



# Agenda

## Greenville City Council

September 10, 2009  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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**I. Call Meeting To Order**

**II. Invocation - Council Member Mercer**

**III. Pledge of Allegiance**

**IV. Roll Call**

**V. Approval of Agenda**

**VI. Special Recognitions**

- Certificate of Achievement for Excellence in Financial Reporting
- Presentation by Pitt County Schools Superintendent Dr. Beverly Reep

**VII. Appointments**

1. Appointment to the Advisory Board of the 10-Year Plan to End Chronic Homelessness Committee
2. Appointments to Boards and Commissions

**VIII. Consent Agenda**

3. Minutes of the August 10, 2009 City Council meeting
4. Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 1; Meadow Woods, Section 2, Phase 1; and Ironwood Subdivision, Phase 5

5. North Carolina Department of Transportation agreement for intersection improvements at Memorial Drive and Thomas Langston Road
6. Resolution accepting responsibility for maintenance of two North Carolina Department of Transportation funded landscape projects
7. Ordinance rescinding and revising speed limit ordinances for various State-maintained roads throughout the City of Greenville to concur with North Carolina Department of Transportation ordinances
8. Resolution supporting passenger rail service to Greenville
9. Amendment 4 to the contract with Kimley-Horn and Associates for Phase II of the Stantonsburg Road/Tenth Street Connector Project
10. Purchase of two hybrid electric transit buses for expansion of GREAT service
11. Contract with L.I.F.E. of NC, Inc. to operate an ex-offender reentry program
12. Amendment of Greenville Utilities Commission's Water Capital Projects Budget for the Water Treatment Plant Raw Water Pump Station Improvements Project
13. Reimbursement resolution for Greenville Utilities Commission's heavy equipment purchases through installment loan
14. Budget ordinance amendment #2 to the 2009-2010 City of Greenville budget and amendment to ordinance #07-92 and ordinances establishing the Community Development Block Grant Recovery Project and the Public Transportation Capital Assistance Recovery Grant Project
15. Various tax refunds

**IX. Old Business**

16. Status report on the ordinance requiring the repair or the demolition and removal of the dwelling located at 609 Wyatt Street

**X. New Business**

**Public Hearings**

17. 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)

18. Ordinance requested by Caviness & Cates Building and Development Company to amend the maximum porch size that may project into a required front or rear yard from 100 square feet to 200 square feet
19. Ordinance requested by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses
20. Department of Housing and Urban Development Consolidated Annual Performance and Evaluation Report

### **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**

21. Ordinance requested by the Community Appearance Commission to amend Article D of Chapter 3 of Title 2 of the City Code
22. Greenville Bicycle Friendly Task Force Report and Recommendation
23. Financial audit for the fiscal year ended June 30, 2009
24. Relocation assistance for businesses impacted by the Stantonsburg Road/10th Street Connector Project
25. Crime free rental house program
26. Special task force on public safety
27. Acceptance of funding from the United States Department of Justice under the American Recovery and Reinvestment Act of 2009
28. Fork Swamp Greenway Construction
29. Review of construction and demolition debris removal

30. Resolution endorsing the candidacy of Mildred A. Council, MSW, Mayor Pro-Tem of the City of Greenville, to the Board of Directors of the National League of Cities

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

**XII. City Manager's Report**

**XIII. Closed Session**

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body

**XIV. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Appointment to the Advisory Board of the 10-Year Plan to End Chronic Homelessness Committee

**Explanation:** The Advisory Board of the 10-Year Plan to End Chronic Homelessness Committee is the management entity of a multi-agency initiative to end chronic homelessness in Pitt County. The Greenville City Council and Pitt County Board of Commissioners made appointments to the Board in April 2009. Advisory Board members represent community and human service agencies operating within Pitt County. The goals of this program are to develop programs, services, and policies that will reduce homelessness in Pitt County.

Ms. Paulette White was originally appointed by the City Council to the Advisory Board because of her role on the Continuum of Care Committee. Ms. White has been hired by Pitt County as the 10-Year Plan Project Manager. Consequently, Ms. White's position on the Advisory Board is now vacant.


At the the Advisory Board's July 8, 2009, meeting, Ms. Lynne James was recommended to fill the vacancy. Ms. James works as the Executive Director of the Greenville Community Shelter and is also a member of the Continuum of Care Committee. The Advisory Board of the 10-Year Plan to End Chronic Homelessness Committee recommends to the City Council that it accept its nomination and appoint Ms. James to the Advisory Board.

**Fiscal Note:** No cost associated with the requested action.

**Recommendation:** Appoint Lynne James to the Advisory Board of the 10-Year Plan to End Chronic Homelessness Committee.

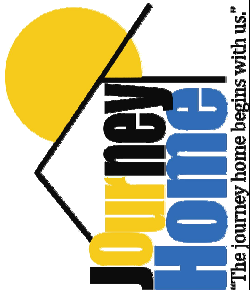
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 [advisory\\_board\\_members\\_COC\\_841083](#)

 [bob\\_thompson\\_s\\_memo\\_for\\_Lynne\\_James\\_841164](#)

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# Our Journey Home: The 10-Year Plan to End Chronic Homelessness in Pitt County

## ADVISORY BOARD RECOMMENDATIONS

### Greenville City Council Appointees

Agency/Group	Representative
• Continuum of Care:	Vacant
• East Carolina University:	Kenny Flowers, Director of Community & Regional Development, ECU Office of Economic Development
• Greenville City Council:	Mildred Council, Mayor Pro-Tem
• Affordable Housing Loan Committee	Alice F. Brewington, Chair
• Greenville Human Relations Officer:	Cassandra Daniels, Human Relations Officer, City of Greenville
• Homeless Person Representative:	Tamiko Corey, East Carolina Vocational Center (ECVC)
• Law Enforcement:	Earl Phipps, Lieutenant, Greenville City Police Department

### Pitt County Board of Commissioners' Appointees

Agency/Group	Representative
• Business Community:	Cassius Williams, Insurance Agent, State Farm Insurance
• East Carolina Behavioral Health:	Amy Modlin, Housing Coordinator
• Faith-based Organization:	Vacant
• Municipal Official:	Gerald Whitley, Mayor, Town of Grimesland
• Pitt County Board of Commissioners:	Melvin McLawhorn, Chairman
• Pitt County Community College:	Ernis Lee, College Outreach Director
• Pitt County Department of Social Services:	Margaret Dixon, Social Work Program Manager,
• Pitt County Schools:	Cassandra Campbell, Lead School Social Worker
• Pitt County United Way:	Cecelia Scott, Executive Director
• University Health Systems (PCMH):	Jennifer Congleton, Director of Volunteer Services
• Citizen-at-Large:	Robert (Bob) Thompson, Professor, East Carolina University
• Citizen-at-Large- Veteran:	Larry Dilda, Retired, Brig. General United States Air Force

MEMORANDUM

TO: Mr. Merrill Flood  
Director of Community Development  
City of Greenville

FROM: Dr. Robert J. Thompson  
Chair, Advisory Committee to End Homelessness

DATE: August 20, 2009

RE: Replacement Appointment to the Advisory Committee

Given the hiring of Paulette White to serve as the program manager for the Ten Year Plan to End Homelessness in Pitt County and Greenville, we need to find a replacement for her position on the Advisory Committee. She was appointed to the Advisory Committee as the representative from the Continuum of Care and her appointment was one of those approved by the Greenville City Council.

The members of the Advisory Committee recommend that Lynne James be appointed in her place as the representative for the Continuum of Care. Lynne serves on the Continuum of Care and would be an effective member of the Advisory Committee given her job as director of the Greenville Community Shelter and as a member of the Management Advisory Team for the Blue Ribbon Task Force.

I therefore request that you convey Lynne's nomination for a position on the Advisory Committee to the City Council as soon as feasible.





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
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, Human Relations Council, Public Transportation and Parking Commission, and Youth Council, and a recommendation needs to be made for the vacant County slot on the Pitt-Greenville Convention and Visitors Authority.

**Fiscal Note:** No fiscal impact.

**Recommendation:** Make appointments or reappointments to the Community Appearance Commission, Human Relations Council, Public Transportation and Parking Commission, and Youth Council, and make a recommendation to fill the vacant County slot on the Pitt-Greenville Convention and Visitors Authority.

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

# Appointments To Boards and Commissions

September 10, 2009

## Community Appearance Commission

**Council Liaison:** Council Member Larry Spell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
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

## Human Relations Council

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

### Regular Members

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Abdel Abdel-Rahman	First term	Eligible	September 2009
Marvin Arrington	Filling unexpired term	Eligible	September 2009
Franchine Pena	Second term	Ineligible	September 2009

### Student Representatives from Higher Educational Institutions

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Caitlin Gold (ECU)	Filling unexpired term	Eligible	October 2009
Stanley Howard (Shaw)	Third term	Resigned	October 2009
Keisha Staton (Shaw)	Third term	Resigned	October 2009

## Pitt-Greenville Convention and Visitors Authority

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

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Misbah Hashmi (1) (Comfort Inn)	Filling unexpired term	Resigned	July 2011

(County)

(1) Owners/operators of hotels/motels

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**Public Transportation and Parking Commission**

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

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Don Anderson	First term	Resigned	January 2012

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**Youth Council**

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

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Arun Ajmera	Not Applicable	Eligible	September 30, 2009
Ajay Ajmera	Not Applicable	Eligible	September 30, 2009
Neferteria Artis	Not Applicable	Eligible	September 30, 2009
Karen-Nia Edmonds	Not Applicable	Eligible	September 30, 2009
Tawanna Franklin	Not Applicable	Eligible	September 30, 2009
Romeo Garcia	Not Applicable	Eligible	September 30, 2009
Samantha Miller	Not Applicable	Eligible	September 30, 2009
Brittany Murphy	Not Applicable	Eligible	September 30, 2009
La'Quon Rogers	Not Applicable	Eligible	September 30, 2009
Urban Turnage	Not Applicable	Eligible	September 30, 2009

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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

## 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
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	848-4257	<b>Application Date:</b> 2/10/2009 <b>District:</b> #5
T. Neal Lowery, Jr. 406 West 4 <sup>th</sup> Street Greenville, NC 27834	tnl1229@ecu.edu	<b>Application Date:</b> 7/30/2009 <b>District:</b> #1 <b>Student</b>
Shane Martin 1736 Beaumont Drive Greenville, NC 27858	786-5970	<b>Application Date:</b> 2/3/2009 <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		

**Kurt Davis**  
1404 Dunbrook Drive  
Winterville NC 28590

Day Phone: (252) 752-7382  
Evening Phone: (252) 364-2257  
Fax: (252) 752-8193  
E-mail: greenville.nc@jamesonin

Gender: M  
Race: African  
District: 4  
Priority:

Applied for this board on: 8/20/2009

Application received/updated: 08/20/2009

Applicant's Attributes: Hotel Owner/Operator  
Greenville City Limits  
South of the River

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

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	Cornell University	BS	
Education	Dunbar Community High		
Experience	Jameson Inn	General Manager	
Volunteer/Prof. Associations	Community Christian Church		

**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	2/19/2008 to 3/31/2013
District 2	



**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

**Joseph Skinner**  
P.O. Box 30135  
Greenville NC 27833

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

Gender: M  
Race: White  
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

## Applicants for Public Transportation and Parking Commission

Richard Malloy Barnes  
208 South Elm Street  
Greenville, NC 27858

**Application Date:** 3/23/2009  
**District:** #3

Mary Fedash  
3223 Meeting Place  
Greenville, NC 27858

**Application Date:** 10/20/2008  
**District:** #4

# Applicants for Youth Council

NONE



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Minutes of the August 10, 2009 City Council meeting

**Explanation:** Draft minutes of the August 10, 2009 City Council meeting have been prepared and are ready for consideration by City Council.

**Fiscal Note:** None.

**Recommendation:** Approval of the August 10, 2009 City Council meeting minutes.

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[August 10 2009 City Council Minutes 841139](#)

## MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC  
August 10, 2009

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

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

### APPROVAL OF AGENDA

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

### CONSENT AGENDA - APPROVED

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to approve the consent agenda as presented. Mayor Pro-Tem Council asked that the minutes of the April 21, 2009 Joint City Council/Greenville Utilities Commission meeting be amended to reflect that she arrived at the meeting at 4:45 due to a dental appointment. Motion carried unanimously.

- 1 Minutes of the June 1, June 8, and June 11, 2009 City Council meetings and the April 21, 2009 and May 12, 2009 joint meetings of the City Council and Greenville Utilities Commission
- 2 Resolution authorizing disposal of outdated records by the City of Greenville in accordance with the North Carolina Division of Archives and History's Municipal Records Retention and Disposition Schedule dated May 19, 2009 and authorizing the Mayor and City Manager to enter into a contract with the North Carolina Department of Archives and History (Resolution No. 09-41; Contract No. 406B)

- 3 Resolution supporting a Veteran Government Bond, Stamp, and Coin Program (Resolution No. 09-42)
- 4 Resolution adopting and endorsing Pitt County’s 2009 Ten-Year Comprehensive Solid Waste Management Plan (Resolution No. 09-43)
- 5 Resolution accepting dedication of rights-of-way and easements for Charleston Village, Section 4; Davencroft Village; and Waterford Commons, Phase 2, Lot 4 (Resolution No. 09-44)
- 6 North Carolina Department of Transportation agreement for intersection improvements at Arlington Boulevard and Stantonsburg Road (Contract No. 1799)
- 7 North Carolina Department of Transportation agreement for construction of a sidewalk on the east side of Arlington Boulevard from Stantonsburg Road to Dickinson Avenue (Contract No. 1800)
- 8 North Carolina Department of Transportation agreement for construction of a sidewalk on the southwest side of Charles Boulevard from Greenville Boulevard to Red Banks Road (Contract No. 1801)
- 9 North Carolina Department of Transportation agreement for replacement of bridge over Hardee Creek on Portertown Road (Contract No. 1802)
- 10 Contract award for the 2009-2010 Sidewalk Construction Project (Contract No. 1803)
- 11 Contract award for the Skinner Street/Public Works Facility/Beatty Street Area - Storm Drainage Repair/Improvements Project (Contract No. 1804)
- 12 Award of a pre-event contract for debris management and removal services (Contract No. 1805)
- 13 Amendment of Greenville Utilities Commission’s Water Capital Projects Budget for Fire Flow Improvements - SR 1401 & SR 1402 Water Main Extension Project (Ordinance No. 09-55)
- 14 Amendment of Greenville Utilities Commission’s Water Capital Project Budget for the Frog Level Road Water Main Extension (Ordinance No. 09-56)
- 15 Various tax refunds

Payee	Description	Amount
Chrysler Financial Services	Refund of City Taxes Paid	\$214.64
Cab East, LLC	Refund of City Taxes Paid	\$117.43

- 16 Budget ordinance amendment #1 to the 2009-2010 City of Greenville budget and ordinances establishing the Storm Drainage Maintenance Improvement Capital Project Budget and the Other Post Employment Benefit Agency Fund (Ordinance Nos. 09-57, 09-67 and 09-68)

Council Member Joyner asked for the amount of money spent in the Stormwater Fund last year, and the City Manager indicated that he would get that information for the Council. He also asked for how much money was being spent on the pre-event contract for debris management and removal services. He was informed that no funds would be spent unless there was an event, that these contracts have to be lined up ahead of time so that if there is one such as a hurricane, there would be someone to help with debris removal. Those funds would be reimbursable by FEMA. Director of Public Works Wes Anderson reported that the firm being contracted with has pre-established prices for the events. Upon being asked why no one in North Carolina had bid on this, Mr. Anderson reported that contractors that do this for a living sub the work out to local contractors. Therefore, the contracts being seen are typically not for the people who actually do the work.

#### NEW BUSINESS

#### PRESENTATION BY REDEVELOPMENT COMMISSION

Chairman Dennis Mitchell informed the Council that new housing developments such as Nathaniel Village and First Street Place have occurred through the efforts of the Redevelopment Commission. The Cupola Building on West Eighth Street and the Brody Building on Evans Street are examples of historic adaptive renovations that have taken place. The Building Blocks Grant program has awarded more than \$112,000 to West Greenville businesses seeking to improve the appearance of their buildings. The Small Business Plan Competition has made 51 referrals for business counseling and has invested \$60,000 in businesses located in both the West Greenville and the Uptown areas with additional awards expected in September. The Redevelopment Commission has been actively involved in real estate acquisition in the Center City and West Greenville with such projects as Chasers Lounge and the State Theatre on West Fifth Street. Streetscape projects include the West Fifth Street Gateway Project. The design is being finalized, and construction is scheduled to begin in January 2010. The Redevelopment Commission has been involved in streetscape projects, including the Reade and Cotanche Street Project, which is under construction and scheduled to be completed in January 2010. The wayfinding system prototypes have been installed. The Commission has been actively involved in a Civic Art Program, including the C. M. Eppes Gateway, the State Theatre Mural Project, and Reade and Cotanche Street fixtures. Mr. Mitchell concluded by stating that progress continues in the Center City and West Greenville revitalization through such projects as the small business incubator, Five Points Plaza design, Town Common Master Plan, Go-Science collaboration, new residential and commercial developments, and Center City Design guidelines.



LOCAL REALTOR PARTICIPATION IN THE WEST GREENVILLE 45-BLOCK REVITALIZATION AREA AFFORDABLE HOUSING DEVELOPMENT PROGRAM - APPROVED

Senior Planner Sandra Anderson explained that the City's Affordable Housing Production Program has been recognized as a model in the State of North Carolina for the quality of homes produced and City efforts to insure that low and moderate income clients served received proper education so that they may succeed as new homeowners. The current recession impacts the Community Development Department Housing Division staff's ability to attract eligible low to moderate income homebuyers. Of the seven units ready for occupancy, the average days on the market are slightly over 296 days: 410 Cadillac Street (284 days on the market), 414 Cadillac Street (320 days on the market), 600 Ford Street (320 days on the market), 903 Douglas Avenue (379 days on the market), 907 Douglas Avenue (379 days on the market), 909 Douglas Avenue (379 days on the market), and 604 Hudson Street (127 days on the market). 604 Ford Street is under construction.

Traditionally, staff works to identify and qualify homebuyers. Staff markets housing units using the City's website, holds open houses promoting available units and loan assistance information, distributes housing unit sales brochures, staffs information tables at loan fairs, places advertisements in publications, and makes presentations to various organizations and groups to generate applicants who may become homebuyers. Because of the recession and challenges it creates in attracting qualified low to moderate income buyers, staff expanded its activities to market the houses, which included presentation to churches and organizations, staff offered developers fees to nonprofit organizations to qualify buyers, held multiple open houses at sites, placed new "For Sale" signs at houses, and placed advertisements in the paper soliciting bids on the homes. To generate more housing sale activity, staff developed a program to partner with Pitt County realtors to assist in the recruitment of eligible buyers for homes in the West Greenville 45-Block Revitalization Area. The City currently has eight new homes for sale in the West Greenville 45-Block Revitalization Area that would be made available to board-certified realtors to assist in the recruitment and sale of homes to eligible low to moderate income first-time homebuyers. Realtors who are successful in assisting a qualified homebuyer to purchase one of the City-owned or sponsored properties would receive a four percent finder's fee to be paid at closing. The general requirements for a homebuyer are that the applicant(s) must be a first-time homebuyer and be a low to moderate-income applicant. The applicant may qualify for down payment assistance up to 20% of the sales price. The clients are registered for an eight-hour homebuyer education workshop. The applicants must receive Affordable Housing Loan Committee approval. Ms. Anderson concluded by stating that since the City has not previously paid fees to real estate agents, staff is requesting approval of the new policy. If approved, staff will evaluate the program's effectiveness for six months and report its findings.

Motion was made by Council Member Joyner and seconded by Council Member Glover to approve the implementation of the program designed to solicit assistance from realtors in the West Greenville Housing Development Program, to include payment of a four percent finder's fee paid at closing of city-owned or sponsored properties for eligible low to moderate income first-time homebuyers. Motion carried unanimously.

UPTOWN GREENVILLE CONTRACT FOR SERVICES - CONTINUED TO SEPTEMBER 10, 2009

City Manager Bowers stated that Uptown Greenville has requested \$50,000 in return for services provided to the City over the course of one year. Services included in the proposed contract include business recruitment and retention, beautification projects, management of special events and promotions, along with organization and management of public input for infrastructure projects in the district. Uptown Greenville is a 501(c)(3) non-profit organization that first received non-profit status as Evergreen of Greenville in 1984. Uptown Greenville has been active in promoting the downtown area continuously since 1994. Information from the North Carolina Main Street organization shows that at least 40 local governments in North Carolina provide various levels of financial support to organizations like Uptown Greenville. Annual municipal support ranges from \$2,500 to nearly \$400,000. The Main Street survey information also reveals that 25 downtown promotion organizations also receive funding from municipal service districts (MSD). North Carolina law allows municipalities to levy a special tax on property located in a defined district for downtown revitalization. An MSD is an available option for future funding of Uptown Greenville revitalization efforts. The proposed contract requires Uptown Greenville to work towards gaining property owner support for the establishment of a downtown MSD. Uptown Greenville has operated without direct local government financial support, but is now requesting that the City provide funds as other municipal governments do because Uptown's traditional corporate financial support has been significantly reduced over the last year and a half because of the recession. Anticipated revenue in the 2009 Uptown budget is \$109,354, but based on six months of receipts, that figure has been revised downward to \$80,345, a project shortfall of \$29,009. Working within the adopted 2009-2010 City budget, Community Development staff has identified \$25,000 within the Community Development Department budget that can be utilized as compensation for a contract with Uptown Greenville. The funds had previously been authorized for the Facade Improvement Grant Program. However, the Redevelopment Commission, at its July 7, 2009 meeting, approved facade grant funding of \$25,000 from 2004 Center City bonds for the current fiscal year.

Extensive discussion occurred about the contract, with Redevelopment Commission Chairman Dennis Mitchell being asked the view of the Redevelopment Commission on this. Chairman Mitchell stated that the Commission is in support of the request. He further stated that the responsibility of the Commission is to revitalize and redevelop Uptown Greenville, and the City does not have the money to accomplish all efforts relating to this. Uptown Greenville sponsored such events as Freeboot Friday and the Umbrella Market, and if it doesn't have the money, they won't be able to sponsor those events. The Redevelopment Commission voted to have the funds shifted, as Uptown Greenville steps up to the plate a lot. The City Council can correlate the Redevelopment Commission's supporting the transfer of money as supporting the project.

Senior Planner Carl Rees informed the Council that the vote of the Redevelopment Commission was unanimous among those present. They were asked if they were willing to fund this as a one-time grant.

Upon being asked what funds were identified and where they came from, the City Manager responded that the \$25,000 was in the budget for the façade program. The Redevelopment Commission voted to allow it one time.

Discussion occurred about the precedent that may be set with providing funding to Uptown Greenville, as all nonprofits feel they are doing something for the community.

Upon being asked the number of businesses in Uptown Greenville, Ms. Denise Walsh, Executive Director of Uptown Greenville, informed the Council that it is not a merchant organization, so she is not sure of the number of merchants; however, she expects there are about 60. Uptown Greenville began as an initiative, under former Mayor Nancy Jenkins' tenure, to revitalize uptown Greenville. The Organization has given private funds that it raises for façade grants and to the City; it generates revenues for the City and helps to attract and bring to Greenville new businesses and people. There are currently about 40 members. The economy is difficult and, in looking at other nonprofits, it is appropriate for the City to give the funds to an organization like Uptown Greenville that increases the tax base. Even if the organization was not facing a huge deficit, it would be appropriate to receive money from the City. The Organization is also working to receive sponsorships and private donations. It has raised and contributed private dollars in the amount of \$10,000 per year for a number of years for façade grants. It advocated for the bond funds.

Upon being asked how much of the bond funds had been spent in Uptown Greenville in the last year, Director of Community Development Merrill Flood explained that he could not recall; however, that information was sent to City Council in June.

After discussion, motion was made by Council Member Joyner and seconded by Council Member Glover to deny the request.

Council Member Spell offered a motion to table the request until September 10 and ask for more detail on specific services to be rendered and to get the opinion of the Redevelopment Commission. Motion was seconded by Council Member Kittrell and carried with a vote of 5:1. Council Members Glover, Kittrell, Mercer, Spell and Joyner voted in favor of the motion. Mayor Pro-Tem Council voted in opposition.

#### PURCHASE OF PROPERTY LOCATED NEAR FIRE TOWER ROAD FOR A FIRE-RESCUE STATION – APPROVED

City Manager Bowers stated that for the purpose of proceeding with the acquisition of a site for a Fire Rescue Department facility in the Fire Tower Road area, an offer to purchase and contract for a tract of land located on Bayswater Road near Fire Tower Road has been executed on behalf of the City. The property consists of 1.92 acres and is Lot 2 on the final plat of Firetower Junction, Section 1. The appraisal indicated that the property has a fair market value of \$610,000. V. Parker and Becky H. Overton have agreed to sell it to the City for \$440,000, with the remaining amount being considered as a donation. The agreement to purchase is conditioned upon City Council approval, which must occur no later than August 14, 2009. This property

would be the site of Fire-Rescue Station 7 to serve the southern and southwest portions of the City that have experienced considerable growth during the past several years. On July 10, 2009, City staff submitted a request for funding from the American Recovery and Reinvestment Act Assistance to Firefighters Fire Station Construction Grant Program. The total amount of the construction project is estimated to be \$2,157,480 with the federal share being \$1,549,480 and the local share being \$608,000. Thus far, the City Council has only approved \$108,000 of the local share. If the grant application is approved, additional funds will have to be appropriated in the future.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to approve the offer to purchase and contract for the 1.92 acre parcel from the Overtons. Motion carried unanimously.

#### REVIEW OF AUGUST 13, 2009 CITY COUNCIL AGENDA

The Mayor and City Council discussed the appointments to boards and commissions that are scheduled for the August 13, 2009 meeting.

City Manager Bowers informed the Council that he received a request from the representative of H. M. Wilson, LLC requesting that the rezoning request scheduled for August 13 be continued to September 10. City Manager Bowers also informed the Council that staff has been in negotiations for a new site for storage for Public Works and the Police Department as discussed during the closed session in June. They are getting close to a compromise and would like for the Council to add acquisition of the property to the August 13 agenda. City Attorney Holec asked that Council Member Kittrell be excused from voting on that issue at the August 13 meeting and all future meetings.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to continue the H. M. Wilson, LLC rezoning request until September 10, 2009. Motion carried unanimously.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to excuse Council Member Kittrell from voting on that issue at the August 13 meeting and at all future meetings. Motion carried unanimously.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to add the acquisition of property to the August 13, 2009 agenda. Motion carried unanimously. (NOTE: Council Member Kittrell did not vote on this item.)

Mayor Pro-Tem Council read the following letter.

“COPY”

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,

/s/ Willie Roberts

/s/ Kelley Haven

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

“COPY”

Mayor Dunn stated that the Board of Elections likes to have 1500 to 2000 voters per polling site.

Council Member Glover stated that people in West Greenville do not have transportation to get to polling places north of the river. Winterville was granted another one closer to the community so they could vote.

Council Member Joyner stated that before additional costs are added, he would like to see what the need is going to be. He would like for it to be determined if another site is needed and, if so, why it hasn't been addressed before now.

City Manager Bowers informed the Council that the contract with the Board of Elections says the one-stop sites will be on County Home Road and at the Agricultural Center. Those are the early voting sites for all municipalities. The City pays a proportionate cost based on registered voters. There is a provision that says sites can be added at the expense of the municipality. The Pitt County Board of Elections Office is listing the Winterville Fire Station a third site.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to add the early voting site in West Greenville to the August 13, 2009 City Council agenda. Motion carried unanimously.

## COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

Mayor Dunn suggested devoting the August 24, 2009 City Council meeting to safety, with staff bringing proposals to the Council and the Council sharing ideas with staff. More specifically, she would like to see the Council discuss how they are going to handle the downtown area, as it is costing approximately \$600,000 per year for the police coverage there that is currently being provided.

Council Member Mercer expressed interest in having citizens be allowed to speak to the Council Members at the August 24 meeting, so the Council can learn the problems and concerns of the citizens.

City Manager Bowers stated that the City Attorney and he are drafting responses to questions Council Members have been asking of them and are planning to present the answers on August 24. If the Council is going to receive public comment at the meeting, notice to the public will need to be provided. He reminded the Council that one of its goals is to have a crime summit that would primarily be public comment. The tentative date for that is September 23.

Chief of Police William Anderson stated that the Department is in the planning stages of the crime summit scheduled for September 23. They are looking at having a reception at 6:30 p.m. in the gallery and actually having the meeting in the Chambers at 7:00 p.m. The tentative plan is to invite speakers, including Robin Pendergraft of the SBI, and a panel composed of such officials as the Chief, District Attorney Clark Everett, Sheriff Mac Manning, someone from Probation and Parole, etc. It has not been finalized.

Council Member Joyner expressed that he would like for the Council to give people a chance to give information on what is wrong with Greenville and how to fix it.

Upon being asked by Council Member Kittrell whether public comment would be received on August 24 and September 23, the City Manager responded that the regular public comment session is always on Thursday night. He asked for clarification that the Council would like to also include a public comment period on the August 24 agenda.

Council Member Kittrell stated that he would like to see, on August 24, a public comment period that could be longer than 30 minutes and to get feedback on specific questions that have been asked so that Council will know where it stands. Many issues have been addressed at the Town Hall meetings, and what is heard at the August 24 meeting may be a good basis to include with the summit to see where Council needs to go.

Mayor Dunn stated that the Council needs to quit talking and take some action. On August 24, it is hoped that they will come with some specific actions to take.

Council Member Mercer requested that the Council come prepared to make decisions and take action, not just to have the public hearing.

Council Member Kittrell requested that data be provided to the Council prior to the August 24 meeting.

Council Member Mercer expressed that under Council Comments on August 13, perhaps the Council can give the direction it wants to give. There is a public comment period that evening and, if more people want to speak, the time can be extended.

Council Member Glover stated that this should have been done before, as this is being reactive instead of proactive. When that happens, the Council gets pressure from people and they make rules that may be regretted in the future. The Council should always be in the proactive and intervention mode. If there is a murder, it should concern all of the Council, as it should be concerned about serious crimes all over the City.

Council Member Joyner asked how the Council could make a decision before hearing from the people on what the problems are. He asked when Council Members would get the information in their packets. He expressed that the Council is trying to move too fast for one particular area. If there is a crime problem in Greenville, the Council needs to look at all of Greenville and get solutions for that. Council Member Joyner stated that he doesn't want to get a packet a day or two before the meeting, as he will not have had an opportunity to get input from people. He would love to open it up and get input from the public. He would prefer to have people speak on August 24 and make decisions in September when the Council has had time to look at it more. The June 30 downtown incident was a random act of violence, and this is a knee-jerk reaction to it. The Council needs to look at not only uptown Greenville, but all of Greenville. The City needs to listen to people, get a plan and implement the plan.

Council Member Spell clarified that the August 24 meeting will consist of hearing proposals about specific staff recommendations about what the Council can do and to hear from citizens on that. This is the first step in getting staff information and getting feedback from the public.

Mayor Pro-Tem Council stated that it would be a listening session and the Council would receive suggestions from the staff but not make decisions that night.

Council Member Kittrell stated that the Council needs some advice about what it can and can't do as a city. He would like to be able to ask questions before the Council votes on what it wants to do.

Mayor Dunn asked if everyone was okay with that. Hearing no comments, she clarified that on August 24, there will be a public comment period and the Council will get information from the staff and decide where it wants to go from there.

Mayor Pro-Tem Council stated that a follow-up meeting to the original Town Hall meeting for Districts 1 and 2 will be held to provide some answers.

Council Member Mercer stated that the Council is not mandating that it take action on the 24<sup>th</sup>; however, he hopes it is not precluded from doing so.

#### CITY MANAGER'S REPORT

City Manager Bowers informed the Council that the State has approved the budget and there are no major changes to local government revenues, specifically the sales tax. There was a change in the beer and wine tax. Last fiscal year, \$345,499 was received, and the North Carolina League of Municipalities says that under the reduction, they can expect to get 1/3 of that next year. The figures aren't totally clear.

City Manager Bowers informed the Council that new art has been put on display in City Hall featuring Pitt County artists.

#### ADJOURNMENT

Motion was made by Council Member Glover and seconded by Council Member Spell to adjourn the meeting at 8:10 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC  
City Clerk





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

- 
- Title of Item:** Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 1; Meadow Woods, Section 2, Phase 1; and Ironwood Subdivision, Phase 5
- Explanation:** In accordance with the City's Subdivision regulations, rights-of-way and easements have been dedicated for Kittrell Farms Patio Homes, Section 1, Phase 1 (Map Book 66 at Pages 79-81); Meadow Woods, Section 2, Phase 1 (Map Book 72 at Page 50); and Ironwood Subdivision, Phase 5 (Map Book 64 at Pages 188-194). A resolution accepting the dedication of the aforementioned rights-of-way and easements is attached for City Council consideration. The final plats showing the rights-of-way and easements are also attached.
- Fiscal Note:** Funds for the maintenance of these rights-of-way and easements are included within the FY 2009-2010 budget.
- Recommendation:** Adopt the attached resolution accepting dedication of rights-of-way and easements for Kittrell Farms Patio Homes, Section 1, Phase 1; Meadow Woods, Section 2, Phase 1; and Ironwood Subdivision, Phase 5.
- 

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

**Attachments / click to download**

- [Kittrell Farm Map](#)
  - [Meadow Woods Map](#)
  - [Ironwood Phase 5](#)
  - [September Right of Way Resolution 839405](#)
-

RESOLUTION NO. 09- \_\_\_\_\_

A RESOLUTION ACCEPTING DEDICATION TO THE PUBLIC OF  
RIGHTS-OF-WAY AND EASEMENTS ON SUBDIVISION PLATS

WHEREAS, G.S. 160A-374 authorizes any city council to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, the Subdivision Review Board of the City of Greenville has acted to approve the final plats named in this resolution, or the plats or maps that predate the Subdivision Review Process; and

WHEREAS, the final plats named in this resolution contain dedication to the public of lands or facilities for streets, parks, public utility lines, or other public purposes; and

WHEREAS, the Greenville City Council finds that it is in the best interest of the public health, safety, and general welfare of the citizens of the City of Greenville to accept the offered dedication on the plats named in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina:

Section 1. The City of Greenville accepts the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes offered by, shown on, or implied in the following approved subdivision plats:

Kittrell Farms Patio Homes, Section 1, Phase 1	Map Book 66	Pages 79-81
Meadow Woods, Section 2, Phase 1	Map Book 72	Page 50
Ironwood Subdivision, Phase 5	Map Book 64	Pages 188-194

Section 2. Acceptance of dedication of lands or facilities shall not place on the City any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations or specific acts of the City, or as provided by the laws of the State of North Carolina.

Section 3. Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution.

Adopted the 10<sup>th</sup> day of September, 2009.

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

ATTEST:

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

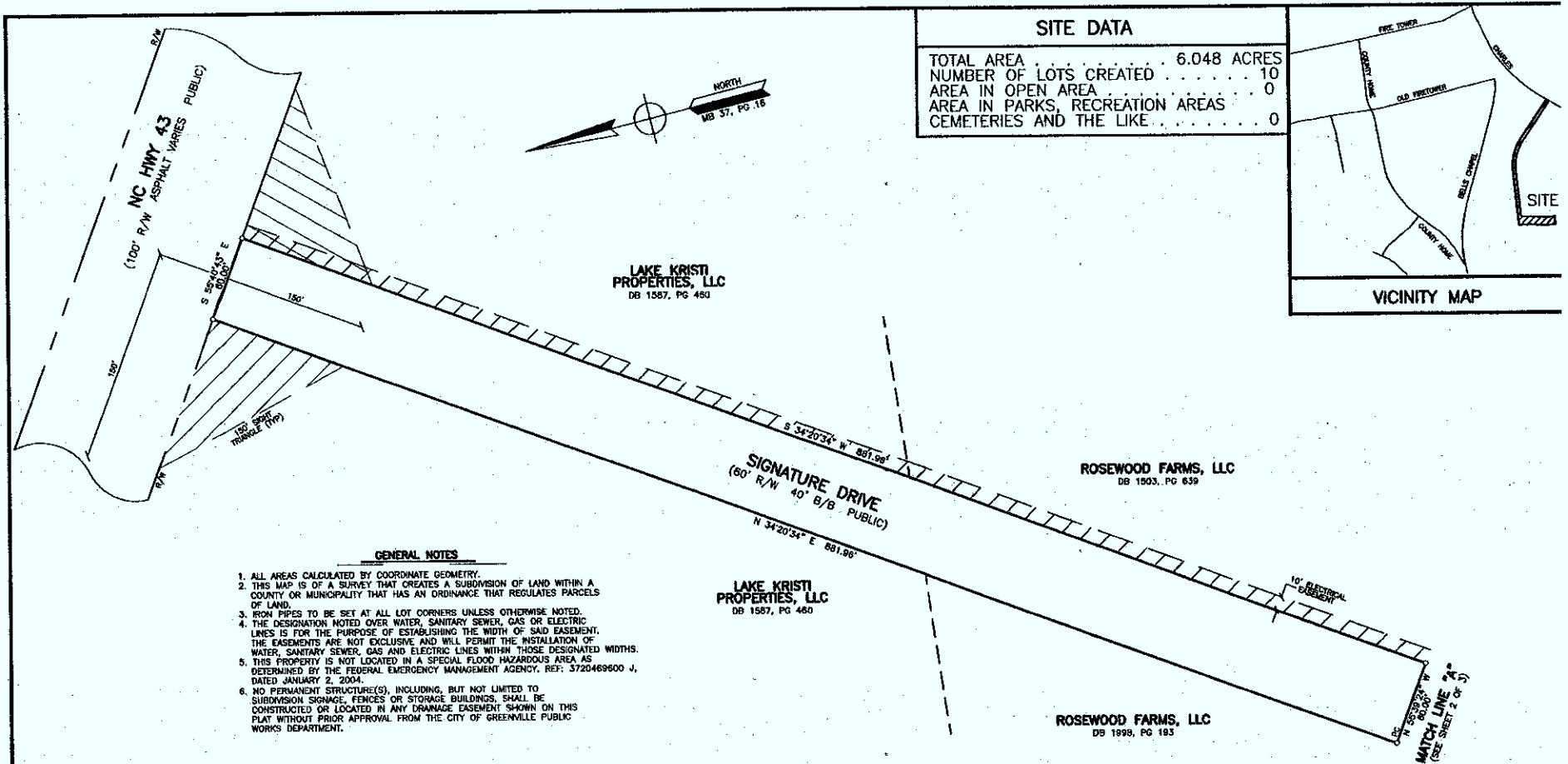
NORTH CAROLINA  
PITT COUNTY

I, Patricia A. Sugg, a Notary Public, do hereby certify that Wanda T. Elks, City Clerk, personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

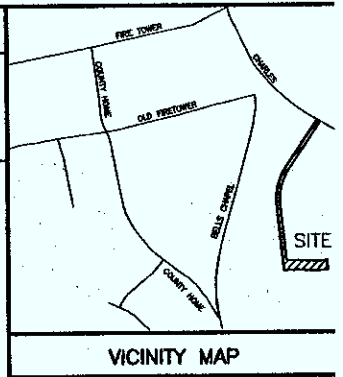
WITNESS my hand and notarial seal this 10<sup>th</sup> day of September, 2009.

\_\_\_\_\_  
Notary Public

My Commission Expires: 9/4/2011



SITE DATA	
TOTAL AREA	6.048 ACRES
NUMBER OF LOTS CREATED	10
AREA IN OPEN AREA	0
AREA IN PARKS, RECREATION AREAS	0
CEMETERIES AND THE LIKE	0

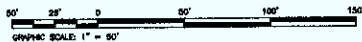


**GENERAL NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- IRON PIPES TO BE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, REF: 3720469600 J, DATED JANUARY 2, 2004.
- NO PERMANENT STRUCTURE(S), INCLUDING, BUT NOT LIMITED TO SUBDIVISION SIGNAGE, FENCES OR STORAGE BUILDINGS, SHALL BE CONSTRUCTED OR LOCATED IN ANY DRAINAGE EASEMENT SHOWN ON THIS PLAN WITHOUT PRIOR APPROVAL FROM THE CITY OF GREENVILLE PUBLIC WORKS DEPARTMENT.

**LEGEND**

- R/W = RIGHT-OF-WAY
- B/B = BACK OF CURB TO BACK OF CURB
- R = RADIUS
- CH = CHORD
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- EP = EXISTING IRON PIPE
- C/L = CENTERLINE
- EPON = EXISTING PARKER KALON NAIL
- o = IRON PIPE SET, UNLESS OTHERWISE NOTED
- - - = NOT TO SCALE

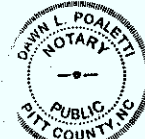


FINAL PLAN SHEET 1 OF 3

**KITTRELL FARMS PATIO HOMES**  
SECTION 1, PHASE 1

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1503, PAGE 639 AND A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1587, PAGE 480 OF THE PITT COUNTY REGISTRY.

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA



Doc ID: 00726400003 Type: CRP  
Recorded: 09/16/2006 at 11:58:27 AM  
Fee Amt: \$63.00 Page 1 of 3  
Pitt County, NC  
July J. Tart Register of Deeds  
BK 66 Pg 79-81

**CERTIFICATION**

I, MICHAEL W. BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE (S) (OTHERS)) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DOTTED FROM INFORMATION FOUND IN BOOK PAGE THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:40,000 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 12th DAY OF AUGUST, 2006.

SIGNED: [Signature] REGISTRATION NO. L-3082



**REVIEW OFFICER'S CERTIFICATE**

I, Austin Thomas, REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

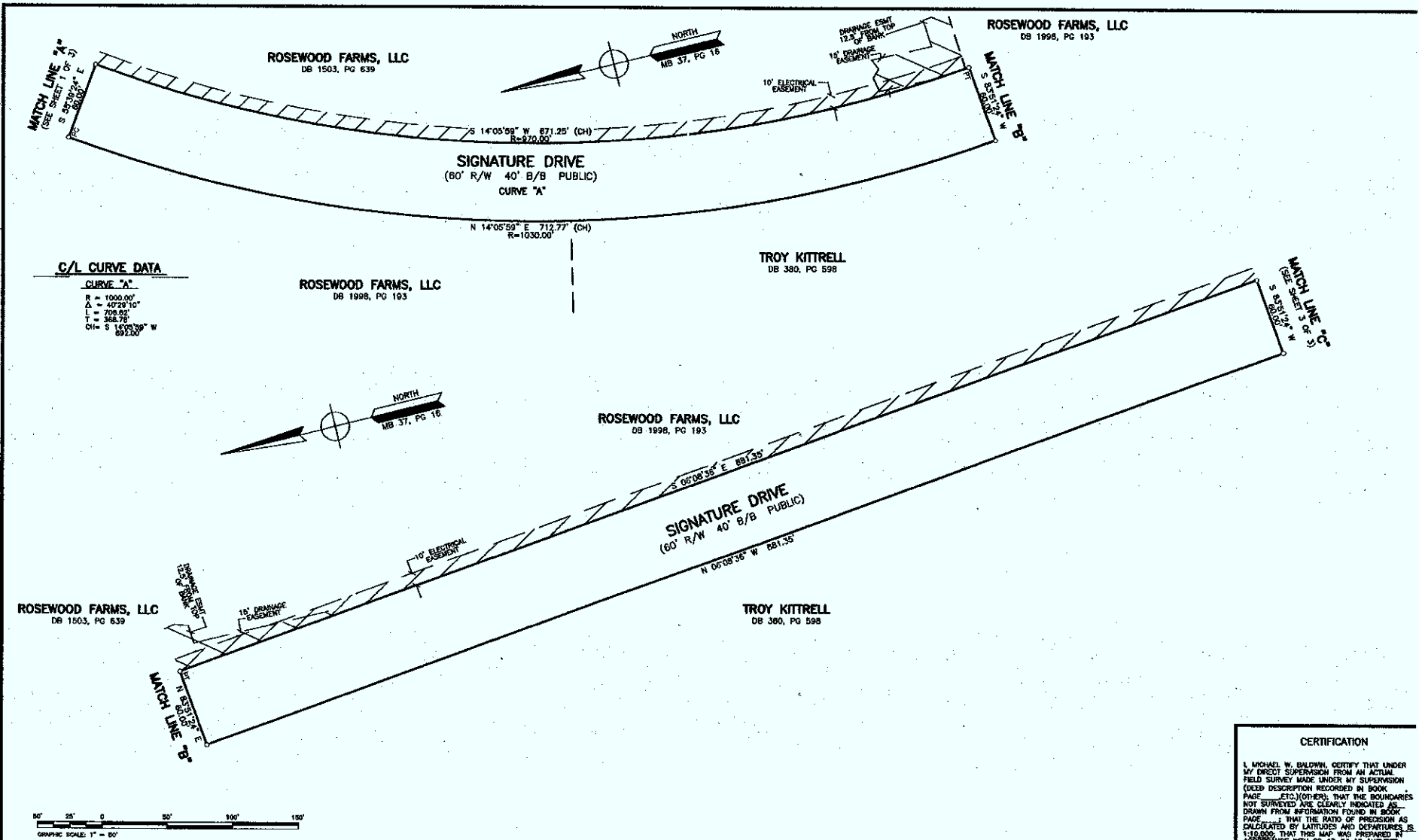
SIGNED: [Signature] DATE: 9/16/06  
REVIEW OFFICER

OWNER: ROSEWOOD FARMS, LLC ADDRESS: PO BOX 20370 GREENVILLE, NC 27834 PHONE: (252) 756-4052	LAKE KRISTI PROPERTIES, LLC 3933 MOBLEY'S BRIDGE ROAD GRIMESLAND, NC 27837 (252) 756-0669
<b>Baldwin and Associates</b> ENGINEERING, LAND SURVEYING AND PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27658 (252) 756-1390	SURVEYED: MM APPROVED: MWB DRAWN: KWH DATE: 08/17/05 CHECKED: MWB SCALE: 1" = 50'

<b>SOURCE OF TITLE</b> THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:	<b>OWNERS STATEMENT</b> THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AS THE REQUEST OF: [Signature] SWORN AND SUBSCRIBED BEFORE ME THIS 12th DAY OF SEPTEMBER, 2006. [Signature] NOTARY PUBLIC MY COMMISSION EXPIRES: 05/28/09
DEED BOOK 1503 PAGE 639 DEED BOOK 1587 PAGE 480 DEED BOOK 1589 PAGE 193	NC REGISTRATION NO. L-3082

<b>APPROVAL</b> THIS FINAL PLAN NO. 05-84 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 14th DAY OF SEPTEMBER, 2006. [Signature] SIGNED: 10/12/06
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>DEDICATION</b> THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAY AND ALLOTMENT TO BE FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAN. SIGNED: [Signature] SIGNED: [Signature] ATTEST: Dawn Poaletti
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



FINAL PLAT SHEET 2 OF 3

**KITTRELL FARMS PATIO HOMES**  
SECTION 1, PHASE 1

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1503, PAGE 639 AND A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1587, PAGE 480 OF THE PITT COUNTY REGISTRY.  
GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

**OWNER: ROSEWOOD FARMS, LLC**  
ADDRESS: PO BOX 20370  
GREENVILLE, NC 27834  
PHONE: (756) 756-4052

**LAKE KRISTI PROPERTIES, LLC**  
3933 MOBLEY'S BRIDGE ROAD  
GRIMESLAND, NC 27837  
(252) 756-0669

**Baldwin and ASSOCIATES**  
ENGINEERING, LAND SURVEYING  
AND PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE, NC 27858  
(252) 756-1390

SURVEYED: MM APPROVED: MWB  
DRAWN: KWH DATE: 08/17/05  
CHECKED: MWB SCALE: 1" = 50'

**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK 1503 PAGE 639  
DEED BOOK 1587 PAGE 480  
DEED BOOK 1928 PAGE 193

NC REGISTRATION NO. L-3082

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBMISSION IS MADE AT THE REQUEST OF

SWORN AND SUBSCRIBED BEFORE ME THIS 14th DAY OF SEPTEMBER, 2006.

*Michael Poaletti*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 03/28/09

**APPROVAL**  
THIS FINAL PLAT NO. 05-84 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 14th DAY OF SEPTEMBER, 2006.

SIGNED: *Robert #4*  
CITY PLANNER

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE "JESSE" FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED: *Michael Poaletti*  
SIGNED: *Michael Poaletti*  
ATTEST: *Michael Poaletti*



Doc ID: 00078400003 Type: CRP  
Recorded: 09/14/2006 at 11:58:12 AM  
Fee Amt: \$65.00 Page: 1 of 3  
Pitt County, NC  
Joey J. Tarr Register of Deeds  
BK 66 PG 79-81

**CERTIFICATION**

I, MICHAEL W. BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE \_\_\_\_\_ (TO/OTHERS) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE \_\_\_\_\_ THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 12th DAY OF AUGUST, 2006.

SIGNED: *Michael Poaletti* REGISTRATION NO. L-3082

**REVIEW OFFICER'S CERTIFICATE**

*Andrew Thomas*  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

SIGNED: *Andrew Thomas*  
REVIEW OFFICER DATE: *9/14/06*

WILLIAM H. BROWN & JOHN I. BROWN  
DB J-42, PG 125

ALVA W. WORTHINGTON  
DB 1558, PG 508

ROSEWOOD FARMS, LLC  
DB 1503, PG 639

ALVA W. WORTHINGTON  
DB 1558, PG 508

TROY KITIRELL  
DB 380, PG 598

NCSR 1898  
BELL'S CHAPEL ROAD  
(60' R/W 22' ASPHALT PUBLIC)

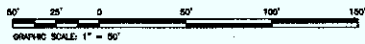
WILLIAM H. BROWN & JOHN I. BROWN  
DB J-42, PG 125

TROY KITIRELL  
DB 380, PG 598

ROSEWOOD FARMS, LLC  
DB 1998, PG 183

**C/L CURVE DATA**

CURVE "B"	CURVE "C"
R = 1000.00'	R = 1000.00'
Δ = 08°00'06"	Δ = 11°01'04"
L = 142.27'	L = 192.30'
T = 71.28'	T = 96.48'
CH = N 87°55'37" E 142.15'	CH = N 88°15'50" E 192.10'



FINAL PLAT SHEET 3 OF 3

**KITTRELL FARMS PATIO HOMES**

SECTION 1, PHASE 1

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1503, PAGE 639 AND A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1587, PAGE 480 OF THE PITT COUNTY REGISTRY.

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: ROSEWOOD FARMS, LLC  
ADDRESS: PO BOX 20370  
GREENVILLE, NC 27834  
PHONE: (252) 756-4052

LAKE KRISTI PROPERTIES, LLC  
3933 MOBLEY'S BRIDGE ROAD  
GRIMESLAND, NC 27837  
(252) 756-0669

**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK	1503	PAGE	639
DYED BOOK	1587	PAGE	480
DEED BOOK	1587	PAGE	183

NC REGISTRATION NO. L-3082

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF

*[Signature]*

SWORN AND SUBSCRIBED BEFORE ME THIS 12th DAY OF SEP 2006.

*[Signature]*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 03/28/09

**APPROVAL**

THIS FINAL PLAT NO. 05-84 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 14th DAY OF SEPTEMBER, 2006.

SIGNED: *[Signature]*  
CITY PLANNER

**DEDICATION**

THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE MADE FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED: *[Signature]*  
SIGNED: *[Signature]*  
ATTEST: *[Signature]*

**Baldwin and Associates**  
ENGINEERING, LAND SURVEYING AND PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE, NC 27639  
(252) 756-1390

SURVEYED: MM APPROVED: MWB  
DRAWN: KWH DATE: 06/17/05  
CHECKED: MWB SCALE: 1" = 50'

**CERTIFICATION**

I, MICHAEL W. BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED; WITNESS MY HAND AND SEAL THIS 12th DAY OF AUGUST, AD 2006.

SIGNED: *[Signature]*  
REGISTRATION NO. L-308



**REVIEW OFFICER'S CERTIFICATE**

*[Signature]*  
REVIEW OFFICER  
DATE: 9/16/06

**SITE DATA**

TOTAL AREA . . . . . 8.274 AC.  
 NUMBER OF LOTS CREATED . . . . . 42  
 AREA IN COMMON AREA . . . . . 0.0 S.F.  
 AREA IN PARKS, RECREATION AREAS  
 CEMETERIES AND THE LIKE . . . . . 0

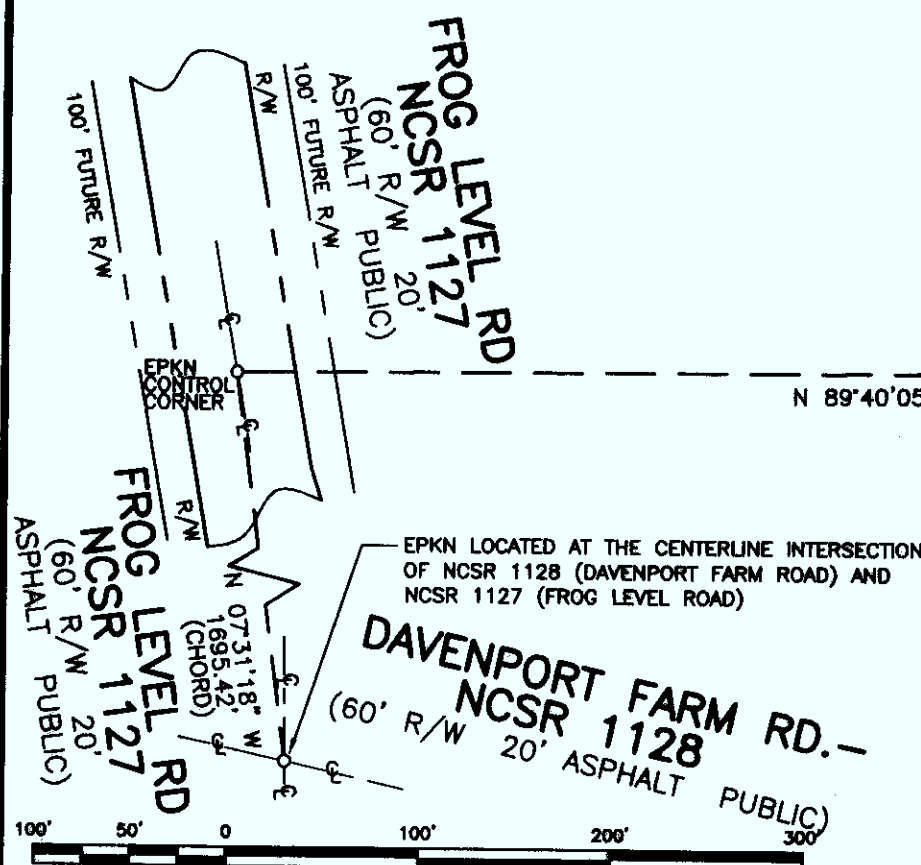
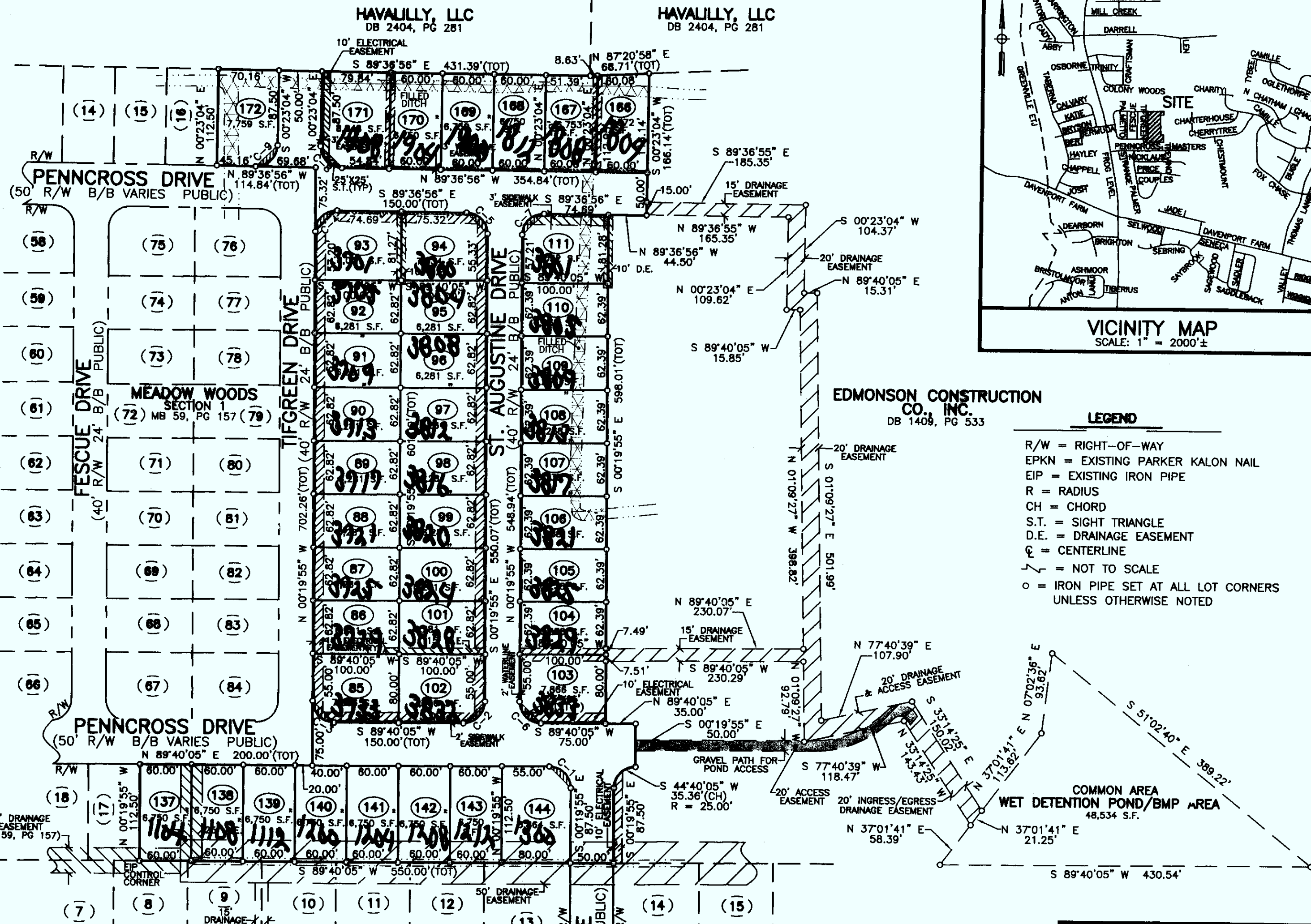
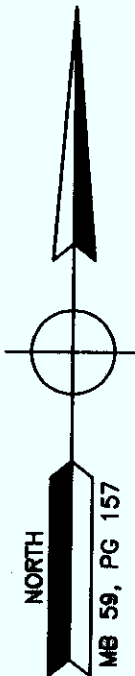
**CURVE TABLE**

CURVE	RADIUS	CHORD	CH. BEARING
C-1	25.00'	35.36'	S 45°19'55" E
C-2	25.00'	35.36'	S 44°40'05" W
C-3	25.00'	35.36'	N 45°19'55" W
C-4	25.00'	35.58'	N 45°01'35" E
C-5	25.00'	35.13'	S 44°58'25" E
C-6	25.00'	35.36'	N 45°19'55" W
C-7	25.00'	35.58'	N 45°01'35" E
C-8	25.00'	35.36'	N 44°36'56" W
C-9	25.00'	35.36'	S 45°23'04" W

**GENERAL NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED AREAS.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720466600J, DATED 01/02/04.
- NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCR OACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.

Attachment number 3  
Page 1 of 1



FINAL PLAT SHEET 1 OF 1

**MEADOW WOODS**

SECTION 2, PHASE 1

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1409, PAGE 533 OF THE PITT COUNTY REGISTRY

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER: EDMONSON CONSTRUCTION COMPANY OF GREENVILLE, LLC  
 ADDRESS: 2625 CHARLES BOULEVARD GREENVILLE, N.C. 27858  
 PHONE: (252) 321-9904

	SURVEYED: SH	APPROVED: MWB
	DRAWN: CCB	DATE: 09/15/08
	CHECKED: MWB	SCALE: 1" = 100'
	CAD FILE: Meadow Woods Sec. 2, Ph. 1 FP FILE #00-172	

**SOURCE OF TITLE**  
 THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
 DEED BOOK 1409 PAGE 533  
 DEED BOOK PAGE  
 DEED BOOK PAGE  
 NC REGISTRATION NO. L-3082

**OWNERS STATEMENT**  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF  
 SWORN AND SUBSCRIBED BEFORE ME THIS 15th DAY OF SEP, 2008.  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: 03/29/09

**APPROVAL**  
 THIS FINAL PLAT NO. 08-79 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 8th DAY OF OCTOBER, 2008.  
 SIGNED: Andrew Thomas, Jr.  
 CITY PLANNER

**DEDICATION**  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.  
 SIGNED: Andrew Thomas, Jr.  
 ATTEST: Dawn Poalatti

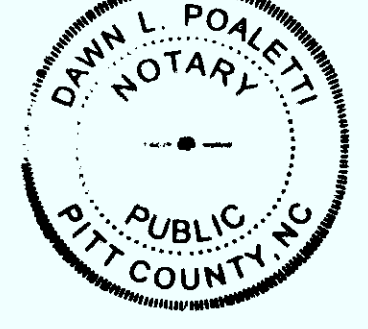
**CERTIFICATION**

I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1409, PAGE 533, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE ; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 17-30 AS AMENDED; WITNESS MY HAND AND SEAL THIS 15th DAY OF SEP, 2008.

SIGNED:   
 REGISTRATION NO. L-3082

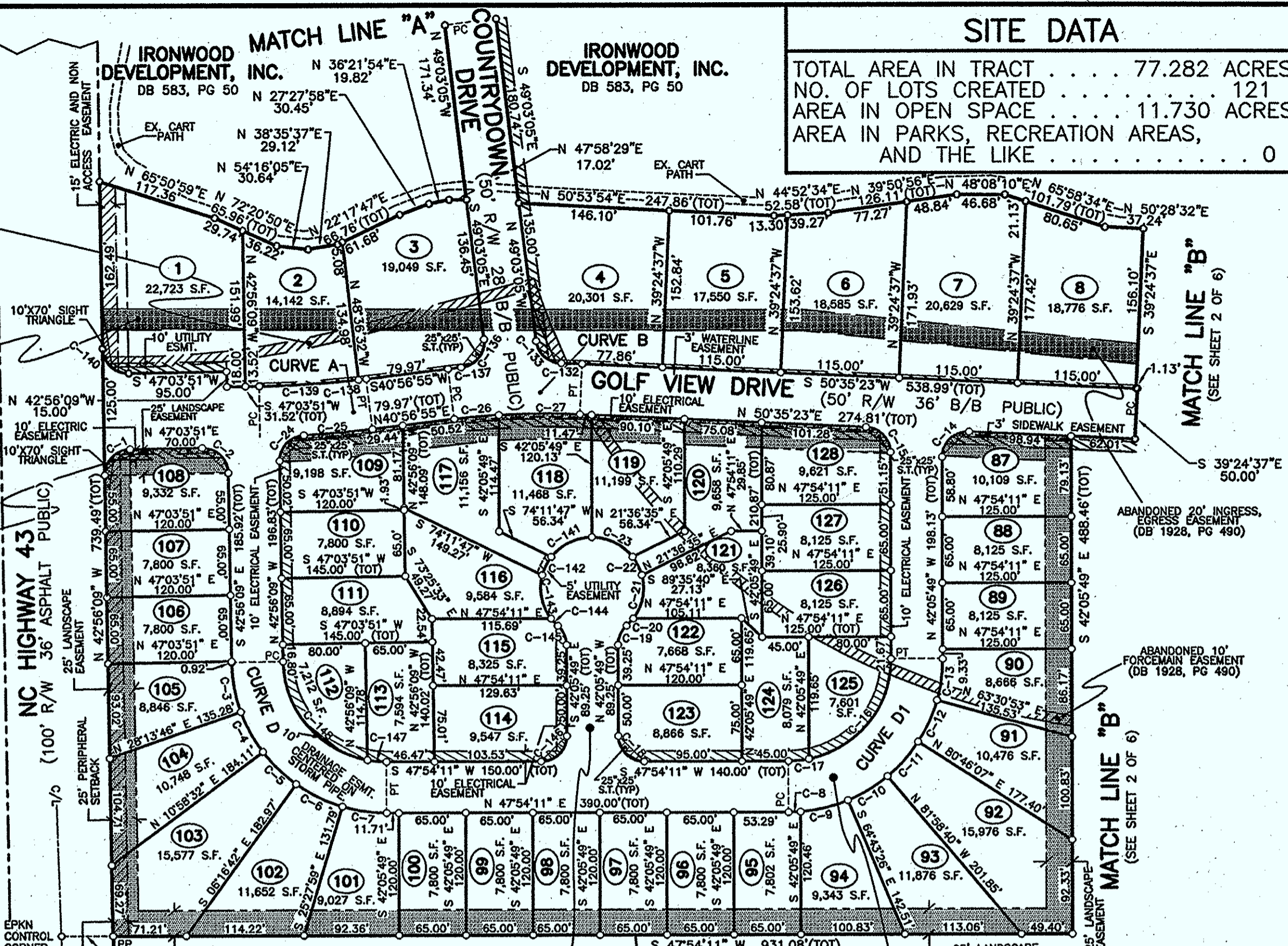
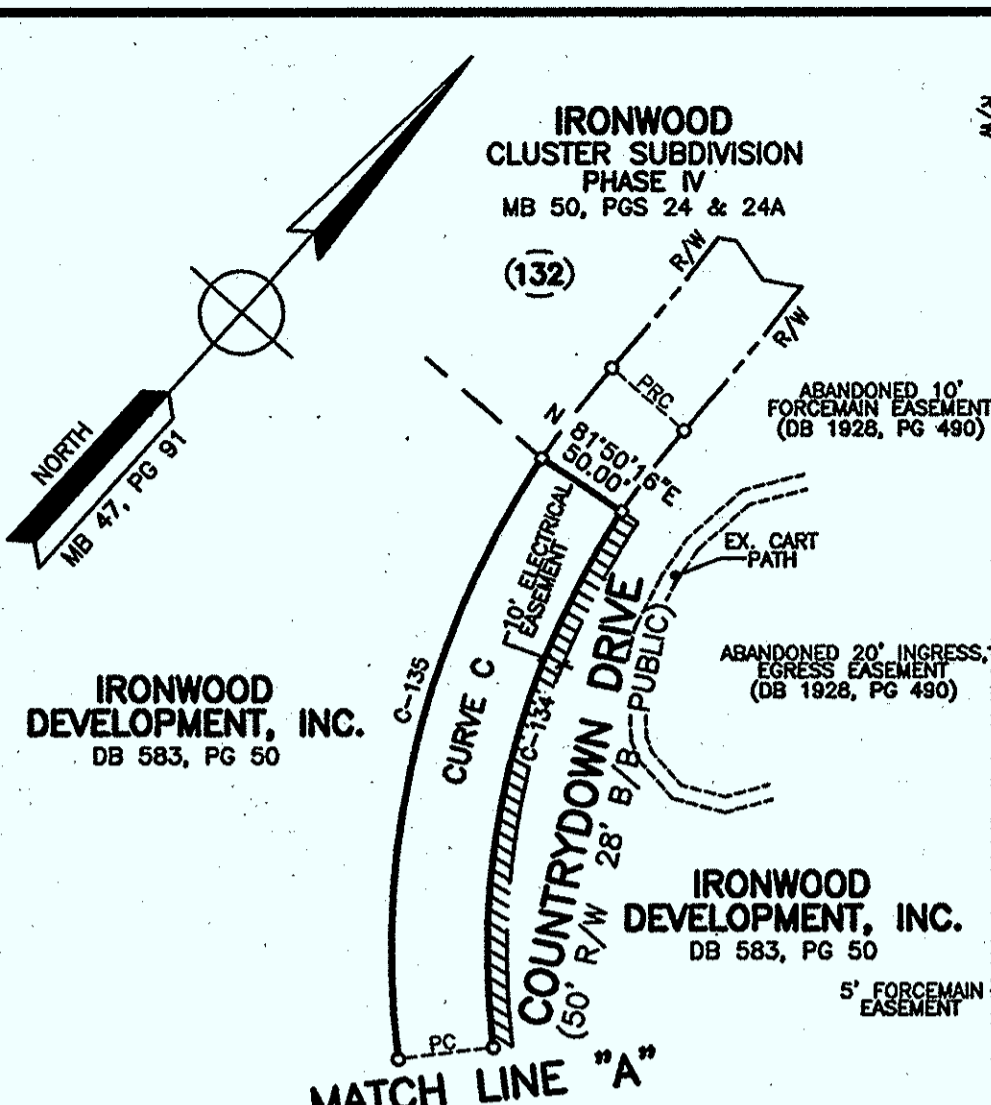
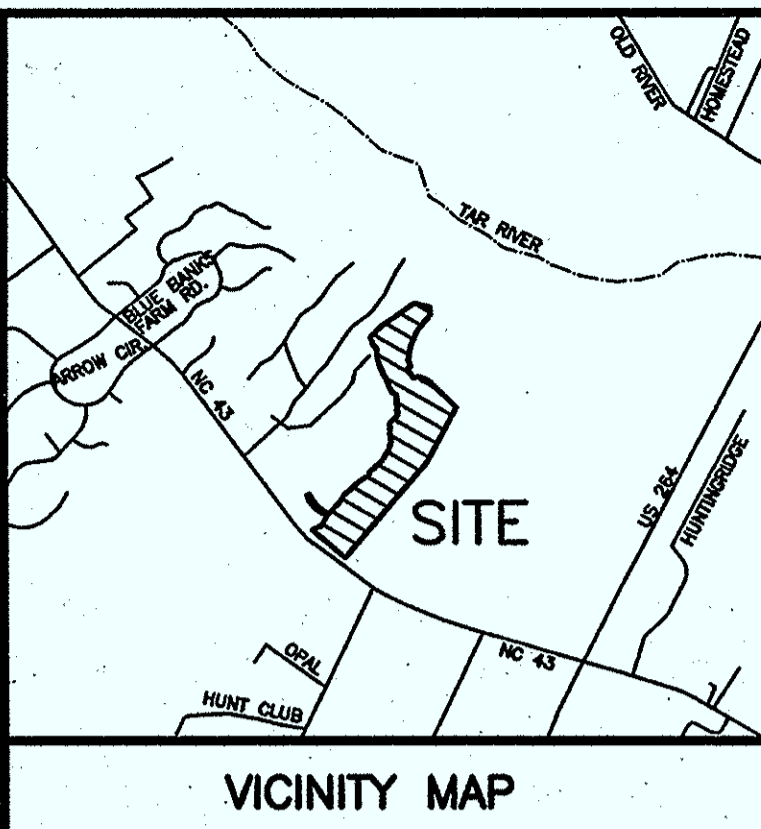
**REVIEW OFFICER'S CERTIFICATE**

Andrew Thomas, Jr.  
 REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 SIGNED: Andrew Thomas, Jr. 09/15/08  
 REVIEW OFFICER DATE



**COPY**

Doc ID: 0081480001 Type: CRP  
 Recorded: 08/03/2008 at 12:12:37 PM  
 Fee Amt: \$21.00 Page 1 of 1  
 Pitt County, NC  
 Judy J. Tart Register of Deeds  
 BK 72 PG 50



**SITE DATA**

TOTAL AREA IN TRACT . . . . . 77.282 ACRES  
 NO. OF LOTS CREATED . . . . . 121  
 AREA IN OPEN SPACE . . . . . 11.730 ACRES  
 AREA IN PARKS, RECREATION AREAS,  
 AND THE LIKE . . . . . 0

**CURVE TABLE**

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-1	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	N 02°03'51" E
C-2	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	S 87°56'09" W
C-3	150.00'	24.68'	48.31'	18°05'05"	38°11'50"	49.06'	S 70°23'51" E
C-4	150.00'	22.76'	45.17'	17°15'14"	38°11'50"	45.00'	S 87°39'05" E
C-5	150.00'	22.76'	45.17'	17°15'14"	38°11'50"	45.00'	N 74°07'39" E
C-6	150.00'	25.35'	50.23'	19°11'17"	38°11'50"	50.00'	N 56°13'06" E
C-7	150.00'	21.92'	43.54'	16°37'50"	38°11'50"	43.39'	N 45°39'51" E
C-8	150.00'	5.86'	11.72'	4°28'41"	38°11'50"	11.72'	N 34°21'02" E
C-9	150.00'	23.96'	47.51'	18°08'56"	38°11'50"	47.32'	N 16°38'52" E
C-10	150.00'	22.76'	45.17'	17°15'14"	38°11'50"	45.00'	N 00°36'17" W
C-11	150.00'	22.76'	45.17'	17°15'14"	38°11'50"	45.00'	N 17°51'30" W
C-12	150.00'	22.76'	45.17'	17°15'14"	38°11'50"	45.00'	N 34°17'28" W
C-13	150.00'	20.56'	40.87'	15°36'42"	38°11'50"	40.74'	S 85°45'13" E
C-14	25.00'	26.20'	40.44'	92°41'12"	229°10'59"	36.17'	S 28°36'24" E
C-15	25.00'	23.85'	38.10'	87°18'48"	229°10'59"	34.52'	S 03°34'37" E
C-16	100.00'	81.65'	136.94'	78°27'47"	57°17'45"	126.49'	S 41°10'12" W
C-17	100.00'	10.10'	20.14'	1°32'13"	57°17'45"	20.10'	S 44°13'40" W
C-18	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	S 87°56'09" W
C-19	25.00'	11.18'	21.03'	48°11'23"	229°10'59"	20.41'	S 66°11'30" W
C-20	50.00'	4.66'	9.69'	11°06'29"	114°35'30"	9.68'	S 02°54'11" W
C-21	50.00'	24.30'	45.24'	51°50'17"	114°35'30"	43.71'	S 53°15'08" W
C-22	50.00'	10.21'	20.14'	23°04'26"	114°35'30"	20.00'	S 82°10'02" W
C-23	50.00'	24.48'	45.53'	52°10'11"	114°35'30"	43.97'	S 28°36'24" E
C-24	25.00'	23.96'	38.23'	87°37'35"	229°10'59"	34.62'	S 00°52'39" E
C-25	1025.00'	33.48'	66.94'	3°44'31"	5°35'23"	66.93'	S 42°05'49" E
C-26	725.00'	21.72'	43.42'	3°28'52"	7°54'10"	43.41'	S 41°25'23" W
C-27	725.00'	39.33'	78.54'	6°12'36"	7°54'10"	78.54'	S 41°10'12" W
C-28	975.00'	0.78'	1.59'	0°05'36"	5°52'35"	1.59'	S 44°13'40" W
C-132	775.00'	10.16'	20.33'	1°30'10"	7°23'35"	20.33'	S 84°43'57" W
C-133	25.00'	21.68'	35.72'	81°51'42"	229°10'59"	32.78'	S 87°56'09" W
C-134	415.00'	154.70'	296.17'	40°53'21"	13°48'22"	289.92'	S 28°36'24" E
C-135	465.00'	173.34'	331.85'	40°53'21"	13°48'22"	324.85'	S 28°36'24" E
C-136	25.00'	25.42'	39.68'	90°58'56"	229°10'59"	35.65'	S 03°34'37" E
C-137	775.00'	6.42'	12.84'	0°58'56"	7°23'35"	12.84'	S 41°25'23" W
C-138	975.00'	3.76'	6118.58'	359°33'27"	5°52'35"	7.53'	S 41°10'12" W
C-139	975.00'	48.31'	6029.57'	354°19'37"	5°52'35"	96.50'	S 44°13'40" W
C-140	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	S 87°56'09" W
C-141	50.00'	24.48'	45.53'	52°10'11"	114°35'30"	43.97'	S 28°36'24" E
C-142	50.00'	10.21'	20.14'	23°04'26"	114°35'30"	20.00'	S 82°10'02" W
C-143	50.00'	24.30'	45.24'	51°50'17"	114°35'30"	43.71'	S 53°15'08" W
C-144	50.00'	4.66'	9.69'	11°06'29"	114°35'30"	9.68'	S 02°54'11" W
C-145	25.00'	11.18'	21.03'	48°11'23"	229°10'59"	20.41'	S 66°11'30" W
C-146	25.00'	25.00'	39.27'	90°00'00"	229°10'59"	35.36'	S 87°56'09" W
C-147	100.00'	9.36'	18.67'	10°41'53"	57°17'45"	18.64'	S 53°15'08" W
C-148	100.00'	81.65'	136.94'	78°27'47"	57°17'45"	126.49'	N 82°10'02" W

**C/L CURVE DATA**

CURVE	R	Δ	L	PT	CH
<b>CURVE A</b>	R= 1000.00'	Δ = 6°06'56"	L= 106.74'	PT = 53.42'	CH= N 44°00'23" E 106.69'
<b>CURVE B</b>	R= 750.00'	Δ = 9°38'27"	L= 126.20'	PT = 63.25'	CH= N 45°46'09" E 126.05'
<b>CURVE C</b>	R= 440.00'	Δ = 40°53'21"	L= 314.01'	T= 161.02'	CH= N 28°36'24" W 307.39'
<b>CURVE D</b>	R= 125.00'	Δ = 89°09'40"	L= 194.52'	T= 123.18'	CH= S 87°30'59" E 175.48'
<b>CURVE D1</b>	R= 125.00'	Δ = 90°00'00"	L= 196.35'	T= 125.00'	CH= N 02°54'11" E 176.78'

SEE SHEET 4 OF 8 FOR NOTES AND LEGEND.



FINAL PLAT SHEET 1 OF 7

**IRONWOOD**  
 REVISION OF CLUSTER SUBDIVISION—PHASE V  
 REFERENCE: DEED BOOK 583, PAGE 50 & MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY  
 GREENVILLE, FALKLAND TOWNSHIP, PITT COUNTY, NC

OWNER: (SEE SHEET 6 OF 8)  
 ADDRESS:  
 PHONE:

**Baldwin and ASSOCIATES**  
 ENGINEERING, LAND SURVEYING AND PLANNING  
 1015 CONFERENCE DRIVE  
 GREENVILLE, NC 27858  
 (252) 756-1390

SURVEYED: DF APPROVED: MWB  
 DRAWN: SCB/EW DATE: 10/25/05  
 CHECKED: MWB SCALE: 1" = 100'

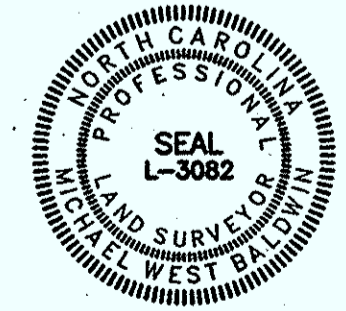
**SOURCE OF TITLE**  
 THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
 (SEE SHEET 6 OF 6)  
 DEED BOOK PAGE  
 DEED BOOK PAGE  
 DEED BOOK PAGE  
 MICHAEL WEST BALDWIN L-3082

**OWNERS STATEMENT**  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF  
 (SEE SHEET 6 OF 6)  
 SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF \_\_\_\_\_, 2005.  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 03/28/2009

**APPROVAL**  
 THIS FINAL PLAT NO. 05-20 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE DAY OF \_\_\_\_\_, 2005.  
 MINOR ALTERATION 6  
 SIGNED: [Signature] CITY PLANNER

**DEDICATION**  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.  
 SIGNED: (SEE SHEET 6 OF 6)  
 ATTEST:

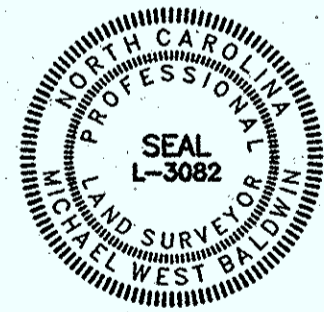
NCSR 1202  
 MCGREGOR DOWNS ROAD  
 (60' R/W 22' ASPHALT PUBLIC)



I CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF GREENVILLE WATER SUPPLY WATERSHED PROTECTION ORDINANCE.

DATE \_\_\_\_\_ CHAIRMAN, SUBDIVISION REVIEW BOARD

NOTICE: THIS PROPERTY IS LOCATED WITHIN THE PROTECTED AREA OF A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.



**CERTIFICATION**

I, MICHAEL WEST BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE \_\_\_\_\_ (ETC.)(OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 25th DAY OF OCTOBER AD 2005.

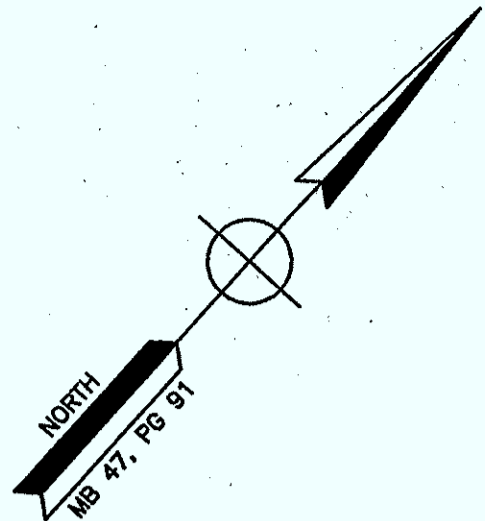
SIGNED: [Signature] REGISTRATION NO. L-3082

**REVIEW OFFICER'S CERTIFICATE**

I, ANNE THOMAS, JR.  
 REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 SIGNED: [Signature] 1/4/06 DATE

NORTH CAROLINA, PITT COUNTY  
 FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
 BY: JUDY J. TART, REGISTER OF DEEDS  
 DEPUTY REGISTER OF DEEDS





CURVE TABLE

Table with 8 columns: CURVE, RADIUS, TANGENT, LENGTH, DELTA, DEGREE, CHORD, CH-BEARING. Contains data for curves C-28 through C-51.

CURVE TABLE

Table with 8 columns: CURVE, RADIUS, TANGENT, LENGTH, DELTA, DEGREE, CHORD, CH-BEARING. Contains data for curves C-52 through C-75.

CURVE TABLE

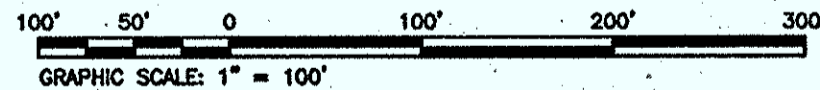
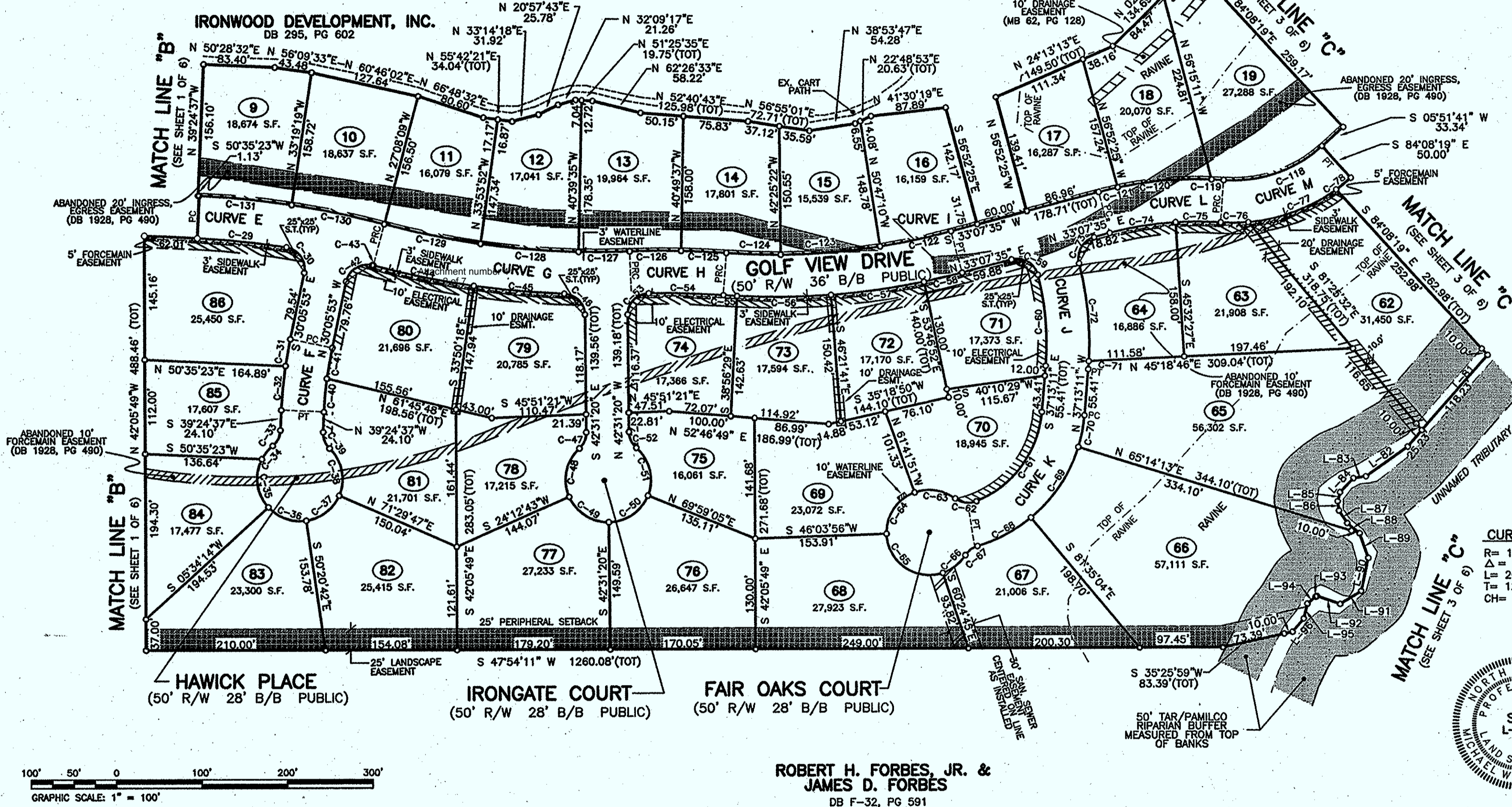
Table with 8 columns: CURVE, RADIUS, TANGENT, LENGTH, DELTA, DEGREE, CHORD, CH-BEARING. Contains data for curves C-76 through C-131.

CALL TABLE

Table with 3 columns: COURSE, BEARING, DISTANCE. Lists courses L-81 through L-96 with their respective bearings and distances.

C/L CURVE DATA

Table with 4 columns: CURVE, RADIUS, DELTA, CH. Lists curve data for CURVE E through CURVE M, including radius, delta, and chord length.



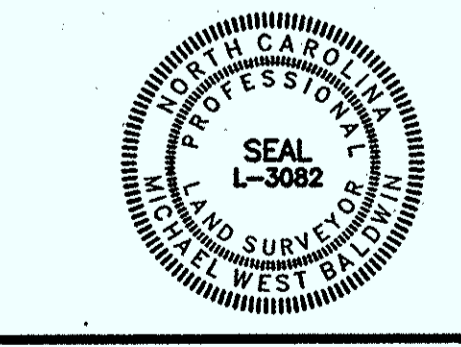
ROBERT H. FORBES, JR. & JAMES D. FORBES DB F-32, PG 591 MB 44, PG 71



CERTIFICATION: I, MICHAEL WEST BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION... REGISTERATION NO. L-3082

FINAL PLAT SHEET 2 OF 7

IRONWOOD REVISION OF CLUSTER SUBDIVISION-PHASE V REFERENCE: DEED BOOK 583, PAGE 50 & MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY GREENVILLE, FALKLAND TOWNSHIP, PITT COUNTY, NC



THIS PLAT SUPERSEDES THE PLAT RECORDED IN MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY.

Doc ID: 000303780007 Type: CRP Recorded: 01/04/2006 at 03:57:10 PM Fee Amt: \$147.00 Page 1 of 7

OWNER: (SEE SHEET 8 OF 8) ADDRESS: PHONE:

SURVEYED: DF APPROVED: MWB DRAWN: SCB/EW DATE: 10/25/05 CHECKED: MWB SCALE: 1" = 100'

SOURCE OF TITLE THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

OWNERS STATEMENT THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF (SEE SHEET 6 OF 6) SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF 2005.

APPROVAL APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE DAY OF 2005.

DEDICATION THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

REVIEW OFFICER'S CERTIFICATE REVIEW OFFICER: Andrew Thomas, Jr. DATE: 10/26/06

Baldwin and ASSOCIATES ENGINEERING, LAND SURVEYING AND PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27858 (252) 756-1390

DEED BOOK PAGE DEED BOOK PAGE DEED BOOK PAGE MICHAEL WEST BALDWIN L-3082

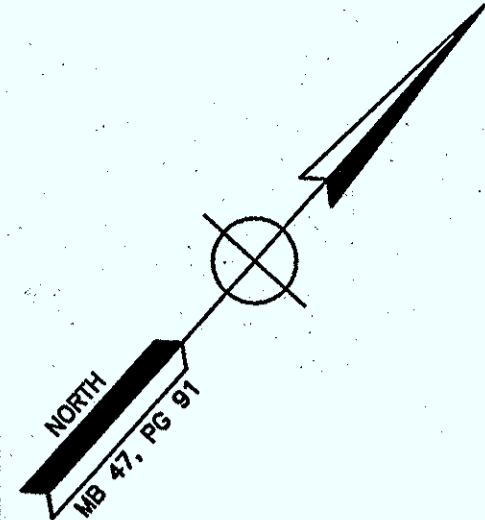
NOTARY PUBLIC MY COMMISSION EXPIRES 03/28/2009

SIGNED: [Signature] CITY PLANNER

SIGNED: (SEE SHEET 6 OF 6) ATTEST:

NORTH CAROLINA, PITT COUNTY FILED FOR REGISTRATION THIS THE DAY OF AT O'CLOCK M. JUDY J. TART, REGISTER OF DEEDS





**CURVE TABLE**

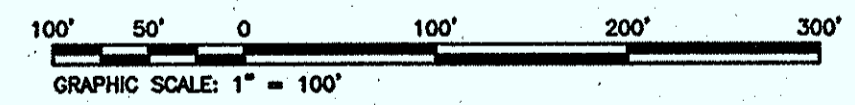
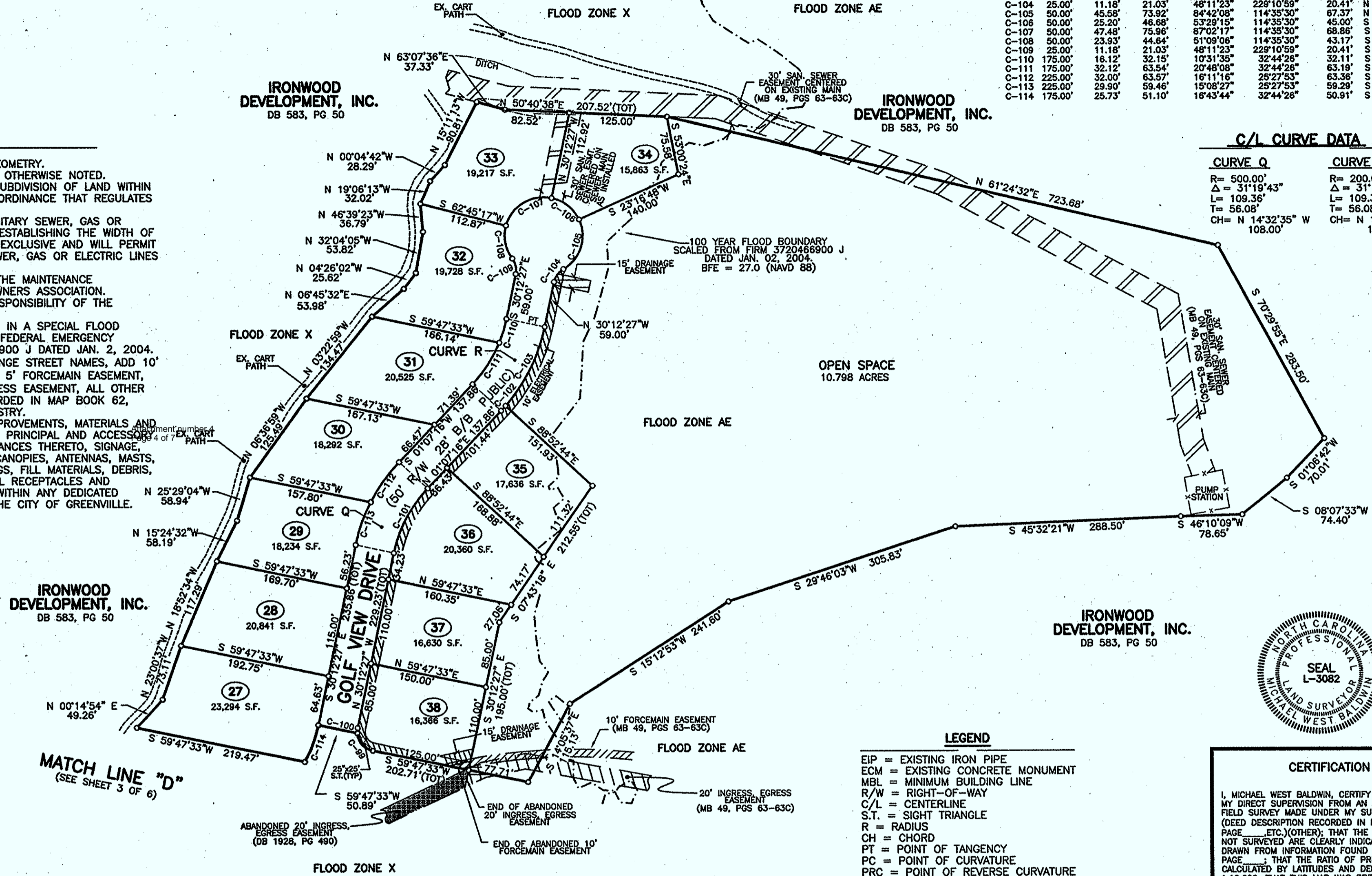
CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-99	25.00'	19.05'	32.56'	74°37'37"	229°10'59"	30.31'	N 82°53'38" W
C-100	25.00'	3.37'	6.71'	15°22'23"	229°10'59"	6.69'	N 37°53'38" W
C-101	175.00'	49.07'	95.69'	31°18'43"	32°44'26"	94.50'	N 14°32'35" W
C-102	225.00'	4.28'	8.57'	2°10'54"	25°27'53"	8.57'	N 00°10'49" E
C-103	225.00'	58.50'	114.46'	29°08'49"	25°27'53"	113.23'	N 15°38'02" W
C-104	25.00'	11.18'	21.03'	48°11'23"	229°10'59"	20.41'	N 06°06'45" W
C-105	50.00'	45.58'	73.92'	84°42'08"	114°35'30"	67.37'	N 24°22'08" W
C-106	50.00'	25.20'	46.68'	53°29'15"	114°35'30"	45.00'	N 86°32'11" W
C-107	50.00'	47.48'	75.96'	87°02'17"	114°35'30"	68.86'	N 16°18'25" W
C-108	50.00'	23.93'	44.64'	51°09'08"	114°35'30"	43.17'	N 52°49'18" E
C-109	25.00'	11.18'	21.03'	48°11'23"	229°10'59"	20.41'	N 06°06'45" W
C-110	175.00'	18.12'	32.15'	10°31'38"	32°44'26"	32.11'	N 24°56'39" E
C-111	175.00'	32.12'	63.54'	20°48'08"	32°44'26"	63.19'	N 09°16'48" E
C-112	225.00'	32.00'	63.57'	16°11'16"	25°27'53"	63.36'	N 06°58'22" E
C-113	225.00'	29.90'	59.46'	15°08'27"	25°27'53"	59.29'	N 22°38'13" E
C-114	175.00'	25.73'	51.10'	16°43'44"	32°44'26"	50.91'	N 21°50'35" E

**GENERAL NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- IRON PIPES SET AT LOT CORNERS UNLESS OTHERWISE NOTED.
- THIS MAP IS A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER, GAS OR ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
- MEDIANS WITHIN THE RIGHT-OF-WAY ARE THE MAINTENANCE RESPONSIBILITY OF THE IRONWOOD HOMEOWNERS ASSOCIATION.
- COMMON AREAS ARE THE MAINTENANCE RESPONSIBILITY OF THE IRONWOOD HOMEOWNERS ASSOCIATION.
- A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF.: FIRM 3720466900 J DATED JAN. 2, 2004.
- THIS MAP WAS REVISED IN ORDER TO CHANGE STREET NAMES, ADD 10' DRAINAGE EASEMENT ON LOTS 17-22, ADD 5' FORCEMAIN EASEMENT, AND TO SHOW EXISTING 20' INGRESS, EGRESS EASEMENT, ALL OTHER INFORMATION REMAINS THE SAME AS RECORDED IN MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY.
- NO BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCRUCH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF GREENVILLE.

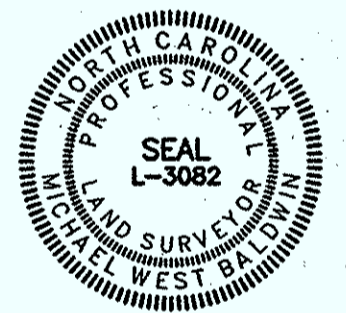
**C/L CURVE DATA**

CURVE Q	CURVE R
R = 500.00'	R = 200.00'
Δ = 31°19'43"	Δ = 31°19'43"
L = 109.36'	L = 109.36'
T = 56.08'	T = 56.08'
CH = N 14°32'35" W 108.00'	CH = N 14°32'35" W 108.00'



**LEGEND**

- EIP = EXISTING IRON PIPE
- ECM = EXISTING CONCRETE MONUMENT
- MBL = MINIMUM BUILDING LINE
- R/W = RIGHT-OF-WAY
- C/L = CENTERLINE
- S.T. = SIGHT TRIANGLE
- R = RADIUS
- CH = CHORD
- PT = POINT OF TANGENCY
- PC = POINT OF CURVATURE
- PRC = POINT OF REVERSE CURVATURE
- EPKN = EXISTING PARKER KALON NAIL
- o = IRON PIPE SET, UNLESS OTHERWISE NOTED



**CERTIFICATION**

I, MICHAEL WEST BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE (ETC.)(OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE ; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 25th DAY OF OCTOBER, AD 2005.

SIGNED: *[Signature]* REGISTRATION NO. L-3082

Doc ID: 000303780007 Type: CRP  
Recorded: 01/04/2008 at 03:57:10 PM  
Fee Amt: \$147.00 Page 1 of 7  
Pitt County, NC  
Judy J. Tart Register of Deeds  
BR 64 PG 188-194

**REVIEW OFFICER'S CERTIFICATE**

*Andrew Thomas, Jr.*  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
*[Signature]* 1/4/06  
REVIEW OFFICER DATE

NORTH CAROLINA, PITT COUNTY  
FILED FOR REGISTRATION THIS THE DAY  
OF 20 AT O'CLOCK M.  
JUDY J. TART, REGISTER OF DEEDS  
BY: DEPUTY REGISTER OF DEEDS

FINAL PLAT SHEET 4 OF 67

**IRONWOOD**

REVISION OF CLUSTER SUBDIVISION-PHASE V

REFERENCE: DEED BOOK 583, PAGE 50 & MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY  
GREENVILLE, FALKLAND TOWNSHIP, PITT COUNTY, NC

OWNER: (SEE SHEET 6 OF 6)  
ADDRESS:  
PHONE:

**Baldwin and ASSOCIATES**  
ENGINEERING, LAND SURVEYING AND PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE, NC, 27858  
(252) 756-1390

SURVEYED: DF APPROVED: MWB  
DRAWN: SCB/KWH DATE: 10/25/05  
CHECKED: MWB SCALE: 1" = 100'

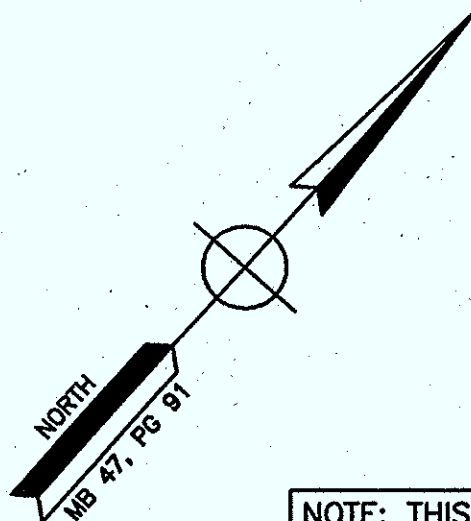
**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
(SEE SHEET 6 OF 6)  
DEED BOOK PAGE  
DEED BOOK PAGE  
DEED BOOK PAGE  
MICHAEL WEST BALDWIN L-3082

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF  
(SEE SHEET 6 OF 6)  
SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF 2005.  
NOTARY PUBLIC MY COMMISSION EXPIRES 03/28/2009

**APPROVAL**  
THIS FINAL PLAT NO. 05-20 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE DAY OF 2005.  
*Michael A. Trotter*  
SIGNED CITY PLANNER

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.  
SIGNED (SEE SHEET 6 OF 6)  
ATTEST

THIS PLAT SUPERSEDES THE PLAT RECORDED IN MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY.



NOTE: THIS IS A DETAILED VIEW OF THE WETLANDS SHOWN ON SHEET 3 OF 6.

**WETLANDS TABLE**

COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
W-352	S 01°47'59" W	12.74'	W-386	N 20°42'44" W	23.23'
W-353	S 27°18'10" W	19.77'	W-387	N 20°51'43" W	10.46'
W-354	S 51°07'31" W	15.05'	W-388	N 23°52'52" W	12.10'
W-355	S 07°57'40" W	12.43'	W-389	N 38°41'19" W	10.34'
W-356	S 32°16'39" E	23.43'	W-390	N 77°59'24" W	24.08'
W-357	S 25°58'59" E	14.00'	W-391	N 64°17'48" W	4.71'
W-358	S 17°13'34" W	11.72'	W-392	S 05°47'05" E	3.38'
W-359	S 52°12'54" W	16.31'	W-393	S 88°59'04" W	3.08'
W-360	N 88°42'16" W	19.13'	W-394	N 07°15'59" W	6.25'
W-361	S 54°26'03" W	8.10'	W-395	N 40°32'26" W	23.19'
W-362	S 09°37'21" W	9.58'	W-396	N 19°52'07" W	24.28'
W-363	S 44°51'27" E	10.15'	W-397	N 08°27'25" E	20.69'
W-364	S 08°42'21" E	12.32'	W-398	N 20°25'58" W	16.89'
W-365	S 44°50'50" E	7.20'	W-399	N 64°03'06" W	28.94'
W-366	S 08°23'30" E	23.24'	W-400	N 24°44'00" W	33.37'
W-367	S 28°52'19" W	27.08'	W-401	N 06°55'41" W	25.77'
W-368	S 17°07'05" E	27.67'	W-402	N 35°53'21" E	35.67'
W-369	S 09°08'24" W	30.24'	W-403	N 08°47'27" E	18.89'
W-370	S 25°46'59" E	24.78'	W-404	N 17°11'42" W	21.05'
W-371	S 44°03'48" W	12.32'	W-405	N 01°21'26" E	23.19'
W-372	S 06°47'07" W	10.98'	W-406	N 53°30'44" E	4.51'
W-373	S 30°25'51" E	11.71'	W-407	N 27°16'14" E	22.93'
W-374	S 18°33'49" E	28.94'	W-408	N 10°47'57" W	14.03'
W-375	S 63°51'51" E	20.96'	W-409	N 39°35'58" W	28.64'
W-376	S 59°28'58" E	12.49'	W-410	N 04°55'57" W	17.48'
W-377	S 40°12'29" E	10.35'	W-411	N 18°00'35" E	23.86'
W-378	N 11°40'16" W	18.37'	W-412	N 37°00'16" E	5.87'
W-379	S 11°29'00" E	24.25'	W-413	S 64°39'49" E	13.41'
W-380	S 40°33'36" E	30.53'	W-414	N 49°08'13" E	24.71'
W-381	S 53°41'10" E	11.16'	W-415	N 37°15'59" W	32.27'
W-382	S 75°43'33" E	20.52'	W-416	N 00°14'46" W	17.20'
W-383	S 33°56'29" E	31.73'	W-417	N 59°48'36" E	18.19'
W-384	S 10°03'29" E	39.63'	W-418	N 15°22'26" E	32.01'
TIE	N 89°50'11" W	9.66'	TIE	S 80°48'37" E	8.92'
W-385	N 02°15'48" E	10.10'			

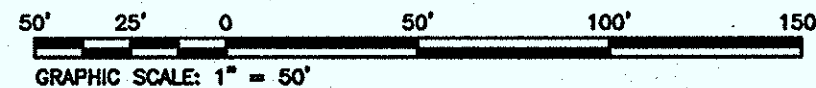
Attachment number 4  
Page 5 of 7

**WETLANDS TABLE**

COURSE	BEARING	DISTANCE
W-108	N 30°30'22" E	61.02'(TOT)
W-109	N 50°50'52" E	22.80'
W-110	S 87°34'53" E	23.22'
W-110A	S 19°57'03" E	5.92'
W-111	N 53°44'54" E	19.97'
W-112	N 34°01'40" E	17.97'
W-113	N 46°12'37" E	37.08'
W-114	N 81°10'23" E	12.01'
W-115	S 75°00'18" E	24.14'
W-116	N 78°09'28" E	21.71'
W-117	N 06°46'40" E	16.37'
W-118	N 39°28'40" E	9.70'
W-119	N 85°24'03" E	29.03'
W-120	S 60°17'46" E	20.53'
W-121	S 27°08'55" E	4.32'
W-122	S 65°47'27" E	9.37'
W-123	N 47°16'56" E	34.59'
W-124	N 39°21'30" E	42.21'
W-125	S 62°26'28" E	27.81'
W-126	N 24°39'49" E	41.23'
W-127	N 06°32'48" E	22.85'
W-128	N 18°17'13" E	20.48'
W-129	N 45°24'11" E	8.24'
W-130	N 14°04'08" E	19.27'(TOT)

WETLANDS AREA "A" = 0.132 AC.  
WETLANDS AREA "B" = 0.130 AC.

TOTAL AREA IN WETLANDS = 0.261 AC.



FINAL PLAT

SHEET 5 OF 7

**IRONWOOD**

REVISION OF CLUSTER SUBDIVISION-PHASE V

REFERENCE: DEED BOOK 583, PAGE 50 & MAP BOOK 62, PAGES 68-68D OF THE PITT COUNTY REGISTRY

GREENVILLE, FALKLAND TOWNSHIP, PITT COUNTY, NC

OWNER: (SEE SHEET 6 OF 6)

ADDRESS:

PHONE:

**Baldwin and ASSOCIATES**  
ENGINEERING, LAND SURVEYING AND PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE, NC 27858  
(252) 756-1390

SURVEYED: DF	APPROVED: MWB
DRAWN: SCB	DATE: 10/25/05
CHECKED: MWB	SCALE: 1" = 50'

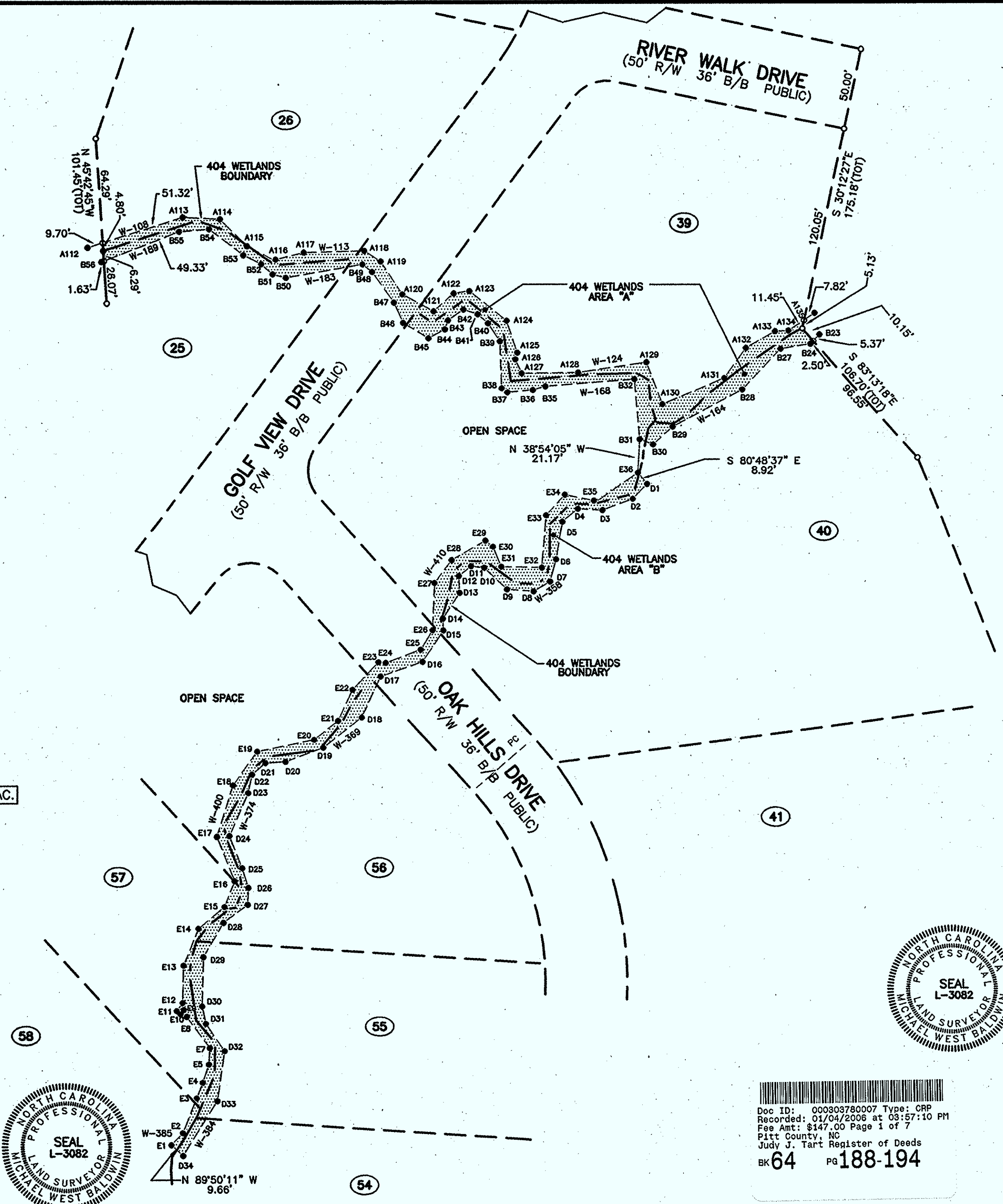
**SOURCE OF TITLE**  
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
(SEE SHEET 6 OF 6)  
DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
MICHAEL WEST BALDWIN L-3082

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF \_\_\_\_\_  
(SEE SHEET 6 OF 6)  
SWORN AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 03/28/2009

**APPROVAL**  
THIS FINAL PLAT NO. 05-20 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.  
*Minor Alteration* 6  
SIGNED: *Michael Altgatten*  
CITY PLANNER

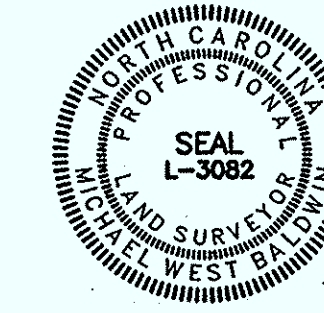
**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.  
SIGNED: (SEE SHEET 6 OF 6)  
ATTEST:

**REVIEW OFFICER'S CERTIFICATE**  
*Andrew Thomas*  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
SIGNED: *Andrew Thomas*  
DATE: 10/25/05  
NORTH CAROLINA, PITT COUNTY FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
JUDY J. TART, REGISTER OF DEEDS  
BY: \_\_\_\_\_  
DEPUTY REGISTER OF DEEDS



**WETLANDS TABLE**

COURSE	BEARING	DISTANCE
W-161	S 02°03'53" W	7.87'(TOT)
W-162	S 38°25'50" W	18.49'
W-163	S 01°05'40" W	34.40'
W-164	S 19°24'39" W	48.51'
W-165	S 04°58'14" W	16.41'
W-166	S 69°51'36" W	8.77'
W-167	N 46°52'31" W	37.67'
W-168	S 43°22'01" W	54.62'
W-169	S 31°35'11" W	7.96'
W-170	S 42°38'06" W	15.50'
W-171	S 84°18'08" W	4.33'
W-172	N 44°06'18" W	28.98'
W-173	N 75°47'12" W	13.13'
W-174	S 89°20'49" W	8.31'
W-175	S 65°55'49" W	9.28'
W-176	S 12°58'33" W	11.43'
W-177	S 22°21'26" E	5.81'
W-178	S 20°01'50" W	11.38'
W-179	S 79°17'07" W	18.00'
W-180	N 66°38'39" W	13.51'
W-181	N 77°21'07" W	23.03'
W-182	S 86°09'46" W	7.55'
W-183	S 37°57'46" W	47.65'
W-184	S 62°56'36" W	8.37'
W-185	S 99°48'37" W	8.40'
W-186	S 74°48'28" W	12.15'
W-187	S 84°53'28" W	26.21'
W-188	S 43°11'08" W	18.46'
W-189	S 26°49'51" W	50.96'(TOT)



**CERTIFICATION**  
I, MICHAEL WEST BALDWIN, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ (ETC.); (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 25th DAY OF OCTOBER, AD 2005.

Doc ID: 00083780007 Type: CRP  
Recorded: 01/04/2008 at 03:57:10 PM  
Fee Amt: \$147.00 Page 1 of 7  
Pitt County, NC  
Judy J. Tart Register of Deeds  
BK 64 PG 188-194



Charles Harris  
 Donna G. Harris  
 Jimmie W. Brewer  
 Audrey T. Brewer  
 PO Box 2123  
 Greenville, NC 27836

Hope Builders JC Int'l  
 527 Williamston Drive  
 Winterville NC 28590

John S. Janowski  
 Tammy M Janowski  
 Greenville NC 27858

*John S. Janowski*

Fleming Builders, LLC  
 609 Kensington Drive  
 Greenville, NC 27858  
 (252) 756-8789

Michael Hathaway  
 (wife) Katherine Hathaway  
 4103 Countrydown Drive  
 Greenville, NC 27834  
 (252) 829-8221

Classic Homes by Clipper Construction  
 P.O. Box 8554  
 Greenville, NC 27834  
 252-758-9904

Attachment number 4  
 Page 7 of 7

*Charles R. Harris*  
 Charles R. Harris (Lot 47, 49)  
*Donna G. Harris*  
 Donna G. Harris (Lot 47, 49)  
*Jimmie W. Brewer*  
 Jimmie W. Brewer (Lot 47, 49)  
*Audrey T. Brewer*  
 Audrey T. Brewer (Lot 47, 49)

*Hope Builders JC Int'l*  
 Hope Builders JC Int'l (Lot 28, 78)

*Steph Janowski*  
 Steph Janowski (Lot 28, 78)  
*Tammy Janowski*  
 Tammy Janowski (Lot 28, 78)

*Fleming Builders, LLC*  
 Fleming Builders, LLC (Lot 104)

*Michael Hathaway*  
 Michael Hathaway (Lot 73)  
*Katherine Hathaway*  
 Katherine Hathaway (Lot 73)

*Classic Homes by Clipper Construction*  
 Classic Homes by Clipper Construction

*Daryl*

*Charles R. Harris*  
 Charles R. Harris  
*Jimmie W. Brewer*  
 Jimmie W. Brewer  
*Audrey T. Brewer*  
 Audrey T. Brewer

*Steph Janowski*

*Tammy Janowski*

*Fleming Builders, LLC*  
 Fleming Builders, LLC

*Michael Hathaway*  
 Michael Hathaway  
*Katherine Hathaway*  
 Katherine Hathaway

*Daryl*



FINAL PLAT

SHEET 7 OF 7

**IRONWOOD**

REVISION OF CASTER SUBDIVISION—PHASE V

SEE DEED BOOK 583, PAGE 50 & MAP BOOK  
 12, PAGES 68 68D OF THE PITT COUNTY REGISTRY

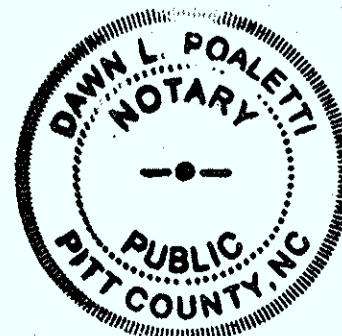
GREENVILLE, FALKLAND TOWNSHIP, PITT COUNTY, NC

OWNER: (SEE ABOVE)

ADDRESS:

PL:

Baldwin and ASSOCIATES ENGINEERING, LAND SURVEYING AND PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC, 27858 (252) 756-1390	SURVEYED: (IF)	APPROVED: MWB
	DRAWN: KWH	DATE: 10/25/05
	CHECKED: MWB	SCALE: N/A



OWNERS STATEMENT

THIS IS EVIDENCE THAT THIS SUBDIVISION  
 IS MADE AT THE REQUEST OF

(SEE ABOVE)

SWORN AND SUBSCRIBED BEFORE ME  
 THIS 14th DAY OF May, 2005

*Dawn L. Poletti*  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 03/28/2009

Doc ID: 000303780007 Type: CRP  
 Recorded: 01/04/2008 at 03:57:10 PM  
 Fee Amt: \$147.00 Page 1 of 7  
 Pitt County, NC  
 Judy J. Tart Register of Deeds  
 BK 64 PG 188-194

DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS  
 PLAT AND ALLOTMENT TO BE THEIR FREE ACT  
 AND DEED, AND HEREBY DEDICATES TO PUBLIC  
 USE AS STREETS, PARKS, PLAYGROUNDS, OPEN  
 SPACES AND EASEMENTS FOREVER ALL AREAS AS  
 SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED (SEE ABOVE)

ATTEST *Dawn Poletti*



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** North Carolina Department of Transportation agreement for intersection improvements at Memorial Drive and Thomas Langston Road

**Explanation:** Attached for City Council's consideration is a municipal agreement with the North Carolina Department of Transportation (NCDOT) to receive funds for construction costs associated with the installation of an exclusive right turn lane for the southbound approach of Memorial Drive at its intersection with Thomas Langston Road. This agreement must be executed before the City can be reimbursed by NCDOT for the funds.

When the City Council considered an award of a contract for the Thomas Langston Road Extension Project – Phase I, it was identified that the scope of work for this project would include Bid Alternate #1, which involves the construction of an exclusive right turn lane for traffic traveling southbound on Memorial Drive. The contractor's bid amount for Bid Alternate #1 was \$62,781.79. It was also identified that the construction of Bid Alternate #1 would be contingent on the receipt of approval from and funding by NCDOT. The attached agreement sets out the responsibilities of NCDOT and the City as associated with this project. The City will be responsible for the construction administration of the project.

NCDOT determined that it is necessary to execute an agreement for the State funds and fiscal purposes. Public Works staff's review finds the agreement acceptable.

**Fiscal Note:** In accordance with the agreement, the City shall be reimbursed for project construction costs up to the amount of \$75,000.

**Recommendation:** Approve the attached agreement with NCDOT.

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

Attachments / click to download

 [Memorial Drive and Thomas Langston Rd Agreement](#)

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NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT – STATE  
SMALL CONSTRUCTION AGREEMENT**

PITT COUNTY

DATE: 6/01/2009

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

AND

WBS Elements: 42723

CITY OF GREENVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and City of Greenville, hereinafter referred to as the "Municipality".

**WITNESSETH:**

WHEREAS, the parties have agreed to make certain improvements within the Municipality under WBS Element 42723 in Pitt County in accordance with the plans and specifications approved by the Department; and,

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

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Parties, as of the date of the awarding of the contract for the construction of the above-mentioned Project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

## **SCOPE OF PROJECT**

1. The Project consists of the addition of a right turn lane from Memorial Drive onto Thomas Langston Road in Greenville. (hereinafter the "Project").

## **PROCUREMENT OF SPECIALIZED SERVICES**

2. If the Municipality causes the professional engineering services required by this Agreement to be performed by contracting with a private engineering firm and seeks reimbursement for said services under this agreement, it is agreed as follows:
  - A. The Municipality shall ensure that an engineering firm is obtained through an equitable selection process and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.
  - B. The Municipality, when procuring architectural, professional and engineering services, must adhere to North Carolina Department of Transportation Policies and Procedures for Major Professional or Specialized Services Contracts. This policy conforms to N.C.G.S. 143-64, Parts 31 and 32.
  - C. The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of the professional services contract by the Municipality. In the event that the professional services contract proposal (engineering) exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch. A pre-negotiation audit of a contract under \$30,000 will be performed by the Department's External Audit Branch if the Municipality requests it.
  - D. Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the actual construction contract cost. This applies to private engineering firms and/or work performed by the Municipality. If the Municipality elects to procure a private consulting firm to conduct Project administration, the Municipality shall be responsible for submitting the consulting firm's proposal to the Division Engineer for review and approval. The Municipality,

and/or its agent, shall perform Project administration in accordance with all Departmental policies and procedures.

- E. All work shall be prepared and submitted using computer software and applications approved by the Department and compatible with departmental equipment and programs.
  
- F. Small Professional and Engineering Services Requirements: Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the NC Board of Transportation. These provisions are incorporated into this Agreement by reference [www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html](http://www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html)
  - The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
  
  - If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

## **PLANNING AND DESIGN**

- 3. The Municipality, and/or its consultant, shall prepare the environmental and/or planning document and obtain any environmental permits needed for the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
  
- 4. The Municipality shall design and prepare the plans and specifications for the Project, in accordance with the Department's standard practices, regulations and guidelines for transportation improvements. The Department shall review and approve Project plans and specifications.

## **UTILITIES**

5. The Municipality, without any cost or liability whatsoever to the Department, shall relocate and adjust all utilities in conflict with the Project. All utility work shall be performed in a manner satisfactory to and in conformance with rules and regulations of the Department prior to the Municipality beginning construction of the Project. The Municipality shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits of the Project, whichever is greater, regardless of ownership of the connections or services. Any encroachment agreement and/or permits required for the Project must be obtained from the Division Office. All work shall be performed in accordance with the Department's approved Utility Relocation Policy and standard procedures for utility improvements.

## **RIGHT OF WAY**

6. The Municipality, at no expense or liability whatsoever to the Department, shall be responsible for acquiring any needed right of way and/or permanent easements required for said Project. If the Project is not to be constructed within the existing right of way, the Municipality will be responsible for any additional right of way or easements. Acquisition of right of way shall be accomplished in accordance with applicable policies, guidelines, statutes and the North Carolina Department of Transportation Right of Way Manual.

The Municipality shall remove from said right of way all obstructions and encroachments of any kind or character (including hazardous and contaminated materials). The Municipality shall indemnify and save harmless the Department from any and all claims for damages that might arise on account of said right of way acquisition, and construction easements for the construction of said Project.

## **CONSTRUCTION**

7. The Municipality shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Municipality shall enter into and shall administer the construction contract for said Project and the procedures set out herein below shall be followed:

- A. Prior to advertising the Project for construction bids, the Municipality or its agents, shall submit for approval by the Department, the final construction plans, the total contract proposal, and an estimate of the Project costs to the Division Engineer. Bids received along with proper documentation of Municipal approval shall be submitted to the Division Engineer for review and approval by the Department prior to the contract being awarded by the Municipality. Upon award of the Project, the Municipality shall provide the Division Project Manager copies of the executed contract and sets of plans as requested.
- B. The Municipality shall follow Department regulations, and North Carolina General Statutes regulations pertaining to bid procedures in the award of the contract and purchases. The Municipality shall not enter into any contractual agreement for any phase of the Project without prior written approval from the Department.
- C. The construction engineering and supervision will be furnished by the Municipality. Said work shall be accomplished in accordance with terms set out in Provision #2 of this Agreement.
- D. The Department's Division Engineer, shall have the right to inspect, sample, test, and approve or reject any portion of the Project being performed by the Municipality or the Municipality's contractor, to ensure compliance with the provisions of this Agreement. The Department will furnish the Municipality with any forms that may be needed in order to follow standard Departmental practices and procedures in the administration and performance of the contract.
- E. The Municipality shall sample and test all materials in reasonable close conformity with the Department's Guide for Process Control and Acceptance Sampling and Testing. The Division Engineer shall be provided a copy of the testing results.
- F. During construction of the Project, if any changes in the plans are necessary, such changes must be approved by the Division Engineer prior to the work being performed.
- G. All materials incorporated in the Project and workmanship performed by the contractor shall be in reasonable close conformity with the Standards and Specifications of the Department.
- H. Upon completion of the Project, the Municipality shall furnish the Division Engineer with complete sets of "Plan of Record" and/or "As Built" plans as requested.

- I. Prior to the final acceptance and payment by the Department, the Division Engineer shall make a final inspection of the completed work. The Division Engineer will be responsible for final acceptance of the completed work on behalf of the Department.
  
- J. During construction of the Project, the Municipality shall provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformation with standards and specifications of the Department and the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.
  
- K. In the event the Project is not let to contract within six (6) months after receiving final approval of construction plans and proposals from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.
  
- L. The Municipality shall complete construction of the Project, in accordance with the terms of this Agreement within one and a half year(s) of execution of this Agreement. If the Municipality has not completed its responsibilities to the satisfaction of the Department, including satisfactory progress of the various phases of the Project, the unexpended balance of funds may be recalled by the Department and assigned to other Projects by the Board of Transportation and the Municipality shall reimburse costs incurred by the Department associated with the Project.

## **CONSTRUCTION SUBCONTRACTOR GUIDELINES**

- 8. Any construction contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses and Women Businesses as required by GS 136-28.4 and the North Carolina Administrative Code.
  - A. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at [www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html](http://www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html)

- B. No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.
- C. Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

## FUNDING

- 9. Subject to compliance by the Municipality with the provisions set forth in this Agreement, and the availability of funds, the Department shall participate in the actual Construction costs up to a maximum amount of \$75,000 (estimated costs are \$102,000). Costs which exceed this amount shall be borne by the Municipality. Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Division Engineer and the Department's Fiscal Section.
  - A. The Municipality may bill the Department for actual costs by submitting an itemized invoice and requested documentation to the Department. Reimbursement shall be made upon completion. By submittal of said invoice, the Municipality certifies that it has adhered to all applicable state laws and regulations as set forth in this Agreement.
  - B. Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by competitive bidding process. Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/a087/a087.html](http://www.whitehouse.gov/omb/circulars/a087/a087.html)). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.
  - C. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" ([www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html)) dated June 27, 2003, the Municipality shall arrange for an annual independent financial and compliance audit

of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

- D. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this Agreement, for inspection and audit by the Department's Fiscal Section.
- E. The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs.
- F. Failure on the part of the Municipality to comply with any of these provisions will be grounds for the Department to terminate participation in the costs of the Project.
- G. All invoices associated with the Project must be submitted within six months of the completion of the Project to be eligible for reimbursement by the Department.
- H. The Project must progress in a satisfactory manner as determined by the Department. If the Project does not remain active, the Department reserves the right to de-obligate said funding.
- I. The expenses incurred by the Department for reviews, approvals, inspections and other tasks set forth in this Agreement are an eligible Project cost and charged to allocated Project funding.

## **TRAFFIC**

- 10. All traffic operating controls and devices shall be established, enforced, and installed in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and maintained and controlled by the Department upon completion of the Project.



## **MAINTENANCE**

11. Upon completion of the Project, only those improvements within the state owned right of way shall be considered on the State Highway System and owned and maintained by the Department.

## **ADDITIONAL PROVISIONS**

12. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.
13. It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency. By execution of this Agreement, the Municipality certifies, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a governmental department or agency.
14. The Municipality shall certify to the Department compliance with all applicable State laws and regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by the Municipality or any entity performing work under contract with the Municipality.
15. The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible, for any expenses or obligations incurred for the Project except those specifically eligible in the terms of this Agreement. However, at no time shall the Department reimburse the Municipality costs which exceed the total funding for this Project.
16. The Municipality will indemnify and hold harmless the Department and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the Project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages claims, which may be initiated by third parties.

17. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.
  
18. If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project. Any notification of termination of this Project shall be in writing to the other party. Reimbursement to the Department shall be made in one lump sum payment within sixty (60) days of billing. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21.
  
19. In compliance with state policy, the Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall have a Conflict of Interest Policy and adhere to the Department's Women Business Enterprise (WBE) and Minority Business Enterprise (MBE) policy which requires goals to be set and participation to be reported, as more fully described in the Subcontractor Guidelines section of this Agreement.
  
20. All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
  
21. Where the Department determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department reserves the right to deduct monies from the Municipality's Powell Bill Fund. Such determination shall be made, either by audit and/or inspection of books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs, not to be in compliance with the terms of this Agreement or in the event of non-payment by the Municipality.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

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

L.S. ATTEST:

CITY OF GREENVILLE

BY: \_\_\_\_\_ BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

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

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

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_

Remittance Address:

City of Greenville

\_\_\_\_\_

\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(STATE HIGHWAY ADMINISTRATOR)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: July 9, 2009



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Resolution accepting responsibility for maintenance of two North Carolina Department of Transportation funded landscape projects

**Explanation:** The North Carolina Department of Transportation (NCDOT) has committed to executing landscape beautification projects for FY 09/10 along the following roadways:

- Memorial Drive from Paige Drive to Staton Road
- Dickinson Avenue from Hooker Road to Wilson Street
- Firetower Road median
- Arlington Boulevard median from Emergency Drive to Highway 43 (W. 5th Street)
- Memorial Drive from Greenville Boulevard to Tice Street
- North Greene Street bridge area over the Tar River
- Dickinson Avenue and Memorial Drive intersection

NCDOT requires a resolution (attached) from the City of Greenville accepting maintenance of the installed landscaping and turf within the project limits for the first two projects since the City does not presently have a maintenance agreement in place. The other five locations are roadways that the City presently has agreements to maintain the turf and landscaping.

NCDOT will provide a one-year warranty for all of the landscaped enhancements including trees, shrubs, groundcover, and perennials.

The proposed beautification project areas are prominent locations along major corridors of the City. The projects will enhance the areas image to both residents and visitors.

**Fiscal Note:** NCDOT will fund installation of these projects through the American Recovery and Reinvestment Act allocation to the North Carolina Department of Transportation. The City has no cost share. The maintenance cost of mowing will be incorporated into the existing Public Works Department Buildings and


Grounds Division budget during the FY 09-10 budget. Public Works projects that a yearly contract services expense of \$20,000 for mowing Memorial Drive will be included in the requested budget for FY10-11. Some long-term additional budget costs associated with plant replacement and mulching can be expected.

**Recommendation:** Adopt the attached resolution accepting responsibility for maintenance of the two North Carolina Department of Transportation landscape enhancement project areas that presently do not have a maintenance agreement.

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

Attachments / click to download

 [Enhancement\\_841144](#)

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**RESOLUTION NO. 09-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE ACCEPTING  
AND ENDORSING THE CITY OF GREENVILLE TO PROVIDE MAINTENANCE OF TWO  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION LANDSCAPE  
BEAUTIFICATION PROJECTS**

WHEREAS, the North Carolina Department of Transportation has agreed to fund landscaping projects along Memorial Drive from Paige Drive north to Staton Road and at the Dickinson Avenue Railroad Overpass in the area north of Hooker Road and South of Wilson Street; and

WHEREAS, the trees, shrubs, groundcover and perennials will be warranted for a period of one year by the North Carolina Department of Transportation from the date of planting;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Greenville that the City of Greenville does hereby accept the maintenance and upkeep of these trees, shrubs, groundcover, and perennials, which will include mowing of the rights-of-way turf within the project areas:

Adopted the \_\_\_\_ day of September, 2009.

\_\_\_\_\_  
Patricia C. Dunn, Mayor  
City of Greenville

Attest:

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



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Ordinance rescinding and revising speed limit ordinances for various State-maintained roads throughout the City of Greenville to concur with North Carolina Department of Transportation ordinances

**Explanation:** Attached for City Council's consideration is an ordinance rescinding and revising speed limit ordinances for various State-maintained roads throughout the City of Greenville to concur with the NC Department of Transportation's ordinances for the identified roads. City staff received the attached certifications from the State declaring speed limit modifications and rescinding speed limit ordinances for various State-maintained roads throughout the City. The City must adopt the attached corresponding ordinance to be consistent with the changes made by NCDOT. The following are locations that will be affected:

Revised Speed Limit - 25 mph

<u>Route</u>	<u>Description</u>
SR 1598	Dickinson Avenue from Raleigh Avenue to Grande Avenue (SR 1571)

Revised Speed Limit - 45 mph

<u>Route</u>	<u>Description</u>
US 13	Memorial Drive from 500 feet north of Dickinson Avenue (SR 1598) to a point 1500 feet north of Third Street.
NC 11 1134	Memorial Drive From Thomas Langston Road (SR 1134) to Sylvan Drive.
SR 1531	Greene Street from 1500 feet north of First Street to NC 33.
NC 33 north	Greene Street from Pactolus Highway to 0.25 mile north of Pactolus Highway
NC 43	Charles Boulevard from a point 0.10 mile south of Firetower Road (SR 1708) to Greenville Boulevard (US 264A).
NC 43	W. Fifth Street from a point 0.17 mile east of B's

SR 1707	Barbeque Road (SR 1204) to Memorial Drive (US 13). Charles Boulevard From Greenville Boulevard (US 264A) to 500 feet south of Fourteenth Street (SR 1703).
SR 1725 of	Old County Home Road from a point 0.35 mile south of Bells Chapel Road (SR 2235) to Firetower Road (SR 1708).

Revised Speed Limit - 50 mph

<u>Route</u>	<u>Description</u>
US 264A	Greenville Boulevard from a point 1800 feet east of Allen Road (SR 1203) to a point 0.09 mile west of Memorial Drive (NC 11).

Revised Speed Limit - 55 mph

<u>Route</u>	<u>Description</u>
NC 33	Tenth Street from Port Terminal Road (SR 1533) to a point 400 feet east of Portertown Road (SR 1726).

Rescinded Speed Limit

<u>Route</u>	<u>Description</u>
US 264B	Dickinson Avenue (US264 Business) from Raleigh Avenue to Tenth Street (US 264 Business).
US 264B	Dickinson Avenue (US264 Business) from Memorial Drive (NC11-43) to Raleigh Avenue.
SR 1531 to	North Greene Street (SR1531) from West Third Street to a point 1500 feet north of First Street.
NC 11	Memorial Drive (US13-NC11-43) from Dickinson Avenue (US 264 Business) northward for 500 feet.
NC 11	Memorial Drive (NC11-43) from Sylvan Street to Dickinson Avenue (US264 Business).
SR 1707	Charles Street (SR1707) from Tenth Street (US264 Business) southward to a point 500 feet south of Fourteenth Street (SR1703).
NC 43 NC11)	Fifth Street (NC43) from Memorial Drive (US13- to a point 900 feet west of Moyewood Drive.
SR 1571	West Fifth Street (SR1571) from Latham Street to Memorial Drive (US13-NC11).
US 13 feet	Memorial Drive (US13-NC11-43) from a point 500 feet north of Dickinson Avenue (US264 Business) to Fifth Street (NC43-SR1571).
US 13 (NC43-	Memorial Drive (US13-NC11) from Fifth Street SR 1571) to a point 1500 feet north of Third Street.
US 264	Greenville Boulevard (US264 Bypass-NC43) from Charles Street (NC43-SR1707) to a point 1500 feet



US 264	west of Evans Street (SR1700-1702). Greenville Boulevard (US264 Bypass) from Memorial Drive (NC11) Westward for 500 feet.
NC 11 Boulevard	Memorial Drive (NC11-903) from Greenville  (US264 Bypass) to Sylvan Street.
SR 1707	Charles Street (SR1707) from a point 500 feet south of Fourteenth Street (SR1703) to Greenville Boulevard (US264 Bypass).
NC 43 Boulevard	New Bern Highway (NC43) from Greenville  (US264 Bypass) to point 1100 feet south of Red Banks Road.
NC 43	Greenville Boulevard (US264 Bypass –NC43) from Memorial Drive (NC11) to Hooker Road (SR 1701).
NC 43	Eastern Bypass (US264-NC33) from Tenth Street (US264 Business) to a point 0.13 mile north of Tenth Street (US264 Business).
NC 43	West Fifth Street (NC43) from the western corporate limit, approximately 0.15 mile west of SR1267, to Memorial Drive (US13-NC11-903).
US 13	Memorial Drive (US13-US264-NC11-NC903) from point 1500 feet north of Third Street, northward 1.33 miles to the northern corporate limits at Greenfield Boulevard.

**Fiscal Note:** No direct costs to the City are associated with this request.

**Recommendation:** Adopt the attached ordinance rescinding and revising speed limit ordinances for various State-maintained roads throughout the City of Greenville to concur with NC Department of Transportation ordinances.

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**Attachments / click to download**

- [NCDOT\\_Certification\\_Speed\\_Limit\\_Ordinances\\_833304](#)
- [Ordinance\\_for\\_55\\_mph\\_Speed\\_Limit\\_on\\_E\\_10th\\_St\\_832511](#)
- [Rescinding\\_Ordinance\\_for\\_speed\\_limits\\_on\\_State\\_roads\\_838369](#)

**CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING SPEED LIMIT  
MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT  
OF TRANSPORTATION:**

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ City \_\_\_\_\_ of  
(City) (Town)  
\_\_\_\_\_ Greenville \_\_\_\_\_, do hereby certify that the \_\_\_\_\_ City Council  
(Governing Body)

of the \_\_\_\_\_ City \_\_\_\_\_ duly enacted on the \_\_\_\_\_ day of  
(City) (Town)

\_\_\_\_\_, 20 \_\_\_\_\_ an ordinance based upon engineering and traffic  
investigation pursuant to authority granted by G.S. 20-141(f) declaring the following speed limit  
modifications as set forth below on the following described portion of a State Highway System Street:

**Declare the Following Speed Limit**

<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
45	US 13	From 500 feet north of SR 1598 to a point 1500 feet north of Third Street
50	US 264A	From 1800 feet east of SR 1203 to 0.09 mile west of NC 11.
45	NC 11	From SR 1134 to Sylvan Drive.
25	SR 1598	From Raleigh Avenue to SR 1571.
45	SR 1531	From 1500 feet north of First Street to NC 33.
45	NC 33	From SR 1531 to 0.25 mile north of SR 1531.
45	NC 43	From 0.10 mile south of SR 1708 to US 264A.
45	NC 43	From 0.17 mile east of SR 1204 to US 13.
45	SR 1707	From US 264A to 500 feet south of SR 1703.
45	SR 1725	From 0.35 mile south of SR 2235 to SR 1708.

**Rescind the Following Speed Limit**

<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
45	US 13	Memorial Drive (US13-NC11-43) from a point 500 feet north of Dickinson Avenue (US264 Business) to Fifth Street (NC 43- SR 1571).

- 45 US 13 Memorial Drive (US13-NC11) from Fifth Street (NC43-SR1571) to a point 1500 feet north of Third Street.
- 50 US 13 Memorial Drive (US13-US264-NC11-NC903) from a point 1500 feet north of Third Street, northward 1.33 miles to the northern corporate limits at Greenfield Boulevard
- 35 US 264B Dickinson Avenue (US264 Business) from Memorial Drive (NC11-43) to Raleigh Avenue
- 25 US 264B Dickinson Avenue (US264 Business) from Raleigh Avenue to Tenth Street (US 264 Business).
- 45 US 264 Greenville Boulevard (US264 Bypass-NC43) from Charles Street (NC 43-SR1707) to a point 1500 feet west of Evans Street (SR1700-1702).
- 45 US 264 Greenville Boulevard (US264 Bypass) from Memorial Drive (NC11) westward for 500 feet.
- 35 SR 1531 North Green Street (SR1531) from West Third Street to a point 1500 feet north of First Street.
- 35 NC 11 Memorial Drive (US13-NC11-43) from Dickinson Avenue (US264 Business) northward for 500 feet.
- 35 NC 11 Memorial Drive (NC11-43) from Sylvan Street to Dickinson Avenue (US264 Business).
- 45 NC 11 Memorial Drive (NC11-903) from Greenville Boulevard (US264 Bypass) to Sylvan Street.
- 35 SR 1707 Charles Street (SR1707) from Tenth Street (US264 Business) southward to a point 500 feet south of Fourteenth Street (SR1703).
- 45 SR 1707 Charles Street (SR1707) from a point 500 feet south of Fourteenth Street (SR1703) to Greenville Boulevard (US264 Bypass).
- 35 NC 43 Fifth Street (NC43) from Memorial Drive (US13-NC11) to a point 900 feet west of Moyewood Drive.
- 45 NC 43 New Bern Highway (NC43) from Greenville Boulevard (US264 Bypass) to a point 1100 feet south of Red Banks Road.
- 45 NC 43 Greenville Boulevard (US264 Bypass-NC43) from Memorial Drive (NC11) to Hooker Road (SR1701).
- 45 NC 43 Eastern Bypass (US264-NC33) from Tenth Street (US264 Business) to a point 0.13 mile north of Tenth Street (US264 Business).
- 45 NC 43 West Fifth Street (NC43) from the western corporate limit, approximately 0.15 mile west of SR1267, to Memorial Drive (US13-NC11-903). (Meets engineering warrants for 45 mph zone)
- 35 SR 1571 West Fifth Street (SR1571) from Latham Street to Memorial Drive (US13-NC11).

said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book \_\_\_\_\_ at page \_\_\_\_\_.

In witness whereof, I have hereunto set my hand and the seal of the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_(Seal)

Division Approval: \_\_\_\_\_ Title: Division Traffic Engineer Date: \_\_\_\_\_

Region Approval: \_\_\_\_\_ Title: Regional Traffic Engineer Date: \_\_\_\_\_

**CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING SPEED LIMIT  
MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT  
OF TRANSPORTATION:**

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ City \_\_\_\_\_ of  
(City) (Town)  
Greenville, do hereby certify that the \_\_\_\_\_ City Council \_\_\_\_\_  
(Governing Body)  
of the \_\_\_\_\_ City \_\_\_\_\_ duly enacted on the \_\_\_\_\_ day of  
(City) (Town)  
\_\_\_\_\_, 20 \_\_\_\_\_ an ordinance based upon engineering and traffic  
investigation pursuant to authority granted by G.S. 20-141(f) declaring the following speed limit  
modifications as set forth below on the following described portion of a State Highway System Street:

**Declare the Following Speed Limit**

<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
55	NC 33	From SR 1533 to 400 ft east of SR 1726.

**Rescind the Following Speed Limit**

<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
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said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book \_\_\_\_\_ at page \_\_\_\_\_.

In witness whereof, I have hereunto set my hand and the seal of the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_(Seal)

Division Approval: \_\_\_\_\_ Title: Division Traffic Engineer Date: \_\_\_\_\_

Region Approval: \_\_\_\_\_ Title: Regional Traffic Engineer Date: \_\_\_\_\_

ORDINANCE NO. 09-  
AN ORDINANCE RESCINDING AND DECLARING THE SPEED LIMITS ON VARIOUS  
STATE-MAINTAINED ROADS

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

Section 1: The State speed limit of 25 miles per hour on the following is hereby  
rescinded:

<u>Route</u>	<u>Description</u>
US 264B	Dickinson Avenue (US264 Business) from Raleigh Avenue to Tenth Street (US 264 Business).

Section 2: The State speed limit of 35 miles per hour on the following is hereby  
rescinded:

<u>Route</u>	<u>Description</u>
US 264B	Dickinson Avenue (US264 Business) from Memorial Drive (NC11-43) to Raleigh Avenue.
SR 1531	North Green Street (SR1531) from West Third Street to a point 1500 feet north of First Street.
NC 11	Memorial Drive (US13-NC11-43) from Dickinson Avenue (US264 Business) northward for 500 feet.
NC 11	Memorial Drive (NC11-43) from Sylvan Street to Dickinson Avenue (US264 Business).
SR 1707	Charles Street (SR1707) from Tenth Street (US264 Business) southward to a point 500 feet south of Fourteenth Street (SR1703).
NC 43	Fifth Street (NC43) from Memorial Drive (US13-NC11) to a point 900 west of Moyewood Drive.
SR 1571	West Fifth Street (SR1571) from Latham Street to Memorial Drive (US13-NC11).

Section 3: The State speed limit of 45 miles per hour on the following is hereby  
rescinded:

<u>Route</u>	<u>Description</u>
US 13	Memorial Drive (US13-NC11-43) from a point 500 feet north of Dickinson Avenue (US264 Business) to Fifth Street (NC43-SR1571).
US 13	Memorial Drive (US13-NC11) from Fifth Street (NC43-SR1571) to a point 1500 feet north of Third Street.
US 264	Greenville Boulevard (US264 Bypass-NC43) from Charles Street (NC43-SR1707) to a point 1500 feet west of Evans Street (SR1700-1702).

- US 264 Greenville Boulevard (US264 Bypass) from Memorial Drive (NC11) Westward for 500 feet.
- NC 11 Memorial Drive (NC11-903) from Greenville Boulevard (US264 Bypass) to Sylvan Street.
- SR 1707 Charles Street (SR1707) from a point 500 feet south of Fourteenth Street (SR1703) to Greenville Boulevard (US264 Bypass).
- NC 43 New Bern Highway (NC43) from Greenville Boulevard (US264 Bypass) to a point 1100 feet south of Red Banks Road.
- NC 43 Greenville Boulevard (US264 Bypass –NC43) from Memorial Drive (NC11) to Hooker Road (SR 1701).
- NC 43 Eastern Bypass (US264-NC33) from Tenth Street (US264 Business) to a point 0.13 mile north of Tenth Street (US264 Business).
- NC 43 West Fifth Street (NC43) from the western corporate limit, approximately 0.15 mile west of SR1267, to Memorial Drive (US13-NC11-903). (Meets engineering warrants for 45 mph zone)

Section 4: The State speed limit of 50 miles per hour on the following is hereby rescinded:

<u>Route</u>	<u>Description</u>
US 13	Memorial Drive (US13-US264-NC11-NC903) from a point 1500 feet north of Third Street, northward 1.33 miles to the northern corporate limits at Greenfield Boulevard.

Section 5: A City speed limit of 25 miles per hour on the following is hereby established:

<u>Route</u>	<u>Description</u>
SR 1598	From Raleigh Avenue to SR 1571.

Section 6: A City speed limit of 45 miles per hour on the following is hereby established:

<u>Route</u>	<u>Description</u>
US 13	From 500 feet north of SR 1598 to a point 1500 feet north of Third Street.
NC 11	From SR 1134 to Sylvan Drive.
SR 1531	From 1500 feet north of First Street to NC 33.
NC 33	From SR 1531 to 0.25 mile north of SR 1531.
NC 43	From 0.10 mile south of SR 1708 to US 264A.
NC 43	From 0.17 mile east of SR 1204 to US 13.
SR 1707	From US 264A to 500 feet south of SR 1707.
SR 1725	From 0.35 mile south of SR 2235 to SR 1708.

Section 7: A City speed limit of 50 miles per hour on the following is hereby established:

<u>Route</u>	<u>Description</u>
US 264A	From 1800 feet east of SR 1203 to 0.09 mile west of NC 11.



Section 7: A City speed limit of 55 miles per hour on the following is hereby established:

<u>Route</u>	<u>Description</u>
NC 33	From SR 1533 to 400 feet east of SR 1726.

Section 8: All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 9: This ordinance shall become effective upon its adoption.

ADOPTED this the 10th day of September, 2009.

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Patricia C. Dunn, Mayor

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Wanda T. Elks, City Clerk



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Resolution supporting passenger rail service to Greenville

**Explanation:** Attached for City Council consideration is a resolution emphasizing the importance of passenger rail service to Greenville. This item is a 2009 City Council goal. NCDOT's 2009 Rail Plan identifies the need for passenger rail service between Raleigh and Greenville by 2050. The plan does not identify when and does not identify any resources.

**Fiscal Note:** The only near-term cost associated with this request is staff time coordinating with NCDOT.

**Recommendation:** Approve the attached resolution supporting passenger rail service to Greenville.

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[Passenger Rail Resolution 842397](#)

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**RESOLUTION NO. 09-  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA  
IN SUPPORT OF PASSENGER RAIL SERVICE TO GREENVILLE, NORTH CAROLINA**

Whereas, passenger rail service is an integral part of a comprehensive transportation system for the State of North Carolina;

Whereas, economic development, tourism and job creation will benefit through the enhancement of a passenger rail system that serves the citizens of Greenville, North Carolina, and visitors to the City;

Whereas, there is a vital need to provide rail transportation service to Greenville's regional medical health centers and hospital, and to East Carolina University, a major state university with over thirty thousand students, faculty, and staff;

Whereas, state and federal funding for passenger rail service in North Carolina is necessary to support development of intercity rail services that can connect the eastern region of the state with the urbanized centers of our state;

Whereas, more rail linkages between communities and regions within North Carolina will reduce traffic and provide environmental benefits through reduction of harmful emissions;

Whereas, passenger rail service to Greenville, North Carolina will enhance accessibility for key commercial, educational, and medical facilities in the eastern region of the state;

Whereas, support by local and state elected officials is essential for the future of alternative transportation in North Carolina; and

Whereas, the purpose of this resolution is to express the unified support of the Greenville City Council for state and federal funding for passenger rail service to Greenville, North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina that it does hereby express its full support of passenger rail service to Greenville, North Carolina, and the creation of a comprehensive passenger rail system to serve the state of North Carolina with its ultimate objective to further economic opportunity, help preserve the environment, improve the quality of life and enhance public health, safety and welfare for all citizens, communities and regions.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Amendment 4 to the contract with Kimley-Horn and Associates for Phase II of the Stantonsburg Road/Tenth Street Connector Project

**Explanation:** Presented for City Council consideration is Amendment 4 to the professional services contract between the City and Kimley-Horn and Associates for Phase II of the Tenth Street Connector Project. This project involves the extension of Tenth Street from Dickinson Avenue to Memorial Drive at its intersection with Stantonsburg Road. The project is a joint effort of the City, East Carolina University (ECU), Pitt County Memorial Hospital (PCMH), and the North Carolina Department of Transportation (NCDOT). The initial contract for Phase I was approved by the City Council during its August 11, 2005 meeting. Amendment 4 is attached. The amendment details the amended scope of work and proposed fee adjustment.

In January 2009, the City Council approved Amendment 3 for additional work to address necessary changes in the environmental documentation required by the Federal Highway Administration and NCDOT. These changes affected the Community Characteristics Report and the Community Impact Assessment, which are part of the study for the project. The attached is for supplemental work to Amendment 3 and is associated with the Environmental Justice (EJ) Assessment, participation in additional public involvement activities for the Community Impact Assessment (CIA), conducting additional coordination related to the CIA, providing right-of-way maps to NCDOT, and calculating individual right-of-way parcel areas for NCDOT.

These additional efforts are necessary to meet the new requirements to obtain approval to construct the project. Kimley-Horn and Associates, in coordination with staff and NCDOT, adjusted their approved work effort to meet the new requirements; however, the new requirements are more extensive, requiring additional effort on the part of the contractor. The fee associated with this amendment is \$36,040.76.

City staff and NCDOT have reviewed and concur with this amendment to the professional services contract between the City and Kimley-Horn and Associates

for Phase II of the project.

**Fiscal Note:**

This phase of the project is being funded from the \$6 million committed by the City, ECU, and PCMH. The City's share, \$2,000,000, is being funded through the General Obligation Bonds approved by a vote of the public in November 2004.

**Recommendation:**

Approve the attached amendment to the professional services contract with Kimley-Horn and Associates in the amount of \$36,040.76 for Phase II of the planning, environmental studies, and design of the Stantonsburg Road/Tenth Street Connector Project.

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**Attachments / click to download**

 [U3315 Amend 4 841793](#)

**AMENDMENT NUMBER 4 TO THE AGREEMENT BETWEEN THE  
CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

AMENDMENT NUMBER 4 DATED MAY 22, 2009 to the Agreement between the City of Greenville, ("Client") and Kimley-Horn and Associates, Inc., ("Engineer") dated September 9, 2005 ("the Agreement") concerning Tenth Street Connector Project (the "Project").

The Engineer has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Engineer and provisions for additional compensation by the Client to the Engineer, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CLIENT:

ENGINEER:

CITY OF GREENVILLE, NC

KIMLEY-HORN AND ASSOCIATES, INC.

By: \_\_\_\_\_  
Patricia C. Dunn  
Title Mayor

By: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

\_\_\_\_\_  
Bernita W. Demery, Director of Financial Services

**Exhibit A** to Amendment Number 4 dated  
May 22, 2009.

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This amendment describes the scope of work required to prepare an Environmental Justice (EJ) Assessment, participate in additional public involvement activities for the Community Impact Assessment (CIA), conduct additional coordination related to the CIA, provide right-of-way maps to NCDOT, and calculate individual right-of-way parcel areas for NCDOT.

Task 1 – Environmental Justice Assessment

The ENGINEER will prepare an EJ Assessment to supplement the EJ section included in the Community Impact Assessment (prepared in Amendment Number 3). The EJ Assessment will include quantitative information where available as specified below with an asterisk (\*); other existing conditions and impacts will be described qualitatively. The assessment will include the following sections. All of the following sections are in addition to the original Amendment Number 3 scope except “census data for minority and low-income residents” (#2 below).

1. Introduction (project description and overview of federal EJ guidelines)
2. Existing conditions (census data for minority and low-income residents\*, existing roadway characteristics\*, existing neighborhood characteristics).
3. Public involvement activities (summary of activities, community concerns)
4. Impacts of project without additional measures (adverse and disproportionate effects\*, positive effects)
5. Avoidance, minimization, and mitigation measures
6. Final assessment of EJ effects (comparison of existing versus proposed roadway characteristics\*, comparison of existing versus proposed neighborhood characteristics, benefits/burden assessment, final determination of adverse and disproportionate effects under EJ), discussion on how EJ was taken into account during preliminary alternatives development

Maps will be created to demonstrate the following:

1. Census data within demographic study area by block (maps showing this information by block group were created for the CIA in Amendment Number 3)
2. Parcel information (renter vs. owner, impacted parcels for each alternative)
3. Public involvement attendee locations

Appendices will be compiled for the following:

1. Summaries of all public involvement activities
2. List of community concerns documented following public involvement activities
3. Conversations with police and EMS providers during preparation for this assessment

An outline of the EJ Assessment will be approved by the City and NCDOT. The ENGINEER will submit a draft report to the City and NCDOT simultaneously for review. The ENGINEER will incorporate the revised version into the draft CIA (prepared under Amendment Number 3).

Task 2 – Public Involvement

A small group meeting will be held with citizens directly affected by the project. This small group meeting will take the place of one of the three (3) small group meetings included in Task I.B.1.d of Amendment Number 2. The scope for the meeting Amendment Number 2 included two members from the ENGINEER attending the meeting, the ENGINEER providing previously prepared materials, and the ENGINEER preparing a brief summary of the meeting issues. In addition to the scope previously approved in Amendment Number 2, the ENGINEER will provide an additional 4-person team for one small group meeting. The ENGINEER will setup the meeting, prepare handouts and discussion questions, develop and mail postcards, provide door hangers for the City to distribute, coordinate the meeting location and schedule, notify interested parties, conduct and facilitate the meeting, and provide written minutes of the meeting (beyond that anticipated under the original scope) for the City/NCDOT/Steering Committee to review.

Task 3 – CIA Coordination

The ENGINEER will attend up to three (3) meetings with City and NCDOT staff to coordinate the EJ Assessment and small group meeting. The ENGINEER will also provide a review of economic, safety, and crime issues and prepare a summary for inclusion in the CIA.

Task 4 – Right-of-way Estimates

The ENGINEER will provide half-size and full-size maps of the three alternatives to NCDOT for NCDOT to prepare right-of-way cost estimates. The ENGINEER will calculate the right-of-way, access control, and temporary easements area for each individual parcel for all three alternatives.

**FEE AND BILLING**

For the Additional Services set forth above, Client shall pay Engineer the following additional compensation:

A lump sum amount of **\$36,040.76** in accordance with Exhibit C of the Agreement (Article 4) for a revised total contract amount of **\$2,084,167.38**.





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Purchase of two hybrid electric transit buses for expansion of GREAT service

**Explanation:** As part of the federal economic stimulus program, the City Council approved the purchase of two (2) buses for expanding Greenville Area Transit (GREAT) service. These buses will be 35-foot, heavy duty, low floor, hybrid electric, ADA accessible buses manufactured by GILLIG Corporation. The City, as a participant in the North Carolina Consolidated Bus Procurement Consortium, will purchase the buses through the terms of the attached Interlocal Agreement with the Cape Fear Public Transportation Authority (the procuring agent). The contract was awarded to Gillig LLC on June 25, 2009. These buses will be 100 percent funded with American Recovery and Reinvestment (ARRA) funds.

This purchase allows for service expansion, and these buses will be environmentally friendly.

**Fiscal Note:** The cost of each bus is \$596,416 for a total of \$1,192,832. Federal ARRA funds will pay the entire cost. There is no match required by the City for this purchase.

**Recommendation:** City staff recommends that City Council award the purchase of two 35-foot low-floor, hybrid electric buses, total cost \$1,192,832, to the GILLIG Corporation per the North Carolina Consolidated Bus Procurement Consortium contract (Bid #09-06).

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

Attachments / click to download

[Interlocal Agreement for Bus Purchases](#)

**INTERLOCAL AGREEMENT  
FOR THE PROCUREMENT OF  
BUSES AND BUS EQUIPMENT AND PARTS  
BETWEEN  
CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY  
and  
City of Greenville**

\*\*\*\*\*

This **INTERLOCAL AGREEMENT** is entered into this 28<sup>th</sup> day of May, 2009, by and between the **CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY**, a North Carolina Public Transportation Authority (the "Procuring Agent") and the **CITY OF GREENVILLE**, a North Carolina entity with the status of a North Carolina Municipal Corporation (the "Principal");

**Section 1. Purpose of Agreement.** The purpose of this Agreement ("Agreement") is to allow the parties to obtain buses and bus equipment and parts more quickly and less expensively than if they procured them independently.

**Section 2. Delegation of Authority.** The Principal hereby delegates to the Procuring Agent the authority to conduct a bid procurement for the manufacture and delivery of low floor transit buses, alternate equipment, optional equipment, and identified spare parts (said buses, equipment, and spare parts are referred to hereafter as the "Goods") and to enter into procurement contract(s) for the purchase of the Goods on behalf of the Principal. This Agreement does not obligate the Principal to purchase any of the Goods.

**Section 3. Effective Date of Agreement.** This Agreement shall become effective May, 28 2009.

**Section 4. Procurement Procedures.** The Procurement shall conform to the terms and Conditions set forth in the March 2009 document entitled "North Carolina Consolidated Bus Procurement - Cape Fear Public Transportation Authority, Lead Agency", except to the extent, if any, that the Procuring Agency finds, after consultation that it is appropriate to vary from that document.

**ORIGINAL**  
Item # 10

**Section 5. Award of Contract.** The bids shall be reviewed by the persons designated by the Procuring Agent and the Principal, and they will present a recommendation to the Authority Board of the Procuring Agent for the award of the procurement contract(s). The Authority Board of the Procuring Agent may consider, but is not bound by the recommendation. Once the procurement contract(s) have been executed by the Procuring Agent and the vendor(s), a copy of procurement contract(s) shall be forwarded to the Principal. Upon receipt of the procurement contract(s) the Principal may issue its individual Purchase Order(s) to the vendor(s) that has/have executed the procurement contract(s). The Principal shall thereby buy the Goods from the vendor(s) and not from the Procuring Agency. In no event will the Procuring Agent assume any responsibility for any contract resulting from this agreement between any Principal and any bus or bus equipment provider(s).

**Section 6. Record Retention.** The Procuring Agent and the Principal agree to retain all documentation relating to the procurement for a period of not less than three years after the date of the last vehicle delivery pursuant to the procurement, except in the event of litigation or settlement of claims arising from the performance of the procurement contract(s), in which case the Procuring Agent and Principal agree to maintain same until all such litigation, appeals, claims or exceptions related thereto have been resolved.

**Section 7. Miscellaneous.**

(a) Duration. This Agreement shall be perpetual, unless terminated earlier by mutual agreement. The governing body of each party hereto has determined that duration to be reasonable. On such termination, all obligations that are still executory on both sides are discharged but any right based on prior breach or performance survives.

(b) Appointment of Personnel. The Authority Board Chairperson shall designate persons to carry out the Procuring Agent's obligations under this Agreement. The City Manager shall designate persons to carry out the Principal's obligations under this Agreement.

(c) Amendment and Termination. This Agreement may be amended or terminated by agreement of the parties.

(d) Benefit of Agreement. This Agreement is for the benefit of only the parties hereto and not any other person, firm, or corporation.

(e) Nature of Agreement and Transaction. The Procuring Agent's sole responsibilities under this Agreement are to conduct a bid procurement as described in this Agreement and to enter into the procurement contract(s) for the benefit of the Principal, also as described in this Agreement. In performing under this Agreement, the Procuring Agent is acting as the agent for the Principal, provided that the Procuring Agent may also purchase Goods for itself in the same procurement process. The Procuring Agent does not warrant, or give any opinion, that this procedure, by which the Procuring Agent solicits bids and enters into procurement contract(s) on behalf of the Principal, will be successful, lawful, in compliance with regulations, or effective. The Principal shall not hold the Procuring Agent liable for any deficiencies in, or failure of, this procedure. The Procuring Agency shall not be liable for any breach of the procurement contract(s) by the vendor(s) or by the Principal, and the Purchase Order(s) issued by the Principal shall so state. The Principal shall indemnify the Procuring Agent for, and hold the Procuring Agent harmless from, any claim by any person, firm, or corporation regarding this procedure or regarding the sale or purchase of the Goods. The Procuring Agent shall not be considered the buyer or seller of any of the Goods, and the PROCURING AGENT SHALL NOT BE LIABLE TO THE PRINCIPAL ON ANY EXPRESS OR IMPLIED WARRANTIES (INCLUDING BUT NOT LIMITED TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE) with respect to any of the Goods.

**Section 8. Governing Law and Forum**. This Agreement shall be construed and interpreted in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement that are between the parties to this Agreement shall be the North Carolina General Court of Justice, in New Hanover County. The preceding sentence does not govern actions between the Principal and any person, firm, or corporation other than the Procuring Agent.

**Section 9. Cape Fear Public Transportation Authority Policy**. The Cape Fear Public Transportation Authority (Wave Transit) is committed to ensuring that no person is excluded from participating in or denied the benefits of any the authority's services on the basis of race, color, national origin, sex, age, disability or socioeconomic status as protected by Title VI of the Civil Rights Act of 1964 and the Executive Order on

Environmental Justice. Anyone believing to have been subjected to discrimination under Title VI by the authority, its employees or agents, are entitled to file a complaint.

This Agreement has been executed by the Principal and the Procuring Agent by and through duly authorized representatives.



(seal)

CAPE FEAR PUBLIC  
TRANSPORTATION AUTHORITY

By: *William Bryden*  
William Bryden, Chairman

ATTEST:

*George Dolan*  
George Dolan, Secretary

(seal)

The City of Greenville  
Principal

By: *Patricia C. Dunn*  
Patricia C. Dunn/Mayor  
name/title

ATTEST:

*Wanda T. Elks*  
Wanda T. Elks/City Clerk  
name/title

APPROVED AS TO FORM

*Andrew W. Olsen*  
Andrew W. Olsen, Legal Counsel

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT

*Catherine C. Beasley*  
Catherine C. Beasley, CPA, Finance Director

**ORIGINAL**



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Contract with L.I.F.E. of NC, Inc. to operate an ex-offender reentry program

**Explanation:** The Police Department applied for and received a grant totaling \$180,254.10 through the North Carolina Governor's Crime Commission to develop and implement an ex-offender reentry program over a two year period. The program will provide services for non-violent ex-offenders who were convicted in Pitt County which will include skills assessment, job search, job creation, temporary transitional housing, training, and support during pre and post-release.

The Police Department has partnered with L.I.F.E. of NC, Inc., which is part of or affiliated with STRIVE to provide the services through the positions that were received under the grant. This contract details the financial obligations and responsibilities to execute the provisions of the grant.

**Fiscal Note:** This grant requires a 25% local match (previously authorized.) The first-year requires a fund match from the City of \$22,603; the second year match from the City will be \$22,460.53.

**Recommendation:** Authorize the City of Greenville to enter into the attached contact with L.I.F.E. of NC, Inc.

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Attachments / click to download

 [STRIVE\\_Police\\_Contract\\_839357](#)

PITT COUNTY  
STATE OF NORTH CAROLINA

CONTRACT AND AGREEMENT

PROJECT NAME Pitt County Re-Entry Program

This Contract and Agreement entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between the City of Greenville, Greenville Police Department, herein called the "City" or "Police Department", and L.I.F.E. of NC, Inc., herein called the "Subrecipient", which is a North Carolina nonprofit corporation.

WITNESSETH:

WHEREAS, the Police Department has obtained a grant from the North Carolina Governor's Crime Commission, said grant designated as Grant Number 123; and

WHEREAS, pursuant to said Grant the Police Department is undertaking certain activities which are in keeping with the broad objectives of the Act; and

WHEREAS, pursuant to said Grant the City desires to engage the Subrecipient to render certain services;

WHEREAS, the Subrecipient agrees to abide by each paragraph of this Contract and Agreement and any addenda, as well as all procedures, rules and regulations governing the City, as grantee, and any future rules and regulations implemented by the Governor's Crime Commission which affect the Police Department or the City of Greenville,

WHEREAS, the Subrecipient has voluntarily entered into this agreement and specifically declares, consents and asserts that sufficient valuable consideration has passed between the parties to make this agreement.

NOW, THEREFORE, for valuable consideration and mutual promises exchanged between the parties, it is agreed as follows:

SECTION 1. STATEMENT OF WORK

The Subrecipient, through operation of the Pitt County Re-Entry Program Project (herein called "Project") shall in a satisfactory and proper manner as determined by the Police Department and the City of Greenville, perform or cause to be performed the following services:



(A) PROJECT DESCRIPTION

To promote a safer community by reducing the recidivism rate of recently released ex-offenders. Subrecipient will offer assistance in obtaining housing, job skills, employment and other services to aid in the successful transition of ex-offenders.

(B) SCOPE OF SERVICES TO BE PERFORMED

To promote a safer community by partnering with L.I.F.E. of N.C., Inc. which is part of or affiliated with STRIVE, Inc. to provide a center where ex-offenders who have been recently released from the Department of Corrections or from long term incarceration at the Pitt County Jail can receive guidance and direction to essential services, such as housing, employment, education, mental and physical health for a successful re-entry into the community thus reducing the recidivism and crime rates .

(C) All services shall be performed in a competent, professional manner to the standard generally accepted in the industry as being of average or above average quality and competence. The Police Department (PD) Administrator shall have the sole right of determination as to the quality and competence of the Subrecipient's performance. In the event, the PD Administrator determines performance is unacceptable and identifies corrections to be made, the Subrecipient shall make all such corrections at the Subrecipient's expense. Failure to correct shall be grounds default and subsequent termination for default.

(D) All services provided pursuant to this Contract and Agreement shall comply with all federal and state laws concerning discrimination, including but not limited to all EEOC Guidelines as currently written or as amended, as well as the terms and conditions of the grant. The Subrecipient certifies that it is neither debarred nor prohibited from receiving federal or state funds.

(E) TIME FRAME FOR COMPLETING THE PROJECT

The services of the Subrecipient and the Project shall commence as soon as possible after the execution of this contract and shall be completed by July 31, 2011 or earlier should funds for this contract become exhausted.

(F) BUDGET:

For the year 1 August 2009 and ending 31 July 2010, the federal grant funds available are \$67,809.00 and the local matching grant funds from the Police Department and City of Greenville shall be \$22,603.00.

Subject to the availability of funding for the period 1 August, 2010 and ending 31 July 2011, federal funding shall be \$67,603.58 and local matching grant funds from the Police Department and City of Greenville shall be \$22,460.00.

(G) The Subrecipient declares the work is necessary to the purposes set forth in the grant

application and will not be used for any purpose other than the ones explicitly set forth in the application for grant. The Subrecipient understands and acknowledges that failure to comply with the purposes of the grant, during the grant period shall be a breach of this Contract and Agreement and subject to default. In such event, the Subrecipient or as applicable will reimburse the City for all grant funds expended.

(H) The Subrecipient shall be authorized consistent with the terms and purposes of the grant to employ a Re-entry Coordinator and Case Manager from the funds available for each year and authorized to purchase computer equipment and peripherals necessary to satisfy the requirements and purpose of the project. The Subrecipient shall be responsible for the payment of all wages, salaries, taxes, withholdings and any applicable benefits from such budgeted grant funds for each calendar year. Any expenditures or expenses incurred above such amount shall be the sole responsibility of the Subrecipient. Any expenditures for equipment identified and used pursuant to this project shall be the responsibility of the Subrecipient to pay from such budgeted fund grant moneys that are available for each year. Any expenditures for equipment in excess of the amounts set forth in this budget shall be the sole responsibility of the Subrecipient.

## SECTION 2. CHANGES IN CONTRACT

Any changes in this Contract, including but not limited to the scope of services performed by the Subrecipient, time frame, or budget amount or line items must be executed by written amendment to this Contract. If the Subrecipient desires changes, they shall be submitted in writing to the PD Administrator for consideration.

The City may, from time to time, require the Subrecipient to make changes in the scope of work or may, on its own, reduce the scope of work in the contract in the event of grant reduction City-determined lack of performance by the Subrecipient, changes in regulations, or changes in the priorities as determined by City Council shall be deemed adequate grounds for the City to amend or terminate the contract.

## SECTION 3. RECORDS AND REPORTS

### (a) RECORDS

The Subrecipient shall maintain a general ledger in which to record all accounting transactions according to the accounts prescribed by project categories. Supporting documentation should include items such as payroll, time and attendance records, invoices, receipts, schedule of program activities, enrollment data, beneficiary income certification, financial and client records, etc., necessary to assure a proper accounting for all project funds and to produce required reports. Records and ledgers shall be maintained in accord with generally accepted accounting principles. Full justification of contracted project budget expenditures, by line item, must be fully documented and on file with the City before funds are released to the Subrecipient.

Under this contract, records shall be retained for at least three years after final payment and

all other pending matters are closed. All records shall be open and available to the City during the term of this contract and for the three-year period following the term.

(b) REPORTS: The Subrecipient shall:

1. Prepare and maintain current activity and task descriptions related to the Scope of Services, a milestone schedule for undertaking and completing each activity and task described, and a budget and expenditure statement for each activity and task identified.
2. Maintain current records for each participant which identifies: (a) the participant; (b) the home address, race, ethnic group, and gender of each participant; (c) the activity or activities the individual is served by; and (d) a case tracking system to track all participants served, services rendered and the recidivism rate of the participants. The City may modify such participant record requirements under allowable circumstances when necessary.
3. Subrecipient is responsible for verification of eligibility of each participant. In the event, an ineligible recipient receives services under this contract, the Subrecipient shall be responsible for reimbursement of grant funds to the City of Greenville.
4. Submit Quarterly an annual Equal Employment Opportunity (EEO) data report where salaries are funded by the grant.
5. Prepare and submit any other reports or project documentation required by the City, State, or other federal entity.
6. All reports, filings, nonprofit filings or any other income and wage reports required by the Internal Revenue Service and/or North Carolina Department of Revenue, tax payments must be filed when required and timely.

(c) REPORTS TO CITY

The Subrecipient shall provide copies of all reports, tax filings, canceled checks, or other reports and records required as identified in this agreement and promissory note to the City when requested by the City or within 5 calendar days of the request or date required to be filed by the federal, state or other governmental entity or agency.

(c) DELAYS IN REPORTING

Delays in reporting to meet the City's needs can result in delays in payment to the Subrecipient of part or all of the Subrecipient's requests for funds. The delay of disbursement by the City to the Subrecipient does not reduce time requirements on the Subrecipient to submit any reports to the City.

(d) FAILURE TO COMPLY WITH THE RECORDS OR REPORTING REQUIREMENTS

If the Subrecipient fails to comply with any record keeping procedures and/or reporting requirements set forth in this agreement or any addendum to this agreement, any further funds will be withheld until the report is submitted. If the Subrecipient fails to submit the report or records within 5 calendar days of notice by the City, then, the Subrecipient shall be in breach of this agreement and subject to default.

SECTION 4. PAYMENT

Requests for reimbursement should be accompanied by the following documentation: (1) City of Greenville monthly report; and (2) Copies of agency checks, invoices, payroll time sheets, etc.

SECTION 5. STATUTORY AND ADMINISTRATIVE REQUIREMENTS

The Subrecipient will perform within the same Federal regulations, and administrative laws required of the City, which include but are not limited to the following and other regulations:

- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued at 24 CFR Part 1;
- (2) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto;
- (3) Section 3 of the Housing and Urban Development Act of 1968, as amended;
- (4) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and implementing regulations when published for effect;
- (5) The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and implementing regulations when published for effect;
- (6) The labor standards requirements as set forth in 24 CFR Part 570, Subpart K on HUD regulations issued to implement such requirements;
- (7) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-122 and A-110 as they relate to the acceptance and use of Federal funds under this federally-assisted program;
- (8) OMB Circular A-87, and 24 CFR Part 85 requirements as they relate to new administrative requirements; and;

- (9) The prohibition against employing, awarding contracts, to or engaging the services of any contractor or subcontractor debarred, suspended, or ineligible for participation in federally assisted projects funds under 24 CFR Part 24.
- (10) All Internal Revenue Service and North Carolina Department of Revenue reporting, filing, certification, and status reporting requirements including but not limited to tax returns, nonprofit status, nonprofit certifications and filings, employee wage reports and taxes.
- (11) Compliance with federal and state Drug Free Work-Place requirements.

#### SECTION 6. AUDITS AND INSPECTIONS

At any time during normal business hours and as often as the City, PD Administrator and/or the Auditor of the State of North Carolina may deem necessary, there shall be made available to the City, PD Administrator and/or representatives of the Auditor of the State of North Carolina for examination all of its records with respect to all matters covered by this Contract and the City, PD Administrator and/or representatives of the Auditor of the State of North Carolina shall be permitted to audit, examine and make excerpts, copies or transcripts from such records, and to make audits of all contracts, invoices, materials, inventories, payrolls, records of personnel, conditions of employment and other data, relating to all matters covered by this Contract.

The above paragraph refers to both fiscal and programmatic information. Unfavorable, uncooperative, or delayed reaction will be adequate reason for the City to withhold or delay, any or all advances or reimbursements, until any questions or differences are resolved to meet Federal, State and local laws, regulations, administrative requirements (or needs) at the option of the City. Delays of advances or reimbursements do not reduce the time requirements of the Subrecipient's required reports or performance of scope of work under this contract.

Failure to comply with audit requirements or requests within the periods requested to respond shall constitute a breach by the Subrecipient. Any disbursements to Subrecipient shall be suspended until full compliance by the Subrecipient as to all audits under the section.

If no additional funds are to be disbursed under the approved grant, the breach shall subject the Subrecipient to default and the accompanying remedies available to the City in the event of a default.

#### SECTION 7. SUSPENSION AND TERMINATION

- (a) In accordance with federal or state regulations, suspension or termination may occur if the Subrecipient materially fails to comply with any term of the contract or other federal, state or local statutes and regulations governing the City with respect to compliance, whether herein stated or not. The Contract may also be terminated for convenience as provided by federal state regulations where the Subrecipient and the City shall agree upon the termination

conditions. In addition, the City shall have the right to terminate or amend this Contract if the grant from the Governor's Crime Commission enabling the Contract is terminated, reduced, amended, suspended or withheld. The City shall provide the Subrecipient with written notice of such termination, reduction, amendment, suspension, or withhold, as soon as possible.

- (b) As provided in subsection (a) above, Subrecipient shall be in breach of this Contract and Agreement. In the event Subrecipient shall be in breach, the Subrecipient shall have 5 calendar days from the date of notice of breach by the City is sent to Subrecipient to purge itself of the breach. Failure to correct or purge itself of the breach shall place the Subrecipient in default. In the event of default, this Contract shall terminate, and the Subrecipient shall be responsible for reimbursing the City all monies paid to the Subrecipient or on behalf of the Subrecipient during the period of this grant.

#### SECTION 8. REVERSION OF ASSETS

- (a) Upon the expiration or termination of the Contract, the Subrecipient shall transfer to the City any grant funds on hand at the time of expiration or termination and any accounts receivable attributable to the use of grant funds.
- (b) During the period of this agreement, the Subrecipient may not encumber, pledge or use the property as collateral for any loan, debt, mortgage or other security without the express written permission of the City. Any action to the contrary by the Subrecipient shall result in the Subrecipient being in default and all monies paid under the grant to or on behalf of the Subrecipient shall be reimbursed to the City.

ANY ACTION BY THE CITY TO RECOVER FUNDS, MONIES OR PROPERTY AS A RESULT OF DEFAULT, THE SUBRECEIPIENT AGREES TO REIMBURSE THE CITY FOR ALL REASONABLE ATTORNEYS FEES AND COSTS INCURRED IN PROSECUTING SUCH AN ACTION.

#### SECTION 9. CONFLICT OF INTEREST

The Subrecipient covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any degree with the performance of services under this Contract. It is further covenanted that in the performance of this Contract, no persons having any such interest shall be employed or involved in a decision making position or allowed to participate in the process so as to gain inside information with regard to such activities. Further no one involved may obtain a personal or financial interest or benefit from the activity, or have an interest in any Contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

**SECTION 10. CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS.**

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification (Standard Form-LLL) be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required Standard Form-LLL shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**SECTION 11 APPLIES ONLY TO SUBRECIPIENTS WHO ARE AFFILIATED WITH OR CAN BE DEFINED AS A RELIGIOUS ORGANIZATION.**

**SECTION 11. CONDITIONS FOR RELIGIOUS ORGANIZATIONS**

In addition to, and not in substitution for, other provisions of this Contract regarding the provision of public services with grant funds, the Provider agrees that in connection with this project:

- a. it will not discriminate against any employee or an applicant on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
- b. it will not discriminate against persons applying for such services on the basis of religion and will not limit such services or give preference to persons on the basis of religion;
- c. it will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of such public services;

- d. the funds received under this Contract shall not be used to construct, rehabilitate, or restore any facility which is owned by the Provider and in which the public services are to be provided.

IN WITNESS WHEREOF, the City and Subrecipient have executed this Contract as of the date first above written.

ATTEST:

CITY OF GREENVILLE  
NORTH CAROLINA

BY \_\_\_\_\_  
Mayor

BY \_\_\_\_\_  
City Clerk

GREENVILLE POLICE DEPARTMENT

BY \_\_\_\_\_ Date \_\_\_\_\_  
Chief of Police

L.I.F.E. of NC, Inc.

BY \_\_\_\_\_ Date \_\_\_\_\_  
Joyce C. Jones, Executive Director

Address: P.O. Box 30733  
Greenville, NC 27833

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Susanne Sartelle, Chair, Board of Directors



NORTH CAROLINA  
PITT COUNTY

I, \_\_\_\_\_, a Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

SEAL-STAMP

NORTH CAROLINA,  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_ a Notary Public of the County and state aforesaid, certify that \_\_\_\_\_ L.I.F.E. of NC, Executive Director, personally appeared before me this day and acknowledged the execution of the foregoing instrument and that this person had the authority to execute this agreement and bind the designated business. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

SEAL-STAMP

NORTH CAROLINA,  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_ a Notary Public of the County and state aforesaid, certify that  
\_\_\_\_\_ Subreceptient, L.I.F.E. of NC, Chair, Board of Directors, personally  
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness  
my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

SEAL-STAMP

**FUNDS FORM**  
**REIMBURSEMENT FORM A-2**

TO: City of Greenville, Greenville Police Department

FROM: Subrecipient, L.I.F.E. of NC, Inc.

DATE: \_\_\_\_\_

SUBJECT: Reimbursement # \_\_\_\_\_

PROJECT: \_\_\_\_\_

Please reimburse us for the following project expenses in the amount \_\_\_\_\_ receipts, invoices, payroll time sheets etc. for said expenses are attached.

Activities for which reimbursement is requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount requested \_\_\_\_\_

Amount received to date \_\_\_\_\_ Amount remaining to be received \_\_\_\_\_ For City Staff Only

Expenses eligible Yes \_\_\_\_ No \_\_\_\_

Applicable sections of the regulations \_\_\_\_\_

Applicable sections of development plan \_\_\_\_\_

Approved/Denied:

\_\_\_\_\_  
PD Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Amendment of Greenville Utilities Commission's Water Capital Projects Budget for the Water Treatment Plant Raw Water Pump Station Improvements Project

**Explanation:** Greenville Utilities' Raw Water Pump Station (RWPS) was originally constructed in 1982 as part of the new 12 million gallon per day (MGD) Water Treatment Plant (WTP) project. The RWPS is located on the bank of the Tar River and houses the pumps, valves, piping and wet well that connect to the raw water intake conveyance piping. Two 30" intake pipes extend 180 feet from the RWPS into an outer bend of the Tar River with a pair of intake screens at the end located at center line elevation of -3.4 feet mean sea level (top line elevation -2.5 feet mean sea level).

The project will consist of the installation of two new 30" intake pipes with multiple screens in the Tar River that will connect to the existing RWPS. The improvements will increase the reliability of Greenville Utilities' surface water supply by: 1) providing a redundant means to withdraw water from the Tar River in the event the original intake pipes and screens are damaged or fail; 2) providing increased operational flexibility in changing river conditions; and 3) providing a deeper withdrawal elevation than the existing intake screens to increase the water supply available during drought conditions.

The project design has been completed. The GUC Board, at their meeting on August 18, 2009, awarded the construction bid and authorized an amendment to the engineering services contract. In addition, the GUC Board approved an amendment to the Water Capital Projects Budget and recommended similar action by the City Council.

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

Greenville Utilities has received the following revenue for the project:

\$1,471,076 ARRA (Stimulus Funding) 20-Year Loan at 0%

\$1,471,076 ARRA (Stimulus Funding) Principal Forgiveness Loan (Grant)

\$ 460,425 Drinking Water State Revolving Loan

**Recommendation:** Adopt the attached ordinance amending the Water Capital Projects Budget for the Water Treatment Plant Raw Water Pump Station Improvements Project.

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 [Water Capital Projects Budget Ordinance](#)

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ORDINANCE NO. 09-\_\_\_\_\_  
AMENDING ORDINANCE NO. 08-29  
FOR WATER CAPITAL PROJECT BUDGET  
WATER TREATMENT PLANT RAW WATER PUMP STATION IMPROVEMENTS

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

Section 1. The Water Capital Project Budget is amended, so that as amended, it shall read as follows:

	Current Budget	Change	Proposed Revised
<b>Revenue:</b>			
Debt Financing	\$350,000	(\$350,000)	\$0
ARRA Principal Forgiveness Grant	0	1,471,076	1,471,076
State Revolving Fund 0% Interest Loan	0	1,471,076	1,471,076
State Revolving Fund Loan	0	460,425	460,425
	\$350,000	\$3,052,577	\$3,402,577
<b>Expenditures:</b>			
Project Cost	\$350,000	\$3,052,577	\$3,402,577
	\$350,000	\$3,052,577	\$3,402,577

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

---

**Title of Item:** Reimbursement resolution for Greenville Utilities Commission's heavy equipment purchases through installment loan

**Explanation:** Greenville Utilities budgeted to acquire several pieces of heavy equipment (noted in resolution) during this fiscal year. After all equipment is purchased, plans are to obtain an installment loan in the Spring of 2010 to fund the costs.

The GUC Board, at their meeting on August 18, adopted a reimbursement resolution to allow GUC to be able to reimburse itself for costs expended prior to the installment purchase financing and recommended similar action by the City Council.

**Fiscal Note:** No cost to the City of Greenville. The reimbursement resolution is in the amount of \$1,370,000, which includes \$57,000 for projected expenses associated with the financing and a contingency.

**Recommendation:** Adopt the attached reimbursement resolution.

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[Reimbursement Resolution](#)

**RESOLUTION NO. 09-\_\_**

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

WHEREAS, the City of Greenville, North Carolina (the "City") has paid, beginning, August 18, 2009, which date is no more than 60 days prior to the date hereof, certain expenditures in connection with the acquisition and construction of certain improvements (the "Improvements") more fully described in Exhibit A attached hereto, consisting of improvements to its electric, gas, sanitary sewer and water systems (collectively, the "System"); and

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

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

Section 1. The City Council hereby declares its intent to reimburse the City from the proceeds of the Tax-Exempt Financing for the Expenditures made on and after August 18, 2009, which date is no more than 60 days prior to the date hereof. The City Council reasonably expects on the date hereof that it will reimburse the City for the Expenditures from the proceeds of a like amount of the Tax-Exempt Financing.

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

Section 3. The principal amount of the Tax-Exempt Financing estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be not more than \$1,370,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Tax-Exempt Financing to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Improvements are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that



exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

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

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2009.

---

Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk

**EXHIBIT A**

**THE IMPROVEMENTS**

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

Bucket Truck  
Line Truck  
Combination Jet/Vac Sewer Truck  
(2) 2-Ton Dump Trucks  
Construction Plow  
Directional Drill



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Budget ordinance amendment #2 to the 2009-2010 City of Greenville budget and amendment to ordinance #07-92 and ordinances establishing the Community Development Block Grant Recovery Project and the Public Transportation Capital Assistance Recovery Grant Project

**Explanation:** Attached is an amendment to the 2009-2010 budget ordinance for consideration at the September 10, 2009, City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

**A** To carry over unused funds received as donations as of June 30, 2009. These funds were received on behalf of Recreation and Parks, Fire/Rescue, and Police (Total - \$80,794).

**B** To appropriate \$492,500 for the purchase of a City storage facility located on Hooker Road. \$551,000 is available to purchase and upfit the facility and funds are available from multiple sources: 1) \$100,000 Employee Parking Lot Fund; 2) \$100,000 currently appropriated in the General Fund for Police Property & Evidence Storage; 3) \$175,000 proceeds from sale of Crepe Myrtle Parking Lot; and 4) \$176,000 surplus funds from capital projects fund. The City Council approved the purchase of this building during the August 13, 2009 meeting (Total - \$451,000).

**2)** Attached is a 2009-2010 project budget ordinance to establish a project fund for the Community Development Block Grant (CDBG) Recovery Program. The Department of Housing and Urban Development (HUD) economic recovery entitlement funds will be used for job creation and housing rehabilitation (Total - \$216,580).

**3)** Attached is a 2009-2010 Capital Project Fund ordinance to establish a Fund for the Public Transportation Capital Assistance Recovery Grant Project. These funds, granted to the City by the United States Department of Transportation as part of the Recovery (ARRA) funds, will be used to purchase two low-floor hybrid buses, a storage building, and bus shelters. Funds will also go towards the renovation of bus

terminals. This project will be 100% funded by the Federal Government (Total - \$1,478,464).

**Fiscal Note:**

The budget ordinance amendment affects the following funds: increase General Fund by \$531,794; increase the Employee Parking Lot Fund by \$175,500; increase the CDBG Recovery Program Fund by \$216,580, and increase the Public Transportation Capital Assistance Recovery Grant Program by \$1,478,464.

<b><u>Fund Name</u></b>	<b><u>Adjusted Budget</u></b>	<b><u>Proposed Amendment</u></b>	<b><u>Adjusted Budget</u></b>
General Fund	\$ 71,568,104	\$ 531,794	\$72,099,898
Employee Parking Lot Fund	\$ 193,683	\$ 175,500	\$ 369,183
CDBG Recovery Project Fund	\$ -	\$ 216,580	\$ 216,580
Public Transportation Capital Assistance Recovery Grant Program Fund	\$ -	\$ 1,478,464	\$ 1,478,464

**Recommendation:**

Approve budget ordinance amendment #2 to the 2009-2010 City of Greenville budget and the amendment to ordinance #07-92 and ordinances establishing the Community Development Block Grant Recovery Project and the Public Transportation Capital Assistance Recovery Grant Project

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**Attachments / click to download**

[Budget Amendments FY 2009 2010 838154](#)

[CDBG Recovery Project Fund 841115](#)

[Public Transportation Capital Project Recovery Fund 841129](#)

ORDINANCE NO. 09-\_\_\_\_\_  
CITY OF GREENVILLE, NORTH CAROLINA  
ORDINANCE(#2) AMENDING ORDINANCE NO. 09-53 AND AMENDING ORDINANCE NO. 07-92

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

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

	<b>ORIGINAL 2009-2010 BUDGET</b>		<b>#2 Amended 9/10/09</b>	<b>Total Amendments</b>	<b>Amended 2009-2010 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>					
Property Tax	\$ 29,641,438		\$ -	\$ -	\$ 29,641,438
Sales Tax	13,736,686		-	-	13,736,686
Utilities Franchise Tax	5,338,099		-	-	5,338,099
Other Unrestricted Intergov't Revenue	2,634,640		-	-	2,634,640
Powell Bill	1,901,793		-	-	1,901,793
Restricted Intergov't Revenues	847,977		-	23,000	870,977
Building Permits	730,735		-	-	730,735
Other Licenses, Permits and Fees	2,269,768		-	-	2,269,768
Rescue Service Transport	2,409,670		-	-	2,409,670
Other Sales & Services	1,738,944		-	-	1,738,944
Other Revenues	287,502		-	-	287,502
Interest on Investments	1,464,348		-	-	1,464,348
Transfers In GUC	5,250,135		-	1,606	5,251,741
Other Financing Sources	805,041	<b>B</b>	275,000	275,000	1,080,041
Appropriated Fund Balance	2,076,906	<b>A,B</b>	256,794	666,610	2,743,516
<b>TOTAL REVENUES</b>	<b>\$ 71,133,682</b>		<b>\$ 531,794</b>	<b>\$ 966,216</b>	<b>\$ 72,099,898</b>

<b><u>APPROPRIATIONS</u></b>					
Mayor/City Council	\$ 428,288		\$ -	\$ -	\$ 428,288
City Manager	1,086,153		-	-	1,086,153
City Clerk	275,445		-	-	275,445
City Attorney	435,459		-	-	435,459
Human Resources	2,101,831		-	-	2,101,831
Information Technology	2,907,322		-	-	2,907,322
Fire/Rescue	12,127,343	<b>A</b>	33,355	38,302	12,165,645
Financial Services	2,218,950		-	-	2,218,950
Recreation & Parks	6,197,166	<b>A</b>	39,393	62,393	6,259,559
Police	20,677,674	<b>A</b>	8,046	161,202	20,838,876
Public Works	9,653,824		-	8,626	9,662,450
Community Development	1,628,898		-	163,843	1,792,741
Contingency	828,687		-	(7,020)	821,667
Capital Improvements	4,099,961	<b>B</b>	451,000	538,870	4,638,831
Total Appropriations	<b>\$ 64,667,001</b>		<b>\$ 531,794</b>	<b>\$ 966,216</b>	<b>\$ 65,633,217</b>

<b><u>OTHER FINANCING SOURCES</u></b>					
Debt Service	\$ 4,270,892		\$ -	\$ -	\$ 4,270,892
Transfers to Other Funds	2,195,789		-	-	2,195,789
	<b>\$ 6,466,681</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,466,681</b>

**TOTAL APPROPRIATIONS \$ 71,133,682      \$ 531,794      \$ 966,216      \$ 72,099,898**

Section II: Estimated Revenues and Appropriations. Employee Parking Lot Fund, of Ordinance 07-92, is hereby amended by increasing/decreasing estimated revenues and appropriations in the amount indicated:

	<b>ORIGINAL 2009-2010 BUDGET</b>	<b>#2 Amended 8/31/08</b>	<b>Total Amendments</b>	<b>Amended 2009-2010 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>				
Transfer From General Fund	\$ 193,683	\$ -	\$ -	\$ 193,683
Sale on Property	-	<b>B</b> 175,500	175,500	175,500
<b>TOTAL REVENUES</b>	<b>\$ 193,683</b>	<b>\$ 175,500</b>	<b>\$ 175,500</b>	<b>\$ 369,183</b>
<b><u>APPROPRIATIONS</u></b>				
Construction	\$ 1,750	\$ -	\$ -	\$ 1,750
Acquisition	156,683	<b>B</b> (99,500)	(99,500)	57,183
Demolition	35,250	-	-	35,250
Transfer to Other Funds	-	<b>B</b> 275,000	275,000	275,000
Total Operating Expenditures	\$ 193,683	\$ 175,500	\$ 175,500	\$ 369,183
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 193,683</b>	<b>\$ 175,500</b>	<b>\$ 175,500</b>	<b>\$ 369,183</b>

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

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

Adopted this 10th day of September, 2009.

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

ATTEST:

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

ORDINANCE NO. 09-\_\_\_\_\_  
CITY OF GREENVILLE, NORTH CAROLINA  
COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY PROJECT  
BUDGET ORDINANCE

Section I: Estimated Revenues. It is estimated that the following revenues will be available for the Community Development Block Grant Recovery Project

	<b>ORIGINAL 2009-2010 BUDGET</b>
<b><u>ESTIMATED REVENUES</u></b>	
CDBG Recovery	\$ 216,580
<b>TOTAL REVENUES</b>	<b>\$ 216,580</b>

Section II: Appropriations. The following amounts are hereby appropriated for the Community Development Block Grant Recovery Project

<b><u>APPROPRIATIONS</u></b>	
Planning and Administration	\$ 21,650
Public Service	30,000
Rehabilitation	164,930
Total Appropriations	\$ 216,580
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 216,580</b>

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

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

Adopted this 10th day of September, 2009.

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

ATTEST:

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

ORDINANCE NO. 09-\_\_\_\_\_  
CITY OF GREENVILLE, NORTH CAROLINA  
PUBLIC TRANSPORTATION CAPITAL ASSISTANCE RECOVERY GRANT PROJECT  
BUDGET ORDINANCE

Section I: Estimated Revenues. It is estimated that the following revenues will be available for the Public Transportation Capital Assistance Recovery Grant Project

	<b>ORIGINAL 2009-2010 BUDGET</b>
<b><u>ESTIMATED REVENUES</u></b>	
Loc / State / Federal Grant	\$ 1,478,464
<b>TOTAL REVENUES</b>	<b>\$ 1,478,464</b>

Section II: Appropriations. The following amounts are hereby appropriated for the Public Transportation Capital Assistance Recovery Grant Project

<b><u>APPROPRIATIONS</u></b>	
Renovation	\$ 60,000
Capital Improvements	1,418,464
Total Appropriations	\$ 1,478,464
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,478,464</b>

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

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

Adopted this 10th day of September, 2009.

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

ATTEST:

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





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Various tax refunds

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

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

**Fiscal Note:** The total amount to be refunded is \$292.65.

**Recommendation:** Approve the two referenced tax refunds.

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# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Status report on the ordinance requiring the repair or the demolition and removal of the dwelling located at 609 Wyatt Street

**Explanation:** During the June 8, 2009 meeting, Mr. Jeff Savage, who represented the family members, requested that the Council grant a 90-day extension to the demolition order for the property at 609 Wyatt Street to allow time for him to secure the exterior of the dwelling so that it will not present a public hazard.

The house is slated for demolition. The original order was approved and adopted by Council June 14, 2007.

Utilities were disconnected to this property on June 27, 2000. A temporary utility pole was disconnected March 19, 2009.

The current land value of the property is \$2,100 and the building value is \$575, for a total tax value of \$2,675.

The estimated cost to repair the dwelling is \$66,931.85. Taxes are current. Judgments against the property as of May 26, 2009 are \$11,309.99.

A code enforcement history was presented to Council during the June session that indicated 16 code enforcement issues at the address since 2001, ranging from public nuisance, minimum housing violations, weeded lots, and abandoned structure.

The first minimum housing case on this property was initiated on June 10, 2005. Notification letters were sent to the property owner advising of the case and a hearing date was set for June 21, 2005.

The second notification was sent on June 20, 2005. At the property owner's request, the preliminary hearing was waived. In the second notification letter, it was noted that the cost of repairs required were estimated to be more than 50% of the total value of the home. The findings of fact revealed that the owner agreed to make repairs to the property and confirmed that the property was

currently vacant. The findings of fact further ordered the owner of the dwelling to either bring the property into compliance with minimum housing standards or demolish the property by September 20, 2005.

On October 7, 2005, the Chief Building Inspector condemned the property. There is no record of any action or attempts for compliance by the property owner during the year 2006.

On February 23, 2007, Code Enforcement initiated a case for abandoned structure on this property.

A hearing date was set for March 19, 2007. Notification was sent to the property owner, and the owner failed to appear at the hearing. On March 19, 2007, the finding of fact revealed that the structure violated the minimum standards of fitness and the requirements of Sections 9-1-71 through 9-1-79 of the Greenville City Code by reason of the following conditions existing in and about the structure—the roof had caved in, the exterior walls needed painting, and the house was ruled as unsafe. The owner was ordered by Code Enforcement to bring the structure into compliance by May 23, 2007, and he did not do so.

On June 14, 2007, the City Council adopted an ordinance requiring the repair or demolition of the property within 90 days. In order for the owners of the property to bring the structure into compliance with the ordinance, the property would have to have been improved or demolished by September 14, 2007.

On June 10, 2008, a building permit was issued for the property but it expired on December 11, 2008. According to the Chief Building Inspector, there have been no requests for inspections for any work conducted on the property. There are currently no active building permits for the property.

At the June 8, 2009 meeting the City Council gave the owners 90 days to come up with a plan on how they are going to proceed with the rehabilitation of the home and to have the owners work with Code Enforcement and Community Development to bring back the plan and to have the dwelling secured immediately.

On September 2, 2009, Code Enforcement conducted a follow-up inspection of this property. This inspection revealed the property was still not in compliance as directed by ordinance and no discernible work has been completed to comply with the ordinance.

**Fiscal Note:**

Approximate costs for asbestos inspection abatement and demolition of the dwelling will be between \$6,500 and \$7,000.

**Recommendation:**

Staff recommendation is to proceed with the demolition and removal of the dwelling located at 609 Wyatt Street.

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**Attachments / click to download**

 [Opis Information Updated 9-2-2009](#)

 [9-2-2009 photos](#)

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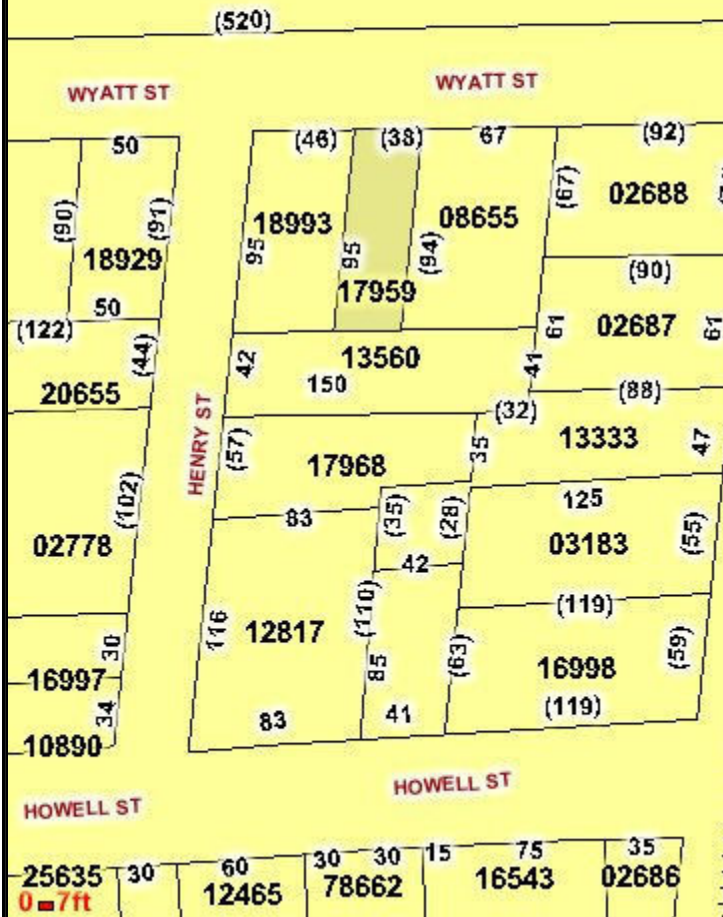


**Pitt County Government**  
Greenville, North Carolina  
[www.pittcountync.gov](http://www.pittcountync.gov)



05936

Parcel 017959  
Physical Address 609 WYATT ST  
OwnerName SAVAGE BILLIE GRACE  
OwnerAddress1 1204 WYNGATE DR  
OwnerAddress2  
OwnerAddress3  
City / State / Zip GREENVILLE NC 27834  
NC PIN 4687078187  
Subdivision / Section / Phase  
Prior Legal Description GREEN PLACE  
Block Lot 10 15  
Tract  
Building Number / Unit  
Acres 0.08  
Current Owner 002453 00460  
Deed/Document  
Map Book MB2-110  
Deed/Document Date 02/2008  
Deed/Document Sales Price \$0  
Building Type / Use R6 SFR CONST(SFR)  
Number of Buildings 1  
Year Built 1920  
Heated Square Feet 1024  
Building Value \$575  
Extra Features Value \$0  
Land Value \$2,100  
Total Current Market Value \$2,675  
Total 2007 Market Value \$1,974  
Revaluation Year 2008  
Municipality GREENVILLE  
Township GREENVILLE  
Fire Tax District GREENVILLE  
Census Tract 7.01  
Neighborhood 004058  
Elementary School SOUTH GREENVILLE ELEM  
Middle School E B AYCOCK MID  
High School J H ROSE HIGH



**Disclaimer:** This tax record is prepared for the inventory of real property within Pitt County and is compiled from recorded deeds, plats, tax maps, surveys, and other public records. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification. Pitt County assumes no legal responsibility for the information contained herein.

**PLEASE NOTE:**

The parcel ownership information is updated nightly and reflects current property values.



Item # 16



Item # 16



Item # 16





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
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 August 25, 2009.  
Public hearing legal advertisement published on August 31, and September 7, 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.

A letter from the petitioner's agent was received requesting to amend the rezoning petition and to have it referred back to the Planning and Zoning Commission for their consideration.

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

**Recommendation:** **Based on the petitioner's request, staff would recommend that the rezoning petition be referred back to the Planning and Zoning Commission for their consideration.**

The Planning and Zoning Commission, at their June 16, 2009 meeting, voted to deny the original 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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**Attachments / click to download**

- [Survey](#)
- [Bufferyard and Vegetation Chart and Residential Density Chart](#)
- [Political Protest Petition Presented to Planning and Zoning Commission \(does not affect the voting requirement\)](#)
- [Map of Signers of Political Protest Petition](#)
- [Map](#)

- [Request to Amend](#)
  - [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](#)
-



August 31, 2009

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

VIA: Fax #329-4435

REF: Rezoning Request for H.M. Wilson Development, LLC

Dear Mr. Bowers:

On behalf of the petitioner, we are asking that the City Council allow the rezoning request to be amended at your September 10<sup>th</sup> meeting and referred back to the Planning and Zoning Commission for their consideration. Feel free to contact me should you have any questions

Sincerely

Michael W. Baldwin, PLS  
President

cc: H.M. Wilson Development, LLC  
File #07-109

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 September 10, 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 10<sup>th</sup> day of September, 2009.

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

ATTEST:

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

Doc. # 824006

**Case No:** 09-06

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

**Property Information**

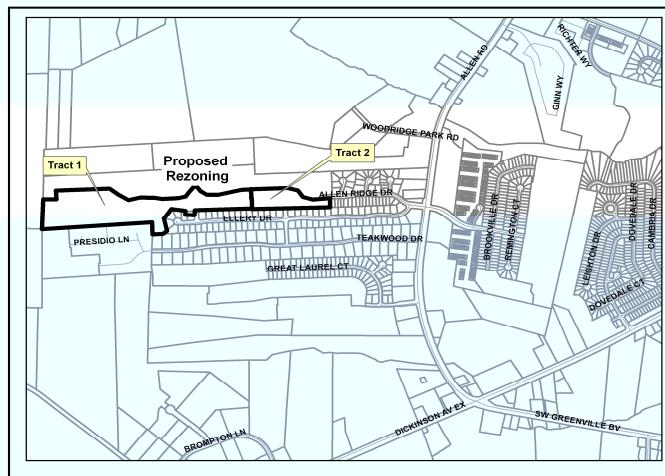
**Current Zoning:** Tr 1: R9S (Residential-Single Family, MD)  
Tr 2: R9S (Residential-Single Family, MD)

**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**

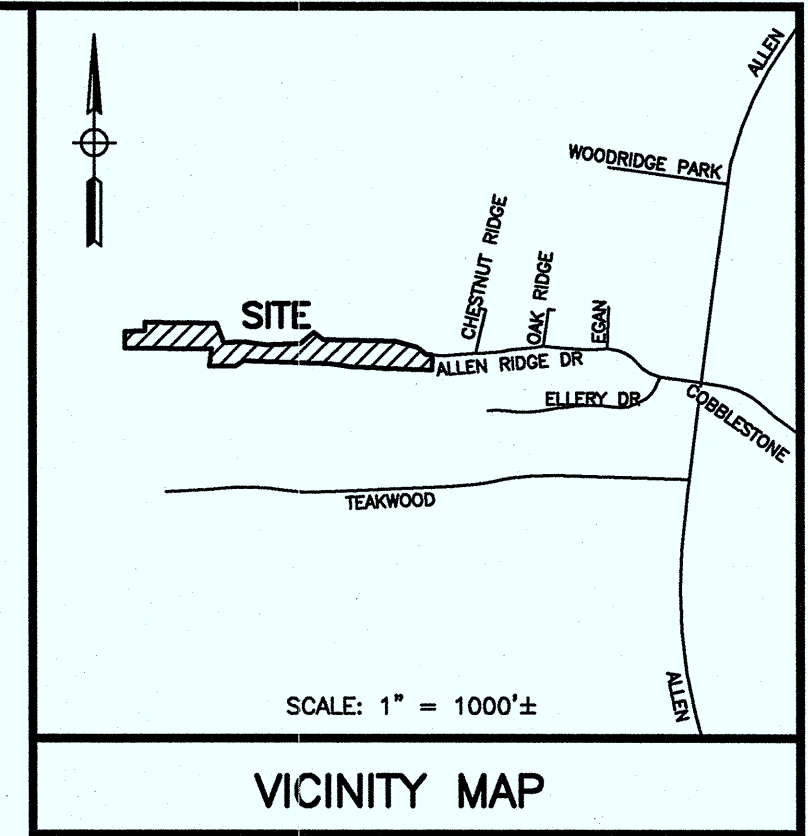
Curve	Bearing	Distance
L-1	S 01°57'05" W	20.72'
L-2	S 88°02'55" W	116.67'
L-3	N 06°59'12" W	26.22'
L-4	N 74°00'44" W	188.62'
L-5	S 87°41'17" E	2.31'
L-6	S 02°18'43" W	158.60'
L-7	N 88°02'55" W	579.08'
L-8	N 01°57'05" E	4.87'
L-9	N 06°53'45" E	119.31'
L-10	N 02°18'34" E	91.20'
L-11	N 87°41'30" W	13.41'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

**CURVE TABLE**

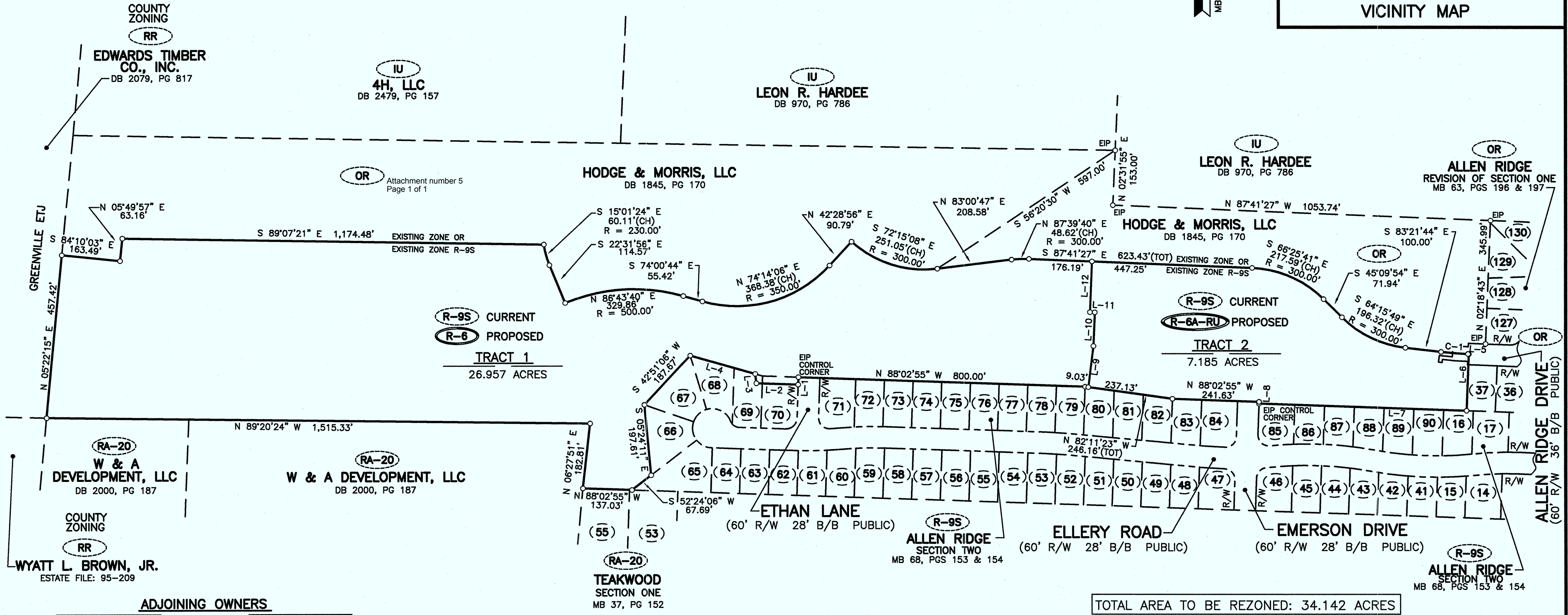
CURVE	RADIUS	CHORD	BEARING
C-1	1,000.00'	75.48'	S 85°31'31" E

**NOTES**

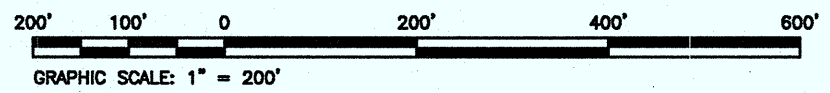
- THIS MAP IS A SURVEY OF ANOTHER CATEGORY.
- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- REFERENCE: BEING A PORTION OF THE PROPERTY DEED BOOK 1845, PAGE 170 AND DEED BOOK 2384 PAGE 845 OF THE PITT COUNTY REGISTRY.



VICINITY MAP



TOTAL AREA TO BE REZONED: 34.142 ACRES



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

**ADJOINING OWNERS**  
**ALLEN RIDGE REV. OF SECTION ONE**  
**TEAKWOOD SECTION ONE**

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.

**ADJOINING OWNERS**

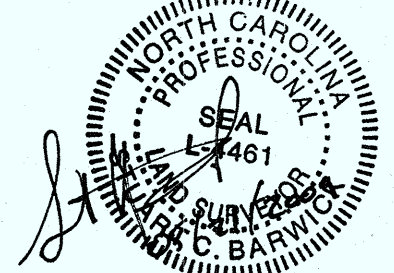
**HM WILSON DEVELOPMENT, LLC**  
 1708 TRAWICK ROAD, SUITE 205  
 RALEIGH, NC 27604  
 LOTS 67, 68, 69, 70, 71, 72, 73, 78, 79, & 83  
 DEED BOOK 2384, PG 845  
**ASHLEY TURNER ENTERPRISES, INC**  
 181 CLEVELAND CROSSING  
 GARNER, NC 27529  
 LOTS 74, 75, 76 & 77 DEED BOOK 2496, PAGE 530  
 LOTS 80, 81 & 82 DEED BOOK 2496, PAGE 528  
 LOTS 85, 86 & 87 DEED BOOK 2385, PAGE 85  
 LOT 17 DEED BOOK 2384, PAGE 847  
**NITA N. NIMMUNS**  
 964 ELLERY DRIVE  
 GREENVILLE, NC 27834  
 LOT 88 DEED BOOK 2517, PAGE 807

**LATASHA V. COUNCIL**  
 960 ELLERY DRIVE  
 GREENVILLE, NC 27834  
 LOT 89 DEED BOOK 2509, PAGE 90  
**BANK OF THE OZARKS**  
 1051 E. MOREHEAD STREET  
 CHARLOTTE, NC 28204  
 LOT 90 DEED BOOK 2583, PAGE 560  
**ALAN R. BURKE**  
 131 CHARLES STREET  
 JERSEY CITY, NJ 07307  
 LOT 16 DEED BOOK 2432, PAGE 751

**DARE VENTURES, LTD**  
 3115 CLEERE COURT  
 GREENVILLE, NC 27858  
 LOT 36B NO DEED LISTED  
**ACP HOLDINGS, LLC**  
 2825 MADISON GROVE ROAD  
 GREENVILLE, NC 27858  
 LOT 127 DEED BOOK 2488, PAGE 472  
**HODGE & MORRIS, LLC**  
 1708 TRAWICK ROAD, SUITE 205  
 RALEIGH, NC 27604  
 LOT 37 DEED BOOK 1820, PAGE 550

**CARL A. NIXON**  
 1166 TEAKWOOD DRIVE  
 GREENVILLE, NC 27834  
 LOT 53 DEED BOOK 1981, PAGE 843

**TAHIR RAUF**  
 1176 TEAKWOOD DRIVE  
 GREENVILLE, NC 27834  
 LOT 55 DEED BOOK 709, PAGE 573



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)

<b>OWNER/DEVELOPER:</b> HODGE & MORRIS, LLC	<b>HM WILSON DEVELOPMENT, LLC</b>
<b>ADDRESS:</b> 1708 TRAWICK ROAD RALEIGH, NC 27604	1708 TRAWICK ROAD RALEIGH, NC 27604
<b>PHONE:</b> (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
<b>SURVEYED:</b> TS	<b>APPROVED:</b> SCB
<b>DRAWN:</b> SCB	<b>DATE:</b> 03/10/2009
<b>CHECKED:</b> SCB	<b>SCALE:</b> 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.

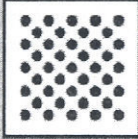
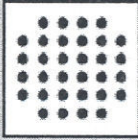
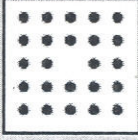
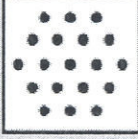

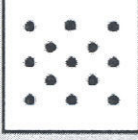
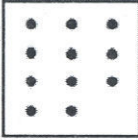
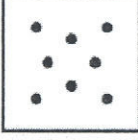
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre 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

### 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 Melfew

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 \_\_\_\_\_

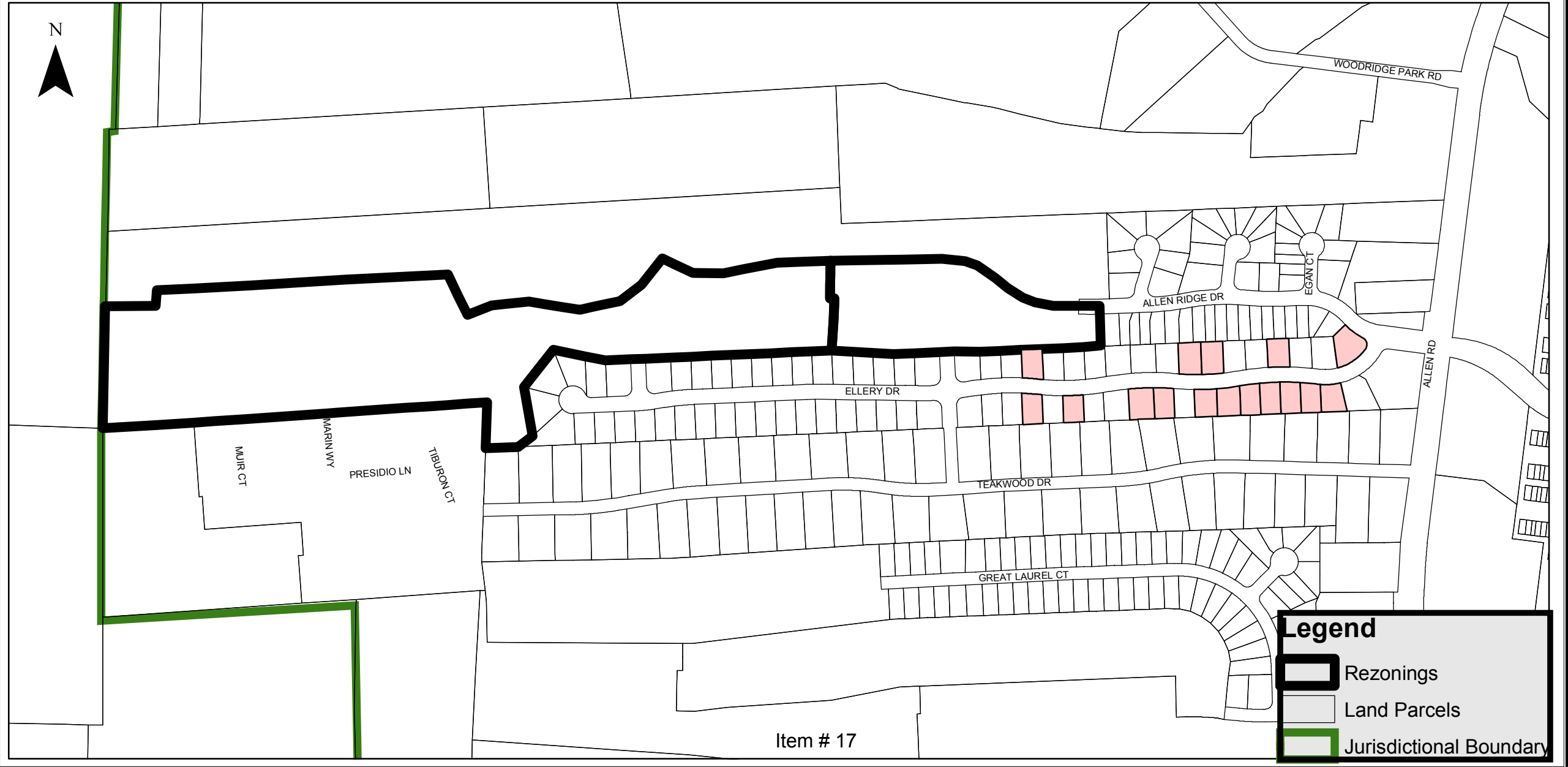
21. Name (please print) \_\_\_\_\_

Address \_\_\_\_\_

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

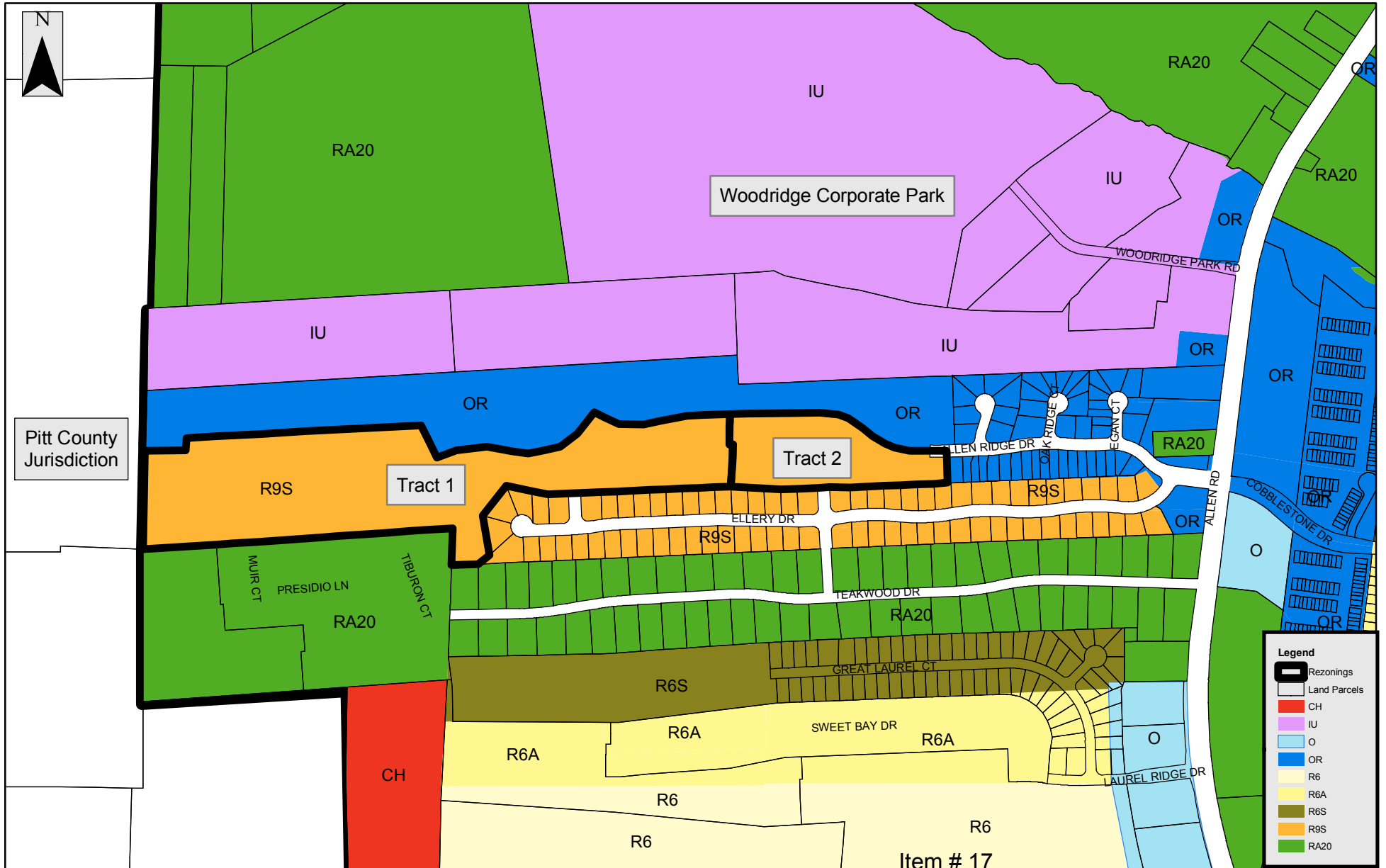
Signature \_\_\_\_\_

# Signers of Protest Petition Presented to Planning and Zoning Commission





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





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Caviness & Cates Building and Development Company to amend the maximum porch size that may project into a required front or rear yard from 100 square feet to 200 square feet

**Explanation:** Currently porches; open unenclosed and covered or uncovered (excluding screened or glassed) are allowed to project seven (7) feet into a front or rear yard (setback) provided such porch does not exceed one hundred (100) square feet in surface area.

The applicant wishes to change the maximum square footage of a porch that may project into a side or rear yard from 100 to 200 square feet.

**Fiscal Note:** No anticipated 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 August 18, 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.

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

**Attachments / click to download**

 [Projection into required yards porches 838048](#)

 [Projection into required yards porches 838041](#)

 [Excerpt form August 2009 Planning and Zoning Minutes Caviness and Cates 840947](#)

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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 September 10, 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 F, Section 9-4-102(a)(6), of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“(6)Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed two hundred (200) square feet in surface area.”

Section 2: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall become effective upon its adoption.

ADOPTED this 10<sup>th</sup> day of September, 2009.

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

ATTEST:

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

**Current**

**Title 9, Chapter 4, Article F.**

**Sec. 9-4-102. Projections into required yards. (7/22/09)**

(a) The following attached structures will be permitted to project into the specified yard for the following distance:

- (1) Sills and eaves: two (2) feet into any yard.
- (2) Fire escape: four (4) feet into any yard.
- (3) Chimneys: three (3) feet into any yard.
- (4) Bay windows: three (3) feet into any yard provided that the projection is not an extension of the foundation; if it is an extension of the foundation, the setback shall be measured from the exterior finished wall.
- (5) Stoops; open unenclosed: three (3) feet into any yard.
- (6) Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed **one hundred (100) square feet** in surface area.
- (7) Carports; open unenclosed: open and unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into interior side or rear yards but shall be no closer than five (5) feet to a side or rear property line.
- (8) Deck/balcony; open unenclosed and uncovered: three (3) feet into any yard.
- (9) Steps open unenclosed and uncovered: can project into any yard, however, no steps shall be located closer than five (5) feet to any property line.
- (10) Gas pump island: can project into any yard in accordance with the bufferyard regulations, however, no gas pump island shall be located closer than ten (10) feet to a public street right-of-way except as further provided. Within any MD-Medical District, no gas pump island shall be located within thirty (30) feet of any public street right-of-way line.
- (11) Canopies and awnings: can project into any yard in accordance with the bufferyard regulations or the following requirements whichever is greater:
  - a. CDF district: not closer than five (5) feet to any public street right-of-way.
  - b. All other nonresidential districts: not closer than ten (10) feet to any public street right-of-way.
  - c. All residential districts: five (5) feet into any yard.
- (12) Mechanical equipment; habitable area heating and air conditioning units: Three (3) feet into any yard. Commercial mechanical equipment including food and freezer lockers, furnaces, ovens and the like or any equipment which utilizes a structure shall not be included under this exemption.

**Proposed**

- (6) Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed **two hundred (200) square feet** in surface area.

**Excerpt from the Draft August 18, 2009 Planning and Zoning Commission Meeting Minutes**

**REQUEST BY CAVINESS & CATES BUILDING AND DEVELOPMENT COMPANY**

Request by Caviness & Cates Building and Development Company to amend the maximum porch size that may project into a required front or rear yard from 100 square feet to 200 square feet.

Mr. Dail stated the code currently contains provisions for certain attached structures to project into a required yard (setback). This includes seals and eaves on houses, chimneys, fire escapes, bay windows, porches, carports, decks and several others. Currently the ordinance says open unenclosed and covered or uncovered (excluding screened or glassed) are allowed to project seven (7) feet into a front or rear yard (setback) provided such porch does not exceed one hundred (100) square feet in surface area. Mr. Dail said the applicant proposed to change the maximum square footage of a porch to 200 square feet. In staff's opinion increasing the maximum porch size could increase defensible space by bringing more people out of their homes and putting more eyes on neighborhood streets, thus promoting safer neighborhoods and increasing porch size could potentially promote healthier and more viable neighborhoods by increasing neighborhood interaction and create a greater sense of community, which are both goals of the Comprehensive Plan. Mr. Dail stated the encroachment would not change; it would still be seven feet into the front or rear yard.

Eric Blaze spoke in favor of the request on behalf of the applicant.

No one spoke in 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. Motion carried unanimously.



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Ordinance requested by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses

**Explanation:** Planning staff has received many requests to operate state licensed day treatment facilities and other similar type mental health facilities in the city's jurisdiction. By interpretation, Planning staff has classified such uses as either a "mental health, emotional or physical rehabilitation center" or as "other activities; personal services not otherwise listed". The volume of applicants wishing to operate such facilities has increased over time and staff is of the opinion that specific definitions of the use categories are necessary to alleviate any administrative inconsistency. Note: this class of use does not include "family care homes" that are permitted by-right in residential neighborhoods.

Planning staff has proposed the following definitions and table of use amendments for the subject uses.

"Mental Health, emotional or physical rehabilitation day program facility: An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on

another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."

Mental Health, emotional or physical rehabilitation day program facility as defined above will be a permitted use in the MI and MS (medical) zoning districts and a special use in the MO, MCG, MCH (medical), OR (office/residential), CD, CDF, CG and CH (commercial) zoning districts. The newly defined use will mirror the districts within which "mental health, emotional and physical rehabilitation center" and "other activities; personal services not otherwise listed" are allowed by Planning staff and Board of Adjustment interpretation and past action.

Currently there is no definition for the existing use entitled "mental health, emotional or physical rehabilitation center". This use was originally created to be an institutional facility and the proposed definition reflects that intent.

"Mental health, emotional or physical rehabilitation center: An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."

The proposed ordinance does not amend the table of uses (zoning districts) within which this use is currently allowed as a permitted or special use, however, the ordinance does add specific criteria, which will apply if such use is located in the OR district.

Proposed specific criteria are as follows:.

"(oo) Mental health, emotional or physical rehabilitation center.

(1) Multifamily development standards shall apply when located in the OR zoning district.



(2) Each 3 client occupants or major fraction thereof in addition to any resident manager and blood relatives to the resident manager shall constitute 1 dwelling unit for determining allowable density under this section."

**Fiscal Note:** No direct cost.

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

The Planning and Zoning Commission approved the recommended ordinances at its August 18, 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.

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**Attachments / click to download**

[Mental Health Facility Amendment Ordinance 840193](#)

[Excerpt from August 2009 Planning and Zoning Minutes Community Development Dept 840950](#)

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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 September 10, 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 B, Section 9-4-22, of the City Code, is hereby amended by adding the following new definitions in alphabetical order to read as follows:

*“Mental health, emotional or physical rehabilitation center.* An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition.

“Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

*Mental health, emotional or physical rehabilitation day program facility.* An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period.

“Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.”

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78(f)(8), of the City Code, is hereby amended by adding a new section “(ff.) (1)” entitled “Mental health, emotional, or physical rehabilitation day program facility” as a permitted use in the MI, and MS zoning districts as a land use classification #3, and as a special use in the MO, MCG, MCH, OR, CD, CDF, and CH zoning districts as a land use classification #3.

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-85, of the City Code, is hereby amended by adding a new section “(oo)” to read as follows:

“(oo) *Mental health, emotional or physical rehabilitation center.*”

Section 4: That Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code, is hereby amended by adding a new section “(oo)” to read as follows:

“(oo) *Mental health, emotional or physical rehabilitation center.*

- (1) Multi-family development standards shall apply when located in the OR zoning district.
- (2) Each three (3) client occupants or major fraction thereof, in addition to any resident manager and blood relatives to the resident manager, shall constitute one (1) dwelling unit for determining allowable density under this section.”

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

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

ADOPTED this 10<sup>th</sup> day of September, 2009.

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

ATTEST:

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

## **Excerpt from the Draft August 18, 2009 Planning and Zoning Commission Meeting Minutes**

### **REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT**

Request by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled “Mental health, emotional or physical rehabilitation center” and to establish specific criteria for such use, and (ii) including a definition for the new use entitled “Mental health, emotional or physical rehabilitation day program facility” and to list such use in the table of uses.

Mr. Dail stated the code currently has a use entitled “Mental health, emotional or physical rehabilitation center”. He said the Community Development had received a tremendous amount of requests to open state licensed day treatment facilities in the past year and half. Mr. Dail said the day treatment facilities have been categorized either as “mental health, emotional or physical rehabilitation centers” or as “personal services, not otherwise listed”. He said due to the amount of requests received, staff saw a need to add a new use category to the table of uses. The new use being proposed is a “Mental health, emotional or physical rehabilitation day program facility”. Staff is also proposing definitions for both the existing use and the new use, specific criteria that the existing use would be subject to when it’s allowed as a special use and also the zoning districts that would allow the new use as a special and permitted use. The definition proposed for the existing use states: An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition. He stated that currently a “Mental health, emotional or physical rehabilitation center” is a permitted use in the MI and MS zoning districts and it is a special use in the OR zoning district and the specific criteria being proposed for the existing use is (1) Multi-family development standards shall apply when located in the OR zoning district and (2) Each 3 client occupants or major fraction thereof, in addition to any resident manager and blood relatives to the resident manager, shall constitute 1 dwelling unit for determining allowable density under this section. The definition being proposed for the new use, “Mental health, emotional or physical rehabilitation day program facility” states: an establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period. The zoning districts proposed for the new use to be a permitted use in are the MI and MS zoning districts. Staff is proposing the new use to be a special use in the MO, MCG, MCH, OR, CD, CDF, and CH zoning districts. Mr. Dail said there

had been approximately five requests to the Board of Adjustment in the past year and a half for these types of services and there are two on the agenda for August. Mr. Dail said this amendment would open up a lot of places for these facilities to locate.

Mr. Gordon asked how many were already in existence.

Mr. Dail said there were probably about 10 in the city.

Mr. Gordon asked where they were located.

Mr. Dail said they were spread out throughout the city.

Mr. Maxwell said there was no indication as to the number of persons they can serve a day. He asked if that was addressed in the amendment.

Mr. Dail said they are required to be licensed by the state and had to go by their guidelines. He said the population they serve is usually based on the square footage of the building.

Mr. Randall asked if the amendment was just generally cleaning up the description of this type of facility to make the process simpler.

Mr. Dail said that was correct.

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

Motion was made by Mr. Thomas, seconded by Ms. Rich, 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. Motion carried unanimously.



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Department of Housing and Urban Development Consolidated Annual Performance and Evaluation Report

**Explanation:** The Consolidated Annual Performance and Evaluation Report (CAPER) is a requirement of the United States Department of Housing and Urban Development as a condition of receiving funding under certain federal grant programs. The end-of-year report outlines the City of Greenville's progress in providing decent housing, establishing and maintaining a suitable living environment, and expanding economic opportunities. The CAPER draft report is attached for your review.

**Fiscal Note:** No direct cost associated with this request.

**Recommendation:** Hold a public hearing for citizen participation and approve submission of the CAPER to the Department of Housing and Urban Development. Also, authorize the Mayor and City Manager to sign all required documents.

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[2008\\_2009\\_Draft\\_CAPER\\_837762](#)

**DRAFT**

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# **CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT**

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City of Greenville, NC

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Fiscal Year 2008-2009

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**CONSOLIDATED ANNUAL PERFORMANCE AND  
EVALUATION REPORT  
FISCAL YEAR 2008-2009**

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**IV. Other Attachments**

- A. Substantial Budget amendment - CDBG R
- B. Financial Cash Transaction Reports
- C. CDBG Program Income
- D. HOME APR
- E. HOME Match report
- F. Notice of CAPER availability
- G. Publisher's Affidavits

**V. IDIS Reports**

- A. Summary of Accomplishments
- B. Consolidated Annual Performance and Evaluation Report
- C. Status of HOME Grants
- D. Status of HOME Activities
- E. Financial Summary Report
- F. Summary of Activities

## **Executive Summary**

Fiscal year 2008 CAPER represents the first year of the City of Greenville and Pitt County HOME Consortium 2008-2013 Consolidated Plan. The City has been serving as the lead agency of the Pitt County HOME Consortium. However, the Greenville City Council voted January 7, 2008 to approve disbanding of the existing Consortium and making application to become a separate Participating Jurisdiction for HOME Investment Partnership funds. The effective date of the dissolution will be June 30, 2009, at the end of the current contract with HUD. During the Action Plan Year July 1, 2008-June 30, 2009, the City continued to fund new projects, as well as worked closely with the Consortium members to provide support and monitor the consortium programs until all remaining funds of the Pitt County HOME Consortium are expended.

The plan identifies a comprehensive strategy to address community needs for the five-year period 2008-2013. The plan associates goals and objectives with current needs throughout the five-year period. The goals and objectives identified guide staff in selecting activities to be carried out during each fiscal year.

The Consolidated Annual Performance and Evaluation Report (CAPER) is a requirement of the Department of Housing and Urban Development (HUD) as a condition of receiving funding under certain federal programs. This end of year report outlines the City of Greenville and Pitt County HOME Consortium progress in providing decent housing, establishing and maintaining a suitable living environment and expanding economic opportunities.

The income limits used in determining eligibility for yearly programs are updated annually according to charts from the Department of Housing and Urban Development (HUD). Affordable means that monthly rents and mortgage payments including taxes and insurance do not exceed 30% of that amount that represents the percentage of the median annual gross income for the households as indicated in the below chart.

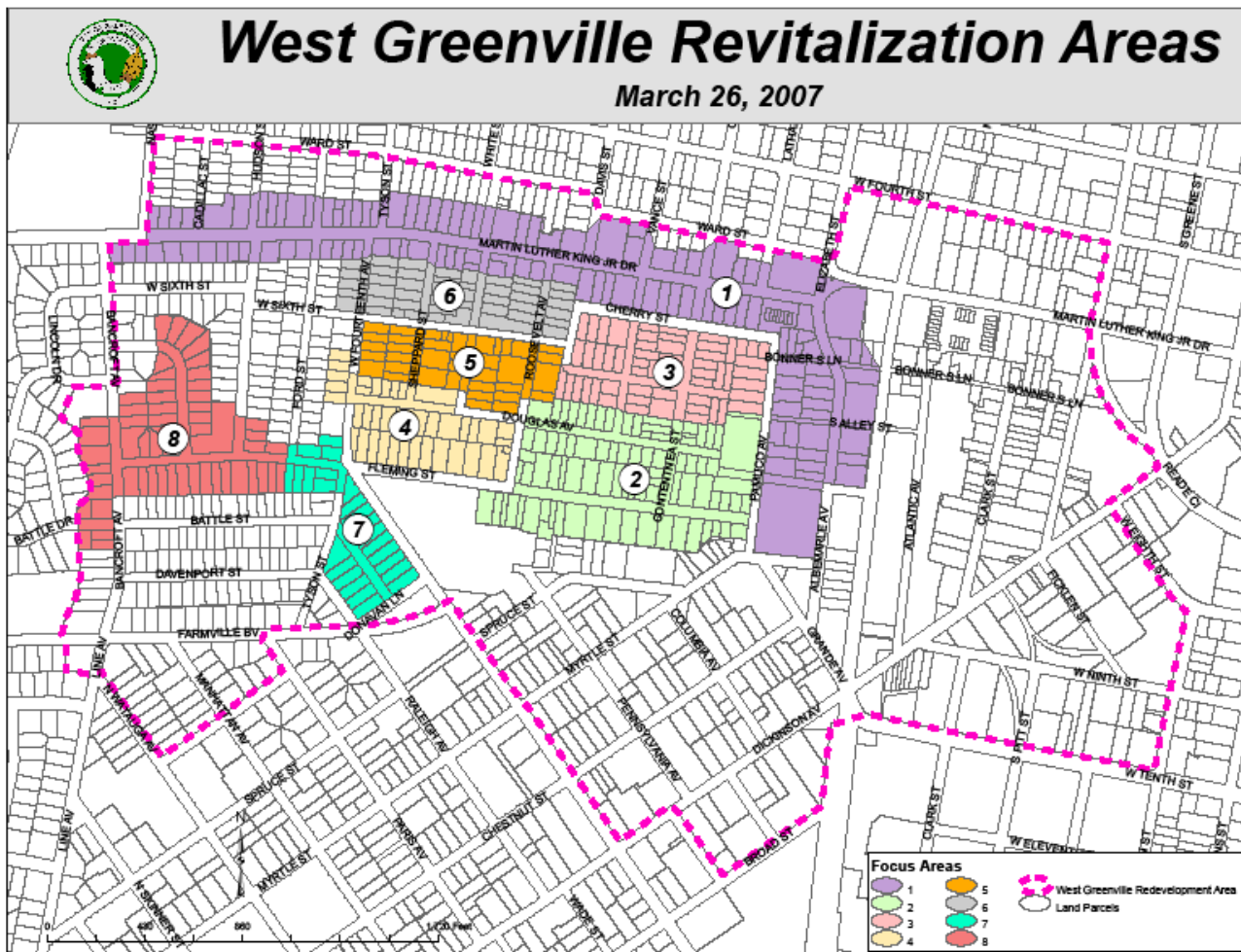
Household Size	INCOME LIMITS 2009							
	Max Income Grant CDBG		Max Income CDBG /HOME /NCHFA				Median Income	Max Income Subdivision
	30%	50%	60%	70%	80%	90%	100%	115%
1	11,250	18,750	22,500	26,250	29,950	33,750	37,450	43,100
2	12,850	21,400	25,700	30,000	34,250	38,550	42,800	49,250
3	14,450	24,100	28,900	33,750	38,500	43,350	48,150	55,400
4	16,050	26,750	32,100	37,450	42,800	48,150	53,500	61,550
5	17,350	28,900	34,700	40,500	46,200	52,050	57,800	66,500
6	18,600	31,050	37,300	43,500	49,650	55,900	62,100	71,450
7	19,900	33,150	39,850	46,450	53,050	59,750	66,350	76,350
8	21,200	35,300	42,400	49,500	56,500	63,600	70,650	81,250
9	22,500	37,450	44,950	52,450	59,950	67,450	74,900	86,200
10	23,800	39,600	47,550	55,450	63,350	71,300	79,200	91,100

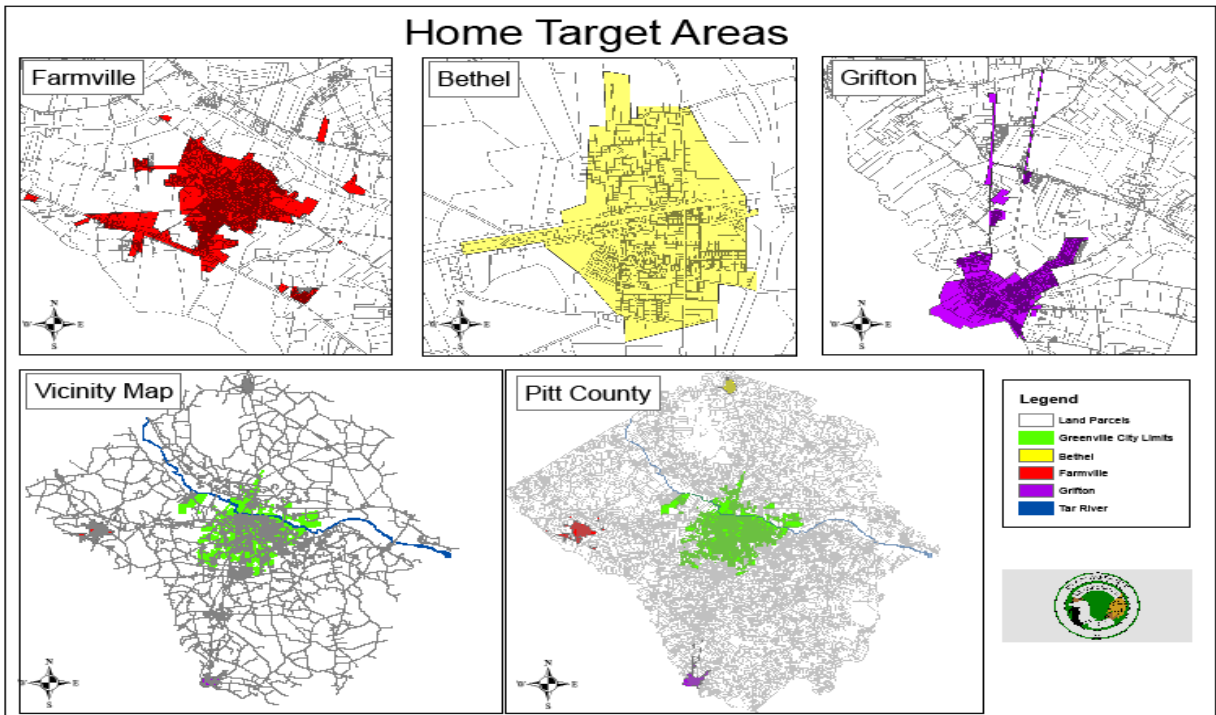
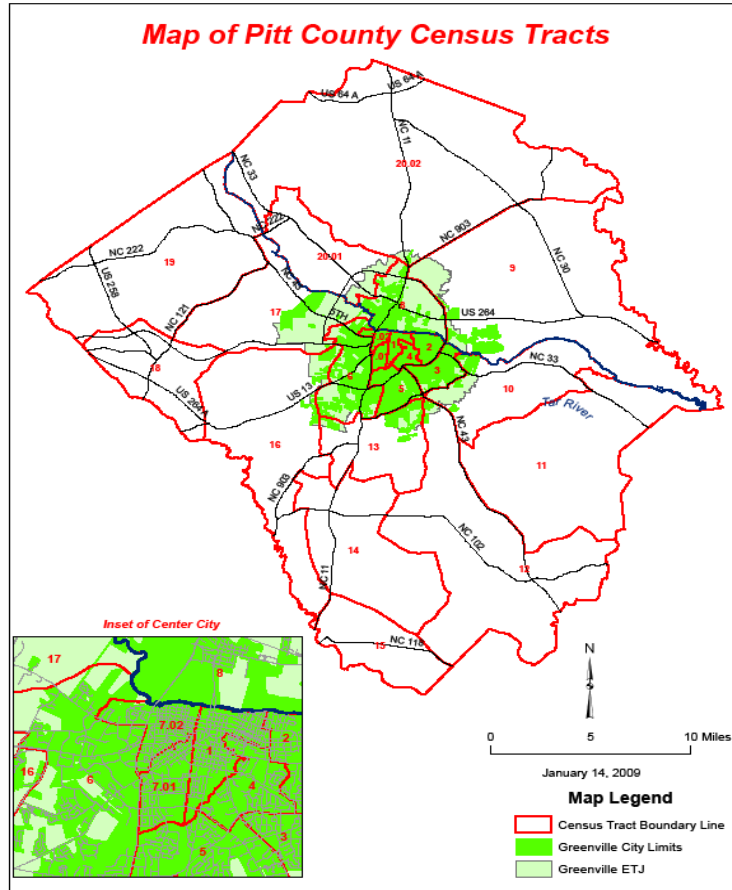
The top priorities and goals determined in the Consolidated Plan include the following:

1. Revitalization of several neighborhoods in West Greenville that are in a state of decline through:
  - Rehabilitation of owner occupied units.
  - Acquisition and demolition of dilapidated rental housing.
  - Acquisition of vacant parcels to assemble land for suitable building sites.  
Construction of affordable housing for owner occupants in West Greenville area.
  - Establishing areas for the construction of quality, affordable, rental housing.
  - Establishing a neighborhood commercial focus area.
  - Preserving historical business district along Albemarle Avenue and Martin Luther King Jr, Drive.
  - Conversion of rental dwellings to owner occupants with downpayment/secondary mortgage assistance.
  - Identification of infrastructure improvements.
  - Improving but preserving the neighborhood character.
  - Developing programs and services with the private sector that will aid in the success of revitalization efforts.
  - Landscaping/Streetscape improvements.

2. Supporting nonprofits that provide housing assistance to special needs populations, provide youth services, and encourage entrepreneurship.
3. Providing homebuyer assistance for first-time homebuyers through programs and structure.
4. Continue to eliminate lead-based paint hazards in dwellings assisted with federal funding.

The City of Greenville expended the majority of CDBG and HOME allocations in the West Greenville 45-Block Revitalization area. Pitt County HOME consortium members expended their allocations throughout low to moderate income Pitt County communities. Please see below maps of West Greenville 45-Block Revitalization areas, target census tracts, and HOME consortium target areas.





The following is the 2008-2009 Budget:

<b>ACTIVITY</b>	<b>HOME</b>	<b>CDBG</b>	<b>BONDS</b>	<b>GENERAL FUNDS</b>	<b>TOTAL</b>
<b>Admin-COG</b>	63,000	150,000	0	300,000	513,000
<b>Housing Rehabilitation</b>	100,000	300,000	100,000		500,000
<b>Relocation</b>			30,000		30,000
<b>Acquisition</b>	50,000	125,000			175,000
<b>Down payment Assistance</b>	80,000			60,000	140,000
<b>New Construction</b>	110,214	0	350,000	0	460,214
<b>Clearance &amp; Demolition</b>		77,533	30,000		107,533
<b>Pitt County Consortium</b>	297,000				297,000
<b>Community Housing Development Organizations</b>	130,000				130,000
<b>Public Service</b>		115,000			115,000
<b>Public Facility Improvement</b>		30,000			30,000
<b>Program Income</b>	10,712	5,069			15,781
<b>Total</b>	<b>840,926</b>	<b>802,602</b>	<b>510,000</b>	<b>360,000</b>	<b>2,513,528</b>

## **General Narratives**

### **1.0 Assessment of progress towards five-year Goals and Objectives**

The City of Greenville and Pitt County HOME Consortium continued to carry out activities that were identified as the needs and priorities identified within the 5-year Consolidated Plan. Priority needs from 2008 through 2013 call for a concentrated effort within the West Greenville 45-Block Revitalization Area for the City of Greenville and Housing Rehabilitation within the jurisdictional boundaries of the Pitt County HOME Consortium. These efforts were designed to preserve the existing housing stock. This year represents the first year of the newly adopted 5-year Consolidated Plan. Within the City of Greenville, all efforts during the course of the 5-year period will primarily focus on the needs within the boundaries of the 45-block area bounded by West Fifth Street on the north side, Albemarle Avenue on the east, Fleming Street on the south and Bancroft Avenue on the west. The following activities will be carried out in addressing the needs in this area: housing assistance through rehabilitation, (preservation of the existing housing stock), new construction or infill on vacant lots, downpayment assistance, homeownership counseling, continue working with lenders to identify special programs/products for low to moderate income homebuyers, addressing lead-based paint issues, support and implement revolving loans for rehab, support local Continuum of Care Plan, and overall neighborhood revitalization.

In addition, to avoid deterioration of other parts of the City, funds were made available for housing rehabilitation and downpayment assistance for residents citywide.

### **2.0 Assessment of progress towards One-year Goals**

The Housing staff continued efforts to address the needs and priorities established for the 2008 fiscal year as well as carried out activities funded in previous years. All FY 2008 activities emulate activities set within the 5-year Consolidated Plan. Activities included substandard owner-occupied rehabilitation, program administration, concentrated needs, nonprofit funding, CHDO funding for the development of affordable housing and downpayment assistance and HOME funding for the remaining consortium members to carry out housing rehabilitation. Concentrated needs include the acquisition and demolition of substandard buildings/housing units, relocation of any tenants residing in the dilapidated housing that is acquired, acquisition of vacant lots for recombination and infill development of single family housing and owner-occupied housing rehabilitation within the West Greenville 45-Block Revitalization Area.

- Rehabilitated eleven (11) single family units.
- Lead tested and abated six (6) housing units.
- City was awarded a three year \$1.9 million Lead Hazard Control Grant by HUD.
- Constructed three (3) new single family homes in West Greenville.



- Funded five (5) nonprofits for public service activities.
- Partnered with Pitt Community College Construction Trades program to begin construction of one single family home in West Greenville, using Local Affordable Housing Bond funds.





- Completed construction of a new Police Substation in West Greenville 45-Block Revitalization area.



- Provided downpayment assistance to one family in West Greenville for purchase of a single family home built by CHDO, Metropolitan Housing and CDC.
- Concentrated needs efforts include the acquisition of some seven (7) properties, relocation nine (9) tenant households, and demolition of thirty (30) substandard structures.
- Partnered with Pitt County Government, United Way and others to complete a 10-Year Plan to End Chronic Homelessness in Pitt County.



*10-Year Plan Management Team*

- Through the Pitt County HOME Consortium, Pitt County Government rehabilitated three (3) owner occupied home and Town of Farmville began rehabilitation of one (1) owner occupied unit.

The majority of the activities underway are within the City of Greenville 45-Block Revitalization Area. Efforts will continue to address slum and blight and increasing homeownership within the area to a minimum of 50%. Current tax records provide data identifying the area as having rental homes greater than approximately 80% percent of all homes in the area.

### 3.0 Affirmatively Furthering Fair Housing

It is the policy of the City of Greenville Housing Division not to discriminate against any person on the basis of race, color, national origin, sex, religion, familial status, or disability: in the sale or rental of housing or residential lots; in the advertising the sale or rental of housing; in the financing of housing; in the provision of real estate brokerage services; or in the appraisal of housing.

In accordance with the regulations of the HOME program and in furtherance of the City of Greenville's commitment to fair housing and equal housing opportunity, a policy that establishes procedures to affirmatively market rental or residential units constructed or rehabilitated under the HOME program was approved June 1, 2009. These procedures are designed to assure that individuals who normally might not apply for available housing units because they are socially and/or economically disadvantaged are provided an opportunity to apply.

In addition, the City of Greenville has adopted policies that assure and encourage the full participation of Women and Minority-Owned Business Enterprises (WMBE) and Disadvantaged Business Enterprises (DBE) in the provision of goods and services. The City of Greenville's WMBE Coordinator publishes a quarterly newsletter and maintains a Business Directory for the construction, maintenance and building trades services. The directory identifies firms that have been certified or registered as DBE by the City of Greenville, and provides information that can assist their efforts to obtain contracts with the City of Greenville.



The City continues to affirmatively market fair housing strategies. These strategies are inherent to each of the housing programs provided through the Housing Division. Education of the Fair Housing Laws will occur throughout the year and most specifically during the month of April, which is designated as "Fair Housing Month" and "CDBG Week". The City sponsored a Housing Expo on April 16, 2009.

City of Greenville will continue to use administrative dollars to affirmatively further fair housing during fiscal year 2008-2009, as well as members of the Pitt County HOME Consortium. Funds that are used to assist very low and low income households will be advertised in local newspapers. Special outreach will be provided through various non-profit agencies in the community.

In addition to these activities, the City provides a full time staff position (Human Relations Coordinator) to address landlord/tenant issues, provide emergency housing

assistance and outreach to citizens. This position is funded by general government revenues.

## **4.0 Homeless Needs**

### **4.1 Actions to meet supportive housing needs (include HIV/AIDS)**

Funding to nonprofit organizations that address supportive needs is made available each fiscal year for eligible applicants. All nonprofits that receive funding are encouraged to participate with local Continuum of Care efforts.

Although the City does not receive Housing Opportunities for Persons with Aids (HOPWA) funds, the Greenville Housing Authority and Pitt County Aids Service Organization (PICACO), a local nonprofit apply on an annual basis. They are currently managing 10 units of housing for HIV AIDS afflicted citizens.

### **4.2 Actions to plan and/or implement continuum of care**

Since 2001, the City of Greenville has actively assisted with the creation and development of a Continuum of Care for Pitt County. The group, known as the Pitt County Continuum of Care, is comprised of City and County staff, as well as non-profit and for-profit representatives. The group meets monthly to discuss issues impacting the ever-growing homeless population. Efforts to end homelessness and to coordinate supportive services to homeless persons are top priorities for the community. The Pitt County Continuum of Care's mission for combating homelessness is to have a seamless continuum of housing and services to meet the housing and support service needs of all homeless subpopulations in the County and the City of Greenville, in both urbanized and non-urbanized areas. This requires the strengthening of coordinated activities of the local homeless coalition, the providers, other non-profit organizations and homeless individuals and advocates. The January 2009 Point in Time Count revealed that there are 116 homeless persons in Pitt County and only 72 beds available to serve them.

During the upcoming fiscal year, the group will continue to develop the Continuum of Care and prepare an Emergency Services grant application for submission. To date, the Pitt County Continuum of Care has received funding from the 2003, 2004, 2005, 2006, 2007 and 2008 funding cycle. Funding received under the 2004 and 2005 award was allocated to implement a Homeless Management Information System (HMIS). All actions by the Continuum of Care group will address obstacles to meet the underserved needs in the community, assist with the reduction of poverty level families, assist with the development of "institutional structures", and enhance coordination between public and private housing and social service providers.

### **4.3 Actions to prevent homelessness**

The United States Interagency Council on Homelessness has issued a challenge to communities across the country to address the problem of homelessness, specifically the chronically homeless. In the fall of 2006 and spring of 2007, the Pitt County Board of Commissioners and the City of Greenville City Council adopted resolutions to develop a 10-Year Plan to End Chronic Homelessness in Pitt County. The 10-Year Plan is a comprehensive effort of various community organizations, leaders and citizens. The City of Greenville committed \$15,000 CDBG funding towards this effort.

The Blue Ribbon Task Force to End Chronic Homelessness in Pitt County spent approximately eight months gathering data on homelessness in community and reviewing best practice approaches being used in other communities to reduce and end homelessness. The Task Force held focus groups and forums to help determine the best approaches for our community. The 10-Year Plan to End Chronic Homelessness in Pitt County represents the culmination of work over the past year. The implementation of the 10-Year Plan is slated to begin July 2009. The two major recommended goals featured in the plan are evidenced-based practices drawn from best practices of innovative programs and initiatives in place across the country:

**Goal 1:** Provide community-based services and support to prevent homelessness before it happens and diminish risks for homelessness to recur.

**Goal 2:** Create adequate short-term housing options and supportive permanent housing for those who are chronically homeless or at risk of becoming homeless.

The plan also features a structural framework and projected budget for the implementation of the recommended strategies. The City of Greenville, Pitt County Government and private/public agencies have been identified as funding sources.

Ending chronic homelessness is a challenge for the entire community. There are no simple solutions. Ending homelessness will require a cooperative effort among government agencies, private and public services, businesses, faith-based organizations and neighborhoods.

In addition, Pitt County has submitted an application to receive Homeless Prevention and Rapid Re-Housing Program (HPRP) funds from the North Carolina Office of Economic Recovery and Investment (OERI), which is funded under the American Economic Recovery and Reinvestment Act of 2009.

#### **4.4 Actions to address emergency shelter needs**

The City of Greenville, through its CDBG Program provided financial assistance to two local nonprofits during the 2008 fiscal year. The two entities were the Greenville Community Shelter, a homeless provider, for necessary facility repairs and the Family Violence Center, which provides emergency housing to battered women and young children.

#### **4.5 Actions to develop transitional housing**

During the past fiscal year, funding was provided to the following nonprofits: Greenville Community Shelter, Flynn Christian Home and Family Violence Program for facility improvements. Each of these facilities provides transitional housing for homeless and domestic violence victims.

### **5.0 Meeting Underserved needs**

#### **5.1 Actions taken and accomplishments to meet worst-case needs**

The City addresses underserved housing and community development needs through funding and implementing housing programs that include rehabilitation of owner occupied homes and first time homebuyer assistance. For first time homebuyers, typically, the City of Greenville purchases the land and installs the infrastructure; as a result, the price of the lot is greatly reduced. The City also seeks proposals from local builders to keep building costs per square foot to a minimum. These efforts have allowed the city to produce housing at an average cost of \$72.00 per square foot. Typical cost for construction of the same size home in Greenville is \$80- \$82 per square foot.

Other actions include the rehabilitation of owner occupied houses in an effort to maintain the current affordable housing stock. Also, funding is provided to nonprofits such as Habitat for Humanity of Pitt County for the acquisition of property and Downpayment Assistance. Habitat for Humanity of Pitt County builds homes for families that have MFI of 50% or lower.

In addition, the City of Greenville provides financial support to certified Community Housing Development Organization with HOME funds to produce first time homebuyers' single family homes. During 2008, Metropolitan Housing and CDC produced one home for a former public housing agency resident.

## **5.2 Actions and accomplishments to serve people with disabilities**

Elderly and disabled homeowners wishing to have their homes rehabilitated are given first priority. In situations in which a homeowner has special needs, those needs are taken into account by The Greenville Housing Division staff. Provisions are made to provide devices necessary for mobility and comfort.

Within the City of Greenville there continues to be a need to assist homeless, unemployed, "at risk" youth, victims of domestic abuse, and drug abuse. The program responds to such needs through the CDBG funding of organizations that cater to the needs of these groups. Such groups include the Greenville Community Shelter, L.I.F.E. of NC, Lucille Gorham Intergenerational Center, and Family Violence Program.

## **5.3 Number of Section 215 housing opportunities**

Not applicable

## **6.0 Reduce poverty**

City of Greenville and members of the HOME Consortium housing programs inherently address poverty by creating housing opportunities for low income households. Without these housing opportunities many low income households would not be able to afford housing rehabilitation costs or to purchase a home.

Additionally, funding through CDBG Public Service activities of transitional housing providers such as the Greenville Community Shelter and Family Violence Program, both nonprofit agencies, allow individuals who would normally reside in impoverished conditions the opportunity to establish themselves in order to find suitable employment. Such efforts will work to reduce the number of persons currently living in poverty.

City of Greenville also provides funding for various projects to create economic opportunities for low to moderate income persons, which aid in the reduction of poverty. The City's Urban Development Division operates the following programs: business facade improvement program; small business plan competition and is currently working on development of a small business incubator in the designated redevelopment area.

Transportation systems in Pitt County and major highways have been improved and will continue to be improved to meet the demands of a growing population.

## 7.0 Program Monitoring

The Housing Division conducts formal monitoring of its CDBG and HOME grant programs annually in August and September. The monitoring visits consist of reviewing programmatic procedures to ensure that each grant program regulations defined in the Code of Federal Regulations and the scope of work described in the Subrecipient Agreement is met. General financial and accounting procedures are also reviewed in accordance with applicable Office of Management and Budget circulars.

If a finding or concern is identified as a result of the monitoring, technical assistance is provided in order for the agency to correct the deficiency. If deficiencies persist, reimbursement fund may be suspended and/or the subrecipient could jeopardize future funding opportunities.

The City ensures that all monitoring letters detail specific time frames for a monitoring response and the corrective actions that need to be taken. Additionally, the City will impose sanctions if the corrective actions are not taken within the specified time frame.

## 8.0 Leveraging Resources

On November 2, 1992, the citizens of Greenville approved a one million dollar bond referendum for affordable housing. The funding was divided into three revolving loan categories. The categories include homeownership, land banking, and elderly housing rehabilitation. As revolving loans, these funds are continually recaptured and recycled into the activities to further efforts to promote and preserve affordable housing. These funds have been recycled since 1992 and are available for the West Greenville 45-Block Revitalization area and other affordable housing initiatives of the City of Greenville.

In 2004, Greenville citizens again approved \$10 million in bond referendums for the revitalization efforts in the Uptown Greenville and West Greenville 45-Block Revitalization focus areas. Five million of the \$10 million is set aside for the priorities and goals identified below within the West Greenville 45-Block Revitalization area to leverage CDBG and HOME funds.

In addition, the City of Greenville contributes approximately \$300,000 of General Government Fund dollars to support the Housing Division staff administrative costs to administer federal grants and bond fund projects.

## **9.0 Managing the Process**

The Community Development Housing Division consistently seeks methods to improve and strengthen its programs. Assessment of program activities in compliance with outlined performance measurement objectives, indicators and outcomes in the action plan is performed annually.

## **10.0 Citizen Participation**

The City of Greenville continues to acknowledge the importance of citizen participation in developing activities for each upcoming year. During the development of the fiscal 2008-2009 Consolidated Plan year, three public hearings were held to advise the community of proposed activities and sources of funds. In addition, two community meetings were held to receive comments from citizens in developing the plan.

All requests for bids from contractors to assist with housing repairs and construction throughout the year were handled in an open and fair manner.

The notice of availability of the CAPER for review and to receive public comments was published in the "Daily Reflector" on Monday, August 24, 2009, August 31, 2009 and September 5, 2009. The CAPER was made available for review for a period of fifteen (15) days. See attached copy of Publisher's Affidavits. No comments were received. Also, the "Notice of Public Hearing" to receive comments at City Council meeting was published in the "Daily Reflector" on August 31, 2009 and September 5, 2009.

## **11.0 Institutional Structure**

The City of Greenville, through its Housing Division, Pitt County Consortium members, the network of housing subrecipients and Community Housing Development Organizations (CHDOs) are effectively organized to utilize all the funding received through the various state/federal programs. The private sector is provided with incentives for developing affordable rental housing through tax credits provided by the federal tax credit program. Tax credits provide developers with an additional North Carolina subsidy for low income apartment construction. In addition, each year efforts are made to work with local institutions to provide housing and economic opportunities for low income persons through public service activities and participation in the Pitt County Continuum of Care. The Pitt County Continuum of Care began in 2001 and has successfully grown into a well-balanced organization made up of local government agencies, housing providers, service providers, and other interested group. The development of the continuum and participation by the City of Greenville will greatly enhance coordination between these agencies. The Greenville Housing



Authority has also joined this group and began working in concert with the City of Greenville and revitalization efforts in the West Greenville 45-Block Revitalization Area.

## **12.0 Reduce Lead-based paint hazards**

The City of Greenville and Pitt County Consortium members are committed to testing and abating lead in all pre-1978 housing units assisted with federal grant funds in housing programs. Currently, the City of Greenville has contracted with an agency to provide all lead testing and clearance activities. This agency has also agreed to provide training for the housing rehabilitation contractors.

In addition, the City of Greenville will offer lead testing and abatement assistance in the form of a grant to eligible housing rehabilitation assistance participants that have children six years and under in the household, senior adults (55+) and the disabled/handicapped clients utilizing Local Affordable Housing Bond funds.

All projects in which HUD funding is used are in compliance with the new Lead Based Paint (LBP) guidelines as enacted on September 15, 2000. Testing of all units is conducted and, if found, all lead hazards are abated. During the fiscal year 2008, we have tested and or abated lead from six (6) units.

Also, the City of Greenville was awarded a grant from Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control a Lead-based Paint Hazard Control Grant Program for thirty-six month period, as part of the American Economic Recovery and Reinvestment Act of 2009. The grant agreement was signed April 15, 2009.

The goals of the grant include testing and abatement of 150 units, training for Contractors and creation of sixty (60) jobs.

## **Housing Needs**

### **13.0 Public Housing Strategy**

There are four Public Housing Authority managing agencies in the Pitt County area, which include Greenville Housing Authority with a total of 714 units; Mid East Commission who manages a total of 135 units in three towns; Farmville Housing Authority who manages 174 units and Ayden Housing Authority who manages 175 units. Each of the mentioned Public Housing Authorities receives federal funds to modernize and repair public housing units. None of the public housing authorities in Pitt County have been designated as “troubled” agencies or otherwise performing poorly.

During fiscal year 2008-2009, the City of Greenville Community Development Department Housing Division formed a partnership with the Greenville Housing Authority to offer bi-monthly Homeownership classes to public housing residents. In 2008, one (1) former resident utilized the Housing Choice Voucher program and City of Greenville HOME downpayment assistance program to purchase a new home in the West Greenville 45-Block Revitalization Area.

### **14.0 Foster and maintain Affordable Housing**

The City of Greenville continually seeks methods for fostering and maintaining affordable housing. Funds during the 2008 Program Year were reserved for downpayment assistance to low-moderate income homebuyers within the City of Greenville. Funds were used to address goals for increasing homeownership within the West Greenville Redevelopment Area. Funding from previous years has also been made available to homebuyers as downpayment assistance. Provision of downpayment assistance decreases the amount of financing and or private source of funding a homebuyer needs in order to purchase a home. The City also provides assistance with local bond funds to aide with downpayment or closing costs. Bond funds are awarded to qualifying applicants as a zero interest loan up to 5% of the purchase price of the home and amortized over 5 years.

## 15.0 Eliminate barriers to Affordable Housing



The City of Greenville partners with local nonprofit agencies to provide homeownership counseling and workshops for potential homebuyers. The City additionally also offers a Homeownership Academy that provides participants with the opportunity to gain a working knowledge of the home buying process and to prepare financially to purchase a home within the West Greenville Revitalization Area. At the completion of the program, participants receive a certificate for \$500.00 redeemable at closing to assist with the purchase of an existing or new home within the West Greenville Revitalization Area.

The City of Greenville also supports the Pitt County Habitat for Humanity as another housing resource. Funding from our CDBG Program is made available for housing providers such as Habitat. The organization has received funds for the past five years and utilizes the funding to acquire lots for new construction and downpayment assistance.

## **II. COMMUNITY DEVELOPMENT BLOCK GRANT**

### **16.0 Relationship of expenditures to priority needs**

Funded activities are those identified within the 5-year Consolidated Plan as priority needs. Activities carried out such as owner-occupied housing rehabilitation, acquisition of dilapidated/substandard properties, downpayment assistance and assistance to nonprofits are all direct benefits to low to moderate-income persons and low to moderate income areas. All activities are in compliance with actions taken within the current Consolidated Plan.

### **17.0 Low/moderate area benefit**

All of the activities benefit target areas deemed as low to moderate income neighborhoods, specifically in census tracts 7.01 and 7.02.

### **18.0 Amendments and other changes to programs**

As a requirement of receiving CDBG-R funds, under the American Reinvestment and Recovery Act of 2009, the City Council approved a substantial amendment to the 2008-2009 Annual Action Plan on May 14, 2009.

### **19.0 National objective failures**

None to report.

### **20.0 Actions taken to avoid displacement**

Efforts are made to avoid displacement. Should a family occupy a structure that is not a feasible rehabilitation project or unit and the structure is contributing to a slum/blighting situation, the family is then relocated. Downpayment assistance is offered to tenants that qualify under program guidelines for purchase of a home. The property can also be rehabilitated under our owner-occupied rehabilitation program. When displacement is necessary, efforts are in place to relocate the person(s) to comparable, decent, safe, and sanitary housing. All efforts are made to find units within the same neighborhood however per Uniform Relocation Act (URA) regulations, it is ultimately the decision of the individual as to where they chose to relocate.

## **21.0 Compliance with Uniform Relocation Act**

All necessary measures for complying with URA guidelines have been met and the necessary documentation is located in the files.

## **22.0 If jobs were filled with over income people:**

None

## **23.0 For limited clientele activities, if any**

None

## **24.0 Rehabilitation accomplishments and costs:**

### **24.1 Units completed for each type of program**

Six (6) units Owner occupied rehab

### **24.2 CDBG expenditures for rehabilitation**

\$210,752.53

### **24.3 Other funds invested**

Local bond funds \$168,452.11

### **24.4 Delivery costs**

\$0

## **25.0 Neighborhood Revitalization Strategy Area, if any:**

No areas established

## **26.0 CDBG Financial Summary Attachments:**

See attached.

- Reconciliation of cash balances (Federal Cash Transaction Reports)
- Program income, adjustments and receivables

### **III. HOME INVESTMENT PARTNERSHIP**

#### **27.0 Distribution of HOME funds among identified needs**

During the 2008-2009 fiscal year, HOME funds were provided to assist with new construction, housing rehabilitation, downpayment assistance and administrative costs. While efforts to increase new housing units continued, the consortium also continued to support the existing housing stock through housing rehabilitation. Total of three (3) housing rehabilitation projects were started Pitt County Government and City of Greenville completed two. Total costs of each rehab ranged from \$40,000 to \$60,000. Additional rehabs were underway at the end of the fiscal year. Other activities included the provision of downpayment assistance to one (1) low income, first-time homebuyers through the City of Greenville. All activities completed address the needs identified within the Pitt County HOME Consortium Consolidated Plan. All communities included in the Pitt County HOME Consortium have ensured that low to moderate income residents of the various towns are assisted with home ownership opportunities and housing rehabilitation assistance. All activities are monitored to ensure compliance with program guidelines. As lead entity, the City of Greenville maintains the necessary documentation, monitors all participating jurisdictions and CHDO's, and provides daily assistance to members with program rules and regulations as well as the requisition of funding.

#### **28.0 HOME Match Report (HUD 40107A)**

See attachment

#### **29.0 Contracting Opportunities for W/MBE's**

None.

#### **30.0 Summary of results of onsite inspections of HOME rental units-**

Not applicable

### **31.0 Assessment of effectiveness of affirmative marketing plans**

Members of the Pitt County HOME Consortium are encouraged to solicit minority and female contractors to provide services. Each advertisement encourages minority and females business owners to apply where applicable. Efforts include advertising in local minority publications where available. While affirmative marketing plans are in place, the availability of minority and female owned businesses is limited within many of Pitt County communities.

### **32.0 Information about the use of program income**

Any program income generated through the HOME program is reallocated to program activities to further the City's efforts.

### **33.0 Analysis of successes and failures and actions taken to improve programs**

The Housing Division consistently evaluates the HOME Program for efficiency and continually updates the requirements and procedures as needed. A new procedural manual was developed and distributed to every Consortium members.

**ATTACHMENT FOR CDBG PROGRAM INCOME;  
ADJUSTMENTS AND LOANS & RECEIVABLES**

**a. Program Income**

1. Total program income to revolving funds:  
(Identify by fund type and amount)

Entitlement Funds

Owner-Occupied Rehab: \$18,509.22

These funds are program income from loan payments that were reprogrammed for Housing Rehabilitation.

2. Float-funded activities: *None*
3. Other loan repayments by category: *None*
4. Income received from sale of property: *\$0.*

**b. Prior Period Adjustments**

1. Reimbursement made for disallowed costs: *None*
  - Activity name
  - Activity number
  - Program Year expenditure was reported
  - Amount returned to program account

**c. Loans and other receivables**

1. Float-funded activities outstanding as of the end of the reporting period: *None*
2. Total number of loans outstanding and principle balance as of the end of reporting period: *13 loans with a balance of \$77,548.07*
3. Parcels acquired or improved with CDBG funds that are available for sale as of reporting period: *None*
4. Number and amount of loans in default and for which the balance was forgiven or written off during the reporting period: *None*

Lump sum drawdown agreement: *None*



**Reserved for attachments**



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Ordinance requested by the Community Appearance Commission to amend Article D of Chapter 3 of Title 2 of the City Code

**Explanation:** At their August 5, 2009 meeting, the Community Appearance Commission (CAC) voted to recommend that the City Council amend the City Code provisions related to Community Appearance Commission membership. The recommended amendments to the City Code accomplish the following: (i) reduce the membership from 15 to 11 members, (ii) delete the ex-officio members, and (iii) rename the chairman/vice-chairman to chairperson/vice-chairperson.

In addition to the above recommended changes, the Commission plans to amend its Bylaws to insure that the Bylaws are not in conflict with City Code provisions and to reflect the transfer of primary staff support responsibilities from the Public Works Department to the Community Development Department. A copy of the Community Appearance Commission's Member Handbook and Bylaws are attached.

**Fiscal Note:** No direct cost.

**Recommendation:** Approve the requested City Code amendments.

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

Attachments / click to download

[Community Appearance Commission ordinance 837125](#)

[CAC\\_Bylaws\\_834110](#)

[CAC\\_bylaw\\_minutes\\_841132](#)

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ORDINANCE NO. 09-\_\_\_\_  
AN ORDINANCE AMENDING ARTICLE D OF  
CHAPTER 3 OF TITLE 2 OF THE CITY CODE OF THE  
CITY OF GREENVILLE, NORTH CAROLINA

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

Section 1: That Title 2, Chapter 3, Article D, Section 2-3-42, of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“Sec. 2-3-42. Membership and vacancies.

The community appearance commission shall consist of eleven (11) members, all of whom shall be citizens and residents of the city. Members shall serve staggered terms with each term being three (3) years. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the period of the unexpired terms.”

Section 2: That Title 2, Chapter 3, Article D, Section 2-3-43, of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“Sec. 2-3-43. Organization, meetings, and records.

Within thirty (30) days after its appointment, the commission shall meet and elect a chairperson, vice-chairperson, and secretary. It may create and fill such other offices as it may determine. The term of the chairperson, vice-chairperson, secretary, and other officers shall be one (1) year. They may be re-elected. The secretary of the commission need not be a member of the commission. The commission shall keep such records of its members’ attendance and of its resolutions, discussions, findings, and recommendations, which records shall be open to the public. The commission shall hold at least one (1) meeting per quarter. All of its meetings shall be open to the public. For the purpose of taking any official action authorized or required by this article, there shall be present a quorum of five (5) members.”

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

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

ADOPTED this 10<sup>th</sup> day of September, 2009.

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

ATTEST:

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

Draft  
8/5/09

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**A HANDBOOK FOR  
COMMUNITY APPEARANCE COMMISSION  
MEMBERS**



**Table of Contents**

- A. Introduction
- B. CAC By-Laws
- C. CAC Appearance Awards Program Procedures
- D. Rules of Order You Should Know
- E. Open Meetings Policy
- F. CAC Membership Roster
- G. CAC City Staff Liaisons

## **COMMUNITY APPEARANCE COMMISSION**

### Purpose in Brief

The Community Appearance Commission was established to develop ideas, review and evaluate ordinances and programs, and advise the City Council on matters related to community appearance and beautification. Please review the Commissions By-Laws to gain a full understanding of the Commission's responsibilities and structure.

### Membership & Meetings

The Commission is composed of eleven (11) members appointed by the City Council. Each term of office is three years. Commission meetings are held on the first Wednesday of each month (except July & August, there are no meetings these months) at 5:30 p.m. in the Third Floor Conference Room of City Hall located 200 W. 5th Street (on the corner of West 5<sup>th</sup> Street and Washington Street). All meetings are open to the public.

### Meeting Structure

All meetings are lead by the sitting Chairperson or Vice-Chairperson appointee. Roberts Rules of Order are followed. Motions are made and seconded and a commission vote follows when actions are taken. Typical agenda topics are community appearance award program, code enforcement complaints and issues, neighborhood grant requests and the ECU report. Each month prior to the scheduled Commission meeting you will receive a packet of information including an agenda, the previous months' minutes and other pertinent documents regarding upcoming agenda items from City staff.

### Attendance

Members of the Community Appearance Commission are expected to attend all regularly scheduled meetings. If you miss three or more consecutive regularly scheduled meetings, or if you fail to attend 75 percent of all regularly scheduled meetings, the Chairperson of the Community Appearance Commission will notify the City Council, through the Council representative, that a vacancy exists on the commission. The council will then appoint a new member to fill your unexpired term.

## BY-LAWS

### COMMUNITY APPEARANCE COMMISSION GREENVILLE, NORTH CAROLINA

#### Article I. – Name, Purpose

- Section 1. In accordance with Ordinance No. 860, City of Greenville, dated April 12, 1979, as amended by Ordinance No. 1163 dated January 29, 1982, and as amended by Ordinance No. \_\_\_\_\_ the Greenville City Council established a Commission to be made up of the citizens of the community to be known as the Community Appearance Commission of the City of Greenville.
- Section 2. The purpose of the designated Commission is to encourage beautification and community appearance.
- Section 3. The responsibilities and duties of the commission are hereby defined as follows:
- (a) To initiate, promote, and assist in the implementation of programs of general community beautification and appearance.
  - (b) To seek to coordinate the activities of individuals, agencies, organizations, public and private, and city departments whose plans, activities, and programs bear upon the appearance of Greenville.
  - (c) To encourage improved community appearance, both on public and private property.
  - (d) In carrying out its work, to conduct a public information program to encourage community appearance.
  - (e) The commission may suggest, from time to time, the adoption of city ordinances that will help the beautification and clean-up efforts.
  - (f) The commission may solicit the cooperation of city departments that have enforcement authority for various areas of community appearance.
  - (g) The commission may encourage garden clubs and community organizations to develop projects on public property. Such projects shall be developed with the approval of the appropriate city department.
  - (h) The commission may request of the city manager assistance from city personnel for logistical support.



## Article II – Membership & Vacancies

- Section 1. The Commission shall consist of eleven (11) members, all of whom shall be citizens and residents of the city. Members shall serve staggered terms with each term being three (3) years. Each member shall be eligible for reappointment.
- Section 2. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired terms.
- Section 3. A member may be removed from membership by the City Council at the request of the Chairperson. After the member misses three or more consecutive meetings, or fails to attend 75% of all regularly scheduled meetings during the calendar year without acceptable reason, or because of other demonstrated lack of interest and participation, the Chairperson may begin the consideration of removing the member. Before making a request for removal, the Chairperson shall, if possible, discuss the matter with the involved member. In every instance, the making of the request will be reported to the full Commission and made a part of the minutes. Resignation of a member shall be reported to the City Council and recorded in the minutes of the Commission.
- Section 4. Although they will not vote as members, attendance of regular meetings of the Commission by students, civic groups and their members, local officials and businessmen is to be encouraged. All meetings of the Commission shall be open to the public and duly publicized in a newspaper of general circulation.

## Article III – Officers

- Section 1. The Commission will name from among its members, a Chairperson, a Vice-Chairperson, and a Secretary. The Secretary of the Commission need not be a member of the Commission. The Commission may create and fill such other offices as it may determine.
- Section 2. The term of Chairperson, Vice-Chairperson, Secretary and other officers shall be one (1) year commencing in September and continuing until August of the following year. The Vice-Chairperson shall be the sole nominee for the office of Chairperson when elections occur. Other nominees will be accepted only if the Vice-Chairperson fails to be elected as Chairperson. The Secretary may be re-elected to successive terms. The Chairperson and Vice-Chairperson shall not be re-elected to serve a successive term in office after serving a full one (1) year term in the same office.

Section 3. In the case of any vacancy among the officers, an election will be held at the next monthly meeting to select a replacement for the balance of the calendar year, ending in August. A person serving in a position to complete the un-expired term in the office of Chairperson or Vice-Chairperson shall be eligible to be re-elected to the office for the upcoming full one (1) year term.

#### Article IV – Duties of Chairperson

Section 1. The Chairperson will preside at business meetings of the Commission, appoint committees, and perform such duties as custom and parliamentary procedures may require. He or she will represent the Commission or will arrange for such representation in presentations to the City Council and at public hearings or in other meetings concerned with community appearance matters. He or she will report vacancies on the Commission to the City Council and request appointment of replacements or of additional members. The Chairperson will notify or have notified all members in advance of each regular meeting.

#### Article V – Duties of Vice-Chairperson

Section 1. The Vice-Chairperson will assume the duties of the Chairperson whenever the latter is absent from a meeting or unable to attend to any other official requirement. In the case of a vacancy as Chairperson, the Vice-Chairperson will act in that capacity. The Vice-Chairperson will perform such duties as designated by the Chairperson.

#### Article VI – Duties of Secretary

Section 1. The Secretary shall keep records and minutes of the Commission.

Section 2. At the direction of the Chairperson, the Secretary will report vacancies on the Commission to the City Council, request appointment of replacements or of additional members, and notify members of dates and places of meetings of the Commission.

Section 3. The Secretary will conduct correspondence as may be appropriate to this office.

Section 4. The Secretary will maintain an up-to-date record of members, together with their addresses and telephone numbers.

Section 5. The Secretary will serve as liaison between this Commission and other interested agencies when pertinent.

### Article VII – Committees

- Section 1. To ensure more detailed coverage of specific areas of responsibility, Commission members will be designated by the Chairperson to separate committees. A member may serve on more than one committee.
- Section 2. Each committee by vote of its designated members will elect a Committee Chairperson to serve during the calendar year. The Committee Chairperson will be responsible for calling and conducting meetings of the committee for furthering the work of the Commission within the designated field of the committee, for coordination with the Commission and the other committees, and for making sufficient record, minutes, and reports to the Commission.
- Section 3. All members of the Commission shall be encouraged to keep abreast of the work of the committees other than that or those to which they are assigned, and to attend committee meetings whenever there is a matter under consideration in which they have an interest or to which they may contribute. The interest of and attendance by nonmembers shall similarly be encouraged.

### Article VIII – Meetings

- Section 1. The Commission shall hold at least one (1) meeting per quarter. All of its meetings shall be open to the public. For the purpose of taking any official action, there shall be present a quorum of five (5) members.
- Section 2. The meetings of the Commission are to be held on the first Wednesday of each month at 5:30 p.m. in the third floor conference room in City Hall, or at a time and place set by the Chairperson.
- Section 3. The Chairperson, or any two other members, will call other meetings as required by needs or events. Commission members shall be notified at least 48 hours in advance of any called meeting.
- Section 4. If there is no business and at the option of the Chairperson, regularly scheduled meetings may be cancelled. All members will be notified at least 24 hours in advance of any cancellation.
- Section 5. Minutes shall be kept and made a part of the Commission records for each such regular or called meeting of the Commission.

Section 6. 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 or she 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 or she 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 7. All action taken shall be by majority vote.

#### Article IX – Amendment of Bylaws

Section 1. These by-laws may, within the limits allowed by law, be amended by 2/3 vote of the members present and voting, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

#### Article X – Expenses

Section 1. All Commission members, including the Officers, serve without pay.

Section 2. Travel and other expenditures pertaining to authorized business of the Commission may be reimbursed from City funds provided such expenditures have been specifically approved in advance by City Council.

## **RULES OF ORDER YOU SHOULD KNOW**

### **ROBERT'S RULES OF ORDER**

ROBERT'S RULES OF ORDER provide widely used information on governing meetings and accepted parliamentary procedure. Careful reading and use of this guide will help guarantee orderliness and fairness in the conduct of Community Appearance Commission meetings.

### **DUTIES OF THE CHAIRPERSON**

It is the duty of the Chairperson to call the meeting to order at the appointed time, to preside at all meetings, to announce the business before the Commission in agenda order, to state and put all questions properly brought before the Commission, to preserve order and decorum, and to decide all questions of order.

### **CORRECT PROCEDURE FOR AGENDA REVIEW AND MOTIONS BY THE COMMISSION**

The Chairperson calls the meeting to order. Then, by following the outline of the Commission's agenda, the Chair proceeds to introduce business items.

When a member wishes to make a motion on an issue, the member should address the Chair and then state the motion. (Example: "Mr. or Ms. Chairperson, I move the Community Appearance Commission recommend approval of the Elm Street Beautification Project to the City Council.")

Someone else seconds the motion, and the Chairperson says, "It has been moved and seconded that approval of the Elm Street Beautification Project be recommended to the City Council. Are we ready for the question (or vote)?"

If there are no further comments, the Chairperson should put the questions in a form similar to: "The question is on recommending approval of the Elm Street Beautification Project to the City Council. All in favor will say aye." When the ayes have voted, the chairperson says, "All opposed will say no."

Then the chairperson announces the result, stating that the motion is carried, or lost, as the case may be, in the following form: "The motion is carried.", or, "The ayes have it."

## OPEN MEETINGS

State law requires that all commissions, boards, and committees whose responsibility it is to “conduct the people’s business” have open meetings. The law defines an official meeting as an assembly, meeting, or gathering together at any time or place, or the simultaneous communication through use of a telephone call, of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or otherwise transacting the public’s business.

The law states that all public meetings be advertised. As a general rule, the time and place of regular meetings are established by ordinance or resolution. However, if a public body holds an official meeting at any time or place other than shown on the regular schedule, notice of the meeting is to be given no less than 48 hours before the time of the meeting.

Since the Open Meetings law is very specific and mandated by North Carolina General Statute, it is a good idea to allow the City’s staff to schedule and arrange for all of your official meetings. Your staff representative will be certain that your planned meeting complies with State requirements and will take care of advertising the meeting and preparing the appropriate agenda materials.

For addition information on the North Carolina Open Meeting Law, please refer to:

1. North Carolina General Statute 143-318, Article 33C, “Meetings of Public Bodies.”
2. Lawrence, David M. “Open Meetings and Local Governments in North Carolina: Some Questions and Answers”, Second Edition. Institute of Government, The University of North Carolina at Chapel Hill, 1979.

The books are available in the Office of the City Clerk.

## ORDINANCES PERTAINING TO COMMUNITY APPEARANCE

- I. Zoning**
  - Vegetation Requirements Title 9, Chapter 4, Article P
  - Sign Regulations Title 9, Chapter 4, Article N
  
- II. Public Works**
  - Streets and Sidewalks Title 6, Chapter 2
  - Trees (on public property/right of ways) Title 6, Chapter 5
  
- III. Inspections and Code Enforcement**
  - Minimum Housing Code Title 9, Chapter 1, Article F
  
- IV. Offenses and Public Nuisances**
  - Weeds, Vegetation and Other Public Title 12, Chapter 3
  - Public Heal Nuisances
  - Abandoned, Nuisance and Junked Title 12, Chapter 4
  - Motor Vehicles

## **YOUR JOB AS A COMMISSION MEMBER**

### Background

The Beautification, Clean-up, and Litter Control Committee was created by the City Council in April 1979. In January 1982 the name was changed by the City Council to Community Appearance Commission.

### Appointment and Term

The Community Appearance Commission is composed of 15 members appointed by the City Council. Term of office is three years. Regular Commission meetings are held on the first Wednesday of each month at 5:30 p.m. in the third floor conference room of City Hall located at 200 West Fifth Street. All meetings are open to the public.

### Attendance at Meetings

Members of the Community Appearance Commission are expected to attend all regular meetings. Keep in mind, if you miss three or more consecutive regular meetings, or if you fail to attend 75 percent of all regularly scheduled meetings, the Chairperson of the Community Appearance Commission will notify the City Council, through the Council representative, that a vacancy exists on the Commission. The Council will then appoint a new member to fill your unexpired term.

### Standards

If you will recall, one of the first comments you read in this handbook mentioned commitment to working as a group. Certainly, as a Commission, you want to be effective and efficient. From time to time, a Commission self-evaluation may be warranted to be certain you are obtaining this goal.

Is the Commission functioning as a deliberate study group, sending informed advice to the staff through the Community Development Department to the City Manager and City Council?

Does the Commission thoroughly review and discuss each idea to be certain it is in the public's best interest?

Is the Commission considering each idea and recommendation keeping in mind the impact its decision might have on the City's overall community appearance and plan for beautification?



### Getting Ideas and Recommendations to the City Council

Your Commission was established to develop ideas, review and evaluate ordinances and programs, and advise the City Council on matters related to community appearance and beautification. Findings and recommendations of the Community Appearance Commission should be routed to the City Council in the following manner.

Community Appearance Commission matters should first be referred to your staff representative: Niki Jones, Community Development, Planner I, Telephone: 252-329-4518, E-mail: [nsjones@greenvillenc.gov](mailto:nsjones@greenvillenc.gov).

This person will discuss and coordinate your recommendations with the City Manager.

The City Manager will review your suggestions and recommendations and will prepare them for presentation to the City Council for its consideration.

In reverse manner, Council actions and findings relative to Community Appearance Commission matters will be returned to you.

## COMMUNITY APPEARANCE COMMISSION AWARDS PROGRAM

The Community Appearance Commission (CAC) has established a process to acknowledge and recognize exemplary efforts of individuals, businesses, institutions and community groups to enhance the appearance of the City of Greenville. There will be award recognition at two levels: monthly awards and biennial awards.

### Monthly Awards

- Nominations will be received by the CAC from its members. All nominees must be located within the City of Greenville's Extraterritorial Jurisdiction (ETJ). Documentation to support nominations is desired.
- City staff will verify that nominees are free of code violations in the previous six months. **City staff will catalog pictures of all nominees for each monthly award to be used for the biennial award process.**
- **One award per month will be given by the CAC. A nominee for an award will be categorized as either a "new property" or "existing property". New properties are those in which there has been up to one year (12 months or less) since the building license was issued. Existing properties are those in which the property has been licensed for over a year (+12 months), the property ownership/leasing rights have transferred to a new business, or renovations have taken place.**
- **For "new properties" CAC members should consider the property's architecture and landscape surroundings. For "existing properties" members should consider the property's amount and/or design of renovation and landscape surroundings.**
- APPRECIATION NOMINATION OBJECTIVES  
*Things to keep in mind during your site visit to each nominated property:*
  - Overall appearance of landscape and design
  - Maintenance of vegetation (shrubs trimmed, grass mowed, dead vegetation removed or replaced, etc.)
  - Variation of vegetation (evergreen/deciduous, flowering, height, etc.)
  - Property upkeep (trash pick-up, paving, etc.)
  - Building upkeep  
*Things staff will look into for each nominated property:*
  - Any vegetation violations now or within the past year
  - Any zoning violations now or within the past year
  - Any Neighborhood Services violations now or within the past year

- **Commission members are encouraged to submit nominations. Nominees for the monthly CAC awards will be selected from the following types of properties.**
  1. Commercial retail – large
  2. Commercial retail – medium
  3. Commercial retail – small
  4. Historical Sites on the Registry
  5. Industrial
  6. Institutions
  7. Medical/Dental
  8. Multi-Family Residential
  9. Neighborhood entrances
  10. Office complexes and banks
  11. Public landscaping
  12. Restaurants
  13. Outstanding effort
  
- **A vote will be taken for all nominees. Each CAC member will vote for one approved nominee. The nominee receiving the most votes will receive the monthly CAC Appearance Award. To break a tie, the chairperson’s vote will be withdrawn and the members’ votes recounted to complete the voting process.**
  
- Nominations will remain active for the current year. Nominees can only receive the monthly CAC Appearance Award once during a two-year period.
  
- Monthly CAC Appearance Award recipients will be recognized in the following ways listed below. The responsibility for the different types of recognition by city staff or chairperson/commission members is outlined as follows:

**Responsibility of City Staff**

1. Display and announcement at the City Council meeting;
2. Display on the **GTV (public access channel)**;
3. Publication on the City Page in The Daily Reflector and **the City of Greenville’s website**
4. Notification of their recognition;

**Responsibility of Chairperson or Commission Members**

5. Award Certificate delivered by members of the Appearance Award Subcommittee; and
6. The chairperson of the CAC is ultimately responsible for delivering the awards; however, the right of first refusal goes to the person that nominated the award winner.

## Biennial Appearance Awards

- All monthly award recipients during the preceding 2 years automatically become nominees for the biennial CAC Appearance Awards.
- By the May meeting of the CAC, a vote will be taken of the CAC to determine the finalists for the biennial awards. No more than ~~25~~ **12** finalists (out of a pool of 24) will be selected for final consideration. Of these 12 finalists, 6 will be chosen for the “new property” category and 6 will be chosen for the “existing property” category.
- In the case that there are not 6 “new” or “existing” properties available to choose from, the commission will nominate from the available pool of finalists.
- **Four** biennial awards will be selected by the CAC from the monthly award recipients using a process of reverse-weight prioritization. Two awards for “new properties” and 2 awards for “existing properties”. In the case of a tie for 1<sup>st</sup> or 2<sup>nd</sup> place for either category, both nominees will be given the biennial award. No vote for breaking a tie will be made.
- The first awards will be presented in the fall from the monthly award recipients from June to May. The two –year cycle will provide for awards on the even numbered years thereafter.
- The CAC will review the Award Process at the completion of each biennial award cycle for revisions.
- Award Process
  1. At the **May meeting**, members will receive a list of the monthly award recipients from September thru April. This list will include ~~3~~ **1** blank space so the members may write in the award winner for May. Essentially, the list will span from September thru May.
  2. Members are responsible for choosing **12** finalists from the monthly award winners’ list, 6 for each category (“new” or “existing”).
  3. Members are to bring their **12** finalists to the **June meeting**. If a member will be absent, it is his or her duty to e-mail, fax or mail their **12** finalists to the subcommittee chairperson prior to June’s meeting.
  4. After the June meeting, a meeting of Appearance Award Subcommittee and any CAC members who wish to attend, will meet to tally the votes of the CAC for the **12** finalists.
  5. Members will be mailed/emailed a list including pictures of the nominees announcing the **12** finalists.
  6. Members will have July and August to visit the **12** finalists’ locations and vote for their **4** biennial award finalists, which will be **2** nominees from each category (“new” or “existing”).
  7. At the September meeting, members are to bring their **4** biennial award finalists. We will use the reverse-weight prioritization to determine the **4** biennial award winners.

8. In addition to the monthly award recognition procedure, CAC will issue a press release and organize a GTV segment highlighting the winners. More importantly, we will inform the winners and invite them to our October meeting to receive their award.
9. At the October meeting, we will present those winners in attendance with their awards.

**Excerpt from the draft minutes of the August 5, 2009 Community Appearance Commission meeting**

Mr. McLawhorn asked Mr. Jones to review the Bylaws.

Mr. Jones: There were more changes to the Bylaws. The ex officio means that I would have a vote on the Commission, but I do not, so that was changed. The Commission has been reduced from a fifteen (15) member Commission to an eleven (11) member Commission. Chairman will be changed to Chairperson. Staffing has changed for this Commission and will be primarily planning's duty. This is a matter of voting on the changes to the Bylaws.

**BY-LAWS**

**COMMUNITY APPEARANCE COMMISSION  
GREENVILLE, NORTH CAROLINA**

Article I. – Name, Purpose

- Section 1. In accordance with Ordinance No. 860, City of Greenville, dated April 12, 1979, as amended by Ordinance No. 1163 dated January 29, 1982, and as amended by Ordinance No. \_\_\_\_ the Greenville City Council established a Commission to be made up of the citizens of the community to be known as the Community Appearance Commission of the City of Greenville.
- Section 2. The purpose of the designated Commission is to encourage beautification and community appearance.
- Section 3. The responsibilities and duties of the commission are hereby defined as follows:
- (a) To initiate, promote, and assist in the implementation of programs of general community beautification and appearance.
  - (b) To seek to coordinate the activities of individuals, agencies, organizations, public and private, and city departments whose plans, activities, and programs bear upon the appearance of Greenville.
  - (c) To encourage improved community appearance, both on public and private property.
  - (d) In carrying out its work, to conduct a public information program to encourage community appearance.
  - (e) The commission may suggest, from time to time, the adoption of city ordinances that will help the beautification and clean-up efforts.

- (f) The commission may solicit the cooperation of city departments that have enforcement authority for various areas of community appearance.
- (g) The commission may encourage garden clubs and community organizations to develop projects on public property. Such projects shall be developed with the approval of the appropriate city department.
- (h) The commission may request of the city manager assistance from city personnel for logistical support.

## Article II – Membership & Vacancies

- Section 1. The Commission shall consist of eleven (11) members, all of whom shall be citizens and residents of the city. Members shall serve staggered terms with each term being three (3) years. Each member shall be eligible for reappointment.
- Section 2. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired terms.
- Section 3. A member may be removed from membership by the City Council at the request of the Chairperson. After the member misses three or more consecutive meetings, or fails to attend 75% of all regularly scheduled meetings during the calendar year without acceptable reason, or because of other demonstrated lack of interest and participation, the Chairperson may begin the consideration of removing the member. Before making a request for removal, the Chairperson shall, if possible, discuss the matter with the involved member. In every instance, the making of the request will be reported to the full Commission and made a part of the minutes. Resignation of a member shall be reported to the City Council and recorded in the minutes of the Commission.
- Section 4. Although they will not vote as members, attendance of regular meetings of the Commission by students, civic groups and their members, local officials and businessmen is to be encouraged. All meetings of the Commission shall be open to the public and duly publicized in a newspaper of general circulation.

## Article III – Officers

- Section 1. The Commission will name from among its members, a Chairperson, a Vice-Chairperson, and a Secretary. The Secretary of the Commission need not be a member of the Commission. The Commission may create and fill such other offices as it may determine.

Section 2. The term of Chairperson, Vice-Chairperson, Secretary and other officers shall be one (1) year commencing in September and continuing until August of the following year. The Vice-Chairperson shall be the sole nominee for the office of Chairperson when elections occur. Other nominees will be accepted only if the Vice-Chairperson fails to be elected as Chairperson. The Secretary may be re-elected to successive terms. The Chairperson and Vice-Chairperson shall not be re-elected to serve a successive term in office after serving a full one (1) year term in the same office.

Section 3. In the case of any vacancy among the officers, an election will be held at the next monthly meeting to select a replacement for the balance of the calendar year, ending in August. A person serving in a position to complete the un-expired term in the office of Chairperson or Vice-Chairperson shall be eligible to be re-elected to the office for the upcoming full one (1) year term.

#### Article IV – Duties of Chairperson

Section 1. The Chairperson will preside at business meetings of the Commission, appoint committees, and perform such duties as custom and parliamentary procedures may require. He will represent the Commission or will arrange for such representation in presentations to the City Council and at public hearings or in other meetings concerned with community appearance matters. He will report vacancies on the Commission to the City Council and request appointment of replacements or of additional members. The Chairperson will notify or have notified all members in advance of each regular meeting.

#### Article V – Duties of Vice-Chairperson

Section 1. The Vice-Chairperson will assume the duties of the Chairperson whenever the latter is absent from a meeting or unable to attend to any other official requirement. In the case of a vacancy as Chairperson, the Vice-Chairperson will act in that capacity. The Vice-Chairperson will perform such duties as designated by the Chairperson.

#### Article VI – Duties of Secretary

Section 1. The Secretary shall keep records and minutes of the Commission.

Section 2. At the direction of the Chairperson, the Secretary will report vacancies on the Commission to the City Council, request appointment of replacements or of additional members, and notify members of dates and places of meetings of the Commission.



- Section 3. The Secretary will conduct correspondence as may be appropriate to this office.
- Section 4. The Secretary will maintain an up-to-date record of members, together with their addresses and telephone numbers.
- Section 5. The Secretary will serve as liaison between this Commission and other interested agencies when pertinent.

#### Article VII – Committees

- Section 1. To ensure more detailed coverage of specific areas of responsibility, Commission members will be designated by the Chairperson to separate committees. A member may serve on more than one committee.
- Section 2. Each committee by vote of its designated members will elect a Committee Chairperson to serve during the calendar year. The Committee Chairperson will be responsible for calling and conducting meetings of the committee for furthering the work of the Commission within the designated field of the committee, for coordination with the Commission and the other committees, and for making sufficient record, minutes, and reports to the Commission.
- Section 3. All members of the Commission shall be encouraged to keep abreast of the work of the committees other than that or those to which they are assigned, and to attend committee meetings whenever there is a matter under consideration in which they have an interest or to which they may contribute. The interest of and attendance by nonmembers shall similarly be encouraged.

#### Article VIII – Meetings

- Section 1. The Commission shall hold at least one (1) meeting per quarter. All of its meetings shall be open to the public. For the purpose of taking any official action, there shall be present a quorum of five (5) members.
- Section 2. The meetings of the Commission are to be held on the first Wednesday of each month at 5:30 p.m. in the third floor conference room in City Hall, or at a time and place set by the Chairperson.
- Section 3. The Chairperson, or any two other members, will call other meetings as required by needs or events. Commission members shall be notified at least 48 hours in advance of any called meeting.

- Section 4. If there is no business and at the option of the Chairperson, regularly scheduled meetings may be cancelled. All members will be notified at least 24 hours in advance of any cancellation.
- Section 5. Minutes shall be kept and made a part of the Commission records for each such regular or called meeting of the Commission.
- Section 6. 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 7. All action taken shall be by majority vote.

#### Article IX – Amendment of Bylaws

- Section 1. These by-laws may, within the limits allowed by law, be amended by 2/3 vote of the members present and voting, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

#### Article X – Expenses

- Section 1. All Commission members, including the Officers, serve without pay.
- Section 2. Travel and other expenditures pertaining to authorized business of the Commission may be reimbursed from City funds provided such expenditures have been specifically approved in advance by City Council.

Motion was made by Mr. Perry Kachroo and seconded by Ms. Katherine Swope to accept the amendments to the Community Appearance Commission's Bylaws. Motion carried unanimously.

Mr. Jones: These changes will be going before City Council for approval at their September meeting.

Mr. Caspar asked that Community Appearance Commission members receive a complete set of the Bylaws once approved by City Council.

Mr. Jones agreed to provide Commission members with a copy once City Council gives their approval.



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Greenville Bicycle Friendly Task Force Report and Recommendation

**Explanation:** On May 8, 2008, the Greenville City Council approved the proposal from the Bicycle Safety Advocacy Group, which included the establishment of the Greenville Bicycle Friendly Task Force. The Task Force was created with the intention that it be an ad hoc committee charged with completing all of its goals within two years of its creation. Task Force members were appointed by the City Council at the August 14, 2008, City Council meeting.

The Task Force's goals included:

1. Review the implementation of the 2002 Greenville Urban Area Bicycle Master Plan
2. Inventory and assess the current status of Greenville bikeways
3. Examine model bicycle-friendly communities' best practices
4. Develop a plan to seek and obtain designation of Greenville as a Bicycle Friendly Community by the League of American Bicyclists
5. Facilitate application for North Carolina Department of Transportation Bicycle and Pedestrian Planning grant
6. Explore other opportunities to fund bikeway infrastructure improvements
7. Develop a five-year plan for advancing the culture of Greenville to one in which citizens are proud to support and advocate for bicyclists and pedestrians
8. Develop a ten-year plan to achieve 100 miles of bikeways

The Bicycle Friendly Task Force held a Community Forum at City Hall on August 19, 2009, to get feedback from the community on its proposed recommendations. The forum was well attended, as approximately fifty persons attended. On September 10, 2009, the Task Force Chair Herb Garrison will provide a report to the City Council recommending that a bicycle and pedestrian commission be created. A memo from Dr. Garrison is attached.

**Fiscal Note:** Approximately 15 hours per month will be required for the designated staff liaison and staff support to be provided to the proposed commission.

**Recommendation:** Receive the Greenville Bicycle Friendly Task Force's report and consider approval of its recommendation.

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 [Bicycle\\_Task\\_Force\\_Memo\\_from\\_Herb\\_Garrison\\_841955](#)

 [Bicycle\\_and\\_Pedestrian\\_Commission\\_841887](#)

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Greenville Bicycle Friendly Task Force

August 30, 2009

To: The Honorable Mayor Patricia C Dunn  
The Honorable Mayor Pro-Tem Mildred A. Council  
The Honorable Council Member Rose H. Glover  
The Honorable Council Member Max Joyner Jr.  
The Honorable Council Member Bryant Kittrell  
The Honorable Council Member Calvin Mercer  
The Honorable Council Member Larry Spell

From: Herb Garrison  
Chair of the Task Force

Re: Proposal for a Greenville Bicycle and Pedestrian  
Commission

On behalf of the Greenville Bicycle Friendly Task Force, I am forwarding for your consideration a proposal for the establishment of a Greenville Bicycle and Pedestrian Commission.

The proposal for the Bicycle and Pedestrian Commission was drafted and approved without dissent by the Bicycle Friendly Task Force. It was also presented at a community forum in Greenville City Hall on August 19<sup>th</sup>. Of the nearly 50 people present at the forum, many spoke in favor of establishing a Commission and there was no opposition to a Commission.

There was support at the forum for asking the Commission to include in its oversight the use of personal mobility devices (PMDs). The draft proposal was changed to include PMDs under its purview.

As detailed in the Finding of Need in the proposal, there are many reasons to have a Bicycle and Pedestrian Commission. The principal reasons include: 1) it is a best practice in bicycle-friendly and walkable communities; and 2) there is a need for a dedicated group of Greenville citizens who can guide the development and use of bikeways and sidewalks.

The Greenville Bicycle Friendly Task Force will complete its work in less than a year. But making Greenville bicycle-friendly and very walkable is a process that will be never-ending. The Task Force believes that the establishment of a Commission will keep progress going in the right direction.

## Draft of 27 August 2009

### **Article [I]. Greenville Bicycle and Pedestrian Commission**

#### Sec. 2-3-9. Finding of Need

The City of Greenville requires a standing bicycle and pedestrian commission for multiple reasons: 1) it is a best practice for bicycle-friendly and walkable communities to have a permanent city-based group of residents that promotes walking and bicycle riding; 2) bicycle and pedestrian issues are addressed by multiple City of Greenville departments and there is not presently a single Greenville commission that City staff can turn to for direction on bicycle and pedestrian matters; and 3) bicycle riding and walking/running have potential health and safety risks and benefits that require continuous attention.

#### Sec. 2-3-92. Creation.

The Greenville Bicycle and Pedestrian Commission is hereby created for the primary purpose of advancing Greenville as a bicycle and pedestrian friendly community and for encouraging bicycling and walking among its citizens and visitors. The Commission will also provide advice and recommendations to the Greenville City Council on questions related to bicycle and pedestrian issues.

#### Sec. 2.3-93. Members - Numbers.

(a) The Commission shall consist of twelve (12) members, all of whom shall be citizens and residents of the city. Each member shall be appointed by the City Council.

(b) The Director of the Recreation & Parks Department and the Director of the Public Works Department shall serve as ex-officio, nonvoting advisors to the Commission. East Carolina University, the Pitt County Planning Department, and the Eastern Carolina Injury Prevention Program shall each designate a representative to serve as a non-voting advisor to the Commission.

#### Sec. 2-3-94. Members - Terms of Office.

Members shall serve staggered terms with each term being three (3) years. For the initial commission, four (4) members shall have an initial appointment of three (3) years; four (4) members shall have an initial appointment of two (2) years; and

four (4) members shall have an initial appointment of one (1) year.

Sec. 2-3-95. Organization, Meetings, and Records

The Greenville Bicycle and Pedestrian Commission shall meet and elect a chair, chair-elect, and secretary. It may elect other officers as it may determine. The term of officers shall be two (2) years. The secretary of the Commission need not be a member of the Commission. The Commission shall keep such records of its members' attendance and of its resolutions, discussions, findings, and recommendations, which records shall be open to the public. The Commission shall hold at least one (1) meeting per quarter. All of the Commission meetings shall be open to the public. For the purpose of taking any official action, there shall be present a quorum of seven (7) members.

Sec. 2-3-96. Responsibilities and Duties.

The responsibilities and duties of the Greenville Bicycle and Pedestrian Commission are hereby defined as follows:

- (1) To study and promote the integration of bicycling and walking into City of Greenville policies and practices;
- (2) To study proposed changes in laws, regulations, and codes concerning bicycle riders, pedestrians, users of personal mobility devices, and related stakeholders and to advise the Greenville City Council with respect to proposed changes;
- (3) To educate and inform the public and local officials on bicycle and pedestrian issues;
- (4) To facilitate citizen participation in matters involving bicycle and pedestrian questions; and
- (5) To serve as an advisory and discussion board for new bicycle lanes, sidewalks, trails, and routes proposed by city of Greenville staff and other groups.





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Financial audit for the fiscal year ended June 30, 2009

**Explanation:** The City's independent auditor, Martin Starnes & Associates, will present the firm's unqualified opinion of the financial statements for the fiscal year ended June 30, 2009 for the governmental and business-type activities, each major fund, and the remaining fund information. Additionally, the Financial Services Department will provide the financial position of the City for the year along with other comparative financial information.

This presentation will include the auditor's unqualified opinion for the year ended June 30, 2009, which disclosed no material internal control weaknesses or material violations of laws and regulations relative to its major federal programs.

The final phase of the annual audit cycle will include submission of financial statements to the Local Government Commission (LGC) for review. That process should be completed by October 31, 2009. Following LGC review and final revisions, the Comprehensive Annual Financial Report (CAFR) will be finalized and submitted to the Mayor, City Council Members, and the City Manager.

**Fiscal Note:** Fees for the annual audit are included in the Financial Services Department budget.

**Recommendation:** Accept the audit report as presented by Martin Starnes & Associates and receive the information on the results of operations for the fiscal year ended June 30, 2009, presented by the Financial Services staff.

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# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Relocation assistance for businesses impacted by the Stantonsburg Road/10th Street Connector Project

**Explanation:** In 2007, the City Council approved the attached Tenth Street Connector Supplemental Relocation Program for homeowners who may be subject to relocation in connection with this road project. During public hearings on the project, some business owners have requested that the City consider a similar program for commercial property. Council Member Glover asked that this request be scheduled for discussion at the September 10, 2009 City Council meeting.

**Fiscal Note:** No cost to discuss the request. The projected cost of a program could be estimated by City staff after direction from the City Council.

**Recommendation:** Discuss a supplemental relocation program for businesses subject to relocation in connection with the Stantonsburg Road/10th Street Connector Project.

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[TENTH STREET CONNECTOR SUPPLEMENTAL RELOCATION PROGRAM 820304](#)



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## **TENTH STREET CONNECTOR SUPPLEMENTAL RELOCATION PROGRAM**

**Explanation: On February 5, 2007, the Greenville City Council authorized the creation of the Tenth Street Connector Relocation Program for residents affected by relocation who desire to remain a resident of the West Greenville community.**

This is a program designed to assist homeowners who may be subject to relocation in connection with the North Carolina Department of Transportation's Tenth Street Connector project. The City of Greenville will provide land for new home construction or relocation of existing homes owned by residents who desire to continue living in the 45-block revitalization area. In addition, financial assistance from the City of Greenville homebuyer assistance program for income-eligible residents will also be available.

Land will be provided by the City of Greenville in the Fleming, Hudson, Vanderbilt and Bancroft areas of West Greenville in the form of deferred loans and will be secured by a deed of trust and promissory note for a period of five (5) years. Assistance will be made available under three general categories:

- 1. Land for Home Relocation** - For persons who wish to move their existing home, land for the relocation (moving) of a home acquired by the State of North Carolina Department of Transportation (and purchased back by the homeowner) will be available. Land for the home relocation will be provided to the homeowner at no cost in the form of a deferred loan (grant) that will be forgiven over 5 years as long as the property owner maintains the home as their principal residence. Lot sizes will generally consist of 6,000 to 7,000 square feet and will be valued at approximately \$7,000.
- 2. Land for New Home Construction** - Land for the construction of a new replacement home will be made available for those homeowners who elect not to move a home acquired by the State of North Carolina Department of Transportation. Homes may be built either through the City of Greenville's "Housing Production Program" or by the homeowner on land provided by the City. Homes produced by the City will contain approximately 1,200 square feet or more, with a minimum of 3 bedrooms and 2 bathrooms.

Other amenities such as carports or garages may be offered. Under the program, the homeowner will purchase a home with their acquisition Agenda Briefing Item # 8

proceeds issued by the North Carolina Department of Transportation. The cost of the land will be reduced from the purchase price and will be provided at no cost to the homeowner in the form of a deferred loan (grant) that will be forgiven over 5 years as long as the property owner maintains the home as their principal residence. Lot sizes will generally consist of 6,000 to 7,000 square feet and will be valued at approximately \$7,000.

- 3. Homebuyer Assistance** - For homebuyers with incomes 80% or less of the area median income as adjusted by family size, mortgage assistance up to \$10,000 may be available from the City of Greenville's Homeownership program. (In 2006, a family of 4 with an annual income of \$39,850 or less qualified for this program.) These funds can be used by an eligible buyer to reduce the mortgage financed by the homebuyer for newly constructed homes. Mortgage rules and qualification standards from the financial institution apply, and mortgage approval must be obtained prior to funds being provided by the City of Greenville.

\*For homes relocated, the Homeowner will work with the NC Department of Transportation to insure that the home is set up and made ready for occupancy by the homeowner.

\*\*Tenants who are interested in purchasing homes in the area will be eligible to participate in this program through the homebuyer assistance programs of the City of Greenville. The deferred loans for land identified in this program will be secured by a deed of trust and promissory note with the terms identified. The City of Greenville will make every effort to make sure that the affected residents of the Tenth Street Connector project have choices. This program has been designed to insure that as many residents that desire to remain in the area have that opportunity.



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Crime free rental house program

**Explanation:** During the public hearing on crime in Greenville at the August 24, 2009 City Council meeting, Kathy Harrington proposed that the City consider implementing a crime free rental house program (a copy of her presentation is attached). Council Member Spell requested that Ms. Harrington be placed on the September 10, 2009 City Council agenda to present her plan and consider further actions.

**Fiscal Note:** No cost to hear presentation. The projected cost of a program could be estimated by City staff after direction from the City Council.

**Recommendation:** Hear a presentation from Kathy Harrington on a crime free rental house program and consider further actions.

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 [Comments](#)

August 24, 2009

Greenville City Council Meeting

Good evening Thank you for the opportunity to speak this evening. My name is Kathy Harrington. As a landlord and citizen of Greenville I am very upset about the crime going on in the City of Greenville. Most of you know of a lot of the incidents I've dealt with. Let me give you my latest.

Last Saturday morning one of my tenants called me at 3:30 in the morning to let me know there was arguing and shooting in front of their house. I called the GPD and I met them there. As usual when we got there the shooter and trouble-makers were gone. As I was standing on the porch another shot was fired in the distance. I can't begin to describe how I felt to hear that sound. In some communities that is an every night occurrence. People have to live in fear a bullet may go into their house and kill them. As a landlord I realize there is too much crime for law enforcement to be able to handle. Adding more officers is not the answer. The answer is to be proactive instead of reactive to crime and to put a crime prevention program into place that is proven to reduce crime, reduce calls-to-service and improve quality of life. We don't have to re-invent the wheel. The program first developed in 1992 has a proven history to work and is in place in cities all over the United States.

I'm here to request the City Council put together a committee to look at initiating the Crime Free Rental House Program. This program is a state of the art program designed to reduce crime, drugs and gangs. It is a partnership between the police department and landlords in managing rental property so that criminals can't live there. Landlords have more options dealing with criminal tenants through civil management than law enforcement trying to enforce criminal sanctions. Currently there are many landlords that don't care who they rent to as long as they pay the rent. Their houses are full of prostitutes, drug dealers and gang members. They don't do background checks which is a huge problem. The other problem is the GPD is not required to contact landlords if they make a call to one of our houses from where a tenant has broken the law so we don't know that illegal activity may be going on. The Crime Free Rental Housing Program would require the GPD to notify landlords if they make a call to one of our houses so we can deal with the tenant.

You may ask what this has to do with all of Greenville..... a law enforcement officer stated about 80% of all crimes in Greenville is drug related. If we get rid of the drug dealers and drug addicts the crime in Greenville will be drastically reduced. The Crime Free Rental Housing Program on an average reduces crime as little as 11% and as much as 65%. Calls for service on an average is reduced 90% - 95%. This is huge. Not only are citizens more safe but the city saves thousands of dollars on car maintenance and gas and it also creates faster response by the police department because they are not bogged down by all the quality of life issues caused by bad people.

There is no reason the Crime Free Rental Housing Program should not be put in place. There is too much at stake with the lives of our citizens of Greenville.

If anyone has any questions about the program feel free to contact me.





# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Special task force on public safety

**Explanation:** On August 12, 2009, the Greenville-Pitt County Chamber of Commerce sent the attached letter to the Mayor and City Council requesting that the City Council appoint a special task force on public safety. Mayor Dunn, Council Member Kittrell, and Council Member Joyner requested that consideration of this request be placed on the September 10, 2009 City Council agenda.

**Fiscal Note:** No cost to consider the request.

**Recommendation:** Consider the request of the Greenville-Pitt County Chamber of Commerce that the City Council appoint a special task force on public safety

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 [Letter from Chamber](#)

Greenville-Pitt County



August 12, 2009

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

Dear Mayor Dunn and Members of City Council:

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

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

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

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

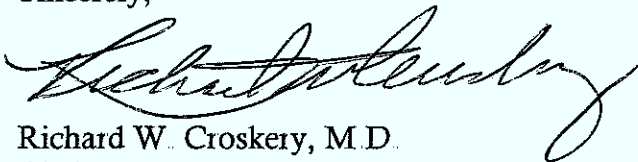
- Task Force members should be key decision makers within the groups, organizations, churches or businesses they represent. They should have the authority to commit their groups, organizations, churches or businesses to decisions that are good for the entire community without consideration for "politics" or repercussions. The Task Force should have staff support from city staff leaders who are knowledgeable about public safety, law enforcement and planning and zoning.
- With the expectation of creating an effective, powerful and influential task force, our joint committee strongly endorses the specific inclusion of leaders representing East Carolina University, Uptown Greenville, the Greenville-Pitt County Chamber of Commerce, Citizens United Against Violence and the Faith Community.
- The task force should be presented at the beginning with factual crime data about Greenville.

- The task force should be presented with legal information regarding planning and zoning issues which have an impact on public safety and should be empowered to study and recommend ordinance and/or zoning changes related to public safety.
- The task force should hold regularly scheduled meetings and have timelines for submitting recommendations.
- The task force should be empowered to look at other communities – including travel if necessary or bringing in leaders from those cities – to learn how other communities have dealt with similar issues.

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

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

Sincerely,



Richard W. Croskery, M.D.  
Chairman



Dan Nichols  
Vice Chairman  
Governmental Affairs

c: Wayne Bowers, Greenville City Manager



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Acceptance of funding from the United States Department of Justice under the American Recovery and Reinvestment Act of 2009

**Explanation:** The Greenville Police Department has contracted with the Pitt County Schools to provide resource officers in the schools for a number of years. The most recent contract will expire on September 30, 2009 and will not be renewed by Pitt County Schools due to budget restrictions. Without funding for those positions, it will be necessary to eliminate those four positions from the Police Department budget.

The City of Greenville was recently awarded a grant from the United States Department of Justice for eight new police officer positions under the American Recovery and Reinvestment Act of 2009. The COPS Hiring Recovery Program is part of the economic stimulus package and provides additional sworn law enforcement personnel. The grant provides funding for the salaries and benefits of entry-level positions, including salaries and benefits for re-hired full-time sworn officer positions who have been laid off or are scheduled to be laid off on a future date as a result of local budget cuts. The Police Department intends to assign four of the eight officers to Pitt County Schools to replace the school resource officer positions that will be lost to cutbacks by the School Board. The other four officers would be assigned one to each patrol shift to increase the overall number of patrol districts by one, thus enhancing the Police Department's Area Policing Plan.

**Fiscal Note:** The school resource officer positions that will be eliminated were funded through the contract with Pitt County Schools. The 2009-2010 Budget will be amended to reflect the loss in anticipated revenue from the School System contract and to accept the \$1,517,568 as part of the American Recovery and Reinvestment Act of 2009. There is no local match for the eight new positions, and the three-year grant totals \$1,517,568.

**Recommendation:** Authorize the Police Department to accept the grant from the U. S. Department

of Justice as part of the American Recovery and Reinvestment Act of 2009, and amend the budget to reflect the appropriate changes.

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# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

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**Title of Item:** Fork Swamp Greenway Construction

**Explanation:** As proposed in the Greenway Master Plan, the Fork Swamp Greenway extends along the Fork Swamp drainage canal from Evans Street south to the city limits (map attached). Opening the Fork Swamp Greenway has been a goal of FROGGS (Friends of Greenville Greenways) for some time. Staff supports this improvement. There have been a number of ownership and right-of-way issues to resolve, but City staff has concluded these are sufficiently resolved to open a portion of the greenway to the public after it is made safe for pedestrian traffic.

Once developed, this portion of the Fork Swamp Greenway will provide a walking trail to Paramore Park for the local neighborhoods of Sheffield and Bedford. The funds requested will provide a minimal stone base at selected low points in the trail, with the majority of the trail remaining a grass/dirt surface. This construction will provide a safe path of travel for users and relocate a gate to block vehicles but allow users to enter through gaps in the bollards.


**Fiscal Note:** Very basic trail development can occur for \$8,500 and a mowing cost of \$2,500 for the balance of the fiscal year. Funding source is the General Fund Contingency that has a current balance of \$192,980.

**Recommendation:** Approve funding for basic trail development and maintenance for a portion of the Fork Swamp Greenway.

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 [Aerial View](#)

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# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Review of construction and demolition debris removal

**Explanation:** The City of Greenville Public Works Department stopped collecting construction and demolition (C&D) debris on August 1, 2008. The Public Works Department recommended this change, and City Council approved staff's recommendation at their June 2, 2008 meeting. The change was made for the following reasons:

1. Additional crews would be needed to meet environmental regulations requiring separating C&D debris from other waste and delivering to three different locations depending on the type of C&D material.
2. The cost associated with providing this service.
3. Potential exposure of Sanitation workers to hazardous material contained in some C&D debris.

Prior to August 1, 2008, the City did collect C&D debris from households as long as the material was not created as a result of contractor's work and did not contain hazardous materials.

There have been some concerns expressed by citizens about the loss of this service, but this has been limited. The attached report gives detail as to the number of actions taken by Code Enforcement and by the Public Works Department since August 1, 2008. Code Enforcement has a total of 1220 actions related to Solid Waste Codes, but they do not separate out how many of these were related to C&D materials. The Public Works Department has placed an estimated 550 door hangers at residences and had 130 direct discussions with citizens related to C&D materials.

The cost of reinstating this service will vary from \$47,000 to \$358,000 depending on the option selected:

**Option 1a** -Collection of C&D debris on day of service by appointment  
\$197,940

**Option 1b** -Collection of C&D debris on day of service without an

appointment \$357,880

**Option 2** -Overtime to support pickup of C&D debris by appointment  
\$190,000

**Option 3** -Collection of C&D debris with a fee for the service (Fee would be  
\$150 for the first hour and \$125.00 for each additional hour). \$47,940

After re-evaluation of the reasons for the change, practices of other cities, and the cost associated with collecting C&D debris, staff does not recommend change in our service level.


**Fiscal Note:** Fiscal impacts of different alternatives are listed in the attached report.

**Recommendation:** Receive report from Public Works staff and take appropriate action. Staff does not recommend changing the present service level.

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 [Review of Construction and Demolition Collection 841685](#)

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**REVIEW OF CONSTRUCTION AND DEMOLITION DEBRIS  
REMOVAL IN THE CITY OF GREENVILLE**

**BACKGROUND:**

Prior to August 1, 2008, the City did pick up construction and demolition (C&D) debris. Contractors were required to haul their own C&D debris and the City did not pick up C&D debris that contained any hazardous material. Public Works recommended and received approval at the June 2008 City Council meeting, that effective August 1, 2008 the City would stop collecting construction and demolition debris from any residence, regardless of how it was generated.

Staff recommended the City stop collecting C&D debris for the following reasons:

- The need for additional crews to meet environmental regulations requiring C&D debris to be separated from other curbside trash and be delivered to three different landfills.
- The cost of providing this service.
- The potential of exposing Sanitation workers to hazards possibly contained in C&D debris.

**DATA FROM AUGUST 1, 2008 TO JULY 31, 2009:**

The total actions by Code Enforcement and Public Works related to C&D debris:

Code Enforcement Actions (All Solid Waste Code actions)*	1,220
Door hangers left at residences	550#
Direct discussions with property owners or residents	130#

\*- Code Enforcement does not keep data specific to C&D Material code actions

#- Estimated number of contacts

**RESEARCH ON PROCEDURES OF OTHER CITIES:**

Public Works has researched how other cities in North Carolina handle C&D material. The results of this research are listed below:

City	Do they pick up C&D	Notes
Asheville	No	
Burlington	No	
Carrboro	No	
Chapel Hill	No	
Charlotte	No	
Concord	Yes	No additional cost
Durham	No	

Fuquay-Varina	No	
Gastonia	Yes	No more than pickup load
Goldsboro	No	
Greensboro	Yes	2-32 gal. containers per job No contractors
Grifton	No	
Havelock	No	
Henderson	Yes	\$300 minimum charge
High Point	No	
Kannapolis	No	
Laurinburg	No	
New Bern	No	
Raleigh	No	
Shelby	No	
Statesville	No	
Tarboro	No	
Washington	No	
Williamston	Yes	
Wilmington	No	
Wilson	No	
Winston-Salem	No	
Zebulon	No	

**ANALYSIS OF OPTIONS TO COLLECT C&D MATERIAL:**

**Option 1-** Add a new crew(s) to pick up C&D debris during work hours.

a. Pick up on day of service by appointment

Additional crew (2 employees)	\$ 110,000
Additional knuckle boom truck (5 year payoff)	\$ 25,000
Fuel	\$ 6,000
Maintenance and repair	\$ 8,000
Overhead	\$ 8,940
Tipping Fees (Estimated 1000 Tons)	<u>\$ 40,000</u>
Total	<b>\$ 197,940</b>

Notes:

- This option would increase refuse fees by approximately \$.45 per month.
- A resident will be required to call Public Works to request C&D collection service.

b. Pick up on day of service without call in for service

Additional crews (4 employees)	\$ 220,000
Additional knuckle boom trucks (2) (5 year payoff)	\$ 50,000
Fuel	\$ 12,000
Maintenance and repair	\$ 16,000
Overhead	\$ 19,880
Tipping Fees (Estimated )	\$ 40,000
<b>Total</b>	<b>\$ 357,880</b>

**Notes:**

- This option would increase refuse fees by approximately \$. 81 per month
- Crews will cover the route to pick up any C&D debris placed out by the curb for collection unless the driver perceives it may contain hazards.

**Option 2-** Overtime to support collection by Appointment

Public Works to schedule collection utilizing existing crews paying overtime	\$ 150,000
Tipping fees (Estimated)	\$ 40,000
<b>Total</b>	<b>\$ 190,000</b>

Notes:

- A concern with this option is consistently obtaining volunteers to work overtime.
- This option will increase refuse fees by \$. 43 per household per month

**Option 3-** Collection of C&D materials with a fee for the service. Residents call Public Works to schedule collection

Same Costs as listed in Option 1a	\$ 197,940
Projected Revenue (\$150 first hr. \$125 each additional hour)	\$ 150,000
<b>Total Cost to the City</b>	<b>\$ 47,940</b>

Notes:

- This would increase refuse fees by approximately \$. 11 per household per month based on Manual of Fees.
- Fees charged to each requesting customer at \$ 150 for the first hour and \$125 for each additional hour of service.

**BANNED C&D ITEMS FROM THE LANDFILL THAT WE CANNOT PICK UP:**

The following items are banned or need to be handled by licensed contractors:

- Pallets
- C&D materials containing asbestos or lead

**RECOMMENDATION:**

Staff recommends that the City continue to not collect C&D debris but develop and maintain a list of companies that residents can contact for removal of these materials.



# City of Greenville, North Carolina

Meeting Date: 9/10/2009  
Time: 7:00 PM

**Title of Item:** Resolution endorsing the candidacy of Mildred A. Council, MSW, Mayor Pro-Tem of the City of Greenville, to the Board of Directors of the National League of Cities

**Explanation:** Mayor Pro-Tem Mildred A. Council has expressed an interest in serving on the Board of Directors of the National League of Cities. She has attended every Congressional City Conference and every Annual Meeting of the National League of Cities since her election to the Greenville City Council in 1987. She has also represented North Carolina as a member of the National League of Cities Transportation Infrastructure Committee and the National Black Caucus of Local Elected Officials. Most recently, she received the National League of Cities Women in Municipal Government Leadership Award in 2008.

**Fiscal Note:** No cost to endorse candidacy.

**Recommendation:** Adoption of the resolution endorsing the candidacy of Mildred A. Council, MSW, Mayor Pro-Tem of the City of Greenville, to the Board of Directors of the National League of Cities.

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[Resolution endorsing Mildred Council as a member of the NLC Board of Directors 841851](#)

RESOLUTION NO. 09- \_\_\_\_\_

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

WHEREAS, Mildred A. Council, MSW, has admirably served the City of Greenville since 1987 as an elected member of the Greenville City Council representing District #1, having served as Mayor Pro-Tem from 1999 to 2001 and from 2005 to the present;

WHEREAS, Mildred A. Council has been very active in the community, serving in many capacities, including President of the Pitt County Chapter of the Shaw University Alumni Association, as a member of the Duke University African-American Community Outreach Program for Alzheimer's Disease, as Co-President of the Eastern North Carolina Regional Association of Black Social Workers, and as tri-founder of the Women/Ladies of Distinction for middle and high school students;

WHEREAS, Mildred A. Council has been the recipient of numerous awards, including the Order of the Long Leaf Pine from Governor Michael Easley; National Association of Black Social Workers 33<sup>rd</sup> Annual Conference Certificate of Appreciation for Significant Contribution to the African-American Community; National League of Cities Women in Municipal Government Leadership Award; North Carolina Black Elected Municipal Officials Member of the Year Award; Dr. M. L. King, Jr. Leadership Award by Pitt County Black Ministers Conference; North Carolina Black Elected Municipal Officials President's Award and Plaque for Devotion, Dedication, Loyalty and Service; Swing Phi Swing Social Fellowship Prestigious Tanya D. McKoy Leadership Award for Commitment to Excellence, Leadership and Service; and the Northeast Original Freewill Baptist Conference Trustee Appreciation Service Award;

WHEREAS, Mildred A. Council has served in several capacities on the North Carolina League of Municipalities, including Chair of the North Carolina League of Municipalities First Youth Summit Committee; President and member of the North Carolina Black Elected Municipal Officials; Scholarship Chair of the North Carolina Black Elected Municipal Officials; and member of the Energy, Environment and Natural Resources Committee;

WHEREAS, Mildred A. Council has represented North Carolina as a member of the National League of Cities Transportation Infrastructure Committee and the National Black Caucus of Local Elected Officials (1987-present). Further, she has attended every Congressional City Conference and every annual conference since 1988;

WHEREAS, Mildred A. Council is recognized by the City Council of the City of Greenville as being a dedicated, conscientious and community-minded individual, with a major focus on the youth;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Greenville supports Mildred A. Council's candidacy as a member of the Board of Directors of the National League of Cities; and requests that this support be expressed to members of the Nominating Committee of the National League of Cities by forwarding a copy of this Resolution to the Chairman of the Committee.

Adopted this the 10<sup>th</sup> day of September, 2009.

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

ATTEST:

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

Item # 30