



Agenda

Greenville City Council

June 9, 2008
6:00 PM
City Council Chambers
200 West Fifth Street

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

I. Call Meeting To Order

II. Invocation - Mayor Pro-Tem Council

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes of the May 5 and May 8, 2008 City Council meetings and the May 8, 2008 joint City Council/Greenville Utilities Commission meeting
2. Right-of-way encroachment agreement with Emerald Park Owners Association to construct a subdivision name entrance sign, an unmanned guard house, conduits for irrigation line crossings, and associated landscaping for Emerald Park Subdivision along Emerald Park Drive
3. Resolution accepting dedication of rights-of-way and easements for Irish Creek, Section 3; Lynndale East Subdivision, Section Three, Lots 2 and 3, Block B, Lots 13-17, Block D, and Lots 7-10, Block A; Charleston Village, Section 2, Phase 3; Charleston Village, Section 2, Phase 1; Quarterpath Village; and Lynndale East Section Three, Lots 2-8, Block D, Lots 26-33, Block E
4. Resolution approving a municipal agreement with the North Carolina Department of Transportation for the installation of sidewalks along Stantonsburg Road, a pedestrian crossing at the Stantonsburg Road/Arlington Boulevard intersection, and transit and landscaping amenities
5. Resolution approving a municipal agreement with the North Carolina Department of Transportation for a railroad crossing signal at Beatty Street and Carolina Coastal Railway Tracks

6. Resolution approving a municipal agreement with the North Carolina Department of Transportation for a railroad crossing signal at Spring Forest Road and Carolina Coastal Railway Tracks
7. Resolution relating to a proposed Declaration of Withdrawal of Dedication of Terrace Drive within Lake View Terrace, Section One
8. Resolution reaffirming the thresholds for the formal bidding process
9. Grant application for Lead-Based Paint Hazard Control
10. Water system capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's SR 1401 & 1402 (Old River Road & Barrus Construction Road) Water Main Extension Project
11. Water system capital projects budget amendment ordinance and reimbursement resolution for Greenville Utilities Commission's Water Resources Automated Meter Reading (AMR) Project (Years 2 & 3)
12. Water system capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's Groundwater Supply Optimization Project
13. Gas system capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's enhancement project for Greenville Paving/NC 33
14. State Revolving Fund Loan Resolution for Greenville Utilities Commission's Wastewater Treatment Plant Upgrade Project
15. Greenville Utilities Commission FY 2007-2008 Budget Amendment Ordinance (End-of-Year)
16. Budget ordinance amendment #11 to the 2007-2008 City of Greenville budget and budget amendments to ordinances 03-62 (River Park North Capital Project), 01-88 (Greene Street Streetscape Capital Project), and 01-87 (Greene Street Bridge Relocation Capital Project), and an ordinance establishing a capital project budget for the Public Works Yard/Beatty Street Project
17. Report on bid awarded
18. Various tax refunds

VII. New Business

Public Hearings

19. Public hearing on proposed Fiscal Year 2008-2009 Budgets:
 - a. City of Greenville

- b. Sheppard Memorial Library
- c. Greenville-Pitt County Convention & Visitors Authority
- d. Greenville Utilities Commission

Other Items of Business

- 20. Presentations by boards and commissions
 - a. Planning and Zoning Commission
 - b. Historic Preservation Commission
- 21. North Carolina Department of Transportation Rail Division: Greenville Rail Improvements Study
- 22. Amendment to contract with Kimley-Horn and Associates to perform Phase II of the Stantonsburg Road/Tenth Street Connector Project
- 23. Memorandum of Understanding with Greenville Utilities Commission to adjust annual transfer payment
- 24. Series Resolution Authorizing the Issuance of Greenville Utilities Commission Revenue Bonds
- 25. Resolution authorizing the conveyance of property to the Greenville Museum of Art, Inc.

VIII. Review of June 12, 2008 City Council agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

- 26. City Manager Goals and Performance Objectives for 2008

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Minutes of the May 5 and May 8, 2008 City Council meetings and the May 8, 2008 joint City Council/Greenville Utilities Commission meeting

Explanation: Draft minutes of the May 5 and May 8, 2008 City Council meetings and the May 8, 2008 joint City Council/Greenville Utilities Commission meeting have been prepared and are ready for City Council consideration.

Fiscal Note: None.

Recommendation: Approval of the May 5 and May 8, 2008 City Council meeting minutes and the May 8, 2008 joint City Council/Greenville Utilities Commission meeting minutes.

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

Attachments / click to download

[May 5 2008 City Council Minutes_764362](#)

[May 8 2008 City Council Meeting Minutes_764525](#)

[May 8 2008 Joint City Council Greenville Utilities Commission Meeting_762408](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
May 5, 2008

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

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

COUNCIL MEMBER ABSENT: Council Member Larry Spell

APPROVAL OF AGENDA

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to approve the agenda as presented. Motion carried unanimously.

CONSENT AGENDA - APPROVED

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to approve the items on the consent agenda. Motion carried unanimously.

- 1) Minutes for the April 7 and April 10, 2008 City Council meetings
- 2) Resolution accepting dedication of rights-of-way and easements for Bedford West, Phase 1; Medford Pointe, Lot 8A and 7A, Phase 1; and North Green Commercial Park (Resolution No. 08-16)
- 3) Abandonment of utility easement on West First Street at First Street Place (Contract No. 1683; Resolution No. 08-17)
- 4) Water capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's Elevated Storage Tank Painting and Mixing Modifications Project (Ordinance No. 08-49, Resolution No. 08-18)
- 5) Sewer capital projects budget ordinance amendment and reimbursement resolution for Greenville Utilities Commission's Phase II Sanitary Sewer Outfall Rehabilitation Project (Ordinance No. 08-50, Resolution No. 08-19)

- 6) Contract award for the 2007-2008 Street Resurfacing Project (Contract No.)
- 7) Contract award for the 2008 Sidewalk Construction Project (Contract No.)
- 8) Pitt County Law Enforcement 800 MHZ Interoperability Grant Phase 2 (Contract No.)
- 9) Authorization to submit final applications for two grants through the North Carolina Governor's Crime Commission
- 10) Budget ordinance amendment #10 to the 2007-2008 City of Greenville budget and an ordinance establishing a capital project budget for New Technology for Public Safety (Ordinance Nos. 08-51 and 08-52)
- 11) Various tax refunds

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
P & D Real Estate LLC	Refund of City Taxes	\$ 105.34
Lee Crawford	Refund of City Taxes	184.19
Barbara Kata	Refund of City Taxes	287.06
Charleston Development Co. Inc.	Refund of City Taxes	645.15
Horne & Horne, PLLC	Refund of City Taxes	289.95
Albert & Adia Johnson	Refund of City Taxes	166.47

- 12) Report on bids awarded
- | <u>Date</u> | <u>Description</u> | <u>Vendor</u> | <u>Amount</u> | <u>M/WBE</u> |
|----------------|-----------------------|---------------|---------------|---------------|
| <u>Awarded</u> | <u>Description</u> | <u>Vendor</u> | <u>Amount</u> | <u>Yes/No</u> |
| 4/25/2008 | Redundant Core Switch | Microage | 59,947.00 | No |

PRESENTATION BY BOARDS AND COMMISSIONS

Youth Council

Ms. Ariel Lopez, Chairperson of the Youth Council, gave the history of the Council and explained the community projects that the group has been involved in—the National League of Cities conference in New Orleans, the City's Annual Spring Clean-Up project, the Community Development Block Grant Beautification project for West Greenville, the Art Walk, and other community projects. The Council sponsored its first Youth Conference in City Hall, and 57 students attended, were receptive and actively engaged with the speakers. A common interest of the group, based on the evaluation sheets, is that the youth would like to see more activities and programs available in the city for high school students. They would like alternatives. The youth encouraged the City to continue to provide the youth with positive alternatives to keep them from participating in negative elements within the community and to help them find solutions to the problems that the youth face. Ms. Lopez concluded by reminding the Council that the youth want to be more involved, want more and need more positive alternatives such as the Teen Center and Youth Festival, and more positive changes for the youth.

Mayor Pro-Tem Council presented certificates of congratulations to the outgoing seniors of the Youth Council--Ariel Lopez, Jonathan Hand, JerNetti Burney, James Everett, Tracey Lewis and Elisha Linton.

PRESENTATION BY BICYCLE SAFETY ADVOCACY GROUP

Dr. Herb Garrison of 3906 Hampton Court and a professor of emergency medicine, explained that a Bicycle Safety Advocacy Group has been meeting and would like to see a Greenville Bicycle Friendly Task Force to review the implementation of the 2002 Greenville Urban Area Bicycle Master Plan, inventory and assess the current status of bikeways in Greenville, examine model bicycle-friendly communities' best practices, develop a plan to see and obtain designation of Greenville as a Bicycle Friendly Community from the League of American Bicyclists, facilitate application for North Carolina Department of Transportation Bicycle and Pedestrian Planning grant, explore other opportunities to fund bikeway infrastructure improvements, develop a five-year plan for advancing the culture of Greenville to one in which its citizens are proud to support and advocate for bicyclists and pedestrians, and develop a ten-year plan to achieve 100 miles of bikeways. This task force would be a time-limited activity with the objective of completing all of its goals within two years of being created. The proposals will be reviewed at the City Council meeting.

Motion was made by Council Member Glover and seconded by Council Member Mercer to establish a Greenville Bicycle Friendly Task Force. Motion carried unanimously.

PRESENTATION ON INTERMODAL (BUS) TRANSFER FACILITY

Assistant City Manager Thom Moton reminded the Council that one of the action items for its goal to develop transportation initiatives was to "Continue to address enhanced coordination and potential merger of local transit systems in conjunction with construction of the Intermodal Transportation Center." He informed the Council that Intermodal Transfer facility refers to a multi-modal, bus transportation center or transfer facility. Such facilities provide seamless connections and can vary in size, scope and programming. They offer easy access to the travelers and are often a catalyst for downtown revitalization. GREAT, Trailways and ECUSTA would all use the center and all see benefits for their riders. The existing GREAT and Trailways riders need better transfer conditions and will benefit directly. Such a facility would improve access to and from East Carolina University, improve trips to downtown for transit riders, could improve access to and from the medical district in conjunction with the shuttle and Tenth Street connector, could provide more options for PATS riders and potentially reduce PATS costs, improve image and visibility of transit, be a springboard for service enhancements as the city and region grow, assist downtown revitalization, represent forward-planning to meet the challengers of city growth, and is consistent with the city and county planning policies and objectives.

Assistant City Manager Moton stated that in December 2000, Mayor Nancy Jenkins, Chairperson of the Urban Area Transportation Advisory Committee, noted that transit was expected to become more important in eastern North Carolina in the next few years and that the City should progress with the planning for the construction of an intermodal center in Greenville. The 2003 Regional Transit Feasibility Study conducted by Wilbur Smith and Associates examined the need and potential for regionalized transportation services and concluded a coordinated regional service would provide for the best overall service to area residents. The 2006 Greenville Intermodal Transportation Center Feasibility Study Final Report prepared by Martin, Alexiou and Bryson concluded that a Greenville Transportation Center is feasible and recommended that the City move forward with the idea. Moser, Mayer, Phoenix & Associates (MMP) was contracted in May 2007 to complete the planning and design, and a steering committee was

formed. In July 2007, there were community meetings to gather input on suggested programming needs and desires. In September 2007, the ITC Steering Committee met to review the findings from July 2007 community meetings and preliminary reports. In October 2007, MMP submitted programming options and site selection for City review.

Mrs. Nancy Harrington, Transit Manager, gave an overview of GREAT (Greenville Area Transit), explaining that it began in 1976 with three routes covered by eight full-time employees. There are currently 10 full-time employees with four routes. There are over 7.2 million passenger trips. The growth over the last five years is 36%, and the projected ridership for 2007-08 is over 279,000 passenger trips, an eight percent increase from 2006-07. The current transfer point is at Reade Street between Third and Fourth Streets. There are two bus shelters with benches and two additional benches. Hours of operation are from Monday to Friday (6:25 a.m. to 7:00 p.m.) and Saturday (9:25 a.m. to 6:00 p.m.). There is no Sunday or holiday service. The economic impact of public transit in the area is increased labor market access, increased educational access, increased shopping/business opportunities, increased access to medical facilities, increased access to public agencies, and reduction of traffic congestion. There are ADA compliant busses and they are all fully accessible. There are no amenities at the transfer station.

Mr. Ken Mayer of Moser, Mayer, Phoenix & Associates explained that the City had a bus transfer facility public review meeting on April 29. The goal of the facility is to evaluate and provide a recommendation for a site for the new bus transfer center consistent with economic, urban design and operational requirements. This will be accomplished in a collaborative manner with GREAT, the City, PATS, ECU, the County, Carolina/Greyhound Trailways, and the MMPA Design Team. Pictures of centers in Greensboro, Spartanburg, Asheville, Racine, Binghamton, Petersburg, Kalamazoo, and Fredericksburg were shown to Council. A summary of the costs and benefits for stakeholders and community were reviewed with the Council. The themes for the facility were accessibility, safety and security, multi-purpose, inspiring and streamlined. In screening sites, the following were taken into consideration: (1) access/operations (efficient layout/ability to move in and out), cost (appropriateness/most for the money), size (adequate for current and future needs), intermodality (best location for all transportation providers), close to downtown/ECU (core hub locations), availability (assemblage issues), image (location/design that will enhance the City's and transit's image), urban design/planning (enhance City's objectives), Tenth Street Connector (access to major future transportation corridor), and economic development (enhance opportunities on surrounding sites). Mr. Mayer reviewed the sites considered and presented three conceptual drawings of the preferred site, which is between Evans and Cotanche Street and East Ninth and East Eight Streets

Upon being asked if this is something East Carolina University would want to participate in, Mr. Moton responded that an arrangement would be worked out. The study states that more could be done if they coordinated together. East Carolina University has had a representative on this committee, and he feels that the University is waiting to see where the site is going to be.

Concern was expressed about the proposed budget, and Mr. Moton stated that estimates provided in the 2006 study indicate that they will be conservative. Seven full-time employees are budgeted, at a cost of \$256,000. The budget also includes \$65,000 for reserve of future

maintenance and \$130,000 for maintenance, landscaping, etc. There is already staff for that. Fifty percent of the operation and maintenance will be paid for with federal funds. The cost will eventually be identified through a better analysis based on the design elements.

Upon being asked for how long the site would facilitate growth, Mr. Moton responded that it will originally need seven bays. The City needs 12 to 14 to grow. The more room there is, the more buses and people can be accommodated.

Upon being asked if the region is being considered, Mr. Moton replied that there has been a great deal of discussion about intercity transportation. By having a one-stop facility, this would provide a drop-off point. It is intended to be designed so it will have full support for the region to grow. Congestion will not abate as time goes on; it will intensify.

Mr. Moton was asked if the owners had been contacted, and he replied that a detailed letter was mailed to all property owners in the proposed site inviting them to a public meeting on April 29. There was fairly good attendance. The owners were assured that they would be dealt with in a fair way and that acquisitions would be based on fair market value based on federal guidelines. The campus facility wants to be close to campus.

PRESENTATION OF THE PROPOSED OPERATING BUDGET FOR 2008-2009 AND FINANCIAL PLAN FOR 2009-2010

City of Greenville

City Manager Wayne Bowers presented the proposed City 2008-2009 (\$93,848,445) and the financial plan for 2009-2010 (\$95,568,588), summarizing the budget message.

“COPY”

CITY MANAGER’S BUDGET MESSAGE

April 30, 2008

Honorable Mayor and Members of the City Council:

In compliance with Section 160A-148 (5) of the North Carolina General Statutes, I submit for your consideration the proposed two-year budget for fiscal years 2008-2009 and 2009-2010. As required by North Carolina law, the City Council will adopt an ordinance in June approving the 2008-2009 budget. Also in June I will request that you approve the 2009-2010 financial plan that will serve as the basis for the 2009-2010 budget to be adopted next year.

The proposed budget and financial plan includes all City funds: General, Debt Service, Stormwater, Bradford Creek Golf Course, Public Transportation/Transit, Sanitation, Housing, Capital Reserve, Dental, and Vehicle Replacement. The proposed 2008-2009 budget for all funds is \$93,848,445 and the proposed 2009-2010 plan is \$95,568,588. The proposed budget for 2008-2009 represents an increase of 4.32% over the original approved 2007-2008 budget. The

financial plan for 2009-2010 includes an increase of 1.83% when compared to the proposed budget for 2008-2009.

The General Fund, the City's primary operating fund, is projected at \$70,387,825 for 2008-2009, an 8.91% increase from the current year and \$71,718,281 for 2009-2010, a 1.89% increase.

The proposed budget for 2008-2009 incorporates several proposed structural changes. As previously approved by the City Council, the Aquatics and Fitness Center will no longer be presented as an enterprise fund and will be included as part of the Recreation and Parks Department budget within the General Fund. In an effort to more effectively monitor and manage the costs associated with garbage collection services, a new Sanitation Fund has been separated from the General Fund and established as an enterprise fund. Previously, the Information Technology Department budget included the costs associated with all technology for the City (computer maintenance, copy machines, cellular telephones, etc); these costs, however, have now been decentralized to the operating departments in an effort to reflect more realistically the cost of each department. These changes in the budget presentation format may make comparisons with previous years more difficult. City staff is ready to assist with any questions that you may have about these proposed changes and comparisons with previous budgets.

The budget document also includes the separate two-year budgets for the Convention and Visitor's Authority, Sheppard Memorial Library, and Greenville Utilities Commission.

This budget message provides an overview of the entire budget and contains the following sections: Budget Preparation Process, City Council Goals and Objectives, General Fund Summary of Revenues and Expenditures, Other Funds, and Summary.

BUDGET PREPARATION PROCESS

The development of the City's Operating Budget involves three phases: formulating budget requests, City Manager review and proposal, and City Council review and adoption. Each of the three phases is summarized as follows:

Formulating Budget Requests: October-February

- The formative stage of every budget begins in the fall
- Revenue and Manual of Fee projections submitted to Financial Services
- Department Head capital improvement program (CIP) budget meeting
- City departments assess their budgetary needs and submit requests to the Financial Services Department
- Revenue estimates are developed and continuously updated from a review of current collections and projected economic indicators

City Manager Review: February – April

- Requests from departments are reviewed and evaluated for priority
- Meetings are held between the departments and City Manager to discuss budget requests

- Based on estimated revenues, funding is requested by the City Manager for the programs and services required to maintain existing levels of service or to provide proposed service enhancements
- City Manager proposes budget to City Council

City Council Review and Adoption: May – June

- City Council reviews the proposed budget
- City Council conducts a public hearing to provide the public with an opportunity to comment
- After deliberation, the proposed budget, as modified for additions and deletions, is enacted by City Council as the adopted budget
- The adopted operating budget takes effect on July 1, the beginning of the fiscal year

CITY OF GREENVILLE GOALS AND OBJECTIVES

On January 26, 2008, the City Council conducted a planning session to develop goals and objectives for the following two years. The City of Greenville 2008-2009 Goals were adopted by the City Council on March 13, 2008.

Goal #1: Promote a Safe Community. In an effort to continue to support community policing, during the next fiscal year the Police Department will implement the district/sector policing concept in Patrol and Investigations Bureaus. Community policing will help promote and support organizational strategies to address the causes and reduce the fear of crime to include problem-solving tactics and police-community partnerships such as, “Citizens on Patrol Program” consisting of volunteers and members of the Citizens Police Academy Alumni Association. To assist in these community policing efforts the proposed budget contains expanded Police Athletic League (PAL) funding that includes a part-time PAL Program Director. The proposed Police Department budget for 2008-2009 also includes funding for eight new patrol officers and one detective. The proposed budget devotes the largest amount of funding for service enhancements to this City Council goal.

Goal #2: Promote/Strengthen Economic Development Opportunities. The City has strived to create an environment conducive to the start up and growth of new business ventures with special emphasis in the downtown area. As an objective to promote diverse economic housing and cultural entertainment in the downtown area, the City will explore potential incentive programs that may be paired with existing federal and state tax credit programs for the adaptive reuse and renovation of historic structures in the downtown area. Another objective of this goal is to promote public/private partnerships for economic development by coordinating a Minority /Women Business Enterprise (M/WBE) Mix-Meet-N-Learn with other local agencies. Women and/or minorities who own businesses will have the opportunity to network with several large companies, institutions of higher education, governmental entities, and other organizations.

Goal #3: Promote Sustainability and Livability of Both Old and New Neighborhoods. In order to promote sustainability and livability of new and old neighborhoods, the City has established several objectives to meet this goal. One objective is to create a walkable/bikeable community.

The City's plan to achieve this objective will begin by assessing the status of the August 2002 Greenville Urban Area Bicycle Master Plan and developing a Sidewalk Master Plan to create interconnectivity with neighborhoods, parks, and mixed-use developments. The proposed Capital Improvement Program portion of the budget includes continued funding for sidewalk construction and several greenway construction projects.

Goal #4: Develop Transportation Initiatives. To partially address this goal, the proposed budget includes a plan to create a Traffic Services Division within the Public Works Department. The Traffic Services Division will be responsible for maintaining traffic signals, traffic control signage, pavement markings, and City-owned street lights. Another vital initiative to improve pedestrian mobility is the construction of sidewalks in areas presently not served based on availability of right-of-way with priority to areas with larger amounts of traffic; \$375,000 is programmed in 2008-2009 for the Sidewalk Construction Program.

Goal #5: Keep planning ahead of Anticipated Growth. Preparing the City of Greenville for anticipated growth is a vital part of the City of Greenville's goals. The City's first objective under this goal will be to encourage use of the planned unit development (PUD) classification. A first step will be for City staff to conduct research and revise the PUD development regulations to eliminate the additional zoning district designation requirement and to substitute a performance-based special use permit process in replacement. Another objective is to work with local architects to consider hosting a Regional/Urban Design Assistance Team to prepare development plans for a portion of the City.

Goal #6: Enhance Cultural and Recreational Opportunities. It is the goal of the Recreation and Parks Department to improve parks and recreation facilities in underserved neighborhoods. Several ways of completing this goal are: 1) install security camera systems at all recreation centers to promote safety for program participants; 2) continue to provide a variety of enjoyable and cost effective recreation, sports, environmental, historical, and cultural arts programs and services; and 3) hire a park planner to administer the soon to be completed Update to the Parks Comprehensive Master Plan. The proposed budget includes funding for the park planner position.

Goal #7: Enhance Understanding and Increase Broader Citizen Participation in City Government. This goal involves improved communications with citizens about the activities of City government. One action item involves a review of the information mailed to property owners near the site of scheduled agenda items for the Planning and Zoning Commission, the Board of Adjustment, and the Historic Preservation Commission to ensure that citizens have substantial information on the procedure and relevant matters to be considered by the commission or board as the agenda items are addressed. The proposed budget includes for the first time supplemental funding of \$22,000 provided by the new state video programming/telecommunications tax to enhance the City's government and public access channels on the local cable television system.

Goal #8: Enhance Diversity. To enhance diversity, the Community Development Department will work to further establish partnerships with civic organizations, businesses, school systems (public/private), and the media to sponsor a series of "Race Initiatives" forums, town hall

meetings, etc. The goal of these sessions will be to enhance diversity and promote the City Council's "Building an Inclusive Community" initiative. Funds are provided in the proposed budget to continue the joint City-Greenville Utilities Commission Minority/Women Business Enterprise Program.

Goal #9: Promote Effective Partnerships. By staying engaged with student groups such as East Carolina University Student Government Association (SGA), the City plans to continue the partnership initiated at a joint meeting conducted with the City Council and SGA on January 24, 2008. Another key element for promoting effective partnerships is to address the extraterritorial jurisdiction (ETJ) issues. The plan is to develop a parcel level map that illustrates the maximum extent of ETJ extension allowed by statute for City Council evaluation and present an ETJ extension request for the southwest area as recommended by the joint Greenville-Winterville-Greenville Utilities Commission Committee to the Pitt County Board of Commissioners.

Goal #10: Promote Sound Environmental Policies. The proposed Sanitation Fund will provide adequate resources for the Public Works Department to continue recycling efforts. Working with the Environmental Advisory Commission, City staff will continue efforts to implement the United States Mayors Climate Protection Agreement. One action item will be to purchase more efficient vehicles through the Vehicle Replacement Fund. Funding for these vehicle purchases is included in the proposed budget.

GENERAL FUND REVENUES

The General Fund revenues for 2008-2009 are projected to be \$70,387,825. This amount represents a 8.91% increase over the original budget adopted for 2007-2008. The largest General Fund revenue sources are property taxes, sales taxes, GUC turnover, utilities franchise tax, and Powell Bill.

Other significant revenue sources are video programming fees, inspection division permits, and interest on investments. Due to the recent national economic downturn, to remain conservative, collections of these major revenue sources are expected to continue to increase minimally over the next two fiscal years. For 2009-2010 revenues are projected to increase an additional 1.89% to a total \$71,718,281.

Property Tax

The City derives 39.9% of total General Fund revenues from property taxes. The City has experienced steady growth in this major revenue source for the past several years due to additions to the tax base each year resulting from new construction and annexations. Determining the growth in property tax revenues for 2008-2009 is more difficult due to the revaluation process performed by Pitt County. Following state guidelines, the Assessor's Office has revalued all property located in Pitt County. State law also requires that this proposed budget contain a statement of the revenue-neutral tax rate. The revenue-neutral tax rate is defined as the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no revaluation had occurred. The current tax rate is 56 cents per hundred dollars of valuation. It is

anticipated that the current tax rate will produce \$25,787,400 in revenues during the current budget year. The 2008 value of all property located in the City of Greenville as established by Pitt County Assessor's Office is \$5,422,000,000. The preliminary revenue-neutral tax rate using this data is 49.28 cents per hundred dollars of valuation. State law requires that this preliminary rate be increased to account for anticipated growth in the tax base. In the City's case the average annual growth in the tax base since the last revaluation in 2004 is 7.08 %. By applying the growth rate to the preliminary calculated rate the revenue-neutral tax rate is 52.77 cents. The proposed budget for 2008-2009 is based on a rounded revenue-neutral rate of 53 cents. This rate is anticipated to produce total property tax revenues, for the current year, of \$27,733,693. This amount is \$1,946,293 or 7.5 % more than current year projected collections. For the next fiscal year each one cent of tax rate is anticipated to generate \$523,277. The proposed 2009-2010 budget anticipates a 5% increase in the tax base and a continuation of the 53 cent rate. Property tax collections for 2009-2010, therefore, are anticipated to be \$29,120,378 representing an increase of \$1,386,684 over the budgeted amount for 2008-2009.

Sales Tax

The State of North Carolina grants counties the authority to levy a local sales tax of up to 2.5%, with the proceeds to be shared by formula with all municipalities located in the county. Pitt County levies the full authorized amount of the local option sales taxes. Sales tax collections constitute 20.4% of total General Fund revenues in the proposed 2008-2009 budget. The 2008-2009 sales tax projection is \$14,395,084, an increase of \$282,256 or only 2% above current year projections. Based on the declining margins received in sales tax revenue, the proposed budget also contains only a 2% growth projection for fiscal year 2009-2010. This is a significant downturn in projections compared to recent years, when projections were made using double digit growth as a result of increased consumer spending. The City is beginning to see the results of the general downturn in the economy and the reduction in consumer spending for items subject to the sales tax. Although I have recommended a moderate growth rate of 2% for the next two years, this major revenue source will become harder to project as the state has made several changes to the distribution formula as part of the state-counties Medicaid/sales tax swap. The full impact of these changes cannot be fully anticipated at this time.

GUC Turnover

The turnover amount from Greenville Utilities Commission represents 7.5% of anticipated General Fund revenues in the proposed budget for 2008-2009. These transfers are made based on a formula mandated by state law. The transfer has two components: (1) the fixed amount based on net fixed assets less bonded indebtedness and (2) reimbursement for City street and park lighting expenditures.

Based on current projections the amount of the transfer for the first component of the formula is anticipated to be \$4,426,703 for 2008-2009 representing a decrease of \$17,714 from the current year amount of \$4,444,417. This reduction results directly from GUC issuing bonds late in the fiscal year with insufficient time left before the end of the fiscal year to place the bonded assets on the books. In order to avoid this reduction in turnover amount caused by timing of the bond sale, GUC staff has tentatively agreed to transfer to the City \$4,676,703 in 2008-2009 and

\$4,993,375 in 2009-2010. This adjustment in the turnover will be considered at the May GUC Board meeting. This transfer amount will be discussed further with the City Council during your budget deliberations.

Utilities Franchise Tax

The City's share of the Utility Franchise Tax is based on the actual receipts from electric service sold within the municipal boundaries. This revenue source is highly sensitive to the weather. Cooler than normal summers, in conjunction with, warmer than usual winters, can lead to years with little or no growth in electric receipts. Electric rate increases or decreases also influence collection of this revenue. Based on collections received to date the amount projected for the current year from the utilities franchise tax is \$4,573,270 which would be a 4.2% increase when compared to 2006-2007. For comparison, the increase from 2005-2006 to 2006-2007 was 11.5%. The proposed budget projects a 4.5% growth for each of the next two years. These projections result in an anticipated increase of revenues of \$205,797 next year and \$215,058 in 2009-2010.

Powell Bill

The Powell Bill funds represent the distribution of 1.75 cents of the state gasoline tax to cities on a formula based on population and road miles. These shared revenues can only be used for street and sidewalk construction and maintenance purposes. Payment is made to the City once each year. The 2007 payment was \$2,256,409. This was a significant increase when compared to prior years and resulted from a one time repayment to the Highway Trust Fund of funds previously borrowed by the Governor. The state has indicated that the amount distributed in 2008 will be lower and the projections in the proposed budget are \$2,092,056 for 2008-2009 and \$2,133,897 for 2009-2010.

Video Programming Fees

The video programming fees represent state shared taxes on certain telecommunications services that replaced local government imposed cable television franchise fees in 2007. The City receives these fees in two components: unrestricted revenues and supplemental PEG (public, educational, and governmental) channel support. Since this is still a relatively new revenue source, the North Carolina League of Municipalities recommends that for next year cities budget at or below four times the amount received in the March 17, 2008 distribution.

The proposed budget includes four times the March distribution which results in a projection of \$762,773 for next year and an increase of 2% for 2009-2010 to \$778,028. The PEG funding is anticipated to be \$21,900 in each of the two budget years. The proposed budget recommends providing one-third of the restricted PEG funds to the public access channel operator (GPAT) and the remainder as a supplement to the City's GTV-9.

Inspection Division Permits

Permit fees for building, plumbing, mechanical, and electrical inspection permits has grown steadily with a mean annual growth rate of 9.82% for the last five years. In 2006-2007 these permits produced \$1,507,938 of revenues. Based on a slow down in construction activity in the City, projected revenues for the current fiscal year are \$1,419,300—a decline of \$88,638 or 5.9%.

For 2008-2009 the Inspection Division anticipates stabilization in permit fees with a projected total amount of \$1,419,014. For 2009-2010 an increase of 5.92% is anticipated that will increase revenues to \$1,502,954 which is still below the amount realized in 2006-2007.

Interest on Investments

During the recent years of higher interest rates the City experienced significant growth in investment earnings. In 2003-2004 the General Fund only received \$173,478 in investment earnings. This figure increased to \$1,755,952 only three years later in 2006-2007. This represents a 900% increase in three years. The cut in interest rates that started last September will preclude this type of growth in revenues from continuing. Projected General Fund interest income for the current year is \$1,865,000 and represents only a 6% increase over the previous year. One factor that has assisted the City from experiencing a more direct impact has been investments that were locked in prior to the turnaround that pay strong fixed periodic coupon payments. The City has projected \$1,731,956 and \$1,766,595 for the next two years yielding a decrease of 7.13% and an increase of 2%, respectively. Staff believes the projections for the next two years remain conservative based on increased cash levels in conjunction with the leveling out of rates.

Appropriated Fund Balance

A final revenue item that should be noted is the appropriated fund balance. This revenue source represents dollars carried over to the next fiscal year for specific purposes from previous budget years and dollars to offset any contingency funds that are provided. The proposed 2008-2009 budget contains a total appropriated fund balance of \$993,109. Included in appropriated fund balance is \$846,259 from approved Powell Bill related capital projects that are slated for completed during 2008-2009, but will not be covered by the annual allocation. The remaining \$150,000 will come from projected 2008-2009 year end fund balance to provide a contingency account for the 2008-2009 budget. The appropriated fund balance for 2009-2010 is \$1,242,390 and is composed of anticipated Powell Bill carryovers and a recommended \$200,000 contingency.

GENERAL FUND EXPENDITURES

According to the North Carolina Local Government Budget & Fiscal Control Act, each local government must project an annual balanced budget, assuming all revenues will be used to pay for expenses on a one-to-one basis; therefore, revenues must equal expenses. Consequently, expenditures are expected to increase at the same rates as revenues for each of the next two fiscal years (8.91% and 1.89% respectively).

Personnel

Salaries and benefits represent 62.8% of the total General Fund budget. At \$44,437,816 for 2008-2009 personnel expenses are projected to increase by \$3,148,821 or 7.63% over budgeted numbers for fiscal year 2007-2008. This change results from a proposed market salary adjustment, merit raises, increased benefit costs, and new positions. Because municipal government is primarily a service delivery function, personnel costs are traditionally the main components of the overall cost of service delivery.

Based on the recommendations of the Joint City-GUC Pay and Benefits Committee and recognizing the importance of recruiting and retaining highly skilled employees, the budget includes a salary market adjustment of 3% for all employees. The Joint Committee also recommended continuation of the 1.5% merit pool program. For 2008-2009 the total cost of these salary adjustments is \$1,562,082.

The federal minimum wage hourly rate increases from \$5.85 (North Carolina minimum wage is now \$6.15) to \$6.55 effective July 24, 2008 and further increases to \$7.25 on July 24, 2009. Although no regular positions will be impacted by these changes, the salaries of many part-time and seasonal employees in the Recreation and Parks Department will be adjusted. The total additional cost to the General Fund is projected to be \$75,160 in 2008-2009 and \$100,260 in 2009-2010.

Personnel costs in the proposed 2008-2009 General Fund budget have also been increased due to the costs associated with 13 new positions. The total salary and benefit costs for these new positions are \$645,149. The cost of the proposed Collections Technician will be completely offset by increased ambulance fees. The Parks Planner was funded by reducing operating costs in the Recreation and Parks Department budget. The Police Department positions represent completely new funding and are recommended in accordance with the City Council's goal of promoting a safe community discussed earlier in this budget message. As a component of the recent reorganization plan implemented in Fire/Rescue, a new Fire/Rescue Captain and Equipment Operator will be created. Both positions will provide needed support for a growing operation. The funding for these two positions will be through attrition in the number of captains. The proposed new positions are as follows:

Summary of Recommended New General Fund Positions 2008-2009

- Police Department
 - Police Officers (8)—Full-Time
 - Police Detective (1)—Full-Time
 - Executive Director PAL Program (1)—Part-Time
 - Community Projects Coordinator (1)—Full-Time
- Recreation and Parks
 - Parks Planner (1)—Full-Time
- Financial Services
 - Collections Technician (1)—Full-Time

Health insurance is an important component of overall personnel costs and is essential to recruiting and retaining a quality workforce. Healthcare costs continue to increase significantly, as has been the case over the past few years. As a result, the City and its employees have experienced for several years substantial increases in health insurance premiums. The proposed budget includes a 10% increase in health insurance premiums for both years. This increase is projected to add \$97,260 to the 2008-2009 budget and \$90,201 in 2009-2010.

The cost of retiree health insurance has become a significant personnel expenditure item for the City. As more employees retire from the City and the cost of health insurance continues to rise, this cost will continue to require more funding. This same monetary impact is being experienced by all local governments that provide retiree health insurance benefits. The Governmental Accounting Standards Board has established a requirement that each local government determine the future actuarial cost of retiree health insurance. As of December 31, 2005 the City's total accrued actuarial liabilities for retiree health insurance was \$47,415,875. The recommended annual contribution to cover this liability would be \$4,281,579. This is a significant long term liability that will have to be addressed in the future. The current budget contains \$477,160 for retiree health insurance and this amount has been increased to \$593,055 in 2008-2009 and \$627,147 in 2009-2010.

Operating Expenses and Capital Outlay

Overall the General Fund operating line items are proposed to increase from \$13,195,946 in the current budget to \$14,331,753 in the proposed 2008-2009 budget. This increase is \$1,135,807 or 8.61%.

Although the costs of most products and services purchased by City departments have increased, the most dramatic change is projected in the cost of fuel to operate City vehicles.

At the start of the current fiscal year in July 2007 the City was paying \$2.20 per gallon for both gasoline and diesel. Throughout the year these costs have continued to escalate. In April 2008 the City's cost for gasoline was \$2.99 per gallon and for diesel was \$3.53. This represents increases of 36% for gasoline and 60% for diesel. The line items for fuel in the General Fund departments have been increased from a total of \$749,455 in the current budget to \$1,009,774 for 2008-2009 and \$1,116,763 for 2009-2010. The dollar amounts of these increases are \$260,319 (35%) for 2008-2009 and \$106,989 (11%) for 2009-2010.

Operating expenses in the Fire/Rescue Department budget have been adjusted to resume required payments to four volunteer fire departments. State law requires that the City make payment to these departments to compensate for the portion of debt service payments from area annexed by the City in surrounding fire districts. Due to an oversight, these payments have not been made since 2000. The first year involves a catch up amount and is budgeted at \$75,000 for 2008-2009. The projected payment amount drops to \$25,000 in 2009-2010.

The proposed budget also includes a 2008-2009 operating expense of \$120,000 in the Human Resources Department for a pay and benefits study. The last pay study was conducted ten years ago and is in need of revision. The study has been recommended by the City-GUC Joint Pay and

Benefits Committee. The proposed 2009-2010 budget contains \$100,000 to implement any recommended salary adjustment when the pay study is completed.

Due to the establishment of a Vehicle Replacement Fund in 2006, vehicles and other equipment maintained by the Fleet Maintenance Division of the Public Works Department are no longer considered Capital Outlay and purchased through annual budgetary appropriations. Funds for the purchase of these pieces of equipment are accumulated as annualized payments through the operating expense line item called "fleet service cost fixed." The amount for each department is calculated based on the total cost (replacement fee plus an inflationary rate) of a vehicle divided by its expected useful life. Useful life is determined by the age, mileage, overall condition, and maintenance costs of a particular vehicle. Payments accumulate in the fund to cover replacement at the end of a vehicle's life cycle. Start-up money appropriated from fund balance was used to partially make up for accumulated payments that were due in the first year to cover vehicle service years prior to 2006. For 2008-2009, a total of \$2,012,250 is proposed in General Fund payments to the Vehicle Replacement Fund. The proposed amount for 2009-2010 is \$2,122,410.

Total capital outlay expenses proposed for 2008-2009 are \$536,168 and \$94,817 for 2009-2010 compared to \$1,250,298 in the current budget. Capital outlay items are furniture, equipment, and other fixed assets with a value between \$5,000 and \$35,000. Some examples of capital outlay items proposed in the General Fund are replacement canines in the Police Department, new defibrillators for several EMS units and thermal imagers in the Fire/Rescue Department, weight room equipment in the Recreation and Parks Department, and replacement of a boiler at the Lucille Gorham Intergenerational Center in the Public Works Department. Fixed asset items with a value over \$35,000 are considered capital improvements.

Operating Transfers

Operating transfers from the General to other funds decrease slightly in the proposed 2008-2009 budget. The original budget amount for transfers in 2007-2008 is \$6,794,717 and the proposed amount for 2008-2009 is \$6,608,946. Transfers are to the Debt Service Fund, Sheppard Memorial Library, Public Transportation/Transit Fund, Housing Fund, and the Intermodal (Bus) Transportation Center. There is a 7.8% decrease in transfer to Debt Service in the 2008-2009 fiscal year in comparison to the 2007-2008 fiscal year. This decrease is the result of the final payment of two lease purchase obligations during the current fiscal year. This decrease has been made possible by discontinuing the use of lease purchase debt to buy new vehicles and conversion to the Vehicle Replacement Fund discussed earlier in this budget message. Additionally, there has been a reduction in other obligations due to the upcoming maturity of certain bond debt within the next year. The total reduction of the two payoffs alone is approximately \$380,000. This reduction will be enough to offset the new debt service (half year interest only) on the second installment of the General Obligation Bonds approved by voters in November 2004. The total transfer to Sheppard Memorial Library is proposed to increase from the current amount of \$1,029,655 to \$1,080,417 in 2007-2008 and \$1,133,682 in 2009-2010 (4.9% each year). This rate of increase is consistent with the five year annual increase in contributions received by the Library from the City. In addition to the transfer to the Library for operations, the City is also responsible for the debt service and capital improvements relating to the Library totaling approximately \$500,000 annually. The other General Fund transfers are for

the Public Transportation/Transit Fund \$339,905 (2008-2009) and \$387,376 (2009-2010), Housing Fund \$208,479 (2008-2009) and \$240,765 (2009-2010), and Intermodal (Bus) Transportation Center capital project \$335,000 (2008-2009) and \$300,000 (2009-2010).

Capital Improvements and 5-Year Capital Improvement Plan

As in years past, the City's capital improvement program includes a capital plan representing capital requests submitted by the various departments for the two budget years plus a five-year capital plan. The five-year capital plan is provided in a separate document. The first two years of the plan, 2008-2009 and 2009-2010 are incorporated in the proposed budget that will be adopted by City Council. The future years' plan will serve as a guide for future appropriations. When reviewing projections for the next two years the budget for fiscal year 2008-2009 of \$5,009,310 is a 12% decrease from current year's budget. Fiscal year 2009-2010 budget of \$3,580,945 shows a continued decline of 28% from 2008- 2009. This decrease is justifiable as the city continues to spend down funding from the bond proceeds that were received beginning in October of 2006. Highlights from the proposed capital plan for fiscal years 2008-2009 and 2009-2010 include continued support for economic development, street improvements, stormwater drainage projects, the development of an Intermodal Transportation Center, and various recreation and park projects. Specific information for each project is outlined in the capital plan document.

Contingency

Contingency funds are used to address unanticipated expenditure items that arise during the year. The base contingency for unanticipated expenses based on past experience is recommended to be \$150,000 for the first year and \$200,000 for the second year. Since anticipated revenues slightly exceed proposed expenses in 2009-2010, the contingency account has been used to balance the budget for 2009-2010. By deducting the base contingency for year 2009-2010 from the total contingency amount, an undesignated amount of \$257,644 remains. I recommend that this undesignated amount be reserved for a new EMS peak staffing unit in the Fire/Rescue Department. During the budget review process, Chief Mike Burton and I will provide information on the need for this new unit.

OTHER FUNDS

Debt Service Fund

As highlighted in the previous General Fund *Operating Transfers* section, total debt service in 2008-2009 will decrease by 7.8% due to a reduction in the City's overall debt load resulting from the completion of two obligations for prior lease purchases and a reduction in other debt obligations due to the upcoming maturity of outstanding debt during 2008-2009. The total decrease from these two sources is \$386,138. The issuance of new General Obligation Bonds in October of 2008 as authorized by the voters in 2004 increases debt service payments by approximately \$251,100 in 2008-2009 (half year) and \$583,325 in 2009-2010 (full year).

Stormwater Utility Fund

The Stormwater Utility is an enterprise fund established to implement the City's Stormwater Management Program. Revenues are generated through a Stormwater fee. No fee increases are included in the budget for the Stormwater Utility for either budget year. Total Stormwater Utility Fund revenues and expenses are proposed to be \$5,038,421 in 2008-2009 and \$4,463,576 in 2009-2010. The significant difference between the two years results from carryover funds for capital projects in the first year that will not recur in 2009-2010. During 2008-2009 the Public Works Department will conclude work on capital projects included in the \$5.1 million program of improvements already underway based on the approved November 2004 General Obligation Bond referendum.

Bradford Creek Golf Course Fund

The proposed budget for the golf course operation represents only a slight increase of 2.3% over the current year budget. The total budget proposed for 2008-2009 is \$953,097 compared to \$931,362 for 2007-2008. This increase recognizes adjustments for salary and benefit costs, and rising fuel prices similar to the impact described for the General Fund. Revenues and expenses will be adjusted throughout the budget cycle based on the amount of rounds played in order to maintain a balanced financial position for the golf course operation. The proposed budget for 2009-2010 stays basically the same at \$952,261.

Public Transportation/Transit Fund

Primary funding for the GREAT bus system is provided by state and federal grants. The City is required to match these grants with a transfer from the General Fund. An additional bus route will be added to the system in 2007. No service expansions are planned for 2008-2009, but two new buses are recommended for 2009-2010. This expansion of service will require an increase in the General Fund contribution from \$339,905 in 2008-2009 to \$387,376 in 2009-2010.

Housing Fund

The Housing enterprise fund is similar to the Public Transportation/Transit Fund in that both are funded in large part by federal grants. The total federal funding anticipated for 2008-2009 from the Community Development Block Grant and HOME Consortium Grant is \$1,297,582. The federal funding represents 86% of the Housing Fund revenues. The remainder of the Housing Fund budget needed to match the federal grants and carry out the community development and housing programs is provided by a transfer from the General Fund. The transfer included in the current budget is \$346,037 and this amount has been reduced to \$208,479 in the proposed budget for 2008-2009 and \$244,674 for 2009-2010.

Sanitation Fund

The Sanitation Fund is a newly created enterprise fund that is recommended to better track the revenues and expenses for the garbage collection service. The demand for garbage collection services has grown significantly in recent years. Since the current garbage collection system was

initiated in 1993, the total number of customers has increased by 65% from \$21,047 to \$34,700. The number of sanitation employees has only increased by three (4%) during this time period. The proposed budget for 2008-2009 recommends the hiring of four drivers and two refuse collectors to insure that the City can properly maintain the current high quality sanitation services.

The addition of these new employees, proposed salary increases for existing employees, and significantly higher diesel fuel prices result in an increase in the total cost of sanitation services to \$5,872,651. Current sanitation fees will only produce \$4,500,000. To cover this projected deficit the proposed budget recommends that the monthly sanitation fee be increased as follows:

	<u>Current</u>	<u>Proposed</u>
Curbside	\$9.15	\$10.79
Multi-Family	\$9.15	\$9.15
Backyard	\$19.45	\$27.71

During the budget presentation process, I will further explain these proposed increases and address the sanitation related questions raised by the City Council during the budget preview on April 7, 2008.

SUMMARY

The proposed 2008-2009 and 2009-2010 budgets balance revenues with expenditures in accordance with state statutes. The proposed budgets substantially address the goals and objectives established by the City Council. The recommended budgets provide the financial resources necessary to continue the current level of City services, meet the increased demand for services that result from a growing community, address increased costs in such areas as health insurance and fuel, and allow for the expansion of services in the priority area of public safety.

While developing this comprehensive budget proposal, the entire City staff has worked diligently to prepare and put together a recommendation that will meet the needs of Greenville and its citizens. The proposed budgets are based on a revenue neutral rate for property taxes and only a few adjustments in service fees. Although the slowdown in economic activity has negatively impacted several revenue sources, continued economic growth in Greenville has helped cover most of the City government's increased operating costs.

I wish to extend sincere appreciation for the dedication of the staff in all departments throughout the organization in preparing the budgets. In particular the Financial Services Department has performed outstanding work in coordinating the City's second biennial budget process. I look forward to reviewing the proposed budgets with the City Council during the next several weeks. Please contact me if you have any questions concerning the recommended budgets or City finances in general.

Sincerely,



Wayne Bowers
City Manager

“COPY”

Greenville Utilities Commission

Mr. Ron Elks, CEO/General Manager of Greenville Utilities Commission, presented the goals of the 2008-2009 Greenville Utilities Commission budget, which are to meet customer needs, to provide reliable utility services at the lowest reasonable cost, to position Greenville Utilities to achieve greater efficiencies, to continue to meet regulatory requirements, to preserve bond ratings, to minimize rate increases, to avoid future rate shock, to ensure financial viability of each fund, to be operationally and financially prepared for emergency situations, and to be prepared for opportunities. He also presented the draft revenues and expenditures sheet for the 2008-2009 budget that reflected \$246,797,366 in revenues and expenditures (\$176,650,589 in the Electric Fund, \$39,396,021 in the Gas Fund, \$14,996,904 in the Water Fund, and \$15,753,852 in the Sewer Fund).

There is a request for 16.125 new positions—nine full time in the Electric Department, two full time in the Water Resources Department, one in the Gas Department, one in Information Technology, one in Finance, and one in HR/Safety. There are also requests for two part time people in Customer Relations and 2 in Human Resources. The 2008-2009 budget highlights include:

- No rate/fee increases in electric or gas
- Impact of water/sewer rate adjustments, effective 5/1/08 and proposed water/sewer fees
- Allowances for consideration by joint Pay/Benefits Committee—3% market adjustment, continuation of 1.5% merit pool, and 10% increase in health insurance
- Funding for new initiatives

General Manager Elks compared typical utility bills as follows:

- Residential electric bill in the winter—Rates of 14 North Carolina providers ranged from \$127.96 in Farmville for 1000 KWh with load management credits to \$86.97 with NC Power. The rate for Greenville Utilities is \$98.91, and the median is \$108.00.
- Residential electric bill in the summer—Rates of 14 North Carolina providers ranged from \$128.40 in Kinston for 1000 KWh with load management credits to \$98.00 with NC Power (Duke). The rate for Greenville Utilities is \$109.48, and the median is \$113.91.
- Residential gas bill—Rates of 10 North Carolina providers ranged from \$104.99 in Rocky Mount for 50 ccf to \$73.95 in Lexington. The rate for Greenville Utilities is \$95.27, and the median is \$89.38.
- Residential water bill—Rates of 358 North Carolina providers ranged from \$46.00 in Bell Arthur to \$17.90 in Rocky Mount for 6,000 gallons. The rate for Greenville Utilities is currently \$23.49, and the median is \$22.95.

- Residential sewer bill—Rates of 24 North Carolina providers ranged from \$38.69 in High Point for 6000 gallons to \$16.20 in Winston-Salem. The rate for Greenville Utilities is \$28.19, and the median is \$34.05.

General Manager Elks stated that Greenville Utilities now buys gas on the open market. The major pipelines enter North Carolina in the Piedmont and extend radially from there, which is why the gas rate of Greenville Utilities is above the median. Transportation charges have to be paid on the pipeline.

In the Water Fund, there is a \$1 per month increase. Since 1990, customer accounts have risen 86%. The Water Treatment expansion resulted in an 113% increase in instrumentation/electrical equipment and a 500% increase in programming components. Instrumentation Tech staffing has remained constant for 20 years at the Water Treatment Plant and 18 years at the Wastewater Treatment Plant. Equipment to be maintained has increased 178%. A 14% increase (\$4.47 average) in sewer rates went into effect May 1.

In the Electric Fund, there has been a 41% increase in customer accounts since 1990, while the number of employees has only increased by 15. Because of the lack of staffing, as of March 1, 104% of the overtime budget and 150% of the contract services budget had been expended. Thus nine new positions are being requested for the Electric Department.

General Manager Elks concluded by stating that the proposed fees have not yet been adopted by the budget. They have been looked at the Board, and it is expected that they will vote on it in the near future. The Utilities will be asking for a \$30 million bond issue for infrastructure needs. Between \$100 and \$110 million has been spent in the last five years.

Sheppard Memorial Library

Mr. Bob Ramey, Chairman of the Sheppard Memorial Library Board, reported that 450,000 patrons will visit the Library during the current fiscal year. Loans of books and non-book materials will increase. During the past year, there were 26 meetings per week held in the Library building and more than 10,500 people attended the meetings. The Library has offered special activities for children. The website has been improved to make it easy to use, having received more than 17,000 hits per month. The Friends of the Library Book Sale generated more than \$28,000, \$25,000 of which was used for computers in the Library. The Library Board approved the proposed budget in March

Mr. Willie Nelms, Director of the Library, informed the Council that the 2008-2009 and 2009-2010 budgets provide funds to meet the mandated minimum wage increase. Both years include 1.5% for merit and a 3.0% adjustment, following the City's budget. In the 2008-2009 budget, the $\frac{3}{4}$ time Information Technology Specialist position is reclassified to full time. Operating expense increases include the anticipated impact from inflation and comparisons made with the previous and current year actual expenditures. The cost to upgrade the main library HVAC controls system is included in the 2008-2009 budget. The increased cost of fuel and vehicle maintenance is recognized in the 2008-2009 budget. The 2008-2009 budget has funds to replace the bookmobile generator. The current 2007-2008 budget is \$2,206,809; the proposed 2008-

2009 budget is \$2,279,423; and the proposed 2009-2010 budget is \$2,361,253. The amount of money needed to operate the Bethel and Winterville branches is reflected in the revenues requested from each town and in revenues projected to be collected from the operation of these facilities. Anticipated revenues from State Aid are projected at the level recommended by the State Library. Projected revenues for the 2008-2009 budget include funding from the City of Greenville (\$1,080,416), County of Pitt (\$540,208), Town of Bethel (\$25,528), Town of Winterville (\$124,809), State Aid (\$202,448), Desk Receipts (\$114,550), Copier Receipts (\$4,224), Interest Income (\$16,000), Miscellaneous Income (\$42,702), Greenville Housing Authority (\$10,692), and Fund Balance (\$117,846). Mr. Nelms concluded by stating that \$1,080,416 is requested from the City of Greenville for 2008-2009 and \$1,133,680 for 2009-2010. He also stated that he sent a memo to the City Manager regarding security guards, and they are not included in this budget.

Upon being asked the City Manager's recommendation on security, he replied that he doesn't have one at this time. He will wait to see what things the City Council may bring up prior to having one.

Greenville-Pitt County Convention and Visitors Authority

Ms'. Debbie Vargas, Executive Director of the Convention and Visitors Authority, informed the Council that last year the Bureau staff was responsible for convincing 92 groups to choose Pitt County as their destination for conventions, meetings, and events responsible for generating 14,849 hotel room nights and \$6.91 million in local economic impact; providing comprehensive complimentary services for over 181 groups, and fulfilling over 7,334 requests for visitor information on the area. A strategic capital planning session was held, and one of the goals of the group was to add a part-time communications position in the coming fiscal year with the intent to make it full-time within the next two fiscal years or to add an addition part-time position. The new position will handle communications duties (promotional materials, website, news releases, etc.). It will be the first new position added in 18 years. Approximately \$25,000 is included in the proposed budget to fund the position for two years. The group also made as a goal to construct an office facility in the uptown area to assist with the revitalization of the center city, to help restore the identity of the Convention and Visitors Bureau as a destination marketing agency, and to create a landmark and resource for incoming visitors to the community. Funding for the new office will come from accumulated Convention and Visitors Authority reserve funds. The group also made the goal of assisting with assembling a local organizing committee to move forward towards the successful hosting of the 2009 North Carolina League of Municipalities Annual Convention. Funds have already been expended in previous and current budgets towards this initiative. Staff is currently attending regular planning meetings for the 2008 convention in Charlotte and will be participating in that convention to help promote attendance in Greenville in 2009. Another goal is to identify ways to jointly market with other community organizations/agencies. Funding for this has yet to be designated until more definite strategies are determined.

Ms. Vargas continued by stating that revenues are projected in the budget at a six percent increase each year. Revenues for the current year are up over 11 percent to date. All revenues come from a portion of the hotel/motel occupancy tax and reserves from the same source.

Operating costs have remained relatively stable. Travel has increased to cover the increasing cost of fuel as well as additional travel necessary in hosting the NC League of Municipalities. An allocation of \$20,000 has been included for tourism projects. The allocation for convention center marketing includes project receipts for one cent of the occupancy tax collections which is approximately 1/3 of the total Convention and Visitors Authority budget. These funds are utilized by Exhibit Hall Managers to market the facility. The proposed budget has been unanimously approved by the Convention and Visitors Authority Executive Committee and full Authority and now requires the approval of the City Council and Board of Commissioners.

REVIEW OF MAY 8, 2008 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the May 8, 2008 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

RECOGNITION OF BOY SCOUT TROOP #826

Mayor Dunn recognized Boy Scout Troop #826 for attending the Council meeting.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council Members provided comments.

CITY MANAGER'S REPORT

The City Manager had no report to give.

ADJOURN

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Council to adjourn the meeting at 9:10 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
May 8, 2008

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Max Joyner, Jr. 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

City Manager Bowers indicated that the public hearing for a limousine franchise for Michael Anthony Ward d/b/a Dejewskis Limousine Service for two limousines needs to be continued to the June 12, 2008 meeting in order to allow the petitioner sufficient time to submit a completed application. The City Manager also reminded the Council that at the May 5, 2008 City Council meeting, the Council voted to add as Item #15 the annexation waiver request by Attends Healthcare Products.

Motion was made by Council Member Joyner and seconded by Council Member Spell to continue the public hearing for the limousine franchise for Michael Anthony Ward d/b/a Dejewskis Limousine Service to the June 12, 2008 City Council meeting, to add as Item #15 the annexation waiver request by Attends Healthcare Products, and to approve the agenda as amended. Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Council Member Glover requested that the replacement for John Tulloss be continued to June 12, 2008.

Community Appearance Commission

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to appoint Katherine Wetherington for a first three-year term expiring April 2011 replacing Richard Crisp, who did not wish to be reappointed and to continue the replacement for Doreen Winston, who did not meet the attendance requirements. Motion carried unanimously.

Historic Preservation Commission

Council Member Mercer requested that the appointment of a replacement of Chris Woelkers be continued until June 12, 2008.

Pitt-Greenville Convention and Visitors Authority

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to recommend the appointment of Candace Hollingsworth to fill an unexpired term expiring July 2010 to fill the "owner/operator of hotel/motel" County slot replacing Tonyia Fulghum, who is no longer employed at the City Hotel and Bistro. Motion carried unanimously.

Planning and Zoning Commission

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to elevate Godfrey Bell's membership from Alternate #1 to a regular member for a first three-year term expiring May 2011 replacing Jim Moye, who is ineligible for reappointment; to elevate Shelley Basnight's membership from Alternate #2 to a regular member to fill an unexpired term expiring May 2009 replacing B. Porter Stokes, who resigned; to appoint Tony Parker as Alternate #1 to fill an unexpired term expiring May 2010; to continue the appointment of Alternate #2; and to reappoint William Lehman for a second three-year term expiring May 2011. Motion carried unanimously.

Recreation and Parks Commission

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to appoint Bill All to fill an unexpired term expiring June 2009, replacing Sydney Womack, who resigned. Motion carried unanimously.

ORDINANCE CREATING NEIGHBORHOOD ADVISORY BOARD - ADOPTED

City Attorney Dave Holec stated that one of the 2007 goals of City Council called for the development of a neighborhood commission. Staff submitted a plan for consideration at the February 18, 2008 City Council meeting. City Council took no action on the proposed ordinance and requested that staff provide additional information on the neighborhood commissions in Raleigh and Durham. The requested information was provided to City Council on February 29, 2008. During the March 13, 2008 City Council meeting, Council Member Spell requested that this item be added to the April City Council agenda. At its April 10, 2008 meeting, City Council considered a proposal from Council Member Spell, expressing agreement, and directed that an ordinance be prepared which will accomplish the proposal contained in the memo.

Motion was made by Council Member Spell and seconded by Council Member Joyner to adopt the ordinance creating the Neighborhood Advisory Board. Motion carried unanimously. (Ordinance No. 08-53)

CONSIDERATION OF WAYFINDING SYSTEM DESIGN ALTERNATIVES – APPROVED AS RECOMMENDED BY REDEVELOPMENT COMMISSION

Mr. Carl Rees, Senior Planner, stated that as a result of comments received from City Council Members at the January 7, 2008 City Council meeting and subsequent comments from Redevelopment Commission members, City staff instructed Hillier Architecture staff handling the City's wayfinding system to prepare design alternatives that include reference to Greenville's past as a center of tobacco-related commerce. Based on those instructions, the consultants prepared and the Redevelopment Commission adopted a design alternative that may be used in and around the National Register Tobacco Warehouse and Dickinson Avenue Historic Districts where much of Greenville's tobacco-related commerce was conducted. Staff has brought to the Council wayfinding designs as adopted by the Redevelopment Commission as well as one option that included the City seal. The highlights include the City colors, as well as a G for Greenville and a green leaf in the G. The City seal does not represent the recommendation of the Redevelopment Commission.

Motion was made by Council Member Mercer and seconded by Council Member Spell to approve the design scheme as illustrated by Exhibit A, without any variations.

Mr. Rees stated that staff does not approve of the first two signs, because the top could be easily damaged and would make upkeep difficult. The tops are not readily available.

The motion made by Council Member Mercer and seconded by Council Member Spell was then reworded to approve Exhibit A without the problematic portion on top.

Discussion occurred about whether the different districts would be identified—Uptown District, Medical District and Tobacco District and whether the citizens wanted the tobacco leaf. Discussion also occurred about these signs being reference signs.

Council Member Joyner stated that the Redevelopment Commission met on May 6 and it was unanimous that they send it back to the City Council.

Motion was made by Council Member Joyner to amend the original motion to go with the recommendation of the Redevelopment Commission. Motion was seconded by Council Member Glover.

After discussion, motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to call the question. Motion carried unanimously.

The motion made and clarified by Council Member Joyner and seconded by Council Member Glover to amend the original motion to go with the recommendation of the Redevelopment Commission, which included a Tobacco District, was then voted on and failed with a 3:4 vote.

Council Members Joyner, Glover and Kittrell voted in favor of the motion. Mayor Pro-Tem Council and Council Members Mercer and Spell voted in opposition to the motion. Mayor Dunn broke the tie in opposition to the motion.

The Council then voted on the original motion made by Council Member Mercer and seconded by Mayor Pro-Tem Council, to approve the original wayfinding design scheme approved by the Redevelopment Commission as illustrated in “Exhibit A” which included an Uptown District and Medical District, without the portion on top. Motion carried with a 4:3 vote. Mayor Pro-Tem Council and Council Members Mercer and Spell voted in favor of the motion. Council Members Joyner, Glover and Kittrell voted in opposition. Mayor Dunn broke the tie by voting in favor of the motion.

ORDINANCE AMENDING FUTURE LAND USE PLAN MAP FOR WARD HOLDINGS, LCC PROPERTY LOCATED AT THE SOUTHEAST CORNER OF INTERSECTION OF GREENVILLE BOULEVARD AND 14TH STREET, ALONG GREENVILLE BOULEVARD FROM “OFFICE/INSTITUTIONAL/MULTI-FAMILY” CATEGORY TO A “COMMERCIAL” CATEGORY - DENIED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 28 and May 5, 2008 setting this time, date and place for a public hearing to consider a request by Ward Holdings, LLC to amend the Future Land Use Plan Map for the area described as being located at the southeast corner of the intersection of Greenville Boulevard and 14th Street, 320± feet along Greenville Boulevard and 200± feet deep, containing approximately 1.5 acres, from an “Office/Institutional/Multi-family” category to a “Commercial” category. The Planning and Zoning Commission recommended approval of the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request. She stated that she has received letters in support of and in opposition to the request. Staff feels that if the neighbors are in favor of the request, the intent of the Land Use Plan has been met. If there is not consensus, it is staff’s opinion to not expand the use at the intersection.

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

Mr. Phil Dixon, representing the applicant, informed the Council that 65,000 vehicles a day pass this intersection, and it has evolved into a commercial area from a residential area. The houses that were torn down were dilapidated and a haven for unlawful activity. There is enough vacant office space to last 15 years, so it is not feasible for office uses to be constructed at this intersection. A Land Use Plan and map is not etched in stone forever, and this property is most suited for commercial development. Left as it is, rentals will encroach on the neighborhood. Commercial property has a 30-foot setback, and office property has a 15-foot setback. Mr. Ward owns three properties, has options on two, and has offered to purchase two for fair market value. There can be commercial and home ownership on that corridor.

Mr. Jim Ward depicted the properties in the area that he felt would be immediately impacted by this rezoning, the ones that would be looking at, hearing or whatever is involved on this piece of property. Those property owners are in support of the request. Commercial property at this location would establish more business services for the neighborhood and reverse a trend for

multi-family. He owns a significant amount of property across the street and ¼ mile east of the area. He demolished the houses to protect the neighborhood from the current trend of converting single-family homes to rental homes. This is a commercial focus area and the three corners are commercial use. He improved this property, and it is his intent to stay there and change the dynamics of the area. He will not develop the property for office use, as economics will not support that kind of development as the cost of converting the property is cost prohibitive and because of the supply of office property already in existence. Changing this heavily traveled corner from rental houses to a development that will create jobs and add to the City's tax base would be in the best interest of the neighborhood.

Ms. Gooby reminded the Council that it had received some letters in support and a petition from the neighborhood that opposes the request as well. Staff's opinion was that if there is a consensus within the neighborhood that they do or don't want to change, the Council needs to go with that. That is the intent of the plan.

Upon being asked about the meetings with the neighbors, Mr. Ward informed the Council that he met with 25 to 30 neighbors, some of whom wished to come on board with the petition. There is some disparity, because they have a wonderful neighborhood; however, they don't have a viable neighborhood association. Mr. Ward stated that he has tried to talk with everyone that is available. There are some residents in favor and some that aren't. The ones he has pinpointed are the eight to ten residents that are in closest proximity to this particular site.

Upon being asked to identify the tracts that Mr. Ward has an option on, he responded that he has an option on Tracts 1, 2 and 4. There is the potential to phase out of commercial and into office and residential as one gets further from the intersection.

Mr. Tony David of 1610 SE Greenville Boulevard stated that he does not have a problem with the rezoning, as that is the direction the line of houses is going.

Mr. Bill Jackson, owner and pharmacist at Hometown Pharmacy, stated that the neighbors have followed the City Council's recommendation, and Mr. Ward still wants to amend the Land Use Plan. The neighbors still oppose that amendment. His mother and aunt shared a home here for many years, and his mother passed away this year. His family turned down Mr. Ward's offer to purchase. With over 60,000 vehicles per day at this intersection and 34 accidents in 2006, this is a congested area. He has seen on an hourly basis drivers who use the parking lot of the Trade station, his business, etc. as an additional lane on Greenville Boulevard. He has witnessed older patients trying to get to his pharmacy for healthcare. Changing the property in question deteriorates the neighborhood. Twenty percent of that area were renters; however 80% were homeowners. There is a single-family dwelling abutting this property.

Mr. Stuart Laneave of 104 Hardee Road informed the Council that he moved there in 1976, and this has been a comfortable and safe neighborhood to rear two sons. He spoke against the request on the basis of concerns and fears for what this will lead to in the future—the possible destruction of Eastwood. Nobody can see in the future what can happen. If the property on the highway is open, it will diminish the value of the properties in Eastwood and create problems.

Mr. Harry Wooberton of 104 Wilkshire Drive stated that he has lived behind Greenville Properties near Adams Avenue for 27 years. He approached the City of Greenville a few times about rezoning those properties. Last year they were rezoned to office and multi-family residential. He is concerned about having commercial property starting with that strip, as he is on the other corner. His concern is that they are going to want that commercial, so the properties on that strip will really appreciate in value. This is a great community, and he would like to see it stay that way for the residents that will replace him.

Ms. Beulah Harrington stated that she has been on that property longer than anyone else, as she is 89 years old and has lived there since before she was one. She built the house in the back of the property in question because they wanted a quiet place, one that was easy to get to. She is against the land use amendment. Ms. Harrington concluded by informing the Council that she is satisfied with her home and asking the Council to not pass this request.

Ms. Haley Gasser of 105 Hardee Circle stated that she was a part of the meeting where Mr. Ward spoke. She and others stayed after the meeting to discuss how they felt about it and concluded that they are against it, especially those property owners who are behind the property in question. It was concluded that most of the people in the area are against it because of the noise and extra traffic. They chose this neighborhood because it was quiet. They haven't noticed any dilapidation. They would love for it to stay residential or office, not commercial. She represents a good majority of neighbors around the property and most of the people at the meeting.

Mr. Charles Jackson informed the Council that the feelings of the residents in the area are not as close as they would believe. He was at the meeting, and just about everyone was in opposition.

Mr. John Jackson stated that he has been in real estate more than 30 years. An individual's home is one of the most important things to them. Their homes are their lives to all the people behind and adjoining this property. Those people are pleading with the Council to help protect them and their equity. Mr. Ward has optioned three other properties, one being a lot behind the first row of houses, meaning he plans to come further into the subdivision. Mr. Jackson asked that the Council vote to not approve this request.

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

Council Member Mercer stated that commercial does not go next to a neighborhood unless there is a good reason for it. He would be in favor of this if the neighborhood as a whole was in favor. He had hoped this could be worked out; however, the majority of the neighborhood does not support the request. The staff recommends that the Council deny the request. Office zoning would allow other uses than office, such as a restaurant, bank, etc. It is inappropriate for the Council to spot change properties. The Comprehensive Plan will be updated in 2009, and this request may be considered at that time.

Council Member Joyner concurred that the time is not right to make the change and that a better time to revisit it is when the Land Use Plan comes up for review.

Motion was made by Council Member Mercer and seconded by Council Member Spell to deny the ordinance amending the Future Land Use Plan Map for the area described as being located at

the southeast corner of the intersection of Greenville Boulevard and 14th Street, 320± feet along Greenville Boulevard and 200± feet deep, containing approximately 1.5 acres, from an “Office/Institutional/Multi-family” category to a “Commercial” category. Motion carried unanimously.

ORDINANCE REZONING ALVA W. WORTHINGTON PROPERTY LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF COUNTY HOME ROAD AND ADJACENT TO THE BELLAMY APARTMENTS AND KITTRELL FARMS SUBDIVISION FROM RA20 TO R6, R6A, R6S, AND O - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 28 and May 5, 2008 setting this time, date and place for a public hearing to consider a request by Alva W. Worthington to rezone 57.297 acres located along the eastern right-of-way of County Home Road and adjacent to The Bellamy Apartments and Kittrell Farms Subdivision from RA20 to R6, R6A, R6S, and O. The Planning and Zoning Commission recommended approval of the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and stated that this request was amended at the April 2008 City Council meeting. She stated that the traffic numbers will decrease by 400 with the amendment; however, the percentage of trips would remain the same. Staff does not recommend multi-family development south of Signature Drive. The request is in general compliance with the Comprehensive Land Use Plan and map. There is a valid protest petition on the property which represents 13.3%. One person withdrew his name; however, the protest petition is still valid.

Brief discussion occurred about R6 and R6A zoning.

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

Mr. Fred Mattox, representing the petitioner, stated that the intent is to put the road on the R6A portion, put R6S on one side of the road and R6A on the other side. That is a narrow lot that is usable. The single-family houses are on R6A. At City Council’s request, Mr. Mattox stated that he has met with the neighborhood on a number of occasions and come up with an agreement. He was made aware yesterday that members of the City Council had received a letter in opposition to this. The author of the letter has not attended any of the meetings involved in this, and his letter is incorrect. There are approximately 80 acres of R6 zoning in this particular area and not 150 acres that were recited. The author of the letter has constructed more multi-family units in the City of Greenville than anyone else. Staff says this proposal is in conformity with the Horizons Plan, and the Planning and Zoning Commission recommended it to the Council. The neighborhood has met with the applicants many times to reach a compromise. Although there is a protest petition, there will not be any of the signers standing up in opposition.

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

The applicant and residents were thanked for getting together on this request.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to adopt the ordinance rezoning 57.297 acres located along the eastern right-of-way of County Home Road and adjacent to The Bellamy Apartments and Kittrell Farms Subdivision from RA20 to R6, R6A, R6S, and O. Motion carried unanimously. (Ordinance No. 08 -54)

ORDINANCE REZONING MAXINE A. SPEIGHT PROPERTY LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF SOUTHEAST GREENVILLE BOULEVARD AND SOUTH OF ALEXANDER CIRCLE FROM R9S TO O - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 28 and May 5, 2008 setting this time, date and place for a public hearing to consider a request by Maxine A. Speight to rezone 0.3445 acres located along the western right-of-way of S.E. Greenville Boulevard and 560± feet south of Alexander Circle from R9S to O. The Planning and Zoning Commission at its April 15, 2008 meeting voted to approve the request.

Mr. Seth Laughlin, Planner, delineated the property on a map and explained the request.

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

Mr. Ken Malpass, representing the petitioner, was present to answer questions.

There being no comments, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to adopt the ordinance rezoning 0.3445 acres located along the western right-of-way of S.E. Greenville Boulevard and 560± feet south of Alexander Circle from R9S to O. Motion carried unanimously. (Ordinance No. 08-55)

ORDINANCE ANNEXING COBBLESTONE, PHASE 3 ADDITION PROPERTY LOCATED ON BROOKVILLE DRIVE, SOUTH OF ITS INTERSECTION WITH COBBLESTONE DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 28, 2008 setting this time, date and place for a public hearing to consider a request to annex Cobblestone, Phase 3 Addition containing 0.0505 acres located on Brookville Drive south of its intersection with Cobblestone Drive. This is a contiguous annexation.

Mr. Seth Laughlin, Planner, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is 2,199 square feet of right-of-way of Brookville Drive. The current population is 0 and the anticipated population at full development is 0.

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

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to adopt the ordinance annexing Cobblestone, Phase 3 Addition containing 0.0505 acres located on Brookville Drive south of its intersection with Cobblestone Drive. Motion carried unanimously. (Ordinance No. 08-56)

ORDINANCE REQUIRING REPAIR OR DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 507 A AND B WATAUGA AVENUE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 28 and May 5, 2008 setting this time, date and place for a public hearing to consider an ordinance requiring the repair or the demolition and removal of the dwelling located at 507 A and B Watauga Avenue.

Ms. Rhonda Jordan, Code Enforcement Coordinator, explained that the dwelling has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 507-A and B Watauga Avenue. The initial notice of violation was sent by certified mail on September 28, 2006, to the property owner informing him of the minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the dwelling into compliance. Since that date, there have been four certified notices regarding minimum housing violations of the dwelling. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice mailed to the owner was sent on April 10, 2008, and it provided notice to the owner that the dwelling was considered as an abandoned structure. There have been six calls for service to the Greenville Police Department for this property. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since September 2005 for Unit A and December 2005 for Unit B. Taxes are delinquent on the property for 2007 in the amount of \$399.94. The current Pitt County Tax Assessor's report values the property at \$24,675 (\$20,688 for building and \$3,987 for land). The estimated cost to repair the dwelling is \$29,250.

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

Motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 507-A and B Watauga Avenue. Motion carried unanimously. (Ordinance No. 08-47)

ORDINANCE REQUIRING REPAIR OR DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 809 A AND B VANDERBILT LANE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 28 and May 5, 2008 setting this time, date and place for a public hearing to consider an ordinance requiring the repair or the demolition and removal of the dwelling located at 809 A and B Vanderbilt Lane.

Ms. Rhonda Jordan, Code Enforcement Coordinator, explained that the dwelling has been vacated and closed for a period of at least six months pursuant to the enforcement of the

Minimum Housing Code, to repair or demolish and remove the dwelling located at 809-A and B Vanderbilt Lane. The initial notice of violation was sent by certified mail on August 16, 2006, to the property owner informing him of the minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the dwelling into compliance. Since that date, there have been five certified notices mailed about minimum housing violations on the dwelling. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice mailed to the owner was sent on April 10, 2008, and it provided notice to the owner that the dwelling was considered as an abandoned structure. There have been no calls for service to the Greenville Police Department for this property. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since May 2003 for Unit A and September 2005 for Unit B. Taxes are delinquent on the property for 2006 and 2007, totaling \$1,544.38. The March 26, 2008 Pitt County Tax Assessor's report valued the property at \$28,547 (\$25,160 for the building and \$3,054 for the land). The estimated cost to repair the dwelling exceeds \$30,000.

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

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 809 A and B Vanderbilt Lane. Motion carried unanimously. (Ordinance No. 08-58)

CITY OF GREENVILLE 2008-2013 CONSOLIDATED PLAN AND 2008-2009 ANNUAL ACTION PLAN

Mrs. Sandra Anderson, Senior Planner, stated that this is a request to hold the final public hearing to receive citizen comments and approve the submission of the City of Greenville 2008-2013 Consolidated Plan and 2008-2009 Annual Action Plan to U.S. Department of Housing and Urban Development. This document summarizes Greenville's plan and provides interested parties an understanding of the planned housing and community development activities that will be implemented over the next five years. At the April 10, 2008 City Council meeting, the draft plan was presented to City Council for review and comment. The City of Greenville has been an entitlement community for Community Development Block Grant funds since 1994. The City has also been serving as the lead agency of the Pitt County HOME Consortium since 1997. In order to increase resources available and qualify Greenville as a participating jurisdiction under the HOME program, the Greenville City Council authorized the recommended dissolution of the consortium at the January 10, 2008 meeting of City Council. The effective date of the dissolution will be June 30, 2009. During the fiscal year July 1, 2008-June 30, 2009, City staff will continue to fund new projects and work closely with consortium members, including Pitt County and the Towns of Farmville, Ayden, Bethel, Grifton and Winterville, while providing support and monitoring the Consortium programs until all remaining funds of the Pitt County HOME Consortium are expended. The 2008-2013 Consolidated Plan strategies for City of Greenville CDBG and HOME efforts will be to establish the West Greenville 45-Block Revitalization Area as the primary focus. The goals will include reducing substandard housing and blight in the area, preserving owner-occupied housing, increasing homeownership, improving public infrastructure, and increasing economic development opportunities in the area. The proposed 2008 HOME budget includes administration (\$63,000), CHDO set aside

(\$130,000), City of Greenville (\$340,172), Pitt County government (\$150,000), Pitt County Government Administration (\$15,000), Town of Farmville (\$80,000), Town of Winterville (\$47,000), and Town of Winterville Administration (\$5,000), for a total of \$830,172. The proposed 2008 CDBG budget includes Administration (\$150,000), Housing Rehabilitation (\$300,000), Clearance/demolition (\$77,533), Acquisition (\$125,000), Public Service (\$115,000), and Public Facilities Improvement (\$30,000), for a total of \$797,533.

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

Mr. Robert Thompson, Co-Chair of the Blue Ribbon Task Force to End Homelessness, thanked the City staff for their efforts to end homelessness and for including language in the proposed Consolidated Plan that will facilitate the work of the Task Force and allow the City to be an active partner. The Task Force is on target to complete its work by the end of the summer and will bring it to the City Council and County Commissioners in the early fall. Mr. Thompson stated that he will be happy to meet with Council Members to discuss the progress of the Blue Ribbon Task Force.

Mrs. Lynne James of 703 Kempton Drive and the Executive Director of Greenville Community Shelters, stated that she is a member of the management team working with the task force. She stated that it is apparent that there are not sufficient resources to meet the housing needs in the community, which includes the homeless population. Mrs. James stated that she has been active with the Continuum of Care, which has been in existence since 2003 and that is working to bring financial dollars in the community to address this segment of the population. Mrs. James reminded the Council that as an inclusive community or city, it needs to look at all the ways to garner resources to provide housing for this population. Funds that will be consolidated through the Consolidated Plan can be leveraged with other dollars that have been brought into the community. Although the 10-year planning process is not on same timeline as the annual action plan, there may be some requests coming that are part of the initiative that can be fit to leverage those other initiatives to increase the dollars coming into the community. Mrs. James concluded by commending the Council for the work it has done in putting together the consolidated plan and the work of the blue ribbon task force. She asked the Council to remember the people who may not be in a position to put themselves in a situation where they would have decent, safe and affordable housing. Working in concert, those two initiatives can be successful in making more dollars available for that effort.

Mr. Anthony Herring, who moved to Greenville two years ago, questioned why the City can't use some of the boarded up houses to put some of the homeless people in.

There being no further comments, the public hearing was closed

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to authorize the City Manager to approve and sign final draft consolidated plan and annual action plan for submission to U.S. Department of Housing and Urban Development. Motion carried unanimously. (Document No. 08-04)

PUBLIC COMMENT PERIOD

Ms. Lisa Harrell of the Campus Christian Fellowship stated that the property where this group meets is currently being considered for the intermodal transportation center. The Fellowship has long-standing ties to the ministry. She encouraged the Council to keep in mind that it was not their choice to move.

Mr. Kellar Stem of the Campus Christian Fellowship stated that he has long-standing ties to this ministry. The proximity of the fellowship to campus is vital. Also, the property value in that type of vicinity is very valuable and is a high commodity. As the group begins to try to find other properties, what it considers property value and what the City considers property value may be two different things. Its relevancy to the ministry is diminished if they move farther from campus.

Mr. Dennis Mitchell of 101 Kirkland Drive stated that if City Council wants the public to be involved, it needs to move the public comment period up on the agenda. The Redevelopment Commission did not make a haphazard decision. What was approved tonight for the wayfinding system is what the Redevelopment Commission initially sent to City Council, at which time it was sent back to the Redevelopment Commission. At that time, there was a strong feeling from the Council of a tobacco leaf, and the Commission didn't share that. The consultant sent back some suggestions to the Redevelopment Commission. Once it came back to having the signs, it was not haphazard. A lot of money was paid to consultants, who did the research and sent it back to the Redevelopment Commission. When the presentation was made to the Commission, Mr. Mitchell thought it would be a good idea to give the Tobacco District its identity, and that was done. Having a Tobacco District would give it its own identity.

Ms. Nancy Colville also stated that if City Council wants the public to be involved, it needs to move the public comment period up on the agenda. She thanked the Council Members who tried to compromise about the tobacco leaf, which is an important part of the City's history. The Redevelopment Commission did all it could do, as they were in a difficult situation. The public was not aware of what was taking place. Thanks to the Daily Reflector, it was brought to the public's attention that there was an issue with the tobacco leaf. The public appeared before Council and made a strong presentation. This was sent back to the Redevelopment Commission, and Ms. Colville thanked the Council for that. Mrs. Colville stated that the Council needs to make an effort to let the public (the average person on the street) know, as that is what helps pay for what the City is doing. She asked that the Council pay attention to the little guys.

Mrs. Mary Cox of 804 Forbes Street expressed concern about having the intermodal transportation center in the vicinity being proposed. She expressed concern that it may not be a safe spot because of the chemical plant on Ninth Street as well as the gas stations in the area. She also questioned whether it could pose a security/safety problem.

Mr. Devicio, a student leader with the Campus Christian Fellowship, expressed the importance of having the fellowship in close proximity to campus, as the staff and students meet on a regular basis.

Ms. Jessica Martin stated that the Campus Christian Fellowship provides support, bible study, information on the Greenville community, etc. People in the group work at several places, including the Community Shelter, Little Willie Center, Sterling House, etc. It is important for the students to know where the fellowship is. It is a home away from home for many students. She is excited about continuing to have the ministry at this house for the campus and the community.

INTERMODAL (BUS) TRANSFER FACILITY

Assistant City Manager Thom Moton informed the City Council that the reasons for having an intermodal transfer facility are to serve the needs of current and future GREAT riders, set the foundation for better coordination, integrate transit into the community and attract GREAT riders of choice, to leverage investment by attracting additional riders and connecting people using other modes of travel, and to support revitalization efforts and create synergies that lead to other investments. The proposed site shown at the May 7, 2007, City Council meeting, the City Council awarded a contract with Moser Mayer Phoenix Associates (consultants) for the intermodal transportation (bus) facility programming and site selection study. Ken Mayer, Moser Mayer Phoenix Associates, and his partners began collecting community input through a series of public meetings in July 2007. A Steering Committee was created and is composed of transit providers, City staff, and members of the Public Transportation and Parking Commission. In September 2007, the Steering Committee met with consultants to review the comments received during the July 2007 community input meetings and to begin forming a short list of sites. The consultants tested those sites using conceptual layouts and building sizes. The Steering Committee met on March 17, 2008, to review the proposed facility sites and determine the criteria that would be used by the consultants to rate and rank the sites. All three sites were located in the Tenth Street Connector/Evans Street corridor and close proximity to Uptown and East Carolina University. Locating the site near Uptown, close to ECU, and near the Tenth Street Connector were cited as important factors during the 2007 community input meetings. The Greenville Intermodal Transportation Center Feasibility Study: 2006 Final Report also identified proximity to ECU and Uptown Greenville as important considerations for a potential site. A notice was mailed to property owners, residents, and business operators in the proposed area inviting them to a public informational meeting at City Hall on April 29, 2008, to learn more about this project and how it could impact them. Recipients of the letter were advised that this item was scheduled for City Council action on May 8, 2008, following a presentation at the May 5, 2008, City Council meeting.

The sites considered were delineated on maps for the Council. Assistant City Manager Moton stated that all three sites were rated, and the Steering Committee determined that access, operation and functionality had to be the main factors being evaluated. All three sites were rated by the consultants, and Site 2 located between Evans and Cotanche Street and East Ninth and East Eighth Streets exceeded all the other sites. Currently there are \$3.7 million in earmarks that are available. The first earmark is \$900,000, and it is set to expire September 30, 2008. Staff is currently working with the Federal Transit Administration to extend the earmark. Next year there is another earmark that will expire and that will be successive 4 year earmarks.

Assistant City Manager Moton delineated different layouts/scenarios and informed the City Council that the 2003 Regional Feasibility Study indicated that Pitt County is one of seven

counties in the state that does not have regional transportation. This project does not propose to merge or consolidate services, but it hopes to bring about better coordination so if a person leaves one transit provider he can get on the next one without having to run across town.

Council Member Kittrell asked for clarification that the motion to approve the site could be backed up upon per further discovery as stated in the presentation.

Assistant City Manager Moton stated that in the discussions the property was indicated as the preferred site at this time. If for some reason other opportunities come up in the market, staff will report back to the Council.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to approve the proposed intermodal (bus) transfer facility site, which is between Evans and Cotanche Street and East Ninth and East Eighth Streets. Motion carried unanimously.

C.M. EPPES ALUMNI HERITAGE SOCIETY LEASE

Director of Recreation and Parks Gary Fenton informed the City Council that the C.M. Eppes Alumni Heritage Society has been utilizing two rooms at the C.M. Eppes Recreation Center for the Eppes Cultural Heritage Center which exists to celebrate and preserve the memory of C.M. Eppes High School, a significant part of Greenville's history. The Center also honors people who were a part of the C.M. Eppes High School, namely Professor Charles Montgomery Eppes. Professor Eppes spent 39 years educating and influencing youth in Greenville. Less than three months before Professor Eppes' death in 1942, he participated in ceremonies that named the Greenville Industrial High School in his honor when it became the C.M. Eppes High School. Recently, Mr. Leslie Cox, Local Chapter President of the Society, requested that more space was needed for the Heritage Center. The Recreation and Parks Commission proposed, and the Committee accepted, to use the room to the east of the center's current space. The Recreation and Parks Commission voted to recommend that City Council authorize the City Manager to negotiate a lease agreement that encompasses both the current space and the additional requested space.

Mr. Leslie Cox; Dr. Bernadette Watts, President of the C.M. Eppes Alumni Heritage Society; and Ms. Betty Nurse, Heritage Board-Member were present to answer questions.

Motion was made by Council Member Glover and seconded by Council Member Spell to authorize the City Manager to negotiate a lease agreement with the C.M. Eppes Alumni Heritage Society for the area currently occupied and additional space for the Eppes Cultural Center at the C.M. Eppes Recreation Center. Motion carried unanimously. (Contract No. 487B)

PROPOSED OPERATING BUDGET FOR 2008-2009 AND FINANCIAL PLAN FOR 2009-2010

City Manager Bowers began by presenting the 2009 proposed Economic Stimulus Plan that had been presented to him by Jim Turcotte, Airport Manager. The Airport Economic Stimulus Plan was implemented in 2005 and due to the implementation of the Plan, the Airport has experienced an increase to the tax base above revenue neutral by \$11,351,260 in 2005; \$16,614,860 in 2006;

and \$24,718,000 in 2007. It is projected that the increase to the tax base will be \$29,381,000 for 2008 and \$32,211,000 for 2009. The amount being requested from the City for 2008 is \$98,732 and for 2009, \$102,926. The Airport is not requesting any operation or capital improvement appropriations from the City or County to defray the Authority's projected budget for the upcoming year.

Chief of Police William Anderson explained the additional positions that he has requested in the upcoming budget, stating that he is proposing to increase the number of patrol districts from 12 to 14, meaning 8 additional officers will be needed. One additional detective is also needed. The intercity districts have been combined so that they are smaller. Also requested are a part time Executive Director for the PAL Program and a Community Projects Coordinator.

City Manager Bowers stated that the proposed contingency for FY 2008-09 is \$150,000. This is money set aside for things that are not anticipated but that may occur during the year.

Chief of Fire/Rescue Mike Burton explained that the EMS call volume has increased and there has been a frequent use of second due units. There are challenges in providing basic training and a reduction in the number of available fire units. There are reduced firefighting capabilities when mutual aid EMS units are assigned and potential service issues related to fatigue. It has become more difficult to retain employees because of fatigue and the number of calls. Since 2004, 27 employees have resigned for other employment opportunities. Two studies and anecdotal evidence indicate that the EMS workload is a significant factor in those departures. Information was provided to Council showing the higher call volume for Greenville units as compared to other units. Chief Burton introduced a peak staffing concept that he would like to implement that would cost \$257,644. The full cost of a new EMS transport unit is \$752,960, and that was placed in the 2008-09 proposed budget.

City Manager Bowers stated that even though the unit was placed in the proposed 2008-09 budget, his recommendation is for it to be included in the 2009-10 budget. The budget cannot be balanced with it in 2008-09 with a revenue neutral rate because of increased personnel and fuel costs.

City Manager Bowers presented information that was requested at the May 5 meeting regarding what the property tax would be if the refuse and stormwater fees were included in the tax rate. Using the \$.56 tax rate per \$100 tax valuation from 2007-08, the refuse fee would be \$.0952 per \$100, and the stormwater fee would be \$.0666, for a new tax rate of \$.7218. Last year's tax rate was used in order to compare with other cities. The tax rates, including sanitation and stormwater fees, for other cities were Jacksonville (\$.68), Gastonia (\$.57), Concord (\$.49) and Asheville (\$.45). City Manager Bowers stressed that it is difficult to actually compare with other cities because of the differences in how stormwater and refuse fees are charged. He further showed the value of a penny for each of those cities, showing that it was much higher in all the other cities except Jacksonville, with it being \$978,739 in Asheville, \$811,767 in Concord, \$440,266 in Gastonia, \$420,679 in Greenville, and \$208,472 in Jacksonville. Greenville's tax base does not include property owned by East Carolina University and Pitt County Memorial Hospital. The proposed monthly garbage collection fees are proposed to increase from \$9.15 to \$10.79 for curbside and \$19.45 to \$27.71 for backyard. The proposed fee for multi-family garbage collection is proposed to remain the same. There will be a \$968,000 deficit in garbage if

the rates are not increased. The budget is scheduled to be discussed by City Council on May 19 and June 2 (if needed). The budget public hearing is scheduled for June 9, and the consideration of adoption of the budget is scheduled for June 12.

After brief discussion about the budget, motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to cancel the May 19, 2008 meeting and to meet on June 2, 9 and 12, 2008. Motion carried unanimously.

Waiver of annexation for Attends Healthcare Products

City Attorney Holec reminded the Council that Council Member Kittrell had been excused from voting on this issue because of a conflict of interest.

Motion was made by Council Member Glover and seconded by Council Member Joyner to waive annexation of additional tracts created by the subdivision of Attends Healthcare Products property. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council made general comments.

Council Member Joyner asked that the staff look at the historical districts to see if there are landmarks that need to be identified.

CITY MANAGER'S REPORT

The City Manager had no report to give.

ADJOURN

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Council to adjourn the meeting at 11:10 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
May 8, 2008

The Greenville City Council met in a regular meeting with the Greenville Utilities Commission on the above date at 6:00 PM in Room 337 of City Hall, with the following members present. Mayor Pat Dunn and Chair Louis Zincone presided over the meeting.

City Elected Officials

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

Commission Members

Chair Louis Zincone
Vice-Chair Lynn Evans
Commissioner Wayne Bowers
Commissioner Julia Carlson
Commissioner Don Edmonson
Commissioner Vickie Joyner
Commissioner John Freeman Paylor

ABSENT: Commissioner Lester Brown

CALL TO ORDER

Mayor Dunn called the City Council to order and ascertained that a quorum was present. Chairman Zincone called the Greenville Utilities Commission Board to order and ascertained that a quorum was present.

APPROVAL OF AGENDA

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

Motion was made by Commissioner Edmonson and seconded by Vice-Chair Evans to approve the agenda as presented. Motion carried unanimously.

JOINT CITY/GREENVILLE UTILITIES COMMISSION PAY AND BENEFITS
COMMITTEE RECOMMENDATIONS FY 2008-2009

City Manager Wayne Bowers stated that the City of Greenville and Greenville Utilities re-examine annually the competitive market pay posture of the joint pay plans with the objective to maintain an effective pay system for all employees that is internally equitable and compatible and that is as competitive as possible to the external marketplace. The Joint City/Greenville Utilities Commission Pay and Benefits Committee met on April 15, 2008 and unanimously recommended adjusting the pay plan upward by 3.0% effective June 21, 2008, adjusting salaries for full-time and designated part-time employees upward by 3.0% effective June 21, 2008, and maintaining the 1.5% merit pool. Three major factors were considered in making the proposal for FY 2008-2009:

1. Wage projections and trends for 2008 published by Capital Associates Industries (CAI) show that base pay increases are expected to be 3.2% overall. Other survey sources project somewhat higher trends: Watson Wyatt, 3.6%; Culpepper, 3.9%; Hay Group, 4.0%; Mercer, 3.46%; Pearl Meyer & Partners, 3.85%; and Clear Management, 3.90%.
2. Despite annual market adjustments, the pay plan for the City and Greenville Utilities Commission remains slightly below the average market due to budget constraints during years 2001-2003. In the 2004 report for an updated pay program, Derrick Associates (an independent compensation consultant) modified the proposed pricing levels as a result of continuing budget constraints. The final report included a recommendation to increase the pay grades by varying percentage amounts according to market, with an average increase to the pay structure of 4.7% overall. For individual employee salaries, an across-the-board market increase of 3.9% was proposed. Most of the 3.9% increase mirrored market trends (between 3.4% and 3.5%). The remainder served as “catch-up” for the three previous years when pay adjustments at the City and Utilities were significantly below the general market. The 2005, 2006, and 2007 market adjustments reflected a slightly higher amount to help calibrate to market, and a comparable amount is proposed for 2008.

Upon implementation of the wage adjustment in 2007, the wage base remained slightly under market by 0.5% due to the cumulative, compounding effect of lower increases for employees in the past. By continuing to use the CAI data (the most conservative market estimate of the group), employee wages will be slightly ahead of market by 0.8% if the 3.0% market adjustment and 1.5% merit pool is implemented for the upcoming fiscal year. The historical comparison was presented.

<u>Year</u>	<u>City/Greenville Utilities Commission</u>	<u>General Market</u>
2001	2.5% market + 1.5% merit = 4.0%	4.50%
2002	0	4.06%
2003	1.6% market + 1.5% merit = 3.1%	3.96%
2004	3.9% market + 1.5% merit = 5.4%	3.46%
2005	3.0% market + 1.5% merit = 4.5%	3.63%
2006	3.0% market + 1.5% merit = 4.5%	3.70%

2007	3.0% market + 1.5% merit = 4.5%	3.20%
2008	3.0% market + 1.5% merit = 4.5%	3.20%

3. The Consumer Price Index (CPI) measures the average price changes over time for specific goods and services consumed in a specific population area. It typically is used as a measure of inflation or economic trends. For the period of March 2007 to March 2008, the CPI was 4.0%. In comparison, the CPI was 2.8% for the March 2006 to March 2007 time frame. Although the committee did not use the CPI as an adjusting factor, it is known that as a practical matter, the net buying power of employees has greatly reduced by this almost doubling of the CPI.

Effective July 1, 1986, State law required local governments to contribute to the State 401(K) Plan in an amount equal to 5% of paid wages for sworn law enforcement officers. No contribution was required for general employees. Most local governments voluntarily began making 401(K) contributions for their general employees. The City of Greenville and Greenville Utilities began 401(K) contributions for general employees as a flat dollar amount of \$10 per biweekly pay period beginning January 1, 1997. The biweekly amount was increased to \$15 in January 1998; \$25 in 1999; \$30 in 2000; and \$35 in 2001. The contribution was raised to \$40 per biweekly pay period effective July 1, 2007. Although there have been some staff discussions concerning another increase in the contribution level for the upcoming year, it is the Committee's recommendation that 401(K) adjustments be considered along with other benefits in the benefits benchmarking study planned concurrently with the pay plan and classification study. The Committee endorsed the recommendation for a benefits study and pay plan and classification study next fiscal year. Funds are included in the proposed budgets for each organization for FY 2008-09.

In anticipation of the renewal process for the medical insurance plan with Cigna in the early fall, staff is drafting a request for proposals to solicit proposals for a detailed network and plan design analysis. the goal is to develop a multi-year strategy to deliver healthcare to employees which considers cost management, coverage options, funding alternatives, and wellness program components. The Committee endorsed the recommendation for a network and plan design study to begin the current fiscal year.

Greenville Utilities had an internal climate survey of its employees conducted in 2000 and a follow-up survey in 2004. Funding for an updated survey is included in the proposed budget for next fiscal year. A recommendation from the City Council Members on the Committee is that the City of Greenville consider a similar employee climate survey in the upcoming fiscal year.

Committee members are Mayor Pat Dunn, Council Member Rose Glover, Commissioner Julia Carlson, and Commissioner Lester Brown. Providing staff assistance are City Manager Wayne Bowers, General Manager/CEO Ron Elks, Assistant City Manager Thom Moton, Assistant General Manager Tony Cannon, City Human Resources Director Gerry Case, Greenville Utilities Commission Human Resources Director Patrice Alexander, City Human Resources Manager Leah Futrell, and Greenville Utilities Commission Benefits Administrator Susan Phillips.

Greenville Utilities Commission General Manager/CEO explained how the adjustment is needed in order to maintain an effective pay plan and maintain employees. There is a shrinking pool of talent, and efforts must be made to obtain and retain good employees.

Motion was made by Council Member Spell and seconded by Council Member Joyner to adopt the joint committee recommendations and to instruct the City Manager to incorporate these recommendations within the FY 2008-09 proposed budget. Motion carried unanimously.

Motion was made by Commissioner Edmonson and seconded by Commissioner Carlson to adopt the joint committee recommendations and to instruct the General Manager/CEO to incorporate these recommendations within the FY 2008-09 proposed budget. Motion carried unanimously.

ADJOURN

There being no further business, motion was made by Council Member Kittrell and seconded by Council Member Spell to adjourn the meeting at 6:10 p.m. Motion carried unanimously.

Motion was made by Commissioner Carlson and seconded by Commissioner Edmonson to adjourn the meeting at 6:10 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Right-of-way encroachment agreement with Emerald Park Owners Association to construct a subdivision name entrance sign, an unmanned guard house, conduits for irrigation line crossings, and associated landscaping for Emerald Park Subdivision along Emerald Park Drive

Explanation: Emerald Park Owners Association, a developer of Emerald Park Subdivision, has requested permission to construct a subdivision name entrance sign, an unmanned guard house, conduits for irrigation line crossings, and associated landscaping for Emerald Park Subdivision along Emerald Park Drive. Attached for City Council's consideration is a right-of-way encroachment agreement setting out the terms by which Emerald Park Owners Association may encroach upon the right-of-way of Emerald Park Drive. A map depicting the limits of the encroachment is also attached. No adverse comments regarding this encroachment agreement were received through the departmental review process. Staff takes no exception to this request.

Fiscal Note: There will be no cost to the City associated with the proposed encroachment.

Recommendation: City Council approve the right-of-way encroachment agreement permitting Emerald Park Owners Association to construct a subdivision name entrance sign, an unmanned guard house, conduits for irrigation line crossings, and associated landscaping for Emerald Park Subdivision along Emerald Park Drive.

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

Attachments / click to download

-----[SPACE ABOVE THIS LINE IS RESERVED FOR RECORDATION DATA]-----

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared by: City of Greenville
Mail to: City of Greenville PWD
PO Box 7207
Greenville, NC 27834

Right of Way Encroachment Agreement
Emerald Park Drive, Emerald Park Subdivision

THIS AGREEMENT made and entered into this the _____ day of _____, 2008, by and between the **CITY OF GREENVILLE**, Party of the First Part and hereinafter sometimes referred to as the **CITY**, and **EMERALD PARK OWNERS ASSOCIATION**, Party of the Second Party and hereinafter sometimes referred to as the **OWNER**;

WITNESSETH

THAT WHEREAS, the OWNER desires to encroach upon the public right of way of the public street designated as Emerald Park Drive with the construction of a subdivision name entrance sign, an unmanned guard house, and conduits for irrigation line crossings and associated landscaping as shown on Attachment "A";

WHEREAS, it is to the material advantage of the OWNER to effect this encroachment, and the CITY, in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of ways as indicated on attachment "A", subject to the conditions of this Agreement.

NOW, THEREFORE, in consideration of the execution of this Agreement by the CITY, the benefits flowing to the OWNER, and the covenants and agreements herein contained with respect to the obligations of the OWNER hereunder, the CITY does hereby give and grant unto the OWNER, the right and privilege to make the encroachment, as shown on attachment "A", subject to the conditions contained in this Agreement.

TO HAVE AND TO HOLD said encroachment rights under this Agreement unto the OWNER, provided, however, the OWNER performs and abides by the covenants and agreements herein contained.

The covenants and agreements to be performed by the OWNER as a part of the consideration for this encroachment agreement are as follows:

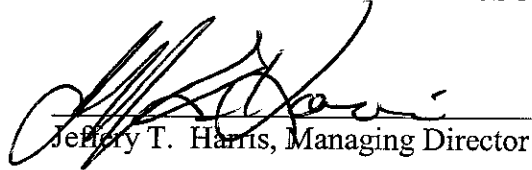
1. All costs of construction and maintenance of the encroaching structures will be at the sole cost and expense of the OWNER.
2. All damages to the right of ways, including the traveled portion of the street located thereon, or to facilities maintained by Greenville Utilities Commission as a result of the construction or maintenance of the encroaching structure, shall be borne by the OWNER, including but not limited to the following:
 - a. Restoring the traveled portion of the street to good, passable condition for use by the public.
 - b. Repairing any damage to the existing curbing or sidewalks.
 - c. Repairing any damage to facilities maintained by Greenville Utilities Commission
3. Any damage to the OWNER's encroaching structures caused by the CITY's or Greenville Utilities Commission use of its right of ways for construction or maintenance work in the ordinary course of its business, shall be borne by the OWNER.
4. The OWNER shall maintain the encroaching structures so that it does not interfere with the utilization of the right of way by the CITY or utilization by the Greenville Utilities Commission of the right of way or facilities maintained by Greenville Utilities Commission.
5. The OWNER shall install and maintain the encroaching structures in such safe and proper condition that it will not obstruct or interfere with the proper maintenance of the right of way, or facilities maintained by Greenville Utilities Commission and if at any time in the future the CITY shall require the removal of or changes in the location of the encroaching structure, the OWNER shall promptly remove or alter the location of the encroaching structure in order to conform to such requirements without cost to the CITY.
6. The OWNER hereby agrees to indemnify and save the CITY and its officers and employees harmless from all damages and claims for damage that may arise by reason of the installation and maintenance of the encroaching structure.
7. The OWNER agrees to exercise every reasonable precaution during construction and maintenance of the encroaching structures to prevent damage to the right of way or facilities maintained by Greenville Utilities Commission. The OWNER shall comply with all applicable rules, regulations, and ordinances of the CITY as well as those of state and federal regulatory agencies. Whenever any installation or maintenance operation by the OWNER or its contractors disturbs the ground surface, the OWNER agrees to return the area as nearly as possible to its condition prior to disturbance.
8. The OWNER agrees to assume the actual cost of any inspection of the OWNER's work considered to be necessary by the CITY.
9. In the event of noncompliance by the OWNER with any of the covenants and agreements herein contained, the CITY reserves the right to stop all works by the OWNER until the OWNER complies, or to cause the removal of the encroaching structure from its right of way or from City property without cost to the CITY.

10. Notwithstanding any other provision of this Agreement, the CITY may terminate the right, privilege, and easement granted herein by the provision of at least thirty-days (30) written notice to the OWNER.

IT IS UNDERSTOOD AND AGREED that this Agreement shall become null and void if actual installation of the encroaching structures are not complete within one (1) year from the date of the execution of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate originals as of the day and year first above written.

EMERALD PARK OWNERS ASSOCIATION


Jeffery T. Harris, Managing Director

(Seal)

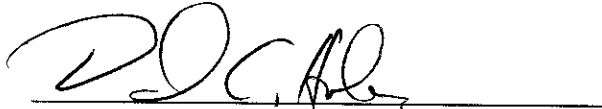
CITY OF GREENVILLE

Patricia C. Dunn, Mayor

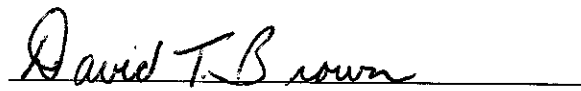
ATTEST:

Wanda T. Elks, City Clerk

APPROVED AS TO FORM:


David A. Holec, City Attorney

RECOMMENDED:


David T. Brown, City Engineer

I, _____, Notary Public of Pitt County, North Carolina, do hereby certify that Wanda T. Elks, personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville through and by the City Council, its governing body, the foregoing instrument was signed in its name by Patricia C. Dunn, sealed with its corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 2008.

Notary Public

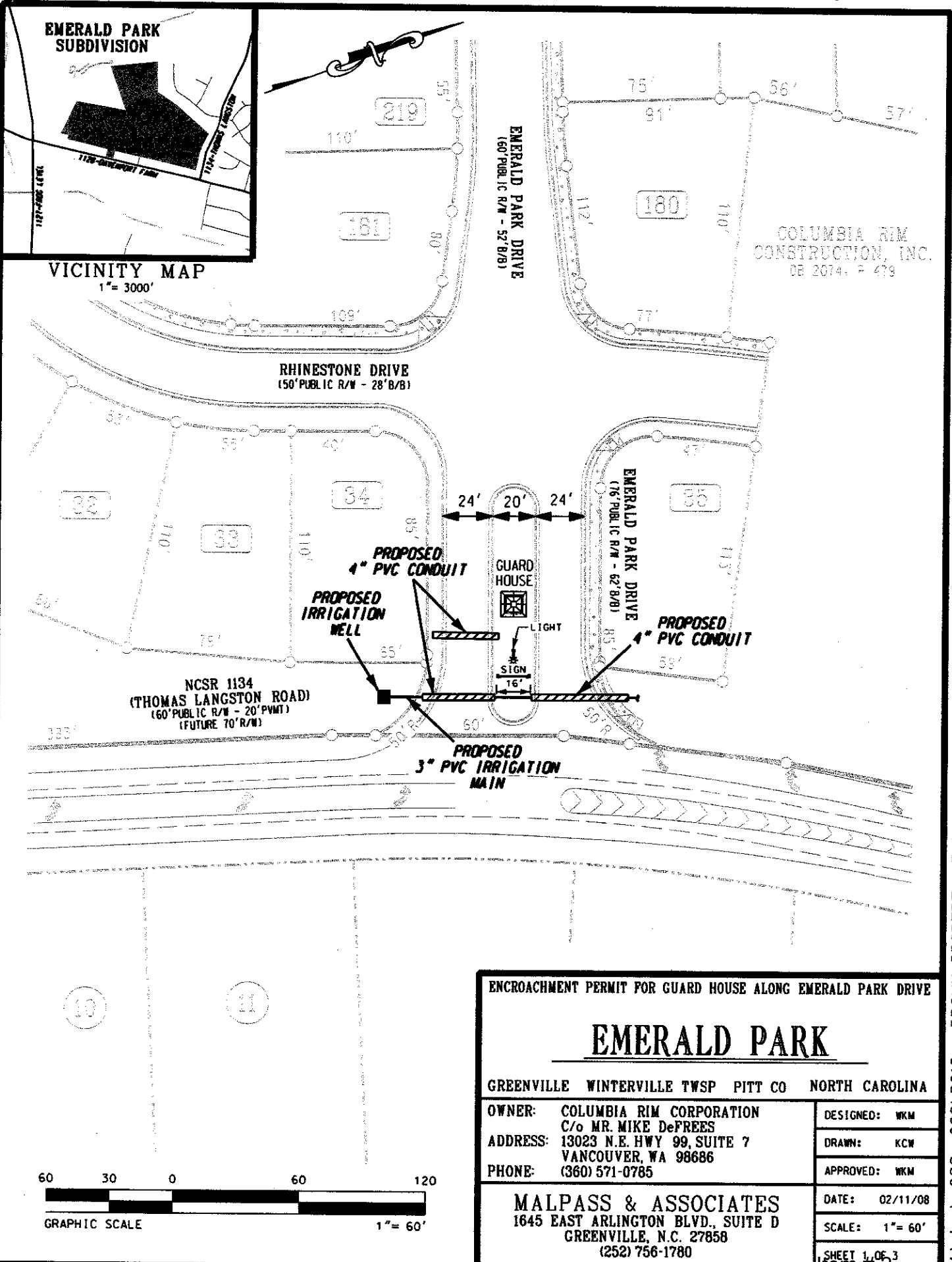
My Commission Expires

I, _____, Notary Public of said Pitt County, North Carolina, do hereby certify that Jeffery T. Harris, personally appeared before me this day and acknowledged he is a managing director of EMERALD PARK OWNERS ASSOCIATION, and that by authority duly given, he signed the foregoing instrument for and on behalf of said limited liability corporation.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 2008.

Notary Public

My Commission Expires: _____



COLUMBIA RIM
CONSTRUCTION, INC.
DB 2074, P 479

VICINITY MAP
1" = 3000'

NCSR 1134
(THOMAS LANGSTON ROAD)
(60' PUBLIC R/W - 20' PVMT)
(FUTURE 70' R/W)

ENCROACHMENT PERMIT FOR GUARD HOUSE ALONG EMERALD PARK DRIVE

EMERALD PARK

GREENVILLE WINTERVILLE TWP PITT CO NORTH CAROLINA

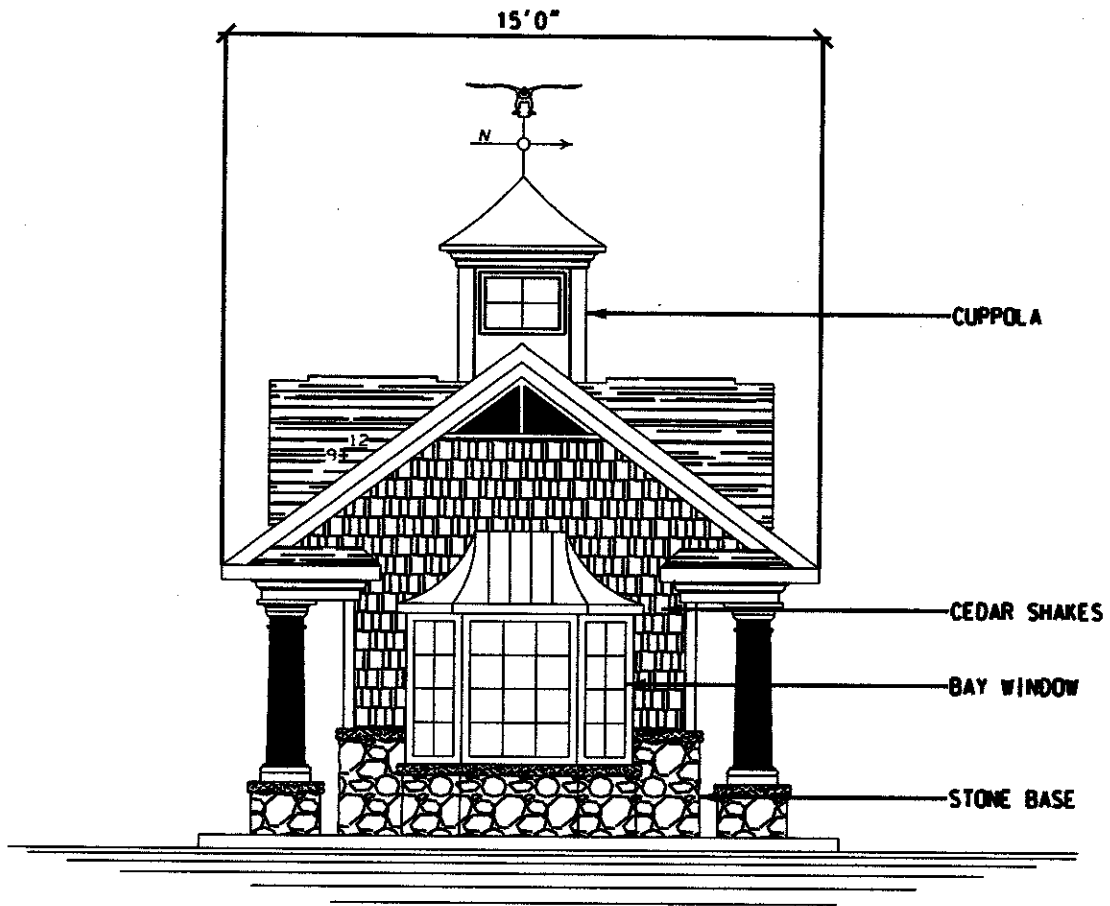
OWNER: COLUMBIA RIM CORPORATION
C/o MR. MIKE DeFREES
ADDRESS: 13023 N.E. HWY 99, SUITE 7
VANCOUVER, WA 98686
PHONE: (360) 571-0785

DESIGNED: WKM
DRAWN: KCW
APPROVED: WKM
DATE: 02/11/08
SCALE: 1" = 60'
SHEET 1 OF 3

MALPASS & ASSOCIATES
1645 EAST ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780



M:\dgn\p800_p899\p812 - BROWN PROPERTY (THOMAS LANGSTON), JEFF HARRIS\p812ench_ph1-sec3.dgn 4/16/2008 7:32:15 AM



ENCROACHMENT PERMIT FOR GUARD HOUSE ALONG EMERALD PARK DRIVE

EMERALD PARK

GREENVILLE WINTERVILLE TWP PITT CO NORTH CAROLINA

OWNER: COLUMBIA RIM CORPORATION
C/o MR. MIKE DeFREES
ADDRESS: 13023 N.E. HWY 99, SUITE 7
VANCOUVER, WA 98686
PHONE: (360) 571-0785

DESIGNED: WKM

DRAWN: KCW

APPROVED: WKM

MALPASS & ASSOCIATES
1645 EAST ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

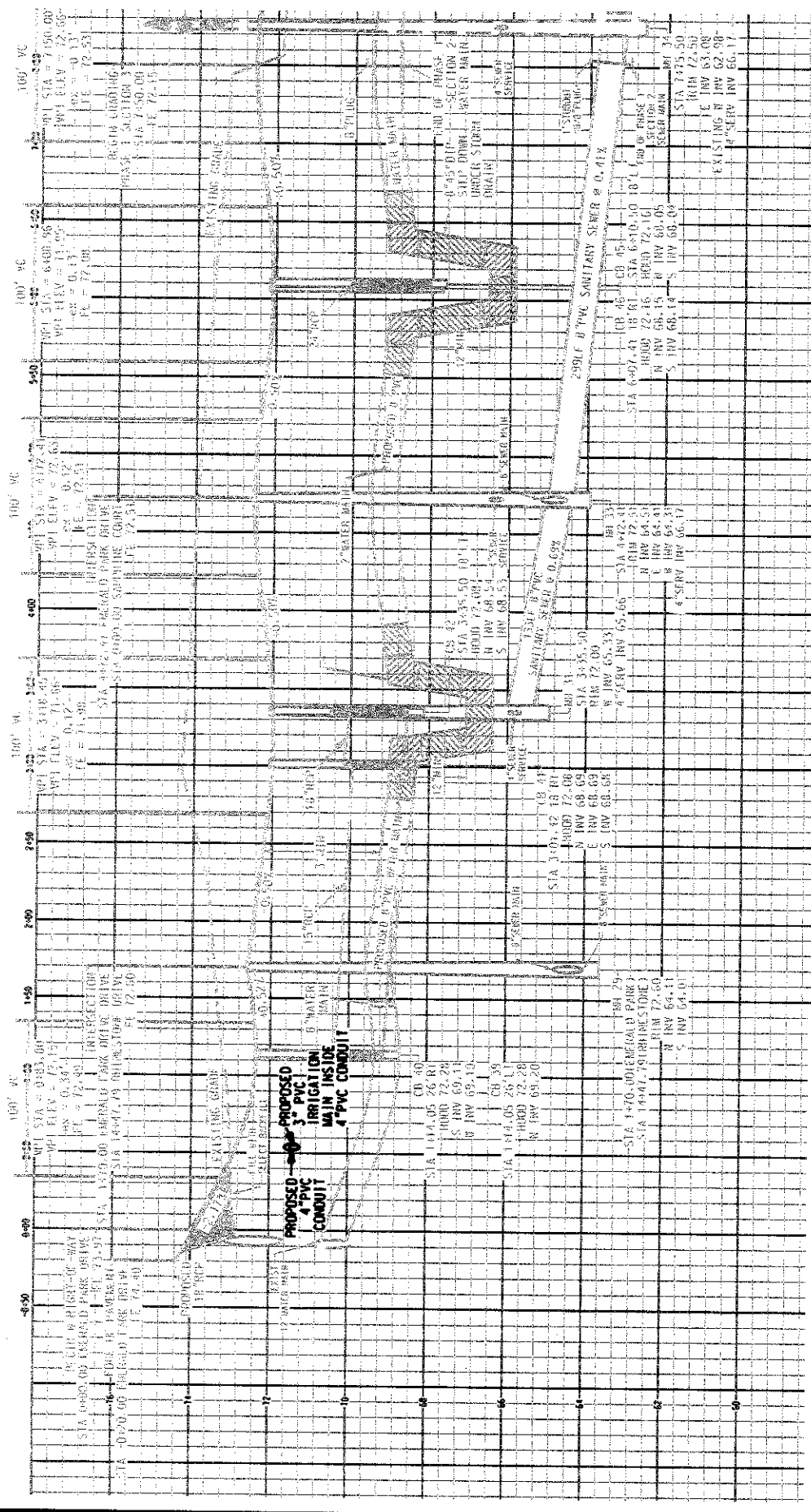
DATE: 02/11/08

SCALE: NTS

SHEET 2 OF 3

PROJECT NO. P-812 , DRAWING NO. P812ENCH.DGN

Mr:\dgn\p800_p899\p812 - BROWN PROPERTY (THOMAS LANGSTON), JEFF HARRIS\p812ench_ph1-sec3.dgn 4/16/2008 7:33:35 AM



EMERALD PARK DRIVE

ENCROACHMENT MAP - PROFILE
EMERALD PARK

EMERALD PARK DRIVE AND THOMAS LANGSTON ROAD INTERSECTION
GREENVILLE WINTERTVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER:	COLUMBIA RIM CORPORATION c/o MR. MIKE DeFREES	DESIGNED:	WRM
ADDRESS:	13023 N.E. HWY. 99, SUITE 7 VANCOUVER, WA 98686	DRAWN:	KCM
PHONE:	(360) 571-0785	APPROVED:	WRM

DATE: 02/11/08
SCALE: H 1" = 50'
SCALE: V 1" = 2'
SHEET 3 OF 3

MALPASS & ASSOCIATES
1645 EAST ARLINGTON BLVD, SUITE D
GREENVILLE, N.C. 27688
(252) 756-1780



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution accepting dedication of rights-of-way and easements for Irish Creek, Section 3; Lynndale East Subdivision, Section Three, Lots 2 and 3, Block B, Lots 13-17, Block D, and Lots 7-10, Block A; Charleston Village, Section 2, Phase 3; Charleston Village, Section 2, Phase 1; Quarterpath Village; and Lynndale East Section Three, Lots 2-8, Block D, Lots 26-33, Block E

Explanation: In accordance with the City's Subdivision regulations, rights-of-way and easements have been dedicated for Irish Creek, Section 3, (Map Book 66 at Page 111); Lynndale East Subdivision, Section Three, Lots 2 and 3, Block B, Lots 13-17, Block D, and Lots 7-10, Block A (Map Book 65 at Pages 198-199); Charleston Village, Section 2, Phase 3 (Map Book 64 at Pages 132-133); Charleston Village, Section 2, Phase 1 (Map Book 64 at Page 33); Quarterpath Village (Map Book 58 at Page 30); and Lynndale East Section Three, Lots 2-8, Block D, Lots 26-33, Block E (Map Book 67 at Page 18).

Fiscal Note: Funds for the maintenance of these rights-of-way and easements are included within the FY 2007-2008 budget.

Recommendation: City Council adopt the attached resolution accepting dedication of rights-of-way and easements for Irish Creek, Section 3; Lynndale East Subdivision, Section Three, Lots 2 and 3, Block B, Lots 13-17, Block D, and Lots 7-10, Block A; Charleston Village, Section 2, Phase 3; Charleston Village, Section 2, Phase 1; Quarterpath Village; and Lynndale East Section Three, Lots 2-8, Block D, Lots 26-33, Block E.

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

Attachments / click to download

- [📄 Irish Creek Section 3 Map](#)
- [📄 Quarterpath Map](#)

- [Lynndale East Map](#)
 - [Lynndale East Section Three](#)
 - [Charleston Village Section 2 Phase 3](#)
 - [Charleston Village Section 2 Phase 1](#)
 - [June Right of Way Resolution 763713](#)
-

RESOLUTION NO. 08 _____
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:

Irish Creek, Section 3	Map Book 66	Page 111
Lynndale East Subdivision, Section Three, Lots 2, and 3, Block B; Lots 13-17 Block D and Lots 7-10, Block A	Map Book 65	Pages 198-199
Charleston Village Section 2, Phase 3	Map Book 64	Pages 132-133
Charleston Village Section 2, Phase 1	Map Book 64	Page 33
Quarterpath Village	Map Book 58	Page 30
Lynndale East Section Three, Lots 2-8, Block D and Lots 26-33, Block E	Map Book 67	Page 18

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 9th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

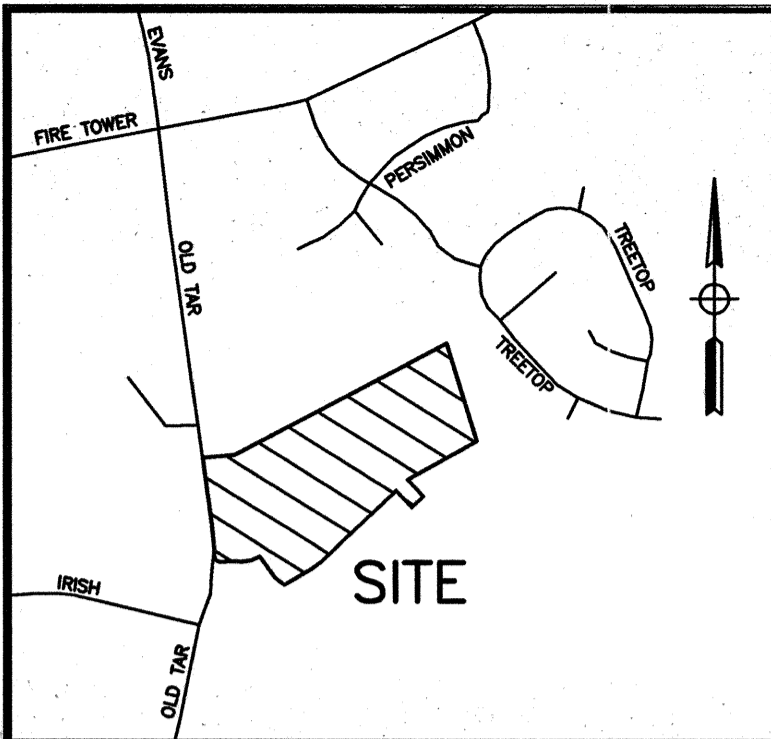
NORTH CAROLINA
PITT COUNTY

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 9th day of June, 2008.

Notary Public

My Commission Expires: 9/4/2011



LEGEND

- R/W = RIGHT-OF-WAY
- B/B = BACK OF CURB TO BACK OF CURB
- PRC = POINT OF REVERSE CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- EIP = EXISTING IRON PIPE
- C/L = CENTERLINE
- EPKN = EXISTING PARKER KALON NAIL
- ERRS = EXISTING RAILROAD SPIKE
- = IRON PIPE SET, UNLESS OTHERWISE NOTED
- SIP = SET IRON PIPE
- CH = CHORD
- R = RADIUS

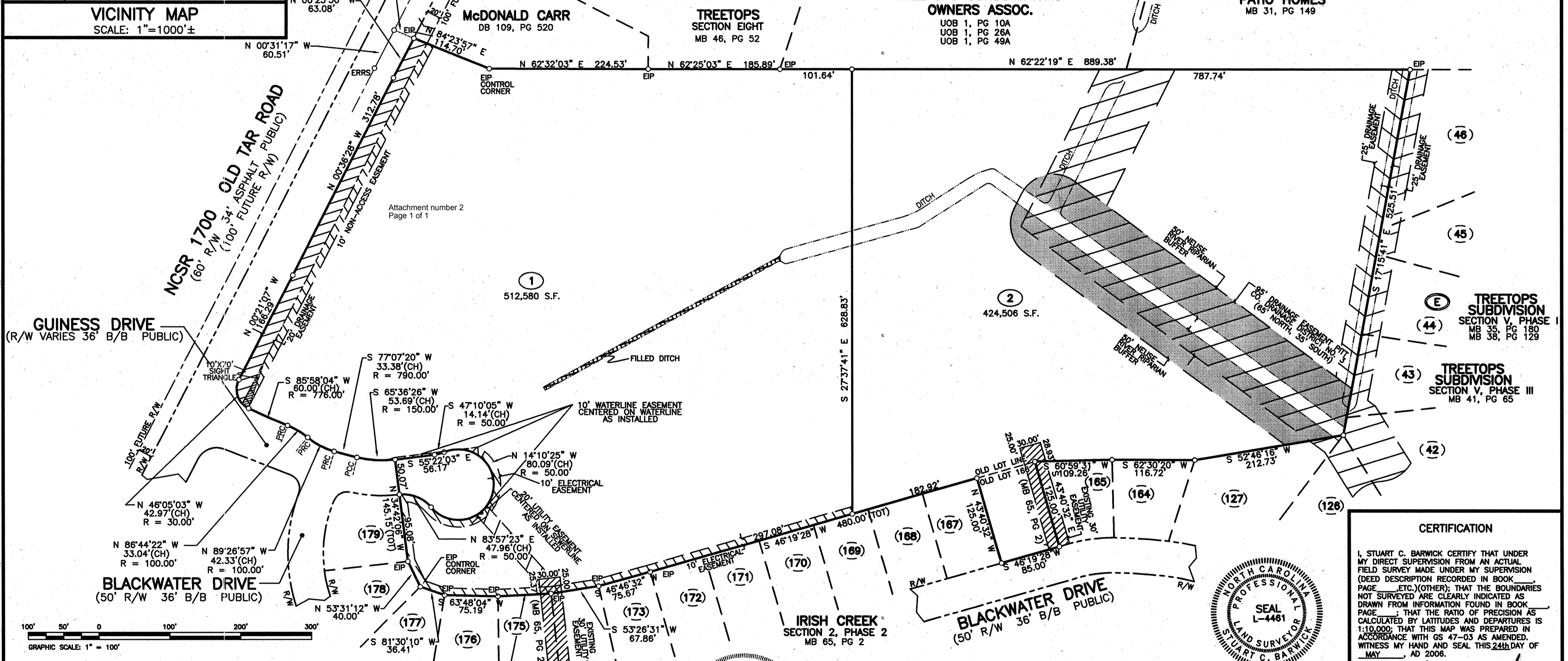
GENERAL NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. 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.
3. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: 3720468500 J DATED JANUARY 2, 2004.
4. THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRICAL 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.
5. 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 APPROVAL OF THE CITY OF GREENVILLE.

SITE DATA

TOTAL AREA 21.746 AC.
 NUMBER OF LOTS CREATED 2
 AREA IN COMMON AREA 0
 AREA IN PARKS, RECREATION AREAS
 CEMETERIES AND THE LIKE 0

Doc ID: 000742140001 Type: CRP
 Recorded: 09/28/2006 at 03:03:23 PM
 Fee Amt: \$21.00 Page 1 of 1
 Pitt County, NC
 Judy J. Tart Register of Deeds
 BK 66 PG 111



FINAL PLAT PARCEL #71927 SHEET 1 OF 1
 PARCEL #70641

IRISH CREEK
 SECTION 3
 REFERENCE: DEED BOOK 1938, PAGE 839 AND DEED BOOK 2073,
 PAGE 18 OF THE PITT COUNTY REGISTRY

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

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 1938 PAGE 839
 DEED BOOK 2073 PAGE 18
 DEED BOOK [Signature] PAGE []

REGISTRATION NO. L-4461

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

[Signature]
 SWORN AND SUBSCRIBED BEFORE ME THIS [] DAY OF [], 2006.
 [Signature]
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 03/28/2009

APPROVAL
 THIS FINAL PLAT NO. 06-061 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE [] DAY OF [] 2006.

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 [Signature]
 ATTEST [Signature]

CERTIFICATION

I, STUART C. BARWICK 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 24th DAY OF MAY, AD 2006.

SIGNED [Signature]
 REGISTRATION NO. L-4461

REVIEW OFFICER'S CERTIFICATE

I, [Signature], 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] 9/28/06
 REVIEW OFFICER DATE

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

SURVEYED: JP APPROVED: SCB
 DRAWN: SCB DATE: 05/24/2006
 CHECKED: MWB/SCB SCALE: 1" = 100'

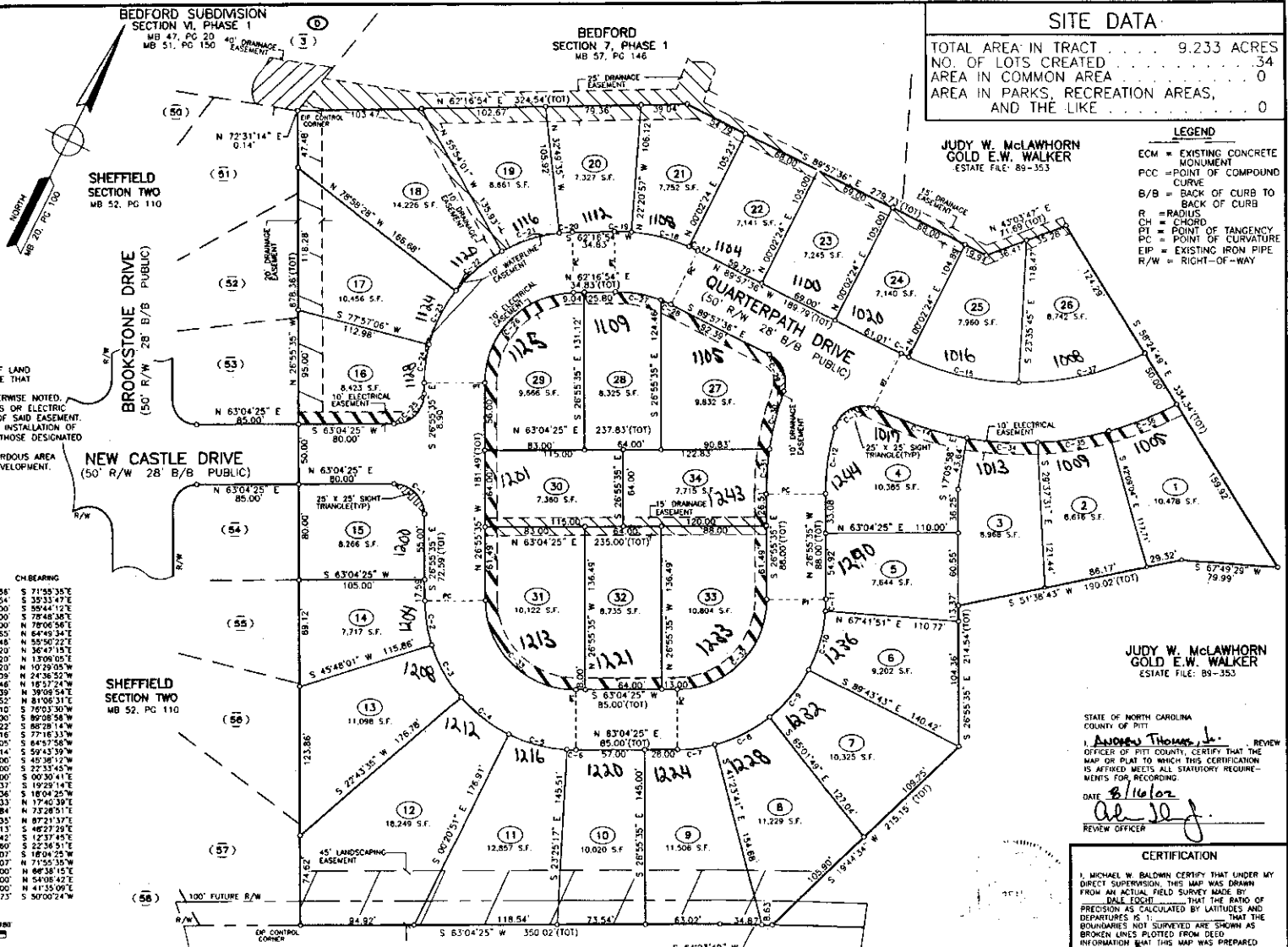
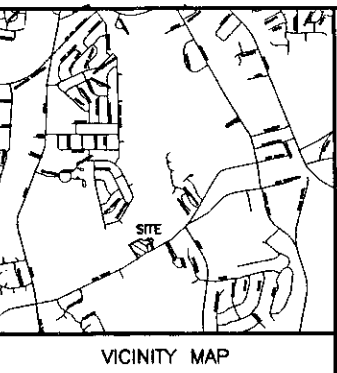
SITE DATA

TOTAL AREA IN TRACT 9.233 ACRES
 NO. OF LOTS CREATED 34
 AREA IN COMMON AREA 0
 AREA IN PARKS, RECREATION AREAS, AND THE LIKE 0

LEGEND

ECM = EXISTING CONCRETE MONUMENT
 PCC = POINT OF COMPOUND CURVE
 B/B = BACK OF CURB TO BACK OF CURB
 R = RADIUS
 CH = CHORD
 PT = POINT OF TANGENCY
 PC = POINT OF CURVATURE
 EIP = EXISTING IRON PIPE
 R/W = RIGHT-OF-WAY

JUDY W. McLAWHORN
 GOLD E.W. WALKER
 ESTATE FILE: 89-353



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 ELECTRICAL 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 ELECTRICAL LINES WITHIN THOSE DESIGNATED WIDTHS.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE DEPT. OF HOUSING AND URBAN DEVELOPMENT. REF: FIRM 370191 0010 B, DATED 04/30/86.

CURVE DATA

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH BEARING
C-1	25.00'	25.00'	39.27'	90°00'00"	228°10'59"	35.38'	S 71°50'38"E
C-2	125.00'	18.99'	57.88'	17°16'24"	48°50'12"	37.54'	S 53°33'47"E
C-3	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 58°44'12"E
C-4	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 78°48'38"E
C-5	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 78°48'38"E
C-6	125.00'	3.82'	7.85'	23°04'28"	45°50'12"	7.85'	N 64°49'34"E
C-7	125.00'	15.87'	31.57'	14°28'08"	45°50'12"	31.48'	N 55°50'22"E
C-8	125.00'	16.15'	31.58'	23°38'08"	45°50'12"	31.50'	N 36°41'18"E
C-9	125.00'	26.16'	51.57'	23°38'08"	45°50'12"	51.20'	N 13°09'05"E
C-10	125.00'	26.15'	51.56'	23°38'08"	45°50'12"	51.20'	N 10°39'05"W
C-11	125.00'	3.05'	10.09'	43°37'28"	45°50'12"	10.09'	N 24°36'27"W
C-12	260.00'	28.00'	15.64'	19°56'22"	28°38'32"	55.46'	N 18°17'24"W
C-13	125.00'	3.05'	10.09'	43°37'28"	22°10'59"	38.39'	N 39°08'24"E
C-14	275.00'	39.87'	78.79'	16°24'59"	20°50'08"	78.52'	N 81°06'31"E
C-15	225.00'	48.25'	95.82'	24°24'02"	29°27'53"	95.10'	S 76°03'30"W
C-16	225.00'	3.50'	7.00'	144°54'	29°27'53"	7.00'	S 89°08'58"W
C-17	150.00'	4.11'	8.22'	3°08'21"	38°11'50"	8.22'	S 88°29'14"W
C-18	150.00'	23.44'	50.40'	19°15'01"	38°11'50"	50.16'	S 77°16'35"W
C-19	150.00'	7.03'	14.06'	3°22'00"	38°11'50"	14.00'	S 84°57'58"W
C-20	125.00'	5.58'	11.14'	5°06'29"	45°50'12"	11.14'	S 59°43'39"W
C-21	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 45°18'17"W
C-22	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 22°33'45"W
C-23	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 00°30'41"E
C-24	125.00'	25.52'	50.34'	23°04'28"	45°50'12"	50.00'	S 19°59'14"E
C-25	25.00'	25.00'	39.27'	90°00'00"	228°10'59"	35.38'	S 18°04'25"W
C-26	75.00'	73.97'	116.77'	89°12'29"	76°23'40"	105.33'	N 17°40'39"E
C-27	100.00'	18.80'	38.00'	22°33'56"	57°17'45"	38.84'	N 73°08'11"E
C-28	100.00'	4.68'	9.35'	6°21'35"	57°17'45"	9.35'	N 87°21'37"E
C-29	25.00'	22.12'	36.22'	60°00'13"	229°10'59"	33.11'	S 48°27'29"E
C-30	250.00'	24.83'	49.66'	1°20'44"	22°55'08"	49.02'	S 12°37'45"E
C-31	250.00'	18.55'	37.63'	6°37'28"	22°55'08"	37.60'	S 22°34'51"E
C-32	75.00'	75.00'	117.81'	90°00'00"	76°23'40"	106.07'	S 18°04'25"W
C-33	75.00'	36.00'	78.00'	117.81'	90°00'00"	76.23'40"	N 71°55'35"W
C-34	275.00'	50.18'	60.12'	12°31'33"	20°50'08"	60.00'	N 86°38'15"E
C-35	275.00'	50.18'	60.12'	12°31'33"	20°50'08"	60.00'	N 50°18'15"E
C-36	275.00'	50.18'	60.12'	12°31'33"	20°50'08"	60.00'	N 41°15'09"E
C-37	225.00'	55.48'	108.79'	27°42'11"	25°27'53"	107.75'	S 50°00'24"W

QUARTERPATH VILLAGE

REFERENCE: DEED BOOK 1177, PAGE 668 OF THE
 PITTS COUNTY REGISTRY

GREENVILLE, WINTERVILLE TOWNSHIP, PITTS COUNTY, NC

OWNER: REGGIE SPAIN CONSTRUCTION, LLC
 ADDRESS: P.O. BOX 20370
 GREENVILLE, N.C. 27658
 PHONE: (252) 756-4052

Baldwin and Associates
 ENGINEERING, LAND SURVEYING
 AND PLANNING
 1015 CONFERENCE DRIVE
 GREENVILLE, NC 27658
 (252) 756-1390

SURVEYED: DF
 APPROVED: MWB
 DRAWN: SCB
 DATE: 05/15/02
 CHECKED: MWB
 SCALE: 1" = 60'

DEED BOOK 1177 PAGE 668
 DEED BOOK 1177 PAGE 668
 DEED BOOK 1177 PAGE 668

NC REGISTRATION NO. L-3082

SOURCE OF TITLE

THIS IS EVIDENCE THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITTS COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS

DEED BOOK 1177 PAGE 668
 DEED BOOK 1177 PAGE 668
 DEED BOOK 1177 PAGE 668

NC REGISTRATION NO. L-3082

OWNERS STATEMENT

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

Reggie Spain

SWORN AND SUBSCRIBED BEFORE ME THIS 15th DAY OF MAY, 2002.

NOTARY PUBLIC
 MY COMMISSION EXPIRES: 04/03/04

APPROVAL

THIS FINAL PLAT NO. 02-61 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 15th DAY OF MAY, 2002

SIGNED: [Signature]
 CITY PLANNER # 3

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: Reggie Spain
 ATTEST:

CERTIFICATION

I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY DALE EIGHTH THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:1000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION THAT THIS MAP WAS PREPARED BY ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 15th DAY OF MAY, 2002.

SIGNED: [Signature]
 REGISTRATION NO. L-3082

NORTH CAROLINA - PITTS COUNTY
 I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT MICHAEL W. BALDWIN, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 15th DAY OF MAY, 2002.

NOTARY PUBLIC: [Signature]
 MY COMMISSION EXPIRES: 04/03/2004

NORTH CAROLINA - PITTS COUNTY
 THE FOREGOING CERTIFICATE OF STUART C. BARBER, IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS DAY OF MAY, 2002 AT O'CLOCK M. REGISTER OF DEEDS.

BY: [Signature]
 DEPUTY REGISTER OF DEEDS

Filed for registration this the 16th day of August 2002 at 9:50 o'clock A.M.
 Judy I. Tarkenton, Register of Deeds
 Deputy Register of Deeds

References

D.B. 2020, PG. 443 D.B. 1986, PG. 647
 D.B. 2020, PG. 439 D.B. 1906, PG. 643
 D.B. 2020, PG. 427 D.B. 1976, PG. 617
 D.B. 2020, PG. 423 D.B. 1976, PG. 613
 D.B. 2020, PG. 420 D.B. 1976, PG. 608
 D.B. 2020, PG. 403 D.B. 1976, PG. 605
 D.B. 2020, PG. 870 D.B. 1325, PG. 288
 D.B. 1986, PG. 659 D.B. 894, PG. 632
 P.A. 58919
 P.A. 70855
 P.A. 18473
 P.A. 58801

LINE	BEARING	LENGTH
12	S 81°31'17" E	13.24

CURVE	ARC LENGTH	CH BEARING	CH LENGTH	DELTA
C15	206.00	S62°51'15" E	80.00	23°04'28"
C16	200.00	S43°31'12" E	66.31	18°17'24"
C17	130.00	N12°30'00" W	61.13	15°02'21"
C18	332.00	S28°01'10" W	122.21	22°13'35"
C19	330.00	N77°34'27" E	130.00	22°34'11"
C20	330.00	N52°21'15" E	100.00	29°21'11"
C21	330.00	S30°21'17" E	100.00	22°28'01"
C22	330.00	N62°21'15" E	100.00	12°38'27"
C23	330.00	N28°24'58" E	80.00	12°34'52"
C24	330.00	S03°21'15" E	80.00	13°04'57"
C25	330.00	N01°31'15" E	80.00	11°34'57"
C26	330.00	N136°04'20" W	80.35	13°21'24"
C27	330.00	S14°18'31" E	81.43	12°28'24"
C28	330.00	S17°04'52" E	82.81	12°24'51"

Notes:

- AREA DETERMINED BY COORDINATES.
- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
- IRON PIPES LOCATED AT ALL CORNERS, EXCEPT AS NOTED OTHERWISE.
- THIS PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FIRM MAP NUMBER 3723468800L, PANEL NO. 4686 J, EFFECTIVE JANUARY 2, 2004.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS, OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS, PROVIDED UTILITIES ARE LOCATED UNDERGROUND.
- PROPERTY SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
- NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PAVING AND ACCESSORY STRUCTURES AND ADDITIONS OF APPEARANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, DAMPERS, ANTENNAS, MASTS, LIGHTS, WORKING LANTARNS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENROACH WITHIN ANY DESIGNATED EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF GREENVILLE.

OWNERS STATEMENT AND DEDICATION

Suzanne Brown Blinn Owner
Gene Edward Queen Owner
William E. Evans Owner
John A. Evans Owner
William C. Brown III Owner
David A. Evans III Owner

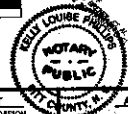
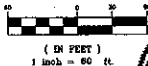
William C. Brown III Owner
John E. Evans Owner

SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF DEC, 2006.
 Notary Public
 MY COMMISSION EXPIRES JAN 3 2010

SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF DEC, 2006.
 Notary Public
 MY COMMISSION EXPIRES JAN 3 2010



GRAPHIC SCALE



CARRIE MAZZOLA
 SANDHILLS COUNTY, NORTH CAROLINA
 EQUAL OPPORTUNITY FINANCIAL PLAT
 NOTARIAL EXP. JAN 3, 2010
LYNDALE EAST SUBDIVISION, SECTION THREE
LOTS 2-8, BLOCK D, LOTS 26-33 BLOCK E

WINTERVILLE TOWNSHIP, GREENVILLE, PITT CO., NORTH CAROLINA
OWNER GREENBRIER REALTY COMPANY, INC.
 ADDRESS P.O. BOX 2548, GREENVILLE, NC 27836
 PHONE (252) 752-2106

 101 East Hargett Street Charlotte, NC 27601 Phone: 704.375.1410 Fax: 704.375.1412	SURVEYED BY	APPROVED BY
	CEL/CEW	JW
	DRAWN BY	DATE
	2/24/07	2/22/07
CHECKED BY	SCALE	
PHS	1" = 60'	

SOURCE OF TITLE
 TO THE BEST OF MY KNOWLEDGE, THE LAST INSTRUMENT(S) BY THE GRANTOR OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTER AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK SEE PAGE REFERENCES
 DEED BOOK SEE PAGE REFERENCES
 DEED BOOK SEE PAGE REFERENCES

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

SEE ABOVE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21ST DAY OF NOVEMBER, 2006.
Kelly Joanne Phillips
 My Commission Expires 6/21/2010

APPROVAL
 THIS FINAL PLAT NO. 58-109 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 25TH DAY OF OCTOBER, 2006.

SIGNED *[Signature]*
 CITY PLANNER

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

SIGNED SEE ABOVE
 ATTEST SEE NOTARY

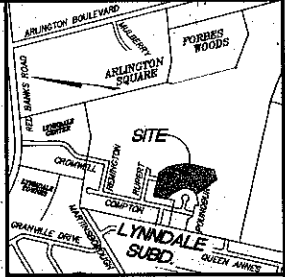
CERTIFICATION
 NORTH CAROLINA PITT COUNTY
 I, JAMES E. WHITE, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE QUITE FROM AN ACTUAL SURVEY MADE QUITE LEGALLY FROM DEED DESCRIPTIONS RECORDED IN BOOK (SEE), PAGE (REF.); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ±; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; I, FURTHER CERTIFY PURSUANT TO G.S. 47-30 (1)(11) THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA REGULATED BY THE CITY OF GREENVILLE SUBDIVISION ORDINANCE. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 20TH DAY OF NOVEMBER, 2006.

SIGNED *[Signature]*
 SEAL
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER 16-2423

NORTH CAROLINA PITT COUNTY
 I, ANDREW THOMAS, JR. A REVIEW OFFICER OF PITT COUNTY, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

BY *[Signature]*
 REVIEW OFFICER
 DATE 1/10/07

NORTH CAROLINA PITT COUNTY
 FILED FOR REGISTRATION THIS THE _____ DAY OF _____, 2006, AT _____ O'CLOCK _____ M.
JUDY J. TART, REGISTER OF DEEDS
 BY _____ DEPUTY REGISTER OF DEEDS



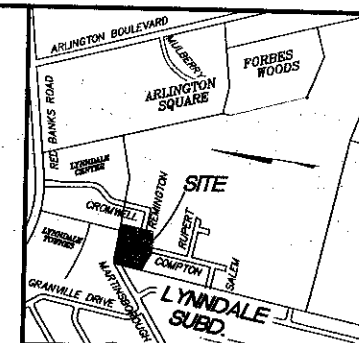
Location Map
 SCALE: 1" = 1000'

Site Summary:

NUMBER OF LOTS CREATED _____ 15
 ACREAGE BY TOTAL TRACT _____ 6.83 AC.
 ACREAGE IN COMMON AREA(S) _____ NONE
 ACREAGE IN PARK AND RECREATION AREAS _____ NONE

Legend

EXISTING IRON REBAR OR
 EXISTING IRON PIPE OP
 IRON PIPE SET PS
 NO POINT SET NPS
 LOT NO. DL
 N/A? NO OR FORMERLY



Location Map
SCALE: 1" = 1000'

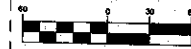
Site Summary:

NUMBER OF LOTS CREATED _____
ACREAGE IN TOTAL TRACT _____ 3.120 AC.
ACREAGE IN COMMON AREA(S) _____ NONE
ACREAGE IN PARK AND RECREATION AREAS _____ NONE

Legend:

EXISTING IRON PIPE EP
NO POINT SET NPS
LOT NO. 8
N/P N/P
IRON PIPE SET (WITNESS) IFS (WITNESS)

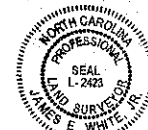
GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



Doc ID: 0058480000 Times: 057
Recorded: 09/28/2006 at 11:02:14 AM
Fee Amt: \$21.00 Page 1 of 1
Pitt County, NC
July 2, Tart Register of Deeds
BK 65 PG 198



CERTIFICATION
NORTH CAROLINA PITT COUNTY

I, JAMES E. WHITE, JR., CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE CLAUDIUS LEGGETT FROM DEED DESCRIPTIONS LOCATED IN BOOK (SEE), PAGE (REF.); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ±; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1): THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA REGULATED BY THE CITY OF GREENVILLE SUBDIVISION ORDINANCE. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 25 DAY OF May, 2006.

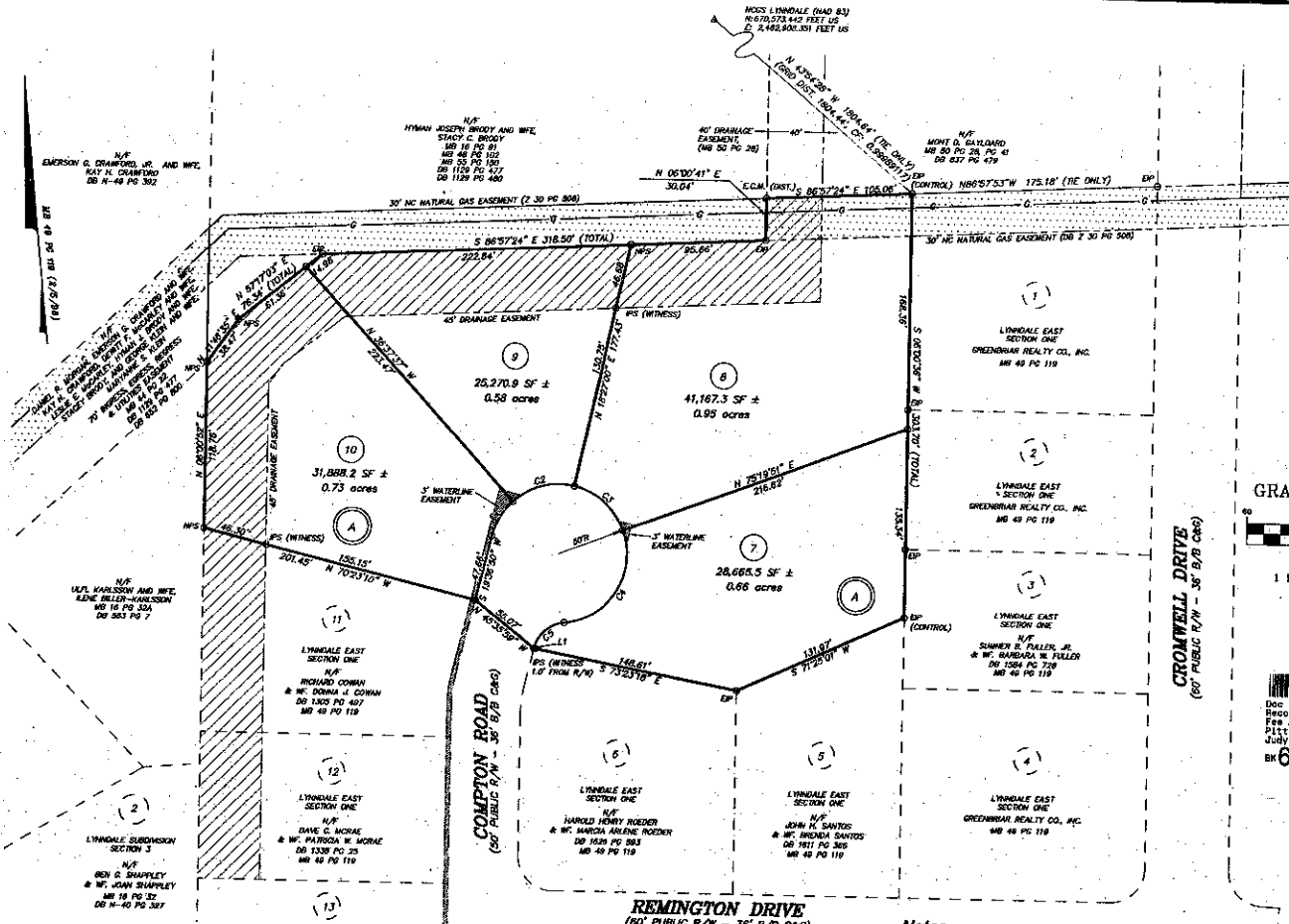
SIGNED: *James E. White, Jr.*
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-2423

NORTH CAROLINA PITT COUNTY

I, *Alfred Thomas, Jr.*, A REVIEW OFFICER OF THE CITY OF GREENVILLE, PITT COUNTY, N.C., CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
BY: *Alfred Thomas, Jr.*
REVIEW OFFICER
DATE: *6/24/06*

NORTH CAROLINA PITT COUNTY

FILED FOR REGISTRATION THIS THE _____ DAY OF _____ 2006, AT _____ O'CLOCK _____ M.
JUDY J. TART, REGISTER OF DEEDS
BY: _____ DEPUTY REGISTER OF DEEDS



CURVE	RADIUS	ARC LENGTH	CURVE TABLE	CH. BEARING	CH. LENGTH	DELTA
C1	50.00	29.48	S 82°00'00" W	29.04	33°46'13"	
C2	50.00	48.06	S 80°24'11" W	46.53	33°02'31"	
C3	50.00	49.84	N 43°19'33" W	47.62	56°32'54"	
C4	50.00	91.49	N 37°43'02" E	79.23	104°38'01"	
C5	25.00	30.77	S 84°28'21" W	28.95	70°31'03"	

LINE	BEARING	LENGTH
L1	S 18°36'50" W	0.04

References

D.B. 2020, PG. 435
D.B. 2008, PG. 837
D.B. 2005, PG. 807
D.B. 1998, PG. 883
D.B. 1986, PG. 655
D.B. 1986, PG. 651
D.B. 1986, PG. 639
D.B. 1329, PG. 268 (PARCEL TWO)
PARCEL NO. 56600

Notes:

- IRON PIPES LOCATED AT ALL CORNERS, EXCEPT AS NOTED OTHERWISE.
- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
- AREA DETERMINED BY COORDINATES.
- THIS PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FIRM MAP NUMBER 3720480004, PANEL NO. 4886 4, EFFECTIVE JANUARY 2, 2004.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS, OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS. PROVIDED UTILITIES ARE LOCATED UNDERGROUND.
- PROPERTY SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
- NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FLOODPLAIN, AS SHOWN ON FIRM MAP NUMBER 3720480004, PANEL NO. 4886 4, EFFECTIVE JANUARY 2, 2004.



FINAL PLAT
LYNDALE EAST SUBDIVISION, SECTION THREE
LOTS 7 - 10, BLOCK A
WINTERVILLE TWP., GREENVILLE, PITT CO., NORTH CAROLINA

OWNER: **GREENBRIER REALTY COMPANY, INC.**
ADDRESS: P.O. BOX 2548, GREENVILLE, NC 27636
PHONE: (252) 752-2106



SURVEYED BY: *CEL/ew*
APPROVED BY: *JJV*
DRAWN BY: *PS/gp*
DATE: 2/22/05
CHECKED BY: *PMH*
SCALE: 1" = 60'

SOURCE OF TITLE

TO THE BEST OF MY KNOWLEDGE, THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:
DEED BOOK, PAGE, REFERENCE
DEED BOOK, PAGE
DEED BOOK, PAGE
NOTARY PUBLIC
MY COMMISSION EXPIRES: *6/24/2010*

OWNERS STATEMENT

THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF
James Van der Bruggen
SWORN TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF March, 2006.
Kelly Louise Phillips
NOTARY PUBLIC
MY COMMISSION EXPIRES: *6/24/2010*

APPROVAL

THIS FINAL PLAT NO. 05-28, WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 23RD DAY OF MARCH, 2006.
SIGNED: *Alfred Thomas, Jr.*
REVIEW OFFICER # 3

DEDICATION

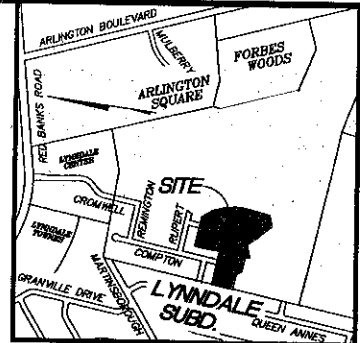
THE UNDERSIGNED HEREBY ACKNOWLEDGE(S) THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATE TO PUBLIC USE AS STREETS, PARKS, PLAY-GROUNDS, OPEN SPACES, AND EASEMENTS ON SAID PLAT.
SIGNED: *James Van der Bruggen*
ATTEST: *Kelly Louise Phillips*

RECORDED IN MAP BOOK _____ PAGE _____

CURVE	RADIUS	ARC LENGTH	CH BEARING	CH LENGTH	DELTA
C5	25.00	39.27	S82°50'00"E	35.36	90°00'00"
C7	25.00	31.03	N71°50'00"E	20.41	48°12'30"
C8	50.00	43.27	S72°37'01"W	41.83	48°35'04"
C9	50.00	52.36	N82°32'27"W	50.00	60°00'00"
C10	50.00	52.36	N82°32'27"W	50.00	60°00'00"
C11	50.00	52.36	N82°32'27"W	50.00	60°00'00"
C12	25.00	31.03	N82°32'27"W	20.41	48°12'30"
C13	50.00	40.84	S89°11'36"E	38.71	48°37'42"
C14	25.00	36.27	S81°00'00"W	35.36	90°00'00"

LINE	BEARING	LENGTH
L2	S 81°30'00" E	50.00
L3	N 06°00'54" E	1.36

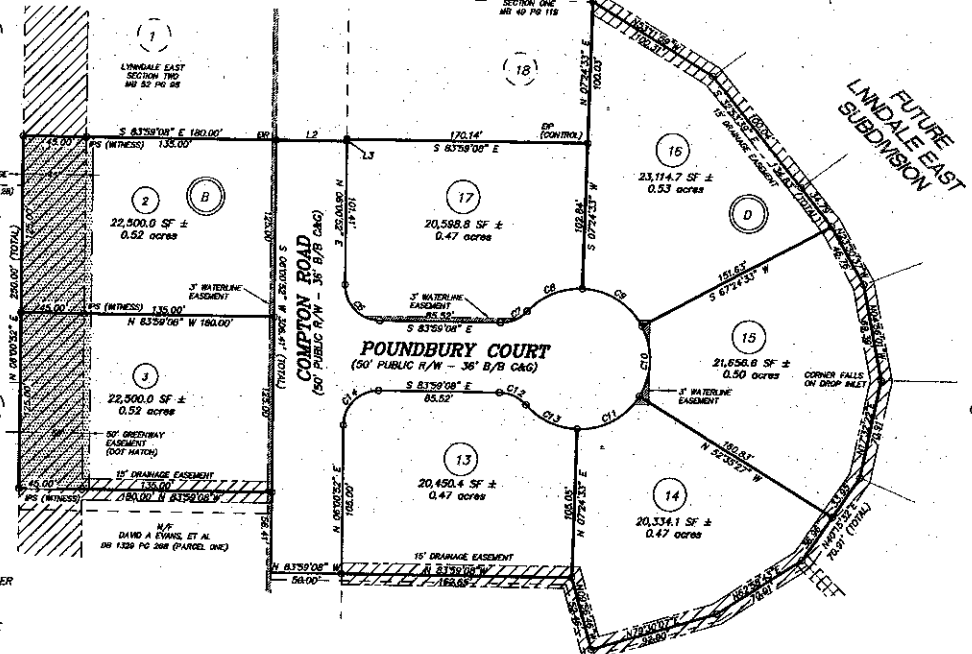
Doc ID: 0008440001 Type: CRP
 Recorded: 06/26/2006 at 12:01:30 PM
 File Ast: 821.00 Page 1 of 1
 Pitt County, NC
 Judy J. Tart, Register of Deeds
 dk 65 pg 199



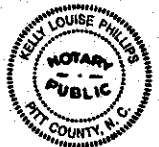
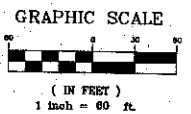
Location Map
 SCALE: 1" = 1000'

Site Summary:
 NUMBER OF LOTS CREATED _____ 22
 ACREAGE IN TOTAL TRACT _____ 10.97 AC.
 ACREAGE IN COMMON AREA(S) _____ NONE
 ACREAGE IN PARK AND RECREATION AREAS _____ NONE

Legend
 EXISTING IRON REBAR **IR**
 EXISTING IRON PIPE **IP**
 IRON PIPE SET **IPS**
 NO POINT SET **NPS**
 LOT NO. **9**
 HOW OF FORMERLY **N/F**



- Notes:**
- AREA DETERMINED BY COORDINATES.
 - ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 - IRON PIPES LOCATED AT ALL CORNERS, EXCEPT AS NOTED OTHERWISE.
 - THIS PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FIRM MAP NUMBER 372D488900A PANEL NO 4686 J, EFFECTIVE JANUARY 2, 2004.
 - THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS, OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS, PROVIDED UTILITIES ARE LOCATED UNDERGROUND.
 - PROPERTY SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
 - 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 ENCORCH ANY OTHER DEDICATED EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF GREENVILLE.



- References**
- D.B. 2020, PG. 443 D.B. 1996, PG. 647
 - D.B. 2020, PG. 439 D.B. 1996, PG. 643
 - D.B. 2020, PG. 427 D.B. 1979, PG. 617
 - D.B. 2020, PG. 423 D.B. 1979, PG. 613
 - D.B. 2009, PG. 840 D.B. 1979, PG. 609
 - D.B. 2006, PG. 673 D.B. 1979, PG. 605
 - D.B. 2005, PG. 670 D.B. 1329, PG. 268
 - D.B. 1986, PG. 659 D.B. 696, PG. 532



CERTIFICATION
 NORTH CAROLINA PITTS COUNTY
 I, JAMES E. WHITE, JR., CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE CLERK LEGGETT FROM DEED DESCRIPTIONS RECORDED IN BOOK (SEE), PAGE (REF.); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ±; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (11)(c): THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA REGULATED BY THE CITY OF GREENVILLE SUBDIVISION ORDINANCE. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 22 DAY OF MAY 2006.

SIGNED: James E. White, Jr.
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER L-2423

NORTH CAROLINA PITTS COUNTY
 I, Judy J. Tart,
 A REVIEW OFFICER OF THE CITY OF GREENVILLE, PITTS COUNTY, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 BY: Judy J. Tart
 REVIEW OFFICER
 DATE: 6/26/06

FINAL PLAT
 LYNDALE EAST SUBDIVISION, SECTION THREE
 LOTS 2 AND 3, BLOCK B, LOTS 13-17 BLOCK D
 WINTERVILLE TWP., GREENVILLE, PITT CO., NORTH CAROLINA

OWNER GREENBRIER REALTY COMPANY, INC.
 ADDRESS P.O. BOX 2548, GREENVILLE, NC 27836
 PHONE (252) 752-2106

Rivers & Associates, Inc.
 5110 Park of House Place, Suite 200
 Raleigh, NC 27604 (919) 848-3347

Engineers
 Planners
 Surveyors

SURVEYED DEL/LEW
 DRAWN PH/MP
 CHECKED PH/MP

APPROVED DEL/LEW
 DATE 3/22/06
 SCALE 1" = 60'

SOURCE OF TITLE
 TO THE BEST OF MY KNOWLEDGE, THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:
 DEED BOOK _____ PAGE _____
 DEED BOOK _____ PAGE _____

OWNERS STATEMENT
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF
David A. Evans, et al.
 SWORN TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF May, 2006.
Kelly Louise Phillips
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 6/22/2008

APPROVAL
 THIS FINAL PLAT NO. 06-43, WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 24TH DAY OF MAY, 2006.
 SIGNED Al J. Hamilton #3
 CITY CLERK

DEDICATION
 THE UNDERSIGNED HEREBY ACKNOWLEDGE(S) THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATE TO PUBLIC USE AS STREETS, PARKS, PLAY-GROUNDS, OPEN SPACES, AND EASEMENTS FOREVER, ALL AREAS SHOWN OR SO INDICATED ON SAID PLAT.
 SIGNED David A. Evans, et al.
 ATTEST Kelly Louise Phillips

NORTH CAROLINA PITTS COUNTY
 FILED FOR REGISTRATION THIS THE _____ DAY OF _____ 2006, AT _____ O'CLOCK _____ M.
 JUDY J. TART, REGISTER OF DEEDS
 BY _____ DEPUTY REGISTER OF DEEDS

SITE DATA

TOTAL AREA ... 17.703 AC.
 NUMBER OF LOTS CREATED ... 52
 AREA IN COMMON AREA ... 0
 AREA IN PARKS, RECREATION AREAS, CEMETERIES AND THE LIKE ... 0

HOMES ON THE ANGE, Inc.
 DB 1586, PG 482

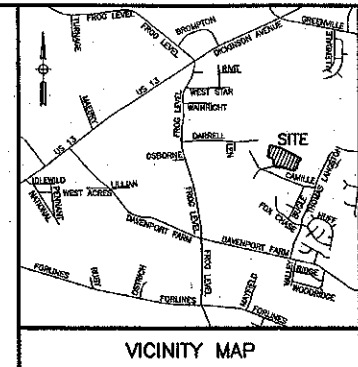
CHARLESTON DEVELOPMENT CO., INC.
 DB 1586, PG 442

CHARLESTON DEVELOPMENT CO., INC.
 DB 1586, PG 442

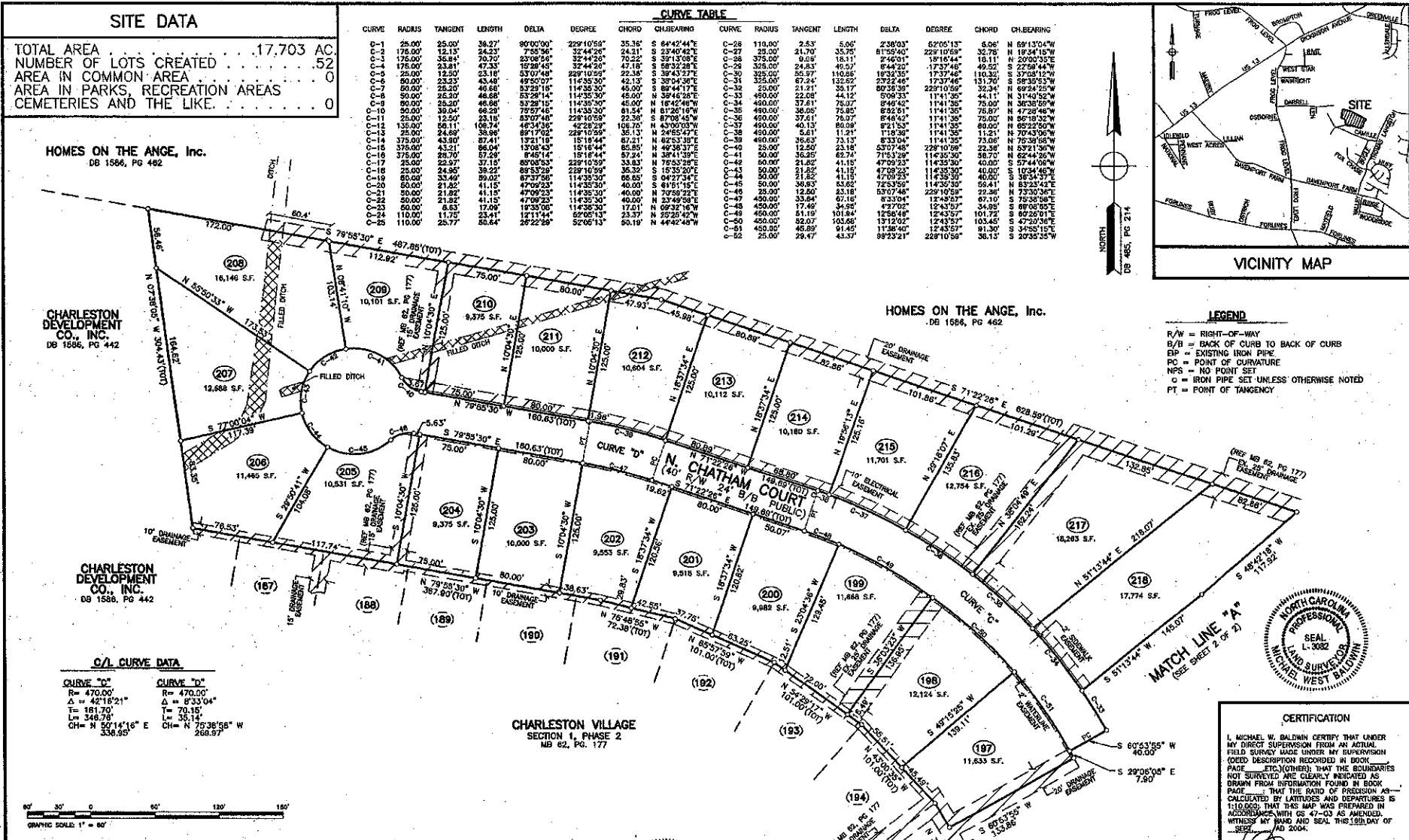
C/L CURVE DATA

CURVE "C"	CURVE "D"
R= 470.00'	R= 470.00'
Δ = 42°18'21"	Δ = 87°30'04"
L= 181.70'	L= 70.15'
T= 348.78'	L= 35.14'
Ch= N 50°14'16" E	Ch= N 19°38'58" W
336.95'	268.97'

CURVE TABLE															
CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH-BEARING	CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH-BEARING
C-1	56.00'	25.00'	38.27'	90°00'00"	229°10'59"	35.35'	S 64°42'44"E	C-28	110.00'	2.53'	5.06'	2°38'03"	62°05'13"	5.06'	N 59°13'04"W

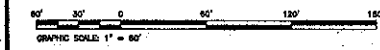


VICINITY MAP



HOMES ON THE ANGE, Inc.
 DB 1586, PG 482

CHARLESTON VILLAGE SECTION 1, PHASE 2 MB 82, PG. 177



FINAL PLAT SHEET 1 OF 2

CHARLESTON VILLAGE
 SECTION 2, PHASE 3

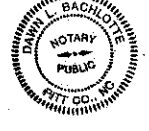
REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1586, PAGE 442 AND A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1586, PAGE 462 OF THE PITT COUNTY REGISTRY.

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: CHARLESTON DEVELOPMENT CO., INC. P.O. BOX 1607 WILSON, NC 27894 PHONE: (252) 243-0222	HOMES ON THE ANGE, INC. 226 COMMERCIAL STREET GREENVILLE, NC 27889 (252) 756-3500
---	--

SURVEYED: DEG DRAWN: SCB CHECKED: MMB	APPROVED: MMB DATE: 08/16/05 SCALE: 1" = 60'
---	--

DEED BOOK 1586 PAGE 442
DEED BOOK 1586 PAGE 462
NOTARY PUBLIC MY COMMISSION EXPIRES: 03/28/08



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:

Thomas W. Benson
 My Subscribed Before Me This 22nd Day of *Aug*, 2005.
Michael L. Bacillette
 Notary Public My Commission Expires: 03/28/08

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

Thomas W. Benson
 My Subscribed Before Me This 22nd Day of *Aug*, 2005.
Michael L. Bacillette
 Notary Public My Commission Expires: 03/28/08

APPROVAL
 THIS FINAL PLAT NO. 05-106 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 28th DAY OF *OCTOBER*, 2005.

SIGNED: *Paul H. J.*
 PLANNER **Item # 3**

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: *Thomas W. Benson*
 My Subscribed Before Me This 22nd Day of *Aug*, 2005.
Michael L. Bacillette
 Notary Public My Commission Expires: 03/28/08

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 18th DAY OF *SEP* AD 2004.

SIGNED: *Michael West Baldwin*
 REGISTRATION NO. L-3082

REVIEW OFFICER'S CERTIFICATE
 REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

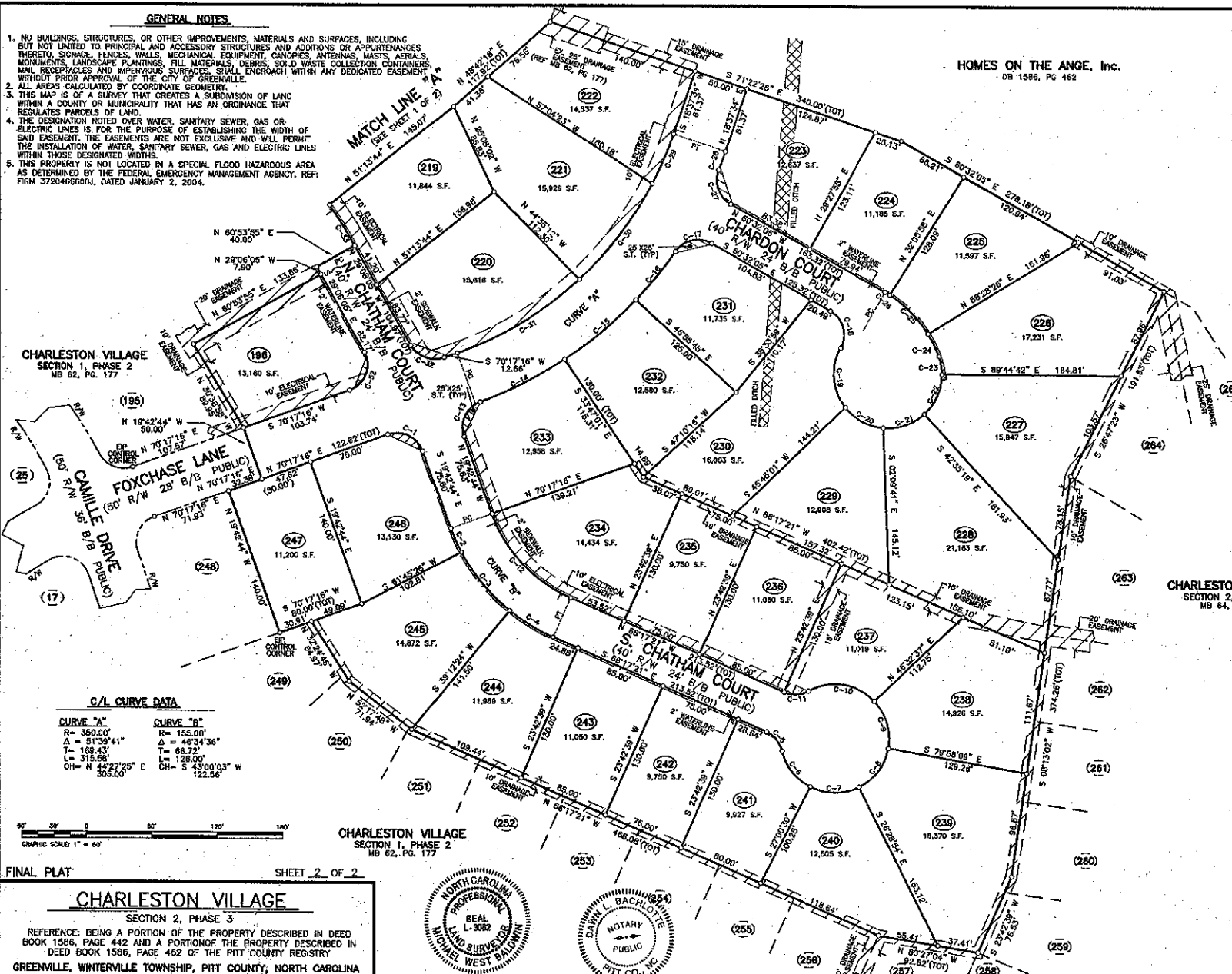
SIGNED: *Angela Thomas J.*
 REVIEW OFFICER DATE

NORTH CAROLINA - PITT COUNTY THIS IS THE DAY OF *SEP* AT *02:00* O'CLOCK *P.* JULY 3, 2005, REGISTER OF DEEDS BY: *Angela Thomas J.* DEPUTY REGISTER OF DEEDS

GENERAL NOTES

1. 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 ENCRUGH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF GREENVILLE.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. 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.
4. 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.
5. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, REF: FIRM 3720466004, DATED JANUARY 2, 2004.

HOMES ON THE ANGE, Inc.
DB 1586, PG 462



Doc ID: C004544006 Type: SDP
Recorded: 11/23/2005 at 01:16:27 PM
Fee Amt: \$42.00 Page 1 of 1
Pitt County, NC
Judy J. Tart, Register of Deeds
64 pg 132-133

CHARLESTON VILLAGE
SECTION 2, PHASE 1
MB 64, PG 33



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 AND CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE THAT THE RATIO OF PRECISION AS CALCULATED BY LATitudes AND SEPARATED IS 1:10,000. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-33 AS AMENDED. WITNESS MY HAND AND SEAL THIS 16th DAY OF SEPTEMBER 2004.

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

REVIEW OFFICER'S CERTIFICATE
I, *[Signature]*, 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]* DATE: 11/23/05

NORTH CAROLINA - PITT COUNTY
FILED FOR REGISTRATION THIS DAY OF 20 AT P.O. BOX M, GREENVILLE, NC
JUDY J. TART, REGISTER OF DEEDS
DEPUTY REGISTER OF DEEDS

C/L CURVE DATA

CURVE "A"	CURVE "B"
R = 350.00'	R = 155.00'
Δ = 51°39'41"	Δ = 48°34'36"
T = 169.43'	T = 78.72'
L = 315.56'	L = 128.00'
CH = N 44°27'35" E 358.00'	CH = S 43°00'03" W 122.56'



FINAL PLAT SHEET 2 OF 2

CHARLESTON VILLAGE
SECTION 2, PHASE 3
REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1586, PAGE 442 AND A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1586, PAGE 462 OF THE PITT COUNTY REGISTRY
GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: CHARLESTON DEVELOPMENT CO., INC.
ADDRESS: P.O. BOX 1607, WILSON, NC 27884
PHONE: (252) 243-0222

Baldwin and Associates
ENGINEERING, LAND SURVEYING AND PLANNING
1015 CONFERENCE DRIVE
GREENVILLE, NC 27606
(252) 756-1390

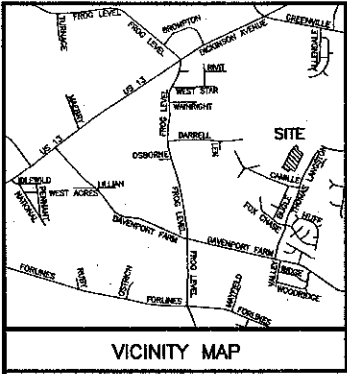
HOMES ON THE ANGE, INC.
226 COMMERCE STREET
GREENVILLE, NC 27686
(252) 756-3500

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 1586 PAGE 442
DEED BOOK PAGE
DEED BOOK PAGE

OWNERS STATEMENT
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF
Thomas W. Benson
[Signature]
SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF 16th 2005.
[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES: 03/28/09

APPROVAL
THIS FINAL PLAT NO. 05-106 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 28th DAY OF OCTOBER, 2005.
SIGNED: *[Signature]*
CITY PLANNER
Item # 3

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



SITE DATA

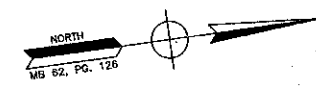
TOTAL AREA	3.787 AC.
NUMBER OF LOTS CREATED	12
AREA IN COMMON AREA	0
AREA IN PARKS, RECREATION AREAS, CEMETERIES AND THE LIKE	0

C/A CURVE DATA

CURVE 'A'

R = 355.00'
 Δ = 141° 48'
 T = 44.265'
 L = 68.07'
 CH = N 15° 19' 27" E 87.84'

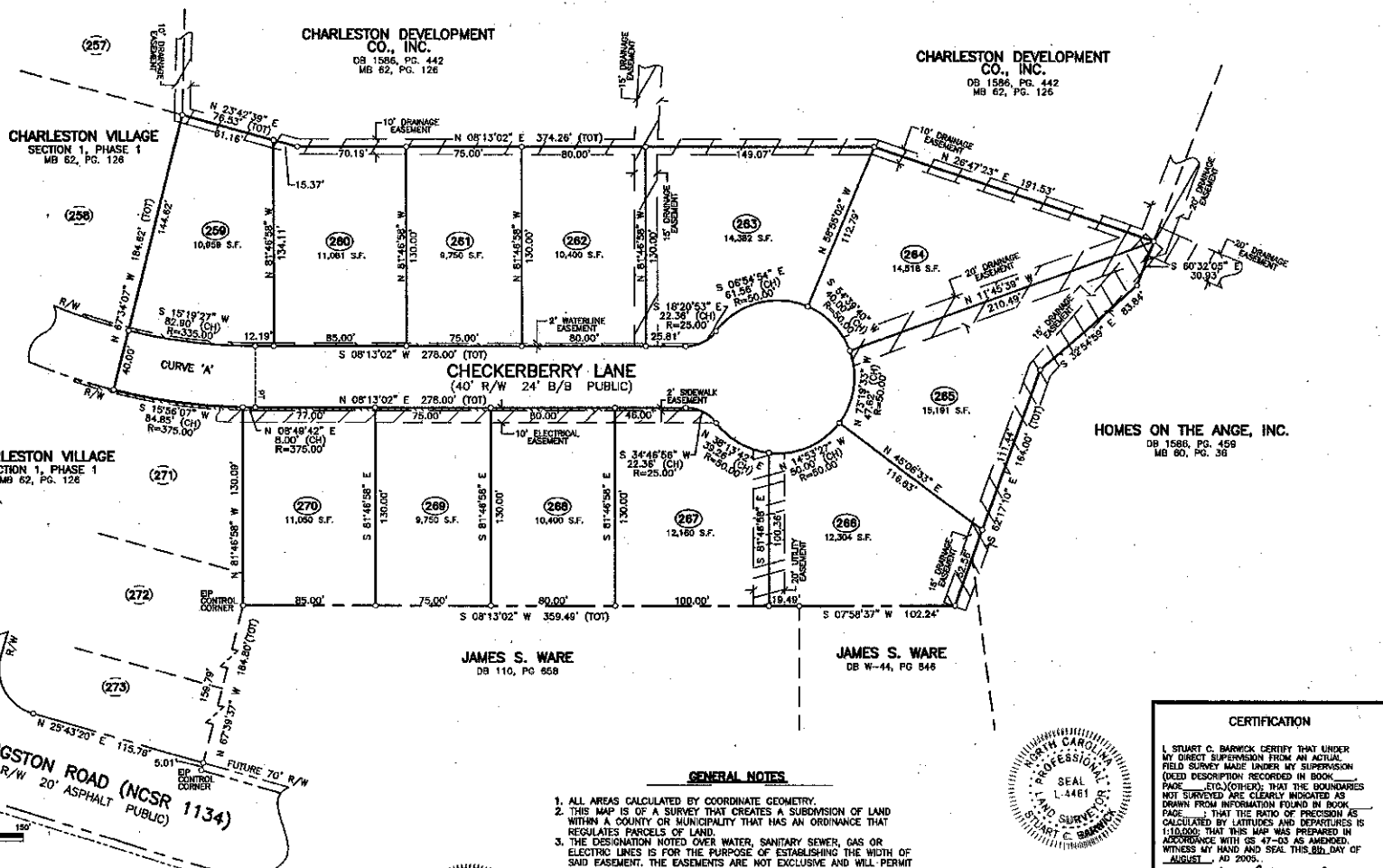
Doc ID: C014152005 Type: CRP
 Recorded: 05/03/2008 at 10:27:22 AM
 Fee Amt: \$21.00 Page 1 of 1
 Pitt County, NC
 July J. Tart Register of Deeds
 64 pg 33



VICINITY MAP

LEGEND

R/W = RIGHT-OF-WAY
 B/B = BACK OF CURB TO BACK OF CURB
 EIP = EXISTING IRON PIPE
 PC = POINT OF CURVATURE
 PT = POINT OF TANGENCY
 PRC = POINT OF REVERSE CURVATURE
 NPS = NO POINT SET
 ○ = IRON PIPE SET UNLESS OTHERWISE NOTED



FINAL PLAT SHEET 1 OF 1

CHARLESTON VILLAGE
 SECTION 2, PHASE 1

REFERENCE: DEED BOOK 1586, PAGE 442 OF THE PITT COUNTY REGISTRY
 GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

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

James S. Ware
 SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF *July*, 2008.

David Ballantyne
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 03/28/09

APPROVAL

THIS FINAL PLAT NO. *05-14* WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 5, CHAPTER 5 OF THE GREENVILLE CITY CODE THE *27th* DAY OF *JULY*, 2008.

SIGNED *Andrew J. H.*
 CITY *HOW* # 3

DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE MADE IN 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 *James S. Ware*
 ATTEST *David Ballantyne*

OWNER: CHARLESTON DEVELOPMENT CO., INC.
ADDRESS: P.O. BOX 1607
 WILSON, NC 27894
PHONE: (252) 243-0222

Baldwin and Associates
 ENGINEERING, LAND SURVEYING AND PLANNING
 1015 CONFERENCE DRIVE
 ORSEVILLE, NC 27668
 (252) 756-1380

DEED BOOK 1586 PAGE 442
DEED BOOK PAGE
DEED BOOK PAGE

DEED BOOK 1586 PAGE 442
DEED BOOK PAGE
DEED BOOK PAGE

NC REGISTRATION NO. L-4461

SURVEYED: DEG
APPROVED: SCB

DRAWN: CCB/CLW
DATE: 08/08/05

CHECKED: MWB/SCB
SCALE: 1" = 50'

NOTARY PUBLIC
 MY COMMISSION EXPIRES: 03/28/09

APPROVAL

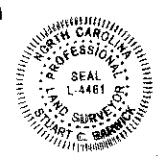
THIS FINAL PLAT NO. *05-14* WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 5, CHAPTER 5 OF THE GREENVILLE CITY CODE THE *27th* DAY OF *JULY*, 2008.

SIGNED *Andrew J. H.*
 CITY *HOW* # 3

DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE MADE IN 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 *James S. Ware*
 ATTEST *David Ballantyne*



CERTIFICATION

I, STUART C. BARWICK 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 47-63 AS AMENDED. WITNESS MY HAND AND SEAL THIS 28th DAY OF AUGUST, AD 2008.

SIGNED *Stuart C. Barwick*
 REGISTRATION NO. L-4461

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.* 9/8/08
 DATE

NORTH CAROLINA, PITT COUNTY, FILED FOR REGISTRATION THIS DAY OF *20* AT *ORSEVILLE*, NC.

JULY J. TART, REGISTER OF DEEDS

DEPUTY REGISTER OF DEEDS



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution approving a municipal agreement with the North Carolina Department of Transportation for the installation of sidewalks along Stantonsburg Road, a pedestrian crossing at the Stantonsburg Road/Arlington Boulevard intersection, and transit and landscaping amenities

Explanation: Attached for City Council consideration is a municipal agreement with the North Carolina Department of Transportation (NCDOT) to receive funds for construction costs associated with the installation of sidewalks along Stantonsburg Road, a pedestrian crossing at the Stantonsburg Road/Arlington Boulevard intersection, and transit and landscaping amenities. The attached agreement must be executed before the City can be reimbursed by NCDOT for the additional funds approved by the North Carolina Board of Transportation for these improvements.

When the City Council considered an award of a contract for the Sidewalk Construction Program in August 2005, the Board of Transportation had previously approved additional funding from its Moving Ahead Program and increased the State's funding share of this project. These funds were in addition to those from an Enhancement Grant already approved for the installation of sidewalks along Stantonsburg Road between Moye Boulevard and Arlington Boulevard.

As this action approved funding from another source, NCDOT determined that it is necessary to execute an agreement for the additional funds and fiscal purposes. Public Works staff's review finds the agreement acceptable.

Fiscal Note: The City has been reimbursed 100% of the funds from the Enhancement Grant by NCDOT. In accordance with the agreement, the City shall be reimbursed for project costs up to the additional amount of \$147,000.

Recommendation: City Council adopt the attached resolution indicating approval of the municipal agreement with NCDOT for the installation of sidewalks along Stantonsburg Road, a pedestrian crossing at the Stantonsburg Road/Arlington Boulevard

intersection, and transit and landscaping amenities.

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

Attachments / click to download

 [NCDOT Municipal Agreement for Stantonsburg Rd sidewalk 764806](#)

**NORTH CAROLINA
PITT COUNTY**

7/24/06

**NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION**

AND

CITY OF GREENVILLE

**MUNICIPAL AGREEMENT
WBS: 39435**

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department; the CITY OF GREENVILLE, a municipal corporation, hereinafter referred to as the Municipality;

WITNESSETH:

WHEREAS, the Department and the Municipality propose to make certain street and highway constructions and improvements within the Municipality under WBS 39435, Pitt County, said project to consist of the installation of five - (5) foot sidewalks along Stantonsburg Road, a pedestrian crossing at the intersection of Stantonsburg Road and Arlington Boulevard to include but not be limited to transit and landscaping amenities; said project to have sufficient right-of-way width to accommodate the construction of WBS 39435 in accordance with project plans to be prepared by the Municipality and approved by the Department's 2nd Division Engineer in Greenville, North Carolina; and,

WHEREAS, the Municipality and the Department are authorized by the following legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to provide adequate traffic operating controls and control devices for the safe and efficient utilization of highways; and,

WHEREAS, the City Council of the Municipality has approved the construction of said project in accordance with the plans and specifications on file with the Department and has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out and has further agreed to the establishment and maintenance of certain traffic operating controls as hereinafter set out.

WHEREAS, the Department has agreed to participate in the cost of the project subject to the conditions 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:

1. The Municipality shall be responsible for the preparation of all environmental documentation (Categorical Exclusion), including any environmental permits, required for said project. All work shall be accomplished in accordance with Departmental procedures and guidelines

2. The Municipality shall be responsible for the development of the design and preparation of project plans, specifications, quantities and details for said project. Said work shall be accomplished in accordance with Departmental standards and specifications and submitted to the Department for review and approval prior to any work being performed by the Municipality.

3. The Municipality, and/or its agent, shall relocate, adjust, relay, change or repair all utilities in conflict with the project, at no expense to the Department. Said work shall be performed in a manner satisfactory to and in conformance with rules and regulations of the Department.

4. It is understood by the parties hereto that said work shall be contained within the existing rights of way. However, should it become necessary, the Municipality, at no

cost or liability whatsoever to the Department, shall acquire any needed right of way and/or construction easements. Acquisition of all right of way and/or construction easements shall be in accordance with the North Carolina Department of Transportation Right of Way Manual. The Municipality shall remove from said right of way all obstructions of any kind or character. The Municipality shall be solely responsible for all damages and claims for damages associated with the acquisition of right of way.

5. The Municipality shall construct, or cause to be constructed, the project in accordance with the project plans and with Departmental policies and procedures. The Municipality, and/or its agent, shall enter into and shall administer the construction contract for said project and the procedures set out hereinbelow shall be followed:

(A) The Municipality shall cause to be performed, or will perform, all work required with its own forces.

(B) All preliminary and construction engineering, supervision and labor will be furnished by the Municipality without cost to the Department.

(C) The Department's Division Engineer for the 2nd Division, at his discretion, may assign a resident engineer to the project who shall have the right to inspect any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. The resident engineer will be the Department's representative on the project. The resident engineer will furnish the Municipality with any forms that may be needed in order to follow standard Department practices and procedures in the administration of the contract.

(D) During construction of the project, if any changes in the plans are necessary, such changes must be approved by the 2nd Division Engineer prior to the work beginning.

(E) All materials incorporated into the project and workmanship performed by the contractor shall be in reasonable close conformity with the Standards and Specifications of the Department.

(F) 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.

(G) During construction of the project, the Municipality shall, at no cost to the Department, 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.

(I) The Municipality shall complete said work within one (1) year of execution of this agreement.

(I) Letting of contracts for construction and purchases shall be in accordance with North Carolina General Statute 143-129.

6. Subject to compliance by the Municipality with the provisions set forth in this Agreement, the Department shall participate in the actual cost of the project in an amount not to exceed \$147,000. Construction costs, which exceed the amount of \$147,000, shall be borne by the Municipality.

(A) Upon completion and acceptance of the project, the Municipality may bill the Department for actual costs as herein stated by submitting an itemized invoice to the Department's 2nd Division Engineer. Reimbursement shall be made in one final payment upon receipt and approval of said itemized invoice by the 2nd Division Engineer

and the Department's Financial Management Division. Said invoice must be submitted within one (1) year of completion and acceptance of the project.

(B) Prior approval is required from FHWA if the Municipality desires to perform any work by force account. 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. Said Federal Highway Administration regulations are contained in Federal-Aid Policy Guide, 23 CFR Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference http://www.access.gpo.gov/nara/cfr/waisidx_03/23cfr635_03.html if herein set out. 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 allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87. The Municipality shall be responsible for adhering to applicable administrative requirements of 49 CFR Part 18 (www.fhwa.dot.gov/legsregs/legislat). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed. If the work is performed by a contractor, said invoices shall show the contract cost.

(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) dated June 27, 2003 and the Federal Single Audit Act Amendment of 1996, In accordance with OMB Circular A-133, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the

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 agrees that it shall bear all construction costs for which it is unable to substantiate actual costs.

(E) Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

(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.

7. 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 Financial Management Division.

8. The Municipality will also comply with the following state and federal policies: (a) Conflict of Interest; (b) Equal Employment Opportunity; (c) Title VI - Civil Rights Act of 1964; and (d) Minority/Women Business Enterprises (M/WBE) as defined in G.S. 136-28.4. The Municipality shall comply with the Department's policies and procedures regarding participation by M/WBE firms as outlined in the attached Exhibit (Minority and Women Business) including, but not limited to, establishing M/WBE goals for construction contracts, determination of a good faith effort if goals are not met, and reporting M/WBE participation during the planning, design and/or construction of the project. The Municipality shall contact the State Contractor Utilization Engineer at (919) 733-7174 for assistance regarding M/WBE state and federal regulations and the required

W/WBE contractor certifications. All contracts must be pre-approved by the Department prior to advertisement and again prior to award.

9. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, 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 any Federal or State Department or Agency.

10. The Municipality, at its own expense, shall be responsible for all liability and maintenance responsibilities for all pedestrian facilities and all landscaping amenities in accordance with the generally accepted horticulture practices.

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 triplicate, the day and year heretofore set out, on part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case may be.

L.S.

ATTEST:

CITY OF GREENVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

Federal Tax Id Number:

(SEAL)

Remittance Address:

DEPARTMENT OF TRANSPORTATION

DATE: _____

BY: _____

STATE HIGHWAY ADMINISTRATOR

APPROVED AS TO EXECUTION:

**BY: _____
ASSISTANT ATTORNEY GENERAL**

**COPY OF RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA**

A motion was made by _____ and seconded by
_____ for the adoption of the following Resolution, and upon
being put to a vote was duly adopted:

WHEREAS, the Department and the Municipality desire improvements within the Municipality under WBS 39435, Pitt County, said plans consist of the installation of five - (5) foot sidewalks along Stantonsburg Road, a pedestrian crossing at the intersection of Stantonsburg Road and Arlington Boulevard to include but not be limited to transit and landscaping amenities; and,

WHEREAS, the Municipality shall be responsible for the development of the design and preparation of project plans, specifications, quantities and details for the project, acquisition of any required right of way, relocation of all utilities, administer the contract, construct the project and assume all maintenance and liability responsibilities of the pedestrian facilities and landscaping amenities upon completion of the project; and,

WHEREAS, said agreement further provides for the Department to reimburse the Municipality to the maximum extent of \$147,000.00 for the actual contract construction costs of the project. Reimbursement shall be made in one (1) final payment upon completion and acceptance of the project.

NOW, THEREFORE, BE IT RESOLVED that WBS 39435, Pitt County, is hereby formally approved by the City Council of the City of Greenville and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, _____, Clerk of the City of Greenville, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the ___ day of _____, 20__.

WITNESS, my hand and the official seal of said Municipality on this the _____, 20__

(SEAL)

CLERK
CITY OF GREENVILLE
NORTH CAROLINA

EXHIBIT
MINORITY AND WOMEN BUSINESS:

7-17-01_R

POLICY

It is the policy of the North Carolina Department of Transportation that minority and women businesses shall have the maximum opportunity to participate in the performance of contracts financed by Non-Federal Funds.

The Contractor is also encouraged to give every opportunity to allow MBE/WBE participation in Supplemental Agreements.

OBLIGATION

The Contractor and any subsequent Subcontractor shall ensure that minority and women businesses have the maximum opportunity to participate in the performance of the work included in this contract. The Contractor and any subsequent Subcontractor shall take all necessary and reasonable steps to ensure that minority and women businesses have the maximum opportunity to compete for and perform a portion of the work included in this contract and shall not discriminate on the basis of race, color, national origin or sex. Failure on the part of the Contractor to carry out the requirements set forth herein shall constitute a breach of contract and after proper notification, may result in award disqualification, termination of the contract, disqualification from bidding, or other appropriate remedy.

GOALS

Pursuant to the requirements of North Carolina General Statute 136-28.4, the following goals for participation are established for this contract:

Minority Business Enterprises 10%
Women Business Enterprises 6%

The Contractor shall exercise all necessary and reasonable steps to ensure that Minority Businesses (MB) and Women Businesses (WB) participate in at least the percents of the contract as set forth above as goals for this contract.

LISTING OF MB AND WB SUBCONTRACTORS

All bidders, at the time the bid proposal is submitted, must also submit a listing of MB and WB participation on the appropriate form (or facsimile thereof) contained elsewhere in this proposal in order for the bid to be considered responsive. Bidders must indicate the total dollar value of MB and WB participation of the contract. In the event the bidder has no MB and WB participation, he is still required to indicate this on the forms by entering the word or number zero. Blank forms will not be deemed to represent zero participation. BIDS SUBMITTED WHICH DO NOT HAVE MB AND WB

PARTICIPATION INDICATED ON THE APPROPRIATE FORM WILL NOT BE READ PUBLICLY DURING THE OPENING OF BIDS. These bids will not be considered for award by the Department and they will be returned to the bidder. Bidders have the option of submitting their MB and WB participation in an abbreviated format as required in Paragraph A below, or the bidders may submit their MB and WB participation in the additional detail required by Paragraph B below. In the event the bidder elects to submit MB and WB participation in accordance with Paragraph A and is determined to be the apparent lowest responsive bidder, that bidder must deliver to the Department no later than 12:00 noon of the sixth day following the opening of bids, a detailed MB and WB submittal as required by Paragraph B below.

Only those MB and WB firms with current certification by the Department will be considered acceptable for listing in the bidders submittal of MB and WB participation.

- A. The contractor shall indicate on the form for listing of MB and WB Subcontractors the following required information:

REQUIRED INFORMATION

- (1) The names of MB and WB firms committed to participate in the contract;
- (2) The Contract Item Numbers of work to be performed by each MB and WB firm; and
- (3) The total dollar amount to be paid to each MB and WB based on agreed upon unit prices.

Failure to indicate the required information on the specified form will cause the bid to be considered nonresponsive and it may be rejected.

- B. In lieu of submitting the information required by (A) above, the bidder may submit the detailed information required below along with the bid proposal form.

REQUIRED INFORMATION

- (1) The names of MB and WB firms committed to participate in the contract;
- (2) The Contract Item Numbers and Contract Item Descriptions and agreed upon unit prices of work to be performed by each MB and WB firm; and
- (3) The total dollar amount to be paid to each MB and WB based on agreed upon unit prices.

Failure to indicate the required information on the specified form will cause the bid to be considered nonresponsive and it may be rejected.

The Department will not allow any substitutions, deletions, or other alterations to the listing of firms committed for MB and WB participation and/or the respective listed contract item numbers after opening of bids. The Department will not allow adjustments to total dollar amount of MB and/or WB participation after the opening of bids which would result in the MB and/or WB participation being less than the contract goal. The only exceptions to the requirements of this paragraph will be: (1) to allow for replacement of a MB or WB firm that had been decertified after opening of bids, and (2) to allow alteration of the listed contract item numbers subject to the Bidder submitting sufficient documentation to verify an obvious error in the initial submittal.

- C. If the bid of the lowest responsive bidder exceeds \$500,000 and if the MB and/or WB participation submitted in response to Paragraph B exceeds the algebraic sum of the MB and WB goals by \$1000 or more, the excess will be placed on deposit by the Department for future use by the bidder. Separate accounts will be maintained for MB and WB participation and these may accumulate for a period not to exceed 24 months.

If the MB and WB participation submitted in response to Paragraph A/B does not meet or exceed the MB and WB contract goals, the apparent lowest responsive bidder must submit information to satisfy the North Carolina Department of Transportation that sufficient reasonable efforts have been made to meet the contract goals. One complete set and nine (9) copies of this information must be received in the office of the State Contractual Services Engineer no later than 12:00 noon of the sixth day following opening of bids. Where the information submitted includes repetitious solicitation letters it will be acceptable to submit a sample representative letter along with a distribution list of the firms being solicited. Documentation of MB and WB quotations shall be a part of the good faith effort submittal as necessary to demonstrate compliance with the factors listed below which the Department considers in judging good faith efforts. This documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

Where the bidder fails to provide this information by the deadline, the Department may impose the following sanctions: (1) disqualify the contractor and any affiliated companies from further bidding for a period of time of no more than 90 days from the date of disqualification as established in notification by certified mail; and (2) disqualify the Contractor and any affiliated companies for award of all contracts for which bids have been received and opened.

The following factors are what the Department will consider in judging whether or not the bidder has made adequate good faith effort:

- (1) Whether the bidder attended any pre-bid meetings that were scheduled by the Department to inform MBs and WBs of subcontracting opportunities;

- (2) Whether the bidder provided written notice to a reasonable number of specific MBs and WBs that their interest in the contract is being solicited and whether the firms solicited could have reasonably been expected to quote the work in the contract;
- (3) Whether the bidder followed up on initial solicitations of interests by contacting MBs and WBs to determine with certainty whether they were interested;
- (4) Whether the bidder selected portions of the work to be performed by MBs and WBs in order to increase the likelihood of meeting the contract goals;
- (5) Whether the bidder provided interested MBs and WBs with adequate information about the plans, specifications and requirements of the contract;
- (6) Whether the bidder negotiated in good faith with interested MBs and Wbs not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities;
- (7) Whether quotations were received from interested MB and WB firms but rejected as unacceptable without sound reasons why the quotations were considered unacceptable;
- (8) Whether the bidder made efforts to assist interested MBs and WBs in obtaining any required insurance or bonding that may be required by the bid proposal or by the bidder;
- (9) Whether the bidder specifically negotiated with Subcontractors to assume part of the responsibility to meet the contract MB and WB goal when the work to be sublet includes potential for MB and WB participation.

In the event one bidder is the apparent low bidder on two non-federally funded projects within the same letting located in the same geographic area of the state, as a part of the good faith effort the Department will consider allowing the bidder to combine the MB participation on the two projects so long as the overall MB goal value of both projects is achieved.

In the event one bidder is the apparent low bidder on two non-federally funded projects within the same letting located in the same geographic area of the state, as a part of the good faith effort the Department will consider allowing the bidder to combine the WB participation on the two projects so long as the overall WB goal value of both projects is achieved.

Where the apparent lowest responsive bidder fails to submit sufficient participation by MB firms to meet the contract goal, as part of the good faith effort the Department will consider allowing the bidder to withdraw funds to

meet the MB goal so long as there are adequate funds available from the bidders MB bank account.

Where the apparent lowest responsive bidder fails to submit sufficient participation by WB firms to meet the contract goal, as part of the good faith effort the Department will consider allowing the bidder to withdraw funds to meet the WB goal so long as there are adequate funds available from the bidders WB bank account.

Where the apparent lowest responsive bidder fails to submit sufficient participation by MB and WB firms to meet the contract goal and upon a determination by the Goal Compliance Committee based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goal, the Department may reject the bid.

In the event that the Department does not award the contract to the apparent lowest responsive bidder, the Department reserves the right to award the contract to the next lowest responsive bidder that can satisfy the Department that the contract goal can be met or that adequate good faith efforts have been made to meet the goal.

DIRECTORY OF CERTIFIED BUSINESSES

Included with this Proposal Form is a list of Businesses which have been certified by the North Carolina Department of Transportation. Only those MB firms with current certification may be used to meet the contract MB goal. Only those firms with current certification may be used to meet the contract WB goal.

The listing of an individual firm certified by the Department shall not be construed as an endorsement of the firms capability to perform certain work.

REPLACEMENT OF MBs AND WBs

(A) Performance Related

If any MB or WB Subcontractor indicated on the form for listing of MB and WB Subcontractors, contained elsewhere in this proposal form, does not perform satisfactorily to the extent indicated or anticipated, the Contractor shall take all necessary, reasonable steps to replace the MB Subcontractor with another MB Subcontractor and/or the Contractor shall take all necessary, reasonable steps to replace the WB Subcontractor with another WB Subcontractor.

Any substitution of MB or WB firms after award of the contract shall be approved by the Department. The Contractor shall submit any requests for substitutions through the

Resident Engineer and the request must provide a valid basis or reason for the proposed substitution.

To demonstrate necessary, reasonable efforts, the Contractor shall document the steps he has taken to replace any MB or WB Subcontractor that is unable to perform successfully with another MB or WB Subcontractor. Such documentation shall include but not be limited to the following:

- (a) Copies of written notification to MBs/WBs that their interest is solicited in subcontracting the work defaulted by the previous MB or WB Subcontractor or in subcontracting other items of work in the contract.
- (b) Efforts to negotiate with MBs and WBs for specific subbids including at a minimum:
 - (1) The names, addresses, and telephone numbers of MBs and WBs that were contacted;
 - (2) A description of the information provided to MBs and WBs regarding the plans and specifications for portions of the work to be performed; and
 - (3) A statement of why additional agreements with MBs and WBs were not reached.
- (c) For each MB or WB contacted but rejected as unqualified, the reasons for the Contractor's conclusion.
- (d) Efforts made to assist the MBs and WBs contacted, if needed, in obtaining bonding or insurance required by the Contractor.

Failure of the Contractor to demonstrate reasonable efforts to replace a MB or WB firm that does not perform as intended or anticipated, shall be just cause to disqualify the Contractor from further bidding for a period of up to 6 months after notification by certified mail.

(B) Decertification

1. If the Department has approved a Request for Subcontract for a particular MB or WB Subcontractor and that MB or WB Subcontractor is subsequently decertified by the Department; then the Department will not require the Prime Contractor to solicit replacement MB or WB participation equal to the remaining work to be performed by the decertified firm.
2. If a Prime Contractor has listed a MB or WB firm in his low bid submittal and the MB or WB firm is decertified prior to the Department approving a

Request for Subcontract for the named MB or WB firm, the Prime Contractor may be required to make a good faith effort to:

- (a) Replace the decertified firm with a certified firm, or
- (b) To obtain replacement MB or WB participation in other areas of work.

DEFINITIONS

For purposes of this provision, the following definition will apply:

Minority Business or MB means a small business concern, which is owned and controlled by one or more minorities. Except that such term shall not include any concern or group of concerns controlled by the same minority or minorities which has average annual gross receipts over the preceding 3 fiscal years in excess of \$14,000,000, as adjusted by the Department for inflation. For the purposes of this part, owned and controlled means a business:

- (a) Which is at least 51 percent owned by one or more minorities or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more minorities; and
- (b) Whose management and daily business operations are controlled by one or more such individuals.

Minority is defined as a citizen or lawful permanent resident of the United States and who is:

- (1) Black (a person having origins in any of the black racial groups of Africa);
- (2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- (3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);
- (4) American Indian

Women Business or WB means a small business concern, which is owned and controlled by one or more women. Except that such term shall not include any concern or group of concerns controlled by the same woman or women which has average annual gross receipts over the preceding 3 fiscal years in excess of \$14,000,000, as adjusted by the Department for inflation. For the purposes of this part, owned and controlled means a business:

- (a) Which is at least 51 percent owned by one or more women or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (b) Whose management and daily business operations are controlled by one or more of the women who own it.

COUNTING MB/WB PARTICIPATION TOWARD MEETING THE MB/WB GOAL

- (1) If a firm is determined to be an eligible MB or WB firm and certified by the Department, the total dollar value of the participation by the MB or WB will be counted toward the appropriate MB or WB goal. The total dollar value of participation by a certified MB or WB will be based upon unit prices agreed upon by the Prime Contractor and MB or WB Subcontractor.
- (2) The Contractor may count toward its MB or WB goal a portion of the total dollar value of participation with a joint venture, eligible under the standards of this provision, equal to the percentage of the ownership and controls of the MB or WB partner in the joint venture.
- (3)
 - (a) The Contractor may count toward its MB or WB goal only expenditures to MBs or WBs that perform a commercially useful function in the work of a contract. A MB or WB is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a MB or WB is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, and other relevant factors.
 - (b) Consistent with normal industry practices, a MB or WB may enter into subcontracts. If a MB or WB Contractor or Subcontractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the MB or WB shall be presumed not to be performing a commercially useful function. The MB or WB may present evidence to rebut this presumption to the Department. The Departments decision on the rebuttal of this presumption shall be final.
- (4) A Contractor may count toward its MB or WB goal 60 percent of its expenditures for materials and supplies required to complete the contract and obtained from MB or WB regular dealer and 100 percent of such expenditures to a MB or WB manufacturer.
 - (a) For purposes of this provision, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Contractor.

- (b) For purposes of this provision, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.
- (5) A contractor may count toward its MB or WB goal the following expenditures to MB or WB firms that are not manufacturers or regular dealers:
- (a) The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or commission is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - (b) The fees charged for delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - (c) The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract provided that the fee or commission is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.

REPORTS

Within 30 days after receipt of materials, supplies, or services from MBs or WBs, not otherwise documented by Request for Subcontracts (RS-1A/RS-1B), the Contractor shall furnish to the Engineer appropriate documentation (canceled checks, paid invoices, etc.) to verify expenditures with MB and WB concerns. The documentation should also indicate the percentage (60% or 100%) of expenditures claimed for MB or WB credit.

All requests for subcontracts involving MB or WB Subcontractors shall be accompanied by a certification executed by both the Prime Contractor and the MB or WB

Subcontractor attesting to the agreed upon unit prices and extensions for the affected contract items. This document shall be on the Departments Form RS-1-D, or in lieu of using the Departments Form, copies of the actual executed agreement between the Prime Contractor and the MB or WB Subcontractor may be submitted. In any event, the Department reserves the right to require copies of actual subcontract agreements involving MB and WB Subcontractors.

The RS-1-D certification forms may be obtained from the Departments Resident Engineer.

These certifications shall be considered a part of the project records, and consequently will be subject to any penalties under State Law associated with falsifications of records related to projects.

REPORTING MINORITY BUSINESS ENTERPRISE OR WOMEN BUSINESS ENTERPRISE PARTICIPATION

When payments are made to Minority Business Enterprise firms or Women Business Enterprise firms, including material suppliers, contractors at all levels (prime, subcontractor, or second tier subcontractor) shall provide the Engineer with an accounting of said payments. This accounting shall be furnished the Engineer for any given month by the end of the following month. Failure to submit this information accordingly may result in (1) withholding of money due in the next partial pay estimate; or (2) removal of an approved Contractor from the prequalified bidders list or the removal of other entities from the approved subcontractors list. The accounting shall list for each payment made to a MB/WB Enterprise firm the following:

DOT Project Number
Payee Contractor Name
Receiving Contractor or Material Supplier
MB/WB Certification Basis, e.g., Woman Owned, Native American, African American, etc.
Amount of Payment
Date of Payment

A responsible fiscal officer of the payee contractor, subcontractor, or second tier subcontractor who can attest to the date and amounts of the payments shall certify that the accounting is correct. A copy of an acceptable report may be obtained from the Engineer.

SP1G67



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution approving a municipal agreement with the North Carolina Department of Transportation for a railroad crossing signal at Beatty Street and Carolina Coastal Railway Tracks

Explanation: Attached for City Council's consideration is a proposed Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for planning, design, and installation of protective devices at Beatty Street and Carolina Coastal Railway Tracks.

This agreement includes the replacement of existing devices with automatic warning devices and crossing arms at an estimated cost of \$150,000. NCDOT's Railway Safety Program covers ninety percent (90%), \$135,000, of the cost for the improvements at the crossings. By this agreement, the City agrees to cover the remaining portion (10%), \$15,000, as well as its share of annual maintenance costs estimated at \$1,290 per year.

Fiscal Note: Funding for projects regarding railroad crossing signals and improvements is included as part of the City's approved capital improvement program. The City's annual budget also includes funding for its portion of the annual costs to maintain the railroad crossing signals and gates located within the city.

Recommendation: Approve resolution authorizing an agreement with NCDOT for improvements to the railroad at Beatty Street and Carolina Coastal Railway Tracks.

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

Attachments / click to download

[NCDOT Municipal Agreement - Beatty St RxR crossing Improvements 761342](#)

**NORTH CAROLINA
PITT COUNTY**

**Z-4602K
WBS: 43002.2.5
CAROLINA COASTAL RAILWAY
NS 148.25/ 465 506Y
BEATTY STREET
04/11/08**

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

AND

MUNICIPAL AGREEMENT

CITY OF GREENVILLE

THIS MUNICIPAL 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 the CITY OF GREENVILLE, a municipal corporation, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Federal Highway Administration is authorized and directed by the provisions of Section 401 of Chapter 23 of the United States Code to assist and cooperate with State and Local Governments to increase highway safety; and,

WHEREAS, the "Transportation Equity Act for the 21st Century" provides funds for correcting safety hazards not on the Federal-Aid System as selected or designated by the State and subject to the approval of the U.S. Secretary of Transportation; and,

WHEREAS, Highway - Railway at Grade Crossing #465 506Y on Beatty Street in Greenville has been selected for participation in the "Transportation Equity Act for the 21st Century" in accordance with the Federal-Aid standards and requirements; and,

WHEREAS, 23 USC 405(f) provides that in any state wherein the state is without legal authority to construct or maintain a project under this system, such state shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the municipality in which such a project is located; and,

WHEREAS, the Department is authorized by the provisions of G.S. 136-18 (12) to carry out the provisions of Federal-Aid highway acts for improvement projects on streets on the Municipal Street System; and,

WHEREAS, the Department and the Municipality are authorized to enter into agreements for the performance of such work on the Municipal Street System by the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Department will enter into such agreements as are necessary to improve the protective devices at the crossings selected and to obtain maximum Federal-Aid participation in the cost of the project, but in any event, the Municipality shall be responsible for any and all expense incurred in the planning, design, and installation of the protective devices incurred by the Department, but not reimbursed by the Federal Highway Administration.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Department will arrange to have the necessary plans and detailed estimate prepared by the railroad concerned (or by a consultant for the railroad) and will review such plans with the Municipality before approving them for construction.
2. The Department will enter into an agreement with the railroad or railroads for the installation of the protective devices. The Department will supervise, as necessary, the work of installing the protective devices to insure installation is according to the approved plans. In the event substantial changes in the plans are found necessary during construction, the Department will consult with the Municipality before approving such changes. The Department will also make a final evaluation of the completed installation to insure it operates according to plans.
3. The Department will obtain all necessary Federal Highway Administration approvals.
4. All sites selected for improvement, all plans for improvements and all contracts with the railroad will be subject to the prior approval of the Municipality.

5. In accordance with G.S. 160A-298(c), the Municipality shall be responsible for all improvements to and repair of the municipal street approaches to the subject grade crossing signalization project. Improvements shall consist of, but not be limited to, installation of all pavement markings, signs, drainage, sidewalk relocation/repair, fill materials, and pipe extensions. In addition, the Municipality shall be responsible for securing any additional easement or right of way if necessary. All work shall be performed within the existing right of way and in accordance with Departmental standards and specifications, and all local codes and ordinances. The Municipality, and or its agent, shall enter into and administer the construction contract for said work and the procedures set out herein below shall be followed:

(A) The construction engineering and supervision will be furnished by the Municipality.

(B) The Department's Rail Division shall have the right to inspect any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement.

(C) During said work, if any changes in the plans are necessary, such changes must be approved by the Department's Rail Division prior to the work being performed.

(D) All materials used by the Municipality shall be in reasonable close conformity with the Standards and Specifications of the Department.

(E) Prior to the final acceptance and payment by the Department, the Rail Division shall have the right to make a final inspection of the completed work.

(F) The Municipality shall perform said work in conjunction with the railroad's completion of the installation of the protective devices in order not to delay the completion of the project.

(G) The Municipality shall complete said work within sixty (60) days of installation of the protective devices.

6. The Municipality, and/or its agent, shall comply with the following federal policies: (a) Conflict of Interest; (b) Equal Employment Opportunity; and (c) Title VI – Civil Rights Act of 1964.
Item # 5

7. The Municipality, and/or its agent, including all contractors, sub-contractors, or sub-recipients, shall also comply with the following federal policy:

DISADVANTAGED BUSINESS ENTERPRISE

03-15-07_R

POLICY

It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or in part by Federal Funds in order to create a level playing field.

The Firm is also encouraged to give every opportunity to allow DBE participation in Supplemental Agreements.

OBLIGATION

The Firm, subcontractor, and sub-recipient shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The firm shall carry out applicable requirements of 49 CFR 26 in the award and administration of federally assisted contracts. Failure by the firm to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Department deems necessary.

GOALS

- A. Disadvantaged Business Enterprises (DBE) goals will not be established for the scope of work identified in Provisions 2-9 of this agreement. For those items of work, the Municipality shall report the anticipated utilization of DBE's during the completion of this work as defined in the LISTING OF DBE SUBCONTRACTORS below.

- B. Goals for participation by Disadvantaged Business Enterprises (DBE) shall be established for this contract and approved by NCDOT's Contractual Services Unit prior to advertising for construction bids. In accordance with *(insert program guide name here)* guidelines, a Disadvantaged Business Enterprise special provision will be submitted along with the funding authorization for the construction phase of the project.

The Firm shall exercise all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises participate up to the level submitted in the firms Letter of Interest (LOI) or project proposal.

LISTING OF DBE SUBCONTRACTORS

All firms, at the time the project proposal is submitted, must also submit a listing of DBE participation on the appropriate form (or facsimile thereof) contained elsewhere in this proposal in order for the project proposal to be considered responsive. Firms must indicate the total dollar value of DBE participation for the contract. In the event the firm has no DBE participation, it is still required to indicate this on the forms by entering the word or number zero. Blank forms will not be deemed to represent zero participation. PROJECT PROPOSALS SUBMITTED WHICH DO NOT HAVE DBE PARTICIPATION INDICATED ON THE APPROPRIATE FORM WILL NOT BE READ

PUBLICLY DURING THE OPENING OF PROJECT PROPOSALS. The Department will not consider these project proposals for award and they will be returned to the firm.

Firms have the option of submitting their DBE participation in an abbreviated format as required in Paragraph A below, or the firm may submit their DBE participation in the additional detail required by Paragraph B below. In the event the firm elects to submit DBE participation in accordance with Paragraph A and is selected, that firm must deliver to the Department no later than 12:00 noon of the sixth day following the opening of project proposals, a detailed DBE submittal as required by Paragraph B below.

Only those DBE firms with current certification by the Department will be considered acceptable for listing in the firm submittal of DBE participation.

A. The Firm shall indicate on the form for listing of DBE subcontractors contained elsewhere in this proposal the following required information:

REQUIRED INFORMATION

- (1) The names and federal tax ID of DBE firms committed to participate in the contract
- (2) The description of the Service or Item to be performed and/or provided by each DBE firm; and
- (3) The anticipated utilization of each DBE based on planned efforts.

Failure to indicate the required information on the specified form will cause the LOI or project proposal to be considered nonresponsive and it may be rejected.

B. In lieu of submitting the information required by (A) above, the firm may submit the detailed information that required below along with the LOI or project proposal form.

REQUIRED INFORMATION

- (1) The names and federal tax ID of DBE firms committed to participate in the contract
- (2) The Contract Item Numbers and Contract Item Descriptions and agreed upon unit prices of work to be performed by each DBE firm; and
- (3) The total dollar amount to be paid to each DBE based on agreed upon unit prices.

Failure to indicate the required information on the specified form will cause the LOI or project proposal to be considered nonresponsive and it may be rejected.

The firm is required to submit written documentation of the firm's commitment to use a DBE subcontractor and written confirmation from each DBE, listed in the proposal form, indicating their participation in the contract.

The Department will not allow any substitutions, deletions, or other alterations to the listing of firms committed for DBE participation and/or the respective listed contract item numbers after the opening of the LOI or proposal. The Department will not allow adjustments to total dollar amount of DBE participation after the opening of LOI or project proposals that would result in the DBE participation being less than the anticipated utilization.

DBE DIRECTORY

Firms can access a list of Disadvantaged Business Enterprises (DBE) which have been certified as such by the North Carolina Department of Transportation by clicking on the following <http://apps.dot.state.nc.us/vendor/directory/>. Only those DBE firms with current certification may be listed in the proposal form.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firms' capability to perform certain work.

DEFINITIONS

For purposes of this provision the following definitions will apply:

(1) Socially and economically disadvantaged individuals means a person who has a net worth of \$750,000.00 or less and is a citizen or lawful permanent resident of the United States and who is:

- (a) A Black American
- (b) A Hispanic American
- (c) A Subcontinent Asian American
- (d) A Native American
- (e) An Asian-Pacific American
- (f) A Woman

(g) Members of other groups, or other individuals found to be economically and socially disadvantaged by the Small Business Administration under Section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)).

(h) Members of other groups, or other individuals found to be economically and socially disadvantaged by the N. C. Department of Transportation under the Criteria for Disadvantaged Business Enterprises as published by the Department.

(2) Disadvantaged Business Enterprise (DBE) means a for-profit small business concern.

(a) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation in which 51 percent of the stock is owned by one or more such individuals; and

(b) Whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it,

REPORTING DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

When payments are made to Disadvantaged Business Enterprise firms, including material suppliers, firms at all levels (prime, subcontractor, or second tier subcontractor) shall provide the Engineer or Contract Administrator with an accounting of said payments. This accounting shall be furnished the Engineer or Contract Administrator for any given month by the end of the following month. Failure to submit this information accordingly may result in (1) withholding of money due in the next partial pay estimate; or (2) removal of an approved Firm from the prequalified bidders list or the removal of other entities from the approved subcontractors list. The accounting shall list for each payment made to a Disadvantaged Business Enterprise firm the following:

DOT Project Number
Payer Firm Name and Federal Taxpayer ID
Receiving Subcontractor or Material Supplier and Federal Taxpayer ID
Amount of Payment
Date of Payment

This document shall be on the Department's DBE Subcontractor Payment Information Form.

A responsible fiscal officer of the payee firm, subcontractor, or second tier subcontractor who can attest to the date and amounts of the payments shall certify that the accounting is correct. A copy of an acceptable report may be obtained from the Engineer or Contract Administrator.

8. Upon completion of the project, the Municipality agrees to reimburse the Department ten percent (10%) of the actual costs of the Project, and 100% of the cost not reimbursed to the Department by the Federal Highway Administration. Said reimbursement shall be made as follows:

(A) The Department shall reimburse the Municipality to the extent of one hundred percent (100%) of the approved allowable project costs incurred by the Municipality for the approach work. Said reimbursement shall be subject to the policies and procedures contained in Federal-Aid Policy Guide 23 CRF Part 140, Subpart G which is being incorporated into this Agreement by reference, is currently available at, (http://www.access.gpo.gov/nara/cfr/waisidx_02/23cfr140_02.html). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration which is to participate in the costs of the project to the extent of ninety percent (90%) of allowable project costs subject to compliance with all applicable federal policy and procedural rules and regulations.

(B) Upon completion of the approach work, the Municipality will bill the Department for actual costs as herein stated by submitting an itemized invoice, in quadruplicate, to the Department's Rail Division. Upon approval of said invoice by the Rail Division and the

Department's Financial Management Division, the actual cost of the approach work shall be payable to the Municipality.

(C) Upon completion of the Project, the Department shall submit an invoice to the Municipality denoting the balance of the Municipality's 10% participation in the actual cost of the project, and 100% of any costs not reimbursed by the Federal Highway Administration.

Reimbursement to the Department shall be made within sixty (60) days of receiving an invoice from the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.

(D) The Municipality shall be responsible for adhering to applicable administrative requirements of 49 CFR Part 18 and is currently available at <http://www.fhwa.dot.gov/hep/49cfr18.htm>. If the work is performed by Municipal force account, said invoices shall show a summary of labor, labor additives, equipment, materials and other qualifying cost in conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 and is currently available at, www.whitehouse.gov/OMB/circulars/a087/a087-all.html. Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed. If the work is performed by a contractor, said invoices shall show the contract cost.

(E) In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" and is currently available at, www.whitehouse.gov/OMB/circulars/a133/a133.html dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the 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.

(F) Per OMB Circular A-133, Municipality is prohibited from contracting with or making subawards under transactions covered by this agreement to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and all nonprocurement transactions (e.g., subawards to subrecipients). Contractors receiving individual awards for \$ 25,000 or more and all subrecipients must certify that the organization and its principals are not suspended or debarred. The Municipality may rely upon the certification unless it knows that the certification is erroneous. The Municipality agrees that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by Federal department or agency.

(G) 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.

(H) The project must progress in a satisfactory manner in the opinion of the Department and the Municipality must invoice the Department for work accomplished at least once every six (6) months to keep the project funds active and available. If the project does not remain active, the Department and/or FHWA reserves the right to de-obligate said funding. If in the opinion of the Department and/or FHWA, satisfactory progress has not been made to complete the project per the terms of this agreement, the Department and/or FHWA reserves the right to de-obligate said funding.

(I) The Municipality shall maintain records that establish final documentation of quantities incorporated into the Project in accordance with established federal procedures.

(J) All invoices must be submitted within six (6) months of completion and acceptance of the work by the Department and FHWA or said invoices will be considered ineligible items for payment.

9. The Municipality agrees that, if the Federal Highway Administration does not participate in certain costs because of noncompliance with Federal and/or State regulations, it will reimburse the Department for such costs regardless of any nonparticipation in the costs by the
Item # 5

Federal Highway Administration. All costs not reimbursed to the Department by the Federal Highway Administration shall be borne by the Municipality. Following completion of the work, the Department shall invoice the Municipality for all costs incurred by said Department that are not reimbursed by the Federal Highway Administration.

10. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

11. The Municipality and its contractor 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 and shall require its contractor to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration under this Agreement, for inspection and audit by the Department, the Federal Highway Administration, or any authorized representatives of the Federal Government.

12. It is understood the railroad is responsible for the maintenance of the protective devices and the Municipality shall be responsible for payment to the railroad fifty percent (50%) of the railroad's cost of maintenance of said devices pursuant to the provisions of G.S. 160A-298(c).

13. 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.

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 Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case may be.

L.S.

ATTEST:

CITY OF GREENVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

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

(MUNICIPAL SEAL)

Municipal Finance Officer

Federal Tax Identification Number

CITY OF GREENVILLE

Remittance Address:
City of Greenville

DEPARTMENT OF TRANSPORTATION

BY: _____
DIRECTOR – ENGINEERING and SAFETY

DATE: _____

APPROVED AS TO EXECUTION

BY: _____
ASSISTANT ATTORNEY GENERAL

Date: _____

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway – railway at grade crossings on the Municipal Street System for which the Municipality is responsible; and,

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of Beatty Street and Carolina Coastal Railway Tracks (Crossing No. 465 506Y); and,

WHEREAS, the Municipality will reimburse the Department of Transportation for ten percent (10%) of any and all expenses incurred in the planning, design and installation of the protective device by the Department of Transportation, and 100% of the cost not reimbursed by the Federal Highway Administration; and,

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railway at grade crossings on the Municipal Street System.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the City of Greenville are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing under Project Z-4602K, for the Department of Transportation to perform certain work, and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, _____, Clerk of the City of Greenville, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the _____ day of _____, 20____.

WITNESS, my hand and the official seal of said Municipality on this the _____ day of _____, 20____.

(SEAL)

CLERK
CITY OF GREENVILLE

EXHIBIT A

Highway – Railway at Grade Crossing in the Municipality of Greenville, Pitt County, North Carolina at which improvements are to be made:

Z-4602K

Crossing of Beatty Street and Carolina Coastal Railway Tracks, Crossing No. 465 506Y, to be improved by the installation of automatic warning devices at an estimated cost of \$150,000.



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution approving a municipal agreement with the North Carolina Department of Transportation for a railroad crossing signal at Spring Forest Road and Carolina Coastal Railway Tracks

Explanation: Attached for City Council's consideration is a proposed Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for planning, design, and installation of protective devices at Spring Forest Road and Carolina Coastal Railway Tracks.

This agreement includes the replacement of existing devices with automatic warning devices and crossing arms at an estimated cost of \$150,000. NCDOT's Railway Safety Program covers ninety percent (90%), \$135,000, of the cost for the improvements at the crossings. By this agreement, the City agrees to cover the remaining portion (10%), \$15,000, as well as its share of annual maintenance costs estimated at \$1,290 per year.

Fiscal Note: Funding for projects regarding railroad crossing signals and improvements is included as part of the City's approved capital improvement program. The City's annual budget also includes funding for its portion of the annual costs to maintain the railroad crossing signals and gates located within the city.

Recommendation: Approve resolution authorizing an agreement with NCDOT for improvements to the railroad at Spring Forest Road and Carolina Coastal Railway Tracks.

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

Attachments / click to download

[NCDOT Municipal Agreement for Spring Forest RxR Crossing 765026](#)

NORTH CAROLINA
PITT COUNTY

Z-4602M
WBS: 43002.1.6 (PE)
43002.2.7 (CONS)
CAROLINA COASTAL RAILWAY
465 516E
SPRING FOREST ROAD
5/7/08

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

AND

MUNICIPAL AGREEMENT

CITY OF GREENVILLE

THIS MUNICIPAL 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 the CITY OF GREENVILLE, a municipal corporation, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Federal Highway Administration is authorized and directed by the provisions of Section 401 of Chapter 23 of the United States Code to assist and cooperate with State and Local Governments to increase highway safety; and,

WHEREAS, the "Transportation Equity Act for the 21st Century" provides funds for correcting safety hazards not on the Federal-Aid System as selected or designated by the State and subject to the approval of the U.S. Secretary of Transportation; and,

WHEREAS, Highway - Railway at Grade Crossing # 465 516E on Spring Forest Road in Greenville has been selected for participation in the "Transportation Equity Act for the 21st Century" in accordance with the Federal-Aid standards and requirements; and,

WHEREAS, 23 USC 405(f) provides that in any state wherein the state is without legal authority to construct or maintain a project under this system, such state shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the municipality in which such a project is located; and,

WHEREAS, the Department is authorized by the provisions of G.S. 136-18 (12) to carry out the provisions of Federal-Aid highway acts for improvement projects on streets on the Municipal Street System; and,

WHEREAS, the Department and the Municipality are authorized to enter into agreements for the performance of such work on the Municipal Street System by the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Department will enter into such agreements as are necessary to improve the protective devices at the crossings selected and to obtain maximum Federal-Aid participation in the cost of the project, but in any event, the Municipality shall be responsible for any and all expense incurred in the planning, design, and installation of the protective devices incurred by the Department, but not reimbursed by the Federal Highway Administration.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Department will arrange to have the necessary plans and detailed estimate prepared by the railroad concerned (or by a consultant for the railroad) and will review such plans with the Municipality before approving them for construction.
2. The Department will enter into an agreement with the railroad or railroads for the installation of the protective devices. The Department will supervise, as necessary, the work of installing the protective devices to insure installation is according to the approved plans. In the event substantial changes in the plans are found necessary during construction, the Department will consult with the Municipality before approving such changes. The Department will also make a final evaluation of the completed installation to insure it operates according to plans.
3. The Department will obtain all necessary Federal Highway Administration approvals.
4. All sites selected for improvement, all plans for improvements and all contracts with the railroad will be subject to the prior approval of the Municipality.

5. 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 Title 23 of the Code of Federal Regulations, Part 172. The Municipality shall comply with the policies and standards for negotiated contracts as contained in the Federal-Aid Policy Guide, Part 172; said policies and standards being incorporated in this Agreement by reference (www.fhwa.dot.gov/legsregs/legislat).

(C) The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of any 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.

(D) Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the total construction cost. This applies to private engineering firms and/or work performed by the Municipality and/or the Department. The Municipality and/or its agent, shall perform project administration in accordance with all Departmental and Federal policies and procedures.

6. In accordance with G.S. 160A-298(c), the Municipality shall be responsible for all improvements to and repair of the municipal street approaches to the subject grade crossing signalization project. Improvements shall consist of, but not be limited to, installation of all pavement markings, signs, drainage, sidewalk relocation/repair, fill materials, and pipe extensions. In addition, the Municipality shall be responsible for securing any additional easement or right of way if necessary. All work shall be performed within the existing right of way and in accordance with Departmental standards and specifications, and all local codes and ordinances. The Municipality,
Item # 6

and or its agent, shall enter into and administer the construction contract for said work and the procedures set out herein below shall be followed:

(A) The construction engineering and supervision will be furnished by the Municipality.

(B) The Department's Rail Division shall have the right to inspect any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement.

(C) During said work, if any changes in the plans are necessary, such changes must be approved by the Department's Rail Division prior to the work being performed.

(D) All materials used by the Municipality shall be in reasonable close conformity with the Standards and Specifications of the Department.

(E) Prior to the final acceptance and payment by the Department, the Rail Division shall have the right to make a final inspection of the completed work.

(F) The Municipality shall perform said work in conjunction with the railroad's completion of the installation of the protective devices in order not to delay the completion of the project.

(G) The Municipality shall complete said work within sixty (60) days of installation of the protective devices.

7. The Municipality, and/or its agent, shall comply with the following federal policies: (a) Conflict of Interest; (b) Equal Employment Opportunity; and (c) Title VI – Civil Rights Act of 1964.

8. The Municipality, and/or its agent, including all contractors, sub-contractors, or sub-recipients, shall also comply with the following federal policy:

(A) 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 Disadvantaged Business Enterprises (DBEs), or Small Professional Services Firm (SPSF) as required and defined in 49 CFR Part 26 of the Code of Federal Regulations and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in
Item # 6

those contracts. Those provisions are available on the Department's website at:

<https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(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.

9. Upon completion of the project, the Municipality agrees to reimburse the Department ten percent (10%) of the actual costs of the Project, and 100% of the cost not reimbursed to the Department by the Federal Highway Administration. Said reimbursement shall be made as follows:

(A) The Department shall reimburse the Municipality to the extent of one hundred percent (100%) of the approved allowable project costs incurred by the Municipality for the approach work. Said reimbursement shall be subject to the policies and procedures contained in Federal-Aid Policy Guide 23 CRF Part 140, Subpart G which is being incorporated into this Agreement by reference, is currently available at, (http://www.access.gpo.gov/nara/cfr/waisidx_02/23cfr140_02.html). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration which is to participate in the costs of the project to the extent of ninety percent (90%) of allowable project costs subject to compliance with all applicable federal policy and procedural rules and regulations.

(B) Upon completion of the approach work, the Municipality will bill the Department for actual costs as herein stated by submitting an itemized invoice to the Department's Rail Division. Upon approval of said invoice by the Rail Division and the Department's Financial Management Division, the actual cost of the approach work shall be payable to the Municipality.

(C) Upon completion of the Project, the Department shall submit an invoice to the Municipality denoting the balance of the Municipality's 10% participation in the actual cost of the project, and 100% of any costs not reimbursed by the Federal Highway Administration.

Reimbursement to the Department shall be made within sixty (60) days of receiving an invoice from
Item # 6

the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.

(D) The Municipality shall be responsible for adhering to applicable administrative requirements of 49 CFR Part 18 and is currently available at <http://www.fhwa.dot.gov/hep/49cfr18.htm>. If the work is performed by Municipal force account, said invoices shall show a summary of labor, labor additives, equipment, materials and other qualifying cost in conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 and is currently available at, www.whitehouse.gov/OMB/circulars/a087/a087-all.html). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed. If the work is performed by a contractor, said invoices shall show the contract cost.

(E) In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" and is currently available at, www.whitehouse.gov/OMB/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the 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.

(F) Per OMB Circular A-133, Municipality is prohibited from contracting with or making subawards under transactions covered by this agreement to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and all nonprocurement transactions (e.g., subawards to subrecipients). Contractors receiving individual awards for \$ 25,000 or more and all subrecipients must certify that the organization and its principals are not suspended or debarred. The Municipality may rely upon the certification unless it

Item # 6

knows that the certification is erroneous. The Municipality agrees that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by Federal department or agency.

(G) 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.

(H) The project must progress in a satisfactory manner in the opinion of the Department and the Municipality must invoice the Department for work accomplished at least once every six (6) months to keep the project funds active and available. If the project does not remain active, the Department and/or FHWA reserves the right to de-obligate said funding. If in the opinion of the Department and/or FHWA, satisfactory progress has not been made to complete the project per the terms of this agreement, the Department and/or FHWA reserves the right to de-obligate said funding.

(I) The Municipality shall maintain records that establish final documentation of quantities incorporated into the Project in accordance with established federal procedures.

(J) All invoices must be submitted within six (6) months of completion and acceptance of the work by the Department and FHWA or said invoices will be considered ineligible items for payment.

10. The Municipality agrees that, if the Federal Highway Administration does not participate in certain costs because of noncompliance with Federal and/or State regulations, it will reimburse the Department for such costs regardless of any nonparticipation in the costs by the Federal Highway Administration. All costs not reimbursed to the Department by the Federal Highway Administration shall be borne by the Municipality. Following completion of the work, the Department shall invoice the Municipality for all costs incurred by said Department that are not reimbursed by the Federal Highway Administration.

11. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said
Item # 6

Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

12. The Municipality and its contractor 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 and shall require its contractor to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration under this Agreement, for inspection and audit by the Department, the Federal Highway Administration, or any authorized representatives of the Federal Government.

13. It is understood the railroad is responsible for the maintenance of the protective devices and the Municipality shall be responsible for payment to the railroad fifty percent (50%) of the railroad's cost of maintenance of said devices pursuant to the provisions of G.S. 160A-298(c).

14. 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.

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 Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case may be.

L.S.

ATTEST:

CITY OF GREENVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

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

City of Greenville

Remittance Address:
City of Greenville

DEPARTMENT OF TRANSPORTATION

BY: _____
DIRECTOR – ENGINEERING and SAFETY

DATE: _____

APPROVED AS TO EXECUTION

BY: _____
ASSISTANT ATTORNEY GENERAL

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway-railway at grade crossings on the Municipal Street System for which the Municipality is responsible; and,

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of Spring Forest Road and Carolina Coastal Railway Tracks (Crossing No. 465 516E); and,

WHEREAS, the Municipality will reimburse the Department of Transportation for ten percent (10%) of any and all expenses incurred in the planning, design and installation of the protective device by the Department of Transportation, and 100% of the cost not reimbursed by the Federal Highway Administration; and,

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railway at grade crossings on the Municipal Street System.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the City of Greenville are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing under Project Z-4602M, for the Department of Transportation to perform certain work, and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, _____, Clerk of the City of Greenville, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the _____ day of _____, 20____.

WITNESS, my hand and the official seal of said Municipality on this the _____ day of _____, 20____.

(SEAL)

CLERK
CITY OF GREENVILLE

EXHIBIT A

Highway – Railway at Grade Crossing in the Municipality of Greenville, Pitt County, North Carolina at which improvements are to be made:

Z-4602M

Crossing of Spring Forest Road and Carolina Coastal Railway Tracks, Crossing No. 465 516E, to be improved by the installation of automatic warning devices at an estimated cost of **\$150,000**.



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution relating to a proposed Declaration of Withdrawal of Dedication of Terrace Drive within Lake View Terrace, Section One

Explanation: A street which is dedicated to the public but which has not been actually opened and used by the public within 15 years from and after the dedication may be withdrawn from dedication by the original dedicator or someone claiming under the original dedicator. The withdrawal occurs by the filing of a Declaration of Withdrawal. The Declaration of Withdrawal may only be filed when the street is not a part of the street plan adopted by the City pursuant to G.S. 136-66.2. By statute, a City is to adopt a resolution indicating whether a street in a proposed Declaration of Withdrawal is a part of the street plan adopted under G.S. 136-66.2.

By the attached letter, a request has been made to the City to adopt a resolution stating that Terrace Drive is not a part of the street plan adopted by the City of Greenville. The City Engineer has confirmed that Terrace Drive is not a part of the street plan adopted by the City. Terrace Drive has never been opened and used by the public.

The property where Terrace Drive was to be located is within the area where Lake View Terrace Apartments are located on Arlington Boulevard, across from J.H. Rose High School and between Hooker Road and the City park where the River Birch Tennis Center is located.

Fiscal Note: There is no fiscal impact caused by the adoption of the Resolution Relating to a Proposed Declaration of Withdrawal of Dedication of Terrace Drive Within Lake View Terrace, Section One.

Recommendation: City Council adopt the attached resolution which states that Terrace Drive is not a part of the street plan of the City of Greenville.

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

Attachments / click to download

 [letter](#)

 [RESOLUTION_RELATING_TO_A_PROPOSED_DECLARATION_OF_WITHDRAWAL_OF_DEDICATIO..._OF_TERRACE_DRIVE_WITHIN_LAI](#)

RESOLUTION NO. 08-
RESOLUTION RELATING TO A PROPOSED DECLARATION OF
WITHDRAWAL OF DEDICATION OF TERRACE DRIVE WITHIN
LAKE VIEW TERRACE, SECTION ONE

WHEREAS, Lakeview Terrace Apartments, a North Carolina general partnership, proposes to file a Declaration of Withdrawal of Dedication of Street pursuant to N.C.G.S. 136-96 for Terrace Drive within Lake View Terrace, Section One; and

WHEREAS, N.C.G.S. 136-96 provides that, upon request, a city shall adopt a resolution indicating that the dedication described in a proposed declaration of withdrawal is or is not part of the street plan adopted under N.C.G.S. 136-66.2;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that Terrace Drive lying and being situate within the portion of Lake View Terrace, Section One described in the Declaration of Withdrawal of Dedication of Street executed by Lakeview Terrace Apartments, a North Carolina general partnership, is not a part of the street plan of the City of Greenville adopted under N.C.G.S. 136-66.2, said street being as shown on the map of Lake View Terrace, Section One recorded in Map Book 16, at Page 118 in the office of the Register of Deeds of Pitt County and on the map of Lake View Terrace, Section One recorded in Map Book 18, at Page 21 in the office of the Register of Deeds of Pitt County, lying and being within the boundaries of the real property as hereinafter described:

Lying and being in Pitt County; North Carolina, being a portion of that property designated as "Lake View Terrace, Section One" on a Plat recorded at Book 16, Page 118, Pitt County Registry, and being a portion of that property designated as "Lake View Terrace, Section One" on a Plat recorded at Book 18, Page 21, Pitt County Registry, and being more particularly described as follows:

Beginning at a point located at the intersection of the eastern right of way of Hooker Road and the southern right of way of Arlington Boulevard thence running along the southern right of way of Arlington Boulevard S 87-18-31 E, 149.47 feet to a point having an electric manhole on corner and located on the southern right of way of Arlington Boulevard the POINT OF BEGINNING; thence from said point of beginning and continuing along the southern right of way of Arlington Boulevard S 87-18-31 E, 740.00 feet to a point having on electric manhole on corner and located on the southern right of way of Arlington Boulevard; thence leaving the southern right of way of Arlington Boulevard S 01-08-00 E, 5.36 feet to an iron pipe set; thence continuing S 01-08-00 E, 687.66 feet to an existing iron pipe located on the northern right of way of Millbrook Street; thence running along the northern right of way of Millbrook Street S 88-53-33 W, 200.06 feet to an existing iron pipe located on the northern right of way of Millbrook Street; thence leaving said right of way N 01-12-03 W, 124.86 feet to an existing iron pipe; thence S 88-57-29 W, 160.00 feet to an iron pipe set; thence S 01-13-27 E, 125.00 feet to an existing iron pipe located on the northern right of

way of Millbrook Street; thence running along the northern right of way of Millbrook Street with a curve having a radius of 238.02 feet a chord bearing and distance S 80-53-47 W, 60.50 feet to an iron pipe set located on the northern right of way of Millbrook Street; thence leaving said right of way N 01-06-19 W, 206.80 feet to an iron pipe set; thence N 03-53-12 W, 11.50 feet to an iron pipe set; thence S 67-05-43 W, 112.67 feet to an iron pipe set; thence N 23-36-25 W, 100.00 feet to an existing iron pipe; thence continuing N 23-36-25 W, 79.96 feet to an existing iron pipe; thence continuing N 23-36-25 W, 99.41 feet to an existing iron pipe; thence continuing N 23-36-25 W, 178.90 feet to an iron pipe set; thence N 48-47-43 W, 63.00 feet to an existing iron pipe; thence N 03-18-33 E, 105.42 feet to an iron pipe set; thence continuing N 03-18-33 E, 3.07 feet to the point of beginning, containing 9.202 acres.

Adopted this 9th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



BLANCO TACKABERY
Attorneys and Counsellors at Law

P.O. Drawer 25008
Winston-Salem, NC 27114-5008
110 South Stratford Road, Suite 500
Winston-Salem, NC 27104-4299
phone 336.293.9000
fax 336.293.9030
www.blancolaw.com

June 2, 2008

VIA EMAIL dholec@greenvillenc.gov

Dave Holec, Esq.
City Attorney
City of Greenville
P.O. Box 7207
Greenville, NC 27835

Re: Lakeview Terrace Apartments/Declaration of Withdrawal of Dedication of Street

Dear Mr. Holec:

Lakeview Terrace Apartments hereby requests a resolution from the City of Greenville stating that Terrace Drive is not a part of the street plan adopted by the City of Greenville. I have enclosed for your reference the revised Declaration of Withdrawal of Dedication of Street. Thank you for your assistance with this mater.

Very truly yours,

BLANCO TACKABERY & MATAMOROS, P.A.

Carolyn W. Scogin

CWS/klg
Enclsoure

Prepared by and return to:

Zoë Gamble Hanes, Esq.
Blanco Tackabery & Matamoros, P.A.
P.O. Drawer 25008
Winston-Salem, NC 27114

DECLARATION OF WITHDRAWAL OF
DEDICATION OF STREET

THIS DECLARATION OF WITHDRAWAL OF DEDICATION OF STREET is made this ____ day of June, 2008, by LAKEVIEW TERRACE APARTMENTS, a North Carolina general partnership (“Lakeview”).

WITNESSETH:

WHEREAS, by those certain plats recorded at Plat Book 16, Page 118 and Plat Book 18, Page 21, Pitt County Registry (the “Plats”), Amos J. Evans (the “Dedicator”) offered for dedication a proposed roadway shown as Terrace Drive (the “Drive”), such drive being more particularly depicted on the Plats attached hereto as **Exhibit A** and incorporated herein by referenced; and

WHEREAS, Lakeview is the fee simple owner of that certain real property more particularly described on **Exhibit B** attached hereto (the “Property”); and

WHEREAS, the Dedicator is the predecessor in title to all title to all of the real property located on both sides of the Drive and adjoining or abutting the Drive now owned by Lakeview; and

WHEREAS, to the best knowledge and belief of Lakeview, the Drive has not been actually opened and used by the public since it was offered for dedication more than fifteen (15) years prior to the date hereof, and the use of the Drive is not necessary to

afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the Dedicator; and

WHEREAS, pursuant to the Resolution attached hereto as **Exhibit C** and incorporated herein by referenced, the City of Greenville, a North Carolina municipal corporation, has indicated that the Drive is not part of the street plan adopted under Section 136-66.2 of the North Carolina General Statutes; and

WHEREAS, pursuant to Section 136-96 of the North Carolina General Statutes, since the Dedicator is presumed deceased, it is conclusively presumed that the Dedicator has not further right, title or interest in the Drive and that the right, title and interest in the Drive is vested in those persons owning lots or parcels of land adjacent to the Drive, namely, Lakeview; and

WHEREAS, pursuant to Section 136-96 of the North Carolina General Statutes, Lakeview desires to withdraw the dedication of the Drive from any public or private use to which the Drive heretofore may have been dedicated pursuant to the Plats.

NOW, THEREFORE, for and in consideration of the premises and the mutual benefits to the parties hereto, the receipt and sufficiency of which are hereby acknowledged, Lakeview declares as follows:

Pursuant to Section 136-96 of the North Carolina General Statutes, Lakeview, for itself, its successors and/or assigns, does hereby withdraw the dedication of the Drive from any public or private use to which the Drive heretofore may have been dedicated pursuant to the Plats.

[SEPARATE SIGNATURE PAGE ATTACHED]

IN WITNESS WHEREOF, Lakeview has caused this Declaration of Withdrawal of Street to be executed as of the date and year first above written.

LAKEVIEW TERRACE APARTMENTS

By: _____
Name: _____
Title: _____

STATE OF _____)
COUNTY OF _____)

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal or stamp, this the _____ day of _____, 2008.

Notary Public

My Commission Expires:
[Notarial Seal/Stamp]

EXHIBIT A

See attached Plats

EXHIBIT B

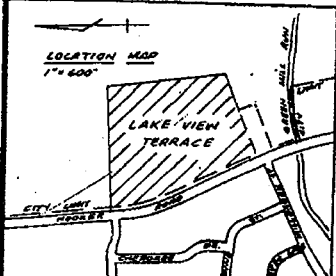
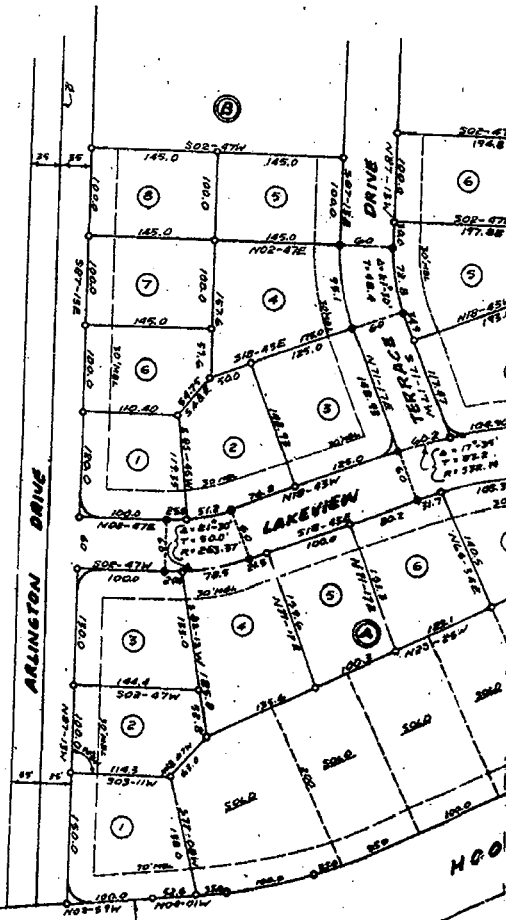
Lying and being in Pitt County; North Carolina, being a portion of that property designated as "Lake View Terrace, Section One" on a Plat recorded at Book 16, Page 118, Pitt County Registry, and being a portion of that property designated as "Lake View Terrace, Section One" on a Plat recorded at Book 18, Page 21, Pitt County Registry, and being more particularly described as follows:

Beginning at a point located at the intersection of the eastern right of way of Hooker Road and the southern right of way of Arlington Boulevard thence running along the southern right of way of Arlington Boulevard S 87-18-31 E, 149.47 feet to a point having an electric manhole on corner and located on the southern right of way of Arlington Boulevard the POINT Of BEGINNING; thence from said point of beginning and continuing along the southern right of way of Arlington Boulevard S 87-18-31 E, 740.00 feet to a point having on electric manhole on corner and located on the southern right of way of Arlington Boulevard; thence leaving the southern right of way of Arlington Boulevard S 01-08-00 E, 5.36 feet to an iron pipe set; thence continuing S 01-08-00 E, 687.66 feet to on existing iron pipe located on the northern right of way of Millbrook Street; thence running along the northern right of way of Millbrook Street S 88-53-33 W, 200.06 feet to an existing iron pipe located on the northern right of way of Millbrook Street; thence leaving said right of way N 01-12-03 W, 124.86 feet to an existing iron pipe; thence S 88-57-29 W, 160.00 feet to an iron pipe set; thence S 01-13-27 E, 125.00 feet to an existing iron pipe located on the northern right of way of Millbrook Street; thence running along the northern right of way of Millbrook Street with a curve having a radius of 238.02 feet a chord bearing and distance S 80-53-47 W, 60.50 feet to an iron pipe set located on the northern right of way of Millbrook Street; thence leaving said right of way N 01-06-19 W, 206.80 feet to on iron pipe set; thence N 03-53-12 W, 11.50 feet to an iron pipe set; thence S 67-05-43 W, 112.67 feet to on iron pipe set; thence N 23-36-25 W, 100.00 feet to on existing iron pipe; thence continuing N 23-36-25 W, 79.96 feet to on existing iron pipe; thence continuing N 23-36-25 W, 99.41 feet to an existing iron pipe; thence continuing N 23-36-25 W, 178.90 feet to an iron pipe set; thence N 48-47-43 W, 63.00 feet to an existing iron pipe; thence N 03-18-33 E, 105.42 feet to an iron pipe set; thence continuing N 03-18-33 E, 3.07 feet to the point of beginning containing 9.202 acres.

BOOK 16 PAGE 118



GUY C. EVANS



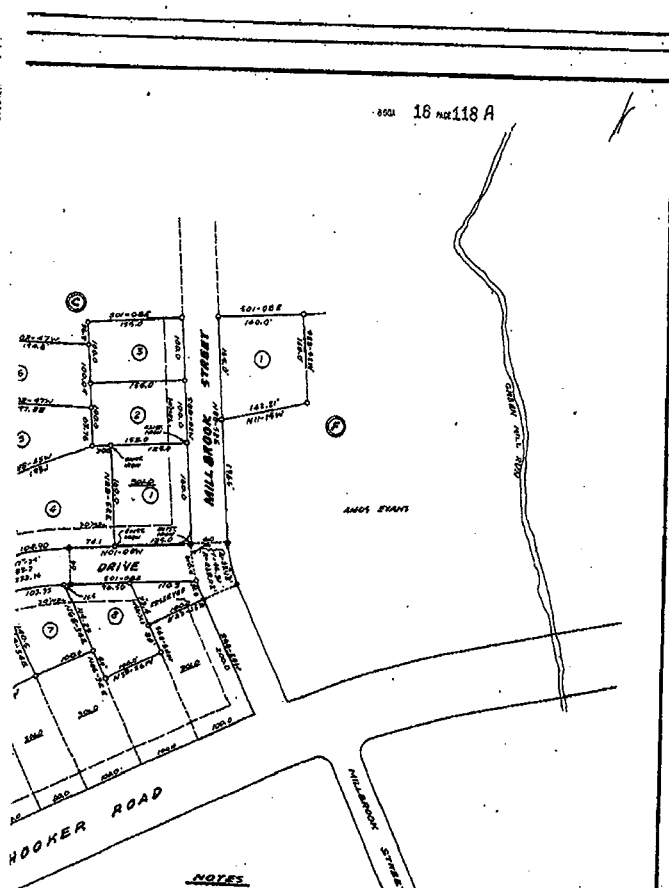
LAKE VIEW TERRACE
SECTION ONE - GREENVILLE, N.C.

RIVERS & ASSOCIATES INC.
CONSULTING ENGINEERS
GREENVILLE, NORTH CAROLINA

SURVEYED GRS.	APPROVED R.L.M.
DRAWN O.A.J.	DATE 6-21-68
CHECKED R.L.M.	SCALE 1" = 100'

CERTIFICATE
I CERTIFY THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD LAND SURVEY MADE BY ME, THAT THE CALCULATED ERROR OF CLOSURE IS 1:40000 THAT THE MAP IS IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESSED BY HAND AND SEAL THIS 21ST DAY OF June 1968
Eugene L. Mann Jr.

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, N.C. IS DEED BOOK 7-2 PAGE 22 DEED BOOK _____ PAGE _____ DEED BOOK _____ PAGE _____



- NOTES**
1. ALL DIMENSIONS ON CORNER LOTS ARE TO P.L.
 2. ALL CORNER RADII '25'
 3. ALL LOT LINES INTERSECT STREET AT 90° UNLESS OTHERWISE NOTED.
 4. MEASUREMENTS ON CURVES ARE CHORD DISTANCES.
 5. IRON STAKES AT ALL CORNERS AND POINTS OF CHANGE IN DIRECTION.

WE LAST DIVISION COUNTY NO. IS: SWORN AND ME THIS DAY NOTARY PUBLIC MY COMMISSION EXPIRES	THIS IS EVIDENCE THAT THIS SUB-DIVISION IS MADE AT OUR REQUEST [Signature] [Signature] [Signature]	APPROVALS CHAIRMAN GREENVILLE CITY PLANNING BOARD [Signature] CITY MEMBER CITY OF GREENVILLE, N.C. [Signature] DATE: [Signature]
	[Signature] [Signature]	[Signature]

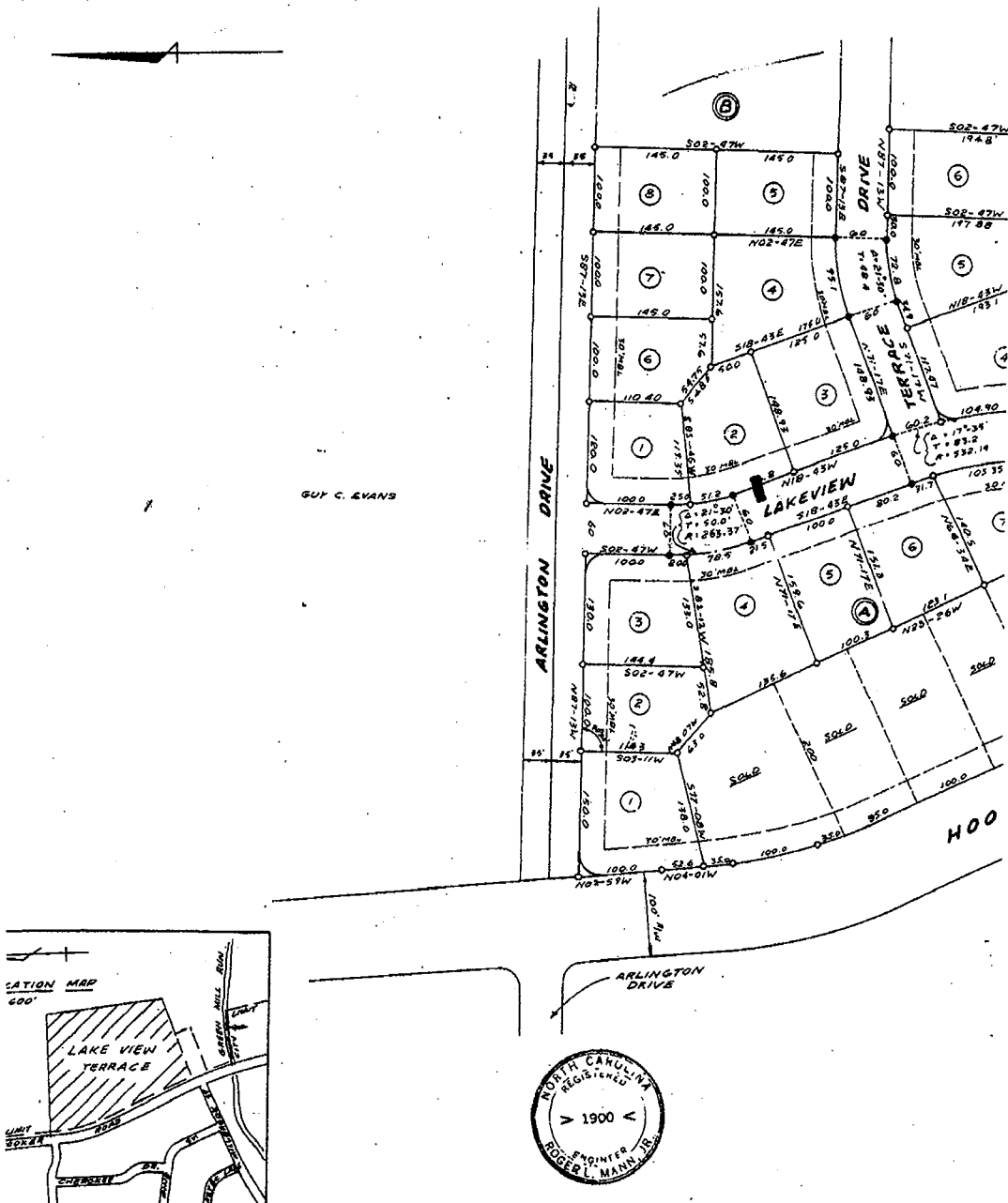
NO. OF LOTS = 23

NORTH CAROLINA: PITT COUNTY

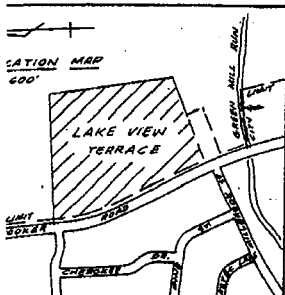
The foregoing certificate of
 [Signature]
 a Notary Public
 of Pitt County
 is certified to be correct
 this 13th day of
 July, A.D. 1968
 [Signature]
 ELYRA T. DUNN
 Register of Deeds

[Signature]
 RECORDER PITT CO. N.C.
 REGISTER OF DEEDS
 JUN 18 1 54 PM '68

BOOK 18 PAGE 21

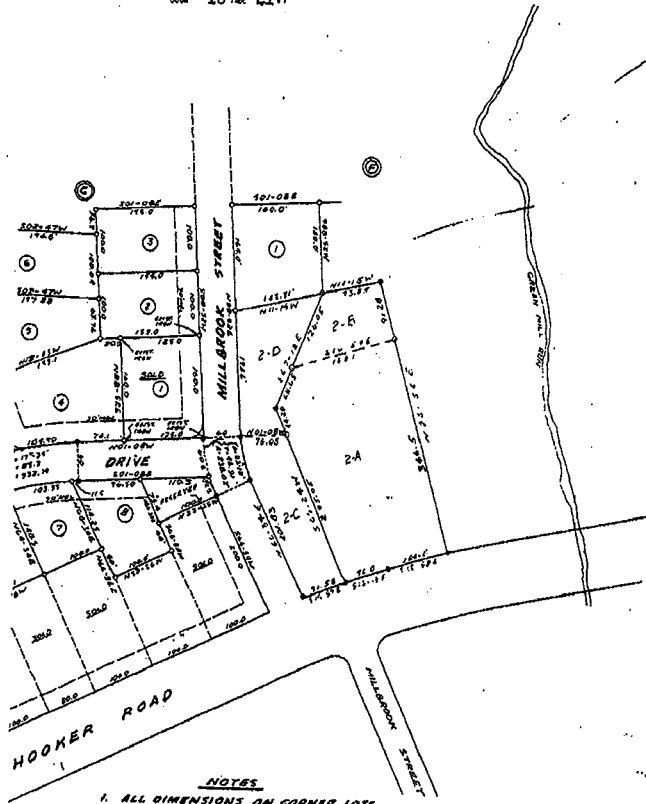


GUY C. EVANS



LAKE VIEW TERRACE SECTION ONE - GREENVILLE, N.C.			CERTIFICATE	SOURCE OF TITLE
S & ASSOCIATES INC. ENGINEERS WILMINGTON, NORTH CAROLINA	SURVEYED G.S.	APPROVED R.L.M.	I CERTIFY THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD LAND SURVEY MADE BY ME, THAT THE CALCULATED ERROR OF CLOSURE IS 1:10000 THAT THE MAP IS IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 21 ST DAY OF JUNE 1968. <i>Roger L. Mann</i> N.C. REG. NO. 1900	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, N.C. IS: DEED BOOK T-2 PAGE 28 DEED BOOK _____ PAGE _____ DEED BOOK _____ PAGE _____ <i>Roger L. Mann</i> N.C. REG. NO. 1900
	DRAWN D.A.J.	DATE 6-21-68		
	CHECKED R.L.M.	SCALE 1" = 100'		

BOOK 18 PAGE 21A



NOTES

1. ALL DIMENSIONS ON CORNER LOTS ARE TO P.I.
2. ALL CORNER RADII = 25'
3. ALL LOT LINES INTERSECT STREET AT 90° UNLESS OTHERWISE NOTED.
4. MEASUREMENTS ON CURVES ARE CHORD DISTANCES.
5. IRON STAKES AT ALL CORNERS AND POINTS OF CHANGE IN DIRECTION.

REVISED 3/21/69 TO INCLUDE LOTS 2-A, 2-B, 2-C, and 2-D IN BLOCK 2.

NO. OF LOTS = 23

NORTH CAROLINA: PITT COUNTY
The foregoing certificate of Roger L. Smith, Jr., a Registered Engineer of North Carolina, is certified to be correct.
This 20th day of March, A. D. 1969.
Roger L. Smith, Jr.
REGISTERED ENGINEER
By *Wm. Taylor, Deputy*

THE LAST PART OF REV. 48 COUNTY N.C. 16 22	OWNERS STATEMENT THIS IS EVIDENCE THAT THIS SUB-DIVISION IS MADE AT OUR REQUEST <i>[Signature]</i> SWORN L.D. SUBSCRIBED TO BEFORE ME THIS 18th day of March 1969. <i>[Signature]</i> NOTARY PUBLIC MY COMMISSION EXPIRES 3-9-70	APPROVALS GREENVILLE CITY PLANNING BOARD <i>[Signature]</i> CITY ENGINEER CITY OF GREENVILLE, N.C. DATE _____	Received and recorded 3-22-69 4:10 P <i>[Signature]</i> Register of Deeds Recorder of Deeds, P.M. County, E.C.
	Book 18 - Page 21A		

EXHIBIT C

See attached Resolutions



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution reaffirming the thresholds for the formal bidding process

Explanation: Session Law 2007-446 increased the formal bid threshold for construction and repair work from \$300,000 to \$500,000. This means that the informal bid range for construction and repair work now for the state is from \$30,000 to \$499,999. In this dollar range, no advertisement of bids or bid bonds would be required, nor would the "three bid rule" apply.

When the state increased the informal bid threshold from \$5,000 to \$30,000, City Council set a local threshold at \$10,000 instead of the full \$30,000. This was done by resolution at the September 8, 2005 meeting.

At this time, staff is recommending that the City Council keep our existing threshold for formal bids for construction and repair work at the current level of \$300,000 rather than following the new state threshold of \$500,000. We feel that this threshold is better for our agency and our citizens, in that all projects in this range will continue to be advertised, require bid bonds, and be subject to the "three bid rule." A copy of a chart outlining our current thresholds is attached.

Fiscal Note: This recommendation will not require any additional funds.

Recommendation: It is recommended that City Council reaffirm the formal bid threshold for construction and repair work at \$300,000 by the adoption of the attached resolution which reaffirms the existing thresholds utilized by the City for the formal bidding process.

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

Attachments / click to download

 [Resolution delegating authority for formal and informal bids for certain purchasing decisions 766873](#)

 [SUMMARY OF CONTRACT AWARD PROCEDURES 767045](#)

RESOLUTION NO. 08-____
RESOLUTION REAFFIRMING THE THRESHOLDS FOR
THE FORMAL BIDDING PROCESS

WHEREAS, North Carolina General Statute 143-129 requires the City of Greenville to utilize a formal bidding process for the purchase of apparatus, supplies, materials, or equipment greater than a certain monetary amount and for construction or repair services greater than a certain monetary amount and North Carolina General Statute 143-64.31 requires that, unless exempted by a resolution of City Council, a best qualified selection procedure be utilized when securing architect, engineering, surveying, or construction management at risk services greater than a certain monetary amount;

WHEREAS, North Carolina General Statute 160A-129 was amended during the 2007 Session of the North Carolina General Assembly in order to increase the monetary amount for construction or repair services required to utilize the formal bidding process from three hundred thousand dollars (\$300,000) to five hundred thousand dollars (\$500,000); and

WHEREAS, the City of Greenville desires to continue to use the \$300,000 monetary amount as the threshold for utilizing the formal bidding process for construction or repair services and desires to reaffirm this threshold amount and other existing thresholds for the formal bidding process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville as follows:

Section 1. The informal bidding process shall be utilized for the purchase of apparatus, supplies, materials and equipment in all proposals in the estimated amount of ten thousand dollars (\$10,000) to less than ninety thousand dollars (\$90,000), for construction, repair, and other services in all proposals in the estimated amount of less than ten thousand dollars (\$10,000) to less than three hundred thousand dollars (\$300,000), and for architectural, engineering, surveying or construction management at risk services in all proposals in the estimated amount of ten thousand dollars (\$10,000) to less than thirty thousand dollars (\$30,000).

Section 2. The formal bidding process shall be utilized for the purchase of apparatus, supplies, materials and equipment in all proposals in the estimated amount of ninety thousand dollars (\$90,000) or more and for construction, repair, and other services in all proposals in the estimated amount of three hundred thousand dollars (\$300,000) or more.

Section 3. The best qualified selection process shall be utilized for architectural, engineering, surveying or construction management at risk services in all proposals in the estimated amount of thirty thousand dollars (\$30,000) or more, unless City Council exempts the project from this process.

Section 4. All inconsistent provisions of former resolutions, ordinances, or policies are hereby repealed.

This the 9th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



CITY OF GREENVILLE SUMMARY OF CONTRACT AWARD PROCEDURES

CONTRACTS FOR	DOLLAR AMOUNT	BID REQUIRED	AUTHORIZATION	OTHER ACTION REQUIRED
Purchase of apparatus, supplies, materials and equipment	Up to \$300,000	Formal Bid- \$90,000 and up G.S. 143-129	Purchasing Mgr./ City Manager	\$50,000 and up Monthly Report to Council
		Informal Bid- \$10,000-\$89,999 G.S. 143-131		
	Over \$300,000 Sole Source and Piggy Back Contracts		City Council	
Construction or repair contracts;	\$10,000 or less		Department Head	Informal Vertical Construction- Report to State 10 days after project completion
	Up to \$300,000	Informal-\$10,000- \$299,999	Purchasing Mgr./ City Manager	\$50,000 and up Monthly Report to Council
	\$300,000 and up	Formal- \$300,000	City Council	Formal Vertical Construction and/or Repair Report to State – Semi-Annually
Architectural, Engineering & Surveying Services	\$10,000 or less	Informal-	Department Head	
	Up to \$30,000	Informal-	Purchasing Mgr./ City Manager	\$10,000 and up Monthly Report to Council
	\$30,000 and up		City Council	



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Grant application for Lead-Based Paint Hazard Control

Explanation: This is a request for approval to submit an application to the 2008 United States Department of Housing and Urban Development (HUD) for funds to support a Lead-Based Paint Hazard Control (LBPHC) program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing. A 25% match of non-federal funds is required; however, a waiver may be granted by HUD.

If a waiver is not granted, then Affordable Housing Bond funds will be used to support the effort. It is anticipated that this program would be in conjunction with the Housing Division's current Housing Rehabilitation Assistance program for owner-occupied housing in the West Greenville 45-Block Area and scattered sites within the City of Greenville city limits. The application request would be for approximately \$200,000 covering a 36-month period. The grant application must be submitted by July 10, 2008.

Fiscal Note: Matching funds would come from the 1992 Affordable Housing Bond fund in the amount of \$50,000.

Recommendation: Request approval to submit a grant application to U.S. Department of HUD for \$200,000 of Lead-Based Paint Hazard Control Grant Program funds, and authorize the City Manager or his designee to sign appropriate documents.

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Water system capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's SR 1401 & 1402 (Old River Road & Barrus Construction Road) Water Main Extension Project

Explanation: GUC's current Water System Master Plan, completed in 2001, recommends various water distribution system improvements as part of a long-term program to improve flow capacity, fire flow capabilities, and reliability of the water distribution system. This proposed water main upgrade along SR 1401 (Old River Road) and SR 1402 (Barrus Construction Road) is a master plan recommendation designed to improve system capacity, fire flow capabilities, and pressures in the northwestern portion of the distribution system. This project is included in Year 1 of GUC's current 5-Year Capital Outlay Plan.

The area that will be served by this proposed project has experienced significant growth over the past several years, with in excess of 300 manufactured homes currently in the area. Fire flow delivery capability is currently not available due to the fact that the area is served by a 4" water main and state regulations prohibit the installation of fire hydrants on water mains smaller than 6" in diameter.

The project will consist of approximately 16,000 linear feet of new 12-inch water main to replace the existing 4-inch main and will include the installation of hydrants to provide for fire protection in this area. The pre-design project cost estimate is \$1.2 million. Previous projects of this nature, performed to provide similar capacity and capability upgrades, include Corey Road, Fire Tower Road, Frog Level Road, and the Phase I & II Rural Water System Fire Hydrant installation program.

This item is for the establishment of the initial project budget to provide funds for the engineering services which include (1) Engineering Design; (2) Bidding Phase Services; (3) Construction Administration and Inspection; and (4) Easement Surveying and Mapping and for the acquisition of required easements. Upon receipt of the construction bids, staff will recommend the necessary budget amendment to provide funding for the project construction.

The GUC Board, at their meeting on May 20, adopted a Water Capital Projects Budget for engineering services and easement acquisitions and recommended similar action by the City Council. In addition, the Board adopted a reimbursement resolution to allow GUC to reimburse itself from future debt financing and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt water capital projects budget ordinance and reimbursement resolution.

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

Attachments / click to download

 [Reimbursement Resolution](#)

 [Water Capital Projects Budget Ordinance](#)

RESOLUTION NO. 08-__

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF A DEBT FINANCING 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, June 9, 2008, 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 an issue of debt (the "Debt").

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 Debt for the Expenditures made on and after June 9, 2008, 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 Debt.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to a 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 Debt, (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 Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be \$175,000.

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 Debt 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 _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include, but are not limited to, the extension of a 12" water transmission main along SR 1401 (Old River Road) and SR 1402 (Barrus Construction Road) to improve system capacity and pressures in the northwestern portion of the water distribution system.

ORDINANCE NO. 08-_____

FOR WATER CAPITAL PROJECT BUDGET
FIRE FLOW IMPROVEMENTS SR 1401 AND SR 1402 WATER MAIN EXTENSION PROJECT

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

Section 1. Revenues. Revenues of the Water Capital Project Budget, Fire Flow Improve
SR 1401 and SR 1402 Water Main Extension Project, is hereby established to read as follows:

Revenue:

Debt Financing	<u>\$175,000</u>	
Total Revenues		<u><u>\$175,000</u></u>

Section 2. Expenditures. Expenditures of the Water Capital Project Budget, Fire Flow
Improvements SR 1401 and SR 1402 Water Main Extension Project, is hereby established to read as follow

Expenditures:

Engineering and Easement Acquisition	<u>\$175,000</u>	
Total Expenditures		<u><u>\$175,000</u></u>

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

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Water system capital projects budget amendment ordinance and reimbursement resolution for Greenville Utilities Commission's Water Resources Automated Meter Reading (AMR) Project (Years 2 & 3)

Explanation: In September 2007, the GUC Board approved a 3-year project to implement automated meter reading (AMR) technology for water meters. At that time, the Board established a capital projects budget to cover the first year costs for the meters and labor for installation.

In February 2008, the GUC Board took action to authorize the General Manager/CEO to execute a three (3) year labor contract for the installation of these meters. At that time, the capital projects budget was amended to reflect the labor costs for years 2 and 3.

Bids were received on May 9, 2008 for AMR water meters for years 2 and 3. An amendment to the Water Capital Projects Budget is needed to fund the cost of the AMR meters for Years 2 and 3. A contingency has been included but will not be spent unless needed.

The GUC Board, at their meeting on May 20, amended the Water Capital Projects Budget and recommended similar action be taken by the City Council. In addition, the Board adopted a reimbursement resolution to allow GUC to reimburse itself from bond proceeds and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt water capital projects budget amendment ordinance and reimbursement resolution.

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

Attachments / click to download

 [Water Capital Projects Budget Ordinance](#)

 [Reimbursement Resolution](#)

ORDINANCE NO. 08-_____
AMENDING ORDINANCE NO. 08-30
FOR WATER CAPITAL PROJECT BUDGET
AUTOMATED METER READING (AMR)

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
Revenue:			
Debt Financing	\$2,700,000	\$3,627,483	\$6,327,483
	\$2,700,000	\$3,627,483	\$6,327,483
Expenditures:			
Materials and Labor Cost:	\$2,700,000	\$3,040,930	\$5,740,930
Contingency	\$0	\$586,553	\$586,553
	\$2,700,000	\$3,627,483	\$6,327,483

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 _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

RESOLUTION NO. 08-__

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF A DEBT FINANCING 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, June 9, 2008, 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 an issue of debt (the "Debt");

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 Debt for the Expenditures made on and after June 9, 2008, 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 Debt.

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 Debt, (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 Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be \$6,327,483.

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 Debt 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 _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include, but are not limited to, all acquisitions and capital expenditures associated with the Water Resources Automated Meter Reading project.



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Water system capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's Groundwater Supply Optimization Project

Explanation: GUC's water production facilities consist of a 22.5 million gallon per day (MGD) surface water treatment plant (WTP) and eight (8) groundwater wells that supply a combined 2 MGD. In December 2002, the WTP changed from the use of free chlorine to chloramines as a secondary disinfectant. The groundwater wells have been used only on an emergency basis since that time because some wells continue to utilize free chlorine as a disinfectant.

The Groundwater Supply Optimization project will convert four of the eight wells to utilize chloramines as a disinfectant in order for all of the wells to be operated in conjunction with the WTP. Four groundwater wells have already been converted to utilize chloramines during previous projects. The project consists of the addition of ammonia chemical feed equipment and the necessary building, electrical and piping modifications at four (4) well sites. This project is included in Year 1 of GUC's current 5-Year Capital Outlay Plan.

Bids for the project were received on May 6, 2008 with the low bid being \$469,506. The proposed Water Capital Projects Budget includes funding for the construction contract and a ten percent contingency of \$47,494 for a total project budget of \$517,000.

GUC's Board, at their meeting on May 20, adopted a Water Capital Projects Budget for this project and recommended similar action by the City Council. In addition, the Board adopted a reimbursement resolution to allow GUC to reimburse itself from bond proceeds and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt water capital projects budget ordinance and reimbursement resolution.

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

Attachments / click to download

 [Reimbursement Resolution](#)

 [Water Capital Projects Budget Ordinance](#)

RESOLUTION NO. 08-__

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF A DEBT FINANCING 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, June 9, 2008, 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 an issue of debt (the "Debt"):

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 Debt for the Expenditures made on and after June 9, 2008, 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 Debt.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to a 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 Debt, (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 Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be \$400,000.

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 Debt 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 _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include, but are not limited to, the conversion of four (4) groundwater wells to utilize chloramines rather than free chlorine as a disinfectant in order for the wells to be operated in conjunction with the Greenville Utilities water treatment plant.

ORDINANCE NO. 08-_____

FOR WATER CAPITAL PROJECT BUDGET
GROUNDWATER SUPPLY OPTIMIZATION PROJECT

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

Section 1. Revenues. Revenues of Water Capital Project Budget, Groundwater Supply Optimization Project, is hereby established to read as follows:

Revenue:

Debt Financing	\$400,000	
Fund Balance	<u>\$117,000</u>	
Total Revenue		<u><u>\$517,000</u></u>

Section 2. Expenditures. Expenditures of the Water Capital Project Budget, Groundwater Supply Optimization Project, is hereby established to read as follows:

Expenditures:

Project Costs	<u>\$517,000</u>	
Total Expenditures		<u><u>\$517,000</u></u>

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

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Gas system capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's enhancement project for Greenville Paving/NC 33

Explanation: GUC's gas facilities were extended to begin providing gas service to Greenville Paving in 1995. Since that time, there have been no significant changes in their usage patterns; however, Greenville Paving is planning to expand their operations during 2009. This will increase their gas consumption by 50% and surpass the capacity of the existing 6-inch gas main supplying the area during periods of peak usage.

In accordance with Year 1 of GUC's Five-Year Plan, the Gas System Enhancement Project for Greenville Paving/NC 33 will be designed to meet the future gas requirements of Greenville Paving and surrounding customers. This project includes installation of approximately 8,200 linear feet of 8-inch gas main along NC 33 from NC 11 to Belvoir Road. The 8-inch gas main will also serve as a main supply line to the area of highest industrial gas customer concentration once the future US 264 Southwest Bypass high-pressure gas main is installed and commissioned.

The GUC Board, at their meeting on May 20, adopted a Gas Capital Projects Budget and recommended similar action by the City Council. In addition, the Board adopted a reimbursement resolution to allow GUC to reimburse itself from bond proceeds and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt gas capital projects budget ordinance and reimbursement resolution.

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

Attachments / click to download

 [Reimbursement Resolution](#)

 [Gas Capital Projects Budget](#)

RESOLUTION NO. 08-__

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF A DEBT FINANCING 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, June 9, 2008, 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 an issue of debt (the "Debt").

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 Debt for the Expenditures made on and after June 9, 2008, 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 Debt.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to a 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 Debt, (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 Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be \$400,000.

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 Debt 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 _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include, but are not limited to, the installation of approximately 8,200 LF of 8" MDPE gas main along NC 33. This interconnection is needed in order to maintain reliable gas service at sufficient pressure and in adequate quantity to meet the future gas consumption of existing and new customers.

ORDINANCE NO. 08-_____

FOR GAS CAPITAL PROJECT BUDGET
GAS SYSTEM ENHANCEMENT PROJECT

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

Section 1. Revenues. Revenues of Gas Capital Project Budget, Gas System Enhancement Project, is hereby established to read as follows:

Revenue:

Debt Financing	<u>\$400,000</u>	
Total Revenues		<u>\$400,000</u>

Section 2. Expenditures. Expenditures of the Gas Capital Project Budget, Gas System Enhancement Project, is hereby established to read as follows:

Expenditures:

Project Cost	\$324,465	
Engineering	<u>\$75,535</u>	
Total Expenditures		<u>\$400,000</u>

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

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: State Revolving Fund Loan Resolution for Greenville Utilities Commission's Wastewater Treatment Plant Upgrade Project

Explanation: A capital project budget has previously been approved for preliminary and final design for the WWTP Electrical/SCADA (supervisory control and data acquisition) Upgrade Project. Final plans and specifications have been completed and submitted for regulatory review, and GUC anticipates bidding the project within the next three months.

GUC staff has initiated the process to apply for a low-interest State Revolving Fund (SRF) loan to finance this project by meeting with the Division of Water Quality Construction Grants and Loans Section (CG&L) and submitting a Preliminary Design Report. CG&L has approved the Preliminary Design Report, and the next step is to submit an application with a resolution adopted by the governing body.

The final design estimate of the total project cost is \$12,604,000. The SRF loan application for this project includes a required 2% fee of \$252,080, for a total loan request of \$12,856,080.

The GUC Board, at their meeting on May 20, adopted a resolution to accompany the SRF loan application and recommended a similar resolution be adopted by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached resolution.

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

Attachments / click to download

 [Resolution for State Revolving Fund Loan](#)

RESOLUTION NO. 08-____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
STATE REVOLVING LOAN FUND - RESOLUTION OF ASSURANCES, AGREEMENTS
AND AUTHORIZED REPRESENTATIVES

WHEREAS, the Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville has need for and intends to construct a wastewater treatment works and wastewater collection system project described as the Wastewater Treatment Plant Electrical and SCADA Upgrade Project to the Greenville Utilities Commission wastewater treatment plant and remote pumping stations; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville intends to request state loan assistance for the project and has requested that the City Council of the City of Greenville adopt a resolution relating to this state loan assistance which approves the filing of an application, making the necessary assurances and agreements, and designating authorized representatives;

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

1. That the City of Greenville, in conjunction with the Greenville Utilities Commission, will arrange financing for all remaining costs of the project, if approved for a State loan award.
2. That the City of Greenville, through the Greenville Utilities Commission, will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City of Greenville agrees to include in the loan agreement relating to the State loan award a provision authorizing the State Treasurer, upon failure of the City of Greenville or the Greenville Utilities Commission to make any scheduled repayment of the loan, to withhold from the City of Greenville or the Greenville Utilities Commission any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the City of Greenville, through the Greenville Utilities Commission, will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are

hereby authorized to execute and file an application on behalf of the City of Greenville with the State of North Carolina for a loan to aid in the construction of the project described above.

6. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the City of Greenville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this the ____ day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Greenville Utilities Commission FY 2007-2008 Budget Amendment Ordinance (End-of-Year)

Explanation: The FY 2007-2008 Electric, Water, Sewer, and Gas Fund Budgets need to be amended to reflect the forecast for end-of-year revenues and expenditures.

At their meeting on May 20, the GUC Board approved these budget amendments and recommended similar action be taken by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt ordinance amending FY 2007-2008 GUC budget.

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

Attachments / click to download

 [FY 07-08 Budget Ordinance](#)

ORDINANCE NO. _____
TO AMEND ORDINANCE 07-94
CITY OF GREENVILLE, NORTH CAROLINA
2007-08 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2007 and ending June 30, 2008 to meet expenditures according to the following schedules:

<u>REVENUES</u>	<u>Budget</u>	<u>Change</u>	<u>Revised</u>
A. <u>Electric</u>			
Rates & Charges	\$164,513,738	\$1,556,768	\$166,070,506
Fees & Charges	640,000	23,418	663,418
U.G. & Temp. Service Charges	431,000	49,609	480,609
Miscellaneous	417,239	276,401	693,640
Interest on Investments	2,004,607	(404,607)	1,600,000
Bond Proceeds	0	4,000,000	4,000,000
Transfer from Capital Projects	0	17,475	17,475
Total Electric Revenue	<u>\$168,006,584</u>	<u>\$5,519,064</u>	<u>\$173,525,648</u>
B. <u>Water</u>			
Rates & Charges	\$11,651,755	\$436,590	\$12,088,345
Fees & Charges	738,933	105,313	844,246
Miscellaneous	126,278	1,273	127,551
Interest on Investments	128,885	15,710	144,595
Transfer from Capital Projects	0	1,869	1,869
Total Water Revenue	<u>\$12,645,851</u>	<u>\$560,755</u>	<u>\$13,206,606</u>
C. <u>Sewer</u>			
Rates & Charges	\$11,844,159	(\$46,317)	\$11,797,842
Fees & Charges	833,117	(27,841)	805,276
Acreage Fees	500,000	(28,152)	471,848
Pitt County	430,437	0	430,437
Miscellaneous	76,273	157	76,430
Interest on Investments	321,753	12,435	334,188
Transfer from Capital Projects	0	155,293	155,293
Total Sewer Revenue	<u>\$14,005,739</u>	<u>\$65,575</u>	<u>\$14,071,314</u>
D. <u>Gas</u>			
Rates & Charges	\$38,986,923	\$342,892	\$39,329,815
Fees & Charges	226,683	66,415	293,098
Miscellaneous	95,860	12,384	108,244
Interest on Investments	100,000	9,749	109,749
Transfer from Capital Projects	0	1,488	1,488
Total Gas Revenue	<u>\$39,409,466</u>	<u>\$432,928</u>	<u>\$39,842,394</u>
TOTAL REVENUES	<u><u>\$234,067,640</u></u>	<u><u>\$6,578,322</u></u>	<u><u>\$240,645,962</u></u>

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2007 and ending on June 30, 2008, according to the following schedules:

	<u>Budget</u>	<u>Change</u>	<u>Revised</u>
Governing Body Department	\$4,949,200	\$131,747	\$5,080,947
Finance Department	\$15,191,093	(738,453)	\$14,452,640
Human Resources Department	\$1,432,106	22,498	\$1,454,604
Information Technology Department	\$2,902,251	(70,794)	\$2,831,457
Customer Relations Department	\$4,146,611	(43,887)	\$4,102,724
Electric Department	\$152,745,436	5,564,984	\$158,310,420
Meter Department	\$3,077,265	(114,760)	\$2,962,505
Water Department	\$6,895,871	880,276	\$7,776,147
Sewer Department	\$7,159,252	171,951	\$7,331,203
Gas Department	\$35,034,229	747,656	\$35,781,885
Utility Locating Services	\$534,326	27,104	\$561,430
TOTAL EXPENDITURES	<u><u>\$234,067,640</u></u>	<u><u>\$6,578,322</u></u>	<u><u>\$240,645,962</u></u>

Section III: Amendments. (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at its next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the the emergency so long as the expenditure(s) is/are reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next meeting.

Section IV: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the _____ day of _____, 2008.

Patricia C. Dunn, Mayor

Attest:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Budget ordinance amendment #11 to the 2007-2008 City of Greenville budget and budget amendments to ordinances 03-62 (River Park North Capital Project), 01-88 (Greene Street Streetscape Capital Project), and 01-87 (Greene Street Bridge Relocation Capital Project), and an ordinance establishing a capital project budget for the Public Works Yard/Beatty Street Project

Explanation: 1)Attached is an amendment to the 2007-2008 budget ordinance for consideration at the June 9, 2008 City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

A To appropriate funds received from the state as part of the Homeland Security Grant Program for the purchase of search and rescue equipment. (Total - \$13,185)

B To allocate funds granted from the state to purchase equipment for highway safety. (Total - \$4,017)

C To allocate unspent funds that were appropriated in fiscal year 2006-2007 to the newly established Public Works Yard / Beatty Street Capital Project. (Total - \$403,700)

D To estimate funds for year-end closing of the River Park North Capital Project Fund. (Total - \$19,887)

E To estimate funds for year-end closing of the Greene Street Streetscape Capital Project Fund. (Total - \$41,788)

F To estimate funds for year-end closing of the Greene Street Bridge Relocation Capital Project Fund. (Total - \$17,916)

G To transfer unspent funds to the Vehicle Replacement Fund to supplement the cost of an upgraded replacement vehicle for the Community Development Department. (Total - \$9,000)

H To reallocate funds for Workers Compensation Loss, Property and Casualty Loss, and General Liability Premium accounts and transfer the required balance from the Insurance Loss Reserve Fund. (Total - \$1,025,074)

I To allocate funds from the Capital Reserve Fund to purchase land needed for the construction of the Greenville Connection Project. The resolution for this project is scheduled for approval at the June 12, 2008 City Council Meeting. (Total - \$250,000)

2) Attached is a 2007-2008 project budget ordinance to establish a capital project fund for the Public Works Yard / Beatty Street Project. These funds were appropriated in fiscal year 2006-2007; however, construction was not completed. As a result, funds will be appropriated from Stormwater's fund balance and transferred to this established fund to complete construction. These funds will be used to replace a storm drainage pipe located on the Public Works yard. This phase of the project was approved by City Council in February.

Fiscal Note:

The budget ordinance amendment increases the General Fund by \$744,769; the Stormwater Utility Fund by \$403,700; Capital Reserve Fund by \$250,000; River Park North by \$19,887; Greene Street Streetscape by \$41,788; Greene Street Bridge Relocation by \$17,916; Public Works / Beatty Street Project by \$403,700; the Vehicle Replacement Fund by \$9,000; and Insurance Loss Reserve by \$477,417; and decreases the Convention and Visitors Authority by \$150 :

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
General Fund	\$70,391,795	\$ 744,769	\$ 71,136,564
Stormwater Utility Fund	\$ 3,929,009	\$ 403,700	\$ 3,695,709
River Park North	\$ 1,690,022	\$ 19,887	\$ 1,709,909
Loss Reserve Fund	\$ -	\$ 477,417	\$ 477,417
Greene Street Streetscape	\$ 571,086	\$ 41,788	\$ 612,084
Greene Street Bridge Relocation	\$ 1,296,590	\$ 17,916	\$ 1 314,506
Public Works Yard / Beatty Street Project	\$ -	\$ 403,700	\$ 403,700
Convention and Visitors Authority	\$ 765,320	\$ 150	\$ 765,176
Vehicle Replacement	\$ 2,662,245	\$ 9,000	\$ 2,671,245

Fund			
Capital Reserve Fund	\$ 6,448,061	\$ 250,000	\$ 6,698,061

Recommendation: Approve budget ordinance amendment #11 to the 2007-2008 City of Greenville budget and budget amendments to ordinances 03-62 (River Park North Capital Project), 01-88 (Greene Street Streetscape Capital Project), and 01-87 (Greene Street Bridge Relocation Capital Project), and an ordinance establishing a capital project budget for Public Works Yard / Beatty Street Project.

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

Attachments / click to download

- [Budget Amendments 2007 2008 FY 707984](#)
- [Public Works Yard Beatty Street Capital Project 765654](#)

ORDINANCE NO. 08-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#11) AMENDING ORDINANCE NO. 07-93 AND AMENDMENT TO
ORDINANCES 03-62 RIVER PARK NORTH, 01-88 GREENE STREET STREETSCAPE,
AND 01-87 GREENE STREET STREETSCAPE BRIDGE RELOCATION

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

Section I. Estimated Revenues. General Fund, of Ordinance 07-93, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Spec State/Fed/Local Grants ^A	\$ 585,425	\$ 13,185	\$ 598,610
Law Enforcement Grants ^B	-	4,017	4,017
Transfer From Capital Reserve ^I	282,375	250,000	532,375
Transfer from Greene Street Streetscape ^E	-	41,788	41,788
Transfer from Greene Street Relocation Project ^F	-	17,916	17,916
Transfer from Convention and Visitors Authority ^H	-	150	150
Transfer from Insurance Loss Reserve ^H	-	477,417	477,417
Transfer from River Park North ^D	-	19,887	19,887
Total Estimated Revenue		\$ 824,360	

Section II. Estimated Revenues. General Fund, of Ordinance 07-93, is hereby amended by decreasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^{D,E,F}	\$ 4,083,870	\$ 79,591	\$ 4,004,279

Section III. Appropriations. General Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Human Resources ^H	\$ 1,916,747	\$ 72,696	\$ 1,989,443
City Managers Office ^H	1,027,941	3,263	1,031,204
Fire / Rescue ^A	11,156,913	13,185	11,170,098
Information Technology ^H	3,669,035	1,483	3,670,518
Police ^{B&H}	18,275,279	432,841	18,708,120
Public Works ^H	11,393,469	1,771	11,395,240
Capital Improvements ^I	2,547,137	250,000	2,797,137
Transfer to Vehicle Replacement Fund ^G	-	9,000	9,000
Total Appropriations		\$ 784,239	

Section IV. Appropriations. General Fund, of Ordinance 07-93, is hereby amended by decreasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Fire / Rescue ^H	\$ 11,170,098	\$ 24,065	\$ 11,146,033
Recreation and Parks ^H	5,307,556	6,405	5,301,151
Community Development ^G	2,180,803	9,000	2,171,803
Total Appropriations		\$ 39,470	

Section V. Estimated Revenues. Stormwater Utility Fund, of Ordinance 07-93, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^C	\$ 432,009	\$ 403,700	\$ 835,709

Section VI. Appropriations. Stormwater Utility Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to Public Works Yard/Beatty Street Project ^C	\$ -	\$ 403,700	\$ 403,700

Section VII. Estimated Revenues. Capital Reserve Fund, of Ordinance 07-93, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^I	\$ 2,146,229	\$ 250,000	\$ 2,396,229

Section VIII. Appropriations. Capital Reserve Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to General Fund ^I	\$ 282,375	\$ 250,000	\$ 532,375

Section IX. Estimated Revenues. River Park North Fund, of Ordinance 03-62, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^D	\$ 19,182	\$ 19,887	\$ 39,069

Section X. Appropriations. River Park North Fund, of Ordinance 03-62, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to General Fund ^D	\$ -	\$ 19,887	\$ 19,887

Section XI. Estimated Revenues. Greene Street Streetscape Fund, of Ordinance 01-88, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^E	\$ -	\$ 41,788	\$ 41,788

Section XII. Appropriations. Greene Street Streetscape Fund, of Ordinance 01-88, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to General Fund ^E	\$ -	\$ 41,788	\$ 41,788

Section XIII. Estimated Revenues. Greene Street Bridge Relocation Fund, of Ordinance 01-87, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^F	\$ -	\$ 17,916	\$ 17,916

Section XIV. Appropriations. Greene Street Bridge Relocation Fund, of Ordinance 01-87, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to General Fund ^F	\$ -	\$ 17,916	\$ 17,916

Section XV. Estimated Revenues. Vehicle Replacement Fund, of Ordinance 07-93, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer from Other Funds ^G	\$ 2,136,260	\$ 9,000	\$ 2,145,260

Section XVI. Appropriations. Vehicle Replacement Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Vehicle Replacement Fund ^G	\$ 2,662,245	\$ 9,000	\$ 2,671,245

Section XVII. Appropriations. Convention and Visitors Authority, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to General Fund ^H	\$ -	\$ 150	\$ 150

Section XVIII. Appropriations. Convention and Visitors Authority, of Ordinance 07-93, is hereby amended by decreasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Convention and Visitors Authority ^H	\$ 765,326	\$ 150	\$ 765,176

Section XIX. Estimated Revenues. Insurance Loss Reserve Fund, of Ordinance 07-93, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Appropriated Fund Balance ^H	\$ -	\$ 477,417	\$ 477,417

Section XX. Appropriations. Insurance Loss Reserve Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to General Fund ^H	\$ -	\$ 477,417	\$ 477,417

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

Section XXII. This ordinance will become effective upon its adoption.

Adopted this 9th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 08-____
CITY OF GREENVILLE, NORTH CAROLINA
PUBLIC WORKS YARD / BEATTY STREET CAPITAL PROJECT FUND
BUDGET ORDINANCE

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

Section I. Estimated Revenues. It is estimated that the following revenues will be available for the Public Works Yard / Beatty Street Capital Project Fund:

128-0000-370.21.00	Transfer from Stormwater Utility Fund	\$ 403,700
--------------------	---------------------------------------	------------

Section II. Appropriations. The following amount is hereby appropriated for the Public Works / Beatty Street Capital Project Fund:

128-7078-433.03-00	Construction	\$ 367,000
128-7078-433.03-01	Non-Contractual	36,700
	Total	<u>\$ 403,700</u>

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 9th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Report on bid awarded

Explanation: The Director of Financial Services reports that the following bid was awarded during the month of April 2008 and is to be included on the City Council agenda for information.

Date Awarded	Description	Vendor	Amount	M/WBE Yes/No
4/28/08	One (1) Vacuum Street Sweeper	Carolina Industrial Equipment, Inc.	\$189,750	No

Fiscal Note: An expenditure of \$189,750 was appropriated in the 2007-2008 Budget in the Vehicle Replacement Fund.

Recommendation: Bid award to be reflected in the City Council minutes.

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

Attachments / click to download

[Bid_Tab_Vacuum_Street_Sweeper_224447](#)

**CITY OF GREENVILLE, NORTH CAROLINA
FINANCIAL SERVICES DEPARTMENT**

DESCRIPTION: Vacuum Street Sweeper

BID NO: Formal Bid# 2007/08-08

DEPT.: Public Works/Street

BID DATE :

April 24, 2008 @ 2:00 P.M.

COMPANY	BASE BID	ALTERNATE BID	DELIVERY DATE	BID BOND
Public Works Equipment And Supply, Inc. 3405 Westwood Industrial Drive Monroe, NC 28110	NO BID			N/A
Carolina Industrial Equipment, Inc. PO Box 667907 4315 Taggart Creek Rd. Charlotte, NC 28266	*** \$189,750.00	Optional bid: Herbicide Kit: Add- \$3,500.00	140 days	N/A

***This bid was awarded.

Purchasing Manager

Doc#224447
Item # 17



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 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>
Christopher D. Cox	Refund of City Taxes Paid	\$156.35
Crystal L. Batts	Refund of City Taxes Paid	\$179.94
Patrick A. High	Refund of City Taxes Paid	\$108.62

Fiscal Note: The total amount to be refunded is \$444.91.

Recommendation: Approval of tax refunds by City Council.

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

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Public hearing on proposed Fiscal Year 2008-2009 Budgets:

- a. City of Greenville
- b. Sheppard Memorial Library
- c. Greenville-Pitt County Convention & Visitors Authority
- d. Greenville Utilities Commission

Explanation: Attached are the 2008-2009 proposed City of Greenville and Greenville Utilities Commission budget ordinances, and recommended changes to the Manual of Fees. The City Council is required by Section 159-12 of the North Carolina General Statutes to hold a public hearing before adopting the budget ordinances. The City of Greenville's budget ordinance also includes the Sheppard Memorial Library and the Greenville-Pitt County Convention & Visitors Authority budgets.

The attached ordinances and the Manual of Fees will be submitted for consideration at the June 12, 2008 City Council meeting.

Fiscal Note: The Fiscal Year 2008-2009 ordinances provide revenues and appropriations for the following funds:

General Fund	\$ 70,393,080
Debt Service Fund	5,180,560
Public Transportation Fund	1,358,313
Sanitation Fund	5,872,651
Bradford Creek Golf Course Fund	953,097
Stormwater Utility Fund	5,038,421
Community Development Housing Fund	1,836,184
Dental Reimbursement Fund	235,357

Capital Reserve Fund	705,000
Vehicle Replacement Fund	2,611,160
Sheppard Memorial Library	2,279,423
Convention & Visitors Authority	873,377
Greenville Utilities Commission	246,797,366

Recommendation: City Council receive a staff presentation and conduct a public hearing on the proposed budget ordinances for Fiscal Year 2008-2009.

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

Attachments / click to download

- [Budget Ordinance for Budget Book 618822](#)
 - [GUC Ordinance 2008 2009 765479](#)
 - [Summary Manual of Fees Requested Changes 731249](#)
-

ORDINANCE NO.

CITY OF GREENVILLE, NORTH CAROLINA
2008-09 BUDGET ORDINANCE

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

Section I: Estimated Revenue. It is estimated that the following revenues will be available for the City of Greenville during the fiscal year beginning July 1, 2008 and ending June 30, 2009:

GENERAL FUND

Unrestricted Intergovernmental Revenues:

Ad Valorem Taxes;

Current Year Taxes - Operations	\$ 27,767,471	
Prior Year's Taxes and Penalties	367,082	
Subtotal		\$ 28,134,553

Sales Tax	\$ 14,368,152	
Video Prog. & Tele. Comm. Svcs Tax	784,773	
Rental Vehicle Gross Receipts	108,120	
Utilities Franchise Tax	4,779,067	
Motor Vehicle Tax	843,259	
Other Unrestricted Intergovernmental Revenues	694,627	
Subtotal		\$ 21,577,998

Restricted Intergovernmental Revenues:

Restricted Intergovernmental Revenues	\$ 1,398,613	
Powell Bill - State allocation payment	2,092,056	
Subtotal		\$ 3,490,669

Licenses, Permits, & Fees:

Privilege Licenses	\$ 597,443	
Other Licenses, Permits & Fees	3,197,479	
Subtotal		\$ 3,794,922

Sales and Services:

Rescue Service Transport	\$ 2,362,976	
Parking Violation Penalties, Leases, and Meters	370,873	
Other Sales and Services	1,431,002	
Subtotal		\$ 4,164,851

Other Revenues:

Other Revenue Sources	252,455	
Subtotal		\$ 252,455

Investment Earnings:

Interest on Investments	\$ 1,631,956	
Subtotal		\$ 1,631,956

Other Financing Sources:

Transfer in Greenville Utilities Commission	\$ 5,267,962	
Appropriated Fund Balance General Fund	993,109	
Other Transfers	1,233,486	
Subtotal		\$ 7,494,557

TOTAL GENERAL FUND REVENUES

	\$ 70,541,961
--	---------------

DEBT SERVICE FUND

Powell Bill Fund	\$	127,600	
Occupancy Tax		535,415	
Transfer from General Fund		4,517,545	
			<u>\$ 5,180,560</u>
TOTAL DEBT SERVICE FUND			<u>\$ 5,180,560</u>

PUBLIC TRANSPORTATION FUND

Operating Grant 2008-2009	\$	512,916	
Capital Grant 2008-2009		215,560	
Planning Grant 2008-2009		28,100	
Elderly/Handicap Grant		-	
State Maintenance Assistant Program		150,000	
Hammock Source		818	
Miscellaneous		75	
Pitt Community College Bus Fare		4,092	
East Carolina Vocational Center Service Contract		1,488	
Bus Fares		100,000	
Bus Ticket Sales		50,000	
Parking Tickets		4,185	
Interest on Checking		2,710	
Trans from Gen Fund-Operating		391,441	
			<u>\$ 1,461,385</u>
TOTAL PUBLIC TRANSPORTATION FUND			<u>\$ 1,461,385</u>

SANITATION FUND

Refuse Fees	\$	5,357,897	
NC Mosquito Control		10,000	
Recycling Revenue		3,000	
Cart and Dumpster		20,000	
Investment Earnings		91,000	
Landfill Charges		30,000	
Transfer for General Fund		27,000	
Capital Lease		125,000	
			<u>\$ 5,663,897</u>
TOTAL SANITATION FUND			<u>\$ 5,663,897</u>

BRADFORD CREEK GOLF COURSE FUND

Green Fees	\$	666,837	
Cart Fees		13,200	
Driving Range		120,000	
Concessions (Food & Beverage)		78,000	
Other (Tournaments, Rentals)		39,960	
Pro Shop Sales		35,100	
			<u>\$ 953,097</u>
TOTAL BRADFORD CREEK GOLF COURSE FUND			<u>\$ 953,097</u>

STORMWATER MANAGEMENT UTILITY FUND

Utility Fee	\$	2,914,236	
Interest on Checking		58,284	
Appropriated Fund Balance		2,306,896	
			<u>\$ 5,279,416</u>
TOTAL STORMWATER MANAGEMENT UTILITY FUND			<u>\$ 5,279,416</u>

COMMUNITY DEVELOPMENT HOUSING FUND (GRANT PROJECT FUND)

Annual CDBG Grant Funding	\$	797,533	
HUD City of Greenville		830,172	
Transfer from General Fund		<u>208,479</u>	
TOTAL COMMUNITY DEVELOPMENT HOUSING FUND			<u><u>\$ 1,836,184</u></u>

DENTAL REIMBURSEMENT FUND

Employer Contributions - City of Greenville	\$	172,180	
Employee Contributions - City of Greenville		<u>63,177</u>	
TOTAL CAPITAL RESERVE FUND			<u><u>\$ 235,357</u></u>

CAPITAL RESERVE FUND

Appropriated Fund Balance	\$	<u>705,000</u>	
TOTAL CAPITAL RESERVE FUND			<u><u>\$ 705,000</u></u>

VEHICLE REPLACEMENT FUND

Interest on checking	\$	50,000	
Transfer from other funds		2,561,160	
Appropriated Fund Balance		<u>9,000</u>	
TOTAL VEHICLE REPLACEMENT FUND			<u><u>\$ 2,620,160</u></u>
TOTAL ESTIMATED CITY OF GREENVILLE REVENUES			<u><u>\$ 94,477,017</u></u>

SHEPPARD MEMORIAL LIBRARY FUND

City of Greenville	\$	1,080,416	
Town of Bethel		25,528	
Town of Winterville		124,809	
Pitt County		540,208	
Copier Receipts		4,224	
Interest		16,000	
Miscellaneous Revenues		42,702	
Greenville Housing Authority		10,692	
Winterville Branch Project		-	
Federal Grants		-	
Federal Grants		-	
Appropriated Fund Balance		<u>117,846</u>	
TOTAL SHEPPARD MEMORIAL LIBRARY FUND			<u><u>\$ 2,279,423</u></u>

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Occupancy Tax (2%)	\$	494,667	
Occupancy Tax (1%)		247,333	
Interest on Checking		38,000	
Appropriated Fund Balance		<u>93,377</u>	
TOTAL PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND			<u><u>\$ 873,377</u></u>

Section II: Appropriations. The following amounts are hereby appropriated for the operation of the City of Greenville and its activities for

GENERAL FUND

Mayor & City Council	\$	372,111
City Manager		1,049,772
City Clerk		271,601
City Attorney		430,412
Human Resources		2,083,463
Information Technology		3,004,666
Fire/Rescue		11,363,791
Financial Services		2,176,852
Contingency		233,639
Police		19,932,918
Recreation & Parks		6,053,083
Public Works		9,666,705
Community Development		2,233,156
Capital Improvement		5,009,310
Transfers to Other Funds		6,660,482
TOTAL GENERAL FUND	\$	<u>70,541,961</u>

DEBT SERVICE FUND

Debt Service	\$	5,180,560
--------------	----	-----------

PUBLIC TRANSPORTATION FUND

Transit	\$	1,461,385
---------	----	-----------

SANITATION FUND

Sanitation Service	\$	5,663,897
--------------------	----	-----------

BRADFORD CREEK GOLF COURSE FUND

Bradford Creek Golf Course	\$	953,097
----------------------------	----	---------

STORMWATER MANAGEMENT UTILITY FUND

Stormwater Management Utility	\$	5,279,416
-------------------------------	----	-----------

COMMUNITY DEVELOPMENT HOUSING PROGRAM FUND

Community Development Housing/CDBG	\$	1,836,184
------------------------------------	----	-----------

DENTAL REIMBURSEMENT FUND

Dental Reimbursement Fund \$ 235,357

CAPITAL RESERVE FUND

Capital Reserve Fund \$ 705,000

VEHICLE REPLACEMENT FUND

Vehicle Replacement Fund \$ 2,620,160

TOTAL CITY OF GREENVILLE APPROPRIATIONS \$ 94,477,017

SHEPPARD MEMORIAL LIBRARY FUND

Sheppard Memorial Library \$ 2,279,423

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Pitt-Greenville Convention and Visitors Authority \$ 873,377

Section III: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding purchase orders as of June 30, 2008, added to each appropriation as it appears in order to account for the expenditures in the fiscal year in which it was paid.

Section IV: Revenue Neutral Tax Rate. A general reappraisal of real property was conducted and is effective January 1, 2008. In accordance with General Statutes 159-11, the revenue-neutral property tax rate was calculated to be 51.91 cents per one hundred dollars (\$100) valuation.

Section V: Taxes Levied. There is hereby levied a tax rate of 52 cents per one hundred dollars (\$100) valuation of taxable properties, as listed for taxes as of January 1, 2008, for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section VI: Salaries.

(a) Salaries of Elected Officials. The annual salaries of the Mayor, Mayor Pro-Tem, and other members of the City Council shall be as follows:

Mayor	\$ 11,500
Mayor Pro-Tem	\$ 7,800
Council Members	\$ 7,500

(b) Salary Cap of Greenville Utilities Commission Members. Pursuant to Section 4 of the Charter of the Greenville Utilities

Chair	\$ 350
Member	\$ 200

Section VII: Amendments.

(a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the City Manager is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the City Council at its regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the City Manager may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the City Council as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Section VIII: The Manual of Fees, dated July 1, 2008, and the Assignment of Classes to Salary Grades and Salary Ranges dated June 21, 2008, are adopted herein by reference.

Section IX: Community Development. The City Council does hereby authorize grant project funds for the operation of FY 2008-2009 CDBG Entitlement and Community Development Home Consortium programs under the Community Development Block Grant Program and Home Consortium Program for the primary purpose of housing rehabilitation and other stated expenditures.

Section X: Greenville Utilities Commission. The City Council adopts a separate ordinance for the budget of the Greenville Utilities Commission. Copies of the ordinance are on file with the City Clerk's office.

Section XI: Distribution. Copies of this ordinance shall be furnished to the City Manager and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 12th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. _____
CITY OF GREENVILLE, NORTH CAROLINA
2008-09 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2008 and ending June 30, 2009 to meet the subsequent expenditures, according to the following schedules:

	<u>REVENUE</u>	<u>BUDGET</u>
A.	<u>Electric</u>	
	Rates & Charges	\$169,370,166
	Fees & Charges	675,000
	U.G. Temp. Service Charges	470,000
	Miscellaneous	485,423
	Interest on Investments	1,650,000
	Bond Proceeds	4,000,000
	Total Electric Revenue	\$176,650,589
B.	<u>Water</u>	
	Rates & Charges	\$12,721,221
	Fees & Charges	1,071,760
	Capacity Fees	956,000
	Miscellaneous	127,923
	Interest on Investments	120,000
	Total Water Revenue	\$14,996,904
C.	<u>Sewer</u>	
	Rates & Charges	\$12,909,990
	Fees & Charges	817,769
	Capacity Fees	1,218,733
	Pitt County	430,437
	Miscellaneous	76,923
	Interest on Investments	300,000
	Total Sewer Revenue	\$15,753,852
D.	<u>Gas</u>	
	Rates & Charges	\$38,909,793
	Fees & Charges	297,805
	Miscellaneous	88,423
	Interest on Investments	100,000
	Total Gas Revenue	\$39,396,021
	TOTAL REVENUE	\$246,797,366

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2008 and ending on June 30, 2009, according to the following schedules:

BUDGET

Governing Body Department	\$4,089,334
Finance Department	\$16,169,715
Human Resources Department	\$3,278,000
Information Technology Department	\$3,401,262
Customer Relations Department	\$4,557,604
Electric Department	\$160,269,275
Meter Department	\$2,969,221
Water Department	\$8,330,076
Sewer Department	\$8,350,363
Gas Department	\$34,876,612
Utility Locating Services	\$505,904
TOTAL EXPENDITURES	\$246,797,366

Section III: Amendments. (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting.

Section IV: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the _____ day of June, 2008.

Patricia C. Dunn, Mayor

Attest:

Wanda T. Elks, City Clerk

RECOMMENDED FEE CHANGES FOR CITY OF GREENVILLE
MANUAL OF FEES
As of June 12, 2008

Document #731249

DEPARTMENT	FEE DESCRIPTION	ACCOUNT NUMBER	CURRENT FEE	RECOMMENDED FEE	ESTIMATED REVENUE GAIN FIRST BUDGET YEAR	ESTIMATED REVENUE GAIN SECOND BUDGET YEAR	SUPPORTING DETAIL COMMENTS/JUSTIFICATIONS
Fire / Rescue:	Special Requested Business Inspections w/plan reviews - fee remains the same, but add "per building"	010-0000-330-2211	\$60 in City; \$80 ETJ per building	No Change			This change is both for city and ETJ fees in these categories
		010-0000-330-2209					
	Sprinkler Review and Field Test; fee remains the same, but add "per building"	"	100 in City; \$130 ETJ per building	No Change			
	EMS Transport Non-Resident Fee	010-0000-340-0100	\$40	\$0.00			Negligible effect on budget - Medicaid/Medicare does not pay
Public Works Inspections:	Commercial Square Footage Costs of Construction	010-0000-330-1001	\$65	\$78			Market Adjustment Increase
	General: Multi-family Sq. Footage Costs of Construction	"	\$55	\$66			Market Adjustment Increase
	Shell Square Footage Costs of Construction	"	\$30	\$36			Market Adjustment Increase
	Residential: Single-family and/or duplex Additions (Commercial or residential)	"	\$50	\$60			Market Adjustment Increase
	Storage Buildings	"	\$45	\$54			Market Adjustment Increase
	Building Permit Fees: \$100.00 to 5,000.00	010-0000-330-1001	\$35	\$50	\$5,000	\$5,100	
	Building Permit Fees: \$5,001.00 to 15,000.00	"	\$50	\$60			
	Service: Building Permit Fees: \$100.00 to 5,000.00	"	\$35	\$50			Due to market adjustment increase, two new fees for service inspection is needed to remain at the current level ; Off Six months minimum housing and Off six months gas
	Other Permit fees: Off 6 months minimum housing	"	\$0	\$35			
	Other Permit fees: Off 6 months gas	010-0000-330-1003	\$0	\$25			
Streets:	Utility Street Cuts	010-0000-340-0301		\$184.80	\$5,400	\$5,000	Increases are due to rise in material cost
	Asphalt Cuts 1-25 sq. ft.	"		\$240.76			
	Asphalt Cuts 26-50 sq. ft.	"		\$286.69			
	Asphalt Cuts 51-100 sq. ft.	"		\$7.17			
	Asphalt Cuts 101-200 sq. ft.	"		\$10.97			
	Asphalt Cuts 200 +	"		\$6.02			
	Asphalt Cuts 101-200 sq. ft.	"		\$7.42			
	Asphalt Cuts 200 +	"		\$5.07			
	Asphalt Cuts 200 +	"		\$6.25			
	Asphalt Cuts 200 +	"		\$3.89			
	Curb & Gutter Cuts 1-10 Per Lin. Ft.	"	\$2.80	\$3.65			
	Curb & Gutter Cuts 11-50 Per Lin. Ft.	"	\$322.25	\$419.83			
	Curb & Gutter Cuts 51-100 Per Lin. Ft.	"	\$517.36	\$657.36			
	Curb & Gutter Cuts 101-200 Per Lin. Ft.	"	\$25.41	\$33.10			
	Curb & Gutter Cuts 200 Per Lin. Ft.	"	\$40.79	\$52.35			
	Curb & Gutter Cuts 101-200 Per Lin. Ft.	"	\$24.83	\$32.35			
	Curb & Gutter Cuts 200 Per Lin. Ft.	"	\$19.06	\$24.83			
	Curb & Gutter Cuts 101-200 Per Lin. Ft.	"	\$30.60	\$39.86			
	Curb & Gutter Cuts 200 Per Lin. Ft.	"	\$16.17	\$21.07			
	Concrete Cuts 1-25 per Sq. Ft.	"	\$150.15	\$195.62			
	Concrete Cuts 26-50 per Sq. Ft.	"	\$5.78	\$7.63			
	Concrete Cuts 51-100 per Sq. Ft.	"	\$9.28	\$12.28			
	Concrete Cuts 101-200 per Sq. Ft.	"	\$3.76	\$4.90			
	Concrete Cuts 200 + per Sq. Ft.	"	\$3.07	\$4.00			
	Concrete Cuts 200 + per Sq. Ft.	"	\$4.83	\$6.04			
	Concrete Cuts 200 + per Sq. Ft.	"	\$3.17	\$4.00			
	Concrete Cuts 200 + per Sq. Ft.	"	\$2.43	\$3.17			
	Concrete Cuts 200 + per Sq. Ft.	"	\$3.90	\$5.00			
	Concrete Cuts 200 + per Sq. Ft.	"	\$60 / \$30 Wait	\$70 / 40 Wait	\$2,500	\$2,500	Increasing fuel and personnel related costs
	City Bus	010-0000-340-1000					

RECOMMENDED FEE CHANGES FOR CITY OF GREENVILLE
MANUAL OF FEES
As of June 12, 2008

Document #731249

DEPARTMENT	FEE DESCRIPTION	ACCOUNT NUMBER	CURRENT FEE	RECOMMENDED FEE	ESTIMATED REVENUE GAIN FIRST BUDGET YEAR	ESTIMATED REVENUE GAIN SECOND BUDGET YEAR	SUPPORTING DETAIL COMMENTS/JUSTIFICATIONS	
Engineering:	4 Way Street Name Signs over 60" - 6'	010-0000-340-1213	\$0	\$132			This is a new line item to cover street signs of this dimension	
	4 Way Street Name Signs over 60" - 9'	"	\$28	\$188			This increase is due to material cost increases.	
	14" Channel Post	"		\$38			Revenue gain will be offset by the increase of material costs.	
Buildings & Grounds:	Grave Openings	010-0000-340-0700	\$400	\$450	\$11,250	\$11,250	Fee increase to offset additional costs in fuel & labor over last 4 years.	
	Sanitation:							
	Containers							
	6 yards	032-0000-230-0300	\$725	\$100 above Cost				
	8 yards	032-0000-230-0300	\$825	\$100 above Cost				
	Roll Out Carts							
	84 Gallon	032-0000-230-0200	\$56	\$15 above Cost				
	96 Gallon	032-0000-230-0200	\$59	\$15 above Cost				
Planning:	Preliminary Plat	010-0000-330-1801	\$500	\$550	\$1,000	\$1,050		
	Final Plats	010-0000-330-1802	\$400	\$440	\$3,150	\$3,290		
	Rezoning	010-0000-330-1803	\$500	\$550	\$1,900	\$2,000		
	Board of Adjustment Cases	010-0000-330-1804	\$350	\$385	\$1,200	\$1,280		
	Board of Adjustment Renewal Cases - Special Use	010-0000-330-1804	\$250	\$275				
	Permit Renewals for Public or Private Clubs and Billiard Parlors or Pool Halls in Any Zoning District							
	Site Plans							
	Landscape Plans	010-0000-330-1805	\$450	\$495	\$3,375	\$3,600		
	Preliminary Plat Minor Alterations	010-0000-330-1809	\$100	\$110	\$420	\$480		
	Final Plat Minor Alterations	010-0000-330-1806	\$300	\$330	\$1,950	\$2,040		
	Site Plan Minor Alterations	010-0000-330-1808	\$300	\$330	\$1,200	\$1,350		
	Landscape Plan Minor Alterations	010-0000-330-1809	\$150	\$165	\$180	\$225		
	Street Name Change	010-0000-330-1810	\$200	\$210	\$400	\$450		
	Amendments (Zoning/Subdivision Text, Comprehensive)	010-0000-330-1814	\$450	\$495	\$315	\$360		
	Annexation Petition (Voluntary)	010-0000-330-1813	\$400	\$440	\$1,800	\$1,880		
	Planning & Zoning Commission Special Use Permit	010-0000-330-1815	\$800	\$880	\$160	\$160		
	Planned Unit Development -PUD: Land Use Intensity-LUI							
	Police	Animal Civil Penalty Fees	010-0000-330-0800			\$6,000	\$6,450	Fees are currently very low and do not serve as a deterrent --- added to 09 & 10 budgets
		Cruelty to Animals; Lack of Rabies Vaccination	"	\$15	\$50 for 1st offense; \$100 for 2nd; \$150 3rd			
		Unkept Kennels or Pens	"	\$15	\$25 for 1st offense; \$50 for 2nd; \$75 3rd			
Leash Law Violations		"	\$25	\$50 for 1st offense; \$100 for 2nd; \$150 3rd				
Indoor Flag		010-0000-340-1201	na	Varies - Cost Plus 10% Plus Tax			No change in budget - low activity is expected	
Miscellaneous Fees								

RECOMMENDED FEE CHANGES FOR CITY OF GREENVILLE
MANUAL OF FEES
As of June 12, 2008

Document #731249

DEPARTMENT	FEE DESCRIPTION	ACCOUNT NUMBER	CURRENT FEE	RECOMMENDED FEE	ESTIMATED REVENUE GAIN FIRST BUDGET YEAR	SECOND BUDGET YEAR	SUPPORTING DETAIL COMMENTS/JUSTIFICATIONS
Recreation and Parks:							
		010-0000-321-3216	NA	\$0 - \$25			New Program - Various activities
		010-0000-340-0401	\$20 per room per hour, \$10 Staff fee	\$30 per room per hour			
		010-0000-340-0401	\$50; portable (50 seat capacity)	\$50; portable (30 seat capacity), \$75 per set delivery and pick up			
		010-0000-340-0201	\$15 - \$30 Range	\$20 - \$30 Range			Resident and (NR) Non-resident Variety of programs and activities
		010-0000-340-0200	\$30 - \$70 Range	\$35 - \$75 Range			Variety of programs and activities
		010-0000-340-2100	\$10 - \$150 Range	\$40 - \$225 Range			Variety of programs and activities
		010-0000-340-0209	\$0 - \$100 Range	\$0 - \$150 Range			Variety of programs and activities
	010-0000-340-0203	Bank draft memberships pay 2 months in advance	Bank Draft Memberships pay 3 months in advance plus application fee.				
Recreation and Parks: Changes to Non-Resident Fees	All Programs and Activities						
	All non-residents fees have been reduced from 200% of resident fee to 150% of resident fee.				(\$5,000.00)	(\$5,100.00)	
TOTAL FUND 10				\$42,250	\$43,415		
Recreation and Parks: Bradford Creek							
	Green Fees						
Transit		036-0000-340-3000	\$5 - \$34	\$5 - \$45			
		036-0000-340-3400&3401	\$10 - \$125	\$10 - \$150			
		030-0000-340-1500	NA	\$2.00			No change in revenue
				\$1.00			No change in revenue
		030-0000-340-1600	\$0.00	\$15.00	\$375.00	\$750.00	Kids ages 6 yrs. - 16 yrs. of age
		030-0000-340-1600	\$20.00	\$20.00	\$200.00	\$400.00	Also, recommendation to add
		"	\$10.00	\$10.00	\$100.00	\$200.00	extra rides when buying a pass as an incentive. No fee increase.
	"	\$40.00	\$40.00	\$400.00	\$800.00		
	"	\$20.00	\$20.00	\$200.00	\$400.00		
TOTAL FUND 30				\$1,275	\$2,550		



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

- a. Planning and Zoning Commission
- b. Historic Preservation Commission

Explanation: The Planning and Zoning Commission and the Historic Preservation Commission will make their annual presentations to City Council at the June 9, 2008 meeting.

Fiscal Note: N/A

Recommendation: No action recommended; for information only

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

Attachments / [click to download](#)



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: North Carolina Department of Transportation Rail Division: Greenville Rail Improvements Study

Explanation: Attached for City Council consideration is a Summary Report from the NCDOT Rail Division regarding the Greenville Rail Improvements Study conducted by NCDOT. The purpose of the Study was to analyze various alternatives for rail improvements in the vicinity of the CSX Transportation (CSXT) and Carolina Coastal Railway (CLNA) railroads interlocking located in Greenville, assess operational issues, develop project cost estimates, and identify potential funding sources.

This Study began in 2005. During the course of the Study, various Stakeholders meetings were held to discuss matters associated with this project. On February 12, 2008, the NCDOT Rail Division and its consultant met with the City Council to provide a progress update and to receive feedback on the Study. Public meetings were also held on February 12 and 13, 2008, by NCDOT at the Sheppard Memorial Library to receive public comment on the proposed rail improvements and relocation of the rail yard as well as NCDOT's Traffic Separation Study. The Rail Improvements Study presented the following four recommendations:

1. Construction of a new northeast wye connection track near the CSXT/CLNA railroad at-grade crossing;
2. Relocation of the CSXT switching operation to a new yard located north of the NC 903/NC 11 intersection;
3. Modification of the existing CSX switching yard to mitigate impacts associated with the removal of CLNA's existing wye track to accommodate the construction of the new northeast wye connection track; and
4. A cross tie replacement program along the CLNA rail line to improve safety and operations of the line.
(April 2008 - Summary Report).

Fiscal Note: Funding for track improvements at the CSXT and CLNA railroads is included in the State Transportation Improvement Program (STIP). Additional State and Federal funding is being requested for this project.

Recommendation: City Council approve the four (4) improvement recommendations from the Rail Improvements Study. Additionally, staff recommends the City Council authorize the Mayor to send a letter of support to the North Carolina Department of Transportation on the Study's recommendations.

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

Attachments / click to download

- [📎 Rail Map](#)
 - [📎 Rail Study](#)
 - [📎 Rail Study](#)
 - [📎 Rail Study](#)
 - [📎 Rail_yard_relocation_recommendations_767173](#)
-

GREENVILLE RAIL IMPROVEMENTS STUDY (April 2008 - Summary Report)

In 2005, representatives from CSX Transportation (CSXT), Norfolk/Southern (NS; predecessor road and owner of the CLNA line), the City of Greenville Public Works Department, and the North Carolina Department of Transportation Rail Division met to discuss the Rail Improvements Study for rail improvements in the vicinity of the CSXT/NS interlocking in downtown Greenville, NC. A need has been identified for a new connector track at this location to move freight traffic in a more efficient and timely manner from the north to the east. The group has been meeting since May 2005 to discuss and analyze various alternatives, costs, operational issues, and potential funding.

At issue is the crossing blockages caused by the switching operation at the current rail yard in downtown Greenville near 14th Street, Arlington Boulevard, and Howell Street. This mainly occurs due to southbound movement of freight traffic on the CSXT track accessing points east on the NS Line. Currently, there is no wye connection to permit a south to east movement of rail traffic. Southbound freight traffic is hauled through the CSXT/CLNA railroad at-grade crossing to a small switching yard located between Arlington Boulevard and Howell Street. Freight cars are then maneuvered in and out of the sidings in order to build an eastbound train. This operation often occurs during peak travel times blocking the grade crossings at 14th Street, Howell Street, and Arlington Boulevard. Arlington Boulevard carries approximately 30,000 vehicles per day (vpd) while 14th Street carries approximately 16,000 vpd.

In addition to examining the feasibility of providing a south to east connector track, moving the CSXT switching operation to a location north of the NC 903/NC 11 junction was evaluated. This would provide CSXT the ability to block or rearrange railcars prior to heading to the PCS facility rather than at the existing yard between Arlington Boulevard and Howell Street.

Stakeholders and Public Involvement:

A Stakeholders meeting was held May 9, 2005, with STV/RWA, CSXT, NCDOT, and the City of Greenville to discuss existing project conditions and other information pertinent to develop feasible preliminary alternates. From this meeting, the conceptual plans were developed.

A second Stakeholders meeting was held June 13, 2005, with STV/RWA, Rail Safety Consultants, CSXT, NCDOT, NS, and the City of Greenville to review the plans and discuss the railroad and agency coordination that must occur in order to move forward with implementing the new yard track and connector track.

A meeting with representatives of PCS facility occurred April 2, 2007. The meeting provided the project team with an overview of the facility and operation plus a tour of the facility.

A meeting with representatives of CLNA occurred May 24, 2007. The meeting provided insight on issues regarding property purchases, negotiations relating to access, a crosstie program, and relocations of yards and service.

On December 4, 2007, a meeting was held to discuss the Greenville Rail Improvements. Representatives from NCDOT (Rail, Highways Division 2, and Board of Transportation), the City of Greenville, CSXT, CLNA, and the consultant team were in attendance. The meeting focused on the phasing of the improvements, creating specific design criteria for each project, developing cost estimates, identifying funding sources, and a timetable for completing all of these tasks as well as the draft report.

Additional meetings with each individual Stakeholder were conducted throughout the process. The meetings not only provided insight on issues at hand, but discussed conceptual plans, cost estimates, and schedules.

On February 12, 2008, the NCDOT Rail Division and the consultant team met with the Greenville City Council to inform them of the progress of the study. Feedback received indicated Council Members were pleased with the recommendations.

A public meeting was held February 12 and 13, 2008, at the Sheppard Memorial Library in Greenville to allow the public to comment on the new connection track and relocation of the rail yard as well as the Traffic Separation Study.

A presentation was made on February 18, 2008, to the Pitt County Board of Commissioners. NCDOT and the consultant team informed the Board of the progress of the study and received a few comments. One Commissioner was concerned with the location of the new yard. Once staff explained that the new yard provided a larger area for building and storing of rail cars in order to eliminate the need for this at the smaller facility near Howell Street, the Board of Commissioners had no further comments on the recommendations.

Recommended Improvements:

Four (4) recommendations for the Rail Improvements Study were presented to the Stakeholders, public, and City Council for implementation. The attached maps show the improvements:

The first improvement was construction of a new northeast connection track near the CSXT/CLNA railroad at-grade crossing. A new connection would allow a free flowing south to east movement of freight traffic without blocking adjacent crossings from 14th Street to Arlington Boulevard. In order to construct and operate the new connector track, the existing highway/railroad at-grade crossing at Pitt Street will have to be permanently closed.

The second recommendation would be relocating the CSXT switching operation to a new yard consisting of a 4,000 foot rail yard with two (2) 2,000 foot-long siding tracks on each side to allow CSXT the ability to load/unload, switch, or repair rail cars. The new yard would be located north of the NC 903/NC 11 intersection. Current operations and the office near 10th Street would be relocated to the new rail yard.

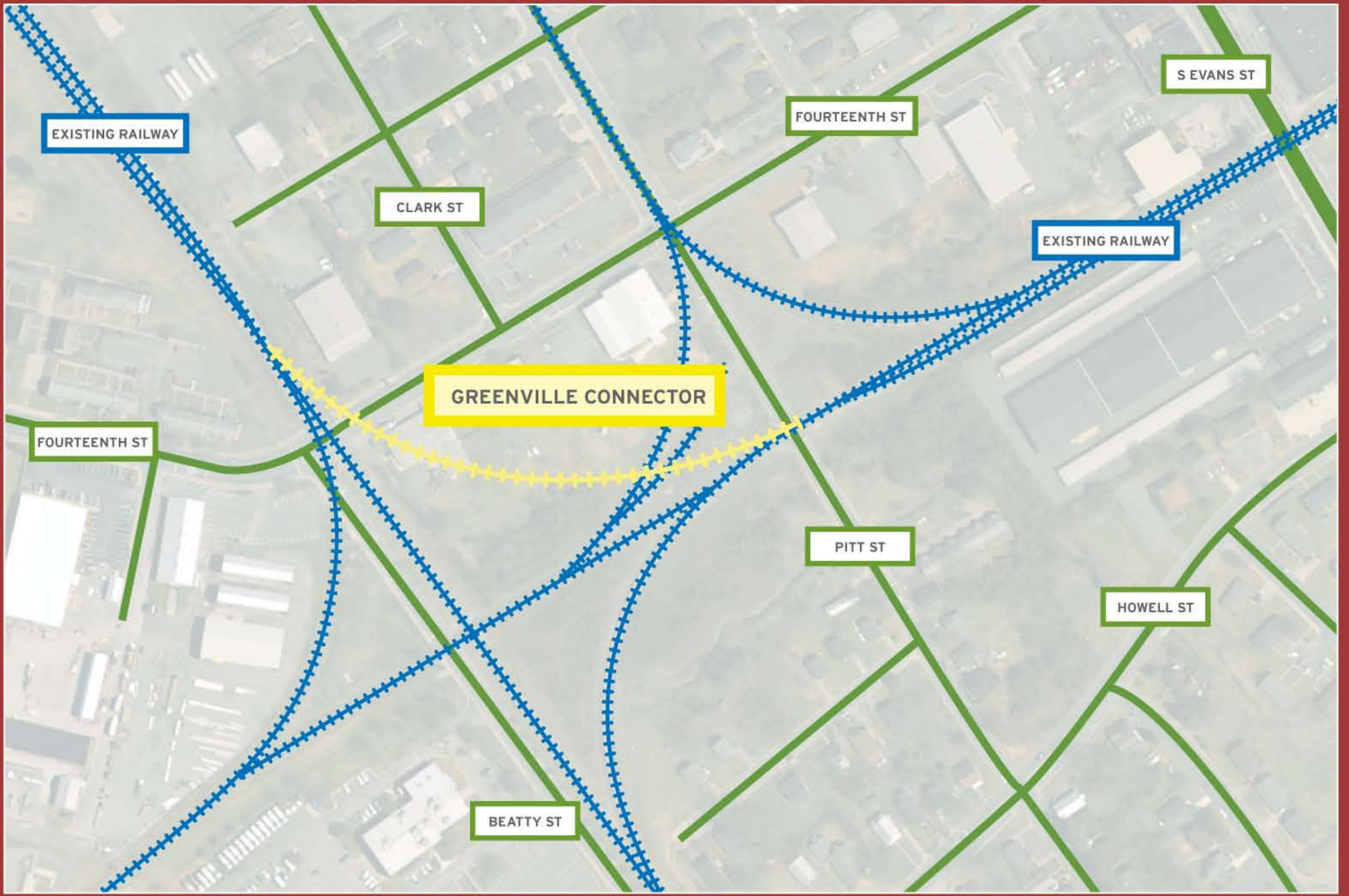
Since the construction of the new connector track will remove CLNA's existing wye track, the following recommendations for improvements along the CLNA line were made to mitigate impacts due to its loss. They include the modification of the existing CSX switching yard in downtown Greenville by removing the sidetrack on one side of the mainline and adjusting the switches such that blockage at both Howell Street and Arlington Boulevard are kept to a minimum. This would allow CLNA to service their rail customer located adjacent to the east track without transloading by truck (thereby reducing truck traffic in the area) and provide them with a small siding for storage.

In addition, a crosstie replacement program is recommended along the CLNA rail line to improve safety and operations of the line. A "facilities" agreement between the railroads will be needed to permit CLNA to utilize both the new northeast connection track and remnants of the existing CSX yard.

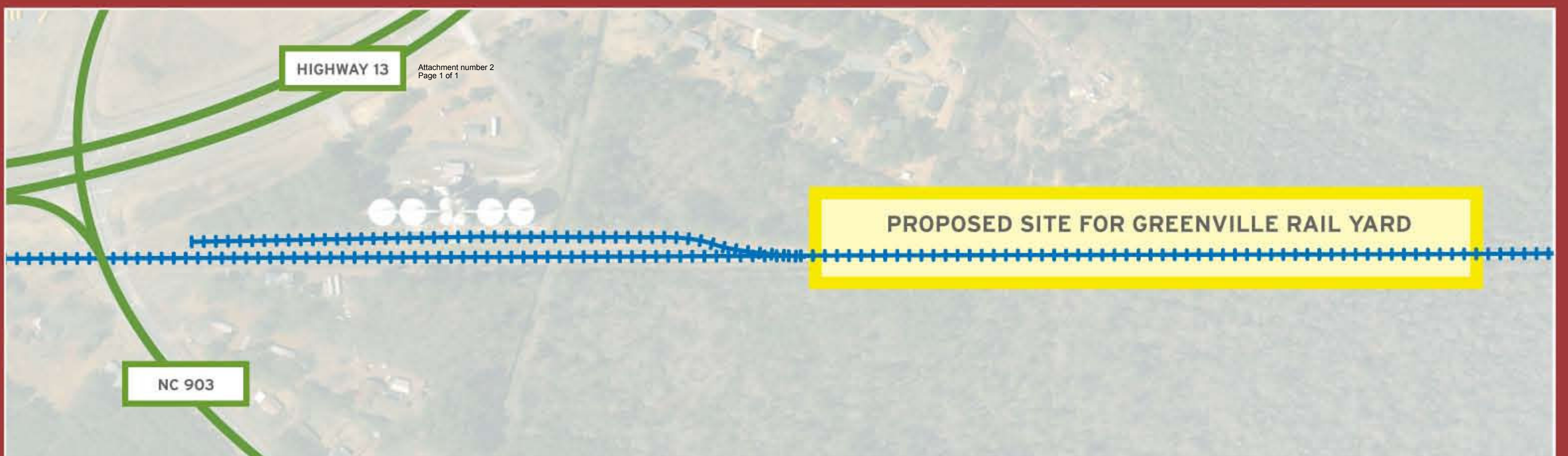
Recommendations:

City staff recommends that the City Council approves the four (4) improvement recommendations from the Rail Improvements Study. Additionally, staff recommends the City Council authorize the Mayor to send a letter of support to the North Carolina Department of Transportation on the Study's recommendations.

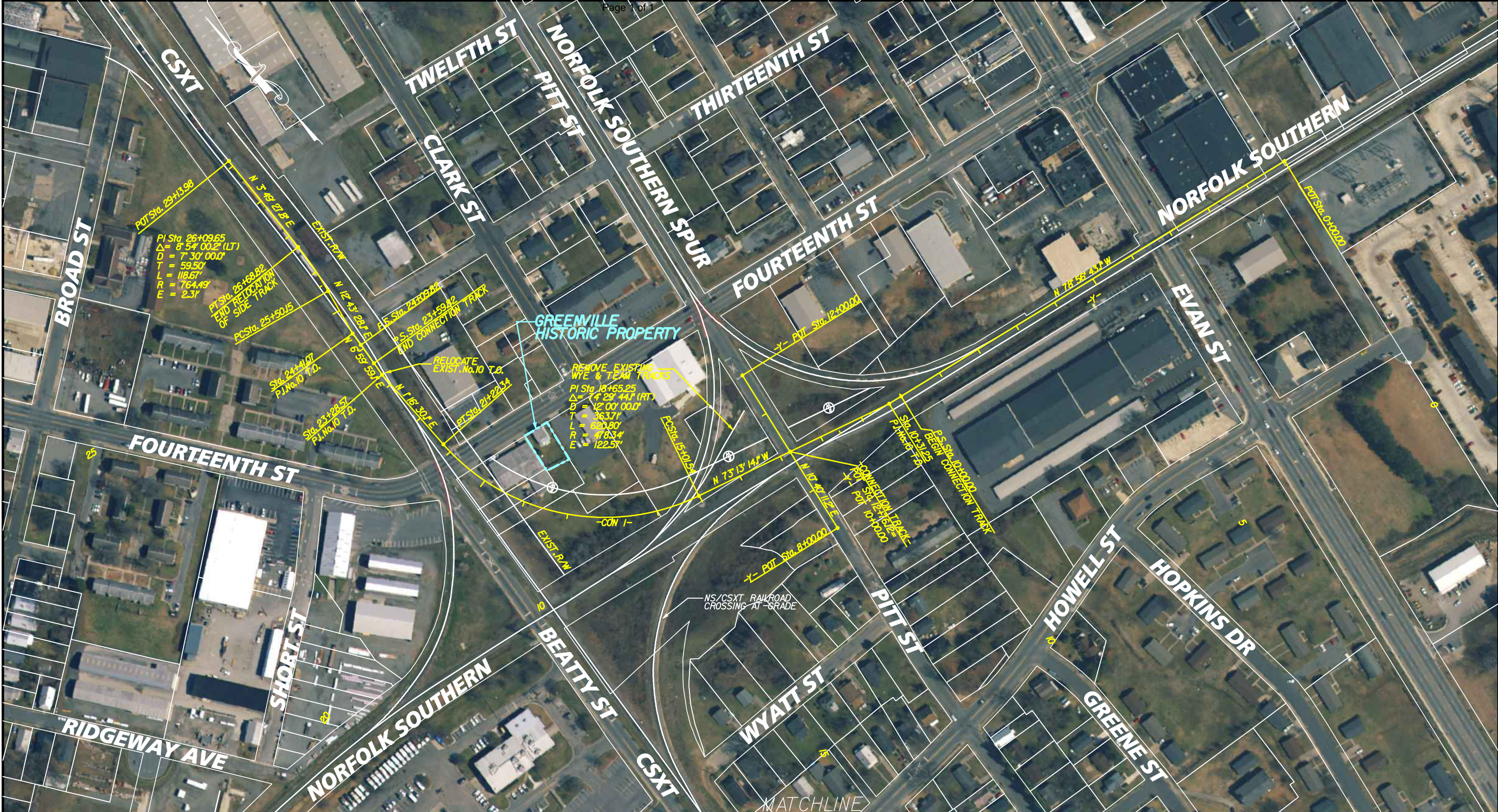
GREENVILLE, NC: RAIL IMPROVEMENTS PROJECT MAPS



The Greenville Connector project involves building a connector track, known as a wye, and joining the CSX Transportation line with the Carolina Coastal Railway line. This will improve flow and movement of freight, as well as decrease motorist delays at these crossings.



The Greenville Rail Yard project relocates the existing CSX switching operation, currently located between Arlington Road and Howell Street, to a new yard just north of NC 903.



REVISIONS:		
NO.	DATE:	DESCRIPTION:

PREPARED BY: **CEG** CHECKED BY: **BDD**



NC DEPARTMENT OF
TRANSPORTATION
RAIL DIVISION



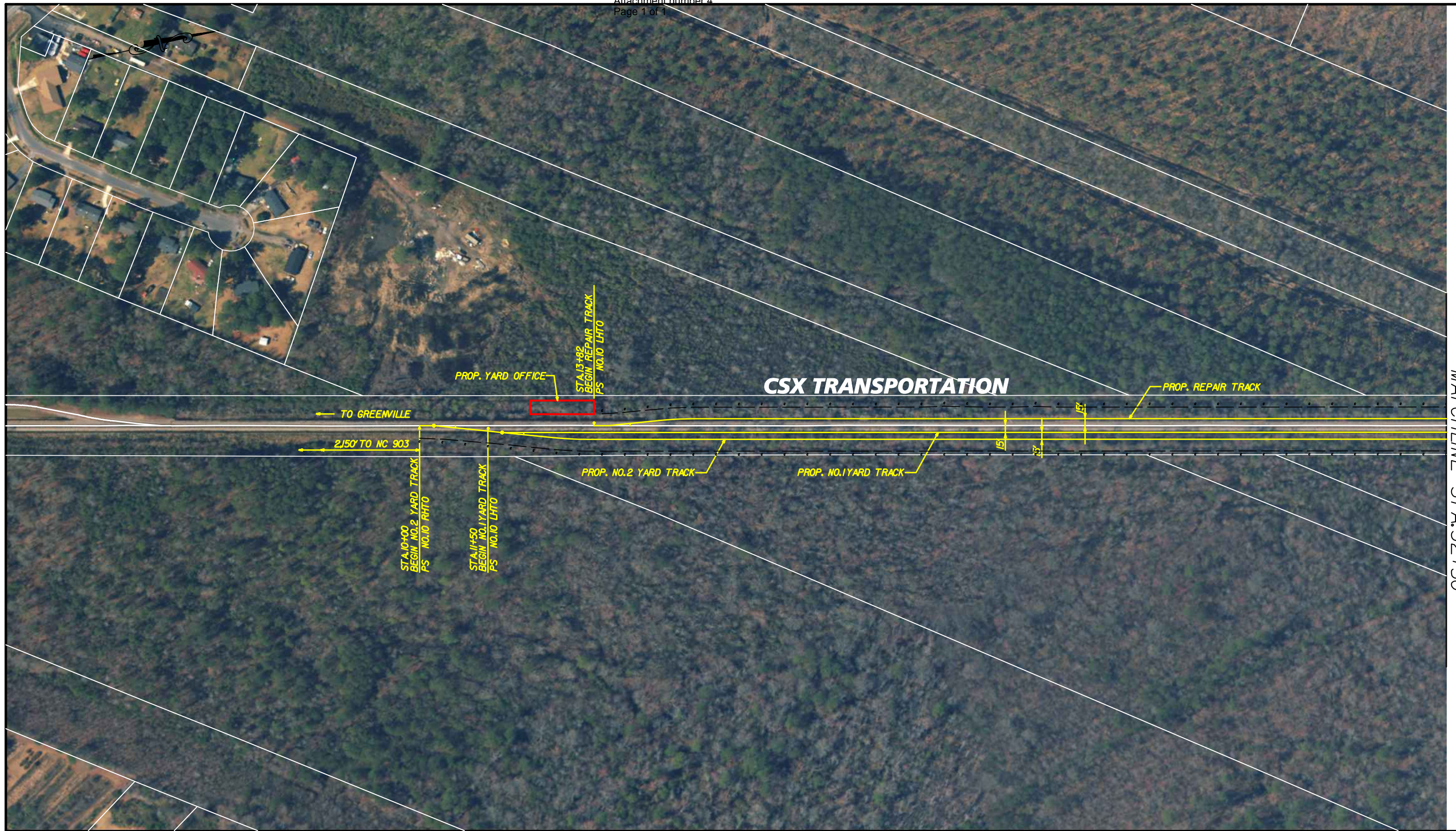
ENGINEERING AND SAFETY BRANCH
CAPITAL YARD
Item # 21 1556 MAIL SERVICE CENTER
RALEIGH, NC 27699-1556



**PITT COUNTY
GREENVILLE**

FIGURE H1

SCALE: **1"=200'** DATE: **02/28/2008** DRAWING NO. **SHEET 1 OF 1**



REVISIONS:		
NO.	DATE:	DESCRIPTION:
PREPARED BY: CEG		CHECKED BY: BDD



NC DEPARTMENT OF
TRANSPORTATION
RAIL DIVISION



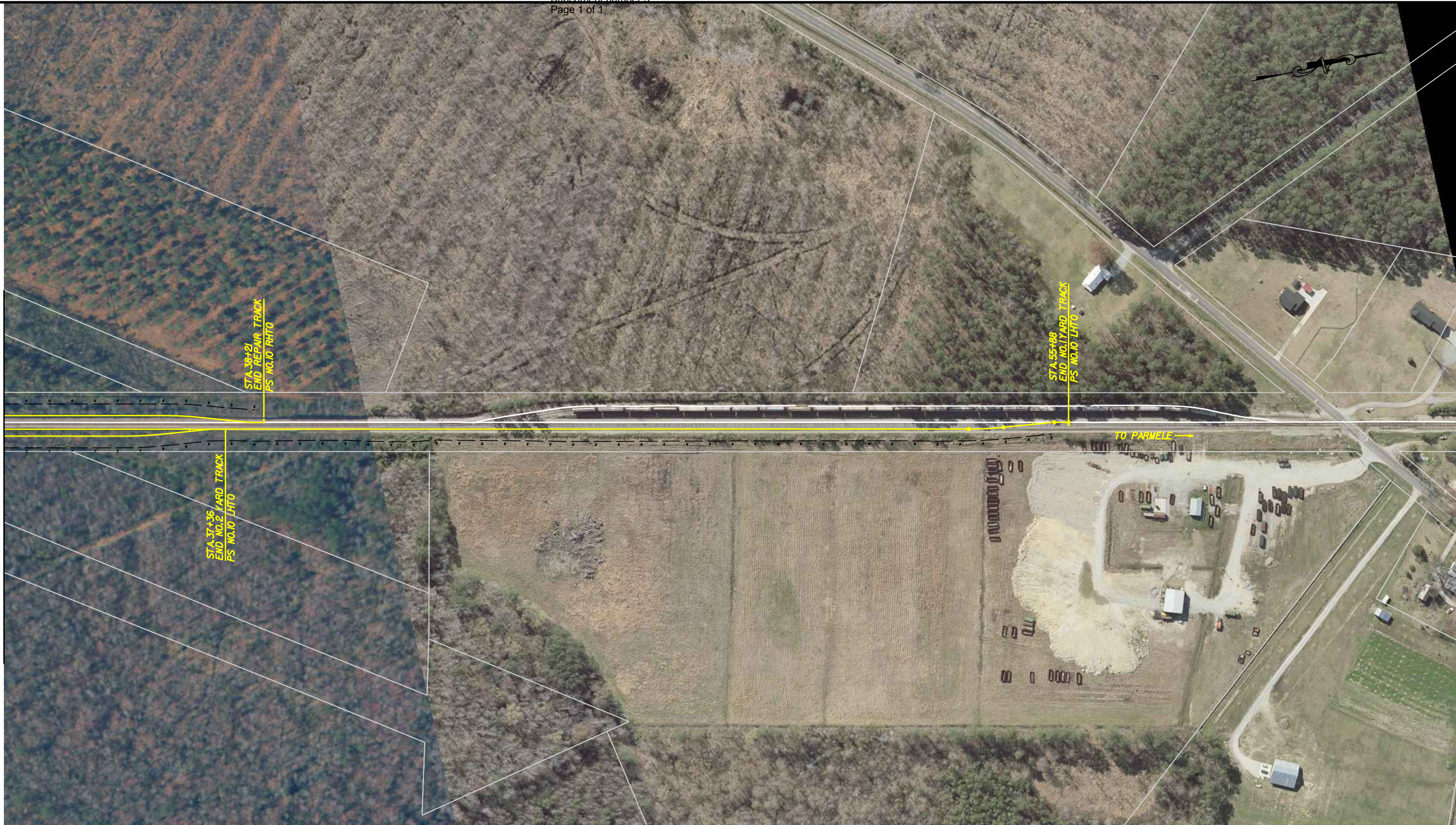
ENGINEERING AND SAFETY BRANCH
CAPITAL YARD
Item # 21 1556 MAIL SERVICE CENTER
RALEIGH, NC 27699-1556

**PITT COUNTY
GREENVILLE**

FIGURE H2

SCALE: **1"-200'** DATE: **02/28/2008** DRAWING NO. **SHEET 1 OF 2**

MATCHLINE STA. 32+50



REVISIONS:		
NO.	DATE:	DESCRIPTION:
PREPARED BY: CEG		CHECKED BY: BDD



NC DEPARTMENT OF
TRANSPORTATION
RAIL DIVISION



ENGINEERING AND SAFETY BRANCH
CAPITAL YARD
Item # 21 1556 MAIL SERVICE CENTER
RALEIGH, NC 27699-1556

**PITT COUNTY
GREENVILLE**

FIGURE H2

SCALE: **1"-200'** DATE: **02/28/2008** DRAWING NO. **SHEET 2 OF 2**



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

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

Explanation: Presented for City Council consideration is an amendment 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 City, East Carolina University (ECU), Pitt County Memorial Hospital (PCMH), and the North Carolina Department of Transportation have jointly supported the project as evidenced by the agreements between the parties. The initial contract for Phase I was approved by the City Council during its August 11, 2005 meeting. Attached is information as prepared by Kimley-Horn relative to the Scope of Work for this phase of the project and their proposed fee.

Phase 2 efforts will include preparing preliminary roadway designs and cost estimates; continuation of public involvement; completion of the Environmental Assessment Report and the Finding of No Significant Impact Report; and a public hearing and post-hearing meetings. The fee for this phase of work is \$760,773.19. This is a lump-sum contract and is inclusive of seven (7) sub-consultant agreements, involving specialty work necessary to meet all federal and state requirements. The remaining phase for this project is Phase III - Project Design. An amendment to this contract for the next phase will be brought back to the City Council for consideration at the appropriate time.


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 2004 General Obligation Bonds approved by a vote of the public in November 2004.

Recommendation: City Council approve the amendment to the professional services contract with Kimley-Horn and Associates in the amount of \$760,773.19 for Phase II of the

planning, environmental studies, and design of the Stantonsburg Road/Tenth Street Connector Project.

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

Attachments / click to download

 [Letter re Kimley Horn - 10th St Connector Contract](#)

 [Tenth St Connector Project Amendment 767461](#)

**AMENDMENT NUMBER 2 TO THE AGREEMENT BETWEEN THE
CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

AMENDMENT NUMBER 2 DATED MAY 30, 2008 to the Agreement between the City of Greenville, ("Client") and Kimley-Horn and Associates, Inc., ("Engineer") dated September 9, 2005 ("the Agreement") concerning Tenth Street Connector Project (the "Project").

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

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

CLIENT:

ENGINEER:

CITY OF GREENVILLE, NC

KIMLEY-HORN AND ASSOCIATES, INC.

By: _____

By: _____

Patricia C. Dunn

Title: Mayor

Title: _____

ATTEST:

Wanda T. Elks, City Clerk

APPROVED AS TO FORM:

David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services

Exhibit A to Amendment Number 2 dated
May 30, 2008.

Engineer shall perform the following Additional Services:

I. PLANNING AND ENVIRONMENTAL ANALYSES AND DOCUMENTATION

I.A.1 Description of Work Required

Kimley-Horn and Associates, Inc., of Cary, North Carolina (hereinafter called the “ENGINEER”) will prepare a federal Environmental Assessment (EA) in accordance with current State and Federal procedures and preliminary roadway design plans. As per the Municipal Agreement (Article 3) between the North Carolina Department of Transportation (hereinafter called the “State” or “NCDOT”) and City of Greenville (hereinafter called the “City”), the City will serve as the Project Manager. The City’s responsibilities include but are not limited to implementing a comprehensive public involvement program, except the official Public Hearing, which is the responsibility of NCDOT.

I.A.1.a. Project Work Plan

The ENGINEER will prepare a revised project schedule / Gantt chart through the projected LET date, including right of way activities, and update the schedule quarterly through May 2010 for the City.

I.A.1.b. Merger 01 Screening/Consultation

(Included in Phase I)

I.A.2. Data Collection

(Included in Phase I)

I.A.3. Environmental Assessment

The ENGINEER will assemble and summarize technical information, methodologies, and results of analyses in the correct format for use in an Environmental Assessment (EA) in accordance with applicable State procedures, the requirements of the National Environmental Policy Act of 1969 (NEPA), and applicable Federal Highway Administration procedures and guidance (23 CFR 771 and T6640.8A).

The ENGINEER will prepare a draft EA and submit three (3) copies (each) to the City and NCDOT for review. The City will provide the ENGINEER with one (1) complete set of comments. The ENGINEER will make one (1) revision of the draft EA in accordance with comments from the City and NCDOT, and submit five (5) copies to the City and thirty (30) to NCDOT for approval. The ENGINEER will prepare one hundred (100) copies of the approved EA and submit them to the City and NCDOT for circulation. The ENGINEER will provide EA distribution and mailing lists.

The EA will address the following topics:

I.A.3.a. Purpose and Need Statement

(Included in Phase I)

I.A.3.b. Develop and Evaluate Alternatives

The ENGINEER will revise the Preliminary Alternatives Report prepared under Phase I per City and NCDOT comments and update figures. The ENGINEER will provide ten (10) copies of the Preliminary Alternatives Report to the City to use in selecting the alternative(s) to carry forward in the Environmental Assessment. The revised Preliminary Alternatives Report will be used in the EA for Chapter 2.

I.A.3.c. Affected Environment/Environmental Consequences

The ENGINEER will complete the Affected Environment / Environmental Consequences section of the EA initially begun under Phase I. Text and figures will be revised per City and NCDOT comments. The following sections will be included in Chapter 3 of the EA:

- (1) **Land Use** – The ENGINEER will prepare the EA section concerning land use issues and revise figures in accordance with the scope of work previously outlined in Phase I.
- (2) **Farmlands** – This project is not anticipated to require a Farmland analysis based on the AD 1006 Form.
- (3) **Social** – The ENGINEER will prepare the EA section concerning social issues and prepare figures in accordance with the scope of work previously outlined in Phase I.

- (4) **Right of Way/Relocation** – (Not Included in Phase II) The City and NCDOT will coordinate/discuss right of way acquisition and relocation assistance program(s).
- (5) **Economic Impacts** – The ENGINEER will prepare the EA section concerning economic impacts and prepare figures in accordance with the scope of work previously outlined in Phase I.
- (6) **Environmental Justice** – The ENGINEER will prepare the EA section concerning environmental justice issues and prepare figures in accordance with the scope of work previously outlined in Phase I.
- (7) **Air Quality** – The ENGINEER will prepare the EA section concerning air quality in accordance with the scope of work previously outlined in Phase I.
- (8) **Noise Analysis** – The ENGINEER will prepare the EA section concerning noise analysis issues and prepare figures in accordance with the scope of work previously outlined in Phase I.
- (9) **Natural Resources** (Included in Phase I)
- (10) **Hydraulic Impacts** (Included in Phase I)
- (11) **Floodplain** – The ENGINEER will prepare the EA section concerning floodplain issues and prepare figures in accordance with the scope of work previously outlined in Phase I.
- (12) **Architecture** – The ENGINEER will prepare the EA section concerning architectural resources and prepare figures in accordance with the scope of work previously outlined in Phase I. The ENGINEER will prepare for and send two (2) staff members to attend up to two (2) meetings with the State Historic Preservation Office concerning potential Section 106 (of the National Historic Preservation Act) issues on this project. The ENGINEER will prepare meeting minutes and revise once per City and NCDOT comments.
- (13) **Hazardous Substances and Underground Storage Tanks** (Included in Phase I)
- (14) **Mineral Resources** – (Included in Phase I, Not applicable for EA)

- (15) **Visual Impacts** – The ENGINEER will evaluate visual impacts arising from the project and prepare the EA section concerning the character of the visual environment and impacts in accordance with the scope of work previously outlined in Phase I.
- (16) **Utilities** (Included in Phase I)
- (17) **Construction Impacts** – The ENGINEER will prepare the EA section concerning construction impacts in accordance with the scope of work previously outlined in Phase I and discuss construction phasing including how pedestrian, vehicular, and railroad traffic will be maintained during construction.
- (18) **Community Impact Assessment** – (Included in Phase I)
- (19) **Section 4(f)** – The ENGINEER will include a section in the EA discussing the purpose of Section 4(f) of the United States Department of Transportation Act of 1966 (49 USC 303) and potential impact to one Section 4(f) property arising from the project. The ENGINEER will prepare for and send up to two (2) staff members to one (1) meeting with the Federal Highway Administration to discuss this Section 4(f) issue. The ENGINEER will prepare meeting minutes and revise once per City and NCDOT/FHWA comments.
- (20) **Railroad Crossing/Closure Issues** – The ENGINEER will summarize the railroad crossing/closure issues in Chapter 3 of the EA, including issues discussed with the NCDOT Rail Division and CSX Railroad representatives. Attendance at up to two (2) meetings with NCDOT and four (4) meetings with CSX was included in Phase I. The ENGINEER will prepare meeting minutes and revise once (per meeting) based on City and NCDOT comments.

I.A.3.d. Comments and Coordination

The ENGINEER will include the following in Chapter 4 of the EA:

- Listing of State and Agency letters received in response to the Scoping Letter (Copies of letters will be included in the Appendix).

- Summary of public involvement activities and efforts, including the mailing list, Vision Charrette, Citizens' Informational Workshops, Walk-In Sessions, Local Officials meetings, Citizens' Advisory Committee meetings, Small Group meetings, and a preview of the Public Hearing.

I.A.4. Design Traffic Data

(Included in Phase I)

I.A.5. Accident Analysis

(Included in Phase I)

I.A.6. Typical Cross Sections

The ENGINEER will prepare and submit revised preliminary typical roadway and bridge cross sections to the City and State for review. The ENGINEER will make up to three (3) sets of revisions and submit final typical cross sections for approval.

I.A.7. Functional Design

(Included in Phase I)

I.A.8. Preliminary Design

The ENGINEER will prepare preliminary roadway design drawings for up to three (3) build alternatives. The designs will be based on the approved typical roadway and bridge cross sections in Section I.A.6. All plans and designs shall conform to NCDOT's standard practices for highway construction which are based on: "A Policy on Geometric Design of Highways and Streets, 2004." In addition, the Highway Design Branch "Policy and Procedure Manual for Roadway Design" and "Design Manual for Roadway Design" published January 2002 by the North Carolina Department of Transportation will be used as guides, including any modifications as directed by NCDOT during the life of this Agreement. The preliminary designs will include the following:

- The centerline of the L-Line and Y-lines and horizontal curve data;
- Stationing along the mainline and superelevation;
- Geometric layout and design of all intersections, with required turn lanes;
- Profiles that show existing ground line, proposed grades, length of vertical curvature and rate of vertical curvature (K factor) for all alignments including

service roads and temporary detours. Structures shall be sketched on all grade profiles.

- Typical Sections for the L-Line and Y-Lines.
- Computer generated and plotted cross sections.
- Preliminary construction limits.
- All existing right of way lines of public roads within the project limits.
- The location and size of all major drainage structures required for drainage of the project area (pipes 54" and over, box culverts, box culvert extensions and bridges).
- All property lines within the right of way limits and adjacent to the proposed right of way.
- The property owner names for all affected or nearby parcels.
- Proposed right of way and easement requirements including control of access limits on L-Line and Y-lines.
- Earthwork summary.
- Detour design concepts to accommodate traffic maintenance.
- Traffic maintenance plan to be prepared and coordinated with NCDOT.
- Current and design year average daily traffic (ADT) volumes for the L-Line and Y-Lines with turning movements at all intersections and interchanges.
- Service roads, road closures and major relocated driveways.
- Coordinated alignments for the L-line suitable for staking.
- Environmentally sensitive areas (floodplains, wetlands, historic boundaries, etc.).
- Location of any currently known significant future or planned development, based on planning information available from the City of Greenville.

The ENGINEER will submit three (3) copies of the preliminary designs on rolls to the City and NCDOT for review. Vertical grades and profiles for the mainline and Y lines will be prepared on a profile roll with grids to indicate stations and elevations. The ENGINEER will attend a preliminary design review meeting with NCDOT to discuss

comments on the preliminary designs. The ENGINEER will make up to one (1) set of revisions and submit final preliminary designs for approval.

Upon selection of a preferred build alternative, the ENGINEER will prepare preliminary roadway design drawings for a reduced cross section width alternative as recommended by the State. The ENGINEER will submit one (1) copy of this preliminary design on rolls to the City and State for planning and budget purposes.

I.A.9. Grade Separation Study

(Included in Phase I)

I.A.10. Cost Estimates

Utilizing mapping provided by the ENGINEER, the State will prepare current right-of-way cost estimates for three build alternatives and the reduced cross section width alternative. The ENGINEER will prepare an estimate of all major quantities based on preliminary designs of the three build alternatives and the reduced cross section width alternative. NCDOT will use these quantities to determine probable construction costs. The ENGINEER will prepare a construction quantity estimate request based on the preliminary designs.

The estimate of major quantities will include earthwork, paving quantities (based on preliminary pavement design provided by NCDOT), clearing and grubbing, major drainage (pipes 54" and over, box culverts, and structures), bridges (length and width), guardrail, erosion control, traffic control, and other quantities that would be considered major items for the project.

I.A.11. Utility Technical Memorandum

(Included in Phase I)

I.A.12. Combined Public Hearing Maps

The ENGINEER will prepare combined corridor/design Public Hearing maps for up to two (2) alternatives and provide Public Hearing map information in accordance with NCDOT policies and procedures. The ENGINEER will submit one (1) copy of the Combined Public Hearing maps to the City and two (2) copies to the State for review. The ENGINEER will make up to two (2) revisions of the Hearing maps and attend up to two (2) Public Hearing Map review meetings. The ENGINEER will submit up to three

(3) full-size copies and six (6) half-size copies of the approved Public Hearing Maps to the NCDOT for the official Public Hearing and one (1) full-size copy to the City.

I.A.13. Finding of No Significant Impact

The ENGINEER will prepare a Finding of No Significant Impact (FONSI) in accordance with the applicable State and Federal procedures. The FONSI will include the following:

- A revision of the federal EA, tables, and figures, as appropriate;
- Documentation of compliance to the extent possible with all applicable environmental laws and executive orders, or else provide reasonable assurances that their requirements can be met;
- Responses to agencies, local officials, and substantial comments and questions from the EA reviewers and the Public Hearing;
- A wetlands finding in accordance with 33 CFR 328 3(b) and 23 CFR 777 (if applicable);
- A floodplain finding in accordance with EO 11988, USDOT order 5650.2, and 23 CFR 650, Subpart A. If the preferred alternative includes a floodplain encroachment having significant impacts, a finding that it is the only practicable alternative as referenced by 23 CFR 650, Subpart A will be presented. Coordination with the Federal Emergency Management Agency (FEMA) and appropriate State and local agencies will be undertaken for each floodway encroachment;
- A list of Environmental Commitments;
- A statement that no Environmental Impact Statement will be prepared and that the FONSI completes the environmental review process.

The ENGINEER anticipates that no substantial issues will arise during the preparation of the FONSI. Should substantial issues arise, they would be considered Additional Services in accordance with Exhibit C of the Agreement (Article 4) and will be coordinated with the City prior to beginning work.

I.A.14. Section 4(f) Statement

Under Phase I, the ENGINEER submitted the Section 4(f) Evaluation to the City and NCDOT for review and comment. Under Phase II, the ENGINEER will make revisions as appropriate.

The ENGINEER will discuss the basis for concluding that there are no feasible and prudent alternatives to the use of the Section 4(f) land. The ENGINEER will discuss the basis for concluding that the proposed action includes all possible planning to minimize harm to the Section 4(f) property.

The ENGINEER will include a summary prepared by NCDOT and/or the City of the appropriate formal coordination of the headquarters office of the Department of the Interior, and as appropriate, the involved offices of USDA and HUD. The ENGINEER will provide copies of all formal coordination comments and a summary of other relevant Section 4(f) comments provided to us by NCDOT and/or the City. The ENGINEER will prepare the concluding statement.

The ENGINEER will coordinate with the City, NCDOT, FHWA, and SHPO on the Section 4(f) Statement and make revisions as appropriate to complete the document. The ENGINEER will prepare the Section 4(f) Statement, provide QA/QC review, revisions after the submittal and comment from the City, NCDOT, and FHWA (two revisions anticipated), and revise after the review and coordinate with SHPO. The ENGINEER will prepare twenty (20) copies of the Section 4(f) Statement for submittal to the reviewing parties.

The ENGINEER does not anticipate mitigation coordination or development of a Memorandum of Agreement (MOA) and is anticipating that only the alternatives identified within the existing approved study corridor will be investigated. Any alternative(s) outside of the approved study corridor would be considered Additional Services in accordance with Exhibit C of the Agreement (Article 4) and will be coordinated with the City prior to beginning work.

I.B. Meetings and Public Involvement

I.B.1. Public Involvement Plan

(Included in Phase I)

I.B.1.a. Scoping Letter

(Included in Phase I)

I.B.1.b. Mailing Lists

The ENGINEER will update the master project mailing list monthly through May 2010 with any new contacts/addresses that are brought to the ENGINEER's attention or upon request from the City, NCDOT, or the Advisory Committee. Other contacts/addresses that become known or requested during the public involvement activities will also be included on the master project mailing list.

I.B.1.c. Phone, Mail and E-mail Contact

A mailing address, phone number and email address for the ENGINEER will be provided to the public via newsletter, at small group meetings, public officials meetings, Citizens Informational Workshops, and other coordination meetings for the period until May 2010.

Telephone calls received from the public or businesses relative to project related questions or comments will be logged and responses noted in a project communications log through May 2010 for Phase II.

All incoming project related mail or email will be responded to by the ENGINEER via regular mail or email, as appropriate (and/or by telephone, if so requested) within three business days through May 2010. A hard copy of each such letter or email and response will be placed in a project communications file and will be made available to the City and/or NCDOT if requested. The project communications file will contain all letters and emails and their respective responses, and a copy of the project communications log (for telephone contacts and responses).

I.B.1.d. Small Group Meetings

During Phase II, meetings with small groups within the local community may be requested to be held to informally discuss the project. The ENGINEER will provide a two-person team for each of these meetings. It is expected in Phase II that a total of three (3) small group meetings will be held. Each grouping of meetings will reflect the current development of the project. All requests for such meetings will be coordinated with the City/NCDOT prior to agreeing to a

meeting date and time. The group requesting the meeting will be responsible for providing the meeting location, notifying interested parties, and contacting the City/NCDOT or ENGINEER to coordinate schedules. The ENGINEER will provide previously prepared and approved informational material for the small group meetings, update the master mailing list, and prepare a brief summary of the small group meeting issues or general comments for the City/NCDOT Steering Committee to review.

I.B.1.e. Elected Public Officials Meetings

Elected Public Officials Meetings are anticipated with the City Council of Greenville and the Pitt County Commissioners. The ENGINEER estimates up to two (2) Elected Public Officials meetings in Phase II before selection of the preferred alternative. The ENGINEER will prepare handout materials for all meetings and prepare meeting minutes for review by the City, NCDOT, and the officials in attendance following each meeting.

I.B.1.f. Vision Charrette

(Included in Phase I)

I.B.1.g. Citizens Informational Workshop

The ENGINEER will be responsible for conducting up to one (1) Citizens Informational Workshop in Phase II to inform the public of the progress of the study and to obtain public input. The workshop will be informal in nature to encourage one-on-one discussions of the project with the public. However, the ENGINEER will make a formal project presentation during this workshop if requested.

The ENGINEER will prepare and mail a workshop postcard announcement, and prepare project handouts/brochures and graphic exhibits for the workshop. A PowerPoint presentation or computer graphics will be prepared to facilitate public understanding of the project. All handouts/brochures and exhibits will be developed to relate to the workshop being held and will be approved by the City and/or Steering Committee prior to public distribution.

All public concerns and comments identified during this workshop will be noted by the ENGINEER's staff. A set of comments will be compiled and distributed

to the City and NCDOT for review, and the mailing list will be updated following the workshop.

The City will be responsible for locating and arranging the facilities for the workshop. The City will notify the public in advance of the workshop through the use of newspaper advertisements and other media of their choice. The City will release a press notice regarding the workshop.

I.B.1.h. Community Leader Interviews

Prior to hosting any public meetings, two (2) KHA team members will meet individually with each community leader (up to 5 meetings in Greenville) to ask open-ended questions of the leader concerning the Tenth Street project and the study area. The City will coordinate contacts with the community leaders and meeting details for the ENGINEER. The ENGINEER will prepare typed notes following each interview and give the community leader an opportunity to review and change the summary prior to publication. The ENGINEER will prepare a two-way synthesis of the community leader interviews, drawing similarities and differences as appropriate. This process will be conducted once during Phase II activities.

I.B.1.i. Newsletters

The ENGINEER will provide two (2) editions of a newsletter (or brochure) during Phase II that describes the proposed project (updates), lists important contact information, and presents other project specific data or graphics. An issue of the newsletter will be prepared by the ENGINEER for distribution to persons or businesses that attend the Citizens Informational Workshops or any of the small group meetings. Citizens or businesses that request a copy of the newsletter(s) (or brochure) via phone or email or in response to the postcard announcement will have one e-mailed to their address and their name(s) added to the mailing list. By special request of the citizen or business, a hard copy can be sent by regular mail.

A draft version of each project newsletter (one (1) 11 x 17 inch size sheet folded in the middle with text and/or photos or graphics presented in color) will be prepared and submitted to the City and NCDOT for review and approval. One set of revisions (including both City and NCDOT revisions) to each draft

newsletter will be made prior to approval and printing. The ENGINEER will coordinate revisions simultaneously with the City and NCDOT. The ENGINEER will print and distribute copies of the newsletters.

I.B.1.j. Initial Postcard Announcement

(Included in Phase I)

I.B.1.k. Media Relations

(Included in Phase I)

I.B.1.l. Combined Public Hearing

The ENGINEER will prepare for and attend one combined corridor/design Public Hearing. The hearing will be held in or near the project study area. NCDOT will be responsible for conducting the Public Hearing (including all presentations). NCDOT will also be responsible for all legal notices, meeting arrangements, tape recording, and transcript preparation. The ENGINEER will be responsible for preparing handouts and graphical displays and attending the Public Hearing.

I.B.1.m. Post Hearing Meeting

The ENGINEER will prepare for and attend the Post-Hearing Meeting, record the minutes of the meeting, and furnish minutes to the City and NCDOT. NCDOT will provide to the ENGINEER and City a copy of the official Public Hearing transcript and one copy each of appropriate EA review comments.

I.B.2. Mapping

(Included in Phase I)

I.B.3. Coordination

The ENGINEER will continue to coordinate with the City, NCDOT, the Steering Committee, the Advisory Committee, and the Engineer's subconsultants to obtain data and related information. The ENGINEER will provide general coordination efforts that progress the project activities including usual and customary project activity correspondence, daily telephone and email communications, and normal day to day staff interaction and coordination with the City and NCDOT staff for routine project development as well as other members of the Steering Committee.

The ENGINEER will also maintain coordination with the City and NCDOT for the review of analyses, documents, and designs. Project coordination for Phase II will be maintained through May 2010.

I.B.4. Project Steering Committee Meetings

Representatives from the City of Greenville, the East Carolina University, Pitt County Memorial Hospital, and NCDOT will serve as the Tenth Street Steering Committee to provide technical input to the planning process for this project. The ENGINEER will prepare an agenda for the Steering Committee meeting(s). Minutes of the meeting(s) will be prepared by the ENGINEER and distributed to each member of the Steering Committee for their review. It is anticipated that six (6) Steering Committee Meetings will be held during Phase II, up to the FONSI.

I.B.5. Project Advisory Committee Meetings

Community leaders serving on the Tenth Street Citizens Advisory Committee provide community input to the planning process for this project. The ENGINEER will prepare an agenda for the Citizens Advisory Committee meeting(s). Minutes of the meeting(s) will be prepared by the ENGINEER and distributed to each member of the Advisory Committee, the Steering Committee, and the City for their review. It is anticipated that two (2) Citizens Advisory Committee Meetings will be held during Phase II, up to the FONSI.

II. PROJECT ADMINISTRATION

The ENGINEER will develop the scope of services, task list, project flowchart, and workday estimates of time to complete the activities listed herein. The ENGINEER will coordinate with and administer subconsultant contracts with Rivers & Associates, Inc., Spatial Data Consultants, Inc., Hayes Planning Associates, Inc., Dr. James Baugh, and STV/Ralph Whitehead Associates, Inc. for the duration of the subconsultants' activity (anticipated through May 2010).

The ENGINEER will prepare monthly invoices and progress reports in a format suitable for meeting the requirements of the City and NCDOT through May 2010.

The ENGINEER will condense and prepare updated information about the project to update the project management web site database on a quarterly basis.

FEE AND BILLING

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

A lump sum amount of **\$788,603.25** in accordance with Exhibit C of the Agreement (Article 4) for a revised total contract amount of **\$2,019,761.24**.



Kimley-Horn
and Associates, Inc.

May 30, 2008

Mr. David T. Brown, P.E.
City of Greenville
Public Works Department
1500 Beatty Street
Greenville, NC 27834

■
P.O. Box 33068
Raleigh, North Carolina
27636-3068

Re: Stantonsburg Road / Tenth Street Connector Project
(TIP No. U-3315)
Submission of Phase II Scope of Services and Workday Estimate

Dear David:

Kimley-Horn and Associates, Inc. (KHA) hereby submits the Scope of Services and Workday Estimate for Phase II of the Stantonsburg Road / Tenth Street Connector Project to the City for a total fee of \$760,773.19.

Phase I efforts, which began in September 2005 and are ongoing, include completion of the Purpose and Need Statement, Community Impact Assessment, Air Quality Technical Memo, Section 4(f) Evaluation (Historic), Traffic Capacity Analysis finalization, one Citizens Informational Workshop, grade separation studies for the CSX railroad location, and streetscape concepts activities. The total fee for all activities to be completed under Phase I is \$1,109,991.37.

Phase II efforts include the finalization of the Section 4(f) Statement, preliminary roadway designs and cost estimates, continuation of public involvement activities, completion of the Environmental Assessment and Finding of No Significant Impact (upon such determination), Public Hearing, and Post-Hearing Meeting. It is anticipated that Phase II activities will extend through June 2009 and bring the project to the end of the environmental documentation process.

We look forward to continuing to work on this project with you and your staff. Please feel free to contact me at harlan.britt@kimley-horn.com or 919-677-2209 if you have any questions or comments.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Harlan K. Britt".

Harlan K. Britt, P.E.
Project Manager

■
TEL 919 677 2000
FAX 919 677 2050

Item # 22



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Memorandum of Understanding with Greenville Utilities Commission to adjust annual transfer payment

Explanation: Section 7 of the GUC Charter contains a formula that determines the annual transfer amount to be made from the utility system to the City. The major components of the formula are GUC's net fixed assets and total bonded indebtedness at the end of the fiscal year (June 30). Since GUC is issuing bonds near the end of the current fiscal year, a significant increase will occur in the amount of bonded indebtedness. Many of the assets to be constructed with these bond proceeds will not be in place at the end of the current fiscal year. This lapse in time between issuing the bonds and placing the assets on the books will result in a substantially lower formula transfer amount during the 2008-2009 fiscal year. These circumstances were discussed during the May 5, 2008 budget presentation.

To address this reduction in the transfer amount, the City and GUC staffs are proposing an arrangement contained in the attached Memorandum of Understanding that will make the transfer payments more level and prevent wide fluctuations from year to year.

Due to the issuance of bonds by GUC in 2001, a similar Memorandum of Understanding was executed at that time.

Fiscal Note: The projected transfer payments will be as follows:

2008-2009 \$4,676,703

2009-2010 \$4,933,375

2010-2011 \$5,041,130

For 2008-2009 and 2009-2010, these are the amounts included in the proposed

two year budget.

Recommendation: Approve the attached Memorandum of Understanding.

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

Attachments / click to download

 [MOU_GUC_Turnover_767838](#)

NORTH CAROLINA
PITT COUNTY

MEMORANDUM
OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made and entered into this the ____ day of June, 2008, by and between the City of Greenville, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter referred to as the CITY, and Greenville Utilities Commission, a body politic and Party of the Second Part and hereinafter referred to as GUC;

WITNESSETH:

WHEREAS, Section 7 of the Charter of GUC establishes the formula for the annual transfer amount to be paid by GUC to the CITY; and

WHEREAS, application of the formula in Fiscal Year 2008-09 will result in a significant decrease in the transfer amount due to the timing of the issuance of debt by the CITY for GUC and the construction of assets financed by the debt; and

WHEREAS, the CITY and GUC desire to provide for a more stable transfer amount to assist each entity in budgetary preparation and implementation.

NOW, THEREFORE, the CITY and GUC do hereby agree as follows:

1. Transfer Formula. The Transfer Formula is the portion of the formula contained in Section 7 of the Charter of GUC stated as follows:

an amount equal to six percent (6%) of the difference between the electric and natural gas system's net fixed assets and total bonded indebtedness.

2. Fiscal Year 2008-09 Transfer Amount. The CITY and GUC shall determine the transfer amount to be paid to the CITY by application of the Transfer Formula for Fiscal Year 2008-09, said amount to be referred to as the FY 2008-09 Formula Amount. During Fiscal Year 2008-09, GUC shall pay the CITY the amount determined by adding \$280,929 to the FY 2008-09 Formula Amount instead of the FY 2008-09 Formula Amount.

3. Fiscal Year 2009-10 Transfer Amount. The CITY and GUC shall determine the transfer amount to be paid to the CITY by application of the Transfer Formula for Fiscal Year

2009-10, said amount to be referred to as the FY 2009-10 Formula Amount. During Fiscal Year 2009-10, GUC shall pay the CITY the amount determined by subtracting \$191,753 from the FY 2009-10 Formula Amount instead of the FY 2009-10 Formula Amount.

4. Fiscal Year 2010-11 Transfer Amount. The CITY and GUC shall determine the transfer amount to be paid to the CITY by application of the Transfer Formula for Fiscal Year 2010-11, said amount to be referred to as the FY 2010-11 Formula Amount. During Fiscal Year 2010-11, GUC shall pay the CITY the amount determined by subtracting \$89,176 from the FY 2010-11 Formula Amount instead of the FY 2010-11 Formula Amount.

5. Public Lighting Transfer Amount. In addition to the payments to be made in accordance with the provisions of paragraphs 2, 3, and 4 of this Memorandum of Understanding, GUC shall also annually pay the CITY an amount determined by application of the remaining portion of the formula contained in Section 7 of the Charter of GUC, said remaining portion of the formula being as follows:

an amount equal to fifty percent (50%) of GUC's retail cost of service for the CITY's public lighting.

6. Payment Schedule. Payment of the annual amount, as determined in accordance with the provisions of paragraphs 2, 3, and 4 of this Memorandum of Understanding shall be made by GUC to the CITY on a monthly basis in each fiscal year on or before the fifteenth (15TH) day of the month, with each monthly payment during a fiscal year being one-twelfth (1/12) of the amount to be paid for said fiscal year as determined by the provisions of said paragraphs. Payment of the annual amount as determined in accordance with the provisions of paragraph 5 of this Memorandum of Understanding shall be made by GUC to the CITY on a monthly basis in each fiscal year on or before the fifteenth (15TH) day of the month with each monthly payment during a fiscal year being based upon the retail cost of service for the preceding month.

7. No Impact on Other Payment Obligations. The provisions of this Memorandum of Understanding do not address or affect any obligation for payments to be made between the CITY and GUC other than those for Fiscal Years 2008-09, 2009-10, and 2010-11 as a result of

the formula contained in Section 7 of the Charter of GUC stated as follows:

an amount equal to six percent (6%) of the difference between the electric and natural gas system's net fixed assets and total bonded indebtedness and an amount equal to fifty percent (50%) of GUC's retail cost of service for the CITY's public lighting.

8. Non-Issuance of Debt. In the event the bonds referenced in City of Greenville Resolution No. 08-10 are not issued prior to July 1, 2008, then this Memorandum of Understanding shall be null and void and the amount to be transferred by GUC to the CITY as required by the provisions of Section 7 of the Charter of GUC for Fiscal Year 2008-09, Fiscal Year 2009-10, and Fiscal Year 2010-11 shall be determined by application of the formula contained in Section 7 of the Charter of GUC.

9. Amendment. The provisions of this Memorandum of Understanding may be amended upon the approval of GUC and the CITY. Provided, however, it is expressly agreed between the parties that in the event of the issuance of additional debt by the CITY for GUC and the construction of assets financed by the debt, this Memorandum of Understanding shall be subject to renegotiation by the parties regarding the transfer amount, rather than through the execution of an additional or multiple Memoranda of Understanding between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed as of the day and year first above written.

GREENVILLE UTILITIES COMMISSION

By _____
L.H. ZINCONE, JR., CHAIR

(SEAL)

ATTEST:

LESTER BROWN, SECRETARY

APPROVED AS TO FORM:

PHILIP R. DIXON, COMMISSION ATTORNEY

CITY OF GREENVILLE

PATRICIA C. DUNN, MAYOR

ATTEST:

WANDA T. ELKS, CITY CLERK

[SEAL]

APPROVED AS TO FORM:

DAVID A. HOLEC, CITY ATTORNEY



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Series Resolution Authorizing the Issuance of Greenville Utilities Commission Revenue Bonds

Explanation: Work continues for the proposed revenue bond issuance for Greenville Utilities Commission, scheduled for closing on June 25, 2008. A resolution was included on the Council's June 2 agenda to approve the Additional Improvements (projects) and feasibility for the bond issuance.

At their meeting on May 20, GUC's Board made a recommendation for the City Council to consider and adopt the Series Resolution authorizing the bond issuance.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt Series Resolution Authorizing the Issuance of GUC Revenue Bonds.

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

Attachments / click to download

[Series Resolution for Revenue Bond Issuance](#)

*City
CES*

A regular meeting of the City Council of the City of Greenville, North Carolina was held in the City Council Chamber at the City Hall in Greenville, North Carolina, the regular place of meeting, on June 9, 2008 at 6:00 P.M.

Present: Mayor Patricia C. Dunn, presiding, and Councilmembers

Absent: _____

* * * * *

Mayor Dunn introduced the following resolution, a copy of which had been provided to each Councilmember and which was read by its title:

RESOLUTION NO. 08 - __

SERIES RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$31,000,000 GREENVILLE UTILITIES COMMISSION COMBINED ENTERPRISE SYSTEM REVENUE BONDS, SERIES 2008A, UP TO \$5,000,000 GREENVILLE UTILITIES COMMISSION COMBINED ENTERPRISE SYSTEM REVENUE BONDS, TAXABLE SERIES 2008B, AND UP TO \$28,000,000 GREENVILLE UTILITIES COMMISSION COMBINED ENTERPRISE SYSTEM REVENUE BONDS, REFUNDING SERIES 2008C, ALL OF THE CITY OF GREENVILLE, NORTH CAROLINA, PURSUANT TO THE PROVISIONS OF THE BOND ORDER ADOPTED BY THE CITY COUNCIL OF SAID CITY ON AUGUST 11, 1994 AND AMENDED AND RESTATED AS OF APRIL 13, 2000, PERMITTING FOR THE COMBINATION OF THE SERIES 2008A BONDS AND THE REFUNDING SERIES 2008C BONDS INTO A SINGLE SERIES OF BONDS FOR PURPOSES OF SALE, AND REQUESTING THE LOCAL GOVERNMENT COMMISSION OF NORTH CAROLINA TO SELL ALL THE BONDS BY NEGOTIATED SALE.

WHEREAS, the City of Greenville, North Carolina (the "City"), a municipal corporation in Pitt County, North Carolina, owns certain public utility or public service enterprise facilities

comprising an electric system, a natural gas system, a sanitary sewer system and a water system, within and without the corporate limits of the City (collectively, the “Combined Enterprise System”), and

WHEREAS, in accordance with Chapter 861 of the 1991 Session Laws of North Carolina, the Greenville Utilities Commission (the “Commission”) has been created for the proper management of the public utilities of the City, within and without the corporate limits of the City, with responsibility for the entire supervision and control of the management, operation, maintenance, improvement and extension of the public utilities of the City, including the Combined Enterprise System; and

WHEREAS, the City Council of the City (the “City Council”) adopted on August 11, 1994 and amended and restated as of April 13, 2000 a Bond Order authorizing and securing Greenville Utilities Commission Combined Enterprise System Revenue Bonds of the City (the “Order”); and

WHEREAS, Section 210 of the Order authorizes the issuance of additional revenue bonds of the City in one or more series from time to time to provide funds to (a) pay all or any part of the cost of any Additional Improvements, (as defined in the Order) and (b) pay expenses incidental and necessary or convenient thereto; and

WHEREAS, the Commission and the City Council have determined that it is necessary to acquire and construct certain additional improvements to the Combined Enterprise System, which improvements are described in Appendix A and Appendix B to this Series Resolution and constitute Additional Improvements, and to pay the cost of such Additional Improvements by issuing additional series of revenue bonds and using any other available funds as authorized by Section 210 of the Order; and

WHEREAS, the City Council has received information to the effect that the City will be able to satisfy the requirements of Section 210 of the Order with respect to such series of revenue bonds; and

WHEREAS, pursuant to Section 210 of the Order, such revenue bonds are to have such terms and provisions as may be provided by a series resolution to be adopted by the City Council prior to the issuance thereof; and

WHEREAS, Section 211 of the Order authorizes the issuance of refunding revenue bonds of the City in one or more series from time to time to (a) refund all or any part of the revenue bonds outstanding under the Order and (b) pay any expenses incurred in connection with such refunding; and

WHEREAS, the Commission and the City Council have determined that, under favorable market conditions, the City may obtain an acceptable level of debt service savings by refunding certain maturities of its outstanding City of Greenville, North Carolina Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 1998 (the “Outstanding Series 1998 Bonds”) and Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 2000A (the “Outstanding Series 2000 Bonds”); and

WHEREAS, pursuant to Section 211 of the Order, refunding revenue bonds are to have such terms and provisions as may be provided by a series resolution to be adopted by the City Council prior to the issuance thereof; and

WHEREAS, the Commission has adopted a resolution to the effect that it approves the provisions of this resolution and recommends to the City Council that the City Council adopt this resolution;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. Definitions. Unless otherwise required by the context, capitalized words and terms used in this Resolution (this “Series Resolution”) and not otherwise defined herein shall have the same meanings in this Series Resolution as such words and terms are given in the Order, and the following words and terms shall have the following meanings:

“Securities Depository” means The Depository Trust Company, New York, New York or other recognized securities depository selected by the City, which maintains a book-entry system in respect of municipal securities such as the Series 2008 Bonds (as defined in Section 2 of this Series Resolution), and shall include any substitute for or successor to the securities depository initially acting as Securities Depository.

“Securities Depository Nominee” means, as to any Securities Depository, such Securities Depository or the nominee of such Securities Depository in whose name there shall be registered on the registration books maintained by the Bond Registrar the Series 2008[][Taxable] Bond certificates to be delivered to and immobilized at such Securities Depository during the continuation with such Securities Depository of participation in its book-entry system.

Section 2. Authorization of the Series 2008 Bonds.

(A) Series 2008A Bonds. Pursuant to the Enabling Act and Section 210 of the Order, the City Council hereby authorizes the issuance of revenue bonds of the City, designated “Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 2008A” (the “Series 2008A Bonds”) in the principal amount of up to \$31,000,000, to provide funds, together with any other available funds, to: (1) pay the Cost of certain of the Additional Improvements described in Appendix A hereto, (2) make a deposit to the credit of the Parity Indebtedness Reserve Fund, (3) fund capitalized interest on the 2008A bonds and (4) pay certain costs and expenses incurred in connection with the issuance of the Series 2008A Bonds.

(B) Series 2008B Taxable Bonds. Pursuant to the Enabling Act and Section 210 of the Order, the City Council hereby authorizes the issuance of taxable revenue bonds of the City, designated “Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 2008B (Taxable) (the “Series 2008B Taxable Bonds”) in the principal amount of up to \$5,000,000, to provide funds, together with any other available funds, to (1) pay the Cost of certain of the Additional Improvements described in Appendix B hereto, (2) make a deposit to the credit of the Parity Indebtedness Reserve

Fund and (3) pay certain costs and expenses incurred in connection with the issuance of the Series 2008B Bonds.

(C) Series 2008C Bonds. Pursuant to the Enabling Act and Section 211 of the Order, the City Council hereby authorizes the issuance of refunding revenue bonds of the City, designated “Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Refunding Series 2008C” (the “Series 2008C Bonds” together with the Series 2008A Bonds and the Series 2008B Taxable Bonds, the “Series 2008 Bonds”) in the principal amount of up to \$28,000,000, to provide funds, together with any other available funds, to (1) refund any or all of the Outstanding Series 1998 Bonds stated to mature on September 1, 2009 through September 1, 2018, inclusive and Outstanding Series 2000 Bonds stated to mature on September 1, 2009 through 2020, inclusive (collectively, the “Refunding Candidates”), (2) make a deposit to the credit of the Parity Indebtedness Reserve Fund and (3) pay certain costs and expenses incurred in connection with the issuance of the Series 2008C Bonds; provided, however, that the Series 2008C Bonds authorized in this subsection 2(C) shall be sold and issued only if and to the extent that a Delegate (hereinafter defined) shall determine, in accordance with the provisions of Section 4(H) of this Series Resolution, that the criteria for the issuance of such Series 2008C Bonds shall have been met.

(D) Combined Series. If the Series 2008C Bonds shall be sold simultaneously with the Series 2008A Bonds, they may be combined with the Series 2008A Bonds into a single series of bonds known as the “Series 2008A Bonds”. References hereinafter to the Series 2008A Bonds shall be (i) to the Series 2008A Bonds and the Series 2008C Bonds, if the Series 2008C Bonds shall be sold simultaneously with the Series 2008A Bonds and combined into a single series or (ii) to the Series 2008A Bonds alone if the Series 2008C Bonds shall not be sold together with the Series 2008A Bonds and not combined into a single series.

(E) Bond Provisions. The Series 2008A Bonds shall be dated, shall consist of Serial or Term Bonds, or a combination thereof, shall bear interest at the rates, shall mature, subject to optional redemption and mandatory sinking fund redemption, in the amounts and on the dates, all as hereinafter provided. The Series 2008B Taxable Bonds shall be dated, shall consist of Serial Bonds or Term Bonds, shall bear interest at the rates, and shall mature in the amounts and on the dates, all as hereinafter provided. Any Series 2008C Bonds shall be dated, shall consist of Serial Bonds or Term Bonds, shall bear interest at the rates, shall mature in the amounts and on the dates, and may be made subject to optional redemption and mandatory sinking fund redemption, all as hereinafter provided.

(F) Details, Interest Payment Dates. The Series 2008 Bonds shall be numbered consecutively 2008[A][B][C] R-1 and up, shall be in the denomination of five thousand dollars (\$5,000) and integral multiples thereof and shall be registered and exchangeable, and the transfer thereof may be registered, all in accordance with the provisions of the Order. Interest on the Series 2008 Bonds shall be payable semi-annually on the dates determined by a Delegate pursuant to Section 4(D) of this Series Resolution, until the Series 2008 Bonds are retired in accordance with the Order.

(G) Book-Entry. The Depository Trust Company (“DTC”), New York, New York, is hereby appointed as Securities Depository for the Series 2008 Bonds. Upon the issuance of the Series 2008 Bonds, one fully registered Series 2008[][Taxable] Bond will be registered in the name of Cede & Co., as nominee for DTC, for each maturity. So long as Cede & Co. is the registered owner of the Series 2008 Bonds, as nominee of DTC, references herein to the Owners of the Series 2008 Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the Series 2008 Bonds.

The interest of each of the beneficial owners of the Series 2008 Bonds will be recorded through the records of a DTC participant. Transfers of beneficial ownership interests in the Series 2008 Bonds which are registered in the name of Cede & Co. will be accomplished by book entries made by DTC and, in turn, by the DTC participants and indirect participants who act on behalf of the beneficial owners of Series 2008 Bonds.

DTC may determine to discontinue providing its service with respect to the Series 2008 Bonds at any time by giving notice to the City and the Trustee and discharging its responsibilities with respect thereto under applicable law. If there is no successor Securities Depository appointed by the City, the City shall deliver Series 2008 Bonds in definitive form to the beneficial owners thereof. The City may determine not to continue participation in the system of book-entry transfers through DTC (or a successor Securities Depository) at any time by giving reasonable notice to DTC (or a successor Securities Depository). In such event, the City will deliver Series 2008 Bonds in definitive form to the beneficial owners thereof pursuant to the Order and this Series Resolution.

The City and the Bond Registrar shall recognize DTC or its nominee, Cede & Co., while the registered owner, as the Owner of the Series 2008 Bonds for all purposes, including notices and voting. Conveyance of notices and other communications by DTC to DTC participants and by DTC participants and indirect participants to beneficial owners of the Series 2008 Bonds will be governed by arrangements among DTC, DTC participants and indirect participants, subject to any statutory and regulatory requirements as may be in effect from time to time.

The City may enter into amendments to any agreement between the City and DTC or any successor Securities Depository relating to the book-entry system to be maintained with respect to the Series 2008 Bonds without the consent of the Owners or beneficial owners of the Series 2008 Bonds.

Section 3. Establishment of Parity Indebtedness Reserve Requirement. The Series 2008 Bonds, together with the Outstanding Series 1998 Bonds, the Outstanding Series 2000A Bonds and the Outstanding City of Greenville, North Carolina Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 2001 (the “Outstanding Series 2001 Bonds”) and any future Parity Indebtedness to be secured by the Parity Indebtedness Reserve Fund, shall have a Parity Indebtedness Reserve Requirement in the amount of the least of (A) the maximum Principal and Interest Requirements, (B) one hundred twenty-five percent (125%) of the average annual Principal and Interest Requirements, and (C) ten per centum (10%) of the stated principal amount, in each case, of all Parity Indebtedness secured by the Parity Indebtedness Reserve Fund excluding Parity Indebtedness secured by a separate account therein, all as provided in the definition of “Parity Indebtedness Reserve Requirement” in the Order.

Section 4. Delegation and Standards. The City Council hereby delegates to the City Manager or the General Manager/Chief Executive Officer of the Greenville Utilities Commission or his designee (each a “Delegate”), subject to the limitations contained herein, the power to determine and carry out the following with respect to the Series 2008 Bonds:

(A) Principal Amount. To determine (i) whether to issue any Series 2008C Bonds and, if so, whether to combine the Series 2008A Bonds and the Series 2008C Bonds into the Series 2008A Bonds as authorized in Section 2(D) and (ii) the aggregate principal amount of (a) the Series 2008A Bonds, such principal amount, up to \$31,000,000, to be sufficient for the purposes of Section 2(A) of this Series Resolution, (b) the Series 2008B Taxable Bonds, such principal amount, up to \$5,000,000, to be sufficient for the purposes of Section 2(B) of this Series Resolution, (c) the Series 2008C Bonds, such principal amount, up to \$28,000,000 to be sufficient for the purpose of Section 2(C) of this Series Resolution and (d) the Series 2008 Bonds, such principal amount not to exceed the sum of the amounts listed in clause (a) and clause (c) above for the purposes set forth in Section 2(A) of this Series Resolution and Section 2(C) of this Series Resolution;

(B) Interest Rates. To determine the interest rate or rates on the Series 2008 Bonds, no such rate to exceed six percent (6%) per annum on the Series 2008A Bonds and seven percent (7%) per annum on the Series 2008B Bonds;

(C) Maturities. To determine the maturities and maturity amounts of the Series 2008 Bonds, no such maturity to extend beyond December 31, 2035;

(D) Interest and Principal Payment Dates. To determine the semi-annual interest payment dates and the first interest payment date as well as the principal payment dates;

(E) Serial and Term Bonds. To determine which Series 2008 Bonds are Serial and Term Bonds, and the Sinking Fund Requirements for any such Term Bonds;

(F) Redemption Provisions. To determine the optional redemption provisions permitted by Section 6 of this Series Resolution, including the first optional redemption date and the Redemption Prices; provided that if a Delegate shall determine that making the Series 2008C Bonds non-callable will materially increase the savings realized from refunding the Refunded Bonds, a Delegate may make the Series 2008C Bonds non-callable and shall not combine the Series 2008A Bonds and the Series 2008C Bonds into a single series;

(G) Dated Date. To determine the dated date of the Series 2008 Bonds;

(H) Refunded Bonds. To determine which, if any of the Refunding Candidates shall be refunded (the Refunding Candidates that are refunded being called “Refunded Bonds”) provided, however, that the City shall realize present value debt service savings from the refunding of the Refunded Bonds of not less than two percent (2%) of the aggregate principal amount of the Refunded Bonds;

(I) Date of Sale. To determine the date of sale of the Series 2008 Bonds (such date of sale not to be later than September 30, 2008);

(J) Negotiated Sale. To approve the sale of the Series 2008 Bonds via a negotiated sale in accordance with the provisions of Section 15 of this Series Resolution, provided that the effective interest cost of the Series 2008A Bonds shall not exceed six percent (6.0%) per annum and the effective interest cost of the Series 2008B Taxable Bonds shall not exceed seven and fourteen hundredths percent (7.14%) per annum;

(K) Bond Insurance. To accept a commitment from Financial Security Assurance Inc. (the "Insurer") and pay the premium for a municipal bond insurance policy issued by any insurance company or financial institution guaranteeing the scheduled payment of principal of and interest on all or any portion of the Series 2008 Bonds when due (the "Insurance Policy"), provided that the following criteria are met: (i) as a result of the issuance of the Insurance Policy, the Series 2008 Bonds so insured shall receive the highest rating from Moody's Investors Service, Inc. ("Moody's") (Aaa) and Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. ("Standard & Poor's") (AAA); and (ii) the present value of debt service on the Series 2008 Bonds with the benefit of the Insurance Policy and taking into account the payment of the premium therefor from the proceeds of the Series 2008 Bonds is less than would be the present value of debt service on the same Series 2008 Bonds without the benefit of the Insurance Policy;

(L) Capitalized Interest. To determine whether (i) to fund capitalized interest and (ii) the date until which such interest on any or a portion of the Series 2008 Bonds shall be funded;

(M) Qualified Reserve Fund Substitute. To accept a commitment and pay the premium for a Qualified Reserve Fund Substitute or Substitutes issued by Financial Security Assurance Inc. (in such capacity, the "Surety Provider"), which Qualified Reserve Fund Substitute or Substitutes shall be deposited to the credit of the Parity Indebtedness Reserve Fund in lieu of the cash deposit otherwise required in respect of all or any of the Series 2008 Bonds;

(N) Verification Agent. To appoint a Verification Agent for purposes of providing an independent confirmation of the sufficiency and yield of the securities credited to the escrow fund created under the Escrow Deposit Agreement; and

(O) Other Provisions. To determine any other provisions deemed advisable and not in conflict with the provisions of this Series Resolution.

Section 5. Series Certificate. A Delegate shall execute a certificate or certificates (collectively, the "Series Certificate") evidencing determinations or other actions taken pursuant to the authority granted in Sections 4, 6 and 7 of this Series Resolution, and the Series Certificate shall be conclusive evidence of the action taken.

Section 6. Optional Redemption of the Series 2008A Bonds and Series 2008C Bonds. The Series 2008A Bonds and 2008C Bonds shall be subject to redemption prior to maturity, at

the option of the City, in whole or in part on any date, from any moneys that may be made available for such purpose, on any date within the redemption periods and at the Redemption Prices, plus accrued interest thereon to the date fixed for redemption, as determined by a Delegate pursuant to Section 4(F) of this Series Resolution; provided, however, that the Series 2008C Bonds may be made non-callable as contemplated by Section 4(F) of this Series Resolution.

Section 7. Sinking Fund Redemption Provisions for the Series 2008 Bonds. If any of the Series 2008 Bonds shall be designated in the Series Certificate to be Term Bonds, such Term Bonds shall be subject to mandatory redemption in part on each date specified in the Series Certificate, in amounts equal to the respective Sinking Fund Requirements therefor set out in the Series Certificate, upon notice as provided in Article III of the Order except as hereinafter provided, at a Redemption Price equal to 100% of the principal amount of the Term Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption. The final Sinking Fund Requirement shall be due on the respective stated maturities of the Series 2008 Bonds that are Term Bonds.

Section 8. Redemption Notice. Notice of any redemption of the Series 2008A Bonds or Series 2008C Bonds shall be given as provided in Article III of the Order.

Section 9. Form of the Series 2008 Bonds. The Series 2008 Bonds and the Certificate of the Local Government Commission and the Certificate of Authentication to be endorsed on the Series 2008 Bonds shall be substantially in the following forms, with such variations, omissions and insertions as are required or permitted by the Order or this Series Resolution:

No. 2008[A][B][C] R -1 \$ _____

United States of America
State of North Carolina

CITY OF GREENVILLE

Greenville Utilities Commission Combined Enterprise System
Revenue Bonds, Series 2008_[Taxable]

<u>Maturity Date</u>	<u>Dated Date</u>	<u>Interest Rate</u>	<u>CUSIP</u>
_____ 1, 20__	_____, 2008	_____ %	

Principal Amount: _____ DOLLARS (\$ _____)

Registered Owner: CEDE & CO.

The City of Greenville (the “City”), a municipal corporation in Pitt County, North Carolina, exercising public and essential governmental functions, is justly indebted and for value received hereby promises to pay, solely from the special fund provided therefor as hereinafter set forth, to the Registered Owner shown above or registered assigns or legal representative, on the maturity date specified above (or earlier as stated hereinafter), upon the presentation and surrender hereof at the principal corporate trust office of The Bank of New York Trust Company, N.A., in the City of New York, New York, or any successor bond registrar (the “Bond Registrar”), the Principal Amount shown above in any coin or currency of the United States of America which on the date of payment thereof is legal tender for the payment of public and private debts, and to pay, solely from said special fund, in whose name this Series 2008[][Taxable] Bond (or one or more Predecessor Bonds, as defined in the Order hereinafter mentioned), is registered at the close of business on the regular record date for such interest, which shall be the 15th day of the calendar month next preceding an interest payment date (the “Regular Record Date”), interest on said principal sum from the date of this Series 2008[][Taxable] Bond or from the _____ 1 or _____ 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a _____ 1 or _____ 1 to which interest shall have been paid, in which case from such date, on _____ 1 and _____ 1 in each year, commencing _____, in like coin or currency, at the rate per annum specified above until payment of said principal sum. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the person who was the registered owner on such Regular Record Date and may be paid to the person in whose name this Series 2008[][Taxable] Bond (or one or more Predecessor Bonds) is registered at the close of business on a Special Record Date (as defined in the Order) for the payment of such defaulted interest to be fixed by the Trustee hereinafter mentioned, notice whereof being given to registered owners not less than ten (10) days prior to such Special Record Date, or may be paid in any other lawful manner not inconsistent with the requirements of applicable law or any securities exchange on which the Series 2008[][Taxable] Bonds may be listed and upon such notice as may be required by such law or exchange, all as more fully provided in the Order.

This Series 2008[][Taxable] Bond is one of a duly authorized series of revenue bonds of the City, designated “Greenville Utilities Commission Combined Enterprise System Revenue Bonds, Series 2008[][Taxable]”, [being a combination of the City’s Series 2008A Bonds and the City’s Refunding Series 2008C Bonds] consisting of Serial Bonds maturing on _____ 1 in the years 20__ through 20__ [and Term Bonds maturing on _____ 1, 20__ and _____ 1, 20__.] and issued to provide funds, together with any other available funds, to [(i) pay the cost of acquiring and constructing certain improvements described in the Series Resolution (herein defined) constituting Additional Improvements (as defined in the Order) to the public utility or public service enterprise facilities comprising an electric system, a natural gas system, a sanitary sewer system and a water system of the City (collectively, the “Combined Enterprise System”)], [(ii) [fund capitalized interest on the Series 2008A bonds until _____] [(iii) make a deposit to the credit of the Parity Indebtedness Reserve Fund], [(iv) refund prior to their maturity certain of the City’s [Series 1998 Bonds and] [Series 2000 Bonds] (hereinafter mentioned)] and (v) pay certain costs and expenses incurred in connection with the issuance of the Series 2008 Bonds. Pursuant to the Enabling Act (as hereinafter defined), the Greenville Utilities Commission (the “Commission”) is responsible for the management, operation, maintenance, improvement and extension of the Combined Enterprise System.

The Series 2008[][Taxable] Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Series Resolution, as hereinafter defined. One Series 2008[][Taxable] Bond certificate with respect to each date on which the Series 2008[][Taxable] Bonds are stated to mature, registered in the name of the Securities Depository Nominee (as defined in the Series Resolution) is being issued and required to be deposited with the Bond Registrar (as defined in the Series Resolution) and immobilized in its custody. The book-entry system will evidence positions held in the Series 2008 Bonds by the Securities Depository's participants, beneficial ownership of the Series 2008 Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City, the Bond Registrar and the Trustee will recognize the Securities Depository Nominee, while the registered owner of this Series 2008[][Taxable] Bond, as the owner of this Series 2008[][Taxable] Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Series 2008[][Taxable] Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Series 2008[][Taxable] Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City, the Bond Registrar and the Trustee will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, the Securities Depository's participants or persons acting through such participants. While the Securities Depository Nominee is the registered owner of this Series 2008[][Taxable] Bond, notwithstanding the provisions hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Series 2008[][Taxable] Bond shall be made in accordance with existing arrangements between the Bond Registrar or its successors under the Order and the Series Resolution and the Securities Depository.

All of the Series 2008[][Taxable] Bonds are issued under and pursuant to the Constitution and laws of the State of North Carolina, including Chapter 861 of the 1992 Session Laws of North Carolina and The State and Local Government Revenue Bond Act, as amended (collectively, the "Enabling Act"), a Bond Order duly adopted on August 11, 1994 and amended and restated as of April 13, 2000 (the "Order") by the City Council of the City (the "City Council"), and a series resolution duly adopted on June __, 2008 (the "Series Resolution") by the City Council. The City has heretofore issued under the Order other bonds on a parity with this Series 2008[][Taxable] Bond. [The City is also issuing simultaneously with the issue of this Series 2008 Bonds its \$ _____ of 2008[A][B Taxable][C] Bonds for the purpose of _____.] The Order provides for the issuance from time to time under the conditions, limitations and restrictions therein set forth of additional Bonds (as hereinafter defined) to provide funds for paying all or any part of the cost of acquiring and constructing other Additional Improvements, to provide funds for completing payment of the cost of acquiring and constructing any Additional Improvements and to refund any Bonds issued under the Order and Indebtedness (as defined in the Order) other than Bonds (such additional Bonds, these Series 2008[][Taxable] Bonds and the parity bonds heretofore issued being herein collectively called the "Bonds"). The Order also provides for the incurrence or assumption by

the City of other obligations which are secured by a pledge, charge and lien upon and payable from certain receipts and rights to receive receipts of the Combined Enterprise System (the "Receipts") after paying or making provision for the payment of Current Expenses (as defined in the Order) on a parity with the Bonds (such obligations and the Bonds being herein collectively called "Parity Indebtedness") (the "Net Receipts") on a parity with the Bonds and other obligations which are secured by a pledge, charge and lien upon and payable from the Net Receipts subordinate and junior in right of payment to Parity Indebtedness ("Subordinate Indebtedness") or which are not secured by a pledge, charge or lien upon the Net Receipts but are payable from the Net Receipts ("Additional Indebtedness" and, together with the Existing Indebtedness, as defined in the Order, "Other Indebtedness") under the conditions, limitations and restrictions therein set forth. Reference is hereby made to the Order for provisions, among others, with respect to the custody and application of the proceeds of Bonds, the collection and disposition of Receipts, the special fund charged with and made available for the payment of the interest and the redemption premium, if any, on and the principal of the Bonds and any other Parity Indebtedness, the nature and extent of the security for the Bonds, the Existing Indebtedness and any other Parity Indebtedness, Subordinate Indebtedness and Additional Indebtedness thereby created, the terms and conditions on which the Bonds of each series are or may be issued or the payment of debt service on other Parity Indebtedness, Subordinate Indebtedness or Additional Indebtedness may be incurred or assumed, the rights, duties and obligations of the City, the Bond Registrar and the Trustee and the rights of the registered owners of the Bonds. A certified copy of the Order is on file at the corporate trust office of The Bank of New York Trust Company, N.A. (the "Trustee"), in the City of Jacksonville, Florida. By the acceptance of this Series 2008[] [Taxable] Bond, the registered owner hereof assents to all of the provisions of the Order.

The Order provides for the creation of a special fund designated the "Greenville Utilities Commission Parity Indebtedness Service Fund" (the "Parity Indebtedness Service Fund"), which special fund is made available for and charged with the payment of the principal of and the interest on all Bonds and any other Parity Indebtedness, and also provides for the deposit to the credit of said special fund of the Net Receipts to the extent and in the manner provided in the Order. The Order further provides for transfers to the credit of the Parity Indebtedness Service Fund from other funds created by the Order and made available thereunder to make up any deficiencies in said Fund with respect to all Bonds and any other Parity Indebtedness, all to the extent and in the manner provided in the Order.

The Order provides for the charging, revising and collecting by the Commission of rates, fees and charges for the use of and for the services and facilities furnished or to be furnished by the Combined Enterprise System in order to produce at all times sufficient Receipts, together with certain other available funds, to pay the Current Expenses and to pay the principal of and interest on all Parity Indebtedness, Subordinate Indebtedness and Other Indebtedness as the same shall become due.

The Net Receipts are pledged by the Order to the payment of the principal of and the interest and any redemption premium on the Bonds and other Parity Indebtedness and then Subordinate Indebtedness as provided in the Order. In addition, the moneys in the Parity Indebtedness Service Fund and moneys in the Parity Indebtedness Debt Service Reserve Fund or qualified reserve fund substitutes established in connection with the issuance of certain of the

outstanding Bonds are pledged by the Order as further security for the payment of all Parity Indebtedness and the interest thereon as provided in the Order; provided, however, that pursuant to the Series Resolution, certain Bonds are not secured by such Parity Indebtedness Reserve Fund or qualified reserve fund substitutes Parity Indebtedness Reserve Fund or qualified reserve fund substitutes. [This Series 2008[][Taxable] Bond is secured by the Parity Indebtedness Debt Service Reserve Fund.] The City is not obligated to pay the Bonds or Indebtedness other than Bonds except from the Net Receipts or other moneys made available therefor under the Order. Neither the faith and credit nor the taxing power of the State of North Carolina or any political subdivision thereof, including the City, is pledged to the payment of the principal of and the interest and any redemption premium on this bond.

The Series 2008[][Taxable] Bonds are issuable as fully registered Bonds, in such denominations as the City may by resolution determine. At the principal corporate trust office of the Bond Registrar, in the manner and subject to the limitations and conditions provided in the Order, Series 2008 Bonds may be exchanged for an equal aggregate principal amount of Series 2008 Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The transfer of this Series 2008[][Taxable] Bond is registrable by the registered owner hereof in person or by his attorney or legal representative at the principal corporate trust office of the Bond Registrar but only in the manner and subject to the limitations and conditions provided in the Order and the Series Resolution and upon surrender and cancellation of this Series 2008[][Taxable] Bond. Upon any such registration of transfer the City shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Series 2008[][Taxable] Bond, a new bond or bonds, registered in the name of the transferee, of authorized denominations, in aggregate principal amount equal to the principal amount of this Series 2008[][Taxable] Bond, of the same series and maturity and bearing interest at the same rate. The City or the Bond Registrar may make a charge for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made to any registered owner for the privilege of exchanging or registering the transfer of bonds. Neither the City nor the Bond Registrar shall be required to make any such exchange or registration of transfer of Bonds of a series during the fifteen (15) days immediately preceding the date of first giving of notice of any redemption of Bonds of such series or any portion thereof or of any Bonds after such Bonds or any portion thereof has been selected for redemption.

The Series 2008[A][C] Bonds maturing on or after _____ 1, 20__ are subject to redemption, at the option of the City, in whole or in part (by lot within a maturity), at any time on or after _____ 1, 20__, at a redemption price equal to _____% of the principal amount of the Series 2008[A][C] Bonds plus accrued interest thereon to the redemption date.

Term Series 2008[][Taxable] Bonds are required to be redeemed from moneys in the Sinking Fund Account (as defined in the Order) in a total principal amount equal to the Sinking Fund Requirements (less the principal amount of Series 2008[][Taxable] Bonds retired by purchase) (as defined in the Order) in annual installments on _____ 1, 20__ to _____ 1, 20__, inclusive, at the principal amount of the Series 2008[][Taxable] Bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption, without premium.

The portion of any Series 2008[][Taxable] Bond to be redeemed shall be in the principal amount equal to the lowest denomination of the Series 2008[][Taxable] Bonds or some integral multiple thereof, and in selecting Series 2008[][Taxable] Bonds for redemption, the Bond Registrar shall treat each Series 2008[][Taxable] Bond as representing that number of Series 2008[][Taxable] Bonds which is obtained by dividing the principal amount of such Series 2008[][Taxable] Bond by the amount of the lowest denomination of the Series 2008[][Taxable] Bonds.

Not more than ninety (90) days and at least thirty (30) days before the redemption date of any Series 2008[][Taxable] Bonds, the Bond Registrar shall cause a notice of any such redemption, either in whole or in part, signed by the Bond Registrar, to be mailed, first-class, postage prepaid, to the North Carolina Local Government Commission and all registered owners of Series 2008[A][C] Bonds or portions of Series 2008[][Taxable] Bonds to be redeemed at their addresses as they appear on the registration books of the City kept by the Bond Registrar, as provided in the Order, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption as to any registered owners to whom such notice was given as so required. The City shall also cause a notice of any such redemption to be given as provided in the Order. On the date designated for redemption, notice having been given as aforesaid, the Series 2008[][Taxable] Bonds or portions of Series 2008[][Taxable] Bonds so called for redemption shall become and be due and payable at the Redemption Price provided for the redemption of such Series 2008[][Taxable] Bonds or portions thereof on such date, and, if the moneys for payment of the Redemption Price and the accrued interest are held by the Bond Registrar, as provided in the Order, interest on such Series 2008[][Taxable] Bonds or portions thereof shall cease to accrue, such Series 2008[][Taxable] Bonds or portions thereof shall cease to be entitled to any benefit or security under the Order, and the registered owners thereof shall have no rights in respect of such Series 2008[][Taxable] Bonds or portions thereof except to receive payment of the redemption price thereof and the accrued interest so held by the Bond Registrar. If a portion of this Series 2008[][Taxable] Bond shall be called for redemption, a new Series 2008[][Taxable] Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

The moneys in the Parity Indebtedness Service Fund and the Redemption Fund (as defined in the Order) available for the purchase or redemption of Bonds shall be allocated to all series of Bonds outstanding under the Order in the manner provided in the Order.

In certain events, on the conditions, in the manner and with the effect set forth in the Order, the principal of all Bonds then outstanding under the Order may become or may be declared due and payable before their stated maturities, together with the interest accrued thereon.

Modifications or alterations of the Order may be made by the City only to the extent and in the circumstances permitted by the Order.

As declared by the Enabling Act, this Series 2008[][Taxable] Bond, subject only to the provisions for registration and registration of transfer stated herein and contained in the Order, is an investment security within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code of the State of North Carolina.

This Series 2008[][Taxable] Bond is issued with the intent that the laws of the State of North Carolina shall govern its construction.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina, the Order and the Series Resolution to happen, exist and be performed precedent to and in the issuance of this Series 2008[][Taxable] Bond have happened, exist and have been performed as so required.

This Series 2008[][Taxable] Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Order until this Series 2008[][Taxable] Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the City of Greenville, North Carolina has caused this Series 2008[][Taxable] Bond to be signed by the Mayor and the City Clerk of the City and the corporate seal of the City to be impressed hereon, all as of the Dated Date set forth above.

CITY OF GREENVILLE, NORTH CAROLINA

[SEAL]

By [manual signature]
Mayor

[manual signature]
City Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Bonds has been approved under the provisions of The State and Local Government Revenue Bond Act of North Carolina.

[manual signature]
Secretary, Local Government
Commission of North Carolina

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the series designated therein and issued under the provisions of the within-mentioned Order.

THE BANK OF NEW YORK TRUST COMPANY, N.A.
as Bond Registrar

By _____

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto _____

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

NOTICE: Signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion program (STAMP) or similar program.

STATEMENT OF INSURANCE

[Financial Security Assurance Inc. ("Financial Security"), New York, New York, has delivered its municipal bond insurance policy with respect to the scheduled payments due of principal and interest with respect to this Series 2008 Bond to The Bank of New York Trust Company, N.A., or its successor, as paying agent for the 2008 Certificates (the "Trustee"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from Financial Security or the Trustee.]

Section 10. Series 2008 Bonds Construction Accounts. (a) A special construction account is hereby created in the Construction Fund created by the Order and designated “Greenville Utilities Commission Series 2008A Bonds Construction Account” (the “Series 2008A Bonds Construction Account”), to the credit of which such deposits will be made as are required by the provisions of Section 210 of the Order. The moneys in the Series 2008A Bonds Construction Account shall be applied to pay certain Costs of the Additional Improvements referred to in Appendix A hereto in accordance with the provisions of the Order.

Subject to the provisions of Article IV of the Order, any interest earned or other income derived from the investment or deposit of moneys held for the credit of the Series 2008A Bonds Construction Account shall be retained by the Trustee in the Series 2008A Bonds Construction Account or upon the written direction of the General Manager/Chief Executive Officer of the Commission or his designee be applied to principal or interest payments on the Series 2008A Bonds.

(b) A special construction account is hereby created in the Construction Fund created by the Order and designated “Greenville Utilities Commission Series 2008B Taxable Bonds Construction Account” (the “Series 2008B Taxable Bonds Construction Account”), to the credit of which such deposits will be made as are required by the provisions of Section 210 of the Order. The moneys in the Series 2008B Taxable Bonds Construction Account shall be applied to pay certain Costs of the Additional Improvements referred to in Appendix B hereto in accordance with the provisions of the Order.

Subject to the provisions of Article IV of the Order, any interest earned or other income derived from the investment or deposit of moneys held for the credit of the Series 2008B Taxable Bonds Construction Account shall be retained by the Trustee in the Series 2008B Taxable Bonds Construction Account or upon the written direction of the General Manager/Chief Executive Officer of the Commission or his designee be applied to principal or interest payments on the Series 2008B Taxable Bonds.

Section 11. Escrow Fund for the Refunded Bonds.

(A) Escrow Deposit Agreement. The Bank of New York Trust Company, N.A. is hereby appointed to serve as Escrow Agent under the Escrow Deposit Agreement. The Escrow Deposit Agreement between the City and The Bank of New York Trust Company, N.A. as Escrow Agent, in the form presented at the meeting at which this Series Resolution is adopted, is hereby approved, and the Mayor, the City Manager or Director of Financial Services is authorized to execute and deliver the Escrow Deposit Agreement in substantially the form so approved.

(B) SLGs; Open Market Purchases. The City authorizes the Escrow Agent to submit a subscription for purchase and issue of United States Treasury Securities - State and Local Government Series or, alternatively, the City Manager or the Director of Financial Services directly or through an agent to obtain not less than three bids for a portfolio of Defeasance Obligations. If a Delegate shall determine that the same shall improve the efficiency of the Escrow Fund created under the Escrow Deposit Agreement, a Delegate is further authorized to enter into agreements and give instructions, for the

purchase of Defeasance Obligations for periods when the moneys credited to the Escrow Fund would otherwise be uninvested.

(C) Call for Redemption of the Refunded Bonds. The Refunded Bonds shall, in accordance with the provisions of the Escrow Deposit Agreement, be called for redemption on the earliest date on which they may be called for optional redemption at the applicable redemption prices set forth in the Escrow Deposit Agreement.

Section 12. Application of Proceeds of the Series 2008 Bonds. Simultaneously with the delivery of the Series 2008 Bonds, the Trustee shall apply the proceeds of the Series 2008 Bonds or cause said proceeds to be applied, including any amount received as accrued interest, as follows:

(i) the amount, if any, received as accrued interest on the Series 2008 Bonds shall be deposited to the credit of the Interest Account created by the Order;

(ii) amounts specified in the Series Certificate from the proceeds of the Series 2008 Bonds in the aggregate equal to the amount required to make the amount then to the credit of the Parity Indebtedness Reserve Fund equal to Parity Indebtedness Reserve Fund Requirement following the issuance of the Series 2008 Bonds shall be deposited to the credit of the Parity Indebtedness Reserve Fund and/or the premium for a Qualified Reserve Fund Substitute delivered in satisfaction of all or any of the amounts otherwise required to be deposited to the credit of the Parity Indebtedness Reserve Fund shall be transferred to the Surety Provider;

(iii) if Series 2008C Bonds shall be issued, whether or not the Series 2008C Bonds shall be combined with the Series 2008A Bonds as permitted herein, the amount required by the terms of the Escrow Deposit Agreement shall be transferred to the Escrow Agent for application in accordance with the terms of the Escrow Deposit Agreement;

(iv) the remaining net proceeds of the Series 2008A Bonds shall be deposited to the Series 2008A Construction Account;

(v) the remaining net proceeds of the Series 2008B Taxable Bonds shall be deposited to the credit of the Series 2008B Taxable Bonds Construction Account; and

(vi) if Series 2008C Bonds shall be issued and shall not be combined with the Series 2008A Bonds as herein permitted, the remaining net proceeds of the Series 2008C Bonds shall be set aside with the Trustee to the credit of a special account and applied to the costs of issuance of the Series 2008C Bonds.

Section 13. Application of Certain Revenues. Subject to the provisions of Section 507 of the Order, the Commission shall, on or before the twenty-fifth (25th) day of the month preceding the months determined pursuant to Section 4(D) of this Series Resolution, withdraw from the Operating Checking Account moneys held for the credit of the Appropriate Operating Funds in such amounts as shall be necessary for the purpose of making the following transfers:

(i) To the Trustee for deposit to the credit of the Interest Account created by the Order, such amount thereof (or the entire sum so withdrawn if less than the required amount) as is sufficient to make full and timely payment of the interest to become due and payable on the Series 2008 Bonds on the next ensuing semi-annual interest payment date, after taking into account any amounts then held for the credit of the Interest Account created by the Order (including amounts transferred from the Construction Fund) for the payment of such interest.

(ii) To the Trustee for deposit to the credit of the Principal Account created by the Order, such amount, if any, of the balance remaining after making the transfer under clause (a) above (or the entire balance if less than the required amount) as is equal sufficient to make full and timely payment of the principal of the Series 2008[][Taxable] Serial Bonds to become due and payable on the next ensuing principal payment date, after taking into account any amounts then held for the credit of the Principal Account created by the Order for the payment of such principal.

(iii) If any of the Series 2008A Bonds or Series 2008C Bonds shall be designated Term Bonds in the Series Certificate, to the Trustee for deposit to the credit of the Sinking Fund Account created by the Order, such amount, if any, of the balance remaining after making the transfers under clauses (i) and (ii) above (or the entire balance if less than the required amount) as is equal to the Sinking Fund Requirement for the Term Bonds to be retired on the next ensuing sinking fund payment date, after taking into account any amounts held for the credit of the Sinking Fund Account created by the Order for satisfaction of such Sinking Fund Requirement.

In addition, in connection with the provision of any Qualified Reserve Fund Substitute or Substitutes with respect to the Series 2008 Bonds, transfers of moneys held for the credit of the Appropriate Operating Funds from the Operating Checking Account pursuant to clause (d)(ii) of Section 507 of the Order shall be made prior to any such transfers pursuant to clause (d)(i) of such Section 507.

Section 14. Official Statement. The draft of the Preliminary Official Statement, to be dated on or about June 4, 2008, relating to the Series 2008 Bonds (the "Preliminary Official Statement") is hereby approved. The City hereby authorizes the use and distribution of the Preliminary Official Statement by Banc of America Securities LLC (the "Senior Manager") and Wachovia Bank, National Association (collectively, the "Underwriters") in substantially the form presented, together with such changes, modifications and deletions as the Mayor of the City, any Delegate, with the advice of counsel, may deem necessary and appropriate. The City authorizes and consents to the preparation and distribution of a final Official Statement relating to the Series 2008 Bonds (the "Official Statement"), in substantially the form of the Preliminary Official Statement, together with such changes as are necessary to reflect the final terms of the Series 2008 Bonds. The Mayor of the City or the City Manager of the City is hereby authorized and directed to execute and deliver the Official Statement, in substantially the form of the Preliminary Official Statement, together with such changes, specifications, and deletions as the Mayor of the City and any Delegate, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 15. LGC Requested to Award the Series 2008 Bonds. The City Council hereby requests the Local Government Commission of North Carolina (the "LGC") to award the Series 2008 Bonds at negotiated sale without advertisement to the Underwriters in the amount and at the interest rates fixed pursuant to this Series Resolution at a price of not less than ninety-nine (99%) percent of the par amount of the Series 2008 Bonds, less the amount of the net offering discount (offering discount less offering premium), if any, on the Series 2008 Bonds, plus any interest accrued thereon from the date thereof to the date of delivery of and payment therefor, subject to the approval thereof by any Delegate. If the LGC awards the Series 2008 Bonds as hereinabove requested, the provisions of the Bond Purchase Agreement between the Underwriters and the LGC relating to the purchase of the Series 2008 Bonds (the "Bond Purchase Agreement") and presented to the City Council for its consideration are hereby approved in all respects, and the Mayor of the City, the City Manager of the City and the Director of Financial Services are hereby authorized to signify such approval by the execution of the Bond Purchase Agreement in substantially the form presented, such execution to be conclusive evidence of the approval thereof by the City.

Section 16. Continuing Disclosure. The City and the Commission hereby undertake, for the benefit of the beneficial owners of the Series 2008 Bonds, to provide:

(A) by not later than seven months from the end of each Fiscal Year, commencing with the Fiscal Year ending June 30, 2008, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Commission for such Fiscal Year, if available, prepared in accordance with Section 159-39 of the General Statutes of North Carolina, as it may be amended from time to time, or, if such audited financial statements of the Commission are not available by seven months from the end of such Fiscal Year, unaudited financial statements of the Commission for such Fiscal Year to be replaced subsequently by audited financial statements of the Commission to be delivered within 15 days after such audited financial statements become available for distribution;

(B) by not later than seven months from the end of each Fiscal Year, commencing with the Fiscal Year ending June 30, 2008, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the following headings to the Official Statement (1) "The Combined Enterprise System - The Electric System (capacity and consumption figures) - Electric Service Rates, Number of Connections and - Major Users" and power purchases from the Power Agency; (2) "The Combined Enterprise System - The Water System (capacity and consumption figures) -- Water Service Rates, - Water Service Connection Fees, - Number of Connections and - Major Users;" (3) "The Combined Enterprise System - The Sanitary Sewer System (capacity figures)"; Sewer Service Rates, - Sewer Service Connection Fees, - Number of Connections and - Major Users"; (4) "The Combined Enterprise System - The Natural Gas System (capacity and consumption figures) - Natural Gas Rates, - Number of Connections, Gas Consumption and - Major Users"; and (5) "The Combined Enterprise System - Billing and Collection Procedures" in the Official Statement relating to the

Series 2008 Bonds, to the extent such items are not included in the audited financial statements referred to in (A) above;

(C) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking City Council (“MSRB”), and to the SID, if any, notice of any of the following events with respect to the Series 2008 Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) modification to the rights of security holders;
- (8) bond calls, except bond calls relating to mandatory sinking fund redemptions;
- (9) defeasances;
- (10) release, substitution or sale of property securing repayment of the securities; and
- (11) rating changes.

(D) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the City or the Commission to provide required annual financial information described in (a) or (b) above on or before the date specified.

In lieu of making filings described in this Section with each nationally recognized municipal securities information repository and the SID the City Council approves the making of such filings with DisclosureUSA, the central post office of the Municipal Advisory Council of Texas. In addition, should the Securities and Exchange Commission approve any additional Internet based electronic filing system for satisfying the continuing disclosure filing requirements of Rule 15c2-12 and this Section, the City Council approves the filing by the City and the Commission with any such system.

If the City or the Commission fails to comply with the undertaking described above, the Trustee or any beneficial owner of the Series 2008 Bonds then Outstanding may take action to

protect and enforce the rights of beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default under the Order and shall not result in any acceleration of payment of the Series 2008 Bonds.

The City and the Commission reserve the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the City and the Commission, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the City or the Commission; and

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the City or the Commission (such as Bond Counsel), or by approving vote of the registered owners of not less than a majority in principal amount of the Series 2008 Bonds then Outstanding pursuant to the terms of the Bond Order, as it may be amended from time to time.

The City and the Commission agree that any such modification shall not take effect except upon thirty (30) days’ prior written notice to the Senior Manager, unless waived in writing by such Senior Manager.

The City and the Commission also agree that the annual financial information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendments and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section 16 shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Series 2008 Bonds.

Section 17. Insurance Agreement. A Delegate is authorized to execute an insurance agreement, in the form of the agreement attached as an exhibit to the commitment of the Surety Provider, upon the issuance by the Surety Provider of a Qualified Reserve Fund Substitute (the “Insurance Agreement”). Such Insurance Agreement shall set forth certain requirements of the City and Commission relating to the Qualified Reserve Fund Substitute and may include certain requirements relating to the Insurance Policy in addition to those set forth in Section 18. All provisions of the Insurance Agreement are incorporated by specific reference into this Series Resolution.

Section 18. Bond Insurance Provisions. If pursuant to Section 4(K) of this Series Resolution a commitment for a municipal bond insurance policy is accepted and the Insurance Policy is delivered and provided by the Insurer the following provisions apply for all Series 2008 Bonds for which the Insurance Policy guarantees the scheduled payment of principal of an interest on (the “Insured Bonds”):

(a) “Insurance Policy” means the insurance policy issued by the Insurer guaranteeing the scheduled payment of principal of and interest on the Insured Bonds when due.

(b) “Insurer” means Financial Security Assurance Inc., a New York stock insurance company, or any successor thereto or assignee thereof.

(c) The Insurer shall be deemed to be the sole holder of the Insured Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Insured Bond by it are entitled to take pursuant to Article VIII (pertaining to defaults and remedies), Article IX (pertaining to the Trustee), Article X (pertaining ownership) and Article XI (pertaining to supplemental order) of the Order. The Trustee shall take no action requiring consent or approval of the holders of the Insured Bonds except with the consent, or at the direction, of the Insurer. The maturity of Insured Bonds shall not be accelerated without the consent of the Insurer.

(d) The maturity of the Insured Bonds shall not be accelerated without the consent of the Insurer and in the event the maturity of the Insured Bonds is accelerated, the Insurer may elect, in its sole discretion, to pay accelerated principal and interest accrued on such principal to the date of acceleration (to the extent unpaid by the City or the Commission) and the Trustee shall be required to accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above, the Insurer's obligations under the Insurance Policy with respect to such Insured Bonds shall be fully discharged.

(e) Notwithstanding anything to the contrary set forth in the Order, no grace period for an event of default as set forth in Section 802 of the Order shall exceed 30 days or be extended for more than 60 days, without the prior written consent of the Insurer. No grace period shall be permitted for payment defaults.

(f) No modification, amendment or supplement to this Series Resolution may become effective except upon obtaining the prior written consent of the Insurer and any amendment, supplement, modification to, or waiver of, the Order that requires the consent of Owners or adversely affects the rights and interests of the Insurer shall be subject to the prior written consent of the Insurer.

(g) Unless the Insurer otherwise directs, upon the occurrence and continuance of an Event of Default or an event which with notice or lapse of time would constitute an Event of Default, amounts on deposit in the Series 2008A Bonds Construction Account or the Series 2008B Taxable Bonds Construction Account shall not be disbursed, but

shall instead be applied to the payment of debt service or redemption price of the Series 2008 Bonds.

(h) The rights granted to the Insurer under the Order or this Series Resolution to request, consent to or direct any action are rights granted to the Insurer in consideration of its issuance of the Insurance Policy. Any exercise by the Insurer of such rights is merely an exercise of the Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit or on behalf of the Owners nor does such action evidence any position of the Insurer, positive or negative, as to whether Owner consent is required in addition to consent of the Insurer.

(i) Only (1) cash, (2) non-callable direct obligations of the United States of America ("Treasuries"), (3) evidences of ownership of proportionate interests in future interest and principal payments on Treasuries held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying Treasuries are not available to any person claiming through the custodian or to whom the custodian may be obligated, (4) subject to the prior written consent of the Insurer, pre-refunded municipal obligations rated "AAA" and "Aaa" by S&P and Moody's, respectively, or (5) subject to the prior written consent of the Insurer, securities eligible for "AAA" defeasance under then existing criteria of S & P or any combination thereof, shall be used to effect defeasance of any or all of the Series 2008 Bonds unless the Insurer otherwise approves.

To accomplish defeasance, the City shall cause to be delivered (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Insurer ("Accountant") verifying the sufficiency of the escrow established to pay the Series 2008 Bonds in full on the maturity or redemption date ("Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Series 2008 Bonds are no longer "Outstanding" under the Order and (iv) a certificate of discharge of the Trustee with respect to the Series 2008 Bonds; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the Issuer, Trustee and Insurer. The Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow.

Series 2008 Bonds shall be deemed "Outstanding" under the Order unless and until they are in fact paid and retired or the above criteria are met.

(j) The Order or this Series Resolution shall not be discharged unless all amounts due or to become due to the Insurer have been paid in full or duly provided for.

(k) Claims Upon the Insurance Policy and Payments by and to the Insurer.

If, on the third Business Day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the

Trustee, after making all transfers and deposits required under the Order and this Series Resolution, moneys sufficient to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Trustee shall give notice to the Bond Insurer and to its designated agent (if any) (the “Insurer’s Fiscal Agent”) by telephone or teletype of the amount of such deficiency by 12:00 noon, New York City time, on such Business Day. If, on the second Business Day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Trustee shall make a claim under the Insurance Policy and give notice to the Insurer and the Insurer’s Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Insured Bonds and the amount required to pay principal of the Bonds, confirmed in writing to the Insurer and the Insurer’s Fiscal Agent by 12:00 noon, New York City time, on such second Business Day by filling in the form of Notice of Claim and Certificate delivered with the Insurance Policy.

The Trustee shall designate any portion of payment of principal on Insured Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Insured Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Insured Bond to the Insurer, registered in the name of Financial Security Assurance Inc., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Trustee’s failure to so designate any payment or issue any replacement Insured Bond shall have no effect on the amount of principal or interest payable by the City or the Commission on any Insured Bond or the subrogation rights of the Insurer.

The Trustee shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Insured Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Trustee.

Upon payment of a claim under the Insurance Policy, the Trustee shall establish a separate special purpose trust account for the benefit of Owners referred to herein as the “Policy Payments Account” and over which the Trustee shall have exclusive control and sole right of withdrawal. The Trustee shall receive any amount paid under the Insurance Policy in trust on behalf of Owners and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Trustee to Owners in the same manner as principal and interest payments are to be made with respect to the Insured Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to

make such payments. Notwithstanding anything herein to the contrary, the City and the Commission agree to pay to the Insurer (i) a sum equal to the total of all amounts paid by the Insurer under the Insurance Policy (the “Insurer Advances”); and (ii) interest on such Insurer Advances from the date paid by the Insurer until payment thereof in full, payable to the Insurer at the Late Payment Rate per annum (collectively, the “Insurer Reimbursement Amounts”). “Late Payment Rate” means the lesser of (a) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest rate of interest on the Insured Bonds and (b) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. The Issuer hereby covenants and agrees that the Insurer Reimbursement Amounts are secured by a lien on and pledge of the Net Receipts and payable from such Net Receipts on a parity with debt service due on the Insured Bonds.

Funds held in the Policy Payments Account shall not be invested by the Trustee and may not be applied to satisfy any costs, expenses or liabilities of the Trustee. Any funds remaining in the Policy Payments Account following a Insured Bond payment date shall promptly be remitted to the Insurer.

(l) After payment of reasonable expenses of the Trustee, the application of funds realized upon an event of default shall be applied to the payment of expenses of the City or rebate only after the payment of past due and current debt service on the Bonds and amounts required to restore the Parity Indebtedness Reserve Fund to the Parity Indebtedness Reserve Requirement.

(m) The City and the Commission shall pay or reimburse the Insurer any and all charges, fees, costs and expenses which the Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in the Order or this Series Resolution; (ii) the pursuit of any remedies under the Order or the Series Resolution or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, the Order or this Series Resolution whether or not executed or completed, (iv) the violation by the City or the Commission of any law, rule or regulation, or any judgment, order or decree applicable to it or (v) any litigation or other dispute in connection with the Order or this Series Resolution or the transactions contemplated thereby, other than amounts resulting from the failure of the Insurer to honor its obligations under the Insurance Policy. The Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Order or this Series Resolution.

(n) Payments required to be made to the Insurer shall be payable solely from Net Receipts and shall be paid, after an Event of Default, on the same priority as payments to the Trustee for expenses as set forth in Section 905 of the Order.

(o) The Insurer shall be entitled to pay principal or interest on the Insured Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the Obligor (as such terms are defined in the Insurance Policy) and any amounts due on the Insured Bonds as a result of acceleration of the maturity thereof in accordance with the Order, whether or not the Insurer has received a Notice of Nonpayment (as such terms are defined in the Insurance Policy) or a claim upon the Insurance Policy.

(p) The notice address of the Insurer is: Financial Security Assurance Inc., 31 West 52nd Street, New York, New York 10019, Attention: Managing Director – Surveillance, Re: Policy No. , Telephone: (212) 826-0100; Telecopier: (212) 339-3556. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate “URGENT MATERIAL ENCLOSED.”

(q) The Insurer shall be provided with the following information:

(i) The City’s and the Commission’s Annual audited financial statements within 150 days after the end of the City’s and Commission’s fiscal year and the City or the Commission’s annual budget within 30 days after the approval thereof;

(ii) Notice of any draw upon the Parity Indebtedness Reserve Fund within two Business Days after knowledge thereof other than (i) withdrawals of amounts in excess of the Parity Indebtedness Reserve Requirement and (ii) withdrawals in connection with a refunding of Bonds;

(iii) Notice of any default known to the Trustee within five Business Days after knowledge thereof;

(iv) Prior notice of the advance refunding or redemption of any of the Insured Bonds, including the principal amount, maturities and CUSIP numbers thereof;

(v) Notice of the resignation or removal of the Trustee and the appointment of, and acceptance of duties by, any successor thereto;

(vi) Notice of the commencement of any proceeding by or against the City or the Commission commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an “Insolvency Proceeding”);

(vii) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Insured Bonds;

(viii) A full original transcript of all proceedings relating to the execution of any amendment or supplement to the Order or this Series Resolution; and

(ix) All reports, notices and correspondence to be delivered under the terms of the Order or the Series Resolution.

(r) Notwithstanding satisfaction of other conditions to the issuance of Additional Bonds contained in the Order, no such issuance may occur (i) if an Event of Default (or any event which, once all notice or grace periods have passed, would constitute an Event of Default) have occurred and be continuing unless such default shall be cured upon such issuance and (ii) if it is decided in the series resolution relating to such Additional Bonds that such bonds will be secured by the Parity Indebtedness Reserve Fund, such Parity Indebtedness Reserve Fund shall be fully funded at the Reserve Subfund Requirement upon the issuance of such Additional Bonds, in either case unless otherwise permitted by the Insurer.

(s) In determining whether any amendment, consent, waiver or other action to be taken, or any failure to take action, under the Order would adversely affect the security for the Series 2008 Bonds or the rights of the Owners, the Trustee shall consider the effect of any such amendment, consent, waiver, action or inaction as if there were no Insurance Policy.

(t) No contract shall be entered into nor any action taken by which the rights of the Insurer or security for or sources of payment of the Insured Bonds may be impaired or prejudiced except upon obtaining the prior written consent of the Insurer.

(u) If the any of the 2008A Bonds are issued for refunding purposes, there shall be delivered an opinion of Bond Counsel addressed to the Insurer (or a reliance letter relating thereto), to the effect that, upon the making of the required deposit to the escrow, the legal defeasance of the Refunded Bonds shall have occurred.

(v) The City covenants and agrees not to issue or incur any Variable Rate Indebtedness if upon the issuance or incurrence of such Variable Rate Indebtedness the principal amount of all outstanding Variable Rate Indebtedness equals or exceeds fifty percent (50%) of the total principal amount of Outstanding Indebtedness.

(w) The City covenants and agrees that Tender Indebtedness shall be considered Short-Term Indebtedness for purposes of calculating the amount of outstanding Short-Term Indebtedness and determining compliance with the provisions relating to Short-Term Indebtedness.

(x) Notwithstanding any provision in the Order to the contrary, in addition to the requirements set forth in Sections 714 and 716 of the Order, the City covenants and agrees that the City shall not (i) remove, sell, exchange, lease or otherwise dispose of any Enterprise or any of the public utilities or public service enterprises comprising the Combined Enterprise System (a "Removal") or (ii) add any additional Enterprises to the Combined Enterprise System (an "Addition"), unless prior to the occurrence of each Removal or Addition, the City delivers evidence satisfactory to the Issuer that all Parity Indebtedness will be rated at least in the single-A category by S&P and Moody's following any such Removal or Addition.

(y) The City covenants that it shall not secure any payment obligation under a Hedge Agreement with a pledge of Net Receipts on parity with or senior to the pledge securing Parity Indebtedness, other than regularly scheduled net periodic payment obligations under such Hedge Agreement.

Section 19. Authorization to City and Commission Officials. The officers, agents and employees of the City and the Commission and the officers and agents of the Trustee and the Bond Registrar are hereby authorized and directed to do all acts and things required of them by the provisions of the Series 2008 Bonds, the Order, the Bond Purchase Agreement, this Series Resolution and any other documents relating to the issuance of the Series 2008 Bonds for the full, punctual and complete performance of the terms, covenants, provisions and agreements therein.

Section 20. Ratification. Any and all actions heretofore taken by the City and the officers, agents and employees of the City in connection with the transactions authorized and approved hereby are hereby ratified and confirmed.

Section 21. Conflicts. Any and all resolutions of the City or portions thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

Section 22. Effective Date. This Series Resolution shall take effect immediately upon its adoption.

Adopted this the ____ day of June, 2008.

Patricia C. Dunn
Mayor

[SEAL]

ATTEST:

Wanda T. Elks
City Clerk

APPENDIX A

DESCRIPTION OF THE ADDITIONAL IMPROVEMENTS TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2008A BONDS

The Additional Improvements are those additional improvements included in the capital improvement program for the Combined Enterprise System, including but not limited to:

1. Project: ELECTRIC SYSTEM: Bells Fork Substation Upgrade

Description: The design and construction of a second 20 MVA power transformer and 15 kV bus structure to the existing Bells Fork Substation will accommodate residential and commercial development in this area.

Approximate Cost: \$1,700,000

2. Project: ELECTRIC SYSTEM: Dickinson Avenue Electric Transmission Line

Description: The engineering, design and construction of a new 115kV transmission line to service the Dickinson Avenue Substation and provide a central transmission line connector between Greenville Utilities two 230 kV delivery point locations.

Approximate Cost: \$3,300,000

3. Project: WATER SYSTEM: Fire Tower Road Improvement Project

Description: The upgrade of the existing water main along Fire Tower Road is part of a long term program to improve flow capacity and reliability of the water distribution system, particularly in the rapidly expanding western and southern portions of the system.

Approximate Cost: \$1,139,000

4. Project: WATER SYSTEM: Stokes Water Interconnection

Description: The construction of an 8" water main to connect the Greenville Utilities water system to the Stokes Regional Water Corporation's (SRWC) water system. This connection will provide SRWC with a supplemental water

supply enabling their compliance with restrictions on aquifer withdrawals imposed by the North Carolina Department of Environment and Natural Resources.

Approximate Cost: \$510,500

5. Project: WATER SYSTEM: Elevated Storage Tank Painting and Mixing Modifications

Description: The exterior and interior surface preparation and coating application on three elevated water storage tanks and the installation of a mixing system that will ensure uniform disinfectant residuals.

Approximate Cost: \$1,150,000

6. Project: WATER SYSTEM: Groundwater Supply Optimization Project

Description: The conversion of four (4) groundwater wells to utilize chloramines rather than free chlorine as a disinfectant in order for the wells to be operated in conjunction with the Greenville Utilities water treatment plant.

Approximate Cost: \$400,000

7. Project: WATER SYSTEM: Automated Meter Reading (AMR)

Description: The conversion of existing water meters throughout the water system to Automated Meter Reading which is a proven technology that allows for consistency and accurate collection of meter readings using wireless communication.

Approximate Cost: \$6,327,483

8. Project: WATER SYSTEM: Frog Level Road Water Main Extension

Description: The extension of a 12" water transmission main along Frog Level Road to improve system capacity and pressures in the southwestern portion of the water distribution system.

Approximate Cost: \$565,000

9. Project: WATER SYSTEM: Tar River Available Water Supply

Description: The performance of an engineering and environmental analysis to determine available water supply from the Tar River. The final analysis report will serve as documentation for regulatory approvals related to water supply expansion.

Approximate Cost: \$885,000

10. Project: WATER SYSTEM: Fire Flow Improvements - SR 1401 and SR 1402 Water Main Extension Project

Description: The extension of a 12" water transmission main along SR 1401 (Old River Road) and SR 1402 (Barrus Construction Road) to improve system capacity and pressures in the northwestern portion of the water distribution system.

Approximate Cost: \$1,200,000

11. Project: SEWER SYSTEM: Fire Tower Road Improvement Project

Description: The construction of a sanitary sewer force main to redirect the discharge from an existing pump station to a different location within the sewer collection system in order to increase pump station capacity.

Approximate Cost: \$319,500

12. Project: SEWER SYSTEM: River Hills Annexation Sewer Extension Project

Description: The extension of a gravity outfall line and sewage force main from the existing River Hills pump station to a new pump station being constructed in conjunction with a proposed new development.

Approximate Cost: \$397,058

13. Project: SEWER SYSTEM: Hardee Creek Outfall Extension at Porter's Grove Subdivision

Description: The extension of the Hardee Creek sanitary sewer outfall to accommodate new developments in the southeast area of the sewer collection system.

Approximate Cost: \$1,075,000

14. Project: **SEWER SYSTEM: Sanitary Sewer Outfall Rehabilitation Project – Phase II**

Description: The rehabilitation of certain portions of three major sanitary sewer outfall pipelines which have experienced corrosion due to hydrogen sulfide gas generated from the natural decay of wastewater within the pipe.

Approximate Cost: \$2,000,000

15. Project: **SEWER SYSTEM: Sterling Pointe Pump Station and Force Main Project**

Description: The engineering design and acquisition of easements for a new regional wastewater pumping station and force main to replace the existing Sterling Pointe Pump Station and provide additional capacity to serve a rapidly developing portion of the Greenville Utilities service area.

Approximate Cost: \$1,034,000

16. Project: **SEWER SYSTEM: Westside Pump Station and Force Main Project**

Description: The engineering design and acquisition of easements for a new regional wastewater pumping station and force main to replace the existing Westside Regional Pumping Station and Force Main and provide continued service to the City's expanding Medical District area.

Approximate Cost: \$1,300,000

17. Project: GAS SYSTEM: Gas System Enhancement Project

Description: The installation of approximately 8,200 LF of 8" MDPE gas main along NC 33. This interconnection is needed in order to maintain reliable gas service at sufficient pressure and in adequate quantity to meet the future gas consumption of existing and new customers.

Approximate Cost: \$400,000

18. Project: GAS SYSTEM: Industrial Gas Meter Station Modifications

Description: The rebuilding or modifying of ten (10) industrial meter stations is necessary to improve the reliability and accuracy of gas measurement to our large volume industrial users.

Approximate Cost: \$500,000

19. Project: GAS SYSTEM: Gas Distribution System SCADA Upgrade Project

Description: The replacement of aging and obsolete equipment to improve system reliability, utilize existing technology infrastructure and to reduce operating costs.

Approximate Cost: \$700,000

APPENDIX B

DESCRIPTION OF THE ADDITIONAL IMPROVEMENTS TO BE FINANCED WITH PROCEEDS OF THE SERIES 2008B (TAXABLE) BONDS

The Additional Improvements are those additional improvements included in the capital improvement program for the Combined Enterprise System, including but not limited to:

20. Project: **ELECTRIC SYSTEM: System Expansion Project A: 2007-2008**

Description: To meet the demands of customer growth and system expansion during the 2007-2008 fiscal year GUC's Electric Department installed conduit, primary and secondary cabling, transformers, switching pedestals, lighting, and other associated equipment and apparatus for new service requests in 19 commercial and 30 residential developments.

Approximate Cost: \$4,000,000

*City
CES*

After consideration of the foregoing resolution, Councilmember _____ moved the passage thereof, which motion was duly seconded by Councilmember _____, and the foregoing resolution was passed by the following vote:

Ayes: _____
_____.

Noes: _____.

* * * * *

I, Wanda T. Elks, City Clerk of the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the City Council of said City at a meeting held on June __, 2008, said record having been made in Minute Book No. ___ of the minutes of said City Council, beginning at page ___ and ending at page ___, and is a true copy of so much of said proceedings of said City Council as relates in any way to the passage of the resolution described in said proceedings.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held in the City Council Chamber in the City Hall in Greenville, North Carolina on the second Thursday of each month, the Monday preceding the second Thursday of each month and the second Monday after such second Thursday at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the official seal of said City, this ___ day of June, 2008.

City Clerk

[SEAL]



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: Resolution authorizing the conveyance of property to the Greenville Museum of Art, Inc.

Explanation: The Greenville Museum of Art is located on the corner of Eighth Street and Evans Street on property that consists of five (5) tax parcels. Two (2) of these parcels are held in the name of "Greenville Museum of Art, Inc.", and the other three (3) are held in the name of "Mayor of City of Greenville as Trustee for the Greenville Museum of Art, Inc." A map illustrating the property is attached.

The City originally conveyed the parcels held in the name of the Mayor, as Trustee, in 1979 and later conveyed these parcels again by a correction deed in 1990. The deed provided that some portion of the property was to be "used for parking or for the construction of a new building or the addition to the existing building" and that after this condition is met the trust is terminated. Parking and a portion of an addition to the building have been constructed upon these parcels, so the condition is met. Therefore, the intention was that the trust is terminated and that the property will be owned by the Greenville Museum of Art, Inc. for use as an art museum for the public. In order to carry out the intent of the original conveyance, a deed will be required from the Mayor, as Trustee, and the City to the Greenville Museum of Art, Inc. with the condition that the use of the property is limited to the public purpose for a building, parking lot, or other improvements so that the property is open to the public and used as an art museum, art gallery, art center, art facility, or some substantially similar purpose related to the support and preservation of the arts.

By the attached letter, Tamara Shusterman, President, Board of Trustees, GMA, and Meridith Harrington, Executive Director, GMA, request that this be accomplished and indicate the willingness of the Greenville Museum of Art, Inc. to accept the deed with the conditions as to use.

North Carolina General Statute 160A-279 authorizes the City to convey property by private conveyance to a public or private entity which the City is authorized to appropriate funds and which carries out a public purpose. The City is to attach

conditions to ensure that the property will be put to public use by the entity. North Carolina General Statute 160A-488 authorizes the City to support museums, art galleries, or art centers so long as the facility is open to the public and to appropriate funds to a corporation for the purpose of establishing and supporting museums, art galleries, arts centers, arts facilities, and arts programs.

Fiscal Note:

There is no additional expense for the conveyance of the property. There is no revenue being received for the conveyance since the consideration for the conveyance is that the Greenville Museum of Art, Inc. met the conditions in the original deeds and is to continue to use the property for art museum purposes.

Recommendation:

It is recommended that City Council approve the attached resolution which authorizes the conveyance of property to the Greenville Museum of Art, Inc.

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

Attachments / click to download

- [Map](#)
- [Letter and Deed](#)
- [Resolution Approving Conveyance of Property to Greenville Museum of Art, Inc. 767138](#)

RESOLUTION NO. 08-

RESOLUTION APPROVING THE CONVEYANCE OF PROPERTY
TO GREENVILLE MUSEUM OF ART, INC.

WHEREAS, by deeds dated December 11, 1979, and September 13, 1990, the City of Greenville conveyed tax parcel numbers 28647, 23714 and 28649 to the Mayor of City of Greenville as Trustee for the use of the Greenville Museum of Art, Inc.;

WHEREAS, the conditions of the trust have been met and it is appropriate to convey the property to the Greenville Museum of Art, Inc., with the condition that it continue to be open to the public as an art museum or similar purpose; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance to the Greenville Museum of Art, Inc. for museum and arts programs as permitted by North Carolina General Statute 160A-488;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel numbers 28647, 23714 and 28649 to the Greenville Museum of Art, Inc. with the condition that the use of the property is limited to the public purpose for a building, parking lot, or other improvements so that the property is open to the public and used as an art museum, art gallery, art center, art facility, or some substantially similar purpose related to the support and preservation of the art, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 9th day of June, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



Greenville Museum of Art Property





29 May 2009

Wayne Bowers
City Manager
200 West Fifth Street
Greenville, NC 27834

Dear Mr. Bowers:

Currently, the Greenville Museum of Art, Inc. ("GMA") uses and maintains property either owned outright by the museum in fee simple or owned by the City of Greenville in trust for the use and benefit of the GMA. As was the intent of the original trust agreement with the City of Greenville in 1979, the GMA was to take title to the property free of the trust, though still subject to the restrictions of public use and purpose. In order to ensure that the original intent of the trust is carried out and that the property used and maintained by the GMA is under one ownership, the GMA was approached by City Attorney Dave Holec to develop a plan to transfer the properties held in trust, which are used and maintained by the GMA, to the GMA pursuant to the North Carolina General Statutes. After discussions with Mr. Holec and a review of a proposed deed of transfer, the GMA Board of Trustees unanimously approved to accept the deed of property attached hereto which contains the following restrictions:

TO HAVE AND TO HOLD, the above described property on Schedule A with all the rights, privileges and appurtenances belonging to it, subject to the restriction that the use of the property is limited to the public purpose for a building, parking lot, or other improvements so that such property is open to the public and used as an art museum, art gallery, art center, art facility, or for some substantially similar purpose related to the support and preservation of the arts.

The GMA Board of Trustees believes that the transfer of properties to the GMA for said valuable consideration will continue and enhance the longstanding relationship between the GMA and the City of Greenville. The Greenville Museum of Art has always and will continue to support all of the downtown local activities. We have held and participated in many city of Greenville centered activities. We have joined other businesses and taken part in multiple art walks where we have given free art lessons to the younger generation of Greenville. During those local activities we open our doors free of charge to anybody that may walk by or those that make the GMA their destination.

We look forward to our city council approving this deed transfer and to their continued support. The Greenville Museum of Art is truly making a difference in the eastern part of North Carolina. Through our exhibits we are able reach many in the local area.

Item # 25



The early engagement of young people with museum collections, whether on a school tour or a family visit, contributes greatly to their sense of identity and self-development. It is also worth noting the considerable opportunities the museum can offer our senior citizens both as a place to meet and learn with like-minded individuals. That is not to forget that everyone in between also needs to be supported, to nurture a love of arts that is freely available in our institution. We look forward to a long partnership with the city of Greenville and it's residents.

Sincerely,



Tamara Shusterman
President, Board of Trustees, GMA

Meridith Harrington
Executive Director, GMA



NORTH CAROLINA
PITT COUNTY

THIS DEED, made and entered into this the ____ day of June, 2008 by the **CITY OF GREENVILLE**, and the **MAYOR OF THE CITY OF GREENVILLE**, North Carolina as Trustee, hereinafter jointly called "City of Greenville"; and **GREENVILLE MUSEUM OF ART, INCORPORATED**, hereinafter called "Art Museum".

WITNESSETH:

By deed dated December 11th, 1979, said deed recorded in Deed Book P48, page 531 of the Pitt County Registry, the City of Greenville conveyed the property described below to the Mayor of the City of Greenville, North Carolina as Trustee for "East Carolina Art Center, Inc." The intent of this original conveyance was that the property be put to public use.

However, there was no such entity known as "East Carolina Art Center, Inc." capable of taking title at that time. Said deed intended to convey the property to "East Carolina Art Society, Incorporated", which has now, by duly recorded Articles of Amendment, changed its name to the "Greenville Museum of Art, Incorporated."

To resolve this oversight, the parties recorded a correction deed on September 13th, 1990, this correction deed being recorded in Deed Book 284, page 545 of the Pitt County Registry. The correction deed placed two (2) conditions on the use of the property conveyed. Upon the happening of either one of these conditions, whichever was first, it was the intent of the parties that the trust created within the conveyance would terminate. As was the intent of the original conveyance, the Art Museum would then take title to the property free of the trust, though still subject to the restrictions of public use and purpose.

The conditions placed on the existence of the trust created within the conveyance have been met, and, by virtue of the satisfaction of the terms contained in the correction deed in Deed Book 284, page 545, the trust is now terminated.

It is the intention of the parties that title to the property be delivered to the Art Museum, and the Art Museum has provided valuable consideration. Therefore, the City of Greenville conveys to the Art Museum in fee simple the parcels of land more particularly described as follows:

Located in the City of Greenville, Pitt County, North Carolina particularly described as follows:

SEE SCHEDULE A, ATTACHED.

TO HAVE AND TO HOLD, the above described property on Schedule A with all the rights, privileges and appurtenances belonging to it, subject to the restriction that the use of the property is limited to the public purpose for a building, parking lot, or other improvements so that such property is open to the public and used as an art museum, art gallery, art center, art facility, or for some substantially similar purpose related to the support and preservation of the arts.

And the City of Greenville covenants with the Art Museum that the City of Greenville is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the City of Greenville will warrant and defend the title against lawful claims of all persons whomsoever.

When reference is made to the City of Greenville or the Art Museum, the singular shall include the plural, and any reference to gender shall include masculine, feminine and neuter.

The City of Greenville has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal affixed by authority of the City Council of the City of Greenville, this the ___ day of January, 2008.

CITY OF GREENVILLE

By:

PATRICIA C. DUNN, Mayor of the City
of Greenville

ATTEST:

WANDA T. ELKS, City Clerk
(SEAL)

PATRICIA C. DUNN, Mayor of the City
of Greenville, in her capacity as Trustee

NORTH CAROLINA
PITT COUNTY

I, a Notary Public in and for said state and county, do hereby certify that **WANDA T. ELKS** personally appeared before me this day and acknowledged that she is City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its City Clerk.

WITNESS my hand and Notarial Seal this the ___ day of January, 2008.

_____, Notary Public
(Print or Type Name of Notary Here)

My Commission Expires: _____
STATE OF NORTH CAROLINA
COUNTY OF PITT

I certify that **PATRICIA C. DUNN**, Mayor of the City of Greenville, and Trustee for Greenville Museum of Art, Inc., personally appeared before me this _____ day of January, 2008 and acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

- I have personal knowledge of the identity of the principal; or
- I have seen satisfactory evidence of the principal's identity by a current state or federal identification with the principal's photograph in the form of a _____; or
- A credible witness has sworn to the identity of the principal.

_____, Notary Public
(Print or Type Name of Notary Here)

My Commission Expires: _____

Schedule A

PARCEL 1: On the West side of Evans Street between Eighth and Ninth Streets and BEGINNING at a point in the new western property line of Evans Street at a point 82.74 feet at a bearing of N 10-55 E from the northern line of the James W. Brewer property and which point is further identified as being 160 feet, more or less, northwardly from the northwest intersection of Ninth and Evans Street and from said beginning point running N 10-55 E and along the western property line of Evans Street 80.47 feet to a stake; thence N 79-00 W 118.49 feet to a point and N 79-23-57 W 29.01 feet to an iron stake; thence S 10-57-38 W 80.47 feet to an iron stake; thence eastwardly, 147.50 feet, more or less, to the point of BEGINNING containing 11,877 square feet, more or less, by actual survey and being the northern portion of Lot No. 2 in Block "T" as shown on the disposition plat of the Greenville Central Business District, Project – N.C. R-66 according to map thereof made by McDavid Associates, Inc. dated August 1, 1975, as revised August 21, 1975 reference to which is hereby directed for more detailed and accurate description.

PARCEL 2: BEGINNING at the point of intersection of the new southern property line of Eight Street with the eastern property line of Washington Street and running thence S 79-02-14 E and along the southern property of Eighth Street, 133.15 feet to an iron stake, in the western line of the Greenville Art Center property; thence S 11-16-00 W and along the western line of the Greenville Art Center property, 82.58 feet to an iron stake; thence N 79-23-57 W, 29.01 feet, and N 79-25 W, 104.72 feet to an iron stake in the eastern property line of Washington Street; thence N 11-39-26 E and along the eastern property line of Washington, 83.46 feet to the point of BEGINNING, containing 11,076 square feet, more or less, by actual survey and being in all respects all of Lot No. 4, in Block "T", as shown on the disposition plat of the Greenville Central Business District, Project N.C. R-66, according to map thereof made by McDavid Associates, Inc., dated August 1, 1975, as revised August 21, 1975, reference to which is hereby directed for more detailed and accurate description.



City of Greenville, North Carolina

Meeting Date: 6/9/2008
Time: 6:00 PM

Title of Item: City Manager Goals and Performance Objectives for 2008

Explanation: The City Manager's employment agreement provides in Section 5(b) that the Council and City Manager shall annually define goals and performance objectives in writing to be used as the basis for an annual City Manager performance evaluation. A draft list of 15 goals and performance objectives for 2008 was sent to the City Council on May 16, 2008 for your review and consideration. Some of these objectives have been carried forward from projects continuing from 2007. Some goals were added based on the City Council goals adopted in March 2008. A status report on progress made toward completing the approved goals and performance objectives will be prepared in November 2008 and will serve as the basis for the annual City Manager performance evaluation.

Fiscal Note: Approval of the objectives has no fiscal impact. The financial implications of a specific goal will be determined as each is addressed during the year.

Recommendation: The City Council approve the City Manager Goals and Objectives for 2008.

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

Attachments / click to download

 [City Manager Work Objectives 2008 730500](#)

**PROPOSED
CITY MANAGER GOALS AND PERFORMANCE OBJECTIVES
2008**

1. Monitor the redevelopment efforts for the 45 Block Revitalization Program and provide regular status updates to the City Council
2. Work with the Redevelopment Commission to attract a residential condominium project to the uptown area
3. Prepare a draft non-residential building maintenance code for City Council consideration by July 1, 2008
4. Work with the Police Chief to develop a strategy and specific programs to further expand community policing efforts
5. In consultation with The Ferguson Group develop a FY 2009 federal agenda
6. Present to the City Council by May 5, 2008 proposed budgets with no increase in the property tax rate for 2008-2009 and 2009-2010
7. Monitor the transition to the state cable television franchise process and insure that the City receives all cable television related funds due from the state
8. Continue implementation of the Airport Economic Stimulus Plan Agreement with the Airport Authority
9. Complete annexation of the River Hill Subdivision located on Highway 33 by June 30, 2008
10. Prepare for City Council consideration by December 2008 a comprehensive annexation plan to address areas in the ETJ that meet legal requirements for annexation
11. Assist the NCDOT with constructing the improvements that will reduce the impact of the railroad switching yard operations on City streets
12. Begin construction of the South Tar River Greenway by November 2008 and complete construction of the 1st Phase of the Fork Swamp Canal Greenway by October 2008
13. Develop a sidewalk master plan to create interconnectivity with neighborhoods, parks, and mixed-use developments by December 2008
14. Continue process for constructing an Intermodal Transportation Center with completion of site selection process and development of a conceptual plan by October 2008
15. Coordinate annual meeting at start of academic year with ECU Student Government Association