial registered office is:
5. The name of the initial registered agent is:
Evangelist Claudia James
6. The name and address of each incorporator is as follows: Ernest Green P.O Box 1082
Washington, N.C 27889
7. (Check either a or b below.)
a. The corporation will have members.
b. The corporation will not have members.
8. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.
9. Any other provisions which the corporation elects to include are attached.
10. The street address and county of the principal office of the corporation is:
Number and Street 3313 #B Parkway Court
City, State, Zip Code Greenville, N.C 27834 County Pitt
11. The mailing address if different from the street address of the principal office is:

Purpose of Corporation

This corporation is organized for the following purpose(s) (check as applicable):

- religious,
- charitable,
- educational,
- testing for public safety,
- scientific,
- literary,
- fostering national or international amateur sports competition, and/or
- prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for religious, charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Code as the Board of Directors shall determine, or to federal, state, or local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, such as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.

12. These articles will be effective upon filing, unless a later time and/or date is specified: _____

This is the 1st day of Jan., 2009

Claudia James

[Signature]
Signature of Incorporator

EVANGELIST CLAUDIA JAMES/CEO
Type or print Incorporator's name and title, if any

NOTES

1. Filing fee is \$60. This document must be filed with the Secretary of State.

Revised January 2000

CORPORATIONS DIVISION

P. O. BOX 29622

Form N-01

RALEIGH, NC 27626-0622

25 September 2009

Step By Step TSTHL, Inc.
323 Clifton Street Suite# 20
Greenville, North Carolina 27858
Claudia Green James
Founder/CEO
252-207-0355 or 252-558-1068

BOARD MEMBERS

Claudia G. James
2704 Jefferson Drive
Greenville, North Carolina 27858
Founder/CEO
252-531-6195

Ernest Green
1898 Pacific Street Apt 9
Brooklyn, New York 11233
COO
347-494-2366

Earl Reese Owens
317 Johnson Lane
Winterville, North Carolina 28590
CFO
252-714-6083

Sheila Perry
1250 B Westpointe Drive
Greenville, North Carolina
Executive Director/ Board Member
252-353-4133

Dequeisha Wiggins
418 West 5th Street Apt 29
Greenville, North Carolina
Administrative Assistant
252-551-9037

Financial Information

Merrill Flood

From: Claudia James [stepbystepceo@yahoo.com]
Sent: Wednesday, October 21, 2009 11:02 PM
To: Merrill Flood
Subject: Funding Statement

I Claudia G. James CEO/Founder of Step By Step "Taking Steps Toward Healthier Living" Inc has been funding this organization since January 15, 2009 from personal funds through donations and contributions. We have not yet had an annual audit. I do plan to make a contribution to assist in the re-development of property located 1003 West 5th Street, Greenville North Carolina. If you have any further questions or need any additional information please don't hesitate to contact me.

Thank you,
Claudia G. James
252-531-6195

Additional Information Submitted by the Organization

Step By Step "Taking Steps Toward Healthier Living" Inc.
323 Clifton Street Suite 20
Greenville, North Carolina 27858

1003 West Fifth Street
Greenville, North Carolina 27858

Inventory List

- 1) Cut down trees & Bushes
- 2) Painting
- 3) Floor Repaired (kitchen)
- 4) Kitchen Cabinets & Counter tops Repaired
- 5) Add Restroom Downstairs
- 6) Windows& Screens
- 7) Carpet Upstairs
- 8) Roof
- 9) Vinyl Siding with installation(Eastern Installation) roof & floor
- 10) Heat & Air System
- 11) Paving (right side of house) Parking Lot
- 12) Handicap Ramp (20 foot)

25 September 2009

Step By Step TSTHL, Inc.
323 Clifton Street Suite# 20
Greenville, North Carolina 27858
Claudia Green James
Founder/CEO
252-207-0355 or 252-558-1068

JOB POSITIONS

- 1) 1 – Prevention Education Director (Mrs. Claudia James)
- 2) 4 – Outreach Counselors
- 3) 1 – Youth Program Director (Mr. Earl Reese Owens)
- 4) 2 – Youth Counselors
- 5) 1 – Case Management Program Director (Ms. Sheila Perry)
- 6) 3 – Case Managers
- 7) 1 – Mental Health/Substance Abuse Director
- 8) 3 – Mental Health/Substance Counselors
- 9) 1 – Nutritionist
- 10) 2 – Nurse
- 11) 2 – Administrative Assistance
- 12) 1- Psychologist
- 13) 1 – Medical Doctor (Dr. Mary Conway)
- 14) 1 – Physical Therapist
- 15) 1 – Accountant (Mr. Larry Carpenter)
- 16) 1 – Attorney

reflector.com

Children, families attend local rally promoting health, safety

**By Michael Abramowitz
The Daily Reflector**

Saturday, July 25, 2009

Health, safety and positive connections were the theme of the day as hundreds of young people and their families turned out Saturday at Eppes Community Center on Nash Street for a youth rally sponsored by a local health center.

It was an outreach idea of CASCADE Behavioral Health Treatment Center. Located at 325 Clifton St. in Greenville, it provides outpatient and residential services for children, adolescents and families dealing with substance abuse and mental and behavioral disabilities, said Sarah Connor, the center's human resources coordinator.

The rally attracted young people and their families, churches and community-based organizations and service agencies from throughout Pitt County and surrounding areas.

Booths were set up under tents to provide information and referrals on topics including safe driving, drugs, gang and crime avoidance, HIV/AIDS awareness and safe sex practices and how to be a positive member of the community.

"We want youth to see that they don't have to resort to poor living choices," Connor said.

Wanda Williams, the center's director, wants to get the word out to youth and families that there are an almost unlimited number of positive avenues for their involvement to uplift and improve their quality of life.

"We're here to give to the community," Williams said.

CASCADE takes what Williams described as a different approach toward involvement, more attractive to parents and more successfully encouraging them to get involved with their children's lives.

"Parents might not be as involved as we would like, but when we meet them where they are, they are more willing to get on board. If they're at ground zero, we meet them there and help prepare them for a higher level," Williams said.

Another group invited to participate in the rally was Step By Step, Taking Steps Toward Healthier Living, Inc., headed by health educator Claudia James. The new faith-based organization focuses on the spread of HIV/AIDS and provides education and prevention services to individuals infected or affected by the disease.

"Statistics show that this disease is much higher in African-Americans. We think it's because of a lack of preventive education, so we take education to the streets," James said.

Team members learn social communication skills and then head out to street corners, parks, detention centers and wherever they are accepted. There they provide education, referral, counseling and condoms to anyone interested in learning better healthcare methods, James said.

Dorothy Grimsley, of the Ayden youth-based outreach organization Teens In Action, talked about the value of

Item # 17

bringing youth together where they can open up and share views with each other on difficult teen challenges.

"We deal with issues of self-esteem, relationships, positive goals and the achievement of their dreams," Grimsley said. "They know what's wrong and they know how easy it is to become part of a gang and get involved in drugs. They let us know they want better options and choices."

Members of East Carolina University's Kappa Alpha Psi chapter talked about why it was important for them to be at the youth rally.

"Our behavior as gentlemen is important for these youth. We hope that when they see us giving to the community, they will want to do the same when they grow up," said ECU senior Joshua Barfield.

This is the first time CASCADE has held its rally in Greenville, but plans to have more in the future, Connor said.

Contact Michael Abramowitz at mabramowitz@coxnc.com or (252) 329-9571.

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reflector.com

'Hands off my healthcare': 200 turn out to protest reform

By Michael Abramowitz
The Daily Reflector

Sunday, August 09, 2009

Signs reading "Rationing equals euthanasia" and a coffin symbolizing the hoped-for destination of pending federal health care reform marked a privately sponsored protest attended by 200 area residents Saturday outside the WTIB Radio studios on Arlington Boulevard.

The "Hands Off My Healthcare" bus tour was sponsored by the private industry-founded Americans for Prosperity Foundation, also known for its organization of April's Tax Day Tea Party.

The rally was hosted at the station by Henry Hinton, host of the "Talk of the Town" radio show, who set up microphones outside the station and sat down with Dallas Woodhouse, state director of AFP.

As the two men talked about the proposed health insurance and health care reforms, well-behaved but vocal anti-reform supporters gathered around them, shouting affirmations of their positions and condemnations of the legislative bill.

"This is something people are concerned about, so I'm glad people turned out to have their voices heard," Hinton said after the event.

Woodhouse assured those who stood under the hot sun that thousands of others he met during the week's tour also reject the proposed health insurance reforms supported by President Barack Obama and many Democratic legislators, but equally rejected by Republican lawmakers.

"President Obama is losing this debate on health care because people are informed about this bill and understand what it will do, and they reject it on its merits," Woodhouse said.

The bill is not about health care, but rather about health control, Woodhouse said, characterizing the bill as "health care rationing."

"At the end of the day, government controls health care costs by denying sick and old people treatment," he said.

"A lot of people are angry and frustrated with the health care industry and health care costs, but they don't realize how much we're getting out of the health care industry and how much better our treatments are," Woodhouse said, in comparison to other countries.

Nearly all the people who came to the event were against the proposed health care and insurance reforms, but not all.

Claudia James, health chairwoman for the Pitt County chapter of the NAACP, came to urge people to review the facts, she said.

"All Americans need to take the time to look at all the aspects of this legislation, who it will and won't affect," James said.

Item # 17

Regarding the heated nationwide confrontations surrounding the bill, James called for a time-out for reflection.

"America is supposed to be a country of love and unity. Where's the love here?" she asked.

Greenville resident Donna Pinckney Martin said she cares, to a point.

"I came today because it's important for everyone to get involved and have our voices heard," Martin said. "I am for reform, but not blanket reform. I care about people in need, but I don't believe in handouts. After we handle this health care reform, let's move to welfare reform."

The confrontations and angry outbursts that have become common viewing at televised town hall meetings across the country this week did not occur at Saturday's event because there were no politicians there, Hinton said.

"It could have been different if we had Congressman (G.K.) Butterfield here, as a lot of people suggested I do," Hinton said. "People are angry at some of the folks supporting this in Washington, D.C., and most of the town hall meetings you've seen are the result of that mentality."

The outbursts against Democratic legislators at town hall meetings are being coordinated by the White House through the Democratic National Committee and Speaker of the House Nancy Pelosi, so they can demonize those who speak out against the proposed insurance reforms, Woodhouse said.

"It's disgusting, thug-like politics, happening because President Obama is losing this debate on the merits," he said.

Greenville was the 28th stop on the statewide bus tour. The tour stopped in Washington, N.C., earlier in the day and made one more stop in Wilson before heading back to Raleigh.

Contact Michael Abramowitz at mabramowitz@coxnc.com or (252) 329-9571.

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Step By Step

323 Clifton Street Suite #20
Greenville, North Carolina 27858
(252) 207-0355 • (252) 207-0354
(252) 531-6195 Crisis Line

"We Specialize in Prevention Education for HIV/AIDS"

Services We Offer:

- | | |
|--|--|
| Rapid Testing | Pastoral Counseling Services (PCS) |
| Healthier Living | Parent to Parent Counseling & Training |
| Reproductive Health | It's About Teenage Boys |
| Referral Services | Love Like Me |
| Training Classes (HIV Couple Counseling & Testing) | After School Tutoring |
| "LIFE" Street Team | Summer Tutoring |
| Communicating Skills Training | Business Training Classes |
| Medicaid Applications | Workshops |

Schedule Your Appointment Today!!!

Organization Needs Volunteers, Donations, and/or Contributions
Changing Minds, Changing Hearts, and Saving Lives
Various Positions Available

Step By Step TSTHL, Inc.

*Specializing in Prevention Education
for HIV/AIDS*

323 Clifton Street Suite 20, Greenville, NC 27858
252.207.0355 • 252.207.0354
252.531.6195 Crisis Line

Services We Offer:

- | | |
|--|--------------------------------------|
| • Rapid Testing | • Pastoral Counseling Services (PCS) |
| • Healthier Living | • It's About Teenage Boys, |
| • Reproductive Health | • Love Like Me |
| • Training Classes (HIV Couple Counseling & Testing) | • After School Tutoring |
| • "LIFE" Street Team | • Summer Tutoring |
| • Communicating Skills Training | • Business Training Classes |
| • Medicaid Applications | • Workshops |

Schedule Your Appointment Today!!!

**Our Organization Needs
Volunteers, Donations, and/or Contributions**
Various Positions Available

25 September 2009

Step By Step TSTHL, Inc.
323 Clifton Street Suite# 20
Greenville, North Carolina 27858
Claudia Green James
Founder/CEO
252-207-0355 or 252-558-1068

Dear City Of Greenville, North Carolina

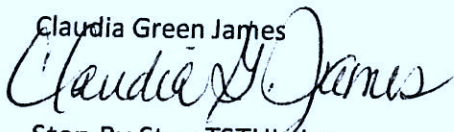
Step By Step "Taking Steps Toward Healthier Living" Inc is a non-profit organization that specializes in prevention education for those infected or affected by HIV/AIDS. We are committed to accelerating positive movement on critical issues and affecting enduring systemic change in our communities. This plague HIV/AIDS is spreading rapidly throughout the communities in which we live. In the event we are offering our services to assist other established agencies in the war against HIV/AIDS. The services we provide are as follows Rapid Testing, Prevention Services, Referral Services, Healthier Living Education, Reproductive Health, Pre/Post Counseling, Communicating Skills Training , Medicaid Applications, Pastoral Counseling Services, Parent to Parent Counseling & Training, It's About Teenage Girls, It's About Teenage Boys, Love Like Me Programs ,HIV Couple Counsel & Testing, Homeless/ Prevention and Tutoring for our youths. We also have many more projects we are working on for the upcoming years.

Through this organization we have staff and job positions available to residents in the surrounding communities. We have an inventory list of repairs and upgrades needed for the property located 1003 West Fifth Street Greenville, North Carolina. In creating this inventory list we have inspected the property, contacted local contractors that are willing and ready to redevelop property located at 1003 West Fifth Greenville, North Carolina.

We do have a plan for the redevelopment of property 1003 West Fifth Street Greenville, North Carolina. The redeveloping of this property will be 20% paid through a contribution from the Founder/CEO Claudia James and the other 80% will be through the Community Development Block Grant (CDBG) and other grants we plan to apply for.

Included in this packet you will find Articles of Incorporation, List of Contractors and Estimates, List of Board Members, Inventory List for Repairs and Upgrades and a List of Job Availabilities.

Looking forward to working with City Of Greenville

Claudia Green James

Step By Step TSTHL, Inc.



Carpet . Vinyl . Tile

INVOICE
Proposal

GREEN & ASSOCIATES, CO.
Professional Installers

Bobby Green
Owner

Telephone: 252-347-8408
1304 Old Village Road
Greenville, NC 27834

Invoice: _____

Bill To: _____

Invoice Date: _____

Address: _____

Customer ID: _____

Description	Charges	Total
Rm #1 12' X 13' 4" 11 17.87		
Rm #2 13' X 13' 4" 19.95 1.90 21.85		
Rm #3 15' X 13' 4" 22.33 2.20 24.53		
Rm #4 15' 4" X 13' 4" 22.33 2.20 24.53		
HALL 31 X 7 24.11		
Stairs 30 X 4 13.33		
order 12 X 95 carpet 126.22		
Carpet 12 X 95	4.00 proposal	1135.98 116.67 1212.65
Labor 126.22 X 3.50 = steps 75.00		441.77 75.00
Grand Total		1729.42
Deuteronomy 8:18		1729.42

CAROLINA HEATING and AIR

P.O. Box 546
GREENVILLE, NC 27835

PROPOSAL

Page No. _____ of _____ Pages

Greenville or Washington
(252) 756-2166 or (252) 974-0787

To: Claudio James
1003 W. 5th St / 2704 Jefferson Dr.
Greenville

NAME	
LOCATION	<u>1003 W. 5th St</u> <u>Greenville</u>
PHONE	<u>531-6195</u>
DATE	<u>Sept 22 09</u>

We hereby submit specifications and estimates for:

Up + Down Stairs

Upstairs: 2 1/2 ton A/C 135ccr with 92.1% Gas Furnace duct system in attic all supply + return vents will be in ceiling attic entrance will need to be enlarged by owner of house to allow installation of equipment.

G-GSC130301, G-GHS90453BX, evaporator coil, duct system labor, permit, pad, flex lines in case outside wall

Downstairs: 135ccr Gas Pack (Natural gas) we will sit unit on side of house and run duct system under house with supply vents in floor and return under stairwell with vent to vents in wall of stairwell.

G-GPG-13300701 2.5 Ton 135ccr Gas Pack, duct system labor, permit, pad 5 year parts, 20 year heat exchanger, 1 year labor

Carolina Heating And Air Reserves The Right To Remove Any Heating And Air Unit If Not Paid In Full At Time Of Installation Or If Payment Arrangements Are Not Made.

WE PROPOSE hereby to furnish material and labor — complete in accordance with these specifications, for the sum of:

dollars \$ 11896.⁶³

Payable as follows:

To be paid in full at time of installation.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature Conrad Williams

Note: This proposal may be withdrawn by us if not accepted within 60 days.

ACCEPTANCE OF PROPOSAL—

The prices specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Item # 17

Signature _____ Date _____ Signature _____ Date _____

Moses Paving Asphalt Repair

P.O. Box 657
Winterville, NC 28590
(252) 756-3437
Cell: (252) 327-6102



SPECIALIZING IN:

- Asphalt Paving
- Asphalt Patching
- Grading
- Seal Coating

Page No. _____ of _____ Pages

Proposal Submitted To Claudia James

Step by Step ceo@yahoo.com

JOB NAME/NO. Step By Step TSTH INC

LOCATION Greenville

PHONE _____ DATE _____

We hereby submit specifications and estimates for

House parking lot 5th St.

Cut out to make one concrete open

strip. Take out all the grass, under

cut. Remove concrete slab. Grade.

parking lot for 6 inches of rock. Pave

with 2 inches asphalt I-2 type

strip for parking area.

WE PROPOSE hereby to furnish material and labor—complete in accordance with these specifications for the sum of: 17,330.00 dollars (\$ _____)

Payable as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Authorized Signature Jennel Moses
NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL— The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to perform the work as specified. Payment will be made as outlined above.

Signature _____ Date _____ Signature _____ Date _____ Item # 17

Proposal

Page # _____ of _____ pages

STEP BY STEP CEO @YAHOO.COM

THE BOONE GROUP
3001 Fern Drive
Greenville, NC 27858
(252) 714-0021

Proposal Submitted To: CLAUDIA JAMES		Job Name STEP BY STEP	Job #
Address 1003 W. 5TH ST.		Job Location	
GREENVILLE, N.C. 27834		Date 09-23-09	Date of Plans
Phone #	Fax #	Architect	

We hereby submit specifications and estimates for:

- TEAR OFF SHINGLES & TIN OFF ROOF & REPAIR ROTTEN WOOD**
- + INSTALL NEW TAR PAPER & 30 YR ARCHITECTURAL SHINGLES & REDGEVENT 5200.00**
- INSTALL NEW INSULATED VINYL SIDING & TRIM 8500.00**
- PAINT ALL INTERIOR WALLS & TRIM 3800.00**
- INSTALL NEW VINYL INSULATED WINDOWS 13,000**

GREENVILLE BUSINESS LICENSE # 00015399RPS

We propose hereby to furnish material and labor – complete in accordance with the above specifications for the sum of:

\$ _____ Dollars

with payments to be made as follows: _____

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted *Paul Boone*

Note – this proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance _____ Signature _____



WOODWARD'S TREE SERVICE

1400 Rouse Road
Greenville, NC 27858
(252) 355-1331



Customer's Name Claudia James Date 9/21/09
 Address 1003 West 5th Street
Granville, NC
 Estimate / Bill PH: 531-6195 (cell)

QUAN.	DESCRIPTION	PRICE	AMOUNT
1	Lg Maple Tree		
	Stump Ground		750
1	Dogwood + stump		85
1	Cluster of Trees		85
	Total cost	\$ 920	
⊕	Note: Will have to cut some hedges for access to yard!		
	Call to get on schedule		
	TOTAL	920.00	

Contract Agreement:
 I, the undersigned, do hereby agree to the above written job estimate, and do agree to make payment upon completion of the described job.
 Signature: _____ Date _____
 Checks payable to: Woodward's Tree Service



August 20, 2009

Carlton Gay, Executive Director
Executive Center for Economic & Educational Dev., Inc
Post Office Box 8396
Greenville, North Carolina 27834

City of Greenville
Department of Community Development
Greenville, North Carolina 27834

Dear Sir,

The Board of Directors of Executive Center for Economic & Educational Development, Inc. (Exceed, Inc.) submits an offer of \$10.00 for the purchase of the property located at 1003 West Fifth Street in the city of Greenville.

Exceed, Inc. proposes to use the acquired property to establish a Community Outreach and Business Resource Center. The attached document outlines the scope of services that will be carried out in facility.

Exceed will also provide office and/or training space to other non-profits and community organizations at below market rental rates to ensure the facility will be sustainable and self sufficient.

The Board of Directors has identified initial funding to begin rehabilitation of the building to bring it in full compliance with all city building and zoning codes for occupancy. The Board is committed to completely renovate, upgrade and beautify the building and site over the coming months.

Upon your request, we will prepare and submit detailed redevelopment plans with projected timelines and proposed budgets for the project. Thank you for your consideration.

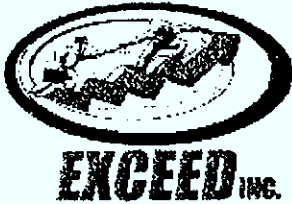
Regards,

Carlton Gay

cc: Board of Directors of Exceed, Inc

Executive Center for Economic & Educational Development, Inc
Post Office Box 8396 * Greenville, North Carolina 27834
Phone (252) 902-9688 * Fax (252) 355-0116 * email: exceedhubc@aol.com

Item # 17



**EXECUTIVE CENTER
FOR ECONOMIC & EDUCATIONAL
DEVELOPMENT, INC**

West Greenville Community

BUSINESS OUTREACH

CENTER

The Facility and Programs provides outreach, assessment, long term counseling, training, coordinated service delivery referrals, mentoring & network building, procurement assistance and E-based assistance to benefit Small Business concerns and potential concerns owned and controlled by Veterans, Active Duty Service and Members of Reserve Components, Minorities, Ex-Offenders, Women and Persons With Disabilities.

Executive Center for Economic & Educational Development, Inc
901-208 Staton Road, Greenville, North Carolina 27835
Phone (252) 902-9688 * Fax (252) 355-0116 * Email:cgay102994@aol.com

3

I. INTRODUCTION

The Executive Center for Economic & Educational Development, Incorporated (Exceed, Inc) is a 501(c) 3 Community Development Organization with a mission to offer an economic development strategy that empowers owners of Historically Underutilized (HUB), Women, Veterans, Persons with Disabilities and Ex-Offender owned businesses become more productive, build assets, accumulate and retain wealth through education and training by developing a facility to provide business assistance services.

The facility will be named: **West Greenville Community Business Outreach Center**. Programs offered in the center are designed specifically to provide outreach, assessment, short and long term business training, counseling, referrals, electronic or online assistance and other technical assistance services to targeted populations. Exceed has demonstrated through its Business Assistance Program the knowledge and ability to help disadvantaged entrepreneurs build successful businesses.

II. PURPOSE

The main purpose of the outreach center and programs is to continue to help improve the living conditions in low-income communities through business development and asset building. This center will also provide opportunities for other nonprofits that serve disadvantaged, low-income individuals and families who are striving to become independent and self sufficient by offering office space to their organizations at below market rental rates.

III. PROGRAM

Exceed, Inc Outreach Program is designed to provide in one place full access and coordination of business assistance resources from both the public and private sectors. Providing assistance through the Business Center is intended to increase the number of successful entrepreneurs that will stay in their community by providing access to information, training and consulting services that they would normally have to travel miles to find. The Outreach Program offers individual case management and counseling to entrepreneurs who are in the start up or early phase of operating their business and those who are successful business owners and want to better manage or grow their business, or who are successful small business owners who want to support other successful entrepreneurs through mentoring and networking. The program provides outreach, assessment, short and long term counseling and training, coordinated referrals and follow-ups, mentoring and network building through other Federal, State and local agencies which includes local nonprofit community organizations, local entrepreneurial associations, Work Force Investment and Jobs Link Centers, Local and State Departments of Veterans Affairs Vocational Rehabilitation and Employment Services Offices, SBTDC, Small Business Centers, Regional Small Business Centers and other services as available and appropriate.

IV. GOALS AND OBJECTIVES

The long range goals of the center are:

- Establish sustainable networks of entrepreneurs.
- Provide coordinated services in small and large group settings.
- Organize training programs, seminars, and specialized initiatives based on the expressed needs of the entrepreneurs.
- Provide affordable office space to nonprofit organizations helping them over financial hurdles that impede their successful participation in the development of successful entrepreneurs.
- Provide individualized special services for disabled civilians and veterans who are not able to participate in group activities.

The objectives of the center are:

- Maximize resources that will create and sustain a full service business assistance programs specifically for low-income populations and veterans.
- Create coordinated and interactive web based outreach, counseling, training and mentoring.
- Coordination of access to available entrepreneurial resources from:
 - SBA Community Express (Patriot) Loan Programs;
 - State and National Micro Loan Programs;
 - Small Business Development Centers;
 - Women's Business Centers;
 - E-Procurement;
 - International Trade Organizations;
 - Private Banks and Public Lenders; and
 - Other programs and partners.

NOTE: All program participants are encouraged to fully utilize the resources of other Federal, State and local governments, academic and private sector programs, entrepreneurial associations and others concerned that aid small businesses in an effort to create a seamless and coordinated business development assistance program in Eastern North Carolina.

V. PROGRAM ASSESMENT

Exceed intends to assess the demonstrated needs of the aspiring entrepreneurs, with special emphasis directed to entrepreneurs who is either a veteran, homeless or ex-offenders.

Entrepreneurs will receive the following initial and ongoing services:

Executive Center for Economic & Educational Development, Inc
901-208 Staton Road, Greenville, North Carolina 27835
Phone (252) 902-9688 * Fax (252) 355-0116 * Email:cgay102994@aol.com

5

1. Initial Assessment:

A. Stage of the business

- New business or start-up business owners with less than three years experience.
- Emerging business owners with three to five years experience.
- The experience business owners with more than five years experience.

B. Business owner's individual mental and physical capacity.

- Level of disability (if any)
- Does entrepreneur suffer from any mental or PTSD episodes.
- Can the entrepreneur reasonably perform or continue to perform the duties and/or activities required to run the planned or existing business.

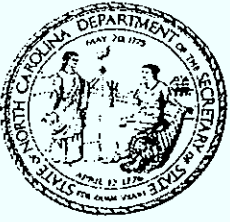
C. Business owner's personal circumstances and needs.

2. Short Term Counseling or Training
3. Long Term Counseling or Training
4. Coordinated Service Delivery Referrals
5. Mentoring and Network Building
6. Procurement Assistance
7. E-Based Outreach, Counseling and Assistance
8. Ongoing, as Needed Coordination and Assistance for Customers
9. Government Procurement Certification Assistance

NOTE: *All veterans regardless of age, gender, race, creed, color, religion, sexual orientation, socio-economic condition, have a service-connected disability, active or inactive Reservist or is within six months of discharge will be assessed and served through the program.*

Each client of the West Greenville Community Business Outreach Center will receive the services he or she needs to be successful, whether through a range of assistance from a simple one time counseling or referral service (with follow-up), to a full range of assessment, counseling, training and mentoring in the long term (over a period exceeding one year).

Articles of Incorporation and Board Member Information



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

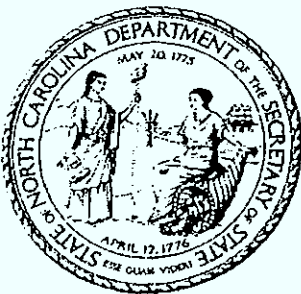
I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF AMENDMENT

OF

THE EXECUTIVE CENTER FOR ECONOMIC & EDUCATIONAL DEVELOPMENT, INC

the original of which was filed in this office on the 19th day of September, 2001.



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official seal at the
City of Raleigh, this 19th day of September, 2001

Elaine F. Marshall

Secretary of State

SOSID: 0584680
Date Filed: 9/19/2001 2:34 PM
Elaine F. Marshall
North Carolina Secretary of State

21 262 5011

State of North Carolina
Department of the Secretary of State

ARTICLES OF AMENDMENT
NONPROFIT CORPORATION

Pursuant to §55A-10-05 of the General Statutes of North Carolina, the undersigned corporation hereby submits the following Articles of Amendment for the purpose of amending its Articles of Incorporation.

1. The name of the corporation is: The Executive Center For Economic + Educational Development, Inc.

2. The text of each amendment adopted is as follows (state below or attach):

see Attached

3. The date of adoption of each amendment was as follows:

9/15/01

4. (Check a, b, and/or c, as applicable)

a. The amendment(s) was (were) approved by a sufficient vote of the board of directors or incorporators, and member approval was not required because (set forth a brief explanation of why member approval was not required) no members

b. _____ The amendment(s) was (were) approved by the members as required by Chapter 55A.

c. _____ Approval of the amendment(s) by some person or persons other than the members, the board, or the incorporators was required pursuant to N.C.G.S. §55A-10-30, and such approval was obtained.

5. These articles will be effective upon filing, unless a date and/or time is specified: _____

This the 15th day of September, 2001

The Executive Center For Economic
& Educational Development, Inc.

Name of Corporation

Carlton D. Gay

Signature

Carlton Gay, PRESIDENT

Type or Print Name and Title

Notes:

1. Filing fee is \$25. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

Articles of Incorporation

Purpose of Corporation

This corporation is organized for the following purpose(s) (check as applicable):

- Religious,
- Charitable,
- Educational,
- Testing for public safety,
- Scientific,
- Literary,
- Economic, housing, small business development,
- Fostering national or international amateur sports competition, and/or
- Prevention of cruelty to children or animals,

Including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distribution to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these article, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for religious, charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Code as the Board of Directors shall determine, or to federal, state, or local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, such as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **NOV 26 2001**

THE EXECUTIVE CENTER FOR ECONOMIC &
EDUCATIONAL DEVELOPMENT INC
C/O CARLTON D GAY
203 W 9TH ST
GREENVILLE, NC 27834

Employer Identification Number:
56-2245575
DLN:
17053215000041
Contact Person:
RAMACHANDRAN MANOHAR ID# 31344
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31
Form 990 Required:
Yes
Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(ii).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware

Letter 947 (DO/CG)

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THE EXECUTIVE CENTER FOR ECONOMIC &

of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

Letter 947 (DO/CG)

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THE EXECUTIVE CENTER FOR ECONOMIC &

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Revenue Procedure 75-50, published in Cumulative Bulletin 1975-2 on page 587, sets forth guidelines and recordkeeping requirements for determining whether private schools have racially nondiscriminatory policies as to students. You must comply with this revenue procedure to maintain your tax-exempt status.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



Steven T. Miller
Director, Exempt Organizations

Letter 947 (DO/CG)

Item # 17

Exceed Community Housing Partners CHDO
(Organization Name)

Certification of Board Status

Board Member Name and Residential Address	# of Years on Board	Low-Income	Low-Income Resident	Low-Income Representative	Public Sector	For Profit	Other (Specify)	Geographic Area	Occupation and Place of Employment (If retired, please specify area of expertise)
Marion Barnes P. O. Box 8396 Greenville, N C 27834	8	Yes	Yes	Yes			Self	West Greenville	Retired; Supervisor Pharmaceutical Manufacturing
Charles Hardy 2423 Hillendale Circle Greenville, N C 27834	3	No	No	Yes			Non Profit	West Greenville	Truck Driver
Pamela Streeter 2723 Bluff View Drive Greenville, N C	3	Yes						West Greenville	Office Clerk
Dennis Mitchell 101 Kirkland Drive Greenville, N C 27858	4	No	No	Yes		Yes		West Greenville	Entrepreneur-Business Owner
Northern Lanier 2362 Jackie Field Rd Greenville, N C 27834	6	No	Yes					Rural Pitt County	Minister
Michael Dixon 610 Roosevelt Ave Greenville, N C 27834	3	No	Yes					West Greenville	Pitt County School Board

(Original signed by Chairman & ED)

Financial Information



Community Housing Partners

*Community Housing Development Organization
A Friend in your community*

Chairman

Marion Barnes

Executive Director

Carlton Gay

October 29, 2009

Mr. Merrill Flood
City of Greenville, Planning and Community Development
Post Office Box 7207
Greenville, North Carolina 27835-7207

Dear Mr. Flood:

Exceed, Inc has submitted grant requests to the City of Greenville Redevelopment Commission Building Blocks Grant Program and the North Carolina Community Development Initiative to support our efforts to acquire and rehabilitate this facility if it is granted to Exceed. We are also seeking debt financing in the event we are not granted the funds.

Due to scheduling of the NC Initiative Grant Review Committee our request will be reviewed on Tuesday November 3, 2009, the same day of the presentation. It is likely that we could receive an answer on that date and we do wish to present our proposal to the committee. All other documentation is enclosed.

Sincerely,

Carlton Gay
Project Director

Post Office Box 8396,
Greenville, North Carolina 27834
Phone - 252-355-0165 * Fax - 252-355-0116 * email:exceedhbc@aol.com

**BUDGET INFORMATION
WEST GREENVILLE RENOVATION PROJECT**

COST CLASSIFICATION	TOTAL COST	Bldg Block Grant	EQUITY
1. Administration and Legal expenses	\$ 1,000.00	\$.00	\$ 1,000.00
2. Architectural/ engineering fees	\$ 1,500.00	\$.00	\$ 1,500.00
3. Site work	\$ 2,000.00	\$.00	\$ 2,000.00
4. Contingencies	\$ 2,800.00	\$,00	\$ 2,800.00
5. Renovations	\$ 22,700.00	\$ 10,000.00	\$ 12,700.00
TOTAL COST	\$ 30,000.00	\$ 10,000.00	\$ 20,000.00

- a. Painting exterior
- b. Cleaning exterior
- c. Signage
- d. Window repair/replacement
- e. Remove and/or install awning
- f. Landscaping
- g. Install Air/Heating System W/Duck work
- h. Install buffer fence (wall) in rear
- I Clear site - replace with asphalt paving and 7-9 parking spaces
- j. Replace roof W/metal sheeting (Blue)

Additional Information Submitted by the Organization

PROJECT NAME/DESCRIPTION

“WEST GREENVILLE RENOVATION PROJECT”

Acquire and renovate real property owned by the City of Greenville to provide administrative offices for Exceed, Inc and a resource center for the community.

SCOPE OF SERVICES

- Referral site to assist and aid homeless and displaced individuals and families needing supportive housing and emergency services
- Community outreach events and activities
- Entrepreneurship and business development training facility
- Jobs skills training and referral center
- Health wellness awareness and prevention services
- Community arts and culture center
- Housing counseling and homeownership assistance resource center

PROJECT NEED

Greenville, North Carolina emerging from an economic recession in 2001 and hurricane Floyd in 1999 continue to flourish and grow, while the West Greenville neighborhood with over 5,200 residents, mostly African American continue to decline economically and socially. To demonstrate the need for such a facility, reference is made to a recent case study that compares the West Greenville Community to the city of Greenville and Greenville Metropolitan Statistical Area (MSA), which is all of Pitt County.

Excerpts taken from the case study of the West Greenville neighborhood revealed the following facts:

[Faced with declines in agricultural and manufacturing jobs, Greenville reinvented itself as a university town, emphasizing investments in the education and healthcare sectors. This economic development strategy has had positive effects: Greenville experienced significant population and economic growth in the past 10 years. In this regard, the city has found a way to diversify its economic base and has avoided some of the problems facing other small rural towns in the South still coping with the loss of jobs due to the mechanization of agriculture.

However, this revitalization has not yet filtered to West Greenville, a neighborhood where the decline of the tobacco industry has yielded particularly negative effects, in part because of an over-reliance on jobs in the now-shuttered (tobacco) warehouses. The community continues to struggle with deeply entrenched poverty, high rates of unemployment and crime, and low levels of educational achievement. In 2004, Greenville developed a comprehensive redevelopment and revitalization plan to address these issues in West Greenville, yet the challenges to redirecting investment to this community, along with overcoming generations of mistrust among community residents, are vast.

City of Greenville, NC
1000 West Main Street, Suite 100
Greenville, NC 27601-1000
Phone: (252) 333-1111 Fax: (252) 333-1112
www.cityofgreenville.com

The neighborhood of approximately 5,200 residents is predominantly African American, and the legacy of racial discrimination and the impact of urban renewal programs in the 1950s and 1960s still loom large. In 2000, the neighborhood poverty rate was more than 42 percent, twice as high as the poverty rate for the Greenville MSA (See Table 1). One in five households was headed by a single parent, and nearly 60 percent of children in the community were living in poor households. Between 1990 and 2000, the population in the case study area grew a mere 2 percent, compared with about 35 percent for the city and 24 percent for the MSA.

The community faces significant challenges, not least of which is unemployment. In 2000, the unemployment rate in the community was 21 percent, more than three times the unemployment rate in the MSA (6.8 percent). Only half of the adults in West Greenville participate in the labor force. The community is bereft of services and amenities. Residents commented that the area lacks access to grocery stores, financial institutions, and Healthcare facilities. More than half of all credit files sampled in the community in 2004 were thin, indicating insufficient credit histories that would likely preclude those residents from securing a loan.

Overcoming these challenges and reversing decades of disinvestment in this community are an enormous undertaking. Carl Rees, an urban planner with the city of Greenville, noted that the "price tag to effect comprehensive and lasting change in this community is extremely high." Any successful efforts, he stressed, must address not only empty and dilapidated structures in the community, but also job growth and human capital development among the residents.

The city has already begun to implement certain aspects of the plan. One of its key goals is to increase homeownership opportunities in the community. Only 26 percent of the households in the case study community own their homes. There has been little new housing construction in the neighborhood in recent times; 75 percent of the housing stock in the case study area was constructed before 1980 compared with about 44 percent for Greenville as a whole.*¹ Rees, Greenville's urban planner, said that the city's goal is to raise the homeownership rate in the community to 50 percent. The city is also looking for ways to address the abandoned and dilapidated buildings in the neighborhood. It is exploring, for example, the possibility of turning an abandoned tobacco warehouse into a small business incubator, as well as working to establish a revolving loan fund for small businesses in the community.]

TIMELINE :

Renovations and site development is expected to be complete by the end of March 2010. Exceed, Inc is prepared to take possession of the facility as soon it is awarded and begin offering some of its services to the community.

PROJECT IMPACT

Business Center Outreach Services:

Training programs offered in the center provide hands on nurturing for entrepreneurs who are in the start up or early stages of operating their businesses and training low-income wage earners in

homeownership. These programs initially provide outreach, assessment, short term counseling and training, coordinated referrals and follow-ups, mentoring and network building while maximizing resources such as:

- SBTDC at East Carolina University
- Small Business Center at Pitt Community College
- Eastern Regional Small Business Center
- Greenville Chamber of Commerce
- Other available service providers

Working together, these providers create and sustain a full service business assistance program network designed to include low-income individuals. Also provided are coordinated and interactive web based outreach, counseling, training and mentoring and financial services that includes small business loan programs.

H.E.L.P Center Services:

The H.E.L.P. center provide a positive learning environment by which individuals and communities gain mastery over their lives by enabling them to take power and act effectively to make positive lifestyle behavior changes and enhance the quality of living within their community. The H.E.L.P. Center involves efforts to increase the power and resources of low-income, relatively powerless, or marginalized people through a process known as *Social Action*.

The center incorporates several models that focus on barriers that confront individuals with low-income to no-income. The center uses several socio-ecological models in order to identify barriers such as education levels, unemployment and lack of transportation which seems to be responsible for deterring individuals from obtaining their positive health wellness and economical and social stability.

Through the H.E.L.P. Center, underprivileged, homeless, and marginalized individuals and families will be provided the necessary tools that develop skills in obtaining and retaining long-term employment, long-term stable affordable housing, continuous education, and more importantly the center provides it's members with information expressing the importance of adequate medical care and it's importance as a factor in the prevention of poor health outcomes.



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Community housing development organization agreement with Metropolitan Housing & CDC for an affordable housing program in the West Greenville 45-Block Revitalization Area

Explanation: This is a request to approve a Community Housing Development Organization (CHDO) agreement with Metropolitan Housing & CDC in the amount of \$55,000 to carry out an affordable housing program for low to moderate income individuals or families in the West Greenville 45-Block Revitalization Area. The program includes the following activities:

- a) Implement a housing assistance program for eight City-owned properties located in the West Greenville 45 Block Revitalization area--905 Douglas Avenue, 907 Douglas Avenue, 909 Douglas Avenue, 604 Ford Street, 600 Ford Street, 410 Cadillac Street, 414 Cadillac Street, and 605 Hudson Street;
- b) Qualify low income persons or families to occupy said properties in accordance with 24 CFR Part 92.203 Income Determination;
- c) Provide homebuyer education and counseling services for potential homebuyers as needed; and
- d) Provide or enter into a contract with a real estate agent to market the eight City-owned identified properties.

The agreement would be for a period of six months.


Fiscal Note: Funds are available in the HOME Investment Partnership CHDO reserves.

Recommendation: Approve the attached CHDO agreement with Metropolitan Housing & CDC in the amount of \$55,000 to implement an affordable housing program to market and sell the eight City-owned new construction properties in the West Greenville

45-Block Revitalization Area that are currently for sale to a low to moderate income individual or family, and authorize City Manager to sign the agreement.

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

Attachments / click to download

 [MHDCDC_agreement_857135](#)

**CITY OF GREENVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
HOME PROGRAM
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT**

THIS AGREEMENT is made and entered into this _____ day of March **2010** by and between **The City of Greenville**, a political subdivision of the State of North Carolina, hereinafter called the “**City**”, and **Metropolitan Housing & CDC, Inc.**, a nonprofit organization located in North Carolina hereinafter referred to as “**Community Housing Development Organization (CHDO)**”.

WITNESSETH

WHEREAS, the City has the authority to enter into a binding agreement for the expenditures of all or a portion of its **HOME** Investment Partnerships Program (HOME) funds and matching funds: and

WHEREAS, the regulations of 24 CFR Part 92, (as now in effect and as may be amended from time to time), which is attached hereto and made a part hereof and constitutes a part of this Agreement (**Attachment A**); and

WHEREAS, the City has determined that services provided by the CHDO comply with the regulations governing the expenditures of such City funds; and

NOW, THEREFORE, in accordance of the mutual understanding and agreements set forth herein, the City and CHDO agree as follows:

SECTION I. USE OF FUNDS

A. Use of Funds. The CHDO agrees to use the funds received under this Agreement exclusively for the activities contained herein.

CHDO is prohibited from using funds provided herein for political activities, sectarian or religious activities, or lobbying activities.

B. Description of Tasks. The CHDO shall in exchange for providing a HOME Affordable Homeownership program as defined in 24 CFR Part 92.254 perform all the necessary tasks provided under this contract within the incorporated boundaries of Pitt County, North Carolina with and respecting the following project:

1. **Tasks.** The CHDO will be responsible for sponsoring an Affordable Housing Project for low to moderate income homebuyers in the West Greenville 45 Block Revitalization Area in a manner satisfactory to the City and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the HOME Investment Partnership Program:

- a) Implement a Homebuyer Assistance program for eight (8) city owned properties located in the West Greenville 45 Block Revitalization Area at the following locations: 905 Douglas Avenue, 907 Douglas Avenue, 909 Douglas Avenue, 600 Ford Street, 604 Ford Street, 605 Hudson Street, 410 Cadillac Street and 414 Cadillac Street. Assistance will be provided in the form of a 20% HOME Downpayment Assistance Forgivable Loan (20% of the sales price of the home with a limit of \$20,000.00) and a Closing Cost Grant of up to \$1,500.00. **(Program guidelines are located in Attachment K)**
- b) Qualify low income persons or families to occupy said properties in accordance with 24 CFR Part 92.203 Income Determination.
- c) Provide Homebuyer Education and Counseling services for potential homebuyers as needed. Certificates must be awarded.
- d) Provide or enter into a contract with a Real Estate agent to market the eight identified homes.

C. **Schedule of Completion.** The following is a description of the tasks to be performed along with the timetables for completion.

- March 2010 Program Begins.
- April 2010 Marketing/Real Estate Agent
- May 2010 – Oct 2010 Potential Homebuyers Identified, Housing Counseling Services provided as needed, Mortgage Qualify, Properties placed under Contract, Properties Closed
- September 2010 All funds committed
- Sept 2010 – Oct 2010 Outstanding Closing Completed
- Oct 2010 – Dec 2010 Project Closeout

D. **Budget.** The City has authorized disbursement up to an amount not to exceed **\$55,000.00**, for full performance of the services specified in this Agreement. The CHDO will receive reimbursement of HOME funds not to exceed **\$55,000.00**. The budget details the estimated cost related to the delivery of specified tasks and Program Income, if applicable. **(Attachment B)**

SECTION II. AFFORDABILITY

A. **Affordability.** The CHDO shall ensure that housing assisted with HOME funds meet the Affordability requirements of 24 CFR Part 92.254 as applicable.

SECTION III. PROJECT REQUIREMENTS

- A. Project Requirements.** The CHDO shall ensure that the housing is in compliance with the project requirements in 24 CFR Part 92 Subpart F as applicable, in accordance with the type of project assisted.
- B. Administration.** The City of Greenville, in accordance with 24 CFR Part 92, has full responsibility and authority in the administration of HOME funds within the boundaries of Pitt County. This responsibility and authority extends to ensuring that HOME funds are expended by CHDOs in accordance with all program requirements and to determine the adequacy of performance under CHDO Agreements and procurement contracts.

The City shall take appropriate action to correct performance problems when they arise.

- C. Uniform Administration Requirements.** In accordance with 24 CFR Part 92.505 the CHDO shall comply with the requirements of:
1. OMB Circular A-122, “Cost Principles For Nonprofit Organizations” (**Attachment C**)
 2. OMB Circular No. A-110, “Uniform Administrative Requirements” or applicable portions thereof. (**Attachment D**)
 3. 24 CFR Part 84, which apply, to nonprofits receiving HOME funds. (**Attachment E**)
- D. Performance Compliance.** The CHDO shall carry out the specified activities in compliance with all Federal laws and regulations described in 24 CFR Part 92 Subpart E, except:
1. The CHDO does not assume the City’s environmental responsibility described in 24 CFR Part 91.352; and
 2. The CHDO does not assume the City’s responsibility for initiating the review process under the provisions of 24 CFR Part 92.

SECTION IV. PROPERTY STANDARDS

- A. Property Standards.** The CHDO shall ensure that the housing meets the property Standards in 24 CFR Part 92.251. The CHDO shall maintain the housing in compliance with Section 92.251 for the duration of the affordability period.
- B. Lead-Based Paint.** The CHDO shall ensure that the housing meets lead-based paint standards in 24 CFR Part 92.355 and 24 CFR Part 35 upon completion of the project. “The Lead-Based Paint Addendum to the Sales Contract – Property Built Before 1978”, must be completed and attached to the Sales Contract for any property built before 1978. (**Attachment F**)

SECTION V. RECORDS AND REPORTS

- A. The CHDO agrees to submit a program narrative (progress report) and program Income report (if applicable) when submitting the Request for Reimbursement and Expense Report for payment on a monthly basis (Due on or before 15th of the month).
- B. The CHDO agrees to maintain racial, ethnic, gender, head of household, household income, and household size data showing the extent to which these persons have participated in, or benefited from the project and to submit this information to the City within 30 days of project closeout.
- C. The CHDO agrees to keep all necessary books and records, including property, personnel and financial records, in connection with the operations and services performed under this Agreement, and shall document all transactions and services performed under this Agreement so that all expenditures may be properly audited.
- D. The CHDO agrees that the City or any authorized representative has access to and the right to examine all records, books, papers or documents related to the project.
- E. The CHDO hereby severally warrants that all project records, books, papers and documents will be retained for a period of not less than five (5) years after the project terminates and grants the City the option of retention of the project records, books, papers and documents.
- F. Individual income verifications, and project inspections must be retained for the most recent five (5) years after the end of the affordability period.
- G. If applicable to the project, The CHDO agrees to obtain all necessary permits for intended improvements or activities.
- H. If applicable to the project, The CHDO shall purchase and maintain the following types and amounts of insurance, in form and companies satisfactory to the City:

1. Commercial General Liability insurance, including coverage for operations, on an “occurrence” basis insuring CHDO and any other interests, including, but not limited to, any associated or subsidiary companies involved in the service under this Agreement.

The liability insurance shall include contractual liability insurance applicable to the CHDO’s obligations under Section XIII. A. and shall name the City as an additional insured.

The limits of liability shall be no less than \$250,000 for injury or death to any one person and no less than \$500,000 for injury or death to two or more persons as a result of any one occurrence and not less than \$100,000 for property damage, or a combined single limit for bodily injury and property damage of no less than \$500,000. If the insurance is provided with general aggregate, then the general aggregate shall be no less than \$500,000. The limit of liability for contractual liability shall be no less than \$500,000.

2. During Construction – Builder’s Risk Insurance, on an “all risk” basis, on a no less than 80 percent completed value basis on the insurable portion of the work for the benefit of CHDO and The City of Greenville as their interests may appear.

3. After Construction – Property Insurance, on an “all risk” basis, for the insurable value of the building (s) on a replacement cost basis for the benefit of CHDO and The City of Greenville as their interests may appear. The CHDO shall file replacement certificates 30 days prior to the expiration of termination of the required insurance occurring during the term of this Agreement. In the event such insurance shall lapse, the City expressly reserves the right to purchase replacement insurance at the CHDO’s expense.

I. The CHDO agrees to affirmatively further fair housing.

SECTION VI. ENFORCEMENT OF THE AGREEMENT

- A. **Enforcement of Agreement.** The affordability requirements in 24 CFR Part 92.254 must be enforced by recapture or deed restriction.
- B. **Breach of Agreement.** If the CHDO fails to observe the terms of this Agreement, the City has the right to revoke the CHDO’s certification, delay future funding, and require the CHDO to repay funds received under the terms of this Agreement.

SECTION VII. REQUEST FOR DISBURSEMENT OF FUNDS

- A. **Disbursement of Funds.** The City shall only reimburse the CHDO for eligible cost under the terms of this Agreement. The amount of the request shall be limited to the amount of eligible costs incurred for activities listed in Section 1.B.
- B. **Payments.** Payments for eligible costs shall be made to the CHDO upon receipt by the City of a Request for Reimbursement and Expense Report (**Attachment I**) together with the supporting documentation. Eligible downpayment assistance funds will be paid per the contract at the time of closing for each property. Please allow 3 weeks prior to closing for processing of funds. The Program Support payment will be paid after closing once the final report and IDIS Homebuyer Completion Form (**Attachment J**) are submitted to close out the file.
- C. **Program Income.** Program income generated from the performance of services related to this Agreement shall be defined as in and administered in accordance with 24 CFR Part 92.503. Any Program income derived from the project shall revert back to the City for use in the HOME Program.

SECTION VIII. DURATION OF AGREEMENT

- A. **Duration.** This Agreement goes into effect March 22, 2010 and shall remain in effect until the end of the affordability period.
- B. **Termination.** It is expressly understood and agreed that either party shall have the right to terminate this Agreement within 15 days of signing this agreement upon written notice to the other party. All reports or accountings provided for herein shall be rendered whether or not falling due within the contract period.

Further the City reserves the right to terminate this contract upon written notification to the CHDO under any of the following conditions:

- 1) Notification by the U.S. Department of Housing and Urban development (HUD) to the City that said project is ineligible because of project location, services provided, or any other reason cited by HUD; or
- 2) Notification by HUD to the City that said project is deficient and that continued support of the project is not providing an adequate level of services to low income persons; or
- 3) Written notification from HUD to the City that the program funds made available to the City are being curtailed, withdrawn, or otherwise restricted.

The city also reserves the right to terminate this Agreement or to reduce the Agreement compensation amount if the CHDO:

- 1) Fails to file the required reports or to meet project progress or completion deadlines.
- 2) Materially fails to comply with any provision of this Agreement.
- 3) Expends funds under this Agreement for ineligible activities, services or items.
- 4) Fails to comply with written notice from the City of substandard performance under the terms of this Agreement.

SECTION IX. CONDITIONS FOR RELIGIOUS ORGANIZATIONS

- A. **Religious Organizations.** The CHDO shall ensure that the use of the HOME and matching funds are in compliance with 24 CFR Part 92.257.

SECTION X. CHDO PROVISIONS

- A. **CHDO Provision.** The CHDO shall be in compliance with the provisions of the set-aside rules under 24 CFR Part 92.300 and 92.301.

SECTION XI. REVERSION OF ASSETS

- A. **Current Assets.** Upon expiration of this Agreement, the CHDO must transfer to the City any HOME funds on hand and any accounts receivable attribute to the use of HOME funds on hand at the time of expiration.
- B. **Real Property.** Any real property under the CHDOs control that was acquired or improved in whole or in part with HOME funds shall revert to the CHDO at the expiration of the contract.

SECTION XII. NON-DISCRIMINATION

- A. **Non Discrimination.** The CHDO or its agents in administering and carrying out activities in which HOME funds are expended shall not discriminate on the basis of race, color, sex, national origin, or religion in accordance with 24 CFR Part 92.

SECTION XIII. HOLD HARMLESS

- A. **Hold Harmless.** CHDO shall indemnify and hold harmless The City of Greenville, its agents, officers and employees from and against all claims, damages, losses, and expenses, including but not limited to attorney's fees, arising out of or resulting from performance on this Agreement, provided that the claim, damage, loss and expense is caused in whole or in part by any negligent act or omission of the City, CHDO, any subcontractor, or anyone directly or indirectly employed by any one of them or anyone for whose acts any of them may be liable, regardless of whether or not is caused in part by a party indemnified hereunder, except CHDO shall not have to indemnify and hold harmless the City if such claim, damage, loss and expense is the result of the sole negligence of the City or of anyone directly or indirectly employed by the City or anyone for whose acts the City may be liable.
- B. **Reimbursement.** All claims or demands for reimbursement initiated by HUD because of action by the CHDO, or its employees, servants or agents shall be borne by the CHDO.

SECTION XIV. GENERAL TERMS AND CONDITIONS

- A. **Safeguard.** The CHDO hereby severally warrants that it will establish and adopt safeguards to prohibit members, officers and employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties. Further, no member, officer or employee of the CHDO who exercises and functions or responsibility with respect to the program during his or her tenure or for one year thereafter, shall have any financial interest, direct or indirect, in any contract or subcontract, or the proceeds, thereof, either for themselves or those with whom they have family or business ties, for work to be performed in connection with the program assisted under this agreement.
- B. **Person with Disabilities.** The CHDO hereby certifies that, in the implementation of projects funded by this Agreement and in all of its other operations, it will comply with all requirements of Section 504 of the Rehabilitation Act of 1973 (29USC 794); the Americans with Disabilities Act of 1990 (PL 101-336), 42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225; and all state and local laws requiring physical and program accessibility to people with disabilities, and agrees to defend, hold harmless, and indemnify the City from and against any and all liability for any noncompliance on the part of the CHDO.
- C. **Entire Agreement.** This Agreement contains the entire agreement between the City and the CHDO and shall not be amended in any manner except by written agreement signed by both parties.
- D. **Waiver.** The failure of the City to insist upon a strict performance of any of the agreements, terms, covenants, or conditions hereof shall not be deemed a waiver of any subsequent breach or default in any such agreement, terms, covenants, or conditions.

SECTION XV. CERTIFICATION

The undersigned officials of the CHDO hereby certify that this information given is true and accurate.

Date of State Charter: June 7, 1990, amended January 22, 2002

Date of IRS 501 (c) 3: June 7, 1990

By-laws, Organization's most recent by-laws attached. **(Attachment G)**

Board of Directors, A list of the organization's current board of directors attached. **(Attachment H)**

SECTION XVI. AUTHORIZATION

IN WITNESS WHEREOF, the authorized representatives hereto have caused their names to be affixed on the day and year first above written and for the purposes herein expressed.

METROPOLITAN HOUSING AND CDC, INC.:

ATTEST: _____
Joyce O'Neal, Secretary

By: _____
Eric Whitaker, Board Chairman

THE CITY OF GREENVILLE:

ATTEST: _____
Wanda Elks, City Clerk

By: _____
Wayne Bowers, City Manager

Community Development Department, Director

City Attorney

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

Bernita Demery, Finance Director

Date

ATTACHMENT A

HOME Investment Partnerships Program

Final Rule: 24 CFR Part 92

ATTACHMENT B

Metropolitan Housing & CDC, Inc. Affordable Housing Project Budget

Scope of Work

The CHDO will be responsible for sponsoring an Affordable Housing Project for low to moderate income homebuyers in the West Greenville 45 Block Revitalization Area in a manner satisfactory to the City and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the HOME Investment Partnership Program:

- Implement a Homebuyer Assistance program for eight (8) city owned properties located in the West Greenville 45 Block Revitalization Area at the following locations: 905 Douglas Avenue, 907 Douglas Avenue, 909 Douglas Avenue, 600 Ford Street, 604 Ford Street, 605 Hudson Street, 410 Cadillac Street and 414 Cadillac Street. Assistance will be provided in the form of a 20% HOME Downpayment Assistance Forgivable Loan (20% of the sales price of the home with a limit of \$20,000.00) and a Closing Cost Grant of up to \$1,500.00. **(Program guidelines are located in Attachment K)**
- Qualify low income persons or families to occupy said properties in accordance with 24 CFR Part 92.203 Income Determination.
- Provide Homebuyer Education and Counseling services for potential homebuyers as needed. Certificates must be awarded.
- Provide or enter into a contract with a Real Estate agent to market the eight identified homes.

If the Metropolitan Housing and CDC, Inc. does not complete the Affordable Housing Project within six (6) months from the date of this Agreement the City reserves the right to reallocate any undisbursed funds. In the event the properties are occupied by ineligible families, the City may require the CHDO to refund the money advanced under this agreement.

Projected Project Schedule

The below schedule is a projection only and reflects current estimates on completing the Scope of Work for the Properties.

- April 2010 Marketing of Program Begins.
- April 2010 Real Estate agent contract signed
- May 2010 – Oct 2010 Potential Homebuyers Identified, Housing Counseling Services provided as needed, Mortgage Qualify, Properties placed under Contract, Properties Closed
- September 2010 All funds committed
- Sept 2010 – Oct 2010 Outstanding Closing Completed
- Oct 2010 – Dec 2010 Project Closeout

Minor adjustments to the use of funds and the project schedule will not require a formal contract amendment, provided these adjustments do not extend the term of the contract or increase the total funding for the contract activities. The determination of whether a change is minor is at the sole discretion of the Director of Community Development.

Budget

Activity	Unit price	Amount allocated
Housing Counseling Workshops	\$150 per successful completion	\$15,000
Class materials	Inclusive	\$5,000
Follow-up Sessions	\$100 per follow-up session	\$10,000
Marketing & Outreach	Inclusive	\$5,000
Administration/Capacity Bldg	\$2500 per house at closing	\$20,000
Total		\$55,000

ATTACHMENT C

OMB Circular A-122

“Cost Principles For Nonprofit Organizations”

ATTACHMENT D

OMB Circular No. A-110

“Uniform Administrative Requirements for Grants and Agreements”

ATTACHMENT E

24 CFR Part 84

“Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations”

ATTACHMENT F

Protect Your Family From Lead In Your Home

And

Sample Lead-Based Paint and/or Lead-Based Paint Hazards Disclosure

ATTACHMENT G

CHDO's current by-laws

ATTACHMENT H

CHDO's current board of directors

ATTACHMENT I

Request for Reimbursement and Expense Report

ATTACHMENT J

IDIS Homebuyer Completion Report

ATTACHMENT K

FHDC Program Guidelines

ATTACHMENT L

Pitt County
2009 Income Limits



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Funding for walking trail at Greenfield Terrace Park

Explanation: Since mid-2009, members of the "North of the River Focus Group" have been expressing a desire for a walking path at Greenfield Terrace Park, located at 120 Park Access Road within the Greenfield Terrace Neighborhood. The park includes a playground, picnic shelter, basketball court, and the Barnes-Ebron-Taft Building.

Though the park is 27 acres, only a portion (4-5 acres) is currently functioning as park land. A park master plan is anticipated to be completed in 2011 and will guide future development of this recreational resource.

The installation of walking paths in city parks is certainly a desirable step and one that encourages a healthy lifestyle through exercise. Other asphalt trails exist at Andrew Best Freedom Park, Paramore Park, and the Town Common.

Though the park does not yet have a master plan, possible future development could be considered when selecting a path for the trail, which would be about 1400' long and 8' wide. Recreation and Parks Department staff estimates that the cost to construct the trail, taking into consideration the anticipated donation of certain site work services by a local contractor, is \$35,000. Funding for this project has been included in the draft Capital Improvement Program for 2010-2011.

During the February 11, 2010 City Council meeting, at the request of Council Member Smith, the City Council approved adding to the March 1, 2010 agenda consideration of appropriating general fund contingency account funding for the walking trail at Greenfield Terrace Park.

Fiscal Note: The estimated project cost is \$35,000. The current balance in the general fund contingency account is \$140,080.

Recommendation: Consider the appropriation of \$35,000 from the general fund contingency account for installation of a walking trail at Greenfield Terrace Park.

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

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Capital Improvement Program for fiscal years 2011 through 2015

Explanation: October 2009 marked the beginning of another Capital Improvement Program (CIP) planning cycle for 2011 through 2015. Compiled in your draft CIP notebook is a list of department capital requests that are proposed for inclusion. A draft of this program was scheduled to be presented to City Council at the Annual Planning Session, but was canceled due to weather conditions. The information that would have been presented at the Planning Session will be included in this presentation.

Department CIP requests are reviewed/evaluated by the City Manager, Assistant City Manager, and Director of Financial Services. The CIP Project Worksheets provide a brief explanation of each project and were sent to the City Council in January. Each department's CIP requests are summarized in the Summary of Capital Improvement Requests by Department reports. During staff's CIP presentation, the CIP report will be reviewed, including those projects recommended for funding (or "Met") and those projects for which no funding has been identified (or "Unmet") over the next two years.

As a supplement to this CIP presentation, staff will present a possible 2010 Bond Referendum. The Financial Services and City Manager's Office staff in conjunction with other City departments have developed a preliminary projects list based on the proposed 2011-2015 Capital Improvement Program (CIP) that could be funded through a new general obligation bond authorization.

Fiscal Note: Total CIP funding will be determined by action of the City Council as part of the final approval of the budget in June.

Recommendation: Receive staff report on the CIP for fiscal years 2011-2015.

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

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

Explanation: Some 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 water conveyances, the City has not assumed the responsibility for directly addressing the issue of stream bank erosion or stream restoration. The majority of the waterways located within the City's jurisdiction convey varying amounts of stormwater run-off (city water) from City- and State-maintained roads.

In 2004, the City Council adopted the City's "Stormwater Management and Control" ordinance and program for the purpose of managing stormwater run-off from developments to improve the water quality of streams and tributaries within the City's jurisdiction through best management practices (BMPs). The City also adopted its "Soil Erosion and Sedimentation Control" ordinance and program to regulate land-disturbing activities within the City's jurisdiction to control erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, water courses, and other public and private property by sediment. However, neither program addresses the erosion of stream banks caused by natural streams.

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

The issue of stream bank erosion or stream degradation is becoming an issue for

some City residents and private developments due to the impacts on their properties. Staff has reviewed and identified the following as possible options regarding this issue:

- 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 is consideration of a hybrid approach. This approach would address a number of stream bank stabilization projects on an annual basis, but would be subject to available resources. The City would seek and apply for stream restoration 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.

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>
	\$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. - 4000 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. This 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 also be funded through the Stormwater Utility.

Recommendation:

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

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

Attachments / [click to download](#)



City of Greenville, North Carolina

Meeting Date: 3/1/2010
Time: 6:00 PM

Title of Item: Resolution seeking legislation to authorize municipalities, at their option, to sponsor a public financing program for local elections

Explanation: At its February 11, 2010, meeting, City Council approved scheduling for consideration at its March 1, 2010, meeting consideration of a resolution which seeks legislation from the North Carolina General Assembly to allow municipalities, at their option, to sponsor a public financing program for their elections. The City of Raleigh has recently approved such a resolution.

The Town of Chapel Hill implemented a public financing pilot program for its 2009 municipal elections with two candidates participating in the program and with the expense incurred by the Town for funding the campaign amounting to \$15,507.90. Attached is a copy of Session Law 2007-222 which granted the authority for the Town of Chapel Hill to do this. During the 2009 Session of the North Carolina General Assembly, House Bill 120 passed the House and is eligible for consideration during the 2010 short session. Attached is a copy of this bill which allows cities with a population greater than 50,000 to conduct a public campaign financing program at their option and with the approval of the State Board of Elections.

Fiscal Note: There is no fiscal impact associated with the adoption of the resolution.

Recommendation: Adoption of the attached resolution will result in the City seeking legislation which will allow the City to have an option to sponsor a public financing program for local elections.

Attachments / click to download

 [Session Law 2007-222](#)

 [House Bill 120](#)

 [2010_Resolution____Legislative_Initiative_for_Local_Campaign_Finance_Reform_Options_857111](#)

RESOLUTION NO. 10 –

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
SEEKING ENACTMENT OF LEGISLATION AUTHORIZING MUNICIPALITIES,
AT THEIR OPTION, TO SPONSOR A PUBLIC FINANCING PROGRAM
FOR LOCAL ELECTIONS**

WHEREAS, public financing programs that encourage small donations, voter participation, and voluntary spending limits are present at the federal and state level, including in North Carolina statewide judicial and executive branch elections;

WHEREAS, public financing programs free candidates from the burden of fundraising and allow elections to be "voter-owned";

WHEREAS, the Town of Chapel Hill successfully implemented a public financing pilot program in 2009;

WHEREAS, a North Carolina city or town could not implement such a program unless State law is changed to give local governments the authority to pursue this option; and

WHEREAS, authorizing municipalities the option to elect to sponsor a public financing program for their elections would allow a municipality to determine whether this method is appropriate for its community;

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 gives municipalities, at their option, the authority to sponsor a public financing program for their elections.

This the 1st day of March, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2007-222
HOUSE BILL 483

AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6 is amended by adding a new subdivision to read:

"(17a) The term 'public campaign financing program' means a uniform program of a governmental entity that offers support for the campaigns of candidates for elective office within the jurisdiction of that governmental entity under the following conditions: (i) the candidates participating in the program must demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of requirements drawn by that government, (ii) the requirements are drawn to further the public purpose of free and fair elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) any public funds provided to candidates are restricted to use for campaign purposes according to guidelines drawn by the State Board of Elections, and (iv) unspent public funds are required to be returned to that governmental entity. Funds paid pursuant to such a program are not subject to the contribution limitations of G.S. 163-278.13 and the prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19 but shall be reported as if they were contributions in all campaign reports required by law to be filed by the campaigns receiving the payments."

SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-499.1. Uniform, nondiscriminatory program of public financing of election campaigns.

(a) A governing body of a city may appropriate funds for a public campaign financing program as defined in G.S. 163-278.6(17a) for city office in that city's jurisdiction if the city has held at least one public hearing on the program before adopting it and the program is approved by the State Board of Elections. The State Board of Elections shall develop guidelines for the basic components needed in a program to meet the criteria set forth in G.S. 163-278.6(17a) and shall approve a city's program that meets the criteria. Any city exercising authority under this section shall provide full notice to the county board of elections in any county in which it has territory.

(b) The governing body of a city appropriating funds as provided by this section shall prepare a report no later than six months after the second election in which it appropriates funds under this section that analyzes its experience in implementing a public campaign financing program by that date, including percent of candidates participating in a program, sources and amounts of funding, litigation involving a program, administrative issues, and recommendations for changes in this statute. The

report shall be presented by that date to the Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of the Legislative Services Office, and to the committees in the House of Representatives and Senate to which election-related bills are primarily referred."

SECTION 3. This act applies to the Town of Chapel Hill only.

SECTION 4. This act is effective when it becomes law and expires July 1, 2012.

In the General Assembly read three times and ratified this the 16th day of July, 2007.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

5

HOUSE BILL 120
Committee Substitute Favorable 3/4/09
Committee Substitute #2 Favorable 3/16/09
Committee Substitute #3 Favorable 4/1/09
Fifth Edition Engrossed 4/21/09

Short Title: Public Municipal Campaigns.

(Public)

Sponsors:

Referred to:

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-499.1, as enacted by Section 2 of S. L. 2007-222, reads as rewritten:

"§ 160A-499.1. Uniform, nondiscriminatory program of public financing of election campaigns.

(a) A governing body of a city may appropriate funds for a public campaign financing program as defined in ~~G.S. 163-278.6(17a) subsection (c) of this section~~ for city office in that city's jurisdiction if the city has held at least one public hearing on the program before adopting it and the program is approved by the State Board of Elections. The State Board of Elections shall develop guidelines for the basic components needed in a program to meet the criteria set forth in ~~G.S. 163-278.6(17a) subsection (c) of this section~~ and shall approve a city's program that meets the criteria. The guidelines shall require that participating candidates shall file all disclosure reports with the State Board of Elections and that the State Board of Elections shall certify and authorize the issuance of public funds to eligible candidates participating in the program. Any city exercising authority under this section shall provide full notice to the county board of elections in any county in which it has territory.

(b) The governing body of a city appropriating funds as provided by this section shall prepare a report no later than six months after the second election in which it appropriates funds under this section that analyzes its experience in implementing a public campaign financing program by that date, including percent of candidates participating in a program, sources and amounts of funding, litigation involving a program, administrative issues, and recommendations for changes in this statute. The report shall be presented by that date to the ~~Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of the Legislative Services Office, and to the committees in the House of Representatives and Senate to which election-related bills are primarily referred.~~ State Board of Elections.

(c) The term 'public campaign financing program' means a uniform program of a governmental entity that offers support for the campaigns of candidates for elective office within the jurisdiction of that governmental entity under the following conditions:



- 1 (1) The candidates participating in the program must demonstrate public support
2 and voluntarily accept strict fund-raising and spending limits in accordance
3 with a set of requirements drawn by that government.
4 (2) The requirements are drawn to further the public purpose of free and fair
5 elections and do not discriminate for or against any candidate on the basis of
6 race, creed, position on issues, status of incumbency or nonincumbency, or
7 party affiliation.
8 (3) Any public funds provided to candidates are restricted to use for campaign
9 purposes according to guidelines drawn by the State Board of Elections.
10 (4) Unspent public funds are required to be returned to that governmental entity.
11 (5) If the program provides for matching funds for electioneering
12 communications for certified candidates when funds in opposition to a
13 certified candidate or in support of an opponent to that candidate exceed a
14 certain amount, the State Board of Elections shall determine which
15 candidate, if any, is entitled to receive matching funds as a result of the
16 communication. The State Board of Elections shall authorize issuance of
17 matching funds based on the communication only if it ascertains that the
18 communication is susceptible of no reasonable interpretation other than as an
19 appeal to vote for or against a specific candidate. In making its
20 determination, the State Board of Elections shall not consider evidence
21 external to the communication itself of the intent of the sponsor or the effect
22 of the communication.

23 Funds paid by a city pursuant to such a program are not subject to the contribution limitations
24 of G.S. 163-278.13 and the prohibitions on corporate contributions of G.S. 163-278.15 or
25 G.S. 163-278.19 but shall be reported as if they were contributions in all campaign reports
26 required by law to be filed by the campaigns receiving the payments.

27 (d) This section applies to the Town of Chapel Hill and any municipality with a total
28 population of more than 50,000 that is selected by the State Board of Elections for participation
29 in a pilot program for the public financing of municipal campaigns. The population shall be
30 determined by the most recent federal decennial census. The State Board of Elections shall
31 select for the pilot program only municipalities whose governing boards have submitted
32 proposals that comply with the criteria of subsection (a) of this section. In selecting those
33 municipalities, the State Board shall seek diversity of population size, regional location, and
34 demographic composition. The State Board shall limit the number of municipalities selected
35 according to its own resources to administer the pilot program. The State Board of Elections
36 shall not select municipalities that use the partisan method of election. The State Board of
37 Elections shall closely monitor the pilot program and report its findings and recommendations
38 by June 30, 2016, to the Joint Legislative Commission on Governmental Operations, to the
39 Fiscal Research Division of the Legislative Services Office, to the Joint Legislative Elections
40 Oversight Committee, and to the committees in the House of Representatives and Senate to
41 which election-related bills are primarily referred. The State Board shall provide interim reports
42 to those same entities by June 30, 2012, and June 30, 2014.

43 (e) This section expires July 1, 2016."

44 **SECTION 2.** Sections 1, 3, and 4 of S. L. 2007-222 are repealed.

45 **SECTION 3.** This act is effective when it becomes law.