



# Agenda

## Greenville City Council

December 9, 2010  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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

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### **I. Call Meeting To Order**

### **II. Invocation - Mayor Pro-Tem Kittrell**

### **III. Pledge of Allegiance**

### **IV. Roll Call**

### **V. Approval of Agenda**

### **VI. Special Recognitions**

- Recognition of Pitt County Veterans Council
- Report from Pitt County Schools Superintendent Beverly Reep
- Report from Pitt County Memorial Hospital President Steve Lawler

### **VII. Appointments**

1. Appointments to Boards and Commissions

### **VIII. New Business**

#### **Public Hearings**

2. Second reading and final adoption of an ordinance granting a limousine franchise to Patrick Sean Brown, d/b/a The Jolly Trolley

3. Second reading and final adoption of an ordinance granting a taxicab franchise to Hannah Victoria Capps, d/b/a East Carolina Pedicab
4. Second reading and final adoption of an ordinance granting a taxicab franchise to Leonard Lee Horton, d/b/a Easy Ride Taxi Service
5. Ordinance requested by LakeSide Sports, LLC to rezone 74.53 acres located along the southern right-of-way of Old Pactolus Highway, adjacent to Santree Mobile Home Park, and north of the Tar River from R6MH (Residential-Mobile Home) to CH (Heavy Commercial)
6. Ordinance requested by Stow Management, Inc. and Vintage Associates, LLC to rezone 9.143 acres located near the northwest corner of the intersection of North Memorial Drive and Staton House Road from IU (Unoffensive Industry) to CH (Heavy Commercial)
7. Ordinances amending the Greenville City Code relating to Urban Beekeeping and amending the zoning regulations to include definitions of "beekeeping; major use" and "beekeeping; minor use", and to include applicable table of use provisions for each category
8. Ordinance requiring the repair or the demolition and removal of the dwelling located at 100 E7 Tyson Street
9. Ordinance requiring the repair or the demolition and removal of the dwelling located at 402 Tyson Street
10. Ordinance requiring the repair or the demolition and removal of the dwelling located at 313 Line Avenue
11. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1400 West Fourth Street
12. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1205 Fleming Street

### **Public Comment Period**

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

### **Other Items of Business**

13. Fiscal year 2012 federal agenda

14. Letter to East Carolina University relating to preservation and protection of single-family residential character of the University Area

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

**X. City Manager's Report**

**XI. Closed Session**

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law
- To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

**XII. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

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**Title of Item:** Appointments to Boards and Commissions

**Explanation:** A City Council appointment needs to be made to the Human Relations Council.

**Fiscal Note:** No fiscal impact.

**Recommendation:** Make an appointment to the Human Relations Council.

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

Attachments / click to download

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

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# Appointments to Boards and Commissions

December 9, 2010

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## Human Relations Council

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

### Student Representative from Higher Educational Institutions

Available Slot (PCC)	First term	Eligible	October 2011
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# Applicants for Human Relations Council

Michael Rouse  
2722 Mulberry Lane, Unit F  
Greenville, NC 27858

**Application Date:** 11/17/2010

**Home Phone:** (252) 341-9880

**Business Phone:**

**Email:** michael.j.rouse@gmail.com

**District #:** 5

**Higher Education Institution:** Pitt Community College



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Second reading and final adoption of an ordinance granting a limousine franchise to Patrick Sean Brown, d/b/a The Jolly Trolley

**Explanation:** Patrick Sean Brown, d/b/a The Jolly Trolley, has made application for a franchise to operate one limousine. The Financial Services, Community Development and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. The business is located outside the corporate limits of Greenville; however, a franchise from the City Council must be granted to allow Mr. Brown to operate his limousine within the city limits. First reading of an ordinance granting the franchise requested by Mr. Brown was considered on December 6, 2010. A public hearing on Mr. Brown's request is scheduled for December 9, 2010 and was advertised on The City Page in The Daily Reflector on November 29, 2010 and December 6, 2010. Notification of the Public Hearing was mailed to all current vehicle for hire franchise owners.

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

**Recommendation:** Conduct a public hearing, then consider the second reading and final adoption of the attached ordinance granting a limousine franchise to Patrick Sean Brown, d/b/a The Jolly Trolley.

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

**Attachments / click to download**

[Application Packet from Patrick Sean Brown](#)

[Ordinance Franchise for Patrick Sean Brown The Jolly Trolley 883301](#)

**ORDINANCE NO. 10-87**  
**AN ORDINANCE GRANTING A LIMOUSINE FRANCHISE**  
**TO PATRICK SEAN BROWN**  
**D/B/A THE JOLLY TROLLEY**

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

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

WHEREAS, Patrick Sean Brown, d/b/a The Jolly Trolley, is an applicant for a franchise permitting the operation of   1   limousine within the City limits; and

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

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

Section 1. A limousine franchise is hereby issued to Patrick Sean Brown, d/b/a The Jolly Trolley, to permit the operation within the City of Greenville of not more than   1   limousines.

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

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

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

First reading approved on the 6<sup>th</sup> day of December 2010.

Second reading and final adoption on the 9<sup>th</sup> day of December 2010.

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

ATTEST:

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

APPLICATION FOR LIMOUSINE FRANCHISE

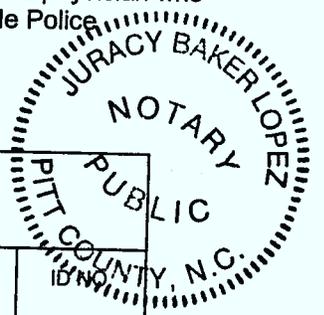
(NOTE: \$30 application fee must be presented with application in order for application to be considered.)

To the Mayor and City Council of the City of Greenville

The undersigned hereby makes application for a limousine franchise under the provisions of Chapter 564, Session Laws 1945, and presents the following information:

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of limousines.
2. The individual, corporate or trade name and business address of the applicant is:  
The Jolly Trolley 2222 Greaves Court Winterville NC 28590
3. The Applicant is:
  - A. An individual and sole owner of the limousine business to be operated under the above name.
  - B. A corporation chartered under the laws of the State of North Carolina in the year \_\_\_\_\_, and the officers of the corporation are \_\_\_\_\_
  - C. A partnership, as shown by articles hereto attached, and the names of partners are: \_\_\_\_\_
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 1 limousines.
6. In support of this application, the following Exhibits are attached:
  - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
  - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
  - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
  - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
  - Exhibit E. Statement of proposed fares for transportation of persons and property.
  - Exhibit F. Statement of experience of applicant in conducting limousine business.
  - Exhibit G. For applicants who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE



LAST NAME <u>Brown</u>		FIRST NAME <u>Patrick</u>		MIDDLE NAME <u>Sean</u>	
ALIAS OR NICKNAME		SEX <u>M</u>	AGE <u>36</u>	WEIGHT <u>210</u>	HEIGHT <u>5' 11"</u>
ADDRESS <u>2222 Greaves Ct Winterville NC 28590</u>		HAIR <u>Brown</u>	EYES <u>Blue</u>	COMPLEXION <u>White</u>	
OCCUPATION <u>Network admin / Trolley Owner</u>			DRIVERS LICENSE NO	IDENTIFICATION NO.	
PLACE OF BIRTH <u>Bettering OHIO</u>			DATE OF BIRTH <u>3-16-74</u>	SOCIAL SECURITY NO.	

Signature of Applicant [Handwritten Signature]

Subscribed and sworn to before me this 19 day of October, 2010.

My Commission Expires January 23, 2012

Juracy Baker Lopez  
Notary Public # 2



## Exhibit A

### Support of public convenience and necessity of this operation

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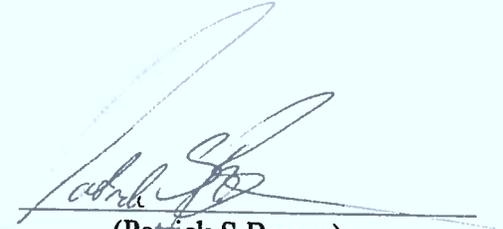
This past summer I purchased a trolley from a gentleman who had bought the trolley from the Winston-Salem transportation commission. He had used the trolley for various wine tours and executive transportation near the city of Wallace NC. Once I saw the trolley I knew that this could possibly be a valuable asset to the city of Greenville and the surrounding areas. I then painted and rehabilitated the trolley to a much improved state than when I received it. Just sitting in the driveway caused people to drive near to catch a glimpse of something that had yet to be seen in Greenville and surrounding areas. The buzz had begun and local people had started to call to see when they could start using the trolley and the services that I was about to offer.

My first contact was from Denise Walsh-Executive Director from the Uptown Greenville Project ([www.uptowngreenville.com](http://www.uptowngreenville.com)). She had been contacted by Don McGlohon Jr., who is my insurance agent, about the trolley and about the ideas that I had brought to his table. He knew, as well as she did now, that my sole purpose was to give another reason for people to explore Greenville and support the local economy. Once meeting with her I was then asked to bring the trolley uptown to the latest meet and greet social for the new business in the uptown Greenville market. Upon driving the trolley, and parking next to the social, various businesses introduced themselves to me and we started to figure ways to use the trolley in order to draw even more people to the uptown area. I knew then that I had made the right decision and that I was going to be able to use the trolley to help this area.

Since then I have used the trolley for the Uptown Greenville various functions including Freeboot Fridays and the Art Walk. I will also be used in the upcoming Freeboot Friday celebrations and well as the Pirate Fest and future Uptown Greenville Art Walks. The Greenville Convention Center would like to use me for their functions as well and we have made the proper arrangements to do so. Other businesses and committees around town have contacted me for various projects ranging from transportation of elderly

people to the downtown area for classes and transporting and entertaining people to various functions in the downtown and ECU area. I have also made booking for birthday parties as well as upcoming weddings in the remainder of this year and next.

This trolley provides a unique experience and transportation service to Greenville and provides a talking point for the local area. It not only provides a solution for transportation issues that arise when a city expands its current market but gives another reason to visit this great city of ours.



(Patrick S Brown)

**MANUFACTURED BY:**

THE MOBILE EQUIPMENT DIVISION OF HENDIRCKSON MOBILE EQUIPMENT  
CORP, LYONS, ILLINOIS 60534

**DATE OF MANUFACTURE:**

5/4/1988

**INCOMPLETE VEHICLE, MANUFACTURED BY:**

HENDRICKSON MOBILE EQUIPMENT SPECIALITY VEHICLE CORP

**DATE INCOMPLETE VEHICLE MANUFATURED:**

11/24/1988

**GVW:**

30050

**GVWR:**

34550

**GAWR FRONT:**

9000 LBS. WITH 255x70R TIRES, 22.5 x 7.50 RIMS AT 115 PSI COLD SINGLE

**GAWR REAR:**

21050 LBS. WITH 255x70R TIRES, 22.5 x 7.50 RIMS AT 120 PSI COLD DUAL

**THIS VEHICLE CONFORMS TO ALL APPLICABLE FESDERAL MOTOR  
VEHICLE STANDARDS EFFECT IN 8 MONTH 2010.**

**VEHICLE IDENTIFICATION NUMBER:**

11HFB4279JLZ16798

**VEHICLE TYPE:**

SVC

**VEHICLE MODEL:**

BU

FORM MVR-191

STATE OF NORTH CAROLINA



Department of Transportation  
Division of Motor Vehicles

Certificate of Title of a Motor Vehicle



The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a Certificate of Title to the herein described vehicle has been filed pursuant to the General Statutes of North Carolina

1988 YEAR MODEL	SVC MAKE	BU BODY STYLE	11HFB4279JLZ16798 VEHICLE IDENTIFICATION NUMBER		
04/29/88 TITLE ISSUE DATE	CODE	31000 GROSS WEIGHT	6.00 LICENSE FEE	811850774 TITLE NUMBER	FUEL

Codes: R--Rebuilt or Reconstructed; M--Motor Change; B--Body Change.

CITY OF WINSTON SALEM  
TRANSIT AUTHORITY  
PO BOX 2511  
WINSTON SALEM, N.C. 27102

PERM 17087R  
PER

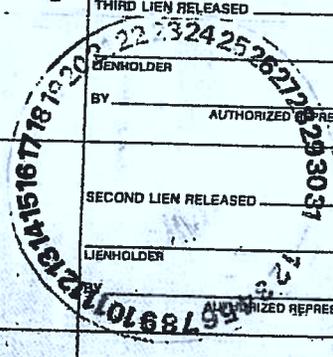
And that the applicant has acted under oath that said applicant is the owner of said motor vehicle and that it is subject to the following liens and none other.

Third Lien	LIENHOLDER	DATE	THIRD LIEN RELEASED	DATE
Second Lien	LIENHOLDER	DATE	SECOND LIEN RELEASED	DATE
First Lien	LIENHOLDER	DATE	FIRST LIEN RELEASED	DATE

BY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE

BY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE

BY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE



ADDITIONAL LIENS:

0000000

He does further certify that reasonable diligence has been used in ascertaining whether or not the facts in said application for a certificate of title are true, and he is satisfied that the applicant is the lawful owner of the above described vehicle or is otherwise entitled to have the same registered in his name. Therefore, he does hereby certify that the above named applicant has been duly registered in the office of the Division of Motor Vehicles as the lawful owner of the above described vehicle, or is otherwise entitled to have the same registered in his name, and that it appears upon the official records of the Division of Motor Vehicles that at the date of the issuance of this certificate, said vehicle is subject to the liens hereinbefore enumerated, if any, and none other.

As WITNESS, his hand and seal of this Division the day and year appearing in this certificate as the title issue date.

35203421

William S. Hiatt  
COMMISSIONER OF MOTOR VEHICLES

UNIT -5 6633

252-258-3237  
Patrich S Brown  
called 8-19 ✓  
entired  
SVC BU  
per Lorie

**STATE OF NORTH CAROLINA  
REGISTRATION CARD**

NC LIC NUMBER	PLT VALID THRU	INSPECTION DUE
VEHICLE ID #	GROSS WT	
11HFB4279JLZ16798		
MAKE/SERIES	TITLE #	EQUIP #
SVC	777046102310147	
SHIPPING WEIGHT	STYLE	FUEL
	BU	G
CLASSIFICATION	YEAR	TOTAL FEE
	1988	
	BU	
	VEHICLE BRAND	
	CUSTOMER ID #	OWNER 2
		COUNTY
		PITT

PATRICK SEAN BROWN

2222 GREAVES CT  
WINTERTVILLE NC 28590-8323

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

PATRICK SEAN BROWN  
Title HUT  
1988 SVC BU  
11HFB4279JLZ16798  
777046102310147  
147 08/19/2010 TIC1477

*5.00 notary  
5.00 permit*

TOTAL 299.50 CHCK

INSURANCE COMPANY AUTHORIZED IN NC

POLICY NUMBER

SIGNATURE



## Exhibit C

### Financial Statement

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The Jolly Trolley will be of no cost to the City of Greenville. Per the spreadsheet below you will see that the total cost of ownership pre month has an average cost of less than \$800.00. I have taken an estimate cost of ownership and have averaged the cost over a period of one year giving me more money than needed for extra cost such as advertising, maintenance and website management. This cost will be offset with the jobs that I take on as well as an advertising campaign offered to various business in the local market. Once all slots are sold, on and in the trolley, the cost of my insurance and note payment will be fully covered. This will allow me to upgrade and maintain the trolley making this an even more of a viable business than it already is. This will all be done while never needing to go into the money generated of the salary of my current employer Alliance One International in Farmville NC as a North American Network Administrator, a company that I have been employed at for the past 9 years. The trolley had a purchase price of \$8,500 but after the improvements it worth well over the remaining note due.

The Jolly Trolley Financial Statement	
Monthly Cost or Average	
Note Payment	279.00
Insurance Payment	232.00
Gas Average	100.00
Advertising	50.00
Maintenance	50.00
DMV	50.00
City Of Greenville Fees	5.00
Website	5.00
<b>Sum Monthly Total Cost</b>	<b>\$ 771.00</b>

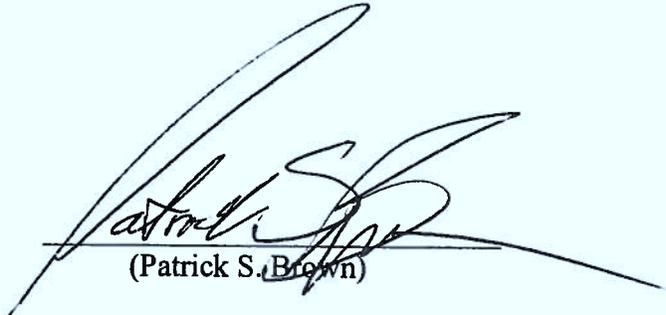
  
 (Patrick S. Brown)

## Exhibit D

### Statement of Off-Street Parking

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1. The trolley will be stored on a farm in Grifton NC. The address is:
  - a. 1095 Hwy 118 East  
Grifton NC 28530
    - i. Grifton is where my mother-in-law lives and she is able to store the trolley in a storage shed to keep it out of the elements.
2. The only time that the Trolley will be close to Greenville is when I am staging and even temporarily in my driveway in Winterville NC. The address of my house in Winterville is:
  - a. 2222 Greaves Court  
Winterville NC 28590
    - i. This would be a temporary location used to decorate and stage the upcoming events. It will be in my driveway during these brief times and out of the general public view.



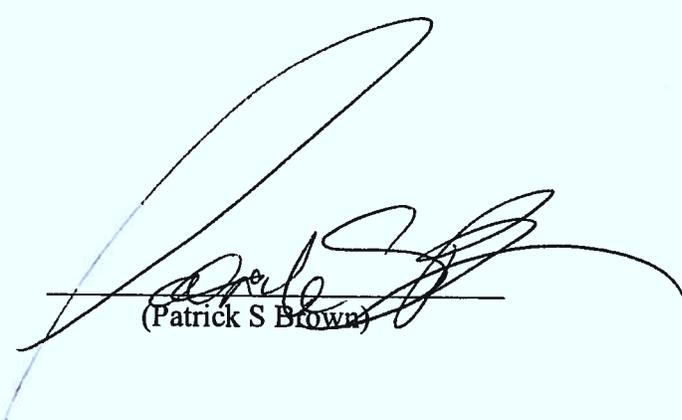
(Patrick S. Brown)

## Exhibit E

### Proposed Fares for Transportation of Persons and Property

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The Trolley will have a set hourly rate. The rate will be \$120.00 per hour two hour minimum required. Advance deposit of the two hour minimum is required to reserve the trolley. Deposit must be received in order to reserve the time requested for the trolley. Until then the renter's initial contact gives that renter the right of first refusal. Upon an inquiry of the renters date from another renter we will contact the first renter to inform them that another renter is requesting the date that they have requested. When contacted the renter must give the deposit within 24 hours or they will forfeit the date requested. Billed hours commence at contracted start time on-site and end when the trolley is released from the site. If the event site is more than 20 miles from the trolley garage, one extra hour, there and back, will be charged as part of the minimum (to equal a total of 4 hours minimum) and must be included in the advance deposit.



(Patrick S Brown)

## Exhibit F

### Statement of Experience in Conducting a Limo Business

I currently have no experience in a Limo Business. I have driven Semi trucks and other large vehicle for my other job in Farmville NC at the Alliance One Tobacco Manufacturing Factory for the past 9 years. I was raised as an entertainer and find it rather easy to drive this trolley. To me it handles like a car and it is not very hard to pay attention to the rules of the road while driving the machine.

I also am a college graduate from both Pitt Community College and East Carolina University. Not only do I have a couple of degrees in science and networking but I have also received my Bachelors degree in Business Education with a GPA of 3.8. This provides with the knowledge to help me succeed in making this a reality for the local economy.

I currently have done some events in the surrounding areas (Winterville, Uptown Greenville, Etc) and have had no complaints. Locally I was known as the Birthday Guy that would sing and entertain in various restaurants. Prior to that, while in college, I toured in theater and did standup comedy on the road. The Jolly Trolley will not only be a transportation company but, if asked for, a form of entertaining while getting to where the patrons need to go. Drawing people from the surrounding areas to the Uptown and local Greenville Market. In fact I have had quite good compliments from what I have done so far. Below are a few examples:

#### **Amy Campbell 8yr old birthday party**

“We had a blast!! You did a great job!! Riley said it was the best party ever!!  
Hope to plan a grown up party soon...”

#### **Denise Walsh Uptown Greenville Executive Director**

“The Jolly Trolley was a hit! There are so many people uptown that think this is a great idea. We are very excited at having you be a part of the Uptown family and cannot wait to use you again!”

Note: I am now being hired for the FreeBoot Fridays, Pirate Fest, Art Walks and all other events used in the Uptown Greenville Board.

**Heather Macy, Head Coach ECU Women Basketball**

“Your trolley idea is fantastic. I also think the trolley will be a good draw to Greenville and ECU....Thanks for the great idea. Hope to see you at the games...go Pirates”



(Patrick S Brown)





4673 N.C. Hwy. 11 South P.O. Box 209  
Winterville, NC 28590  
252-756-3635

CUSTOMER #: 11153

8 3 9 2 9

\*INVOICE\*

PATRICK SEAN BROWN  
2222 GREAVES CT  
WINTERVILLE, NC 28590  
HOME: CONT:N/A  
BUS: CELL:

PAGE 1

SERVICE ADVISOR: 3028 JD GODLEY

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG
	88	TRUCK TRUCK	11HFB4279JLZ16798		6152/6152	

DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
01JAN88 DD			17:00 20AUG10		0.00	CASH	20AUG10

R.O. OPENED: READY OPTIONS: DLR:D452

08:32 20AUG10 08:46 20AUG10

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
A	D.O.T.	INSPECTION	TRUCK				
				15 D.O.T. INSPECTION TRUCK			
				3134 CP		133.50	133.50

\*\*\*\*\*

THANK YOU!!!!

WE APPRECIATE YOUR BUSINESS!!!!



TRUCKS

Distributed by  
America, Inc.



AMERICAN TRUCK CENTER  
4673 NC HWY 11 S  
WINTERVILLE, NC 28590

Merchant ID: 3228

Ref #: 0001

Sale

XXXXXXXXXXXX2811

VISA

Entry Method: Swiped

Total:

\$ 133.50

08/20/10

08:48:58

Inv #: 000001

Mer Code: 04586A

Apprvd: Online

Batch#: 000321

8-20-10  
Pd by Visa  
133.50

TERM  
I herel  
and ag  
case  
unavai  
you at  
highwa  
is here

Customer Care  
THANK YOU!!

rth to be done along with the necessary material  
or damage to vehicle or articles left in vehicle in  
nd your control or for any delays caused by  
nts by the supplier or transporter. I hereby grant  
erate the vehicle herein described on streets,  
g and/or inspection. An express mechanic's lien  
gued on above vehicle to secure the amount of repairs thereto.

DESCRIPTION	TOTALS
LABOR AMOUNT	133.50
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	133.50
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	133.50

X

CUSTOMER'S SIGNATURE

CUSTOMER COPY

Item # 2

MOTOR CARRIER OPERATOR <i>Patrick Sean Brown</i>	INSPECTOR'S NAME (PRINT OR TYPE) <i>Herold S. Sator</i>
ADDRESS <i>2222 Greaves Ct</i>	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input type="checkbox"/> YES
CITY, STATE, ZIP CODE <i>Winterville NC 28790</i>	VEHICLE IDENTIFICATION (✓ AND COMPLETE) <input type="checkbox"/> LIC. PLATE NO. <input checked="" type="checkbox"/> VIN <input type="checkbox"/> OTHER <i>11HFB42795L216798</i>
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input checked="" type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL)

VEHICLE COMPONENTS INSPECTED											
OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			<b>1. BRAKE SYSTEM</b>				<b>6. SAFE LOADING</b>				<b>10. TIRES</b>
✓			a. Service Brakes				a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.	✓			a. Tires on any steering axle of a power unit.
✓			b. Parking Brake System				b. Protection against shifting cargo.	✓			b. All other tires.
✓			c. Brake Drums or Rotors	✓			c. Container securement devices on intermodal equipment.				<b>11. WHEELS AND RIMS</b>
✓			d. Brake Hose								a. Lock or Side Ring
✓			e. Brake Tubing								b. Wheels and Rims
✓			f. Low Pressure Warning Device	✓							c. Fasteners
✓			g. Tractor Protection Valve								d. Welds
✓			h. Air Compressor	✓							<b>12. WINDSHIELD GLAZING</b>
✓			i. Electric Brakes								Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions).
✓			j. Hydraulic Brakes				<b>7. STEERING MECHANISM</b>				<b>13. WINDSHIELD WIPERS</b>
✓			k. Vacuum Systems	✓			a. Steering Wheel Free Play	✓			Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
			<b>2. COUPLING DEVICES</b>	✓			b. Steering Column				<b>14. OTHER</b>
			a. Fifth Wheels				c. Front Axle Beam and All Steering Components Other Than Steering Column				List any other condition(s) which may prevent safe operation of this vehicle.
			b. Pintle Hooks				d. Steering Gear Box				
			c. Drawbar/Towbar Eye				e. Pitman Arm				
			d. Drawbar/Towbar Tongue				f. Power Steering				
			e. Safety Devices				g. Ball and Socket Joints				
			f. Saddle-Mounts				h. Tie Rods and Drag Links				
			<b>3. EXHAUST SYSTEM</b>				i. Nuts				
			a. Exhaust system leaking forward of or directly below the driver/sleeper compartment.	✓			j. Steering System				
			b. Bus exhaust system leaking or discharging in violation of standard.	✓			<b>8. SUSPENSION</b>				
			c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle.	✓			a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.				
			<b>4. FUEL SYSTEM</b>				b. Spring Assembly				
			a. Visible leak.	✓			c. Torque, Radius or Tracking Components				
			b. Fuel tank filler cap missing.	✓			<b>9. FRAME</b>				
			c. Fuel tank securely attached.	✓			a. Frame Members				
			<b>5. LIGHTING DEVICES</b>				b. Tire and Wheel Clearance				
			All lighting devices and reflectors required by Part 393 shall be operable.	✓			c. Adjustable Axle Assemblies (Sliding Subframes)				

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: ✓ OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, \_\_\_\_\_ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

## Carol Barwick

---

**From:** Michael Dail  
**Sent:** Monday, November 15, 2010 8:33 AM  
**To:** Carol Barwick  
**Cc:** Merrill Flood; Harry Hamilton  
**Subject:** Taxi Franchise Request By Patrick Brown

Carol,

I have reviewed the application for taxi franchise submitted by Patrick Brown. His office/cab storage location is located outside of our extraterritorial jurisdiction, therefore no zoning regulations apply to his request at this time.

Thanks,

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





## FINANCIAL SERVICES MEMORANDUM

TO: Carol L. Barwick, City Clerk's Office

FROM: Brenda Matthews, Financial Services Collections

DATE: November 8, 2010

SUBJECT: Taxicab Applications for:  
Leonard Lee Horton, Easy Ride Taxicab Service  
And  
Patrick Brown, The Jolly Trolley

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

All property tax records indicate balances have been paid as well.

If I can provide further assistance, please call.

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

Doc # 177282



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Second reading and final adoption of an ordinance granting a taxicab franchise to Hannah Victoria Capps, d/b/a East Carolina Pedicab

**Explanation:** Hannah Victoria Capps, d/b/a East Carolina Pedicab, has made application for a franchise to operate four taxicabs. The Financial Services, Community Development, and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. First reading of an ordinance granting the franchise requested by Ms. Capps was considered on December 6, 2010. A public hearing on Ms. Capps' request is scheduled for December 9, 2010, and was advertised on The City Page in The Daily Reflector on November 29, 2010 and December 6, 2010. Notification of the public hearing was mailed to all current vehicle for hire franchise owners.

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

**Recommendation:** Conduct a public hearing, then consider the second reading and final adoption of the attached ordinance granting a taxicab franchise to Hannah Victoria Capps, d/b/a East Carolina Pedicab

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

**Attachments / click to download**

- [Application Packet from Hannah Victoria Capps](#)
- [Franchise to Hannah Victoria Capps DBA East Carolina Pedicab 883299](#)

**ORDINANCE NO. 10-\_\_\_\_**  
**AN ORDINANCE GRANTING A TAXICAB FRANCHISE**  
**TO**  
**HANNAH VICTORIA CAPPS,**  
**D/B/A EAST CAROLINA PEDICAB**

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

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

WHEREAS, Hannah Victoria Capps, d/b/a East Carolina Pedicab, are applicants for a franchise permitting the operation of four (4) taxicabs within the City limits; and

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

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

Section 1. A taxicab franchise is hereby issued to Hannah Victoria Capps, d/b/a East Carolina Pedicab to permit the operation within the City of Greenville of not more than four (4) taxicabs.

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

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

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

First reading approved on the 6<sup>th</sup> day of December, 2010.

Second reading and final adoption on the 9<sup>th</sup> day of December, 2010.

ATTEST:

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

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

Revised 3/30/2009

APPLICATION FOR TAXICAB FRANCHISE

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

To the Mayor and City Council of the City of Greenville

The undersigned hereby makes application for a taxicab franchise under the provisions of Chapter 564, Session Laws 1945, and presents the following information:

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is:  
East Carolina Pedicabs 1603 S. Elm St. Greenville NC, 27858
3. The Applicant is:
  - A. An individual and sole owner of the taxicab business to be operated under the above name.
  - B. A corporation chartered under the laws of the State of North Carolina in the year \_\_\_\_\_, and the officers of the corporation are \_\_\_\_\_
  - C. A partnership, as shown by articles hereto attached, and the names of partners are: \_\_\_\_\_
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 4 taxicabs.
6. In support of this application, the following Exhibits are attached.
  - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
  - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
  - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
  - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
  - Exhibit E. Statement of proposed fares for transportation of persons and property.
  - Exhibit F. Statement of experience of applicant in conducting taxicab business.
  - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

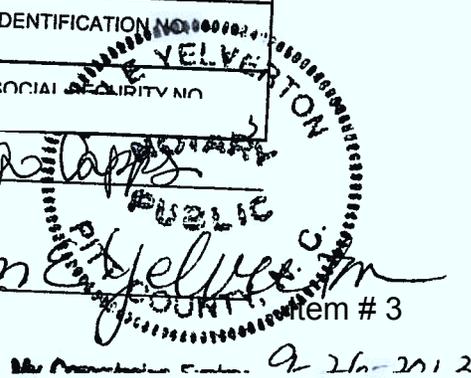
LAST NAME <u>CAPPS</u>		FIRST NAME <u>Hannah</u>		MIDDLE NAME <u>Victoria</u>		
ALIAS OR NICKNAME	SEX <u>Female</u>	AGE <u>20</u>	WEIGHT <u>100</u>	HEIGHT <u>5'2"</u>	ID NO.	
ADDRESS <u>1603 S Elm St</u>	HAIR <u>Blond</u>	EYES <u>Green</u>	COMPLEXION <u>White</u>			
OCCUPATION <u>Owner of East Carolina Pedicabs</u>	DRIVERS LICENSE NO.		IDENTIFICATION NO.			
PLACE OF BIRTH <u>Pitt Memorial Hospital</u>	DATE OF BIRTH <u>12-08-1989</u>		SOCIAL SECURITY NO.			

Signature of Applicant Hannah Capps

Subscribed and sworn to before me this 17<sup>th</sup> day of Nov, 2010.

My Commission Expires: Sept 26, 2013

Notary Public





**Exhibit A:**

East Carolina Pedicab has been successfully operating in Greenville since the latter part of 2009. We have provided a safe, eco-friendly alternative to the Pirate and Greenville community. ECP frequently fills a gap that was in our community by providing transportation for disabled people to and from the tail-gating lots and the stadium. ECP also helps students find their way home from a late night of having fun with friends every weekend. We believe that our presence alone in the University area at night, aids in the prevention of crime and security of the community. East Carolina Pedicab is also helping to stimulate the economy by providing jobs targeted toward the student population. Our operation provides a public convenience and is a necessity for our community for the above reasons.

Below we have attached several testimonies regarding our service:

22:11, Sep 15, Tyler Briley, NC

You know, more than a few of the dudes that operate this service have given me a ride to my house when I had been drinking, and its funny because we always end up giving them more than the average cab fare because they're so much funnier and so much less likely to be arrested than your standard cab driver. Go figure.

04:45, Sep 15, Fenner Hoell, NC

I believe whole heartily that this incident was a result of the generally poorly ran system of law enforcement that we have here in Greenville. It really brings me down to see the police giving this sort of attention to hard working college students.

15:07, Sep 12, Name not displayed, NC

Wow. I cant believe this. And also dont understand why the police would do this to someone helping others.get from point A to point B especially at this type of event. It seems to me like the police have nothing else better to do. How about stoping the people who are driving from the game drunk. In this situation, it just seems so pathetic that police actually waste our tax dollars to make these kind of stops instead of finding someone who is actually breaking a law that causes danger.. Shame on Greenville police.

Pete Lyons said on Sep 17, 2010 9:49 AM

I signed the petition, your service is critical to the safety of ECU students. Keep up the good work.

**Exhibit B:**

We have high end mountain bikes. (Trek, Specialized, Diamondback)

Our Pedicabs are made of steel and seat 3 adults fairly comfortably.

Carrying Capacity: 3-4 adults

Number of Pedicabs: 4

Colors: Purple, Yellow, Black, Purple

Note: some of the items were N/A

**Exhibit C:**

I am currently a student at Pitt Community College. I own no property, but I do currently rent from Annette Parker Butler Agency. I have attached a copy of my lease. I have also attached a copy of my most recent Bank Statement.

**Exhibit D:**

The four Pedicabs will each be kept at a separate location until arrangements are made for a permanent setting. One will be kept at the following addresses: 2508 B east 3<sup>rd</sup> St., 1603 south Elm St., 212 north Library St., and 129 north Harding St.

**Exhibit E:**

East Carolina Pedicab would like to continue being a “tip-based” service. However, if the City of Greenville deems necessary, we will comply with the approved rates of the City of Greenville.

**Exhibit F:**

I have been conducting this business without incident until the City of Greenville’s request for me to obtain a Taxi-Cab franchise license. We have safely operated for approximately a year and work closely with other businesses in the City of Greenville.

**Exhibit G:**

East Carolina Pedicab currently has no employees at this time due to the lack of ability to operate. ECP will comply with the City of Greenville and GPD’s request.

RESIDENTIAL RENTAL CONTRACT

RESIDENT: Hannah V. Capps ("Tenant")

OWNER: Naomi Edwards ("Landlord")

REAL ESTATE MANAGEMENT FIRM: Duffus Realty, In.c ("Agent")

PREMISES: City: Greenville County: Pitt State of North Carolina

Street Address: 2508 B E 3rd Street, Greenville, NC 27858

Apartment Complex: \_\_\_\_\_ Apartment No. \_\_\_\_\_

Other Description (Room, portion of above address, etc.): \_\_\_\_\_

INITIAL TERM: Beginning Date of Lease: 1-1-09 Ending Date of Lease: 12-31-10

RENT: \$ 525.00 PAYMENT PERIOD:  monthly  weekly  yearly  other: \_\_\_\_\_

LATE PAYMENT FEE: \$ 26.25 OR \_\_\_\_\_ % of rental payment, whichever is greater  
(State law provides that the late fee may not exceed \$15.00 or five percent (5%) of the rental payment, whichever is greater.)

RETURNED CHECK FEE: \$ 20.00 (The maximum processing fee allowed under State law is \$25.00.)

SECURITY DEPOSIT: \$ 525.00 to be deposited with: (check one)  Landlord  Agent

LOCATION OF DEPOSIT: (insert name of bank): Select Bank

BANK ADDRESS: 3600 Charles Boulevard, Greenville, NC 27858

FEES FOR COMPLAINT FOR SUMMARY EJECTMENT AND/OR MONEY OWED (See paragraph 16) (NOTE: Landlord may charge and retain only one of the following fees in addition to any court costs):

- COMPLAINT-FILING FEE: \$ 26.25 OR \_\_\_\_\_ % of rental payment, whichever is greater (Fee may not exceed \$15.00 or five percent (5%) of the rental payment, whichever is greater.)
- COURT APPEARANCE FEE: 10 % of rental payment (Fee may not exceed ten percent (10%) of the rental payment.)
- SECOND TRIAL FEE: 12 % of rental payment (Fee may not exceed twelve percent (12%) of the rental payment.)

PETS:  PETS NOT ALLOWED  PETS ALLOWED NONREFUNDABLE PET FEE (if pets allowed): \$ \_\_\_\_\_

TYPE OF PET PERMITTED (if pets allowed): \_\_\_\_\_

PERMITTED OCCUPANTS (in addition to Tenant): \_\_\_\_\_

IN CONSIDERATION of the promises contained in this Agreement, Landlord, by and through Agent, hereby agrees to lease the Premises to Tenant on the following terms and conditions:

1. **Termination and Renewal** EITHER LANDLORD OR TENANT MAY TERMINATE THE TENANCY AT THE EXPIRATION OF THE INITIAL TERM BY GIVING WRITTEN NOTICE TO THE OTHER AT LEAST 30 DAYS PRIOR TO THE EXPIRATION DATE OF THE INITIAL TERM. IN THE EVENT SUCH WRITTEN NOTICE IS NOT GIVEN OR IF THE TENANT HOLDS OVER BEYOND THE INITIAL TERM, THE TENANCY SHALL AUTOMATICALLY BECOME A year (PERIOD) TO year (PERIOD) TENANCY UPON THE SAME TERMS AND CONDITIONS CONTAINED HEREIN AND MAY THEREAFTER BE TERMINATED BY EITHER LANDLORD OR TENANT GIVING THE OTHER 30 DAYS WRITTEN NOTICE PRIOR TO THE LAST DAY OF THE THEN CURRENT PERIOD OF THE TENANCY.

2. **Rent:** Tenant shall pay the Rent, without notice, demand or deduction, to Landlord or as Landlord directs. The first Rent payment, which shall be prorated if the Initial Term commences on a day other than the first day of the Payment Period, shall be due on 12-1-09 12/15/09 (date). Thereafter, all rentals shall be paid in advance on or before the **FIRST** day of each subsequent Payment Period for the duration of the tenancy.



North Carolina Association of REALTORS® Inc.

Tenant Initials HC



STANDARD FORM 410-T  
Revised 10/2009  
© 10/2009

(l) change or wash air conditioning filter monthly. (m) to make themselves aware of and adhere to city ordinances. (n) tenant is responsible for yard maintenance.

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

- (a) comply with the applicable building and housing codes to the extent required by such building and housing codes;
- (b) make all repairs to the Premises as may be necessary to keep the Premises in a fit and habitable condition; provided, however, in accordance with paragraph 10, the Tenant shall be liable to the Landlord for any repairs necessitated by the Tenant's intentional or negligent misuse of the Premises;
- (c) keep all common areas, if any, used in conjunction with the Premises in a clean and safe condition;
- (d) promptly repair all facilities and appliances, if any, as may be furnished by the Landlord as part of the Premises, including electrical, plumbing, sanitary, heating, ventilating, and air conditioning systems, provided that the Landlord, except in emergency situations, actually receives notification from the Tenant in writing of the needed repairs; and
- (e) within a reasonable period of time based upon the severity of the condition, repair or remedy any imminently dangerous condition on the Premises after acquiring actual knowledge or receiving notice of the condition. Notwithstanding Landlord's repair or remedy of any imminently dangerous condition, Landlord may recover from Tenant the actual and reasonable costs of repairs that are the fault of Tenant.

**7. Smoke and Carbon Monoxide Detectors:** Pursuant to North Carolina General Statutes § 42-42 and 42-43, the Landlord shall provide and install operable smoke detectors, either battery-operated or electrical, having an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval. Effective January 1, 2010, if the Premises has a fossil-fuel burning heater or appliance, fireplace, or an attached garage, the Landlord shall provide and install a minimum of one operable carbon monoxide detector per level in the Premises, either battery operated or electrical, that is listed by a national, OSHA-approved testing laboratory. The Tenant shall notify the Landlord, in writing, of the need for replacement of or repairs to a smoke or carbon monoxide detector. The Landlord shall replace or repair the smoke or carbon monoxide detector within 15 days of receipt of notification if the Landlord is notified of needed replacement or repairs in writing by the Tenant. The Landlord shall ensure that a smoke or carbon monoxide detector is operable and in good repair at the beginning of the Initial Term of the Tenancy. The Landlord shall place new batteries in any battery-operated smoke or carbon monoxide detectors at the beginning of the Initial Term of the tenancy; **the Tenant shall replace the batteries as needed during the tenancy.**

**8. Rules and Regulations:** The Tenant, his family, servants, guests and agents shall comply with and abide by all the Landlord's existing rules and regulations and such future reasonable rules and regulations as the Landlord may, at Landlord's discretion, from time to time, adopt governing the use and occupancy of the Premises and any common areas used in connection with them (the "Rules and Regulations"). Landlord reserves the right to make changes to the existing Rules and Regulations and to adopt additional reasonable rules and regulations from time to time; provided however, such changes and additions shall not alter the essential terms of this lease or any substantive rights granted hereunder and shall not become effective until thirty (30) days' written notice thereof shall have been furnished to Tenant. Tenant also agrees to abide by any applicable homeowners' association regulations as they now exist or may be amended. A copy of the existing Rules and Regulations, and any applicable homeowners' association regulations, are attached hereto and the Tenant acknowledges that he has read them. The Rules and Regulations shall be deemed to be a part of this lease giving to the Landlord all the rights and remedies herein provided.

**9. Right of Entry:** Landlord hereby reserves the right to enter the Premises during reasonable hours for the purpose of (1) inspecting the Premises and the Tenant's compliance with the terms of this lease; (2) making such repairs, alterations, improvements or additions thereto as the Landlord may deem appropriate; and (3) showing the Premises to prospective purchasers or tenants. Landlord shall also have the right to display "For Sale" or "For Rent" signs in a reasonable manner upon the Premises.

**10. Damages:** Tenant shall be responsible for and liable to the Landlord for all damage to, defacement of, or removal of property from the Premises whatever the cause, except such damage, defacement or removal caused by ordinary wear and tear, acts of the Landlord, his agent, or of third parties not invitees of the Tenant, and natural forces. Tenant agrees to pay Landlord for the cost of repairing any damage for which Tenant is responsible upon receipt of Landlord's demand therefor, and to pay the Rent during the period the Premises may not be habitable as a result of any such damage.

**11. Pets:** If pets are not allowed, Tenant agrees not to keep or allow anywhere on or about the Property any animals or pets of any kind, including but not limited to, dogs, cats, birds, rodents, reptiles or marine animals. If pets are allowed, Tenant acknowledges that the amount of the Pet Fee is reasonable and agrees that the Landlord shall not be required to refund the Pet Fee in whole or in part. If pets are allowed, Tenant agrees to reimburse Landlord for any primary or secondary damages caused thereby whether the damage is to the Premises or to any common areas used in conjunction with them, and to indemnify Landlord from any liability to third parties which may result from Tenant's keeping of such pet or pets.

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

Tenant Initials AR

17. **Landlord's Default; Limitation of Remedies and Damages:** Until the Tenant notifies the Landlord in writing of an alleged default and affords the Landlord a reasonable time within which to cure, no default by the Landlord in the performance of any of the promises or obligations herein agreed to by him or imposed upon him by law shall constitute a material breach of this lease and the Tenant shall have no right to terminate this lease for any such default or suspend his performance hereunder. In no event and regardless of their duration shall any defective condition of or failure to repair, maintain, or provide any area, fixture or facility used in connection with recreation or recreational activities, including but not limited to swimming pools, club houses, and tennis courts, constitute a material breach of this lease and the Tenant shall have no right to terminate this lease or to suspend his performance hereunder. In any legal action instituted by the Tenant against the Landlord, the Tenant's damages shall be limited to the difference, if any, between the rent reserved in this lease and the reasonable rental value of the Premises, taking into account the Landlord's breach or breaches, and in no event, except in the case of the Landlord's willful or wanton negligence, shall the Tenant collect any consequential or secondary damages resulting from the breach or breaches, including but not limited to the following items: damage or destruction of furniture or other personal property of any kind located in or about the Premises, moving expenses, storage expenses, alternative interim housing expenses, and expenses of locating and procuring alternative housing.

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

(a) Ten days after being placed in lawful possession by execution of a writ of possession, the Landlord may throw away, dispose of, or sell all items of personal property remaining on the Premises. During the 10-day period after being placed in lawful possession by execution of a writ of possession, the Landlord may move for storage purposes, but shall not throw away, dispose of, or sell any items of personal property remaining on the Premises unless otherwise provided for in Chapter 42 of the North Carolina General Statutes. Upon the Tenant's request prior to the expiration of the 10-day period, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon. If the Landlord elects to sell the property at public or private sale, the Landlord shall give written notice to the Tenant by first-class mail to the Tenant's last known address at least seven days prior to the day of the sale. The seven-day notice of sale may run concurrently with the 10-day period which allows the Tenant to request possession of the property. The written notice shall state the date, time, and place of the sale, and that any surplus of proceeds from the sale, after payment of unpaid rents, damages, storage fees, and sale costs, shall be disbursed to the Tenant, upon request, within 10 days after the sale, and will thereafter be delivered to the government of the county in which the rental property is located. Upon the Tenant's request prior to the day of sale, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon. The Landlord may apply the proceeds of the sale to the unpaid rents, damages, storage fees, and sale costs. Any surplus from the sale shall be disbursed to the Tenant, upon request, within 10 days of the sale and shall thereafter be delivered to the government of the county in which the rental property is located.

(b) If the total value of all property remaining on the Premises at the time of execution of a writ of possession in an action for summary ejection is less than one hundred dollars (\$100.00), then the property shall be deemed abandoned five days after the time of execution, and the Landlord may throw away or dispose of the property. Upon the Tenant's request prior to the expiration of the five-day period, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon.

19. **Bankruptcy:** If any bankruptcy or insolvency proceedings are filed by or against the Tenant or if the Tenant makes any assignment for the benefit of creditors, the Landlord may, at his option, immediately terminate this Tenancy, and reenter and repossess the Premises, subject to the provisions of the Bankruptcy Code (11 USC Section 101, et. seq.) and the order of any court having jurisdiction thereunder.

20. **Tenant's Insurance; Release and Indemnity Provisions:** The Tenant shall be solely responsible for insuring any of his personal property located or stored upon the Premises upon the risks of damage, destruction, or loss resulting from theft, fire, storm and all other hazards and casualties. Regardless of whether the Tenant secures such insurance, the Landlord and his agents shall not be liable for any damage to, or destruction or loss of, any of the Tenant's personal property located or stored upon the Premises regardless of the cause or causes of such damage, destruction, or loss, unless such loss or destruction is attributable to the intentional acts or willful or wanton negligence of the Landlord. The Tenant agrees to release and indemnify the Landlord and his agents from and against liability for injury to the person of the Tenant or to any members of his household resulting from any cause whatsoever except only such personal injury caused by the negligent, or intentional acts of the Landlord or his agents.

21. **Agent:** The Landlord and the Tenant acknowledge that the Landlord may, from time to time in his discretion, engage a third party ("the Agent") to manage, supervise and operate the Premises or the complex, if any, of which they are a part. If such an Agent is managing, supervising and operating the Premises at the time this lease is executed, his name will be shown as "Agent" on the first page hereof. With respect to any Agent engaged pursuant to this paragraph, the Landlord and the Tenant hereby agree that: (1) Agent acts for and represents Landlord in this transaction; (2) Agent shall have only such authority as provided in the management contract existing between the Landlord and Agent; (3) Agent may perform without objection from the Tenant, any obligation or exercise any right of the Landlord imposed or given herein or by law and such performance shall be valid and binding, if authorized by the Landlord, as if performed by the Landlord; (4) the Tenant shall pay all rentals to the Agent if directed to do so by the Landlord; (5) except as otherwise provided by law, the Agent shall not be liable to the Tenant for the nonperformance of the obligations or promises of the Landlord contained herein; (6) nothing contained herein shall modify the management contract existing between the Landlord and the Agent; however, the Landlord and the Agent may from time to time modify the management agreement in any manner which they deem appropriate; (7) the Landlord, may, in his discretion and in accordance with any management agreement, remove without replacing or remove and replace any agent engaged to manage, supervise and operate the Premises.

Tenant Initials HC

**DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS**

**Lead Warning Statement**

*Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a federally approved pamphlet on lead poisoning prevention.*

Premises: 2508 B E 3rd Street, Greenville, NC 27858

**Landlord's Disclosure (initial)**

[Signature] (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):  
 Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).  
\_\_\_\_\_

Landlord has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

[Signature] (b) Records and reports available to the Landlord (check one below):  
 Landlord has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).  
\_\_\_\_\_  
\_\_\_\_\_

Landlord has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Tenant's Acknowledgment (initial)**

[Signature] (c) Tenant has received copies of all information listed above.

[Signature] (d) Tenant has received the pamphlet *Protect Your Family from Lead in Your Home*.

**Agent's Acknowledgment (initial)**

[Signature] (e) Agent has informed the Landlord of the Landlord's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. MAKES NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION.

Landlord \_\_\_\_\_ Date \_\_\_\_\_  
Hannah V. Capps 12-18-09  
Tenant Hannah V. Capps Date \_\_\_\_\_  
[Signature] 12/18/09  
Agent \_\_\_\_\_ Date \_\_\_\_\_

Landlord \_\_\_\_\_ Date \_\_\_\_\_  
Tenant \_\_\_\_\_ Date \_\_\_\_\_  
Agent \_\_\_\_\_ Date \_\_\_\_\_





135-02-01-00 74502 0 C 001 08 50 002  
 HANNAH VICTORIA CAPPS  
 1603 S ELM ST  
 GREENVILLE NC 27858-4536

## Your consolidated statement

For 10/14/2010

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

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- No worries about lost or stolen checks
- Security of knowing funds are deposited even when you can't get to the bank

Best of all, it's free! Ask a Relationship Banker for details.

BB&T Member FDIC

## Summary of your accounts

ACCOUNT NAME	ACCOUNT NUMBER	BALANCE(\$)	DETAILS ON
BB&T STUDENT FREE-MM		6.02	page 1
Total checking and money market savings accounts		\$6.02	
PERSONAL REGULAR SAVINGS		4.08	page 3
Total savings accounts		\$4.08	



### Checking and money market savings accounts

#### ■ BB&T STUDENT FREE-MM (

#### Account summary

Your previous balance as of 09/15/2010	\$182.41
Checks	- 109.17
Other withdrawals, debits and service charges	- 2,774.25
Deposits, credits and interest	+ 2,707.03
Your new balance as of 10/14/2010	= \$6.02



**Savings accounts**

■ **PERSONAL REGULAR SAVINGS**

**Account summary**

Your previous balance as of 09/15/2010	\$15.03
Other withdrawals, debits and service charges	- 15.03
Deposits, credits and interest	+ 4.08
Your new balance as of 10/14/2010	= \$4.08

**Interest summary**

Interest paid this statement period	\$0.00
2010 interest paid year-to-date	\$0.03
Interest rate	0.40%

**Other withdrawals, debits and service charges**

DATE	DESCRIPTION	AMOUNT(\$)
09/16	BB&T M-APP TRANSFER TRANSFER TO CHECKING I	5.03
09/28	BB&T ONLINE TRANSFER TRANSFER TO CHECKING	10.00
<b>Total other withdrawals, debits and service charges</b>		<b>= \$15.03</b>

**Deposits, credits and interest**

DATE	DESCRIPTION	AMOUNT(\$)
09/16	BB&T M-APP TRANSFER TRANSFER FROM CHECKING I	4.08
<b>Total deposits, credits and interest</b>		<b>= \$4.08</b>

**RETURN DEPOSITED/CASHED ITEM FEE CHANGE**

EFFECTIVE DECEMBER 1, 2010, BB&T's Return Deposited/Cashed Item fee will be \$12. This fee is assessed to a checking or savings account when an item that you deposit into your account or receive cash for at a banking location is returned to the bank for insufficient funds or any other reason.

**INACTIVE ACCOUNT FEE CHANGE**

EFFECTIVE DECEMBER 1, 2010, BB&T's inactive account fee will be \$7.50 per month. An inactive account is defined as having no deposits or withdrawals in 12 months for checking accounts and 24 months for savings accounts.

\*Inactive account fee does not apply for clients under 18 years of age.

Page 1 of 3 10/29/10  
NC

BB&amp;T

135-02-01-00 74502 0 C 001 26 50 002  
EAST CAROLINA PEDICAB SERVICE LLC  
1603 S ELM ST  
GREENVILLE NC 27858-4536

## Your account statement

For 10/29/2010

## Contact us



BBT.com

(800) BANK-BBT or  
(800) 226-5228

### Reliable Payroll Services Offered through ADP®

To meet your company's payroll needs, BB&T has partnered with ADP to offer you best-in-class payroll service from the world's largest payroll provider. With over 60 years experience delivering payroll services, ADP offers a comprehensive outsourcing solution to meet the needs of your organization - regardless of your industry or company size.

- Payroll and tax management
- Pre-employment screening and background checks
- Automated time and attendance solutions
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For more information, visit your local BB&T financial center, contact your Relationship Manager or visit us online at [BBT.com/payrollservices](http://BBT.com/payrollservices).

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### ■ FREE BUSINESS CHECKING

#### Account summary

Your previous balance as of 09/30/2010	\$3.48
Checks	- 0.00
Other withdrawals, debits and service charges	- 151.48
Deposits, credits and interest	+ 150.00
Your new balance as of 10/29/2010	= \$2.00

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
10/05	BB&T CHECK CARD PURCHASE CHINA KING 10-03 GREENVILLE NC 5909	7.18
10/05	BB&T CHECK CARD PURCHASE-PIN 10-04-10 GREENVILLE NC 5909 FUSION SURF & SKATE	18.14
10/06	BB&T CHECK CARD PURCHASE BOJANGLES #21 0120 10-04 GREENVILLE NC 5909	5.71
10/06	BB&T CHECK CARD PURCHASE LANDMARK PICKUP 10-04 GREENVILLE NC 5909	5.00
10/08	BB&T CHECK CARD PURCHASE ANDYS OF GREENVILL 10-06 GREENVILLE NC 5909	7.45
10/12	BB&T CHECK CARD PURCHASE WINGS OVER GREENVI 10-10 GREENVILLE NC 5909	8.00
10/20	BB&T 24 CASH WITHDRAWAL 10-19-10 5909 EVANS STREET GREENVILLE NC	100.00
Total other withdrawals, debits and service charges		= \$151.48



## Questions, comments or errors?

Member FDIC

For general questions/comments or to report errors about your statement or account, please call BB&T Phone24 at 1-800-BANK BBT (1-800-226-5228) 24 hours a day, 7 days a week. BB&T Phone24 Client Service Associates are available to assist you from 6 a.m. until midnight ET. You may also contact your local BB&T financial center. To locate a BB&T financial center in your area, please visit [BBT.com](http://BBT.com).

### Electronic fund transfers

In case of errors or questions about your electronic fund transfers, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt, contact us as soon as possible. You may write to us at the following address:

BB&T Liability Risk Management  
P.O. Box 996  
Wilson, NC 27894-0996

You may also call BB&T Phone24 at 1-800-BANK BBT or visit your local BB&T financial center. We must hear from you no later than sixty (60) days after we sent you the FIRST statement on which the error or problem appeared. Please provide the following information:

- Your name and account number
- Describe the error or transfer you are unsure about, and explain in detail why you believe this is an error or why you need more information
- The dollar amount of the suspected error

We will investigate your complaint/concern and promptly take corrective action. If we take more than ten (10) business days to complete our investigation, your account will be credited for the amount you think is in error, minus a maximum of \$50 if we have a reasonable basis to believe that an unauthorized electronic fund transfer has occurred. This will provide you with access to your funds during the time it takes us to complete our investigation. You may have no liability for unauthorized Check Card purchases, subject to the terms and conditions in the current BB&T Electronic Fund Transfer Agreement and Disclosures. If you have arranged for direct deposit(s) to your account, please call BB&T Phone24 at 1-800-BANK BBT to verify that a deposit has been made.

If your periodic statement shows transfers that you did not make, tell us at once. If you do not inform us within sixty (60) days after the statement was mailed to you, you may not get back any money you lost after sixty (60) days. This will occur if we can prove that we could have stopped someone from taking the money if you had informed us in time. If a good reason kept you from informing us, we will extend the time periods.

### Important information about your Constant Credit Account

Once advances are made from your Constant Credit Account, an **INTEREST CHARGE**

will automatically be imposed on the account's outstanding "Average daily balance." The **INTEREST CHARGE** is calculated by applying the "Daily periodic rate" to the "Average daily balance" of your account (including current transactions) and multiplying this figure by the number of days in the billing cycle. To get the "Average daily balance," we take the beginning account balance each day, add any new advances or debits, and subtract any payments or credits and the last unpaid **INTEREST CHARGE**. This gives us the daily balance. Then we add all of the daily balances for the billing cycle and divide the total by the number of days in the billing cycle. This gives us the "Average daily balance."

### Billing rights summary

#### In case of errors or questions about your Constant Credit statement

If you think your statement is incorrect, or if you need more information about a Constant Credit transaction on your statement, please call 1-800-BANK BBT or visit your local BB&T financial center. To dispute a payment, please write to us on a separate sheet of paper at the following address:

BankCard Services Division  
P.O. Box 200  
Wilson, NC 27894-0200

We must hear from you no later than sixty (60) days after we sent you the FIRST statement on which the error or problem appeared. You may telephone us, but doing so will not preserve your rights. In your letter, please provide the following information:

- Your name and account number
- Describe the error or transfer you are unsure about, and explain in detail why you believe this is an error or why you need more information
- The dollar amount of the suspected error

During our investigation process, you are not responsible for paying any amount in question; you are, however, obligated to pay the items on your statement that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount in question.

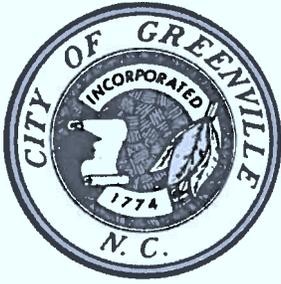
### Mail-in deposits

If you wish to mail a deposit, please send a deposit ticket and check to your local BB&T financial center. Visit [BBT.com](http://BBT.com) to locate the BB&T financial center closest to you. Please do not send cash.

### Change of address

If you need to change your address, please visit your local BB&T financial center or call BB&T Phone24 at 1-800-BANK BBT (1-800-226-5228).

How to Reconcile Your Account		Outstanding Checks and Other Debits (Section A)			
		Date/Check #	Amount	Date/Check #	Amount
1. List the new balance of your account from your latest statement here:	_____				
2. Record any outstanding debits (checks, check card purchases, ATM withdrawals, electronic transactions, etc.) in section A. Record the transaction date, the check number or type of debit and the debit amount. Add up all of the debits, and enter the sum here:	_____				
3. Subtract the amount in line 2 above from the amount in line 1 above and enter the total here:	_____				
4. Record any outstanding credits in section B. Record the transaction date, credit type and the credit amount. Add up all of the credits and enter the sum here:	_____				
5. Add the amount in line 4 to the amount in line 3 to find your balance. Enter the sum here. This amount should match the balance in your register.	_____	Outstanding Deposits and Other Credits (Section B)			
		Date/Type	Amount	Date/Type	Amount
For more information, please contact your local BB&T relationship manager, visit <a href="http://BBT.com">BBT.com</a> , or contact BB&T Phone24 at 1-800-BANK BBT (1-800-226-5228).					



## FINANCIAL SERVICES MEMORANDUM

TO: Carol L. Barwick, City Clerk's Office

FROM: Brenda Matthews, Financial Services Collections

DATE: November 19, 2010

SUBJECT: Taxicab Applications for:  
Hannah Victoria Capps;  
Matthew White; East Carolina Pedicab

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the name above. We did not find any debt owed in the names of Hannah Victoria Capps or East Carolina Pedicab. There is an EMS transport owed in the name of Matthew White for \$372.

There were no unpaid property tax records in the name and address of the above individuals. If I can provide further assistance, please call.

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

Doc # 177282

## Carol Barwick

---

**From:** Michael Dail  
**Sent:** Thursday, November 18, 2010 3:33 PM  
**To:** Carol Barwick  
**Cc:** Merrill Flood  
**Subject:** East Carolina Pedicab

Hannah Victoria Capps and Matthew White have an approved privilege license to operate an incidental home occupation office for their rickshaw service. If they receive their taxi license from the city they can still operate at their residence as an incidental home occupation office. It is important to note that no employees make work or visit their home regarding company business and only one personal use rickshaw may be stored at the premises.

Thanks,

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



## GREENVILLE POLICE DEPARTMENT MEMORANDUM

November 19, 2010

TO: Chief William J. Anderson

FROM: Officer Corey Barrett *CB*

SUBJECT: Recommendation for Taxi Application

I have conducted a background review on Mr. Matthew White and Ms. Hannah Capps who have submitted a request for a franchise to operate an East Carolina PediCabs, a transportation service. Background inquiries included information obtained from the Pitt County Tax Assessor Office, the North Carolina Department of Motor Vehicles (DMV), and the North Carolina Administrative Office of the Courts as well as a criminal history inquiry.

A check into the driving history of Mr. White revealed that his driver's license is currently suspended in North Carolina. However, a bicycle does not require a valid license to operate. I find no other reason that would preclude Mr. White or Ms. Capps from being granted a taxi franchise within the City of Greenville. It should be duly noted that Mr. White currently has a pending court date in Pitt County for Resisting Public Officer and Failure to Obtain a Privilege License for Taxi Operation. If the franchise is approved, the business must begin operation within 60 days of the issuance of the franchise.

If you have any questions or need additional information, please let me know.



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Second reading and final adoption of an ordinance granting a taxicab franchise to Leonard Lee Horton, d/b/a Easy Ride Taxi Service

**Explanation:** Leonard Lee Horton, d/b/a Easy Ride Taxi Service, has made application for a franchise to operate one taxicab. The Financial Services, Community Development, and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. The business is located outside the corporate limits of Greenville; however, a franchise from the City Council must be granted to allow Mr. Horton to operate his taxicab within the city limits. First reading of an ordinance granting the franchise requested by Mr. Horton was considered on December 6, 2010. A public hearing on Mr. Horton's request is scheduled for December 9, 2010, and was advertised on The City Page in The Daily Reflector on November 29, 2010 and December 6, 2010. Notification of the public hearing was mailed to all current vehicle for hire franchise owners.

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

**Recommendation:** Conduct a public hearing, then consider the second reading and final adoption of the attached ordinance granting a taxicab franchise to Leonard Lee Horton, d/b/a Easy Ride Taxi Service.

---

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

**Attachments / click to download**

- [Application Packet from Leonard Lee Horton](#)
- [Franchise to Leonard Lee Horton DBA Easy Ride Taxi Service 883287](#)

**ORDINANCE NO. 10-\_\_\_\_**  
**AN ORDINANCE GRANTING A TAXICAB FRANCHISE**  
**TO**  
**LEONARD LEE HORTON, D/B/A EASY RIDE TAXI SERVICE**

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

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

WHEREAS, Leonard Lee Horton, d/b/a Easy Ride Taxi Service, is an applicant for a franchise permitting the operation of one (1) taxicab within the City limits; and

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

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

Section 1. A taxicab franchise is hereby issued to Leonard Lee Horton, d/b/a Easy Ride Taxi Service to permit the operation within the City of Greenville of not more than one (1) taxicab.

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

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

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

First reading approved on the 6<sup>th</sup> day of December, 2010.

Second reading and final adoption on the 9<sup>th</sup> day of December, 2010.

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

ATTEST:

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

APPLICATION FOR TAXICAB FRANCHISE

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

To the Mayor and City Council of the City of Greenville

The undersigned hereby makes application for a taxicab franchise under the provisions of Chapter 564, Session Laws 1945, and presents the following information:

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is:  
Easy Ride Taxi Service, 3742 Cameron St, Farmville NC 27828
3. The Applicant is:
  - A.  An individual and sole owner of the taxicab business to be operated under the above name.
  - B.  A corporation chartered under the laws of the State of North Carolina in the year \_\_\_\_\_, and the officers of the corporation are \_\_\_\_\_
  - C.  A partnership, as shown by articles hereto attached, and the names of partners are: \_\_\_\_\_
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 1 taxicabs.
6. In support of this application, the following Exhibits are attached.
  - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
  - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
  - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
  - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
  - Exhibit E. Statement of proposed fares for transportation of persons and property.
  - Exhibit F. Statement of experience of applicant in conducting taxicab business.
  - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME <u>Horton</u>		FIRST NAME <u>Leonard</u>		MIDDLE NAME <u>Lee</u>	
ALIAS OR NICKNAME		SEX <u>male</u>	AGE <u>43</u>	WEIGHT <u>195</u>	HEIGHT <u>5'11</u>
ADDRESS <u>3742 Cameron St, Farmville NC 27828</u>		HAIR <u>Black</u>	EYES <u>Brown</u>	COMPLEXION <u>Dark</u>	
OCCUPATION <u>Driver</u>		DRIVERS LICENSE NO.		IDENTIFICATION NO.	
PLACE OF BIRTH <u>Maryland</u>		DATE OF BIRTH <u>11/17/66</u>		SOCIAL SECURITY NO.	

Signature of Applicant X. Leonard Horton

Subscribed and sworn to before me this 27 day of July, 2010

My Commission Expires: January 18, 2015  
Notary Public

Luciana T. Godley  
Notary Public  
Pitt County  
North Carolina  
My Commission Expires 1/18/2015  
Item # 4

CITY OF GREENVILLE ORIGINAL RECEIPT

\*\*\* CUSTOMER RECEIPT \*\*\*  
Batch ID: BEBRAP      7/28/10 30      Receipt no: 305007

Description	Qty	Amount	Description
POLICE DEPARTMENT	1	\$30.00	TAXI LICENSE INT 12
CASH / CASH		01000002802015	
EASY RIDE - LEONARD HORTON		01000001010000	

Tender details  
By CASH      \$30.00  
Total tendered:      \$30.00  
Total payment:      \$30.00

Trans date: 7/28/10      Time: 13:11:35

## Exhibit A.

### Statement of Facts:

Easy Ride Taxi Service was founded on July 1, 2010 as a response to the need for convenient and cost – efficient transportation in the City of Greenville NC.

There was an occasion where my car broke down in the City of Greenville at which time I attempted to locate a taxi with negative results. At that time I was unable to locate a phone booth to call a taxi or a relative. At that time a sense of loneliness and desperation set in. I was tired and all I could think about was getting home to my comfortable bed. I wandered around trying to flag down any one who could help. An hour or so had passed and I soon had given up at which time an unknown citizen came to my rescue and I was so grateful. Im sure this is one out of eight million stories , I then realize the need for this service.

Additionally, there are still many people who do not drive and rely solely on taxi cabs. The Elderly are in need of reliable transportation to and from their doctor appointments. With the constant growth in population of residents, compounded with visitors that have the need for basic convience and necessities I strongly believe that Easy Ride Taxi Service will provide an outstanding service for its citizens.

Respectfully,

Leonard Horton

## Exhibit B

Motor Equipment:

2000 Ford Crown Victoria

Carrying Capacity: 5 Passenger Unit

### Exhibit C

#### Financial Statement of Applicant:

Assets	Liabilities	Net Worth
2000 Ford Crown Vic.	0	\$500

Exhibit D.

To whom it may concern, I Leonard Horton have made complete arrangements for off-street parking of all motor vehicles. The vehicles will be housed at 3742 Cameron St. Farnville NC., 27828.

Respectfully,

Leonard Horton

**Exhibit E**

**Easy Ride Taxi Service**

**Statement of proposed fares for transportation of persons and property:**

# TAXICAB FARES

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

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

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

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

The following rates are for fares across town:

ZONES	1	2	3	4	5	6	7	8
1	4.00	4.60	5.20	5.80	6.40	7.00	7.60	8.20
2	4.60	5.20	5.80	6.40	7.00	7.60	8.20	8.80
3	5.20	5.80	6.40	7.00	7.60	8.20	8.80	9.40
4	5.80	6.40	7.00	7.60	8.20	8.80	9.40	10.00
5	6.40	7.00	7.60	8.20	8.80	9.40	10.00	10.60
6	7.00	7.60	8.20	8.80	9.40	10.00	10.60	11.20
7	7.60	8.20	8.80	9.40	10.00	10.60	11.20	11.80
8	8.20	8.80	9.40	10.00	10.60	11.20	11.80	12.50

Ironwood/Bradford Creek Standard Fare 6.50

Across Town 12.50

Over two persons (per person extra) 1.50

Stops en route to destination 1.50

Waiting time (per hour) 16.50

Trunks or footlockers (each) 2.00

Baggage (each) 1.25

Rates outside zones unless previously specified (per mile) 2.00

Rev. 6/08/00

Exhibit F.

I Leonard Horton am an experienced Passenger-For-Hire driver. I have over 12 years experience driving professionally on the busy highways and bi-ways of Maryland, Washington DC., and Virginia areas. I am now familiar with the streets of the City of Greenville and surrounding areas, and the laws governing Vehicles- For- Hire in Greenville NC. I have transported thousands of people and property safely driving taxi cabs / 15 passenger vans, and I have over 25 years experience in general transportation.

Respectfully,

Leonard Horton

# **EASY RIDE TAXI SERVICE**

**Committed to all your  
transportation needs!**

**“Never Sweat A Ride  
When You Can Have An  
Easy Ride”**

**Leonard Horton  
410-800-1921**

## Carol Barwick

---

**From:** Michael Dail  
**Sent:** Monday, November 15, 2010 8:32 AM  
**To:** Carol Barwick  
**Cc:** Merrill Flood; Harry Hamilton  
**Subject:** Taxi Franchise Request By Leonard Lee Horton

Carol,

I have reviewed the application for taxi franchise submitted by Leonard Lee Horton. His office/cab storage location is located outside of our extraterritorial jurisdiction, therefore no zoning regulations apply to his request at this time.

Thanks,

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





## FINANCIAL SERVICES MEMORANDUM

TO: Carol L. Barwick, City Clerk's Office

FROM: Brenda Matthews, Financial Services Collections

DATE: November 8, 2010

SUBJECT: Taxicab Applications for:  
Leonard Lee Horton, Easy Ride Taxicab Service  
And  
Patrick Brown, The Jolly Trolley

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

All property tax records indicate balances have been paid as well.

If I can provide further assistance, please call.

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

Doc # 177282



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requested by LakeSide Sports, LLC to rezone 74.53 acres located along the southern right-of-way of Old Pictolus Highway, adjacent to Santree Mobile Home Park, and north of the Tar River from R6MH (Residential-Mobile Home) to CH (Heavy Commercial)

**Explanation:** **Required Notices:**  
Planning and Zoning meeting notice (property owner and adjoining property owner letters) mailed on November 1, 2010.  
On-site sign(s) posted on November 1, 2010.  
City Council public hearing notice (property owner and adjoining property owner letters) mailed on November 23, 2010.  
Public hearing legal advertisement published on November 29 and December 6, 2010.

**Comprehensive Plan:**

The subject property is located in Vision Area A.

Old Pictolus Road is considered a "residential" corridor from its intersection with Greenville Boulevard and continuing east. Residential corridors are preferred to accommodate lower intensity residential uses. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area, and linear expansion outside of the focus area should be prohibited.

The Future Land Use Plan Map recommends commercial (C) along the southern right-of-way of Old Pictolus Road, east of Greenville Boulevard, and in the interior areas transitioning to conservation/open space (COS) toward the Tar River.

The Future Land Use Plan Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally specific and may not correspond precisely to conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be

determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Future Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2,245 trips to and from the site on Old Pactolus Road, which is a net increase of 2,140 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures could include the construction of turn lanes along Old Pactolus Road into the property. Access to the tract will also be reviewed.

**History/Background:**

In 1998, the subject property was incorporated into the city's jurisdiction and zoned R6MH (Residential - Mobile Home).

**Present Land Use:**

Currently, the property is vacant.

**Water/Sewer:**

Water and sanitary sewer are located in the right-of-way of Old Pactolus Road.

**Historic Sites:**

There are no known effects on designated sites.

**Environmental Conditions/Constraints:**

The property is impacted by the floodway and 100-year floodplain associated with the Tar River.

Elevation Standards

Use	Non-residential, single-family lots over 20,000 square feet	Duplexes, multi-family, single-family lots less than 20,000 square feet	Manufactured Homes
Elevation	Base Flood Elevation (BFE) plus 1 foot	BFE plus 1 foot or 500-year floodplain elevation, whichever is greater	BFE plus 2 feet

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**Surrounding Land Uses and Zoning:**

North: RA20 - Seasons (Mayes Circle) MHP, vacant lot, one (1) mobile home residence and one (1) single-family residence

South: RA20 - vacant (under common ownership as subject property)

East: R6MH - Santree MHP (125 mobile home lots)

West: RA20 and CH - vacant

**Density Estimates:**

Due to the environmental constraints/conditions, only a portion of the property would be suitable for development. Therefore, the following density estimates are based on the developable area.

Under the current zoning (R6MH), the site could accommodate 21 mobile homes.

Under the proposed zoning (CH), the site could accommodate 52,272+ square feet of retail/conventional/fast food restaurant space.

**Fiscal Note:**

No cost to the City.

**Recommendation:**

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

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

The Planning and Zoning Commission voted to approve the request at its November 16, 2010 meeting.

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

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

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

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

**Attachments / click to download**

- [📄 Location Map](#)
  - [📄 Survey](#)
  - [📄 Bufferyard and Residential Charts](#)
  - [📄 Ordinance LakeSide Sports LLC 881924](#)
  - [📄 Rezoning Case 10 08 Lakeside Sports LLC 880890](#)
  - [📄 List of Uses R6MH to CH 683195](#)
  - [📄 PZ Minutes Nov 2010 Excerpt Lakeside Rezoning 882994](#)
-

ORDINANCE NO. 10-  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on December 9, 2010, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

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

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

Section 1. That the following described territory is rezoned from R6MH (Residential-Mobile Home) to CH (Heavy Commercial).

TO WIT: Outdoor Properties, LLC Property.

LOCATION: Located along the southern right-of-way of Old Pactolus Road, adjacent to Santree Mobile Home Park, and north of the Tar River.

DESCRIPTION: Lying and being in Greenville, Pactolus Township, Pitt County, North Carolina, being bounded on the north by NCSR 1534 (Old Pactolus Road), and by Santree Mobile Home Park, on the east by Carl P. Pierce, Deed Book 357, Page 427 of the Pitt County Registry, on the south by Outdoor Properties, LLC as recorded in Deed Book 1426, Page 150, and on the west by the lands of Philip Carroll as recorded in the Deed Book 1244, Page 595 and Deed Book 1244, Page 599 and being more particularly described as follows:

Beginning at a parker kalon nail found in the centerline intersection of NCSR 1534 (Old Pactolus Road) and May's Circle being N 43-

25-50 W, 58.73' from an existing iron pipe found in the southern right-of-way of NCSR 1534, thence along the right-of-way S 85-53-06 E, 140.90' to an existing concrete monument, thence N 89-38-30 E, 424.42' to an existing iron pipe, thence N 89-38-30 E, 53.96' to a new iron stake, The True Point Of Beginning, thence S 01-44-55 W, 201.72' to a new iron stake, thence S 62-46-03 E, 157.67' to a new iron stake, thence S-20-41-27 W, 691.91' along a drainage swale to a new iron stake set inside an enclosed chain link fence, thence S-63-46-33 E, 90.89' to a new iron stake set inside an enclosed chain link fence, thence continuing inside the fenced area S 62-40-36 E, 28.74' to a new iron stake, thence S 45-02-01 E, 29.64' to a new iron stake thence S 01-29-47 E, 48.07' to a new iron stake, thence S 68-42-55 E, 41.91' new iron stake, thence N 50-11-41 E, 31.33' to a new iron stake, thence N 85-02-06 E, 30.29' to a new iron stake, thence S 75-37-09 E, 18.14', thence S 68-59-49 E, 239.30' to a point inside the fenced area, thence leaving the fenced area S 75-57-37 E, 592.86' to a point, thence N 07-14-58 E, 35.00' to a point, thence S 82-45-02 E, 160.00' to a point, thence N 07-14-58 E, 695.00' to a point, thence N 88-59-58 E, 374.00' to a point in the western line of Carl Pierce, thence along the Pierce line (an agreed line recorded in Map Book 33, Page 78) S 00-06-51 W, 273.88' to a point, thence S 02-22-14 E, 226.08' to a point, thence S 01-53-44 E, 542.19' to a point, thence S 02-47-45 W, 310.53' to a point, thence S 04-54-23 E, 324.70' to a point, thence S 00-41-48 E, 489.40' to a new iron stake, thence leaving the agreed line and following the northern line of Outdoor Properties, LLC, S 89-18-12 W, 316.01' to a point, thence N 48-10-32 W, 1226.18' to an existing iron pipe, thence S 39-49-28 W, 220.02' to a point, thence N 50-10-32 W, 1,713.46' to a point in the center of a canal, a point in the line of Philip Carroll as found in Deed Book 1244, Page 599, thence N 23-22-18 E, 158.33' to an existing iron pipe found in the line of Philip Carroll, thence along the Carroll line S 88-52-12 E, 189.30' to an existing iron pipe, thence S 84-07-12 E, 217.48' to a new iron pipe, thence N 00-03-34 E, 869.82' to an existing iron pipe found in the southern right of way of NCSR 1534, thence S 85-53-06 E, 140.90' to an existing concrete monument, thence N 89-38-30 E, 478.38' to The True Point Of Beginning containing 74.53 acres.

#### INGRESS, EGRESS AND REGRESS EASEMENTS

Rights of ingress, egress, and regress are to be retained by the owners of the remainder of the lands outside of "THE PARK" by passage provided by the existing streets Santree Drive, Longleaf, and Talton Drive, all with 30' wide rights-of-way. An additional 20' access easement exists along the western property line, providing

access to Outdoor Properties, LLC as found in Deed Book 1426, Page 150.

#### UTILITY EASEMENTS

A portion of the southern property line has a 200' wide VEPCO power easement centered over the line as shown in Map Book 24, Page 125 of the Pitt County Registry.

A Greenville Utilities Commission sewer easement exists connecting to the property at the north side of the VEPCO easement at the western property line.

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

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

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

ADOPTED this 9<sup>th</sup> day of December, 2010.

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

ATTEST:

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

Doc. # 881924



Case No: 10-08

Applicant: Lakeside Sports, LLC

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**2.) Old Pactolus Road, East of Site (“No build” ADT of 2,500)**

Estimated ADT with Proposed Zoning (full build) – 2,724

Estimated ADT with Current Zoning (full build) – 2,510

**Net ADT change** – 214 (8% increase)

**Staff Findings/Recommendations:**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2245 trips to and from the site on Old Pactolus Road, which is a net increase of 2140 trips per day.

During the review process, measures to mitigate the traffic will have to be determined. These measures could include the construction of turn lanes along Old Pactolus Road into the property. Access to the tract will also be reviewed.

## **EXISTING ZONING**

### **R6MH (Residential-Mobile Home)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- g. Mobile home
- h. Mobile home park
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):*

\*None

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

\* None

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

*(15) Other Activities (not otherwise listed - all categories):*

\* None

**R6MH (Residential-Mobile Home)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

\* None

*(3) Home Occupations (see all categories):*

b. Home occupation; excluding barber and beauty shops

c. Home occupation; excluding manicure, pedicure or facial salon

*(4) Governmental:*

a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

\* None

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

a. Child day care facilities

b. Adult day care facilities

d. Cemetery

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

*(15) Other Activities (not otherwise listed - all categories):*

\* None

## **PROPOSED ZONING**

### **CH (Heavy Commercial)**

#### ***Permitted Uses***

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

##### *(2) Residential:*

\* None

##### *(3) Home Occupations (see all categories):*

\*None

##### *(4) Governmental:*

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center
- g. Liquor store, state ABC

##### *(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

##### *(6) Recreational/ Entertainment:*

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities
- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

##### *(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage

- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

*(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor  
or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular  
telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

*(9) Repair:*

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

*(10) Retail Trade:*

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales

- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

*(13) Transportation:*

- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

*(15) Other Activities (not otherwise listed - all categories):*

\* None

**CH (Heavy Commercial)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

*(3) Home Occupations (see all categories):*

\* None

*(4) Governmental:*

\* None

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

*(9) Repair:*

- a. Major repair; as an accessory or principal use

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities

*(15) Other Activities (not otherwise listed - all categories):*

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

## **Excerpt from Planning & Zoning Commission Meeting – November 16, 2010**

### **Rezoning**

Ordinance requested by LakeSide Sports, LLC c/o James F. Hopf, Attorney to rezone 74.53 acres located along the southern right-of-way of Old Pactolus Highway, adjacent to Santree Mobile Home Park and north of the Tar River from R6MH (Residential-Mobile Home) to CH (Heavy Commercial).

Ms. Chantae Gooby, Planner, gave the presentation for this proposed text amendment. This was a follow up rezoning request to the Land Use Plan Map amendment that came before the Commission a couple of months ago. Ms. Gooby presented the staff report to the Commission. The property is located in the eastern section of the city, north of the Tar River on Old Pactolus Road. It is adjacent to Santree Mobile Home Park. The property is currently vacant and it is considered part of the Regional Focus Area on the intersection of Greenville Boulevard/Highway 264. Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2,000 trips a day with 90% of that going back towards the bypass. The Future Land Use Plan Map recommends commercial (C) along the southern right-of-way of Old Pactolus Road, east of Greenville Boulevard, and in the interior areas transitioning to conservation/open space (COS) toward the Tar River. In staff's opinion the request is in compliance with Horizons Plan and the Land Use Plan Map.

Mr. Parker asked who would be responsible for enforcing noise ordinances.

Ms. Gooby answered that the Greenville Police Department would handle it because it is in the city limits.

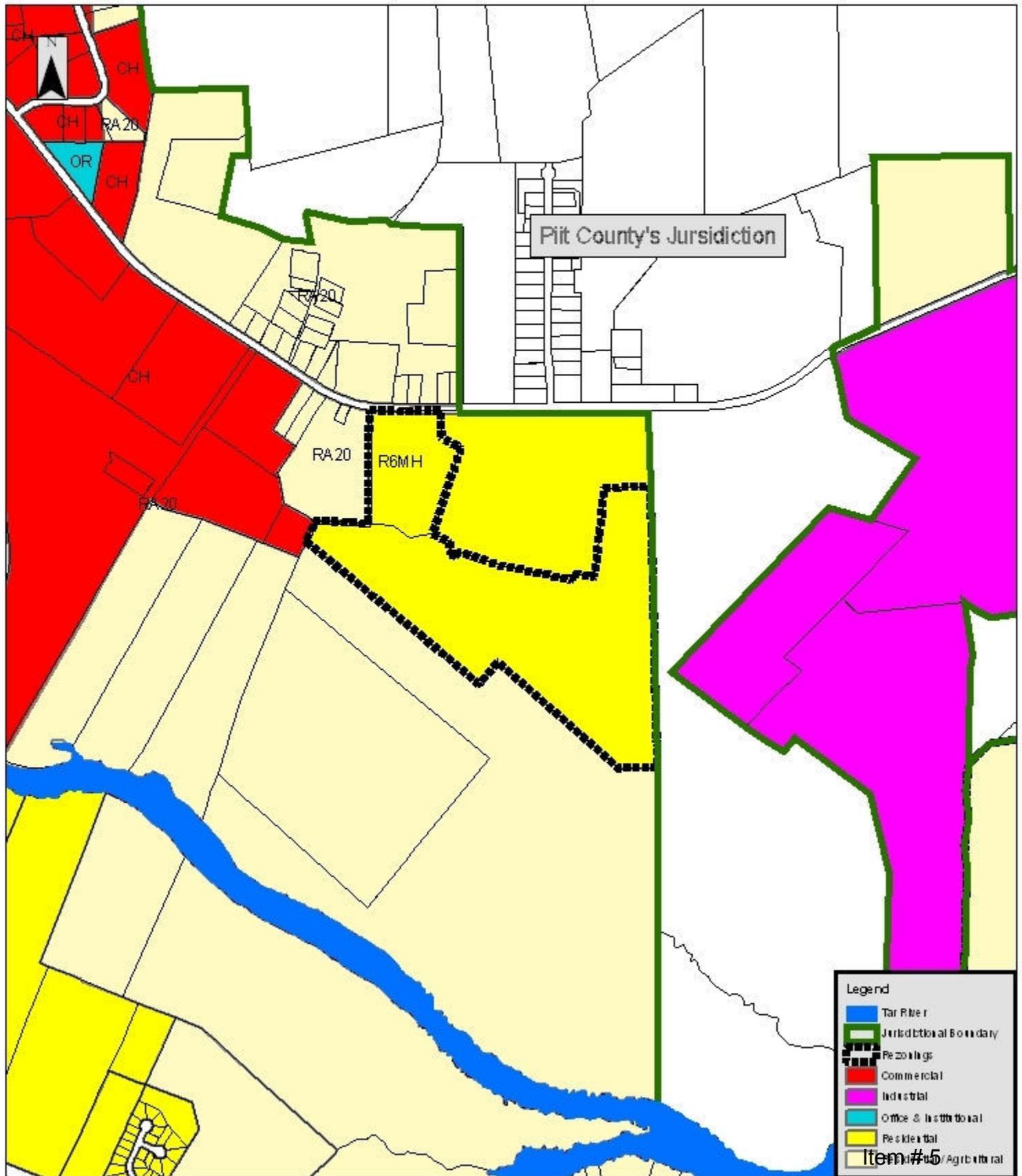
With there being no further questions from the Commission, Chairman Thomas opened the Public Hearing.

Jim Hoff spoke on behalf of the petitioner. Mr. Hoff listed surrounding properties and said that they would work with the residents of Santree Mobile Home Park if the request was approved. The request is in compliance with the Horizons plan, the Future Land Use Plan Map, and is compatible surrounding zoning patterns. As the Horizons Plan encourages commercial in the Focus Area, they feel that this request is appropriate. Mr. Hoff listed neighbor properties and said that they would work with staff with regard to bufferyards for nearby properties. Going on traffic reports done in the area, the roads would be able to handle increase in traffic. They acknowledge environmental conditions and limitations and they feel it would be an asset in terms of use of their use for the property.

There were no questions from the Commission for Mr. Hoff and there were no other speakers on for or against the request, so Chairman Thomas closed the public hearing.

Mr. Gordon made the motion to approve the request, Mr. Parker seconded and the motion passed unanimously.

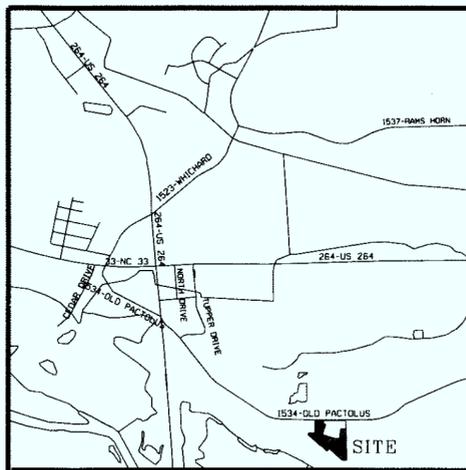
LakeSide Sports, LLC c/o James F. Hopf, Attorney  
From R6MH to CH (74.53 acres)  
November 1, 2010



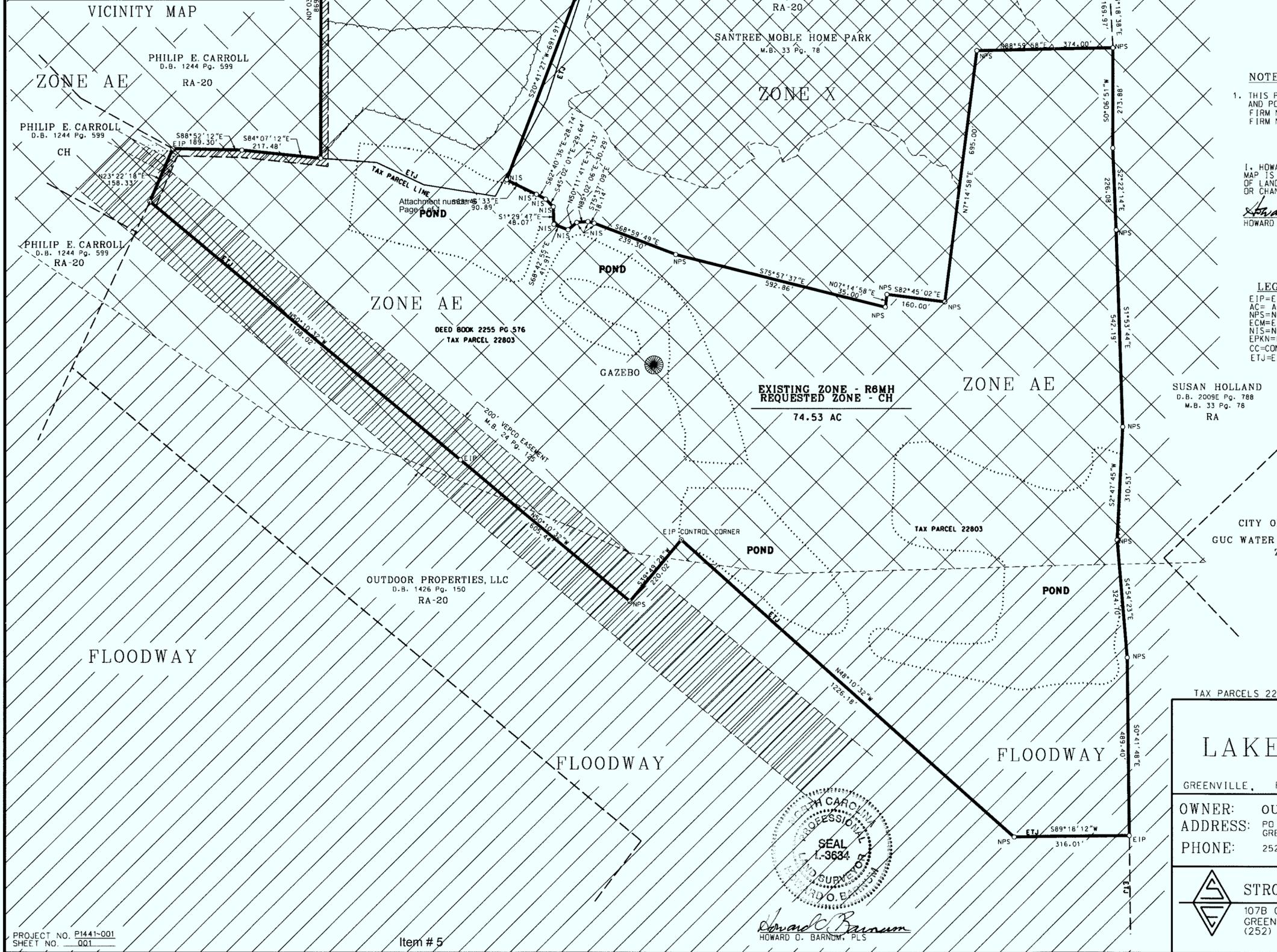
Item #5

Legend

- Tar River
- Jurisdictional Boundary
- Percolate
- Commercial
- Industrial
- Office & Institutional
- Residential
- Agricultural



MAYBE CIRCLE  
 OUTDOOR PROPERTIES, LLC  
 DB 2621 PG 716  
 RA-20  
 CLAYTON RAY SPEIGHT  
 DB 2734 PG 689  
 RA-20  
 DARNELL MAYE  
 DB 934 PG 601  
 RA-20  
 GLORIA T. TYSON  
 DB 2722 PG 203  
 RA-20  
 GLORIA T. TYSON  
 DB 1251 PG 30  
 RA-20  
 RICHARD L. HILL  
 DB 783 PG 454  
 RA-20



SUSAN HOLLAND  
 D.B. 2009E Pg. 788  
 M.B. 33 Pg. 78  
 RA

**NOTES**  
 1. THIS PROPERTY IS LOCATED IN THE 100 YEAR FLOOD PLAIN AND PORTIONS ARE IN THE FLOODWAY, AS SHOWN ON FIRM NUMBER 3720560800J DATED 1-2-04, AND FIRM NUMBER 3720468800J DATED 1-2-04.

I, HOWARD O. BARNUM, CERTIFY THAT THIS MAP IS OF A SURVEY OF EXISTING PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.  
*Howard O. Barnum*  
 HOWARD O. BARNUM, PLS



**LEGEND**  
 EIP=EXISTING IRON PIPE  
 AC=ACRES  
 NPS=NO POINT SET  
 ECM=EXISTING CONCRETE MONUMENT  
 NIS=NO IRON SET  
 EPKN=EXISTING PARKER KALON NAIL  
 CC=CONTROL CORNER  
 ETJ=EXTRATERRITORIAL JURISDICTION

SUSAN HOLLAND  
 D.B. 2009E Pg. 788  
 M.B. 33 Pg. 78  
 RA

CITY OF GREENVILLE  
 GUC WATER TREATMENT PLANT  
 ZONE IU



TAX PARCELS 22803 AND 19042

**REZONING MAP FOR LAKESIDE SPORTS, LLC**  
 C/O JAMES F. HOPF, ATTORNEY  
 GREENVILLE, PACTOLUS TWP., PITT COUNTY, NORTH CAROLINA

OWNER: OUTDOOR PROPERTIES, LLC	SURVEYED: DT
ADDRESS: PO BOX 3435 GREENVILLE, NC 27836	DRAWN: DM
PHONE: 252-752-7921	APPROVED: HOB
<b>STROUD ENGINEERING, P.A.</b> 107B COMMERCE ST. GREENVILLE, NC (252) 756-9352	DATE: 9/28/10
	SCALE: 1"=200'
	SHEET 1 OF 1

LICENSE No. C-0647



*Howard O. Barnum*  
 HOWARD O. BARNUM, PLS

04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

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

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

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

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

Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
<b>Low Density</b>		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Stow Management, Inc. and Vintage Associates, LLC to rezone 9.143 acres located near the northwest corner of the intersection of North Memorial Drive and Staton House Road from IU (Unoffensive Industry) to CH (Heavy Commercial)

**Explanation:**

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on November 1, 2010.  
On-site sign(s) posted on November 1, 2010.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on November 23, 2010.  
Public hearing legal advertisement published on November 29 and December 6, 2010.

**Comprehensive Plan:**

The subject property is located in Vision Area A.

Memorial Drive is considered a "gateway" corridor from the Tar River and continuing north. Gateway corridors serve as primary entranceways into the City and help define community character. Gateway corridors may accommodate a variety of intensive, large scale uses, in appropriately located focus areas with lower intensity office and/or high density residential development in the adjacent transition areas.

The Future Land Use Plan Map recommends industry (I) west and east of North Memorial Drive between Staton House Road and the Martin Luther King, Jr. Highway / North Memorial Drive interchange, in the interior areas and Memorial Drive corridor outside of designated focus areas. Further, the Future Land Use Plan Map recommends commercial (C) along the Memorial Drive corridor focus area located in proximity to Staton House Road - Belvoir Highway intersections.

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

A traffic report was not generated since the proposed rezoning will not generate any additional vehicle trips on North Memorial Drive.

**History/Background:**

In 1969, the subject property was zoned IU (Unoffensive Industry).

The subject property is comprised of Lots 9-14 on the approved preliminary plat for North Green Commercial Park.

**Present Land Use:**

Vacant

**Water/Sewer:**

Water and sanitary sewer are available at the property.

**Historic Sites:**

There are no known effects on designated sites.

**Environmental Conditions/Constraints:**

There are no known effects on the designated area.

**Surrounding Land Uses and Zoning:**

North: Martin Luther King, Jr. Highway / North Memorial Drive Interchange

South: RA20 - Staton House Fire Department; IU - The Fuel Dock Truckstop

East: IU - Harper Brush Works

West: IU - Vacant (under common ownership of subject property)

**Density Estimates:**

Under the current zoning (IU), the site could accommodate a building of 74,052± square feet of retail/conventional/fast food restaurant space.

Under the proposed zoning (CH), the site could accommodate a building of 74,052± square feet of retail/conventional/fast food restaurant space.

The anticipated build-out time is within one year.

**Additional Staff Comments:**

The property is located outside of the recognized Industrial Area.

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

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

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

The Planning and Zoning Commission voted to approve the request at its November 16, 2010 meeting.

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

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

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

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

**Attachments / click to download**

- [Location Map](#)
  - [Survey](#)
  - [Bufferyard and Vegetation Chart](#)
  - [North Green Commercial Park Preliminary Plat](#)
  - [Ordinance Stow Management etal 882356](#)
  - [List of Uses IU to CH 855693](#)
  - [PZ Meeting Nov 2010 Excerpt for Stowe Rezoning 882995](#)
-

ORDINANCE NO. 10-  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on December 9, 2010, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

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

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

Section 1. That the following described territory is rezoned from IU (Unoffensive Industry) to CH (Heavy Commercial).

TO WIT:                   Stow Management, Inc. and Vintage Associates, LLC Properties

LOCATION:                Located near the northwest corner of the intersection of North Memorial Drive and Staton House Road.

DESCRIPTION:         Beginning at an iron pipe on the western right-of-way of US Hwy 13 & NC Hwy 11, said iron pipe being the northeastern corner of the Staton House Fire Department, Inc. Property as described in Deed Book H-46, Page 812 of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

                              Leaving the western right-of-way of US Hwy 13 & NC Hwy 11 and with the northern and western lines of referenced Staton House Fire Department, Inc. Property, N 88°30'17" W, 254.54' and S 19°31'49" W, 197.05' to an existing iron pipe on the northern right-of-way of NCSR 1417 (Staton House Road), thence with the northern right-of-way of NCSR 1417 (Staton House Road), N 89°11'30" W, 101.86', thence leaving the northern right-of-way of NCSR 1417 (Staton House Road), N 12°10'44" E, 233.67' to the point of curvature, thence with a curve to the

right having a radius of 500.00' and a chord bearing N 15°50'40" E, 63.93' to the point of tangency, thence N 19°30'35" E, 560.78', thence N 70°29'25" W, 78.82', thence N 19°21'30" E, 335.36' to a point on the southern right-of-way of the Exit/Entrance Ramp to US Hwy 264, thence with the southern right-of-way of the Exit/Entrance Ramp to US Hwy 264, S 70°29'25" E, 450.00' to an existing iron stake on the western right-of-way of US Hwy 13 & NC Hwy 11, thence with the western right-of-way of US Hwy 13 & NC Hwy 11, S 19°21'30" W, 703.42', S 19°36'09" W, 168.30' and S 16°21'32" W, 11.58' to the point of beginning containing 9.402 acres and being a portion of the property described in Deed Book 2039, Page 551 and Deed Book 2125, Page 703 both of the Pitt County Register of Deeds Office.

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

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

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

ADOPTED this 9<sup>th</sup> day of December, 2010.

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

ATTEST:

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

Doc. # 882356

## **EXISTING ZONING**

### **IU (Unoffensive Industry)**

#### ***Permitted Uses***

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

##### *(2) Residential:*

\* None

##### *(3) Home Occupations (see all categories):*

\*None

##### *(4) Governmental:*

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center

##### *(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

##### *(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

##### *(7) Office/ Financial/ Medical:*

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

##### *(8) Services:*

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)

- bb. Civic organization
- gg. Vocational rehabilitation center
- mm. Commercial laundries; linen supply
- nn. Industrial laundries
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular  
    telephone and wireless communication towers [unlimited height, except as provided by regulations]

*(9) Repair:*

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

*(10) Retail Trade:*

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

*(12) Construction:*

- b. Licensed contractor; general, electrical, plumbing, mechanical, etc. including outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

*(13) Transportation:*

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not  
    otherwise listed

- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- y. Recycling collection station of facilities
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

*(15) Other Activities (not otherwise listed - all categories):*

\* None

**IU (Unoffensive Industry)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
- o. Nursing, convalescent center or maternity home; major care facility

*(3) Home Occupations (see all categories):*

\* None

*(4) Governmental:*

\* None

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

*(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- o. Church or place of worship (see also section 9-4-103)
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

*(9) Repair:*

- a. Major repair; as an accessory or principal use

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- g. Mobile home sales including accessory mobile home office

*(12) Construction:*

\* None

*(13) Transportation:*

c. Taxi and limousine service

*(14) Manufacturing/ Warehousing:*

z. Metallurgy, steel fabrication, welding

*(15) Other Activities (not otherwise listed - all categories):*

c. Other activities; commercial services not otherwise listed

e. Other activities; industrial services not otherwise listed

## **PROPOSED ZONING**

### **CH (Heavy Commercial)**

#### ***Permitted Uses***

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

##### *(2) Residential:*

\* None

##### *(3) Home Occupations (see all categories):*

\*None

##### *(4) Governmental:*

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center
- g. Liquor store, state ABC

##### *(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

##### *(6) Recreational/ Entertainment:*

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities
- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

##### *(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage

- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

*(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor  
or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular  
telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

*(9) Repair:*

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

*(10) Retail Trade:*

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales

- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

*(13) Transportation:*

- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

*(15) Other Activities (not otherwise listed - all categories):*

\* None

**CH (Heavy Commercial)**  
***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

*(3) Home Occupations (see all categories):*

\* None

*(4) Governmental:*

\* None

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

*(9) Repair:*

- a. Major repair; as an accessory or principal use

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities

*(15) Other Activities (not otherwise listed - all categories):*

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

## **Excerpt from the Planning & Zoning Commission's November 16, 2010 Meeting**

### **Rezoning**

Ordinance requested by Stow Management, Inc. and Vintage Associates, LLC to rezone 9.143 acres located near the northwest corner of the intersection of North Memorial Drive and Staton House Road from IU (Unoffensive Industry) to CH (Heavy Commercial).

Ms. Gooby presented the staff report to the Commission. She showed the Commission maps of the location and pointed out adjacent properties and their uses. The property is proximal to a Focus Area located at the intersection of Memorial Drive and Belvoir Highway and she noted that commercial is encouraged in these types of areas. In staff's opinion, this request is in general compliance.

There were no questions from the Commission for Ms. Gooby so Chairman Thomas opened the public hearing.

Mr. Mike Baldwin spoke on behalf of Stowe in favor of the request. Mr. Baldwin had observed the area and he found very few commercial uses out there. There are some retail uses under Heavy Commercial that they feel would be beneficial to the people that work in that area. It is in compliance with the Comprehensive Plan, it is compatible with neighboring uses, there is no anticipated traffic increase, and it is outside the recognized Industrial area.

There were no questions from the Commission for Mr. Baldwin.

With there being no further speakers for or against the request, Chairman Thomas closed the public hearing.

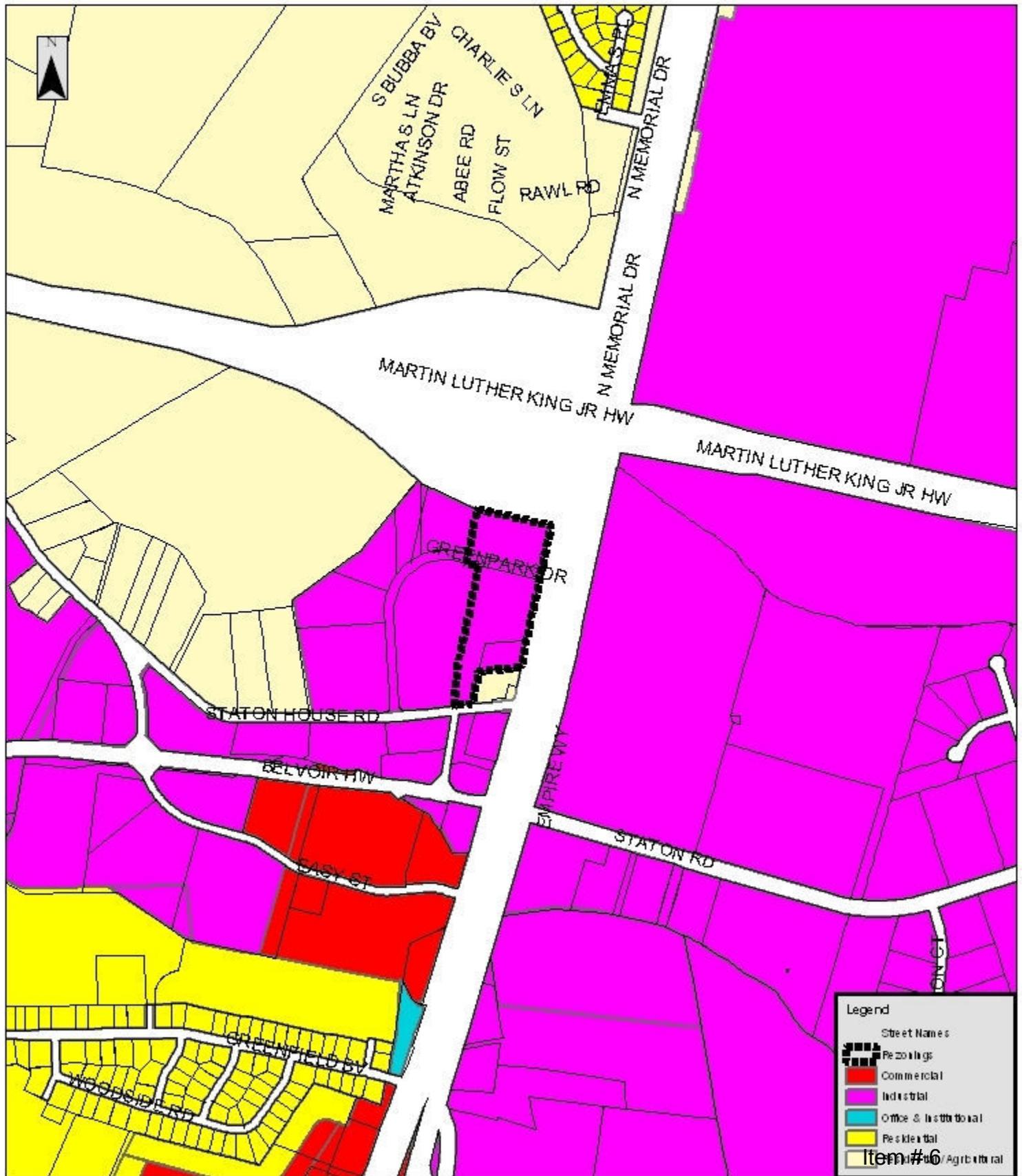
Mr. Bell said that he is in favor of more retail uses in that area.

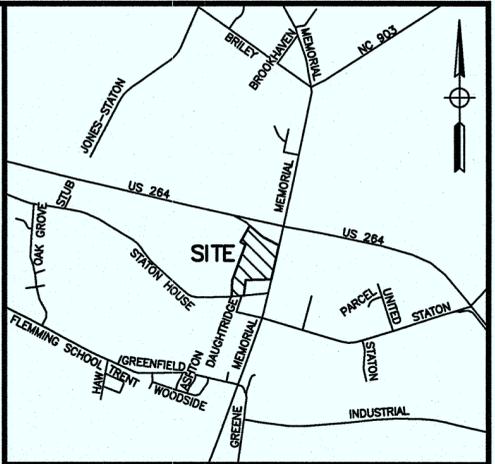
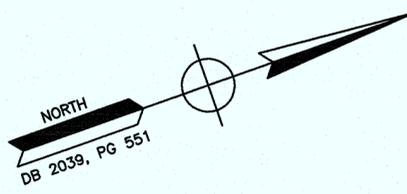
Mr. Randall made a motion to approve the request, seconded by Mr. Bell, the motion passed unanimously.

# Stow Management, Inc. & Vintage Associates, LLC

## From IU to CH (9.143 acres)

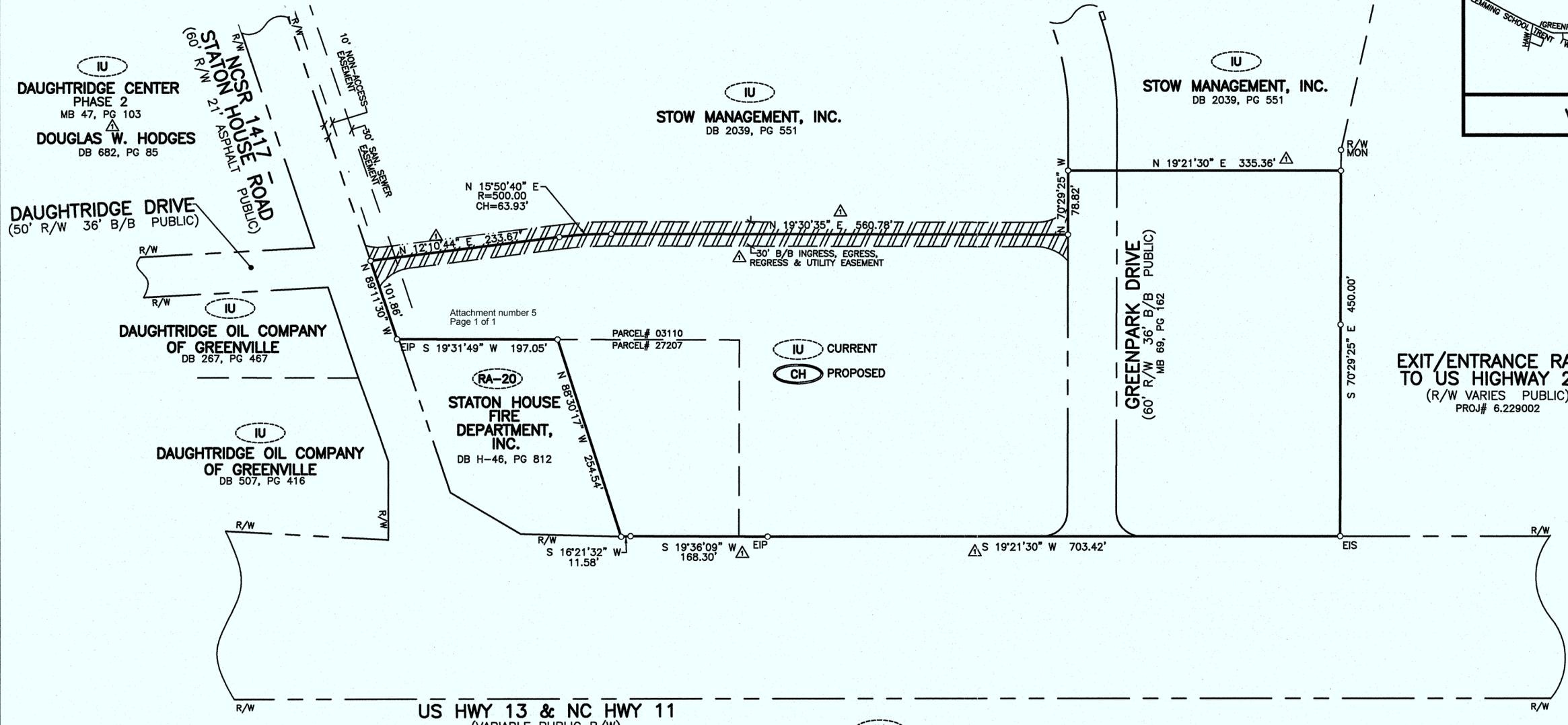
November 1, 2010





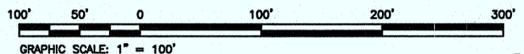
VICINITY MAP

SCALE: 1"=1000'±



△ AREA TO BE REZONED: 9.402 ACRES

△ REVISED: 11/1/10 (CITY COMMENTS)(JJB)  
 SHOW INGRESS, EGRESS, REGRESS & UTILITY EASEMENT  
 REMOVE LOT# FROM DOUGLAS W. HODGES PARCEL  
 CORRECT BEARINGS & DISTANCES FOR CLOSURE



GRAPHIC SCALE: 1" = 100'

PARCEL# 03110  
 TAX MAP# 4689.07-57-2764  
 PARCEL# 27207  
 TAX MAP# 4689.07-57-4374

- LEGEND**
- EIP = EXISTING IRON PIPE
  - R/W = RIGHT-OF-WAY
  - R = RADIUS
  - CH = CHORD
  - = EXISTING ZONING
  - = PROPOSED ZONING



REZONING MAP FOR  
**STOW MANAGEMENT, INC. AND VINTAGE ASSOCIATES, LLC.**  
 REFERENCE: DEED BOOK 2039, PAGE 551 AND DEED BOOK 2125, PAGE 703 OF THE PITT COUNTY REGISTRY  
**BELVOIR TOWNSHIP, PITT COUNTY, N.C.**

OWNER/DEVELOPER: **STOW MANAGEMENT, INC. & VINTAGE ASSOCIATES, LLC**  
 ADDRESS: 1528 SOUTH EVANS STREET  
 GREENVILLE, NC 27834  
 PHONE: (252) 355-6622

<p><b>Baldwin Design Consultants, PA</b>          LICENSE# C-3498          DESIGN - LAND PLANNING - SURVEYING          708-D CROMWELL DRIVE          GREENVILLE, NC 27858 252.756.1390</p>	SURVEYED: MM	APPROVED: MWB
	DRAWN: JJB	DATE: 10/14/10
	CHECKED: MWB	SCALE: 1" = 100'

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

### Bufferyard A (street yard)

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

Street trees may count toward the minimum acreage.

### Bufferyard B (no screen required)

Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

### Bufferyard C (screen required)

Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

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

### Bufferyard D (screen required)

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

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

### Bufferyard E (screen required)

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

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

### Bufferyard F (screen required)

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

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

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





# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinances amending the Greenville City Code relating to Urban Beekeeping and amending the zoning regulations to include definitions of "beekeeping; major use" and "beekeeping; minor use", and to include applicable table of use provisions for each category

**Explanation:** There are two ordinances for the City Council's consideration. These requests are made by the Police and Community Development Departments to establish amendments for urban beekeeping. The departments recognize that as the City becomes increasingly more urban there is a need for additional standards.

## **Part I - Animal Control**

In the section that follows are the Police Department Animal Control Division proposed amendments to Section 12-2-27 of the animal control regulations. Key animal control regulations proposed include:

1. No more than six hives, unless a special use permit obtained.
2. Beekeepers must provide water source at the hive.
3. Hives must be fully enclosed with a solid fence or wall of at least six feet tall.
4. All bee equipment and hives must be kept in good order and condition.
5. Annual permit (registration) required by beekeepers in the city limits--no fee required.
6. Annual beehive inspection by Animal Control Division and submission of periodic state inspection reports.
7. Civil penalties may be applied for ordinance violations.
8. Hives must be at least 25 feet from any exterior property line.
9. No hives in the front yard.

## **Part II - Zoning**

The Community Development Department's request amends zoning regulations to include definitions of "beekeeping; major use" and "beekeeping; minor use",

and to include applicable table of use provisions for each category. Provisions of both ordinance amendments are summarized in the following section.

This requested zoning ordinance amendment is in conjunction with a separate request by the Police Department to amend Section 12-2-27 of the animal control regulations. A draft copy of the proposed amendment to Section 12-2-27 is attached for reference since the proposed amendment to the zoning ordinance incorporates the requirements of Section 12-2-27(c), which are included - see **"Excerpt from the proposed draft animal control ordinance, Section 12-2-27 (c) to be incorporated into the zoning ordinance by reference"**. The proposed amendment to the zoning regulations (beekeeping definition and table of use ordinance) requires the Planning and Zoning Commission to review the zoning recommendation prior to City Council consideration. The proposed amendment to the animal control ordinance (Section 12-2-27) does not require Planning and Zoning Commission review and recommendation; however, the Planning and Zoning Commission did provide comment for the City Council's consideration.

Proposed definitions are as follows:

*"Beekeeping; major use.* Use of any lot or building for the keeping of more than six (6) hives."

*"Beekeeping; minor use.* Use of any lot or building for the keeping of not more than six (6) hives."

Note: The two proposed beekeeping categories (major and minor) are differentiated only by the number of hives located on the property. There is no regulatory distinction concerning recreational beekeeping and commercial beekeeping, or the physical size of any individual hive. Any bee hive in any district may (i) produce honey for sale and (ii) may be transported and used for agricultural production in accordance with applicable zoning and animal control regulations.

Beekeeping; minor use (6 or fewer hives) is recommended to be a "class one (1)" use for bufferyard and vegetation screening purposes - i.e. no zoning related vegetation screening required.

Beekeeping; major use (7 or more hives) is recommended to be a "class four (4)" use for bufferyard and vegetation screening purposes - i.e. zoning related vegetation screening required in accordance with the attached bufferyard and vegetation chart. This proposed screening requirement is the same standard as is applicable to a "kennel", defined as the keeping of four (4) or more dogs.

"Beekeeping; minor use" is recommended to be a permitted use (by right) in the RA20 (residential-agricultural), R15S, R9S, R6N, R9, R6, R6A, R6MH, MR, MRS (residential), CDF, CG, CH (commercial), and IU, I (industrial) districts.

"Beekeeping; major use" is recommended to be a special use (Board of Adjustment approval required) in the RA20 (residential-agricultural), CH

(commercial), and IU, I (industrial) districts. With respect to special use permit dependent uses, the Board of Adjustment may attach additional reasonable conditions to the permit when determined necessary by the Board in the particular case.

**Excerpt from the proposed draft animal control ordinance, Section 12-2-27 (c) to be incorporated into the zoning ordinance by reference.**

"(c) Urban beekeeping requirements.

(1) No more than six (6) hives will be permitted on a lot except those lots classified as beekeeping, major use, by zoning regulations for which a special use permit has been issued or those lots classified as a farm by zoning regulations.

(2) Each hive must have an adequate water supply at the hive. The water supply must be unobstructed that allows for easy access for the bees.

(3) No hive shall be located in a front yard, and no hive shall be closer than 25 feet from any exterior property line.

(4) The hives shall be fully enclosed by a fence or wall with the height of the fence or wall being no less than six feet. The fence or wall must be solid so that it will not allow the bees to fly through, but over.

(5) All bee equipment and hives must be maintained in good order and condition.

**NOTE:** The Planning and Zoning Commission at the Commission's November 16, 2010, meeting, unanimously approved to recommend that City Council delete subsection (4) above in its entirety from the draft animal control ordinance. The Planning and Zoning Commission expressed the opinion that the fence or wall requirement was unnecessary given the 25-foot setback requirement and that the requirement may be cost prohibitive for some beekeepers.

This zoning ordinance will apply within the city limits and the extraterritorial jurisdiction (ETJ). The animal control regulations will apply and be enforced only in the city limits.

The Planning and Zoning Commission expressed strong support for no more than six hives and requiring beehives to be located in the backyard. The Commission felt, additionally, that a registration was a more appropriate requirement than a beekeeper's permit. Finally, the Commission expressed a general sentiment that City staff did not need to over-regulate beekeeping to the point that urban beekeeping would be discouraged.

**Fiscal Note:**

No direct cost; nominal animal control personnel cost related to annual

inspections and permitting.

**Recommendation:** City Council must consider two actions:

Action 1: Consideration of the Police Department request to amend the animal control regulations; and

Action 2: Consideration of the Community Development Department request to amend the zoning regulations to include Urban Beekeeping.

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

The Planning and Zoning Commission recommended approval of the ordinance amendment at the Commission's November 16, 2010 meeting, with the exclusion of subsection 4 of the draft animal control ordinance.

City Council should first consider the adoption of the Animal Control Ordinance amendment for Urban Beekeeping, then consider adoption of the related Zoning Ordinance amendments for the same.

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

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

Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

**Attachments / click to download**

 [Bufferyard and vegetation requirements](#)

 [Beekeeping zoning ordinance 880021](#)

 [Bee Ordinance 877811](#)



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

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on December 9, 2010 at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22, of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include the following definitions in alphabetical order:

*“Beekeeping; major use.* Use of any lot or building for the keeping of more than six (6) hives.”

*“Beekeeping; minor use.* Use of any lot or building for the keeping of not more than six (6) hives.”

Section 2: That Title 9, Chapter 4, Appendix A, (C), (5), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection l., entitled “Beekeeping; minor use” as a permitted use in the RA20, R15S, R9S, R6N, R9, R6, R6A, R6MH, MR, MRS, CDF, CG, CH, IU, and I districts to read as follows:

“l. Beekeeping; minor use LUC# 1”  
(see also 9-4-103)

Section 3: That Title 9, Chapter 4, Appendix A, (C), (5), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection m., entitled “Beekeeping; major use” as a special use in the RA20, CH, IU, and I districts to read as follows:

“m. Beekeeping; major use LUC# 4”

Section 4: That Title 9, Chapter 4, Article E, Section 9-4-85 of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection (PP) to read as follows:

“(PP) Beekeeping; major use.”

Section 5: That Title 9, Chapter 4, Article E, Section 9-4-86 of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection (PP) to read as follows:

“(PP) *Beekeeping; major use.*

- (1) The standards, requirements, conditions and restrictions of section 12-2-27(c) shall apply for locations and uses both within the city limits and within the extraterritorial jurisdiction.
- (2) In addition to section (1) above the Board of Adjustment may require reasonable additional conditions as determined appropriate by the Board in the particular case.”

Section 6: That Title 9, Chapter 4, Article F, Section 9-4-103 of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to include a new subsection (V) to read as follows:

“(V) *Beekeeping; minor use.*

- (1) The standards, requirements, conditions and restrictions of section 12-2-27(c) shall apply for locations and uses both within the city limits and within the extraterritorial jurisdiction.”

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 9. This ordinance shall become effective sixty (60) days after its adoption.

Adopted this 9<sup>th</sup> day of December, 2010.

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

ATTEST:

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

880021

Item # 7

ORDINANCE NO. 10-  
ORDINANCE AMENDING 12-2-27 OF THE GREENVILLE CITY CODE  
RELATING TO URBAN BEEKEEPING

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

Section 1. That Chapter 2, Title 12 of the Greenville City is hereby amended by deleting subsection §12-2-27 in its entirety and rewriting said subsection to read as follows:

Section 12-2-27. **URBAN BEEKEEPING.**

(a) Purpose

The purpose of this section is to encourage persons who keep bees to properly maintain hives, comply with state regulatory requirements and to be considerate of neighbors. This section governs the maintenance, establishes procedures and administration, and provides penalties for enforcement of violations.

(b) Definitions

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

(1) *Apiary Inspector* means the person designated by the State of North Carolina, Department of Agriculture to inspect all bees and hives within the State of North Carolina.

(2) *Bees* means eggs, larvae, developing bees and adult bees.

(3) *Beekeeper* means the person who keeps and raises bees and harvests honey.

(4) *Certificate of Inspection* means all certificates and approvals from the Apiary Inspector certifying the health of bees obtained from any source or location in or outside of the State of North Carolina and any equipment purchased to keep bees.

(5) *Front yard.* (a) The area extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right-of-way or easement line and the building line; or (b) in the case of a lot abutting more than one street, the front yard shall include all areas extending across the full length of a lot from property line to property line and lying between the abutting street right-of-way or easement and building line.

(6) *Health Certificate* means the periodic health inspection conducted by the NC Department of Agriculture.

(7) *Hives* means the movable wooden frame boxes used to house bees.

(8) *Permit* means the no fee authorization annually issued by the Division of Animal Control, Greenville Police Department to a beekeeper to maintain bees for personal and family use.

(c) Urban beekeeping requirements.

(1) No more than six (6) hives will be permitted on a lot except those lots classified as beekeeping, major use, by zoning regulations for which a special use permit has been issued or those lots classified as a farm by zoning regulations.

(2) Each hive must have an adequate water supply at the hive. The water supply must be unobstructed that allows for easy access for the bees.

(3) No hive shall be located in a front yard, and no hive shall be closer than 25 feet from any exterior property line.

(4) The hives shall be fully enclosed by a fence or wall with the height of the fence or wall being no less than six feet, except for lots classified as a farm by zoning regulations. The fence or wall must be solid so that it will not allow the bees to fly through, but over.

(5) All bee equipment and hives must be maintained in good order and condition.

(d) Permitting and inspection requirements for urban bee keeping.

(1) It shall be unlawful for any person within the City limits of the City of Greenville to keep bees without first obtaining a permit.

(2) The permit must be renewed annually and a copy of the periodic health inspection report by the NC Department of Agriculture provided to the Division of Animal Control.

(3) All bee equipment and hives will be inspected annually by the Division of Animal Control.

(e) Enforcement provisions.

(1) Failure to comply with the provisions of this section can result in revocation of all beekeeping permits in addition to any civil penalties.

(2) The Animal Control Division is authorized to issue citations for violations of this section. Violations of zoning ordinance provisions will be enforced by the Zoning Enforcement Officers.

(3) Any violation of the provisions of this section shall subject the offender to a civil penalty in the amount of \$75.00. In the event there is more than one violation in any 30-day

period, then the civil penalty shall be increased for each additional violation over one during the period as follows: \$100.00 for a second offense; \$150.00 for a third and subsequent offenses during a 30-day period. The date of the initial violation shall establish the beginning date for the initial 30-day period. The City Attorney or designee may initiate litigation on behalf of the city to collect any unpaid citations including but not limited to interest, court costs and attorneys fees. Appeals of any citation issued under this section may be appealed in writing to the chief of police or designee within 72 hours of the citation.

(4) This section may also be enforced through equitable remedies, including but not limited to nuisance abatement procedures as issued by a court of competent jurisdiction.

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

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

Section 4. This ordinance shall become effective sixty days after its adoption.

This the 9<sup>th</sup> day of December, 2010.

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

ATTEST:

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

## Excerpt from Planning & Zoning Commission's November 18, 2010 draft meeting minutes.

### Text Amendment

Ordinance amending the zoning regulations to include definitions of "beekeeping; major use", and "beekeeping; minor use", and to include applicable table of use provisions for each category.

Mr. Harry Hamilton, Chief Planner, presented the proposed amendment to the Commission. The only portion of the amendment that the Commission has jurisdiction over is the zoning portion, but because it also references the animal control regulations, staff would explain that portion as well. The three major concerns are the aesthetics, the habitat, and nuisance control. Staff gave the Commission some background on the request. They had received complaints about two sets of beehives earlier this year and they sent notices requesting that the beehive owners move their hives to the backyard because they are regulated as an accessory uses. One of the owners wanted to keep their beehives where they were and discussed the matter with members of City Council and the City Manager's Office. Currently the only zoning regulations that the City has are that the beehives are considered accessory structures and the only animal control regulation is that they are given water. It was decided that there needed to be more comprehensive beehive regulations. Staff has proposed that the zoning ordinance be divided into two categories. Proposed definitions are as follows:

- "Beekeeping; major use. Use of any lot or building for the keeping of more than six (six) hives."
- "Beekeeping; minor use. Use of any lot or building for the keeping of not more than six (six) hives."

The two proposed beekeeping categories (major and minor) are differentiated only by the number of hives located on the property. There is no regulatory distinction concerning recreational beekeeping and commercial beekeeping, or the physical size of any individual hive. Any bee hive in any district may (i) produce honey for sale, and (ii) may be transported and used for agricultural production in accordance with applicable zoning and animal control regulations. Beekeeping; minor use (6 or fewer hives), is recommended to be a "class one (1)" use for bufferyard and vegetation screening purposes - i.e. no zoning related vegetation screening required. Beekeeping; major use (7 or more hives), is recommended to be a "class four (4)" use for bufferyard and vegetation screening purposes - i.e. zoning related vegetation screening required in accordance with the attached bufferyard and vegetation chart. This proposed screening requirement is the same standard as is applicable to a "kennel", defined as the keeping of four (4) or more dogs. "Beekeeping; minor use" is recommended to be a permitted use (by-right) in the RA20 (residential-agricultural), R15S, R9S, R6N, R9, R6, R6A, R6MH, MR, MRS (residential), CDF, CG, CH (commercial), and IU, I (industrial) districts. "Beekeeping; major use" is recommended to be a special use (Board of Adjustment approval required) in the RA20 (residential-agricultural), CH (commercial), and IU, I (industrial) districts. With respect to special use permit dependent uses, the Board of Adjustment may attach additional reasonable conditions to the permit when determined necessary by the Board in the particular case. Typically the zoning regulations would only apply within the city limits, but because this ordinance would reference some of the animal control regulations, this ordinance will apply within the city limits and within the extraterritorial jurisdiction (ETJ). Mr. Hamilton presented the proposed animal control provisions to the Commission.

Mr. Randall asked why the City picked six beehives.

Mr. Hamilton answered that they would address that later in the presentation.

Mr. Hamilton gave the Commission a copy of a survey that addressed beehive regulations from other cities in North Carolina that staff had compiled last summer. Fayetteville, Jacksonville, Rocky Mount, and Raleigh do not have any regulations with respect to zoning for beehives. In Asheville, beehives cannot be any closer than 100 ft. to another household. In Chapel Hill it is allowed as an accessory use in the residential low-density district and there is a minimum lot size requirement. In Goldsboro there is a minimum setback requirement. In Wilmington you have to have a minimum tract of 40,000 sq. ft. Durham, like Greenville, also views it as an accessory use. The Animal Control ordinance is not in the Planning & Zoning Commission's jurisdiction, the comments would be taken and forwarded to City Council. The zoning ordinance amendment would become effective 60 days after City Council adopts it. Planning & Zoning is required to make a recommendation for the zoning portion only.

Mr. Hamilton addressed Mr. Parker's question of why six beehives was decided upon. It was his understanding that six was arrived at because that was generally the most beehives that someone would have in a smaller operation.

Mr. Parker said that it sounds like it was six beehives and under would be considered a hobby.

Mr. Bell voiced his concern that passing citizens would aggravate the beehives similar to the way that citizens would aggravate dogs that are chained up in a yard. He also asked if the City would require a permit to have keep bees.

Mr. Hamilton answered that Mr. Holec would address those requirements in his presentation.

Mr. Bell said that he would be more comfortable if those that were interested in keeping bees were to sign up for a class, or at least sign up saying that they are interested and receive literature on beekeeping.

Mr. Hamilton said that there are some very specific requirements on that.

Mr. Bell asked if the homeowners would be liable for the beehives.

Mr. Hamilton answered that he believed that would be the case.

Mr. Dave Holec, City Attorney presented the animal control portion of the ordinance. Currently the only animal control provision that the City has on beehives is that you provide an adequate water supply. He presented the proposed animal control provisions:

1. No more than 6 (six) hives will be permitted on a lot except those lots classified as beekeeping, major use, by zoning regulations for which a special use permit has been issued for those lots classified as a form by zoning regulations.
2. Each hive must have an adequate water supply at the hive. The water supply must be unobstructed that allows for easy access for the bees.

Mr. Parker asked if the beehives that were shown met the adequate water provision since they did not see a water supply, but the beehives were allowed by the City to remain in place.

Mr. Holec answered that it was his understanding that the beehives met the requirements.

3. No hive shall be located in a front yard, and no hive shall be closer than 25 feet from any exterior property line.
4. The hives shall be fully enclosed by a fence or wall with the height of the fence or wall being no less than six feet. The fence or wall must be solid so that it will not allow the bees to fly through, but over.
5. All bee equipment and hives must be maintained in good order and condition.

Animal Control would be in charge of enforcing permits, inspections, and violations.

Mr. Randall commented that the Department of Agriculture requires an inspection that the beekeeper would have to obtain and he assumes that there would be a fee associated with it.

Mr. Holec said that Mr. Leonard would be the best one to confirm that. To his understanding, there is not an annual inspection requirement by the Department of Agriculture, but there is a requirement if you do certain things, like if you want to move the hives.

Mr. Randall said that it does say that permit must be renewed annually and a copy of the health inspection report by the Department of Agriculture.

Mr. Holec said that it is the City permit that must be renewed annually.

Mr. Holec reviewed the proposed fines and the methods that the City would use to enforce the animal control provisions. Animal Control would only be able to enforce within the corporate limits. Zoning officers would be able to enforce zoning provisions within the corporate provisions and with the ETJ.

Mr. Parker asked if community gardens would be able to go ahead set up beehives or if they would need to go under the ordinance regulations.

Mr. Hamilton answered that a community garden would be able to have a beehive because it would be considered as an accessory use to farming.

Mr. Maxwell mentioned the Tar River plots that are rented out and used for the year.

Mr. Hamilton said that you would have to have some type of agriculture activity going on and not just rent out the lot for the beehives. Also, there are rules as far with respect to the flood damaged buyout properties as far as what you can put on them.

Mr. Randall asked if their comments would be directed to City Council through a copy of their minutes, or if there would be a portion of the meeting where they would go ahead and list what they want to say to City Council.

Mr. Holec answered that they could do it either through their discussion, or they could make their comments in the form of a motion.

Chairman Thomas asked for clarification if they would be voting on the item.

Mr. Holec answered that the Commission would be making their recommendation on the zoning ordinance provisions of the amendment and if they have comments about the police regulations, then they could also make those comments or take a vote on them if they wished.

Chairman Thomas asked if they would be taking public comment on the text amendment.

Mr. Holec answered yes; the Commission would be taking comment on the entire thing.

Mr. Adolphus Leonard, NC Bee Inspector gave a presentation to the Commission on the background of beekeeping and bee biology. He concluded by saying that honey bees are compatible with municipal and urban environments. They should be regulated as little as possible to encourage pollinators.

Mr. Randall asked if there is a rule from the state of how often an inspector will inspect.

Mr. Leonard said that if the beekeeper is involved in selling the bees or bee products then they will inspect on an annual basis and issue them a certificate along with a permit to sell those products.

Mr. Randall stated his opinion that the examples that they were presented with earlier seemed like hobbies to him because there were only 2 beehives. He asked Mr. Leonard for his opinion on the matter.

Mr. Leonard said that in his opinion, 15 – 20 beehives would be considered a hobby as it takes because you wouldn't make any real money off of that. In his opinion, you'd have to have about 100 hives, or at least 60. He said that beekeeping is growing as a hobby in NC.

Mr. Parker asked Mr. Leonard for his opinion about the 6 ft. fence rule.

Mr. Leonard that he thought that it was excessive and unnecessary. The 25 ft. setbacks would be enough because bees forage in a 2 mile radius.

Chairman Thomas asked why the managed bee population has been disappearing.

Mr. Leonard answered that it seems to be due to something called disappearing disease and that more research is underway.

The Board had no further questions for Mr. Leonard.

Chairman Thomas asked Mr. Hamilton how the City would enforce those that are keeping bees and if the City would have to hire more staff or would the City be putting the extra duties on current staff.

Mr. Hamilton answered that he did not think that it would be a tremendous burden, but that question would be an issue for Animal Control.

Mr. Thom Moton, Assistant City Manager, answered that staff has assessed the demand that would be generated from issuing permits and found that it would be less than a dozen. The staff present would be able to handle the work necessary. The amount of work required would be nominal.

Chairman Thomas declared the public hearing open. There were no speakers for or against the request so Chairman Thomas closed the public hearing and opened the matter up for Board discussion.

Mr. Parker commented that he thought that the 6 ft. fence rule is excessive. Many hobbyists may not be able to afford the fence, but it would be good to keep the bees so his opinion is to strike the 6 ft. fence rule.

Mr. Bell said that from his understanding, there will not be anyone enforcing it unless someone was to make a complaint and it should be on the beekeeper to make it safe for everyone.

Mr. Parker said that if the complaint were made and if it were found that they did not have the fence then their bees could potentially be taken away. They would be fined initially until they were told that they would have to get rid of their beehives.

Mr. Randall asked if there were neighborhoods that would prohibit 6 ft. fences.

Mr. Parker answered that there are many neighborhoods that would not allow a fence that high.

Mr. Bell said that it would not have to be a fence and it could be something like trees.

The Board responded and said that it would have to be a solid wall so it would have to be a fence.

Mr. Moton explained how staff came to include the 6 ft. rule. He shared the Good Neighbor Guidelines and showed the Commission excerpts that addressed beekeeping.

Mr. Lehman expressed his opinion that he feels that all this interest has been generated simply because someone did not want to put their beehives in their backyard. He agrees with Mr. Leonard in the fact we should step back and not regulate bees because they are important to our economy and they are part of our natural habitat.

Mr. Randall made the observation that, taking information from the survey, there are only a few other cities that are regulating the bees. In his opinion, we should keep the current guidelines saying that they are an accessory, put them in the backyard and maybe put a limit on how many beehives you can have. Less regulation would be better.

Mr. Parker said that there is a natural disaster happening with beehives dying off whatever we can do to **not** regulate, would be a good thing.

Chairman Thomas said that they are voting on the definitions of the text amendment. The Commission would be able to make comments on everything else that they have read.

Mr. Hamilton said that the zoning amendment would define what small operations are and what large operations are in regards to beekeeping. If nothing is done, then it will still be considered an accessory use and it would have to be moved to the backyard.

Mr. Lehman said that some neighborhoods have small lots and you *might* get 25 ft. from the backyard to the lot line.

Mr. Hamilton said that would fall under the animal control provision and the Commission could make recommendations that would be passed on to City Council.

Mr. Randall asked if they could make amendments to the text or if they would need to vote on the amendment as presented.

Mr. Hamilton asked for clarification on what he was asking.

Mr. Lehman paraphrased Mr. Randall and asked if they could make the recommendation to say that six beehives or less would not be subject to animal control rules, and more than six beehives would be considered a major beehive operation.

Mr. Hamilton said that all beekeepers would be subject to a level of animal control provisions as our current standards state that they must provide an adequate water supply.

Mr. Bell asked Mr. Hamilton if this issue of needing a text amendment was due to someone not wanting to move their beehives into their backyard.

Mr. Hamilton answered that in a sense, but the regulations that we have currently are minimal so it would be good to establish something more comprehensive.

Mr. Lehman commented that six beehives is a good number given lot sizes in Greenville.

Mr. Hamilton explained that a citizen disagreed with the interpretation that staff had made. He felt that his beehive was not accessory structure, so it was felt by staff that more comprehensive regulations were appropriate.

Mr. Bell asked if Mr. Leonard had shared with staff his thoughts about the 6 ft. fence being excessive.

Mr. Moton answered that Mr. Leonard had shared his thoughts with staff of how less would be better. He said in the past, the current rules were okay because everyone complied voluntarily. This issue came to

the forefront when an individual said that accessory use didn't apply to beehives. Staff felt that clarity was necessary.

Chairman Thomas asked who would vote on the 6 ft. fence rule.

Mr. Moton answered that the City Council would vote on it.

Mr. Lehman said that they could make comments to be passed on to City Council.

Chairman Thomas answered that they would.

Mr. Parker said that the 6 ft. fence rule would be one suggestion that would need to be passed on.

Mr. Moton assured the Commission that the staff has every intention of creating a report based on the Commission's actions and comments to present to City Council.

Mr. Lehman said that the 6 ft. fence is a symptom of the over-regulation that they had been discussing. He listed what the Commission would like to have passed on to City Council:

- Beehives be kept in the backyard
- Less than six beehives
- The bees receive an adequate water supply.

Chairman Thomas said they would like to keep the current regulations for beehives.

Mr. Moton said that it seems that the Commission feels strongly about permitting.

Mr. Lehman said that he would consider it "registration" rather than "permitting".

Mr. Moton agreed with Mr. Lehman. The main point of registering the beehives is to have a record of where the beehives are.

Mr. Parker said that the City is requesting that beehives be registered, so he asked if the City requires that Rottweiler be registered.

Mr. Moton answered that they are required to have dog licenses and remain on a leash. He also brought up the fact that the City even has rules about bow hunting in your backyard. As we become more urban, we try to balance behavior between being a good neighbor and individual rights as a property owner.

Mr. Parker asked if the permit would basically be a registration.

Mr. Moton answered that was correct. Staff would check if they are in the location that they are supposed to be in.

Mr. Bell made a motion to approve the proposed text amendment with recommendations from this Commission to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plans consistency and other matters. There was not a second so the motion died.

Mr. Bell noted that he did include “with recommendations from this Board” in his motion, which is what they are actually doing.

Mr. Gordon said that they are voting on a zoning regulation first and then they can vote on a recommendation.

Mr. Randall said that they should deny the text amendments to because that would send more of a message as a recommendation to City Council.

Mr. Holec suggested that they make their recommendations on the police power regulations first and then vote on the zoning ordinance. Then Mr. Bell’s motion would be more acceptable to the Commission. He listed what he heard from the Commission:

- six or fewer
- Only requirement is an adequate water supply
- Place them in the backyard
- Permitting process by registration

Chairman Thomas and Mr. Bell added the regulation of a setback of 25 ft.

Mr. Randall and Mr. Lehman were in opposition to the setback.

Mr. Holec said that Mr. Leonard did promote the 25 ft. setback without the fence because it does serve a purpose.

The Commission accepted that and so it was added to the list.

Mr. Holec asked if they wanted additional regulations for the rule of six hives or more.

Mr. Parker said that they could follow staff recommendation.

Mr. Bell noted that they would also have to go through the Board of Adjustment.

Mr. Holec said that what they are basically deleting from the six-or-less hives portion is the 6 ft. fence. He asked if they would want the fence if there are more than six hives.

Mr. Lehman said that you could not have more than six hives.

Mr. Holec said that you can have six or more if you have the permit.

Mr. Lehman said that there wouldn't be any room for more than six hives.

Mr. Parker said that some may have bigger lots that would allow more than six hives.

Mr. Gordon asked why they would need a Special Use Permit.

Mr. Holec answered that the City requires a Special Use Permit when there is going to be an impact on the neighborhood. Having more than six hives would have an impact on a neighborhood so the neighbors should have a chance to voice their opinions.

Mr. Parker commented that if his neighbor were to put in forty hives in their backyard then he would want the opportunity to give public comment.

Mr. Bell said that most subdivisions, including Tucker, have a nuisance rule that has to be applied by the home owners association and the police. More than six hives should be held to higher regulations.

Mr. Holec asked if they wanted a fence requirement for more than six hives.

The Commission responded that they did not.

Mr. Holec said that their main recommendation would be that the fence requirement be removed completely. Mr. Holec reviewed the list of animal control provisions again with the Commission:

1. No more than 6 (six) hives will be permitted on a lot except those lots classified as beekeeping, major use, by zoning regulations for which a special use permit has been issued for those lots classified as a form by zoning regulations.
2. Each hive must have an adequate water supply at the hive. The water supply must be unobstructed that allows for easy access for the bees.
3. No hive shall be located in a front yard, and no hive shall be closer than 25 feet from any exterior property line.
4. The hives shall be fully enclosed by a fence or wall with the height of the fence or wall being no less than six feet. The fence or wall must be solid so that it will not allow the bees to fly through, but over.
5. All bee equipment and hives must be maintained in good order and condition.

He said that they could take a motion to vote with their recommendation to remove requirement #4.

Mr. Randall said that they should approve the amendment and then make the recommendation.

Mr. Holec said that it would be okay to take action on that first and then make a motion.

Mr. Bell made a motion to eliminate item #4 on the list of animal control provisions in their recommendation, Mr. Lehman seconded the motion and the motion passed unanimously.

Mr. Bell made a motion to approve the proposed text amendment with their recommendation to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report

which addresses plan, consistency, and other matters. Ms. Basnight seconded and the motion passed unanimously.

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

### Bufferyard A (street yard)

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

Street trees may count toward the minimum acreage.

### Bufferyard B (no screen required)

Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

### Bufferyard C (screen required)

Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

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

### Bufferyard D (screen required)

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

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

### Bufferyard E (screen required)

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

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

### Bufferyard F (screen required)

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

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

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



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 100 E7 Tyson Street

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 100 E7 Tyson Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on October 19, 2009 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made.

The most recent notice to the owner was sent on November 16, 2010, and provided notice to the owner that the dwelling was considered as an abandoned structure and would be brought before Council for ordinance consideration.

The dwelling has been vacated and closed for a period of at least six months.

The utilities to the dwelling have been disconnected on Side A since November 8, 2001, and on Side B since April 24, 2001.

There have been 44 Code Enforcement cases initiated on this property since 1998 ranging from public nuisance to minimum housing and abandoned structure.

The Greenville Police Department has responded to 63 calls for service at this property since January 2000. Calls include multiple assaults, shots fired, and controlled substance violations.

The tax value on the property as of November 15, 2010 is \$43,407 (the building value is \$39,844 and the land value is \$3,563).

The estimated costs to repair the property are \$46,646.80.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the attached ordinance requiring the repair or demolition and removal of the dwelling located at 100 E7 Tyson Street.

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**Attachments / click to download**

 [photos of property](#)

 [Ordinance for Repair or Demolition 100 E7 Tyson Street 882826](#)

ORDINANCE NO. 10-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 100 E7 TYSON STREET  
TAX PARCEL NUMBER 00627

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Isaac A. Artis Jr., of the dwelling located at 100 E7 Tyson Street, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 100 E7 Tyson Street and owned by Isaac A. Artis Jr.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of December, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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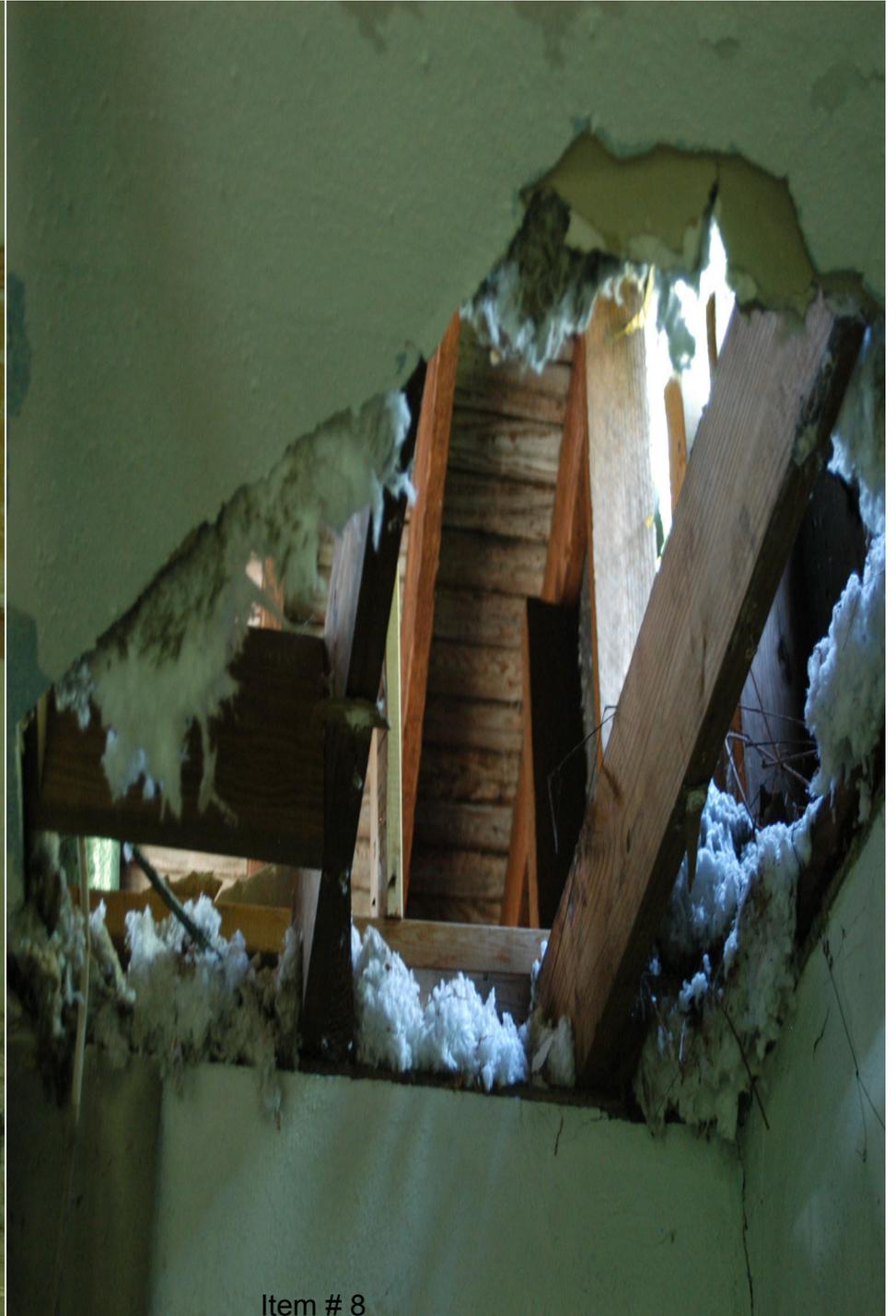
Carol L. Barwick, City Clerk



Item # 8



Item # 8



Item # 8



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 402 Tyson Street

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 402 Tyson Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on April 13, 2009 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on November 16, 2010, and provided notice to the owner that the dwelling was considered as an abandoned structure and would be brought before Council for ordinance consideration.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since October 4, 2005.

There have been eight Code Enforcement cases initiated on this property since 1998 ranging from public nuisance to minimum housing and abandoned structure.

The Greenville Police Department has responded to 14 calls for service at this property since January 2000. Calls include directed patrol, dispute, burglary, and multiple breaking and enterings.

The tax value on the property as of November 15, 2010 is \$11,543 (the building value is \$8,743 and the land value is \$2,800).

The estimated costs to repair the property are \$28,966.30.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$5,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the attached ordinance requiring the repair or demolition and removal of the dwelling located at 402 Tyson Street.

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 [Photos of property](#)

 [Ordinance for Repair or Demolition 402 Tyson Street 882707](#)

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ORDINANCE NO. 10-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 402 TYSON STREET  
TAX PARCEL NUMBER 21500

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Wells Chapel Church of God in Christ Inc., of the dwelling located at 402 Tyson Street, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 402 Tyson Street and owned by Wells Chapel Church of God In Christ Inc.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of December, 2010.

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Patricia C. Dunn, Mayor

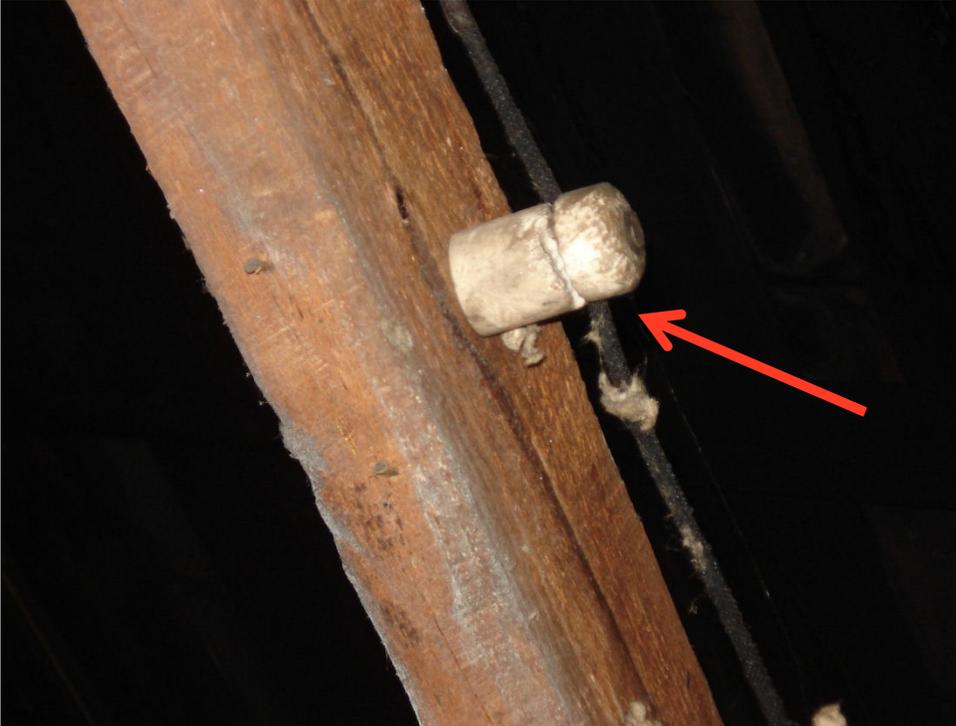
ATTEST:

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Carol L. Barwick, City Clerk



Item # 9



Item # 9



Item # 9



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 313 Line Avenue

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 313 Line Avenue. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on August 15, 2007 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made.

The most recent notice to the owner was sent on November 18, 2010, and provided notice to the owner that the dwelling was considered as an abandoned structure and would be brought before Council for ordinance consideration.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since May 2007.

There have been 24 Code Enforcement cases initiated on this property since 1998 ranging from public nuisance to minimum housing and abandoned structure.

The Greenville Police Department has responded to 30 calls for service at this property since January 2000. Calls include multiple assaults, disputes, larcenies, and violations of the NC Controlled Substance Act.

The tax value on the property as of November 18, 2010 is \$16,992 (the building

value is \$11,652 and the land value is \$5,340).

The estimated costs to repair the property are \$34,004.20.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the attached ordinance requiring the repair or demolition and removal of the dwelling located at 313 Line Avenue.

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 [photos of property](#)

 [Ordinance for Repair or Demolition 313 Line Avenue 882878](#)

ORDINANCE NO. 10-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 313 LINE AVENUE  
TAX PARCEL NUMBER 04509

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Pervice Maurice Cohens and Albert Maurice Butler, of the dwelling located at 313 line Avenue, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 313 Line Avenue and owned by Pervice Maurice Cohens and Albert Maurice Butler.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of December, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 313 Line Ave



Item # 10



Item # 10



Item # 10



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1400 West Fourth Street

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1400 West Fourth Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on May 8, 2009 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made.

The most recent notice to the owner was sent on November 18, 2010 and provided notice to the owner that the dwelling was considered as an abandoned structure and would be brought before Council for ordinance consideration.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since April 26, 2006.

There have been six Code Enforcement cases initiated on this property since 1998 ranging from public nuisance to abandoned structure.

The Greenville Police Department has responded to 64 calls for service at this property since January 2000. Calls include multiple fights, multiple shots fired, armed robbery, assault, suspicious activity, and multiple violations of the NC Controlled Substance Act.

The tax value on the property as of November 18, 2010 is \$44,847 (the building value is \$39,600 and the land value is \$4,600).

The estimated costs to repair the property are \$27,682.10.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the attached ordinance requiring the repair or demolition and removal of the dwelling located at 1400 West Fourth Street.

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 [photos of property](#)

 [Ordinance for Repair or Demolition 1400 West 4th Street 882901](#)

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ORDINANCE NO. 10-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1400 WEST FOURTH STREET  
TAX PARCEL NUMBER 24002

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Joyce Kendall, of the dwelling located at 1400 West Fourth Street, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1400 West Fourth Street and owned by Joyce Kendall.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of December, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



Item # 11



Item # 11



Item # 11



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1205 Fleming Street

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1205 Fleming Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on June 16, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on November 16, 2010, and provided notice to the owner that the dwelling was considered an abandoned structure and would be brought before Council for ordinance consideration.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected on Side A since March 2007 and on Side B since April 2005.

There have been 13 Code Enforcement cases initiated on this property since 1998, ranging from public nuisance to minimum housing and abandoned structure.

The Greenville Police Department has responded to seven calls for service at this property since January 2000. Calls include assault, trespassing, damage to property, and physical arrest.

The tax value on the property as of November 15, 2010 is \$33,589 (the building

value is \$30,280 and the land value is \$3,309).

The estimated costs to repair the property are \$46,139.20.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$12,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the attached ordinance requiring the repair or demolition and removal of the dwelling located at 1205 Fleming Street.

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 [Photos of property](#)

 [Ordinance for Repair or Demolition 1205 Fleming Street 882680](#)

ORDINANCE NO. 10-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1205 FLEMING STREET  
TAX PARCEL NUMBER 17002

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Rita Rhem Nobles, of the dwelling located at 1205 Fleming Street, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1205 Fleming Street and owned by Rita Rhem Nobles.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 9<sup>th</sup> day of December, 2010.

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Patricia C. Dunn, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 1205 Fleming Street



Item # 12



Item # 12



Item # 12



# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

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**Title of Item:** Fiscal year 2012 federal agenda

**Explanation:** Melissa Avstreich of The Ferguson Group will meet with the Mayor, City Council Members, and City staff on December 9, 2010 to develop priority projects for the City's fiscal year 2012 federal agenda. Ms. Avstreich will present a proposed list of projects at the December 9, 2010 City Council meeting for review and discussion of federal funding opportunities.

**Fiscal Note:** The total amount of federal appropriation requests for fiscal year 2012 will be listed in the proposed federal agenda. If approved, some appropriations may require local matching funds.

**Recommendation:** Provide feedback to The Ferguson Group on proposed projects for the fiscal year 2012 federal agenda. A proposed 2012 federal agenda will be presented to the City Council for adoption on January 10, 2011.

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# City of Greenville, North Carolina

Meeting Date: 12/9/2010  
Time: 7:00 PM

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**Title of Item:** Letter to East Carolina University relating to preservation and protection of single-family residential character of the University Area

**Explanation:** At City Council's November 8, 2010, meeting, Council Member Blackburn requested that a letter be sent to East Carolina University encouraging the University to continue with its involvement and engagement with preserving and protecting the single-family residential character of the area near the University particularly in connection with foreclosed properties in the area.

City Attorney Holec is coordinating with Council Member Blackburn in the preparation of the letter. A draft will be provided to City Council prior to the meeting.

**Fiscal Note:** No fiscal impact.

**Recommendation:** Authorization for Mayor Dunn to send the letter to Chancellor Ballard.

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