



Agenda

Greenville City Council

October 5, 2009
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Council Member Kittrell

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes of the August 13, 2009 joint City Council/Human Relations Council meeting; the August 13, August 24, and September 10, 2009 City Council meetings; the September 15, 2009 joint City Council/Greenville Utilities Commission meeting; and the September 21, 2009 joint City Council/ECU SGA meeting
2. Resolution declaring 18 police radios as surplus and authorizing disposition to Pitt County Memorial Hospital
3. Resolution declaring an ambulance as surplus and authorizing its disposition to Pitt Community College
4. Amendment 4 to the contract with Moser/Mayer/Phoenix Associates (MMPA) for the Intermodal Transportation Center Project
5. Resolution amending the Personnel Policies for Holidays

6. City of Greenville support of youth scholarship
7. Budget ordinance amendment #3 to the 2009-2010 City of Greenville General Fund; amendment to ordinance 07-41 Intermodal Transportation Center Project Fund; and ordinance establishing the Byrne-JAG Grant Recovery Project
8. Report on bid awarded

VII. Old Business

9. Potential actions to address downtown crime issues

VIII. New Business

10. Presentations by boards and commissions
 - a. Firefighters' Relief Fund Committee
 - b. Police Community Relations Committee
11. Five Points Plaza concept design
12. Resolution approving exchange of property with Norfolk Southern Railway Company
13. Review of Five-year Sidewalk Construction Program for the City of Greenville
14. Use of an energy saving performance contract to improve energy efficiency of City buildings
15. Landscape maintenance of railroad rights-of-way

IX. Review of October 8, 2009 City Council agenda

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Minutes of the August 13, 2009 joint City Council/Human Relations Council meeting; the August 13, August 24, and September 10, 2009 City Council meetings; the September 15, 2009 joint City Council/Greenville Utilities Commission meeting; and the September 21, 2009 joint City Council/ECU SGA meeting

Explanation: The minutes of the August 13, 2009 joint City Council/Human Relations Council meeting; the August 13, August 24, and September 10, 2009 City Council meetings; the September 15, 2009 joint City Council/Greenville Utilities Commission meeting; and the September 21, 2009 joint City Council/ECU SGA meeting have been prepared and are ready for City Council consideration.

Fiscal Note: None.

Recommendation: Approval of the minutes of the August 13, 2009 joint City Council/Human Relations Council meeting; the August 13, August 24, and September 10, 2009 City Council meetings; the September 15, 2009 joint City Council/Greenville Utilities Commission meeting; and the September 21, 2009 joint City Council/ECU SGA meeting.

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Attachments / click to download

[August 13 2009 Joint City Council Human Relations Council Minutes 844265](#)

[August 13 2009 Greenville City Council Minutes 840598](#)

[August 24 2009 City Council Minutes 842510](#)

[September 10 2009 City Council Minutes 843559](#)

[September 15 2009 Joint City Council Greenville Utilities Commission Minutes 844046](#)

[September 21 2009 Joint City Council ECU SGA Meeting Minutes 844041](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
August 13, 2009

The Greenville City Council held a joint meeting with the Greenville Human Relations Council on the above date at 6:00 PM in the third floor conference room of City Hall. Mayor Dunn and Humans Relations Council Chairman Pena presided over the meeting. Invocation was given by Mayor Dunn. The following members were present.

Council Members

Mayor Pat Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer

Commission Members

Chairman Franchine P. Pena
Ms. Ann Marie Alderman
Mr. Marvin Arrington
Ms. Manolita Buck
Rev. Rodney Coles
Mr. Jim Cox
Dr. John Pierpont
Reverend Bob Hudak

CALL TO ORDER

The meeting was called to order by Franchine Pena. She and Mayor Dunn provided remarks on the significance of the inclusive community initiative and the importance of engaging or extending opportunities for citizens to get involved.

The purpose and overview of the community meetings were given by Cassandra Daniels. Cassandra stated six meetings were held in 2008. The purpose of the meetings was to gather participants' perspectives on what inclusiveness is (sense of belonging, unity, acceptance, justice, equity); what is working (neighborhood improvements, interfaith Thanksgiving service, Rebuilding Together program, Habitat for Humanity, Boys and Girls Club, Latino Community Initiative, etc.); and what is not working (accessibility, affordable housing, transportation, public safety, communication – between government and citizens, etc).

An area of interest to City Council Members was accessibility. Two different scenarios were provided. The first scenario relates to mobility (wheelchair) issues for someone who is disabled.

A wheelchair individual attending a meeting (Council Chambers) has to sit in the aisle or passageway. Their seating choices are limited or restricted to one area. Mayor Dunn stated that seats in the Council Chambers can be removed and this will allow them to sit other places. The second scenario relates to transportation issues. Citizens without personal vehicles depend on the City's transit system. Concerns are the hours of operation and cost. For many, the cost is relatively inexpensive; however, there are some who can't afford a 60 cents ticket. The core or heart of the issue is not about a free ride. It's not expected that citizens should always be allowed to ride the bus free. When there is a citywide event, (i.e. National Night Out Against Crime), citizens are allowed to ride free. That is so significant and valuable for the City. It would be nice if that service could be provided.

Council Member Max Joyner stated the City does not have resources to provide free bus rides to citizens for every event.

Cassandra Daniels stated the majority of people who ride the City's transit system are those who are low-income people. Many individuals receiving public assistance (public housing, food stamps, etc.) may not have resources to cover the cost of transportation.

Reverend Bob Hudak stated the Human Relations Council spent last summer going to all the districts hosting inclusive community meetings. Those meetings were poorly attended. The Human Relations Council is so thankful that it was allowed to participate in the diversity training with members of City Council. The Human Relations Council is only as good as the City Council. There needs to be a more direct connection, a commitment from the City Council, to meet with the movers and shakers with connecting steps. This will help us identify and work with those on the grass root level.

Council Member Bryant Kittrell stated that the Human Relations Council may want to consider Neighborhood Advisory Board meetings. People don't normally come out unless there is a burning issue. Another option is to attend Town Hall meetings that are hosted by City Council Members (Mayor Pro-Tem Council and Council Members Spell, Glover and Mercer). City Council members will be happy to allow opportunities for members of the Human Relations Council to present.

Mayor Dunn stated the group should remember or talk about what people are doing well; it's important, empowering and inspiring. That is what can be built upon.

Council Member Glover stated what Human Relations Council is trying to say is that there's a disconnection between the Human Relations Council and City Council. The Human Relations Council is a very important council, as well as all other boards and commissions. However, the Human Relations Council is the only Council that deals directly with human issues. City Council should listen, share power, include maximum participation, provide personal contact, create a sense of "we", allow early input, provide the product and share the bad news. They need to be more connected, and information should be readily available to the Human Relations Council. If they are working toward becoming an inclusive community, City Council can gain a lot of strength from the Human Relations Council. The two groups are doing the same things;

therefore, they must share the power. The Human Relations Council deals directly with the City Council's constituencies. In addition, Cassandra Daniels, the Human Relations Officer, needs help. The Human Relations Office deals with many issues, from people needing decent homes, tenant/landlord issues and/or concerns, issues with utilities, and now that the economy is not good, there are families who live in rental problems facing issues with foreclosure. In addition, her workload has increased with Code Enforcement being more active, and she can't do it alone.

Council Member Calvin Mercer stated he wanted to reiterate something Council Member Bryant Kittrell said regarding Town Hall meetings. Those meetings are well attended and he would be willing to provide an opportunity for Human Relations Council to come and present as well. In addition, neighborhood associations are a great source to tap into.

Mrs. Franchine Pena stated the Human Relations Council has listed those resources as future partners to assist with the Inclusive Community Initiative. Listed are the Neighborhood Advisory Board, Neighborhood Associations, and Town Hall Meetings.

Council Member Glover stated another resource is the Policy Community Relations Committee.

The final item to be discussed is the "Community Café". A community café is where neighborhoods will establish a series of conversations that will bring community members together in a civil and supportive environment for honest dialogue. Neighborhoods will be allowed to discuss any area of interest to them. A community café will be used to encourage discussions between various interest groups, such as disability populations, youth, etc. Mayor Dunn stated the gay/lesbian group would be another interest group. Council Member Glover stated other interest groups would be NAACP, SCLC, Coalition Against Racism, Coalition for Educating Black Children, etc. These interest groups are valuable resources that could help establish positive relations among the City's diverse population.

Council Member Bryant Kittrell noted the community café would allow face to face conversations or dialogue among people, and that's important (experience dynamics); however, there are other means of allowing people to share by engaging conversations electronically, via blogs, face book, my space, etc. There is a lot of conversation going on in the electronic realm, especially with the younger generations. Some of the communication may not be so nice, however, it would be a way to establish clean, honest and wholesome conversation among the citizens.

Council Member Bryant Kittrell asked what was meant by communication between government and citizens. Cassandra Daniels stated that not everyone has access to computers at home, and not every home is equipped with cable or satellite television. Not everyone speaks English. It's important that information is translated in other languages. Therefore, better ways to communicate with those served have to be found. Earlier when the group spoke about transportation needs of families, some will think it strange to learn there are families with no telephones, no hot water, etc. These are people that we deal with on a daily basis; those with limited resources, especially financial resources.

Mayor Dunn stated it important to talk about who they are as human beings as they work together and the importance of the word “we”, as they work toward building an inclusive community.

Mrs. Pena stated that it normally starts with “Let’s have a coke or cup of coffee”, because it then becomes easier to share. It comes down to building positive relationships.

Mayor Pro-Tem Council stated when you have a community dialogue it should be open to everyone to become engaged in the process; so make sure people in those districts are informed. There was brief discussion about crime in our City. Council Member Glover and Mrs. Pena stated crime should be addressed as a whole for our City. It is in every neighborhood and everyone is included.

In conclusion, Mrs. Pena reminded everyone of the Inclusive Community Breakfast that will be held on Thursday, September 24, at 7:30 a.m.; and the Inclusive Community Walk/Roll/Ride will take place on Saturday, September 26 at 8:00 a.m. She thanked members of City Council for their time and participation.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Cassandra Daniels
Community Relations Officer

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
August 13, 2009

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

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers asked the Council to add a special recommendation presentation by Winterville Mayor Doug Jackson. He also stated that City Council voted on August 10, 2009 to carry over item 3 on the agenda regarding a rezoning on Allen Road between Teakwood Subdivision and Woodridge Commercial/Industrial Park. City Manager Bowers reminded the City Council that they also voted on August 10, 2009 to add two more items following the public comment period regarding an early voting site and item 14 regarding the acquisition of property at 101 Hooker Road.

Motion was made by Council Member Spell and seconded by Council Member Joyner to approve the agenda with the addition of a special presentation by Winterville Mayor Doug Jackson; continue item 3 regarding a rezoning on Allen Road between Teakwood Subdivision and Woodridge Commercial/Industrial Park; add an item regarding an early voting site; and that item 14 be placed on the agenda regarding the acquisition of property at 101 Hooker Road.

SPECIAL RECOGNITIONS

Mayor Doug Jackson of Winterville announced to the City Council that the Board of the Town of Winterville approved a check in the amount of \$5,000 to be given to the City of Greenville to go towards the North Carolina League of Municipalities Conference which will be held in Greenville on October 25 – October 27, 2009. This will be the first time that Greenville has hosted the North Carolina League of Municipalities Conference.

East Carolina University SGA President Brad Congleton introduced the members of his team and gave an update on East Carolina University Student Government activities. Mr. Congleton spoke about an incident in Greenville downtown where two men lost their lives and thanked those who attended the Candlelight Vigil that was held on campus in memory of the two men. Mr. Congleton further stated that their team had come up with a task force on campus and around Greenville in an effort to push student safety. Mr. Bill Coke, a safety leader, is now on East Carolina University's campus. On August 21, 2009 there will be an open house from 5:00 to 6:00 at the renovated Sigma Epsilon House on Fifth Street that previously caught on fire. Also, on this same day there will an international students event, and on August 24th East Carolina University will have a Pirate Palooza at Minges Coliseum to welcome all the freshmen and everyone is welcome to attend.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Council Member Spell asked that the appointments for replacement not be done at this time, because there is discussion about reducing the membership of the Board.

Greenville Utilities Commission

Motion was made by Council Member Bryant Kittrell and seconded by Council Member Glover to appoint Virginia Hardy for a first full three-year term to expire June 2012. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Mercer and seconded by Council Member Spell to appoint Bradley Ingalls for an unexpired term expiring January 2011, replacing Jeremy Jordan who resigned; to appoint Charlotte Cohen for an unexpired term expiring January 2012, replacing Christy Koren who resigned; to appoint Bryan Patonay for an unexpired term expiring 2011, replacing Candace Pearce who resigned; to appoint Henry Doskey for an unexpired term expiring January 2011, replacing Dale Saulter who moved out of the city limits; and to appoint Ann Schwarzmans for an unexpired term expiring January 2010, replacing N. Yaprak Savut who resigned. Motion carried unanimously.

Human Relations Council

Motion was made by Mayor Pro-tem Council and seconded by Council Member Joyner to appoint Rodney Cole, Sr. for a first term expiring September 2012. Motion carried unanimously.

Pitt-Greenville Convention and Visitors Authority

Mayor Pro-Tem Council asked that the appointment be continued at this time.

ORDINANCE REQUESTED BY THE LAMPE COMPANY, INCORPORATED TO AMEND THE FUTURE LAND USE PLAN MAP FOR THE AREA DESCRIBED AS BEING LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF ARLINGTON BOULEVARD AND THE SEABOARD COASTLINE RAILROAD FROM AN "OFFICE/INSTITUTIONAL/MULTI-FAMILY" CATEGORY TO A "COMMERCIAL" CATEGORY – ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on August 3 and 10, 2009 setting this time, date and place for a public hearing to consider a request by the Lampe Company to amend the Future Land Use Plan Map for the area described as being located at the northeast corner of the intersection of Arlington Boulevard and the Seaboard Coastline Railroad, containing 1.5+ acres, from an “Office/Institutional/Multi-family” category to a “Commercial” category.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request. Ms. Gooby informed the Council that the property is centrally located in the city, adjacent to J. H. Rose High School and across the street from University Suites on Arlington Boulevard. The property is currently vacant. The two lots on either side of the entrance to the Arlington Business Park and the entrance itself are included in the request. There are also vacant lots in the area that are zoned commercial, and they are anticipated to be developed as such. Arlington Boulevard is a connector corridor designed to contain a variety of intensive uses. There is also a focus area at the intersection of Evans Street and Arlington Boulevard. Under the proposed request it could generate a net increase of about 250 trips per day. The Future Land Use Plan Map recommends office/institutional/multi-family along the northern right-of-way of Arlington Boulevard between the Seaboard Coastline Railroad and Green Mill Run. The intent of the “Office/Institutional/Multi-family” classification is primarily to minimize any adverse impact to Rose High School from intensive commercial uses such as a convenience store or other similar trip generators on Arlington Boulevard between Evans Street and Hooker Road. Ms. Gooby stated that a letter of support from the Pitt County Schools was submitted by the applicant, and any change in the future land use plan should protect the interests of the school. The Planning and Zoning Commission voted to recommend approval of the request.

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

Mr. Mike Baldwin, representing the Lampe Company, informed the Council that the Pitt County School Board is in favor of the amendment.

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

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adopt the ordinance amending the Future Land Use Plan Map for the area described as being located at the northeast corner of the intersection of Arlington Boulevard and the Seaboard Coastline Railroad from an “Office/Institutional/Multi-family” category to a Commercial category. Motion carried unanimously. (Ordinance No. 09-58)

ORDINANCE REQUESTED BY THE CITY OF GREENVILLE REDEVELOPMENT COMMISSION TO AMEND THE DOWNTOWN COMMERCIAL DISTRICT RESIDENTIAL PARKING REQUIREMENTS - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on August 3 and 10, 2009 setting this time, date and place for a public hearing to consider a request by the City of Greenville Redevelopment Commission to amend the Downtown Commercial district residential parking requirements. The Planning and Zoning Commission, at its June 16, 2009 meeting, voted to recommend approval of the request.

Mr. Mike Dail, Planner, explained that on July 7, 2009, the Redevelopment Commission initiated an amendment to the parking regulations to exempt residential development in the Downtown Commercial district from the current 800 foot maximum distance between a dwelling unit to remote parking facility standard, provided the minimum required remote parking facility is also located in the CD district. This proposed amendment is intended to encourage more residential development in the urban core as recommended in the Center City Revitalization Plan.

The future land use plan shows areas that could potentially be zoned CD in the downtown area. This will help facilitate multi-family in the open core of the city as is recommended by the Center City Revitalization Plan and the Comprehensive Plan.

The current regulations for multi-family development in the downtown commercial zoning district is that they can provide parking on their site, which typically happens with multi-family development around the community, or they may have a remote parking site within 800 feet as measured along an improved pedestrian path so it is not 800 linear feet out from the property. It would have to be 800 feet along the path such as a sidewalk.

Under the proposed regulations parking is still provided on site. What is new is that they provide a remote site within any distance if it is located in the CD zoning district or they can still have the option of providing a remote site within 800 feet if it is located in the CD zoning district or some other zoning district that allows a principal use parking facility. It is important to note that public (absent a long term and recorded lease) and on-street parking do not qualify for multifamily in the CD district.

Mr. Dail stated that if approved, the effect of the amendment will be to allow residential developments in the CD district to utilize remote parking that is provided at any location within the CD district – the 800 foot dwelling unit to remote parking lot separation standard will continue to apply to such residential developments for out-of-CD district remote parking lots.

Council Member Kittrell asked if this was initiated by staff, and Mr. Dail replied that it was initiated by the Redevelopment Commission.

Council Member Kitrell asked if Mr. Dail thought that is was necessary for future developments. Mr. Dail replied that it would give a developer more options in the downtown area.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to adopt the ordinance amending the Downtown Commercial district residential parking requirements. Motion carried unanimously. (Ordinance No. 09-59)

ORDINANCE TO ANNEX LYNNDALE EAST, SECTION FOUR, LOCATED SOUTH OF LYNNDALE EAST, SECTION THREE, AND EAST OF LYNNDALE, SECTIONS FIVE AND NINE – ADOPTED

City Manager Wayne Bowers reported that advertisement was placed in The Daily Reflector on August 3, 2009 setting this time and date and place for a public hearing to consider the annexation of Lynndale East, Section Four containing 25.33 acres located south of Lynndale East, Section Three and east of Lynndale, Sections Five and Nine.

Director of Community Development, Merrill Flood, informed the Council that the property is contiguous to the primary city limits. The property is vacant and is located in Voting District 5. The proposed use is for 23 single-family residential. The property's anticipated population at full development is 54 with 9 being minority. The property is within 1.5 miles of Fire Rescue Station No. 5.

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

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance to annex Lynndale East, Section 4 property containing 25.33 acres located south of Lynndale East, Section Three, and east of Lynndale, Sections Five and Nine. Motion carried unanimously. (Ordinance No. 09-60)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1610 BEATTY STREET - ADOPTED

Lieutenant Earl Phipps explained that the Code Enforcement Office is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1610 Beatty Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on June 18, 2004 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the actions necessary to bring the

structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 21, 2009 and provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since July 10, 2005. There have been six Code Enforcement cases initiated on this property since 2001 ranging from public nuisance to abandoned structure. The Greenville Police Department has responded to 11 calls for service at this property since January 2000. Calls range from breaking and entering to suspicious activity to trespassing. The tax value on the property as of August 4, 2009 was \$20,413 (the building value was \$15,463 and the land value was \$4,200, and extra features were \$750). The estimated cost to repair the property is \$22,043.

Lieutenant Phipps stated that he had the opportunity to work with Mr. Owen Burney, the owner of the property located at 1610 Beatty Street, throughout the process and Mr. Burney is making every effort to complete the project within the time line.

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

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 1610 Beatty Street. Motion carried unanimously. (Ordinance No. 09-61)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 808 BANCROFT AVENUE - ADOPTED

Lieutenant Earl Phipps explained that the Code Enforcement Officer for the City of Greenville requests that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of a least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 808 Bancroft Avenue (tax parcel #014493). The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on January 14, 2009 to the current property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 19, 2009 and provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since February 14, 2006 for the A side and May 9, 2006 for the B side. There have been 22 Code Enforcement Cases initiated on this property since 2001, ranging from Public Nuisance to Abandoned Structure.

The Greenville Police Department has responded to 33 calls for service at this property since January 2000. Calls range from breaking and entering, to disturbances, to controlled substance violations, to physical arrests.

The tax value on the property as of July 28, 2009 is \$61,258 (the building value is \$55,858 and the land value is \$5,400). The estimated cost to repair the property is \$46,371.25.

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

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 808 Bancroft Avenue. Motion carried unanimously. (Ordinance No. 09-62)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1231 BATTLE STREET - ADOPTED

Lieutenant Earl Phipps explained that the Code Enforcement Officer for the City of Greenville requests that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of a least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1231 Battle Street (tax parcel #06825.) The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling, and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on January 12, 2009 to the current property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on May 11, 2009, and provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six (6) months. The utilities to the dwelling have been disconnected since December 2005. There have been 12 Code Enforcement cases initiated on this property since 2001 ranging from public nuisance to abandoned structure. The Greenville Police Department has responded to 41 calls for service at this property since January 2000. Calls range from disturbance, to controlled substance violations, to physical arrests. The tax value on the property as of July 28, 2009 is \$9,827 (the building value is \$7,536 and the land value is \$2,291). The estimated cost to repair the property is \$26,496.85.

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

Motion was made by Council Member Mercer and seconded by Council Member Joyner to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 1231 Battle Street. Motion carried unanimously. (Ordinance No. 09-63)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1103 MYRTLE AVENUE - ADOPTED

Lieutenant Earl Phipps explained that the Code Enforcement Officer for the City of Greenville requests that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1103 Myrtle Avenue (tax parcel #010876). The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on February 20, 2009 to the current property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on June 25, 2009 and provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since August 19, 2008 on side A and January 29, 2009 on side B. There have been 11 Code Enforcement cases initiated on this property since 1998 ranging from public nuisance to minimum housing to abandoned structure. The Greenville police Department has responded to 41 calls for service at this property since January 2000. Calls range from disturbance, to controlled substance violations, to physical arrests. The tax value on the property as of July 28, 2009 is \$39,414 (the building value is \$33,414 and the land value is \$6,000). The estimated costs to repair the property are \$30,971.90.

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

Mr. Michael Joyner, owner of the property located at 1103 Myrtle Avenue, stated that family members had been renting the property up until last fall. They are now deceased, and both sides of the property have been vacant. Mr. Joyner stated that he spoke with the City Engineer and was told that the property was in the plans for each of the three proposed alternatives for the Tenth Street Connector Project. Mr. Joyner further stated that he thought it was foolish to spend a lot of money to repair or demolish the structure if the Department of Transportation is planning to expand the project in early 2011. Mr. Joyner asked if he could obtain a continuance allowing the property to be boarded up and secured as much as possible and let nature takes its course, unless the project does not go through.

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

Upon being asked the cost of the demolition, Lieutenant Phipps replied it would be approximately \$3,500 and the taxes would depend on the asbestos removal being between \$3,500 and \$8,000.

Council Member Glover informed the Council that the area is in her district and the community is very concerned about boarded up structures and what happens to those structures, and it would not be fair to the homeowners in that area to have to deal with boarded up structures. It is an eyesore to the community and these types of structures provide for drug use and prostitution in the area.

Upon being asked if the City plans are to purchase the property, Mr. Anderson stated that it is within the confines of the decided upon route and anything in that area would be obtained by the North Carolina Department of Transportation as part of the process to obtain the right of way.

Motion was made by Council Member Spell and seconded by Council Member Joyner to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 1103 Mrytle Avenue. Motion carried unanimously. (Ordinance No. 09-64)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THREE DWELLINGS LOCATED AT 107, 109, AND 111 WADE STREET - ADOPTED

Lieutenant Earl Phipps explained that the Code Enforcement Officer for the City of Greenville requests that the City Council approve an ordinance requiring the owner of the three dwellings which have been vacated and closed for a period of at least six months pursuant to the enforcement of the minimum housing code to repair or demolish and remove the dwellings located at 107, 109, and 111 Wade Street (sharing the same tax parcel #001717). The ordinance provides that the owner has 90 days to repair or demolish and remove the dwellings and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwellings.

The initial notice of violation was sent by certified mail on January 23, 2009 to the current property owner informing the owner of the condition of abandoned structures and minimum housing violations cited by the Code Enforcement Officer and of the actions necessary to bring the structures into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on June 25, 2009, and provided notice to the owner that the dwellings were considered as abandoned structures. The dwellings have been vacated and closed for a period of at least six (6) months. The utilities to the dwellings have been disconnected since July 15, 2005 in unit 107, 2006 in Unit 109; and December 14, 2005 in unit 111. There have been nine code enforcement cases initiated on this property since 1998, ranging from public nuisance to abandoned structures. The Greenville Police Department has responded to 118 calls for service at this property since January 2000. Calls range from disturbance, to shots fired, to controlled substance violations, to multiple physical arrests, to homicide. The tax value on the property as of July 28, 2009 is \$42,598 (the total building value is \$18,030 and the land value is \$24,568). The estimated cost to repair the structure is \$29,013.15.

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

Dr. Jim Kenny of 120 Wilkshire Drive, stated that he passes by this area multiple times during his trips to and from Pitt County Hospital and the Medical School. It is a classic drug center with guards and look outs. At the corner of Dickinson Avenue a family of little children are exposed to this type of lifestyle. It would be a great favor for the City to demolish this setting and then let law enforcement worry about relocation.

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

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to adopt the ordinance requiring the repair or demolition and removal of the dwellings located at 197, 109, and 111 Wade Street. Motion carried unanimously. (Ordinance No. 09-65)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE NONRESIDENTIAL BUILDING LOCATED AT 1408 NORTH GREENE STREET - ADOPTED

Mr. Les Everette, Chief Building Inspector, stated that a nonresidential building at 1408 North Greene Street was found to be out of compliance with the Non-Residential Building or Structure Code for the City of Greenville. The initial notice of violation and hearing was sent by certified mail on February 20, 2009 to the property owner informing the owner of the nonresidential structure violation cited by the enforcement officer. A hearing was held and the owner, Randy G. McLawhorn, was notified of the violations and of the remedies necessary to bring the structure into compliance. Pursuant to the enforcement action of the Nonresidential Building or Structure Code for the City of Greenville, the owner has not performed measures needed to repair or demolish the structure located at 1408 North Greene Street within the time established by the enforcement officer. The tax value on the property as of July 22, 2009 is \$24,378 (the building value is \$9,187 the land value is \$15,191). The estimated costs to repair the property are \$98,000. The building has been vacated, closed and utilities disconnected since the flooding caused by Hurricane Floyd in 1999. The only enforcement activity at this property was a junk vehicle case by Code Enforcement in August of 2008.

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

Motion was made by Council Member Spell and seconded by Council Member Joyner to adopt the ordinance requiring the repair or demolition and removal of the nonresidential building located at 1408 North Greene Street. Motion carried unanimously. (Ordinance No. 09-66)

PUBLIC COMMENT PERIOD

Dr. Jim Kenny of 120 Wilkshire Drive requested to speak on Energy Conservation prior to Mr. Anderson giving his presentation. Dr. Kenny filled the form out before looking at the sequence.

City Manager Bowers stated that the rule is to prohibit speaking on anything that is the subject of a public hearing and the item on energy conservation is not a public hearing. Energy

conservation is not a public hearing item so he normally would not be allowed to speak when that item comes forth. He is a member of the City's Environmental Advisory Commission if they want to hear his comments in that position.

City Attorney Holec stated that if Dr. Kenney wanted a guaranteed opportunity to speak, this is the time to speak.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to allow Dr. Kenny to speak when the agenda item on Energy Conservation comes up. Motion carried unanimously.

Mr. Sterling Edmonds, Chairman of the Board of Commissioners for the Greenville Housing Authority presented a statement that the Greenville Housing Authority approved to be read regarding the draft of an amendment having to do with a change in the Boards and Commissions policy and read as follows: David Holec, City Attorney, recently informed the Greenville Housing Authority Board of Commissioners of a draft proposal that amends the appointment process for commissioners. It specifically states persons serving on the City Boards and Commissions having a term of more than three years shall be ineligible for consideration for reappointment. This statement contradicts the intent of the agreements made in conjunction with the compromise resolution that Mr. Holec helped orchestrate and agreed to by both the Greenville City Council and the Greenville Housing Board of Commissioners. During the due process for the compromise resolution the Greenville Housing Authority Board clearly expressed its desire to retain the current five year appointment terms for commissions as well as the ability to reappoint commissioners who have served satisfactory, two additional terms. He also was in agreement with the change in the appointment process that would allow nominations and appointments by City Council Members on a rotation basis. Only the rotation process remained unresolved as it pertains to new appointments as well as appointments for unexpired terms. You may recall the discord that existed between members of the Greenville City Council and the Greenville Housing Authority Commissioners regarding government and management of the Greenville Housing Authority. That discord occurred when the City Council unveiled its original appointment resolution without providing the Greenville Housing Authority Board any opportunity to participate in the process. Working through the compromise resolution, both groups agreed that lack of communication factored in the discord. Both groups agreed that they would be better served to work together when considering changes that might have a material impact on the Greenville Housing Board to discharge its duties. It appeared that the working relationships between the entities improved as we found common ground in reaching a compromise resolution. Once again, and all to soon, we are facing another management dilemma created by your City Attorney who as a moderator and facilitator of several interactions between the Greenville City Council and the Greenville Housing Authority Board of Commissioners should understand the impact this draft resolution makes to the compromise resolution. According to the document provided by Mr. Holec, the draft resolution serves to provide a more consistent appointment process across city agencies fostering a system that would allow greater opportunity for Greenville citizens to serve on boards and commissions. We applaud the City's efforts to be more inclusive; however, the new draft raises questions that we hope Mr. Holec before the Council can answer. Why would the City Attorney who is familiar with the City

Council and the Greenville Housing Authority Board desire to work in concert on changes that substantially impact the Authority. Why contact any commissioner's input before drafting the resolution. If the answer to that is that the proposed change is insignificant and did not merit discussion, why bother to recommend the change. If the change is considered significant, what does that imply about the working relationship that we have worked so hard to improve. Mr. Holec's draft created two tiers of Greenville Housing Authority Commissioners as the Mayoral appointment and the Resident Commissioner that could be reappointed; whereas, the other five commissioners could not. The draft resolution expressly mentions exceptions to the proposal relating to the City and County Boards indicating that where warranted exceptions are justified or just makes since for the enemy in question. The use of the exception policy in this case is design consistency in the appointment process. We request the same consideration. We request that you honor the agreement that you made and the compromise resolution and reject the amendment that would limit a 5 year appointee to one term.

Mr. Zachary Robinson, a citizen of Greenville and a member of the Pitt County Coalition Against Racism spoke in favor of the City of Greenville opening two additional early voting sites within the center of the city. Pitt County has two county wide sites but these are not easily assessable to people who live in the center city. The City of Winterville and other municipalities in recognition of that fact have also opened early voting sites. In discussion with the Board of Elections there is still an opportunity to vote in these sites in the city. Mr. Robinson suggested that the City Council consider opening two early voting sites, one at the Newman Catholic Center on Tenth Street, which is near East Carolina University and would be very accessible to young people who attend school at East Carolina University, and the other early voting site to be in West Greenville, in the Eppes Recreational Center.

Mr. Don Cavellini, 101 Lancaster Drive, stated that there should be two voting sites and that Eppes Recreational Center and the Newman Catholic Center would be within easy access to people who live in West Greenville or near the East Carolina University campus. Mr. Cavellini further stated that the City should pay the costs for the two additional sites, and if that is not possible then there was a group prepared to pay the full cost of two sites for three days.

Mr. Dennis Mitchell, 101 Kirkland Drive, stated that he was present to speak on the early voting sites. Mr. Mitchell informed the Council that last year there was over 70 percent of the population voting in the elections. Out of 63 percent of those who voted at the presidential election voted early because it was accessible and made easy for everyone to vote. Historically, since the early voting sites were started in Greenville/Pitt County there has been a dramatic increase in voter participation.

Mr. Conen Morgan, President of the Young Democrats of North Carolina, informed the City Council that he was from Wake County and that some of the citizens in Greenville were worried about the early voting site locations. Mr. Morgan stated that early voting sites are needed because more people are working and it gives the citizens the ability to vote at their own leisure. Mr. Morgan asked the Council to vote for early voting sites.

Mr. Rufus Huggins stated that he was present to speak on behalf of the Southern Christian Leadership Conference of which he is a member of the Pitt County Chapter. Mr. Huggins informed the Council that he was totally supportive of the Greenville Housing Authority. Mr. Huggins informed the City Council that the Greenville Housing Authority provides a lot of good things, but the most valuable resources that the Authority has are the employees that they employ. The Southern Christian Leadership Conference submitted a petition to the Greenville City Council covering a large portion of the Greenville Housing Authority. Also submitted was a petition that was signed by several ministers in the Pitt County area that are supporting the Greenville City Council. Mr. Huggins stated that Boards and Commissions initially assume authority from the City Council. Mr. Huggins stated that he had a problem with any board or commission that challenges the authority of the City's policy.

Mr. R. J. Hemby, Executive Assistant to the local President of the Southern Christian Leadership Conference, informed the Council that their mission statement is voter education, registration and participation. Mr. Hemby urged everyone to be a part of the process when the Southern Christian Leadership Conference group appeals to the local Board of Elections to ask for two additional early voting sites.

Melvin Mahad stated that he was a Council Member for the Town of Tarboro and a local minister in Greenville. Mr. Mahad stated that he hoped the City Council would consider the early voting sites.

REQUEST FOR ADDITIONAL EARLY VOTING SITE

City Manager Bowers informed the Council that this item was added by City Council on Monday night and prepared and distributed on Wednesday to lay out the provisions in the current contract with the Pitt County Board of Elections, which states there would be two early voting sites, one being at the Pitt County Agricultural Center and the other at the Community School Building on County Home Road. These are the same two sites as the last municipal election in 2007, and these are the same early voting sites for all the municipalities in the County. The request was to consider another voting site in West Greenville at either Carver Library or C.M. Eppes Center. The estimated costs of conducting an early voting site at either location for the requested time period of October 26 thru October 31, will be \$2,200, and a rough estimate for a one day voting site will be \$380.

City Manager Bowers stated that the contract with the County does set aside a formula for the elections. The early voting site focuses on the cost of two shared, based on the number of registered voters and the provision in the contract. If another site is added, whichever municipality requested that site pays the full amount, and everybody in the County can vote at that site, but it is paid for by the requesting municipality. The estimate that the City Clerk received for this year's election for the City of Greenville is \$62,928.77.

Council Member Mercer stated that he was opposed to the idea of any organization or any individual outside the organization paying for the costs of a polling place.

Council Member Spell stated that his first question is where and how many early voting sites are needed. Council Member Spell was in agreement to have one central site in the heart of Greenville.

Mayor Pro-Tem Council stated that she would support a minimum of one early voting site or possibly two, and that the site should be in the center city, somewhere downtown.

Council Member Glover stated that she was in favor of two early voting sites because it would address the issues in West Greenville regarding voting locations and would also be an asset to people who could not drive.

Council Member Kittrell stated that he was in favor of the early voting site and thought it should be located in the center city.

City Attorney Holec stated that the following information was forwarded to him and the City Manager by the Board of Elections this morning and was forwarded to the Council by the City Manager. The Board of Elections is looking for certain requirements such as a good site, sufficient parking, 100% handicapped accessibility, and with the ability to secure the site so the Board of Elections can keep election material in a secure location. Mr. Davis has reviewed several sites and has given to Council input as far as which of those possible sites may work best. City Attorney Holec reminded the Council that the actual decision regarding the recommended early voting site will be made by the Board of Elections and that is required by the State Statute to be a unanimous decision. If it is not a unanimous decision by the Pitt County Board of Elections then there is a potential that one of those board members who voted in favor of it could appeal to the State Board, and the State Board could determine that it is appropriate to have an additional early voting site. Executive Director Dave Davis did evaluate sites and wanted to provide that input for Council for their consideration. This analysis does not indicate any endorsement from the Board Members and this is solely Mr. Davis's observations as to the site. The Carver Branch Library Facility is not available for the early voting site because of conflicts. The Council on Aging Building is available from October 26th - October 31. The building served as an early voting site previously and is handicapped accessible and can be secured during non-voting hours. The Eppes Recreational Center has been confirmed as an available site from October 26 - October 31 and this site is 100% accessible and secured during nonvoting hours. Greenville's City Hall did not confirm availability, but due to limited parking it would make the site unusable. Availability has not been confirmed for the Greenville Police/Fire Rescue Building but there are concerns about parking which would make it unusable. The availability of Jaycee Park has not been confirmed. This site has previously been used as an early voting site and meets all criteria of accessibility and security. The availability of the Newman Roman Catholic Center has not been confirmed. The site has previously served as an early voting site and meets all criteria. There is a concern with the use of this site due to limited parking. The availability of the Willis Building has not been confirmed. This site is an election day polling place and is 100% accessible. The auditorium can be secured during down time voting hours.

Council Member Mercer stated that he was in favor of looking at another polling place that would be in a central location.

Council Member Joyner stated that the City should either open a polling place in each district or have one central location.

Council Member Glover stated that the Eppes Center is available with lots of parking spaces.

Motion was made by Council Member Glover and seconded by Council Member Mercer to approve the Eppes Recreation Center from Monday, October 26 – October 31 with hours to be 8:00 a.m. to 5:00 p.m. during the week day and Saturday from 8:00 a.m. to 1:00 p.m.

Council Member Mercer stated that he was in support of the motion regarding opening another early voting site, possibly at the Fire Station.

Council Member Spell agreed with Council Member Mercer regarding centrality and the Fire Station.

City Attorney Holec reminded Council of Mr. Davis's assessments are for the downtown sites. At a previous election, the board looked at the Willis Building, City Hall and the Police/Fire Rescue Station, and at that time they made the determination that City Hall and the Greenville Police/Fire Rescue Station had problems with parking.

City Manager Bowers stated that the parking behind Greenville Utilities Commission is intended to be for customers of Greenville Utilities and the Bank.

Council Member Glover did not think that the Fire Station would be safe as far as walking across the street. Council Member Glover reminded the Council that the Eppes Center is available and handicapped assessable.

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to amend the motion so that rather than the early voting site being the Eppes Recreation Center, that it would be the Willis Building, and if that is not acceptable, the Pitt County Council on Aging building.

Council Member Mercer stated that it was his understanding that the Council was trying to find one place that would be in the center of West Greenville and the University and assessable to West Greenville and the University.

Council Member Spell stated that if the City was going to have one place it should be in the center of the city and that the Municipal Building is highly visible and parking is available.

Council Member Kittrell withdrew his motion and Council Member Joyner withdrew his second.

Motion was made by Council Member Spell and seconded by Council Member Joyner to amend the original motion so that rather than the Eppes Recreation Center being the early voting site, that it would be the Municipal Building, and if that is not acceptable, the Police/Fire Rescue

Building with the additional direction to staff to make parking available to overcome concerns about parking. Motion carried unanimously.

Motion was made by Council Member Spell and seconded by Council Member Joyner to vote on the original motion as amended. Motion carried unanimously.

CITY GOALS AND OBJECTIVES FOR ENERGY CONSERVATION

Public Works Director Wes Anderson stated that in June the City Council authorized Public Works staff to pursue an energy efficiency and conservation block grant, to which the City was entitled to for the program. Mr. Anderson further stated that City staff is coming before Council to present information that has been found and asking for Council's guidance on staff's goals and objectives. Mr. Anderson informed the Council that the purpose tonight is to obtain Council's guidance on the entity's energy conservation strategy. This is the initial stage of development and is a requirement for a release of Energy Efficiency and Conservation Block Grant dollars. The purpose of the federal program is to reduce fossil fuel emissions, reduce the total energy use by the cities and municipalities in the program, and improve energy efficiency in the building sector, transportation sector and other sectors.

Core principals, as stated by the Federal Government, include prioritizing for energy efficiency and conservation, and linking it to the City's long term priorities to create and retain jobs as part of the stimulus program and provide substantial, sustainable and measureable energy savings. Additionally, the Federal Government wants the City to leverage other federal sources and private sources of funds, and to the extent possible develop programs and strategies that will continue beyond the period of funding. Since it is stimulus dollars, the Federal Government has its own requirements, oversight transparency and accountability. The Federal Government is looking for programs that transform markets, increase deficits and support program goals. The government is looking at setting standards and aggressively obtaining those standards and goals.

Mr. Anderson reviewed the following six strategy requirements:

1. Describe government's proposed Energy Efficiency and Conservation Strategy. measureable goals and objectives, comprehensive and maximize benefits community wide, provide a schedule or timetable for major milestones.
2. Describe proposed implementation plan for the use of EECBBG program funds to assist in achieving the goals and objectives outlined in the strategy.
3. Describe how government is taking into account the proposed implementation plans and activities for use of funds by adjacent units of local government that are grant recipients under the program.
4. Describe how government will coordinate and share information with the state regarding activities carried out with grant funds to maximize energy efficiency and conservation benefits.
5. Describe how this plan has been designed to ensure that it sustains benefits beyond the EECBG funding period.

6. Describe the auditing or monitoring procedures currently in place or that will be in place (by what date) to ensure funds are used for authorized purposes and every step is taken to prevent instances of fraud, waste, error, and abuse.

Mr. Jim Kirby with Perkins and Will reviewed the following outline regarding Energy Reduction Goals and Objectives.

- Review Greenville Council Goals that lead to Energy Reduction
- The Big Picture on Energy – Gasoline compared to electricity
- Greenville Carbon – Buildings are the major Contributors
- Existing Programs – NC Climate Action Plans and Building Energy Reduction Regulations
- Greenville energy Reduction Goals and Objectives
- Buildings, Transportation, Waste-to Energy
- What is the Long-Term Cost of Programs?
- What is proposed for Low Income Communities?
- What is the financial benefit to Greenville, NC?

Mr. Kirby spoke on how energy reduction relating to the City Council goals such as to strengthen economic development, promote sustainability and livability of both old and new neighborhoods, develop transportation initiatives, keep planning ahead of anticipated growth, promoting effective partnerships and promoting sound environmental policies. Council goals are already aligned with energy reduction such as jobs for energy auditor, jobs for contractors, retrofits and potential for waste to energy pilot research. Also, more biking means less driving. Greenways can sequester carbon and mixed use neighborhoods are more livable and more transportation efficient.

Mr. Kirby stated that energy and carbon had been discussed and they are not a one-to-one relationship. This helps to understand the whole picture on transportation and buildings. The day of the car use relative to the day of home use is about ten times greater than the energy itself, kilowatt hours. If the City focuses on what is the total energy out of transportation it seems like that would be the only place to focus on for the carbon because they are not an equal one-to-one relationship.

Gasoline has a very strong energy body. When looking at buildings, the energy or electricity consumption is regulated by Building Code. Transportation energy, gasoline and diesel natural gas consumption is not regulated in the same way so the question is “Are buildings still important?” and it is, “Yes, because of carbon which is a non one-to-one ratio.”

In Greenville, buildings account for 65 percent of the carbon emissions; 32 percent is attributed to transportation and 3 percent goes to waste. Of the 65 % for the buildings it is seen that residents count for 40% percent, commercial government counts for 60 %, with city government buildings being less than 1% of that. As far as electricity, 723 tons of carbon is produced per million Kilowatt hours of energy. Gasoline is only 0.2 tons per million and that is why there is a disparity between the two. Carbon is the biggest impact so far.

Mr. Kirby stated that they looked to see what Greenville's neighbors were doing and found that currently a lot of the same activities are happening all over the country. Presently Asheville (2000) is looking at an inventory wide policy recommendation which covers everything from HVAC, heating, ventilation and everything else to air-conditioning. Asheville is also looking at case studies such as transportation carpool/vanpool, expanding transit services, water systems, equipment upgrades, leak detection monitoring and metering. Chapel Hill is soliciting services for fare-free transit, Town Operations Center, Energy Audits, Energy Bank, Solar Bus Stop Demonstration Projects, and LED Street lighting Pilot.

Also, Winston-Salem is looking at Methane Recovery from waste production, reducing emissions from employee commuting, Bike Patrolling for Police Departments, Hybrid/Electric Vehicles for City Fleet, Hybrid Bus Fleet, Residential/Commercial Building Energy Reduction.

The 2030 Challenge which was issued out in 2006 was an incremental reduction over time energy consumption. Starting today with a requirement of 50% reduction as compared to base line energy code the incremental reduction 10% , 60% in 2010, 70% in 2015, 80% in 2020, 90% in 2025, energy neutral by 2030.

The North Carolina State Senate Bill 668 passed, it is a year old, and they did not pick an incremental reduction, but they did pick a point of reduction that is for a major facility project which is 30% greater efficiency than the standard code. Major renovations are 20% greater energy efficiency and water systems shall be reduced 20% less potable water, and outdoor water reduced by a minimum of 50%.

The Last Waxman-Markey Climate Bill on the senate floor now is very similar to Senate Bill 668 (2009). The current requirement would be 30% reduction in energy for buildings relative to a comparable building by 2015, would increase to 50% reduction in energy, and by 2018, and every 3 years thereafter a 5% additional reduction in energy use relative to the baseline code a 2030 challenge.

Mr. Kirby listed the following goals and objectives after receiving all the data that was presented.

Develop Energy Reduction Programs such as:

1. Adopt a City of Greenville Energy Building Policy/Code for Government (Initial), and Commercial/Residential Buildings.

Model the program after Existing Energy Reduction Programs
2030 Challenge, 2007
NC Senate Bill 668/1946, 2008
Waxman-Markey Climate Bill, 2009

Include a Building Energy Label Program

- 1.a New Commercial and Government Buildings/Major Renovations
 - 30%/20% Energy Reduction Target for 2010
 - 50% reduction by 2015
 - 5% additional reduction by 2018 and every 3 years until 2030

- 1.b New Residential Buildings
 - 30% Energy Reduction Target for 2010
 - 50% reduction by 2014
 - 5% additional reduction by 2018 and every 3 years until 2030

2. Existing Commercial and Government Building Energy/Water Audit Program
 - Retro-Commissioning
 - Plumbing fixture change out

3. Existing Residential Energy/water audit (grant) program
 - Weatherization
 - Grants for upgrades, i.e. New Heat Pumps
 - Upgrade costs integrated into utility bills (energy savings may offset cost)

4. Low-Emissions/Fuel Efficient/Hybrid Vehicle Incentive Program

5. Carpool/Vanpool Programs

6. Bus Transportation Conversion
 - Share System with ECU
 - Hybrid/Electric
 - Natural Gas

7. City Vehicle Fleet Hybrid/Electric Conversion

8. LED Street Light Conversion

9. Waste-to-Energy Conversion

Mr. Nick Caronna stated that they did a retro-commissioning using Greenville's City Hall as an example. The building contains 50,000 square feet. Mr. Nick stated that the cost to bring in an expert to evaluate the building from an audit standpoint would be in the area of \$15,000 and a team would look at the heating systems, lighting, controls, air conditioning systems and occupancy. A 15% savings has been seen just in building tune-ups. Without major investments, that is in the order of a seven month payback .

Mr. Caronna further stated that the focus they are looking at are new and existing buildings where a substantial drop is seen. The greatest one there is with the district energy fuel switch which may not be as typical to downtown Greenville but between new and existing buildings.

There is a pretty sharp decrease on consumption when focusing on new and existing. Some of the residential components in saving is what is the benefit and what will the households receive. NREL created this information through the study of properties and a 30% residential energy consumption education target would save households in every region of the U.S. Between \$403 and \$612 per year after the cost of efficiency measures are factored in. The cost neutral point for energy efficiency upgrades is about a 45% energy reduction before the extra cost is felt.

Council Member Kittrell asked if staff had spoken with the Greenville Utilities Commission about being the monitoring vehicle between the outside. Council Member Kittrell further stated that Greenville Utilities had experts that go out and look at homes and buildings and they are doing a lot of energy assessments because everyone is concerned about energy consumption and business as well.

Public Works Director Anderson replied that staff is working with Greenville Utilities as part of the team.

Mr. Caronna informed the Council that the City uses 3.9 billion gallons a year of water and 8.5 million goes towards water and sewer treatment. A savings of 20% would equal 1.7 million.

LED Street Lighting is quickly becoming much more popular with 50% less energy use and last 7 times longer, has a higher quality of light, maintenance can be quickly alerted, and can be solar or wind driven.

Mr. Caronna further stated that energy costs are projected to continue increasing. With increasing energy costs the return on investment pays itself off quicker because of high cost energy. High performance technologies equipment decreases in cost over time. Energy efficiency in buildings and equipment increases over time. The intent is to decrease long term costs by investing now in programs and infrastructure with an acceptable return on investment.

There is no single answer to the financial benefit to Greenville, but it is known that decreased operating costs through energy/water savings and increase efficiencies so the City save money over time. It is known that increased availability of natural resources by using less have higher quality of life for citizens. It is known that happy citizens invest in their communities. This attracts businesses and industry, enhances goals of economic development and it becomes a place to be.

A recap was given as follows:

1. Adopt a City of Greenville Energy Policy/ Code for government and commercial/residential buildings.
2. Existing Residential Energy/Water Audit Program
3. Existing Commercial and Government Building – Energy/Water Audit Program
4. Low-Emissions/Fuel Efficient Hybrid Vehicle Incentive Program
5. Carpool/VanPool Program
6. Bus Transportation Expansion and /or Conversion

7. City vehicle Fleet Hybrid/Electric Conversion
8. LED Street Lighting Conversion
9. Waste to Energy Conversion

Council Member Joyner asked what the initial costs would be if someone was building a 2,000 square foot house now versus what is being talked about today.

Mr. Anderson replied that is what staff is going to look at. There could be an incentive type program where the money can be used from the block grant to subsidize a certain level of improvements to new houses. One of the things staff has been discussing is how do we actually create and that could be our incentive type program and where we use the money from the block grant to subsidize a certain level of improvement to new houses.

Council Member Joyner asked how much money is in the block grant now.

Mr. Anderson replied \$777,600.

Council Member Joyner asked what the cost would be for a building the size of City Hall.

Public Works Director Anderson stated that typically the buildings that staff is looking at would cost about an additional ½ percent to approximately 2 percent over cost of not going that way. However, what staff is finding out is on those types of buildings if the city is applying for grants the Federal Government is putting that in as a requirement of the grant particularly for Fire Station Number 7, and in addition to having the League requirements, the Federal Government has specific goals that have to be met on both saving energy and water. Mr. Anderson stated that he did not participate it being much more than what the City has already agreed to. There will be an incremental cost for that additional level of efficiency.

Council Member Joyner asked if this was such a great idea, why not have Greenville Utilities Commission do this in house instead of hiring an outside expert.

Mr. Anderson replied that in this particular case it is not just the expertise level, but there are certain areas that staff does not have the expertise. This is also going to be time consuming.

City Manager Bowers stated that Greenville Utilities Commission will have every opportunity to participate, and if it is determined that Greenville Utilities staff can do, then that would probably be the recommendation.

Mr. Anderson stated that Greenville Utilities will have to consider what they can support with their current assets and what they will need to do. Staff will come back to Council at that point and see what the costs are for this level of efficiency. Part of that can be covered by the cost of the block grant, but again as the Federal Government is asking what Greenville is going to do after the grant money is used.

Council Member Kitrell stated that he thought that Greenville Utilities Commission will be

under some mandates to look at cutting consumption of certain types of energy and going green themselves, so they may be compelled to help in certain areas as well.

Dr. Jim Kenny, Vice Chair of the Environmental Advisory Committee and Chair of its sub-committee, the Greenville Climate Protection Partnership, stated that both groups are in full support of the presentation by Wes Anderson and the two consultants. Both groups had input to the material presented, and both favor using \$250,000 of the grant as revolving, interest free loans for citizens to use for energy upgrades. This would not only gain citizen interest and involvement, but would also be ongoing, which is a requirement of the grant.

RESOLUTION AMENDING THE BOARD AND COMMISSION POLICY FOR THE CITY OF GREENVILLE BY AMENDING THE PROVISIONS RELATING TO THE HOUSING AUTHORITY – ADOPTED

City Attorney Holec stated one of the 2009 Legislative Initiatives approved by City Council related to the authority to appoint Housing Authority Commissioners. On June 30, 2009, the local bill relating to the appointment of Housing Authority Commissioners became law. It is Session Law 2009-211.

Appointments and reappointments of Housing Authority Commissioners will now be governed by the provisions of this local act. The act provides that the Mayor appoints one of the Housing Authority Commissioners and City Council appoints the remaining Commissioners in accordance with the process for appointment as generally specified in the bill. Basically, the process ensures that Council Members make the nomination on a rotating basis – similar to the manner utilized for the Redevelopment Commission.

A procedure for City Council to consider relating to the appointment process in compliance with the act's requirements has been prepared. The procedure is an amendment to the Board and Commission Policy of the City of Greenville. The procedure will first be implemented the next time an appointment opportunity to the Housing Authority Board of Commissioners arises. The next scheduled appointment opportunity will occur at the expiration of the terms of two (2) Commissioners in May 2010. An earlier opportunity for an appointment may arise if there is a vacancy due to a resignation or other reason.

The procedure provides for the following:

(1) City Council makes the appointment of all commissioners except for the commissioner appointed by the Mayor and except for the commissioner on the Housing Authority appointed as the commissioner who is directly assisted by the Housing Authority when the Housing Authority's rules require that the person appointed is elected by other persons directly assisted by the Housing Authority.

(2) The Council liaison to the Housing Authority does not make all nominations when an appointment is to be made by the Council. Nominations are made by Council Members on a rotating basis. The rotation proposed is 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, therefore, the rotation will be repeated. City Council is not required to appoint the person nominated.

(3) The Mayor makes her appointment without receipt of a nomination.

(4) As required by law, one commissioner is to be a person directly assisted by the Housing Authority. As required by law, when the rules of the Housing Authority require that the person directly assisted by the Housing Authority is to be elected by other persons directly assisted by the Housing Authority, then that person elected is the appointee. If the rules of the Housing Authority do not require the election, then the Housing Authority is to make a recommendation. (It did not seem appropriate to limit a Council Member's potential field of nominees to only persons directly assisted by the Housing Authority when that Council Member's turn to make a nomination came up.) City Council is not required to appoint the person recommended.

(5) As required by law, the commissioner appointed by the Mayor and the Commissioner elected by other persons assisted by the Housing Authority (if the rules of the Housing Authority require the election) are excepted from the general rule established by the City's Policy applicable to all City boards and commissions which limits reappointment. However, all other Housing Authority Commissioners are subject to this limitation---if the term of office is for more than three (3) years, they are ineligible for reappointment.

(6) If there is a vacancy prior to the completion of a term of office in a commissioner position which has been appointed by City Council, 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 commissioner. If the vacancy occurs in a position which is to be appointed by City Council but has not yet been appointed by City Council, the nomination will be made by a Council Member in the reverse order of the rotation - Council Member, District 5 first, Council Member, District 4 second, etc. Vacancies in the Mayoral appointment position and the commissioner directly assisted by the Housing Authority position are to be made in the same manner as the appointment to a full term for these positions.

City Attorney Holec informed the City Council that the procedure complies with the provisions of the local bill. If Council determines to adopt the procedure as proposed, there is a resolution for council to consider and an adoption of the resolution would adopt the procedure as proposed

Council Member Spell reiterated that City Council could not make a procedure that would limit the reappointment of the commissioner who is elected by persons directly assisted by the Housing Authority, nor could the Council limit the reappointment of the Mayor's choice. Council Member Spell stated that there is a problem because there are two systems, one that has term limits and the other does not have term limits. Council Member Spell further stated that he liked the City's Boards and Commissions having rotating positions. The Housing Authority is a special board and it is not like the other boards such as the Community Appearance Commission.

This board is chartered by the State and is an authority and not an advisory commission.

Council Member Joyner agreed with Council Member Spell and stated that he thought the purpose was to give City Council the power, where the Mayor had it solely before. Council Member Joyner further stated that he had already given his word, because he thought that was the agreement with the Housing Authority.

City Attorney Holec stated that there was opposition from the Housing Authority in the beginning when the local bill was filed, but the Authority came to the table and was willing to discuss a compromise, and the City Council was also willing, and a compromise resulted in the legislation. The City did not get everything that was originally asked for but did get the provision of the Council being able to make the appointment. In the compromise the only issues that were discussed were the length of the term of office specified in the bill and the lack of a specified process for appointment. What was agreed upon related only to those items which were to eliminate the language in the original bill which reduced the length of terms from 5 years to 3 years so the term remained at 5 years, and to insert a statement in the bill which provided that a nomination to the City Council that would be in accordance with the procedure adopted by City Council that provides that the nominations are made on a rotating basis by Council Members on an equitable basis. There was never a commitment as to limiting Council's authority as far as placing a limitation on its own appointment power for a number of terms.

Council Member Kittrell stated that the issue was never made clear, and he did not know that the Council was limiting themselves to that in their discussions and debates. Council Member Kittrell further stated that he did like the fact that if a Council Member wanted to make an appointment, that it would give the Council flexibility. If a Council Member does not agree with an appointment then the Council Member can vote not to approve the appointment.

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to adopt the resolution amending the Board and Commission Policy with an amendment to the resolution which strikes the provision that was added in the section entitled reappointment starting on page 9 of the resolution which said "Commissioners of the Housing Authority who are appointed by the Mayor or elected by other persons directly assisted by the Housing Authority are also excepted in that City Council cannot restrict the authority conferred by State law upon persons or entities other than City Council" and replacing that provision with the statement that "The Housing Authority shall also be excepted."

(Motion carried with a vote of 4:2. Council Members Joyner, Kittrell, Mercer and Spell voted in favor of the motion. Council Member Rose Glover and Mayor Pro-Tem Mildred Council voted in opposition).

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council Members gave general comments.

Council Member Glover asked the City Manager to look into giving surplus computers to families to help educate the families and make them more computer literate.

CITY MANAGER'S REPORT

City Manager Bowers reminded the Council that the next City Council meeting will be September 10, 2009 at 7:00 p.m.

ADJOURNMENT

Motion was made by Council Member Joyner and seconded by Council Member Spell to adjourn the meeting at 10:40 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg
Deputy City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
August 24, 2009

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Spell and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

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

PUBLIC HEARING

Crime in Greenville

Mayor Dunn reminded the Council that on August 10, 2009 the City Council agreed to invite the public to make comments on crime in Greenville during the August 24, 2009 City Council meeting. She declared the public hearing open and solicited comments from the audience.

Mr. Terry Boardman, business owner and employee at East Carolina University, stated that he has lived in Greenville 25 years and has never seen the crime rate as bad as it is now. He cited crime statistics and suggested that the City needs 25 to 30 police officers at a minimum to get to an average crime rate, suggesting that the City pay for that by not contracting with the Ferguson Group and Uptown Greenville and give that money to the Police Department. He concluded by stating that the City needs to increase police resources in the community.

Ms. Dolly Hart informed the Council that she has been in Greenville for 26 years and has raised three daughters here. She suggested that downtown Greenville should not be offering cheap drinks to kids and that the students have fake identification. She stated that when people

continue talking and doing nothing, crime will continue downtown. She asked the Council to close the bars and stop the crime before it gets worse.

Ms. Diane Kulik, Chairman of the Police Community Relations Committee, stated that the City has wonderful and dedicated police officers and Police Chief. The Chief has instituted many new initiatives and the force is stronger than ever before. Ms. Kulik informed the group that there are 183 officers to take care of 76,000 residents, and that within 20 miles there are over 200,000 people that come into the city to use it for shopping, dining, bars, etc. Police officers cannot be everywhere. She suggested that residents need to share responsibility to keep their communities safer. She concluded by stating that if the bars had cameras in front of them, they would see who was doing what and if the bars had real police officers in them, they could check for fake identification.

Ms. Kathy Harrington stated that she is concerned about the crime situation. She explained that ½ of the crime is committed by people who live in rental housing, and eighty percent of all crime is related to drugs. She strongly recommended a proactive rental program where landlords would have more options through civil actions. Such a program reduces crime 11 to 65 percent and calls for service up to 95 percent. This is a proven program that came about in 1992.

Dr. Richard Croskery, Chairman of the Pitt-Greenville Chamber of Commerce, read the following letter that was sent on behalf of the Pitt-Greenville Chamber of Commerce.

“COPY”

August 12, 2009

The Honorable Pat Dunn, Mayor
and the Greenville City Council
200 West Fifth St.
Greenville, NC 27834

Dear Mayor Dunn and Members of City Council:

We are writing to ask for action on the part of you and City Council to appoint a Special Task Force on Public Safety to address the issue of crime and public safety in Greenville.

As you know, we surveyed Chamber members recently and received 204 responses in just four days. Our members are concerned and quite passionate about this issue. The information we have reported to our members regarding the survey results is included with this letter.

The Chamber’s Executive Committee and Issues Committee have had two joint meetings to review the survey results and to gain input from local business owners. This request to you for the formation of the Special Task Force results from those meetings.

We hope you will act on this request and consider the following points in creating this important task force.

- Task Force members should be key decision makers within the groups, organizations, churches or businesses they represent. They should have the authority to commit their groups, organizations, churches or businesses to decisions that are good for the entire community without consideration for “politics” or repercussions. The Task Force should have staff support from city staff leaders who are knowledgeable about public safety, law enforcement and planning and zoning.
- With the expectation of creating an effective, powerful and influential task force, our joint committee strongly endorses the specific inclusion of leaders representing East Carolina University, Uptown Greenville, the Greenville-Pitt County Chamber of Commerce, Citizens United Against Violence and the Faith Community.
- The task force should be presented at the beginning with factual crime data about Greenville.
- The task force should be presented with legal information regarding planning and zoning issues which have an impact on public safety and should be empowered to study and recommend ordinance and/or zoning changes related to public safety.
- The task force should hold regularly scheduled meetings and have timelines for submitting recommendations.
- The task force should be empowered to look at other communities – including travel if necessary or bringing in leaders from those cities – to learn how other communities have dealt with similar issues.

While the work of this task force is underway – because such in-depth work will not likely be a short term project – it is important for the City Council and the business community to show public support for the Police Department and their work in preventing and solving crime. This task force should not be perceived as getting in the way of law enforcement officers doing their jobs. We should fund and support whatever it takes to be strong in law enforcement. This task force should not be seen as questioning the ability of the local police but rather looking at all the “issues” that are encompassed within the issue that is labeled as “crime.” That includes business safety, planning and zoning, and neighborhood safety.

In order to mitigate the serious issue of local crime, we, as a collective body of concerned citizens, must band together and take a pragmatic approach. Criminals need to understand that they are not welcome in our community while our citizens and out of town visitors must feel secure as they enjoy our city. We strongly encourage you to form the Special Task Force on Public Safety as soon as possible and appreciate your ongoing commitment to the safety and security of the citizens of Greenville.

Sincerely,

/s/ Richard W. Croskery

Richard W. Croskery, M.D.
Chairman

Dan Nichols

Dan Nichols
Vice Chairman
Governmental Affairs

c: Wayne Bowers, Greenville City Manager

“COPY”

Ms. Minnie Anderson stated that crime is getting worse. It is a citywide issue and needs to be addressed citywide. Solid and strong direction is needed to lead it and it must come from the City Council. People need to proactively protect themselves in order to not become prey, and there needs to be a massive city partnership including churches, etc. to make a more visible role to mentor children. The City Council needs to be proactive and not react only when something happens. Parents need to know where their children are and who they are with. A solution is needed before it becomes a serious problem. The City needs a Public Safety Commission composed of someone from each district. The crime cycle needs to be broken and a new order in the City established.

Mr. Keith Tingley, of Greek Life at East Carolina University, apologized for not having more East Carolina students at the meeting and explained that is because it conflicts with Pirate Paloosa on campus. Greek Life consists of 33 organizations, 18 with houses. One house has been broken into four times in a two-week period. He suggested having a mutual aid agreement that could provide assistance when students are present so that East Carolina University Police Officers would have authority off-campus.

Mr. Richard Crisp, a member of the Police Community Relations Committee, stated that there have been numerous discussions about crime in Greenville, and steps to help rectify the situation are frequently absent from the conversation. The Police Department has stepped up and implemented many strategies to combat the problem, such as community policing, having a police substation in West Greenville, and having four platoon commanders being responsible for areas of the city. Graduates of the Citizens Police Academy have been involved. Mr. Crisp concluded by thanking the City Council for returning code enforcement to the Police Department.

Mr. C. J. (Cecil) Hardy, retired Police Captain representing Citizens United Against Violence, stated that crime has no boundary, race or gender. The group wants to create a task force that will work on similarities people have and help determine what causes the problems to occur.

Mr. Ali Hasaan, a member of Muhammad Mosque No. 79 on Fifth Street, informed the group that he has concerns of racial disparity in how justice is being distributed. Over \$500,000 has been allocated for policing of just the downtown area, a noncriminal area, instead of having the high crime areas policed. There is deep seated racial disparity. This type of reaction didn't occur when the ten-year old girl was shot. The pains of the minority community are not being given adequate attention.

Mr. Rufus Huggins, President of the Pitt County Chapter of the Southern Christian Leadership Conference, stated that it would be good for Council to look at history. When Ed Carter was Mayor, the Council was highly visible, going door to door. People can meet and talk about crime all they want; however, until they talk to the people committing crimes, they are not going anywhere. Mr. Huggins challenged the Council go door-to-door and be visible in high crime areas. Education plays a major role in crime. The same amount of money needs to be spent everywhere.

Mr. Patrick Sebastian, President of the Inter-Fraternity Council at East Carolina University, thanked the Council for increasing funding and police presence downtown. He informed the Council that young women do not feel safe going downtown. There are more people downtown at midnight than anywhere else, so the police presence is needed. There are also things that can be done on the outskirts of downtown late at night. Mr. Sebastian concluded by stating that more patrols are needed late at night when people are walking from downtown.

Ms. Carolyn Melvin, a mother and minister, stated that she was previously employed in the Police Department. The increase in crime is a sign of the times. The City is only catering to one side of town. Downtown is a centralized area in this City. More and more of the black clubs are being closed. None of the money is being spent for security on the west side. Sixty-eight mothers have lost a child on the west side of town, and there weren't any meetings like the one tonight. She informed the Council that there is a serious problem downtown with bouncers beating patrons and not being charged.

Ms. Marion Barnes, who stated that she was affiliated with a lot of organizations in Greenville and volunteers a lot of her time, expressed that she has talked with police officers from East Carolina University and the City to determine what kind of training they have with different ethnic groups. Sometimes people get offended by the loud nature of minorities. The police need some type of training on how to deal with the people. Something should be done for better protection of the customers who frequent those places. Ms. Barnes stated that she would like to do what should be done for better protection of the patrons of those places to curtail some of the problems. She believes in looking at the root of the situation and the people in charge to determine whether they are being fair. The nightclubs should be able to beep the Police Department to let them know what is going on so that they don't harm anyone.

Mr. R. J. Hemby stated that he has served in many capacities in the community, having served as the first black magistrate. He sat on the Chancellors Advisory Committee that has been

abolished, and it has not met one time about this committee. He stated that there is disparity in the treatment of the different areas of town, and the City needs to show love to all people.

Ms. Candi Smith stated that the crime issue is complex and everything won't be solved tonight. The Council needs to look not only at problems, but solutions; not just downtown or the west side, but all of Greenville. Law enforcement officers cannot be on every corner. There are approximately two officers for every 1000 citizens, so citizens have to take ownership of what is happening as well. She suggested ways for the public and private sector to come together to combat crime, such as providing more lighting.

Mr. Jeremy Spengemen, business owner, stated that it is not fair to allocate all the funds to the downtown area, as officers are needed in other parts of the City as well. He suggested requiring private bars and nightclub owners to have one off-duty police officer for the business, which would provide for on-duty police officers to be in more high crime areas. Those businesses have successful businesses and could pay for it. He feels that crime at his dining establishment has been diminished by having a police officer there. It would also decrease underage drinking and help with dispersing the crowd.

Mr. Bob Thompson informed the Council that he has lived in Greenville for 30 years. He stated that if there was a police officer on every corner, the crime would not stop. It is time for citizens to step up in the community and take action.

Mr. Sharif Abhatoum, bar owner, stated that to make this issue a racial issue is absurd, as this is a matter of security. When people are dressed a certain way and in baggy clothes, it makes people uncomfortable. Downtown is where people gather the most. Crime is not a bar issue, it is a community issue, and it is inappropriate to blame bars.

Mr. Jeff Savage stated that he has watched an erosion of cultural outlets in the black community, and that has a lot to do with where people frequent. This council would do an injustice in its efforts to curb crime if it minimizes the ill effect that alcohol plays in all this. There is one consistent correlation in criminal activity and that is alcohol. The actions of Council can help breed the sentiment of a racial problem. In America, everything boils down to race.

Pastor Rodney Coles stated that he is constantly in the neighborhood, and concurs that there needs to be a program for youth in Greenville and for everyone to come together for safety. They cannot stop crime; however, they can control it. It is not about the east, west, north or south side, it is about everyone coming together. In his opinion, the Police Department is doing a fine job. If the organizations can all come together to work this problem out, Greenville will be a better city. Crime will always be here though.

Reverend Donald Cherry of the Church Outreach Network, informed the Council that he was born in Greenville in 1952. He stated that everyone needs to come together as people and forget who they are as far as position to help solve the problem.

Mr. Bennie Roundtree stated that something has happened to this generation. The murders seem to get worse and worse. Mr. Roundtree concluded by announcing his availability to help save a life.

Mr. Donald Perkins, who grew up in the Greenville community and who now lives in Atlanta, stated that everything has been about East Carolina, that two people got murdered downtown and the west side has killings all the time. Martin Luther King, Jr. Drive was taken away from the citizens. Nobody stands up for what they believe in. Discrimination needs to end.

Mr. Melvin Muhammad, Council Member from Tarboro, stated that the main thing he has heard tonight is that people want the town to stand up to East Carolina University. There is racism and it isn't going anywhere. It is up to Council to deal with this openly and honestly.

Mayor Pro-Tem Council read the following statement that was provided by Cheryl Easter, who could not attend the meeting.

“COPY”

Very concerned about community's safety:

-Is our community a safe haven? – Citizens should take more responsibility – not just on law enforcement.

-Citizens need to practice personal safety – keep keys in hands when walking to car, always lock doors, keep car windows up, make contact with eyes and don't keep your head down. Before you get in your car, look around. It only takes a moment to become vulnerable. Take a friend or dog if you walk. Change up route. Keep radio, lights on when you leave a room.

-Hotels should instruct guests how to evacuate building.

-Parents are responsible for their kids – teach by good example. Teach kids to not mess with other people's pets. Teach them 911 and how to evacuate in case of fire, have law enforcement give lessons on web predators. Parents need to get to know their kids' friends.

Cheryl Easter

“COPY”

There being no one else expressing an interest in speaking, Mayor Dunn declared the public hearing closed.

POTENTIAL ACTIONS TO ADDRESS DOWNTOWN CRIME ISSUES

Chief of Police William Anderson informed the Council that after the shooting incident near the intersection of Fourth and Evans Streets on June 30, 2009, a response plan was developed and implemented. The Greenville Police Department strategically deploys police officers in the downtown area of Greenville during peak periods when the nightlife activities occur. Traditionally, the Police Department utilizes an estimated 20 to 25 officers between the hours of 11 p.m. and 3 a.m. Wednesday through Saturday. The annual cost to the City of Greenville to provide this level of service to this area is estimated to be in excess of \$400,000 (approximately 62% on duty and 38% overtime costs.) After June 30, 2009, the Police Department added two additional overtime officers each night (seven days per week). The additional overtime officers are assigned between 9 p.m. and 3 a.m. on Sunday through Wednesday, and 11 p.m. and 3 a.m. on Thursday through Saturday. These additional overtime officers increase the estimated annual cost for downtown law enforcement to \$528,000. Also, discussions were initiated with East Carolina University to augment City personnel with East Carolina University officers each night from 10 p.m. to 3 a.m. The deployment plan also included providing increased portable lighting, implementing a traffic deployment plan, meetings with downtown bar/business owners, discussions with East Carolina University Police Department with additional officers through mutual aid, and a lighting study by the City and Greenville Utilities Commission. Meetings were held with downtown bar/business owners on July 1, July 8, July 29 and September 16. The recommendations to bar owners were to form a committee to discuss downtown crime-related issues, equal enforcement of membership requirements, hiring of off-duty officers, review of drink promotions/eliminate drink specials, and staff training. A downtown traffic diversion plan was implemented to redirect the flow of traffic downtown during nightlife activities, remove the threat of weapons in vehicles from the core area, and increased enforcement efforts. There are currently two taxicab pick-up locations.

Upon being asked where the list of recommendations from the bar owners is, Chief Anderson responded that some of the recommendations have been implemented. The long list provided included the issuance of a cell phone for the bars, that the bar owners have a number to call the police supervisors, having a listing of the names of the officers and supervisors so they could have contact, and a change in the traffic deployment plan. Everything was taken into consideration, and there were some items that the Police Department could not implement. Council Member Joyner stated that the business owners have some good plans and can provide them if they are allowed to be a part of the process, and Chief Anderson stated that they have been a part of the process. The Police Department formulated a list of their concerns and they were assigned and studied.

Upon being asked if providing so much security downtown is taking away from other sections of town, Chief Anderson responded that the IMPACT unit and off-duty law enforcement officers are being utilized downtown. If the IMPACT officers are not being utilized downtown, they could be utilized in other areas of city. Wednesday through Saturday they are dedicated to the downtown area. Officers volunteer to work off duty. If businesses choose not to use them, they could use the Sheriff's Department or some other agency.

Potential actions for City Council to consider to address issues resulting from the concentration of public or private clubs in the downtown area were reviewed by City Manager Bowers and City Attorney Holec.

“COPY”

- 1) Establish a municipal service district in the entertainment district (public or private clubs in uptown area) with a levy of property taxes within the district to help defray the expense of providing law enforcement resources.

The significant cost to provide additional law enforcement resources in the downtown bar area is not a new issue. According to City records, a special tax to cover the cost of increased law enforcement in the downtown area has been considered since at least the early 1990's. An overview of the 1999 City Council Planning Session reiterated the issues expressed earlier in the decade and concluded: “We do have to beef up tremendously in Greenville with police personnel to cover the bar traffic, especially in the uptown area on Thursday, Friday, and Saturday nights.” Both a bar tax and a municipal service district were considered in 1999, but no action was taken.

Although the City does not have the authority to levy a bar tax, Article 23 of Chapter 160A of the North Carolina General Statutes does authorize a municipality to levy a municipal service district tax. A city may levy property taxes within defined service districts in addition to those taxes levied throughout the city, in order to finance, provide, or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided, or maintained for the entire city. The requirements to establish such a district are the approval of a resolution defining the district, preparation of a report on the services to be provided and the boundaries of the proposed district, and the holding of a public hearing. A municipal service district tax becomes effective at the beginning of the next fiscal year (July 1) following adoption of the authorizing resolution. The permitted uses of municipal service district taxes include downtown revitalization intended to further the public health, safety, welfare, and convenience including the provision of city services at a higher level than provided in the remainder of the city. The provision of additional law enforcement services in the downtown area is an eligible expense to be paid from a municipal service district tax.

North Carolina General Statute 160A-542 limits the amount of taxes levied in a municipal service district to an amount that when added to the rate levied city wide would not exceed the general statutory maximum of \$1.50 per \$100 of assessed value. Since the general City tax rate is now 52 cents, the maximum municipal service district tax would be 98 cents.

The 16 bars located in the downtown area that have club licenses are located on 14 tax parcels. The total assessed value of real property for these 14 parcels is \$3,584,224. At the City's current tax rate of 52 cents, these parcels generate \$18,638 in real property

taxes. Additional research would be necessary to determine the amount of personal property taxes on equipment and fixtures generated from these properties, but we estimate that this amount is much lower than the real estate taxes. Each one cent of taxes thus generates approximately \$358 in real property taxes from these parcels. The full permitted levy of 98 cents would generate approximately \$35,125 in real property taxes.

The total taxable value of all the real property located in the four blocks bounded by Evans Street, 4th Street, Reade Street, and Reade Circle is \$12,573,658. At the City's current tax rate of 52 cents, this four-block area generates \$65,383 in real property taxes. Again, additional research would be necessary to determine the amount of personal property taxes on equipment and fixtures generated from these properties, but we estimate that this amount is much lower than the real estate taxes. Each one cent of taxes thus generates approximately \$1,257 in real property taxes in this area. The full permitted levy of 98 cents would generate approximately \$123,222 in real property taxes from this area.

- 2) Enter into an agreement with the local ABC Board which would result in City law enforcement officers assisting local ABC officers in their enforcement of ABC Commission rules on establishments which have ABC permits.

North Carolina General Statute 18B-1008 authorizes the North Carolina Alcoholic Beverage Control Commission to establish Rules relating to ABC permits. These rules are contained in the North Carolina Administrative Code. The rules establish mandatory requirements for private clubs and restaurants in connection with the sale of alcoholic beverages. A copy of these Rules relating to private clubs is attached. Article 5 of Chapter 18B provides that Alcohol Law Enforcement agents (State of North Carolina law enforcement officers) and local ABC officers (Pitt County ABC Board law enforcement officers) have the authority to enforce the ABC laws including the Rules established by the ABC Commission relating to ABC permits. City law enforcement officers do not have the authority to enforce the Rules established by the ABC Commission relating to ABC permits. Additionally, City law enforcement officers do not have the authority, in order to procure evidence of violation of ABC laws, to investigate the operation of each licensed premises for which an ABC permit has been issued, to make inspections that include the viewing of the entire premises and to examine the books and records of the permittee unless the City has a contract with the local ABC Board to assist in the enforcement of the ABC laws. If City law enforcement officers had this authority, there would be additional resources available to enforce these Rules.

The provisions of G.S. 18B-501(d) and 160A-288 authorize the City and the local ABC Board to enter into a mutual aid agreement for the provision of temporary assistance by City law enforcement officers to the local ABC officers. While working with the local ABC officers pursuant to such an agreement, City law enforcement officers would have the same jurisdiction, powers, rights, privileges and immunities as the local ABC officers. This option is dependent upon the Pitt County ABC Board agreeing to enter into the agreement with the City.

Additionally, a more ‘permanent’ arrangement could be agreed upon if a local act was enacted which authorized the local ABC board to contract with a city police department “in addition to hiring local ABC officers.” Currently, G.S. 18B- 501(f) provides that “instead of hiring local ABC officers,” a local ABC board may contract with a local police department for the enforcement of ABC laws and, when such a contract exists, the officers of the police department have the same authority to inspect as local ABC officers. Since the Pitt County ABC Board has hired local ABC officers, the local act would be necessary for this more ‘permanent’ arrangement. This option would be dependent upon the Pitt County ABC Board agreeing to seek this local act, the local act being enacted, and the Pitt County ABC Board agreeing to enter into the contract.

The Mecklenburg County ABC Board has such a local act and such a contract. As a result of this, the City of Charlotte has 13 law enforcement officers operating pursuant to the contract with ABC enforcement authority. This is considered as being effective at placing resources where the most serious problems are located. The Greenville Police would be interested in pursuing a similar arrangement with the Pitt County ABC Board to use existing officers to assist in enforcing the State alcoholic beverage laws.

- 3) Enact an ordinance which establishes the procedure for the City to refuse to issue, as allowed by G.S. 105-113.71, a local license for the sale of beer and wine if the applicant committed any or permitted any act that would be grounds for suspension or revocation of its ABC permit under G.S. 18B-104.

North Carolina General Statute 18B-901 provides that all ABC permits are issued by the North Carolina Alcoholic Beverage Control Commission. G.S. 18B-901(d) states the Commission has the sole power, in its discretion, to determine the suitability and qualifications of an applicant for a permit and has the authority to determine the suitability of a location. To be a suitable place, the establishment must be in compliance with all building and fire codes. Additionally, G.S. 18B-901(c) lists other factors which the Commission is to consider in determining whether the applicant and the location are suitable. These factors are to be considered (but are not mandated to be followed) by the Commission in making its determination. The City has the opportunity to comment on the applicant and the location prior to the ABC Commission making its determination.

Although the ABC Commission has the sole authority to issue an ABC retail permit, G.S. 105-113.71 authorizes City Council to refuse to issue a local license for the retail sale of beer and wine if City Council finds, after notice and hearing, that there are grounds for suspension or revocation of the permit under G.S. 18B-104. Grounds for suspension or revocation include any violation of any statute in Chapter 18B or Article 2C of Chapter 105 or the Rules issued by the ABC Commission pursuant to the provisions of Chapter 18B. Only local licenses relating to retail sale of beer and wine are included in this authority since these are the only local licenses relating to alcoholic beverages which the City is statutorily authorized to issue. Additionally, this statute authorizes City Council to refuse to issue the annual license only. This statute does not authorize City Council to

revoke or suspend a license after issuance. G.S. 18B-113.70(b) provides that the annual licenses issued are for the period from May 1 to April 30.

The Town of Chapel Hill has adopted an ordinance which sets forth the procedure to implement this authority. Although Chapel Hill has not used this authority to refuse to issue a license, the existence of the ordinance and the fact that it may be utilized has likely resulted in some applications not being submitted when an establishment has not been able to comply with ABC laws.

- 4) Enact an ordinance which establishes a requirement that each public or private club provide security personnel (either off-duty law enforcement or security officers licensed by the State) for the establishment in certain defined circumstances.

Public or private clubs attract a significant number of patrons and experience has demonstrated that the activities of the patrons often create the need for law enforcement personnel resources. Public intoxication, noise, disorderly conduct, assaults and similar problems are recurring issues which are connected primarily with the routine congregation of persons within and around such establishments. The City has dedicated a significant amount of law enforcement personnel resources to address this issue in the downtown area. Having each establishment provide its own security personnel will enable any issues to be addressed promptly and lessen the burden upon City law enforcement personnel.

This relationship between patrons at an establishment and the need for the establishment to provide security was recognized when the dining and entertainment establishment zoning ordinance was enacted by City Council. This ordinance requires that such an establishment, which is located within 500 feet of a residential zoning district boundary and which provides or utilizes amplified sound after 11 p.m., is to employ either a uniformed off-duty law enforcement officer or a uniformed security guard and control professional licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes. The number required to be employed is at least one (1) if the occupancy of the establishment is between 50 and 200 and at least two (2) if the occupancy is 200 or greater. The personnel are to be located outside in order to disperse the crowd and direct traffic.

A similar measure could be established for public or private clubs. Any such ordinance would need to apply to public or private clubs whether or not alcoholic beverages are sold. Rather than having the requirement imposed by a zoning ordinance as a required condition of a special use permit, it could be imposed by an ordinance applicable to all such establishments within the criteria set forth in the ordinance whether the establishment is pre-existing or not. This means that it would not be a zoning ordinance but instead would be an ordinance adopted pursuant to the City's general ordinance-making power authorized by G.S. 160A-174. Such an ordinance establishes a requirement or rule of conduct applicable to all establishments which fall within its purview.

- 5) Enact an ordinance which prohibits the employment by public or private clubs of bouncers who have been convicted of certain crimes.

Besides the utilization of either off-duty law enforcement or security officers licensed by the State, public or private clubs use bouncers to promptly address issues which occur in an establishment. The appropriate response by these bouncers is important since an over-zealous response may create a safety problem. Ensuring that the bouncers employed do not have certain criminal convictions would likely help reduce such over-zealous responses. The method for oversight of this prohibition would be requiring the public or private clubs to submit to the Police Department for each bouncer a criminal record check based upon fingerprints from the North Carolina State Bureau of Investigations. Due to the time it takes to secure such a criminal record check, a grace period should be allowed for submitting the check (possibly 30 to 60 days). The crimes which could be enumerated to disqualify a bouncer from employment could be any violation of law relating to homicide, assault, affray or communicating threats, any violation of law relating to the use, possession or sale of alcoholic beverages or any controlled substances, any violation of law involving the use or possession of a weapon, and any violation of law relating to prostitution. This ordinance would apply to all establishments whether pre-existing or not. The authority for this ordinance is the City's authority to regulate businesses as authorized by G.S. 160A-194 and the City's general ordinance-making power authorized by G.S. 160A-174. Any such ordinance would need to apply to public or private clubs whether or not alcoholic beverages are sold.

The City has similar requirements in place for taxicab drivers, tow operators, charitable solicitors, and solicitors and peddlers.

- 6) Enact an ordinance which requires that public or private clubs have a certain percentage of their building front comprised of non-opaque material so as to open up the establishment.

Many of the buildings where public or private clubs are located have little or no windows located at the front of the building. Requiring these establishments to have a certain percentage of non-opaque material at their building front would open up the establishment. A more open establishment would be a deterrent to bad behavior and also would be beneficial to the overall appearance of downtown. The ability of visitors to "see and be seen" is one of the key aspects of personal safety in an urban setting. Visitors to the downtown area are more likely to feel secure when interior activities can be recognized and when lighting is emanating from both the buildings and the streets. An active, well lit environment where there are many "eyes on the street and on the establishment" from both inside and outside the building would promote safety. There may need to be a phase-in period for an establishment to meet such a requirement since for some buildings, this may involve some building renovations. This ordinance would apply to all businesses whether pre-existing or not. The authority for this ordinance is the City's general ordinance making power authorized by G.S. 160A-174. Any such

ordinance would need to apply to public or private clubs whether or not alcoholic beverages are sold.

The City currently has a similar requirement for pool halls.

- 7) Enact a zoning ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs.

The concentration of public or private clubs within an area has an adverse impact from a land use perspective in addition to the adverse impact that the concentration creates for law enforcement purposes. There are sixteen (16) public or private clubs located in approximately a four (4) block area of the downtown area. Establishment of a separation requirement in the zoning ordinance would disperse these uses and minimize their adverse impact. A separation requirement would apply to the location of new establishments and the expansion of existing establishments. Current establishments would be grandfathered. A separation requirement would not have an immediate impact but it would ensure that additional public or private clubs would not be located in the immediate area.

The City of Fayetteville has a 500 foot separation requirement for public or private clubs.

- 8) Enact a zoning ordinance which expands the Downtown District Overlay to include the area where the public or private clubs are concentrated so no new clubs can be established in this area.

In 1998, an ordinance which established a Downtown Subdistrict Overlay was enacted. The Downtown Subdistrict Overlay prohibits a public or private club from being located within the overlay area. Expansion of this overlay would have a similar effect as the separation requirement. It would prohibit the location of new establishments and the expansion of existing establishments. Existing establishments would be grandfathered.

The Chief was asked if he would rather have the bars spread out or close together, and he indicated that he would rather have them spread out.

- 9) Enact a zoning ordinance which amends the Table of Permissible Uses so that a public or private club is not a permitted use in the CD downtown commercial district so that no new public or private clubs can be established in the area.

Public or private clubs are a permitted use upon receipt of a special use permit in the following zoning classifications: CD downtown commercial district, CDF downtown commercial fringe district, CG general commercial district, and CH heavy commercial district. So long as a use is permitted in a zoning classification which provides reasonable locations for the use, it is not necessary for the use to be permitted in all zoning classifications. Eliminating the use of a public or private club as a permitted use

in the CD downtown commercial district would have a similar effect as the separation requirement and expansion of the overlay district. It would prohibit the location of new establishments and the expansion of existing establishments. Existing establishments would be grandfathered.

- 10) Enact an ordinance which establishes a temporary moratorium on the issuance of any development approval for a public or private club in the downtown area while the City Council considers the enactment of an ordinance to address the conditions caused by the concentration of public or private clubs.

North Carolina General Statute 160A-381(e) authorizes City Council to adopt a temporary moratorium on any City development approval required by law. The duration of the moratorium is to be reasonable in light of the specific conditions that warrant the imposition of the moratorium and may not exceed the period of time necessary to correct, modify or resolve such conditions. A moratorium would not apply to any project for which a valid building permit has been issued, any project to which a special use permit application has been filed, or any project for which substantial expenditures have been made in reliance on a prior administrative or quasi judicial approval. When a moratorium is established, the following must be expressly stated:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the city and why those alternative courses of action were not deemed adequate.
- (2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the city during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

- 11) Enact a zoning ordinance which amortizes the nonconforming status (for zoning purposes) of public or private clubs so that these clubs would be required to secure the special use permit which new clubs must obtain and be subject to the annual review condition.

The conditions which apply to a special use permit for public or private clubs were revised in 2006 and provided for the annual review of the special use permit to determine and ensure annual compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, nuisance and public safety regulations, and special use permit conditions of approval. The review is handled initially by the director of community development who provides a report to the Board of Adjustment. If the Board determines there is an issue of compliance, it can order a

rehearing on the special use permit. If it determines that there is not an issue of compliance, then the special use permit continues and is reviewed again by the same process in a year. This review method simply provides a mechanism to annually review each club without being burdensome on the clubs that comply.

There are seven (7) clubs in the downtown area which are not subject to this review method since they were in existence prior to the establishment of the requirement to receive a special use permit. A club's legal non-conforming status could be amortized so that it would be subject to the requirement. The public or private club would still be allowed to operate, but it would be subject to the special use permitting process including the annual review method. An amortization period of at least one (1) year would be sufficient to impose this requirement.

- 12) Enact a zoning ordinance which amortizes the public or private clubs in the downtown area.

It is possible to fully amortize a use so that the use would be eliminated if the use is a nonconforming use. This requires a sufficient period of time for the amortization to occur so that the owner is able to recoup the owner's investment. Amortization of the public or private club use would require a significant amortization period of at least five years. After the amortization period expires, the use must cease and the owner may convert the use to another use which is a practical use of the property and which has a reasonable value. In order for this to be a potential action, public or private clubs must be a nonconforming use in the zoning district classification which is applicable to the downtown area (the CD downtown commercial district). There is an issue with amortization of the use since the ABC Commission is not mandated to comply with local zoning ordinances when it makes permitting decisions.

- 13) Adopt a resolution which makes a written request to the Board of Elections for an election on permitting on-premises sales of malt beverages, unfortified wine, and mixed beverages so that an election is conducted with the results of the election possibly determining that these sales would no longer be permitted.

North Carolina General Statute 18B-601(c)(1) authorizes City Council to make a written request to the Pitt County Board of Election relating to the sales of alcoholic beverages. North Carolina General Statute 18B-604(f) provides that when the sale of any alcoholic beverage that was previously lawful becomes unlawful because of an election, the sale of that alcoholic beverage shall cease 90 days after certification of the results of the election. This option is dependent upon a majority vote at the election determining that such sales will not be permitted within the City. Although this is an option, it is not a realistic option since it would result in the prohibition of on-premises sales of malt beverages, unfortified wine, and mixed beverages in all establishments including restaurants.

- 14) Seek legislation from the North Carolina General Assembly which would provide more authority for municipalities in addressing the inappropriate location of establishments which sell alcoholic beverages.
- 15) 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.

In addition to the potential actions listed above, other actions were reviewed. However, these actions were determined to not be legally appropriate. These actions include the following:

1. Limit the hours of operation of public or private clubs so that they would be required to close earlier. G.S. 18B-1004 establishes the hours which alcoholic beverages at establishments which have malt beverage, wine or mixed beverage permits may be sold (7:00 a.m. to 2:00 a.m.) and be consumed (7:00 a.m. to 2:30 a.m.). The City could not establish an earlier time when an establishment which has ABC permits may not sell alcoholic beverages.
2. Limit the age of persons who can enter a public or private club to persons 21 years of age or older. G.S. 18B-300 provides that the purchase, consumption and possession of malt beverages and unfortified wine for individuals for their own use is permitted to individuals 21 years old or older. There is no age restriction on persons who may enter establishments which have ABC permits. Establishing an age restriction for entrance into a public or private club would not be legally supportable.
3. Establish a curfew for the downtown area so that no person could be within the area during a certain period of time starting earlier than the time which alcohol is allowed to be sold. The City has established a youth protection ordinance (curfew) which applies to the entire city including the downtown area. Extending the curfew to all persons in the downtown area would not be legally supportable.
4. Increase the privilege license fee charged to public or private clubs to help defray the City's law enforcement expenses devoted to the downtown area. The City only has the legal authority to levy a privilege license fee as permitted by State statute. North Carolina General Statute 105-113.77 establishes the allowable amount of a City privilege license for on premises malt beverages as \$15 annually and for on premises wine as \$15 annually. G.S. 105-113.70(d) prohibits a City from levying a privilege license on mixed beverages. G.S. 105-37.1 establishes the allowable amount of a City privilege license for giving, offering or managing any form of entertainment or amusement for which an admission fee is charged and that is not otherwise taxed or specifically exempted as \$25. G.S. 160A-211 and G.S. 105-62 establishes the allowable amount of a City privilege license for selling prepared food as \$25 for a business with less than 5 seats and \$85 for a business with 5 seats or more. The City may not levy any license fee in excess of the amounts authorized by law.

5. Prosecute a public nuisance action similar to the recent action prosecuted against convenience stores. The public nuisance action is an extraordinary action authorized by Chapter 19 of the General Statutes. A Chapter 19 public nuisance action against the public or private clubs in the downtown area at this time would not be legally supportable.

Council Members Glover and Joyner expressed concern about the bars in other areas of town not receiving the same level as those downtown and also in downtown receiving more security overall than the downtown area. Council Member Glover also stated that the perception is that there is not as much concern for murders in West Greenville as in other areas of town.

Council Member Glover questioned why another task force would be created when the City already has the Police Community Relations Committee that meets in every district in town and that meets every month.

Council Member Joyner stated that this is the best City Council meeting that he has been to and that it was helpful to listen to the citizens. He stated that he was disappointed that he didn't feel like this had been an open process. Another concern of Council Member Joyner was that crime in all of Greenville was going to be addressed at this meeting, not just crime downtown. He expressed concern about preparing rules and regulations on people that haven't been involved in the process.

Discussion occurred on whether the intent of this meeting had been to discuss crime in all of Greenville or just crime in the downtown area.

Mayor Dunn stated that they have been involved in the process. There have been three meetings with bar owners, and another one is scheduled for September 16. There have been five homicides, two downtown and three elsewhere. There is not a person on the Council that is not concerned about crime in all of Greenville. The group is here on this particular issue because when this incident happened, there were lots of people in this city that contacted all Council Members. Several meetings were held, and she attended all of them. What came out of that is that the Council decided to have this meeting tonight and it was agreed that the downtown issue would be addressed. That is not to say that the Council is not interested in anything else. What generated the high interest were the two murders and the shooting at one of the businesses in the same week. There are 16 bars in a four-block area, and there are thousands of people that come to the downtown area during these late hours. The Council, in 2003 or 2004, addressed the downtown. This is not the first time. Thousands of people in an area challenge the safety situation. Police officers have been downtown for years; the City has not just started having police officers downtown. What generated the current interest was the murders and the shooting into a business in one week. The ideas presented that are on the agenda tonight are what staff has heard from Council Members and citizens. It is not a comprehensive nor all inclusive list. Any decisions tonight will not be final. The Council will direct the staff to prepare a specific ordinance if it chooses to do that. At the last meeting, it was suggested that there would be a public hearing time when citizens would speak. They have spoken. Council can do what it

wishes and make any decision it wants. Nothing in this meeting is bringing a closure to the issue of crime in Greenville.

Upon being asked if one of the suggestions was whether there would be enough of a law enforcement pool to draw from if all the bars/public private clubs were required to hire an off duty officer citywide, Chief Anderson replied that there would be. In Pitt County alone, they can utilize East Carolina University, Pitt Community College, and the Pitt County Sheriff's Department, all of which have sworn law enforcement officers that are allowed to do this.

Upon being asked how the City could be ensure that all law enforcement officers used would have the same training, Chief Anderson responded that it couldn't be guaranteed that would happen; however, all law enforcement officers are certified by the State and are trained to deal with different types of situations. The bar atmosphere is different. The Police Department will do what it can to help bring them up to speed on these issues.

Assistant City Manager Moton gave a report on street lighting, which he described as a factor that contributes to a positive sense of safety. The need for additional lighting was evaluated as early as 2007 and 2008. Greenville Utilities and City employees recently met downtown to analyze the lighting conditions in parking lots, alleys, and, to a lesser degree, the roadways. The area covered was bound by Second, Greene and Reade Streets, and Reade Circle, and it included every parking lot and sidewalks. This was done as a result of public comments given at a business and bar owners meeting, where it was expressed that lighting was limited. Evaluation of lighting is an ongoing process. During the recent survey, it was noticed that there were a lot of conditions contributing to the lack of lighting, such as dark storefronts on Evans Street. In evaluating street lights, it was found that some single fixtures could be doubled, and that was done. Lighting upgrades were done. Eighteen lights required new poles. The total cost of improvements was \$34,000, and the cost to the City for decorative dual light fixtures was \$5,413. The monthly cost is \$165. The work is on schedule, and much of it has been completed. It is anticipated that Greenville Utilities Commission will complete the work tomorrow.

Council Member Glover expressed concern about the lighting being improved in the Tobacco Road, West Greenville, and Meadowbrook areas that she complained about in 1999. Those are high crime areas and need to be addressed. Assistant City Manager Moton informed her that he would get with her tomorrow on those areas.

Council Member Joyner expressed concern about restaurant and bar owners not being included on the lighting issue, and Assistant City Manager Moton informed him that they were not consulted about the plan; however, it is not typical that on a public roadway or parking lot, the property owners are consulted. It is done if it is a shared use property, such as an alley. The officers were involved in the process. The mission is to even out the lighting downtown. The staff are experts in lighting and did an excellent job. He doesn't know of any business owners that expressed an interest, with the exception of one or two businesses that said they didn't want too much lighting in front of their businesses.

Chief of Police William Anderson stated that in the meeting with the bar owners, the issue of lighting did come up. The areas that were a concern are where the portable lighting has been provided. Staff did have their input.

Council Members Kittrell and Mercer reiterated that the Council is concerned about crime everywhere. Crime has been a concern at every town hall meeting.

Council Member Joyner expressed concern about the issues addressed by staff being against the bar owners and the City spending more on downtown than it is getting back. He asked the City Manager if business owners had been asked their opinion about the items, and the City Manager responded that they had not, as the staff didn't feel authorized to go talk to them until it was discussed with Council.

The Mayor and Council Member Mercer reminded the Council that the staff is not recommending these items to the Council. The Council instructed staff to give a range of options, things that can legally be done. These are potential action items that staff was asked to provide.

Upon being asked what additional costs would be associated with the City enforcing alcohol laws, Chief Anderson responded that existing officers could be used to fulfill that. The cost would be whatever expense is associated with having the responsibility. It is not that the staff is permanently assigned to this. With the mutual aid, there would be an operation that the City would want to earmark it toward that particular endeavor. The City would have to make sure that the officers were familiar with local ABC laws. They would not be certified as ABC officers but would need training to see what their responsibilities are. The Police Department would review it and make a decision on the approach.

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Council to direct the staff to proceed with drafting an ordinance for Item No. 4 for Council to consider at a later meeting and to seek the input of local establishments. After discussion, motion carried with a 5:1 vote. (Mayor Pro-Tem Council and Council Members Glover, Kittrell, Spell and Mercer voted in favor of the motion. Council Member Joyner voted in opposition.)

City Attorney Holec stated that there would be some provisions as far as who it applies to. A small establishment may be excepted from it. Staff would look at that and point it out, and then the Council could say what to include and not include.

Motion was made by Council Member Mercer and seconded by Council Member Spell to direct the staff to proceed with drafting an ordinance for Item No. 7.

City Attorney Holec stated that this will be a zoning ordinance amendment and will need to go to the Planning and Zoning Commission, have a public hearing and then be adopted by City Council.

Council Member Joyner stated that he would like to wait a couple of weeks to vote on these items, as not all Council Members were involved in the discussion of decision about the items.

The Mayor stated that she did not produce these items. In the last Council meeting, a decision was made as a group to meet tonight. It was discussed about putting the downtown issue on the agenda. It was also suggested that people be allowed to talk about crime. There has been nothing behind the scenes. Staff was to come back with possible solutions. Council can pass those or not. She has been on the Council since 2001 and has never gotten as many comments from citizens and businesses about their concerns about safety between 10:00 p.m. and 3:00 a.m. downtown. Two people were murdered in a drive-by shooting downtown. There is no attempt to say their concerns are limited to this.

Motion was made by Council Member Kittrell and seconded by Council Member Mercer to call the question. Motion carried with a vote of 4:2. Council Members Glover, Kittrell, Mercer and Spell voted in favor of the motion. (Mayor Pro-Tem Council and Council Member Joyner voted in opposition.)

The motion made by Council Member Mercer and seconded by Council Member Spell to direct the staff to proceed with drafting an ordinance for Item Number 7 was then voted on and carried with a vote of 4:2. (Mayor Pro-Tem Council and Council Members Glover, Mercer and Spell voted in favor of the motion. Council Members Joyner and Kittrell voted in opposition.)

Motion was made by Council Member Glover and seconded by Council Member Kittrell to direct the staff to proceed with drafting an ordinance for Item Numbers 2 and 5. It was decided to vote on these items separately.

Motion was made by Council Member Glover and seconded by Council Member Kittrell to direct the staff to proceed with pursuing the action required in order to implement Item Number 2. Motion carried with a vote of 5:1. (Mayor Pro-Tem Council and Council Members Glover, Kittrell, Mercer and Spell voted in favor of the motion. Council Member Joyner voted in opposition.)

Motion was made by Council Member Glover and seconded by Council Member Kittrell to direct the staff to proceed with drafting an ordinance for Item Number 5. Motion carried with a vote of 4:2. (Council Members Glover, Kittrell, Mercer and Spell voted in favor of the motion. Mayor Pro-Tem Council and Council Member Joyner voted in opposition.) Mayor Pro-Tem Council expressed concern about people not being able to work as a bouncer as a result of having been in jail.

ADJOURNMENT

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to adjourn the meeting at 10:20 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
September 10, 2009

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by a moment of silence led by Council Member Mercer and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

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

SPECIAL RECOGNITIONS

Certificate of Achievement for Excellence in Financial Reporting

The Financial Services Department was presented a plaque for receiving the certificate of achievement for excellence in financial reporting. Each member of the department was also presented a certificate signed by the Mayor in recognition of the 20th year of receiving the award.

Presentation by Pitt County Schools Superintendent Dr. Beverly Reep

Superintendent of Pitt County Schools Beverly Reep appeared before the Council, expressing appreciation for the strong partnerships that currently exist between the School System and the City. She stated that the City and School System have worked jointly to secure grants for lighting and fencing in the last two years. The Greenville Police Department was the original partner in the Summer Significance Academy through the PALS program where the students get to interact with the police officers in a positive way. The Police Department has been helpful in training in the schools, particularly for lock-down drills. She expressed her appreciation for the City providing representatives on major initiatives such as long-range planning, the Growth Management Committee, technology task force planning, and supporting efforts to build

inclusive communities. The most phenomenal support provided by the City of Greenville is with School Resource Officers, with the City providing five at the price of four two years ago and with the City providing them through a grant in the upcoming year when the School System will operate the schools with \$3.5 million less than it had last year. The Police Department leadership secured the grant that allows the School System to have five resource officers at no cost to the School System, and she wanted to personally thank the City and say how much it means to have the level of support from the City of Greenville. The Police Chief, City Manager, and Assistant City Manager are always supportive and involved. On August 7, a major dropout prevention campaign was begun, and she presented posters and buttons for that initiative. Dr. Reep concluded by stating that last year was a banner year for schools in the City of Greenville, as there was a dramatic increase in achievement results. J. H. Rose High School is in the top 1000 schools in the country. The environments in the schools would be different without the City support.

Mayor Dunn thanked Dr. Reep for what she does for Pitt County Schools and stated that it is good to hear the good news. The City is happy to partner with the School System.

APPOINTMENT TO THE ADVISORY BOARD OF THE 10-YEAR PLAN TO END CHRONIC HOMELESSNESS COMMITTEE

Director of Community Development Merrill Flood informed the Council that the Advisory Board of the Ten-Year Plan to End Chronic Homelessness Committee is the management entity of a multi-agency initiative to end chronic homelessness in Pitt County. Advisory Board members represent community and human service agencies operating within Pitt County. The goals of this program are to develop programs, services, and policies that will reduce homelessness in Pitt County. The Greenville City Council and Pitt County Board of Commissioners made appointments to the Board in April 2009. Paulette White was originally appointed by the City Council to the Advisory Board because of her role on the Continuum of Care Committee. Ms. White has been hired by Pitt County as the Ten-Year Plan Project Manager. Consequently, Ms. White's position on the Advisory Board is now vacant. At the Advisory Board's July 8 meeting, Lynne James, Executive Director of the Greenville Community Shelter and member of the Continuum of Care Committee, was recommended to fill the vacancy. The Advisory Board of the Ten-Year Plan to End Chronic Homelessness Committee recommended to the Council that it accept its nomination and appoint Ms. James to the Advisory Board.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to appoint Lynne James as the City representative on the Ten-Year Plan to End Chronic Homelessness Committee, replacing Paulette White. Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Council Member Spell asked that the Council not make appointments to see if the item regarding membership of the Community Appearance Commission passes. (NOTE: Ordinance No. 09-76, reducing the membership from 15 to 11 members, which is on the agenda for later, passed unanimously. Therefore, no appointments need to be made at this time.)

Human Relations Council

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to reappoint Abdel Abdel-Rahman for a second term to expire September 2012; to reappoint Marvin Arrington for a first term to expire September 2012; to continue until October 8, 2009 the replacement of Franchine Pena, who is ineligible for reappointment; to appoint T. Neal Lowery, Jr. as the East Carolina University Student for a first term to begin October 1, 2009 and expire September 30, 2010, replacing Caitlin Gold, who resigned; and to continue the replacements for the Pitt Community College and Shaw University representatives until October 8, 2009. Motion carried unanimously.

Pitt-Greenville Convention and Visitors Authority

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to recommend to the Pitt County Commissioners the appointment of Kurt Davis (hotel/motel owner/operator) of the Jameson Inn, to replace Misbah Hashmi, who resigned, to fill an unexpired term that expires July 2011. Motion carried unanimously.

Public Transportation and Parking Commission

Council Member Joyner asked that the replacement for Don Anderson, who resigned, be continued until October 8, 2009.

Youth Council

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Mercer to reappoint Arun Ajmera, Ajay Ajmera, Nefeteria Artis, Karen-Nia Edmonds, Tawanna Franklin, Romeo Garcia, Samantha Miller, Brittany Murphy, La'Quon Rogers and Urban Turnage for another term to expire September 30, 2010. Motion carried unanimously.

CONSENT AGENDA

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

1. Minutes of the August 10, 2009 City Council meeting

2. Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 1; Meadow Woods, Section 2, Phase 1; and Ironwood Subdivision, Phase 5 (Resolution No. 09-46)
- 3 North Carolina Department of Transportation agreement for intersection improvements at Memorial Drive and Thomas Langston Road
- 4 Resolution accepting responsibility for maintenance of two North Carolina Department of Transportation funded landscape projects (Resolution No. 09-47)
- 5 Ordinance rescinding and revising speed limit ordinances for various State-maintained roads throughout the City of Greenville to concur with North Carolina Department of Transportation ordinances (Ordinance No. 09-69)
- 6 Resolution supporting passenger rail service to Greenville (Resolution No. 09-48)
- 7 Amendment 4 to the contract with Kimley-Horn and Associates for Phase II of the Stantonsburg Road/Tenth Street Connector Project (Contract No. 1429D)
- 8 Purchase of two hybrid electric transit buses for expansion of GREAT service
9. Amendment of Greenville Utilities Commission's Water Capital Projects Budget for the Water Treatment Plant Raw Water Pump Station Improvements Project (Ordinance No. 09-70)
10. Contract with L.I.F.E. of NC, Inc. to operate an ex-offender reentry program
11. Reimbursement resolution for Greenville Utilities Commission's heavy equipment purchases through installment loan (Resolution No. 09-49)
12. Budget ordinance amendment #2 to the 2009-2010 City of Greenville budget and amendment to Ordinance #07-92 and ordinances establishing the Community Development Block Grant Recovery Project and the Public Transportation Capital Assistance Recovery Grant Project (Ordinance Nos. 09-71, 09-72, and 09-73)
13. Various tax refunds

Payee	Description	Amount
John M. Cayton	Refund of City Taxes Paid	\$188.39
VT Inc. Tstee Wolt	Refund of City Taxes Paid	\$104.26

STATUS REPORT ON 609 WYATT STREET

Lt. Earl Phipps reminded the Council that at the June 8, 2009 meeting, Jeff Savage, representing the family members, requested that the City Council grant a 90-day extension to the demolition order for the property at 609 Wyatt Street to allow time for him to secure the exterior of the dwelling so that it will not present a public hazard. The house is slated for demolition. The original order was approved and adopted by Council on June 14, 2007. Utilities were disconnected to this property on June 27, 2000. A temporary utility pole was disconnected March 19, 2009. The current land value of the property is \$2,100 and the building value is \$575, for a total tax value of \$2,675. The estimated cost to repair the dwelling is \$66,931.85. Taxes are current. Judgments against the property as of May 26, 2009 are \$11,309.99. A code enforcement history was presented to Council during the June session that indicated 16 code enforcement issues at the address since 2001, ranging from public nuisance, minimum housing violations, weeded lots, and abandoned structure. The first minimum housing case on this property was initiated on June 10, 2005. Notification letters were sent to the property owner advising of the case and a hearing date was set for June 21, 2005. The second notification was sent on June 20, 2005. At the property owner's request, the preliminary hearing was waived. In the second notification letter, it was noted that the cost of repairs required were estimated to be more than 50% of the total value of the home. The findings of fact revealed that the owner agreed to make repairs to the property and confirmed that the property was currently vacant. The findings of fact further ordered the owner of the dwelling to either bring the property into compliance with minimum housing standards or demolish the property by September 20, 2005.

Lt. Phipps further stated that on October 7, 2005, the Chief Building Inspector condemned the property. There is no record of any action or attempts for compliance by the property owner during the year 2006. On February 23, 2007, Code Enforcement initiated a case for abandoned structure on this property. A hearing date was set for March 19, 2007. Notification was sent to the property owner, and the owner failed to appear at the hearing. On March 19, 2007, the finding of fact revealed that the structure violated the minimum standards of fitness and the requirements of Sections 9-1-71 through 9-1-79 of the City Code by reason of the following conditions existing in and about the structure—the roof had caved in, the exterior walls needed painting, and the house was ruled as unsafe. The owner was ordered by Code Enforcement to bring the structure into compliance by May 23, 2007, and he did not do so. On June 14, 2007, the City Council adopted an ordinance requiring the repair or demolition of the property within 90 days. In order for the owners of the property to bring the structure into compliance with the ordinance, the property would have to have been improved or demolished by September 14, 2007. On June 10, 2008, a building permit was issued for the property; however, it expired on December 11, 2008. According to the Chief Building Inspector, there have been no requests for inspections for any work conducted on the property. There are currently no active building permits for the property. At the June 8, 2009 meeting, the City Council gave the owners 90 days to come up with a plan on how they are going to proceed with the rehabilitation of the home and to have the owners work with Code Enforcement and Community Development to bring back the plan and to have the dwelling secured immediately. On September 2 and 10, 2009, Code Enforcement conducted a follow-up inspection of this property, which revealed that the property was still not in compliance as directed by ordinance and no discernible work has been completed

to comply with the ordinance, with the exception of it having been boarded up and the grass cut. Mr. Savage presented him with the attached document tonight, which he had presented to the Council Members just prior to the beginning of the meeting. He has not had an opportunity to absorb the letter.

“COPY”

DATE: September 10, 2009

FROM: Jeffrey E. Savage (On behalf of property owner, Mrs. Billie P. Savage)
POB 632, Greenville, North Carolina 27835 (252) 347-5620

TO: Greenville Mayor Pat Dunn, Council Members Mildred Council,
Rose Glover, Max Joyner, Bryant Kittrell, Calvin Mercer and Larry Spell

REFERENCE: Savage Family Property Restoration
609 Wyatt Street
Greenville, NC 27834

Thank you for the review of the above mentioned property. Our family’s desire to restore our home place remains a fervent goal shared by all family members. While each of us has our own individual family matters, the ability to devote resources necessary toward its restoration is an idea to which we are committed in the near term.

Immediately, as we previously discussed, we secured the property and blocked unauthorized access to the property consistent with the City’s guidelines. This property, while boarded, will initially need painting to improve the exterior’s appearance and poses neither a threat to the public’s health, nor to its safety.

To this date, we have drawn plans to renovate the interior and exterior of the property. There are three stages: 1) Strengthen the foundation; 2) complete roofing repairs; and 3) install electrical wiring and plumbing. Initial cost estimates are approximately \$31,500.00. We will first strengthen the foundation and complete the roofing repairs. Required permits will be secured upon submission of these plans. Our initial goal is to bring the house in compliance with city code and to have the property no longer considered for demolition.

Our family looks forward to our mother moving in as soon as possible. Our goal is to have the property in compliance and occupied by next summer, if not sooner.

Thank you, Mayor and City Council Members for your leadership. We further thank the city staff for their professionalism and for their sensitivity to my family and to this property. We remain very proud to call Greenville home.

“COPY”

The Council Members asked that Jeff Savage be allowed to address the Council.

Mr. Jeff Savage stated that the property has been secured, and it poses neither a health threat nor a safety issue. The family members have come together as a family with the best approach they know how to do with limited resources and with determination to see it through to make it so his mother can have it as a lifelong resident. He requested that it be removed from the demolition list.

Upon being asked why he waited until today to present the plan, Mr. Savage responded that he found about this being on the agenda on Tuesday. There is no particular reason for his providing it tonight. He didn't think that would be a problem.

Council Member Kittrell expressed concern about having required 15-20 other people to repair their property within 90 days or have it demolished and not require the same thing of this property. Some of the neighbors have been complaining, and this needs to be a fair process. He suggested getting feedback and bringing this back in 30 days.

City Attorney Holec informed the Council that in September 2007 the City went through the process to have the property rehabilitated or demolished when the original ordinance was approved, and the owners had 90 days to improve the property so that it met City standards or it would be demolished. The fact that the property is secured is not sufficient for compliance with the ordinance; it has to be brought up to the Minimum Housing Code. The Council has adopted the ordinance, and since it was not improved within 90 days, City staff has been authorized to demolish it and was ready to do so. This property was not an agenda item in June; Mr. Savage came to the Council meeting in June and asked for the 90-day period in order to provide a concrete plan so he could take necessary steps to bring it into compliance. The letter presented tonight is his proposal for a concrete plan. City Attorney Holec suggested that if the Council wants to continue it for a 30-day period, the plan would need to have benchmarks of when things would be accomplished. As it is, it is not sufficient. The City can demolish the property unless Council wants to provide more time for Mr. Savage to come up with a firm plan with benchmarks and then, if they are not met, the property would be demolished. The property should not be removed from the demolition list until compliance occurs.

Mr. Savage indicated that he had plans that he can make available to Inspections and Code Enforcement as they proceed with the work. Since he was at the Council meeting, the property has been secured so that it is no longer a hazard to the public. His family is dealing with limited resources and wants the family home, which is almost 100 years old, preserved for future generations. Mr. Savage indicated that he did not consider this an unreasonable request. He was hoping and expecting that since it is secured, it would simply be removed from the demolition list. He has given the Council an idea as to what the family plans to do to bring it into compliance and occupy it.

Mayor Pro-Tem Council asked if there is any stimulus money that could be used for this type of activity, and City staff indicated that the cost of rehabilitation of the property is too much to use any City funding on.

Mr. Savage stated that the only liens on the property are those imposed by the City of Greenville. The City's estimate does not include donated labor and materials, so the \$60,000 estimate from the City is superinflated as to what the family can accomplish.

Lt. Phipps, upon being asked, stated that in order for the property to be in compliance, Mr. Savage will have to replace the foundation, piers, subfloor, floor, and work all the way up. It is in such disarray that even if it is removed from the demolition list, in order for it to be a viable structure, it will have to start at the ground level. Any time a dilapidated property is in a neighborhood, it breeds an atmosphere of criminal activity (squatters, drugs, prostitution, etc.).

After extensive discussion, Council Member Kittrell made a motion to continue this to the November 9 meeting and ask Mr. Savage to work with staff to come up with a concrete plan and Ms. Council work with Mr. Savage to help him come up with the funds. Motion was seconded by Mayor Pro-Tem Council. Motion carried unanimously.

Mayor Pro-Tem Council asked if any of the parts of the house could be recycled, and Lt. Phipps stated that the original structure has considerable rot and moisture damage. All of the added work on the features was added on without an inspection, and that would have to be removed.

ORDINANCE REQUESTED BY H. M. WILSON DEVELOPMENT, LLC TO REZONE 34.142 ACRES LOCATED 1,300+ FEET WEST OF ALLEN ROAD BETWEEN TEAKWOOD SUBDIVISION AND WOODRIDGE COMMERCIAL/INDUSTRIAL PARK FROM R9S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) AND R6A-RU (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) WITH A RU (RESTRICTED USE) RESIDENTIAL OVERLAY (SINGLE-FAMILY AND DUPLEX ONLY) - AMENDED AND SENT BACK TO THE PLANNING AND ZONING COMMISSION – CONTINUED TO OCTOBER 8, 2009

City Manager Bowers informed the Council that Mike Baldwin, representing the petitioner, requested that the City Council allow the rezoning request to be amended and referred back to the Planning and Zoning Commission for their consideration.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to allow the petitioner to amend the request and send it back to the Planning and Zoning Commission. Motion carried unanimously.

ORDINANCE REQUESTED BY CAVINESS & CATES BUILDING AND DEVELOPMENT COMPANY TO AMEND THE MAXIMUM PORCH SIZE THAT MAY PROJECT INTO A REQUIRED FRONT OR REAR YARD FROM 100 SQUARE FEET TO 200 SQUARE FEET – ADOPTED

Planner Michael Dail informed the Council that the request was made by Caviness and Cates Building and Development Company to amend the zoning ordinance to allow the maximum porch size that may project into a required front or rear yard from 100 to 200 square feet.

Currently, porches are allowed to project seven feet into a front or rear yard (setback) provided such porch does not exceed 100 square feet in surface area. The Planning and Zoning Commission recommended approval of the ordinance. In staff's opinion, the request is in compliance with the Comprehensive Plan and would promote healthier and more viable neighborhoods and would meet the goals of the City Council.

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

Motion was made by Council Member Mercer and seconded by Council Member Joyner to adopt the ordinance amending the zoning ordinance so that the maximum porch size that may project into a required front or rear yard would be increased from 100 to 200 square feet. Motion carried unanimously. (Ordinance No. 09-74)

ORDINANCE REQUESTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT TO AMEND THE ZONING ORDINANCE BY (I) INCLUDING A DEFINITION FOR THE USE ENTITLED "MENTAL HEALTH, EMOTIONAL OR PHYSICAL REHABILITATION CENTER" AND TO ESTABLISH SPECIFIC CRITERIA FOR SUCH USE, AND (II) INCLUDING A DEFINITION FOR THE NEW USE ENTITLED "MENTAL HEALTH, EMOTIONAL OR PHYSICAL REHABILITATION DAY PROGRAM FACILITY" AND TO LIST SUCH USE IN THE TABLE OF USES – ADOPTED

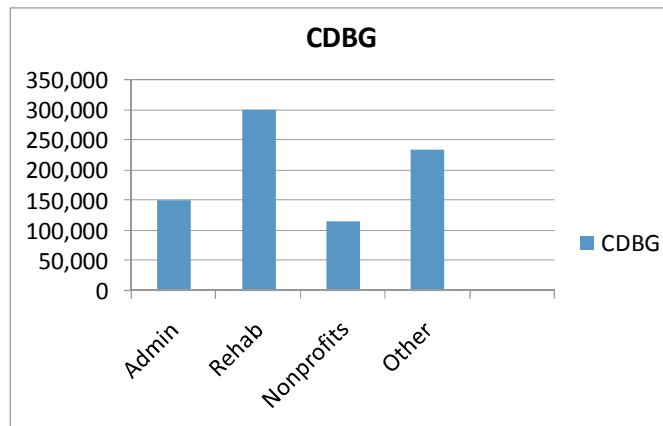
Senior Planner Michael Dail stated that notice was given in The Daily Reflector on August 31, 2009 setting this time, date and place for a public hearing to amend the zoning ordinance by including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses. The Planning staff has received many requests to operate State licensed day treatment facilities and other similar type mental health facilities in the City's jurisdiction. By interpretation, planning staff has classified such uses as either a "mental health, emotional or physical rehabilitation center" or as "other activities; personal services not otherwise listed". The volume of applicants wishing to operate such facilities has increased over time and staff is of the opinion that specific definitions of the use categories are necessary to alleviate any administrative inconsistency. This class of use does not include "family care homes" that are permitted by right in residential neighborhoods. Planning staff has proposed a definition and table of use amendment for the subject area. Currently there is no definition for the existing use entitled "mental health, emotional or physical rehabilitation center". This use was originally created to be an institutional facility and the proposed definition reflects that intent. The proposed ordinance does not amend the table of uses (zoning districts) within which this use is currently allowed as a permitted or special use; however, the ordinance does add specific criteria, which will apply if such use is located in the OR district. The Planning and Zoning Commission recommended approval of the recommended ordinance. In staff's opinion, the request is in compliance with the Comprehensive Plan.

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

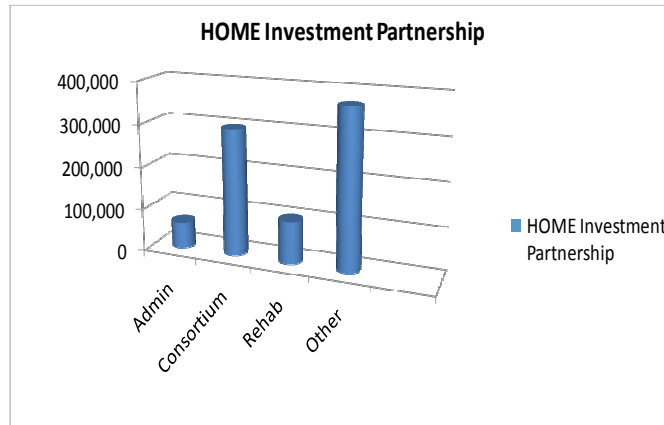
Motion was made by Mayor Pro-Tem Council and seconded by Council Member Council to adopt the ordinance amending the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use and (ii) including a definition for the new use entitled "Mental health, emotional health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses. Motion carried unanimously. (Ordinance No. 09- 75)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT - APPROVED

Senior Planner Sandra Anderson informed the Council that the Consolidated Annual Performance and Evaluation Report (CAPER) is a requirement of the United States Department of Housing and Urban Development as a condition of receiving funding under certain federal grant programs. The end-of-year report outlines the City of Greenville’s progress in providing decent housing, establishing and maintaining a suitable living environment, and expanding economic opportunities. The allocation for Community Development Block Grant (CDBG) funds are as follows: Planning and Administration (\$150,000), Owner-Occupied Rehabilitation (\$300,000), Acquisition of Substandard Properties (\$125,000), Public Service (\$115,000), Clearance and Demolition (\$77,533), and Public Facility Improvement (\$30,000), for a total allocation of \$797,533.



Senior Planner Sandra Anderson informed the Council that the allocation for the HOME Investment Partnership funds is as follows: Planning and Administration (\$63,000), Owner-Occupied Rehabilitation (\$100,000), Acquisition of Substandard Properties (\$50,000), Downpayment Assistance (\$80,000), New Construction (\$110,172), Consortium Members (\$297,000), and Community Housing Development Organizations (\$130,000), for a total allocation of \$830,172.



Senior Planner Anderson reported on the progress towards the City’s goals.

Activity	Goal	Accomplishment
Housing Rehabilitation	10	11
New Construction	4	4
Public Service (Non-Profits)	6	5
Downpayment Assistance	5	2
Acquisition of Properties	7	7
Relocation Assistance	7	7
Clearance and Demolition	15	29
Public Facility Improvement	1	2
Consortium Members (Housing Rehabilitation)	5	3

Questions were asked about the funding included in the administrative costs, and they were explained. The Council was informed that the funding received for administrative costs do not cover the actual administrative costs.

Council Member Kittrell explained that at another meeting he would like to hear more information about the administrative costs.

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

Motion was made by Council Member Glover and seconded by Council Member Joyner to approve the submission of the CAPER to the Department of Housing and Urban Development and to authorize the Mayor and City Manager to sign all required documents. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Ms. Jill Twark, Executive Director of FROGGS (Friends of Greenville Greenways), asked the Council to vote for the funding for the Fork Swamp greenway, as it is needed on the south side of town. It will encourage residents to move more. The City owns the land, and it will only cost \$8500 to get it mowed and graded, to add gravel, and get a new gate and signs.

Mr. Patrick Sebastian of 206 S. Summit, the Inter-Fraternity Council President, referred to statements made by Council Member Glover regarding allegations about fraternity students. He asked for information on the victims, where and when the incident happened, which fraternity was involved and a copy of the police report. He had the police reports from last year and didn't see it. He stated that if the allegations are true, he will work to prosecute the fraternity members to the fullest extent of the law, and if they are not true, he asked that Council Member Glover provide a public apology. He will stand with the Council 100% to make sure it doesn't happen again.

Council Member Glover responded that the allegations are true, and that the beating happened years ago. She didn't have the dates. She has been a resident of West Greenville for 41 years, and fraternities are not neighborhood friendly, as they do not keep their property maintained and they have outside amplified music in residential neighborhoods. She stands with her constituents in saying that they could be better neighbors. Code Enforcement and Public Works can verify that the dumpsters are turned over and left at the fraternity houses. She does not need to apologize for asking that fraternities be more neighborhood friendly, because they should show the same respect in West Greenville as in other neighborhoods. She will be glad to get with Mr. Sebastian any time.

Mr. Daniel Thornton, a former Student Government Association Senator representing Greek Life at East Carolina University, stated that the fraternities have done many positive things for the City of Greenville, including the clean-up of streets, raising funds for animal shelters, volunteering at Special Olympics, and raising \$35,000 for the Ronald McDonald Foundation. He thanked the Council for keeping the students safe and the streets clean, and the firefighters for meeting with the house managers. He concluded by thanking Greenville residents for helping them grow.

Ms. Nick Nosbisch of 1115 Brownlea Drive, Apartment A, stated that he is the Public Relations Chair for Greek Life. He thanked Council Member Glover for clearing up the comments she previously made and for making the fraternities aware of how they can continue to improve.

Mr. Trevor Griffin of 500 Elizabeth Street, representing Greek Life, stated that he hasn't seen the toilet paper in the trees that Council Member Glover referenced. Greek Life does positive things in the community, such as coaching basketball and soccer teams, participating in food drives, breast cancer fundraisers. He stated that several fraternity brothers have been beaten up walking home from bars downtown.

Mr. Tremayne Smith, the Treasurer of East Carolina University Student Government Association and a member of Greek Life, stated that people may have a negative view of Greek life if they only watch movies such as Animal House. He stated that some upcoming events that Greek life is involved in include hosting a benefit for Alzheimers, having an antiviolence march, reopening of the Sigma Epsilon House. They provide many volunteer hours. Intramural sports encourage good sportsmanship. When it comes to Greek life, the good outweighs the bad. The top five members of the Student Government Association Executive Committee are Greek Life affiliates. He asked that the Council not perpetuate negative stereotypes, but rather participate in coming together to fix wrong doing and continue right doing. Greek Life's motto is to serve.

Council Member Kittrell stated that if the City didn't have the students and faculty of East Carolina University, this town would be remiss.

Mayor Dunn stated that last year over 8000 students volunteered their time in the community.

ORDINANCE REQUESTED BY THE COMMUNITY APPEARANCE COMMISSION TO AMEND ARTICLE D OF CHAPTER 3 OF TITLE 2 OF THE CITY CODE – ADOPTED

Director of Community Development Merrill Flood informed the Council that the Community Appearance Commission voted to recommend that the City Council amend the City Code provisions related to Community Appearance Commission membership to reduce the membership from 15 to 11 members, delete the ex-officio members, and to rename the chairman/vice-chairman to chairperson/vice-chairperson. In addition, the Commission plans to amend its Bylaws to ensure that they are not in conflict with the City Code provisions and to reflect the transfer of primary staff support responsibilities from the Public Works Department to the Community Development Department.

Motion was made by Council Member Spell and seconded by Council Member Joyner to adopt the ordinance amending Article D of Chapter 3 of title 2 of the City Code. Motion carried unanimously. (Ordinance No. 09-76)

ORDINANCE APPROVING THE RECOMMENDATION OF THE BICYCLE FRIENDLY TASK FORCE TO CREATE THE GREENVILLE BICYCLE AND PEDESTRIAN COMMISSION - ADOPTED

Assistant City Manager Thom Moton reminded the Council that on May 8, 2008, it approved the proposal from the Bicycle Safety Advocacy Group, which included the establishment of the Greenville Bicycle Friendly Task Force, which was created with the intention that it be an ad hoc committee chaired with completing all of its goals within two years of its creation. Task Force members were appointed by the City Council at the August 14, 2008 Council meeting. The Task Force held a community forum at City Hall on August 19, 2009 to get feedback from the community on its proposed recommendations. The forum was well attended, as approximately fifty persons attended.

Dr. Herb Garrison reminded the Council of the goals of the Task Force, which included:

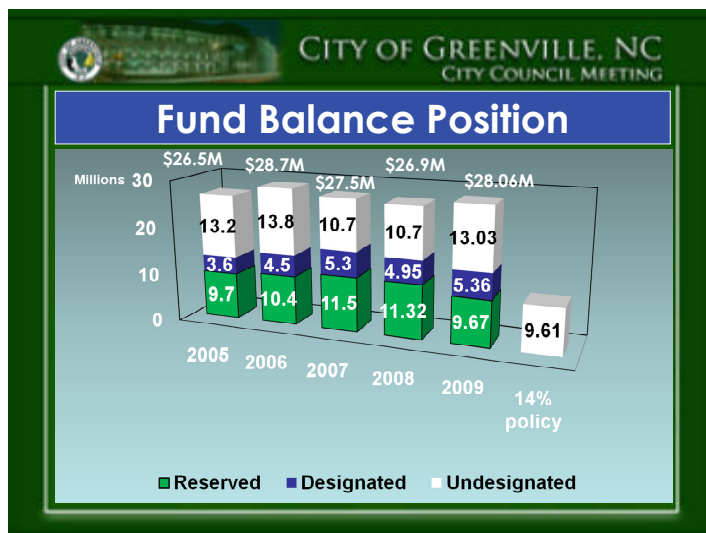
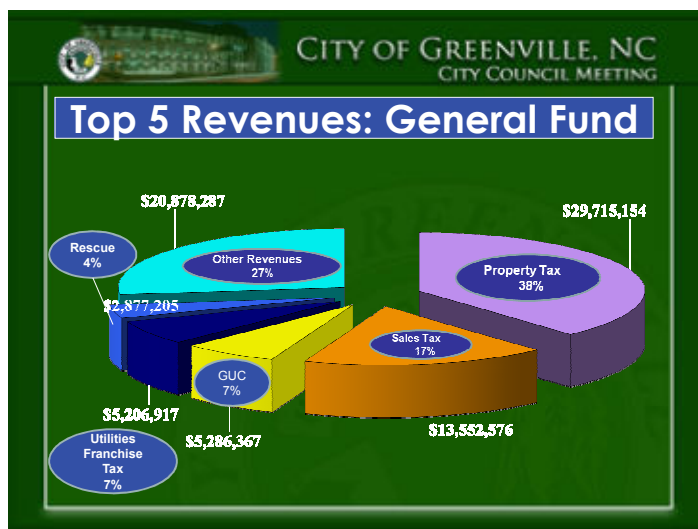
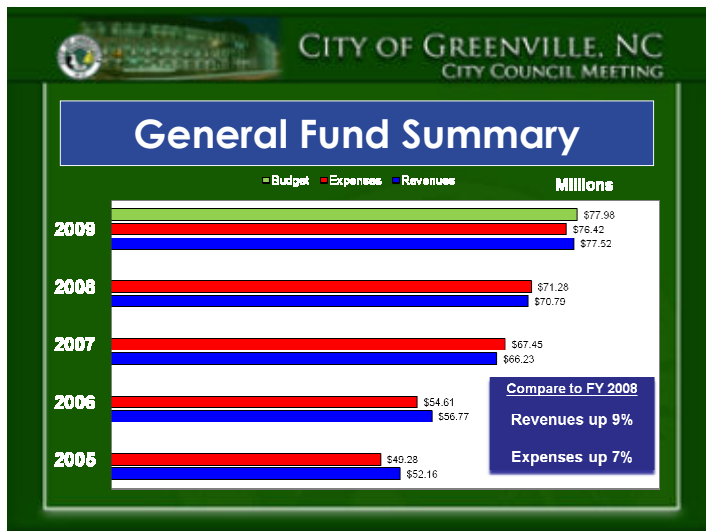
- 1) Review the implementation of the 2002 Greenville Urban Area Bicycle Master Plan
- 2) Inventory and assess the current status of Greenville bikeways. (The Public Works Department has gotten an intern from the Geography Department to undertake detailed map of current bikeways.)
- 3) Examine model bicycle-friendly communities' best practices. (The group has found that all designated bicycle friendly communities have a permanent advisory body for planning and recommending improvements in their communities, bicycle and pedestrian infrastructure and policies. It has been recommended that the City would be more successful if it had a standing body that is advisory to the Council on bicycle and pedestrian issues.)
- 4) Develop a plan to seek and obtain designation of Greenville as a Bicycle Friendly Community by the League of American Bicyclists
- 5) Facilitate application for North Carolina Department of Transportation Bicycle and Pedestrian Planning grant
- 6) Explore other opportunities to fund bikeway infrastructure improvements. (Public Works applied for a grant from the Department of Transportation, The least expensive way to obtain the funds was through an MPO grant, which has been secured and is underway.
- 7) Develop a five-year plan for advancing the culture of Greenville to one in which citizens are proud to support and advocate for bicyclists and pedestrians
- 8) Develop a ten-year plan to achieve 100 miles of bikeways

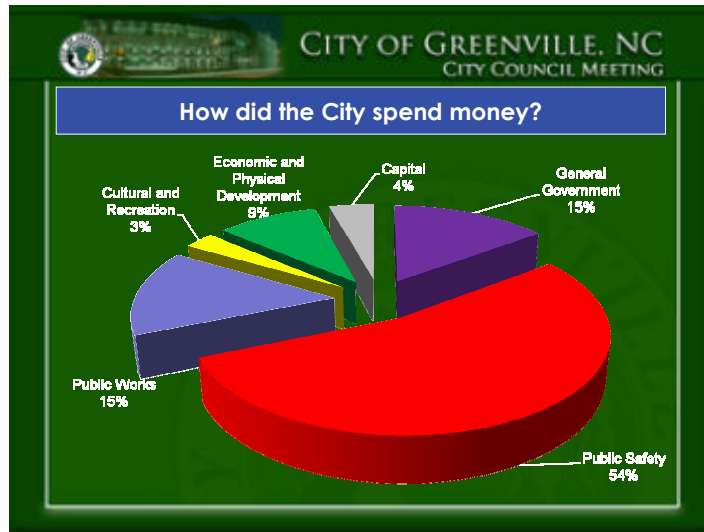
Dr. Garrison proposed that the City Council create a bicycle and pedestrian commission. This has been endorsed by the task force and at a community forum, and no opposition was voiced. The commission will be composed of 12 members appointed by City Council, and the Directors of Recreation and Parks and Public Works will serve as ex-officio members. The proposed responsibilities include (1) to study and promote integration of bicycle and walking into the City of Greenville policies and practices; (2) to study proposed changes in laws and codes concerning bicycle riders, pedestrian, users of personal mobility devices, and related stakeholders; (3) to advise the City Council with respect to the proposed changes; (4) to educate and inform public and local officials on bicycle and pedestrian issues; (5) to facilitate citizen participation on matters involving bicycle and pedestrian questions, and (6) to serve as an advisory and discussion board for new bicycle lanes, sidewalks, trails, and routes proposed by city staff and other groups.

Motion was made by Council Member Mercer and seconded by Council Member Joyner to approve the recommendation of the Bicycle Friendly Task Force and to adopt the ordinance creating the Greenville Bicycle and Pedestrian Commission. Motion carried unanimously. (Ordinance No. 09-77)

FINANCIAL AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2009 - APPROVED

Director of Financial Services provided the following financial information on the General Fund.

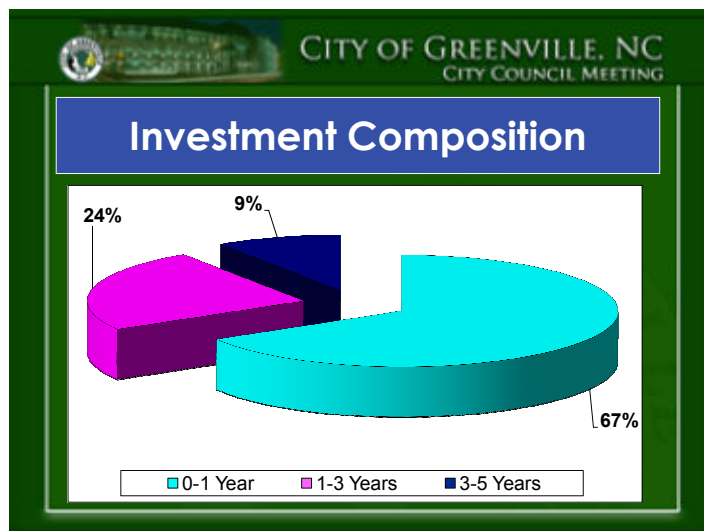


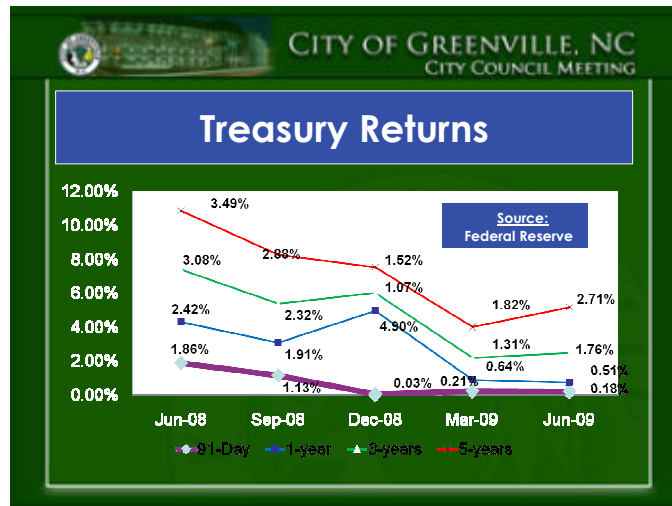


CITY OF GREENVILLE, NC
CITY COUNCIL MEETING

How did the City spend money?

	FY 2009	FY 2008	Change
Police	\$20.5M	\$18.6M	↑ 10%
Fire/Rescue	\$12.3M	\$10.9M	↑ 13%
Public Works	\$8.9M	\$8.9M	0%
Recreation and Parks	\$ 5.8M	\$ 5.0M	↑ 16%





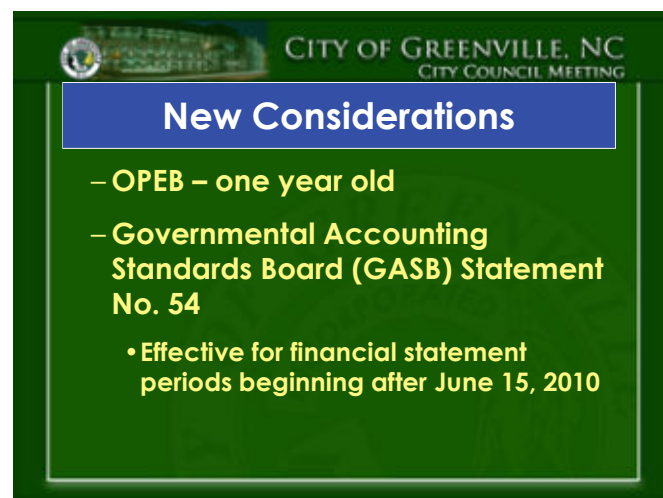
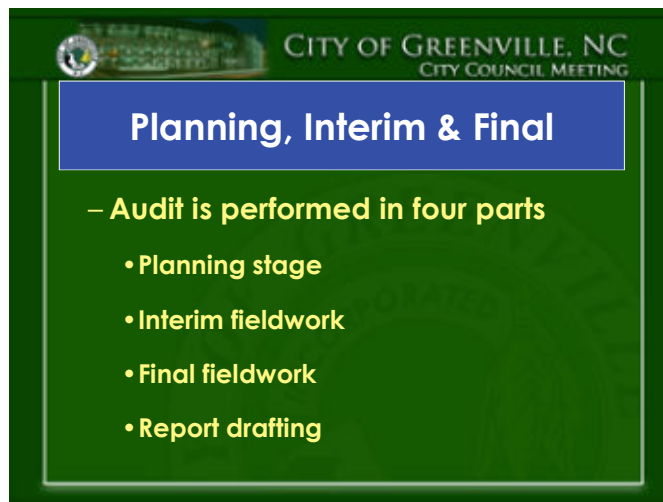
CITY OF GREENVILLE, NC
CITY COUNCIL MEETING

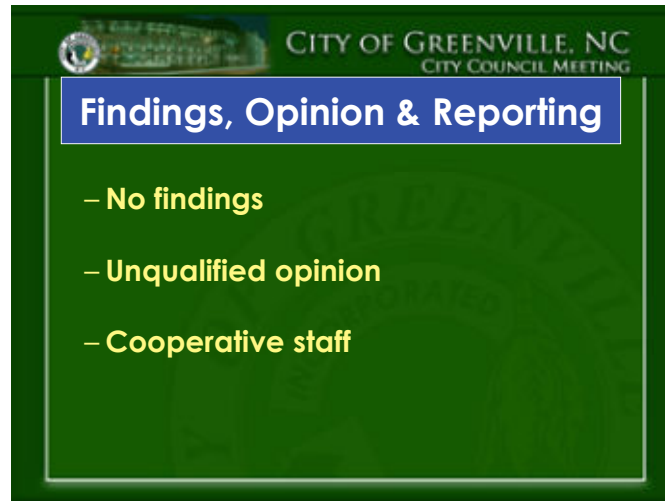
Debt Position

Outstanding Debt	Debt Capacity	Debt Per Capita
<ul style="list-style-type: none"> 6/30/2009 \$40.5M 	<ul style="list-style-type: none"> 6/30/2009 \$464M 	<ul style="list-style-type: none"> 6/30/2009 \$499
<ul style="list-style-type: none"> 6/30/2008 \$38.9M 	<ul style="list-style-type: none"> 6/30/2008 \$380M 	<ul style="list-style-type: none"> 6/30/2008 \$511



Mr. Bryan Starnes of Martin-Starnes provided a summary of the findings of the auditors.





Motion was made by Council Member Glover and seconded by Council Member Joyner to accept the audit report as presented by Martin Starnes & Associates and receive the information on the results of operations for the fiscal year ended June 30, 2009. Motion carried unanimously.

RELOCATION ASSISTANCE FOR BUSINESSES IMPACTED BY THE STANTONSBURG ROAD/10TH STREET CONNECTOR PROJECT - CONTINUED TO OCTOBER 8, 2009

City Manager Bowers reminded the Council that in 2007, the City Council approved the Tenth Street Connector Supplemental Relocation Program for homeowners who may be subject to relocation in connection with this road project. During public hearings on the project, some business owners have requested that the City consider a similar program for commercial property. Council Member Glover asked that this request be scheduled for discussion.

Council Member Glover stated that she had asked and thought that the Council agreed to have them speak at one of the Council meetings. She would like to have this set up for the October 8, 2009 meeting so they can be here when this is discussed.

Motion was made by Council Member Glover and seconded by Council Member Spell to have an agenda item for the business owners to be able to come and speak to Council. Motion carried unanimously.

CRIME FREE RENTAL HOUSING PROGRAM

City Manager Bowers stated that during the public hearing on crime in Greenville at the August 24, 2009 City Council meeting, Kathy Harrington proposed that the City consider implementing a crime free rental house program. Council Member Spell requested that Ms. Harrington be placed on the agenda to present her plan and consider further actions.

Kathy Harrington explained that there were 50 calls for service for shots fired during the past year, seven homicides from January to August 2009. The current issues in rental housing are that landlords rent to anyone with the money without screening, turn a blind eye to criminal

activity and nuisance issues (drugs, guns and prostitution), and do not know when law enforcement has responded to their property. The Crime Free Rental Housing Program is a proven program that is a partnership between law enforcement and landlords that requires landlords to be accountable for managing their tenants, thus reducing crime and increasing quality-of-life. The program was developed at the Mesa, Arizona Police Department in 1992. The International crime Free Programs have spread to over 2200 cities in 44 states, five Canadian provinces, Mexico, England, Finland, Japan, Russia, Malaysia, Nigeria, Afghanistan, and Puerto Rico. Under the program, all landlords would be required to register with the City of Greenville for a fee, and registration would include contact information for the owner and property manager and a list of the properties. Under Phase I of the program, all landlords are required to take an eight-hour property owner or manager training course taught by the Greenville Police Department. Under Phase II, a Crime Prevention through Environmental Design (CPTED) survey is conducted by the Police Department. Phase III is a crime free commitment from the landlord. Crime Free Rental Housing Programs work for all rental properties—single-family, multi-family, university housing, student housing, mobile homes, and hotels. It is used in over 2200 locations and has proven to reduce crime and calls for service, improve quality of life. The City will save money on man hours, gas and car maintenance and will have drastically reduced calls for service. It provides for faster police response, increases property values, and increases property tax revenues for the City. The program reduces fear for citizens, thus providing a better quality of life.

Motion was made by Council Member Spell and seconded by Council Member Joyner to get a recommendation from staff, defer to the City Manager on what departments and staff to get involved, and to have staff get with Ms. Harrington to come up with recommendations on the proposal.

Council Member Glover asked Ms. Harrington to provide her information to the Police Department and other staff, and Ms. Harrington replied that she would be glad to. The organization will have people to come into the City and talk with staff. They don't have to reinvent the wheel.

City Manager Bowers stated that Ms. Harrington has met with the Police Department and City Manager's Office and provided information. Preliminary work has been done, and the overall reaction is positive. It will take more time to do the detailed work, and staff will be glad to do that. There is a Manager's Association group that he will ask to comment on this. He suggested bringing it back to the Council in November.

Council Member Kittrell suggested getting feedback from Charlotte, one of the cities on the list of participants.

The motion originally made by Council Member Spell and seconded by Council Member Joyner to get a recommendation from staff, defer to the City Manager on what departments and staff to get involved, and to have staff get with Ms. Harrington to come up with recommendations on the proposal was then voted on and carried unanimously.

SPECIAL TASK FORCE ON PUBLIC SAFETY

City Manager Bowers stated that on August 12, 2009, the Greenville-Pitt County Chamber of Commerce sent a letter to the Mayor and City Council requesting that the City Council appoint a special task force on public safety. City Manager Bowers introduced Susanne Sartelle, Executive Director of the Chamber of Commerce.

Ms. Sartelle informed the Council that the Chamber of Commerce conducted an informal survey of its members and received 204 responses in a four-day time period. The proposed task force could study things such as what Ms. Harrington just discussed. There were a series of meetings between the Executive Committee and Issues Committee to discuss recommendations that would be made to the Council. The Chamber is not asking for something like the Police Community Relations Committee to be formed. The Task Force they are asking the Council to create would be much broader—for a task force to provide a purpose with a wider range of crime itself. They would look at ordinances and see what the City and courts could do to address the crime, considering State laws. They could study the facts about the revolving doors in the court system and prisons. There are many issues that matter with community safety. She has traced the Chamber's involvement with caring about this issue since 1983. The Chamber has provided administrative support through things such as Crimestoppers, having initiated the idea of the Crimestoppers telethon. The Chamber has hosted law enforcement dinners, had representatives from the Police Department to give seminars on keeping business safe. Public safety is an issue everywhere--uptown, in West Greenville, Lynndale, and other neighborhoods where there has been excessive property crime. Police Chief Anderson made a presentation about safety to about 50 Chamber members. The biggest problem is that there is a larger perception of high crime than the reality. The task force needs to include people of influence who have the power of organizations or business entities behind them. Ms. Sartelle concluded by stating that she feels the Council will do a wonderful job in appointing people to the task force, and the Chamber wants to be a part of the solution.

Council Member Glover stated that the Police Community Relations Committee could be strengthened into a task force, and some of the Chamber members could also be involved with that.

Council Member Mercer stated that he doesn't see this as just another committee being created flippantly. It is being recommended by the Chamber of Commerce, which carries a lot of weight. The recommendation is coming out of some surveys and data that they collected from the membership and committees (Executive Committee and Issues Committee). It is a very well thought out recommendation that needs to be taken seriously. He appreciates the support of the Police Community Relations Committee, a very important committee. If the task force is constructed properly, it will support the work of the Police Community Relations Committee. The Council has been working for participation from citizens, and this task force can actually strengthen the Police Community Relations Committee in ways that the staff wants to. Accurate information needs to be presented to the public.

Council Member Kittrell stated that he did not want to see the Police Community Relations Committee end, as it has good ideas. His perception of a task force is that it has a beginning, middle and end. He stated that the task force is a good idea, and it needs to be inclusive and cover all areas of the City.

Council Member Spell stated that the task force has a specific charge and will work to create a report of recommendation. The Police Community Relations Committee is a very important voice and needs to be involved in the process.

Motion was made by Council Member Spell and seconded by Council Member Joyner for staff, in consultation with the Police Community Relations Committee, to come up with a proposal for the make-up of the task force and recommendations on the task force's duties, and to present it as soon as possible. Motion carried unanimously.

Ms. Sartelle stated that the mission of the Police Community Relations Committee is not what is being recommended for the task force. It is being recommended that it can be a bridge from the Police Department to the Community. It would be important for the Police Community Relations Committee to be represented on the task force and to be a part of the solution.

Council Member Glover expressed that she would like for the Chief of Police and the Police Department staff to be involved. Council Members should be able to appoint someone to the task force so that every district will be represented.

ACCEPTANCE OF FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE
UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 –
APPROVED

Chief of Police William Anderson stated that the Greenville Police Department has contracted with the Pitt County Schools to provide resource officers in the schools for a number of years. The most recent contract will expire on September 30, 2009 and will not be renewed by Pitt County Schools due to budget restrictions. Without funding for those positions, it will be necessary to eliminate those four positions from the Police Department budget. The City was recently awarded a grant from the United States Department of Justice for eight new police officer positions under the American Recovery and Reinvestment Act of 2009. The COPS Hiring Recovery Program is part of the economic stimulus package and provides additional sworn law enforcement personnel. The grant provides funding for the salaries and benefits of entry-level positions, including salaries and benefits for re-hired full-time sworn officer positions who have been laid off or are scheduled to be laid off on a future date as a result of local budget cuts. The Police Department intends to assign four of the eight officers to Pitt County Schools to replace the school resource officer positions that will be lost to cutbacks by the School Board. The other four officers would be assigned one to each patrol shift to increase the overall number of patrol districts by one, thus enhancing the Police Department's Area Policing Plan. □

Motion was made by Council Member Joyner and seconded by Council Member Mercer to authorize the Police Department to accept the grant from the U. S. Department of Justice as part

of the American Recovery and Reinvestment Act of 2009 and amend the budget to reflect the appropriate changes. Motion carried unanimously.

FORK SWAMP GREENWAY CONSTRUCTION - APPROVED

Director of Recreation and Parks Gary Fenton informed the Council that the Fork Swamp Greenway extends along the Fork Swamp drainage canal from Evans Street south to the city limits. Opening the Fork Swamp Greenway has been a goal of FROGGS (Friends of Greenville Greenways) for some time. Staff supports this improvement. There have been a number of ownership and right-of-way issues to resolve, but City staff has concluded these are sufficiently resolved to open a portion of the greenway to the public after it is made safe for pedestrian traffic. Once developed, this portion of the Fork Swamp Greenway will provide a walking trail to Paramore Park for the local neighborhoods of Sheffield and Bedford. The funds requested will provide a minimal stone base at selected low points in the trail, with the majority of the trail remaining a grass/dirt surface. This construction will provide a safe path of travel for users and relocate a gate to block vehicles but allow users to enter through gaps in the bollards. He concluded by informing the Council that Jill Twark, who spoke on this issue during the public comment period, will be leaving Greenville in December.

Motion was made by Council Member Mercer and seconded by Council Member Joyner to approve funding for basic trail development and maintenance for a portion of the Fork Swamp Greenway. Motion carried unanimously.

REVIEW OF CONSTRUCTION AND DEMOLITION DEBRIS REMOVAL

Director of Public Works Wes Anderson reminded the Council that the City of Greenville Public Works Department stopped collecting construction and demolition (C&D) debris on August 1, 2008. The Public Works Department recommended this change, and City Council approved staff's recommendation at the June 2, 2008 meeting. The change was made because additional crews would be needed to meet environmental regulations requiring separating C&D debris from other waste and delivering to three different locations depending on the type of C&D material, the cost associated with providing this service, and the potential exposure of sanitation workers to hazardous material contained in some C&D debris. Prior to August 1, 2008, the City did collect debris from households as long as the material was not created as a result of contractor's work and did not contain hazardous materials. Director of Public Works Anderson stated that there have been some concerns expressed by citizens about the loss of this service, but this has been limited. Code Enforcement has a total of 1220 actions related to Solid Waste Codes, but they do not separate out how many of these were related to C&D materials. The Public Works Department has placed an estimated 550 door hangers at residences and had 130 direct discussions with citizens related to C&D materials. The cost of reinstating this service will vary from \$47,000 to \$358,000, depending on the option selected:

Option 1A. Add a New Crew to Pick Up C&D Debris on Day of Service by Appointment

Additional Crew (2 employees)	\$ 110,000
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Additional Truck (5 year payoff)	\$ 25,000
Fuel	\$ 6,000
Maintenance and Repair	\$ 8,000
Overhead	\$ 8,940
Tipping Fees (Est. 1000 tons)	<u>\$ 40,000</u>
Total	\$ 197,940

Note: Approximately \$.45 Per Month Increase in Refuse Fees (Single and Multi-family)

Option 1B. Add a New Crew to Pick Up C&D Debris on Day of Service w/o Appointment

Additional Crews (4 employees)	\$220,000
Additional Trucks (2) (5 yr. payoff)	\$ 50,000
Fuel	\$ 12,000
Maintenance and Repair	\$ 16,000
Overhead	\$ 19,880
Tipping Fees (Est. 1000 tons)	<u>\$ 40,000</u>
Total	\$357,880

Note: Approximately \$.80 per month increase in Refuse Fees (Single and Multi-family)

Option 2. Overtime to Support Collection by Appointment

Overtime Pay	\$ 150,000
Tipping Fees (est. 1000 Tons)	<u>\$ 40,000</u>
Total	\$ 190,000

Notes: Approximately \$.43 Per Month increase in Refuse Fees (Single and Multi-family); Concern is Consistently Obtaining Volunteers to Work Overtime

Option 3: Collection of C&D Debris With a Fee for Service by Appointment

Additional Crew (2 employees)	\$ 110,000
Additional Truck (5 year payoff)	\$ 25,000
Fuel	\$ 6,000
Maintenance and Repair	\$ 8,000
Overhead	\$ 8,940
Tipping Fees (Est. 1000 Tons)	\$ 40,000
Projected Revenue (Per Manual of Fees)	<u>\$ 150,000</u>
Total	\$ 47,940

Note: - Approximately \$. 11 Per Month Increase in Refuse Fees

(Single and Multi-family)

Mr. Anderson concluded by stating that after re-evaluation of the reasons for the change, practices of other cities, and the cost associated with collecting C&D debris, staff does not recommend change in the current service level.

Council Member Joyner repeatedly expressed concern about the process being used now not working, as there is trash building up in spots that stays there for two or three weeks. He expressed concern about elderly persons that cannot have their own debris removed. He stated that he felt that this is a basic service that all citizens should receive.

Council Member Spell expressed that he has a problem with everyone paying to have debris removed for construction/reconstruction of a house. Part of the construction cost is removal of the material, and the burden should be on the person doing the construction, not all citizens.

Council Member Kittrell asked the Public Works Director how the Public Works Departmental budget remained neutral if there were no savings from reducing the service, and Mr. Anderson informed the Council that the staff stopped picking up the debris because of the environmental issues that required that it be separated, meaning that additional manpower would be required.

Council Member Glover stated that there is a problem with the elderly and handicapped people.

Council Member Spell asked who pays in a rental situation, and Mr. Anderson responded that it depends on how it is set up, and that is based on the electric meter. Council Member Spell suggested that code enforcement on illegal dumping needs to be stepped up.

Mayor Dunn stated that there are a lot of vacant lots, and there will be people dumping there even if the City charges. Mr. Anderson stated that the City picks up the debris on vacant lots automatically.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to go with Option 1 and to take the \$197,000 out of contingency to pay the service that is owed to the public. People have already paid for the service with their tax money.

Council Member Mercer stated that while there is agreement among Council that this is a problem that needs to be addressed. The solution is overkill and unfair to citizens.

Council Member Kittrell stated that the solution is overkill and unfair to citizens. His not being in concurrence with the motion doesn't mean the Council doesn't want staff to work toward a solution.

Upon being asked how much is in the contingency fund, City Manager Bowers responded \$192,000 less the \$11,000 the Council approved tonight for the greenway.

Mayor Dunn was not in favor of the motion, stating that the economists are saying 2010 and 2011 are going to be more challenging than the more recent years, so the City will not have pots of money that it is not spending.

Council Member Glover stated that it is an enterprise fund and needs to stand on its own.

Council Member Spell asked if there is a process where 100% of the cost would be from people using it.

Director of Public Works Anderson responded that Option 1A is the best estimate of what would happen. Staff may be able to handle this with the current budget.

Council Member Spell questioned the hazardous waste, and Director of Public Works Anderson stated that once the City picks it up, it assumes responsibility for it.

City Attorney Holec stated that it is an additional exposure for the City. It would not put the finances in a tenuous position; however, the employees would need to be careful.

Council Member Mercer stated that he didn't think that because the Council received a good financial report was a reason to approve use of the money.

Council Member Joyner stated that the problem has been going on for about a year and a half and needs to be resolved.

Council Member Spell stated that if they were going to use the extra money, it should be used to improve the code enforcement and to better get this under control. The proposed solution is a costly solution.

Council Member Mercer suggested that it might be best for staff to take a look at code enforcement to see what can be done to address the problem.

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Council to call the question. Motion carried unanimously.

The motion originally made to go with Option 1 and to take the \$197,000 out of contingency to pay the service that is owed to the public was then voted on and failed with a 1:5 vote. Council Member Joyner voted in favor of the motion. Mayor Pro-Tem Council and Council Members Glover, Mercer, Kittrell and Spell voted in opposition.

Motion was then made by Council Member Glover and seconded by Council Member Spell to refer the matter to the City Manager to make a recommendation to Council including consideration of strengthening the code enforcement and using the money to hire code enforcement officers, and to give a report on how such waste is handled and if there is anything that can be done to strengthen the process. Motion carried unanimously.

RESOLUTION ENDORSING THE CANDIDACY OF MILDRED A. COUNCIL, MSW, MAYOR PRO-TEM OF THE CITY OF GREENVILLE, TO THE BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF CITIES – ADOPTED

Motion was made by Council Member Kittrell and seconded by Council Member Mercer to adopt the resolution endorsing the candidacy of Mildred A. Council, MSW, Mayor Pro-Tem of the City of Greenville, to the Board of Directors of the National League of Cities. Motion carried unanimously. (Resolution No. 09-50)

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

CITY MANAGER’S REPORT

City Manager Bowers reminded the Council of the following:

- 1 Special meeting on September 15 at 5:30 p.m. in the Greenville Utilities Board Room—joint meeting with Greenville Utilities to address two issues—(1) Health insurance, awarding contract for third person administration and (2) Chicod School sewer service. The Council will receive an agenda tomorrow.
- 2 September 21 at 6:00 p.m.—joint meeting with East Carolina University SGA in Mendenhall, Room 244. This is the regularly scheduled meeting; however, the location needs to be change. (Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to change the location of the meeting to Mendenhall, Room 244. Motion carried unanimously.)
- 3 September 23 at 7:00 p.m.—Crime Summit in the Council Chambers. There will be a reception at 6:30.

CLOSED SESSION

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to go into closed session to (1) 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 and (2) 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, including consultation relating to the lawsuit of the City of Greenville vs. Charles Gregory Edwards and Sheila B. Edwards. Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Council Member Glover and seconded by Council Member Joyner to return to open session. Motion carried unanimously.

ADJOURNMENT

Motion was made by Council Member Glover and seconded by Council Member Spell to adjourn the meeting at 11:45 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
September 15, 2009

The Greenville City Council held a joint meeting with the Greenville Utilities Commission on the above date at 5:30 PM in the Board Room of the Greenville Utilities Commission Building. Mayor Dunn and Chairman Brown presided over the meeting. Invocation was given by Mayor Dunn. The following members were present.

Council Members

Mayor Pat Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer

Commission Members

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

ABSENT: Council Member Larry Spell
Commissioner Julie Carlson

CALL TO ORDER

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

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

ANNOUNCEMENT OF PUBLIC HEARING

Chairman Brown announced that the advertised public hearing for Sterling Pointe pump station will be delayed until 7:30 p.m.

APPROVAL OF AGENDA

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

By consensus, the Greenville Utilities Commissioners approved the agenda as presented.

JOINT CITY/GREENVILLE UTILITIES COMMISSION PAY AND BENEFITS COMMITTEE RECOMMENDATIONS FOR HEALTH INSURANCE THIRD PARTY ADMINISTRATION JANUARY 1, 2010 AND APPROVING GREENVILLE UTILITIES COMMISSIONERS AS ELIGIBLE PARTICIPANTS

City Manager Bowers stated that the most recent action of the two boards was on May 12, 2009, when they adopted the self-funded insurance plan and the dual option. The group asked staff to move forward with seeking proposals for a third party administrator and to look at a stop loss and insurance for a self-funded plan. The Joint Pay and Benefits Committee has met twice, and the final recommendation is to recommend that CIGNA be approved as the third party administrator of the self-funded health insurance plan for 2010-2012. Information has been sent out to the City Council and Greenville Utilities Commissioners based on their recommendations.

Mr. Steve Graybill, consultant for the City and Greenville Utilities Commission from the Mercer Group, reminded the Council that bids were received from CIGNA, BCBS, and Medcost. Aetna, UHC and Coventry declined to quote due to network adequacy issues. Each of the three bids was reviewed based on networks, medical management programs, claims administration, account management, prescription drug programs and overall value. CIGNA and BCBS were selected as finalists. Interviews with CIGNA and BCBS were conducted by staff on August 26, 2009. The Committee met on September 4 and reviewed the recommendations. On September 10, they received a letter from CIGNA stating that they had a material change in their provider network, and they provided exhibits reflecting that change. In the process, the committee recommended that since CIGNA brought something to the table, that BCBS be contacted and given 24 hours to respond. Slight changes were received; however no material changes were received.

Mr. Graybill provided the following information on the medical plan financials and the original projected ASO fees.

	CIGNA (PEPM)	CIGNA (Annual)	BCBS (PEPM)	BCBS (Annual)
2010 Total Administrative Fees	\$40.98	\$676,000	\$40.90	\$674,000
2011 Total Administrative Fees	\$42.03	\$694,000	\$42.11	\$694,000
2012 Total Administrative Fees	\$43.10	\$711,000	\$43.35	\$715,000
Total Net Administrative Fees	\$42.02	\$2,081,000	\$42.12	\$2,083,000
Difference from CIGNA	n/a	n/a	\$0.10	\$2,000
% Difference from CIGNA	n/a	n/a	0.2%	0.0%

Mr. Graybill explained that CIGNA offers a wellness fund allowance of \$35,000 per year from 2010 to 2012. BCBSNC offers a wellness fund allowance of \$30,000 in 2010 which can be used in 2010 and 2011. That has been further enhanced to \$60,000 within the past couple of hours.

BCBSNC will lower their medical ASO fees by \$2.25 (approximately \$37,000) if BCBSNC is selected as the stop loss vendor. These are in line with Mercer’s preliminary estimate of \$40 per employee per month (PEPM) and are guaranteed for over three years.

Mr. Graybill then explained the Medical Plan Financials and the estimated impact of ASO fees, network discounts and Rx rebates. The paid medical/Rx claim projection developed by Mercer (unadjusted for any reimbursement changes in the network contracts) is \$13,283,000, which includes a reserve amount of \$1,593,000. Mercer’s projections are consistent with projections calculated by CIGNA and BCBS. Administrative fees shown on the table below do not include the wellness fund allowance.

2010	Projected Medical/Rx Claims	Projected Unpaid Claims Liability	Total Projected Medical/Rx Claims	ASO Fees	Estimated Pharmacy Rebates	Total Projected Cost
CIGNA	\$11,307,000	\$1,312,000	\$12,619,000	\$676,000	-\$80,000	\$13,215,000
BCBSNC	\$10,987,000	\$1,649,000	\$12,636,000	\$674,000	-\$82,000	\$13,228,000
BCBSNC vs. CIGNA	n/a	n/a	\$17,000	-\$2,000	-\$2,000	\$13,000
% Difference	n/a	n/a	0.1%	=0.0%	=0.0%	0.1%

Mr. Graybill provided information on the specific stop loss comparison with a \$200,000 specific deductible.

	CIGNA	BCBSNC	BCBS vs. CIGNA
Stop Loss Fee	\$19.40	\$15.67	-\$3.73
Annual Cost	\$320,000	\$258,000	-\$62,000

Mr. Graybill explained that in the event CIGNA is selected as claim administrator and is requested to interface with a third party stop loss vendor, an additional charge of \$0.95 PEPM (approximately \$16,000 per year) will be assessed for the \$200,000 pooling level and may vary depending on the frequency of reporting requested. This fee will not apply if CIGNA is selected as the stop loss carrier. BCBSNC will lower their medical ASO fees by \$2.25 PEPM (approximately \$37,000 per year) if BCBSNC is selected as the stop loss vendor. If they are not selected, they will charge an additional \$5,000 reporting fee. The group intends to market stop loss to secondary markets as well.

Mr. Graybill provided an aggregate stop loss comparison as follows:

Contract	CIGNA Cost	BCBSNC Cost	BCBS vs. CIGNA
125% Aggregate Stop-Loss	\$4.24	\$3.96	-\$0.28
125% Aggregate Stop-Loss PEPM	\$70,000	\$65,000	-\$5,000

Aggregate Attachment Point	CIGNA Cost	BCBSNC Cost	BCBS vs. CIGNA
125% Aggregate Attachment Poin	\$14,134,000	\$13,734,000	-\$400,000

Mr. Graybill stated that Mercer’s original estimates in April showed a 2010 projected total gross cost of approximately \$13.7 million under a self-funded arrangement. This was compared to \$14.6 million in expense using an 8.6% trend under a fully insured arrangement in 2010. The savings was estimated at \$871,000. Based on the latest CIGNA and BCBS proposals, the estimated savings is approximately \$1.1 million. The 2009 and 2010 fully insured figures have been adjusted to reflect the latest headcount.

	2009 Fully Insured Cost	2010 Fully Insured Cost (Trended)	2010 Self Funded Cost**	Difference	% Difference
Original Estimates*	\$13,430,000	\$14,588,000	\$13,717,000	-\$871,000	-6.0%
Original Estimates Revised	\$13,573,000	\$14,740,000	\$13,863,000	-\$877,000	-6.0%
CIGNA	\$13,573,000	\$14,740,000	\$13,605,000	-\$1,135,000	-7.7%
BCBS	\$13,573,000	\$14,740,000	\$13,551,000	-\$1,189,000	-8.1%

Mr. Graybill stated that the original estimates are from the April 2009 scenarios presentation, and figures are based on a headcount of 1,353. Original estimates revised, CIGNA, and BCBS figures reflect a headcount of 1,373; 2010 self-funded costs include the cost of stop loss coverage and aggregate coverage. Projections assume 50% enrollment in the core plan and 50% in the enhanced plan. A change to 70/30 would not have much impact. After review of all proposals, finalist meetings were held with both CIGNA and BCBS, and both performed very well in the two-hour sessions. Each finalist was then given the opportunity to present best and final offers for the three-year contract. CIGNA strengths include a strong medical management program, a more streamlined implementation process, and a long-term familiarity (12 years) history with the City and Greenville Utilities. BCBS clearly offered a competitive proposal with excellent network pricing. However, due to a material change in CIGNA’s network that will have a significant positive impact on the City’s and Utilities’ claim cost, adoption of CIGNA as the administrator of the self-insured medical plan was recommended. There was originally a \$500,000 difference, and BCBS had the greater network.

Council Member Joyner asked what changed, and Mr. Graybill explained that CIGNA had a material change in their provider network. That has been confirmed.

Council Member Joyner stated that he thought they were going to look at the cost with no change and not being self-insured.

Mr. Graybill stated that there was a move to do so. The projection of those costs is listed above. The 2010 plan design recommendations were displayed as follows:

	2009		2010			
	Current Plan		Core Plan		Enhanced Plan	
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network
Annual deductible/individual/family	\$350/\$700	\$700/\$1,400	\$350/\$700	\$700/\$1,400	\$0/\$0	\$500/\$1,000
Annual maximum	\$2,100/\$4,200	\$4,200/\$8,400	\$2,100/\$4,200	\$4,200/\$8,400	\$1,750/\$3,500	\$3,500/\$7,000

OOP						
PCP office visit	\$15 copay	30% after deductible	\$15 copay	30% after deductible	\$15 copay	30% after deductible
Specialist office visit	\$30 copay	30% after deductible	\$30 copay	30% after deductible	\$30 copay	30% after deductible
Inpatient hospital services	0% after deductible	30% after deductible	10% after deductible	30% after deductible	\$250 copay	30% after deductible
Outpatient facility services	0% after deductible	30% after deductible	10% after deductible	30% after deductible	\$100 copay	30% after deductible
Emergency room	\$100 copay	\$100 copay	\$100 copay	\$100 copay	\$100 copay	\$100 copay
Urgent care	\$35 copay	\$35 copay*	\$35 copay	\$35 copay*	\$35 copay	\$35 copay#
<u>Mental health and substance abuse</u>						
Office visit	\$30 copay	30% after deductible	\$30 copay	30% after deductible	\$30 copay	30% after deductible
Inpatient	0% after deductible	30% after deductible	10% after deductible	30% after deductible	\$250 copay	30% after deductible
Chiropractic	\$30 copay	30% after deductible	\$30 copay	30% after deductible	\$30 copay	30% after deductible
<u>Pharmacy</u>						
Retail	\$10/\$20/\$40		\$10/\$20/\$40		\$10/\$20/\$40	
Mail order	\$20/\$40/\$80		\$20/\$40/\$80		\$20/\$40/\$80	

*Subject to prudent person criteria.
Changes shown in bold

The estimated employee and retiree contributions were reviewed. Those numbers will be refined no later than September 15.

Motion was made by Council Member Mercer and seconded by Council Member Glover to approve the recommendation of the Pay and Benefits Committee for a third party administrator of the self funded health insurance plan for 2010-2012, to give the City Manager and Greenville Utilities Commission General Manager authority to approve stop loss insurance, and to approve Greenville Utilities Commissioners as eligible participants for the health insurance plan. Motion carried unanimously.

Motion was made by Vice-Chairman Paylor and seconded by Commissioner Edmonson to approve the recommendation of the Pay and Benefits Committee for a third party administrator of the self funded health insurance plan for 2010-2012, to give the City Manager and Greenville Utilities Commission General Manager authority to approve stop loss insurance, and to approve Greenville Utilities Commissioners as eligible participants for the health insurance plan. Motion carried unanimously.

SEWER SERVICE FOR CHICOD SCHOOL – APPROVED

City Manager Wayne Bowers stated that Chicod School has requested sewer service. If sewer service is provided outside the City’s extraterritorial jurisdiction, it must be approved by City Council. A grant application will be submitted for the cost, and the deadline for the application is rapidly approaching. No action is required by the Greenville Utilities Commission Board; however, action needs to be taken by the Council prior to the next regularly scheduled meeting in order to apply for the grant.

Pitt County Schools Associate Superintendent Aaron Beaulieu explained that a major renovation to Chicod Schools is being planned, and it will require municipal sewer. There are five sites that do not have sewer, and Pitt County Schools is working with Greenville Utilities for Pactolus and Stokes Schools. Chicod is a K-8 school that was constructed in 1929. Its attendance is approaching over 900, and it is estimated that it will be 1200 in ten years. Pitt County Schools is applying for \$1 million in funding and is looking to partner with the County, private developers, etc.

Upon being asked the cost, Mr. Beaulieu explained that the budgeted cost is \$1.3 million. There is not currently a pump station that extends that far, and there may need to be a new pump station constructed. It is hoped that there will be enough people in the area interested in tapping on to the sewer to make it economically feasible.

Council Member Kittrell stated that Greenville Utilities has talked about serving other areas, and this is a win-win situation.

Greenville Utilities Commission General Manager Ron Elks stated that they have had a number of prospective inquires from that area and are looking at whether they can serve a larger area at the same time. Staff has done a good bit of work on that and is continuing to work on it. If other developers are interested in tapping on, they will help pay for it.

Associate Superintendent Beaulieu explained that the grant being applied for is for federal funding. Phil Dixon, the School Board Attorney, is preparing the application. If the sewer system is only for Chicod School, they can only apply for \$500,000; however, if they broaden the scope, they can apply for \$1 million. The applications are due on October 1. If they don't receive the grant, the School Board will have to determine where the money will come from.

Commissioner Edmonson asked if this is approved, if the City would be amenable to a satellite annexation.

City Manager Bowers replied that currently the City would not want to annex this property but that the School Board would be required to sign an annexation agreement saying that it agrees to the annexation of the property if at sometime in the future, the City wants to annex it. This approval is strictly for Chicod School. If a decision is made to make the request bigger, someone else would have to make that request. His recommendation is for the City Council to approve it contingent upon Pitt County Schools signing a future annexation agreement.

Motion was made by Council Member Joyner and seconded by Council Member Glover to approve the request for sewer service to Chicod School contingent upon Pitt County Schools signing an annexation agreement. Motion carried unanimously.

ADJOURN

There being no further business, motion was made by Council Member Joyner and seconded by Council Member Kittrell to adjourn the meeting at 6:15 p.m. Motion carried unanimously.

There being no further business, motion was made by Commissioner Joyner and seconded by Commissioner Paylor to adjourn the meeting at 6:15 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
September 21, 2009

The Greenville City Council and the East Carolina University Student Government Association held a joint meeting on the above date at 6:00 p.m. in Room 244 of Mendenhall Student Center, with Mayor Patricia C. Dunn presiding. The meeting was called to order and the following were present.

CITY REPRESENTATIVES

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
City Manager Wayne Bowers
City Clerk Wanda T. Elks
City Attorney David A. Holec
Chief of Police William Anderson
Director of Community Development Merrill Flood
City Neighborhood Liaison Cori Hines

EAST CAROLINA UNIVERSITY REPRESENTATIVES

President Brad Congleton
Vice-President Brad Teasley
Chief of Staff Josh Martinkovic
Secretary Kendra Parks
Dean of Students Lynn Roeder
Volunteer Coordinator Shawn Moore

APPROVAL OF AGENDA

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

PUBLIC SAFETY, INTERGENERATIONAL CENTER COOPERATION AND UNIVERSITY AREA NEIGHBORHOOD RELATIONS

Chief of Police William Anderson, Director of Community Development Merrill Flood, and Neighborhood Liaison Cori Hines explained to the group areas where East Carolina University and the City of Greenville work closely together. Chief Anderson explained that the City and

East Carolina University Police Department enjoy a seamless relationship for activities such as East Carolina University football games, which is the largest event in Greenville.

East Carolina University SGA Vice President Brad Teasley stated that there was concern among some students about the City trying to “shut down” the bars downtown. The Council assured the group that there is no movement to close the clubs. City Attorney Holec gave a summary of each of the ordinances being proposed by Council, which would require public and private clubs to hire additional off-duty security and restrict the hiring of bouncers with certain criminal records. Another ordinance would maintain existing clubs but not allow for new ones within a 500-foot radius of existing clubs. The City is also trying to have a mutual aid agreement so that the Greenville Police Department officers can assist with Alcohol Beverage Control law enforcement. These ordinances will be presented to City Council for consideration in October.

East Carolina University SGA President expressed concern about the bars offering penny liquor.

Council Member Kittrell asked for input from the students on whether they feel that what is being done downtown for safety is working.

East Carolina University SGA President Congleton explained that students have explained to him that they feel safe while they are downtown; however, they do not feel as safe when they leave downtown to return to their residences.

City Neighborhood Liaison Cori Hines explained that the Tar River University Neighborhood Association is opening its board to a student representative. East Carolina University SGA President Congleton explained that a Community Affairs Chair has been added to the Student Senate. Mr. Hines explained that this is the students’ community, and the City wants them to feel like they belong.

East Carolina University Volunteer Coordinator Shawn Moore explained that students have reported 4000 hours of volunteer work in the West Greenville area over the past year; however, that number is probably closer to 8000.

Council Member Glover showed pictures of garbage from a fraternity house to demonstrate what she spoke about at a previous Council meeting. Mr. Josh Martinkovic, Chief of Staff, asked Council Member Glover to let the Intrafraternity Council President know of specific concerns so they can be addressed as they occur. Fraternities change from year to year, and what a fraternity may have done one year may not be so the next year. Council Member Glover stated that she would like to see the fraternities be good neighbors.

Students were thanked for their service to the community, and they were encouraged to continue to volunteer their services in the community.

Mayor Pro-Tem Council suggested that there could be opportunities for students to have internships with the City’s elected officials to learn true public policy.

ADJOURN

Motion was made by Council Member Spell and seconded by Council Member Joyner to adjourn the meeting at 7:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Resolution declaring 18 police radios as surplus and authorizing disposition to Pitt County Memorial Hospital

Explanation: The Greenville Police Department obtained new radios with funds from the 2007 federally funded Cops Tech Program. Since the new radios were placed in service, 18 radios are no longer in service and are not compatible with the City's current radio system.

During the Pitt County Interoperability Governance Board meetings, PCMH Emergency Management expressed an interest in obtaining these radios for use with their disaster preparedness plan.

Fiscal Note: Items to be sold at a cost of \$1.00 to be paid by Pitt County Memorial Hospital.

Recommendation: Approve the attached resolution.

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[RESOLUTION APPROVING THE CONVEYANCE OF PERSONAL PROPERTY TO PITT COUNTY MEMORIAL HOSPITAL, INC. 8:](#)

RESOLUTION NO. 09-
RESOLUTION APPROVING THE CONVEYANCE OF PERSONAL PROPERTY
TO PITT COUNTY MEMORIAL HOSPITAL, INC.

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

WHEREAS, Pitt County Memorial Hospital, Inc., can put this property to use;

WHEREAS, operating hospitals and other facilities which furnish hospital, clinical and similar services is a public purpose for which the City is authorized to contract and appropriate funds to an entity in accordance with the provisions of North Carolina Statute 131E-7 and 160A-20.1; and

WHEREAS, North Carolina General Statute 160A-279 authorizes the City to convey personal property by private sale to an entity, other than a for-profit corporation, which carries out a public purpose whenever the City is authorized to appropriate funds to said entity for said public purpose;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize the conveyance of personal property to Pitt County Memorial Hospital, Inc., with the condition that the use of the property is to be for the public purpose of operating hospitals and other facilities which furnish hospital, clinical and similar services, said conveyance to be by private sale for the consideration of one dollar (\$1.00) and that the use of the property be consistent with the aforementioned purpose, said property being described as follows:

Eighteen (18) Motorola MTS 2000 Radios

This the 5th day of October, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Resolution declaring an ambulance as surplus and authorizing its disposition to Pitt Community College

Explanation: The Fire-Rescue Department has determined that one 1998 Ford Ambulance is surplus. Pitt Community College has unmet needs for a vehicle of this type to assist in providing training for Emergency Vehicle Operations courses from which the City of Greenville benefits. The attached resolution authorizes the sale of this unit to Pitt Community College for the sum of \$1.00.

Fiscal Note: If this unit were to be disposed of via an auction, the value would very likely be higher than the \$1.00 received from PCC. There is not a practical way to estimate the potential sales price of an ambulance unit that is 10+ years old.

Recommendation: Approval of the resolution.

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[Resolution to Surplus EMS Unit 841789](#)

RESOLUTION NO. 09-_____

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

WHEREAS, the Fire-Rescue Department has determined that certain property is surplus to the needs of the City;

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

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

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

One AEV Type III ambulance
1998 Ford E350 chassis
V.I.N. # 1FDXE40F9WHB63778
City Asset # 4096

This, the 5th day of October, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Amendment 4 to the contract with Moser/Mayer/Phoenix Associates (MMPA) for the Intermodal Transportation Center Project

Explanation: Presented for City Council consideration is Amendment 4 to the professional services contract between the City and Moser/Mayer/Phoenix Associates for additional work associated with the requirements of the State Historic Preservation Office (SHPO) and the Federal Transit Administration (FTA). This project involves site selection, environmental assessment, and acquisition of properties for the Intermodal Transportation Center. The initial contract for \$103,814 was approved by the City Council during its May 10, 2007 meeting. Amendments 1-3 added an additional \$29,470 to the project. Amendment 4 is attached. The amendment details the additional scope of work and proposed fee adjustment. The fee associated with this amendment is \$3,925. City staff and NCDOT have reviewed and concur with this amendment to the professional services contract between the City and Moser/Mayer/Phoenix Associates in order to complete additional work requirements associated with this phase of the project.

Fiscal Note: The project is being funded by FTA (80%), NCDOT (10%), and the City (10%).

Recommendation: Approve the attached amendment to the professional services contract with Moser/Mayer/Phoenix Associates in the amount of \$3,925 for completion of the FTA and SHPO requirements associated with this phase of the project.

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 [Amendment 4](#)



**MOSER
MAYER
PHOENIX**
ASSOCIATES, PA

Architecture
Engineering
Interior Design
Site Services

September 22, 2009

**Greenville Intermodal (Bus) Transfer Center
Facility Program and Site Selection Study Contract
Amendment 4**

The original contract, dated May 9, 2007, is hereby amended to include:

Documentation of Historic Structures

1. Historical Background:
 - Research on date of construction, architect/builder, owners and users since construction
2. Measuring and sketching plans of three buildings (assuming no available plans to work with)
3. Summary of materials and significant details
4. Photographic Requirements:
 - Overall views, visible elevations, exterior/interior details, streetscapes
 - Keyed site plan
5. Format--Digital:
 - Set up files on CD
6. Copies and Curation:
 - Delivery and review with SHPO
7. Miscellaneous:
 - One round trip for a two-day visit to Greenville
 - Travel costs (mileage, overnight per diem)
 - CD/reproduction allowance

Total estimate:

- 47 hours @ \$75/hour = \$3525
- Expenses = \$400
- Total = \$3925

Agreed to:

MOSER MAYER PHOENIX ASSOCIATES, P.A.
Kenneth C. Mayer, Jr., AIA, LEED AP
Principal

Date: September 22, 2009

Agreed to:

CITY OF GREENVILLE, NC

3 2 8 E a s t
M a r k e t S t r e e t
S u i t e 2 0 0
G r e e n s b o r o
N o r t h C a r o l i n a
2 7 4 0 1

P 336.373.9800
F 336.373.0077

By: _____
Title: _____

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City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Resolution amending the Personnel Policies for Holidays

Explanation: The attached resolution provides flexibility in the designation of a City-observed holiday for those instances when the actual holiday falls on a Saturday or Sunday. The current policy specifies that the following Monday is to be observed as the holiday when the actual holiday occurs on a weekend. This practice sometimes causes inconsistencies with the observed holidays of the State of North Carolina and with Pitt County. To allow for those occasions when uniformity with the schedule of other governmental units is beneficial and preferred, it is recommended that the wording be modified to permit the City Manager to select the preferred day of Friday or Monday.

The amendment involves rewriting a sentence contained in the Personnel Policies, Article VII, Section 2.0 Holidays, which currently reads, "When a holiday falls on a Saturday or Sunday, Monday will be observed as the holiday." This sentence would be revised to read as follows:


When a holiday falls on a Saturday, the preceding Friday will be observed as the designated holiday and when a holiday falls on a Sunday, Monday will be observed as the holiday except that the City Manager may designate that the holiday will be observed on another day in order to have uniformity with other governmental units for the day of holiday observance.

Fiscal Note: No costs to the City are associated with this amendment.

Recommendation: Approve the attached resolution which adopts the proposed amendment.

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 [Resolution amending holiday schedule 844172](#)

RESOLUTION NO. 09-
A RESOLUTION AMENDING THE CITY OF GREENVILLE PERSONNEL POLICIES

THE CITY COUNCIL OF THE CITY OF GREENVILLE , NORTH CAROLINA, RESOLVES:

Section 1. That the first sentence in the last paragraph of Article VII, Section 2.0 Holidays of the Personnel Policies is deleted and a new sentence is added to read as follows:

When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday and when a holiday falls on a Sunday, the following Monday will be observed as the holiday, except that the City Manager may designate that the holiday will be observed on another day in order to have uniformity with other governmental units for the day of holiday observance.

Section 2. All inconsistent provisions of former resolutions, ordinances, or policies are hereby appealed.

Section 3. This resolution shall be effective upon adoption.

ADOPTED this the 5th day of October, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: City of Greenville support of youth scholarship

Explanation: Attached is a memo from Mayor Pro-Tem Mildred A. Council to Thom Moton, Assistant City Manager and 2009 NCLM Conference Host City Coordinator, requesting a \$500 contribution from the City to commemorate the City's hosting of the conference and in support for the North Carolina Black Elected Municipal Officials (NCBEMO) Scholarship Fund.

The scholarship program began in 1994, and NCBEMO awards scholarships to a diverse population. Mayor Pro-Tem Council serves on this year's scholarship selection committee, and she believes the City's participation will be another demonstration of this community's commitment to youth and that it is a leader in that regard.


NCBEMO normally offers only three scholarships annually; however, this year it desires to offer a fourth scholarship to highlight the City of Greenville' hosting of the 2009 NCLM Annual Conference, the City's first occasion to do so. Each scholarship recipient will be awarded a \$1,000 scholarship. NCBEMO has already obtained the balance of the scholarship.

Fiscal Note: Funds are available from the NCLM Conference special projects fund.

Recommendation: Authorize contribution of \$500 from the NCLM Annual Conference fund to the NCBEMO scholarship program so that a fourth student will be assisted while highlighting the City's support of youth and hosting of the annual conference.

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 [NCBEMO_Scholarship_from_NCLM_844038](#)



CITY OF GREENVILLE

North Carolina

Mildred A. Council
Mayor Pro-Tem
District 1

TO: Thom Moton, Chair of NCLM Conference Planning Committee

FROM: Mildred A. Council, ^{MAC}MSW, Mayor Pro-Tem
Scholarship Chair of North Carolina Black Elected Municipal Officials

SUBJECT: NCBEMO Scholarship

DATE: September 21, 2009

NCBEMO (North Carolina Black Elected Municipal Officials) is a constituency group of the NCLM and we are one of the groups that offer scholarships to eligible students statewide. We have been doing this since prior to 1994. We have awarded our scholarships to a diverse group of students statewide (including white, American Indian and Latino students). We started out awarding \$500 (one student) and now we are up to \$1000 per student and we are doing three. This year since we are in Greenville we want to do four. We are in need of some additional funds to give the fourth one. We have \$500 for that and need an additional \$500. If the Planning committee has additional resources, we would like to be considered as a recipient since we are offering to two students that are attending ECU and to one student that is in our surrounding county area (Winterville). If there is any assistance you and the Planning Committee can provide to make the fourth scholarship happen, we would greatly appreciate it. Scholarships will be awarded at the NCBEMO Board meeting on Sunday afternoon at the Hilton during the conference. You and any members of the Planning Committee that are interested in attending are welcome to do so.

I also have the honor of being the only member of the Greenville City Council to have served as President of this group from 1994 to 1996

Item # 6



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Budget ordinance amendment #3 to the 2009-2010 City of Greenville General Fund; amendment to ordinance 07-41 Intermodal Transportation Center Project Fund; and ordinance establishing the Byrne-JAG Grant Recovery Project

Explanation: 1) Attached is an amendment to the 2009-2010 budget ordinance for consideration at the October 5, 2009 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 granted by the North Carolina Department of Cultural Resources to pay a consultant to conduct surveys in search for locations that could be identified as historic districts and eligible for recordation. The total grant amount is \$18,500, of which \$7,500 is the City's match. The match amount was carried forward from prior year and is already included in the current year's budget (Total - \$11,000).

B To carry over unused Public Educational and Government Channel (PEG) funds to support GTV9 and Greenville Public Access Television (Total - \$51,461).

C To appropriate funds received from the U.S. Environmental Protection Agency to conduct an inventory to assess brownfield sites that may be contaminated with hazardous substances, including petroleum (Total - \$200,000).

D To appropriate funds from the 2009 Justice Assistance Grant through the N.C. Governor's Crime Commission to purchase Police Department patrol vehicle cameras and mobile computers (Total - \$119,162).

E To appropriate funds for the Urban Search and Rescue Grant through the Department of Crime Control and Public Safety to purchase equipment and provide training to ensure adequate preparedness for a response to all hazard events in this state (Total - \$160,000).

F To appropriate additional funds for the Intermodal Transportation Center Project granted by the U.S. Department of Transportation for the continued development of an intermodal facility within the city limits (Total - \$893,851).

G To allocate Controlled Substance funds to purchase a portable surveillance tower system and wireless upgrade kit to be used in hostage situations (Total- \$7,500).

H To adjust contract revenue to be received from the Pitt County Board of Education for the reduction in funds available for School Resource Officers. Due to budget restrictions, Pitt County Schools will only be able to fund these officers for three months; therefore, nine months of salary and contract revenue will be eliminated from the City's budget. As a result of the discontinuation of this contract, the City will have to eliminate these positions, effective September 30, 2009 (Total - \$262,313).

I To allocate Federal Forfeiture funds to help pay for segways that will be used by the Police Department for the Housing Authority unit (Total - \$1,242).

J To reduce revenue expected from the annual Beer and Wine tax based on the State's estimates for budget reductions to local municipalities. Contingency funds will absorb this reduction (Total - \$223,205).

K To allocate contingency funds for the improvement to the Fork Swamp Greenway. Funds will be used for trail development and mowing to open up this greenway to the public for pedestrian traffic (Total - \$11,000).

2) Attached is a 2009-2010 project budget ordinance to establish a project fund for the Byrne-JAG Grant Recovery Project. The U.S. Department of Justice granted these funds to improve police services and reduce crime through the purchase of updated technology and to enhance community oriented policing services. This grant is shared with Pitt County Government. The City will pay a portion of this grant (\$149,654) to cover supplies and materials and equipment purchased for Pitt County (Total -\$490,323).

Fiscal Note:

The budget ordinance amendment affects the following funds: increase General Fund by \$64,847; increase the Intermodal Transportation Center Project Fund by \$893,851; and increase the Byrne-JAG Grant Recovery Project Fund by \$490,323.

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
General Fund	\$ 72,099,898	\$ 64,847	\$72,164,745

Intermodal Transportation Center Fund	\$ 162,260	\$ 893,851	\$ 1,056,111
Byrne-JAG Grant Recovery Project Fund	\$ -	\$ 490,323	\$ 490,323

Recommendation: Approve budget ordinance amendment #3 to the 2009-2010 City of Greenville budget and the amendment to ordinance #07-41 and the ordinance establishing the Byrne-JAG Grant Recovery Project

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[Budget Amendments FY 2009 2010 838154](#)

[BJA Byrne JAG Recovery Project Fund 843800](#)

ORDINANCE NO. 09-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#3) AMENDING ORDINANCE NO. 09-53 AND AMENDING ORDINANCE NO. 07-41
INTERMODAL TRANSPORTATION CENTER PROJECT

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

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

	ORIGINAL 2009-2010 BUDGET		#3 Amended 10/05/09	Total Amendments	Amended 2009-2010 Budget
<u>ESTIMATED REVENUES</u>					
Property Tax	\$ 29,641,438		\$ -	\$ -	\$ 29,641,438
Sales Tax	13,736,686		-	-	13,736,686
Utilities Franchise Tax	5,338,099		-	-	5,338,099
Other Unrestricted Intergov't Revenue	2,634,640	J	(223,205)	(223,205)	2,411,435
Powell Bill	1,901,793			-	1,901,793
Restricted Intergov't Revenues	847,977	A,C,D,E,G,I	498,904	521,904	1,369,881
Building Permits	730,735		-	-	730,735
Other Licenses, Permits and Fees	2,269,768		-	-	2,269,768
Rescue Service Transport	2,409,670		-	-	2,409,670
Other Sales & Services	1,738,944	H	(262,313)	(262,313)	1,476,631
Other Revenues	287,502		-	-	287,502
Interest on Investments	1,464,348		-	-	1,464,348
Transfers In GUC	5,250,135		-	1,606	5,251,741
Other Financing Sources	805,041		-	275,000	1,080,041
Appropriated Fund Balance	2,076,906	B	51,461	718,071	2,794,977
TOTAL REVENUES	\$ 71,133,682		\$ 64,847	\$ 1,031,063	\$ 72,164,745
<u>APPROPRIATIONS</u>					
Mayor/City Council	\$ 428,288		\$ -	\$ -	\$ 428,288
City Manager	1,086,153	B	51,461	51,461	1,137,614
City Clerk	275,445		-	-	275,445
City Attorney	435,459		-	-	435,459
Human Resources	2,101,831		-	-	2,101,831
Information Technology	2,907,322		0	-	2,907,322
Fire/Rescue	12,127,343	E	160,000	198,302	12,325,645
Financial Services	2,218,950		-	-	2,218,950
Recreation & Parks	6,197,166	K	11,000	73,393	6,270,559
Police	20,677,674	D,G,H,I	(134,409)	26,793	20,704,467
Public Works	9,653,824		-	8,626	9,662,450
Community Development	1,628,898	A,C	211,000	374,843	2,003,741
Contingency	828,687	J,K	(234,205)	(241,225)	587,462
Capital Improvements	4,099,961		-	538,870	4,638,831
Total Appropriations	\$ 64,667,001		\$ 64,847	\$ 1,031,062	\$ 65,698,063
<u>OTHER FINANCING SOURCES</u>					
Debt Service	\$ 4,270,892		\$ -	\$ -	\$ 4,270,892
Transfers to Other Funds	2,195,789		-	-	2,195,789
	\$ 6,466,681		\$ -	\$ -	\$ 6,466,681
TOTAL APPROPRIATIONS	\$ 71,133,682		\$ 64,847	\$ 1,031,062	\$ 72,164,744

Section II: Estimated Revenues and Appropriations. Intermodal Transportation Center Project , of Ordinance 07-41, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2009-2010 BUDGET		Amended 10/5/09	Total Amendments	Amended 2009-2010 Budget
<u>ESTIMATED REVENUES</u>					
Spec State/ Fed / Loc Grants	\$ 146,034	F	\$ 804,466	\$ 804,466	\$ 950,500
Transfer from General Fund	16,226	F	89,385	89,385	105,611
TOTAL REVENUES	\$ 162,260		\$ 893,851	\$ 893,851	\$ 1,056,111
<u>APPROPRIATIONS</u>					
Engineering	\$ 157,360	F	\$ 656,351	656,351	813,711
Contractual Services	-	F	237,500	237,500	237,500
Non-Contractual	4,900		-	-	4,900
Total Operating Expenditures	\$ 162,260		\$ 893,851	\$ 893,851	\$ 1,056,111
TOTAL APPROPRIATIONS	\$ 162,260		\$ 893,851	\$ 893,851	\$ 1,056,111

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

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

Adopted this 5th day of October, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 09-_____
CITY OF GREENVILLE, NORTH CAROLINA
BYRNE JAG GRANT RECOVERY PROJECT
BUDGET ORDINANCE

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

Section I: Estimated Revenues. It is estimated that the following revenues will be available for the Byrne-JAG Grant Recovery Project

	ORIGINAL 2009-2010 BUDGET
<u>ESTIMATED REVENUES</u>	
Spec Loc/State/Federal	\$ 490,323
TOTAL REVENUES	\$ 490,323

Section II: Appropriations. The following amounts are hereby appropriated for the Byrne-JAG Grant Recovery Project

<u>APPROPRIATIONS</u>	
Supplies and Materials	\$ 63,193
Equipment	277,476
Equipment for Pitt County	149,654
Total Appropriations	\$ 490,323
TOTAL APPROPRIATIONS	\$ 490,323

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

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

Adopted this 5th day of October, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 10/5/2
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 September 2009 and is to be included on the City Council agenda for information.

Date Awarded	Description	Vendor	Amount	M/WB/ Yes/No
9/09/09	Police Summer/Winter Uniforms	Century Uniforms	\$65,695.00	No

Fiscal Note: Funds were appropriated in the 2009-2010 Police Department budget to purchase the uniforms.

Recommendation: That the bid award information be reflected in the City Council minutes.

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[Bid_Tabulation_Police_Summer_Winter_Uniforms_638494](#)

BID TABULATION SHEET
City of Greenville, North Carolina
Financial Services Department

Description: Police Summer/Winter Uniforms Term Contract /Formal Bid#2009/10-03
 Bid Opening: September 1, 2009 at 2:00 p.m.

Contractor	Address	M/WBE	Base Bid	Alternate#1-Shoes	Comments
Century Uniforms	4720 Trademark Drive Raleigh, NC 27610	No	\$65,035.00	\$660.00	Total: \$65,695.00

_____ Denisha Harris, M/WBE Coordinator

Doc.#638494v2
 Page # 8

Date: _____



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Potential actions to address downtown crime issues

Explanation: At its August 24, 2009, meeting, the 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 and to pursue a fourth potential action of an agreement with the Pitt County ABC Board relating to City law enforcement officers assisting local ABC officers in the enforcement of ABC laws. City Council also directed that City staff solicit input from all of the owners and managers of the public or private clubs located in the City.

Proposed Ordinances

Proposed ordinances were prepared to implement the three potential actions requiring ordinances. These ordinances are attached and are the following:

1) Proposed ordinance which establishes safety regulations for public or private clubs including a requirement that public or private clubs, in certain circumstances, provide security personnel (either off-duty law enforcement or security officers licensed by the State) for the establishment and a requirement that prohibits the employment by public or private clubs of bouncers who have been convicted of certain crimes. The proposed ordinance establishes requirements, in certain circumstances, for public or private clubs located in the downtown area and outside the downtown area.

2) Proposed ordinance amending the Zoning Ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs and which incorporates the provisions of the ordinance establishing the safety regulations into the Zoning Ordinance.

On September 4, 2009, information relating to the four potential actions (including the proposed ordinances) was mailed to the owners and managers of the twenty five public or private clubs located in Greenville's planning and zoning jurisdiction. The public or private club owners and managers were invited to attend a meeting and offer their input on the ordinances and the potential actions.

At the September 16, 2009, meeting between City staff and the owners and managers of the public or private clubs, City Attorney Dave Holec reviewed the proposed ordinances and potential actions. The owners and managers of the public or private clubs who were present were given the opportunity to provide input. A summary of the comments made at this meeting and a summary of suggested actions made at this meeting is attached.

An evaluation of the legal authority of the City to implement the suggested actions made at the September 16, 2009, meeting is attached. A response to questions asked at the September 16, 2009, meeting is attached.

At the September 16, 2009, meeting, the owners and managers of the public or private clubs also indicated that they would submit a list of suggestions to the City which they would like considered. As of the date of the agenda deadline, the list had not been submitted.

Proposed Agreement with the Pitt County ABC Board

Police Chief William Anderson, Assistant Police Chief Kevin Smeltzer and City Attorney Dave Holec met with Pitt County ABC Board Administrator Teresa Campbell and Pitt County ABC Board Law Enforcement Division Chief J.M. Sasser on August 31, 2009. The proposal for a mutual aid agreement that would allow the City law enforcement officers to provide assistance to the Pitt County ABC Board law enforcement officers was reviewed at that meeting. Additionally, the attached letter from Mayor Dunn was mailed on September 4, 2009, to Pitt County ABC Board Chairman Henry L. Smith requesting that the Board authorize its staff to negotiate the mutual aid agreement with the City. At its September 15, 2009, meeting, the ABC Board determined to go with Chief Sasser's recommendation and not enter into a mutual aid agreement with the City. A copy of the letter from Administrator Campbell notifying Mayor Dunn of this decision is attached.

Next Step

City Council could determine to not further consider the proposed ordinances.

City Council could direct that modifications be made to the proposed ordinances

If Council determines to proceed with consideration of the proposed ordinance relating to a security requirement and employment of bouncers, it is recommended that a public hearing be held in connection with its consideration. Council could also direct that modifications be made to the proposed ordinance which will be the subject of the public hearing.

If Council determines to proceed with consideration of the proposed zoning ordinance relating to a separation requirement between public or private clubs, then it could vote to initiate the amendment and refer it to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission would conduct a hearing on the proposed ordinance and a public hearing would be held by City Council. Council could also direct that modifications be made to the proposed ordinance which it refers to the Planning and Zoning Commission.

Since the Pitt County ABC Board determined to not enter into a mutual aid agreement with the City, no action is necessary on this matter.

Fiscal Note:

There is no fiscal impact relating to the consideration of the proposed ordinances and the agreement with the Pitt County ABC Board.

Recommendation:

Direction from City Council is sought.

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Attachments / click to download

[Letter](#)

[Letter](#)

[AN ORDINANCE AMENDING TITLE 11 OF THE GREENVILLE CITY CODE BY ESTABLISHING CERTAIN SAFETY REGULATION](#)

[ORD Public or private club spacing requirement and Title 11 Chapter 12 reference 841377](#)

[Notes from September 16 2009 meeting between City Staff and Owners and Managers of Clubs 843740](#)

[Evaluation of Legal Authority to Implement Suggestions made at September 16 2009 Meeting. 844295](#)

[RESPONSE TO QUESTIONS POSED DURING COMMENTS MADE AT SEPTEMBER 16 2009 MEETING 844348](#)

ORDINANCE NO. 09-

AN ORDINANCE AMENDING TITLE 11 OF THE GREENVILLE CITY CODE BY
ESTABLISHING SAFETY REGULATIONS FOR PUBLIC OR PRIVATE CLUBS

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 public or private clubs are located, particularly when the public or private clubs are concentrated in an area or when the public or private clubs are located near residential areas;

WHEREAS, there are sixteen (16) public or private clubs located in approximately a four (4) block area in the downtown area and this concentration of public or private clubs has created issues such as crowd control, noise, public intoxication, altercations, and potential violence;

WHEREAS, public or private clubs 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 public or private clubs concentrated in the downtown area and by public or private clubs located near residential areas;

WHEREAS, establishing reasonable safety regulations for public or private clubs is in the public interest to protect the health, safety, and welfare of the patrons of the public or private clubs, the citizens of the city, and surrounding neighborhoods; and

WHEREAS, 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 12 entitled “PUBLIC OR PRIVATE CLUBS SAFETY REGULATIONS,” said chapter to read as follows:

CHAPTER 12. PUBLIC OR PRIVATE CLUBS SAFETY REGULATIONS.

Section 11-12-1. 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 for which entertainment is the principal use and which a large number of patrons congregate late at night.

Section 11-12-2. 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.

Bouncer means a person employed by a public or private club as an employee or contractor to perform the function of maintaining order, removing disorderly or disruptive patrons, checking identification cards or providing general security for the public or private club but not including a person who is employed for the primary and substantial purpose (greater than 90% of duties) to perform the functions of a bartender, waiter, or waitress and not including a person who is employed as a uniformed off-duty law enforcement officer or a 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.

Conviction and *convicted* mean a finding of guilt for a violation of a state or federal law, an adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere, or the forfeiture of a bond or bail when charged with a violation of a state or federal law.

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.

Public or private club means an establishment which the principal use 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.

Section 11-12-3. Security Requirement

A public or private club 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:

- a. A public or private club 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 or the area outside the public or private club near the main entrance to the public or private club 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 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.
- b. A public or private club 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 or the area outside the public or private club near the main entrance to the public or private club 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 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.
- c. A public or private club 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 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 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.

- d. A public or private club 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 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 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.

Section 11-12-4. Bouncers

(a) No public or private club shall employ a person as a bouncer who has been convicted of a crime relating to either (1) the sale, manufacture, distribution, or possession of controlled substances as made unlawful by the provisions of North Carolina General Statute §90-95, or (2) criminal street gang activity as made unlawful by the provisions of the North Carolina Street Gang Suppression Act as provided in Article 13A of Chapter 14 of the North Carolina General Statutes, or (3) prostitution or assignation as made unlawful by the provisions of North Carolina General Statute §14-204 or (4) homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly firearms, or discharge of a dangerous or deadly firearm as made unlawful by the provisions of Chapter 14 of the North Carolina General Statutes.

(b) Notwithstanding the provisions of subsection (a), a public or private club is not prohibited from employing a person as a bouncer as a result of the conviction of an offense listed in subsection (a) when the following time period has elapsed:

1. More than two years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for a misdemeanor offense;
2. More than five years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; or
3. More than five years has elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(c) 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 all 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 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 based upon fingerprints from the North Carolina State Bureau of Investigation for each person employed as a bouncer by the public or private club.

Section 11-12-5. 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 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 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 11-12-6.

(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 11-12-6. 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 11-12-7. 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 whether or not the public or private club 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 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 _____, 2009.

This the _____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 09-__
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 General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on _____, 2009 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance 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 E, Section 9-4-86(f), of the City Code, is hereby amended to include a new subsection (6) to read as follows:

“(6) No public or private club located in any district shall be located within a five-hundred (500) foot radius of an existing or approved public or private club as measured from the nearest lot line in accordance with the following. When a public or private club is located or to be located on a lot exclusive to itself, the measurement shall be from the perimeter lot line of the exclusive lot. When a public or private club is located or to be located in a separate structure exclusive to itself on a lot containing multiple uses, the measurement shall be from the perimeter lot line of the lot containing multiple uses. When a public or private club is located or to be located in a common structure with other uses such as a shopping center on a common lot, the measurement shall be from the perimeter lot line of the common lot.”

Section 2: That Title 9, Chapter 4, Article E, Section 9-4-86(f), of the City Code, is hereby amended to include new subsections (7) and (8) to read as follows:

“(7) Public or private clubs shall be subject to the requirements and regulations set forth in Title 11, Chapter 12 Public or Private Clubs Safety Regulations of the City Code.

(8) In addition to subsection (7) above, the board of adjustment may establish specific and reasonable safety and nuisance mitigation standards or requirements.”

Section 3: That Title 9, Chapter 4, Article D, Section 9-4-78(f)(6)m, of the City Code, is hereby amended to delete the use title “Public or private club” in its entirety and substitute the following:

“Public or private club (see also Title 11, Chapters 9 and 12 and Section 9-4-103)”

Section 4: That Title 9, Chapter 4, Article F Section 9-4-103, of the City Code, is hereby amended to include a new section (u) to read as follows:

“(u) Public or private clubs shall be subject to the applicable requirements and regulations set forth in Title 9, Chapter 4 Zoning, Title 11, Chapter 9 Litter Control in Parking Lots, and Title 11, Chapter 12 Public or Private Clubs Safety Regulations, of the City Code.”

Section 5: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 6: That this ordinance shall become effective upon its adoption.

ADOPTED this ____th day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

**Summary of Comments Made at September 16, 2009, meeting
between City Staff and Owners and Managers of Clubs**

Clubs contribute revenue to the State and the City through property taxes and sales taxes.

Students contribute revenue to the State and the City through sales taxes.

Students contribute to the local economy

It is the responsibility of the City to provide law enforcement protection in the downtown area from regular tax proceeds since everyone pays taxes to fund programs even though they may not receive a direct benefit (for example, person without children and taxes to fund school system)

Requirement to provide security would cost each club a significant amount of money (in excess of \$40,000 annually for some clubs) and some clubs may have to close down because of this extra expense.

Wonder whether the ulterior motive to the regulations is eliminating the clubs.

Clubs add to downtown. If clubs were to close, then there would be vacant buildings downtown. Question what the vision is for downtown.

Concern about City requiring clubs to hire security in the form of off duty City law enforcement officers and if an incident occurs the liability is on the club not the City.

Question whether there are sufficient off duty law enforcement officers to ensure that the clubs can hire officers to meet the security requirement.

Question whether a club would be required to shut down if the club were unable to hire security due to shortage of available off duty law enforcement officers or if contracted security fails to show.

All establishments which have ABC permits should share the burden of the expense for law enforcement downtown since the patrons leave those establishments and then come to the clubs downtown.

Concern about a conflict in what the City wants in reducing incidents outside of clubs and what ABC required training class instructs - - the ABC class instructs that if there is an incident in the club, the goal is to get the incident immediately taken outside.

Concern about law enforcement officers hired by a club as security attending to an incident away from the club thereby reducing security at the club.

Concern about law enforcement officers hired by a club as security having ABC enforcement authority and whether this causes a conflict while working at the club.

Question whether the number of City law enforcement officers deployed downtown would be reduced if the clubs are required to provide security in the form of off duty City law enforcement personnel.

Concern that limiting the location of future clubs would reduce the incentive of existing clubs to act appropriately.

Limiting the location of future clubs creates a “monopoly” for existing clubs.

The City’s comprehensive plan recommends that downtown be the entertainment area for the City and clubs help to fulfill this recommendation.

Concern about the level of training conducted for private security personnel.

Concern about whether consideration will be given to repeal or amend the security requirement if matters improve downtown.

East Carolina University should share in the expense of law enforcement in the downtown area.

Concern about fairness in requiring clubs who have amplified audio entertainment to provide security while restaurants who do the same thing are not required to provide security.

Concern about whether there is a need for law enforcement security inside the clubs rather than outside.

Concern about there being different rules for the clubs downtown and for the clubs outside downtown.

Claims of bouncer violence is blown out of proportion.

There is no problem in the downtown area more than the problems that exists at other locations (such as Wal-Mart and BW3’s).

The process for Council in considering these ordinances needs to be slowed down.

**Summary of Suggested Actions Made at September 16, 2009, meeting
between City Staff and Owners and Managers of Clubs.**

Require bouncers to attend a training a session conducted by the Police Department.

Require the clubs to pay an amount to the City sufficient to hire a certain number (8 was mentioned) of police officers to patrol downtown instead of requiring clubs to hire security.

Require all establishments which have an ABC permit to pay an additional fee to the City to assist in payment for law enforcement.

Require East Carolina University to pay a portion of the expense of supplying law enforcement officers downtown.

**Evaluation of Legal Authority to Implement Suggested
Actions Made at September 16, 2009, Meeting.**

1) Require bouncers to attend a training session conducted by the Police Department.

The same rationale and legal authority which supports an ordinance prohibiting the employment of bouncers who have been convicted of certain crimes would also support an ordinance requiring that bouncers attend a training session conducted by the Police Department.

Public or private clubs use bouncers to promptly address issues which occur in an establishment. The appropriate response by these bouncers is important since an over-zealous response may create a safety problem. Ensuring that the bouncers employed are appropriately trained would likely help reduce such over-zealous responses. Requiring that the training is received from the Police Department would ensure that the training is uniform and addresses the concerns of the City. Due to the time it takes to obtain the training, a grace period should be allowed for obtaining the training (possibly 30 to 60 days). This ordinance would apply to all establishments whether pre-existing or not. The authority for this ordinance is the City's authority to regulate businesses as authorized by G.S. 160A-194 and the City's general ordinance-making power authorized by G.S. 160A-174. Any such ordinance would need to apply to public or private clubs whether or not alcoholic beverages are sold.

2) Require the clubs to pay an amount to the City sufficient to hire a certain number (8 was mentioned) of police officers to patrol downtown instead of requiring clubs to hire security.

The City does not have the legal authority to require a payment by clubs to the City for the City to hire police officers downtown except through the establishment of a municipal service district in the area where the clubs are concentrated with a levy of property taxes within the district. As an alternative to a City-imposed requirement for a payment, the clubs could make the payment to the City on a voluntary basis with the restriction that the funds could only be used for the purpose of hiring police officers downtown. Police Chief Anderson estimates that the expense of 8 officers to patrol downtown on Thursday, Friday, and Saturday for 5 hours each day would be \$4,421 per week, \$17,683 per month, and \$229,882 per year.

The establishment of a municipal service district was a potential action that was reviewed at the August 24, 2009, City Council meeting. The information provided at the meeting is repeated as follows:

The significant cost to provide additional law enforcement resources in the downtown bar area is not a new issue. According to City records, a special tax to cover the cost of increased law enforcement in the downtown area has been considered since at least the early 1990's. An overview of the 1999 City Council Planning Session reiterated the issues expressed earlier in the decade and concluded: "We do have to beef up tremendously in Greenville with police personnel to cover the bar traffic, especially in the uptown area on Thursday, Friday, and

Saturday nights.” Both a bar tax and a municipal service district were considered in 1999, but no action was taken.

Although the City does not have the authority to levy a bar tax, Article 23 of Chapter 160A of the North Carolina General Statutes does authorize a municipality to levy a municipal service district tax. A city may levy property taxes within defined service districts in addition to those taxes levied throughout the city, in order to finance, provide, or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided, or maintained for the entire city. The requirements to establish such a district are the approval of a resolution defining the district, preparation of a report on the services to be provided and the boundaries of the proposed district, and the holding of a public hearing. A municipal service district tax becomes effective at the beginning of the next fiscal year (July 1) following adoption of the authorizing resolution. The permitted uses of municipal service district taxes include downtown revitalization intended to further the public health, safety, welfare, and convenience including the provision of city services at a higher level than provided in the remainder of the city. The provision of additional law enforcement services in the downtown area is an eligible expense to be paid from a municipal service district tax.

North Carolina General Statute 160A-542 limits the amount of taxes levied in a municipal service district to an amount that when added to the rate levied city wide would not exceed the general statutory maximum of \$1.50 per \$100 of assessed value. Since the general City tax rate is now 52 cents, the maximum municipal service district tax would be 98 cents.

The 16 bars located in the downtown area that have club licenses are located on 14 tax parcels. The total assessed value of real property for these 14 parcels is \$3,584,224. At the City’s current tax rate of 52 cents, these parcels generate \$18,638 in real property taxes. Additional research would be necessary to determine the amount of personal property taxes on equipment and fixtures generated from these properties, but we estimate that this amount is much lower than the real estate taxes. Each one cent of taxes thus generates approximately \$358 in real property taxes from these parcels. The full permitted levy of 98 cents would generate approximately \$35,125 in real property taxes. (Note: At the August 24, 2009, meeting, City Manager Bowers reported that the total personal property value listed for the 14 tax parcels where the 16 clubs are located is \$250,121 and that this tax value produces \$1,301 in City property taxes based on the current tax rate.)

The total taxable value of all the real property located in the four blocks bounded by Evans Street, 4th Street, Reade Street, and Reade Circle is \$12,573,658. At the City’s current tax rate of 52 cents, this four-block area generates \$65,383 in real property taxes. Again, additional research would be necessary to determine the amount of personal property taxes on equipment and fixtures generated from these properties, but we estimate that this amount is much lower than the real estate taxes. Each one cent of taxes thus generates approximately \$1,257 in real property taxes in this area. The full permitted levy of 98 cents would generate approximately \$123,222 in real property taxes from this area.

3) Require all establishments which have an ABC permit to pay an additional fee to the City to assist in payment for law enforcement.

The City does not have the legal authority to require establishments which have an ABC permit to pay an additional fee. This would be equivalent to an increase in the privilege license fee and this potential action was reviewed at the August 24, 2009, meeting among the list of actions which were determined to be not legally appropriate. Information provided at that meeting is repeated as follows:

Increase the privilege license fee charged to public or private clubs to help defray the City's law enforcement expenses devoted to the downtown area. The City only has the legal authority to levy a privilege license fee as permitted by State statute. North Carolina General Statute 105-113.77 establishes the allowable amount of a City privilege license for on premises malt beverages as \$15 annually and for on premises wine as \$15 annually. G.S. 105-113.70(d) prohibits a City from levying a privilege license on mixed beverages. G.S. 105-37.1 establishes the allowable amount of a City privilege license for giving, offering or managing any form of entertainment or amusement for which an admission fee is charged and that is not otherwise taxed or specifically exempted as \$25. G.S. 160A-211 and G.S. 105-62 establishes the allowable amount of a City privilege license for selling prepared food as \$25 for a business with less than 5 seats and \$85 for a business with 5 seats or more. The City may not levy any license fee in excess of the amounts authorized by law.

4) Require East Carolina University to pay a portion of the expense of supplying law enforcement officers downtown.

The City does not have the legal authority to require East Carolina University to pay a portion of the expense of supplying law enforcement downtown. The establishment of a municipal service district in the area where the service is to be provided would not be a potential action which would result in a payment by East Carolina University to the City since property owned by the State of North Carolina for East Carolina University purposes is exempt from property taxes including any taxes levied in connection with a municipal service district. There is no license fee or other fee which the City has the authority to charge East Carolina University for this purpose.

RESPONSE TO QUESTIONS ASKED AT SEPTEMBER 16, 2009, MEETING

1. Question whether the number of City law enforcement officers deployed downtown would be reduced if the clubs are required to provide security in the form of off duty City law enforcement personnel.

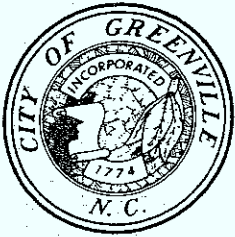
The proposed ordinance which requires the downtown public or private clubs to provide security is a measure which has the purpose of making the downtown area more safe. There are regular evaluations conducted by the chief of police of the law enforcement personnel which are required to be deployed downtown. These evaluations will continue if the proposed ordinance which requires the clubs to provide security is adopted. It is expected that this measure will result in a reduction in the number of law enforcement personnel being deployed downtown but this will only occur if the evaluation confirms that a reduction is warranted.

2. Question whether there are sufficient off duty law enforcement officers to ensure that the clubs can hire officers to meet the security requirement.

The proposed ordinance which requires public or private clubs to provide security allows the club to meet this security requirement by either employing uniformed off-duty law enforcement officers or 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. With the City of Greenville Police Department, the Pitt County Sheriff's Department and the East Carolina University Police Department, there are a total of 382 law enforcement officers. A reasonable estimate is that 25% of these would be available to volunteer for off-duty work on any night. This would be 95 officers who would be available if a club chose to fulfill the security requirement by employing off-duty law enforcement officers.

3. Question whether a club would be required to shut down if the club were unable to hire security due to shortage of available off duty law enforcement officers or if contracted security fails to show.

A club which did not have the required security which is required by the proposed ordinance would be in violation of the proposed ordinance and subject to citation. However, the proposed ordinance allows an owner or a manager who has been issued a citation to appeal the citation to the chief of police or designee. An acceptable reason to uphold an appeal would be if the club were unable to hire security, after good faith efforts, due to a shortage of available security or if contracted security failed to show for a reason not attributable to the club. The proposed ordinance provides that the proposed ordinance may be enforced by equitable enforcement. This would be accomplished by a Judge's Order which would involve a mandatory injunction requiring that the owner and manager comply with the requirements of the proposed ordinance. Such an Order would only be available if there were a history of violations for the club.



City of Greenville North Carolina

P.O. Box 7207 - Greenville, NC 27835-7207

September 4, 2009

Henry L. Smith
Chairman
Pitt County ABC Board
P.O. Box 30340
Greenville, NC 27833

RE: Agreement for Assistance with ABC Law Enforcement

Dear Mr. Smith:

At its August 24, 2009, meeting, the City Council of the City of Greenville directed City staff to pursue an agreement with the Pitt County ABC Board relating to City law enforcement assisting Pitt County ABC law enforcement officers in the enforcement of ABC laws. The City is appreciative of the efforts of the Pitt County ABC Board to enforce the ABC laws but recognizes that there are limited resources available to the Board for this purpose. The agreement would make available additional resources of the City's Police Department to assist in the enforcement of the ABC laws.

Enclosed is a copy of information provided to City Council relating to this agreement. As the information indicates, the initial agreement would be a mutual aid agreement for the provision of temporary assistance by City law enforcement officers to the Pitt County ABC law enforcement officers. A more "permanent" arrangement could be agreed upon at a later time if the Pitt County ABC Board agrees to seek a local act and the local act is enacted.

It is requested that the Pitt County ABC Board authorize its staff to negotiate a mutual aid agreement with the City of Greenville so that City law enforcement officers can provide assistance to Pitt County ABC law enforcement officers in the enforcement of ABC laws. If you have any questions, please contact City Attorney Dave Holec.

Sincerely,


Patricia C. Dunn
Mayor

cc: City Council Members
Wayne Bowers, City Manager
David A. Holec, City Attorney
William Anderson, Police Chief

Enter into an agreement with the local ABC Board which would result in City law enforcement officers assisting local ABC officers in their enforcement of ABC Commission rules on establishments which have ABC permits.

North Carolina General Statute 18B-1008 authorizes the North Carolina Alcoholic Beverage Control Commission to establish Rules relating to ABC permits. These rules are contained in the North Carolina Administrative Code. The rules establish mandatory requirements for private clubs and restaurants in connection with the sale of alcoholic beverages. A copy of these Rules relating to private clubs is attached. Article 5 of Chapter 18B provides that Alcohol Law Enforcement agents (State of North Carolina law enforcement officers) and local ABC officers (Pitt County ABC Board law enforcement officers) have the authority to enforce the ABC laws including the Rules established by the ABC Commission relating to ABC permits. City law enforcement officers do not have the authority to enforce the Rules established by the ABC Commission relating to ABC permits. Additionally, City law enforcement officers do not have the authority, in order to procure evidence of violation of ABC laws, to investigate the operation of each licensed premises for which an ABC permit has been issued, to make inspections that include the viewing of the entire premises and to examine the books and records of the permittee unless the City has a contract with the local ABC Board to assist in the enforcement of the ABC laws. If City law enforcement officers had this authority, there would be additional resources available to enforce these Rules.

The provisions of G.S. 18B-501(d) and 160A-288 authorize the City and the local ABC Board to enter into a mutual aid agreement for the provision of temporary assistance by City law enforcement officers to the local ABC officers. While working with the local ABC officers pursuant to such an agreement, City law enforcement officers would have the same jurisdiction, powers, rights, privileges and immunities as the local ABC officers. This option is dependent upon the Pitt County ABC Board agreeing to enter into the agreement with the City.

Additionally, a more 'permanent' arrangement could be agreed upon if a local act was enacted which authorized the local ABC board to contract with a city police department "in addition to hiring local ABC officers." Currently, G.S. 18B-501(f) provides that "instead of hiring local ABC officers," a local ABC board may contract with a local police department for the enforcement of ABC laws and, when such a contract exists, the officers of the police department have the same authority to inspect as local ABC officers. Since the Pitt County ABC Board has hired local ABC officers, the local act would be necessary for this more 'permanent' arrangement. This option would be dependent upon the Pitt County ABC Board agreeing to seek this local act, the local act being enacted, and the Pitt County ABC Board agreeing to enter into the contract.

The Mecklenburg County ABC Board has such a local act and such a contract. As a result of this, the City of Charlotte has 13 law enforcement officers operating pursuant to the contract with ABC enforcement authority. This is considered as being effective at placing resources where the most serious problems are located. The Greenville Police would be interested in pursuing a similar arrangement with the Pitt County ABC Board to use existing officers to assist in enforcing the State alcoholic beverage laws.

MAYOR'S OFFICE

RECEIVED: 9/22/09

DISTRIBUTION: _____

PITT COUNTY
ALCOHOLIC BEVERAGE CONTROL BOARD *NTC*



Henry L. Smith, Chairman
John F. Minges, Vice-Chair
Steve C. Little, Member
William M. Teel, Member
Jean R. Wilkerson, Member
Teresa L. Campbell, Administrator

2307 S Memorial Drive
PO Box 30340
Greenville, NC 27833
Phone: (252) 756-2350
Fax: (252) 756-4844

September 15, 2009

Mayor Patricia C. Dunn
City of Greenville
P. O. Box 7207
Greenville, NC 27835

RE: Request for Mutual Aid Agreement

Dear Mayor Dunn:

Your letter of request was presented to the Pitt County ABC Board at its meeting on September 15, 2009. There was an in-depth discussion among the board members, myself, and Chief ABC Investigator J. M. Sasser. Chief Sasser stated that his department currently has a very good working relationship with the Greenville Police Department and would not want to do anything to jeopardize that relationship.

Chief Sasser explained to us that the enforcement of NC ABC Commission Rules & Regulations is a very specialized field and requires specific training in that area. He advised us that Pitt County ABC Law Enforcement is one of 17 ABC law enforcement agencies across the state, and that NC Crime Control & Public Safety also has its own Alcohol Law Enforcement Division. Chief Sasser currently has mutual aid agreements with other ABC law enforcement agencies and works on a daily basis with NC ALE Division II, which serves the Pitt County area. The NC ABC Commission Legal Division was contacted in reference to the use of city law enforcement officers as ABC officers, and they agreed that the enforcement of ABC Rules & Regulations would be better served if it remained with those who are specialized in that area.

After further discussion, it was decided to go with Chief Sasser's recommendation that the Pitt County ABC Law Enforcement Division not enter into a mutual aid agreement with the City of Greenville Police Department. It is Chief Sasser's desire that we maintain the current relationship that we have with the City of Greenville and that this decision will not have a negative impact on that relationship.

Sincerely,

Teresa L. Campbell
Teresa L. Campbell
Administrator

cc: David A. Holec, City Attorney



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

- a. Firefighters' Relief Fund Committee
- b. Police Community Relations Committee

Explanation: The Firefighters' Relief Fund Committee and the Police Community Relations Committee are schedule to make their annual presentations to City Council at the October 5, 2009 meeting.

Fiscal Note: N/A

Recommendation: For information only; no action recommended.

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Attachments / [click to download](#)



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Five Points Plaza concept design

Explanation: With the popularity of the Freeboot Friday events at an all-time high, along with the growing popularity of the Uptown Umbrella Market, the time seems right for upgrades to the City-owned parking lot located at the corner of Fifth and Evans Street that serves as a make-shift host site for those events. Understanding the importance of these events to attracting visitors and customers for restaurants and businesses in Greenville's center city, the Uptown Greenville organization requested that the Redevelopment Commission initiate an architectural study of the parking lot that would provide recommendations for site improvements that would facilitate these and other similar public events. Much of the project's direction has been based on extensive public opinion data gathered by Uptown Greenville through survey work as well as a series of public meetings. (See attached summary letter and report.)

Based on input from a steering committee made up of City staff, Uptown Greenville members, neighboring property owners such as Jarvis Church and the State Historic Preservation Office, Susan Hatchell Landscape Architecture, working on behalf of the Redevelopment Commission, has developed a concept plan for the site. The concept plan not only addresses the various programmatic elements required for hosting events on the site, but also helps to highlight the history of the Five Points intersection from which the project gained its name. For much of the 20th Century, Five Points was the center of commerce and culture for Greenville and Pitt County, and while Greenville has been fortunate to gain a variety of new commercial corridors in recent years, Five Points is once again becoming a viable destination for Greenville's diners and shoppers.

Fiscal Note: The architectural study and associated construction project for Five Points Plaza is an approved item on the Redevelopment Commission's 2009-2010 Annual Work Plan. Funds for both design and construction will be drawn from the 2004 general obligation bond issue for the center city. While no construction


estimates have been completed, the design budget for the project is approximately \$84,000.

Recommendation: The Redevelopment Commission considered the Five Points Plaza design concept at its September 1, 2009, meeting and made a unanimous recommendation that the design concept be presented to the Greenville City Council for consideration.

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Attachments / click to download

 [Five Points](#)

 [Five Points](#)

 [Five Points](#)

December 23, 2008

Redevelopment Commission
City of Greenville
PO Box 7207
Greenville, NC 27835

Dear Mr. Mitchell and members of the Redevelopment Commission,

In May Uptown Greenville wrote to your commission asking that the research and development of the Five Points Plaza, a multi-purpose event and parking area located at the corner of 5th and Evans in the Uptown district, be added to your 2008/2009 program of work. At your June meeting, the Redevelopment Commission voted to add the project. We thank you for this opportunity.

Since that time, Uptown Greenville has used several methods to gather public input and opinions regarding potential uses and amenities for the proposed Five Points Plaza. These methods included a public input session attended by 40 people, a focus group including 16 participants and an online survey that resulted in 236 completed surveys.

The Public Input Session, held at The Willis Building in September was open to the public. Kenny Flowers, Director of Regional & Community Development at ECU facilitated the session. The evening opened with a presentation by Albi McLawhorn, Uptown Greenville Design Committee Chair, and an Architect at MHAworks and was followed by a comment and discussion period. This event was promoted to the public through e-mail, a direct mailing and through local publications and radio stations including WOOW Joy 1340 AM, Pirate Radio and Public Radio East and on WITN's Sunrise segment and Talk of the Town.

In October a focus group session was held at The Willis Building. A small group of 16 representing the following groups: Uptown business and property owners, area developers and Greenville residents, were invited to participate in the focus group discussion facilitated by ECU's Center for Survey Research Director Mandeel Lancaster and Kenny Flowers.

In mid-October we also launched an online survey. Uptown Greenville created questions and worked with ECU's Center for Survey Research to refine the questions. The Center for Survey Research posted the questions in an online survey. Uptown Greenville also received 100 ECU football tickets to use as for an incentive drawing to help encourage people to complete the survey. The survey was promoted through most of the methods as listed above for the public input session. It was also available in a paper form for those who did not have access to the internet to complete the survey online. There were 236 completed surveys.

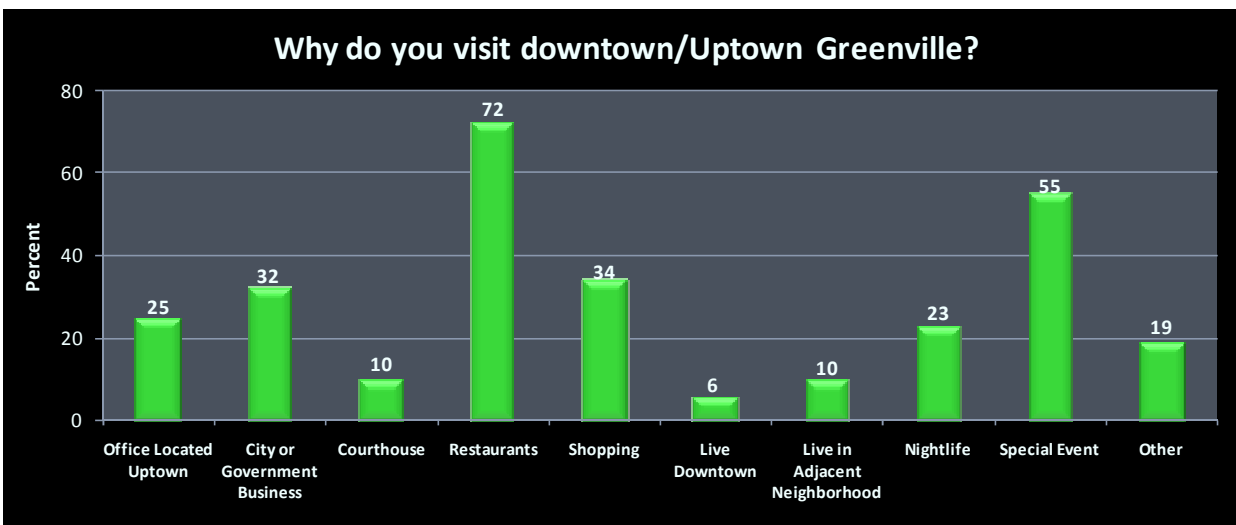
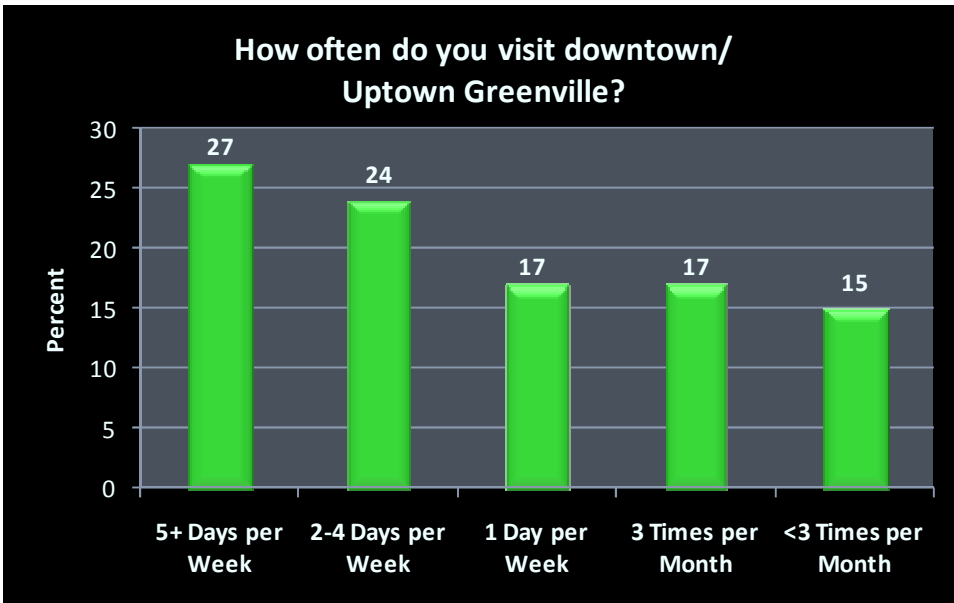
As requested in December, I will present the results of our public sessions regarding desired uses and amenities for the space. Thank you for your time.

Best regards,

Denise Walsh
Executive Director

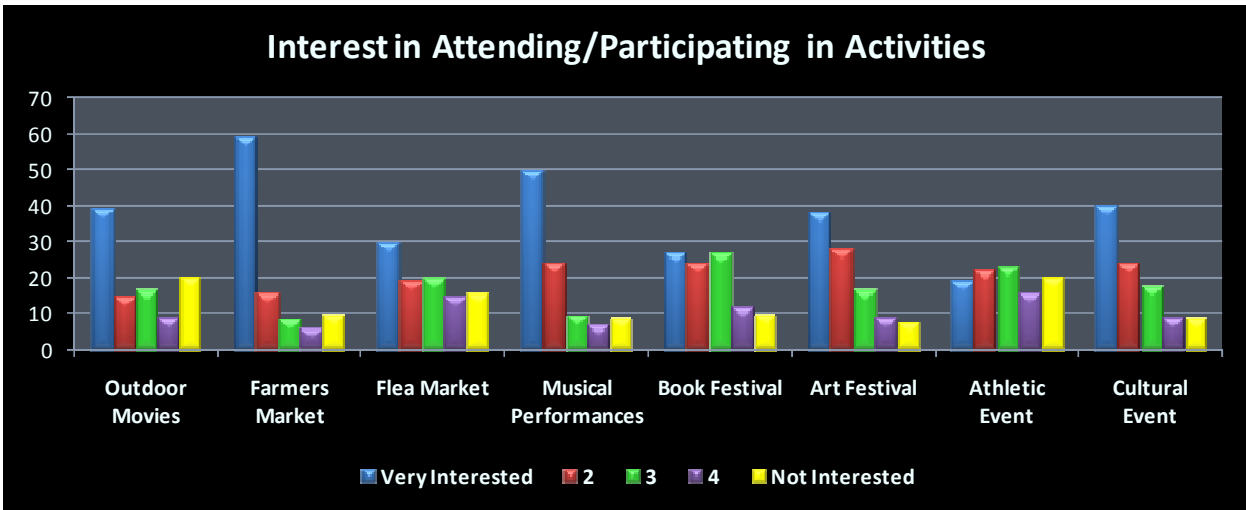
cc: Carl Rees

Five Points Plaza Public Input Survey Results

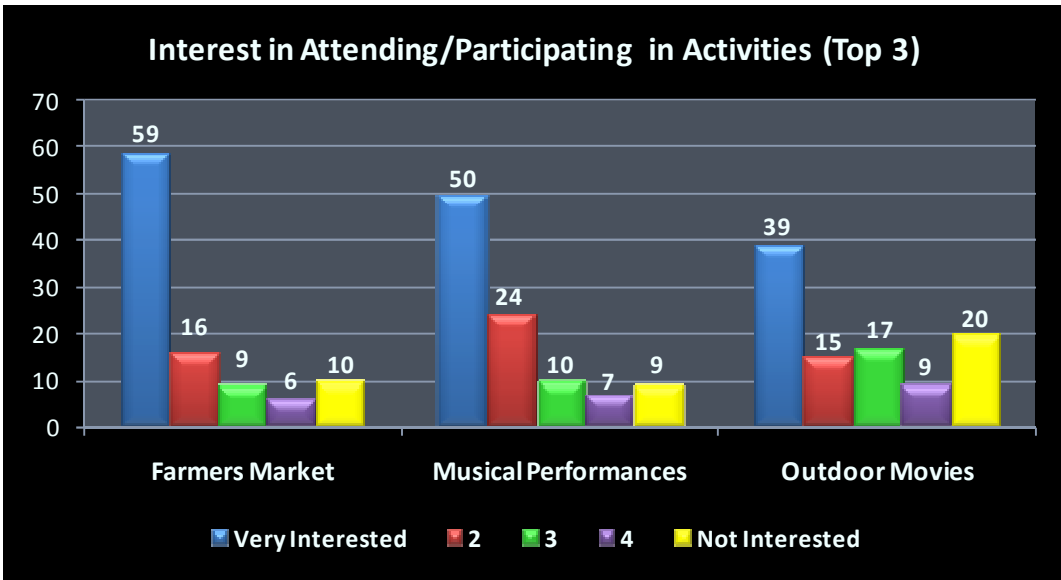


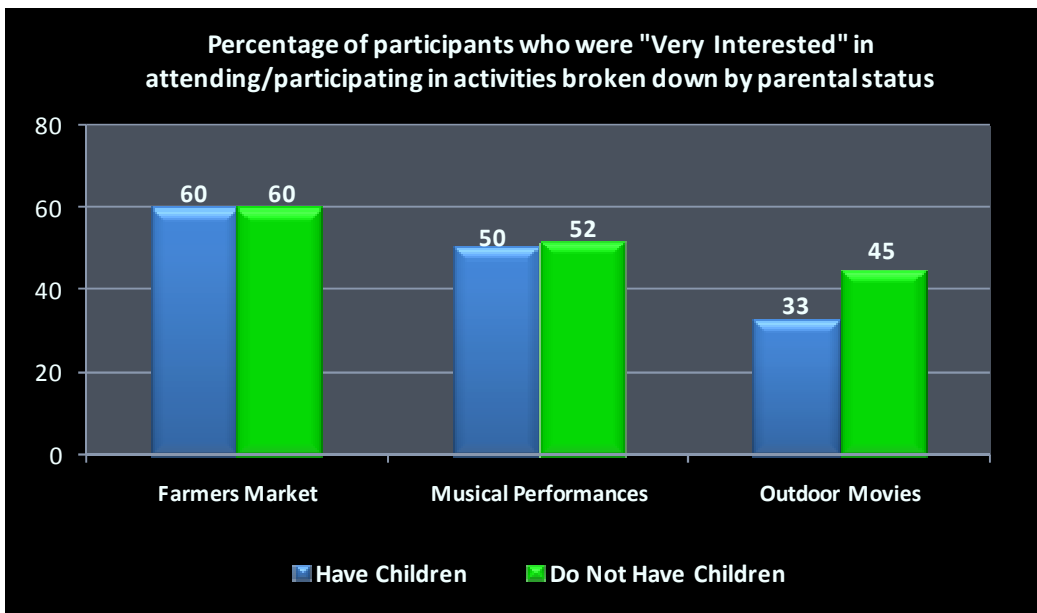
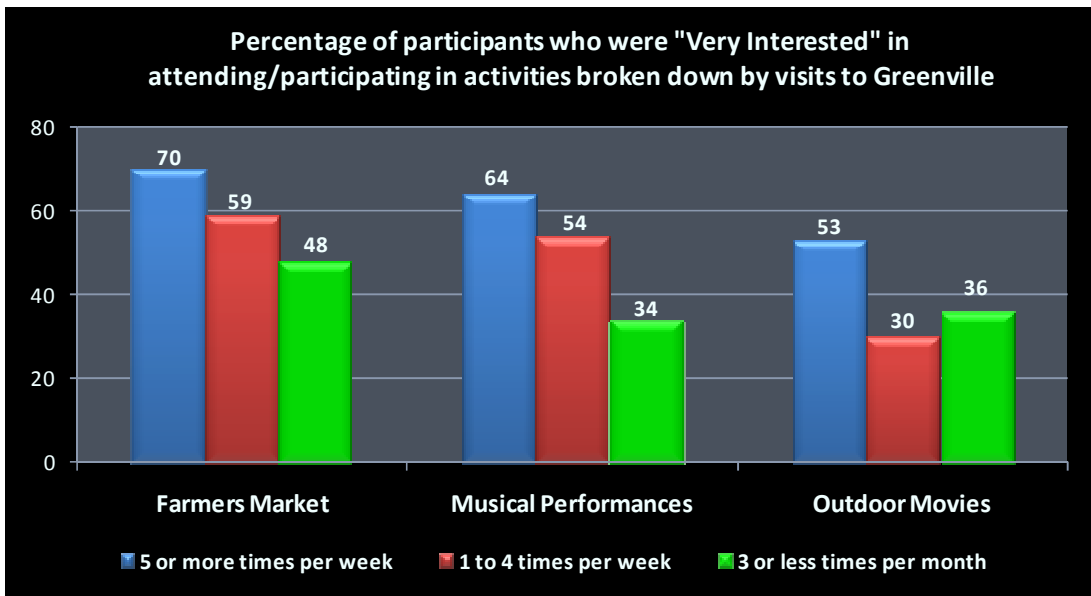
When broken down by age, the top two reasons that participants visit d/U Greenville are:

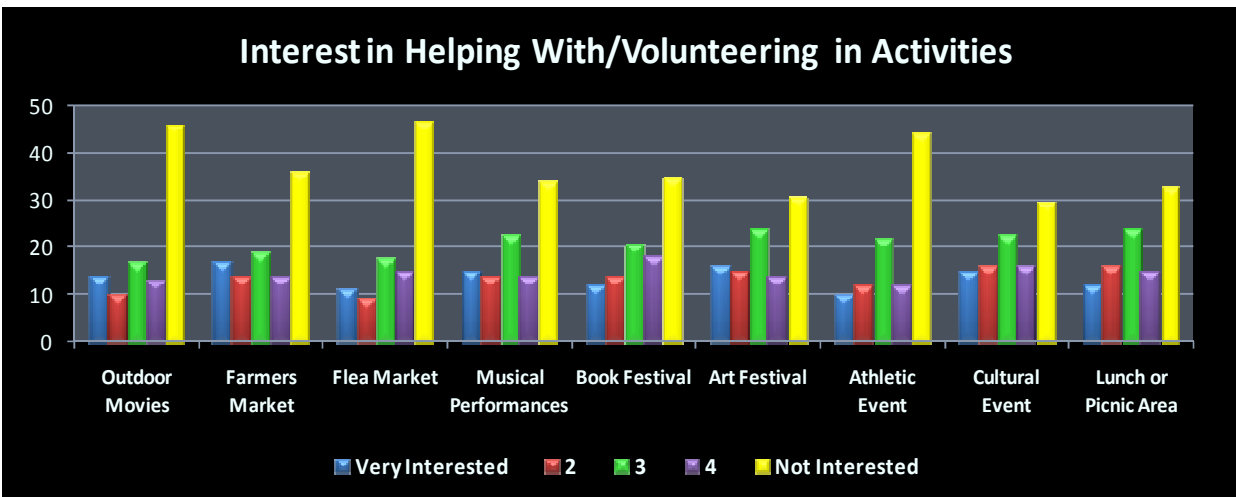
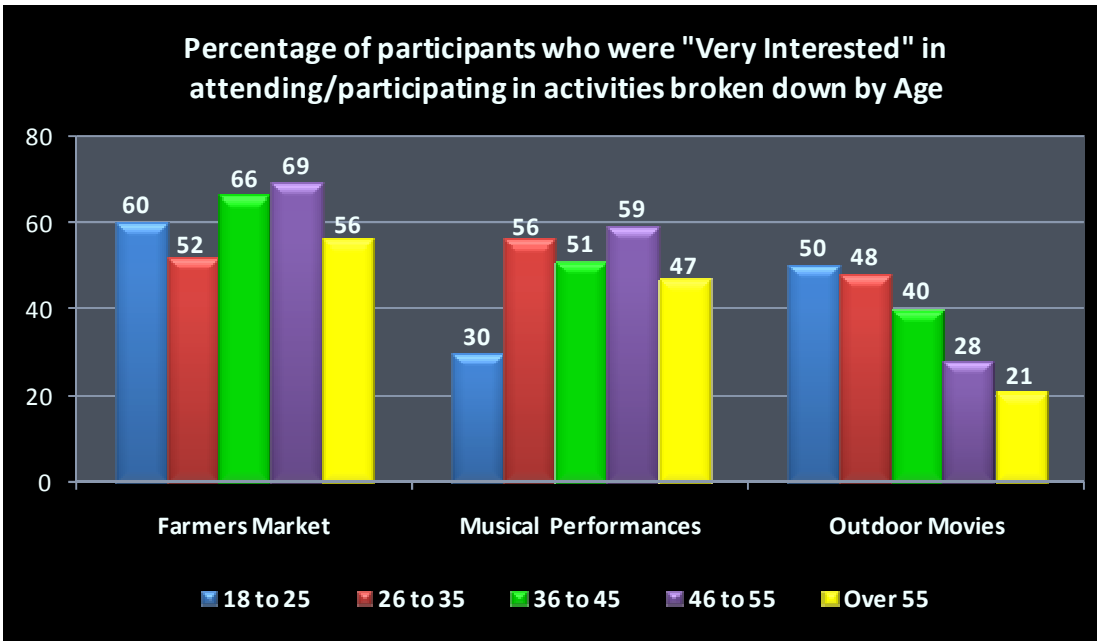
- 18 to 25 – Restaurants & Special Events
- 26 to 35 – Restaurants & Special Events
- 36 to 45 – Restaurants & Special Events
- 46 to 55 – Restaurants & Special Events
- 55 and Older – Restaurants & Shopping



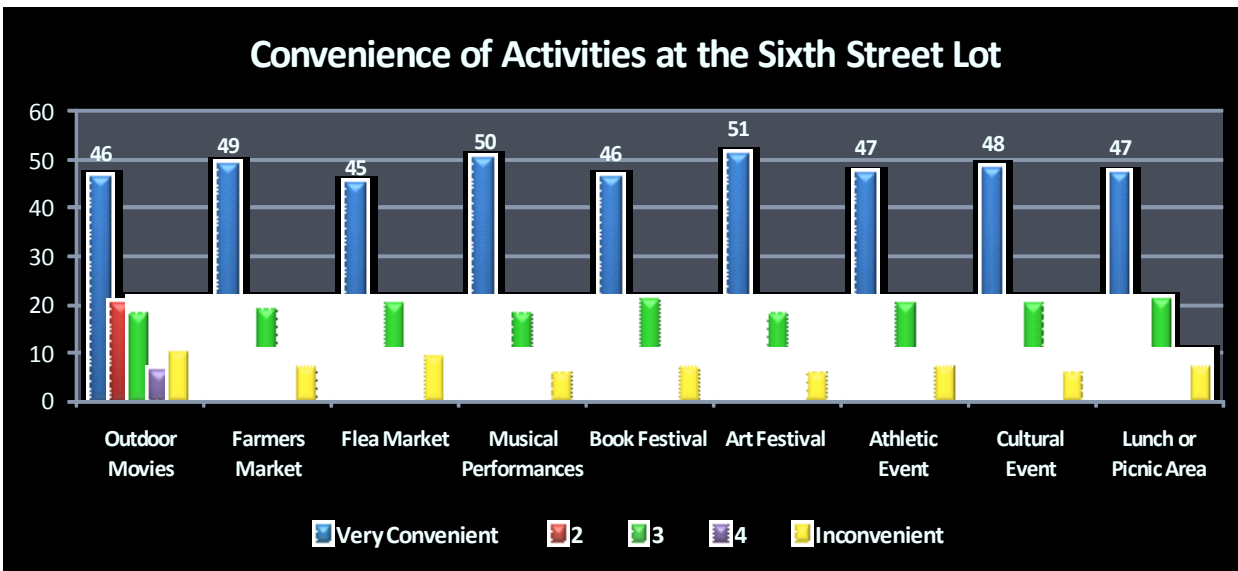
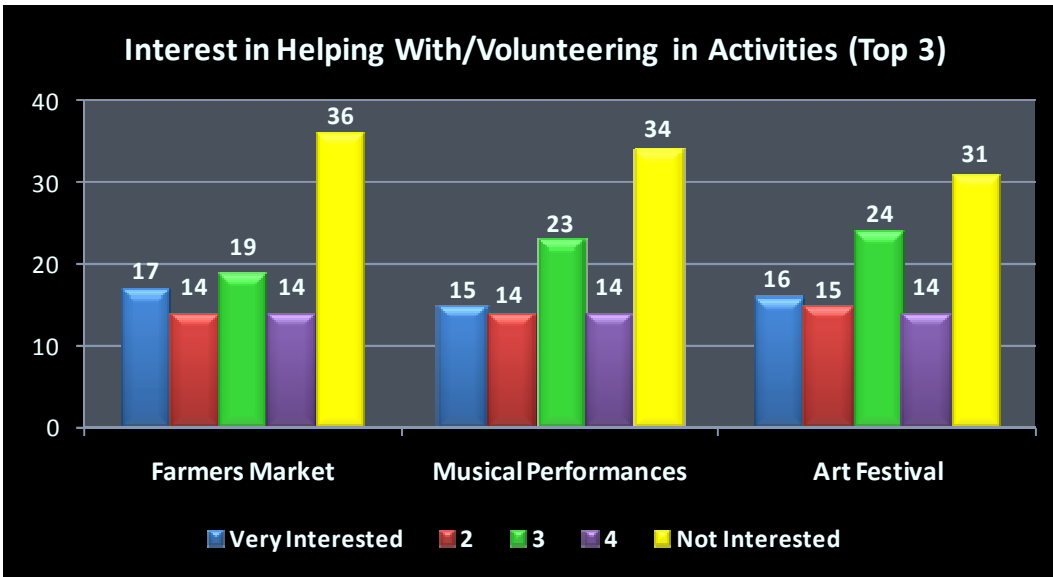
- Thirty-four percent ranked the farmers market as their #1 choice, followed by musical performances with 25 percent.
- Twenty-one percent ranked the farmers market as their #2 choice, followed by musical performances (16 percent), flea market (14 percent) and outdoor movies (12 percent).
- Nineteen percent ranked musical performances as their #3 choice, followed by art festivals and cultural events (each 16 percent).
- All responses were collapsed together to determine the top three activities. They were:
 1. Farmers Market
 2. Musical Performances
 3. Outdoor Movies

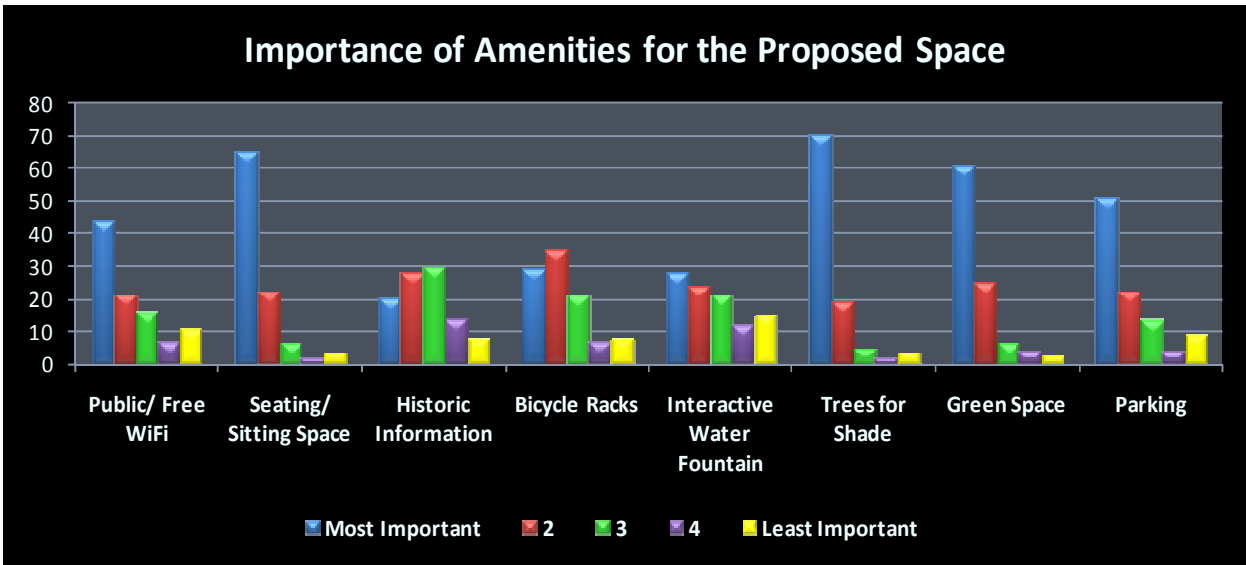




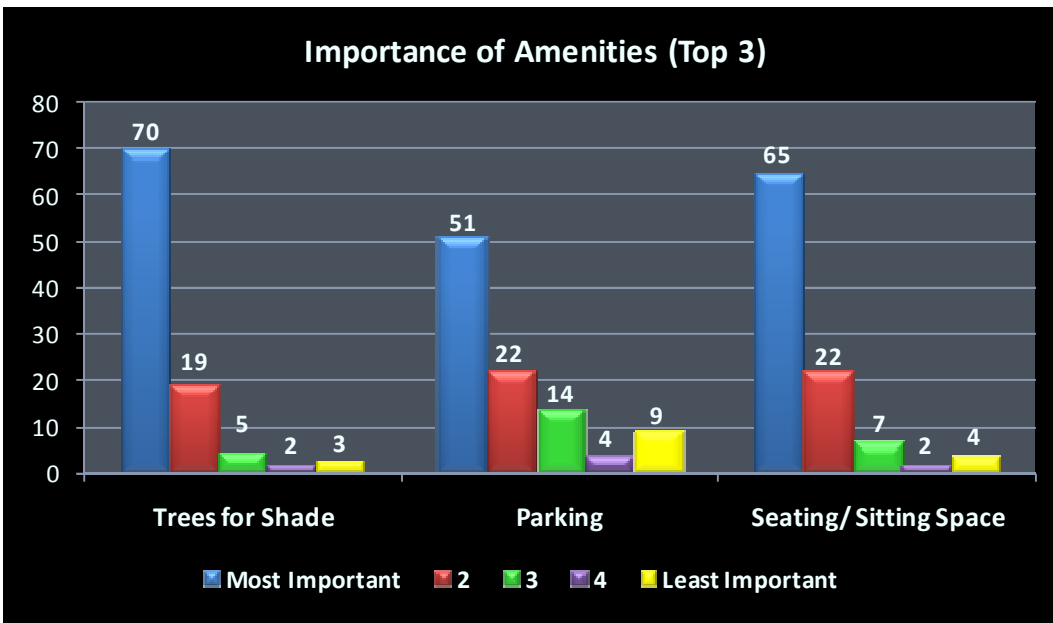


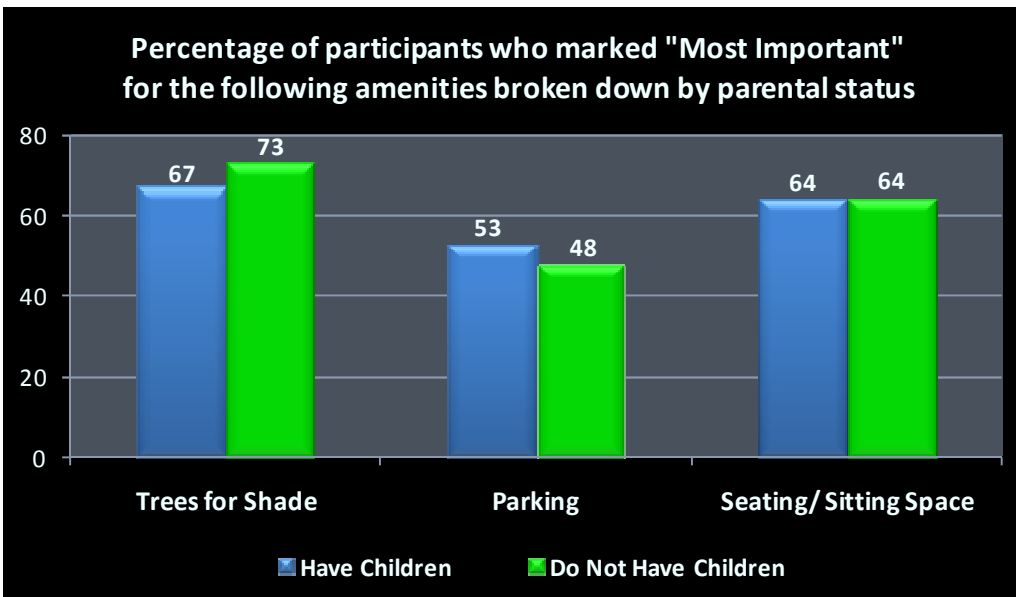
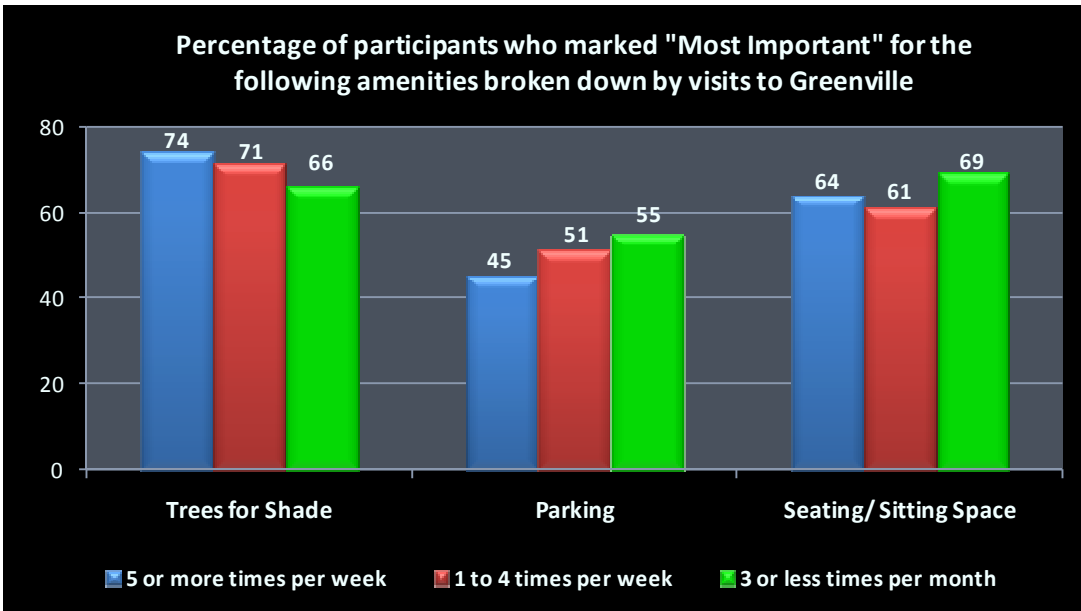
- Thirteen percent ranked musical performances as their #1 choice, followed by farmers market with 12 percent.
- Eleven percent ranked art festivals as their #2 choice, followed by cultural events and farmers markets (each 10 percent).
- Nine percent ranked cultural events as their #3 choice, followed by picnic areas and art festivals at just under nine percent.
- Again, all responses were collapsed together to determine the top three activities participants were interested in helping with. They were:
 1. Farmers Market
 2. Musical Performances
 3. Art Festival

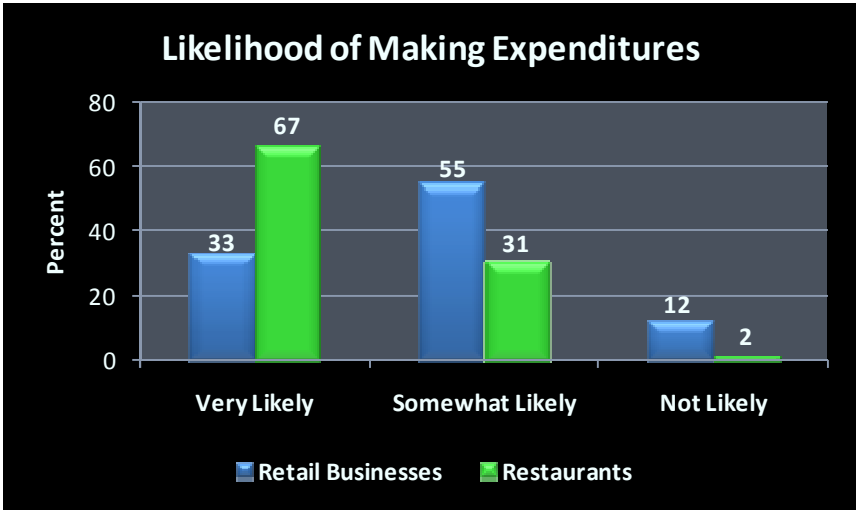
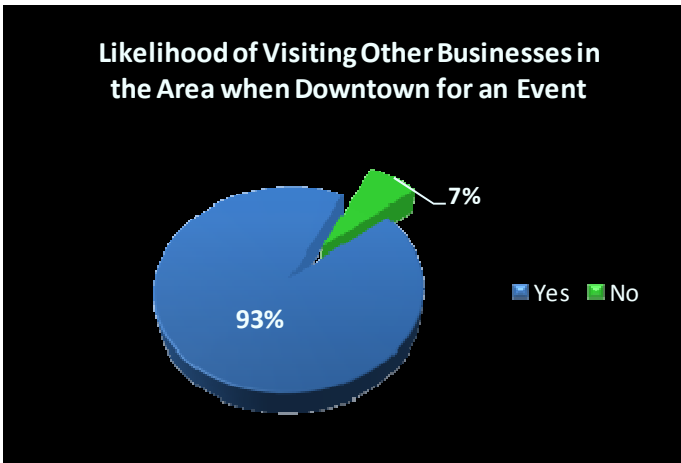
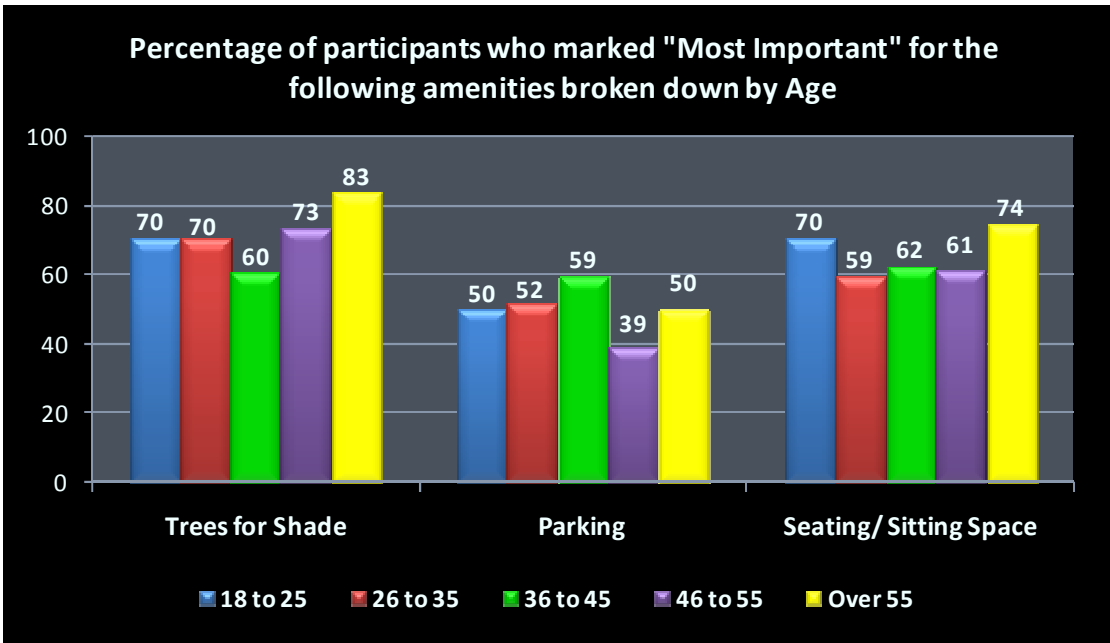


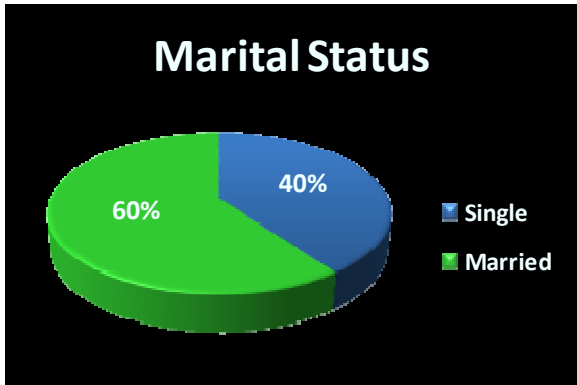
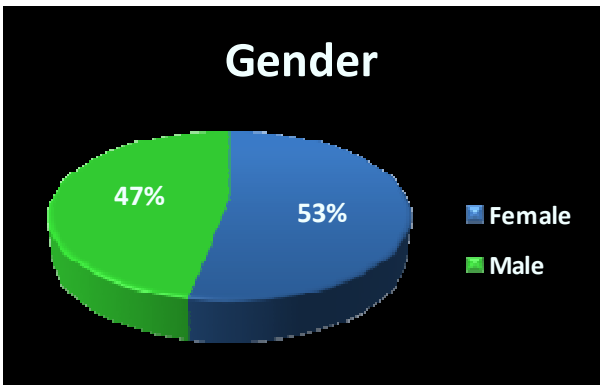
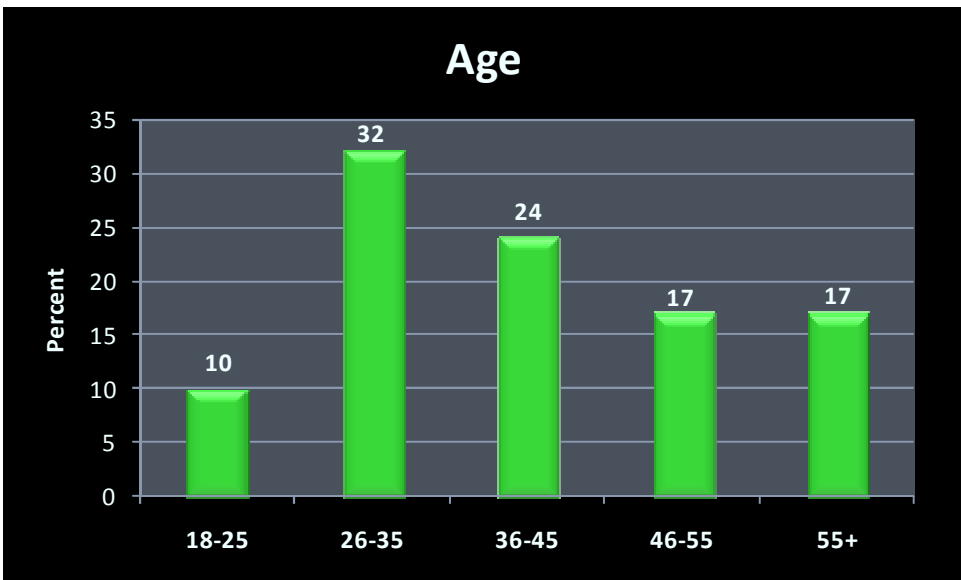
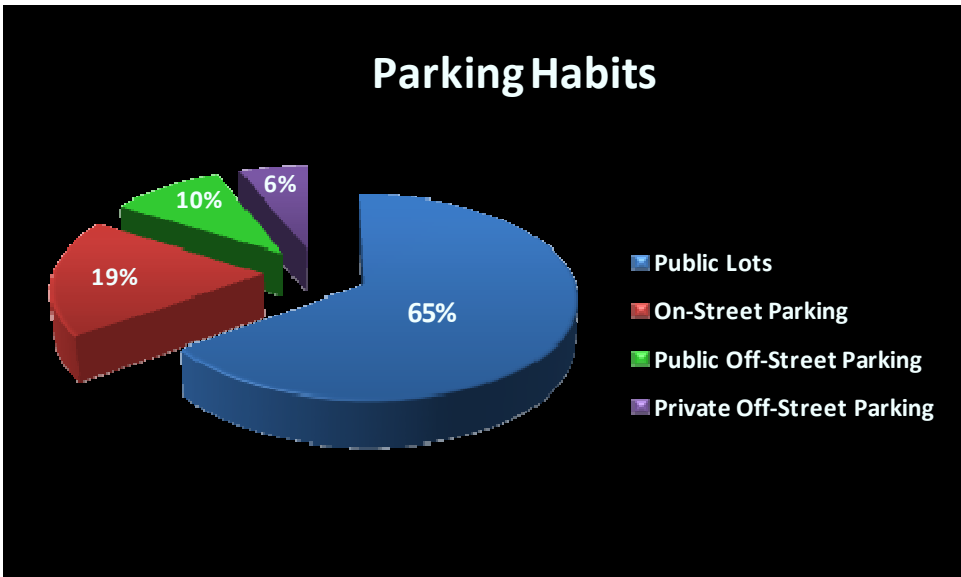


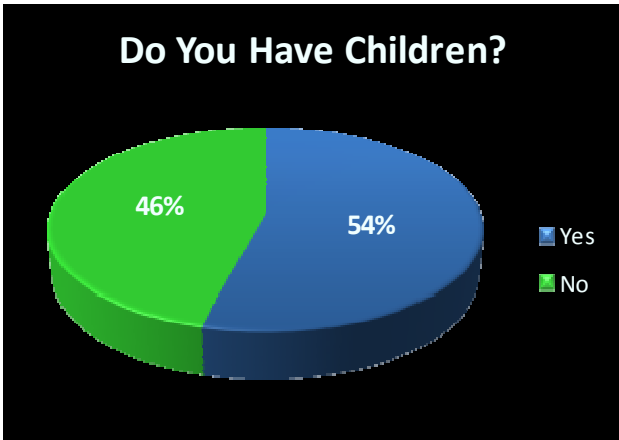
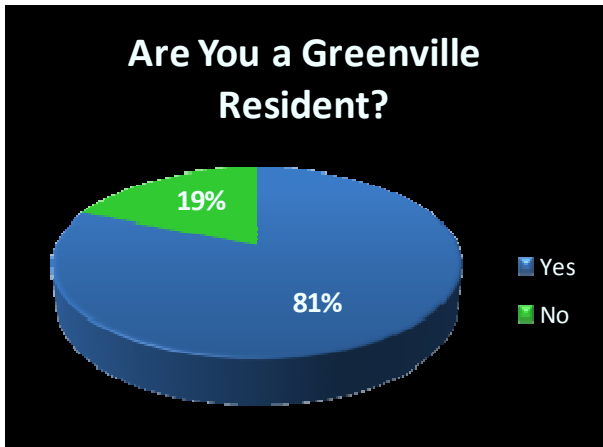
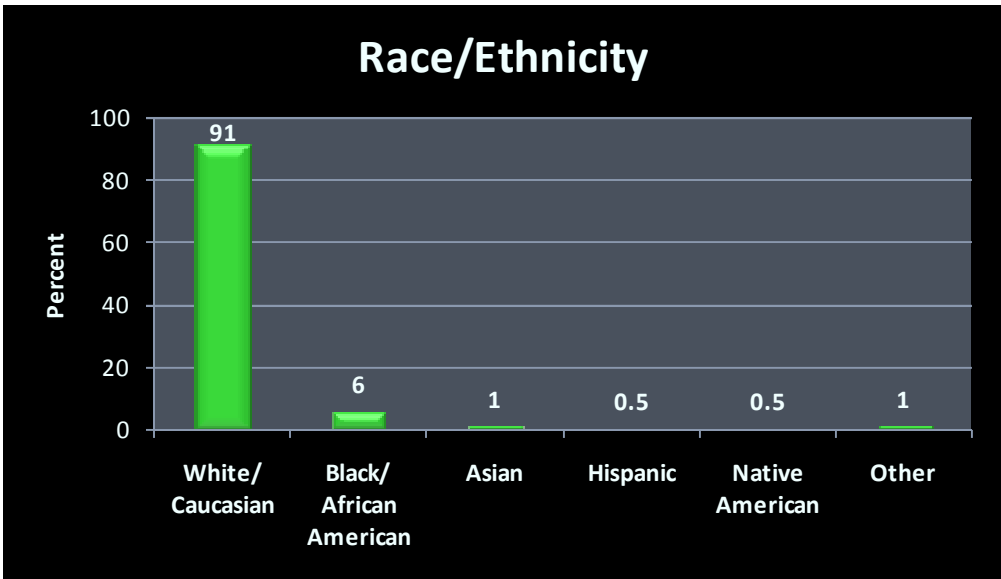
- Twenty-three percent ranked parking as their #1 choice, followed by seating/sitting space with 19 percent.
- Twenty-five percent ranked trees for shade as their #2 choice.
- Seventeen percent ranked seating/sitting space as their #3 choice, followed by green space and parking (14 percent each).
- When all responses were collapsed, the top three amenities were:
 1. Trees for Shade
 2. Parking
 3. Seating/Sitting Space











Comment Section

Why do you visit downtown/Uptown Greenville? (Other Responses)

- Art
- art exhibits at GMA, emerge or ECU art dept.
- Art galleries
- Attorney offices
- Bank/Credit Union (3)
- Chamber - meeting location
- Church related activities
- company business
- Emerge Art Gallery, Topsy Teapot
- family lives in area
- German lessons held in Gawlick's violin shop
- going toward ECU or library
- Harmony Church
- Jarvis Memorial Church
- Jefferson's
- job, walking
- Library (9)
- Our retail business is located uptown
- own a restaurant in uptown G'ville
- own property
- parking
- parks
- recreation like walking
- GUC
- Sheppard Library (2)
- studio located downtown
- Taking a walk
- to run around downtown
- to take walks/recreate
- Toastmasters at the Library
- Town Commons Park
- Wachovia, Pugh'sTire, Jarvis United Methodist
- Work at the City
- Work downtown w/o office

If you do not currently visit downtown/Uptown Greenville, where do you go to fulfill these opportunities now?

Outdoor Movies

- aqua theater ECU
- back yard
- Cary
- Chicago, IL
- Do not attend (11)
- Don't (3)
- don't go to movies very much
- ECU
- Friend's home
- Greenville Blvd.
- Greenville Grande
- henderson
- huh?
- N/A (23)
- N/A, I think Town Common would be better
- NC Museum of Art in Raleigh
- No opportunity.
- No opportunities, but have heard of some that friends attended in Chicago and Memphis
- No place close enough
- Nowhere (15)
- None (4)
- none anywhere that interest me
- not available
- Not available in Greenville!
- Nowhere-but would love to go
- out of town
- Raleigh (3)
- Regal Cinemas
- There is no place for this that I know of
- Visit
- Where
- Winterville (3)
- Winterville Rec Park (3)

Farmers Market

- Arlington Blvd (2)
- Greenville Blvd
- Briley's on 14th Street (6)
- Cornerstone
- Pitt County Farmer's Market on County Home Road (61)
- County Home Rd. is too far across town/almost never get there. Didn't go even once this past summer. I did make it to every Umbrella Market, however.
- New Bern farmer's market
- San Jose, CA
- County Market
- Don't go (4)
- Durham
- existing Greenville farmers market
- Farm on Hwy. 903
- Farmers market (2)
- Firetower Road (4)
- Food Market
- fresh produce from mixed locations
- Greenville street vendors
- grocery store
- I don't go to them (2)
- local community
- N/A (4)
- no where
- None
- Out of town
- Pitt Co. farmers' market -- but it would be _much_ better downtown!
- State Market Raleigh
- Raleigh (8)
- road side stands
- Umbrella Market during summer.
- umbrella market, although this summer it seemed strapped for vendors
- VARIOUS LOCATIONS
- Visit
- Washington, NC (3)
- Winterville (6)

Flea Market

- Ayden (3)
- Ayden/Grifton Stockyard Flea Market (3)
- county home road
- CRAVEN COUNTY
- Don't attend (14)
- Don't go b/c only one I know of is on Wednesdays b/t Greenville & Kinston
- Freecycle
- greenville thrift stores, yard sales, and out of town
- Myrtle Beach
- N/A (16)
- Newport, NC (2)
- No opportunity.
- No opporunties; Raleigh Fairground, San Jose, CA
- None (4)
- Not Many
- Nowhere (7)
- Nowhere-wouldn't go
- on Hwy 11 and Hwy 264
- other states or parts of NC
- Out of town (2)
- outside of Pitt county
- Poor Man's (4)
- Raleigh (13)
- Raleigh or Morehead City
- Raleigh. Don't know of a good one in the Greenville area.
- shops on Dickinson
- umbrella market
- various places
- Visiting other towns
- wherever I see one that is interesting
- Yard Sales (5)
- churches
- consignment stores

Musical Performances

- Alltel Pavillion - RBC Center
- around town
- Bars
- beach
- Chapel Hill
- Chef 505, City Hotel, Hilton
- City Bistro, Tie Breakers
- Clubs (2)
- Concert locations
- Different Venues throughout town
- Downtown
- Downtown at Freeboot (5)
- Downtown bars
- downtown/Uptown
- Dr. Unk's, Topsy Teapot
- ECU campus (32)
- Rocky Mount
- UNC, RBC, Memorial Hall
- greenville
- Local bars or out of town
- N/A (4)
- None (2)
- Nowhere!
- Other Cities
- Out of town (3)
- Raleigh (29)
- Raleigh-Alltell Pavilion
- New Bern, Washington NC
- uptown greenville bars
- Charlotte
- Durham
- Summer on the town common performances
- Sunday in the Park (4)
- Tie Breakers (2)
- Town Common (17)
- Other various locations (3)
- Raleigh. Convention Center
- various venues across the state
- Walnut creek/Roanoke rapids
- Where available
- where ever they are Festivals, Fairs
- Where the good stuff is
- wright audit./ convention ctr

Book Festival

- Barnes & Noble (2)
- Boston
- CHARLOTTE
- Chicago
- Church Bazarr used book sales
- Community Promo
- Convention Center (3)
- Don't attend (9)
- Don't know of one, but I attend most every book sale.
- Durham
- ECU
- EEK
- Friends of Library - 1X/yr -Convention Center
- Humane Society Book Fair

- Library (4)
- Mall
- Morehead
- my child's school
- N/A (23)
- Never been to one (2)
- Never really been to one....but would love to go.
- Nowhere (12)
- None (7)
- Out of state (3)
- Public libraries around ENC
- Raleigh (2)
- Sheppard Library (2)
- Sheppard Memorial Library at Convention Center

Art Festival

- Art Department, ECU
- Art museum in raleigh
- Art museum (2)
- Artwalk
- Asheville (2)
- Ayden
- Depends
- Do not attend (4)
- don't get to do this - miss it a lot
- Downtown (4)
- GMA (3)
- Downtown Greenville (2)
- downtown/Uptown
- Durham
- ECU (5)
- ECU Youth Arts Festival, other towns
- OTHER VARIOUS LOCATIONS
- Emerge (5)
- NC Museum
- Love the Uptown Art Walks and Emerge Gallery and City Art Gallery openings. Rarely miss one.

- Morehead City
- N/A (12)
- None (7)
- not really interested
- Nowhere (6)
- Out of town (8)
- outer banks
- Public Promo
- Raleigh (9)
- Charlotte
- New Bern (3)
- UNC, Swansboro, Beaufort
- Uptown (2)
- Various cities
- Virginia Beach
- Washington
- Where available
- Wherever
- Wilmington (2)

Athletic event (bike race, run, or walk)

- Around Pitt County
- around the neighborhood
- CROP walk shere designated
- Don't attend (13)
- downtown
- Downtown Greenville/Raleigh
- DOWNTOWN, OTHER VARIOUS LOCATIONS
- Eastern NC (2)
- ECU (6)
- Schools/ Churches/ Public
- Greenville (3)
- Greenway, Bike Post Trail
- Miscellaneous
- N/A (13)
- Never attend, but appreciate that they happen uptown.
- None (4)
- Nowhere (8)
- out in country
- Outer Banks (2)
- Raleigh (2)
- Relay for Life
- There are a lot of local events
- ECU Rec Ctr, my neighborhood, Lake Laupus, River Park North
- Town Common (4)
- TURKEY TROT, OUT OF TOWN
- Various locations (2)
- Where available
- Wherever I am interested in going
- Wilmington
- Winterville

Cultural Event

- a little too general for me to answer
- Collard Festival
- Convention Center
- DC or NYC
- Depends on event (3)
- Don't attend (3)
- Downtown Greenville (3)
- Durham
- ECU (22)
- Magnolia Arts Events
- UNC, Memorial Hall Raleigh
- haven't since moving here
- international festival
- MOUNTAINS OF NC
- N/A (9)
- NC mountains
- No opportunity.
- None (3)
- Nowhere (5)
- out of town (5)
- outside of pitt county
- park
- Raleigh (10)
- RBC Center
- Saint Gabriel's
- this is a vague descriptor.
- Town Common (6)
- Various locations (6)
- Various places (normally out of town)
- Where available (2)
- Wherever I am interested in going

Lunch or Picnic Area

- ALL OVER
- around Greenville - usually inside
- Beach
- Boyd lee park
- Car down by the river
- TAILGATING AT ECU
- Depends
- Don't go (6)
- ECU (2)
- Elm St. park (3)
- Corey Rd. Park, Winterville park
- Enjoy Uptown restaurants and wine bar and other independents in town. River Park North for picnics.
- Greenville Blvd (2)
- Jarvis Memorial
- jaycee park, perpermint park
- Lake Laupus (3)
- many places
- N/A (5)
- NC Mountains
- No opportunity.
- Nowhere (5)
- Office (3)
- other restaurants
- Other towns (3)
- outer banks
- outside of pitt county
- Parks (11)
- Parks and greenspaces throughout town
- Restaurants
- restaurants, friends homes.
- river
- River Park North (11)
- River/beach/mountains
- Tar River Estates Park
- Town Common (16)
- various parks around Greenville, ECU campus
- Various places (normally out of town)
- Washington
- Where Desired
- Wherever I am interested in going
- Winterville

Please list other activities you think are appropriate for the Sixth Street lot:

- Octoberfest
- Don't Know
- Academic, cultural, and recreational activities involving ECE students
- all of above
- All of the ones you have listed are very appropriate and would appeal to most.
- Anything BUT parking!
- Anything for young children's festivities
- Arts and Craft shows, Something for children under the age of maybe 12.
- businesses or merchant style fair
- Can't think of anything right now
- Car Shows Motorcycle shows Multi Cultural Food Vending Event
- Children's Day moonwalk, pony rides, food, clowns, dance, costumes
- CHILDRENS ART DISPLAYS
- childrens fair
- Christmas Tree Lighting
- Christmas tree lighting/carol singing, critical mass starting point, any town/gown event, public art (not pirates), keep it green & save purple and yellow for campus
- City Festivals,
- classic car shows, themed street fairs--art, crafts, cultural, etc.
- Community Christmas Tree
- concerts; street performers

- connect with sidewalks and bikeways and greenways
- convertability
- Covered pavilion, public restrooms (maybe), passive recreational opportunities, benches...
- Dogs allowed
- don't really know
- Educational and Historic information on Greenville
- Events like Freeboot Friday!
- fairs
- farmer's market!!!!
- festivals
- Food festival outside. Let vendors/restaurants setup and have a restaurant review day possibly sponsored by the Daily reflector. Encourage local participation by letting customers vote for the winner of an annual restaurant review award.
- Food vendors?
- Fund raising activities Eat lunch
- Greenville has great weather for outdoor cafés.
- Have children's festival
- historical museum about Greenville
- Holiday Shopping Fair with vendors like Avon, Pampered Chef, Home Interiors, Home Garden, Pottery, Crafts, Makeup, Wood Working, Small Business Fair
- I believe this lot should be used for more intensive development of a mixed-use nature. This would provide even more of a 24 hour precense downtown while utilizing Town Commons for community events.
- I live in the surrounding neighborhood and enjoy Uptown and am anxious for upcoming businesses and visit almost everyday but parking has lately been a HUGE issue, on rainy and busy days there is not enough parking - need more.
- I think the space should be used to increase parking and offer small events and seating. Town Commons should be utilized more for farmer's market, outdoor moives, etc.
- I would like to see some outdoor library events, cultural events, and community events
- I would love for their to be a Taste of Greenville event held downtown. I would also like to see the space available for non-profits to fundraise (i.e. carwashes, bake sales, etc.)
- Jazz at night under the stars (a strip shopping center in North Raleigh did this back in the early '90s and we could get food and beverages to take outside---so enjoyable!)
- KID'S EVENT (DAYTIME), BAR CRAWL, FESTIVALS, AUCTIONS, SKATEBOARD / BMX EVENTS
- live music at lunch time, Christmas fun gathering with carolers, Santa, cider
- Lots of Festivals! I like the ideas suggested already. Do any of them!
- Maybe some type of fundraiser events...Cancer, ALS, etc.
- Meeting place for speeches, political rallies or demonstrations.
- More Freeboot Fridays and maybe add Wildout Wednesdays
- Music, and other community festivals would be really nice. The outdoor movies are great ideas.
- N/A (2)
- none changing it is a waste of money
- old car shows--any kind of event that will bring people uptown
- Outdoor entertainers (mimes, clowns, jugglers, etc)
- Outdoor Parties
- parades for kids during halloween, christmas, easter, ect.
- Parking (2)
- parking deck
- PARKING FOR CITY EMPLOYEES
- Parking has to be the main activity

- Plant sales and plant swaps. Maybe a once a month junking meet (people bring their unwanted stuff to give away or exchange with someone else). Anything cultural--music, book and poetry readings, plays, etc., etc.
- police presence
- Political Rallies, Public Awareness fairs (i.e. health fairs), Ethnic Festivals, Chili/BBQ/etc. cook-offs.
- Public art performances like plays
- PUBLIC BBQ GRILLS, CHILDREN ACTIVITIES (PLAYGROUND, INTERACTIVE WATER FOUNTAINS, HOST PONY RIDES OR ANYTHING FOR PARENTS WITH CHILDREN RANGING FROM 2-10
- public forums, gatherings
- Rallies
- Religious events
- routine display of significant student work from Pitt County schools, science projects, arts, music,dance, speech making, Displays on the significant work of charitable organizations, civic groups, churches, scouts. soup kitchens, homeless shelters, etc.
- Safety should be of the utmost concern. Crime is on the rise in inner city Greenville
- small scale outdoor cultural events
- Some retail, and maybe a urban park like the one in Greenville, SC
- Sporting events-pep rally that starts at the square and marches through town to the stadia. Poetry night, Taste of Greenville event Dropping of the Golden Leaf on New Year's Eve!
- street vendors- amusement games rides children's learning area petting zoon-educational star gazing
- They all fit in the categories previously mentioned
- that would cover it ; october fest event
- the ones that were listed where great
- Tree Lighting
- wine tasting, beer garden,
- Yard sale, Guest speakers, Community involvement activities.
- You should allow local independent street vendors, like a hotdog stand, to be there everyday, not just for special events. Sure there are restaurants in the area but a hotdog type stand gives a big city feel. Gets people out. It's an "experience".
- youth activities

Please list other amenities you would like to see in the Sixth Street lot:

- Don't Know
- 1.Convenient and preferably free parking is a must for anything in Uptown Greenville to be successful!!!!
- 2. Pet waste cleanup/disposal is nice as some of us like to be able to take our dogs with us at night/weekends since we are working during the week.
- A large beautiful water fountain and park benches, where anyone who so chose could go there. I grew up going to movie theaters there and walks to the library and shopping as a child with my mother and dad,grandparents.
- Adequate lighting and possibly security/surveillance so visitors feel safe at all times of the day and night!
- all above
- Bathroom,port-a-john
- bathrooms
- bathrooms (other than port-a-johns)
- Beer Garden
- Benches/picnic tables/sidewalks or other place to walk around safely. Paving should be decorative and attractive. Please consider using permeable paving stones and amending the soil beneath them to allow for water to soak in the soil and not run off into
- Bus stops for ECU buses carrying people downtown at night. A emergency box like the ones found on campus for safety or security guard. Lots of lighting and place for a regular farmer's market.

- Charleston style lighting
- children's section/play area
- clean, safe, public toilets
- covered vending areas
- don't know
- Don't know of anything else not already mentioned
- Drinking fountain
- Electric hook-up, mini-amphitheater,
- Embedded power outlets. Vitally important for various activities downtown.
- FLOWER GARDEN
- Food Vendor (lemonade,orangeade, or icecream stands)
- History of tobacco or cotton or african-american history. Summer time water misters for people sitting there. Sustainable design and recycled materials from local area in the construction. Map of other interest areas to walk to and map for power walking
- I like the parking and would not change too much.
- i really like the idea of having an interactive water fountain
- If you're going to hold events public restrooms are a neccesity -- no porta-potties
- interactive fountain. park-like walking area
- keep it pedestrian and bike friendly
- Less parking, more green space from what I've seen so far
- Less pollution.
- More Trees and a Water Feature
- N/A (2)
- nice cafes
- nice landscaping... uptown is relatively plain and gray currently
- Night lighting. Piped-in music. Knetic sculptures. Cute busses or trams to provide transportation around the downtown areas and parking lots.
- not sure
- Occasional craft sales like the Umbrella market.
- Other types of festivals or concerts.
- Outdoor boards for chess and checkers.or cards.or dominoes Vertical and/or horizontal,very smooth surfaces for chalk drawings. Well designed kiosks on which are posted notices, bulletins, etc. Could be used only via a monitoring process to gain access to
- Outdoor games?
- Parking (3)
- parking deck
- Parking Deck incorporated into a mixed use development.
- Parks for children to play
- permanent art structure(s) (not a pirate), good night time lighting,
- Permanent trash cans
- pet friendly features, covered pavilion for festivals, bus stop, directory sign, canopy trees along the edges
- Play area for children
- playground for the kids
- Project costs should be raised privately. Tax dollars should not be used due to economy.
- Public Art Installation
- Public restrooms
- Public restrooms for special events.
- PUBLIC RESTROOMS, INFORMATION KIOSK,
- Public toilets? (I don't know if there are any down there now).

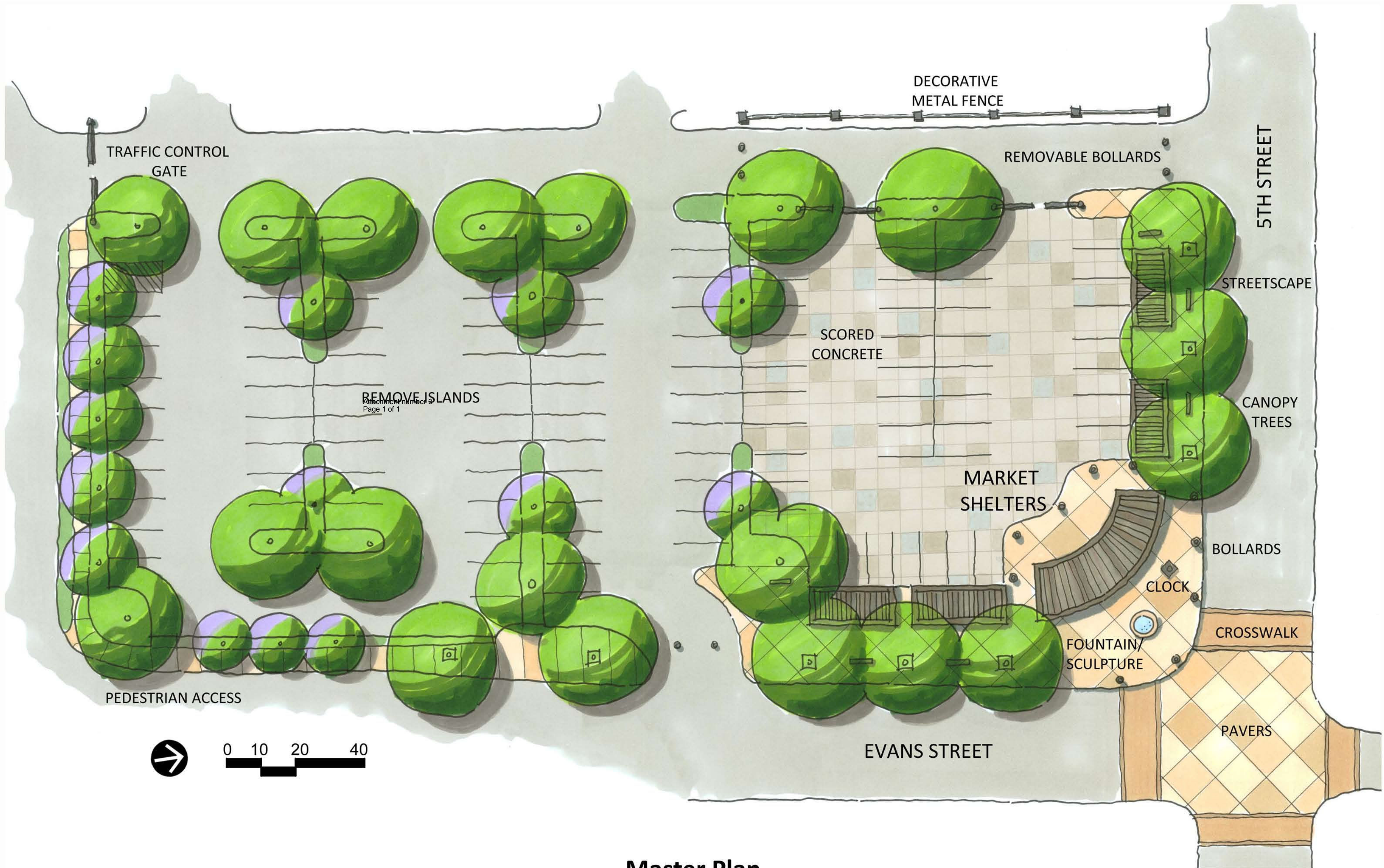
- public washrooms
- Really am most supportive of a shady, relaxing area, dogs on leashes, with beautiful plantings and water feature (a nice fountain would suffice for me, doesn't need to be interactive). Would really love a market off to the side--farmer's market
- Restrooms (2)
- Restrooms with diaper changing stations, snack bar, picnic areas
- sculpture / public art
- Sculpture for visual interest
- shaded sitting area with restroom facilities, no smoking areas family area, play area for children with benches snack machines-
- Shelter, adequate parking, shade trees, adequate lighting
- small venue for classical music ensembles
- Soft Drink machines or vendors Food vendors for lunch
- Some Covered Seating- gives more year round appeal- place employees around the uptown area could eat outside
- Some kind of a play ground for small children with swings, slides etc.. also a covered seating area for us Moms.
- Some snack stand with the proceeds going to a city project could be nice.
- stage
- sufficient lighting for nighttime
- Trees are very important. Now that we have additional parking, make the older area look like Rittenhouse Square or one of the squares of Savannah.
- U.S. and State Flags
- Uptown map with stores, restaurants, historic sites, churches, and businesses identified. Map of larger Greenville, as well.
- vendors with food/drink items
- Water (drinking) fountain, food vendors for special events, flower vendors, An artistic fountain, Rose garden
- water fountain (not ness. interactive)
- water fountains
- Whole Foods market!
- With the advent of the electric car, and it's growing popularity, I think that Greenville should create several parking spaces/recharge stations throughout the uptown area. This will encourage citizens to buy electric cars, and may even promote car manufacturers
- would there be public restrooms
- You have them covered

Are there any other reasons you would like to come downtown/Uptown Greenville?

- Don't Know
- Aimless strolling! But this is more likely with the kinds of events/amenities you are exploring. It is also more likely if the historic and aesthetically interesting buildings and townscape are retained and made more visible.
- Basically the atmosphere that the malls cannot offer and the history and historical significance downtown/Uptown offer.
- Better shopping options - get more eclectic shops instead of the some currently present. Restaurants (5th St Wine Bar, Starlight, Chico's) and Topsy Teapot to meet w friends. A better place to meet for older single professionals that don't want to be in
- Businesses. I love Jeffersons and the businesses in that building.
- Can't think of any (2)
- craft holiday shows

- cultural events, arts
- draw life to downtown and away from the malls
- entertainment
- FUN TO WALK AND HAVE A FEEL O BIG CITY ATMOSPHERE
- Good clean fun, shopping, eating
- Good shopping, not hippie-dippy junk.
- Have better places to shop and fix parking like it was in the 50's and 60's. Make it Five Points again instead of 4. Places to show there now, is "hippish and grungy" looking.
- History walks
- I always enjoy coming downtown.
- I am always in the Uptown area so I don't need things to entice me to come here. However, I would like to see the uptown area made move livable and walkable. We need a grocery store and drug store, more events.
- i don't need many. A food store (not convenience store) would be great
- I enjoy eating uptown- nighttime bar scene keeps us away after dark and on weekends
- I enjoy the remaining historical buildings and walking around them.
- I greatly enjoy living downtown, but there needs to be more apartments created there. I was excited about the new apartments near the credit union, but they will be for students only. There are young professionals who want to live downtown, too.
- I like and support the area. I would like more reasons to come downtown!
- I love downtown. I am not a fan of the "Blvd", so I tend to do business in the downtown area whenever it's possible!
- If there were more supper clubs (live Jazz) catered to the middle age
- it feels better than the mall!
- It would be nice for non-profits to use the space for fundraisers without cost.
- Its shopping and entertainment and eating facilities--Just having a safe atmosphere in general, would bring me Uptown.
- Just enjoy walking around and taking the scenery in!
- just to relax
- Just to see the sights and we want high rise buildings
- Leisurely walk, religious events
- Maybe a grocery store.
- More Business, Restaurants
- More festivals and dining. I would also like to see more shops that would bring people downtown all of the time.
- More food and shopping
- More good restaurants ... the more exotic the better. Please find a good Japanese and Thai restaurant to re-locate uptown! And a GOOD Irish pub that actually looks/feels like an Irish pub
- more high-end shopping. more non-chain restaurants. needs better living space options.
- More locally owned restaurants and shops. Chains are so impersonal.
- More music festivals with beer
- more nice places to eat...like Starlight, Dales
- more restaurants and pubs and stores(art, crafts, etc) within walking distance once you park.
- More restaurants and shopping. A Whole Foods Store or Earth Share would be nice!
- more selection of restaurants; an anchor hotel
- More shopping opportunities would be welcome. Most shops cater to ECU students rather than the general population. Jefferson's is lovely but pricey.
- More shopping would be nice. I would like to see downtown follow the lead of some other up-and-coming cities and develop the quality of place in Uptown Greenville. People want to be outside and be active. We also like to shop and interact. We like bei

- More specialty shops
- More unique shopping, restaurants.
- N/A
- No (6)
- None (2)
- None. Too many beggars in the downtown area. Why doesn't the city use the wonderful park at the commons? Everything is there! A wonderful view, green grass, trees, a nice stage. This just does not make sense to me. Yes the parking is tight in that area
- nope
- not right now
- parking, restaurant
- Plenty.
- Restaurants Shopping
- see above
- See old buildings preserved and used. Safe environment for walking or running at all hours. Be reminded of how uptown looked 50 or 100 years ago--such as some indication (walkway?) where Dickinson Ave met Fifth Street, how five points got its name.
- shopping
- shopping!
- Some of the best restaurants in Greenville are uptown, Starlight, Chicos. Should be a better venue for live entertainment. Need to continue to improve retailers.
- something different/good community fellowship
- sporting events at ECU
- The main reasons for going downtown/uptown is for entertainment, food and shopping. We need shops like Banana Republic or Abercrombie & Fitch. We need upscale wine bars and restaurants. We need artsy gift shops. Also, very important, we need convenient
- These work best where they create a carnival atmosphere ... lots of food, music, interesting shopping stalls, craftsmen
- To avoid the "big box" stores like Wal-Mart!
- to hang out with friends
- To look at healthy and happy people, we are fun to study, and it does not cost much nor take a huge staff to make it happen. I cannot tell you how much the place, the space, must have a sense of safety and protection from the extremes of temperature, wind
- To meet people and mingle. To feel a part of the Greenville community.
- to meet people, people watch, walk, to shop in a more unique setting.....what do you make Greenville postcards of right now?
- To see a vibrant core.
- Unique dining and shopping experiences. Ability to walk around outside and interact with others
- Walking trails with fitness stations ex stairs, walk beam, pull up bar, etc
- We enjoy visiting Emerge Gallery, occasionally eat at Cubbie's and Ham's and mainly come during special events like the Christmas parade, Pirate Fest, etc.
- We need an ice cream shop...a real one!
- Whole Foods market and café!
- Would like more music opportunities.
- Yes, just to retrace things and places I went as a child.
- Yes, we are sort of a locus-free community. I wish the movie theater next to the Starlight cafe was running. I don't go to the movies much because I don't like to drive out to the theaters.
- you guys are the only ones on the planet that call it "Uptown" anyone who went to ECU asked their friend: "Wanna go Downtown tonight?"



Attachment Number
Page 1 of 1

Master Plan

Five Points Plaza

Greenville, NC

August 28, 2009



Susan Hatchell
Landscape Architecture, PLLC



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Resolution approving exchange of property with Norfolk Southern Railway Company

Explanation: While refining the agreements for the railroad switching yard project, Norfolk Southern Railway Company advised that it desires to receive property (approximately 0.07 acres) in exchange for property (approximately 0.05 acres) which Norfolk Southern is dedicating to the project. The property that Norfolk Southern wants to receive in exchange is part of the property where the connector track wye is to be located. Because of Norfolk Southern's desire to receive this property, this portion of the property where the wye is to be located will be owned by Norfolk Southern rather than being a part of the easement or right-of-way which the City is conveying to CSX Transportation, Inc. Either way, the City is going to convey this property for use as part of the wye. Therefore, no additional property for the project is involved and this exchange does not affect the project.


The attached map demonstrates the property to be exchanged. Norfolk Southern will be conveying the tract shown in green to the City, and the City will be conveying the tract shown in blue to Norfolk Southern. Notice of the intent to authorize the exchange at this meeting was published as required by law.

Fiscal Note: No additional cost is incurred as a result of the properties being exchanged.

Recommendation: Approve the attached resolution which authorizes the exchange of property with Norfolk Southern Railway Company.

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

Attachments / click to download

 [Map of Exchange](#)

 [RESOLUTION APPROVING EXCHANGE OF PROPERTY RELATING TO THE GREENVILLE TRAFFIC SEPARATION AND GREEN](#)

RESOLUTION NO. 09-

RESOLUTION APPROVING THE EXCHANGE OF PROPERTY WITH NORFOLK
SOUTHERN RAILWAY COMPANY RELATING TO THE GREENVILLE TRAFFIC
SEPARATION AND GREENVILLE RAILROAD CONGESTION MITIGATION PROJECT

WHEREAS, public notice of the intent of the City Council to authorize an exchange of real property at a regular meeting was published as required by law;

WHEREAS, the City Council has determined that the City of Greenville will receive a full and fair consideration for its property in the exchange; and

WHEREAS, North Carolina General Statute 160A-271 authorizes the exchange of real property by the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that the exchange of property by and between the City of Greenville and Norfolk Southern Railway Company be and is hereby approved, said exchange involving the City conveying the property located south of Fourteenth Street, west of Pitt Street and upon Tax Parcel #009566, consisting of approximately 0.07 acres, more or less, and having a value of approximately \$8,385 and the City receiving the property located south of Fourteenth Street, west of Pitt Street and upon Tax Parcel #029127, consisting of approximately 0.05 acres, more or less, and having a value of approximately \$6,470.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute a deed relating to the aforementioned exchange on behalf of the City of Greenville.

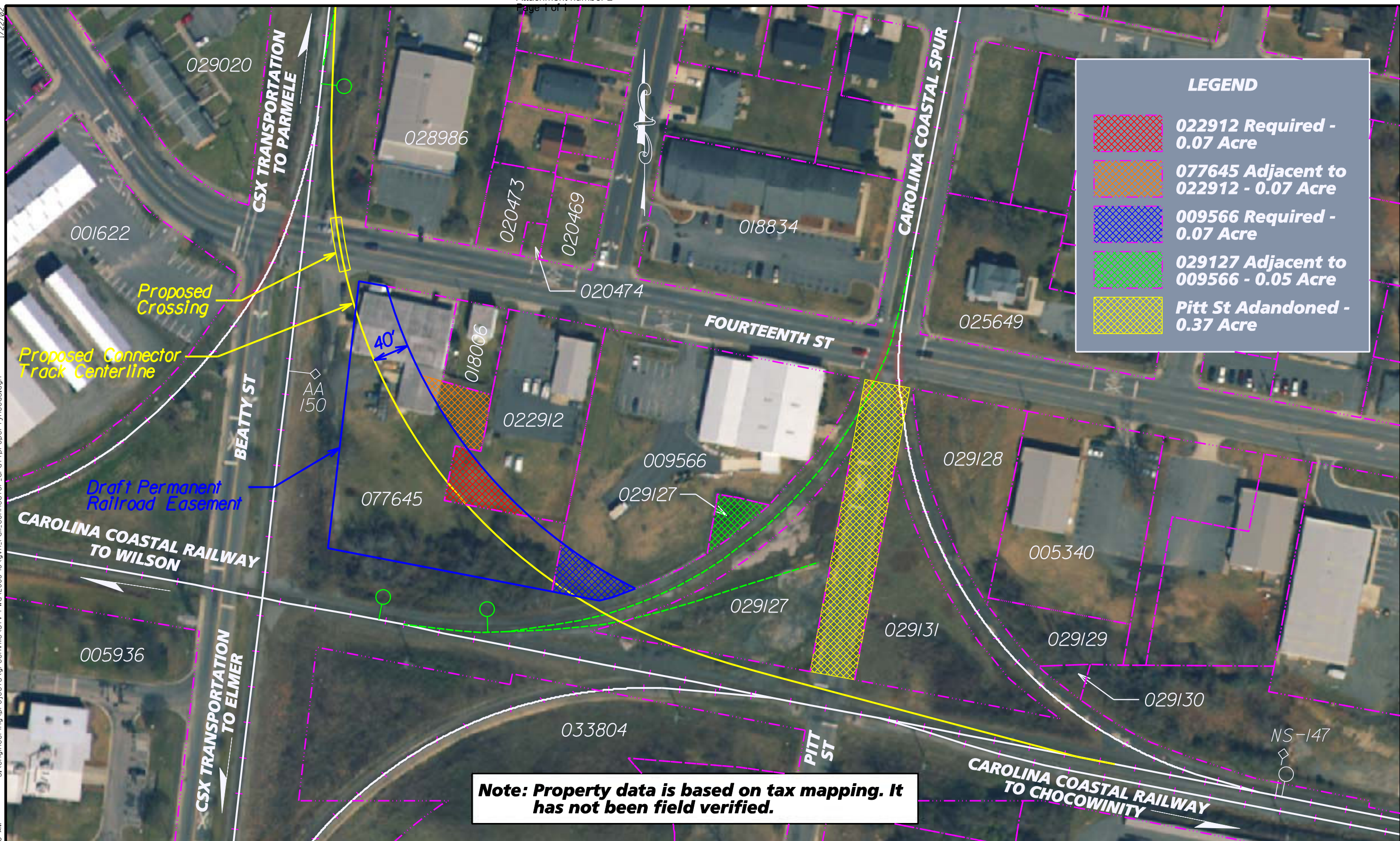
This the 5th day of October, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

1/22/08
s:\engineering\projects\greenville\st-v-r-wa\2008-10\gn_rail_connector_draft\propertyneeds.dgn
10:41:06 AM
mbsimmons



NO.	BY	DATE	REVISION
1	MBS	12-02-2008	Reduced right of way to 40 feet from centerline as requested by City of Greenville.

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION
PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION
Item # 12

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RAIL DIVISION

PREPARED BY:
ENGINEERING & SAFETY BRANCH

MAIL: MAIL SERVICE CENTER, RALEIGH, NC 27699-1556
DELIVERY: 860 CAPITAL BOULEVARD, RALEIGH, NC 27603
PHONE: (919) 715-8803
FAX: (919) 715-8804

PROJECT: TIP P-3309AA, WBS 41910, Greenville Rail Improvement Project			
TITLE: DRAFT PROPERTY NEEDS FOR PROPOSED CSXT /CAROLINA COASTAL RAILWAY CONNECTION TRACK			
LOCATION	CITY OF GREENVILLE, PITT COUNTY, NC		
DGN BY	MBS	RAILROAD	CSX AA-LINE, CLNA NS-LINE
DWN BY	MBS	VAL SEC	V-5 NC / S-15
CHK BY	JTO	DATE	11-20-2008
SCALE			1" = 100'
MILE POST			CSXT AA-150, CLNA NS-147
SHEET 1 OF 1			



City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Review of Five-year Sidewalk Construction Program for the City of Greenville

Explanation: The City's sidewalk program was established in 1999. The City's objective is to improve pedestrian safety and community livability through the construction of sidewalks throughout the city. The first sidewalk construction project was funded by the City Council in FY 2000. The City Council approved funds to continue this program through the current fiscal year. Projects are constructed using a single annual sidewalk construction contract similar to the City's Street Resurfacing Program.

Public Works coordinates with NCDOT to ensure that sidewalks are included in any project involving widening or realignment of one of their roadways. Additionally, Public Works continues to submit applications for Safe Routes to School grants to construct sidewalks in the vicinity of schools.

The City currently does not have a sidewalk master plan that identifies locations and prioritizes the construction of sidewalks. Public Works is in the process of developing a request for proposals to select a consultant to assist the City with the development of a Bicycle and Pedestrian Master Plan. Staff plans on completing the selection process and presenting a contract for City Council's consideration in the later part of this fiscal year.

Public Works is in the process of updating the Capital Improvement Program for next budget cycle. Public Works staff in the interim developed the following criteria to use in planning sidewalk construction over the next five years of the Program:

- 1) Tie in existing sidewalks along main thoroughfares to create "corridors" for mainstream pedestrian traffic across the city.
- 2) Construct sidewalks where there is evidence of heavy pedestrian traffic.
- 3) First place sidewalks on one side of major thoroughfares, minor thoroughfares, and residential collectors.

The following is a summary of sidewalk projects currently underway:

2009-2010 Sidewalk Construction Project

<u>Street</u>	<u>Location</u>
Charles Blvd.	Tenth St. to Fourteenth St. (east side)
Greenville Blvd.	Hooker Rd. to Red Banks Rd. (north side)
Evans St.	Red Banks Rd. to Greenville Blvd. (west side)
Moye Blvd.	Memorial Dr. to Stantonsburg Rd. (southwest side)

State Transportation Improvement Project U-5161 BA()*

<u>Street</u>	<u>Location</u>
Arlington Blvd.	Stantonsburg Rd. to Dickinson Ave. (east side)

State Transportation Improvement Project U-5161 BB()*

<u>Street</u>	<u>Location</u>
Charles Blvd.	Greenville Blvd. to Red Banks Rd. (west side)

(*) – These projects are funded through the American Recovery and Reinvestment Act of 2009.

Safe Routes To School Sidewalk Project

<u>Street</u>	<u>Location</u>
Red Banks Rd.	Charles Blvd. to 14th St. (south side)

The City recently received notification from NCDOT that it had been awarded a grant to undertake this project. Staff is developing the plans/specifications for this project and plans to present a contract for City Council's consideration in the later part of this fiscal year.

The following are locations that have been identified as projects in the upcoming five-year CIP (2010-2015):

2010-2011 Sidewalk Construction Project

<u>Street</u>	<u>Location</u>
Greenville Blvd.	Cherry Ct. to 10th St. (north side)
Greenville Blvd.	14th St. to Luci Dr. (north side)
Greenville Blvd.	Red Banks Rd. to Arlington Blvd. (north side)
Memorial Dr.	Stantonsburg Rd. to Moye Blvd. (west side)

2011-2012 Sidewalk Construction Project

<u>Street</u>	<u>Location</u>
10th St.	5th St. to Monroe Rd. (north side)
Red Banks Rd.	Greenville Blvd. to Arlington Blvd. (north side)
Red Banks Rd.	Arlington Blvd. to Charles Blvd. (north side)
14th St.	Red Banks Rd. to Greenville Blvd. (west side)

2012-2013 Sidewalk Construction Project

<u>Street</u>	<u>Location</u>
Firetower Rd.	Old Firetower Rd. to Wimbledon Dr. (north side)
Firetower Rd.	Wimbledon Dr. to Arlington Blvd. (north side)
Firetower Rd.	Arlington Blvd. to Charles Blvd. (north side)
Greenville Blvd.	Bismark Dr. to Memorial Blvd. (north side)
Thackery Dr.	Cantata Dr. to Charles Blvd. (south side)

2013-2014 Sidewalk Construction Project

<u>Street</u>	<u>Location</u>
Firetower Rd.	Old Firetower Rd. to Wimbledon Dr. (south side)
Firetower Rd.	Wimbledon Dr. to Arlington Blvd. (south side)
Firetower Rd.	Arlington Blvd. to Charles Blvd. (south side)
Dickinson Rd.	Spring Forest Rd. to Arlington Blvd. (north side)

2014-2015 Sidewalk Construction Project

<u>Street</u>	<u>Location</u>
Charles Blvd.	Red Banks Rd. to Hyde Rd. (west side)
Charles Blvd.	Hyde Rd. to Firetower Rd. (west side)

Fiscal Note:

Funding for sidewalk construction is addressed through a variety of revenue sources including General Fund, Powell Bill, Special Grants, NCDOT roadway enhancement funds, Revenue Bonds, and Special Assessments. The current five-year Capital Improvement Program identifies that \$375,000 is to be annually allocated from Powell Bill Funds for the Sidewalk Construction Program.

Recommendation:

No action by City Council is requested at this time. This item is presented for City Council's consideration.

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City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Use of an energy saving performance contract to improve energy efficiency of City buildings

Explanation: An energy saving performance contract is a method of financing capital improvement projects in buildings that have energy inefficient systems. The purpose of this concept is to use private funding to pay for energy efficiency improvements to public facilities, thus reducing utility bills and then use the utility bill savings to pay back the lender. This method is a single procurement contract for engineering, construction, installation, start-up, measurement, and verification of energy savings that will result in reduced energy costs. The particular form of contract authorized by the State is a guaranteed energy savings contract. This type of contract requires the contractor to guarantee a minimum level of annual utility cost savings resulting from the performance upgrades. The guaranteed cost savings are then used by the local government to support the debt obligation that funded the improvements. Contract terms are typically 12 to 20 years. After the contract expires, the City retains all of the savings. Pitt County currently has a contract, and East Carolina University is in the process of participating in the program.

Energy savings performance contracts are used to improve many building systems to include:

- Lighting, heating, ventilation and air conditioning
- Building envelope improvements
- Water efficient fixtures

The benefits to participating in the program include:

- Preserves limited budget dollars for other needed services and activities
- Energy costs are reduced with the project financed through energy savings
- A performance bond guarantees savings for the duration of the contract
- Proceed with projects when conventional funding is not available

- Performance risk resides with the contractor
- Reduced impact of escalating cost of utilities
- City retains savings after contract is over

Public Works staff has begun the process of determining the feasibility of using an energy savings performance contract to improve the energy efficiency of City buildings such as:

- Police/Fire-Rescue
- Municipal Building
- City Hall
- Public Works compound
- Gardner Training Center
- Aquatics and Fitness Center
- Elm Street Gym
- Eppes Recreation Center

Staff's initial analysis is that City facilities provide sufficient opportunity to be attractive to a potential contractor. Staff requests City Council guidance on whether to continue to pursue an energy savings performance contract.

Fiscal Note: At this point in the process, the only cost is staff time.

Recommendation: Approve the effort to pursue an energy savings performance contract for City buildings.

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City of Greenville, North Carolina

Meeting Date: 10/5/2
Time: 6:00 PM

Title of Item: Landscape maintenance of railroad rights-of-way

Explanation: The railroad rights-of-way within the City of Greenville are maintained presently by Carolina Coastal Railway (east to west) and CSX (north to south). The railway companies maintain the railway to facilitate safe travel of trains and for adequate sight distance at intersections. Railroad companies' maintenance standards are based on safety and function rather than aesthetics.

There are several sections of the railroad that are very prominent from roadways within the city. One section of CSX from Dickinson Avenue north to the River is particularly prominent as it is in the center section of the city. This section not only has vegetative growth that is unattractive but also collects litter and debris that is visually unappealing.

The City Council established in their 2009 Goals and Objectives an objective to work with railroad companies to maintain vegetation in the area outside of the flagman zone (25' from rail center line) but within the right-of-way of the railroad. Public Works staff met with CSX regarding the possibilities of entering into a beautification agreement. CSX supports the agreement, but the City is responsible for costs of maintenance of the area without subsidy from the railroad.

Public Works staff prepared an estimate (Attachment A) of the cost of maintaining the entire length of railroad within the City (Option 1) and an option for maintaining the section between Dickinson Avenue and the Tar River (Option 2). The estimate is based on four mowing and litter collection cycles per year. The estimated costs for the two options are listed below:

- Option 1 - Maintain the entire length (estimated 88,065 lineal feet) of both CSX and Carolina Coastal Railroad railway within the City. The maintenance will include litter pickup, contract mowing four times per year, and the use of growth retardant in some high-growth vegetative

areas. The estimate also includes mandatory training for staff or contractors that is required by the railroad to work within the rights-of-way of the railroad.

Total estimate for Option 1 - \$78,000 per year

- Option 2 - Maintain the railroad rights-of-way section from Dickinson Avenue to the Tar River. The maintenance level is the same as that listed in option 1.

Total estimate for Option 2 - \$10,300 per year

Staff requests guidance in support of the Public Works Department's effort to develop its budget. If City Council directs staff to pursue maintenance of the railroad rights-of-way, staff must:

- Develop one or both railroad companies landscape maintenance agreement (s)
- Present to City Council the proposed maintenance agreement(s) for consideration and approval
- Establish Maintenance Plan for 2010-2011

Fiscal Note:

This program is not included in the FY 2009-10 budget. The fiscal impact would be approximately \$78,000 if Option 1 is approved and approximately \$10,300 if Option 2 is approved.

Recommendation:

Staff requests guidance on whether or not to pursue landscape agreements with the railroad companies. Also, staff requests guidance on which of the two options to pursue.

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 [Landscape_Railroad_844264](#)

Estimate for Maintaining Railroad Rights-of-ways

Options:

<u>Option 1</u> - Total Lineal Feet of Railroad within City of Greenville	88,065 ft.
<u>Option 2</u> - Total Lineal Feet of Railroad from Dickinson Avenue to the Tar River	3742 ft.

Tasks to Perform:

- Mow (Four times per year)
- Litter pickup (Four times per year)
- Selected application of Growth Retardants (2 times per year)

Prerequisites:

- Negotiate a draft maintenance agreement with Railroad(s)
- Gain approval from City Council for Maintenance Agreement(s)
- Bid Mowing Contract
- Complete required training for contractors and in-house staff
- Establish maintenance schedule

Estimated cost per year:

Option 1- Maintain all railroad rights-of-way within the City

• Contract Mowing (Combination of small mowers, Tractor mowers, and Side arm mowers) - Estimated \$70 per acre (~135 acres)	\$40,000
• Litter Pickup	\$10,000
• Safety Equipment	\$ 1,000
• Application of Growth Retardent	\$15,000
• Required Training (10 people X \$400) CSX/NS	<u>\$ 8,000</u>
• Total Cost per year	\$78,000

Option 2- Maintain railroad rights-of-way from Dickinson Ave
To Tar River