



# Agenda

## Greenville City Council

October 8, 2015  
6:00 PM  
City Council Chambers  
200 West Fifth Street

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

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

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

### **IV. Roll Call**

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

- **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.

### **VI. Special Recognitions**

- Rough and Ready Fire Co.

### **VII. Appointments**

1. Appointments to Boards and Commissions

### **VIII. New Business**

## **Public Hearings**

2. Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone 41.9410 acres located near the southeast corner of the intersection of NC Highway 43 South and Ivy Road from RA (Rural Residential-Agricultural - Pitt County's Jurisdiction) to R9S (Residential-Single-family [Medium Density])
3. Ordinance requested by the North Carolina Department of Transportation to rezone 19.66+/- acres located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road from OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial)
4. Resolution to Close a Portion of Charles Street
5. Ordinance to amend the Zoning Ordinance by changing the public street setback in multi-family from 25 feet to 15 feet and adding that single-family detached homes and duplexes will be built only on public streets
6. Ordinance to amend the Zoning Ordinance by adding temporary sand mining as an allowed land use within the RA-20 (Residential/Agricultural) zoning district, subject to an approved special use permit, and establishing specific criteria

## **Other Items of Business**

7. Resolution calling for a public hearing on an Installment Agreement to finance the South Greenville Gymnasium Improvements and Additions and making certain findings and a Reimbursement Resolution for the project
8. Update on Outside Tire Storage and Display Ordinance implementation and inspections
9. Long-term bond strategy

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

## **X. City Manager's Report**

10. Update on Bond Referendum

## **XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 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 are scheduled to be made to ten of the boards and commissions.

**Explanation:** City Council appointments need to be made to the Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Greenville Bicycle & Pedestrian Commission, Human Relations Council, Investment Advisory Committee, Police Community Relations Committee, Public Transportation & Parking Commission, Sheppard Memorial Library Board, and Youth Council.

**Fiscal Note:** No direct fiscal impact.

**Recommendation:** Make appointments to the to the Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Greenville Bicycle & Pedestrian Commission, Human Relations Council, Investment Advisory Committee, Police Community Relations Committee, Public Transportation & Parking Commission, Sheppard Memorial Library Board, and Youth Council.

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[Muni\\_Report\\_2015\\_Appointments\\_to\\_Boards\\_and\\_Commissions\\_998631](#)

# Appointments to Boards and Commissions

October 2015

## 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      |
| Rebecca Powers   | 4          | First term             | Resigned                       | July 2017       |
| Joanne Robertson | 4          | First term             | Not seeking an additional term | April 2015      |
| Fred Wright      | 4          | First term             | Resigned                       | April 2016      |

## Environmental Advisory Commission

**Council Liaison:** Council Member Marion Blackburn

| Name  | District # | Current Term | Reappointment Status | Expiration Date |
|---|------------|--------------|----------------------|-----------------|
| J.C. Woodley<br><i>(Lawyer or someone with knowledge of environmental practices or regulations)</i> | 5          | First term   | Resigned             | April 2017      |

## Firefighters' Relief Fund Committee

**Council Liaison:** Not Applicable

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

## Greenville Bicycle & Pedestrian Commission

**Council Liaison:** Council Member Rick Smiley

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|------|------------|--------------|----------------------|-----------------|
|------|------------|--------------|----------------------|-----------------|

|              |   |                        |          |              |
|--------------|---|------------------------|----------|--------------|
| Donna Duncan | 4 | Filling unexpired term | Resigned | January 2017 |
| Harry Stubbs | 4 | First term             | Deceased | January 2017 |

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### Human Relations Council

**Council Liaison:** Council Member Rose Glover

| Name   | District # | Current Term | Reappointment Status                | Expiration Date |
|--|------------|--------------|-------------------------------------|-----------------|
| Marvin Arrington                               | 5          | Second term  | Ineligible                          | Sept. 2015      |
| Rodney Coles                                   | 1          | Second term  | Ineligible                          | Sept. 2015      |
| Inez Dudley                                    | 2          | First term   | Resigned                            | Sept. 2017      |
| Robert Hudak                                   | 4          | Second term  | Ineligible                          | Sept. 2014      |
| Shaterica Lee<br>(Shaw University)             | 2          | Second term  | Did not meet attendance Requirement | Oct. 2015       |
| Maurice Whitehurst<br>(Pitt Community College) | 2          | Second term  | Did not meet attendance Requirement | Oct. 2015       |

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### Investment Advisory Committee

**Council Liaison:** Mayor Pro-Tem Calvin Mercer

| Name        | District # | Current Term | Reappointment Status | Expiration Date |
|-------------|------------|--------------|----------------------|-----------------|
| Scott Below | 3          | First term   | Eligible             | October 2015    |

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### Police Community Relations Committee

**Council Liaison:** Council Member Rose Glover

| Name   | District # | Current Term           | Reappointment Status | Expiration Date |
|--|------------|------------------------|----------------------|-----------------|
| Richard Crisp<br>(Council Member Rick Smiley)        | 4          | First term             | Eligible             | October 2015    |
| Timothy Webster<br>(Council Member Richard Croskery) | 5          | Filling unexpired term | Eligible             | October 2015    |
| Leonard Naipaul                                      | 2          | Filling unexpired term | Eligible             | October 2015    |

*(Council Member Rose Glover)*

Shawan Sutton      1      First term      Eligible      October 2015  
*(Council Member Rick Smiley)*

**Public Transportation & Parking Commission**

**Council Liaison:** Council Member Richard Croskery

| <b>Name</b>     | <b>District #</b> | <b>Current Term</b>    | <b>Reappointment Status</b> | <b>Expiration Date</b> |
|-----------------|-------------------|------------------------|-----------------------------|------------------------|
| W. Scott Alford | 4                 | Filling unexpired term | Resigned                    | January 2016           |

**Sheppard Memorial Library Board**

**Council Liaison:** Council Member Richard Croskery

| <b>Name</b>    | <b>District #</b> | <b>Current Term</b> | <b>Reappointment Status</b> | <b>Expiration Date</b> |
|----------------|-------------------|---------------------|-----------------------------|------------------------|
| Patricia Rawls | 2                 | Second term         | Ineligible                  | October 2015           |
| Ralph Scott    | 3                 | Second term         | Ineligible                  | October 2015           |

**Youth Council**

**Council Liaison:** Mayor Pro-Tem Calvin Mercer

| <b>Name</b>    | <b>District #</b> | <b>Current Term</b>    | <b>Reappointment Status</b> | <b>Expiration Date</b> |
|----------------|-------------------|------------------------|-----------------------------|------------------------|
| Asha Armistead |                   | Filling unexpired term | Eligible                    | Sept. 2015             |
| Jacob Barondes |                   | Second term            | Eligible                    | Sept. 2015             |

12 Available Spots

# Applicants for Community Appearance Commission

Jorgette Turner Mullins  
527 #E Spring Forest Road  
Greenville, NC 27834

**Application Date:** 7/7/2015

**Home Phone:** (252) 367-7068

**Business Phone:** (252) 353-5253

**Email:** jorgemullins316@aol.com

**District #:** 1

## Applicants for Environmental Advisory Commission

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

**District #:** 1

**Application Date:** 2/3/2014

**Home Phone:** (252) 216-6099

**Business Phone:** (252) 216-6099

**Email:** oab0119@gmail.com

Elaine U. Brestel  
106 Christenbury Drive  
Greenville, NC 27858

**District #:** 4

**Application Date:** 1/21/2014

**Home Phone:** (252) 752-2255

**Business Phone:**

**Email:** ebrestel@suddenlink.net

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

**District #:**

**Application Date:** 2/3/2014

**Home Phone:** (252) 559-9049

**Business Phone:**

**Email:**

Wendy Klein  
318 Rutledge Road  
Greenville, NC 27858

**District #:** 4

**Application Date:** 2/10/2014

**Home Phone:** (252) 329-7005

**Business Phone:** (252) 902-9005

**Email:** wakspg1@suddenlink.net

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

**District #:** 1

**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

Mary Ellen Cole  
912 Bremerton Drive  
Greenville, NC 27858

**Application Date:** 3/12/2015

**District #:** 5

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

**Application Date:** 2/23/2015

**District #:** 4

**Home Phone:** (252) 917-1590

**Business Phone:**

**Email:** maxierules@gmail.com

**Home Phone:** (252) 885-9245

**Business Phone:** (252) 885-9245

**Email:** crystal.kuegel@gmail.com

# Applicants for Greenville Bicycle & Pedestrian Commission

Jennifer M. Bennett  
701 Compton Road  
Greenville, NC 27858

**Application Date:** 9/3/2015

**Home Phone:** (252) 327-9219

**Business Phone:**

**Email:** bennettje0627@gmail.com

**District #:** 5

## Applicants for Human Relations Council

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:** 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 Investment Advisory Committee

Don Flowers  
2617 Brookside Circle  
Greenville, NC 27858

**District #:** 4

**Application Date:**

**Home Phone:** (252) 916-2628

**Business Phone:** (252) 321-8800

**Email:** doneflowers@suddenlink.net

## Applicants for Police Community Relations Committee

Mary Ellen Cole  
912 Bremerton Drive  
Greenville, NC 27858

**Application Date:** 3/12/2015

**District #:** 5

**Home Phone:** (252) 917-1590

**Business Phone:**

**Email:** maxierules@gmail.com

Mary Catherine Stokes  
1901 Covington Way Unit 201  
Greenville, NC 27858

**Application Date:** 3/12/2015

**District #:** 4

**Home Phone:** (252) 531-2764

**Business Phone:**

**Email:** marycstokes@gmail.com

## Applicants for Public Transportation and Parking Commission

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

**Application Date:** 12/10/2014

**District #:** 3

Kellie Gonzalez  
3936 Dunhagen Rd.  
Greenville, NC

**Application Date:** 9/12/2014

**District #:**

**Home Phone:** (252) 752-5278

**Business Phone:**

**Email:** kiltedmile@aol.com

**Home Phone:** (919) 791-5841

**Business Phone:**

**Email:**

## Applicants for Sheppard Memorial Library Board

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

**Application Date:** 12/10/2014

**District #:** 3

**Home Phone:** (252) 752-5278  
**Business Phone:**  
**Email:** kiltedmile@aol.com

Mary Grier  
1704 South Elm Street  
Greenville, NC 27858

**Application Date:** 9/20/2011

**District #:** 4

**Home Phone:** (252) 756-1076  
**Business Phone:**  
**Email:** perfecttaste2002@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

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

**Application Date:**

**District #:**

**Home Phone:** (910) 840-0337  
**Business Phone:** (252) 215-4000  
**Email:** tjr@wardandsmith.com

Tyrone O. Walston  
2706 Webb Street  
Greenville, NC 27834

**Application Date:** 6/6/2014

**District #:** 2

**Home Phone:** (252) 412-7351  
**Business Phone:** (252) 355-8736  
**Email:** walston.tyrone@gmail.com

# Applicants for Youth Council

Belinda Hu  
JH Rose High School  
Greenville, NC 27858

**Application Date:** 09/08/2015

Susan Mayo  
Greenville Christian Academy  
Falkland, NC 27827

**Application Date:** 9/15/2015





# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone 41.9410 acres located near the southeast corner of the intersection of NC Highway 43 South and Ivy Road from RA (Rural Residential-Agricultural - Pitt County's Jurisdiction) to R9S (Residential-Single-family [Medium Density])

**Explanation:** **Abstract:** The City has received a request by Bill Clark Homes of Greenville, LLC to rezone 41.9410 acres located near the southeast corner of the intersection of NC Highway 43 South and Ivy Road from RA (Rural Residential-Agricultural - Pitt County's Jurisdiction) to R9S (Residential-Single-family [Medium Density]).

### **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on August 31, 2015.  
On-site sign(s) posted on August 31, 2015.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 22, 2015.  
Public hearing legal advertisement published on September 28 and October 5, 2015.

### **Comprehensive Plan:**

The subject property is located in Vision Area C.

NC Highway 43 is considered a gateway corridor from its intersection with Fire Tower Road and continuing south. Gateway corridors serve as primary entranceways into the city and help define community character. These roads are designed to carry high volumes of traffic through and across the city.

Ivy Road is considered a residential corridor. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area, and linear expansion outside of the focus area should be prohibited.

The Future Land Use Plan Map recommends medium density residential (MDR) and conservation/open space (COS) near the southeast corner of the intersection of NC Highway 43 South and Ivy Road.

The Future Land Use Plan Map identifies certain areas for conservation/open space (COS) uses. The map is not meant to be dimensionally specific, and may not correspond precisely to conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Future Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,388 trips to and from the site on NC Highway 43, which is a net increase of 670 additional trips per day.

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

**History/Background:**

These properties were annexed into the City of Greenville's Jurisdiction on August 13, 2015.

These properties were included in a Future Land Use Plan Map amendment that was approved by City Council on September 10, 2014.

**Existing Land Use:**

Single-family residences and farmland

**Water/Sewer:**

Sanitary sewer is available via the India Wells Sewer Pump Station which became available in January, 2015. Water is available from Eastern Pines Water Corporation.

**Historic Sites:**

There are no known effects on the designated property.

**Environmental Conditions/Constraints:**

The subject property is impacted by the 500- and 100-year floodplains associated with the Indian Wells Swamp.

**Surrounding Land Uses and Zoning:**

North: RA- Scattered single-family residences  
South: RA - One single-family residence and farmland  
East: RA - Woodlands  
West: RA - One (1) single-family residence

**Anticipated Density:**

Under the current zoning, the site could yield 70-75 single-family lots.

Under the proposed zoning, the site could yield 140-145 single-family lots.

The anticipated build-out is 2-5 years.

**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 approve the request at its September 15, 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 15 to annex land and extend the ETJ when feasible, 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 locating greater densities in areas that are accessible to public water and/or sewer service,

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.

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**Attachments / click to download**

- [Attachments](#)
  - [Ordinance Bill Clark Home rezoning 1012137](#)
  - [Minutes Bill Clark Homes Rezoning 1012124](#)
  - [List of Uses for RA to R9S 1011200](#)
-

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 8<sup>th</sup> day of October, 2015, at 6:00 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 UF15 to annex land and extend the ETJ when feasible; 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 locating greater densities in areas that are accessible to public water and/or sewer service; and

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

Section 1. That the following described territory is rezoned from RA (Rural Residential-Agricultural – Pitt County’s Jurisdiction) to R9S (Residential-Single-family).

TO WIT:                      Dixon Family Farms, Inc. and Jeffrey Grabowski Properties

LOCATION: Located at the southeast corner of the intersection of NC Highway 43 S and Ivy Road.

DESCRIPTION: Lying and being in Chicod Township, Pitt County, North Carolina and lying east of NC Highway 43, and south of NCSR 2241 Ivy Road and being bounded on the west by Harrell Norman and Lydia Bryant Weathersby as recorded in Deed Book 2868, Page 828, on the northwest by Brewer Subdivision as recorded in Map Book 20, Page 4, and Map Book 21, Page 95, on the east by Mac Ross Property as recorded in Deed Book A 54, Page 458 and Deed Book 1009, Page 437, on the south by Johnnie M. Smith property as recorded in Deed Book 112, Page 238, and on the southwest by Jeffrey Grabowski property as recorded in Deed Book 3226, Page 856 all of the Pitt County Registry, and being more particularly described as follows:

Beginning at an existing nail in the centerline intersection of NC Highway 43 and NCSR 2241, Ivy Road, thence from the nail S 13-24-42 E 380.43' to a point in the common property line of Harrell Norman and Lydia Bryant Weathersby as recorded in Deed Book 2868 Page 828, The True Point of Beginning.

Thence from the True Point of Beginning, leaving the eastern right-of-way of NC Highway 43, along common line of Harrell Norman and Lydia Bryant Weathersby the following calls: N 73-25-21 E 192.98', N 17-00-07 W 227.38' to the common corner of Harrell Norman and Lydia Bryant Weathersby and Johnnie Stokes, thence the common line of Johnnie Stokes N 55-33-16 E 341.95', to a point that is the common corner of Ervin Williams, and Ruth Forrest, thence N 20-51-09 E 29.78' to a point, thence along the southern property line of Ruth Forrest and then Brewer Subdivision as recorded in Map Book 20, Page 4, and Map Book 21, Page 95, the following calls: N 66-22-13 E 377.04', N 40-41-13 E 109.08', N 62-32-08 E 100.03', N 62-36-46 E 100.02', N 62-03-11 E 100.16' to the southeast corner of Lot 7, Brewer Subdivision, thence N 27-32-35 W 199.55' to a point on the southern right-of-way of NCSR 2241, Ivy Road, thence along the right-of-way N 62-28-15 E 60.00', thence leaving the right-of-way S 27-24-39 E 200.02 to the south west corner of Lot 8, thence along the southern property line of Brewer Subdivision the following calls: N 62-33-23 E 399.79', N 63-15-34 E 100.10', N 64-43-17 E 99.91' to the southeast corner of Lot 13, thence N 27-23-43 W 200.65' to a point on the southern right-of-way of NCSR 2241, Ivy Road, thence along the right-of-way N 65-07-10 E 59.97, thence leaving the right-of-way S 27-23-43 E 200.35', N 65-31-13 E 100.08', N 27-24-50 W 200.70' to a point on the southern right-of-way of NCSR 2241, thence along the right-of-way N 65-21-46 E 200.25' to a common corner of Mac Ross, thence along the western property line of Mac Ross the following calls: S 14-46-24 W 136.76', S 15-00-26 W 157.23', S 10-53-47 W 108.00', S 13-31-47 W 178.84', S 11-56-59 E 193.68', S 13-31-45 E 216.79', S 15-32-56 E 209.93', S 04-46-06 E 216.36' to the common corner with Mac Ross and Johnnie M. Smith, thence along the line of Johnnie M. Smith the following calls: S 00-48-42 E 182.71', S 86-19-12 W 445.06', N 67-24-09 W 221.77', S 66-23-57 W 218.29', S 65-50-51 W 1029.86' to a point on the eastern right-of-way of NC Highway 43, a common corner with Johnnie M. Smith, thence along the right-of-way the following calls: N 20-44-37 W 146.38', N 22-43-38 W 100.15', N 16-51-52 W 100.12', N

12-47-19 W 99.92, N 09-06-49 W 99.51, N 03-21-59 E 1.87' to the True Point of Beginning, containing 41.9410 acres and being all of Parcels 23083, 02247, and 46270 as filed with the Pitt County Tax Assessor's Office.

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 8<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

Doc. # 1012137

**Excerpt from the DRAFTED Planning & Zoning Commission Minutes (09/15/2015)**

ORDINANCE REQUESTED BY BILL CLARK HOMES OF GREENVILLE, LLC TO REZONE 41.9410 ACRES LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NC HIGHWAY 43 S AND IVY ROAD FROM RA (RURAL RESIDENTIAL-AGRICULTURAL - PITT COUNTY'S JURISDICTION) TO R9S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located to the south of the city at the intersection of NC Highway 43 S and Ivy Road. The area mainly consists of single-family residences and farmland. Highway 43 S is a gateway corridor, which serve as primary entryways into the city. This rezoning could generate an increase of 670 additional trips with 80% of trips heading north on Highway 43. The property is slightly impacted by the 100 and 500-year floodplains associated with Indian Wells Creek. The property is currently zoned RA under Pitt County's Jurisdiction, which allows residential and agricultural uses. Under the current zoning, the site could yield 70-75 single-family lots. Under the proposed zoning of R9S (single-family zoning), the site could yield 140-145 single-family lots. The City Council approved an amendment to the Future land Use Plan Map last month which recommends the property for medium density residential (MDR) and conservation/open space (COS). Conservation/open space is to show the potential for environmental constraints. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan the Future Land Use Plan Map.

Vice-Chairman King opened the public hearing.

Mr. Linwood Stroud of Stroud Engineering, representing the applicant, spoke in favor of the request. He stated that Mr. Clark has been working with NCDOT to provide a right-hand turn lane onto Highway 43 as traffic mitigation for the project. He has the agreement in writing. He anticipates on submitting a preliminary plat for 86 lots for the October Planning and Zoning Commission meeting.

Ms. Betsy Leech asked about potential drainage issues with the surrounding property.

Mr. Stroud stated that as part of the preliminary plat process drainage will be addressed at that time.

Mr. David Manning spoke in opposition of the request. He is concerned about the amount of separation between his property on Ivy Road and the project.

Ms. Gretchen Williams spoke in opposition of the request. She is concerned about traffic and drainage.

Mr. Bobby James spoke in opposition. He stated that he is concerned about drainage. In June of last year, his property was flooded because water overflowed Highway 43 on to his property.

Mr. Stroud, spoke in rebuttal in favor of the request. The drainage will be addressed during the preliminary plat process.

No one spoke in rebuttal in opposition of the request.

Vice-Chairman King closed the public hearing.

Mr. Connelly stated that the project could help with the drainage issues.

Mr. Gillespie spoke about impervious surface coverage increasing and causing drainage issues.



Ms. Leech spoke about using effective drainage design for drainage issues.

**Motion made by Mr. Connelly, seconded by Mr. Mills, 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. Those voting in favor: Collins, Leech, Gillespie, Bellis, Mills, Connelly and Darden. Those voting against: Reid. Motion passed.**

## **EXISTING ZONING**

### **RA DISTRICT** (County's Jurisdiction)

(Per zoning permit and by-right - subject to standards)

#### **SELECT USES**

Bed and breakfast inn  
Family Care Home  
Halfway House  
Mobile home on individual lot  
Mobile home park (5 or less units per park)  
Single-family dwelling  
Civic, social, and fraternal associations  
Private campground and RV Park  
Race Track Operation  
Riding Academy  
Blacksmith  
Shooting Range, Outside  
Kennels or Pet Grooming  
Taxidermist  
Welding Shop  
Convenience Store  
Service Station, Gasoline Sales  
Airport or Air Transportation Facility  
Landfill, Construction and Demolition  
Salvage Yards, Auto Parts  
Animal Shelter  
Turkey Shoots  
Private club or recreational center  
Swim and tennis club  
Church  
Day care center  
Nursing home  
Retreat or conference center

## **PROPOSED ZONING**

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

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

##### *(1) General:*

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

##### *(2) Residential:*

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

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

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

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

*(8) Services:*

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

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

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

*(12) Construction:*

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

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

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

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

***Special Uses***

*(1) General:\* None*

*(2) Residential:\* None*

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

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

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:\* None*

*(6) Recreational/ Entertainment:*

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

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

*(8) Services:*

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

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

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

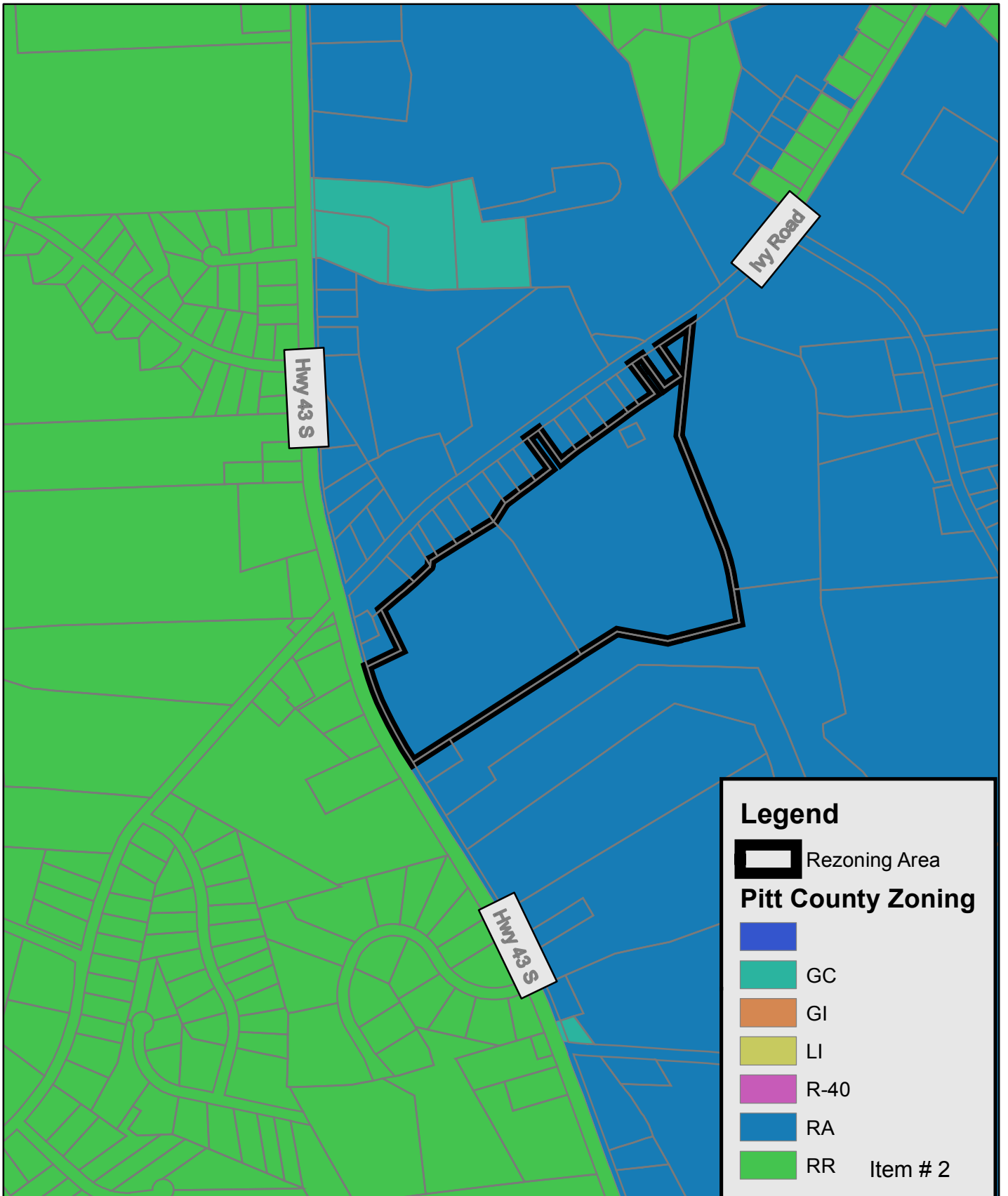
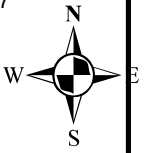
*(12) Construction:\* None*

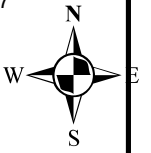
*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

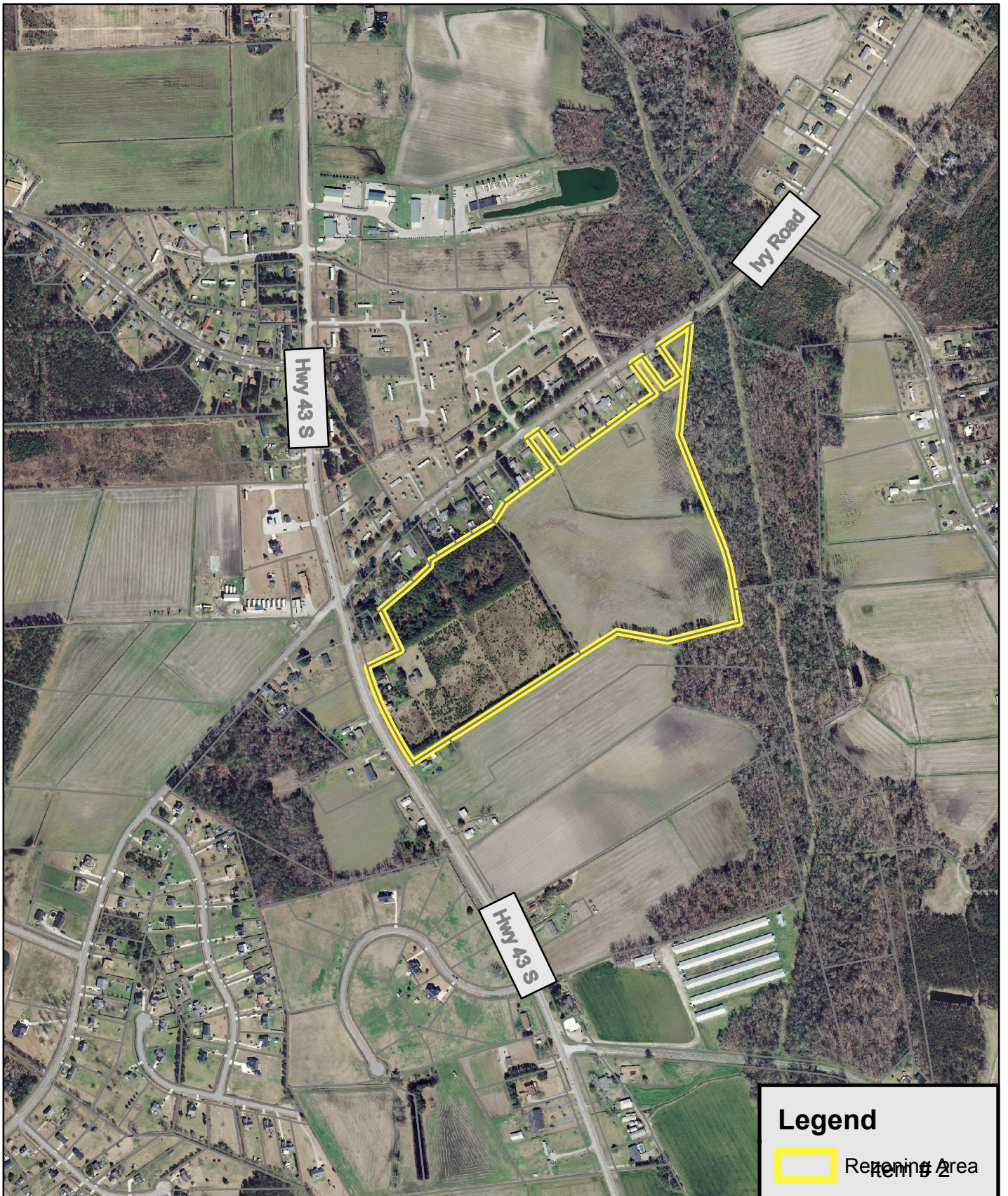
*(15) Other Activities (not otherwise listed - all categories):\* None*

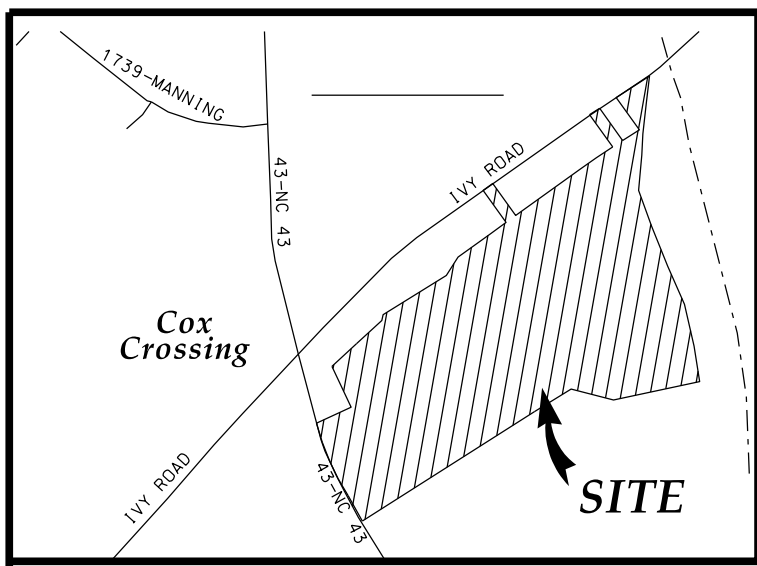
Bill Clark Homes of Greenville, LLC  
From: RA (Pitt County Zoning)  
To: R9S (City of Greenville Zoning)  
41.9410 acres  
August 31, 2015





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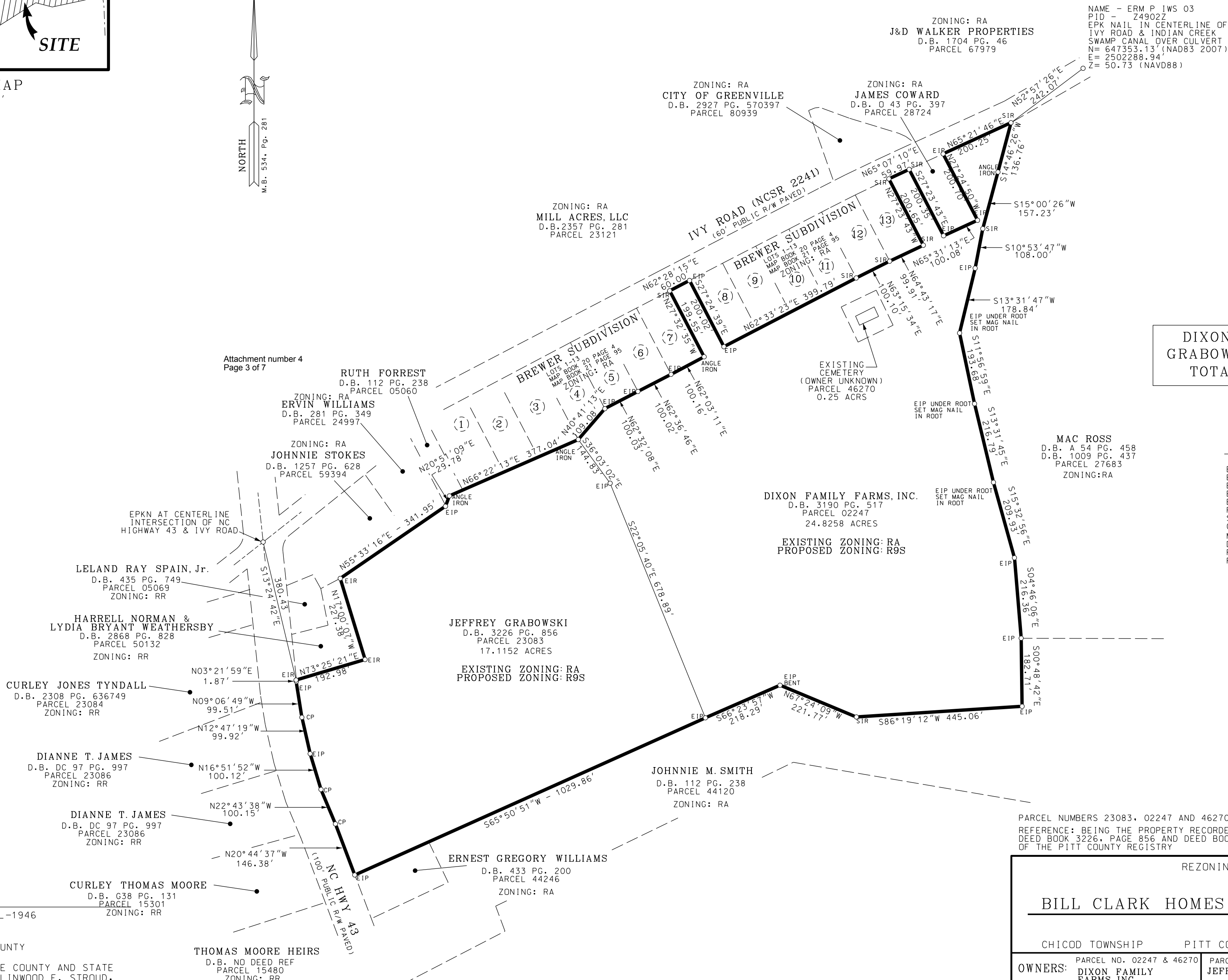




VICINITY MAP  
SCALE: 1" = 1000'



Attachment number 4  
Page 3 of 7



DIXON TRACT: 24.8258 AC  
GRABOWSKI TRACT: 17.1152 AC  
TOTAL AREA: 41.9410 AC

**LEGEND**

|      |                     |
|------|---------------------|
| EIR  | EXISTING IRON ROD   |
| EIP  | EXISTING IRON PIPE  |
| EPKN | EXISTING PK NAIL    |
| ECM  | EXISTING CONC. MON. |
| ERRS | EXISTING R/R SPIKE  |
| P1P  | PINCHTOP IRON PIPE  |
| SIR  | SET IRON ROD        |
| CP   | CALCULATED POINT    |
| MB   | MAP BOOK            |
| DB   | DEED BOOK           |
| PG   | PAGE                |
| R/W  | RIGHT OF WAY        |

PARCEL NUMBERS 23083, 02247 AND 46270  
REFERENCE: BEING THE PROPERTY RECORDED IN  
DEED BOOK 3226, PAGE 856 AND DEED BOOK 3190, PAGE 517  
OF THE PITT COUNTY REGISTRY

REZONING MAP FOR

**BILL CLARK HOMES OF GREENVILLE, LLC**

CHICOD TOWNSHIP    PITT COUNTY    NORTH CAROLINA

|  |  |   |
|--|--|---|
| <b>OWNERS:</b><br>DIXON FAMILY FARMS, INC.<br>3753 MILLS RD.<br>GREENVILLE, NC 27858<br>252-341-7328 | <b>PARCEL NO. 23083</b><br>JEFFREY GRABOWSKI<br>5845 NV 43S.<br>GREENVILLE, NC 27858<br>252-327-1172 | <b>SURVEYED:</b> ECG<br><b>DRAWN:</b> DM<br><b>APPROVED:</b> LES<br><b>DATE:</b> 7/29/15<br><b>SCALE:</b> 1" = 200'<br><b>SHEET:</b> 1 OF 1 |
|--|--|---|

**STROUD ENGINEERING, P.A.**  
107B COMMERCE ST.  
GREENVILLE, NC  
(252) 756-9352  
**LICENSE NO. C-0647**

LINWOOD E. STROUD, PLS L-1946

NORTH CAROLINA, PITT COUNTY

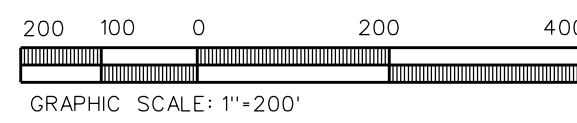
I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT LINWOOD E. STROUD, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

THOMAS MOORE HEIRS  
D.B. NO DEED REF  
PARCEL 15480  
ZONING: RR

I, LINWOOD E. STROUD, CERTIFY THAT THIS MAP IS OF A SURVEY OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

LINWOOD E. STROUD, PLS L-1946



# REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 15-12

Applicant: Bill Clark Homes of Greenville, LLC

**Property Information**

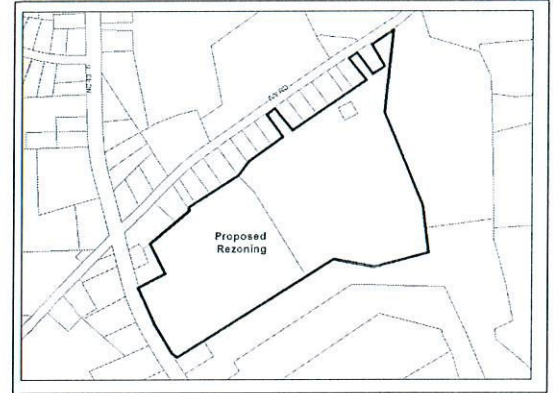
**Current Zoning:** RA (Residential -Agricultural - Pitt County's Jurisdiction)

**Proposed Zoning:** R9S (Residential - single-family only)

**Current Acreage:** 41.9410 acres

**Location:** East side of NC 43, south of Ivy Road

**Points of Access:** NC 43 South



**Location Map**

**Transportation Background Information**

**1.) NC 43- State maintained**

|                                  | <u>Existing Street Section</u> | <u>Ultimate Thoroughfare Street Section</u>   |
|----------------------------------|--------------------------------|---|
| Description/cross section        | 2 lane with ditches            | Five Lanes - Curb & Gutter                    |
| Right of way width (ft)          | 60                             | 90  |
| Speed Limit (mph)                | 55                             | no change                                     |
| <b>Current ADT:</b>              | 8,065 (*)                      | Ultimate Design ADT: 35,700 vehicles/day (**) |
| <b>Design ADT:</b>               | 16,400 vehicles/day (**)       |   |
| <b>Controlled Access</b>         | <b>No</b>                      |   |
| <b>Thoroughfare Plan Status:</b> | Major Thoroughfare             |   |

**Other Information:** There are sidewalks along NC 43 that service this property.

**Notes:** (\*) 2012 NCDOT count adjusted for a 2% annual growth rate  
(\*\*) Traffic volume based on 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: 718** -vehicle trips/day (\*)      **Proposed Zoning: 1,388** -vehicle trips/day (\*)

**Estimated Net Change: increase of 670 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 NC 43 are as follows:

**1.) NC 43 , North of Site (80%):**                      **“No build” ADT of 8,065**

|   |                          |
|---|--------------------------|
| Estimated ADT with Proposed Zoning (full build) – | 9,175                    |
| Estimated ADT with Current Zoning (full build) –  | 8,639                    |
| <b>Net ADT change =</b>                           | <b>536 (6% increase)</b> |



## 2.) NC 43 , South of Site (20%):

"No build" ADT of 8,065

Estimated ADT with Proposed Zoning (full build) – 8,343

Estimated ADT with Current Zoning (full build) – 8,209

Net ADT change = 134 (2% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1388 trips to and from the site on NC 43, which is a net increase of 670 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<br>4 small evergreens<br>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<br>6 small evergreens<br>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<br>8 small evergreens<br>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<br>10 small evergreens<br>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.


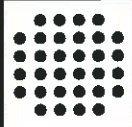
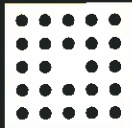

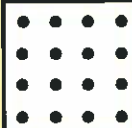

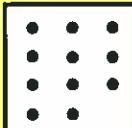
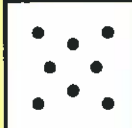
| <b>Residential Density</b>  |   |   |
|---|---|---|
| Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit |   |   |
| <b>High Density</b>   |   |   |
| R6<br>R6-N<br>R6-MH<br>OR<br>CDF  | 17 units per acre yields<br>45 persons per acre |    |
| PUD   | 12 units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

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Ordinance requested by the North Carolina Department of Transportation to rezone 19.66+/- acres located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road from OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial)

**Explanation:** **Abstract:** The City has received a request by the North Carolina Department of Transportation to rezone 19.66+/- acres located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road from OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on August 31, 2015.  
On-site sign(s) posted on August 31, 2015.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 22, 2015.  
Public hearing legal advertisement published on September 28 and October 5, 2015.

**Comprehensive Plan:**

The subject property is in Vision Area A.

North Memorial Drive is designated as a gateway corridor from West Third Street continuing north. Gateway corridors serve as primary entranceways into the City and help define community character. These roads are designed to carry high volumes of traffic through and across the city.

The Future Land Use Plan Map recommends commercial at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road transitioning to office/institutional/multi-family to the west to act as a buffer between the commercial and the residential.

There is a regional focus area located in the vicinity of this rezoning. These nodes typically contain in excess of 400,000 square feet of conditioned floor space.

#### Land Use Implementation Strategies

3(c). Commercial development should be encouraged at the intersections of major roads (i.e. in a nodal fashion) consistent with the City's future land use plan map.

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

Based on the analysis comparing the existing zoning (1,663 daily trips) and the requested rezoning, the proposed rezoning classification could generate 279 trips to and from the site on North Memorial Drive, which is a net *decrease* of 1,384 trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

#### **History/Background:**

In 1969, the property was zoned IU (Unoffensive Industry). In 1979, as part of the Belvoir Highway Study, the property was rezoned to OR. In the late 1990's/2000, a section of Belvoir Highway was abandoned and was incorporated into the airport property. This resulted in the current terminus of Belvoir Highway at Haw Drive.

This property was included in a Future Land Use Plan Map amendment that was approved by City Council on August 13, 2015.

#### **Existing Land Use:**

Vacant

#### **Water/Sewer:**

Water and sanitary sewer are available to the property.

#### **Historic Sites:**

There are no known effects on the designated property.

#### **Environmental Conditions/Constraints:**

The subject property is impacted by the 500-year floodplain associated with the Tar River.

#### **Surrounding Land Uses and Zoning:**

North: CH and R6 - Vacant  
South: OR - Pitt-Greenville Airport (runway) and NC Department of Corrections  
East: RA20 - NCDOT facility  
West: OR - Vacant (under common ownership by the applicant)

**Anticipated Density:**

Under the current zoning, the site could accommodate 225-250 multi-family units (1, 2 and 3 bedrooms).

Under the proposed zoning, the site is anticipated to accommodate 40,000+/- square feet of heavy equipment garage/storage.

The anticipated build-out is 1-2 years.

**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 approve the request at its September 15, 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 17 to prohibit "strip development" along collector and thoroughfare streets and Objective UF 20 to concentrate higher intensity uses in employment and focus 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 concentrating higher intensive uses in focus areas which helps to preserve the carrying capacity of streets.

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.

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

**Attachments / click to download**

- [Attachments](#)
- [Ordinance NCDOT rezoning 1012140](#)
- [Minutes NC DOT rezoning 1012167](#)
- [List of Uses OR to CH 983533](#)

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 8<sup>th</sup> day of October, 2015, at 6:00 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 UF17 to prohibit “strip development” along collector and thoroughfare streets and Objective UF20 to concentrate higher intensive uses in employment and focus areas; 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 concentrating higher intensive uses in focus areas which helps to preserve the carrying capacity of streets; and

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

Section 1. That the following described territory is rezoned from OR (Office-Residential) to CH (Heavy Commercial).



TO WIT: State of North Carolina Property

LOCATION: Located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road.

DESCRIPTION: All that certain tract or parcel of land lying and being situated in Belvoir Township, Pitt County, N.C., bounded on the north by Highridge Costa Housing Partners, LLC and the JMW Family, LLC, on the east by N.C. Highway 11, (North Memorial Drive), on the south by N.C. Secondary Road 1528 (W. Belvoir Road) on the west by State of North Carolina and being described by metes and bounds as follows:

Beginning at a point where the western right of way line of N.C. Highway 11 (North Memorial Drive) intersects with the northern right of way line of N.C. Secondary Road 1528 (W. Belvoir Road), thence with the northern right of way line of N.C. Secondary Road 1528 (W. Belvoir Road), N57°38'31"W 150.00 feet, thence S32°21'29"W 25.00 feet, thence N57°38'31"W 629.82 feet to a point in said right of way, a new corner, thence leaving N.C. Secondary Road 1528 (W. Belvoir Highway) with a new line N32°21'19"E 240.98 feet, N00°00'00"E 495.46 feet, thence N18°34'20"E 169.30 feet to a point in the southern line of Highridge Costa Housing Partners, LLC, recorded in Deed Book 2852, page 805, thence with the southern line of Highridge Costa Housing Partners, LLC S71°25'40"E 151.76 feet to the common corner between Highridge Costa Housing Partners, LLC and JMW Family, LLC property recorded in Deed Book 2463, page 292, thence with the southern line of the JMW Family, LLC S71°25'40"E 113.19 feet, thence continuing with the southern line of JMW Family, LLC S71°54'13" 721.13 feet to a point in the western right of way line of N.C. Highway 11 (North Memorial Drive), thence with the western right of way line of N.C. Highway 11 (North Memorial Drive) S21°03'48"W 806.48 feet to a point in said right of way, thence continuing with N.C. Highway 11 (North Memorial Drive) along a curve in a clockwise direction, said curve having a radius of 2,796.90 feet, a chord bearing of S22°42'55"W and a chord distance of 161.21 feet, thence continuing with the western right of way line of N.C. Highway 11, (N. Memorial Drive), S64°11'17"W, 105.84 feet to the POINT OF BEGINNING containing 19.66 acres more or less and being a portion of that property described in Deed Book B 20, page 302 and further shown on a map by Rivers and Associates, Inc. drawing Z-2603 dated August 17, 2015, entitled Rezoning Map for State of North Carolina, which by reference is made a part hereof for a more detailed description.

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 8<sup>th</sup> day of October, 2015.

---

Allen M. Thomas, Mayor

ATTEST:

---

Carol L. Barwick, City Clerk

Doc. # 1012140

**Excerpt from the DRAFTED Planning & Zoning Commission Minutes (09/15/2015)**

ORDINANCE REQUESTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO REZONE 19.66+/- ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MEMORIAL DRIVE AND WEST BELVOIR ROAD FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CH (HEAVY COMMERCIAL) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road. The airport is to the south. Only a portion of the State's property is included in this rezoning. The remaining portion will act as a buffer to the neighborhood. The property is vacant and a neighborhood is to the west. North Memorial Drive is a gateway corridor, which serve as primary entryways into the city. There is a regional focus area in the vicinity, where commercial is anticipated and encouraged. The intersection of North Memorial Drive and West Belvoir Road is signalized. The property is impacted by the 500-year floodplain associated with Tar River. The property is currently zoned OR (office-multi-family) and could yield up to 200 multi-family units. Under the proposed zoning, the site could accommodate 40,000+ square feet of heavy equipment and storage. The City Council approved an amendment to the Future land Use Plan Map in August that recommends the property for commercial with office/institutional/multi-family as a transition to the neighborhood to the west. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan the Future Land Use Plan Map.

Vice-Chairman King opened the public hearing.

Mr. Dan Withers with Rivers and Associates, representing the applicant, spoke in favor of the request. He stated that a sizeable piece of the state's property has been left to serve as a buffer between the project and the neighborhood.

No one spoke in opposition.

Vice-Chairman King closed the public hearing.

**Motion made by Ms. Reid, seconded by Ms. Darden, 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.**

## **EXISTING ZONING**

### **OR (Office-Residential)**

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

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales incidental

##### *(2) Residential:*

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- 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)
- 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

##### *(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 recreation facility

##### *(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

##### *(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- 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)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library

- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) *Repair*:\* None

(10) *Retail Trade*:

- s. Book or card store, news stand
- w. Florist

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

(12) *Construction*:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

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

**OR (Office-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
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

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

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:\* None

(6) *Recreational/ Entertainment*:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) *Office/ Financial/ Medical*:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities

- l. Convention center; private
- 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)
- ff. Mental health, emotional or physical rehabilitation center

(9) *Repair*:\* None

(10) *Retail Trade*:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

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

(12) *Construction*:\* None

(13) *Transportation*:

- h. Parking lot or structure; principle use

(14) *Manufacturing/ Warehousing*: \* None

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

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

## **PROPOSED ZONING**

### **CH (Heavy Commercial)**

#### ***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
- g. Liquor store, state ABC

(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)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

*(6) Recreational/ Entertainment:*

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities
- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

*(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

*(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- 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)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- 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)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

*(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
- g. Jewelry, watch, eyewear or other personal item repair

*(10) Retail Trade:*

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- 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
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding 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 excluding outside storage
- f. Hardware store

*(13) Transportation:*

- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service



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
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

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

**CH (Heavy Commercial)**  
***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:*\* None

*(5) Agricultural/ Mining:*\* None

*(6) Recreational/ Entertainment:*

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

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

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

*(9) Repair:*

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

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

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

*(12) Construction:*\* None

*(13) Transportation:*\* None

*(14) Manufacturing/ Warehousing:*

- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities

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

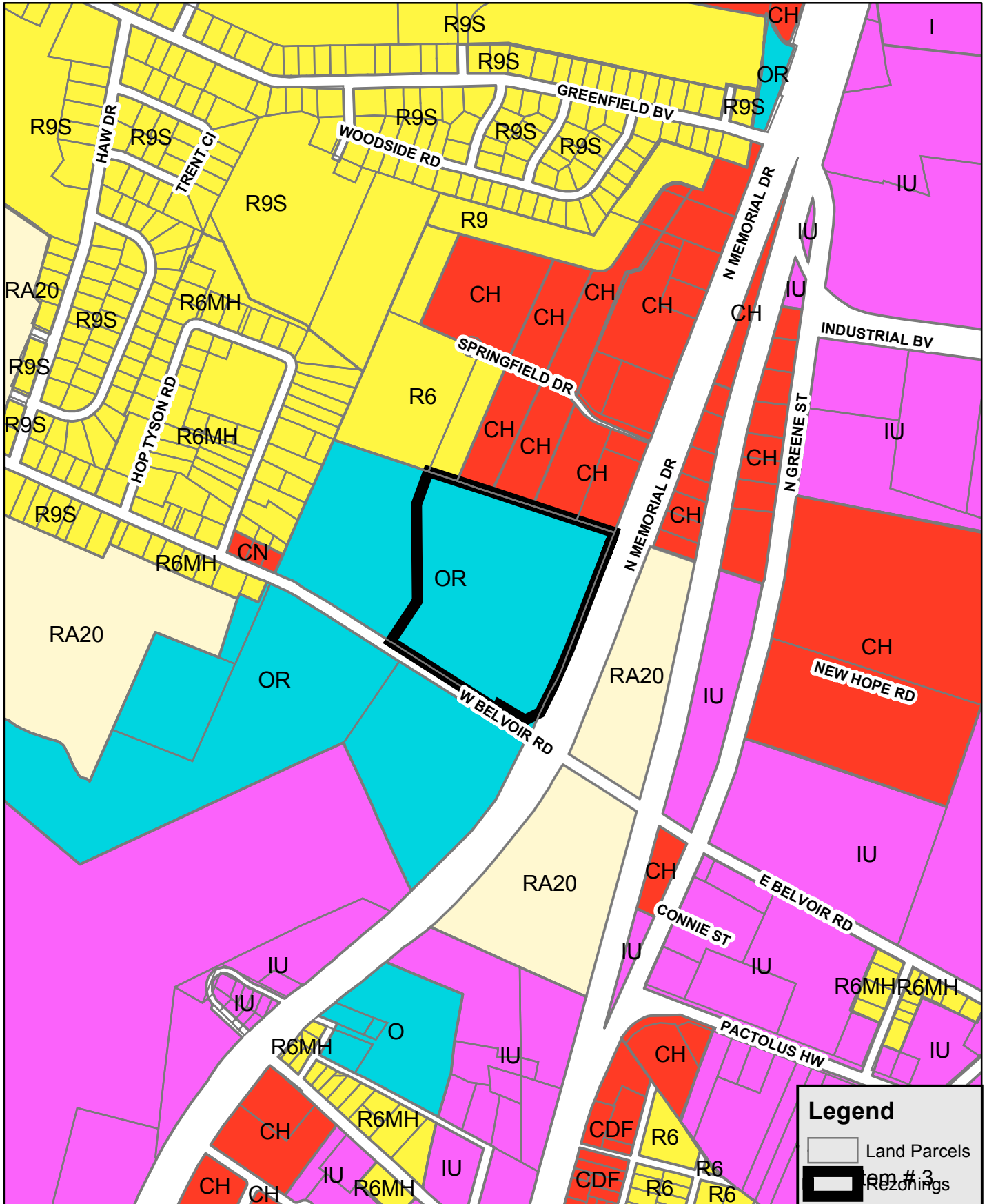
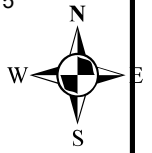
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

# North Carolina Department of Transportation (15-11)

From: OR To: CH

19.66+/- acres

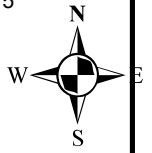
August 31, 2015



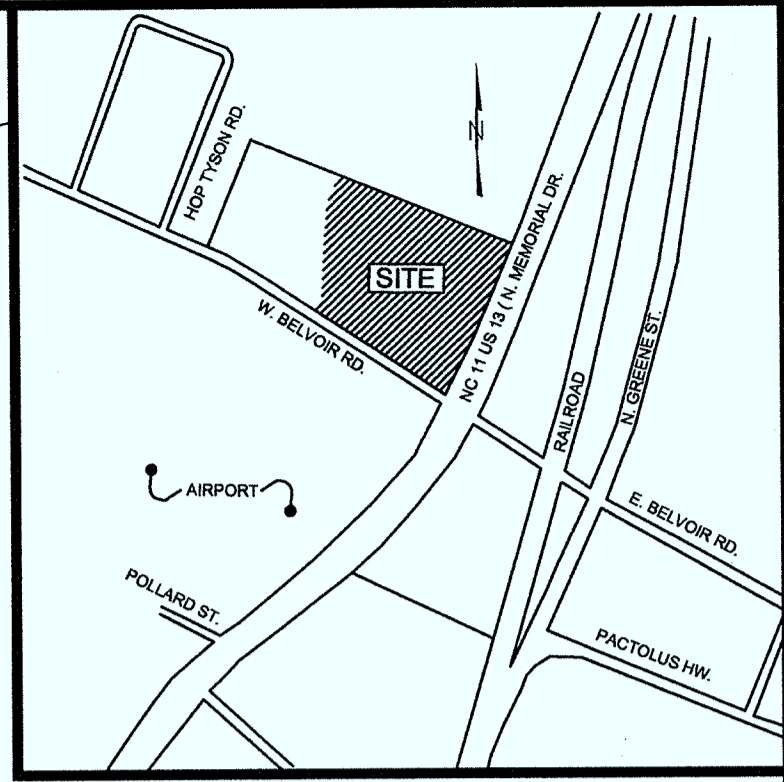
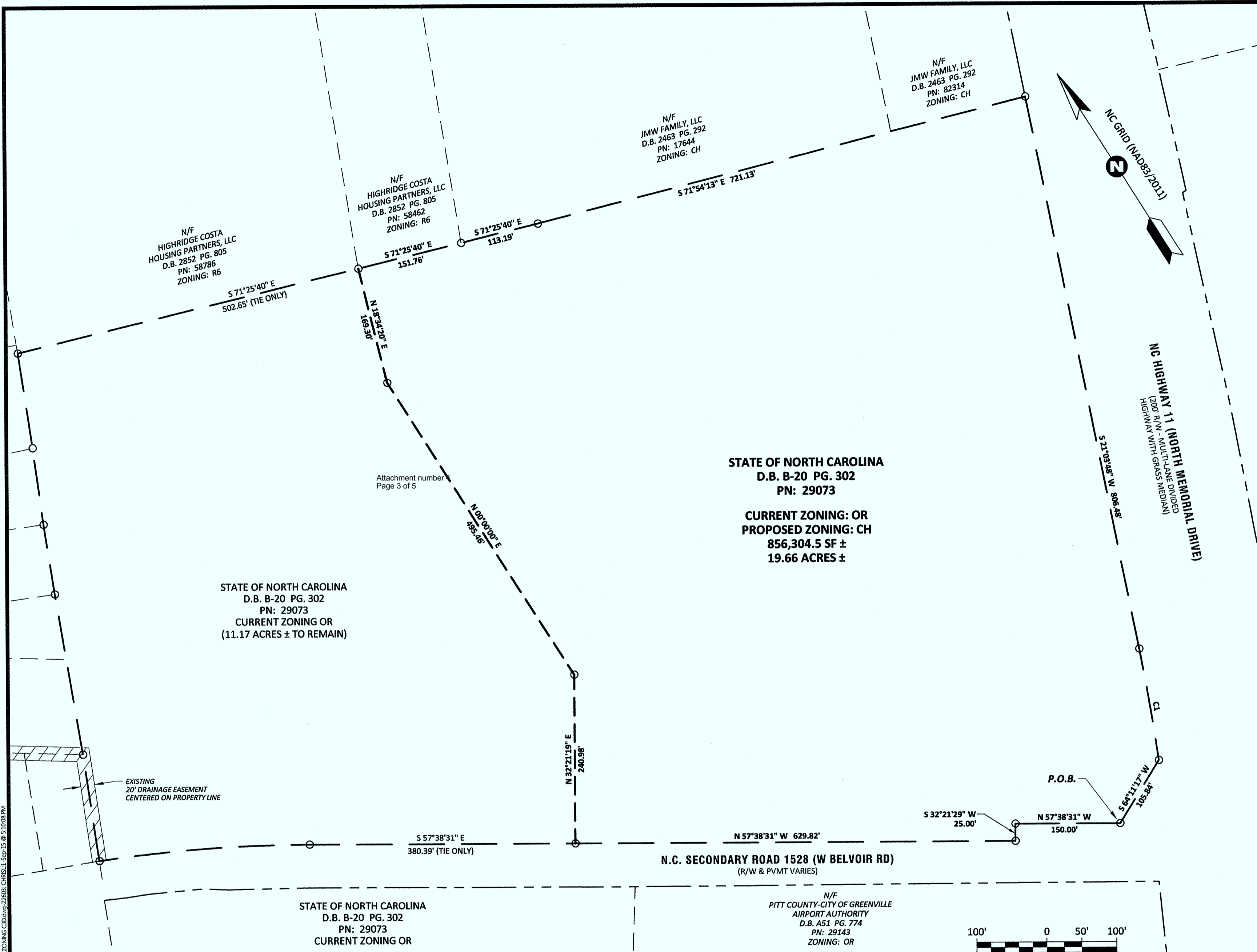
**Legend**

- Land Parcels
- Item # 3
- Resonings

North Carolina Department of Transportation (15-11)  
From: OR To: CH  
19.66+/- acres  
August 31, 2015



P:\LandDev\MAH - NCDOT Equipment Shop - REZONING - CDR.dwg-22603 - CHIRBEL1.dwg-15 @ 5:10:08 PM



VICINITY MAP  
(NOT TO SCALE)

**REFERENCE(S):**  
 D.B. B-20 PG. 302  
 D.B. A-51 PG. 774  
 D.B. 2852 PG. 805  
 D.B. 2463 PG. 292

SEE NON-RECORDED SURVEY MAP BY  
 MICHAEL R. JACKSON, PLS ENTITLED  
 SURVEY FOR N.C. DEPARTMENT OF TRANSPORTATION,  
 DATED AUGUST 2, 2010.

**LEGEND**

N/F = NOW OR FORMERLY  
 D.B. = DEED BOOK  
 PG. = PAGE  
 PN: = PARCEL NUMBER  
 R/W = RIGHT-OF-WAY  
 P.V.M.T. = PAVEMENT  
 SF = SQUARE FEET  
 P.O.B. = POINT OF BEGINNING

— = PROPERTY LINE  
 - - - = REZONING LINE  
 - - - - - = ADJOINER LINE

STATE OF NORTH CAROLINA  
 D.B. B-20 PG. 302  
 PN: 29073  
 CURRENT ZONING OR  
 (11.17 ACRES ± TO REMAIN)

STATE OF NORTH CAROLINA  
 D.B. B-20 PG. 302  
 PN: 29073  
 CURRENT ZONING: OR  
 PROPOSED ZONING: CH  
 856,304.5 SF ±  
 19.66 ACRES ±

STATE OF NORTH CAROLINA  
 D.B. B-20 PG. 302  
 PN: 29073  
 CURRENT ZONING OR

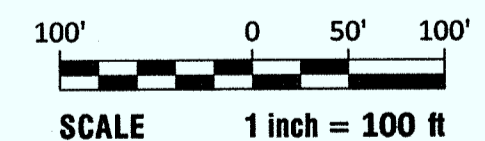
N/F  
 PITT COUNTY-CITY OF GREENVILLE  
 AIRPORT AUTHORITY  
 D.B. A51 PG. 774  
 PN: 29143  
 ZONING: OR

**NOTES**

1. AREA DETERMINED BY COORDINATES.
2. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
3. NO POINT SET AT ANY CORNER, UNLESS OTHERWISE NOTED.
4. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON. THIS MAP IS NOT TO BE USED FOR SALES OR CONVEYANCE. NOT ALL EXISTING EASEMENTS OR IMPROVEMENTS AREA SHOWN HEREON.
5. EXISTING ZONING WAS TAKEN FROM THE PITT COUNTY ONLINE INFORMATION SYSTEM WEB SITE ON AUGUST 14, 2015.

| CURVE DATA |         |        |         |        |               |            |
|------------|---------|--------|---------|--------|---------------|------------|
| CURVE      | RADIUS  | LENGTH | TANGENT | CHORD  | BEARING       | DELTA      |
| C1         | 2796.90 | 161.23 | 80.64   | 161.21 | S 22°42'55" W | 003°18'11" |

Item # 3



**CERTIFICATION**

I, JAMES M. WALKER, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(11)d, THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 17TH DAY OF AUGUST, 2015.

*James M. Walker*  
 PROFESSIONAL LAND SURVEYOR LICENSE No. L-1556

**SEAL**

NORTH CAROLINA  
 PROFESSIONAL  
 LAND SURVEYOR  
 JAMES M. WALKER  
 L-1556

Date: August 17, 2015  
 Design: - Draft LC  
 - Check JMW

NC License: F-0334

**Rivers**  
 & ASSOCIATES, INC.  
 riversandassociates.com Since 1918

Engineers  
 Planners  
 Surveyors  
 Landscape Architects  
 107 East Second Street  
 Greenville, NC 27858  
 (252) 752-4155

REZONING MAP FOR:  
**NORTH CAROLINA**  
**DEPARTMENT OF TRANSPORTATION**

OWNER: STATE OF NORTH CAROLINA  
 BELVOIR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

Scale: 1" = 100'  
 Project No. 2013078  
 Drawing No. Z-2603  
 Sheet: 1 of 1

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<br>4 small evergreens<br>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<br>6 small evergreens<br>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<br>8 small evergreens<br>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<br>10 small evergreens<br>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.


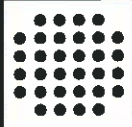
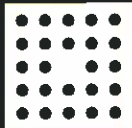

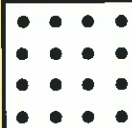

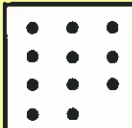
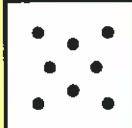
| <b>Residential Density</b>  |  |   |
|---|--|---|
| Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit |  |   |
| <b>High Density</b>   |  |   |
| R6<br>R6-N<br>R6-MH<br>OR<br>CDF  | 17 units per acre<br>yields<br>45 persons per acre |    |
| PUD   | 12 units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

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Resolution to Close a Portion of Charles Street

**Explanation:** **Abstract:** This item is to consider a resolution to close a portion of Charles Street north of Tenth Street, at the request of East Carolina University.

**Explanation:** The City received a petition from East Carolina University (State of North Carolina) requesting the closure of a portion of Charles Street lying and being north of Tenth Street as shown on the attached map. The State of North Carolina owns all of the property adjoining the street section requested to be closed.

**Prior City Council Action:** City Council adopted a Resolution of Intent to Close a portion of Charles Street during its September 10, 2015, meeting and also set the date for a public hearing on the regularly scheduled City Council meeting on October 8, 2015.

**Planning and Zoning Commission** gave a favorable recommendation to the petition for closure during its September 15, 2015, meeting.

**Required Notices:** Pursuant to the provisions of G.S. 160A-299, the Resolution of Intent to Close was published in The Daily Reflector on four consecutive Mondays (September 14, 21, and 28, and October 5, 2015), a copy thereof was sent by certified mail to all owners of property adjacent to the street as shown on the Pitt County tax records, and a notice of the closing and public hearing has been prominently posted in two places along the street section to be closed.

**Staff Comments:** The petition has been reviewed by City staff and Greenville Utilities Commission with the following conditions:

- 1) The placement of an easement over and upon the utilities that will remain in the closed street right-of-way. The easement is shown on the street closing map.



**Fiscal Note:**

Upon adoption of a Resolution to Close by City Council, budgeted funds for street lights and maintenance of this portion of Charles will no longer be required. The City will no longer receive Powell Bill Funds for this street section.

**Recommendation:**

Hold a public hearing on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing the street is not contrary to the public interest and that no individual owning property in the vicinity of the street in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, City Council may adopt the resolution to close a portion of Charles Street.

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

**Attachments / click to download**

[Charles Street Abandonment](#)

[CC 10 08 15 RES to close a portion of Charles Street 1012492](#)

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FILE: CITY OF GREENVILLE

RESOLUTION NO. \_\_\_\_\_  
AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA,  
TO CLOSE A PORTION OF CHARLES STREET

WHEREAS, the City Council of the City of Greenville, at its September 10, 2015, meeting, adopted a resolution declaring its intent to close a portion of Charles Street; and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing would be held on the 8<sup>th</sup> day of October, 2015, on the question of closing a portion of said street; and

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining the said street, as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said street; and

WHEREAS, a hearing was conducted on the 8<sup>th</sup> day of October, 2015, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of that portion of Charles Street is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property; and

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for alleyway purposes is released in accordance with the provisions of G.S. 160A-299:

To Wit: Being a portion of the 50 foot wide right-of-way of Charles Street as shown on that plat entitled "Street Abandonment Map For a Portion of Charles Street" prepared by The East Group, Project Number 20130198.

Location: Lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, and being located on the north side of Tenth Street at the current terminus of Charles Street.

Description: Beginning at an existing iron pipe located in the western right-of-way line of Charles Street, with said point being 139.71 feet north of Tenth Street and being the common corner between the property of Joseph Kadane recorded in Deed Book 295, Page 797 and the State of North Carolina property recorded in Deed Book 331, Page 556; thence from said beginning point and running along the western right-of-way line of Charles Street, N10°23'43"E – 79.70 feet to a point at the northern terminus of Charles Street; thence running along the northern terminus of Charles Street, a common line with the State of North Carolina property as recorded in Deed Book 288, Page 814, and Map Book 47, Page 38 (map showing prior closing of a portion of Charles Street), S78°19'48"E – 50.55 feet to an existing iron pipe in the eastern right-of-way line of Charles Street; thence running along the eastern right-of-way line of Charles Street, S10°23'43"W – 96.36 feet to a point; thence leaving the eastern right-of-way line of Charles Street and running across Charles Street, N60°13'12"W – 53.58 feet to an existing iron pipe in

the western right-of-way line of Charles Street, the point of beginning, and containing about 4,449 square feet.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this order. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the alley closing have a utility agreement or franchise with the City of Greenville.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this Attachment number 1  
Page 2 of 2 paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County after the effective date of this Order.

ADOPTED this the 8<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

NORTH CAROLINA  
PITT COUNTY

I, Polly Jones, 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 8<sup>th</sup> day of October, 2015.

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

My Commission Expires: August 5, 2021

I, WILLIAM B. HILLIARD, PROFESSIONAL LAND SURVEYOR NO. L-4509, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THIS,  A OR  B:

- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- C. ANY OF THE FOLLOWING:
  1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
  2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
  3. THAT THE SURVEY IS A CONTROL SURVEY.
- D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- 2) THIS PROPERTY IS SUBJECT TO THE TAR/PAMLICO RIVER RIPARIAN BUFFER RULES.
- 3) THE SURVEYOR MADE NO ATTEMPT TO LOCATE OR DELINEATE ANY WETLANDS LOCATED ON THE SUBJECT PROPERTY.
- 4) THE SURVEYOR MAKES NO GUARANTEE THAT THERE ARE NO OTHER EASEMENTS THAT MAY BENEFIT OR BURDEN THE SUBJECT PROPERTY.
- 5) THIS PROPERTY IS LOCATED IN ZONE X AND IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS TAKEN FROM N.F.I.P. RATE MAP DATED JANUARY 2, 2004 COMMUNITY PANEL 3720467700J.
- 6) FOR BUILDING SETBACK RESTRICTIONS REFER TO THE CITY OF GREENVILLE ZONING REQUIREMENTS.

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF LAWRENCE STREET.

RESOLUTION: \_\_\_\_\_

SIGNED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

STATE OF NORTH CAROLINA PITT COUNTY

I, WILLIAM B. HILLIARD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO 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: < 0.10'  
 TYPE OF FIELD PROCEDURE: RTK  
 DATE(S) OF SURVEY: 09/15/14  
 DATUM/EPOCH: NAD 83 (2011)  
 PUBLISHED/FIELD CONTROL MONUMENTS USED: MESSICK & PLANT  
 GEIOD MODEL: GEIOD99  
 COMBINED GRID FACTOR: 0.99988921  
 UNITS: U.S. SURVEY FEET

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS DATE DAY OF MONTH, 2015.

**PRELIMINARY**  
 NOT FOR RECORDATION  
 CONVEYANCE OR SALES

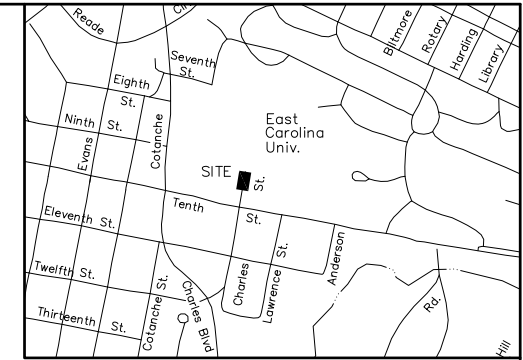
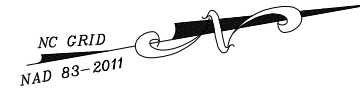
I, \_\_\_\_\_, REVIEW OFFICER OF \_\_\_\_\_ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_

DATE \_\_\_\_\_

Attachment number 2  
 Page 1 of 1

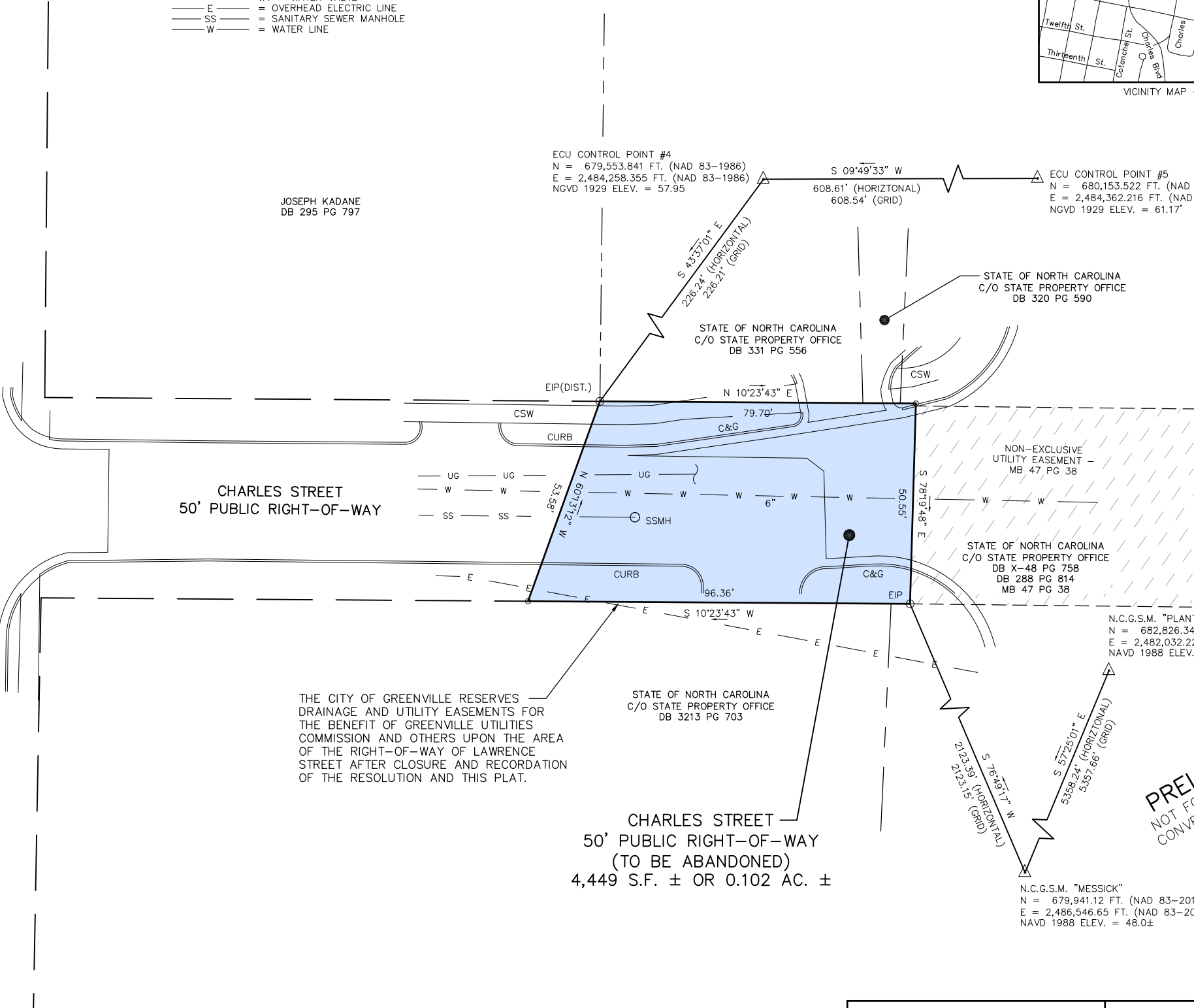
- LEGEND
- CDW = CONCRETE DRIVEWAY
  - CSW = CONCRETE SIDEWALK
  - C&G = CURB & GUTTER
  - EIP = EXISTING IRON PIPE
  - GW = GUY WIRE
  - PP = POWER POLE
  - RWM = RIGHT-OF-WAY MONUMENT
  - SSMH = SANITARY SEWER MANHOLE
  - TC = TERRACOTTA
  - WV = WATER VALVE
  - E — = OVERHEAD ELECTRIC LINE
  - SS — = SANITARY SEWER MANHOLE
  - W — = WATER LINE



VICINITY MAP - NOT TO SCALE

**PRELIMINARY**  
 NOT FOR RECORDATION  
 CONVEYANCE OR SALES

TENTH STREET NCDOT PUBLIC RIGHT-OF-WAY VARIES



THE CITY OF GREENVILLE RESERVES DRAINAGE AND UTILITY EASEMENTS FOR THE BENEFIT OF GREENVILLE UTILITIES COMMISSION AND OTHERS UPON THE AREA OF THE RIGHT-OF-WAY OF LAWRENCE STREET AFTER CLOSURE AND RECORDATION OF THE RESOLUTION AND THIS PLAT.

CHARLES STREET  
 50' PUBLIC RIGHT-OF-WAY  
 (TO BE ABANDONED)  
 4,449 S.F. ± OR 0.102 AC. ±

**PRELIMINARY**  
 NOT FOR RECORDATION  
 CONVEYANCE OR SALES

STREET ABANDONMENT  
 MAP FOR A PORTION OF  
 CHARLES STREET  
 FOR THE  
 STATE OF NORTH CAROLINA  
 CITY OF GREENVILLE  
 PITT COUNTY

DATE  
 NORTH CAROLINA



| REVISION | DATE | INIT. |
|----------|------|-------|
|          |      |       |
|          |      |       |
|          |      |       |
|          |      |       |

|                  |                                      |
|------------------|--------------------------------------|
| DRAWN BY: WBH    | PROJECT NO.: 20130198                |
| SURVEYED BY: GDF | DATE: DATE                           |
| SCALE: 1" = 20'  | DRAWING NAME: charles-street-abandon |

**THE EAST GROUP**  
 324 S. EVANS ST. GREENVILLE, NC 27834 (252) 758-3746  
 4325 LAKE BOONE TRAIL SUITE 311 RALEIGH, NC 27607 (919) 784-9330  
 CORPORATE LICENSE NO. C0206  
 Engineering Architecture Surveying Technology



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Ordinance to amend the Zoning Ordinance by changing the public street setback in multi-family from 25 feet to 15 feet and adding that single-family detached homes and duplexes will be built only on public streets

**Explanation:** **Abstract:** Working with members of the development community, the Planning staff has developed an ordinance amendment to the public street standards that will provide greater flexibilities in the application of the public street requirement when developing single-family or duplex development using the multi-family standards. The action will also reduce the public street setback from 25 to 15 feet in these instances.

**Explanation:** In the spring of 2014, the Greenville City Council asked the Public Works Department to prepare a report on private streets. After hearing the report, the City Council then instructed the Planning staff to prepare an ordinance that would eliminate private streets as a development option. This ordinance was adopted on August 14, 2014.

A portion of that ordinance established "named accesses". A "named access" is for commercial or multi-family developments when there are not enough existing street addresses off the adjoining public street. The City Engineer is responsible for determining when a "named access" is necessary. The Engineering Department had earlier informally done this procedure. The adoption of the ordinance formally recognized this practice.

Single-Family and Duplex development as an optional development alternative is allowed under the multi-family standards. With the deletion of private streets as a development option, it is intended for Single-Family and Duplex development to be constructed on public streets. This amendment would clarify that position and remove the "named access" option for Single-Family and Duplex development.

The staff is also proposing a reduction in the public street setback from 25 feet to 15 feet. This would act as an incentive for developers to use public streets. A 15-

foot public street setback is already allowed in the "Cluster" development option.

**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, Section 3, Plan Elements, Housing: Objective H1 to encourage a variety of housing choices through preservation, rehabilitation, code enforcement, and new development; and Objective H2 to encourage quality in the design and construction of new dwellings and multifamily structures.

The Planning and Zoning Commission voted to recommend approval of the request at its September 15, 2015 meeting.

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, Section 3, Plan Elements, Housing: Objective H1 to encourage a variety of housing choices through preservation, rehabilitation, code enforcement, and new development; and Objective H2 to encourage quality in the design and construction of new dwellings and multifamily structures;

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**Attachments / click to download**

- [Multi family setback and public street amendment 1011363](#)
- [Private Street Ordinance 982786](#)
- [Excerpt P Z Sept 2015 15 ft setback 1012280](#)

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

Attachment number 1  
Page 1 of 2

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 October 8, 2015, at 6:00 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;

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, Section 3, Plan Elements, Housing: Objective H1 to encourage a variety of housing choices through preservation, rehabilitation, code enforcement, and new development; and Objective H2 to encourage quality in the design and construction of new dwellings and multifamily structures; 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, 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 I, Section 9-4-145 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(1) to read as follows:

(B) Development Standards  
(1) Public street right-of-way: 15 feet

Section 2: That Title 9, Chapter 4, Article I, Section 9-4-150 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-150 PRIVATE STREETS

No new private streets are allowed after August 14, 2014. Single-family and two-family dwellings shall only be located on public streets.

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

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

Adopted this 8th day of October, 2015.

---

Allen M. Thomas, Mayor

Attachment number 1  
Page 2 of 2

ATTEST:

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Carol L. Barwick, City Clerk



ORDINANCE NO. 14-049  
AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 2  
Page 1 of 3

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on August 14, 2014, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 6, Chapter 2, Article B, Section 6-2-33 of the Code of Ordinances, City of Greenville, is hereby amended by the addition of a definition of 'Named Access' and by rewriting the definition of 'private streets' to read as follows:

Named Access. A private driveway assigned a name by the City Engineer.

Private streets. Streets that have been publicly dedicated by easement and as such constitute public vehicular areas as provided and regulated by the Greenville Subdivision Ordinance. These streets are constructed in accordance with Manual of Standard Designs and Details, but are maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 2: That Title 6, Chapter 2, Article B, Section 6-2-51 of the Code of Ordinances, City of Greenville, is hereby amended by adding subsection (G) to read as follows:

(G) Named Access is assigned to commercial or multifamily developments when there are not enough existing address numbers available to properly address the proposed structures off of the adjoining public street. Named Access is also assigned when three or more structures are located on a private driveway to comply with E911 standards. The City Engineer is responsible for determining when a Named Access is deemed necessary during the plan review process. The proposed names for the Named Access submitted by the developer shall be reviewed by the City Engineer. The City Engineer shall verify that the proposed name for the Named Access is not duplicated in the city and/or Pitt County. All proposed Named Access street names should have a name suffix of "Way". Once the street name verification process is complete, the City Engineer shall assign the addresses for the structures using the Named Access. Using Named Access will also assist the City Engineer in not having to readdress existing structures to accommodate new development.

Section 3: That Title 9, Chapter 4, Article B, Section 9-4-22 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting the definition of ‘streets; private’ to read as follows:

Streets; private. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by law. The streets shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 4: That Title 9, Chapter 4, Article I, Section 9-4-150 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-150 PRIVATE STREETS

No new private streets are allowed after August 14, 2014.

Attachment number 2  
Page 2 of 3

Section 5: That Title 9, Chapter 4, Article J, Section 9-4-166 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(2) to read as follows:

(2) Planned primary and secondary traffic circulation patterns showing proposed and existing public street rights-of-way;

Section 6: That Title 9, Chapter 4, Article J, Section 9-4-166 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(16)(a) to read as follows:

(a) Statements addressing any declarations of covenants, conditions or restrictions which create a property owners’ association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the City Council in order to assess the feasibility of such private maintenance;

Section 7: That Title 9, Chapter 4, Article J, Section 9-4-168 of the Code of Ordinances, City of Greenville, is hereby amended by the deletion of subsection (a)(3) and subsection (D) in their entirety.

Section 8: That Title 9, Chapter 4, Article K, Section 9-4-183 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said to read as follows:

SEC. 9-4-183 PRIVATE STREETS.

No new private streets are allowed after August 14, 2014.

Section 9: That Title 9, Chapter 4, Article M, Section 9-4-204 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-204 PRIVATE STREETS.

No new private streets are allowed after August 14, 2014.

Section 10: That Title 9, Chapter 5, Article A, Section 9-5-5 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting the definition of ‘construction plans’ and rewriting the definition of ‘private streets’ to read as follows:

Construction plans. Construction plans are engineering details and specifications for the provision of necessary and/or required facilities and improvements. Such facilities and improvements may include but not be limited to public streets, water, sanitary sewer and storm drainage systems.

Private streets. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by applicable law. Such streets shall be constructed in accordance with the standards specified in the Manual of Standard Designs and Details and shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 11: That Title 9, Chapter 5, Article B, Section 9-5-45 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (C)(2), (C)(4), (C)(5), and (C)(24) to read as follows:

(2) Existing, platted and proposed streets, their names and numbers (if state marked routes) shown and designated as “public” indicating right-of-way and/or easement widths, pavement widths, centerline curve and corner radius data, including sight distance triangles and typical cross-sections. All streets indicated on the city Thoroughfare Plan shall indicate future right-of-way widths;

(4) Location of all existing buildings with exterior dimensions including heights, number of stories, distance to existing and proposed lot lines, private drives, public rights-of-way and easements;

(5) Existing and proposed property lines, public streets, right-of-way and/or easement widths, pavement widths, easements, utility lines, hydrants, recreation areas or open spaces on adjoining property;

(24) Easements, including but not limited to electric, water, sanitary sewer, storm sewer, drainage, gas or other service delivery easements including their location, width and purpose;

Section 12: That Title 9, Chapter 5, Article B, Section 9-5-45 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (U) to read as follows:

(U) No new private streets are allowed after August 14, 2014.

Section 13: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 14: That this ordinance shall become effective upon its adoption.

ADOPTED this 14th day of August, 2014.

/s/ Allen M. Thomas  
Allen M. Thomas, Mayor

ATTEST:

/s/ Carol L. Barwick  
Carol L. Barwick, City Clerk

**Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (9-15-15)**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY CHANGING THE PUBLIC STREET SETBACK IN MULTIFAMILY FROM 25 FEET TO 15 FEET AND ADDING THAT SINGLE-FAMILY DETACHED HOMES AND DUPLEXES WILL BE BUILT ONLY ON PUBLIC STREETS.- APPROVED

Mr. Andy Thomas, Lead Planner, presented the text amendment. City Council asked the Public Works Department to prepare a report on private streets. City Council then instructed the Planning Staff to prepare an ordinance that would eliminate private streets as a development option. This ordinance was adopted August 14, 2014.

A portion of that ordinance established "named accesses". A "named access" is for commercial or multi-family developments when there are not enough existing street addresses off the adjoining public street. The City Engineer is responsible for determining when a "named access" is necessary.

Single-Family and Duplex development is allowed under the multi-family standards. The Staff feels that with the deletion of private streets as a development option, it is intended for Single-Family and Duplex development to be constructed on public streets. This amendment would clarify that position and remove the "named access" option for Single-Family and Duplex development.

The Staff is also proposing a reduction in the public street setback from 25 feet to 15 feet. This would act as an incentive for developers to use public streets. A 15 foot public street setback is already allowed in Cluster development. The 15 foot setback is already allowed off a private street. Mr. Thomas displayed pictures of 15 foot setback residential developments.

Ms. Bellis asked if all development would occur on public streets.

Mr. Thomas stated that named accesses will be available for commercial and multi-family. Single family and duplexes are allowed in the multifamily standards but those developments would be on private streets. Townhomes, condominiums, and apartments can be on named accesses.

Ms. Bellis asked if the text would eliminate private streets.

Mr. Thomas stated the City eliminated private streets but we still have named accesses streets. Single family and duplexes have to be built on public streets.

Ms. Darden asked if the text is only changing for single family and duplexes.

Mr. Thomas stated correct.

Ms. Bellis asked where the utilities were located in the example pictures of the 15 foot residential developments.

Doc #1012280

Mr. Thomas stated the utilities were in the right-of-way.

Ms. Bellis asked would there be problems with underground utilities with trees and a front yard.

Mr. Thomas stated that the 15 foot setback will be adequate for trees.

Mr. Connelly asked how low the utilities were.

Mr. Thomas stated that water is four feet and sewer depends on the depth already in the area.

Ms. Leech commented that her concern was heavy equipment used for repairs being able to operate with a 15foot setback.

Ms. Darden asked if the 15 foot setback just applied to the front.

Mr. Thomas stated correct.

Ms. Darden asked if Willow Run has had any problems with the 15 foot setback.

Mr. Thomas stated no and the City allows a 15 foot setback off private easements so the lots are not losing anything.

Mr. Gillespie asked where the 15 foot setback began.

Mr. Thomas stated from the face of the house to the right-of-way which is located just behind the sidewalk.

Ms. Bellis asked if the distance from the front of the house to the street was greater than 15 feet.

Mr. Thomas stated yes because of the right-of-way. The setback is 15 feet from the right-of-way.

Ms. Darden asked if the sidewalk belonged to the city.

Mr. Thomas stated yes because the sidewalk is in the right-of-way.

Mr. Gillespie asked if single family homes and duplexes were required to have sidewalks.

Mr. Thomas stated yes.

Chairman King opened the public hearing.

No one spoke in favor or opposition of the request.

Chairman King closed the public hearing and opened for board discussion.

Doc #1012280

**Motion made by Ms. Darden, seconded by Mr. Connelly, to recommend approval of the proposed text 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. In favor: Connelly, Reid, Darden, Leech, Mills, Collins, and Gillespie. Oppose: Bellis. Motion carried.**



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Ordinance to amend the Zoning Ordinance by adding temporary sand mining as an allowed land use within the RA-20 (Residential/Agricultural) zoning district, subject to an approved special use permit, and establishing specific criteria

**Explanation:** **Abstract:** The City of Greenville received an application from Mr. Jeremy Whitehurst, Barnhill Contracting Company, for a text amendment that proposes the addition of a definition and regulations to allow temporary sand mining in the RA-20 (Residential/Agricultural) zoning district through special use permits and proposes review criteria and operational requirements.

**Explanation:** Greenville's Zoning Ordinance does not allow temporary sand mining in the RA-20 zoning district.

Omission of a particular land use is interpreted to mean uses not listed are prohibited.

The attached staff report provides additional details regarding this text amendment. The applicant's application submittal is attached to the staff report in Appendix B.

**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.

The Planning and Zoning Commission voted to recommend approval of the request at its September 15, 2015 meeting.

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, Future Land Use, Northwest Vision Area, Management Actions Objective A19 to obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives."

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

**Attachments / click to download**

- [Staff Report 9 23 2015](#)
  - [Ordinance Temporary Sand Mining Text Amendment 1011289](#)
  - [Excerpt P Z Sept 2015 Sand Mining 1012285](#)
-



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 October 8, 2015, at 6:00 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, Future Land Use, Northwest Vision Area, Management Actions, Objective A19 to obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives; 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, 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 B, Section 9-4-22 of the City Code is hereby amended by adding the following definitions for "Temporary Sand Mining":

Temporary Sand Mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall be for a specifically designated and limited duration in time that coincides with the completion

of the government project. (see also section 9-4-86(SS)).

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A) of the City Code is hereby amended by adding the following new land use:

(5) k(1). “Temporary Sand Mining (see also section 9-4-86(SS)”; by allowing this land use with a special use permit in the Residential/Agricultural (RA-20) zoning district; and leaving a blank in the LUC # column since specific bufferyard requirements are adopted in Section 9-4-86 (SS)(2) and (14).

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-85(R) of the City Code is hereby amended to expand the listed use of mining and quarrying to add temporary sand mining:

(R) “Mining, quarrying, and temporary sand mining;

Section 4: That Title 9, Chapter 4, Article E, Section 9-4-86 of the City Code is hereby amended by adding the following new subsections:

**SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.**

(SS) Temporary Sand Mining (see also section 9-4-22)

- (1) No excavation shall occur closer than 100 feet to an adjacent residential dwelling.
- (2) A 50 foot buffer (minimum) shall be maintained between the mining activity and adjacent property lines.
- (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project.
- (4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project.
- (5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond).
- (6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose.
- (7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site.
- (8) Any dust or other airborne emissions shall be minimized from the borrow

material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations.

- (9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways.
- (10) All trucks used for transport of borrow material from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina.
- (11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations.
- (12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday.
- (13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways.
- (14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.

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 8<sup>th</sup> day of October, 2015.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

**Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (9-15-15)**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING TEMPORARY SAND MINING AS AN ALLOWED LAND USE WITHIN THE RA-20 (RESIDENTIAL/AGRICULTURAL) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. Mr. Weitnauer stated the City of Greenville received this application for a text amendment from Jeremy Whitehurst of Barnhill Contracting Company, that proposes the addition of a definition and regulations to allow temporary sand mining in the Residential/Agricultural (RA-20) zoning district through special use permits, proposed review criteria and operational requirements. Jim Hopf prepared the proposed language of the text amendment.

Mr. Weitnauer stated sand mining is currently allowed in the I (Industrial) zoning district as a permitted use and is allowed in the IU (Unoffensive Industry) zoning district with approval of a special use permit. This text amendment proposes a new land use for temporary sand mines. Mr. Weitnauer read the proposed definition of temporary sand mining as follows. Temporary Sand Mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall be before a specifically designated and limited duration in time that coincides with the completion of the government project. (see also section 9-4-86(SS)). Mr. Weitnauer also presented an excerpt of the table of uses and explained how the proposed text amendment would add a new land use to the table. Mr. Weitnauer said the fourteen standards proposed in the application are available in the slides and stated he understood from an earlier conversation that Mr. Hopf will read through the slides when he takes the podium.

In addition to the applicant's proposed language for the text amendment, Mr. Weitnauer stated the applicant provided documents to show how standards for sand mining borrow pits used for NCDOT projects must comply with stringent DOT standards.

The application also included a map of the area that Barnhill Contracting Company is considering for a temporary sand mine and a conceptual layout of a reclamation plan Mr. Whitehurst is likely to present to the Commission.

Mr. Weitnauer stated the application also includes photographs showing examples of reclaimed sand mining borrow pits created by Barnhill Contracting Company in case Mr. Whitehurst wants to present the photographs. In addition, Mr. Weitnauer stated Mr. Whitehurst has conducted significant community outreach informing surrounding property owners of Barnhill's interest in establishing a temporary sand mine in proximity to their property.

Mr. Weitnauer presented a map that illustrates locations of property zoned RA-20 throughout the City where temporary sand mines could be allowed under the proposed text amendment, pending special use permit review and compliance with proposed criteria in the text amendment.

In order to amend the Zoning Code to allow temporary sand mines to operate in the RA-20 zoning district, text amendments must be adopted.

Mr. Weitnauer stated he reviewed the Horizons: Greenville's Community Plan, 2004 and said, in staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, Section 2, FUTURE LAND USE, Vision Areas, Northwest, Management Actions, Objective A19. Obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives.

Ms Leech asked would the text amendment include mining, quarrying and temporary sand mining.

Mr. Weitnauer stated that it would only apply to temporary sand mining.

Mr. Gillespie asked staff to describe the special use permit process.

Mr. Weitnauer stated that if the amendment was adopted, then the company would apply for a special use that would appear before the Board of Adjustment (BOA). The approval of the permit would be based on the BOA criteria in Article E of the City Ordinance. Certain special use permits are revocable if not complying with criteria.

Ms Bellis asked if the special use permit would apply to a specific time frame.

Mr. Weitnauer stated yes.

Attorney Dave Holec stated that the specific time frame is within the definition and that the mining is for a short specified time frame and for a specified use.

Mr. Herring asked what would happen if the company began excavating and unbeknownst to them hit a burial ground.

Attorney Dave Holec stated there are specific state statutes that the company would have to follow if they impact any family burial areas.

Chairman King opened the public hearing.

Mr. Jim Hopf, Esquire, spoke on behalf of the application and read the following proposed text amendments that set forth requirements for temporary sand mining.

Number (1) No excavation shall occur closer than 100 feet to an adjacent residential dwelling.

Number (2) A 50 foot buffer (minimum) shall be maintained between the mining activity and adjacent property lines.

Number (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction

project. Number (4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project. Number (5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond). Number (6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose. Number (7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site. Number (8) Any dust or other airborne emissions shall be minimized from the borrow material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations. Number (9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways. Number (10) All trucks used for transport of borrow material from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina. Number (11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations. Number (12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday. Number (13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways. Number (14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.

Ms Leech asked for a visual of the distance from the mining to the residents. She stated that the distance was close.

Mr. Hopf stated that the distance was accordance to existing City standards

Ms Leech asked if there would be any explosive use.

Mr. Hopf stated there will be no blasting, just digging with limited hours of operation.

Mr. Gillespie commented that he felt bad for the houses that are only 100 feet away from the site.

Mr. Hopf stated that it should not be an issue due to the actual location of the homes to the excavation site. The company wanted to strike a balance with the operating hours being extended so they could get done with the project quicker.

Ms Bellis commented that the term borrowed material should be used rather than the word "dirt".

Mr. Hopf agreed.

Mr. Gillespie asked what would be the process if the company ran into inappropriate material. Mr. Hof stated that the company cored the material before the project.

Mr. Jeremy Whitehurst, representative of Barnhill Contracting Company, spoke in favor of the request. He stated that Barnhill Contracting won the bid for the Greenville Southwest Bypass. The property is approximately 100 acres and will have a minimum of 100 foot buffer around it. The areas that are non-wooded will have a six foot high berm. The property will be solely dedicated to the Bypass project and are required by Department of Transportation to adhere to strict guidelines during and after the use of the property. The company is required to submit plan procedures to the division engineer. They will install erosion control measures to ensure no sediment leaves the property. Once the project is complete, the slopes will be graded and a minimum of 4 feet of water will remain in the pond. Once the company is finished reclaiming the property, they will have one year maintenance period to make any necessary repairs. Upon completion, the property will be turned back over to the property owners. The company has notified the community of the company's intentions.

Ms Leech asked if the green on the map was a retention pond.

Mr. Whitehurst stated that it was a current borrow pit outside of the City's ETJ.

Ms Leech asked if it was another type of sand pit.

Mr. Whitehurst stated yes and that it is a prolonged commercial pit.

Ms Bellis asked if Mr. Whitehurst could continue explaining the rest of his presentation.

Mr. Whitehurst stated that the company spoke with 43 property owners or tenants about the company's intentions. No one had any objections. They also talked to 13 adjacent property owners that signed a statement of notification and had not objection with the intentions of the property.

Mr. Herring asked if the excavation would create a lake or a pond.

Mr. Whitehurst stated it would be a lake.

David Mayo, property owner, spoke in favor of the request. He owned ½ a mile of adjacent property. He stated that Barnhill has been impressive about notifying the property owners. The property owners in the area are familiar with sand mining. The project will increase the property value because of the lake. He stated that he and several other property owners that were present were in favor of the project and the text amendment.

No one spoke in opposition of the request.

Chairman King closed the public hearing and opened for board discussion.

**Motion made by Ms Darden, seconded by Ms Reid, to recommend approval of the proposed text 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. In favor: Connelly, Reid, Darden, Bellis, Mills, Collins, and Gillespie. No vote: Leech. Motion carried.**



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**Staff Report:  
Temporary Sand Mining – Text Amendment**

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Applicant: Jeremy Whitehurst, Barnhill Contracting Company

Contents

Background ..... 1  
Zone Where Temporary Sand Mining is Proposed Under This Text Amendment ..... 2  
Proposed Text Amendment ..... 3  
Compliance with the Comprehensive Plan ..... 6

Maps

Map 1: Zoning Districts ..... 7  
Map 2: Locations of RA-20 Zoning District ..... 8  
Map 3: Locations of RA-20 Zoning District ..... 9

Exhibits

Exhibit A: Excerpt of the Table of Uses Showing Proposed Amendments ..... 10  
Exhibit B: Application ..... 11



**City of Greenville  
Community Development Department - Planning Division  
September 23, 2015**

## **Background**

Greenville's Zoning Ordinance currently does not allow sand mines in the Residential/Agricultural (RA-20) zoning district. Omission of a particular land use is interpreted to mean uses not listed are prohibited. Sec. 9-4-13, Uses Prohibited states, *"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."*

The City of Greenville received an application for a text amendment from Jeremy Whitehurst, Barnhill Contracting Company, that proposes the addition of a definition and regulations to allow temporary sand mining in the Residential/Agricultural (RA-20) zoning district. (Exhibit B: Application Submittal Documents). In addition to the applicant's proposed language for the text amendment, Mr. Whitehurst provided the following attachments. Mr. Whitehurst provided these documents to show how standards for sand mining borrow pits used for NCDOT projects are heavily regulated before and after sand excavation activities:

- NCDOT Standard Specifications for Roads and Structures, January 2012;
- Reclamation Procedures for Borrow /Waste/Staging Areas for Operations; and
- NC General Statutes, Sec. 20-116 Size of Vehicles and Load and Sec. 20-118 Weight of vehicles and Load

The application also includes a map of the area that Barnhill Contracting Company is considering for a temporary sand mine, an aerial photograph of the property and a conceptual layout of a reclamation plan. Mr. Whitehurst attached a letter from Greenville Utilities Commission dated August 4, 2015 that notes GUC does not have any concerns related to the proposed activity in the intended location and has no objection to the proposed borrow pit activity. The GUC letter acknowledges that the intended location is within the City of Greenville Water Supply Watershed Overlay District.

The application includes photographs showing examples of sand mining borrow pits created and reclaimed by Barnhill Contracting Company. Mr. Whitehurst also submitted evidence of significant community outreach informing surrounding property owners of Barnhill's interest in establishing a temporary sand mine in proximity to their property. The public outreach portion of the application was too voluminous to attach all of the information submitted to this staff report, but it is on file with the Planning Division for inspection.

If this text amendment is approved, it will apply city-wide in RA-20 zoning districts where applicants can meet the proposed criteria subject to a special use permit. Approval of the text amendment application should be based on the proposed language and not the specific location or conceptual reclamation plan as such plans are not binding until a site plan is submitted and approved.

### **Zone Where Temporary Sand Mining is Proposed Under This Text Amendment**

The text amendment proposes temporary sand mining in the RA-20 (Residential/Agricultural) zoning district through special use permits and proposes review criteria and operational requirements for sand mines. Map 1 illustrates the zoning districts throughout the city limits and extraterritorial jurisdiction (ETJ). Sand mining is currently allowed in the I (Industrial) zoning district as a permitted use and is allowed in the IU (Unoffensive Industry) zoning district with approval of a special use permit. Maps 2 and 3 illustrate locations of property zoned RA-20 throughout the City where temporary sand mines would be allowed under the proposed text amendment, pending special use permit review and compliance with proposed criteria in the text amendment.

The RA-20 (Residential/Agricultural) zoning district is defined in the Zoning Ordinance, Sec. 9-4-4-46 as follows:

*The RA-20 Residential/Agricultural District is primarily designated to accommodate a compatible mixture of single-family dwellings and agricultural uses at lower densities. These areas are generally found in areas without sewer service that are not yet appropriate for development at higher densities.*

Title 9, Chapter 4, Article D, Section 9-4-78, Appendix A, Table of Uses, lists the following land uses currently allowed, by right, in the RA-20 district:

- Single-family dwelling
- Master Plan Community
- Residential cluster development
- Family Care home
- Room Renting
- City of Greenville municipal government building or use
- Farming, agriculture, horticulture, forestry
- Wayside market for farm products produced on site
- Kennel
- Stable; horse only
- Stable; per definition
- Animal boarding not otherwise listed; outside facility, as an accessory or principle use
- Beekeeping; minor use
- Public park or recreation facility
- Private noncommercial park or recreational facility
- Church or place of worship
- Construction office; temporary, including modular office

Title 9, Chapter 4, Article D, Section 9-4-78, Appendix A, Table of Uses, lists the following land uses currently allowed, by special use permit, in the RA-20 district:

- Two-family attached dwelling (duplex)
- Mobile home

- Retirement center or home
- Nursing, convalescent or maternity home; minor care facility
- Nursing, convalescent or maternity home; major care facility
- Home occupation; not otherwise listed
- Home occupation; barber and beauty shop
- Home occupation; manicure, pedicure or facial salon
- Public utility building or use
- Greenhouse or plant nursery, including accessory sales
- Beekeeping; major use
- Solar energy facility
- Golf course; 18-hole regulation length
- Golf course; 9-hole regulation length
- Tennis club; indoor and outdoor facilities
- Child day care facilities
- Adult day care facilities
- Cemetery
- School; junior and senior high
- School; elementary
- School; kindergarten or nursery

Title 9, Chapter 4, Article D, Section 9-4-78, Appendix A, Table of Uses, (15) Other Activities (not otherwise listed – all categories) provides limited flexibility for other activities, not otherwise listed, in the Table of Uses for certain zoning districts through approval of special use permits. This catch-all flexibility tool is allowed in nine of the twenty seven zoning districts. However, the RA-20 (Residential/Agricultural) zoning district is not one of the zoning districts where this allowance is available.

### **Proposed Text Amendment**

In order to amend the Zoning Code to allow temporary sand mines to operate in the RA-20 zoning district, text amendments must be adopted. This text amendment application requires a public hearing before City Council. The Planning and Zoning Commission is required to review and if supportive, recommend an ordinance relating to temporary sand mining regulations since they would be added in the Zoning Ordinance.

Proposed text amendments to add temporary sand mining provisions are illustrated below using underlined text to denote regulations to be added.

Section 9-4-22 is proposed to be amended to add a definition for the new land use of temporary sand mining as follows.

#### ***SEC. 9-4-22 WORDS AND TERMS DEFINED.***

***Temporary Sand Mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall be for a specifically designated and limited duration in***

time that coincides with the completion of the government project. (see also section 9-4-86(SS)).

Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A) is proposed to be amended add temporary sand mining as ne land use subject to special use permits in the RA20 (Residential Agricultural) zoning district (refer to attached excerpt of the Table of Uses in Exhibit A of this staff report):

(5)k(1). "Temporary Sand Mining (see also section 9-4-86(SS) for temporary sand mining)"; by allowing this land use with a special use permit in the Residential/Agricultural (RA-20) zoning district; and leaving a blank in the LUC # column since specific bufferyard requirements are adopted in Sec. 9-4-86(SS)(2) and (14).

Title 9, Chapter 4, Article E, Section 9-4-85(R), of the City Code is proposed to be amended to expand the listed use of mining and quarrying to add temporary sand mining:

(R) "Mining, ~~and quarrying;~~ and temporary sand mining;

Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code is proposed to be amended to add the following new subsections:

**Title 9, Chapter 4, Article E, Section 9-4-86(SS)**

(SS) Temporary Sand Mining (see also section 9-4-22)

- (1) No excavation shall occur closer than 100 feet to an adjacent residential dwelling.
- (2) A 50 foot buffer (minimum) shall be maintained between the mining activity and adjacent property lines.
- (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project.
- (4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project.
- (5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond).

- (6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose.
- (7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site.
- (8) Any dust or other airborne emissions shall be minimized from the borrow material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations.
- (9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways.
- (10) All trucks used for transport of borrow material from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina.
- (11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations.
- (12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday.
- (13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways.
- (14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.

### **Compliance with the Comprehensive Plan**

Consideration of any modification to the city zoning ordinance should include a review of the community's comprehensive plan and other officially adopted plans that are applicable.

Greenville's comprehensive plan, Horizons: Greenville's Community Plan, 2004 and the 2009/2010 update contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendments are in compliance with the Plan, and effectively with the community's values.

Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

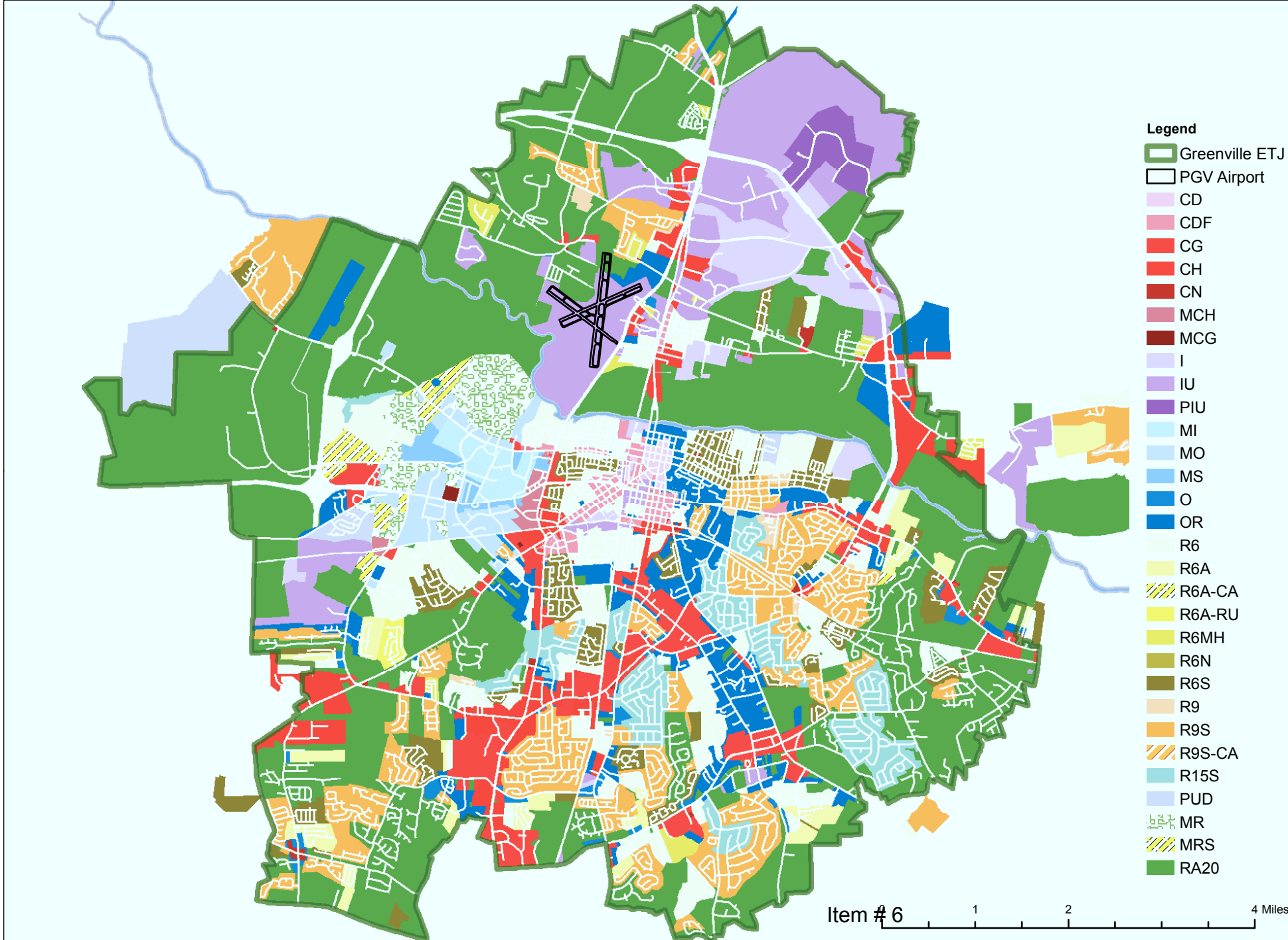
Following are relevant excerpts from Horizons: Greenville's Community Plan, 2004.

#### **Section 2, FUTURE LAND USE**

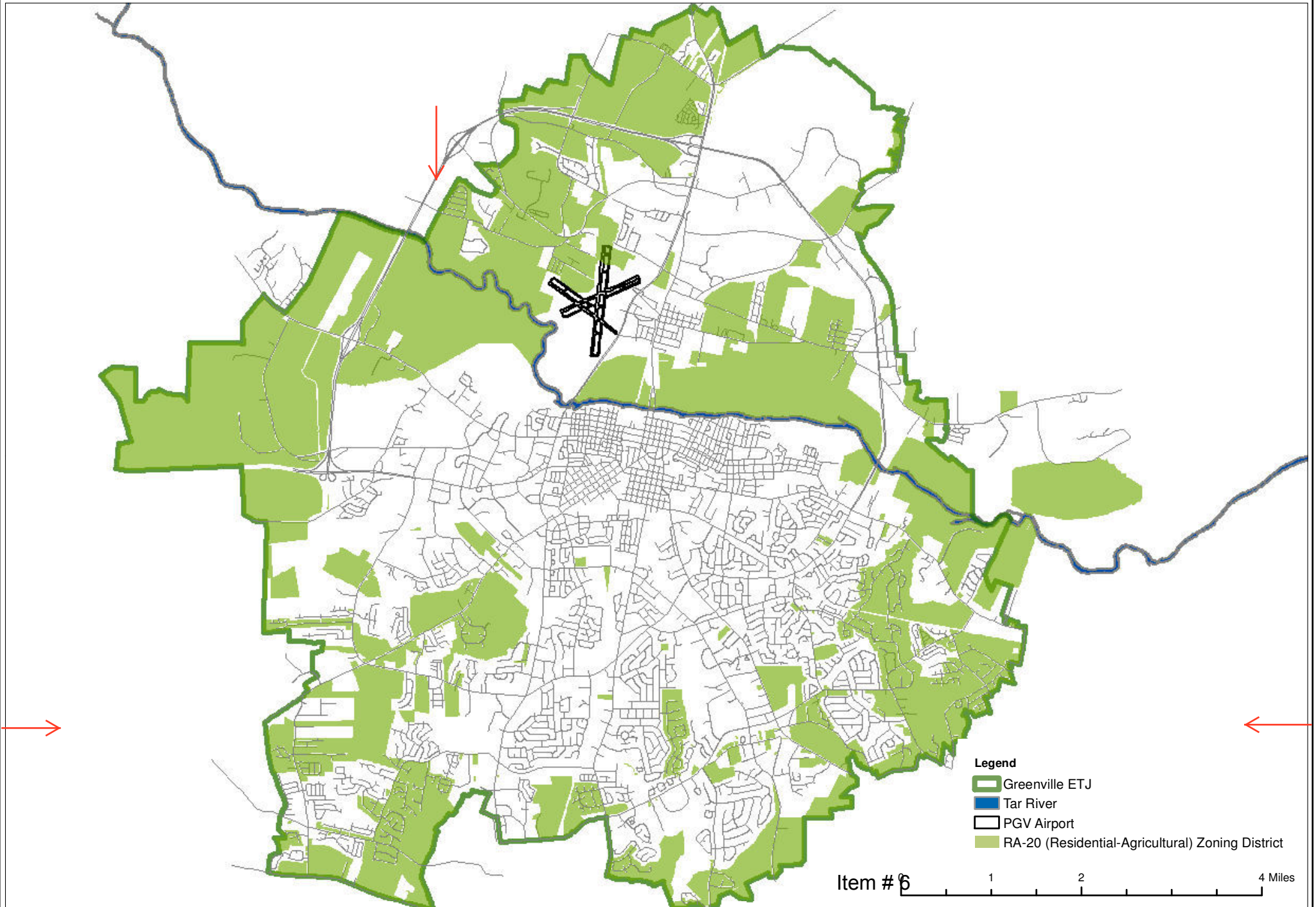
##### **Vision Areas, Northwest, Management Actions**

**Objective A19.** *Obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives.*

# Map 1 - Zoning Districts









**EXHIBIT A**

**Excerpt of Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A: Table of Uses) 5, Agricultural/mining** - Showing Proposed Text Amendment to add Temporary Sand Mining as an Allowed Use within the RA20 (Residential Agricultural) Zoning District with Approved Special Use Permits, indicated with the Addition of k(1). and the Letter "S" under the RA20 zoning district column.

(5) *Agricultural/mining.*

| USE   | LUC # | RA 20    | R 15 S | R 9 S | R 6 S | R 6 S | R 6 N | R 6 A | R 6 M H | M I S | M O G | M R G | M R H | M R S | O R | O | C D | C D F | C G | C N | C H U | I U | P I U | P I |
|---|-------|----------|--------|-------|-------|-------|-------|-------|---------|-------|-------|-------|-------|-------|-----|---|-----|-------|-----|-----|-------|-----|-------|-----|
| a. Farming; agriculture, horticulture, forestry (see also § 9-4-103)  | 1     | P        | P      | P     | P     | P     | P     | P     | P       | P     | P     | P     | P     | P     | P   | P | P   | P     | P   | P   | P     | P   | P     | P   |
| b. Greenhouse or plant nursery; including accessory sales   | 3     | S        |        |       |       |       |       |       |         |       |       | P     | S     |       |     |   |     |       |     | P   | P     | P   | P     | P   |
| c. Wayside market for farm products produced on site  | 4     | P        |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| d. Farmers market   | 4     |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| e. Kennel (see also § 9-4-103)  | 4     | P        |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| f. Stable; horse only (see also § 9-4-103)  | 4     | P        | S      |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| g. Stable; per definition (see also § 9-4-103)  | 4     | P        |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use                 | 4     | P        |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| i. Livestock sales pavilion, auditorium, yard, distribution or transhipment facility                        | 5     |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| j. Quarrying, mining, excavation and works including material storage and distribution; sand, stone, gravel | 5     |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| k. Sand mining (see also item j. above)   | 5     |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
| <u>k.l. Temporary Sand Mining (see also § 9-4-86(SS))</u>   |       | <u>S</u> |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
|   |       |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
|   |       |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |
|   |       |          |        |       |       |       |       |       |         |       |       |       |       |       |     |   |     |       |     |     |       |     |       |     |

Item # 6

# EXHIBIT B: APPLICATION



Date Received August 14, 2015, T.W.

## CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s): **Barnhill Contracting Company**  
**c/o Jeremy Whitehurst**

Mailing Address: **800 Tiffany Blvd., Rocky Mount, North Carolina 27804**

Contact Phone Number **(252) 824-8291 (office) (252) 885-0634 (cell)**

Contact Fax Number **(252) 823-0137**


Zoning Ordinance Section Proposed to be Amended: **Section 9-4-22, Section 9-4-78(f)(5), Section 9-4-85 and Section 9-4-86**

Reason for Request: **Temporary Sand Mining in RA-20 zoning district as related to Southwest Bypass Highway Project**

Proposed Language of Text Amendment (attach additional pages if needed): **See attached**

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

Jeremy Whitehurst  
Print Name

  
Signature of Applicant

8/14/15  
Date

#899917

**BARNHILL CONTRACTING COMPANY**

**ZONING ORDINANCE TEXT AMENDMENT**  
**ATTACHMENT TO APPLICATION**

- 1) Requested text amendment to add a new definition for “Temporary Sand Mining” in Section 9-4-22 as follows:

*“Temporary Sand Mining”. The extraction by excavation of naturally occurring materials, such as sands and dirt (“borrow materials”), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) (“borrow site”), to be used in conjunction with a specifically designated government highway construction project, and which shall be for a specifically designated and limited duration in time that coincides with the completion of the government project.*

- 2) The requested text amendment, if adopted, would also amend Section 9-4-78(f)(5) (Table of Uses) to add an “S” in row k. to align under the RA-20 (Residential/Agricultural) zoning district column heading to indicate that temporary sand mining is an allowed use subject to special use permits within the RA-20 district.
- 3) Requested text amendment to add a new listed use under Section 9-4-85 for which the board of adjustment may grant permission as a special use as follows:

*(mm.) Temporary Sand Mining.*

- 4) Requested text amendment to add specific conditions and criteria for Temporary Sand Mining under Section 9-4-86 as follows:

*Temporary sand mining.*

*Temporary sand mining may be allowed as a special use in the RA-20 (Residential/Agricultural) zoning district provided the borrow material excavation complies with the following additional criteria:*

- (1) No excavation shall occur closer than 100' to an adjacent residential dwelling.*
- (2) A 50' buffer (minimum) shall be maintained between the mining activity and adjacent property lines.*
- (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project.*

*(4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project.*

*(5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond).*

*(6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose.*

*(7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site.*

*(8) Any dust or other airborne emissions shall be minimized from the borrow material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations.*

*(9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways.*

*(10) All trucks used for transport of borrow materials from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina.*

*(11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations.*

*(12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday.*

*(13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways.*

*(14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.*



August 4, 2015

Mr. Merrill Flood  
Director of Community Development  
City of Greenville  
Greenville, NC 27835-7207

Subject: Barnhill Contracting Company  
Proposed Borrow Pit, Pitt County Parcel #12484  
Water Supply Watershed District

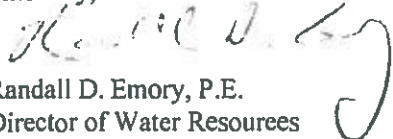
Dear Mr. Merrill:

Greenville Utilities has been informed of a borrow pit being proposed by Barnhill Contracting Company on property identified as Parcel #12484 in the Pitt County Online Parcel Information System. We have reviewed the location of the proposed borrow pit and the provisions of the City of Greenville Water Supply Watershed Overlay District Ordinance. GUC is not aware of any issues related to this proposed activity as it relates to protection of the water supply watershed.

Greenville Utilities does not have any concerns related to this proposed activity in the intended location and has no objection to the proposed borrow pit activity.

If there are any questions, please give us a call at 551-1551.

Sincerely,

  
Randall D. Emory, P.E.  
Director of Water Resources

c: Mr. Anthony C. Cannon, General Manager/CEO  
Mr. Phil Dixon, Commission Attorney  
Mr. Jim Hopf, Barnhill Contracting Attorney  
Mr. Jeremy Whitehurst, Barnhill Contracting Company

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Greenville, NC  
27835  
www.guc.com

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DEPARTMENT OF TRANSPORTATION  
RALEIGH**

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**STANDARD SPECIFICATIONS  
FOR  
ROADS AND STRUCTURES**



**JANUARY 2012**



**Section 1018**

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**SECTION 1018  
BORROW MATERIAL**

**1018-1 GENERAL**

Borrow material is used for embankments, backfill or other intended uses. Material that contains roots, root mats, stumps or other unsatisfactory material will not be acceptable.

**1018-2 APPROVAL OF BORROW SOURCE**

The approval of borrow sources is subject to Section 230.

**(A) Statewide Criteria for Acceptance of Borrow Material**

See exceptions in Subarticle 1018-2(B).

Use only natural earth materials as borrow material. Any other materials are subject to rejection.

| <b>TABLE 1018-1<br/>PIEDMONT AND WESTERN AREA CRITERIA<br/>FOR ACCEPTANCE OF BORROW MATERIAL</b> |  |
|--|--|
| Soil with PI of 25 or less   | Acceptable   |
| Soil with PI of 26 through 35  | Acceptable, but not to be used in top 2 ft of embankment or backfill |
| Soil with PI of more than 35   | Not Acceptable   |

**(B) Exceptions to Statewide Criteria for Acceptance of Borrow Material**

(1) Soils in the Coastal Plain (area described below) will be accepted in accordance with the Table 1018-2.

| <b>TABLE 1018-2<br/>COASTAL AREA CRITERIA<br/>FOR ACCEPTANCE OF BORROW MATERIAL</b> |  |
|---|--|
| Soil with PI of 15 or less  | Acceptable   |
| Soil with PI of 16 through 20   | Acceptable, but not to be used in top 2 ft of embankment or backfill |
| Soil with PI of more than 20  | Not Acceptable   |

Areas where Table 1018-2 is applicable are as follows:

- Division 1 Entire Division except Northampton (West of I-95)
- Division 2 Entire Division
- Division 3 Entire Division
- Division 4 Edgecombe, Wayne, Johnston (East of US 301), Wilson (East of I-95), Nash (East of I-95), Halifax (East of I-95)
- Division 6 Bladen, Columbus, Robeson, Cumberland, Harnett (South of NC 27)
- Division 8 Scotland, Hoke, Moore (Southeast of US 15-501, NC 73, NC 211), Richmond (East of US 220 North and US 1 South)

Table 1018-2 shall be applicable to the flood plains of the Roanoke, Tar, Neuse, Cape Fear and Lumber Rivers and their tributaries that are outside the above described areas.

- (2) Waste or by-products from industrial processes or mining operations are not acceptable except by specific written approval.
- (3) When tested, soils having a pH of less than 5.5 or an organic content more than 4.0% may be rejected.

**Section 230**

**1 230-2 COORDINATION WITH SEEDING OPERATIONS**

2 Coordinate the work in this section with the construction of embankments in accordance with  
3 Article 225-2.

**4 230-3 MATERIALS**

5 Refer to Division 10.

| <b>Item</b>                 | <b>Section</b> |
|-----------------------------|----------------|
| Borrow Material             | 1018           |
| Shoulder and Slope Material | 1019           |

**6 230-4 CONSTRUCTION METHODS**

**7 (A) General**

8 Thoroughly clear and grub and clean the surface of the borrow area of all unsuitable  
9 material before beginning the excavation and, where applicable, before cross sections are  
10 taken. Dispose of material resulting from clearing and grubbing in accordance with  
11 Article 200-6. Remove and dispose of overburden in accordance with Section 802.

12 Do not accumulate exposed, erodible slope area in each borrow operation in excess of  
13 1 acre at any one time without beginning permanent seeding and mulching of the borrow  
14 source or installing other erosion control measures as may be approved.

15 Remove and stockpile topsoil at locations that will not interfere with the borrow  
16 operations and that meet the approval of the Engineer. Install temporary erosion control  
17 measures as needed to prevent the erosion of the stockpile material. Once all borrow has  
18 been removed from the source or portion thereof, uniformly spread the stockpiled topsoil  
19 over the area and permanently seed and mulch the area.

20 Where payment is made by cross section, notify the Engineer sufficiently before  
21 beginning excavation of the borrow material so that the area may be staked and  
22 cross sectioned. Excavate the material to the lines and slopes as staked in an orderly  
23 manner to facilitate measurement at any time.

24 Where payment is to be made by truck measurement, furnish trucks with bodies suitable  
25 for accurate measurement. Load trucks uniformly and to prevent spillage.

26 When necessary to haul borrow material over existing roads or streets, comply with  
27 Article 105-15. Use all necessary precautions to prevent damage to the existing  
28 structures or pavement. Conduct hauling operations so as to not interfere with the normal  
29 flow of traffic and keep the traffic lanes free from spillage at all times.

30 Furnish borrow sources except where otherwise indicated in the contract.

**31 (B) Contractor Furnished Sources**

32 Before the approval of any borrow sources developed for use on any project, obtain  
33 certification from the State Historic Preservation Officer of the State Department of  
34 Cultural Resources certifying that the removal of the borrow material from the borrow  
35 sources will have no effect on any known district, site building, structure or object,  
36 architectural and/or archaeological that is included or eligible for inclusion in the  
37 National Register of Historic Places. Furnish a copy of this certification to the Engineer  
38 before performing any work on the proposed borrow source.

39 Borrow sources will not be allowed in any area under the Corps of Engineers regulatory  
40 jurisdiction until the Contractor has obtained a permit for such borrow sources from the  
41 Corps District Engineer having jurisdiction and has furnished a copy of this permit to the  
42 Engineer. Requests for additional contract time, additional compensation or for work  
43 stoppage due to permit violations will not be considered.

**Section 230**

1 The approval of borrow sources furnished by the Contractor is subject to the following  
2 conditions:

3 (1) Proof of Rights

4 Provide written proof of the right to take the material and any rights of access that  
5 may be necessary, for locating and developing the source and any clearing and  
6 grubbing and drainage ditches necessary. The proof shall include an agreement with  
7 the owner that the borrow source be dressed, shaped, seeded, mulched and drained as  
8 required by these Specifications after all borrow has been removed.

9 (2) Sampling and Testing

10 Sampling and testing of contractor furnished borrow material will be in accordance  
11 with procedures set forth in the *Borrow Pit Sampling Manual* in effect on the date of  
12 advertisement for the project. Copies of this document are available from the  
13 Materials and Tests Unit. The criteria for acceptance of the proposed contractor  
14 furnished borrow material is shown in Section 1018.

15 (3) Reclamation Plan

16 Except where borrow is to be obtained from a commercial source, jointly submit  
17 with the property owner a borrow source development, use and reclamation plan to  
18 the Engineer for his approval before engaging in any land disturbing activity on the  
19 proposed source other than material sampling that may be necessary. The  
20 Department's borrow and waste site reclamation procedures for contracted projects  
21 is available on the website and shall be used for all borrow and waste sites on this  
22 project. Address the following in the plan:

23 (a) Topography

24 Detail the existing topography and locations of the proposed access and egress  
25 haul roads. Detail the proposed final topography of the waste or disposal area  
26 showing any proposed drainage systems. Excavate the source according to the  
27 plan and dress and shape it in a continuous manner to contours that are  
28 comparable to and blend in with the adjacent topography. Grade the source to  
29 drain such that no water will collect or stand. Provide a functioning drainage  
30 system for the source. If drainage is not practical and the source is to serve as  
31 a pond, the minimum depth shall be a least 4 ft as determined from the water  
32 table at the time the reclamation plan is executed. The slope of the soil below  
33 the water shall be between 5:1 and 2:1. The slope of the sides above the water  
34 line shall be 2:1 or flatter.

35 (b) Erosion Control

36 Detail the temporary and permanent erosion control measures, along with design  
37 calculations, that are intended during use of the site and as part of the  
38 reclamation. Unless considered impractical due to special circumstances,  
39 provide in the plan for the use of staged permanent seeding and mulching and  
40 appropriate fertilizer topdressing continually during site use and the immediate  
41 total reclamation of the site when the site is no longer needed. Define the seed  
42 mixture proposed for establishing temporary and permanent vegetation.  
43 Establish permanent stand of vegetation before acceptance of the project.

**Section 230**

- 1           **(4) Buffer Zones**
- 2           Allocate sufficient area between the nearest property line and the tie-in of the slope  
3           to natural ground to allow for the operation of excavation, hauling and seeding  
4           equipment and for the installation of any and all erosion control devices required.  
5           Leave additional undisturbed area between the source and any water course or body  
6           to prevent siltation of the water course or body and the movement of the shore line  
7           either into the water course or body or into the waste areas. Determine if the  
8           adjoining property owners or other government agencies require any additional  
9           buffer zones and comply with those requirements. Suggested minimum distances are  
10          10 ft from property lines and 50 ft from water bodies or water courses. Where it is  
11          necessary to drain the borrow source, perform work in accordance with Section 240.
- 12          **(5) Evaluation for Potential Wetlands and Endangered Species**
- 13          Hire an experienced environmental consultant from the approved list to perform  
14          an assessment of the borrow site for potential conflicts with wetlands, Areas of  
15          Environmental Concern designated by the Coastal Area Management Act and  
16          federally protected species. This evaluation will not be required for permitted  
17          commercial sites.
- 18          Delineate the boundaries of any wetlands, jurisdictional surface waters and streams  
19          encountered. Follow the standard practice for documenting the wetland delineation  
20          including completion of the Army Corps of Engineers' Approved Jurisdictional  
21          Determination Form. Document information including data regarding soil,  
22          vegetation and hydrology. Maintain a minimum 25 ft buffer adjacent to all sides of  
23          the wetland boundary and a minimum 50 ft buffer adjacent to any stream. Depict the  
24          limits of the delineated wetland and surrounding buffer on the Reclamation Plan. Do  
25          not remove borrow material in any area under the Corps of Engineers' or any other  
26          environmental agencies' regulatory jurisdiction unless and until the Department  
27          permit has been modified to allow such disposal activity in the jurisdictional area.
- 28          Perform a site assessment for federally listed threatened or endangered species to  
29          include habitats that may support these species. Provide a detailed technical report  
30          on the assessment findings. If federally listed threatened or endangered species or  
31          habitat that may support such species exist on the proposed borrow site, notify the  
32          Engineer before continued pursuit of such site.
- 33          **(6) Approval**
- 34          Obtain written approval from the Engineer before excavating any material within the  
35          proposed borrow source area.
- 36          Submit a revised or additional reclamation plan if the non-permitted waste or  
37          disposal area is expanded by more than one acre or is significantly changed from the  
38          previously approved submittal.
- 39          If the Contractor proposes a borrow source, the environmental assessment shall  
40          include wetland and stream delineation extending 400 ft beyond the proposed borrow  
41          source limits.
- 42          (a) If wetlands or streams are present within 400 ft of the borrow source, submit  
43          a hydrologic analysis (Skaggs Method) or equivalent to determine if lateral  
44          effects will permanently impact or cause degradation to wetlands or streams.  
45          Perform analysis with an environmental or hydraulics engineer with expertise in  
46          this discipline and include:
- 47                  (i) Hydric soil type,  
48                  (ii) Average profile depth to restrictive soil layer,  
49                  (iii) Effective hydraulic conductivity or permeability,  
50                  (iv) Average drainable porosity or available water capacity and  
51                  (v) Required buffer width, including safety factor.

**Section 230**

1 (b) If wetlands or streams are present within 400 ft and the Contractor does not  
2 propose to excavate below the seasonal high water table or the water level in the  
3 adjacent stream, no documentation will be required.

4 (c) If wetlands or streams are not present within 400 ft, no additional documentation  
5 will be required.

6 During Department review of the proposed borrow area, the hydrologic analysis will  
7 be submitted to the U.S. Army Corps of Engineers for evaluation. Obtain copy of  
8 *Skoggs Method for Determining Lateral Effects of a Borrow Pit on Adjacent*  
9 *Wetlands* from the Department's website.

10 **(C) Maintenance**

11 During construction and until final acceptance, use any methods approved by the  
12 Engineer that are necessary to maintain the work covered by this section so that the work  
13 will not contribute to excessive soil erosion.

14 **230-5 MEASUREMENT AND PAYMENT**

15 *Borrow Excavation* will be measured and paid in cubic yards. Borrow excavation will be  
16 measured in place in its original position except that truck measurement will be made where  
17 called for in the contract.

18 If the quantity of borrow excavation used is excessive as evidenced by the presence of surplus  
19 suitable material from the roadway excavation, the measured quantity of borrow excavation  
20 will be reduced by the quantity of such surplus suitable material.

21 **(A) In-Place Measurement**

22 *Borrow Excavation* to be paid will be the actual number of cubic yards of approved  
23 material, measured in its original position by cross sectioning and computed by the  
24 average end area method, that has been excavated from the borrow source and  
25 incorporated into the completed and accepted work. No measurement will be made of  
26 any overburden, unsuitable material removed from the source or any material excavated  
27 before cross sections are taken.

28 **(B) Truck Measurement**

29 *Borrow Excavation* to be paid will be the actual number of cubic yards of approved  
30 material, measured in trucks excavated from the borrow source and incorporated into the  
31 completed and accepted work. Each truck will be measured and shall have a legible  
32 identification mark indicating its capacity. Load each truck to at least its measured  
33 capacity at the time it arrives at the point of delivery. The recorded capacity will be  
34 adjusted by making a 25% deduction to allow for shrinkage and the adjusted capacity will  
35 be the quantity to be paid.

36 Topsoil that is stockpiled and placed back on the source as part of the reclamation effort will  
37 be measured in the stockpile by cross sectioning and computed by the average end area  
38 method and paid per cubic yard for *Borrow Excavation*. No in-place measurement will be  
39 made of the topsoil.

40 Seeding, mulching and establishment of temporary erosion control for all borrow sources will  
41 be paid at the contract unit prices for the items established in the contract as payment for  
42 *Seeding And Mulching* in Section 1660.

**Section 235**

1 Payment includes, but is not limited to, furnishing the source of the borrow; providing and  
 2 implementing a development, use and reclamation plan, evaluation of potential wetlands and  
 3 endangered species, building, maintaining and obliterating haul roads, clearing and grubbing  
 4 or draining the borrow source; removing, stockpiling and replacing topsoil, removing and  
 5 disposing of overburden and other unsuitable material, excavation, hauling, formation of  
 6 roadway embankments, subgrades and shoulders, restoration of the source and haul roads to  
 7 an acceptable condition, obtaining permits and certifications and maintaining the work.

8 Payment will be made under:

| <b>Pay Item</b>   | <b>Pay Unit</b> |
|-------------------|-----------------|
| Borrow Excavation | Cubic Yard      |

9  
10

**SECTION 235  
EMBANKMENTS**

11 **235-1 DESCRIPTION**

12 Place suitable material excavated under Sections 225, 226, 230 and 240 in embankments,  
 13 backfills and earth berms, to conform with the lines, grades and typical cross sections shown  
 14 in the plans. Fill and compact holes, pits and other depressions when unsuitable material has  
 15 been removed. Work includes preparation, formation, compaction and maintenance of the  
 16 embankment area as well as the formation of benches in the existing ground with rises less  
 17 than 60".

18 **235-2 MATERIALS**

19 Refer to Division 10.

20 Use soil consisting of loose, friable, sandy material free of subsoil admixtures, refuse, stumps,  
 21 rocks, roots, root mats or other unsatisfactory material. Do not use material that meets  
 22 AASHTO M 145 for soil classification A-2-5 and A-5 with a PI of less than 8 within 12" of  
 23 the subgrade.

24 Wet, dry or frozen material may be suitable when dried, wetted or thawed, respectively.  
 25 Aerate and dry material containing moisture content in excess of what is required to achieve  
 26 embankment stability and specified density. Waste suitable material only with written  
 27 authorization.

28 **235-3 CONSTRUCTION METHODS**

29 Coordinate work with excavation operations in accordance with Articles 107-12 and 225-2.

30 **(A) Preparation for Embankment**

31 Finish clearing and grubbing within an area before starting embankment in accordance  
 32 with Section 200. Remove and waste organic or other unsuitable material unless  
 33 otherwise directed.

34 Plow mowed sod and leave in place where the height of embankment to be constructed is  
 35 greater than 6 ft measured under the roadbed. Plow or scarify and break up cleavage  
 36 planes of all underlying road surfaces. Remove or break up existing pavement in  
 37 accordance with Section 250.

38 Bench existing slopes steeper than 4:1 measured at right angles to the roadway. Provide  
 39 rises of at least 12" and no more than 60" as embankment is brought up in layers.  
 40 Provide sufficient width for the operation of placing and compaction equipment. Begin  
 41 bench cut at the intersection of the original ground and the vertical side of the previous  
 42 cut. Construct benches greater than 60" in height only when shown in the plans. Such  
 43 benches will be paid in accordance with the contract.

**Section 107**

**1 107-12 CONTROL OF EROSION, SILTATION AND POLLUTION**

**2 (A) General**

3 The Contractor shall take whatever measures are necessary to minimize soil erosion and  
4 siltation, water pollution and air pollution caused by his operations. The Contractor shall  
5 comply with the applicable regulations of all legally constituted authorities relating to  
6 pollution prevention and control. The Contractor shall keep himself fully informed of all  
7 such regulations that in any way affect the conduct of the work and shall at all times  
8 observe and comply with all such regulations. In the event of conflict between such  
9 regulations and the specifications, the more restrictive requirements shall apply.

10 The Engineer will limit the area over which clearing and grubbing, excavation, borrow  
11 and embankment operations are performed whenever the Contractor's operations do not  
12 make effective use of construction practices and temporary measures which will  
13 minimize erosion, or whenever construction operations have not been coordinated to  
14 effectively minimize erosion, or whenever permanent erosion control features are not  
15 being completed as soon as permitted by construction operations.

16 Following completion of any construction phase or operation, on any graded slope or any  
17 area greater than one acre, the Contractor shall provide ground cover sufficient to restrain  
18 erosion within 21 calendar days or within a time period specified by the  
19 NCG 010000 Construction Permit. The ground cover shall be either temporary or  
20 permanent and the type specified in the contract.

**21 (B) Erosion and Siltation Control**

22 The Contractor shall exercise every reasonable precaution throughout the life of the  
23 project to prevent the eroding of soil and the silting of rivers, streams, lakes, reservoirs,  
24 other water impoundments, ground surfaces or other property.

25 Before suspension of operations on the project or any portion thereof, the Contractor shall  
26 take all necessary measures to protect the construction area, including, but not limited to,  
27 borrow sources, soil type base course sources and waste areas from erosion during the  
28 period of suspension.

29 Unless otherwise approved in writing by the Engineer, construction operations in rivers,  
30 streams and water impoundments shall be restricted to those areas where channel changes  
31 are shown in the plans and to those areas which must be entered for the construction or  
32 removal of temporary or permanent structures.

33 Excavated materials shall not be deposited, nor shall earth dikes or other temporary earth  
34 structures be constructed, in rivers, streams, or impoundments. As an exception to the  
35 above, confined earth materials will be permitted when approved in writing by the  
36 Engineer.

37 Frequent fording of live streams with construction equipment will not be permitted;  
38 therefore, temporary bridges or other structures shall be used wherever frequent stream  
39 crossings are necessary. Unless otherwise approved in writing by the Engineer,  
40 mechanized equipment shall not be operated in live streams except as may be necessary  
41 to construct channel changes and to construct or remove temporary or permanent  
42 structures.

**Section 107**

1 **(C) Coordination of Erosion Control Operations**

2 Temporary and permanent erosion control measures shall be provided as shown in the  
3 plans or as directed by the Engineer. All permanent erosion control work shall be  
4 incorporated into the project at the earliest practicable time. Temporary erosion control  
5 measures shall be coordinated with permanent erosion control measures and all other  
6 work on the project to assure economical, effective and continuous erosion control  
7 throughout the construction and post construction period and to minimize siltation of  
8 rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces, or other  
9 property.

10 Temporary erosion control measures shall include, but not be limited to, the use of  
11 temporary berms, dikes, dams, drainage ditches, silt basins, silt ditches, slope drains,  
12 structures, vegetation, mulches, mats, netting, gravel, or any other methods or devices  
13 that are necessary. Temporary erosion control measures may include work outside the  
14 right-of-way or construction limits where such work is necessary as a result of  
15 construction such as borrow operations, haul roads, plant sites, equipment storage sites  
16 and disposal of waste or debris. The Contractor shall be liable for all damages to public  
17 or private property caused by silting or slides originating in waste areas furnished by the  
18 Contractor.

19 Materials for temporary erosion control measures shall have been approved by the  
20 Engineer before being used or shall be as directed by the Engineer. The Contractor shall  
21 acceptably maintain erosion control measures installed.

22 **(D) Water and Air Pollution**

23 Exercise every reasonable precaution throughout the life of the project to prevent  
24 pollution of ground waters and surface waters, such as rivers, streams and water  
25 impoundments. Do not discharge onto the ground or surface waters any pollutants such  
26 as chemicals, raw sewage, fuels, lubricants, coolants, hydraulic fluids, bitumens and any  
27 other petroleum products. Operate and maintain equipment on site in a manner as to  
28 prevent the potential or actual pollution of surface or ground waters of the State. Dispose  
29 of spent fluids in accordance with applicable Federal and State disposal regulations.  
30 Immediately clean up any spilled fluids to the extent practicable and dispose of properly.

31 Manage, control and dispose of litter on site such that no adverse impacts to water quality  
32 occur. Comply with all Federal, State or local air pollution regulations throughout the  
33 life of the project.

34 **(E) Dust Control**

35 The Contractor shall control dust throughout the life of the project within the project area  
36 and at all other areas affected by the construction of the project, including, but not  
37 specifically limited to, unpaved secondary roads, haul roads, access roads, disposal sites,  
38 borrow and material sources and production sites. Dust control shall not be considered  
39 effective where the amount of dust creates a potential or actual unsafe condition, public  
40 nuisance, or condition endangering the value, utility, or appearance of any property.

41 The Contractor will not be directly compensated for any dust control measures necessary,  
42 as this work will be incidental to the work covered by the various contract items.

43 **(F) Application of Specifications**

44 Article 107-12 shall apply to all construction operations. Further references and detailed  
45 requirements concerning erosion, siltation and pollution prevention and control are given  
46 in other sections of the *Standard Specifications* as supplements to the general  
47 requirements of this article.



**Section 107**

**1 (G) Sanctions**

2 In the event that temporary erosion and pollution control measures become necessary due  
3 to the Contractor's negligence, carelessness, or failure to incorporate permanent erosion  
4 control measures into the project at the earliest practicable time, such measures shall be  
5 performed by the Contractor as directed by the Engineer at no cost to the Department. If  
6 the Contractor fails to perform such measures as directed, the Engineer may have the  
7 work performed in accordance with Article 105-16.

8 Failure of the Contractor to fulfill any of the requirements of this article may result in the  
9 Engineer ordering the stopping of construction operations in accordance with  
10 Article 108-7 until such failure has been corrected. Such suspension of operations will  
11 not justify an extension of contract time.

12 Failure on the part of the Contractor to perform the necessary measures to control  
13 erosion, siltation and pollution will result in the Engineer notifying the Contractor to take  
14 such measures. In the event that the Contractor fails to perform such measures within  
15 24 hours after receipt of such notice with adequate forces and equipment, the Engineer  
16 may suspend the work as provided above, or may proceed to have such measures  
17 performed with other forces and equipment, or both. No payment will be made to the  
18 Contractor for the performance of this work and the cost of such work so performed will  
19 be deducted from monies due the Contractor on his contract.

**20 107-13 PROTECTION OF PUBLIC LANDS**

21 In the execution of any work within or adjacent to any National or State forest, park or other  
22 public lands, the Contractor shall comply with all regulations of all authorities having  
23 jurisdiction over such forest, park or lands, governing the protection of public lands and the  
24 carrying out of work within public lands and shall observe all sanitary laws and regulations  
25 with respect to the performance of work in public lands. He shall keep the areas in an orderly  
26 condition, properly dispose of all refuse and obtain permits for the construction and  
27 maintenance of all construction camps, stores, warehouses, residences, latrines, cesspools,  
28 septic tanks and other structures in accordance with the regulations of the appropriate  
29 authorities.

30 The Contractor shall take all reasonable precaution to prevent and suppress forest fires and  
31 shall require his employees and subcontractors, both independently and at the request of forest  
32 officials, to do all reasonable within their power to prevent and suppress and to assist in  
33 preventing and suppressing forest fires and to make every possible effort to notify a forest  
34 official at the earliest possible moment of the location and extent of any fire seen by them.

35 The Contractor shall obtain any construction permits that may be required for his operations,  
36 which are not a part of the project, in accordance with the regulations of the appropriate  
37 authorities.

**38 107-14 RESPONSIBILITY FOR DAMAGE CLAIMS**

39 The Contractor shall indemnify and save harmless the Board and its members and the  
40 Department, its officers, agents and employees from all suits, actions, or claims of any  
41 character brought for any injury or damages received or sustained by any person, persons, or  
42 property by reason of any act of the Contractor, subcontractor, its agents or employees, in the  
43 performance of the contract. The Contractor's liability to save harmless and indemnify shall  
44 include, but not by way of limitation, the following:

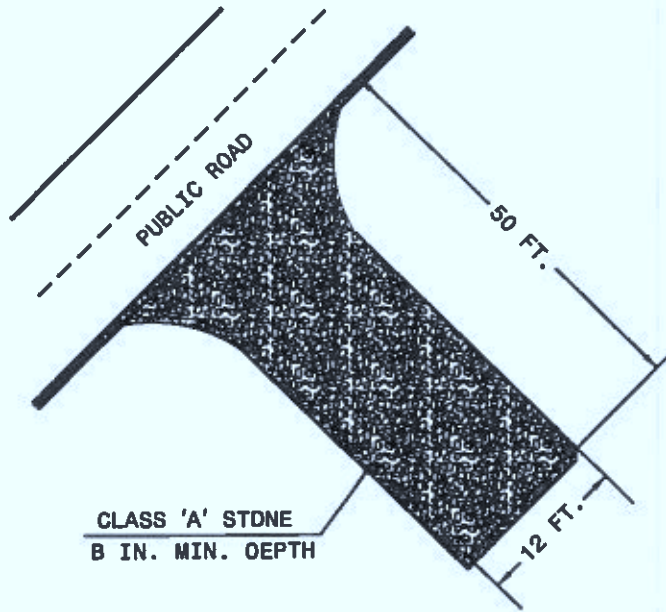
- 45 (A) Damages or claims for the failure of the Contractor to safeguard the work;
- 46 (B) Damages or claims by reason of the failure of the Contractor to erect adequate barricades  
47 and post adequate warnings to the public of such barricades;
- 48 (C) Any damage or claims caused through the Contractor's use of defective materials or by  
49 the performance of defective work;

STATE OF  
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DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
RALEIGH, N.C.

1-12

ENGLISH STANDARD DRAWING FOR  
**GRAVEL CONSTRUCTION ENTRANCE**

SHEET 1 OF 1  
**1607.01**



NOTES

1. PROVIDE TURNING RADIUS SUFFICIENT TO ACCOMMODATE LARGE TRUCKS.
2. LOCATE ENTRANCES TO PROVIDE FOR UTILIZATION BY ALL CONSTRUCTION VEHICLES.
3. MUST BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR DIRECT FLOW OF MUO ONTO STREETS. PERIODIC TOPORESSING WITH STONE WILL BE NECESSARY.
4. ANY MATERIAL TRACKED ONTO THE ROADWAY MUST BE CLEANED UP IMMEDIATELY.
5. LOCATE GRAVEL CONSTRUCTION ENTRANCE AT ALL POINTS OF INGRESS AND EGRESS UNTIL SITE IS STABILIZED. PROVIDE FREQUENT CHECKS OF THE DEVICE AND TIMELY MAINTENANCE.
6. NUMBER AND LOCATION OF CONSTRUCTION ENTRANCES TO BE DETERMINED BY THE ENGINEER.
7. USE CLASS 'A' STONE OR OTHER COARSE AGGREGATE APPROVED BY THE ENGINEER.
8. INSTALL CONSTRUCTION ENTRANCES IN A WAY TO PREVENT VEHICLES FROM BYPASSING CONSTRUCTION ENTRANCE LEAVING PROJECT SITE.

NOTE: PLACE FILTRATION GEOTEXTILE BENEATH STONE

STATE OF  
NORTH CAROLINA  
DEPT. OF TRANSPORTATION  
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RALEIGH, N.C.

1-12

ENGLISH STANDARD DRAWING FOR  
**GRAVEL CONSTRUCTION ENTRANCE**

SHEET 1 OF 1  
**1607.01**

12/11/08

## RECLAMATION PROCEDURES FOR BORROW/WASTE/STAGING AREAS FOR OPERATIONS

A Reclamation Plan shall accompany any land disturbing activity associated with the project that exceeds the project limits. These include waste and borrow sites as well as applicable staging areas. Waste consists of all excavated materials that are not utilized in the construction of the project, including overburden from borrow sources and soil type base course sources. This shall include permanent or temporary stockpiles placed beyond the project limits. Borrow consists of excavated material brought in from outside of the project limits and utilized in the construction of the project. Staging areas consists of temporary areas, beyond the project limits, utilized during the pursuit of a contract, to store equipment, materials, supplies, or other activities related to the project.

In order to comply with Section 107-1 of the NCDOT *Standard Specifications*, it is necessary to provide documentation ensuring the staging areas do not impact jurisdictional features such as, but not limited to, buffer zones, wetlands, streams, and threatened or endangered species habitats. Staging areas that do not contain erodible material or involve land disturbing activities shall require an environmental evaluation as described in the Environmental Evaluation section of these procedures. Buffer areas and wetlands found within the staging area boundary shall be delineated using highly visible fencing, with the contractor receiving compensation for highly visible fencing or equivalent.

Staging areas that contain erodible material or involve land disturbing activities shall require a full Reclamation Plan submitted to the Engineer as outlined in these procedures.

Staging areas located at existing office, institutional, commercial, residential, or industrial facilities that do not contain erodible material or involve land disturbing activities are exempt from an environmental evaluation and reclamation plan, unless jurisdictional features are present.

Staging areas related to mobile operations that involve overnight parking of equipment are exempt from an environmental evaluation and reclamation plan.

### Plan Procedure

- The Engineer or his representative will prepare seven copies of the reclamation plan. As an alternative, an electronic version can be submitted to expedite review and approval.
- The Engineer performs a cursory review to determine if the plan is complete and includes the property owner signatures and the environmental assessment.
- The Engineer must make a site visit. It is suggested that the Property Owner be contacted and invited to attend this visit. Assure that the haul road is shown on map and note the site distance that will be provided for all vehicles at the proposed intersection.
- The Engineer should assure that an adequate number of devices are specified and sized to control erosion and address drainage. If the site is commercial, the mining permit cover page, location map and site plan shall be included. Devices should be sized to comply with Best Management Practices (BMP), including sediment storage volume, surface settling, and spillway capacity.
- Assure that minimum undisturbed vegetated buffers and setbacks have been delineated on the map: eg. 50' riparian buffer for regulated basins and jurisdictional streams, 25' buffer from wetlands (additional buffer areas may be required if it is determined that the regulated wetland and/or stream will be indirectly impacted by borrow pit operations), 50' buffer from trout waters,

12/11/08

10' setback from property lines (local ordinances may require additional setbacks). The Environmental Officer should assure that any additional buffers, such as additional buffers around watersheds or live streams not in a currently protected basin, imposed by local or statewide governing bodies, are complied with. The haul road is a part of the plan and must comply with applicable setbacks. Neither waste activities nor applicable staging areas can occur within the 100 year floodplain unless superseded by an environmental permit. Borrow activities can occur within the 100 year floodplain as long as stockpiling of borrow material is limited. No waste or Borrow activities or applicable staging areas can occur within High Quality Water Zones (water classifications include WS-1, WS-2, ORW, Class SA, and Primary Nursery Waters) unless superseded by an environmental permit. If isolated wetlands are located within the site, the Environmental Officer must contact the Division of Water Quality for consultation.

- If the site is for waste, the only waste allowed, without a permit from the Solid Waste Division, is for beneficial fill consisting of inert debris strictly limited to concrete (encapsulated rebar is OK), brick, concrete block, uncontaminated soil, rock and gravel. Asphalt, placed at least of 4 feet above the water table, is allowed but is not considered beneficial fill. If wood is present in the waste, then the rules for a Land Clearing and Inert Debris Landfill must be followed in accordance with Section 200-5, Disposition of Timber, Stumps, and Debris.
- After review by the Roadside Environmental Field Operations Engineer, the Engineer will submit approved copies of the map and plan as detailed on the Reclamation Plan Check Sheet. Any revisions must be initialed by the Engineer and Property Owner prior to final approval.
- If the pit is expanded by any dimension or size, the original environmental evaluation shall have been performed over the area in which the expansion is planned and shall account for the expansion and the expanded activity, or a new environmental evaluation shall be submitted. It is suggested that the entire parcel be included during the initial environmental evaluation.
- The boundaries of the pit and any environmentally sensitive areas within the pit or within the area of the environmental evaluation shall be physically delineated and GPS coordinates shall be provided.
- The Engineer should advise the property owner that a 1 year, post-final compliance review will be held. If corrective work is needed as a result of the 1 year, post final compliance review, the Property Owner shall allow access to DOT to perform the work.
- Minor maintenance operations may be handled with Property Owner "Release" forms.

#### Environmental Evaluation for Borrow/Waste Site/Staging Area

The attached information is provided to assist you in the review of the necessary documentation to confirm that candidate borrow/waste sites and/or staging areas do not impact wetlands, surface waters (streams, lakes or ponds), regulated riparian buffers or federally-protected species. The Division Environmental Officer will evaluate the environmental documentation that is required, along with the reclamation plan and associated checklist. Approval of the use of the borrow/waste site and/or staging area for activities exclusively in support of a North Carolina Department of Transportation project will be, in part, dependent on the presence or absence of these sensitive environmental resources at the candidate sites. In order to provide the necessary environmental documentation, the Environmental Officer will perform appropriate site investigations that will confirm or refute the occurrence of wetlands, surface waters, regulated riparian buffers and federally protected species within the impact limits of the proposed borrow/waste sites and/or staging areas and associated access or haul roads.

12/11/08

Once the Environmental Officer has completed thorough field inventories of the candidate borrow/waste sites and/or staging areas, appropriate documentation should be submitted to the Engineer, detailing any pertinent findings. The following information should be included in the report:

- General description of candidate site location including a location map, USGS Topographic Map, and a Soil Survey Map.
- General description of the vegetative communities at and adjacent to the candidate site.
- Identification, delineation, and discussion of jurisdictional wetlands at the candidate site (including a discussion of soils, vegetation, and hydrology and completion of USACE wetland data sheets).
- Identification, delineation and discussion of jurisdictional surface waters (streams, ponds or lakes) at the candidate site. If dewatering of the pit is proposed, define the point at which the discharge effluent enters into jurisdictional waters. Identify upstream and downstream sampling locations.
- Identification, delineation and discussion of regulated riparian buffers at candidate sites and within 50 feet of candidate sites located within river basins that are subject to buffer rules. If a stream, pond or lake is depicted on the most recent U.S. Geologic Service topographic map (1:24,000 scale) or soil survey prepared by the U.S. Department of Agriculture-Natural Resource Conservation Service, (formerly Soil Conservation Service), the system is subject to the riparian buffer rule. The Environmental Officer may contact the N.C. Division of Water Quality for an on-site determination to identify inaccurately depicted surface waters or waters that the DEO determines may be blue-lined but are not depicted.
- Evaluation of potential habitat for federally protected species and surveys for federally protected species if habitat is identified at the candidate borrow/waste site and/or staging area. Biological conclusions shall be rendered for each species.
- If jurisdictional areas are identified within the proposed pit or the 400' perimeter and dewatering/wet mining/ excavating below seasonal water table or adjacent streambed elevation is planned, the Engineer shall maintain a 400' buffer between the land disturbing activity or obtain concurrence for the proposed activity from the USACE. When jurisdictional areas are within 400' of the borrow pit, follow the procedures outlined in Skaggs Method for Determining Lateral Effects of a Borrow Pit on Adjacent Wetlands found on REU Field Operations website at: ([http://www.ncdot.org/doh/operations/dp\\_chief\\_eng/roadside/fieldops/downloads/](http://www.ncdot.org/doh/operations/dp_chief_eng/roadside/fieldops/downloads/)). Any meeting with the USACE will include the Engineer or a member of their staff. Identification of jurisdictional wetlands, surface waters, and protected riparian buffers at the site or within 400' perimeter of the site are required. These types of maps include U.S. Geologic Service topographic map (1:24,000 scale) and soil survey prepared by the U.S. Department of Agriculture-Natural Resource Conservation Service, (formerly Soil Conservation Service), and site map. All copies of the reclamation plan shall include color topographic maps. The maps will be clear enough to allow someone unfamiliar with the locale to travel to the site and identify all points of interest discussed in the report using GPS coordinates (i.e. wetlands, surface waters, regulated riparian buffers and federally protected species). Local roads should be labeled and each map shall be prepared to scale. At least one figure should identify the boundaries of the candidate site within a larger landscape setting. Additionally, boundaries of the candidate site shall be flagged. The environmental evaluation shall consider impacts to adjacent wetlands and surface waters within a 400' perimeter of the proposed site.
  - If water is to be pumped from the site, and the site falls within one of these 15 counties; Beaufort, Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Martin, Onslow, Pamlico, Pitt, Washington, Wayne, Wilson, the Engineer's plan to comply with the North

12/11/08

Carolina Division of Water Resource's Central Coastal Plain Capacity Use Area rules shall be discussed.

- Include State Historic Preservation Office (SHPO) Review form for borrow and waste sites. (<http://www.hpo.dcr.state.nc.us/borrowpit.pdf>)
- Qualifications and experience of the investigators and the methodologies employed in the investigation.

The purpose of this report is to verify whether there are wetlands, surface waters, regulated riparian buffers, or federally protected species at the site prior to the initiation of construction activities.

#### During Construction

- Assure that if buffer zones are required, they have been physically delineated in a manner approved by the Engineer.
- Assure that approved sediment controls are adequately installed.
- Require the stockpiling of topsoil for replacement on pit slopes.
- Seed and mulch the stockpile and provide temporary sediment control if needed.
- Inspect each pit at least weekly as a part of the routine weekly erosion control inspection.
- If water is being pumped, ensure that BMP's have been designed, installed, operated, and maintained to minimize turbidity to the extent to avoid habitat degradation or removal of a use designation. Refer to Procedures for Monitoring Borrow Pit Discharge Special Provision for more details.
- No more than one acre of erodible slope area should be allowed prior to beginning seeding.
- Excavate sites in a manner that allows for dressing and seeding of slopes in keeping with the 1 acre tolerance.
- Assure that a minimum of 4 feet of water shall remain in the pit if it is to serve as a pond.
- Occasionally check the site for plan conformance and either revise the plan or correct the site.
- Check slope rates during construction. Slopes should be built to plan rates during the initial disturbance to provide the best opportunity for permanent stability and limit the need for temporary seeding.

#### Final Inspection

- Compare the final condition of the pit to the plan and amend the plan or the pit if differences exist. The two items are required to be the same.
- Upon completion of all construction activities necessary within the waste/borrow site and/or staging area, ensure that the disturbed areas are completely stabilized with a permanent stand of vegetation. The type of vegetation should meet the reclamation plan seed mixture.
- Assure that at least 4 ft. of water is remaining in the pit if it is to serve as a pond.
- Assure that at least 6 in. of soil, capable of supporting vegetation, is covering waste.
- Ensure that no standing pools of water remain. If the site is required to be left in a dry condition, ensure the topography is graded to drain to natural outlets.
- Ensure that all temporary sediment controls have been removed.
- Ensure that the final contours are compatible with the surrounding topography.
- IN WRITING, notify the Property Owner that the project is complete and all work on the site is complete. This notification shall refer to the property owner's signed statement allowing site inspections and any repair work during the coming year.

12/11/08

Borrow/Waste Site/Staging Area Reclamation Plan Maps

1. Person preparing this plan must be Level III-B E&SC/Stormwater Certified.
2. Prepare five (5) copies.
3. Include an inset showing a vicinity map. This vicinity map may be a copy of a county secondary road map.
4. The map will be an accurately scaled drawing, aerial photograph or enlarged topographic map showing the following:
  - a) Property lines, easements and rights of way of the tract(s) of land under consideration.
  - b) Wetlands & buffer zones.
  - c) Blue line streams & buffer zones shown either on topographic maps or soil conservation maps or as field determined by the Division of Water Quality.
  - d) Outline of the proposed pit or waste area.
  - e) Outline of stockpile areas.
  - f) Location of access roads, haul roads and ditches along with proposed sediment and turbidity (if de-watering) control measures.
  - g) Show size and type of specific erosion control measures. Indicate drainage area and disturbed area flowing to each device. Include calculations for time of concentration, sediment storage volume (3600 ft<sup>3</sup>/disturbed acre), peak flow for design storm (Q<sub>10peak</sub> in ft<sup>3</sup>/s), surface area in ft<sup>2</sup> (A = 435.6 \* Q<sub>10peak</sub>), basin dimensions (limit depth to 3 ft. max), and stone spillway capacity (L=Q<sub>10peak</sub> /CH<sup>1.5</sup>; limit H to 0.5 ft. max; use C = 2.5 and L=4 ft. min). Use 25 year (Q<sub>25 peak</sub>) design in High Quality Water zones.
  - h) In the event skimmer outlets or flashboard riser outlets are used, sediment storage volume (1800 ft<sup>3</sup>/disturbed acre), peak flow for design storm (Q<sub>10peak</sub> in ft<sup>3</sup>/s), surface area in ft<sup>2</sup> (A=325\*Q<sub>10peak</sub>), basin dimensions (limit depth to 3 ft. max), and fabric lined spillway capacity (L=Q<sub>25peak</sub> /CH<sup>1.5</sup>; limit H to 0.5 ft. max; use C = 2.5 and L=4 ft. min). Use 25 year design (Q<sub>25peak</sub>) in High Quality Water zones.
  - i) If borrow pit requires dewatering, the volume of the borrow pit dewatering basin will be based on a 2 hour retention time. Using the formula, V= 8.0203 \* Q \* t, where V is volume in cubic feet, Q is the pump rate in gallons per minute (GPM), and t is the retention time of 2 hours. The pump rate shall not exceed 1,000 GPM (60,000 GPH). The basin shall conform to the following: rectangular in shape with 2:1 to 5:1 length to width ratio; maximum depth of 3 feet; interior and exterior slopes of basin must be no steeper than 2:1. The outlet riser pipe and barrel shall have a minimum diameter of 12 inches or D=3.5Q (Q in cfs), whichever is larger. The top invert of the riser must be set 0.5 feet (6 inches) below the top of the dam.
  - j) Since some borrow pits requiring dewatering result in significant topographical changes and significant reduction in stormwater runoff, the perimeter erosion control design shall be sequenced to address this rapid construction phase
  - k) Show the cross section, eg. 3:1, degree of slope for all slopes, whether fill or cut slopes. Include the cross slope and longitudinal slope of any ditch employed in the plan.
  - l) Map Legend shall include the following:

|                                    |                               |
|------------------------------------|-------------------------------|
| Name of Responsible Party          | Project Number or WBS Element |
| Plans prepared by                  | Contract Number               |
| Level III-B E&SC/Stormwater Cert # | Scale                         |
| Name of Property Owner(s)          | Date Prepared                 |
| North Arrow                        |                               |
| County Name                        |                               |

12/11/08

### Reclamation Plan Checklist for Operations

Date Received \_\_\_\_\_

Borrow Pit ( )

Waste Site ( )

Staging Area ( )

Project #/WBS Element: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

\_\_\_\_\_

Pit Address(if different): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

|  | YES | NO | N/A |
|--|-----|----|-----|
| 1. For Division Operation Projects, has a Minimum Criteria Determination Checklist been performed and copy attached? |     |    |     |
| 2. Is the source commercial?   |     |    |     |
| 3. If commercial, has:   |     |    |     |
| Mining permit number been provided?  |     |    |     |
| Copy of Mining Permit cover page submitted?  |     |    |     |
| Commercial Permit Number:  |     |    |     |
| 4. If there is no permit number has the DENR Regional Engineer been notified?  |     |    |     |
| 5. Has the Reclamation Plan been submitted?  |     |    |     |
| Has the Narrative been submitted?  |     |    |     |
| Has the Map been submitted?  |     |    |     |
| 6. Are all required signatures on narrative and map?   |     |    |     |
| 7. Does map include vicinity map?  |     |    |     |
| 8. Has site inspection been made?  |     |    |     |
| Has the Property owner been invited?   |     |    |     |
| 9. Are all questions satisfactorily answered on narrative?   |     |    |     |
| 10. Has the mandatory letter from the SHPO been attached & any required conditions addressed?                        |     |    |     |



12/11/08

|  | YES | NO | N/A |
|--|-----|----|-----|
| 11. If this is a waste site, has the type of debris and the amount of cover been addressed?                |     |    |     |
| 12. Are Map Items Included?  |     |    |     |
| Name of designer and Level III-B E&SC/Stormwater Cert # included   |     |    |     |
| Name of Responsible Party  |     |    |     |
| Name of Property Owner   |     |    |     |
| North Arrow  |     |    |     |
| County   |     |    |     |
| Project No.  |     |    |     |
| Scale  |     |    |     |
| Date Prepared  |     |    |     |
| 13. Has the Environmental Evaluation been submitted?   |     |    |     |
| Are wetlands present?  |     |    |     |
| Have blue line streams been delineated?  |     |    |     |
| Are buffer rules applicable?   |     |    |     |
| If yes, has diffuse flow been provided?  |     |    |     |
| Has a physical method of delineating buffers been described?   |     |    |     |
| Are applicable setbacks shown?   |     |    |     |
| Is site within 100-year floodplain?  |     |    |     |
| Has DEO reviewed the assessment?   |     |    |     |
| Has the Roadside Environmental Field Operations Engineer reviewed the plan?                                |     |    |     |
| 14. Are slope rates indicated?   |     |    |     |
| ≥ 3:1 for Coastal Plain Borrow   |     |    |     |
| ≥ 2:1 for Statewide Criteria   |     |    |     |
| 15. Will water remain in the pit?  |     |    |     |
| Is the current water table elevation indicated?  |     |    |     |
| Is the proposed depth of water in the pond indicated?  |     |    |     |
| 16. Will the excavation require temporary de-watering?   |     |    |     |
| Will excavation extend below the water table?  |     |    |     |
| If so and a buffer less than 400' has been proposed, has the Skaggs Method report been attached?           |     |    |     |
| Method for controlling and reducing turbidity to levels acceptable with Water Quality standards?           |     |    |     |
| If within 15 county CCPCUA region, is the responsible person listed?                                       |     |    |     |
| If within CCPCUA region are wells identified with GPS?   |     |    |     |
| If within CCPCUA region and pumping is required, are pump discharge coordinates indicated?                 |     |    |     |
| 17. Are haul roads shown in the plan?  |     |    |     |
| 18. Are construction entrances shown and detailed on the plan?   |     |    |     |
| Is sight distance adequate where trucks will enter an existing roadway?                                    |     |    |     |
| 19. Have temporary devices been checked for location and size? (size, surface area, spillway capacity)     |     |    |     |
| Has the method of maintenance for devices been described?  |     |    |     |
| 20. Is the cross slope rate of temporary ditches, including de-watering excavation, indicated?(typ. ≥ 2:1) |     |    |     |
| 21. Is staged seeding, per acre of exposed erodible slope, provided for?                                   |     |    |     |
| Is the seed mixture indicated and is it acceptable?  |     |    |     |
| Will the indicated mixture provide long term vegetative cover?   |     |    |     |
| 22. Is maintenance of the site by the property owner, after final acceptance, accounted for?               |     |    |     |

12/11/08

|   | YES | NO | N/A |
|---|-----|----|-----|
| 23. Have submittals been signed?  |     |    |     |
| 24. Have approval letters and approved plans been sent and distributed? |     |    |     |
| Engineer – w/2copies  |     |    |     |
| Project Inspector – w/1 copy  |     |    |     |
| Division Engineer – w/1 copy  |     |    |     |
| DENR Regional Engineer – w/1 copy                                       |     |    |     |
| Army Corps of Engineers – w/1 copy                                      |     |    |     |
| Environmental Officer – w/1copy   |     |    |     |
| Roadside Environmental Field Ops. Engineer – w/1copy                    |     |    |     |
| Property Owner – w/1copy  |     |    |     |

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
Signature

\_\_\_\_\_

Print Name

\_\_\_\_\_

Date/Time

12/11/08

**Reclamation Plan for Operations  
Borrow Pit**

**Date:** \_\_\_\_\_

**Project #/WBS Element:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Responsible Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Property Owner:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_

**Property Owner Address:** \_\_\_\_\_  
\_\_\_\_\_

**Borrow Pit Property Address:** \_\_\_\_\_  
\_\_\_\_\_

**Total acreage of proposed pit:** \_\_\_\_\_

**Expected depth of excavation:** \_\_\_\_\_

**Present use of land:** \_\_\_\_\_

**Proposed use after reclamation:** \_\_\_\_\_

**Proposed sequence of excavation (include amount of clearing & proposed slope rates):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Did the Environmental Evaluation indicate the presence of any wetlands or endangered species?(If yes, briefly list findings and indicate physical means by which buffer zone will be delineated):**

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

**Is any portion of the pit or access & haul roads within a watershed with riparian buffer zone requirements? (If yes, indicate physical means by which buffer will be delineated and how diffuse flow into the buffer zone will be maintained):**

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

12/11/08

Is the site adjacent to High Quality Waters as defined by the Department of Environment and Natural Resources? (If yes, note how the devices have been designed to meet DENR requirements):

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Are there any conditions identified on the State Historic Preservation Office Review Form for borrow activities? Explain: \_\_\_\_\_

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Describe the intended plan for the reclamation and subsequent use of all affected lands, and indicate the general methods to be used in reclaiming this land, including any stockpile areas, haul roads and ditches. Describe the sequence for reclaiming the pit. Attach a map which illustrates this plan, showing the location and design of all temporary and permanent erosion control devices. All features must comply with the appropriate specifications, standards and reflect Best Management Practices (BMP). The plan must indicate setbacks to adjacent properties, buffer zones and if de-watering is required and the pit is located within the 15 county region of the CCPCUA, the GPS coordinate location of any well located within 1500 ft. of the pit.

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Will excavation extend below the water table? (If yes, see a, b, & c, below): \_\_\_\_\_

a) Specify how de-watering will be accomplished. Include proposed method of reducing effluent turbidity so that it meets the requirements of the Division of Water Quality. Show any pit dewatering basins, construction details and calculations on the plan:

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b) If the pit is within the Central Coastal Plain Capacity Use Area, list the person responsible for completing The Division of Water Resources CCPCUA spread sheet and method of submission to the Engineer:

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c) If water is to remain in the pit after completion, state the estimated depth of the water. (At least a depth = 4'). Indicate the water table depth prior to beginning excavation and the method used to obtain this information.

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12/11/08

Describe the proposed schedule of permanent seeding and mulching. Detail the frequency of permanent seeding and mulching. Note that a permanent stand of vegetation is required prior to a final inspection.

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12/11/08

**Property Owner's Statement for Borrow Site:**

I hereby certify that I am in agreement with this development, use, and reclamation plan, and any exceptions noted when approved by the Engineer, and that I understand that I will be responsible for the site upon completion of its use in the construction of the project noted in the map legend. I understand that this plan, when approved, will serve as a guide in controlling erosion and sediment in accordance with the Mining Act and the Sediment and Pollution Control Act and as enforced by the North Carolina Department of Environment and Natural Resources (DENR). I understand that any work exceeding the minimum necessary for compliance with DENR requirements, should be negotiated between the Engineer and the Property Owner. My signature below authorizes The Department of Transportation (DOT), the Department of Environment and Natural Resources (DENR) or its agents, to enter upon my property for a period of one year from the date of final acceptance of the project for which this site plan is executed. If necessary, the DOT or its agents will be allowed to repair any areas that are not in compliance with DENR requirements. After a one year inspection is held, I will be solely responsible for assuring that the site is in compliance with DENR regulations. I have the right to change the condition of the site after the final inspection and prior to the one year follow-up inspection. However, if I make such changes, I acknowledge that DOT is released from all obligations and conditions of this agreement and I will become solely responsible for the condition of the site beginning on the date that I change the final inspection condition.

Signatures:

Owners of record:

| Witness          | Owner            |
|------------------|------------------|
| _____            | _____            |
| (signature/date) | (signature/date) |
| _____            | _____            |
| (signature/date) | (signature/date) |
| _____            | _____            |
| (signature/date) | (signature/date) |

Engineer: \_\_\_\_\_  
(signature/date)

Exceptions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Concurrence with exceptions:

Property Owner: \_\_\_\_\_ Engineer: \_\_\_\_\_  
(signature/date) (signature/date)

Attachments: site map w/ details  
Environmental Evaluation

Cc:

12/11/08

**Reclamation Plan for Operations  
Waste Pit**

**Date:** \_\_\_\_\_

**Project #/WBS Element:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Responsible Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Property Owner:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_

**Property Owner Address:** \_\_\_\_\_  
\_\_\_\_\_

**Waste Site Property  
Address:** \_\_\_\_\_  
\_\_\_\_\_

**Total acreage of proposed pit:** \_\_\_\_\_

**Expected depth of waste:** \_\_\_\_\_

**Present use of land:** \_\_\_\_\_

**Proposed use after reclamation:** \_\_\_\_\_

**Expected type of waste that will be placed in the site (examples include: asphalt, concrete, soil,  
stone):**

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

**Proposed sequence of placing waste (include proposed slope rates):**

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

**Did the Environmental Evaluation indicate the presence of any wetlands or endangered species?(If  
yes, briefly list findings and physical means by which buffer zone will be delineated):**

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

12/11/08

Is any portion of the pit within a watershed with riparian buffer zone regulations? (If yes indicated physical means by which buffer will be delineated and how diffuse flow will be maintained):

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Is the site adjacent to High Quality Waters as defined by the Department of Environment and Natural Resources? (If yes, note how the devices have been designed to meet DENR requirements):

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Are there any conditions identified on the State Historic Preservation Office Review Form for waste activities? Explain: \_\_\_\_\_

---

Describe the intended plan for the reclamation and subsequent use of all affected lands, and indicate the general methods to be used in reclaiming this land, including any stockpile areas, haul roads and ditches. Describe the sequence for reclaiming the site. Attach a map illustrating this plan, showing the location and design of all temporary and permanent erosion control devices. All features shall comply with the appropriate specifications, standards and reflect Best Management Practices (BMP). The plan shall indicate setbacks to adjacent properties, buffer zones and wetlands.

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Describe the proposed schedule of permanent seeding and mulching. Detail the frequency of permanent seeding and mulching. Note that a permanent stand of vegetation is required prior to a final inspection.

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12/11/08

**Property Owner's Statement for Waste Site:**

I hereby certify that I am in agreement with this development, use, and reclamation plan, and any exceptions noted when approved by the Engineer, and that I understand that I will be responsible for the site upon completion of its use in the construction of the project noted in the map legend. I understand that this plan, when approved, will serve as a guide in controlling erosion and sediment in accordance with the Mining Act and the Sediment and Pollution Control Act and as enforced by the North Carolina Department of Environment and Natural Resources (DENR). I understand that any work exceeding the minimum necessary for compliance with DENR requirements, should be negotiated between the Engineer and the Property Owner. My signature below authorizes The Department of Transportation (DOT), the Department of Environment and Natural Resources (DENR) or its agents, to enter upon my property for a period of one year from the date of final acceptance of the project for which this site plan is executed. If necessary, the DOT or its agents will be allowed to repair any areas that are not in compliance with DENR requirements. After a one year inspection is held, I will be solely responsible for assuring that the site is in compliance with DENR regulations. I have the right to change the condition of the site after the final inspection and prior to the one year follow-up inspection. However, if I make such changes, I acknowledge that DOT is released from all obligations and conditions of this agreement and I will become solely responsible for the condition of the site beginning on the date that I change the final inspection condition.

Signatures:

Owners of record:

| Witness          | Owner            |
|------------------|------------------|
| _____            | _____            |
| (signature/date) | (signature/date) |
| _____            | _____            |
| (signature/date) | (signature/date) |
| _____            | _____            |
| (signature/date) | (signature/date) |

Engineer: \_\_\_\_\_  
(signature/date)

Exceptions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Concurrence with exceptions:

Property Owner: \_\_\_\_\_ Engineer: \_\_\_\_\_  
(signature/date) (signature/date)

Attachments: site map w/ details  
Environmental Evaluation

Cc:

**§ 20-116. Size of vehicles and loads.**

(a) The total outside width of any vehicle or the load thereon shall not exceed 102 inches, except as otherwise provided in this section. When hogsheads of tobacco are being transported, a tolerance of six inches is allowed. When sheet or bale tobacco is being transported the load must not exceed a width of 114 inches at the top of the load and the bottom of the load at the truck bed must not exceed the width of 102 inches inclusive of allowance for load shifting or settling. Vehicles (other than passenger buses) that do not exceed the overall width of 102 inches and otherwise provided in this section may be operated in accordance with G.S. 20-115.1(c), (f), and (g).

(b) No passenger-type vehicle or recreational vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(c) No vehicle, unladen or with load, shall exceed a height of 13 feet, six inches. Provided, however, that neither the State of North Carolina nor any agency or subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of 12 feet, six inches. Provided further, that the operator or owner of any vehicle having an overall height, whether unladen or with load, in excess of 12 feet, six inches, shall be liable for damage to any structure caused by such vehicle having a height in excess of 12 feet, six inches.

(d) **Maximum Length.** - The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

- (1) Except as otherwise provided in this subsection, a single vehicle having two or more axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.
- (2) Trucks transporting unprocessed cotton from farm to gin, or unprocessed sage from farm to market shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.
- (3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors.
- (4) Vehicles owned or leased by State, local, or federal government, when used for official law enforcement or emergency management purposes, shall not exceed 45 feet in length overall, excluding bumpers and mirrors.

(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions: Motor vehicle combinations of one semitrailer of not more than 53 feet in length and a truck tractor (power unit) may exceed the 60-foot maximum length. Said maximum overall length limitation shall not apply to vehicles operated in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties, provided the trailer length does not exceed 53 feet in length, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of said projecting load to clearly mark the dimensions of such load: Provided that vehicles designed and used exclusively for the transportation of motor vehicles shall be permitted an overhang tolerance front or rear not to exceed five feet. Provided, that wreckers may tow a truck, combination tractor and trailer, trailer, or any other disabled vehicle or combination of vehicles to a place for repair, parking, or storage within 50 miles of the point where the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to trailers not exceeding three in number drawn by a motor vehicle used by

municipalities for the removal of domestic and commercial refuse and street rubbish, but such combination of vehicles shall not exceed a total length of 50 feet inclusive of front and rear bumpers. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a driveway service when no more than three saddle mounts are used and provided further, that equipment used in said combination is approved by the safety regulations of the Federal Highway Administration and the safety rules of the Department of Public Safety.

(f) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of the vehicle. Under this subsection "load" shall include the boom on a self-propelled vehicle.

A utility pole carried by a self-propelled pole carrier may extend beyond the front overhang limit set in this subsection if the pole cannot be dismembered, the pole is less than 80 feet in length and does not extend more than 10 feet beyond the front bumper of the vehicle, and either of the following circumstances apply:

- (1) It is daytime and the front of the extending load of poles is marked by a flag of the type required by G.S. 20-117 for certain rear overhangs.
- (2) It is nighttime, operation of the vehicle is required to make emergency repairs to utility service, and the front of the extending load of poles is marked by a light of the type required by G.S. 20-117 for certain rear overhangs.

As used in this subsection, a "self-propelled pole carrier" is a vehicle designed to carry a pole on the side of the vehicle at a height of at least five feet when measured from the bottom of the brace used to carry the pole. A self-propelled pole carrier may not tow another vehicle when carrying a pole that extends beyond the front overhang limit set in this subsection.

(g) (1) No vehicle shall be driven or moved on any highway unless the vehicle is constructed and loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled, dumped, or spread on a roadway in cleaning or maintaining the roadway. For purposes of this subsection, the terms "load" and "leaking" do not include water accumulated from precipitation.

(2) A truck, trailer, or other vehicle licensed for more than 7,500 pounds gross vehicle weight that is loaded with rock, gravel, stone, or any other similar substance, other than sand, that could fall, blow, leak, sift, or drop shall not be driven or moved on any highway unless:

- a. The height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; and
- b. The load is securely covered by tarpaulin or some other suitable covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.

(3) A truck, trailer, or other vehicle:

- a. Licensed for any gross vehicle weight and loaded with sand; or
- b. Licensed for 7,500 pounds or less gross vehicle weight and loaded with rock, gravel, stone, or any other similar substance that could fall, blow, leak, sift, or drop;

shall not be driven or moved on any highway unless:

- a. The height of the load against all four walls does not extend above a horizontal line six inches below the top when loaded at the loading point;
- b. The load is securely covered by tarpaulin or some other suitable covering; or
- c. The vehicle is constructed to prevent any of its load from falling, dropping,

sifting, leaking, blowing, or otherwise escaping therefrom.

- (4) This section shall not be applicable to or in any manner restrict the transportation of seed cotton, poultry or livestock, or silage or other feed grain used in the feeding of poultry or livestock.

(h) Whenever there exist two highways of the State highway system of approximately the same distance between two or more points, the Department of Transportation may, when in the opinion of the Department of Transportation, based upon engineering and traffic investigation, safety will be promoted or the public interest will be served, designate one of the highways the "truck route" between those points, and to prohibit the use of the other highway by heavy trucks or other vehicles of a gross vehicle weight or axle load limit in excess of a designated maximum. In such instances the highways selected for heavy vehicle traffic shall be designated as "truck routes" by signs conspicuously posted, and the highways upon which heavy vehicle traffic is prohibited shall likewise be designated by signs conspicuously posted showing the maximum gross vehicle weight or axle load limits authorized for those highways. The operation of any vehicle whose gross vehicle weight or axle load exceeds the maximum limits shown on signs over the posted highway shall constitute a Class 2 misdemeanor: Provided, that nothing in this subsection shall prohibit a truck or other motor vehicle whose gross vehicle weight or axle load exceeds that prescribed for those highways from using them when its destination is located solely upon that highway, road or street: Provided, further, that nothing in this subsection shall prohibit passenger vehicles or other light vehicles from using any highways designated for heavy truck traffic.

(i) Repealed by Session Laws 1973, c. 1330, s. 39.

(j) Nothing in this section shall be construed to prevent the operation of self-propelled grain combines or other self-propelled farm equipment with or without implements, not exceeding 25 feet in width on any highway, unless the operation violates a provision of this subsection. Farm equipment includes a vehicle that is designed exclusively to transport compressed seed cotton from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet in width may be operated only if they meet all of the conditions listed in this subsection. A violation of one or more of these conditions does not constitute negligence per se.

- (1) The equipment may only be operated during daylight hours.
- (2) The equipment must display a red flag on front and rear ends or a flashing warning light. The flags or lights shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.
- (3) Equipment covered by this section, which by necessity must travel more than 10 miles or where by nature of the terrain or obstacles the flags or lights referred to in subdivision (2) of this subsection are not visible from both directions for 300 feet at any point along the proposed route, must be preceded at a distance of 300 feet and followed at a distance of 300 feet by a flagman in a vehicle having mounted thereon an appropriate warning light or flag. No flagman in a vehicle shall be required pursuant to this subdivision if the equipment is being moved under its own power or on a trailer from any field to another field, or from the normal place of storage of the vehicle to any field, for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route.
- (4) Every piece of equipment so operated shall operate to the right of the center line when meeting traffic coming from the opposite direction and at all other times when possible and practical.
- (5) Repealed by Session Laws 2008-221, s. 6, effective September 1, 2008.
- (6) When the equipment is causing a delay in traffic, the operator of the equipment shall move the equipment off the paved portion of the highway at the nearest practical location until the vehicles following the equipment have passed.
- (7) The equipment shall be operated in the designed transport position that minimizes

equipment width. No removal of equipment or appurtenances is required under this subdivision.

- (8) Equipment covered by this subsection shall not be operated on a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways without authorization from the North Carolina Department of Transportation. The Department shall develop an authorization process and approve routes under the following conditions:
- a. Persons shall submit an application to the Department requesting authorization to operate equipment covered by this subsection on a particular route that is part of a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways.
  - b. The Department shall have a period of 30 days from receipt of a complete application to approve or reject the application. A complete application shall be deemed approved if the Department does not take action within 30 days of receipt by the Department; such a route may then be used by the original applicant.
  - c. The Department shall approve an application upon a showing that the route is necessary to accomplish one or more of the following:
    1. Prevent farming operations from traveling more than five miles longer than the requested route during the normal course of business.
    2. Prevent excess traffic delays on local or secondary roads.
    3. Allow farm equipment access due to dimension restrictions on local or secondary roads.
  - d. For applications that do not meet the requirements of sub-subdivision c. of this subdivision, the Department may also approve an application upon review of relevant safety factors.
  - e. The Department may consult with the North Carolina State Highway Patrol, the North Carolina Department of Agriculture and Consumer Services, or other parties concerning an application.
  - f. Any approved route may be subject to any of the following additional conditions:
    1. A requirement that the subject equipment be followed by a flag vehicle with flashing lights that shall be operated at all times on the route so as to be visible from a distance of at least 300 feet.
    2. Restrictions on maximum and minimum speeds of the equipment.
    3. Restrictions on the maximum dimensions of the equipment.
    4. Restrictions on the time of day that the equipment may be operated on the approved route.
  - g. The Department shall publish all approved routes, including any conditions on the routes' use, and shall notify appropriate State and local law enforcement officers of any approved route.
  - h. Once approved for use and published by the Department, a route may be used by any person who adheres to the route, including any conditions on the route's use imposed by the Department.
  - i. The Department may revise published routes as road conditions on the routes change.

(k) Nothing in this section shall be construed to prevent the operation of passenger buses having an overall width of 102 inches, exclusive of safety equipment, upon the highways of this State which are 20 feet or wider and that are designated as the State primary system, or as municipal streets, when, and

not until, the federal law and regulations thereunder permit the operation of passenger buses having a width of 102 inches or wider on the National System of Interstate and Defense Highways.

(l) Nothing in this section shall be construed to prevent the operation of passenger buses that are owned and operated by units of local government, operated as a single vehicle only and having an overall length of 45 feet or less, on public streets or highways. The Department of Transportation may prevent the operation of buses that are authorized under this subsection if the operation of such buses on a street or highway presents a hazard to passengers of the buses or to the motoring public.

(m) Notwithstanding subsection (a) of this section, a boat or boat trailer with an outside width of less than 120 inches may be towed without a permit. The towing of a boat or boat trailer 102 inches to 114 inches in width may take place on any day of the week, including weekends and holidays, and may take place at night. The towing of a boat or boat trailer 114 inches to 120 inches in width may take place on any day of the week, including weekends and holidays from sun up to sun down. A boat or boat trailer in excess of 102 inches but less than 120 inches must be equipped with a minimum of two operable amber lamps on the widest point of the boat and the boat trailer such that the dimensions of the boat and the boat trailer are clearly marked and visible.

(n) Vehicle combinations used in connection with motorsports competition events that include a cab or other motorized vehicle unit with living quarters, and an attached enclosed specialty trailer, the combination of which does not exceed 90 feet in length, may be operated on the highways of this State, provided that such operation takes place for one or more of the following purposes:

- (1) Driving to or from a motorsports competition event.
- (2) For trips conducted for the purpose of purchasing fuel or conducting repairs or other maintenance on the competition vehicle.
- (3) For other activities related to motorsports purposes, including, but not limited to, performance testing of the competition vehicle.

The Department of Transportation may prohibit combinations authorized by this subsection from specific routes, pursuant to G.S. 20-115.1(b). (1937, c. 246; c. 407, s. 80; 1943, c. 213, s. 1; 1945, c. 242, s. 1; 1947, c. 844; 1951, c. 495, s. 1; c. 733; 1953, cc. 682, 1107; 1955, c. 296, s. 2; c. 729; 1957, c. 65, s. 11; cc. 493, 1183, 1190; 1959, c. 559; 1963, c. 356, s. 1; c. 610, ss. 1, 2; c. 702, s. 4; c. 1027, s. 1; 1965, c. 471; 1967, c. 24, s. 4; c. 710; 1969, cc. 128, 880; 1971, cc. 128, 680, 688, 1079; 1973, c. 507, s. 5; c. 546; c. 1330, s. 39; 1975, c. 148, ss. 1-5; c. 716, s. 5; 1977, c. 464, s. 34; 1979, cc. 21, 218; 1981, c. 169, s. 1; 1983, c. 724, s. 2; 1985, c. 587; 1987, c. 272; 1989, c. 277, s. 1; c. 790, s. 2; 1991, c. 112, s. 1; c. 449, ss. 1, 2.1; 1993, c. 539, s. 355; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 573, s. 1; c. 756, s. 14; 1998-149, s. 7; 1999-438, s. 28; 2000-185, s. 2; 2001-341, ss. 3, 4; 2001-512, s. 2; 2002-72, s. 19(c); 2002-159, s. 31.5(b); 2002-190, s. 2; 2003-383, s. 8; 2005-248, s. 2; 2007-77, s. 1; 2007-194, ss. 2, 3; 2007-484, s. 5; 2007-499, s. 1; 2008-221, ss. 5, 6; 2008-229, s. 1; 2009-7, s. 1; 2009-127, s. 1; 2009-128, s. 1; 2011-145, s. 19.1(g); 2012-33, s. 1; 2012-78, s. 5; 2013-413, s. 59.2(f).)

**§ 20-118. Weight of vehicles and load.**

(a) For the purposes of this section, the following definitions shall apply:

- (1) **Single-axle weight.** - The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
- (2) **Tandem-axle weight.** - The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
- (3) **Axle group.** - Any two or more consecutive axles on a vehicle or combination of vehicles.
- (4) **Gross weight.** - The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.
- (5) **Light-traffic roads.** - Any highway on the State Highway System, excepting routes designated 1, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.

(b) The following weight limitations shall apply to vehicles operating on the highways of the State:

- (1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.
- (2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 38,000 pounds.
- (3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

| Distance Between Axles* | Maximum Weight in Pounds for any Group of Two or More Consecutive Axles |         |         |         |         |         |
|-------------------------|---|---------|---------|---------|---------|---------|
|                         | 2 Axles   | 3 Axles | 4 Axles | 5 Axles | 6 Axles | 7 Axles |
| 4                       | 38000   |         |         |         |         |         |
| 5                       | 38000   |         |         |         |         |         |
| 6                       | 38000   |         |         |         |         |         |
| 7                       | 38000   |         |         |         |         |         |
| 8 or less               | 38000   | 38000   |         |         |         |         |
| more than 8             | 38000   | 42000   |         |         |         |         |
| 9                       | 39000   | 42500   |         |         |         |         |
| 10                      | 40000   | 43500   |         |         |         |         |
| 11                      |   | 44000   |         |         |         |         |
| 12                      |   | 45000   | 50000   |         |         |         |
| 13                      |   | 45500   | 50500   |         |         |         |
| 14                      |   | 46500   | 51500   |         |         |         |
| 15                      |   | 47000   | 52000   |         |         |         |
| 16                      |   | 48000   | 52500   | 58000   |         |         |
| 17                      |   | 48500   | 53500   | 58500   |         |         |
| 18                      |   | 49500   | 54000   | 59000   |         |         |
| 19                      |   | 50000   | 54500   | 60000   |         |         |
| 20                      |   | 51000   | 55500   | 60500   | 66000   |         |
| 21                      |   | 51500   | 56000   | 61000   | 66500   |         |
| 22                      |   | 52500   | 56500   | 61500   | 67000   |         |
| 23                      |   | 53000   | 57500   | 62500   | 68000   |         |

|    |       |         |       |       |       |
|----|-------|---------|-------|-------|-------|
| 24 | 54000 | 58000   | 63000 | 68500 | 74000 |
| 25 | 54500 | 58500   | 63500 | 69000 | 74500 |
| 26 | 55500 | 59500   | 64000 | 69500 | 75000 |
| 27 | 56000 | 60000   | 65000 | 70000 | 75500 |
| 28 | 57000 | 60500   | 65500 | 71000 | 76500 |
| 29 | 57500 | 61500   | 66000 | 71500 | 77000 |
| 30 | 58500 | 62000   | 66500 | 72000 | 77500 |
| 31 | 59000 | 62500   | 67500 | 72500 | 78000 |
| 32 | 60000 | 63500   | 68000 | 73000 | 78500 |
| 33 |       | 64000   | 68500 | 74000 | 79000 |
| 34 |       | 64500   | 69000 | 74500 | 80000 |
| 35 |       | 65500   | 70000 | 75000 |       |
| 36 |       | 66000** | 70500 | 75500 |       |
| 37 |       | 66500** | 71000 | 76000 |       |
| 38 |       | 67500** | 72000 | 77000 |       |
| 39 |       | 68000   | 72500 | 77500 |       |
| 40 |       | 68500   | 73000 | 78000 |       |
| 41 |       | 69500   | 73500 | 78500 |       |
| 42 |       | 70000   | 74000 | 79000 |       |
| 43 |       | 70500   | 75000 | 80000 |       |
| 44 |       | 71500   | 75500 |       |       |
| 45 |       | 72000   | 76000 |       |       |
| 46 |       | 72500   | 76500 |       |       |
| 47 |       | 73500   | 77500 |       |       |
| 48 |       | 74000   | 78000 |       |       |
| 49 |       | 74500   | 78500 |       |       |
| 50 |       | 75500   | 79000 |       |       |
| 51 |       | 76000   | 80000 |       |       |
| 52 |       | 76500   |       |       |       |
| 53 |       | 77500   |       |       |       |
| 54 |       | 78000   |       |       |       |
| 55 |       | 78500   |       |       |       |
| 56 |       | 79500   |       |       |       |
| 57 |       | 80000   |       |       |       |

\* Distance in Feet Between the Extremes of any Group of Two or More Consecutive Axles.

\*\* See exception in G.S. 20-118(c)(1).

(4) The Department of Transportation may establish light-traffic roads and further restrict the axle weight limit on such light-traffic roads lower than the statutory limits. The Department of Transportation shall have authority to designate any highway on the State Highway System, excluding routes designated by I, U.S. and N.C., as a light-traffic road when in the opinion of the Department of Transportation, such road is inadequate to carry and will be injuriously affected by vehicles using the said road carrying the maximum axle weight. All such roads so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon.

(c) Exceptions. - The following exceptions apply to G.S. 20-118(b) and 20-118(e).

(1) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each without penalty provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-118(b)(2), or 20-



118(b)(3), but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by G.S. 20-118(b)(3), the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:

- a. Where the single-axle load exceeds the statutory limits, but does not exceed 21,000 pounds.
  - b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 40,000 pounds.
- (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the owner of the vehicle shall be permitted, without penalty, to shift the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.
- (4) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided for pursuant to G.S. 20-118(b)(4), when transporting supplies, material or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of such vehicle and load is located solely upon said light-traffic road.
- (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to either one of the two nearest highways that is not a light-traffic road. If that vehicle's point of origin is a non-light-traffic road and that road is blocked by light-traffic roads from all directions and is not contiguous with other non-light-traffic roads, then the road at point of origin is treated as a light-traffic road for purposes of this subdivision:
- a. Processed or unprocessed seafood transported from boats or any other point of origin to a processing plant or a point of further distribution.
  - b. Meats, live poultry, or agricultural crop products transported from a farm to a processing plant or market.
  - c. Forest products originating and transported from a farm or from woodlands to market without interruption or delay for further packaging or processing after initiating transport.
  - d. Livestock or live poultry transported from their point of origin to a processing plant or market.
  - e. Livestock by-products or poultry by-products transported from their point of origin to a rendering plant.
  - f. Recyclable material transported from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms "recyclable material" and "processing" have the same meaning as in G.S. 130A-290(a).
  - g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term "garbage" does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5.
  - h. Treated sludge collected from a wastewater treatment facility.
  - i. Apples when transported from the orchard to the first processing or packing point.
  - j. Trees grown as Christmas trees from the field, farm, stand, or grove, and other

- forest products, including chips and bark, to a processing point.
- k. Water, fertilizer, pesticides, seeds, fuel, and animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).
- (6) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4) when such motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and such motor vehicles are used in connection with installation, restoration or emergency maintenance of utility services.
- (7) A wrecker may tow any disabled truck or other motor vehicle or combination of vehicles to a place for repairs, parking, or storage within 50 miles from the point that the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle without being in violation of G.S. 20-118 provided that the wrecker and towed vehicle or combination of vehicles otherwise meet all requirements of this section.
- (8) A firefighting vehicle operated by any member of a municipal or rural fire department in the performance of his duties, regardless of whether members of that fire department are paid or voluntary and any vehicle of a voluntary lifesaving organization, when operated by a member of that organization while answering an official call shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4).
- (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- (10) Fully enclosed motor vehicles designed specifically for collecting, compacting and hauling garbage from residences, or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption shall not apply to vehicles operating on interstate highways, vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).
- (11) A truck or other motor vehicle shall be exempt for light-traffic road limitations issued under subdivision (b)(4) of this section when transporting heating fuel for on-premises use at a destination located on the light-traffic road.
- (12) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:
- a. Is transporting any of the following items within 150 miles of the point of origination:
1. Agriculture crop products transported from a farm to a processing plant or market.
  2. Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).
  3. Meats, livestock, or live poultry transported from the farm where they were raised to a processing plant or market.
  - 3a. Feed that is used in the feeding of poultry or livestock and transported from a storage facility, holding facility, or mill to a farm.
  4. Forest products originating and transported from a farm or woodlands to market with delay interruption or delay for further packaging or processing after initiating transport.
  5. Wood residuals, including wood chips, sawdust, mulch, or tree bark from any site.
  6. Raw logs to market.

- 7. Trees grown as Christmas trees from field, farm, stand, processing point.
- b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- b1. Does not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products.
- c. Meets any of the following vehicle configurations:
  - 1. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
  - 2. Consists of a five or more axle combination vehicle that does not exceed a single-axle weight of 26,000 pounds, a tandem-axle weight of 44,000 pounds and a gross weight of 90,000 pounds, with a length of at least 48 feet between the center of axle one and the center of the last axle of the vehicle and a minimum of 11 feet between the center of axle one and the center of axle two of the vehicle.
  - 3. Consists of a two-axle vehicle that does not exceed a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least 14 feet between the center of axle one and the center of axle two of the vehicle.
- d. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (13) Vehicles specifically designed for fire fighting that are owned by a municipal or rural fire department. This exception does not apply to vehicles operating on interstate highways.
- (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
  - a. Is hauling aggregates from a distribution yard or a State-permitted production site located within a North Carolina county contiguous to the North Carolina State border to a destination in another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.
  - b. Does not operate on an interstate highway or exceed any posted bridge weight limits.
  - c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not apply, and vehicles must be licensed in accordance with G.S. 20-88.
  - d. Repealed by Session Laws 2001-487, s. 10, effective December 16, 2001.
  - e. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
  - a. Is transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings from a site that does not have a certified scale for weighing the vehicle.
  - b. Does not operate on an interstate highway, a posted light-traffic road, except as provided by subdivision (c)(5) of this section, or exceed any posted bridge weight limits.

- c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.
  - d. Does not exceed a single-axle weight of more than 22,000 pounds and a tandem-axle weight of more than 42,000 pounds.
  - e. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
- a. Is hauling unhardened ready-mixed concrete.
  - b. Does not operate on an interstate highway or a posted light-traffic road, or exceed any posted bridge weight limits.
  - c. Has a single steer axle weight of no more than 22,000 pounds and a tandem-axle weight of no more than 46,000 pounds.
  - d. Does not exceed a maximum gross weight of 66,000 pounds on a three-axle vehicle with a length of at least 21 feet between the center of axle one and the center of axle three of the vehicle.
  - e. Does not exceed a maximum gross weight of 72,600 pounds on a four-axle vehicle with a length of at least 36 feet between the center of axle one and the center of axle four. The four-axle vehicle shall have a maximum gross weight of 66,000 pounds on axles one, two, and three with a length of at least 21 feet between the center of axle one and the center of axle three.

For purposes of this subdivision, no additional weight allowances as found in this section shall apply for the gross weight, single-axle weight, and tandem-axle weight, and the tolerance allowed by subsection (h) of this section shall not apply.

- (17) Subsections (b) and (e) of this section do not apply to a truck owned, operated by, or under contract to a public utility, electric or telephone membership corporation, or municipality that meets all of the conditions listed below, but all other enforcement provisions of this Article remain applicable:
- a. Is being used in connection with the installation, restoration, or maintenance of utility services within a North Carolina county located in whole or in part west of Interstate 77, and the terrain, road widths, and other naturally occurring conditions prevent the safe navigation and operation of a truck having more than a single axle or using a trailer.
  - b. Does not operate on an interstate highway.
  - c. Does not exceed a single-axle weight of more than 28,000 pounds.
  - d. Does not exceed a maximum gross weight in excess of 48,000 pounds.

(d) The Department of Transportation is authorized to abrogate certain exceptions. The exceptions provided for in G.S. 20-118(c)(4) and 20-118(c)(5) as applied to any light-traffic road may be abrogated by the Department of Transportation upon a determination of the Department of Transportation that undue damage to such light-traffic road is resulting from such vehicles exempted by G.S. 20-118(c)(4) and 20-118(c)(5). In those cases where the exemption to the light-traffic roads are abrogated by the Department of Transportation, the Department shall post the road to indicate no exemptions.

(e) Penalties. -

- (1) Except as provided in subdivision (2) of this subsection, for each violation of the single-axle or tandem-axle weight limits set in subdivision (b)(1), (b)(2), or (b)(4) of this section or axle weights authorized by special permit according to G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the vehicle in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any

part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) per pound. These penalties apply separately to each weight limit violated. In all cases of violation of the weight limitation, the penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted.

(2) The penalty for a violation of the single-axle or tandem-axle weight limits by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (1) of this subsection.

(3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision (b)(3) of this section plus any tolerance allowed in subsection (h) of this section or axle-group weights or gross weights authorized by special permit under G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the motor vehicle. The penalty shall be assessed on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section, or by a special permit issued pursuant to G.S. 20-119, as follows: for the first 2,000 pounds or any part thereof, two cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten cents (10¢) per pound. Tolerance pounds in excess of the limit set in subdivision (b)(3) are subject to the penalty if the vehicle exceeds the tolerance allowed in subsection (h) of this section. These penalties apply separately to each axle-group weight limit violated. Notwithstanding any provision to the contrary, a vehicle with a special permit that is subject to additional penalties under this subsection based on a violation of any of the permit restrictions set out in G.S. 20-119(d1) shall be assessed a civil penalty, not to exceed ten thousand dollars (\$10,000), based on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section.

(4) The penalty for a violation of an axle-group weight limit by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (3) of this subsection.

(5) A violation of a weight limit in this section or of a permitted weight under G.S. 20-119 is not punishable under G.S. 20-176.

(6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the amount it otherwise would be under subdivisions (1) and (3) of this subsection.

(7) The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by the Department of Transportation pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(f) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 15.

(g) General Statutes 20-118 shall not be construed to permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72.

(h) Tolerance. - A vehicle may exceed maximum and the inner axle-group weight limitations set forth in subdivision (b)(3) of this section by a tolerance of ten percent (10%). This exception does not authorize a vehicle to exceed either the single-axle or tandem-axle weight limitations set forth in subdivisions (b)(1) and (b)(2) of this section, or the maximum gross weight limit of 80,000 pounds. This exception does not apply to a vehicle exceeding posted bridge weight limitations as posted under G.S. 136-72 or to vehicles operating on interstate highways. The tolerance allowed under this subsection does not authorize the weight of a vehicle to exceed the weight for which that vehicle is licensed under G.S. 20-88. No tolerance on the single-axle weight or the tandem-axle weight provided for in subdivisions (b) (1) and (b)(2) of this section shall be granted administratively or otherwise. The Department of

Transportation shall report back to the Transportation Oversight Committee and to the General Assembly on the effects of the tolerance granted under this section, any abuses of this tolerance, and any suggested revisions to this section by that Department on or before May 1, 1998.

- (i) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 16.
- (j) Repealed by Session Laws 1987, c. 392.

(k) A vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles shall be exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures. (1937, c. 407, s. 82; 1943, c. 213, s. 2; cc. 726, 784; 1945, c. 242, s. 2; c. 569, s. 2; c. 576, s. 7; 1947, c. 1079; 1949, c. 1207, s. 2; 1951, c. 495, s. 2; c. 942, s. 1; c. 1013, ss. 5, 6, 8; 1953, cc. 214, 1092; 1959, c. 872; c. 1264, s. 6; 1963, c. 159; c. 610, ss. 3-5; c. 702, s. 5; 1965, cc. 483, 1044; 1969, c. 537; 1973, c. 507, s. 5; c. 1449, ss. 1, 2; 1975, c. 325; c. 373, s. 2; c. 716, s. 5; c. 735; c. 736, ss. 1-3; 1977, c. 461; c. 464, s. 34; 1977, 2nd Sess., c. 1178; 1981, c. 690, ss. 27, 28; c. 726; c. 1127, s. 53.1; 1983, c. 407; c. 724, s. 1; 1983 (Reg. Sess., 1984), c. 1116, ss. 105-109; 1985, c. 54; c. 274; 1987, c. 392; c. 707, ss. 1-4; 1991, c. 202, s. 1; 1991 (Reg. Sess., 1992), c. 905, s. 1; 1993, c. 426, ss. 1, 2; c. 470, s. 1; c. 533, s. 11; 1993 (Reg. Sess., 1994), c. 761, ss. 10-16; 1995, c. 109, s. 3; c. 163, s. 4; c. 332, ss. 1-3 ; c. 509, s. 135.1(b); 1995 (Reg. Sess., 1996), c. 756, s. 29; 1997-354, s. 1; 1997-373, s. 1; 1997-466, s. 2; 1998-149, ss. 8, 9, 9.1; 1998-177, s. 1; 1999-452, s. 23; 2000-57, s. 1; 2001-487, ss. 10, 50(e); 2002-126, s. 26.16(a); 2004-145, ss. 1, 2; 2005-248, s. 1; 2005-276, s. 6.37(o); 2005-361, s. 3; 2006-135, s. 1; 2006-264, s. 37; 2008-221, ss. 7, 8, 9; 2009-127, s. 2; 2009-376, ss. 6, 16(a), 16(b); 2009-531, s. 1; 2010-129, s. 3; 2010-132, s. 10; 2011-71, s. 1; 2011-145, s. 19.1(g); 2011-200, s. 1; 2012-78, ss. 6, 13; 2013-120, s. 1; 2013-134, s. 1.)



# Pitt County Government

Greenville, North Carolina



www.pittcountync.gov



|                               |                                    |
|-------------------------------|------------------------------------|
| Parcel                        | 12484                              |
| Physical Address              | 1855 STATON HOUSE RO               |
| Owner Name                    | STEINER DONNA WORTHINGTON          |
| OwnerAddress1                 | CLARK WAYNE KIRBY JR               |
| OwnerAddress2                 | ETAL                               |
| OwnerAddress3                 | 3901 LITCHFORD PL                  |
| City / State / Zip            | WINTERVILLE NC 28590               |
| NC PIN                        | 4679586738                         |
| Subdivision / Section / Phase |                                    |
| Prior Legal Description       | BROWN                              |
| Block / Lot                   |                                    |
| Tract                         |                                    |
| Building Number / Unit        |                                    |
| Acres                         | 100.05                             |
| Current Owner                 |                                    |
| Deed/Document                 | 02014E 00346                       |
| Map Book                      | OB155-25                           |
| Deed / Document Date          | 05/2014                            |
| Deed / Document Sales Price   | \$0                                |
| Building Type / Use           | RESIDENTIAL(Rural Homesite)        |
| Number of Buildings           | 0                                  |
| Year Built                    |                                    |
| Total Living Area             |                                    |
| Building Value                |                                    |
| Extra Features Value          | \$3,720                            |
| Land Value                    | \$418,108                          |
| Total Current Market Value    | \$421,828                          |
| Total 2011 Market Value       | \$419,588                          |
| Revaluation Year              | 2012                               |
| Municipality                  |                                    |
| Township                      | BELVOIR                            |
| Fire Service District         | STATON HOUSE FIRE SERVICE DISTRICT |
| Census Tract                  | 20 01                              |
| Neighborhood                  | 001031                             |
| Elementary School             | BELVOIR ES                         |
| Middle School                 | WELLCOME MS                        |
| High School                   | NORTH PITT HS                      |

**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.

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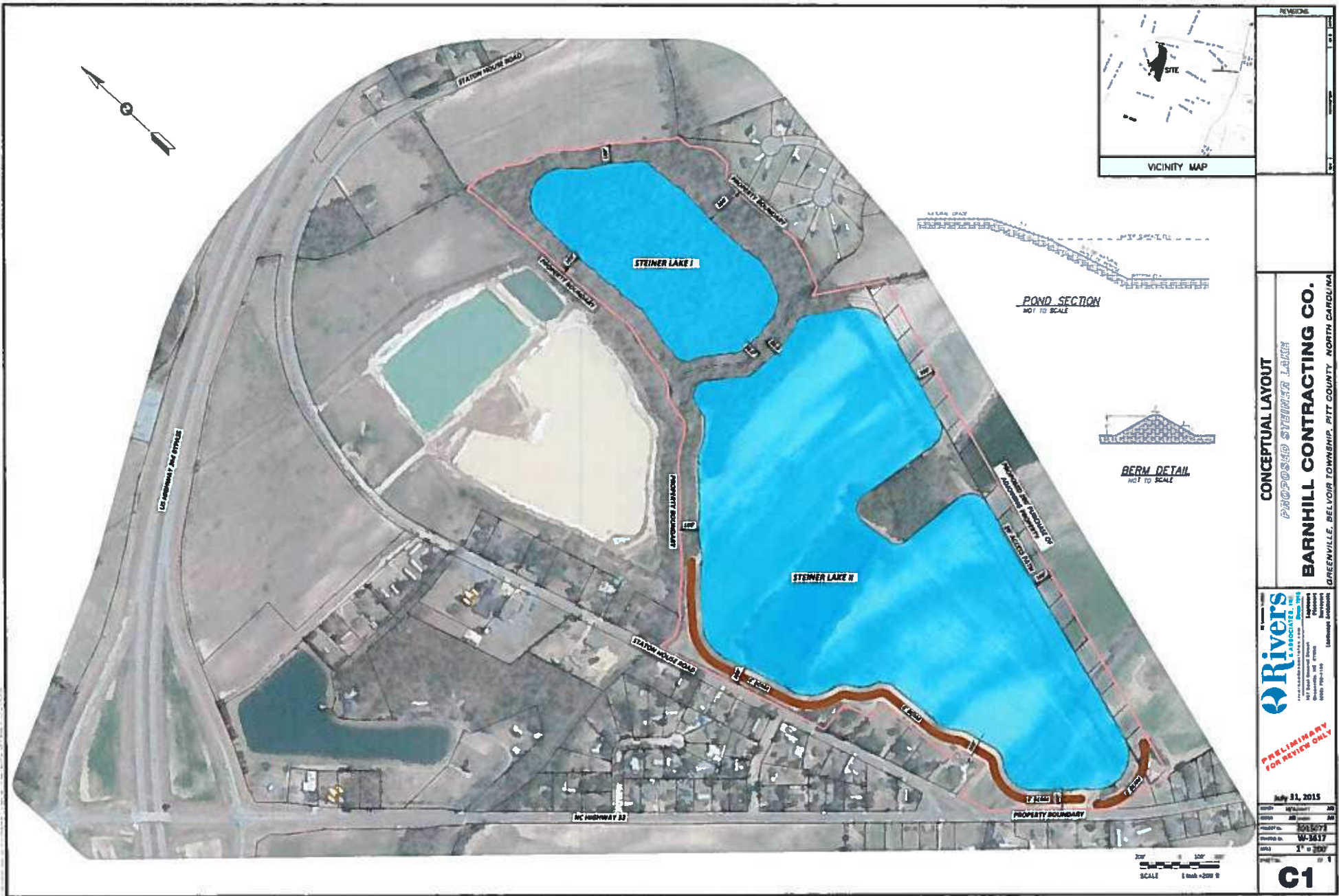
0 23 46 92 138 184 feet

**PLEASE NOTE:**  
Parcel ownership information updated nightly.



Item # 6





Item # 6

## Proposed Steiner Pit neighborhood

| OOT # | Parcel | Address              | Owner                         | Comments  |
|-------|--------|----------------------|-------------------------------|---|
| 1     | 19094  | 1915 Staton House Rd | Jimmy and Joyce Roberts       | Spoke with Mr. Roberts - no objections to proposed site   |
| 2     | 45616  | 1901 Staton House Rd | Juan Vallejo-Lopez            | Spoke with Mr. Lopez on 7-30-15 - no objections to proposed site  |
| 3     | 32968  | 1893 Staton House Rd | Wayne Kirby Clark Heirs       | Spoke with tenants - no objections to proposed site   |
| 4     | 06390  | 1883 Staton House Rd | Gloria Hathaway               | Spoke with Mrs. Hathaway - no objections to proposed site, would rather have pond than other development    |
| 5     | 15679  | 1869 Staton House Rd | Gloria Hathaway               | Spoke with Mrs. Hathaway - no objections to proposed site, would rather have pond than other development    |
| 6     | 39448  | 1777 Staton House Rd | Jeffery and Lori Harris       | Spoke with Mr. Harris - no objections to proposed site  |
| 7     | 34557  | 1767 Staton House Rd | Sam and Teresa Jordan         | Not Home 7-22-15 or 7-23-15   |
| 8     | 33807  | 1755 Staton House Rd | Bobby and Betsy Harris        | Spoke with Mr. Harris - no objections to proposed site He will let neighbors know if we can't reach them    |
| 9     | 26799  | 1737 Staton House Rd | Jeffery and Lori Harris       | Not Home 7-22-15 or 7-23-15   |
| 10    | 22472  | 1717 Staton House Rd | Argyle and Sherry Stancill    | Not Home 7-22-15 or 7-23-15   |
| 11    | 41570  | 1711 Staton House Rd | Wendy Stancill                | Not Home 7-22-15 or 7-23-15   |
| 12    | 26798  | 1726 Staton House Rd | Mt. Pleasant Christian Church | Spoke with Pastor Ormond - no objections to site  |
| 13    | 00658  | 1756 Staton House Rd | Mary Atkinson Heirs           | Not Home 7-22-15 or 7-23-15   |
| 14    | 29737  | 1794 Staton House Rd | Andres Helarez                | Not Home 7-22-15 or 7-23-15   |
| 15    | 27841  | 1806 Staton House Rd | Yardley Morning               | Not Home 7-22-15 or 7-23-15   |
| 16    | 29736  | 1812 Staton House Rd | Thomas and Judy Heath         | Not Home 7-22-15 or 7-23-15   |
| 17    | 29735  | 1820 Staton House Rd | Thomas Heath                  | Not Home 7-22-15 or 7-23-15   |
| 18    | 29734  | 1828 Staton House Rd | Randy and John Goff           | Spoke to Mr. Goff - no objections to site   |
| 19    | 29733  | 535 Fenner Dr        | Albert Riggan                 | Not Home 7-22-15 or 7-23-15   |
| 20    | 29705  | 1854 Staton House Rd | Norman and Bessie Reveal      | Spoke with Mrs. Reveal - no objections to site Mrs. Reveal is friends with Mrs. Lewis and will let her know |
| 21    | 29704  | 1862 Staton House Rd | Battie Properties LLC         | Not Home 7-22-15 or 7-23-15   |
| 22    | 29703  | 1870 Staton House Rd | Ben Roberson                  | Spoke to Mr. Roberson - no objections to site   |
| 23    | 29702  | 1878 Staton House Rd | Donald Greene                 | Not Home 7-22-15 or 7-23-15   |
| 24    | 29697  | 1890 Staton House Rd | Jasper Latham                 | Spoke with Mrs. Latham - no objections to site  |
| 25    | 28526  | 2034 Belvoir Hwy     | James Wingate                 | Not Home 7-22-15 or 7-23-15   |
| 26    | 29699  | 2054 Belvoir Hwy     | Rochelle Taylor               | Spoke with Mr Taylor - no objections to site  |
| 27    | 29700  | 2062 Belvoir Hwy     | Santiago Sanchez              | Not Home 7-22-15 or 7-23-15   |
| 28    | 29701  | 2068 Belvoir Hwy     | Kenneth Barnes                | Left card and information with house guest  |
| 29    | 48605  | 516 Fenner Dr        | Myrtle Lewis                  | Mrs. Lewis would not speak with us thought that we were salesmen  |
| 30    | 27842  | 2076 Belvoir Hwy     | Oonnie Acklin                 | Spoke with tenants - no objections to proposed site   |
| 31    | 29706  | 506 Fenner Dr        | Linda Forrest                 | Not Home 7-22-15 or 7-23-15   |
| 32    | 29707  | 511 Fenner Dr        | Dwight Gray                   | Not Home 7-22-15 or 7-23-15   |
| 33    | 29708  | 2108 Belvoir Hwy     | Timothy and Venita Mosley     | Not Home 7-22-15 or 7-23-15   |
| 34    | 29709  | 2116 Belvoir Hwy     | Dwight and Sue Gray           | Not Home 7-22-15 or 7-23-15   |
| 35    | 29710  | 2122 Belvoir Hwy     | Dwight and Sue Gray           | Spoke with Mr. Gray - no objections to site. Mr. Gray will also speak to his renters and family about site  |
| 36    | 29711  | 2128 Belvoir Hwy     | Dwight Gray                   | Not Home 7-22-15 or 7-23-15   |
| 37    | 29712  | 2136 Belvoir Hwy     | David and Gloria Tuten        | Spoke with Mr. Tuten - no objections to site  |
| 38    | 29713  | 508 Burruss Pl       | Oorothy Heath                 | Spoke with Mrs. Heath - no objections to site   |
| 39    | 29731  | 518 Burruss Pl       | Bernice Nichols               | Not Home 7-22-15 or 7-23-15   |
| 40    | 29730  | 540 Burruss Pl       | Sue Gray                      | Spoke with tenants - no objections to proposed site   |
| 41    | 29729  | 544 Burruss Pl       | Dwight and Sue Gray           | Spoke with tenants - no objections to proposed site   |
| 42    | 29728  | 546 Burruss Pl       | Dwight Gray                   | Spoke with tenants - no objections to proposed site   |
| 43    | 29732  | 519 Fenner Dr        | Jerry Reveal                  | Not Home 7-22-15 (in long term care per Mrs. Reveal)  |
| 44    | 28529  | 527 Fenner Dr        | William and Sandy Hahn        | Not Home 7-22-15 or 7-23-15   |
| 45    | 29727  | 548 Burruss Pl       | Dalton and Shirley Russell    | Spoke with Mrs. Russell - no objections to site   |
| 46    | 29726  | 551 Burruss Pl       | Katherine Morris              | Spoke with Mrs. Morris caregiver - she will pass on business card and information                           |
| 47    | 29725  | 549 Burruss Pl       | Thomas and Judy Heath         | Not Home 7-22-15 or 7-23-15   |
| 48    | 29724  | 547 Burruss Pl       | Ray Matthews                  | Not Home 7-22-15 or 7-23-15   |
| 49    | 29723  | 541 Burruss Pl       | Sue and Derrick Gray          | Not Home 7-22-15 or 7-23-15   |
| 50    | 29722  | 537 Burruss Pl       | Bernice Haddock Heirs         | Not Home 7-22-15 or 7-23-15   |
| 51    | 29721  | 531 Burruss Pl       | Charlotte Anderson            | Spoke with Mr. Mercer - no objections to site   |

Item # 6

|     |       |                     |                                      |  |
|-----|-------|---------------------|--------------------------------------|--|
| 52  | 29720 | 529 Burruss Pl      | Camerino Zuniga and Celia Beltran    | Not Home 7-22-15 or 7-23-15  |
| 53  | 29719 | 525 Burruss Pl      | Sidney and Doris Oneal               | Not Home 7-22-15 or 7-23-15  |
| 54  | 29718 | 519 Burruss Pl      | James Little Heirs                   | Not Home 7-22-15 or 7-23-15  |
| 55  | 29715 | 515 Burruss Pl      | Dwight Gray                          | Not Home 7-22-15 or 7-23-15  |
| 56  | 29714 | 509 Belvoir Hwy     | Sue Gray                             | Not Home 7-22-15 or 7-23-15  |
| 57  | 29716 | 2166 NC 33          | Faith Carson                         | Not Home 7-22-15 or 7-23-15  |
| 58  | 29717 | 2172 Belvoir Hwy    | Faith Carson                         | Not Home 7-22-15 or 7-23-15  |
| 59  | 27982 | 218D Belvoir Hwy    | Carolina Telephone                   | Small Building not a home  |
| 60  | 49755 | 596 McMillan Ln     | Viola McMillan                       | Not Home 7-22-15 or 7-23-15  |
| 61  | 63076 | 588 McMillan Ln     | Viola McMillan                       | Not Home 7-22-15 or 7-23-15  |
| 62  | 09920 | 2238 NC 33          | Lillie Stevens                       | Not Home 7-22-15 or 7-23-15  |
| 63  | 12055 | 2252 NC 33          | Lillie Jenkins                       | Not Home 7-22-15 or 7-23-15  |
| 64  | 34193 | 2260 NC 33          | Browns Chapel Apostolic Faith Church | Not Home 7-22-15 or 7-23-15  |
| 65  | 51729 | 502 McMillan Ln     | Arthur McMillan                      | Not Home 7-22-15 or 7-23-15  |
| 66  | 53913 | 624 McMillan Ln     | Arthur and Heidi McMillan            | Spoke to Mr. McMillan - no objections to site  |
| 67  | 36910 | 959 Coward Ln       | Vickie Coward                        | Not Home 7-22-15 or 7-23-15  |
| 68  | 38567 | 955 Coward Ln       | Vickie Coward                        | Not Home 7-22-15 or 7-23-15  |
| 69  | 38566 | 943 Coward Ln       | Waiter Williams Heirs                | Spoke with Mr. Williams - no objection to site   |
| 70  | 20019 | 937 Coward Ln       | Sheila Grimes                        | Not Home 7-22-15 or 7-23-15  |
| 71  | 38927 | 923 Coward Ln       | Doyle Maness and Brian Southerland   | Spoke with tenants - no objections to proposed site  |
| 72  | 56473 | 1306 Dusk Ct        | Geraldine and Kateena Pearson        | Not Home 7-22-15 or 7-23-15  |
| 73  | 56474 | 1307 Dusk Ct        | Jerry Sutton                         | Spoke with tenants - no objections to proposed site  |
| 74  | 56475 | 725 Dusk Ct         | Michael and Jeanne-Marie Lawrence    | Not Home 7-22-15 or 7-23-15  |
| 75  | 56476 | 1303 Dusk Ct        | Teresa Anderson                      | Not Home 7-22-15 or 7-23-15  |
| 76  | 56477 | 13D1 Duce Dr        | Jason and Katie Egnar                | Spoke with Mr. Egnar - no objections to site   |
| 77  | 56478 | 13D2 Duce Dr        | Belinda Oudley                       | Not Home 7-22-15 or 7-23-15  |
| 78  | 56479 | 1304 Duce Dr        | Marian Smith                         | Spoke with Mrs. Smith - no objection to site   |
| 79  | 56480 | 1667 Ouce Dr        | Latrevis and Savita Sutton           | Spoke with Mr. Sutton - no objections to site.   |
| 80  | 56481 | 13D5 Duce Dr        | Leven Langiey                        | Spoke with tenants - no objections to proposed site  |
| 81  | 57329 | 2251 Saddle Club Dr | David Mayo iii                       | Mr. Mayo is part owner of the site. No objections  |
| 82  | 03935 | 1990 Saddle Club Dr | Linda Teal                           | No objections - adjacent property owner  |
| 83  | 08931 | D Belvoir Hwy       | Billy and Mary Gray                  | Not Home 7-22-15 or 7-23-15  |
| 84  | 23940 | 0 Belvoir Hwy       | Billy and Mary Gray                  | Not Home 7-22-15 or 7-23-15  |
| 85  | 08930 | 187D Belvoir Hwy    | Billy and Mary Gray                  | Spoke to Mr. Gray - No objection to site   |
| 86  | 17259 | 1850 Belvoir Hwy    | RV Holdings Four LLC                 | Not Home 7-22-15 or 7-23-15  |
| 87  | 21703 | 184D Belvoir Hwy    | Tommy Sutton                         | Not Home 7-22-15 or 7-23-15  |
| 88  | 06510 | 1810 Belvoir Hwy    | Mary Lambert and Laraine Vines       | Not Home 7-22-15 or 7-23-15  |
| 89  | 45652 | 2055 Belvoir Hwy    | Herbert and Jo Anne Corey            | Not Home 7-22-15 or 7-23-15  |
| 90  | 41670 | 2047 NC 33          | Sue Glisson                          | Spoke with Mrs. Glisson - no objections to site  |
| 91  | 41671 | 2043 NC 33          | Robert Salerno                       | Not Home 7-22-15 or 7-23-15  |
| 92  | 41672 | 2D33 Belvoir Hwy    | Maulay and Oeborah Sidi Hida         | Not Home 7-22-15 or 7-23-15  |
| 93  | 41673 | 2027 NC 33          | Larry Lloyd                          | Spoke with tenants - no objections to proposed site  |
| 94  | 41674 | 2021 NC 33          | Danny and Diane Pollard              | Spoke with tenants - no objections to proposed site  |
| 95  | 41675 | 2D11 NC 33          | Michael Webb                         | Not Home 7-22-15 or 7-23-15  |
| 96  | 25877 | 1961 Belvoir Hwy    | Donna Steiner                        | No objections - part owner of site   |
| 97  | 62727 | 1951 Belvoir Hwy    | David Douglas                        | Not Home 7-22-15 or 7-23-15  |
| 98  | 61551 | 1931 Belvoir Hwy    | Lillian and Alexander Bullock        | Not Home 7-22-15 or 7-23-15  |
| 99  | 45817 | 1921 Belvoir Hwy    | Tony and Joyce Clark                 | Not Home 7-22-15 or 7-23-15  |
| 100 | 56472 | 726 Dusk Ct         | James and Dorothy Tripp              | Spoke with Mr. Tripp - no objections to site   |
| 101 | 1303  | 1303 Ouce Dr        | El Shaddai LLC                       | Spoke with tenants - no objections to proposed site  |
| 102 | 56483 | 1649 Ouce Dr        | Steve Suggs                          | Spoke with Mr. Suggs - no objections to site   |
| 103 | 28527 | 1750 West Winds Dr  | Charlie and Kathy Speight            | Spoke with Floyd Carroll and Ronnie Pinkster of the neighborhood watch - no objections to site |

## Statement of Notification

I have been informed that it is Barnhill Contracting Company's intent to locate a borrow pit in the vicinity of my property exclusively for the Southwest Bypass and I do not have any objections or concerns relating to their plans in this regard.

| Print Name          | Signature           | Address                                |
|---------------------|---------------------|--|
| Jimmie R.           | Jimmie R.           | 1915 Staton House Rd.                  |
| GLORIA HATHAWAY     | Gloria Hathaway     | 1883 Staton House Rd                   |
| David Mayo          | David Mayo          | 2251 Saddle Club Dr.                   |
| FLOYD CARROLL       | Floyd Carroll       | 1781 WESTWINDS DR.                     |
| Larry Brann         | Larry Brann         | 1961 Belvoir Hwy                       |
| Norm Rental         | Norm Rental         | 1854 STATON HOUSE                      |
| Miguel Sutton       | Miguel Sutton       | 1667 Duce Dr                           |
| Wanda Ebron         | Wanda Ebron         | 1307 DUSLET, G, ville.                 |
| Linda M. Teel       | Linda M. Teel       | 1151 Belvoir Sch Rd. Greenville        |
| Joseph O. Teel      | Joseph O. Teel      | 1151 Belvoir School Rd. Greenville, NC |
| Lucia Vallejo Lopez | Lucia Vallejo Lopez | 1901 Staton House Rd                   |
| John Ki Orchard     | John Ki Orchard     | 1726 Staton House Rd. Greenville, NC   |
| PARTISON            | Partison            | 1777 Staton House Rd                   |
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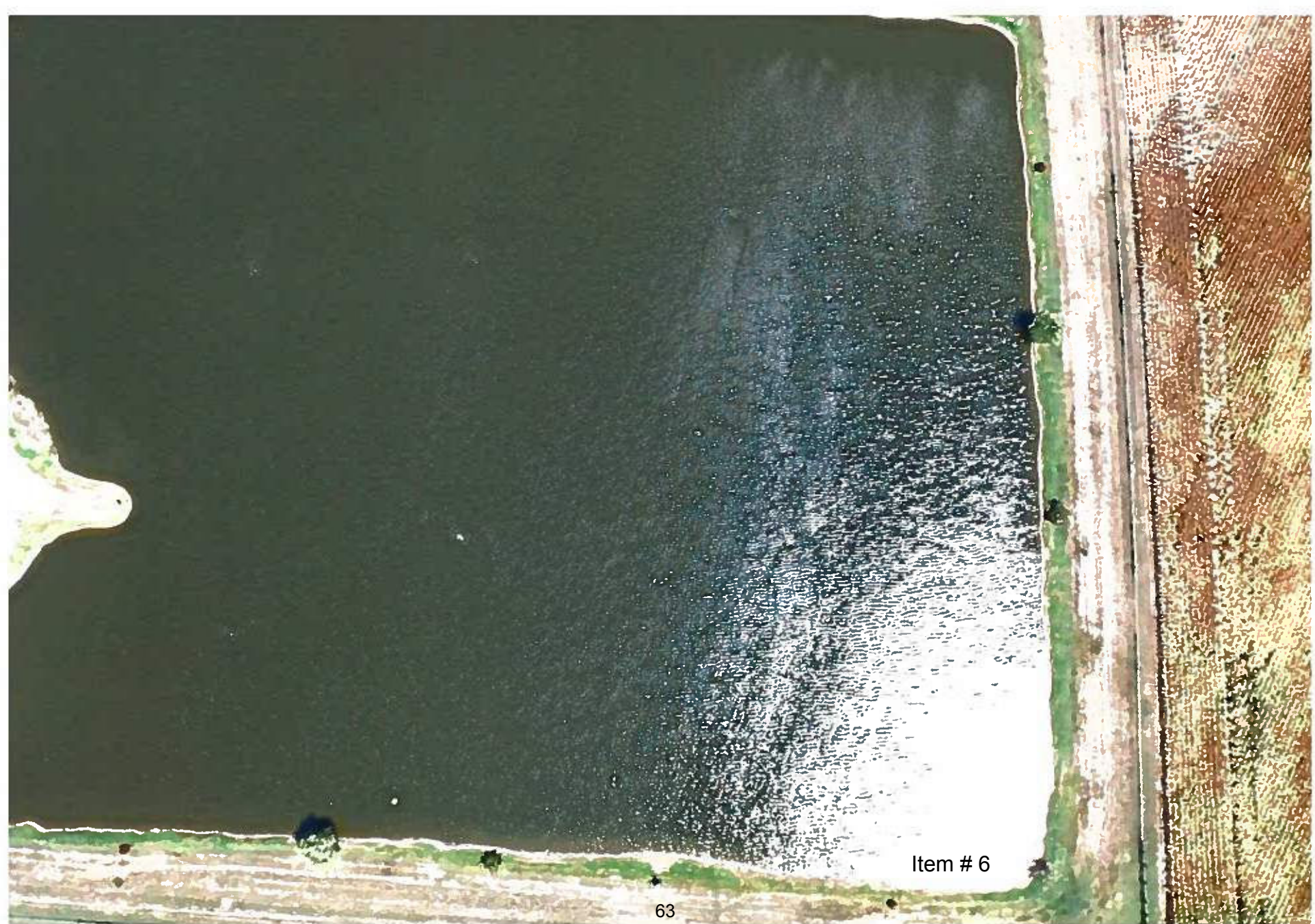
Item # 6



Item # 6



Item # 6



63

Item # 6

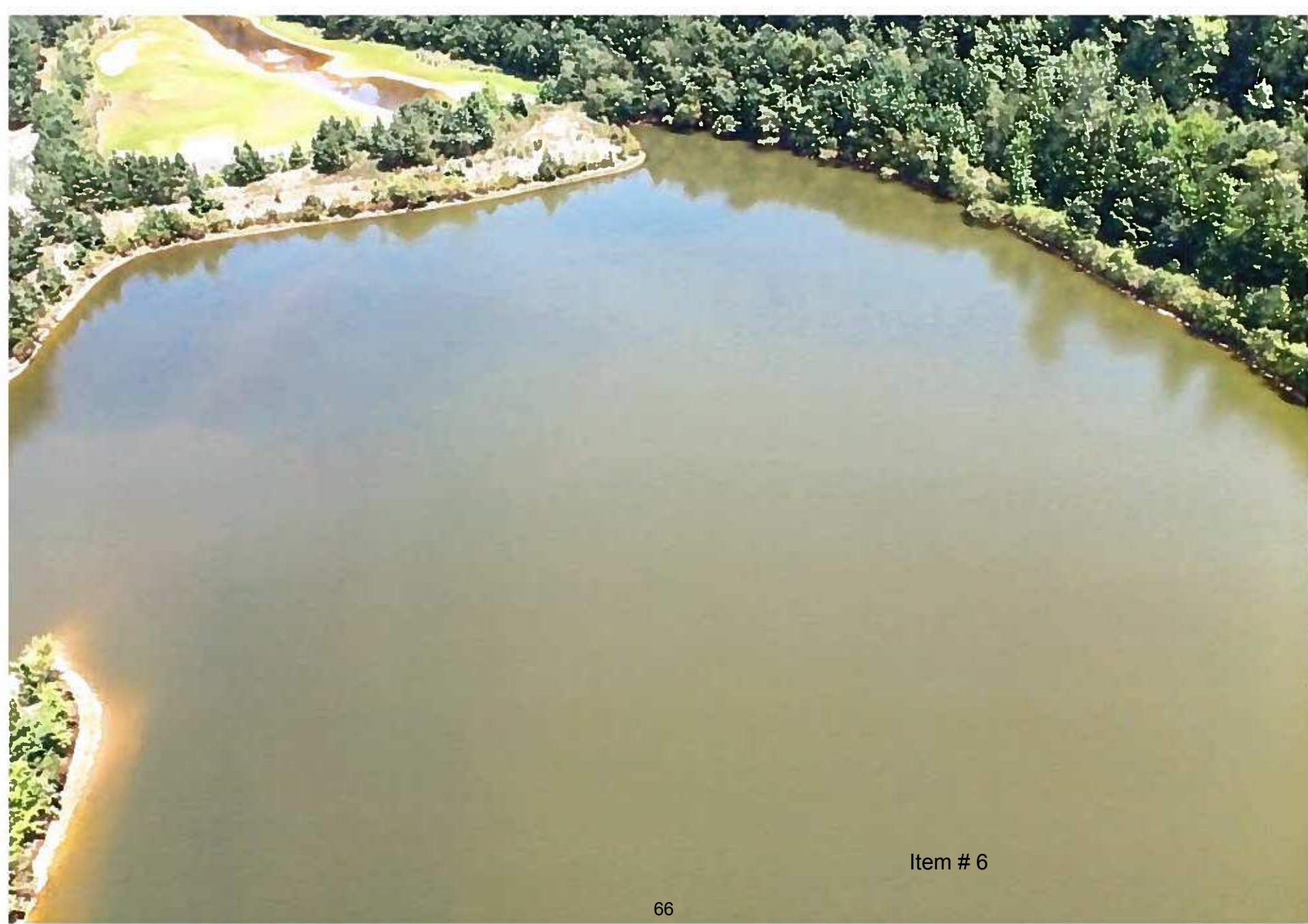




Item # 6



Item # 6



Item # 6



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Resolution calling for a public hearing on an Installment Agreement to finance the South Greenville Gymnasium Improvements and Additions and making certain findings and a Reimbursement Resolution for the project

**Explanation:** **Abstract:** The resolutions are for adoption by the City Council so that the City may move forward with the process of issuing debt for the South Greenville Gymnasium Improvements and Additions as planned in the Budget.

**Explanation:** During the Fiscal Year 2015-2016 budget process, City Council included in the budget the estimated debt service required to finance the South Greenville Gymnasium Improvements and Additions.

Attached are the following:

1. Resolution calling a Public Hearing and making certain findings concerning the proposed installment financing agreement.
2. Reimbursement Resolution declaring the City's intent to reimburse itself from the proceeds of the financing for related expenses.
3. The Financing Schedule.

The resolutions include information that authorize the Director of Financial Services of the City and such other officers of the City as may be appropriate to act on behalf of the City in filing an application with the Local Government Commission (LGC) for approval of the Installment Financing Agreement and other actions not inconsistent with these resolutions. The LGC will be requested to approve the proposed Installment Financing Agreement pursuant to the provisions of Section 160A-20 and Chapter 159, Article 8, of the General Statutes of North Carolina, and the selection of the following professionals who comprise the financing team, and such other professionals as may be required or useful and acceptable to the LGC, to assist the City in connection with such financing:

Special Counsel  
Financial Advisor

Sidley Austin LLP  
First Southwest Company

A description of the project is provided below.

South Greenville Gymnasium Improvements and Additions – The City of Greenville has completed the design phase for this project. The South Greenville Gymnasium Improvements and Additions focuses on major renovations to the existing 6,700 square foot gymnasium and storage areas, the demolition/reconstruction of the existing 8,054 square foot building space that currently houses office space for staff, a computer lab, weight room, a multi-purpose room, kitchenette, and staff restroom. Additionally, the project will include a 2,200 square foot building addition that includes two multi-purpose rooms, storage and staff offices.

Site improvements for the project include vehicular circulation, ADA compliant sidewalks, two paved parking lots, renovations to the youth baseball practice and multi-purpose fields, and site amenities.

**Fiscal Note:**

The issuance amount for this Installment Financing Agreement is not to exceed \$2.1 million. The amount of the annual debt service payment has been included in the City's General Fund budget. Total project costs will be \$2.7 million, which will include a contribution approved by Pitt County in September of 2015 for \$600,000.

**Recommendation:**

Adoption of the resolution calling for a public hearing at the regular City Council meeting on November 12, 2015 and adoption of a reimbursement resolution for associated project costs.

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

**Attachments / click to download**

- [Findings\\_and\\_Appointment\\_Resolutions\\_South\\_Greenville\\_1009246](#)
- [\\_South\\_Greenville\\_Installment\\_2015\\_Reimbursement\\_Resolution\\_1009263](#)
- [Final\\_Final\\_South\\_Greenville\\_Renovation\\_Schedule\\_1010424](#)

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION CALLING A PUBLIC HEARING AND MAKING CERTAIN FINDINGS CONCERNING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO PROVIDE FOR FINANCING OF THE CONSTRUCTION, RECONSTRUCTION AND EQUIPPING OF THE SOUTH GREENVILLE GYMNASIUM IMPROVEMENTS AND ADDITIONS**

WHEREAS, the City of Greenville, North Carolina (the “City”) desires to finance the construction, reconstruction and equipping of a gymnasium and related building and sites in the City (the “Project”) by the use of an installment financing agreement authorized under North Carolina General Statute 160A, Article 3, Section 20 (the “Installment Financing Agreement”) by and between the City and a financial institution to be approved by subsequent City Council action (the “Bank”); and

WHEREAS, the Installment Financing Agreement will comply in all respects with Section 160A-20 and Chapter 159, Article 8, of the General Statutes of North Carolina and the guidelines of the Local Government Commission of North Carolina for all financings undertaken pursuant to said Section and Article; and

WHEREAS, said Section 160A-20 requires that, before entering into an installment financing agreement involving real property, the City shall hold a public hearing on such agreement; and

WHEREAS, findings of fact by the City Council of the City must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

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

Section 1. A public hearing with respect to the Installment Financing Agreement is hereby directed to be held on November 12, 2015, in the Council Chambers of City Hall, 200 West Fifth Street, Greenville, North Carolina, at 6:00 p.m.

Section 2. The publication of notice of said public hearing on October 26, 2015, a date which is at least ten (10) days prior to the date of the public hearing as required by Section 160A-20(g) of the General Statutes of North Carolina, is hereby approved.

Section 3. The City Council of the City of Greenville does hereby find, determine and declare as follows:

(a) The City proposes to finance the costs of the Project pursuant to the Installment Financing Agreement, and the City will make installment payments in amounts sufficient to repay advances to be made by the Bank to finance the Project in an aggregate principal amount not to exceed \$2,100,000.

(b) The Installment Financing Agreement is necessary or expedient for the City.

(c) The sums to fall due under the Installment Financing Agreement are not excessive for its stated purposes, and the estimated cost of the Project is not excessive.

(d) Counsel to the City will render an opinion that the proposed undertakings are authorized by law and are purposes for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(e) Interest to accrue on the advances made under the Installment Financing Agreement shall be at a rate not to exceed 4% per annum. The Installment Financing Agreement, under the circumstances presently obtaining, is preferable to a general obligation bond issue for this purpose.

(f) The estimated cost of financing the Financing pursuant to the Installment Financing Agreement is less than an estimate of similar cost for general obligation bond financing therefor.

(g) The debt management policies of the City have been carried out in strict compliance with law, including the filing of all required audits and reports with the Local Government Commission (the "LGC"), and the City is within its statutory debt limit and is not in default with respect to any of its outstanding indebtedness.

(h) No increase in the property tax rate will be required to raise sums to pay the estimated debt service to fall due under the Installment Financing Agreement for all of its stated purposes.

(i) The City has made timely payment of all sums owed by it with respect to the payment of principal of and interest on all of its outstanding debt obligations and has received no notice from the LGC or any holder concerning the City's failure to make any required payment of debt service.

Section 4. The Director of Financial Services of the City and such other officers of the City as may be appropriate are hereby authorized to act on behalf of the City in filing an application with the LGC for approval of the Installment Financing Agreement and other actions not inconsistent with this resolution. The LGC is hereby requested to approve the proposed Installment Financing Agreement pursuant to the provisions of Article 8 of Chapter 159 of the General Statutes of North Carolina, and the selection of the following professionals who comprise the financing team, and such other professionals as may be required or useful and acceptable to the LGC, to assist the City in connection with such financing:

Special Counsel  
Financial Advisor

Sidley Austin LLP  
First Southwest Company

Section 5. All actions heretofore taken by the Director of Financial Services of the City and any other officers of the City in connection with the Installment Financing Agreement are hereby ratified and confirmed.

Section 6. This resolution shall take effect immediately upon its passage.

Adopted this the 8th day of October, 2015.

\_\_\_\_\_  
Allen M. Thomas  
Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick  
City Clerk

I, Carol L. Barwick, Clerk of the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing accurately reflects the proceedings as recorded in the minutes of the City Council of said City at a meeting held on October 8, 2015 and contains the verbatim text of Resolution No. \_\_\_-15, which was duly adopted by said City Council at said meeting.

WITNESS my hand and the official seal of said City, this 8th day of October, 2015.

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

[SEAL]



REIMBURSEMENT RESOLUTION  
OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA

RESOLUTION NO. \_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE,  
NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE  
PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN  
EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE  
ACQUISITION, CONSTRUCTION AND/OR EQUIPPING OF THE SOUTH GREENVILLE  
GYMNASIUM IMPROVEMENTS AND ADDITIONS

WHEREAS, the City of Greenville, North Carolina (the “Issuer”) is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid, beginning no earlier than August 24, 2015, and will pay, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the acquisition, construction and/or equipping of the South Greenville Gymnasium Improvements and Additions, as described in more detail in Exhibit A attached hereto (the “Project”); and

WHEREAS, the City Council of the Issuer (the “City Council”) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt obligations (the “Tax-Exempt Obligations”);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, as follows:

Section 1. The City Council hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Tax-Exempt Obligations for the Expenditures with respect to the Project made on and after August 24, 2015, which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-Exempt Obligations.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to tax-exempt financings, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum aggregate principal amount of the Tax-Exempt Obligations expected to be issued for the Project is \$2,100,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of tax-exempt financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the respective Project with respect to which such Expenditure is paid is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

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

PASSED AND ADOPTED this 8th day of October, 2015.

---

Name: Allen M. Thomas  
Title: Mayor

Attested to:

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Name: Carol L. Barwick  
Title: City Clerk

EXHIBIT A  
To Resolution No. \_\_\_\_\_

## DESCRIPTION OF PROJECT

### **South Greenville Gymnasium Improvements and Additions**

#### Project Description

The South Greenville Gymnasium Improvements and Additions located at 851 Howell Street, Greenville, North Carolina, consists of a renovation and reconstruction of an existing 6,700 square foot gymnasium, the demolition and reconstruction of the existing 8,054 square foot building space that currently houses office space for staff, a computer lab, weight room, multipurpose room, kitchenette, and staff restroom. Additionally, the project includes a 2,200 square foot building addition that includes 2 multi-purpose rooms, storage and exterior restrooms. Site improvements for the project shall include vehicular circulation, ADA compliant sidewalks, two paved parking lots, and renovations to a multi-purpose field.



# CITY OF GREENVILLE, NORTH CAROLINA

*Installment Purchase Agreement, Series 2015 (Gym Project)*



## FINANCING SCHEDULE

| October 2015 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|
| Su           | M  | Tu | W  | Th | F  | Sa |
|              |    |    |    | 1  | 2  | 3  |
| 4            | 5  | 6  | 7  | 8  | 9  | 10 |
| 11           | 12 | 13 | 14 | 15 | 16 | 17 |
| 18           | 19 | 20 | 21 | 22 | 23 | 24 |
| 25           | 26 | 27 | 28 | 29 | 30 | 31 |

| November 2015 |    |    |    |           |    |    |
|---------------|----|----|----|-----------|----|----|
| Su            | M  | Tu | W  | Th        | F  | Sa |
| 1             | 2  | 3  | 4  | 5         | 6  | 7  |
| 8             | 9  | 10 | 11 | 12        | 13 | 14 |
| 15            | 16 | 17 | 18 | 19        | 20 | 21 |
| 22            | 23 | 24 | 25 | <b>26</b> | 27 | 28 |
| 29            | 30 |    |    |           |    |    |

| December 2015 |    |    |    |    |           |    |
|---------------|----|----|----|----|-----------|----|
| Su            | M  | Tu | W  | Th | F         | Sa |
|               |    | 1  | 2  | 3  | 4         | 5  |
| 6             | 7  | 8  | 9  | 10 | 11        | 12 |
| 13            | 14 | 15 | 16 | 17 | 18        | 19 |
| 20            | 21 | 22 | 23 | 24 | <b>25</b> | 26 |
| 27            | 28 | 29 | 30 | 31 |           |    |

***Bold Indicates Federal Holiday***

| DATE         | TASK  | RESPONSIBILITY |
|--------------|---|----------------|
| July 17      | Call with LGC staff   | C, FA, SC      |
| September 11 | Submit letter to Joint Legislative Committee  | C, FA, SC      |
| October 8    | City Council to adopt preliminary findings resolution; Adopt Reimbursement Resolution, Schedule Public Hearing                    | C, SC          |
| October 9    | Distribute Gym Project RFP to banks   | C, FA<br>SC, C |
| October 16   | Deadline for submitting letter to Joint Legislative Committee   | SC, C<br>C, SC |
| October 23   | Receive Gym Project RFP responses by 12 PM; review responses, select bank   | C, FA          |
| October 26   | Notify successful bank proposer, subject to Board approval<br>Advertise public hearing (At least 10 Days prior to public hearing) | FA, C<br>C     |
| November 12  | City Council to hold public hearing and adopt approving resolution  | C, SC          |
| November 17  | Submit LGC Application on Gym Project   | FA, C          |
| December 1   | LGC approval  | LGC            |
| December 7   | Pre-Closing –Gym Project  | All Parties    |
| December 8   | Closing –Gym Project  | All Parties    |

**RESPONSIBILITY**

C Greenville, NC  
SC Special Counsel – Sidley Austin  
FA Financial Advisor – First Southwest Company  
LGC North Carolina Local Government Commission

Document # 1010424v2



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

**Title of Item:** Update on Outside Tire Storage and Display Ordinance implementation and inspections

**Explanation:** **Abstract:** As requested during the September 10, 2015 City Council meeting, City staff will provide an update on implementation of the outdoor tire storage standards and status of inspections.

**Explanation:** During the September 10, 2015 meeting, City Council received comments from the public regarding the City's enforcement of the outdoor tire storage standards as established by Ordinance #14-010. City Council requested a staff report of the City's implementation of the ordinance and status of inspections at an upcoming meeting. City Council also directed staff to temporarily suspend enforcement activities and collection of fines associated with the ordinance. Attached is a staff report that provides details of the ordinance from project initiation through current inspections.

**Fiscal Note:** No costs are associated with this request.

**Recommendation:** City Council to receive the report

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

Attachments / click to download

[Staff Report Outside Tire Storage Display Ord. Status 9 29 2015 1012913](#)

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**Staff Report:  
Outside Tire Storage and Display Ordinance  
Status of Implementation and Inspections**

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**Contents**

City Council Initiates Issue ..... 1  
Staff Prepares Text Amendment ..... 1  
City Council Adopts Text Amendment..... 1  
Staff Educates Tire Companies of New Regulations Prior to Enforcement..... 1  
Inspection Commences..... 2  
Notices and Citations Mailed ..... 2

**Tables**

Table 1: Businesses Inspected and Compliance Achieved through August 13, 2015 ..... 3  
Table 2: Detail of Businesses Not In Compliance as of August 13, 2015..... 3

**Exhibits**

Exhibit A: Example of Informational Letter Mailed to Tire Companies ..... 4  
Exhibit B: Informational Meeting Attendees ..... 6  
Exhibit C: Table – Tire Storage Zoning Notifications..... 7  
Exhibit D: Map – Tire Companies Visited and Status of Citations..... 8  
Exhibit E: Photographs - Tire Companies Before and After 2014 Text Amendment) ..... 9  
Exhibit F: Letter from the North Carolina Tire Dealers Association ..... 19  
Exhibit G: North Carolina Scrap Tire Fact Sheet..... 20  
Exhibit H: Illustration and List of Tire Storage and Display Regulations ..... 21

**13 Violation Letters Mailed**

Exhibit I: 1 Violation Letter Mailed to Brothers Tires, 2205B Lone St..... 23  
Exhibit J: 2 Violation Letters Mailed to Carolina Tire and Auto, 1620 N. Greene St. .... 24  
Exhibit K: 4 Violation Letters Mailed to Dickinson Tire, 1025 Dickinson Ave..... 26  
Exhibit L: 3 Violations Letters Mailed to Omar Tires, 1900 Dickinson Ave., Suite 105 ..... 31  
Exhibit M: 1 Violation Letters Mailed to Quality Tire & Auto Service, 106 E. Belvoir Rd. .. 34  
Exhibit N: 2 Violation Letters Mailed to Superior Tires,1508 Dickinson Ave. .... 35  
  
Exhibit O: North Carolina Fire Code, Chapter 25, Tire Rebuilding and Tire Storage..... 37



**Community Development Department - Planning Division  
September 29, 2015**

### **City Council Initiates Issue**

- Oct. 10, 2013 As requested by City Council Member Max Joyner at a recent Council meeting, Community Development Department staff provided City Council with a discussion item entitled “Tire Dealerships and the Storage and Disposal of Tires” along with a brief presentation. The presentation provided a summary of current rules on tire dealerships and how they store new tires and dispose of used tires. After City Council discussed issues of tire storage, the City Council directed staff to investigate the issues and develop any recommendations for ordinance revisions if needed.
- Dec. 12, 2013 City Council received a staff presentation of issues and directed staff to prepare a text amendment that adds standards designed to minimize their visual impact and reduce their potential as a public nuisance and fire hazard.

### **Staff Prepares Text Amendment**

- Dec. 2013-Jan. 2014 A text amendment to the Zoning Ordinance was prepared by the Community Development Department, Planning Division with input by the Fire/Rescue Department and the Police Department, Code Enforcement Division.

### **City Council Adopts Text Amendment**

- Feb. 13, 2014 City Council adopted Ordinance No. 14-010 that amended outside tire storage and display regulations. The tire storage regulations are in compliance with Greenville’s comprehensive plan, Horizons: Greenville’s Community Plan, Urban Form and Land Use Element, Objective UF8 that states, *“To enhance the appearance of highway and gateway corridors.”*

### **Staff Educates Tire Companies of New Regulations Prior to Enforcement**

- June 27, 2014 In order to bring awareness concerning the new tire storage regulations, informational letters were mailed to tire businesses on June 27, 2014 (Exhibit A). The letter stated that businesses must be in compliance of the tire storage regulations by November 13, 2014. Several businesses called with questions about the regulations. A representative from the North Carolina Dealers Association asked to set up a meeting with staff and several of the business owners.
- July 24, 2014 On July 24, 2014, staff met with twelve tire suppliers throughout the City of Greenville. A list of attendees is in Exhibit B. Questions were asked and answered during the meeting. One company, Colony Tire, stated their tires were for large commercial vehicles. After a site visit, it was noted that Colony Tire at 110 Daughteridge Dr. was in the Unoffensive



Industry zoning district and their business activities involved a component of tire recapping. During the meeting, it was apparent to City staff that the tire companies had not fully understood the new regulations prior to the meeting, therefore, staff decided to extend the time frame for compliance. Mr. Reece Hester, Executive Director of the North Carolina Dealers Association, attended the meeting and followed up with a letter. (Exhibit F).

The North Carolina Department of Environment and Natural Resources (NCDENR) published a fact sheet of problems associated with stockpiles of automobile tires. The fact sheet references potential health risks, air water pollution, and fire hazards associated with scrap tires and tire stockpiles. (Exhibit G). Staff illustrated new tire storage and display regulations to help tire company regulations understand the requirements. (Exhibit H).

### **Inspection Commences**

Staff from both the Planning Division and Fire and Rescue began inspecting businesses that stored tires on April 28, 2015. Subsequent first round inspections were on May 1, May 4 and May 19 in order to inspect 36 businesses. A table documenting dates of staff inspections and findings was prepared and maintained to monitor compliance. (Exhibit C). Businesses were given thirty (30) days to come into compliance after their first notification. If a business was given a second notice for the same previously identified violations, then they received two additional weeks to come into compliance.

### **Notices and Citations Mailed**

During the first inspection visit, a written notice of violation was given to the manager or the person in charge in his/her absence with the business name, contact, date visited, violations, compliance date and additional action. (Exhibit C). Out of the 36 businesses that were initially visited, six had no violations. Out of the remaining 30 businesses, six businesses remained in violation of the tire storage regulation. Copies of all violation letters are attached to this report. (Exhibits I through N). Out of the six, three businesses received second offense citations for the same violations as presented in Table 2.

Out of 30 tire businesses that were not in compliance during the first round of inspections, compliance has been achieved by 27 tire companies as presented in Table 2. All enforcement activities and fines associated with the tire storage and display regulations were temporarily suspended in response to the City Council's direction the Council made during their September 10, 2015 meeting.

**Table 1: Businesses Inspected and Compliance Achieved through August 28, 2015**

|   |           |
|---|-----------|
| Total number of businesses inspected  | 36        |
| Number of businesses not in compliance to tire storage regulations during first rounds of inspections (April – May) | 30        |
| Number of businesses in compliance after first reinspection (June –July)  | 24        |
| Number of businesses in compliance after second reinspection (July-August 28)                                       | 26        |
| *Number of businesses not in compliance from August 31 – September 10   | 3*        |
| <b>Total compliance gained</b>  | <b>27</b> |

\* Two businesses (Carolina Tire and Omars Tires) of the three highlighted in Table 2 still need to be reinspected to assess compliance. Reinspection was temporarily suspended under the direction of City Council during their September 10, 2015 meeting.

**Table 2: Detail of Businesses Not in Compliance as of August 26, 2015**

| Map 1 # | Business Name        | Location            | Type   | Date & Number of Offenses  |
|---------|----------------------|---------------------|--|--|
| 1       | Brother's Tires      | 2205B lone St.      | Tires not placed on racks & Number of tires>100                                  | July 1 , 2015- 1 citation<br>Compliance has been achieved<br>See Exhibit I for letters sent to owner.  |
| 2       | Carolina Tire & Auto | 1620 N Greene St.   | Tires not placed on racks & Number of tires >100                                 | July 2, 2015 – 1 citation ( <i>extension granted to September 8</i> )<br>See Exhibit J for letters sent to owner. A checklist of violations was prepared at the site and hand-delivered to the owner. See Exhibit J for letters sent to owner. |
| 3       | Dickinson Ave Tire   | 1025 Dickinson Ave. | Tires not placed on racks, Number of tires >100, Minimum separation , Visibility | July 19, 2015 & August 14, 2015- 2 citations ( <i>extension granted to September 30</i> )<br>See Exhibit K for letters sent to owner.  |
| 4       | Omar Tires           | 1900 Dickinson Ave  | Tires not placed on racks, Number of tires >100                                  | July 1, 2015, August 26, 2015- 2 citations (corrected one)<br>See Exhibit L for letters sent to owner.   |
| 5       | Quality Tires        | 106 E Belvoir Rd.   | Tires not placed on racks, Number of tires >100, Visibility                      | July 2, 2015 – 1 citation<br>Compliance has been achieved<br>See Exhibit M for letters sent to owner.  |
| 6       | Superior Tires       | 1508 Dickinson Ave. | Tires not placed on racks, Number of tires>100                                   | July 8, 2015 & August 26 – 2 citations<br>Compliance has been achieved.<br>See Exhibit N for letters sent to owner.  |

**Exhibit A: Example of Informational Letter Mailed to Tire Companies**



**City of Greenville**  
**North Carolina**

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

Community Development Department  
Planning Division

June 27, 2014

Midas Greenville  
Attn: Ernest Holt  
PO box 30220  
Greenville NC 27833

**Subject: Text Amendment for Tire Storage**

Dear Property Owner:

On February 13, 2014, The City Council of the City of Greenville adopted an amendment to Section 9-4-86 (B) addressing the on-site and outside storage of tires. The entire section reads as follows but please pay close attention to section 9 on page 2:

**(B) Major or minor repair facilities.**

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than 15 days.
- (4) There shall be no exterior storage of items other than vehicles and tires. Tires stored outside shall be in accordance with subsection (9) below.
- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are within ten feet of the principal structure and outside required bufferyards. Signage displayed in conjunction with such display shall be in accordance with the sign regulations. A maximum of twenty four tires may be displayed outside. All tires displayed outside of buildings shall comply with compliance requirements set forth in subsection (9)(h).
- (8) All services except fuel sales shall be performed within a completely enclosed building.

**Exhibit A: Informational Letter (continued)**

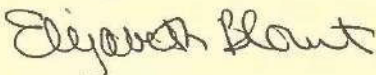
Page | 2

- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:
- (a). The maximum area devoted to tire storage shall be limited to ten percent of the property area or twenty five percent of the building from which the business operates, whichever is less;
  - (b). The maximum number of tires stored outside shall not exceed one hundred;
  - (c). Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;
  - (d). All tires must be placed on racks in the upright position;
  - (e). There shall be a minimum separation of twenty feet between tire racks and property lines, street right-of-way, and buildings;
  - (f). Rows of tire racks shall be separated from one another by a minimum of five feet;
  - (g). The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire Code and tire storage standards of this article; and
  - (h). Notwithstanding the provisions related to nonconforming uses and situations contained in Article C of this chapter, the requirements contained in this subsection (9) shall be applicable to all existing and future major and minor repair facilities. In the event a use or situation, existing on the date of the adoption of this subsection (9), is or becomes nonconforming by virtue of the adoption of this subsection (9), it shall be removed within nine months after the date of adoption of this subsection (9).

We understand that many people are not aware of this ordinance and thus we are sending this informational letter. **The City of Greenville requests that you be in compliance no later than November 30, 2014.** Failure to comply and/or further related violations at this subject property will result in enforcement actions, including but not limited to the issuance of Civil Citations in accordance with the enclosed Citation Ordinance.

I have enclosed a copy of Ordinance No. 14-010 of the Greenville City Code, which references the storage of tires. The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,



Elizabeth Blount  
Zoning Enforcement Officer  
Enclosures

cc: Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer., Chief Planner  
Sam Smith, Fire Marshall

Exhibit B: Informational Meeting Attendees



Tire Storage Informational Meeting

July 24, 2014

10:00 AM

Comstat Room

| Company Name                  | Attendee Name        | Telephone Number           | Email Address                 |
|-------------------------------|----------------------|----------------------------|-------------------------------|
| 1 NC Tire Dealers Assoc.      | Reece Hester         | 919 784-0111               | reece.hester@nc.tda.com       |
| 2 Capt's / Auto Service       | Ryan McLinn          | 531-9531<br>(252) 531-1872 |                               |
| 3 Southeastern Wholesale Tire | Ryan Langston        | 752-379-9847               | rlangston@sewholesaletire.com |
| 4 Colony Tire                 | Jimmy Reese          | 252-717-6722               | JREESE@COLONYTIRE.COM         |
| 5 Colony Tire Corp            | Marian Pippin        | (252) 482-5521             | mpippin@colonytire.com        |
| 6 Colony Tire Corp            | Dennis O'Shell       | 252-482-5521               | doshell@colonytire.com        |
| 7 Ruggini Tire Service        | Sammy Singh          | 252 7126125                |                               |
| 8 Colony Tire                 | Doug Hodges          | 252-809-2700               | d.hodges@yahoo.com            |
| 9 Ruggis Tire Service         | Frankie Pugh         | 252-341-8132               | Frankie@pughstireservice.com  |
| 10 Quality Tire               | Mike Coggins/John H. | 752-7155 or 752-7177       | 38109                         |
| 11 Carolina Tire              | Samie Coggins        | (252) 916-1760             |                               |
| 12 Quality Tire               | Mike                 | 531-3404                   |                               |
| 13                            |                      |                            |                               |
| 14                            |                      |                            |                               |
| 15                            |                      |                            |                               |
| 16                            |                      |                            |                               |

# EXHIBIT C Tire Storage Notifications



## Tire Storage Zoning Notification

April 28, 2015, May 1, 2015, May 4, 2015, May 19, 2015

| Company Name             | Address                  | Contact Name                | Position                   | Date Visited | Violations   | Compliance Date | Additional Action  |
|--------------------------|--------------------------|-----------------------------|----------------------------|--------------|--|-----------------|--|
| 1 A&B Auto               | 103 9th St.              | Jason Adams                 | Owner                      | 5/19/2015    | no racks   | 6/19/2015       | Reinspected 6/30/15 - Corrected                                  |
| 2 Bill Askew             | 3210 S Memorial Drive    | Al Wainwright               | Owner                      | 5/4/2015     | No racks   | 5/28/2015       | Reinspection 6/30/15 - Corrected                                 |
| 3 Briley's Tire          | 109 Trade st.            | Eric Briley                 | Manager                    | 5/4/2015     | No racks, >100, visible (suggested put racks in back)      | 5/28/2015       | Reinspection 6/30/15 - Corrected                                 |
| 4 Brother's Tires        | 2205 B lone St.          | Victor Violante             | Manager                    | 5/1/2015     | No racks, >100   | 5/28/2015       | Same violations; citation  |
| 5 Brown & Wood           | 329 Greenville Blvd      | Tom Brown                   | Owner                      | 5/19/2015    | NONE   |                 |  |
| 6 Capital Automotive     | 2400 E 10th St.          | Shane McLawhorn             | Manager                    | 5/19/2015    | No racks   | 6/19/2015       | Reinspected 7/1/15 - Corrected                                   |
| 7 Carolina Tire & Auto   | 1620 N Greene St.        | Jamie Coggins               | Owner                      | 5/19/2015    | All  | 6/19/2015       | Reinspected 7/2/15 - Some violations, citation                   |
| 8 Chrysler Repair        | 3410 S Memorial Dr.      | George Willis               | Owner                      | 5/4/2015     | No racks   | 5/28/15         | Reinspected 6/30/15 - Corrected                                  |
| 9 Dickinson Ave          | 1025 Dickinson Ave.      | Julio Raniez                | Worker - manager not there | 4/28/2015    | All  | 5/28/2015       | Reinspected 6/30/15, 7/2/15, 7/10/15 - Some violations, citation |
| 10 Down East Tire        | 5889 US Hwy 13           |                             |                            |              | NONE   |                 |  |
| 11 Easy Muffler Shop     | 110 Pactolus Hwy         | Mike Wilson                 | Owner                      | 5/19/2015    | Visible  | 6/19/2015       | Reinspected 7/1/15 - Corrected                                   |
| 12 Emmanuel Auto         | 1201 Dickinson Ave       | Emmanuel                    | Owner                      | 4/28/2015    | NONE   |                 |  |
| 13 Flaco Tires           | 2240 Dickinson           | Jesus Pina                  | Manager                    | 5/1/2015     | No racks, >100   | 5/28/2015       | Reinspected 6/30/15 - Corrected                                  |
| 14 Greenville Automotive | 120 Ficken St.           | Julian Sutton               | Manager                    | 7/2/2015     | No racks, Visible  | 7/31/2015       |  |
| 15 Joe Pecheles          | 203 SE Greenville Blvd   | John Skeen                  | Service Manager            | 5/19/2015    | few tires on ground outside                                | 6/19/2015       | Reinspected 6/30/15 - Corrected                                  |
| 16 Johnny's Tire         | 2400 S Memorial Drive    | Lisa Joyner, Tabatha Pruitt | Managers                   | 5/1/2015     | No racks   | 5/28/2015       | Reinspected 6/30/15 - Corrected                                  |
| 17 Lee Kia               | 615 Greenville Blvd      | Dwayne Roeller              | Manager                    | 5/19/2015    | No racks   | 6/19/2015       | Reinspected 7/2/15 - Corrected                                   |
| 18 Midas                 | 3519 S Memorial Dr.      | Patrick Borck               | Manager                    | 5/1/2015     | No racks   | 5/28/2015       | Reinspected 7/2/15 - Corrected                                   |
| 19 Mike's Tire           | 3012 S Memorial Dr.      | Mike Sims                   | Manager                    | 5/4/2015     | No racks   | 5/28/2015       | Reinspected 7/2/15 - Corrected                                   |
| 20 Moore's Body Shop     | 2205 A lone St.          |                             |                            | 7/2/2015     | no racks   | 8/2/2015        | notice sent to PO on 7/7/15                                      |
| 21 Mr. Tire              | 2255 S Memorial Drive    | Alfredo Cruz-Garcia         | Manager                    |              | NONE   | N/A             |  |
| 22 Mr. Tire              | 320 SW Greenville Blvd   | ????                        |                            | 5/19/2015    | Close front, >24   | 6/5/2015        | Reinspected 7/2/15 - Corrected                                   |
| 23 Omar Tires            | 1900 Dickinson Suite 105 | Omar Gutierrez              | Manager                    | 4/28/2015    | No racks, >100 tires, Visible                              | 5/28/2015       | Reinspected 6/30/15 - same violations, citation                  |
| 24 Phelps Chevy          | 3325 S Memorial Drive    |                             |                            | 5/4/2015     | No racks   | 5/28/2015       | Reinspected 7/2/15 - Corrected                                   |
| 25 Pilgreen Tires        | 4671 Us Hwy 13           | Mike Pilgreen               | Owner                      | Apr-15       | New business - didn't inspect, just gave copy of ordinance |                 |  |
| 26 Plaza Auto Care       | 624 SE Greenville Blvd.  | Will james                  | Manager                    | 5/19/2015    | Close Front, No racks, visible                             | 6/19/2015       | Reinspected 7/2/15 - Corrected                                   |
| 27 Precision Tune        | 124 SE Greenville Blvd   |                             |                            | 5/19/2015    | No racks   | 6/19/2015       | Reinspected 7/2/15 - Corrected                                   |
| 28 Pugh's Tire           | 1205 Dickinson Ave       | Derek Hopkins               | Manager                    | 4/28/2015    | NONE   | N/A             |  |
| 29 Pugh's Tire           | 726 SE Greenville Blvd   | Ty Grant                    | Manager                    | 5/19/2015    | Not 10 ft from structure, >24 display                      | 6/19/2015       | Reinspection - different violation, NOV 7/7/15                   |
| 30 Pughs Tire & Serv     | 408 S Greene St          |                             |                            | 4/28/2015    | NONE   |                 |  |
| 31 Pugh's Tire           | 3303 S Memorial Drive    | Jim Jernigan                | Manager                    | 5/4/2015     | No racks   | 5/28/2015       | Reinspected 7/2/15 - Corrected                                   |
| 32 Quality Tire          | 104 Belvoir Rd           | John Hopkins                | Manager                    | 5/19/2015    | No racks, >100, Visible, close front, separation           | 6/19/2015       | Reinspected 7/2/15 - Same violations, citation                   |
| 33 Rimtyme Custom        | 3006 S Memorial Dr       | Joel Tyson                  | Manager                    | 5/4/2015     | No racks, >24, >100, Visible                               | 5/28/2015       | Reinspected 7/2/15 - corrected                                   |
| 34 Star 1                | 2800 S Memorial Dr.      | Scott Rowan                 | Manager                    | 7/2/2015     | No racks   | 7/31/2015       | NOV sent to PO 7/8/15  |
| 35 Superior Tires        | 1508 Dickinson Ave.      | Andres Helarez              | Owner                      | 4/28/2015    | No racks, >100 tires, Visible, >24 in front                | 5/28/2015       | Reinspected 7/2/15 - Same violations, citation                   |
| 36 Tire Store            | 908 S Washington St      | Kim Nicholls                | Manager                    | 4/28/2015    | No racks, possible repairs on road                         | 5/28/2015       | Corrected Immediately  |

formerly colony tires

formerly white's tires

# Tire Companies Visited and Status of Citations



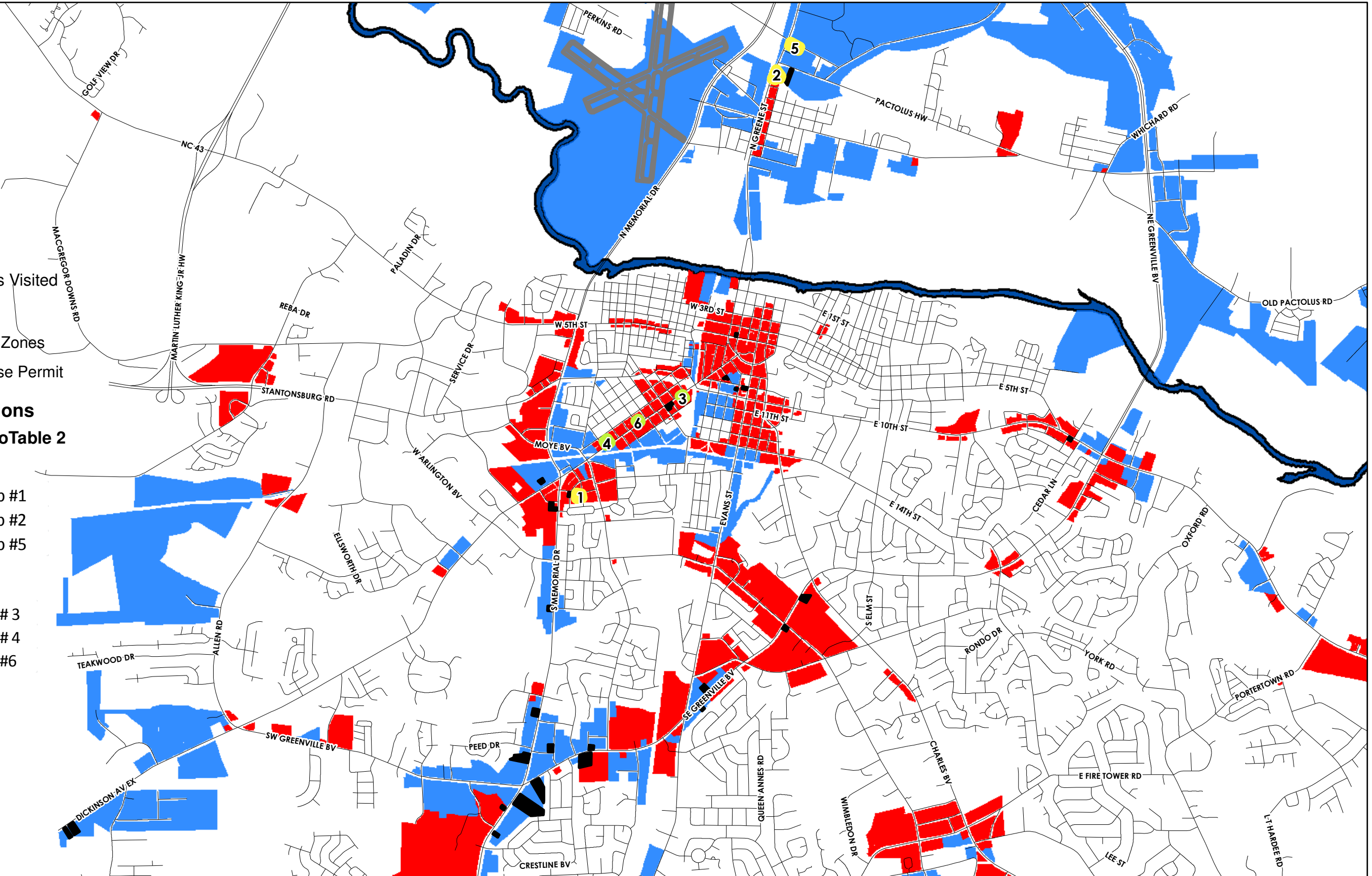
## Map Legend

- Tire Storage Businesses Visited
- Street Centerline
- Minor Repair - Permitted Zones
- Minor Repair - Special Use Permit

## Tire Storage Zoning Citations

Map Numbers Correspond to Table 2

- Received 1 Citation
  - 1. Brother's Tires Map #1
  - 2. Carolina Tire and Auto Map #2
  - 5. Quality Tires Map #5
- Received 2 Citations
  - 3. Dickinson Avenue Tire Map #3
  - 4. Omar Tires Map #4
  - 6. Superior Tires Map #6



**Exhibit E: Photographs of Tire Companies Before and After 2014 Text Amendment**



**Photo #1: BEFORE - 4/6/2013 Aerial Photograph of Quality Tire and Auto Services, 104 E. Belvoir Rd., Source: GoogleEarth**



**Photo #2: AFTER - 5/19/2015 Aerial Photograph of Quality Tire and Auto Services, 104 E. Belvoir Rd., Source: GoogleEarth**





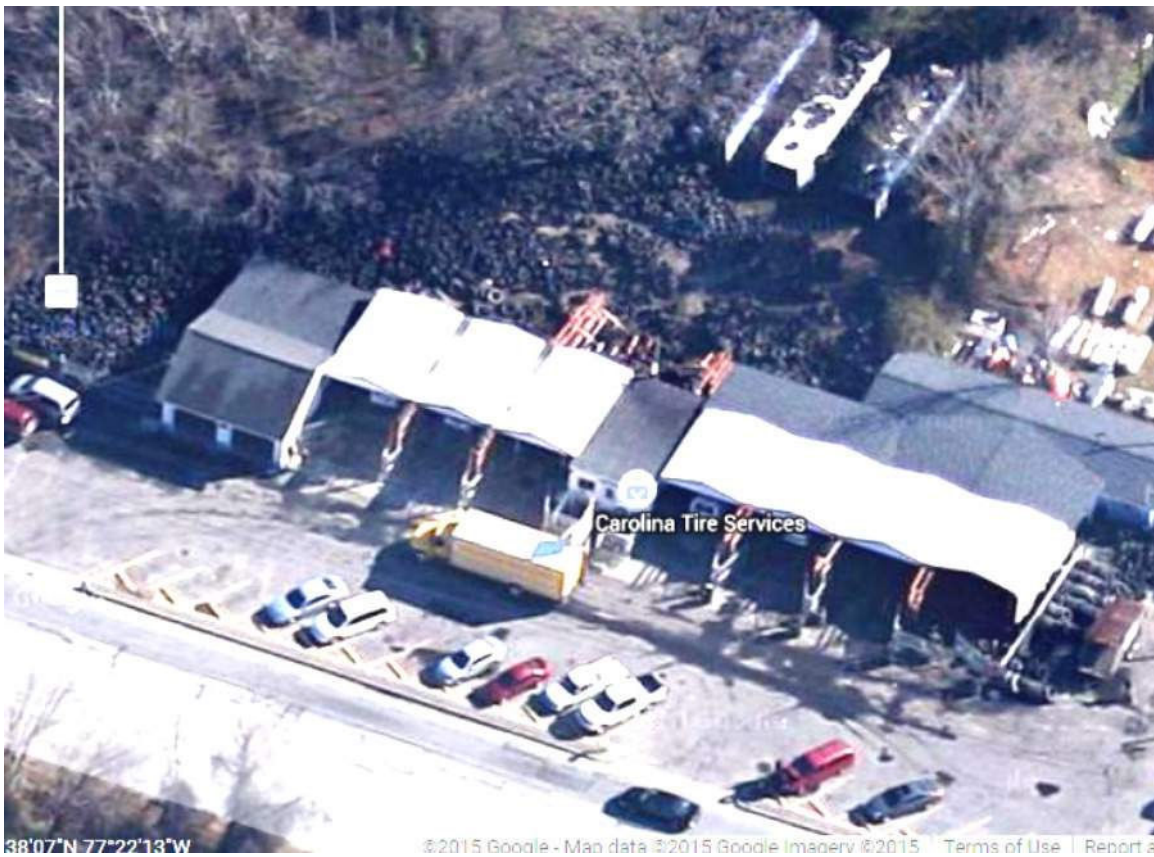
Photo #3, Quality Tire and Service, BEFORE, 7/2/2015



Photo #4, Quality Tire and Service, AFTER, 8/25/2015



**Photo #5: BEFORE** - 2013 Aerial Photograph of Carolina Tire Service, 1620 N. Greene St., Source: Google Earth Jan. 6, 2013



**Photo #6: AFTER** - 2015 Aerial Photograph of Carolina Tire Service, 1620 N. Greene St., Source: Google Earth, 2015



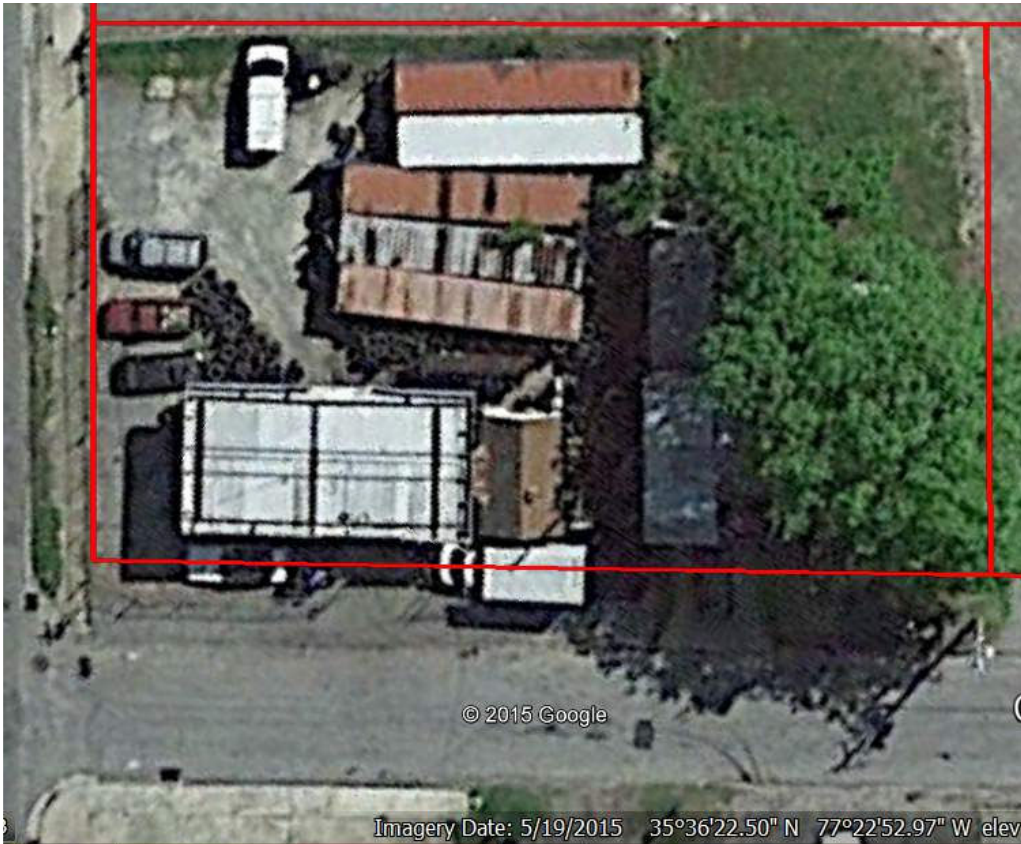
**Photo #7, Carolina Tire Service, BEFORE, 5/19/2015**



**Photo #8, Carolina Tire Service, AFTER, 8/25/2015**



**Photo #9: BEFORE** - 2013 Aerial Photograph of Dickinson Ave. Auto and Tire, 1025 Dickinson Ave.,  
Source: Google Earth January, 2013



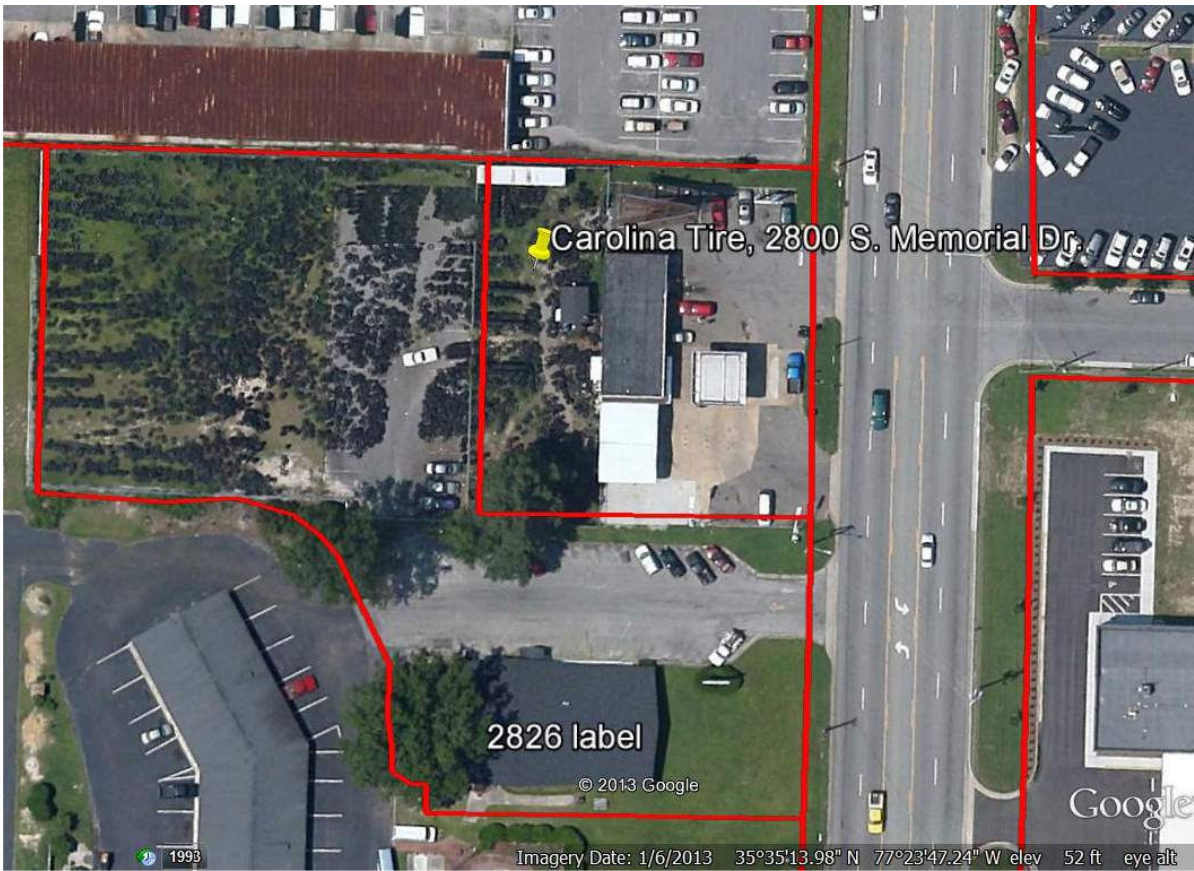
**Photo #10: AFTER** - 2015 Aerial Photograph of Dickinson Ave. Auto and Tire, 1025 Dickinson Ave.,  
Source: Google Earth May 19, 2015



**Photo #11, Dickinson Avenue Tire and Service, BEFORE, 8/11/2015**



**Photo #12, Dickinson Avenue Tire and Service, AFTER, 9/2/2015**



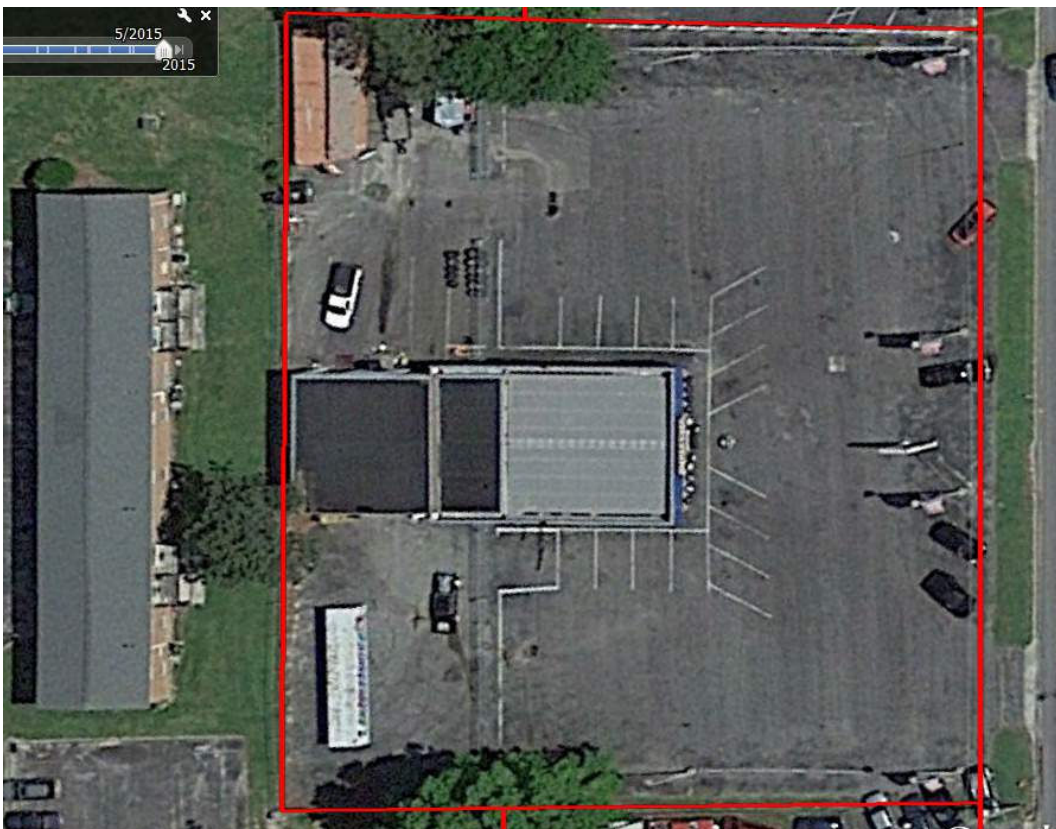
**Photo #13: BEFORE** - 2013 Aerial Photograph of Carolina Tire and Auto Services, 2800 S. Memorial Dr., Source: Google Earth Jan. 6, 2013



**Photo #14: AFTER** - 2015 Aerial Photograph of 2800 S. Memorial Dr., Source: Google Earth 5/19/2015



**Photo #15: BEFORE** - 2013 Aerial Photograph of RimTyme Custom Wheels, 3006 S. Memorial Dr.,  
Source: Google Earth April, 2013



**Photo #16: AFTER** - 2015 Aerial Photograph of RimTyme Custom Wheels, 3006 S. Memorial Dr.,  
Source: Google Earth, May6, 2015



Photo #17, Superior Tire, BEFORE, 8/26/2015



Photo #18, Superior Tire, BEFORE, 9/02/2015





**Photo # 19: Water in tire at Quality Tires**

**Exhibit F: Letter from the North Carolina Tire Dealers Association**



**North Carolina Tire Dealers Association**

**PO Box 17046  
Raleigh, NC 27619-7046  
877-784-0111**

Mr. Thomas Weitnauer  
Chief Planner  
Community Development Dept.  
Planning Division  
City of Greenville, NC

July 28<sup>th</sup>, 2014

Tom,

I wanted to send you a brief follow-up note as I mentioned before leaving the meeting last Thursday. I appreciated the opportunity to listen and address some of the concerns that the City of Greenville is having on some businesses not adhering to guidelines in maintaining a proper procedure of tire inventory in respect to un-wanted appearances of 'used & scrap' tires. It is disappointing for obvious reasons the need to make this a priority memo of enforcement.

Our trade Association consists of members that rarely exhibit signs of neglectful responsibility on following proper business practices in the communities of which they operate & call home. Unfortunately, there are some businesses that give our industry a 'black-eye' by not being good stewards of business behavior. Inevitably, these types of companies are often 'rogue' types of businesses that aren't involved with our Association group as members & don't always play by the rules, and therefore create havoc for those that do follow procedure.

One differing business operation mentioned was the difference of Commercial –vs- Retail Tire centers and the qualifying needs for large semi-type tires & OTR (off the road) facilities. The nature of these businesses requires a large area for incoming tires to be processed by means of on-site removal from wheels, sorting, shipping/receiving, retreading, replacement, repairing, etc.... These types of Commercial Dealers are fairly alike in operations across the State and may have quite an abundance of tires on location at any given time, but not stock-piling in respect to stagnation, or in plan terms, 'sitting around' without purpose.

In closing, as I mentioned, I am available to assist at the State level any means to provide the City of Greenville cooperation & helpful information. Greenville is not unique with this problem & is a growing concern among our legitimate pro-active tire industry companies. The used tire business is busting at the seams and is a concern on the control of scrap tire issues. I have discussed this with the Solid Waste Division / Scrap Tire folks in addition to the Rubber Manufacturers Association. I think the communication you have sent out should send a message to some of these 'non-adhering' companies and will hopefully give you some resolve. Please contact me if I can be of assistance at any time with your confronted issues going forward. We would be delighted to assist you.

*Reece*

Reece Hester,  
Executive Director,  
NCTDA

Cc: Richard Leicht, President, NCTDA

Item # 8

## Exhibit G: NCDENRS Scrap Tire Fact Sheet



## North Carolina Scrap Tire Fact Sheet

### The Problem with Stockpiles and Landfill Disposal

- As potential health risks, used tire stockpiles can be havens in which pests reside and mosquitoes breed, they are a potential fire hazard, and they can contaminate surface water run-off.
- By North Carolina law, whole tires were banned from landfills as of March 1, 1990.
- Used tires disposed in landfills will not decompose for many years and will tend to disrupt landfill covers by rising to the surface.

### To Help Prevent Pollution

- Encourage customers to maintain proper air pressure in tires, to periodically rotate and balance tires, and to periodically check front end alignment.
- Prevent unnecessary tire changeouts. Educate employees and customers on proper techniques for determining the correct time tires should be replaced.
- Seek opportunities to reuse or retread any discarded tires. For example, Customer A's scrap tires may be useful and appropriate for Customer B.
- Recycle scrap tires. Whole scrap tires can be used for retaining walls, dock buffers, or playground equipment. Tires can also be processed for door and gymnasium mats or for erosion control.
- Counties may accept tires from persons and firms from other counties but not from out-of-state.

### The Wrong Things To Do

- Do not co-mingle whole tires with regular dumpster waste that is landfilled.
- Do not illegally dump tires.
- Do not stockpile tires long enough for mosquitoes to breed.
- Do not give tires back to car owners unless requested. While this practice is not illegal, the tires could be wrongfully disposed.

### For more information

Visit our website:  
<http://portal.ncdenr.org/web/wm/sw/scraptire>

### Hauling Scrap Tires

- Use only a registered scrap tire hauler to transport your tires to scrap tire collection sites and/or scrap tire reprocessors such as retreaders. If you use a hauler to pick up your scrap tires, you must complete a Scrap Tire Certification Form, as explained below under Applicable Laws. Call the site to verify arrival of your tires.
- If you haul your own tires, take them only to sites permitted by the State. Each county in North Carolina is required to have at least one scrap tire collection site, and there are several reprocessing plants that have received permits to operate in the State.

### Applicable Laws

- North Carolina imposes a 2-percent privilege tax on all tires sold with a bead diameter of less than 20 inches and a 1-percent privilege tax on tires with a bead diameter of 20 inches or greater. This tax was last changed in October 1993.
- All people involved in the disposal of scrap tires must complete and sign a Scrap Tire Certification Form, which is available at the local landfill.
  1. Part I is filled out by the person who has accumulated the tires.
  2. Part II is filled out by the certified hauler.
  3. Part III is filled out and retained by the receiver of the tires.
- No person shall discard, deposit, or dispose of a scrap tire except at a site or facility permitted to receive scrap tires. It is the legal responsibility of the retailer and/or generator to ensure that a certified hauler disposes of the scrap tires at a permitted facility. This facility should be specified when the retailer fills out Part I of the Scrap Tire Certification Form.
- A maximum of 500 scrap tires may be stored on site at any one time.
- When tires are hauled from your facility, always count the number of tires and enter that number under Part I of the Certification Form. *Helpful Hint* : Do not leave that number blank as additional tires could be added to your load and disposed under your name.
- Commercial scrap tire haulers must be registered by the Solid Waste Section of the Division of Solid Waste Management and obtain a hauler's ID Number.
- Tire retailers who haul only their scrap tires generated in the normal course of business are not required to obtain a hauler's permit; the company's State sales tax number serves as an ID number.
- Tire collectors (scrap tire collection sites or scrap tire disposal sites) must notify the Solid Waste Section of their activities and may need to obtain a permit.

Exhibit H: Illustration of Tire Storage Regulations  
Page 1 of 2

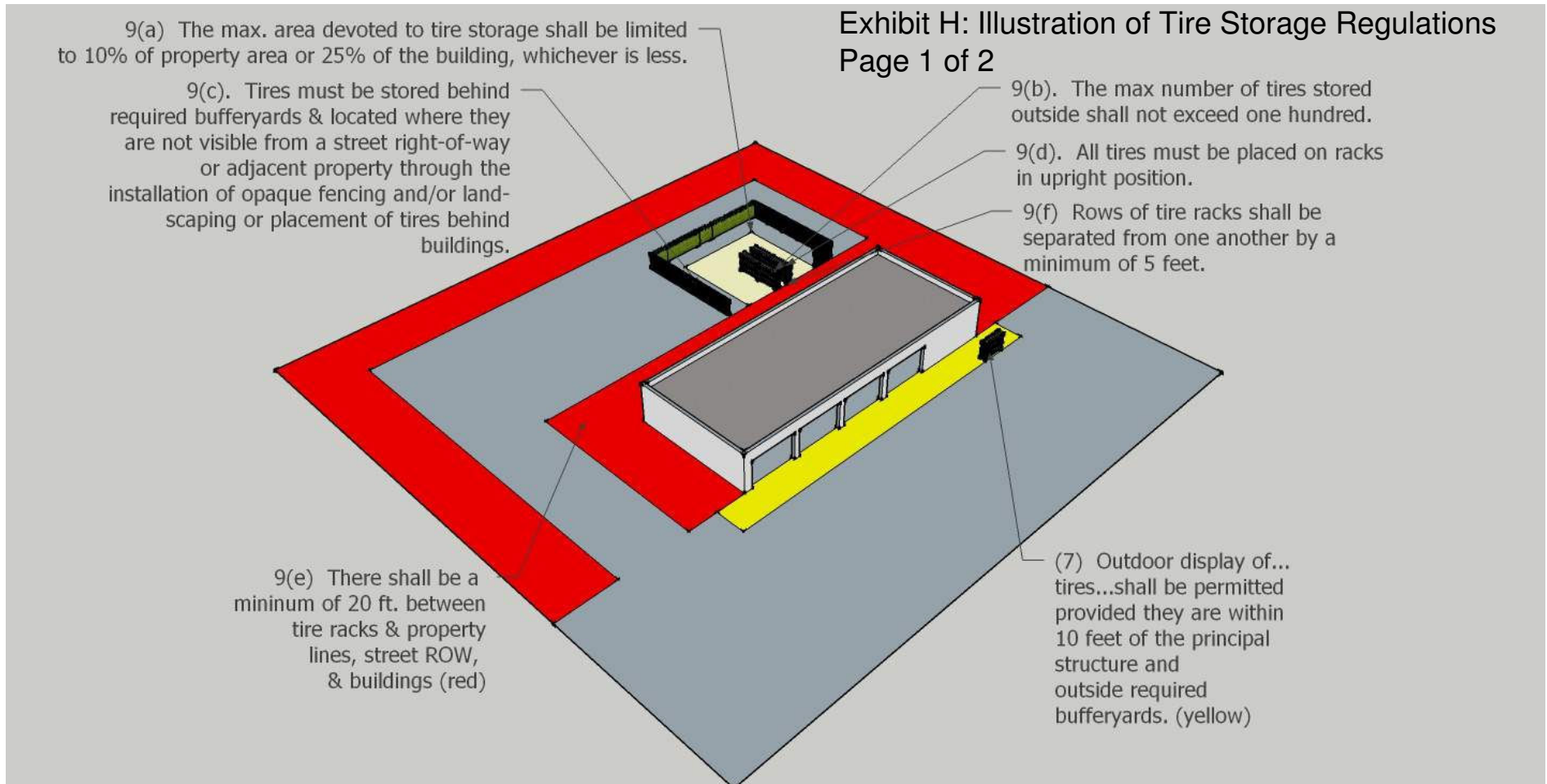
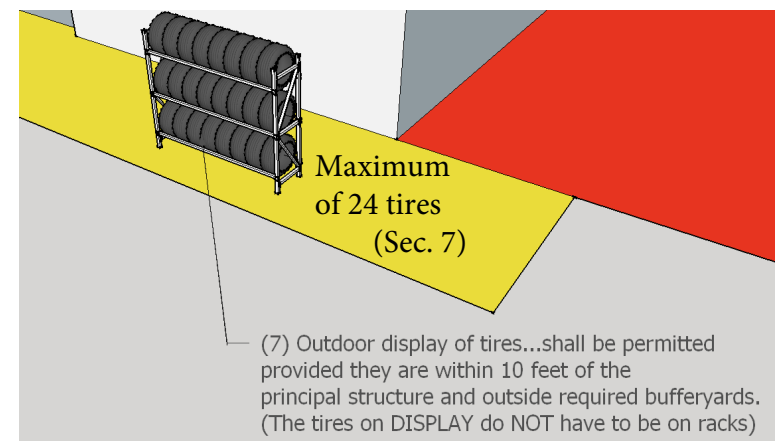


Figure 3: Illustration of Tire Storage and Tire Display Regulations, Title 9, Ch 4, Sec. 9-4-86(B)7 & (B)(9)(a)-(f). Also refer to B(9)g & h attached.



Figure 1: OUTSIDE TIRE **STORAGE**



Item # 8  
Figure 2: OUTDOOR TIRE **DISPLAY**

**City of Greenville Code of Ordinances, Title 9, Chapter 4, Sec. 9-4-86(B)(7)**

- (7) Outdoor displays of products such as tires, ... shall be permitted provided they are within ten feet of the principal structure and outside required bufferyards. ... A maximum of twenty four tires may be displayed outside. All tires displayed outside of buildings shall comply with compliance requirements set forth in subsection (9)(h).**

**City of Greenville Code of Ordinances, Title 9, Chapter 4, Sec. 9-4-86(B)(9 )**

- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:**
- (a). The maximum area devoted to tire storage shall be limited to ten percent of the property area or twenty five percent of the building from which the business operates, whichever is less;**
  - (b). The maximum number of tires stored outside shall not exceed one hundred;**
  - (c). Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;**
  - (d). All tires must be placed on racks in the upright position;**
  - (e). There shall be a minimum separation of twenty feet between tire racks and property lines, street right-of-way, and buildings;**
  - (f). Rows of tire racks shall be separated from one another by a minimum of five feet;**
  - (g). The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire Code and tire storage standards of this article; and**
  - (h). Notwithstanding the provisions related to nonconforming uses and situations contained in Article C of this chapter, the requirements contained in this subsection (9) shall be applicable to all existing and future major and minor repair facilities. In the event a use or situation, existing on the date of the adoption of this subsection (9), is or becomes nonconforming by virtue of the adoption of this subsection (9), it shall be removed within nine months after the date of adoption of this subsection (9).**



**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

**EXHIBIT I :**  
**1 Violation Letter Mailed to Brothers Tires,  
2205B, Ion St.**

July 1, 2015

Oscar Holloman  
115 Bells St.  
Greenville, NC 27858

**RE: Citation for Tire Storage Zoning Violation at Parcel #27185; Address: 2205 B  
Ione St.**

Dear Property Owner:

On May 1, 2015, the Planning Division and the Fire & Rescue Department conducted an inspection at your property on 2205 B Ione Street. Staff provided the business manager, Victor Violante, a written notice of violation during the visit. On June 30, 2015, staff re-inspected the same property and noted the continued zoning violations:

- √ Maximum number of tires stored exceeds 100 tires
- √ Tires are not placed on racks in the upright position and separated from another rack by 5 feet

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner  
Business Owner

Doc # I007538 v2



**EXHIBIT J:**  
**1 of 2 Violation Letters Mailed to Carolina Tires,**  
**1620 N. Greene St.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

July 8, 2015

Jamie Coggins  
1620 N Greene St.  
Greenville, NC 27834

**RE: Citation for Tire Storage Zoning Violation at Parcel #07517; Address: 1620 N. Greene Street**

Dear Property Owner:

On May 19, 2015, the Planning Division Staff and Fire & Rescue Personnel conducted an inspection at your abovementioned property. A list of violations and the date for full compliance was given to you during the inspection. Staff re-inspected the property on July 2, 2015 and noted the following continued violations:

- √ Maximum number of tires stored exceeds 100 tires
- √ Tires are not placed on racks in the upright position and separated from another rack by 5 feet

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner  
Financial Services Collections

Doc # 1007538 v3



COMMUNITY DEVELOPMENT  
PLANNING DIVISION

EXHIBIT J (Continued) :  
2 of 2 Violation Letters Mailed to Carolina Tires,  
1620 N. Greene St.

August 26, 2015

Jamie Coggins  
1620 N Greene St.  
Greenville, NC 27834

**RE: Continued violation for Tire Storage at Parcel #07517; Address: 1620 N. Greene Street**

Dear Property Owner:

On August 25, 2015, the Planning Division Staff and Fire & Rescue Personnel conducted a re-inspection at your abovementioned property and noted the following continued violations:

- Maximum number of tires stored exceeds 100 tires
- Tires not properly screened from visibility from a street-right-of-way or adjacent property or adequately placing tires behind building

Although some progress has been made, more action is required to come into full compliance. Staff has decided to extend your deadline to **September 8, 2015** to be in full compliance with the storage regulations. We will withhold citations until that time. Please note that **September 8, 2015** will be the only extension given. Failure to meet this deadline will result in retroactive escalating civil penalties indicated on the enclosed Citation Ordinance and/or referral of this matter to a Collection Agency.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner

Doc # 1007538 v6





**EXHIBIT K:**

**1 of 4 Violation Letters Mailed to Dickinson Tire,  
1025 Dickinson Ave.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

May 1, 2015

Country Farms, LLC  
119 W Third Street  
Greenville, NC 27858

**RE: Violation of the Tire Storage Zoning Ordinance at Parcel #01706; Address:  
1025 Dickinson Avenue**

Dear Property Owner:

In 2014, the City Council of the City of Greenville adopted an amendment to Section 9-4-86 (B) addressing the on-site and outside storage of tires at major and minor repair facilities. Notifications about the ordinance were mailed to businesses on June 27, 2014.

On April 28, 2015, the Planning Division and the Fire & Rescue Department conducted an inspection at your property on 1025 Dickinson Ave and noted the following zoning violations:

- √   Outdoor front displays are not within 10 feet of principal structure
- √   Outdoor front display exceeds maximum amount of 24 tires
- √   Maximum number of tires stored exceeds 100 tires
- √   Tires are visible from street right-of-way or adjacent property
- √   Tires are not placed on racks in the upright position
- √   Tire racks do not meet the minimum separation of 20 feet between racks and property lines, street right-of-way and buildings
- √   Tire racks do not meet the minimum separation from another rack by 5 feet
- √   Other: Improper display of banner on tire rack.

**The City of Greenville requests that you be in total compliance no later than May 29, 2015.** Failure to comply and/or further related violations at this subject property will result in enforcement actions, including but not limited to the issuance of Civil Citations in accordance with the enclosed Citation Ordinance. A copy of the violations and the ordinance was given to the business manager on the day of the inspection. I have also enclosed a copy of Ordinance No. 14-010 of the Greenville City Code, which references the storage of tires.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,



Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc: Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer., Chief Planner  
Bryant Beddard, Fire Marshall



EXHIBIT K (Continued):  
2 of 4 Violation Letters Mailed to Dickinson Tire,  
1025 Dickinson Ave.

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

July 14, 2015

Country Farms, LLC  
119 W Third Street  
Greenville, NC 27858

**RE: Citation of the Tire Storage Zoning Ordinance at Parcel #01706; Address: 1025 Dickinson Avenue**

Dear Property Owner:

On May 1, 2015, you were mailed a notice of violation for the abovementioned property. Staff re-inspected the property on June 30, 2015, July 2, 2015 and July 10, 2015 and noted the following continued violations:

- √   Maximum number of tires stored exceeds 100 tires
- √   Tires are not placed on racks in the upright position and separated from another rack by 5 feet
- √   Some of the tire racks do not meet the minimum separation of 20 feet between racks and property lines, street right-of-way and buildings

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

Staff also noted the screening along the existing fence to prohibit visibility of the tires from the street right-of-way. The temporary screening is not sufficient due to the fabric not being opaque and of a material that will not sustain weather conditions. The City of Greenville request that total compliance to include appropriate screening such as opaque fencing, landscaping or placement of tires behind the building in accordance to City Ordinance Section 9-4-86(B)(9)(c) be completed no later than August 10, 2015.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures



**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

**EXHIBIT K (Continued):  
3 of 4 Violation Letters Mailed to Dickinson Tire,  
1025 Dickinson Ave.**

August 11, 2015

Country Farms, LLC  
119 W Third Street  
Greenville, NC 27858

**RE: Citations of the Tire Storage Zoning Ordinance at Parcel #01706; Address: 1025 Dickinson Avenue**

Dear Property Owner:

On July 14, 2015, you were mailed a notice of violation for the abovementioned property. The City of Greenville's Community Development Director, Chief Planner, the business manager and I met on July 22 and discussed the requirements for compliance. Staff re-inspected the property on August 11, 2015 and noted the following continued violations:

- ✓      Maximum number of tires stored exceeds 100 tires
- ✓      Tires are not placed on racks in the upright position and separated from another rack by 5 feet
- ✓      Tire racks do not meet the minimum separation of 20 feet between racks and property lines, street right-of-way and buildings
- ✓      Tires not properly screened from visibility through the installation of opaque fencing and/or landscaping or adequately placing tires behind building

Enclosed is a second citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville request total compliance to include appropriate screening such as opaque fencing, landscaping or placement of tires behind the building per our discussion during the July 22 meeting is completed no later than **August 31, 2015**.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures



COMMUNITY DEVELOPMENT  
PLANNING DIVISION

EXHIBIT K (Continued):

4 of 4 Violation Letters Mailed to Dickinson Tire,  
1025 Dickinson Ave.

September 2, 2015

County Farms, LLC  
119 W. Third Street  
Greenville, NC 27858

**RE: Plan of Action for Tire Storage at Parcel #01706; Address: 1025 Dickinson Ave**

Dear Property Owner:

On September 2, 2015, staff conducted a re-inspection at your abovementioned property to evaluate the progress in correcting the tire storage violations noted in correspondence dated August 11, 2015. Although some progress has been made, more action is required to come into full compliance. Staff has decided to extend your deadline for full compliance as follows:

- One directional slates installed around the entire fence area by **September 30, 2015**
- Tires stored behind storage containers and fenced area must be either sold or moved into storage containers by **December 31, 2015**. The areas behind the storage containers and buildings shall not contain any tires by **December 31, 2015**
- Maximum 100 tires stored outside of containers in front area

We will withhold citations until that time. Please note these extensions will be the only ones given. Failure to meet this deadline will result in retroactive escalating civil penalties indicated on the enclosed Citation Ordinance and/or referral of this matter to a Collection Agency.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Zoning Enforcement Officer  
enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner  
Business Owner

Doc # 1007538 v10



**EXHIBIT L:**  
**1 of 3 Violations Letters Mailed to Omar Tires,**  
**1900 Dickinson Ave.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

May 1, 2015

Jesus Gonzales  
1900 Dickinson Street  
Greenville, NC 27858

**RE: Violation of the Tire Storage Zoning Ordinance at Parcel #09053; Address:  
1900- Suite 105 Dickinson Avenue**

Dear Property Owner:

In 2014, the City Council of the City of Greenville adopted an amendment to Section 9-4-86 (B) addressing the on-site and outside storage of tires at major and minor repair facilities. Notifications about the ordinance were mailed to businesses on June 27, 2014.

On April 28, 2015, the Planning Division and the Fire & Rescue Department conducted an inspection at your property on 1025 Dickinson Ave and noted the following zoning violations:

- Maximum number of tires stored exceeds 100 tires
- Tires are visible from street right-of-way or adjacent property
- Tires are not placed on racks in the upright position
- Tire racks do not meet the minimum separation from another rack by 5 feet

**The City of Greenville requests that you be in total compliance no later than May 29, 2015.** Failure to comply and/or further related violations at this subject property will result in enforcement actions, including but not limited to the issuance of Civil Citations in accordance with the enclosed Citation Ordinance. A copy of the violations and the ordinance was given to the business manager on the day of the inspection. I have also enclosed a copy of Ordinance No. 14-010 of the Greenville City Code, which references the storage of tires.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures



**EXHIBIT L (Continued):**  
**2 of 3 Violations Letters Mailed to Omar Tires,**  
**1900 Dickinson Ave.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

July 1, 2015

Jesus Gonzales  
1900 Dickinson Street  
Greenville, NC 27858

**RE: Citation for Tire Storage Zoning Violation at Parcel #09053; Address: 1900-Suite 105 Dickinson Avenue**

Dear Property Owner:

On May 1, 2015, you were mailed a notice of violation for the abovementioned property. Staff re-inspected the property on June 30, 2015 and noted the following continued violations:

- √   Maximum number of tires stored exceeds 100 tires
- √   Tires are not placed on racks in the upright position and separated from another rack by 5 feet

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner  
Business Owner

Doc # 1007538



**EXHIBIT L (Continued):**  
**3 of 3 Violations Letters Mailed to Omar Tires,**  
**1900 Dickinson Ave.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

August 26, 2015

Jesus Gonzales  
1900 Dickinson Street  
Greenville, NC 27858

**RE: Citation for Tire Storage Zoning Violation at Parcel #09053; Address: 1900-  
Suite 105 Dickinson Avenue**

Dear Property Owner:

On August 26, 2015, staff re-inspected the property and noted the following continued violations:

√ Tires are not placed on racks in the upright position and separated from another rack by 5 feet

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. **Merrill Flood, Director of Planning and Community Development**  
**Thomas Weitnauer, Chief Planner**  
**Business Owner**

Doc # 1007538





**EXHIBIT M:**  
**1 Violation Letter Mailed to Quality Tire,**  
**106 E. Belvoir Rd.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

July 8, 2015

Jennis Michael Coggins  
3026 Hollowell Rd.  
Stokes, NC 27884

**RE: Citation for Tire Storage Zoning Violation at Parcel #15527; Address: 106 E. Belvoir Rd.**

Dear Property Owner:

On May 19, 2015, the Planning Division Staff and Fire & Rescue Personnel conducted an inspection at your abovementioned property. A list of violations and the date for full compliance was given to you during the inspection. Staff re-inspected the property on July 2, 2015 and noted the following continued violations:

- √ Maximum number of tires stored exceeds 100 tires
- √ Tires are not placed on racks in the upright position and separated from another rack by 5 feet
- √ Tires are visible from street right-of-way or adjacent property

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

- cc. Merrill Flood, Director of Planning and Community Development
- Thomas Weitnauer, Chief Planner
- Financial Services Collections
- John Hopkins, Store Manager

Doc # 1007538 v3



**EXHIBIT N:**  
**1 of 2 Violation Letters Mailed to Superior Tires,**  
**1508 Dickinson Ave.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

July 9, 2015

Oscar Holloman  
115 Bells St.  
Greenville, NC 27858

**RE: Citation for Tire Storage Zoning Violation at Parcel #04196; Address: 1508 Dickinson Ave.**

Dear Property Owner:

On April 28, 2015, the Planning Division and the Fire & Rescue Department conducted an inspection at your property on 1508 Dickinson Ave. Staff provided the business manager, Andres Helarez, a written notice of violations during the visit. On July 2, 2015, and July 8, 2015, staff re-inspected the same property and noted the continued zoning violations:

- √ Maximum number of tires stored exceeds 100 tires
- √ Tires are not placed on racks in the upright position and separated from another rack by 5 feet

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner  
Business Owner

Doc # 1007538 v2



**EXHIBIT N (Continued):**  
**2 of 2 Violation Letters Mailed to Superior Tires,**  
**1508 Dickinson Ave.**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

August 26, 2015

Oscar Holloman  
115 Bells St.  
Greenville, NC 27858

**RE: Citation for Tire Storage Zoning Violation at Parcel #04196; Address: 1508 Dickinson Ave.**

Dear Property Owner:

On August 26, 2015, staff re-inspected the above mentioned property and noted the continued zoning violations:

- √ Maximum number of tires stored exceeds 100 tires
- √ Tires are not placed on racks in the upright position and separated from another rack by 5 feet

Enclosed is a citation for violation of the Greenville City Code Section 9-4-86 (B) and a copy of Section 9-4-356 of the Greenville City Code which sets forth the provisions relating to the penalties for such violations. Payment must be made within 72 hours. Failure to make timely payment will result in additional fines and/or referral of this matter to a Collection Agency. All applicable citations are and will continue to be issued until full compliance occurs.

The City of Greenville appreciates your help in this matter and thanks you for your continued help in improving the quality of life in our community. If you have any questions, please contact the Planning and Development Department at (252) 329-4608.

Sincerely,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Zoning Enforcement Officer  
Enclosures

cc. Merrill Flood, Director of Planning and Community Development  
Thomas Weitnauer, Chief Planner  
Business Owner

Doc # 1007538 v2

## CHAPTER 25

## TIRE REBUILDING AND TIRE STORAGE

SECTION 2501  
GENERAL

**2501.1 Scope.** Tire rebuilding plants, tire storage and tire byproduct facilities shall comply with this chapter, other applicable requirements of this code and NFPA 13. Tire storage in buildings shall also comply with Chapter 23.

**2501.2 Permit required.** Permits shall be required as set forth in Section 105.6.

SECTION 2502  
DEFINITIONS

**2502.1 Terms defined in Chapter 2.** Words and terms used in this chapter and defined in Chapter 2 shall have the meanings ascribed to them as defined therein.

SECTION 2503  
TIRE REBUILDING

**2503.1 Construction.** Tire rebuilding plants shall comply with the requirements of the *International Building Code*, as to construction, separation from other buildings or other portions of the same building, and protection.

**2503.2 Location.** Buffing operations shall be located in a room separated from the remainder of the building housing the tire rebuilding or tire recapping operations by a 1-hour *fire barrier*.

**Exception:** Buffing operations are not required to be separated where all of the following conditions are met:

1. Buffing operations are equipped with an *approved* continuous automatic water-spray system directed at the point of cutting action;
2. Buffing machines are connected to particle-collecting systems providing a minimum air movement of 1,500 cubic feet per minute (cfm) (0.71 m<sup>3</sup>/s) in volume and 4,500 feet per minute (fpm) (23 m/s) in-line velocity; and
3. The collecting system shall discharge the rubber particles to an *approved* outdoor noncombustible or fire-resistant container, which is emptied at frequent intervals to prevent overflow.

**2503.3 Cleaning.** The buffing area shall be cleaned at frequent intervals to prevent the accumulation of rubber particles.

**2503.4 Spray rooms and booths.** Each spray room or spray booth where flammable or combustible solvents are applied, shall comply with Chapter 15.

SECTION 2504  
PRECAUTIONS AGAINST FIRE

**2504.1 Open burning.** *Open burning* is prohibited in tire storage yards.

**2504.2 Sources of heat.** Cutting, welding or heating devices shall not be operated in tire storage yards.

**2504.3 Smoking prohibited.** Smoking is prohibited in tire storage yards, except in designated areas.

**2504.4 Power lines.** Tire storage piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.

**2504.5 Fire safety plan.** The *owner* or individual in charge of the tire storage yard shall be required to prepare and submit to the *fire code official* a fire safety plan for review and approval. The fire safety plan shall include provisions for fire department vehicle access. At least one copy of the fire safety plan shall be prominently posted and maintained at the storage yard.

**2504.6 Telephone number.** The telephone number of the fire department and location of the nearest telephone shall be posted conspicuously in attended locations.

SECTION 2505  
OUTDOOR STORAGE

**2505.1 Individual piles.** Tire storage shall be restricted to individual piles not exceeding 5,000 square feet (464.5 m<sup>2</sup>) of continuous area. Piles shall not exceed 50,000 cubic feet (1416 m<sup>3</sup>) in volume or 10 feet (3048 mm) in height.

**2505.2 Separation of piles.** Individual tire storage piles shall be separated from other piles by a clear space of at least 40 feet (12 192 mm).

**2505.3 Distance between piles of other stored products.** Tire storage piles shall be separated by a clear space of at least 40 feet (12 192 mm) from piles of other stored product.

**2505.4 Distance from lot lines and buildings.** Tire storage piles shall be located at least 50 feet (15 240 mm) from *lot lines* and buildings.

**2505.5 Fire breaks.** Storage yards shall be maintained free from combustible ground vegetation for a distance of 40 feet (12 192 mm) from the stored material to grass and weeds; and for a distance of 100 feet (30 480 mm) from the stored product to brush and forested areas.

**2505.6 Volume more than 150,000 cubic feet.** Where the bulk volume of stored product is more than 150,000 cubic feet (4248 m<sup>3</sup>), storage arrangement shall be in accordance with the following:

1. Individual storage piles shall comply with size and separation requirements in Sections 2505.1 through 2505.5.
2. Adjacent storage piles shall be considered a group, and the aggregate volume of storage piles in a group shall not exceed 150,000 cubic feet (4248 m<sup>3</sup>).

Separation between groups shall be at least 75 feet (22 860 m) wide.  
Item # 8

## TIRE REBUILDING AND TIRE STORAGE

**2505.7 Location of storage.** Outdoor waste tire storage shall not be located under bridges, elevated trestles, elevated roadways or elevated railroads.

be more than 50 feet (15 240 mm). Tires stored adjacent to or along one wall shall not extend more than 25 feet (7620 mm) from that wall. Other piles shall not be more than 50 feet (15 240 mm) in width.

### SECTION 2506 FIRE DEPARTMENT ACCESS

**2506.1 Required access.** New tire storage yards shall be provided with fire apparatus access roads in accordance with Sections 503 and 2506.2.

**2506.2 Location.** Fire apparatus access roads shall be located within all pile clearances identified in Section 2505.4 and within all fire breaks required in Section 2505.5. Access roadways shall be within 150 feet (45 720 mm) of any point in the storage yard where storage piles are located, at least 20 feet (6096 mm) from any storage pile.

### SECTION 2507 FENCING

**2507.1 Where required.** Where the bulk volume of stored material is more than 20,000 cubic feet (566 m<sup>3</sup>), a firmly anchored fence or other *approved* method of security that controls unauthorized access to the storage yard shall surround the storage yard.

**2507.2 Construction.** The fence shall be constructed of *approved* materials and shall be at least 6 feet (1829 mm) high and provided with gates at least 20 feet (6096 mm) wide.

**2507.3 Locking.** All gates to the storage yard shall be locked when the storage yard is not staffed.

**2507.4 Unobstructed.** Gateways shall be kept clear of obstructions and be fully openable at all times.

### SECTION 2508 FIRE PROTECTION

**2508.1 Water supply.** A public or private fire protection water supply shall be provided in accordance with Section 508. The water supply shall be arranged such that any part of the storage yard can be reached by using not more than 500 feet (152 m) of hose.

**2508.2 Fire extinguishers.** Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 2-A:20-B:C rated portable fire extinguisher.

### SECTION 2509 INDOOR STORAGE ARRANGEMENT

**2509.1 Pile dimensions.** Where tires are stored on-tread, the dimension of the pile in the direction of the wheel hole shall not



# City of Greenville, North Carolina

Meeting Date: 10/8/2015  
Time: 6:00 PM

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**Title of Item:** Long-term bond strategy

**Explanation:** Mayor Allen Thomas requested that this item be placed on the September 10, 2015, City Council agenda to discuss initiating a long-term bond strategy for the City going forward. At the September 10, 2015, City Council meeting, the item was continued to October.

**Fiscal Note:** No direct cost to discuss the issue.

**Recommendation:** Discuss a long-term bond strategy as requested by Mayor Thomas.

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Attachments / click to download

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