



# Agenda

## Greenville City Council

June 11, 2012

6:00 PM

City Council Chambers  
200 West Fifth Street

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### I. Call Meeting To Order

### II. Invocation - Council Member Mercer

### III. Pledge of Allegiance

### IV. Roll Call

### V. Approval of Agenda

- Public Comment Period

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

### VI. Consent Agenda

1. Minutes from regular City Council meetings held on January 12 and February 20, 2012, and from Special City Council meetings held on January 30, February 16, February 21, and May 2, 2012
2. Ordinance enacting and adopting Supplement #2012-S3 to the City of Greenville Code of Ordinances
3. Resolution authorizing the sale of a 958.82 square foot portion of Paramore Park to Baxter and Margaret Myers

4. Resolution accepting dedication of rights-of-way and easements for Airport Center - Phase 2, Block B, Lot 1 and Block A, Lot 1
5. Municipal agreement with the North Carolina Department of Transportation for bi-annual bridge inspections
6. Resolution approving the execution of a municipal agreement with the North Carolina Department of Transportation for Section 5303 Planning Grant Funds
7. Modifications to the Energy Efficiency and Conservation Block Grant program
8. Resolution to abandon a portion of sewer and water easements located at 11 Galleria, Section Two - Lot 3
9. Ordinance amending Greenville Utilities Commission's Capital Project Budget for the Chicod School Sewer Extension Project
10. Electric Capital Project Budget Ordinance and Reimbursement Resolution for Greenville Utilities Commission's OPTICS Project, Phase 3-A
11. Ordinance amending Greenville Utilities Commission's FY 2011-2012 budget
12. Resolution supporting expanded Amtrak passenger service

## **VII. New Business**

### **Public Hearings**

13. Public hearing on proposed fiscal year 2012-2013 budgets
  - a. City of Greenville
  - b. Pitt-Greenville Convention & Visitors Authority
  - c. Sheppard Memorial Library
  - d. Greenville Utilities Commission

### **Other Items of Business**

14. Presentations by Boards and Commissions
  - a. Planning and Zoning Commission
  - b. Redevelopment Commission
15. Agreement with David Vaughn Construction for the Sarah Vaughn Field of Dreams Improvements Project
16. Update by Schneider Electric on the Guaranteed Energy Savings Performance Contract project

17. Energy Services Company Performance Contract Re-Award
18. Discussion of Hop Tyson area stormwater drainage and street improvement needs
19. Budget ordinance amendment #11 to the 2011-2012 City of Greenville budget (Ordinance #11-038) and amendments to the Administrative Facilities Capital Project Fund (Ordinance #03-60), the West Greenville Revitalization Fund (Ordinance #05-50), the Center City Revitalization Fund (Ordinance #05-127), the Employee Parking Lot Capital Project Fund (Ordinance #07-92), the Arlington Boulevard Sidewalk Capital Project Fund (ordinance #10-26), the Public Transportation Capital Assistance Recovery Grant Project Fund (Ordinance #09-73), the Public Works Yard/Beatty Street Capital Project Fund (Ordinance #08-65) and the FEMA-Hurricane Irene Project Fund (Ordinance #11-068)

**VIII. Review of June 14, 2012 City Council Agenda**

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

**X. City Manager's Report**

**XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Minutes from regular City Council meetings held on January 12 and February 20, 2012, and from Special City Council meetings held on January 30, February 16, February 21, and May 2, 2012

**Explanation:** Proposed minutes from regular City Council meetings held on January 12 and February 20, 2012, and from Special City Council meetings held on January 30, February 16, February 21, and May 2, 2012, are attached for consideration.

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

**Recommendation:** Review and approve minutes from regular City Council meetings held on January 12 and February 20, 2012, and from Special City Council meetings held on January 30, February 16, February 21, and May 2, 2012.

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

**Attachments / click to download**

- [Proposed\\_Minutes\\_from\\_January\\_12\\_2012\\_City\\_Council\\_Meeting\\_916553](#)
- [Proposed\\_Minutes\\_of\\_February\\_20\\_2012\\_City\\_Council\\_Meeting\\_920705](#)
- [Proposed\\_Minutes\\_of\\_January\\_30\\_2012\\_Special\\_meeting\\_927198](#)
- [Proposed\\_Minutes\\_from\\_February\\_16\\_2012\\_City\\_Council\\_Meeting\\_919431](#)
- [Proposed\\_Minutes\\_from\\_February\\_21\\_2012\\_Special\\_Council\\_Meeting\\_927793](#)
- [Proposed\\_Minutes\\_of\\_May\\_2\\_2012\\_Special\\_Meeting\\_926157](#)

**PROPOSED MINUTES**  
**MEETING OF THE CITY COUNCIL**  
**CITY OF GREENVILLE, NORTH CAROLINA**  
**THURSDAY, JANUARY 12, 2012**



A regular meeting of the Greenville City Council was held on Thursday, January 12, 2012 in the Council Chambers, located on the third floor at City Hall, with Mayor Allen M. Thomas presiding. Mayor Thomas called the meeting to order at 7:00 pm. Council Member Joyner gave the invocation, followed by the Pledge of Allegiance.

**Those Present:**

Mayor Allen M. Thomas, Mayor Pro-Tem Rose H. Glover, Council Member Kandie Smith, Council Member Marion Blackburn, Council Member Calvin R. Mercer, Council Member Max R. Joyner, Jr. and Council Member Dennis J. Mitchell

**Those Absent:**

None

**Also Present:**

City Manager Wayne Bowers, City Attorney David A. Holec, City Clerk Carol L. Barwick and Deputy City Clerk Polly W. Jones

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**APPROVAL OF THE AGENDA**

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City Manager Bowers reminded the City Council that two items were carried over from Monday night's City Council meeting: (1) Municipal agreement with the North Carolina Department of Transportation for the design and construction of the South Tar River Greenway Phase 3 – Pitt Street to Moye Boulevard, and (2) a closed session.

Council Member Joyner moved to approve the agenda, with the additional items carried forward from Monday. Council Member Smith seconded the motion which passed by unanimous vote.

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**SPECIAL RECOGNITIONS**

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- Johnny Wayne Mitchell – Public Works Department Retiree

City Manager Bowers, joined by Mayor Thomas and Public Works Director Wes Anderson, read and presented a plaque to Johnny Wayne Mitchell in recognition of more than 28 years of service to the Public Works Department.



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## **APPOINTMENTS**

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- **Affordable Housing Loan Committee**  
Council Member Smith chose to continue the replacements of Karalee Coughlin, who had resigned, and Sterling Reid, who had not met the attendance requirements; she recommended that Gregory James be appointed to the board to fill an unexpired term that will expire in February 2012, in replacement of John Martin. Council Member Joyner made the motion to appoint Mr. James to the board, it was seconded by Council Member Mitchell and it carried unanimously.
- **Community Appearance Commission**  
Council Member Mercer continued the replacement of Valerie Guess, who was not able to meet the attendance requirements.
- **Firefighters Relief Fund Committee**  
The Firefighters Relief Fund Committee recommended the reappointment of George Powell to his second two-year term that will expire in January 2014. Council Member Joyner made a motion to approve the reappointment, Council Member Blackburn seconded the motion and it carried unanimously.
- **Greenville Bicycle & Pedestrian Commission**  
Council Member Mercer recommended the reappointment of Mitchell Craig to his first three-year term expiring in January 2015; Cori Hines to his first three-year term expiring in January 2015; Allison Moran-Wasklewicz to her first three-year term expiring in January 2015; and J.P. Walsh to his first three-year term expiring January 2015. Motion was made by Council Member Joyner to reappoint all four positions, it was seconded by Council Member Blackburn and it carried unanimously.
- **Historic Preservation Commission**  
Council Member Blackburn continued the replacements of Dennis Chestnut, whose term had expired and was no longer eligible to serve on the Commission, and Charlotte Cohen, who had resigned from the Commission. She also continued the reappointment of Kerry Carlin.
- **Human Relations Council**  
Mayor Pro-Tem Glover continued the appointments to replace Guillame Bagal, an East Carolina University student who had moved out of the state, and Michael Rouse, a Pitt Community College student who had moved out of the city limits.



- **Police Community Relations Committee**

Council Member Smith appointed Shawan Sutton to a first three-year term to replace Norwood Bradshaw, who was ineligible for reappointment.

Mayor Pro-Tem Glover continued the replacement of Willie Roberts, who was not able to meet the attendance requirements.

- **Public Transportation and Parking Commission**

Council Member Mercer recommended that Eric Foushee be reappointed to a first three-year term expiring January 2015; Robert Thompson be reappointed to a first three-year term expiring January 2015; and Marsha Wyly be reappointed for a second three-year term expiring January 2015. Council Member Joyner made a motion to reappoint all three positions, Council Member Smith seconded and it carried unanimously.

- **Youth Council**

Council Member Blackburn continued the ten available appointments on the Youth Council.

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**NEW BUSINESS**

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**PUBLIC HEARINGS**

- Ordinance relating to a procedure to refuse to issue a local license for the retail sale of beer and wine

City Attorney Dave Holec stated the proposed ordinance results from a recommendation of the Special Task Force on Public Safety, which was created by the City Council in January 2010. This Task Force was charged with the mission to study crime in Greenville and make recommendations to improve public safety in the community. After more than a year of meetings, using the Police Department as a resource, the Task Force issued a report in June 2011 containing its recommendations. The City Council reviewed those recommendations in September 2011 and identified those which they wished to pursue further, with direction that any implementing action be brought before them and be the subject of a public hearing, even if a public hearing was not required by law.

One of the recommendations which the City Council identified for further consideration was to "enact an ordinance which establishes the procedure for the City to refuse to issue, as allowed by G.S. §105-113.71, a local license for the sale of beer and wine if the applicant committed any, or permitted any, act that would be grounds for suspension or revocation of its ABC permit until G. S. §18B-104.



Mr. Holec stated that G.S. §18B-901 provides that all ABC permits are issued by the North Carolina Alcoholic Beverage Control Commission. G.S. §18B-901(d) states the Commission has the sole power, in its discretion, to determine the suitability and qualifications of an applicant for a permit and has the authority to determine the suitability of a location. To be a suitable place, the establishment must be in compliance with all building and fire codes.

Additionally, Mr. Holec stated G.S. §18B-901(c) lists other factors which the Commission is to consider in determining whether the applicant and the location are suitable. These factors are to be considered (but are not mandated to be followed) by the Commission in making its determination. The City has the opportunity to comment on the applicant and the location prior to the ABC Commission making its determination.

Although the ABC Commission has the sole authority to issue an ABC retail permit, G.S. §105-113.71 authorizes City Councils to refuse to issue a local license for the retail sale of beer and wine if they find, after notice and hearing, that there are grounds for suspension or revocation of the permit under G.S. §18B-104. Grounds for suspension or revocation include any violation of any statute in Chapter 18B or Article 2C of Chapter 105 or the Rules issued by the ABC Commission pursuant to the provisions of Chapter 18B. Only local licenses relating to retail sale of beer and wine are included in this authority since these are the only local retail licenses relating to alcoholic beverages which the City is statutorily authorized to issue (on-premises and off-premises beer and wine sales). Additionally, this statute authorizes City Councils to refuse to issue the annual license only. This statute does not authorize City Councils to revoke or suspend a license after issuance. G.S. §18B-113.70(b) provides that the annual licenses issued are for the period from May 1 to April 30.

Mr. Holec stated the Town of Chapel Hill has adopted an ordinance which sets forth the procedure to implement this authority. Although Chapel Hill has not used this authority to refuse to issue a license, their Town Attorney has advised that he believes the existence of the ordinance and the fact that it may be utilized has likely resulted in some applications not being submitted when an establishment has not been able to comply with ABC laws.

Mr. Holec stated the ordinance proposed to implement this recommendation in Greenville is modeled after the Chapel Hill ordinance. The proposed ordinance differs from the Chapel Hill ordinance in that it defines (in subsection (b)(2)(c)) what is considered as sufficient reason for an application to be referred by the City Manager or designee for consideration by the City Council for denial after a recommendation for denial is received from the Police Department, Fire Department, or Inspections Division of the Public Works Department. A referral for consideration by the City Council is to occur if the applicant has committed an act or permitted an activity, other than a violation relating to tax stamps or audit reports, at least three (3) times during the most recent twelve (12) month period, that would be grounds for suspension or revocation of the applicant's



permit under the provisions of G.S. §18B-104 and the City Manager or designee determines that it is in the public interest to not issue the annual local license. The Chapel Hill ordinance does not define what is considered as sufficient reason for an application to be referred to the Town Council but allows the Town Manager to make a referral to the Town Council after receiving a recommendation from either the Police, Fire, or Inspections Department to deny the application, if he determines there is sufficient reason to consider denial or non-renewal of an application.

Mr. Holec pointed out the proposed ordinance lists the effective date as "upon adoption." In order to allow license holders to be aware of the decision should the City Council choose to adopt this ordinance, Mr. Holec recommended delaying the effective date to coincide with the next licensing period to allow license holders to be aware of the provision and modify any behavior which might be in violation.

Council Member Blackburn asked if the proposed ordinance would enable the City to revoke a license, or just to refuse to issue one. Mr. Holec stated the City may only refuse to issue. It does not have authority to revoke an existing license.

Council Member Mitchell asked if adoption of the proposed ordinance would suggest the City doesn't feel the ABC Commission is doing a good job. Mr. Holec said the proposed ordinance should be viewed as an additional tool in the event it is needed, but the hope would be that it serves as a deterrent to problems and would not frequently be needed.

Council Member Joyner asked when Chapel Hill's ordinance was enacted. Mr. Holec said he believes it was adopted in 1996.

Mayor Pro-Tem Glover questioned the need for such an ordinance if Chapel Hill's has been in place since 1996 but has not been used. She stated she doesn't want local merchants to feel we are attempting to run them out of business, and she fears there could be a potential for something like this to be abused.

Mayor Thomas opened the public hearing on this matter at 7:36 pm and invited anyone wishing to speak in favor of the proposed ordinance to come forward. Hearing no one, he then invited comments in opposition to the proposed ordinance.

- William H. Potter, Jr. – Attorney with Sink and Potter, LLP in Raleigh, NC  
Mr. Potter stated he had been asked to speak on behalf of a group of local ABC permit holders. He said he has read the Task Force's report, which repeatedly talks about crime, but the issue before the City Council deals with enforcement of a tax statute. There is no evidence to support that adoption of the proposed ordinance will deter crime or improve public safety, and it would have no impact at all on a liquor permit.



- Frank Owens – “Live” (nightclub) – 2120 E. Fire Tower Road  
Mr. Owens said Mr. Potter presented his position quite well, but in short, he feels this is simply more hoops for the average business owner to jump through. He said he has not had a violation in 15 years, but there is always a possibility it could happen. In that case, the State would take care of it, but the proposed ordinance feels like a form of double jeopardy. He said he didn't think a business should have to answer to everybody on the block.
- Robert O’Neal – 1110-A Holden Drive  
Mr. O’Neal stated he feels this is regulation just for the sake of regulation, and was something that would ultimately cause his taxes to go up. He said he feels Greenville should reduce regulation rather than continue to increase.
- Elizabeth Power Greene – 2305 Saddle Ridge Place  
Ms. Greene stated she missed the opportunity to speak in favor, but asked to be allowed to speak. Upon consent from the City Council, Ms. Green stated she is an Emergency Room nurse and doesn’t feel the intent of this ordinance is to increase taxes or cause headaches, but to be a deterrent to problems. She stated she has had to take care of many people who have been on the wrong end of things that happen downtown and it is not a pretty sight. She said she feels an ordinance which gives businesses a number of chances not to make mistakes that will put people at risk, but which limits their continued ability to do so if they fail to comply is something the City should pursue.

Hearing no further comment, Mayor Thomas closed the public hearing at 7:53 pm.

Council Member Joyner moved not to approve the proposed ordinance, seconded by Council Member Smith.

Council Member Blackburn stated she was surprised the City Council would appoint a task force to make recommendations on a problem, then not act on those recommendations. She said she appreciates Mr. Potter’s eloquent opposition, but she feels Chapel Hill’s ordinance has been a success because it has not had to be used.

Council Member Mercer stated if an applicant has committed acts that would activate this ordinance, he doesn’t see why the City Council would not want to be able to do something about it. He said he feels that law-abiding establishments would not have any problems operating with the ordinance in place.

Council Member Mitchell asked if Chapel Hill hadn’t used their ordinance because they’ve not had an establishment with three violations or did they just opt not to use it. Mr. Holec stated Chapel Hill’s ordinance does not have the three-violation criteria. Their ordinance leaves the decision to their City Manager’s discretion.



Council Member Mitchell said it concerns him that such an ordinance seems to give the City Council discretion to get rid of bars and nightclubs downtown that they might not want in the area.

Mayor Pro-Tem Glover stated she appreciates the work of the Task Force, but feels this idea may have been pushed on them. She feels this is one of many things that comes back to the shootings downtown. She said she would like to hear comment from James Sasser, ABC Officer who is present in the audience.

Mr. Sasser said he was in agreement with comments made by Mr. Potter. He added that he means nothing derogatory toward the Task Force, but it consisted of no one from Pitt County ABC nor the NC ABC Commission and neither group was asked for comment.

Council Member Blackburn said the City Council talks about making the city safer, but when options are presented, they are often not taken. She said she appreciates Mr. Sasser's comment about no one from either ABC Commission being on the Task Force or asked for comment, but the Task Force held meetings for over a year and someone from ABC could have attended.

Council Member Mercer stated no one action will solve crime in this city, but this is one step the City Council could take toward that effort.

On the motion not to approve the ordinance relating to a procedure to refuse to issue a local license for the retail sale of beer and wine, the vote was 4 to 2, with Council Members Blackburn and Mercer voting "no".

- Order to close a portion of Skinner Street and Smith Street

Public Works Director Wes Anderson stated the City Council adopted a Resolution of Intent to close a portion of Skinner Street and Smith Street at its December 8, 2011 meeting. He then showed the affected areas on a map and stated budgeted funds for maintenance of these streets will no longer be required.

Mayor Thomas declared the public hearing open at 8:24 pm and invited comment in favor of the proposed street closing. Hearing none, he then invited comment in opposition to the closing.

- Ervin Mills – 612 Norris Street

Mr. Mills stated he had owned his property since 2007 and the week prior to December 5, 2011 was the first time he'd heard any discussion about the



potential closing of Skinner Street. He said he met with Mr. Anderson on December 5<sup>th</sup> to discuss in detail. Mr. Mills expressed concern that the Resolution of Intent was adopted on the basis that no opposition was provided, but said none was provided because he had not been aware of the proposal. People use this area as a walking route and he feels closing the street will negatively impact his business. If the main artery is cut, his business will not survive. Mr. Mills stated he purchased his business, he asked the City Council how this area could be improved. No funds were allocated, so he started saving money himself and he is now faced with three scenarios. He said he got no information, so it's either bullying, arrogance or negligence. It can't be bullying because Greenville is an inclusive community, or so they claim. City Council Members were in South Greenville asking children how to improve the area. Children and parents had walked there. If the street is closed, where are those children going to walk to? He then asked, since he is being cut from the lifeline of the City, for the City Council to consider helping him with aesthetics such as wayfinding signs, lighting or something else to draw people in. Mr. Mills stated he cut down trees and took the fence down to appear community friendly, but now he's being cut off.

Council Member Joyner asked what sort of business Mr. Mills operates.

Mr. Mills stated he does hair care, but has plans to create an incubator. He said he has a tenant selling cloths and there are salons.

▪ Dr. Sam Barber – No Address Given

Dr. Barber stated he is an independent researcher. From its founding in 1771 until 1887, there was no one in the Black community to tell the children about their heritage. Cherry Hill was opened and Black folk of means were buried there. Those without means were taken outside the city and buried in the slave burial ground. No one is sure when Brownhill was annexed, but since that time, there has been considerable discussion about the treatment of the cemetery. It is still in a state of disrepair. Dr. Barber stated his proposal to the City Council, since symbols are representative of a heritage, is to reconsider closing Skinner Street. If closed, it will be a dead end and there will be crime in the area, which will make work more difficult for the police. It will create problems for the citizens there. Use Brownhill as an historic site; make it a tourist attraction and develop the area.

▪ Curtis Smith – 309 Earl Drive

Mr. Smith stated his second home is the South Greenville Recreation Center. He has not heard anything about the safety issues involved in this closure, but there are a number of kids that use the South Greenville facility. A kid was injured there yesterday and some of the elderly folks had to stand



outside to direct emergency vehicles to the facility because Skinner Street was blocked off.

Hearing no further comment from the public, Mayor Thomas closed the public hearing at 8:43 pm.

Council Member Blackburn stated she was very moved by the comments made, but asked if the City was not required to close the street because of work being done on the railroad tracks. She asked if the City is boxed in to doing this.

Mr. Anderson stated the City is boxed in to closure of the railroad crossing, but not to closing this short stretch of road. Closing it will simply make the area less of a night time hangout. The City does not own the railroad and once they close the crossing, anyone crossing it would be trespassing. The closure is currently in its final stages, with the contractor currently working on Melody Lane north of the river. This location will be next. Timing also hinges on an element of the Skinner Street drainage project because the street has to stay open to give property owners and businesses access until the City's contractor completes drainage work.

Council Member Smith asked what is being done to be good neighbors with the business that will be impacted by the closure. She also asked what would be done about the resulting mess.

Mr. Anderson stated most of the mess currently seen at the location is associated with drainage project construction and it will not be a continual situation. Once the project is completed, there will be less impact from storms and the contractor will be required to clean up behind himself. As for being a good neighbor, the City plans to install lighting in the area.

Mayor Thomas asked if the area would be fenced. Mr. Anderson stated fencing was not allowed due to the stream in the area; the riparian buffer is a no-touch zone for the City.

Council Member Smith asked about wayfinding signs. Mr. Anderson stated he would look into it, but said the City should exercise caution in doing something for one business that might not be feasible to do for all businesses.

Mayor Pro-Tem Glover asked that the City work with Mr. Mills as much as possible because this closure is an inconvenience to him and probably to people who live in the area as well. Many closed-off streets are neglected and become dumping grounds because they are not maintained.

Council Member Joyner asked if it was imperative that this issue be decided at this meeting. Mr. Anderson stated it is not critical.



Council Member Joyner moved to table the matter until the February 20, 2012 City Council meeting so that Mr. Anderson and the City Manager could work with Mr. Mills to discuss signage and other options that might make the closure less of a detriment to his business. Council Member Blackburn seconded the motion, which passed by unanimous vote.

- Ordinance amending the Zoning Ordinance standards for portable temporary storage units

Chief Planner Chris Padgett stated that beginning in 2005, the availability and use of temporary portable storage units, typically called “PODS”, within the city increased significantly. This was in part due to several companies that were established or expanded to carry and rent these units to individuals and businesses. Consequently, the City began getting numerous complaints about individuals renting and locating PODS in their front yards within residential neighborhoods. At that time, the City did not have regulations in place to address these temporary structures.

On March 9, 2006, the City Council adopted Ordinance 06-25, which amended the zoning ordinance to include a new definition entitled “portable temporary storage unit” and to include minimum standards concerning the location, duration, frequency, number, and use of units on residential and nonresidential lots. Adoption of this ordinance followed a six-month process, which included extensive communication with several companies that were actively renting these units within the City’s planning and zoning jurisdiction.

Mr. Padgett stated the City now receives far fewer complaints related to PODS than it did prior to the development and adoption of standards to address them. The few complaints received recently have involved units being used by businesses located along commercial corridors. The standards adopted in 2006 prohibit these units from being used as permanent accessory structures on residential lots; however, the units may be used as permanent accessory structures on commercial lots so long as they meet the minimum requirements applicable to an accessory building and/or structure for the district in which they are proposed (i.e. setbacks, lot coverage, height, etc.). There is no limitation on the number of accessory structures that can be located on a lot with a commercial, industrial, or office primary use.

The topic of portable temporary storage units was discussed by the City Council at their November 14, 2011 meeting, during which a report was presented as a means of providing information related to these land uses. As a result of that discussion, the City Council initiated a Zoning Ordinance text amendment that limits the number of PODS that can be used as permanent accessory structures on nonresidential lots and prohibits their use as permanent accessory structures in the



CD (Downtown Commercial) and CDF (Downtown Commercial Fringe) districts. Specifically, the draft text amendment proposes to replace Section 9-4-103 (R) (25) with the following:

*Any storage units to be located and used as permanent accessory structures on a nonresidential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall meet the minimum requirements applicable to an accessory building and/or structure for the district and use as well as the following:*

*(a) The number of units that may be located and utilized as permanent accessory structures will be determined by the size of the lot on which the unit(s)is (are) proposed to be located as follows: (i) If the lot is one acre or less in area, then no more than one unit totaling no more than 320 square feet in total floor surface storage area may be utilized as a permanent accessory structure. (ii) If the lot is greater than one acre, but less than three acres in area, then no more than two units totaling no more than 640 square feet in combined total floor surface storage area may be utilized as permanent accessory structures. (iii) If the lot is three acres or greater in area, then no more than three units totaling no more than 960 square feet in combined total floor surface storage area may be utilized as permanent accessory structures.*

*(b) No storage unit shall be used as a permanent accessory structure in the CD or CDF districts.*

Mr. Padgett stated in Staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan. He further stated the Planning and Zoning Commission unanimously recommended approval at their December 13, 2011 meeting.

Following Mr. Padgett's presentation, Mayor Thomas declared the public hearing open at 9:07 pm inviting comment in favor of the proposed text amendment. Hearing none, he invited comment in opposition to same. Also hearing none, Mayor Thomas closed the public hearing at 9:08 pm.

Council Member Joyner moved to adopt the ordinance amending Zoning Ordinance standards for portable temporary storage units. Council Member Blackburn seconded the motion, which passed by unanimous vote.



- Ordinance to annex Southwest Commercial Park, Lot 19, involving 1.984 acres located on the southern right-of-way of Dickinson Avenue Extension (US 13 & 264A) approximately 840 feet west of its intersection with Southwest Greenville Boulevard/Allen Road

Chief Planner Chris Padgett showed a map depicting the proposed annexation area, which is located within Arthur Township in voting district #2. The property is currently vacant with no population, and no population is anticipated at full development. Current zoning is CH (Heavy Commercial), with the proposed use being a 9,100 square foot Dollar General Retail Store. Present tax value is \$63,387, with tax value at full development estimated at \$925,887. The property is located within Vision Area E.

Mayor Thomas declared the public hearing for the proposed annexation open at 9:11 pm and invited anyone wishing to speak in favor to come forward. Hearing no one, he then invited comment in opposition. Also hearing no one, Mayor Thomas closed the public hearing at 9:12 pm.

Council Member Joyner moved to adopt the ordinance to annex Southwest Commercial Park, Lot 19, involving 1.984 acres located on the southern right-of-way of Dickinson Avenue Extension (US 13 & 264A) approximately 840 feet west of its intersection with Southwest Greenville Boulevard/Allen Road. Council Member Blackburn seconded the motion, which passed by unanimous vote.

- Community Development Block Grant and HOME Investment Partnerships Annual Action Plan for 2012-2013

Housing Director Sandra Anderson stated the Community Development Department's Housing Division is in the process of identifying possible activities for the FY2012-2013 Annual Action Plan. As a requirement of receiving Community Development Block Grant (CDBG) and HOME Investment Partnerships Funds, the Housing Division must prepare an Annual Action Plan each year covered by the 2008-2013 Consolidated Plan. The Consolidated Plan outlines proposed activities and funding amounts and was adopted by the City Council on May 15, 2008.

Ms. Anderson stated the City of Greenville is an "Entitlement City" under the CDBG program and a "Participating Jurisdiction" under the HOME Investment Partnerships program. Those designations result in an annual formula allocation of CDBG and HOME funds to the City by the U.S. Department of Housing and Urban Development to benefit low to moderate income residents. Expenditure of CDBG and HOME funds must meet grant program national objectives.



The Annual Action planning process requires that the City hold two public hearings prior to the adoption of a final resolution approving the Annual Action Plan. The first public hearing is scheduled for this meeting and is considered a "planning" hearing to allow for public participation in the process of identifying possible activities that might be carried out in this fiscal year in accordance with the 2008-2013 Consolidated Plan.

Ms. Anderson identified the following top priorities and goals for the FY2012/2013 Annual Action Plan:

- Owner Occupied Rehabilitation
- Homeownership
- Acquisition & Demolition of Substandard Units
- New construction
- Conversion of Rental units to homeownership
- Development of Commercial Corridor
- Streetscape
- Support Nonprofits
- Eliminate lead-based paint hazards

Following Ms. Anderson's presentation, Mayor Thomas declared the public hearing open at 9:15 pm inviting comments related to the FY2012/2013 Annual Action Plan. Hearing none, Mayor Thomas closed the public hearing at 9:16 pm.

Council Member Joyner moved to approve the Annual Action Plan development schedule. Council Member Blackburn seconded the motion, which passed by unanimous vote.

#### PUBLIC COMMENT

##### Bob Thompson – 702A Johns Hopkins Drive

Mr. Thompson read the following letter, sent to City ADA Coordinator Linda McCarthy, addressing the City's lack of a transition plan for Americans with Disabilities Act (ADA) compliance:



**Proposed Minutes: Thursday, January 12, 2012**  
**Meeting of the Greenville City Council**

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**Disability Advocates  
& Resource Center**

*Lighting the Path to Independence for All*

December 21, 2011

Ms. Linda McCarthy  
ADA Coordinator  
City of Greenville  
P. O. Box 7207  
Greenville, NC 27835

Dear Ms. McCarthy,

This is in response to our meeting held on December 9, 2011 regarding the City of Greenville's lack of a transition plan for ADA compliance according to 2010 ADA standards.

The community of persons with disabilities of the City of Greenville has been working with all of the Departments to advance accessibility throughout the City of Greenville. I have gone before the City Council, spoken with Department Heads, and I have served on two committees/commissions and presently serve on the Public Transportation and Parking Commission.

I have been asking for the sidewalks in several locations, dangerous areas, and sidewalks and curb cuts that need repair to be looked into. I was told that these concerns are "on our radar". In one City Council meeting, after voicing my concerns about the sidewalks in noncompliance on Arlington Boulevard, the Mayor even told Public Works to look into the matter and get it corrected. To this day, I have yet to hear of a plan to get this achieved.

These concerns have now been brought to your attention and I thank you for your participation in making notes and downloading the presentation to your thumb drive to present to your Department Heads that are effected concerning accessibility throughout the City of Greenville. You were also presented a web site from the Department of Justice regarding regulations on accessibility and ADA compliance and also a web site from Southeast Disability Business Technical Assistance Center for free ADA Coordinator training that would be most useful for you and your staff.

I have spoken with Parks and Recreation Department Director and staff with concerns of accessibility. I have provided names of consultants to assist Parks and Recreation Department with an ADA Compliance Survey based on their request.

I have been working with Greenville Transit on accessible bus stops and a great deal of improvement has been made. However, there are still many bus stops that are not accessible.



**Disability Advocates  
& Resource Center**

*Lighting the Path to Independence for All*

On November 16, 2011, we were assured by the Assistant City Attorney, Bill Little, that the new City Ordinance for the city taxi cab service would be in compliance with ADA standards for transportation.

I have many concerns that are in noncompliance with the ADA and many barriers that are presently in place that prevent persons with disabilities from "going where everyone else goes and from doing what everyone else does."

One of my main concerns is how new building construction and sidewalk construction can be built in noncompliance and approved by city inspectors and paid for by City budget and still be in noncompliance. "Who is doing the inspections and approving payments?"

We at Disability Advocates and Resource Center would like to offer to the City of Greenville, assistance in helping make "our City" one of the most accessible cities in the East if not the entire state. We are willing to assist in identifying these areas of concern and make suggestions in how they can be corrected.

Individuals with disabilities have waited long enough and have asked enough times and have seen many of these concerns ignored or put on the back burner for whatever reason.

We are hereby issuing to the City of Greenville notice that if a Transition Plan is not in place within a 120 days of this notice for ADA compliance according to the Department of Justice standards effective March 15, 2012, an injunction will be sought to stop use of all facilities and services that are in noncompliance and a complaint will be issued to the Department of Justice. "If all citizens can't use them, then no one will use them!"

Again, we want to see Greenville, North Carolina, a City that is truly accessible to all its citizens!

Respectfully,  
*Bob Thompson*

Bob Thompson  
Advocacy Coordinator  
Disability Advocates & Resource Center

~\*~ COPY ~\*~

**Marianne Montgomery – 1407 N Overlook Drive**

Ms. Montgomery stated she is Co-Chair of Friends of Greenville Greenways (FROGGS) and is speaking on their behalf to strongly encourage the City Council to vote in favor of proceeding with the greenway project on tonight's agenda. She stated the greenway will serve as a vital transportation link between downtown and the hospital and can provide a recreation and rehabilitation space to patients coming to the Veteran's Hospital.

**Chris Mansfield – 408 S. Harding Street**

Mr. Mansfield said he thought the greenway issue had been resolved, but to him, it is a no-brainer. It is crucial in the development of West Greenville and the downtown core, akin to the downtown connector, but for pedestrians and cyclists. Physical activity has a direct impact on health and would be beneficial for the entire community.

**Andrew T Morehead, Jr – 409 S Harding**

Mr. Morehead stated he is the new president of TRUNA, but is not speaking on their behalf. He stated he thought the greenway issue was settled on Monday, but feels it would be a valuable asset to Greenville by improving the means of commuting by bicycle and improving the quality of life for the community.



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### **OTHER ITEMS OF BUSINESS**

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- Lead Based Paint Hazard Control Grant application

Housing Administrator Sandra Anderson stated the division is seeking approval to pursue a 3-year Lead Based Paint Hazard Control Grant from the Office of Healthy Homes and Lead Hazard Control of the United States Department of Housing and Urban Development (HUD) in response to a Notice of Funding Availability received in November. The grant's purpose is to assist local governments in the undertaking of comprehensive programs to identify and control lead-based paint hazards within eligible privately owned rental or owner-occupied housing with children under the age of six in residence.

Ms. Anderson stated the City currently serves as a grantee with the Office of Healthy Homes and Lead Hazard Control under a program called Lead Safe Greenville. HUD awarded the City a \$1.9 million grant in 2009, under which the Community Development Department Housing Division is in the completion phase. As of December 2011, staff has enrolled 200 households, assessed 125 housing units for lead hazards, and cleared 92 housing units of lead hazards. Throughout the 2009 grant period, the City has maintained the highest HUD evaluation rating during each of the quarterly reporting periods. As a result of this grant, 27 jobs were created and 59 persons received job training. In addition, the City's grant program was recognized by HUD as a "best practices" program for successfully implementing this new grant program. As a result of this recognition, the City's Grant Project Director and Grant Project Coordinator were invited to present the program at the December 2010 grant training workshop held in Annapolis, Maryland.

Ms. Anderson stated staff desires to submit a 2012 application for a \$2 million grant to continue the Lead Safe Greenville program. If funded, the grant would require a \$200,000 local match, which could be provided from the FY 2011 and FY2012 Community Development Block Grant awards.

Council Member Blackburn moved to authorize submission of the Lead Based Paint Hazard Control Grant Program application to the United Stated Department of Housing and Urban Development. Mayor Pro-Tem Glover seconded the motion, which passed by unanimous vote.



- Report on City's role in economic development

Assistant City Manager Thom Moton stated during their December 8, 2011 meeting, City Council directed staff to provide a report on Economic Development in January and expressed an interest in redirecting existing Community Development Department resources to economic development with no budgetary impact.

Mr. Moton stated the Urban Development Division is best suited to shift resources toward economic development. Their work under the West Greenville Revitalization Program is nearing completion and the Center City Revitalization Program is nearing the 50% mark toward completion. The Division is currently staffed by a Senior Planner, a Planner II, a Neighborhood Liaison/Community Ombudsman and a Staff Support Specialist III.

Mr. Moton said Staff recommends creation of a Mayor's Economic Development Advisory Council (MEDAC) which would meet at least quarterly to advise the Mayor and staff on matters related to economic development strategy and on city regulations, services and amenities impacting economic development. MEDAC membership should be broad enough to leverage resources and insure that Greenville and Pitt County community economic development partners are working together.

Mr. Moton recommended the City Council consider these economic development recommendations and authorize renaming of the Urban Development Division to the Economic Development Division.

Council Member Mitchell thanked Mr. Moton for his presentation, but stated he wanted to be clear that the Mayor's Economic Development Advisory Council would be an advisory group with policy being driven by the Economic Development Division although there will be stakeholders from throughout the community. Everyone will be responsible for promoting Greenville.

Council Member Mercer asked how stakeholders would be chosen. Mr. Moton stated that has not yet been fully determined, but there is a list of potential stakeholder groups that are already somehow involved in economic development. Mr. Bowers added that everyone currently involved in economic development should be involved and it may be necessary to add people who are not already on the list.

Council Member Blackburn stated this is definitely thinking outside the box. She said she has believed for a long time, since she served as a member of the Convention and Visitors Authority, that Greenville needed to better market itself as a community.



Mayor Thomas asked about the cost of redirecting the division. Mr. Moton stated it will take approximately 45-60 days for positions to be redefined and evaluated. There may be some salary adjustment, but he does not expect the cost to be substantial.

Mayor Pro-Tem Glover expressed a concern about naming the group as "the Mayor's Commission" because it implies ownership. She said she would prefer this be "the Council's Commission" because the City Council makes the decisions and should be kept abreast of their activity. She said the group may depend too heavily on the mayor if it is named after him.

Mr. Moton stated attaching the highest office's name to the group garners visibility.

Council Member Mercer said he appreciates Mayor Pro-Tem Glover's comments, and would add that his primary concern is that the advisory council brings their advice and reports to the full Council so that it is thereby visible to the whole city.

Council Member Mitchell moved to rename the Urban Development Division to the Economic Development Division and establish the Mayor's Economic Development Advisory Council (MEDAC) to provide advice and input on matters related to economic development policy and to draft an economic development strategy. Council member Joyner seconded the motion.

Council Member Mercer stated he will vote for the motion, but offered an amendment to require MEDAC to make their recommendations directly to the full City Council. He stated he does not want their advice to be filtered through other entities.

Mayor Pro-Tem Glover said she can accept the name with the provision suggested by Council Member Mercer that the group make their recommendations directly to the full City Council.

Council Member Mitchell accepted Council Member Mercer's amendment, as did Council Member Joyner. Council Member Mitchell stressed this is strictly an advisory group with no individual authority to legislate anything.

There being no further discussion, the motion to rename the Urban Development Division to the Economic Development Division and establish the Mayor's Economic Development Advisory Council (MEDAC) to provide advice and input directly to the full City Council on matters related to economic development policy and to draft an economic development strategy passed by unanimous vote.



- (Continued from 01/09/2012) Municipal agreement with the North Carolina Department of Transportation for the design and construction of the South Tar River Greenway Phase 3 – Pitt Street to Moye Boulevard

Public Works Director Wes Anderson stated in late summer 2011, the City of Greenville was awarded a discretionary grant from a United States Department of Transportation Community and System Preservation Program (TCSP) through a competitive application process. The City received \$907,609 of the \$1.2 million requested in the application. The grant was awarded to provide funding for construction of Phase 3 of the South Tar River Greenway from Pitt Street to Moye Boulevard. Currently, the South Tar River Greenway connects the Town Common and Greene Street on the west end to the Green Mill Run Greenway in Green Springs Park on the east end. Phase 3 will construct approximately 1.4 miles of 10 foot wide paved multi-use trail and will complete the connection from Pitt Street to Moye Boulevard. This project will complete the connection from East Carolina University's main campus to the Medical School Campus. Additionally, it will support commuters working at the City's other major employers, such as Pitt County Memorial Hospital and the City and County government offices. The process to select a design consultant will begin immediately upon execution of the agreement by NCDOT. Construction is tentatively scheduled to start in fiscal year 2013-2014. Mr. Anderson stated a decision could be delayed until March if the City Council desired more time to consider the matter.

Council Member Blackburn moved to approve the Municipal Agreement with DOT for design and construction of the South Tar River Greenway Phase 3. She said she felt by delaying, greenway projects are just put further behind and she did not feel it was likely the City Council would want to lose nearly \$1 million in funding. Council Member Mercer seconded the motion.

Mayor Pro-Tem Glover stated if a decision was not required tonight, she felt it would be prudent to consider all capital improvement projects to determine what the highest priorities are.

Council Member Mercer stated he has followed this process for four years on the City Council. Capital projects are discussed in the budget process, but from his knowledge of the City and its budget process, there is no conceivable way the capital projects lists would make a 4 to 1 return on investment something the City Council would not want to do. He said he heartily supports this motion to proceed. It makes sense on every level.

Council Member Joyner said when this was brought up at the last meeting, the Council expressed concern about projects that were wants versus needs. He views this as a want.



Council Member Blackburn stated she views it as a need if you look at what happens to a pedestrian hit by a car. This project is needed for safety, but also for its health benefits to the community as well as aesthetics.

Council Member Mitchell stated he appreciates the public participation on this issue and it appears the public really wants the project to move forward. Additionally, development of greenways is a great economic development tool. He said he is going to vote for it, but while many have referred to this as a "no brainer," there are in fact many needs throughout the City. He said he feels it is wise for the City Council to know what is ahead before making a decision.

Mayor Pro-Tem Glover stated she is not against greenways, but she can't recall anyone on West Fifth being run over on a bicycle. She said she does not feel this will benefit West Greenville. People will still have to ride on West Fifth. There are no bike trails or sidewalks on the streets in West Greenville. The highest incidents of poor health are in the poor communities and are caused not by lack of somewhere to walk, but by poverty. The people who are so passionate about the greenways do not have the same passion for helping the disadvantaged communities.

Council Member Joyner asked if this is approved, how much will be spent on greenways this year. Mr. Anderson stated the City Council would only be obligating dollars for the design this year, but the City's full share for Pitt to Moye would be \$226,902.

Council Member Smith said she'd been asked to speak on behalf of the Recreation and Parks Commission. They are in full support of the greenway project.

There being no further discussion, the motion to approve the Municipal Agreement with DOT for design and construction of the South Tar River Greenway Phase 3 passed by a vote of 5 to 1 with Mayor Pro-Tem Glover casting the dissenting vote.

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#### **COMMENTS FROM MAYOR AND CITY COUNCIL**

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The Mayor and City Council made general comments about past and future events.

Additionally, Council Member Mitchell expressed concern over the condition of the Recreation and Parks Maintenance Building and made a motion that the building be inspected and a report of its condition be presented at the Planning Session. Council Member Joyner seconded the motion, which passed by unanimous vote.



Mayor Pro-Tem Glover moved to have the City Manager develop and present a plan at the February 20<sup>th</sup> City Council meeting on how to fully fund and complete construction on the Dream Park. Council Member Joyner seconded the motion, which passed by unanimous vote.

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### **CITY MANAGER'S REPORT**

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City Manager Bowers reminded the City Council that the Planning Retreat would be held at Bradford Creek beginning at 5:00 pm on Friday, January 20<sup>th</sup> and would continue on Saturday, January 21<sup>st</sup> beginning at 8:00 am.

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### **CLOSED SESSION (CONTINUED FROM 01/09/2012)**

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Council Member Joyner moved to enter closed session in accordance with G.S. §143-318.11(a)(1) 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 laws rendering the information as privileged or confidential being the Personnel Privacy Statute and the Open Meetings Law, in accordance with G.S. §143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and in accordance with G.S. §143-318.11(a)(6) 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. Mayor Pro-Tem Glover seconded the motion, which passed by a vote of 5 to 1. Council Member Mercer cast the dissenting vote after stating that information was provided to the City Council in a confidential memo from the City Attorney and he did not feel it was necessary that they meet in closed session to discuss.

Mayor Thomas declared the City Council in closed session at 11:03 pm and called a brief recess to allow Council Members time to relocate to Conference Room 337.

Upon conclusion of closed session discussion, motion was made by Council Member Joyner and seconded by Council Member Mercer to return to open session. Motion was approved unanimously, and Mayor Thomas returned the City Council to open session at 11:45 pm.



**Proposed Minutes: Thursday, January 12, 2012  
Meeting of the Greenville City Council**

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**ADJOURNMENT**

Council Member Joyner then moved to adjourn the meeting, seconded by Mayor Pro-Tem Glover. There being no discussion, the motion to adjourn passed by unanimous vote and Mayor Thomas adjourned the meeting at 11:46 pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk

PROPOSED MINUTES  
MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
MONDAY, FEBRUARY 20, 2012



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

Those Present:

Mayor Allen M. Thomas; Mayor Pro Tem Rose H. Glover; Council Member Kandie D. Smith; Council Member Marion Blackburn; Council Member Calvin R. Mercer; Council Member Max R. Joyner, Jr.; and Council Member Dennis J. Mitchell

Those Absent:

None

Also Present:

Wayne Bowers, City Manager; David A. Holec, City Attorney; Carol L. Barwick, City Clerk and Polly Jones, Deputy City Clerk

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**APPROVAL OF THE AGENDA**

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Motion was made by Council Member Joyner and seconded by Council Member Smith to approve the agenda with the addition of a Closed Session item. Motion carried unanimously.

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**SPECIAL RECOGNITION**

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Mayor Thomas announced the special recognition of honoring Mr. Wayne Bowers for his service to the City of Greenville and all that he has done in his career as a City Manager and read the following resolution.

“COPY”

RESOLUTION NO. 009-12

**WHEREAS**, Wayne Bowers has served as City Manager in five cities in four states over the past 35 years, including more than 7 years of service as City Manager of the City of Greenville from October 25, 2004 through February 29, 2012 and has announced his retirement effective March 1, 2012; and

**WHEREAS**, Mr. Bowers has served under 3 Mayors and 13 City Council Members during his tenure as City Manager of the City of Greenville and has provided leadership for the City of Greenville while ensuring that the policies adopted by the City Council were effectively implemented; and

**WHEREAS**, Mr. Bowers has served with integrity, fairness and a strong sense of ethics while demonstrating in belief and practice the ideal of transparency in governmental operations; and

**WHEREAS**, Mr. Bowers has been persistent in his resolve to accomplish projects while overcoming impediments and obstacles, with successful projects occurring during his tenure including, but not limited to, the Lucille W. Gorham Intergenerational Center, the Railroad Connection Track Project, the Fire Tower Road widening, the Thomas Langston Road extension, the Drew Steele Center, the Elm Street Park, the Sarah Vaughn Field of Dreams, Five Points Plaza and various construction, renovation and improvement projects such as City Hall, the Municipal Building, Fire-Rescue Station #6 and Police Substations on West Fifth Street and in the Kristin Drive neighborhood; and

**WHEREAS**, Mr. Bowers has promoted partnerships with key institutions and organizations which strengthened the community, including, but not limited to, beneficial partnerships with East Carolina University, Pitt County Memorial Hospital, Pitt Community College, Greenville-Pitt County Chamber of Commerce, Uptown Greenville, United Way of Pitt County and Pitt County; and

**WHEREAS**, Mr. Bowers has provided service at the state level as a Governor-appointed member of the North Carolina 911 Board, has served on various committees of the North Carolina League of Municipalities and was a key planner in the City of Greenville’s hosting of the 2009 North Carolina League of Municipalities Conference, has been an active member of the North Carolina City and County Management Association and has maintained recognition as a Credentialed Manager in the International City/County Management Association; and

**WHEREAS**, Mr. Bowers has actively and successfully sought federal earmarks by lobbying United States Senators and Congressmen with the City’s professional lobbyist and has maintained the sound fiscal condition and good bond ratings of the City, even during very challenging economic times; and

**WHEREAS**, the exemplary conduct and sense of fairness Mr. Bowers has demonstrated in all of his activities has furthered the cause of good government and has been a lasting influence in the growth and progress of the community;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Greenville, on behalf of all the citizens of the City of Greenville, that it does hereby express appreciation to Wayne Bowers for his distinguished service as City Manager of the City of Greenville, and highly commend him for the professional manner in which he has carried out his duties and responsibilities;

**BE IT FURTHER RESOLVED**, that the City Council of the City of Greenville extends to Wayne Bowers best wishes for a long and happy retirement.

This the 20<sup>th</sup> day of February, 2012.

/s/Allen M. Thomas – Mayor

ATTEST:

/s/Carol L. Barwick – City Clerk

"COPY"

Motion made by Mayor Pro-Tem Glover and seconded by Council Member Blackburn to adopt the resolution commending Wayne Bowers for his services as City Manager of the City of Greenville. Motion carried unanimously. (Resolution No. 009-12)

Council Member Mitchell commended Mr. Bowers for his number of years in city government and for being able to work with the different personalities of individuals cycling in and out on the City Council. He stated his working experience with Mr. Bowers has been extremely professional, and he wished him blessings.

Council Member Blackburn stated that Mr. Bowers is an amazing fiscal City Manager and that he will be sorely missed by her and the City. Not only is Mr. Bowers unflappable regardless of what is happening or how heated the situation, he has been always the embodiment of professionalism and coolness.

Council Member Mercer described Mr. Bowers as a professional City Manager par excellence who brought the fiscal discipline which is very important to the City. He stated Mr. Bowers has been able to operate in a calm, collective, and in-charge manner regardless of the context, even with hurricanes raging around him. Council Member Mercer stated he has admired Mr. Bowers and learned from him. Indeed in all his employment over the years, it has been one of his greatest privileges and highest pleasures as a City of Greenville public servant to work with Mr. Bowers. Council Member Mercer stated it was one of the saddest days in his public service career, and he was deeply disappointed, when he received Mr. Bowers' telephone call about retirement. He expressed his appreciation for Mr. Bowers' service and wished him well on his retirement.

Council Member Joyner stated that City Manager Bowers served in many capacities including as a voting member of the Greenville Utilities Commission (GUC) for the last seven years. Last week at a meeting, the GUC Board of Commissioners recognized his service and gave him a nice plaque. He has worked with City Manager Bowers for two two-year terms or 4 years, and what he liked best was City Manager Bowers' involvement with citizens, especially at meetings with the citizens about their concerns. The majority of the time they were able to solve the problems, but some of them were unsolvable. Council

Member Joyner thanked City Manager Bowers for all he has done for the City and wished him and his family well.

Council Member Smith thanked City Manager Bowers for his service in Greenville and encouraged him to be more like a lot of retired people who are really relaxing and enjoying themselves instead of thinking of retirement as a bad thing. Council Member Smith acknowledged that working with a City Council can be stressful because of the different personalities of its members. To be able to deal with diverse personalities and do his job effectively, skill and talent are required. She wished Mr. Bowers and his family blessings wherever they might go.

Mayor Pro-Tem Glover reminisced about the interviewing and hiring of City Manager Bowers who was selected out of five candidates for the position. The City Council was impressed by his professionalism, his answers to their questions, and how he was able to remember all of their names. After Mr. Bowers' interview, she recalls asking City Attorney Holec to make sure that this candidate did not leave the airport, and she has never regretted hiring him as City Manager.

Mayor Pro-Tem Glover further stated that he exceeded at all her expectations as both a friend and a professional city manager. Mr. Bowers did not wait for the citizens to come to him with their problems; instead he would go to the citizens. As a city manager dealing with all types of personalities on the City Council and with our citizenry, he has done an excellent job. He will be missed by Greenville's citizens, who think very highly of him. During his retirement, Mayor Pro-Tem Glover stated she hopes that he will take the opportunity to enjoy his family and friends. She stated this is a sad day for her, but she is happy that Mr. Bowers can retire and enjoy life.

Mayor Thomas presented City Manager Bowers with a plaque and thanked him for all he has done for the City of Greenville.

City Manager Bowers stated that he is certainly humbled by the City Council's kind remarks. He has enjoyed a long career of 39 years, which started when he was a teenager. He stated the resolution will mean a lot to him because the City has accomplished a lot over his seven years here. It has been an exciting time to be in Greenville. Mr. Bowers stated he already knew that there were good things in Greenville. He knew there would be challenges, but they have been great challenges leading to great accomplishments. Mr. Bowers stated those things mentioned in the resolution were certainly not done by him alone. They required support from the mayor and city council, the staff in the audience and approximately 700 more City employees. Mr. Bowers said he has always compared a city manager to the conductor in the orchestra. He doesn't play an instrument, nor does he make any music, but he tries to help those who do to sound better while playing. Mr. Bowers said the accomplishments here have been a team effort and he appreciates those

people who have occasionally made him look good. He thanked the Mayor and City Council for the resolution.

City Manager Bowers concluded by stating that Council Member Mitchell was in his office a few weeks ago and said that more things were needed on the walls other than the two maps and the City's mission statement. There were no personal items on the walls in the City Manager's Office, and there are two reasons for that. First, even though as City Manager, he brought experience from several other cities as indicated in the resolution and he has several degrees, none of that is on his office walls. He has learned that in this business no matter what he did in those other cities or learned at those schools, as a city manager, he had to prove himself every day. People do not judge what is on your office walls, but they will judge you for what you do. You have to produce. Second, at his first job as an assistant city manager, the wise City Manager who was his boss showed him a nice designated office and for a guy fresh out of graduate school, it made him feel like a big shot. However, the City Manager brought him down to earth very quickly stating that the office belongs to the citizens of the community, and the citizens would allow him to use it for the good of the community. For seven years, the Mayor and City Council have let him use the Office of the City Manager in Greenville, and he hoped that they have concluded that he generally put it to good use. He thanked them for the privilege of being the City Manager and stated he would certainly miss all of them and appreciated their recognition.

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**PUBLIC COMMENT PERIOD**

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**Dr. Sam Barber- No address given**

Dr. Barber, an independent researcher, asked City Attorney Dave Holec if the procedure to close Skinner and Smith Streets was legal or illegal.

City Attorney Holec stated the procedure was correct and appropriate, and that it followed the statutory process.

Dr. Barber stated that a fact check from the State Legislative Legal Research Department in Raleigh disagrees with that assessment. Accordingly, at least two violations were committed. First, G. S. 160A-299 requires a public hearing by notification of adjoining landowners prior to the closure of a street. On February 12, 2012, Mr. Ernest Mills stated Mr. Cox, a Caucasian, received notification while five families and an African American church did not receive the notification. He stated the Sanitation workers just might be on to something.

As a second point, Dr. Barber stated that the streets were declared permanently closed before the public hearing. Additionally, he learned that stopped or reversed projects must

repay 100 percent of the money used. Even though the City Council is looking good, since this proposal to close Smith and Skinner Streets has been ongoing since 2003, he is appalled the order reached this level. This City Council and a few others have demonstrated that their governing might not be a good model of transparency and accountability. The Daily Reflector's editorial of February 6, 2012 referred to Public Works Director Wes Anderson's exit as a setback for the City. Thanks to Mr. Mills, his challenge stopped the prepared order of February 12, 2012. The City Council's actions are subject to litigious challenges which should give them pause. Now that the streets are closed and the money committed, the question is how will the City make Mr. Mills whole.

Dr. Barber stated that a fact check of the City's official literature at the Convention and Visitors Bureau revealed no official Black historical sites. When visitors come to Greenville, especially foreigners, many of whom are well versed in American social issues, their impressions may very well be that Greenville is an all White city. However, if they travelled north on Evans Street or Hooker Road and just happened to make a turn on Howell Street and past the cemetery, they might exclaim, "Well, they've had some because they lock the cow pasture gate at night to keep in the spirits." With only nine years left before the City's 250<sup>th</sup> Anniversary Celebration, this City Council might need to be reminded that everybody, Black and White, made Greenville the hub of Eastern North Carolina and needs to be represented accordingly. A concerted and sustained effort accompanied by an objective design engineer should work with dispatch to make this City reflect the character of the community.

Dr. Barber stated that while making Mr. Mills whole, the City Council could help make the entire community whole or quasi-whole. He proposed that – by the 250<sup>th</sup> Anniversary Celebration – the City develop and dedicate at least four contiguous properties as historical sites: The Virgin Land on which stands the beginning of the colored burying ground now known as the Brownhill Cemetery established on or before 1887, the South Greenville Elementary School built in 1929, the Colored Playground adjacent to the Cooperfield Cemetery established 1927 and now the site of the South Greenville Gymnasium built in 1959, and the property on which Mr. Mill's business establishment is located.

Dr. Barber further stated that organized tourism could promote traffic in the area creating the potential for increased business possibilities for Mr. Mills. The four properties cited are revered prime historical sites with the Black community. The beginning of literacy programs beyond rudimentary elementary schools for Black people started on much of the property that Mr. Mills now owns.

Dr. Barber stated that former City Councils have raped Greenville of many of its historical gems creating a city that is basically a suburb to the water. Affluent citizens travel to distant places to fulfill their historical interests and desires. With Greenville's outstanding medical facilities, visitors and the City could benefit greatly by well-structured and

aggressive organized activities in which to participate, rather than just come to town, sit, eat, get fat and become depressed. Inactivity will only result in even more serious chronic diseases.

Dr. Barber stated that the rich Black historical roots of the downtown area deserve a historical marker that reflects that heritage. The present marker just says "Town Common", giving the impression that the racial fabric of Greenville has always been homogenized. Legend tells us that Black people were quartered in the downtown area well before 1860. Sadly, without capricious change, with the death of this generation, there will be no more downtown legacy.

Dr. Barber concluded by stating Mr. Mills should be commended for challenging the City for its attempt to rubberstamp this illegal street closing act and the City Council should be congratulated for putting forth the effort to make Mr. Mills whole. The City can and should exercise due diligence in establishing more historical sites that reflect the diversity of the entire community.

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#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

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##### Affordable Housing Loan Committee

Council Member Smith continued the replacements of Karalee Coughlin, who resigned, and Sterling Reid, who did not meet the attendance requirements.

##### Community Appearance Commission

Council Member Mercer continued the replacement of Valerie Guess, who was unable to meet the attendance requirements.

##### Historic Preservation Commission

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to reappoint Kerry Carlin for a first three-year term expiring January 2015; to appoint Richard Weir for a first three-year term expiring January 2015, replacing Charlotte Cohen who had resigned; and to continue the replacement of Dennis Chestnut, who is no longer eligible to serve. Motion carried unanimously.

##### Human Relations Council

Mayor Pro-Tem Glover continued the appointments to replace Guillame Bagal, an East Carolina University student who had moved out of the state, and Michael Rouse, a Pitt Community College student who had moved out of the city limits.

Police Community Relations Committee

Mayor Pro-Tem Glover continued the replacement of Willie Roberts, who was unable to meet the attendance requirements.

Youth Council

Motion made by Council Member Blackburn and seconded by Council Member Joyner to appoint Daniel Barondes to fill an unexpired term expiring October 2012 and to continue the appointments for the nine remaining slots. Motion carried unanimously.

Mayor's Economic Development Advisory Committee

City Manager Bowers stated that the City Council had received information that the Mayor has appointed Council Members Kandie Smith and Dennis Mitchell as well as himself (Mayor Allen Thomas) to the Mayor's Economic Development Committee.

Audit Committee

City Manager Bowers stated that Mayor Thomas has appointed Mayor Pro-Tem Glover and Council Member Max Joyner and himself (Mayor Allen Thomas) to serve on the Audit Committee.

Joint Pay and Benefits Committee

City Manager Bowers reminded the City Council that there are two appointments to be made by the City Council to the Joint Pay and Benefits Committee.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to appoint Mayor Pro-Tem Rose Glover as a member of the Joint Pay and Benefits Committee. Motion carried unanimously.

Motion was made by Council Member Mitchell and seconded by Mayor Pro-Tem Glover to appoint Council Member Max Joyner, Jr. as a member of the Joint Pay and Benefits Committee. Motion carried unanimously.

CONSENT AGENDA

City Manager Bowers introduced the following items on the Consent Agenda:

1. Memorandum of Understanding with East Carolina University relating to the Lucille W. Gorham Intergenerational
2. Resolution approving a lease agreement with the Center for Family Violence Prevention (Resolution 007-12)

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to approve the Consent Agenda. Motion carried unanimously.

**OLD BUSINESS**

ORDER TO CLOSE A PORTION OF SKINNER STREET AND SMITH STREET - ADOPTED

City Manager Wayne Bowers stated as requested by the City Council, Staff has carried over from a January meeting an order to close a portion of Skinner and Smith Streets. At the January 12, 2012 meeting, the City Council conducted a public hearing to consider closing a portion of Skinner Street and all of Smith Street, an unopened street running parallel to the railroad tracks. That public hearing was concluded, City Council heard comments at that meeting from Mr. Ervin Mills, and City Council requested that Staff work with Mr. Mills to address his concerns about the impact of these street closings on his property which is in close proximity to the portion of Skinner Street that will be closed.

City Manager Bowers stated that in the report sent to City Council last week, he indicated that he met twice with Public Works Director Wes Anderson and Mr. Mills. In summary, Staff looked at the concerns and made recommendations to improve the appearance and the accessibility of Mr. Mills' property. Specifically, a gate would be installed at the closed section of Skinner Street where it will become part of the Public Works Department yard. Staff recommended improving the appearance of that entrance specifically replacing the chain-link fence with an aluminum or wrought iron gate and providing some landscaping in that area. Also, Staff recommended placing sidewalks on the East side of Skinner Street to Norris Street and on the North side of Norris Street to improve citizens' accessibility to properties in the area since at one time citizens were able to walk through Skinner Street and now they will have to find alternative ways to access the properties.

City Manager Bowers stated that Staff agreed with Mr. Mills that it may be more difficult to locate his property so they recommended placing a wayfinding sign on Hooker Road indicating that South Greenville Elementary School and South Greenville Recreation Center are located on Howell Street. Also, a sign would be placed on the corner of Brownhill Cemetery that would indicate the shopping district in one direction and the school and recreation center in the other direction. These signs would make it easier to direct people to that part of the City.

City Manager Bowers further stated that Staff recommended improving the street lighting in the area by installing three new street lights bringing it up to the interim standards that the City Council has adopted. Finally, they would continue to beautify the Public Works Department yard to make the City's property a more attractive neighbor to Mr. Mills' property. The cost totaling \$33,639.25 is mostly for sidewalk work. Staff is recommending that the City Council appropriate \$5,094 from the General Fund contingency for the current year in order to upgrade the gate and to erect the signs. The additional money for the sidewalk could be taken from next year's appropriation for sidewalk funding. Money is provided each year for sidewalks and this work could be made a priority for the coming year. Staff recommended approval of the program and adoption of the resolution approving the order to close portions of Skinner and Smith Streets.

Council Member Joyner asked Mr. Mills if he is happy with Staff's recommendation.

Mr. Ervin Mills stated that the meetings with Mr. Bowers and Mr. Anderson were cordial and enjoyable, and he is very pleased with the outcome. At the January 12, 2012 Public Hearing, he made a statement that City Manager Bowers had not returned his telephone call, and he has learned differently. The numbers were transposed in the telephone number that was given to City Manager Bowers and unfortunately, he could not contact him. Mr. Mills further stated he would like to meet with his Council Representative to ask if town hall meetings could be held in that area which would be beneficial.

Council Member Blackburn questioned whether or not there are other businesses in the area that are going to be affected by this.

Mr. Mills responded that there are businesses that are coming into the complex.

Council Member Blackburn said that hopefully it will be a thriving shopping area.

City Manager Bowers stated that there are no other retail businesses in that area.

Motion made by Council Member Joyner and seconded by Council Member Blackburn to approve Staff's recommendations and to adopt the resolution approving the Order to Close

the portions of Skinner and Smith Streets which is identified on a street closing map. Motion carried unanimously. (Resolution No. 008-12)

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**NEW BUSINESS**

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**PRESENTATION ON REVENUE ENHANCEMENT PROJECT RESULTS AND STRATEGIES**

Ms. Bernita Demery, Financial Services Director, introduced Mr. Robert Segal stating that his company's work with the City has been related to expense reduction and revenue enhancement. Staff began working with Mr. Segal in January of 2011 to look at additional revenues that would not increase property taxes or raise fees and licenses, and he will present the results of that study to the City Council. Ms. Demery distributed a letter from Mr. Segal.

Mr. Robert Segal of Robert S. Segal, CPA PA stated that for 8-10 months they were trying to increase the City's revenues by finding some additional property tax through jurisdiction coding in arrears. They thought maybe there were properties that were coded outside of the City that were truly inside the City. After many hours of testing and looking, they did not find any such properties because the Pitt County Tax Department has done a superb job of making sure property inside the City is properly coded. They looked at privilege license data to find some additional businesses that were conducting business inside the City without a license and found a few which resulted in \$22,000 of additional revenue. When \$22,000 is compared to the \$550,000 that the City would collect, four percent is not a lot of money. The Financial Services Department privilege license people are doing a fine job as well. His company was providing this service on a contingency contract meaning they receive a percentage of what they have found, and he can say that this is not one of their better projects.

Mr. Segal stated that there are a couple of observations in his letter. As they travel across North Carolina working for roughly 250 local governments, it seems to be a standard statement that every city wants to be local/small business friendly. In observing the City's privilege license as it is structured today, he is unsure that Greenville is the most business friendly it could be. Presently, the current privilege license cost is computed primarily as \$.50 per \$1,000 of gross revenues (sales) but there is a cap of \$2,000. The \$2,000 cap is reached when the business sales have reached \$3,925,000 rounded off as \$4,000,000. A business with \$4,000,000, \$40,000,000 or \$80,000,000 in sales would pay \$2,000 for a privilege license. It is a fairness type of thing, and the City Council might want to think about adjusting and even removing the cap and. He noted in his letter that there are a variety of cities that have no maximum licenses. It would generate some additional revenue from larger retailers.

Mr. Segal stated the second observation includes three possible alternatives for cities to be more business friendly:

1. By removing the \$2,000 maximum, every business would pay the same percentage of their gross receipts/sales. This would make it fairer to all businesses. They have not performed an analysis of how much additional revenue this would generate, but it would seem to be significant considering the number of big-box stores in Greenville since it is a regional shopping area. They understand that Durham, Fayetteville, Jacksonville, New Bern and Wilmington have no cap on their gross revenue licenses.
2. Exempt an amount of gross receipts upon which no privilege license amount is imposed. For example, the first \$1,000,000 of gross receipts is exempt from a gross receipts license. This would provide financial relief to many small businesses, especially those with sales less than \$1,000,000. They have not calculated the negative impact on revenues that such a change could have. They understand that New Bern charges \$.35/\$1,000 over \$1,000,000 and Fayetteville charges \$.30/1,000 over \$5,000,000.
3. A combination of 1 and 2. Exempt an amount of gross receipts from the privilege license calculation and remove the \$2,000 maximum. In this alternative, the loss revenue from the exemption could be offset by removing the \$2,000 maximum. Both New Bern and Fayetteville have no maximum amount and have at least \$1,000,000 of gross revenues that are exempt from privilege license.

Mr. Segal concluded stating that they have seen some cities that have combined alternatives 1 and 2, and if the City does give an exempted amount of sales, it would lose some income. If the City increased the cap or removed the cap it would pick some up. The City Council could look at making the City's business licenses more business trend like.

Council Member Blackburn stated previously they had discussed the fact that the City has the cap whether a business is making \$4,000,000 or \$40,000,000, and it sounds that is also one of Mr. Segal's recommendations for City Council to reexamine.

Mr. Segal responded that it is just an observation and not a recommendation. He is only pointing this out because it does not seem quite fair that a \$4,000,000 company would pay the same amount for a privilege license as a \$40,000,000 company.

Council Member Blackburn stated that would be one recommendation for the City Council to look at and on the other side there is an incentive in there for small/local business. One thing that they definitely want to do is to support local businesses, especially the small

businesses. Also, she would like for the City Council to look at a special privilege license or change in business licenses for a certain type of business, i.e. sweepstake cafes and tobacco shops.

Council Member Joyner stated these businesses also pay property taxes. He appreciates the job which was done by this company but he feels that this is a City Council's decision. It should be City Council lead, and this is not the time or place for the company's observations.

Council Member Mitchell stated there should be some type of penalty for not having a privilege license when one is necessary. The City needs to close its revenue gap and needs regulations that insure every business is aware that a privilege license is required in order to operate a business in the City.

City Manager Bowers stated that Mr. Segal's staff really did a good job even though he did not make any money, and our staff felt good about having the proper controls in place.

Council Member Mitchell made a motion that Staff report back what revenue would look like based on each of these 3 observations.

Council Member Blackburn seconded the motion and stated for clarification this is to remove the \$2,000 cap which prevents the City from having any additional revenue from businesses that earn more than \$4,000,000. The second one was the incentive for smaller businesses, \$1,000,000 would be the threshold, and it would allow them to support local business. The third option was a procedure to impose a fine if a business fails to apply for a business license.

Council Member Blackburn asked if it would be appropriate during the budget for them to look at the types of privilege licenses for certain types of businesses, for example sweepstakes or tobacco stores.

City Manager Bowers stated that Staff is planning on giving the City Council some information on the sweepstakes businesses, probably within the next week or so. It will be something the City Council could consider during budget time. Since other cities have been doing different things, Staff felt that they should make a recommendation to the City Council on that. Tobacco shops were discussed several months ago related to zoning and Staff can look at bringing that back also.

Council Member Joyner stated that Mr. Segal made his presentation and offered observations which were not part of their service. He asked if the City was charged for that information. The Finance Department has looked for ways to raise money and they have brought this to the City Council instead of sending it to another party. He stated that he

disagrees with how this was done, but said if the City chooses to pursue the matter, he wants to make sure that merchants have a chance to share their input in here.

Council Member Mitchell stated if this is brought back to the City Council, they should look at some type of hardship scenario for businesses that have a poor year and operate with a significant loss. He stated it should be based on businesses paying a fair share.

Council Member Blackburn stated that she does not want to micromanage who will be doing this analysis, but she recommends supporting small businesses. A \$1 million threshold seems to go beyond the small business category.

Council Member Mercer stated that he would be supporting this motion. It is a matter of fairness and it makes no sense to favor large businesses over small businesses. He stated small business revenues tend to circulate back to the City more so than with large businesses. He recommended asking Staff to come back with revenue implications for the three options.

Council Member Joyner stated that he likes to support all businesses. This is just an extra fee. These businesses are already paying sales tax, which Mr. Segal said is being passed on to customers. Businesses will adjust their prices to accommodate additional fees.

Council Member Joyner made an amendment to the motion to have Staff to prepare a list of the top 20 property taxpayers and the top 20 sales tax payers for the City of Greenville to be included in the figures, and stated that is going to show where the revenue is coming from.

City Manager Bowers stated that Staff does not keep sales tax records since sales tax is collected by the State. He said Staff could ask them to provide the City Council with that information, but indicated he is not sure whether they will give Staff that information.

Council Member Mitchell accepted the amendment made by Council Member Joyner.

Council Member Blackburn stated that she does not see why the amendment would be part of the motion. She would like for the motion to be clear about what they are requesting which is information and research about these three recommendations.

City Attorney Holec stated that if Council Member Mitchell accepts that as a friendly amendment and Council Member Blackburn does not accept the friendly amendment then Council Member Joyner could make a motion to amend the motion to amend the motion..

Council Member Blackburn, as the person who seconded the motion, accepted the amendment made by Council Member Joyner.

Council Member Mitchell asked what is the purpose of a privilege license.

City Attorney Holec stated that a privilege license is a revenue producer.

Motion made by Council Member Mitchell and seconded by Council Member Blackburn to request Staff to bring back a report on what revenues would look like based on the three observations presented by Robert Segal to the City Council. In addition, for Staff to prepare a list of the top 20 property taxpayers and the top 20 sales taxpayers for the City of Greenville to be included in those figures. The motion passed by a 4:2 vote with Mayor Pro-Tem Glover and Council Member Joyner voting in opposition.

#### FEASIBILITY STUDY ON MANDATING CURBSIDE REFUSE COLLECTION FOR ALL NEW SANITATION SERVICE CUSTOMERS

City Manager Bowers pointed out to the City Council that under the new rules he has made an exception to the ten minutes for this presentation because of the nature of the presentation which is likely to go over ten minutes.

Mr. Wes Anderson, Public Works Department Director, stated there is one City Council decision that Staff is looking for and that is whether the City Council wants to grandfather all current backyard customers and mandate new customers to be curbside. The other piece that Staff is looking for is guidance in regards to how to begin the process of converting sanitation to basically a structure that supports all curbside service.

Mr. Anderson stated that they are basically converting now to curbside. Two thousand eight was their transition year when they went from mostly backyard to mostly curbside. In January 2010, they started a campaign that lasted for about four months to inform all of those residents who were backyard customers of their options. That in combination with a letter campaign that is done now for every new customer dropped the Sanitation Division to 5,861 backyard customers versus 11,562 curbside customers. They are still converting and as of February 2012, they have an additional 400 customers who have converted from backyard to curbside so they are sitting right now at approximately 5,400 backyard customers. What that basically means is they have been losing revenue because backyard customers pay more than the curbside customers. For every 1,000 that convert to curbside from backyard it is a loss in revenue of just under \$200,000. What that means is there are two basic alternatives to proceed further if they are really looking at grandfathering.

#### Alternatives

- Maintain Division's current structure and raise fees sufficient to cover expenses
- Adjust organizational structure as the Division transitions to curbside collection thus minimizing fee increases

Mr. Anderson stated that a fee increase is required. How much that fee increase is depends upon decisions that will be made later based on the guidance that is received tonight. Mr. Anderson stated that there are challenges. As they reduce revenue, the rates have to be raised and the more the rates are raised for backyard customers, the more it would increase voluntary conversion to curbside, which would put the City at the point that rates would have to be raised further. The first year would be the greatest impact if they do grandfather, and the majority of the students who live in single-family residences will be cut that first year then the next year the students would be mandated to be curbside customers. Basically, as they change their structure they would have to change our service and would also adjust our workforce, and that would create some citizens' concern of changing the City's service at the same time fees are being raised. Every time service is changed it is going to increase the amount interaction from Code Enforcement as people are not used to that change.

Mr. Anderson sated another big issue that will have to be tackled down the road is who will provide rollout containers. Most municipalities and even private businesses that provide curbside service include the provision of the cart or toter as part of their fee structure. Greenville is the only city among the top 10 cities in North Carolina that is still offering a backyard service option. The City Council has been provided with the North Carolina School of Government benchmarking project report. Basically, Greenville was highest in two areas: 1) the highest cost per collection point and 2) the highest number of employees per 1,000 residents because the City is still organized on the backyard service. The rate of conversion is impacted by the size of the fee increase and the more fee increase that the City has for the backyard customer the more it will become curbside. The largest budgetary savings are achieved through reducing personnel as service converts to curbside and they do not anticipate being able to get full efficiency improvement until they go to full conversion at some point in the future.

Mr. Delbert Bryant, Sanitation Superintendent, explained the 4 options for conversion:

Option 1 - Grandfather Existing Backyard Customers

Grandfathering of the existing backyard customers is a City Council directed option. All new utility customers and anyone moving to a new residence within the City of Greenville would be required to receive curbside service and to purchase a roll-out cart. Bulky items would be collected only by contacting the Public Works Department for an appointment. A full conversion to curbside would be expected in 5-10 years with closer to 5 years being more likely, and this would be a gradual conversion to automated collection and a reduction in workforce over 5 years. The net impact for the Sanitation Fund in the first year is \$75,000. Net impact is cumulative and would be similar in the next 2-5 years.

Option 2 – Immediate Conversion to Curbside Collection

The backyard service customers must purchase a roll-out cart from the City. Again, the collection of bulky items would be by appointment only. Option #2 allows faster conversion to automated refuse collection, and initially results in approximately a \$1.1 million loss of revenue due to the difference in backyard and curbside rates. The backyard curbside fee is \$26.00 and curbside service fee is \$9.60. The net impact on the Sanitation Fund is approximately \$870,000 each year in years 1-5.

Council Member Mitchell stated there is some confusion regarding Option #2 where it reads “initially results in \$1.1 million loss of revenue” and then it reads “that the Sanitation fund is approximately \$870,000 each year in years 1-5”.

Mr. Anderson stated that \$1.1 million is a loss of revenue and the loss of revenue could be reduced down to \$870,000 for efficiencies and through crew sizing reorganization. The effective loss is the net loss which is the \$870,000 so you would have to generate additional \$870,000 of revenue to match the organizational structure at that time.

Council Member Joyner asked if they grandfathered the existing backyard customers the City would not be losing that \$1.1 million immediately.

Mr. Anderson stated that what will happen is that there would be some place in the neighborhood of about a \$100,000-\$200,000 reduction in revenue per year and some of that could be generated in savings by reorganizing the crew structure.

Council Member Joyner stated revenues are down about \$200,000 this year by people going to curbside from backyard service.

Mr. Anderson stated that so far there has been a small change in January because they are almost one month behind in their reports. In January there was hardly any change, but between December and July of 2011, they had a reduction of 400. So it depends upon how much more converting the remainder of this year would be closer to \$100,000 or \$200,000 in loss of revenue.

Council Member Mitchell asked that they cannot immediately change the operations to adjust to total curbside.

Mr. Anderson responded that the truck structure must be changed to trucks that are designed to be operated by 1 or 2 men, and the organizational structure must be changed which means that not as many employees are needed to operate those trucks that are configured that way.

Council Member Mitchell asked if there are certain neighborhoods that are just all curbside.

Mr. Anderson stated that to be incorrect. There is a higher percentage of curbside, but there are not any areas that are all curbside.

Council Member Mitchell asked are the same amount of people used on those trucks.

Mr. Anderson stated that to be correct.

Mayor Pro-Tem Glover stated that according to the study, they would have to buy new trucks and equipment totaling about \$200,000 per truck and that is also added to the loss if they did Option #1. There is 17,431 collection points including both curbside and backyard collection so it has been said that crews could be reduced to 3 but right now the requirement is 3 collection crews according to the survey which was done by UNC-Chapel Hill.

Mr. Bryant stated that is a reduction to 3 automated crews.

Mr. Anderson stated that they have no automated crews at this time and they do have all of their recycling and refuse with three-man crews with the reloading truck. The only thing that is less than a three-man crew are the multi-families which have a two-man crew and the one that pick up the dumpsters and the yard waste has two-man crews.

Council Member Mitchell asked if they could have two-man crews with the curbside.

Mr. Anderson responded that they could with rear loaders and then they would have to start checking to make sure that the routes are designed for two-man crews to pick up at that many houses semi-automated. Basically, the crew still has to go to the cart, pull and connect it to the back of the truck, and dump the cart.

Council Member Mercer asked in doing that they still have to mandate that the customers have the roll-out trash cans.

Mr. Anderson stated that to be correct.

Mayor Pro-Tem Glover stated that according to the study, the Town of Cary implemented the transition in a course of the year but not with obstacles, and then the City of Raleigh's process has resulted in a much larger portion and finally the City of Raleigh transition was much longer in years. The City should launch a public campaign and inform the residents of the changes. The City Council asked for the information for their review and not to make a decision. She is concerned that the City Council would be making a decision right away because it was not an easy transition for Raleigh and Cary. Frankly, she would not want to be putting somebody out of work the way the economy is because in Greenville, the

African-American community the poverty rate is 50 percent and the unemployment rate is 8 times the national average.

Council Member Blackburn asked is it true that what they have now is an unsustainable model and fees are going to go up exponentially if they do not make a change.

Mr. Anderson responded that basically the City is converting right now to curbside service. The difference is that they are reacting to how fast people want to change based off the fees and how much they can afford. What they are seeing now is more people are converting over to curbside service. It is hard to estimate right now because it based off of their pocketbooks.

Council Member Blackburn asked does backyard service effectively subsidize curbside but if the City was at a full curbside, there could be staff changes that would allow it to ultimately be a sustainable program.

Mr. Anderson responded that backyard does not subsidize curbside, backyard service is paying a higher fee for additional costs of the structure necessary to support backyard service. As people convert from backyard service to curbside service faster than anticipated that causes a loss of revenue and that is what causes that particular problem. The way the fee structure is set up for the backyard service is suppose to pay for the difference in costs between curbside and backyard. The only difference is that the fee has to go up for backyard because there are less backyard customers.

Council Member Blackburn asked if the City does this where does the costs savings come from.

Mr. Anderson stated that one is changing the crew size from a three-man crew to either a two-man crew or one-man crew depending upon what type of trucks that they go to. Other pieces are the trucks cost more initially, they are also turning in trucks that are not needed any more, defraying some of the cost of the purchase, paying it off in five years, and that is the amount that they typically pay for a truck. After the five-year period, there are of the savings at that point.

Mr. Bryant continued his presentation on the four options:

Option 3 – Maintain Curbside or Backyard Service Option

Staff would aggressively promote a campaign to encourage the conversion to curbside collection with this option. They would continue the existing refuse fee system and in order to receive curbside service, citizens would still be required to purchase a roll-out container. Conversion might take more than ten years to discontinue and impact on the

Sanitation Fund is a minimum of \$100,000 per year in years 1-5 due to reduction in the total of backyard customers.

Option 4 – Comparative Option – Immediate Conversion to Curbside with a Roll-out Cart Rental Program

Predominantly, the use of automated trucks would be used for refuse collection and bulky item collection would be by appointment. This option converts a rental cart fee of \$2.00 which would include the recycling container and garbage roll-out container. The Sanitation Fund impact would be \$385, 000 in the first year, and there would be a loss of a possible \$1.1 million in each of years 2-5. After year 5, revenue and expenses will level out when initial capital investment in automated trucks and roll-out containers is paid off. The rental cart fee could be incorporated into any of the options.

Mr. Bryant stated that the Option Comparison Table shows all the options that were noted previously, current fees, conversion period, and the net impact which are rounded figures for year one.

Mayor Pro-Tem Glover inquired about the Comparative Option.

Mr. Anderson responded that is a theoretical option that if one day all of the new trucks were there, all old trucks were gone and everybody was changed that particular day.

Mayor Thomas asked could they theoretically sell all of the old trucks.

Mr. Anderson responded that one could be feasible but the chances of it being feasible are very slim.

Mr. Anderson stated that Staff feels that grandfathering backyard customers would be the appropriate decision for the City Council to proceed with in the future because it has happened, and the City is converting into curbside as they speak. They would have one year where they would have an increase, and Staff would do more analysis to determine what that means in regards to that increase and curbside service so that they could determine what the fees need to be between the appropriate types of service. No matter what option that is out there all of them include the special services pickup which includes those people with a physical disability who cannot bring their cart to the curbside. Those individuals can get a cart and keep in their backyard and the Sanitation Division crew would pick it up, and presently, there are approximately 200 in the City. The biggest portion to it is that it reduces a lot of confusion in the collection program. Right now, the City policy states that when they start anybody new with a new account it is backyard fee and they are charged them for that. Staff is trying to minimize that confusion in all means by sending out a letter but even then there is confusion. Of course, one of big things to

reduce is the risk of on-the-job injuries. There is less physical work that the employee has to do, more work is done by the equipment and reduces the cost that is associated with it.

Mr. Anderson stated that Staff does not recommend immediate transition from the stand point of having to present some operational challenges. The Comparative Option is definitely not feasible and something could be done with Option #2. Staff is asking City Council to provide guidance to go forth with the grandfathering and guidance on how the City Council wants to convert in the future. Staff needs that information in the next month as part of the budget process because they would have to increase fees and determine the basis of curbside and backyard fees.

Council Member Mitchell asked does a normal collection crew consist of three people.

Mr. Anderson responded that there are three people for trash and recycling.

Council Member Mitchell asked is one person going to collect the backyard garbage and one person will collect the curbside garbage.

Mr. Anderson stated that it depends upon what route they have, a truck driver or crew leader operating the truck to drive down the street and pick up all of the curbside working with one of the crew members while another one is actually going from backyard to backyard to collect on another street, the one between them. A lot of that is based upon the relationships with the collector and the residents in an area. A truck does not necessarily have to drive down every single street, and it is the way that they have organized themselves.

Council Member Mitchell stated that in theory, if backyard service is eliminated, could they operate with a truck, a driver and one person doing the collection.

Mr. Anderson responded that to be correct and stated that with a driver and one person you would not get your full efficiencies in it that you would on a fully automated truck because people still have to get out and connect it.

Council Member Mitchell stated that having two people instead of three on a truck was not shown as an option. He would like to see what this option cost savings are. He asked are these services that other cities operate pickups like Greenville

Mr. Anderson responded that every city has their own things that they will pick up yard waste once a week like Greenville while others will do it less often. Some only do it a certain time of the year around leaf pickup and it varies. The Public Works Department has the weekly pickup, recycling from weekly to monthly depending upon the location.

Council Mitchell asked whether the trucks can collect both garbage and recycling materials and how about the bulky items.

Mr. Anderson stated that it could be done but the problem is that you lose your capacity in it and are going to either bulk out on one or the other before. The best system is that basically you have a separate refuse truck and a separate recycling truck because there is the flexibility of service options as people start throwing out less trash and more recyclables and there is the capacity to pick it up. In regards to the bulky items, some cities do it by appointment, some have pickups once a year, others' pickups are similar to Greenville which is picking up bulky items weekly by appointment, others do it less often on a monthly basis and some charge for it.

Council Member Mitchell stated that he would like to see what the cost savings would be in the transition of operating a two-man truck crew in opposition of a three-man truck crew. If the ultimate goal is to get to that fully automated truck, it is inefficient to continue with the current system until getting the truck and it is not needed. There may be a situation where the routes are completed earlier, and he is unaware of the City's policy if the employees are completing their routes sooner.

Mayor Pro-Tem Glover responded that the employees are cleaning their trucks after completing their routes.

Council Member Blackburn asked if vegetation is collected every two weeks versus once a week, would there be any savings experienced in doing that and is it something to look at.

Mr. Anderson stated that everything is an option, and Staff has presented that before and part of the issue is that if it is mixed with this option, they would start looking at what savings that it generates for people.

Council Member Blackburn asked would the elderly, disabled and handicapped or people who are unable to get their carts always have the option of backyard service or assistance.

Mr. Anderson stated that a note from their doctor would be required stating that a physical condition prevents them from taking it to the curb and no one else in the household can be physically able to take it to the curb.

Council Member Blackburn stated that from the last presentation, one of the issues that they face is not having designated backyard areas and changes are in flux and for that reason crew and capital changes are unable to be made that would allow the City to save money.

Mr. Anderson stated the only issue right now is backyard service for the amount of customers that we have that means crews have to be sent to the backyard and then come back. By bringing in the curbside service, travel and walking time and the number of personnel that are required to do the backyard service is cost savings.

Council Member Blackburn that this is something that has been talked about because houses are so close together and there are so many issues for example carts on the street or either people are not using the proper receptacles for their garbage. It seems to be worthwhile to continue to have the backyard service option available especially for the center city areas. Council Member Blackburn asked is it possible to have a hybrid system where they could mandate rollout except within a certain designated center city area.

Mr. Anderson stated they could but in that case the center city area should be charged more for that service and not charging the people who are outside of that area. If the center city area is serviced once a week, looking at how to organize the crews and after going out that one-day pickup how to keep the employees gainfully employed for the remainder of the day would be necessary.

Council Member Blackburn asked is there a system, even if they went out of the gate knowing it was going to be set up that way, that they could allow that flexibility as the transition is being made.

Mr. Anderson stated that it is possible and it would be required that some automation system changes and not from the standpoint of people who are picking it up the collection. They would have to literally build a billing system, hire more personnel to support this service if necessary and have all these exceptions in place and be able to work it.

Council Member Blackburn stated that Option #4 is a comfortable system that includes renting and it seem to provide a smoother transition, and she asked what does Staff considers as a reasonable transition time.

Mr. Anderson responded that when Raleigh did their initial plan, they had a three-year transition period, reduced the period down to nine months and part of their problem was with the new trucks not arriving before doing the personnel organizational changes. The key for whatever plan developed for the conversion is executing the plan so that you do not get one piece before the other and to make sure that the resources are there to be able to successfully perform the mission at different elements of the process to convert.

Council Member Blackburn asked are they talking about 5-10 years and stated that Raleigh did it in nine months.

Mr. Anderson responded that Raleigh had problems in nine months because they had planned for 3 years and did not have all of the equipment when they did the conversion.

Council Member Blackburn stated that 5 years might be more reasonable.

Mr. Anderson stated that Staff feels that with the grandfathering in about 5 years time, there is going to be at a point where the numbers are going to be at backyard and to say that it is time to do backyard, and presently, that is the best estimate.

Council Member Smith asked if they are transferring to automated trucks where they pick up and dump the trashcans, what happens if the trashcans are damaged and would the citizens have to purchase a new one, and is there a program that they can return the damaged trashcan to the citizens.

Mr. Anderson stated that if Council decides on the system that applies to all curbside usually the City owns the cart so if the cart is damaged the City provides the replacement. In the fee structure, they have already included so much fair wear and tear to replace the carts. The problem is that they do not have that now, one of the things that has to be talked about in the process is how to convert over which is quite simple because there are people still paying for carts this month. If it is changed to next month, the City will be providing somewhat free carts and it will still be in the fee structure. There is that fairness issue that people would see at that point so that will be discussed as they proceed on it.

Council Member Mitchell asked if they went with Option #2, is there an anticipated amount that they have to raise the fees without generating any loss.

Mr. Anderson responded that if they dropped down to 4,100 customers there would be a \$3.00 increase in multi-family, \$5.00 increase in single-family, and \$6.00 increase to backyard to maintain the revenue stream that is wanted. There are some things that they can look at in regards to not doing, and he is not talking about any changes to personnel. That is just revenue, to bring in the money that they project that they need for the next fiscal year.

Mr. Anderson explained that this is strictly revenue based, and they have not matched that up yet because the biggest issue is that they have is how fast are they going to do the conversion. In this case, immediate conversion to one year that means nobody wants it and their best estimate for a single-family would be a \$9.00 increase and a \$3.00 increase for multi-family to raise the same amount of revenue and subtracting off of that based on how many savings that they could get from crew changes and whatever.

Mayor Pro-Tem Glover asked what is being done about the bulky items, overflowing trashcans and safety issues. Mayor Pro-Tem Glover stated when the crew members lift and

dumps the trashcans, sometimes trash and debris fall in the residents' yard and the crew members have to spend extra time in the yard. Even with curbside they would still have to clean up the spills from one house to the other. She does not understand how doing curbside would make refuse collection more efficient and Staff needs the City Council's decision for the budget.

Mr. Anderson responded that they need to know which way they want to go as a city because Staff is in the process now and the fee structure should be established to bring in revenue to keep the operation going.

Mayor Pro-Tem Glover asked that regardless of the implementation of any of the options, would the citizens' fees be increased. She stated that it seems that Greenville's collection fees are higher compared to Cary and Raleigh, and Greenville cannot be compared to Farmville because of the size difference.

Mr. Anderson responded that the reason Staff did show Ayden, Farmville, and Winterville is because Greenville is different than most other places. Citizens pay a fee every year as part of their tax bill to the County to run the landfill operations. Most other cities' tipping fees are included as part of the fees for the service. Wilmington's fees are basically in the \$24.00 range for a large container for a once a month fee to include the tipping fees on it. Even if the City does nothing, the fees would still be increased because there are enough people converting from backyard service to curbside service that the revenue from the backyard service is dropping.

Mayor Pro-Tem Glover asked would the fees be increased again for customers who want to continue their backyard service.

Mr. Anderson stated that to be correct and the fees for backyard service would be increased enough to pay for the people to receive that backyard service. The fees would probably be high enough if more people converted to curbside service.

Mayor Pro-Tem Glover stated that as a citizen first, she is hearing that the City would be making money off the backs of people who have backyard pickups and the curbside pickups would be increased as well, but the largest costs would be for the people who receive backyard pickups. Since her twelve-year plus tenure service on the City Council, refuse collection fees have been increased. They are doing their checks and balances on the people that they are supposed to be providing a service to and at the same time they are saying that they can get rid of more employees and just mandate that the people receive curbside service.

Mr. Anderson stated that the last single-family increase for curbside service was in fact in 2008. There was an increase in multi-family service in July of 2011, but that was the surcharge to help pay for the recycling centers that were placed at the multi-family centers.

Mayor Thomas asked if the municipalities on the list providing only curbside service.

Mr. Anderson stated that to be correct.

Mayor Thomas asked if the cities and towns charged the same for the backyard or curbside service.

Mayor Pro-Tem Glover asked is Greenville the only city providing backyard service.

Mr. Anderson responded that out of the top ten cities, Greenville is one of the last that have not converted to all curbside service. The one in the report provided by UNC was actually those members who are part of the UNC School of Government Benchmarking and Performance Management System so not all of the cities are in the study, and there were only 14 cities including the City of Greenville. They are Asheville, Burlington, Cary, Charlotte, Concord, Durham, Greensboro, Hickory, Highpoint, Salsbury, Wilmington, Wilson and Winston-Salem.

City Manager Bowers stated that Winston-Salem changed in 2010 and was the last city to convert to curbside service.

Council Member Mitchell stated that if backyard pickup is continued it would be unsustainable and the fees would be astronomical. It is not a question of backyard pickup being continued. The question is, when should the City discontinue the service. Other cities have discontinued the service and the City should make plans as well. The fee is presently \$26.00 and would go higher and there is going to be fewer employees in Sanitation doing garbage collection. There will be a side effect from converting from backyard service to a more efficient method. He would like to know what additional savings and revenue would result from Option #2 using more efficient crews and to see how much they could bring down that potential rate increase knowing that there would be some type of increase regardless.

Mr. Anderson stated for clarification, Staff would be looking at a two-step process 1) dropping from a three-man crew to a two-man crew and 2) dropping from a two-man crew to a one-man crew.

Council Member Blackburn asked could they do it with a two-man crew and if it is a useful transition phase that they can start. She stated that she does not understand and would like to have that type of transition.

Mr. Anderson started that both a three-man crew and an automated truck with one-man crew can get so many houses of backyard and curbside pickups so it is doable to give the City Council what cost savings are going to be.

Mayor Thomas stated that also the tradeoff is if you have a two-man crew it may not going to be as quick with the number houses.

Mr. Bryant stated what was presented was certainly not to get employees alarmed about personnel layoffs, and these are only the options for the service that the Sanitation Division is providing the citizens. The intent is that if they did not replace employees who retired or moved on to other service that would be a way to increase or gain efficiencies.

Council Member Joyner asked again has Staff shown in each of the 4 options, which are basically 3 options, from now to year one what will be the reduction in workforce and maybe in 5 years how that would be implemented and if the City grows with "x" number of people would that not offset the need to reduce the workforce.

Mr. Bryant responded that one portion that is correct if their structure is changed slightly. Backyard service is labor intensive and requires a lot of personnel and that is what Staff is facing. If the backyard service is continued, additional employees are needed especially if the option continues and a substantial amount of people have chosen backyard service. They would have to be staffed to provide that service. Currently with curbside service, many cities are operating with one person. If they have enough people to retire, that might be an option, and what was presented for year one in the grandfathering was a reduction of 5 employees.

Council Member Joyner asked how would that be implemented and who will determine the 5 employees.

Mr. Bryant stated that over that time somebody may retire or leave service.

Council Member Joyner asked what are they projecting the City to grow by population wise over a five-year period.

City Manager Bowers responded that certainly the City's growth has slowed down in the last few years.

Mr. Merrill Flood, Director of Community Development, stated that the annual growth rate is about 2 ½ percent and as mentioned it is slowed down to 2.3 or 2.5 percent annually. Five years from now the City is at 85,000 and the population would be approaching probably 90,000 or a little more.

Council Member Joyner stated that a change must be made and things to be considered are how to do and implement it and what is going to be the fairest way to the employees.

Mayor Pro-Tem Glover stated that in the study, Greenville and Concord are the only two municipalities that use non-automated loaders in their fleet of vehicles. Concord contracts out sanitation services to a private vendor that uses regular trucks. All of the municipalities use a combination of automated, semi-automated rear loaders and regular trucks. Fewer use the fewest total number of trucks with 4 automated loaders and 1 rear loader. Charlotte use the highest number of trucks, 42 automated loaders and nine regular trucks.

Mr. Bryant stated that to be correct.

Council Member Mitchell stated that he is asking Staff to research Option #2 as far as what potential increase in refuse costs with also including the reduction of workforce as well as including bulky items to be serviced by appointments and how vegetation is picked up and extending the time for collection of vegetations and recyclable items.

Council Member Blackburn stated that she would disagree with any move that would decrease the frequency of picking up recyclables, and if anything, there should be an increase in our recycling and they should think about decreasing how often trash is picked up.

Council Member Joyner asked which option is Staff recommending and if Staff could look at Options #1 and #2 and report back to the City Council with the results.

Mr. Bryant responded that Staff is recommending Option #1.

City Manager Bowers stated that Option #3 is what the City is doing now.

Mayor Pro-Tem Glover stated that it would take 5-10 years for transition of Option #1. The citizens are paying taxes and the citizens who elected them in office should be given the best possible service. There is no way they can keep the City clean without having employees in the Sanitation Division. The Public Works Department Staff has done an excellent job of researching the problems of this transition.

Council Member Mercer asked that in terms of the budget process it is Staff's job of fitting the services in the budget process, is there time for Council to make a decision if we wait for additional information.

Mr. Anderson stated that Staff would like to have the Council's decision by April, and Staff could probably get the information to the City Council in March, and target for the final decision in April.

City Manager Bowers asked how much time is needed to get the information regarding Option #2 to the City Council.

Mr. Anderson stated that they could provide the Council with some of the information but realistically the final decision should be received in April.

Council Member Joyner stated that Option #1 gives more time to take any other steps the City wants.

Council Member Mitchell stated that regarding Option #2 there could be some more immediate savings by using a more efficient system for the trucks as opposed to the three-man crew providing backyard service and to continue providing the citizens with the best service.

Council Member Blackburn asked if Staff is going to prepare the amount of the fee increase that would be necessary under Options #1 and #2.

Mr. Anderson responded that more information is needed to calculate what the fees should be.

Council Member Blackburn stated that she still does not understand why Option #4 is not really an option because it appears to be the best one.

Mr. Anderson stated simply that it is a theory that includes the arrival of the new trucks, the old trucks and workforce is changed the same day.

Council Member Blackburn stated that do the other options incorporate rented or purchased trashcans.

Mr. Anderson responded that with the other options there is the flexibility to go either way.

Mayor Pro-Tem Glover stated that she would like to hear from the citizens before the Council makes a decision and would like them to attend a public hearing.

Mayor Pro-Tem Glover stated it would be better for the City Council to hear from the citizens first before the citizens are presented with these options.

Motion made by Council Member Mitchell and seconded by Council Member Blackburn to approve directing Staff to research Option #2 as far as what are the potential increase in refuse costs for the reduction of workforce as well as bulky items to be serviced by

appointments, and the extension of the amount to pick up vegetations and recyclable items. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Glover and seconded by Council Member Joyner to approve that a public hearing be held at the next meeting of their discussion of the options for refuse collection to give the City Council an opportunity to hear comments from the citizens. Motion failed with 3:4 vote. Mayor Pro-Tem Glover and Council Members Blackburn and Joyner voted in favor of the motion and Council Members Smith, Mercer, and Mitchell voted in opposition. Since there was a tie vote, Mayor Thomas then voted in opposition.

#### EMERGENCY MEDICAL SERVICE UNITS AT FIRE/RESCUE STATIONS 4 AND 7

Mr. Bill Ale, Fire/Rescue Chief, stated that at the January Planning Session Council Member Joyner asked for costs of constructing Fire Station 7 with an Emergency Medical Service (EMS) Unit and for implementing an EMS Unit at Station 4. Chief Ale stated that he would identify the affected areas, define the challenges that stations have to their response areas, provide deployment options to serve those areas, detailed costs, and then have the City Council to give direction on how Staff proceed. Chief Ale referred to the map of response areas where the 4 minute travel times from Station 4 up north and then future Station 7 on the south side of the map. Those are the areas that they are looking at adding additional service to. Circle 2 depicts where the current EMS deployment provides coverage to the City. In Station 4's area there is no coverage north of US Highway 33 and on Fire Tower Road 4-3 miles from US Highway 11 over to Arlington Boulevard there is no service there. There are differences between those two areas. Station 4's area is serviced by paramedic engine and Station 7's area does not have any fire or EMS coverage. The timeframe that they would like to provide that coverage and their goal is to try to get a Unit on the scene on any emergencies in those areas 90 percent of the time within 5 minutes of the 911 call. In Station 4's area, they do have the opportunity to meet that goal using the paramedic engine. In future Station 7's area, they do not have any EMS or Fire Unit that can meet that goal.

Chief Ale stated that along the Fire Tower Road corridor, they do get fire assistance from the Town of Winterville and the Eastern Pines Fire Departments. They do not help us to meet that 5 minute response time, but they do improve their ability to put an effective firefighting force on the scene of incidents in that area. There is no initial help for the EMS responses in that area. The way the EMS units are dispatched in the City is that essentially all of the EMS units in the City have to be depleted before there is an automatic or dispatch from Pitt County 911 to that area.

Chief Ale stated that Circle 3 gives an indication of the total incidents that Fire/Rescue had last year plus it gives the number of responses that fire units made, and the EMS units'

responses. The total fire/rescue incidents are 14,087. One would think that they would be able to add the fire responses and EMS unit responses together and come up with that total. That is not the case. They have 5 units responding to EMS calls so those responses are doubled counted and then there are EMS units that respond to fire calls so a portion of those responses are doubled counted.

Chief Ale stated that when they look at the responses in Station 4's area, the total number of fire responses from Station 4's areas was 79 or 2.9 percent of the fire runs that they have last year. EMS responses in that area were 419 or 2.9 percent of the EMS responses in the City. However, the number of fire incidents in Station 7's area along Fire Tower Road that would be covered by the Station 7 was 219 or about 8 percent of the City's fire incidents. EMS responses on the other hand are roughly about 1,841 which is about 12.4 percent. If the calls were equally distributed with 7 stations, they would expect that around 14 percent of the incidents would occur at each of the stations. The call load for EMS incidents in Station 7's area is about what they would figure it to be to serve that area. The problem that those areas have is the long response time for EMS transport units. With either of the areas not having an EMS unit, the ability to get a unit there relies on the other stations and their travel times are longer than what they would like them to be. Again, at Fire Station 4 they do have a paramedic unit where they don't at Fire Station 7 area where there are no response units. The neighborhoods such are not getting a fire or EMS unit into their areas in 5 minutes. They cannot do this from the stations that currently serve that area. The primary station that serves that area is Station 3 which is located at Red Banks Road and Charles Boulevard. The secondary station to serve that area is Station 5 which is at Rollins and Greenville Boulevard. Although there is a potential for fires to occur in those areas, historically, in Station 7's area the incidents of fire has been low. However, the costs for sick and injury are becoming more increased. The number of motor vehicle collisions in those areas is steadily increasing. In fact, the Intersection of Fire Tower Road and Arlington Boulevard and the Intersection of Charles Boulevard and Fire Tower Road are the most frequent locations where there are vehicle collisions.

Chief Ale stated that one of the options for the problem is to address these issues, they could do nothing, not fund an EMS unit to either one of the locations and continue to work with the 6 units that they currently have. EMS 12 is the second unit that runs out of Station 2 during the day and at Station 1 at night and it could be used. They could cover Station 4's area at night with that unit and that will cover about 41 percent of their EMS callers load at night over 14 hours of each day. They could also add an EMS unit to Station 7's area. The first year cost of doing that is slightly over \$1.1 million. It provides coverage to Station 4 14 hours a day and for 41 percent of their call load and it provides an additional unit to Station 7 and provides coverage to both areas of the City where the response time is higher than they should be.

Chief Ale stated the third option is that they add an EMS 7 and 4 and this is the most expensive option at a little over \$2 million. It would provide round-the-clock coverage at Station 4's area, additional EMS Unit at Station 7 where there is a high demand for service, and coverage in areas of the City where response times are higher than other areas.

Chief Ale stated that the next two options are to either EMS 7 only or EMS 4 only. EMS 7 will provide additional EMS coverage to Station 7's area and coverage to areas of the City where there are high response times. If EMS 4 is added round-the-clock coverage would be provided to Station 4's area where EMS unit response times are high. The costs of those options are both the same.

Chief Ale stated that there is an opportunity to apply for federal grant funding and for any of the positions that are chosen by the City Council would chose to fund. The Safer Grant is staffing for adequate fire and emergency response that is through Homeland Security and the Federal Emergency Management Agency.

Chief Ale stated that Circle 5 is a cost breakdown of the first year implementation cost for a three-person EMS Unit which includes cost for an additional vehicle, operating costs for medical supplies to outfit the vehicle, annual fuel and maintenance costs plus there is cost associated with personnel such as protective clothing, uniforms, self-contained breathing apparatus, and mandatory association memberships throughout the State and Pitt County and the cost of textbooks for recruit school for new employees.

The last section is a breakdown of the salaries and benefits for the first year for a three-person unit. The first year cost for a three-person unit is \$1,123,904.

Council Member Mitchell inquired about whether Staff could apply for grant funding for all or a few of those people and for what period, and is it for only the first year.

Chief Ale responded that Staff could apply for grant funding and the grant process is a 3-year program. The first two years are 100 percent funding through the federal government and then the City has to put up the 100% to pick up the 100 percent for salaries and benefits for the third year. After that the City has no obligation after that.

Council Member Mitchell asked could they apply for that grant funding for both sets of employees. They could only have a cost of the 180,000 and the \$134,860.

Chief Ale stated that is only for one vehicle so it would be one vehicle plus the operating costs associated with the three-person EMS unit. If they wanted to fund both that would be toward 22 people.

Chief Ale concluded stating that at the Planning Session, Council Member Blackburn asked where our paramedic procedures are occurring so they plotted the incidents in 2011 where paramedics are using their skills just as treating patients.

Council Member Blackburn asked are there maps available that were mentioned in the presentation and is there an Area 7.

Chief Ale retrieved the maps and responded that there is an Area 7 which is broken down by Stations 3 and 5's areas. What was shown on Circles 1 and 2 are 4-minute travel times from each of the stations.

Council Member Blackburn stated in Area 4 for EMS, there the response time is about 45 seconds longer but there are only 419 calls. She questioned the reason.

Deputy Chief Chuck Owens explained and gave an example of what each minute of elapsed time means to the most critical incidents as far as EMS is concerned. He stated that cardiac arrest is the leading killer in the nation, and survivability following sudden cardiac arrest drops 7 to 10 percent each passing minute. When they look at 90 percent response times, they are including in that the travel times added to that is our alert time or shoot time. When they received the call, they are in the unit with wheels rolling, which on average is a minute, and add to that the dispatcher processing time, which is from the time 911 receives the call, until the time they are dispatched which is another minute. This could quickly add up to 8-10 minutes and survivability is down to less than 10 percent when they arrived at the scene. There are several other types of groupings and examples that could be used.

Council Member Blackburn asked so there are additional minutes involved along with the 4-minute transit travel time. It is not really something that they want to quantify because they are looking potentially at the loss of human life not to mention brain and organ function.

Chief Ale stated it is not their intent to get 100% coverage where they could have a 5 minute total response time. Ninety percent coverage is about the best they could do and a lot of communities do not get near that.

Council Member Smith asked does the question about Station 7 exist. They are now comparing something that exists to something that does not exist and it has a call area and people needing the response. In regards to response time, it says that for Station 4, 7.46 minutes which is an average, but in reality it was 10 to 12 minute response time to Station 4.

Chief Ale stated that the 90 percent is the time that they really should be looking at there. For Station 4's area, it is little bit over 9.53 minutes.

Council Member Smith asked how many calls are being received in the Station 4 area and what EMS currently covers in this area.

Chief Ale responded mostly it is the EMS coming from Station 1, which is the headquarters station located downtown. Station 2 is primary used to cover a small portion of the area and on the eastside Station 6 on East 10<sup>th</sup> Street provides some coverage as well.

Council Member Smith stated that she is concerned that Station 4 is being compared to Station 7, which does not exist. The amount is the same and if there are trained personnel there in order to respond on the truck, why is the amount the exact as it would be at Station 7 when you have to hire the personnel. That appears to be an incorrect number. All that is required is the equipment and the truck. There are 5 different options and you looked at 4 and 5.

Chief Ale stated that is the first year of implementation from an operating cost and does not include building the station.

City Manager Bowers stated that the question is could you take the people who are already in Station 4 and put them in an ambulance unit and not put them in the truck.

Chief Ale responded that could be done. Personnel could be taken off of the fire truck and put in the ambulance is certainly another option.

Council Member Smith asked what is the cost of placing a truck at Station 4 and how much would it lessen the cost to add an EMS truck.

Chief Ale responded that the cost of the EMS truck is \$180,000 plus the fuel and maintenance of the vehicle.

Council Member Smith stated that since Station 1 responds to Station 4, how many calls does Station 1 respond to and does that include the calls from Station 4.

Deputy Chief Owens responded over 3,400 in Station 1 district and Station 4 adds 419 more responses.

Council Member Smith asked since Stations 1 and 2 are so close, what would be the difference of having a truck at Station 2 and an EMS Unit at Station 1, could they increase the chance of saving more lives because of the distance, and why is a truck at Station 4 when 4,000 calls or more are received at this one station. Further, if emergency personnel are at training, lunch or are not in the area and not to mention during heavy traffic hours, the response time to Station 4 has been increased. She would like for Staff to investigate the

truck location switch because it is critical. To have the EMS truck there at night is an idea that is welcomed. Most of the longest response times have been in that area because it is dark making it difficult for people who are unfamiliar with certain areas to drive around in the area. There have been some unfortunate incidents in that area and throughout Greenville, but they have to look at saving lives.

Council Member Blackburn stated that there are two areas where there are issues, Areas 3 and 5, because they have 10.5 response time and those areas should not be neglected although they do want to address Station 4 issues. She asked what will be done about Areas 3 and 5 where there is a 10.5 response time.

Chief Ale stated the response times were presented to give the City Council something to compare. In the last couple of weeks, Staff discovered that our data entry is probably as much a problem as our response time and actually putting units on the scene. There is difficulty in obtaining accurate information from the 911 Center, and it is probably not a high incidence. When one person is doing data entry and someone takes their numbers and enters data entry, Staff feels that they are entering bad data into the computer and is seeking solutions for that problem. Certainly, if they had a computer-aided dispatch system that was able to integrate with our records management system their response times would look much better.

Council Member Blackburn stated that the issue of the County 911 Center system not being able to communicate with the City's system was described years ago when she started on the City Council.

Chief Ale stated that the computer-aided dispatch system does not communicate with our records management system, and probably the majority of the computer-aided dispatch systems and records management systems do communicate which would eliminate a whole lot of bad data.

Council Member Blackburn asked would this improve the response time if Staff had it.

Chief Ale responded that the physical response times would not improve, but their ability to measure their performance would improve dramatically. It is a city-wide problem with the data entry, and if they were able to actually capture their performance it would look a lot better.

Council Member Blackburn stated that Council Member Smith's option is to put the ambulance at Station 4 which is staffed by people who are already there and have the training. She stated that this was discussed before and asked what were the impediments for doing that at Station 4.

Chief Ale asked Council Member Smith if she is requesting to put the ambulance at Station 4, leave the truck there as well, and trained personnel would take the calls as they come.

Council Member Smith responded that to be incorrect and stated that the truck would be moved in-town and the ambulance would be moved further in that area. The people who are assigned to the truck are trained so they can still get to the response while they are waiting on EMS. Council Member Smith asked while they are waiting for Station 1 to respond to Station 4 and if Station 1 receives too many calls or if calls at these two stations are received simultaneously, what would happen. The proximity is a lot greater than Stations 1 and 2 so the truck is there responding to Stations 1 and 5. For Stations 2 EMS unit to get to Station 5 is quicker than to go out to Station 4.

Chief Ale stated he agrees but they are also discounting the capabilities of the paramedic engine. The difference between the paramedic engine and the EMS unit's capabilities is with the EMS unit a patient can be treated, stabilized, and given drugs at the scene, and then the patient could be placed on the stretcher and taken to the hospital. This is the only difference and if they are talking about a critically ill patient that needs to be stabilized before being transported, the people at Station 4 can do all of those things that the EMS transport unit can do. The EMS transport unit is going to be there in time to transport the patient after all of on scene procedures have or are being done.

Council Member Smith stated that is a valid point and asked since they are highly trained and do the same thing except transporting, then why not have them at Station 2 in close proximity of the other stations versus having them at Station 4. If the EMS unit is at Station 4, the truck at Station 2 would be close to 1 and 5 compared to Station 4 being alone, and they will be receiving the same type of service.

Chief Ale stated that it is just a matter of the call load and those areas within the limited budget constraints. They make choices based on what is best to work within their budget.

City Manager Bowers stated to clarify the discussion, if an ambulance is placed at Station 4, there is only 79 fire calls in that area and that is one every 4.6 days. He asked how many times would there be conflicts the EMS unit, the ambulance, would be running when a fire call came in. That would be sort of the critical point. In that case, he feels it would be a small number you could certainly put a fire unit from another station in that circumstance and that way you could have the EMS coverage most of the time and still have fire coverage because it would not overlapped.

Chief Ale stated that would certainly improve the EMS services there. His concern about moving the fire truck from Station 4's area is not the number of calls, it is the types of hazards that they have with DMS and some other high hazard occupancies in that area. Also, it is the types of calls that they can have at Station 4 which creates a high risk for the

community and the firefighters and that would be his reluctance about removing the fire truck from Station 4. Certainly, Staff prefers to look at Mr. Bowers' suggestion of seeing how often they have a conflict where the engines are not available to any EMS calls and seeing if that would be a better solution to put the two types of vehicles there and take the calls as they come.

Council Smith stated that the potential direction now is to take a look at that and come back with the information. If you could add onto that what happens when Stations 1 and 4 are receiving calls at the same time, who responds, and how much is that increased.

Chief Ale stated that they will take a look at it and inform the City Council of which units responded to the area the most.

Council Member Joyner asked what else is missing, even though Staff will be submitting the Fire/Rescue Department budget with your requests to the City Council.

Chief Ale stated that they are missing a fire truck in that area for future Station 7 along Fire Tower Road and finding solutions to their records management problem would be a tremendous help.

Motion made by Council Member Smith and seconded by Council Member Blackburn to direct Staff to do research on the suggestion of City Manager Bowers which might cause a conflict with the service areas and giving information about what happens when Stations 1 and 4 both are engaged with calls, who responds to that within response time. Motion carried unanimously.

#### DREAM PARK FUNDING - APPROVED

City Manager Bowers stated that at the January 12, 2012 City Council meeting, he was instructed to present at this meeting a plan to fund the construction of the Dream Park. On January 9, 2012, the City Council adopted the Dream Park Master Plan. In the Master Plan the estimated cost of constructing Dream Park is identified as \$784,900. As approved by the City Council on November 14, 2011, Staff applied for a North Carolina Parks and Recreation Trust Fund (PARTF) Grant in the amount of \$250,000 and indicated in the application that the City would match that Grant with \$534,900 in local funds. One hundred thousand dollars raised by private fundraising could lower the City's matching amount. Staff's recommendation for the funding is to continue to seek the PARTF grant of \$250,000 and to appropriate the General Fund Balance of \$534,900 which could be a lesser amount depending on how successful the private fundraising would be.

Council Member Joyner asked when would Staff receive a response about the grant.

Mr. Gary Fenton, Director of Parks and Recreation, responded that in the first round 75 percent of the grant would be given in May and if it is not successful, in the second round 25 percent of the grant would be given in August.

Council Member Mercer asked would the \$534,900 be the required match for the Dream Park grant.

City Manager Bowers responded that the required match would only be \$250,000, but Staff indicated in the application that the City would fund the whole project. Therefore, the City could receive more points by overfunding the match.

Mr. Fenton stated that if Staff was unsuccessful in obtaining the grant, they could apply again and it would not stop the City from doing \$250,000 worth of the work assuming the money could be identified. The project could be started with a picnic shelter, playground, trails, and things of that nature and then apply for a grant again in fiscal year 2013-2014. Staff could apply for a grant for \$500,000, the remainder part of the project, and the City could still match it with 50 percent of the grant. Staff thought the City would not receive as many points for having a larger match as 50 percent which is where they are today. Also, due to the amount of the money in the PARTF grant this year, which is obviously reduced, the City could benefit more to request less than 50 percent of the funding.

Council Member Mercer asked could Staff apply for the quarter of a million PARTF grant and receive more points if the City would fund the whole project, but if Staff apply for it would the City match the grant dollar for dollar.

Mr. Fenton stated that the requirement is to match the PARTF grant dollar for dollar. The City could apply for funding for a \$500,000 project and ask for \$250,000 or apply for a million dollar project and ask \$500,000 which is the ultimate top of the line. There is only about \$4 million or \$5 million in the PARTF fund this year and because of the state of the economy there is less money for funding and grant applications are being submitted from cities across North Carolina.

Mayor Thomas asked where are they now with the site and have any decisions been made.

Mr. Fenton responded there is a master plan for the project showing potentially where the particular components of the project might be at the site. If the project is not funded, they are not restricted to any particular component in the Dream Park Master Plan today. If the \$250,000 grant is accepted by the City they must do what they said and that would be to use the grant money for the entire Master Plan totaling \$784,900.

Mr. Fenton stated that Staff has been working with the Jack and Jill of America Foundation to raise approximately \$80,000, and the Foundation is particularly interested in their money going toward the playground for the Dream Park project.

Mayor Thomas asked if Staff seeking funding from other private sources as well.

Mr. Fenton responded that Staff has not started that process other than the \$80,000.

Council Member Joyner asked where they are with the homeless shelter and has the homeless shelter signed off on the part of the project being constructed on their property, and they would like to work with the City in regards to parking for the project.

Mr. Fenton responded that Staff met with Ms. Lynn James during the early discussion of the project, and they liked the idea of putting one of the two proposed shelters on the homeless shelter land, and they have given their vocal blessings to the project. It would be a smaller shelter than the proposed main shelter on City property, and they recognize that it could benefit both the community and the homeless shelter.

Council Member Mitchell asked if the \$534,900 used for the Park would come out of unassigned portion and would not decrease the General Fund.

City Manager Bowers stated that to be correct.

Mayor Pro-Tem Glover made a motion to fund the Dream Park using undesignated funds in the amount \$784,900.

Council Member Joyner stated that even though he might support the motion he would like to amend the motion to approve that the \$784,900 would be offset by any grants received from PARTF and the Jack and Jill of America Foundation. He is concerned about the money for the project because the City's budget is done every two years, this would be money used that they did not spend in last year's budget, and there would still be a cushion.

City Manager Bowers stated there is still the 14 percent which is the City Council's policy. There is \$2,186,373 that was unassigned.

Council Member Joyner stated in addition, the budget was changed a couple of weeks ago for the Greenways for the same amount of money for this project. They have already broken the precedence when they voted for Greenways and he would love for them to stick with the budget and asked how many years have the citizens in this area been working on this project.

Mayor Pro-Tem Glover responded that it has been 20 years.

Council Member Joyner stated that the citizens need something positive in their area, Dream Park would be a start, and he would love to see that the City works with the homeless shelter.

City Manager Bowers stated they cannot prove that the City of Greenville needs the PARTF grant, if they have already appropriated the money. Staff's recommendation is to try to get the grant because it is a compatible project.

Mayor Pro-Tem Glover stated that she is pleading for the people in the community and children who have been waiting and need somewhere to go, When passing the Park, she has seen the children waiting for their turns to play on those two pieces of equipment, and it is a shame for the last 12 years that so much has been given throughout this City and there are other communities that are in so much need. It has been said that "give them something to do and they will not get in trouble", and parks are supposed to be a deterrent from trouble. She does not want to wait until June and hear that there is no money, only \$534,900 is available for the project, or the City did not receive the PARTF grant. Again, she is requesting that the City fund the project.

Council Member Mitchell stated that they could allocate the \$534,900 to Dream Park and put \$250,000 aside for a future park project and the money would not necessarily be allocated to this project.

City Attorney Holec stated his understanding of Council Member Mitchell's intent that the motion would be to set aside the \$534,900 for this particular project and to set aside \$250,000 for an undesignated park project, and that the \$250,000 is not automatically designated to this project.

Council Member Blackburn stated that she is one of the biggest supporters of parks. However, her concern is that they would be fully funding a full master plan on a park, doing it in a sort of an ad hoc way tonight, and they are discussing committing \$800,000 maximum and potentially a half of a million dollars. Council Member Blackburn asked could they begin work and commit funding to the park without it being \$800,000, and at the same time be able to address urgent needs and funding for parks throughout our City. She referred to reports identifying all of the parks' needs and districts. There are three parks in District 5, some long-term needs in East Greenville where there has been so much growth, and the City Council has already discussed South Greenville Park and Eastside Park. She feels uncomfortable about supporting this park above every other park in our City, and she has never not supported a park and fully supports this one. In these economic times, that is a lot of money and a huge commitment for our city. Council Member Blackburn stated further that they pulled \$200,000 out of the budget to match the nearly \$1 million federal funding that was received for one greenway.

Mayor Pro-Tem Glover stated that this is not an ad hoc decision, it is a need for our community, and there has been discussion about this park almost before Council Member Blackburn was born. The City only put \$200,000 toward Greenways matched with federal funding, and there will be a request for more money because there are no projects that the City has done that did not require more money. The City funded \$500,000 for the Drew Steele Center, and she had no problem with that, and they have funded all of the parks. For example, since she has served on the City Council, Greensprings Park Greenway has been changed about three or four times with total new equipment, and Dream Park has been changed once. There are a number of children whose parents and forefathers have paid for the upkeep of this City while their grandchildren and great grandchildren have been denied the opportunity to have a place to play. When she first started to serve on the City Council, Ms. Lynn James walked the community to get a petition for the need of this Park. This is not something that has been blowing in the wind and came up suddenly, and certainly, the City has grown but the City cannot forget the ones who helped it to grow and labored to build this city. They are denying their children, grandchildren, and great grandchildren the opportunity to have the same things as other parks have throughout the communities.

Council Member Mercer stated that he certainly supports improving the quality of life in our city that has economic benefits, and his concern is the amount of money in these times that they are putting into one park.

Council Member Mitchell stated that this is a lot of money, he feels that District 2 is by far the area that has a serious park issue, and trying to get this park funded has been going on forever. The City Council made a decision a few months ago to fund the greenway to go through West Greenville, and he does not recall any citizen in West Greenville asked for that. Honestly, the \$200,000 could have been applied toward something that the citizens of West Greenville wanted, and it is time for the City Council to move forward on Dream Park.

Council Member Blackburn stated that clearly, she does not have pet projects and she wants parks throughout our city. Again, these are the reports for parks in every district of our city and the Recreation and Parks Staff spent a lot of time doing these reports and another report is for capital needs assessment. There is paint and a dehumidifier that needs to replaced at the Aquatics and Fitness Center. In regards to petitions, there were more than 3,000 signatures on a petition to support Eastside Park. The City Council is discussing committing almost \$800,000 to fully complete a master plan for a single park versus funding parks throughout our city at a moderate and sustainable level so that the use of tax dollars can be spread throughout the City to address the needs that exist and throughout the districts of the City.

Council Member Joyner stated that he wants to make sure that the motion is legal and does not mess up the PARTF grant.

Mr. Fenton stated that he certainly cannot imagine that it would make the City ineligible, and it is important that this additional \$250,000 would not be labeled at all for this project, but for some future park project. If the City Council ultimately decided to put it toward this project, that is fine. Staff did a lot of work to apply for the \$250,000 grant.

City Attorney Holec stated that the cleanest way to do the motion would be to actually designate the \$534,900 and not to address the \$250,000. Regardless of whether the City Council would include that in this motion or not, in order to actually allocate it for this project it would come back to Council anyway. The sufficient \$250,000 would be available. However as discussed before, the City Council could as well designate the \$534,900 for this project and designate \$250,000 for an undesignated future recreational use.

Council Member Mitchell stated that the purpose is so that whenever Council allocated the undesignated funds that they cannot touch the \$250,000 unless they vote to specifically to touch the \$250,000. It takes it out of the remaining pool of money to be used for recreation.

City Attorney Holec stated that although the City Council could always change its use, it would not specifically put it, and it cannot specifically put it, for this particular project.

Mayor Pro-Tem Glover accepted the amendment and asked that if the City does not receive the PARTF grant, would the City fully fund Dream Park.

Mr. Fenton reiterated that if the City accepted that grant, they could not use that money for anything except the Dream Park.

City Manager Bowers stated that the City Council would appropriate up to \$534,900 subject to the City receiving other money from private sources that would make that amount less.

Council Member Joyner asked if there should be a date of commencement for this project.

City Manager Bowers stated that Staff would know about the approval or disapproval of the grant in May or August.

Mr. Fenton stated that assuming that the City received the grant in May or August, there would be no problem and they would start as quickly as possible. If the City does not receive the grant, Staff would come back to the City Council for directions as to whether they should make Dream Park a phase project or the City Council would like to fund the entire project, and that would be the decision of the City Council.

Mayor Pro-Tem withdrew her acceptance of the amendment and stated that she would like to have the project fully funded by the City which was her original motion.

Motion was made by Mayor Pro-Tem Glover and seconded by Council Member Joyner to approve that the Dream Park project in the amount of \$784,900 be fully funded by the City. Motion failed with 2:4 vote with Mayor Pro-Tem Glover and Council Member Mitchell voted in favor of the motion and Council Members Mercer, Blackburn, Mitchell, and Smith voted in opposition.

Council Member Blackburn asked is the City Council committing this funding before receiving a response about funding from the PARTF grant and private sources such as Jack and Jill of America. They have not given themselves the opportunity to look into that for instance there was \$500,000 raised from private resources for the Drew Steele Center and a \$900,000 federal grant was received for the Greenway. Funding of Dream Park tonight and in this way is not giving them the flexibility to seek that from private funding and potential grant funding with the exception of the PARTL grant. They are locking themselves in.

Council Member Joyner stated that his motion is for City funding up to \$534,900 and if other money is received, it would reduce that amount.

Council Member Mercer stated that he certainly hoped that the City could get other money for the funding of the Dream Park. If they are voting to allocate the money subject to getting other money, it is going to be much harder to raise that money, and it is a matter of how do you go about raising it which is a problem.

Council Member Mitchell stated that over the years, he has observed the City Council's hesitation, which may not have been intentional, when there was an issue concerning areas of need. Everything was funded until requests were received for one of those areas then the Council Members stuttered and wondered where they were going to get the money. If there was a policy, parks would be included when they are making decisions about capital improvement projects or the budget. The money is there and will be used for something so why not use it for this park that has been dilapidated for 20 years because it would be a benefit for the community.

Council Member Blackburn stated that in response to the issue about stuttering in areas of need in terms of funding, she feels that this City Council has been very generous whenever they can to projects. When looking at an area whether there was a real or perceived need and whether it was capital projects or parks, she has not seen a stammer. The City funded a ramp at the skateboard park for \$38,000 at the same time a walking trail was done at Greenfield Terrace, and they approved erecting signs for a park improvement. She feels

that the City Council did a great deal of stuttering and stammering during their discussions about the Greenway and yet that is in the West Greenville area.

Council Member Smith recalled that there was stuttering and stammering during the City Council's discussion about the park for Greenfield Terrace, and it really became an issue when people were asked to wait until the next budget year to fund a walking trail at the park. Finally, the funding for the walking trail was approved because no one could really explain why it was an emergency to fund the bike ramp when other ramps were currently there. Since that could not be explained the people voted to have it done, but there was stuttering and that has been a perceived pattern, and as a City Council they must understand that perception is reality. If the community perceives that the City Council is looking at areas of need and they are stuttering and stammering whether someone might say that the park is not needed because the people are only going to tear it up. Those same people are paying tax money like everybody else, and everybody is not going to have the same amount of money to donate and maybe write it off that other people may have. They should make sure as a City that they are looking at the needs as a whole. It might have been acceptable if there had been at least 2 swing sets at the Park but not to have any improvement in over 20 years is unacceptable. Especially when citizens are approaching us and are asking why is the City building parks in Winterville and annexing them into the City and not providing for the current parks within the City of Greenville in areas of need. So with that being said, she is willing to vote for the amount up to \$534,000 understanding that the City Council must come back if the grant is received or not. Also, the Jack and Jill of America Foundation is going to do the fundraising and whatever they give will offset that amount up to \$534,000.

Motion was made by Council Member Joyner and Council Member Smith to approve City funding up to \$534,900 from the undesignated funds for the Dream Park project with this amount being offset by the PARTF grant and Jack and Jill of America funding. 4:2 vote with Council Members Joyner, Smith, Blackburn and Mercer voting in favor and Mayor Pro-Tem Glover and Council Member Mitchell voting in opposition.

Motion was made by Council Member Mitchell and seconded by Council Member Glover to approve allocating \$250,000 for undesignated park funds. 4:2 vote with Mayor Pro-Tem Glover and Council Members Smith, Mitchell and Joyner voting in favor of the motion and Council Members Blackburn and Mercer voting in opposition.

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**COMMENTS FROM MAYOR AND COUNCIL**

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Council Member Mercer said that the Citizens Academy is an opportunity for citizens to see the inside workings of a city of this size. It is really quite fascinating that new Council

Members receive this kind of orientation, and citizens who have participated in the Citizens Academy have raved about it saying that it is really quite impressive. March 13 is the deadline for registering for the next edition of the Academy.

Council Member Blackburn announced that on Thursday, February 23, 2012, East Carolina University is hosting A Race to the Ballot all-day event. It is an event of voters' registration education sponsored by the East Carolina University's Gay, Lesbian, Bisexual and Transgendered (GLBT) Student Union and Equality North Carolina, which is a coalition that protects North Carolina families. In addition, there will be a show on Thursday night. Ms. Jean Jones is one of the people heading up this effort to defeat Amendment One, and she is actually running across North Carolina and through Greenville that day. A Race to the Ballot is an effort to raise awareness and spread information about Amendment One. She would like the City Council to have a discussion of Amendment One and is requesting to have the discussion to be added to a March agenda.

Council Member Joyner asked what is Amendment One.

Council Member Blackburn responded that Amendment One is an addition to our Constitution that would more clearly and redundantly address issues of what is marriage. It is already covered in the Constitution and considered by many people including her to be redundant and a misuse of government resources and our time as leaders. Many communities and cities across the State are discussing and many of them are opposing Amendment One.

Council Member Mitchell made comments about the memorandum regarding economic development. In the memorandum, the consultant recommended a higher pay grade for the position without a pay increase. He is concerned about this recommendation because he wants to make sure again that economic development takes off. If employees are assigned additional responsibilities and increases in pay are not offered, employees may not focus on the necessary needs of this economic development. Council Member Mitchell asked why the Waters Consulting Group decided to bump this position up to two pay grades without recommending an increase in salary or is the salary already at the level of the responsibilities for this position.

Mr. Thomas Moton, Assistant City Manager, responded that Staff provided a very thorough detailed description of the duties and functions that the individual performed and based on that as well as the requirements for the job such as education, Waters used an objective tool to score it. Council Member Mitchell and Mayor Thomas were not on the City Council when the reclassification upgrade was done in the summer and approved in August. A similar process occurred city-wide, and it resulted in approximately 100 positions having higher pay grades but not necessarily a pay increase. The only reason there would be no pay increase is that the individual is already above the minimum starting salary of the

higher pay grade. The City's policy is if an employee's position is below the minimum salary on a reclassification then the person is brought up to the minimum starting salary. In this case it is not a promotion. Typically, Staff would create a competitive process where several people are competing for the position instead they took an existing position and they redefined, expanded and added new elements to it. That is how it became a larger position in the sense of reclassification. It was not deemed to be a promotion and that is probably the biggest difference. Certainly, if it was a promotion, the individual in the position would have received a minimum 5 percent raise in accordance with the Personnel Policies.

Council Member Mitchell stated that Waters is aware that the responsibilities are significantly different than any other current title, and the position was bumped up to two grades higher than the current grade. Technically, they did not look at the position as a promotion even though the position was reorganized.

Mr. Moton stated that the key is to be consistent with how all of these types of requests are treated and there are a number of them throughout the year. At the end of the 2011 calendar year when the group reclassification was done and they reviewed all of the employees' positions, it resulted in a substantial number of individuals whose pay grade was 110. The new pay grade was assigned to 114 and their current pay was above the starting level of 114, and as a result several people did not get a pay raise.

Council Mitchell stated that his expectation for this new creation is to have teeth and for the office to go out and accomplish huge things, and that he wanted more than an annual economic work plan not indicating that is what will be done. The City Council Members laid out some goals at their Planning Session regarding economic development, and maybe this should be brought back to the Economic Development Subcommittee for discussion.

Mr. Moton stated that normally with positions, Staff tries not to think about the individual and the tendency is to always think about the individual. Waters does not know Employee A, B, and Smith. Unfortunately, Council Member Mitchell's reaction is the same as some of the employees, and a copy of the 2011 report could be provided to him. Staff had to deliver the unfortunate news that over time positions do change. In many ways, this is a new endeavor and the City Council is committing many significant resources and additional personnel but candidly, there is a change in the pay grade for this position.

Council Member Mitchell stated that it was his understanding that the City Council shifted resources to cover a brand new position, and he was unaware of the pay grades at the time the position was created.

Ms. Gerry Case, Human Resource Director, stated that in a promotion a person has an existing position which is continued and the person goes to a new or existing higher

position. That is a promotion because the position that the person was in before is now open and someone else could move into that either as a lateral transfer or a promotion. In this case, there is an existing position that no longer exists and has been transformed by going into a higher level with additional duties and that is termed as a reclassification. In our personnel policies and throughout the years, for those people who have a reclassification their existing position is eliminated and a new position which is designed for the needs at that time does not get an increase. It is not considered as a promotion. In this particular case, there was a Planner position and that Planner position no longer exists and no one can compete for it because the revitalization part of the duties is still with the economic development director. The salary for this position is competitive with other economic development directors in the State. The particular individual in this slot had a pay rate much higher than the minimum of the individual's previous position which is still well above the minimum, and the salary is competitive with other economic development directors.

Council Member Mitchell stated that he understands what was discussed but a position was created with a significant portion added on top of that position. He understands reclassification versus promotion but fears that they have promoted an individual and it is termed as a reclassification.

Ms. Case stated that in the terms of how our personnel policies treat compensation, Staff followed those policies. If the City Council dislikes the policies on how reclassification is treated, they could deal with the Pay and Benefits Committee and come back with a new regulation for how they treat everyone who is reclassified.

Council Member Mitchell reiterated that his concern is not about the person per se but more about the position that was created and maybe, they should have looked at it differently on how they put the person in this position to obtain the accomplishments and results that were asked for.

Mayor Pro-Tem Glover asked in regards to the report from Mr. Anderson and the merit pool, is there any money in the merit pool.

City Manager Bowers responded that for the current budget year, there is no money in the merit pool. For the budget now, the City Council granted a 1.5 percent pay increase across the board in lieu of the merit pool.

Mayor Pro-Tem Glover asked if the Greenville Utilities Commission (GUC) approved the pay increase and the merit pool.

City Manager Bowers responded that GUC did the merit pool and no 1.5 percent increase. GUC did the opposite of the City for the same amount of money.

Mayor Pro-Tem Glover asked should there be City Council discussion about the merit pool for the upcoming budget.

City Manager Bowers stated that to be correct, and there will be a recommendation from Staff and any kind of pay adjustment will go before the Joint Pay and Benefits Committee.

Mayor Pro-Tem Glover announced that Mr. Mark Dorosin, Senior Managing Attorney of the UNC-Chapel Hill Center for Civil Rights, and his students will be in Greenville in March to do their Pro Bono Program work. Their service is offered to people who cannot afford to have attorneys and need advice about living wills or other legal related matters. Citizens should contact her at (252) 752-1113 because she forgot to bring the email at the meeting which contains the telephone number to call for an appointment. Mayor Pro-Tem Glover encouraged her colleagues to recommend others who might need legal advice to participate in this event in Greenville or Kinston.

Mayor Thomas stated that they are excited about and have already seen the fruits of their focus on economic development in our city and the inclusion of Staff on the county and regional level. There is actually an individual on Staff who is going to think about bringing jobs to our city which is critically important. In regards to property revaluation, there is 6.5 percent reduction in land value but once it was averaged out Greenville fairs much better than the County and region. They will be working closely on this going through the budget process. He is also excited about Staff being able to work with the governing body to create economic opportunities and tax base in our city.

Mayor Thomas recognized a dynamic autistic teen, Britton Scercy, for his volunteer service at the Sheriff's Office. Mayor Thomas stated he may be a future Mayor because Britton sent him a letter of thanks for addressing his concern about the cleaning of Elm Street Park.

Mayor Thomas recognized Wes Anderson for doing a great job as the Public Works Director and stated that Mr. Anderson has taken everything in this city to heart and has been the brightest when he was challenged the most. Mayor Thomas concluded stating that he appreciated Mr. Anderson's dedication to the City and he is a true soldier.

Mayor Pro-Tem Glover announced that the Human Relations Council Awards Ceremony will be held Saturday, February at 5:00 p.m. at the Hilton Greenville.

Council Member Mitchell stated that Leadership North Carolina, a program that brings about 50 leaders across the State and exposes them to different avenues and areas in the State, will host their economic development session in Greenville in March. This is an opportunity to showcase our city to prominent leaders throughout the State as well it is fitting that the City Council is putting a focus on economic development in Greenville. The

pre-team was in Greenville earlier today and they are excited about hosting their session here, and he is looking forward to their visit early next month.

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**CITY MANAGER'S REPORT**

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City Manager Bowers extended thanks to County Manager D. Scott Elliott and his staff for their work in giving the City Council preliminary property tax figures earlier than normal. The figures did show a 6.5 percent reduction in real estate values. However, other classifications of property have shown an increase so the overall change is a 3.9 percent reduction. Those are preliminary figures subject to change and, of course, there is an appeals process that will start soon. The calculation of the revenue neutral rate will be a part of the budget process, and Staff will keep the City Council updated on those changes.

City Manager Bowers thanked and commended Mr. Wes Anderson for his four years of hard work as the Public Works Director, and stated that he appreciated that the City Council gave recognition to Mr. Anderson. City Manager Bowers stated that Mr. Anderson was assigned a lot of difficult tasks, and he has always performed in an outstanding manner. City Manager Bowers introduced Mr. Scott Godefroy, Senior Engineer and the Interim Public Works Director and Mr. Joe Barlett, Interim Police Chief. He stated that these individuals are stepping up, and they have seen the responsibilities in carrying on the duties of those very important departments.

City Manager Bowers reminded the City Council of the Special Meeting tomorrow night, Thursday, February 21, at 6:00 p.m. in Room 337 to discuss the City Manager search process.

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**CLOSED SESSION**

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Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Glover to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body including consultation relating to the lawsuit of David Brown versus the City of Greenville. Motion carried unanimously. Mayor Thomas declared the City Council in closed session at 10:20 p.m. Upon conclusion of closed session discussion, motion was made by Council Member Mitchell and seconded by Council Member Smith to return to open session. Motion carried unanimously, and Mayor Thomas returned the City Council to open session at 10:45 p.m.

**ADJOURNMENT**

Motion was made by Council Member Mitchell and seconded by Council Member Smith to adjourn the meeting. Motion carried unanimously. Mayor Thomas declared the meeting adjourned at 10:47 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Polly Jones".

Polly Jones  
Deputy City Clerk

PROPOSED MINUTES  
SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
MONDAY, JANUARY 30, 2012



Having been properly advertised, a special meeting of the Greenville City Council was held on Monday, January 30, 2012 in Conference Room 337, located on the third floor of City Hall, with Mayor Allen M. Thomas presiding. Mayor Thomas called the meeting to order at 6:00 pm.

Those Present:

Mayor Allen M. Thomas, Mayor Pro-Tem Rose H. Glover, Council Member Kandie Smith, Council Member Calvin R. Mercer, Council Member Max R. Joyner, Jr. and Council Member Dennis J. Mitchell

Those Absent:

Council Member Marion Blackburn

Also Present:

City Manager Wayne Bowers, City Attorney David A. Holec, City Clerk Carol L. Barwick, Human Resources Director Gerry Case and Hartwell Wright from the North Carolina League of Municipalities

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**APPROVAL OF THE AGENDA**

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Council Member Joyner moved to approve the agenda as presented. Council Member Mercer seconded the motion, which passed by unanimous vote.

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**NEW BUSINESS**

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- Discussion of search process for City Manager and process for selection of Interim City Manager

City Manager Wayne Bowers introduced Hartwell Wright, a Human Resources Consultant with the North Carolina League of Municipalities (NCLM).

Mr. Wright stated the NCLM is always excited to have the opportunity to assist its members. He stated that currently about 15% of the municipalities in North Carolina are in search of a manager, which is fairly typical. He said he believes Greenville is the largest city in the beginning stages of active recruitment, and



suggested that may work to Greenville's advantage in terms of being attractive to candidates. He stated he feels there will be a good flow of qualified applicants, but cautioned that Greenville will likely be competing against other cities within the state for the same candidates. The better Greenville can conduct itself and present its amenities, the better its recruitment position.

Mr. Hartwell stated the NCLM's role is to offer assistance in the recruitment process. They do not get involved in candidate selection. Based on the size and complexity of the process for a town the size of Greenville, Mr. Wright recommended use of a consultant. He stated there are decisions which need to be made early-on, such as designation of someone on staff to help with flow of communications, setting up interviews, setting up meetings with the City Council.

Mayor Pro-Tem Glover stated she was the only Council Member who had gone through the hiring process for a City Manager here. When Mr. Bowers was recruited, a consultant was used and City Attorney Dave Holec was very involved in the process, so she suggested a consultant be used and that City Attorney Holec be the staff designee along with Human Resources Director Gerry Case. The City Council agreed with her recommendation by consensus. Mayor Pro-Tem Glover then stated she believed applications had been submitted directly to the consultant used in that process.

Mr. Hartwell agreed that the consultant is typically the recipient of applications. He stated the City Council would need to determine a salary, which would be influenced by what is asked for in the way of qualifications, education, skills and experience. As elected officials, the City Council will have to worry about what citizens will tolerate while being competitive and reasonable to get the quality of candidates desired.

Mr. Hartwell stated the NCLM could provide a list of consultants who have recent experience in North Carolina and discussed the types of services they could provide if desired by the City Council. He estimated that, once a consultant was selected, the recruitment process could take as little as four months, but likely would be a little longer. The consultant will help drive the recruitment process and will help in developing a process for evaluating candidates to narrow down the candidate pool. He recommended the City Council rely on the City Attorney for guidance in making an offer and in the final employment contract once a candidate is identified for hire.

Following a general discussion on soliciting consultant proposals, scheduling to hear presentations and meet with a selected consultant, Council Member Mercer moved to solicit proposals from consultants on the NCLM list with a submission deadline of



February 14, 2012 and to schedule City Council meetings for February 16 and February 21, 2012, both at 6:00 pm in Conference Room 337 at City Hall. The February 16<sup>th</sup> meeting would be for the purpose of reviewing consultant proposals and selecting two to give presentations on services offered. The Febuary 21<sup>st</sup> meeting would be to hear presentations and make a final selection on the consultant to be used in the recruitment process for a new city manager. Council Member Joyner seconded the motion, which passed by unanimous vote.

Council Member Mercer then asked if Mr. Wright would be able to consult on selection of an Interim City Manager. Mr. Wright stated the NCLM has a list of retired City Managers, but the list is somewhat exhausted at the moment due to the number of ongoing recruitments throughout the state.

City Attorney Holec stated if the City Council wished to discuss specific individuals for the interim position, it would be appropriate to do so in closed session. If they merely plan to discuss the process, that should be done in open session.

Council Member Joyner suggested concluding the public business, then going into closed session to discuss potential candidates for Interim City Manager.

- Update on Police Chief search process

City Manager Wayne Bowers stated under normal circumstances, the City Manager would be choosing a consultant to facilitate recruitment for a new Police Chief. He stated he can initiate the process, but will not be here to conclude the process. He suggested the Interim City Manager could keep the process going, but stated he feels the new City Manager should make the final selection of the new Police Chief. He said if the process was begun now, the list could be narrowed down to a short list for the new City Manager to consider and hiring of the new Police Chief could be one of his or her first priorities.

Following a discussion of potential consultants, the consensus of the City was to use a national firm and to begin the search about 3-4 weeks behind that of the City Manager so that candidates would not lose interest while waiting for a City Manager to be hired.

- (ADDED) Email on Downtown Issues

Council Member Mitchell asked about the email that was sent out by Police Chief William Anderson on downtown issues.



City Attorney Holec stated he'd had an inquiry from local news stations and as the email is a public record, he provided copies to three media outlets.

Mayor Thomas stated he had sent a response to the email and had disclosed that as well.

City Manager Bowers stated he had reviewed the email and discussed it with Chief Anderson. He apologized to the City Council and stated while he felt the Chief's heart was in the right place, there was a better way to address the issues. He stated he had counseled the Chief this afternoon and is confident it won't happen again.

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**CLOSED SESSION (ADDED)**

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Upon motion by Council Member Joyner, seconded by Mayor Pro-Tem Glover, the City Council approved holding a closed session, as permitted by G.S. §143-318.11(6), 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. The City Council entered closed session at 7:27 pm.

Upon conclusion of closed session discussion, motion was made by Council Member Joyner and seconded by Council Member Mercer to return to open session. Motion was approved unanimously, and Mayor Thomas returned the City Council to open session at 8:54 pm.

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**ADJOURNMENT**

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Council Member Smith then moved to adjourn the meeting, seconded by Council Member Joyner. There being no discussion, the motion to adjourn passed by unanimous vote and Mayor Thomas adjourned the meeting at 8:55pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk

PROPOSED MINUTES  
SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
THURSDAY, FEBRUARY 16, 2012



Having been properly advertised, a special meeting of the Greenville City Council was held on Thursday, February 16, 2012 in Conference Room 337, located on the third floor of City Hall, with Mayor Allen M. Thomas presiding. Mayor Thomas called the meeting to order at 6:00 pm.

Those Present:

Mayor Allen M. Thomas, Mayor Pro-Tem Rose H. Glover, Council Member Kandie Smith, Council Member Marion Blackburn, Council Member Calvin R. Mercer, Council Member Max R. Joyner, Jr. and Council Member Dennis J. Mitchell

Those Absent:

None

Also Present:

City Manager Wayne Bowers, City Attorney David A. Holec, City Clerk Carol L. Barwick, and Human Resources Director Gerry Case

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**APPROVAL OF THE AGENDA**

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Council Member Joyner moved to approve the agenda as presented. Mayor Pro-Tem Glover seconded the motion, which passed by unanimous vote.

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**NEW BUSINESS**

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- Review of proposals from consulting firms for City Manager executive search process

City Attorney Holec stated that, based on direction from the City Council at a meeting on January 30, 2012, requests for proposals were sent to five firms from a list provided by the North Carolina League of Municipalities. These were firms that have done work in North Carolina and that have a national reputation. Proposals were received from Slavin Management Consultants, Springsted Incorporated, Waters Consulting Group and Mercer Group, Inc. As a reminder, a meeting is scheduled this coming Tuesday for finalists to make formal presentations if that is the desire of the City Council; however, the City



Council may choose to make a selection of consultant tonight based on proposals received.

The City Council engaged in a discussion on each proposal received, including an evaluation of the strengths and weaknesses of each proposal and the expense proposed by each proposal.

Following this discussion of proposals received, Council Member Joyner moved to engage the services of Slaving Management Consultants for recruitment of a new City Manager and to invite them to meet with the City Council at its meeting on February 21st to discuss the recruitment process. Council Member Smith seconded the motion, which passed by a vote of 4 to 2 with Mayor Pro-Tem Glover and Council Member Blackburn casting the dissenting votes.

---

**ADJOURNMENT**

---

Council Member Joyner moved to adjourn the meeting, seconded by Council Member Smith. There being no discussion, the motion to adjourn passed by unanimous vote and Mayor Thomas adjourned the meeting at 7:01 pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk

PROPOSED MINUTES  
SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
TUESDAY, FEBRUARY 21, 2012



Having been properly advertised, a special meeting of the Greenville City Council was held on Tuesday, February 21, 2012 in Conference Room 337, located on the third floor of City Hall, with Mayor Allen M. Thomas presiding. Mayor Thomas called the meeting to order at 6:15 pm.

Those Present:

Mayor Allen M. Thomas, Mayor Pro-Tem Rose H. Glover, Council Member Kandie Smith, Council Member Marion Blackburn, Council Member Calvin R. Mercer, Council Member Max R. Joyner, Jr. and Council Member Dennis J. Mitchell

Those Absent:

None

Also Present:

City Manager Wayne Bowers, City Attorney David A. Holec, City Clerk Carol L. Barwick, Human Resources Director Gerry Case and Bob Slavin of Slavin Management Consultants

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**APPROVAL OF THE AGENDA**

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Council Member Joyner moved to approve the agenda as presented. Council Member Mercer seconded the motion, which passed by unanimous vote.

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**NEW BUSINESS**

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- Discussion of City Manager search process with Slavin Management Consultants

City Attorney Holec introduced Bob Slavin from Slavin Management Consultants, who will be providing executive search services for recruitment of a new City Manager. He stated the purpose of this meeting is to review the process.

Mr. Slavin stated he was delighted to have been selected to assist Greenville in its search process for a new City Manager. He gave a brief commentary on his company's experience in executive recruitment, which specializes in local government search work, and other human resources work related to staffing and compensation studies. He also



summarized his personal experience, which included working in local government before starting his business.

Mr. Slavin stated recruitment will be based on Greenville's needs as established by the City Council rather than by his company's assumptions of what Greenville needs. He said he looks forward to meeting with each Council Member individually and confidentially to discuss their views and from that, he will draft a recruitment profile. Once the profile is developed and approved by the City Council, the recruitment phase will begin. Mr. Slavin said his firm will screen applications received down to a pool of approximately a dozen candidates for the City Council to evaluate and rank, with the goal of selecting the top five or six candidates to invite for interview.

Mr. Slavin then discussed the due diligence phase in which his firm would do a thorough background check on individuals under serious consideration for the City Manager position, followed by an explanation of his company's guarantee of their work. He stated the process is designed to take 90 days from the point that the City Council has approved the recruitment profile and advertisements go out. The objective is to insure that once interest begins to come in, qualified candidates are not lost to other municipalities before they can be recruited for Greenville.

City Attorney Holec reviewed proposed times for individual meetings between Council Members and Mr. Slavin: Council Member Smith immediately following adjournment of the current meeting, followed by Mayor Thomas, then on the following day (February 22<sup>nd</sup>) Council Member Mercer at 8:00 am, Council Member Mitchell at 9:00 am, Council Member Joyner at 10:00 am, Mayor Pro-Tem Glover at 11am and Council Member Blackburn at 12:00 pm. Council Members agreed by consensus to their individual appointments.

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**ADJOURNMENT**

---

Council Member Joyner moved to adjourn the meeting, seconded by Council Member Mercer. There being no discussion, the motion to adjourn passed by unanimous vote and Mayor Thomas adjourned the meeting at 7:07 pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk

PROPOSED MINUTES  
SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
WEDNESDAY, MAY 2, 2012



Having been properly advertised, a special meeting of the Greenville City Council was held on Wednesday, May 2, 2012 in Conference Room 329, located on the third floor of the Municipal Building, with Mayor Allen M. Thomas presiding. Mayor Thomas called the meeting to order at 5:40 pm.

Those Present:

Mayor Allen M. Thomas, Mayor Pro-Tem Rose H. Glover, Council Member Kandie Smith, Council Member Marion Blackburn, Council Member Calvin R. Mercer, Council Member Max R. Joyner, Jr. and Council Member Dennis J. Mitchell

Those Absent:

None

Also Present:

City Attorney David A. Holec, City Clerk Carol L. Barwick, Human Resources Director Gerry Case and City Manager Search Consultant Bob Slavin

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**APPROVAL OF THE AGENDA**

---

Council Member Joyner moved to approve the agenda as presented. Council Member Blackburn seconded the motion, which passed by unanimous vote.

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**NEW BUSINESS**

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- Report on City Manager search process by Slavin Management Consultants

City Attorney Holec stated the purpose of this meeting is to hear a report by City Manager Search Consultant Bob Slavin, most of which will be done in closed session.

City Manager Search Consultant Bob Slavin reviewed the City Manager search process, stating that candidates were recruited based on a profile developed from individual meetings with the Mayor and City Council Members. He briefly discussed networking and advertising strategy, along with the process utilized to screen prospective candidates.



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**CLOSED SESSION**

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Upon motion by Council Member Joyner, seconded by Mayor Pro-Tem Glover, the City Council approved holding a closed session, as permitted by G.S. §143-318.11(6), 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. The City Council entered closed session at 5:48 pm.

Upon conclusion of closed session discussion, motion was made by Council Member Joyner and seconded by Council Member Mitchell to return to open session. Motion was approved unanimously, and Mayor Thomas returned the City Council to open session at 8:40 pm.

---

**ADJOURNMENT**

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Council Member Joyner then moved to adjourn the meeting, seconded by Council Member Mitchell. There being no discussion, the motion to adjourn passed by unanimous vote and Mayor Thomas adjourned the meeting at 8:41pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Ordinance enacting and adopting Supplement #2012-S3 to the City of Greenville Code of Ordinances

**Explanation:** In accordance with a Codification Agreement (Contract No. 1757) dated November 14, 2008, between the City of Greenville and the North Carolina League of Municipalities, along with its code contractor, American Legal Publishing Corporation, the Code of Ordinances was fully revised and updated to include all ordinances adopted through October 8, 2009. Subsequent to this initial revision and update, American Legal Publishing Corporation maintains the City Code by producing supplements to the printed version and hosting/updating an online version of the City Code

Supplement #2012-S3 incorporates all ordinances of a general and permanent nature enacted after June 10, 2010, and on or before December 8, 2011, and Ordinance Numbers 10-36, 10-37, and 10-38, adopted on April 8, 2010.

**Fiscal Note:** Total cost for production of Supplement #2012-S3 was \$4,330.50.

**Recommendation:** Adopt the attached ordinance enacting and adopting Supplement #2012-S3 to the City of Greenville's Code of Ordinances.

---

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

Attachments / click to download

[2012\\_Ordinance\\_Adopting\\_Code\\_Supplement\\_2012\\_S3\\_923169](#)

ORDINANCE NO. 12-

AN ORDINANCE ENACTING AND ADOPTING SUPPLEMENT NUMBER 2012-S3 TO  
THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed Supplement Number 2012-S3 to the Code of Ordinances of the City of Greenville, North Carolina, which supplement contains all ordinances of a general and permanent nature enacted after June 10, 2010, and on or before December 8, 2011, and Ordinance Numbers 10-36, 10-37, and 10-38, adopted on April 8, 2010; and

WHEREAS, North Carolina General Statute 160A-77 empowers and authorizes the City of Greenville to adopt and issue a code of its ordinances in book form and to adopt supplements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE:

Section 1. That Supplement Number 2012-S3 to the Code of Ordinances of the City of Greenville, North Carolina, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the City Council of the City of Greenville, and the City Clerk of the City of Greenville, North Carolina, is hereby authorized and ordered to insert such supplement in the copy of the Code of Ordinances kept on file in the Office of the City Clerk.

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

This the 11th day of June, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Resolution authorizing the sale of a 958.82 square foot portion of Paramore Park to Baxter and Margaret Myers

**Explanation:** On March 5, 2012, the City Council authorized staff to appraise a 958.82 square foot portion of City-owned property within Paramore Park following a request from Mr. and Mrs. Baxter Myers to purchase the property. Mr. and Mrs. Myers made a formal request to purchase the property in order to allow an addition to their home. On May 10, 2012, following a review of the appraisal, City Council established the fair market value of the parcel requested at \$550.00 and authorized staff to accept sealed bids for the property.

The parcel was advertised for sealed bids, and Mr. and Mrs. Myers submitted a bid for the parcel of \$550.00. Their bid was the only one received.

**Fiscal Note:** Approximately \$200 in advertising costs.

**Recommendation:** Authorize the sale of the property in question to Mr. and Mrs. Baxter Myers and authorize staff to sign the required closing documents.

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Attachments / click to download

- [Myers Map](#)
- [Myers Resolution 927879](#)

RESOLUTION NO. -12

RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BEING A PORTION  
OF PITT COUNTY TAX PARCEL NUMBER 68788 TO BAXTER AND MARGARET MYERS

WHEREAS, the City of Greenville has received an offer to purchase a portion of Pitt County Tax Parcel Number 68788, located within Paramore Park; and,

WHEREAS, the City Council at its May 10, 2012, meeting, established fair market value of the parcel for \$550.00 and authorized staff to advertise the availability of the parcel for sealed bids; and,

WHEREAS, the City of Greenville made available said parcel for interested buyers from May 14, through May 21, 2012; and,

WHEREAS, the City of Greenville is authorized pursuant to North Carolina General Statute 160A-268 to dispose of properties by means of sealed bids; and,

WHEREAS, Mr. and Mrs. Baxter Myers were the sole bidders for the property being a 958.82 square foot portion of Pitt County Tax parcel number 68788, having submitted a bid in the amount of \$550, along with the required 5% deposit; and,

WHEREAS, the City Council, at its June 11, 2012, meeting, considered the offer submitted by Mr. and Mrs. Myers, held in accordance with the provisions G.S. 160A-268;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby approve the sale of the property, being a portion of Pitt County Tax Parcel Number 68788 to Mr. and Mrs. Baxter Myers for \$550, said amount being not less than the fair market value of said property.


BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute the deed and any other necessary documents to accomplish the conveyance of said property to said persons.

This the 11th day of June, 2012.

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

ATTEST:

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





# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Resolution accepting dedication of rights-of-way and easements for Airport Center - Phase 2, Block B, Lot 1 and Block A, Lot 1

**Explanation:** In accordance with the City's Subdivision regulations, right-of-ways and easements have been dedicated for Airport Center - Phase 2, Block B, Lot 1 and Block A, Lot 1 (Map Book 75 at Page 55). A resolution accepting the dedication of the aforementioned rights-of-way and easements is attached for City Council consideration. The final plat showing the rights-of-way and easements is also attached.

**Fiscal Note:** Funds for the maintenance of these rights-of-way and easements are included within the fiscal year 2011-2012 budget.

**Recommendation:** Adopt the attached resolution accepting dedication of rights-of-way and easements for Airport Center - Phase 2, Block B, Lot 1 and Block A, Lot 1

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**Attachments / click to download**

- [Airport Center Street Acceptance](#)
  - [June 2012 Right of Way Resolution 927715](#)
-

RESOLUTION NO.

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

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

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

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

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

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

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

Airport Center - Phase 2, Block B, Lot 1 and Block A, Lot 1      Map Book 75    Page 55

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

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

Adopted the 11<sup>th</sup> day of June, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

NORTH CAROLINA  
PITT COUNTY

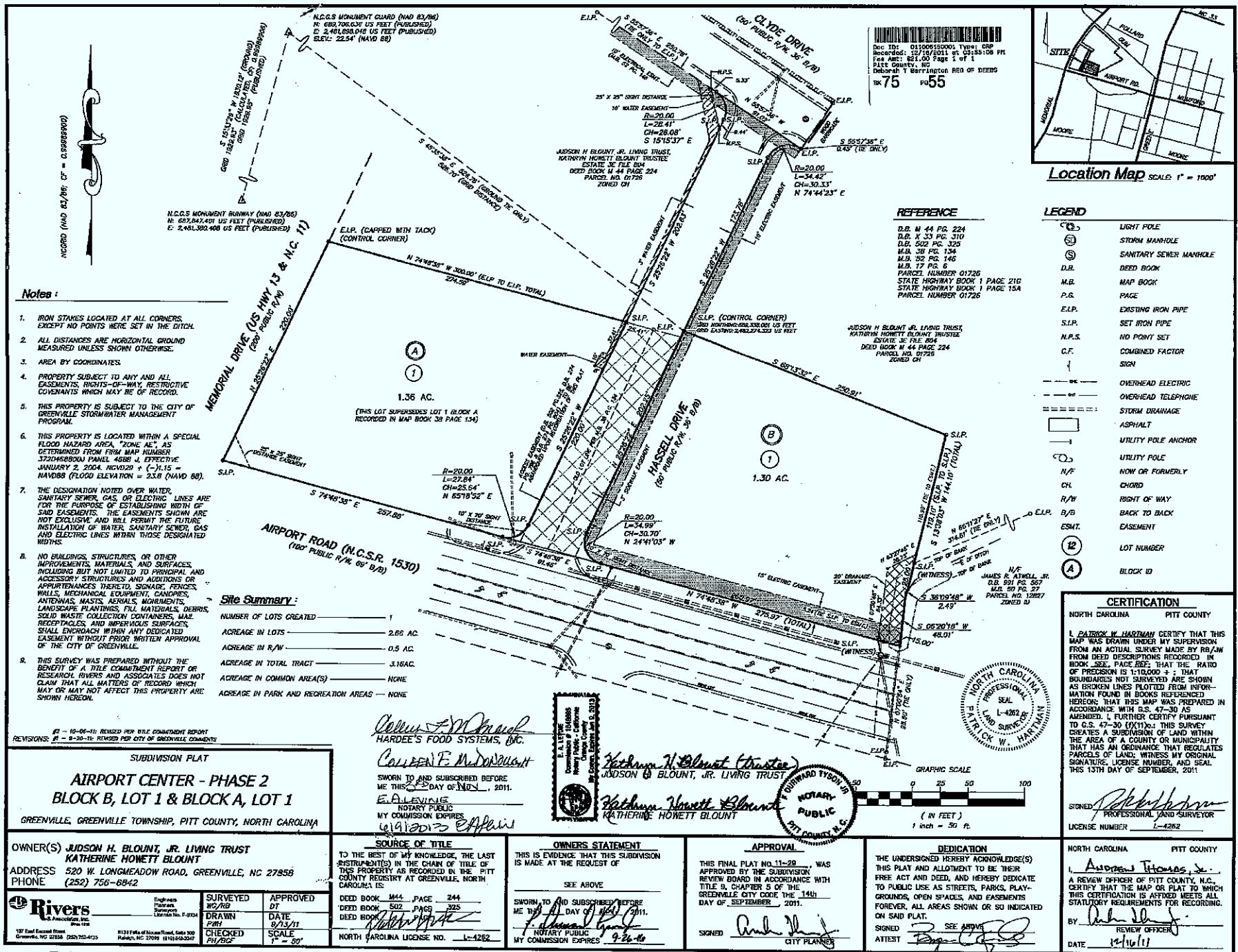
I, \_\_\_\_\_, Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument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

WITNESS my hand and official seal this the 11<sup>th</sup> day of June, 2012.

---

Notary Public

My Commission Expires:



Item # 4



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Municipal agreement with the North Carolina Department of Transportation for bi-annual bridge inspections

**Explanation:** Every two years, the City of Greenville is required by federal laws to have all city-maintained bridges and box culverts inspected for safety and sufficiency. In order to comply with these requirements, it is recommended that the City partner with the North Carolina Department of Transportation (NCDOT) for the inspection of the City's ten (10) bridge structures. In this arrangement, NCDOT pays 80 percent of the inspection costs, and the City pays 20 percent.

Attached is a municipal agreement as proposed by NCDOT, which outlines the conditions of this cooperative effort.

**Fiscal Note:** The anticipated cost of the inspections is \$5,200 bi-annually for a period of ten (10) years, totaling \$26,000. Funds available from Powell Bill Fund.

**Recommendation:** Approve the municipal agreement to partner with NCDOT for inspection of bridge structures.

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[2012\\_Municipal\\_Bridge\\_Inspection\\_Agreement\\_with\\_NCDOT\\_926330](#)

North Carolina  
County

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North Carolina Department of Transportation and the City of Greenville, NC  
Municipal Agreement  
Inspection of Bridges on the Municipal Street System  
F.A. Project BRZ-NBIS (17)

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

Witnesseth:

WHEREAS, 23 U.S.C. 144, Sections 1101, 1114 and 1805 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A legacy for Users (SAFETEA – LU), which require that federal funds be available for certain specified Federal-Aid Highway Bridge Replacement and Rehabilitation program; and

WHEREAS, the Highway Bridge Replacement and Rehabilitation portion of the law requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed two years in accordance with National Bridge Inspection Standards (NBIS); and

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Appropriate Official of the Municipality has approved the herein above referenced inspections and analysis and has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

NOW, THEREFORE, the Department and the Municipality agree as follows:

1. The Department or a Consulting Engineering firm retained by the Department shall inspect, load rate, and prepare the necessary inspection reports for all bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards.
2. All work shall be done in compliance with the following documents.
  - a. National Bridge Inspection Standards (23 CFR, Chapter 1 Part 650)
  - b. AASHTO Manual for Bridge Evaluation-2008 including all Interim Revisions.
  - c. Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges – December, 1988.
3. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to

appropriate municipal maps showing the location of the bridges, plans for the bridges when available, and any prior inspection reports.

4. During the inspection process, some repairs may be discovered that require immediate attention or repair, or a regulatory sign may be missing, damaged, or incorrect. A Critical Finding Notice, Priority Maintenance Notice or Regulatory Sign Notice will be issued in these cases. It is required that the Municipality resolve or notify the Department of their plans to resolve Priority Maintenance Notices and Regulatory Sign Notices within thirty (30) days of issuance. Critical Findings require a response within seven (7) days of notice.
5. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.
6. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty (80) percent of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.
7. Upon completion of the bridge inspection, and load rating work, the Department shall invoice the Municipality for accumulated project costs not participated in by the Federal Highway Administration. Upon FHWA final audit, the Department shall invoice/refund the Municipality any differences in the amount previously invoiced and the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality within sixty (60) days of the invoice date. After the due date, a late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21 (I). It is anticipated that the cost to the municipality will be approximately \$520 per structure. The actual cost is based on the work being performed therefore, the final invoice amount will not be known until the work is complete.
8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina,  
Section 136-41.1, until such a time as the Department has received payment in full.
9. It is the policy of the Department not to enter into any Agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this Agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.
10. This Agreement shall have an effective term of ten (10) years beginning when executed by the State Highway Administrator and ending on the same date ten (10) years later, subject to the following termination conditions:
  - (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the City Manager and/or his designee.

- (B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

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

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

L.S Attest

City of Greenville, NC

---

Carol L. Barwick, City Clerk

---

Allen M. Thomas, Mayor

Seal of Municipality

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

Approved by City Council of the City of Greenville as the attested to by the Signature of Carol L. Barwick, City Clerk of the City of Greenville on June 11, 2012

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

L.S. Attest

Department of Transportation

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Secretary to the Board

---

State Highway Administrator

Board of Transportation Seal

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



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:**

Resolution approving the execution of a municipal agreement with the North Carolina Department of Transportation for Section 5303 Planning Grant Funds

**Explanation:**

The City of Greenville annually is awarded a planning grant to assist in conducting short-term and long-range planning for the City's bus service. The City's request for planning funds is submitted as part of the Greenville Urban Area Metropolitan Planning Organization annual Planning Work Program (PWP). This agreement provides Greenville Area Transit (GREAT) planning funds for FY 11-12. The Federal Transit Administration and the North Carolina Department of Transportation are the approving agencies for this grant. The Federal portion of the grant funds 80% of the cost of the program while the State funds 10%. These funds are used to support the salaries of the Transit Manager and the system planner.

**Fiscal Note:**

Federal Share	\$27,424
State Share	\$ 3,428
Local Share	<u>\$ 3,428</u>
<b>TOTAL</b>	\$34,280

**Recommendation:**

Approve the resolution authorizing the municipal agreement for the Section 5303 Planning Grant Funds and authorize the City Manager to execute the agreement between the City of Greenville and the North Carolina Department of Transportation

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Attachments / [click to download](#)

[!\[\]\(3c2dc148a88ea19c9690fdb7be8758d1\_img.jpg\) Section 5303 Planning Grant Funds Contract](#)

[!\[\]\(bc4a269047ade98ea8317bd65c78fb49\_img.jpg\) FY\\_12\\_5303\\_Resolution\\_927085](#)

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RESOLUTION NO.  
RESOLUTION AUTHORIZING THE FY2012 PLANNING WORK PROGRAM  
OF THE GREENVILLE URBAN AREA  
5303 GRANT PROGRAM

A motion was made by Council Member \_\_\_\_\_  
and seconded by Council Member \_\_\_\_\_  
for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

Whereas, a comprehensive and continuing transportation planning program must be carried out cooperatively in order to ensure that funds for transportation projects are effectively allocated to the Greenville Urban Area.

Whereas, the City of Greenville has been designated as the recipient of Federal Transit Administration Metropolitan Planning Program funds.

Whereas, the City of Greenville will comply with all requirements as set forth in the 5303 Planning Grant Program and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED BY THE GREENVILLE CITY COUNCIL

1. That the City Manager is authorized to execute this Agreement for Transit funding under the 5303 Planning Grant Program.
2. That the Mayor and/or City Manager are authorized to submit any additional information as the Federal Transit Administration or the North Carolina Department of Transportation may require in connection with this project.

ADOPTED this the 11<sup>th</sup> day of June, 2012.

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Thomas M. Moton, Jr., Interim City Manager

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Greenville, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Greenville City Council on June 11, 2012.

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Carol L. Barwick, City Clerk

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Date

STATE OF NORTH CAROLINA  
COUNTY OF WAKE  
**NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**

and

**CITY OF GREENVILLE**  
On behalf of  
**Greenville Urban Area Metropolitan  
Planning Organization**

METROPOLITAN PLANNING PROGRAM  
GRANT AGREEMENT FOR  
PUBLIC BODY ORGANIZATIONS

**CFDA NUMBER: 20.505**

**PROJECT NUMBER: 12-08-011**

**WBS ELEMENT: 36230.17.10.6**

**AGREEMENT: TBD**

\*\*\*\*\*  
THIS AGREEMENT made this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (hereinafter referred to as AGREEMENT) by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department", an agency of the State of North Carolina) and **CITY OF GREENVILLE**, [acting in its capacity as the designated Federal Transit Administration (FTA) Planning Program (49 U.S.C. 5303) recipient for the **Greenville Urban Area Metropolitan Planning Organization**, hereinafter referred to as the "Contractor"].

WHEREAS, the Contractor has been selected by principal elected officials as the designated transportation Lead Planning Agency for **Greenville Urban Area Metropolitan Planning Organization**; and

WHEREAS, certain funds may be made available to designated transportation Lead Planning Agencies for supporting the "3-C" Process pursuant to 49 U.S.C. 5303; and

WHEREAS, the Department receives funds from FTA which includes 49 U.S.C. 5303 funds which may be made available to the Contractor for transportation planning for the **Greenville Urban Area Metropolitan Planning Organization**; and

WHEREAS, 49 U.S.C. 5303 promulgates that it is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the states and local communities efficiently and effectively; and

WHEREAS, the purposes of 49 U.S.C. 5303 are to assist in the development of improved public transportation facilities, equipment, techniques, and methods with the cooperation of public transportation companies both public and private; to encourage the planning and establishment of area-wide urban public transportation systems needed for transportation companies both public and private; and to provide assistance to state and local governments and their instrumentalities in financing such systems, to be operated by public or private public transportation companies as determined by locals needs; and

WHEREAS, various federal urban transportation planning regulations require that each urbanized area have a comprehensive, cooperative, and continuing transportation planning process (commonly referred to at the "3-C" process); and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes designates the Department of Transportation as the agency of the State of North Carolina responsible for administering all Federal and/or State programs relating to public transportation, and granted the Department authority to do all things required under applicable Federal and/or State legislation to properly administer the public transportation within the State of North Carolina; and

WHEREAS, effective February 14, 1986, the Governor of the State of North Carolina designated the Department as the single State Agency specifically authorized to administer Planning Program and Statewide Planning funds for urbanized areas; and

WHEREAS, the Governor of North Carolina, in accordance with Section 5303 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-

LU), Public Law 109-59, August 10, 2005, and the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Public Law 105-178, June 1998, as amended, has designated the Department as the agency to receive and administer Federal funds under this program; and

WHEREAS, the Department and the Contractor desire to secure and utilize funds for the above referenced purposes;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the Department and the Contractor agree as follows:

**Section 1. Purpose of Agreement.** The purpose of this Agreement is to provide for the undertaking of public transportation studies described in each cycle of Planning Work Program (commonly and herein after referred to as "PWP") properly developed, endorsed, approved, and transmitted by the Contractor to the Department, and to state the terms, conditions, and mutual undertakings of the parties as to the manner in which the PWP will be undertaken and completed.

**Section 2. Project Implementation.** The Contractor agrees to carry out the Project as follows:

a. **Scope of Project.** The City of Greenville is requesting funds to complete the transit element of the Long Range Transportation Plan and to address current unmet needs of the community, including modified and enhanced routes and schedules. Other activities planned include updates for safety operations of the transit system and public information enhancement. The Contractor shall undertake and complete the public transportation planning work described in such respective section of the PWP, filed with and approved by the Department and specifically incorporated herein by reference, in accordance with the terms and conditions of this Agreement. The planning funds referred to herein shall be 49 U.S.C. 5303 funds passed through the Department to the Contractor under this Agreement, and any planning funds provided to the Contractor under this Agreement shall be used for only transportation planning related activities and in accordance with the most current approved PWP. Nothing shall be construed under the terms of this Agreement by the Department or the Contractor that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations. The Contractor shall undertake and complete the public transportation planning work described in the PWP in accordance with the procedures and guidelines set forth in the following documents:

- (1) FTA Circular 8100.1C, dated September 1, 2008 at [http://www.fta.dot.gov/documents/FTA\\_C\\_8100.1C.pdf](http://www.fta.dot.gov/documents/FTA_C_8100.1C.pdf)
- (2) FTA Master Agreement, dated October 1, 2010, Document Number FTA MA (17), at [www.fta.dot.gov/documents/17-Master.pdf](http://www.fta.dot.gov/documents/17-Master.pdf);
- (3) The Section 5303 grant application for financial assistance.

The aforementioned documents, and any subsequent amendments or revisions thereto, are herewith incorporated by reference, and are on file with and approved by the Department in accordance with the terms and conditions of this Agreement. Nothing shall be construed under the terms of this Agreement by the Department or the Contractor that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations.

b. **Cost of Project.** The total cost of the Project approved by the Department is **THIRTY-FOUR THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$34,280)** as set forth in the Project Description and Budget, incorporated into this Agreement as Attachment A.

(1) **Federal Share.** The Department shall provide, from Federal funds, **EIGHTY PERCENT (80%)** of the actual net cost of the Project, not in excess of **TWENTY-SEVEN THOUSAND FOUR HUNDRED TWENTY-FOUR DOLLARS (\$27,424)**.

(2) **State Share.** The Department shall provide, from State funds, **TEN PERCENT (10%)** of the actual net cost of the Project, not in excess of **THREE THOUSAND FOUR HUNDRED TWENTY-EIGHT DOLLARS (3,428)**. The Department does not provide

matching funds for non-transit planning activities. The Contractor shall be responsible for any remaining costs.

(3) Local Share. The Contractor hereby agrees that it will provide **TEN PERCENT (10%)** of the actual net cost of the Project and any amounts in excess of the Department's maximum. The net cost is the price paid minus any refunds, rebates, or other items of value received by the Contractor which have the effect of reducing the actual cost. The Contractor shall initiate and prosecute to completion all actions necessary to enable it to provide its share of the Project costs at the time directed.

c. Period of Performance.

This Agreement shall commence upon the date of execution, unless specific written authorization from the Department to the contrary is received. The period of performance for all expenditures shall extend from **JULY 1, 2011 TO JUNE 30, 2012**, unless written authorization to the contrary is provided by the Department. Any requests to change the Period of Performance must be made in accordance with the policies and procedures established by the Department or FTA. The Contractor shall commence, carry on, and complete the approved Project with all practicable dispatch, in a sound, economical, and efficient manner.

d. Contractor's Capacity. The Contractor agrees to maintain sufficient legal, financial, technical, and managerial capability to:

- (1) Plan, manage, and complete the Project;
- (2) Carry out the safety and security aspects of the Project; and
- (3) Comply with the terms of this agreement, the Master Agreement between the FTA and the Department, the Approved Project Budget, the Project schedules, and applicable Federal and State laws, regulations, and directives.

e. Administrative Requirements. The Contractor agrees to comply with the following Federal and State administrative requirements:

(1) U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18 at (<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>).

(2) Title 19A North Carolina Administrative Code (N.C.A.C.) Subchapter 5B at (<http://reports.oah.state.nc.us/ncac.asp>).

f. Application of Federal, State, and Local Laws, Regulations, and Directives.

To achieve compliance with changing federal requirements, the Contractor makes note that federal, state and local requirements may change and the changed requirements will apply to this Agreement as required.

g. Contractor's Primary Responsibility to Comply with Federal and State Requirements. Irrespective of involvement by any other participant in the Project, the Contractor agrees that it, rather than the participant, is ultimately responsible for compliance with all applicable Federal and State laws, regulations, and directives, the Master Agreement between the FTA and the Department, and this Agreement, except to the extent that the Department determines otherwise in writing. Unless otherwise authorized in writing by the Department, the Contractor shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment, or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the Department. Further, the Contractor shall incorporate the provisions of this Agreement into any lease arrangement and shall not enter into any lease arrangement without the prior concurrence of the Department. Any lease approved by the Department shall be subject to the conditions or limitations governing the lease as set forth by the FTA and the Department. If the Contractor leases any Project asset to another party, the Contractor agrees to retain ownership of the leased asset, and assure that the Lessee will use the Project asset to provide mass transportation service, either through a "Lease and

Supervisory Agreement" between the Contractor and Lessee, or another similar document. The Contractor agrees to provide a copy of any relevant documents.

(1) Significant Participation by a Third Party Contractor. Although the Contractor may enter into a third party contract, after obtaining approval from the Department, in which the third party contractor agrees to provide property or services in support of the Project, or even carry out Project activities normally performed by the Contractor, the Contractor agrees that it, rather than the third party contractor, is ultimately responsible to the Department for compliance with all applicable Federal and State laws, regulations, and directives, except to the extent that the Department determines otherwise in writing.

(2) Significant Participation by a Subcontractor. Although the Contractor may delegate any or almost all Project responsibilities to one or more subcontractors, the Contractor agrees that it, rather than the subcontractor, is ultimately responsible for compliance with all applicable Federal and State laws, regulations, and directives, except to the extent that the Department determines otherwise in writing.

(3) Significant Participation by a Lessee of a Contractor. Although the contractor may lease project property and delegate some or many project responsibilities to one or more lessees, the Contractor agrees that it, rather than any lessee, is ultimately responsible for compliance with all applicable Federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing.

h. Contractor's Responsibility to Extend Federal and State Requirements to Other Entities.

(1) Entities Affected. Only entities that are signatories to this Agreement for the Project are parties to this agreement. To achieve compliance with certain Federal and State laws, regulations, or directives, however, other Project participants (such as subcontractors, third party contractors, lessees, or other) will necessarily be involved. Accordingly, the Contractor agrees to take the appropriate measures necessary to ensure that all Project participants comply with applicable Federal and state laws, regulations and directives affecting Project implementation, except to the extent FTA and the Department determines otherwise in writing. In addition, if any entity other than the Contractor is expected to fulfill responsibilities typically performed by the Contractor, the Contractor agrees to assure that the entity carries out the Contractor's responsibilities as set forth in this Grant Agreement for the Project or the FTA Master Agreement.

(2) Documents Affected. The applicability provisions of Federal and State laws, regulations, and directives determine the extent to which their provisions affect a Project participant. Thus, the Contractor agrees to include adequate provisions to ensure that each Project participant complies with those Federal and State laws, regulations, and directives, except to the extent that the Department determines otherwise in writing.

(a) Required Clauses. The Contractor agrees to use a written document (such as a subagreement, lease, third party contract or other) including appropriate clauses stating the entity's (subrecipient, lessee, third party contractor or other) responsibilities under Federal and state laws, regulations, or directives, except to the extent that FTA determines otherwise in writing.

(b) Compliance with Federal Requirements. The Contractor agrees to implement the Project in a manner that will not compromise the Contractor's compliance with Federal and State laws, regulations, and directives applicable to the Project and the Contractor's obligations under this Agreement for the Project and the FTA Master Agreement. Therefore, the Contractor agrees to include in each subagreement appropriate clauses directing the subrecipient to comply with those requirements applicable to the Contractor imposed by this Agreement for the Project or the FTA Master Agreement and extend those requirements as necessary to any lower level subagreement or any third party contractor at each tier, except as the Department determines otherwise in writing.

i. No Federal/State Government Obligations to Third Parties. In connection with performance of the Project, the Contractor agrees that, absent the Federal/State Government's express written consent, the Federal/State Government shall not be subject to any obligations or liabilities to any subrecipient, third party contractor, lessee, or other person or entity that is not a party to this Agreement for the Project. Notwithstanding that the Federal/State Government may have concurred in or approved any solicitation, subagreement, lease, or third party contract at any tier, the Federal/State Government has no obligations or liabilities to any such entity, including any subrecipient, lessee or third party contractor at any tier.

j. Changes in Project Performance (i.e., Disputes, Breaches, Defaults, or Litigation). The Contractor agrees to notify the Department immediately, in writing, of any change in local law, conditions (including its legal, financial, or technical capacity), or any other event that may adversely affect the Contractor's ability to perform the Project as provided in this Agreement for the Project. The Contractor also agrees to notify FTA and the Department immediately, in writing, of any current or prospective major dispute, breach, default, or litigation that may adversely affect the Federal/State Government's interests in the Project or the Federal/State Government's administration or enforcement of Federal/State laws or regulations. The Contractor also agrees to inform FTA and the Department, also in writing, before naming the Federal or State Government as a party to litigation for any reason, in any forum. At a minimum, the Contractor agrees to send each notice to FTA required by this subsection to the FTA Regional Counsel within whose region the Contractor implements the Project.

k. Limitations of Agreement. This Agreement shall be subject to the availability of Federal and State funds, and contingent upon the terms and conditions of the Master Agreement between the FTA and the Department.

### **Section 3. Insurance & Real Property**

a. The Contractor shall be responsible for protecting the state and/or federal financial interest in the facility construction/renovation and equipment purchased under this Agreement throughout the useful life. The Contractor shall provide, as frequently and in such manner as the Department may require, written documentation that the facility and equipment are insured against loss in an amount equal to or greater than the state and/or federal share of the real value of the facility or equipment. Failure of the Contractor to provide adequate insurance shall be considered a breach of contract and, after notification may result in termination of this Agreement.

In addition, other insurance requirements may apply, the Contractor agrees as follows:

(1). Minimum Requirements. At a minimum, the Contractor agrees to comply with the insurance requirements normally imposed by North Carolina State and local laws, regulations, and ordinances, except to the extent that the Department determines otherwise in writing.

(2). Flood Hazards. To the extent applicable, the Contractor agrees to comply with the flood insurance purchase provisions of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. § 4012a(a), with respect to any Project activity involving construction or an acquisition having an insurable cost of \$10,000 or more.

b. Recording Title to Real Property To the extent required by FTA and the Department, the Contractor agrees to record the Federal and/or State's interest in title to real property used in connection with the Project and/or execute at the request of the Department any instrument or documents evidencing or related to the State's interest in the Project's property.

(1) As a condition of its participation in a Facility Project, the Department will retain a secured interest in the Project for the estimated life of the Project, expected to be forty (40) years, following completion of the Project; or the

prorated share of the original investment or current fair market value (the higher value of the two); whichever comes first.

To the extent required by FTA and the Department, the Contractor agrees to record the Federal and State interest in title to real property used in connection with the Project.

c. Department Approval of Changes in Real Property Ownership. The Contractor agrees that it will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities used in the Project without prior written permission and instructions from the Department.

d. Disposal of Real Property.

- (1) If useful life is not attained, upon the sale or disposition of any Project facility, the Department shall be entitled to a refund of the original state and/or federal investment or the state and/or federal prorated share of the current fair market value of the project facility, whichever is greater.
- (2) For the purpose of this Agreement, the term "any sale or disposition of the Project facility" shall mean any sale or disposition of the facility for a use not consistent with purposes for which the state and/or federal share was originally granted pursuant to the Project Agreement, or for a use consistent with such purposes wherein the transferee in the sale or disposition does not enter into an assignment and assumption agreement with the Contractor with respect to the Contractor's obligation under this Agreement or the Grant Agreement, so that the transferee becomes obligated as if the transferee had been the original party.

#### **Section 4. Ethics.**

a. Code of Ethics. The Contractor agrees to maintain a written code or standards of conduct that shall govern the actions of its officers, employees, board members, or agents engaged in the award or administration of third party contracts, subagreements, or leases financed with Federal/State assistance. The Contractor agrees that its code or standards of conduct shall specify that its officers, employees, board members, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from any present or potential third party contractor at any tier, any subrecipient at any tier or agent thereof, or any lessee. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in the firm selected for award. The Contractor may set de minimis rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. The Contractor agrees that its code or standards shall also prohibit its officers, employees, board members, or agents from using their respective positions in a manner that presents a real or apparent personal or organizational conflict of interest or personal gain. As permitted by State or local law or regulations, the Contractor agrees that its code or standards of conduct shall include penalties, sanctions, or other disciplinary actions for violations by its officers, employees, board members, or their agents, its third party contractors or sub-recipients or their agents.

(1) Gifts. It is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offer or, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (a) have a contract with a governmental agency; or
- (b) have performed under such a contract within the past year; or
- (c) anticipate bidding on such a contract in the future.

State Executive Order 24 and G.S. Sec. 133-32.

(2) Personal Conflicts of Interest. The Contractor agrees that its code or standards of conduct shall prohibit the Contractor's employees, officers, board members, or agents from participating in the selection, award, or administration of any third party contract, or sub-agreement supported by Federal/State assistance if a real or apparent conflict of interest would be involved. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in the firm selected for award.

(3) Organizational Conflicts of Interest. The Contractor agrees that its code or standards of conduct shall include procedures for identifying and preventing real and apparent organizational conflicts of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third party contract or sub-agreement, may, without some restrictions on future activities, result in an unfair competitive advantage to the third party contractor or sub-recipient or impair its objectivity in performing the contract work.

b. Debarment and Suspension. The Contractor agrees to comply, and assures the compliance of each third party contractor, sub-recipient, or lessee at any tier, with Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, and U.S. DOT regulations, "Government-wide Debarment and Suspension (Non-procurement)," 49 C.F.R. Part 29. The Contractor agrees to, and assures that its third party contractors, sub-recipients, and lessees will, review the Excluded Parties Listing System at (<http://epls.arnet.gov/>) before entering into any contracts.

c. Bonus or Commission. The Contractor affirms that it has not paid, and agrees not to pay, any bonus or commission to obtain approval of its Federal/State assistance application for the Project.

d. Lobbying Restrictions. The Contractor agrees that:

a) In compliance with 31 U.S.C. 1352(a), it will not use Federal assistance to pay the costs of influencing any officer or employee of a Federal agency, Member of Congress, officer of Congress or employee of a member of Congress, in connection with making or extending the Grant Agreement;

b) It will comply with other applicable Federal laws and regulations prohibiting the use of Federal assistance for activities, designed to influence Congress or a State legislature with respect to legislation or appropriations, except through proper, official channels; and

c) It will comply, and will assure the compliance of each sub-recipient, lessee, or third party contractor at any tier, with U.S. DOT regulations, "New Restrictions on Lobbying," 49 C.F.R. Part 20, modified as necessary by 31 U.S.C. § 1352.

e. Employee Political Activity. To the extent applicable, the Contractor agrees to comply with the provisions of the Hatch Act, 5 U.S.C. §§ 1501 through 1508, and 7324 through 7326, and U.S. Office of Personnel Management regulations, "Political Activity of State or Local Officers or Employees," 5 C.F.R. Part 151. The Hatch Act limits the political activities of State and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with Federal funds including a Federal grant, cooperative agreement, or loan. Nevertheless, in accordance with 49 U.S.C. § 5307(k)(2)(B) and 23 U.S.C. § 142(g), the Hatch Act does not apply to a non-supervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom the Hatch Act would not otherwise apply.

f. False or Fraudulent Statements or Claims. The Contractor acknowledges and agrees that:

(1) Civil Fraud. The Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq., and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its activities in connection with the Project. By executing this Agreement for the Project, the Contractor certifies or affirms the truthfulness and accuracy of each statement it has made, it makes, or it may make in connection with the Project. In addition to other penalties that may apply, the Contractor also understands that if it makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal/State Government concerning the Project, the Federal/State Government reserves the right to impose on the Contractor the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, to the extent the Federal/State Government deems appropriate.

(2) Criminal Fraud. If the Contractor makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal/State Government or includes a false, fictitious, or fraudulent statement or representation in any agreement with the Federal/State Government in connection with a Project authorized under 49 U.S.C. chapter 53 or any other Federal law, the Federal/State Government reserves the right to impose on the Contractor the penalties of 49 U.S.C. § 5323(l), 18 U.S.C. § 1001 or other applicable Federal/State law to the extent the Federal/State Government deems appropriate.

#### **Section 5. Project Expenditures.**

a. General. The Department shall reimburse the Contractor for allowable costs for work performed under the terms of this Agreement which shall be financed with Federal Section 5303 funds and State matching funds. The Contractor shall expend funds provided in this Agreement in accordance with the approved PWP and approved Project Budget included as Attachment A to this Agreement. It is understood and agreed that the work conducted pursuant to this Agreement shall be done on an actual cost basis by the Contractor. Expenditures submitted for reimbursement shall include all eligible cost incurred within the Period Covered. The Period Covered represents the monthly or quarterly timeframe in which the project reports expenditures to the Department. All payments issued by the Department will be on a reimbursable basis unless the Contractor requests and the Department approves an advance payment. The Department allows grantees in good standing to request advance payment (prior to issuing payment to the vendor) for vehicles and other high-cost capital items. The Contractor agrees to deposit any advance payments into its account when received and issue payment to the vendor within 3 (three) business days. The amount of reimbursement from the Department shall not exceed the funds budgeted in the approved Project Budget. The Contractor shall initiate and prosecute to completion all actions necessary to enable the Contractor to provide its share of project costs at or prior to the time that such funds are needed to meet project costs. The Contractor shall provide its share of project costs from sources other than FTA and State funds from the Department. Any costs for work not eligible for Federal and State participation shall be financed one hundred percent (100%) by the Contractor.

b. Payment and Reimbursement. The Contractor shall submit itemized invoices requesting reimbursement to the Department for the Period Covered not more frequently than monthly, nor less frequently than quarterly, reporting on the Department's Uniform Public Transportation Accounting System (UPTAS) invoicing forms furnished by the Department for work performed under this Agreement. Invoices shall be supported by documentation of costs unless otherwise waived by the Department. Expenditures submitted for reimbursement shall include all eligible costs incurred within the Period Covered. All requests for reimbursement must be submitted within (30) days following the end of the project's reporting period. Failure to request reimbursement for eligible projects costs incurred within the Period Covered as outlined

may result in non-payment and/or termination of the Project. Invoices shall be approved by the Department's Public Transportation Division and reviewed by the Department's External Audit Branch prior to payment.

Additional forms must be submitted with reimbursement requests to report on contracting activities with Disadvantaged Business Enterprise (DBE) firms.

c. Excluded Costs. The Contractor understands and agrees that, except to the extent the Department determines otherwise in writing, ineligible costs will be treated as follows:

(1) In determining the amount of Federal/State assistance the Department will provide, the Department will exclude:

(a) Any Project cost incurred by the Contractor before the Effective Date of the Grant;

(b) Any cost that is not included in the latest Approved Project Budget;

(c) Any cost for Project property or services received in connection with a third party contract or subagreement with a subrecipient that must be approved by the Department, or other arrangement required to be, but has not been, concurred in or approved in writing by the Department;

(d) Any non-project cost consistent with the prohibitions of 49 U.S.C. § 5323(h); and

(e) Any cost ineligible for FTA/Department participation as provided by applicable Federal/State laws, regulations, or directives.

(2) The Contractor shall limit reimbursement for meals, lodging and travel to the rates established by the State of North Carolina Travel Policy. Costs incurred by the Contractor in excess of these rates shall be borne by the contractor.

(3) The Contractor understands and agrees that payment to the Contractor for any Project cost does not constitute the Federal/State Government's final decision about whether that cost is allowable and eligible for payment and does not constitute a waiver of any violation by the Contractor of the terms of this Agreement. The Contractor acknowledges that the Federal/State Government will not make a final determination about the allowability and eligibility of any cost until an audit of the Project has been completed. If the Federal/State Government determines that the Contractor is not entitled to receive any portion of the Federal/State assistance the Contractor has requested or provided, the Department will notify the Contractor in writing, stating its reasons. The Contractor agrees that Project closeout will not alter the Contractor's responsibility to return any funds due the Federal/State Government as a result of later refunds, corrections, or other transactions; nor will Project closeout alter the Federal/State Government's right to disallow costs and recover funds on the basis of a later audit or other review. Unless prohibited by Federal/State law or regulation, the Federal/State Government may recover any Federal/State assistance funds made available for the Project as necessary to satisfy any outstanding monetary claims that the Federal/State Government may have against the Contractor.

d. Federal/State Claims, Excess Payments, Disallowed Costs, including Interest.

(1) Contractor's Responsibility to Pay. Upon notification to the Contractor that specific amounts are owed to the Federal/State Government, whether for excess payments of Federal/State assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Contractor agrees to remit to the Department promptly the amounts owed, including applicable interest and any penalties and administrative charges.

(2) Amount of Interest. The Contractor agrees to remit to the Department interest owed as determined in accordance with N.C.G.S. 147-86.23.

(3) Payment to FTA. The Department shall be responsible to remit amounts owed to FTA, after receipt of repayment from the Contractor.

e. De-obligation of Funds. The Contractor agrees that the Department may de-obligate unexpended Federal and State funds before Project closeout.

#### **Section 6. Accounting Records.**

a. Establishment and Maintenance of Accounting Records. The Contractor shall establish and maintain separate accounts for the public transportation program, either independently or within the existing accounting system. All costs charged to the program shall be in accordance with most current approved budget and shall be reported to the Department in accordance with invoicing forms provided by the Department and the approved PWP.

b. Documentation of Project Costs. All costs charged to the Project, including any approved services performed by the Contractor or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges, as referenced in 49 C.F.R. 18, the Office of Management and Budget Circulars A-87, "Costs Principles for State, Local, and Indian Tribal Governments" and A-102 "Grants and Cooperative Agreements with State and Local Governments."

c. Allowable Costs. Expenditures made by the Contractor shall be reimbursed as allowable costs to the extent they meet all of the requirements set forth below. They must be:

(1) Based on work completed to the satisfaction of the Department within the timeframe established by the most current approved PWP, and further be made in conformance with the PWP Description and the PWP Budget and all other provisions of this Agreement;

(2) Necessary in order to accomplish the Project;

(3) Reasonable in amount for the goods or services purchased;

(4) Actual net costs to the Contractor, i.e., the price paid minus any refunds (e.g., refundable sales and use taxes pursuant to N.C.G.S. 105-164.14), rebates, or other items of value received by the Contractor that have the effect of reducing the cost actually incurred;

(5) Incurred (and be for work performed) within the period of performance and period covered of this Agreement unless specific authorization from the Department to the contrary is received;

(6) In conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments;"

(7) Satisfactorily documented; and

(8) Treated uniformly and consistently under accounting principles and procedures approved or prescribed by the Department.

#### **Section 7. Reporting, Record Retention, and Access.**

a. Reports. The Contractor shall advise the Department regarding the progress of the Project at a minimum quarterly and at such time and in such a manner as the Department may require. Such reporting and documentation may include, but not limited to meetings and progress reports. The Contractor shall collect and submit to the Department such financial statements, data, records, contracts, and other documents related to the Project as may be deemed necessary by the Department. Such reports shall include narrative and financial statements of sufficient substance to

be in conformance with the reporting requirements of the Department. Progress reports throughout the useful life of the project equipment shall be used, in part, to document utilization of the project equipment. Failure to fully utilize the project equipment in the manner directed by the Department shall constitute a breach of contract, and after written notification by the Department, may result in termination of the Agreement or any such remedy as the Department deems appropriate.

The Contractor will be responsible for having an adequate cost accounting system, and the ongoing burden of proof of adequacy for such system shall be upon the Contractor. The Department will determine whether or not the Contractor has an adequate cost accounting system. Such determination shall be documented initially prior to payment of any invoices pursuant to the Agreement, and from time to time as deemed necessary by the Department. In the event of a negative finding during such determining proceedings, the Department may suspend, revoke, or place conditions upon its determination, and/or may recommend or require remedial actions as appropriate.

b. Record Retention. The Contractor and its third party contractors shall retain all records pertaining to this Project for a period of five (5) years from the date of final payment to the Contractor, or until all audit exceptions have been resolved, whichever is longer, in accordance with "Records Retention and Disposition Schedule – Public Transportation Systems and Authorities, April 1, 2006," at (<http://www.ah.dcr.state.nc.us/records/local/>).

c. Access to Records of Contractor and Subcontractors. The Contractor shall permit and shall require its third party contractors to permit the Department, the Comptroller General of the United States, and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect all work, materials, payrolls, and other data and records with regard to the Project, and to audit the books, records, and accounts of the Contractor pertaining to the Project. The Department shall reserve the right to reject any and all materials and workmanship for defects and incompatibility with Project Description or excessive cost. The Department shall notify the Contractor, in writing, if materials and/or workmanship are found to be unacceptable. The Contractor shall have ninety (90) days from notification to correct defects or to provide acceptable materials and/or workmanship. Failure by the Contractor to provide acceptable materials and/or workmanship, or to correct noted defects, shall constitute a breach of contract.

d. Project Closeout. The Contractor agrees that Project closeout does not alter the reporting and record retention requirements of this Section 6 of this Agreement.

#### **Section 8. Project Completion, Audit, Settlement, and Closeout.**

a. Project Completion. Within ninety (90) calendar days following Project completion, the end of the Project's period of performance, or termination by the Department, the Contractor agrees to submit a final reimbursement request to the Department for eligible Project expenses.

b. Financial Reporting and Audit Requirements. In accordance with OMB Circular A-133, "Audits of State, Local Governments and Non-Profit Organizations," revised on June 27, 2003, and N.C.G.S. 159-34, the Contractor shall have its accounts audited as soon as possible after the close of each fiscal year by an independent auditor. The Contractor agrees to submit the required number of copies of the audit reporting package to the Local Government Commission four months after the Contractor's fiscal year-end.

c. Audit Costs. Unless prohibited by law, the costs of audits made in accordance with the provisions of OMB Circular A-133 are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in OMB Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments." The cost of any audit not conducted in accordance with OMB Circular A-133 and N.C.G.S. 159-34 is unallowable and shall not be charged to State or Federal grants.

d. Funds Owed to the Department. The Contractor agrees to remit to the Department any excess payments made to the Contractor, any costs disallowed by the Department, and any amounts recovered by the Contractor from third parties or from other sources, as well as any penalties and any interest required by Subsection 4g of this Agreement.

e. Project Closeout. Project closeout occurs when the Department issues the final project payment or acknowledges that the Contractor has remitted the proper refund. The Contractor agrees that Project closeout by the Department does not invalidate any continuing requirements imposed by this Agreement.

**Section 9. Civil Rights.** The Contractor agrees to comply with all applicable civil rights laws and implementing regulations including, but not limited to, the following:

a. Nondiscrimination in Federal Public Transportation Programs. The

Contractor agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier of the Project, with the provisions of 49 U.S.C. § 5332, which prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity.

b. Nondiscrimination – Title VI of the Civil Rights Act. The Contractor agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act," 49 C.F.R. Part 21.

c. Equal Employment Opportunity. The Contractor agrees to comply, and assures the compliance of each third party contractor at any tier of the Project and each subrecipient at any tier of the Project, with all equal employment opportunity (EEO) provisions of 49 U.S.C. § 5332, with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and implementing Federal regulations and any subsequent amendments thereto. Accordingly, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, sex, disability, age, or national origin. The Contractor agrees to take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, sex, disability, age, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

d. Disadvantaged Business Enterprises.

(1) Policy. It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises (DBEs) as defined in *49 CFR Part 26* shall have the equal opportunity to compete fairly for and to participate in the performance of contracts financed in whole or in part by Federal Funds.

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

(2) Obligation. The Contractor, subconsultant, and subcontractor shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract. The Contractor shall comply with applicable requirements of *49 CFR Part 26* in the award and administration of federally assisted contracts. Failure by the Contractor to comply with these requirements is a material breach of this contract, which will result in the termination of this contract or such other remedy, as the Department deems necessary.

(3) Goals. Even though specific DBE goals are not established for this project, the Department encourages the Contractor to have participation from DBE contractors and/or suppliers

(4) Listing of DBE Subcontractors. The contractor, at the time the Letter of Interest is submitted, shall submit a listing of all known DBE contractors that will participate in the performance of the identified work. The participation shall be submitted on the Department's Form RS-2. In the event the contractor has no DBE participation, the contractor shall indicate this on the Form RS-2 by entering the word 'None' or the number 'zero' and the form shall be signed. Form RS-2 may be accessed on the website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(5) Certified Transportation Contractor Directory. Real-time information about contractors doing business with the Department and contractors that are certified through North Carolina's Unified Certification Program is available in the Directory of Transportation Firms. The Directory can be accessed by the link on the Department's homepage or by entering <https://apps.dot.state.nc.us/vendor/directory/> in the address bar of your web browser. Only contractors identified as DBE certified in the Directory shall be listed in the proposal.

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

(6) Reporting Disadvantaged Business Enterprise Participation. When payments are made to Disadvantaged Business Enterprise (DBE) contractors, including material suppliers, contractors at all levels (Contractor, subconsultant or subcontractor) shall provide the Contract Administrator with an accounting of said payments. The accounting shall be listed on the Department's Subcontractor Payment Information Form (Form DBE-IS). In the event the contractor has no DBE participation, the contractor shall indicate this on the Form DBE-IS by entering the word 'None' or the number 'zero' and the form shall be signed. Form DBE-IS may be accessed on the website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

A responsible fiscal officer of the payee Contractor, subconsultant or subcontractor who can attest to the date and amounts of the payments shall certify that the accounting is correct. A copy of an acceptable report may be obtained from the Department of Transportation. This information shall be submitted as part of the requests for payments made to the Department.

e. Access for Individuals with Disabilities. The Contractor agrees to comply with 49 U.S.C. § 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. The Contractor also agrees to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as amended, with 29 U.S.C. § 794, which prohibits discrimination on the basis of disability; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities; and with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to individuals with disabilities. In addition, the Contractor agrees to comply with applicable Federal regulations and directives and any subsequent amendments thereto, except to the extent the Department determines otherwise in writing, as follows:

(1) U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37;

(2) U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27;

(3) Joint U.S. Architectural and Transportation Barriers Compliance Board (U.S. ATBCB)/U.S. DOT regulations, "Americans With Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38;

(4) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35;

(5) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36;

(6) U.S. General Services Administration (U.S. GSA) regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19;

(7) U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630;

(8) U.S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for the Hearing and Speech Disabled," 47 C.F.R. Part 64, Subpart F; and

(9) U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. Part 1194;

(10) FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. Part 609; and

(11) Federal civil rights and nondiscrimination directives implementing the foregoing regulations.

f. Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections. To the extent applicable, the Contractor agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 *et seq.*, with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 *et seq.*, and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 201 *et seq.*, and any subsequent amendments to these acts.

g. Access to Services for Persons with Limited English Proficiency. To the extent applicable and except to the extent that the Department determines otherwise in writing, the Contractor agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d-1 note, and with the provisions of U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 66 Fed. Reg. 6733 *et seq.*, January 22, 2001.

h. Environmental Justice. The Contractor agrees to comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note, except to the extent that the Department determines otherwise in writing.

i. Other Nondiscrimination Laws. The Contractor agrees to comply with all applicable provisions of other Federal laws, regulations, and directives pertaining to and prohibiting discrimination that are applicable, except to the extent the Department determines otherwise in writing.

## **Section 10. Planning and Private Enterprise.**

a. General. To the extent applicable, the Contractor agrees to implement the Project in a manner consistent with the plans developed in compliance with the Federal planning and private enterprise provisions of the following: (1) 49 U.S.C. §§ 5303, 5304, 5306, and 5323(a)(1); (2) the joint Federal Highway Administration (FHWA)/FTA document, "Interim

Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, as amended by joint FHWA/FTA guidance, "SAFETEA-LU Deadline for New Planning Requirements (July 1, 2007)," dated May 2, 2006, and other subsequent Federal directives implementing SAFETEA-LU, except to the extent FTA determines otherwise in writing; (3) joint FHWA/FTA regulations, "Planning Assistance and Standards," 23 C.F.R. Part 450 and 49 C.F.R. Part 613 to the extent that those regulations are consistent with the SAFETEA-LU amendments to public transportation planning and private enterprise laws, and subsequent amendments to those regulations that may be promulgated; and (4) FTA regulations, "Major Capital Investment Projects," 49 C.F.R. Part 611, to the extent that those regulations are consistent with the SAFETEA-LU amendments to the public transportation planning and private enterprise laws, and any subsequent amendments to those regulations that may be subsequently promulgated.

b. Governmental and Private Nonprofit Providers of Nonemergency Transportation. In addition to providing opportunities to participate in planning as described in Subsection 9a of this Agreement, to the extent feasible the Contractor agrees to comply with the provisions of 49 U.S.C. § 5323(k), which afford governmental agencies and nonprofit organizations that receive Federal assistance for nonemergency transportation from Federal Government sources (other than U.S. DOT) an opportunity to be included in the design, coordination, and planning of transportation services.

c. Infrastructure Investment. During the implementation of the Project, the Contractor agrees to take into consideration the recommendations of Executive Order No. 12803, "Infrastructure Privatization," 31 U.S.C. § 501 note, and Executive Order No. 12893, "Principles for Federal Infrastructure Investments," 31 U.S.C. § 501 note.

**Section 11. Preference for United States Products and Services.** To the extent applicable, the Contractor agrees to comply with U.S. domestic preference requirements.

**Section 12. Procurement.** To the extent applicable, the Contractor agrees to comply with the following third party procurement provisions:

a. Federal Standards. The Contractor agrees to comply with the third party procurement requirements of 49 U.S.C. chapter 53 and other applicable Federal laws in effect now or as subsequently enacted; with U.S. DOT third party procurement regulations of 49 C.F.R. §§ 18.36 and other applicable Federal regulations pertaining to third party procurements and subsequent amendments thereto, to the extent those regulations are consistent with SAFETEA-LU provisions; and Article 8 of Chapter 143 of the North Carolina General Statutes. The Contractor also agrees to comply with the provisions of FTA Circular 4220.1E, "Third Party Contracting Requirements," to the extent those provisions are consistent with SAFETEA-LU provisions and with any subsequent amendments thereto, except to the extent the Department or the FTA determines otherwise in writing. Although the FTA "Best Practices Procurement Manual" provides additional procurement guidance, the Contractor understands that the FTA "Best Practices Procurement Manual" is focused on third party procurement processes and may omit certain Federal requirements applicable to the third party contract work to be performed. The Contractor shall establish written procurement procedures that comply with the required Federal and State standards.

b. Full and Open Competition. In accordance with 49 U.S.C. § 5325(a), the Contractor agrees to conduct all procurement transactions in a manner that provides full and open competition as determined by the Department and FTA.

c. Exclusionary or Discriminatory Specifications. Apart from inconsistent requirements imposed by Federal laws or regulations, the Contractor agrees to comply with the requirements of 49 U.S.C. § 5325(h) by not using any Federal assistance awarded by FTA to support a procurement using exclusionary or discriminatory specifications.

d. Geographic Restrictions. The Contractor agrees that it will not use any State or local geographic preference, except State or local geographic preferences expressly

mandated or as permitted by FTA. However, for example, in procuring architectural, engineering, or related services, the Contractor's geographic location may be a selection criterion, provided that a sufficient number of qualified firms are eligible to compete.

e. Neutrality in Labor Relations. To the extent permitted by law, the Contractor agrees to comply with Executive Order No. 13202, "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects," Executive Order No. 13202, as amended by Executive Order No. 13208, 41 U.S.C. § 251 note, which among other things prohibits requirements for affiliation with a labor organization as a condition for award of any third party contract or subcontract for construction or construction management services, unless the Federal Government determines otherwise in writing.

f. Federal Supply Schedules. State, local, or nonprofit Recipients may not use Federal Supply Schedules to acquire federally assisted property or services except to the extent permitted by U.S. GSA, U.S. DOT, or FTA laws, regulations, directives, or determinations.

g. Force Account. The Contractor agrees that FTA may determine the extent to which Federal assistance may be used to participate in force account costs.

h. Project Approval/Third Party Contract Approval. Except to the extent the Department determines otherwise in writing, the Contractor agrees that the Department's award of Federal and State assistance for the Project does not, by itself, constitute pre-approval of any non-competitive third party contract associated with the Project.

i. Preference for Recycled Products. To the extent applicable, the Contractor agrees to comply with U.S. EPA regulations, "Comprehensive Procurement Guidelines for Products Containing Recovered Materials," 40 C.F.R. Part 247, which implements Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and with subsequent Federal regulations that may be promulgated. Accordingly, the Contractor agrees to provide a competitive preference for products and services that conserve natural resources, protect the environment, and are energy efficient.

j. Clean Air and Clean Water. The Contractor agrees to include in each third party contract and subagreement exceeding \$100,000 adequate provisions to ensure that each Project participant will agree to report the use of facilities placed on or likely to be placed on the U.S. Environmental Protection Agency (U.S. EPA) "List of Violating Facilities," to not use any violating facilities, to report violations to the Department and the Regional U.S. EPA Office, and to comply with the inspection and other applicable requirements of:

(1) Section 306 of the Clean Air Act, as amended, 42 U.S.C. § 7414, and other applicable provisions of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q; and

(2) Section 508 of the Clean Water Act, as amended, 33 U.S.C. § 1368, and other applicable requirements of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377.

k. National Intelligent Transportation Systems Architecture and Standards. To the extent applicable, the Contractor agrees to conform to the National Intelligent Transportation Systems (ITS) Architecture and Standards as required by SAFETEA-LU § 5307(c), 23 U.S.C. § 512 note, and comply with FTA Notice, "FTA National ITS Architecture Policy on Transit Projects" 66 Fed. Reg. 1455 et seq., January 8, 2001, and any subsequent further implementing directives, except to the extent FTA or the Department determines otherwise in writing.

l. Competitive Proposal/Request for Proposal (RFP). The competitive proposal/request for proposal (RFP) method of procurement is normally conducted with more than one source submitting an offer, i.e., proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. The Contractor acknowledges that certain restrictions

apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed below.

(1) The Contractor agrees that the RFP Method may not be used in lieu of an invitation for bids (IFB) for:

(a) Construction/repair work; or

(b) Purchase of apparatus, supplies, materials or equipment. See next Subsection, this Agreement, regarding information technology goods as services.

(2) The Contractor agrees that the RFP method of solicitation may be used (in addition to or instead of any other procedure available under North Carolina law) for the procurement of information technology goods and services [as defined in N.C.G.S. 147-33.81(2)]. This applies to electronic data processing goods and services, telecommunications goods and services, security goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes. The Contractor will comply with the following minimum requirements [N.C.G.S. 143-129.8]:

(a) Notice of the request for proposals shall be given in accordance with N.C.G.S. 143-129(b).

(b) Contracts shall be awarded to the person or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the request for proposals.

(c) The Contractor may use procurement methods set forth in N.C.G.S. 143-135.9 in developing and evaluating requests for proposals.

(d) The Contractor may negotiate with any proposer in order to obtain a final contract that best meets the needs of the Contractor.

(e) Any negotiations shall not alter the contract beyond the scope of the original request for proposals in a manner that deprives the proposers or potential proposers of a fair opportunity to compete for the contract; and would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals.

(f) Proposals submitted shall not be subject to public inspection until a contract is awarded.

(3) The Contractor agrees that the RFP method, in accordance with FTA Circular 4220.1E, under the guidelines of FTA "Best Practices Procurement Manual," should be used for procurements of professional services, such as consultants for planning activities and for transit system operations/management. The Contractor acknowledges that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed in Subsection 11I. of this Agreement.

(4) When the RFP method is used for procurement of professional services, the Contractor agrees to abide by the following minimum requirements:

(a) Normally conducted with more than one source submitting an offer (proposal);

(b) Either fixed price or cost reimbursement type contract will be used;

(c) Generally used when conditions are not appropriate for use of sealed bids;

(d) Requests for proposals will be publicized;

(e) All evaluation factors will be identified along with their relative importance;

(f) Proposals will be solicited from an adequate number (3 is recommended) of qualified sources;

(g) A standard method must be in place for conducting technical evaluations of the proposals received and for selecting awardees;

(h) Awards will be made to the responsible firm whose proposal is most advantageous to the Contractor's program with price and other factors considered; and

(i) In determining which proposal is most advantageous, the Contractor may award to the proposer whose proposal offers the greatest business value (best value) to the agency. "Best value" is based on determination of which proposal offers the best tradeoff between price and performance, where quality is considered an integral performance factor.

m. Award to Other than the Lowest Bidder. In accordance with Federal and State statutes, a third party contract may be awarded to other than the lowest bidder, if the award furthers an objective (such as improved long-term operating efficiency and lower long-term costs). When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs will be considered in determining which bid is lowest. Prior to the award of any contract equal to or greater than \$2,500 to other than apparent lowest bidder, the Contractor shall submit its recommendation along with basis/reason for selection to the Department for pre-award approval.

n. Award to Responsible Contractors. The Contractor agrees to award third party contracts only to responsible contractors who possess potential ability to successfully perform under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Contracts will not be awarded to parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities in accordance with the Federal debarment and suspension rule, 49 C.F.R. 29. For procurements over \$25,000, the Contractor shall comply, and assure the compliance of each third party contractor and subrecipient at any tier, with the debarment and suspension rule. FTA and the Department recommend that grantees use a certification form for projects over \$25,000, which are funded in part with Federal funds. A sample certification form can be obtained from the Department. The Contractor also agrees to check a potential contractor's debarment/suspension status at the following Web site: <http://epls.arnet.gov/>.

o. Procurement Notification Requirements. With respect to any procurement for goods and services (including construction services) having an aggregate value of \$500,000 or more (in Federal funds), the Contractor agrees to:

(1) Specify the amount of Federal and State funds that will be used to finance the acquisition in any announcement of the contract award for such goods or services; and

(2) Express the said amount as a percentage of the total costs of the planned acquisition.

p. Contract Administration System. The Contractor shall maintain a contract administration system that ensures that contractors/subcontractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

q. Access to Third Party Contract Records. The Contractor agrees, and agrees to require its third party contractors and third party subcontractors, at as many tiers of the Project as required, to provide to the Federal and State awarding agencies or their duly authorized representatives, access to all third party contract records to the extent required by 49 U.S.C. § 5325(g), and retain such documents for at least five (5) years after project completion.

### **Section 13. Leases.**

a. Capital Leases. To the extent applicable, the Contractor agrees to comply with FTA regulations, "Capital Leases," 49 C.F.R. Part 639, and any revision thereto.

b. Leases Involving Certificates of Participation. The Contractor agrees to obtain the Department's concurrence before entering into any leasing arrangement involving the issuance of certificates of participation in connection with the acquisition of any capital asset.

**Section 14. Patent Rights.** If any invention, improvement, or discovery of the Contractor or any third party contractor or any subrecipient at any tier of the Project is conceived or first actually reduced to practice in the course of or under the Project, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Contractor agrees to notify the Department immediately and provide a detailed report in a format satisfactory to the Department. The Contractor agrees that its rights and responsibilities, and those of each third party contractor at any tier of the Project and each subrecipient at any tier of the Project, pertaining to that invention, improvement, or discovery will be determined in accordance with 37 C.F.R. Part 401 and any applicable Federal and State laws, regulations, including any waiver thereof.

**Section 15. Rights in Data and Copyrights.**

a. Data. The term "subject data," as used in this Section 14 of this Agreement means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under this Agreement for the Project. Examples include, but are not limited to: computer software, standards, specifications, engineering drawings and associated lists, process sheets, manuals, technical reports, catalog item identifications, and related information. "Subject data" does not include financial reports, cost analyses, or similar information used for Project administration. The Contractor acknowledges that, regarding any subject data first produced in the performance of this Agreement for the Project, except for its own internal use, the Contractor may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Contractor authorize others to do so, without the written consent of the Department, unless the Department has previously released or approved the release of such data to the public.

b. Copyrights. The Contractor acknowledges that the FTA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

(1) The copyright in any work developed under this Agreement or subagreement/subcontract; and

(2) Any rights of copyright to which the Contractor or its subrecipients/subcontractors purchase ownership with funds awarded for this Project.

c. Hold Harmless. Except as prohibited or otherwise limited by State law or except to the extent that FTA or the Department determines otherwise in writing, upon request by the Federal or State Government, the Contractor agrees to indemnify, save, and hold harmless the Federal and State Government and its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Contractor of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project. The Contractor shall not be required to indemnify the Federal or State Government for any such liability caused by the wrongful acts of Federal or State employees or agents.

**Section 16. Employee Protections.**

a. Activities Not Involving Construction. The Contractor agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with the employee protection requirements for nonconstruction employees of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3701 et seq., in particular the wage and hour requirements of Section 102 of that Act at 40 U.S.C. § 3702, and with U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to

Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5.

b. Activities Involving Commerce. The Contractor agrees that the provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq., apply to employees performing Project work involving commerce.

**Section 17. Environmental Protections.** The Contractor recognizes that many Federal and State laws imposing environmental and resource conservation requirements may apply to the Project. Some, but not all, of the major Federal laws that may affect the Project include: the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 through 4335; the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q and scattered sections of Title 29, United States Code; the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901 through 6992k; the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 through 9675, as well as environmental provisions within Title 23, United States Code, and 49 U.S.C. chapter 53. The Contractor also recognizes that U.S. EPA, FHWA and other Federal agencies have issued, and in the future are expected to issue, Federal regulations and directives that may affect the Project. Thus, the Contractor agrees to comply, and assures the compliance of each third party contractor, with any applicable Federal laws, regulations and directives as the Federal Government are in effect now or become effective in the future, except to the extent the Federal Government determines otherwise in writing. Listed below are environmental provisions of particular concern to FTA and the Department. The Contractor understands and agrees that those laws, regulations, and directives may not constitute the Contractor's entire obligation to meet all Federal environmental and resource conservation requirements.

a. National Environmental Policy. Federal assistance is contingent upon the Contractor's facilitating FTA's compliance with all applicable requirements and implementing regulations of the National Environmental Policy Act of 1969, as amended, (NEPA) 42 U.S.C. §§ 4321 through 4335 (as restricted by 42 U.S.C. § 5159, if applicable); Executive Order No. 11514, as amended, "Protection and Enhancement of Environmental Quality," 42 U.S.C. § 4321 note; FTA statutory requirements at 49 U.S.C. § 5324(b); U.S. Council on Environmental Quality regulations pertaining to compliance with NEPA, 40 C.F.R. Parts 1500 through 1508; and joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622, and subsequent Federal environmental protection regulations that may be promulgated. As a result of enactment of 23 U.S.C. §§ 139 and 326 as well as to amendments to 23 U.S.C. § 138, environmental decision making requirements imposed on FTA projects to be implemented consistent with the joint FHWA/FTA document, "Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, and any subsequent applicable Federal directives that may be issued, except to the extent that FTA determines otherwise in writing.

b. Air Quality. Except to the extent the Federal Government determines otherwise in writing, the Contractor agrees to comply with all applicable Federal laws, regulations, and directives implementing the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q, and:

(1) The Contractor agrees to comply with the applicable requirements of Section 176(c) of the Clean Air Act, 42 U.S.C. § 7506(c), consistent with the joint FHWA/FTA document, "Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, and any subsequent applicable Federal directives that may be issued; with U.S. EPA regulations, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," 40

C.F.R. Part 51, Subpart T; and "Determining Conformity of Federal Actions to State or Federal Implementation Plans," 40 C.F.R. Part 93, and any subsequent Federal conformity regulations that may be promulgated. To support the requisite air quality conformity finding for the Project, the Contractor agrees to implement each air quality mitigation or control measure incorporated in the Project. The Contractor further agrees that any Project identified in an applicable State Implementation Plan (SIP) as a Transportation Control Measure will be wholly consistent with the design concept and scope of the Project described in the SIP.

(2) U.S. EPA also imposes requirements implementing the Clean Air Act, as amended, which may apply to public transportation operators, particularly operators of large public transportation bus fleets. Accordingly, the Contractor agrees to comply with the following U.S. EPA regulations to the extent they apply to the Project: "Control of Air Pollution from Mobile Sources," 40 C.F.R. Part 85; "Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines," 40 C.F.R. Part 86; and "Fuel Economy of Motor Vehicles," 40 C.F.R. Part 600.

(3) The Contractor agrees to comply with notice of violating facility provisions of Executive Order No. 11738, "Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. § 7606 note.

c. Clean Water. Except to the extent the Federal Government determines otherwise in writing, the Contractor agrees to comply with all applicable Federal regulations and directives issued pursuant to the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377. In addition:

(1) The Contractor agrees to protect underground sources of drinking water consistent with the provisions of the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. §§ 300f through 300j-6.

(2) The Contractor agrees to comply with notice of violating facility provisions of Executive Order No. 11738, "Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. § 7606 note.

d. Historic Preservation. The Contractor agrees to encourage compliance with the Federal historic and archaeological preservation requirements of Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. § 470f; with Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," 16 U.S.C. § 470 note; and with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. §§ 469a through 469c, as follows:

(1) In accordance with U.S. Advisory Council on Historic Preservation regulations, "Protection of Historic and Cultural Properties," 36 C.F.R. Part 800, the Contractor agrees to consult with the State Historic Preservation Officer concerning investigations to identify properties and resources included in or eligible for inclusion in the National Register of Historic Places that may be affected by the Project, and agrees to notify FTA of those properties that are affected.

(2) The Contractor agrees to comply with all applicable Federal regulations and directives to avoid or mitigate adverse effects on those historic properties, except to the extent the Federal Government determines otherwise in writing.

**Section 18. Energy Conservation.** The Contractor agrees to comply with the North Carolina Energy Policy Act of 1975 (N.C.G.S. 113B) issued in accordance with the Energy Policy and Conservation Act, as amended, 42 U.S.C. §§ 6321 et seq., except to the extent that the Department determines otherwise in writing. To the extent applicable, the Contractor agrees to perform an energy assessment for any building constructed, reconstructed, or modified with FTA assistance, as provided in FTA regulations, "Requirements for Energy Assessments," 49 C.F.R. Part 622, Subpart C.

**Section 19. Substance Abuse.** To the extent applicable, the Contractor agrees to comply with the following Federal substance abuse regulations:

- a. Drug-Free Workplace. U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance), 49 C.F.R. Part 32, that implement the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 et seq.
- b. Alcohol Misuse and Prohibited Drug Use. FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 C.F.R. Part 655, that implement 49 U.S.C. § 5331.

**Section 20. Seat Belt Use.** In accordance with Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U. S. C. § 402 note, the Contractor is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally operated vehicles, and to include this provision in any third party contracts, third party subcontracts, or subagreements involving the Project.

**Section 21. Protection of Sensitive Security Information.** To the extent applicable, the Contractor agrees to comply with 49 U.S.C. § 40119(b) and implementing U.S. DOT regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 15, and with 49 U.S.C. § 114(s) and implementing U.S. Department of Homeland Security, Transportation Security Administration regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 1520.

**Section 22. Disputes, Breaches, Defaults, or Other Litigation.** The Contractor agrees that FTA and the Department have a vested interest in the settlement of any dispute, breach, default, or litigation involving the Project. Accordingly:

a. Notification to the Department. The Contractor agrees to notify the Department in writing of any current or prospective major dispute, breach, default, or litigation that may affect the Federal/State Government's interests in the Project or the Federal/State Government's administration or enforcement of Federal/State laws or regulations. If the Contractor seeks to name the Federal/State Government as a party to litigation for any reason, in any forum, the Contractor agrees to inform the Department in writing before doing so. In turn, the Department shall be responsible for notifying FTA.

b. Federal/State Interest in Recovery. The Federal/State Government retains the right to a proportionate share, based on the percentage of the Federal/State share awarded for the Project, of proceeds derived from any third party recovery, except that the Contractor may return any liquidated damages recovered to its Project Account in lieu of returning the Federal/State share to the Department.

c. Enforcement. The Contractor agrees to pursue all legal rights provided within any third party contract.

d. FTA and Department Concurrence. The FTA and the Department reserve the right to concur in any compromise or settlement of any claim involving the Project and the Contractor.

e. Alternative Dispute Resolution. The Department encourages the Contractor to use alternative dispute resolution procedures, as may be appropriate.

**Section 23. Amendments/Revisions to the Project.** The Contractor agrees that a change in Project circumstances causing an inconsistency with the terms of this Agreement for the Project will require an amendment or revision to this Agreement for the Project signed by the original signatories or their authorized designees or successors. The Contractor agrees that a change in the fundamental information submitted in its Application will also require an Amendment to its Application or this Agreement for the Project. The Contractor agrees that the project will not incur any costs associated with the amendment or revision before receiving notification of approval from the division. The Contractor agrees that any requests for amendments and or revisions will be submitted in accordance with the policies and procedures established by FTA and the Department.

**Section 24. Information Obtained Through Internet Links.** This Agreement may include electronic links/Web site addresses to Federal/State laws, regulations, and directives as well as other information. The Department does not guarantee the accuracy of information accessed through such links. Accordingly, the Contractor agrees that information obtained through any electronic link within this Agreement does not represent an official version of a Federal/State law, regulation, or directive, and might be inaccurate. Thus, information obtained through such links is neither incorporated by reference nor made part of this Agreement. The Federal Register and the Code of Federal Regulations are the official sources for regulatory information pertaining to the Federal Government.

**Section 25. Geographic Information and Related Spatial Data.** In accordance with U.S. OMB Circular A-16, "Coordination of Geographic Information and Related Spatial Data Activities," August 19, 2002, the Contractor agrees to implement its Project so that any activities involving spatial data and geographic information systems activities financed directly or indirectly, in whole or in part, by Federal assistance, consistent with the National Spatial Data infrastructure promulgated by the Federal Geographic Data Committee, except to the extent that FTA determines otherwise in writing.

**Section 26. Severability.** If any provision of the FTA Master Agreement or this Agreement for the Project is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal/State laws or regulations.

**Section 27. Termination of Agreement.**

a. The Department of Transportation. In the event of the Contractor's noncompliance with any of the provisions of this Agreement, the Department may suspend or terminate the Agreement by giving the Contractor thirty (30) days advance notice. Any failure to make reasonable progress on the Project or violation of this Agreement for the Project that endangers substantial performance of the Project shall provide sufficient grounds for the Department to terminate the Agreement for the Project. In general, termination of Federal and State assistance for the Project will not invalidate obligations properly incurred by the Contractor before the termination date to the extent those obligations cannot be canceled. If, however, the Department determines that the Contractor has willfully misused Federal/State assistance by failing to make adequate progress, failing to make reasonable and appropriate use of Project property, or failing to comply with the terms of this Agreement for the Project, the Department reserves the right to require the Contractor to refund the entire amount of Federal and State assistance provided for the Project or any lesser amount as the Department may determine. Expiration of any Project time period established for the Project does not, by itself, constitute an expiration or termination of the Agreement for the Project. The Department, before issuing notice of Agreement termination, shall allow the Contractor a reasonable opportunity to correct for noncompliance. Upon noncompliance with the nondiscrimination section (Section 8) of this Agreement or with any of the said rules, regulations or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for contracts in accordance with procedures authorized in Executive Orders No. 11246 and No. 11375, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law. In addition to the Department's rights of termination described above, the Department may terminate its participation in the Project by notifying and receiving the concurrence of the Contractor within sixty (60) days in advance of such termination.

b. The Contractor. The Contractor may terminate its participation in the Project by notifying and receiving the concurrence of the Department sixty (60) days in advance of the termination.

**Section 28. Contract Administrators.** All notices permitted or required to be given by one Party to the other and all questions about this Agreement from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, postal address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, postal address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Department:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Name: MR. CHARLIE WRIGHT Title: FINANCIAL MANAGER Agency: NCDOT/PTD MSC: 1550 MSC  City/Zip: RALEIGH NC 27699-1550  Phone: 919-707-4674 Fax: 919-733-2304 Email: CCWRIGHT@NCDOT.GOV	Name: MR. CHARLIE WRIGHT Title: FINANCIAL MANAGER Agency: NCDOT/PTD Street TRANSPORTATION BLDG Address: 1 S WILMINGTON ST RM 524 City: RALEIGH NC

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Name: Stephen Mancuso Title: Transit Manager Agency: City of Greenville Postal Address: PO Box 7207 City/Zip: Greenville, NC 27835  Phone: 252-329-4047 Fax: 252-329-4535 Email: smancuso@greenvillenc.gov	Name: Stephen Mancuso Title: Transit Manager Agency: City of Greenville Street Address: 1500 Beatty Street City: Greenville

**Section 29. Federal Certification Regarding Lobbying.** The Contractor certifies, by signing this Agreement, its compliance with Subsection 3d of this Agreement.

**Section 30. Federal Certification Regarding Debarment.** The Contractor certifies, by signing this Agreement, its compliance with Subsection 3b of this Agreement.

**Section 31. Federal Certification Regarding Alcohol Misuse and Prohibited Drug Use.** As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the Contractor certifies, by signing this Agreement, that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, and Section 18 of this Agreement.

**Section 32. Safe Operation of Motor Vehicles.**

The Recipient agrees as follows:

- a. Seat Belt Use. In accordance with the provisions of Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. § 402 note, the

Recipient is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally operated vehicles, and to include this provision in any subagreements, leases, third party contracts, or other similar documents in connection with the Project.

**Section 33. Distracted Driving** includes Text Messaging While Driving. In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While Driving December 30, 2009, the Grantee is encouraged to comply with the term of the following Special Provision

**Section 34. Seat Belt Use**. In accordance with Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U. S. C. § 402 note, the Contractor is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally operated vehicles, and to include this provision in any third party contracts, third party subcontracts, or sub agreements involving the Project.

**Section 35. Text Messaging While Driving**. In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While December 30, 2009, the Grantee is encouraged to comply with the term of the following Special Provision.

a. Definitions. As used in this Special Provision:

(1) "Driving" means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. "Driving does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

(2) "Text Messaging" means reading from or entering data into any handheld or other electric device, including the purpose of short message service texting, e-mailing, instant messaging, obtaining navigating information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

b. Safety. The Grantee is encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving –

(a) Grantee-owned or Grantee-rented vehicles or Government-owned, leased or rented vehicles;

(b) Privately-owned vehicles when on official Project related business or when performing any work for or on behalf of the Project; or

(c) Any vehicle, on or off duty, and using an employer supplied electronic device.

(2) Conduct workplace safety initiatives in a manner commensurate with the Grantee's size, such as:

(a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(3) Include this Special Provision in its subagreements with its subrecipients and third party contracts and also encourage its subrecipients, lessees, and third party contractors to comply with the terms of this Special Provision, and include this Special Condition in each subagreement, lease, and third party contract at each tier financed with Federal assistance provided by the Federal Government.

**Section 34, Ethics Acknowledgement Policy on Gift.**

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

IN WITNESS WHEREOF, this Agreement has been executed by the Department, an agency of the State of North Carolina, and the Contractor by and through a duly authorized representative, and is effective the date and year first above written.

**CITY OF GREENVILLE**  
**On behalf of**  
**Greenville Urban Area**  
**Metropolitan Planning Organization**

**CONTRACTOR'S FEDERAL TAX ID NUMBER:**

566000229

**CONTRACTOR'S FISCAL YEAR END:**

June 30, 2012

BY:

Interim City Manager  
TITLE: ~~CITY MANAGER~~

(SEAL)

ATTEST:

TITLE:

**DEPARTMENT OF TRANSPORTATION**

BY:

TITLE: **DEPUTY SECRETARY FOR TRANSIT**

ATTEST:

TITLE:

SECRETARY

## Attachment

### Certification Regarding Lobbying (for bids and/or awards of \$100,000 or more)

The Contractor certifies, to the best of his or her knowledge and belief, that:

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

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

**Contractor's Authorized Representative:** \_\_\_\_\_

**Title:** \_\_\_\_\_ Interim City Manager \_\_\_\_\_



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Modifications to the Energy Efficiency and Conservation Block Grant program

**Explanation:** As part of the American Recovery and Reinvestment Act, Congress funded the Energy Efficiency and Conservation Block Grant program. The purpose of this program was to “assist eligible entities in creating and implementing strategies to:

- reduce fossil fuel emissions in a manner that is environmentally sustainable and to the maximum extent practicable, maximizes benefits for local and regional communities;
- reduce the total energy use of the eligible entities; and
- improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.”

Greenville received grant approval on September 18, 2009, and based on the City's population was allocated \$777,600. Projects utilizing these funds are required to be completed on or before June 30, 2012.

Public Works and the stakeholders' workgroup, based on City Council's guidance, developed a strategy that would focus on improving the energy efficiency of City operations and activities as well as develop a strategy for the City as a whole. This approach supported already existing City programs (LEED building policy, pursuit of an Energy Savings Performance Contract) to implement energy conservation measures in City-owned buildings that could then be used as examples to owners of private facilities in the City.

The grant was divided into nine elements as detailed in the first table under the fiscal note. As the table shows, items 1 through 3 and 9 were completed; however items 4 through 8 were unsuccessful in attracting applications for those various elements. Upon completing the last quarterly report (April 23, 2012), staff initiated conversations with the Department of Energy Grant Administrator about the lack of utilization of funds allocated to certain activities, specifically the Revolving Loan Fund and Rebate Programs. At that time, staff was made aware that money not obligated by the June 30, 2012, deadline for both programs would be forfeited.

In order to use the remaining funds to the maximum extent practical, staff recommends modifying the Revolving Loan Program from assisting low to moderate income homeowners in improving the energy efficiency of their homes to assisting commercial property owners in improving the energy efficiency of their businesses. Staff has been unsuccessful in recruiting homeowners for this program; therefore, Federal government agency representatives suggested that changing the City's program to a commercial loan program as that program orientation would garner more interest.

Converting this residential loan program to a commercial loan program will also allow the City to increase the maximum amount for a loan from \$15,000 to \$50,000, thereby decreasing the number of potential loans from 16 to 5. After discussing the City's options to entice quick participation with other representatives from the Department of Energy, staff recommends the terms of the loan should be modified to allow for a 0% interest rate to be paid back when the real property changes ownership or in 15 years, whichever is sooner.

Staff anticipates targeting commercial businesses in the Center City Revitalization Area. In addition, an advertisement has been placed in The Daily Reflector informing citizens of the potential program changes. GUC is prepared to conduct energy audits on prospective businesses and provide recommendations on improvements. Staff thinks it is feasible to process and close on 5 loans before the June 30, 2012, deadline.

In addition to the modifications to the Revolving Loan Program, staff has researched other energy efficient retrofits or upgrades on City facilities. The funds from the Rebate Programs will be utilized by Public Works Department to retrofit approximately 50 wall packs and 12 canopy lights and by GUC to install additional LED streetlights along Arlington Boulevard. If approved, these modifications will enable the City to keep as much as possible the funds locally while providing the necessary energy efficiency benefits.

**Fiscal Note:**

The City of Greenville has been allocated a \$777,600 grant. &; The following table identifies the elements of the grant and their current status:  
&;

&;	ACTIVITY	ALLOCATED FUNDS	STATUS
1	Energy Efficiency and Conservation Strategy	\$30,000	Complete
2	City building Guaranteed Energy Savings Performance Contract Program	\$30,000	Complete
3	Government Facilities Energy Audit Program	\$31,000	Complete
4	Existing Home Energy Efficiency Revolving Loan Fund Program	\$250,000	Issued one loan for \$14,525
	Existing Commercial & Multifamily		No applications

5	Residential Energy Efficiency Rebate Program	\$152,600	were received
6	New Energy Star Building Rebate Program	\$60,000	No applications were received
7	New Home Energy Efficiency Rebate Program	\$140,000	Issued one rebate for \$4,000
8	Energy Efficient Streetlight Rebate Program	\$60,000	No applications were received
9	Energy Efficient Streetlight Pilot Program	\$24,000	Complete

Approving the modifications would result in the following allocations (changes are in italics):

&;

4	Existing <i>Commercial</i> Energy Efficiency Revolving Loan Fund Program	\$250,000
5	Existing Commercial & Multifamily Residential Energy Efficiency Rebate Program ( <i>delete</i> )	\$152,600
6	New Energy Star Building Rebate Program ( <i>delete</i> )	\$60,000
8	Energy Efficient Streetlight Rebate Program ( <i>delete</i> )	\$60,000
9	Energy Efficient Streetlight Pilot Program	\$54,000
10	<i>Retrofit Public Works Yard Lighting</i>	\$100,000

&;

These modifications will potentially result in \$475,000 being utilized of the original \$777,600 as opposed to \$133,525.

**Recommendation:** Approve the proposed modifications to the Energy Efficiency and Conservation Block Grant.&;

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Attachments / [click to download](#)

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# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Resolution to abandon a portion of sewer and water easements located at 11 Galleria, Section Two - Lot 3

**Explanation:** Greenville Utilities Commission has received a request to abandon a portion of a ten-foot (10') wide water line easement and a portion of a thirty-foot (30') wide sanitary sewer easement at the 11 Galleria development, the name associated with the redevelopment of the old Carolina East Mall site located on Highway 11 South.

The subject existing easements are for water and sanitary sewer facilities serving an undeveloped area behind the Kohl's Department Store. These facilities were originally installed by the site developer and accepted by GUC for operation and maintenance with the required dedicated easements.

Construction is currently underway for a Dick's Sporting Goods. A portion of the existing water and sewer facilities are in conflict with the proposed building footprint. The sewer main will be relocated by the developer to provide for future service to the adjacent undeveloped area. The required associated easement will be dedicated to GUC. The conflicting water main does not require relocation as other existing mains are providing adequate service coverage.

At its May 17, 2012, the GUC Board of Commissioners adopted the resolution to abandon a portion of the existing water and sewer easements and recommends the City Council adopt a similar resolution and execute a deed of release.

**Fiscal Note:** No costs to the City

**Recommendation:** Adopt the attached resolution and execute the attached deed of release

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 [Deed of Release](#)

 [Resolution - Abandonment of Easement](#)

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RESOLUTION \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
GREENVILLE, NORTH CAROLINA, ABANDONING A PORTION  
OF A 30' WIDE SANITARY SEWER EASEMENT AND  
A PORTION OF A 10' WIDE WATER LINE EASEMENT  
PREVIOUSLY GRANTED TO THE CITY OF GREENVILLE  
FOR THE USE AND BENEFIT OF GREENVILLE UTILITIES COMMISSION  
IN DEED BOOK 2619 AT PAGE 310, PITT COUNTY PUBLIC REGISTRY,  
AND AUTHORIZING EXECUTION OF DEED OF RELEASE

WHEREAS, Greenville Utilities Commission of the City of Greenville, North Carolina  
Attachment number 1  
Page 1 of 4  
(hereinafter referred to as "Commission") heretofore obtained a 30' wide sanitary sewer easement and  
a 10' wide water line easement, which said easements are more particularly described in Deed Book  
2619 at Page 310, Pitt County Public Registry; and

WHEREAS, a portion of such 30' wide sanitary sewer easement and a portion of such 10' wide  
water line easement heretofore granted to the City of Greenville, North Carolina, for the use and  
benefit of Commission are no longer needed by Commission; and

WHEREAS, Commission anticipates no use or need now or in the future for the portions of  
such 30' wide sanitary sewer easement and such 10' wide water line easement hereinafter described  
as to be abandoned; and

WHEREAS, Commission desires to abandon a portion of such 30' wide sanitary sewer  
easement and to abandon a portion of such 10' wide water line easement, all as is shown as to be  
abandoned on that certain plat entitled "Subdivision Plat, 11 Galleria, Section Two-Lot 3, Greenville,  
Winterville Township, Pitt Co., North Carolina," dated 3/05/12, denominated drawing number FP-659-  
3, prepared by Patrick W. Hartman, Professional Land Surveyor, No. L-4262, Rivers & Associates,  
Inc., Engineers, Planners, Surveyors, License No. 40384, 107 E. Second Street, Greenville, NC  
27858, telephone (252) 752-4135, which appears of record in Map Book 75, at Pages 141, Pitt County  
Public Registry, recorded April 10, 2012 at 10:54 a.m., a copy of which said map is marked Exhibit  
"A," and is attached hereto and made a part hereof, and to which reference is hereby made for a more  
particular and accurate description of the said portion of such 30' wide sanitary sewer easement and  
portion of such 10' wide water line easement to be abandoned; and

WHEREAS, the current owner of such property, Triple B#6, LLC, a North Carolina Limited  
Liability Company, has requested the City of Greenville and Greenville Utilities Commission to  
abandon the portion of such 30' wide sanitary sewer easement and the portion of such 10' wide water  
line easement shown on such plat as to be abandoned, all as is shown on Exhibit "A" and on that  
certain Map Book 75, at Page 141, Pitt County Public Registry, and has requested the City of  
Greenville to acknowledge such abandonment and execute a Deed of Release for same; and

WHEREAS, Greenville Utilities Commission deems such abandonment to be reasonable and in the best interests of Commission and all parties, and has requested the City of Greenville of North Carolina to acknowledge such abandonment and release of the portion of such 30' wide sanitary sewer easement and the portion of such 10' wide water line easement as shown on such plat as to be abandoned as hereinabove described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, in Regular Session held in the City Council Chambers of City Hall of the City of Greenville, North Carolina, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, as follows:

Attachment number 1  
Page 2 of 4

1. That the City Council of the City of Greenville does hereby abandon the portion of the said 30' wide permanent sanitary sewer easement and the portion of the said 10' wide water line easement previously granted to the City of Greenville for the use and benefit of Greenville Utilities Commission in Deed Book 2619, at Page 310, Pitt County Public Registry, which said portion of such 30' wide permanent sanitary sewer easement and which such portion of the said 10' wide water line easement to be abandoned is shown on that certain plat entitled "Subdivision Plat, 11 Galleria, Section Two-Lot 3, Greenville, Winterville Township, Pitt Co., North Carolina," dated 3/05/12, denominated drawing number FP-659-3, prepared by Patrick W. Hartman, Professional Land Surveyor, No. L-4262, Rivers & Associates, Inc., Engineers, Planners, Surveyors, License No. 40384, 107 E. Second Street, Greenville, NC 27858, telephone (252) 752-4135, which appears of record in Map Book 75, at Pages 141, Pitt County Public Registry, and to which reference is hereby made for a more particular and accurate description of the said portion of such 30' wide sanitary sewer easement and portion of such 10' wide water line easement to be abandoned

2. That the appropriate City officials be and they hereby are empowered to make, execute, and deliver to Triple B#6, LLC, a North Carolina Limited Liability Company, the current owner of the property encumbered by such easements to be abandoned, an instrument in a form suitable for recording and releasing whatever interests the City of Greenville might have in and to the portion of the said 30' wide permanent sanitary sewer easement and a portion of the said 10' wide water line easement to be abandoned, as hereinabove described.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2012

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ALLEN M. THOMAS, MAYOR

ATTEST:

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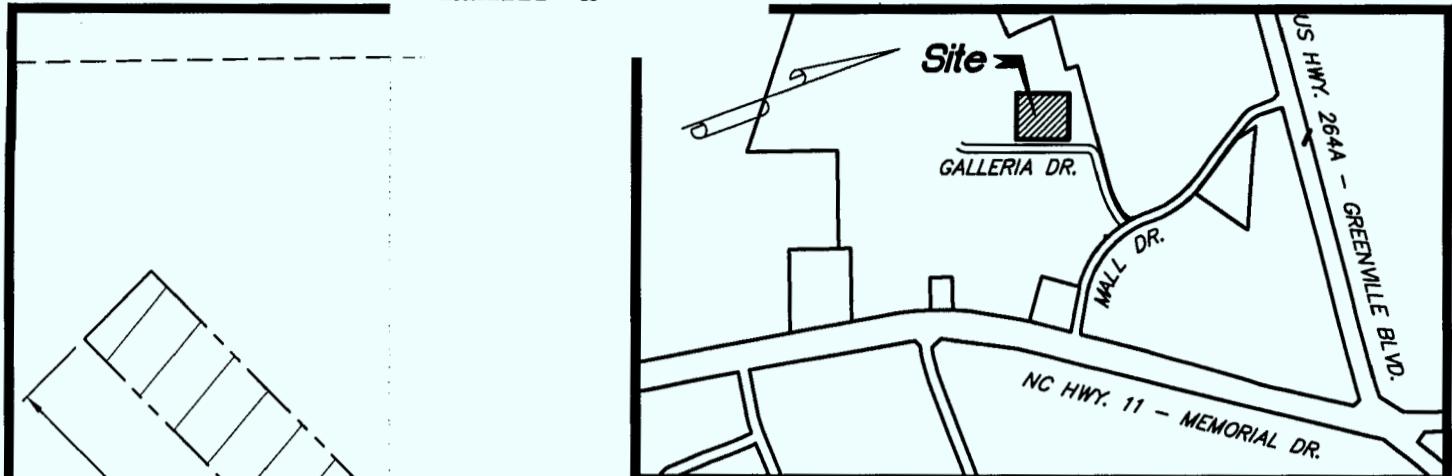
CAROL L. BARWICK, CITY CLERK

[SEAL]

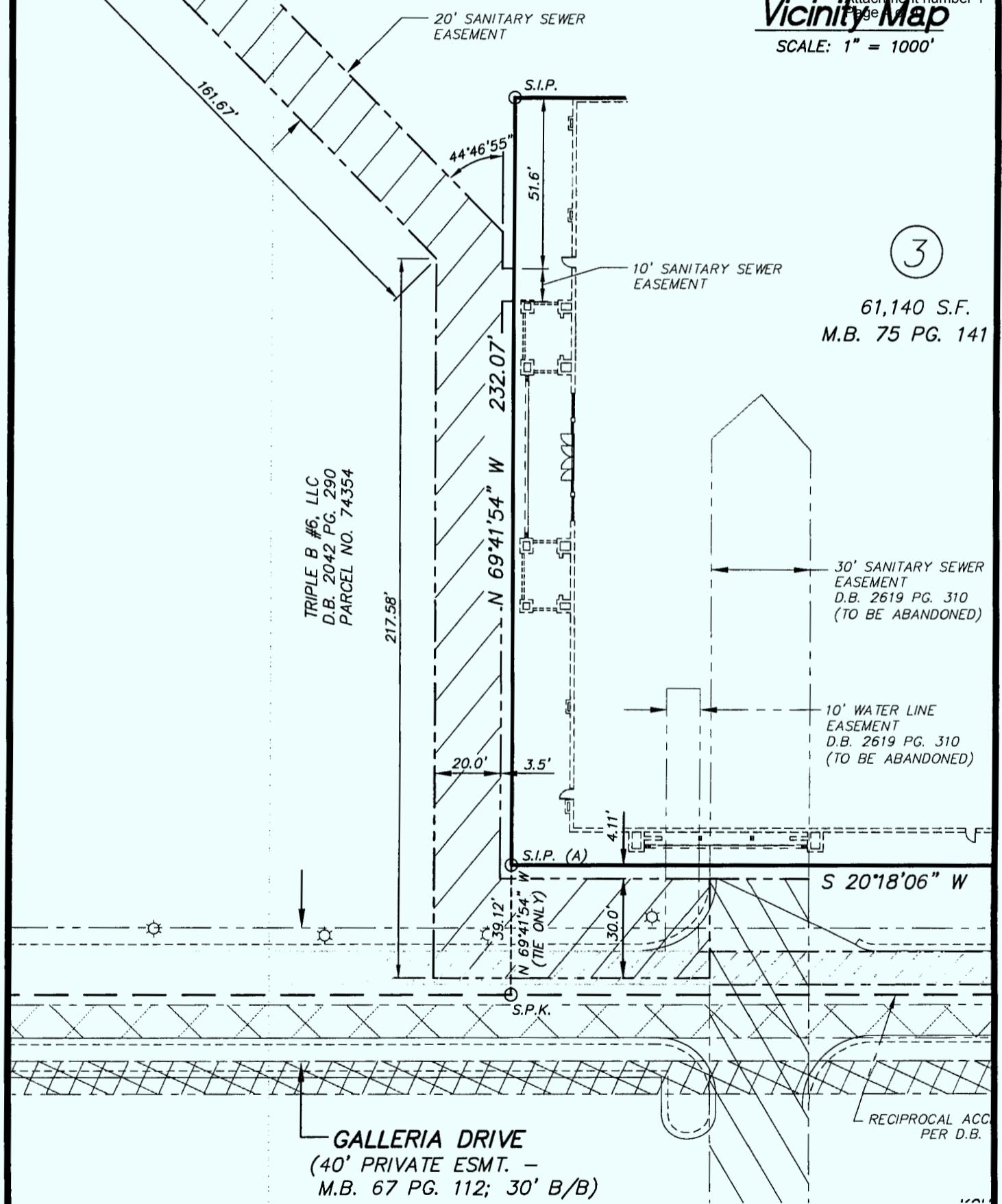
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EXHIBIT "A"



**Vicinity Map**  
Attachment number 1  
Page 1 of 1  
SCALE: 1" = 1000'



EASEMENT ABANDONMENT EXHIBIT

**11 GALLERIA**  
**Section Two - Lot 3**

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA Item # 8

Prepared by: Phillip R. Dixon, Attorney  
Dixon Law Group, PLLC  
110 E. Arlington Boulevard  
Greenville, NC 27858

Return to: Triple B#6, LLC  
530 S.E. Greenville Boulevard  
Suite 200  
Greenville, NC 27848

Attachment number 2  
Page 1 of 5

NORTH CAROLINA

**DEED OF RELEASE**

PITT COUNTY

THIS DEED OF RELEASE, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of Greenville, North Carolina, a body politic in Pitt County, North Carolina, party of the first part (hereinafter called GRANTOR), and Triple B#6, a North Carolina Limited Liability Company, with a principal office and place of business at 530 S.E. Greenville Boulevard, Suite 200, Greenville, North Carolina 27848, party of the second part (hereinafter called GRANTEE).

**W I T N E S S E T H**

THAT WHEREAS, the City of Greenville for the use and benefit of Greenville Utilities Commission ("Commission") currently owns a 30' wide sanitary sewer easement and a 10' wide water line easement heretofore granted in Deed Book 2619, at Page 310, Pitt County Public Registry, all as shown on that certain plat entitled "Subdivision Plat, 11 Galleria, Section Two-Lot 3, Greenville, Winterville Township, Pitt Co., North Carolina," dated 3/05/12, denominated drawing number FP-659-3, prepared by Patrick W. Hartman, Professional Land Surveyor, No. L-4262, Rivers & Associates, Inc., Engineers, Planners, Surveyors, License No. 40384, 107 E. Second Street, Greenville, NC 27858, telephone (252) 752-4135, which appears of record in Map Book 75, at Page 141, Pitt County Public Registry, recorded April 10, 2012 at 10:54 a.m., a copy of which said map is marked Exhibit "A," and is attached hereto and made a part hereof, and to which reference is hereby made for a more particular and accurate description of the said portion of such 30' wide sanitary sewer easement and portion of such 10' wide water line easement to be abandoned; and

WHEREAS, the current owner of the underlying fee interest in the property subject to said 30' wide permanent sanitary sewer easement and 10' wide water line easement is now Triple B#6, LLC, a North Carolina Limited Liability Company; and

WHEREAS, Commission has no further use or need for the portion of said easements to be abandoned; and

WHEREAS, Commission has requested Grantor to indicate formally that it has no claims or interest in such property encumbered by the portions of said easements as shown on such plat marked Exhibit "A" as to be abandoned;

Attachment number 2  
Page 2 of 5

WHEREAS, Commission has, therefore, requested that Grantor execute a Deed of Release to Triple B#6, LLC, a North Carolina limited Liability Company, to indicate its abandonment and release of the portion of said 30' wide permanent sanitary sewer easement and the portion of said 10' wide water line easement as shown to be abandoned on Map Book 75, at Page 141, Pitt County Public Registry (Exhibit "A"); and

WHEREAS, the City Council of Grantor, acting on the recommendation of the Commission, has duly adopted a Resolution abandoning, conveying, and releasing to Triple B#6, LLC, a North Carolina limited Liability Company, such portion of the said 30' wide permanent sanitary sewer easement and the portion of said 10' wide water line easement shown on such plat, appearing of record on Map Book 75, at Page 141, Pitt County Public Registry, as to be abandoned, a copy of which said Resolution is attached hereto as Exhibit "B" and made a part hereof.

NOW THEREFORE, pursuant to and in accordance with said Resolution, Grantor does hereby remise, release, discharge, and forever quitclaim unto Grantee, Triple B#6, LLC, a North Carolina Limited Liability Company, its successors and assigns, all the Grantor's rights, title, and interest in a portion of the said 30' wide permanent sanitary sewer easement and a portion of said 10' wide water line easement shown as "TO BE ABANDONED" on that certain plat entitled "Subdivision Plat, 11 Galleria, Section Two-Lot 3, Greenville, Winterville Township, Pitt Co., North Carolina," dated 3/05/12, denominated drawing number FP-659-3, prepared by Patrick W. Hartman, Professional Land Surveyor, No. L-4262, Rivers & Associates, Inc., Engineers, Planners, Surveyors, License No. 40384, 107 E. Second Street, Greenville, NC 27858, telephone (252) 752-4135, which appears of record in Map Book 75, at Page 141, Pitt County Public Registry, recorded April 10, 2012 at 10:54 a.m., a copy of which said map is marked Exhibit "A," and is attached hereto and made a part hereof. Reference is hereby made to the recorded plat for a more particular and accurate description of the portion of the 30' wide permanent sanitary sewer easement and portion of the 10' wide water line easement to be abandoned. The singular shall include the plural. Any reference to gender shall include masculine, feminine and neuter.

IN TESTIMONY WHEREOF, GRANTOR has caused this Deed of Release to be executed in its name by its Mayor, attested by the City Clerk, and its official seal hereto affixed, all by Resolution duly entered by the City Council of GRANTOR, effective on the day and year first above written.

CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 2  
Page 3 of 5

By: \_\_\_\_\_  
ALLEN M. THOMAS, MAYOR

[SEAL]

Attest:

CAROL L. BARWICK, City Clerk

NORTH CAROLINA  
PITT COUNTY

I, \_\_\_\_\_, a Notary Public of the aforesaid 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, North Carolina, and that by authority duly given and as the act of the City of Greenville, North Carolina, the foregoing instrument was signed in its name by ALLEN M. THOMAS, its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

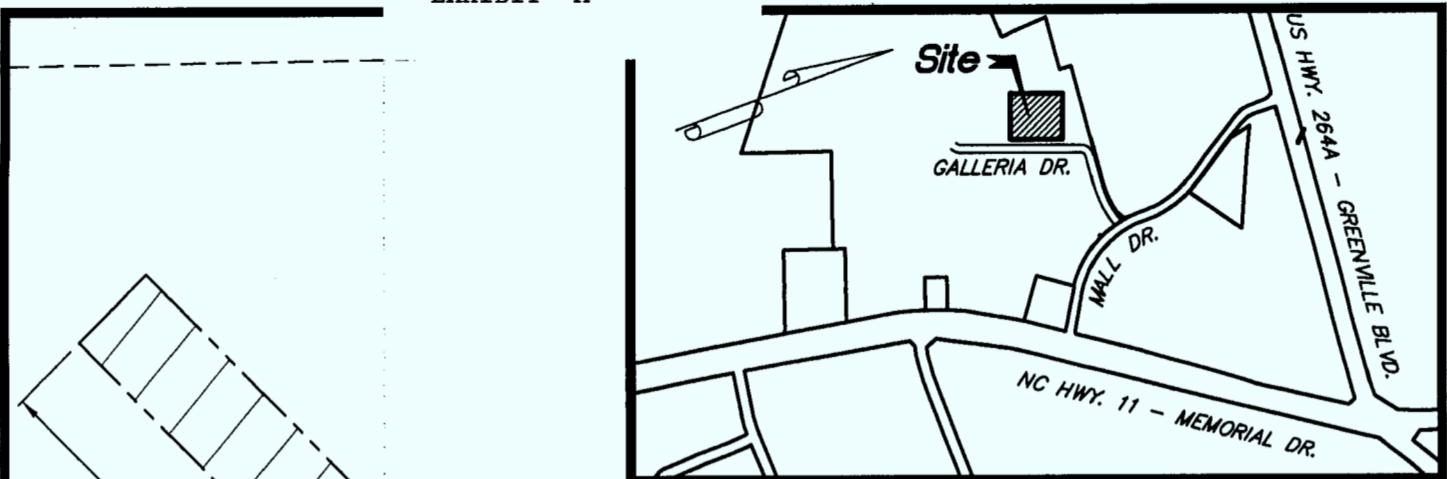
WITNESS my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

My Commission Expires:

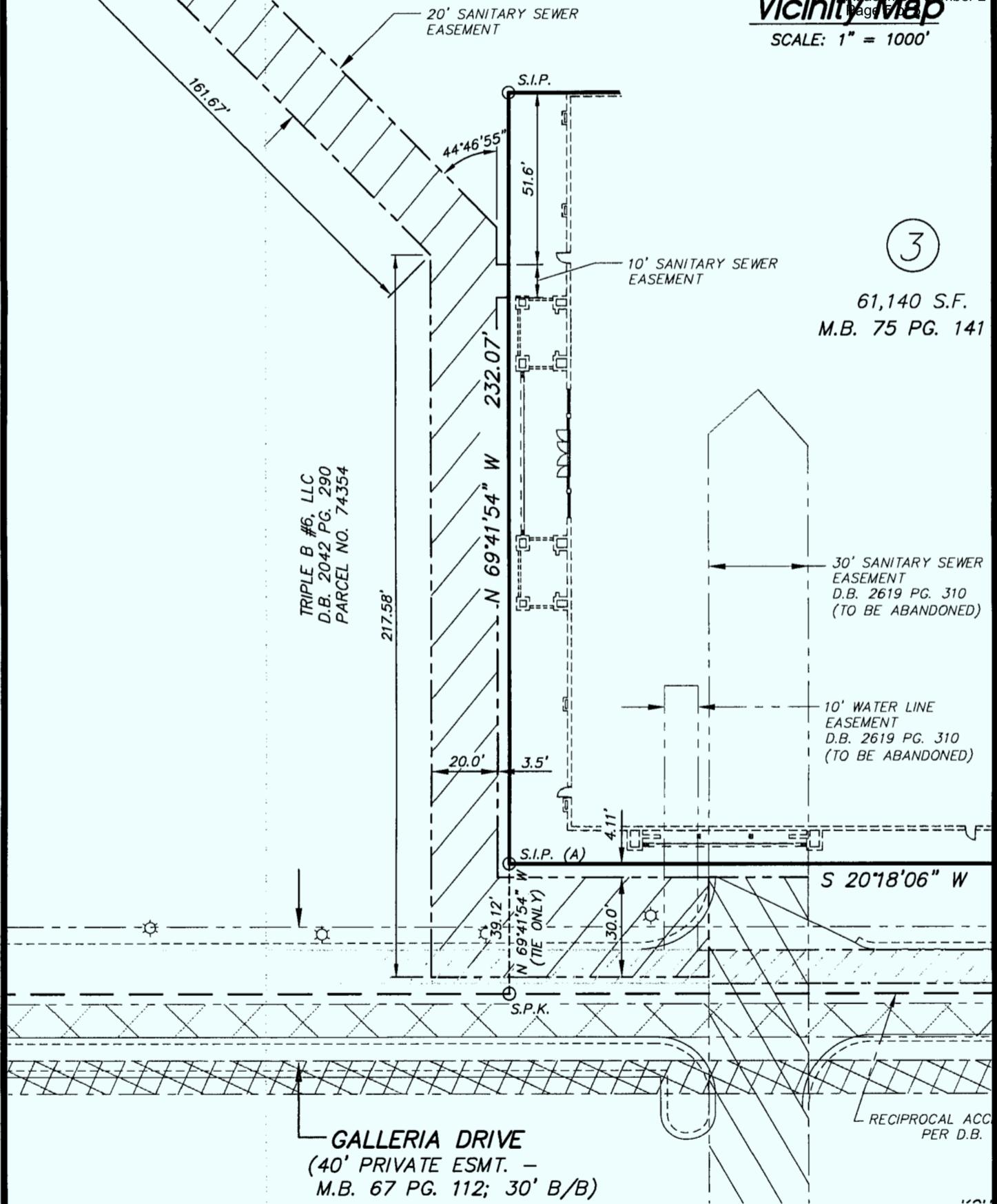


EXHIBIT "A"



**Vicinity Map**  
Attachment number 2  
Page F

SCALE: 1" = 1000'



EASEMENT ABANDONMENT EXHIBIT

**11 GALLERIA**  
**Section Two - Lot 3**

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA Item # 8



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:**

Ordinance amending Greenville Utilities Commission's Capital Project Budget for the Chicod School Sewer Extension Project

**Explanation:**

The Greenville Utilities Commission (GUC) Board of Commissioners previously approved the initial budget for GUC's cost participation in the Chicod School Sewer Extension Project. These project upgrades will provide the needed facilities that will place GUC in a position to provide sanitary sewer service to a 2,000 acre service area around Hollywood Crossroads by future extension of a gravity sewer system to the various properties in the area. Pitt County received bids on its project on April 3, 2012. The bids received were higher than their planning (pre-design) construction budget, and Pitt County staff is requesting GUC cost participation in the amount of \$800,000.

The initial budget established for GUC's cost participation in the project is \$200,000. GUC staff has determined that it is reasonable to increase GUC's cost participation from \$200,000 to \$480,000 for the upgrades that are required to meet GUC's future needs and conform to the Wastewater Master Plan. Pitt County Schools is responsible for the entire cost of the sewer system extension that will be required to minimally serve the Chicod School property. At its May 17, 2012, regular meeting, the GUC Board of Commissioners approved the budget amendment that appropriates an additional \$280,000 to fund the required upgrades and recommends similar action by City Council.

**Fiscal Note:**

No costs to the City.

**Recommendation:**

Adopt the attached ordinance amending the capital project budget for the Chicod School Sewer Extension Project.

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**Attachments / click to download**

 [Ordinance - Chicod School Project](#)

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ORDINANCE NO. \_\_\_\_\_  
AMENDING ORDINANCE NO. 11-041  
FOR SEWER CAPITAL PROJECT BUDGET  
CHICOD SCHOOL PROJECT

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

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

	<u>Current Budget</u>	<u>Change</u>	<u>Proposed Revised</u>
<b>Revenue:</b>			
Capital Project Fund Balance	\$200,000	\$0	\$200,000
Acreage Fees	\$0	\$280,000	\$280,000
<b>Total Revenue</b>	<b>\$200,000</b>	<b>\$280,000</b>	<b>\$480,000</b>
 <b>Expenditures:</b>			
Project Cost	\$200,000	\$280,000	\$480,000
<b>Total Expenditures</b>	<b>\$200,000</b>	<b>\$280,000</b>	<b>\$480,000</b>

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

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

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Electric Capital Project Budget Ordinance and Reimbursement Resolution for Greenville Utilities Commission's OPTICS Project, Phase 3-A

**Explanation:** During 2009, Greenville Utilities Commission (GUC) completed development of the Technology/Business Application Master Plan that was later branded as OPTICS (Optimizing Processes and Technology to Improve Customer Service). The plan for OPTICS provided a road map that laid the foundation for GUC to analyze its business processes and secure an integrated set of technologies to streamline business processes, reduce costs, improve customer service, and position itself for future opportunities. Customer Service, Human Resources, Finance, and Enterprise Work and Asset Management were identified as the top business process improvement opportunities for core systems.

Implementing the OPTICS plan began in April 2011. As part of Phase 1, business processes and services were analyzed to ensure they were consistent with industry "best practices." Phase 2, Detailed Design and Implementation Planning for integrated system to accommodate GUC's business needs, began in April 2012. Over 6,000 requirements were developed and documented. The requirements were developed to leverage technology and provide greater efficiency and effectiveness at the point of delivery to our customers.

The requirements were compiled into a Request for Proposal (RFP), and vendors were invited to respond. Vendor demonstrations were held during the fall of 2011 with the three proposals identified as best suited to meet GUC's current and future needs. At the conclusion of the demonstrations, Oracle and its business partner, Lucidity, were identified as the best suited software vendor and implementation team.

With guidance from the GUC Board, staff negotiated with the selected business partners for implementation of Phase 3-A. Phase 3-A includes financials, payroll, human resources, budgeting, and business intelligence systems. Please note that this phase also includes procuring the software for Phase 3-B due to the cost savings associated with procuring the product at this time. Phase 3-B will

consist of customer care and utility billing, enterprise work and asset management, and mobile workforce management.

At its May 17, 2012 meeting, the GUC Board of Commissioners approved the OPTICS Phase 3-A budget in the amount of \$11,272,000 and adopted a reimbursement resolution in the amount of \$8,272,000 to move forward with Phase 3-A of the project, and recommends similar action by City Council.

**Fiscal Note:** No costs to the City

**Recommendation:** Adopt the attached reimbursement resolution and ordinance

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Attachments / click to download

- [Reimbursement Resolutions - OPTICS](#)
  - [Ordinance - OPTICS](#)
-

ORDINANCE NO. 12-\_\_\_\_\_

FOR ELECTRIC CAPITAL PROJECT BUDGET  
OPTICS PHASE 3 A

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

Section 1. Revenues. Revenues of the Electric Capital Project Budget, OPTICS Phase 3A, is hereby established to read as follows:

Revenue:

Long Term Financing	\$8,272,000
Fund Balance	\$3,000,000
Total Revenue	\$11,272,000
	<u>\$11,272,000</u>

Section 2. Expenditures. Expenditures of the Electric Capital Project Budget, OPTICS Phase 3A, is hereby established to read as follows:

Expenditures:

Project Cost	<u>\$11,272,000</u>
Total Expenditures	<u>\$11,272,000</u>

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

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

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

**RESOLUTION NO. 12-**  
**RESOLUTION DECLARING THE INTENTION OF THE**  
**CITY COUNCIL OF THE CITY OF GREENVILLE**  
**TO REIMBURSE THE CITY FROM THE PROCEEDS**  
**OF A DEBT FINANCING FOR CERTAIN EXPENDITURES**  
**MADE AND TO BE MADE IN CONNECTION WITH THE ACQUISITION**  
**AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS**

WHEREAS, the City of Greenville, North Carolina (the "City") has paid, beginning, May 17, 2012, which date is no more than 60 days prior to the date hereof, certain expenditures in connection with the acquisition and construction of certain improvements (the "Improvements") more fully described in Exhibit A attached hereto, consisting of improvements to its electric, gas, sanitary sewer and water systems (collectively, the "System"); and

WHEREAS, the City Council of the City (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof to pay such expenditures in connection with the acquisition and construction of the Improvements (the "Expenditures") are available only on a temporary period and that it is necessary to reimburse the City for the Expenditures from the proceeds of an issue of debt (the "Debt");

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

Section 1. The City Council hereby declares its intent to reimburse the City from the proceeds of the Debt for the Expenditures made on and after May 17, 2012, which date is no more than 60 days prior to the date hereof. The City Council reasonably expects on the date hereof that it will reimburse the City for the Expenditures from the proceeds of a like amount of the Debt.

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

Section 3. The principal amount of the Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be \$8,272,000.00.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Debt to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Improvements are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

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

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2012.

---

Allen M. Thomas, Mayor

ATTEST:

---

Carol L. Barwick, City Clerk

## **EXHIBIT A**

### **THE IMPROVEMENTS**

The Improvements the purchase of all computer hardware and software associated with the OPTICS (Optimizing Processes and Technology to Improve Customer Service) Phase 3A project including software, employee training and implementation.



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Ordinance amending Greenville Utilities Commission's FY 2011-2012 budget

**Explanation:** The fiscal year 2011-2012 Electric, Water, Sewer, and Gas Fund budgets need to be amended to ensure that the estimated sources of revenue appropriately cover the estimated expenditures and contingencies for the remainder of the fiscal year and to also alleviate the potential of actual expenditures being over budget. On May 17, 2012, the Greenville Utilities Commission's Board of Commissioners approved the fiscal year 2011-2012 budget amendment and recommends similar action be taken by the City Council.

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

**Recommendation:** Adopt the attached ordinance to amend Greenville Utilities Commission's FY 2011-2012 budget.

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[Ordinance GUC Budget Amendment](#)

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ORDINANCE NO. \_\_\_\_\_  
 TO AMEND ORDINANCE 11-039  
 CITY OF GREENVILLE, NORTH CAROLINA  
 2011-12 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

**Section I. Estimated Net Revenues and Fund Balances.** It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2011 and ending June 30, 2012 to meet the subsequent expenditures according to the following schedules:

<u>REVENUES</u>	<u>Budget</u>	<u>Change</u>	<u>Revised</u>
<b>A. <u>Electric Fund</u></b>			
Rates & Charges	\$200,977,249	(\$7,257,801)	\$193,719,448
Fees & Charges	850,000	133,872	983,872
U.G. & Temp. Service Charges	86,400	3,875	90,275
Miscellaneous	606,750	913,437	1,520,187
Interest on Investments	420,000	(246,511)	173,489
Installment Purchase	834,477	0	834,477
FEMA Reimbursement	0	2,450,000	2,450,000
Total Electric Fund Revenue	\$203,774,876	(\$4,003,128)	\$199,771,748
<b>B. <u>Water Fund</u></b>			
Rates & Charges	\$15,126,330	\$516,972	\$15,643,302
Fees & Charges	382,716	(144,619)	238,097
Miscellaneous	162,896	2,978	165,874
Interest on Investments	35,000	9,698	44,698
Installment Purchase	179,564	0	179,564
Total Water Fund Revenue	\$15,886,506	\$385,029	\$16,271,535
<b>C. <u>Sewer Fund</u></b>			
Rates & Charges	\$16,674,024	\$228,017	\$16,902,041
Fees & Charges	373,460	(125,530)	247,930
Pitt County	65,219	(65,219)	0
Miscellaneous	113,950	2,213	116,163
Interest on Investments	70,000	(41,093)	28,907
Installment Purchase	101,097	0	101,097
Total Sewer Fund Revenue	\$17,397,750	(\$1,612)	\$17,396,138
<b>D. <u>Gas Fund</u></b>			
Rates & Charges	\$36,698,512	(\$3,912,822)	\$32,785,690
Fees & Charges	133,500	6,000	139,500
Miscellaneous	129,813	8,093	137,906
Interest on Investments	130,000	(60,661)	69,339
Installment Purchase	22,062	0	22,062
Total Gas Fund Revenue	\$37,113,887	(\$3,959,390)	\$33,154,497
<b>TOTAL REVENUES</b>	<b>\$274,173,019</b>	<b>(\$7,579,101)</b>	<b>\$266,593,918</b>

**Section II. Expenditures.** The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2011 and ending on June 30, 2012, according to the following schedules:

	<u>Budget</u>	<u>Change</u>	<u>Revised</u>
Electric Fund	\$203,774,876	(\$4,003,128)	\$199,771,748
Water Fund	\$15,886,506	385,029	\$16,271,535
Sewer Fund	\$17,397,750	(1,612)	\$17,396,138
Gas Fund	<u>\$37,113,887</u>	<u>(3,959,390)</u>	<u>\$33,154,497</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$274,173,019</u></b>	<b><u>(\$7,579,101)</u></b>	<b><u>\$266,593,918</u></b>

**Section III: Amendments.** (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another in an amount not to exceed \$100,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the emergency so long as the expenditure(s) is/are reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next meeting.

**Section IV: Distribution.** Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

---

Allen M. Thomas, Mayor

Attest:

---

Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Resolution supporting expanded Amtrak passenger service

**Explanation:** City staff representing the Greenville Area Transit (GREAT) have been working with Amtrak officials to explore opportunities to enhance rail service in Greenville. Greenville passenger rail service could be enhanced by a ground transportation shuttle from Greenville to Rocky Mount or Wilson or by direct rail passenger service to Greenville.

Greenville is the eastern economic, medical, cultural, and recreational hub of the region. Given the City's plans to build a multimodal passenger transportation center, direct access to passenger rail transportation in Greenville makes good economic sense for both the City and Amtrak. Co-locating passenger inter-city, intra-city and rail service in one location will benefit area residents and visitors by increasing transportation options and convenience.

Mayor Thomas requested that staff prepare an agenda item for City Council consideration seeking approval of a resolution in support of expanded Amtrak passenger service to the City of Greenville and Eastern North Carolina. If no resolution is approved, staff will work with Amtrak officials, County staff, University officials, hospital personnel, and others to recruit passenger rail service to Greenville. A copy of City Council's approved September 10, 2009, agenda item and resolution supporting passenger rail service to Greenville is attached.

**Fiscal Note:** None associated with the requested action.

**Recommendation:** Consider approval of the resolution in support of expanding Amtrak passenger service to the City of Greenville and Eastern North Carolina.

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

**Attachments / click to download**

- [!\[\]\(9cfda362856cfcafb2e6dd8add90e2f3\_img.jpg\) 2009 Agenda Item for Passenger Rail Service](#)
  - [!\[\]\(26c4e3192992a320b5dda1c16e05ea5b\_img.jpg\) Resolution Supporting Expanded Amtrak Services 927964](#)
-

RESOLUTION NO. - 12

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
IN SUPPORT OF EXPANDED AMTRAK PASSENGER SERVICE TO  
THE CITY OF GREENVILLE AND EASTERN NORTH CAROLINA

WHEREAS, the City of Greenville and eastern North Carolina would benefit from an expansion of Amtrak passenger service;

WHEREAS, an expansion of Amtrak passenger service may include passenger bus service to connect the City of Greenville with the passenger rail service currently located in Wilson or Rocky Mount and may include direct passenger rail service to the City of Greenville;

WHEREAS, an expansion of Amtrak passenger service to the City of Greenville would complement the planned multimodal passenger transportation center being planned by the City of Greenville;

WHEREAS, an expansion of Amtrak passenger service would provide area residents and visitors with alternative forms of transportation and enhanced convenience; and

WHEREAS, an expansion of Amtrak passenger service would increase the economic development opportunities for the City of Greenville and eastern North Carolina;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for an increase in service by Amtrak into the City of Greenville and eastern North Carolina in order to provide alternative transportation opportunities and economic development possibilities.

This the 11th day of June, 2012.

---

Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk



## City of Greenville, North Carolina

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

- 
- Title of Item:** Resolution supporting passenger rail service to Greenville
- Explanation:** Attached for City Council consideration is a resolution emphasizing the importance of passenger rail service to Greenville. This item is a 2009 City Council goal. NCDOT's 2009 Rail Plan identifies the need for passenger rail service between Raleigh and Greenville by 2050. The plan does not identify when and does not identify any resources.
- Fiscal Note:** The only near-term cost associated with this request is staff time coordinating with NCDOT.
- Recommendation:** Approve the attached resolution supporting passenger rail service to Greenville.
- 

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- [Passenger\\_Rail\\_Resolution\\_842397](#)

**RESOLUTION NO. 09- 48**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA  
IN SUPPORT OF PASSENGER RAIL SERVICE TO GREENVILLE, NORTH CAROLINA**

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

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

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

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

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

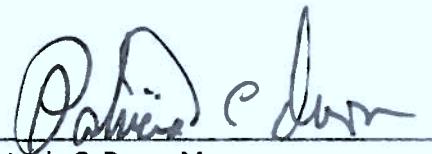
Whereas, passenger rail service to Greenville, North Carolina will enhance accessibility for key commercial, educational, and medical facilities in the eastern region of the state;

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

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

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

Adopted this 10th day of September, 2009.



Patricia C. Dunn

Patricia C. Dunn, Mayor

Attest:



Wanda T. Elks, City Clerk



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Public hearing on proposed fiscal year 2012-2013 budgets

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

**Explanation:** Attached are the 2012-2013 proposed City of Greenville and Greenville Utilities Commission budget ordinances. The City Council is required by Section 159-12 of the North Carolina General Statutes to hold a public hearing before adopting the budget ordinances. The City of Greenville's budget ordinance also includes Sheppard Memorial Library and Pitt-Greenville Convention & Visitors Authority budgets.

The attached ordinances are submitted for consideration at the City Council's June 14, 2012 meeting.

**Fiscal Note:** The fiscal year 2012-2013 budget ordinances provide revenues and appropriations for the following funds:

General Fund	\$ 75,006,681
Debt Service Fund	4,611,468
Public Transportation Fund	2,240,749
Fleet Maintenance Fund	4,364,441
Sanitation Fund	7,441,360
Stormwater Utility Fund	3,280,219
Community Development Housing Fund	1,581,461

Health Fund	12,015,632
Vehicle Replacement Fund	3,769,058
Sheppard Memorial Library	2,238,134
Convention & Visitors Authority	1,650,100
Greenville Utilities Commission	278,250,949

**Recommendation:** Receive a staff presentation and conduct a public hearing on the proposed budget ordinances for fiscal year 2012-2013.

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**Attachments / click to download**

- [Budget\\_Ordinance\\_FY\\_2012\\_2013\\_927509](#)
  - [GUC\\_Budget\\_Ordinance\\_FY\\_2012\\_2013\\_928188](#)
-

ORDINANCE NO. 12-

CITY OF GREENVILLE, NORTH CAROLINA  
2012-2013 BUDGET ORDINANCE

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

Section I: Estimated Revenue. It is estimated that the following revenues will be available for the City of Greenville during the fiscal year beginning July 1, 2012 and ending June 30, 2013:

GENERAL FUND

Unrestricted Intergovernmental Revenues:

Ad Valorem Taxes;

Current Year Taxes - Operations	\$ 29,207,880	
Prior Year's Taxes and Penalties	<u>104,163</u>	
Subtotal		\$ 29,312,043
 Sales Tax	\$ 14,611,439	
Video Prog. & Tele. Comm. Svcs Tax	970,000	
Rental Vehicle Gross Receipts	123,321	
Utilities Franchise Tax	5,540,166	
Motor Vehicle Tax	880,925	
Other Unrestricted Intergovernmental Revenues	<u>765,352</u>	
Subtotal		\$ 22,891,203

Restricted Intergovernmental Revenues:

Restricted Intergovernmental Revenues	\$ 1,006,337	
Powell Bill - State allocation payment	<u>2,157,640</u>	
Subtotal		\$ 3,163,977

Licenses, Permits, & Fees:

Privilege Licenses	\$ 627,800	
Other Licenses, Permits & Fees	<u>4,118,755</u>	
Subtotal		\$ 4,746,555

Sales and Services:

Rescue Service Transport	\$ 3,062,835	
Parking Violation Penalties, Leases, and Meters	348,102	
Other Sales and Services	<u>573,605</u>	
Subtotal		\$ 3,984,542

Other Revenues:

Other Revenue Sources	\$ 397,449	
Subtotal		\$ 397,449

Investment Earnings:

Interest on Investments	\$ 1,768,922	
Subtotal		\$ 1,768,922

Other Financing Sources:

Transfer from Greenville Utilities Commission	\$ 5,952,192	
Appropriated Fund Balance	2,489,798	
Other Transfers	<u>300,000</u>	
Subtotal		\$ 8,741,990

TOTAL GENERAL FUND REVENUES

\$ 75,006,681

DEBT SERVICE FUND

Powell Bill Fund	\$ 60,424
Occupancy Tax	509,589
Transfer from General Fund	<u>4,041,455</u>
<b>TOTAL DEBT SERVICE FUND</b>	<b><u>\$ 4,611,468</u></b>

PUBLIC TRANSPORTATION FUND

Operating Grant 2012-2013	\$ 597,145
Capital Grant 2012-2013	593,997
Planning Grant 2012-2013	32,103
State Maintenance Assistant Program	250,000
Hammock Source	1,023
Miscellaneous Revenue	225
Pitt Community College Bus Fare	9,021
Eastern Carolina Vocational Center Service Contract	930
Bus Fares	195,000
Bus Ticket Sales	65,785
Pitt Co. Bus Service	5,022
Appropriated Fund Balance	<u>490,498</u>
<b>TOTAL PUBLIC TRANSPORTATION FUND</b>	<b><u>\$ 2,240,749</u></b>

FLEET MAINTENANCE FUND

Fuel Markup	\$ 1,736,695
Labor Fees	881,661
Pool Car Rentals	14,210
Other Revenue Sources	1,556,875
Transfer from Vehicle Replacement	<u>175,000</u>
<b>TOTAL FLEET MAINTENANCE FUND</b>	<b><u>\$ 4,364,441</u></b>

SANITATION FUND

Refuse Fees	\$ 7,224,360
Extra Pickup	2,000
Recycling Revenue	5,000
Cart and Dumpster	155,000
Solid Waste Tax	55,000
<b>TOTAL SANITATION FUND</b>	<b><u>\$ 7,441,360</u></b>

STORMWATER MANAGEMENT UTILITY FUND

Utility Fee	\$ 3,182,587
Appropriated Fund Balance	<u>97,632</u>
<b>TOTAL STORMWATER MANAGEMENT UTILITY FUND</b>	<b><u>\$ 3,280,219</u></b>

COMMUNITY DEVELOPMENT HOUSING FUND (GRANT PROJECT FUND)

Annual CDBG Grant Funding	\$ 781,037
HUD City of Greenville	387,237
Transfer from General Fund	<u>413,187</u>
TOTAL COMMUNITY DEVELOPMENT HOUSING FUND	<u>\$ 1,581,461</u>

HEALTH - DENTAL INSURANCE FUND

Employer Contributions - City of Greenville	\$ 7,380,575
Employee Contributions - City of Greenville	2,421,903
Other Health Insurance Sources	<u>2,213,154</u>
TOTAL HEALTH INSURANCE FUND	<u>\$ 12,015,632</u>

VEHICLE REPLACEMENT FUND

Transfer from Other Funds	\$ 3,769,058
TOTAL VEHICLE REPLACEMENT FUND	<u>\$ 3,769,058</u>
TOTAL ESTIMATED CITY OF GREENVILLE REVENUES	<u>\$ 114,311,069</u>

SHEPPARD MEMORIAL LIBRARY FUND

City of Greenville	\$ 1,060,181
Pitt County	516,499
Pitt County-Bethel/Winterville	5,446
Town of Bethel	28,824
Town of Winterville	143,620
State Aid	172,746
Desk/Copier Receipts	130,153
Interest	1,000
Miscellaneous Revenues	30,756
Greenville Housing Authority	10,692
Local Grants	68,000
LSTA Grant	45,000
Appropriated Fund Balance	<u>25,217</u>
TOTAL SHEPPARD MEMORIAL LIBRARY FUND	<u>\$ 2,238,134</u>

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Occupancy Tax (2%)	\$ 800,000
Interest on Checking	100
Appropriated Fund Balance	<u>850,000</u>
TOTAL PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND	<u>\$ 1,650,100</u>

Section II: Appropriations. The following amounts are hereby appropriated for the operation of the City of Greenville and its activities for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

GENERAL FUND

Mayor & City Council	\$ 321,263
City Manager	1,210,711
City Clerk	271,798
City Attorney	446,593
Human Resources	2,499,431
Information Technology	2,816,937
Fire/Rescue	13,325,415
Financial Services	2,345,983
Contingency	207,469
Other Post Employment Benefits	300,000
Police	22,555,893
Recreation & Parks	7,254,788
Public Works	9,693,628
Community Development	1,568,894
Capital Improvement	5,177,203
Transfers to Other Funds	6,025,247
Indirect Cost Reimbursement	(1,014,572)
TOTAL GENERAL FUND	<u>\$ 75,006,681</u>

DEBT SERVICE FUND

Debt Service	\$ 4,611,468
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PUBLIC TRANSPORTATION FUND

Transit	\$ 2,240,749
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FLEET MAINTENANCE FUND

Fleet	\$ 4,364,441
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SANITATION FUND

Sanitation Service	\$ 7,441,360
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STORMWATER MANAGEMENT UTILITY FUND

Stormwater Management Utility	\$	3,280,219
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COMMUNITY DEVELOPMENT HOUSING PROGRAM FUND

Community Development Housing/CDBG	\$	1,581,461
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HEALTH - DENTAL INSURANCE FUND

Health - Dental Insurance Fund	\$	12,015,632
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VEHICLE REPLACEMENT FUND

Vehicle Replacement Fund	\$	<u>3,769,058</u>
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TOTAL CITY OF GREENVILLE APPROPRIATIONS	\$	<u>114,311,069</u>
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SHEPPARD MEMORIAL LIBRARY FUND

Sheppard Memorial Library	\$	<u>2,238,134</u>
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PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY

Pitt-Greenville Convention and Visitors Authority	\$	<u>1,650,100</u>
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Section III: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding purchase orders as of June 30, 2012, added to each appropriation as it appears in order to account for the expenditures in the fiscal year in which it was paid.

Section IV: Revenue Neutral Tax Rate. A general reappraisal of real property was conducted and is effective January 1, 2012. In accordance with General Statutes 159-11, the revenue-neutral property tax rate was calculated to be 56.44 cents per one hundred dollars (\$100) valuation.

Section V: Taxes Levied. There is hereby levied a tax rate of 52 cents per one hundred dollars (\$100) valuation of taxable properties, as listed for taxes as of January 1, 2012, for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section VI: Salaries.

(a) Salaries of Elected Officials. The annual salaries of the Mayor, Mayor Pro-Tem, and other members of the City Council shall be as follows:

Mayor	\$ 11,500
Mayor Pro-Tem	\$ 7,800
Council Members	\$ 7,500

(b) Salary Cap of Greenville Utilities Commission Members. Pursuant to Section 4 of the Charter of the Greenville Utilities Commission of the City of Greenville, the monthly salaries of members of the Greenville Utilities Commission shall not exceed the following caps:

Chair	\$ 350
Member	\$ 200

Section VII: Amendments.

(a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the City Manager is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the City Council at its regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the City Manager may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the City Council as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Section VIII: The Manual of Fees, dated July 1, 2012, is adopted herein by reference.

Section IX: Community Development. The City Council does hereby authorize grant project funds for the operation of FY 2011-2012 CDBG Entitlement and Community Development Home Consortium programs under the Community Development Block Grant Program and Home Consortium Program for the primary purpose of housing rehabilitation and other stated expenditures.

Section X: Greenville Utilities Commission. The City Council adopts a separate ordinance for the budget of the Greenville Utilities Commission.

Section X1: Distribution. Copies of this ordinance shall be furnished to the City Manager and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 14th day of June, 2012.

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Allen Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

<b>FY 2013 FOR GENERAL FUND AND POWELL BILL</b>	
<b>REVENUES</b>	<b>Last Revised May 16 2013 PLAN</b>
CURRENT YEAR TAXES	29,207,880
Net PENALTIES, DISCOUNTS, REFUNDS AND PRIOR YRS	104,163
<b>SUBTOTAL - AD VALOREM TAXES</b>	<b>29,312,043</b>
SALES TAX	14,611,439
RENTAL VEHICLE - GROSS REC	123,321
VIDEO PROGRAMMING FEES	918,000
SUPPLEMENTAL PEG	52,000
PAYMENT IN LIEU OF TAXES GHA	8,200
UTILITIES FRANCHISE TAX	5,540,166
WINE & BEER	361,800
STATE FIRE PROTECTION	395,352
SUBTOTAL - MOTOR VEHICLE	880,925
<b>SUBTOTAL - UNRESTRICTED INTERGOV</b>	<b>22,891,203</b>
TRAFFIC CONTROL LIGHTS MAINT.	180,000
STREET SWEEPER AGREEMENT	25,035
<b>SPEC STATE/FED/LOC GRANT -PB</b>	<b>224,000</b>
POLICE DRUG FUND	5,809
POLICE DEPT GRANTS	100,000
SECTION 104F CITY OF GREENVILLE PLANNING GRT	315,493
FIRE/RESCUE SAFER GRANT	156,000
<b>POWELL BILL - ST ALLOCATION</b>	<b>2,157,640</b>
<b>SUBTOTAL - RESTRICTED INTERGOV</b>	<b>3,163,977</b>
PRIVILEGE LICENSES & PENALTIES	627,800
INSPECTION DIVISION	876,700
RECREATION & PARKS	2,129,300
PLANNING	119,505
POLICE	797,350
ENGINEERING	13,200
FIRE/RESCUE	182,700
<b>SUBTOTAL - LICENSE PERMITS AND FEES</b>	<b>4,746,555</b>
RESCUE SERVICE TRANSPORT	3,062,835
LEASE PARKING & METERS	108,102
PARKING TICKETS	240,000
PUBLIC WORKS SALES AND SERVICES	573,605
<b>SUBTOTAL - SALES AND SERVICES</b>	<b>3,984,542</b>
<b>SUBTOTAL - OTHER REVENUES</b>	<b>397,449</b>
<b>SUBTOTAL - INTEREST ON INVESTMENTS</b>	<b>1,768,922</b>
GUC TRANSFERS IN	5,952,192
APPROPRIATED FUND BALANCE	272,903
TRANSFER FROM GENERAL FUND	300,000
<b>SUBTOTAL - OTHER FINANCING SOURCES</b>	<b>6,525,095</b>
<b>TOTAL GF and PB INCLUDING OTHER FINANCING SOURCES</b>	<b>72,789,786</b>

ORDINANCE NO. \_\_\_\_\_  
CITY OF GREENVILLE, NORTH CAROLINA  
2012-13 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2012 and ending June 30, 2013 to meet the subsequent expenditures, according to the following schedules:

<u>REVENUE</u>	<u>BUDGET</u>
A. <u>Electric Fund</u>	
Rates & Charges	\$201,533,454
Fees & Charges	870,000
U.G. & Temp. Service Charges	94,500
Miscellaneous	744,569
Interest on Investments	135,000
Installment Purchase	880,300
Transfer from Capital Projects	<u>125,000</u>
Total Electric Fund Revenue	\$204,382,823
B. <u>Water Fund</u>	
Rates & Charges	\$16,016,324
Fees & Charges	241,879
Miscellaneous	163,786
Interest on Investments	37,843
Transfer from Capital Projects	<u>125,000</u>
Total Water Fund Revenue	\$16,584,832
C. <u>Sewer Fund</u>	
Rates & Charges	\$16,991,129
Fees & Charges	251,329
Miscellaneous	117,094
Interest on Investments	22,500
Transfer from Capital Projects	<u>125,000</u>
Total Sewer Fund Revenue	\$17,507,052
D. <u>Gas Fund</u>	
Rates & Charges	\$39,330,058
Fees & Charges	133,500
Miscellaneous	133,684
Interest on Investments	54,000
Transfer from Capital Projects	<u>125,000</u>
Total Gas Fund Revenue	<u>\$39,776,242</u>
TOTAL REVENUE	<u>\$278,250,949</u>

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2012 and ending on June 30, 2013, according to the following schedules:

<u>BUDGET</u>	
Electric Fund	204,382,823
Water Fund	16,584,832
Sewer Fund	17,507,052
Gas Fund	<u>39,776,242</u>
TOTAL EXPENDITURES	<u>\$278,250,949</u>

Section III: Amendments. (a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another in an amount not to exceed \$100,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting.

Section IV: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the \_\_\_\_\_ day of June, 2012.

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Allen M. Thomas, Mayor

Attest:

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Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Presentations by Boards and Commissions

- a. Planning and Zoning Commission
- b. Redevelopment Commission

**Explanation:** The Planning and Zoning Commission and the Redevelopment Commission are scheduled to make their annual presentations to City Council at the June 11, 2012 meeting.

**Fiscal Note:** N/A

**Recommendation:** Hear the presentations by the Planning and Zoning Commission and the Redevelopment Commission.

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# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

**Title of Item:** Agreement with David Vaughn Construction for the Sarah Vaughn Field of Dreams Improvements Project

**Explanation:** The Cal Ripken Senior Foundation, with the cooperation and support of area citizens and businesses, will provide improvements to the Sarah Vaughn Field of Dreams at Elm Street Park - the site used for the Exceptional Community Baseball League (ECBL). The approximate value of these improvements is \$150,000, and includes a knee wall along the first and third base lines, a new scoreboard, outfield fencing, dugout roofing, press box, donor wall, and bleachers.

Mr. David Vaughn of David Vaughn Construction will act as local construction manager for this project, working with the support of various area businesses in making these improvements. The project is targeted for completion in time for ECBL's fall season.

At the May 9, 2012, meeting of the Greenville Recreation and Parks Commission, members unanimously voted to recommend that City Council authorize entering into an agreement with David Vaughn Construction for improvements to the Sarah Vaughn Field of Dreams.

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

**Recommendation:** Approve an agreement with David Vaughn Construction for improvements to the Sarah Vaughn Field of Dreams through authorizing the Interim City Manager to negotiate and execute the agreement on behalf of the City.

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# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Update by Schneider Electric on the Guaranteed Energy Savings Performance Contract project

**Explanation:** Schneider Electric will be presenting the final scope of work for the Guaranteed Energy Savings Performance Contract project before it is submitted to the Local Government Commission on June 15th. The presentation will go over the proposed energy conservation measures for each of the City's facilities that were audited.

**Fiscal Note:** Funding for this project will be through third-party financing.

**Recommendation:** Receive Schneider Electric's presentation as information.

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# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Energy Services Company Performance Contract Re-Award

**Explanation:** This item is for the re-awarding of the performance contract to Schneider Electric. The Local Government Commission required the City to run a “notice to award” advertisement 15 days prior to the December 8, 2011, council meeting where Schneider was selected for this project. This ad did run, however, Schneider was selected on the 15th day only giving 14 days of “notice” rather than the required 15 days. The Local Government Commission suggested that the City run the ad again to “re-award” Schneider and have it appear on the consent agenda as a formality. This advertisement re-ran in the Daily Reflector on May 17, 2012.

**Fiscal Note:** There are no funds expended as part of this item.

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**Recommendation:** Reapprove Schneider Electric as the City’s Energy Services Company as previously approved on December 8, 2011.

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# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

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**Title of Item:** Discussion of Hop Tyson area stormwater drainage and street improvement needs

**Explanation:** Council Member Smith requested that this item be placed on the agenda. Council Member Smith, Interim Public Works Director Scott Godefroy, Community Development Director Merrill Flood, and former City Manager Wayne Bowers have held previous discussions about the natural ditches and roadway conditions in the Hop Tyson neighborhood. Residents have expressed a desire to have the ditches channelized (improved stormwater drainage), and curb and gutter added to the roadway.

**Fiscal Note:** N/A

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**Recommendation:** Receive comments on Hop Tyson area stormwater and street improvement needs from Council Member Smith.

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# City of Greenville, North Carolina

Meeting Date: 6/11/2012  
Time: 6:00 PM

## **Title of Item:**

Budget ordinance amendment #11 to the 2011-2012 City of Greenville budget (Ordinance #11-038) and amendments to the Administrative Facilities Capital Project Fund (Ordinance #03-60), the West Greenville Revitalization Fund (Ordinance #05-50), the Center City Revitalization Fund (Ordinance #05-127), the Employee Parking Lot Capital Project Fund (Ordinance #07-92), the Arlington Boulevard Sidewalk Capital Project Fund (ordinance #10-26), the Public Transportation Capital Assistance Recovery Grant Project Fund (Ordinance #09-73), the Public Works Yard/Beatty Street Capital Project Fund (Ordinance #08-65) and the FEMA-Hurricane Irene Project Fund (Ordinance #11-068)

## **Explanation:**

1) Attached is an amendment to the 2011-2012 budget ordinance for consideration at the June 11, 2012, City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

**A** To reallocate funds for Workers Compensation Loss, Property and Casualty Loss, and General Liability Premium accounts to align budget with actual spending. No additional funds will be needed from the Insurance Loss Reserve Fund. (Total Net - \$0).

**B** To appropriate Contingency funds to erect two wayfinding signs within the city limits (Total - \$53,433).

**C** To appropriate general fund balance to transfer for the Bradford Creek Golf Course to align the budget with actual spending. (Total - \$64,000)

**D** To appropriate Vehicle Replacement fund balance to purchase a new backhoe for Public Works that was stolen from Homestead Cemetery. The City's insurance deductible for this unit is estimated at \$25,000 (Total -\$40,000).

**E** To appropriate funds received and spent on the Greenville Road Race that was rescheduled and held on March 2012 (Total - \$10,818).

**F** To appropriate additional funds needed to complete payments for the Employee Parking Lot (Total - \$19,131).

**G**

To estimate funds for year-end closing of the Administrative Facilities Project Fund (City Hall Construction and Municipal Building Renovation), the Arlington Boulevard Sidewalk Capital Project Fund, the Public Transportation Capital Assistance Recovery Grant Project Fund, and the Public Works / Beatty Street Capital Project Fund of which \$13,264 will be transferred to the General Fund, remaining dollars will be transferred to other projects and appropriated for their needs (Total - \$13,264 (General Fund) and \$79,187 to other projects).

**H** To appropriate general fund balance for the Sanitation Fund to align the budget with actual spending. (Total - \$26,871).

**I** To appropriate general fund balance for the Recreation and Parks Department to align the budget with actual spending. (Total - \$77,444).

**J** To appropriate investment earnings that have been received into the West Greenville and Center City Revitalization Funds since the inception of these projects. This action will cause the funding to mirror the 2012-2013 Redevelopment Commission work plan. (Total - \$97,260, West Greenville and \$273,013, Center City).

**K** To appropriate funds received from FEMA for Hurricane Irene personnel costs. Additionally, this fund has been adjusted to reflect actual funding expected from FEMA for Hurricane Irene related costs (Total - \$258,256 transferred into the General Fund).

**L** To appropriate General fund balance for funds needed to subsidize the purchase of additional rollout carts in expectation of increased basic service demand during fiscal year 2012-2013. (Total - \$67,150).

**2)** Attached is an amendment to the West Greenville and Center City Revitalization Bond Funds. This amendment has a net zero affect on the funds respectively. The purpose of this action is to reallocate additional funds to the Redevelopment Commission as well as to move available funding to the appropriate accounts. The goal of the Redevelopment Commission is to provide funding to complete projects in accordance with the City Council action plan next year.

**Fiscal Note:**

The budget ordinance amendments affect the following funds: increase General Fund by \$280,469; increase the Public Transportation Fund by \$48,593; increase the Sanitation Fund by \$100,950; increase the Stormwater Utility Fund by \$15,297; increase the Administrative Facilities Fund by \$12,701; increase the Vehicle Replacement Fund by \$40,000; increase the Bradford Creek Golf Course Fund by \$64,000; increase the Center City Revitalization Fund by \$273,013; increase the West Greenville Revitalization Fund by \$97,260; increase the

Employee Parking Lot Capital Project Fund by \$19,131; increase the PW Yard/Beatty Street Capital Project Fund by \$252; and decrease the FEMA-Hurricane Irene Project Fund by \$351,951. The amendments made to the Arlington Boulevard Sidewalk Capital Project Fund and the Public Transportation Capital Assistance Recovery Grant Project Fund have a zero net effect on the respective funds:

<u>Name</u>	<u>Fund</u>	<u>Amended Budget</u>	<u>Proposed Amendment</u>	<u>Amended Budget 6/11/2012</u>
General	\$ 79,623,394	\$ 441,445	\$ 80,064,839	
Public Transportation	\$ 1,839,879	\$ 50,308	\$ 1,890,187	
Sanitation	\$ 6,296,899	\$ 170,950	\$ 6,467,849	
Stormwater Utility	\$ 4,775,440	\$ 15,297	\$ 4,790,738	
Administrative Facilities	\$ 13,537,440	\$ 12,701	\$ 13,550,141	
Vehicle Replacement	\$ 4,248,191	\$ 40,000	\$ 4,288,191	
Bradford Creek	\$ 848,214	\$ 64,000	\$ 912,214	
Center City Revitalization	\$ 5,025,000	\$ 273,013	\$ 5,298,013	
West Greenville Revitalization	\$ 5,927,635	\$ 97,260	\$ 6,024,895	
Employee Parking Lot	\$ 424,749	\$ 19,131	\$ 443,880	
PW/Beatty Street	\$ 501,550	\$ 252	\$ 501,802	
FEMA - Hurricane Irene	\$ 2,154,751	\$ (351,951)	\$ 1,802,800	

**Recommendation:**

Approve the budget ordinance amendment #11 to the 2011-2012 City of Greenville budget (Ordinance #11-038) and amendments to the Administrative

Facilities Capital Project Fund (Ordinance #03-60), the West Greenville Revitalization Fund (Ordinance #05-50), the Center City Revitalization Fund (Ordinance #05-127), the Employee Parking Lot Capital Project Fund (Ordinance #07-92), the Arlington Boulevard Sidewalk Capital Project Fund (ordinance #10-26), the Public Transportation Capital Assistance Recovery Grant Project Fund (Ordinance #09-73), the Public Works Yard/Beatty Street Capital Project Fund (Ordinance #08-65) and the FEMA-Hurricane Irene Project Fund (Ordinance #11-068)

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

**Attachments / click to download**

- [!\[\]\(a3e0f3b45fc5b7c9ebe592b93a50b74c\_img.jpg\) Budget Amendment FY 2011\\_2012\\_902782](#)
  - [!\[\]\(274448f2980afc0a9b3feaa445a082a1\_img.jpg\) WG\\_and\\_Center\\_City\\_Budget\\_Amendment\\_for\\_RDC\\_2012\\_928215](#)
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ORDINANCE NO. -  
CITY OF GREENVILLE, NORTH CAROLINA

Ordinance (#11) Amending the 2011-2012 Budget (Ordinance No. 11-038) and amendments to the Administrative Facilities Capital Project Fund (Ordinance No. 03-60), the West Greenville Revitalization Fund (Ordinance No. 05-50), the Center City Revitalization Fund (Ordinance No. 05-127), the Employee Parking Lot Capital Project Fund (Ordinance No. 07-92), the Arlington Boulevard Sidewalk Capital Project Fund (Ordinance No. 10-26), the Public Transportation Capital Assistance Recovery Grant Project Fund (Ordinance No. 09-73), and the Public Works Yard/Beatty Street Capital Project Fund (Ordinance No. 08-65)

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

Section I: Estimated Revenues and Appropriations. **General Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ORIGINAL 2011-2012 BUDGET</b>	<b>#11 Amended 6/11/12</b>	<b>Total Amendments</b>	<b>Amended 2011-2012 Budget</b>
<b>ESTIMATED REVENUES</b>				
Property Tax	\$ 29,813,308	\$ -	\$ -	\$ 29,813,308
Sales Tax	14,350,430	-	(100,000)	14,250,430
Utilities Franchise Tax	5,974,803	-	-	5,974,803
Other Unrestricted Intergov't Revenue	2,475,028	-	-	2,475,028
Powell Bill	2,032,692	-	-	2,032,692
Restricted Intergov't Revenues	2,149,013	E 2,960	273,602	2,422,615
Building Permits	733,701	-	-	733,701
Other Licenses, Permits and Fees	2,858,088	-	-	2,858,088
Rescue Service Transport	2,652,260	-	-	2,652,260
Other Sales & Services	1,042,183	-	-	1,042,183
Other Revenues	295,641	-	36,502	332,143
Interest on Investments	1,884,450	-	-	1,884,450
Transfers In GUC	4,986,085	-	-	4,986,085
Other Financing Sources	1,062,537	G,K 195,725	1,069,854	2,132,391
Appropriated Fund Balance	3,079,408	C,E,G,H,I,L 242,760	3,395,254	6,474,662
<b>TOTAL REVENUES</b>	<b>\$ 75,389,627</b>	<b>\$ 441,445</b>	<b>\$ 4,675,212</b>	<b>\$ 80,064,839</b>
<b>APPROPRIATIONS</b>				
Mayor/City Council	\$ 431,749	A \$ (120)	\$ (120)	\$ 431,629
City Manager	1,116,824	A (67)	67,063	1,183,887
City Clerk	308,883	-	-	308,883
City Attorney	455,445	-	-	455,445
Human Resources	2,708,692	A 54,214	54,214	2,762,906
Information Technology	3,214,564	A (341)	(4,441)	3,210,123
Fire/Rescue	12,944,368	A,K (66,294)	65,369	13,009,737
Financial Services	2,299,333	K 757	(7,279)	2,292,054
Recreation & Parks	6,334,923	A,E,I,K 210,239	379,833	6,714,756
Police	22,536,036	A,K (104,525)	643,080	23,179,116
Public Works	9,191,935	A,K 168,700	302,294	9,494,229
Community Development	1,730,350	A,B,K 61,593	248,303	1,978,653
OPEB	250,000	-	-	250,000
Contingency	150,000	B (53,433)	(150,000)	-
Indirect Cost Reimbursement	(601,354)	-	-	(601,354)
Capital Improvements	6,347,428	F,G (6,430)	1,489,939	7,837,367
<b>Total Appropriations</b>	<b>\$ 69,419,176</b>	<b>\$ 264,293</b>	<b>\$ 3,088,255</b>	<b>\$ 72,507,431</b>
<b>OTHER FINANCING SOURCES</b>				
Debt Service	\$ 4,209,487	\$ -	\$ -	\$ 4,209,487
Transfers to Other Funds	1,760,964	C,F,H,L 177,152	1,586,957	3,347,921
	<b>\$ 5,970,451</b>	<b>\$ 177,152</b>	<b>\$ 1,586,957</b>	<b>\$ 7,557,408</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 75,389,627</b>	<b>\$ 441,445</b>	<b>\$ 4,675,212</b>	<b>\$ 80,064,839</b>

Section II.: Estimated Revenues and Appropriations. **Public Transportation Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Special Fed/State/Loc Grant	\$ 1,038,844	\$ -	\$ -	\$ 1,038,844
Sales and Services	219,001	-	-	219,001
Transfer from Other Funds	5,250	G 50,308	50,308	55,558
Appropriated fund Balance	576,784	-	-	576,784
<b>TOTAL REVENUES</b>	<b>\$ 1,839,879</b>	<b>\$ 50,308</b>	<b>\$ 50,308</b>	<b>\$ 1,890,187</b>
<b><u>APPROPRIATIONS</u></b>				
Public Transportation Fund	\$ 1,839,879	G \$ 50,308	\$ 50,308	\$ 1,890,187
Total Expenditures	\$ 1,839,879	\$ 50,308	\$ 50,308	\$ 1,890,187
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,839,879</b>	<b>\$ 50,308</b>	<b>\$ 50,308</b>	<b>\$ 1,890,187</b>

Section III.: Estimated Revenues and Appropriations. **Sanitation Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Sales / Services	\$ 5,521,516	L \$ 2,850	\$ 2,850	\$ 5,524,366
Transfer from General Fund	190,000	H,L 94,021	94,021	284,021
Transfer from FEMA - Irene Fund	-	K 74,079	74,079	74,079
Appropriated Fund Balance	585,383	-	-	585,383
<b>TOTAL REVENUES</b>	<b>\$ 6,296,899</b>	<b>\$ 170,950</b>	<b>\$ 170,950</b>	<b>\$ 6,467,849</b>
<b><u>APPROPRIATIONS</u></b>				
Sanitation Fund	\$ 6,296,899	H,K,L 170,950	\$ 170,950	\$ 6,467,849
Total Expenditures	\$ 6,296,899	\$ 170,950	\$ 170,950	\$ 6,467,849
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 6,296,899</b>	<b>\$ 170,950</b>	<b>\$ 170,950</b>	<b>\$ 6,467,849</b>

Section IV.: Estimated Revenues and Appropriations. **Stormwater Utility Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Utility Fee	\$ 2,951,000	\$ -	\$ -	\$ 2,951,000
Investment Earnings	60,616	-	-	60,616
Transfer from Other Funds	-	G 15,297	15,297	15,297
Appropriated Fund Balance	823,655	-	940,170	1,763,825
<b>TOTAL REVENUES</b>	<b>\$ 3,835,271</b>	<b>\$ 15,297</b>	<b>\$ 955,467</b>	<b>\$ 4,790,738</b>
<b><u>APPROPRIATIONS</u></b>				
Stormwater Utility Fund	\$ 3,835,271	G \$ 15,297	\$ 955,466	\$ 4,790,737
Total Expenditures	\$ 3,835,271	\$ 15,297	\$ 955,466	\$ 4,790,737
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 3,835,271</b>	<b>\$ 15,297</b>	<b>\$ 955,466</b>	<b>\$ 4,790,737</b>

Section V: Estimated Revenues and Appropriations. **Administrative Facilities Capital Project Fund**, of Ordinance 03-60, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ORIGINAL 2011-2012 BUDGET</b>	<b>#11 Amended 6/11/12</b>	<b>Total Amendments</b>	<b>Amended 2011-2012 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>				
Special Fed/State/Loc Grant	\$ 121,028	\$ -	\$ -	\$ 121,028
Sales and Services	32,216	-	-	32,216
Investment Earnings	850,841	-	-	850,841
Transfer from Other Funds	1,218,608	-	-	1,218,608
Bond Proceeds	11,314,747	-	-	11,314,747
Appropriated Fund Balance	-	G 12,701	12,701	12,701
<b>TOTAL REVENUES</b>	<b>\$ 13,537,440</b>	<b>\$ 12,701</b>	<b>\$ 12,701</b>	<b>\$ 13,550,141</b>
<b><u>APPROPRIATIONS</u></b>				
Land Acquisition	\$ 950,000	\$ -	\$ -	\$ 950,000
Bond Administrative Costs	250,000	-	-	250,000
Engineering	1,115,000	-	-	1,115,000
Construction	9,954,582	-	-	9,954,582
Capital Outlay	1,230,997	-	-	1,230,997
Transfer to the General Fund	36,861	G 12,701	12,701	49,562
<b>Total Expenditures</b>	<b>\$ 13,537,440</b>	<b>\$ 12,701</b>	<b>\$ 12,701</b>	<b>\$ 13,550,141</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 13,537,440</b>	<b>\$ 12,701</b>	<b>\$ 12,701</b>	<b>\$ 13,550,141</b>

Section VI: Estimated Revenues and Appropriations. **Vehicle Replacement Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ADJUSTED BUDGET</b>	<b>#11 Amended 6/11/12</b>	<b>Total Amendments</b>	<b>Amended Budget</b>
<b><u>ESTIMATED REVENUES</u></b>				
Transfer from Other Funds	\$ 3,082,860	\$ -	\$ 468,143	\$ 3,551,003
Insurance Proceeds	-	D 15,000	15,000	15,000
Appropriated Fund Balance	638,005	D 25,000	84,183	722,188
<b>TOTAL REVENUES</b>	<b>\$ 3,720,865</b>	<b>\$ 40,000</b>	<b>\$ 567,326</b>	<b>\$ 4,288,191</b>
<b><u>APPROPRIATIONS</u></b>				
Capital Purchases	\$ 3,503,620	D 40,000	\$ 784,571	\$ 4,288,191
Increase in Reserve	217,245	-	(217,245)	-
Total Expenditures	\$ 3,720,865	\$ 40,000	\$ 567,326	\$ 4,288,191
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 3,720,865</b>	<b>\$ 40,000</b>	<b>\$ 567,326</b>	<b>\$ 4,288,191</b>

Section VII: Estimated Revenues and Appropriations. **Bradford Creek Golf Course Fund**, of Ordinance 11-038, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 05/31/09	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Sales / Services	\$ 845,714	\$ -	\$ 2,500	\$ 848,214
Transfer from the General Fund	-	C 64,000	64,000	64,000
<b>TOTAL REVENUES</b>	<b>\$ 845,714</b>	<b>\$ 64,000</b>	<b>\$ 66,500</b>	<b>\$ 912,214</b>
<b><u>APPROPRIATIONS</u></b>				
Personnel	\$ 454,908	C 4,000	\$ 5,500	\$ 460,408
Operating	390,806	C 60,000	61,000	451,806
Total Expenditures	\$ 845,714	\$ 64,000	\$ 66,500	\$ 912,214
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 845,714</b>	<b>\$ 64,000</b>	<b>\$ 66,500</b>	<b>\$ 912,214</b>

Section VIII: Estimated Revenues and Appropriations. **Center City Capital Project Fund**, of Ordinance 05-127, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ADJUSTED BUDGET	Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Special State/Fed/Loc Grants	\$ 25,000	\$ -	\$ -	\$ 25,000
Investment Earnings	-	J 273,013	273,013	273,013
Bond Proceeds	5,000,000	-	-	5,000,000
<b>TOTAL REVENUES</b>	<b>\$ 5,025,000</b>	<b>\$ 273,013</b>	<b>\$ 273,013</b>	<b>\$ 5,298,013</b>
<b><u>APPROPRIATIONS</u></b>				
Acquisition	\$ 1,499,025	J (564,025)	\$ (564,025)	\$ 935,000
Demolition	70,100	J (70,100)	(70,100)	-
Infrastructure	2,792,856	J 1,058,159	1,058,159	3,851,015
Construction	363,019	J (172,311)	(172,311)	190,708
Development Financing	300,000	J (30,104)	(30,104)	269,896
Bond Administrative Costs	-	J 51,394	51,394	51,394
Total Expenditures	\$ 5,025,000	\$ 273,013	\$ 273,013	\$ 5,298,013
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 5,025,000</b>	<b>\$ 273,013</b>	<b>\$ 273,013</b>	<b>\$ 5,298,013</b>

Section IX.: Estimated Revenues and Appropriations. **West Greenville Capital Project Fund**, of Ordinance 05-50, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ADJUSTED BUDGET	Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Sales and Services	\$ 400,520	\$ -	\$ -	\$ 400,520
Investment Earnings	105,798	J 97,260	97,260	203,058
Other Income	421,317	-	-	421,317
Bond Proceeds	5,000,000	-	-	5,000,000
<b>TOTAL REVENUES</b>	<b>\$ 5,927,635</b>	<b>\$ 97,260</b>	<b>\$ 97,260</b>	<b>\$ 6,024,895</b>
<b><u>APPROPRIATIONS</u></b>				
Acquisition	\$ 2,629,635	J \$ 200,732	\$ 200,732	\$ 2,830,367
Rehab Owner Occupied	227,687	J (14,652)	(14,652)	213,035
Demolition	401,847	J 2,432	2,432	404,279
Infrastructure	1,442,767	J (38,752)	(38,752)	1,404,015
Relocation Costs	275,000	J (6,482)	(6,482)	268,518
Development Financing	300,000	J (105,734)	(105,734)	194,266
Construction	595,955	J 9,220	9,220	605,175
Bond Acquisition Costs	-	J 60,272	60,272	60,272
Capital Outlay	54,744	J (9,776)	(9,776)	44,968
Total Expenditures	\$ 5,927,635	\$ 97,260	\$ 97,260	\$ 6,024,895
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 5,927,635</b>	<b>\$ 97,260</b>	<b>\$ 97,260</b>	<b>\$ 6,024,895</b>

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

	ADJUSTED BUDGET	Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b><u>ESTIMATED REVENUES</u></b>				
Sale of Property	\$ 175,500		\$ -	\$ 175,500
Invest Earnings	-	F \$ 1,486	\$ 1,486	\$ 1,486
Transfer from General Fund	193,683	F 17,645	73,211	266,894
<b>TOTAL REVENUES</b>	<b>\$ 369,183</b>	<b>\$ 19,131</b>	<b>\$ 74,697</b>	<b>\$ 443,880</b>
<b><u>APPROPRIATIONS</u></b>				
Construction	\$ 1,750	F \$ 19,131	\$ 74,697	\$ 76,447
Acquisition	57,183	-	-	57,183
Demolition	35,250	-	-	35,250
Transfer to the Other Funds	275,000	-	-	275,000
Total Expenditures	\$ 369,183	\$ 19,131	\$ 74,697	\$ 443,880
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 369,183</b>	<b>\$ 19,131</b>	<b>\$ 74,697</b>	<b>\$ 443,880</b>

Section XI: Estimated Revenues and Appropriations. **Arlington Boulevard Sidewalk Capital Project Fund**, of Ordinance 10-26, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b>ESTIMATED REVENUES</b>				
Special Fed/State/Loc Grant Appropriated Fund Balance	\$ 108,897	\$ -	\$ -	\$ 108,897
<b>TOTAL REVENUES</b>	<b>\$ 108,897</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 108,897</b>
<b>APPROPRIATIONS</b>				
Contingency	\$ 14,204	\$ -	\$ -	\$ 14,204
Engineering	-			-
Construction	94,693	G (563)	(563)	94,130
Transfer to General	-	G 563	563	563
Total Expenditures	\$ 108,897	\$ -	\$ -	\$ 108,897
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 108,897</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 108,897</b>

Section XII: Estimated Revenues and Appropriations. **Public Transportation Capital Assistance Recovery Grant Project Fund**, of Ordinance 09-73, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b>ESTIMATED REVENUES</b>				
Special Fed/State/Loc Grant Appropriated Fund Balance	\$ 1,577,464	\$ -	\$ -	\$ 1,577,464
<b>TOTAL REVENUES</b>	<b>\$ 1,577,464</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,577,464</b>
<b>APPROPRIATIONS</b>				
Capital Improvements	\$ 1,577,464	G (48,593)	\$ (48,593)	\$ 1,528,871
Transfer to the Public Transportation Fund	-	G 48,593	48,593	48,593
Total Expenditures	\$ 1,577,464	\$ -	\$ -	\$ 1,577,464
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,577,464</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,577,464</b>

Section XIII: Estimated Revenues and Appropriations. **PW Yard/ Beatty Street Capital Project Fund**, of Ordinance 08-65, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2011-2012 BUDGET	#11 Amended 6/11/12	Total Amendments	Amended 2011-2012 Budget
<b>ESTIMATED REVENUES</b>				
Investment Earnings	\$ -	G \$ 252	\$ 252	\$ 252
Transfer from Storm water Utility Fund	501,550	-	-	501,550
<b>TOTAL REVENUES</b>	<b>\$ 501,550</b>	<b>\$ 252</b>	<b>\$ 252</b>	<b>\$ 501,802</b>
<b>APPROPRIATIONS</b>				
Construction	\$ 464,850	\$ -	\$ -	\$ 464,850
Non-contractual	36,700	G (15,045)	(15,045)	21,655
Transfer to Stormwater Utility Fund	-	G 15,297	15,297	15,297
Total Expenditures	\$ 501,550	\$ 252	\$ 252	\$ 501,802
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 501,550</b>	<b>\$ 252</b>	<b>\$ 252</b>	<b>\$ 501,802</b>

Section XIV: Estimated Revenues and Appropriations. **FEMA- Hurricane Irene Project Fund**, of Ordinance 11-068, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	<b>ORIGINAL 2011-2012 BUDGET</b>	<b>#11 Amended 6/11/12</b>	<b>Total Amendments</b>	<b>Amended 2011-2012 Budget</b>
<b><u>ESTIMATED REVENUES</u></b>				
Federal Emergency Management Agency	\$ 2,154,751	K \$ (351,951)	\$ (351,951)	\$ 1,802,800
<b>TOTAL REVENUES</b>	<b>\$ 2,154,751</b>	<b>\$ (351,951)</b>	<b>\$ (351,951)</b>	<b>\$ 1,802,800</b>
<b><u>APPROPRIATIONS</u></b>				
City Property Loss	\$ 500,000	\$ -	\$ -	\$ 500,000
Debris Removal	1,654,751	K (610,207)	(610,207)	1,044,544
Transfer to Other Funds	-	K 258,256	258,256	258,256
Total Expenditures	\$ 2,154,751	\$ (351,951)	\$ (351,951)	\$ 1,802,800
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 2,154,751</b>	<b>\$ (351,951)</b>	<b>\$ (351,951)</b>	<b>\$ 1,802,800</b>

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

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

Adopted this 1th day of June, 2012.

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

ATTEST:

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

ORDINANCE NO. \_\_\_\_\_  
 CITY OF GREENVILLE, NORTH CAROLINA  
 ORDINANCE AMENDING PROJECT ORDINANCE NO. 05-127, CENTER CITY REVITALIZATION  
 CAPITAL PROJECT FUND AND ORDINANCE NO. 05-50 WEST GREENVILLE REVITALIZATION  
 CAPITAL PROJECT FUNDS FOR THE REDEVELOPMENT COMMISSION

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

Section I: Estimated Appropriations. Center City Revitalization Fund, of Ordinance 05-127, is hereby amended by increasing estimated appropriations for the Redevelopment Commission in the amount indicated:

	ADJ. BUDGET	Amended 6/11/12	Total Amendments	Amended 2010-2011 Budget
<b><u>ESTIMATED APPROPRIATIONS</u></b>				
Acquisition( R )	\$ 750,000	\$ 185,010	\$ 185,010	\$ 935,010
Demolition ( R )	80,050	(80,050)	(80,050)	-
Infrastructure ( R )	2,792,856	311,414	311,414	3,104,270
Development Financing ( R )	209,895	(30,000)	(30,000)	179,895
Construction ( R )	363,019	-	-	363,019
Acquisition	749,025	(386,374)	(386,374)	362,651
Demolition	(9,950)	-	-	(9,950)
Infrastructure	273,013	-	-	273,013
Business Retention and Relocation	-	-	-	-
Development Financing	90,105	-	-	90,105
Construction	-	-	-	-
<b>TOTAL APPROPRIATIONS ( R )</b>	<b>\$ 5,298,013</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,298,013</b>

Section II: Estimated Appropriations. West Greenville Revitalization Fund, of Ordinance 05-50, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ADJ. BUDGET	Amended 6/11/12	Total Amendments	Amended 2010-2011 Budget
<b><u>ESTIMATED APPROPRIATIONS</u></b>				
Acquisition( R )	\$ 364,215	\$ 205,260	\$ 205,260	\$ 569,475
Infrastructure ( R )	1,442,767	9,500	9,500	1,452,267
Development Financing ( R )	285,000	(91,339)	(91,339)	193,661
Reocation Costs ( R )	64,889	-	-	64,889
Construction ( R )	35,280	(5,000)	(5,000)	30,280
Acquisition	2,362,680	(97,260)	(97,260)	2,265,420
Rehab-Owner Occupied	227,687	(6,161)	(6,161)	221,526
Demolition Services	401,847	-	-	401,847
Development Financing	15,000	(15,000)	(15,000)	-
Relocation Costs	210,111	-	-	210,111
Construction	560,675	-	-	560,675
Capital Outlay	54,744	-	-	54,744
<b>TOTAL APPROPRIATIONS ( R )</b>	<b>\$ 6,024,895</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,024,895</b>

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

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

Adopted this 11th day of June, 2012.

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Allen M. Thomas

ATTEST:

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Carol L. Barwick, City Clerk