



Agenda

Greenville City Council

November 17, 2011
7:00 PM
City Council Chambers
200 West Fifth Street

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

I. Call Meeting To Order

II. Invocation - Mayor Dunn

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Community Partner Award Presented by Eastern Seals/United Cerebral Palsy of North Carolina/Virginia
- 2011 Outstanding Parks and Recreation Department Presented by the North Carolina Chapter of the United States Tennis Association

VII. Appointments

1. Appointments to Boards and Commissions

VIII. Old Business

2. Ordinance amending Title 11, Chapter 1 - Vehicles for Hire section of the City Code

IX. New Business

Public Hearings

3. Second reading and final approval of an ordinance granting a taxicab franchise to Sam Tim Woolard, d/b/a Around Town Shuttle
4. Ordinance requested by Ward Holdings, LLC et. al. to rezone 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14th Street from R9S (Residential - Single-Family [Medium Density]) to CG (General Commercial)
5. Ordinance amending the Zoning Ordinance, Article P. Vegetation Requirements
6. Ordinance to annex Pitt County Historical Society, Inc. property involving 2.92 acres located on the northern right-of-way of East Firetower Road at its intersection with 14th Street and the intersection with Eleanor Street
7. Ordinance to annex Hardee Crossing at Portertown property involving 54.026 acres located south of East Tenth Street (NC HWY 33), east of Portertown Road (SR 1726), north and south of the Norfolk Southern Railroad, and north of Glenwood Subdivision

Public Comment Period

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

Other Items of Business

8. Presentation by Tammy Perdue about the need for a new aquatics center
9. Property tax collection process
10. Resolution authorizing the conveyance of City-owned property located at 417 Nash Street to Metropolitan Housing and CDC, Inc.
11. Fiscal years 2012-2013 and 2013-14 budget and capital improvement program schedule

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. Closed Session

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law
- To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

XIII. Adjournment



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments or reappointments need to be made to the Affordable Housing Loan Committee, Community Appearance Commission, Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Human Relations Council, Police Community Relations Committee, and Redevelopment Commission.

Fiscal Note: No fiscal impact.

Recommendation: To make appointments or reappointments to the Affordable Housing Loan Committee, Community Appearance Commission, Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Human Relations Council, Police Community Relations Committee, and Redevelopment Commission.

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

Appointments to Boards and Commissions

November 17, 2011

Affordable Housing Loan Committee

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
John Martin (Alternate)	4	Filling unexpired term	Resigned	February 2012

Community Appearance Commission

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Valerie Guess	5	First term	Did not meet attendance requirements	July 2014

Greenville Bicycle and Pedestrian Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Brad Beggs	3	First term	Resigned	January 2014

Historic Preservation Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Charlotte Cohen	3	Filling unexpired term	Resigned	January 2012

Human Relations Council

Council Liaison: Council Member Max Joyner, Jr.

Name	District #	Regular Member Current Term	Reappointment Status	Expiration Date
Robert Thompson	1	Filling unexpired term	Resigned	September 2011

Human Relations Council (continued)

Student Representatives from Higher Educational Institutions

Name	District #	Current Term	Reappointment Status	Expiration Date
Guillaume Bagal (ECU)	1	First term	Eligible	October 2011
Michael Rouse (PCC)	5	First term	Moved out of city limits	October 2011
Issac Blount (Shaw)	5	Second term	Eligible	October 2011

Police Community Relations Committee

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Norwood Bradshaw (Council Member Smith)	1	Second term	Ineligible	October 2011
Diane Kulik (Council Member Mercer)	4	Second term	Ineligible	October 2011
Willie Roberts (Council Member Glover)	2	First term	Did not meet attendance requirements	October 2013

Redevelopment Commission

Council Liaison: Council Member Max Joyner, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
Melissa Hill (Council Member Smith)	1	Final term	Ineligible	November 2011
Robert Thompson (Mayor Pro-Tem Kittrell)	3	Final term	Ineligible	November 2011

Applicants for Affordable Housing Loan Committee

Thomas Hines
211 Patrick Street
Greenville, NC 27834

District #: 1

Application Date: 10/6/2011

Home Phone: (252) 864-4907
Business Phone: (252) 695-9066
Email: thinesg@aol.com

Jackie Parker
3709 Live Oak Lane
Greenville, NC 27858

District #: 5

Application Date: 7/8/2010

Home Phone:
Business Phone:
Email: mrjparker@aol.com

Applicants for Community Appearance Commission

NONE

Applicants for Greenville Bicycle and Pedestrian Commission

Patrick Harris
1609 Rondo Drive
Greenville, NC 27858

District #: 4

Application Date: 6/28/2011

Home Phone: (252) 355-2813

Business Phone: (252) 737-2082

Email: patharrisnc@gmail.com

Harry W. Stubbs
1725 Forest Hill Drive
Greenville, NC 27858

District #: 4

Application Date: 10/4/2011

Home Phone: (252) 364-8824

Business Phone:

Email: victoryeast@suddenlink.net

Applicants for Historic Preservation Commission

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590

District #: 5

Application Date: 2/11/2011

Home Phone: (252) 412-5228

Business Phone:

Email: terryeu2@aol.com

Richard Weir
2074-3 Old Firetower Rd.
Greenville, NC 27858

District #: 5

Application Date: 8/21/2011

Home Phone: (252) 565-5663

Business Phone: (252) 216-9347

Email: raw03@gmailcom

Applicants for Human Relations Council

Enji Abdo
1809 Dickinson Avenue
Greenville, NC 27834

District #:

Application Date: 10/27/2011

Home Phone: (252) 327-8091
Business Phone: (252) 329-0837
Email: enji0925@yahoo.com

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Application Date: 10/13/2010

Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

District #: 5

Application Date: 2/23/2011

Home Phone: (252) 321-3910
Business Phone: (252) 328-2758
Email: luciera@ecu.edu

Angela Marshall
2609B Boone Court
Greenville, NC 27834

District #: 1

Application Date: 4/29/2011

Home Phone: (252) 258-4104
Business Phone: (252) 328-4173
Email: marshalla@ecu.edu

Brittney Partridge
925 Spring Forest Road, Apt. 9
Greenville, NC 27834

District #: 1

Application Date: 7/15/2010

Home Phone: (252) 489-8390
Business Phone:
Email: partridgeb06@students.ecu.edu

Shawan Sutton
903 Douglas Avenue
Greenville, NC 27834

District #: 1

Application Date: 10/14/2011

Home Phone: (252) 414-3384
Business Phone: (252) 328-5803
Email: shawrasc@aol.com

Applicants for Police Community Relations Committee

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

Application Date: 2/13/2011

District #: 5

Home Phone: (252) 227-4240
Business Phone:
Email: aeleonor@suddenlink.net

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590

Application Date: 2/11/2011

District #: 5

Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

Adam Lawler
502 Treybrooke Circle, Apt. 32
Greenville, NC 27858

Application Date: 10/26/2011

District #: 1

Home Phone: (252) 558-2037
Business Phone: (252) 737-4640
Email: adam.e.lawler@gmail.com

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

Application Date: 2/23/2011

District #: 5

Home Phone: (252) 321-3910
Business Phone: (252) 328-2758
Email: luciera@ecu.edu

Shawan Sutton
903 Douglas Avenue
Greenville, NC 27834

Application Date: 10/14/2011

District #: 1

Home Phone: (252) 414-3384
Business Phone: (252) 328-5803
Email: shawrasc@aol.com

Wayne M. Whipple
3102 Cleere Court
Greenville, NC 27858

Application Date: 3/4/2011

District #: 4

Home Phone: (252) 321-0611
Business Phone: (252) 321-0611
Email: whippleville@aol.com

Applicants for Redevelopment Commission

Cornell Allen
4030 Bells Chapel Road
Greenville, NC 27858

District #: 5

Application Date: 5/8/2011

Home Phone: (252) 215-0486
Business Phone: (252) 258-9718
Email: mrcallen2436@gmail.com

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Application Date: 2/23/2011

Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepxpress.com

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Application Date: 10/13/2010

Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Dana Coles
101-C Fosbury Way
Greenville, NC 27834

District #: 1

Application Date: 6/27/2011

Home Phone: (252) 413-0514
Business Phone: (252) 931-5186
Email: colesdj@aol.com

Adam Lawler
502 Treybrooke Circle, Apt. 32
Greenville, NC 27858

District #: 1

Application Date: 10/26/2011

Home Phone: (252) 558-2037
Business Phone: (252) 737-4640
Email: adam.e.lawler@gmail.com

Brittney Partridge
925 Spring Forest Road, Apt. 9
Greenville, NC 27834

District #: 1

Application Date: 7/15/2010

Home Phone: (252) 489-8390
Business Phone:
Email: partridgeb06@students.ecu.edu



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Ordinance amending Title 11, Chapter 1 - Vehicles for Hire section of the City Code

Explanation: This ordinance amends the Vehicles for Hire section of the City Code. It is designed to streamline the procedures for obtaining and granting franchises for taxis and limousines, placing the responsibility for oversight with the Police Department, adding regulations for transport services and other vehicles for hire, updating the inspection and equipment requirements, adding a provision concerning conduct of drivers, clarifying insurance requirements, and clarifying suspension and revocation procedures. A proposal for addressing rates and rate structures also is included.

A proposed ordinance was initially presented to City Council at its February 10, 2011, meeting. At that time, Council tabled the ordinance with direction to hold more public hearings/meetings. Four additional public meetings were held plus a presentation was made to the Public Transportation and Parking Commission. Input was also received from Council Members, citizens, organizations and the taxi association. These meetings and this input resulted in revisions to the initially proposed ordinance.

At the October 13, 2011, City Council meeting, the revised ordinance was presented to City Council and a public hearing was held. At the conclusion of the public hearing, City Council continued the matter and requested that when the ordinance is presented again for action, that it be presented so that Council can vote separately on (1) the basic ordinance, (2) whether or not to have a limit on the number of franchises, and (3) whether to have a meter or zone system with the applicable rate. Council also requested the following:

- (1) Comparison of meter rates and zone rates from other cities. --- Information on meter rates and zone rates from other cities is attached.
- (2) Recommendation from the Public Transportation and Parking Commission. --- The Public Transportation and Parking Commission will meet on Wednesday, November 16, 2011, and be requested to make a

recommendation to City Council.

(3) Plan for education for taxi drivers (with input from taxi drivers on what and when education is needed). --- A meeting was held with taxi franchise holders and drivers on October 27, 2011. At this meeting, input was received on the training which should occur. The education component proposed is that initial training be required for new franchise holders and drivers. The training will be provided by the chief of police or designee and will consist of topics including compliance with the ordinance, vehicle inspections, record keeping, rates and fees and methods of charging, violations and penalties, and suspensions and revocations. The training is to be successfully completed by new franchise holders and drivers before operations or driving commence. There would be required to be an annual refresher training for both franchise holders and drivers.

(4) Inclusion of an ordinance requirement that, in addition to rates, a City telephone number is required to be posted in the taxicab to contact to lodge a complaint or extend compliment. --- The ordinance has been revised to require that, in addition to rates being posted inside a taxicab so as to be visible to passengers, the telephone number of the City taxi inspector is required to be posted.

(5) Concise explanation of proposed meter rates and City staff proposed zone rates. --- The rates are set forth in the alternative ordinances when City Council determines the issue of whether to have zone fares or meter fares.

Option 1 requires that the meters be used and establishes the meter fares. Both alternative ordinances under this option provide for a "drop fee" of \$2.75 which means that as soon as a passenger starts the ride, the charge would be \$2.75 and then an additional amount would be charged based upon the mileage of the ride. One alternative ordinance sets the rate for the amount in addition to the drop fee as \$0.25 per 1/6th mile which amounts to \$1.50 per mile. The second alternative ordinance sets the rate for the amount in addition to the drop fee as \$0.25 per 1/10th mile which amounts to \$2.50 per mile. In both alternatives, the allowable extra charges (for such matters as suitcases, etc.) remain the same as currently allowed. **Option 2** establishes the zone fares as the method for charging with both alternative ordinances utilizing the existing zone map and rate structure as a base. One alternative ordinance simply adds \$1 to each rate which is currently authorized under the current zone system. The second alternative ordinance simply adds \$2 to each rate which is currently authorized under the current zone system. In both alternatives, the allowable extra charges (for such matters as suitcases, etc.) remain the same as currently allowed and the rate for travel outside the city remains as \$2.75 per mile. **Option 3** establishes a system whereby the franchise holder has the alternative to use either a zone fare or a meter fare. The choice would be made annually so a franchise holder would have to consistently use the same method for all of his taxis, once chosen, for a year but could change his election on an annual basis. Both alternative ordinances proposed utilize the \$0.25 per 1/6th mile rate for the meter rate since this rate is closer to both proposed zone rates while the \$0.25 per 1/10th mile rate would create a larger gap between it and either zone rate, particularly on longer trips. One alternative ordinance provides for utilization of the zone rate with a \$1 increase when the zone rate method is elected by the franchise holder and utilization of the \$0.25 per 1/6th of a mile when the meter rate method is chosen. The second alternative ordinance provides for utilization of the zone rate with a \$2 increase when the zone rate method is chosen and for utilization of the \$0.25

per 1/6th of a mile when the meter method is chosen.

Pedicabs under all proposals are allowed to charge \$1.50 per person per 1/2 mile or fraction thereof. Pedicabs also are allowed to charge, similar to taxis, an extra charge for such items as suitcases, etc.

Attached is the following:

- (1) Information on meter rates and zone rates from other cities.
- (2) Basic ordinance (An Ordinance Amending Chapter 1 of Title 11 of the Greenville City Code said Chapter being entitled Vehicles for Hire).
- (3) Option: Limit the Number of Taxi Franchises (An Ordinance Amending Section 11-1-13 of the Greenville City Code).
- (4) Option 1: Meter Only - Rate \$0.25 per 1/6th mile (Ordinance Amending Section 11-1-120 of the Greenville City Code and the Manual of Fees).
- (5) Option 1: Meter Only - Rate \$0.25 per 1/10th mile (Ordinance Amending Section 11-1-120 of the Greenville City Code and the Manual of Fees).
- (6) Option 2: Proposed Zone Rate - \$1 Increase (Ordinance Amending Section 11-1-120 of the Greenville City Code and the Manual of Fees).
- (7) Option 2: Proposed Zone Rate - \$2 Increase (Ordinance Amending Section 11-1-120 of the Greenville City Code and the Manual of Fees).
- (8) Option 3: Meter Rate (\$0.25 per 1/6th mile) and Zone Rate (\$1 increase) at the Election of the Franchise Holder (Ordinance Amending Section 11-1-120 of the Greenville City Code and the Manual of Fees).
- (9) Option 3: Meter Rate (\$0.25 per 1/6th mile) and Zone Rate (\$2 increase) at the Election of the Franchise Holder (Ordinance Amending Section 11-1-120 of the Greenville City Code and the Manual of Fees).

Fiscal Note: There is no fiscal impact expected.

Recommendation: (1) approve the attached basic ordinance revising Title 11, Chapter 1 - Vehicles for Hire section of the City Code, (2) determine whether to establish a limit on the number of taxi franchises, and (3) approve an ordinance which establishes the method for charging fares including the applicable rate.

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Attachments / click to download

- [Sample Vehicle for hire fares 911400](#)
- [Ordinance Revising Vehicles for Hire Section of City Code 885921](#)
- [Amend Vehicle for Hire Limit Number of Franchises 911072](#)
- [Amending the Vehicle for hire Taximeter Rates 1 908091](#)

- [📄 Amending the Vehicle for Hire Taximeters 2 911055](#)
 - [📄 Amend Vehicle for Hire Zone 1 911059](#)
 - [📄 Amend Vehicle for Hire Zone 2 911066](#)
 - [📄 Amend Vehicle for Hire Hybrid Zone and meter 1 911082](#)
 - [📄 Option 3 Amend Vehicle for Hire Hybrid Zone and meter 2 911407](#)
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Meter Rates and Zone Rates from other cities

Taximeter rates

City	Drop Flag \$	Rate \$ Per Mile	Waiting \$/Hr	Out of Town Trips
Concord	\$2.00	\$1.00 (.25/4 th)	\$15.00	Meter
Fayetteville	\$2.00	\$ 2.10 (.35/6 th)	\$15.00	Meter within 5 miles of City, Flat rate > 5 miles.
High Point	\$2.80	\$2.10 (.30/7 th)	\$18.00	Meter or flat rate.
Jacksonville	\$2.50	\$2.00	\$12.00	Meter
Kinston	\$2.10	\$2.00	\$12.00	Flat fee or Meter
Rocky Mount	\$2.00	\$2.10	\$18.00	Meters or flat rate; cannot exceed meter max
Wilmington	\$3.00	\$2.10	\$20.00	Meter
Greenville (1/6)	\$2.75	\$1.50	\$18.00	Meter
Greenville (1/10)	\$2.75	\$2.50	\$18.00	Meter

Zones

Chapel Hill	No Regulating at all; use maps but the fare charged is at the discretion of the individual company.
Washington NC	The fare charged for anything in the city is \$6.00, outside of the city is \$8. It is unknown how greater distances are charged or calculated, it is left to the discretion of the individual taxi companies.

Miscellaneous

Lumberton	\$2.50 flat fee
Morehead City	No meters used; Do not use zone maps; Franchise “must adhere to rates approved by council” using a “Rate Card” which is displayed in each vehicle; \$6.00 per fare
China Grove	Does not have cabs within their jurisdiction which they inspect or regulate.
Henderson	No taxis operating within the City of Henderson. Not regulated.

ORDINANCE NO. 11-

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 11 OF THE GREENVILLE CITY
CODE SAID CHAPTER BEING ENTITLED VEHICLES FOR HIRE

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

Section 1. That Chapter 1 of Title 11 of the Code of Ordinances, City of Greenville, is hereby
amended by rewriting said chapter to read as follows:

CHAPTER 1. VEHICLES FOR HIRE

ARTICLE A. IN GENERAL

Sec. 11-1-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the
meanings ascribed to them in this section, except where the context clearly indicates a different
meaning:

Call or demand means transportation arrangements made indiscriminately and
instantaneously with a request for service which shall include, but not limited to, the hailing of a
taxicab or pedicab made from a public street location, airport terminal roadway, or public
vehicular area as the pickup. No vehicle for hire other than a taxicab or pedicab shall engage in
cruising or be operated on call or demand.

Certificate shall mean a certificate of public convenience and necessity which has been
issued to a holder in accordance with the provisions of this chapter, unless otherwise defined
herein.

Chief of police shall mean chief of police or designee.

Contract vehicle means any passenger vehicle for hire that provides contract
transportation to passengers for compensation by written prearrangement with a business,
facility, institution or group. The contract vehicle for hire does not accept other passengers
indiscriminately between points along streets, roads and highways and does not accept
compensation from any passenger. No contract vehicle shall engage in cruising or be operated on
call or demand.

Cruising means the operation of a vehicle on the streets of the city in search of or
soliciting prospective passengers for hire. No passenger vehicle for hire, other than a taxicab or
pedi-cab, shall engage in cruising or be operated on call or demand.

Driver's permit means the license issued to any person to enable that person to operate a
taxicab vehicle upon the streets of the City of Greenville.

Exclusive-ride service means the operation of a taxicab by transporting one passenger, or a group of passengers, from one trip origin to one destination and not allowing additional passengers to board until the prescribed destination is reached.

For-hire vehicle means any motor vehicle or non-motorized vehicle including, but not limited to, full sized station wagon, transport vehicle, handicap accessible transport vehicle or van style vehicle, used for the purpose of transporting passengers for a set charge or fee, based upon the origin or destination requested. For-hire vehicle services shall be prearranged and not on demand. For purposes of this chapter, for-hire vehicles also shall include such vehicles that accept donations and do not have a set rate charge. For the purpose of this chapter, the term "for-hire vehicle" shall not include "medical transport" or "private ambulance" as herein defined. For the purposes of this chapter, all for-hire vehicles shall be required to possess a privilege license.

Holder shall mean an individual(s), trustee, fiduciary, corporation, partnership, or other entity to whom a certificate of public convenience and necessity has been issued in accordance with the provisions of this chapter, unless otherwise defined herein.

Limousine means any motor vehicle that meets the manufacturer's specifications for a luxury limousine and that provides limousine service as defined in this section. Every limousine shall have a minimum of four seats or one continuous sofa-styled seating area located behind the operator of the vehicle. No limousine shall engage in cruising or be operated on call or demand.

Limousine company means any passenger vehicle for hire company issued a company operating certificate that engages in the business of operating limousines or providing limousine service as an owner or franchisor.

Limousine sedan means those vehicles that provide executive transportation services and are necessarily limited to full-sized luxury sedans.

Limousine service means the service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company.

Manifest means a daily record, prepared by the owner, of all trips made by the taxicab(s) which the owner operates, showing time and place of origin and destination of each trip and the amount of fare.

Medical transport or private ambulance means those vehicles designed to carry medical patients requiring special medical equipment including but not limited to oxygen, intravenous systems or ventilators, stretcher or bed bound patients, using trained emergency medical technicians or paramedics to transport and care for those in their care and licensed by the North Carolina Department of Health and Human Services pursuant to N.C.G.S. §131E, Article 7.

Owner/holder means any person, firm or corporation to whom a certificate of public convenience and necessity has been issued under this chapter.

Pedi-cab means any business or individual who operates a small-scale local means of transport that is human powered but also may be powered in whole or part by an electric or small gasoline motor.

Privilege license means the business license required and issued to all businesses that operate within the City of Greenville.

Shared-ride service means the operation of a taxicab by transporting passengers from one or several different origins to one or several different destinations, not necessarily using the most direct route, but using a route that will allow the driver to deviate in order to pick up or discharge passengers other than, and in addition to, the first or original passenger.

Shuttle van means any passenger vehicle for hire that provides shuttle transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, schools to after school daycare, business or commercial buildings, stadiums, convention center or theaters by prearrangement for a fee, pursuant to a contract or agreement, and that does not accept or discharge passengers indiscriminately between prescribed locations. No shuttle van shall engage in cruising or be operated on call or demand. Shuttle service charges **may not** be collected from the passenger.

Taxicab means and includes any motor driven vehicle, seating nine or fewer passengers, for which public patronage is solicited and which calculates the fare by means of the schedule of fares as approved by the City Council. For the purposes of this chapter, the term “taxicab” shall not include “limousine” or “for-hire vehicle” but shall include pedi-cab as herein defined.

Taxicab inspector means the person designated by the chief of police or designee who is charged with the duties required under this chapter, including the inspection and licensing of taxicabs and the drivers thereof.

Taxi stand shall mean such places and locations as designated by the city manager, director of public works and chief of police or their designees as locations where only taxicabs or pedi-cabs may stand or park awaiting passengers on demand for pickup or discharge.

Taxi Fare Service Zones shall mean the map used to reflect the zones in which the corporate limits of the City of Greenville is divided and shall designate the applicable rate for each zone and as set out in the Manual of Fees for the City of Greenville.

Taxi service or limousine service shall mean the holder of one of the certificates of public convenience and necessity issued under this chapter.

Transport services shall include contract vehicles for hire, vehicles for hire that carry 15 passengers or less, or for-hire vehicles that carry persons with disabilities exclusively. Transport services do not accept passengers indiscriminately between points along streets, roads and highways and do not accept compensation directly from any passenger. Unless under written contract or agreement with a restaurant, club or other business, no transport service may wait

outside a business to pick up passengers on a for-hire basis or donation basis. No contract vehicle shall engage in cruising or be operated on call or demand.

Tobacco, Tobacco Products shall mean cigarettes, pipes, cigars, smokeless tobacco, snuff, and chewing tobacco.

Wait or waiting time shall mean the period of time consumed when a taxicab is not in motion at the direction of a passenger from the time of acceptance of a passenger to the time of discharge and also the time consumed while a driver is waiting for a passenger after having responded to a call; however, wait or waiting time shall not include and may not be charged for:

- (1) The time consumed by a premature response.
- (2) The first three (3) minutes following the timely arrival in response to a call.
- (3) The delay caused by traffic interruption, traffic lights, accidents, railroad train crossing.
- (4) The inefficiency of the driver.
- (5) Any other cause other than at the request, act, or fault of the passenger.

Sec. 11-1-2. Insurance

(A) **Liability insurance policy prerequisite to operation.** The owners or operators of any and all taxicabs, limousines, contract vehicles, transport services or other vehicles for hire and used for the transportation of passengers for remuneration, and operating within the corporate limits of the city or within five (5) miles in each direction from the corporate limits, shall, before engaging in such business, procure liability insurance in a minimum amount of one hundred thousand dollars (\$100,000.00) for one (1) person and three hundred thousand dollars (\$300,000.00) for more than one (1) person for the protection of all passengers transported against personal injuries and fifty thousand dollars (\$50,000.00) property damage, against liability for damages to the person and property of others.) No person shall operate or cause to be operated any passenger vehicle for hire over the streets of the city or between the city and points not incorporated within a radius of five (5) miles of the city, without first furnishing proof of financial responsibility. It shall be unlawful for any person to violate any provision of this section.

(B) **Proof of financial responsibility.** The operator and driver of every taxicab, limousine, contract vehicle, transport service and vehicle for hire shall furnish and keep in effect for each vehicle operated under this chapter proof of financial responsibility. The insurance policy shall contain a clause obligating the insurance company to give 15 days' written notice to the chief of police prior to the cancellation of such insurance. The certificate of convenience and necessity for any taxicab, limousine, and the privilege license for any contract vehicle, transport service and vehicle for hire shall be automatically revoked upon the lapse, cancellation or

termination of the insurance on that vehicle unless the same has been renewed or replaced and a new certificate filed with the chief of police. The operator shall also furnish proof of payment of the City of Greenville's privilege license.

(C) **Filing of policies of insurance.** The certificate or privilege license holder shall file with the chief of police a copy of the insurance policy insuring the liability of the vehicle, as a condition precedent to the operation of any taxicab, limousine, contract vehicle, transport service or vehicle for hire on the city streets. The policy filed shall, among other things, set forth a description of every vehicle operating under the terms of such policy.

(D) **Contents of policy.** Such liability policy shall contain a further provision that the insolvency or bankruptcy of the person insured shall not release the insurance company from payment of damages for injuries sustained, or death by wrongful act, or loss incurred, and in case of recovery against the insured on account of any such injury, death or loss that the insurance company will pay on account of the judgment recovered in any such action an amount equal to, but not exceeding, the amount of the policy or of the judgment, and that the policy may be sued upon at any time.

Sec. 11-1-3. Failure to pay fare.

It shall be unlawful for any person to retain the services of the operator or driver of a taxicab, licensed under this chapter or any other provision of the Greenville Code regulating taxicabs or limousines to transport passengers for hire, for the purpose of transporting such person from one place to any other place, and to fail to pay such operator or driver the regular transportation fare upon reaching his destination, provided that there was no agreement that the fare should be paid at some later date.

Sec. 11-1-4. Application of provisions to for-hire vehicles.

Unless otherwise provided, all provisions of this chapter shall apply to for-hire vehicles and the owners and operators thereof.

Sec. 11-1-5. Designation of a taxicab inspector.

The chief of police shall designate one or more taxicab inspectors from within the police department who shall be responsible for the inspection of taxicabs, limousines, contract carriers and all other for-hire vehicles and the administration of this chapter. The taxicab inspector may be a civilian or sworn law enforcement employee of the police department. Enforcement of this chapter shall be the responsibility of the taxicab inspectors and any city police officer. A taxicab inspector or sworn law enforcement officer is hereby given authority to issue a civil penalty for violations of this chapter.

Section 11-1-6. Taxi Stands.

(A) The city manager, director of public works and chief of police or their designees may elect to establish taxi stands. If such taxi stands are established, they shall be established jointly by these individuals or their designees.

(B) Taxis including pedi-cabs shall enter the designated taxi stands from the rear only, and each taxi must be headed in the direction of the exit. No taxi shall stop at a taxi stand unless there is a vacancy therein. Taxis shall exit taxi stands in the order in which they enter. Drivers shall remain in their taxis or within the taxi stand so that normal operations of the taxi stand are maintained. Taxi drivers may leave the taxi stand only in an emergency or to assist passengers.

(C) No vehicle for hire may use a taxi stand except taxicabs and pedi-cabs.

(D) If taxi stands are established, a list shall be maintained by the taxi inspector, placed on the city website or at such other places as determined by the chief of police or designee. Such lists shall be open for inspection.

Section 11-1-7. Passengers with Disabilities.

All taxis, limousines, transports and other vehicles for hire shall be required to comply with the Americans With Disabilities Act of 1990 and the Americans With Disabilities Amendment Act of 2008 and any subsequent changes and amendments including implementing regulations. For purpose of compliance with this section, vehicle for hire includes but is not limited to taxis, limousines, transports, contract vehicles and other vehicles for hire that provide transportation services to persons with a disability. No vehicle for hire operator may deny service to a customer with a disability solely because of the disability. If a person with a disability uses a powered or rigid frame wheelchair or mobility device, accessible vehicles with a power lift are required. If the vehicle for hire is not equipped with a power lift, the vehicle for hire operator will assist the passenger with obtaining a vehicle for hire that has such capability. Collapsible mobility devices may be placed in the trunk of the vehicle for hire.

Vehicle for hire operators may not charge persons with disabilities extra fees, higher rates or costs for necessary assistance. If the vehicle for hire has a charge for placing a piece of luggage in the trunk of the vehicle for hire, the passenger with a disability who uses a wheelchair or other mobility device shall not be charged a fee for storage of the wheelchair or mobility device in the trunk of the vehicle for hire, greater than the fee charged for a piece of luggage.

The vehicle for hire operator will inquire of the passenger with a disability what assistance the passenger may need or specific instructions that may be requested. The vehicle for hire operator is not required to actually lift the passenger from the wheelchair or mobility device and place the passenger within the vehicle.

Vehicle for hire operators must permit passengers with a disability who use service animals to ride in the customer compartment of the vehicle for hire. The passenger must stay with the service animal at all times and is responsible for the animal's conduct. If the service animal

becomes unruly, begins to bark or snap, the vehicle operator may request the passenger with the disability to exit the vehicle with the service animal.

Section 11-1-8. Taxicab Signs.

All taxicabs operating under this chapter shall have on the side of the door of each taxicab in letters the name of the taxicab company and telephone number of the taxicab dispatcher for the company and any other information as directed by this chapter. The letters shall be of uniform size, color and shape not less than 3 and 1/2 inches in height. No metallic or other sign may be affixed to the door of the taxicab in lieu of the required information in this paragraph.

Secs. 11-1-9--11-1-11. Reserved.

ARTICLE B. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 11-1-12. Required.

It shall be unlawful for any person to operate a taxicab or limousine upon and over the streets of the city without having first applied for and secured from the chief of police a certificate of public convenience and necessity in accordance with the provisions of this article or to be a designated driver under the holder of a certificate as provided elsewhere in this chapter.

Sec. 11-1-13. Certificate of public convenience and necessity; renewal.

(A) A certificate of public convenience and necessity shall constitute an authorization from the city for the operation of taxicabs or limousines within the city limits subject to the provisions of this article for three (3) years, unless a shorter period of time is specified in the certificate. Applications for renewals shall be filed either by the 10th day of January unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from February 1 – July 31 or by the 10th day of July unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from August 1 – January 31.

(B) The chief of police shall review in January and then again in July the conduct of the holder with regard to his compliance with the provisions of section 11-1-21. Thereafter, if the chief of police believes there are grounds for the revocation of the certificate, he shall forward his recommendations in writing, with supporting documentation and findings, to the city council for consideration and decision in accordance with this chapter.

(C) The city council has not established a maximum number of franchises or maximum number of taxicabs that may operate under each franchise. Each applicant for franchise has the burden of establishing the need for an additional franchise and the proposed number of taxicabs plans to operate, the financial ability to operate and comply with the requirements of this ordinance; and the specific skills or talents offers to enhance the professional image of a taxicab owner and operator. The city council reserves the right to establish a maximum number of franchises and a

maximum number of taxicabs that may operate under each franchise including the establishment of procedures to implement the maximum authorized number, to grandfather existing businesses and select new franchise applicants to fill vacancies.

(D) A franchise issued under this article is not transferable. However, the assignment of a taxi certificate under a “family business” request to assign a certificate from one family member to another immediate family member may be considered. Application for a permit to transfer shall be filed in the same manner as an application for a franchise. The proceedings upon the application for a transfer shall be the same as those described for the issuance of a franchise.

Sec. 11-1-14. Application.

An application for a taxicab or limousine certificate, including any amendments thereto and including applications for transfer of certificates, shall be filed with the taxicab inspector upon forms provided by the taxicab inspector and a filing fee as established in the manual of fees. Such application and amendments shall be verified under oath and shall furnish the following information:

(A) The name and address of the applicant, and if an applicant is:

- (1) A corporation, a certified copy of the articles of incorporation;
- (2) An association, a certified copy of the bylaws of the association; or
- (3) A partnership, a certified copy of the partnership agreement.

(B) The number of vehicles to be owned, operated and controlled by the applicant, including the make, type, year of manufacture, serial number and passenger capacity of each taxicab or limousine, provided however, the number of vehicles to be owned, operated and controlled shall not be less than three. The applicant also shall provide the name and completed application for each person designated to drive under the applicant’s certificate of public convenience and necessity. This vehicle number requirement shall not apply to existing certificate holders on the effective date of the ordinance from which this section derives.

(C) The proposed hours of operation.

(D) The applicant's complete record of criminal arrests and convictions, including those for traffic violations, during the past five years. If an applicant is a corporation, association or partnership, the criminal record of the officers, directors, partners and supervising employees thereof, including general manager, if any.

(E) The experience of the applicant in the transportation of passengers for hire.

(F) The location of a depot or terminal on private property that is in compliance with city zoning ordinance and which has sufficient private off-street parking to accommodate those vehicles to be owned, operated and controlled by the applicant during times of nonuse.

(G) The ability to provide dispatch taxi service with centralized dispatching through the use of a radio; the ability to provide 24-hour dispatch taxi service with centralized dispatching when the requested number of taxicabs is to exceed ten.

(H) The ability to provide adequate supervision of taxicabs or limousines and drivers operating under the certificate.

(I) An assurance that the telephone number of the taxicab or limousine company will be listed in the next city telephone directory issued.

(J) An assurance that the applicant will meet the insurance requirements of this chapter.

(K) An assurance that each vehicle operating under the certificate shall be kept clean and in good mechanical condition and in good physical condition at all times.

(L) A criminal background records check of the applicant(s) and all proposed drivers. The applicant(s) and drivers shall report to the taxicab inspector for fingerprinting.

Failure to furnish required or requested information shall be grounds for denial, revocation or suspension of certificates.

Sec. 11-1-15. Issuance standards and procedures.

(A) In determining whether public convenience and necessity require the operation of a taxicab or taxicabs or limousines and in issuing certificates for which applications are made, the chief of police shall consider in addition to the information set forth in the applications:

- (1) The financial responsibility, experience and quality of service being rendered, if any, by each applicant.
- (2) The ability to provide continuity of service regarding certificates surrendered by associates of applicant.
- (3) The number, kind and type of equipment.
- (4) The ability of each applicant to provide an efficient level of service.
- (5) Any other considerations that will tend to improve taxicab service in the city.

(B) The chief of police shall not issue a certificate of public convenience and necessity to any applicant unless the chief of police is satisfied that the applicant is qualified pursuant to the provisions of this chapter, and shall conform to and comply with the provisions, terms and

conditions of this article, and the applicant has been determined to meet the following requirements:

- (1) The applicant is at least eighteen (18) years of age or is otherwise legally emancipated.
- (2) The applicant is not a habitual user of drugs or intoxicating liquors.
- (3) There are no unpaid judgments of record against the applicant; or, if unpaid judgments of record exist, the applicant has established and maintained regular periodic payments in discharge of the liability, which payments are designed to discharge the liability within a reasonable period of time considering the amount of the liability.
- (4) The applicant is not in default in the payment of any indebtedness secured by lien, mortgage or any other encumbrance on the vehicle intended to be operated pursuant to the certificate; or, if the vehicle intended to be operated pursuant to the certificate has not yet been purchased, the applicant has demonstrated the financial ability through projected revenues, or otherwise, to make the regularly scheduled payments of any indebtedness arising from any expected liens, mortgages or any other encumbrances, on the said vehicle.
- (5) The applicant has demonstrated the ability to purchase insurance within sixty (60) days as required by this chapter.
- (6) The applicant has demonstrated the ability to place in service within sixty (60) days of the issuance of the certificate a vehicle adequate to provide and maintain the quality of service required by this chapter and meeting all of the requirements of this chapter for a taxicab or limousine.
- (7) The applicant has demonstrated the ability to establish within sixty (60) days of the issuance of the certificate, a depot, terminal, or other base of operation for receiving of requests for service and the dispatching of vehicles in response to requests for service adequate to provide and maintain the quality of service required by this chapter, and has demonstrated the ability to obtain within sixty (60) days of the issuance of the certificate the necessary recording and office equipment and other necessary equipment and things adequate to provide and maintain the quality of service required by this chapter and sufficient to comply with all of the provisions of this chapter including all the record keeping and reporting provisions.
- (8) The applicant has registered properly with the state the correct and true owner's name of any vehicle intended to be operated pursuant to the certificate.

- (9) There has not been a revocation of any certificate of public convenience and necessity previously issued to the applicant within the twelve (12) months preceding application.
- (10) Issuance of the certificate to the applicant will not result in the applicant holding such number of certificates or such percentage of all issued certificates that a pernicious effect on competition will result or that the quality of service to the public sought and required by the provisions of this chapter will be impaired.
- (11) The applicant is a legal resident of the United States.
- (12) The applicant is not addicted to or does not habitually use any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or use of any controlled substances as defined by Chapter 90 of the North Carolina General Statutes not therapeutically prescribed.
- (13) The applicant has not been involved in repeated and persistent acts impugning his truthfulness or veracity, including, but not limited to, fraud or deception.
- (14) The applicant has not entered a plea of guilty or no contest to nor has been convicted of:
 - (a) A felony against the state or conviction of any offense against another state, which would have been a felony if committed in this state. This section shall not apply to felony convictions (as defined herein) which occurred ten (10) years from the date of the application;
 - (b) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or any controlled substance as defined by Chapter 90 of the North Carolina General Statutes;
 - (c) Any federal or state law relating to prostitution or gambling;
 - (d) Three (3) convictions including any action which results in a prayer for judgment or continuation of the judgment within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations resulting in not guilty verdicts are not counted for purposes of this section;
 - (e) A single city, county, or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his passenger(s), or the community;

- (f) Any crime involving the use of a weapon of any type.
- (g) Any charge alleging assault, domestic violence; or
- (h) Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within ten (10) years preceding the application.

(C) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in § 90-89--§ 90-94 of the North Carolina Controlled Substances Act, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application.

(D) The applicant shall provide to the chief of police or designee any and all facts, evidence, information or documents within the possession or control of the applicant or available to the applicant that shall be reasonably related to the determination of the qualifications of the applicant and as the chief of police shall request. Further, the submission of the application shall constitute a waiver of all applicant's privileges and rights of privacy with respect to any document in existence reasonably related to the determination of the applicant's qualifications and shall serve as an authorization to the chief of police or designee to make inquiry of any person or entity, and to receive any oral or written reports from any person or entity, regarding any facts, evidence or information reasonably related to the determination of the applicant's qualifications. The applicant shall sign any separate written authorization that any person or entity shall require prior to the release of any documents or information concerning the applicant.

(E) The issuance of certificates of convenience and necessity shall be done semiannually. All of those persons interested in obtaining a certificate of public convenience and necessity shall submit an application during the first ten (10) days in January and the first ten (10) days in July. The chief of police or designee shall review the applications to determine whether or not the applicants meet the requirements of this chapter by February 15 and August 15. If the chief of police determines an applicant meets the requirements of this chapter, the applicant will be placed on a list in chronological order.

(F) If the chief of police finds that one (1) applicant is more qualified than the other applicants after considering the requirements of this chapter, then the applicant who is more qualified shall be awarded the certificate of public convenience and necessity. However, if after reviewing the applications, the chief of police or designee feels that some of the applicants are equally qualified, a list of the equally qualified applicants shall be maintained in prioritized order

based upon the date and time of application, and each certificate will be awarded according to the sequence of a certificate of public convenience and necessity available semiannually. Any certificate of public convenience and necessity available shall be awarded according to the priority of the applicant on the list, when the chief of police finds the applicants to be equally qualified.

(G) If any person shall refuse the offer of a certificate of public convenience and necessity or fails, refuses, or neglects to furnish such service within sixty (60) days after the certificate is offered him, the chief of police shall withdraw the certificate of public convenience and necessity.

(H) No taxicab or limousine may be operated by any person, owner, or holder of a certificate until all inspections, proof of insurance and other requirements of this chapter are completed. If any person, owner or holder of such certificate fails to comply with the requirements of this chapter within sixty (60) days of award of the certificate of public convenience and necessity, then certificate shall be revoked immediately.

(I) A certificate of public convenience and necessity, when granted, shall be issued in the name of the city by the chief of police.

11-1-16. Burden of proof to be upon the applicant.

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of a taxicab or limousine business as specified in this application, and all other facts required for the granting of such certificate.

Sec. 11-1-17. Appeals of denials of certificates of public convenience and necessity.

(A) An applicant may appeal the denial of an application for a taxicab or limousine franchise certificate of public convenience and necessity by the chief of police or designee. Such appeal will be to the city council, be in writing and state the specific reason(s) for the appeal. The appeal must be received in the office of the city clerk within 10 business days after the date of the denial. The applicant must include the reason for the appeal, any documents, the names and addresses of any person(s) that the applicant contends or asserts are sufficient to support the appeal and reverse the decision to deny.

(B) If a timely notice of appeal and the required submissions stated in (A) above are received, a public hearing on the denial and issue(s) raised in the appeal will be held before the city council within thirty (30) days of the receipt of the appeal.

(C) Any request to continue the hearing must be submitted to the city clerk, and a decision to approve or deny the request will be made by the city clerk.

Sec. 11-1-18. Expiration or cessation of operation; death of franchisee.

(A) If a holder shall for any period of time, in excess of sixty (60) days, fail to operate such franchise, that holder shall offer in writing to the chief of police an explanation for such failure to so operate. If such explanation fails to satisfy the chief of police of its reasonableness, the chief of police shall notify the city council and the council may, after a hearing, revoke the certificate or condition a revocation upon compliance with any reasonable order in relation thereto it deems advisable.

(B) Upon the death of a holder, the certificate of public convenience and necessity shall continue in effect for a period of sixty (60) days, provided that a responsible person, as approved by the chief of police, shall be placed in charge of the taxicab or limousine operation. At the expiration of the sixty (60) days, such certificate shall become null and void.

Sec. 11-1-19. Transfer.

A certificate of public convenience and necessity under this article is not transferable without the consent of the chief of police. Applications for a transfer of such a certificate shall be filed in the same manner as an application for a certificate of public convenience and necessity. The proceedings upon such application for a transfer shall be the same as those described for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.

Sec. 11-1-20. Substitution of vehicles.

A holder, by appropriate endorsement on the certificate by the chief of police, may substitute another vehicle for the vehicle for which the certificate was granted. Before any such vehicle may be approved as a substitute vehicle, it shall first meet the inspection requirements and any other inspection required by the state. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle.

Sec. 11-1-21. Revocation.

(A) The chief of police may, at any time after a hearing, revoke any certificate of public convenience and necessity issued by authority of this article for any one (1) or more of the following causes:

- (1) Failure to operate the taxicabs or limousines specified in the certificate issued to the holder in accordance with this article; or operating taxicabs or limousines other than those specified on the certificate;
- (2) Failure to maintain motor equipment in good repair, in accordance with the requirements of this article and/or state law;
- (3) Failure to carry liability insurance or bond as is required by this chapter;
- (4) Failure to pay to the city taxes or license fees levied or imposed upon such taxicabs or limousines;

- (5) More than three (3) violations in a calendar year, not necessarily resulting in convictions, by the holder's drivers of city, county or state traffic and safety ordinances or laws, or state laws relating to alcoholic beverages or prostitution;
- (6) Failure to report accidents as required by Chapter 20 of the North Carolina General Statutes;
- (7) Repeated and persistent acts by one or more of the holder or holder's drivers impugning their truthfulness or veracity, including but not limited to acts of fraud and deception;
- (8) Willful failure to comply with any provision of this chapter or other ordinances or state laws relating to the operation of taxicabs or limousines; or
- (9) Any charge alleging assault or domestic violence.

(B) No certificate shall be revoked until the holder has had at least ten (10) days' notice by personal service or registered mail of the charges against him and of the time and place of hearing.

(C) Any holder of a certificate of public convenience and necessity that is revoked may appeal to the city council within ten (10) days of the date of the notice of the revocation, by providing a written notice of appeal to the city clerk. No appeal will be permitted if the written notice is not received by the city clerk within the time limits stated. The appealing party must include the reason for the appeal, any documents, the names and addresses of any person(s) that the applicant contends or asserts are sufficient to support the appeal and reverse the decision to revoke.

The city clerk will schedule the hearing before the city council and provide notice of the hearing to the appealing party.

Sec. 11-1-22. Records; collection of fees.

All records relative to the issuance of certificates, inspection of vehicles, assignments of taxicab numbers and substitution of vehicles shall be kept and maintained by the police department, provided that the responsibility for collection of all privilege license fees shall be retained by the Financial Services Department. It shall be the responsibility of the owner to report any changes in contact information for the owner or the driver to the taxicab inspector within ten (10) days of the change. It shall also be the responsibility of the owner to notify the taxicab inspector when new drivers are hired or when drivers are no longer employed by the owner. Failure to do so will subject the offender to a \$100 civil penalty.

Secs. 11-1-23—11-1-50. Reserved.

ARTICLE C. INSPECTIONS

Sec. 11-1-51. Inspection of vehicles as prerequisite; subsequent inspections.

(A) Before any certificate of public and necessity for a taxicab or limousine will be issued under the provisions of this chapter, the applicant shall present to the taxicab inspector proof of inspection by an inspector certified by the State of North Carolina to conduct vehicle inspections. Such proof of inspection shall have been issue not more than 60 days prior to the submission of the vehicle for inspection by the taxicab inspector. Such inspection shall include all equipment inspected as identified in North Carolina General Statutes §20-183.3 or its successor statutes.

(B) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire except pedi-cabs operated within the city shall be inspected at least once annually during the month of August. Each approved taxicab, limousine, contract service, transport service or other vehicle for hire shall have affixed to the lower left side of the rear glass, a city police department inspection sticker. A list of all approved taxicabs, limousines, contract services, transport services or other vehicles for hire shall be furnished to the financial services department and no privilege license shall be issued for any taxicab, limousine, contract service, transport service or other vehicle for hire failing this inspection. Each vehicle owned, operated or controlled by the certificate holder, the contract service, transport service or other vehicle for hire that is not inspected shall be subject to a civil penalty in the amount of \$250. At the time of the inspection, the owners of such vehicles for hire as described above shall present to the taxicab inspector proof of inspection as required in §11-51-1(A) above except that such proof of inspection shall not have been issued more than 60 days prior to presentment to the taxicab inspector or other current state inspection certification provided by the State of North Carolina since the last city required vehicle inspection.

(C) The taxicab inspector may conduct random vehicle inspections of any taxicab, limousine, contract service vehicle, transport service or other vehicle for hire at times and places other than the time and place designated for the annual inspection.

(D) If a company operating certificate holder, vehicle operating permit holder, or a driver fails to make a passenger vehicle for hire available for inspection within 24 hours after being requested to do so, the chief of police or designee may order the passenger vehicle for hire removed from service until it is made available for inspection.

Section 11-1-52. Inspection items.

(A) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire owner shall maintain a monthly vehicle inspection log showing the items in this

section have been inspected and the date of any correction. Such inspection logs will be made available to the taxicab inspector or members of the Greenville Police Department upon request. Failure to maintain such inspection logs shall subject the vehicle operator to a civil penalty in the amount of \$50 for each violation of this paragraph.

(B) In addition to the proof of inspection as required by §11-1-51 above, each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire during the annual inspection required by this section shall have the following equipment items inspected by the taxicab inspector and the vehicle owner shall maintain the inspection log referenced in this section for the following equipment:

- (1). Each taxicab shall have a minimum of three doors allowing entry into the driver's compartment of the vehicle and allowing entry into the passenger's compartment of the vehicle. All doors must be operable from the inside and outside and constructed with a double or safety lock on each door.
- (2). All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts, tears, rips or stains.
- (3). Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (4). Working seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.
- (5). Windshield wiper and defroster operable and adequate;
- (6). Mirrors, rear and left side view free of cracks and defects;
- (7). Windshield shall be clean and clear from both the outside and inside, free of cracks, chips, scratches or any other condition that reduces clarity of vision. All windows of the vehicle must have a light transmittance of 70 percent or more, with the exception of the uppermost six inches of the front windshield.
- (8). Windows shall be intact and must open and close properly: no decals, posters, or other materials on windows, other than credit card acceptance decals and PVH decals. Window gaskets shall not have any dry rot or leak;
- (9). Taxicab windows shall not be equipped with shades, curtains, film or coatings to such extent that the occupants of the vehicle cannot be seen from the outside of the vehicle;

- (10). Toplight (taxicabs only) equipped with a top light of as required by this chapter. The toplight shall be in working order as required by this chapter;
- (11). Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. The heater and air conditioner must be able to adequately cool or heat the vehicle in cold or warm weather as required;
- (12). Headlights, tail lights, parking lights, turn signal lights, brake lights, back-up lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;
- (13). Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;
- (14). Door handles and locks. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers. No devices that restrict the ability of a passenger from readily exiting the vehicle in an emergency are allowed;
- (15). Tires, including spare (with tire jack and handle), properly inflated and having minimum tread depth of 2/32-inch and free of defects. Spare tire and jack shall be properly secured using manufacturer's equipment in designated trunk area;
- (16). Vehicle wheels properly aligned, matching hubcaps or wheel covers, wheel rims of uniform type, size and color. All shall have hubcaps attached unless the wheels are of a design which do not require hubcaps;
- (17). Horn operable; loud, clear sound;
- (18). Interior panels properly secured, free of tears and dirt;
- (19). Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;
- (20). Headliner clean, completely attached to interior ceiling and along edges;
- (21). Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;

(22). Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;

(23). Trunk or luggage area. Floor covering, clean, free of offensive odors, litter, and items or materials that could damage or stain the passenger's baggage and shall be free of any flammable liquids or other hazardous materials. Trunk shall contain nothing except spare tire, tire jack and handle, emergency tools, and child car seat. Spare tire and jack shall be secured in proper location using manufacturer's equipment;

(24). Bumpers, grills, and body molding. Advertisements on racks are permitted if such do not impede operator visibility and the racks are attached in a safe manner;

(25). All bumpers and body moldings shall be in good condition and properly attached as when manufactured;

(26). Vehicle body shall be free from dents, rust and holes which impair its safety or appearance. Unacceptable body defects (dents, creases, blemishes, ripples, rust or holes) which impair the appearance or serviceability of the vehicle include:

(a). A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater; or

(b). A body defect three inches in width or greater and three inches in height or greater and where the deepest point of depression is one-quarter-inch or greater; or

(c). Any defect which is one-half-inch at the deepest point of depression regardless of width or height (this includes any hole in the surface area); or

(d). Exterior paint which is not uniform in color, does not completely cover the vehicle;

(e). Any body panel, trunk, or hood misalignment;

(27). Exhaust system. No exhaust leaks, no missing support for tail pipe;

(28). Gas cap for fuel fill.

(29). A frame or other device to display the driver's permit, memorandum operating permit, and rate schedule to passengers;

(30). An operational two-way radio providing direct communication for immediate dispatch of taxicabs.

(C) Violations that are determined to present a clear, substantial and imminent hazard to life, safety, or property shall result in an immediate suspension of the vehicle operating permit.

Sec. 11-1-53. Removal from service.

(A) Any vehicle subject to the provisions of this chapter is subject to immediate removal from service if the vehicle and the operator fail to produce any of the following: no proof of insurance, no current registration, no current vehicle tags, and current inspection. If removed from service, the vehicle shall not be returned to service until such time as the chief of police or designee can determine the owner and operator are in compliance. Removal from service shall be in addition to any other state or city penalty or citation that may be imposed.

(B) During the course of any inspection required by this chapter, or at any other time any vehicle subject to this chapter should be found to be unsafe or unfit for operation or not kept and maintained in the condition and appearance required by this article, notice shall be given by the chief of police or designee to the holder of the certificate of public convenience and necessity issued under this chapter and such vehicle shall not thereafter be operated as a vehicle for hire for transporting persons until said vehicle has been placed back into safe condition and inspected by the taxi inspector. Nothing herein shall be construed to relieve any owner or operator of any vehicle from any or all duties imposed by law nor relieve such owner or driver from liability resulting from the unfitness of such vehicles or the negligent operation thereof.

(C) The owner or operator may request a re-inspection of any vehicle subject to this chapter removed from service for failing to pass any vehicle inspection required under this chapter at any time the owner or operator believes such vehicle is ready to be re-inspected within 30 days of the removal from service. The owner or operator shall be responsible for scheduling such re-inspection and payment of any inspection fees as required by this chapter. If the vehicle fails the re-inspection, the vehicle shall be removed from service for 15 days and may not be re-inspected until after the 15-day period. If the vehicle fails to pass inspection after the 15-day removal, then, the owner's permit and authorization to operate that vehicle shall be withdrawn. Appeals of the decision to withdraw the permit and authorization to drive a particular vehicle may be appealed to the City Council, but said vehicle may not be operated until the decision by the City Council on the appeal.

Sec. 11-1-54. Signs.

No signs of any shape, size, design or for any purpose may be installed on a vehicle for hire that interferes with or blocks the front, rear or side windows or blocks or interferes with any safety lights or equipment. Violations will result in the imposition of a civil penalty as provided by this chapter.

Secs. 11-1-55—11-1-60. Reserved.

ARTICLE D. TAXICABS

Division 1. General Provisions

Sec. 11-1- 61. Annual license for operation of taxicab business.

Every person before operating any taxicab business within the city, or within a distance of five (5) miles thereof, shall apply to and procure from the city an annual license for the privilege of operating such business and shall pay for such annual license a tax in such sum as may be required by the provisions of Title 3, Chapter 2 of this Code. This license shall be in addition to any and all other certificates, permits or documents required by this article.

Sec. 11-1-62. Duty to transport persons and property; exceptions.

It shall be unlawful for any taxicab holder or driver, while on duty, to refuse to transport any person or property from the point of origin of any trip to the intended destination, provided such holder or driver shall, at the time of such request for transportation, have adequate seating capacity or space in his taxicab for such person or property and not be engaged in proceeding to a destination to transport a prior fare. Every holder or driver shall have a right to refuse transportation if:

(A) Such holder or driver believes that his safety or that of his passenger(s) will be placed in jeopardy;

(B) Such holder or driver knows from previous experience that the person seeking transportation has contributed to the disruption of taxicab service, has caused damage to property, has failed to pay a fare, or committed any violation of this article.

(C) The person being transported jeopardizes the safety of the driver or passengers or otherwise disrupts service during the transport; or

(D) The person seeking transport is under the influence of an impairing substance.

Sec. 11-1-63. Operating Condition of Vehicles.

Every taxicab, limousine, contract service, transport service or vehicle for hire operating under this chapter shall be kept in a clean and sanitary condition. The owner and driver shall keep the body of the vehicle, both interior and exterior, safe and clean and its general appearance with respect to sheet metal and finish of car, normal wear and tear exempted. In addition, when any vehicle is wrecked or damaged so as to be unsafe for operation, the owner and/or driver shall make such repairs and alterations as may be required and shall not operate, or cause or permit to be operated, any such vehicle until such repairs and alterations have been completed and the vehicle has been re-inspected for compliance with this chapter.

Sec. 11-1-64. Conduct of drivers.

(A) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall deceive or attempt to deceive any passenger or prospective passenger as to the passenger's destination or rate of fare to be charged nor shall he convey or cause to be conveyed any passenger to a place other than directed by the passenger. No driver providing for hire service shall take a longer route to the requested destination than is necessary, unless he is so requested by the passenger, except for shared ride service as provided in subsection (f) of this section.

(B) No tobacco products of any kind may be used by any driver or operator of a taxicab, limousine, contract service, transport service or other vehicle for hire while any passenger is being carried. If the driver or operator uses any tobacco product when not carrying passengers, the driver or operator must deodorize, clean and remove any evidence of tobacco use from the vehicle before carrying any passengers.

(C) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall park, stand or operate a for hire vehicle at any time in such a manner as to obstruct the movement of traffic. Nothing in this subsection shall prohibit drivers or operators of a taxicab, limousine, contract service, transport service or vehicle for hire from alighting to the street or sidewalk for the purpose of assisting passengers and their belongings into or out of a for hire vehicle.

(D) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall park or stand a for hire vehicle upon any public street or public ground in the city for the purpose of receiving calls, directions or instructions over the dispatch system, except in areas that the city may subsequently establish as taxicab stands and those areas where parking is not regulated.

(E) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall allow the seating capacity of his for hire vehicle to be exceeded, including driver. Drivers must ensure that all seatbelt and infant seat requirements imposed by law are followed by all passengers. Children may not be held in the arms of the passenger. No more passengers than the number of seatbelts which are available for use within the vehicle shall be permitted.

(F) If agreed to by the first passenger, a taxicab may answer other calls or pick up additional passengers prior to taking the first passenger to his destination, provided the first passenger agrees to the amount of additional time above the time normally required for the exclusive ride service as estimated in advance by the driver. Taxicab drivers shall specify any fare discounts to passengers participating in shared ride service. If a child under 16 years of age and unaccompanied by a person 16 years of age or older is the original passenger, no other passengers shall be permitted in the taxicab.

(G) No driver shall refuse or neglect to convey any person because of the person's race, color, national origin, religion, sex, age or disability.

(H) Drivers shall be clean in dress and in person.

(I) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall be under the influence of drugs or alcohol, which impairs judgment, performance or behavior while on duty.

(J) The driver shall inspect each for hire vehicle daily for articles left by passengers and make every reasonable effort to return such to the rightful owners as soon as possible after their discovery. If the owner cannot be located or determined, the lost article shall be turned over to the Greenville Police Department not later than 48 hours after the article is found along with the record of attempts to locate the rightful owner.

(K) When requested by a passenger, every driver shall give a receipt showing the company's name, driver's name, date, place and time of trip, origin and destination and the amount of fare charged. Any citation issued for overcharging or failing to provide a receipt shall be issued to the driver of the taxicab.

(L) No driver shall monitor the dispatch frequencies of other taxicab businesses.

Section 11-1-65. Accident Reports.

Every accident involving the operation of a for hire vehicle shall be reported to the taxicab inspector within 48 hours of the accident, excluding Saturdays, Sundays and legal holidays. The certificate holder for the vehicle for hire involved in an accident and the driver of the vehicle for hire so involved shall be jointly and individually responsible for making the required report, which report shall be on a form to be furnished by the taxicab inspector. Upon receipt of the report, the taxicab inspector shall determine whether the damage renders the vehicle unsafe for operation and, if so, shall immediately order the vehicle out of service until repaired and re-inspected.

Section 11-1-66. Manifest.

(A) A daily manifest shall be maintained by the owner of each taxicab noting all trips made each day, showing the driver's name, cab number, place and time of origin and destination of each trip and the amount of fare. Each driver shall complete an entry on the manifest for each fare incurred whether the driver is dispatched by phone or radio communication.

(B) Every owner shall retain and preserve all drivers' manifests in a safe place for at least 180 days and such manifests shall be made available upon demand for inspection by the taxicab inspector.

(C) All such completed manifests shall be returned to the holder by the driver at the conclusion of his tour of duty and shall be open for inspection at any reasonable time to any Greenville police officer whose duty it is to enforce the provisions of this chapter. The forms for such records shall be furnished to the driver by the holder and shall be of a character approved by the chief of police.

Sec. 11-1-67. Taxicabs used for private purposes.

No taxicab shall be used other than as a vehicle for hire, unless the driver's permit is first removed therefrom and an "off-duty" sign is thereon prominently displayed.

Secs. 11-1-68—11-1-80. Reserved.

Division 2. Driver's Permits

Sec. 11-1-81. Driver's permit required.

No person shall drive any taxicab carrying passengers for hire from place to place within the city, or within a distance of five (5) miles thereof, unless that person shall have first applied to and secured from the chief of police a permit to drive a taxicab. Permits are valid only for the holder named on the permit. An application for a permit to drive for another holder within six (6) months of the date of initial issuance or subsequent renewal will constitute a transfer and shall be applied for on a form supplied by the city police department. An application for a permit to drive for another holder in excess of six (6) months from the date of initial issuance or subsequent renewal shall constitute a renewal and the applicant shall comply with all provisions of this article. Upon receipt of an application for a permit to operate a taxicab within the city, the chief of police shall, within fourteen (14) calendar days, issue a permit, if consistent with this article.

Sec. 11-1-82. Permit application; fingerprints and photograph as part thereof.

(A) The application for a permit or renewal to drive a taxicab shall be made upon forms furnished by the chief of police.

(B) No driver's permit shall be issued to any person until and unless such person shall have made and filed with the chief of police an application, sworn to before a notary public or other officer authorized to administer oaths. The sworn application for such permit or renewal thereof shall contain the following information:

- (1) The name and address of the applicant;
- (2) Whether there are any unpaid judgments of record against such owner, and if so, the title of all actions and the amount of all judgments unpaid, and reference to the judgment docket and page where the judgment is recorded;
- (3) The make, type, year of manufacture, serial number, engine number and passenger capacity of each taxicab to be operated under the driver's permit applied for;
- (4) The applicant shall further appear at the city police department for the purpose of having his fingerprints taken and photograph made, both of which constitute part of his application;
- (5) The applicant shall provide proof of insurance in the amounts required by this chapter.

- (6) Whether there are any liens, mortgages or other encumbrances on such taxicabs, and, if so, the amount and character thereof;
- (7) The experience of the applicant in the transportation of passengers for hire;
- (8) Any person applying for a driver's permit or renewal under this division shall produce a completed drug screen report with a date not less than ten (10) calendar days prior to submission of the completed application or renewal. Such drug screen tests shall be at the expense of the applicant and at the drug screen testing facility directed by the chief of police.

(C) Each applicant shall submit to a controlled substance test as directed by the chief of police and provide authorization for release of the results of such testing to the chief of police and those involved in the permitting process or any appeals. The test must be not less than the full 10-panel test required by the Department of Transportation. The cost of the testing shall be borne by the applicant. The request for testing and the results of the test both shall constitute and become part of the application.

Sec. 11-1-83. Chief of police to investigate.

The chief of police shall investigate the facts stated in the application, taking into account the factors set forth in section 11-1-84. A criminal history shall be requested from sources permitted by law. The chief of police shall report his findings in writing, including all supporting documentation, with his determination as to whether a permit is issued to the applicant. The chief of police shall notify the applicant in writing whether the application is approved or denied and if denied, the reason or reasons for the denial.

Sec. 11-1-84. Refusal and revocation.

The following factors shall be deemed sufficient grounds upon which the chief of police may refuse to issue a driver's permit or may revoke a permit of any driver already issued such permit:

(A) Conviction of a felony against the state or conviction of any offense against another state, which would have been a felony if committed in this state. This section shall not apply to felony convictions (as defined herein) which occurred more than ten (10) years from the date of the application or revocation;

(B) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or any controlled substance as defined by Chapter 90 of the North Carolina General Statutes within five (5) years of the application for a driver's permit. Such permit may be revoked if the violation occurred during the issuance period;

(C) Conviction, no contest plea, judgment continued or deferred for operation of any motor vehicle while under the influence of an impairing substance and/or the receipt of a restricted driving privilege by the North Carolina Department of Motor Vehicles as a result of such arrest, conviction, judgment continued or deferred for driving while under the influence of an impairing substance. Any permit issued will be revoked and no initial application or application for reinstatement may be submitted until unrestricted driving privileges are granted by the North Carolina Department of Motor Vehicles and the applicant has no other violations of federal or state law;

(D) Addiction to or habitual use of any alcoholic beverage as defined by Chapter 18 of the North Carolina General Statutes or use of any controlled substances as defined by Chapter 90 of the North Carolina General Statutes not therapeutically prescribed;

(E) Conviction of any federal or state law relating to prostitution;

(F) Not being a legal resident of the United States;

(G) Three (3) convictions including any prayer for judgment or continuation of the judgment within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations resulting in not guilty verdicts are not counted for purposes of this section;

(H) A single conviction of a city, county, or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his passenger(s), or the community;

(I) Conviction of any crime involving the use of a weapon of any type;

(J) Repeated and persistent acts impugning the driver's truthfulness or veracity, including but not limited to fraud or deception;

(K) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in § 90-89--§ 90-94 of the North Carolina Controlled Substances Act, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application;

(L) Any charge alleging assault or domestic violence.

(M) Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses

against public morality and decency and crimes related to prostitution within ten (10) years preceding the application or revocation.

Sec. 11-1-85. Fee; term; renewal.

Upon issuance of a taxicab driver's permit, subject to the provisions of this article, the person to whom such permit is issued shall pay therefore such fee as may be required by the city Manual of Fees. Such permit shall be renewed annually. Upon the application for renewal, the applicant for renewal shall be subject to the same investigation as required for initial issuance and shall pay such renewal fee as may be required by the city Manual of Fees.

Sec. 11-1-86. Posting in taxicab.

The driver of every taxicab while on duty shall prominently post and display in such taxicab, so as to be visible to the passengers therein, his permit to drive a taxicab, which shall contain the driver's photograph, fingerprint and such other information as required by the chief of police.

Sec. 11-1-87. Assignment or Transfer.

No owner's permit granted and issued under this chapter shall be assigned or transferred. In the event any taxicab operated pursuant to an owner's permit issued under this chapter shall become damaged or worn out or for other reason is rendered unfit for use and its use for taxicab purposes is discontinued by the holder of the owner's license pursuant to which such taxicab was operated, and such licensee desires to operate another vehicle in its place, then such licensee shall file an affidavit with the taxicab inspector setting forth the fact that such vehicle has been discontinued in use and that such other vehicle has replaced it. Such affidavit shall also contain the make, model, serial number and body style of the vehicle that is being replaced and the same information for the replacement vehicle.

Sec. 11-1-88. Revocation upon change of ownership: Issuance to new owner.

Change of ownership or title to any taxicab shall automatically revoke any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs. The purchaser of any such taxicab shall not operate such vehicle as a taxicab unless and until he has applied for and has been granted an owner's permit in the manner provided by this chapter. For the purposes of this chapter a change of ownership is deemed to have taken place if, in addition to other methods usually employed, the owner of any taxicab leases the same to any person under any lease or other arrangement whereby such person shall have the right upon the payment of an amount of money or other consideration of any other thing of value to acquire title at any future date to such taxicab.

Sec. 11-1-89. Appeal to appeal board.

(A) Any person who makes application to the chief of police and who is refused a driver's permit shall have the right of appeal to the appeal board as hereinafter constituted. The applicant must give notice of appeal in writing within ten (10) calendar days of the notification

from the chief of police as set forth in section 11-1- 83. The notice of appeal shall be directed to the office of the city manager. If such application is a renewal of a currently valid permit, the refusal to renew by the chief of police shall be stayed during the pendency of the appeal. If the application is for an initial permit, no stay will be issued. The stay of a refusal to renew can be dissolved pending the appeal by request of the chief of police and a showing that the refusal to renew was a direct result of a gross act by the applicant that jeopardized the safety of the applicant, his passengers or the community while he or she was operating a taxicab vehicle. The request of the chief of police to dissolve a stay shall be made to the city manager and the applicant shall have a reasonable and timely opportunity to respond to the same before ruling by the city manager.

(B) The appeal to the appeal board shall be conducted within fifteen (15) calendar days of the date of the notice of appeal. The appeal shall be an informal administrative hearing in which the rules of evidence shall not apply, but the applicant's right to confront and cross-examine witnesses against him or her shall be enforced. The applicant shall be entitled to be represented by counsel and shall have the right to present evidence, call witnesses and confront and cross-examine witnesses against him or her. Witnesses shall testify under oath. The hearing shall be conducted in accordance with the principles of due process.

(C) The appeal board shall be constituted of three (3) members who shall be the current city manager or his designee, an elected member from the Greenville Taxicab Association, and a designated member from the city council. There shall be an alternate elected member from the Greenville Taxicab Association to serve in the event that the applicant is employed by or for the initial elected member. Each appeal board member shall have the right to question witnesses. The city manager shall be the chairman and conduct the hearing and govern procedural questions. The decision of the appeal board shall be by majority vote and said decision shall be made at the conclusion of the hearing, unless the appeal board requests additional evidence. The appeal board may issue probationary or conditional licenses if the mitigating or extenuating evidence outweighs the decision to revoke, suspend or deny a driver's permit. The decision of the appeal board shall be documented by the city manager in writing, including findings to support their decision, and forwarded to the applicant within ten (10) calendar days of the conclusion of the hearing.

Sec. 11-1-90. Suspension and revocation; causes and hearings.

(A) An owner's permit may be suspended or revoked by the appeal board at any time in case the appeal board finds and determines:

- (1) That the past record of the holder of the owner's permit is unsatisfactory and that it is detrimental to and not in the public interest to permit the continued operation of a taxicab business by such person; or

- (2) That the owner has failed to operate the taxicab or taxicabs in accordance with the provisions of this chapter; or
- (3) That the taxicab or taxicabs of the owner have been operated at a rate of fare other than that provided by this chapter; or
- (4) That the holder of a permit has failed to register properly with the State, in the correct and true owner's name, any taxicab covered by the owner's permit; or
- (5) That the holder of an owner's permit has been convicted of a felony; or violation of any federal or state statute or city ordinance relating to the possession or sale of intoxicating liquors; or violation of any federal or state statute or city ordinance relating to prostitution; or any federal or state statute or city ordinance relating to the use, possession or sale of narcotic drugs; or repeated violations of traffic laws or ordinances; or becomes a habitual user of intoxicating liquors or narcotic drugs; or
- (6) That the holder of any owner's permit has made a false or misleading statement on his application.

(B) An owner's permit may be temporarily suspended by the chief of police when it is found that there has been a violation of subsection (A). Notice of suspension will be delivered to the owner in person or through registered mail. The notice shall state that the owner may have a hearing before the chief of police within ten (10) days upon the written request of the owner. The owner will have the right to appeal to the appeal board in writing within ten (10) days of the decision of the chief of police. It shall be unlawful for an owner to operate a taxicab business regulated by this article during the pendency of an appeal taken pursuant to this section.

Secs. 11-1-91—11-1-99. Reserved.

Division 3. Vehicle Requirements

Sec. 11-1-100. Taxicab numbers.

Whenever a certificate shall be granted under the provisions of this article, the chief of police shall designate upon the certificate a number for each taxicab to be operated by the holder. Each taxicab shall be given a different number. It shall be the duty of each holder, before operating such taxicab, to imprint, legibly and visibly, upon each side and the rear of the exterior of the body of the taxicab, the number given it by the chief of police in figures at least three and one-half (3 ½) inches in size.

Sec. 11-1-101. Illuminated signs on taxicabs.

Each taxicab operated in the city shall have an illuminated sign on top of the taxicab with the name of the taxicab company and the number of the taxicab legibly and visibly imprinted thereon. Such sign shall be no less than eighteen (18) inches in length and lettering thereon shall be no less than three and one-half (3 ½) inches in height. The taxicab operator shall not be

required to have the sign on the top of the taxicab illuminated during daylight hours, which shall be that period from one hour after sunrise to one hour before sunset.

Sec. 11-1-102. Solicitation of passengers by driver.

(A) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except upon request to assist in the handling of baggage of a passenger or prospective passenger.

(B) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person, obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.

(C) No driver shall solicit passengers at the terminal of any other common carrier.

(D) No driver shall solicit passengers from private property without a notarized written statement granting permission from the property owner. Such notarized written statement must be maintained inside the vehicle and be available to be presented to a police officer upon request.

Sec. 11-1-103. Lost articles.

The driver of a taxicab shall make every effort possible to return any lost article that may be found in the taxicab to the rightful owner as soon as possible after discovery of such article. If the owner cannot be located or determined, the lost article shall be turned over to the police department within 48 hours of discovery.

Sec. 11-1-104. Unauthorized passengers.

No taxicab shall be used other than as a vehicle for hire unless the driver is off duty. No individual except the holder or driver shall be allowed to ride in a taxicab which is in service unless such individual is a fare-paying passenger.

Sec. 11-1-105. Compliance of passenger's request required.

(A) Each taxicab driver shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

(B) The driver of a taxicab shall, upon the request of any passenger, give to such passenger the correct name and address of such driver and such other information as will identify the vehicle, driver and owner thereof.

Secs. 11-1-106—11-1-118. Reserved

Division 4. Fares

Sec. 11-1- 119. Authority of city council to establish.

The schedule of fares charged by all taxicabs operating within the city shall be as fixed by the city council from time to time.

Sec. 11-1-120. Schedule of fares

(A) *Adopted; zone map; rates.* Under the provisions of the General Statutes of North Carolina, G.S. 160A-304 and section 11-1-119 of this Code, the City Council hereby adopts a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

(1) The corporate limits of the city shall be divided into at least eight zones, and these zones shall be reflected on a map entitled “Taxi Fare Service Zones.” The map shall periodically be revised to reflect expansion of the city’s corporate limits. The map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.

(2) The eight zones created for the city shall have applicable rates for each zone. These rates shall be set out in the *Manual of Fees* for the City of Greenville.

(B) *Additional rates.* Additional rates may be in effect in certain situations. These additional rates are described and set forth in the *Manual of Fees* for the city.

(C) *Franchise holders.* Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

Sec. 11-1-121. Prior notice and payment of fare.

The driver of every taxicab shall inform the passenger of the lawful fare prior to transporting the passenger and may, if he so desires, demand the payment of his lawful fare prior to transporting any person or property.

Secs. 11-1-122—11-1-127. Reserved.

ARTICLE E. LIMOUSINES

Sec. 11-1-128. License required; fee.

Every person, firm or corporation shall apply to and receive from the chief of police an annual license for the privilege of operating a limousine service within the city, or within the distance of five (5) miles thereof, before operating such business and shall pay an annual license

fee in a sum established by the city council. Renewals of a license issued by the city council may be issued by the collector of revenue.

Sec. 11-1-129. Certificate of public convenience and necessity required.

It shall be unlawful for any person, firm or corporation to operate a limousine upon the streets of the city without having first applied for and secured from the chief of police a certificate of public convenience and necessity in accordance with the provisions of Article B of this chapter. For purposes of insurance, operations, inspections, and licensing limousines, all provisions of Articles A, B and C also shall apply to limousines.

Sec. 11-1-130. Driver's permit required.

It shall be unlawful for any person to drive a limousine carrying passengers for hire from place to place within the city, or within a distance of five (5) miles thereof, unless that person shall have first applied to and secured from the chief of police a permit to drive a limousine in accordance with the provisions of Division 2 of Article D of this chapter.

Sec. 11-1-131. Application of Conditions.

All limousines and limousine services operated under the chapter shall comply with the same requirements for insurance; vehicle maintenance, condition and inspections; applications; and will be subject to the same grounds for suspension or revocation of certificates of public convenience and necessity as taxicabs.

ARTICLE F. CONTRACT VEHICLES, TRANSPORT SERVICES AND OTHER VEHICLES FOR HIRE.

Sec. 11-1-132. Compliance with state laws and city ordinances.

(A) Every vehicle for hire shall be operated in accordance with the laws of this state and the ordinances of this city and with due regard for the safety, comfort and convenience of passengers and for the safe and careful transportation of property and for the safety of the general public.

(B) No vehicle for hire shall be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, and the hazard at intersections and any other conditions then existing, nor in such manner or condition to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the person and property of others.

(C) Vehicles identified under this Article will comply with the requirements and duties imposed by Article A, Article C, and Article D of this chapter.

(D) No vehicle for hire identified under this article shall operate without a privilege license as required by Title 3, Chapter 2, Article C of the Greenville City Code.

(E) All drivers of vehicles for hire identified under this Article shall secure a permit to drive from the chief of police in accordance with the provisions of Division 2 of Article D of this chapter.

(F) No signs of any shape, size, design or for any purpose may be installed on a vehicle for hire that interferes with or blocks the front, rear or side windows or blocks or interferes with any safety lights or equipment. Violations will result in the imposition of a civil penalty as provided by this chapter.

(G) Transport services provide an unusual and unique service essentially different from typical taxicab services and require a special service permit issued by the chief of police or designee. Services under this subsection include, but are not limited to, fixed route service, para-transit service, geographically or time-of-day/limited service or any other innovative services. A special service permit shall be issued under the following conditions:

- (1) Application for a special service permit shall be addressed in writing to the chief of police and shall designate the proposed service in detail and shall provide reasons why a regular vehicle operating permit is inadequate.
- (2) Approval and subsequent operation under a special service permit shall be contingent upon any conditions of this article placed in the special service permit by the chief of police. Failure to carry out the conditions of the special service permit shall be grounds for revocation of the permit.
- (3) Fees for the application of special service permits shall be set out in the Manual of Fees.
- (4) A special service permit holder must also obtain a vehicle operating permit for the service to be provided.
- (5) Unless specifically exempted in the special service permit, each service operating pursuant to a special service permit shall be subject to every section of this article, including driver permits for each person operating the transport service vehicle.

Sec. 11-1-133. License required; fee.

Every person, firm or corporation shall apply to and receive from the city an annual license for the privilege of operating a vehicle for hire service within the city, or within the distance of five (5) miles thereof, before operating such business and shall pay an annual license fee in a sum established by the city council as provided in the Manual of Fees for the City of Greenville. Gross receipts from tax or business tax filings will be used to determine such license fees. Renewals of a license issued may be issued by the Financial Services Department, Collections Division.

ARTICLE G. PENALTIES AND ENFORCEMENT ACTIONS

(A) Any person operating a taxicab, limousine, contract service, transport service or other vehicle for hire as defined in this chapter without a privilege license shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days as provided and set forth in Sec. 3-2-42 of the Greenville City Code in addition to any taxes, interest, penalties and other civil remedies that may be available including but not limited to injunctions, garnishment, attachment and levy and sale of real and personal property as further provided in Sec. 3-2-43 of the Greenville City Code.

(B) Unless provided for elsewhere in this chapter, all other violations shall subject the offender to a civil penalty and, where applicable, suspension of any certificate of public convenience and necessity or privilege license as provided elsewhere in this chapter as follows:

- (1) For a first offense, a civil penalty will be assessed in the amount of \$100.00.
- (2) In the event there is more than one (1) violation within any thirty (30) days period, then the civil penalty shall be increased for each additional violation over one (1) during such period as follows:
 - (a) The date of the first violation shall establish the beginning for the initial thirty (30) days period. The next violation within that thirty (30) days period shall be considered a second violation and shall subject the offender to a civil penalty of \$250.00.
 - (b) Third and subsequent violations within the same thirty (30) days period shall subject the offender to a civil penalty of \$500.00 for each violation.

(C) Once the thirty (30) days period has run from the “first violation,” the next violation shall be considered the first violation for establishing a new thirty (30) days period. Each subsequent violation that follows more than thirty (30) days from the previous first violation shall be a new first violation for the purpose of establishing a new thirty (30) days period.

(D) The levying of civil penalties shall be initiated by any police officer or the taxicab inspector giving written notice of the infraction committed to the vehicle for hire owner or driver, along with a statement that a civil penalty is being imposed.

(E) Civil penalties shall be paid within seventy-two (72) hours of the issue date to Financial Services, Collections Division. If not paid within the seventy-two (72) hours of the date of issue, an additional fifty (\$50) dollars delinquency charge will be added for each seventy-two (72) hours period thereafter upon nonpayment until paid in full.

(F) The city attorney or designee is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the police chief or designee is authorized to verify and sign the complaints on behalf of the city in such suits. If litigation is required to recover the penalties and delinquency charges, the city attorney or designee may recover, in addition to the penalties and delinquency charges, reasonable attorneys fees and other costs incurred in bringing the action and collecting the judgment.

(G) Additionally, this chapter may be enforced through available equitable remedies including but not limited to enjoining the operation of any taxi, limousine, contract service, transport service or other vehicle for hire as issued by a court of competent jurisdiction. Citations issued to any driver or operator of any taxi, limousine, contract service, transport service or other vehicle for hire and not paid when the driver or operator leaves employment of the business or franchise holder shall be the responsibility of the franchise holder or business.

(H) Any permit required to be issued and renewed under the terms of this Chapter shall not be issued or renewed in the event civil penalties for violations remain unpaid by the applicant or by an employee of the applicant.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. 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 4. This ordinance will become effective immediately upon adoption.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

OPTION
LIMIT THE NUMBER OF TAXI FRANCHISES

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-13 OF THE GREENVILLE CITY CODE

Section 1. That Section 11-1-13 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-13. Certificate of public convenience and necessity; limited number; renewal.

(A) A certificate of public convenience and necessity shall constitute an authorization from the city for the operation of taxicabs or limousines within the city limits subject to the provisions of this article for three (3) years, unless a shorter period of time is specified in the certificate. Applications for renewals shall be filed either by the 10th day of January unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from February 1 – July 31 or by the 10th day of July unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from August 1 – January 31.

(B) The chief of police shall review in January and then again in July the conduct of the holder with regard to his compliance with the provisions of section 11-1-21. Thereafter, if the chief of police believes there are grounds for the revocation of the certificate, he shall forward his recommendations in writing, with supporting documentation and findings, to the city council for consideration and decision in accordance with this chapter.

(C) For the purpose of administering the provisions of this article, it is determined and declared that a maximum number of fifteen (15) taxicab not including pedi-cab franchises with a maximum number of ten (10) taxicabs under each franchise are all that the public convenience and necessity require at this time and until the city council shall determine that public convenience and necessity require a greater number, business licenses will not be issued to exceed that number. The maximum number of pedi-cab franchises shall be five (5) with a maximum number of six (6) pedi-cabs per franchise. The same guidelines for increasing the number of taxi franchises shall apply to pedi-cabs. If at the time this ordinance is enacted, the number of franchises exceed the maximum number, those in existence at the time this ordinance is made effective shall be grandfathered and may continue to operate as long as remain compliant with this chapter. No new franchises shall be issued until such number of franchises is less than the maximum number authorized by this chapter.

(D) A franchise issued under this article is not transferable. However, the assignment of a taxi certificate under a “family business” request to assign a certificate from one family member to another immediate family member may be considered. Application for a permit to transfer shall be filed in the same manner as an application for a franchise. The proceedings upon the application for

a transfer shall be the same as those described for the issuance of a franchise.

(E) When the maximum number of franchises has been issued, any person or business desiring to obtain a franchise shall complete an application for franchise and be placed on a waiting list. When a franchise vacancy occurs, the chief of police shall conduct a drawing from the names on the waiting list to fill the available vacant franchise. Such drawings as are needed to fill the remaining vacancies shall occur. The person or business selected shall be required to comply with the requirements of this article within sixty (60) days of such drawing or the franchise will be withdrawn.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. 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 4. This ordinance shall become effective immediately upon its adoption.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

OPTION 1
METER ONLY – RATE \$.25 PER 1/6TH MILE

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-120 OF THE GREENVILLE CITY CODE
AND THE MANUAL OF FEES

Section 1. That Section 11-1-120 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-120. Schedule of fares; education.

I. Every taxicab shall have affixed thereto and must use a taximeter the model, maker, size, design and contents of which have been approved by the chief of police or designee and which conforms to the following specifications:

(A) A taximeter is a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time or both and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter is changed from the nonearning position to the earning position.

(B) Each taximeter must be driven direct from the taxicab transmission and not connected to the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be non-tamperable.

(C) No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five (5) percent incorrect to the prejudice of any passenger.

(D) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which does not have its cover and gear intact.

(E) If requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof in legible type or writing containing the name of the owner, the vehicle number, the taximeter number and each item for which a charge is made, the total amount paid and the date of payment.

(F) Taxicab owners and operators shall be responsible for the purchase, installation and maintenance of the approved taximeter.

(G) No taxicab shall be operated on a for hire basis unless and until such installed taximeter has been inspected and passed by the taxicab inspector. It shall be unlawful to change the size of the wheels or tires or the gears operating the taximeter or to change a taximeter from one vehicle to another unless the taximeter is retested and approved by the taxicab inspector. Violations

of this provision will result in revocation of all drivers' permits and franchises issued to the owner or operator.

(H) The taximeter shall be sealed at all points and connections which, if manipulated would affect its correct reading and recording. The taximeter on each taxicab shall be inspected, except as noted in (G) above, annually and recertified during the regular annual vehicle inspection. If the taximeter is inspected either randomly or upon complaint and is discovered to be inaccurate, the owner and/or operator shall immediately cease operations until such taximeter has been inspected and certified by the taxicab inspection. If such inspection reveals or discovers the taximeter has been tampered or altered, the taxicab inspector shall notify the chief of police who will issue notification of revocation of all driver's permits and franchises issued to the owner or operator.

(I) Rates established. The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. The taximeter must be engaged at all times when the taxi is carrying a passenger or passengers. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(J) Pedi-cabs shall not be required to install taximeters but shall be permitted to charge such fees and fares as provided in the Manual of Fees as approved by the City Council.

(K) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

- (1) All rates and fees that may be charged.
- (2) The name and telephone number of taxi inspector and right to call.
- (3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(L) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

II. Every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

(A) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.

(B) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.

(C) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:

- (1) Compliance with the ordinance.
- (2) Vehicle inspections.
- (3) Record keeping.
- (4) Rates and fees and methods of charging.
- (5) Violations and penalties.
- (6) Suspensions and revocations.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

Taximeter rates and fees:

\$2.75 Drop fee
\$0.25 per 1/6th of mile
\$.50 surcharge night time from 11 pm to 6 am per person
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Pedi-cab rates and fees:

\$1.50 per person per 1/2 mile or fraction thereof
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This ordinance shall become effective 90 days from the date approved by council.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

OPTION 1
METER ONLY - \$.25 PER 1/10TH MILE

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-120 OF THE GREENVILLE CITY CODE
AND THE MANUAL OF FEES

Section 1. That Section 11-1-120 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-120. Schedule of fares; education.

I. Every taxicab shall have affixed thereto and must use a taximeter the model, maker, size, design and contents of which have been approved by the chief of police or designee and which conforms to the following specifications:

(A) A taximeter is a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time or both and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter is changed from the nonearning position to the earning position.

(B) Each taximeter must be driven direct from the taxicab transmission and not connected to the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be non-tamperable.

(C) No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five (5) percent incorrect to the prejudice of any passenger.

(D) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which does not have its cover and gear intact.

(E) If requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof in legible type or writing containing the name of the owner, the vehicle number, the taximeter number and each item for which a charge is made, the total amount paid and the date of payment.

(F) Taxicab owners and operators shall be responsible for the purchase, installation and maintenance of the approved taximeter.

(G) No taxicab shall be operated on a for hire basis unless and until such installed taximeter has been inspected and passed by the taxicab inspector. It shall be unlawful to change the size of the wheels or tires or the gears operating the taximeter or to change a taximeter from one vehicle to another unless the taximeter is retested and approved by the taxicab inspector. Violations

of this provision will result in revocation of all drivers' permits and franchises issued to the owner or operator.

(H) The taximeter shall be sealed at all points and connections which, if manipulated would affect its correct reading and recording. The taximeter on each taxicab shall be inspected, except as noted in (G) above, annually and recertified during the regular annual vehicle inspection. If the taximeter is inspected either randomly or upon complaint and is discovered to be inaccurate, the owner and/or operator shall immediately cease operations until such taximeter has been inspected and certified by the taxicab inspection. If such inspection reveals or discovers the taximeter has been tampered or altered, the taxicab inspector shall notify the chief of police who will issue notification of revocation of all driver's permits and franchises issued to the owner or operator.

(I) Rates established. The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. The taximeter must be engaged at all times when the taxi is carrying a passenger or passengers. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(J) Pedi-cabs shall not be required to install taximeters but shall be permitted to charge such fees and fares as provided in the Manual of Fees as approved by the City Council.

(K) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

- (1) All rates and fees that may be charged.
- (2) The name and telephone number of taxi inspector and right to call.
- (3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(L) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

II. Every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

(A) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.

(B) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.

(C) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:

- (1) Compliance with the ordinance.
- (2) Vehicle inspections.
- (3) Record keeping.
- (4) Rates and fees and methods of charging.
- (5) Violations and penalties.
- (6) Suspensions and revocations.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

Taximeter rates and fees:

\$2.75 Drop fee
\$0.25 per 1/10th of mile
\$.50 surcharge night time from 11 pm to 6 am per person
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Pedi-cab rates and fees:

\$1.50 per person per 1/2 mile or fraction thereof
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This ordinance shall become effective 90 days after adoption by council.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

OPTION 2
PROPOSED ZONE RATE - \$1 INCREASE

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-120 OF THE GREENVILLE CITY CODE AND THE
MANUAL OF FEES

Section 1. That Section 11-1-120 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-120. Schedule of fares; education.

I. Taxi rates and fees shall be based on zones and zone fees.

(A) **Adopted; zone map; rates.** Under the provisions of the General Statutes of North Carolina, Section 160A-304 and section 11-1-119 of this Code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

(1) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on a map entitled "Taxi Fare Service Zones". The map shall periodically be revised to reflect expansion of the city's corporate limits. Said map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.

(2) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the Manual of Fees for the City of Greenville.

(B) **Additional rates.** Additional rates may be in effect in certain situations. These additional rates are described and set forth in the Manual of Fees for the city.

(C) **Franchise holders.** Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

(D) **Rates established.** The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(E) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

- (1) All rates and fees that may be charged.
- (2) The name and telephone number of taxi inspector and right to call.
- (3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(F) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

II. Every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

(A) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.

(B) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.

(C) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:

- (1) Compliance with the ordinance.
- (2) Vehicle inspections.
- (3) Record keeping.
- (4) Rates and fees and methods of charging.
- (5) Violations and penalties.
- (6) Suspensions and revocations.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

TAXICAB FARES

The following rates shall be applicable for each standard zone fare:

ZONES	1	2	3	4	5	6	7	8
1	5.00	5.35	5.70	6.05	6.40	6.75	7.10	7.50
2	5.35	5.35	5.70	6.05	6.40	6.75	7.10	7.50
3	5.70	5.70	5.70	6.05	6.40	6.75	7.10	7.50
4	6.05	6.05	6.05	6.05	6.40	6.75	7.10	7.50
5	6.40	6.40	6.40	6.40	6.40	6.75	7.10	7.50
6	6.75	6.75	6.75	6.75	6.75	6.75	7.10	7.50
7	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.50
8	7.50	7.50	7.50	7.50	7.50	7.50	7.50	7.50

The fare charged shall be the amount of the highest zone which is traveled through. Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination

The following rates are for fares across town:

ZONES	1	2	3	4	5	6	7	8
1	5.00	5.60	6.20	6.80	7.40	8.00	9.60	9.20
2	5.60	6.20	6.80	7.40	8.00	8.60	10.20	9.80
3	6.20	6.80	7.40	8.00	8.60	9.20	10.80	10.40
4	6.80	7.40	8.00	8.60	9.20	9.80	10.40	11.00
5	7.40	8.00	8.60	9.20	9.80	10.40	11.00	11.60
6	8.00	8.60	9.20	9.80	10.40	11.00	11.60	12.20
7	8.60	9.20	9.80	10.40	11.00	11.60	11.20	12.80
8	9.20	9.80	10.40	11.00	11.60	12.20	11.80	13.50

Ironwood/Bradford Creek	Standard Fare	7.50
	Across Town	13.50
Over two persons (per person extra)		
Waiting time (per hour)		18.00
Trunks or footlockers (each)		2.00
Baggage (each)		1.50
Grocery bags (each bag over 3)		.10
Rates outside zones unless previously specified (per mile)		2.75

Pedi-cab rates: \$1.50 per person per ½ mile or fraction	
Wait time per hour	18.00
Trunks or footlockers	2.00
Baggage (each)	1.50
Grocery bags (each bag over 3)	.10

The zone map and description is amended to read as stated in Exhibits A and B which are attached.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This ordinance shall become effective immediately upon its adoption.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Exhibit A



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING

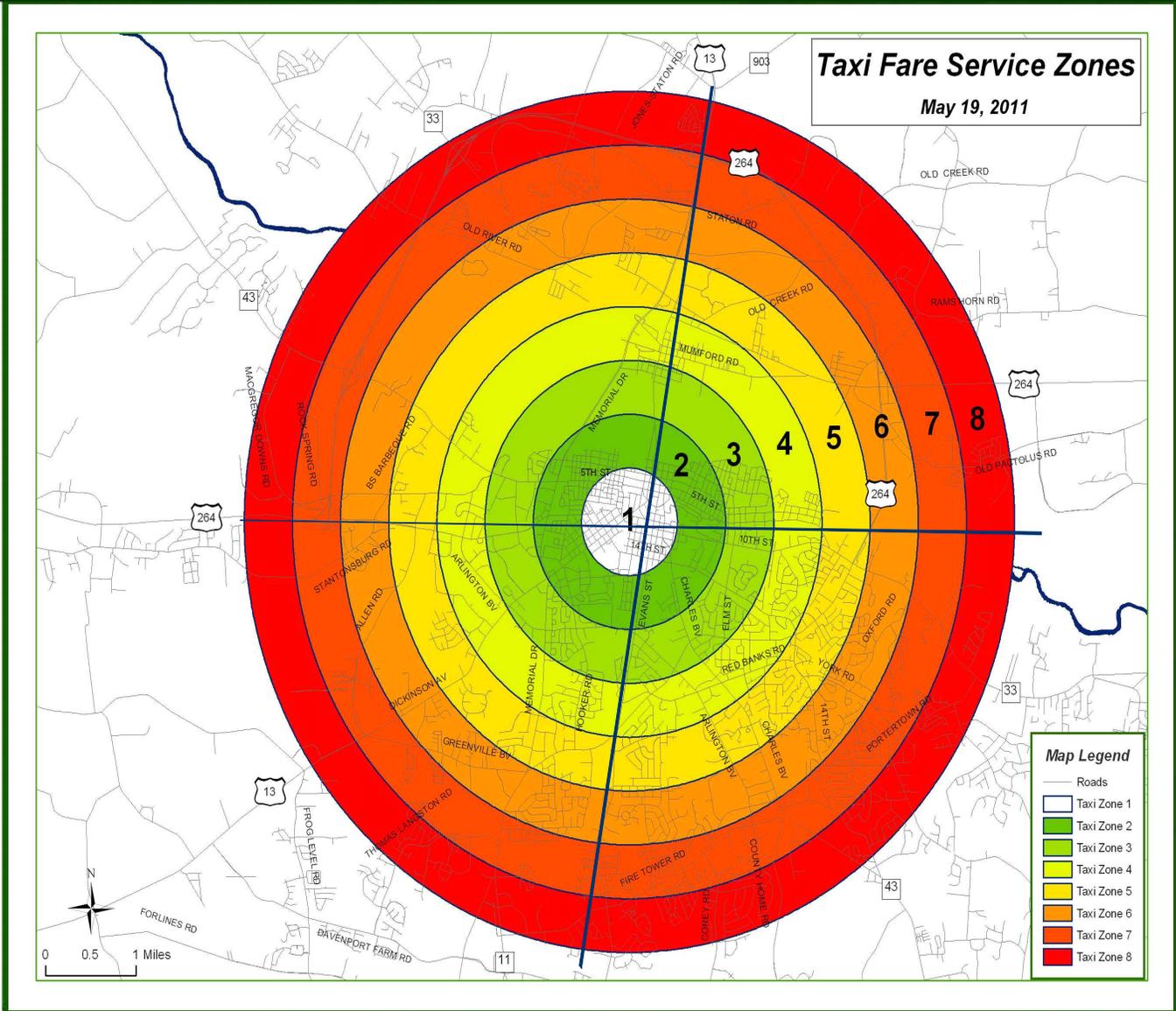


Exhibit B

Lines indicating across town fares apply would run:

East/West Division:

From a point North at Hwy 11 and 903,
South Down Highway 11,
South Down Greene Street to First Street,
East on First Street to Evans Street,
South on Evans Street out of the City Limits
across Firetower Rd.

North/South Division:

From a point on Stantonsburg Rd at Old Stantonsburg Rd,
East down Stantonsburg Rd to Memorial Drive,
East Down Farmville Blvd to Dickinson Ave,

(May be replaced/renamed when the 10th Street connector is complete)

East down Dickinson Ave to 10th Street,
East down 10th Street to NE Greenville Blvd,
East down Greenville Blvd to the Tar River,*
East along the Tar River to a point at Portertown Rd.*

* This was done to have the division be as equal as possible.

OPTION 2
PROPOSED ZONE RATE - \$2 INCREASE

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-120 OF THE GREENVILLE CITY CODE AND THE
MANUAL OF FEES

Section 1. That Section 11-1-120 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-120. Schedule of fares; education.

I. Taxi rates and fees shall be based on zones and zone fees.

(A) **Adopted; zone map; rates.** Under the provisions of the General Statutes of North Carolina, Section 160A-304 and section 11-1-119 of this Code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

(1) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on a map entitled "Taxi Fare Service Zones". The map shall periodically be revised to reflect expansion of the city's corporate limits. Said map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.

(2) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the Manual of Fees for the City of Greenville.

(B) **Additional rates.** Additional rates may be in effect in certain situations. These additional rates are described and set forth in the Manual of Fees for the city.

(C) **Franchise holders.** Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

(D) **Rates established.** The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(E) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

(1) All rates and fees that may be charged.

(2) The name and telephone number of taxi inspector and right to call.

(3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(F) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

II. Every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

(A) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.

(B) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.

(C) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:

- (1) Compliance with the ordinance.
- (2) Vehicle inspections.
- (3) Record keeping.
- (4) Rates and fees and methods of charging.
- (5) Violations and penalties.
- (6) Suspensions and revocations.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

TAXICAB FARES

The following rates shall be applicable for each standard zone fare:

ZONES	1	2	3	4	5	6	7	8
1	6.00	6.35	6.70	7.05	7.40	7.75	8.10	8.50
2	6.35	6.35	6.70	7.05	7.40	7.75	8.10	8.50
3	6.70	6.70	6.70	7.05	7.40	7.75	8.10	8.50
4	7.05	7.05	7.05	7.05	7.40	7.75	8.10	8.50
5	7.40	7.40	7.40	7.40	7.40	7.75	8.10	8.50
6	7.75	7.75	7.75	7.75	7.75	7.75	8.10	8.50
7	8.10	8.10	8.10	8.10	8.10	8.10	8.10	8.50
8	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50

The fare charged shall be the amount of the highest zone which is traveled through.

Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination

The following rates are for fares across town:

1	6.00	6.60	7.20	7.80	8.40	9.00	10.60	10.20
2	6.60	7.20	7.80	8.40	9.00	9.60	11.20	10.80
3	7.20	7.80	8.40	9.00	9.60	10.20	11.80	11.40
4	7.80	8.40	9.00	9.60	10.20	10.80	11.40	12.00
5	8.40	9.00	9.60	10.20	10.80	11.40	12.00	12.60
6	9.00	9.60	10.20	10.80	11.40	12.00	12.60	13.20
7	9.60	10.20	10.80	12.40	12.00	12.60	13.20	13.80
8	10.20	10.80	11.40	12.00	12.60	12.20	13.80	14.50

Ironwood/Bradford Creek	Standard Fare	9.50
	Across Town	14.50
Over two persons (per person extra)		
Waiting time (per hour)		18.00
Trunks or footlockers (each)		2.00
Baggage (each)		1.50
Grocery bags (each bag over 3)		.10
Rates outside zones unless previously specified (per mile)		2.75

Pedi-cab rates: \$1.50 per person per ½ mile or fraction	
Wait time per hour	18.00
Trunks or footlockers	2.00
Baggage (each)	1.50
Grocery bags (each bag over 3)	.10

The zone map and description is amended to read as stated in Exhibits A and B which are attached.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This ordinance shall become effective immediately upon its adoption.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Exhibit A



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING

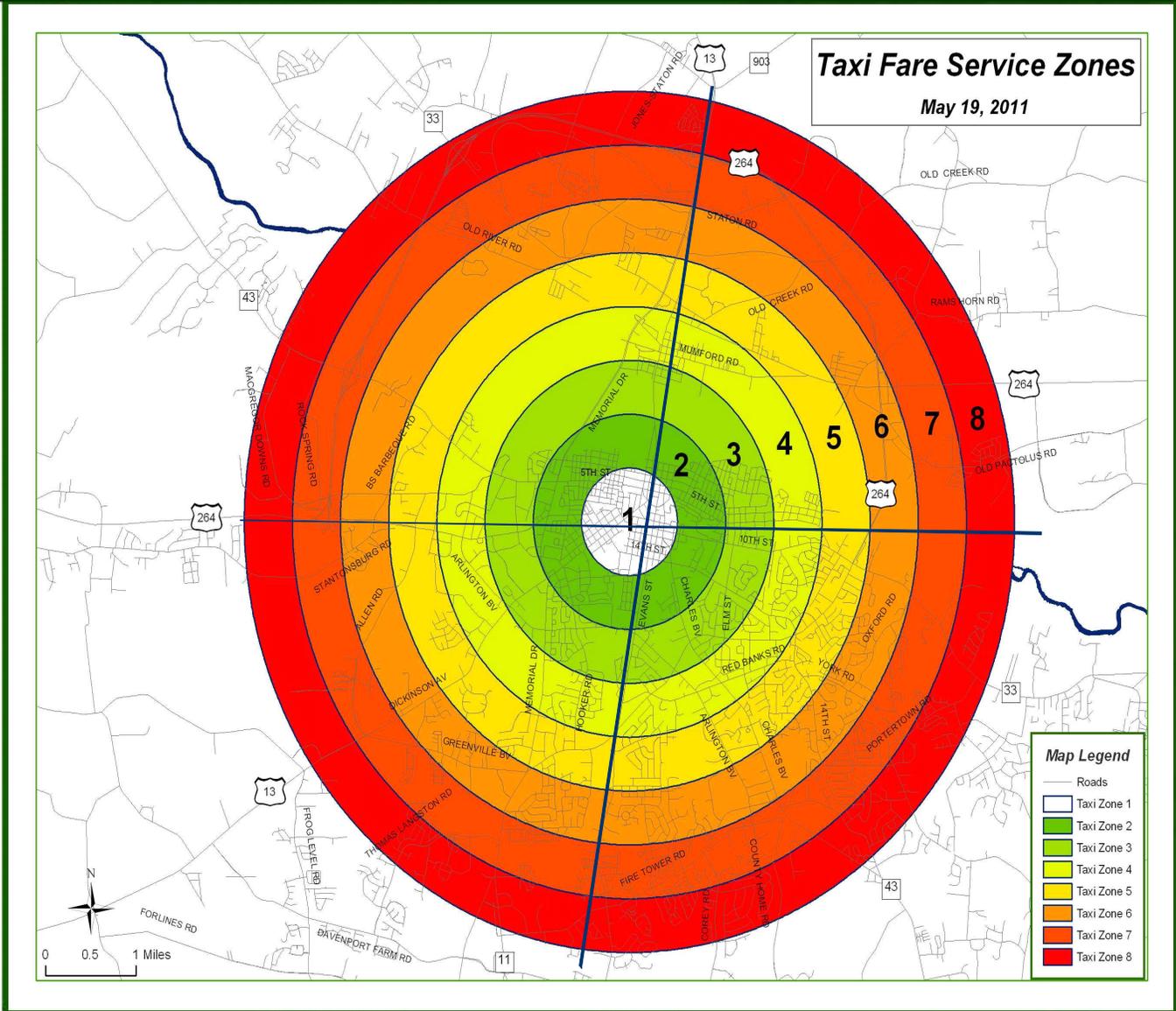


Exhibit B

Lines indicating across town fares apply would run:

East/West Division:

From a point North at Hwy 11 and 903,
South Down Highway 11,
South Down Greene Street to First Street,
East on First Street to Evans Street,
South on Evans Street out of the City Limits
across Firetower Rd.

North/South Division:

From a point on Stantonsburg Rd at Old Stantonsburg Rd,
East down Stantonsburg Rd to Memorial Drive,
East Down Farmville Blvd to Dickinson Ave,

(May be replaced/renamed when the 10th Street connector is complete)

East down Dickinson Ave to 10th Street,
East down 10th Street to NE Greenville Blvd,
East down Greenville Blvd to the Tar River,*
East along the Tar River to a point at Portertown Rd.*

* This was done to have the division be as equal as possible.

OPTION 3
METER RATE (\$.25 per 1/6th mile) and ZONE RATE (\$2 increase) AT THE ELECTION
OF FRANCHISE HOLDER

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-120 OF THE GREENVILLE CITY CODE
AND THE MANUAL OF FEES

Section 1. That Section 11-1-120 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-120. Schedule of fares; education.

I. Taxi cabs operating within the jurisdictional city limits of the City of Greenville may elect charge fares and fees by the installation and use of a taximeter or by use of the approved zone map and the fares and fees provided in the Manual of Fees. The election decision is made by the franchise holder and will apply to all taxicabs operating under the particular franchise. A franchise holder may not select both options for use during the same year. Once the election is made, the franchise holder must comply with the fares and fees for the selected option for a period of one year. At the end of the year, the franchise holder may elect to continue with the selected option or may elect to use the other option but must continue to use that option for one year until the new option period starts. In the event the franchise holder does not make an election, the franchise holder shall be deemed to elect the zone maps and zone fees.

II. Every taxicab that elects to use the taximeter option shall have affixed thereto and must use a taximeter the model, maker, size, design and contents of which have been approved by the chief of police or designee and shall comply with the following provisions:

(A) A taximeter is a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time or both and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter is changed from the nonearning position to the earning position.

(B) Each taximeter must be driven direct from the taxicab transmission and not connected to the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be non-tamperable.

(C) No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five (5) percent incorrect to the prejudice of any passenger.

(D) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which does not have its cover and gear intact.

(E) If requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof in legible type or writing containing the name of the owner, the vehicle number, the taximeter number and each item for which a charge is made, the total amount paid and the date of payment.

(F) Taxicab owners and operators shall be responsible for the purchase, installation and maintenance of the approved taximeter.

(G) No taxicab shall be operated on a for hire basis unless and until such installed taximeter has been inspected and passed by the taxicab inspector. It shall be unlawful to change the size of the wheels or tires or the gears operating the taximeter or to change a taximeter from one vehicle to another unless the taximeter is retested and approved by the taxicab inspector. Violations of this provision will result in revocation of all drivers' permits and franchises issued to the owner or operator.

(H) The taximeter shall be sealed at all points and connections which, if manipulated would affect its correct reading and recording. The taximeter on each taxicab shall be inspected, except as noted in (G) above, annually and recertified during the regular annual vehicle inspection. If the taximeter is inspected either randomly or upon complaint and is discovered to be inaccurate, the owner and/or operator shall immediately cease operations until such taximeter has been inspected and certified by the taxicab inspection. If such inspection reveals or discovers the taximeter has been tampered or altered, the taxicab inspector shall notify the chief of police who will issue notification of revocation of all driver's permits and franchises issued to the owner or operator.

(I) Rates established. The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. The taximeter must be engaged at all times when the taxi is carrying a passenger or passengers. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(J) Pedi-cabs shall not be required to install taximeters but shall be permitted to charge such fees and fares as provided in the Manual of Fees as approved by the City Council.

(K) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

- (1) All rates and fees that may be charged.
- (2) The name and telephone number of taxi inspector and right to call.
- (3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(L) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

III. Every taxicab that elects to use the zone maps and zone fees shall comply with the following provisions:

(A) **Adopted; zone map; rates.** Under the provisions of the General Statutes of North Carolina, Section 160A-304 and section 11-1-119 of this Code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

(1) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on a map entitled "Taxi Fare Service Zones". The map shall periodically be revised to reflect expansion of the city's corporate limits. Said map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.

(2) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the Manual of Fees for the City of Greenville.

(B) **Additional rates.** Additional rates may be in effect in certain situations. These additional rates are described and set forth in the Manual of Fees for the city.

(C) **Franchise holders.** Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

(D) **Rates established.** The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(E) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

(1) All rates and fees that may be charged.

(2) The name and telephone number of taxi inspector and right to call.

(3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(F) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and

any discounts provided.

IV. Whether the taximeter option or the zone rate option is selected every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

(A) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.

(B) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.

(C) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:

- (1) Compliance with the ordinance.
- (2) Vehicle inspections.
- (3) Record keeping.
- (4) Rates and fees and methods of charging.
- (5) Violations and penalties.
- (6) Suspensions and revocations.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Metered Fares section to read as follows:

Taximeter rates and fees:

\$2.75 Drop fee
\$0.25 per 1/6th of mile
\$.50 surcharge night time from 11 pm to 6 am per person
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Pedi-cab rates and fees:

- \$1.50 per person per 1/2 mile or fraction thereof**
- \$0.30 per minute wait time at fares request**
- \$1.25 per luggage bag over two**
- \$2.00 per person over first two**
- \$2.00 per trunk or large suitcase**
- \$0.10 per grocery bag over 3**

Section 3. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

TAXICAB FARES

The following rates shall be applicable for each standard zone fare:

ZONES	1	2	3	4	5	6	7	8
1	6.00	6.35	6.70	7.05	7.40	7.75	8.10	8.50
2	6.35	6.35	6.70	7.05	7.40	7.75	8.10	8.50
3	6.70	6.70	6.70	7.05	7.40	7.75	8.10	8.50
4	7.05	7.05	7.05	7.05	7.40	7.75	8.10	8.50
5	7.40	7.40	7.40	7.40	7.40	7.75	8.10	8.50
6	7.75	7.75	7.75	7.75	7.75	7.75	8.10	8.50
7	8.10	8.10	8.10	8.10	8.10	8.10	8.10	8.50
8	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50

The fare charged shall be the amount of the highest zone which is traveled through.

Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination

The following rates are for fares across town:

1	6.00	6.60	7.20	7.80	8.40	9.00	10.60	10.20
2	6.60	7.20	7.80	8.40	9.00	9.60	11.20	10.80
3	7.20	7.80	8.40	9.00	9.60	10.20	11.80	11.40
4	7.80	8.40	9.00	9.60	10.20	10.80	11.40	12.00
5	8.40	9.00	9.60	10.20	10.80	11.40	12.00	12.60
6	9.00	9.60	10.20	10.80	11.40	12.00	12.60	13.20
7	9.60	10.20	10.80	12.40	12.00	12.60	13.20	13.80
8	10.20	10.80	11.40	12.00	12.60	12.20	13.80	14.50

Ironwood/Bradford Creek	Standard Fare	9.50
	Across Town	14.50
Over two persons (per person extra)		
Waiting time (per hour)		18.00
Trunks or footlockers (each)		2.00
Baggage (each)		1.50
Grocery bags (each bag over 3)		.10
Rates outside zones unless previously specified (per mile)		2.75

Pedi-cab rates: \$1.50 per person per ½ mile or fraction	
Wait time per hour	18.00
Trunks or footlockers	2.00
Baggage (each)	1.50
Grocery bags (each bag over 3)	.10

The zone map and description is amended to read as stated in Exhibits A and B which are attached.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. 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. This ordinance shall become effective immediately upon its adoption, except for the taximeter selection option, which shall become effective 90 days after this ordinance is adopted by council.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Exhibit A



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING

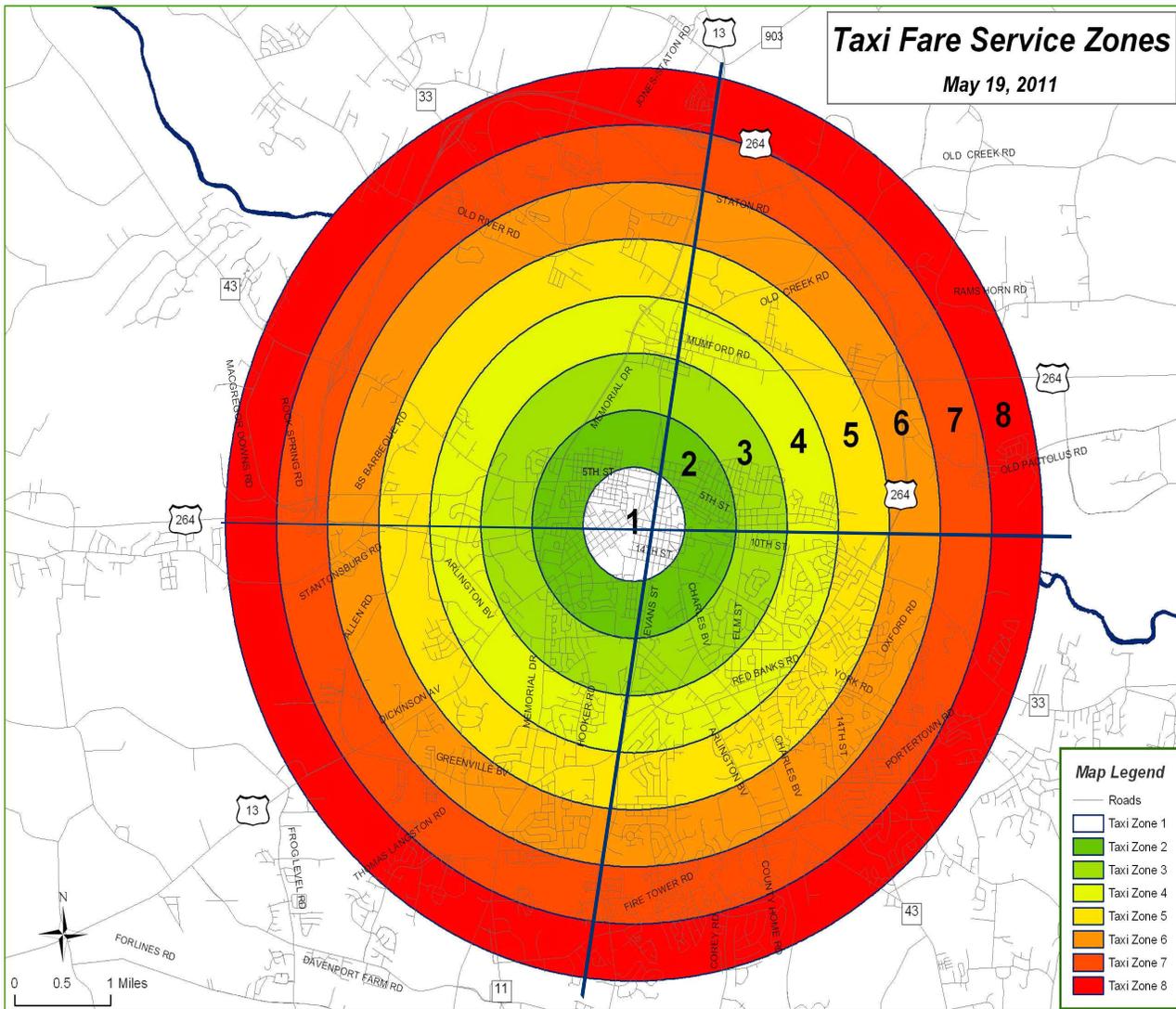


Exhibit B

Lines indicating across town fares apply would run:

East/West Division:

From a point North at Hwy 11 and 903,
South Down Highway 11,
South Down Greene Street to First Street,
East on First Street to Evans Street,
South on Evans Street out of the City Limits
across Firetower Rd.

North/South Division:

From a point on Stantonsburg Rd at Old Stantonsburg Rd,
East down Stantonsburg Rd to Memorial Drive,
East Down Farmville Blvd to Dickinson Ave,

(May be replaced/renamed when the 10th Street connector is complete)

East down Dickinson Ave to 10th Street,
East down 10th Street to NE Greenville Blvd,
East down Greenville Blvd to the Tar River,*
East along the Tar River to a point at Portertown Rd.*

* This was done to have the division be as equal as possible.

OPTION 3
METER RATE (\$.25 per 1/6th mile) and ZONE RATE (\$2 increase) AT THE ELECTION
OF FRANCHISE HOLDER

ORDINANCE NO. 11-

AN ORDINANCE AMENDING SECTION 11-1-120 OF THE GREENVILLE CITY CODE
AND THE MANUAL OF FEES

Section 1. That Section 11-1-120 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

Sec. 11-1-120. Schedule of fares; education.

I. Taxi cabs operating within the jurisdictional city limits of the City of Greenville may elect charge fares and fees by the installation and use of a taximeter or by use of the approved zone map and the fares and fees provided in the Manual of Fees. The election decision is made by the franchise holder and will apply to all taxicabs operating under the particular franchise. A franchise holder may not select both options for use during the same year. Once the election is made, the franchise holder must comply with the fares and fees for the selected option for a period of one year. At the end of the year, the franchise holder may elect to continue with the selected option or may elect to use the other option but must continue to use that option for one year until the new option period starts. In the event the franchise holder does not make an election, the franchise holder shall be deemed to elect the zone maps and zone fees.

II. Every taxicab that elects to use the taximeter option shall have affixed thereto and must use a taximeter the model, maker, size, design and contents of which have been approved by the chief of police or designee and shall comply with the following provisions:

(A) A taximeter is a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time or both and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter is changed from the nonearning position to the earning position.

(B) Each taximeter must be driven direct from the taxicab transmission and not connected to the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be non-tamperable.

(C) No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five (5) percent incorrect to the prejudice of any passenger.

(D) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which does not have its cover and gear intact.

(E) If requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof in legible type or writing containing the name of the owner, the vehicle number, the taximeter number and each item for which a charge is made, the total amount paid and the date of payment.

(F) Taxicab owners and operators shall be responsible for the purchase, installation and maintenance of the approved taximeter.

(G) No taxicab shall be operated on a for hire basis unless and until such installed taximeter has been inspected and passed by the taxicab inspector. It shall be unlawful to change the size of the wheels or tires or the gears operating the taximeter or to change a taximeter from one vehicle to another unless the taximeter is retested and approved by the taxicab inspector. Violations of this provision will result in revocation of all drivers' permits and franchises issued to the owner or operator.

(H) The taximeter shall be sealed at all points and connections which, if manipulated would affect its correct reading and recording. The taximeter on each taxicab shall be inspected, except as noted in (G) above, annually and recertified during the regular annual vehicle inspection. If the taximeter is inspected either randomly or upon complaint and is discovered to be inaccurate, the owner and/or operator shall immediately cease operations until such taximeter has been inspected and certified by the taxicab inspection. If such inspection reveals or discovers the taximeter has been tampered or altered, the taxicab inspector shall notify the chief of police who will issue notification of revocation of all driver's permits and franchises issued to the owner or operator.

(I) Rates established. The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. The taximeter must be engaged at all times when the taxi is carrying a passenger or passengers. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(J) Pedi-cabs shall not be required to install taximeters but shall be permitted to charge such fees and fares as provided in the Manual of Fees as approved by the City Council.

(K) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

- (1) All rates and fees that may be charged.
- (2) The name and telephone number of taxi inspector and right to call.
- (3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(L) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

III. Every taxicab that elects to use the zone maps and zone fees shall comply with the following provisions:

(A) **Adopted; zone map; rates.** Under the provisions of the General Statutes of North Carolina, Section 160A-304 and section 11-1-119 of this Code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:

(1) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on a map entitled "Taxi Fare Service Zones". The map shall periodically be revised to reflect expansion of the city's corporate limits. Said map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.

(2) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the Manual of Fees for the City of Greenville.

(B) **Additional rates.** Additional rates may be in effect in certain situations. These additional rates are described and set forth in the Manual of Fees for the city.

(C) **Franchise holders.** Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.

(D) **Rates established.** The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the Manual of Fees. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the Manual of Fees.

(E) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:

(1) All rates and fees that may be charged.

(2) The name and telephone number of taxi inspector and right to call.

(3) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.

(F) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and

any discounts provided.

IV. Whether the taximeter option or the zone rate option is selected every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

(A) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.

(B) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.

(C) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:

- (1) Compliance with the ordinance.
- (2) Vehicle inspections.
- (3) Record keeping.
- (4) Rates and fees and methods of charging.
- (5) Violations and penalties.
- (6) Suspensions and revocations.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Metered Fares section to read as follows:

Taximeter rates and fees:

\$2.75 Drop fee
\$0.25 per 1/6th of mile
\$.50 surcharge night time from 11 pm to 6 am per person
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two
\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Pedi-cab rates and fees:

\$1.50 per person per 1/2 mile or fraction thereof
\$0.30 per minute wait time at fares request
\$1.25 per luggage bag over two
\$2.00 per person over first two

\$2.00 per trunk or large suitcase
\$0.10 per grocery bag over 3

Section 3. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Taxicab Fares section to read as follows:

TAXICAB FARES

The following rates shall be applicable for each standard zone fare:

ZONES	1	2	3	4	5	6	7	8
1	6.00	6.35	6.70	7.05	7.40	7.75	8.10	8.50
2	6.35	6.35	6.70	7.05	7.40	7.75	8.10	8.50
3	6.70	6.70	6.70	7.05	7.40	7.75	8.10	8.50
4	7.05	7.05	7.05	7.05	7.40	7.75	8.10	8.50
5	7.40	7.40	7.40	7.40	7.40	7.75	8.10	8.50
6	7.75	7.75	7.75	7.75	7.75	7.75	8.10	8.50
7	8.10	8.10	8.10	8.10	8.10	8.10	8.10	8.50
8	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50

The fare charged shall be the amount of the highest zone which is traveled through.
Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination

The following rates are for fares across town:

1	6.00	6.60	7.20	7.80	8.40	9.00	10.60	10.20
2	6.60	7.20	7.80	8.40	9.00	9.60	11.20	10.80
3	7.20	7.80	8.40	9.00	9.60	10.20	11.80	11.40
4	7.80	8.40	9.00	9.60	10.20	10.80	11.40	12.00
5	8.40	9.00	9.60	10.20	10.80	11.40	12.00	12.60
6	9.00	9.60	10.20	10.80	11.40	12.00	12.60	13.20
7	9.60	10.20	10.80	12.40	12.00	12.60	13.20	13.80
8	10.20	10.80	11.40	12.00	12.60	12.20	13.80	14.50

Ironwood/Bradford Creek	Standard Fare	9.50
	Across Town	14.50
Over two persons (per person extra)		
Waiting time (per hour)		18.00
Trunks or footlockers (each)		2.00
Baggage (each)		1.50
Grocery bags (each bag over 3)		.10
Rates outside zones unless previously specified (per mile)		2.75

Pedi-cab rates: \$1.50 per person per ½ mile or fraction	
Wait time per hour	18.00
Trunks or footlockers	2.00
Baggage (each)	1.50
Grocery bags (each bag over 3)	.10

The zone map and description is amended to read as stated in Exhibits A and B which are attached.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. 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. This ordinance shall become effective immediately upon its adoption, except for the taximeter selection option, which shall become effective 90 days after this ordinance is adopted by council.

This the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Exhibit A



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING

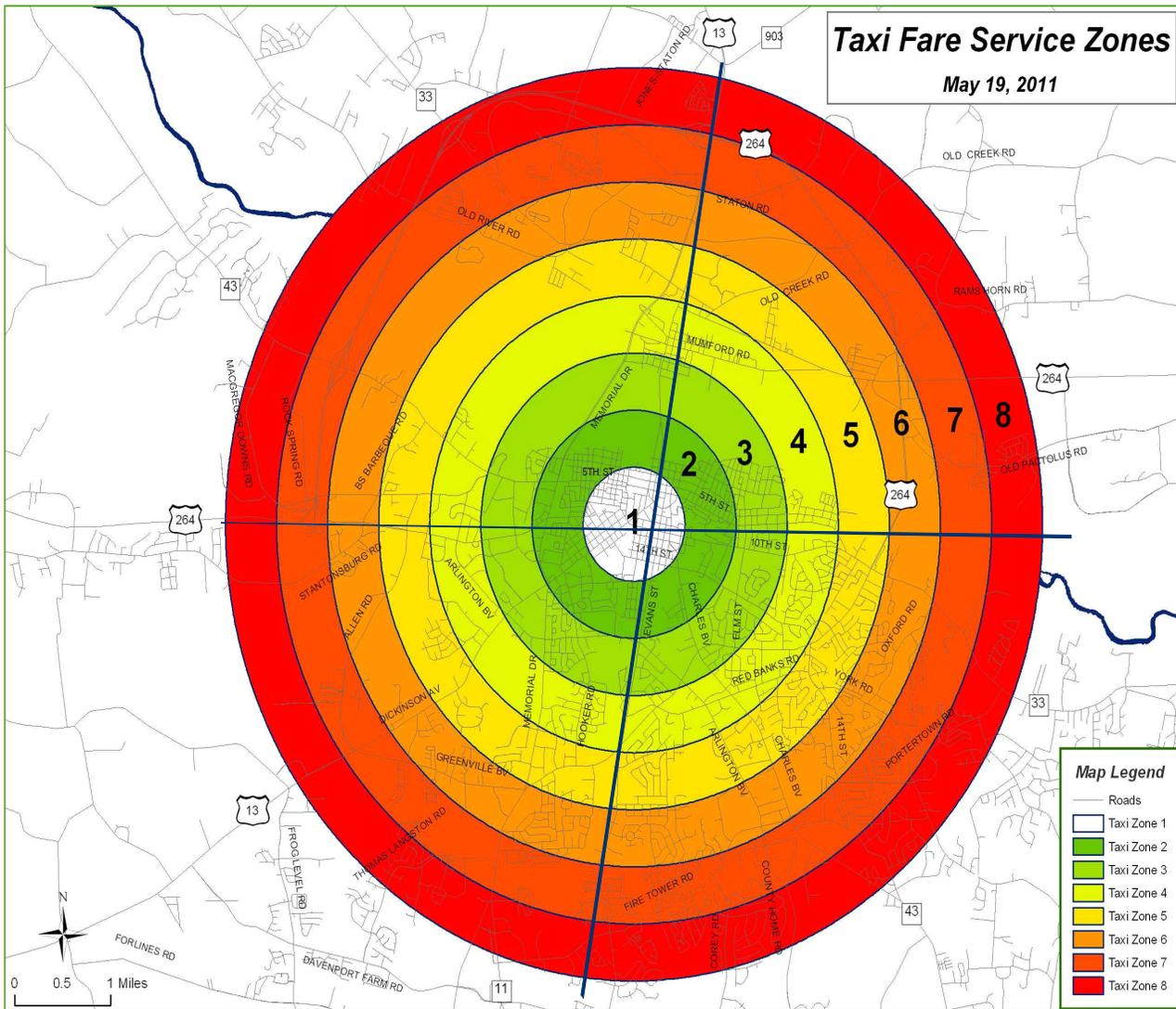


Exhibit B

Lines indicating across town fares apply would run:

East/West Division:

From a point North at Hwy 11 and 903,
South Down Highway 11,
South Down Greene Street to First Street,
East on First Street to Evans Street,
South on Evans Street out of the City Limits
across Firetower Rd.

North/South Division:

From a point on Stantonsburg Rd at Old Stantonsburg Rd,
East down Stantonsburg Rd to Memorial Drive,
East Down Farmville Blvd to Dickinson Ave,

(May be replaced/renamed when the 10th Street connector is complete)

East down Dickinson Ave to 10th Street,
East down 10th Street to NE Greenville Blvd,
East down Greenville Blvd to the Tar River,*
East along the Tar River to a point at Portertown Rd.*

* This was done to have the division be as equal as possible.



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Second reading and final approval of an ordinance granting a taxicab franchise to Sam Tim Woolard, d/b/a Around Town Shuttle

Explanation: Sam Tim Woolard, d/b/a Around Town Shuttle, has made application to establish a taxicab franchise to operate one (1) taxicab. The Financial Services, Community Development, and Police Departments have all reviewed the application packet and support approval of the applicant's request. A public hearing on this request is scheduled for November 17, 2011 after being advertised on The City Page in The Daily Reflector on November 7, 2011 and November 14, 2011. Notification of the public hearing was mailed to all current vehicle for hire franchise owners.

Fiscal Note: There is no direct cost to the City.

Recommendation: Consider second reading and final approval of an ordinance granting a taxicab franchise to Sam Tim Woolard, d/b/a Around Town Shuttle.

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

Attachments / click to download

[Application Packet from Around Town Shuttle](#)

[Ordinance granting taxicab franchise to Around Town Shuttle 2nd Final 911265](#)

ORDINANCE NO. _____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO SAM TIM WOOLARD, D/B/A AROUND TOWN SHUTTLE

WHEREAS, the City of Greenville is authorized by G.S. §160A-304 to license and regulate all vehicles operated for hire within the City of Greenville; and

WHEREAS, the City of Greenville has adopted an ordinance, Chapter 1 of Title 11 of the Greenville City Code, requiring the operators of taxicab businesses within the City to obtain a franchise from the City permitting said operation, and said ordinance sets forth certain requirements and criteria that must be satisfied in order to obtain and maintain the franchise for the operation of a taxicab business; and

WHEREAS, Sam Tim Woolard, d/b/a Around Town Shuttle, is an applicant for a franchise permitting the operation of one (1) taxicab within the City limits; and

WHEREAS, following investigation into the qualifications of the applicant, the City Council has determined that the applicant satisfies the requirements and conditions for the operation of a taxicab business within the City and has presented evidence substantiating the public convenience and necessity of such a business;

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

Section 1. A taxicab franchise is hereby issued to Sam Tim Woolard, d/b/a Around Town Shuttle, to permit the operation within the City of Greenville of not more than one (1) taxicab.

Section 2. The franchise holder must comply with the requirements of Chapter 1 of Title 11 of the Greenville City Code or successor ordinance, including but not limited to inspection, equipment and insurance requirements, and must begin operations within sixty (60) days of the grant of this franchise. These requirements apply to all vehicles under the franchise. Failure to comply with the requirements and begin operations within sixty (60) shall render the franchise null and void without further action of the Greenville City Council or loss of a vehicle authorized under the franchise if all vehicles do not comply with the requirements within the sixty (60) days period.

Section 3. The franchise holder has requested to operate the franchise as an incidental home occupation. Only one vehicle may be stored and/or parked at the franchise holder's residence. The franchise holder must provide a copy of the lease for the vehicle that is not to be maintained as an incidental home occupation to the City Clerk. Only the franchise holder may work out of the residence. No other taxi operator may operate out of or visit the franchise holder's residence incidental to the operation of the franchise.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. 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. This ordinance shall become effective immediately upon its adoption following its second reading.

First reading approved on the 14th day of November, 2011.

Second reading and final adoption on the 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

APPLICATION FOR TAXICAB FRANCHISE

(NOTE: \$30 application fee must be presented with application in order for application to be considered.)

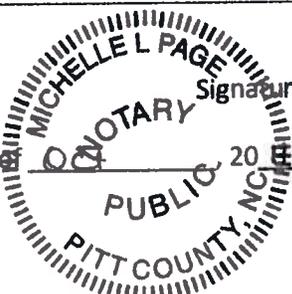
To the Mayor and City Council of the City of Greenville

The undersigned hereby makes application for a taxicab franchise under the provisions of Chapter 564, Session Laws 1945, and presents the following information:

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is: " Around Town Shuttle "
3. The Applicant is:
 - A. An individual and sole owner of the taxicab business to be operated under the above name.
 - B. A corporation chartered under the laws of the State of North Carolina in the year _____, and the officers of the corporation are _____
 - C. A partnership, as shown by articles hereto attached, and the names of partners are: _____
4. The Applicant operates in the following cities: Greenville and Winterville
5. The Applicant is requesting franchise to operate 1 taxicabs.
6. In support of this application, the following Exhibits are attached.
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.
 - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME Woolard		FIRST NAME Sam		MIDDLE NAME Tim		ID NO.	
ALIAS OR NICKNAME N/A	SEX Male	AGE 52	WEIGHT 230	HEIGHT 5' 8"			
ADDRESS 6073 Reedy Branch Rd Winterville NC28590		HAIR Brown	EYES Blue	COMPLEXION White			
OCCUPATION Contractor Salesman for Garris Evans Lumber		DRIVERS LICENSE NO. 4772651		IDENTIFICATION NO.			
PLACE OF BIRTH Washington NC Beaufort County		DATE OF BIRTH 12/10/1958		SOCIAL SECURITY NO.			



Signature of Applicant [Handwritten Signature]

Subscribed and sworn to before me this 26 day

My Commission Expires: 04/24/14

[Handwritten Signature]

Notary Public

Item # 3

CITY OF GREENVILLE OFFICIAL RECEIPT

City of Greenville
*** CUSTOMER RECEIPT ***

Batch ID: MVERL 10/26/11 Receipt no: 393524

Description	Qty	Amount	Description	To	By
POLICE DEPARTMENT F	1	\$30.00	TAXI LICENSE	IMI	IG
CASH / CASH					

Tender details
Cmt: 1015
Total received: \$30.00
Total payment: \$30.00
Trans date: 10/26/11 Time: 14:19:32

Around Town Shuttle
6703 Reedy Branch Rd.
Winterville NC 28590

City Council and City of Greenville
RE: Application for Taxicab Franchise

Dear Sir/Madam,

I was born and raised in Washington NC and have lived the last twenty five years in Kinston and Greenville. My entire career I have serviced the good people of this area and would like to continue by requesting your approval in my obtaining a Taxicab Franchise.

Exhibit A: It is my intentions to service patrons of this city with an added emphasis on handicapped and disabled persons as well as the elderly. There is substantial growth in our area. Over the next twenty years as the baby boomers retirement numbers increase there will be an even larger need for transportation. It is my goal to offer these groups their independence with dignity and respect. I also plan to offer my business as a "first response" for emergencies as I did during hurricane Irene.

Exhibit B: I currently own a 2006 Ford E350 Van. It has a nine passenger capacity with two wheel chair stations and lift. I would like to be considered for an additional van to operate as a backup to be purchased in the first quarter of 2012. The new van would include the same options.

Exhibit C: My Financial Statement is attached.

Exhibit D: Vehicles are to kept at my home in Winterville on two acres of land.

Exhibit E: I am very satisfied to use the rate chart supplied by the City of Greenville. I also have intentions of sponsored promotions like "Night at the Movies" and "Dinner Out" with local Theaters and Restaurants.

Exhibit F: In my years of service as a commercial pilot for "Jet Logistics" in Raleigh NC, I gained experience in transporting people from one place to another. I will operate my taxi business with professionalism and a commitment to satisfaction.

Exhibit G: Attached is a waiver for drug screening results from Physician's East releasing the results to Greenville Police Dept.



OMB APPROVAL NO. 3245-0188
EXPIRATION DATE: 8/31/2011

PERSONAL FINANCIAL STATEMENT

As of 10/25/ , 2011

U.S. SMALL BUSINESS ADMINISTRATION

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name Sam Tim Woolard Business Phone 252-414-4801

Residence Address 6073 Reedy Branch Rd Residence Phone 252-321-7608

City, State, & Zip Code Winterville NC 28590

Business Name of Applicant/Borrower Around Town Shuttle

ASSETS		(Omit Cents)	LIABILITIES		(Omit Cents)
Cash on hand & in Banks	\$	5000	Accounts Payable	\$	0
Savings Accounts	\$	26	Notes Payable to Banks and Others	\$	0
IRA or Other Retirement Account	\$	132000	(Describe in Section 2)		
Accounts & Notes Receivable	\$	0	Installment Account (Auto)	\$	2500
Life Insurance-Cash Surrender Value Only	\$		Mo. Payments \$	254	
(Complete Section 8)			Installment Account (Other)	\$	
Stocks and Bonds	\$		Mo. Payments \$		
(Describe in Section 3)			Loan on Life Insurance	\$	0
Real Estate	\$	133333	Mortgages on Real Estate	\$	29000
(Describe in Section 4)			(Describe in Section 4)		
Automobile-Present Value	\$		Unpaid Taxes	\$	0
Other Personal Property	\$	30000	(Describe in Section 6)		
(Describe in Section 5)			Other Liabilities	\$	0
Other Assets	\$		(Describe in Section 7)		
(Describe in Section 5)			Total Liabilities	\$	31500
Total	\$		Net Worth	\$	300359
			Total	\$	268859

Section 1. Source of Income

Salary	\$	30000
Net Investment Income	\$	0
Real Estate Income	\$	0
Other Income (Describe below)*	\$	0

Contingent Liabilities

As Endorser or Co-Maker	\$	0
Legal Claims & Judgments	\$	0
Provision for Federal Income Tax	\$	0
Other Special Debt	\$	0

Description of Other Income in Section 1.

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Name and Address of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral



Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).					
Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value
N/A					
Section 4. Real Estate Owned.		(List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)			
		Property A	Property B	Property C	
Type of Property		Personal Home	Family Home own 1/3		
Address		6073 Reedy Branch Rd Winterville NC 28590	7603 US Hwy 264 East Greenville NC 27835		
Date Purchased		1995	2007		
Original Cost		43000	60000		
Present Market Value		104000	88000		
Name & Address of Mortgage Holder		Citibank Greenville NC	N/A		
Mortgage Account Number					
Mortgage Balance		29000	0		
Amount of Payment per Month/Year		830	0		
Status of Mortgage		Current	n/a Deed in Hand		
Section 5. Other Personal Property and Other Assets.		(Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)			
2006 Ford Fusion Valued 10000 Title in Hand -0- owed					
3 Trailers Valued 10000 Title in Hand -0- owed					
2008 Ford 150 Truck Valued 10000 owe 2500 @ 254 per month					
Section 6. Unpaid Taxes.		(Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)			
N/A					
Section 7. Other Liabilities.		(Describe in detail.)			
N/A					
Section 8. Life Insurance Held.		(Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)			
25000 Wife as Beneficiary					
No surrender value					
I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).					
Signature:		Date: 10/25/2011		Social Security Number:	
Signature:		Date:		Social Security Number:	
PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U S Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB.					

Physicians East P.A. - Diagnostic Center

1850 West Arlington Blvd
Greenville, NC 27834

October 25, 2011 1:56 PM

(252) 413-6601 Fax: (252) 413-6667

AUTHORIZATION TO RELEASE HEALTH INFORMATION

For: Mr. Sam T Woolard

190970

Date of Birth: 12/10/1958

Provider: Kirk Philpot MD

Address: 6073 Reedy Branch Rd
Winterville, NC 28590

I authorize Physicians East to: Send/Provide Information to Receive Information from Discuss information
with (verbal; written reports do not need to be provided) the person/agency noted below.

If written information is provided by Physicians East, information should be:

Mailed Faxed (if 10 or less pages) Processed to be picked up

Name: Greenville Police Dept

Address: _____

Phone Number: _____ Fax Number: _____

The information to be disclosed/released shall be: (Items to be disclosed must be checked & initialed)

Dates of service for records requested: Beginning _____ Thru LU

- Office Visit Notes _____
- Diagnostic Reports _____
- Billing Information _____
- Consultation Reports _____
- Procedure Reports _____
- Other (please specify) _____
- Laboratory Results _____
- Radiology Reports _____

This information will be disclosed/released for the purpose of:

- Continuity of Care
- At the Request of the Individual
- Transfer of Care
- Other _____

I give special permission to release any information regarding: (Items for special permission must be checked and initialed)

- Substance and/or Alcohol Abuse _____
- HIV/AIDS Information _____
- Treatment for Abortion and/or Contraceptive Management _____
- Drug Screening Test _____
- Genetic Testing Information _____

I understand this authorization can be revoked by writing to the Physicians East, P.A. Privacy Officer or filling out a form (Ref. FM0018) at any time, except to the extent that action has been taken in accordance with this authorization. Unless otherwise revoked, this authorization will expire in: 90 days; one year; other: (can not exceed one year) _____. If I fail to specify an expiration date, this authorization will expire one year from the date on which it was signed.

Is this an urgent request? (Requests are handled within 30 days)

- Yes: Please explain _____
- No

I understand authorizing the use or disclosure of the information identified above is voluntary. I need not sign this form to ensure healthcare treatment. The facility, its employees, officers and physicians are hereby released from any legal responsibility or liability for disclosure of the above information to the extent indicated and authorized herein. I also understand that, if the person or entity receiving this information is not a health care provider or health plan covered by federal privacy regulations, the information described above may be redisclosed and no longer protected by these regulations. However, the recipient may be prohibited from disclosing substance abuse information under the Federal Substance Abuse Confidentiality Requirements. The cost for copying your medical records is dependent on the number of pages. The charge is \$.75 per page for the first twenty five pages, \$.50 per page for pages twenty six to one hundred and \$.25 per page for each page over one hundred. There will be a charge based on the number of pages

Physicians East P.A. - Diagnostic Center

1850 West Arlington Blvd
Greenville, NC 27834
(252) 413-6601 Fax: (252) 413-6667

October 25, 2011 1:56 PM

AUTHORIZATION TO RELEASE HEALTH INFORMATION

For: Mr. Sam T Woolard

190970

copied for requests made and not picked up after 60 days.

I hereby authorize the use or disclosure of the Protected Health Information as described above:

Patient Signature: *Sam Woolard* Date: 10-25-11

Personal Representative Signature (if not the patient): _____

Date: _____

Printed Representative's Name: _____

Relationship to Patient: _____

Physicians East Representative Signature: _____ Date: _____

Printed Physician East Representative Name: _____

A Notary Public must witness the patient/personal representative's signature on request not completed at Physicians East.

Notary Public: _____ Date: _____

Sworn to and subscribed before me this _____ day of _____ 20____.

My commlssion expires: _____.

For Internal Use Only:

Request for External Records Processed By: _____

Date Request Sent: _____

Date Records Received: _____

PE Authorization to Release Health Information
Revised: 2/4/2010
Original: PE Record Copy: Patient



Doc ID: 010868510001 Type: GRP
Recorded: 09/21/2011 at 03:08:44 PM
Fee Amt: \$14.00 Page 1 of 1
Pitt County, NC
Deborah T Barrington REG OF DEEDS

BK **2895** PG **201**

**CERTIFICATE OF ASSUMED NAME FOR A SOLE PROPRIETORSHIP, PARTNERSHIP,
LIMITED PARTNERSHIP**

The undersigned, proposing to engage in business in Pitt County, North Carolina under an assumed name or a partnership name, do hereby certify that:

1. The name under which the business is to be conducted is:

Around Town Shuttle
(Insert assumed or partnership name)

2. The names and addresses of all the owners of the business are:

maie 6073 Reedy Branch Rd. Winterville NC 28590
Sam Tim Woolard
(Insert name and address of each owner)

In witness whereof, this certificate is signed by each of the owners of said business, this

21st day of September, 20 11.
Sam Tim Woolard (seal)

(seal)

(seal)

State of North Carolina
County of Pitt

I, Elizabeth Whitley, a Notary Public, do hereby certify that on this 21st day of September, 20 11, personally appeared before me Sam Tim Woolard

who are all signers of the forgoing instrument, and each acknowledged the due execution thereof.

Witness my hand and official seal, this the 21st day of September, 20 11.

Elizabeth Whitley
Notary Public
My Commission Expires: 3-17-2015

(Affix Notary Seal)

Elizabeth Whitley
Notary Public - North Carolina
Commission No. - 19931900027
Pitt County - Exp. 03/17/2015

ACORD COMMERCIAL INSURANCE APPLICATION		DATE (MM/DD/YYYY)	
APPLICANT INFORMATION SECTION		10/07/2011	
AGENCY	PHONE (A/C, No, Ext): (252) 321-0151	CARRIER	UNDERWRITER
	FAX (A/C, No.): (252) 756-0199	NAIC CODE:	UNDERWRITER OFF.
Briley & Goodson PO Box 2185 Greenville, NC 27836		POLICIES OR PROGRAM REQUESTED	
CODE: SUB CODE:		TBI	
AGENCY CUSTOMER ID:		EQUIPMENT FLOATER	
		INSTALLATION/BUILDERS RISK	
		ELECTRONIC DATA PROC	
		COMMERCIAL GENERAL LIABILITY	
		BUSINESS AUTO	
		TRUCKERS/MOTOR CARRIER	
		GARAGE AND DEALERS	
		VEHICLE SCHEDULE	
		BOILER & MACHINERY	
		WORKERS COMPENSATION	
		UMBRELLA	

STATUS OF TRANSACTION		PACKAGE POLICY INFORMATION			
QUOTE	ISSUE POLICY	ENTER THIS INFORMATION WHEN COMMON DATES AND TERMS APPLY TO SEVERAL LINES, OR FOR MONOLINE POLICIES.			
BOUND (Give Date and/or Attach Copy):	RENEW	PROPOSED EFF DATE	PROPOSED EXP DATE	BILLING PLAN	AUDIT
CHANGE DATE	TIME	10/07/2011	10/07/2012	DIRECT BILL	
CANCEL				AGENCY BILL	

APPLICANT INFORMATION		MAILING ADDRESS INCL ZIP+4 (of First Named Insured)	
NAME (First Named Insured & Other Named Insureds)		6073 REEDY BRANCH Rd	
Around Town Shuttle		WINTERVILLE, NC 28590	
FEIN OR SOC SEC # (of First Named Insured):		WEBSITE ADDRESS(ES):	
PHONE (A/C, No, Ext):			
E-MAIL ADDRESS(ES):	SUBCHAPTER "S" CORPORATION NOT FOR PROFIT ORG	CR BUREAU NAME	ID NUMBER
X INDIVIDUAL	LIMITED LIAB CORP		
PARTNERSHIP	NO. OF MEMBERS AND MANAGERS		
INSPECTION CONTACT	ACCOUNTING RECORDS CONTACT	PHONE (A/C, No, Ext):	DATE BUS STARTED
PHONE (A/C, No, Ext):			2011

PREMISES INFORMATION		STREET, CITY, COUNTY, STATE, ZIP+4	CITY LIMITS	INTEREST	YR BUILT	PART OCCUPIED
LOC #	BLD #		INSIDE	OWNER		
			OUTSIDE	TENANT		
			INSIDE	OWNER		
			OUTSIDE	TENANT		
			INSIDE	OWNER		
			OUTSIDE	TENANT		

NATURE OF BUSINESS/DESCRIPTION OF OPERATIONS BY PREMISE(S)
Livery - primarily transporting customers from Greenville NC Airport to Kinston Airport

GENERAL INFORMATION	YES	NO	EXPLAIN ALL "YES" RESPONSES	YES	NO
EXPLAIN ALL "YES" RESPONSES					
1a. IS THE APPLICANT A SUBSIDIARY OF ANOTHER ENTITY?			7. ANY PAST LOSSES OR CLAIMS RELATING TO SEXUAL ABUSE OR MOLESTATION ALLEGATIONS, DISCRIMINATION OR NEGLIGENT HIRING?		
1b. DOES THE APPLICANT HAVE ANY SUBSIDIARIES?			8. DURING THE LAST FIVE YEARS (TEN IN RI), HAS ANY APPLICANT BEEN CONVICTED OF ANY DEGREE OF THE CRIME OF ARSON?		
2. IS A FORMAL SAFETY PROGRAM IN OPERATION?			(In RI, this question must be answered by any applicant for property insurance. Failure to disclose the existence of an arson conviction is a misdemeanor punishable by a sentence of up to one year of imprisonment).		
3. ANY EXPOSURE TO FLAMMABLES, EXPLOSIVES, CHEMICALS?			9. ANY UNCORRECTED FIRE CODE VIOLATIONS?		
4. ANY CATASTROPHE EXPOSURE?			10. ANY BANKRUPTCIES, TAX OR CREDIT LIENS AGAINST THE APPLICANT IN THE PAST 5 YEARS?		
5. ANY OTHER INSURANCE WITH THIS COMPANY OR BEING SUBMITTED?			11. HAS BUSINESS BEEN PLACED IN A TRUST? IF YES, NAME OF TRUST:		
6. ANY POLICY OR COVERAGE DECLINED, CANCELLED OR NON-RENEWED DURING THE PRIOR 3 YEARS? (Not applicable in MO)					

REMARKS/PROCESSING INSTRUCTIONS

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR ANOTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO CRIMINAL AND [NY: SUBSTANTIAL] CIVIL PENALTIES. (Not applicable in CO, HI, NE, OH, OK, OR, or VT; in DC, LA, ME, TN and VA, insurance benefits may also be denied)

APPLICANT'S SIGNATURE	DATE	PRODUCER'S SIGNATURE	NATIONAL PRODUCER NUMBER
<i>[Signature]</i>	10-7-11	<i>[Signature]</i>	

ACORD 125 (2/02/01)

PLEASE COMPLETE REVERSE SIDE

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PRIOR CARRIER INFORMATION

LINE	CATEGORY	CLAIMS MADE				OCCURRENCE				CLAIMS MADE				OCCURRENCE				
	CARRIER	Erie Insurance																
	POLICY NUMBER																	
	POLICY TYPE																	
	RETRO DATE																	
	EFF-EXP DATE																	
GENERAL LIABILITY	GENERAL AGGREGATE																	
	PRODUCTS COMP OP AGGREGATE																	
	PERSONAL & ADV INJ																	
	EACH OCCURRENCE																	
	FIRE DAMAGE																	
	MEDICAL EXPENSE																	
	BODILY INJURY	OCCURRENCE																
		AGGREGATE																
		PROPERTY DAMAGE	OCCURRENCE															
			AGGREGATE															
	COMBINED SINGLE LIMIT																	
	MODIFICATION FACTOR																	
	TOTAL PREMIUM																	
AUTOMOBILE	CARRIER																	
	POLICY NUMBER																	
	POLICY TYPE																	
	EFF-EXP DATE																	
	COMBINED SINGLE LIMIT																	
	BODILY INJURY	EA PERSON																
		EA ACCIDENT																
		PROPERTY DAMAGE																
		MODIFICATION FACTOR																
		TOTAL PREMIUM																
PROPERTY	CARRIER																	
	POLICY NUMBER																	
	POLICY TYPE																	
	EFF-EXP DATE																	
	BUILDING	AMT																
	PERS PROP	AMT																
		MODIFICATION FACTOR																
		TOTAL PREMIUM																
		CARRIER																
		POLICY NUMBER																
	POLICY TYPE																	
	EFF-EXP DATE																	
	LIMIT																	
	MODIFICATION FACTOR																	
	TOTAL PREMIUM																	

LOSS HISTORY							CHK HERE IF NONE	SEE ATTACHED LOSS SUMMARY
ENTER ALL CLAIMS OR LOSSES (REGARDLESS OF FAULT AND WHETHER OR NOT INSURED) OR OCCURRENCES THAT MAY GIVE RISE TO CLAIMS FOR THE PRIOR 5 YEARS (3 YEARS IN KS & NY)								
DATE OF OCCURRENCE	LINE	TYPE/DESCRIPTION OF OCCURRENCE OR CLAIM	DATE OF CLAIM	AMOUNT PAID	AMOUNT RESERVED	CLAIM STATUS		
						OPEN		
						CLOSED		
						OPEN		
						CLOSED		
REMARKS NOTE: FIDELITY REQUIRES A FIVE YEAR LOSS HISTORY							ATTACHMENTS	
							STATE SUPPLEMENT(S) (If applicable)	

COPY OF THE NOTICE OF INFORMATION PRACTICES (PRIVACY) HAS BEEN GIVEN TO THE APPLICANT. (Not applicable in all states, consult your agent or broker for your state's requirements.)

NOTICE OF INSURANCE INFORMATION PRACTICES
PERSONAL INFORMATION ABOUT YOU, INCLUDING INFORMATION FROM A CREDIT REPORT, MAY BE COLLECTED FROM PERSONS OTHER THAN YOU IN CONNECTION WITH THIS APPLICATION FOR INSURANCE AND SUBSEQUENT POLICY RENEWALS. SUCH INFORMATION AS WELL AS OTHER PERSONAL AND PRIVILEGED INFORMATION COLLECTED BY US OR OUR AGENTS MAY IN CERTAIN CIRCUMSTANCES BE DISCLOSED TO THIRD PARTIES. YOU HAVE THE RIGHT TO REVIEW YOUR PERSONAL INFORMATION IN OUR FILES AND CAN REQUEST CORRECTION OF ANY INACCURACIES. A MORE DETAILED DESCRIPTION OF YOUR RIGHTS AND OUR PRACTICES REGARDING SUCH INFORMATION IS AVAILABLE UPON REQUEST. CONTACT YOUR AGENT OR BROKER FOR INSTRUCTION ON HOW TO SUBMIT A REQUEST TO US.

ACORD 125 (2002/01)

ACORD™ VEHICLE SCHEDULE		DATE (MM/DD/YYYY) 10/07/2011
PRODUCER PHONE (A/C, No, Ext): (252) 321-0151 FAX (A/C, No): (252) 756-0199 Briley & Goodson PO Box 2185 Greenville, NC 27836	APPLICANT (First Named Insured) Around Town Shuttle EFFECTIVE DATE: 10/07/2011 EXPIRATION DATE: 10/07/2012 DIRECT BILL: PAYMENT PLAN: AUDIT: AGENCY BILL:	
CODE: SUB CODE: AGENCY CUSTOMER ID		FOR COMPANY USE ONLY

VEHICLE DESCRIPTION												VEHICLE TYPE		SYM/AGE		COST NEW		
VEH #	YEAR	MAKE:	MODEL:		LIC STATE	TERR	GVW/GCW	CLASS	SIC	FACTOR	SEAT CP	RADIUS	FARTHEST TERM	PP	SPEC	COML	\$	
1	2006	Ford	Econoline		NC	23	7,000lbs.	5252			12	Local -			<input checked="" type="checkbox"/>			
CITY, STATE, ZIP WHERE GARAGED		6073 Reedy Branch Winterville, NC 28590																
DRIVE TO WORK/SCHOOL	USE	COMM'L	CHECK COVERAGES	ADD'L NO-FAULT	UNDRINS MOTOR TOWING & LABOR SPEC C OF L	F	LSP	DEDUCTIBLES	ACV	COMP	SPEC C OF L	NET VEH DR/CR:	TOTAL PREM					
< 15 MILES	PLEASURE	RETAIL	LIAB NO-FAULT	MED PAY UNINS MOTOR		FT	COMP	AA	ST AMT	\$	\$	\$	\$					
15 MILES +	FARM	SERVICE				FTW	COLL	\$	\$	\$	\$	COLL	\$ 1,840					
VEH #	YEAR	MAKE:	MODEL:		LIC STATE	TERR	GVW/GCW	CLASS	SIC	FACTOR	SEAT CP	RADIUS	FARTHEST TERM	PP	SPEC	COML	\$	
CITY, STATE, ZIP WHERE GARAGED																		
DRIVE TO WORK/SCHOOL	USE	COMM'L	CHECK COVERAGES	ADD'L NO-FAULT	UNDRINS MOTOR TOWING & LABOR SPEC C OF L	F	LSP	DEDUCTIBLES	ACV	COMP	SPEC C OF L	NET VEH DR/CR:	TOTAL PREM					
< 15 MILES	PLEASURE	RETAIL	LIAB NO-FAULT	MED PAY UNINS MOTOR		FT	COMP	AA	ST AMT	\$	\$	\$	\$					
15 MILES +	FARM	SERVICE				FTW	COLL	\$	\$	\$	\$	COLL	\$					
VEH #	YEAR	MAKE:	MODEL:		LIC STATE	TERR	GVW/GCW	CLASS	SIC	FACTOR	SEAT CP	RADIUS	FARTHEST TERM	PP	SPEC	COML	\$	
CITY, STATE, ZIP WHERE GARAGED																		
DRIVE TO WORK/SCHOOL	USE	COMM'L	CHECK COVERAGES	ADD'L NO-FAULT	UNDRINS MOTOR TOWING & LABOR SPEC C OF L	F	LSP	DEDUCTIBLES	ACV	COMP	SPEC C OF L	NET VEH DR/CR:	TOTAL PREM					
< 15 MILES	PLEASURE	RETAIL	LIAB NO-FAULT	MED PAY UNINS MOTOR		FT	COMP	AA	ST AMT	\$	\$	\$	\$					
15 MILES +	FARM	SERVICE				FTW	COLL	\$	\$	\$	\$	COLL	\$					
VEH #	YEAR	MAKE:	MODEL:		LIC STATE	TERR	GVW/GCW	CLASS	SIC	FACTOR	SEAT CP	RADIUS	FARTHEST TERM	PP	SPEC	COML	\$	
CITY, STATE, ZIP WHERE GARAGED																		
DRIVE TO WORK/SCHOOL	USE	COMM'L	CHECK COVERAGES	ADD'L NO-FAULT	UNDRINS MOTOR TOWING & LABOR SPEC C OF L	F	LSP	DEDUCTIBLES	ACV	COMP	SPEC C OF L	NET VEH DR/CR:	TOTAL PREM					
< 15 MILES	PLEASURE	RETAIL	LIAB NO-FAULT	MED PAY UNINS MOTOR		FT	COMP	AA	ST AMT	\$	\$	\$	\$					
15 MILES +	FARM	SERVICE				FTW	COLL	\$	\$	\$	\$	COLL	\$					
VEH #	YEAR	MAKE:	MODEL:		LIC STATE	TERR	GVW/GCW	CLASS	SIC	FACTOR	SEAT CP	RADIUS	FARTHEST TERM	PP	SPEC	COML	\$	
CITY, STATE, ZIP WHERE GARAGED																		
DRIVE TO WORK/SCHOOL	USE	COMM'L	CHECK COVERAGES	ADD'L NO-FAULT	UNDRINS MOTOR TOWING & LABOR SPEC C OF L	F	LSP	DEDUCTIBLES	ACV	COMP	SPEC C OF L	NET VEH DR/CR:	TOTAL PREM					
< 15 MILES	PLEASURE	RETAIL	LIAB NO-FAULT	MED PAY UNINS MOTOR		FT	COMP	AA	ST AMT	\$	\$	\$	\$					
15 MILES +	FARM	SERVICE				FTW	COLL	\$	\$	\$	\$	COLL	\$					
VEH #	YEAR	MAKE:	MODEL:		LIC STATE	TERR	GVW/GCW	CLASS	SIC	FACTOR	SEAT CP	RADIUS	FARTHEST TERM	PP	SPEC	COML	\$	
CITY, STATE, ZIP WHERE GARAGED																		
DRIVE TO WORK/SCHOOL	USE	COMM'L	CHECK COVERAGES	ADD'L NO-FAULT	UNDRINS MOTOR TOWING & LABOR SPEC C OF L	F	LSP	DEDUCTIBLES	ACV	COMP	SPEC C OF L	NET VEH DR/CR:	TOTAL PREM					
< 15 MILES	PLEASURE	RETAIL	LIAB NO-FAULT	MED PAY UNINS MOTOR		FT	COMP	AA	ST AMT	\$	\$	\$	\$					
15 MILES +	FARM	SERVICE				FTW	COLL	\$	\$	\$	\$	COLL	\$					

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ACORD 129 (2001/08)

MOTOR CARRIER SECTION

COVERAGES		COVERED AUTO SYMBOLS		LIMITS		PHYSICAL DAMAGE <i>*Include the Fire District name and code # if fire or comprehensive coverage is provided</i>										
						COVERAGES	COVERED AUTO SYMBOLS		LIMITS			DEDUCTIBLE				
LIABILITY	<input type="checkbox"/>	61	<input type="checkbox"/>	87	CSL	<input type="checkbox"/>	BI	EA PER	\$							
	<input type="checkbox"/>	62	<input type="checkbox"/>	68	BI EACH ACCIDENT	\$										
	<input type="checkbox"/>	63	<input type="checkbox"/>	71	PROPERTY DAMAGE	\$										
	<input type="checkbox"/>	64														
						SPECIFIED CAUSES OF LOSS*	<input type="checkbox"/>	62	<input type="checkbox"/>	67	SCL	<input type="checkbox"/>	FT	<input type="checkbox"/>	LSP	\$
							<input type="checkbox"/>	63	<input type="checkbox"/>	68	F	<input type="checkbox"/>	FTW			
							<input type="checkbox"/>	64								
MEDICAL PAYMENTS	<input type="checkbox"/>	62	<input type="checkbox"/>	64	EACH PERSON	\$										
	<input type="checkbox"/>	63	<input type="checkbox"/>	67												
UNINSURED MOTORIST	<input type="checkbox"/>	62	<input type="checkbox"/>	66	CSL	<input type="checkbox"/>	BI	EA PER	\$							
	<input type="checkbox"/>	63	<input type="checkbox"/>	67	BI EACH ACCIDENT	\$										
	<input type="checkbox"/>	64														
UNINSURED/UNDERINSURED MOTORIST	<input type="checkbox"/>	62	<input type="checkbox"/>	66	CSL	<input type="checkbox"/>	BI	EA PER	\$							
	<input type="checkbox"/>	63	<input type="checkbox"/>	67	BI EACH ACCIDENT	\$										
	<input type="checkbox"/>	64														
UNINSURED MOTORIST	<input type="checkbox"/>	62	<input type="checkbox"/>	66	PROPERTY DAMAGE	\$										
	<input type="checkbox"/>	63	<input type="checkbox"/>	67												
<input type="checkbox"/>	64															
NON-TRUCKERS HIRED/BORROWED	<input type="checkbox"/>	YES	STATES	COST OF HIRE		<input type="checkbox"/>	IF ANY BASIS									
	<input type="checkbox"/>	NO		\$												
HIRED/BORROWED LIABILITY	<input type="checkbox"/>	YES	STATES	COST OF HIRE		<input type="checkbox"/>	IF ANY BASIS			STATES	# DAYS	# VEH				
	<input type="checkbox"/>	NO		\$												
NON-OWNED AUTO LIABILITY	<input type="checkbox"/>	YES	STATES	GROUP TYPE	NUMBER OF			HIRED PHYSICAL DAMAGE								
	<input type="checkbox"/>	NO		EMPLOYEES												
	<input type="checkbox"/>			VOLUNTEERS												
	<input type="checkbox"/>			PARTNERS												
OTHER																

COVERED AUTO SYMBOLS	(64) OWNED COMMERCIAL AUTOS ONLY	(67) SPECIFICALLY DESCRIBED AUTOS	(70) YOUR TRAILERS IN THE POSSESSION OF ANOTHER TRUCKER UNDER A TRAILER INTERCHANGE AGREEMENT
(61) ANY AUTO	(65) OWNED AUTOS SUBJECT TO NO-FAULT	(68) HIRED AUTOS ONLY	(71) NON-OWNED AUTOS ONLY
(62) OWNED AUTOS ONLY	(66) OWNED AUTOS SUBJECT TO A COMPULSORY UNINSURED MOTORIST LAW	(69) TRAILERS IN YOUR POSSESSION UNDER A TRAILER INTERCHANGE AGREEMENT	
(63) OWNED PRIVATE PASS AUTOS ONLY			

ENDORSEMENTS

PERSONAL INFORMATION ABOUT YOU MAY BE COLLECTED FROM PERSONS OTHER THAN YOU. SUCH INFORMATION AS WELL AS OTHER PERSONAL AND PRIVILEGED INFORMATION COLLECTED BY US OR OUR AGENTS MAY IN CERTAIN CIRCUMSTANCES BE DISCLOSED TO THIRD PARTIES WITHOUT YOUR AUTHORIZATION. YOU HAVE THE RIGHT TO REVIEW YOUR PERSONAL INFORMATION IN OUR FILES AND CAN REQUEST CORRECTION OF ANY INACCURACIES. A MORE DETAILED DESCRIPTION OF YOUR RIGHTS AND OUR PRACTICES REGARDING SUCH INFORMATION IS AVAILABLE UPON REQUEST. CONTACT YOUR AGENT OR BROKER FOR INSTRUCTION ON HOW TO SUBMIT A REQUEST TO US.

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR ANOTHER PERSON FILES AN APPLICATION FOR INSURANCE CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO CRIMINAL AND CIVIL PENALTIES.

I UNDERSTAND AND ACKNOWLEDGE THAT UNINSURED MOTORISTS (UM) AND UNDERINSURED MOTORISTS (UIM), BODILY INJURY (BI) AND PROPERTY DAMAGE (PD) COVERAGES HAVE BEEN EXPLAINED TO ME. I HAVE BEEN OFFERED THE OPTIONS OF SELECTING UM/UIM OR UM LIMITS EQUAL TO MY LIABILITY LIMITS, UM/UIM OR UM LIMITS LOWER THAN MY LIABILITY LIMITS, OR TO REJECT UM/UIM BI, UMBI, AND/OR UM, PD OR UM/UIMPD COVERAGES ENTIRELY.

1. I SELECT THE UM/UIM BI AND/OR PD LIMIT(S) INDICATED IN THIS APPLICATION. _____ (INITIALS)

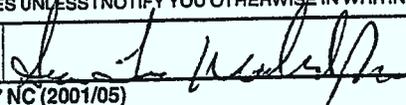
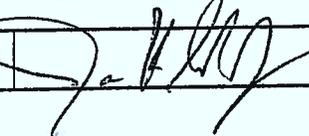
2. I REJECT UIM BI COVERAGE. _____ (INITIALS)

3. I REJECT UIM PD COVERAGE. _____ (INITIALS)

4. I REJECT UM/UIM BI AND PD COVERAGE IN ITS ENTIRETY. _____ (INITIALS)

5. I REJECT ONLY UM/UIM PD COVERAGE IN ITS ENTIRETY. _____ (INITIALS)

I UNDERSTAND THAT THE COVERAGE SELECTION AND LIMIT CHOICES INDICATED HERE WILL APPLY TO ALL FUTURE POLICY RENEWALS, CONTINUATIONS AND CHANGES UNLESS I NOTIFY YOU OTHERWISE IN WRITING.

APPLICANT'S SIGNATURE		DATE	10-7-11	PRODUCER'S SIGNATURE	
-----------------------	---	------	---------	----------------------	--

ACORD 137 NC (2001/05)

NORTH CAROLINA REINSURANCE FACILITY STATEMENT OF ELIGIBILITY FOR CESSION OF HIGHER COVERAGE LIMITS – COMMERCIAL AUTOMOBILE

The statutes creating the North Carolina Reinsurance Facility authorize the Facility to accept bodily injury and property damage liability limits up to 100/300/50. The Facility is further authorized to:

"accept motor vehicle insurance or financial responsibility limits in the amounts required by any federal law or federal agency regulation; by any law of this state; or by any rule duly adopted under Chapter 150B or by the North Carolina Utilities Commission."

A North Carolina policy, otherwise eligible for cession to the Facility, with coverage limits above 100/300/50 may be issued and the coverage limits above 100/300/50 remain eligible for cession to the Facility provided such higher coverage limits are required by any federal law or federal agency regulation, by any law of this state, or by any rule duly adopted under Chapter 150B of the General Statutes or by the North Carolina Utilities Commission.

INSURED'S NAME Around Town Shuttle

INSURED'S ADDRESS 6073 REEDY BRANCH Rd WINTERVILLE, NC 28590
(Please print)

COVERAGE LIMITS REQUESTED _____

Coverage limits above 100/300/50 are requested in order to comply with the requirements of:

(check applicable box)

- a. Federal Motor Carrier Safety Administration (identify)
- b. Other Federal Law or Regulation _____ (identify)
- c. Rule Adopted by the North Carolina Utilities Commission _____ (identify)
- d. Rule Adopted under Chapter 150B _____ (identify)
- e. Other North Carolina Law _____ (identify)

I CERTIFY THAT:

- (1) I am required under the rule, law or regulation identified above to purchase bodily injury and property damage liability limits in the amounts requested above;
- (2) I am not requesting the higher limits set forth above for the purpose of satisfying a contractual requirement or a requirement other than the rule, law or regulation identified above; and
- (3) I will promptly notify my insurer if and when I cease being required under the rule, law or regulation identified above to purchase the coverage limits requested.

Certified by: Sam T Woolard dba Around Town Shuttle

Insured's Name Sam T Woolard
(Please print)

by: Sam T. Woolard
Print Name

Sam T Woolard
Signature

Title

10-7-11
Date

NOTE: The insured must complete and sign a copy of Form NCRF-30 and the signed form, or a copy thereof, must be retained in the ceding company's file.

NCRF-30 (Ed. 10/07)



**AROUND TOWN
SHUTTLE**

**COORDINATED
PUBLIC TRANSPORTATION
AND
DISABLED SERVICES
TRANSPORTATION PLAN**

To be adopted
December 1, 2011

TABLE OF CONTENTS

- I. MISSION STATEMENT
- II. BUSINESS DESCRIPTION
- III. MARKETING
- IV. COMPETITION
- V. MANAGEMENT
- VI. FINANCE
- VII. BALANCE SHEET
- VIII. ADVERTISING OPPORTUNITY

MISSION STATEMENT

Mission Statement

Our mission is to serve the public in a fair and honest way.

We hope to respectfully transport the elderly and disabled to enrich their lives.

While performing these tasks,

it is hoped for and expected from our efforts that a decent profit will be gathered

We believe that by adding an alterantive to the services out there,

people will appreciate our efforts.



BUSINESS DESCRIPTION

Description of Products and or Service and Operating Hours

"Around Town Shuttle" is a new Taxi Service and Non-Emergency Medical Transportation

I will service normal Taxi Service and non-emergency medical transportation to public.

"Around Town Shuttle" located in Winterville, NC will provide Taxi Service and Non-Emergency Medical Transportation to the Pitt County Area from 8:00 a.m. to 12 p.m. Midnight Monday through Sunday

MARKETING

Advertising/Promotions

"Around Town Shuttle" uses a variety of media to promote the business.

Fliers or Leaflets are the primary way to reach potential clients. Additionally to local correspondence and marketing campaigns I intend a direct sales approach to hotels, airport, churches, local businesses and retirement homes.

Two of the hotels contacted expressed their loyalty to "Around Town Shuttle" because of a current working relationship with me in an unrelated business.

COMPETITION

Direct Competition

"Around Town Shuttle" is the thirteenth Non-Emergency Medical Transportation business in Pitt County. However only three of the companies offer services for the disabled.

The list of private providers located in Pitt County is as follows:

- **A Plus Courier – ambulatory only**
- **Aladdin Taxi – ambulatory and disabled**
- **Door to Door – ambulatory and disabled**
- **Express Cab – ambulatory only**
- **Jacquelyn McNair – ambulatory only**
- **Just Transportation – ambulatory only**
- **Med 1 Medical Transport – ambulatory and disabled**
- **Mobile Transportation – ambulatory only**
- **R & J Transportation – ambulatory only'**
- **Reliable Transport – ambulatory only**
- **Starliner Cab, Farmville – ambulatory only'**
- **Suggs Transportation – ambulatory only**
- **Unlimited Transport – ambulatory only**

Indirect Competition

Great Greenville Area Transportation

PATS Pitt Area Transit System

ECU East Carolina University

MANAGEMENT

I have managed my business for the last 20 years. My strengths are organization and people skills as well as a commitment to a job well done.

Personnel

Drivers will come from a pool of loyal current associates that are willing to meet my standards.

FINANCE

How well I manage the business's finances determines my level of success as a business owner. So, it is important that I apply sound financial management skills early on. My ability to effectively manage money assures that either have access to funds needed to meet monthly expenses, or it means that I can at least get access to these funds through loans.

Budgeted Expenses	Overall	Per Mile
Vans	\$5,000.00	\$0.10 Based on 50,000 miles per year
Fuel		\$0.37 Based on \$3.75 per gallon
Repairs	\$200.00	\$0.20 Monthly Escrow
Wages	\$400.00	\$0.40 Based on 1000 miles per week
Advertising	\$50.00	\$0.05 Based on \$600.00 per year
Office	\$30.00	\$0.03 Based on \$360.00 per year
Insurance	\$1,800.00	\$0.36 Based on \$1800.00 per year
		\$1.51

BALANCE SHEET

The expenses listed above reflect the money that "Around Town Shuttle" must pay to run the business. The continual expenses -- those that must be paid each month, are the fuel, insurance and wages. All other expenses are a one time payment as deemed necessary.

These expenses also represent financial assumptions, which are variables upon which income projections are made. Example of financial assumptions and their explanations follows:

	Assets	Liabilities
Bank Account	\$1,000.00	
Van #1	\$4,869.00	
Insurance		\$200.00
Office	\$200.00	
Advertising	\$60.00	
Wages		\$400.00
Totals	\$6,129.00	\$600.00

ASSUMPTION

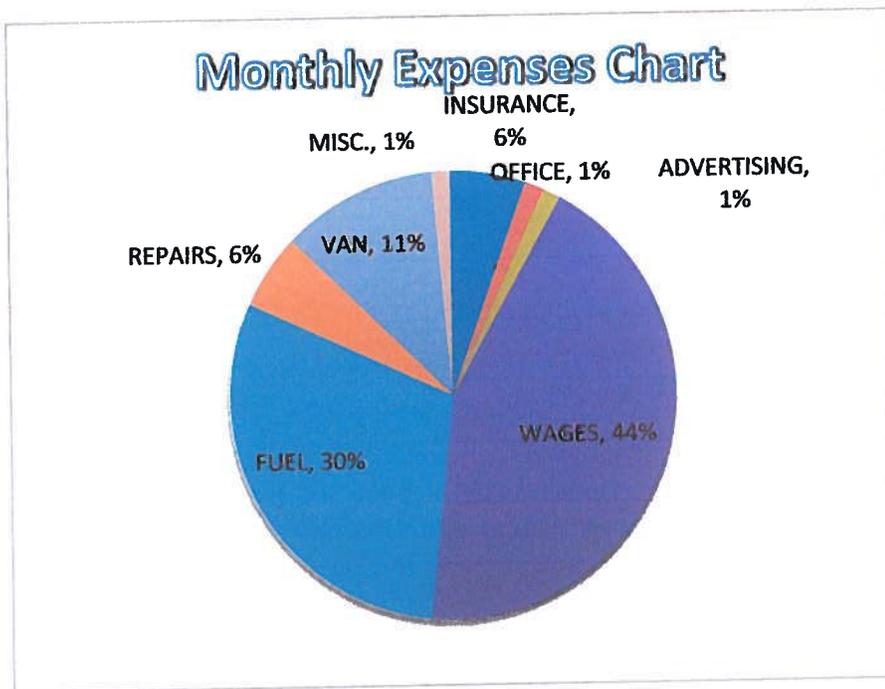
Wages to be paid to me until an employee is needed.

Budget/Spending Plan

Monthly Income	
Item	Amount
Estimated monthly net income	\$5,550.00
Other income	
Total	\$5,550.00



Monthly Expenses	
Item	Amount
INSURANCE	\$200.00
OFFICE	\$50.00
ADVERTISING	\$50.00
WAGES	\$1,600.00
FUEL	\$1,110.00
REPAIRS	\$200.00
VAN	\$416.70
MISC.	\$50.00
Total	\$3,676.70



A GREAT MARKETING OPPORTUNITY!

Around Town Shuttle offers area agencies and businesses the opportunity to place advertisements on Around Town Shuttle Vehicles with three different sizes available.

Advertising on our fleet can be a great marketing opportunity for your program, agency or business.

Around Town Shuttle provides public transportation to all areas of Pitt County. Your advertisement can be seen as much as 12 hours in one day.

Advertisements will run in 12 month contracts. Vehicle ads will be in the following three sizes:

20" x 120" \$100.00/month

20" x 72" \$75.00/month

20" x 36" \$45.00/month

The above rates do not include removable artwork, which will be completed by the vendor of your choice. Your agency/business will be responsible for working with your selected vendor to develop your advertisement. You will also be responsible for paying your selected vendor for the artwork itself.

Advertising Contract

This CONTRACT AND AGREEMENT made and entered into this _____ day of _____, _____, by and between "Around Town Shuttle" and _____, hereinafter referred to as LESSEE.

Whereas "Around Town Shuttle" operates a transportation system and desires to lease advertising space "Around Town Shuttle" transportation vehicles fleet for the "SCHEDULE OF FEES" set out in this CONTRACT.

TERM

The term of this contract is from _____, through _____.
The term may be extended if requested by LESSEE at the sole option of the "Around Town Shuttle".

SCHEDULE OF FEES

- 20" x 120" sign \$100.00/month
- 20" x 72" sign \$75.00/month
- 20" x 36" sign \$45.00/month

PAYMENT

Payments shall be made quarterly in advance. The first quarterly payment shall be made at least 10 (ten) working days prior to affixing a sign to the vehicle. Subsequent quarterly payments shall be made at least 10 (ten) working days prior to the beginning of the quarter to which the payment applies.

If payment is not made by the first day of the quarter, "Around Town Shuttle" reserves the right to remove the advertisement and bill the LESSEE for the cost of removal.

LESSEE'S RESPONSIBILITIES

1. Pay for all production costs incurred in the design, production, and installation of advertising.
2. Pay all expenses associated with the removal of advertising on vehicles utilized in the advertising process.
3. Affix no advertising mounted anywhere on the vehicle except on the "high top" cap of transit vehicle.
4. Be totally responsible for sign repair and replacement thereof.
5. Utilize only vinyl panels affixed directly to vehicles in such a manner that the removal thereof will not damage nor deface vehicles in any fashion.
6. Utilize only one piece vinyl material panels that are 20" tall and either 36", 72", or 120" wide.

"AROUND TOWN SHUTTLE" RESPONSIBILITIES

1. Review and approve or disapprove the design of the LESSEE's proposed sign within 15 (fifteen) working days after receipt by "Around Town Shuttle".
2. Suspend the collection of lease payments if a vehicle bearing an advertisement is out of service for more than 10 (ten) working days.

(Signature of LESSEE) (Date)

(Signature of "Around Town Shuttle" Agent) (Date)



GREENVILLE POLICE DEPARTMENT

MEMORANDUM

October 31, 2011

TO: Chief William Anderson
FROM: Cpl. C.B. Viverette
SUBJECT: Taxi/Limousine Operator Application for Sam Tim Woolard d/b/a Around Town Shuttle

DMV

*** DRIVER LICENSE STATUS: CLS C ACTIVE ***

10-16-08 12-10-16 REN ISS: CLS C EN:M RS:0
08-17-06 ACDNT: PITT COUNTY, NC
ACDNT: CASE ID:101810121

AOC

No New Record

DCI

No New Record

NEW WORLD

No Record

NCAWARE

No Record

Based on the above information, I recommend approval of the request by Mr. Sam Tim Woolard for his franchise, Around Town Shuttle.

Carol Barwick

From: Michael Dail
Sent: Friday, October 28, 2011 11:32 AM
To: Carol Barwick
Cc: Merrill Flood; Christopher Padgett
Subject: Around Town Shuttle

Carol,

The proposed location of Mr. Woolard's business is located outside of the City of Greenville's jurisdiction. Therefore there are no related zoning issues concerning this taxi cab franchise.

Thanks

Michael R. Dail, II
Planner
City of Greenville
Community Development Dept.
(252) 329-4116



FINANCIAL SERVICES MEMORANDUM

TO: Carol L. Barwick, City Clerk's Office

FROM: Brenda Matthews, Financial Services Collections

DATE: October 28, 2011

SUBJECT: Franchise Applications for:
Sam Tim Woolard/dba Around Town Shuttle

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the name above. We did not find any debt owed in the name of Sam Tim Woolard or Around Town Shuttle.

There were no unpaid property tax records in the names and/or addresses of the above individual or business name.

If I can provide further assistance, please call.

CC: Bernita Demery, Director of Financial Services
Kimberly Branch, Financial Services Manager

Doc # 177282 v 15



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Ordinance requested by Ward Holdings, LLC et. al. to rezone 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14th Street from R9S (Residential - Single-Family [Medium Density]) to CG (General Commercial)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 4, 2011.
On-site sign(s) posted on October 4, 2011.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on October 25, 2011.
Public hearing legal advertisement published on November 7 and November 14, 2011.

Comprehensive Plan:

The subject area is located in Vision Area C.

Greenville Boulevard is designated as a connector corridor from its intersection at East 14th Street and continuing north. Connector corridors are anticipated to contain a variety of higher intensity activities and uses, whereas residential corridors are preferred to accommodate lower intensity residential uses.

The Future Land Use Plan Map recommends commercial (C) at the southeast corner of the intersection of Greenville Boulevard and East 14th Street transitioning to office/ institutional/multi-family (OIMF) to the east (along Greenville Boulevard) and medium density residential (MDR) in the interior area.

There is a designated neighborhood focus area at the intersection of Greenville Boulevard and East 14th Street. These areas generally contain less than 40,000 square feet of conditioned floor space.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4,398 trips to and from the site on Greenville Boulevard, which is a net increase of 4,320 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Prior to the development approval, a Traffic Impact Study will be required to assess the impacts. The "Area of Influence" will be determined at the time of site plan review. Mitigation measures may include limiting access onto Greenville Boulevard, constructing turn lanes into the development, and intersection improvements at the Greenville Boulevard/East 14th Street intersection such as the construction of additional turn and/or through lanes.

History/Background:

In 1969, the subject properties were zoned R9 (single-family and duplex). In 1990, the owners of eight lots (6 acres) along Greenville Boulevard, between 14th Street and Adams Boulevard, requested their properties to be rezoned from R9 (single-family and duplex) to O (Office). The Planning and Zoning Commission, at the request of these property owners, sponsored the rezoning request; however, the Commission recommended denial at the public meeting. A valid protest petition (91.7% of the adjoining property owners) was filed by property owners within 100 feet of the request. The City Council unanimously voted to deny the request at their February 1990 public hearing.

In 2006, the subject properties were included in the Eastwood Neighborhood Rezoning where properties were rezoned to R9S (single-family only). These rezonings were part of recommendations from the Task Force on Preservation of Neighborhoods and Housing. The purpose of these rezonings was to eliminate multi-family intrusion in single-family neighborhoods.

In November 2007 and May 2008, the City Council denied a request by Ward Holdings, LLC to amend the FLUPM from an OIMF designation to a C designation for three parcels (1.52 acres) at the southeast corner of Greenville Boulevard and East 14th Street.

In 2010, there was a five-year Comprehensive Plan Review. As part of that process, the Planning and Zoning Commission was asked by Ward Holdings, LLC to consider changing the FLUPM from an OIMF designation to a C designation for the area described as beginning at the southeast corner of Greenville Boulevard and East 14th Street extending northeast along Greenville Boulevard just beyond David Drive. This area contained nine parcels (4.7± acres). City Council voted to eliminate this request as part of the update in September 2010.

In September 2011, the City Council approved a request by Ward Holdings, LLC to amend the FLUPM from an OIMF designation to a C designation for eight parcels (3.96 acres) at the southeast corner of Greenville Boulevard and

East 14th Street.

Present Land Use:

Three (3) vacant lots, four (4) single-family residences, and one (1) duplex.

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of Greenville Boulevard.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: CG -Trade/Wilco Convenience Store, Home Town Pharmacy, First Citizens Bank

South: R9S - Eastwood Subdivision - single-family, Teen Center, Sports Connection

East: R9S - Eastwood Subdivision - single-family

West: CN - professional office building

Density Estimates:

Under the current zoning (R9S), the site could yield eight (8) single-family lots.

Under the proposed zoning (CG), the site could yield 37,949 square feet of commercial/ retail/restaurant space.

The anticipated build-out time 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 October 18, 2011, meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

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

Attachments / click to download

- [Survey](#)
- [Bufferyard and Vegetation Chart and Residential Density](#)
- [Location Map](#)
- [Ordinance Ward Holdings rezoning 909910](#)
- [Rezoning Case 11 09 Ward Holdings LLC 909292](#)
- [PZ Excerpt Ward Rezoning October 2011 910897](#)
- [List of Uses R9S and CG 894321](#)

ORDINANCE NO. 11-
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 November 17, 2011, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

Section 1. That the following described territory is rezoned from R9S (Residential) to CG (General Commercial).

TO WIT: Ward Holdings, LLC, Randy Josh Manning, Rahul Thapar, Tawnee J. David, and Buelah L. Harrington Properties.

LOCATION: Located at the southeast corner of the intersection of Greenville Boulevard and East 14th Street.

DESCRIPTION: All those certain tracts or parcels of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina bounded on the north by S.E. Greenville Boulevard (U.S. Hwy 264 Bypass), on the east by the property of Kevin D. Leigh and wife Jennifer B. Leigh, on the south by Eastwood Subdivision and Leon Hardee Road, and on the west by East 14th Street Extension (N.C.S.R. 1704) and being described by metes and bounds as follows:

BEGINNING at the eastern most point, a common point in the northern boundary of lots 4 and 5 of Eastwood Subdivision Section Five, recorded in Map Book 14, Page 22, said point also being the southwest corner of the Kevin D. Leigh and, Jennifer B. Leigh property described in Deed Book 2510, Page 458, thence from said POINT OF BEGINNING and with the northerly line of Eastwood Subdivision Section Five, recorded in Map Book 14, Page 22, three calls: (1) S 52°56'17" W, 104.84', (2) S 52°49'34" W, 103.59', (3) S 56°20'31" W, 103.60' to a point in the easterly line of Rhonda Bailey Adams, property recorded in Deed Book, 1617, Page 610; thence continuing with the Adams property three calls, (1) N 28°49'20" W, 19.77', (2) S 59°35'28" W, 102.73', (3) S 27°58'34" E, 5.12' to the northeastern corner of the Julius Ervin Daniels property recorded in Deed

Book 2291, Page 219, thence continuing with the Daniels property three calls (1) S 62°34'00" W, 101.40', (2) S 27°34'21" E, 15.01', (3) S 27°11'57" E, 138.80' to a point in the northern right-of-way line of Hardee Road, thence cornering, following with and along the northerly right-of-way of Hardee Road S 53°10'59" W, 105.20' to a point in the northerly right-of-way of Leon Hardee Road, thence cornering and following with and along the northerly right-of-way of Leon Hardee Road, two calls: (1) N 57°32'26" W, 190.26', (2) N 57°33'07" W, 154.15' to a point in the easterly right-of-way of East 14th Street Extension (N.C.S.R. 1704), thence cornering and following the easterly right-of-way of East 14th Street in a northerly direction N 07°34'53" E, 23.00' to a point, thence N 33°09'53" E, 102.08' to a point in the southerly right-of-way of Southeast Greenville Boulevard (U.S. Highway 264 Bypass), thence cornering and following with and along the southerly right-of-way of Greenville Boulevard, seven calls: (1) N 67°31'22"E, 75.06', (2) N 65°14'21" E, 99.86', (3) N 62°11'53" E, 99.66', (4) N 59°35'33" E, 99.75', (5) N 56°29'15" E, 100.87', (6) N 53°21'35" E, 99.62', (7) N 51°34'53" E, 100.20', thence cornering, leaving the southerly right-of-way of Greenville Boulevard following with and along the western property line of the Kevin D. Leigh and wife Jennifer B. Leigh property S 32°19'13" E, 200.06' to the POINT OF BEGINNING containing 3.87 acres more or less and further shown on Rivers and Associates, Inc. Map Dated September 14, 2011, Drawing Z-2425-RZ entitled REZONING MAP FOR WARD HOLDINGS, LLC ET AL. which by reference is made a part hereof.

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 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 909910

Case No: 11-10

Applicant: Michael Overton

Property Information

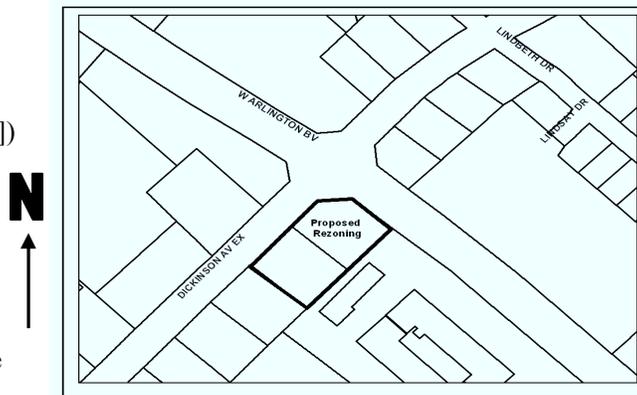
Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: OR (Office-Residential [High Density Mult-Family])

Current Acreage: 1.0172 acres

Location: Corner of Arlington Boulevard & Dickinson Avenue

Points of Access: Dickinson Avenue



Location Map

Transportation Background Information

1.) Dickinson Avenue- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	5-lanes curb & gutter with sidewalks
Right of way width (ft)	80	100
Speed Limit (mph)	45	45
Current ADT:	14,850 (*)	Ultimate Design ADT: 33,500 vehicles/day (**)
Design ADT:	30,000 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are no sidewalks along Dickinson Avenue that service this property.

Notes: (*) 2008 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 38 -vehicle trips/day (*) **Proposed Zoning: 106** -vehicle trips/day (*)

Estimated Net Change: increase of 68 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 Dickinson Avenue are as follows:

1.) Dickinson Avenue , East of Site: **“No build” ADT of 14,850**

Estimated ADT with Proposed Zoning (full build) – 14,903
 Estimated ADT with Current Zoning (full build) – 14,869
Net ADT change = 34 (<1% increase)

2.) Dickinson Avenue , West of Site:**“No build” ADT of 14,850**

Estimated ADT with Proposed Zoning (full build) – 14,903

Estimated ADT with Current Zoning (full build) – 14,869**Net ADT change = 34 (<1% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 106 trips to and from the site on Dickinson Avenue, which is a net increase of 68 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Prior to development approval, a Traffic Impact Study will be required to assess the impacts. The "Area of Influence" will be determined at the time of the site plan review. Mitigation measures may include limiting access onto Greenville Boulevard, constructing turn lanes into the development, and intersection improvements at the Greenville Boulevard/14th Street intersection such as the construction of additional turn and/or through lanes.

Excerpt from the DRAFT Planning & Zoning Minutes (10/18/2011)

REQUEST BY WARD HOLDINGS, LLC ET AL - APPROVED

Ordinance requested by Ward Holdings, LLC et al to rezone 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14th Street from R9S (Residential - single-family [Medium Density]) to CG (General Commercial).

Ms. Chantae Gooby, Planner, stated the subject property was involved in a Future Land Use Map Amendment that had come before the Commission a few months prior. She delineated the property, and noted, on the survey, a dedicated right-of-way for Hardee Road to connect with Leon Hardee Drive. She explained that those roads do not connect at this time. There are a variety of uses in this area. There is a neighborhood commercial focus area at the intersection of Greenville Boulevard and East 14th Street. This rezoning could generate a net increase of 4,320 extra trips with the trips split evenly on Greenville Boulevard. The property is currently zoned single-family only. Under the requested zoning, the site could yield up to 38,000 square feet of commercial/restaurant/retail space. The Future Land Use Plan Map recommends commercial at the southeast corner at Greenville Boulevard and East 14th Street. This designation is the result of the recent amendment. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Jim Ward spoke on behalf of the application. He stated the Eastwood neighborhood is in complete support of the proposal. He noted the request is in compliance with the City's Future Plan Map and has staff's recommendation.

No one spoke in opposition.

Mr. Weitz said that it is not just a matter of whether the request is consistent with the Land Use Plan Map, but also with the Comprehensive Plan text. He did not see where the report addressed if the request was consistent with the comprehensive plan. He believes that there are more inconsistencies. Other things to be considered are surrounding zoning patterns, permitted uses of the requested zoning, impact on streets and the purpose of the zoning code. He said the Land Use Plan isn't specific so you cannot assume that every commercial zoning category is appropriate. This intersection is designated as a neighborhood focus area and it is only intended to allow 40,000 square feet of conditioned floor space. This proposal could yield up to 38,000 square feet alone. There is already commercial at other corners so this request is not consistent with a neighborhood focus area designation. He read a footnote from the 2010 Comprehensive Plan Updates that states the designation of an area with a particular land use category does not mean that the most intensive zoning district is automatically recommended. He said the requests looks like strip development and there isn't anything to prevent the owners from selling off and/or developing the properties individually – piece-meal fashion , which is discouraged by several policies. He said the City is trying to preserve neighborhood livability. He understands

that there is no opposition from the neighborhood for this request, but feels the neighborhood may have been worn out by the process. He said that if the request is approved, there will not be a buffer between commercial and the single-family neighborhood.

Mr. Bell asked if Mr. Weitz's concern with this request was personal or as a board member.

Mr. Weitz said his concern was as a board member. He is concerned about some of the permitted uses of the requested zoning such as, bowling alleys, theaters, circuses, athletic clubs, funeral homes, hotels, motels, television stations and their towers, fast food restaurants, major repair, limousine services, storage areas and others. These uses have to be considered under this rezoning and it would not be good for the neighborhood.

Mr. Gordon said the size of the land precludes some of those uses.

Mr. Weitz conceded the property does have some limitations due to size, but the Commission is asked to consider all uses.

Mr. Gordon said plans would have to come to the Commission and the Commission is not giving the applicant carte blanche on developing the property.

Mr. Weitz said this rezoning would give the owners the right to use the property for any of the uses listed in the commercial zoning district. The Board would not have the authority to deny him through administrative processes.

Mr. Schrade noted the President of the Eastwood Neighborhood Association had attended a past meeting and said that they were in favor of the request.

Mr. Gordon asked if Mr. Weitz knew for a fact that the neighborhood was worn down.

Mr. Weitz said that he did not know for a fact but noted at two previous times when City Council had denied the request there was opposition from the neighborhood.

Mr. Schrade stated there are measures to control driveways and entrances to a certain point.

Chairman Randall stated that there is restriction on the distance between driveways and intersections.

Mr. Weitz said there are limited options for access to the properties on Greenville Boulevard, and didn't see how commercial development will improve the situation or promote desirable living conditions. If commercial is appropriate, it should be neighborhood commercial zoning.

Mr. Parker asked if Hardee Road would be connected to Leon Hardee Road.

Mr. DiCesare said that was not necessarily true.

Mr. DiCesare stated the review process would involve the City and NCDOT and a traffic impact assessment would be required due to the level of traffic. NCDOT and the City would have the authority to order an analysis of the other intersections close to the original intersection. Mitigation measures include limiting access onto Greenville Boulevard, constructing turn lanes into the development, and intersection improvements at the Greenville Boulevard-14th Street intersection may be required.

Chairman Randall said that they may be able to get more with this deal than what is available now.

Motion made by Mr. Bell, seconded by Mr. Smith, to recommend approval of the proposed amendment to advise that 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

R9S (Residential-Single-Family)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R9S (Residential-Single-Family)
Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

PROPOSED ZONING

CG (General Commercial)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On-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:

- 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
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- h Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- 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.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height
(see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

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

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- 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
- 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
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

- 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.

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- c. Taxi or limousine service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

* None

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

* None

CG (General Commercial)

Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

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

(8) Services:

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

(9) Repair:

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

(10) Retail Trade:

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage

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

- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

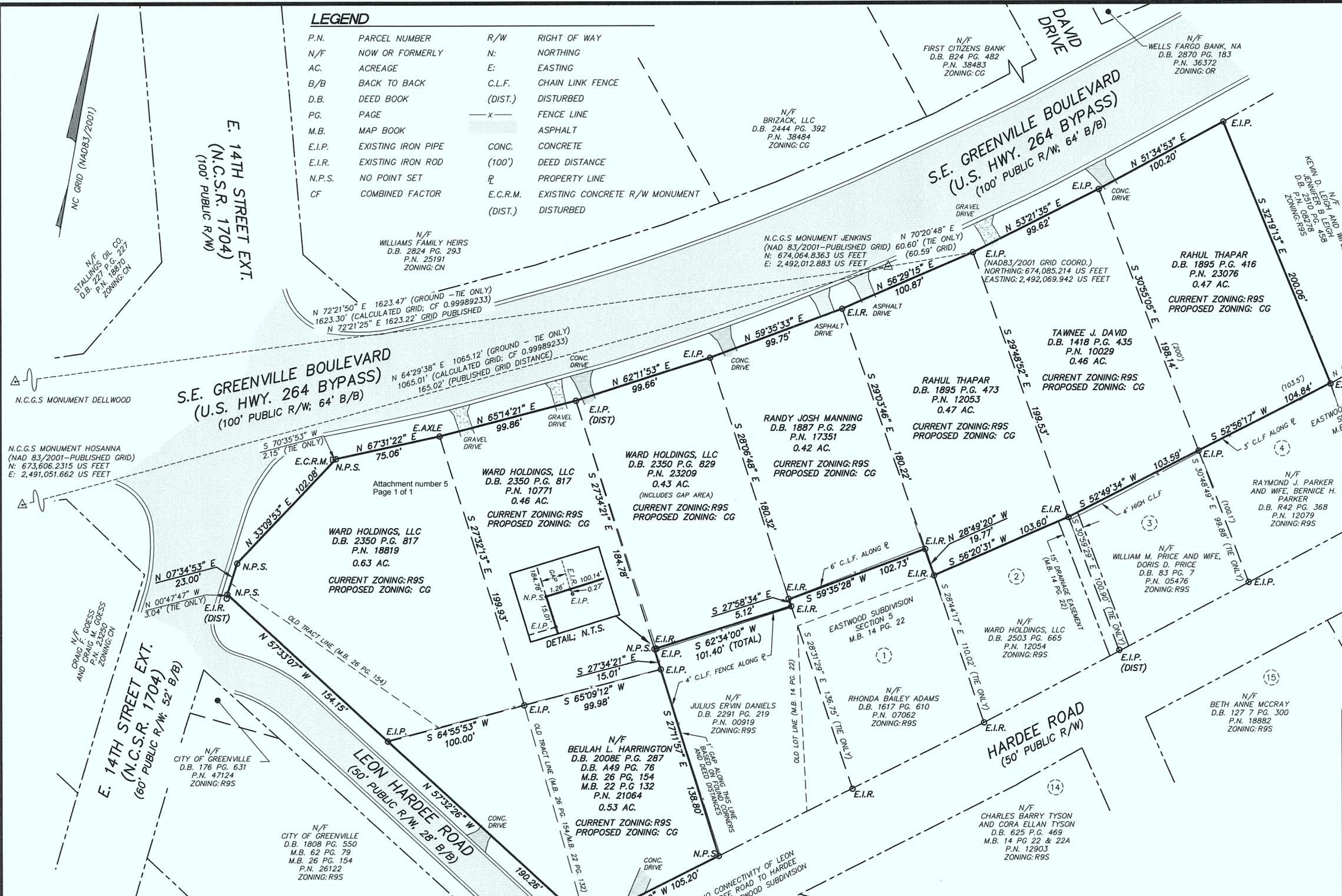
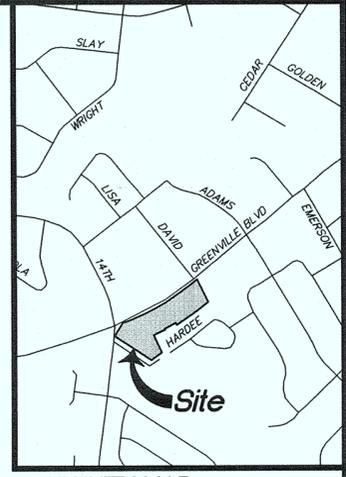
k. Mini-storage warehouse, household; excluding outside storage

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

LEGEND

P.N.	PARCEL NUMBER	R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY	N:	NORTHING
AC.	ACREAGE	E:	EASTING
B/B	BACK TO BACK	C.L.F.	CHAIN LINK FENCE
D.B.	DEED BOOK	(DIST.)	DISTURBED
PG.	PAGE	— x —	FENCE LINE
M.B.	MAP BOOK		ASPHALT
E.I.P.	EXISTING IRON PIPE	CONC.	CONCRETE
E.I.R.	EXISTING IRON ROD	(100')	DEED DISTANCE
N.P.S.	NO POINT SET	ℓ	PROPERTY LINE
CF	COMBINED FACTOR	E.C.R.M.	EXISTING CONCRETE R/W MONUMENT
		(DIST.)	DISTURBED

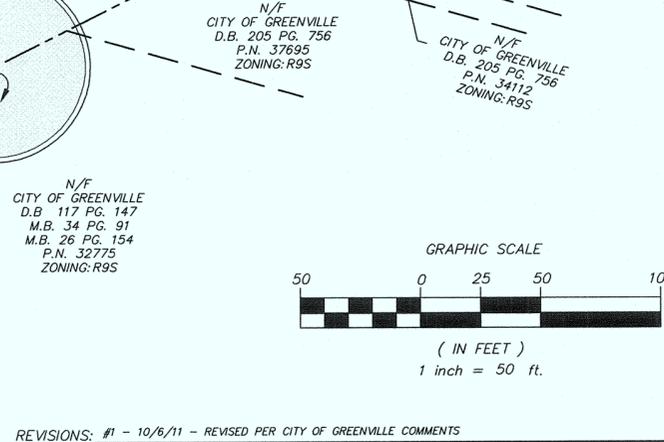


- NOTES**
1. AREA DETERMINED BY COORDINATES.
 2. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 3. NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
 4. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY.
 5. EXISTING ZONING WAS TAKEN FROM THE OFFICIAL ZONING MAP, THE CITY OF GREENVILLE, DATED AUGUST 7, 2011 AND THE CITY OF GREENVILLE SPATIAL DATA EXPLORER WEB SITE.
 6. BOUNDARY INFORMATION SHOWN IS BASED ON A FIELD RUN PERIMETER SURVEY BY JEW/RB ON 9/13/11. THIS IS NOT A FULL BOUNDARY SURVEY OF THE INDIVIDUAL PARCELS. NO INTERIOR IMPROVEMENTS HAVE BEEN LOCATED ON THE SUBJECT LOTS.
 7. THIS PROPERTY IS LOCATED WITHIN "ZONE X" (OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD) AS DETERMINED FROM FIRM MAP NUMBER 3720469700J PANEL 4697 J, EFFECTIVE JANUARY 2, 2004.
 8. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
 9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT OR RESEARCH. RIVERS AND ASSOCIATES DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THIS PROPERTY ARE SHOWN HEREON.

REFERENCES

D.B. 2350 P.G. 817	N/F CITY OF GREENVILLE D.B. 117 PG. 147
D.B. 2350 P.G. 829	M.B. 34 PG. 91
D.B. A49 PG. 76	M.B. 26 PG. 154
D.B. 1895 PG. 416	P.N. 32775
D.B. 1418 PG. 435	ZONING: R9S
D.B. 1895 PG. 473	
D.B. 1887 PG. 229	
D.B. 238 PG. 711	
M.B. 26 PG. 154	
M.B. 22 PG. 132	
M.B. 24 PG. 56	
M.B. 9 PG. 52	

STATE HIGHWAY BOOK 1 PG. 10-D



CERTIFICATION

NORTH CAROLINA PITT COUNTY

I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM (DEED DESCRIPTION RECORDED IN BOOK AS NOTED, PAGE AS NOTED); THAT THE RATIO OF PRECISION IS 1:10,000; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS SURVEY AND MAP WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (1)(11)d, THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 19TH DAY OF SEPTEMBER, 2011.

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

North Carolina Professional Land Surveyor Seal

PA TRICK W. HARTMAN
 L-4262
 DATE 9/19/11

Rivers & Associates, Inc.
 Since 1918
 107 East Second Street
 Greenville, NC 27858 (252) 752-4135

6131 Falls of Neuse Road, Suite 300
 Raleigh, NC 27609 (919) 848-3347
 NC LICENSE F-0334

REZONING MAP FOR
WARD HOLDINGS, LLC, ET AL

CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C.

SURVEY	JW	DRAFT	PWH
DESIGN	CHECK	PWH	

SCALE 1" = 50'

DRAWING NO. Z-2425-RZ

SHEET 1 OF 1

N:\WARD, JM (GREENVILLE BLVD & 14TH ST).dwg (Z-2425-RZ (Perimeter Boundary Survey))_eng. REZONING, harmp. Thu Oct 06 2011 at 9:31am

04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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

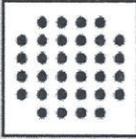
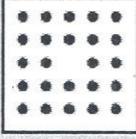
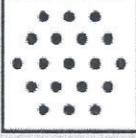
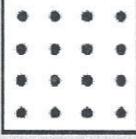
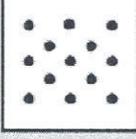
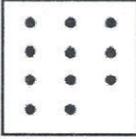
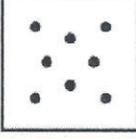
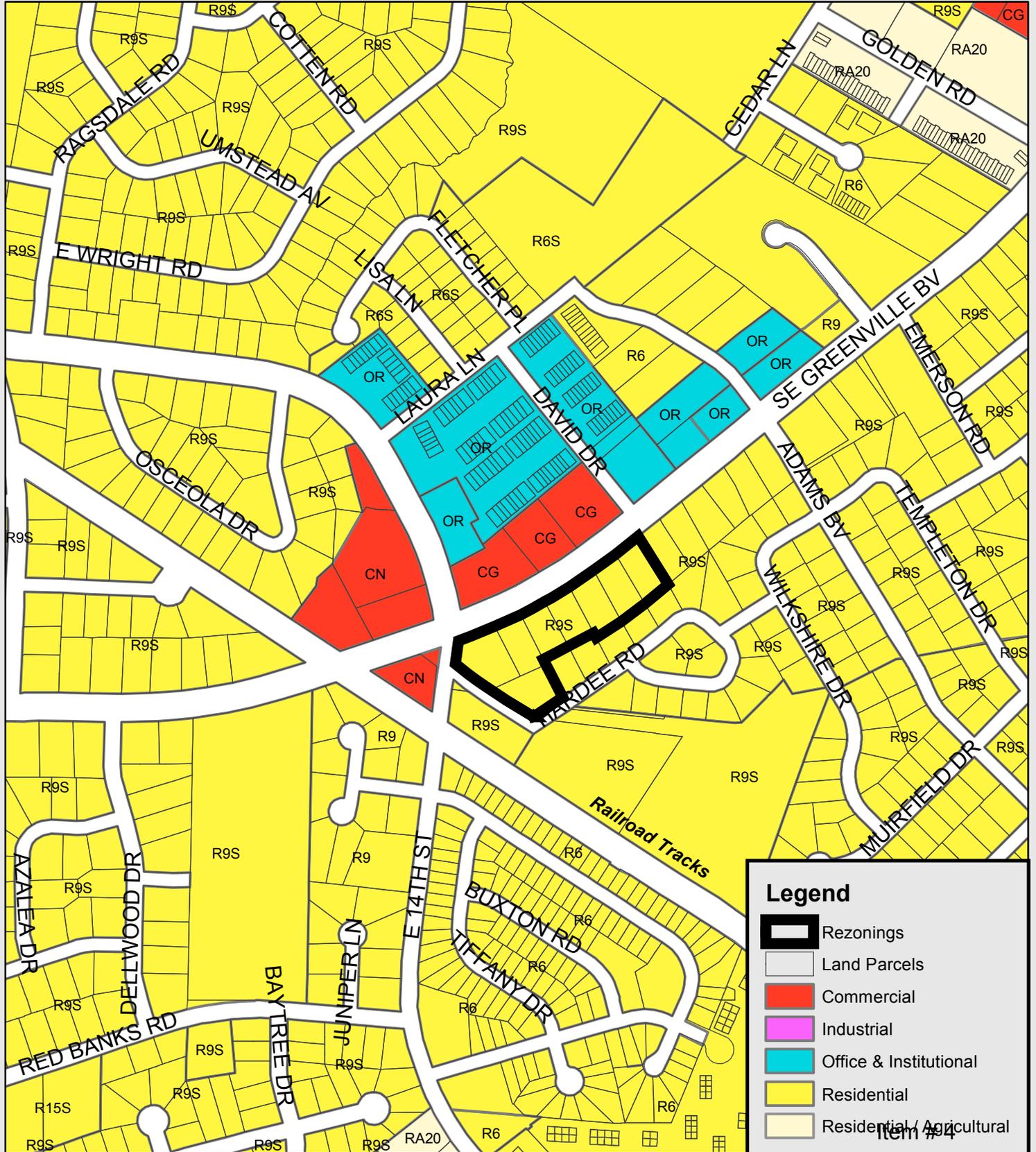
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons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

Illustration: Maximum allowable density in Residential Zoning Districts

Ward Holding, LLC et al (11-09)
From: R9S (Residential [single-family only])
To: CG (General Commerical)
3.87 acres
October 4, 2011





City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Ordinance amending the Zoning Ordinance, Article P. Vegetation Requirements

Explanation: An Action Item assigned to the Community Development Department from the current year's City Council Goals involves the City's landscaping requirements. Goal #6 identified the following objective and action item as provided below:

Goal: Plan for High Quality, Sustainable Growth

C. Objective: Enhance and review the net benefit of vegetation beautification around commercial areas

Action Item #2: Analyze the comments received from landscape professionals on the vegetation requirements as part of the review process and recommend changes to the landscape regulations as appropriate

In an effort to meet City Council's directive, staff contacted 12 landscape professionals and requested that they review the City's Vegetation Requirements located within Article P of the Zoning Ordinance and provide comments related to potential modifications. The individuals contacted included landscape architects, nursery operators, and landscapers. That is, the individuals who are involved typically in landscape design and using the City's existing vegetation standards. The responses received could be placed into two general categories:

1. Bufferyard Vegetation Requirements;

- Reduce the amount of vegetation required for a bufferyard when a qualifying fence, evergreen hedge, or berm is provided.
- When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

2. Approved Vegetation List;

- Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community's vegetative diversity.

Staff presented a report outlining the process used to solicit input from landscape professionals and their general recommendations to the Planning and Zoning Commission at their July 19, 2011, meeting. The Planning and Zoning Commission voted to move forward with initiating a Zoning Ordinance Text Amendment.

Subsequent to the Planning and Zoning Commission initiating the Zoning Ordinance Text Amendment, staff created an initial draft of said amendment and provided it to the same 12 landscape professionals that had originally provided input regarding the substantive modifications needed. The initial draft amendment was also provided to the Tree Preservation Work Group, a group consisting of citizens, developers and landscape professionals that are currently working with the Public Works Department to develop tree preservation strategies. The initial draft was then modified based on comments and input provided by the two before-mentioned groups. The result of this process is the draft Zoning Ordinance Text Amendment attached hereto.

The Planning and Zoning Commission voted to recommend approval of the Zoning Ordinance Text Amendment at their October 18, 2011, meeting.

Fiscal Note: No fiscal impact is anticipated.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

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

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

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

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

Attachments / click to download

-  [Draft_Vegetation_Text_Amendment_905486](#)
 -  [Vegetation_Report_899816](#)
 -  [Vegetation_Requirement_Text_Amendment_Ordinance_910063](#)
 -  [PZ_Excerpt_Text_Amendment_Oct_2011_910235](#)
-

ORDINANCE NO. 11-_____
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 November 17, 2011 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article P, Section 9-4-266 (A), of the City Code, is hereby amended by adding new subsections (2)(e) and (2)(f) to read as follows:

- (2)(e) *Where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then the minimum vegetation material required by this subsection is reduced by 25% for Type D, E and F bufferyards.*
- (2)(f) *Where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then up to 25% of the minimum vegetation material required by this subsection for Type C, D, E and F bufferyards may be deciduous (non-evergreen).*

Section 2: That Title 9, Chapter 4, Article P, Section 9-4-267, of the City Code, is hereby amended by deleting subsection (A) in its entirety and substituting a new subsection (A) to read as follows:

- (A) *Materials list notations; meanings.*
 - (1) *Acceptable screening vegetation: (S)*
 - (2) *Tolerant to periodic wet soil conditions: (W)*
 - (3) *Various varieties: (*)*
 - (4) *Native: (N)*
 - (5) *Minimum height of 12 inches: (H)*

(6) *Light: Limited shade: (L1)*

(7) *Light: Limited shade to complete shade: (L2)*

Section 3: That Title 9, Chapter 4, Article P, Section 9-4-267, of the City Code, is hereby amended by deleting subsection (C) in its entirety and substituting a new subsection (C) to read as follows:

(C) *Materials for vegetation requirements. Except as further provided, materials listed below shall be utilized to satisfy the vegetation requirements of this article:*

(1) *Shrubs 1.5 - 6 Feet - Evergreen*

<i>Abelia x grandiflora</i>	<i>Glossy Abelia</i>	(*)
<i>Aucuba japonica</i>	<i>Japanese Aucuba</i>	(*)(L2)
<i>Buxus microphylla japonica</i>	<i>Japanese Boxwood</i>	(*)(L1)
<i>Buxus microphylla 'Koreana'</i>	<i>Korean Boxwood</i>	(*)(L1)
<i>Buxus sempervirens 'Suffruticosa'</i>	<i>Dwarf Boxwood</i>	(L1)
<i>Cephalotaxus harringtonia</i>	<i>Japanese Plum Yew</i>	(L1)
<i>Chamaecyparis obtusa 'Nana Gracilis'</i>	<i>Dwarf Hinoki Cypress</i>	
<i>Cotoneaster horizontalis</i>	<i>Rockspray Cotoneaster</i>	(*)(H)
<i>Cryptomeria japonica nana</i>	<i>Dwarf Japanese Cedar</i>	
<i>Euonymus fortunei 'Vegetus'</i>	<i>Evergreen Bittersweet</i>	(*)
<i>Euonymus japonicus 'Microphyllus'</i>	<i>Dwarf Japanese Euonymus</i>	(H)
<i>Fatsia japonica</i>	<i>Japanese Fatsia</i>	(*)(L2)
<i>Gardenia jasminoides 'Radicans'</i>	<i>Dwarf Gardenia</i>	(H) (L1)
<i>Hypericum patulum</i>	<i>St.-John's-Wort</i>	(*)
<i>Ilex cornuta 'Burfordii Nana'</i>	<i>Dwarf Burford Holly</i>	(L1)
<i>Ilex crenata 'Compacta'</i>	<i>Compacta Holly</i>	
<i>Ilex crenata 'Microphylla'</i>	<i>Littleleaf Japanese Holly</i>	
<i>Ilex cornuta 'Carissa'</i>	<i>Carissa Holly</i>	(L1)
<i>Ilex cornuta 'Rotunda'</i>	<i>Dwarf Horned Holly</i>	
<i>Ilex glabra 'Shamrock'</i>		(N)
<i>Ilex vomitoria 'Nana'</i>	<i>Dwarf Yaupon</i>	(H)(N)(W)
<i>Juniperus chinensis 'Pfitzeriana'</i>	<i>Pfitzer Juniper</i>	(*)
<i>Juniperus davurica 'Expansa'</i> (<i>'Parsoni'</i>)	<i>Parsons Juniper</i>	(*)(H)
<i>Juniperus horizontalis</i>	<i>Prostrate Juniper</i>	
<i>Leucothoe axillaris</i>	<i>Coastal Leucothoe</i>	(L2) (W)
<i>Leucothoe fontanesiana</i>	<i>Drooping Leucothoe</i>	(*)(L2) (W)
<i>Ligustrum japonicum</i>	<i>Ligustrum</i>	(L1) (S)
<i>Loropetalum Chinese nana</i>	<i>Dwarf Chinese Fringe Flower</i>	(L1)
<i>Mahonia bealei</i>	<i>Leatherleaf Mahonia</i>	(*)(L2)
<i>Mahonia / Mahonia Hybrids</i>		(*)(L2)
<i>Nandina domestica</i>	<i>Nandina</i>	(*)(L1)
<i>Pieris japonica</i>	<i>Japanese Andromeda</i>	(*)(L1)

<i>Pinus mugo</i> 'Compacta'	Mugo Pine	(*)
<i>Pittosporum tobira nana</i>	Chinese Podocarpus	(L1)
<i>Prunus laurocerasus</i> 'Zabeliana'	Zabel Laurel	(L1)
<i>Rhaphiolepis indica</i>	India Hawthorn	(*)
<i>Rosa hybrid Dwarf Rose species</i>		(*)
<i>Taxus cuspidate</i>	Japanese Yew	(L1)
<i>Thuja occidentalis nana</i>	Eastern arborvitae	(N)
<i>Yucca filamentosa</i>	Adam's Needle Yucca	(*)(H)(N)
<i>Yucca gloriosa</i>	Mound-Lily Yucca	

(2) Shrubs 1.5 - 6 Feet - Deciduous

<i>Buddleia davidii nana</i>	Dwarf Butterfly Bush	
<i>Callicarpa americana</i>	American Beautyberry	(N)
<i>Chaenomeles japonica</i>	Japanese Flowering Quince	(*)
<i>Chaenomeles speciosa</i>	Flowering Quince	
<i>Clethra alnifolia nana</i>	Dwarf Clethra	(N)
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	
<i>Hamamelis vernalis</i>	Vernal Witch-Hazel	(L1)
<i>Hydrangea macrophylla</i>	Bigleaf Hydrangea	
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	(L1)(N)
<i>Hypericum kalmianum</i>	Kalm St.-John's-Wort	
<i>Itea virginica</i>		
<i>Jasminum nudiflorum</i>	Winter Jasmine	(H) (L1)
<i>Kerria japonica</i>	Kerria	(L1)
<i>Lagerstromia hubrids nana</i>	Dwarf Crapemyrtles	
<i>Rosa</i>	Rose Hybrids	(*)
<i>Spirea</i>	Spirea species	(*)
<i>Vaccinium ashei</i>	Rabbiteye Blueberry	
<i>Weigela Varieties</i>	Dwarf Weigela	(*)

(3) Shrubs 6 - 12 Feet - Evergreen

<i>Azalea indica</i>	Indian Azalea	(*)(L2)
<i>Camellia japonica</i>	Camellia	(*)(L2)
<i>Camellia sasanqua</i>	Sasanqua Camellia	(*)(L1)
<i>Camellia sinensis</i>	Tea Plant	(S) (L1)
<i>Cleyera japonica</i>	Cleyera	(S) (L2)
<i>Cotoneaster</i>	Cotoneaster species	(*)
<i>Elaeagnus pungens</i>	Thorny Elaeagnus	(*)(S)
<i>Euonymus japonica</i>	Evergreen Euonymus	(*)
<i>Ilex cornuta</i>	Chinese Holly	(*)(L1) (S)
<i>Ilex cornuta</i> 'Burfordii'	Burford Holly	(*)(L1) (S)
<i>Ilex crenata</i>	Japanese Holly	(*)(S)

<i>Ilex glabra</i>	<i>Inkberry Holly</i>	(L1) (N)(W)
<i>Ilex latifolia</i>	<i>Lusterleaf Holly</i>	(L1) (S)
<i>Ilex vomitoria</i> `Pendula`	<i>Weeping Yaupon Holly</i>	(*)(N)(W)
<i>Illicium anisatum</i>	<i>Anisetree</i>	(L2)
<i>Illicium floridanum</i>	<i>Florida Anisetree</i>	(*)(L2)(N)(W)
<i>Juniperus chinensis</i>	<i>Juniper species</i>	(*)
<i>Leucothoe populifolia</i>	<i>Florida Leucothoe</i>	(L2)(N)(W)
<i>Ligustrum japonicum</i>	<i>Japanese Privet</i>	(*)(L1)(S)
<i>Ligustrum lucidum</i>	<i>Tall Glossy Privet</i>	(*)(L1)(S)
<i>Ligustrum sinense</i> `Variegatum`	<i>Variegated Chinese Privet</i>	(L1)
<i>Loropetalum chinense</i>	<i>Loropetalum</i>	(L1)(S)
<i>Michelia figo</i>	<i>Banana Shrub</i>	
<i>Myrica cerifera</i>	<i>Wax-Myrtle</i>	(W)(S)(N)
<i>Osmanthus x fortunei</i>	<i>Fortune Tea Olive</i>	(*)(L1)(S)
<i>Osmanthus fragrans</i>	<i>Fragrant Tea Olive</i>	(*)(L1)
<i>Osmanthus heterophyllus</i>	<i>Holly Osmanthus</i>	(*)(L1)(S)
<i>Pittosporum tobira</i>	<i>Pittosporum</i>	(L1)
<i>Podocarpus macrophyllus maki</i>	<i>Podocarpus</i>	(*)(S)
<i>Pyracantha koidzumii</i>	<i>Formosa Firethorn</i>	(*)(S)
<i>Thuja orientalis</i>	<i>Oriental Arborvitae</i>	(*)(S)
<i>Viburnum japonicum</i>	<i>Japanese Viburnum</i>	(S)
<i>Viburnum tinus</i>	<i>Laurestinus Viburnum</i>	(*)(S)
<i>Yucca aloifolia</i>	<i>Spanish-Bayonet</i>	

(4) Shrubs 6 - 12 Feet - Deciduous

<i>Azalea hybrid</i>	<i>Hybrid Azalea</i>	(*)(L2)
<i>Buddleja davidii</i>	<i>Butterfly-Bush</i>	(*)
<i>Calycanthus floridus</i>	<i>Sweet Shrub</i>	(*)(L1)(N)
<i>Chimonanthus praecox</i>	<i>Winter Sweet</i>	(*)
<i>Chionanthus virginicus</i>	<i>Fringe Tree</i>	
<i>Cotinus coggyria</i>	<i>Smoketree</i>	(*)(N)
<i>Cornus species</i>	<i>Dwarf Dogwoods</i>	(L2)(N)
<i>Cotoneaster salicifolius floccosus</i>	<i>Willowleaf Cotoneaster</i>	(*)
<i>Cytisus scoparius</i>	<i>Scotch Broom</i>	(*)
<i>Deutzia scabra</i>	<i>Pride of Rochester</i>	(*)
<i>Elaeagnus commutata</i>	<i>Silverberry</i>	
<i>Euonymus alatus</i>	<i>Winged Euonymus</i>	(L1)
<i>Euonymus americanus</i>	<i>Strawberry-Bush</i>	(L2)(N)
<i>Ficus carica</i>	<i>Common Fig Tree</i>	(*)
<i>Forsythia x intermedia</i>	<i>Border Forsythia</i>	(*)
<i>Hamamelis virginiana</i>	<i>Common Witch-Hazel</i>	(L1)(N)
<i>Hibiscus syriacus</i>	<i>Rose of Sharon</i>	(*)
<i>Hydrangea paniculata</i> `Grandiflora`	<i>Peegee Hydrangea</i>	(*)

<i>Ilex decidua</i>	Possumhaw	(*)(L2)(N)
<i>Ilex verticillata</i>	Winterberry	(*)(N)(W)
<i>Itea virginica</i>	Virginia Sweetspire	(*)(L1)(N)(W)
<i>Kolkwitzia amabilis</i>	Beautybush	(*)
<i>Lagerstromia species</i>	Dwarf Crapemyrtles	
<i>Lonicera fragrantissima</i>	Winter Honeysuckle	
<i>Philadelphus coronarius</i>	Sweet Mock Orange	(*)
<i>Poncirus trifoliata</i>	Hardy Orange	(*)
<i>Spiraea prunifolia 'Plena'</i>	Bridal Wreath Spirea	
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea	
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum	(*)
<i>Viburnum dentatum</i>	Arrowwood Viburnum	(N)
<i>Viburnum x juddii</i>	Judd Viburnum	
<i>Viburnum macrocephalum 'Sterile'</i>	Chinese Snowball	
<i>Viburnum opulus 'Roseum'</i>	European Snowball	(*)
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum	(*)
<i>Weigela florida</i>	Weigela	(*)

(5) *Small Trees – Evergreen*

<i>Cornus Kousa angustata</i>	Evergreen Dogwood	
<i>Cupressus arizonica</i>	Arizona Cypress	(*)(S)
<i>Ilex x attenuata</i>	Hybrid Holly	(*)(S) (L1)
<i>Ilex cassine</i>	Dahoon Holly	(*)(W)(L1)(N)
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie Stevens Holly	(L1)(S)
<i>Ilex opaca</i>	American Holly	(*)(L1) (N)
<i>Ilex vomitoria</i>	Yaupon Holly	(*)(S) (L1) (N)
<i>Magnolia grandiflora "Little Gem"</i>	Little Gem Magnolia	(S) (L1) (N)
<i>Magnolia virginiana</i>	Sweet Bay	(*)(L1) (N)(W)
<i>Olea species</i>	Cold Hardy Olive	(L1)
<i>Pinus virginiana</i>	Virginia Pine	(N)
<i>Prunus caroliniana</i>	Carolina Cherry-Laurel	(*)(S)(N)
<i>Quercus acuta</i>	Japanese Evergreen Oak	(S)

(6) *Small Trees - Deciduous*

<i>Acer buergeranum</i>	Trident Maple	(*)
<i>Acer ginnala</i>	Amur Maple	(*)
<i>Acer griseum</i>	Paperbark Maple	
<i>Acer palmatum</i>	Japanese Maple	(*)(L2)
<i>Acer palmatum dissectum</i>	Laceleaf Japanese Maple	(*)(L2)
<i>Acer truncatum</i>	Shantung Maple	
<i>Amelanchier arborea</i>	Serviceberry	(*)(N)
<i>Carpinus caroliniana</i>	American Hornbeam	(N) (L2)

<i>Cercis canadensis</i>	<i>Eastern Redbud</i>	(*)(N)
<i>Cercis species</i>	<i>Redbuds</i>	
<i>Cornus florida</i>	<i>Flowering Dogwood</i>	(*)(N)(L1)
<i>Cornus kousa</i>	<i>Kousa Dogwood</i>	(*)
<i>Cornus mas</i>	<i>Cornelian Cherry Dogwood</i>	(*)
<i>Crataegus phaenopyrum</i>	<i>Washington Hawthorne</i>	(*)(N)
<i>Halesia carolina</i>	<i>Carolina Silverbell</i>	(N)(L2))
<i>Hamamelis mollis</i>	<i>Chinese Witch-Hazel</i>	(*)(L1)
<i>Koelreuteria bipinnata</i>	<i>Chinese Flame Tree</i>	
<i>Koelreuteria paniculata</i>	<i>Golden-Rain-Tree</i>	(*)
<i>Lagerstroemia indica</i>	<i>Crape-Myrtle</i>	(*)
<i>Magnolia macrophylla</i>	<i>Bigleaf Magnolia</i>	(*)(N)
<i>Magnolia x</i>	<i>Saucer Magnolia</i>	(*)
<i>Magnolia stellata</i>	<i>Star Magnolia</i>	(*)
<i>Malus hybrida</i>	<i>Flowering Crab Apple</i>	(*)
<i>Morus alba</i>	<i>White Mulberry</i>	(*)
<i>Morus alba 'Pendula'</i>	<i>Weeping White Mulberry</i>	(*)
<i>Oxydendrum arboreum</i>	<i>Sourwood</i>	(N) (L1)
<i>Pistacia chinensis</i>	<i>Pistachio</i>	(*)
<i>Prunus cerasifera</i>	<i>Plum Species</i>	(*)
<i>Prunus serrulata</i>	<i>Japanese Cherry</i>	(*)
<i>Prunus subhirtella pendula</i>	<i>Weeping Cherry</i>	(*)
<i>Prunus yedoensis</i>	<i>Yoshino Cherry</i>	(*)
<i>Punica granatum</i>	<i>Pomegranate</i>	(*)
<i>Salix caprea</i>	<i>Goat Willow</i>	(*)(W)
<i>Sassafras albidum</i>	<i>Common Sassafras</i>	(N)
<i>Stewartia varieties</i>	<i>Stewartia</i>	
<i>Styrax varieties</i>	<i>Snowball</i>	
<i>Ulmus parvifolia</i>	<i>Chinese Elm</i>	(*)
<i>Viburnum prunifolium</i>	<i>Blackhaw Viburnum</i>	(L1)
<i>Viburnum rufidulum</i>	<i>Southern Blackhaw</i>	(L1)(N)
<i>Vitex agnus-castus</i>	<i>Chaste - Tree</i>	(*)

(7) *Large Trees - Evergreen.*

<i>Cedrus deodara</i>	<i>Deodar Cedar</i>	(*)(S)
<i>Cryptomeria japonica</i>	<i>Japanese Cryptomeria</i>	(S)
<i>Cupresso- cyparis leylandii</i>	<i>Leyland Cypress</i>	(*)(S)
<i>Ilex attenuate</i>	<i>Holly species</i>	(L1)
<i>Juniperus virginiana</i>	<i>Eastern Red Cedar</i>	(*)(S)(N)
<i>Magnolia grandiflora</i>	<i>Southern Magnolia</i>	(*)(S)(N)
<i>Pinus bungeana</i>	<i>Lacebark Pine</i>	
<i>Pinus eliotti</i>	<i>Slash Pine</i>	
<i>Pinus palustris</i>	<i>Longleaf Pine</i>	(N)

<i>Pinus strobus</i>	White Pine	
<i>Pinus sylvestris</i>	Scotch Pine	
<i>Pinus taeda</i>	Loblolly Pine	(N)
<i>Pinus thunbergiana</i>	Japanese Black Pine	(S)
<i>Quercus laurifolia</i>	Laurel Oak	(N)
<i>Quercus virginiana</i>	Southern Live Oak	(N)(W)
<i>Thuja species</i>	Green Giant Arborvitae	(N)

(8) Large Trees - Deciduous

<i>Acer rubrum</i>	Red Maple	(*)(N)(W)
<i>Acer saccharum</i>	Sugar Maple	(*)(N)(W)
<i>Betula nigra</i>	River Birch	(*)(W)(N)
<i>Celtis laevigata</i>	Sugar Hackberry	(*)(N)(W)
<i>Celtis occidentalis</i>	Common Hackberry	(*)(N)
<i>Cladrastis lutea</i>	Yellowwood	(*)(N)
<i>Diospyros virginiana</i>	Persimmon	(*)(N)
<i>Fagus grandifolia</i>	Beech	(N)
<i>Ginkgo biloba</i>	Maidenhair Tree	(*)
<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree	(W)(N)
<i>Liquidambar styraciflua</i>	Sweet-Gum	(*)(N)(W)
<i>Liriodendron tulipifera</i>	Tulip-Tree	(*)(N)(W)
<i>Magnolia acuminata</i>	Cucumber Tree	(*)
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	(*)(W)
<i>Nyssa sylvatica</i>	Black Tupelo	(*)(N)
<i>Platanus occidentalis</i>	Sycamore	(N)(W)
<i>Prunus sargentii</i>	Sargent Cherry	(*)
<i>Quercus acutissima</i>	Sawtooth Oak	(N)
<i>Quercus alba</i>	White Oak	(N)
<i>Quercus coccinea</i>	Scarlet Oak	(*)(N)
<i>Quercus macrocarpa</i>	Bur Oak	(N)
<i>Quercus nigra</i>	Water Oak	(N)(W)
<i>Quercus palustris</i>	Pin Oak	(*)(N)(W)
<i>Quercus phellos</i>	Willow Oak	(N)(W)
<i>Quercus rubra</i>	Red Oak	(N)
<i>Quercus velutina</i>	Black Oak	(N)
<i>Salix babylonica</i>	Weeping Willow	(W)
<i>Quercus shumardii</i>	Shumard Oak	(N)(W)
<i>Quercus falcata</i>	Southern Red Oak	(N)
<i>Quercus nuttalli</i>	Nuttall Oak	(N)
<i>Quercus shumardii</i>	Shumard Oak	(N)(W)(L1)
<i>Taxodium ascendons</i>	Pond Cypress	(N)
<i>Taxodium distichum</i>	Bald Cypress	(*)(W)(N)
<i>Tilia americana</i>	American Linden	(*)(N)(W)

Zelkova serrata

Japanese Zelkova

(*)

Section 4. 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 5. That this ordinance shall become effective upon its adoption.

Adopted this 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFT Planning and Zoning Commission meeting minutes (10/18/2011)

ZONING ORDINANCE TEXT AMENDMENT- MODIFICATIONS TO ARTICLE P. VEGETATION - APPROVED

Chief Planner Chris Padgett presented the item to the Commission. One of the Action Items assigned to the Community Development Department from the current year's City Council Goals is to "Analyze the comments received from landscape professionals on the vegetation requirements as part of the review process and recommend changes to the landscape regulations as appropriate."

In an effort to meet City Council's directive, staff contacted twelve landscape professionals and requested that they review the City's Vegetation Requirements located within Article P of the Zoning Ordinance and provide comments related to potential modifications. The individuals contacted included landscape architects, nursery operators, and landscapers; the individuals that are typically involved in landscape design and using the City's existing vegetation standards. The responses received could generally be placed into two categories:

1. Bufferyard Vegetation Requirements;

- Reduce the amount of vegetation required for a Bufferyard when a qualifying fence, evergreen hedge, or berm is provided.
- When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

2. Approved Vegetation List;

- Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community's vegetative diversity.

Staff presented a report outlining the process used to solicit input from landscape professionals and their general recommendations to the Planning and Zoning Commission at their July 19, 2011, meeting. The Planning and Zoning Commission voted to move forward with initiating a Zoning Ordinance Text Amendment.

Subsequent to the Planning and Zoning Commission initiating the Zoning Ordinance Text Amendment, staff created an initial draft of said amendment and provided it to the same twelve landscape professionals that had originally provided input regarding the substantive modifications needed. The initial draft amendment was also provided to the Tree Preservation Work Group, a group consisting of citizens, developers and landscape professionals that are currently working with the Public Works Department to develop tree preservation strategies.

The initial draft was then modified based upon comments and input provided by the two before mentioned groups. The first requirement addressed states:

1. Bufferyard Vegetation Requirements
 - A. Reduce the amount of vegetation required for a Bufferyard when a qualifying fence, evergreen hedge, or berm is provided.

The rationale is that when one of the qualifying items are provided, the bufferyard is typically reduced by 50% but you would still have 100% of the planting requirements. The landscape professionals that staff has spoken with say that if the planting is that dense it can cause problems where the plants are competing for resources and the trees are not reaching their recommended size. The suggested text amendment reads:

Proposed Text Amendment: Section 9-4-266

(2) Minimum vegetation material:

- (e) Where the fence, evergreen hedger where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then the minimum vegetation material required by this subsection is reduced by 25% for Type D, E and F bufferyards.

The second requirement addressed states:

1. Bufferyard Vegetation Requirements
 - B. When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

The current standards require that 100% of the vegetation must be evergreen; under this rule you're creating an opaque screen to the height of 6 ft. with the qualifying items. By allowing some percentage of the vegetation to be non-evergreen in nature, you are not reducing the effectiveness of the screens that go up to a height of 6 ft; for vegetation that reaches heights of 6 ft. – 12 ft., you would receive a filtered view rather than an opaque view, which the landscape professionals feel is appropriate. It is their opinion that the visual benefits would outweigh any negative impacts. The suggested text amendment for this section reads:

Proposed Text Amendment: Section 9-4-266

(2) Minimum vegetation material:

- (f) Where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then up to 25% of the minimum vegetation material required by this subsection for Type C, D, E and F bufferyards may be deciduous (non-evergreen).

The final requirement addressed is:

2. Approved Vegetation List

- A. Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community's vegetative diversity.

This list has not been updated in over a decade; since that time we have learned that some of the plants on the list are prone to disease or insects, some are not ideal to the area's climate or soils, or they are not commercially available in the area; these plants have been removed from the list. There are some new species that thrive in this environment and they have been added to the list. Mr. Padgett specifically thanked Myriah Shewchuk, Marsha Wiley and Todd Williams for their help in amending this list.

Ms. Basnight asked why bufferyard C was not included in the first revision.

Mr. Padgett answered that there is minimal landscaping requirements in that bufferyard and the reduction is only 2-feet, so they felt that it would not necessitate any type of reduction in landscape material.

There were no speakers for or against the proposed text amendment so Chairman Randall closed the public hearing and opened Board discussion.

Mr. Gordon made a motion to approve the proposed text amendment, to advise that it is consistent with the Comprehensive Plan and other applicable plans, and to adopt staff's report which addresses plan consistency and other matters. Ms. Basnight seconded and the motion carried unanimously.

Draft Zoning Ordinance Text Amendment - Modifications to Article P. Vegetation Requirements

1. Bufferyard Vegetation Requirements

- A. Reduce the amount of vegetation required for a Bufferyard when a qualifying fence, evergreen hedge, or berm is provided.

Explanation

The current bufferyard requirements allow a bufferyard width reduction between 20% - 50% for Type C, D, E, and F bufferyards when a qualifying fence, evergreen hedge, or berm (6-foot tall minimum) is provided. No associated reduction in vegetation material is provided, thus the required vegetation material is located in a smaller area that is not ideal for long-term viability.

Proposed Text Amendment

Amend Section 9-4-266 (Screening Vegetation Requirement within Bufferyards C, D, E and F) of the Zoning Ordinance by adding a subsection (2)(e) as follows:

- (2) Minimum vegetation material:

- (e) Where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then the minimum vegetation material required by this subsection is reduced by 25% for Type D, E and F bufferyards.

- B. When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

Explanation

The current standards for bufferyards require that all vegetation material be evergreen. This requirement is designed to provide a complete opaque visual screen between incompatible land uses. A qualifying fence, evergreen hedge, or berm will provide the opaque screen to a height of six feet, thus allowing some portion of the required vegetation material to be deciduous adds visual variety while not reducing the overall effectiveness of the bufferyard.

Proposed Text Amendment

Amend Section 9-4-266 (Screening Vegetation Requirement within Bufferyards C, D, E and F) of the Zoning Ordinance by adding a subsection (2)(f) as follows:

(2) Minimum vegetation material:

- (f) Where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then up to 25% of the minimum vegetation material required by this subsection for Type C, D, E and F bufferyards may be deciduous (non-evergreen).

2. Approved Vegetation List

- A. Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community's vegetative diversity.

Explanation

The current Approved Vegetation List was last updated over 10 years ago. Some trees and shrubs on the list have been found to be prone to disease and / or insects; not ideal for this areas climate and/or soils; or are not commercially available in this area. Many new species have been developed that are not on the list and have been found to thrive in this area.

Proposed Text Amendment

Amend Section 9-4-267 (Acceptable Vegetation by Material Type) of the Zoning Ordinance by modifying subsection (C) as follows:

(**Bold Text** indicates additions; ~~Strikethrough Text~~ indicates deletions)

(A) *Materials list notations; meanings.*

- (1) Acceptable screening vegetation: (S)
- (2) Tolerant to periodic wet soil conditions: (W)
- (3) Various varieties: (*)
- (4) Native: (N)
- (5) Minimum height of 12 inches: (H)
- (6) **Light: Limited shade: (L1)**
- (7) **Light: Limited shade to complete shade: (L2)**

(1) Shrubs 1.5 - 6 Feet - Evergreen

Abelia x grandiflora	Glossy Abelia	(*)
Aucuba japonica	Japanese Aucuba	(*)(L2)
Azalea hybrida	Glenn Dale Azalea	(*)
Azalea hybrida	Satsuki Hybrid Azalea	(*)
Azalea kaempferi	Kaempferi Azalea	
Berberis julianae	Wintergreen Barberry	(*)
Buxus harlandii	Harland Boxwood	(*)
Buxus microphylla japonica	Japanese Boxwood	(*)(L1)
Buxus microphylla 'Koreana'	Korean Boxwood	(*)(L1)
Buxus sempervirens	American Boxwood	(*)
Buxus sempervirens 'Suffruticosa'	Dwarf Boxwood	(L1)
Cephalotaxus harringtonia	Japanese Plum Yew	(L1)
Chamaecyparis obtusa 'Nana Gracilis'	Dwarf Hinoki Cypress	
Cotoneaster horizontalis	Rockspray Cotoneaster	(*)(H)
Cryptomeria japonica nana	Dwarf Japanese Cedar	
Danae racemosa	Alexander Laurel	
Euonymus fortunei 'Vegetus'	Evergreen Bittersweet	(*)
Euonymus japonicus 'Microphyllus'	Dwarf Japanese Euonymus	(H)
Euonymus kiautschovicus	Spreading Euonymus	(*)
Fatsia japonica	Japanese Fatsia	(*)(L2)
Gardenia jasminoides 'Radicans'	Dwarf Gardenia	(H) (L1)
Hypericum patulum	St.-John's-Wort	(*)
Ilex cornuta 'Burfordii Nana'	Dwarf Burford Holly	(L1)
Ilex crenata 'Compacta'	Compacta Holly	
Ilex crenata 'Convexa'	Convexa Japanese Holly	
Ilex crenata 'Hetzi'	Hetzi Japanese Holly	
Ilex crenata 'Microphylla'	Littleleaf Japanese Holly	
Ilex crenata 'Rotundifolia'	Roundleaf Japanese Holly	
Ilex crenata 'Yellow Berry'	Japanese Holly	
Ilex cornuta 'Carissa'	Carissa Holly	(L1)
Ilex cornuta 'Rotunda'	Dwarf Horned Holly	
Ilex crenata 'Carefree'	Japanese Holly	
Ilex crenata 'Kingsville'	Kingsville Japanese Holly	
Ilex crenata 'Repandens'	Repanden Japanese Holly	(H)
Ilex crenata 'Stokes'	Stokes Japanese Holly	(H)
Ilex crenata 'Tiny Tim'	Japanese Holly	(H)
Ilex glabra 'Shamrock'		(N)
Ilex vomitoria 'Nana'	Dwarf Yaupon	(H)(N)(W)
Jasminum floridum	Flowering Jasmine	
Juniperus chinensis 'Pfitzeriana'	Pfitzer Juniper	(*)
Juniperus davurica 'Expansa'		

('Parsoni')	Parsons Juniper	(*)(H)
Juniperus sabina 'Tamariscifolia'	Tamarix Juniper	(*)(H)
Juniperus horizontalis	Prostrate Juniper	
Kalmia latifolia	Mountain Laurel	(*)(N)
Leucothoe axillaris	Coastal Leucothoe	(L2) (W)
Leucothoe fontanesiana	Drooping Leucothoe	(*)(L2) (W)
Ligustrum japonicum	Ligustrum	(L1) (S)
Ligustrum japonicum 'Rotundifolium'	Curlyleaf Ligustrum	(S)
Lonicera yunnanensis	Yunnan Honeysuckle	(H)
Loropetalum Chinese nana	Dwarf Chinese Fringe Flower	(L1)
Mahonia bealei	Leatherleaf Mahonia	(*)(L2)
Mahonia / Mahonia Hybrids		(*)(L2)
Mahonia pinnata	Cluster Mahonia	
Myrica pensylvanica	Northern Bayberry	
Nandina domestica	Nandina	(*)(L1)
Pieris japonica	Japanese Andromeda	(*)(L1)
Pinus mugo 'Compacta'	Mugo Pine	(*)
Pittosporum tobira nana	Chinese Podocarpus	(L1)
Prunus laurocerasus angustifolia	Narrow Leaved English Laurel	
Prunus laurocerasus 'Otto Luyken'	Otto Laurel	
Prunus laurocerasus 'Schipkaensis'	Skip Laurel	
Prunus laurocerasus 'Zabeliana'	Zabel Laurel	(L1)
Pyracantha		
Pyracantha coccinea	Scarlet Firethorn	
Pyracantha koidzumii 'Low-Dense'	Lowdense Pyracantha	
Raphiolepis indica	India Hawthorn	(*)
Rhododendron hybrida	Hybrid Rhododendron	(*)
Rosa hybrid Dwarf Rose species		(*)
Siphonos manthus delavayi	Delavay Tea Olive	
Taxus cuspidate	Japanese Yew	(L1)
Thuja occidentalis nana	Eastern arborvitae	(N)
Yucca filamentosa	Adam's Needle Yucca	(*)(H)(N)
Yucca gloriosa	Mound-Lily Yucca	

(2) Shrubs 1.5 - 6 Feet - Deciduous

Azalea molle hybrida	Mollis Azalea	
Berberis x men-torensis	Mentor Barberry	
Buddleia davidii nana	Dwarf Butterfly Bush	
Berberis thunbergii	Japanese Barberry	
Callicarpa americana	American Beautyberry	(N)
Callicarpa dichotoma	Beautyberry	(*)
Callicarpa japonica	Japanese Beautyberry	

Chaenomeles japonica	Japanese Flowering Quince	(*)
Chaenomeles speciosa	Flowering Quince	
Clethra alnifolia nana	Dwarf Clethra	(N)
Cotoneaster divaricatus	Spreading Cotoneaster	
Hamamelis vernalis	Vernal Witch-Hazel	(L1)
Hydrangea macrophylla	Bigleaf Hydrangea	
Hydrangea quercifolia	Oakleaf Hydrangea	(L1)(N)
Hypericum kalmianum	Kalm St.-John's-Wort	
Itea virginica		
Jasminum nudiflorum	Winter Jasmine	(H) (L1)
Kerria japonica	Kerria	(L1)
Lagerstromia hubrids nana	Dwarf Crapemyrtles	
Potentilla fruticosa	Bush Cinquefoil	(*)(H)
Rosa multiflora	Japanese Rose	
Rosa	Rose Hybrids	(*)
Rosa rugosa	Rugose Rose	
Spiraea cantoniensis	Reeves Spirea	
Spiraea nipponica 'Snow Mound'	Snowmound Nippon Spirea	
Spirea	Spirea species	(*)
Spiraea thunbergii	Thunberg Spirea	
Vaccinium ashei	Rabbiteye Blueberry	
Weigela Varieties	Dwarf Weigela	(*)

(3) Shrubs 6 - 12 Feet - Evergreen

Azalea indica	Indian Azalea	(*)(L2)
Camellia japonica	Camellia	(*)(L2)
Camellia sasanqua	Sasanqua Camellia	(*)(L1)
Camellia sinensis	Tea Plant	(S) (L1)
Cleyera japonica	Cleyera	(S) (L2)
Cotoneaster	Cotoneaster species	(*)
Cotoneaster franchetii	Franchet Cotoneaster	
Elaeagnus pungens	Thorny Elaeagnus	(*)(S)
Euonymus japonica	Evergreen Euonymus	(*)
Ilex cornuta	Chinese Holly	(*)(L1) (S)
Ilex cornuta 'Burfordii'	Burford Holly	(*)(L1) (S)
Ilex crenata	Japanese Holly	(*)(S)
Ilex glabra	Inkberry Holly	(L1) (N)(W)
Ilex latifolia	Lusterleaf Holly	(L1) (S)
Ilex pedunculosa	Longstalk Holly	(S)
Ilex pernyi	Perny Holly	(*)
Ilex vomitoria 'Pendula'	Weeping Yaupon Holly	(*)(N)(W)
Illicium anisatum	Anisetree	(L2)

Illicium floridanum	Florida Anisetree	(*)(L2)(N)(W)
Juniperus chinensis	Juniper species	(*)
Juniperus chinensis 'Hetzii'	Hetzi Juniper	(*)
Juniperus chinensis 'Kaizuka'	Hollywood Juniper	
Laurus nobilis	Laurel	(*)(S)
Leucothoe populifolia	Florida Leucothoe	(L2)(N)(W)
Ligustrum japonicum	Japanese Privet	(*)(L1)(S)
Ligustrum lucidum	Tall Glossy Privet	(*)(L1)(S)
Ligustrum sinense 'Variegatum'	Variegated Chinese Privet	(L1)
Loropetalum chinense	Loropetalum	(L1)(S)
Michelia figo	Banana Shrub	
Myrica cerifera	Wax-Myrtle	(W)(S)(N)
Myrtus communis	Myrtle	(*)(S)
Osmanthus x fortunei	Fortune Tea Olive	(*)(L1)(S)
Osmanthus fragrans	Fragrant Tea Olive	(*)(L1)
Osmanthus heterophyllus	Holly Osmanthus	(*)(L1)(S)
Osmanthus heterophyllus 'Rotundifolius'	Curlyleaf Tea Olive	
Photinia x fraseri	Fraser Photinia	(S)
Photinia glabra	Red Photinia	(*)(S)
Pittosporum tobira	Pittosporum	(L1)
Podocarpus macrophyllus maki	Podocarpus	(*)(S)
Prunus laurocerasus	English Laurel	(*)(S)
Pyracantha koidzumii	Formosa Firethorn	(*)(S)
Thuja orientalis	Oriental Arborvitae	(*)(S)
Viburnum japonicum	Japanese Viburnum	(S)
Viburnum rhytidophyllum	Leatherleaf Viburnum	(*)
Viburnum tinus	Laurestinus Viburnum	(*)(S)
Yucca aloifolia	Spanish-Bayonet	

(4) Shrubs 6 - 12 Feet - Deciduous

Azalea calendulacea (also known as		
Rhododendron calendulacem)	Flame Azalea	(*)
Azalea hybrid	Hybrid Azalea	(*)(L2)
Azalea hybrida 'Exbury'	Exbury Hybrid Azalea	(*)
Azalea periclymenoides (also known		
as Rhododendron periclymenoides		
or nudiflorum)	Pinxterbloom Azalea	(*)(N)
Buddleja davidii	Butterfly-Bush	(*)
Calycanthus floridus	Sweet Shrub	(*)(L1)(N)
Chimonanthus praecox	Winter Sweet	(*)
Chionanthus virginicus	Fringe Tree	
Cotinus coggyria	Smoketree	(*)(N)

Cornus species	Dwarf Dogwoods	(L2)(N)
Cortaderia selloana	Pampass Grass	(*)
Cotoneaster salicifolius floccosus	Willowleaf Cotoneaster	(*)
Cytisus scoparius	Scotch Broom	(*)
Deutzia scabra	Pride of Rochester	(*)
Elaeagnus commutata	Silverberry	
Elaeagnus multiflora 'Crispa'	Cherry Elaeagnus	
Elaeagnus umbellata	Autumn Elaeagnus	(*)
Euonymus alatus	Winged Euonymus	(L1)
Euonymus americanus	Strawberry-Bush	(L2)(N)
Exochorda racemosa	Pearl Bush	
Ficus carica	Common Fig Tree	(*)
Forsythia x intermedia	Border Forsythia	(*)
Hamamelis virginiana	Common Witch-Hazel	(L1)(N)
Hibiscus syriacus	Rose of Sharon	(*)
Hydrangea paniculata 'Grandiflora'	Peegee Hydrangea	(*)
Ilex decidua	Possumhaw	(*)(L2)(N)
Ilex verticillata	Winterberry	(*)(N)(W)
Itea virginica	Virginia Sweetspire	(*)(L1)(N)(W)
Kolkwitzia amabilis	Beautybush	(*)
Lagerstromia species	Dwarf Crapemyrtles	
Lonicera fragrantissima	Winter Honeysuckle	
Philadelphus coronarius	Sweet Mock Orange	(*)
Poncirus trifoliata	Hardy Orange	(*)
Rhododendron prunifolium	Plumleaf Azalea	
Spiraea prunifolia 'Plena'	Bridal Wreath Spirea	
Spiraea x vanhouttei	Vanhoutte Spirea	
Syringa x persica	Persian Lilac	(*)
Tamarix ramosissima	Salt Cedar	(*)
Viburnum x burkwoodii	Burkwood Viburnum	(*)
Viburnum dentatum	Arrowwood Viburnum	(N)
Viburnum dilatatum	Linden Viburnum	(*)
Viburnum x juddii	Judd Viburnum	
Viburnum macrocephalum 'Sterile'	Chinese Snowball	
Viburnum opulus 'Roseum'	European Snowball	(*)
Viburnum plicatum tomentosum	Doublefile Viburnum	(*)
Viburnum wrightii	Wright Viburnum	(*)
Weigela florida	Weigela	(*)

(5) Small Trees - Evergreen

Cornus Kousa angustata	Evergreen Dogwood	
Cupressus arizonica	Arizona Cypress	(*)(S)
Ilex x attenuata	Hybrid Holly	(*)(S) (L1)
Ilex x attenuata 'Fosteri'	Foster Hybrid Holly	(S)
Ilex cassine	Dahoon Holly	(*)(W)(L1)(N)
Ilex x 'Nellie R. Stevens'	Nellie Stevens Holly	(L1)(S)
Ilex opaca	American Holly	(*)(L1) (N)
Ilex vomitoria	Yaupon Holly	(*)(S) (L1) (N)
Magnolia grandiflora "Little Gem"	Little Gem Magnolia	(S) (L1) (N)
Magnolia virginiana	Sweet Bay	(*)(L1) (N)(W)
Olea species	Cold Hardy Olive	(L1)
Osmanthus americanus	Devilwood	(S)
Pinus nigra Austrian Pine	(*)(S)	
Pinus virginiana	Virginia Pine	(N)
Prunus caroliniana	Carolina Cherry-Laurel	(*)(S)(N)
Quercus acuta	Japanese Evergreen Oak	(S)
Quercus glauca	Ring-Cupped Oak	(S)

(6) Small Trees - Deciduous

Acer buergeranum	Trident Maple	(*)
Acer ginnala	Amur Maple	(*)
Acer griseum	Paperbark Maple	
Acer palmatum	Japanese Maple	(*)(L2)
Acer palmatum dissectum	Laceleaf Japanese Maple	(*)(L2)
Acer truncatum	Shantung Maple	
Albizia julibrissin	Mimosa	(*)
Amelanchier arborea	Serviceberry	(*)(N)
Betula platyphylla japonica	Japanese White Birch	(*)
Carpinus caroliniana	American Hornbeam	(N) (L2)
Cercis canadensis	Eastern Redbud	(*)(N)
Cercis species	Redbuds	
Cornus florida	Flowering Dogwood	(*)(N)(L1)
Cornus kousa	Kousa Dogwood	(*)
Cornus mas	Cornelian Cherry Dogwood	(*)
Crataegus phaenopyrum	Washington Hawthorne	(*)(N)
Elaeagnus angustifolius	Russian Olive	
Firmiana simplex	Chinese Parasol Tree	(*)
Franklinia alatamaha	Franklinia	
Halesia carolina	Carolina Silverbell	(N)(L2))

Hamamelis mollis	Chinese Witch-Hazel	(*)(L1)
Koelreuteria bipinnata	Chinese Flame Tree	
Koelreuteria paniculata	Golden-Rain-Tree	(*)
Lagerstroemia indica	Crape-Myrtle	(*)
Magnolia macrophylla	Bigleaf Magnolia	(*)(N)
Magnolia x	Saucer Magnolia	(*)
Magnolia stellata	Star Magnolia	(*)
Magnolia tripetala	Umbrella Magnolia	(*)(N)
Malus domestica	Apple	(*)
Malus hybrida	Flowering Crab Apple	(*)
Morus alba	White Mulberry	(*)
Morus alba 'Pendula'	Weeping White Mulberry	(*)
Oxydendrum arboreum	Sourwood	(N) (L1)
Pistacia chinensis	Pistachio	(*)
Prunus cerasifera	Plum (*) Species	
Prunus cerasifera 'Atropurpurea'	Pissard Plum	(*)
Prunus cerasus	Sour Cherry	(*)
Prunus persica	Peach	(*)
Prunus serrulata	Japanese Cherry	(*)
Prunus subhirtella pendula	Weeping Cherry	(*)
Prunus yedoensis	Yoshino Cherry	(*)
Punica granatum	Pomegranate	(*)
Pyrus calleryana	Callery Pear (includes Bradford,	
	Capitol, Cleveland Select and	
	Aristocrat)	(*)
Salix caprea	Goat Willow	(*)(W)
Sassafras albidum	Common Sassafras	(N)
Stewartia varieties	Stewartia	
Styrax varieties	Snowball	
Ulmus parvifolia	Chinese Elm	(*)
Viburnum prunifolium	Blackhaw Viburnum	(L1)
Viburnum rufidulum	Southern Blackhaw	(L1)(N)
Vitex agnus-castus	Chaste - Tree	(*)

(7) Large Trees - Evergreen.

Cedrus atlantica	Atlas Cedar	(*)
Cedrus deodara	Deodar Cedar	(*)(S)
Cedrus libani	Cedar of Lebanon	(*)
Cryptomeria japonica	Japanese Cryptomeria	(S)
Cupresso- cyparis leylandii	Leyland Cypress	(*)(S)
Ilex attenuate	Holly species	(L1)
Ilex attenuata 'Savannah'	Savannah Holly	

Juniperus virginiana	Eastern Red Cedar	(*)(S)(N)
Magnolia grandiflora	Southern Magnolia	(*)(S)(N)
Pinus bungeana	Lacebark Pine	
Pinus eliotti	Slash Pine	
Pinus palustris	Longleaf Pine	(N)
Pinus strobus	White Pine	
Pinus sylvestris	Scotch Pine	
Pinus taeda	Loblolly Pine	(N)
Pinus thunbergiana	Japanese Black Pine	(S)
Tsuga canadensis	Canadian Hemlock	
Quercus laurifolia	Laurel Oak	(N)
Quercus virginiana	Southern Live Oak	(N)(W)
Thuja species	Green Giant Arborvitae	(N)

(8) Large Trees - Deciduous

Acer rubrum	Red Maple	(*)(N)(W)
Acer saccharinum	Silver Maple	(*)(N)
Acer saccharum	Sugar Maple	(*)(N)(W)
Betula nigra	River Birch	(*)(W)(N)
Carya illinoensis	Pecan	(*)(N)
Catalpa bignonioides	Southern Catalpa	(*)(N)
Celtis laevigata	Sugar Hackberry	(*)(N)(W)
Celtis occidentalis	Common Hackberry	(*)(N)
Cladrastis lutea	Yellowwood	(*)(N)
Diospyros virginiana	Persimmon	(*)(N)
Fagus grandifolia	Beech	(N)
Fagus sylvatica	European Beech	(*)
Fraxinus americana	White Ash	(*)(N)
Ginkgo biloba	Maidenhair Tree	(*)
Gleditsia triacanthos inermis	Thornless Honeylocust	(*)
Gymnocladus dioicus	Kentucky Coffee Tree	(W)(N)
Liquidambar styraciflua	Sweet-Gum	(*)(N)(W)
Liriodendron tulipifera	Tulip-Tree	(*)(N)(W)
Magnolia acuminata	Cucumber Tree	(*)
Metasequoia glyptostroboides	Dawn Redwood	(*)(W)
Nyssa sylvatica	Black Tupelo	(*)(N)
Paulownia tomentosa	Empress Tree	(*)
Platanus x acerifolia	London Plane Tree	(*)
Platanus occidentalis	Sycamore	(N)(W)
Prunus sargentii	Sargent Cherry	(*)
Quercus acutissima	Sawtooth Oak	(N)
Quercus alba	White Oak	(N)

Quercus coccinea	Scarlet Oak	(*)(N)
Quercus macrocarpa	Bur Oak	(N)
Quercus nigra	Water Oak	(N)(W)
Quercus palustris	Pin Oak	(*)(N)(W)
Quercus phellos	Willow Oak	(N)(W)
Quercus rubra	Red Oak	(N)
Quercus rubra maxima	Eastern Red Oak	(N)
Quercus velutina	Black Oak	(N)
Salix babylonica	Weeping Willow	(W)
Sassafras albidum	Sassafras	(N)
Quercus shumardii	Shumard Oak	(N)(W)
Quercus falcata	Southern Red Oak	(N)
Quercus nuttalli	Nuttall Oak	(N)
Quercus shumardii	Shumard Oak	(N)(W)(L1)
Taxodium ascendens	Pond Cypress	(N)
Taxodium distichum	Bald Cypress	(*)(W)(N)
Tilia americana	American Linden	(*)(N)(W)
Tilia cordata	Littleleaf Linden	(*)
Zelkova serrata	Japanese Zelkova	(*)

Report on Suggested Modifications to Article P. Vegetation Requirements of the City Zoning Ordinance

**City of Greenville Community Development Department - Planning Division
October 10, 2011**

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Development of Draft Zoning Text Amendment – Page 12

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SECTION I – City Council Directive

The City of Greenville adopted its first landscaping requirement in 1969 when the Zoning Ordinance was amended to require screening for commercial / industrial land uses that were adjacent to a residential zone or use. Since then, the Zoning Ordinance has had numerous amendments (see Section III) with each amendment representing a balancing of community values that has generally trended towards a stronger emphasis on the provision and preservation of trees and other vegetation during the land development process.

City Council adopts a series of Goals, Objectives, and Action Items (City Council Goals) each year as a means of identifying items or activities that they want to pursue during that year. The adopted City Council Goals are expected to be incorporated into the annual work programs of the various city departments. The current year's City Council Goals includes the following, which is the basis of this process and report:

Goal 6: Plan for High Quality, Sustainable Growth

Objective: Enhance and review the net benefit of vegetation beautification around commercial areas.

Action Item #2: Analyze the comments received from landscape professionals on the vegetation requirements as part of the review process and recommend changes to the landscape regulations as appropriate.

SECTION II – Summary of Existing Standards

The City of Greenville addresses the issues associated with trees and vegetation in several ways. Title 6 – Chapter 5 of the City Code is generally known as the city’s “Tree Ordinance”. Article A of this chapter provides standards for the planting, maintenance and removal of trees and other vegetation located within city rights-of-way, parkways and on city-owned and maintained properties. Article B of this chapter provides standards for the preservation of trees along the outer perimeter of undeveloped properties until such time as a development plan is approved for the property. All provisions of Chapter 5 of the City Code are administered by the city’s Public Works Department.

Title 9 – Chapter 4 of the City Code is generally known as the city’s “Zoning Ordinance”. Article G of this chapter provides standards for Bufferyard Setbacks and Article P contains all vegetation related standards applicable to the development of property for multi-family and non-residential use. The Summary provided herein is an outline of the Vegetation Requirements as provided in Article P of the Zoning Ordinance.

Vegetation Plans

Vegetation Plans depicting the type and location of any new or preserved vegetation being used to meet the vegetation requirements are required to be submitted for review along with any Site Plan. The Vegetation Plan must be approved along with the Site Plan prior to the issuance of a building permit. With some limited exceptions, all required vegetative materials shall be installed in accordance with the approved Plan prior to an issuance of the final occupancy permit.

Vegetation Qualification Standards / Plant Size

Plant materials used to meet the minimum vegetation requirements shall meet the following minimum size standards at the time of planting and/or qualification in the case of preservation:

Planting Material Type	Minimum Planting Size
Large Tree - Single stem - Multi-stem clump	10’ height and 2” caliper 10’ height
Small Tree	8’ height and 1.5” caliper
Shrub	18” height (some exceptions)

Acceptable Vegetation by Material Type

Plant materials used to meet the vegetation requirements must come from an approved Plant List located in Section 9-4-267 of the Zoning Ordinance.

Vegetation Substitution / Credits

1. Where trees are being planted to meet the vegetation requirements, the following credits are permitted:

Trees Provided	Credit
One large tree	Two small trees or five shrubs
One small tree	Three shrubs

2. Where large trees are preserved or transplanted to meet the vegetation requirements, the following credits are permitted:

Size of Preserved or Transplanted Large Trees	Credit
At least 2” caliper, but less than 6” caliper	One large tree or two small trees or five shrubs
6” or more caliper, but less than 10” caliper	One and one-half (1.5) large trees or three small trees or six shrubs
10” or more caliper, but less than 24” caliper	Two large trees or four small trees or eight shrubs
24” or greater caliper	Three large trees or five small trees or ten shrubs

3. For each existing six-inch plus caliper large tree preserved within a non-residential parking area island or peninsula, the minimum parking space requirement may be reduced by up to three spaces, at the option of the owner, to appropriately protect the drip zone of the preserved trees from development activities.
4. Bufferyard B setbacks and/or minimum street right-of-way building setbacks may be reduced up to 10%, where the reduction is necessary to retain an existing 10-inch plus caliper large tree (certain conditions apply).

Site Vegetation Requirements

The minimum per acre requirement for vegetation on a developing tract of land includes:

- Five large trees;
- Ten small trees; and
- Twenty-five shrubs.

The vegetation used to meet any Street Yard or Parking Area vegetation requirement may count towards this site vegetation requirement; however, any vegetation used to satisfy a bufferyard requirement shall not count towards the same.

Street Yard Vegetation Requirements

Street Yard vegetation must be located within 15 feet of the street right-of-way or easement. Such vegetation shall include two large trees per 100 linear feet of street frontage (public or private). Where large trees are not practical due to utilities or lack of available space, then small trees can be utilized at a rate of two small trees for each one large tree required.

Parking Area Vegetation and Screening

1. No portion of any parking area may be located more than 30 feet from an on-site small tree or more than 75 feet from an on-site large tree.
2. Large and small trees used to meet other vegetation requirements (acreage, street yard, bufferyard) may be used to meet this Parking Area Vegetation requirement.
3. Parking areas that are within 50 feet of public or private streets shall be screened from said streets using screening materials (plants, wall, fence, berm) that provide an opaque screen to a height of 30 inches.

Bufferyards

Bufferyards are the open space setbacks which separate site improvements from adjacent property lines and street rights-of-way. Bufferyard setbacks are prescribed by Article G of the Zoning Ordinance and are determined based upon the intensities of the developing parcel of land and adjacent parcels. Bufferyard vegetation is prescribed in Article P of the Zoning Ordinance. The following table outlines the Bufferyard Setback and Vegetation Standards:

Type of Bufferyard	Bufferyard Setback (Width)	Bufferyard Purpose	Vegetation Requirement	Example of Application
Type A	Lot size less than 25,000 sq. ft.: 4' Lot size 25,000 sq. ft. to 175,000 sq. ft.: 6' Lot size over 175,000 sq. ft.: 10'	To provide a bufferyard strip that defines the minimum setback for parking areas and may be used for vegetation required by other sections of Article P.	No vegetation required.	Property located adjacent to a public or private street or railroad.

Type of Bufferyard	Bufferyard Setback (Width)	Bufferyard Purpose	Vegetation Requirement	Example of Application
Type B	Same as Type A above	To provide a bufferyard strip that defines the minimum setback for structures and parking areas and may be used for vegetation required by other sections of Article P.	No vegetation required.	A Heavy Commercial land use proposed adjacent to a Heavy Commercial land use.
Type C	10'. May be reduced to 8' when a fence or evergreen hedge is provided.	To provide a complete year round visual barrier between incompatible land uses. Complete visual barrier to be achieved within 5 years of bufferyard establishment.	3 large evergreen trees, 4 small evergreen trees, and 16 evergreen shrubs per 100 linear feet of buffer or fraction thereof.	A Multi-family development proposed adjacent to a single family subdivision.
Type D	20'. May be reduced to 10' when a fence, evergreen hedge, or berm is provided.	Same as Type C above.	4 large evergreen trees, 6 small evergreen trees, and 16 evergreen shrubs per 100 linear feet of buffer or fraction thereof.	An office/ institutional land use proposed adjacent to a single family subdivision.
Type E	30'. May be reduced to 15' when a fence, evergreen hedge, or berm is provided.	Same as Type C above.	6 large evergreen trees, 8 small evergreen trees, and 26 evergreen shrubs per 100 linear feet of buffer or fraction thereof.	A Heavy Commercial land use proposed adjacent to a single family subdivision.
Type F	50'. May be reduced to 25' when a fence, evergreen hedge, or berm is	Same as Type C above.	8 large evergreen trees, 10 small evergreen trees, and	A Heavy Industrial land use proposed

	provided.		36 evergreen shrubs per 100 linear feet of buffer or fraction thereof.	adjacent to a single family subdivision.
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Note 1: Bufferyard B setbacks (non-screening) and/or minimum street right-of-way building setbacks may be reduced up to 10% where the reduction is necessary to retain an existing 10-inch plus caliper tree.

Note 2: Specific standards apply to fences, evergreen hedges and berms.

Note 3: Setbacks may be increased when certain height thresholds are exceeded.

Note 4: The Bufferyard setbacks provided vary when adjacent property is undeveloped.

Maintenance of Required Vegetation

The property owner is responsible for all vegetation required by this Article in a healthy condition. Any dead, unhealthy or missing vegetation shall be replaced.

Applicability / Exemptions

The vegetation requirements of Article P are applicable to new multi-family residential and non-residential development and to the redevelopment of the same based upon certain thresholds. The requirements are not applicable as follows:

1. Within the CD (Downtown Commercial) Zoning District;
2. On Pitt - Greenville Airport Authority property; and
3. On Pitt County Detention Center Property.

SECTION III - History of Vegetation and Bufferyard Requirements

Please find below a chronological listing of the efforts and actions taken related to vegetation and bufferyard requirements within the City of Greenville over the past 64 years.

1. 1947 - Adoption of 1st (original) Zoning Ordinance. Contained no landscaping requirements and no peripheral yard setbacks were required between commercial/industrial uses.
2. 1969 - Adopted 1st screening requirements for commercial/industrial uses that abut a residential zone or use. No peripheral yard setbacks required however between commercial/industrial uses. Minimum screening - 6' visual buffer consisting of a combined fence and evergreen hedge or shrubbery screen.
3. Late 1970s/Early 1980s (date unknown) - adopted 5% vegetation requirement for parking lots containing 15,000 sq. ft. or more of impervious area. No installation or material standards.
4. 1986 - Adopted Medical District (MD) Zoning Requirements. Provided peripheral yard setbacks for non-residential MD districts, and a 15% total site landscaping and 10% parking lot shading requirement. Example: Staton Square Shopping Center.
5. 1987 - Adopted original bufferyard regulations. Provided intensity/activity based peripheral yard setbacks (buffers) for all uses in all districts. Established right-of-way buffers and minimum vegetation (amount and material) requirements for all peripheral yards. Retrofit requirements - based on 5% cumulative expansion of use including buildings and/or parking.
6. 1991 - Adopted revised Zoning Ordinance (i.e. Rewrite). Included additional side and rear bufferyard vegetation installation requirements for the MD-4 shopping center district and specific minimum parking lot vegetation (3 above) materials standards for all districts.
7. 1992 - Adopted bufferyard vegetation location options (i.e. qualified materials outside buffer setbacks under specific conditions) to encourage preservation of existing trees.
8. 1992 - Adopted substitute material and existing qualified materials protection standards to encourage preservation of existing trees.
9. 1992 - Adopted street bufferyard (small) tree planting requirements and large tree substitution options.
10. 1992 - Adopted revised and updated vegetation materials list to specify appropriate native and non-native species.
11. 1992 - Adopted garbage/trash container screening requirements (i.e. complete visual screen on 3 sides in addition to bufferyard vegetation materials requirements).

12. 1992 - Adopted revised parking lot landscaping requirements for all lots containing 10,000 sq. ft. or more of impervious area. Retrofit requirements - based on 25% expansion as measured in number of spaces. Example: proposed Wal-Mart/Sam's Club expansion.
13. 1993 - Adopted increased vegetation materials option in lieu of a fence for reduced width buffer setbacks.
14. 1995 - Adopted CDF and O&I district bufferyard classification exemption for residential uses.
15. 1995 - Amended Chapter 4 by transferring the site/screening vegetation requirements and parking lot landscaping requirements from the bufferyard section to a new Article P. entitled Vegetation Requirements.
16. 1995 - Adopted revised permitted use table to include land use classification ratings for each listed use.
17. 1995 - Adopted comprehensive rewrite of the bufferyard and vegetation requirements. A 61-member Review Committee including the Planning and Zoning Commission, Community Appearance Commission, Environmental Advisory Commission, Pitt County Development Commission, ReLeaf, developers, homeowners association representatives, Pitt-Greenville Neighborhood Coalition, development consultants (architects and engineers), and landscape professionals (Worthington Farms, Williams Landscape Management, Earthscapes, Holly Ridge Landscapes, Little's Nursery, Roberson's Nursery and Landscaping) reviewed written materials provided by staff and attended a workshop meeting in August. Suggested amendments included the following items which were subsequently incorporated into the comprehensive rewrite.
 - Simplify system of regulating buffer setbacks and vegetation requirements.
 - Require landscape plan at initial site plan stage.
 - Require a specified number of trees per acre.
 - Increase screening between unlike uses.
 - Decrease planting between like uses.
 - Allow plantings (except screening) outside of setback areas.
 - Require more evergreen trees in screens between unlike uses.
 - Increase screening visual barrier heights and reduce the growth period to achieve acceptable height.
 - Eliminate the screening materials reduction allowance where a fence is installed to reduce buffer setback.
 - Prohibit required landscaping in any storm water detention structure which has the characteristics of a ditch – 2:1 slope or greater.
 - Restrict certain types of vegetation to not more than 25% of total requirement – River Birch, Various Pears, Red Tips.
 - Update the tree and shrub lists.

- Re-classify various large trees as small trees – Bradford Pear.
 - Encourage retention of large trees – Allow 10 inch plus diameter trees to substitute for more new minimum size materials.
 - Increase the minimum size of all plant materials – Height and Caliper.
 - Require full compliance with all requirements when major renovations and expansions occur.
 - Include a planting delay option between May and October – Allow plantings to be scheduled during more temperate periods without delaying occupancy permits.
 - Require large street trees.
 - Provide greater flexibility.
18. 1995 - Adopted modified setback exemption for all existing adjacent land uses located within any CDF and/or O&I district and all adjacent churches.
 19. 1996 - Adopted revised planned center definition to include bufferyard and/or vegetation qualification criteria.
 20. 1996 - Adopted site/vegetation plan “encroachment note” to clarify easement holder approvals.
 21. 1997 - In December, the Planning Office received a memorandum from the Community Appearance Commission requesting consideration of several amendments to the vegetation requirements, including a requirement that preliminary landscape plans included at the time of initial site plan submission indicate the proposed location of required plant materials by type, more trees in parking lots (reduce tree to parking space separation standard); parking lot screening, and increased flexibility in administration provision.
 22. 1998 - The Planning Staff attended several Community Appearance Commission meetings during the spring of 1998 to explain in detail the current requirements and to obtain the Commission’s input on the development of an ordinance which set forth their recommended changes.
 23. 1998 - The Community Appearance Commission held a public forum in June, 1998 to explain their proposed changes and to solicit public input.
 24. 1998 - In September, at their regularly scheduled meeting, the Community Appearance Commission, after consideration of the input received at the public forum and from written comments received from the public, voted to recommend approval of the changes as originally proposed.
 25. 1998 - In October, at their regular meeting the Planning and Zoning Commission considered the proposed amendments as recommended by the Community Appearance Commission and after receiving public input voted to recommend approval of the requested changes.

26. 1998 - In November, at their regularly scheduled meeting (11/12/98), City Council after held a public hearing and adopted the proposed changes as recommended by the Community Appearance Commission and Planning and Zoning Commission.

Adopted parking lot screening requirements; reduced the parking area to tree separation standard (i.e. required more trees in parking lots) , a required that preliminary landscape plans be included at the time of initial site plan submission which indicate the proposed location of required plant materials by type (i.e. large tree, small tree, shrub) and a flexibility in administration provision .

27. 1999 - In February, at their regularly scheduled meeting (2/11/99), City Council directed Staff to stay enforcement of the street bufferyard setback provisions and to conduct a review of the bufferyard setback standards in accordance with the following motion:

“Initiate a review of the bufferyard setback requirements contained in the Zoning Ordinance in particular in relation to achieving more uniform applicability with the distance from the traveled portion of the street; and Direct staff to stay its enforcement for one hundred fifth (150) days of the bufferyard setback restrictions in connection with the parking of motor vehicles which are located at least seventeen (17) feet from the traveled portion of the street.”

No recommended changes resulted from this study.

28. Request by Walter Gaskins (Pitt County Board of Education) to exempt public schools from the vegetation installation requirements. This item was withdrawn prior to Planning and Zoning Commission consideration.
29. 2003 - Amended the zoning regulations to include a new zoning district entitled “conservation area (CA) overlay” wherein no development is allowed, natural vegetation is preserved, and from which residential density qualification may be transferred to same-site areas not included within the CA overlay.
30. 2005 - Adopted increased tree substitution options and an allowance for reduced building setbacks and parking requirements where existing large trees are preserved as a result.
31. 2007 - Amended Title 6 (PUBLIC WORKS), Chapter 5, Trees, to regulate the removal of existing trees within a perimeter buffer zone. This authority is pursuant to Session Law 2006-1002, NC House Bill 2570. The purpose of this ordinance is to prevent clear-cutting of trees in perimeter buffer zones prior to approval of a development plan.
32. 2010 - Amended various sections of Title 9 (zoning ordinance) to include screening for recycling centers and garbage compactors in multi-family and non-residential developments. This amendment is in conjunction with an amendment to Title 6 concerning recycling centers and compactors.

SECTION IV – Process for Engaging Landscape Professionals and Development of Draft Zoning Text Amendment

In an effort to meet City Council’s directive, Staff contacted 12 landscape professionals and requested that they review the City's Vegetation Requirements located within Article P of the Zoning Ordinance and provide comments related to potential modifications. The individuals contacted included landscape architects, nursery operators, and landscapers; the individuals that are typically involved in landscape design and using the City’s existing vegetation standards. The responses received generally fall into two categories:

1. Bufferyard Vegetation Requirements

- A. Reduce the amount of vegetation required for a Bufferyard when a qualifying fence, evergreen hedge, or berm is provided.

(The current bufferyard requirements allow a bufferyard width reduction between 20% - 50% for Type C, D, E, and F bufferyards when a qualifying fence, evergreen hedge, or berm (6-foot tall minimum) is provided. No associated reduction in vegetation material is provided, thus the required vegetation material is located in a smaller area that is not ideal for long-term viability.)

- B. When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

(The current standards for bufferyards require that all vegetation material be evergreen. This requirement is designed to provide a complete opaque visual screen between unlike land uses. A qualifying fence, evergreen hedge, or berm will provide the opaque screen to a height of six feet, thus allowing some portion of the required vegetation material to be deciduous will add visual variety while not reducing effectiveness of the bufferyard.)

2. Approved Vegetation List

- A. Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community’s vegetative diversity.

(The current Approved Vegetation List was last updated over 10 years ago. Some trees and shrubs on the list have been found to be prone to disease and/ or insects; not ideal for this areas climate and/or soils; or are not commercially available in this area. Many new species have been developed that are not on the list and have been found to thrive in this area.)

Staff presented a former version of this report to the Planning and Zoning Commission at their July 19, 2011, meeting. The Planning and Zoning Commission voted to move forward with initiating a Zoning Ordinance Text Amendment.

Subsequent to the Planning and Zoning Commission initiating the Zoning Ordinance Text Amendment, staff created an initial draft of said amendment and provided it to the same twelve landscape professionals that had originally provided input regarding the substantive modifications needed. The initial draft amendment was also provided to the Tree Preservation Work Group, a group consisting of citizens, developers and landscape professionals that are currently working with the Public Works Department to develop tree preservation strategies. The initial draft was then modified based upon comment and input provided by the two before mentioned groups. The result of this process is the draft Zoning Ordinance Text Amendment attached hereto.



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Ordinance to annex Pitt County Historical Society, Inc. property involving 2.92 acres located on the northern right-of-way of East Firetower Road at its intersection with 14th Street and the intersection with Eleanor Street

Explanation: ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: November 7, 2011
2. City Council public hearing date: November 17, 2011
3. Effective date: December 31, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 2.92
4. Voting District: 5
5. Township: Winterville
6. Vision Area: C
7. Zoning: RA-20, Residential-Agricultural
8. Land Use: Existing: Church (historic property)
Anticipated: Church (historic property)

9. Population:

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

10. Rural Fire Tax District: Winterville

11. Greenville Fire District: Station #3 (Distance of 2.27 miles)

12. Present Tax Value: \$0 (tax exempt)
Estimated Future Tax Value: \$0 (tax exempt)

Fiscal Note: The total estimated tax value at full development is \$0 (tax exempt).

Recommendation: Approve the attached ordinance to annex the Pitt County Historical Society, Inc. property.

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

Attachments / click to download

[Pitt County Historical Society, Inc. Annexation](#)

[Pitt County Historical Society Annexation Ordinance 910160](#)

ORDINANCE NO. 11-____
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 2

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 17th day of November, 2011, after due notice by publication in The Daily Reflector on the 7th day of November, 2011; and

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

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

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

To Wit: Being all of that certain property as shown on the annexation map entitled "Pitt County Historical Society, Inc.", involving 2.92 acres as prepared by Carolina Benchmark.

Location: Lying and being situated in Winterville Township, Pitt County, North Carolina, located on the northern right of way of E. Firetower Road, at its intersection of 14th Street and the intersection with Eleanor Street. This is a contiguous annexation involving 2.92 acres.

General Description:

All that parcel of land, lying and being in Winterville Township, Pitt County, North Carolina, and being further located as follows:

Beginning at an existing pk nail, said nail being located at the centerline intersection of Fourteenth Street Extension (NCSR 1704) and East Firetower Road (NCSR 1899); thence from said pk nail and leaving the centerline intersection and continuing with the centerline of East Firetower Road (NCSR 1899), N 69° 47' 57" E- 32.14' to a point; thence continuing with the centerline of East Firetower Road (NCSR 1899), N 77° 18' 37" E- 31.61' to a point; thence leaving the centerline of East Firetower Road (NCSR 1899) N 17° 35' 33" E- 53.00' to a point, said point being located in the northerly right of way of East Firetower Road (NCSR 1899); thence leaving the northerly right of way of East Firetower Road, N 17° 35' 33" E- 231.07' to an existing iron pipe; thence S 83° 10' 44" E- 85.00' to an existing iron pipe; thence S 83° 10' 44"E-, 115.00' to an existing iron pipe; thence S 17° 35' 39" W- 107.06' to an existing iron pipe; thence S 84° 16' 00" E-, 141.38' to an existing iron pipe; thence S 13° 11' 59" E- 136.02' to an existing iron pipe, said pipe being located in the northerly right of way of East Firetower Road (NCSR 1899); thence leaving the northerly right of way of East Firetower Road, S 06° 00' 41"

W- 60.54' to a point, said point being located in the southerly right of way of East Firetower Road (NCSR 1899); thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), N 83° 59' 19" W- 149.59' to an existing iron pipe, said pipe being located at the intersection of the southerly right of way of East Firetower Road (NCSR 1899) and the easterly right of way of Eleanor Street; thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), N 84° 03' 01" W- 68.93' to a point; thence continuing with the southerly right of way of East Firetower Road, N 84° 07' 28" W- 59.66' to a point; thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), N 85° 06' 30" W- 73.15' to a point; thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), S 88° 55' 49" W- 47.52' to a point; thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), S 86° 10' 32" W- 22.70' to a point; thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), S 77° 28' 00" W- 27.80' to a point; thence continuing with the southerly right of way of East Firetower Road (NCSR 1899), S 69° 47' 57" W- 30.06' to a point; thence leaving the southerly right of way of East Firetower Road, N 20 25' 55" W- 30.00' to an existing nail, said nail being located at the centerline intersection of Fourteenth Street Extension (NCSR 1704) and East Firetower Road (NCSR 1899), said point also being the point of beginning of this description and containing 2.29 acres more or less and as being shown on a map by Carolina Benchmark, drawing number HS- 1917, dated 12 august 2011.

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

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

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

Section 5. This annexation shall take effect from and after the 31st day of December, 2011.

ADOPTED this 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

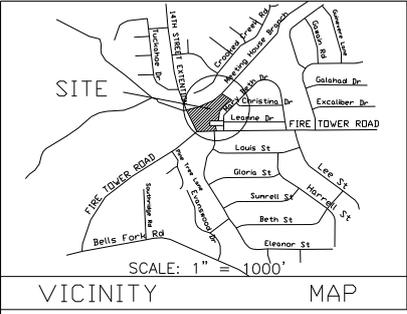
NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal, this the 17th day of November, 2011.

_____, Notary Public
#910160

My Commission Expires:



BEARING AND DISTANCES

A	N84°03' 01" W	68.93'	B
B	N84°07' 28" W	59.66'	C
C	N85°06' 30" W	73.15'	D
D	S88°55' 49" W	47.52'	E
E	S86°10' 32" W	22.70'	F
F	S77°28' 09" W	27.80'	G
G	S69°47' 57" W	30.06'	H
H	N20°25' 55" W	30.00'	I

SITE DATA

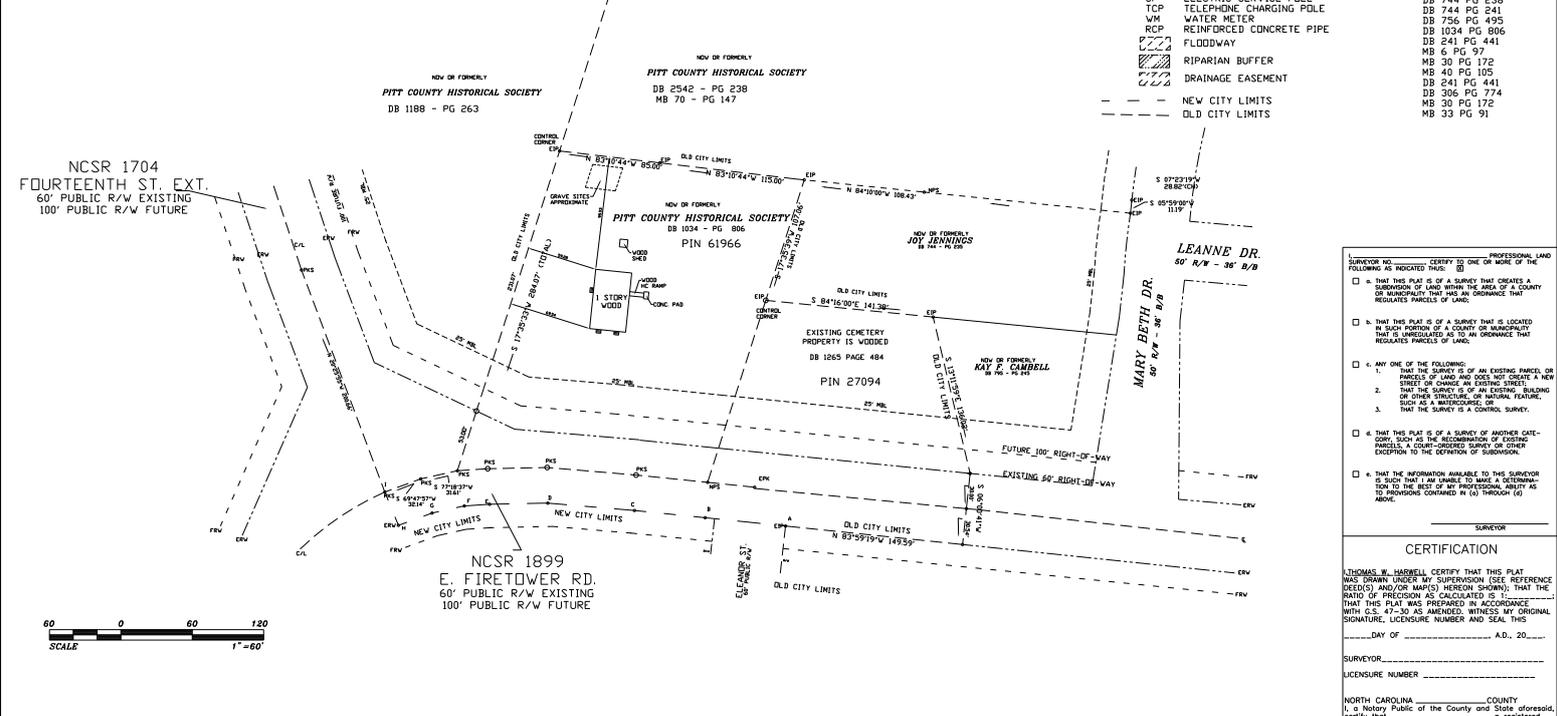
AREA TO BE ANNEXED	-	99,540.88± SF	2.29± AC
AREA WITHIN 60' R/W	-	27,564.03± SF	0.63± AC

LEGEND

- EIP EXISTING IRON PIPE/PIN
- NPS NO POINT SET
- R/W RIGHT-OF-WAY
- C/L CENTERLINE DITCH
- RCP REINFORCED CONCRETE PIPE
- P/L PROPERTY LINE
- PKS PK NAIL SET
- ERW EXISTING RIGHT-OF-WAY
- FRW FUTURE RIGHT-OF-WAY
- C CENTERLINE ROAD
- EPK EXISTING PK NAIL
- GP GUY POLE
- TB TELEPHONE BOX
- PP POWER POLE
- SP ELECTRIC SERVICE POLE
- TCP TELEPHONE CHARGING POLE
- WM WATER METER
- RCP REINFORCED CONCRETE PIPE
- F FLOODWAY
- RB RIPARIAN BUFFER
- DE DRAINAGE EASEMENT
- NEW CITY LIMITS
- OLD CITY LIMITS

REFERENCES

- DB 1265 PG 484
- DB 426 PG 87
- DB 318 PG 648
- DB 744 PG 235
- DB 744 PG 238
- DB 744 PG 241
- DB 756 PG 495
- DB 1034 PG 806
- DB 241 PG 441
- MB 6 PG 97
- MB 30 PG 172
- MB 40 PG 105
- DB 241 PG 441
- DB 306 PG 774
- MB 30 PG 172
- MB 33 PG 91



SURVEYOR NO. _____ CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THIS: ()

- a. THAT THIS PLAT IS OF A SURVEY THAT CREATES A COUNTY OR MUNICIPALITY THAT IS UNINCORPORATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- b. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN EACH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNINCORPORATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- c. ANY ONE OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL, OR THAT THE SURVEY IS OF A NEW PARCEL THAT CREATES A NEW STREET OR CHANGES 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 RECONSTRUCTION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- e. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL JUDGMENT AS TO PROVISIONS CONTAINED IN (a) THROUGH (d) ABOVE.

SURVEYOR _____

CERTIFICATION

THOMAS W. SHARPEL CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION (SEE REFERENCE DEED(S) AND/OR MAP(S) HEREON SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS _____; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-20 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS _____ DAY OF _____, A.D., 20____.

SURVEYOR _____
LICENSE NUMBER _____

NORTH CAROLINA _____ COUNTY _____
I, a Notary Public of the County and State aforesaid, certify that _____ a registered 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 _____, 20____.

Notary Public _____
My Commission expires _____

NORTH CAROLINA, PITT COUNTY - The foregoing certificate of _____ is certified to be correct. Filed for registration this _____ day of _____, 20____, at _____ o'clock _____, P.M., at _____, Register of Deeds

By _____
Deputy Register of Deeds

TAX PARCELS 61966 AND 27094

PITT COUNTY HISTORICAL SOCIETY, INC
2601 E. FIRETOWER ROAD
GREENVILLE, NC 27858

MAP NO. _____

PLATS RECORDED	BOOK	PAGE
CHERRY OAKS NORTH PHASE 1	40	109
ST TIMOTHY'S EPISCOPAL CHURCH	42	134
PITT PROPERTIES, INC	46	140

CAROLINA BENCHMARK ENGINEERS-SURVEYORS-PLANNERS INCORPORATED
102 OAKMONT DRIVE GREENVILLE, NC 27608 (252) 756-8440
NCE C-0282

SURVEYED: DSW
DRAWN: DSW
SCALE: 1" = 60'

APPROVED: TWH
DATE: 12 AUG 2011
SHEET: HS - 1917

MAP NO.	PLATS RECORDED	BOOK	PAGE
	CHERRY OAKS NORTH PHASE 1	40	109
	ST TIMOTHY'S EPISCOPAL CHURCH	42	134
	PITT PROPERTIES, INC	46	140

MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, NC

EFFECTIVE DATE _____ ORDINANCE NO. _____ AREA _____

WINTERVILLE TOWNSHIP PITT COUNTY NC



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Ordinance to annex Hardee Crossing at Portertown property involving 54.026 acres located south of East Tenth Street (NC HWY 33), east of Portertown Road (SR 1726), north and south of the Norfolk Southern Railroad, and north of Glenwood Subdivision

Explanation: ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: November 7, 2011
2. City Council public hearing date: November 17, 2011
3. Effective date: December 31, 2011

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 54.026
4. Voting District: 4
5. Township: Grimesland
6. Vision Area: C
7. Zoning: CG, General Commercial
8. Land Use: Existing: Residential and Farmland
Anticipated: Commercial shopping center

The expected build out of the annexation area includes a 148,400 square foot Walmart, a 40,000 square foot commercial strip center, two lots comprising 13 acres of stormwater detention facilities, and five outparcels as follows:

Lot 1- 1.53 acres (possible 26, 600 square feet of retail)

Lot 2- 1.62 acres (possible 28, 200 square feet of retail)

Lot 3- 1.94 acres (possible 33, 800 square feet of retail)

Lot 4- 1.01 acres (possible 17, 600 square feet of retail)

Lot 5- 1.44 acres (possible 25, 000 square feet of retail)

9. Population:

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

10. Rural Fire Tax District: Eastern Pines

11. Greenville Fire District: Station #6 (Distance of 1.5 miles)

12. Present Tax Value: \$1,573,786
 Estimated Future Tax Value: \$31,960,000

Fiscal Note:

The total estimated tax value at full development is \$31,960,000

Recommendation:

Approve the attached ordinance to annex the Hardee Crossing at Portertown property.

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

Attachments / click to download

-  [Hardee Crossing at Portertown property Annexation Map](#)
-  [Hardee Crossing at Portertown Annexation Ordinance 910690](#)

ORDINANCE NO. 11-____
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 2

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 17th day of November, 2011, after due notice by publication in The Daily Reflector on the 7th day of November, 2011; and

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

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

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

To Wit: Being all of that certain property as shown on the annexation map entitled "Hardee Crossing at Portertown", involving 54.026 acres as prepared by Freeland and Associates, Inc.

Location: Lying and being situated in Grimesland Township, Pitt County, North Carolina, located south of E. Tenth Street (NC HWY 33), EAST OF Portertown Road (SR 1726), north and south of the Norfolk Southern Railroad, and north of Glenwood Subdivision. This is a contiguous annexation involving 54.026 acres.

General Description:

All that parcel of land, lying and being in Grimesland Township, Pitt County, North Carolina, and being further located as follows:

Commencing at the USGS Monument "Trinity" having grid coordinates N-675583.2231, E-2493785.8878; thence with a tie line S 64-05-53 E for 10,043.89 feet to an iron pin located along the southern right of way of East Tenth St. (30 meter R/W) being the northeastern most common corner of Rawls Inc. (D.B. 1919-98) being the Point of Beginning; thence along said right of way along a curve concave to the north having a radius of 3083.20 feet, an arc of 46.86 feet and a chord of S 68-00-30 E for 46.85 feet to a R\W monument; thence S 68-37-19 E for 251.40 feet to a point; thence S 68-26-53 E for 412.37 feet to an iron pin; thence S 68-25-08 E for 200.12 feet to an iron; thence S 68-49-21 E for 218.37 feet to an iron pin; thence S 68-53-17 E for 60.16 feet to an iron pin; thence S 69-08-08 E for 118.69 feet to an iron pin; thence leaving said southern right of way and along the common line of Hardee S 02-32-39 W for 258.19 feet to an iron pin; thence S 02-31-32 W for 53.40 feet to an iron pin; thence S 02-36-59 W for 308.26 feet to a

point located on the northern right of way of Norfolk Southern Railroad (100' R\W); thence with a line across said Norfolk Southern Railroad, S 10-42-13 W for 100.00 feet to a point located on the southern right-of-way of Norfolk Southern Railroad; thence along said southern right-of-way, N 79-17-47 W for 656.52 feet to an iron pin; thence leaving said right-of-way S 18-40-04 W for 1025.91 feet to an iron pin; thence with the common line of Glenwood Subdivision (M.B. 16-58) N 57-36-23 W for 238.84 feet to an iron pin; thence N 57-59-44 W for 657.34 feet to an iron pin; thence with the common line of TMBH Holdings LLC (M.B. 4-32) N 74-15-44 E for 411.55 feet to an iron pin; thence N 56-53-19 E for 35.66 feet to an iron pin; thence N 35-28-09 E for 119.70 feet to an iron pin; thence N 06-20-51 E for 373.40 feet to an iron pin located on the southern right-of-way of Norfolk Southern Railroad; thence along said right-of-way, N 79-17-47 W for 1416.94 feet to a point located on the eastern right-of-way of Portertown Road; thence along said right of way N 32-19-50 E for 810.87 feet to a PK nail being the western most common corner of number 1 Rawls Inc. (D.B. 1919-98); thence leaving said eastern right of way S 57-24-24 E for 817.39 feet to an iron pin; thence N 32-36-52 E for 273.66 feet to an iron pin; thence N 32-36-22 E for 143.16 feet to an iron pin; thence N 32-34-08 E for 129.79 feet to the Point of Beginning containing 54.026 Acres (2,353,375 Sq. Ft.) more or less.

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

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

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

Section 5. This annexation shall take effect from and after the 31st day of December, 2011.

ADOPTED this 17th day of November, 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal, this the 17th day of November, 2011.

_____, Notary Public

My Commission Expires: _____

REFERENCES:

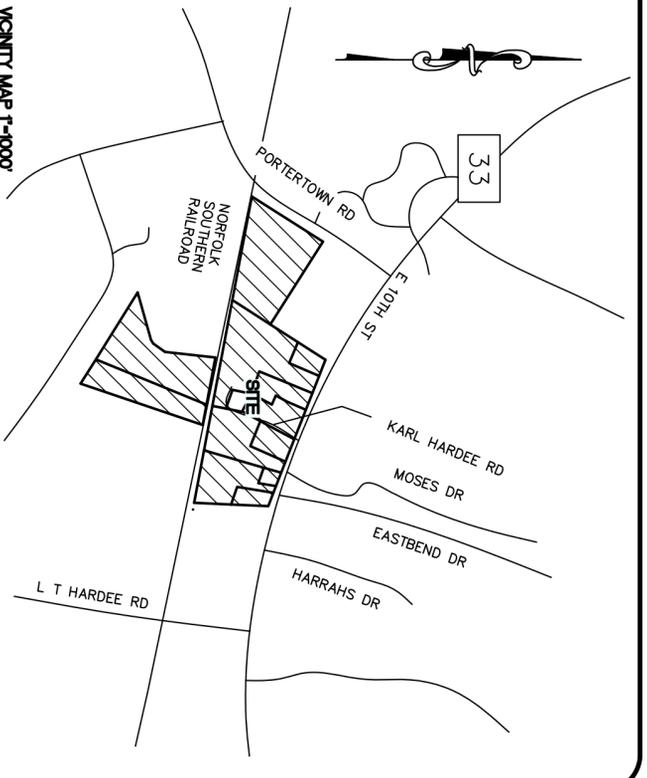
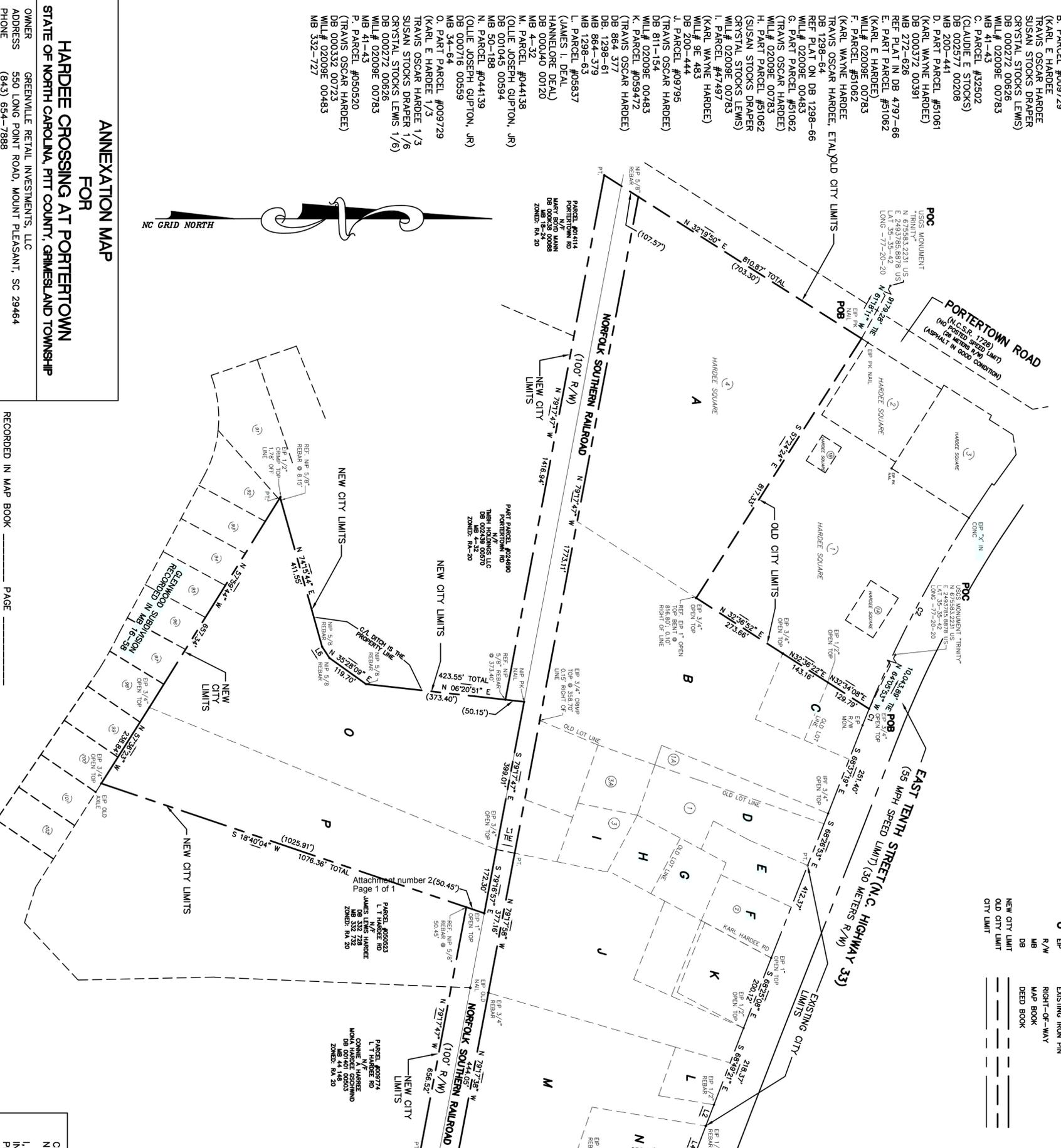
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
A	3083.20'	46.86'	23.43'	46.85'	S 68°00'30" E	0°52'15"
C1	3083.20'	573.57'	287.61'	572.74'	S 62°19'11" E	10°39'32"
C2						

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
A	3083.20'	46.86'	23.43'	46.85'	S 68°00'30" E	0°52'15"
C1	3083.20'	573.57'	287.61'	572.74'	S 62°19'11" E	10°39'32"
C2						

LEGEND:

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- NEW IRON PIN (5/8" REBAR)
- EXISTING IRON PIN
- R/W RIGHT-OF-WAY
- MAP BOOK
- DEED BOOK



LINE TABLE

LINE	LENGTH	BEARING
L1 TIE	50.00'	S 112°24'31" W
L2	60.16'	S 68°53'17" E
L3 TIE	9.43'	S 15°58'47" W
L4	118.69'	S 69°08'08" E
L5	53.40'	S 02°31'32" W
L6	35.66'	N 56°53'19" E
L7	100.00'	S 10°42'13" W

- NOTES:**
- 1) AREA DETERMINED BY COORDINATES.
 - 2) ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 - 3) NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
 - 4) THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.
 - 5) BOUNDARY INFORMATION FOR SUBJECT PROPERTY IS BASED ON FIELD SURVEY, DATED JULY 9, 2010, AND PLAT BOOKS REFERENCED HEREON.
 - 6) FOR CLARITY EASEMENTS HAVE NOT BEEN SHOWN.

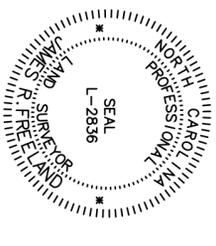
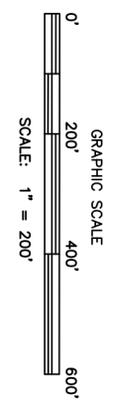
ANNEXATION MAP FOR HARDEE CROSSING AT PORTERTOWN STATE OF NORTH CAROLINA, PITT COUNTY, GRIMESLAND TOWNSHIP

OWNER: GREENVILLE RETAIL INVESTMENTS, LLC
 ADDRESS: 550 LONG POINT ROAD, MOUNT PLEASANT, SC 29464
 PHONE: (843) 654-7888

MAP NO. _____ PLATS RECORDED _____ BOOK _____ PAGE _____
 RECORDED IN MAP BOOK _____ PAGE _____

CERTIFICATION NORTH CAROLINA PITT COUNTY

I, JAMES R. FREELAND, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM INFORMATION REFERENCE HEREON, SUPPLEMENTED WITH FIELD SURVEYS, THAT THE RATIO OF PRECISION IS 1:10,000. THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND AND REFERENCED HEREON. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1)(d) AS TO THE FOLLOWING THAT THIS SURVEY IS OF ANOTHER CATEGORY (ANNEXATION MAP) SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 25TH DAY OF OCTOBER, 2011.



FREELAND & ASSOCIATES, INC.
 SDRIVERS • ENGINEERS

323 WEST STONE AVE.
 GREENVILLE S.C. 29609
 TEL. (864) 271-4924 FAX: (864) 233-0315
 EMAIL: info@freeland-associates.com

CHECKED: JCC
 PARTY CHIEF: LP
 DRAWN: JMP
 DATE OF SURVEY: 7-9-10
 DATE DRAWN: 10-24-11
 SCALE: 1"=200'

MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, N.C.
 EFFECTIVE DATE _____ ORDINANCE NO. _____ AREA _____
 54,026 ACRES



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Presentation by Tammy Perdue about the need for a new aquatics center

Explanation: Council Member Joyner has requested that Tammy Perdue be placed on the November 17th agenda to make a presentation about the need for a new aquatics center.

Fiscal Note: No cost to hear presentation.

Recommendation: Receive a presentation from Tammy Perdue about the need for a new aquatics center.

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

Attachments / click to download



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Property tax collection process

Explanation: Council Member Joyner has requested that Cathy Booker Pitt County Tax Administrator address questions related to the collection of current and delinquent property taxes. Listed below are the steps used by Pitt County as enforcement tools that the North Carolina Statutes allow for the property tax collections process.

A. Bank Attachment--Serve a notice to banks and credit unions seeking the amount of delinquent taxes; if the property owner is a customer of the bank and has deposit accounts (NOT credit lines, equity lines or credit card accounts), the bank or credit union places a hold or freeze on the account and then within 10 business days it forwards the funds to the county tax office.

B. Wage Garnishment--Serve notice to an employer of the delinquent taxes owed and the employer is instructed to withhold 10 percent of the gross amount of salary or wages and to forward this from each paycheck until the balance is cleared.

C. Rent or Lease Levy--Serve notice to the tenants of a building to pay their rent or lease payments to the County office instead of paying them to the landlord or property management firm, and this office will issue the tenant a receipt and apply the funds to the past-due taxes owed by the building owner for the building.

D. NC Debt Setoff Program--Each month an updated file is sent to the agency running this program for the NC Department of Revenue, and that file contains all past-due taxpayers with a tax debt of \$50 or more. The debts are cross-checked with NC tax refunds and NC Educational Lottery prize winnings and if the debt is matched, the program sends the money to the County to apply on the tax debts.

E. Sheriff Levy--With the assistance of an officer from the Civil Actions

section of the Pitt County Sheriff Department, the County collections staff issues a levy notice to the deputy who goes and sees the property owner in person. He gives them a copy of the levy notice and explains that the tax debt has to be cleared up in 90 days or he will seize personal property for sale at public auction to liquidate the tax debt.

Fiscal Note: No cost to hear receive information.

Recommendation: Receive information from the Pitt County Tax Administrator on the property tax collections process.

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Resolution authorizing the conveyance of City-owned property located at 417 Nash Street to Metropolitan Housing and CDC, Inc.

Explanation: This is a request to convey a City-owned duplex dwelling located at 417 Nash Street, Pitt County Tax parcel #19323 to Metropolitan Housing and CDC, Inc. (Metropolitan), a certified HOME Investment Partnerships Community Housing Development Organization (CHDO). Metropolitan will use HOME Investment Partnerships funds, which are required to be reserved for CHDO's. Metropolitan plans to rehabilitate the structure to develop an affordable duplex for qualified low to moderate income families. North Carolina General Statute 160A-279 authorizes the City to convey real property by private sale to a public or private entity carrying out a public purpose.

This project involves disposition of the property and structure to Metropolitan for substantial rehabilitation and tenant based rental assistance to qualified tenants. Additionally, the sales contract provision requires the units to remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established annually by the Department of Housing and Urban Development. The conveyance of this property fulfills the Department of Housing and Urban Development recommendation that the City create additional affordable rental dwellings using HOME program funds.

Fiscal Note: Expiring HOME Investment Partnerships CHDO reserve funds from the 1999-2001 program years, and 2009 and 2010 HOME CHDO reserve funds will be used to complete the project. It is anticipated that the total rehabilitation and rental conversion will cost approximately \$155,000.

Recommendation: Adopt the attached resolution authorizing conveyance of 417 Nash Street, tax parcel #19323 to Metropolitan Housing and CDC, Inc. to develop an affordable rental duplex for eligible low to moderate income families.

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

Attachments / click to download

 [Resolution conveying 417 Nash Street 911065](#)

RESOLUTION NO. ____-11

RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY
LOCATED AT 417 NASH STREET TO METROPOLITAN HOUSING AND CDC, INC.

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

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-279 to pursue such relationships as Sale of Property to non-profit entities carrying out a public purpose;

WHEREAS, the City Council, during the November 17, 2011, meeting, heard a request to convey the property located at 417 Nash Street to Metropolitan Housing and CDC, Inc., a certified Community Housing Development Organization, for the purpose of establishing an Affordable Rental Housing Program for low to moderate income families;

WHEREAS, the unit must remain affordable for a period of twenty (20) years with authorization to charge no more than fair market rent established by the Department of Housing and Urban Development; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize conveyance of property consisting of tax parcel #19323 located at 417 Nash Street to Metropolitan Housing and CDC, Inc. with the condition that the use of the property is limited to affordable rental housing for low to moderate income families, said conveyance to be by private sale for the consideration of the use of the property consistent with the aforementioned condition and to be accomplished by a deed executed by the Mayor and City Clerk.

This the 17th day of November 2011.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

911065



City of Greenville, North Carolina

Meeting Date:
11/17/2011
Time: 7:00 PM

Title of Item: Fiscal years 2012-2013 and 2013-14 budget and capital improvement program schedule

Explanation: Attached is the proposed budget and capital improvement program schedule for the 2012-2013 budget and 2013-2014 financial plan. A proposed date for the City Council Planning Retreat has been included in the proposed schedule.

Fiscal Note: No cost associated with adoption of the budget and capital improvement program schedule.

Recommendation: Adopt the attached budget and capital improvement program schedule.

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

Attachments / click to download

 [Budget Schedule_900012](#)

Draft City of Greenville, NC
Budget and Capital Improvement Program (CIP) Schedule
Fiscal Year(s) 2012-2013 and 2013-2014
Proposed

Saturday	January 28, 2012	City Council planning retreat and draft CIP presentation
Monday	March 5, 2012	CIP presentation to City Council
Monday	April 9, 2012	City Council preview of proposed City budget
Wednesday	May 2, 2012	Proposed City, GUC, SML, and CVA budgets distributed to City Council
Monday	May 7, 2012	Proposed City, GUC, SML, and CVA budgets presented to City Council
Thursday	May 10, 2012	Further discussion of proposed budgets by City Council
Monday	May 21, 2012	City Council budget review
Monday	June 11, 2012	Public Hearing - Fiscal Year 2012-2013 Budget and 2013-2014 Plan
Thursday	June 14, 2012	Adoption of the Fiscal Year 2012-2013 Budget and 2013-2014 Plan