



# Agenda

## Greenville City Council

August 13, 2009  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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

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

### **II. Invocation - Council Member Glover**

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

### **IV. Roll Call**

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

### **VI. Special Recognitions**

- Update on Student Government Activities by ECU SGA President Brad Congleton

### **VII. Appointments**

1. Appointments to Boards and Commissions

### **VIII. New Business**

#### **Public Hearings**

2. Ordinance requested 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
3. 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)

4. Ordinance requested by the City of Greenville Redevelopment Commission to amend the Downtown Commercial (CD) district residential parking requirements
5. Ordinance to annex Lynndale East, Section 4, involving 25.33 acres located south of Lynndale East, Section Three, and east of Lynndale, Sections Five and Nine
6. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1610 Beatty Street
7. Ordinance requiring the repair or the demolition and removal of the dwelling located at 808 Bancroft Avenue
8. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1231 Battle Street
9. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1103 Myrtle Avenue
10. Ordinance requiring the repair or the demolition and removal of three dwellings located at 107, 109, and 111 Wade Street
11. Ordinance directing the enforcement officer to remove or demolish the nonresidential building or structure located at 1408 North Greene Street

### **Public Comment Period**

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

### **Other Items of Business**

12. Early voting site in West Greenville
13. City goals and objectives for energy conservation
14. Resolution Amending the Board and Commission Policy for the City of Greenville by Amending the Provisions Relating to the Housing Authority
15. Purchase of property at 101 Hooker Road

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

**X. City Manager's Report**

**XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

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

**Explanation:** City Council appointments or reappointments need to be made to the Community Appearance Commission, Greenville Utilities Commission, Historic Preservation Commission, and Human Relations Council, and a recommendation needs to be made to fill the County vacancy on the Pitt-Greenville Convention and Visitors Authority.

**Fiscal Note:** No fiscal impact.

**Recommendation:** Make appointments or reappointments to the Community Appearance Commission, Greenville Utilities Commission, Historic Preservation Commission, and Human Relations Council, and to make a recommendation to fill the County vacancy on the Pitt-Greenville Convention and Visitors Authority.

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Attachments / click to download

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



# Appointments To Boards and Commissions

August 13, 2009

## Community Appearance Commission

**Council Liaison:** Council Member Larry Spell

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Jane Cartwright	Filling unexpired term	Resigned	April 2009
Ben Deck	Filling unexpired term	Did not meet attendance requirements	July 2010
Brian Griffith	Filling unexpired term	Did not meet attendance requirements	July 2010
Robert Waddell	Filling unexpired term	Did not meet attendance requirements	July 2009

## Greenville Utilities Commission

**Council Liaison:** Council Member At-Large Bryant Kittrell

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Lynn Evans (County)	Second term	Ineligible	June 2009

## Historic Preservation Commission

**Council Liaison:** Council Member Calvin Mercer

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Jeremy Jordan	Second term	Resigned	January 2011
Christy Koren	First term	Resigned	January 2012
Candace Pearce	Second term	Resigned	January 2011
Dale Saulter	First term	Moved out of city limits	January 2011
N. Yaprak Savut	First term	Resigned	January 2010

## Human Relations Council

**Council Liaison:** Council Member At-Large Bryant Kittrell

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Available Slot	First term	Eligible	September 2012

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### **Pitt-Greenville Convention and Visitors Authority**

**Council Liaison:** Mayor Pro-Tem Mildred A. Council

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Misbah Hashmi (1) (Comfort Inn) (County)	Filling unexpired term	Eligible	July 2009

(1) Owners/operators of hotels/motels

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## Applicants for Community Appearance Commission

Valerie Guess 3915 Sterling Pointe Drive Winterville, NC 28590	227-4991	<b>Application Date:</b> 6/9/2009 <b>District:</b> #5
Bradley Ingalls 102 Woodberry Drive Greenville, NC 27858	353-5156	<b>Application Date:</b> 4/8/2009 <b>District:</b> #5
Jeffrey Johnson 2008 Pinecrest Drive Greenville, NC 27858	355-0644	<b>Application Date:</b> 2/12/2009 <b>District:</b> #4
Jeremy Jordan 707 West 4th Street Greenville, NC 27834	341-3066	<b>Application Date:</b> 6/25/2009 <b>District:</b> #1
Justin Mullarkey 1509 East 5th Street Greenville, NC 27858	364-1183	<b>Application Date:</b> 6/10/2009 <b>District:</b> #3
Wayne M. Whipple 3102 Cleere Court Greenville, NC 27858	321-0611	<b>Application Date:</b> 3/9/2009 <b>District:</b> #4

“COPY”

June 30, 2009

Wanda Elks, City Clerk  
City of Greenville  
P.O. Box 7207  
Greenville, NC 27835

Dear Mrs. Elks:

On Monday, June 29, 2009, the Pitt County Board of Commissioners met in regular session and by unanimous vote, motioned to make a nomination of a County resident to serve on the Greenville Utilities Commission. After reviewing the applicant interest list, and discovering which applicants were GUC customers, the nomination is Virginia Hardy.

Virginia Hardy  
2223 Sorrel Lane  
Winterville, NC 28590  
Contact: Daytime: 252-744-3078  
Evening: same

We look forward to hearing from you regarding the appointment of Mrs. Hardy. If you have any questions, please call me at 902-2950.

Sincerely,

/s/ Patricia Staton

Patricia Staton  
Clerk to the Board

cc: Janet Drinnon, Greenville Utilities

/kwh#12783

## STATEMENT OF INTEREST TO SERVE

If you are a Pitt County resident and would like to volunteer your time and expertise to your community, please complete and return to:

Pitt County Board of Commissioners  
c/o Clerk to the Board  
1717 W. 5th Street  
Greenville, N.C. 27834

Please list in order of preference the Boards and Commissions for which you would be willing to serve:

### **Pitt Community College Board Of Trustees Greenville Utilities Commission**

Full name: Virginia Hardy  
Residence Address: 2223 Sorrel Lane  
City and Zip Code: Winterville NC 28590

Date Of Birth: 2/6/1966  
Gender: F  
Race: African American

Mailing Address (if different):

Home (Night) Phone No.: 2523217114  
Work (Day) Phone No.: 2527443078  
Fax No.: 2527443073  
Email: hardyv@ecu.edu

Attributes: Winterville City Limits  
GUC Customer  
Non Greenville Resident

Please list your County Commissioner District: 5  
(This information can be obtained from the Board of Elections at 252-902-3300.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	North Carolina State University	Doctorate of Philosophy	
Education	University of North Carolina	BA	
Education	East Carolina University	Masters of Education	
Education	North Pitt High		
Experience	Brody School of Medicine	Senior Associate Dean, Academic	
Volunteer/Prof. Associations	ECU Women of Distinction		2007
Volunteer/Prof. Associations	BSOM Dean Search Committee		
Volunteer/Prof. Associations	College of Social Work		
Volunteer/Prof. Associations	Brody Council Member		
Volunteer/Prof. Associations	Class Enhancement Task Force		
Volunteer/Prof. Associations	Chancellor's Diversity Council		
Volunteer/Prof. Associations	Chancellor's Executive Council		
Volunteer/Prof. Associations	Expansion Planning Team	Co-Chair	
Volunteer/Prof. Associations	Search Committee, Vice Provost	Member	
Volunteer/Prof. Associations	Search Committee, Dean, Dental	Member	

“COPY”

## Applicants for Historic Preservation Commission

Charlotte Cohen  
407 South Harding Street  
Greenville, NC 27858

364-8060

**Application Date:** 7/19/2009  
**District:** #3

Henry Doskey  
613 Maple Street  
Greenville, NC 27858

752-7947

**Application Date:** 7/27/2009  
**District:** #3

Bradley Ingalls  
102 Woodberry Drive  
Greenville, NC 27858

353-5156

**Application Date:** 4/8/2009  
**District:** #5

T. Neal Lowery, Jr.  
406 West 4<sup>th</sup> Street  
Greenville, NC 27834

tnl1229@ecu.edu

**Application Date:** 7/30/2009  
**District:** #1

## Applicants for Human Relations Council

Ronnie Christian 2608 Mulberry Lane Greenville, NC 27858	561-5405	<b>Application Date:</b> 7/2/2008 <b>District:</b> #5
Rodney Coles 411-L15 Beasley Drive Greenville, NC 27834	364-1100	<b>Application Date:</b> 1/9/2009 <b>District:</b> #1
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	848-4257	<b>Application Date:</b> 2/10/2009 <b>District:</b> #5
Shane Martin 1736 Beaumont Drive Greenville, NC 27858	786-5970	<b>Application Date:</b> 2/3/2009 <b>District:</b> #4
Bryan Patonay 203 Tuckahoe Drive Greenville, NC 27858	355-9560	<b>Application Date:</b> 7/15/2009 <b>District:</b> #4



# Applicants for Pitt-Greenville Convention and Visitors Authority (County)

**Debbie Avery**  
3010 Sapphire Lane  
Winterville NC 28590

Day Phone: (252) 531-4590  
Evening Phone: (252) 756-9832  
Fax:  
E-mail: davery60@hotmail.com

Gender: F  
Race: White  
District: 4  
Priority:

Applied for this board on: 1/16/2009

Application received/updated: 01/16/2009

Applicant's Attributes: County Planning Jurisdiction

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	East Carolina	BS - Education	
Education	Ayden Grifton High		
Experience	First State Bank		1978-1984
Experience	ECU School of Medicine	Standardized Patient	2007-present
Experience	Pitt County Schools	Middle School Science Teacher	30 years
Experience	Winterville Chamber of	Executive Director	
Volunteer/Prof. Associations	Winterville Kiwanis Club		
Volunteer/Prof. Associations	Winterville Watermelon		

**Ralph Hall Jr**  
111 Hardee Street  
Greenville NC 27858

Day Phone:  
Evening Phone: (252) 756-0262  
Fax:  
E-mail: bajhall@aol.com

Gender: M  
Race: White  
District: 6  
Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6  
Greenville ETJ

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973

Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		
Volunteer/Prof. Associations	State Board of Directors		

Boards Assigned To

Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007
P. C. M. H. Board of Trustees District 2	2/19/2008 to 3/31/2013

**Steve Little**

3314 NC 33 W  
Greenville NC 27834

Day Phone: (910) 608-3724  
Evening Phone: (252) 758-2040  
Fax:  
E-mail: slittle@nashfinch.com

Gender: M  
Race: White  
District: 2  
Priority:

Applied for this board on: 1/5/2007

Application received/updated: 01/05/2007

Applicant's Attributes: District 2  
County Planning Jurisdiction  
North of the River

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

Boards Assigned To

ABC Board	1/23/2007 to 6/30/2009
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**Joseph Skinner**

P.O. Box 30135  
Greenville NC 27833

Day Phone: (252) 847-6843  
Evening Phone: (252) 756-1966  
Fax:  
E-mail:

Gender: M  
Race: White  
District: 4  
Priority: 0

Applied for this board on: 12/20/2002

Application received/updated: 12/17/2007

Applicant's Attributes: District 4  
Greenville City Limits

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	East Carolina University		
Education	Ralph L Fike		
Experience	S.T. Wooten Construction		
Experience	C.A. Lewis	General Contractor	15 years
Experience	Pitt County Memorial Hospital	Project Manager/Employer	2000
Volunteer/Prof. Associations	Advisory Board @ PCC		
Volunteer/Prof. Associations	University Kiwanis Club		
Volunteer/Prof. Associations	Planning & Zoning		

Boards Assigned To

Development Commission

12/18/2007 to 12/17/2010

Greenville Nominated



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requested 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

**Explanation:** **History/Background:**

The subject property was zoned RA20 on the 1969 series zoning map. In 1978, the property was rezoned from RA20 to OR.

**Comprehensive Plan:**

The subject site is located in Vision Area F.

Arlington Boulevard is designated as a connector corridor from West Fifth Street continuing south. Connector corridors are anticipated to contain a variety of higher intensive activities and uses.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of Arlington Boulevard in the transition area west of the Evans Street intermediate focus area.

There is a recognized intermediate focus area at the intersection of Arlington Boulevard and Evans Street within which commercial activity is encouraged. The anticipated build-out of such focus areas is anticipated to be between 50,000 - 150,000 square feet of conditioned floor space.

**Environmental Conditions/Constraints:**

There are no known environmental constraints.

**Surrounding Land Uses and Zoning:**

North: OR - Arlington (mini) Self-Storage (previously allowed in OR per special use permit of the Board of Adjustment)  
South: OR and CG - University Suites (171 student housing units); Vacant 4.5 acre commercial tract  
East: CG - Vacant lot(s) abutted by office/commercial use (Wandsworth Commons)  
West: OR - Railroad R/W and current switching yard, J. H. Rose High School

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

Based on possible uses in the requested land use plan category, the proposed category could generate 515 trips to and from the site on Arlington Boulevard, which is a net increase of 250 additional trips per day.

During the review process, measures to mitigate traffic will be determined. These measures may include turn lane modifications on Arlington Boulevard and may require traffic signal modification at the signalized intersection of Arlington Boulevard and Evans Street. Access to the tract from Arlington Boulevard will be reviewed.

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

**Recommendation:** In staff's opinion, the existing office/residential classification is designed primarily to minimize any adverse impact on the JH Rose High School site from nearby road side uses. Intensive commercial activity, such as a convenience store or other similar trip generator, would be discouraged on properties located in the subject corridor between the Evans Street focus area and Hooker Road. Any change in the future land use plan should protect the interests of the school. Absent such support of JH Rose High School representatives for the requested change in the future land use plan map staff would recommend denial of the request.


The Planning and Zoning Commission, at its April 21, 2009, meeting voted to approve the request.

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

**Attachments / click to download**

 [Location Map](#)

 [Letter from Pitt County Schools](#)

 [Ordinance for Lampe Co. Inc. 824007](#)

 [Rezoning case 09\\_01 Lampe Company 822853](#)

 [Excerpt from 04 21 09 minutes for Lampe Company 825826](#)

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ORDINANCE NO. 09-\_\_\_\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN

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 August 13, 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 Future Land Use Plan Map for the following described territory;

WHEREAS, the Horizons: Greenville's Community Plan was adopted on January 9, 1992 by the Greenville City Council per ordinance 2412; and

WHEREAS, the Horizons: Greenville's Community Plan will from time to time be amended and portions of its text clarified by the City Council; and

WHEREAS, Future Land Use Plans are to be prepared to expand and clarify portions of the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per ordinance no. 97-73 adopted the Greenville Future Land Use Plan Map and associated text dated June 4, 1997 as an amendment to the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per ordinance no. 04-10 amended the Horizons: Greenville's Community Plan and Future Land Use Plan Map pursuant to the 2004 Update; and

WHEREAS, the Planning and Zoning Commission and the City Council have reviewed the Future Land Use Plan Map and a public hearing has been held to solicit public comment.

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

Section 1. The Future Land Use Plan Map is hereby amended by re-designating from an "Office/Institutional/Multi-family" category to a "Commercial" category the area described as being located at the northeast corner of the intersection of Arlington Boulevard and the Seaboard Coastline Railroad with 315± feet of frontage along Arlington Boulevard and a depth of 210± feet, containing approximately 1.5 acres.

Section 2. That the Director of Community Development is directed to amend the Future Land Use Plan Map of the City of Greenville in accordance with this ordinance.

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

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

ADOPTED this 13<sup>th</sup> day of August, 2009.

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Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk

#824007



**Case No:** 09-01

**Applicant:** The Lampe Company, Inc

**Property Information**

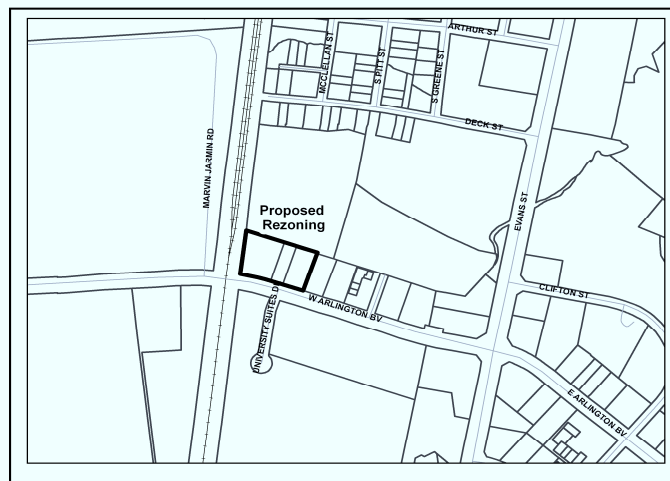
**Current Zoning:** Office/Institutional/Multi-Family (OIMF)

**Proposed Zoning:** Commercial ( C )

**Current Acreage:** 1.5 acres

**Location:** Arlington Blvd

**Points of Access:** Arlington Blvd



**Location Map**

**Transportation Background Information**

**1.) Arlington Blvd.- City maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes	6 lanes
Right of way width (ft)	80	100
Speed Limit (mph)	35	35
<b>Current ADT:</b>	32,900 (*)	Ultimate Design ADT: 45,000 vehicles/day (**)
<b>Design ADT:</b>	33,500 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are sidewalks along Arlington Blvd. that service this property.

**Notes:** (\*) 2006 NCDOT count adjusted for a 2% annual growth rate  
 (\*\*) Traffic volume based an operating Level of Service D for existing geometric conditions  
 ADT – Average Daily Traffic volume

**Transportation Improvement Program Status:** No planned improvements.

**Trips generated by proposed use/change**

**Current Zoning: 265** -vehicle trips/day (\*)                      **Proposed Zoning: 515** -vehicle trips/day (\*)

**Estimated Net Change: increase of 250 vehicle trips/day (assumes full-build out)**

(\* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

**Impact on Existing Roads**

**The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Arlington Blvd. are as follows:**

**1.) Arlington Blvd. , East of Site:**                      **“No build” ADT of 32,900**

Estimated ADT with Proposed Zoning (full build) – 33,158  
 Estimated ADT with Current Zoning (full build) – 33,033  
**Net ADT change = 125 (<1% increase)**

**2.) Arlington Blvd. , West of Site:****“No build” ADT of 32,900**

Estimated ADT with Proposed Zoning (full build) – 33,158

Estimated ADT with Current Zoning (full build) – 33,033**Net ADT change = 125 (<1% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested land use plan category, the proposed category could generate 515 trips to and from the site on Arlington Blvd., which is a net increase of 250 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on Arlington Blvd. and may require traffic signal modifications at the signalized intersection of Arlington Blvd. and Evans Street. Access to the tract from Arlington Blvd. will be reviewed.

## **Excerpt from the Planning and Zoning Commission meeting minutes (04/21/09)**

### Request by Lampe Company, Inc.

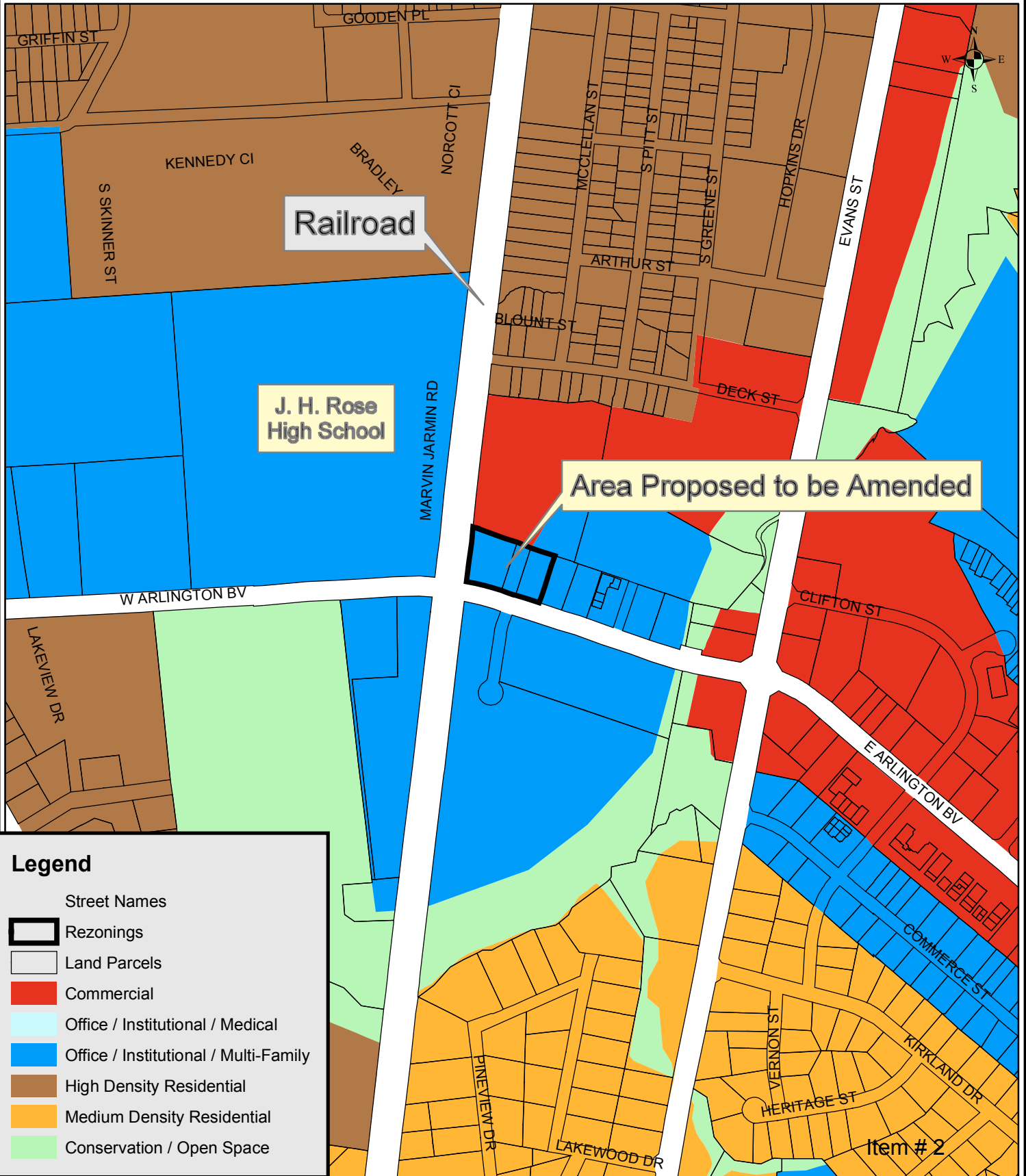
Ordinance requested by the Lampe Company, Incorporated to amend the Future Land Use Plan Map for the area described as being located at the northeast corner of the intersection of Arlington Boulevard and the Seaboard Coastline Railroad from an “Office/Institutional/Multi-family” category to a “Commercial” category.

Ms. Chantae Gooby informed the members of a letter of support from Pitt County Schools that was submitted by the applicant. The property is centrally located in the city, adjacent to J.H. Rose High School and across the street from University Suites. Ms. Gooby said the two lots on either side of the entrance to the Arlington Business Park and the entrance itself is included in this request. There are also some vacant lots in the area that are zoned commercial and 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. This request could generate a net increase of about 250 trips per day. The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of Arlington Boulevard between the Seaboard Coastline Railroad and Green Mill Run. The intent of the OIMF 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 the Evans Street and Hooker Road. Any change in the future land use plan should protect the interests of the school. Being there is support from the school system, staff has no objections to the request.

Mike Baldwin, Baldwin and Janowski, spoke in favor of the request on behalf of the applicant. No one spoke in opposition.

Motion was made by Mr. Bell, seconded by Mr. Thomas, to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Motion carried unanimously.

**Lampe Company, Incorporated (09-01)**  
**From: Office/Institutional/Multi-family (OIMF) to Commercial (C)**  
**1.5+/- acres**  
**March 31, 2009**





April 21, 2009

City of Greenville  
Planning and Zoning Commission  
Harry Hamilton, Chief Planner  
200 West Fifth Street  
Greenville, NC 27835

Dear Mr. Hamilton:

Pitt County Schools is not in opposition to the ordinance requested by the Lampe Company, Inc. to amend the Future Land Use Plan Map for the area described as being located at the northwest corner of the intersection of Arlington Boulevard and the Seaboard Coastline Railroad from an office/institutional/multi-family category to a commercial category. The school system is in agreement with the commercial designation given it is for expansion of the mini-storage facility or offices.

Thank you for your consideration and should you have any additional questions please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads 'Aaron Beaulieu'.

Aaron Beaulieu,  
Associate Superintendent for Operations



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** 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)

**Explanation:** **Required Notices:**

Planning and Zoning meeting notice (adjoining property owner letters) mailed on June 2, 2009.  
On-site sign(s) posted on June 2, 2009.  
City Council public hearing notice (adjoining property owner letters) mailed on July 28, 2009.  
Public hearing legal advertisement published on August 3 and 10, 2009.

**Comprehensive Plan:**

The subject property is located in Vision Area F.

Allen Road is considered a "residential" corridor from its intersection with Dickinson Avenue to the Norfolk Southern Railroad. Residential corridors are preferred to accommodate lower intensity residential uses. Along residential corridors, office, service, and retail activities should be specifically restricted to the associated focus area, and linear expansion outside of the focus area should be prohibited.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) west of Allen Road between the Teakwood Subdivision and Woodridge Commercial/Industrial Park) with Industrial (I) to the north and west and medium density residential (MDR) to the south.

The Comprehensive Plan specifically states that, "... all of the industrial areas

indicated on the Land Use Plan Map have been buffered with either office, institutional and multi-family or conservation/open space land uses. Buffering has been provided to help prevent land use conflicts between industrial developments and neighboring land uses."

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 3,163 trips to and from the site on Allen Road, which is a net increase of 2,254 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures will include the construction of a dedicated right-turn lane at Allen Ridge Drive and Allen Road. Access to the tract from Allen Road will be reviewed.

**History Background:**

In 2001, the subject property was zoned OR (Office-Residential [High Density Multi-family]) as part of a 275-acre extra-territorial jurisdiction (ETJ) extension. In 2006, the subject property was rezoned to R9S (single-family only).

**Present Land Use:**

The subject property is included on the approved Allen Ridge preliminary plat.

**Water/Sewer:**

Water and sanitary sewer service are available to the property.

**Historic Sites:**

There are no known effect on historic sites.

**Environmental Conditions/Constraints:**

There are no known environmental constraints.

**Surrounding Land Uses and Zoning:**

North: OR - Allen Ridge Subdivision (duplexes and common storm water detention facility), Woodridge Corporate Park

South: R9S - Allen Ridge, Tiburon and Teakwood Subdivisions (single-family)

East: OR - Allen Ridge Subdivision (duplexes)

West: RR (County's Jurisdiction) - Woodlands

**Density Estimates:**

Tract 1:

Gross Acreage: 26.957 acres  
Current Zoning: R9S (Residential-Single-family [Medium Density])  
Requested Zoning: R6 (Residential [High Density Multi-family])

Under the current zoning (R9S), the site could accommodate 65-75 single-family lots.

Under the requested zoning (R6), staff would anticipate the site to yield 323 multi-family units (1, 2 and 3 bedrooms) based on similar site comparison of Cobblestone Townhomes of 12 units per gross acre. At maximum density, the site could yield 457 multi-family units (1,2, and 3 bedrooms).

#### Tract 2

Gross Acreage: 7.185 acres  
Current Zoning: R9S (Residential-Single-family [Medium Density])  
Requested Zoning: R6A-RU (Residential [Medium Density Multi-family])

Under the current zoning (R9S), the site could accommodate 15-20 single-family lots.

Under the proposed zoning (R6A-RU), staff would anticipate the site to yield 15-20 duplex lots.

The anticipated build-out time is 2-3 years.

It should be noted that the preliminary plat lots may, if the property is rezoned to R6, be combined to form larger multi-family building sites. Under the proposed zoning (R6), future combined lots may yield up to 17 dwelling units (maximum) per net acre. Typical suburban multi-family development would be 12 to 14 dwellings per acre.

#### **Additional Staff Comments:**

At the time of the ETJ Extension in 2001, the Woodridge Corporate Park was zoned IU (Unoffensive Industry) and a narrow strip (1-lot depth) immediately north of the Teakwood Subdivision was zoned R9S (single-family only). The R9S strip (1-lot depth) immediately north of Teakwood was requested by the neighborhood residents to provide a buffer between the existing Teakwood single-family homes and the future and anticipated duplex and multi-family units anticipated in the OR-zoned portion adjacent to Woodridge Corporate Park. The intervening OR area was established as a transition buffer between the IU zoning and the existing and anticipated single-family residential areas.

Since 2004, a portion of the intervening OR-zoned area (subject request area) was rezoned to R9S (single-family only) at the request of the property owner.

Single-family dwellings, duplex and/or multi-family development are permitted uses within the proposed R6 district.



**Fiscal Note:**

No cost to the City.

**Recommendation:**

While in staff's opinion the requested zoning (R6) may, based on previous history, be construed to be in general compliance with Horizons: Greenville's Community Plan policies and the Future Land Use Plan Map's urban form description, it is important to note that homeowners in the commonly associated subdivision and other contiguous areas may have made their decision to invest in their properties due to their anticipation of future single-family development on the subject property, which is currently zoned single-family only.

In staff's opinion, the current zoning pattern is, without reservation, in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map. The current zoning (R9S) of the subject property is also compatible to both the zoning and land use of adjacent properties. The subject property was rezoned from office/multi-family to a single-family only classification at the request of the property owner in advance of development of the commonly associated properties.

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

The Planning and Zoning Commission, at their June 16, 2009 meeting, voted to deny the request.

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

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

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

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

**Attachments / click to download**

- [Survey](#)
  - [Bufferyard and Vegetation Chart and Residential Density Chart](#)
  - [Location Map](#)
  - [Political Protest Petition Presented to Planning and Zoning Commission \(does not affect the voting requirement\)](#)
  - [Map of Signers of Political Protest Petition](#)
  - [Ordinance for HM Wilson Development LLC 824006](#)
  - [Rezoning Case 09\\_06 Revised H M Wilson Development 830874](#)
  - [HM Wilson Rezoning Minutes 836761](#)
  - [List of Uses R9S to R6A RU and R6 830490](#)
-

ORDINANCE NO. 09-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on August 13, 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 rezoning the following described territory;

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

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

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

Section 1. That the following described territory is rezoned from R9S (Residential-Single-family) to R6 (Residential).

TO WIT:                   Hodge and Morris, LLC Property.

LOCATION:                Located 1,300± feet west of Allen Road between Teakwood and Tiburon Subdivisions and Woodridge Commercial/Industrial Park.

DESCRIPTION:        Beginning at an existing iron pipe at the northwestern terminus of Ethan Lane, said iron pipe being the northeastern corner of Lot 70, Allen Ridge, Section Two as recorded in Map Book 68, Pages 153 and 154 of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

With the western right-of-way of Ethan Lane, S 01°57'05" W, 20.72 feet, thence leaving the western right-of-way of Ethan Lane, N 88°02'55" W, 116.67 feet, thence N 06°59'12" W, 26.22 feet, thence N 74°00'44" W, 188.62 feet, thence S 42°51'06" W, 187.67 feet, thence S 05°24'11" E, 197.61feet, thence S 52°24'06" W,

67.69 feet, thence N 88°02'55" W, 137.03 feet, thence N 06°27'51" E, 182.81feet, thence N 89°20'24" W, 1,515.33 feet, thence N 05°22'15" E, 457.42 feet, thence S 84°10'03" E, 163.49 feet, thence N 05°49'57" E, 63.16 feet, thence S 89°07'21" E, 1,174.48 feet, thence with a curve to the left having a radius of 230.00 feet and a chord bearing S 15°01'24" E, 60.11 feet to the point of tangency, thence S 22°31'56" E, 114.57 feet, thence with a curve to the right having a radius of 500.00 feet and a chord bearing N 86°43'40" E, 329.86 feet to the point of tangency, thence S 74°00'44" E, 55.42 feet to the point of curvature, thence with a curve to the left having a radius of 350.00 feet and a chord bearing N 74°14'06" E, 368.38 feet to the point of tangency, thence N 42°28'56" E, 90.79 feet, thence with a curve to the left having a radius of 300.00 feet and a chord bearing S 72°15'08" E, 251.05 feet to the point of tangency, thence N 83°00'47" E, 208.58 feet to the point of curvature, thence with a curve to the right having a radius of 300.00 feet and a chord bearing N 87°39'40" E, 48.62 feet to the point of tangency, thence S 87°41'27" E, 176.19 feet, thence S 02°18'33" W, 141.97 feet, thence S 87°41'30" E, 13.41feet, thence S 02°18'34" W, 91.20 feet, thence S 06°53'45" W, 119.31feet, thence N 82°11'23" W, 9.03 feet, thence N 88°02'55" W, 800.00 feet to the point of beginning containing 26.957 acres and being a portion of the property described in Deed Book 1845, Page 170 and Deed Book 2384, Page 845 both of the Pitt County Register of Deeds Office.

Section 2. That the following described territory is rezoned from R9S (Residential-Single-family) to R6A-RU (Residential).

TO WIT: Hodge and Morris, LLC Property.

LOCATION: Located 1,300± feet west of Allen Road between Teakwood and Tiburon Subdivisions and Woodridge Commercial/Industrial Park.

DESCRIPTION: Beginning at an iron pipe at the southwestern corner of Lot 37, Allen Ridge, Section Two as recorded in Map Book 68, Pages 153 and 154 of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

N 88°02'55" W, 579.08 feet, thence N 01°57'05" E, 4.87 feet, thence N 88°02'55" W, 241.63 feet, thence N 82°11'23" W, 237.13 feet, thence N 06°53'45" E, 119.31 feet, thence N 02°18'34" E, 91.20 feet, thence N 87°41'30" W, 13.41 feet, thence N 02°18'33" E, 141.97 feet thence S 87°41'27" E, 447.25 feet to the point of curvature, thence with a curve to the right having a radius of 300.00 feet and a chord bearing S 66°25'41" E, 217.59

feet to the point of tangency, thence S 45°09'54" E, 71.94 feet to the point of curvature, thence with a curve to the left having a radius of 300.00 feet and a chord bearing S 64°15'49" E, 196.32 feet to the point of tangency, thence S 83°21'44" E, 100.00 feet to the point of curvature, thence with a curve to the left having a radius of 1,000.00 feet and a chord bearing S 85°31'31" E, 75.48 feet, thence S 87°41'17" E, 2.31 feet, thence S 02°18'43" W, 158.60 feet to the point of beginning containing 7.185 acres and being a portion of the property described in Deed Book 2384, Page 845 of the Pitt County Register of Deeds Office.

Section 3. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 13<sup>th</sup> day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

Doc. # 824006

# REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

**Case No:** 09-06

**Applicant:** H.M. Wilson Development, LLC (REVISED)

**Property Information**

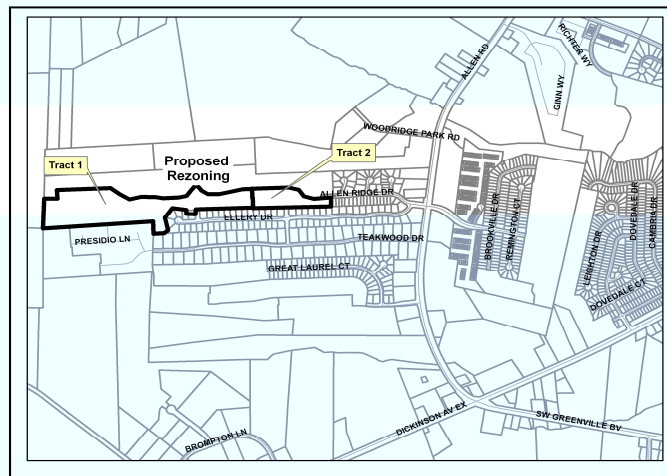
**Current Zoning:** Tr 1: R9S (Residential-Single Family, MD)  
Tr 2: R9S (Residential-Single Family, MD)

**Proposed Zoning:** Tr 1: R6 (Residential-Multi-Family, HD)  
Tr 2: R6A-RU (Residential-Multi-Family, MD)

**Current Acreage:** Tr 1: 26.957 ac  
Tr 2: 7.185 ac

**Location:** Allen Road

**Points of Access:** Allen Road



**Location Map**

**Transportation Background Information**

**1.) Allen Road- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes	4 lanes
Right of way width (ft)	60	90
Speed Limit (mph)	55	55
<b>Current ADT:</b>	13,800 (*)	Ultimate Design ADT: 35,000 vehicles/day (**)
<b>Design ADT:</b>	12,000 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are no sidewalks along Allen Road that service this property.

**Notes:** (\*) 2009 City of Greenville count  
(\*\*) Traffic volume based an operating Level of Service D for existing geometric conditions  
ADT – Average Daily Traffic volume

**Transportation Improvement Program Status:** From Priority List (currently unfunded): Widen existing two and three lane roadway to multi-lane urban section facility with sidewalk, bicycle, and landscaping improvements from Stantonsburg Road to US-13.

**Trips generated by proposed use/change**

**Current Zoning: 909** -vehicle trips/day (\*)                      **Proposed Zoning: 3,163** -vehicle trips/day (\*)

**Estimated Net Change: increase of 2254 vehicle trips/day (assumes full-build out)**

(\* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

**Impact on Existing Roads**

**The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Allen Road are as follows:**

**1.) Allen Road , South of Site:**                                      **“No build” ADT of 13,800**

Estimated ADT with Proposed Zoning (full build) – 15,065  
Estimated ADT with Current Zoning (full build) – 14,164  
**Net ADT change = 901 (6% increase)**

Case No: 09-06

Applicant: H.M. Wilson Development, LLC (REVISED)

**2.) Allen Road , North of Site:****“No build” ADT of 13,800**

Estimated ADT with Proposed Zoning (full build) – 15,698

Estimated ADT with Current Zoning (full build) – 14,345**Net ADT change = 1,353 (9% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 3163 trips to and from the site on Allen Road, which is a net increase of 2254 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures will include the construction of a dedicated right-turn lane at Allen Ridge Drive and Allen Road. Access to the tract from Allen Road will be reviewed.

**Excerpt from the draft Planning and Zoning Commission meeting minutes (6/16/09)**

REQUEST BY THE H.M. WILSON DEVELOPMENT, LLC - APPROVED

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).

Ms. Chantae Gooby stated this was a request to rezone 34 acres. She said 27 acres were requested for multi-family and 7 acres for single-family and duplexes. Ms. Gooby stated the RU overlay denotes the property is restricted to single-family and duplexes only. The rezoning is located in the western section of the city, west of Allen Road between Woodridge Corporate Park and Teakwood Subdivision. The property is currently vacant but is part of the Allen Ridge Subdivision. This rezoning could generate over 2,200 trips with the majority of those trips going north on Allen Road. Ms. Gooby stated Woodridge Corporate Park is designated as an Industrial Employment Focus Area. In 2001, the area was part of a 275-acre ETJ expansion. Both Woodridge Corporate Park and Teakwood Subdivision existed at that time. Woodridge Park was zoned Industrial and Teakwood Subdivision was zoned RA20. The intervening property was zoned OR (office-multi-family) as a transition area. At the time of the ETJ expansion, there was a strip of R9S (single-family) added adjacent to Teakwood, at the request of the neighborhood, to give the neighborhood an additional buffer of single-family in anticipation of the multi-family development between Teakwood Subdivision and Woodridge Corporate Park. In 2004, a portion of the OR-zoned property was rezoned to the present single-family zoning. Staff would anticipate between 65 and 75 single-family lots for tract 1 under the current zoning and about 320 multi-family units under the requested multi-family district. Under the proposed zoning for Tract 2, staff would anticipate 15-20 single-family/duplex lots. Ms. Gooby stated the intent of the Land Use Plan was to provide a transition between the Teakwood Subdivision and Woodridge Corporate Park. In staff's opinion, the requested zoning could be in compliance with the Land Use Plan, but for the people who have purchased homes in Allen Ridge and Teakwood Subdivisions that may have made their decision based on the current R9S (single-family) zoning.

Mr. Tozer asked Ms. Gooby if she was alright with the changes.

Ms. Gooby stated the R9S (single-family) zoning works under the Land Use Plan and the request would be compliant except that there are already homes and people who have purchased in the area with the expectation of the R9S (single-family) being in the area.

Mr. Ramey asked how the people would get across Allen Road.

Ms. Gooby stated there were a lot of vacant lots and as homes are built there would be improvements made to the highway.



Mike Baldwin, Baldwin and Janowski, spoke in favor of the request on behalf of the applicant. Mr. Baldwin stated he was involved in the project back in 1998 when they requested and were approved for the whole tract to be OR, with the exception of a buffer area for Teakwood. He said there was a long stretch of single-family homes that were purchased with duplexes on the other side of them in the OR area. He said when they submitted the rezoning request they originally asked for R6 and were told by planning staff that RU might be more appropriate to the people who had purchased lots in the area.

Mr. Ramey stated Allen Road was not designed to carry those volumes of traffic. He asked if the request were approved how were the people going to get in and out of the area.

Mr. Baldwin said there was lane widening and there was a turn lane in place already. He said traffic flow was better now than it was in 1998 at the initial rezoning.

Mr. Bell asked if H.M. Wilson had talked with the landowners/homeowners in the area.

Mr. Baldwin said he did not know.

Mr. Randall asked what was planned for Tract 1.

Mr. Baldwin said a portion of Tract 1 would be for duplexes. He said he did not know what would happen all the way back.

Mr. Tozer asked about the City's traffic report.

Mark Stamper spoke in opposition to the request on behalf of the residents of Allen Ridge. Mr. Stamper stated he was a property owner on Ellery Drive for approximately one month. He said they chose their house based on many criteria, one being that you had to drive very slowly to avoid running over children playing and riding on bicycles. Mr. Stamper stated he felt traffic would be exponentially increased on Ellery Drive if the proposed zoning request was approved. He said there was currently a severe bottleneck at Allen Ridge Drive and Ellery Drive. He said that combined with the development across the street there was already causing traffic problems. He stated he had a protest petition that had been signed by 18 property owners opposing the rezoning request. He said the three things they all agreed on were: fear of a decrease in property value, exponential traffic increases, and irreversible damage to their safe and quiet neighborhood. Mr. Stamper requested the rezoning request be denied or at least continued until a statutory protest petition could be submitted.

Mr. Holec stated a statutory protest petition had no application for this Commission so they were not at a disadvantage. He said the statutory protest petition only applied to City Council and Mr. Stamper's petition could be submitted to the Commission for consideration.

Mr. Lehman stated they would accept the petition.

Mr. Thomas asked Mr. Stamper if he had had any discussion with the developer or if there was an HOA.

Mr. Stamper stated they did have a HOA but had not been able to contact them. He said they had had no communication with the developer.

Mr. Randall asked why only 18 names were on the petition when there appeared to be around 70 homes on Ellery Drive.

Mr. Stamper stated the neighborhood was not entirely developed at this time.

Mr. Eric Reifschneider spoke in opposition to the request. He stated he had lived in the area since the construction of the first duplexes. He said he lived on Allen Road and that area has become a mess. He said his house had been broken into and traffic was a mess. He did not feel Allen Road could handle the traffic with the current condition of the road. He stated he had tried to call the developer and they directed him to the surveyor who he spoke with prior to the first continuance of the request.

Mr. Ramey asked if the developer had talked to the people in the area.

Mr. Reifschneider said they had not. He stated he thought they were from out of state and when he called they said their representative was Spruill and when he spoke with them they told them it was being continued.

Ms. Tiffany Bell spoke in opposition to the request. Ms. Bell stated she had been a resident of Ellery Drive for about two years. She stated she just wanted the Commission to see the face of one of the homeowners in the area. She said she didn't know a lot about zoning and policies and procedures but she has a son and felt putting apartments or duplexes there would jeopardize the safety of the children in the area. She said when she purchased her home the builder told her there would be other single-family homes put in the area.

Mr. Parker asked if the developer had attempted to contact her.

Ms. Bell stated they hadn't.

Mr. Johnny Tyson spoke in opposition to the request. Mr. Tyson stated he lived at the entrance to Allen Ridge Subdivision and was there before any of the other people. He said he sold about 14 acres to Mr. Cherry and though he had nothing in writing, he was told it would be single-family with a couple of duplexes. He said he definitely didn't want a lot of people behind him and he was now concerned that they wanted a portion of his front yard for a turn lane. He stated he was very concerned about that and did not want to lose his front yard to that.

Mr. Curtis Wilder spoke in opposition to the request. Mr. Wilder stated he was also a

resident of Ellery Drive. He just wanted to add to what the others had said regarding the traffic. He said at times the traffic would be backed up from ViQuest to Allen Ridge which is about a quarter of a mile. He stated he was also concerned with the depreciation of his property if more duplexes were added to the area.

Mr. Baldwin spoke in favor in rebuttal. He stated he shared some of the concerns that they had spoken about. He said this subdivision would not be what makes or breaks Allen Road. He said with respect to the traffic on Ellery Drive he did not understand why anyone would venture off of Allen Ridge Drive heading toward Allen Road would go through Ellery. He stated he did not think the development that would take place on Allen Ridge Drive would affect the traffic on Ellery Drive. He stated the request was part of the City's recommendation and their ordinance of interconnectivity. He said this was transitional zoning. He asked what lot numbers the people who spoke lived on.

Mr. Stamper stated his address was 957 Ellery Drive.

Mr. Baldwin stated 957 Ellery Drive didn't about the rezoning. He said there were already duplexes on the right side of Ellery Drive. He stated he did not feel the property values would be affected based on the size of the houses that were already in the area.

Mr. Ramey stated he was concerned that the developers had not spoken with the people in the area.

Mr. Baldwin stated it concerned him as well because the developers were located in Wilson, not another state; and he was located in Greenville and Spruill wasn't working on the job. He said when the initial request was made Chantae had received some calls and they changed the request to R6A-RU and to his knowledge there hadn't been any calls since.

Mr. Randall asked if Tract 1 was made R6A-RU to provide flexibility.

Mr. Baldwin said it was for flexibility and also because they had gotten beyond the area where people had bought homes.

Mr. Stamper spoke in opposition in rebuttal. He said his property did not about the area in question and he did ride by the current duplexes everyday; however, he felt he would still be affected by the change. He stated there had been a lot of comments about what happened in 1998 and that he was more concerned with what was happening now and in the future.

Mr. Ramey stated he had a problem with the fact that the developer had not talked with the people being affected. He made a motion to continue the item to allow time for the developer to communicate with the people in the area.

Mr. Tozer stated they already knew both sides and didn't see how a continuance would provide any additional information.

Mr. Bell said he agreed that the developer should meet with the people; however, he felt the request would provide a substantial impact on the future saleability of the homes in the area.

Mr. Lehman asked if there was a second for Mr. Ramey's motion. With no second, the motion died.

Motion was made by Mr. Bell, seconded by Mr. Parker, to deny the proposed amendment, to advise that, although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Mr. Ramey, Mr. Parker, Mr. Randall, Mr. Bell, Ms. Basnight, Mr. Thomas, and Ms. Rich voted in favor of the motion. Mr. Tozer voted in opposition to the motion. Motion carried.

## **EXISTING ZONING**

### **R9S (Residential-Single-Family)**

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

*(1) General:*

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

*(2) Residential:*

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

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

\*None

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

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

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

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

\* None

*(12) Construction:*

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

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

**R9S (Residential-Single-Family)**  
***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

\* None

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

- b. Home occupation; excluding barber and beauty shops
- c. Home occupation; excluding manicure, pedicure or facial salon

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

## **PROPOSED ZONING**

### **R6 (Residential)**

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

*(1) General:*

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

*(2) Residential:*

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

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

\*None

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

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

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

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

\* None

*(12) Construction:*

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

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

**R6 (Residential)**  
***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- l. Group care facility
- n. Retirement center or home
- p. Board or rooming house
- r. Fraternity or sorority house
- o.(1). Nursing, convalescent center or maternity home; minor care facility

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

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None



*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

**R6A-RU (Residential) with a overlay district that only allows single-family and duplex Permitted Uses**

*(1) General:*

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

*(2) Residential:*

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

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

\*None

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

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

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

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

\* None

*(12) Construction:*

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

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

**R6A-RU (Residential) with a overlay district that only allows single-family and duplex  
*Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- l. Group care facility
- n. Retirement center or home
- p. Board or rooming house
- r. Fraternity or sorority house
- o.(1). Nursing, convalescent center or maternity home; minor care facility

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

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning

*(9) Repair:*

\* None

*(10) Retail Trade:*

\* None

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

**LEGEND**

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

**CALL TABLE**

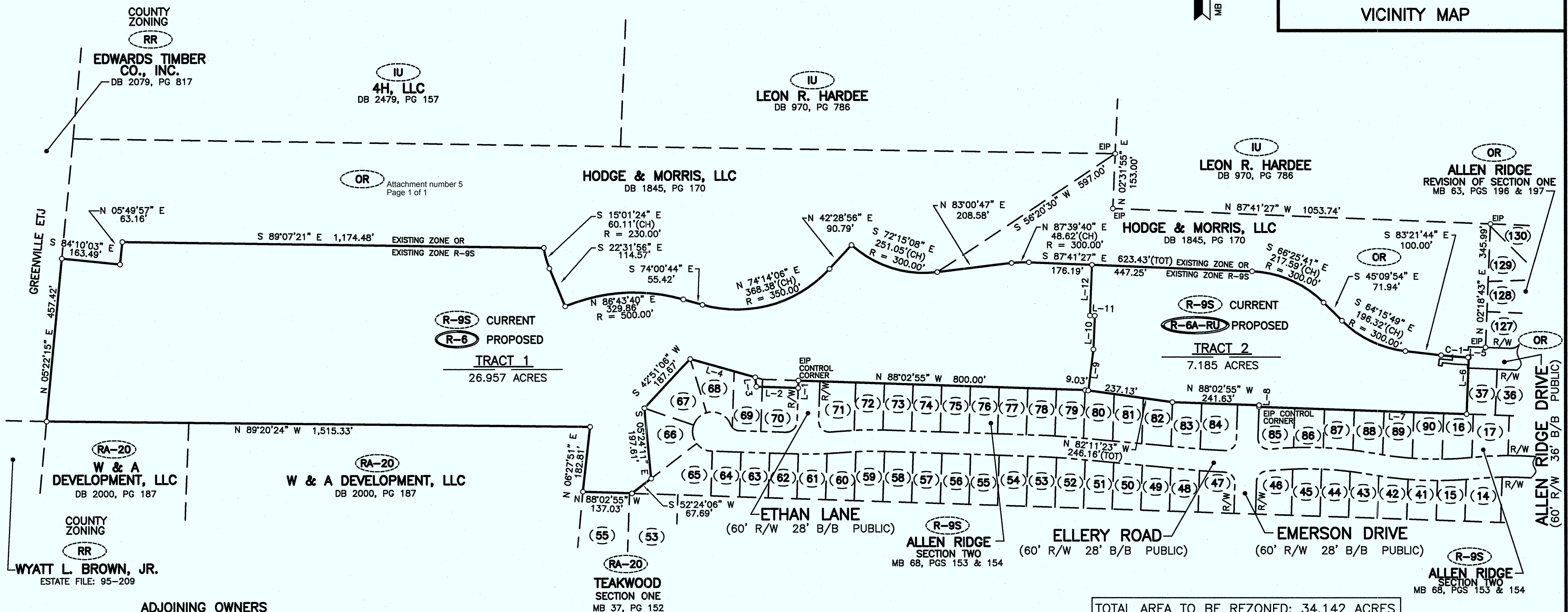
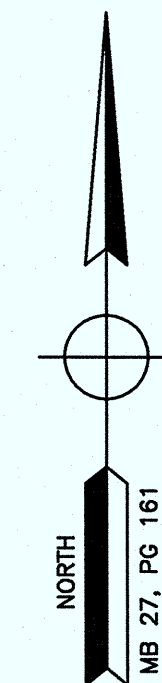
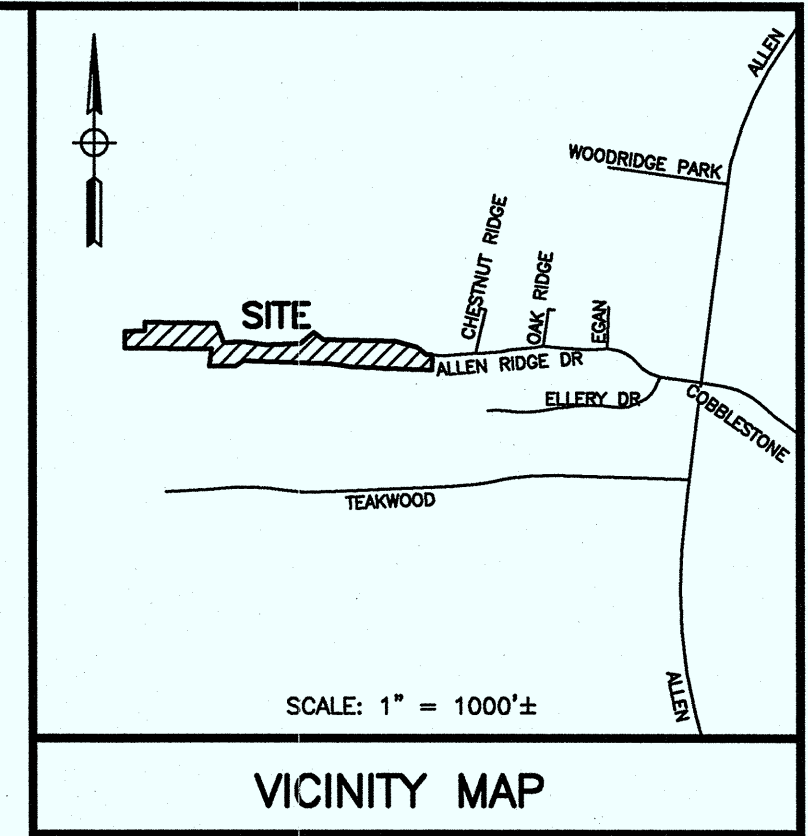
L-1	S 01°57'05" W	20.72'
L-2	S 88°02'55" W	116.67'
L-3	N 06°59'12" W	26.22'
L-4	N 74°00'44" W	188.62'
L-5	S 87°41'17" E	2.31'
L-6	S 02°18'43" W	158.60'
L-7	N 88°02'55" W	579.08'
L-8	N 01°57'05" E	4.87'
L-9	N 06°53'45" E	119.31'
L-10	N 02°18'34" E	91.20'
L-11	N 87°41'30" W	13.41'
L-12	N 02°18'33" E	141.97'

**CURVE TABLE**

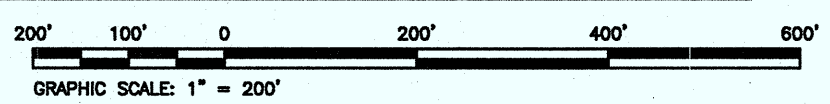
CURVE	RADIUS	CHORD	BEARING
C-1	1,000.00'	75.48'	S 85°31'31" E

**NOTES**

1. THIS MAP IS A SURVEY OF ANOTHER CATEGORY.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. REFERENCE: BEING A PORTION OF THE PROPERTY DEED BOOK 1845, PAGE 170 AND DEED BOOK 2384 PAGE 845 OF THE PITT COUNTY REGISTRY.



TOTAL AREA TO BE REZONED: 34.142 ACRES



**ADJOINING OWNERS**

<b>W &amp; A DEVELOPMENT, LLC</b> 4769 HWY 33 WEST GREENVILLE, NC 27858	<b>WYATT L. BROWN, Jr.</b> 115 QUEEN CIRCLE PANAMA CITY, FLA 32405	<b>EDWARDS TIMBER CO., INC.</b> PO BOX 219 MARSHVILLE, NC 28103
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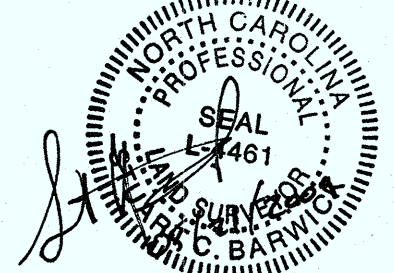
**ADJOINING OWNERS**

<b>DARE VENTURES, LTD</b> 3115 CLEERE COURT GREENVILLE, NC 27858 LOT 36B NO DEED LISTED	<b>CARL A. NIXON</b> 1166 TEAKWOOD DRIVE GREENVILLE, NC 27834 LOT 53 DEED BOOK 1981, PAGE 843
--	--

**ADJOINING OWNERS**

<b>HM WILSON DEVELOPMENT, LLC</b> 1708 TRAWICK ROAD, SUITE 205 RALEIGH, NC 27604 LOTS 67, 68, 69, 70, 71, 72, 73, 78, 79, & 83 DEED BOOK 2384, PG 845	<b>LATASHA V. COUNCIL</b> 960 ELLERY DRIVE GREENVILLE, NC 27834 LOT 89 DEED BOOK 2509, PAGE 90
<b>ASHLEY TURNER ENTERPRISES, INC</b> 181 CLEVELAND CROSSING GARNER, NC 27529 LOTS 74, 75, 76 & 77 DEED BOOK 2496, PAGE 530 LOTS 80, 81 & 82 DEED BOOK 2496, PAGE 528 LOTS 85, 86 & 87 DEED BOOK 2385, PAGE 85 LOT 17 DEED BOOK 2384, PAGE 847	<b>BANK OF THE OZARKS</b> 1051 E. MOREHEAD STREET CHARLOTTE, NC 28204 LOT 90 DEED BOOK 2583, PAGE 560
<b>NITA N. NIMMUNS</b> 964 ELLERY DRIVE GREENVILLE, NC 27834 LOT 88 DEED BOOK 2517, PAGE 807	<b>ALAN R. BURKE</b> 131 CHARLES STREET JERSEY CITY, NJ 07307 LOT 16 DEED BOOK 2432, PAGE 751

<b>ACP HOLDINGS, LLC</b> 2825 MADISON GROVE ROAD GREENVILLE, NC 27858 LOT 127 DEED BOOK 2488, PAGE 472	<b>TAHIR RAUF</b> 1176 TEAKWOOD DRIVE GREENVILLE, NC 27834 LOT 55 DEED BOOK 709, PAGE 573
<b>HODGE &amp; MORRIS, LLC</b> 1708 TRAWICK ROAD, SUITE 205 RALEIGH, NC 27604 LOT 37 DEED BOOK 1820, PAGE 550	<b>REVISIONS:</b> REVISED 05/21/2009 (ADDED ADJOINERS) REVISED 05/07/2009 (INCREASED R-6A-RU ZONING TO ABOVE 5 ACRES) REVISED 05/01/2009 (ADDED R-6A-RU ZONING) REVISED 04/08/2009 (CHANGED ZONING, ADDED ETJ & ADJOINERS)



A PORTION OF PARCELS #20522, #75383 & #75384

**REZONING MAP FOR**  
**HM WILSON DEVELOPMENT, LLC**

A PORTION OF SECTION 3, ALLEN RIDGE AND A PORTION OF LOTS 69 & 70 OF ALLEN RIDGE SECTION 2

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN MAP BOOK 54, PAGE 156 AND MAP BOOK 68, PAGES 153-154 OF THE PITT COUNTY REGISTRY  
GREENVILLE, ARTHUR TOWNSHIP, PITT COUNTY, N.C.

OWNER/DEVELOPER: <b>HODGE &amp; MORRIS, LLC</b>	<b>HM WILSON DEVELOPMENT, LLC</b>
ADDRESS: 1708 TRAWICK ROAD RALEIGH, NC 27604	1708 TRAWICK ROAD RALEIGH, NC 27604
PHONE: (919) 250-6000	(919) 250-6000
<b>Baldwin &amp; Janowski, P.A.</b> ENGINEERING - SURVEYING - PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27858 252.756.1390	LICENSE # C-1138
SURVEYED: TS	APPROVED: SCB
DRAWN: SCB	DATE: 03/10/2009
CHECKED: SCB	SCALE: 1" = 200'



04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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

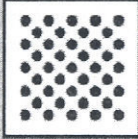
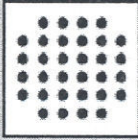
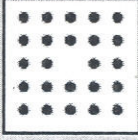
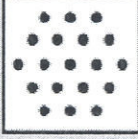

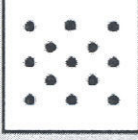
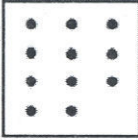
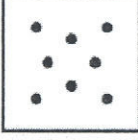
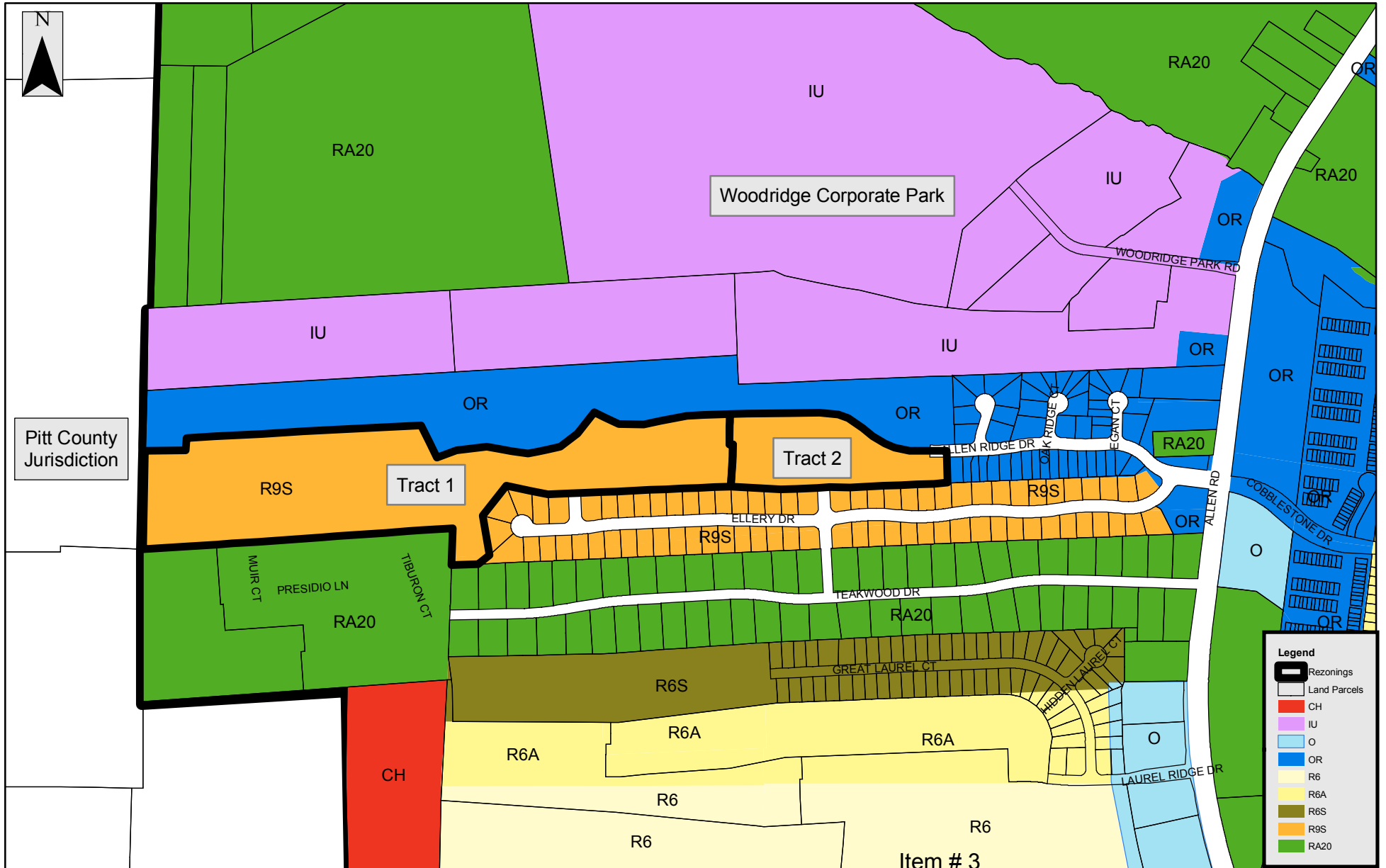
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre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

Illustration: Maximum allowable density in Residential Zoning Districts

# REVISED

H. M. Wilson Development, LLC  
Tract 1: From R9S to R6 (26.957 acres)  
Tract 2: From R9S to R6A-RU (7.185 acres)  
May 20, 2009



### FORMAL PETITION

The undersigned on this document represent the property owners of the Allen Ridge subdivision located off the west side of Allen rd. in Greenville, NC. On this 4<sup>th</sup> day of June in the year 2009, we, the undersigned, do hereby oppose the zoning request by H.M. Wilson Development LLC to change the property, located 1,300 +/- feet west of Allen Road between Teakwood Subdivision and Woodridge Industrial Park, to R6A-RU (Residential medium density multi-family) and R6 (Residential high density multi-family).

We, the adjacent property owners and neighbors of the proposed zoning change stated above, oppose the request based on the following:

1. A possible decrease in property values
2. Exponential traffic increases
3. And irreversible damage to our current safe and quiet environment. Attributes that are historic to medium density, single family neighborhoods such as ours.

Furthermore, according to the map created by H.M. Wilson Development LLC, the main access to the properties in question would be provided via Ellery Dr. This would result in a massive increase of motor vehicle traffic. Ellery Dr, corresponding streets, intersections, and the only entrance to the entire community, simply cannot support the volume of motor vehicles proposed to travel within it due to width, lack of marked lanes, and a defined bottle neck created by a single combined access and exit point. This type of situation would negatively affect the ability to walk our dogs , take the baby for a stroll, and allow our children to safely play in their own established community.

We ask the Greenville Planning and Zoning Commission, as well as the Greenville City Council, to deny the request to change zoning, so we may continue the secure, safe, and low density lifestyle we recognize and have helped create.

1. Name (please print) Clarence Singleton

Address 964 Ellery Drive

Phone # 252-493-7137

Signature 



2. Name (please print) Robert E Melton

Address 965 Ellery Dr.

Phone # 404-771-5966

Signature \_\_\_\_\_

3. Name (please print) Shawanda + Tamont Fokes

Address 945 Ellery Drive

Phone # 258-4982

Signature Shawanda Fokes

4. Name (please print) Dorette + Alvin Kelsey

Address 938 Ellery Dr

Phone # 227-4347

Signature Dorette Kelsey

5. Name (please print) MARCI STAMPER

Address 957 ELLERY DR.

Phone # 910-740-8155

Signature M. Stamper

6. Name (please print) Suhair-Abus

Address 920 ELLERY DR.

Phone # \_\_\_\_\_

Signature Suhair

7. Name (please print) Karji Jones  
Address 904 Ellery Drive  
Phone # 252-367-7675  
Signature Karji Jones

8. Name (please print) Reed Clark  
Address 909 Ellery Dr. Greenville, N.C. 27834  
Phone # 252-245-9554  
Signature Reed Clark

9. Name (please print) Tiffany Jacko  
Address 913 Ellery Drive Greenville, NC  
Phone # 252-355-4239  
Signature Tiffany Jacko

10. Name (please print) Tasha Bryant  
Address 917 Ellery Dr Greenville, NC 27834  
Phone # 252-578-6213  
Signature Tasha Bryant

11. Name (please print) Virian Daniels  
Address 925 Ellery Drive  
Phone # (252) 217-2217  
Signature Virian Daniel

12. Name (please print) TERESC Barfield  
Address 921 Ellery Greenville NC 27834  
Phone # 252-258-9787  
Signature Terese Barfield

13. Name (please print) Wendy Bodiford  
Address 929 Ellery Dr  
Phone # (252) 353-1125  
Signature Wendy Bodiford

14. Name (please print) Lisa Stafford  
Address 933 Ellery Drive  
Phone # 252-412-2788  
Signature Lisa Stafford

15. Name (please print) Lenie Stafford  
Address 933 Ellery Drive  
Phone # 252-412-4887  
Signature Lenie Stafford

16. Name (please print) Roy Stafford  
Address 933 Ellery Drive  
Phone # 252-412-4887  
Signature Roy Stafford

17. Name (please print) Doris Brown

Address 932 Ellery Dr. Greenville, NC 27834

Phone # 252-752-1743

Signature Doris Brown

18. Name (please print) T. C. Daniels

Address 941 Ellery Dr. Greenville, N.C. 27834

Phone # 252-558-1199

Signature T. C. Daniels

19. Name (please print) \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Signature \_\_\_\_\_

20. Name (please print) \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Signature \_\_\_\_\_

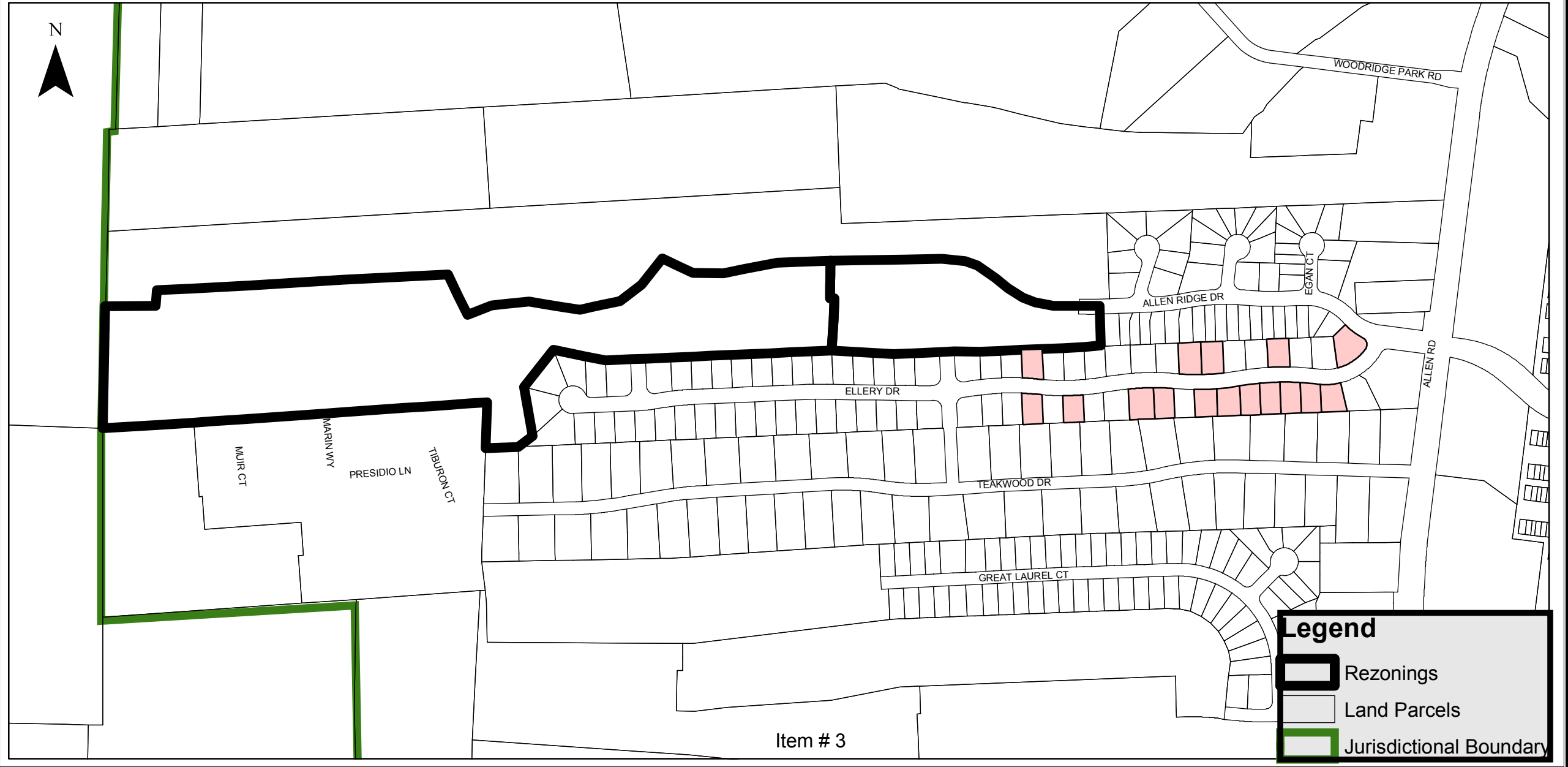
21. Name (please print) \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Signature \_\_\_\_\_

# Signers of Protest Petition Presented to Planning and Zoning Commission





# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requested by the City of Greenville Redevelopment Commission to amend the Downtown Commercial (CD) district residential parking requirements

**Explanation:** On July 7, 2009, the Redevelopment Commission initiated an amendment to the parking regulations to exempt residential development in the Downtown Commercial (CD) 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.

Currently, all residential development in the CD district is required to provide off-street parking either (i) on the development site or (ii) in a private remote parking lot located within 800 feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance.

For projects located in the CD district, the minimum required parking for both dormitory type development and standard multi-family development is 1/2 parking space per bedroom. The minimum number of required parking spaces is unaffected by the proposed amendment.

On-street (right-of-way) public parking, and public owned parking lots, absent a long-term lease, do not qualify for or satisfy the residential parking requirement.

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 (maximum) dwelling unit to remote parking lot separation standard will continue to apply to such residential developments for out-of-CD-district remote parking lots.

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

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

The Planning and Zoning Commission recommended approval of the ordinance amendment at their July 21, 2009 meeting.

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

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

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

---

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

**Attachments / click to download**

[Downtown Commercial Residential Parking 836963](#)

[Remote parking amendment 833002](#)

[Excerpt from July 21 2009 Planning and Zoning Minutes for Text Amendment 838037](#)

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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 August 13, 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(nn)(6), of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“(6) Parking location requirements: Each required parking space shall be located (i) on the lot containing the associated residential use, or (ii) within a remote parking facility located within eight hundred (800) feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance, or (iii) within a remote parking facility located in a Downtown Commercial (CD) district. Such remote parking facility shall be in accordance with the applicable provisions of Article O, Parking.”

Section 2: That Title 9, Chapter 4, Article O, Section 9-4-250(d)(1), of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“(1) Except as further provided, no portion of the remote parking facility shall be located more than four hundred (400) feet from the associated principal use site. Dormitory development in the CD district and multi-family development in the CD district shall be subject to section 9-4-86(nn)(6) of this chapter.”

Section 3: That Title 9, Chapter 4, Article I, Section 9-4-153(f), of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“(f) Parking location requirements: Each required parking space shall be located (i) on the lot containing the associated residential use, or (ii) within a remote parking facility located within eight hundred (800) feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance, or (iii) within a remote parking facility located in a Downtown Commercial (CD) district. Such remote parking facility shall be in accordance with the applicable provisions of Article O, Parking.”



Section 4: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 5: That this ordinance shall become effective upon its adoption.

ADOPTED this 13<sup>th</sup> day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

# Downtown Commercial (CD) district (residential parking requirement) amendments – **current** and **proposed** standards

## Title 9, Chapter 4, Article E.

### Sec. 9-4-86. Same--Specific criteria. **(current 7/10/09)**

(nn) *Dormitory development within the CD district. [special use permit of the Board of Adjustment required]*

- (1) Minimum habitable (mechanically conditioned) floor area per each bedroom: Two hundred (200) square feet. For purposes of this requirement the term “floor area” shall include private living spaces and any connected common living spaces associated with the subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedroom.
- (2) Minimum lot area: None.
- (3) Minimum lot width: None.
- (4) Minimum street, side and rear yard setbacks: None.
- (5) Minimum parking requirement: One-half (0.5) space per bedroom.
- (6) **Parking location requirements: Each required parking space shall be located within eight hundred (800) feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance. Remote parking facilities shall be in accordance with the applicable provisions of Article O, Parking.**
- (7) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article O.
- (8) Preservation design: In order to protect the architectural integrity of existing buildings within the CD zoning district, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:
  - (a) All slip covers previously applied to the facade of existing buildings shall be removed.
  - (b) All canopies, except for those made of canvas, shall be removed from the facade.
  - (c) Where evidence exists of original windows and door openings subsequently enclosed, such windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.
  - (d) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.
- (9) Maximum residential occupancy limits:
  - (a) Residential occupancy within dormitory units shall be limited to one (1) bed per each bedroom and one (1) person per each bedroom.
  - (b) Residential occupancy within dwelling units shall be limited to one (1) family per each dwelling unit.
- (10) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall a sign be mounted over existing windows, doors or other architectural features described in (8)(c) above.
- (11) Residential and nonresidential uses allowed.
  - (a) Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.

### **(Proposed)**

- (6) **Parking location requirements: Each required parking space shall be located (i) on the lot containing the associated residential use, or (ii) within a remote parking facility located within eight hundred (800) feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance, or (iii) within a remote parking facility located in a Downtown Commercial (CD) district. Such remote parking facility shall be in accordance with the applicable provisions of Article O, Parking.**

## Title 9, Chapter 4, Article O.

### Sec. 9-4-250. Parking area location criteria. **(current 7/10/09)**

(a) All uses, except as provided in subsections (b) and (c) below, shall provide off-street parking on the same parcel of land as the use it is intended to serve. For purposes of this section, common areas within townhouse, condominium or planned center projects shall be construed as meaning "the same parcel of land." Parking permitted within the right-of-way of a public street shall not be considered to fulfill or partially fulfill the minimum parking requirements.

(b) Remote parking may be allowed for any use which cannot provide parking on the same parcel of land as the principal use provided such use complies with all of the following requirements:

- (1) The use does not comply with the current on-site parking requirement.
- (2) No new construction, expansion or enlargement of the existing or proposed use is requested which would intensify or create an on-site nonconforming parking situation.
- (3) The existing on-site parking facility cannot be improved to conform with current requirements.
- (4) The remote parking facility shall comply with subsection (d) below.

(c) Exemptions.

- (1) Churches are exempt from subsection (b)(2) above, provided that fifty (50) percent of the required parking spaces shall be located on the same parcel of land as the principal use.
- (2) City of Greenville municipal government building or use and county government building or use are exempt from subsection (b)(2) above.

**(d) Remote parking facilities shall conform to the following standards:**

- (1) No portion of the remote parking facility shall be located more than four hundred (400) feet from the associated principal use site.**
- (2) The remote parking facility shall not be utilized or occupied by any other use or for any purpose other than as parking for the associated principal use.
- (3) The remote parking facility shall be located within a district which permits the associated principal use or within a district which allows principal use parking lots.
- (4) Where the associated principal use is listed as being subject to special use permit approval of the board of adjustment, planning and zoning commission or city council, the proposed remote parking facility for the principal use shall be considered an expansion of the principal use and the expansion shall be subject to such approval.
- (5) The person, firm or corporation which controls, owns or operates the principal use shall have recorded in the Pitt County Register of Deeds an estate in real property sufficient to guarantee exclusive use of the remote parking site for the life of the principal use. Such instrument shall be prepared prior to approval of any permit and no occupancy shall be allowed until the instrument has been duly recorded.
- (6) If the parcel which contains the remote parking facility is disposed of, or committed to some other use which displaces the parking required by this article, then the certificate of occupancy for the principal use shall be revoked.

**(Proposed)**

**(d) Remote parking facilities shall conform to the following standards:**

- (1) Except as further provided, no portion of the remote parking facility shall be located more than four hundred (400) feet from the associated principal use site. Dormitory development in the CD district and multi-family development in the CD district shall be subject to section 9-4-86(nn)(6) of this chapter.**

## Title 9, Chapter 4, Article I.

### Sec. 9-4-153. Development standards CD zoning district. (current 7/10/09)

(a) Minimum habitable (mechanically conditioned) floor area per unit:

- (1) One bedroom unit: Four hundred (400) square feet.
- (2) Two (2) or more bedroom unit: Five hundred (500) square feet.

(b) Minimum lot area: None.

(c) Minimum lot width: None.

(d) Minimum street, side and rear yard setbacks: None.

(e) Minimum parking: One-half (0.5) spaces per bedroom.

(f) Parking location requirements: Each required parking space shall be located within eight hundred (800) feet of the use it is intended to serve. Remote parking facilities shall be in accordance with the applicable provisions of Article O, Parking.

(g) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article O.

(h) Preservation design: In order to protect the architectural integrity of existing buildings within the CD zoning district, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:

- (1) All slip covers previously applied to the facade of existing buildings shall be removed.
- (2) All canopies, except for those made of canvas, shall be removed from the facade.
- (3) Where evidence exists of original windows and door openings subsequently enclosed, such windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.
- (4) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.

(i) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall be mounted over existing windows, doors or other architectural features described in (h)(3) above. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-132, § 14, 10-13-94; Ord. No. 94-156, §§ 8, 9, 12-8-94)

### **(Proposed)**

(f) Parking location requirements: Each required parking space shall be located (i) on the lot containing the associated residential use, or (ii) within a remote parking facility located within eight hundred (800) feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance, or (iii) within a remote parking facility located in a Downtown Commercial (CD) district. Such remote parking facility shall be in accordance with the applicable provisions of Article O, Parking.

## Excerpt from the July 21, 2009 Planning and Zoning Commission Meeting Minutes

### TEXT AMENDMENTS

Request by the City of Greenville Redevelopment Commission to amend the Downtown Commercial (CD) district residential parking requirements.

Mr. Michael Dail, Planner, stated this request was to amend the parking regulations for the multi-family development within the CD zoning district. The proposed amendment is intended to facilitate additional residential development in the urban core as recommended in the Center City Revitalization Plan and the Comprehensive Plan. Currently these types of development are hindered by the lack of developable space in the downtown area. If approved, the amendment would only affect multi-family development in the downtown commercial zoning district. Mr. Dail stated the current parking regulations state that parking must be either on site, or at a remote site within 800 feet along an improved pedestrian path, such as a sidewalk. If the proposed amendment is approved, it will allow residential developments in the CD district to utilize remote parking that is provided at any location within the CD district – the 800 foot (maximum) dwelling unit to remote parking lot separation standard will continue to apply to such residential developments for out-of-CD-district remote parking lots. For projects located in the CD district the minimum required parking for both dormitory type development and standard multi-family development is ½ parking space per bedroom. The minimum number of required parking spaces is unaffected by the proposed amendment. On-street (right-of-way) public parking, and public owned parking lots absent a long term lease, do not qualify for or satisfy the residential parking requirement.

Mr. Gordon asked if the reason for doing this was so there could be more multi-family development in the downtown area.

Mr. Dail stated the Center City Revitalization Plan and the Comprehensive Plan encourage additional multi-family development in the downtown area as well as pedestrian type access.

Mr. Gordon asked if there was land available to be used for parking.

Mr. Dail said there were vacant lots but someone could potentially buy property and remove the structures and possibly even build parking decks.

Mr. Bell asked what kind of parking the buildings currently being built on West Fifth Street had.

Mr. Dail said he wasn't sure. He said he didn't think they were in the CD zoning district.

Mr. Hamilton stated it had on-site parking.

Mr. Dail said this amendment only applied to properties in the CD zoning district. He said multi-family development in any other district had to have on-site parking.

No one else spoke in favor or opposition to the request.

Motion was made by Mr. Tozer, seconded by Mr. Parker, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters.



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance to annex Lynndale East, Section 4, involving 25.33 acres located south of Lynndale East, Section Three, and east of Lynndale, Sections Five and Nine

**Explanation:** ANNEXATION PROFILE  
A. SCHEDULE

1. Advertising date: August 3, 2009
2. City Council public hearing date: August 13, 2009
3. Effective date: December 31, 2009

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 25.33 acres
4. Voting District: 5
5. Township: Winterville
6. Vision Area: D
7. Zoning District: R - 9S, Single- Family Residential
8. Land Use: Existing: Vacant Anticipated: 23 Single-Family Dwellings
9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	23 x 2.35*	54
Current Minority	-----	0
Estimated Minority at full development	54 x 17.3%**	9
Current White	-----	0
Estimated White at full development	54-9	45

\* 2.35 Average household size in Winterville Township, based on 2000 census data  
 \*\* 17.3% minority population, based on 2000 census data taken from tract 3, blocks 2053, 2054 & 2056

10. Rural Fire Tax District: Greenville
11. Greenville Fire District: Station #3 (Distance of 1.44 miles)
12. Present Tax Value: \$759,900  
 Estimated Future Tax Value: \$10,534,900

**Fiscal Note:** The total estimated tax value at full development is \$10,534,900.

**Recommendation:** Approve the attached ordinance to annex Lynndale East, Section 4.

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

Attachments / click to download

[Lynndale East, Section 4 Annexation Map](#)

[Lynndale East Section 4 Annexation Ordinance 838170](#)



ORDINANCE NO. 09-\_\_\_\_\_  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 13<sup>th</sup> day of August, 2009 after due notice by publication in The Daily Reflector on the 3rd day of August, 2009; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

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

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT:                    Being all that certain property as shown on the annexation map entitled "Lynndale East, Section 4" involving 25.33 acres as prepared by Rivers & Associates, Inc.

LOCATION:                Lying and being situated in Winterville Township, Pitt County, North Carolina, located on south of Lynndale East, Section 3 and east of Lynndale, Sections Five and Nine. This annexation involves 25.33 acres.

GENERAL DESCRIPTION:

Lying and being in Winterville Township, Pitt County, North Carolina, being bounded on the north by Lynndale East Section Three and the property of David A. Evans, Jr. Etal., on the east by David A. Evans, Jr. and Anne Evans Brewer, and south by and the property of David A. Evans Jr. Etal. and on the west by the lands of Lynndale East Section 5 and Section 9 and being more particularly described as follows:

**THE POINT OF BEGINNING** being the southwesterly lot corner of Lot 3 Block B as shown on a Final Plat of Lynndale East Section Three, recorded in Map Book 65 page 199 of the Pitt County Registry; thence with the existing City of Greenville Town Limits, S 83° 59' 08" E 180.00 feet to a point in the westerly right-of-way of Compton Road; thence with the right-of-way of Compton Road S 06° 00' 52" W 56.41 feet to a point; thence S 83° 59' 08" E 212.65 feet to a point; thence S 09° 56' 46" E 52.46 feet to a point; ; thence N 79° 30' 07" E 92.90 feet to a point; ; thence N 62° 58' 43" E 70.91 feet to a point thence S 38° 22' 52" E 200.00 feet to a point; thence with a curve to the right, having a radius of 380.00 feet an arc length of 16.36 feet, a chord bearing of N 50° 23' 07" E , chord length of 16.36 feet to a point; thence S 40° 50' 53" E 159.78 feet to a point; thence N 60° 20' 12" E 4.36 feet to a point; thence N 68° 52' 28" E 137.40 feet to a point; ; thence N 07° 50' 52" E 154.16 feet to a point; thence cornering with a new City Limit line N 83°54'56" E 179.35 feet to a point, thence with a curve to the right, having a radius of 1095.00 feet, arc length of 8.73 feet and a chord bearing and distance of N 05°16'12" W 8.73 feet to a point, thence cornering N 84°57'30" E 202.17 feet to a point in the westerly line of the David A. Evans, Jr. and Anne Evans Brewer Property recorded in Deed Book 681 Page 44; thence cornering and continuing with the David A. Evans, Jr. and Anne Evans Brewer Property the following courses and distances: S 06°23'42" E 87.14 feet to a point, S 14°28'37" E 120.13 feet to a point, S 22°10'24" E 120.13 feet to a point, S 28°12'15" E 68.17 feet to a point, S 30°02'54" E 268.28 feet to a point, thence leaving the westerly line of the David A. Evans, Jr. and Anne Evans Brewer Property recorded in Deed Book 681 Page 44 S 06°16'35" W 249.67 feet to a point; thence cornering N 83°43'09" W 1639.03 feet to point located in the easterly line of Lynndale Subdivision, Section 9, recorded in Map Book 30 page 111; thence cornering and running with the aforementioned easterly line of Lynndale Subdivision, Section 9 and Lynndale Subdivision Section 5, Recorded in Map Book 23 Page 176, N 06°00'52" E 796.84 feet to the **POINT OF BEGINNING**, containing 25.33 acres more or less and being shown on an Annexation Map prepared for Greenbrier Realty Company, Inc. by Rivers and Associates, Inc., dated April 24, 2009, drawing number Z-2502 and incorporated herein by reference

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district five. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 31<sup>st</sup> day of December, 2009.

ADOPTED this 13<sup>th</sup> day of August, 2009.

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

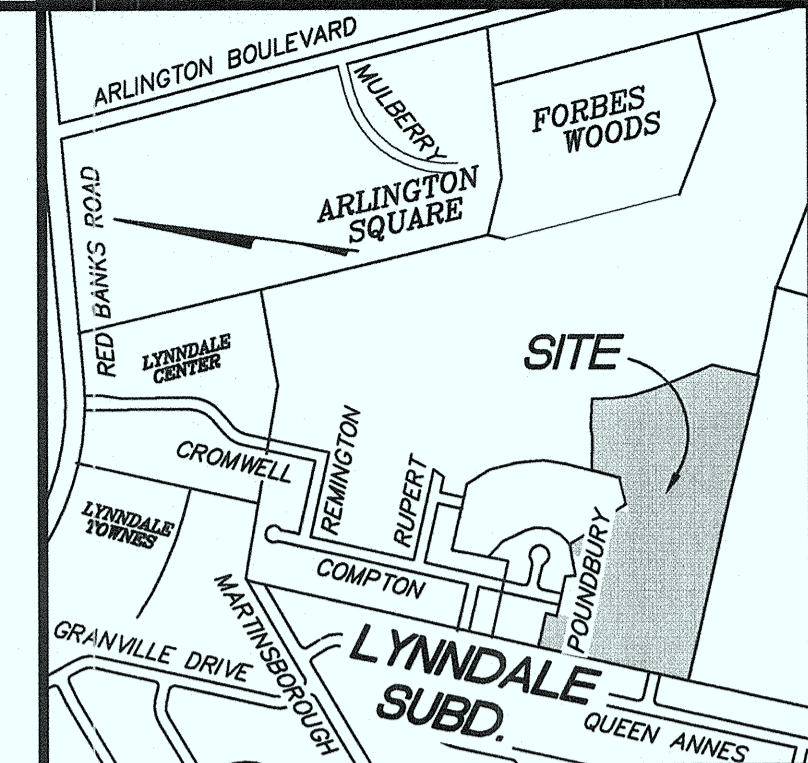
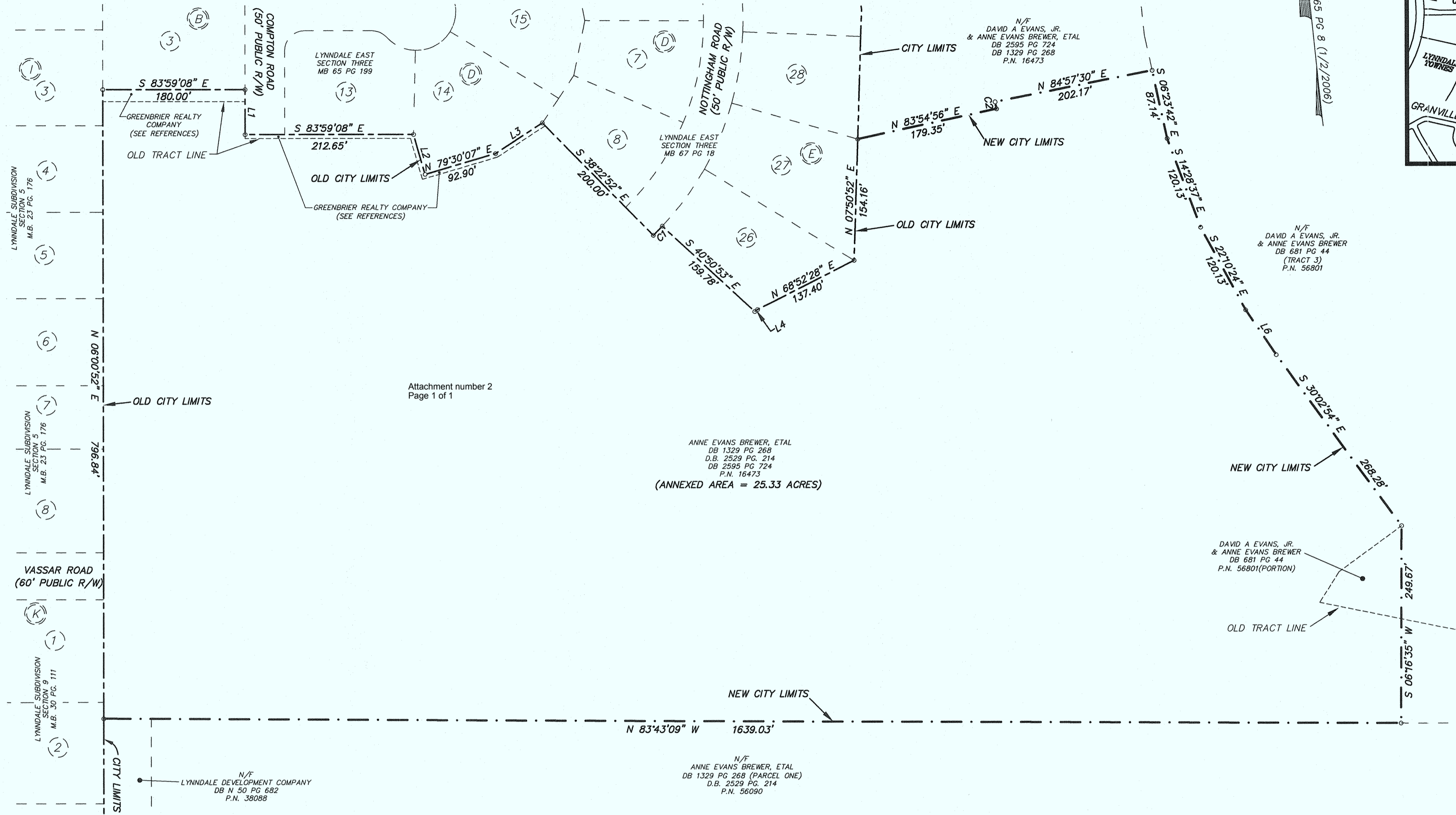
ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CH BEARING	CH. LENGTH	DELTA
C1	380.00	16.36	N 50°23'07" E	16.36	2°28'01"
C2	1095.00	8.73	N 05°16'12" W	8.73	0°27'24"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 06°00'52" W	56.41
L2	S 09°56'46" E	52.46
L3	N 62°58'43" E	70.91
L4	N 60°20'12" E	4.36
L5	INTENTIONALLY DELETED	
L6	S 28°12'15" E	68.17

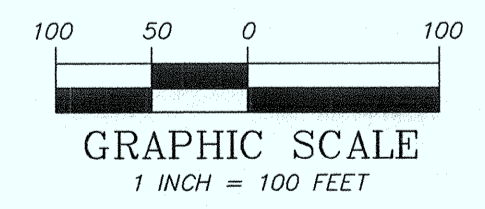


- References**
- D.B. 2595, PG. 724
  - D.B. 681, PG. 44
  - D.B. 2020, PG. 443
  - D.B. 2020, PG. 439
  - D.B. 2020, PG. 427
  - D.B. 2020, PG. 423
  - D.B. 2009, PG. 840
  - D.B. 2005, PG. 873
  - D.B. 2005, PG. 870
  - D.B. 1986, PG. 659
  - D.B. 1986, PG. 647
  - D.B. 1986, PG. 643
  - D.B. 1979, PG. 617
  - D.B. 1979, PG. 613
  - D.B. 1979, PG. 609
  - D.B. 1979, PG. 605
  - D.B. 1329, PG. 268
  - D.B. 896, PG. 532
  - D.B. 2529, PG. 214

- Legend**
- NEW CITY LIMIT
  - OLD CITY LIMIT
  - CITY LIMIT
  - NOW OR FORMERLY
  - PARCEL NUMBER
  - DEED BOOK
  - PAGE
  - MAP BOOK
  - RIGHT OF WAY



- Notes :**
1. AREA DETERMINED BY COORDINATES.
  2. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
  3. NO POINT SET UNLESS OTHERWISE NOTED.
  4. THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.



PARCEL NO. 16473 AND PORTION OF 56801

**ANNEXATION MAP**  
LYNDDALE EAST SUBDIVISION, SECTION FOUR  
LOTS 4-8, BLOCK B, LOTS 9-12, BLOCK D, LOTS 9-25, BLOCK E, LOTS 1-11, BLOCK G AND LOTS 12-19, BLOCK F  
WINTERVILLE TWP., GREENVILLE, PITT CO., NORTH CAROLINA

OWNER ANNE EVANS BREWER, ETAL/GREENBRIER REALTY  
ADDRESS P.O. BOX 2548, GREENVILLE, NC 27836  
PHONE (252) 752-2106

SURVEYED JEW	APPROVED DT
DRAWN PH/KP	DATE 4/23/09
CHECKED PWH	SCALE 1" = 100'

MAP NO.	PLATS RECORDED	BOOK	PAGE
	ANNEXATION MAP FOR LYNDDALE EAST SECTION 3	65	8

MAP SHOWING AREA ANNEXED BY  
**THE CITY OF GREENVILLE, N.C.**

EFFECTIVE DATE \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_ AREA **25.33 ACRES**

WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

**CERTIFICATION**  
NORTH CAROLINA PITT COUNTY

I, **PATRICK W. HARTMAN** CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 + THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I, FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F) (11) (d), THIS SURVEY IS OF ANOTHER CATEGORY, BEING A SURVEY FOR ANNEXATION INTO CITY LIMITS OF THE CITY OF GREENVILLE.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 24TH DAY OF APRIL 2009.

SIGNED *Patrick W. Hartman*  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NUMBER L-4262





# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1610 Beatty Street

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 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 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 costs to repair the property are \$22,043.

A public hearing to consider this ordinance was advertised for June 11, 2009 and carried over to August 13, 2009 by City Council action.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as a lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approve the attached ordinance requiring the repair or demolition and removal of the dwelling located at 1610 Beatty Street.

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

**Attachments / click to download**

 [Photos of Property](#)

 [Ordinance for Repair or Demolition of 1610 Beatty Street 830739](#)

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ORDINANCE NO. 09-\_\_\_\_  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1610 BEATTY STREET, PARCEL NUMBER 03183

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Owen & Eunice Williams Burney, of the dwelling located at 1610 Beatty Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located 1610 Beatty Street and owned by Owen & Eunice Williams Burney.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 13th day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

NORTH CAROLINA  
PITT COUNTY

I, Patricia A. Sugg, a Notary Public in and for the aforesaid County and State, do hereby certify that Wanda T. Elks personally appeared before me this day and acknowledged that she is the City Clerk of the CITY OF GREENVILLE, a North Carolina municipal corporation, and that by authority duly given and as the act of the CITY OF GREENVILLE, the foregoing instrument was signed in its corporate name by its Mayor, sealed with its corporate seal, and attested by herself as City Clerk.

Witness my hand and Notarial Seal, this the 13th day of August, 2009.

\_\_\_\_\_  
Patricia A. Sugg, Notary Public

My Commission expires: 9/4/2011





Item # 6





Item # 6





Item # 6





# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 808 Bancroft Avenue

**Explanation:** 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 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 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 & Entering, to Disturbance, 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 costs to repair the

property are \$46,371.25.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as a lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 808 Bancroft Avenue.

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**Attachments / click to download**

 [photos of property](#)

 [Ordinance\\_for\\_Repair\\_or\\_Demolition\\_808\\_Bancroft\\_Avenue\\_838983](#)

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ORDINANCE NO. 09-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 808 BANCROFT AVENUE  
TAX PARCEL NUMBER 014493

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Wachovia Bank NA, as Trustee for Aegi Asset Backed Securities Trust, Mortgage Pass through Certificates Series 2004-2, 12650 Ingenuity Drive, Orlando Florida, 32826, of the dwelling located at 808 Bancroft Avenue in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 808 Bancroft Avenue and owned by Wachovia Bank NA, as Trustee for Aegi Asset Backed Securities Trust, of Orlando Florida.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 13th day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk



Item # 7





Item # 7





Item # 7



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1231 Battle Street

**Explanation:** 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 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 costs to repair the property are \$26,496.85.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$8,000 due to the size of the structure. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as a lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1231 Battle Street.

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**Attachments / click to download**

 [Photos of Property](#)

 [Ordinance for Repair or Demolition 1231 Battle Street 839080](#)

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ORDINANCE NO. 09-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1231 BATTLE STREET  
TAX PARCEL NUMBER 006825

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Annette and Gregory Johnson, of the dwelling located at 1231 Battle Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 1231 Battle Street and owned by Annette and Gregory Johnson.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 13th day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk





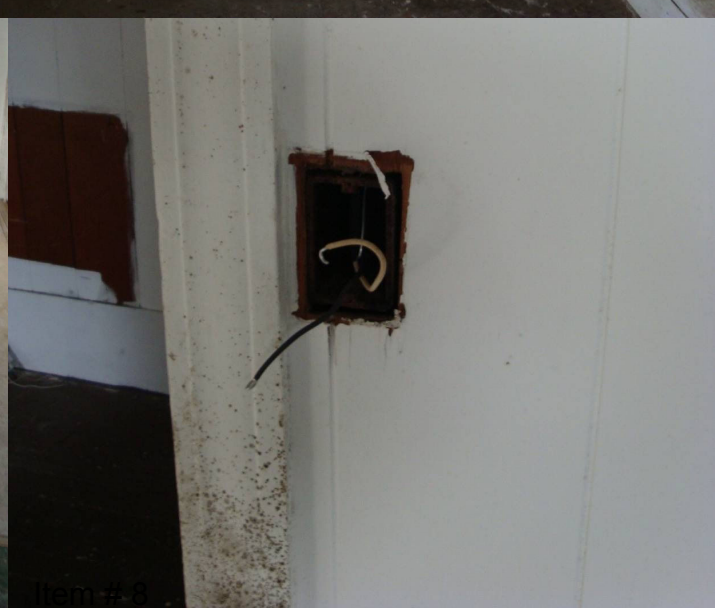
Item # 8





Item # 8







# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1103 Myrtle Avenue

**Explanation:** 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.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1103 Myrtle Avenue.

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**Attachments / click to download**

[Photos of Property](#)

[Ordinance for Repair or Demolition 1103 Myrtle Avenue 839135](#)

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ORDINANCE NO. 09-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1103 MYRTLE AVENUE  
TAX PARCEL NUMBER 010876

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Michael V. Joyner, of the dwelling located at 1103 Myrtle Avenue in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 1103 Myrtle Avenue and owned by Michael V. Joyner.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 13th day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk





Item # 9





Item #9





Item # 9





# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of three dwellings located at 107, 109, and 111 Wade Street

**Explanation:** The Code Enforcement Officer for the City of Greenville requests that the City Council approve an ordinance requiring the owner of 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; February 7, 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 Structure.

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 structures is \$29,013.15.

**Fiscal Note:**

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$8,000 per structure due to the size of the structures. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as a lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwellings located at 107, 109, and 111 Wade Street, sharing tax parcel number 001717.

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 [Photos of Property](#)

 [Ordinance for Repair or Demolition 107 109 111 Wade Street Sharing Parcel Number 001717 839164](#)

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ORDINANCE NO. 09-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLINGS LOCATED AT 107, 109 and 111 WADE STREET  
SHARING TAX PARCEL NUMBER 001717

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner(s), Eastern Realty Company of Wilmington, NC, of the dwellings located at 107, 109 and 111 Wade Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that the dwellings fully comply with the standards of the Minimum Housing Code or to demolish and remove said dwellings within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwellings in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwellings being located at 107, 109 and 111 Wade Street, sharing parcel number 001717, and being owned by Eastern Realty Company of Wilmington, NC.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwellings and any personal property, fixtures, or appurtenances found in or attached to the dwellings shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 13th day of August, 2009.

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

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk





**107 Wade Street**









**109 Wade Street**

Item # 10





Item # 10

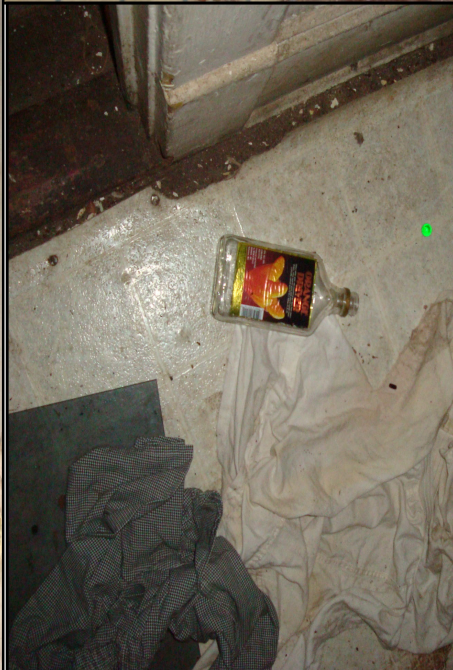


**111 Wade Street**



Item # 10





Item # 10



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Ordinance directing the enforcement officer to remove or demolish the nonresidential building or structure located at 1408 North Greene Street

**Explanation:** The nonresidential building at 1408 North Greene Street was found to be out of compliance with the Nonresidential 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 violations 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 \$98,000.00.

The dwelling 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.


**Fiscal Note:** Costs to test and abate asbestos (if present) and demolition costs will be approximately \$20,000 due to the materials and size of the structure. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as a lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

**Recommendation:** Approve the attached ordinance allowing the City to abate the nonresidential structure at 1408 North Greene Street by means of demolition.

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**Attachments / click to download**

 [Photos](#)

 [Ordinance Directing the Enforcment Officer to Remove or Demolish 1408 N. Greene Street 837278](#)

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ORDINANCE NO. 09-\_\_\_\_\_  
ORDINANCE DIRECTING THE ENFORCEMENT OFFICER TO  
REMOVE OR DEMOLISH THE NONRESIDENTIAL BUILDING OR STRUCTURE  
LOCATED AT 1408 NORTH GREENE STREET

WHEREAS, pursuant to the enforcement of the Nonresidential Building or Structure Code contained in Article G of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of North Carolina General Statute 160A-439, the owner of the nonresidential building or structure described below has failed to comply with an Order to either (i) repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by the Nonresidential Building or Structure Code or (ii) remove or demolish the nonresidential building or structure;

WHEREAS, the City Council of the City of Greenville does hereby find and determine that the owner of the nonresidential building or structure described below has been given a reasonable opportunity to bring the nonresidential building or structure in conformity with the minimum standards established by the Nonresidential Building or Structure Code contained in Section 9-1-125 of the Code of the City of Greenville, North Carolina; and

WHEREAS, North Carolina General Statute 160A-439(f) and Section 9-1-129(d), of the Code of the City of Greenville, North Carolina empower the City Council of the City of Greenville to enact this ordinance to authorize and direct the Enforcement Officer to remove or demolish a nonresidential building or structure when the owner has failed to comply with an Order of the Enforcement Officer issued pursuant to the provisions of the Nonresidential Building or Structure Code;

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

Section 1. The Enforcement Officer is hereby authorized and directed to proceed to demolish and remove the nonresidential building or structure located at 1408 North Greene Street, in the City of Greenville, North Carolina, and owned by Randy G. McLawhorn. The real property upon which such nonresidential building or structure is located being described as follows:

Being the property described in the Deed dated 1996 and recorded in Book 717, at Page 547 in the Office of the Register of Deeds of Pitt County, said description being herein incorporated by reference.

Section 2. The cost of demolition and removal shall constitute a lien against the real property described above. The lien shall be filed, have the same priority, and be enforced and the costs collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The amount of the costs shall also

be a lien on any other real property of the owner located within the corporate limits of the City of Greenville except for the owner's primary residence, said additional lien to be inferior to all prior liens and shall be collected as a money judgment.

Section 3. Any recoverable materials of the building or structure demolished or removed and any personal property, fixtures, or appurtenances found in or attached to the building or structure shall be offered for sale by the Enforcement Officer and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by North Carolina General Statute 160A-439 (i)(3).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

Adopted this the 13th day of August, 2009.

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Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk

# 1408 N. Greene Street







# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Early voting site in West Greenville

**Explanation:** During the August 10, 2009 City Council meeting, Mayor Pro-Tem Council presented the attached letter from the Coalition Against Racism requesting that the City support an early voting site in West Greenville at either Carver Library or C. M. Eppes Center. The City Council approved adding this request to the August 13, 2009 City Council meeting agenda.

Section 6 of the agreement between the City and the Pitt County Board of Elections states:


*"For all municipal elections two One-Stop sites will be in operation. The first site shall be located at the Pitt County Agricultural Center at 403 Government Cir.; the second site shall be located at the Community Schools Building at 4561 County Home Rd. Each municipality shall be responsible for its proportional share of the expenses, based on the percentage of municipal registered voters, related to these two sites.*

*A municipality may request the Board of Elections provide an additional One-Stop site located within their jurisdiction. If approved by the Board of Elections, said municipality shall be responsible for all expenses related to the operation of the additional One-Stop site."*

**Fiscal Note:** The Pitt County Director of Elections estimates that the cost for operating a site from October 26th to the 31st would be approximately \$2,200.

**Recommendation:** Discuss the request to support an early voting site.

**Attachments / click to download**

 [Letter from CAR](#)

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## COALITION AGAINST RACISM

3760 Philippi Drive  
Greenville, NC 27858

(252) 752-7205

Fax (252) 758-2801

July 28, 2009

Dear City Council,

We request that you support an early voting site within West Greenville at either Carver Library or C.M. Eppes Center. We would like the site to be open five and a half days, starting on Monday, October 26 and ending on Saturday, October 31. We acknowledge the cost of running an additional site, but we believe it will support the democratic process and extend voting opportunities for citizens of West Greenville.

We anticipate your response within five business days after your next meeting.

Sincerely,

Handwritten signatures of Willie Roberts and Kelley Haven.

Willie Roberts and Kelley Haven,  
on behalf of the People's Assembly Planning Committee



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** City goals and objectives for energy conservation

**Explanation:** Congress, as part of the American Recovery and Reinvestment Act (ARRA), funded the Energy Efficiency and Conservation Block Grant (EECBG) program. The purpose of this program is to “assist eligible entities in creating and implementing strategies to:

- reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities;
- reduce the total energy use of the eligible entities; and
- improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.”

Activities and projects that are eligible for funding as part of the grant are listed at Attachment 1. The City, in order to obtain this funding, is required to submit to the Department of Energy (DOE) within 120 days a proposed Energy Efficiency and Conservation Strategy.

Public Works staff and a consultant have met with the stakeholders group to obtain input on possible energy conservation goals and objectives for the City. Additionally, Public Works staff’s and the consultant’s research has resulted in the development of goals for City Council’s consideration.

There are three basic approaches for developing the strategy. One is to focus on improving the energy efficiency of City operations and activities initially, and then export the program to the community as a whole. The other is the development of a strategy for the community as a whole initially. The last is to develop a hybrid of the first two approaches.

Public Works staff and the consultant will present these approaches for consideration as well as possible goals and objectives for City Council’s consideration at the City Council meeting. Public Works staff and the consultant are requesting the City Council provide guidance on the approach as

well as the goals and objectives.

An updated conceptual timeline for developing the strategy is at Attachment 2.

**Fiscal Note:**

Greenville, based on its population, is allocated federal economic stimulus funds directly from the Department of Energy (DOE), the program manager. Greenville has been allocated \$777,600.

**Recommendation:**

Provide guidance on the Energy Conservation Strategy to enable Public Works staff and the consultant to continue developing the strategy.

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

**Attachments / click to download**

[City Council Guidance for City Goals for Energy Conservation Attachment 1 839076](#)

[City Council Guidance for City Goals for Energy Conservation Attachment 2 839077](#)

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## Attachment 1

### Energy Efficiency and Conservation Block Grant (EECBG)

#### ELIGIBLE ACTIVITIES

A list of eligible activities for use of program funds is contained in Sec. 544 of EISA. Additional activities may be eligible pending approval by the DOE. The activities below are therefore not an exhaustive list and should be used as a guide to the intent of the program. DOE encourages each entity to develop a strategy, including its component activities, that is likely to result in maximum energy efficiency improvements, fossil-fuel emission reductions, economic benefits and total energy use reduction.

**1. Development of an Energy Efficiency and Conservation Strategy:** Entities may use a grant received under this part to develop and/or implement a strategy for energy efficiency and conservation and to carry out activities to achieve the purposes of the program. All entities receiving direct formula grants from the DOE are required to submit a proposed strategy for approval.

**2. Technical Consultant Services:** Entities may retain technical consultant services to assist the eligible entity in the development of such a strategy, including formulation of energy efficiency, energy conservation, and energy usage goals; identification of strategies to achieve those goals through efforts to increase energy efficiency, reduce fossil fuel emissions or reduce energy consumption through investments or by encouraging behavioral changes. Entities may develop methods to measure progress in achieving the goals. Entities may develop and publish annual reports to the population served by the eligible entity describing the strategies and goals and the progress made in achieving them during the preceding calendar year.

**3. Residential and Commercial Building Energy Audits:** Entities may support the conduct of residential and commercial building energy audits.

**4. Financial Incentive Programs:** Entities may establish financial incentive programs and mechanisms for energy efficiency improvements such as energy saving performance contracting, on-bill financing, and revolving loan funds.

**5. Energy Efficiency Retrofits:** Grants may be made to nonprofit organizations and governmental agencies for the purpose of retrofitting existing facilities to improve energy efficiency.

**6. Energy Efficiency and Conservation Programs for Buildings and Facilities:** Entities may develop and implement energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the entity. The range of activities includes the design and operation of the programs; the identification of the most effective methods for achieving maximum

participation and efficiency rates; public education; measurement and verification protocols; and identification of energy efficient technologies.

**7. Development and Implementation of Transportation Programs:** Entities may develop and implement programs to conserve energy used in transportation, including but not limited to:

- Employee flex time programs;
- Promoting use of satellite work centers;
- Development and promotion of zoning guidelines or requirements that promote energy efficient development;
- Development of infrastructure such as bike lanes and pathways and pedestrian walkways;
- Synchronization of traffic signals;
- State/locals/regional integrated planning activities (i.e. transportation, housing, environmental, energy, land use) with the goal of reducing greenhouse gas emissions and vehicle miles traveled;
- Incentive programs to reduce commutes by single occupancy vehicles;
- Improvements in operational and system efficiency of the transportation system such as implementation of intelligent transportation system (ITS) strategies;
- Idle-reduction technologies and/or facilities to conserve energy, reduce harmful air pollutants, and greenhouse gas emissions from freight movement; and
- Installation of solar panels on interstate rights-of-way to conserve energy in highway operations and maintenance activities.

**8. Building Codes and Inspections:** Entities may develop and implement building codes and inspection services to promote building energy efficiency.

**9. Energy Distribution:** Entities may implement distributed energy resource technologies that significantly increase energy efficiency, including:

- District heating and cooling systems
- Combined heat and power systems
- Cogeneration systems
- Energy Storage systems
- Absorption chillers
- Desiccant humidifiers
- Micro turbines
- Ground source heat pumps

**10. Material Conservation Programs:** Entities may implement activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency.

**11. Reduction and Capture of Methane and Greenhouse Gases:** Entities may use grant funds to purchase and implement technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar waste-related sources, such as wastewater treatment plants, operations producing food waste, dairy farms and other animal operations.

**12. Traffic Signals and Street Lighting:** Entities may use grant funds to replace traffic signals and street lighting with energy efficient lighting technologies, including light emitting diodes; and any other technology of equal or greater energy efficiency.

**13. Renewable Energy Technologies on Government Buildings:** Entities may use grant funds to develop, implement, and install on or in any government building of the eligible entity onsite renewable energy technology that generates electricity from renewable resources, including solar energy; wind energy; fuel cells; and biomass.

**14. Any Other Appropriate Activity:** Entities may submit any other appropriate activity for approval in the Energy Efficiency and Conservation Strategy.

## Attachment 2

### Conceptual Schedule for Developing the Energy Efficiency and Conservation Strategy

(Actual timeline depends on date of initial award)

- RFPs issued Friday, May 8, 2009 Complete
- RFPs due by 4 pm Friday, May 22, 2009 Complete
- Selection Friday, May 29, 2009 Complete
- Award Consultant Contract no later than June 15, 2009 \* In process
- Submit initial application to DOE not later than June 25, 2009 Complete
- Brief City Council on goals and objectives of the Strategy on August 13, 2009
- Strategy approved by City Council week of November 9, 2009
- Submit final application to DOE no later than November 20, 2009



# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Resolution Amending the Board and Commission Policy for the City of Greenville by Amending the Provisions Relating to the Housing Authority

**Explanation:** 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 and is attached. 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.

Attached is a copy of the following: 1) Session Law 2009-211; 2) A sheet which demonstrates the changes in the Policy, 3) Listing of current Housing Authority Commissioners; 4) A schedule of upcoming appointments which will be made pursuant to the procedure; and 5) the Resolution which includes the amended procedure for the appointment of the Housing Authority Commissioners,.

**Fiscal Note:** There is no fiscal impact resulting from the amendment of the procedure for the appointment of Housing Authority Commissioners.

**Recommendation:** If the procedure for appointment of Housing Authority Commissioners is acceptable, then the adoption of the attached Resolution will result in approval of the procedure.

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

**Attachments / click to download**

- [📄 Session Law](#)
  - [📄 Current Housing Authority Board](#)
  - [📄 Housing Authority Position and Expiration 839356](#)
  - [📄 PORTIONS OF BOARD AND COMMISSION POLICY CHANGED WITH RED TEXT BEING ADDITIONS AND STRICKEN TEXT BEING](#)
  - [📄 RESOLUTION AMENDING THE BOARD AND COMMISSION POLICY FOR THE CITY OF GREENVILLE BY AMENDING THE PROVIS](#)
-

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

SESSION LAW 2009-211  
SENATE BILL 560

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO  
APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 157-5 reads as rewritten:

**"§ 157-5. Appointment, qualifications and tenure of commissioners.**

(a) ~~An authority shall consist of not less than five nor more than eleven commissioners appointed by the mayor and the mayor shall designate the first chair commissioners. One commissioner shall be appointed by the mayor, and all other commissioners shall be appointed by the city council.~~ No commissioner may be a city official. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority: (i) operates less than 300 public housing units, (ii) provides reasonable notice to the resident advisory board of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (iii) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. ~~The mayor city council shall~~ appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the ~~mayor~~ city council.

(d) The mayor shall designate overlapping terms of not less than one nor more than five years for the commissioners first appointed. Thereafter, the term of office shall be five years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority of the commissioners shall constitute a quorum. ~~The~~ Where the appointment is made by the mayor, the mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. ~~Where the appointment is made by the city council, the city council shall adopt a resolution or motion of appointment or reappointment of any commissioner, and the resolution or record of the official act shall be conclusive evidence of the due and proper appointment of the commissioner. Where the appointment is made by the city council, nominations to the city council for the appointment shall be made by city council members on a rotating basis in accordance with a procedure adopted by the city council that provides each city council member, on an equitable basis, an assigned position in the rotation to make a nomination for an appointment when the time for appointment occurs.~~ A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his or her duties.

**SECTION 2.** This act applies to the City of Greenville only.



**SECTION 3.** This act is effective when it becomes law and applies to appointments and reappointments commencing on or after that date.  
In the General Assembly read three times and ratified this the 30<sup>th</sup> day of June, 2009.

s/ Walter H Dalton  
President of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

## PORTIONS OF POLICY CHANGED WITH RED TEXT BEING ADDITIONS AND STRICKEN TEXT BEING DELETIONS

### Section Entitled Housing Authority Starting on Page 3 of Policy

Housing Authority. The authority shall consist of seven commissioners. One commissioner shall be appointed by the Mayor and all other commissioners shall be appointed by City Council. ~~The seven Housing Authority members are appointed by the Mayor.~~ No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. ~~The City Council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority.~~ If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the ~~Mayor~~ **City Council.**

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed on or after June 30, 2009, (the effective date of Session Law 2009-211). Appointments will be made by City Council unless the appointment is required to be made by the Mayor to ensure that the authority has a commissioner appointed by the Mayor or unless the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members on a rotating basis in the following order: Council Member, at-large for the first appointment, Council Member, District One for the second appointment, Council Member, District Two for the third appointment, Council Member, District Three for the fourth appointment, Council Member, District Four for the fifth appointment, Council Member, District Five for the sixth appointment, and, thereafter, the rotation shall be repeated. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

At all times, at least one (1) of the commissioners shall have been appointed by the Mayor. Therefore, the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the only commissioner position on the authority who has been appointed by the Mayor. The Mayor shall make the appointment or reappointment in this event by filing with the City Clerk a certificate of appointment or reappointment.

At all times, at least one (1) of the commissioners shall be a person directly assisted by the authority. Therefore, the nomination by a Council Member and the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the



authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority. City Council shall confirm the appointment of the person who is elected by other persons directly assisted by the authority after receipt of written notice of the election of this person from the authority whenever the authority's rules require that the person appointed as the person directly assisted by the authority is elected by other persons directly assisted by the authority. City Council shall make the confirmation of the appointment by a motion of appointment. In the event the authority's rules do not require that the person appointed as the commissioner directly assisted by the authority is elected by other persons who are directly assisted by the authority and the appointment to be made is the commissioner on the authority who is appointed as the commissioner directly assisted by the authority, the nomination by a Council Member on the rotating basis will not occur until the next appointment and, instead of a nomination, a recommendation from the authority will be sought. City Council is not required to appoint the person recommended by the authority and may, but is not required to, request another recommendation from the authority in the event the initial recommended person is not appointed. In the event the person recommended by the authority is not appointed and another recommendation from the authority is not requested, any Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council, the nomination of a person to fill the unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy in a commissioner position which was not appointed by City Council and which is not either the required Mayor appointment or person directly assisted by the authority appointment, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which is either the required Mayor appointment or the person directly assisted by the authority appointment, the procedure to appoint and recommend or elect shall be the same as the procedure to appoint and recommend or elect a person for a full term.

### **Last Paragraph on Page 7 of Policy**

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2) the Housing Authority, to which ~~the Mayor makes the appointments~~, either, in accordance with the procedure set forth in the

Housing Authority section above, the Mayor makes the appointment or City Council appoints commissioners after receipt of a nomination from Council Members on a rotating basis or City Council appoints a commissioner after receipt of a recommendation from the Housing Authority or City Council confirms the appointment of a commissioner who is elected by other persons directly assisted by the Housing Authority and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a recommendation has not been selected, at which time the appointment shall be continued to the following month.

## **Section Entitled Reappointments Starting on Page 9 of Policy**

### Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board, City appointees may be reappointed to a second term. The purpose of this exception is to create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. ~~The Housing Authority shall also be excepted, in that it is regulated by the provisions of State Statute.~~ 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.

Housing Authority

**Established on:** May 1, 1961      **Term in Years:** 5      **Meeting Time:** 5:30 p.m.  
**Meeting Day:** Last Monday of each month  
**Meeting Location:** Central Housing Authority Office, 1103 Broad Street

		<u>EXPIRATION DATE</u>	<u>CURRENT TERM</u>
E. Cordell Avery	Chair	May 2012	Second term
Larry Barbou		May 2010	Filling unexpired term
Kathy Castillo		May 2012	Filling unexpired term
Sterling Edmonds	Vice-Chair	May 2011	First term
Ann Huggins		May 2013	First term
Barbara Taft		May 2010	Second term
Reginald Watson		May 2014	First term

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Council Liaison:

Council Member At-Large Bryant Kittrell

Staff Liaison:

Don Rogers, Director of Housing Authority

Becky Molinaro, Executive Administrative Assistant, Housing Authority

**SCHEDULE OF UPCOMING APPOINTMENTS**

<b><u>Position</u></b>	<b><u>Expiration Date</u></b>	<b><u>Appointment</u></b>	<b><u>Nomination</u></b>
Barbour Seat	May 2010	City Council	Council Member, at Large
Taft Seat	May 2010	Person Directly Assisted By Authority Procedure	Person Directly Assisted By Authority Procedure
Edmonds Seat	May 2011	City Council	Council Member, District 1
Avery Seat	May 2012	City Council	Council Member, District 2
Castillo Seat	May 2012	City Council	Council Member, District 3
Huggins Seat	May 2013	City Council	Council Member, District 4
Watson Seat	May 2014	Mayor	None
Barbour Seat	May 2015	City Council	Council Member, District 5
Taft Seat	May 2015	Person Directly Assisted By Authority Procedure	Person Directly Assisted By Authority Procedure
Edmonds Seat	May 2016	City Council	Council Member, at Large
Avery Seat	May 2017	City Council	Council Member, District 1
Castillo Seat	May 2017	City Council	Council Member, District 2
Huggins Seat	May 2018	City Council	Council Member, District 3
Watson Seat	May 2019	Mayor	None

RESOLUTION NO. 09-  
RESOLUTION AMENDING THE BOARD AND COMMISSION POLICY FOR THE CITY  
OF GREENVILLE BY AMENDING THE PROVISIONS RELATING TO THE HOUSING  
AUTHORITY

WHEREAS, on April 13, 2006, the Greenville City Council adopted Resolution No. 06-14, which created a new “Board and Commission Policy for the City of Greenville”; and

WHEREAS, Session Law 2009-211 amends the manner in which Housing Authority Commissioners are to be appointed and, therefore, the Board and Commission Policy for the City of Greenville is required to be amended in order to comply with the provisions of Session Law 2009-211;

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

Section 1. That the Board and Commission Policy for the City of Greenville is hereby amended by rewriting said Policy to read as follows:

BOARD AND COMMISSION POLICY  
FOR THE CITY OF GREENVILLE

Having citizens to serve on boards and commissions gives them an opportunity to participate in local government. In order to maintain some consistency, a policy has been adopted to aid in the appointment process and in other areas dealing with the boards and commissions. In order to provide all citizens of Greenville with an opportunity to serve on City boards and commissions, this board and commission policy is being established.

Talent Bank

A pool of applicants for the various boards and commissions, called the talent bank, shall be maintained by the City Clerk’s Office. This talent bank shall be updated on a biennial basis. Solicitation of applications for this pool of applicants shall be done through such methods as advertising in local newspapers, the City website and the government access channel.

Appointments

City Council Members shall be notified of upcoming appointments to City boards and commissions by the first day of the month preceding the month in which the appointment is to be made. A list of persons who have indicated an interest in serving on the board or commission through the talent bank shall also be provided to the City Council.



The list of upcoming appointments shall be advertised in the local newspaper, on the government access channel and on the City's website at least four weeks prior to the meeting at which the appointment is to be made in order to provide citizens with an opportunity to indicate their interest in serving.

Prior to the 15th day of the month preceding the month in which the appointment is to be made, City Council Members shall submit any nominations for upcoming vacancies to the City Council liaison to the board or commission. City Council liaisons shall be provided a copy of resumes from citizens for upcoming appointments as they are received by the City Clerk's Office.

During review of nominations for upcoming appointments, City Council liaisons may request the City Clerk's assistance in obtaining the nominees' addresses and any pertinent background information. The City Council liaison shall contact the individual to discuss the applicant's interest in the board and his/her ability to attend the meetings in accordance with this policy.

Several of the boards and commissions have representation from other entities. Also, criteria for the membership is noted in the by-laws or ordinance creating many of the boards and commissions. The criteria and/or appointment process are detailed below.

Affordable Housing Loan Committee. The committee shall have seven regular members and one alternate member. It shall be racially diverse and composed of persons with experience and an interest in housing. The members may be of the following professions: banker, lawyer, realtor, member of the building profession or developer, member of a social service organization, and a member of a local housing group.

Board of Adjustment. The board shall consist of seven regular members and four alternate members. Five of the regular members and three alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the City Council. Two of the regular members and one alternate member shall reside outside of the corporate limits of the city but within the extraterritorial jurisdiction at the time of their appointment and shall be appointed by the Board of Commissioners. City members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The County Commissioners shall appoint county candidates and the appointment letter shall be sent from the County Clerk's Office for those appointments. A copy of the appointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated.

Community Appearance Commission. The commission shall consist of 15 members, all of whom shall be citizens and residents of the city.

Environmental Advisory Commission. The commission shall have seven members that are designated as follows: (A) a lawyer; (B) a building contractor, land developer, or someone familiar with construction techniques; (C) a member of a local environmental group; (D) a professor of the natural or physical sciences (E) a professional engineer; (F) an at-large member from the Greenville community; and (G) an at-large member from

the Greenville community with an active interest in the preservation of significant architectural/historical housing in the city. The Mayor shall serve as an ex-officio non-voting member of the commission.

Firemen's Relief Fund Committee. The committee shall consist of five trustees. The firemen shall elect two members, the City Council shall elect two members, and the Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner.

Greenville Utilities Commission. The commission shall consist of eight members, one of whom is the City Manager. The charter specifies that the members shall have utilities expertise. Representation should include some members with financial, engineering, environmental, technical, or development backgrounds. Five City members shall be appointed by the City Council in accordance with this policy, and appointment letters for the City members sent by the City Clerk's Office. Two County candidates shall be nominated by the County Commissioners, at which time the County Clerk shall submit to the City Clerk a letter of recommendation. (The two candidates shall be bonafide residents of Pitt County but residing outside the city limits, who shall be customers of Greenville Utilities.) The City Clerk's Office shall then obtain background information on the nominee and provide it along with the letter to the City Council liaison. The information shall be provided to City Council for consideration at a regular City Council meeting. The City Council shall have the right to reject any nominee from the Board of Commissioners and to request additional nominees. If the Pitt County Board of Commissioners fails to recommend a nominee to the City Council within 60 days of the original date requested by the City Council, then the City Council may appoint any individual that meets the residency requirement. The City Clerk's Office shall send a letter of appointment to the new members informing them of the appointment. A copy of the letter for County appointments shall be sent to the County Clerk. Greenville Utilities Commissioners filling the first three-year term shall automatically fill a second three-year term unless the City Council initiates the replacement process.

Historic Preservation Commission. The commission shall consist of ten members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology.

Housing Authority. The authority shall consist of seven commissioners. One commissioner shall be appointed by the Mayor and all other commissioners shall be appointed by City Council. No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. The City Council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the City Council.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed on or after June 30, 2009, (the effective date of Session Law 2009-211). Appointments will be made by City Council unless the appointment is required to be made by the Mayor to ensure that the authority has a commissioner appointed by the Mayor or unless the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members on a rotating basis in the following order: Council Member, at-large for the first appointment, Council Member, District One for the second appointment, Council Member, District Two for the third appointment, Council Member, District Three for the fourth appointment, Council Member, District Four for the fifth appointment, Council Member, District Five for the sixth appointment, and, thereafter, the rotation shall be repeated. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

At all times, at least one (1) of the commissioners shall have been appointed by the Mayor. Therefore, the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the only commissioner position on the authority who has been appointed by the Mayor. The Mayor shall make the appointment or reappointment in this event by filing with the City Clerk a certificate of appointment or reappointment.

At all times, at least one (1) of the commissioners shall be a person directly assisted by the authority. Therefore, the nomination by a Council Member and the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority. City Council shall confirm the appointment of the person who is elected by other persons directly assisted by the authority after receipt of written notice of the election of this person from the authority whenever the authority's rules require that the person appointed as the person directly assisted by the authority is elected by other persons directly assisted by the authority. City Council shall make the confirmation of the appointment by a motion of appointment. In the event the authority's rules do not require that the person appointed as the commissioner directly assisted by the authority is elected by other persons who are directly assisted by the authority and the appointment to be made is the commissioner on the authority who is appointed as the commissioner directly assisted by the authority, the nomination by a Council Member on the rotating basis will not occur until the next

appointment and, instead of a nomination, a recommendation from the authority will be sought. City Council is not required to appoint the person recommended by the authority and may, but is not required to, request another recommendation from the authority in the event the initial recommended person is not appointed. In the event the person recommended by the authority is not appointed and another recommendation from the authority is not requested, any Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council, the nomination of a person to fill the unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy in a commissioner position which was not appointed by City Council and which is not either the required Mayor appointment or person directly assisted by the authority appointment, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which is either the required Mayor appointment or the person directly assisted by the authority appointment, the procedure to appoint and recommend or elect shall be the same as the procedure to appoint and recommend or elect a person for a full term.

Human Relations Council. The 14-member council shall consist of ten regular members, two high school representatives and two representatives appointed to serve from an institution of higher learning. Nominations from the high schools and the institutions of higher learning shall be submitted to City Council for consideration.

Investment Advisory Committee. The three-member committee shall be composed of three members that have a background in investing and money management (i.e., bankers, stock brokers, accountants, economists, etc.).

Pitt-Greenville Airport Authority. The authority shall have eight members, four appointed by the City Council and four appointed by the Pitt County Commissioners. The City Council and Pitt County Commissioner liaisons shall serve as voting members of the authority. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent by the City Clerk's Office for City Members. County members shall be appointed by the County Commissioners and

appointment letters for those members sent by the County Clerk's Office. A copy of the letter shall be forwarded to the City Clerk's Office, at which time the City records shall be updated.

Pitt-Greenville Convention and Visitors Authority. The authority shall have eleven members as follows: Four owners or operators of hotels, motels, or other taxable accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council; two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council; two residents of Greenville, appointed by the City Council, and two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation; and one individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce. City members of the Convention and Visitors Authority Board shall be appointed by the City Council. Appointment letters shall be sent by the City Clerk's Office for the City appointments. The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The Board of Commissioners has the right to reject any nominee from the City Council and request additional nominees. If the City Council fails to recommend a nominee to the County within sixty days after a written request for nominees is sent by the County to the City, then the Board of Commissioners may appoint any individual meeting the eligibility requirements of the Enabling Legislation. The County Clerk shall be responsible for sending out appointment letters for County members. The Chamber of Commerce shall appoint one of its members and is responsible for sending out the appointment letter for that appointment and sending a copy of the letter to the City Clerk's Office, at which time the records are updated.

Planning and Zoning Commission. The commission shall be composed of nine regular members and three alternate members. Appointments of members appointed by City Council shall be made to promote the representation of a variety of interests. This representation should include some members with environmental, neighborhood preservation, development and business interests. Seven regular City members and two alternate members shall reside within the corporate limits of the City and shall be appointed by the City Council. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint two regular County members and one alternate member. The appointment letter for County appointees shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letters shall be sent to the City Clerk's Office, at which time the City records shall be updated.

Police Community Relations Committee. The committee shall be composed of seven members (one from each district, one at-large and one appointed by the Mayor).



Members are appointed directly by the Mayor and individual Council Members. Members should not hold any elected office.

Public Transportation and Parking Commission. The commission shall be composed of seven members, all of whom shall be citizens and residents of the City. Each member shall be appointed by the City Council.

Recreation and Parks Commission. The commission shall be composed of nine members, all of whom shall be residents of the City. Each member shall be appointed by the City Council.

Redevelopment Commission. The commission shall consist of seven members, all of whom shall be residents of the City. Each member shall be appointed by the City Council.

Sheppard Memorial Library Board. The board shall consist of nine members. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint county candidates, and the appointment letters for County members shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated. The City Council liaison to the Sheppard Memorial Library Board shall serve as a voting ex-officio member of the Board.

Youth Council. The Greenville Youth Council shall be composed of twenty-five members as follows: three representatives from each of the Pitt County public high schools; one representative from each of the private schools located in Pitt County (Trinity Christian School, Greenville Christian Academy, Calvary Christian Academy, and The Oakwood School); one home schooled student; and two youth members from the Human Relations Council. With the exception of the two youth members from the Human Relations Council, all members shall be appointed by City Council.

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2) the Housing Authority, to which either, in accordance with the procedure set forth in the Housing Authority section above, the Mayor makes the appointment or City Council appoints commissioners after receipt of a nomination from Council Members on a rotating basis or City Council appoints a commissioner after receipt of a recommendation from the Housing Authority or City Council confirms the appointment of a commissioner who is elected by other persons directly assisted by the Housing Authority and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by

either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a recommendation has not been selected, at which time the appointment shall be continued to the following month.

#### Appointment to a Board at the Conclusion of Service on a Board

When a citizen completes at least one full term on a board or commission, that person shall be eligible to serve on another as a City member at the completion of the term. However, a one-year waiting period is required in order to serve on the same board or commission.

#### Alternate Members

On certain boards and commissions, members shall originally be appointed as Alternate Members in order to provide a learning period unless there are more vacancies on the Board than the number of alternate slots for the Board at the time of appointment (see last sentence of this section). The alternates vote only when a regular member is absent or unable to vote. City alternates shall be provided for various boards as follows:

Affordable Housing Loan Committee	Alternate
Board of Adjustment	Alternate Nos. 1, 2 and 3
Planning and Zoning Commission	Alternate Nos. 1 and 2

Alternates shall move up in rank or to a regular member slot as vacancies become available on the board upon approval by the City Council and in accordance with the following rotation. In the instance of only one alternate, when a vacancy becomes available to replace regular member, the alternate shall move up and a new alternate member appointed. In the instance of two alternates, when a vacancy becomes available to replace a regular member, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, and a new Alternate #2 appointed. In the instance of three alternates, when a vacancy becomes available to replace a regular member, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, Alternate #3 shall be elevated to Alternate #2, and a new Alternate #3 appointed. In the event that there are two elevations at one time, the Alternate members shall move in the order in which they would have normally been elevated.

## Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board, City appointees may be reappointed to a second term. The purpose of this exception is to create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. 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.

## Resignation of Board or Commission Members Elected to Public Office

Members of City boards or commissions who are elected as Mayor or as a City Council Member shall submit a resignation from the board or commission prior to becoming installed as an elected official.

## Service of a Full-Time Employee on a Board or Commission

A full-time employee of the City of Greenville shall not be eligible to serve on a city authority, board, commission or committee as an appointee of the Mayor, City Council or a Council Member. If such a member becomes a full-time employee of the City of Greenville, that shall constitute a resignation from the authority, board, commission or committee upon which he serves, effective upon the date a replacement is appointed. The prohibition established herein shall not apply to any current full-time City employee who is currently serving on an authority, board, commission or committee for so long as said employee serves on the same body until the completion of the current term. The prohibition established herein shall not apply to service resulting from being an ex-officio member.

## Serving on Two Boards Simultaneously

Individuals shall not serve on more than one of the following boards or commissions as a City Council appointment at the same time. The list of boards and commissions that fall in this category include:

Affordable Housing Loan Committee  
Board of Adjustment

Community Appearance Commission  
Environmental Advisory Commission  
Firemen's Relief Fund Committee  
Greenville Utilities Commission  
Historic Preservation Commission  
Housing Authority  
Human Relations Council  
Investment Advisory Committee  
Pitt-Greenville Airport Authority  
Pitt-Greenville Convention and Visitors Authority  
Planning and Zoning Commission  
Police Community Relations Committee  
Public Transportation and Parking Commission  
Recreation and Parks Commission  
Redevelopment Commission  
Sheppard Memorial Library Board  
Youth Council (except that two members shall serve as members of the Human Relations Council)

Individuals shall not hold more than two appointive offices or more than one appointive office and an elective office concurrently in violation of North Carolina General Statute 128-1.1.

#### Designation of Liaisons and their Roles and Responsibilities

Designation. The Mayor shall designate City Council Members and the Mayor as liaisons to boards and commissions whose members are appointed by the City. Prior to the designation of the liaisons, the Mayor shall ask Council Members to which boards and commissions they prefer to be designated as liaison. The Council Members shall be provided an opportunity to discuss their choices with the Mayor.

Length of Designation. The liaisons shall serve until the end of their elected two-year term as a City Council Member or the Mayor.

Roles of the Liaisons. The liaison is a communication link between the City Council and the appointed board or commission. The liaison role is not to regularly and actively discuss subjects on the agenda with the board or commission members, but to offer insight into overall City goals and policies that have been adopted by the City Council as it may relate to an issue being considered by the board or commission. The liaison, from time to time as appropriate, shall inform City Council of major activities of the board or commission.

Attendance. The attendance at board or commission meetings is at the discretion of the liaison. While attendance at every meeting is not required, attendance sufficient to understand the subjects before the board or commission is important.

Voting. The liaison is not a voting member of the board or commission and may not make motions at a meeting of the board or commission. The exception to this is the Sheppard Memorial Library Board of Trustees and the Pitt-Greenville Airport Authority where the liaison is a voting member and should participate as a full member.

Appointments. The liaison is to review the applications in the talent bank for vacancies on the board or commission and to make recommendations of persons to City Council to fill the vacancies. The exception to this is the Housing Authority to which the Mayor has appointive authority and the Police Community Relations Committee to which each individual City Council Member has appointive authority.

#### Attendance of Members

All appointed members of the various boards and commissions are expected to attend all regular meetings. Whenever a member of any board or commission has missed three or more consecutive regular meetings or fails to attend seventy-five percent of all regularly scheduled meetings, the staff liaison to the board or commission shall notify the City Clerk of the member's attendance record. The City Clerk's Office shall send a letter to the member asking to be notified about the person's ability to attend future meetings. A copy of the letter shall be sent to the City Council liaison, and the attendance will be monitored for a period of three months, at which time replacement may occur if the attendance requirements are still not met. If the member responds that he desires to continue serving and will attend future meetings on a regular basis, the City Clerk's Office will notify the City Council liaison. However, if the person either fails to respond to the letter within 30 days or indicates that he is unable or unwilling to attend, the City Council liaison will be notified by the City Clerk's Office and the vacancy placed on the next possible City Council agenda for replacement. The appointment shall be for the duration of the unexpired term of the member whose position has been vacated.

Failure to observe any requirement of this policy shall not affect the validity or legality of any appointment.

Section 2. That all resolutions and clauses of resolutions in conflict with this resolution are hereby repealed.

Section 3. That this resolution shall become effective upon its adoption.

This 13<sup>th</sup> day of August, 2009.

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Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk





# City of Greenville, North Carolina

Meeting Date: 8/13/2009  
Time: 7:00 PM

**Title of Item:** Purchase of property at 101 Hooker Road

**Explanation:** Recently, the Public Works Department demolished the former furniture store building located at 509 West 14th Street as the first phase of the railroad switching yard project. That building had been the major storage site for old documents, holiday decorations, and seldom-used equipment since the sale of the former Pepsi building in 2007. The Public Works Department is now leasing warehouse space on Albemarle Avenue. The Police Department also is currently leasing space for evidence and equipment storage on 14th Street. A City-owned facility would eliminate the need for leasing warehouse space, allow the consolidation of all off-site storage at one location, and provide needed expansion space for Police evidence storage.

The City staff has negotiated with the owner of a building located at 101 Hooker Road. This building contains approximately 13,000 square feet, is conveniently located near the Public Works Complex, is zoned appropriately, and meets the storage needs of both the Public Works and Police Departments. This property was listed for sale at a price of \$580,000. The agreed purchase price is \$492,500. City staff is of the opinion that this is a reasonable price considering the price paid for other properties in this area. The Offer to Purchase and Contract is attached. The City has been provided a copy of a 2005 Phase One Environmental Report for the property. The City will conduct an updated Phase One Environmental Report prior to closing.

**Fiscal Note:** Funds are available to complete this purchase from the following sources:

Crepe Myrtle Parking Lot sale	\$175,000
Police Department Capital Improvement Project for Storage	100,000
Dickinson Avenue Relocation Capital Improvement Project (remaining funds)	176,000

Remainder of funds from City employee parking (after paving the Greene Street parking lot)	<u>100,000</u>
Total Funds Available	\$551,000

The additional funds will be needed to complete the environmental analysis and to make changes to the building that will be necessary for Police evidence storage.

In addition to expanding the available space for storage, the City will save \$25,200 in annual lease payments by consolidating storage at a City-owned facility.

**Recommendation:** Approve the purchase of the property at 101 Hooker Road and authorize the transfer of funds necessary to complete the purchase as recommended in the fiscal note.

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

Attachments / click to download

 [Offer to Purchase](#)

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**NORTH CAROLINA  
PITT COUNTY**

**OFFER TO  
PURCHASE AND CONTRACT**

**THIS OFFER TO PURCHASE AND CONTRACT**, made and entered into as of the 10<sup>th</sup> day of August, 2009, by and between Reggie Spain Construction, LLC, Party of the First Part and hereinafter referred to as the "Seller", and the City of Greenville, a body corporate and politic, organized and existing under the laws of the State of North Carolina, Party of the Second Part and hereinafter referred to as the "City".

**WITNESSETH:**

For and in consideration of the mutual covenants and agreements herein set forth, the City hereby offers to purchase and Seller, upon acceptance of said offer, agrees to sell to the City all that certain real property being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, said real property being hereinafter referred to as the "Property".

THE TERMS AND CONDITIONS OF THIS OFFER TO PURCHASE AND CONTRACT ARE AS FOLLOWS:

**1. PURCHASE PRICE.** The purchase price of the Property is FOUR HUNDRED NINEY TWO THOUSAND FIVE HUNDRED and no/100ths Dollars (\$492,500.00). The foregoing purchase price, subject to adjustments and prorations in accordance with paragraphs 2, 4, and 5, shall be paid to Seller at closing. The Seller understands that the foregoing purchase price subject to the aforementioned adjustments and prorations shall be the entire amount which the Seller will receive from the City for the sale of the Property.

**2. EARNEST MONEY.** The City shall deposit FOUR THOUSAND NINE HUNDRED TWENTY FIVE and no/100ths Dollars (\$4,925.00), in earnest money, within ten (10) days of the Seller's acceptance of the offer, with Laurence S. Graham, Greenville, North Carolina, as agent, who shall hold such amount in escrow. In the event that any of the conditions of this contract are not satisfied or waived by the City prior to closing, in the event City Council approval does not occur as required by paragraph 9, or in the event of a breach of this contract by Seller, then the earnest money shall be returned to the City, but such return shall not affect any other remedies available to the City. In the event the City breaches this contract, then the earnest money shall be forfeited to Seller, and the escrow agent shall pay over to Seller said earnest money, but such forfeiture shall not affect any other remedies available to Seller as a result thereof. Otherwise, the earnest money shall be paid to Seller at the closing and applied against the purchase price.

**3. CLOSING.** Closing is defined as the date and time of the recordation of the deed. Closing of the purchase of the Property hereunder shall take place at 10 a.m. on October 30, 2009, or at such time prior thereto as Seller and the City shall agree mutually in writing, at the law office of Laurence S. Graham, Greenville, North Carolina at which time the purchase price shall be paid as herein provided, and possession of the Property shall be delivered to the City. Notwithstanding the foregoing, the date the closing shall take place shall be September 30, 2009, instead of October 30,

2009, in the event City Council approves the purchase of the Property on or before August 14, 2009, and the City receives on or before September 16, 2009, an updated Phase I Environmental Report for the Property from a firm employed by the City. Time is of the essence with respect to such closing date.

**4. ADJUSTMENTS.** The following items shall be prorated and either adjusted between the parties or paid at closing:

- a. Ad valorem taxes on real property shall be prorated on a calendar year basis through the date of closing;
- b. Ad valorem taxes on personal property, if any, for the entire year shall be paid by the Seller unless the personal property is conveyed to the City, in which case, the personal property taxes shall be prorated on a calendar year basis through the date of closing;
- c. All late listing penalties, if any, shall be paid by Seller;
- d. Rents, if any, for the Property shall be prorated through the date of closing; and
- e. Utilities, if any, for the Property shall be prorated through the date of the closing.

**5. CLOSING COSTS.** Seller and the City acknowledge and agree that the City shall be responsible for the cost of its own title examination and title insurance premiums, any escrow fees or charges, the cost of its survey, and any recording charges on the deed and that the Seller shall be responsible for the cost of the preparation of the deed and all other documents necessary to perform Seller's obligations pursuant to this contract and any and all excise tax (revenue stamps) required by law on the transaction. Each party shall be responsible for the cost of its own attorneys.

**6. CONVEYANCE OF TITLE.** Seller shall make, execute and deliver to the City at closing a good and sufficient deed for the Property in fee simple with general warranty conveying good and marketable title to the Property, free of all liens, encumbrances, restrictions, covenants, rights of way and easements of any kind except ad valorem taxes for the current year (prorated through the date of closing); utility easements and unviolated restrictive covenants that do not materially affect the value or use and occupancy of the Property; and such other encumbrances as may be specifically approved by the City.

In addition, Seller shall furnish to the title company at closing a standard form affidavit and indemnification agreement showing that all labor and/or materials, if any, furnished to the property within one hundred twenty (120) days prior to the date of closing have been paid and by which Seller agrees to indemnify a title insurance company pursuant to a standard form ALTA title affidavit against all loss, cost, claim and expense arising therefrom, including reasonable attorney's fees.

**7. EVIDENCE OF TITLE.** Seller agrees to use diligent efforts to deliver to the City as soon as reasonably possible after the date of this contract, copies of all title information in possession of Seller, including, but not limited to, title insurance policies, attorney's opinions on title, surveys, covenants, deeds, notes and deeds of trust and easements relating to the property.

**8. CONDITIONS.** Notwithstanding anything to the contrary contained herein, the

City's obligations pursuant to this contract are expressly conditioned upon the following conditions:

- a. The Property must be substantially the same or in better condition at closing as on the date of this offer, reasonable wear and tear excepted.
- b. All deeds of trust, liens and other charges against the Property must be paid and satisfied by Seller prior to or at closing such that cancellation may be promptly obtained following closing. Seller shall remain obligated to obtain any such cancellations following closing.
- c. Seller delivers to the City a copy of the Phase One Environmental Report prepared for the Property in anticipation of the Seller's 2005 purchase of the property no later than fourteen (14) calendar days after the earlier of the date the offer of the City is to expire as specified in paragraph 12 or the date acceptance of the offer is delivered to the City.
- d. Seller removes all motor vehicles and personal property located upon the Property and the three (3) silos located upon the Property no later than fourteen (14) calendar days prior to the date the closing is to take place as specified in paragraph 3.
- e. Seller leaves on the property the concrete blocks that makes up the storage bins on the east side of the property, said concrete blocks to be owned by the City as of the closing.
- f. Seller cleans any oil spills in the building located upon the property no later than fourteen (14) calendar days prior to the date the closing is to take place as specified in paragraph 3.
- g. Seller removes any Hazardous Substances as defined in paragraph 9(ii) located upon the Property and any special waste (oil, lubricants, gasoline, diesel, etc.) located upon the Property no later than fourteen (14) calendar days prior to the date the closing is to take place as specified in paragraph 3.
- h. Seller empties and removes the fuel in the above ground fuel tanks located upon the Property no later than fourteen (14) calendar days prior to the date the closing is to take place as specified in paragraph 3, or, in the alternative, provides a certification acceptable to the City no later than fourteen (14) calendar days prior to the date the closing is to take place as specified in paragraph 3, that the fuel in said tanks has been tested and is not contaminated.
- i. (i) The Property and its use shall not be or previously have been in violation of any law, rule, regulation, order or requirement pertaining to environmental regulations, contamination, or clean-up; and, after the removal of the



Hazardous Substances and fuel by the Seller as required by subparagraphs g and h above, there shall not exist on the Property any hazardous substance, hazardous waste, pollutant, contaminant, toxic substance, asbestos, oil, other petroleum or chemical, biological or radioactive substance which is subject to regulation under any such law, rule, regulation, order or requirement or storage tank now or previously used for the storage thereof, whether above-ground or underground.

(ii) No portion of the Property shall be or shall have been used as a sanitary landfill, whether permitted or unpermitted, and no activity shall be or shall have been conducted thereon which is subject to regulation under the North Carolina Solid Waste Management Act.

## 9. ENVIRONMENTAL WARRANTIES AND INDEMNIFICATIONS.

(i) To the best of Seller's knowledge, the Property is not in direct or indirect violation of any local, state or federal law, rule or regulation pertaining to environmental regulation, contamination or clean-up (collectively, "Environmental Laws"), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq. And 40 CFR §302.1 et seq.), the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq. And 40 CFR §116.1 et seq.), and the Hazardous Materials Transportation Act (49 U.S.C. § 1801 et seq.), and the regulations promulgated pursuant to said laws, all as amended;

(ii) To the best of Seller's knowledge, neither the Seller nor any of its agents or employees directly or indirectly have stored, processed, or disposed of on or released or discharged from or on to the Property (including underground contamination) any hazardous, toxic or harmful substances, wastes, materials, pollutants or contaminants (including, without limitation, asbestos, polychlorinated biphenyls, flammable explosives, radioactive materials, infectious substances or raw materials which are included, indexed or regulated by Environmental Laws (collectively, "Hazardous Substances") and, to the knowledge of Seller (after diligent inquiry), no other person directly or indirectly have stored, processed or disposed of on or released or discarded from or onto the Property (including underground contamination) any Hazardous Substances;

(iii) To the best of Seller's knowledge, the Property is not subject to any private or governmental lien or judicial or administrative notice or action relating to Hazardous Substances;

(iv) To the best of Seller's knowledge, the Property has never been used as a landfill or waste dump; and

(v) The Seller warrants that there are no underground storage tanks currently located upon the Property, that underground storage tanks are not a part of the acquisition, sale, or transfer of the Property to the City, and that any unidentified underground storage tanks which are discovered on the Property remain the property of the Seller and shall be removed within thirty (30) days of

discovery at the Seller's sole expense including remediation, clean-up, and related costs.

**10. VACATION OF PREMISES.** The Seller shall vacate the Property and remove all motor vehicles and personal property located upon the Property no later than fourteen (14) calendar days prior to the date the closing is to take place as specified in paragraph 3. It is understood and agreed that the concrete blocks that make up the storage bins on the east side of the Property will remain on the Property and upon closing, be owned by the City.

**11. CITY COUNCIL APPROVAL REQUIRED.** This Offer to Purchase and Contract shall be null and void in the event the City Council of the City of Greenville does not approve the purchase of the Property on or before September 11, 2009.

**12. EXPIRATION OF OFFER.** The offer of the City shall expire unless acceptance is delivered to the City on or before 5 o'clock p.m. on August 21, 2009, or until withdrawn by the City, whichever occurs first. In the event of such expiration, this Offer to Purchase and Contract shall be null and void.

**13. REASONABLE ACCESS.** Seller shall allow the City's agents, employees, and designees full and complete access to the property for the purpose of surveying and physically inspecting and investigating the property. All such surveys, inspections and investigations shall be conducted in such manner as to avoid unreasonable interference with Seller's present use, operation, and occupation of the Property.

**14. FIRE AND OTHER CASUALTY.** The risk of loss or damage by fire or other casualty prior to closing shall be upon Seller. In the event that the Property is materially damaged by fire or other casualty between the date of this Agreement and the date of closing, this Agreement may, at City's sole election and discretion, (i) be declared void, or (ii) accept title to the Property without any abatement in the Purchase Price, in which event, on the date of closing, all insurance proceeds shall be assigned to the City, and Seller shall pay to City an amount equal to the deductible portion of the insurance award along with any funds theretofore received by Seller in connection with such casualty. The City shall give Seller written notice of City's election on or before twenty (20) days after the occurrence of such casualty.

**15. BROKERS.** The City warrants, represents and certifies to the Seller that it has not engaged or utilized the services of a broker in connection with this transaction. The Seller shall be solely responsible for any broker's or finder's fees or commissions for any broker or realtor which it has utilized with this transaction. Each party agrees to defend, indemnify and hold harmless the other from and against any claim for broker's or finder's fees or commissions made by any party claiming to have dealt with them.

**16. REPRESENTATIONS.** Seller and the City acknowledge and agree that, except as otherwise specifically set forth in this contract, Seller has made no representations, warranties or statements to the City as to any matter relating to or concerning the Property, the use thereof or the suitability of the City's intended use thereof. Seller hereby represents and warrants to the City that, to the best of Seller's knowledge the property is not now in violation of any regulation, law, rule or

order relating to hazardous substances or wastes and has not been used, and is not being used, as a sanitary landfill.

**17. NOTICE.** All notices required by this contract shall be in writing and shall be given by either hand delivery to the parties hereto or by placement in the United States Mail, postage prepaid, addressed as follows:

To City  
Wayne Bowers  
City Manager  
City of Greenville  
P.O. Box 7207  
Greenville, NC 27835-7207

To Seller  
Reggie Spain Construction, LLC  
Reginald C. Spain, Registered Agent  
P.O. Box 20370  
Greenville, NC 27835

**18. SEVERABILITY.** In the event that any term or condition of this contract or the application thereof to any circumstance or situation shall be invalid or unenforceable in whole or in part, the remainder hereof and the application of said term or condition to any other circumstance or situation shall not be affected thereby, and each term and condition of this contract shall be valid and enforceable to the full extent permitted by law.

**19. PARAGRAPH HEADINGS.** The paragraph headings used in this contract are for convenience of reference only and shall not be considered terms of this contract.

**20. GOVERNING LAW.** The Seller and the City agree, that the laws of the State of North Carolina shall govern and control the validity, interpretation, performance and enforcement of this contract.

**21. ENTIRE AGREEMENT.** This contract contains the entire agreement and understanding between Seller and the City. There are no oral understandings, terms or conditions, and neither Seller nor the City has relied upon any representation, express or implied, not contained herein. All prior negotiations, understandings, terms and conditions are merged in this contract.

**22. MODIFICATION.** This contract may not be changed or modified orally, but only by an agreement in writing signed by the party against whom enforcement or waiver, change, modification or discharge is sought.

**23. DUPLICATE ORIGINALS.** This contract is executed in duplicate originals; and both Seller and the City acknowledge receipt of one such original, agree that the duplicate originals hereof are identical, and further agree that either original shall be admissible in any proceeding, legal, or otherwise, without the production of the other such original.

**24. EXECUTION.** This offer shall become a binding contract when signed by both the City and Seller.

**25. SURVIVAL.** The terms and provisions of this Contract shall survive Closing.

**IN TESTIMONY WHEREOF**, the Seller has caused this instrument to be executed under seal, and the City has caused this instrument to be executed, in duplicate originals, in its corporate name by Wayne Bowers, City Manager of the City of Greenville.

REGGIE SPAIN CONSTRUCTION, LLC

By: *Reginald C. Spain* (SEAL)  
Reginald C. Spain, Member

CITY OF GREENVILLE

By: *Wayne Bowers* (SEAL)  
Wayne Bowers, City Manager

**NORTH CAROLINA  
PITT COUNTY**

I, *Wendy F. Ross*, a Notary Public of Pitt County, North Carolina, do hereby certify that Reginald C. Spain, Member of Reggie Spain Construction, LLC, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

WIINESS my hand and official seal, this the *11<sup>th</sup>* day of August, 2009.

*Wendy F. Ross*  
Notary Public

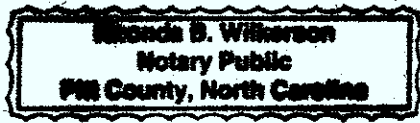
My Commission Expires: *2-20-10*

**NORTH CAROLINA  
PITT COUNTY**

I, *Ronald B. Wilkerson*, Notary Public in and for the aforesaid County and State, do hereby certify that Wayne Bowers, City Manager for the City of Greenville, personally

appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal, this the 10<sup>th</sup> day of August, 2009.



*Rhonda B. Wilkerson*  
Rhonda B. Wilkerson Notary Public

My Commission Expires: 5/21/12



## EXHIBIT A

### Description of Property

Property located within the City of Greenville, Pitt County, North Carolina,  
having an address of 101 Hooker Road and consisting of Tax Parcel No. 007164.