



Agenda

Greenville City Council

May 14, 2015
7:00 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 - Council Member Blackburn

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Certificate of Achievement for Excellence in Financial Reporting
- Polly Jones - Certified Municipal Clerk
- Cpl. Thomas V. Woolard - Police Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Ordinance to annex Gateway West, Lot 8, involving 1.127 acres located along the southern right-of-way of Gateway Drive and 225+/- feet north of Stantonsburg Road

3. Ordinance requested by Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family])
4. Ordinance amending the Zoning Ordinance by adding schools as an allowed use within the IU (Unoffensive Industry) zoning district, subject to an approved special use permit and establishing specific criteria
5. Ordinance amending the Zoning Ordinance to amend the maximum building length criteria of multi-family developments
6. Resolution authorizing the conveyance of City-owned parcels located at 805, 807, and 809 Bancroft Avenue to Metropolitan Housing and Community Development Corporation, Inc.
7. Lease Agreement for Project Revere
8. Resolution authorizing an application to the Federal Transit Administration (FTA) for a Section 5307 grant for federal operating and capital assistance for Greenville Area Transit (GREAT) for fiscal year 2015-2016

Public Comment Period

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

Other Items of Business

9. Presentation of the proposed Fiscal Year 2015-2016 operating budget for the following entities:
 - a. Pitt-Greenville Convention & Visitors Authority
 - b. Sheppard Memorial Library
 - c. Greenville Utilities Commission
10. Resolution of the Environmental Advisory Commission for City Council to Install "No Idling" Signs in City Parking Facilities, Thereby Encouraging Citizens to Turn Off Motor Vehicles and Improve Air Quality

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: **Abstract:** The City Council fills vacancies and makes reappointments to the City's boards and commissions. Appointments and recommendations are scheduled to be made to twelve of the boards and commissions.

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Housing Authority, Human Relations Council, Planning & Zoning Commission, Police Community Relations Committee, Public Transportation and Parking Commission, Recreation & Parks Commission, and Youth Council.

The City's Board & Commission Policy states that the Pitt-Greenville Convention & Visitors Authority membership will be comprised as follows:

"The authority shall have eleven members:

- Four owners or operators of hotels, motels, or other taxable accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council;
- Two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council;
- Two residents of Greenville, appointed by the City Council
- Two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation;
- One individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce.

The City Council shall make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council."

City recommendation needs to be made to the Pitt County Board of Commissioners for a county "owner or operator of hotels, motels, or other taxable accomodations" seat.

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to the to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Housing Authority, Human Relations Council, Planning & Zoning Commission, Police Community Relations Committee, Public Transportation and Parking Commission, Recreation & Parks Commission, and Youth Council.

Make a recommendation to the Pitt County Board of Commissioners for a county "owner or operator of hotels, motels, or other taxable accomodations" seat.

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Appointments to Boards and Commissions

May 2015

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Melissa Grimes	1	Second term	Resigned	January 2016

Community Appearance Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Danielle Greene	5	Filling unexpired term	Resigned	April 2017
Joanne Robertson	4	First term	Not seeking an additional term	April 2015

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Scott Anderson <i>(Professional Engineer)</i>	5	First term	Not seeking an additional term	April 2015
Owen Burney <i>(Building contractor, land developer, or someone familiar with construction techniques)</i>	1	Second term	Ineligible	April 2015

Firefighters' Relief Fund Committee

Council Liaison: Not Applicable

Name	District #	Current Term	Reappointment Status	Expiration Date
William Franklin	4	Third term	Ineligible	January 2015

Housing Authority

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Larry Barbour <i>(Council Member Richard Croskery)</i>	5	First term	Eligible	May 2015
Jumail Blount <i>(Resident Commissioner – pending recommendation of Resident Council)</i>	5	Filling unexpired term	Eligible	May 2015
Reginald Walton <i>(Council Member Marion Blackburn)</i>	1	Filling unexpired term	Resigned	May 2017

Human Relations Council

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Robert Hudak	4	Second term	Ineligible	Sept. 2014
Shaterica Lee <i>(Shaw University)</i>	2	Second term	Did not meet attendance requirement	Oct. 2015
Maurice Whitehurst <i>(Pitt Community College)</i>	2	Second term	Did not meet attendance Requirement	Oct. 2015

Pitt Greenville Convention & Visitors Authority

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Robert Sheck	County	Second term	Ineligible	July 2015

Planning & Zoning Commission

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Shelley Basnight <i>(Mayor Allen Thomas)</i>	5	Second term	Ineligible	May 2015
Torico Griffin <i>(Mayor Pro-Tem Calvin Mercer)</i>	3	First term	Eligible	May 2015
Margaret Reid <i>(Pitt Community College)</i>	1	Filling unexpired term	Eligible	May 2015

Police Community Relations Committee

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Belinda Perkinson <i>(Council Member Marion Blackburn)</i>	3	Second term	Resigned	October 2016

Public Transportation and Parking Commission

Council Liaison: Council Member Richard Croskery

Name	District #	Current Term	Reappointment Status	Expiration Date
Marsha Wyly	4	Second term	Ineligible	January 2015

Recreation & Parks Commission

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Debra Garfi <i>(Council Member Marion Blackburn)</i>	3	Second term	Resigned	May 31, 2017
Deb Jordan	5	Filling unexpired term	Eligible	May 31, 2015

(Council Member Rick Smiley)

Audrey Nealy	2	First term	Eligible	May 31, 2015
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(Council Member Kandie Smith)

James Yahnker	1	Filling unexpired term	Eligible	May 31, 2015
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(Council Member Richard Croskery)

Youth Council

Council Liaison: Mayor Pro-Tem Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
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7 Available Spots

Applicants for Affordable Housing Loan Committee

Godfrey G. Bell
PO Box 91 - 300 Memorial Drive
Greenville, NC 27835

Application Date: 6/20/2013

District #: 1

Home Phone: (252) 916-6381

Business Phone:

Email: gbellsr1@earthlink.net

Sharon D. Gray
3402 Governors Lane
Greenville, NC 27858

Application Date: 5/29/2014

District #: 3

Home Phone: (252) 565-5757

Business Phone:

Email: graysdg@hotmail.com

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

Application Date: 2/23/2015

District #: 4

Home Phone: (252) 885-9245

Business Phone: (252) 885-9245

Email: crystal.kuegel@gmail.com

Terri Williams
PO Box 3109
Greenville, NC 27836

Application Date: 11/20/2013

District #: 4

Home Phone: (252) 756-9346

Business Phone: (252) 756-3500

Email: twilliams110@suddenlink

Applicants for Community Appearance Commission

None.

Applicants for Environmental Advisory Commission

Orrin Allen Beasley
925 Spring Forest Road #7
Greenville, NC 27858

District #: 1

Elaine U. Brestel
106 Christenbury Drive
Greenville, NC 27858

District #: 4

Sherryl Gregory
1303 E. 10th Street Apt N
Greenville, NC 27858

District #:

Wendy Klein
318 Rutledge Road
Greenville, NC 27858

District #: 4

Matthew Mellis
529 Spring Forest Road Apt. H
Greenville, NC

District #: 1

Application Date: 2/3/2014

Home Phone: (252) 216-6099

Business Phone: (252) 216-6099

Email: oab0119@gmail.com

Application Date: 1/21/2014

Home Phone: (252) 752-2255

Business Phone:

Email: ebrestel@suddenlink.net

Application Date: 2/3/2014

Home Phone: (252) 559-9049

Business Phone:

Email:

Application Date: 2/10/2014

Home Phone: (252) 329-7005

Business Phone: (252) 902-9005

Email: wakspg1@suddenlink.net

Application Date: 3/6/2014

Home Phone: (252) 702-3429

Business Phone: (252) 752-5938

Email: mellism@pitt.k12.nc.us

Applicants for Firefighters' Relief Fund Committee

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

Application Date: 2/23/2015

District #: 4

Home Phone: (252) 885-9245

Business Phone: (252) 885-9245

Email: crystal.kuegel@gmail.com

Applicants for Housing Authority

Jamitress Bowden
111 Brownlea Drive Apt. O
Greenville, NC 27858

Application Date: 8/8/2014

District #: 3

Home Phone:
Business Phone:
Email: jamitressbowden@gmail.com

Sharon D. Gray
3402 Governors Lane
Greenville, NC 27858

Application Date: 5/29/2014

District #: 3

Home Phone: (252) 565-5757
Business Phone:
Email: graysdgd@hotmail.com

Sharon Mallette
517 Crestline Blvd.
Greenville, NC 27834

Application Date: 4/23/2015

District #: 3

Home Phone: (252) 321-1478
Business Phone:
Email: mallettes.tea_rose@yahoo.com

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

Application Date: 8/28/2014

District #: 5

Home Phone: (252) 355-7377
Business Phone: (252) 355-0000
Email: bmoore2004@netzero.com

Applicants for Human Relations Council

Warren Daniels
1206A Van Dyke Street
Greenville, NC 27834

District #: 1

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

District #: 4

Deborah J. Monroe
1308 Old Village Road
Greenville, NC 27834

District #: 1

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

District #: 5

Travis Williams
3408 Evans Street Apt. E
Greenville, NC 27834

District #: 5

Application Date: 4/20/2015

Home Phone: (252) 364-2570

Business Phone:

Email: wdaniels@suddenlink.net

Application Date: 2/23/2015

Home Phone: (252) 885-9245

Business Phone: (252) 885-9245

Email: crystal.kuegel@gmail.com

Application Date: 1/15/2015

Home Phone: (252) 714-0969

Business Phone:

Email: debj.monroe@gmail.com

Application Date: 8/28/2014

Home Phone: (252) 355-7377

Business Phone: (252) 355-0000

Email: bmoore2004@netzero.com

Application Date:

Home Phone: (252) 412-4584

Business Phone:

Email:

Applicants for Pitt-Greenville Convention & Visitors Authority (City)

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

District #: 5

Robert Kevin Howard
2745 North Chatham Court
Winterville, NC 28590

District #: 2

Sharon Mallette
517 Crestline Blvd.
Greenville, NC 27834

District #: 3

Terri Williams
PO Box 3109
Greenville, NC 27836

District #: 4

Application Date: 4/15/2013

Home Phone: (252) 227-4240

Business Phone:

Email: aeleanor@suddenlink.net

Application Date: 5/29/2014

Home Phone: (252) 258-7900

Business Phone: (252) 227-4313

Email: gvegasmagazine@hotmail.com

Application Date: 4/23/2015

Home Phone: (252) 321-1478

Business Phone:

Email: mallettes.tea_rose@yahoo.com

Application Date: 11/20/2013

Home Phone: (252) 756-9346

Business Phone: (252) 756-3500

Email: twilliams110@suddenlink.net

Applicants for Pitt-Greenville Convention & Visitors Authority (County)

Applicant Interest Listing

Convention & Visitors Authority

Debbie Avery 3010 Sapphire Lane Winterville NC 28590	Day Phone: (252) 531-4590 Evening Phone: (252) 756-9832 Fax: E-mail: davery60@hotmail.com	Gender: F Race: White District: 4 Priority:
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Applied for this board on: 1/16/2009

Application received/updated: 01/20/2011

Applicant's Attributes: County Planning Jurisdiction
District 4

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	East Carolina	BS - Education	
Education	Ayden Grifton High		
Experience	First State Bank		1978-1984
Experience	ECU School of Medicine	Standardized Patient	2007-present
Experience	Pitt County Schools	Middle School Science Teacher	30 years
Experience	Winterville Chamber of Commer	Executive Director	
Volunteer/Prof. Associations	Winterville Kiwanis Club		
Volunteer/Prof. Associations	Winterville Watermelon Festival		

<u>Boards Assigned To</u>	
Development Commission	12/31/2013 to 12/31/2016

Thomas Gould 4803 Rountree Road Winterville NC 28590	Day Phone: (252) 493-7406 Evening Phone: (336) 504-3567 Fax: E-mail: tgould@email.pittcc.edu	Gender: M Race: White District: 6 Priority:
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Applied for this board on: 4/25/2014

Application received/updated: 04/25/2014

Applicant Interest Listing

Applicant's Attributes: County Planning Jurisdiction
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	UNC-Greensboro	Ph.D, English	
Education	NCSC	MA, English	
Education	Ramapo College	BA, Potential Science	
Education	Indian Hills High		
Experience	Durham Technical Community C		
Experience	Pitt Community College	Vice President, Academic Affairs	

<u>Boards Assigned To</u>			
	Development Commission		8/4/2014 to 12/31/2014
	P.C. Nursing Home/Adult Care Community Advisory		10/20/2014 to 10/20/2015

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

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

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

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6
Greenville ETJ

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		

Applicant Interest Listing

Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		
Volunteer/Prof. Associations	State Board of Directors		

<u>Boards Assigned To</u>		
Industrial Revenue & Pollution Control Authority		3/15/2004 to 3/15/2007

Russell Hemby
270 River Crest Drive
Greenville NC 27858

Day Phone: (252) 916-0395
Evening Phone: (252) 830-3609
Fax:
E-mail: business4rj@gmail.com

Gender: M
Race: African
District: 3
Priority:

Applied for this board on: 12/11/2014

Application received/updated: 12/11/2014

Applicant's Attributes: Simpson ETJ
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	J.H. Rose High		
Experience	Birds Media Group		
Volunteer/Prof. Associations	Greenville Citizen Academy Gra		
Volunteer/Prof. Associations	West Greenville Regional After S		
Volunteer/Prof. Associations	City of Greenville		

Applicant Interest Listing

Boards Assigned To

P.C. Nursing Home/Adult Care Community Advisory 3/16/2015 to 3/17/2016

Anthony Herring

1245 Lewis Dudley Rd
PO Box 931
Greenville NC 27835

Day Phone: (252) 481-1614
Evening Phone: (252) 481-1614
Fax:
E-mail: Herringfour@yahoo.com

Gender: M
Race: African
District: 2
Priority:

Applied for this board on: 3/26/2015

Application received/updated: 03/26/2015

Applicant's Attributes: Greenville ETJ
North of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	Elizabeth City State University	BA Political Science	
Education	Ahoskie High School		
Experience	NC RCCC Tech Prep Advisor		
Experience	Military - NC Dept of Pub Safety		
Experience	Mid-East Comm Reg Governmen		
Experience	2nd Chance		
Experience	Roanoke Chowan Comm College		
Experience	Roanoke Chowan Industries Sup		
Experience	NC Dept of Corr & NC Dept Pub		
Experience	NC Comm Coll Job Train Partner		
Volunteer/Prof. Associations	Cleanup 90yr-100yr old citizen's		
Volunteer/Prof. Associations	Southern Christian Leadership C		
Volunteer/Prof. Associations	Little Willie Center		12-2014
Volunteer/Prof. Associations	Golden Living		

Applicant Interest Listing

Volunteer/Prof. Associations	Soup Kitchen
Volunteer/Prof. Associations	Greenville Homeless Shelter

Michelle Joyner
264 Cooper Street
Winterville NC 28590

Day Phone: (252) 341-0634 Gender: F
 Evening Phone: (252) 756-5546 Race: Other
 Fax: District: 6
 E-mail: michellejoyner28590@gma Priority:

Applied for this board on: 3/27/2015

Application received/updated: 03/27/2015

Applicant's Attributes: Winterville City Limits
South of the River

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Everest University	Criminal Justice	
Education	Farmville Central HS		
Experience	NC Education System		
Experience	Philanthropist & Civil Activist		
Experience	Asso Minister in PC & Eastern N		
Volunteer/Prof. Associations	Parks & Recreations		
Volunteer/Prof. Associations	The Civitan Club		
Volunteer/Prof. Associations	Chamber of Commerce		
Volunteer/Prof. Associations	Ruritian Club		
Volunteer/Prof. Associations	WHR Library Sci Program		
Volunteer/Prof. Associations	WH Robinson Ele School BED P		

Ernis Lee
834 Aspen Lane
Greenville NC 27834

Day Phone: (252) 341-5696 Gender: M
 Evening Phone: (252) 689-2381 Race: African
 Fax: (252) 321-4626 District: 2

Convention & Visitors Authority
Tuesday, April 21, 2015

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Applicant Interest Listing

E-mail: elee@email.pittec.edu Priority:

Applied for this board on: 2/10/2015 Application received/updated: 02/06/2015

Applicant's Attributes: District 2
County Planning Jurisdiction

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	Elizabeth City State University	B. A.	
Education	Roanoke High		
Experience	PCC Putreach w/ Emis Lee	Radio Broadcaster	
Experience	Pitt Community College	Director of College Outreach	
Experience	United States Army	2nd Lieutenant	
Volunteer/Prof. Associations	Mentor		
Volunteer/Prof. Associations	West Greenville Community Dev	Board Member	
Volunteer/Prof. Associations	Eastern Carolina Counseling Cen	Former Board Member	

<u>Boards Assigned To</u>	
P.C. Nursing Home/Adult Care Community Advisory	3/16/2015 to 3/17/2016

Steve Little
3314 NC 33 W
Greenville NC 27834

Day Phone: (252) 714-3559 Gender: M
Evening Phone: (252) 758-2040 Race: White
Fax: District: 2
E-mail: steve.little@nashfinch.com Priority:

Applied for this board on: 1/5/2007 Application received/updated: 02/28/2012

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

Applicant Interest Listing

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

<u>Boards Assigned To</u>			
	Pitt County Board of Adjustment		12/3/2012 to 1/1/2016
	North of the River		

Earnest Lubiani
4036 West Avenue
Ayden nc 28513

Day Phone: (252) 714-0581
Evening Phone: (252) 318-0019
Fax:
E-mail: esluby80@yahoo.com

Gender: M
Race: White
District: 6
Priority:

Applied for this board on: 5/20/2013

Application received/updated: 05/20/2013

Applicant's Attributes: Ayden City Limits
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	University of Memphis	Bs of Professional Studies - Tourism	
Education	Catholic High School	High School Diploma	
Experience	East Caroline Village of Yesterye	Director	
Experience	ACATS Productions	Owner/CEO	
Volunteer/Prof. Associations	Pitt County United Way		3 years
Volunteer/Prof. Associations	March of Dimes		3 years
Volunteer/Prof. Associations	Ayden Collard Festival		5 years

Applicant Interest Listing

Volunteer/Prof. Associations	Ayden Chamber of Commerce	5 years
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<p>Danny Smith 5725 Whichard Road Stokes NC 27884</p>	<p>Day Phone: (252) 758-6958 Evening Phone: (252) 758-8787 Fax: (252) 758-6960 E-mail: danny@theseahorserestaura</p>	<p>Gender: M Race: White District: 2 Priority:</p>
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Applied for this board on: 1/24/2014

Application received/updated: 01/24/2014

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

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	East Carolina University	BA Economics, MBA	
Education	North Pitt High School	High School Diploma	
Volunteer/Prof. Associations	Pitt County United Way	Volunteer	

<u>Boards Assigned To</u>		
Board of Equalization & Review		4/21/2014 to 2/28/2016
P.C. Nursing Home/Adult Care Community Advisory		10/20/2014 to 10/20/2015
Pitt County Planning Board		10/1/2014 to 10/1/2017
District 1		
District 2		

<p>Michael Weimar 671 Grasmere Street</p>	<p>Day Phone: (252) 378-5461 Evening Phone:</p>	<p>Gender: M Race: White</p>
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Convention & Visitors Authority
Tuesday, April 21, 2015

Applicant Interest Listing

Winterville NC 28590

Fax:
E-mail: mpweimar@gmail.com

District: 4
Priority:

Applied for this board on: 11/18/2014

Application received/updated: 11/18/2014

Applicant's Attributes: Winterville City Limits
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>		
<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	State University of NY at Brockp	B.S. Business Admin. /Marketing
Education	Spencerport High	
Experience	Sherwin-Williams Company	Sales Rep
Volunteer/Prof. Associations	Pitt County Republican Party	
Volunteer/Prof. Associations	Covenant Church	

<u>Boards Assigned To</u>	
P.C. Nursing Home/Adult Care Community Advisory	3/16/2015 to 3/17/2018

Eric Williams
527 Rachel Lane
Grimesland NC 27858

Day Phone: (252) 258-5002
Evening Phone:
Fax:
E-mail: logetw423@gmail.com

Gender: M
Race: African
District: 3
Priority:

Applied for this board on: 12/11/2014

Application received/updated: 12/11/2014

Applicant's Attributes: County Planning Jurisdiction
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>		
<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina University	
Education	J.H. Rose High	

Applicant Interest Listing

Experience	East Carolina University	Helpdesk Tech. Spec.
Experience	NC National Guard Army	
<u>Boards Assigned To</u>		
P.C. Nursing Home/Adult Care Community Advisory		3/16/2015 to 3/17/2016

Applicants for Planning and Zoning Commission

Sharon D. Gray
3402 Governors Lane
Greenville, NC 27858

District #: 3

Dustin Mills
504 Daventry Drive
Greenville, NC 27858

District #: 5

Tyler James Russell
3856 Forsyth Park Ct.
Winterville, NC 28590

District #:

Renee Safford-White
340 Beasley Drive, A3
Greenville, NC 27834

District #: 1

Uriah Ward
106 Osceola Drive
Greenville, NC 27858

District #: 3

Application Date: 5/29/2014

Home Phone: (252) 565-5757

Business Phone:

Email: graysdg@hotmail.com

Application Date: 3/25/2015

Home Phone: (252) 916-2691

Business Phone: (252) 752-7101

Email: dustin@tdgnc.com

Application Date:

Home Phone: (910) 840-0337

Business Phone: (252) 215-4000

Email: tjr@wardandsmith.com

Application Date: 11/1/2011

Home Phone: (252) 752-1029

Business Phone: (252) 744-3070

Email: saffordwhiter@ecu.edu

Application Date: 5/7/2013

Home Phone: (252) 565-2038

Business Phone:

Email: uriahward@yahoo.com

Wednesday, April 29, 2015 Page 2

Applicants for Police Community Relations Committee

Sharon D. Gray
3402 Governors Lane
Greenville, NC 27858

Application Date: 5/29/2014

Home Phone: (252) 565-5757

Business Phone:

Email: graysdg@hotmail.com

District #: 3

Applicants for Public Transportation and Parking Commission

Warren Daniels
1206A Van Dyke Street
Greenville, NC 27834

District #: 1

Application Date: 4/20/2015

Home Phone: (252) 364-2570

Business Phone:

Email: wdaniels@suddenlink.net

Richard Malloy Barnes
206 South Elm Street, Apt. N
Greenville, NC 27858

District #: 3

Application Date: 12/10/2014

Home Phone: (252) 752-5278

Business Phone:

Email: kiltedmile@aol.com

Kellie Gonzalez
3936 Dunhagen Rd.
Greenville, NC

District #:

Application Date: 9/12/2014

Home Phone: (919) 791-5841

Business Phone:

Email:

Sharon D. Gray
3402 Governors Lane
Greenville, NC 27858

District #: 3

Application Date: 5/29/2014

Home Phone: (252) 565-5757

Business Phone:

Email: graystdg@hotmail.com

Applicants for Recreation and Parks Commission

Warren Daniels
1206A Van Dyke Street
Greenville, NC 27834

District #: 1

Gordon M Darragh
1300 Oakview Drive
Greenville, NC 27858

District #: 4

Henry Harvey
2043 A Quail Ridge Road
Greenville, NC 27858

District #: 4

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

District #: 5

Application Date: 4/20/2015

Home Phone: (252) 364-2570

Business Phone:

Email: wdaniels@suddenlink.net

Application Date:

Home Phone: (252) 752-2633

Business Phone: (252) 917-0090

Email: gmdarragh@yahoo.com

Application Date: 5/12/2014

Home Phone: (252) 321-1080

Business Phone:

Email: hankandk@suddenlink.net

Application Date: 8/28/2014

Home Phone: (252) 355-7377

Business Phone: (252) 355-0000

Email: bmoore2004@netzero.com

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Ordinance to annex Gateway West, Lot 8, involving 1.127 acres located along the southern right-of-way of Gateway Drive and 225+/- feet north of Stantonsburg Road

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Gateway West, Lot 8, involving 1.127 acres located along the southern right-of-way of Gateway Drive and 225+/- feet north of Stantonsburg Road. The subject area is currently undeveloped and is anticipated to accommodate 9,583+/- square feet of retail space.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: May 4, 2015
2. City Council public hearing date: May 14, 2015
3. Effective date: June 30, 2015

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 1.127
4. Voting District: 1
5. Township: Arthur
6. Vision Area: F

- 7. Zoning: CG (General Commercial)
- 8. Land Use: Existing: Vacant
Anticipated: 9,583+/- square feet of retail space
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	----	0
Current Minority	-----	0
Estimated Minority at full development	----	0
Current White	-----	0
Estimated White at full development	----	0

* - people per household in Greenville

- 10. Rural Fire Tax District: Red Oak
- 11. Greenville Fire District: Station #2 (Distance of 3.0 miles)
- 12. Present Tax Value: \$176,732
Estimated Future Tax Value: \$1,135,032

Fiscal Note: The total estimated tax value at full development is \$1,135,032.

Recommendation: Approve the attached ordinance to annex Gateway West, Lot 8

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

Attachments / click to download

- [Survey](#)
- [Ordinance Gateway West Lot 8 1002209](#)

ORDINANCE NO. 15-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 14th day of May, 2015, after due notice by publication in The Daily Reflector on the 4th day of May, 2015; and

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

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

1002209

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Gateway West, Lot 8", involving 1.127 acres as prepared by Bohler Engineering.

LOCATION: Lying and being situated in Arthur Township, Pitt County, North Carolina, located along the southern right-of-way of Gateway Drive and 225+/- north of Stantonsburg Road.

GENERAL DESCRIPTION:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LIMITS OF GATEWAY DRIVE (50' RIGHT-OF-WAY), WITH THE DIVISION LINE BETWEEN LOT 9, GATEWAY WEST, PHASE 1 (MAP BOOK 72 PAGE 72) ON THE EAST, AND FUTURE DEVELOPMENT, GATEWAY WEST, PHASE 1 (MAP BOOK 72 PAGE 72) ON THE WEST, THENCE WITH SAID DIVISION LINE; 1. SOUTH 27° 31' 05" WEST, 209.52 FEET, THENCE DEPARTING SAID DIVISION LINE, AND WITH A LINE THROUGH SAID FUTURE DEVELOPMENT, GATEWAY WEST, PHASE 1; 2. NORTH 89° 06' 30" WEST, 198.84 FEET TO THE EASTERLY RIGHT-OF-WAY LIMITS OF SAID GATEWAY DRIVE, THENCE WITH SAID EASTERLY RIGHT-OF-WAY LIMITS, THE FOLLOWING THREE COURSES AND DISTANCES; 3. NORTH 00° 53' 30" EAST, 50.57 FEET, THENCE; 4. CONTINUING, 356.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 116° 37' 34", AND A CHORD BEARING AND DISTANCE OF NORTH 59° 12' 20" EAST, 297.83 FEET, THENCE; 5. CONTINUING, SOUTH 62° 28' 55" EAST, 43.97 FEET TO THE PLACE OF BEGINNING. CONTAINING 49,074 SQUARE FEET OR 1.127 ACRES

BEING THE SAME PROPERTY AS DESCRIBED IN A TITLE COMMITMENT REPORT PREPARED BY METRO TITLE COMPANY, ISSUING AGENT FOR STEWART TITLE GUARANTY COMPANY, COMMITMENT NO. MET2015-00162, WITH AN EFFECTIVE DATE OF JANUARY 29, 2015 AND IS SUBJECT TO RESTRICTIONS, COVENANTS AND OR EASEMENTS AS CONTAINED THEREIN.

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

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Greenville and shall be entitled to the

same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Section 5. This annexation shall take effect from and after the 30th day of June, 2015.

ADOPTED this 14th day of May, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

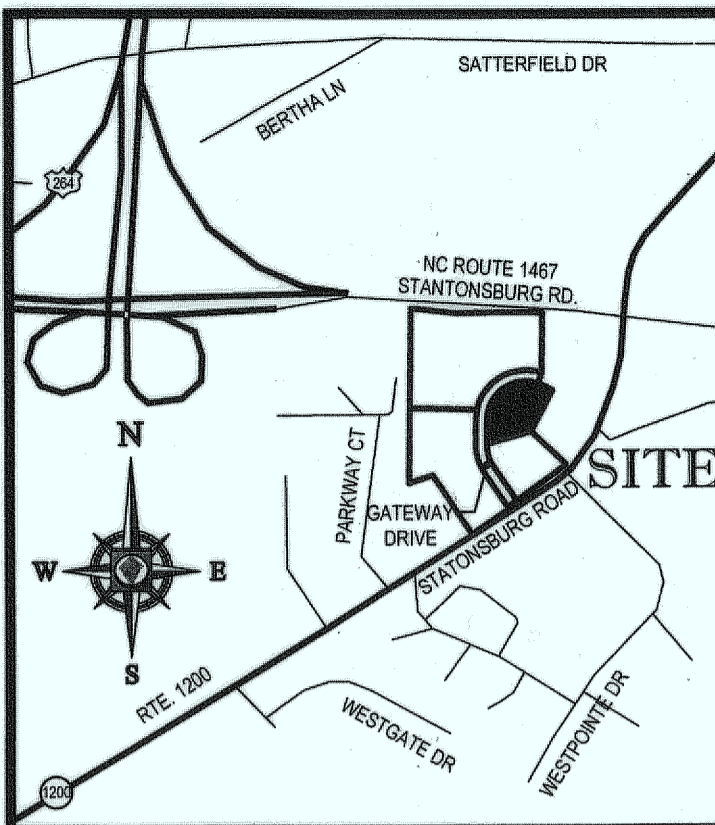
I, _____, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was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

WITNESS my hand and official seal this ____ day of _____, 2015.

Notary Public

My Commission Expires: _____

1002209



VICINITY MAP
SCALE: 1"=1,000'

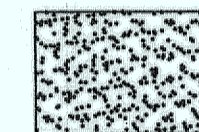
NOTES

- REBAR WITH CAP SET AT ALL CORNERS UNLESS NOTED OTHERWISE.
- ALL DISTANCES ARE HORIZONTAL GROUND MEASURED UNLESS SHOWN OTHERWISE.
- AREA BY COORDINATES.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, NORTH CAROLINA, PANEL 4667", MAP NUMBER 3720466700J, MAP EFFECTIVE DATE JANUARY 2, 2004.
- 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 ENCROACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.

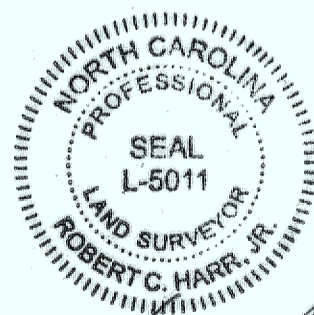


CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	175.00'	356.21'	N59°12'20"E	297.83'	116°37'34"	283.49'
C2	175.00'	328.40'	N54°39'10"E	282.29'	107°31'13"	238.76'
C3	175.00'	27.81'	S67°02'03"E	27.78'	009°06'19"	13.93'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S62° 28' 55"E	43.97'
L2	S27° 31' 05"W	209.52'
L3	N89° 06' 30"W	198.84'
L4	N00° 53' 30"E	50.57'



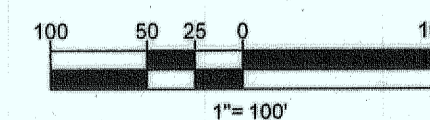
HATCHING DENOTES AREA ANNEXED BY THE CITY OF GREENVILLE SHOWN IN M.B. 77, PG. 46, 14,824 S.F. OR 0.34 ACRE



SIGNED: *[Signature]*
ROBERT C. HARR, JR.
PROFESSIONAL LAND SURVEYOR NO. L-5011

REFERENCES

- D.B. 2688 PG. 623
- M.B. 72 PG. 72
- M.B. 75 PG. 188



NO.	REVISION	DATE
1	REVISED PER CITY COMMENTS	04/14/15

GATEWAY WEST
LOT 8
REFERENCE DEED BOOK 2688, PAGE 623
OF THE PITT COUNTY REGISTRY
ARTHUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

BOHLER ENGINEERING INC. P.L.L.C. LICENSE NO. P-1132	SURVEYED J.W.	APPROVED R.C.H.
BOHLER ENGINEERING NORTH CAROLINA, P.L.L.C.	DRAWN C.R.	DATE 04/01/2015
22836 DAVIS DRIVE, SUITE 250 STERLING, VIRGINIA 20164 703.709.9500 - 703.709.9501 FAX www.bohlerengineering.com	CHECKED R.T.	SCALE 1" = 100'

MAP NO.	PLATS RECORDED	BOOK	PAGE

Item # 2

MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, NC
EFFECTIVE DATE _____; ORDINANCE NO. _____
AREA: 1.127 AC.
ARTHUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

SURVEYOR'S CERTIFICATION
I, ROBERT C. HARR, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 2688 PAGE 623-628 OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN MAP BOOK 72 PAGE 72 OR AS REFERENCED HEREON, THAT THE RATIO OF PRECISION FOR TRADITIONAL SURVEY METHOD IS 1:10,000 +; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE CLASS "A" ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:
POSITION ACCURACY: DOES NOT EXCEED 0.10'
TYPE OF GPS FIELD PROCEDURE: STATIC
DATE(S) OF SURVEY: 10-22-2013
DATUM/EPOCH: NAD 83 (NSRS 2011)
PUBLISHED/FIELD CONTROL MONUMENTS USED:
NCGS R2250-22
NCGS CORS
GEOID MODEL: GEOID 12A
COMBINED GRID FACTOR: 0.999999339
UNITS: U.S. SURVEY FOOT
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30(f)(1)(d), THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE
14 DAY OF April 2015

SIGNED: *[Signature]*
PROFESSIONAL LAND SURVEYOR LICENSE NO.: L-5011



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Ordinance requested by Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family])

Explanation: **Abstract:** The City has received a request from Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

This item was continued from the April 9, 2015 meeting.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on March 3, 2015.

On-site sign(s) posted on March 3, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on April 28, 2015.

Public hearing legal advertisement published on May 4 and 11, 2015.

Comprehensive Plan:

The subject site is located in Vision Area I.

East 10th Street, between Evans Street and Greenville Boulevard, is considered a "connector" corridor. Connector corridors are anticipated to contain a variety of higher intensive activities and uses whereas residential corridors are preferred to accommodate lower intensity residential uses.

The Future Land Use Plan Map recommends high density residential (HDR) at the southwest corner of the intersection of East 10th Street and Elm Street transitioning to office/ institutional/multi-family (OIMF) to the west and

conservation/open space to the south along Green Mill Run.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 200 trips to and from the site on East 10th Street, which is a net increase of 94 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

History/Background:

In 1969, the subject property was zoned R9.

Present Land Use:

One single-family residence

Water/Sewer:

Water and sanitary sewer are available at the property.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

The property is impacted by the 500 and 100-year floodplains and floodway associated with Green Mill Run.

Surrounding Land Uses and Zoning:

North: R9S - One single-family residence and Roman Catholic Campus Ministry

South: OR - Elm Street Park and ECU parking lot

East: R9 - One single-family residence

West: R9 - Alpha Phi Sorority

Density Estimates:

Under the current zoning (R9), the site could yield 10+/- duplex units (5 buildings).

Under the proposed zoning (R6), the site could yield 28-30 multi-family units (1, 2 and 3 bedrooms).

The anticipated build-out is within one year.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted to deny the request at its March 17, 2015 meeting.

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

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

Motion to deny the request to rezone and to make a finding and determination that the rezoning request is inconsistent with the adopted comprehensive plan including, but not limited to, Objective UF 4 to discourage development in flood hazard areas, and further that the denial of the rezoning request is reasonable and in the public interest due to the rezoning request does not promote, in addition to the furtherance of other goals and objectives, the safety and general welfare of the community by protecting water resources.

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

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

Attachments / click to download

- [Combined maps, survey, traffic and buffer charts](#)
- [Ordinance Ward Holdings LLC 15 05 1000152](#)
- [Minutes Ward Holdings 1000148](#)

ORDINANCE NO. 15-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 14th day of May, 2015, at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Objective M5 to provide safe, convenient and efficient opportunities for pedestrian and bicycle movement and Objective UF3 to encourage a diversity of housing options; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community by creating walkable communities/neighborhoods.

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

Section 1. That the following described territory is rezoned from R9 (Residential) to R6 (Residential).

TO WIT: Delta Alpha East, LLC Property

LOCATION: Located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street.

DESCRIPTION: Being that certain tract or parcel of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, being bounded on the north by NCSR 1598 (Tenth Street), on the east by the property of Paul P. Cook and wife Fiona Cook, on the south by Green Mill Run, the property of the City of Greenville and of East Carolina University, on the west by Delta Alpha Chapter of Alpha Phi, Inc. and being more particularly described as follows:

Commencing at a concrete monument located on the south right of way of NCSR 1598 (Tenth Street) at the northwest end of the sight distance right of way which connects to the western right of way of Elm Street; thence with the southern right of way of NCSR 1598 (Tenth Street) N 80°40'11"W 114.34 feet to a concrete monument at the northeast corner of the aforementioned Cook property; thence continuing with the southern right of way of NCSR 1598 (Tenth Street) and the north line of said Cook property as recorded in Deed Book 742, Page 484 of the Pitt County Registry N 80°34'02"W 134.84 feet to a point at the northeast corner of the property herein described and being the POINT OF BEGINNING; said beginning point being further located S 09°20'13"W 0.36 feet from an existing iron pipe; thence from beginning point so established and with the western line of the aforementioned Cook property S 09°20'13"W 444.06 feet to a point in the center of Green Mill Run; thence with the center of Green Mill Run and along the north line of the properties of the City Of Greenville and East Carolina University the following courses and distances: N 75°10'21"W 23.34 feet, N 63°53'26"W 22.48 feet, N 50°45'16"W 64.11 feet, N 68°09'34"W 35.19 feet, N 42°13'10"W 26.54 feet, N 36°35'41"W 39.35 feet, N 27°27'53"W 37.76 feet and N 38°31'39"W 25.59 feet to a point at the southeast corner of the property of Delta Alpha Chapter of Alpha Phi, Inc. as recorded in Deed Book J-34, Page 110 of the Pitt County Registry, said point being located N 45°59'28"E 1436.70 feet from NC Geodetic Survey Monument "HALL" having NC grid coordinates of N(Y)=206450.883 meters and E(X)=757821.820 meters (NAD 83/2001); thence leaving the center of Green Mill Run and with the eastern line of said Delta Alpha Chapter of Alpha Phi, Inc. property N 09°23'09"E 304.67 feet to an existing iron pipe on the southern right of way of NCSR 1598 (Tenth Street), having NC grid coordinates of N(Y)=206846.708 meters and E(X)=758151.887 meters (NAD 83/2001); thence along the southern right of way of NCSR 1598 (Tenth Street) S 80°36'51"E 225.08 feet to the POINT OF BEGINNING, containing 2.0361 acres and being further known as Pitt County Tax Parcel Number 03379. All distances are horizontal field distances, no grid factor applied. The combined NC grid factor used for grid coordinate calculations is 0.99989571.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

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

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

ADOPTED this 14th day of May, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 1000152

Excerpt from the DRAFT Planning & Zoning Commission Minutes (03/17/2015)

ORDINANCE REQUESTED BY WARD HOLDINGS, LLC TO REZONE 2.0361 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF EAST 10TH STREET AND 270+/- FEET WEST OF ELM STREET FROM R9 (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - DENIED

Ms. Gooby delineated the property. She stated the property is located in the central section of the City, south of 10th Street, across from ECU Main Campus, and west of Elm Street. To the south is Elm Street Park. There are single-family residences to the east and north and Green Mill Run to the south. The property is impacted by the 500 and 100-year floodplains and the floodway associated with Green Mill Run. There are developmental standards in the ordinance for new development. The proposed could generate about 94 trips per day and it does stay within the design capacity of the street. Under the current zoning, the property could accommodate about 10 duplex units or 5 buildings. Under the requested zoning, it could accommodate 28-30 multi-family units of new development. The Future Land Use Map recommends high density residential (HDR) at the southwest and southeast corners of the intersection of East 10th Street and Elm Street and then transitions to conservation/open space (COS) to the south along Green Mill Run. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Weitz asked if staff considered the policies in the Hazard Mitigation Plan or the Horizons Plan which refers to not having high density in the flood plain.

Ms. Gooby stated that the adopted Land Use Plan Map takes policies into consideration. There is a damage prevention ordinance in place which sets standards for new development in the floodplain.

Mr. Weitz asked if Ms. Gooby and staff believe it is in the best interest of the public to put additional density in the flood plain.

Mr. Parker stated he did not agree with the comments from Mr. Weitz and that it appears he was trying to put words in staffs' mouths.

Mr. Weitz stated he did not see any rezoning signs posted in the area for the request.

Ms. Gooby showed the Commission a picture of the property from her presentation with the rezoning sign and stated it was taken on March 3rd. Once the sign has been posted, then the statue has been met.

Mr. Smith stated she posted the sign but she can't be out there watching the sign.

Ms. Bellis asked if the proposed property was contiguous with the parking lot at the foot of College Hill. She stated that parking lot floods often.

Ms. Gooby stated that Green Mill Run is between this property and the parking lot.

Mr. Tim Corley, Civil Engineer II, showed another map that indicated the floodway/floodplain. He stated the parking lot is in the floodway. Any development on this request will need to comply with the flood damage prevention ordinance. Nothing can be built in the floodway. Development is allowed in the 100-year floodplain but requirements must be met. There are no restrictions in the 500-year floodplain. If there is significant change to the existing property, then the requirement for the floodplain would need to be met.

Mr. Schrade asked how much of the property was in the 500-year flood plain.

Mr. Corley estimated about 3/4 of an acre.

Ms. Bellis asked if there was a cumulative effect considered.

Mr. Corley stated they can try to put certain restrictions on certain watersheds in the City.

Ms. Bellis stated that ultimately a dam is being built.

Mr. Corley stated it is displacement of water to other places but there are safety factors involved.

Ms. Bellis stated that if everything north of Greenville Boulevard drains into the Green Mill Run, then building in the 100-floodplain could cause more flood damage.

Mr. Corley stated that it was something to be considered in another forum regarding floodplain regulations. He stated he was not sure when the watershed plan would be complete but it is in the works. Policy changes are something that could start once problem areas are indentified.

Chairwoman Basnight opened the public hearing.

Mr. Jim Ward, applicant, spoke in favor of the request. He stated he wanted to bring the property into compliance with the Future Land Use Plan Map. There are no immediate plans for the site. He is aware that the property has significant limitations for further development outside the existing footprint at both a cost and utilization standpoint. He stated he would stay within the current boundaries as the property currently exists.

Mr. Ward stated he has done significant development in the area. He stated his "for rent" signs are constantly missing. For any development that he would consider for this site, he would include the neighborhood and it would be a team effort.

Mr. Paul Cook spoke in opposition of the request. He and his wife live in the house directly east of the property. They moved in the home in 1998 and the property has flooded 3 times to date. The 100-year floodplain is a myth. This area floods frequently. Increased residents in the area would make it worse. When Hurricane Floyd passed, 10th Street turned into a river. They were displaced.

Mr. Mike Barnum, 614 Maple Street, spoke in opposition. He stated he agrees with Mr. Cook. A lot of the flooding from Hurricane Floyd was due to all the building in that area. Green Mill Run has dammed up causing more flooding. He stated that building in this area would cause flooding to be worse and cause more problems.

Ms. Elizabeth Knott, 1908 E. 6th Street, spoke in opposition. She frequents 10th and Elm Streets daily. Traffic might be within the design capacity but in reality there is a lot of traffic. Logistically pulling into this property would cause more traffic congestion. The area does not only flood during hurricanes. Green Mill Run floods often and causes Elm Street to close. She opposes anything that will increase flooding and traffic.

Mr. Hap Maxwell, 1506 E. 5th Street, spoke in opposition. He saw the flooding from Hurricane Floyd. The flooding is caused by the huge volume of impervious surfaces that runs water to the river. If the river is high, then it flows back into Green Mill Run and the City. The bridge at Greenville Boulevard acts as a dam causing more flooding.

Mr. Andrew Morehead, president of TRUNA, spoke in opposition. He stated higher densities mean more impervious surfaces and additional houses in floodplains which causes the displacement of water to continue. This is a very big concern. Decisions need to be made in a city-wide context and not by individual lots.

Ms. Ann Maxwell, member of the Neighborhood Advisory Board (NAB), spoke in opposition. Last month the NAB heard comments from a neighborhood in District 1 about flooding and trees in their area being cut down. This area is near the airport. There were no homes in that area when the airport was developed. Homes should not be in that area but it had been approved some time ago by a Planning Board, and now the people are suffering. The decisions made by the Commission affect everyone. More development and impervious surface in the College Hill area will cause more flooding. Any new developments that run off into the waterways will ultimately cause more flooding.

Mr. Ward spoke in rebuttal. With the existing building, it would be cost prohibitive to extend an additional footprint. The only plan he has is to enhance the existing structure. Any new plans would need to have a site plan submittal and need to be approved by the City before proceeding.

Attorney Holec stated there is opportunity for opposition rebuttal to respond to what has already been said and not present new information.

Ms. Fiona Cook spoke in opposition rebuttal. She lives next door to the proposed rezoning property. She stated the existing structure on that property has completely flooded twice.

Chairwoman Basnight closed the public hearing and opened for board discussion.

Mr. Weitz stated the Land Use Plan Map does indicate multi-family residential use but disagrees with staff that it is consistent with policies for the floodplains and the Comprehensive Plan. He stated that the policies indicate that floodplain development is not the responsible thing to do.

Ms. Reid stated she agrees with Mr. Weitz. When considering change in an area, you have to look at more than statistics. It needs to be taken into consideration peoples' lives and how they are affected.

Mr. Parker stated he sees the concerns and knows the area. We talk about a walkable sustainable community and bringing students to the area so they can walk to campus. We want to go away from building outside the perimeter. There are beautiful developments in the Uptown area and this request seems to fit well with that. There are other developments in the area. This property is not going to cause a flood or be haphazardly built. He stated that he would approve the request.

Ms. Bellis stated she feels strongly that just because something is permitted doesn't mean it's a good idea. It would be irresponsible to continue to approve something that puts people in harm's way. The cumulative effect is not considered and dams are continually being built in the flood plain which exasperates the flooding. It is irresponsible to approve anything in the floodplain.

Motion made by Mr. Weitz , seconded by Mr. King , to recommend denial of the proposed amendment, to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and not to adopt the staff report which addresses plan consistency and other matters due to floodplain development is not the responsible thing to do . In favor: Mr. Weitz, Mr. King, Ms. Bellis, and Ms. Darden. Oppose: Mr. Smith, Mr. Griffin, Mr. Parker, and Mr. Schrade. Chairman Basnight broke the tie to vote in favor of the motion. Motion carried.

EXISTING ZONING

R9 (Residential)

Permitted Uses

(1) General:

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

(2) Residential:

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

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

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

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

(15) Other Activities (not otherwise listed - all categories): None*

R9 (Residential)
Special Uses

(1) *General*:* None

(2) *Residential*:

o.(1). Nursing, convalescent center or maternity home; minor care facility

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

b. Home occupation; excluding barber and beauty shops

c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental*:

a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical*:* None

(8) *Services*:

a. Child day care facilities

b. Adult day care facilities

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

(9) *Repair*:* None

(10) *Retail Trade*:* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:* None

(12) *Construction*:* None

(13) *Transportation*:* None

(14) *Manufacturing/ Warehousing*: * None

(15) *Other Activities (not otherwise listed - all categories)*:* None

PROPOSED ZONING

R6 (Residential)

Permitted Uses

(1) General:

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

(2) Residential:

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

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

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

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

(15) Other Activities (not otherwise listed - all categories): None*

R6 (Residential)
Special Uses

(1) *General*:* None

(2) *Residential*:

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

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

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

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:

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

(7) *Office/ Financial/ Medical*:* None

(8) *Services*:

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

(9) *Repair*:* None

(10) *Retail Trade*:* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:* None

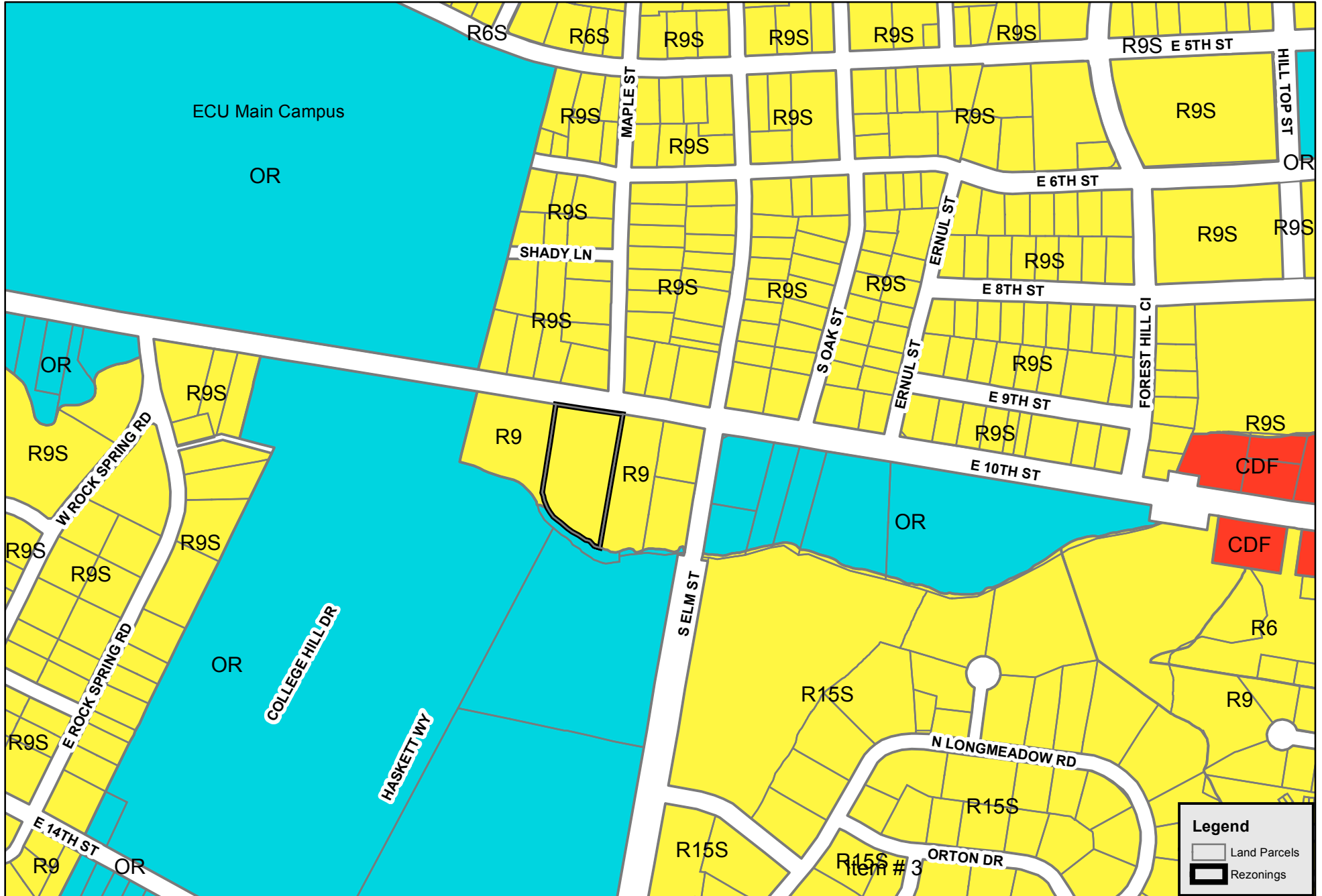
(12) *Construction*:* None

(13) *Transportation*:* None

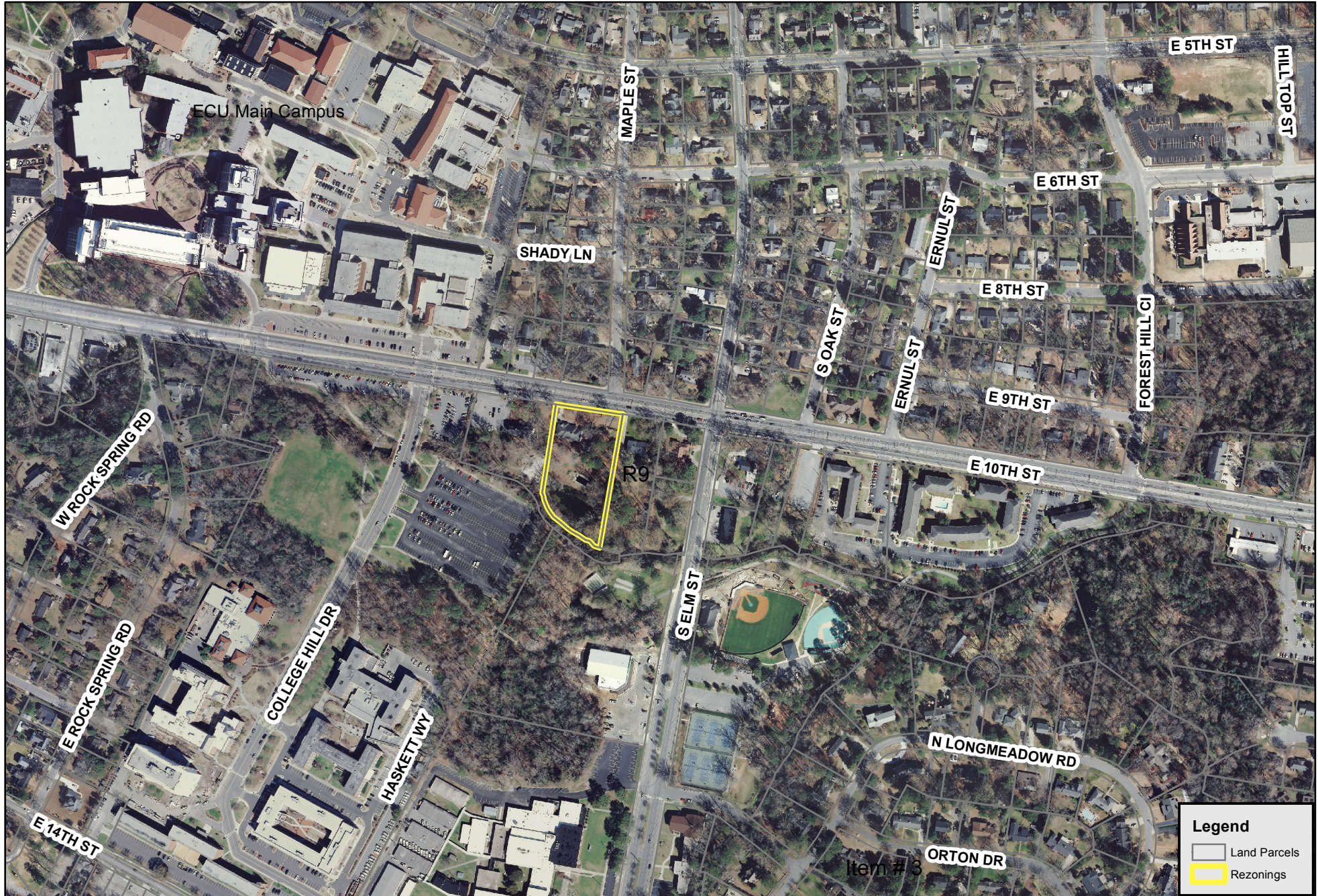
(14) *Manufacturing/ Warehousing*: * None

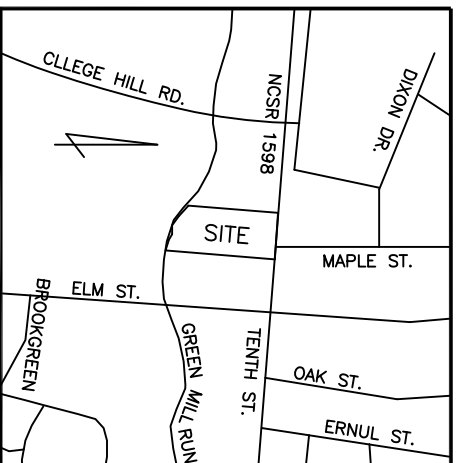
(15) *Other Activities (not otherwise listed - all categories)*:* None

Ward Holdings, LLC (15-04)
2.0361 acres
February 3, 2015



Ward Holdings, LLC (15-04)
2.0361 acres
February 3, 2015





NOTES

- THIS IS A REZONING SURVEY FOR PITT COUNTY TAX PARCEL 03379
- AS PER FEMA FLOOD INSURANCE RATE MAP 5720468700K, DATED JULY 7, 2014, A PORTION OF THIS TRACT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA, ZONE AE
- ALL DISTANCES SHOWN ARE HORIZONTAL FIELD DISTANCES; NO GRID FACTOR APPLIED
- THE COMBINED NC GRID FACTOR USED FOR GRID COORDINATE CALCULATIONS IS 0.998989571
- SEE MAP BOOK 76, PAGE 182 FOR THE RECORDED SUBDIVISION PLAT OF THIS PROPERTY WHICH SUBDIVIDES THE PROPERTY INTO 2 LOTS

OWNER

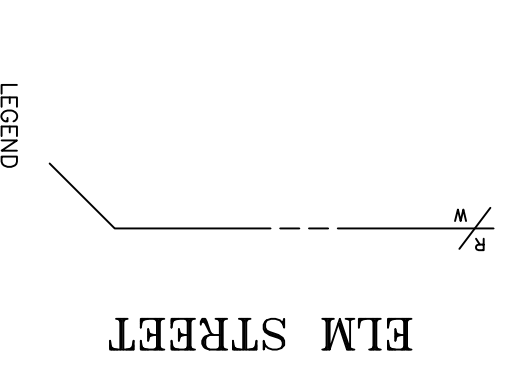
DELTA ALPHA EAST, LLC
 P.O. BOX 2685,
 GREENVILLE, NC 27836
 252-412-5583

REZONING APPLICANT

WARD HOLDINGS, LLC
 503 CHESAPEAKE PLACE
 GREENVILLE, NC 27858

SITE DATA

ACREAGE IN TOTAL TRACT: 2.0361 AC.
 CURRENT ZONING: R-9
 PROPOSED ZONING: R-6

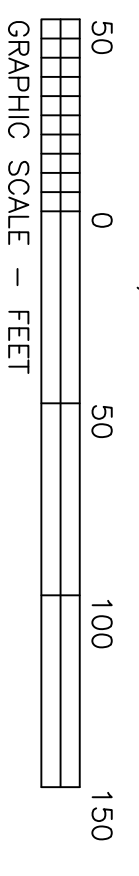


ELM STREET

NCSR 1598 ~ TENTH STREET
 (86' PUBLIC R/W ~ 65' B/B)

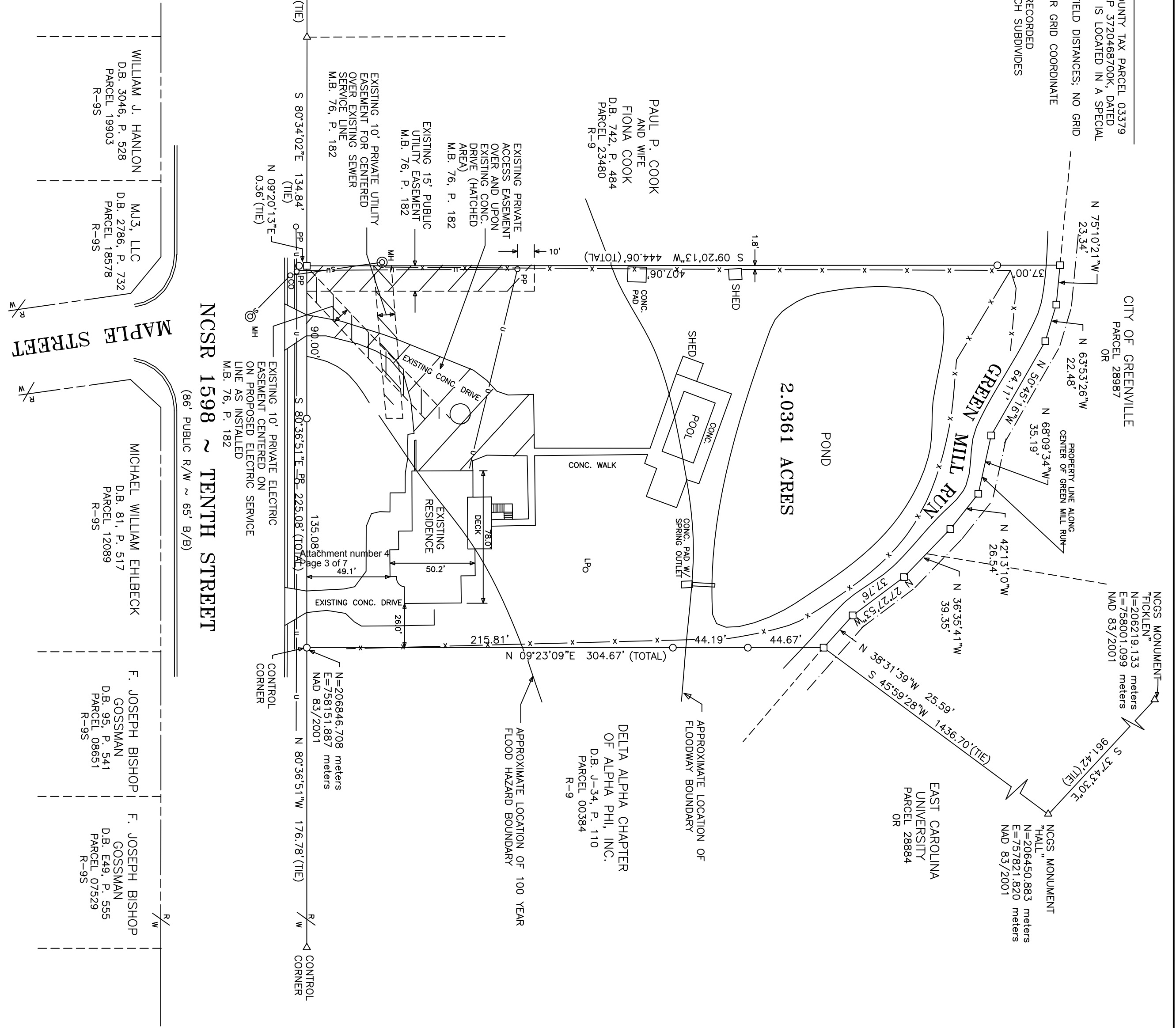
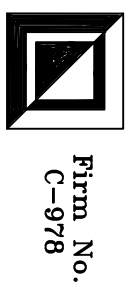
WARD HOLDINGS, LLC

REZONING SURVEY FOR
 CITY OF GREENVILLE
 DEED BOOK 3073, PAGE 243
 GREENVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA
 DATE: JANUARY 14, 2015 SCALE: 1"=50'
 REVISED TITLE BLOCK: FEBRUARY 3, 2015
 REVISED MARCH 4, 2015: REMOVE PROPOSED DUPLICATES



Sprull & Associates Inc.

2747 East Tenth Street
 Greenville, North Carolina 27858
 (252) 757-1200
 sprull@coastalnet.com



REFERENCES

D.B. 3073, P. 243
 D.B. M-39, P. 98
 M.B. 76, P. 182
 R/W BOOK 1, P. 12-D
 PITT COUNTY REGISTRY

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY STEPHEN N. SPRULL, P.L.S. NC L-2723 ON MARCH 4, 2015. THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

I, STEPHEN N. SPRULL, CERTIFY THAT THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND, AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

STEPHEN N. SPRULL, P.L.S. L-2723

STATE OF NORTH CAROLINA, PITT COUNTY

I, STEPHEN N. SPRULL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE AND CALCULATED IS 1:21,380. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS DAY OF 2015

PROFESSIONAL LAND SURVEYOR N.C. L-2723

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 15-04

Applicant: Ward Holdings, LLC

Property Information

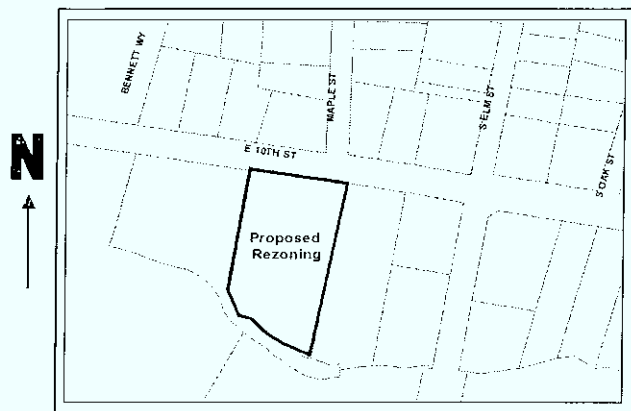
Current Zoning: R9 (Medium Density Residential)

Proposed Zoning: R6 (High Density Residential)

Current Acreage: 2.0361 acres

Location: E. 10th St, west of Elm Street

Points of Access: E. 10th St



Location Map

Transportation Background Information

1.) E. 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane - curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	35	no change
Current ADT:	23,345 (*)	Ultimate Design ADT: 27,200 vehicles/day (**)
Design ADT:	27,200 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along E. 10th St that service this property.

- Notes:**
- (*) 2012 NCDOT count adjusted for a 2% annual growth rate
 - (**) Traffic volume based on an operating Level of Service D for existing geometric conditions
- ADT – Average Daily Traffic volume*

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 106 -vehicle trips/day (*) **Proposed Zoning: 200** -vehicle trips/day (*)

Estimated Net Change: increase of 94 vehicle trips/day (assumes full-build out)

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

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on E. 10th St are as follows:

1.) E. 10th St , West of Site (60%): “No build” ADT of 23,345

Estimated ADT with Proposed Zoning (full build) – 23,465

Estimated ADT with Current Zoning (full build) – 23,409

Net ADT change = 56 (<1% increase)

2.) E. 10th St , East of Site (40%):

"No build" ADT of 23,345

Estimated ADT with Proposed Zoning (full build) – 23,425

Estimated ADT with Current Zoning (full build) – 23,387

Net ADT change = 38 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 200 trips to and from the site on E. 10th St, which is a net increase of 94 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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

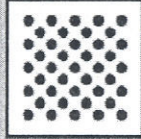
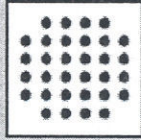
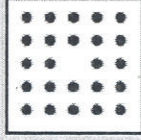
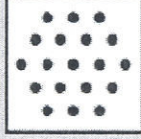
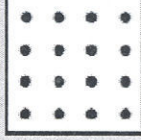
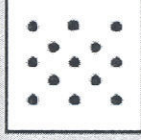
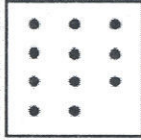
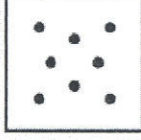
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons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

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Ordinance amending the Zoning Ordinance by adding schools as an allowed use within the IU (Unoffensive Industry) zoning district, subject to an approved special use permit and establishing specific criteria

Explanation: **Abstract:** The City of Greenville received an application from Mr. Fred T. Mattox on behalf of the Eastern Carolina Vocational Center, Inc., (ECVC) for a text amendment to add schools as an allowed use within the IU (Unoffensive Industry) zoning district, subject to an approved special use permit and establishing specific criteria.

Explanation: Greenville's Zoning Ordinance does not allow schools in the IU (Unoffensive Industry) zoning district. This text amendment proposes to amend the zoning ordinance to permit schools within the IU (Unoffensive Industry) zoning district, through special use permits and compliance with the following criteria proposed by ECVC (and edited by City staff with the applicant's permission).

The text amendment proposes to add a new subsection to Section 9-4-86(W) as indicated with underlined text as follows.

(W) School. All structures shall maintain side and rear setbacks of 50 feet and a front yard setback at least 25 feet greater than that required for single-family residences within the district, except as provided in subsection (1) (g) through (j).

(1) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:

a. The property shall have a minimum of eight acres.

b. The maximum allowed building coverage shall be 40% of the property.

c. The property shall have a minimum public road frontage of 450 feet.

d. All loading and unloading of students shall be off-street.

e. All parking areas shall be off-street in accordance with Article O, Parking.

f. The school must be authorized by the State of North Carolina.

g. All new structures shall maintain setbacks of 50 feet from property and public street right-of-way lines.

h. Schools that occupy structures that existed upon the effective date of this section (May 14, 2015) shall maintain setbacks of 50 feet from public street right-of-way lines, but are exempt from setbacks from property lines.

i. The setback exemption in section (h) is not applicable to parcels created after the effective date of this section (May 14, 2015).

j. Buildings that existed upon the effective date of this section (May 14, 2015) shall not be expanded within a 50 foot setback from property and public street right-of-way lines.

The text amendment, if adopted, would also amend Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A: Table of Uses)⁸ to add "S"s in rows (g)(h) and (i) to align under the IU(Unoffensive Industry) zoning district column heading to indicate Junior, Senior, Elementary, Kindergarten and Nursery Schools are allowed uses pending approval of special use permits within the IU district. This text amendment would also add a cross reference in the table to review criteria in Section 9-4-86(W). (Attachment A)

A proposed ordinance was prepared to amend the Table of Uses and the review criteria. (Attachment B)

This item is a proposed text amendment that if adopted, would apply in all IU zoning districts within the city and the City's extraterritorial jurisdiction (ETJ), pending an approved special use permit and compliance with criteria the applicant is proposing in the text amendment application.

Attached Maps 1 through 3 show the location of the IU zoning district as well as the recognized industrial zoning district. Map 4 shows the location of zoning districts where schools are currently allowed by right and where schools are allowed with approved special use permits. (Attachment C)

The applicant's original application is attached (Attachment D). After submittal of the application, ECVC revised the figure in letter C regarding frontage, from 500 feet to 450 feet. After the Planning and Zoning Commission meeting on April 21, 2015, ECVC further revised the application to add criteria (g) through (j) as recommended by Community Development staff. Criteria (g) through (j) are intended to address a concern that the existing setback requirement of 50 feet

would require ECVC to demolish a significant portion of the ECVC facility to comply with the 50 foot setback requirement for schools.

Staff advises the City Council that this item is not an evaluation of whether the ECVC facility has a legal nonconforming grandfathered land use as a school. ECVC wants to lease a portion of their building located at 901 Staton Road to a charter school. The charter school application indicates the school projects student enrollment for grades K-5 for 216 students in the first year and projects to enroll 468 students in grades K-8 in the tenth year of operation.

Upon receiving ECVC's text amendment application, staff was curious whether the property could be considered to accommodate a school use in light of the numerous and commendable activities that have taken place in the ECVC facility over the years. Staff encouraged the applicant to prepare a chronology of land use activities that have been conducted on the property throughout the years so that staff could ascertain whether a legal nonconforming grandfathered use could be determined which would avoid the need for a text amendment. As staff suggested, ECVC submitted such a chronology on March 31, 2015, requesting consideration of the property for educational purposes as a grandfathered use. The City's Zoning Ordinance and Zoning Map were adopted on May 8, 1969, which zoned the ECVC property IU (Unoffensive Industry), and the original ECVC facility was completed and opened for operation in 1970. The Community Development Department responded to ECVC's request in a letter dated April 8, 2015, that the City determined a school cannot be permitted in the ECVC facility as a legal nonconforming grandfathered land use. City staff advised ECVC that they may appeal the City's interpretation by filing an Appeal of Administrative Decision to the Board of Adjustment. Attached are copies of the ECVC and City of Greenville correspondence, without attachments referenced in the City's letter, that detail ECVC's chronology of land use activities and the City staff's review and basis for denying the request to consider a school use a legal nonconforming grandfathered land use. (Attachment E)

Community Development staff objects to the proposed text amendment for the following three reasons: 1. Approval of the text amendment can lead to future limitations on industrial development; 2. Approval of the text amendment will introduce school students, faculty and staff to dangerous conditions typically associated with industrial districts; and 3. Approval of the text amendment would not be consistent with Horizons: Greenville's Community Plan. These three objections are detailed below.

1. Other non-residential land uses likely would also pursue text amendments applicable in the industrial zones due to the precedent set by school(s) in the industrial districts. This will have the result of reducing the availability of property developed for industrial uses. A reduction in lands developed for industrial uses will limit the function of industrial districts' full potential. Industrial buildings and vacant industrial sites interspersed with service and commercial uses will make it difficult for adjacent property having industrial zoning to develop, redevelop, or expand industrial facilities since there will be concern of exposing school students, faculty, and staff to noises, odor, large freight traffic, and potentially dangerous materials and fumes associated with

industrial uses. Such a reduction in the full potential of Greenville and Pitt County's industrial districts may limit industrial employment, production, and industrial growth which is a vital segment of the local and regional economy. There are ample zoning districts within the City and ETJ where schools are allowed by right or with a special use permit (Attachment C, Map 4). Another charter school recently began construction in another location that did not require a text amendment to obtain permits.

The ECVC property is immediately adjacent to two large sites to the east zoned Industry while the remaining property bordering ECVC's property is zoned Unoffensive Industry. If this text amendment is approved and a subsequent special use is approved to allow a charter school to occupy the ECVC building and later expand to accommodate the school's projected growth up to 468 students in 10 years, it is likely there will be increased scrutiny on what industrial uses and operations adjacent properties will be subjected to than would otherwise occur without the encroachment of a school use in the ECVC facility.

2. Approval of special use permits for schools could potentially expose school students, staff, and faculty to noises, odor, large freight traffic, and potentially dangerous materials and fumes commonly associated with industrial uses. As an example, in 2003 the West Pharmaceutical Services facility in Kinston threatened a school within 0.7 miles from the facility during a large industrial accident. To reduce such threats between incompatible land uses, it is a commonly accepted planning practice to separate sensitive non-industrial types of uses, such as schools, from being located within or immediately adjacent to property zoned for industry. The ECVC facility, where the charter school desires to locate, is almost in the geographic center of the recognized industrial district (Attachment C, Map 2). The ECVC property is bound by two sites having the zoning district designation of Industry to the east while the remaining boundary of the ECVC parcel is zoned Unoffensive Industry.

3. In staff's opinion, the proposed Zoning Ordinance Text Amendment is NOT in compliance with: Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Review, Vision Areas, Northeast, Policy B4 which states, ***"Encourage new industry and support businesses in the recognized industrial area."***; and Horizons: Greenville's Community Plan, 2004, Plan Elements, Urban Form and Land Use, Employment Areas, Policy 6(c) which states, ***"Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites. New industrial development shall be encouraged to locate in existing and/or planned industrial parks."***

The adopted Horizons Plan's Future Land Use Plan Map designates the designated industrial district and the majority of other property with the Unoffensive Industry and Industry zoning districts with an Industrial future land use classification. The Horizons Plan describes the Industrial classification as, ***"The land use plan supports the City's objective to locate the majority of industrial development north of the Tar River in the area designated as Greenville's Industrial Area and in the southwest quadrant in the southwest loop***

corridor. The only significant area where the land use plan supports new industrial growth is in these predetermined Industrial areas..."

The Industrial land use category has associated zoning districts. These zoning districts specify the allowable uses for each of the land use categories. Within the Horizons Plan, the zoning districts listed in association with the Industrial Future Land Use category are Unoffensive Industry, Industry, Planned Unoffensive Industry, and Planned Industry. A list of land uses currently permitted in the Unoffensive Industry and Industry zoning districts, by right and with an approved special use permit, are attached (Appendix A).

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is not in compliance with Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Review, Vision Areas, Northeast, Policy B4 which states, *"Encourage new industry and support businesses in the recognized industrial area."*; and Horizons: Greenville's Community Plan, 2004, Plan Elements, Urban Form and Land Use, Employment Areas, Policy 6(c) which states, *"Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites. New industrial development shall be encouraged to locate in existing and/or planned industrial parks."*

The Planning and Zoning Commission voted to recommend denial of the request at its April 21, 2015 meeting (Appendix B).

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

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

"Motion to deny the requested text amendment, to make a finding and determination that the requested text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to the following; Horizons: Greenville's Community Plan, , 2009-2010 Update, Implementation Review, Vision Areas, Northeast, Policy B4 which states, *"Encourage new industry and support businesses in the recognized industrial area."*; Horizons: Greenville's Community Plan, 2004, Plan Elements, Urban Form and Land Use, Employment Areas, Policy 6(c) which states, *"Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites. New industrial*

development shall be encouraged to locate in existing and/or planned industrial parks."

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

Attachments / click to download

 [Attachments for City Council 5 14 2015 Schools in IU 1003055](#)

Excerpt of Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A: Table of Uses) 8, Services - Showing Proposed Text Amendment to add Junior, Senior, Elementary, Kindergarten and Nursery Schools as Allowed Uses within the IU (Unoffensive Industry) Zoning District with Approved Special Use Permits, Indicated with the Addition of the Letter "S" in Subsections (8)g, h and i under the IU zoning district column.

(8) Services.

USE	LUC #	RA 20	R 15 S	R 9 S	R 6 S	R 6 N	R 9	R 6	R 6 A	R 6 M H	M I	M S	M O	M C G	M R	M C H	M R S	O R	O	C D	C D F	C G	C N	C H	I U	I	P I U	P I
a. Child day care facilities	3	S					S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S
b. Adult day care facilities	3	S					S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S
c. Funeral home	3																	P	P	P	P	P		P				
d. Cemetery	3	S	S	S	S	S	S	S	S	S																		
e. Barber or beauty shop	3												S	P		P		P	P	P	P	P	P	P				
f. Manicure, pedicure or facial salon	3												S	P		P		P		P	P	P	P	P				
g. School; junior and senior high (see also § 9-4-86(W) and 9-4-103)	3	S	S	S	S		S	S	S						S		S	P	P		P				<u>S</u>			
h. School; elementary (see also §9-4-86(W), 9-4-103)	3	S	S	S	S		S	S	S						S		S	P	P		P				<u>S</u>			
i. School; kindergarten or nursery (see also § 9-4-86(W) and 9-4-103)	3	S	S	S	S		S	S	S						S		S	P	P	S	P				<u>S</u>			
j. College and other institutions of higher learning	3										P	S	S			S		P	S	P								
k. Business or trade schools	3																	P		P	P	P						
l. Convention center; private	3											S	S			S		S	S	S	S	S		S	S	S	S	S
m. Multi-purpose center	3							S	S																			
n. Auditorium	3												P			P		P		P	P			P	P	P	P	P
o. Church or place of worship (see also § 9-4-103)	2	P	P	P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	S		
p. Library	3																	P	P	P	P							
q. Museum	3																	P	P	P	P	P		P				
r. Art gallery	3													P		P		P	P	P	P	P		P				



ORDINANCE NO. 15-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on May 14, 2015, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Review, Economic Development, Objective 2(b) to encourage rehabilitation and reuse of commercial/industrial buildings;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, attract new businesses;

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

Section 1: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(8)g. of the City Code is hereby amended to add the use entitled "School: junior and senior high" as a special use in the IU (Unoffensive Industry) district and to add a cross reference to Section 9-4-86(W).

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(8)h. of the City Code is hereby amended to add the use entitled "School: elementary" as a special use in the IU (Unoffensive Industry) district and to add a cross reference to Section 9-4-86(W).

Section 3: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(8)i. of the City Code is hereby amended to add the use entitled "School: kindergarten or nursery" as a

special use in the IU (Unoffensive Industry) district and to add a cross reference to Section 9-4-86(W).

Section 4: That Title 9, Chapter 4, Article D, Section 9-4-86(W) of the City Code is hereby amended by rewriting said section so that it shall read as follows:

- (W) School. All structures shall maintain side and rear setbacks of 50 feet and a front yard setback at least 25 feet greater than that required for single-family residences within the district, except as provided in subsection (1) (g) through (j) herein.
- (1) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:
- a. The property shall have a minimum of eight acres.
 - b. The maximum allowed building coverage shall be 40% of the property.
 - c. The property shall have a minimum public road frontage of 450 feet.
 - d. All loading and unloading of students shall be off-street.
 - e. All parking areas shall be off-street in accordance with Article O, Parking.
 - f. The school must be authorized by the State of North Carolina.
 - g. All new structures shall maintain setbacks of 50 feet from property and public street right-of-way lines.
 - h. Schools that occupy structures that existed upon the effective date of this section (May 14, 2015) shall maintain setbacks of 50 feet from public street right-of-way lines, but are exempt from setbacks from property lines.
 - i. The setback exemption in section (h) is not applicable to parcels created after the effective date of this section (May 14, 2015).
 - j. Buildings that existed upon the effective date of this section (May 14, 2015) shall not be expanded within a 50 foot setback from property and public street right-of-way lines.

Section 5. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 6. That this ordinance shall become effective immediately upon adoption.

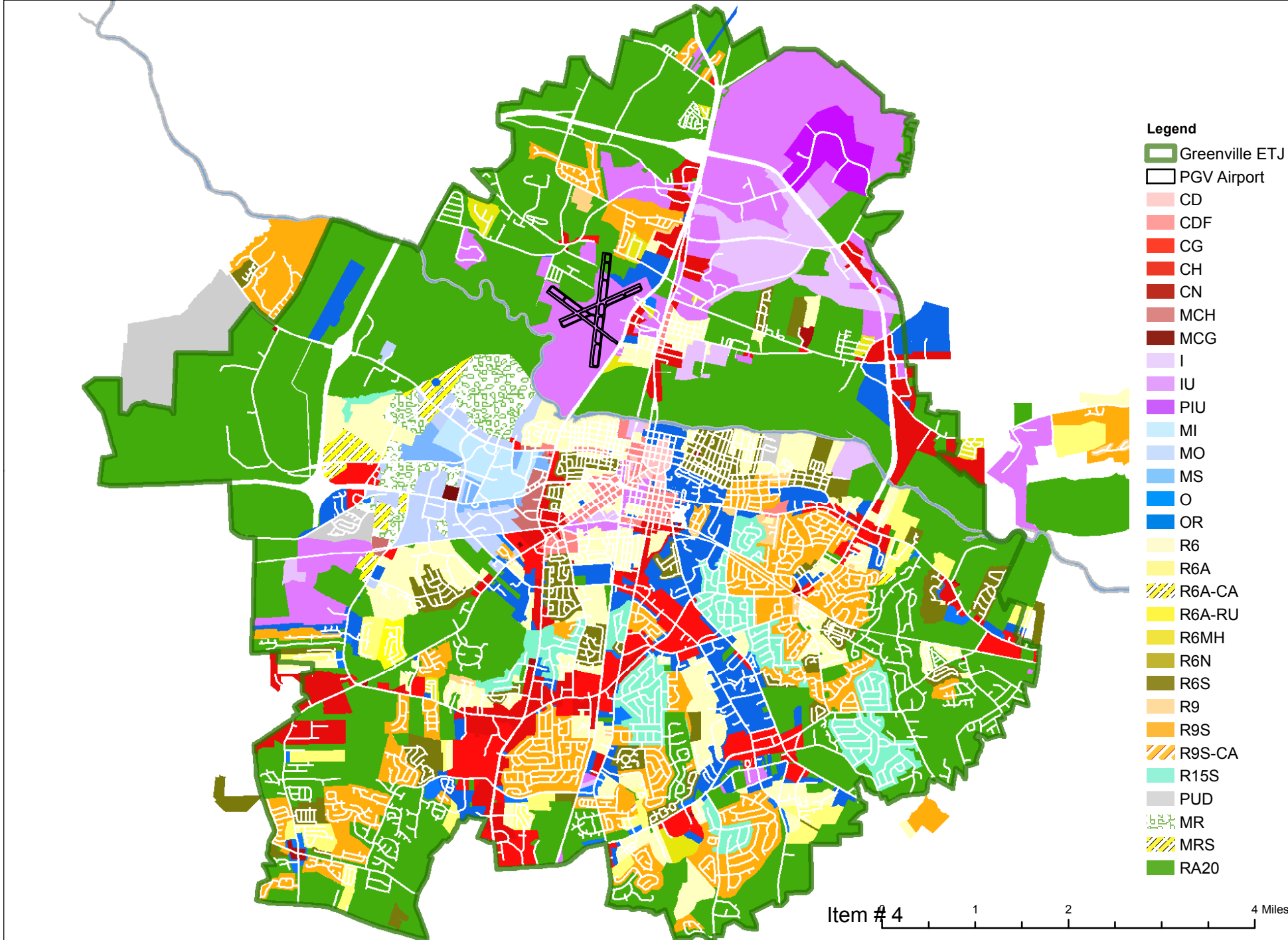
Adopted this 14th day of May, 2015.

Allen M. Thomas, Mayor

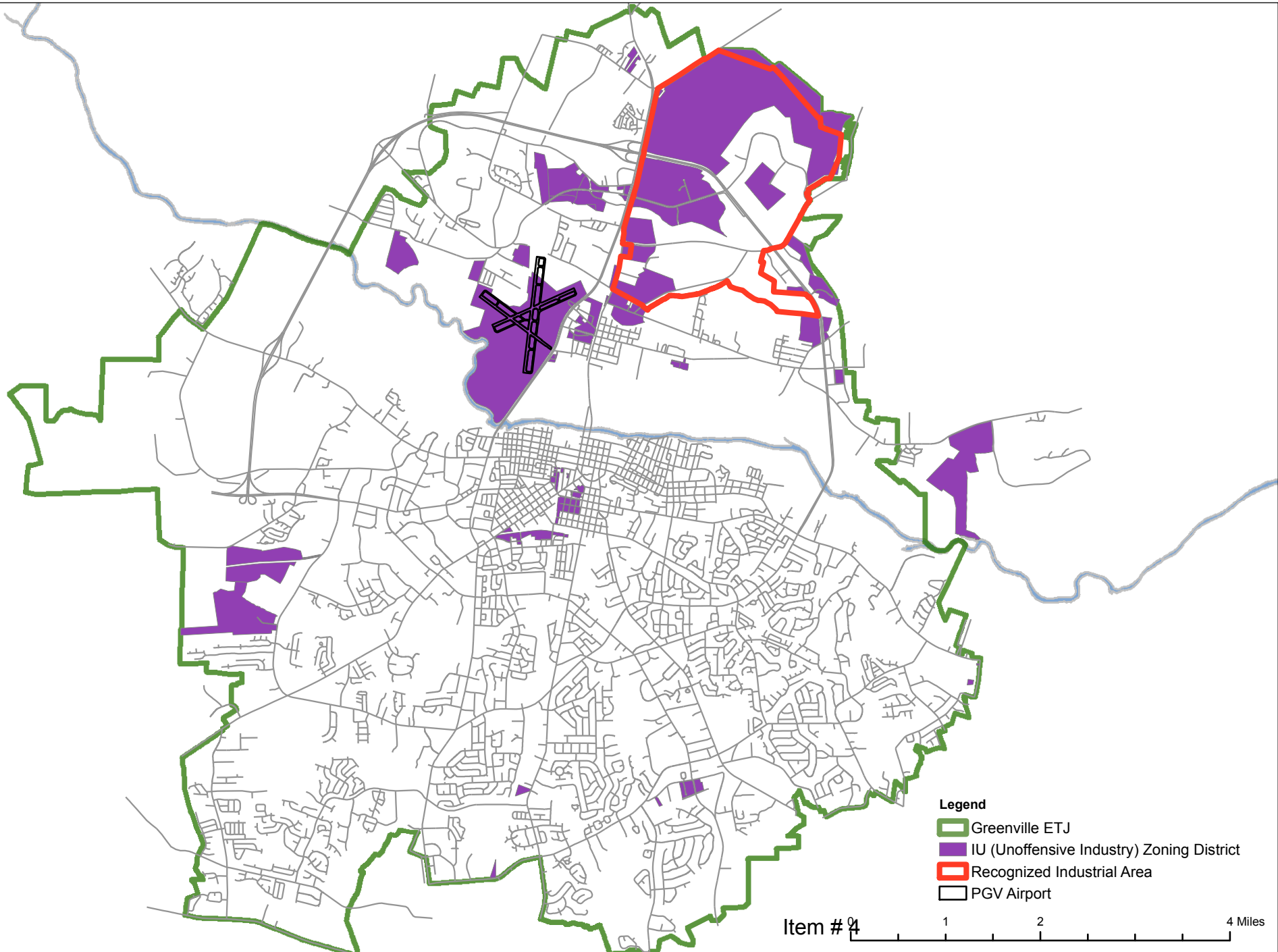
ATTEST:

Carol L. Barwick, City Clerk

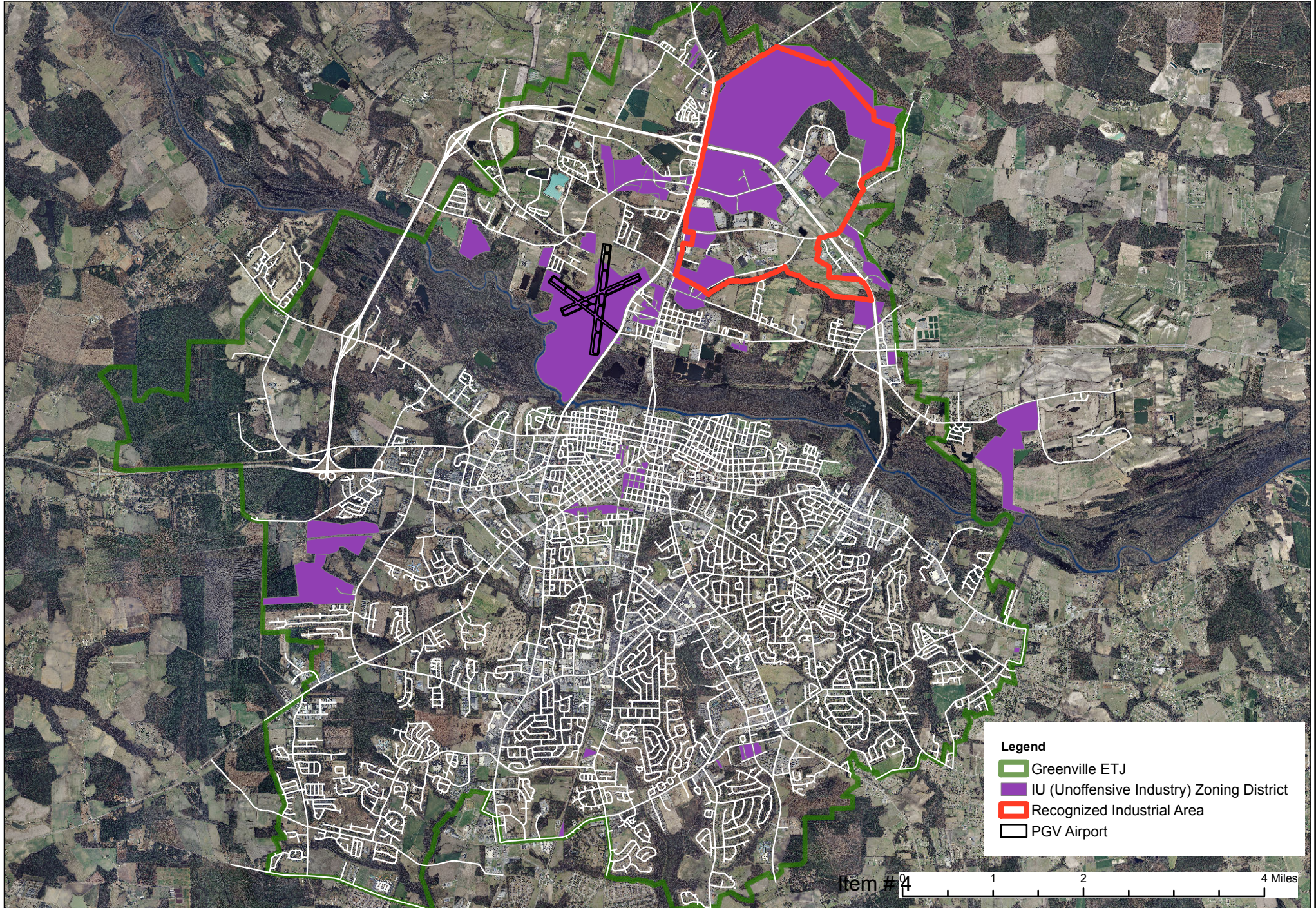
Map 1 - Zoning Districts



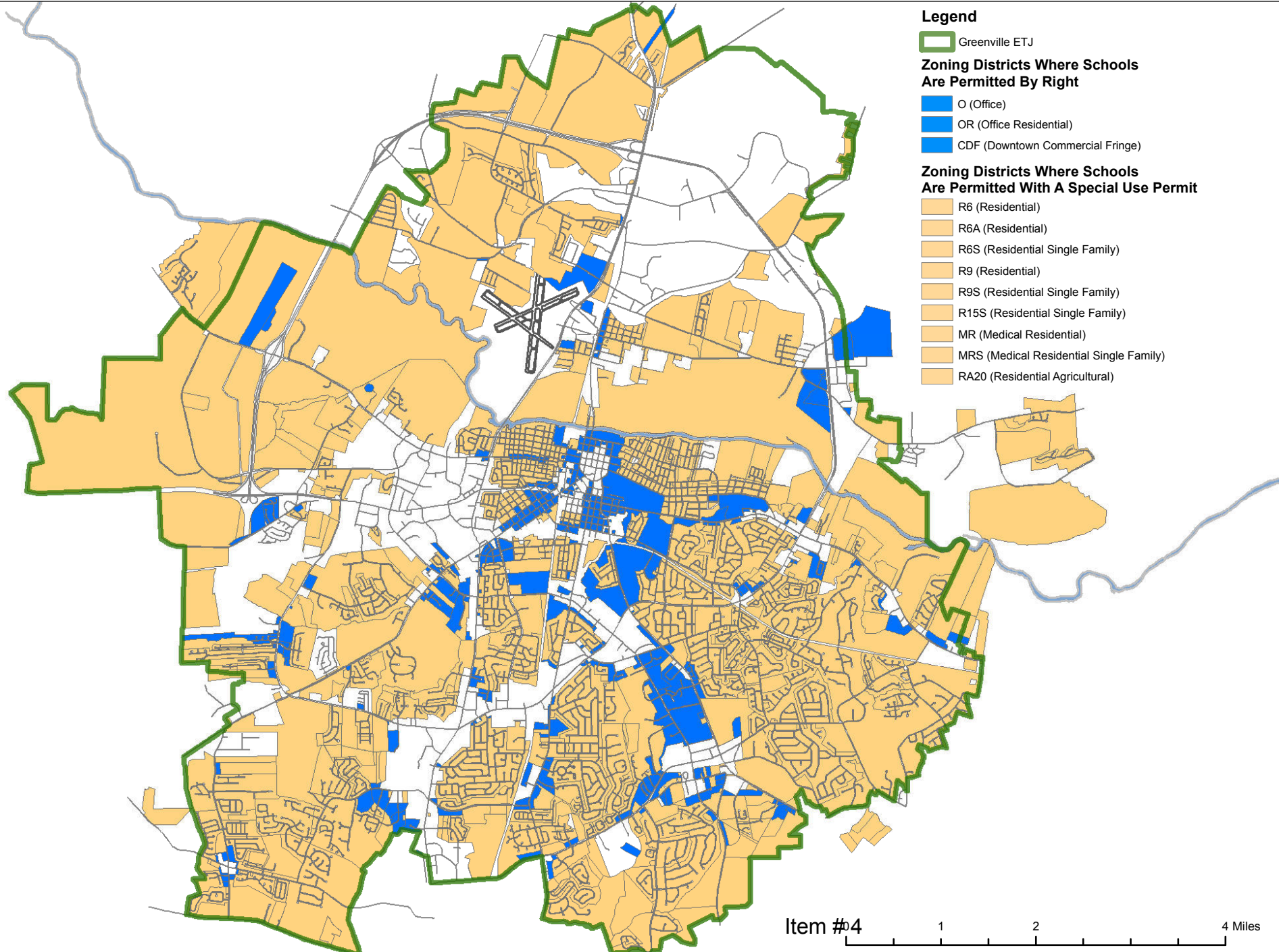
- Legend**
- Greenville ETJ
 - PGV Airport
 - CD
 - CDF
 - CG
 - CH
 - CN
 - MCH
 - MCG
 - I
 - IU
 - PIU
 - MI
 - MO
 - MS
 - O
 - OR
 - R6
 - R6A
 - R6A-CA
 - R6A-RU
 - R6MH
 - R6N
 - R6S
 - R9
 - R9S
 - R9S-CA
 - R15S
 - PUD
 - MR
 - MRS
 - RA20



Map 3 - Location of IU (Unoffensive Industry) Zoning District with Aerial Photo



Map 4 - Zoning Districts Where Schools Are Currently Allowed



ATTACHMENT D



Date Received 3/24/2015
vw

CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) EASTERN CAROLINA VOCATIONAL CENTER, INC

Mailing Address PO BOX 425
ATTN: FRED T. MATOX
GREENVILLE, NC 27835

Contact Phone Number (301) 366-2217

Contact Fax Number (252) 752-0844

Zoning Ordinance Section Proposed to be Amended: APPENDIX A AND
SECTION 9.4.46

Reason for Request: TO ALLOW A SCHOOL TO USE A PORTION
OF 901 STATION ROAD FOR EDUCATIONAL PURPOSES.
TAX PARCEL 28877

Proposed Language of Text Amendment (attach additional pages if needed): _____

(A) TO AMEND APPENDIX "A" TO ALLOW A SCHOOL AS A SPECIAL
USE IN THE INDUSTRIAL ZONE SUBJECT TO SUCH
RESTRICTIONS IMPOSED BY THE BOARDS OF ADJUSTMENT

Fred T. Madox, CHAIR.

Print Name

Fred T. Madox

Signature of Applicant

3-23-15

Date

Attachment

Schools may be allowed as a special use in the IU zone provided:

A: The site contains at least 8 acres.

B: No more than 40% of the site be occupied by buildings.

C: Contains at least 500 feet of public road frontage.

D: Have all off street loading and unloading of students.

E: Have off street parking in accordance with the Greenville parking ordinance.

F: School must be authorized by the State Of North Carolina.



2100 North Greene Street
P.O. Box 1686
Greenville, NC 27835-1686

Where abilities overcome disabilities

Phone: (252) 758-4188
Fax: (252) 830-1260
Website: www.ECVCinc.com

March 31, 2015

Mr. Tom Wittenauer
Chief Planner
City of Greenville
201 W 5th Street
Greenville, NC 27858

Re: Ignite Innovation Academy

Dear Mr. Wittenauer,

Ignite Innovation Academy has a charter from the state of North Carolina to operate a school in Pitt County. The Academy desires to lease part of a building located at 901 Staton Road from Eastern Carolina Vocational Center (ECVC). The building has been used for instructional purposes since it was built.

Eastern Carolina Vocational Center was incorporated by the State of North Carolina on August 23, 1965. The corporation was organized "To provide personnel, services, and facilities for evaluation and training of mentally and physically handicapped persons..."

In 1970 Eastern Carolina Vocational Center (ECVC) began operations at 901 Staton Road in a building constructed for the training of mentally and physically handicapped persons. The building included an institutional size kitchen and dining area. The property has been continuously used for instructional purposes by ECVC and/or other entities ever since.

In 1975 the building was expanded to accommodate a welding shop and automotive repair center. Pitt Community College provided training in welding and automotive repair. The College also provided the instructors for the Adult Basic Education program. ECVC provided instructors for furniture refinishing, chair caning, recycling, and picture framing.

In 1982 another addition to the building was completed which included dormitory rooms to house 90 students with disabilities from counties in eastern North Carolina, a dining hall, and full service institutional kitchen. This building addition was used for instruction in food service preparation, health and fitness, and musical therapy. Food service instructors were funded by Pitt Community College. The health and fitness instruction was done by ECVC through a federal



grant. The musical therapy was done by East Carolina University. A volunteer provided pottery classes.

In 1983 ECVC leased the Aquatics and Fitness Center to the City of Greenville for \$1 per year. City employees and contractors to the City were the instructors for swimming and other fitness and nutrition classes at the Aquatics Center.

In 2006 ECVC sold the Aquatics and Fitness Center to the City of Greenville for \$1. Since that date formal classes have continued at the Center. The Greenville.gov web site lists fitness classes as one of the activities available at the Center. The Aquatics Center is attached to the 901 Staton Road building that Ignite Innovation Academy proposes to lease from ECVC for a period of four years.

For the last thirteen years ECVC's 901 Staton Road property has been leased by organizations for educational purposes. Examples are Pitt County Schools for the Alpha classes (2002-2011), Pitt County Schools for the HUGS classes (2009-2011), and Martin Community Action for the Head Start program (2002-2015).

The Creative Living Center has been housed at ECVC's Staton Road location since 2002. Creative Living Center is a day health program designed to enhance the quality of life for senior and disabled adults and provide an alternative to residential health care placement. This program includes daily activities designed to improve fine motor skills and hand-eye coordination, arts and crafts, and mind stimulation to improve cognitive functions.

The property at 901 Staton Road has been used for educational purposes continuously since 1970. ECVC respectfully requests that the property be grandfathered so as to allow ECVC to lease space to other educational entities for education purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Jones", is written over a horizontal line.

Bob Jones
ECVC President

CC: Mr. Fred T. Mattox
ECVC Board Chairman



COMMUNITY DEVELOPMENT
PLANNING DIVISION

April 8, 2015

Mr. Bob Jones, President
Eastern Carolina Vocational Center, Inc.
2100 North Greene St.
P.O. Box 1686
Greenville, NC 27835-1686

RE: Response to ECVC Letter dated March 31, 2015 Regarding Parcel # 028877

Dear Mr. Jones,

On March 24, 2015, an application for a text amendment to the City's zoning ordinance was submitted by Mr. Fred Mattox on behalf of Eastern Carolina Vocational Center, Inc. (ECVC). (Attachment A) During a meeting I had with Mr. Mattox on March 30 to discuss the application, I suggested he submit two additional items listed below. While meeting with Mr. Mattox, he handed me a newspaper article that reports the Ignite Innovation Academy, a proposed new charter school, is already registering students for kindergarten through fifth grade and will add a grade each year up to eighth grade. (Attachment B) The article states the school plans to open in the ECVC building located at 901 Staton Rd. (Parcel ID #028877) this fall. The purpose of this letter is to respond to your letter dated March 31, 2015 requesting that the ECVC property be grandfathered by the City so as to allow ECVC to lease space to other educational entities for education purposes.

1. The first item I suggested to Mr. Mattox is to provide a supplement to ECVC's application that establishes review criteria the Board of Adjustment (BOA) could use in reviewing special use applications for schools in an IU (Unoffensive Industry) zoning district. On March 31, 2015, Mr. Mattox provided a list of 6 items he proposes the BOA use in their review of schools in the IU (Unoffensive Industry) zoning district. (Attachment C)
2. The second item I suggested Mr. Mattox submit was a chronology of land use activities that have taken place on the property so I could ascertain whether an elementary school is a grandfathered legal nonconforming land use on ECVC's property. I felt like it was important to take time to research whether a charter school could go into the facility before we proceed with the text amendment. Your letter provided the information I requested of Mr. Mattox. (Attachment D) I reviewed your letter, the zoning history of the property, a text amendment from 1980 that was associated with ECVC, current zoning requirements and provisions in the zoning ordinance regarding grandfathered status findings. Attached is the full Article C from the City of Greenville Zoning Ordinance that addresses nonconforming situations. (Attachment E). I regret to inform you that I have determined, along with Mr. Merrill Flood's concurrence, that a charter school cannot be permitted in the ECVC facility as a legal nonconforming grandfathered land use. Following are points from my research for which our decision of denial is based.

1

Item # 4

The ECVC was being constructed simultaneously within the year the City of Greenville applied the zoning of IU to ECVC's property. The Zoning Ordinance and Zoning Map were adopted on May 8, 1969 (Attachment F) and the ECVC was completed and opened for operation in 1970. It is likely the City, if aware of the ECVC center, considered the vocational center grandfathered as there was a subsequent text amendment in 1980 to add a vocational rehabilitation center to the zoning ordinance. Although the ECVC center was in operation with an education component, it was not operated as an elementary school type of activity, but was provided as a vocational center. The November 13, 1980 text amendment to the zoning ordinance added a vocational rehabilitation center definition and use to the zoning ordinance as a permitted use in the IU district. The 1980 text amendment was submitted by ECVC. The amendment added vocational rehabilitation centers in the I (Industry) and IU (Unoffensive Industry) districts. Minutes from the September 24, 1980 Joint City-County Planning & Zoning Commission, minutes from the November 13, 1980 City Council meeting and ordinance #1014 to adopt the text amendment are attached. (Attachment G) The amendment was approved but did not imply an expansion of any type of elementary school type of component. Attached is an excerpt from the zoning ordinance, chapter 32 after the 1980 text amendment and through subsequent amendments up to 1991. (Attachment H)

Your letter notes that ECVC expanded in 1982 to include dormitory rooms to house students with disabilities, a dining hall and a kitchen. The City may have considered these expanded activities as accessory uses to the vocational rehabilitation center as permitted by the new zoning regulations adopted in the 1980 text amendment noted above. Now that the vocational rehabilitation center has relocated out of the building, the continuation of accessory uses or a transition of such accessory uses into an elementary school use without the existence of the primary use the accessory use is permitted to serve, i.e., the vocational center, does not perpetuate and extend a grandfathered accessory use into another otherwise prohibited use.

The chronology provided in your letter goes on to list the 1983 lease for the City of Greenville Aquatics and Fitness Center which would have complied with Sec. 32-67(aa) as a "Municipal government building, use or facility." As you stated in your letter, the City went on to purchase a portion of the building and property in 2006. The operation of the Aquatics and Fitness Center and the fitness classes the City offers are still in compliance with the current version of the zoning ordinance Table of Uses, Appendix (4) (b) and (c). (Attachment I) The Fitness Center's fitness classes are not the elementary school type of component as the Ignite Innovation Academy presently proposes and a charter school is not considered a government use or facility.

As your letter goes on to list, for the last 13 years, the ECVC has been leased by Pitt County Schools for their HUGS and Alpha classes. I understand HUGS is a summer pre-K class series for autistic preschoolers named Helping Us Grow Successfully. The Pitt County website indicates the location of classes are now held at the Sadie Saulter Education center on Spruce Street. The County Schools' website lists the Alpha Center as an alternative education program for students enrolled in kindergarten through eighth grade but does not list their current location. If the City were aware of these Pitt County Schools education programs in the ECVC building, those classes may have been considered to be consistent with the same application as the fitness center as a government use.

The Martin Community Action for the Head Start program may be considered a Child Day Care Facility which is an allowed special use in the IU zoning district as set forth in the zoning ordinance Table of Uses, Appendix (8)a. However, the Board of Adjustment (BOA) application cases does not record that a special use permit was ever reviewed by the BOA which would have been required prior to their occupancy. Therefore, listing this operation does not provide any support toward the proposed inquiry

whether the Ignite Innovation Academy may be allowed under an existing legal nonconforming use as the Head Start program review by the City is not documented.

The Creative Living Center program may be considered as an Adult Day Care Facility which is an allowed special use in the IU zoning district as set forth in the zoning ordinance Table of Uses, Appendix (8)a. However, I could not find any record of when such as a special use permit was reviewed or approved by the Board of Adjustment as would have been required prior to their occupancy. Therefore, listing this operation does not provide any support toward the proposed inquiry whether the Ignite Innovation Academy may be allowed under an existing legal nonconforming use as the Creative Living Center Start program review by the City is not documented and of course is catered to adult patrons rather than elementary school age children.

The City has the following records of special use permit applications that were submitted for proposed uses at 901 Staton Rd: On March 26, 1992 the Board of Adjustment approved a church use by the applicant, Christ Presbyterian Church; on November 11, 1992, the Board of Adjustment approved a maternity home use by the applicant, Eastern NC Maternity Home; on April 27, 1995, the Board of Adjustment approved a church use by the applicant, Christ Presbyterian Church; and in 2008, a special use permit for a child day care facility was submitted, but was withdrawn.

I agree that ECVC has provided years of educational uses for very worthy causes that have likely changed lives for decades. However, the types of education, the ages of students served, and documented and undocumented operations do not demonstrate sufficient evidence that a charter elementary school may locate in the ECVC building as a legal nonconforming grandfathered use. You have the right to appeal the City's interpretation by filing an Appeal of Administrative Decision. Such appeals are reviewed by the Board of Adjustment (BOA) and there is a \$500 fee which is only refundable if the BOA finds in favor of an applicant.

Section 9-4-13 states that unless a use of land is specifically allowed in a zoning district, either as a matter of right or as a special use, then the use shall be prohibited in the district. (Attachment J) Prior zoning provisions never implied that an elementary school was a permitted use in the IU (Unoffensive Industry) district and as such the current zoning provisions have not repealed rights as referenced in Sec. 9-4-15. (Attachment K). As you know the parcel ECVC currently owns, addressed 901 and 905 Staton Road and having the parcel identification number 028877 is currently zoned IU (Unoffensive Industry) as shown on the attached map. (Attachment L). The definition for the IU district is attached along with the Table of Uses. (Attachment M).

The only way to seek approval of an elementary school in the IU zoning district is to apply for a text amendment to change the zoning provisions which Mr. Mattox's application received on 3/24/2015 seek to accomplish. Planning Division staff will resume review and processing of the text amendment application and will put it on the April 21, 2015 Planning and Zoning Commission agenda.

Sincerely,



Thomas Weitnauer, AICP, Chief Planner

Attachments

cc: Merrill Flood
Dave Holec
Fred Mattox

APPENDIX A- Illustrative List of Uses For Unoffensive Industry and Industry Zoning Districts

(Last updated on 3/12/08 For Official Table of Uses, See Section 9-4-78 of the City Code)

IU (Unoffensive Industry)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

(7) Office/ Financial/ Medical:

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- gg. Vocational rehabilitation center
- mm. Commercial laundries; linen supply

Doc. # 72878

1. To be used for comparative purposes only, not for official use.
2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.
3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

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- nn. Industrial laundries
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]

(9) Repair:

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

(10) Retail Trade:

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales

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

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

(12) Construction:

- b. Licensed contractor; general, electrical, plumbing, mechanical, etc. including outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- y. Recycling collection station of facilities
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

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

* None

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A-2

1. To be used for comparative purposes only, not for official use.
2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.
3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

IU (Unoffensive Industry)

Special Uses

(1) General:

* None

(2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
- o. Nursing, convalescent center or maternity home; major care facility

(3) Home Occupations (see all categories):

* None

(4) Governmental:

* None

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- o. Church or place of worship (see also section 9-4-103)
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) Repair:

- a. Major repair; as an accessory or principal use

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities

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

- g. Mobile home sales including accessory mobile home office

(12) Construction:

* None

(13) Transportation:

- c. Taxi and limousine service

(14) Manufacturing/ Warehousing:

- z. Metallurgy, steel fabrication, welding

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

- c. Other activities; commercial services not otherwise listed
- e. Other activities; industrial services not otherwise listed

Doc. # 72878

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2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.
3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

A-3

I (Industry)
Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
- i. Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
- j. Quarry, mining, excavation and works including material storage and distribution; sand, stone, gravel

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

(7) Office/ Financial/ Medical:

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- g. Catalogue processing center

(8) Services:

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- gg. Vocational rehabilitation center
- nn. Industrial laundries

(9) Repair:

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- 1. To be used for comparative purposes only, not for official use.
- 2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.
- 3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

A-4

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- e. Furniture refinishing, stripping or repair facility
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

(10) Retail Trade:

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales
- dd. Industrial implement, machinery or tool sales

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

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. including outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- e. Mobile home repair or rework facility; no sales allowed
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
- n. Petroleum (bulk) storage facility; excluding retail sales
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- q. Fertilizer or lime manufacture or bulk storage
- r. Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- w. Bottling or packing plant for hazardous, flammable or explosive materials or products
- y. Recycling collection station of facilities
- z. Metallurgy, steel fabrication, welding

Doc. # 72878

1. To be used for comparative purposes only, not for official use.
2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.
3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

A-5

- aa. Meat, poultry or fish processing or packing plant
- bb. Slaughterhouse
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

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

* None

Doc. # 72878

A-6

1. To be used for comparative purposes only, not for official use.
2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.
3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

Item # 4

I (Industry)
Special Uses

(1) General:

* None

(2) Residential:

i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

(3) Home Occupations (see all categories):

* None

(4) Governmental:

f. Correctional facility

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

e. Miniature golf or putt-putt course

i. Commercial recreation; indoor and outdoor, not otherwise listed

k. Firearm ranges; indoor or outdoor

(7) Office/ Financial/ Medical:

a. Office; professional and business, not otherwise listed

(8) Services:

a. Child day care facilities

b. Adult day care facilities

l. Convention center; private

s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

j. Restaurant; regulated outdoor activities

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

f. Junkyard automobile graveyard or materials reclamation facility

x. Sanitary landfill or incinerator; public or private

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

c. Other activities; commercial services not otherwise listed

e. Other activities; industrial services not otherwise listed

Doc. # 72878

A-7

1. To be used for comparative purposes only, not for official use.

2. Special Uses require special use permit approval of the Board of Adjustment with the exception of Land Use Intensity Multi-Family applications, which are considered by the Planning and Zoning Commission.

3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses. **Item # 4**

APPENDIX B

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (4-21-15)

TEXT AMENDMENT TO THE ZONING ORDINANCE BY ADDING SCHOOLS AS AN ALLOWED USE WITHIN THE IU (UNOFFENSIVE INDUSTRY) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT AND ESTABLISHING SPECIFIC CRITERIA- DENIED

Mr. Thomas Weitnauer, Chief Planner, presented the request for the text amendment. Staff received an application from Mr. Fred Mattox, representative of Eastern Carolina Vocational Center (ECVC), Inc. The text amendment is to add schools as an allowed use within the Unoffensive Industry (IU) zoning district, subject to an approved special use permit and establishing specific criteria. Greenville's zoning ordinance does not allow schools in the IU zoning district. Mr. Weitnauer presented an excerpt from the Zoning Ordinance of Table of Uses that shows how this amendment proposes to allow junior, senior, elementary, kindergarten and nursery schools in the IU zoning district with an approved special use permit.

Mr. Weitnauer stated that the current ordinance requires schools to be located 50 feet away from any adjoining property or public street right-of-way line. The applicant proposed the following criteria:

- (1) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:
 - a. The property shall have a minimum of eight acres.
 - b. The maximum allowed building coverage shall be 40% of the property.
 - c. The property shall have a minimum public road frontage of 450 feet.
 - d. All loading and unloading of students shall be off-street.
 - e. All parking areas shall be off-street in accordance with Article 0, Parking.
 - f. The school must be authorized by the State of North Carolina.

Mr. Weitnauer delineated the property in reference to the Recognized Industrial area and existing IU zoning districts along with a map indicating where schools are allowed. He provided a list of all the land uses permitted by right and by special use permit in the IU and I (Industrial) zoning districts.

Mr. Weitnauer stated that staff objects to the proposed text amendment for the following three reasons: 1. Approval of the text amendment can lead to future limitations on industrial development. 2. Approval of the text amendment will introduce school students, faculty and staff to dangerous conditions typically associated with industrial districts. 3. Approval of the text amendment would not be consistent with Horizons: Greenville's Community Plan. He said other non-residential land uses likely would also pursue text amendments applicable in the industrial zones due to the precedent set by schools in the industrial districts. This will reduce the availability of property developed for industrial uses. Mr. Weitnauer said a reduction in lands developed for industrial uses will limit the function of industrial districts' full potential. Industrial buildings and vacant industrial sites interspersed with service and commercial uses will make it difficult for adjacent property having industrial zoning to develop, redevelop or expand industrial facilities since there will be concern of exposing school students, faculty and staff to noises, odor, large freight traffic and potentially dangerous materials and fumes associated with industrial uses. Such a reduction in the full potential of Greenville and Pitt County's industrial districts may limit industrial employment, production and industrial growth

Doc #1002529

which is a vital segment of the local and regional economy. Mr. Weitnauer stated there are ample zoning districts within the City and ETJ where schools are allowed by right or with a special use permit. Mr. Weitnauer referenced how a large pharmaceutical company in Kinston threatened a school within 0.7 miles from the facility during a large industrial accident that blew out the windows of a school.

Mr. Weitnauer reported that in staff's opinion, the proposed text amendment is not in compliance with Horizons: Greenville's Community Plan, 2009-2010 Update, Northeast, Policy B4 which states, encourage new industry and support businesses in the recognized industrial area. Mr. Weitnauer said the amendment is also not consistent with Horizons: Greenville's Community Plan, 2004, Urban Form and Land Use Policy 6(c) that states nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.

Mr. Weitnauer stated in staff's opinion, the proposed Zoning Ordinance Text Amendment is not in compliance with Horizons: Greenville's Community Plan and added staff recommends denial of the proposed text amendment.

Mr. Parker asked if staff's concern was with the precedent of allowing schools in IU.

Mr. Weitnauer stated correct because it is not site specific and the criteria could be met at other locations. As the school grows, they will have limitations as well as the surrounding properties having limitations.

Chairwoman Basnight asked the original classification of ECVC.

Mr. Weitnauer stated it was classified as a vocational center. The center was built at the same time the city was adopting the ordinance. The category of vocational center was added when ECVC wanted to expand. Staff worked hard to try to fit the center into a legal grandfathered nonconforming category because Pitt County held classes in the building but it could not fit the criteria. Staff informed the applicant that they had the right to appeal their interpretation with the Board of Adjustment.

Chairwoman Basnight asked if the building was currently empty.

Mr. Weitnauer stated the applicant would be able to answer that question.

Mr. Parker asked the difference between a vocational center and a school.

Mr. Weitnauer stated that vocational centers offer classes in trade to mostly adults and may or may not have a dining area where a school has classrooms, dining area and cater to a younger population.

Mr. Parker asked if one entity was geared to children and the other towards adults.

Mr. Weitnauer stated that more facilities would be associated with schools than a vocational center.

Mr. King asked the background of Unoffensive Industry.

Mr. Weitnauer stated that Unoffensive industry is light industry, less noise, smoke, and hazard. At this location, IU is next to I.

Chairwoman Basnight asked if the city was still using the pool and if it was connected to the building.

Mr. Weitnauer stated yes and that staff would have to look into the 50 foot separation from another building in order for a school to occupy the facility. The applicant would need to apply for a special use permit for the use along with the 50 foot separation which they currently cannot meet.

Mr. Parker asked if ECVC is leasing the building and not running the school.

Mr. Weitnauer stated that the applicant would need to answer the question.

Chairwoman Basnight opened the public hearing.

Mr. Fred Mattox, chairman of ECVC board, spoke in favor of the request. He surrendered his law license five years ago and was not there as an attorney. He stated that he saw an article in the paper about Ignite Academy wanting to set up a charter school in Pitt County. He developed the criteria for the special use permit and recognized the need to include a statement addressing the separation requirement. He read the definition of the IU district and stressed that the word "primarily" indicates the land uses are not the only uses allowed. The applicant stated that the board is willing to accept any additional conditions.

Mr. Bob Jones, president of ECVC, spoke in favor of the request and provided the history of ECVC. He stated that the original building was built in 1970 which included classrooms and dining space. As the center moved to more industrial training, the staff removed some nonload-bearing walls and made production space and warehouse space. Later, the aquatics center was built and the dorms. Vocational rehabilitation changed and was encouraged to become a part of mainstream. The center closed the dorms and became involved in manufacturing and distribution contracts. The center no longer needed classrooms and moved into the old TRW building and leased existing space to Pitt County Schools. A history of learning has occupied the building. He stated that Welcome Middle school is located approximately 1/4 mile away from an industrial plant. No harm has occurred to any ECVC students while located in their old building.

Chairwoman Basnight asked about the Hugs and Alpha program at the old location.

Mr. Jones stated that the Alpha program was run by Pitt County schools for high school students.

Mr. Parker asked what the program taught.

Mr. Jones stated he did not know the subjects taught but the audience was for students with behavioral problems and not in the main population of Pitt County Schools. The Hugs program was a preschool for students with autism.

Mr. Parker asked if ECVC planned to lease the building and not run the school.

Mr. Jones stated the intent is to lease for four years of the charter and then sell the building at cost.

Mr. Parker asked for clarity that there will be no operational partnership with ECVC and the charter school.

Mr. Jones stated no except for the lease.

Ms Reid asked the number of students that have been through the facility.

Mr. Jones stated that 95 students were living in the dorms at one time and 85-100 additional students came to the facility that did not live in the dorms.

Ms Reid asked the proposed number of students in the facility per day.

Mr. Jones stated 200-215 students initially.

Mr. Parker asked if a dining area was in the facility when ECVC was operating in the building.

Mr. Jones stated yes, a commercial kitchen.

Ms Reid asked what type of school is proposed to use the facility.

Mr. Jones stated that the charter states kindergarten to eighth grade and that the selection process will be done by the lottery because they have more applications than they have slots for the school. ECVC will invest \$350,000 to upfit the building for classrooms so the building will be put to use that is currently underutilized.

Mr. King asked the age of the population of the ECVC participants.

Mr. Jones stated young adults, ages 18 and older.

Mr. King asked for clarification that no young children were at ECVC.

Mr. Jones stated not as a part of ECVC.

Mr. Parker asked when ECVC was founded.

Mr. Jones stated that it was chartered in 1965 for vocational training.

Mr. Parker asked if there was a history of classes being taught since 1965.

Mr. Jones stated yes.

Mr. Parker asked if Pitt County was required to get a special use permit when they leased the facility.

Mr. Jones stated that as far as he knew they drew up a lease and moved in. He did not see a special use permit on record but he did not know where to look.

Mr. Weitnauer stated that the primary use of the building was a vocational center but accessory uses could include education. If the city was aware of a governmental use, it was probably considered an accessory use and not a primary use. The primary use of the building is no longer there. Staff checked the special use permits for the property and only found a nursery school and a church.

Ms Darden asked if the building was built before the area was zoned IU.

Mr. Weitnauer stated it was simultaneous.

Ms Darden asked what the property was zoned prior to the city's zoning.

Mr. Weitnauer stated that there was no zoning prior by the city and that the county may have had a zoning.

Mr. King asked if changing the text amendment was setting a precedent city wide.

Mr. Weitnauer stated yes and within our ETJ.

Ms Reid asked if there was a building in Greenville that was previously a charter school that is now vacant.

Mr. Weitnauer stated he was not familiar with that location.

Ms Reid stated that it was the old Agnes Fuller building.

Chairwoman Basnight stated that the old Agnes Fuller building is now the Third Street Community Center.

Ms Reid stated that there is a building across from Mt. Calvary Church that use to be a charter school and it is currently vacant.

Mr. Parker asked why the request was denied by staff.

Mr. Merrill Flood, Community Development Director, stated that the ordinance is specific. If the use is not listed as a permitted use or a special use then it is not allowed unless there is a

provision in the code that allows it. Certain activities have been mentioned in the facility but to staff's knowledge and from our best records they were not approved by the city. In addition if they have gone out of existence for more than 180 calendar days, it is not deemed to be a grandfathered use whether approved by the city or not.

Mr. David Stalls, Vice President of Development for New Point Education, spoke in favor of the request. They were hired by Ignite Academy to help with the school start up process. The analysis of the site stated that the location will be safe for children. The analysis evaluated the configuration of the building, parking, drop off, etc. The school will start with grades K-5 and grow to grades K-8. They will start with 215 and grow to 400 over seven years. The school will bring 40 new jobs to the area. The proposed location will be a great site.

Mr. Jon Day, local realtor, spoke in favor of the request. He stated that he worked with Ignite to find a location for the school. He took them all over Greenville and they could not find an existing building that fit their criteria except ECVC. Ignite is planning to lease 35,000 sq. ft. of the building with moderate changes. He stated that Ignite will be able to use an existing building which fits our Horizon plan. He looked at several other IU locations and found Welcome Middle located across the street from an IU zoning district and a Montessori school on Firetower Road located across from IU zoning district. There have not been any problems with those schools. The times have changed so that vacant industrial buildings are now being used for other uses.

Ms Reid asked if Mr. Day was able to find the school that she mentioned earlier.

Mr. Day stated no but he would do some research but that ECVC did fit the applicant's need.

Ms Darden asked if they looked for locations that could be expanded.

Mr. Day stated that the criteria were 20,000 sq. ft. of area and 14-15 acres of land so they could expand. They also had recreational needs, large parking requirements and several entrances needed for the buses.

Chairwoman Basnight asked will the school use the entire building when they expand to 400 students.

Mr. Day stated that the current lease is for 35,000 sq. ft. but the total building has 88,000 sq. ft. They will have an option to purchase the building in order to expand. There is a total of 11 acres of land so it will be able to accommodate their recreational needs.

Mr. Bob Clark, resident, spoke in favor of the request. He stated that the list of uses in the IU zoning district included childcare centers which included children being near places of work. He mentioned that the school in Kinston located in an industrial district mentioned in staff report is located in another community and do not necessarily apply to Greenville. He asked the board to look at the uses that are allowed in IU and how they are similar to the request.

Mr. David Edwards, CEO of Ignite Charter School, spoke in favor of the request. He stated that charter schools are funded by the state so they are government entities. The charter school is a publically funded school.

Mr. Bryant Kittrell, ECVC realtor, spoke in favor of the request. He stated that the property has been listed for two years and it is not suitable for industrial use. The facility leans itself to the type of use per the request because of the Fitness Center. The request is a unique situation.

No one spoke in opposition of the request.

Ms Bellis stated her concern with setting a precedent for the area designated industrial.

Ms Darden stated that the building is there and has been used for education so if the amendment was approved, she questioned if any other school would want to move to an industrial area.

Ms Reid stated that she was concerned with putting the number of anticipated students in an industrial area. There will be more students than ever before, more activity and a lot more going on in an industrial area.

Mr. Parker stated his concern was the precedent; however, it is a very good adaptive use of an existing building.

Mr. Griffin stated that the education component was a secondary use and never the primary use of the building. His concern is putting the children in danger and inhibiting the industrial area from growing. It is an ideal use for the building but it is not in the best location.

Ms Darden stated she did have a concern with opening the entire city to allowing schools in IU zoning district; however, she did not see how the existing building would be viable for industrial use with its current setup and the fitness center connected to the building.

Mr. Dave Holec, City Attorney, stated that the board did not have to decide during the meeting but that the applicant was on a time restraint. He reiterated the 50 foot building separation and that it needed to be addressed in the motion if the board was inclined to make an approval.

Chairwoman Basnight asked if the board could just consider the request and not open it city wide.

Mr. Holec stated the applicant included the conditions for the special use permit in hopes that it would limit other properties in the IU district that may potentially have similar requests. The special use would be heard by the Board of Adjustment (BOA). The BOA does have the ability to place conditions on particular areas for future requests. However, if a request meets the requirements and there is no reason to deny, then BOA would approve it.

Motion made by Ms. Darden, seconded by Mr. Parker, to recommend approval of the proposed amendment and the relief of the 50 foot setback requirement to advise that, although the proposed amendment is not consistent with the Comprehensive Plan, in this

instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency.

Those voting in favor: Darden and Parker. Those voting in opposition: King, Bellis, Griffin and Reid. Motion failed.

Motion made by Mr. King, seconded by Ms Bellis, to recommend denial of the proposed amendment, to advise that it is inconsistent with the Comprehensive Plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters.

Those voting in favor: King, Bellis, Griffin and Reid. Those voting in opposition: Darden and Parker. Motion passed.



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Ordinance amending the Zoning Ordinance to amend the maximum building length criteria of multi-family developments

Explanation: **Abstract:** The City of Greenville received an application from Mr. James Walker of Rivers and Associates, Inc. to amend the maximum building lengths of multi-family development so that they may exceed the existing maximum building length of 260 feet, pending compliance with other proposed criteria.

The text amendment application proposes to allow building lengths to exceed 260 feet as long as firewall(s) are constructed and/or sprinkler systems are installed.

Explanation: Greenville's Zoning Ordinance limits building lengths of multi-family developments to 260 feet. The building length regulation currently reads as follows:

Article I. Multi-Family Development, Section 9-4-145 Development Standards, (G),

"Building length. No contiguous unit or series of attached units shall exceed a combined length of 260 feet."

The text amendment proposes to retain the existing regulations above and then add the following new text (underlined) to read as follows:

"Building length. No contiguous unit or series of attached units shall exceed a combined length of 260 feet, except as provided herein. Any building which exceeds two hundred sixty (260) feet shall be designed and constructed with the appropriate firewall(s) and/or equipped with a sprinkler system in compliance with either the North Carolina State Building Code, General Construction Volume 1, or the North Carolina Building Code, Volume 1-B, Residential, whichever is applicable, or both if both are applicable."

The text amendment application, submitted by Rivers and Associates, Inc. is attached (Attachment A).

Staff reviewed the history of the building length regulation and determined a modified version of it was adopted in the City's first zoning ordinance in 1969. The only difference between the 1969 version and the current version is the word "contiguous" replaced the word "continuous" as it appeared in the 1969 version. Staff does not know the origin of the regulation, but suspect it may have been a method to reduce the spread of fire throughout a long egress corridor, perhaps limiting the length to either the length and/or fireflow pressure of firehoses or to help limit the time occupants would need to travel through a corridor to escape a structure fire.

Planning staff consulted with the Chief Building Inspector and the Fire Marshal to investigate whether the proposed text amendment would have any bearing on applicable building codes or fire prevention regulations. The Chief Building Inspector responded that the Building Code does not establish any limits on building lengths to 260 feet. There are limitations to story height and total square footage per story on structures, but with proper firewalls, non-combustible or limited combustibles construction materials, structures would only need to meet the limitations set forth in the code. The Fire Marshal concurred with the Chief Building Inspector's comments.

The existing regulation that limits multi-family development to a maximum building length of 260 feet is exempt in the CD (Downtown Commercial) zoning district where other standards are established in the zoning ordinance.

In staff's opinion, the proposed amendment is consistent with Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2 which states, *"To encourage quality in the design and construction of new dwellings and multifamily structures."*

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2, which states, *"To encourage quality in the design and construction of new dwellings and multifamily structures."*

The Planning and Zoning Commission unanimously voted to recommend approval of the request at its April 9, 2015 meeting. (Meeting Minutes - Attachment B)

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

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

"Motion to deny the requested text amendment, to make a finding and determination that the requested text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to the following; Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2, to encourage quality in the design and construction of new dwellings and multifamily structures."

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

Attachments / click to download

[Attachments to Text Amendment Maximum Building Length for Multi Family Developments 1002798](#)

ORDINANCE NO. 15-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on May 14, 2015, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2 to encourage quality in the design and construction of new dwellings and multifamily structures;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, encourage preservation of older buildings and enhance downtown as a vibrant activity center;

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-145(G) of the City Code is hereby amended by replacing criteria for "*Building length*" to read as follows:

Building length. No contiguous unit or series of attached units shall exceed a combined length of two hundred sixty (260) feet, except as provided herein. Any building which exceeds two hundred sixty (260) feet shall be designed and constructed with the appropriate firewall(s) and/or equipped with a sprinkler system in compliance with either the North Carolina State Building Code, General Construction, Volume 1, or the North Carolina Building Code, Volume 1-B, Residential, whichever is applicable, or both if both are applicable.

Section 2. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 3. That this ordinance shall become effective immediately upon adoption.

Adopted this 14th day of May, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

ATTACHMENT B

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (4-21-15)

TEXT AMENDMENT TO THE ZONING ORDINANCE TO AMEND THE MAXIMUM BUILDING LENGTH CRITERIA OF MULTI-FAMILY DEVELOPMENTS - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the request for the text amendment. Staff received an application from Jim Walker of Rivers and Associates, Inc. to amend the maximum building lengths of multi-family development so that they may exceed the existing maximum building length of 260 feet, pending compliance with other proposed criteria.

Greenville's Zoning Ordinance limits building lengths of multi-family developments to 260 feet. Mr. Weitnauer read the regulation that currently addresses building maximum length for multi-family developments. Mr. Weitnauer stated, Article I. Multi-Family Development, Section 9-4-145 Development Standards, (G), states "No contiguous unit or series of attached units shall exceed a combined length of 260 feet." A maximum building length of 260 feet is exempt in the Downtown Commercial zoning district where other standards are established in the zoning ordinance.

The text amendment application by Mr. Walker proposes to retain the existing regulations above and then add the following new text to add, except as provided herein. Any building which exceeds two hundred sixty feet shall be designed and constructed with the appropriate firewalls and/or equipped with a sprinkler system in compliance with either the North Carolina State Building Code, General Construction Volume I, or the North Carolina Building Code, Volume I-B, Residential, whichever is applicable, or both if both are applicable.

Staff reviewed the history of the building length regulation and determined a modified version of it was adopted in the city's first zoning ordinance in 1969. Staff does not know what the justification was for the regulation, but suspect it may have been a method to reduce the spread of fire throughout a long egress corridor. Staff consulted with the Chief Building Inspector and the Fire Marshal to investigate whether the proposed text amendment would have any bearing on applicable building codes or fire prevention regulations. The Chief Building Inspector responded that the Building Code does not establish any limits on building lengths to 260 feet. The Fire Marshal concurred with the Chief Building Inspector's comments.

Mr. Weitnauer reported the proposed amendment is consistent with Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2 which states, "To encourage quality in the design and construction of new dwellings and multifamily structures."

Chairwoman Basnight opened the public hearing.

Mr. James Walker, applicant, spoke in favor of the request. He stated that the amenities of multi-family developments are now being added to the inside of the facility and causing the maximum building length to exceed 260 feet. Mr. Walker did not want to remove the ordinance language but to add flexibility.

No questions from the board.

Doc #966088

No one spoke in opposition of the request.

Chairwoman Basnight closed the public hearing and opened for board discussion.

No board discussion.

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



ATTACHMENT A

Date Received 3/18/2015 8:00AM
JW

CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) Rivers and Associates, Inc.

Mailing Address 107 East Second Street

Greenville, North Carolina 27858

Contact Phone Number (252) 752-4135

Contact Fax Number (252) 752-3974

Zoning Ordinance Section Proposed to be Amended: Article I – Multi-Family Development, Section 9-4-145 Development Standards, (g), (1) Building Length.

Reason for Request: To update Greenville's Multi-Family Development Standards to conform to today's market and development standards in keeping with other peer communities.

Proposed Language of Text Amendment (attach additional pages if needed): No contiguous unit or series of attached units shall exceed a combined length of two hundred sixty (260) feet. Any building which exceeds two hundred sixty (260) feet shall be designed and constructed with the appropriate firewall(s) and/or equipped with a sprinkler system in compliance with either the North Carolina State Building Code, General Construction Volume 1, or the North Carolina Building Code, Volume 1-B, Residential, whichever is applicable, or both if both are applicable.

James M. Walker

Print Name

James M. Walker 3/17/2015

Signature of Applicant

Date



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Resolution authorizing the conveyance of City-owned parcels located at 805, 807, and 809 Bancroft Avenue to Metropolitan Housing and Community Development Corporation, Inc.

Explanation: **Abstract:** The City owns multiple parcels along Bancroft Avenue. These parcels are located within the West Greenville Certified Redevelopment Area and are part of the Lincoln Park Neighborhood Redevelopment. In January 2014, the City Council set fair market value on 16 parcels within this area. Since that time, staff has solicited bids to construct affordable single-family homes on those parcels.

Greenville Housing Development Corporation previously won two (2) bids to construct affordable, single-family homes on two (2) parcels. In the most recent solicitation for bids, Metropolitan Housing and Community Development Corporation, Inc. (MHCDC) won three (3) bids to construct affordable, single-family homes on three (3) parcels. Staff recommends the conveyance of the parcels by means of private sale to Metropolitan Housing and Community Development Corporation, Inc. in accordance with the provisions of North Carolina G.S. 160a-279.

Explanation: This is a request to convey three (3) City-owned parcels to Metropolitan Housing and Community Development Corporation, Inc. (MHCDC). MHCDC intends to construct three (3) affordable single-family dwellings at 805, 807, and 809 Bancroft Avenue, Pitt County parcel numbers 82306, 82305, and 82304. These are vacant lots, and are currently being underutilized.

Staff has prepared an agreement which outlines the project timeliness. For example, the organization has 20 days to obtain a building permit after the parcels have been transferred to the organization, and the homes must be built no later than 120 days after the transfer has been completed.

MHCDC currently has a pipeline of potential homebuyers and renters. They intend to have tenants in the homes by the deadline noted in the agreement. The

agreement further states that each builder has 30 months to occupy the home. The current appraised value for each of the three (3) parcels is \$10,300.

The terms of the agreement indicate conveying the lots to the MHCDC in exchange for the construction of three (3) affordable single-family homes. The homes must meet the City of Greenville's new home standards.

MHCDC intends to use its own resources and funding to construct the new homes. Moreover, they will be implementing a documented City objective within the West Greenville Certified Redevelopment Area. North Carolina G.S. 160a-279 authorizes the disposition of real property by private sale to a public entity or a private entity carrying out a public purpose.

Developing partnerships is a primary objective for the Housing Division - as noted in the most recent 2013-2018 Consolidated Plan. Partnerships will allow the City to leverage additional dollars, share resources and expertise, and develop programs that will truly benefit the community. The City has been successful in partnering with MHCDC in the past.

Fiscal Note: The cost of each parcel is \$10,300 according to the attached appraisal.

Recommendation: Adopt the resolution authorizing the conveyance of 805, 807, and 809 Bancroft Avenue, Pitt County parcel numbers 82306, 82305, and 82304, to Metropolitan Housing and Community Development Corporation, Inc. to develop three (3) affordable single-family homes.

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- [📄 Appraisal](#)
- [📄 Maps](#)
- [📄 Resolution to sell City owned property 964100](#)

RESOLUTION NO. ____-15

RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT
805, 807, AND 809 BANCROFT AVENUE TO METROPOLITAN HOUSING
AND COMMUNITY DEVELOPMENT CORPORATION, INC.

WHEREAS, the City of Greenville recognizes the importance of affordable housing for low to moderate income families;

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to convey property to a non-profit entity for affordable housing purposes as permitted by North Carolina General Statutes 160A-279-456(b) and 157-9;

WHEREAS, the City Council, during the May 14, 2015 meeting, heard a request to convey the properties located at 805, 807, and 809 Bancroft Avenue for the purpose of developing three (3) affordable single-family homes for low to moderate income families;

WHEREAS, a condition of the conveyance will be that the home must remain affordable for a period of twenty (20) years with authorization to charge no more than the cost of construction plus the tax value of the property at the sale;

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance of property to Metropolitan Housing and Community Development Corporation, Inc. (MHCDC) for affordable housing purposes as permitted by North Carolina General Statutes 160A-456 (b) and 157-9;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize the conveyance of property consisting of tax parcel numbers 82306, 82305, and 82304 located along Bancroft Avenue to MHCDC with the condition that the use of the property is limited to affordable housing for a low to moderate income family.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the said conveyance occur by private sale for the consideration of the use of the property which is consistent with the aforementioned conditions and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 14th day of May, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

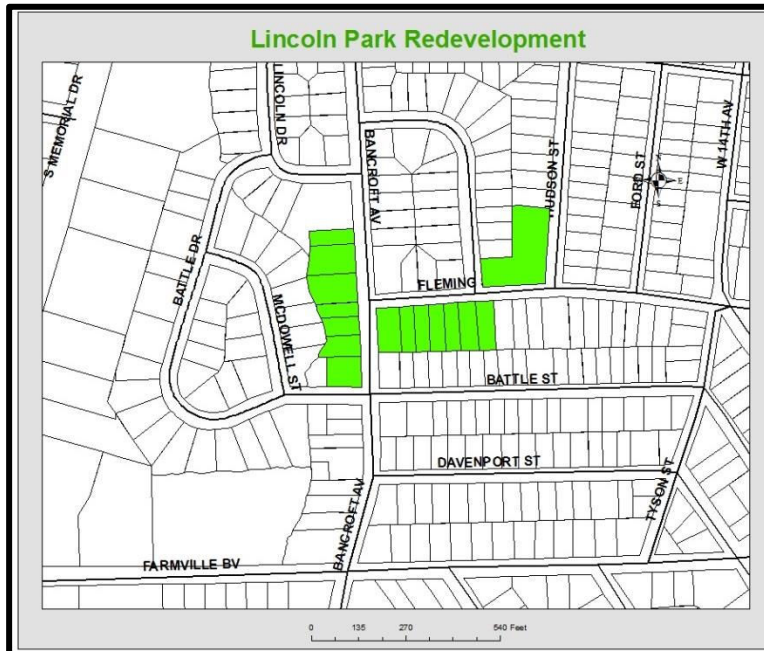


MOORE & PINER, LLC Commercial Real Estate Services

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GREENVILLE, NC 27835-7183
TELEPHONE (252) 752-1010
www.mooreandpiner.com

Restricted Use Appraisal Report of: Lincoln Park Redevelopment for City of Greenville



Client/Intended User

Mr. Niki Jones, MPA
Housing Administrator
City of Greenville Community Development Department
201 West Fifth Street
Greenville, North Carolina 27835

Effective Date of Valuation: July 11, 2013

Prepared by

Andy E. Piner, State Certified General Appraiser
Moore & Piner, LLC
1105-A Corporate Drive
Greenville, North Carolina 27858

APPRAISALS - BROKERAGE - CONSULTING - DEVELOPMENT



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Commercial Real Estate Services

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GREENVILLE, NC 27835-7183
TELEPHONE (252) 752-1010
FAX (252) 830-1240

July 15, 2013

Mr. Niki Jones, MPA
Housing Administrator
City of Greenville Community Development Department
201 West Fifth Street
Greenville, North Carolina 27835

**Re: Restricted Use Appraisal Report of:
Lincoln Park Redevelopment for City of Greenville**

Dear Mr. Jones:

As requested, I have performed a study of the above referenced property for the purpose of estimating the present market value of the fee simple estate of sixteen (16) single-family residential lots located within the Lincoln Park area of Greenville. Given the scope and intended use of this appraisal assignment, I have prepared my findings within this Restricted Use Report format, in accordance with Standards Rule 2-2 [c] of the Uniform Standards of Professional Appraisal Practice (USPAP). **This Restricted Use Report is prepared for the sole and exclusive use of the Client, which is identified as the City of Greenville. The use of this appraisal report by others is not intended by the appraiser. The reader is cautioned that the opinions and conclusions set for this in this Restricted Use Report cannot be properly understood without additional information that has been retained in my files.**

IDENTITY OF THE CLIENT/INTENDED USER

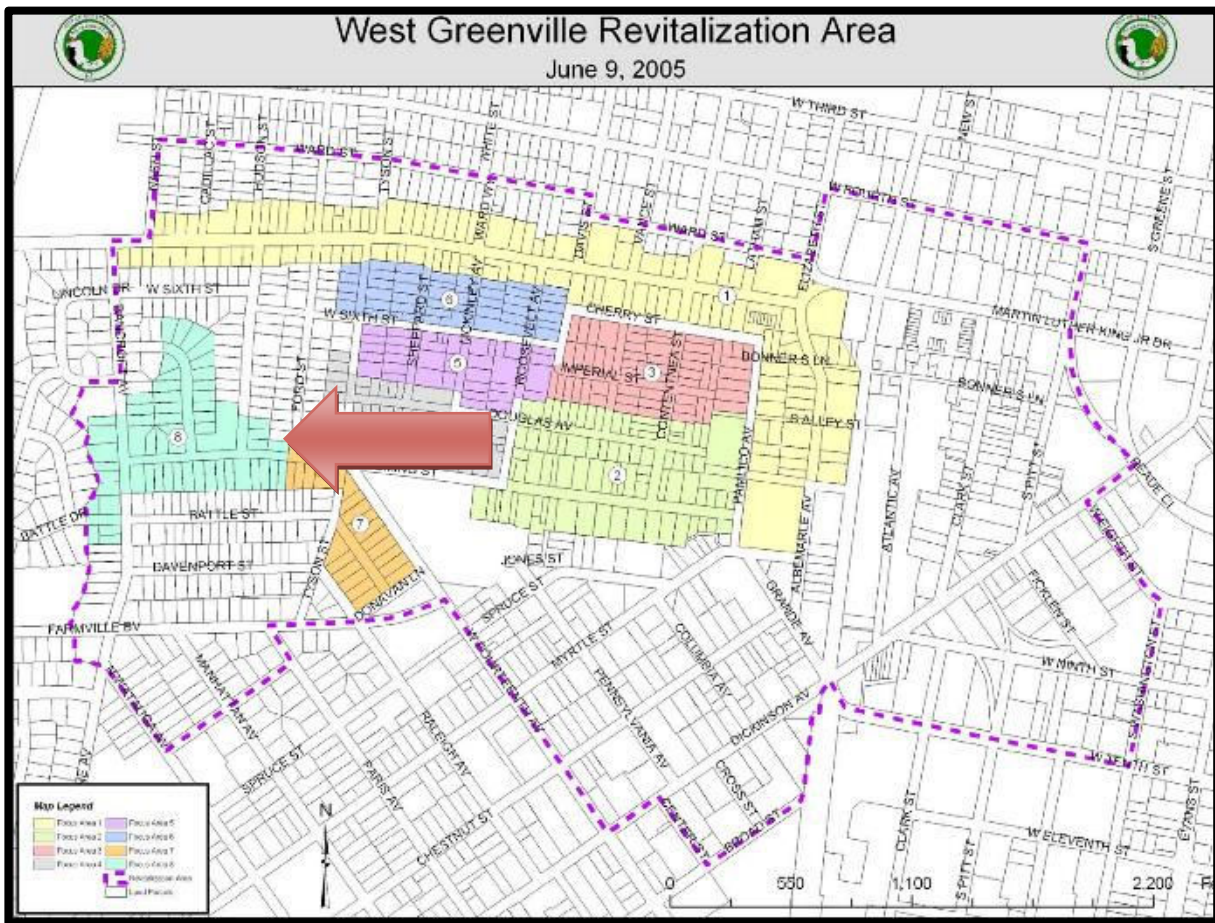
The Client/Intended User is identified as the City of Greenville. The use of this report by others is not intended by the appraiser.

INTENDED USE OF THE APPRAISAL

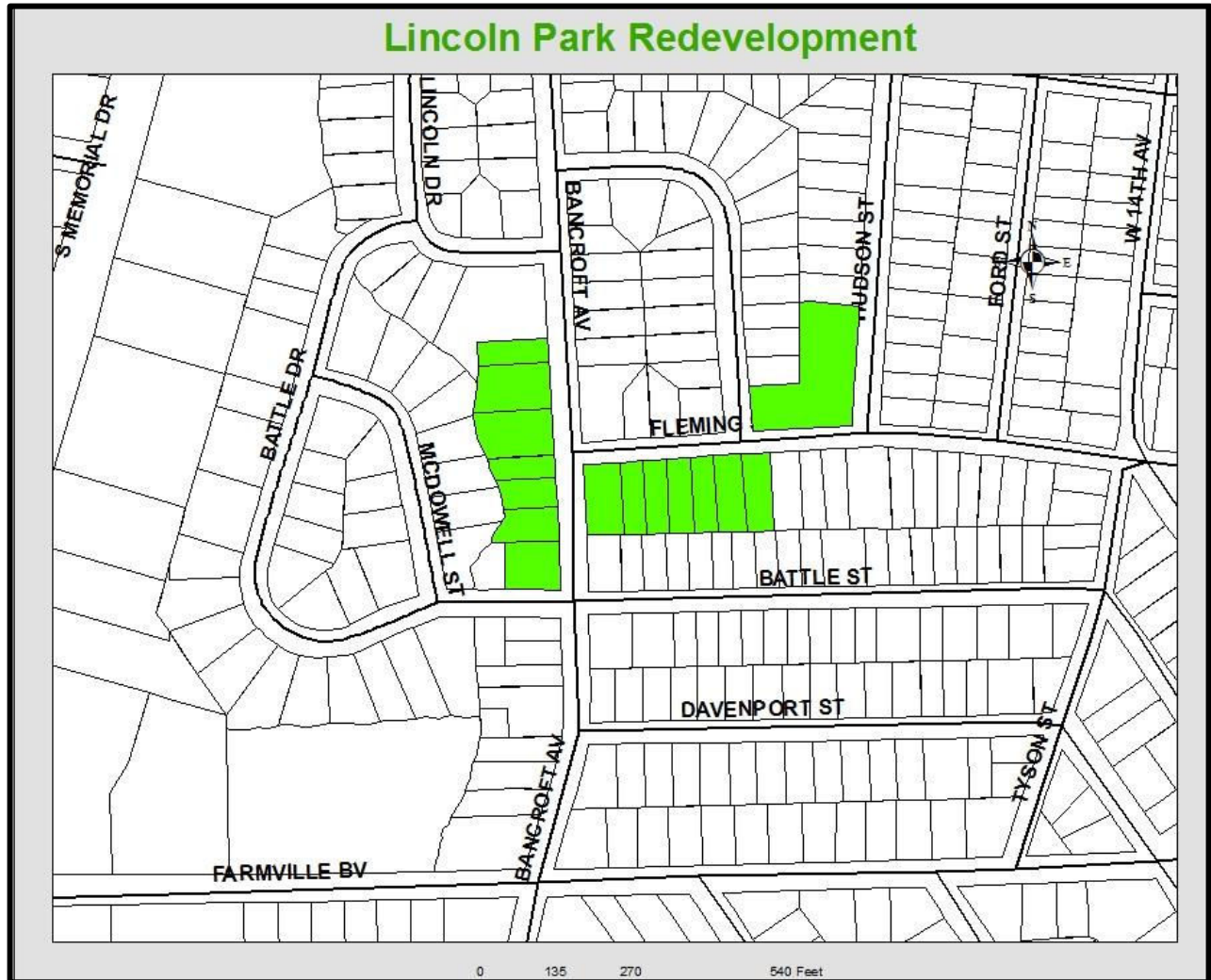
The intended use of this appraisal is to assist the Client/Intended User with establishing an estimate of market value for the sixteen (16) individual lots within the Lincoln Park Redevelopment area. This appraisal is not intended to be used for any other purpose.

IDENTIFICATION OF THE PROPERTY

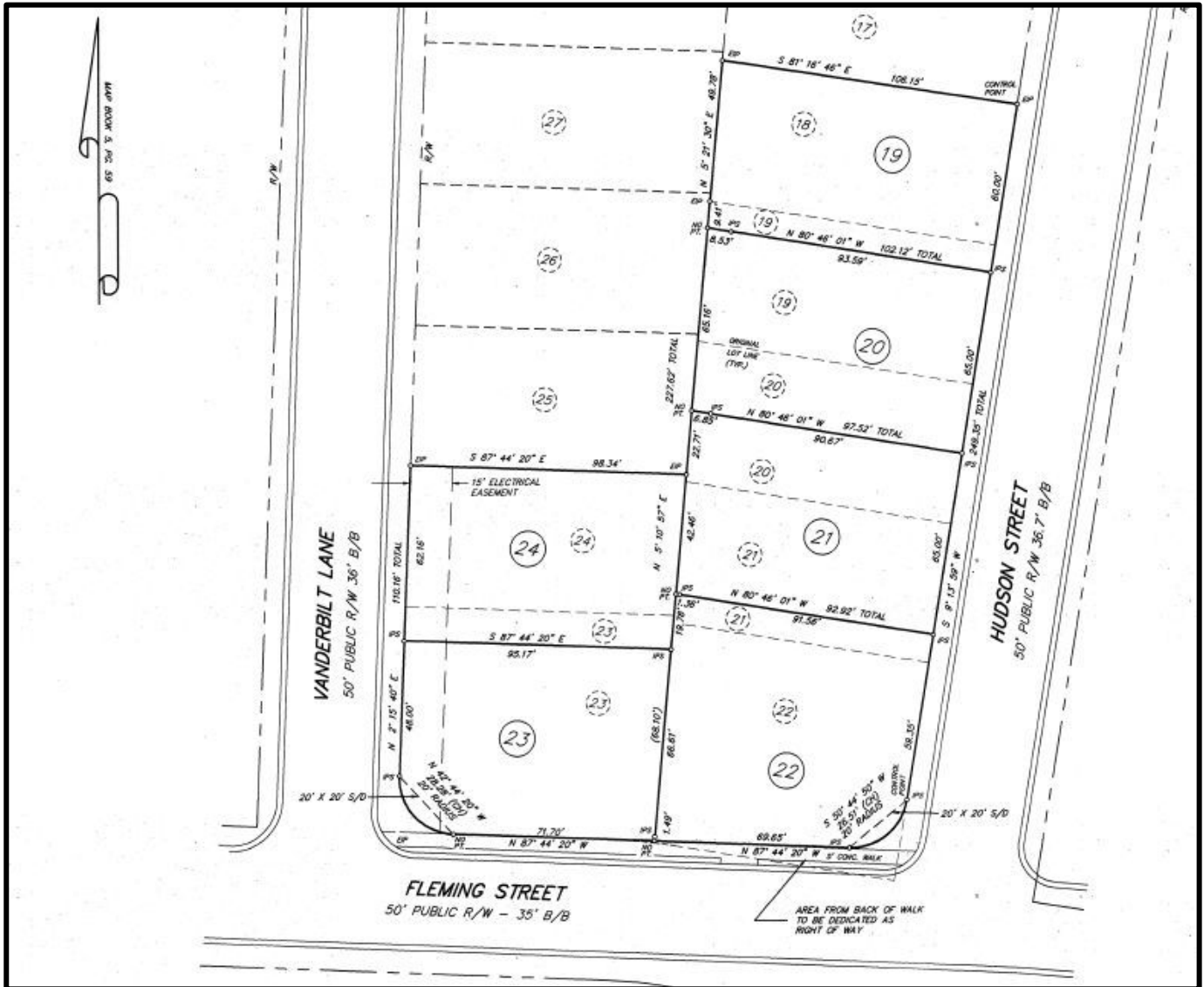
The subject property comprises sixteen (16) individual single-family residential lots that are part of Lincoln Park Redevelopment Focus Area 8, which is part of the larger West Greenville 45-Block Revitalization Program for the neighborhoods in and adjacent to Cherry View, Biltmore, Perkins Town, and Lincoln Park. The market area is west of the Central Business District, east of the Medical District, and south of the Tar River. The reader's attention is directed to the following excerpts which identify the subject property:



Biltmore Addition- Subject Properties Highlighted in Green



Biltmore Addition- Lots 19-24



Biltmore Addition- Lots19-24

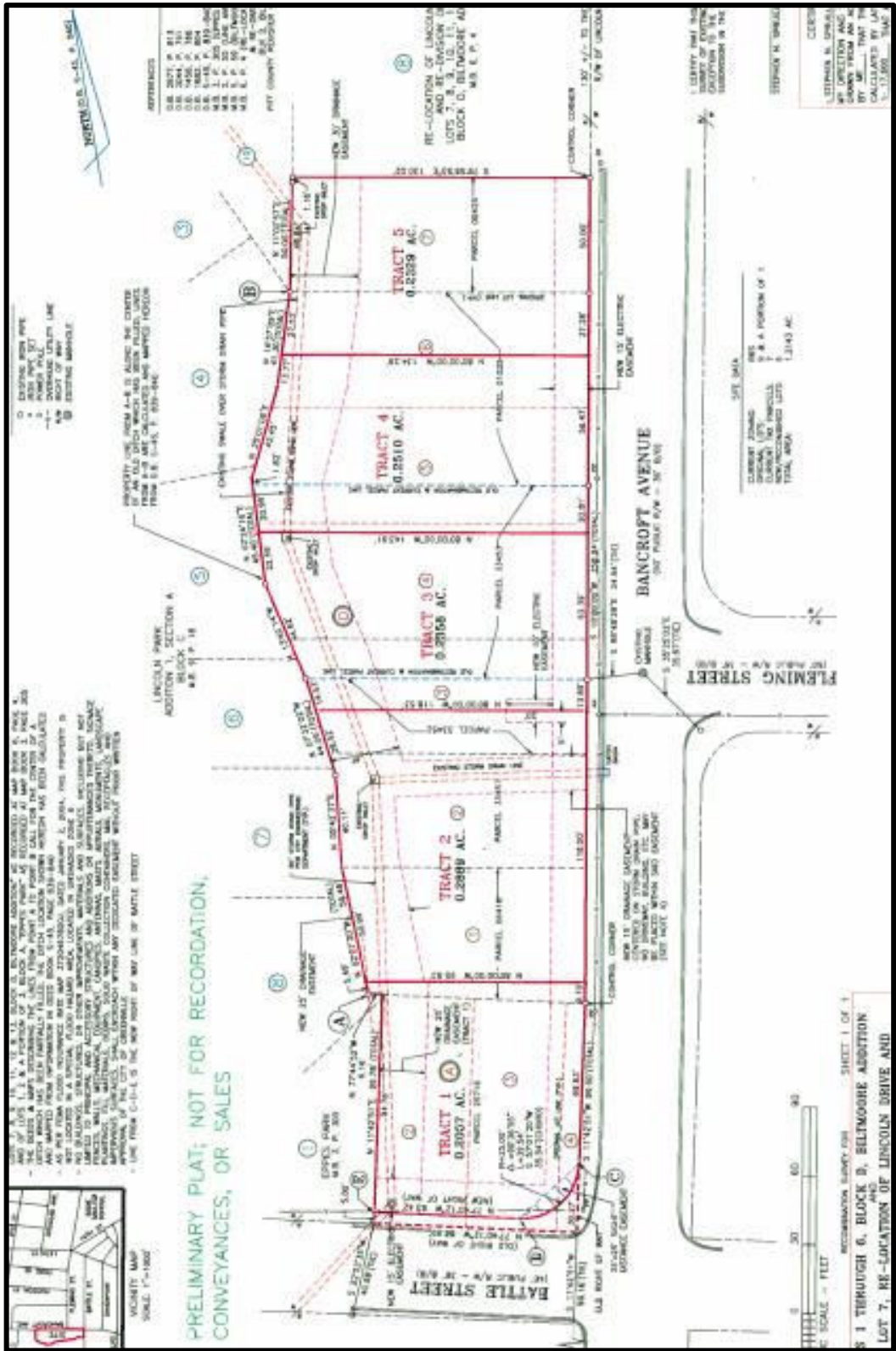


View from Corner of Fleming Street and Vanderbilt Lane



View from Corner of Fleming Street and Hudson Street

Biltmore Addition- Tracts 1-5



Biltmore Addition- Tracts 1-5

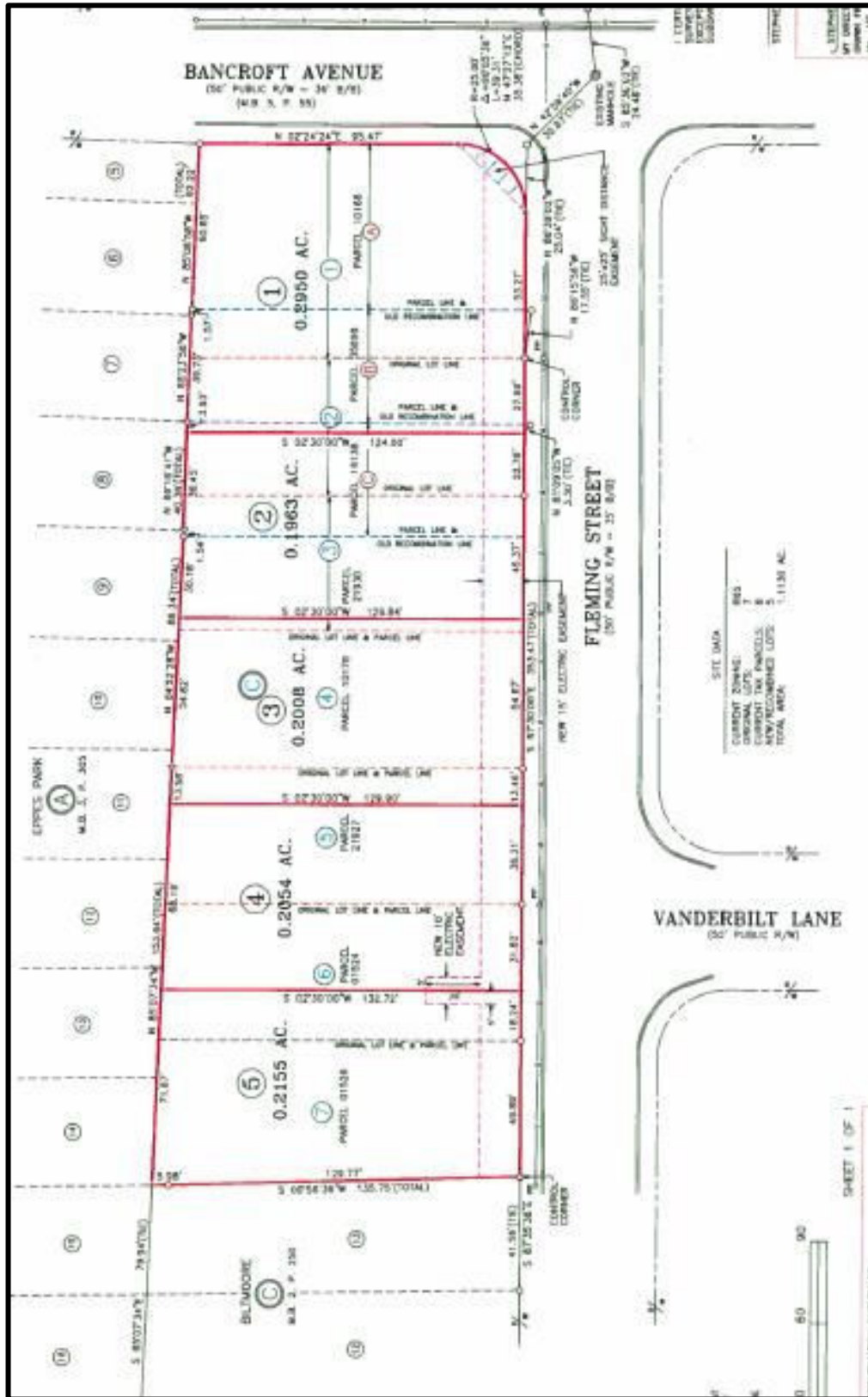


View from Corner of Bancroft Avenue and Battle Street



View Along Battle Street Facing Southward

Biltmore Addition- Lots 1-5, Block C



Biltmore Addition- Lots 1-5, Block C



View from Corner of Fleming Street and Bancroft Avenue



View Along Fleming Street Facing Westward

As illustrated on the preceding pages, the subject property comprises sixteen (16) individual single-family residential lots that are part of Lincoln Park Redevelopment Focus Area 8. All of the lots are owned by the City of Greenville. Within my files, I have retained copies of the individual tax parcels and deeds of record. Some of the lots have been recombined to derive the sixteen (16) lots which comprise the subject of this appraisal. The individual lots are zoned Residential 6-S which allows single family residential uses. The lots are located on city-maintained streets that feature curb and gutter. All public utilities are available. The sites are not located in a special flood hazard area. In general, the lots are level and at street grade. However, Tracts 1-5 that front Bancroft Avenue and Battle Street, at Fleming Street, slope toward the western/rear property line. The surveys provided for use in this appraisal identify various utility and/or drainage easements; however, the lots are physically adaptable for single family residential use. The lots are of sufficient size and shape to adhere to minimum developmental standards in regards to frontage, setbacks, etc. A summary of the individual lots is provided as follows:

Lincoln Park Redevelopment		
Biltmore Addition- Lots 19-24		
Lot/Tract No.	Size	View
19	6,200 SF	Interior
20	6,488SF	Interior
21	6,189 SF	Interior
22	7,349 SF	Corner
23	6,268 SF	Corner
24	6,014 SF	Interior
Biltmore Addition- Tracts 1-5		
1	8,960 SF	Corner
2	12,584 SF	Interior
3	10,271 SF	Interior
4	10,934 SF	Interior
5	10,145 SF	Interior
Biltmore Addition- Lots 1-5, Block C		
1	12,850 SF	Corner
2	8,551 SF	Interior
3	8,747 SF	Interior
4	8,947 SF	Interior
5	9,387 SF	Interior

PROPERTY RIGHTS APPRAISED

The estimate of market value reported herein is of subject's fee simple estate. On Page 78 of The Dictionary of Real Estate Appraisal, Fifth Edition, as published by the Appraisal Institute, fee simple estate is defined as "absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, *police power, and escheat.*"

I have not been provided a current title opinion I am unaware of any adverse easements, encroachments, or encumbrances affecting the use or marketability of the property. The property is subject to all matters of public record.

DEFINITION OF VALUE

In this appraisal, market value is defined as "The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. buyer and seller are typically motivated;
- b. both parties are well informed or well advised, and acting in what they consider their own best interests;
- c. a reasonable time is allowed for exposure in the open market;
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing, or sales concessions granted by anyone associated *with the sale.*" (12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)

Market value does not account for the unpredictable buyer who pays a price in excess of that which is reasonable and supported by market data, nor those transactions made under adverse conditions of sale.

DATE OF REPORT AND EFFECTIVE DATE OF VALUATION

July 11, 2013 is intended as the effective date of valuation. July15, 2013 is the date of the report.

ESTIMATED EXPOSURE TIME/MARKETING TIME

On Page 73 of The Dictionary of Real Estate Appraisal, Fifth Edition as published by the Appraisal Institute, exposure time is identified as *“The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.”*

Also, on Page 121 of The Dictionary of Real Estate Appraisal, Fifth Edition marketing time is identified as *“An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal. (Advisory Opinion 7 of the Appraisal Standards Board of The Appraisal Foundation and Statement on Appraisal Standards No. 6, “Reasonable Exposure Time in Real Property and Personal Property Market Value Opinions” address the determination of reasonable exposure and marketing time.)”*

Considering the subject’s property type, location, physical characteristics, and current market conditions, it is my opinion that an estimate of about 180-365 days would be reasonable for both the estimated exposure time and estimated marketing time for a property such as the subject. This assumes that the property is and/or was actively marketed for sale within a reasonable range of estimated market value, and with appropriate marketing techniques. The Greenville Association of Realtors reports an average days on market of 202 days for 78 lot transactions, in the range of \$1,000 to \$25,000 between January 1, 2010 and July 15, 2013. Four of these seventy-eight transactions revealed an average days on market ranging from 1,010 days to 1,286 days. Also, there are thirteen (13) active listings of lots within Greenville, between the asking price of \$3,200 to \$15,000. These active listings reveal an average days on market of 240 days, ranging from 8 days to 1,035 days as of the date of this report.

SCOPE OF WORK

After accepting the assignment and defining the appraisal problem, an initial cursory inspection of the property was made. Subsequently, over the next several weeks, I began my preliminary analysis and data collection for the subject property and the sale properties analyzed for comparative purposes. Information regarding zoning, utilities, land sales, etc., was obtained from the public records of Pitt County and the City of Greenville. The Client provided surveys of the individual sites. I have utilized the above referenced information to estimate the current fair market value of the individual lots by the Sales Comparison Approach. I have prepared my findings within this Restricted Use appraisal report in accordance with Standards Rule 2-2 [c] of the Uniform Standards of Professional Appraisal Practice (USPAP). I have adhered to the Competency Provision of USPAP.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal makes no use of any Extraordinary Assumptions or Hypothetical Conditions. The reader's attention is directed to the detailed list of standard assumptions and limiting conditions included within the addenda.

HISTORY OF THE PROPERTY

The subject property involves an assemblage of individual parcels acquired from various owners by the City of Greenville between October 2006 and June 2010 based upon public records. I have not been provided a title search. I have retained the recorded deeds in my file. Many of these individual parcels were improved at the time of acquisition. Where applicable, the dwellings have since been removed or demolished to accommodate the Lincoln Park Redevelopment project. To the best of my knowledge, there have been no other sales or conveyances involving the ownership of subject within the past three years preceding the date of this report. Also, I am unaware of any pending sales or offers to purchase.

HIGHEST AND BEST USE

According to the Dictionary of Real Estate Appraisal, Fifth Edition, Page 93 as published by the American Institute of Real Estate Appraisers, Highest and Best Use is defined as follows:

1. The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest land value.
2. The probable use of land or improved property – with respect to the user and timing of use – that is adequately supported and results in the highest present value.

The highest and best use of the subject property as if vacant is for single family residential use as demand warrants. In general, new developments are demand driven. Speculative developments are not considered likely or financially feasible.

VALUATION OF THE PROPERTY

The Sales Comparison Approach is the preferred valuation method for vacant sites. The typical units of comparison are the sales price paid per square foot and the overall price paid per lot.

SALES COMPARISON APPROACH

In the Sales Comparison Approach, the subject property is compared to similar properties that have sold or for which offers to purchase have been made. A major premise of the Sales Comparison Approach is that the market value of a property is directly related to the prices of comparable, competitive properties. The real estate appraisal principle of substitution plays a significant factor in the Sales Comparison Approach in that the value of a property tends to be set by the price that would be paid to acquire a substitute property of similar utility or desirability without undue delay. To apply the Sales Comparison Approach, an appraiser follows a systematic procedure:

1. Research the market to obtain information on sales transactions, listings, and offers to purchase properties similar to subject.
2. Verify the information by confirming that the data obtained are factually accurate and the transactions reflect arms-length market considerations.
3. Select relevant units of comparison (e.g., dollars per acre, per square foot, or per income multiplier) and develop a comparative analysis for each unit.
4. Compare the subject property and comparable sale properties using the elements of comparison and adjust the sales price of each comparable appropriately or eliminate the property as a comparable.
5. Reconcile the various value indications produced from the analysis of comparables into a single value indication or a range of values. An imprecise market may indicate a range of value.¹

The following summary of land sales is offered for comparison to subject:

¹The Appraisal of Real Estate, 9th Edition, Page 315

Land Sales Summary Chart					
Identity	Location	Date of Sale	Size	Sales Price	Unit Price
Sale 1	1111 W. 4 th	5/8/13	5,325 SF	\$1,000	\$.19/SF
Sale 2	2208 Marin Way	6/12/13	16,338 SF	\$15,000	\$.92/SF
Sale 3	1501 E. Overlook	3/20/13	13,904 SF	\$20,000	\$1.44/SF
Sale 4	307 Vance/ 1015 Colonial	10/3/12	31,432 SF	\$11,000	\$.35/SF
Sale 5	2980 Dickinson	1/25/10	16,000 SF	\$25,000	\$1.56/SF
Listing 1	617 McKinley	Current	4,920 SF	\$3,200	\$.65/SF
Listing 2	Church and Pitt	Current	4,300 SF	\$3,500	\$.81/SF
Listing 3	1115 W. 4 th	Current	7,470 SF	\$6,500	\$.87/SF
Listing 4	Breckenridge	Current	22,216 SF	\$12,900	\$.58/SF
Mean			13,545 SF	\$10,900	\$.82/SF
Median			13,904 SF	\$11,000	\$.81/SF

The preceding chart summarizes five residential lot sales and four current residential listings. Sale 1 reflects a lower sales price of \$1,000 or \$.19/SF. The physical utility of this property is inferior to the subject sites in regards to frontage and width in order to adhere to building setback requirements per zoning development standards. Land Sales 2, 3, and 5 reflect the highest sales prices on a per lot or dollar basis as well as price per square foot. These three sales are superior to the subject property in regards to location.

As illustrated in the preceding chart, the market sales and listings reflect close mean and median indicators in regards to size, sales price, and unit price. The subject lots average 8,743 square feet. Assuming all other factors are similar or equal, smaller properties sell for higher per unit prices. The subject lots on Bancroft Street are larger and wider, but slope toward the back property line. Typically, lot prices within a neighborhood are more uniformed in sales price per lot and may not vary measurably in regards to size. Some lots within a subdivision are considered premium lots as a result of its specific location, size, or view such as on a corner or within a cul-de-sac. In my analysis of the market sales and listings, I have attempted to consider the overall market influences such as location, physical features, etc. Based upon my analysis of the market sales and listings, the estimated values for the individual lots are summarized as follows:

Lincoln Park Redevelopment		
Biltmore Addition- Lots 19-24		
Lot/Tract No.	Size	Estimated Market Value
19	6,200 SF	\$8,000
20	6,488SF	\$8,000
21	6,189 SF	\$8,000
22	7,349 SF	\$9,000
23	6,268 SF	\$8,500
24	6,014 SF	\$8,000
Biltmore Addition- Tracts 1-5		
1	8,960 SF	\$9,800
2	12,584 SF	\$11,000
3	10,271 SF	\$10,300
4	10,934 SF	\$10,300
5	10,145 SF	\$10,300
Biltmore Addition- Lots 1-5, Block C		
1	12,850 SF	\$11,500
2	8,551 SF	\$9,300
3	8,747 SF	\$9,300
4	8,947 SF	\$9,300
5	9,387 SF	\$9,300

I certify that I have no present or contemplated future interest in the property appraised. The estimates of market value reported herein for the individual parcels are not predicated upon minimum valuations, specific valuations, or amounts that would favor the client. **Also, as referenced previously, the use of this Restricted Use Appraisal Report is specifically restricted to the Client. My opinions and conclusions cannot be properly understood without the additional information that has been retained in my files.**

Respectfully submitted,



Andy E. Piner, State Certified General Appraiser



ADDENDA

**ASSUMPTIONS AND LIMITING CONDITIONS FOR
RESTRICTED USE REPORT**

1. This is a Restricted Use Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(c) of USPAP. As such, it does not include discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
3. The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
5. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
7. No survey or analysis of sub-surface minerals and/or deposits has been made and, unless stated otherwise in the report, they have not been considered as a contributing factor to the market value of the property.
8. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been compiled with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
10. It is assumed that all required licenses, certificates of occupancy, or other legislative or administrative authority from any local, state, or national governmental, or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
11. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
12. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

13. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
15. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans and specifications.
16. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
17. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with property written qualification and only in its entirety.
18. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.
19. The appraiser will not be required to give testimony or appear in court or before any other commission or body by reason of this appraisal unless arrangements are previously made.
20. The estimate of market value reported herein is not contingent upon the reporting of a predetermined value or a direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
21. No termite inspection has been provided to me or conducted by me of this property. This report and value estimate is based upon the assumption that the property has been inspected by a reputable, licensed exterminator and that there is no active termite infestation or hidden damage.

QUALIFICATIONS OF THE APPRAISER

Andy E. Piner
1105-A Corporate Drive
Greenville, North Carolina 27858
Phone: (252) 752-1010
Fax: (252) 830-1240
Email: andy@mooreandpiner.com

License/Certifications:

NC State-Certified General Real Estate Appraiser
Licensed Real Estate Broker, State of North Carolina

Professional Affiliations:

Associate Member, Appraisal Institute
Greenville-Pitt Board of Realtors

Employment History:

2000-Present	Moore & Piner, LLC Appraisals, Brokerage, Consulting & Development
1984-2000	Collice C. Moore & Associates Real Estate Appraisers
1980-1983	Moore & Sauter Associates Real Estate Appraisers

Education:

East Carolina University-Bachelor of Science in Business Administration - 1982

Appraisal Courses/Education:

<u>Course/Education Title</u>	<u>Place Taken</u>	<u>Year</u>	<u>Passed</u>
Residential Valuation	Univ. of N.C.	1982	Yes
Real Estate Appraisal Principles	Univ. of N.C.	1982	Yes
Basic Valuation Procedures	Univ. of N.C.	1982	Yes
Capitalization Theory & Techniques-Part A	Athens, GA	1984	Yes
Capitalization Theory & Techniques-Part B	Univ. of N.C.	1987	Yes

Case Studies in Real Estate Valuation	Univ. of N.C.	1988	Yes
Valuation Analysis & Report Writing	Univ. of N.C.	1988	Yes
Standards of Professional Practice	Univ. of N.C.	1989	Yes
Matched Pairs and Market Extraction	Wilson Community College	1998	Yes
General Demonstration Appraisal Report Writing Seminar	Atlanta, GA	1999	Yes
USPAP-Part C	Appraisal Institute Atlanta Area Chapter, Atlanta, GA	2000	Yes
General Market Analysis and Highest and Best Use	UNC-Greensboro	2008	Yes
Advanced Sales Comparison and Cost Approaches	UNC-Greensboro	2008	Yes
Comprehensive Examination, Modules I, II, III & IV	N/A	2010	Yes

The above courses are sponsored by The Appraisal Institute

Approved Appraiser for the Following Clients:

N. C. Department of Transportation	First Citizens Bank
N. C. Department of Administration	Bank of America
Pitt-Greenville Airport Authority	Paragon Bank
City of Greenville	TrustAtlantic Bank
City of Rocky Mount	Poyner and Spruill
PNC Bank (RBC Bank)	Colombo Kitchin Attorneys
Southern Bank & Trust Company	The East Carolina Bank
Wells Fargo	Branch Bank & Trust Company

Clients include attorneys, investors, and developers in Eastern North Carolina, as well as various cities and towns throughout Eastern North Carolina including the City of Greenville, Town of Tarboro, City of Rocky Mount, Town of Ayden, etc. The appraiser has appeared as an expert witness in the following counties: Pitt, Halifax, Edgecombe, Craven, Brunswick, Martin, Perquimans, Wayne, and Beaufort.

CERTIFICATION OF THE APPRAISER

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimated, the attainment of a stipulated result, or the occurrence of a subsequent event.

I have not performed a previous appraisal, appraisal review, appraisal consulting assignment, etc, involving the subject property within the past three years prior to this assignment.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this report, I have completed the Standards and Ethics Education Requirement of the Appraisal Institute for Associate Members.

I have made a personal inspection of the property that is the subject of this report.

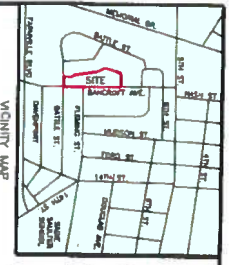
No one provided significant professional assistance to the person signing this report.

The appraiser has performed within the context of the competency provision of the Uniform Standards of Professional Appraisal Practice.

This report was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



Andy E. Piner



NOTES

THIS IS A RECONSTRUCTION SURVEY OF PART COUNTY TAX PARCELS 1441, 0418 AND OF LOTS 1 THROUGH 4, BLOCK D, BILTMORE ADDITION, GREENVILLE, NORTH CAROLINA. THE SURVEY IS BASED ON THE RECORDS OF THE CITY OF GREENVILLE, NORTH CAROLINA, AND THE RECORDS OF THE PITTSBOROUGH COUNTY REGISTER OF DEEDS. THE SURVEY IS BASED ON THE RECORDS OF THE CITY OF GREENVILLE, NORTH CAROLINA, AND THE RECORDS OF THE PITTSBOROUGH COUNTY REGISTER OF DEEDS. THE SURVEY IS BASED ON THE RECORDS OF THE CITY OF GREENVILLE, NORTH CAROLINA, AND THE RECORDS OF THE PITTSBOROUGH COUNTY REGISTER OF DEEDS.

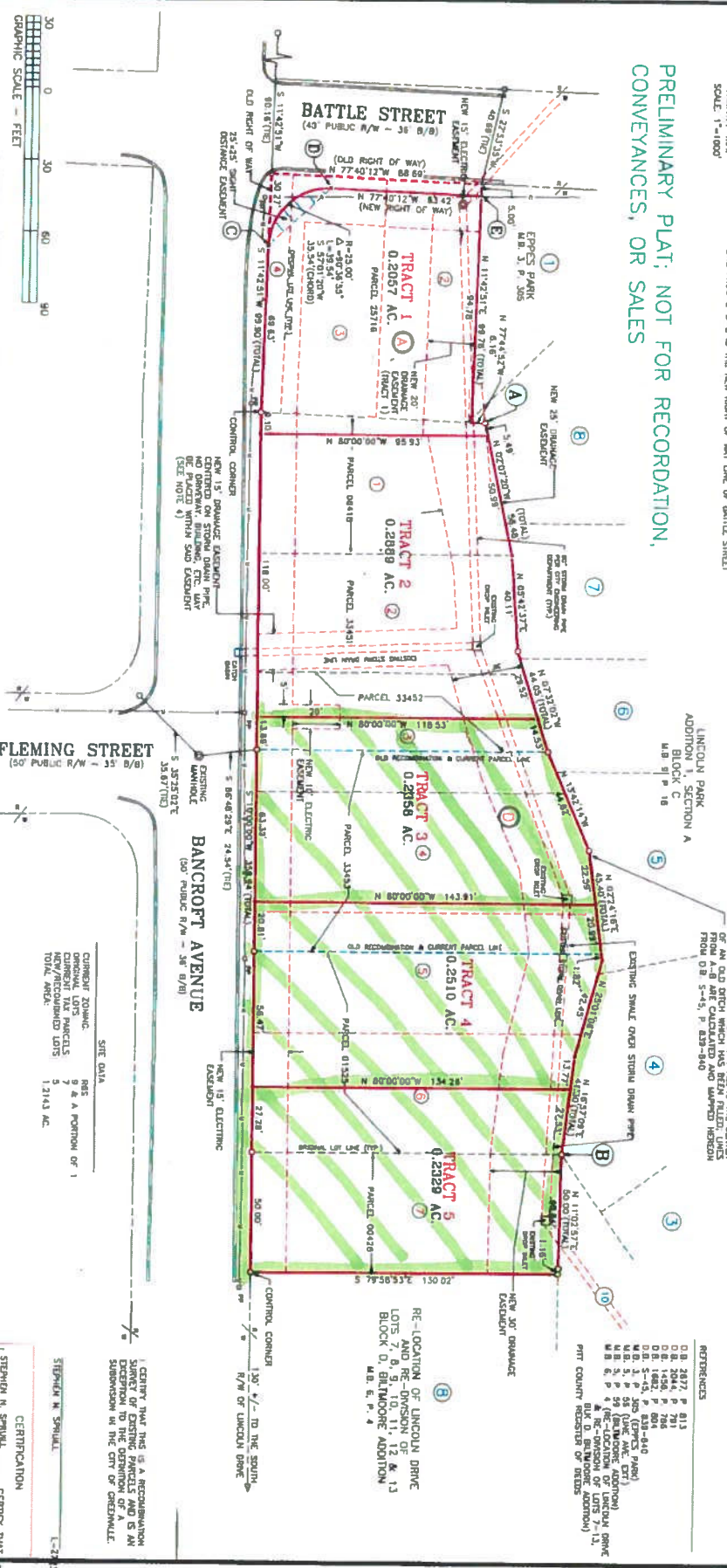
LEGEND

- EXISTING IRON PIPE
- IRON PIPE SET
- POWER POLE
- CUT LINE
- 1/4" RIGHT OF WAY
- EXISTING MANHOLE

REFERENCES

- O.B. 3072, P. 611
- O.B. 3044, P. 711
- O.B. 1456, P. 786
- O.B. 5462, P. 801
- O.B. 5462, P. 801
- M.B. 3, P. 206 (EPPES PARK)
- M.B. 3, P. 206 (EPPES PARK)
- M.B. 3, P. 206 (EPPES PARK)
- M.B. 3, P. 206 (EPPES PARK)
- M.B. 3, P. 206 (EPPES PARK)
- M.B. 3, P. 206 (EPPES PARK)

PRELIMINARY PLAT; NOT FOR RECORDATION, CONVEYANCES, OR SALES



OWNER: CITY OF GREENVILLE
ADDRESS: P.O. BOX 7207 GREENVILLE, NC 27635
PHONE: (252) 379-4432

RECOMBINATION SURVEY FOR:
 LOTS 1 THROUGH 8, BLOCK D, BILTMORE ADDITION
 AND
 RE-DIVISION OF LOTS 7, 8, 9, 10, 11, 12 & 13,
 BLOCK D, BILTMORE ADDITION
 LOTS 2, 3 AND A PORTION OF 4, BLOCK A, EPPES PARK
 CITY OF GREENVILLE ~ GREENVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA

DATE: 1/19/13

SPRULL & ASSOCIATES, INC.
 1021 W. 11th Street
 Greenville, NC 27635
 Phone: (252) 379-4432
 Fax: (252) 379-4432

APPROVED: [Signature] [Date]

REVIEWER: [Signature] [Date]

DEED BOOK: 2424
DEED PAGE: 18
DEED BOOK: 2424
DEED PAGE: 18


CITY PLANNER: [Signature] [Date]

ATTEST: [Signature] [Date]


CERTIFICATION
 I, STEPHEN H. SPRULL, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY ME. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1.0000000. THAT THE BENCHMARKS NOT SURVEYED ARE SHOWN AND DEPARTURES NOT PLOTTED FROM DEED INFORMATION THAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20__.


STEPHEN H. SPRULL [Signature] [Date]



CITY PLANNER [Signature] [Date]



Pitt County Government
Greenville, North Carolina
www.pittcountync.gov





	<table border="0" style="width: 100%;"> <tr><td>Parcel</td><td>82306</td></tr> <tr><td>Physical Address</td><td>805 BANCROFT AV</td></tr> <tr><td>Owner Name</td><td>GREENVILLE CITY OF</td></tr> <tr><td>OwnerAddress1</td><td>PO BOX 7207</td></tr> <tr><td>OwnerAddress2</td><td></td></tr> <tr><td>OwnerAddress3</td><td></td></tr> <tr><td>City / State / Zip</td><td>GREENVILLE NC 27835</td></tr> <tr><td>NC PIN</td><td>4678812007</td></tr> <tr><td>Subdivision / Section / Phase</td><td></td></tr> <tr><td>Prior Legal Description</td><td>BILTMOORE-EPPES REDIVISIO</td></tr> <tr><td>Block / Lot</td><td></td></tr> <tr><td>Tract</td><td>5</td></tr> <tr><td>Building Number / Unit</td><td></td></tr> <tr><td>Acres</td><td>0.23</td></tr> <tr><td>Current Owner Deed/Document</td><td>002677 00813</td></tr> <tr><td>Map Book</td><td>77-140</td></tr> <tr><td>Deed / Document Date</td><td>01/2009</td></tr> <tr><td>Deed / Document Sales Price</td><td>\$0</td></tr> <tr><td>Building Type / Use</td><td></td></tr> <tr><td>Number of Buildings</td><td>0</td></tr> <tr><td>Year Built</td><td></td></tr> <tr><td>Total Living Area</td><td></td></tr> <tr><td>Building Value</td><td></td></tr> <tr><td>Extra Features Value</td><td>\$0</td></tr> <tr><td>Land Value</td><td>\$5,405</td></tr> <tr><td>Total Current Market Value</td><td>\$5,405</td></tr> <tr><td>Total 2011 Market Value</td><td>\$0</td></tr> <tr><td>Revaluation Year</td><td>2012</td></tr> <tr><td>Municipality</td><td>GREENVILLE</td></tr> <tr><td>Township</td><td>GREENVILLE</td></tr> <tr><td>Fire Service District</td><td>INSIDE MUNICIPALITY</td></tr> <tr><td>Census Tract</td><td></td></tr> <tr><td>Neighborhood</td><td>004232</td></tr> <tr><td>Elementary School</td><td></td></tr> <tr><td>Middle School</td><td></td></tr> <tr><td>High School</td><td></td></tr> </table>	Parcel	82306	Physical Address	805 BANCROFT AV	Owner Name	GREENVILLE CITY OF	OwnerAddress1	PO BOX 7207	OwnerAddress2		OwnerAddress3		City / State / Zip	GREENVILLE NC 27835	NC PIN	4678812007	Subdivision / Section / Phase		Prior Legal Description	BILTMOORE-EPPES REDIVISIO	Block / Lot		Tract	5	Building Number / Unit		Acres	0.23	Current Owner Deed/Document	002677 00813	Map Book	77-140	Deed / Document Date	01/2009	Deed / Document Sales Price	\$0	Building Type / Use		Number of Buildings	0	Year Built		Total Living Area		Building Value		Extra Features Value	\$0	Land Value	\$5,405	Total Current Market Value	\$5,405	Total 2011 Market Value	\$0	Revaluation Year	2012	Municipality	GREENVILLE	Township	GREENVILLE	Fire Service District	INSIDE MUNICIPALITY	Census Tract		Neighborhood	004232	Elementary School		Middle School		High School	
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<p><small>Disclaimer: This tax record is prepared for the inventory of real property within Pitt County and is compiled from recorded deeds, plats, tax maps, surveys, and other public records. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification. Pitt County assumes no legal responsibility for the information contained herein.</small></p> <p style="text-align: center;">Copyright © 2015, Pitt County, North Carolina.</p>	<div style="text-align: center;">  </div> <p style="text-align: center;">PLEASE NOTE: Parcel ownership information updated nightly. Map printed 4/17/2015.</p>																																																																								



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Lease Agreement for Project Revere

Explanation: **Abstract:** The City of Greenville previously accepted an Economic Catalyst Grant from the Golden LEAF Foundation to support Project Revere. That agreement was subsequently modified to better accommodate project needs. The modification was approved by the Golden LEAF Foundation in April of 2015 and then it was accepted by the City of Greenville on May 11, 2015. Project Revere is an economic development project that will involve an economic development incentive; therefore, a public hearing is required, after which the City Council will consider whether to approve the lease agreement associated with the project.

Explanation: In January of 2015, the Greenville City Council accepted an Economic Catalyst Grant from the Golden LEAF Foundation. The Golden LEAF Foundation agreed to provide a grant to the City to purchase lab equipment, which is to be leased by ArroGen, LCC, a local life sciences company and used at its lab facility in Greenville for a 60-month lease period (please see attached copy of the lease agreement). In April of 2015, the Golden LEAF Foundation approved modifications to Project Revere to better accommodate ArroGen's revised business plans. The modified grant amount is for \$427, 557. The company has committed to creating at least 80 new full-time jobs over the next four years as a result of this project, which is to be located within the corporate limits of the City of Greenville. Funds generated from the equipment lease payments will go into an account that will capitalize the City's new Site Ready Program.

On May 11, 2015, the City (1) accepted the modified grant agreement between the Golden LEAF Foundation and the City of Greenville and (2) awarded a sole source contract to purchase the specialized equipment that will be leased to ArroGen, LLC. Now the City is considering whether to provide the requested incentive and approve the lease agreement between the City of Greenville and ArroGen, LLC.

The City's lease of equipment to ArroGen, LCC will effectively represent an economic development incentive for an economic development project pursuant to North Carolina General Statute 158-7.1 because it will be offered at an interest rate that has been adjusted in consideration of the expected public benefits accrued as a result of the project – an increase in the business prospects of the City of Greenville, and the creation of additional employment opportunities.

Under North Carolina state law, a public hearing is required prior to consideration of such incentives. On the basis of objections, debate and discussion at the hearing, changes may be made from what has been proposed.

The rent amount for the equipment will be 80% of the aggregate purchase price of the equipment and other sales-related costs plus interest at the mid-term Applicable Federal Rate as published by the Internal Revenue Service. Payment of the rent amount will be made in equal monthly installments with the title being transferred to the company at the expiration of the lease term, and at the company's option, upon payment of 20% of the aggregate purchase price of the equipment and other sales-related costs.

Fiscal Note:

Because all of the costs of acquiring the equipment are covered under the Golden LEAF Grant program, the proposed economic development incentive does not involve any immediate expenditure from the City's General Fund or other tax-funded City accounts. However, the City will be responsible for administration and oversight of the grant.

Recommendation:

Staff recommends that the City Council hold a public hearing on providing the described incentives and that Council authorize the City Manager to execute the attached lease.

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

Attachments / click to download

 [Lease and Exhibits](#)

EQUIPMENT LEASE

THIS LEASE AGREEMENT (“Lease”) is made between the City of Greenville, a North Carolina municipal corporation (the “Lessor”), and ArroGen, LLC., a North Carolina limited liability company (the “Company”).

RECITALS

The Company is headquartered in Greenville, North Carolina, and provides advanced forensic DNA technologies and expert consulting services to forensic laboratories, law enforcement, attorneys, and government agencies. The Lessor has received a grant from The Golden L.E.A.F. (Long-term Economic Advancement Foundation), Inc. in the amount of \$427,557.00. The purpose of the grant is to enable the Lessor to purchase certain equipment which it will then lease to the Company. In response, the Company has agreed to expand its operations to meet the demand for its services, which will enable it to create 80 new full-time jobs at its Greenville, NC facility at an average wage of \$61,000/year, plus benefits, which include at least one half of the cost of employee-only health insurance.

The Lessor has determined that the use of the Grant for the purposes set out above and as more fully set out herein are for a public purpose and constitute an economic development incentive appropriation pursuant to the provisions of North Carolina General Statute 158-7.1. The Lessor has the authority to enter into this Lease and to dispose of the Equipment at the end of the Lease Term as provided in this Lease pursuant to the provisions of North Carolina General Statute 158-7.1. No private benefit is obtained by the Company since it is paying fair market rental for the lease of the equipment in the amount of the full cost of the equipment plus interest at the Applicable Federal Rate.

The Lessor has also determined that the use of the Grant for such purposes will lessen the burden of government in the following ways, by way of illustration and not limitation: new jobs will be created reducing unemployment; business is promoted which supports a viable economy; and property is added to the tax base which increases potential tax revenue and reduces pressure to increase taxes. The general health and welfare of the citizens of the City of Greenville and the State of North Carolina are enhanced as a result of the creation of new jobs and the retention of existing jobs and as a result of supporting the viability of major segments of North Carolina’s economy.

NOW THEREFORE, in consideration of the agreement of the Lessor to purchase and lease the equipment to the Company and the Company’s agreement to lease the equipment from the Lessor, and upon the mutual promises of the parties herein contained, the Lessor and Company agree as follows:

1. DEFINITIONS. The following definitions apply to words used in this Lease:

“*Default*” means an incident or event which triggers remedies against the Company for breach of this Lease as set out in Section 13 of this Lease.

“*Economic Development Performance Obligations*” means those obligations of the Company set out in Section 15 of this Lease

“*Effective Date*” means the date that this Lease is fully executed by the parties.

“*Encumbrance*” means any lien, pledge, encumbrance, collateral assignment or hypothecation.

“*Equipment*” means the equipment set out in Exhibit A to be purchased by the Lessor with the Grant and leased to the Company under the terms of the Grant Agreement and this Lease.

“*Facility*” means the Company’s facilities located at Greenville, North Carolina.

“*Foundation*” means The Golden L.E.A.F. (Long-term Economic Advancement Foundation), Inc.

“*Grant*” means the actual funds granted by the Foundation to and received by the Lessor pursuant to the Grant Agreement for purchase of the Equipment. It is anticipated that the amount of the Grant will be \$427,557.00.

“*Grant Agreement*” means the agreement executed between The Golden L.E.A.F. (Long-term Economic Advancement Foundation), Inc. and the Lessor, a copy of which is attached to this Lease as Exhibit B.

“*Grant Term*” means the period beginning the 1st day of May, 2015 and ending on the 30th day of April, 2016.

“*Lease*” means this lease agreement as amended from time to time.

“*Lease Term*” means sixty (60) months from the Rent Commencement Date.

“*Purchase Order*” means the purchase order or orders, as the context requires, prepared by the Lessor for the purchase of the Equipment.

“*Qualified Job*” means a full time position with the Company at the Facility that provides at least one half of the cost of the employee’s health insurance plus all benefits to which similarly situated full time employees of the Company are entitled. A full time position is a position that provides at least 1,600 hours of work during a twelve month period.

“*Rent*” means the amount determined under Section 7 that the Company pays to the Lessor for the rental of the Equipment as adjusted from time to time as provided in Section 5.4 of this Lease.

“*Rent Commencement Date*” means the date when installment payments of Rent begin as set forth in Section 6 of this Lease.

“*Uniform Commercial Code*” means the Uniform Commercial Code set out in Chapter 25 of the North Carolina General Statutes.

2. PURCHASE AND SHIPPING OF EQUIPMENT. The Lessor will use the Grant to purchase from a third party seller approved by the Company and the Lessor the Equipment specially selected by the Company and described in Exhibit A at an aggregate cost, including tax, shipping and any other sales related cost actually incurred not to exceed the amount of the Grant. The Company, at its cost, will supply a detailed Purchase Order to the Lessor and the seller, and will arrange for the Equipment to be shipped to the Facility. The timing of the purchase and delivery of the Equipment will be determined by the mutual agreement of the Lessor and the Company, due consideration given to the expected date of completion of necessary up-fitting of the Facility. The Equipment will be ordered such that it will be delivered at or near the time that it will be installed in the Facility. Grant funds shall be used only for the purpose described above and shall not be used for any other purposes including, without limitation, the following: (i) the cost of installing the Equipment in the Facility (unless specifically agreed by the Lessor), (ii) the cost of modifications to the Facility which are or may be necessary to accommodate the Equipment, or (iii) the cost of providing electrical service or other utilities at the Facility necessary to operate the Equipment. The purchase and delivery of the Equipment must be completed before the expiration of the Grant Term, which may be extended from time to time by the Foundation. The Lessor has no obligation to supply funds to purchase Equipment other than the Grant, and the Company shall provide any funds in excess of the Grant that are necessary to complete the acquisition, delivery, and installation of the Equipment.

3. LEASE OF EQUIPMENT. The Lessor will lease to the Company and the Company will lease the Equipment from the Lessor according to the terms of this Lease.

4. NO WARRANTIES.

4.1 *No Warranties.* The Lessor is neither a seller nor manufacturer of the Equipment and shall not be deemed as such by the Company. The Lessor makes **NO WARRANTIES, EITHER EXPRESS OR IMPLIED. ALL EXPRESS WARRANTIES AND ALL IMPLIED WARRANTIES OF ANY KIND, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY WAIVED.** The Company represents that it has read and

understands this section and acknowledges that the Lessor makes no warranties, express or implied. The Company is leasing the Equipment from the Lessor “**AS IS, WITH ALL FAULTS.**”

4.2 *Assignment of Warranties.* Consistent with section 25-2A-103(g)(iii)(D), the Lessor assigns to the Company all manufacturer’s and seller’s warranties to the extent such warranties are assignable. The Company may communicate with the vendor(s) supplying the Equipment to the Lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies

5. INSPECTION, ACCEPTANCE AND REJECTION OF EQUIPMENT, WAIVER OF REMEDIES AND DAMAGES AGAINST THE LESSOR, REMEDIES AGAINST SELLER, EFFECT ON RENT.

5.1 *Inspection, Acceptance, Rejection of Equipment.* Unless otherwise agreed by the Company and the Lessor, the Purchase Order shall provide that the Company shall have the right to inspect the Equipment at the Facility upon delivery as provided under Section 25-2-513 of the Uniform Commercial Code. The Company will immediately inspect the Equipment upon delivery and will promptly notify the Lessor and the seller in writing of any non-conformities and whether the Company accepts or rejects the Equipment. As between the Company and the Lessor, the Company has all responsibility related to rejection of non-conforming Equipment and shall pay all inspection costs and expenses related to rejection of non-conforming Equipment and enforcement of remedies against the seller. It shall be the responsibility of the Company to preserve all evidence of any non-conformity as required under Section 25-2-515 of the Uniform Commercial Code. If the Company rejects any non-conforming Equipment, it shall do so in accordance with the procedures of Part 6, Section 25-2-601, et seq. of Article 2 of the Uniform Commercial Code. Notwithstanding any provision of the Uniform Commercial Code to the contrary, for purposes of this Lease and the Lessor’s obligations to the Company hereunder, Equipment not expressly rejected in writing by the Company, notice of which must be in writing and served on the Lessor as well as the seller, shall be deemed accepted upon the first to occur of (i) the passage of a reasonable time for inspection as described in Section 25-2-602 of the Uniform Commercial Code, (ii) the time for rejection set forth in the purchase order or contract for sale and purchase of the Equipment, or (iii) thirty (30) days from the delivery of the Equipment to the Facility.

5.2 *Waiver of Remedies and Damages as to the Lessor.* The Company waives all causes of action it might have, and all rights to damages it might have against the Lessor arising from or related to this Lease whether arising under the Uniform Commercial Code or other applicable law. The Lessor assigns to the Company all buyer’s rights it has under the Uniform Commercial Code to the extent such rights are assignable. The Company acknowledges that for all purposes pertaining to this Lease and the Equipment, the Lessor is not a seller or manufacturer of the Equipment. The Company’s waivers of claims against the Lessor shall not constitute waivers of any claims the Company might have against the seller of the

Equipment under the Uniform Commercial Code or other applicable law.

5.3 *The Company's Remedies as to Seller of Equipment.* The parties do not intend by this Lease to limit the Company's rights against a seller for non-conforming Equipment. The Lessor will cooperate reasonably with the Company to enable the Company to enforce any remedies it might have under the Uniform Commercial Code against a seller arising out of the sale of the Equipment; however, the Company will reimburse the Lessor for reasonable costs incurred by the Lessor in rendering such assistance.

5.4 *Rejection of Equipment, Refunds, Effect on Rental, Adjustments.* If the Company rejects the Equipment or if the purchase price of the Equipment or any cost paid with Grant funds is refunded in full or in part, the effect on Rent shall be as follows:

5.4.1 *Refunds.* Refunds of all or any part of the purchase price of Equipment shall be paid to the Lessor. If the Company receives any refund, it will immediately deliver such refund to the Lessor. Refunds of any part of costs paid with the Grant shall be paid by Company to the Lessor.

5.4.2 *Refunds of Purchase Price or Costs.* If the Lessor receives a refund of any part of the purchase price paid for rejected Equipment listed in Exhibit A or of costs related to the Equipment listed in Exhibit A originally paid with the Grant, then Rent shall be reduced by 90% of such amount less 90% of any portion of such refund which is expended by the Lessor on replacement Equipment. Adjustments shall be made by reducing Rent by an amount sufficient to account for any refund received by the Lessor and not reapplied of purchase of additional or replacement Equipment. The Term of the Lease shall not be reduced.

5.4.3 *Purchase Price Not Paid.* If the Lessor has not paid the purchase price for Equipment rejected, then the purchase price of such Equipment shall not be included in the calculation of Rent under Section 7.

6. LEASE TERM, RENT COMMENCEMENT DATE. The term of this Lease shall be for a period of sixty (60) months beginning on July 1, 2015. The date the Lease term begins shall also be the date the first payment of rent is due (the "Rent Commencement Date").

7. RENT. The Rent shall be paid in sixty (60) monthly installments of \$_____, which is 90% of the cost of the Equipment, plus interest at the mid-term Applicable Federal Rate as of the Effective Date. Rent may be adjusted from time to time as provided in sub-Section 5.4.2. The parties agree that the Rent is at a fair market rate.

8. PAYMENT OF RENT, NO RENT ABATEMENT, LATE PAYMENT INTEREST. The first monthly installment of Rent shall be due on the Rent Commencement Date and each successive monthly installment of Rent shall be due on the same date of each month thereafter until all Rent is fully paid. Rent shall be made payable in collectable US funds

and shall be delivered to the Lessor at its Notice Address. The obligation to pay Rent is not subject to any abatement, reduction, setoff, defense, counterclaim or recoupment due or alleged to be due to, or by reason of, any past, present or future claims which the Company may have against the Lessor, the manufacturer or seller of the Equipment, or against any person for any reason whatsoever. In addition to constituting a Default, a monthly installment of Rent that is not paid when due shall accrue interest at the legal rate of eight percent (8%) until paid.

9. THE COMPANY'S RESPONSIBILITIES FOR THE EQUIPMENT: The Company, at its expense, shall have the following continuing responsibilities for the Equipment during the Lease term.

9.1 *Up-fitting Facility.* Promptly and properly up-fit the Facility for the project contemplated in the Grant Agreement in compliance with all applicable laws, codes, rules and regulations so that the Equipment can be promptly installed and made operational.

9.2 *Installation.* Upon completion of the up-fitting of the Facility and acceptance of the Equipment as provided in Section 5, the Equipment shall be immediately installed and made operational.

9.3 *Maintenance and Repair.* Constantly maintain the Equipment in good working condition and repair in accordance with the requirements of the seller's operating manual and best business practices. Broken, damaged or worn out parts will be replaced as necessary to keep the Equipment operational.

9.4 *Insurance.* Insure the Equipment against casualty, loss or damage by reason of insurable hazard, including theft with a company reasonably acceptable to the Lessor, and cause the Lessor to be listed as the loss payee for the Equipment. The policy of insurance shall require the insurer to give written notice to the Lessor at least thirty (30) days prior to any cancellation of the required coverage. On demand from the Lessor, the Company shall provide to the Lessor annually a certificate of insurance evidencing that the required coverage is in effect. Insurance proceeds from a covered loss shall be used to repair or replace damaged Equipment unless the parties agree otherwise.

9.5 *Taxes.* Timely pay all ad valorem taxes, or other taxes or assessments levied upon the Equipment.

9.6 *Removal.* The Equipment shall not be removed from the Facility.

9.7 *No Liens.* Permit no liens or security interests to attach to the Equipment other than the security interest of the Lessor.

9.8 *Notification of Equipment Problems.* Promptly notify the Lessor in writing of any problems with or damage to the Equipment.

10. SECURITY INTEREST. The parties intend that this Lease shall be considered a true lease. To further protect the rights of the Lessor in the Equipment if the Lease is determined not to be a true lease, the Company also grants to the Lessor a first lien security interest in the Equipment and takes possession of the Equipment subject to the security interest retained by the Lessor. The Company shall execute such UCC filing statements and UCC Fixture filing statements as the Lessor requires. The Company shall not impair the Lessor's first lien security interest.

11. REPRESENTATIONS OF THE COMPANY. The Company makes the following present and continuing representations to the Lessor.

11.1 *Legal Existence.* It is a duly formed and validly existing corporation under the law of the State of North Carolina and is authorized to transact business in the State of North Carolina. It is in good standing in the State of North Carolina. It has the power and authority and the legal right to execute, make, deliver and perform its obligations under this Lease.

11.2 *Legal Authority.* It has taken all actions necessary to authorize, consummate and implement the transactions contemplated under this Lease and has properly authorized the person executing this Lease to do so as the binding act of the Company.

11.3 *No Legal Action.* It has no actual knowledge of any legal or administrative proceedings pending or overtly threatened against or affecting it that would materially adversely affect its financial position or its ability to perform its obligations under this Lease.

11.4 *No Conflict.* The Lease, the Grant Agreement, and the performance of its obligations thereunder do not conflict with, or result in a violation of its by-laws, or any applicable provisions of statutory laws or regulations, or to the best of its knowledge, any provision of any loan agreement or other agreement to which it is a party or by which any of its properties are bound. The execution, delivery and performance of the Lease by it (i) do not and will not violate or conflict with any Court Order, injunction or any agreement by which it is bound, and (ii) will not result in the creation or imposition of any lien, charge or encumbrance upon any of its assets, except as set forth or contemplated by the terms of this Lease.

11.5 *Grant Agreement.* It has read and understands the Grant Agreement, and has no actual knowledge of any facts or circumstances that could be reasonably expected to impair its ability to satisfy the expectations set forth therein.

11.6 *No Adverse Knowledge.* It has no knowledge of any adverse circumstance or condition, financial or otherwise, which would materially affect its ability to perform its obligations under this Lease.

11.7 *Uniqueness of Equipment.* It is of the opinion that the Equipment specified is unique and available only from the seller designated in the Purchase Orders because of the required specifications, delivery schedule, level of standardization and compatibility with

its manufacturing operation and that there is no reasonable alternative thereto in the market place

12. Intentionally Omitted

13. DEFAULT. Each of the following is a Default under this Lease which triggers the remedies set out in Section 14:

13.1 The Company fails to pay installments of Rent or any other payment due hereunder within ten (10) days of the due date.

13.2 The Company fails to perform any of its obligations or duties under this Lease, other than its Economic Development Performance Obligations, and such failure is not cured within ten (10) days of written notice from the Lessor to the Company of such incident of Default.

13.3 The Company becomes insolvent, dissolves or is dissolved, assigns its assets for the benefit of creditors or enters, voluntarily or involuntarily, into any bankruptcy or other reorganization proceeding.

13.4 The Company becomes unauthorized to transact business in North Carolina.

13.5 The Company ceases operation of its business at the Facility. The Company shall be determined to have ceased operations of its business at the Facility when during the Lease Term more than half of the Qualified Jobs previously created and maintained by the Company pursuant to Section 15, below, have been eliminated or reduced to part-time or when during the Lease Term the Company has substantially ceased operating the Facility for the purposes contemplated by this Lease.

13.6 The Company merges with or is acquired by any other entity without the express written consent of the Lessor which consent will not be unreasonably denied.

13.7 Any representation by the Company under this Lease becomes untrue in any material way.

13.8 The Company fails to timely pay to the Lessor the Compensation Amount that becomes due under Section 16 of this Lease.

14. REMEDIES. Upon Default, the Lessor shall have the right, in its discretion, to exercise the remedies set out herein, which remedies may be exercised individually, collectively or cumulatively without prejudice to the right to exercise any other remedy. The failure by the Lessor to exercise any remedy upon a Default shall not constitute a waiver of that Default or any other Default.

14.1 *Lease Termination.* The right to terminate this Lease; however, all remedies of the Lessor shall survive such termination.

14.2 *Demand Rental Payment.* The right to demand the payment of all Rent then due and to accelerate the payment of all Rent which would have come due under the remaining term of the Lease.

14.3 *Foreclose Security Interest.* The right to (i) have the Equipment returned to the Lessor at a secure place designated by the Lessor; (ii) if the Company fails to return the Equipment, the right to enter the Facility and remove the Equipment without legal process or notice free from any claim of trespass or claim for damages; (iii) the right to sell the Equipment under commercially reasonable terms and exercised all remedies of a secured creditor provided under Article 9 of the Uniform Commercial Code and to deduct from the sales proceeds the costs of sale including reasonable attorney fees, court costs, costs of storage, costs of repossession, repair costs, late payment interest as provided in Section 8 of this Lease and all other expenses reasonably incurred in exercising this remedy, the net proceeds will apply against any other sums due the Lessor from the Company.

14.4 *Demand Payment of the Compensation Amount.* The right to demand that the Company pay the Compensation Amount as determined under Section 16 of this Lease. For purposes of determining the Compensation Amount owed by the Company as a result of a default (other than a default for failure to pay the Compensation Amount), the Compensation Amount shall be calculated using the method set forth in Section 16, with the number of Qualified Jobs being those Qualified Jobs that existed as of the last employment report provided by the Company pursuant to Section 15 prior to the occurrence of the event of default.

14.5 *Recover the Equipment:* The right to enter the Facility with or without force and recover the Equipment.

14.6 *Other Remedies.* The right to exercise any other remedy as provided at law or in equity.

15. ECONOMIC DEVELOPMENT PERFORMANCE OBLIGATIONS. The Company shall have the following Economic Development Performance Obligation, each of which is a separate and independent obligation:

15.1 *Job Creation Requirement.* To create and maintain 80 new Qualified Jobs at the Facility no later than December 31, 2019, with an average annual wage (not including benefits) of at least \$61,000.00. If the average annual wage of the qualified jobs is less than \$61,000.00, then for purposes of determining the number of Qualified Jobs created shall not include the number of Qualified Jobs paying annual wages less than \$61,000.00 that it is necessary to disregard so that the average annual wages of the remaining Qualified Jobs equals at least \$61,000.00. The Company shall supply NCUI-101 forms to the Foundation and to the Lessor on a quarterly basis, or such earlier time as the Lessor or Foundation may request, and

shall provide such other data as either the Foundation or the Lessor requests that is reasonably necessary to verify that the Qualified Jobs created by the Company satisfy this Job Creation Requirement. Within thirty (30) days of the Effective Date, the Company shall give to the Foundation and the Lessor job data in form and substance sufficient to provide a base line for determining the fulfillment of the new Qualified Job requirement. The baseline shall be the number of employees of the Company at its Facility in Greenville, NC as of December 31, 2014.

15.2 *Verification.* The Company agrees to maintain full, accurate and verifiable records, supporting documents, and all other pertinent data reasonably necessary to verify whether it has satisfied its requirements contained in this Lease (the "Records"). The Company agrees to make the Records available to the Foundation and/or the Lessor and/or their agents, designees, or representatives, and agrees to allow the Foundation and/or the Lessor and/or their agents, designees, or representatives, to audit, examine, and copy the Records. Such examination of the Records shall take place at the Facility or at such other place to which the parties mutually agree. The Company may designate portions of the Records "Trade Secret" and confidential as permitted under North Carolina law, though such designation shall not limit access to such Records. The Records may be redacted to eliminate social security numbers of the Company's employees and other personal information regarding employees that is not reasonably necessary to determine the Company's compliance with its obligations under this Agreement. Access to the Records shall be allowed upon request at any time during normal business hours and as often as the Foundation and/or the Lessor and/or their agents, designees, or representatives, may reasonably deem necessary. In the event that the Company fails to provide access to the Records in accordance with this Section within thirty (30) days after the Lessor or the Foundation delivers written request to the Company for such access, the entity requesting access to the records shall be entitled to recover one hundred dollars (\$100.00) per day, beginning on the 31st day after such demand is received, until the Company provides access to the Records as required.

16. **COMPENSATION REQUIREMENT FOR FAILURE TO MEET ECONOMIC DEVELOPMENT PERFORMANCE OBLIGATIONS.** If the Company fails to meet the Economic Development Performance Obligation required under Section 15, it shall be obligated to pay to the Lessor an amount calculated as provided in this Section for such failure (the "Compensation Amount"). The Lessor and the Company shall use reasonable efforts to determine whether the Company has satisfied its Economic Development Performance Obligation no later than March 31, 2020.

16.1 *Formula.* For failure to meet the Economic Development Performance Obligation, the Compensation Amount is the product determined by multiplying the percentage the shortfall is of the unmet Economic Development Performance Obligation by the difference between (i) the interest that would have been earned on the Grant at 8% amortized over the term of the Lease and (ii) the interest that would have been earned on the Grant at the rate set forth in Section 7 of the Lease amortized over the Lease Term.

FOR EXAMPLE: Assume a 10% shortfall in job creation. Assume that the interest rate under Section 7 is ____% which would result in amortized interest of \$[_____] on \$[the grant amount] over the term of the lease. Interest at 8% on [the grant amount] over the term of ____ (__) year term of the Lease is \$[_____]. The difference between the two interest numbers is \$[_____]. Based upon these assumptions, the Compensation Amount would be calculated as follows:

$$10\% \times \$[\text{difference in interest}] = \$[\text{_____}] \text{ (the Compensation Amount)}$$

[We can delete this formula and simply plug in a per job penalty figure here once we have the final price quotes, term, and interest rate.]

16.2 *Payment of Compensation Amount.* The Compensation Amount will be paid to the Lessor in equal monthly installments sufficient to fully pay the Compensation Amount over the remainder of the term of the Lease. Such installments shall be due the same date as Rent is due, shall begin the month after the Compensation Amount is determined, and shall be considered additional Rent.

17. **ADDITIONAL OBLIGATIONS OF THE COMPANY.** In addition to the other obligations and duties of the Company under this Lease, the Company shall have the following obligations and duties:

17.1 *Cooperation.* To cooperate with the Lessor and the Foundation in implementing and carrying out the provisions of this Lease and the Grant Agreement and to comply with such reasonable requests the Lessor requires to enable and facilitate the Lessor's compliance with the Grant Agreement.

17.2 *Good Faith.* To act in good faith and to exercise reasonable diligence and promptness in fulfilling its duties and obligations hereunder.

17.3 *No Adverse Action.* To not knowingly take any action which would cause the Lessor to be in violation of the Grant Agreement.

17.4 *Compliance with Grant Agreement.* To comply with all terms and conditions of the Grant Agreement that relate to it in any way.

17.5 *Compliance with Laws.* To comply with all applicable laws, rules, regulations, OSHA safety requirement, insurance requirements, worker's compensation insurance requirements and other such legal requirements pertaining to the operation of its business.

17.6 *No Discrimination.* To not discriminate by reason of age, race, ethnicity, religion, color, sex, national origin, or handicap related to the operation of its business.

18. Intentionally Omitted.

19. NOTICE REQUIREMENTS. Unless otherwise provided herein, all notices and other communications which may be or are required to be given or made by any party to the other in connection herewith shall be in writing and shall be deemed to have been properly given and received on the date delivered in person or two days after being deposited in the United States mail, registered or certified, return receipt requested, to the addresses set out below, unless such address is changed by written notice to the other party:

IF TO LESSOR:
City of Greenville
Attn: City Manager
P.O. Box 7207
Greenville, NC 27835

IF TO LESSEE:
ArroGen, LLC
Attn: Manager
2305 Executive Circle
Greenville, NC 27834

ANY NOTICE GIVEN BY A PARTY TO ANOTHER SHALL ALSO BE COPIED TO THE GOLDEN L.E.A.F. FOUNDATION, INC. AS FOLLOWS:

The Golden L.E.A.F. (Long-term Economic Advancement Foundation), Inc.
Attn: To the President
301 N. Winstead Ave.
Rocky Mount, NC 27804

20. INDEMNIFICATION OF LESSOR. The Company agrees to indemnify the Lessor from any and all claims, demands, losses, causes of action, damages, lawsuits and judgments whatsoever, caused by or arising out of the Company's negligent acts or omissions, or willful misconduct which are, or may be, related in anyway to the Grant, this Lease or the Equipment.

21. ECONOMIC DEVELOPMENT INCENTIVE APPROPRIATION UPON FULFILLMENT OF LEASE, TRANSFER OF TITLE TO EQUIPMENT. Provided that the

Company is in full compliance with its obligations and duties under this Lease, has paid any Compensation Amounts owed, and that no uncured Default exists, upon the expiration of the Lease Term the Lessor will transfer to the Company title to the Equipment listed in Exhibit A upon the payment to the Lessor of the sum of ten percent (10%) of the aggregate purchase price and other sales related costs of the Equipment listed in Part Two of Exhibit A actually paid by the Lessor. If the Company does not purchase the Equipment at the conclusion of the Lease term, the Company shall deliver the Equipment to a location within Pitt County, North Carolina designated by the Lessor within thirty days of the end of the Lease Term.

22. MISCELLANEOUS PROVISIONS.

22.1 *No Assignment.* The Company may not assign its rights under this Lease without the express written consent of the Lessor and the Foundation.

22.2 *Governing Law, Venue.* This Lease shall be governed in accordance with the laws of the State of North Carolina. Exclusive venue for litigation of any dispute arising hereunder shall lie in the General Court of Justice, Superior Court Division, Pitt County, North Carolina.

22.3 *Amendments, Modification.* This Lease shall not be amended or modified except by a writing signed by the parties.

22.4 *Interpretation.* Each party has been represented by counsel. This Lease shall not be interpreted for or against a party on account of the drafting thereof.

22.5 *Complete Agreement.* This Lease constitutes the full and complete agreement of the parties pertaining to the subject matter and transactions contemplated herein.

22.6 *Survival of Representations and Indemnity.* The representations, and indemnification obligations of the Company shall survive the termination or expiration of this Lease.

22.7 *Binding Nature.* This Lease shall be binding upon the successors and assigns of the parties, though this provision shall not be interpreted as permission to the Company to assign its rights and duties under this Lease without the express written consent of the Lessor and the Foundation.

22.8 *Third Party Beneficiary.* The Foundation is an intended third party beneficiary of this Lease with the authority to enforce its provisions.

SIGNATURE PAGES FOLLOW

SIGNATURE PAGE FOR LESSOR

IN WITNESS WHEREOF, the City of Greenville, through its duly authorized officers, executes this Lease on the date set forth below.

CITY OF GREENVILLE

BY _____
Allen M. Thomas, Mayor

Date

Attest:
(SEAL)

Carol L. Barwick, City Clerk

APPROVED AS TO FORM:

BY: _____
David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION:

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

BY: _____
Bernita W. Demery, CPA, Director of Financial Services

Account Number _____

Project Code (if applicable) _____

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____ a Notary Public of said county and state, certify that Carol L. Barwick personally came 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, the foregoing instrument was signed in its name by its Mayor, sealed with the City Seal, and attested by herself as City Clerk.

Witness my hand and seal this the _____ day of _____, 2015.

Notary Public

My commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____, Notary Public in and for the aforesaid County and State, do hereby certify that _____, Manager of ArroGen, LLC., a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the limited liability company.

Witness my hand and seal this the _____ day of _____, 2015.

Notary Public

My commission expires: _____

SCHEDULE OF EXHIBITS

- Exhibit A - Equipment List
- Exhibit B - Grant Agreement
- Exhibit C - Lease Schedule

EXHIBIT A

Equipment	Manufacturer	Model and/or Part #
Mass Spectrometer	Bruker Daltonics Inc.	AutoFlex Speed MALDI-TOF Mass Spectrometer

Exhibit B: Grant Agreement

The Golden LEAF Foundation

REVISED GRANTEE ACKNOWLEDGMENT AND AGREEMENT

1. Grantee: City of Greenville
2. Project File Number & Title: FY2015-057 / Project Revere
3. Purpose of Grant: The purpose of this grant is to provide funding to the City of Greenville to purchase equipment that it will lease to ArroGen, LLC, which is headquartered in Greenville. ArroGen provides advanced forensic DNA technologies and expert consulting services to forensic laboratories, law enforcement, attorneys, and government agencies. It is also completing validation of a proprietary fingerprint analysis technology that will allow investigators to use molecular analysis of fingerprints to assess characteristics of individuals such as gender and whether they use illegal drugs. This new technology expands upon products that ArroGen's parent company already sells in European markets. ArroGen plans to add 80 new full time positions by the end of 2019. These new jobs will pay an average salary of \$61,000/year, plus benefits. Greenville will purchase laboratory equipment that it will lease to ArroGen to facilitate this expansion. The equipment will be leased at a rate that will require ArroGen to repay the value of the equipment, plus interest, over five years. Proceeds of the lease may be placed in a new Site Ready Program account and loaned to businesses and individuals to help prepare sites and buildings for sale to promote economic development in the City.
4. Amount of Grant: \$539,444.67; Amended amount: \$427,557.00
5. Award Date: 12/4/2014; REVISED 04-02-2015 Start Date: _____
6. Special Terms and Conditions Applicable to Grant:
 - a) The term of the grant is 12 months, commencing on the Start Date proposed by the Grantee and accepted by Golden LEAF or, if Grantee does not propose a Start Date, commencing on the Award Date. All project-related expenses must be incurred during the term of the grant.
 - b) Funds are to be used for permissible public purposes associated with acquiring equipment that will be leased to ArroGen, LLC (the "Company") at fair market value.
 - c) Release of funds is contingent on Golden LEAF's approval of the terms of the lease for the equipment.
 - d) Funds are contingent on the Company agreeing to create 80 new full-time jobs at its Greenville, NC facilities (above its baseline employment on December 31, 2014) no later than December 31, 2019, with an average annual wage of no less than \$61,000, plus benefits, which at a minimum must include one half of the costs of employee-only health insurance. The President of Golden LEAF may approve minor variations of this requirement.
 - e) Release of funds is contingent on the Company agreeing to allow the Grantee and Golden LEAF to verify the Company's job creation figures and wage rates and employee benefits by reviewing NCUI-101 forms submitted and through other means satisfactory to Golden LEAF.
 - f) The grant is contingent on the Grantee entering an agreement with the Company satisfactory to Golden LEAF providing appropriate consequences for the Company's failure to meet job creation commitments and limiting the ability of the Company to transfer the equipment purchased with Golden LEAF funds out of its Greenville, North Carolina facilities prior to completing obligations under the terms of the grant.
 - g) Any funds that the Grantee receives from the Company because of the Company's failure to satisfy its job creation obligations must be paid to Golden LEAF, plus a pro rata share of the amount of the

grant for each job not created; provided, however, that the Grantee shall not be required to repay Golden LEAF an amount in excess of payments received from the Company under the lease agreement(s).

- h) Grantee agrees that the proceeds from the lease(s) will be held in a special reserve account restricted to use for future economic development activities that meet charitable, educational, scientific or tax-exempt public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. Permissible purposes include establishing a loan fund to support a "Site Ready" program consistent with that described in the Grantee's application, provided that Golden LEAF has approved the loan fund policies and procedures, and the loan program satisfies the other requirements of this section. Proceeds from the lease may not be paid or otherwise transferred to the Company, its affiliates, or principals, or used to further support this project without prior agreement by Golden LEAF. Grantee agrees to provide Golden LEAF detailed information regarding the balance of the reserve account and the use of funds in the reserve account upon request.

7. Standard conditions on the release of grant funds:

- a) Release of grant funds is contingent on Grantee attending a Golden LEAF grants management workshop or satisfactory consultation with Golden LEAF staff to gain training in management of Golden LEAF grants and reporting requirements.
- b) For non-governmental grantees, release of funds is contingent on Grantee providing the Foundation with a copy of the Grantee's policy regarding conflicts of interest with evidence that the policy has been adopted by the Grantee's board of directors.
- c) Release of funds is contingent on Grantee returning a fully executed original of this Grantee Acknowledgment and Agreement no later than three months after the Award Date set forth in Section 5, above, unless the Foundation agrees to extend the deadline for its submission.
- d) Prior to the release of funds, Grantee must submit for approval by Golden LEAF a project management plan and project budget. Unless otherwise approved, the project management plan and budget must be submitted on Golden LEAF forms. The project management plan will identify key activities and milestones that are critical to successful implementation of the grant, persons responsible for implementing identified tasks, deadlines for each activity and milestone, and an overall project time line. It will also include an evaluation plan. In projects that involve job creation, workforce training and other work where outcomes are expected to be achieved after the grant term has ended, the project management plan may require the Grantee to report results and accomplishments to Golden LEAF for a period of at least 3 years beyond the grant term.
- e) If the Grantee fails to comply with its obligations under this Agreement, no further grant funds will be released unless such noncompliance is resolved to the satisfaction of Golden LEAF.

- 8. Confirmation of Eligibility/Permissible use of Funds: The Grantee confirms: (1) that the Internal Revenue Service has determined that the Grantee is an organization described in Section 501(c) (3) of the Internal Revenue Code of 1986, as amended, and that such determination has not been revoked, or (2) that the Grantee is a federal, state or local governmental unit. Grantee agrees to notify the Foundation promptly if the Grantee's tax-exempt status is revoked or modified in any way. It agrees that it will use the funds from this grant only for charitable, educational, or scientific purposes within the meaning of Section 501(c)(3) of the Code, and that it will not use the funds from this grant in any way that would result in or give rise to private inurement or impermissible private benefit. The Grantee agrees that no funds from this grant will be used to carry on propaganda or otherwise to attempt to influence legislation, to influence the outcome of any public election, or to carry on directly or indirectly any voter registration drive. The Grantee agrees that it will not use any of these grant funds to make any expenditure or grant that does not comply with the requirements of Section 4945(d)(3) or (4) of the Code or to undertake any activity for any purpose other than one specified in Section 170(c)(1) or Section 170(c)(2)(B) of the Code. Unless otherwise agreed by the Foundation in writing, no portion of the Grantee's rights or obligations under this Agreement may be transferred or assigned to any other entity.

9. Compliance with laws/liens: The Grantee is in material compliance with all federal, state, county, and local laws, regulations, and orders that are applicable to the Grantee, and the Grantee has timely filed with the proper governmental authorities all statements and reports required by the laws, regulations, and orders to which the Grantee is subject. There is no litigation, claim, action, suit, proceeding or governmental investigation pending against the Grantee, and there is no pending or (to the Grantee's knowledge) threatened litigation, claim, action, suit, proceeding or governmental investigation against the Grantee that could reasonably be expected to have a material adverse effect upon the Grantee's ability to carry out this grant in accordance with its terms. The Grantee has timely paid all judgments, claims, and federal, state, and local taxes payable by the Grantee the non-payment of which might result in a lien on any of the Grantee's assets or might otherwise adversely affect the Grantee's ability to carry out this grant in accordance with its terms.
10. Project and budget modification: The Grantee agrees to immediately notify the Foundation of anything that may materially affect the Grantee's ability to perform the project funded. **If the Grantee proposes to modify the budget, the objectives, or any other feature of the project funded, the Grantee shall not encumber or expend any funds from this grant for such purposes unless and until the Foundation has approved such proposed modifications in writing.** Moreover, no further payments shall be made to the Grantee in connection with the project funded unless and until the Foundation has approved such proposed modifications in writing.
11. Use of grant funds/rescission and termination of grants: The Grantee accepts and will retain full control of the disposition of funds awarded to the Grantee by the Foundation under this grant, and accepts and will retain full responsibility for compliance with the terms and conditions of the grant. Grant funds shall be utilized exclusively for the purposes set forth above. If the Grantee breaches any of the covenants or agreements contained in this Agreement, uses grant funds for purposes other than those set out above, or any of the representations and warranties made by the Grantee are untrue as to a material fact, the Grantee agrees to repay to the Foundation the full amount of this grant. Any condition, purpose, term or provision in the Foundation's resolution approving funding or in this Agreement shall take precedence over any conflicting provision in the Grantee's application.

The Grantee acknowledges receipt of the following policy regarding termination and rescission of grants, which is intended to supplement but not replace or limit the rights and remedies of the Foundation set forth elsewhere in this Agreement. The Grantee acknowledges that the Foundation may, from time to time, amend its policy regarding termination and rescission of grants, and the Grantee acknowledges that the Grantee will be subject to the policy as amended.

Policy Regarding Rescission and Termination of Grants. Rescission of a grant revokes the grant award. When funds have been disbursed to a Grantee by the Foundation and a grant is rescinded, the Grantee may be liable for repayment to the Foundation for an amount up to the total of grant funds received by the Grantee. Termination of a grant ends the grant on a going-forward basis, and the Grantee is responsible for repayment to the Foundation of only that portion of the grant funds that has been disbursed but not expended by the Grantee in accordance with the terms of the grant.

A grant may be rescinded or terminated at any time in the discretion of the Foundation for the Grantee's failure to comply with its obligations under this Agreement or if any of the Grantee's representations and warranties in this Agreement are or become untrue as to a material fact. Reasons for rescission or termination of a grant include but are not limited to the following:

- a. The Grantee has not signed and delivered to the Foundation the Grantee Acknowledgment and Agreement within three (3) months of the Award Date set out in Section 5, above.
- b. The Grantee has failed to complete the project within the grant term established by this Agreement or any extensions thereof.
- c. The Grantee's tax-exempt status has been modified or revoked.

- d. The Grantee is unable, or has failed or refused, to comply with a material term or condition of the grant.
- e. The Grantee has experienced a change in circumstances that is likely to have a material adverse effect upon the Grantee's ability to accomplish fully the purposes of the grant (e.g., loss of collateral funding, loss of key personnel, etc.).
- f. The Grantee has failed or refused to submit a report, statement, accounting or return required by this Agreement or applicable law.
- g. The Grantee has materially modified its budget for the project, and such material modification has not been approved by the Foundation.
- h. The Grantee commits a material violation of the Internal Revenue Code, or uses grant funds for some purpose not permitted by the Internal Revenue Code or for some purpose not contemplated by the grant.
- i. The Grantee breaches any of the covenants or agreements contained in this Grantee Acknowledgment and Agreement.
- j. The Grantee requests that the grant be rescinded or terminated.

It is anticipated that a grant will be rescinded in situations in which no grant funds have been disbursed. Where grant funds have been disbursed, it is anticipated that a grant will be rescinded in the case of more serious violations (including, without limitation, use of grant funds for some purpose not contemplated by the grant or in violation of the Internal Revenue Code, or upon other affirmative misconduct of the Grantee), and that termination of a grant will occur in the case of the less serious instances of non-compliance or where the circumstance giving rise to termination is not the result of misconduct of the Grantee.

If the Board of Directors of the Foundation determines that a grant should be rescinded or terminated, the Foundation will notify the Grantee of that decision. The Foundation may choose to notify the Grantee that the grant is subject to rescission or termination unless the Grantee remedies the noncompliance and establish deadlines or other limitations on the Grantee's opportunity to remedy the noncompliance. If the Foundation allows the Grantee the opportunity to correct the noncompliance, no further grant funds shall be advanced until the noncompliance is remedied.

12. Release of Funds: Unless otherwise agreed by the Foundation, up to twenty percent (20%) of funds may be released in advance after all conditions on the release of funds are satisfied. Funds may be released in additional advances of up to twenty percent (20%) of the grant amount upon receipt of evidence satisfactory to the Foundation that funds previously released have been properly expended and accounted for. Funds may instead be released on a reimbursement basis, in which case payments may be made in an amount equal to or up to eighty percent (80%) of the grant amount upon receipt of evidence satisfactory to the Foundation that funds have been properly expended and accounted for. Unless otherwise approved by the President of the Foundation, a sum equal to twenty percent (20%) of the total amount of the grant will be retained by the Foundation until the Grantee completes its obligations under this grant, including submission of a satisfactory final report on the project funded. This final twenty percent (20%) retained by the Foundation shall be paid to the Grantee on a reimbursement basis. If the grant is conditional or contingent, all conditions and contingencies must be met before any payment will be made. Sales and use taxes for which the Grantee will be reimbursed from the NC Department of Revenue are not eligible Golden LEAF expenses. Each request for payment shall be in writing and shall certify that the Grantee has performed in accordance with the terms and provisions of its Grantee Acknowledgment and Agreement, and that such Grantee is entitled under the terms of such Agreement to receive the amount so requested. Each request should be made to Mr. Dan Gerlach, President, The Golden LEAF Foundation, 301 N. Winstead Avenue, Rocky Mount, NC 27804. Payment should not be requested until the Grantee has need for actual expenditures of the funds. The Grantee should request payment at least thirty (30) days prior to its desired payment date.
13. Reporting: The Grantee agrees to submit a Progress Report to the Foundation biannually, to be received by the Foundation six months from the date of award and every six months thereafter. The Grantee agrees to submit a final Progress Report for receipt by the Foundation within sixty (60) days after the completion of all obligations for the project funded or the end date, whichever comes first. Report forms may be found on the Foundation's

website, www.goldenleaf.org. The Grantee will furnish additional or further reports if so requested by the Foundation on forms prescribed by the Foundation.

14. Records: The Grantee agrees to maintain full, accurate and verifiable financial records, supporting documents, and all other pertinent data for the project funded in such a manner so as to identify and document clearly the activities and outcomes of the project funded and the expenditure of Foundation funds. Financial records regarding the Foundation's grant shall be kept separate from accounts for other awards, monetary contributions, or other revenue sources for the project funded. The Grantee agrees to retain all financial and programmatic records, supporting documents, and all other pertinent records related to the project funded for a period of five (5) years from the end of the grant funding period. In the event such records are audited, all project records shall be retained beyond such five-year period until all audit findings have been resolved. The Grantee shall provide to the Foundation copies of all financial and other records requested by the Foundation and shall make available to the Foundation, or the Foundation's designated representative, all of the Grantee's records that relate to the project funded, and shall allow the Foundation or the Foundation's representative to audit, examine and copy any data, documents, proceedings, records and notes of activity relating to the project. Access to these records shall be allowed upon request at any time during normal business hours and as often as the Foundation or its representative may deem necessary. The Grantee may be subject to audit by the State Auditor.
15. This Section 15 is applicable if the following blank is marked: _____ Staff Initials & date: _____

Intellectual property/New Developments: In consideration of its receipt of funds granted by the Foundation, the Grantee agrees that during the course of the project funded by the grant, the Grantee, and any recipient of grant funds, will promptly disclose to the Foundation any improvements, inventions, developments, discoveries, innovations, systems, techniques, ideas, processes, programs, and other things, whether patentable or unpatentable, that result from any work performed by or for the Grantee in connection with the project funded, or by individuals whose work is funded by the grant (the "New Developments"). If the Grantee provides to the Foundation a copy of any Invention Disclosure Reports it receives from Grantee employees that report making inventions under this Agreement, then the Grantee will be deemed to have satisfied the disclosure requirement in the preceding sentence.

The Grantee agrees that it, and any recipient of grant funds, shall take all reasonably appropriate actions to assure that the New Developments shall be and remain the sole and exclusive property of the Grantee. In the event that the interests of the public would be served by commercialization of the New Developments, the Grantee agrees to use its best reasonable efforts to pursue the commercialization of any such New Developments in a manner that will serve the interests of the public, including but not limited to the transfer, assignment or licensing of such New Developments; provided, however, that the Grantee, and any recipient of grant funds, shall not transfer, assign or license such New Developments in part or in whole without first having obtained the written consent of the Foundation.

Any revenue generated as a result of transferring, assigning, or licensing New Developments will be managed by the Grantee in accordance with its published patent, copyright and technology transfer procedures, if any, and in the absence of such procedures such revenue will be managed by the Grantee in accordance with procedures approved by the Foundation. Such procedures typically will prioritize the distribution of revenues to insure that the Grantee first honors its obligation to its inventors and then to cover its own out-of-pocket expenses as necessary to protect its intellectual property.

The Grantee and Foundation further agree that should there be any revenue generated greater than that necessary to meet the obligations of the preceding paragraph ("Net Revenue"), the Net Revenue shall be managed by the Grantee as follows:

- a) 15% of the Net Revenue will be retained by the Grantee as a fee for the management and distribution of funds as required under this Agreement.
- b) 30% of the remaining Net Revenue will be paid to the Foundation.
- c) 70% of the remaining Net Revenue will be retained by the Grantee and used in accordance with the procedures referenced in the preceding paragraph above.

The Grantee's obligations pursuant to this Section will continue beyond the expiration of the funding period.

- 16. Independent entity: The Grantee acknowledges and agrees that the Grantee is an entity independent from the Foundation, is not an agent of the Foundation, and is not authorized to bind the Foundation to any agreement of payment for goods or services. The Grantee is responsible for payment of all its expenses, including rent, office expenses and all forms of compensation to employees. It shall provide workers compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees. All expenses incurred by the Grantee are the sole responsibility of the Grantee, and the Foundation shall not be liable for the payment of any obligations incurred in the performance of the project funded.
- 17. Non-discrimination: The Grantee shall not discriminate by reason of age, race, ethnicity, religion, color, sex, national origin, or handicap related to the activities of a project funded by the Foundation.
- 18. Publicity: All publicity and printed materials regarding projects or activities supported in whole or in part by this grant should contain the following language: **“This project received support from The Golden LEAF Foundation.”** The Golden LEAF logo is to be displayed in all of the Grantee’s publicity and printed materials relating to this grant. Please contact Jenny Tinklepaugh (jtinklepaugh@goldenleaf.org) for digital versions of the logo.
- 19. Authority to execute: The individual signing below certifies his or her authority to execute this Agreement on behalf of the Grantee. By executing this Agreement, the Grantee, to induce the Foundation to make this grant, makes each of the representations set forth hereinabove and certifies that each of such representations is true, accurate and complete as of the date hereof.

IN WITNESS WHEREOF, the Grantee has executed this Agreement this ___ day of _____, 20__.

Name of Grantee Organization (print): _____

Signature: _____

Name of Person Signing (print): _____

Title of Person Signing (print): _____

Date: _____

Exhibit C - ArroGen, LLC
COG-#1003050-v2-Project_Revere_lease_schedule1
10 percent residual

Total Cost of Equipment	\$ 427,557.00
Total Amount to Finance	\$ 384,801.30
Lease Term (months)	60
Annual Rate	1.85%
Monthly Payment	\$6,719.48
Total Payments	\$403,169.02
Residual (20%)	\$ 42,755.70

Amortization Shedule

	Beg Balance	Interest	Payment	End Balance
Month 1	\$ 384,801.30	\$ 593.24	\$6,719.48	\$ 378,675.05
Month 2	\$ 378,675.05	\$ 583.79	\$ 6,719.48	\$ 372,539.36
Month 3	\$ 372,539.36	\$ 574.33	\$ 6,719.48	\$ 366,394.21
Month 4	\$ 366,394.21	\$ 564.86	\$ 6,719.48	\$ 360,239.58
Month 5	\$ 360,239.58	\$ 555.37	\$ 6,719.48	\$ 354,075.47
Month 6	\$ 354,075.47	\$ 545.87	\$ 6,719.48	\$ 347,901.85
Month 7	\$ 347,901.85	\$ 536.35	\$ 6,719.48	\$ 341,718.71
Month 8	\$ 341,718.71	\$ 526.82	\$ 6,719.48	\$ 335,526.05
Month 9	\$ 335,526.05	\$ 517.27	\$ 6,719.48	\$ 329,323.83
Month 10	\$ 329,323.83	\$ 507.71	\$ 6,719.48	\$ 323,112.06
Month 11	\$ 323,112.06	\$ 498.13	\$ 6,719.48	\$ 316,890.70
Month 12	\$ 316,890.70	\$ 488.54	\$ 6,719.48	\$ 310,659.76
Month 13	\$ 310,659.76	\$ 478.93	\$ 6,719.48	\$ 304,419.21
Month 14	\$ 304,419.21	\$ 469.31	\$ 6,719.48	\$ 298,169.04
Month 15	\$ 298,169.04	\$ 459.68	\$ 6,719.48	\$ 291,909.23
Month 16	\$ 291,909.23	\$ 450.03	\$ 6,719.48	\$ 285,639.78
Month 17	\$ 285,639.78	\$ 440.36	\$ 6,719.48	\$ 279,360.65
Month 18	\$ 279,360.65	\$ 430.68	\$ 6,719.48	\$ 273,071.85
Month 19	\$ 273,071.85	\$ 420.99	\$ 6,719.48	\$ 266,773.35
Month 20	\$ 266,773.35	\$ 411.28	\$ 6,719.48	\$ 260,465.14
Month 21	\$ 260,465.14	\$ 401.55	\$ 6,719.48	\$ 254,147.21
Month 22	\$ 254,147.21	\$ 391.81	\$ 6,719.48	\$ 247,819.54
Month 23	\$ 247,819.54	\$ 382.06	\$ 6,719.48	\$ 241,482.11
Month 24	\$ 241,482.11	\$ 372.28	\$ 6,719.48	\$ 235,134.91
Month 25	\$ 235,134.91	\$ 362.50	\$ 6,719.48	\$ 228,777.93
Month 26	\$ 228,777.93	\$ 352.70	\$ 6,719.48	\$ 222,411.14
Month 27	\$ 222,411.14	\$ 342.88	\$ 6,719.48	\$ 216,034.54
Month 28	\$ 216,034.54	\$ 333.05	\$ 6,719.48	\$ 209,648.11
Month 29	\$ 209,648.11	\$ 323.21	\$ 6,719.48	\$ 203,251.83
Month 30	\$ 203,251.83	\$ 313.35	\$ 6,719.48	\$ 196,845.70

Exhibit C - ArroGen, LLC
COG-#1003050-v2-Project_Revere_lease_schedule1
10 percent residual

Month 31	\$ 196,845.70	\$	303.47	\$ 6,719.48	\$ 190,429.68
Month 32	\$ 190,429.68	\$	293.58	\$ 6,719.48	\$ 184,003.78
Month 33	\$ 184,003.78	\$	283.67	\$ 6,719.48	\$ 177,567.97
Month 34	\$ 177,567.97	\$	273.75	\$ 6,719.48	\$ 171,122.24
Month 35	\$ 171,122.24	\$	263.81	\$ 6,719.48	\$ 164,666.57
Month 36	\$ 164,666.57	\$	253.86	\$ 6,719.48	\$ 158,200.94
Month 37	\$ 158,200.94	\$	243.89	\$ 6,719.48	\$ 151,725.35
Month 38	\$ 151,725.35	\$	233.91	\$ 6,719.48	\$ 145,239.78
Month 39	\$ 145,239.78	\$	223.91	\$ 6,719.48	\$ 138,744.21
Month 40	\$ 138,744.21	\$	213.90	\$ 6,719.48	\$ 132,238.62
Month 41	\$ 132,238.62	\$	203.87	\$ 6,719.48	\$ 125,723.00
Month 42	\$ 125,723.00	\$	193.82	\$ 6,719.48	\$ 119,197.34
Month 43	\$ 119,197.34	\$	183.76	\$ 6,719.48	\$ 112,661.62
Month 44	\$ 112,661.62	\$	173.69	\$ 6,719.48	\$ 106,115.82
Month 45	\$ 106,115.82	\$	163.60	\$ 6,719.48	\$ 99,559.94
Month 46	\$ 99,559.94	\$	153.49	\$ 6,719.48	\$ 92,993.94
Month 47	\$ 92,993.94	\$	143.37	\$ 6,719.48	\$ 86,417.82
Month 48	\$ 86,417.82	\$	133.23	\$ 6,719.48	\$ 79,831.57
Month 49	\$ 79,831.57	\$	123.07	\$ 6,719.48	\$ 73,235.16
Month 50	\$ 73,235.16	\$	112.90	\$ 6,719.48	\$ 66,628.58
Month 51	\$ 66,628.58	\$	102.72	\$ 6,719.48	\$ 60,011.81
Month 52	\$ 60,011.81	\$	92.52	\$ 6,719.48	\$ 53,384.85
Month 53	\$ 53,384.85	\$	82.30	\$ 6,719.48	\$ 46,747.66
Month 54	\$ 46,747.66	\$	72.07	\$ 6,719.48	\$ 40,100.25
Month 55	\$ 40,100.25	\$	61.82	\$ 6,719.48	\$ 33,442.59
Month 56	\$ 33,442.59	\$	51.56	\$ 6,719.48	\$ 26,774.66
Month 57	\$ 26,774.66	\$	41.28	\$ 6,719.48	\$ 20,096.46
Month 58	\$ 20,096.46	\$	30.98	\$ 6,719.48	\$ 13,407.95
Month 59	\$ 13,407.95	\$	20.67	\$ 6,719.48	\$ 6,709.14
Month 60	\$ 6,709.14	\$	10.34	\$ 6,719.48	\$ 0.00



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Resolution authorizing an application to the Federal Transit Administration (FTA) for a Section 5307 grant for federal operating and capital assistance for Greenville Area Transit (GREAT) for fiscal year 2015-2016

Explanation: **Abstract:** Each year, the City relies upon FTA funding to help support the operating and capital needs of the Greenville Area Transit (GREAT) system. Obtaining this funding requires the action recommended herein.

Explanation: Attached for City Council consideration is a resolution authorizing the filing and execution of a federal grant application for operating and capital funds designated for the City of Greenville to assist with the operations of the Greenville Area Transit (GREAT) system. The grant funding supports transit systems that are open to the public in areas with populations between 50,000 and 200,000. The federal funds are available to reimburse the City for 50% of the operating deficit and 80% of the preventive maintenance, ADA, and capital expenditures.

The City Council has previously authorized the City Manager to file and execute all Section 5307 grant applications. Once City Council adopts the attached resolution, the City Manager will file and execute the application.

Fiscal Note: Currently, the FTA is authorized to apportion only two-thirds of its formula funding. This equates to an allocation of \$1,127,674 for the City of Greenville. When the remaining one-third is apportioned by the FTA, the total amount of the allocation is expected to increase to \$1,691,511. Maximum matching funds are estimated at \$614,545 and are already included in the fiscal year 2015-2016 budget.

Recommendation: Conduct a public hearing to receive comments on the proposed grant application and adopt the attached resolution approving the grant request and authorizing the filing and execution of the application for these federal funds.

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

Attachments / click to download

 [FY_16_CC_FTA_Grant_Resolution_1000473](#)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE
FEDERAL TRANSIT ADMINISTRATION FOR A SECTION 5307 FEDERAL GRANT
FOR OPERATING AND CAPITAL ASSISTANCE FOR GREENVILLE AREA TRANSIT

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision by the Applicant of the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project.

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

1. That the City Manager is authorized to execute and file applications on behalf of the City of Greenville with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing of planning, capital, and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, and other Federal and State Statutes authorizing a project administered by the Federal Transit Administration and/or the North Carolina Department of Transportation.
2. That the City Manager is authorized to execute and file the Annual Certifications and Assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That the City Manager is authorized to submit additional information as the Federal Transit Administration or the North Carolina Department of Transportation may require in connection with the application or project.
4. That the City Manager is authorized to set forth and execute affirmative minority business policies in connection with the project.

5. That the City Manager is authorized to execute grant and cooperative agreements with the Federal Transit Administration and the North Carolina Department of Transportation on behalf of the City of Greenville.

ADOPTED this the 14th day of May, 2015.

Allen M. Thomas, Mayor

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Greenville, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Greenville City Council on May 14, 2015.

Carol L. Barwick, City Clerk

Date

SEAL



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Presentation of the proposed Fiscal Year 2015-2016 operating budget for the following entities:

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

Explanation: **Abstract:** The staff from Pitt-Greenville Convention and Visitors Authority, Sheppard Memorial Library, and Greenville Utilities Commission will present their proposed fiscal year 2015-2016 operating budgets.


Explanation: During the May 14, 2015, City Council meeting, representatives from the Pitt-Greenville Convention and Visitors Authority, Sheppard Memorial Library, and Greenville Utilities Commission will present their proposed fiscal year 2015-2016 operating budget.

In compliance with Section 160A-148(5) of the North Carolina General Statutes, the City Council will hold a public hearing on Monday, June 8, and consider adopting the annual budget ordinance on Thursday, June 11.

Fiscal Note: The final amount for the City's budget will be determined by City Council action at the June 11, 2015, City Council meeting.

Recommendation: Receive the presentation on the proposed fiscal year 2016 operating budget, and provide feedback and direction.

Attachments / click to download

 [CVB_SML_GUC_Budget_FY_2016_1003177](#)

GREENVILLE-PITT COUNTY
CONVENTION & VISITORS BUREAU

April 28, 2015

Dear Mayor, Mayor Pro-Tem and Members of City Council:

The Convention & Visitors Authority, in conjunction with its hospitality partners, continues to strive to make Greenville a competitive hospitality destination throughout the state of North Carolina. Over the past several years a great deal of progress has been made toward this goal as Pitt County now ranks 21st among North Carolina's 100 counties in tourism related expenditures and economic impact. The CVA board has developed a number of strategic goals and objectives and the amended budget supports expenditures to achieve these defined goals.

The cornerstone of the 2015-2016 CVA budget is centered on marketing Greenville and Pitt County. The hiring of an additional sales manager is allowing our marketing team to penetrate deeper into existing markets, engage in sports marketing and establish a small market meetings program which is essential for our limited services properties. Additional expenditures in marketing will also allow the CVB to support the Greenville Convention Center expansion and continue to develop a leisure market. All CVA staff will take a role in developing Greenville and Pitt County as a community that has all of the necessary tourism components to become a top tier destination in North Carolina.

The second year of our two year budget cycle has been amended to reflect the increase in occupancy tax collections over projected revenues for 2015-2016. Our amended budget is conservatively based off a 6% increase in the occupancy tax revenue versus the 2.5 projected increase in revenue at this time last year. Currently, occupancy tax collections are 10.5% higher as compared to this time last year. The amended budget shows an increase of expenditures in the areas of advertising, travel, personnel, membership dues and contracted services. We have decreased our printing line item as we strive to reduce our impact on the environment as well as our tourism project line item now that our website re-design has been completed.

This proposed budget has been approved by our CVA executive committee, our full CVA board and is ready for consideration by the Greenville City Council. The CVA appreciates the continual support of Council and looks forward to working with each member to make Greenville a preferred destination for events and leisure.

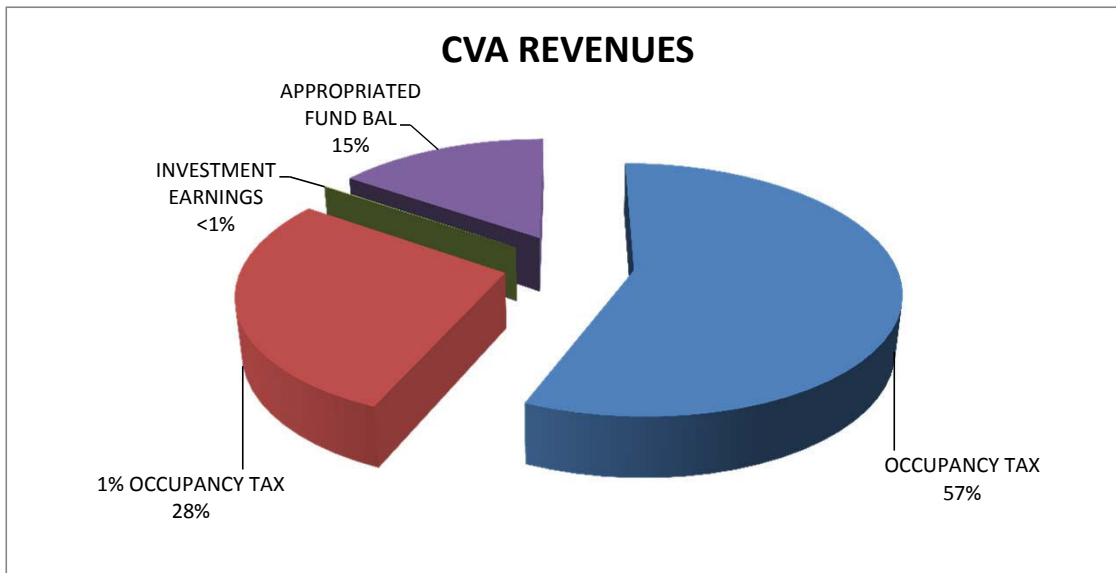
Sincerely,



Andrew D. Schmidt, CHME, MPA
Executive Director

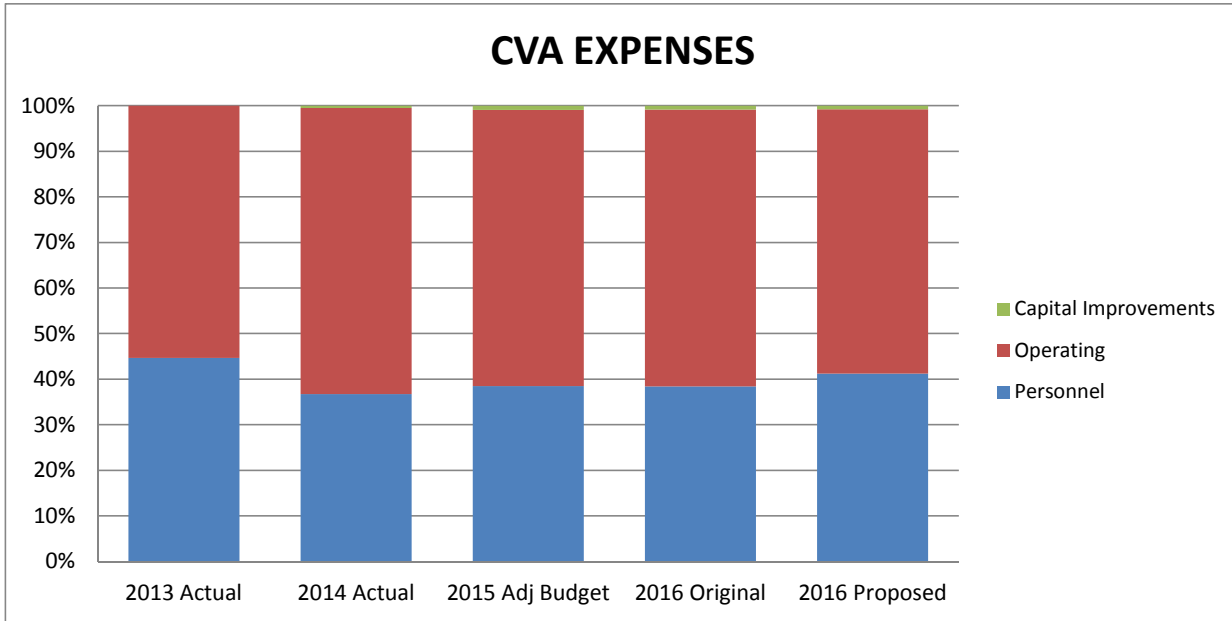
**CITY OF GREENVILLE
BUDGET PROPOSAL FOR CONVENTION & VISITORS BUREAU (CVB) REVENUES
FOR FISCAL YEAR 2016**

	2013 Actual	2014 Actual	2015 Adj. Budget	2016 Original	2016 PROPOSED	Adj.
Revenues:						
OCCUPANCY TAX	\$ 537,889	\$ 563,187	\$ 556,100	\$ 566,150	\$ 590,000	\$ 23,850
1% OCCUPANCY TAX	266,724	281,593	273,900	278,850	295,000	16,150
INVESTMENT EARNINGS	-	-	1,200	1,200	1,200	-
APPROPRIATED FUND BAL	-	-	98,607	112,710	160,640	47,930
TOTAL CVB REVENUES	\$ 804,613	\$ 844,780	\$ 929,807	\$ 958,910	\$ 1,046,840	\$ 87,930



CITY OF GREENVILLE
BUDGET PROPOSAL FOR CONVENTION & VISITORS BUREAU (CVB) REVENUES
FOR FISCAL YEAR 2016

	2013 Actual	2014 Actual	2015 Adj. Budget	2016 Original	2016 PROPOSED	Adj.
Expenses:						
SALARIEIS-PERMANENT	\$ 263,951	\$ 214,992	\$ 256,971	\$ 262,112	\$ 320,881	\$ 58,769
SALARIES-PART-TIME	13,339	9,982	-	-	-	-
CAR ALLOWANCE	3,750	1,650	3,600	3,600	3,900	300
FICA EXPENSE	17,992	16,854	20,570	22,070	23,832	1,763
GROUP LIFE	582	563	701	751	832	81
RETIREMENT	15,463	15,200	17,989	18,349	22,026	3,677
HEALTH INSURANCE	37,896	36,693	48,781	52,684	53,490	806
WORKERS COMP	-	-	5,135	5,135	2,000	(3,135)
UNEMPLOYMENT COMP	-	714	-	-	500	500
401K REGULAR EMP	4,160	3,994	4,160	4,160	4,680	520
DENTAL	-	-	-	-	-	-
*PERSONNEL	\$ 357,134	\$ 300,643	\$ 357,907	\$ 368,860	\$ 432,141	\$ 63,280
PRINTING	\$ 10,690	\$ 22,601	\$ 28,000	\$ 25,000	\$ 20,000	\$ (5,000)
TRAVEL/MARKETING	21,428	21,448	30,000	30,000	38,000	8,000
MAINTENANCE & REPAIR	1,492	1,438	3,000	3,000	3,000	-
SUPPLIES & MATERIALS	4,607	9,909	9,000	9,000	9,000	-
CONTRACTED SERVICES	23,820	21,022	30,000	31,000	36,000	5,000
COST OF COLLECTION	9,883	12,672	12,800	13,000	15,000	2,000
DUES/SUBSCRIPTIONS	3,769	6,784	7,500	7,500	11,000	3,500
ADVERTISING	84,918	103,354	82,000	82,000	90,000	8,000
POSTAGE	3,252	1,690	4,000	4,000	4,000	-
TELEPHONE	3,569	5,976	4,000	4,000	4,000	-
UTILITIES/RENT	6,162	9,063	35,000	50,000	45,000	(5,000)
GENERAL INSURANCE LIAB.	1,200	945	1,200	1,200	1,200	-
DIR./OFFICERS LIAB. INS.	-	\$ -	1,500	1,500	1,500	-
CONTINGENCY	-	3,093	4,000	4,000	4,000	-
CONVENTION CTR MARKETING	266,790	273,567	273,900	278,850	295,000	16,150
CONVENTION PROJECTS	-	1,509	8,000	8,000	8,000	-
TOURISM PROJECTS	-	17,855	30,000	30,000	22,000	(8,000)
*OPERATING	\$ 441,578	\$ 512,924	\$ 563,900	\$ 582,050	\$ 606,700	\$ 24,650
*CAP PROJ/EQUIPMENT	-	\$ 3,679	\$ 8,000	\$ 8,000	\$ 8,000	\$ -
TOTAL CVB EXPENSES	\$ 798,712	\$ 817,246	\$ 929,807	\$ 958,910	\$ 1,046,841	\$ 87,930



	2013 Actual	2014 Actual	2015 Adj Budget	2016 Original	2016 Proposed
Personnel	357,134	300,643	357,907	368,860	432,141
Operating	441,578	512,924	563,900	582,050	606,700
Capital Improvements	-	3,679	8,000	8,000	8,000

April 13, 2015

To: Barbara Lipscomb, City Manager
 Richard Hicks, Interim Assistant City Manager
 Bernita Demery, Director of Financial Services

From: Greg Needham, Director of Libraries

RE: 2015-2016 Sheppard Memorial Library Budget Request

Attached is the 2015-2016 updated budget request to the City of Greenville for the public library system.

This budget represents the operating costs for the main library, four branch libraries, and the Pitt County Bookmobile for the upcoming fiscal year, and has been updated from the original financial plan requested in the two-year budget cycle to reflect a proposed 2% market adjustment, plus \$31,808 to implement the recommendations resulting from the five-year pay study.

Sheppard Memorial Library requests \$1,162,192 from the City of Greenville and \$581,096 from Pitt County, which follows the 2/3 City to 1/3 County funding ratio that has been the goal since the 1960's. This request is the same amount requested in the original financial plan.

Anticipated revenue from State Aid is set at the level recommended by the state of North Carolina.

The amount of funding needed to operate the Bethel and Winterville branch libraries is reflected in the revenues requested from each municipality, plus a request from Pitt County.

No capital funds are requested in this budget.

Operating expenditures have been reduced to offset the needed additional personnel expenses. Expenditures that have been reduced include utilities, postage, books/bindery, supplies, and travel.

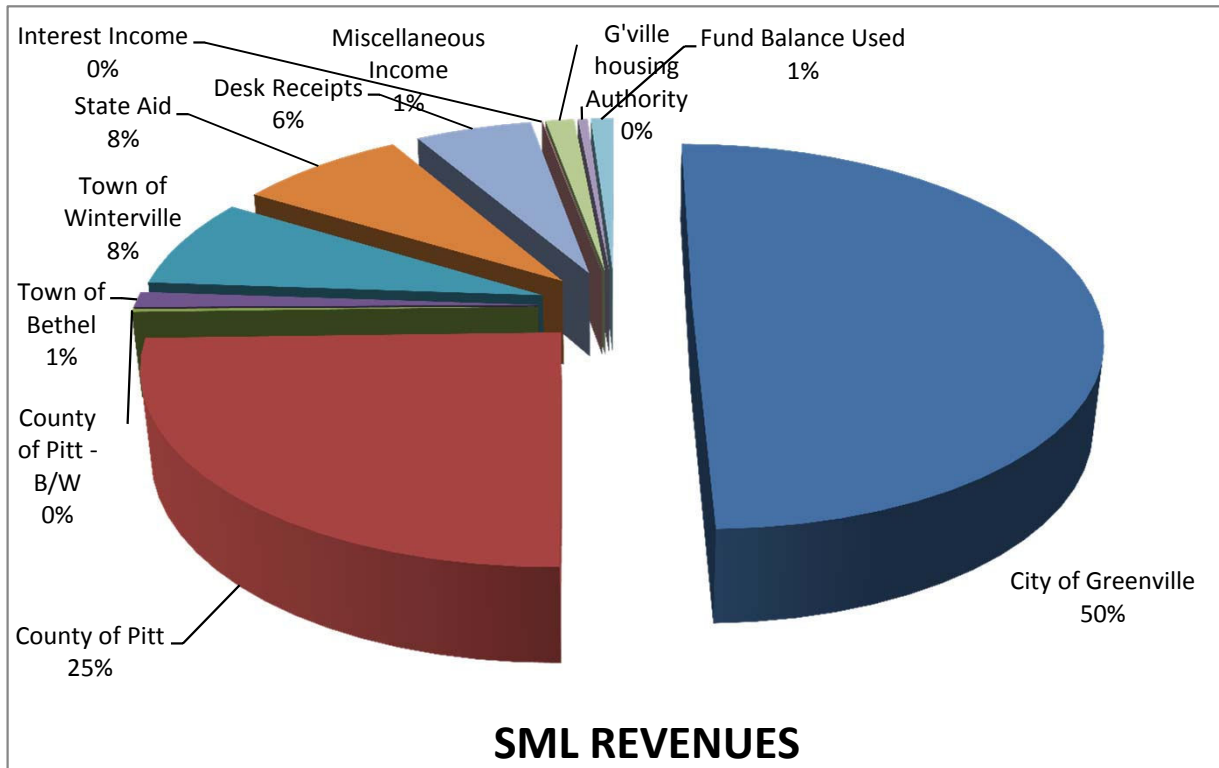
Looking to the future, Pitt County is reserving \$50,000 in fiscal 2015-2016 and \$50,000 in fiscal 2016-2017 toward replacing the Pitt County Bookmobile.

I appreciate the opportunity to submit the updated 2015-2016 budget request to the City of Greenville, and I will be glad to answer any budget related questions you may have.

Thank you for your consideration!

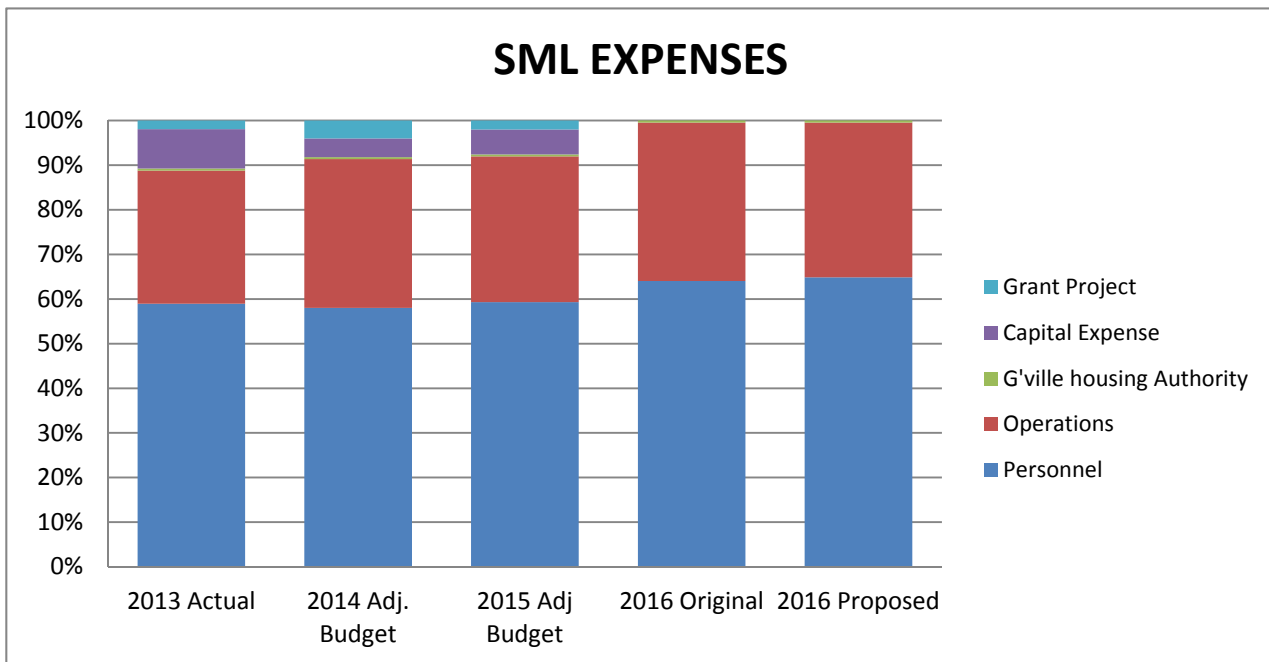
CITY OF GREENVILLE
BUDGET PROPOSAL FOR SHEPPARD MEMORIAL LIBRARY (SML) REVENUES
FOR FISCAL YEAR 2016

	<u>2013</u> <u>Actual</u>	<u>2014</u> <u>Adj. Budget</u>	<u>2015</u> <u>Adj. Budget</u>	<u>2016</u> <u>Original</u>	<u>2016</u> <u>PROPOSED</u>
Revenues:					
City of Greenville	\$ 1,060,182	\$ 1,086,686	\$ 1,140,440	\$ 1,162,192	\$ 1,162,192
County of Pitt	535,681	543,343	570,220	581,096	581,096
County of Pitt - B/W	5,704	6,000	6,229	6,291	6,291
Town of Bethel	29,000	29,000	30,015	30,315	30,315
Town of Winterville	157,437	161,620	171,423	177,423	177,423
State Aid	183,039	184,113	184,113	184,113	184,113
Desk Receipts	126,066	121,008	127,500	128,775	128,775
Interest Income	1,322	1,000	1,000	1,000	1,000
Miscellaneous Income	42,897	32,500	31,000	31,620	31,620
G'ville housing Authority	10,692	10,692	10,692	10,692	10,692
Federal Grants	45,000	100,000	50,000	-	-
Capital - City Funded	49,999	62,800	108,334	-	-
Capital - County Funded	-	-	31,666	-	-
Fund Balance Used	-	165,068	36,117	24,707	24,707
TOTAL SML REVENUES	\$ 2,247,019	\$ 2,503,830	\$ 2,498,749	\$ 2,338,224	\$ 2,338,224



CITY OF GREENVILLE
BUDGET PROPOSAL FOR SHEPPARD MEMORIAL LIBRARY (SML) EXPENSES
FOR FISCAL YEAR 2016

	2013 <u>Actual</u>	2014 <u>Adj. Budget</u>	2015 <u>Adj. Budget</u>	2016 <u>Original</u>	2016 <u>PROPOSED</u>	<u>Adj.</u>
<u>Expenses:</u>						
Personnel	\$ 1,385,901	\$ 1,452,658	\$ 1,481,811	\$ 1,497,518	\$ 1,516,390	\$ 18,872
Operations	702,186	835,148	816,246	830,014	811,142	(18,872)
G'ville housing Authority	10,307	10,692	10,692	10,692	10,692	-
Capital Expense	208,065	105,332	140,000	-	-	-
Grant Project	45,000	100,000	50,000	-	-	-
TOTAL SML REVENUES	<u>\$ 2,351,459</u>	<u>\$ 2,503,830</u>	<u>\$ 2,498,749</u>	<u>\$ 2,338,224</u>	<u>\$ 2,338,224</u>	<u>\$ -</u>





Greenville Utilities Commission
Greenville City Council
Customers of Greenville Utilities

Ladies and Gentlemen:

The FY 2015-16 Budget reflects the combined efforts of the Management Team, employees, and the guidance of the Board of Commissioners. Budgetary requests have been reviewed with a focus on sound business practices, customer expectations, and system reliability. In balancing the budget, key areas such as infrastructure needs, rising operational costs, staffing requirements and long-term sustainability with fiscal responsibility were also taken into consideration.

Using GUC's strategic plan as a guide, this budget has been prepared to ensure the long-term success of our mission to provide safe and reliable utility services at the lowest reasonable costs, with exceptional customer service.

GUC's financial budget goals focus on several key metrics including end-of-year performance, debt service coverages, and fund balances. The long-term sustainability of each fund is also taken into consideration to ensure that GUC is poised to continue to meet its mission and future financial challenges.

Guiding all budgetary decisions is GUC's commitment to provide exceptional service while maintaining a viable financial position. In monitoring our strategic plan, GUC utilizes Key Performance Indicators at the corporate level on a consistent and routine basis. To that end, GUC's budget goals are designed to achieve the following:

- Meet customer needs
- Provide reliable utility services at the lowest reasonable cost
- Position GUC to achieve greater efficiencies
- Continue to meet and/or exceed regulatory requirements
- Preserve bond ratings
- Minimize rate increases
- Avoid future rate shock
- Ensure financial viability of each fund
- Prepare for emergency situations
- Prepare for regional opportunities

PO Box 1847
Greenville, NC
27835-1847
252 752-7166
www.guc.com

*Your Local
Advantage*

The balancing process for the budget addressed several areas, including the review and analysis of the following:

- All four funds will be self-supporting in order to meet future financial challenges as individual funds on a sustained basis
- Continued investment in infrastructure
- Additional debt service requirements
- Appropriate timing of expenditures for capital projects
- Revenues
- Personnel and staffing
- Cost saving opportunities
- Updating financial models while being cognizant of any rate adjustments that were proposed last year for the upcoming fiscal year

Highlights of the FY 2015-16 operating budget are listed below:

- Expenditures budgeted for FY 2015-16 have increased by 5.7% or \$15.5M when compared to the FY 2014-15 adopted budget. Key drivers are:
 - \$11.75M in transfers to Capital Projects
 - \$10.25M appropriated fund balance
 - \$1.5M generated from operations
 - \$6.1M in operations from increases in personnel costs and contractual services
 - \$0.6M in capital outlay
- No rate adjustment for the Electric Fund although 2% was projected last year
 - The proposed FY 2015-16 budget for the Electric Fund has been developed based on the status quo (i.e. no sale of North Carolina Eastern Municipal Power Agency's (NCEMPA) assets to Duke Energy Progress (DEP)
 - Wholesale power cost increases have been incorporated into the electric rate modeling based on status quo projections provided by NCEMPA
- Electric Fees – Second year of phased-in adjustments in electric fees
 - Implementation of phased-in adjustments of electric fees related to outdoor lighting installation, temporary services, and installation of permanent underground services will continue as planned
- No rate adjustment for the Gas Fund (other than purchased gas adjustments as needed)
- A 5.5% recommended rate adjustment for the Water Fund effective July 1, 2015, which is 2% lower than last year's projection of 7.5%
- A 6.5% recommended rate adjustment for the Sewer Fund effective July 1, 2015, which is 2% lower than last year's projection of 8.5%
- Funding for the employee market adjustment at 0.5% or approximately \$125,000 effective July 1, 2015

- Funding for the employee merit program at 1.5% or approximately \$374,000
- Funding to address compression issues, \$125,000
- Funding for succession planning, \$50,000
- Continuation of dual option self-insured health insurance plan
- Continuation of self-insured dental insurance plan
- Funding to bring replacements on board prior to the retirement of key personnel in order to facilitate succession planning, leverage the knowledge and experience of long-term employees for training on critical issues and ensure smooth transitions
- Existing positions have been reallocated and eleven permanent positions have been added to appropriately respond to needs within the combined enterprise operation
- Six temporary intern positions
- Prefunding for Other Post-Employment Benefits (OPEB) has been increased by \$50,000, bringing the total amount for prefunding to \$450,000
- Investment of \$7.6M for capital outlay in order to maintain system reliability and comply with regulatory requirements in the combined enterprise operation
- Funding for energy conservation program
- Annual turnover or transfer of \$6,500,000 to the City of Greenville in accordance with the Charter issued by the North Carolina General Assembly

Highlights of the FY 2015-16 capital budget are listed below:

- GUC continues to make investments in capital projects to maintain reliability, meet ongoing regulatory requirements, and remain strategically positioned to facilitate growth. To that end, GUC will be establishing capital projects totaling \$9.8M.

Sale of Power Generating Assets to Duke Energy Progress (DEP):

Greenville Utilities is a member of the North Carolina Eastern Municipal Power Agency (NCEMPA) and has a sixteen percent (16%) interest in the Agency's power generating assets. During the last eighteen months Greenville Utilities has been working collaboratively with NCEMPA in successfully negotiating the sale of the NCEMPA's power generating assets to Duke Energy Progress (DEP). The current budget does not reflect the sale as it is anticipated that the sale will not be finalized by the beginning of the new fiscal year. However once the sale has been completed, Greenville Utilities has developed a strategy and we are poised to pass the savings to our customers and stabilize rates in the near term. After the sale, the typical residential customer will see a seven percent (7%) reduction in their electric bill and, based on the most current

economic analyses and energy price forecasts, we anticipate that the electric rates will remain stable for the next five years. We are pleased that we were able to successfully negotiate the sale, reduce rates for our customers, become better positioned to take advantage of economic development opportunities, and improve the quality of life for the region. During the upcoming fiscal year the budget will be amended to reflect the completion of the sale and reduction in rates.

SUMMARY

The FY 2015-16 balanced budget controls costs while continuing to provide the high level of service our customers expect. The budget is balanced and it includes key components to position GUC for long-term sustainability and growth. By focusing on business fundamentals, this budget helps establish the foundation for providing safe and reliable service at the lowest reasonable costs to GUC's customers for the future.



Anthony C. Cannon
General Manager/CEO

ORDINANCE NO. _____
CITY OF GREENVILLE, NORTH CAROLINA
2015-16 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, 2015 and ending June 30, 2016 to meet the subsequent expenditures, according to the following schedules:

<u>Revenues</u>	<u>Budget</u>
A. <u>Electric Fund</u>	
Rates & Charges	\$194,107,125
Fees & Charges	1,304,786
Miscellaneous	969,795
Interest on Investments	119,083
Transfer from Rate Stabilization	1,500,000
Bond Proceeds	226,100
Appropriated Fund Balance	<u>2,000,000</u>
 Total Electric Fund Revenue	 \$200,226,889
B. <u>Water Fund</u>	
Rates & Charges	\$17,844,952
Fees & Charges	351,619
Miscellaneous	237,759
Interest on Investments	38,209
Bond Proceeds	<u>46,800</u>
 Total Water Fund Revenue	 \$18,519,339
C. <u>Sewer Fund</u>	
Rates & Charges	\$20,032,937
Fees & Charges	335,902
Miscellaneous	121,431
Interest on Investments	21,246
Bond Proceeds	49,780
Appropriated Fund Balance	<u>3,000,000</u>
 Total Sewer Fund Revenue	 \$23,561,296
D. <u>Gas Fund</u>	
Rates & Charges	\$41,690,037
Fees & Charges	138,688
Miscellaneous	139,182
Interest on Investments	54,496
Bond Proceeds	344,300
Appropriated Fund Balance	<u>5,250,000</u>
 Total Gas Fund Revenue	 <u>\$47,616,703</u>
 Total Revenues	 <u><u>\$289,924,227</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, 2015 and ending on June 30, 2016, according to the following schedules:

<u>Expenditures</u>		<u>Budget</u>
Electric Fund	\$200,226,889	
Water Fund	18,519,339	
Sewer Fund	23,561,296	
Gas Fund	<u>47,616,703</u>	
Total Expenditures		<u><u>\$289,924,227</u></u>

Section III. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and long term debt proceeds will be available to fund capital project expenditures that will begin in the fiscal year beginning July 1, 2015:

<u>Capital Projects Revenues</u>		<u>Budget</u>
Electric Fund - Long Term Debt Proceeds	\$5,437,500	
Water Fund - Long Term Debt Proceeds	1,687,500	
Sewer Fund - Long Term Debt Proceeds	437,500	
Sewer Fund - Capital Projects Fund Balance	310,000	
Gas Fund - Long Term Debt Proceeds	1,437,500	
Gas Fund - Capital Projects Fund Balance	<u>500,000</u>	
TOTAL CAPITAL PROJECT REVENUE		<u><u>\$9,810,000</u></u>

Section IV. Capital Project Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission capital projects budgets that will begin during the fiscal year beginning July 1, 2015:

<u>Capital Projects Expenditures</u>		<u>Budget</u>
ECP-145 Dyneema Peaking Generator	\$5,000,000	
WCP-124 Residual Lagoon Improvements	1,250,000	
SCP-124 Emergency Generators for Remote Pumping Stations, Phase I	310,000	
GCP-92 LNG Liquefaction Additions	1,000,000	
GCP-93 Southwestern Loop Phase 1	500,000	
FCP-100 Downtown Office Efficiency and Enhancement	<u>1,750,000</u>	
Total Capital Projects Expenditures		<u><u>\$9,810,000</u></u>

Section V: 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 in an amount not to exceed \$100,000. 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 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 VI: Appropriation. The capital project revenue and expenditure authorizations shall extend from year to year until each project is completed.

Section VII: 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, 2015.

Allen M. Thomas, Mayor

Attest:

Carol L. Barwick, City Clerk

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
ALL FUNDS**

	<u>2013-14 Actual</u>	<u>2014-15 Budget</u>	<u>2014-15 Projected</u>	<u>2015-16 Plan</u>	<u>2015-16 Budget</u>
REVENUE:					
Rates & Charges	\$ 267,675,207	\$ 272,437,218	\$ 262,808,054	\$ 280,105,212	\$ 273,675,051
Fees & Charges	1,994,054	1,722,000	2,049,540	1,758,480	2,017,006
U. G. & Temp. Ser. Chgs.	106,910	97,000	126,504	96,900	113,989
Miscellaneous	2,324,088	1,259,334	1,731,111	1,284,522	1,468,167
Interest on Investments	203,043	199,000	265,716	199,000	233,034
FEMA/Insurance Reimb.	51,027	-	-	-	-
Bond Proceeds	-	-	-	-	666,980
Transfer from Rate Stabilization	-	-	-	-	1,500,000
Appropriated Fund Bal.	-	-	-	-	10,250,000
	<u>\$ 272,354,329</u>	<u>\$ 275,714,552</u>	<u>\$ 266,980,925</u>	<u>\$ 283,444,114</u>	<u>\$ 289,924,227</u>
EXPENDITURES:					
Operations	\$ 50,167,847	\$ 54,780,068	\$ 55,648,511	\$ 56,037,103	\$ 60,787,370
Purchased Power	164,909,937	159,980,862	153,476,987	163,085,964	157,814,859
Purchased Gas	23,200,393	27,372,700	21,666,700	27,486,400	27,135,900
Capital Outlay	6,926,316	6,929,154	8,017,596	7,032,254	7,578,067
Debt Service	15,134,721	16,873,335	15,189,279	19,118,564	15,847,670
City Turnover - General	5,359,687	5,754,275	5,747,833	5,457,774	5,747,165
Street Light Reimbursement	720,593	730,908	730,908	752,835	752,835
Transfer to OPEB Trust	350,000	400,000	400,000	450,000	450,000
Transfer to Rate Stabilization	-	-	1,500,000	-	-
Transfer to Capital Projects	3,824,000	-	1,950,000	1,070,243	11,750,000
Transfer to Designated Reserves	-	688,648	800,000	1,100,000	1,125,000
Operating Contingencies	-	2,204,602	1,853,111	1,852,977	935,361
	<u>\$ 270,593,494</u>	<u>\$ 275,714,552</u>	<u>\$ 266,980,925</u>	<u>\$ 283,444,114</u>	<u>\$ 289,924,227</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
ELECTRIC FUND**

	<u>2013-14 Actual</u>	<u>2014-15 Budget</u>	<u>2014-15 Projected</u>	<u>2015-16 Plan</u>	<u>2015-16 Budget</u>
REVENUE:					
Typical Residential Bill Increase				2.00%	0.00%
Rates & Charges	\$ 199,134,647	\$ 195,673,311	\$ 191,467,080	\$ 200,321,601	\$ 194,107,125
Fees & Charges	1,179,942	970,000	1,270,770	989,400	1,193,900
U. G. & Temp. Ser. Chgs.	106,910	95,000	123,494	96,900	110,886
Miscellaneous	1,835,363	806,781	1,185,344	822,917	969,795
Interest on Investments	102,578	100,000	138,395	100,000	119,083
FEMA/Insurance Reimb.	51,027	-	-	-	-
Bond Proceeds	-	-	-	-	226,100
Transfer from Rate Stabilization	-	-	-	-	1,500,000
Appropriated Fund Bal.	-	-	-	-	2,000,000
	<u><u>\$ 202,410,467</u></u>	<u><u>\$ 197,645,092</u></u>	<u><u>\$ 194,185,083</u></u>	<u><u>\$ 202,330,818</u></u>	<u><u>\$ 200,226,889</u></u>
EXPENDITURES:					
Operations	\$ 21,290,626	\$ 22,981,988	\$ 24,070,261	\$ 23,551,658	\$ 26,277,340
Purchased Power	164,909,937	159,980,862	153,476,987	163,085,964	157,814,859
Capital Outlay	5,163,022	4,224,437	4,392,123	4,038,767	4,746,289
Debt Service	3,407,819	4,257,201	3,408,844	5,294,124	3,512,883
City Turnover - General	4,113,109	4,445,241	4,386,679	3,789,743	4,345,176
Street Light Reimbursement	720,593	730,908	730,908	752,835	752,835
Transfer to OPEB Trust	192,500	220,000	220,000	247,500	247,500
Transfer to Rate Stabilization	-	-	1,500,000	-	-
Transfer to Capital Projects	1,220,000	-	1,000,000	-	2,000,000
Transfer to Designated Reserves	-	195,013	-	-	-
Operating Contingencies	-	609,442	999,281	1,570,227	530,007
	<u><u>\$ 201,017,606</u></u>	<u><u>\$ 197,645,092</u></u>	<u><u>\$ 194,185,083</u></u>	<u><u>\$ 202,330,818</u></u>	<u><u>\$ 200,226,889</u></u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
WATER FUND**

	<u>2013-14 Actual</u>	<u>2014-15 Budget</u>	<u>2014-15 Projected</u>	<u>2015-16 Plan</u>	<u>2015-16 Budget</u>
REVENUE:					
Typical Residential Bill Increase				7.5%	5.5%
Rates & Charges	\$ 15,819,721	\$ 16,613,519	\$ 16,909,914	\$ 17,867,635	\$ 17,844,952
Fees & Charges	348,287	306,000	319,894	314,160	348,516
U. G. & Temp. Ser. Chgs.	-	2,000	3,010	-	3,103
Miscellaneous	189,430	176,083	252,217	179,605	237,759
Interest on Investments	35,122	34,000	40,351	34,000	38,209
Bond Proceeds	-	-	-	-	46,800
	<u>\$ 16,392,560</u>	<u>\$ 17,131,602</u>	<u>\$ 17,525,386</u>	<u>\$ 18,395,400</u>	<u>\$ 18,519,339</u>
EXPENDITURES:					
Operations	\$ 10,934,361	\$ 11,880,073	\$ 11,836,278	\$ 11,853,611	\$ 12,377,137
Capital Outlay	457,191	514,369	765,596	697,179	558,369
Debt Service	4,045,653	4,200,009	3,980,028	4,280,883	3,748,645
Transfer to OPEB Trust	52,500	60,000	60,000	67,500	67,500
Transfer to Capital Projects	804,000	-	150,000	870,243	1,050,000
Transfer to Designated Reserves	-	302,353	500,000	500,000	600,000
Operating Contingencies	-	174,798	233,484	125,984	117,688
	<u>\$ 16,293,705</u>	<u>\$ 17,131,602</u>	<u>\$ 17,525,386</u>	<u>\$ 18,395,400</u>	<u>\$ 18,519,339</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
SEWER FUND**

	<u>2013-14 Actual</u>	<u>2014-15 Budget</u>	<u>2014-15 Projected</u>	<u>2015-16 Plan</u>	<u>2015-16 Budget</u>
REVENUE:					
Typical Residential Bill Increase				8.5%	6.5%
Rates & Charges	\$ 17,539,513	\$ 18,666,526	\$ 18,795,060	\$ 20,257,349	\$ 20,032,937
Fees & Charges	329,446	310,000	314,635	316,200	335,902
Miscellaneous	136,230	125,281	128,341	127,787	121,431
Interest on Investments	17,923	15,000	25,120	15,000	21,246
Bond Proceeds	-	-	-	-	49,780
Appropriated Fund Bal.	-	-	-	-	3,000,000
	<u>\$ 18,023,112</u>	<u>\$ 19,116,807</u>	<u>\$ 19,263,156</u>	<u>\$ 20,716,336</u>	<u>\$ 23,561,296</u>
EXPENDITURES:					
Operations	\$ 10,733,345	\$ 11,571,878	\$ 11,361,615	\$ 11,930,279	\$ 12,077,179
Capital Outlay	565,937	678,169	710,779	849,099	787,319
Debt Service	6,291,586	6,645,055	6,409,373	6,937,199	6,496,348
Transfer to OPEB Trust	52,500	60,000	60,000	67,500	67,500
Transfer to Capital Projects	300,000	-	300,000	200,000	3,450,000
Transfer to Designated Reserves	-	102,976	300,000	600,000	525,000
Operating Contingencies	-	58,729	121,389	132,259	157,950
	<u>\$ 17,943,368</u>	<u>\$ 19,116,807</u>	<u>\$ 19,263,156</u>	<u>\$ 20,716,336</u>	<u>\$ 23,561,296</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
GAS FUND**

	<u>2013-14 Actual</u>	<u>2014-15 Budget</u>	<u>2014-15 Projected</u>	<u>2015-16 Plan</u>	<u>2015-16 Budget</u>
REVENUE:					
Typical Residential Bill Increase					0.0%
Rates & Charges	\$ 35,181,326	\$ 41,483,862	\$ 35,636,000	\$ 41,658,627	\$ 41,690,037
Fees & Charges	136,379	136,000	144,241	138,720	138,688
Miscellaneous	163,065	151,189	165,209	154,213	139,182
Interest on Investments	47,420	50,000	61,850	50,000	54,496
Bond Proceeds	-	-	-	-	344,300
Appropriated Fund Bal.	-	-	-	-	5,250,000
	<u>\$ 35,528,190</u>	<u>\$ 41,821,051</u>	<u>\$ 36,007,300</u>	<u>\$ 42,001,560</u>	<u>\$ 47,616,703</u>
EXPENDITURES:					
Operations	\$ 7,209,515	\$ 8,346,129	\$ 8,380,357	\$ 8,701,555	\$ 10,055,714
Purchased Gas	23,200,393	27,372,700	21,666,700	27,486,400	27,135,900
Capital Outlay	740,166	1,512,179	2,149,098	1,447,209	1,486,090
Debt Service	1,389,663	1,771,070	1,391,034	2,606,358	2,089,794
City Turnover	1,246,578	1,309,034	1,361,154	1,668,031	1,401,989
Transfer to OPEB Trust	52,500	60,000	60,000	67,500	67,500
Transfer to Capital Projects	1,500,000	-	500,000	-	5,250,000
Transfer to Designated Reserves	-	88,306	-	-	-
Operating Contingencies	-	1,361,633	498,957	24,507	129,716
	<u>\$ 35,338,815</u>	<u>\$ 41,821,051</u>	<u>\$ 36,007,300</u>	<u>\$ 42,001,560</u>	<u>\$ 47,616,703</u>

Budget by Department

Budget - 2015-2016

Department	Electric	Water	Sewer	Gas	Total
Governing Body and Administration	862,745	709,263	711,763	872,763	3,156,534
Finance	5,120,157	1,519,042	1,488,836	2,274,770	10,402,805
Human Resources	996,386	521,232	497,538	404,076	2,419,232
Information Technology	3,464,371	932,812	823,098	1,093,606	6,313,887
Customer Relations	3,445,270	215,328	215,328	430,662	4,306,588
Electric	15,426,636				15,426,636
Shared Resources	86,250	18,500	18,500	21,750	145,000
Meter	1,485,862	405,240	405,240	405,240	2,701,582
Water		8,478,132			8,478,132
Sewer			8,568,238		8,568,238
Gas				5,902,980	5,902,980
Utility Locating Service	135,952	135,957	135,957	135,957	543,823
Ancillary	169,203,260	5,583,833	10,696,798	36,074,899	221,558,790
Grand Total:	200,226,889	18,519,339	23,561,296	47,616,703	289,924,227

Budget - 2014-2015

Department	Electric	Water	Sewer	Gas	Total
Governing Body and Administration	669,013	669,033	669,033	669,033	2,676,112
Finance	4,689,627	1,258,671	1,233,449	1,224,146	8,405,893
Human Resources	976,120	523,770	499,964	380,923	2,380,777
Information Technology	2,964,385	877,105	762,105	1,011,682	5,615,277
Customer Relations	3,130,070	195,629	195,629	391,261	3,912,589
Electric	13,144,168				13,144,168
Shared Resources	79,910	14910	14910	14910	124,640
Meter	1,428,823	389,676	389,676	389,676	2,597,851
Water		8,341,338			8,341,338
Sewer			8,360,971		8,360,971
Gas				5,652,367	5,652,367
Utility Locating Service	124,309	124,310	124,310	124,310	497,239
Ancillary	170,438,667	4,737,160	6,866,760	31,962,743	214,005,330
Grand Total:	197,645,092	17,131,602	19,116,807	41,821,051	275,714,552

Expenditures by Department

Department	2013-14 Actual	2014-15 Budget	2014-15 Projected	2015-16 Plan	2015-16 Budget
Governing Body and Administration	3,051,251	2,676,112	2,671,630	2,756,344	3,156,534
Finance	7,365,589	8,405,893	8,831,171	8,519,613	10,402,805
Human Resources	1,767,352	2,380,777	2,186,136	2,459,520	2,419,232
Information Technology	4,734,737	5,615,277	5,446,376	6,004,080	6,313,887
Customer Relations	3,320,881	3,912,589	3,807,108	4,020,385	4,306,588
Electric	14,350,589	13,144,168	14,595,115	13,216,171	15,426,636
Shared Resources	70,235	124,640	140,221	124,640	145,000
Meter	2,181,019	2,597,851	2,645,807	2,648,183	2,701,582
Water	7,773,366	8,341,338	8,518,868	8,324,490	8,478,132
Sewer	7,771,163	8,360,971	8,036,835	8,718,651	8,568,238
Gas	4,247,065	5,652,367	6,297,330	5,764,326	5,902,980
Utility Locating Service	460,911	497,239	489,510	512,954	543,823
Ancillary	213,499,330	214,005,330	201,461,707	220,374,757	221,558,790
Grand Total:	270,593,487	275,714,552	265,127,814	283,444,114	289,924,227

**Greenville Utilities Commission
Capital Project Budget
As of June 11, 2015**

Project Name	Proposed Budget
ECP-145 Dyneema Peaking Generator	
Revenues:	
Long-term Debt	<u>\$5,000,000</u>
Total Revenue	\$5,000,000
Expenditures:	
Project Costs	<u>\$5,000,000</u>
Total Expenditures	\$5,000,000

**Greenville Utilities Commission
Capital Project Budget
As of June 11, 2015**

Project Name	Proposed Budget
WCP-124 Residual Lagoon Improvements	
Revenues:	
Long-term Debt	<u>\$1,250,000</u>
Total Revenue	\$1,250,000
Expenditures:	
Project Costs	<u>\$1,250,000</u>
Total Expenditures	\$1,250,000

**Greenville Utilities Commission
Capital Project Budget
As of June 11, 2015**

Project Name	Proposed Budget
SCP-124 Generators for Pumping Stations	
Revenues:	
Capital Projects Fund Balance	\$310,000
Total Revenue	<u>\$310,000</u>
Expenditures:	
Project Costs	\$310,000
Total Expenditures	<u>\$310,000</u>

**Greenville Utilities Commission
Capital Project Budget
As of June 11, 2015**

Project Name	Proposed Budget
GCP-92 LNG Liquefaction Additions	
Revenues:	
Long-term Debt	<u>\$1,000,000</u>
Total Revenue	\$1,000,000
Expenditures:	
Project Costs	<u>\$1,000,000</u>
Total Expenditures	\$1,000,000

**Greenville Utilities Commission
Capital Project Budget
As of June 11, 2015**

Project Name	Proposed Budget
GCP-93 Southwestern Loop Phase I	
Revenues:	
Capital Projects Fund Balance	<u>\$500,000</u>
Total Revenue	\$500,000
Expenditures:	
Project Costs	<u>\$500,000</u>
Total Expenditures	\$500,000

**Greenville Utilities Commission
Capital Project Budget
As of June 11, 2015**

Project Name	Proposed Budget
FCP-100 Downtown Office Efficiency and Enhancement	
Revenues:	
Long-term Debt	<u>\$1,750,000</u>
Total Revenue	\$1,750,000
Expenditures:	
Project Costs	<u>\$1,750,000</u>
Total Expenditures	\$1,750,000



City of Greenville, North Carolina

Meeting Date: 5/14/2015
Time: 7:00 PM

Title of Item: Resolution of the Environmental Advisory Commission for City Council to Install "No Idling" Signs in City Parking Facilities, Thereby Encouraging Citizens to Turn Off Motor Vehicles and Improve Air Quality

Explanation: **Abstract:** The Environmental Advisory Commission (EAC) recently adopted a resolution calling for City Council to install "No Idling" signs in City parking facilities, thereby encouraging citizens to turn off motor vehicles and improve air quality. Council Member Marion Blackburn asked that this item be added to the May City Council agenda for discussion.

Explanation: On March 5, 2015, the Environmental Advisory Commission adopted a resolution recommending that signs encouraging drivers to turn off their engines be installed in City parking facilities at Recreation and Parks sites and in the uptown Greenville parking lots and parking deck. A copy of the EAC resolution and a memo from Public Works Director Kevin Mulligan are attached.

Fiscal Note: No direct cost to discuss the issue.

Recommendation: Discuss the issue as requested by Council Member Blackburn.

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

Attachments / click to download

 [EAC No Idling Resolution](#)

Resolution No. 2015-01-EAC

RESOLUTION OF THE ENVIRONMENTAL ADVISORY COMMISSION FOR CITY COUNCIL TO INSTALL "NO IDLING" SIGNS IN CITY PARKING FACILITIES, THEREBY ENCOURAGING CITIZENS TO TURN OFF MOTOR VEHICLES AND IMPROVE AIR QUALITY

WHEREAS, motor vehicle idling is a significant air pollution and public health threat as well as a substantial economic waste; and

WHEREAS, exhaust from motor vehicles is identified by the American Lung Association as a major source of air pollution of substances harmful to humans, such as ozone, carbon monoxide, nitrogen and sulfur oxides, and fine particulates (soot)¹; and

WHEREAS, adverse health effects from vehicle exhaust include immediate, close range effects leading to asthma, cardiac events, inflammation of the bronchial passages, tissue damage, chronic disease, and early pulmonary disability¹ and the effects of exposure to exhaust are cumulative and additive;² and

WHEREAS, such effects especially impact children, the elderly, those who exercise outdoors, and those with pre-existing breathing or cardiac problems, as well as the general public;^{1,2} and

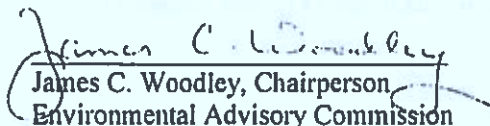
WHEREAS, two minutes of idling uses the same amount of fuel as driving one mile; it is more efficient to turn off the engine than to idle for more than 30 seconds; and ten seconds of idling uses more fuel than restarting the engine;² and

WHEREAS, North Carolina law limits the maximum time of motor vehicle idling to 5 consecutive minutes in any 60-minute period (NC Administrative Code Title 15A, Ch. 2D.1010); and prohibits the emission of visible air contaminants for longer than 5 seconds (NC GS 20-128.1); and most other states have similar laws; and

WHEREAS, installing signs to encourage drivers to turn off their engines can be effective as part of educational campaigns to reduce idling time; and Pitt County Schools have installed such signs at all schools in loading zones where school buses and parents deliver and pick up children;

NOW, THEREFORE, BE IT RESOLVED that the Environmental Advisory Commission of the City of Greenville recommends to the City Council of the City of Greenville that signs encouraging drivers to turn off their engines be installed in City parking facilities at Parks and Recreation sites and in the Uptown Greenville parking lots and parking deck, in order to reduce the air pollution, public health, and economic effects of motor vehicle idling,

This the 5th of March 2015


James C. Woodley, Chairperson
Environmental Advisory Commission

References:

1. American Lung Association of the Northeast,
<http://www.lung.org/associations/charters/northeast/programs/idlefree-northeast.html>
2. Dr. James Kenny, MD, report to the Environmental Advisory Commission, Nov. 6, 2014.



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Memorandum

TO: Barbara Lipscomb, City Manager
FROM: Kevin Mulligan, PE, Director of Public Works 
DATE: March 25, 2015
SUBJECT: Resolution of the Environmental Advisory Commission for City Council to Install "No Idling" Signs in City Parking Facilities thereby Encouraging Citizens to Turn Off Motor Vehicles and Improve Air Quality

The City of Greenville Environment Advisory Commission (EAC) has played an active role in campaigns targeted at reducing idling times for vehicular traffic within Greenville and more specifically at public/private schools.

In 2012, the Greenville Climate Protection Partnership (GCPP), a sub-committee of EAC, initiated the No Idling Campaign at Wahl-Coates Elementary School. Educational information was provided to parents, teachers, and students regarding the effects of idling on the population of the school and community. The GCPP has since disbanded; however, Dr. James Kenny and Dr. Edward Davis remained steadfast on the campaign. With their assistance, the project has been expanded to all public schools within Pitt County and a few private schools. In an effort to reignite the program, students will be passing out information and pledge cards to parents a second time this spring.

As a result of the program's success, EAC has prepared and approved the attached No Idling Resolution. The resolution encourages and supports City Council in taking a proactive approach in installing No Idling signs at City-owned and operated parking facilities. More specifically, this includes parks and recreation facilities, in Uptown Greenville parking lots, and the new parking deck.

Please contact me at (252) 329-4520 or kmulligan@greenvillenc.gov for any questions you may have regarding the resolution.

Attachments

cc: Lisa Kirby, PE, Senior Engineer
Amanda Boone, PE, Civil Engineer II