



Agenda

Greenville City Council

October 11, 2010
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Council Member Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes from the August 23, 2010 joint City Council-Greenville Utilities Commission meeting
2. First reading of an ordinance granting a bus franchise to Christopher Rupp, d/b/a The Buccaneer Transportation Service
3. First reading of an ordinance granting a limousine franchise to Elliott Land, d/b/a Signature Limousine & Transport Service, Inc.
4. First reading of an ordinance granting a limousine franchise to Melvin Lynn Elam, d/b/a Red, White & Blue
5. First reading of an ordinance granting a taxicab franchise to Martin Tanski, d/b/a Peddlin' Pirates
6. First reading of an ordinance granting a taxicab franchise to Sani Bello, d/b/a Unity Cab Company
7. First reading of an ordinance granting a taxicab franchise to Valentine Perkins, d/b/a Earlybirds Taxicab Company

8. Agreement for federal lobbying services with The Ferguson Group
9. Amendment #5 to the contract with Kimley-Horn and Associates, Inc. to perform the survey and data collection portion of the final design phase of the Stantonsburg Road/Tenth Street Connector Project
10. Resolution declaring police canine Sam as surplus property and authorizing his disposition to Officer Bruce Groccia
11. Resolution authorizing the abandonment of utility easements for The Province at Greenville
12. Findings resolution for Greenville Utilities Commission bond refunding
13. Budget ordinance amendment #3 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57), amendment to the Convention Center Expansion/Streetscape Capital Project Fund (Ordinance No. 07-139), amendment to the Wayfinding Capital Project Fund (Ordinance No. 06-65), and amendment to the Health Insurance Fund (Ordinance 10-18)
14. Report on bid awarded

VII. Old Business

15. Resolution approving an amendment to the Board and Commission Policy relating to nominations to certain boards and commissions

VIII. New Business

16. Presentations by boards and commissions
 - a. Historic Preservation Commission
17. Redevelopment Commission authorization to sell real property located at 814 West Fifth Street
18. Center City Parking Pay Station Project
19. Funding to install a pedestrian refuge island where the Green Mill Run Greenway crosses Tenth Street
20. Amendment to Employee Dental Benefit Program
21. Downtown security requirements and costs
22. Ordinance to establish a minimum waiting period between the date a petition to amend the Future Land Use Plan Map is denied and the initiation of a subsequent similar petition

23. Discussion of Code of Ethics

IX. Review of October 14, 2010 City Council Agenda

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. 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 consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body

XIII. Adjournment



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Minutes from the August 23, 2010 joint City Council-Greenville Utilities Commission meeting

Explanation: Proposed minutes from the August 23, 2010 joint meeting between the City Council and Greenville Utilities Commission are submitted for review and consideration by the City Council.

Fiscal Note: No direct cost to the City.

Recommendation: Approve the minutes from the August 23, 2010 joint meeting between the City Council and Greenville Utilities Commission.

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MINUTES PROPOSED FOR ADOPTION
JOINT MEETING OF THE GREENVILLE CITY COUNCIL
WITH THE BOARD OF COMMISSIONERS
FOR THE GREENVILLE UTILITIES COMMISSION
GREENVILLE, NORTH CAROLINA
MONDAY, AUGUST 23, 2010

The Greenville City Council met in joint session with the Board of Commissioners of the Greenville Utilities Commission at 5:30 PM in GUC's Board Room with the following members and others present and Mayor Pat Dunn and GUC Vice Chair Julie Carlson presiding.

City Council Members Present:

Mayor Pat Dunn
Council Member Rose Glover
Council Member Kandie Smith
Council Member Marion Blackburn

Mayor Pro-Tem Bryant Kittrell
Council Member Max Joyner, Jr.
Council Member Calvin Mercer

Commission Members Present:

Julie Carlson
Wayne Bowers
Freeman Paylor (via conference call)

Stan Eakins
John Minges
Don Edmonson

City Staff Present:

Carol Barwick
Gerry Case
Leah Futrell
Jonathan Edwards

Thom Moton
Bernita Demery
Dave Holec

Commission Staff Present;

Ron Elks, General Manager/CEO
Tony Cannon
Janet Drinnon
Jeff McCauley
Keith Jones
Sandy Barnes
George Reel
John Worrell
Randy Emory
Eric Phillips

Patrice Alexander
Anthony Miller
Sue Hatch
Jonathan Britt
Kevin Keyzer
Scott Mullis
Susan Smith
Chris Ray
Jean Forrest

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Others Present:

Phillip Dixon, GUC Attorney; Kathryn Kennedy, The Daily Reflector; Brian Whitworth and Janice Burke, First Southwest Company; Linda Cobb and Ruth Ann Eledge, Waters Consulting Group; and Jeff Rainstein and Don Hardin, Mercer.

CALL TO ORDER

Mayor Dunn asked Carol Barwick, City Clerk, to call the roll for the City Council. A quorum was present. Council Members Rose Glover and Kandie Smith were not present at roll call.

Ms. Carlson called the GUC Board to order and Dr. Eakins ascertained that a quorum was present.

[Virginia Hardy and Vickie Joyner requested an excused absence.]

[Council Member Rose Glover arrived at 5:34 P.M.]

APPROVAL OF AGENDA

A motion was made by Council Member Joyner, seconded by Council Member Blackburn, to approve the agenda as presented. The motion carried unanimously.

A motion was made by Mr. Minges, seconded by Mr. Edmonson, to approve the agenda as presented. The motion carried unanimously.

Mr. Bowers, City Manager, stated that the staff is videotaping the meeting due to interest from both the City and GUC employees. The broadcast is not live, but will be shown on GTV-9 beginning on Tuesday, August 24 and will be placed on the City's website as well as internal websites for both the City and GUC.

Mr. Bowers stated that the topics on the agenda to be discussed are: Other Post-Employment Benefits (OPEB), health insurance, and federal health care reform.

The first topic to be discussed is OPEB. The City Council and GUC have discussed OPEB's liability back in November 2008 and discussed this topic again during their recent budget discussions. It was apparent that the study of this topic was warranted.

The second topic to be discussed is health insurance. The City and GUC have been on the self-funded plan for over 6 months. Staff feels it is time to begin looking at next year.

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The third topic to be discussed is the federal health care reform. Staff is looking at the impact on the City and GUC. Staff does not expect decisions but is seeking guidance on the direction the City Council and GUC Board would like the staff and consultants to pursue as well as a timeline.

Mr. Elks, General Manager/CEO, stated that Freeman Paylor, GUC Chair, was joining the meeting via conference call.

Mr. Elks stated that he agreed with Mr. Bowers that these topics should be discussed by both boards and that there is a lot of information available tonight. Staff has been working hard with experts locally, regionally, and nationally on these topics.

Other Post-Employment Benefits (OPEB)

Mr. Elks introduced Brian Whitworth, Senior Vice President, with the First Southwest Company. He has worked on retiree medical and pension issues, including the review of actuarial studies, funding and funding volatility for public entities. His work also included pension and OPEB bonds, as well as establishment of OPEB trusts. Previously, Brian was a Vice President of JP Morgan. At JP Morgan, he was nationally recognized as an expert and frequent speaker on OPEB. He has helped write legislation in several states. He has worked with over 100 clients in pension and OPEB; GASB 43/45, and OPEB trust formation.

Mayor Dunn requested that questions be held in the end of Brian's presentation.

Mr. Whitworth pointed out that OPEB includes medical and vision benefits paid by the organization on behalf of retirees, but does not include pension benefits, death benefits through the North Carolina Local Government Employee Retirement Systems (LGERS) or any defined contribution plans, such as 401K. OPEB also includes life insurance for any retiree that was hired before 1975 (\$7,000 per retiree). Dental coverage would be included under the accounting rules, but the City and GUC do not offer dental coverage to retirees.

Both the City and GUC have historically funded OPEB on a pay-as-you-go basis. The City has prefunded \$542,000 in the North Carolina Treasurer's OPEB Trust as of December 31, 2009. Both the City and GUC have \$250,000 budgeted as prefunding for 2010-2011 and an additional \$250,000 is planned for 2011-2012.

Mr. Whitworth summarized the history of plan changes for the City and GUC.

[Council Member Smith arrived at 5:43 P.M.]

Mr. Whitworth discussed the reporting requirements under GASB 45 with regard to the unfunded liability created by these benefits if monies are not set aside. GASB does not

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require prefunding, but it does provide an incentive to do so. The goal is to make the accounting match up with the long term cost. A number of public entities are committed to provide OPEB in various ways. It is an area for careful research.

In terms of accounting concepts, there is service rendered for current active employees this fiscal year. That is the normal cost. For amortization of unfunded liabilities, that is the amount required in the current year to amortize the difference between OPEB liabilities and assets over a period of no more than 30 years. The slightly unusual thing about the City and GUC is that these charts are not in their usual shape. When expected annual contributions go down over time, it usually means fewer employees, but in the case of the City, when they began prefunding, it lowered their costs. The City and GUC are currently prefunding \$250K per year toward OPEB. Additional prefunding would reduce the annual required contributions, due to the use of higher discount rates under GASB 45. The new Federal Early Retiree Reinsurance program is expected to provide \$97,000 of savings for GUC in calendar year 2010 and \$263,000 of savings for the City.

The amount that the City & GUC have to contribute in order to be fully funded is smaller than expected. The City would require an additional \$693,000 and GUC would require an additional \$469,000. The Federal program is supposed to continue until 2014, but it may end sooner. Additionally, the payments may not come in at the time expected.

There are other potential strategies for dealing with OPEB. The City and GUC can modify benefits and eligibility such as age restrictions and service restrictions as well as implement wellness programs or other strategies to have healthier retirees or make offers to employees to buy out their OPEB benefits (rare). A caution with the latter is that they consume a large volume of cash over a short period of time. All current arrangements can be left in place: benefits, eligibility, and funding. Each potential strategy can have practical or legal considerations.

In addition to the local surveys, there is a national survey which concluded last month. Currently, prefunding is being considered by at least half of the respondents (they are either doing it, have a trust which is not yet funded or are considering establishment of a trust). About half of the respondents are still pay-as-you-go.

The most common change that public entities are making is to increase the service requirement for eligibility. Previously, many entities only required that employees retire from the entity. In NC, Winston Salem, Raleigh and Charlotte are already more than fully prefunded. Greensboro is fully funded.

Potential changes at the City and GUC were reviewed and there were some interesting results by varying scenarios of changes to see what the impact would be. Some potential changes are: alternative number 1 - longer minimum service time; alternative number 2 - minimum age for eligibility and reduced employer share of premiums; and alternative number 3 - eliminate post-65 coverage for retirees. Medicare coverage would remain. Currently, there is a Medicare Supplement for 65+ retirees.

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These changes do not have nearly the same impact as prefunding because those all take a long time to work through the system.

Alternative number 4 - increase the retiree's share of premiums; and alternative number 5 – defined contribution.

For all alternatives, the current retirees' benefits remain unchanged, and active employees who currently have 20 years or more of service are grandfathered with current benefit provisions. The cost estimates for alternatives are a "first estimate." Any of these alternatives can be reviewed in greater depth. Additional alternatives can also be reviewed.

There are also legal considerations. The ability to modify benefits or eligibility requirements varies from one public entity to another. A common reason is wording: some employers have said "these are the benefits you get when you retire" and others have said "these are the benefits currently offered, but these are subject to change."

Dave Holec stated that he and Phil Dixon had conferred on the health insurance benefits in retirement and how it applies to both the City and GUC. There are legal restrictions on modifying the benefit since public employee retirement benefits are governed by contract law. The promise of health insurance in retirement becomes a promise of the employment contract. Retirees with greater than 20 years of service receive health insurance at a City/GUC contribution rate of 95% for the retiree and 0% for dependents. Retirees with 5 to 20 years of service receive continued health insurance at a City/GUC contribution rate of 0% for the retiree and dependents. While Mr. Whitworth talks about current employees, the City and GUC have the ability to modify what is given. The employees have a vested enforceable contract right to rely on what is in place when their benefit vests (the employee has worked the minimum number of years to qualify for the benefit). If the City and GUC have any change of programs/plans, if the employee has worked the 20 years, the change would not apply to that employee. If an employee has worked at least 5 years, they are entitled to the continued coverage with the City and GUC with the employee paying the cost of the premium at the active employee rate, so if you have worked the 5 years you have that right. The City and GUC cannot modify the contribution rate for those who are vested but they can reasonably modify the type of coverage offered. For those employees who have less than 20 years of service, they are not currently vested with the benefit at the 95% contribution rate, so you have the ability to modify their benefit. As far as those already retired, they have a contract for the terms that were in effect at the time they became vested. The City and GUC contribution kicks in when an employee has worked for 20 years with the City or GUC. The City and GUC cannot modify the rate for those employees.

Mayor Pro-Tem Kittrell asked Mr. Holec to define retiree. He asked if an employee works for 20 years at the City or GUC and then leaves to go to work elsewhere, if we pay.

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Mr. Holec said that the key is that an employee retires through the City/GUC's pension program. If an employee retires with either 20 years of service at the age of 50 or 30 years of service regardless of age, the employee/retiree would receive a pension from the retirement system.

Council Member Glover points out that there are special provisions for retirement benefits applicable to law enforcement.

Mr. Holec clarified that refers to the amount of the retirement benefit via the state system, but would not automatically make them eligible for the health insurance.

Mayor Dunn clarified that the rules for retirement/pension are determined by the State of NC. The rules for OPEB are determined by local government.

Dr. Eakins asked if the organization can change the number of years required for eligibility if the employee has less than 20 years of service.

Mr. Holec said that the City and GUC can change the number of years required for eligibility if employees have less than 20 years of service, although at 5 years an employee is vested in the right to continued health insurance coverage.

Council Member Blackburn asked if you can change the age requirements.

Mr. Holec said you can change the age requirements but not for anyone who is already vested.

Council Member Glover expressed concern on changing the number of years required for health insurance upon retirement. We have employees who have worked 19 years and 8 months already. If we consider changing the 20 year requirement, we should really consider the impact on these individuals that are close to retirement. What do you do about those employees? That is totally unfair to have an employee who has put in almost the required time and then you decide to stop it.

Mr. Whitworth stated that when the calculations were done, he incorporated people with 15 years of service maintaining the current benefit level. There was no legal reason for that, but he chose to do so due to concerns for those quite close to retirement.

Council Member Glover stated that the City and GUC should value our employees and make sure they have the opportunity to be as healthy as everyone else. The City Council and the GUC Board are making these decisions which do not impact us personally but do impact our employees.

Council Member Blackburn stated that she is interested in options to pro-rate a change in expected benefits downward to minimize the impact on our longer term employees.

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Mayor Dunn feels the City Council and the GUC Board should give staff and consultants instructions tonight on what scenarios we would like to consider.

Mayor Dunn asked Mr. Whitworth to explain what is really meant by an unfunded liability.

Mr. Whitworth explained by saying that the motivation behind it is to ensure against those entities that may close their doors.

Mr. Whitworth pointed out that if the City remains on the current funding plan, the City would result in paying 37% of the annual required contribution. About \$2.4 million would be booked in 2010 as an OPEB funding shortfall. If GUC remains on the current funding plan, GUC would result in paying 37% of the annual required contribution. About \$1.6 million would be booked in 2010 as an OPEB funding shortfall. By the end of the 30-year period, it would be considerably more since more employees would be added over that time.

Mr. Whitworth said the City staff and GUC staff have taken a serious look at OPEB funding. The staff has been engaged, careful, and proactive. If you remain pay-as-you-go and your budget has a lot of volatility, it can be very hard to fund when necessary. If you prefund, even at a very small amount, there is a substantial amount of insulation against that possibility. This can help a lot with general fund volatility.

Mr. Whitworth pointed out that it would cost the City \$39.4 million, over a 30-year period, for existing and retired employees. It would cost GUC \$30.3 million, over a 30-year period, for existing and retired employees.

Council Member Blackburn asked if the 39.4 million assumes all existing staff will reach benefit age.

Mr. Whitworth said some is for those employees already retired and the remainder assumes some will leave employment before reaching retirement age/service requirements.

Mr. Whitworth stated that in addition to the City's expected pay-as-you-go cost, early retiree reinsurance, and the \$250,000 budget prefunding, another \$693,000 would be required for a total of \$2.37 million to fully fund the annual required contribution.

Mr. Whitworth stated that in addition to GUC's expected pay-as-you-go cost, early retiree reinsurance, and the \$250,000 budget prefunding, another \$469,000 would be required for a total of \$1.5 million to fully fund the annual required contribution.

Council Member Blackburn asked if \$469,000 annually will allow the City to be fully prefunded.

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Mayor Pro-Tem Kittrell stated that the \$469,000 was for GUC. The cost for the City was \$693,000.

Council Member Joyner points out those numbers are in addition to the \$250,000 already being prefunded.

Council Member Blackburn asked if the City's total cost is \$2.37 million for the current year.

Mr. Whitworth replied yes for the current year, although costs may slowly rise from year to year.

Council Member Blackburn asked if doing that allows the City to take advantage of more favorable discount rates.

Mr. Whitworth replied yes.

Mayor Pro-tem Kittrell asked what the assumptions are for increases in health care costs in the analysis.

Mr. Whitworth responded that he believes it is at 8%.

Council Member Blackburn asked what is the City paying now?

Mr. Whitworth said the City's pay-as-you-go portion is \$1.7 million, although it is a little "muddy" as the City switched to self-insurance in the middle of the year.

Council Member Joyner asked if retirees have dental benefits.

Gerry Case stated that retirees do not currently have dental benefits.

Council Member Joyner asked what is currently being spent on dental benefits.

Gerry Case, Director of Human Resources for the City, stated that Jeff Rainstein would have that information.

Council Member Joyner refers to information provided last Wednesday and asked about rate of return.

Mr. Whitworth said GASB looks at short-term averages, but this is looking at a mixture of a lot of short-term and some long-term averages; in other words, it is a weighted average.

Council Member Joyner asks about the City's rate of return.

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Bernita Demery, Director of Financial Services for the City, discussed the mixture of the City's investment. Ms. Demery said that the City's \$250,000 has earned \$42,000. The second \$250,000 was only invested in October 2009.

Council Member Joyner is concerned that the projected rates of return are overly ambitious.

Mr. Whitworth said he is looking at rates from a private sector perspective. The public sector accounting rules look at them differently because they are typically still in business with the same identity over a long period of years. He said the annual required contributions and the discount rate are typically more stable as a result.

Council Member Joyner asked what the City's rate of return has been over the last 10 years.

Bernita Demery said that the City has only been in the State OPEB fund for 2 years.

Mayor Dunn requested differentiation between the OPEB fund and what we do with the City's money on a local level.

Council Member Joyner stated that he would like to see the City's medical costs for the last 2 years, 5 years, and 10 years. He feels it has gone up more than 5% and he is not sure the numbers being presented are realistic.

Mr. Whitworth stated that we can get the City & GUC short-term rates averaged over a longer period and get a rate for the state.

Mayor Dunn said the \$250,000 the City invested for last year and this year are in the State Treasurer's Office. The State has the authority to invest it. It is an irrevocable trust.

Bernita Demery stated that the money currently has generated over a 5% rate of return.

Dr. Eakins said that number is over an odd period and he feels it is unrealistic.

Council Member Joyner asks if he feels the 5% is a good number.

Dr. Eakins feels it is fairly conservative.

Council Member Joyner asks about the medical costs.

Dr. Eakins feels that is outside his expertise and we should look to these experts to give that to us.

Council Member Joyner said he wants to be sure these are not just "pie in the sky" numbers. He then refers to page 15 of the presentation where only one utility is being

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shown. He asked why GUC's percentage is higher than the City's if they are paying the same benefits.

Brian said it may be based on different average age of employees (different length of time until retirement), more growth in one organization than the other, any differences in benefits or eligibility requirements, etc.

Council Member Blackburn said many utilities are part of cities so they would not have a separate listing.

Council Member Joyner asked what changes the City of Raleigh and Pitt County made in 2008 and 2009.

Mr. Whitworth replied that he would forward this information via email.

Council Member Joyner asks if alternative 5 is something we can do.

Mr. Whitworth stated that he thinks so but feels it has some surprising cost impacts.

Council Member Joyner referred to changes in benefits that have been offered over the past 30 years.

Mr. Whitworth mentioned that most public entities make long-term plans under the assumption they will still be in business in current form 15-20 years down the road. Many private companies do not expect to be in business that long. The private sector is also covered by many rules that do not apply to the public sector.

Council Member Blackburn stated that if you look at the situation from the big picture perspective, there are different rules and expectations than those of the private sector. There are expectations of cities that differ from the private sector.

Mayor Pro-Tem Kittrell asked how we can use money in this fund to invest in the stock market but not other money.

Mayor Dunn pointed out that it is State law. Only OPEB money can be invested in the stock market because it is invested over a 25 to 30-year period but not our other funds.

Council Member Joyner asked Bernita Demery if we are in control of the investment when we put our \$250,000 with the State.

Bernita Demery said the State controls the investments.

Mr. Whitworth said you would get a better picture looking at a similar investment over a longer term.

Council Member Blackburn asked if life insurance is part of OPEB.

Mr. Bowers said just a little bit for anyone hired prior to 1975.

Classification and Compensation Study Questions Related to Retiree Medical Benefits

Linda Cobb and Ruth Ann Eledge, Waters Consulting Group, were present at the meeting.

Mr. Bowers stated that Waters Consulting is currently doing the Classification & Compensation Study and they may answer some questions.

Ruth Ann Eledge, Waters Consulting Group, gave a status report on the study and discussed total compensation. Organizations spend a huge percentage of their budget on employee compensation. You need to systematically look at how you want all the pieces to fit together. Waters looked at every position and analyzed their scope and duty. Waters classifies positions to be sure they are appropriately classified from both a market perspective and internal equity perspective. The goal is to achieve equity. Once completed, the next step is job evaluation (understanding relationship of jobs). While completing that, we look at salary/benefits/pay practices and compare to other organizations' pay and benefits. We want to look at total compensation and a total compensation philosophy. Part of the study will include developing a pay structure and pay system, then developing guidelines for how to manage it over time to ensure it stays active and up to date for your use.

For the job analysis/documentation, 15 employee and management meetings were conducted to discuss data collection; over 109 focus group and individual interviews were held to clarify duties and responsibilities. Waters completed FLSA reviews of 18 classifications with multiple incumbents (preliminary findings are under review).

The job evaluation phase involves reviewing each position and rating it on a series of compensable factors. The preliminary findings have been taken to the Job Evaluation Team (JET). The Job Evaluation Team is comprised of 6 staff members from the City and 6 staff members from GUC. The purpose of this team was to propose an internal hierarchy of all job classifications which have been developed and are currently being reviewed by the Executive Team (Ron Elks, Tony Cannon, Wayne Bowers, and Thom Moton).

In the meantime, Waters has been looking at the salary, benefits, and pay practices information for the 43 benchmark organizations which were selected to participate in the survey. The deadline has been extended to August 20, so most of the data should be completed soon. The staff at Waters is beginning to analyze that which has already been provided. Much of this may fit into your discussion for retiree benefits.

Waters is in the early stages of market review and will look at every position, every benefit and how it compares to the City and GUC. They anticipate the availability of

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some preliminary info by September 3. Hopefully, a preliminary presentation will be ready for review by the Executive Team by September 16.

Ms. Eledge stated that as Waters moves into developing salary structures and benefit offerings, I feel we will have some extensive discussion around where your organizations want to be in the market compared to other organizations.

Waters is writing new or revising existing job descriptions for many positions based on the analysis and feedback and also analyzing a performance evaluation system by looking at the current structure and how it differs between departments or between the City and GUC.

As a result of the Classification and Compensation Study, we do expect to have a good sense of where you are currently with regard to pay structures and how competitive that is with other organizations as well as how actual pay compares. We will discuss where you want to be in relation to the market structure. Where do the City and GUC want to put your dollars now and how sustainable is that in the future? Your organizations will have a customized structure and customized implementation plan. The data provided by Waters will be used over a period of 6 to 9 months, or perhaps a year or longer in making decisions.

Ms. Eledge stated that as a compensation philosophy, the City and GUC need to focus on where you want to put your dollars. What percent of payroll goes to direct pay and what percent to benefits? What about other compensation that is not tied directly to dollars? She gave simplistic examples of types of information they can expect to see in the analysis (sample was organization with only 9 employees). It outlined the types of information that would be made available for consideration. Examples were given for both benefits and pay rates. A split analysis will be provided for City and GUC as well as a combined analysis. Information on pay practices (supplemental pay, how you promote, how you determine changes in pay structure, do you give merit) will be provided. Data will be provided on how others manage their pay system.

We need to talk about market policy, where you want to be according to the market. It is important to have a clearly defined policy that can be communicated to employees and potential employees. Do you put your money in direct pay and minimize benefits or do you spread it around?

These are uncertain times and there is a constant drive to do better. We will try to help you focus on total compensation and the impact on recruitment and retention. Waters will define your philosophy and move with some caution in making recommendations of changes not yet reflected in the market.

Mayor Pro-Tem Kittrell stated that he wanted to clearly understand the definition of merit pay and asked Waters to address merit pay when they come back and appropriate percentages. He asked if we would be better off doing COLA.

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Council Member Blackburn asked what is FLSA.

Ms. Eledge said that FLSA stands for the Fair Labor Standards Act. Council Member Blackburn asked if the City Council would be exposed to how jobs are weighted.

Ms. Eledge stated that they can show the factors considered for weighting.

Council Member Blackburn asked if the benchmarking organizations are public or private.

Ms. Eledge stated that the benchmarking organizations were a combination of public and private. There was a certain set of parameters given to them early on. Some of the parameters are that the organizations are similar in size, similar geographic areas, some provide similar services, some you lose employees to or some you recruit from.

Council Member Blackburn said that she heard that evaluations are not very effective for evaluating performance or determining merit. She asked if their study would look at the evaluation process to determine if it is truly useful and functional.

Ms. Eledge said yes. She described the criteria Waters will consider.

Council Member Blackburn asked if they are looking at efficiency and ways to evaluate efficiency.

Ms. Eledge said that is beyond the scope of this project.

Council Member Joyner asked who is on the Executive Team.

Ms. Eledge stated that the Executive Team members are Wayne Bowers, Thom Moton, Ron Elks, and Tony Cannon.

Council Member Joyner asked if the City Council will have an opportunity to review that info.

Mr. Bowers stated that the City Council will see that information at one point.

Ms. Eledge stated that the first review will be with Human Resources and then with the Executive Team. We want to get their feedback before the information comes back to the Council. She discussed the type of information that will be provided to the Council.

Council Member Joyner asked if they will compare private versus public data.

Ms. Eledge stated that the private sector has been reluctant to give percentages of pay versus benefits, but they will collect to the extent possible.

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Council Member Joyner asked if they are only doing an analysis of 45% of jobs.

Ms. Eledge said they look at relationship of jobs and market data for as many jobs as they can get.

Council Member Joyner asked if they consider things like cost of living.

Ms. Eledge said they do use a geographic differential to do a market comparison.

Council Member Glover asked how it is a true evaluation of how the employee feels about their job if you ask the employee first, then ask the supervisor if it is accurate.

Ms. Eledge said the interviews and focus groups were based on comments/changes made by supervisors. Those were addressed/readdressed with employees to try to get accurate information on the facts of the job. Managers and supervisors did not change data; merely made notes. She feels they got good feedback. At the end of the study, if an employee feels their position has been inappropriately evaluated, they can request a repeat evaluation.

Council Member Glover stated that she wanted to be sure their final presentation to the City Council includes the employee's reality of what they do. She wants employees to know this is a fair evaluation process.

Ms. Eledge said there have not been a significant number of edits/comments on the job evaluations.

Council Member Glover asked if employees were picked by managers to complete a questionnaire.

Ms. Eledge said every employee was asked to complete a questionnaire. The vast majority of employees turned in their questionnaire.

Council Member Blackburn asked if these were anonymous.

Ms. Eledge said employees were asked to include their name as it represented their job.

Mayor Pro-Tem Kittrell said Ms. Eledge mentioned that it was harder to get data from the private sector. He referred to the CAI Benefits Survey.

Ms. Eledge said they have it and that is what they base much of their comparison on since it is readily available.

Mr. Bowers suggested bringing Mr. Whitworth back up since some of the guidance we are looking for tonight is whether you want to give any direction now on OPEB or do you want to wait for findings from the Classification & Compensation Study.

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Mayor Pro-Tem Kittrell stated that the City and GUC have a great workforce and we certainly do not want to penalize anyone. We want to look after their interests, but we do have to look at funding the things that we need to do for them.

Mayor Dunn said that historically reviews of benefits and changes have occurred over time. Obviously, what drives all of this is increasing costs. Health care has gone up annually, and we need some direction as to what the City Council and the Board at GUC would like to see staff come back with for consideration.

Mayor Pro-tem Kittrell said that he would like to see a variety of options for OPEB, but that needs to be looked at as a total package with our other options.

Dr. Eakins wants to see how sensitive these costs are.

Council Member Joyner asked if staff has given the opportunity for employees to have any comment on this and how OPEB will affect them. He stated he would like to see a list of employee questions and/or concerns and get their feedback on suggestions for how to handle. He asked how this relates to their other benefits and their direct pay.

Council Member Blackburn feels this is a valid point and she would like some forum for hearing employee concerns. She would like to see simple tables for comparison of the effects of various approaches. The options need to be clear to those of us who are non-accountant types. She hopes that we are able to look at all the possibilities for staggering the changes and how that impacts our employees. She asked if the cost to benefit ratio worth the human cost.

Mr. Edmonson stated that he would like to see a percentage of salary our employees get versus private sector employees. That information factors into his mind for what we do for them health-wise. If someone is making \$50K per year in public sector, what will their retirement be, versus someone in the private sector making the same money per year, and how much their retirement will be.

Ms. Eledge said they will try to provide as much detail as they can but some in the private sector feel giving that data out is not in their best interest.

Dr. Eakins said staff sets the agenda, but when we are putting this together we need to make every effort to see the whole picture at one time, even if we have to delay one decision to get to see it all.

Mayor Pro-Tem Kittrell stated that he agreed. We have to look at the overall picture.

Mayor Dunn said that she feels we have all the pieces, but need to present them all together.

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Council Member Joyner said that if staff is looking for guidance, the guidance is to wait until all the data is available then wait and present it all together.

Mayor Dunn pointed out that the City of Charlotte, and she believes, Pitt County Memorial Hospital, have made it so that all employees on board by a certain date would be covered by a certain level of OPEB benefits. All employees hired after that date would not be covered or would be covered at a lesser rate.

Mr. Bowers said there are so many variations and options with OPEB and the range is so broad. He asked if there is any particular direction you want to consider or that you do not want to consider.

Council Member Blackburn said she did not want to see an option where new hires get nothing. She likes the idea of looking at a staggered reduction of what the City contributes, or perhaps doing ratios for varying years of service.

Mayor Pro-Tem Kittrell agreed with looking at that as an option, but likewise, if employees say the 95% is an option the employees just do not want to give up, then we need to look at what has to be cut to do that.

Ms. Carlson stated that it is important that the options are sustainable. It appears that what we are doing now is no longer deemed sustainable.

Mayor Dunn stated that she agrees that the history is not that employers no longer want to reward employees with benefits but that the cost to contribute to do so has become prohibitive.

Dr. Eakins stated that he has a little problem with the comment about employees retiring at a very young age and remaining under benefit package for another 40 years. He wants to see something that brings age and the benefits package together.

Mayor Pro-Tem Kittrell asked if the City has a choice about being in the retirement system. We cannot determine that percentage and it is going up. He would like to see an incentive to stay here and work a little longer.

Council Member Joyner asked Mr. Whitworth if there has been any input from employees.

Mr. Whitworth said it is fairly common to have a council meeting where employee input is solicited or to have a committee made up of a wide selection of employees to make a recommendation. He pointed out that the University of California did a random survey of employees to find out if they knew what their benefits were and whether they were vested. A large percentage did not. Employees should know what their benefits are and what it is costing the employer to provide those benefits.

Council Member Glover stated that it is the Human Resources Department's job to ensure employees know what their benefits are. Many employees may be at a grade

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level where they do not understand these things unless you bring them in and show it to them. She feels many City employees (refuse collectors, etc.) may not have a lot of education and they need to have things explained to them in terms they will understand.

Mr. Whitworth said it is more common for them not to know about OPEB and pension benefits.

Council Member Blackburn stated that we need to literally have a question and answer session with employees before we make these decisions.

Mr. Bowers pointed out that the problem is that staff has had conversations with employees, but we cannot give them specifics yet and it is difficult for them to react to 40 different options.

Mayor Dunn said that if the City Council and GUC are not going to make any change in OPEB, we can stop the conversation right now. If the City and GUC feels we are going to make a change, we need to narrow it down to a few options for the employees to react to. Give employees an idea of the things being considered so they can provide feedback.

Council Member Glover asked if there will be something that tells us that the City and GUC needs to educate our employees and who does know what is going on. She referred to an Institute of Government (IOG) book which refers to evaluations as a subjective process. The employees who are in a depressed state at the City and GUC are getting down deeper and deeper. What are we going to do with these employees? How are we going to address this situation? What are these people making and can these people even afford to pay for their own insurance? Many employees can only cover themselves, but not their families. What can we do to change the problems that we are having now?

Mr. Whitworth said you will get competition between the numbers of employees. When pension and OPEB contributions go up a lot, salary and other fringe benefits may not be able to go up. That is often a tradeoff.

Ms. Eledge said looking at how others respond to that question will help you see what you will be providing to the employee at different levels. Are we going to solve all the problems? She stated that we probably are not going to solve all of the problems.

Council Member Mercer agreed that we need to get a handle on this and he senses a commitment from the City Council on doing that. He asked if the City Council should look at this once the information is available from the Classification and Compensation Study. The sense from the City Council is a willingness to look at some sort of modification of benefits and some form of staggered approach to doing this. The real question for him is how deep the modification will go.

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Council Member Mercer pointed out that the City and GUC have some experience with the \$250,000 being set aside annually. He asked how would we have to adjust benefits to do more, or how would we modify things by doing less? He pointed out that it would help him if we work from what we are doing now and can see how it changes the budget and various benefits to employees.

Mr. Bowers said we need to get this in basic dollar terms. His approach would be to take the cost to fully fund, which would be a pretty big pill to swallow for both organizations, and what will be the impact of doing that.

Mayor Dunn said that she believes Bryant wants to see how the benefits change based on age. Calvin would agree with that as well.

Council Member Blackburn stated that we have to do the pay-as-you-go at the very least, so what we really need to look at is the \$250,000 we are doing now or the \$693,000 to fully fund.

Mr. Edmonson reiterates it must be sustainable as Ms. Carlson said. He requested that staff provide information on what we get for the \$250,000 and also provide information on what we get if we do x dollars more, etc.

Mayor Pro-Tem Kittrell stated that we also have an issue on health insurance to discuss. He feels employees have an avenue to express their views by email to them, to HR, etc.

Mr. Elks asked Ms. Eledge what was the timeframe for bringing the data back on the Classification and Compensation Study.

Ms. Eledge stated that she feels they are looking at presenting the information at a meeting sometime in November, possibly right before Thanksgiving, or the first part of December.

Mayor Dunn asked if she has adequate direction to proceed.

Ms. Eledge stated that she feels she has adequate direction to proceed. They might come back with questions.

Council Member Blackburn asked when the OPEB information will be back.

Mr. Bowers said the OPEB information will be back by the time the Compensation and Classification information is ready.

Mayor Dunn said no one who is currently retired should worry that their benefits will change.

Self-Funded Health Insurance Program

Mayor Dunn pointed out that Jeff Rainstein with Mercer was available to provide a six-month update.

[Mayor Dunn called a brief recess at 8:24 pm.]

[The meeting reconvened at 8:35.]

Mr. Bowers pointed out that Steve Graybill was available via phone for questions.

Jeff Rainstein said they were here last year to discuss whether it was better to go with self funded insurance plan or a fully funded plan. He reviewed last year's estimates, which said they had projected would save approximately \$871,000. They revised those estimates to show that the savings would be \$890,000, but now the projected savings are \$1,965,000. That is based on comparing self-funded costs to fully insured.

Council Member Blackburn asked what stop loss fees are.

Mr. Rainstein said it is insurance on the insurance.

Mr. Edmonson asked if there is an actual reserve set aside to cover the carryover claims from year to year.

Mr. Rainstein said yes.

Mr. Rainstein said for the 2011 projections, they have taken historical claims over the last 12 months to project costs for next year. The main increases are due to health care reform. In 2011, you will have to cover dependants to age 26. There will be a cost impact to cover those individuals.

Mr. Rainstein said with the way the current plan is designed and current contributions, no changes need to be made at this time. Even with health care reform, you will have a small surplus.

Mr. Edmonson asked if there were any savings benefits to the employees. He asked if we could have a deductible go down or a co-pay improvement.

Mr. Eakins said we had discussed the possibility of a wellness plan.

Council Member Joyner stated that he feels we need to look into that.

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Mr. Rainstein said they are working on that now. Employees that are healthier and happier are more productive and there is a long-term benefit on cost for insurance as well.

Mr. Bowers said in order to get our business, Cigna provided money to do wellness. Staff will be bringing plans back to you.

Mr. Rainstein said they had looked at some alternative plans designed to find ways to retain additional savings.

Mr. Bowers said in looking at different options, we have the core plan and the enhanced plan and there wasn't a whole lot of difference. Over the long term, you may want to give them more separation. Since we don't really have to increase premiums for employees and this is all still relatively new, we suggest leaving "as is" for this year and then looking at making more changes next year.

Mr. Elks said that goes hand-in-hand with implementing a wellness program as well.

Mr. Bowers said he recommends keeping employee premiums the same, particularly since employees have not had salary increases. He recommends the City go ahead and put its own money into the fund because there will be bad years in the future. He would like to conservatively continue to build up the budget.

Council Member Blackburn stated that she feels anything with healthcare monies, you should hedge your bets against the future.

Mr. Bowers said there have been many requests from employees to change the dental plan. It is not an insurance program but a reimbursement program. We have asked Mercer to look at this.

Mr. Elks pointed out that the dental reimbursement also does not take advantage of the discounted costs for group plans.

Mr. Rainstein explained how the reimbursement plan works as well as the proposed insurance coverage. The cost can be offset with slightly higher employee contributions. In 2011, employee costs would increase slightly.

Mayor Dunn said that with the dental reimbursement plan you know the maximum that you could pay out. With the insurance, you do not know.

Council Member Joyner asked if the new plan would have rollover for unused benefits.

Mr. Rainstein said that is up to the City and GUC.

Mr. Bowers said that this information presented tonight is a potential option. All of the details have not been worked out. There is enough money in the medical side to cover

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if you elect to do the \$94,000 option. He suggested that this could go to the Pay and Benefits Committee for their review.

Mr. Edmonson asked if dentists were presented the option to bid on the work. He feels it would come in better.

Council Member Mercer made a motion to refer the dental options to the Pay and Benefits Committee for review. There was not an immediate second to this motion.

Council Member Joyner stated that the same people have been on that committee for years. He wondered if we were going to put more people on it or change those that have served for awhile.

Mayor Dunn stated that Mr. Joyner could have her seat on the committee.

Council Member Mercer asked how people have been assigned to this committee in the past.

Mayor Pro-Tem Kittrell seconded the motion to refer the dental options to the Pay and Benefits Committee for review. The motion carried unanimously.

A motion was made by Mr. Edmonson, seconded by Dr. Eakins, to refer the dental options to the Pay and Benefits Committee for review. The motion carried unanimously.

There was a discussion about substituting Council Member Joyner for Mayor Dunn on the Pay and Benefits Committee.

Council Member Mercer said that he is uncomfortable with making a change without knowing how this committee is usually handled. Dave Holec, City Attorney, advised that he would research the history of the Committee and provide this information to the City Council.

A motion was made by Council Member Mercer, seconded by Council Member Blackburn, to keep the health care plan/premiums the same for 2011. The motion carried unanimously.

A motion was made by Mr. Minges, seconded by Mr. Edmonson, to keep the health care plan/premiums the same for 2011. The motion carried unanimously.

Federal Health Care Reform

Mr. Bowers introduced Don Hardin, Mercer, for the presentation on health care reform.

Mr. Hardin stated that health care reform is primarily health insurance reform. As passed, it doesn't address major cost savings opportunities. It may weaken some

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employers' commitment to providing benefits and may impact workforce strategy. It creates significant risks to the federal deficit.

Over 10 years, paying for reform will cost about \$1.1 trillion dollars. There will be increased revenues through taxes/fees. There will be penalties for people who do not buy coverage and penalties for employers who do not provide coverage or provide it at unaffordable levels. There will be increased taxes on upper income, fees on employers, health plans and suppliers, etc.

Most Americans are very confused about what is in this bill. It is 2,000 pages of legislation that contradicts itself at some points. He feels reform will increase costs for most employers. You can cover adult children regardless of student or marital status. You will be impacted by some industry fees.

Health insurance exchanges due to come out in 2014 is not a given as the outcome of the next election is not yet known. It will depend on if Americans vote out the incumbents running for reelection.

A federal judge refused Monday to dismiss a Virginia lawsuit against the mandate on health care coverage.

Don Hardin reviewed the key elements of health reform for employers and stated that there is a lot of information to absorb between now and 2013. There will be changes that apply to self-insured plans but the City and GUC's plan will be grandfathered.

Beginning in 2011, you can cover adult children until they turn 26, or to the end of the year they turn 26 if you like. There will be no pre-existing condition exclusions for children under 18. Policies cannot be cancelled if you get something like breast cancer or if you have a heart attack.

Some grandfathered plans can have annual maximums until 2014.

Mr. Hardin discussed the process for appeals. Cigna probably has someone they are working with. At some point this will apply to you, although this is not something you need to be worried about now.

Mr. Graybill said this is something we have delegated fiduciary duty for Cigna.

If you change your OPEB more than 5%, you will lose your grandfathered status for health insurance because your retiree insurance is not a separate plan.

Ms. Carlson asked if the 5% is annually or over the lifetime of the plan.

Mr. Hardin stated that he feels it is as the plan existed in March 2010.

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Mr. Hardin stated that it is unclear when employers have to automatically enroll employees in the plan. There is a 60-day advance notice of plan design changes. This is probably not an issue, but something to be aware of.

Beginning in 2011, the W2 form must include the aggregate cost of employee health insurance (what the employer contributes and what the employee contributes).

Council Member Blackburn asked if that makes it taxable income.

Mr. Hardin stated that it is a mechanism for verifying you have insurance coverage.

Mr. Hardin pointed out that beginning next year, you will no longer be able to get over-the-counter medicines reimbursed out of a health spending account without a prescription. There will be a tax on pharmaceutical manufacturers which likely will be passed along to customers.

Mr. Hardin stated that in 2012, there will be a new tax on group health plans (\$1 per participant per year and that doubles the next year). It is to fund federal research on comparative effectiveness research.

Mr. Graybill stated that he feels that is something to do with improving the quality of the health care system.

Mr. Hardin pointed out that in 2012 there will be a uniform benefits summary. In 2013, the maximum annual contribution to FSA is \$2,500 which will be an issue for people whose kids have orthodontia needs. There will be new taxes for high income households and a tax on medical devices. Employer costs will increase 4% to 6% in the short-term (best guess based on various proposed taxes). This estimate is not specific to City or GUC. The rates on individual and small group coverage are uncertain. There is a potential for more mandates in the future. The expectation is that more employers will move toward self-insurance to avoid all the hidden costs.

Mayor Pro-Tem Kittrell asked if the penalties have been decided for employers who do not provide coverage and how do these employees find coverage.

Mr. Hardin stated that this is where the health care exchanges come in. He reviewed the four types of plans.

Council Member Glover stated that the National League of Cities (NLC) is against any Medicare cuts and they are our largest lobbyist. Medicare is covered 100% until 2037.

Mayor Pro-Tem Kittrell stated that is not what this reform is saying.

Mr. Graybill pointed out that the real key is that Medicare Advantage patients are reimbursed at a higher rate than the normal Medicare payment.

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Council Member Blackburn said that it seems like the dependent coverage to age 26 will impact us.

Mr. Bowers pointed out that the City and GUC covers dependents to age 26 if they are students. The difference will be coverage for those who are not in school or who are married but do not have employer provided coverage available to them.

ADJOURN

There being no further business, a motion was made by Council Member Joyner, seconded by Council Member Blackburn, to adjourn the meeting at 9:45 p.m. The motion carried unanimously.

There being no further business, a motion was made by Dr. Eakins, seconded by Mr. Edmonson, to adjourn the meeting at 9:45 p.m. The motion carried unanimously.

Prepared by:
Jean F. Forrest, Recording Secretary
Greenville Utilities Commission

Respectfully submitted,

Carol L. Barwick, CMC
City Clerk



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a bus franchise to Christopher Rupp, d/b/a The Buccaneer Transportation Service

Explanation: Christopher Rupp, d/b/a The Buccaneer Transportation Service, has made application for a franchise to operate one bus. As noted in the attached supporting material, review by the Financial Services, Community Development, and Public Works Departments resulted in several questions or concerns, which have been addressed by the applicant. Mr. Rupp's response is included at the end of the attached application packet. The Police Department also reviewed the application packet and recommends approval. A public hearing for Mr. Rupp's request is scheduled for October 14, 2010, and was advertised on The City Page in The Daily Reflector on October 4, 2010 and October 11, 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: Consider adoption of the first reading of the attached ordinance granting a bus franchise to Christopher Rupp, d/b/a The Buccaneer Transportation Service.

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

Attachments / click to download

- [Application Packet from Christopher Rupp](#)
- [An ordinance granting a bus or mass transit franchise to Christopher Alan Rupp d b a The Buccaneer Transportation Service 878944](#)

ORDINANCE NO. 10-____
AN ORDINANCE GRANTING A BUS OR MASS TRANSIT FRANCHISE
TO CHRISTOPHER ALAN RUPP
D/B/A THE BUCCANEER TRANSPORTATION 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 bus or mass transit 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 bus or mass transit business; and

WHEREAS, Christopher Alan Rupp, d/b/a The Buccaneer Transportation Service, is an applicant for a franchise permitting the operation of 1 bus or mass transit unit 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 bus or mass transit 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 bus or mass transit franchise is hereby issued to Christopher Alan Rupp, d/b/a The Buccaneer Transportation Service, to permit the operation within the City of Greenville of not more than 1 bus or mass transit unit.

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 11th day of October, 2010.

Second reading and final adoption on the 14th day of October, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

APPLICATION FOR FRANCHISE
BUS LINE OR MASS TRANSIT

(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 bus line/mass transit franchise under the provisions of the Greenville City Code, Title 10, Chapter 1, 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 bus lines/mass transit systems.
2. The individual, corporate or trade name and business address of the applicant is:

The Rupp Group
3. The Applicant is:
 - A. An individual and sole owner of the bus line/mass transit business to be operated under the above name.
 - B. A corporation, or limited liability corporation, chartered under the laws of the State of North Carolina in the year 2010, and the officers of the corporation are: Alan W. Rupp,
Carol A. Rupp and Christopher A Rupp
 - C. A partnership, as shown by articles hereto attached, and the names of partners are: _____
4. The Applicant operates in the following cities: Greenville, NC
5. The Applicant is requesting franchise to operate 1 Bus [number/type of vehicle(s)]. No vehicle may be leased to any person or business other than the franchise holder and no independent driver or vehicle may operate under the applicant's franchise if the franchise is approved.
6. The Applicant is to identify the physical business address where the business will be operated and business conducted, and any leases, lease binders or options, purchase agreements or purchase options.
7. 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, carrying capacity of each unit, and a copy of all vehicle insurance binders.
Exhibit C.	Financial statement showing assets, liabilities and net worth of applicant.
Exhibit D.	Statement or copies of lease agreements or parking agreements showing applicant has made complete arrangement for off-street parking of all motor vehicles. Such statement or agreements must show the location of such parking.
Exhibit E.	Statement of proposed fares for transportation of persons and property.
Exhibit F.	Statement of experience of applicant in conducting bus line/mass transit business.
Exhibit G.	The Applicant is to provide the name and address of all prospective drivers. If the franchise is approved, each named driver shall be required to obtain official results of a drug screening for the driver(s) from a practicing licensed physician <u>AND</u> a waiver from the physician who conducted the drug screening releasing the results to the Greenville Police Department.
Exhibit H.	A complete description, which clearly outlines all proposed bus routes and scheduled stops for each of the vehicles authorized under this franchise.

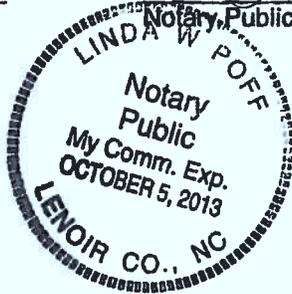
APPLICATION FOR FRANCHISE
BUS LINE OR MASS TRANSIT
PAGE 2

HAND PRINT OR TYPE

LAST NAME Rupp		FIRST NAME Christopher		MIDDLE NAME Alan	
ALIAS OR NICKNAME	SEX M	AGE 22	WEIGHT 180	HEIGHT 5'11	ID NO.
ADDRESS Greenville, 118 Brownlea Dr APT 1 NC 27858		HAIR Light	EYES Hazel	COMPLEXION White	
OCCUPATION Self-Employed			DRIVERS LICENSE NO.	IDENTIFICATION NO.	
PLACE OF BIRTH Erie, PA			DATE OF BIRTH 02/21/88	SOCIAL SECURITY NO.	

Signature of Applicant *Christopher Rupp*

Subscribed and sworn to before me this 9th day of August, 2010
My Commission Expires: 10/5/2013 *Linda W. Poff*



Business Plan

The Buccaneer Transportation Service

Owned and Operated by: The Rupp Group, LLC

The Buccaneer

P.O. Box 3001

Greenville, NC 27836

(919)280-3951

Alan.Rupp@theruppgroup.com

Carol.Rupp@theruppgroup.com

Chris.Rupp@theruppgroup.com

Executive Summary

The Buccaneer is a late night bus transportation service provided mainly for students of East Carolina University. With over 27,000 students and growing and a centralized area of nightclubs and bars there is a significant demand for safe transportation from the students' residence to downtown Greenville, NC. Our service will begin with one bus with a capacity of 60 adults. This will be a fare based service to the six main apartment complexes of East Carolina students. We may also negotiate a semester-based service contract with the property management companies.

We will provide students with a safe and fun alternative way to travel to their desired night activities at low cost. The demand for this service is immediate because the university suspended operations during the summer and already reduced run time in the fall. Our business model provides for a security officer on every bus to ensure the students' safety. We believe this will provide a superior transportation service than is currently available for ECU students.

General Company Description

Mission Statement: The Buccaneer is a nightly bus service transporting students to and from their apartment complex home and downtown Greenville, NC. We provide the safe transportation to and from downtown for students.

Company Goals and Objectives: Our main goal is to provide students a safe alternative transportation to and from their home and the establishments located downtown. Our service is aimed at keeping our roads safe and in return, providing a reasonable profit to the owners of the company.

Business Philosophy: Safe and responsible travel for students.

Market: College students located in Greenville, NC. The Greenville market provides a good opportunity to grow the business due to continued student population growth and shortage of available late night transportation services. Pirate Express, provided by East Carolina University, runs a similar service Thursday through Saturday nights from 11pm-3:30am. We have opportunity for growth during these times as well as the time frames that Pirate Express is not in operation. This includes the summer, holidays and operating in the hours Pirate Express does not.

Company strengths and core competencies: The most important factor for this start-up company to succeed is to provide service as soon as possible. This will allow our market and business to grow as there is no other similar service currently provided until the end of August. The partners of this business bring a wide variety of contributions to the community and the company for it to succeed. The financial aspect of the company is managed by Alan W. and Carol A. Rupp of Cary, North Carolina. Alan is a CPA with 26 years of business experience and Carol manages a travel operations department for one of the nations' largest travel agencies. The day to day operations of the business will be managed by Christopher A. Rupp of Greenville, NC. Christopher is a graduating senior at ECU, with a degree in Economics and minor in Business Administration.

Legal form of ownership: Our business is a Limited Liability Corporation: The Rupp Group, LLC.

Services

Our service is intended to provide students at local apartment complexes transportation from their home and downtown Greenville, NC. With the 6 main apartment complexes having more than 1000+ students living at each one, there is a demand for these students to reach the ever popular bars and nightclubs downtown.

In the first stage of operation we will have one bus providing this service, each one way trip can hold up to 60 passengers. One round trip to any single apartment complex takes fifteen minutes in duration. We will charge a nominal rate of approximately \$1 per person each way. There will be preset times that the bus will stop at each location to let students know when to arrive at the stop.

The advantage to our bus service is that we provide extended hours of operation. We provide a college friendly experience as well as a safe alternative, with security on the bus at all times.

Along with the fare revenue we will also allow advertising on our buses for local businesses looking to reach out to college aged students. The apartment complexes have indicated they may be willing to pay for our service. In that event, we may negotiate contracts with various apartment complexes to provide our service for a specific period of time.

Marketing Plan

Market research

Extensive research has been concluded regarding the population and location of students. Primarily in Greenville, NC there are 6 primary apartment complex locations that all yield 1000+ residents which are roughly 90% college students. The demand for late night transportation is extremely high due to the risks of driving while under the influence as well as limited parking near the desired establishments. There are several ways to market our business in these areas as well as on the campus of ECU.

East Carolina University is home to more than 27,000 students and the fastest growing collegiate school in the state for six years straight. Only 27% of these students live on campus, the majority of the remaining students are housed off campus in apartment complexes. The six main complexes are The Bellamy, The Landing, Copper Beech Townhomes, Pirate's Cove, Sunchase, and North Campus Crossing.

Economics

Industry Facts:

- There are more than 6000 students and young adults in our prime market.
- Will have full market share during the summer, and potentially half of the market share during the academic school year.
- Current demand is great as there is limited supply of this service.
- In the 100+ years of existence of ECU there has only been Pirate Express that provides a similar service for the past five years.
- Our growth potential is strong, after starting our service with one bus, we expect our profit margins will enable expansion to several buses within one year.

Service

Features and Benefits

- The most important features to our service is the safe and responsible way to travel to and from home and downtown Greenville, NC. With the consequences and dangerous risks of driving while under the influence, this is a necessity for an ever growing college town.
- The benefit of this service is mainly keeping our roads safe and clear of intoxicated drivers. This keeps the community safer in general and also increases business at the downtown

establishments. We also ensure the safety of the passengers having security on the bus at all times.

- Along with these benefits we aim to keep our constituents satisfied. This includes our riders, management at the apartment complexes and the city of Greenville. We will provide follow up visits to each complex to ensure we are meeting or exceeding their expectations for our service. We will also work closely with the city to ensure we are providing effective operations and operating within the guidelines provided by city government.

Competition

List of major competitors:

- Pirate Express, East Carolina University
 - They offer a more broad service having several buses running at one time. Although they do not charge a fare for each rider the apartment complexes pay several thousands of dollars to have this service. The service is only run from Thursday through Saturday from 11pm to 3:30am.

Strategy

Promotion

We will mainly promote our service at the apartment complexes with flyers and posters. We will also do the same at several locations on the campus of ECU. Other opportunities include radio ads and advertising at the establishments' downtown. We have budgeted \$500 in initial costs to do this.

Equipment

We will provide 60 person capacity school-bus type equipment for transportation purposes, including buses manufactured by Blue Bird and Thomas Built. Specific makes and models will vary based on availability. We will own these vehicles outright. All buses will be painted with ECU-appropriate colors. We have obtained appropriate insurance quotes and will maintain significant liability insurance. Insurance quotes are attached. All bus drivers will be Commercial Driver Licensed (CDL) drivers, certified by the state of North Carolina. We will store the buses at Storage Unlimited, 4909 NC 33 Highway, Greenville, NC.

Budget

Initial Cash Requirements:

	<u>Purchased</u>
Bus	\$8,000
Insurance	\$1,300

Exhibit E

Bus Storage	\$150
Travel Expenses to obtain bus	\$500
Promotional Advertising	\$500
ESTIMATED TOTAL	\$10,450

Pricing

We will charge a one-way fare fee of \$1 per rider. Additional revenue will result from the apartment complexes that contract to use our service. This is a business practice already in place with the University. Local businesses will also be able to target riders with on-board advertising sales.

Sales Forecast

ESTIMATED FARE TOTALS (4 nights/week at 10 one-way trips)	1 Bus	2 Buses	3 Buses
Per Night	\$600	\$1,200	\$1,800
Per Week	\$2,400	\$4,800	\$7,200
Per Month	\$9,600	\$19,200	\$28,800
Per Year	\$115,200	\$230,400	\$345,600
ANNUAL GRAND FARE TOTAL	\$115,200	\$230,400	\$345,600

ESTIMATED FARE TOTALS (4 nights/week at 10 one-way trips)	1 Bus	2 Buses	3 Buses
Per Night	\$600	\$1,200	\$1,800
Per Week	\$2,400	\$4,800	\$7,200
Per Month	\$9,600	\$19,200	\$28,800
Per Year	\$115,200	\$230,400	\$345,600
Service Contract for 6 Apartment Complexes per year (\$1,000ea/sem)	\$12,000	\$12,000	\$12,000
On-Board Advertising per year (\$400/month)	\$4,800	\$9,600	\$14,400
ANNUAL GRAND TOTAL WITH ALL REVENUE	\$132,000	\$252,000	\$372,000

Exhibit C

Operating Expenses

	1 Month	6 Months	1 Year
Interest Expense on Loan (24 month loan at 9.5%)	\$80	\$480	\$960
Maintenance	\$300	\$1,800	\$3,600
Fuel (500 miles/week)	\$600	\$3,600	\$7,200
Insurance	\$500	\$3,000	\$6,000
Bus Storage	\$150	\$900	\$1800
Driver Expense (\$60/night)	\$960	\$5,760	\$11,520
Security Expense (\$60/night)	\$960	\$5,760	\$11,520
ESTIMATED TOTAL EXPENSES	\$3,550	\$21,300	\$42,300

	1 Bus	2 Buses	3 Buses
1 Month	\$3,550	\$7,100	\$10,650
6 Months	\$21,300	\$42,600	\$63,900
1 Year	\$42,600	\$85,200	\$127,800
ESTIMATED TOTAL EXPENSES	\$67,450	\$134,900	\$202,350

Income Summary Table

	1 Month	6 Months	1 Year
Total Revenue	9,600	57,600	115,200
Total Expenses+10% Cushion	3,905	23,430	46,860
TOTAL NET PROFIT BEFORE TAX/BUS	5,695	34,170	68,340

Operational Plan

One bus will initially run from 9pm-3am Wednesday through Saturday nights with the possibility of limited service Sunday through Tuesday nights.

The bus will have an operator solely responsible for driving the bus safely.

The bus will have security onboard at all times to collect fares and ensure the safety of all passengers as well as enforcing all bus rules and North Carolina laws.

Management and Organization

The company will be run by three owners, Alan W. Rupp, Carol A. Rupp and Christopher A. Rupp. Alan and Carol Rupp are responsible for the financial and planning side of the business. Christopher Rupp is responsible for the day to day operations of the business.

Sincerely,

Alan W. Rupp



Carol A. Rupp



Christopher A. Rupp





FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: August 27, 2010

SUBJECT: Taxicab Application for Bus Franchise d/b/a The Buccaneer Transportation Service

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the names The Rupp Group, The Buccaneer Transportation Service, Alan W. Rupp, Carol A Rupp, and Christopher A Rupp.

As of today, Mr. Alan William Rupp has an unpaid parking ticket. The Ticket was issued on 5/18/10 for NO PARKING ZONE RESIDENTIAL. The balance due with penalties is \$50.00. This was the only debt found in any of the above names.

If I can provide further assistance, please call.

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

Doc # 177282

RECEIVED
9-9-10



Brace.

Ted

** In considering
the impact on
downtown &
believe we will
see no change.*

GREENVILLE POLICE DEPARTMENT

MEMORANDUM

September 9, 2010

TO: Chief William Anderson
Capt. Ted Sauls

FROM: Cpl. C.B. Viverette *CB* ✓

SUBJECT: Taxi/Limousine Franchise Application for Christopher Alan Rupp

DMV

*** DRIVER LICENSE STATUS: CLS C ACTIVE ***

CLASS	GRP	TYP	ISSUE DT	EXPIR DT	CDL	DISQ	PROB	PRIV	RESTR	COND	STATUS
C		D	06-14-10	02-21-13	N	N	N	N	N	N	ACTIVE

01-02-10 02-04-10 CONV: (313)SPEEDING (74 MPH IN A 65) 3
COURT: WAKE COUNTY COURT, NC
COURT: AOC #: 2010CR 700421 CITATION ID: 0993E717

AOC

Charged Disorderly Conduct Pitt Co. 2009CR012058

DCI

No Record

NEW WORLD

No New Record

I could not locate evidence of a past criminal history that would preclude Mr. Rupp from obtaining a Bus Franchise.

Additionally, City ordinance 11-1-32 (a) and 11-1-36 requires that a finding of public convenience and necessity be made concerning the appropriateness of allowing an additional vehicle for hire franchise. This duty is placed on the applicant to provide information to support

such a finding. However, I recently contacted franchise owners to get additional information on the market that exist for taxi operators. Owners for 9 (unable to contact Express Taxi) of the 10 existing vehicle for hire franchises were contacted to discuss the necessity of additional taxi franchises. Six (6) of the nine (9) recommended denial of the application for franchise. All cited the slow, struggling economy and lack of available patrons to make continued operation worthwhile.

Currently, the City of Greenville has approved ten (10) vehicle for hire franchises for operation. These franchises are approved to operate a total of 56 vehicles. However, franchises produced a total of twenty-five (25) cars during inspection. Less than half of the vehicles authorized by council are actually in operation. This can be attributed to cost of operation (insurance, gas, vehicle maintenance) and decrease in the number of fares being transported daily.

Although this franchise is completely different from existing vehicle for hire franchises, the ability to transport and provide service to such a large segment of the community will greatly impact existing franchises. However, existing franchises have the ability to obtain larger vehicles to provide a similar services if they choose.

Based on the above, I recommend approval of the application for bus franchise.

Cowan

9/13/10

Carol Barwick

From: Nancy Harrington
Sent: Thursday, September 09, 2010 3:29 PM
To: Carol Barwick
Cc: Wes Anderson; Kenneth Jackson
Subject: Application for Bus Franchise

We have reviewed the application packet and have the following comments:

1. All transit service is required to be accessible. There is no reference to the ADA requirements for accessibility. Are the buses equipped to carry two wheelchairs? Adherence to the provisions of the ADA is NOT based on whether one receives federal or public funding. The ADA is civil rights legislation that pertains to all entities.
2. They must comply with all drug testing requirements under Department of Transportation rules for CDL drivers. There is no reference to this. The Federal Motor Carrier's Safety Administration regulations require alcohol and drug testing of drivers who are required to have a Commercial Drivers License (CDL).
3. Where is the drop-off/pick-up point downtown? Has that been established and has the City approved?
4. Is there a back up vehicle? What is the plan if the bus breaks down?

Please call me at extension 4047 if you have any questions.

Carol Barwick

From: Michael Dail
Sent: Monday, October 04, 2010 1:32 PM
To: Carol Barwick
Subject: FW: Zoning Comments - Application for Bus Franchise - Chris Rupp

From: Michael Dail
Sent: Thursday, September 02, 2010 3:57 PM
To: Merrill Flood
Subject: Zoning Comments - Application for Bus Franchise - Chris Rupp

Please review and forward to Carol Barwick at your convenience.

I contacted Mr. Rupp on September 2, 2010 and he informed me that he wanted his business office for his bus service to be at his apartment. For Mr. Rupp's business to comply with current zoning regulations he would have to apply for a privilege license and fill out a home occupation assessment form for staff review to ensure all standards would be met. Also to comply with zoning regulations Mr. Rupp's bus could not be parked or stored at his apartment complex because it is considered a commercial vehicle. The bus would have to be stored at an offsite location that is zoned appropriately for a taxi service (CD, CDF, CG or CH zoning) or at a storage facility. Mr. Rupp did state that he intended to store the bus at a storage facility during our conversation.

Therefore Mr. Rupp may use a portion of his apartment located at 118 Brownlea Drive as an office for his bus service with an approved privilege license. This type of use is considered an incidental home occupation and is limited as stated below:

"The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages or mail, record or bookkeeping filing, address listing for applicable privilege license or tax identification and other similar activities, which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services",

and is subject to the following standards:

- not more than one person is engaged in the conduct of the listed activity;
- the person that is engaged in the conduct of the activity shall be a permanent resident within the subject dwelling;
- not more than two customer/clients shall be allowed on the premises at any one time;
- no on-site signage shall be displayed in connection with the limited in-home service and/or business activity;
- Shall not be permitted within any detached accessory structure or building;
- Shall constitute an accessory use to the principal use;
- Shall not occupy more than 20% of the mechanically conditioned enclosed floor space of the dwelling unit;
- Shall not be visible from any public right-of-way or adjacent property line;

- Shall not involve the on-site sales of products;
- Shall not involve any outside storage of related materials, parts or supplies;
- Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

Thanks,

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



THE RUPP GROUP
P.O. Box 3001
Greenville, NC 27836
(919) 280-3951

October 5, 2010

Ms. Carol L. Barwick
City Clerk
City of Greenville
200 West Fifth Street
Greenville, NC 27858

Re: Bus Franchise Inquiry

Dear Ms. Barwick:

Thank you for your inquiry regarding our application for a bus franchise. We have taken all the questions and concerns of the City of Greenville and ECU into careful consideration. Below you will find our responses to these concerns:

1. The outstanding obligation of a \$50.00 parking ticket issued to Alan William Rupp has been reconciled with the City of Greenville.
2. The bus we will purchase pending the outcome of the City Council meeting will fully meet all ADA requirements listed in subpart-G, Sections 1192.151-1192.161 of the ADA Accessibility Guidelines for Transportation.
3. Each and every one of our drivers will fully comply with all DOT regulations. This includes having the proper CDL license to transport passengers, pass a knowledge test on rules and regulations and demonstrate skills to properly operate a bus safely. Physical testing is required that includes good hearing, at least 20/40 vision, normal blood pressure and normal use of arms and legs. To also comply with DOT regulations we will test each driver for alcohol and drug use as a preliminary condition of employment. Our company also requires previous experience in transit bus driving, random drug and alcohol testing of our drivers while on duty and a clean criminal record including no felonies. Lastly, due to the nature of our service our drivers will be assessed to ensure an even temperament, emotional stability, and customer service and communication skills to ensure the safety of all passengers.

Ms. Carol L. Barwick
October 5, 2010
Page 2

4. We plan to use the existing bus stops already in use. This will include the bus stops at the front of the apartment complexes as well as the designated bus stop located downtown on Reade St. We have spoken with the Director of Public Works Mr. Wes Anderson and have agreed to terms of use for this stop. This pick-up and drop-off location downtown is ideal being that students are familiar with this area and it will not interfere with the GREAT service or Pirate Express. Our employees will also ensure that the area is regularly cleaned and any trash is properly disposed of.
5. In the unlikely case of an emergency break down of our bus while passengers are onboard, we have partnered with another local business Courtesy Transportation to ensure all passengers reach their destination. They have agreed to allow us to use a 2007 15 passenger van to make sure we can complete all necessary routes and ensure our passengers reach their final destination.
6. We plan to purchase our vehicles from the Federal Government. In order for them to sell a government transit vehicle to a private entity, the bus is required to pass mechanical and cosmetic inspections that ensure the bus is in good working condition. Additionally, our business plan provides adequate funding for maintenance and repairs to ensure the bus is continuously operating within all required laws and regulations. Our business also provides for a security officer on board the bus at all times to protect the safety of our passengers. This trained individual will ensure all company rules and policies are followed as well as state and federal laws.

If you have any questions regarding any of the aforementioned information, please contact me at (919) 280-3951 or email at chris.rupp@theruppgroup.com so we are prepared to respond at the City Council meeting on October 14, 2010.

Thank you for your assistance in this matter.

Sincerely,



Christopher A. Rupp, Owner
The Rupp Group, LLC



City of Greenville
P.O. Box 7207
Greenville, NC 27835

Privilege License Registration Form

Please Check one:

Corporation: Date of application: 10/4/10 Amount paid: _____
 Individual: Date Business to Begin: 10/15/10 Number of employees: 3
 Partnership: New Business:
 LLC: Transfer of Ownership: _____
 Location Change: _____
 Home Occupation _____ Federal identification# _____

Status (Please check one):

American Indian _____ African American _____ Female(Non-Minority) _____
 Hispanic Indian _____ Asian American _____ Male(Non-Minority)
 Socially & Economically Disadvantaged _____ Disabled _____

Business Name: The Rupp Group
 Mailing Address: PO BOX 3001 Greenville, NC 27836
 Physical Address: 118 Brownlea Dr APT 1 Greenville, NC 27858
 Phone Number: 919-280-3951
 Fax Number: _____
 Last 4 Digits SSN #: _____

Name of Owner/Operator Alan Rupp, Carol Rupp, Chris Rupp
 Address: 118 Brownlea Dr APT 1 Greenville, NC 27858
 Phone #: 919-280-3951 Fax#: _____ Email Address: info@theruppgroup.com
 Driver's License #: _____ Date of Birth 02/21/88
 Give complete Detail/ Nature of business:
The Career Bus service.

Additions to existing building or new signs: _____ If yes, a separate zoning compliance and building permit is required. Please contact Planning at 252-329-4518.

By signing this application, it is understood by the applicant that the issuance of a privilege license here under does not constitute acceptance or approval of the named location as having complied with existing building codes or fire protection codes. A licensee shall remain fully liable and responsible for bringing the premises into conformity with all applicable City and State codes.

Business Name: The Rupp Group Signature: [Signature]
 ** Please do not write below this line. Reserved by Zoning Comments**

Planning Department Approval: _____ Date: _____
 Code Enforcement Approval: _____ Date: _____
 Doc # 780384



City of Greenville
Finance/ Revenue
P.O. Box 7207
Greenville, NC 27835
252-329-4450

HOME OCCUPATION ASSESSMENT FORM

I, Christopher A Rupp; hereby request to operate
(Print Full Name)

The Rupp Group, LLC (The Buccaneer Bus Service) at the following location:
(Type of Business Activity)

118 Brownlee Dr Apt 1 Greenville, NC Phone Number: (919) 230-3951
(Street Address of Residence)

Dwelling Type: Single Family Detached Home
 Duplex
 Multi-Family (i.e. Apartments)

Characteristics of Activity

1. Does the activity involve the sale of products or delivery of services at the residential address specified above? NO (If yes, explain) _____

2. Does the activity involve assembly or manufacture of products at the address specified above? NO (If yes, explain) _____

3. Does the activity involve distribution, reception, or storage of materials or products at the address specified above: NO (If yes, explain) _____

4. Total number of persons who provide assistance at the address listed above or are employed in the activity: 3. (If any) Are they paid or volunteers? Paid

5. Number of persons listed in the question above (number 4) who are not full time residents at the subject address: 2.

6. Number of available parking spaces (minimum 9'x18' per space): 10
NOTE – ON STREET PARKING AND/OR PARKING ON ADJACENT LOT(S) DO NOT QUALIFY.

7. Estimated number of trips (visits) per day from persons (patrons) requesting products or services: 0; Do trips overlap? (If yes, explain) _____

8. Will the activity be visible from any adjacent street or property line of the address listed by you on the reverse of this form? 0 (If yes, explain) _____

9. Will the activity require advertisements? NO (If yes, explain) _____

10. Will the activity generate noise, odor, fumes, smoke, or other similar characteristics at the address listed by you on the reverse of this form? NO (If yes, explain) _____

11. Number of vehicles and/or trailers used in connection with the activity that will be parked or stored at the address listed by you on the reverse of this form: 1
Description of each: Personal truck, 2006 Dodge Dakota

12. Describe the specific areas (rooms), within the dwelling where the activity will be conducted:
Two bedroom apartment, one occupant. Second bedroom has been made into office.

13. Describe the method of operation: Bus will be stored at storage facility, office at home only used for business purposes.

The aforesaid is a complete description of the proposed activity. I agree to amend the assessment form and resubmit the same for reconsideration and approval prior to any change in the activity as listed under items 1-13 above.

I further understand that a special use permit of the Board of Adjustment may be required prior to any operation of the activity.

Signature 
Date 10/04/10



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a limousine franchise to Elliott Land, d/b/a Signature Limousine & Transport Service, Inc.

Explanation: Elliott Land, d/b/a Signature Limousine & Transport Service, Inc., has made application for a franchise to operate two limousines. 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 the City of Greenville; however, a franchise from the City Council must be granted to allow Mr. Land to operate his limousine service within the city limits of Greenville. A public hearing on Mr. Land's request is scheduled for October 14, 2010 and was advertised on The City Page in The Daily Reflector on October 4, 2010 and October 11, 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: Consider adoption of the first reading of the attached ordinance granting a limousine franchise to Elliott Land, d/b/a Signature Limousine & Transport Service, Inc.

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

Attachments / click to download

[Application Packet from Elliott Land](#)

[An ordinance granting a Limousine Franchise to Elliott Land D B A Signature Limousine Transport Service Inc. 878983](#)

ORDINANCE NO. 10-____
AN ORDINANCE GRANTING A LIMOUSINE FRANCHISE
TO ELLIOTT LAND
D/B/A SIGNATURE LIMOUSINE & TRANSPORT SERVICE, INC.

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, Elliott Land, d/b/a Signature Limousine & Transport Service, Inc., is an applicant for a franchise permitting the operation of 2 limousines 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 Elliott Land, d/b/a Signature Limousine & Transport Service, Inc., to permit the operation within the City of Greenville of not more than 2 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 11th day of October, 2010.

Second reading and final adoption on the 14th day of October, 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:
Signature Limousine & Transport Service, INC.
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 2008, and the officers of the corporation are
Elliott Savetra Land
 - C. A partnership, as shown by articles hereto attached, and the names of partners are:
Elliott Savetra Land
4. The Applicant operates in the following cities: Greenville Pitt
5. The Applicant is requesting franchise to operate 2 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>Land</u>		FIRST NAME <u>Elliott</u>		MIDDLE NAME	
ALIAS OR NICKNAME	SEX <u>M</u>	AGE <u>49</u>	WEIGHT <u>260</u>	HEIGHT <u>6.2 1/2</u>	ID NO.
ADDRESS <u>309 Allen Dr Ayden NC.</u>	HAIR <u>B</u>	EYES <u>Brown</u>	COMPLEXION		
OCCUPATION <u>Limousine Business</u>		DRIVERS LICENSE NO.	IDENTIFICATION NO.		
PLACE OF BIRTH <u>NYC.</u>	DATE OF BIRTH <u>12-14-60</u>		SOCIAL SECURITY NO.		

Signature of Applicant Elliott Land

Subscribed and sworn to before me this 20th day of September, 2010.

My Commission Expires: 04/02/2015

Carol Barwick
Notary Public Item # 3

CITY OF GREENVILLE OFFICIAL RECEIPT

Receipt # 66-30988 Date 09/20/10 Receipt no. 005000

Receipt for Qty Description To Bu
TOLSON DEPARTMENT 1 470.00 TAXI EXPENSE 10/12
CASE 01000003000018
MAYNOR ONE ALTHOUSE NEW HAMS

Amount 470.00
Tax 0.00
Total 470.00

Printed date: 09/20/10 Time: 11:11:03

Question A:

I purchased the limousine business from Yankee Hall Plantation. The business was already established in the Greenville/Eastern North Carolina area at that time. Because I purchased the business from them, I am recommended for all of the weddings that are at the Plantation. Generally, the client and their guests reside in Greenville hotels. I also provide a service to clients of Rock Springs where multiple weddings are held, and again, the clients and guests reside in Greenville Hotels. Finally, I attend the bridal shows at the Convention Center & Rock Springs. These appearances allow me to be visible to the public & to showcase my business in this area.

In addition to weddings, I am also available for Proms and I have also been hired to provide transportation services for Greenville businesses who have clients coming into the area from various locations outside of Greenville. In these situations, I generally pick up clientele at RDU or other locations, & transport them to Greenville and back to RDU after their stay in the area.

I think that my business is an important asset to the City of Greenville & that it shows how Greenville has good & reliable businesses to offer its residents and visitors. I hope to continue providing this important service.

Elliott Land

Signature Limousine & Transport, Inc.

<u>Exhibit B.</u>	VID #	YR	make	model	Plate #
	1L1FM81W5YY796254	2000	Lincoln Town car	LM	ZD2718
	HCDK54E23S2108288	1995	OSHK	VN	ZD9373

Limousine Bus and Town car

C. Financial Statement Showing assets

Limousine payment	Rate pre hr \$75.00	cost pre Day \$100.00
\$500.00 GFS	Limousine worth \$14,000.00	

Bus payment	Rate pre hr \$70.00	cost pre Day \$130.00
\$320.00 GFS	Bus worth \$10,000.00	

D. Arrangement for off Street parking

At my home 309 Allen Dr Ayden N.C.
in the garage and in the yard 28513

E. Statement of proposed fares

Limousine \$75.00 hr

Bus \$70.00 hr

F. Statement of Experience

3 yr running Limousine business
Signature Limosine
252-944-3007



PUBLIC AUTO POLICY DECLARATIONS

Coverage is provided in Company checked
 NORTHLAND INSURANCE COMPANY
 NORTHLAND CASUALTY COMPANY
 NORTHFIELD INSURANCE COMPANY
 St. Paul, MN 55120-1139
 STOCK COMPANIES

Check here if PART 2 is attached

ITEM ONE - NAMED INSURED AND ADDRESS		Policy Period	Individual	POLICY NO. TP252161
SIGNATURE LIMOUSINE AND TRANSPORT INC 309 ALLEN DRIVE AYDEN NC 28513 20% Down - 10 Payments		From 08/08/2010 To 08/08/2011 12:01 A.M. Standard Time at Named "Insured's" Garaging address	<input checked="" type="checkbox"/> Partnership Corporation <input type="checkbox"/> Joint Venture LLC <input type="checkbox"/> Other	
Garaging address if different: 309 ALLEN DR AYDEN, NC 28513		Business of Named "Insured": LIMOUSINE SERVICE	AGENCY NO. 135000	
			BRANCH	SOURCE # YRS. 003545 08

ITEM TWO - SCHEDULE OF COVERAGES AND COVERED AUTOS

This policy provides only those coverages where a charge is shown in the premium column below. Each of these coverages will apply only to those "autos" shown as Covered "Autos." "Autos" are shown as Covered "Autos" for a particular coverage by the entry of one or more of the Symbols listed in Section 1 of the Business Auto Coverage Form.

LIABILITY	Covered "Autos"	COVERAGES	LIMITS OF LIABILITY	PREMIUM
	7	(1) BODILY INJURY - BI	\$ each person \$ each "accident"	\$
		(2) PROPERTY DAMAGE - PD	\$ each "accident"	\$
		COMBINED (1) AND (2) - CSL	\$ 1,500,000 each "accident"	\$ 2,172.00
ADDITIONAL COVERAGES BY ENDORSEMENT		PERSONAL INJURY PROTECTION - PIP (or equivalent No-Fault coverage)	Separately Stated in each PIP endorsement	\$
		ADDED PIP (or equivalent No-Fault coverage)	Separately Stated in each added PIP endorsement	\$
		PROPERTY PROTECTION-PPI (Michigan Only)	Separately Stated in PPI endorsement	\$
	7	"AUTO" MEDICAL PAYMENTS	\$ 5,000	\$ 170.00
	7	UNINSURED MOTORISTS - UM <input checked="" type="checkbox"/> Includes Underinsured Motorists - UIM	Separately Stated in endorsement(s)	\$ 372.00
		UNDERINSURED MOTORISTS-UIM	Separately Stated in endorsement(s)	\$
PHYSICAL DAMAGE	7	CARGO	\$ each accident less the deductible	\$
		COMPREHENSIVE	Stated Amount, Actual Cash Value or Cost of Repairs, whichever is less minus the deductible.	\$ 427.00
		SPECIFIED PERILS		\$
COLLISION	\$ 642.00			

ADDITIONAL PREMIUM PER ENDORSEMENTS:
 FORMS AND ENDORSEMENTS CONTAINED IN THIS POLICY AT ITS INCEPTION: ESTIMATED TOTAL PREMIUM \$ 3,783.00

Per Schedule of Forms and Endorsements N-2500 (4/94)

ITEM THREE - SCHEDULE OF COVERED AUTOS

Year, Model, Trade Name, Body Type	Identification Number	Loss Payee
1 2000 LINCOLN 10 PASSENGER LIMO	1L1FM81W5YY796254	LP- GREENVILLE FINANCIAL SERVICES
2 1995 OSHK LIMO	4CDX54E2392108288	
3		
4		

	LIABILITY PREMIUMS							STATED AMOUNT	PHYSICAL DAMAGE PREMIUMS					STATED AMOUNT	CARGO		
	BI/CSL	PD	PIP	MED*	PPI	UM	OTHER		<input checked="" type="checkbox"/> Comp. S.P.	DED.	COLL.	DED.	DED.		RATE	PREM.	
1	1,086			85		186		18,000	253	1,000	380	1,000					
2	1,086			85		186		6,500	174	1,000	262	1,000					
3																	
4																	

*For Virginia Med. = Medical Expense and Income Loss Benefits.

Countersigned CHARLOTTE, NC Date 08/17/2010 By Edwin H. Rollins Company

THESE DECLARATIONS TOGETHER WITH THE BUSINESS AUTO COVERAGE FORM PROVISIONS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

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GREENVILLE POLICE DEPARTMENT

MEMORANDUM

October 1, 2010

To: Carol L. Barwick, City Clerk
From: William Anderson, Chief of Police 
Subject: Applications for Taxi Franchises

I have reviewed the attached applications for Taxi Franchise. There are three applications included in the packet. Two of the franchise requests are being recommended for denial. One of the franchise requests is being recommended for approval.

My recommendation is that the request from Red White & Blue Taxi franchise be denied based on pending charges in court for Mr. Elam.

My recommendation is that the Limousine Franchise Application for Mr. Martin Edward Tanski be denied based on a search in NC Administrative Office of the Courts which indicates that an active Show Cause order that is valid exists against Mr. Tanski.

* My recommendation is that the Limousine Franchise Application for Elliot Land be approved. No merits for denial exist in this matter.

Thank you in advance for your assistance in this matter.

Cc: Dave Holec, City Attorney
Bill Little, Assistant City Attorney



FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: October 4, 2010

SUBJECT: Taxicab Application for Limousine for Elliott Land, 309 Allen Drive, Ayden NC

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the name of Elliott Land. We did not find any debt owed to the City in that name. However, he does owe his current year taxes to Pitt County on two vehicles totaling \$154.36. This payment is not past due until January 1, 2011.

If I can provide further assistance, please call.

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

Doc # 177282

From: Merrill Flood
Sent: Monday, October 04, 2010 1:51 PM
To: Michael Dail; Carol Barwick
Subject: Follow up on vehicle for hire franchise requests

I don't recall seeing information on Signature but would mention that since they are storing vehicles in Ayden, there is no zoning issue in Greenville.

Merrill Flood
Community Development Director
mflood@greenvillenc.gov
(252) 329-4500



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a limousine franchise to Melvin Lynn Elam, d/b/a Red, White & Blue

Explanation: Melvin Lynn Elam, d/b/a Red, White & Blue, has made application for a taxicab franchise to operate eight taxicabs. As noted in the attached supporting material, reviews by the Financial Services and Police Departments have raised concerns which have been brought to the applicant's attention and he plans to address those at the public hearing, if not before. The Community Development Department also reviewed the application packet and had no objection to Mr. Elam's proposal. A public hearing for Mr. Elam's request is scheduled for October 14, 2010 and was advertised on The City Page in The Daily Reflector on October 4, 2010 and October 11, 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: Consider adoption of the first reading of the attached ordinance granting a taxicab franchise to Melvin Lynn Elam, d/b/a Red, White & Blue.

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

Attachments / click to download

[Application Packet from Melvin Lynn Elam](#)

[An ordinance granting a Taxicab Franchise to Melvin Lynn Elam d b a Red White Blue 878984](#)

ORDINANCE NO. 10-____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO MELVIN LYNN ELAM
D/B/A RED, WHITE & BLUE

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

WHEREAS, the City of Greenville has adopted an ordinance, 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, Melvin Lynn Elam, d/b/a Red, White & Blue, is an applicant for a franchise permitting the operation of 8 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 Melvin Lynn Elam, d/b/a Red, White & Blue, to permit the operation within the City of Greenville of not more than 8 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 11th day of October, 2010.

Second reading and final adoption on the 14th day of October, 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:
Melvin Elam Jr., Red White & Blue 802 E 3rd St #17
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
Melvin Elam Jr.
 - C. A partnership, as shown by articles hereto attached, and the names of partners are:
Melvin Elam Sr.
4. The Applicant operates in the following cities: Greenville, NC
5. The Applicant is requesting franchise to operate 8 taxicabs.
6. In support of this application, the following Exhibits are attached.
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.
 - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME <u>Elam</u>		FIRST NAME <u>Melvin</u>		MIDDLE NAME <u>Lynn</u>	
ALIAS OR NICKNAME	SEX <u>M</u>	AGE <u>25</u>	WEIGHT <u>190</u>	HEIGHT <u>5'10</u>	ID NO.
ADDRESS <u>222 Contence St. B</u>	HAIR <u>Black</u>	EYES <u>Brown</u>	COMPLEXION <u>Black</u>		
OCCUPATION <u>Taxi Driver / Dispatcher</u>		DRIVERS LICENSE NO.		IDENTIFICATION NO.	
PLACE OF BIRTH <u>Chester, SC 29706</u>		DATE OF BIRTH <u>4/18/1984</u>		SOCIAL SECURITY NO.	

Signature of Applicant [Handwritten Signature]

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____

 Notary Public Item # 4

Dear Mayor Pat Dunn and The City Council of Greenville,

My name is Melvin Lynn Jr. and I'm currently looking to start my own taxicab franchise. The name of my franchise is Red, White & Blue and the reason I choose this name is to let the customer know that you have the freedom of choice and America is a safe and wonderful country to live in. I want everybody to have a lovely and wonderful experience to my service. The reason I want to operate a taxicab service in Greenville, NC is to help the community to find a way of transportation for as getting to their job, school, sporting event, evening night out, and much more reasons. I'm currently employed at Courtesy Cab in Greenville, NC. I have been obtaining my full privileged driver's license. This was an essential part of my driving career because at the time I needed a job to help out my family. So at a young age I learned the responsibility of driving. I've always had a sense of exhilaration when it comes to driving. I will be driving four 1989, blue crown Vitoria and four blue 2001 Toyota vans. It has a maximum capacity of five people for the cars and ten people for the vans. I'm 25 years old and was recently in the National Guard. When I was a freshman in college at Vermilion Community college in Ely, Minnesota I acquired the highest GPA of college freshman athlete in the surrounding arrears. When it came to education, I've never been daft about the issue. My idea on establishing a taxi cab franchise has never been inferential. I've always had an ambition to own my own business. I have the competency to mange and obtain a professional place of business. I have the drive and determination to keep a successful taxi cab franchise and I'm also planning on going back to Pitt Community College

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

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

TAXICAB FARES

ATTACHMENT A

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

ZONES	1	2	3	4	5	6	7	8
1	4.00	4.55	4.70	5.05	5.40	5.75	6.10	6.50
2	4.15	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.

The 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

to and from Bradford Creek

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

Rev. 6/06/00

FILE

NORTH CAROLINA

PITT COUNTY

LEASE

THIS LEASE is made and entered this 7th day of June, 2010, by and between EVANS STREET PROPERTIES, LLC, a North Carolina limited liability company (the "Lessor"); and Melvin Elam, Jr. and Melvin Elam, Sr. dba Red White & Blue Taxi Service, Pitt County, North Carolina (the "Lessee").

WITNESSETH:

1. PREMISES LEASED. Lessor hereby leases to Lessee and Lessee hereby leases from Lessor that certain rental space consisting of approximately Five Hundred Twenty Seven (527) square feet of rentable area, also know as Suite B (the "Premises"), excluding common areas, of an approximately Three Thousand Nine Hundred (3,900) square foot building located at 220 Cotanche Street, Greenville, North Carolina (the "Building"), together with the exclusive right to the use the two (2) parking spaces identified as spaces 19 & 20, and the non-exclusive right to use the driveways, sidewalks, entranceways, common areas, and other facilities located on the property.

2. TERM. The term of this lease shall commence on August 1, 2010 and shall expire on July 31, 2011 (the "Lease Term").

3. RENT. a. Subject to any specific provision of this Lease, Lessee shall pay Lessor monthly rental, in advance, in the amount of Five Hundred Dollars (\$500.00). The first Monthly rent shall be due and payable by August 1, 2010, thereafter Monthly rent shall be due and payable on the first day of each and every month throughout the Initial Lease Term, at such place as Lessor may designate in writing; provided, however, that if the lease term shall commence on a day other than the first day of a calendar month, then the rental for the first month shall be prorated upon a daily basis upon a thirty day calendar month.

b. All rent shall be paid to Lessor or its authorized agent at the address set out in Paragraph 30 below or at such other place as may be designated by Lessor from time to time. Delivery and payment of rent shall be deemed made only upon receipt of the applicable rent payment at the address of the Lessor set out in Paragraph 30 below; placing a rent payment in the mail shall not constitute delivery or payment of the rent.

4. SECURITY DEPOSIT. Lessee, contemporaneously with the execution of this Lease, will deposit with Lessor forthwith the sum of Five Hundred and 00/100 Dollars (\$500.00) which shall be treated as a security deposit and shall be held by Lessor, without liability for interest as security for the faithful performance by Lessee of all of the terms, covenants, and

Lease
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conditions of this Lease by said Lessee to be kept and performed during the term hereof (the "Security Deposit"). It is expressly understood that the Security Deposit does not apply toward rent, except that if at any time during the term of this Lease any of the rent herein reserved shall be overdue and unpaid, or any other sum payable by Lessee to Lessor hereunder shall be overdue and unpaid then Lessor may, at the option of Lessor (but Lessor shall not be required to), appropriate and apply any portion of the Security Deposit to the payment of any such overdue rent or other sum.

In the event of the failure to keep and perform any of the terms, covenants, and conditions of this Lease to be kept and performed by Lessee, then the Lessor at its option may, after terminating this Lease, appropriate and apply the Security Deposit or so much thereof as sustained or suffered by Lessor due to such breach on the part of Lessee. Should the entire Security Deposit, or any portion thereof, be appropriated and applied by Lessor for the payment of overdue rent or other sums due and payable to Lessor by Lessee hereunder, then Lessee shall, upon the written demand of Lessor forthwith remit to Lessor a sufficient amount in cash to restore the Security Deposit to the original sum deposited, and Lessee's failure to do so within five (5) days after receipt of such demand shall constitute a breach of this Lease. Should Lessee comply with all of said terms, covenants, and conditions and promptly pay all of the rental herein provided for as it falls due, and all other sums payable by Lessee to Lessor hereunder, the Security Deposit shall be returned in full to Lessee at the end of the term of this Lease, or upon the earlier termination of this Lease.

Lessor shall deliver the Security Deposit deposited hereunder by Lessee to the purchaser of Lessor's interest in the Premises in the event that such interest is sold, and thereupon Lessor shall be discharged from any further liability with respect to such deposit.

Lessor shall be entitled to intermingle the Security Deposit with its own funds. The Security Deposit shall not preclude the Lessor from recovering any additional rent or damage which may be due or sustained as a result of this Lease.

5. USE AND OCCUPANCY.

a. Lessee shall use the Premises only for administrative and office purposes for operating a taxi cab business as permitted under applicable zoning ordinances and restrictive covenants. Lessee shall use the Premises for office purposes only and not for a customer pick-up point, personal habitation or any unlawful purpose.

b. The Premises shall be open and accessible to Lessee twenty-four hours per day, seven days per week, including holidays. Lessee shall comply with all applicable statutes, ordinances, rules and regulations of federal, state and municipal governments applicable to Lessee's use of the Premises.

c. Subject to the other provisions of this Lease, Lessee shall have free exclusive use of two parking spaces and non-exclusive use of driveways and islands for Lessee,

Lease
Page 3

Lessee's employees, and agents. Additional parking to serve Lessee's employees, business invites and agents must be used off the Premises.

6. ALTERATIONS AND IMPROVEMENTS. Lessee may not alter, improve or change the Premises without the written consent of Lessor.

7. MAINTENANCE AND REPAIRS. Lessee shall be responsible for routine maintenance and repair of the heating and air conditioning unit. Lessee shall also be responsible for the replacement of air conditioning filters, light bulbs and all plumbing, maintenance and housekeeping type service calls for the Premises. Any systems, such as heating and air conditioning and plumbing, which require replacement of the systems, will be born by Lessor providing damage has not been caused by Lessee's negligence. Lessor, in his own discretion, shall decide whether to repair or replace the system.

Lessor shall be responsible for maintenance of exterior walls and roof and any damage to interior walls and ceiling caused by leaks.

8. COMPLIANCE WITH CODES. All repairs, alteration, additions, or improvements made by Lessee shall comply with applicable building codes.

9. TRADE FIXTURE AND SURRENDER OF PREMISES. All trade fixtures, merchandise, supplies, and equipment owned by Lessee and installed in the Premises shall remain the property of Lessee and at the end of the term or any final extension thereof Lessee shall remove the same and peacefully yield up the Premises to Lessor in as good repair and condition as when delivered to it, excepting ordinary wear and tear, damage by fire, elements or casualty, or any damage not due to the negligence of Lessee; provided, however, that Lessee shall repair any damage to the Premises caused by the removal of its property.

10. LESSEE'S SIGNS. Subject to the approval of Lessor, which shall not be unreasonably withheld, Lessee may display the name of the business on the door or window of the Premises, which shall be subject to applicable zoning ordinances and restrictive covenants. All lettering located on the Premises shall be in good taste so as not to detract from the general appearance of the Premises.

11. UTILITY SERVICE. Lessee shall pay all charges for utility services including, but not limited to, water, sewer, gas, electricity, telephone, cable and internet used on the Premises by Lessee.

12. MECHANIC'S LIENS. Any mechanic's lien filed against the Premises for work or materials furnished to either Lessor or Lessee shall be discharged by such respective party responsible therefor prior to the commencement of any legal action to perfect the same.

13. ACCESS BY LESSOR.

a. Lessor, at reasonable times and frequency, shall have the right to enter the Premises to examine the same, to show them to prospective purchasers, mortgagees, or lessees

Lease
Page 4

and to make such repairs, alterations, improvements or additions required hereunder without the same constituting an eviction of Lessee in whole or in part. Rent shall not abate while any repairs, alterations, improvements or additions are being made provided that Lessor shall proceed expeditiously with the same and without unreasonable interference or interruption to Lessee's use of the Premises.

b. If Lessee shall not have extended or renewed the term of the Lease within 30 days of the expiration of the Lease term, Lessor may post a customary sign on the Premises advertising the property for lease or sale, but no sign shall be posted in any window or doorway of the store portion of the Premises.

14. PAYMENT OF PROPERTY TAXES.

a. During the term of this Lease and any renewals thereof, Lessor shall pay all real estate ad valorem taxes and assessments levied against the land and the improvements to be constructed on the Premises.

b. Lessee shall pay promptly all personal property taxes lawfully levied against personal property of any kind upon or about the Premises.

15. PERSONAL INJURY AND PROPERTY DAMAGE INSURANCE.

a. Lessee shall indemnify Lessor and save it harmless from and against any and all claims, liability and expense for damages to any person or property in, on, or about the Premises arising out of the acts or neglect of Lessee.

b. Lessee shall be responsible at its sole cost and expense for insuring all items of personal property belonging to Lessee kept on or about the Premises.

c. Lessee shall cause Lessor to be named as an additional insured on all insurance policies described in this section 15 and shall provide Lessor with certificates of insurance or copies of all such policies within five (5) days of the Commencement Date.

d. Lessor shall self insure or maintain adequate public liability and fire and extended coverage insurance covering the Premises.

16. DAMAGE TO PREMISES.

a. In the event the Premises or any material portion thereof or any adjoining property shall be damaged by fire or other casualty during the term hereof so as to render the Premises untenable, Lessor shall promptly restore the Premises to its previous condition, and rent shall equitably abate during any such period based upon the portion of the Premises which are untenable during such period of repair.

b. Lessor and Lessee hereby release and discharge each other and any employee or representative of each from liability whatsoever hereafter arising from loss, damage, or injury caused by fire or other casualty for which insurance is required to be carried hereunder by the injured party at the time of such loss, damage, or injury to the extent of any recovery by the injured

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party under such insurance, provided such insurance permits a waiver of liability and subrogation rights.

17. EMINENT DOMAIN. If the whole or any part of the Premises shall be acquired or condemned by eminent domain or like power for any public or quasi-public use or purpose, then this Lease shall terminate as to the part of the Premises so taken, effective on the date possession thereof shall be obtained. All damages awarded for each acquisition or condemnation of the Premises, or any part thereof, shall become the sole and absolute property of Lessor, regardless of whether such damages are awarded as compensation for the diminution in value of the leasehold, or the loss of the fee. Lessee, however, shall be entitled to that portion of the award which is expressly stated to have been given to Lessee for the loss of business and loss of value to, and the cost of removal of perishable stock owned by Lessee.

18. BANKRUPTCY. In the event the Premises or any rights therein shall be levied on by execution or other process of law by a creditor of either party, or if either party shall be adjudged bankrupt or insolvent, or if any receiver shall be appointed for the business and property of either party, or if any assignment shall be made of either party's property for the benefit of creditors, thereby diminishing any right or privilege granted by this lease to the other party, then the other party may terminate this lease forthwith.

19. FORCE MAJEURE. Neither party hereto shall be required to perform any term, condition, or covenant of this lease during such time performance, after the exercise of due diligence to perform, is delayed or prevented by acts of God, civil riots, organized labor disputes, or governmental restrictions.

20. WARRANTIES AND REPRESENTATION BY LESSOR. In addition to any other warranties and representations by Lessor contained herein, Lessor expressly warrants and represents to Lessee:

- a. That the Premises are properly zoned and improved to permit the use thereof by Lessee for its purposes stated in this lease; and
- b. That Lessor has not covenanted or agreed with anyone to restrict the use of the Premises for Lessee's purposes and Lessor knows of no covenants, agreements or restrictions affecting the Premises which would prohibit or restrict such use by Lessee; and
- c. That Lessor owns the Premises; and
- d. That to the best of Lessor's knowledge and belief, the Premises is not identified on the current or proposed (i) National Priorities List under 40 C.R.F. § 300, (ii) Comprehensive Environmental Response Compensation and Liability Inventory System ("CERCLIS") list, or (iii) any list arising from a state statute similar to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq. ("CERCLA"). To the best of Lessor's knowledge and belief, there are no present or past

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actions, activities, circumstances, conditions, events or incidents affecting the Premises that could form the basis for assertion of any claim against the Lessee under any federal, state or local law or regulation relating to protection of human health or the environment, including, without limitation, any release (as defined in CERCLA, or in any applicable state or local law or regulations) of chemicals, pollutants, contaminants, wastes or toxic substances, including, without limitation, the following: (i) solid or hazardous waste, as defined in the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., or in any applicable state or local law or regulation; (ii) hazardous substances, as defined in CERCLA, or in any applicable state or local law or regulation; (iii) chemical substances or mixtures, as defined in the Toxic Substances Control Act, 15 U.S.C. 2601 et seq., or in any applicable state or local law or regulation; (iv) pesticides, as defined in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 135 et seq., or in any applicable state or local law or regulation; or (v) crude oil or fractions thereof, gasoline or any other petroleum product or byproduct, polychlorinated biphenols, asbestos or urea formaldehyde; (collectively, "Hazardous Materials"). To the best of Lessor's knowledge and belief, there are currently no underground storage tanks existing on the Premises, and no underground storage tanks have existed on the Premises which are or were used to store Hazardous Materials of any kind.

21. HAZARDOUS SUBSTANCES. Lessee shall not cause or permit any Hazardous Materials to be used, stored, generated, or disposed of on, in, or about the Premises. If any Hazardous Materials are used, stored, generated, or disposed of on, in, or about the Premises, except pursuant to Lessor's prior written consent, or if any part of the Premises becomes contaminated in any manner for which Lessee is legally liable, then Lessee shall indemnify and hold Lessor harmless from any and all claims, damages, fines, judgments, penalties, costs, liabilities and/or losses (including without limitation, a decrease in the value of the Premises, damages caused by loss or restriction of rentable or usable space, damages caused by adverse impact on marketing of space, and any and all sums paid for settlement of claims, attorneys' fees, consultants' fees and experts' fees) arising during or after the Lease term or any renewal thereof and arising in connection with such Hazardous Materials or contamination. This indemnification includes, without limitation, any and all costs incurred because of any investigation of the site or any clean-up, removal, or restoration mandated or conducted by or on behalf of any federal, state or local agency or political subdivision. Without limitation of the foregoing, if Lessee causes or permits the presence of any Hazardous Materials on the Premises and that results in contamination, then Lessee shall promptly, at its sole expense, take any and all necessary or appropriate actions to return the Premises to the condition existing prior to the presence of any such Hazardous Materials. Lessee shall first obtain Lessor's written approval for any such remedial action.

22. QUIET ENJOYMENT BY LESSEE. Lessor covenants that if Lessee performs all the terms, conditions and covenants of this lease to be performed by Lessee, Lessee

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shall peaceably and quietly hold and enjoy the Premises for Lessee's purposes for the term hereof without hindrance or interruption.

23. ASSIGNMENT AND SUBLEASING BY LESSEE. Lessee shall not allow or permit any transfer or conveyance of this Lease or any interest under it or any lien upon Lessee's interest by operation of law, or assign or convey this Lease or any interest under it, or sublet the Premises or any part thereof, without the prior written consent of Lessor which will not be unreasonably withheld.

24. REMEDIES. All rights and remedies of Lessor herein enumerated shall be cumulative, and none shall exclude any other right or remedy allowed by law.

a. Lessee shall pay a late fee equal to five percent (5%) of each monthly installment of rental required in Section 4 herein, not received by the Lessor within ten (10) days from the date that the same shall become due. The assessment, and or acceptance of a late fee by the Lessor shall not be deemed a waiver by Lessor of any other remedies available to Lessor under the terms of this Lease Agreement or the applicable laws of the State of North Carolina.

b. In the event Lessee fails to make any other payment to Lessor, as provided for under this Lease Agreement, on the date it is due Lessee shall pay interest at a variable per annum rate equal to the "prime rate" (or its substantial equivalent) as announced by Wachovia Bank, National Association (or its successor) as adjusted monthly, plus four percent (4%) per annum on the overdue payment from the date the payment is due until final payment is made.

c. In the event (a) the leasehold created hereby shall be taken in execution or by other process of law, (b) Lessee shall (i) file a petition in bankruptcy or have such a petition filed against it, which petition is not dismissed within thirty (30) days, or (ii) be adjudicated insolvent or bankrupt pursuant to the provisions of any state or federal insolvency or bankruptcy law, (c) a receiver or trustee of the property of Lessee shall be appointed by reason of Lessee's insolvency or inability to pay its debts, or (d) any assignment shall be made of Lessee's property for the benefit of its creditors, then and in any of such events, Lessor may terminate this Lease by written notice to Lessee and Lessor shall be entitled to recover damages in an amount equal to the then-present value of the basic rent reserved under Section 4 of this Lease for the remainder of the stated term hereof.

d. If Lessee defaults in the payment of Rent and such default continues for ten (10) days after Lessor's notice thereof to Lessee, or if Lessee defaults in the prompt and full performance of any other provision of this Lease and such default continues for thirty (30) days after Lessor's notice thereof to Lessee, Lessor may, if Lessor so elects, but not otherwise, forthwith terminate this Lease and Lessee's rights to possession of the Premises by written notice to Lessee and Lessor shall be entitled to recover damages in an amount equal to the then-present value of the basic rent reserved under Section 4 of this Lease for the remainder of the stated term hereof.

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e. Upon any termination of this Lease, whether by lapse of time or otherwise, or upon any termination of Lessee's rights to possession without termination of the Lease, Lessee shall surrender possession and vacate the Premises immediately, and deliver possession thereof to Lessor, and Lessee hereby grants to Lessor full and free license to enter into and upon the Premises in such event in accordance with applicable laws (including applicable court rules) and to repossess the Premises as of Lessor's former estate and to expel or remove Lessee and any others who may be occupying or within the Premises and to remove any and all property therefrom, in accordance with applicable laws (including court rules), without being deemed guilty of trespass, eviction or forcible entry or detainer, and without relinquishing Lessor's rights to rental or any other right given to Lessor hereunder or by operation of law.

f. If Lessee abandons the Premises or is otherwise in default of its obligations hereunder, Lessor may elect to terminate Lessee's right to possession only, without terminating the Lease, and upon such termination of the Lessee's right of possession, Lessor may at Lessor's option enter into the Premises, remove Lessee's property (not including retail merchandise) and other evidences of tenancy, without such entry and possession terminating the Lease or releasing Lessee, in whole or in part, from Lessee's obligation to pay the rent hereunder for the full term, and in any such case, Lessee shall pay forthwith the Lessor a sum equal to the entire amount of the rent reserved under Section 4 of this Lease for the remainder of the stated term plus any other sums then due hereunder. Upon and after entry into possession without termination of this Lease, Lessor may, but need not, relet the Premises or any part thereof for the account of Lessee to any person, firm, or corporation other than Lessee for such rent for such time and upon such terms as Lessor in Lessor's sole discretion shall determine. Lessor shall not be required to accept any tenant offered by Lessee or to observe any instruction given by Lessee about such reletting. In any case, Lessor may make repairs, alterations and additions in or to the Premises, and redecorate the same to the extent deemed by Lessor necessary or desirable, and Lessee shall, upon demand, pay the cost thereof, together with Lessor's expenses of the reletting. If the consideration collected by Lessor upon any such reletting for Lessee's account is not sufficient to pay monthly the full amount of the rent reserved in this Lease, together with the costs of repairs, alterations, additions, redecorating and Lessor's expenses, Lessee shall pay to Lessor the amount of each monthly deficiency upon demand; and if the consideration so collected from any such reletting is more than sufficient to pay the full amount of the rent reserved herein, together with the costs and expenses of Lessor, Lessor at the end of the stated term of the Lease, shall account for the surplus to Lessee.

g. In the event any lien upon Lessor's title results from any act or neglect of Lessee, and Lessee fails to remove said lien within ten (10) days after Lessor's notice to do so, Lessor may remove the lien by paying the full amount thereof or otherwise and without any

Lease
Page 9

investigation or contest of the validity thereof, and Lessee shall pay Lessor upon request the amount paid out by Lessor in such behalf, including Lessor's costs, expenses and counsel fees.

h. In addition to the remedies enumerated herein, Lessor shall have the right to pursue any right or remedy to which Lessor is entitled, under applicable law, for any breach of this Lease.

25. NON-WAIVER OF DEFAULT. Waiver of any breach of the terms, conditions, or covenants of this lease or the nonperformance of the same for any particular time shall not be construed as a waiver of any succeeding breach of the same or another term, condition, or covenant hereof, and the consent, approval, or acquiescence by Lessor or Lessee to any breach shall not waive or render unnecessary such consent or approval to or of any subsequent similar breach.

26. HOLDING OVER. If Lessee holds over after termination of this lease, the tenancy thereafter shall be from month to month, subject to all terms, conditions and covenants of this lease unless otherwise agreed by the parties hereto, and Lessee shall pay rent therefor in an amount equal to double the rate payable at the termination of this Lease unless otherwise agreed in writing by Lessor. Lessor's acceptance of any rent after holding over begins does not renew this Lease. This provision does not waive Lessor's rights of re-entry or any other right hereunder, or any right as made or provided by law.

27. RECORDING OF LEASE. Lessee shall not record this lease without written consent of Lessor, however, upon the request of either party hereto, the other party shall join in the execution of a memorandum or so called "short form" of this lease for the purpose of recordation in such form as required for recordation.

28. ENTIRE AGREEMENT. This lease shall constitute the entire agreement of the parties hereto and any prior agreement between the parties relating to the Premises, whether written or oral, is merged herein and shall be of no separate force and effect and this lease shall only be changed, modified or discharged by agreement in writing signed by both parties hereto.

29. EXERCISE OF RIGHTS AND NOTICE. The exercise of any right or privilege or the giving of any notice by a party hereunder shall be effective upon actual receipt by any method or by mailing by registered or certified United States mail, return receipt requested, postage prepaid and properly addressed as follows:

- a. **If to Lessor:**
Evans Street Properties, LLC
Attn: Andy E. Piner
1105-A Corporate Drive
Greenville, NC 27858

or at such other address as Lessor may designate by written notice; and

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b. **If to Lessee:** *REF 558-6912*
Mr. Melvin Elam, Jr.
Mr. Melvin Elam, Sr.
dba Red, White & Blue Taxi Service
802 E. 3rd St Apt #7
Greenville, NC 27858

or to the Premises after Lessee has taken occupancy or at such other address as Lessee may designate by written notice.

30. APPLICABLE LAW. This lease shall be governed by, and construed in accordance with the laws of the State of North Carolina. If any provision of this lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this lease shall not be affected thereby and each provision of the lease shall be valid and enforceable to the fullest extent permitted by law.

31. BENEFIT OF AGREEMENT. The terms, conditions and covenants contained in this lease shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, administrators, executors, representatives, successors and assigns.

32. SUBORDINATION TO MORTGAGE. This Lease is subject and subordinate at all times to the lien of any mortgage which may now or hereafter affect the Premises and to all renewals, modifications, amendments, consolidations, replacements, and extensions thereof. Lessee shall execute and deliver any instrument, which may be reasonably required by the Lessor in confirmation of such subordination promptly upon the Lessor's request. The Lessor, however, shall exercise its best efforts to arrange with the holder of any such underlying lease or mortgage for an agreement that if, by foreclosure or otherwise, such holder, or any successor in interest, shall come into possession of the leased property, or shall become the owner of the leased property, or shall take over the rights of the Lessor in the leased property, it will not disturb the possession, use, or enjoyment of the leased property by the Lessee, its successors or assigns, nor disaffirm this Lease or the Lessee's rights or estate hereunder, so long as all of the obligations of the Lessee are fully performed in accordance with the terms of this Lease.

33. ESTOPPEL CERTIFICATE. Lessee agrees within ten (10) days after request therefor by Lessor to execute in recordable form and deliver to Lessor a written certificate, certifying (a) that this Lease is in full force and effect, (b) the date of commencement of the term of this Lease and the amount of rental payable under the Lease, (c) that rent is paid currently without any off-set, reduction, claim or defense thereto, (d) the amount of rent, if any, paid in advance, (e) that there are no actions, whether voluntary or involuntary, pending against the Lessee under the bankruptcy laws of the United States or any similar state law, and (f) that there are no uncured defaults by Lessor or stating those claimed by Lessee, provided that in the case of the foregoing in clauses (a) through (f), in fact, such facts are accurate and ascertainable.

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34. CAPTIONS. The captions contained in this agreement are for convenience of reference only, and they shall not be interpreted to affect the meaning of this agreement in any way.

35. SEPARATE COUNTERPARTS. This agreement may be executed in separate counterparts which shall collectively and separately be considered one and the same agreement.

36. LANDLORD'S RIGHT TO TERMINATE LEASE. In the event of a default by Lessee, Lessor shall have all rights and remedies, including without limitation the right to terminate this Lease, as provided in Section 24 above.

37. LEASE CONTINGENT UPON GOVERNMENTAL APPROVALS. Lessee's obligations under this Lease Agreement are expressly conditioned upon Lessee obtaining all necessary governmental approvals to operate the business upon the Premises. In the event that Lessee fails to obtain all necessary governmental approvals on or before Jan. 1, 2009, then in such event Lessee may terminate this Lease upon written notice to Lessor of such failure to obtain the necessary governmental approvals, and thereafter, neither party shall have any further liability hereunder.

IN WITNESS WHEREOF, Lessor and Lessee have signed and sealed this Lease as of the day and year first above written.

LESSOR:

EVANS STREET PROPERTIES, LLC

By: Andy E. Piner (SEAL)
Andy E. Piner, Member/Manager

By: Thomas F. Stoughton (SEAL)
Thomas F. Stoughton, Member/Manager

LESSEE:

Melvin Elam, Jr. (SEAL)
Melvin Elam, Jr.

Melvin Elam, Sr. (SEAL)
Melvin Elam, Sr.

#88980

CITY OF GREENVILLE OFFICIAL RECEIPT

City of Greenville
 100 South Main Street
 Greenville, SC 29601
 Phone: 864.670.1000
 Fax: 864.670.1001
 Website: www.cityofgreenville.org

Received of _____
 the sum of _____ Dollars
 for _____

Date: _____
 City of Greenville
 Mayor _____
 City Clerk _____

Carol Barwick

From: Merrill Flood
Sent: Monday, September 20, 2010 7:21 PM
To: Carol Barwick
Subject: Fw: Application for Taxi Franchise - Melvin Elam, Jr. Zoning Comments

From: Michael Dail
To: Merrill Flood
Sent: Mon Sep 20 11:36:11 2010
Subject: Application for Taxi Franchise - Melvin Elam, Jr. Zoning Comments
Please review and forward.

Application for Taxi Franchise – Melvin Elam, Jr.

Zoning Comments:

Based on information provided in the review packet Mr. Elam intends to operate his taxi franchise at 220 Cotanche Street. The parcel number is 77271 and is zoned CD (Downtown Commercial). Taxi services are a permitted use in the CD zoning district.

Thanks,

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

Carol Barwick

From: Tronette Greene
Sent: Wednesday, September 22, 2010 3:20 PM
To: Kimberly Branch; Carol Barwick; Nancy Brown
Subject: RE: Taxi Info

I do not show anything in the system for Martin E. Tanski. Melvin L. Elam owes, but only for current year. (see below)

Thanks,

Pitt County Property Tax Information - Abstract Summary - Windows Internet Explorer

http://tax.pittcountync.gov/ptsweb/main/billing/AcctSummary.aspx?search=owner&yrs=2&last=elam&first=melvin&middle=

File Edit View Favorites Tools Help

Google Search Share Sidewiki Check

Pitt County Property Tax Information Abstract Sum...

Property Tax Information
Billing/Collections - Abstract Sumr
*Selected abstracts from name bro

Property Tax Search Home
*Additional bills may appear in the Abstract Summary as they relat
Click the Abstract number link to view the billing statement (not ava

Displaying 1 - 1 of 1 Page 1 of 1

Abstract Description	Bill Number/Status
ELAM, MELVIN LYNN	0000801298-2010-2010-00000 Delinquent
1999 FORD 4S CROWN VICTORIA POLI	
Value as of: 01/01/2010	\$3,550
Bill Date: 07/13/2010	

printer friendly new search return

Ramon Revilla, Deputy Tax Collector
Downtown Greenville
111 S. Washington Street

start <Recently Edited ... COG-#757266-v4-... Unread Mail - Micro... OPIS - Windows In...

Tronette R. Greene

Accounting Specialist
City of Greenville
200 West Fifth Street
Greenville, NC 27834
252-329-4644 (office)
252-329-4446 (fax)

Carol Barwick

From: Nancy Brown
Sent: Thursday, September 23, 2010 9:24 AM
To: Carol Barwick
Cc: Brenda Matthews
Subject: Taxi Franchises

Per your request the Collections division has researched and found debt on the following individuals:

Melvin L. Elam

Handicap Parking ticket #324907, issued 05/20/10 with a balance of \$250.00
2010 Personal property taxes in the amount of \$65.17

~~**Martin E. Tanski**~~

~~Parking ticket #811722 issued 08/23/07 for \$25.00, this has been sent to Collections~~

There were no other debts found on these individuals. If we can be of any other service, please let us know.

Nancy W. Brown
City of Greenville
Collections Officer
(252)329-4411
(252)329-4165 Fax
nbrown@greenvillenc.gov



GREENVILLE POLICE DEPARTMENT

MEMORANDUM

October 1, 2010

To: Carol L. Barwick, City Clerk
From: William Anderson, Chief of Police 
Subject: Applications for Taxi Franchises

I have reviewed the attached applications for Taxi Franchise. There are three applications included in the packet. Two of the franchise requests are being recommended for denial. One of the franchise requests is being recommended for approval.

* My recommendation is that the request from Red White & Blue Taxi franchise be denied based on pending charges in court for Mr. Elam.

My recommendation is that the Limousine Franchise Application for Mr. Martin Edward Tanski be denied based on a search in NC Administrative Office of the Courts which indicates that an active Show Cause order that is valid exists against Mr. Tanski.

My recommendation is that the Limousine Franchise Application for Elliot Land be approved. No merits for denial exist in this matter.

Thank you in advance for your assistance in this matter.

Cc: Dave Holec, City Attorney
Bill Little, Assistant City Attorney



GREENVILLE POLICE DEPARTMENT

MEMORANDUM

September 30, 2010

TO: Chief William Anderson

FROM: Cpl. C.B. Viverette *[Signature]*

SUBJECT: Taxi/Limousine Franchise Application for Melvin Lynn Elam

DMV

** DRIVER LICENSE STATUS: CLS C ACTIVE ***

CLASS	GRP	TYP	ISSUE DT	EXPIR DT	CDL	DISQ	PROB	LMT	COND	PRIV	RESTR	STATUS
C		D	05-20-10	11-18-16	N	N	N	N	N	N	N	ACTIVE

ENDORS: RESTRICT: 0
CRD TRNS:0001948473

OCCUR/ BEG DATE	CONV/ END DATE	NATURE OF RECORD OR DIVISION ACTION
--------------------	-------------------	-------------------------------------

04-08-10		ACDNT: PITT COUNTY, NC ACDNT: CASE ID:102920415
01-25-10 3	02-16-10	CONV: (313)SPEEDING (60 MPH IN A 55) COURT: PITT COUNTY COURT, NC COURT: AOC #: 2010IF 000315 CITATION ID: C0651844
12-18-09	11-18-16	DUP ISS: CLS C EN: RS:0
12-15-09	11-18-17	ORG ISS: ID EN: RS:
09-11-09	12-17-09	SUSP: FAILURE TO PAY FINE
04-11-09	07-10-09	CONV: (635)FAIL TO PAY COURT: ALAMANCE COUNTY COURT, NC COURT: AOC #: 2009CR 701533 CITATION ID: 0069E539

04-11-09 06-08-09 CONV: (313)SPEEDING (89 MPH IN A 65)
COURT: ALAMANCE COUNTY COURT, NC

PJC

COURT: AOC #: 2009CR 701533 CITATION ID: 0069E539

AOC

***** PITT.2010CR 004027

M-AID UNDERAGE PUR ALC BY > 21 18B-302(C) (2)

P

DCI

No Record

NEW WORLD

No New Record

I could not locate evidence of a past criminal history that would preclude Mr. Elam from operating a Taxi Franchise.

However, a Search of NC Administrative Office of the Courts indicates that Mr. Elam has a Pending Charge for Aiding in the Underage Purchase of Alcohol by person > 21. A charge of this nature would be grounds to deny or revoke a taxi operator's permit. Based on this, I recommend denial of his request pending the disposition of that process.



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a taxicab franchise to Martin Tanski, d/b/a Peddlin' Pirates

Explanation: Martin Tanski, d/b/a Peddlin' Pirates, has made application for a taxicab franchise to operate six taxicabs. As noted in the attached supporting material, reviews by the Financial Services and Community Development Departments raised concerns which have been brought to the applicant's attention. A review by the Police Department revealed nothing to prevent approval of Mr. Tanski's request. A public hearing on this application is scheduled for October 14, 2010, and was advertised on The City Page in The Daily Reflector on October 4, 2010 and October 11, 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: Consider adoption of the first reading of the attached ordinance granting a taxicab franchise to Martin Tanski, d/b/a Peddlin' Pirates.

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

Attachments / click to download

- [Application Packet from Martin Tanski](#)
- [An Ordinance Granting A Taxicab FranchiseTo Martin Edward Tanski D B A Peddlin_Pirates_878954](#)

ORDINANCE NO. 10-____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO MARTIN EDWARD TANSKI
D/B/A PEDDLIN' PIRATES

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, Martin Edward Tanski, d/b/a Peddlin' Pirates, is an applicant for a franchise permitting the operation of 6 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 Martin Edward Tanski, d/b/a Peddlin' Pirates, to permit the operation within the City of Greenville of not more than 6 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 11th day of October, 2010.

Second reading and final adoption on the 14th day of October, 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:
Peddlin' Pirates: 1000 E 3rd 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:
Martin Tanski, Griffin Cox
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 6 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>Tanski</u>		FIRST NAME <u>Martin</u>		MIDDLE NAME <u>Edward</u>	
ALIAS OR NICKNAME		SEX <u>M</u>	AGE <u>23</u>	WEIGHT <u>240</u>	HEIGHT <u>6'3</u>
ADDRESS <u>1000 E 3rd St. Greenville, NC 27858</u>		HAIR <u>Black</u>	EYES <u>Green</u>	COMPLEXION <u>Light</u>	
OCCUPATION <u>CEO of Peddlin' Pirates</u>			DRIVERS LICENSE NO.		IDENTIFICATION NO.
PLACE OF BIRTH <u>Rochester, NY</u>			DATE OF BIRTH <u>12-19-86</u>		SOCIAL SECURITY NO.

Signature of Applicant *Martin Tanski*

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

Item # 5

#1710813

LAGOW MIKE PETER

SEX → M

AGE → 25

WEIGHT → 230

HEIGHT → 6'4

ADDRESS → 1000 EAST 3RD ST

HAIR → BROWN

EYES → BROWN

COMPLEXION → WHITE

OCCUPATION → VP

DRIVERS LIC →

PLACE OF BIRTH → ROCKVILLE CENTER, LONG ISLAND

DATE OF BIRTH → 3-8-85

SS →

Exhibit A

Peddlin' Pirates strives to enrich the lives of ECU students and community members by delivering unparalleled service and entertainment. We reduce the number of intoxicated drivers on our city streets, and also safely transport pedestrians home without risk of getting assaulted or robbed. Our services enhance the beauty of ECU's campus, while boosting class attendance by students who use our service. The pirate themed style of each rickshaw will promote school spirit, and also be a potential mode of transportation for prospective students and their families to use. Our late hours of operation can provide "extra eyes" for police officers patrolling the neighborhoods bordering campus and downtown. This company will stimulate growth for the local economy by adding jobs designed for college aged workers. We are also contributing to the nationwide "Go Green" campaign by offering a NO EMISSION form of transportation. Attached are comments from the WITN story on Peddlin' Pirates, the response of that story from the local community invokes a sense of public necessity.

Comments Obtained From:

WITN.com

www.witn.com/home/headlines/102586824.html?storySection=story

Posted by: Wes G Location: Greenville, NC on Sep 10, 2010 at 03:37 PM

The fact that the police are shutting this down is unbelievably. Something like this is great for this city. The city should be helping companies like this not giving them a hard time. This is showing the general college age crowd here how little the city cares for their safety and support of small businesses. If there is a petition to support these guys someone let me know I would be more than happy to support them

Posted by: Kate Location: Greenville on Sep 10, 2010 at 10:45 AM

Why do you presume that these boys did not go to city hall as well as the police force to gain permission before opening business? These boys did in fact apply and register their business before opening doors. They were told by GPD and the city they did not need to apply for taxi licenses as Greenville Law states that in order to qualify for such a license you must be a motorized vehicle operating over a certain RPM. These ECU Alumni (ex-pirate football players I might add) have done nothing wrong. Unless of course you deem putting the education you received to work, finding a need and supplying it, keeping Greenville's citizens safe, not to mention employing twenty students with jobs in this economy

Posted by: RN Location: Greenville on Sep 10, 2010 at 10:23 AM

These guys are two great young professionals in this city. They were both ECU students, graduated, and now own their own business! Why doesn't everyone get off their back and let them do their part for the Greenville city. The GPD is beyond RIDICULOUS! Why don't they focus on getting rid of gang violence and break ins instead of trying to compromise these two young men's future. They are providing a safe, pollutant, free way of getting around town. In case all the TAXI services didn't know, THEY PEDDLE, not DRIVE like you all who have an advantage over their business anyways by being able to travel further distances. I SAY VOTE THE COUNCIL OUT, THE GPD NEEDS TO FIND BETTER THINGS TO DO WITH THEIR TIME THAN HARRASS THESE YOUNG BUSINESSMEN. WHY DON'T THEY FOCUS ON CONTROLLING THEIR OWN CORRUPTION WITHIN THEIR DEPARTMENT BEFORE THEY GO THROWING STONES AT TWO YOUNG MEN WHO ARE TRYING TO BETTER THEIR LIVES AND THOSE AROUND THEM! GET A GRIP GPD, CITY COUNCIL, WHOEVER YOU ARE GET A NEW JOB

Posted by: Katie Location: Pirate Country on Sep 10, 2010 at 09:17 AM

Why don't they let them operate until this is sorted through? They provide a valuable service to the students of ECU! This was a great idea and they need to be allowed to continue while the powers that be hash this out.

Posted by: Political BS Location: Greenville on Sep 10, 2010 at 08:55 AM

Great group of guys not to mention they are EX-Pirate football players! Way to encourage students to stay in the

city and create jobs after graduation! Really? At least they might keep someone from getting runover on a drunken walk home from the bars!

Posted by: Wayland on Sep 10, 2010 at 08:26 AM

For as much good as the GPD does on many front, this is one of the bad. Why cant they concentrate on the real criminals? What? Did the taxi companies put money in the fund to get someone on this? Sounds like a poor choice this time.

Posted by: irate Location: Greenville on Sep 10, 2010 at 07:25 AM

I think these guys provide a valuable service and will support them when I can. GPD leave them alone and clean up Rose Glover's district!

Posted by: Audra Location: SoCal on Sep 10, 2010 at 12:14 AM

Unless it's changed... (I lived in the San Francisco bay area for many yrs), the pedicabs in SF don't have to have a taxi license. All they have to have is a permit regarding fees charged(like a pass-the-hat permit). This is silly. Don't bother letting somebody earn money in this nasty economy. They're right, it's not a motor vehicle.

Posted by: Wayne Location: Greenville on Sep 9, 2010 at 10:14 PM

They come through my neighborhood on the weekends dropping people off and picking people up for tips. They do it quietly with no pollution and they probably do more for public safety than every cop in town during the same time. Greenville City Government is Horrible, why do the same out of date politicians keep getting elected here? I say everyone vote anti-incumbent in local elections from here on out.

Posted by: Anonymous on Sep 9, 2010 at 10:10 PM

Give them a license and HURRY UP. Another step in the govt to hold back a GREAT idea for a way to make a living and provide a great service to the community.I am sick of all this stupid stuff when will it end.

Posted by: Bob Location: ENC on Sep 9, 2010 at 09:43 PM

You would think the police have better things to do than shut down peddlin' pirates, considering the outrageous crime rate presently in Greenville. Get out on the streets and arrest the thugs preying on the students in the downtown area. Arrest the people that are having a negative effect on the population, instead of looking for a reason to shut down a positive student service providing transportation on bicycles. Get Real Folks!

Exhibit B

6 Rickshaws

Model: ES-T07

Carrying Capacity: 800 LBS

Names And Color Of Each Unit:

Rebel: Orange

First Mate: Blue

Making Moves: Blue

Black Pearl: Red

Leon: Red

Dutchman: Black

Attached Are Pictures of Each Unit



























Town of Wrightsville Beach

321 Causeway Drive – P. O. Box 626
Wrightsville Beach, North Carolina 28480
Telephone: 910-256-7900 * Fax: 910-256-7910 * Website: townofwrightsvillebeach.com

Privilege License Application

Name of Business Peddlin' Pirates Tax ID# _____

Mailing Address 1000 E 3rd St
Greenville NC 27858
City State Zip

Physical Address 1000 E 3rd St. Greenville NC 27858

Nature of Business Pedi-Cab Service State License # 00020499 SC

Name of Owner Martin Tanski Phone # 919-368-7868

Name of Applicant & Relation to Business Martin Tanski CEO

I hereby certify that I have made inquiry concerning the regulations of the Town of Wrightsville Beach and that the business to be conducted will fully comply with the requirements and with all Town ordinances and State laws regarding same. I understand that I am subject to periodic inspections in accordance with NC General Statute 160-424.

The North Carolina Schedule B License is a tax that is levied on the privilege of engaging in a particular occupation or business activity within the taxing jurisdiction. NC General Statute 105-366(d)(1) requires notification to the Tax Collector forty-eight (48) hours prior to going out of business, the transfer of or pending sale to another party.

A copy of the New Hanover County Health Permit must be attached before issuance of license to food handling establishments. Copies of all temporary or permanent ABC permits are required.

DISPLAY OF LICENSE: Your license will be processed and mailed to you within 1-10 business days. Upon receipt, please post the license at your business location. Your license will expire June 30th. If you discontinue your business before the end of the license period, no refund of any part of the license tax will be made.

Signature of Owner or Officer of the Business [Signature] Date 5-12-10

Applicable Department Coordination

_____ Planning/Zoning Date: _____
_____ Parks/Rec. Date: _____
_____ Fire Dept. Date: _____
_____ Police Dept. Date: _____
_____ Public Works Date: _____
_____ Gen. Admin. Date: _____

Comments:

Date application received: _____ License Fee \$ _____ Date paid: _____

Receipt Number: _____ Privilege License Number _____

Approved by: _____ Date: _____

APPLICATION FOR RENEWAL

5-28-10

Date

Taxi Company: Peddlin' Pirates

Address: 1000 E 3rd St

Owner: Martin Tanski

City, State: Greenville, NC

Telephone: 919-308-2868

Zip: 27858

1. In accordance with the provisions of Section 114.02 of the Wrightsville Beach Town Code, the above named company does hereby request to continue to operate taxicabs as identified herein within the Town limits of the Town of Wrightsville Beach.
2. The operation of taxicabs pursuant to this Certificate of Convenience and Necessity shall be in all respects in compliance with applicable State law and Wrightsville Beach ordinances.
3. The following information must be included with this application:
 - a. A current Certificate of Insurance per vehicle as per NCGS 20-280.
 - b. A copy of the driver's license for each taxi driver as per Section 114.06 of the Wrightsville Beach Town Code.
 - c. An application renewal fee of \$15.00 per vehicle.
4. This application is a request to continue to operate the following vehicles as taxicabs within the Town limits of the Town of Wrightsville Beach: (Attach additional sheet if necessary.)
 - a. Make/model/year of taxicab: Black Pearl
 License tag number of taxicab: _____
 Vehicle Identification Number: _____
 Registered owner of taxicab: Martin Tanski
 - b. Make/model/year of taxicab: First Mate
 License tag number of taxicab: _____
 Vehicle Identification Number: _____
 Registered owner of taxicab: Martin Tanski
 - c. Make/model/year of taxicab: Dutchman
 License tag number of taxicab: _____
 Vehicle Identification Number: _____
 Registered owner of taxicab: Martin Tanski
5. Permit decals will be issued within ten business days from the date a completed application is received by the Town if everything is in order. Applications cannot be processed without ALL of the required information.
6. A permit decal is issued to a specific vehicle and must be affixed to the windshield of the appropriate vehicle. A permit decal number must match the license tag number and Vehicle

Carol Barwick

From: Nancy Brown
Sent: Thursday, September 23, 2010 9:24 AM
To: Carol Barwick
Cc: Brenda Matthews
Subject: Taxi Franchises

Per your request the Collections division has researched and found debt on the following individuals:

Melvin L. Elam

~~Handicap Parking ticket #324907, issued 05/20/10 with a balance of \$250.00~~
~~2010 Personal property taxes in the amount of \$65.17~~

Martin E. Tanski

Parking ticket #811722 issued 08/23/07 for \$25.00, this has been sent to Collections

There were no other debts found on these individuals. If we can be of any other service, please let us know.

Nancy W. Brown
City of Greenville
Collections Officer
(252)329-4411
(252)329-4165 Fax
nbrown@greenvillenc.gov

From: Michael Dail
Sent: Monday, September 20, 2010 11:48 AM
To: Carol Barwick; Bill Little
Cc: Merrill Flood
Subject: Peddlin Pirates

Carol and Bill,

I wanted to give you a heads up concerning the taxi franchise application for Martin Tanski to operate a rickshaw service. He stated in his application that he wants to store the rickshaws at his home on 1000 E. 3rd Street. It is fine for him to have a home office for his company, but storage of commercial vehicles will not be allowed at his premise. If Mr. Tanski wishes to operate this service as a home occupation he needs to find a remote and properly zoned location to store his commercial vehicles and he also needs to understand that no other employees of his business can work at or out of his home.

Thanks

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

From: Michael Dail
Sent: Wednesday, September 22, 2010 4:48 PM
To: Carol Barwick; Bill Little
Cc: Merrill Flood; Tom Wisemiller
Subject: RE: Peddlin Pirates

I spoke with Mr. Tanski yesterday and notified him that he could store one rickshaw at his premises for his personal use, but the others must be stored offsite at a properly zoned location for a taxi service.

From: Michael Dail
Sent: Wednesday, September 23, 2010 8:46 AM
To: Carol Barwick
Cc: Subject: RE: Peddlin Pirates

I told him he needs to amend his application to indicate where he plans to store them before he could get zoning approval.

Carol Barwick

From: Michael Dail
Sent: Monday, October 04, 2010 1:30 PM
To: Carol Barwick
Cc: Harry Hamilton; Merrill Flood
Subject: Peddlin Pirates

Martin Tanski has an approved privilege license to operate an incidental home occupation office for his rickshaw service. If he receives his taxi license from the city he can still operate at his residence as an incidental home occupation office. It is important to note that no employees make work or visit his home regarding company business and only one personal use rickshaw may be stored at his premises. Both of these conditions have been discussed with Mr. Tanski.

Thanks,

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



GREENVILLE POLICE DEPARTMENT MEMORANDUM

October 6, 2010

TO: Chief William Anderson
FROM: Officer Corey Barrett
SUBJECT: Recommendation for Taxi Application

*Capt. T.D. Sauls f.
for Chief Anderson*

I have conducted a review of Mr. Martin Tanski' background as it relates to the request for a franchise to operate a Transportation Service, Pedlin Pirates. Checks were conducted through the Pitt County Tax Assessor, NC DMV, and the NC Administrative Office of the Courts as well as a criminal history inquiry.

Currently, I can find no reason with regard to a criminal or driving history that would preclude Mr. Tanski from being granted a taxi franchise within the City of Greenville. It should be noted however that they will be required by ordinance to begin operation within 60 days of the issuance of that franchise.

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



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a taxicab franchise to Sani Bello, d/b/a Unity Cab Company

Explanation: Sani Bello, d/b/a Unity Cab Company, has made application for a taxicab franchise to operate two additional taxicabs. As noted in the attached supporting materials, review by the Financial Services and Community Development Departments revealed some concerns which have been brought to the applicant's attention. The Police Department also reviewed the application packet and had no objection to Mr. Bello's proposal. A public hearing for Mr. Bello's request is scheduled for November 8, 2010 and will be advertised on The City Page in The Daily Reflector on October 25, 2010, November 1, 2010 and November 8, 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: Consider adoption of the first reading of the attached ordinance granting a taxicab franchise to Sani Bello, d/b/a Unity Cab Company.

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

Attachments / click to download

[Application Packet from Sani Bello](#)

[An Ordinance Granting A Taxicab Franchise To Sani Bello D B A Unity Cab Company 879344](#)

ORDINANCE NO. 10-____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO SANI BELLO
D/B/A UNITY CAB COMPANY

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, Sani Bello, d/b/a Unity Cab Company, is an applicant for a franchise permitting the operation of 2 additional 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 Sani Bello, d/b/a Unity Cab Company, to permit the operation within the City of Greenville of not more than 2 additional 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 11th day of October, 2010.

Second reading and final adoption on the 8th day of November, 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: Unity Cab Co.
3. The Applicant is:
 - A. An individual and sole owner of the taxicab business to be operated under the above name.
 - B. A corporation chartered under the laws of the State of North Carolina in the year 2010, and the officers of the corporation are
 - C. A partnership, as shown by articles hereto attached, and the names of partners are: Sani Bello and MaMadou Sanogo.
4. The Applicant operates in the following cities: Greenville and environs.
5. The Applicant is requesting franchise to operate Two additional 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>Bello</u>		FIRST NAME <u>Sani</u>		MIDDLE NAME	
ALIAS OR NICKNAME <u>—</u>	SEX <u>Male</u>	AGE <u>48</u>	WEIGHT <u>170</u>	HEIGHT <u>1.7</u>	ID NO.
ADDRESS <u>804, E 3rd St Apt 2</u>		HAIR <u>BLACK</u>	EYES <u>BLACK</u>	COMPLEXION <u>BLACK</u>	
OCCUPATION <u>Cab Driver</u>		DRIVERS LICENSE NO.		IDENTIFICATION NO.	
PLACE OF BIRTH <u>NIGERIA</u>		DATE OF BIRTH <u>10-10-1962</u>		SOCIAL SECURITY NO.	

Signature of Applicant [Signature]

Subscribed and sworn to before me this 4th day of October, 2010.

My Commission Expires: 07/02/2015

[Signature]
Notary Public Item # 6

Unity Cab Company
804 East Third St Apt 2
Greenville NC 27858
Cell: 252-367-2266
Office: 252-378-5913.

4th October 2010.

The Mayor and City Council, City Of Greenville,
North Carolina.

Dear Sir/Madam,

Re: Application to Add Vehicle to Our Franchise/Statement of Exhibits.

We are pleased to provide you with all the necessary information regarding our application for addition of vehicle to our fleet/franchise. In the immediate time we intend to add one vehicle while in a short/ later time we also intend to add a second vehicle. We are therefore requesting for a permit to add two vehicles and herewith are the required information for your perusal and approval.

Exhibit A: We intend to further assist the City of Greenville in its drive to expand the transport sector necessitated by the overwhelming and unprecedented increase in recent years and thus making the city one of the fastest growing cities in North Carolina. We therefore intend to help the City of Greenville tackle this problem by introducing more and efficient vehicles.

Secondly the largest communities in Greenville (East Carolina University and Pitt Community College) are growing larger and larger every succeeding year with additional need for expanded transport needs.

Thirdly the number of registered Taxi Cabs Companies and vehicles are not sufficient to cater for this astronomical growth of the City.

Exhibit B: We started our operation in June 2009 with two vehicles, a Toyota Previa and Mazda MPV mini-vans both with seating capacity for 8 passengers. The immediate one vehicle we intend to add is also a Toyota Previa mini-van with seating capacity for 8 passengers while the second one would be added before the expiration of deadline to begin operation of added vehicles.

Exhibit C: Presently our company and owners do not have financial liabilities whatsoever pending or forthcoming. Suffice to say our vehicles are all paid for and we are not owed any money.

Exhibit D: For the purpose of conveniences and in accordance to Community Development Department requirements, we have different parking address/locations for our new/added vehicles in permanent addresses as you can see from the different addresses of the two partners.

Exhibit E: We intend to go by the fare schedules provided by the Greenville City Office.

Exhibit F: We have enough experience to administer additional vehicles in our fleet/franchise with over three years of experience as cab drivers and later cab owners in City of Greenville. We are hiring drivers from older cab companies with long experience and updated permit to drive taxi.

Exhibit G: Attached herewith are documents of one of the vehicle we intend to add immediately.

We look forward to your favorable consideration and approval in earnest.

Sincerely,

For Unity Cab Company.

Sani Bello.

STATE OF NORTH CAROLINA

MVR 191 (Rev 05/07)

CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER
JT3AC11R9P1110083

YEAR MODEL
1993

MAKE
TOYT

BODY STYLE
VN

TITLE NUMBER
778213102521147

TITLE ISSUE DATE
09/15/2010

PREVIOUS TITLE NUMBER
776882091744147



**MAMADOU SANOGO
1212 RED BANKS RD APT J1
GREENVILLE NC 27858-5308**

MAIL TO

ODOMETER READING
ODOMETER STATUS
TITLE BRANDS

OWNER(S) NAME AND ADDRESS

**MAMADOU SANOGO
1212 RED BANKS RD APT J1
GREENVILLE NC 27858-5308**



The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a certificate of title for the herein described vehicle has been filed pursuant to the General Statutes of North Carolina and based on that application, the Division of Motor Vehicles is satisfied that the applicant is the lawful owner. Official records of the Division of Motor Vehicles reflect vehicle is subject to the liens, if any, herein enumerated at the date of issuance of this certificate.

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

Michael Robertson
COMMISSIONER OF MOTOR VEHICLES

FIRST LIENHOLDER: _____ DATE OF LIEN _____

LIEN RELEASED BY:
SIGNATURE _____
TITLE _____ DATE _____

SECOND LIENHOLDER: _____ DATE OF LIEN _____

LIEN RELEASED BY:
SIGNATURE _____
TITLE _____ DATE _____

THIRD LIENHOLDER: _____ DATE OF LIEN _____

LIEN RELEASED BY:
SIGNATURE _____
TITLE _____ DATE _____

FOURTH LIENHOLDER: _____ DATE OF LIEN _____

LIEN RELEASED BY:
SIGNATURE _____
TITLE _____ DATE _____

ADDITIONAL LIENS:

83400948
147 T1C1478 Item # 6

STATE OF NORTH CAROLINA REGISTRATION CARD

NC LIC NUMBER 2WES609	PLT VALID THRU 10/15/2011	INSPECTION DUE 09/30/2011	GROSS WT	
VEHICLE ID # JT3AC11R9P1110083	TITLE # 778213102521147	EQUIP #		
MAKE/SERIES TOYOTA	STYLE VN	YEAR 1993	FUEL G	TOTAL FEE 28.00
SHIPPING WEIGHT	VEHICLE BRAND			
CLASSIFICATION PRIVATE/PASS VEH	CUSTOMER ID # OWNER 1	CUSTOMER ID # OWNER 2	COUNTY	
000035345209			PITT	
MAMADOU SANOGO				

1212 RED BANKS RD APT J1
GREENVILLE NC 27858-5308

N59 - NATIONAL LIABILITY & FIRE INS CO
INSURANCE COMPANY AUTHORIZED IN NC

73APG020715-01

POLICY NUMBER

SIGNATURE



JT3AC11R9P1110083

NC DIVISION OF MOTOR VEHICLES RECEIPT OF FEES PAID

MAMADOU SANOGO
License 28.00
Title 40.00
HUT 20.40

1993 TOYT VN
JT3AC11R9P1110083
778213102521147
147 09/09/2010 TIC1478

252-902-2948 - in Macon Va
Abbott

TOTAL 88.40 CASH
Sanogo

+
+
+
25171662

**NORTH CAROLINA INSURANCE POLICY
INFORMATION CARD**

**KEEP THIS CARD IN YOUR MOTOR
VEHICLE WHILE IN OPERATION**

COMPANY NUMBER 73 **COMPANY**
National Liability & Fire Insurance Company

POLICY NUMBER 73 APG 020719 - 01 **EFFECTIVE DATE** 09/13/2010 01:35 AM **EXPIRATION DATE** 12/11/2010 12:01 AM

YEAR 1993 **MAKE/MODE** TOYOTA PREVIA 4X2 MINI **VEHICLE IDENTIFICATION NUMBER** JT3AC11R0P1110093

Report All Accidents To:

1-800-691-3891

24 Hour Toll Free

GENERAL AGENCY ISSUING CARD
GEICO Insurance Agency, Inc.
One GEICO Boulevard
Fayetteville, VA 22412

INSURED
MAMADOU SANOGO
1212 RED BANKS RD #J1
GREENVILLE, NC 27838

The current status of actual motor vehicle liability coverage is maintained by the North Carolina Dept. of Motor Vehicle Safety and is accessible to law enforcement agencies upon a check of the vehicle registration.

SEE IMPORTANT NOTICE ON REVERSE SIDE

M-4550a (11/1999)

----- CUT ALONG THIS LINE -----

----- CUT ALONG THIS LINE -----

**NORTH CAROLINA INSURANCE POLICY
INFORMATION CARD**

**KEEP THIS CARD IN YOUR MOTOR
VEHICLE WHILE IN OPERATION**

COMPANY NUMBER 73 **COMPANY**
National Liability & Fire Insurance Company

POLICY NUMBER 73 APG 020719 - 01 **EFFECTIVE DATE** 09/13/2010 01:35 AM **EXPIRATION DATE** 12/11/2010 12:01 AM

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Report All Accidents To:

1-800-691-3891

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GENERAL AGENCY ISSUING CARD
GEICO Insurance Agency, Inc.
One GEICO Boulevard
Fayetteville, VA 22412

INSURED
MAMADOU SANOGO
1212 RED BANKS RD #J1
GREENVILLE, NC 27838

The current status of actual motor vehicle liability coverage is maintained by the North Carolina Dept. of Motor Vehicle Safety and is accessible to law enforcement agencies upon a check of the vehicle registration.

SEE IMPORTANT NOTICE ON REVERSE SIDE

M-4550a (11/1999)

----- CUT ALONG THIS LINE -----

----- CUT ALONG THIS LINE -----

CITY OF GREENVILLE OFFICIAL RECEIPT

City of Greenville
*** CUSTOMER RECEIPT ***
Batch ID: ALPEZ 10/05/10 09 Receipt no: 367634

Description Qty Amount Description To By
POLICE DEPARTMENT F 1 \$30.00 TAXI LICENSE INC F3
CASH 2 CASH 0100000302015
01000001010000

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

Trans date: 10/05/10 Time: 8:19:37

Sani Bello
Unity Cab Co.

Unity Cab Co.

Sani Bello
(Owner)

*For a Fast, Reliable &
Comfortable Ride*

Cell: (252) 367-2266
Office: (252) 378-5913



FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: October 5, 2010

SUBJECT: Taxicab Application for:
Valentine Perkins / Early Birds Taxi Cab
And
Sani Bello / Unity Cab Company

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.

However, Valentine Perkins and Ernest Daniels Perkins owe current year taxes to Pitt County on property totaling \$89.17. This payment is not past due until January 6, 2011. Additionally there are taxes owed on a vehicle totaling \$42.21 which were past due on 06/01/10.

* There are no taxes showing as owed in the name of Sani Bello; however, taxes are owed in the name of Mamadou Sanogo, who is listed as a partner on the business, for a vehicle in the amount of \$63.07. This was past due on 8/03/2010.

If I can provide further assistance, please call.

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

Doc # 177282

Item # 6

Carol Barwick

From: Merrill Flood
Sent: Tuesday, October 05, 2010 3:06 PM
To: Carol Barwick
Subject: FW: New Taxi Franchise Questions

Both of the uses are okay. Mr. Bello can only have one vehicle at his address.

Merrill Flood
Community Development Director
mflood@greenvillenc.gov
(252) 329-4500

From: Michael Dail
Sent: Tuesday, October 05, 2010 1:47 PM
To: Merrill Flood
Subject:

Please Review.

Valentine Perkins taxi cab office and storage is located outside of our jurisdiction therefore there are no zoning issues with this expansion.

 Sani Bello operates an incidental use home occupation taxi cab office. Only one vehicle is allowed to be stored at the residence. Additional cabs cannot be stored at the residence and employees cannot work out of the residence or visit the residence regarding company business. No indication has been made in the packet regard the storage of the additional cabs.

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



GREENVILLE POLICE DEPARTMENT MEMORANDUM

October 5, 2010

TO: Chief William Anderson
FROM: Officer Corey Barrett
SUBJECT: Recommendation for Taxi Application

I have conducted a review of Mr. Sani Bello' background as it relates to the increase of vehicle operation within her franchise, Early Birds Transportation and Taxi Service. Checks were conducted through the Pitt County Tax Assessor, NC DMV, and the NC Administrative Office of the Courts as well as a criminal history inquiry.

Currently, I can find no reason with regard to a criminal or driving history that would preclude Mr. Bello from being granted a taxi franchise within the City of Greenville. It should be noted however that they will be required by ordinance to begin operation within 60 days of the issuance of that franchise.

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

A handwritten signature in blue ink, appearing to be "C. Barrett", is located to the right of the text "If you have questions or need additional information, please let me know."



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a taxicab franchise to Valentine Perkins, d/b/a Earlybirds Taxicab Company

Explanation: Valentine Perkins, d/b/a Earlybirds Taxicab Company, has made application for a taxicab franchise to operate three taxicabs. As noted in the attached supporting materials, review by the Financial Services Department revealed a minor concern which has been brought to the applicant's attention. The Community Development and Police Departments also reviewed the application packet, and neither had any objection to Ms. Perkins' proposal. A public hearing for Ms. Perkins' request is scheduled for November 8, 2010, and will be advertised on The City Page in The Daily Reflector on October 25, 2010, November 1, 2010 and November 8, 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: Consider adoption of the first reading of the attached ordinance granting a taxicab franchise to Valentine Perkins, d/b/a Earlybirds Taxicab Company.

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

Attachments / click to download

- [Application Packet from Valentine Perkins](#)
- [An Ordinance Granting A Taxicab Franchise to Valentine Perkins 879342](#)

ORDINANCE NO. 10-____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO VALENTINE PERKINS
D/B/A EARLYBIRDS TAXICAB COMPANY

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, Valentine Perkins, d/b/a Earlybirds Taxicab Company, is an applicant for a franchise permitting the operation of 3 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 Valentine Perkins, d/b/a Earlybirds Taxicab Company, to permit the operation within the City of Greenville of not more than 3 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 11th day of October, 2010.

Second reading and final adoption on the 8th day of November, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

9/29/10

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:
Earlybirds Taxicab Co, 2366 Springhill Rd. 27558 (Greenville N.C.)
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 2/2/06 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 N.C. 27558
5. The Applicant is requesting franchise to operate 3 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>Perkin</u>		FIRST NAME <u>Valentine</u>		MIDDLE NAME		
ALIAS OR NICKNAME <u>Tina</u>		SEX <u>Female</u>	AGE <u>58</u>	WEIGHT <u>151</u>	HEIGHT <u>5'8"</u>	ID NO.
ADDRESS <u>2366 Springhill Rd. Greenville</u>		HAIR <u>Blk</u>	EYES	COMPLEXION <u>dark</u>		
OCCUPATION <u>Transport/Taxicab driver</u>			DRIVERS LICENSE NO.		IDENTIFICATION NO.	
PLACE OF BIRTH <u>Pitt county - Ayden N.C.</u>			DATE OF BIRTH <u>2/21/52</u>		SOCIAL SECURITY NO.	

Signature of Applicant _____

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

Item # 7

Turn over back
2/21/10

Exhibit C:

I have documents of exhibit C, stating
my value and worth of property,
insurance life and home, resident
100,00 Insurance life for family
and self, 60,000⁰⁰, all automobiles,
Ford Furgus, 800.⁰⁰, Ford Crown Victoria
1000.⁰⁰, Dodge Caravan 900.⁰⁰ Chrysler
Voyager 3,000.⁰⁰, Clubwagon bus 1000.⁰⁰

EXHIBIT H1

I am once again requesting more taxicabs to be added to my franchise, Earlybirds Taxicab Co. as I stated in my most recent request in 11/09, for cab service the need is still necessary, for the uptown service, the ECU students, especially during football seasons, Halloween night and just weekend party nights, I still feel that there is not enough cab service being provided in this growing city of Greenville, nor is there enough job opportunities, and this will allow people that like this kind of employment to be employed, meeting the needs of the unemployed and also the community of Greenville. I feel that expansion has made it necessary for the demand of cab service.

I will use my present cab that I am using at the present time, Crown Victoria Ford, 1996 4 door silver in color, carries up to 6 passengers with 170,000 miles.

I would like to add a new cab, a 1999 blue Plymouth Voyager 3 doors, 2 doors on the side and one front door and one back sliding door on driver side, front pen door with the back trunk door, will carry up to 7 people 39,000.

Will later have a 1989 Plymouth Voyager out for cab service in a few more months, but would like to have it up for approval now, but will need a few more mechanical adjustments made, it is blue with 2 sliding doors on each side, and each front doors, and will seat 8 passengers, color is blue, and have 150,000 miles.

Dodge Caravan - 1997 two front doors, 2 back sliding doors, white color, with 160,000 miles, not in running order.

Also have 1993 Ford Taurus, 4 doors, color gray, holds 6 passengers, is not running at this time.
1985 Clubwagon van holds up to 12 passenger, dark blue, 200,000 miles, not running at this time.

Exhibit U:

My business will be is located about 600 miles outside the city limit at my resident where all my automobiles are very well parked in my back yard, and front also under my carport, there is plenty room for them and are not interfering with any other resident on either side of me.

Exhibit K:

I am in compliance with the city of Greenville listing fares and will comply as follows.

Exhibits F:

I have experience as a former taxicab driver of about 7 months with city cabs Service, a very well known taxicab service here in Greenville, I was able to get a lot of experience from them in Greenville, I was also had previous experience of about 25 years of home health traveling as a home health aide from different towns and counties, here in Greenville, with driving, location, informative informations, and dealing with all types of people: including, sick, public, also I started my own transportation service in 2006 and have done well, and now I have started my taxicab business, along with transportation services, and has taken off well since 2/10, and is doing well and have need for more cars and vans to increase my business for greater growth, it has proven to be very successful.

Exhibit G:

I will be driving as a taxicab driver, along with Tricia Perkins and Samuel Perkins, and we have attached our drug screening test results, and a waiver from the physician to release the results to the Greenville Police.

Exhibit C
Liability Ins.

CERTIFICATE OF INSURANCE
Farm Bureau Insurance of N.C., Inc.
North Carolina Farm Bureau Mutual Insurance Company

This is to Certify, that policies in the name of

NAME INSURED and ADDRESS
Valentine Perkins
Dba Early Bird Transport Services
2366 Springhill Rd
Greenville N.C. 27858

THIS CERTIFICATE OF INSURANCE NEITHER AFFIRMATIVELY NOR NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE AFFORDED BY ANY POLICY DESCRIBED HEREIN.

are in force at the date hereof, as follows:

TYPE OF INSURANCE		POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
COMMERCIAL GENERAL LIABILITY					GENERAL AGGREGATE	\$
					PRODUCTS-COMP/OPS AGGREGATE	\$
					PERSONAL & ADVERTISING INJURY	\$
					EACH OCCURRENCE	\$
					FIRE DAMAGE (ANY ONE FIRE)	\$
					MEDICAL EXPENSE (ANY ONE)	\$
AUTOMOBILE LIABILITY		BINDER	2/3/2006	2/3/2007	CSL	\$ 1.5 million
<input checked="" type="checkbox"/>	SCHEDULED AUTOS				BODILY INJURY (PER PERSON)	\$
<input type="checkbox"/>	HIRED AUTOS				BODILY INJURY (PER ACCIDENT)	\$
<input type="checkbox"/>	NON-OWNED AUTOS				PROPERTY DAMAGE	\$
<input type="checkbox"/>	GARAGE LIABILITY					
EXCESS LIABILITY					EACH OCCURRENCE	AGGREGATE
<input type="checkbox"/>	UMBRELLA				\$	\$
<input type="checkbox"/>	OTHER THAN UMBRELLA FORM					
WORKERS COMPENSATION AND EMPLOYERS LIABILITY		NORTH CAROLINA W.C. COVERAGE ONLY			STATUTORY	
					\$	(EACH ACCIDENT)
					\$	(DISEASE-EACH EMPLOYEE)
					\$	(DISEASE-POLICY LIMIT)
OTHER						
ADDITIONAL INSURED (IF ANY):						

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS:

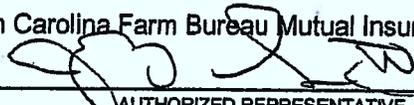
In the event of any material change in, or cancellation of said policies, the undersigned company will endeavor to give written notice to the party to whom this certificate is issued, but failure to give such notice shall impose no obligation nor liability upon the company.

Dated: 2/8/2006

JOB LOCATION: North Carolina

Name of Company: North Carolina Farm Bureau Mutual Insurance Co.

CERTIFICATE ISSUED TO:



AUTHORIZED REPRESENTATIVE

NAME and ADDRESS
Ruth Hines
1717 W 5th St.
Greenville N.C. 27834



NC FARM BUREAU MUTUAL INS. CO.

P.O. Box 27427, Raleigh, NC, 27611-7427

PROOF OF INSURANCE

Attachment number 2
Page 6 of 17

NOTHING IN THIS DOCUMENT SHOULD BE CONSTRUED AS A WAIVER OF ANY POLICY TERMS OR CONDITIONS. THIS DOCUMENT IS INVALID IF POLICY IS CANCELLED, TERMINATED OR EXPIRED.

Policy Number: **BAP 2908279** Effective Date: 08/27/10 Expiration Date: 02/03/11

Insured Vehicle: Year: 1999 Make: PLYMOUTH VOYAGER VIN: 2P1FP25BX1R162905

Agent's Name: JAY SURLES IV Phone Number: (252) 756-3165

Named Insured:
VALENTINE PERKINS
DBA EARLY BIRD TRANSPORT SERVICES
2366 SPRINGHILL RD
GREENVILLE, NC 27858-8516

IMPORTANT: PLEASE PLACE IN DESIGNATED VEHICLE

Lm Guire

Authorized Representative

09/07/10

Date

NAIC Number: 14842

PROOF OF INSURANCE



XXXXXXXXXXXXXXXXXXXXXXXXXXXX

P.O. Box 27427, Raleigh, NC, 27611-7427

NOTHING IN THIS DOCUMENT SHOULD BE CONSTRUED AS A WAIVER OF ANY POLICY TERMS OR CONDITIONS. THIS DOCUMENT IS INVALID IF POLICY IS CANCELLED, TERMINATED OR EXPIRED.

Policy Number: **XXX XXXXXXX** Effective Date: XXXXXXXX Expiration Date: XXXXXXXX

Insured Vehicle: Year: XXXX Make: XXXXXXXXXXXXXXXXXXXX VIN: XXXXXXXXXXXXXXXXXXXX

Agent's Name: XXXXXXXXXXXXXXXXXXXX Phone Number: XXXXXXXXXXXXXXX

Named Insured:
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX

IMPORTANT: PLEASE PLACE IN DESIGNATED VEHICLE

Lm Guire

Authorized Representative

XXXXXXX

Date

NAIC Number: XXXXX

PROOF OF INSURANCE



XXXXXXXXXXXXXXXXXXXXXXXXXXXX

P.O. Box 27427, Raleigh, NC, 27611-7427

NOTHING IN THIS DOCUMENT SHOULD BE CONSTRUED AS A WAIVER OF ANY POLICY TERMS OR CONDITIONS. THIS DOCUMENT IS INVALID IF POLICY IS CANCELLED, TERMINATED OR EXPIRED.

Policy Number: **XXX XXXXXXX** Effective Date: XXXXXXXX Expiration Date: XXXXXXXX

Insured Vehicle: Year: XXXX Make: XXXXXXXXXXXXXXXXXXXX VIN: XXXXXXXXXXXXXXXXXXXX

Agent's Name: XXXXXXXXXXXXXXXXXXXX Phone Number: XXXXXXXXXXXXXXX

Named Insured:
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX

IMPORTANT: PLEASE PLACE IN DESIGNATED VEHICLE

Lm Guire

Authorized Representative

Item # XXXXXXX

Date

NAIC Number: XXXXX

NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY PART B DECLARATION PAGE

P.O. BOX 27427 RALEIGH, NORTH CAROLINA 27611-7427

BUSINESS AUTO POLICY

AMENDED DECLARATION 01 * * EFFECTIVE 08/27/10

ITEM ONE-

REASON FOR AMENDMENT SEE DETAILED CHANGES

POLICY NUMBER	POLICY PERIOD		MEMBERSHIP NO	AGENT CODE	
BAP 2908279	FROM 02/03/10	TO 02/03/11	9999999	BAP DECL 0310	0744642
NAMED INSURED AND ADDRESS				AGENT	
#BWNJZPT #2908 2790 4IN0 0001# VALENTINE PERKINS DBA EARLY BIRD TRANSPORT SERVICES 2366 SPRINGHILL RD GREENVILLE, NC 27858-8516				JAY SURLES IV TELE: (252) 756-3165 3200 CHARLES BLVD GREENVILLE, NC 27858	

FORM OF NAMED INSUREDS BUSINESS- INDIVIDUAL

ITEM TWO- SCHEDULE OF COVERAGES AND COVERED AUTOS

THIS POLICY PROVIDES ONLY THOSE COVERAGES WHERE A CHARGE IS SHOWN IN THE PREMIUM COLUMNS BELOW. EACH OF THESE COVERAGES WILL APPLY ONLY TO THOSE AUTOS SHOWN AS COVERED AUTOS. AUTOS ARE SHOWN AS COVERED AUTOS FOR A PARTICULAR COVERAGE BY THE ENTRY OF ONE OR MORE OF THE SYMBOLS FROM THE COVERED AUTO SECTION OF THE BUSINESS AUTO COVERAGE FORM NEXT TO THE NAME OF THE COVERAGE.

COVERAGES	COVERED AUTOS	LIMIT- THE MOST WE WILL PAY FOR ANY ONE ACCIDENT OR LOSS	PREMIUM
LIABILITY INSURANCE	07	\$1,500,000	\$2,568.00
AUTO MED. PAY. INS.	07	\$1,000 EA PERSON	\$124.00
UNINS/UNDRINS MTR BI	07	\$1,000,000 EA PERSON \$1,000,000 EA ACC	\$144.00
UNINSURED MTRST PD		\$1,000,000 PER ACCIDENT	\$6.00
TOTAL PREMIUM			\$2,842.00

ITEM THREE- SCHEDULE OF COVERED AUTOS YOU OWN

VEH ST TER YR DESCRIPTION	VEH SERIAL NUMBER	AGE	SYMBOL CMP\COL	COST NEW CLASS	STATED AMT
010 NC 023 96 FORD	PA 2FALP71W8TX126493	12		5851	
011 NC 023 99 PLYMOUTH VOYA	PA 2P1FP25BX162905	12		5851	

THIS IS NOT A BILL. THE CHARGE OF \$622.00 WILL BE REFLECTED ON YOUR NEXT INSTALLMENT(S).

NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY PART B DECLARATION PAGE

P.O. BOX 27427 RALEIGH, NORTH CAROLINA 27611-7427

BUSINESS AUTO POLICY

AMENDED DECLARATION 02 * * EFFECTIVE 09/08/10

ITEM ONE-

REASON FOR AMENDMENT ADD DRIVER

POLICY NUMBER	POLICY PERIOD FROM TO		MEMBERSHIP NO.	AGENT CODE	
BAP 2908279	02/03/10	02/03/11	9999999	BAP DECL 0310	0744642
NAMED INSURED AND ADDRESS				AGENT	
#BWNJZPT #2908 2790 4IN0 0001# VALENTINE PERKINS DBA EARLY BIRD TRANSPORT SERVICES 2366 SPRINGHILL RD GREENVILLE, NC 27858-8516				JAY SURLS IV TELE: (252) 756-3165 3200 CHARLES BLVD GREENVILLE, NC 27858	

PREMIUMS-	MED	UN-UD	SPEC	DEDUCTIBLE	PREMIUM					
AUTO	LIAB	PAY	MTRST	COMP	PERIL	COLL	OTHER	COMP	COLL	
010	\$1284.00	\$62	\$75							\$1421.00
011	\$1284.00	\$62	\$75							\$1421.00

DRIVER ID	DRIVER NAME	LICENSE NUMBER	BIRTH DATE
01	VALENTINE PERKINS		02/21/52
02	KIMBERLY PERKINS ALLEN		02/11/81
03	SAMUEL LEWIS PERKINS		02/25/46
04	TRICIA DIANNE PERKINS		06/19/71

APPLICABLE FORMS

FORM#	DATE								
CA-0001	0306	IL-0003	0702	IL-0017	1198	IL-0021	0702	CA-9917	0306
CA-0126	0301	CA-0199	0189	CA-2384	0106	CA-2394	0306	CA-2402	1293
CA-9903	0306	CA-2116	0109	CA-2107	1293				

Lm Guire

 AUTHORIZED REPRESENTATIVE

09/15/10

 DATE

THESE DECLARATIONS TOGETHER WITH THE BUSINESS AUTO POLICY PROVISIONS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY PART B DECLARATION PAGE

P.O. BOX 27427 RALEIGH, NORTH CAROLINA 27611-7427

BUSINESS AUTO POLICY

AMENDED DECLARATION 02 * * EFFECTIVE 09/08/10

ITEM ONE-

REASON FOR AMENDMENT ADD DRIVER

POLICY NUMBER	POLICY PERIOD		MEMBERSHIP NO.	AGENT CODE	
BAP 2908279	FROM 02/03/10	TO 02/03/11	9999999	BAP DECL 0310	0744642

NAMED INSURED AND ADDRESS

#BWNJZPT
 #2908 2790 4IN0 0001#
 VALENTINE PERKINS
 DBA EARLY BIRD TRANSPORT SERVICES
 2366 SPRINGHILL RD
 GREENVILLE, NC 27858-8516

AGENT

JAY SURLES IV
 TELE: (252) 756-3165
 3200 CHARLES BLVD
 GREENVILLE, NC 27858

FORM OF NAMED INSUREDS BUSINESS- INDIVIDUAL

ITEM TWO- **SCHEDULE OF COVERAGES AND COVERED AUTOS**

THIS POLICY PROVIDES ONLY THOSE COVERAGES WHERE A CHARGE IS SHOWN IN THE PREMIUM COLUMNS BELOW. EACH OF THESE COVERAGES WILL APPLY ONLY TO THOSE AUTOS SHOWN AS COVERED AUTOS. AUTOS ARE SHOWN AS COVERED AUTOS FOR A PARTICULAR COVERAGE BY THE ENTRY OF ONE OR MORE OF THE SYMBOLS FROM THE COVERED AUTO SECTION OF THE BUSINESS AUTO COVERAGE FORM NEXT TO THE NAME OF THE COVERAGE.

COVERAGES	COVERED AUTOS	LIMIT- THE MOST WE WILL PAY FOR ANY ONE ACCIDENT OR LOSS	PREMIUM
LIABILITY INSURANCE	07	\$1,500,000	\$2,568.00
AUTO MED. PAY. INS.	07	\$1,000 EA PERSON	\$124.00
UNINS/UNDRINS MTR BI	07	\$1,000,000 EA PERSON \$1,000,000 EA ACC	\$144.00
UNINSURED MTRST PD		\$1,000,000 PER ACCIDENT	\$6.00
TOTAL PREMIUM			\$2,842.00

ITEM THREE- **SCHEDULE OF COVERED AUTOS YOU OWN**

VEH	ST	TER	YR	DESCRIPTION	VEH TYPE	SERIAL NUMBER	AGE	SYMBOL CMP\COL	COST NEW CLASS	STATED AMT
010	NC	023	96	FORD	PA	2FALP71W8TX126493	12		5851	
011	NC	023	99	PLYMOUTH VOYA	PA	2P1FP25BX1R162905	12		5851	

THIS IS NOT A BILL. YOUR PREMIUM HAS NOT BEEN AFFECTED BY THIS AMENDMENT.

NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY PART B DECLARATION PAGE
P.O. BOX 27427 RALEIGH, NORTH CAROLINA 27611-7427
BUSINESS AUTO POLICY

AMENDED DECLARATION 01 * * EFFECTIVE 08/27/10

ITEM ONE-

REASON FOR AMENDMENT SEE DETAILED CHANGES

POLICY NUMBER		POLICY PERIOD		MEMBERSHIP NO.	AGENT CODE	
BAP 2908279		FROM 02/03/10	TO 02/03/11	9999999	BAP DECL 0310 0744642	
NAMED INSURED AND ADDRESS					AGENT	
#BWNJZPT #2908 2790 4IN0 0001# VALENTINE PERKINS DBA EARLY BIRD TRANSPORT SERVICES 2366 SPRINGHILL RD GREENVILLE, NC 27858-8516					JAY SURLS IV TELE: (252) 756-3165 3200 CHARLES BLVD GREENVILLE, NC 27858	

DETAILED CHANGES:
DELETE DRIVER
ADD DRIVER
ADD VEHICLE

Lm Guire

AUTHORIZED REPRESENTATIVE

09/07/10

DATE

THESE DECLARATIONS TOGETHER WITH THE BUSINESS AUTO POLICY PROVISIONS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

st
1 cab Ford Crown Victoria
Since 2/10

SSP

Fax: 9198542275

Mar 13 2007 7:59

P.02



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

3101 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-3101

LYNDO TIPPETT
SECRETARY

ONE-WAY TRIP PERMIT

TO WHOM IT MAY CONCERN:

This memorandum authorizes VALENTINE PERKINS

to move a CROWN VICTORIA

motor number NA serial number 2FALPT1W8TX126493

from Greenville Raleigh to Greenville Graham

in accordance with G.S. 20-50(a).

This permit expires within twenty-four (24) hours from the following date:

<u>MARCH</u>	<u>13</u>	<u>2007</u>	<u>8:00</u> A.M.
(Month)	(Day)	(Year)	(Hour)

The vehicle herein above set forth is insured as follows:

<u>X STATE FARM</u>	<u>X 6-9888-304-33F</u>
(Insurance Company)	(Policy Number)

This trip permit is deemed in compliance with temporary registration requirements only.

X Valentine Perkins
Signature of Purchaser

X
Valid Driver License Number

N. C. DIVISION OF MOTOR VEHICLES

Item # 7

IRS Department of the Treasury
Internal Revenue Service
P.O. BOX 9003
HOLTSVILLE NY 11742-9003

In reply refer to: 0134264526
Mar. 29, 2007 LTR 147C 0
000000 00 000
00002897
BODC: SB

VALENTINE PERKINS
EARLY BIRD TRANSPORTATION SERVICES
2366 SPRINGHILL RD
GREENVILLE NC 27858-8516668

Employer Identification Number:

Dear Taxpayer:

Thank you for the inquiry of Mar. 20, 2007.

Your Employer Identification Number (EIN) is . Please keep this number in your permanent records. You should enter your name and your EIN, exactly as shown above, on all business federal tax forms that require its use, and on any related correspondence documents.

If you have any questions, please call us toll free at 1-800-829-4933.

If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

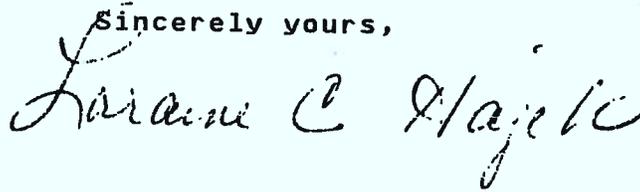
Telephone Number (252) 916-7417 or 752-8668 Hours _____

Mar. 29, 2007 LTR 147C 0
000000 00 000
0134264526
00002898

VALENTINE PERKINS
EARLY BIRD TRANSPORTATION SERVICES
2366 SPRINGHILL RD
GREENVILLE NC 27858-8516668

We apologize for any inconvenience we may have caused you, and thank you for your cooperation.

Sincerely yours,



Lorraine C. Hajek Department Mgr.
EIN 2

Enclosure(s):
Copy of this letter

CITY OF GREENVILLE OFFICIAL RECEIPT

City of Greenville
*** CUSTOMER RECEIPT ***

Batch ID: RAJONES 10/06/10 04 Receipt no: 888732

Description	Qty	Amount	Description
POLICE DEPARTMENT F	01000005557015	\$30.00	TEXT LICENSE INT 15
CASH / CASH	01000001010000	\$30.00	
PAYMENT OF FEES IS FOR			
CASH/TRAFFIC TAXICAB COMPANY			

Sender detail
 City 25668
 Total tendered: \$30.00
 Total payment: \$30.00

Trans date: 10/06/10 Time: 7:06:04



FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: October 5, 2010

SUBJECT: Taxicab Application for:
Valentine Perkins / Early Birds Taxi Cab
And
Sani Bello / Unity Cab Company

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.

* However, Valentine Perkins and Ernest Daniels Perkins owe current year taxes to Pitt County on property totaling \$89.17. This payment is not past due until January 6, 2011. Additionally there are taxes owed on a vehicle totaling \$42.21 which were past due on 06/01/10.

There are no taxes showing as owed in the name of Sani Bello; however, taxes are owed in the name of Mamadou Sanogo, who is listed as a partner on the business, for a vehicle in the amount of \$63.07. This was past due on 8/03/2010.

If I can provide further assistance, please call.

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

Doc # 177282

Item # 7

Carol Barwick

From: Merrill Flood
Sent: Tuesday, October 05, 2010 3:06 PM
To: Carol Barwick
Subject: FW: New Taxi Franchise Questions

Both of the uses are okay. Mr. Bello can only have one vehicle at his address.

Merrill Flood
Community Development Director
mflood@greenvillenc.gov
(252) 329-4500

From: Michael Dail
Sent: Tuesday, October 05, 2010 1:47 PM
To: Merrill Flood
Subject:

Please Review.

* Valentine Perkins taxi cab office and storage is located outside of our jurisdiction therefore there are no zoning issues with this expansion.

Sani Bello operates an incidental use home occupation taxi cab office. Only one vehicle is allowed to be stored at the residence. Additional cabs cannot be stored at the residence and employees cannot work out of the residence or visit the residence regarding company business. No indication has been made in the packet regard the storage of the additional cabs.

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



GREENVILLE POLICE DEPARTMENT MEMORANDUM

October 5, 2010

TO: Chief William Anderson
FROM: Officer Corey Barrett
SUBJECT: Recommendation for Taxi Application

I have conducted a review of Mrs. Valentine Long Perkins' background as it relates to the increase of vehicle operation within her franchise, Early Birds Transportation and Taxi Service. Checks were conducted through the Pitt County Tax Assessor, NC DMV, and the NC Administrative Office of the Courts as well as a criminal history inquiry.

Currently, I can find no reason with regard to a criminal or driving history that would preclude Mrs. Perkins from being granted a taxi franchise within the City of Greenville. It should be noted however that they will be required by ordinance to begin operation within 60 days of the issuance of that franchise.

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

A handwritten signature in blue ink, appearing to be "WMA", is located to the right of the text "please let me know".



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Agreement for federal lobbying services with The Ferguson Group

Explanation: Since 2002, the City has contracted on an annual basis with The Ferguson Group to act as the City's representative with the federal government in Washington, DC. Attached is a report from Melissa Hyman that describes the services provided by The Ferguson Group.

The current agreement expires on October 31, 2010. The attached proposed agreement extends the services of The Ferguson Group for another year to October 31, 2011, under the same terms and conditions as contained in the current agreement.

Fiscal Note: The annual cost to the City for the services of The Ferguson Group included in the proposed agreement is \$94,500 payable in monthly installments of \$7,875. This amount is the same as in the agreement that expires on October 31, 2010. The 2010-2011 Mayor and City Council budget contains the funds to pay for these services.

Recommendation: Approve the attached agreement to extend federal lobbying services with The Ferguson Group,

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

Attachments / click to download

[2010 Report](#)

[2010-11 Contract](#)



1130 Connecticut Avenue, NW
Suite 300
Washington, D.C. 20036
202.331.8500
202.331.1598 fax

To: Wayne Bowers
From: Melissa Hyman
Date: October 4, 2010
Re: Lobbying Successes

Overview: The City of Greenville has greatly benefited from retaining federal lobbying services. The City has retained federal representation since 2002 and has received \$12.7 million as a result.

Highlights from retaining federal lobbying services include:

- 1). A direction of over \$12.7 million of funding directly to the City at a cost to the City of \$681,000.
- 2). Advocacy work with Federal Railroad Administration, which spanned several years, to secure federal funding to relocate a switching yard from the downtown area.
- 3). Receipt of comprehensive reports on legislative and regulatory activity, including up to date and detailed information on the economic stimulus legislation.
- 4). Relationship building with the City's congressional delegation, including newly elected Senator Kay Hagan.

The Ferguson Group (TFG) enjoys working with the City of Greenville and understands the financial pressures many local governments are facing at the moment. To this end, we are **not** seeking an increase in our monthly retainer, which we have kept at the same rate since 2007.

I. Direct Allocation of Federal Funding

The federal government distributes federal funding to local governments namely by three methods: direct formula allocations, competitive grant awards, and congressional earmarks. Without having to take any actions, the City will receive funding through one method, direct formula allocations, should the City meet previously laid out qualifying factors. For example, the City of Greenville receives an allocation every year through the Community Development Block Grant fund based solely on the City's population.

The other two funding streams require action on the City's part, and that is where having federal representation in Washington, DC has paid off. Since employing federal representation, the City of Greenville received over \$12.7 million, which the City otherwise would not have received without lobbying Congress and the federal agencies. TFG played an instrumental role these efforts by:

- Working with city staff to identify local redevelopment, public safety and transportation projects for which to seek federal funding;

- Reviewing federal statutes and agency regulations to ensure that priority projects qualified for selected federal funding streams;
- Drafting forms, fact sheets, and letters that were used to assist the City’s congressional delegation to seek funding from relevant House and Senate committees and federal agencies;
- Arranging meetings with the City’s congressional delegation and their staffs and other key federal officials and preparing and guiding city staff through these meetings in order to optimize effectiveness; and
- Guiding the city’s projects through the markup of spending and authorizing legislation in the relevant subcommittees and committees and tracking the City’s projects and issues as legislation progresses, so that the City knew when, and how, to press for their priorities at critical times.

The chart below compares how much funding the City has received to how much the City has spent on lobbying efforts. As you can see, **for every \$1 the City spent on lobbying services, the City received approximately \$18.73 in return.**

Year	Project Name	Amount Secured	Cost to City
SAFETEA-LU	Design, Engineering and Construction of Tenth Street Connector	\$7,131,200	
SAFETEA-LU	Greenway Expansion and Improvement Project	\$1,600,000	
FY04	Police Department Technology Improvements	\$200,000	
FY04	Green Mill Run Stream Restoration	\$200,000	
FY04	West Greenville Neighborhood Revitalization	\$100,000	
FY05	Green Mill Run Stream Restoration	\$60,000	
FY05	Greenways Expansion and Improvement	\$1,500,000	
FY08	Tenth Street Connector	\$245,000	
FY09	Police Department Technology Improvements	\$175,000	
FY10	Police Department Technology Improvements	\$250,000	
FY10	Emergency Operations Center	\$600,000	
FY10	Tenth Street Connector	\$500,000	
FY11 ¹	Regional Family Justice Center	\$200,000	
Aggregate Total		\$12,761,200	\$681,000

II. Representation before Congress and Federal Agencies

¹ These funding totals reflect what is currently included in the spending bills. The amounts are subject to change as the spending bills are finalized.

TFG maintains a strong working relationship with the City of Greenville's congressional delegation through our representation of several North Carolina clients. On behalf of the City, TFG has arranged numerous meetings with Representatives Butterfield and Jones and Senators Burr and Hagan, and has prepared elected officials and city staff for those visits in order to optimize effectiveness. Moreover, since we are located in Washington, DC, TFG staff has been able to meet with these elected officials and staff on a moment's notice.

In addition to our work before Congress, TFG has leveraged contacts within various federal agency officials to remedy problems with City was facing with the federal government. For example, TFG worked closely with Federal Railroad Administration staff to see that the grant application to relocate the switching yard from downtown received a favorable review.

III. **Up to Date Information on Congressional Legislation and Executive Branch Regulations**

TFG's experience, skills and access to lawmakers and federal officials enable us to provide Greenville with timely information on actions being taken by the president, Congress, and the various federal agencies. On a daily basis, TFG provides the City with valuable information that might otherwise be unavailable or difficult to obtain.

The following is a list of examples of services provided to Greenville to relay information to the City in a timely manner.

Weekly Legislative Updates

The City receives an update every week on Congress' legislative floor schedule and detailed information on pieces of legislation that will impact the City.

Project Status and Monthly Legislative Reports

TFG provides regular reports to update the City on the status of the federal funding project requests. This includes regularly scheduled conference calls and monthly personalized status reports.

In addition, Greenville also receives our monthly email newsletter "TFG Washington Report," special action alerts, free access to webinars focused on key issues of importance to local governments, and other relevant information on pertinent grants, legislation and regulations, as well as congressional committee meetings, hearings, and conferences. TFG also provides the City with periodic written, verbal, and electronic reports and attends all relevant industry meetings in Washington in order to provide up-to-the-minute intelligence (and advanced information when available) of federal activities and initiatives.

Webinar Programs

TFG recently launched an audio conference/webinar program to help clients understand important issues and take full advantage of federal funding opportunities. During these conferences, clients can ask specific questions about key issues and have open conversations with our team as well as other invited industry experts. Since January, the

firm has hosted more than 20 specialized webinar and audio conference programs at no charge to clients on homeland security and emergency management, transportation, energy and climate issues, law enforcement, stimulus funding, and various Presidential transition issues. Many of these conferences are recorded and made available off-line so that clients can watch and listen to these presentations at a later date.

Issue Response Teams

Often is the case in Washington that issues and, more importantly, federal funding opportunities, develop quickly and often with highly complex, large volumes of information that require not only deep analysis to fully understand the implications, but careful interpretation to help guide clients to fully understand and take advantage of opportunities.

TFG began forming issue response teams to help accelerate the process of understanding federal funding issues and opportunities and to help disseminate this critical, time sensitive information to clients. For example, TFG formed a team on the stimulus funding package, resulting in the issuing of close to twenty-five client alerts, white papers, and special publications tailored to these specific issues.

AGREEMENT
CITY OF GREENVILLE, NORTH CAROLINA AND
THE FERGUSON GROUP, L.L.C.

Pursuant to this Agreement, the City of Greenville, North Carolina (hereinafter referred to as "the City ") and The Ferguson Group, L.L.C. (hereinafter referred to as "the Washington Representative"), agree to assume the following obligations:

1. OBLIGATIONS OF THE FERGUSON GROUP

- A. The Washington Representative will act as the representative of the City in Washington, D.C.
- B. The Washington Representative will confer with the City Manager and such other personnel as the City Manager may designate at the times and places mutually agreed to by the City Manager and the Washington Representative. This will be done on all organizational planning and program activity that has a bearing on the ability of the City to make the best use of federal programs and develop strategies consistent with federal agendas for accomplishing the City's goals and objectives. In addition, the Washington Representative will coordinate with the City to develop a joint, comprehensive strategic plan for legislative appropriations and other federal issues.
- C. The Washington Representative will review federal executive proposals, legislation under consideration, proposed and adopted administrative rules and regulations and other Washington developments for the purpose of advising the City, on the representative's own initiative, of those items that may have a bearing on the City's policies or programs. And, the Washington Representative will notify the City in advance of opportunities for federal funding prior to formal publication and obtain applications upon request.
- D. The Washington Representative will secure and furnish such detailed information as may be available on federal issues in which the City indicates an interest.
- E. The Washington Representative will review and comment on proposals of the City, which are being prepared for submission to federal agencies, when requested to do so by the City Manager.
- F. The Washington Representative will maintain liaison with the City's Congressional Delegation and assist the delegation in any matter that is in the best interest of the City and in the same manner as any other member of the City's staff might render assistance.

- G. The Washington Representative will counsel with the City and prepare briefing materials and/or conduct briefings for City representatives who are preparing to meet with Members of Congress, testify before Congressional committees and administrative agencies, and conduct other City business, or attend national conferences.
- H. The Washington Representative will arrange appointments (and accommodations when requested) for City officials to facilitate the efficient and effective performance of City business while in Washington, D.C.
- I. The Washington Representative will contact federal agencies on the City's behalf when applications are under consideration by such agencies and otherwise take whatever steps necessary to obtain the most favorable consideration of such applications.
- J. The Washington Representative will submit periodic reports providing the latest information on issues of interest to the City; and provide an annual report giving an overview of The Ferguson Group's work over the past year and a forecast of issues to be faced in the upcoming year.
- K. In fulfilling the responsibilities under this Agreement, the Washington Representative will act in the name of the City and with the title Washington Representative of the City of Greenville, North Carolina.

2. OBLIGATIONS OF THE CITY OF GREENVILLE, NORTH CAROLINA

- A. The City will contract with the Washington Representative for a period of twelve months.
- B. The contract will be \$94,500 payable in advance in equal monthly installments of \$7,875. This figure includes fees for professional services described under paragraph 1, subparagraphs A-K, and travel expenses, telephone charges, document production costs, and other expenses incurred in the course of conducting the City's business..
- C. The City, through the City Manager, will advise the Washington Representative of the name or names of persons other than the City Manager authorized to request service by the Washington Representative and the person or persons to be kept advised by the Representative.
- D. The City will supply the Washington Representative with a summary of all federal issues in which the City has interests and advise the Washington Representative of any new developments, together with the pertinent details as to the substance of such developments.
- E. The City will supply the Washington Representative with copies of budgets, planning documents and regular reports of the City Manager, the City's agenda and proceedings, newspapers and other materials to assist the Washington Representative in keeping current on the City's policies and programs.

3. THE CITY OF GREENVILLE, NORTH CAROLINA AND THE FERGUSON GROUP CONCUR THAT THE FOLLOWING EXCLUSIONS SHALL APPLY TO THIS AGREEMENT.

The Washington Representative assigned to the City:

- A. will not represent the City before formal congressional committee hearings or in any judicial or quasi-judicial hearing conducted by boards or examiners of federal agencies or commissions; and
 - B. will not perform any legal, engineering, accounting or other similar professional services.
4. Either party may terminate this Agreement at any time by giving the other at least thirty-days notice in writing of such termination. From and after said termination date as herein provided all further monthly installments shall cease notwithstanding the contract amount set out in paragraph 2, subparagraph B.

This Agreement shall take effect on November 1, 2010 and terminate on October 31, 2011.

THE FERGUSON GROUP, L.L.C.

CITY OF GREENVILLE, NORTH CAROLINA

ROGER GWINN
President

WAYNE BOWERS
City Manager

APPROVED AS TO FORM:

David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Amendment #5 to the contract with Kimley-Horn and Associates, Inc. to perform the survey and data collection portion of the final design phase of the Stantonsburg Road/Tenth Street Connector Project

Explanation: This project, when constructed, will extend Tenth Street from Dickinson Avenue to Memorial Drive at its intersection with Stantonsburg Road. The City, East Carolina University (ECU), Pitt County Memorial Hospital (PCMH), and the North Carolina Department of Transportation (NCDOT) are participating in the development of the project.

The Environmental Assessment for the project has been approved and signed by all parties. The Assessment will be posted for public comments for 45 days. NCDOT has tentatively scheduled the public hearing for the project for the week of November 15, 2010. Staff anticipates that the Finding of No Significant Impact will be approved no later than June 2011.

The next step in the study and design process is to perform the final design. Presented for City Council consideration is an amendment to the professional services contract between the City and Kimley-Horn and Associates, Inc. for the survey and data collection portion of this next phase of the project. The initial contract for Phase I was approved by the City Council at its August 11, 2005 meeting. This amendment authorizes and funds the portion of the final design phase (Phase III) that provides the proposed route's location surveys and obtains the required photogrammetry data. The lump-sum fee for this work is \$188,689.10. The revised total contract amount is \$2,272,856.48. The remaining Phase III work includes the final roadway, hydraulic, structure, signals, pavement marking, geotechnical, utility, and streetscape design. Public Works staff anticipates bringing the final amendment to City Council for this work in November or December of this year.

The amendment that includes the scope of services for this portion of Phase III of the project and the proposed fee are attached.

Fiscal Note:

This amendment will be funded from the \$6 million committed by the City, ECU, and PCMH. The City's share, \$2,000,000, is funded through the 2004 General Obligation Bonds approved by a vote of the public in November 2004.

Recommendation:

Approve the amendment to the professional services contract with Kimley-Horn and Associates, Inc. in the amount of \$188,689.10 for the survey and photogrammetry data collection work required for Phase III of the design of the Stantonsburg Road/Tenth Street Connector Project.

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

Attachments / click to download

 [Amendment 5 to the Tenth Street Connector Project](#)

**AMENDMENT NUMBER 5 TO THE AGREEMENT BETWEEN THE
CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

AMENDMENT NUMBER 5 DATED SEPTEMBER 30, 2010 to the Agreement between the City of Greenville, ("Client") and Kimley-Horn and Associates, Inc., ("Engineer") dated September 9, 2005 ("the Agreement") concerning Tenth Street Connector Project (the "Project").

The Engineer has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Engineer and provisions for additional compensation by the Client to the Engineer, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CLIENT:

ENGINEER:

CITY OF GREENVILLE, NC

KIMLEY-HORN AND ASSOCIATES, INC.

By: _____

By: _____

Patricia C. Dunn

Title: Mayor

Title: _____

ATTEST:

Carol L. Barwick, City Clerk

APPROVED AS TO FORM:

David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services

Exhibit A to Amendment Number 5 dated
September 30, 2010.

Engineer shall perform the following Additional Services:

II. FINAL DESIGN (PHASE III)

II.A. Location Surveys

The Engineer will coordinate with a survey subconsultant (Rivers & Associates, Inc.) to obtain ground control; baseline, property, utility, and storm drain surveys; existing road way and centerline data.

II.A.1 Courthouse Research

Rivers will provide property data consisting of GIS, tax record, and Register of Deeds research to retrieve current ownership of parcels (252 parcels) within the aerial survey limits and/or project corridor. Rivers will use GIS, tax information, and Register of Deeds research to determine the existing property lines and public right-of-way.

II.A.2 Contacting Property Owners

Rivers will coordinate with the City of Greenville to provide names and addresses of each property owner (252) within the project limits. Rivers will draft a letter for the City to send out on City letterhead notifying property owners of an anticipated start date, survey phase duration, and need for property access by the Engineer. Rivers will contact each property owner via telephone and keep a log of the date and time of each call. All questions and comments should be addressed to the City of Greenville and shall be noted in the letter. Property owner contact list will be developed based on Tax Office, GIS Information, and Register of Deeds data.

II.A.3 NC Grid Tie to NAD 83

(Not included)

II.A.4 Vertical Control Tie to NGVD of 1929

(Not included)

II.A.5 Baseline Traverse

Rivers will survey project control baselines on the ground for the project and reference to the -L- line (8,154 linear feet) and -Y- line (8,537 linear feet) alignments. Baseline traverse points will be inter-visible and spaced approximately 300 feet to 1000 feet apart. Points are to be set, referenced and monumented per NCDOT Standards. Rivers will place caps and red carsonite witness markers provided by NCDOT. Rivers will provide a MicroStation (BLN) file in accordance with NCDOT Location and Survey Standards and Specifications. This file will be provided to Spatial Data Consultants, Inc. (SDC) for 2D file merging.

II.A.6 Intermediate Staking of Baseline

(Not included)

II.A.7 Compute Best Fit Alignment

Rivers will perform field surveys and prepare MicroStation file (ELN) of all existing roadways (12,000 linear feet) within the aerial survey limits. The Engineer will perform computations and determine the best fit alignment of all existing roads. All data will be prepared in MicroStation V8i format for drawing in accordance with NCDOT Location and Survey Standards and Specifications. Rivers will provide the file to SDC for 2D file merging.

II.A.8 Alignment Staking

(Not included)

II.A.9 Bench Marks

Rivers will set up to 14 benchmarks at the project control points and at 1,500-foot intervals throughout the Project. Vertical Datum will be based on NAVD 88. Railroad spikes placed in the base of trees will be utilized where possible and shall be placed outside of the proposed construction limits. The benchmark locations and descriptions shall be provided to SDC for 2D file merging.

II.A.10 Pavement DTMs

Rivers will field collect the necessary pavement and curb features for all existing roads inside the aerial survey limits (16,800 linear feet). This data will be provided to SDC for 3D file merging. All data will be collected in accordance with NCDOT Location and Survey Standards and Specifications. Rivers will provide a coordinate file (X, Y, and Z) to SDC.

II.A.11 Hydrographic Surveys

Rivers will collect horizontal and vertical data points along the tops of banks, toes of banks, and centerline of drainage ditches and outfalls for up to 250 linear feet. Sufficient points will be collected to accurately represent the physical characteristics of the ditch. Rivers will provide a coordinate file (X, Y, and Z) to SDC 2D file merging.

II.A.12 Supplemental (Obscured) Areas

Rivers will perform field surveys of existing features in obscured areas (approximately 11 acres). Data will include all horizontal and vertical information for all planimetric features in the obscured areas. MicroStation DTM File will be prepared in V8i format in accordance with NCDOT Location and Survey Standards and Specifications. Rivers will provide the MicroStation files to SDC for file merging.

II.A.13 Field Property Ties & Reconnaissance

Rivers will perform field surveys of existing parcels adjacent to and contiguous to the proposed street alignments. Locations at existing parcels are limited to apparent existing front property corners. Additional property ties are not a part of this scope. All data will be prepared in MicroStation V8i format in accordance with NCDOT Location and Survey Standards and Specifications. Rivers will map all property lines, existing right-of-way lines, property owner names, and parcel identification numbers into a separate MicroStation (PRL) file and provide to SDC for file merging.

II.A.14 Property Analysis and Computations

Rivers will perform property analysis and computations of all parcels (193 parcels) adjacent to and inside the design alignments where right-of-way is to be acquired. All data will be prepared in MicroStation V8i format in accordance with NCDOT Location and Survey Standards and Specifications.

II.A.15 Property Line Ties to Design Alignment

At the completion of preliminary plans, the Engineer will provide the necessary MicroStation files and the project GPK file to Rivers. Rivers will tie property lines to the design alignments and submit a revised MicroStation (PRL) file to the Engineer for use in preparing final right-of-way plans.

II.A.16 Property Strip Maps

(Not included)

II.A.17 Data for Appraisal Reports

(Not included)

II.A.18 Classification of Features on Aerial Maps

See II.B.5.

II.A.19 Field Location of Features

(Not included)

II.A.20 Location of Non-Gravity U/G Utilities

See II.C.1 and II.C.2.

II.A.21 Location of Gravity Utilities & Pipe Inverts

Rivers will perform field surveys and prepare a MicroStation file (UTL) of gravity sewer from visible above ground features and record drawings within the aerial survey limits. Rivers will coordinate with the Greenville Utility to obtain access to all blocked or inaccessible structures as needed. All field data will be located and tied accurately to the base line. Rivers will perform field surveys and prepare a MicroStation file (HYL) of visible storm drainage features within the aerial survey limits. Coordinate with the City of Greenville to obtain access to all blocked or inaccessible structures as needed. Drainage

structure data will be collected on one drainage structure upstream and downstream of the project limits for each pipe network. All data will be prepared in MicroStation V8i format in accordance with NCDOT Location and Survey Standards and Specifications. Rivers will provide the MicroStation files to SDC for file merging.

II.A.22 Mapping Preliminary Property from Tax Mapping

(Not included)

II.A.23 Pole Data Sheets

See II.B.5.

II.A.24 Setting Photo Control Panels

Based on the control point diagram and panel plan provided by SDC in II.B.1, Rivers will provide ground control consisting of up to 14 panel points for aerial photography flights. Horizontal and vertical values will be established for points using accepted survey methods.

II.A.25 Photogrammetric Control

The horizontal datum will be referenced to North Carolina State Plan NAD 83 (NSRS2007 NGS adjustment), and vertical datum will be referenced to mean sea level NAVD 88 (based on North Carolina Geodetic Monuments in vicinity of site). The working units will be in U. S. Survey Feet.

II.A.26 Right-of-way Staking

(Not included)

II.A.27 Mapping Preliminary Property from Tax Mapping

Completed in Phase I.

II.A.28 GPS Points

Rivers will establish six (6) project GPS points. GPS points will be established as azimuth pairs and in such a location as to survive the construction of the project. Points are established by use of the NCGS Virtual Reference System or other acceptable GPS Methods. The horizontal datum will be NAD83 (NSRS2007 NGS adjustment) and the vertical component of the points will be NAVD 88.

II.B. Photogrammetry

The Engineer will coordinate with a survey subconsultant (SDC) to obtain ground control and panel plan, digital aerial imagery, aero-triangulation, digital mapping, planimetric classification, file merging, and orthophotography.

II.B.1 Control Point Diagram

SDC will plan and acquire the targeting and GPS control survey using appropriate techniques to provide horizontal and vertical control. This control will be in accordance with the configuration on the project flight and control point diagram prepared by SDC. Field survey and post processing of the control coordinates will be furnished by Rivers.

II.B.2 Digital Aerial Imagery

SDC will obtain digital aerial imagery, Airborne GPS and IMU data will be obtained using an Intergraph DMC Digital Airborne Sensor. Upon notice to proceed and weather permitting, 3 flight lines totaling 27 exposures of color-RGB digital aerial imagery will be flown of the site at 1,670' AMT (GSD 0.167'). Upon completion of the mission, aerial imagery will immediately be post processed and reviewed to verify that flight tracking and coverage are correct. The final digital aerial images provided will be 12-bit RGB images in TIFF/JPEG Format with overviews.

II.B.3 Digital Aero-Triangulation

SDC will perform digital aero-triangulation to both verify the existing ground control and extend the ground control network for absolute orientation of the stereo-models. This task will be accomplished utilizing our Intergraph Image Station Softcopy Workstations with Image Station Photogrammetric Manager (ISPM) and Image Station Automatic Triangulation (ISAT) software. Tolerances for the final RMSE of the control points will be 1/10,000 of the flying height above mean terrain elevation.

II.B.4 Digital Mapping

SDC will capture digital mapping of the project area at a scale of 1"=40'. This digital mapping will be accomplished utilizing our Image Station Softcopy Workstations with Image Station Stereo Display (ISSD), Image Station DTM

Capture (ISDM) and Image Station Feature Collection (ISFC) software. All visible planimetric features appropriate for this scale of mapping will be captured.

Prior to the commencement of photogrammetric map compilation and supplementary field survey tasks, obscure areas that cannot be accurately depicted with breaklines or elevation points from the aerial imagery shall be designated from the stereo image pairs for the purpose of supplemental field survey by Rivers (See II.A.12). Supplemental field survey elevation data will be referenced during 3D stereo data collection to avoid data duplication and ensure seamless matching.

The final digital mapping file(s) shall include all physical and planimetric features discernible from the aerial images. SDC will compile all planimetric features as specified in NCDOT Mapping Manual Version 5.7.0.pdf, "Plan Collect", and symbolized using the NC MAP MENU.

SDC will digitize breaklines and random elevation points to supplement 3D planimetric features in order to provide a Digital Terrain Model (DTM) file. Terrain breaklines will represent or follow: planimetric features, top and bottom of slope for cuts and fills, ditches, ridge lines, drainages, bodies of water, any significant change in terrain slope; any feature that will efficiently define the surface resulting in the best terrain model.

Terrain breaklines shall never cross, although they may intersect, in which case the elevation at this point shall be the same. All elevation points will be checked to ensure no point is duplicated. All breaklines and elevation points will be symbolized using the specifications stated in the NCDOT Mapping Manual Version 5.7.0.pdf, Photogrammetry DTM section, "Plan Collect."

II.B.5 Planimetric Classification and Supplemental Information

SDC will provide field classification survey of the surface features and all required features using the Building Code and Classification Abbreviations as set forth in the NCDOT Mapping Manual Version 5.7.0.pdf.

Field classifications will be collected and recorded on a set of image enlargements furnished by SDC. Field classification survey will include utility pole data which will be recorded on the image enlargements and a sequential

pole tag number will be added to the digital planimetric data. SDC will also correlate, link, and enter the utility pole classification data into NCDOT “pole data sheets”. SDC will transfer all other field classification survey data from the image enlargements into the digital planimetric mapping file.

II.B.6 Digital Data & File Merging

SDC will merge or reference all digital planimetric and DTM data, whether compiled photogrammetrically, collected during field classification of the planimetric features or provided as supplemental field surveys by Rivers or McKim & Creed to create one seamless “full survey” file. Interactive review and manual edit combined with automated quality control procedures will ensure data integrity, no duplication of features, seamless graphic representation and data coordinate matching.

Digital data can be delivered in two-dimensional (2D) or three-dimensional (3D) design (".DGN") files, compatible with MicroStation V8i. All mapping will be based on the global origin and working units contained in the appropriate seed file (English 3D SEED.DGN). All digital files will be in accordance with the level structure, symbols, graphic attributes and specifications as set forth in the NCMAP Menu.

In addition to the design (".DGN") files specified above, SDC will deliver a separate three-dimensional (3D) Digital Terrain Model (DTM) Design file that will be based on the global origin and working units contained in the appropriate DTM seed file (English 3D SEED.DGN), and Hypsography Specifications.

II.B.7 Standards of Accuracy

All mapping compiled under this scope will comply with North Carolina Administrative Code 56.1606 (21 NCAC 56.1606). SDC shall include as part of the final mapping deliverables a certification statement.

II.B.8 Final Deliverables

SDC will deliver the following items during the course of, and at the completion of the project:

- Post Processed Digital Airborne Images, 12-bit RGB color images in TIFF/JPEG format on DVD
- Aero-Triangulation Report
- One set of Field Classification Enlargements
- Final digital planimetric map files or “FS” file in 2D (two dimensional) and 3D (three dimensional) format, final 3D (three dimensional) Digital Terrain Model (DTM) file with PLS certification of the project information

IV. FEE AND BILLING

For the Additional Services set forth above, Client shall pay Engineer the following additional compensation:

A lump sum amount of \$ **188,689.10** in accordance with Exhibit C of the Agreement (Article 4) for a revised total contract amount of \$ **2,272,856.48**.

COMPUTATION OF MANDAY REQUIREMENTS AND FEES

Prepared for the City of Greenville

TIP NO.: U-3315

COUNTY: Pitt

DESCRIPTION: Stantonsburg Road/Tenth Street Connector, Memorial Drive (US 13) to Evans Street (SR 1702)

<input type="checkbox"/>	ENGINEERING AGREEMENT	
<input checked="" type="checkbox"/>	SUPPLEMENTAL AGREEMENT NUMBER	<u>5</u>
<input type="checkbox"/>	PROFESSIONAL SERVICES CONTRACT	
<input type="checkbox"/>	LIMITED SERVICES CONTRACT	

CONTENTS:

COVER	<u>1</u>
SUMMARY	<u>2</u>
LOCATION AND SURVEYS ESTIMATE	<u>3 to 4</u>
PHOTOGRAMMETRY ESTIMATE	<u>5</u>
	<u> </u>

ENGINEERING FIRM: Kimley-Horn and Associates, Inc.

PREPARED BY: Jeffrey W. Moore, P.E.

DATE: September 30, 2010

SUMMARY

TIP NUMBER : U-3315
 COUNTY: Pitt
 SCOPE : Roadway Design, Location Surveys, Photogrammetry, SUE

PRIVATE ENGINEERING FIRM		INITIAL		FINAL	
	ITEM	MD	COST	MD	COST
**	Roadway	45.500	\$ 45,241.68		
	Direct Costs				
**	TCP/PMP				
	Direct Costs				
**	Hydraulics				
	Direct Costs				
**	Structures				
	Direct Costs				
**	Location Surveys	334.500	\$ 199,201.08	260.125	\$ 160,424.36
	Direct Costs		\$ 4,809.00		\$ 4,809.00
**	Right-of-Way Staking				
	Direct Costs				
**	Photogrammetry	30.250	\$ 16,775.11	30.250	\$ 16,775.11
	Direct Costs		\$ 6,680.63		\$ 6,680.63
**	Orthophotography	2.250	\$ 1,137.79		
	Direct Costs				
	Geotechnical				
	Foundations				
**	Soils and Foundation				
	Direct Costs				
**	Trackwork				
	Direct Costs				
**	Noise Study				
	Direct Costs				
**	SUE-B & SUE-C	4.875	\$ 110,504.18		
	Direct Costs		\$ 6,679.05		
**	SUE-A	1.500	\$ 18,289.12		
	Direct Costs		\$ 1,798.91		
	TOTAL	418.875	\$ 411,116.55	290.375	\$ 188,689.10

NOTES:

** Labor, Overhead & Fee

ENGINEERING FIRM: Kimley-Horn and Associates, Inc.

PREPARED BY: Jeffrey W. Moore, P.E.

DATE: September 30, 2010

APPROVED BY: T. Fred Burchett, P.E., PTOE

DATE: September 30, 2010

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
LOCATION AND SURVEYS PEF COST ESTIMATE**

DATE: 8/24/2010

FIRM: Rivers & Associates, Inc.

SUB: _____

PROJECT: _____

COUNTY: Pitt

TIP NO.: U-3315

LENGTH: _____

L-LINE: 8154 FT
Y-LINE(S): 8537 FT

RAMPS: _____ FT
RAILROADS: 1627 FT

LS NO.: _____

PROJECT DESCRIPTION: _____

MANHOURS BY CLASSIFICATION

TASKS & PARAMETERS	PE	PLS	SCA	ST	PC	IP	RP	TOTAL
1. Courthouse Research No. of Properties: 252	8	32		85				125
2. Contacting Property Owners No. of Property Owners: 252	4	8		40				52
3. NC Grid Tie (Horiz.) to NAD 1983 Approx. Length: N/A								0
4. Vertical Control Tie to NGVD of 1929 Approx. Length: N/A								0
5. Baseline Traverse Approx. Length: 16691		8	12		48	48		116
6. Intermediate Staking of Baseline Approx. Length: N/A								0
7. Compute Best-Fit Alignment (Graphically) Approx. Length: 12000		16		40				56
8. Hub & Stake Design -L- & -Y- Alignments Approx. Length -L-: N/A Approx. Length -Y-: N/A								0
9. Establish/Elevate Temp. Bench Marks No. of TBM's: 14		4	6		20	20		50
10. Pavement DTMs Approx. Length: 16154		24		40	60	60	60	244
11. Hydrographic Surveys & -T- Lines Approx. Length: 250	4				8	8		20
12. Suppl. Info for DTM's (Obscured Areas) No. of Acres / Hectares: 11		32		32	120	120		304
13. Field Property Ties & Recon No. of Properties: 193		32			120	120		272
14. Property Analysis and Computations No. of Properties: 193		32	80					112
15. Property Line Ties to Design Alignment No. of Properties: 193		16		60				76
16. Property Strip Maps No. of Maps: N/A								0
17. Data for Appraisal Report No. of Properties: N/A								0
18. Classif. of Features on Aerial Maps No. of Maps: N/A Scale: N/A								0
19. Field Loc. of Topo & Plan. Features (Dense, Med., or LT): N/A								0
20. Loc. of Non-Gravity U/G Utilities (Dense, Med., or LT): N/A								0
21. Loc. of Gravity Utilities & Pipe Inverts (Dense, Med., or LT): Dense	8	40			100	100		248
22. Mapping Pre. Prop. from Tax Map Info. No. of Properties: N/A								0
23. Pole Data Sheets (Dense, Med., LT): N/A								0
24. Setting Photo Con. Panels No. of Points: 14		3			12	12		27

TASKS & PARAMETERS	PE	PLS	SCA	ST	PC	IP	RP	TOTAL
25. Photogrammetric Control No. of Points: 14		6			16	16		38
26. Staking and Flagging R/W & Easements No. of R/W Points: N/A No. of EASEMENT Points: N/A								0
27. Production of Base Mapping No. of Sheets: N/A								0
28. GPS Points No. of Points: 6		6			8	8		22
29. Misc. Staking No. of Points: N/A								0
33. Travel Hrs R.T. 0.3	2	6	6	3	28	28	6	79
34. Project Mgmt. & Supervision	20	60			24			104
35. Traffic Control & Safety		16			20	20	80	136
TOTAL MANHOURS:	46	341	104	300	584	560	146	2081

Classification	Hours	Rate	Cost
PROFESSIONAL ENGINEER	46	\$32.55	\$1,497.32
PROFESSIONAL LAND SURVEYOR	341	\$36.38	\$12,405.89
SURVEY CONTROL ANALYST	104	\$33.15	\$3,447.72
SURVEY TECHNICIAN	300	\$28.87	\$8,661.00
PARTY CHIEF	584	\$24.76	\$14,459.66
INSTRUMENT PERSON	560	\$16.83	\$9,423.06
ROD PERSON	146	\$16.71	\$2,439.76

TOTAL MANHOURS **TOTAL DIRECT SALARY COSTS**
2081 **\$52,334.42**

INDIRECT SALARY COSTS

Total Dir. Salary Costs	\$52,334.42	
Overhead (%)	166.00	\$86,875.14
Fee (%)	9	\$12,528.86
Cost of Capt. (%)	0.0200	\$1,046.69
Total Indirect Salary Costs:		\$100,450.69

SUBTOTAL DIRECT AND INDIRECT SALARY COSTS	\$152,785.11
SUBCONSULTANT ADMINISTRATION	\$7,639.26
TOTAL	\$160,424.36

DIRECT COSTS

Carry-all \$/Day	\$26.00	80	Days =	\$2,080.00
or \$/Mi	\$0.520		Miles =	\$0.00
Sedan \$/Day	\$25.00	40	Days =	\$1,000.00
or \$/ Mi	\$0.500		Miles =	\$0.00
Misc. Survey Supplies =				\$1,500.00

TOTAL DIRECT COS
\$4,580.00

PER DIEM EXPENSES

(Meals: \$35.15 Max., Lodging \$65.90+ taxes - \$73.50 for lump sum jobs)

\$ / Day \$108.65 x Persons x Days =

TOTAL PER DIEM
\$0.00

Cost per Mi:	\$10.61
Manhours per Mi:	0.15

SUBTOTAL DIRECT COSTS	\$4,580.00
SUBCONSULTANT ADMINISTRATION	\$229.00
TOTAL	\$4,809.00

HIGHWAY DESIGN BRANCH

PHOTOGRAMMETRY UNIT

PROJECT COST ESTIMATE

Date: 30-Sep-10

FIRM'S NAME: SDC, Inc.	Relief: Coastal	Models: 24
ID No: U-3315	Density: High	Photo Scale: 1,670' AMT (0.167' GSD)
WBS No.	Length:	DTM: Yes
DESCRIPTION: 10TH Street Corridor Greenville, NC	Corr. Width: Approximately 350' & expanded areas	Mapped Acres: 100
PRODUCTS: 1"=40' Shell Plan Sheet Mapping with Digital Terrain Model and Field Classification		
All Project materials, 2D and 3D Microstation or FS Microstation V8 Planimetric and Digital Terrain Model files		

ESTIMATED MAN HOURS BY EMPLOYEE CLASSIFICATION

ITEM	ES	E2	E1	ET6	ET4	ET3	ET2	ET1	TOTALS
1. Conference Attendance	3.00		1.00						4.00
2. Specifications & Instructions	1.00		1.00						2.00
3. Select-Identify Control-Layout									0.00
4. Planimetric Compilation					32.00	24.00			56.00
5. DTM Compilation & Verification					32.00	24.00			56.00
6. Field Classification					20.00	20.00			40.00
7. Adding Classification						24.00			24.00
8. File Merging						8.00			8.00
9. Add Properties & Text									0.00
10. Preliminary Edit			16.00		24.00				40.00
11. Ordering Plots						4.00			4.00
12. Final Edit			8.00						8.00
13. Image Rectification									0.00
14. Miscellaneous									0.00
TOTAL MAN HOURS	4.00	0.00	26.00	0.00	108.00	104.00	0.00	0.00	242.00

I. ESTIMATED DIRECT COST

Item	Qty	Price	Cost
1. Per Diem	2	\$ 108.65	\$ 217.30
2. Field Crew Vehicle Mileage	360	\$ 0.57	\$ 205.20
3. Softcopy AT	27	\$ 20.00	\$ 540.00
4. Aircraft & Pilot	3	\$ 750.00	\$ 2,250.00
5. Digital Aerial Camera & Operator	3	\$ 900.00	\$ 2,700.00
6. GPS & IMU	3	\$ 150.00	\$ 450.00
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
TOTAL DIRECT COST			\$ 6,362.50
SUBCONSULTANT ADMINISTRATION			\$ 318.13
TOTAL DIRECT COST			\$ 6,680.63

II. LABOR COST COMPUTATIONS

Employee Classif.	Labor	Estimated Man Hours	Cost
ES Eng Supervisor	\$32.24	4.00	\$ 128.96
E2 Engineer II	\$32.24	0.00	\$ -
E1 Engineer I	\$29.85	26.00	\$ 776.10
ET6 Eng. Tech. VI		0.00	\$ -
ET4 Eng. Tech. IV	\$23.00	108.00	\$ 2,484.00
ET3 Eng. Tech. III	\$21.00	104.00	\$ 2,184.00
ET2 Eng. Tech. II	\$18.00	0.00	\$ -
ET1 Eng. Tech. I	\$15.00	0.00	\$ -
Total Direct Labor Cost			\$ 5,573.06
Overhead	163%	\$ 9,084.09	\$ 14,657.15
Profit	9%	1,319.14	\$ 15,976.29
TOTAL LABOR COST			\$ 15,976.29
SUBCONSULTANT ADMINISTRATION			\$ 798.81
TOTAL LABOR COST			\$ 16,775.11

LSC # 7000010957

TOTAL ESTIMATED PROJECT COST (I + II)	\$ 23,455.73
--	---------------------



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Resolution declaring police canine Sam as surplus property and authorizing his disposition to Officer Bruce Groccia

Explanation: Police canine Sam has served with Officer Bruce Groccia for five years, and the canine is being retired. Officer Groccia is interested in the continued care of the police canine at his home.

Fiscal Note: No direct cost to the City.

Recommendation: Approve the attached resolution declaring police canine Sam as surplus property and selling him to Officer Bruce Groccia.

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

Attachments / click to download

[Canine Resolution 877109](#)

RESOLUTION NO. 10-
RESOLUTION DECLARING A POLICE CANINE AS SURPLUS AND AUTHORIZING HIS
DISPOSITION TO OFFICER BRUCE GROCCIA

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

WHEREAS, Officer Bruce Groccia has been K-9 Sam's handler for five years and he has expressed an interest that Sam be released to his care for the remainder of Sam's life; and

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

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

This the 11th day of October, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Resolution authorizing the abandonment of utility easements for The Province at Greenville

Explanation: Greenville Utilities Commission (GUC) has received a request to abandon various easements at the site of the now demolished Kings Arms Apartments on Charles Boulevard. Neither GUC nor the City paid for these easements as they were granted to GUC and the City in 1983 as part of the project development process.

This old site is now under new ownership and is part of a larger site on which a new apartment complex is proposed and shall be named "The Province." Any needed easements associated with the new construction on this site will be granted by the developer.

At their meeting on September 21, 2010, the GUC Board adopted a resolution abandoning the utility easements and recommending a similar resolution and Deed of Release be executed by the City Council.

Fiscal Note: No cost to the City.

Recommendation: Adopt attached resolution abandoning utility easements and authorize execution of Deed of Release.

Attachments / click to download

 [Map - The Province of Greenville](#)

 [Resolution - Easement Abandonment](#)

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF GREENVILLE, NORTH CAROLINA, ABANDONING
CERTAIN EASEMENTS ACROSS PROPERTY OWNED BY
UNIVERSITY RESIDENCES-ECU, LLC, COMMONLY
KNOWN AS THE PROVINCE AT GREENVILLE
(FORMERLY KNOWN AS KINGS ARMS APARTMENTS)
AS SHOWN ON MAP BOOK 31 AT PAGE 90, PITT COUNTY PUBLIC REGISTRY,
AND AUTHORIZING EXECUTION OF DEED OF RELEASE

WHEREAS, Greenville Utilities Commission of the City of Greenville, North Carolina (hereinafter referred to as "Commission") heretofore obtained a storm drainage easement, a sanitary sewer easement, a utility easement, and an electrical easement by dedication from John Causey, Jr. for Kings Arms Apartments, Greenville Twp., Pitt Co., N.C., as shown on that certain plat dated April 27, 1983, prepared by William R. Purvis, RLS #L-2568, Rivers & Associates Inc., Consulting Engineers, 107 East Second Street, Greenville, NC, phone (919) 752-4135, which said plat appears of record in Map Book 31 at Page 90, Pitt County Public Registry; and

Attachment number 1
Page 1 of 3

WHEREAS, with the exception of a sanitary sewer outfall easement referenced in Deed Book B33 at Page 646, Pitt County Public Registry, such easements heretofore granted to Commission are no longer needed by Commission and are necessary for the re-configuration of such property so as to permit the development of a project by University Residences-ECU, LLC, as The Province at Greenville; and

WHEREAS, with the exception of a sanitary sewer outfall easement referenced in Deed Book B33 at Page 646, Pitt County Public Registry, Commission anticipates no use or need now or in the future for such easements hereinafter designated as to be abandoned; and

WHEREAS, with the exception of a sanitary sewer outfall easement referenced in Deed Book B33 at Page 646, Pitt County Public Registry, Commission desires to abandon such storm drainage easement, sanitary sewer easement, utility easement, and electrical easement, as shown on that certain Combination Plat entitled "The Province at Greenville, Greenville Township, Greenville, Pitt Co., North Carolina," dated April 10, 2010, prepared by Patrick Hartman, PLS #L-4262, Rivers & Associates, Inc., Engineers-Planners-Surveyors, 107 East Second Street, Greenville, NC 27858, phone (252) 752-4135, denominated Dwg. No. FP-720, which said plat appears of record in Map Book 73 at Pages 111-112, Pitt County Public Registry, to which reference is hereby made for a more particular and accurate description of the said easements to be abandoned; and

WHEREAS, the current owner of such property, University Residences-ECU, LLC, has requested the City of Greenville, North Carolina and Greenville Utilities Commission to abandon

such easements as shown on the plat appearing of record in Map Book 73 at Pages 111-1112, Pitt County Public Registry, as to be abandoned to release said easements; and

WHEREAS, Greenville Utilities Commission deems such abandonments to be reasonable and in the best interests of Commission and all parties, and has requested the City of Greenville to acknowledge such abandonments and releases of all such easements, all as shown on such plat appearing of record in Map Book 73 at Pages 111-1112, Pitt County Public Registry, and designated thereon as to be abandoned.

Attachment number 1
Page 2 of 3

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

1. That with the exception of a sanitary sewer outfall easement referenced in Deed Book B33 at Page 646, Pitt County Public Registry, the City Council of the City of Greenville, North Carolina, does hereby abandon all easements shown on that certain plat entitled "Kings Arms Apartments, Greenville Twp., Pitt Co., NC," as dedicated to public use by the then owner of such property, John Causey, Jr., and as shown on that certain plat dated April 27, 1983, prepared by William R. Purvis, RLS #L-2568, Rivers & Associates Inc., Consulting Engineers, 107 East Second Street, Greenville, NC, phone (919) 752-4135," which said plat appears of record in Map Book 31 at Page 90, Pitt County Public Registry, and which said easements are further shown as to be abandoned on that certain plat entitled "Combination Plat, The Province at Greenville, Greenville Township, Greenville, Pitt Co., North Carolina," prepared by Patrick Hartman, PLS #L-4262, Rivers & Associates, Inc., Engineers-Planners-Surveyors, 107 East Second Street, Greenville, NC 27858, phone (252) 752-4135, dated April 10, 2010, denominated Dwg. No. FP-720, which said plat appears of record in Map Book 73 at Pages 111-112, Pitt County Public Registry, all of which said easements are shown on such plat as to be abandoned and to which reference is hereby made for a more particular and accurate description of the easements to be abandoned.

2. That the appropriate City officials be and they hereby are empowered to make, execute, and deliver to University Residences-ECU, LLC, 495 South High Street, Suite 150, Columbus, OH, phone (614) 241-2070, the current owner of the property encumbered by such easements to be abandoned, an instrument in a form suitable for recording and releasing whatever interests the City of North Carolina for the use and benefit of Greenville Utilities Commission might have in and to said easement to be abandoned, as hereinabove described.

Adopted this the ____ day of _____, 2010.

PATRICIA C. DUNN, MAYOR

ATTEST:

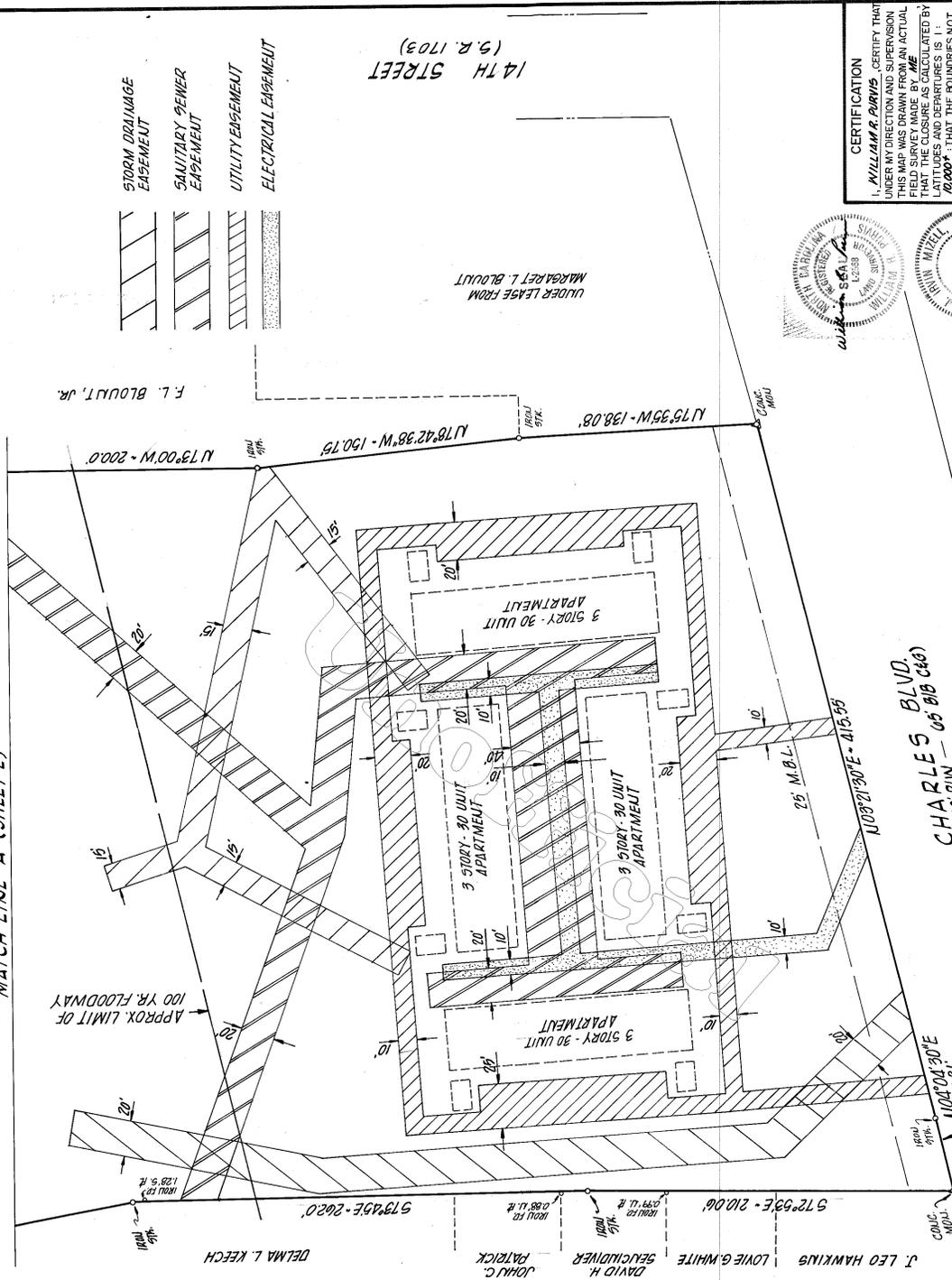
CAROL BARWICK, CITY CLERK

[SEAL]

Attachment number 1
Page 3 of 3

BOOK 31 PAGE 90

MATCH LINE - A (SHEET 2)



STORM DRAINAGE EASEMENT
SANITARY SEWER EASEMENT
UTILITY EASEMENT
ELECTRICAL EASEMENT

14TH STREET (S.R. 1703)

UNDER LEASE FROM MARGARET L. BLOUNT

F.L. BLOUNT, JR.

APPROX. LIMIT OF 100 YR. FLOODWAY

- NOTE:
1. AREA OF TRACT = 9.37 AC.
 2. FIRST FLOOR ELEVATIONS TO BE EL. 35.0 OR ABOVE. (UNLESS NOTED)



SHEET 1 OF 2

**KINGSARMS
- APARTMENTS -
GREENVILLE TWP, PITT CO., N.C.**

OWNER: **M.R. JOHAN CAUSEY, JR.**
ADDRESS: **1901 KINGSBROOK DR., GREENVILLE, N.C.**
PHONE: **758-3911**

APPROVED: **J.B.**
DRAWN: **A.R.**
DATE: **4/27/83**

RIVERS & ASSOCIATES INC.
CONSULTING ENGINEERS
GREENVILLE, NORTH CAROLINA
PHONE: (919) 752-4135

CHECKED: **M.A.P.**
SCALE: **1/4" = 40'**

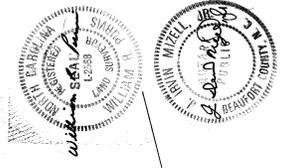
SOURCE OF TITLE
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT IN THE CHAIN OF TITLE IS THE INSTRUMENT RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:
DEED BOOK **851** PAGE **92**
DEED BOOK **851** PAGE **92**
DEED BOOK **851** PAGE **92**

OWNERS STATEMENT
THIS IS EVIDENCE THAT THIS SUB-DIVISION IS MADE AT THE REQUEST OF **John Causey** SWORN AND SUBSCRIBED TO BEFORE ME THIS **27th** DAY OF **April**, 1983 BY **John Causey** NOTARY PUBLIC
MY COMMISSION EXPIRES **Jan. 6, 1992**

APPROVAL
THIS FINAL PLAN AND THE STIPULATIONS HEREON WERE APPROVED BY THE GREENVILLE PLANNING AND ZONING COMMISSION AT A MEETING HELD THE **11th** DAY OF **MAY**, 1983.
SIGNED: **John Causey** CHAIRMAN
SIGNED: **R. Lee Murch** CITY ENGINEER

DEDICATION
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE MY FREE ACT AND DEED, AND HEREBY DEDICATE TO THE PUBLIC THE AREAS SHOWN ON THIS PLAT FOR THE USES AND PURPOSES INDICATED ON SAID PLAT.
SIGNED: **John Causey**
ATTEST: **John Causey**

CERTIFICATION
I, **William R. Purvis**, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS SURVEY WAS MADE IN AN ACTUAL FIELD SURVEY MADE BY **ME** THAT THE CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: **20/2000'**; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS47-30 AS AMENDED WITNESS MY HAND AND SEAL THIS **27th** DAY OF **April**, 1983 A.D.
SIGNED: **William R. Purvis**
NOTARY PUBLIC
MY COMMISSION EXPIRES **Jan. 6, 1985**
SWORN TO AND SUBSCRIBED BEFORE ME THIS **27th** DAY OF **April**, 1983 A.D.
SIGNED: **William R. Purvis**
NOTARY PUBLIC
MY COMMISSION EXPIRES **Jan. 6, 1985**
NORTH CAROLINA, PITT COUNTY
THE FOREGOING CERTIFICATE OF **William R. Purvis**, NOTARY PUBLIC IS CERTIFIED TO BE CORRECT.
FILED FOR REGISTRATION THIS **23rd** DAY OF **May**, 1983, AT 2:42 O'CLOCK
BY **John S. Hall** DEPUTY REGISTER OF DEEDS





City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Findings resolution for Greenville Utilities Commission bond refunding

Explanation: The par or initial amount of Greenville Utilities Commission's (GUC's) 2001 series revenue bonds was \$25,085,000. The bonds refunded \$8,290,000 of the 1994 series revenue bonds and provided approximately \$16,795,000 of new funding for projects such as a second point-of-delivery electric substation, wastewater treatment plant odor control facilities, procurement of the administration building, and expansion of the liquid natural gas (LNG) plant.

There is a remaining balance of \$10,415,000 on GUC's 2001 series revenue bonds with an average interest rate of 5.13% and maturity date of 2021. GUC has been monitoring the feasibility of refunding the aforementioned bonds due to the favorable interest rates that are available in the current economic environment.

In soliciting quotes for a private placement refunding, Wachovia/Wells Fargo provided a quote of 2.59%, which is competitive with a public sale in today's bond market. It is anticipated that the total bond refunding will be \$11,010,000 inclusive of \$75,000 in closing costs and a deposit escrow. The favorable rate will provide a net present value (NPV) savings of \$1,005,849 or 9.6%, which equates to approximately \$98,000 in savings per year over the eleven-year period. It should be noted that the Local Government Commission (LGC) recommends that the NPV savings be no lower than 2%.

GUC's financial advisor, First Southwest, has analyzed the private placement refunding as it pertains to timing, closing costs, competitiveness with a public placement, and the NPV savings derived from the refunding. Based on their analysis, they believe it would be prudent for GUC to proceed with this refunding opportunity.

The GUC Board, at their meeting on September 21, 2010, adopted a resolution authorizing the private placement refunding of the 2001 series bonds and recommending a similar resolution be adopted by the City Council.

Fiscal Note: No cost to the City.

Recommendation: Adopt the attached bond refunding findings resolution.

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

Attachments / click to download

 [Findings Resolution](#)

A [regular] [special] meeting of the City Council of the City of Greenville, North Carolina was held in the City Council Chamber at the City Hall in Greenville, North Carolina, the regular place of meeting, on October 11, 2010 at _____.

Present: Mayor Patricia C. Dunn, presiding, and Council members _____

Absent: _____

* * * * *

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

RESOLUTION NO. 2010 - __

RESOLUTION RELATING TO THE AUTHORIZATION AND ISSUANCE OF A GREENVILLE UTILITIES COMMISSION COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2010 OF THE CITY OF GREENVILLE, NORTH CAROLINA TO REFUND CALLABLE PORTIONS OF CERTAIN OUTSTANDING GREENVILLE UTILITIES COMMISSION REVENUE BONDS

WHEREAS, the City of Greenville, North Carolina (the "City") is considering refunding outstanding callable Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 2001 (the "Bonds to be Refunded") by issuing a Greenville Utilities Commission Combined Enterprise System Revenue refunding Bond, Series 2010 (the "Series 2010 Bond") but with a reduced interest rate cost;

WHEREAS, the City desires to proceed with the refunding and to proceed with the authorization and issuance, pursuant to the provisions of The State and Local Government Revenue Bond Act, of revenue bonds of the City in an aggregate principal amount not to exceed \$11,100,000 for the purpose of providing funds, together with any other available funds, for refunding the Bonds to be Refunded;

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

Section 1. The Director of Financial Services of the City and such other officers of the City and the Greenville Utilities Commission ("GUC") as may be appropriate are hereby

authorized to apply to the Local Government Commission of North Carolina (the "LGC") for the approval of the issuance of the Series 2010 Bond and otherwise to participate in the development of such financing.

Section 2. The City Council recommends the selection of the following professionals to assist the City and GUC in connection with such financing and requests the LGC to approve such selection:

Bond Counsel	-	Sidley Austin LLP
Purchaser's Counsel	-	Womble Carlyle Sandridge & Rice, PLLC
Trustee and Escrow Agent	-	The Bank of New York Mellon Trust Company, N.A.
Financial Advisor	-	FirstSouthwest
Verification Agent	-	Arbitrage Group

Section 3. The LGC is hereby requested to sell the Series 2010 Bond in the form of a single registered bond at private sale, without advertisement, to Wells Fargo Bank, National Association, in accordance with the terms of its bid for the purchase of the bond, dated September 10, 2010.

Section 4. The City Council hereby finds and determines in connection with the issuance of the Series 2010 Bond that (i) the issuance of the Series 2010 Bond is necessary or expedient for the City, (ii) the proposed principal amount of the Series 2010 Bond is adequate and not excessive for the proposed purpose of such issue, (iii) the Bonds to Be Refunded proposed to be refunded with the proceeds of the Series 2010 Bond and any other available funds are feasible, (iv) the City's debt management procedures and policies are good and are managed in strict compliance with law, (v) the Net Revenues of the GUC will be sufficient to make the necessary payments on the Series 2010 Bond and (vi) under current economic conditions, the Series 2010 Bond can be marketed at a reasonable interest cost to the City.

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

Adopted this the 11th day of October, 2010.

Patricia C. Dunn
Mayor

ATTEST:

Carol L. Barwick
City Clerk

After consideration of the foregoing resolution, Council member _____ moved for the passage thereof, which motion was duly seconded by Council member _____, and the foregoing resolution was passed by the following vote:

Ayes: _____
_____.

Noes: _____.

* * * * *

I, Carol L. Barwick, City Clerk of the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the City Council of said City at a meeting held on October 11, 2010, said record having been made in Minute Book No. ___ of the minutes of said City Council, beginning at page ___ and ending at page ___, and is a true copy of so much of said proceedings of said City Council as relates in any way to the passage of the resolution described in said proceedings.

I DO HEREBY FURTHER CERTIFY that written notice of said special meeting stating its purpose has been posted and has been mailed and delivered to the media and others at least 48 hours before the time of said special meeting and other notice has been given in accordance with G.S. §143-318.12 (b)(2).

WITNESS my hand and the official seal of said City, this ___ day of October, 2010.

Carol L. Barwick
City Clerk

[SEAL]



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Budget ordinance amendment #3 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57), amendment to the Convention Center Expansion/Streetscape Capital Project Fund (Ordinance No. 07-139), amendment to the Wayfinding Capital Project Fund (Ordinance No. 06-65), and amendment to the Health Insurance Fund (Ordinance 10-18)

Explanation: Attached is an amendment to the 2010-2011 budget ordinance for consideration at the October 11, 2010, City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

A To appropriate funds to be reimbursed by East Carolina University for the Code Enforcement Resources Funding Agreement. Funds are allocated to hire a code enforcement officer to focus on enforcing housing and maintenance ordinance requirements primarily in the University area neighborhoods (Total - \$48,500).

B To appropriate Controlled Substance funds to purchase a K9 dog and handler training to replace a retired K9 (Total - \$14,000).

C To allocate funds from the Reade Street-Hodges Parking Lot Project to be used on the Convention Center District Streetscape Improvement Project. Action was taken to approve this item at the June 11, 2009, City Council meeting (Total - \$40,000).

D To appropriate fund balance to return unused funds to the State of North Carolina for the Dropout Grant 2009. These funds were unused because of the Project Success Coordinator's resignation, which caused a delay in program implementation (Total - \$34,402).

E To re-appropriate COPS Technology (TECH10) grant funds into the current fiscal year that were unused during fiscal year 2009-2010. This grant is expected to expire in March of 2012 (Total - \$48,137).

F To re-appropriate the second Justice Assistance Grant (JAG) installment received in fiscal year 2010-2011 (\$59,581) into the current fiscal year that was not expended during fiscal year 2009-2010. \$705 of the grant's first installment (\$59,581) was received during fiscal year 2009-2010 and was not expended and will be re-appropriated from fund balance. This grant is expected to expire September 2012 (Total - \$60,286).

G To appropriate grant funds from the Department of Crime Control and Public Safety to provide funding to first responders for equipment, training and exercise activities in preparation for hazard events (Total - \$15,000).

H To appropriate funds for the Health Insurance Fund to reflect revenues and expenses that will be realized in the fund through fiscal year 2012. A portion of the FY 2011 Mercer Contractual Services fee will be transferred from the General Fund Human Resources Department budget to cover 50% of the cost (City share). The remaining 50% is covered by GUC (Total - \$14,439,739).

Fiscal Note:

The budget ordinance amendment affects the following funds: increases General Fund by \$220,325; increases Convention Center Expansion/Streetscape Capital Project by \$40,000; and increases the Health Insurance Fund by \$14,439,739.

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
General Fund	\$ 75,063,485	\$ 220,325	\$75,283,710
Convention Center Expansion/Streetscape/ Capital Project Fund	\$ 2,821,473	\$ 40,000	\$ 2,861,473
Health Insurance Fund	\$ 9,543,727	\$ 14,439,739	\$ 23,983,466

Recommendation:

Approve attached budget ordinance amendment #3 to the 2010-2011 City of Greenville budget; amendment to the Convention Center Expansion/Streetscape Capital Project Fund (Ordinance No. 07-139); amendment to the Wayfinding Capital Project Fund (Ordinance No. 06-65); and amendment to the Health Insurance Fund (Ordinance 10-18)

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ORDINANCE NO. 10-
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#3) AMENDING THE 2010-2011 BUDGET (ORDINANCE NO. 10-57), AMENDMENT TO THE
CONVENTION CENTER EXPANSION / STREETScape CAPITAL PROJECT (ORDINANCE NO. 07-139), AMENDMENT
TO THE WAYFINDING CAPITAL PROJECT (ORDINANCE NO. 06-65), AND AMENDMENT TO THE HEALTH
INSURANCE FUND (ORDINANCE NO. 10-18)

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

Section I: Estimated Revenues and Appropriations. **General Fund**, of Ordinance 10-57, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		#3 Amended 10/11/10	Total Amendments		Amended 2010-2011 Budget
<u>ESTIMATED REVENUES</u>						
Property Tax	\$ 30,453,036		\$ -	\$ -		\$ 30,453,036
Sales Tax	13,125,147		-	-		13,125,147
Utilities Franchise Tax	5,770,350		-	-		5,770,350
Other Unrestricted Intergov't Revenue	2,513,907		-	-		2,513,907
Powell Bill	1,910,210		-	-		1,910,210
Restricted Intergov't Revenues	1,565,038	A,B,E,G	185,218	670,508		2,235,546
Building Permits	715,570		-	-		715,570
Other Licenses, Permits and Fees	2,771,954		-	-		2,771,954
Rescue Service Transport	2,626,000		-	-		2,626,000
Other Sales & Services	976,309		-	-		976,309
Other Revenues	212,085		-	-		212,085
Interest on Investments	1,865,731		-	-		1,865,731
Transfers In GUC	5,521,506		-	-		5,521,506
Other Financing Sources	789,786		-	-		789,786
Appropriated Fund Balance	2,983,066	D,F	35,107	813,607		3,796,673
TOTAL REVENUES	\$ 73,799,695		\$ 220,325	\$ 1,484,115		\$ 75,283,810
<u>APPROPRIATIONS</u>						
Mayor/City Council	\$ 383,212		\$ -	\$ -		\$ 383,212
City Manager	1,091,722		-	-		1,091,722
City Clerk	300,600		-	-		300,600
City Attorney	445,528		-	-		445,528
Human Resources	2,514,736	H	(75,000)	(75,000)		2,439,736
Information Technology	3,200,339		-	-		3,200,339
Fire/Rescue	12,652,643	G	15,000	15,000		12,667,643
Financial Services	2,285,851		-	-		2,285,851
Recreation & Parks	6,186,925		-	-		6,186,925
Police	22,393,782	A,B,D,E,F	205,325	359,910		22,753,692
Public Works	8,661,389		-	13,500		8,674,889
Community Development	1,628,061		-	227,244		1,855,305
OPEB	250,000		-	-		250,000
Contingency	949,440		-	-		949,440
Capital Improvements	5,141,327		-	352,800		5,494,127
Total Appropriations	\$ 68,085,555		\$ 145,325	\$ 893,454		\$ 68,979,009
<u>OTHER FINANCING SOURCES</u>						
Debt Service	\$ 4,021,368		\$ -	\$ -		\$ 4,021,368
Transfers to Other Funds	1,692,772	H	75,000	590,661		2,283,433
	\$ 5,714,140		\$ 75,000	\$ 590,661		\$ 6,304,801
TOTAL APPROPRIATIONS	\$ 73,799,695		\$ 220,325	\$ 1,484,115		\$ 75,283,810

Section II: Estimated Revenues and Appropriations. Convention Center Expansion / Streetscape Project, of Ordinance 07-139, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		Amended 10/11/10	Total Amendments	Amended 2010-2011 Budget
<u>ESTIMATED REVENUES</u>					
Occupancy Tax	\$ 1,062,202		\$ -	\$ -	\$ 1,062,202
Restricted Intergov't Revenue	30,000		-	-	30,000
Transfer from Other Funds	1,729,271	C	40,000	\$ 40,000	1,769,271
TOTAL REVENUES	\$ 2,821,473		\$ 40,000	\$ 40,000	\$ 2,861,473
<u>APPROPRIATIONS</u>					
Engineering	\$ 298,575		\$ -	\$ -	298,575
Construction	2,427,544	C	40,000	40,000	2,467,544
Transfer to Other Funds	95,354		-	-	95,354
Total Expenditures	\$ 2,821,473		\$ 40,000	\$ 40,000	\$ 2,861,473
TOTAL APPROPRIATIONS	\$ 2,821,473		\$ 40,000	\$ 40,000	\$ 2,861,473

Section III: Estimated Revenues and Appropriations. Wayfinding Project, of Ordinance 06-65, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		Amended 10/11/10	Total Amendments	Amended 2010-2011 Budget
<u>ESTIMATED REVENUES</u>					
Transfer from Other Funds	\$ 255,700		\$ -	\$ -	255,700
TOTAL REVENUES	\$ 255,700		\$ -	\$ -	\$ 255,700
<u>APPROPRIATIONS</u>					
Construction	\$ 255,700	C	(40,000)	\$ (40,000)	\$ 215,700
Transfer to Other Funds	-	C	40,000	40,000	40,000
Total Expenditures	\$ 255,700		\$ -	\$ -	255,700
TOTAL APPROPRIATIONS	\$ 255,700		\$ -	\$ -	\$ 255,700

Section IV: Estimated Revenues and Appropriations. Health Insurance Fund, of Ordinance 10-18, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIG. BUDGET		Amended 10/11/10	Total Amendments	Amended Budget
<u>ESTIMATED REVENUES</u>					
Employee Contributions (COG)	\$ 1,431,882	H	\$ 3,960,450	\$ 3,960,450	\$ 5,392,332
Employee Contributions (Other Entities)	198,505	H	77,501	77,501	276,006
Employer Contributions (COG)	7,013,530	H	9,419,214	9,419,214	16,432,744
Employer Contributions (Other Entities)	899,810	H	607,574	607,574	1,507,384
GUC Contributrion - Mercer Fees	-	H	187,500	187,500	187,500
Transfer from General Fund	-	H	187,500	187,500	187,500
TOTAL REVENUES	\$ 9,543,727	\$ -	\$ 14,439,739	\$ 14,439,739	\$ 23,983,466
<u>APPROPRIATIONS</u>					
Administrative Fees	\$ 664,368	H	667,719	\$ 667,719	\$ 1,332,087
Stop Loss Insurance	200,000	H	228,505	228,505	428,505
Increase in Reserves	1,167,359	H	1,900,520	1,900,520	3,067,879
Contracted Services (Mercer)	-	H	375,000	375,000	375,000
Claims Funding	7,512,000	H	11,267,995	11,267,995	18,779,995
Total Expenditures	\$ 9,543,727		\$ 14,439,739	\$ 14,439,739	\$ 23,983,466
TOTAL APPROPRIATIONS	\$ 9,543,727		\$ 14,439,739	\$ 14,439,739	\$ 23,983,466

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

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

Adopted this 11th day of October, 2010.

Patricia C. Dunn

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Report on bid awarded

Explanation: The Director of Financial Services reports that the following bid was awarded during the month of August, 2010.

Date Awarded	Description	Vendor	Amount	M/WBE Yes/No
8/30/10	Meetinghouse Branch Emergency Stabilization Project	Hine Sitework, Inc.	\$124,546.00	Yes

Note: Original contract was signed on April 1, 2010; however, budget amendment was not approved until August.

Also, contract was awarded to second low bidder; low bidder could not obtain required bonding. Letter from David Vaughn Construction is attached.

Fiscal Note: The City Council approved a budget amendment for \$124,546 at its August 9, 2010, meeting.

Recommendation: That the bid award information be reflected in the City Council minutes.

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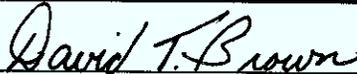
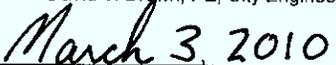
[Bid Tabulation for Meetinghouse Branch Stabilization Project](#)

Meetinghouse Branch Emergency Stabilization Project

BID TABULATION SHEET City of Greenville, North Carolina Engineering Division

Bid Opening: March 3, 2010 4:00pm

Contractor	Received Addendum		MWBE		NCA Form		Total Base Bid
	Yes	No	Yes	No	Yes	No	
David G. Vaughan Construction of Pitt County, Inc.	X		X		X		\$119,239.00
Hine Sitework, Inc.	X		X		X		\$124,546.00
Tripp Brothers, Inc.	X		X			X	\$148,000.00


 David T. Brown, PE, City Engineer

 Date

David G. Vaughn Construction

1025 Director's Court Greenville, NC 27858
252-321-7290

NC License # 57630

March 24, 2010

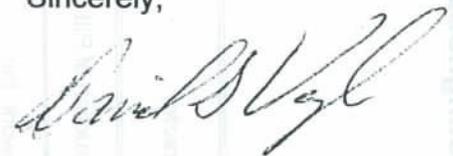
Dear Mr. Long,

This is to inform you and the City of Greenville that David G Vaughn Construction was unable to obtain the bonding necessary for the Meeting House Emergency Stabilization Project.

We apologize for this inconvenience and appreciate the opportunity to have bid the job.

Thank you for your help in this matter.

Sincerely,



David G Vaughn
President

dgv/dhn



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Resolution approving an amendment to the Board and Commission Policy relating to nominations to certain boards and commissions

Explanation: At its September 14, 2010, meeting, City Council approved the following motion:

Request the City Attorney prepare an amendment to the Board and Commission Policy for consideration by City Council which, for the Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission, accomplishes the following:

(1) replaces the nomination by liaison process for City Council appointments to these boards and commissions with a process in which the Mayor and each Council Member make nominations on a rotating basis with the initial appointment for these boards and commissions, pursuant to this process, being divided equitably among the Council Members and the Mayor; and

(2) provides for the elevation first of an alternate member to a vacant regular member position on the Board of Adjustment and Planning and Zoning Commission prior to filling a vacancy on the Board of Adjustment and Planning and Zoning Commission.

In accordance with the approved motion, an amendment has been prepared for City Council's consideration. The amendment basically follows, with some adjustments, the rotation procedure which was established when the nomination procedure for the Housing Authority was amended last year. Since there are five boards involved, each of the five Council Members elected on a district basis has been assigned to make the first nomination to a board with Council Members in ascending order of the number of the district being matched with a board in reverse order alphabetically (if alphabetical order was utilized Council Member Joyner would have had a nomination to the Planning and Zoning Commission in the first year which he has specifically requested not to occur). Mayor Pro-Tem

Kittrell does not have a designation as a starting point to nominate for a board since he already was the starting point with the Housing Authority. Mayor Dunn does not have a designation as a starting point to nominate for a board since the Council Members received their assignments first. Attached is a sheet which lists the rotation starting points and shows the rotation order.

For the boards and commissions which have at least seven members which are to be appointed by City Council after receipt of a nomination from a Council Member or the Mayor (Board of Adjustment, Planning and Zoning Commission, and Recreation Commission), each elected official (the Mayor and six Council Members) will be assigned a slot to nominate on the board so that after each elected official makes the initial nomination, when that slot comes up for nomination again, the elected official will be able to make the nomination for the slot again. For these boards, this will allow an elected official to nominate to a second term a person previously nominated by the same elected official for a first term and to fill vacancies if the person is not able to complete the term of office. For the other boards, when the time for an appointment occurs as a result of the expiration of a term, the elected official making the nomination will be determined using the rotation regardless as to who made the previous nomination. However, if there is a vacancy prior to the completion of a term of office for a position which has been appointed by City Council in accordance with this procedure, the nomination to fill the unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the board member. If the vacancy occurs in a position which has not yet been appointed by City Council in accordance with this procedure, the nomination will be made by a Council Member in reverse order of the rotation.

The Planning and Zoning Commission and the Board of Adjustment have alternate members in addition to regular members. For these boards, new persons will be appointed to alternate positions since existing alternates will move to regular positions when they become available. If reappointed, persons serving as regular members would be reappointed as regular members. The first two alternate positions on the Board of Adjustment which become vacant will initially be assigned to Council Members to nominate so it is possible the persons currently serving in these alternate positions will not have the opportunity to serve as a regular member unless the elected official chooses to nominate them. This is necessary since the Board of Adjustment only has five regular members which are appointed by City Council (therefore, adding the two alternates make up the necessary match for seven elected officials). This is not necessary for the Planning and Zoning Commission since it has seven regular members appointed by City Council.

The Policy also addresses the assignment of which elected official makes a nomination for a particular opening when multiple openings on the same board occur at the same time. Again, for the boards where there are more than seven positions nominated and appointed by Council, when the time to nominate for a slot occurs, the elected official who previously nominated the person who fills the slot will make the nomination again. Otherwise, the assignment will be based upon first the residency of the person holding the position (match up person residing in district with a Council Member representing the district) and

then by last name alphabetically (match up with elected officials in order of rotation).

Attached is a preview of the schedule for nominations for each board. This preview is based upon the assumption that each person serves a full term. If earlier vacancies occur, the schedule would be impacted. Also, when multiple openings occur at the same time, the assignment of which elected official makes a nomination for a particular opening may change as a result of the names of the persons and the location of their residences at the time the nominations are to occur.

The Redevelopment Commission section of the Policy was also amended since it did not reflect the current practice of the Mayor and each Council Member making nominations.

The attached resolution contains the amended Policy. A red-lined version is also attached which demonstrates the changes to the current Policy.

Fiscal Note: No fiscal impact with amending the policy.

Recommendation: Approval of the attached resolution will amend the Board and Commission Policy relating to the nominations for the Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission.

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

Attachments / click to download

- [Resolution Amending the Board and Commission Policy amend process for terms of board members 878130](#)
- [Redlined Revised Board and Commission Policy 878448](#)
- [ROTATION STARTING POINTS SCHEDULE OF UPCOMING APPOINTMENTS 877960](#)
- [Board of Adjustment SCHEDULE OF UPCOMING APPOINTMENTS 877922](#)
- [Greenville Utilities Commission Schedule of Upcoming Appointments 877934](#)
- [Planning and Zoning Commission SCHEDULE OF UPCOMING APPOINTMENTS 877954](#)
- [Airport Authority Schedule of Upcoming Appointments 877953](#)
- [Recreation and Parks Commission SCHEDULE OF UPCOMING APPOINTMENTS 877957](#)
- [Housing Authority SCHEDULE OF UPCOMING APPOINTMENTS 877921](#)

RESOLUTION NO. 10-

RESOLUTION AMENDING THE BOARD AND COMMISSION POLICY
FOR THE CITY OF GREENVILLE TO AMEND THE NOMINATION PROCESS
FOR CERTAIN BOARDS AND COMMISSIONS

WHEREAS, on November 9, 2009, the Greenville City Council adopted Resolution No. 09-55, which created a new "Board and Commission Policy for the City of Greenville"; and

WHEREAS, the Greenville City Council has determined to modify the nomination process for certain Boards and Commissions;

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

Section 1. That the Board and Commission Policy for the City of Greenville is hereby amended by rewriting said Policy to read as follows:

BOARD AND COMMISSION POLICY
FOR THE CITY OF GREENVILLE

Having citizens to serve on boards and commissions gives them an opportunity to participate in local government. In order to maintain some consistency, a policy has been adopted to aid in the appointment process and in other areas dealing with the boards and commissions. In order to provide all citizens of Greenville with an opportunity to serve on City boards and commissions, this board and commission policy is being established.

Talent Bank

A pool of applicants for the various boards and commissions, called the talent bank, shall be maintained by the City Clerk's Office. This talent bank shall be updated on a biennial basis. Solicitation of applications for this pool of applicants shall be done through such methods as advertising in local newspapers, the City website and the government access channel.

Appointments

City Council Members shall be notified of upcoming appointments to City boards and commissions by the first day of the month preceding the month in which the appointment is to be made. A list of persons who have indicated an interest in serving on the board or commission through the talent bank shall also be provided to the City Council.

The list of upcoming appointments shall be advertised in the local newspaper, on the government access channel, and on the City's website at least four weeks prior to the meeting at which the

appointment is to be made in order to provide citizens with an opportunity to indicate their interest in serving.

Prior to the 15th day of the month preceding the month in which the appointment is to be made, City Council Members shall submit any recommendations for upcoming vacancies to the elected official responsible for making a nomination to City Council to fill the vacancy on the board or commission. The elected official responsible for making a nomination to City Council to fill the vacancy shall be provided a copy of resumes from citizens for upcoming appointments as they are received by the City Clerk's Office.

During review of nominations for upcoming appointments, the elected official responsible for making a nomination to City Council to fill the vacancy may request the City Clerk's assistance in obtaining the nominees' addresses and any pertinent background information. The elected official responsible for making a nomination to City Council to fill the vacancy shall contact the individual to discuss the applicant's interest in the board and his/her ability to attend the meetings in accordance with this policy.

Several of the boards and commissions have representation from other entities. Also, criteria for the membership is noted in the by-laws or ordinance creating many of the boards and commissions. The criteria and/or appointment process are detailed below.

Affordable Housing Loan Committee. The committee shall have seven regular members and one alternate member. It shall be racially diverse and composed of persons with experience and an interest in housing. The members may be of the following professions: banker, lawyer, realtor, member of the building profession or developer, member of a social service organization, and a member of a local housing group. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Board of Adjustment. The board shall consist of seven regular members and four alternate members. Five of the regular members and three alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the City Council. Two of the regular members and one alternate member shall reside outside of the corporate limits of the city but within the extraterritorial jurisdiction at the time of their appointment and shall be appointed by the Board of Commissioners. City members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The County Commissioners shall appoint county candidates and the appointment letter shall be sent from the County Clerk's Office for those appointments. A copy of the appointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Board of Adjustment members applies to Board of Adjustment members appointed after October 11, 2010, other than Board of Adjustment members who are to be appointed by the Pitt County Board of Commissioners. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Five, for the first appointment, the Mayor, for the second appointment, Council Member, At-large, for the third appointment, Council Member, District One, for the fourth appointment, Council Member, District Two, for the fifth appointment, Council Member, District Three, for the sixth appointment, and, Council Member, District Four, for the seventh appointment.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Prior to City Council making an appointment as a result of a nomination, the elevation of alternate members in accordance with the Alternate Members section of this policy shall occur. In the event the term of an alternate member position is expiring and the person holding this alternate member position was appointed after October 11, 2010, and remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the person holding this alternate member position will be automatically reappointed without the necessity of a nomination and the City Council shall make the reappointment by a motion of appointment. In the event the term of an alternate member position is expiring and the person holding this alternate member position was not appointed after October 11, 2010, and remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the nomination to fill the alternate member position will be made by the next elected official in the rotation order set forth above.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council

Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe. In the event any of the appointments will result in a new person being appointed as a regular member after the elevation of alternate members in accordance with the Alternate Members section of this policy, the regular member positions to be filled will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions. In a similar manner, the highest ranked alternate positions will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position on the Board held by the person who was nominated by the elected official will thereafter be assigned for nomination by the same elected official who made the initial nomination of that person. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for a position on the Board held by the person who was nominated by Council Member, District 1, again, due to the expiration of the term or a vacancy in the position on the Board held by the person who was nominated by Council Member, District One, the nomination for that position will be made by Council Member, District One.

For the eighth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in this position due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position, when it is time to make another appointment for the eighth position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Two and then when it is time to make another appointment for the eighth position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Three.

Community Appearance Commission. The commission shall consist of 11 members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Environmental Advisory Commission. The commission shall have seven members that are designated as follows: (A) a lawyer or other person with knowledge of environmental regulations and environmental safety practices; (B) a building contractor, land developer or someone familiar with construction techniques; (C) a member of a local environmental group; (D) an educator of the natural or physical sciences or physician; (E) a professional engineer; (F) an at-large member from the Greenville community; and (G) an at-large member with skills and

interest in environmental public health, safety and/or medicine. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The mayor or a member of city council shall be designated as an ex-officio, non-voting member of the commission

Firefighter's Relief Fund Committee. The committee shall consist of five trustees. The firefighters shall elect two members, the City Council shall elect two members, and the Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner.

Greenville Bicycle and Pedestrian Commission. The Commission shall consist of 12 members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The Director of the Recreation and Parks Department and the Director of the Public Works Department shall serve as ex-officio, non-voting advisors to the Commission. East Carolina University, the Pitt County Planning Department, and the Eastern Carolina Injury Prevention Program shall each designate a representative to serve as a non-voting advisor to the Commission.

Greenville Utilities Commission. The commission shall consist of eight members, one of whom is the City Manager. The charter specifies that the members shall have utilities expertise. Representation should include some members with financial, engineering, environmental, technical, or development backgrounds. Five City members shall be appointed by the City Council in accordance with this policy, and appointment letters for the City members sent by the City Clerk's Office. Two County candidates shall be nominated by the County Commissioners, at which time the County Clerk shall submit to the City Clerk a letter of recommendation. (The two candidates shall be bonafide residents of Pitt County but residing outside the city limits, who shall be customers of Greenville Utilities.) The City Clerk's Office shall then obtain background information on the nominee and provide it along with the letter to the City Council liaison. The information shall be provided to City Council for consideration at a regular City Council meeting. The City Council shall have the right to reject any nominee from the Board of Commissioners and to request additional nominees. If the Pitt County Board of Commissioners fails to recommend a nominee to the City Council within 60 days of the original date requested by the City Council, then the City Council may appoint any individual that meets the residency requirement. The City Clerk's Office shall send a letter of appointment to the new members informing them of the appointment. A copy of the letter for County appointments shall be sent to the County Clerk. Greenville Utilities Commissioners filling the first three-year term shall automatically fill a second three-year term unless the City Council initiates the replacement process.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed after October 11, 2010, other than commissioners who are to be nominated by the Pitt County Board of Commissioners. Additionally, whenever a commissioner has completed a first three year term, the commissioner will be automatically appointed to a second three year term, without a nomination, unless City Council initiates the replacement process for the commissioner.

Nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Four, for the first appointment, Council Member, District Five, for the second appointment, the Mayor, for the third appointment, Council Member, At-large, for the fourth appointment, Council Member, District One, for the fifth appointment, Council Member, District Two, for the sixth appointment, Council Member, District Three, for the seventh appointment, and, thereafter, the rotation shall be repeated.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council after October 11, 2010, the nomination of a person to fill the unexpired term will be made by the Council Member or the Mayor who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy prior to the completion of a term of office in a commissioner position which was not appointed by City Council after October 11, 2010, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's or the Mayor's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Historic Preservation Commission. The commission shall consist of ten members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Housing Authority. The authority shall consist of seven commissioners. One commissioner shall be appointed by the Mayor and all other commissioners shall be appointed by City Council. No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. The City Council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's

office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the City Council.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed on or after June 30, 2009, (the effective date of Session Law 2009-211). Appointments will be made by City Council unless the appointment is required to be made by the Mayor to ensure that the authority has a commissioner appointed by the Mayor or unless the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members on a rotating basis in the following order: Council Member, At-Large, for the first appointment, Council Member, District One, for the second appointment, Council Member, District Two, for the third appointment, Council Member, District Three, for the fourth appointment, Council Member, District Four, for the fifth appointment, Council Member, District Five, for the sixth appointment, and, thereafter, the rotation shall be repeated. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

At all times, at least one (1) of the commissioners shall have been appointed by the Mayor. Therefore, the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the only commissioner position on the authority who has been appointed by the Mayor. The Mayor shall make the appointment or reappointment in this event by filing with the City Clerk a certificate of appointment or reappointment.

At all times, at least one (1) of the commissioners shall be a person directly assisted by the authority. Therefore, the nomination by a Council Member and the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority. City Council shall confirm the appointment of the person who is elected by other persons directly assisted by the authority after receipt of written notice of the election of this person from the authority whenever the authority's rules require that the person appointed as the person directly assisted by the authority is elected by other persons directly assisted by the authority. City Council shall make the confirmation of the appointment by a motion of appointment. In the event the authority's rules do not require that the person appointed as the commissioner directly assisted by the authority is elected by other persons who are directly assisted by the authority and the appointment to be made is the commissioner on the authority who is appointed as the commissioner directly assisted by the authority, the nomination by a Council Member on the rotating basis will not occur until the next appointment and, instead of a nomination, a recommendation from the authority will be sought. City Council is not

required to appoint the person recommended by the authority and may, but is not required to, request another recommendation from the authority in the event the initial recommended person is not appointed. In the event the person recommended by the authority is not appointed and another recommendation from the authority is not requested, any Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council, the nomination of a person to fill the unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy in a commissioner position which was not appointed by City Council and which is not either the required Mayor appointment or person directly assisted by the authority appointment, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which is either the required Mayor appointment or the person directly assisted by the authority appointment, the procedure to appoint and recommend or elect shall be the same as the procedure to appoint and recommend or elect a person for a full term.

Human Relations Council. The 18-member council shall consist of fifteen citizens, one East Carolina University student, one Shaw University student, and one Pitt Community College student. The fifteen citizens shall reside within the corporate limits of the city. The three students shall reside within the corporate limits of the city during the school year. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Investment Advisory Committee. The three-member committee shall be composed of three members that have a background in investing and money management (i.e., bankers, stock brokers, accountants, economists, etc.). All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters to the members.

Neighborhood Advisory Board. The Neighborhood Advisory Board shall consist of ten board members with two board members being elected from each of the five districts from which Council Members are elected. Each neighborhood association shall appoint a liaison member to the Neighborhood Advisory Board and an alternate liaison member shall serve at the pleasure of the neighborhood association. The alternate liaison member, while attending a meeting of the liaison members or of the Neighborhood Advisory Board in the absence of the liaison member

from the same neighborhood association, may serve as the liaison member and shall have and may exercise the powers of the liaison member.

The liaison members of the Neighborhood Advisory Board shall elect, at the initial meeting of the liaison members and annually thereafter, at a meeting of the liaison members established by the Neighborhood Advisory Board for that purpose, ten board members of the Neighborhood Advisory Board with two board members being elected from each of the five districts from which Council Members are elected. The liaison members of the Neighborhood Advisory Board who represent neighborhood associations of neighborhoods located primarily within a district from which a Council Member is elected shall only be eligible to vote for board members for said district. The board members of the Neighborhood Advisory Board elected from a district from which a Council Member is elected must be a liaison member for a neighborhood association of a neighborhood located primarily within said district. For the purpose of determining eligibility to vote and to serve as a board member, a neighborhood is located primarily within the district if the majority of the residences in the neighborhood served by the neighborhood association are located within said district.

The Neighborhood Liaison/Ombudsman shall serve as an ex-officio, non-voting member of the Neighborhood Advisory Board. The Liaison Members of the Neighborhood Advisory Board shall consist of the liaison members appointed by each neighborhood association. In addition to electing the board members of the Neighborhood Advisory Board, the liaison members shall offer feedback to the board members of the Neighborhood Advisory Board at least twice each year at a meeting of the Neighborhood Advisory Board.

Pitt-Greenville Airport Authority. The authority shall have eight members, four appointed by the City Council and four appointed by the Pitt County Commissioners. The City Council and Pitt County Commissioner liaisons shall serve as voting members of the authority. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent by the City Clerk's Office for City Members. County members shall be appointed by the County Commissioners and appointment letters for those members sent by the County Clerk's Office. A copy of the letter shall be forwarded to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Authority members applies to authority members appointed after October 11, 2010, other than Authority members who are to be appointed by the Pitt County Board of Commissions. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Three, for the first appointment, Council Member, District Four, for the second appointment, Council Member, District Five, for the third appointment, the Mayor, for the fourth appointment, Council Member, At-large, for the fifth appointment, Council Member, District One, for the sixth appointment, Council Member, District Two, for the seventh appointment, and, thereafter, the rotation shall be repeated.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in an Authority member position which has been appointed by City Council after October 11, 2010, the nomination of a person to fill the unexpired term will be made by the Council Member or the Mayor who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy prior to the completion of the term of office in a commissioner position which was not appointed by City Council after October 11, 2010, the nomination will be made in accordance with the reverse order of the rotation set forth above and such nomination will complete the Council Member's or the Mayor's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Pitt-Greenville Convention and Visitors Authority. The authority shall have eleven members as follows: Four owners or operators of hotels, motels, or other taxable accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council; two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council; two residents of Greenville, appointed by the City Council, and two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation; and one individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce. City members of the Convention and Visitors Authority Board shall be appointed by the City Council. Appointment letters shall be sent by the City Clerk's Office for the City appointments. The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The Board of Commissioners has the right to reject any nominee from the City Council and request additional nominees. If the City Council fails to recommend a nominee to the County within sixty days after a written request for nominees is sent by the County to the City, then the Board of Commissioners may appoint any individual meeting the eligibility requirements of the Enabling Legislation. The County Clerk shall be responsible for sending out appointment letters for County members. The Chamber of Commerce shall appoint one of its members and is responsible for sending out the

appointment letter for that appointment and sending a copy of the letter to the City Clerk's Office, at which time the records are updated.

Planning and Zoning Commission. The commission shall be composed of nine regular members and three alternate members. Appointments of members appointed by City Council shall be made to promote the representation of a variety of interests. This representation should include some members with environmental, neighborhood preservation, development and business interests. Seven regular City members and two alternate members shall reside within the corporate limits of the City and shall be appointed by the City Council. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint two regular County members and one alternate member. The appointment letter for County appointees shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letters shall be sent to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Planning and Zoning Commission members applies to commission members appointed after October 11, 2010, other than Planning and Zoning Commission members who are to be appointed by the Pitt County Board of Commissioners. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Two, for the first appointment, Council Member, District Three, for the second appointment, Council Member, District Four, for the third appointment, Council Member, District Five, for the fourth appointment, the Mayor, Council Member, At-large, for the sixth appointment, and Council Member, District One, for the seventh appointment

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Prior to City Council making an appointment as a result of a nomination, the elevation of alternate members in accordance with the Alternate Members section of this policy shall occur. In the event the term of an alternate member position is expiring and the person holding this alternate member position remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the person holding this alternate member position will be automatically reappointed without the necessity of a nomination and the City Council shall make the reappointment by a motion of appointment.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe. In the event any of the appointments will result in a new person being appointed as a regular member after the elevation of alternate members in accordance with the Alternate Members section of this policy, the regular member positions to be filled will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions. In a similar manner, the highest ranked alternate positions will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position on the Commission held by the person who was nominated by the elected official will thereafter be assigned for nomination by the same elected official who made the initial nomination of that person. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for a position on the Commission held by the person who was nominated by Council Member, District One again, due to the expiration of the term or a vacancy in the position on the Commission held by the person who was nominated by Council Member, District One, the nomination for that position will be made by Council Member, District One.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when

it is time to make another appointment for either position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Police Community Relations Committee. The committee shall be composed of seven members (one from each district, one at-large and one appointed by the Mayor). Members are appointed directly by the Mayor and individual Council Members. Members should not hold any elected office.

Public Transportation and Parking Commission. The commission shall be composed of seven members, all of whom shall be citizens and residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Recreation and Parks Commission. The commission shall be composed of nine members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

The procedure hereinafter set forth for the nomination and appointment of commissioner members applies to commissioner members appointed after October 11, 2010.

Nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District One, for the first appointment, Council Member, District Two, for the second appointment, Council Member, District Three, for the third appointment, Council Member, District Four, for the fourth appointment, Council Member, District Five, for the fifth appointment, the Mayor, for the sixth appointment, and, Council Member, At-large, for the seventh appointment.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by

person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position will thereafter be assigned for nomination by the same elected official who made the initial nomination for that position. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for that position again, due to the expiration of the term or a vacancy, Council Member, District One, will make the nomination for that position.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when it is time to make another appointment for either position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Redevelopment Commission. The commission shall consist of seven members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

The Mayor and each Council Member nominates to City Council the persons to serve on the Redevelopment Commission. When a vacancy occurs in a position filled after a nomination by an elected official, the same elected official who made the nomination will make the nomination for that position again.

City Council is not required to appoint the person nominated by the Council Member or Mayor and may, but is not required to, request another nomination from the Council Member or Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a the Council Member or Mayor is not appointed and another nomination from the Council Member or Mayor making the nomination is not requested, any Council Member or the

Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Sheppard Memorial Library Board. The board shall consist of nine members. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint county candidates, and the appointment letters for County members shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated. The City Council liaison to the Sheppard Memorial Library Board shall serve as a voting ex-officio member of the Board.

Youth Council. The Greenville Youth Council shall be composed of twenty-five members as follows: three representatives from each of the Pitt County public high schools; one representative from each of the private schools located in Pitt County (Trinity Christian School, Greenville Christian Academy, Calvary Christian Academy, and The Oakwood School); one home schooled student; and two youth members from the Human Relations Council. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2) the Housing Authority, to which either, in accordance with the procedure set forth in the Housing Authority section above, the Mayor makes the appointment or City Council appoints commissioners after receipt of a nomination from Council Members on a rotating basis or City Council appoints a commissioner after receipt of a recommendation from the Housing Authority or City Council confirms the appointment of a commissioner who is elected by other persons directly assisted by the Housing Authority and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a

recommendation has not been selected, at which time the appointment shall be continued to the following month.

Appointment to a Board at the Conclusion of Service on a Board

When a citizen completes at least one full term on a board or commission, that person shall be eligible to serve on another as a City member at the completion of the term. However, a one-year waiting period is required in order to serve on the same board or commission.

Alternate Members

On certain boards and commissions, members shall originally be appointed as Alternate Members in order to provide a learning period unless there are more vacancies on the Board than the number of alternate slots for the Board at the time of appointment. The alternates vote only when a regular member is absent or unable to vote. City alternates shall be provided for various boards as follows:

Affordable Housing Loan Committee	Alternate
Board of Adjustment	Alternate Nos. 1, 2 and 3
Planning and Zoning Commission	Alternate Nos. 1 and 2

Alternates shall move up in rank or to a regular member slot as vacancies become available on the board and in accordance with the following rotation. In the instance of only one alternate, when a vacancy becomes available to replace a regular member who is ineligible for reappointment or is not reappointed, the alternate shall move up and a new alternate member appointed. In the instance of two alternates, when a vacancy becomes available to replace a regular member who is ineligible for reappointment or is not reappointed, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, and a new Alternate #2 appointed. In the instance of three alternates, when a vacancy becomes available to replace a regular member who is ineligible for reappointment or is not reappointed, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, Alternate #3 shall be elevated to Alternate #2, and a new Alternate #3 appointed. In the event that there are two elevations at one time, the Alternate members shall move in the order in which they would have normally been elevated. The action to make an automatic elevation up in rank or to a regular member slot shall be scheduled for the first available City Council meeting and the City Council shall make the elevation by a motion of appointment.

Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board, City appointees may be reappointed to a second term. The purpose of

this exception is to create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. The Housing Authority shall also be excepted.

Resignation of Board or Commission Members Elected to Public Office

Members of City boards or commissions who are elected as Mayor or as a City Council Member shall submit a resignation from the board or commission prior to becoming installed as an elected official.

Service of a Full-Time Employee on a Board or Commission

A full-time employee of the City of Greenville shall not be eligible to serve on a city authority, board, commission or committee as an appointee of the Mayor, City Council or a Council Member. If such a member becomes a full-time employee of the City of Greenville, that shall constitute a resignation from the authority, board, commission or committee upon which he serves, effective upon the date a replacement is appointed. The prohibition established herein shall not apply to any current full-time City employee who is currently serving on an authority, board, commission or committee for so long as said employee serves on the same body until the completion of the current term. The prohibition established herein shall not apply to service resulting from being an ex-officio member.

Serving on Two Boards Simultaneously

With the exception of ad hoc committees, task forces, or other like groups created by the City Council for a specified length of time and for a specified purpose, individuals shall not serve on more than one city board or commission as a City Council appointment at the same time.

Individuals shall not hold more than two appointive offices or more than one appointive office and an elective office concurrently in violation of North Carolina General Statute 128-1.1.

Designation of Liaisons and their Roles and Responsibilities

Designation. The Mayor shall designate City Council Members and the Mayor as liaisons to boards and commissions whose members are appointed by the City. Prior to the designation of the liaisons, the Mayor shall ask Council Members to which boards and commissions they prefer to be designated as liaison. The Council Members shall be provided an opportunity to discuss their choices with the Mayor.

Length of Designation. The liaisons shall serve until the end of their elected two-year term as a City Council Member or the Mayor.

Roles of the Liaisons. The liaison is a communication link between the City Council and the appointed board or commission. The liaison role is not to regularly and actively discuss subjects on the agenda with the board or commission members, but to offer insight into overall City goals

and policies that have been adopted by the City Council as it may relate to an issue being considered by the board or commission. The liaison, from time to time as appropriate, shall inform City Council of major activities of the board or commission.

Attendance. The attendance at board or commission meetings is at the discretion of the liaison. While attendance at every meeting is not required, attendance sufficient to understand the subjects before the board or commission is important.

Voting. The liaison is not a voting member of the board or commission and may not make motions at a meeting of the board or commission. The exception to this is the Sheppard Memorial Library Board of Trustees and the Pitt-Greenville Airport Authority where the liaison is a voting member and should participate as a full member.

Appointments. The liaison is to review the applications in the talent bank for vacancies on the board or commission and to make nominations of persons to City Council to fill the vacancies. The exception to this is Housing Authority, the Police Community Relations Committee, the Redevelopment Commission, Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission.

City Council is not required to appoint the person nominated by the liaison and may, but is not required to, request another nomination from the liaison making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a liaison is not appointed and another nomination from the liaison making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Attendance of Members

All appointed members of the various boards and commissions are expected to attend all regular meetings. Whenever a member of any board or commission has missed three or more consecutive regular meetings or fails to attend seventy-five percent of all regularly scheduled meetings, the staff liaison to the board or commission shall notify the City Clerk of the member's attendance record. The City Clerk's Office shall send a letter to the member asking to be notified about the person's ability to attend future meetings. A copy of the letter shall be sent to the City Council liaison. If, within 30 days, the member responds that he desires to continue serving and will attend future meetings on a regular basis, the City Clerk's Office will notify the City Council liaison, and the attendance will be monitored for a period of three months, at which time replacement or other appropriate action may occur if the attendance requirements are still not met. However, if the person either fails to respond to the letter within 30 days or indicates that he is unable or unwilling to attend, the City Council liaison will be notified by the City Clerk's Office and the vacancy placed on the next possible City Council agenda for replacement or other appropriate action. The appointment shall be for the duration of the unexpired term of the member whose position has been vacated.

Failure to observe any requirement of this policy shall not affect the validity or legality of any appointment.

This policy adopted by the Greenville City Council on October 11, 2010, replaces previous board and commission policies that have been adopted by the Greenville City Council.

Section 2. That all resolutions and clauses of resolutions in conflict with this resolution are hereby repealed.

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

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

REVISED
BOARD AND COMMISSION POLICY
FOR THE CITY OF GREENVILLE

Having citizens to serve on boards and commissions gives them an opportunity to participate in local government. In order to maintain some consistency, a policy has been adopted to aid in the appointment process and in other areas dealing with the boards and commissions. In order to provide all citizens of Greenville with an opportunity to serve on City boards and commissions, this board and commission policy is being established.

Talent Bank

A pool of applicants for the various boards and commissions, called the talent bank, shall be maintained by the City Clerk's Office. This talent bank shall be updated on a biennial basis. Solicitation of applications for this pool of applicants shall be done through such methods as advertising in local newspapers, the City website and the government access channel.

Appointments

City Council Members shall be notified of upcoming appointments to City boards and commissions by the first day of the month preceding the month in which the appointment is to be made. A list of persons who have indicated an interest in serving on the board or commission through the talent bank shall also be provided to the City Council.

The list of upcoming appointments shall be advertised in the local newspaper, on the government access channel, and on the City's website at least four weeks prior to the meeting at which the appointment is to be made in order to provide citizens with an opportunity to indicate their interest in serving.

Prior to the 15th day of the month preceding the month in which the appointment is to be made, City Council Members shall submit any **nominations recommendations** for upcoming vacancies to the **City Council liaison to elected official responsible for making a nomination to City Council to fill the vacancy on** the board or commission. **City Council liaisons The elected official responsible for making a nomination to City Council to fill the vacancy** shall be provided a copy of resumes from citizens for upcoming appointments as they are received by the City Clerk's Office.

During review of nominations for upcoming appointments, **City Council liaisons the elected official responsible for making a nomination to City Council to fill the vacancy** may request the City Clerk's assistance in obtaining the nominees' addresses and any pertinent background information. The **City Council liaison elected official responsible for making a nomination to City Council to fill the vacancy** shall contact the individual to discuss the applicant's interest in the board and his/her ability to attend the meetings in accordance with this policy.

Several of the boards and commissions have representation from other entities. Also, criteria for the membership is noted in the by-laws or ordinance creating many of the boards and commissions. The criteria and/or appointment process are detailed below.

Affordable Housing Loan Committee. The committee shall have seven regular members and one alternate member. It shall be racially diverse and composed of persons with experience and an interest in housing. The members may be of the following professions: banker, lawyer, realtor, member of the building profession or developer, member of a social service organization, and a member of a local housing group. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Board of Adjustment. The board shall consist of seven regular members and four alternate members. Five of the regular members and three alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the City Council. Two of the regular members and one alternate member shall reside outside of the corporate limits of the city but within the extraterritorial jurisdiction at the time of their appointment and shall be appointed by the Board of Commissioners. City members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The County Commissioners shall appoint county candidates and the appointment letter shall be sent from the County Clerk's Office for those appointments. A copy of the appointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Board of Adjustment members applies to Board of Adjustment members appointed after October 11, 2010, other than Board of Adjustment members who are to be appointed by the Pitt County Board of Commissioners. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Five, for the first appointment, the Mayor, for the second appointment, Council Member, At-large, for the third appointment, Council Member, District One, for the fourth appointment, Council Member, District Two, for the fifth appointment, Council Member, District Three, for the sixth appointment, and, Council Member, District Four, for the seventh appointment.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Prior to City Council making an appointment as a result of a nomination, the elevation of alternate members in accordance with the Alternate Members section of this policy shall occur. In the event the term of an alternate member position is expiring and the person holding this alternate member position was appointed after October 11, 2010, and remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the person holding this alternate member position will be automatically reappointed without the necessity of a nomination and the City Council shall make the reappointment by a motion of appointment. In the event the term of an alternate member position is expiring and the person holding this alternate member position was not appointed after October 11, 2010, and remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the nomination to fill the alternate member position will be made by the next elected official in the rotation order set forth above.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe. In the event any of the appointments will result in a new person being appointed as a regular member after the elevation of alternate members in accordance with the Alternate Members section of this policy, the regular member positions to be filled will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions. In a similar manner, the highest ranked alternate positions will be assigned to the elected officials whose time it is to

make the nominations for positions in the order of the rotation to make the nominations for positions.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position on the Board held by the person who was nominated by the elected official will thereafter be assigned for nomination by the same elected official who made the initial nomination of that person. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for a position on the Board held by the person who was nominated by Council Member, District 1, again, due to the expiration of the term or a vacancy in the position on the Board held by the person who was nominated by Council Member, District One, the nomination for that position will be made by Council Member, District One.

For the eighth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in this position due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position, when it is time to make another appointment for the eighth position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Two and then when it is time to make another appointment for the eighth position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Three.

Community Appearance Commission. The commission shall consist of 11 members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Environmental Advisory Commission. The commission shall have seven members that are designated as follows: (A) a lawyer or other person with knowledge of environmental regulations and environmental safety practices; (B) a building contractor, land developer or someone familiar with construction techniques; (C) a member of a local environmental group;

(D) an educator of the natural or physical sciences or physician; (E) a professional engineer; (F) an at-large member from the Greenville community; and (G) an at-large member with skills and interest in environmental public health, safety and/or medicine. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The mayor or a member of city council shall be designated as an ex-officio, non-voting member of the commission

Firefighter's Relief Fund Committee. The committee shall consist of five trustees. The firefighters shall elect two members, the City Council shall elect two members, and the Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner.

Greenville Bicycle and Pedestrian Commission. The Commission shall consist of 12 members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The Director of the Recreation and Parks Department and the Director of the Public Works Department shall serve as ex-officio, non-voting advisors to the Commission. East Carolina University, the Pitt County Planning Department, and the Eastern Carolina Injury Prevention Program shall each designate a representative to serve as a non-voting advisor to the Commission.

Greenville Utilities Commission. The commission shall consist of eight members, one of whom is the City Manager. The charter specifies that the members shall have utilities expertise. Representation should include some members with financial, engineering, environmental, technical, or development backgrounds. Five City members shall be appointed by the City Council in accordance with this policy, and appointment letters for the City members sent by the City Clerk's Office. Two County candidates shall be nominated by the County Commissioners, at which time the County Clerk shall submit to the City Clerk a letter of recommendation. (The two candidates shall be bonafide residents of Pitt County but residing outside the city limits, who shall be customers of Greenville Utilities.) The City Clerk's Office shall then obtain background information on the nominee and provide it along with the letter to the City Council liaison. The information shall be provided to City Council for consideration at a regular City Council meeting. The City Council shall have the right to reject any nominee from the Board of Commissioners and to request additional nominees. If the Pitt County Board of Commissioners fails to recommend a nominee to the City Council within 60 days of the original date requested by the City Council, then the City Council may appoint any individual that meets the residency requirement. The City Clerk's Office shall send a letter of appointment to the new members informing them of the appointment. A copy of the letter for County appointments shall be sent to the County Clerk. Greenville Utilities Commissioners filling the first three-year term shall automatically fill a second three-year term unless the City Council initiates the replacement process.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed after October 11, 2010, other than commissioners who are to be nominated by the Pitt County Board of Commissioners. Additionally, whenever a commissioner has completed a first three year term, the commissioner will be automatically appointed to a second three year term, without a nomination, unless City Council initiates the replacement process for the commissioner.

Nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Four, for the first appointment, Council Member, District Five, for the second appointment, the Mayor, for the third appointment, Council Member, At-large, for the fourth appointment, Council Member, District One, for the fifth appointment, Council Member, District Two, for the sixth appointment, Council Member, District Three, for the seventh appointment, and, thereafter, the rotation shall be repeated.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council after October 11, 2010, the nomination of a person to fill the unexpired term will be made by the Council Member or the Mayor who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy prior to the completion of a term of office in a commissioner position which was not appointed by City Council after October 11, 2010, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's or the Mayor's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Historic Preservation Commission. The commission shall consist of ten members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Housing Authority. The authority shall consist of seven commissioners. One commissioner shall be appointed by the Mayor and all other commissioners shall be appointed by City Council. No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. The City Council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the City Council.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed on or after June 30, 2009, (the effective date of Session Law 2009-211). Appointments will be made by City Council unless the appointment is required to be made by the Mayor to ensure that the authority has a commissioner appointed by the Mayor or unless the appointment to be made is the commissioner on the authority appointed as the commissioner

who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members on a rotating basis in the following order: Council Member, At-Large, for the first appointment, Council Member, District One, for the second appointment, Council Member, District Two, for the third appointment, Council Member, District Three, for the fourth appointment, Council Member, District Four, for the fifth appointment, Council Member, District Five, for the sixth appointment, and, thereafter, the rotation shall be repeated. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

At all times, at least one (1) of the commissioners shall have been appointed by the Mayor. Therefore, the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the only commissioner position on the authority who has been appointed by the Mayor. The Mayor shall make the appointment or reappointment in this event by filing with the City Clerk a certificate of appointment or reappointment.

At all times, at least one (1) of the commissioners shall be a person directly assisted by the authority. Therefore, the nomination by a Council Member and the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority. City Council shall confirm the appointment of the person who is elected by other persons directly assisted by the authority after receipt of written notice of the election of this person from the authority whenever the authority's rules require that the person appointed as the person directly assisted by the authority is elected by other persons directly assisted by the authority. City Council shall make the confirmation of the appointment by a motion of appointment. In the event the authority's rules do not require that the person appointed as the commissioner directly assisted by the authority is elected by other persons who are directly assisted by the authority and the appointment to be made is the commissioner on the authority who is appointed as the commissioner directly assisted by the authority, the nomination by a Council Member on the rotating basis will not occur until the next appointment and, instead of a nomination, a recommendation from the authority will be sought. City Council is not required to appoint the person recommended by the authority and may, but is not required to, request another recommendation from the authority in the event the initial recommended person is not appointed. In the event the person recommended by the authority is not appointed and another recommendation from the authority is not requested, any Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council, the nomination of a person to fill the

unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy in a commissioner position which was not appointed by City Council and which is not either the required Mayor appointment or person directly assisted by the authority appointment, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which is either the required Mayor appointment or the person directly assisted by the authority appointment, the procedure to appoint and recommend or elect shall be the same as the procedure to appoint and recommend or elect a person for a full term.

Human Relations Council. The 18-member council shall consist of fifteen citizens, one East Carolina University student, one Shaw University student, and one Pitt Community College student. The fifteen citizens shall reside within the corporate limits of the city. The three students shall reside within the corporate limits of the city during the school year. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Investment Advisory Committee. The three-member committee shall be composed of three members that have a background in investing and money management (i.e., bankers, stock brokers, accountants, economists, etc.). All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters to the members.

Neighborhood Advisory Board. The Neighborhood Advisory Board shall consist of ten board members with two board members being elected from each of the five districts from which Council Members are elected. Each neighborhood association shall appoint a liaison member to the Neighborhood Advisory Board and an alternate liaison member shall serve at the pleasure of the neighborhood association. The alternate liaison member, while attending a meeting of the liaison members or of the Neighborhood Advisory Board in the absence of the liaison member from the same neighborhood association, may serve as the liaison member and shall have and may exercise the powers of the liaison member.

The liaison members of the Neighborhood Advisory Board shall elect, at the initial meeting of the liaison members and annually thereafter, at a meeting of the liaison members established by the Neighborhood Advisory Board for that purpose, ten board members of the Neighborhood Advisory Board with two board members being elected from each of the five districts from which Council Members are elected. The liaison members of the Neighborhood Advisory Board

who represent neighborhood associations of neighborhoods located primarily within a district from which a Council Member is elected shall only be eligible to vote for board members for said district. The board members of the Neighborhood Advisory Board elected from a district from which a Council Member is elected must be a liaison member for a neighborhood association of a neighborhood located primarily within said district. For the purpose of determining eligibility to vote and to serve as a board member, a neighborhood is located primarily within the district if the majority of the residences in the neighborhood served by the neighborhood association are located within said district.

The Neighborhood Liaison/Ombudsman shall serve as an ex-officio, non-voting member of the Neighborhood Advisory Board. The Liaison Members of the Neighborhood Advisory Board shall consist of the liaison members appointed by each neighborhood association. In addition to electing the board members of the Neighborhood Advisory Board, the liaison members shall offer feedback to the board members of the Neighborhood Advisory Board at least twice each year at a meeting of the Neighborhood Advisory Board.

Pitt-Greenville Airport Authority. The authority shall have eight members, four appointed by the City Council and four appointed by the Pitt County Commissioners. The City Council and Pitt County Commissioner liaisons shall serve as voting members of the authority. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent by the City Clerk's Office for City Members. County members shall be appointed by the County Commissioners and appointment letters for those members sent by the County Clerk's Office. A copy of the letter shall be forwarded to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Authority members applies to authority members appointed after October 11, 2010, other than Authority members who are to be appointed by the Pitt County Board of Commissions. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Three, for the first appointment, Council Member, District Four, for the second appointment, Council Member, District Five, for the third appointment, the Mayor, for the fourth appointment, Council Member, At-large, for the fifth appointment, Council Member, District One, for the sixth appointment, Council Member, District Two, for the seventh appointment, and, thereafter, the rotation shall be repeated.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in an Authority member position which has been appointed by City Council after October 11, 2010, the nomination of a person to fill the unexpired term will be made by the Council Member or the Mayor who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy prior to the completion of the term of office in a commissioner position which was not appointed by City Council after October 11, 2010, the nomination will be made in accordance with the reverse order of the rotation set forth above and such nomination will complete the Council Member's or the Mayor's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Pitt-Greenville Convention and Visitors Authority. The authority shall have eleven members as follows: Four owners or operators of hotels, motels, or other taxable accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council; two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council; two residents of Greenville, appointed by the City Council, and two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation; and one individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce. City members of the Convention and Visitors Authority Board shall be appointed by the City Council. Appointment letters shall be sent by the City Clerk's Office for the City appointments. The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The Board of Commissioners has the right to reject any nominee from the City Council and request additional nominees. If the City Council fails to recommend a nominee to the County within sixty days after a written request for nominees is sent by the County to the City, then the Board of Commissioners may appoint any individual meeting the eligibility requirements of the Enabling Legislation. The County Clerk shall be responsible for sending out appointment letters for County members. The Chamber of Commerce shall appoint one of its members and is responsible for sending out the appointment letter for that appointment and sending a copy of the letter to the City Clerk's Office, at which time the records are updated.

Planning and Zoning Commission. The commission shall be composed of nine regular members and three alternate members. Appointments of members appointed by City Council shall be made to promote the representation of a variety of interests. This representation should include

some members with environmental, neighborhood preservation, development and business interests. Seven regular City members and two alternate members shall reside within the corporate limits of the City and shall be appointed by the City Council. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint two regular County members and one alternate member. The appointment letter for County appointees shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letters shall be sent to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Planning and Zoning Commission members applies to commission members appointed after October 11, 2010, other than Planning and Zoning Commission members who are to be appointed by the Pitt County Board of Commissioners. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Two, for the first appointment, Council Member, District Three, for the second appointment, Council Member, District Four, for the third appointment, Council Member, District Five, for the fourth appointment, the Mayor, Council Member, At-large, for the sixth appointment, and Council Member, District One, for the seventh appointment

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Prior to City Council making an appointment as a result of a nomination, the elevation of alternate members in accordance with the Alternate Members section of this policy shall occur. In the event the term of an alternate member position is expiring and the person holding this alternate member position remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the person holding this alternate member position will be automatically reappointed without the necessity of a nomination and the City Council shall make the reappointment by a motion of appointment.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that

position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe. In the event any of the appointments will result in a new person being appointed as a regular member after the elevation of alternate members in accordance with the Alternate Members section of this policy, the regular member positions to be filled will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions. In a similar manner, the highest ranked alternate positions will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position on the Commission held by the person who was nominated by the elected official will thereafter be assigned for nomination by the same elected official who made the initial nomination of that person. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for a position on the Commission held by the person who was nominated by Council Member, District One again, due to the expiration of the term or a vacancy in the position on the Commission held by the person who was nominated by Council Member, District One, the nomination for that position will be made by Council Member, District One.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when it is time to make another appointment for either position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either

position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Police Community Relations Committee. The committee shall be composed of seven members (one from each district, one at-large and one appointed by the Mayor). Members are appointed directly by the Mayor and individual Council Members. Members should not hold any elected office.

Public Transportation and Parking Commission. The commission shall be composed of seven members, all of whom shall be citizens and residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Recreation and Parks Commission. The commission shall be composed of nine members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

The procedure hereinafter set forth for the nomination and appointment of commissioner members applies to commissioner members appointed after October 11, 2010.

Nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District One, for the first appointment, Council Member, District Two, for the second appointment, Council Member, District Three, for the third appointment, Council Member, District Four, for the fourth appointment, Council Member, District Five, for the fifth appointment, the Mayor, for the sixth appointment, and, Council Member, At-large, for the seventh appointment.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected

officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position will thereafter be assigned for nomination by the same elected official who made the initial nomination for that position. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for that position again, due to the expiration of the term or a vacancy, Council Member, District One, will make the nomination for that position.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when it is time to make another appointment for either position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Redevelopment Commission. The commission shall consist of seven members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

The Mayor and each Council Member nominates to City Council the persons to serve on the Redevelopment Commission. When a vacancy occurs in a position filled after a nomination by an elected official, the same elected official who made the nomination will make the nomination for that position again.

City Council is not required to appoint the person nominated by the Council Member or Mayor and may, but is not required to, request another nomination from the Council Member or Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a the Council Member or Mayor is not appointed

and another nomination from the Council Member or Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Sheppard Memorial Library Board. The board shall consist of nine members. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint county candidates, and the appointment letters for County members shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated. The City Council liaison to the Sheppard Memorial Library Board shall serve as a voting ex-officio member of the Board.

Youth Council. The Greenville Youth Council shall be composed of twenty-five members as follows: three representatives from each of the Pitt County public high schools; one representative from each of the private schools located in Pitt County (Trinity Christian School, Greenville Christian Academy, Calvary Christian Academy, and The Oakwood School); one home schooled student; and two youth members from the Human Relations Council. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2) the Housing Authority, to which either, in accordance with the procedure set forth in the Housing Authority section above, the Mayor makes the appointment or City Council appoints commissioners after receipt of a nomination from Council Members on a rotating basis or City Council appoints a commissioner after receipt of a recommendation from the Housing Authority or City Council confirms the appointment of a commissioner who is elected by other persons directly assisted by the Housing Authority and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a

recommendation has not been selected, at which time the appointment shall be continued to the following month.

Appointment to a Board at the Conclusion of Service on a Board

When a citizen completes at least one full term on a board or commission, that person shall be eligible to serve on another as a City member at the completion of the term. However, a one-year waiting period is required in order to serve on the same board or commission.

Alternate Members

On certain boards and commissions, members shall originally be appointed as Alternate Members in order to provide a learning period unless there are more vacancies on the Board than the number of alternate slots for the Board at the time of appointment (~~see last sentence of this section~~). The alternates vote only when a regular member is absent or unable to vote. City alternates shall be provided for various boards as follows:

Affordable Housing Loan Committee	Alternate
Board of Adjustment	Alternate Nos. 1, 2 and 3
Planning and Zoning Commission	Alternate Nos. 1 and 2

Alternates shall move up in rank or to a regular member slot as vacancies become available on the board ~~upon approval by the City Council~~ and in accordance with the following rotation. In the instance of only one alternate, when a vacancy becomes available to replace a regular member **who is ineligible for reappointment or is not reappointed**, the alternate shall move up and a new alternate member appointed. In the instance of two alternates, when a vacancy becomes available to replace a regular member **who is ineligible for reappointment or is not reappointed**, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, and a new Alternate #2 appointed. In the instance of three alternates, when a vacancy becomes available to replace a regular member **who is ineligible for reappointment or is not reappointed**, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, Alternate #3 shall be elevated to Alternate #2, and a new Alternate #3 appointed. In the event that there are two elevations at one time, the Alternate members shall move in the order in which they would have normally been elevated. **The action to make an automatic elevation up in rank or to a regular member slot shall be scheduled for the first available City Council meeting and the City Council shall make the elevation by a motion of appointment.**

Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any

City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board, City appointees may be reappointed to a second term. The purpose of this exception is to create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. The Housing Authority shall also be excepted.

Resignation of Board or Commission Members Elected to Public Office

Members of City boards or commissions who are elected as Mayor or as a City Council Member shall submit a resignation from the board or commission prior to becoming installed as an elected official.

Service of a Full-Time Employee on a Board or Commission

A full-time employee of the City of Greenville shall not be eligible to serve on a city authority, board, commission or committee as an appointee of the Mayor, City Council or a Council Member. If such a member becomes a full-time employee of the City of Greenville, that shall constitute a resignation from the authority, board, commission or committee upon which he serves, effective upon the date a replacement is appointed. The prohibition established herein shall not apply to any current full-time City employee who is currently serving on an authority, board, commission or committee for so long as said employee serves on the same body until the completion of the current term. The prohibition established herein shall not apply to service resulting from being an ex-officio member.

Serving on Two Boards Simultaneously

With the exception of ad hoc committees, task forces, or other like groups created by the City Council for a specified length of time and for a specified purpose, individuals shall not serve on more than one city board or commission as a City Council appointment at the same time.

Individuals shall not hold more than two appointive offices or more than one appointive office and an elective office concurrently in violation of North Carolina General Statute 128-1.1.

Designation of Liaisons and their Roles and Responsibilities

Designation. The Mayor shall designate City Council Members and the Mayor as liaisons to boards and commissions whose members are appointed by the City. Prior to the designation of the liaisons, the Mayor shall ask Council Members to which boards and commissions they prefer to be designated as liaison. The Council Members shall be provided an opportunity to discuss their choices with the Mayor.

Length of Designation. The liaisons shall serve until the end of their elected two-year term as a City Council Member or the Mayor.

Roles of the Liaisons. The liaison is a communication link between the City Council and the appointed board or commission. The liaison role is not to regularly and actively discuss subjects on the agenda with the board or commission members, but to offer insight into overall City goals and policies that have been adopted by the City Council as it may relate to an issue being considered by the board or commission. The liaison, from time to time as appropriate, shall inform City Council of major activities of the board or commission.

Attendance. The attendance at board or commission meetings is at the discretion of the liaison. While attendance at every meeting is not required, attendance sufficient to understand the subjects before the board or commission is important.

Voting. The liaison is not a voting member of the board or commission and may not make motions at a meeting of the board or commission. The exception to this is the Sheppard Memorial Library Board of Trustees and the Pitt-Greenville Airport Authority where the liaison is a voting member and should participate as a full member.

Appointments. The liaison is to review the applications in the talent bank for vacancies on the board or commission and to make **recommendations nominations** of persons to City Council to fill the vacancies. The exception to this is Housing Authority, ~~and~~ the Police Community Relations Committee, **the Redevelopment Commission, Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission and Recreation and Parks Commission.**

City Council is not required to appoint the person nominated by the liaison and may, but is not required to, request another nomination from the liaison making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a liaison is not appointed and another nomination from the liaison making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Attendance of Members

All appointed members of the various boards and commissions are expected to attend all regular meetings. Whenever a member of any board or commission has missed three or more consecutive regular meetings or fails to attend seventy-five percent of all regularly scheduled meetings, the staff liaison to the board or commission shall notify the City Clerk of the member's attendance record. The City Clerk's Office shall send a letter to the member asking to be notified about the person's ability to attend future meetings. A copy of the letter shall be sent to the City Council liaison. If, within 30 days, the member responds that he desires to continue serving and will attend future meetings on a regular basis, the City Clerk's Office will notify the City Council liaison, and the attendance will be monitored for a period of three months, at which

time replacement or other appropriate action may occur if the attendance requirements are still not met. However, if the person either fails to respond to the letter within 30 days or indicates that he is unable or unwilling to attend, the City Council liaison will be notified by the City Clerk's Office and the vacancy placed on the next possible City Council agenda for replacement or other appropriate action. The appointment shall be for the duration of the unexpired term of the member whose position has been vacated.

Failure to observe any requirement of this policy shall not affect the validity or legality of any appointment.

This policy adopted by the Greenville City Council ~~via Resolution No. 09-55 on November 9, 2009 on October 11, 2010~~, replaces previous board and commission policies that have been adopted by the Greenville City Council.

**ROTATION STARTING POINTS
and ROTATION ORDER**

<u>Elected Official</u>	<u>Board Which Has the First Nomination</u>
Council Member, At-large	Housing Authority
Council Member, District 1	Recreation and Parks Commission
Council Member, District 2	Planning and Zoning Commission
Council Member, District 3	Pitt-Greenville Airport Authority
Council Member, District 4	Greenville Utilities Commission
Council Member, District 5	Board of Adjustment
Mayor	None

BOARD OF ADJUSTMENT
SCHEDULE OF UPCOMING APPOINTMENTS

<u>Position</u>	<u>Expiration Date</u>	<u>Nomination</u>
Rene Safford-White	June 2011	Council Member, District 5
Mulatu Wubneh	June 2011	Mayor
John Hutchens	June 2012	Council Member, At-Large
Alternate #1 (Sharon Ferris)	June 2012	Council Member, District 1
Alternate #2 (Justin Mullarkey)	June 2012	Council Member, District 2
Charles Ewen	June 2013	Council Member, District 3
Scott Shook	June 2013	Council Member, District 4
Alternate #3 (Minnie Anderson)	June 2013	Elevation of Alternate Procedure/ Rotation (Council Member, District 5)

**GREENVILLE UTILITIES COMMISSION
SCHEDULE OF UPCOMING APPOINTMENTS**

<u>Position</u>	<u>Expiration Date</u>	<u>Nomination</u>
Julia Carlson	June 2011	Automatic Appointment For 2 nd Term
John Paylor	June 2012	Council Member, District 4
Don Edmonson	June 2013	Council Member, District 5
Vickie Joyner	June 2013	Mayor
John Minges	June 2013	Automatic Appointment For 2 nd Term
Carlson Seat	June 2014	Council Member, At-large
Paylor Seat	June 2015	Automatic Appointment For 2 nd Term
Edmonson Seat	June 2016	Automatic Appointment For 2 nd Term
Joyner Seat	June 2016	Automatic Appointment For 2 nd Term
Minges Seat	June 2016	Council Member, District 1
Carlson Seat	June 2017	Automatic Appointment For 2 nd Term
Paylor Seat	June 2018	Council Member, District 2
Edmonson Seat	June 2019	Council Member, District 3
Joyner Seat	June 2019	Council Member, District 4
Minges Seat	June 2019	Automatic Appointment For 2 nd Term

**PLANNING AND ZONING COMMISSION
SCHEDULE OF UPCOMING APPOINTMENTS**

<u>Position</u>	<u>Expiration Date</u>	<u>Nomination</u>
Godfrey Bell	May 2011	Council Member, District 2
William Lehman	May 2011	Council Member, District 3
Alternate Position (Charles Garner)	May 2011	Elevation of Alternate Procedure
David Gordon	May 2012	Council Member, District 4
Shelly Basnight	May 2012	Council Member, District 5
Tim Randall	May 2012	Mayor
Arthur Maxwell	May 2013	Council Member, At-large
Tony Parker	May 2013	Council Member, District 1
Alternate Position (Cathy Maahs-Fladung)	May 2013	Elevation of Alternate Procedure/ Rotation (Council Member, District 2)

PITT - GREENVILLE AIRPORT AUTHORITY
SCHEDULE OF UPCOMING APPOINTMENTS

<u>Position</u>	<u>Expiration Date</u>	<u>Nomination</u>
Dennis Biggs	June 2011	Council Member, District 3
Jerry Powell	June 2012	Council Member, District 4
NONE	June 2013	
Donald Taylor	June 2014	Council Member, District 5
Biggs Seat	June 2015	Mayor
Powell Seat	June 2016	Council Member, At-large
NONE	June 2017	
Taylor Seat	June 2018	Council Member, District 1
Biggs Seat	June 2019	Council Member, District 2

RECREATION AND PARKS COMMISSION
SCHEDULE OF UPCOMING APPOINTMENTS

<u>Position</u>	<u>Expiration Date</u>	<u>Nomination</u>
Sue Aldridge	May 2011	Council Member, District 1
Jerry Clark	May 2011	Council Member, District 2
Brian Jacobs	May 2012	Council Member, District 3
Sandra Steele	May 2012	Council Member, District 4
Bill All	May 2012	Council Member, District 5
Henry Jones	May 2013	Mayor
Matt Smith	May 2013	Council Member, At- large
Donald Williams	May 2013	ROTATION (Council Member, District 1)
Freddie Outterbridge	May 2013	ROTATION (Council Member, District 2)

**HOUSING AUTHORITY
SCHEDULE OF UPCOMING APPOINTMENTS**

<u>Position</u>	<u>Expiration Date</u>	<u>Nomination</u>
Barbour Seat	Appointed Larry Barbour (May 2010)	Council Member, At-large
Taft Seat	Appointed Emanuel Brown (May 2010)	Person Directly Assisted By Authority Procedure
Edmonds Seat	May 2011	Council Member, District 1
Avery Seat	May 2012	Council Member, District 2
Castillo Seat	May 2012	Council Member, District 3
Huggins Seat	May 2013	Council Member, District 4
Watson Seat	May 2014	NONE (Mayor Appointment)
Barbour Seat	May 2015	Council Member, District 5
Brown Seat	May 2015	Person Directly Assisted By Authority Procedure
Edmonds Seat	May 2016	Council Member, At-large
Avery Seat	May 2017	Council Member, District 1
Castillo Seat	May 2017	Council Member, District 2
Huggins Seat	May 2018	Council Member, District 3
Watson Seat	May 2019	NONE (Mayor Appointment)



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

a. Historic Preservation Commission

Explanation: The Historic Preservation Commission will make their annual presentation to City Council at the October 11, 2010 meeting.

Fiscal Note: No cost to hear the presentation

Recommendation: For information only; no action recommended

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City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Redevelopment Commission authorization to sell real property located at 814 West Fifth Street

Explanation: In November of 2007, the Redevelopment Commission purchased a dilapidated nightclub building formerly known as Chaser's Lounge located at 814 West Fifth Street. Over the following two years, the Redevelopment Commission explored a variety of reuse options for the building ranging from sale of the building to a local business to use as office space, retrofit the building as a community health center, and as a central office for the provision of services to Greenville's homeless population. Each of these reuse options failed eventually due to the building's poor condition and the high cost to renovate. Ultimately, a decision was made to demolish the building, in part to assure compliance with the Non-residential Building/ Structure Ordinance.

Over roughly the same time period, Mr. Arthur Wallace, owner of the two commercial buildings immediately adjacent to the Chaser's property, was planning for repairs to his buildings in order to utilize one building as an office and the other building as a restaurant. (See Exhibit A for map of properties.)

During the site review process associated with those renovations, Mr. Wallace learned that he had insufficient space on his property to meet the parking requirements established by City Code.

Based on that finding, Mr. Wallace advised the Redevelopment Commission of his interest in leasing or purchasing the former Chaser's property to use as a parking lot in support of his office building and restaurant.

The Redevelopment Commission recommended approval of a lease/purchase agreement with Mr. Wallace at the June 1, 2010, meeting pending authorization by City Council for sale of the property. North Carolina redevelopment law allows the Redevelopment Commission to sell the property by several means, but the law also requires such sales to be made with approval by the governing body. Staff recommends that the sale of property to Mr. Wallace be made by the negotiated offer-upset bid process established in Section 160A-269 of the North Carolina General Statutes.

Fiscal Note:

The Redevelopment Commission has established the fair market value of the former Chaser’s Lounge property at \$14,250 based on a property appraisal completed by a North Carolina licensed general property appraiser. Based on the request from Mr. Wallace, (see Exhibit B), and subject to City Council approval, property will be leased by the Redevelopment Commission to Mr. Wallace for the sum of \$133 per month over a ten-year period. At the end of the ten-year term, the Redevelopment Commission would provide title to Mr. Wallace. Alternatively, Mr. Wallace could choose at any time during the ten-year lease term to purchase the property by paying the full purchase price minus any monthly lease payments made up until that time. Should Mr. Wallace choose not to exercise his option to purchase the property, the Redevelopment Commission would retain ownership of the property.

Recommendation:

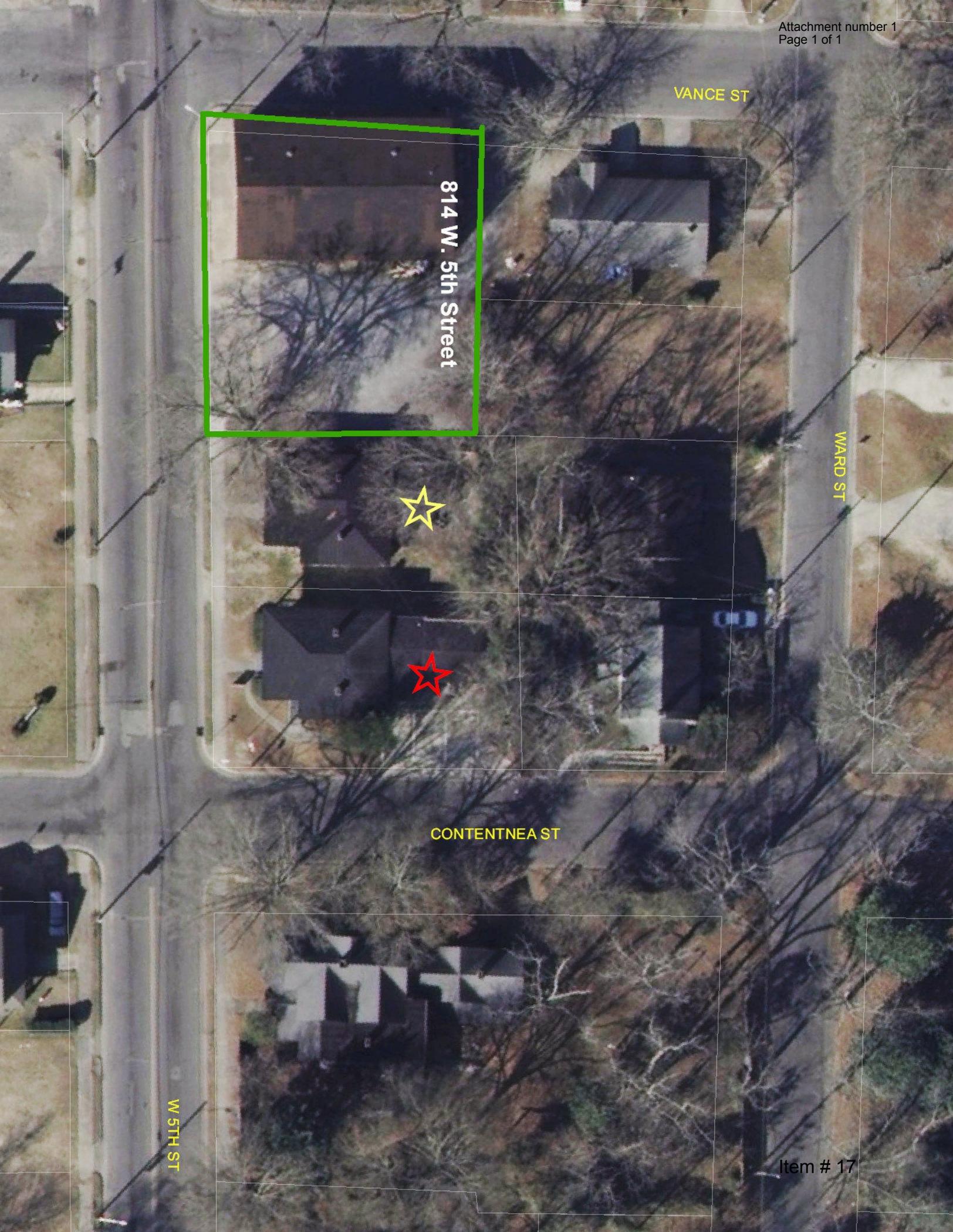
Authorize the Redevelopment Commission to sell the former Chaser’s Property located at 814 West 5th Street by the negotiated offer-upset bid process.

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 [Exhibit A](#)

 [Exhibit B](#)



VANCE ST

814 W. 5th Street

WARD ST

CONTENTNEA ST

W 5TH ST

August 30, 2010

Redevelopment Commission of Greenville
Attn. Mr. Merrill Flood, Secretary
P.O. Box 7207
Greenville, NC 27835

Subject: Lease – Purchase Offer for 814 W Fifth Street
Greenville, N.C.

Dear Mr. Flood:

As per our recent conversations, I am interested in entering into a lease/purchase agreement with the Redevelopment Commission of Greenville in order to gain an interest in the property owned by the Redevelopment Commission located at 814 West Fifth Street and further identified as Tax Parcel Number 19523. My plan is to utilize the vacant property as a parking lot to support the restaurant that I plan to open in the coming months as well as in support of my existing small office building adjacent to the site.

Based on the recent appraisal of the property you have shared with me, I am offering a total of \$14,250 for the purchase of the property according to the following terms:

1. The property will be used only for private parking as described above in support of two commercial businesses that I operate on the adjoining property.
2. I will lease the property from the Redevelopment Commission in an unimproved condition, and will make any improvements at my expense required to utilize the property as a private parking lot.
3. I will lease the property with the intent to purchase for a term of ten years, with monthly lease payments of \$133 paid to the Redevelopment Commission and each payment credited toward the purchase price of \$14,250.
4. At any time during the term of the lease, I would like the option to purchase the property for the above sum, with all previous monthly payments credited toward the purchase price.
5. During the term of the lease, I will carry liability insurance on the property in accordance with the requirements of the City of Greenville and will comply with all local and state codes.

It is my understanding that the City of Greenville will be required to undertake a competitive process in order to lease this property and that a deposit will be required in order to initiate the process. Please find enclosed a check in the amount of \$725.00 to cover the required five percent deposit. It is my intention to open my restaurant this fall, so I would appreciate your assistance with conducting the competitive property disposal procedure as quickly as possible.

Please let me know if there is additional information that you will require or if you have any questions of me regarding this proposed transaction. You may contact me by telephone at (252) 758-3222.

Sincerely:


Arthur Wallace

 8/31/10



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Center City Parking Pay Station Project

Explanation: Installation of parking pay stations is the final component of the Reade/Cotanche Streetscape project, which is a Redevelopment Commission initiative. Staff recommends that parking pay stations be installed in several areas to include the Hodges Lot, Georgetown Lot, and the new parking spaces recently constructed along Reade Street. In conjunction with this project, Uptown Greenville has requested that parking pay stations be installed along the 300 and 400 blocks of Evans Street. The pay stations would replace the single post parking meters currently located in the Georgetown Lot, but would be new installations at the other proposed locations as depicted in Exhibit B.

Parking pay stations, also referred to as multi-space parking meters, are becoming increasingly more common in “downtown” settings. An illustration of the type of parking system recommended for use by the City of Greenville is attached as Exhibit A. Use of a multi-space parking system provides several advantages including ease of use for patrons through multiple payment methods, greater efficiency in enforcement through the use of remote parking administration technology, creation of a user-based revenue stream to cover ongoing overhead associated with the provision of downtown parking, and minimizes the visual clutter caused by conventional parking meters.

Based on long-time observations of downtown parking patterns, staff is of the opinion that the installation of multi-space parking meters will also have the effect of discouraging the use of spaces in the project area by East Carolina University students, staff, faculty or visitors, thus creating more available parking spaces for customers of Uptown District restaurants and businesses.

An initial procurement of ten (10) parking meters has been proposed with installation of two (2) stations in the Hodges Lot, one (1) station in the Georgetown Lot, three (3) stations along Reade Street, and four (4) along Evans Street. The proposed location of parking meters is depicted in the attached map labeled as Exhibit B.

The parking pay station procurement process began in February 2010 with advertisement of a request for proposals (RFP). Development of the RFP as well as vendor selection were completed by an interdepartmental team of staff members from Information Technology, Public Works, Police, and Community Development. After a comprehensive proposal review and interview process, Duncan Parking Systems was recommended by the selection team. Duncan's multi-space meter system comes highly recommended by other municipal governments including Raleigh, where that government has recently purchased more than 100 of the units for placement in their downtown. In addition to City staff review of the multi-space parking meter project, the City's Parking and Transportation Advisory Commission has reviewed and recommended the project to the City Council. The Redevelopment Commission is expected to authorize a contract with Duncan at their October meeting.

Fiscal Note:

The parking pay station project total cost is \$81,396. This price includes the purchase of ten (10) pay stations, installation, software setup, initial staff training, and one (1) set of spare parts for each pay station. Funding for this project comes from the 2004 General Obligation bond issue for Center City revitalization and is included in the Redevelopment Commission's 2010-2011 work plan and budget.

As part of their review of this project, the Parking and Transportation Advisory Commission affirmed staff's recommendation that the parking fee for use of the multi-space meter system be set at 75 cents per hour at the Commission's September 15, 2010 meeting. While this decision leads to an increase of current City parking rates that range from 25 cents per hour at the Georgetown Lot to 25 cents for a half-hour around the Pitt County Courthouse, the rate is below the rates for downtown parking in most other North Carolina cities according to a recent survey. The \$0.75 rate will allow for recovery of credit card transaction fees as well as allow for eventual recovery of capital expenditures for this project. Uptown Greenville sent the attached letter expressing support of a \$0.50 hourly rate.

Staff is further recommending that new parking meter revenues exceeding the current collection levels be transferred each fiscal year into a capital reserve account, which may be used by the City in future years to maintain the meter systems and to carry out other downtown parking improvement projects.

Recommendation:

Staff recommends that City Council take three separate actions required to implement the project:

Action #1: Amend the City of Greenville Manual of Fees by way of the attached ordinance (Exhibit C) such that parking fees for single post meters are set at twenty-five cents for half-hour and fees for multi-space meters are set at seventy-five cents per hour with a maximum payment of \$1.50 and parking time of two hours. These changes will maintain the current parking rates for meters around the Pitt County Courthouse.

Action #2: Amend Article P of Chapter 2 of Article 10 of the Greenville City Code by way of the attached ordinance (Exhibit D) such that the use of parking pay stations and payment by means other than coin (credit card) is permitted. These changes will allow for use of the multi-space meter pay stations for this project as well as for future installations or conversions of existing meters.

Action #3: Authorize the Mayor to enter into a revised contract (Exhibit E) with Mr. Julian W. Rawl (owner of the Georgetown Lot) that establishes set lease payments to Mr. Rawl for use of the Georgetown parking lot. The existing contract calls for 80% of all revenues generated from the use of meters at the Georgetown Lot to be paid to Mr. Rawl as lease fees for use of the lot. The new contract establishes a monthly lease fee that is in line with what the City charges for use of City-owned lease spaces.

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

Attachments / click to download

- [Exhibit A](#)
- [Exhibit B](#)
- [Exhibit C](#)
- [Exhibit D](#)
- [Exhibit E](#)
- [Uptown Greenville Letter](#)





Evans Street Proposed Pay Station District
(All Red)

Proposed Pay Station District
(All Red)

Legend

- Land Parcels
- Leased Parking
- 2 Hour Parking
- Proposed Pay Station District

Item # 18

ORDINANCE NO. 10-

AN ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO PARKING
METER FEES

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

Section 1. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Parking Meter Fees contained in the Parking Fees to read as follows:

<u>ACCOUNT NUMBER</u>	<u>METER TYPE</u>	<u>FEE</u>
010-0000-340-04-20	Single Post	30 Minutes \$.25
010-000-340-04-23	Multi-Space	1 Hour Minimum \$.75 2 Hour Maximum \$1.50

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 December 1, 2010.

This the 11th day of October, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

ORDINANCE NO. 10 –

ORDINANCE AMENDING ARTICLE P OF CHAPTER 2 OF TITLE 10 OF
THE GREENVILLE CITY CODE BY REWRITING CERTAIN SECTIONS
RELATING TO METERED PARKING

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

Section 1. That Article P of Chapter 2 of Title 10 of the Code of Ordinances, City of
Greenville, be and is hereby amended by rewriting said article so that it will read as follows:

ARTICLE P. METERED PARKING

SEC. 10-2-191 DEFINITIONS.

The following words and phrases, when used in this article shall, for the purpose of this
article, have the meanings respectively ascribed to them in this section, except in those instances
where the context clearly indicates a different meaning.

Parking meter. Any mechanical device or meter placed or erected for the regulation of
parking by authority of the city.

Parking meter space. Any space within a parking meter zone which is duly designated for
the parking of a single vehicle by lines painted or otherwise durably marked on the curb, on
the surface of the street, or other area adjacent to or adjoining the parking meters.

Parking meter zone. Any restricted street, or section of street, or off-street parking facility
such as a lot, garage or other facility owned or leased by the city and designated for use by
the public as parking facilities regulated by a parking meter and upon which a parking meter
is installed nearby and in operation.

SEC. 10-2-192 DESIGNATION OF PARKING METER ZONES.

The areas, municipal off-street parking facility owned or leased by the city and designated
for use by the public as parking facilities and streets and portions of streets described in the
Schedule of Traffic Regulations as parking meter zones shall constitute the parking meter zones
within the city. The fact that a parking meter is in place at any point within the city shall be
prima facie evidence that the locality thereof is within a parking meter zone.

SEC. 10-2-193 DESIGNATION OF PARKING METER SPACES; MANNER OF PARKING THEREIN.

The Director of Public Works or his or her designee is hereby directed to mark off individual parking spaces in the parking meter zones, designated as provided in section 10-2-192, and in such other parking zones as may hereafter be established, by lines painted or durably marked on the curbing or surface of the street. At each parking meter space so marked off, it shall be unlawful for any operator to park any vehicle in such a way that such vehicle shall not be entirely within the bounds of the space so designated. It shall also be unlawful for the operator to park any vehicle in any parking meter space on the operator's left-hand side of the street, or to turn such vehicle around within the parking meter zone; provided, that the operator may park any vehicle in any parking meter space on the operator's left-hand side of any one-way street.

SEC. 10-2-194 HOW PARKING METERS AND SPACE TO BE USED; OVERTIME PARKING.

Except in a period of emergency determined by an officer of the Fire Rescue or Police Department, or in compliance with the directions of a police officer or traffic-control sign or signal, when any vehicle shall be parked in any parking space in a parking meter zone the operator of the vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the meter such proper coin of the United States or payment as is required for the parking meter and as is designated by proper direction on the meter, and when required by the direction on the meter, the operator of the vehicle, after the deposit of the proper coin, shall also set in operation the timing mechanism on the meter when so required in accordance with directions properly appearing thereon. Failure to deposit the proper coin or payment and to set the timing mechanism in operation when so required, shall constitute a violation of this article. Upon the deposit of such coin or payment and the setting of the timing mechanism in operation when so required, the parking space may lawfully be occupied by the vehicle during the period of time which has been prescribed for the part of the street in which the parking space is located; provided, that any person placing a vehicle in a parking meter space which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin or make a payment so long as his or her occupancy of the space does not exceed the indicated unused parking time. If the vehicle shall remain parked in any such parking space beyond the parking limit set for the parking space, then and in that event, the vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this article.

SEC. 10-2-195 DEPOSIT OF COINS.

(A) Parking or standing a vehicle in a designated parking meter zone shall be lawful for the period of time applicable to that particular zone upon deposit in such meter of the designated coins or payment required in the parking areas.

(B) Nothing herein shall be construed to permit parking beyond the maximum period of parking time authorized as posted at the particular parking meter zone.

SEC. 10-2-196 WHEN PARKING METERS TO BE IN OPERATION.

Parking meters shall be operated in the parking meter zones every day between the hours of 9:00 a.m. and 6:00 p.m., except Sundays and holidays. Within the meaning of this section, the term a holiday shall include only January 1, July 4, December 25, Thanksgiving Day as observed in the state, and such other days as shall be designated holidays by the city.

SEC. 10-2-197 EXCEEDING LEGAL PARKING TIME.

It shall be unlawful and a violation of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by the person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as described in this article, or to deposit in any parking meter any coin or payment for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

SEC. 10-2-198 OCCUPATION OF PARKING SPACE WHEN METER SHOWS VIOLATION.

It shall be unlawful and a violation of this article for any person to permit any vehicle to remain or be placed in any parking meter space while the meter is displaying a signal indicating that the vehicle occupying the parking meter space has already been parked beyond the period of time prescribed for the parking meter space or when the vehicle occupies the parking meter space beyond the period of time for which payment has been made as prescribed for the parking meter space.

SEC. 10-2-199 VEHICLES TO BE PARKED WITHIN THE LINES.

It shall be unlawful and a violation of this article for any person to park any vehicle across any line or marking of a parking meter space or in such a position that the vehicle shall not be entirely within the area designated by such lines or markings.

SEC. 10-2-200 PARKING ON OPERATOR'S LEFT.

It shall be unlawful for any person to park any vehicle on the operator's left side of any street within the city; provided, that on one-way streets vehicles may be parked either on the operator's right or left side of any such street, unless signs or markings are placed, erected or installed indicating no parking zones on either one or both sides of any such street.

SEC. 10-2-201 DEFACING OR INJURING PARKING METERS.

It shall be unlawful and a violation of this article for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

SEC. 10-2-202 DEPOSIT OF SLUGS OR OTHER SUBSTITUTE DEVICES.

It shall be unlawful and a violation of this article for any person to deposit or cause to be deposited in any parking meter any slug, device or metal substance, or other substitute for lawful coin or payment.

SEC. 10-2-203 USE OF PARKING METER FUNDS.

The coins and payments deposited in parking meters shall be used exclusively for the purpose of making effective the regulations prescribed by this article, and for the expenses incurred by the city in the provision, regulation and limitation of vehicular parking and traffic relating to such parking on the streets and highways of the city, including municipal off-street parking facilities.

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 December 1, 2010.

This the 11th day of October, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

**NORTH CAROLINA
COUNTY OF PITT**

**LEASE
AGREEMENT**

THIS LEASE AGREEMENT, made and entered into this the ____ day of _____, 2010, by and between Julian W. Rawl, and wife, Barbara B. Rawl, Parties of the First Part and hereinafter referred to as LESSOR, and the City of Greenville, a North Carolina municipal corporation, Party of the Second Part and hereinafter referred to as LESSEE;

WITNESSETH:

That subject to the terms and conditions hereinafter set forth, LESSOR does hereby let and lease unto the LESSEE, and said LESSEE does hereby accept as lessee of said LESSOR a certain parcel of land together with the improvements thereon situate, lying and being in Pitt County, North Carolina, and more particularly described as follows:

Being a portion of a certain tract or parcel of land situate in Greenville Township, Pitt County, North Carolina, located north and west of Reade Street and east of Cotanche Street, being known as Georgetown Shops, have Tax Assessor's parcel identification number 18721, and acquired by the Lessor by deed recorded in Book 439, Page 583, in the Office of the Register of Deeds of Pitt County, with said portion being the area of the property improved and used for the movement and parking of vehicles.

The terms and conditions of this lease are as follows:

1) **Term.** This lease shall begin on the 1st day of January, 2011, and, unless sooner terminated or extended as herein provided, shall exist and continue until the 31st day of December, 2013.

2) **Rental.** As rental for said premises, the LESSEE shall pay to the LESSOR rental fees according to the schedule below with each monthly installment being payable on or before the 15th day of the following calendar month.

- a) For the period beginning on January 1, 2011 and ending December 31, 2011 a fee of \$596.00 per month shall be paid by LESSEE to LESSOR
- b) For the period beginning on January 1, 2012 and ending December 31, 2012 a fee of \$614.00 per month shall be paid by LESSEE to LESSOR

c) For the period beginning on January 1, 2013 and ending December 31, 2013 a fee of \$633.00 per month shall be paid by LESSEE to LESSOR

3) **Taxes.** During the term of this lease, the LESSOR shall pay all taxes and assessments imposed on the demised premises by any lawful authority.

4) **Repairs and Maintenance.** It is understood and agreed that the LESSEE accepts said premises in the physical condition in which the same now are and that the LESSOR shall be under no obligation whatever to make any repairs or replacements to said premises during the term of this lease. LESSEE represents that it has inspected the demised premises and found it to be in acceptable condition for the purposes of being a parking lot, and accepts the demised premises in its current condition. Upon execution of this Lease Agreement, LESSEE shall be fully responsible for the maintenance and upkeep of the demised premises and shall keep the demised premises in the same order and condition as of the date of this Lease Agreement, excepting ordinary wear and tear.

5) **Improvements.** LESSEE may at any time during the term of this Lease make improvements to the demised premises relating to its use as a parking lot including such improvements as repaving, striping, installing signs, and similar improvements. However, LESSEE may erect any buildings or structures upon the demised premises only with the written consent of the LESSOR.

6) **Use of Premises.** It is expressly agreed that the demised premises shall, during the term of this lease, be used exclusively for a parking lot except that the demised premises may be used as a venue for special events for no more than six (6) days during any calendar year. It is expressly agreed that the LESSEE shall have the right to utilize parking meters on the demised premises and collect revenue from said meters.

7) **Assignment and Subletting.** LESSEE shall have the right to sublet any portion of the demised premises for parking purposes but shall not have the right to sublet for any other use without the written consent of the LESSOR.

8) **Quiet Possession.** The LESSOR covenants to and with LESSEE that upon timely payment of rent, LESSEE shall have the right to quiet possession of the demised premises, free from any adverse claims whatsoever from any persons whomsoever, upon the terms and conditions of this Lease Agreement.

9) Termination. Except as provided in paragraph 10 herein, this Lease Agreement may not be terminated except upon written consent of both parties.

10) Default. If LESSEE shall neglect to pay any installment of rent when due, or shall neglect to do and perform any other matter agreed to be done, and shall remain in default for a period of thirty (30) days after receiving written notice from the LESSOR calling attention to the non-payment or default, the LESSOR may declare this lease terminated and take possession of the demised premises without prejudice to any other legal remedy it may have on account of such default. If the LESSOR neglects to do or perform any matter agreed to be done in this Lease Agreement and shall remain in default for a period of thirty (30) days after written notice from the LESSEE calling attention to such default, LESSEE may declare this lease agreement terminated without prejudice to any other legal remedy it may have on account of such default.

11) Surrender of Premises. At the end of the term or any final extension thereof, LESSEE shall peaceably yield up the demised premises to the LESSOR in as good repair and condition as of the date of this Lease Agreement.

12) Holding Over. If LESSEE remains in possession of the demised premises after the expiration of the term of this Lease Agreement, LESSEE shall be deemed to be occupying said premises as a tenant from month-to-month only, but otherwise subject to all of the terms and conditions of this Lease Agreement. The month-to-month tenancy may be terminated by either party as provided by law.

13) Exercise of Rights and Notice. The exercise of any right or privilege by a party hereunder shall be made effective by the personal delivery or by the mailing of a written notice of such exercise to the other party unless a specific provision of this Lease Agreement provides otherwise. Notice shall be effective upon any actual delivery or three days after mailing by first class, United States mail, postage prepaid, addressed to the other party at the address set forth below:

LESSEE:
City Manager
City of Greenville
P.O. Box 7207
Greenville, NC 27835

LESSOR:
Julian W. Rawl
PO Box 8068
Greenville, NC 27835

14) Survival and Binding Effect. This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, beneficiaries, legal representatives, successors and assigns.

15) Waiver and Modification. Neither this Lease Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated, except by written instrument signed by the party against whom the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument. Failure by the LESSOR or LESSEE to insist on strict compliance with any term or condition shall not be deemed a waiver of said compliance.

16) Unenforceability. If any provision of this Lease Agreement is held to be illegal, invalid or unenforceable under any present or future laws, such provision shall be severable and the remainder of the Lease Agreement shall continue in full force and effect.

17) Public Liability. LESSOR shall not be liable to LESSEE or to LESSEE's employees, agents, licenses, invitees, visitors, or to any other person or persons, for any damage or injury to person or property arising out of or in any way connected with the Premises. LESSEE shall and does hereby covenant and agree to indemnify and hold LESSOR harmless from and against any and all claims, damages, injuries, liabilities, costs, and expenses (including, without limitation, reasonable attorneys' fees) arising out of or in any way connected with the Premises, use of the Premises by LESSEE, or failure of LESSEE to maintain the Premises in good condition.

18) Entire Agreement. This Lease Agreement is the only agreement between the parties hereto with respect to the subject matter hereof and contains all of the terms agreed upon, and there are no other agreements, oral or written, between the parties hereto with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement in duplicate originals, one of which is retained by each of the parties, on the day and year first written above.

CITY OF GREENVILLE

BY: _____
Patricia C. Dunn, Mayor

ATTEST:

BY: _____
Carol L Barwick, City Clerk

Julian W. Rawl (Seal)

Barbara B. Rawl (Seal)

**NORTH CAROLINA
PITT COUNTY**

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that Carol L. Barwick personally appeared before me this day and +
-acknowledged that she is the City Clerk of CITY OF GREENVILLE, a North Carolina municipal corporation, and that by authority duly given and as the act of the CITY OF GREENVILLE, the foregoing instrument was signed in its corporate name by its Mayor, sealed with its corporate seal, and attested by herself as City Clerk.

Witness my hand and Notarial Seal, this the _____ day of _____, 2010.

Notary Public

My Commission expires: _____.

**NORTH CAROLINA
PITT COUNTY**

I, _____, a Notary Public of Pitt County, North Carolina, do hereby certify that Julian W. Rawl, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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

Notary Public

My Commission Expires:_____

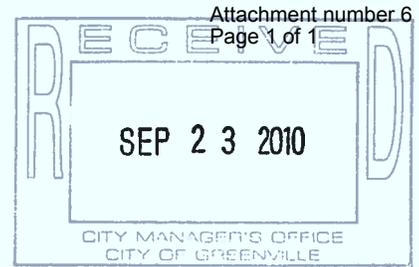
**NORTH CAROLINA
PITT COUNTY**

I, _____, a Notary Public of Pitt County, North Carolina, do hereby certify that Barbara B. Rawl, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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

Notary Public

My Commission Expires:_____



September 23, 2010

Mr. Wayne Bowers, City Manager
200 West 5th Street
Greenville, NC 27834

Dear Wayne,

I am writing to you on behalf of the Uptown Greenville Board of Directors in response to a proposal by Community Development regarding the proposal to place pay stations along Evans Street between 5th and 3rd Streets. The Uptown board is supportive of the addition of pay stations along Evans Street, provided that there is a fund created from center city pay station revenue that can be set-aside for future parking improvements in the district. While the board is supportive of pay stations along Evans Street, the majority of board members feel that the rate per hour should be .50 as opposed to the suggested .75 per hour. The board feels that the Uptown district is not yet at the same level of other cities who charge .75 and higher for parking.

For many years it has been noticed that parking along Evans Street is frequently filled, giving infrequent visitors to the Uptown district the impression that there is little available parking. At the same time, public parking lots not located adjacent to Evans Street are often underutilized and frequently unseen by visitors to the district. Another common issue is that business employees are frequently found parking along Evans Street, taking parking from potential Uptown business customers.

Discussion regarding pay stations with several property and business owners located along Evans Street resulted in a general consensus that there are a number of parking issues that need to be addressed. Some businesses are supportive of pay stations as they see this is a way to keep local employees from parking in the prime parking spaces. Others are concerned pay parking will deter patrons from shopping in the Uptown district. For retail businesses that rely on drive or walk-by customers, as opposed to businesses that bring people in for set appointments, this could be an added hurdle for business in the district.

In light of the additional concerns that business and community members have regarding parking in the district, we are working with Carl Rees to create a team to evaluate center city parking. We are also planning a public forum on parking to take place this fall. I'd like to recommend that we look at addressing all areas of parking, from pay stations, to leased and free parking within the district. Following these meetings and public input, I'd ask that we look at a second phase of pay stations implementation and at that time, install pay stations along Evans Street.

Sincerely,

A handwritten signature in cursive script that reads "Denise Walsh".

Denise Walsh
Executive Director

cc: Carl Rees

look. play. eat. shop. relax.

www.uptowngreenville.com • 301 South Evans Street, Suite 101 • PO Box 92 • Greenville NC 27835 • 252.564.8408



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Funding to install a pedestrian refuge island where the Green Mill Run Greenway crosses Tenth Street

Explanation: This project involves the construction of a landscaped pedestrian refuge island in the turn lane of Tenth Street, and modifying the existing sidewalk along Tenth Street at the intersection of Tenth Street and Forest Hill Circle to meet ADA standards and to match the location of the refuge island. This project will provide a safer means of crossing Tenth Street on the Green Mill Run Greenway. Public Works has completed its design of the pedestrian refuge island, and NCDOT has approved the design and the encroachment agreement.

City Powell Bill (gas tax) funds cannot be used to fund the project as Tenth Street is part of the State's road system. The Public Works Department has insufficient General Fund appropriations in its yearly budget to fund this project.

Public Works requests that City Council provide \$22,950 (\$21,857 for the construction contract and \$1,093 for project contingency) from the General Fund contingency account to fund the project.

Fiscal Note: The General Fund base contingency account has a current balance of \$150,000.

Recommendation: Approve funding this project from the General Fund contingency account in the amount of \$22,950.

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Amendment to Employee Dental Benefit Program

Explanation: At the August 23, 2010, joint City Council and Greenville Utilities Commission meeting, the proposal presented by Mercer Consulting to amend the employee dental benefit program was referred to the Joint Pay and Benefits Committee for review. The Committee met on October 1, 2010, and unanimously recommended approval of the amended dental benefit program.

The City of Greenville and Greenville Utilities Commission administer their respective reimbursement plans using human resource and finance staff. The existing employee dental benefit program is not an insurance program. Today, the City's benefit payment process follows this general path:

1. An employee (or an employee's dependent) receives an eligible dental service and pays the dental provider in full for the service at the point of delivery
2. Employee completes a City paper claim form attaching expense payment receipt
3. Employee submits the reimbursement claim packet to the Human Resources Department for processing
4. The Financial Services Department completes the reimbursement process at the time of the next employee payroll deposit, which can take one to three weeks to receive reimbursement.

The reimbursement plan pays the first \$100 of eligible dental expenses at 100% and subsequent expenses at 50% of covered dental benefits with a maximum of \$900 per individual per plan year (\$1,000 total benefit). Orthodontic expenses are reimbursed at 50%, with a lifetime maximum per individual of \$2,000.

The major drawback for employees using the reimbursement plan is the requirement that all expenses be paid in advance and submitted for reimbursement. Dental care is a significant expense, particularly for preventive care, if the treatment expenses must be paid up front to receive any benefit.

Roughly 73% of covered City participants and 50% of covered GUC participants do not use the existing program with many citing the financial burden of having to pay all costs in advance and wait for reimbursement as the major reason. In many cases, preventive care is delayed until more extensive dental problems develop, and more expensive emergency care and more time away from work is needed. To address this serious concern, the traditional dental insurance program was reviewed and City/GUC staff recommended a new program.

The proposed employee dental benefit program is an insurance program that will be administered by CIGNA under the current self-insured third party administrator arrangement. The amount of co-insurance to be paid by the employee or dependent varies with the type of service received. The proposed dental insurance provides four service classes that are summarized in the following sections:

1. Preventive & Diagnostic Care: Insurance pays 100% usual and customary rates (UCR) directly to the provider, and there is no deductible for the participant. Examples of these services are oral exams, cleanings, x-rays, fluoride application, and sealants.
2. Basic Restorative Care: Insurance pays 80% UCR directly to the provider. The participant pays a one-time annual \$25 deductible, and the remaining 20% of charges to the provider. Examples of these services are fillings, root canals, oral surgery, extractions, periodontics, and repairs to bridges, crowns, and inlays.
3. Major Restorative Care: Insurance pays 50% UCR directly to the provider. The participant pays the remaining 50% of charges to the provider (and the \$25 deductible, if not already paid under item #2 above).
4. Orthodontia: Insurance pays 50% UCR directly to the provider. The participant pays the remaining 50% of charges to the provider. There is no deductible. Orthodontia expenses are limited to a lifetime maximum payment of \$2,000.

Page 1 of the attachment describes the proposed new plan design in a chart format. Page 2 of the attachment lists the current and proposed employee contribution and employer cost calculations. The CIGNA dental administrative fee of \$2.75 per employee per month (PEPM) is included within the new premium amounts. The third page of the attachment compares dental benefits for participants under the current dental plan to the proposed CIGNA dental insurance.

Fiscal Note:

Fiscal year 2010-2011 estimated costs to the City are \$27,090 for January 1 - June 30, 2011, and \$4,410 for the costs of other agencies (Housing Authority, Airport, Convention & Visitors Bureau, and Library), and \$16,000 for GUC. Fiscal year 2011-2012 projected costs are: City \$54,180, other agencies \$8,820 and GUC \$32,000. Funds are available to pay fiscal year 2010-2011 City and other agencies costs and 2011-2012 projected costs from the self-insured health

insurance reserve fund, which was \$1,349,189 as of August 31, 2010.

Recommendation: Approve the Joint Pay and Benefits Committee recommendation to adopt a traditional dental insurance plan to start January 1, 2011 and to discontinue the dental reimbursement plan.

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

Attachments / click to download

 [Dental Plan Information](#)

2011 Proposed Dental Plan Design

CIGNA Radius Network Benefits	CIGNA Dental PPO	
	In-Network	Out-of-Network
Calendar Year Maximum (Class I, II, and III Expenses)	\$1,000	\$1,000
Calendar Year Deductible		
Per Individual	\$25	\$25
Per Family	\$75	\$75
Class I Expenses - Preventive & Diagnostic Care		
Oral Exams Cleanings Routine X-Rays Fluoride Application Sealants Space Maintainers (limited to non-orthodontic treatment) Non-Routine X-Rays Emergency Care to Relieve Pain	100%, No Deductible	100%, No Deductible
Class II Expenses - Basic Restorative Care		
Fillings Oral Surgery - Simple Extractions Oral Surgery - All Except Simple Extraction Surgical Extraction of Impacted Teeth Anesthetics Major Periodontics Minor Periodontics Root Canal Therapy / Endodontics Relines, Rebases, and Adjustments Repairs - Bridges, Crowns, and Inlays Repairs - Dentures	80%, After Deductible	80%, After Deductible
Class III Expenses - Major Restorative Care		
Crowns / Inlays / Onlays Dentures Bridges	50%, After Deductible	50%, After Deductible
Class IV Expenses - Orthodontia		
Lifetime Maximum	50%, No Ortho Deductible \$2,000	50%, No Ortho Deductible \$2,000
Missing Tooth Provision	Teeth missing prior to coverage under the CIGNA Dental plan are not covered.	
Late Entrant Limit	50% coverage on Class III and IV for 12 or 24 months	
Pretreatment Review	Available on a voluntary basis when extensive work in excess of \$200 is proposed.	
Out-of-Network Reimbursement	80th Percentile	
Student Age	23	

- The current dental plan reimburses employees the first \$100 at 100% and 50% of covered dental expenses with a maximum of \$900.00 per individual per plan year and 50% of orthodontic expenses with a life maximum per individual of \$2,000.00.

2011 Dental Projections

2010 - CURRENT	Enrollment	Monthly Premium	Monthly Contributions	Employer Cost
Employee Only	461	\$12.00	\$0.00	\$12.00
Employee & Spouse	157	\$24.00	\$6.24	\$17.76
Employee & Children	195	\$24.00	\$6.24	\$17.76
Employee & Family	410	\$36.00	\$12.74	\$23.26
Total Annual Cost	1,223	\$345,000	\$89,000	\$256,000
City of Greenville	813	\$229,000	\$59,000	\$170,000
Greenville Utilities Commision	410	\$116,000	\$30,000	\$86,000

2011 - PROJECTED	Enrollment	Monthly Premium	Monthly Contributions	Employer Cost
Employee Only	461	\$22.00	\$5.85	\$16.15
Employee & Spouse	157	\$46.20	\$22.31	\$23.89
Employee & Children	195	\$40.70	\$19.66	\$21.04
Employee & Family	410	\$66.00	\$31.88	\$34.12
Total Annual Cost	1,223	\$629,000	\$277,000	\$351,000
City of Greenville	813	\$417,000	\$184,000	\$233,000
Greenville Utilities Commision	410	\$212,000	\$93,000	\$118,000

DIFFERENCE	Enrollment	Monthly Premium	Monthly Contributions	Employer Cost
Total Annual Cost	n/a	\$284,000	\$188,000	\$95,000
City of Greenville		\$188,000	\$125,000	\$63,000
Greenville Utilities Commision		\$96,000	\$63,000	\$32,000

- The 2011 Dental PEPM includes the CIGNA dental administrative fee of \$2.75.
- The additional estimated net dental cost (after employee contributions) is approximately \$95,000.
- Projected cost includes Actives & COBRA only.

2011 Dental Plan Member Cost Comparison

Claim Example #1: Single Coverage - Low Utilization

Employee only utilizes the plan for two cleanings and 1 set of x-rays per year.

	<i>Covered Charges and Services</i>	<i>2010 Current Plan Member Cost</i>	<i>2011 CIGNA Plan Member Cost</i>
Cleaning & x-rays	2 @ 80	\$30	\$0
X-Rays	1 @ \$140	\$70	\$0
Total Out-of-Pocket		\$100	\$0
Annual Payroll Deductions		\$0	\$70
Annual Member Expenses		\$100	\$70
Savings			\$30

Claim Example #2: Single Coverage - High Utilization

Employee utilizes the plan for two cleanings and 1 set of x-rays per year. Employee also has 2 fillings, a root canal, and braces during the year.

	<i>Covered Charges and Services</i>	<i>2010 Current Plan Member Cost</i>	<i>2011 CIGNA Plan Member Cost</i>
Cleaning & x-rays	2 @ 80	\$30	\$0
X-Rays	1 @ \$140	\$70	\$0
Fillings	2 @ \$140	\$140	\$76
Root Canal	1 @ \$500	\$250	\$100
Orthodontia	1 @ \$5,000	\$3,000	\$3,000
Total Out-of-Pocket		\$3,490	\$3,176
Annual Payroll Deductions		\$0	\$70
Annual Member Expenses		\$3,490	\$3,246
Savings			\$244

Claim Example #3: Family Coverage - Low Utilization

Employee and family utilize the plan for eight cleanings and 4 set of x-rays per year.

	<i>Covered Charges and Services</i>	<i>2010 Current Plan Member Cost</i>	<i>2011 CIGNA Plan Member Cost</i>
Cleaning & x-rays	8 @ 80	\$120	\$0
X-Rays	4 @ \$140	\$280	\$0
Total Out-of-Pocket		\$400	\$0
Annual Payroll Deductions		\$153	\$383
Annual Member Expenses		\$553	\$383
Savings			\$170

Claim Example #4: Family Coverage - High Utilization

Employee and family utilize the plan for eight cleanings and 4 sets of x-rays per year. They also have 8 fillings, two root canals, and braces during the year.

	<i>Covered Charges and Services</i>	<i>2010 Current Plan Member Cost</i>	<i>2011 CIGNA Plan Member Cost</i>
Cleaning & x-rays	8 @ 80	\$120	\$0
X-Rays	4 @ \$140	\$280	\$0
Fillings	8 @ \$140	\$560	\$264
Root Canal	2 @ \$500	\$500	\$200
Orthodontia	1 @ \$5,000	\$3,000	\$3,000
Total Out-of-Pocket		\$4,460	\$3,464
Annual Payroll Deductions		\$153	\$383
Annual Member Expenses		\$4,613	\$3,847
Savings			\$766

Notes:

Assumes the same covered charges under the current dental plan and CIGNA dental plan.



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Downtown security requirements and costs

Explanation: At its August 24, 2009, meeting, City Council was presented information by City staff on fifteen potential actions to consider in order to address issues resulting from the concentration of public or private clubs in the downtown area. City Council directed that City staff prepare the necessary ordinances for consideration by City Council relating to three of the potential actions. At its October 5, 2009, meeting, City Attorney Holec reviewed the proposed ordinances.

City Council continued until its November 9, 2009, meeting consideration of the proposed ordinances. City Council also directed that the owners and managers of the public or private clubs be given the opportunity to submit suggestions and comments to the City. The attached letter was received from JJ McLamb on behalf of some of the downtown bar owners and shared with the City Council during the November 9, 2009 meeting. Mr. McLamb suggested that as an alternative to hiring off-duty law enforcement officers or licensed security guards, the bar owner be given an option to participate in a pool arrangement to make payments to the City to cover additional downtown police costs. The City Council instructed staff to look at the number of officers which would be funded by the pool arrangement suggested by Mr. McLamb and get specific feedback in writing on what the bar owners would suggest and for staff to then work with the Police Department to attach a dollar figure to it and come back to the City Council with specifics. (Note: City Council subsequently adopted the bouncer and club separation ordinances.)

Several meetings were conducted between the bar owner representatives and City staff. A revised ordinance (copy attached) was drafted and provided to the bar owner representatives. Also attached is a letter from Mark W. Owens, III on behalf of Bennett LaPrade and the business known as Pantana Bob's offering comments on the draft ordinance and proposing a payment to the City to help offset downtown police costs. The response to Mr. Owens' letter from City Attorney Holec is attached.

As requested by the City Council, the Police Department has updated the cost for the Police Department to provide additional security in the downtown area. A report on these costs is attached.

City staff has researched various means of raising funds to pay for the downtown security costs. One of the fifteen potential actions identified by staff and discussed during the August 24, 2009 City Council meeting was levying a bar tax in the downtown area. Implementation of a bar or entertainment tax/fee has been considered and implemented by cities in other states. In North Carolina such a tax or fee would require legislative authorization by the General Assembly.

Fiscal Note:

Total Police Department downtown deployment costs for 2009 excluding Halloween were \$473,517. This amount represents \$196,949 of redeployed regular salary costs, \$206,011 overtime costs, and \$70,387 of benefit costs.

Total Police Department downtown deployment costs for January-August 2010 (eight months) were \$307,193.50. This amount represents \$84,968.41 of redeployed regular salary costs, \$176,472.86 overtime costs, and \$45,752.23 of benefit costs.

Recommendation:

Review the Police Department costs for providing downtown security; provide direction on proceeding with the consideration of the attached ordinance Establishing Safety Regulations for Establishments Having Amplified Audio Entertainment Late at Night; and provide direction on seeking State legislation to impose a bar or entertainment tax/fee.

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

Attachments / click to download

- [JJ McLamb Letter](#)
- [Mark Owens Letter](#)
- [Dave Holec Letter](#)
- [Thom Moton Memo](#)
- [2010 Downtown Deployment Costs Report](#)
- [AN ORDINANCE AMENDING TITLE 11 OF THE GREENVILLE CITY CODE BY ESTABLISHING SAFETY REGULATIONS FOR CERTAIN](#)

ORDINANCE NO. 10-

AN ORDINANCE AMENDING TITLE 11 OF THE GREENVILLE CITY CODE BY
ESTABLISHING SAFETY REGULATIONS FOR ESTABLISHMENTS
HAVING AMPLIFIED AUDIO ENTERTAINMENT LATE AT NIGHT

WHEREAS, the City Council of the City of Greenville has determined that there is a need to implement measures which will promote a safe environment in the areas where establishments having amplified audio entertainment late at night are located, particularly when the establishments having amplified audio entertainment late at night are concentrated in an area or when the establishments having amplified audio entertainment late at night are located near residential areas;

WHEREAS, there are approximately sixteen (16) establishments having amplified audio entertainment late at night located in approximately a four (4) block area in the downtown area and this concentration of establishments having amplified audio entertainment late at night has created issues such as crowd control, noise, public intoxication, altercations, and potential violence;

WHEREAS, establishments having amplified audio entertainment late at night located near residential areas also have created a quality of life concern for the nearby neighborhoods as a result of issues such as crowd control, noise, public intoxication, altercations and potential violence;

WHEREAS, the City of Greenville has deployed a significant amount of law enforcement resources to address the issues created by establishments having amplified audio entertainment late at night concentrated in the downtown area and by establishments having amplified audio entertainment late at night located near residential areas;

WHEREAS, establishing reasonable safety regulations for establishments having amplified audio entertainment late at night is in the public interest to protect the health, safety, and welfare of the patrons of the establishments having amplified audio entertainment late at night, the citizens of the city, and surrounding neighborhoods; and

WHEREAS, North Carolina General Statute §160A-181 authorizes the City of Greenville, by ordinance, to regulate places of amusement including coffee houses, cocktail lounges, nightclubs, beer handlers, and similar establishments, North Carolina General Statute §160A-194 authorizes the City of Greenville, by ordinance, to regulate and license occupations, businesses, trades and professions and to prohibit those which may be inimical to the public health, welfare, safety, order, or convenience and North Carolina General Statute §160A-174 authorizes the City of Greenville, by ordinance, to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city;

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

Section 1: That Title 11 of the Code of Ordinances, City of Greenville is hereby amended by adding a Chapter 13 entitled "SAFETY REGULATIONS FOR ESTABLISHMENTS HAVING AMPLIFIED AUDIO ENTERTAINMENT LATE AT NIGHT," said chapter to read as follows:

CHAPTER 13. SAFETY REGULATIONS FOR ESTABLISHMENTS HAVING AMPLIFIED AUDIO ENTERTAINMENT LATE AT NIGHT.

Section 11-13-1. Purpose

In order to protect the health, safety, and welfare of the city and its citizens, it is the purpose of this chapter to establish reasonable and uniform requirements in order to address the harmful effects associated with establishments at which amplified audio entertainment occurs late at night and at which a large number of patrons congregate late at night.

Section 11-13-2. Definitions

As used in this chapter the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

Amplified audio entertainment means any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music systems operating at a low amplification shall not be deemed amplified audio entertainment.

Dining and entertainment establishment means an establishment which is a dining and entertainment establishment as defined by the Zoning Ordinance for Greenville, North Carolina.

Downtown area means the geographic area within the CD zoning district as defined by the Zoning Ordinance for Greenville, North Carolina.

Low amplification means sound level which is not either (i) above a decibel level of sixty (60) dB measured at least five (5) feet from the source of the sound or (ii) audible at a distance of fifteen (15) feet or more from any entrance to the public or private club, dining and entertainment establishment, or restaurant.

Public or private club means an establishment which is a public or private club as defined by the Zoning Ordinance for Greenville, North Carolina.

Residential zoning district means the RA20, R6MH, R6, R6A, R6A-RU, R6N, R6S, R9, R9S, R15S, PUD, MR, and MRS zoning districts as defined by the Zoning Ordinance for Greenville, North Carolina.

Restaurant means an establishment which is either a restaurant, conventional or restaurant, fast food as defined by the Zoning Ordinance for Greenville, North Carolina.

Section 11-13-3. Security Requirement

- (a) A public or private club, dining and entertainment establishment, or restaurant which provides or utilizes amplified audio entertainment or any form of live entertainment on any day at any time during the period between 11:00 PM to the close of business shall be subject to a security

requirement during and after such period of amplified audio entertainment or live entertainment as follows:

1. A public or private club, dining and entertainment establishment, or restaurant located in the downtown area that has an approved occupancy of more than 50 total persons but not more than 300 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol inside the public or private club, dining and entertainment establishment, or restaurant or the area outside the public or private club, dining and entertainment establishment, or restaurant near the main entrance to the public or private club, dining and entertainment establishment, or restaurant during the period between 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises. The required security personnel shall remain on duty and visible either inside or outside the public or private club, dining and entertainment establishment, or restaurant and shall be accessible to law enforcement officers at all time. This requirement shall apply regardless of the number of patrons actually within the public or private club, dining and entertainment establishment, or restaurant.
2. A public or private club, dining and entertainment establishment, or restaurant located in the downtown area that has an approved occupancy of more than 300 total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol inside the public or private club, dining and entertainment establishment, or restaurant or the area outside the public or private club, dining and entertainment establishment, or restaurant near the main entrance to the public or private club, dining and entertainment establishment, or restaurant during the period between 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises. The required security personnel shall remain on duty and visible either inside or outside the public or private club, dining and entertainment establishment, or restaurant and shall be accessible to law enforcement officers at all time. This requirement shall apply regardless of the number of patrons actually within the public or private club, dining and entertainment establishment, or restaurant.
3. A public or private club, dining and entertainment establishment, or restaurant not located in the downtown area that (i) is located within a five hundred (500) foot radius, including street rights-of-way, of a residential zoning district as measured from the building or structure containing the public or private club, dining and entertainment establishment, or restaurant to the nearest residential zoning district boundary and (ii) has an approved occupancy of more than 50 total persons but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to

disperse the crowd, and to direct traffic during the period between 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the public or private club, dining and entertainment establishment, or restaurant and shall be accessible to law enforcement officers at all time. This requirement shall apply regardless of the number of patrons actually within the public or private club, dining and entertainment establishment, or restaurant.

4. A public or private club, dining and entertainment establishment, or restaurant not located in the downtown area that (i) is located within a five hundred (500) foot radius, including street rights-of-way, of a residential zoning district as measured from the building or structure containing the public or private club, dining and entertainment establishment, or restaurant to the nearest residential zoning district boundary and (ii) has an approved occupancy of 200 or more total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period between 11:00 p.m. to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the public or private club, dining and entertainment establishment, or restaurant and shall be accessible to law enforcement officers at all time. This requirement shall apply regardless of the number of patrons actually within the public or private club, dining and entertainment establishment, or restaurant.

(b) Notwithstanding the provisions of subsection (a), a public or private club, dining and entertainment establishment, or restaurant located in the downtown area may participate in a pool account in cooperation with other public or private clubs, dining and entertainment establishments, or restaurants in accordance with the provisions of this subsection in lieu of providing the security required by subsection (a). The pool account must be established with an entity which has entered into a written contract with the city for the city to provide law enforcement services in the downtown area that involves financial participation by public or private clubs, dining and entertainment establishments, or restaurants located in the downtown area. The entity contracting with the city must pay to the city an amount determined by the city and agreed to in the contract between the city and the entity contracting with the city. The contract shall provide that the entity contracting with the city will identify the public or private clubs, dining and entertainment establishments, or restaurants participating in the pool account in lieu of providing the security required by subsection (a). The payments shall be paid in advance to the city by the entity contracting with the city on a quarterly basis no later than the 20th day of March for the quarter consisting of the months of April, May, and June, the 20th day of June for the quarter consisting of the months of July, August, and September, the 20th day of September for the quarter consisting of the months of October, November, and December, and the 20th day of December for the quarter consisting of the months of January, February, and March. In the event the payment by the entity contracting with the city is not made to the city by the due date established by this subsection or the contract with the entity contracting with the city is terminated or expires, the public or private clubs, dining and entertainment establishments, or restaurants participating in the pool account with the entity contracting with the city shall provide

security as required by subsection (a). In the event the entity contracting with the city notifies the city that a public or private club, dining and entertainment establishment, or restaurant is no longer participating in the pool account, that public or private club, dining and entertainment establishment, or restaurant shall provide security as required by subsection (a).

Section 11-13-4. Enforcement

(a) A police officer or other person authorized by the city manager to enforce the provisions of this chapter may issue a written citation for a violation of the provisions of this chapter.

(b) The owner and the manager of the public or private club, dining and entertainment establishment, or restaurant are responsible for compliance with the provisions of this chapter. A written citation for a violation of the provisions of this chapter may be issued to the owner or the manager of the public or private club, dining and entertainment establishment, or restaurant and the owner or the manager who is issued the citation will suffer the penalties and be subject to the remedies as set forth in section 11-13-5.

(c) An owner or a manager who has been issued a citation may appeal the citation to the chief of police or designee. Written notice of appeal must be filed within ten (10) days of the date of the issuance of the citation.

Section 11-13-5. Penalties

(a) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

- (1) In the amount of fifty dollars (\$50.00) for each offense on the first day of such offense; and
- (2) In the amount of one hundred dollars (\$100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
- (3) In the amount of two hundred and fifty dollars (\$250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

(b) Violators shall be issued a written citation which must be paid within seventy-two (72) hours. If a person fails to pay the civil penalty within seventy-two (72) hours, the city may recover the penalty, together with all costs and reasonable attorneys' fees, by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(c) This chapter may also be enforced by any appropriate equitable action.

(d) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the escalating civil penalties authorized by subsection (a) may be invoked whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(f) Any violations of the provisions of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to North Carolina General Statute 14-4.

Section 11-13-6. No Effect on ABC Permits

The provisions of this chapter are not intended or designed to establish rules on the manufacture, sale, purchase, transportation, possession, consumption or other use of alcoholic beverages. The provisions of this chapter apply to a public or private club, dining and entertainment establishment, or restaurant whether or not the public or private club, dining and entertainment establishment, or restaurant has been issued an ABC permit by the North Carolina Alcoholic Beverage Control Commission. Any violation of the provisions of this chapter shall not affect any ABC permit issued to the public or private club, dining and entertainment establishment, or restaurant by the North Carolina Alcoholic Beverage Control Commission.

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

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

Section 4. This ordinance will become effective on the _____ day of _____, 2010.

This the _____ day of _____, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Mr. Bowers,

Hope all is well and we would like to thank you for taking time to work with us on the drafting of proposed city ordinances. We look forward to working with the city and city council members to keep downtown Greenville an enjoyable and safe entertainment district.

Attached you will find a list of recommendations put forth by the bar owners with our thoughts for public and private club's responsibilities. Although our ideas are put in place, this is merely a draft of our general thoughts. We as bar owners have hired legal counsel to represent us in any possible legal matter therefore we desire for legal representation to be involved with all communication regarding these issues. Our Legal council is Mr. Fred Mattox and Mark W. Owens III, who should be included in correspondence as it relates to any changes in the city ordinances' which affect our private and public clubs.

We look forward to continuing our working relationship with you and the city's administration. Please let me know if you have any questions about these proposed ideals.

Thanks



JJ McLamb

A public or private club shall submit to the chief of police or designee on a monthly basis no later than the fifth day of the current month a list of any persons employed as a bouncer at the public or private club during the previous month. The list shall indicate the date of initial employment of each person as a bouncer and shall be on a form provided by the police department. The public or private club shall also submit to the chief of police or designee no later than thirty (30) days after the date of initial employment of a person as a bouncer and, annually thereafter, a criminal record check for each person employed as a bouncer by the public or private club.

Clubs providing security by participating in a pool whereby the City receives payment for the expense of having a certain number of law enforcement officers assigned to the downtown area. Each Club would have an alternative of, instead of hiring off duty law enforcement or State licensed security officers, participating in a pool arrangement whereby the Club pays to a separate entity (not the City) a pre-determined share of the expense of providing a certain number of law enforcement officers in the downtown area. This separate entity would then contract with the City on behalf of the participating clubs for the provision of a certain number of law enforcement officers in the downtown area. The Clubs which chose this optional method of providing security would not be invoiced by the City and their payment would not be made directly to the City. However, if the Club stopped making its payment to the separate entity and, therefore the City does not receive the payment attributable to the Club from the separate entity, then the Club would be in violation of the ordinance unless it, instead, met its security requirement by hiring security in the form of off duty law enforcement or State licensed security. If the Club did not meet the security requirement by either hiring or participating in the pool arrangement, it would be in violation of the ordinance and be subject to citations, fines and injunctive relief.

Change the proposed ordinance so it would read any establishment that is open for Business after 11:00 pm that has live music or amplified sound is required to meet the city ordinance.

Any business that hires bouncers / security; that has live music or amplified sound be required to have semi annually training with Greenville police department at the discretion of the chief of Police.

500 foot separation ordinance, as long as the current business owner can sell their business and the new owner has a six month grace period to reopen.

OWENS, NELSON, OWENS & DUPREE, P. L. L. C.

Attorneys & Counselors at Law

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August 5, 2010

Mr. David A. Holec
City Attorney
City of Greenville
Post Office Box 7207
Greenville, NC 27835-7207

RE: Proposed Ordinance Amending Title 11 of the Greenville City Code by
Establishing Safety Regulations for Establishments having Amplified Audio
Entertainment Late at Night

Dear Mr. Holec:

Per your correspondence and request, I write with regard to continuing negotiations with Mr. Bennett LaPrade and Mr. J.J. McLamb owners/operators of nightclubs in the affected areas regarding Proposed Ordinance Amending Title 11 of the Greenville City Code. As you are aware, for some period of time we have been meeting with regards to the above-referenced proposal as they would amend the current existing City Ordinances pertaining to regulation of downtown establishments having amplified sound. As you may further recall our latest meetings ended with Mr. LaPrade and Mr. McLamb agreeing to consider some type of financial contribution on behalf of their respective businesses with respect to the defraying city costs regarding increased police and safety regulations of the downtown area.

While I am aware that Mr. McLamb has been involved in our discussions and negotiations, my comment and prospective "offer" speak only as to the business known as Pantana Bob's located on Cotanche Street and involving this respective owner, Mr. Bennett LaPrade.

I would preface the potential financial discussion by advising you that my client has solicited the contribution and employment of outside legal counsel in addition to myself with response to the legal concerns as to the enactment of the Proposed Ordinance as well as outside videographer resources to actually go into the downtown area and videotape

conditions and circumstances surrounding the affected area over the course of some 15 to 20 hours split up among some 4 to 5 nights during different times of the academic semester. These preparations were made with much deliberation and thought as our initial reaction to the Proposed Ordinances are that they are illegal in nature and not warranted or needed on the current existing scale as proposed by the Greenville Police Department.

Specially, I write regarding the ordinance referenced above (the “Proposed Ordinance”). While it purports not to affect any ABC permit or to “establish rules” relating to the sale and consumption of alcohol beverages, the Proposed Ordinance would clearly regulate establishments that hold ABC permits. Because the North Carolina General Assembly has shown a “legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulations” in this area, the Proposed Ordinance is invalid and should not be adopted.

According to the Proposed Ordinance, “there are approximately sixteen (16) establishments having amplified audio entertainment late at night located in approximately a four (4) block area in the downtown area and this concentration of establishments has created issues such as crowd control, noise, public intoxication, altercations, and potential violence.” Proposed Ordinance at 1. The Proposed Ordinance states that similar issues have also arisen at other “establishments having amplified audio entertainment late at night,” located “near residential areas.” *Id.* To address these issues,²³ the Proposed Ordinance would amend Title 11 of the City of Greenville’s code of Ordinances by adding a new Chapter 13.

¹See, e.g., *Hursey v. Gibsonville*, 284N.C. 522, 528 (1974) “[an] ordinance creating a classification must affect all persons similarly situated or engaged in the same business without discrimination”); *State v. Burbage*, 712 N.C.876, 878 (1916) (“municipal authorities may enact such ordinances as are promotive of the peace and good order of the town, the limitation being that the regulations may not be unreasonable or unduly discriminative nor manifestly oppressive and in “derogation of common right”).

²See N.C. Const. art V, § 2 (“The power of taxation shall be exercised in a just and equitable manner...”); *Hajorca v. Clayton*, 277 N.C. 560, 567-69 (1971) *C.D. Kenny Co. v. Brevard*, 217 N.C. 269, 272 (1990) (“ It may be regarded as an established principle that in the exercise of taxing powers by a municipal corporation the requirement of uniformity must be observed, ... and that all persons similarly circumstanced shall be treated alike.”)

The new Chapter would require certain “dining and entertainment establishments,” “restaurants,” and “public or private clubs” to (1) employ one or more “uniformed off-duty law enforcement officers” or “uniformed security guards” during specified hours; or (2) participate with other covered establishments in a “pool account” that is “established with an entity which has entered into a written contract with the city, for the city to provide law enforcement services in the downtown area...[for an] amount determined by the city and agreed to in the contract between the city and the entity contracting with the city.” *Id.* At 2-5. Failure to comply with these requirements would subject a covered establishment to escalating civil penalties and unspecified “equitable” remedies. *Id.* At 5-6.

The authorities cited for the Proposed Ordinance are N.C.G.S. §§ 160A-174, 160A-181 and 160A-194. *Id.* At 1.

THE PROPOSED ORDINANCE IS INVALID

The Proposed Ordinance is problematic at a number of levels. In the first place, the City is imposing unique requirements on a limited number of entities with regard to general municipal services that the City provides to other taxpayers without their having to incur the considerable additional expense that would result from this ordinance. This sort of regulation is improper, both as a discriminatory classification¹ and as a violation of the requirement of uniformity with respect to tax burdens.² The more fundamental problem with the Proposed Ordinance, however, is that it is clearly preempted by Chapter 18B of the North Carolina General Statutes:

This Chapter is intended to establish a uniform system of control over the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages in North Carolina, and to provide procedures to insure the proper administration of the ABC laws under a uniform system throughout the State....

Except as provided in this Chapter, local ordinances establishing different rules on the manufacture, sale, purchase, transportation, possession, consumption, or other use of alcoholic beverages, or requiring additional permits or fees, are prohibited.

N.C.G.S. § 18B-100.

Chapters 18B addresses, among other things, enforcement of ABC laws by local ABC officers or by a “city police department or other local law-enforcement agency” pursuant to a contract with the local ABC board (§ 18B-501); the qualifications required to receive and hold an ABC permit (which do not include any requirement regarding the employment of “off-duty law enforcement officers” or “uniformed security guards,” or the payment of monies to local police departments to provide security services) (§§ 18B-

900, 18B-901); the suspension or revocation of permits if the ABC Commission “finds that the location occupied by the permittee is no longer a suitable place to hold ABC permits or that the operation of the business with an ABC permit at that location is detrimental to the neighborhood” (§ 18B-904(e)(1)); the “[r]esponsibilities of permittees” with regard to their premises (“permittee shall keep the premises ... orderly”) and their “employees” (§ 18B-1003); and supervision of conduct on the licensed premises (§ 18B-1005).

All of these subjects overlap with subjects that the Proposed Ordinance purports to address. This is something that a city ordinance cannot do. If the operation of a given establishment “would be detrimental to the neighborhood,” or these are issues regarding “fighting, disorderly conduct and other dangerous activities on or about the licensed premises,” or the “number of places already holding ABC permits within the neighborhood,” those issues are appropriately addressed in the context of issuing, suspending or revoking the applicable ABC permits. *See* N.C.G.S. §§ 18B-901©, 18B-904(e)(1). The statute makes clear that “[t]he Commission shall have the sole power ... to determine the suitability and qualifications of an applicant for a permit” as well as “the suitability of the location to which the permit may be issued.” N.C.G.S. § 18B-901(d).³

The General Assembly has delegated to cities and counties the power and authority to enact ordinances. However, there are limitations on that authority. Among other things, a city ordinance must be “consistent with ... the laws of the State of North Carolina and the United States.” N.C.G.S. § 160A-174(b). An ordinance is not consistent with State or federal law when it “purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law,” or it “purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation.” N.C.G.S. §§ 160A-174(b)(4), 160A-174(b)(5); *see generally* *Craig v. County of Chatham*, 356 N.C. 40 (2002) (holding that two county ordinances regulating swine farms were preempted by state law); *Green v. Winston-Salem*, 287 N.C. 66 (1975) (holding that a city ordinance which required sprinkler systems in high-rise buildings was preempted by state law); *Eastern Carolina Taste-Freez, Inc. v. Raleigh*, 256 N.C. 2089 (1962) (invalidating city ordinance that was adopted “based on considerations of public safety” because it was “in conflict with general State Law”).

Chapter 18B expressly prohibits “local ordinances establishing different rules on the sale

³While this letter focuses on the Proposed Ordinance, we also note that City Ordinance No. 10-11, which was adopted on February 22, 2010, likewise purports to regulate in this preempted area. Ordinance No. 10-11 regulates the location of “public or private clubs,” most if not all of which hold ABC permits and are therefore subject to Chapter 18B, which addresses “the suitability of the location” of the permittee and the “number of places already holding ABC permits within the neighborhood.”

... of alcoholic beverages, or requiring additional permits and or fees ...” N.C.G.S. § 18B-100. In addition, as noted in the cases discussed below, the State’s regulatory scheme and alcoholic beverages has been held by the North Carolina Supreme Court to be a “complete and integrated regulatory scheme” in which “local regulation” is not permitted.

“The rule that general laws should prevail over [city] ordinances was established early in North Carolina...” *State of North Carolina v. Williams*, 283 N.C. 550, 552 (1972) (citations omitted) (holding that an alcohol-related city ordinance was invalid because “the Legislature preempted the field”). Thus, despite the interest that cities might have in enacting zoning or other ordinances to address one or more of the multitudinous problems arising out of the sale and consumption of alcoholic beverages,” such ordinances are improper because the State ABC Commission “exercises sole discretionary powers” in determining the fitness of permit holders and supervising their activities. *Staley v. Winson-Salem*, 283 N.C. 244, 247-49 (1962); *see also Davis v. Charlotte*, 242 N.C. 670 (1955) (holding that a city ordinance that regulated the sale of beer by car hops was invalid); *Melkonian v Bd. Of Adjustment of Havelock*, 85 N.C. App. 351, 358-61 (zoning ordinance preempted by state law: “The very factors that purportedly led to respondent’s denial of a {Special Exception Use} permit request are factors, such as parking and the effect on the neighborhood, that the ABC Commission has the sole power to determine”), *review denied*, 320 N.C. 631 (1978).

In light of the above, we urge you not to adopt the Proposed Ordinance.

Given these very substantial legal concerns we are prepared, in the event that no agreement is reached, to protect our clients’ legal rights as they pertain to unconstitutional and illegal enactment as it would affect our clients’ business interest.

We are most appreciative of the City’s continuing cooperation with us and our concerns as they relate to the above-referenced ordinance and in light of said cooperation and to promote good will with respect to contributing to the City’s expenses our clients have, in spite of the above-referenced concerns, authorized an offer to the City on a quarterly basis of \$500 (total \$2,000 per year) contribution with respect to defraying the costs related to increased police and safety regulations in the downtown area. As I previously mentioned this offer is made only as it pertains to Bennett LaPrade and business known as Pantana Bob’s. It is our position that other businesses may join in this offer. I do not know how many nor to what extent they would be prepared to go forward with this offer. However, it is my position that my client would be prepared to encourage and assist the City in any way, shape, or form toward “selling” this type of proposal to the respective affected bars and businesses in the downtown area.

This offer is also made with the following contingencies:

1. He would like a complete listing of all affected businesses in the downtown area. Our feeling would be that all establishments in the downtown area who are opened after 11:00 P.M. should be included. (Specifically, Winslow's Tavern and the Pirates Den are opened for the sale of alcohol and have amplified music on more than one night per week. It is our information that these businesses have been excluded up until the present time and it is our position that they be included and subject to the same regulations that are proposed against Mr. LaPrade and others.)
2. We would like some input or access to the police department scheduling calendar as it pertains to proposed costs for the increased safety regulations.
3. We would like any and all information that is available as to the proposed additional municipal/state food and beverage tax or occupancy tax which we are aware has been proposed in other venues during the City's consideration of these issues. Any municipal or state increase in taxation related to food and beverage in the affected area or occupancy in said affected area would directly affect our client's position as to these voluntary contributions on a quarterly basis.
4. This voluntary contribution and potential numeration would be "locked in" at the current offer and rate for a period of 5 years. Therefore, under no circumstances, would the City be able to solicit increased payments from said bar owners for a 5 year period.
5. We would like some indication of the City's proposed actions against those who failed to follow these guidelines and contribute to the "plan" or provide private security. (It would be our client's position that in the event other bar owners do not follow through and pay the same that our client's obligation to pay would thus be negated as well.)

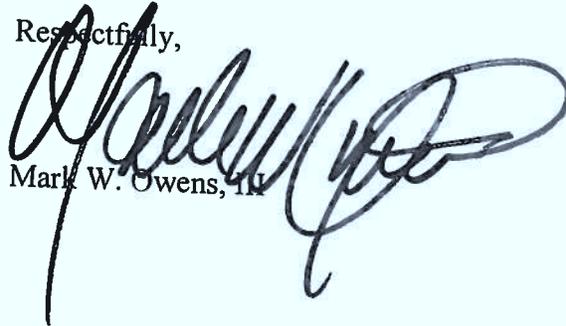
In summary given the foregoing mentioned legal and economic concerns, our client on the basis of the City's good faith negotiations heretofore makes the foregoing quarterly offer as noted above. Again please note the concerns that Mr. LaPrade has as to the noted contingencies governing implementation of this voluntary contribution (offer) and enactment of any type of plan governing the same. I appreciate your consideration and attention with regard to the foregoing information. Obviously it has taken us sometime to research these issues and come to the conclusion that we have. Our client does not make these offers lightly and without much consideration and consternation over the entire process. Our client is obviously ready to move forward with running his business and responding in an appropriate fashion to the City acceptance or rejection of this offer.

We stand ready and willing to discuss these issues further with you at your convenience. I appreciate your professionalism and patience as we have tried to work through this

process. I look forward to hearing from you at your convenience and will respond accordingly as it pertains to protection of my client's concerns.

With highest personal regards.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark W. Owens, III". The signature is fluid and cursive, with a long, sweeping underline that extends below the printed name.

Mark W. Owens, III

MWOIII:jh

cc: Fred Mattox
Jimmy Sasser
Pitt County ALE
N.C. Representatives: Warren, Davis, Willialms
N.C. Senators: McLawhorn, Jenkins



CITY OF GREENVILLE

North Carolina

P.O. Box 7207 - Greenville, N.C. 27835-7207

(252) 329-4426

(252) 329-4626 (FAX)

City Attorney's Office

September 20, 2010

Mark W. Owens, III
Owens, Nelson, Owens & Dupree
201W. 3rd Street
Greenville, NC 27858

VIA HAND DELIVERY

RE: Response to Proposal

Dear Mr. Owens:

Your August 5, 2010, letter conveyed a proposal on behalf of Bennett LaPrade and the business known as Pantana Bob's relating to financial assistance to the downtown area. City Manager Wayne Bowers, Chief of Police William Anderson, and I have reviewed the proposal and this letter provides our response.

As you are aware, personnel costs of the Police Department incurred under the Downtown Deployment Plan during calendar year 2009 was \$496,310.69. Your proposal results in a \$2,000 annual payment to the City for the single establishment for which your proposal was made. If a significant number of the establishments having amplified entertainment after 11 p.m. in the downtown area participated in a similar manner as your proposal, this would likely result in an annual payment to the City of no more than \$30,000. This is not considered as an adequate contribution to assist in the expense being incurred by the City. It is suggested that a monthly amount of \$1,200 for the single establishment for which your proposal was made would be more appropriate. This amount is suggested as a more equitable contribution taking into consideration the substantial amount of resources the City is investing to promote safety in the downtown area and the direct benefit which this establishment receives as a result of the downtown area being safe for its patrons and other citizens.

As to the contingencies to the offer stated in your letter, the following response is provided:

- 1) The proposed ordinance which has been the basis of our discussion applies to all public or private clubs, dining and entertainment establishments and restaurants which have amplified entertainment after 11 p.m. and which are located either in the downtown area or within 500 feet of a residential area. A copy of this proposed ordinance is enclosed.

Letter to Mark W. Owens, III
September 20, 2010
Page Two

- 2) The Police Department is willing to receive and consider input concerning scheduling from the establishments participating in providing financial assistance. Input such as when there will be an expected heavy or light activity period would be particularly helpful. However, the actual scheduling will be determined by the Police Department. Once the scheduling is determined, access to the schedule would be made available.
- 3) There is currently no proposed new (not already effective) municipal/state food and beverage tax or occupancy tax. However, discussion about the possibility of pursuing such a revenue source has previously occurred and is expected to occur again. Enclosed is a copy of a June 9, 2010, memo from Assistant City Manager Thom Moton on the subject of the Question of Imposing an Entertainment or Bar Tax. Additionally, one of the fifteen potential actions presented to City Council at its August 24, 2009, meeting for consideration to address issues resulting from the concentration of public or private clubs in the downtown area is the following:
 - Seek legislation from the North Carolina General Assembly which would authorize the implementation by the City of additional revenue sources to defray the expense which the City incurs as a result of the adverse impacts caused by establishments which sell alcoholic beverages.
- 4) The City cannot agree to a "locked in" amount. City Councils cannot be restricted in such a manner. Likewise, establishments are not being requested to "lock in" to such a long term commitment. The proposed ordinance allows each establishment to decide whether it wants to participate in the pool arrangement so each establishment will have the opportunity to not participate at all and the opportunity to withdraw from participation at any time, if it decides to participate.
- 5) The City's enforcement plan is to utilize the remedies provided in the proposed ordinance. Initially, civil fines would be imposed and, if compliance does not occur, equitable enforcement would be pursued.

I appreciate your sharing with me your concerns about the validity of the proposed ordinance. However, in my opinion, the City does have the legal authority to enact the proposed ordinance.

Our discussions relating to financial assistance being provided to the City have occurred based upon the direction given at the November 9, 2009, City Council meeting as follows:

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to have staff look at the number of officers which would be funded by the

Letter to Mark W. Owens, III
September 20, 2010
Page Three

pool arrangement suggested by Mr. McLamb and get specific feedback in writing on what the bar owners would suggest and for staff to then work with the Police Department to attach a dollar figure to it and come back to the City Council with specifics. Motion carried with a vote of 5:1. Mayor Pro-Tem Council and Council Member Glover, Kittrell, Mercer, and Spell voted in favor of the motion. Council Member Joyner voted in opposition

At its October 11, 2010, meeting, City Manager Bowers, Chief of Police Anderson and I will be providing to City Council the requested specifics as directed by City Council's approved motion.

Please consider this response including the suggested appropriate amount of contribution. Please do not hesitate to contact me if you have any questions or desire to discuss this matter. If you want to submit a revised proposal so that it can be included in the agenda material for the October 11, 2010, meeting, please submit the revision to me no later than October 1, 2010.

Sincerely,



David A. Holec
City Attorney

cc: Mayor and City Council Members
✓Wayne Bowers, City Manager
William Anderson, Chief of Police
Fred Mattox, Attorney at Law

MEMORANDUM

DATE: June 9, 2010
TO: Wayne Bowers
FROM: Thom Moton 
SUBJECT: Question of Imposing an Entertainment or Bar Tax

In response to your inquiry about imposing an entertainment or bar tax, the following information is presented for your consideration.

At present there is not a legislative vehicle that authorizes the City to impose an "entertainment tax or bar tax" for the purpose of off-setting the expenses associated with enhanced law enforcement services in the downtown entertainment district according to Karl Knapp, North Carolina League of Municipalities. Mr. Knapp further advised that North Carolina General Statutes 105-113.70(d) does not permit a City to require a license for activities related to the sale of alcoholic beverages other than very limited licenses allowed under NC General Statutes 105-113.77, which is related to the issuance of a local government privilege license or business and occupation taxes.

G.S. 105-1137.70(d) reads, "*A local government may not require a license for activities related to the manufacture or sale of alcoholic beverages other than the licenses stated in this Article. (1985, c. 114, s. 1; 1998-95, s. 16.)*"

There are four alternatives; one alternative has been explored previously. That is, creating a business improvement district that would enable the City to assess additional ad valorem property taxes on the properties located within the district. (NC General Statutes 160A, Article 23). In this instance, an additional property tax could be imposed on the downtown area where the bars/ private clubs are located.

A second alternative, according to Mr. Knapp, is the City could pursue authority to enact a prepared meals and beverages tax from the state legislature. The Town of Hillsborough and several counties have been granted this authority. In the past, this option has been received negatively by the local food and hospitality community.

The City could seek local legislation authorizing the creation and imposition of an entertainment/ bar tax. This option will likely be met with both strong local opposition and opposition from alcohol industry representatives. However, this revenue source, if based on gross receipts, is likely to generate significant revenues that would enable the City to enhance tourism, vis-a-vis enhanced law enforcement services.

Finally, the City could review its Privilege License Fee Schedule to determine if the fee schedule for dining hall/entertainment establishments is set at maximum limit permitted by the state. Please let me know if you have any questions about this report or desire further action on this matter.

Cc: Dave Holec 
Bernita Demery

869552

DOWNTOWN DEPLOYMENT

COSTS

January-August

2010

By Major Kevin Smeltzer

Submitted

October 5, 2010

Task

The Chief of Police directed that staff conduct a fiscal review of the personnel costs incurred under the Downtown Deployment Plan January-August 2010.

Process

In order to determine the costs, unit assignment records and payroll records were reviewed by unit supervisors. Supervisors submitted hours worked as part of the Downtown Deployment Plan to the Chief's Staff.

Payroll records were reviewed to determine which hours were paid at the regular rate and which at time and a half. Cost per officer was calculated using that officer's rate of pay at the time the hours were worked. Benefit costs incurred by the City such as FICA, 401K, and retirement are calculated as a percentage of total pay as opposed to a set figure per employee.

Overtime hours are those hours officers came in to work on their scheduled off time. Redeployed hours are those of regularly scheduled to work whose duties and assignments are shifted to the downtown area at peak times.

The following chart details the findings of this review.

Costs

	Total Hours	Overtime Hours	Overtime Costs	Redeployed hours	Redeployed Costs	Total wages	Benefits	Total Costs
January	1040	620	\$22,552.02	420	\$10,996.86	\$33,548.88	\$5,654.12	\$39,203.00
February	904	510	\$18,552.70	394	\$9,985.67	\$28,538.37	\$5,025.23	\$33,563.60
March	1101	624	\$22,694.88	477	\$10,974.99	\$33,669.87	\$5,923.18	\$39,593.05
April	1106	605	\$22,005.85	501	\$12,906.84	\$34,912.69	\$6,140.71	\$41,053.40
May	1085	595	\$21,640.15	490	\$11,735.73	\$33,375.88	\$5,871.73	\$39,247.61
June	1102	637	\$23,164.69	465	\$10,856.78	\$34,021.47	\$5,984.73	\$40,006.20
July	990	635	\$23,094.95	355	\$8,965.42	\$32,060.37	\$5,641.72	\$37,702.09
August	938	626	\$22,767.62	312	\$8,546.12	\$31,313.74	\$5,510.81	\$36,824.55
	8266	4852	\$176,472.86	3414	\$84,968.41	\$261,441.27	\$45,752.23	\$307,193.50



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Ordinance to establish a minimum waiting period between the date a petition to amend the Future Land Use Plan Map is denied and the initiation of a subsequent similar petition

Explanation: At the September 9, 2010, meeting, Council Member Mercer requested, and City Council approved, a motion to direct staff to return to the City Council in October 2010 with an ordinance that would have the effect of establishing a minimum waiting period between the date of denial of a petition to amend the Future Land Use Plan Map and the initiation of a subsequent similar petition. This agenda item fulfills the City Council's directive.

Below is the draft ordinance developed for this purpose. Note: subsection (A) is the current requirement concerning the required sequence for initiation of a Future Land Use Plan Map amendment and the associated Zoning Map amendment, previously adopted in September 2007, and a new subsection (B) - the proposed draft provision concerning the effect of denial of a land use plan map amendment on a subsequent similar petition.

"SEC. 9-4-334.1 FUTURE LAND USE PLAN MAP: SEQUENCE OF RELATED ZONING AMENDMENT CONSIDERATION; EFFECT OF DENIAL OF PETITION ON SUBSEQUENT SIMILAR PETITION.

(A) When a petition has been initiated for an amendment to the Future Land Use Plan Map, a petition for an amendment to the official zoning map of the city affecting the same property, or any portion thereof, shall not be initiated in accordance with section 9-4-331 and shall not be considered by the Planning and Zoning Commission until City Council approves or denies the amendment to the Future Land Use Plan Map.

(B) Except as further provided, when the City Council has denied any petition for amendment of the Future Land Use Plan Map, a petition for an amendment to the Future Land Use Plan Map affecting the same property, or any portion thereof, shall not be accepted by the Planning and Zoning Commission until the

expiration of six months from the date of the previous denial. This section shall not prohibit the Planning and Zoning Commission or the City Council from initiating an amendment to the Future Land Use Plan Map, affecting the same property or any portion thereof, at any time following denial of any petition for amendment of the Future Land Use Plan Map.”

The waiting period (six months) included in the draft ordinance is the identical waiting period required between the date of City Council's denial of a rezoning petition and the initiation of a subsequent similar rezoning petition - see below section 9-4-338. For purposes of the draft ordinance concerning the waiting period between the denial of a petition to amend the Future Land Use Plan Map and the initiation of a subsequent similar petition, the City Council may determine that a waiting period of another duration is more appropriate. If a waiting period is determined to be desirable in this case, staff favors a period of not less than six months.

"SEC. 9-4-338 EFFECT OF DENIAL OF PETITION ON SUBSEQUENT SIMILAR [ZONING] PETITION.

When the City Council has denied any petition for zoning amendment, a petition for the same amendment affecting the same property, or any portion thereof, shall not be accepted by the Planning and Zoning Commission until the expiration of six months from the date of the previous denial."

History of Future Land Use Plan Map amendment requests

Since the adoption of the Future Land Use Plan Map in 1997, there have been 17 property owner amendment requests. Of those 17 petitions, three were withdrawn prior to Planning and Zoning Commission consideration, eight were approved by City Council, and six were denied by City Council. Of those six denied petitions, one request was subsequently resubmitted by the original petitioner within six months following City Council denial of the original petition - first denial on 11/8/07 and second denial on 5/8/08; therefore, one location accounts for two of the six denied petitions.

Fiscal Note: No cost to the City.

Recommendation: If the City Council determines to further consider an ordinance which establishes a waiting period between the date of denial of a petition to amend the Future Land Use Plan Map and the initiation of a subsequent similar petition, then City Council should initiate the amendment to the Zoning Ordinance and refer it to the Planning and Zoning Commission for review and recommendation.

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

Attachments / click to download

 [Land Use Plan Map Ammendment Ordinance 877333](#)

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

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on _____ at ____ 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 T, Section 9-4-334.1 of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by deleting said section in its entirety and substituting the following:

“SEC. 9-4-334.1 FUTURE LAND USE PLAN MAP: SEQUENCE OF RELATED ZONING AMENDMENT CONSIDERATION; EFFECT OF DENIAL OF PETITION ON SUBSEQUENT SIMILAR PETITION.

(A) When a petition has been initiated for an amendment to the Future Land Use Plan Map, a petition for an amendment to the official zoning map of the city affecting the same property, or any portion thereof, shall not be initiated in accordance with section 9-4-331 and shall not be considered by the Planning and Zoning Commission until City Council approves or denies the amendment to the Future Land Use Plan Map.

(B) Except as further provided, when the City Council has denied any petition for amendment of the Future Land Use Plan Map, a petition for an amendment to the Future Land Use Plan Map affecting the same property, or any portion thereof, shall not be accepted by the Planning and Zoning Commission until the expiration of six months from the date of the previous denial. This section shall not prohibit the Planning and Zoning Commission or the City Council from initiating an amendment to the Future Land Use Plan Map, affecting the same property or any portion thereof, at any time following denial of any petition for amendment of the Future Land Use Plan Map.”

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 5. This ordinance shall become effective upon its adoption.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date:
10/11/2010
Time: 6:00 PM

Title of Item: Discussion of Code of Ethics

Explanation: During its 2009 Session, the North Carolina General Assembly passed a law which requires that City Council adopt, no later than January 1, 2011, a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of the governing board. The law provides that the resolution or policy shall address at least all of the following:

- (1) The need to obey all applicable laws regarding official actions taken as a board member.
- (2) The need to uphold the integrity and independence of the board member's office.
- (3) The need to avoid impropriety in the exercise of the board member's official duties.
- (4) The need to faithfully perform the duties of the office.
- (5) The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

The UNC School of Government has published a Model Code of Ethics for North Carolina Elected Officials. A copy of the Model Code is attached.

Utilizing the Model Code as a base with most of its provisions retained, a resolution has been prepared which will comply with the requirements of the law. The preamble, the optional additions to Section 1 on keeping up to date about legal issues and requirements, and the optional section on censure are not included in the resolution.

The censure provision is not retained in the resolution. The State law that requires City Council to adopt the Code of Ethics does not provide any authority for enforcing it. City Council has no authority to create or impose sanctions for violation of the Code of Ethics. However, the Code of Ethics may provide for a resolution censuring a person who violates the Code of Ethics. But, censure has no legal effect on the censured person. Additionally, there would be a significant amount of time and effort involved for a censure proceeding, and it is likely to adversely impact City Council relationships. In my opinion, these factors outweigh whatever benefit is achieved by censuring a person and, therefore, provisions providing for censure are not included in the resolution.

The Code of Ethics is presented for discussion purposes only at this meeting. The intent is to schedule the resolution for Council action in November.

Fiscal Note: There is no fiscal impact caused by consideration of the Code of Ethics.

Recommendation: Discussion of the Code of Ethics.

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

Attachments / click to download

 [Resolution for City of Greenville Code of Ethics Policy 878744](#)

 [Code of Ethics Policy 877349](#)

RESOLUTION NO. 10-

RESOLUTION ADOPTING A CODE OF ETHICS FOR
THE CITY COUNCIL OF THE CITY OF GREENVILLE

WHEREAS, North Carolina General Statute 160A-86 provides that the governing boards of cities are to adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board; and

WHEREAS, in compliance with the provisions of North Carolina General Statute 160A-86, the Greenville City Council has determined to adopt a Code of Ethics for the City Council of the City of Greenville;

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

Section 1. That the Code of Ethics for the City Council of the City of Greenville is hereby adopted, said Code of Ethics to read as follows:

**CODE OF ETHICS FOR THE CITY COUNCIL
OF THE CITY OF GREENVILLE**

Section 1. Purpose.

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the City Council of the City of Greenville and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for best judgment of the Mayor or a Council Member.

Section 2. General Principles.

The general principles underlying this Code of Ethics are as follows:

- (a) The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- (b) Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- (c) The Mayor and Council Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- (d) The Mayor and Council Members must always remain aware that at various times they play different roles:
 - (i) As advocates, who strive to advance the legitimate needs of their citizens;
 - (ii) As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
 - (iii) As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- (e) The Mayor and Council Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- (f) The Mayor and Council Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must utilize his or her own conscience to determine what conduct is appropriate.

Section 3. Obedience of Applicable Laws.

The Mayor and Council Members should obey all laws applicable to their official actions as members of the City Council. The Mayor and Council Members should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, the Mayor and Council Members should feel free to assert policy positions and opinions without fear of reprisal from the Mayor or other Council Members or citizens. To declare that the Mayor or a Council Member is behaving unethically because one disagrees with that person on a question of policy (and not because of that person's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 4. Integrity and Independence.

The Mayor and Council Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- (a) Adhering firmly to a code of sound values;
- (b) Behaving consistently and with respect toward everyone with whom they interact;
- (c) Exhibiting trustworthiness;
- (d) Living as if they are on duty as elected officials regardless of where they are or what they doing;
- (e) Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner;
- (f) Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- (g) Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves;
- (h) Treating the Mayor, other Council Members and the public with respect and honoring the opinions of others even when they disagree with those opinions;
- (i) Not reaching conclusions on issues until all sides have been heard;

- (j) Showing respect for their offices and not behaving in ways that reflect badly on those offices;
- (k) Recognizing that they are part of a larger group and acting accordingly; and
- (l) Recognizing that the Mayor and individual Council Members are not generally allowed to act on behalf of City Council but may only do so if the City Council specifically authorizes it, and that the City Council must take official action as a body.

Section 5. Avoidance of Impropriety.

- (a) The Mayor and Council Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, for the purpose of this Code of Ethics impropriety will be considered in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the action of the Mayor or a Council Member would conclude that the action was inappropriate.
- (b) If the Mayor or a Council Member believes that his or her actions, while legal and ethical, may be misunderstood, the Mayor or Council Member should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the City Attorney).

Section 6. Faithful Performance of Duties.

- (a) The Mayor and Council Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.
- (b) The Mayor and Council Members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the City Council has authority.
- (c) The Mayor and Council Members should be willing to bear their fair share of the City Council's workload. To the extent appropriate, they should be willing to put the City Council's interests ahead of their own.

Section 7. Openness.

- (a) The Mayor and Council Members should conduct the affairs of the City Council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to the Mayor, Council Members or their employees.
- (b) In order to ensure strict compliance with the laws concerning openness, the Mayor and Council Members should make clear that an environment of transparency and candor is

to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by City Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Section 2. That all resolutions and clauses of resolutions in conflict with this resolution are hereby repealed.

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

This the ____ day of _____, 2010

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

**Code of Ethics for __ [Board's Official Name]__ of
[Name of City, County, Sanitary District, School Administrative
Unit, Unified Government, or Consolidated City-County],
North Carolina**

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty”;

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem”;

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics;

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this [jurisdiction], and with obeying the law;

WHEREAS, __[other clauses that jurisdiction may desire]__

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the __[type of jurisdiction]__ of __[name of jurisdiction]__, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the [official name of governing board] do hereby adopt the following General Principles and Code of Ethics to guide the [type of governing board] in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.

- Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the [official name of governing board] and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Optional Addition to Section 1.

[Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.]

Optional Addition to Section 1.

[Board members should endeavor to keep up to date, through the board's attorney and other sources, about the most pertinent constitutional, statutory, and other legal requirements with which they must be familiar to meet their legal responsibilities. The board should consider adopting a list of applicable laws and regulations, with appropriate commentary, as a reference document accompanying this Code.]

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others

- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body

Section 3.a. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

Section 3.b. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney¹⁰ and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens¹⁴ whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any

closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

[Censure Procedures. If a majority of the board has reason to believe that one of its members has violated a provision of this Code of Ethics, it [shall] [may] open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member. All information compiled, including the grounds for any finding of probable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes. If upon investigation the board concludes that a violation of a criminal law may have occurred, it shall refer the matter to the local district attorney.

Should the board determine that it wishes to proceed further with censure proceedings, it shall call for a hearing, to be held at a regular meeting or at a special meeting convened for that purpose. Notice of the hearing stating its time, place, and purpose shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the jurisdiction. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Alternatively, the hearing shall be advertised on the jurisdiction's website for the same period of time, up to and including the date of the hearing. The notice shall state that a detailed list of the allegations against the member is available for public inspection and copying in the office of the clerk or secretary to the board.

The hearing shall be convened at the time and place specified. The hearing and any deliberations shall be conducted in open session in accordance with the North Carolina open meetings statutes.

The accused board member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence, including evidence of the bias of any other board member or the presiding officer. An audio or video and audio tape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the board's minutes.

Once the hearing is concluded, it shall be closed by vote of the board. The presiding officer shall next entertain a motion to adopt a nonbinding resolution censuring the member based on specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adopting a nonbinding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics, the presiding officer shall rule it out of order.

If a motion to adopt a nonbinding resolution of censure stating particular grounds under the code of ethics has been made, the board shall debate the motion. The accused member shall be allowed to participate in the debate [but shall not] [and shall also be allowed to] vote on the motion to adopt the resolution.

At the conclusion of the debate, the board shall vote on the resolution. If the motion to adopt the nonbinding resolution of censure is approved by a [majority] [two-thirds] [three-fourths] vote of those present and voting, a quorum being present, the motion passes and the nonbinding resolution of censure is adopted.

The text of the nonbinding resolution of censure shall be made a part of the minutes of the board. Any recording of the board's proceedings shall be approved by the board as a

permanent part of the minutes. The proceedings shall then be considered concluded, the board having done all it legally can with respect to the matter in question.]