

# NOTES

TO: Honorable Mayor and City Council Members  
FROM: Barbara Lipscomb, City Manager *BL*  
DATE: March 16, 2016  
SUBJECT: Materials for Your Information

Please find attached the following materials for your information:


1. A memo from Dave Holec, City Attorney, regarding Resolutions Establishing Legislative Initiatives, to be discussed at the March 17, 2016, City Council meeting
2. A memo from Dave Holec, City Attorney, regarding a Resolution Authorizing the Sale of Eighth Street property by Negotiated Offer, Advertisement, and Upset Bid Method, as discussed at the March 14, 2016, City Council meeting
3. A memo from Dave Holec, City Attorney, regarding a Resolution Amending the City of Greenville Local Preference Policy, as discussed at the March 14, 2016, City Council meeting
4. A memo from me regarding the Local Preference Policy
5. A memo from me regarding the South Greenville Recreation Center
6. A memo from Gary Fenton, Recreation and Parks Director, regarding work at Town Common
7. A memo from Merrill Flood, Assistant City Manager, regarding Community Development Block Grant Week activities
8. A memo from Merrill Flood, Assistant City Manager, regarding the Center for Family Violence Prevention
9. A flier from Congressman Butterfield regarding a "Re-Entry Forum" scheduled for March 29, 2016

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Attachments

cc: Dave Holec, City Attorney  
Carol Barwick, City Clerk

## MEMORANDUM

**TO:** Mayor and Council Members  
**FROM:** David A. Holec, City Attorney   
**DATE:** March 16, 2016  
**SUBJECT:** Resolutions Establishing Legislative Initiatives

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Based upon the direction of City Council at its March 14, 2016, meeting, attached are resolutions which establish the City's legislative initiatives for the 2016 Session of the North Carolina General Assembly. City Council will consider the adoption of these resolutions at its March 17, 2016, meeting. The resolutions attached are the following:

1. Resolution of the City Council of the City of Greenville Supporting the Preservation and Enhancement of Municipal Revenue Sources
2. Resolution of the City Council of the City of Greenville Supporting the Preservation of Municipal Authorities
3. Resolution of the City Council of the City of Greenville Seeking Enactment of Legislation Relating to Implementation of a Red Light Camera Enforcement Program with an Interlocal Agreement with the Board of Education
4. Resolution of the City Council of the City of Greenville Supporting Funding for the Urban Search and Rescue Program
5. Resolution of the City Council of the City of Greenville Supporting Efforts to Maintain the Authority of Cities to Implement Business Registration Programs
6. Resolution of the City Council of the City of Greenville Supporting the Promotion of Economic Development

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This memo and the attachments are for Agenda Item #8 for the March 17, 2016, meeting.

cc: Barbara Lipscomb, City Manager  
Carol Barwick, City Clerk

attachments

RESOLUTION NO. – 16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING  
THE PRESERVATION AND ENHANCEMENT OF MUNICIPAL REVENUE SOURCES

WHEREAS, cities are reliant upon municipal revenue sources in order to provide services to its citizens such as public safety, recreation, economic development, and transportation;

WHEREAS, in order to ensure that cities have reliable and growing sources of revenue, it is important that existing municipal revenue sources be preserved for cities and additional revenue options be authorized for cities; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will preserve and enhance municipal revenue sources;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the preservation and enhancement of municipal revenue sources and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to preserve and enhance municipal revenue sources.

This the 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

RESOLUTION NO. – 16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING  
THE PRESERVATION OF MUNICIPAL AUTHORITIES

WHEREAS, cities are reliant upon the grants of authorities by the North Carolina General Assembly in order to provide services to its citizens such as public safety, recreation, economic development, and transportation;

WHEREAS, in order to ensure flexibility to allow the needs of the community to be effectively and efficiently met, it is important that existing municipal authorities be preserved for cities; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will preserve municipal authorities;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the preservation of municipal authorities and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to preserve municipal authorities.

This the 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

RESOLUTION NO. -16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
SEEKING ENACTMENT OF LEGISLATION RELATING TO IMPLEMENTATION OF A  
RED LIGHT CAMERA ENFORCEMENT PROGRAM UTILIZING AN INTERLOCAL  
AGREEMENT WITH THE BOARD OF EDUCATION

WHEREAS, a serious public safety hazard is created by drivers of motor vehicles who violate the law by entering an intersection after the traffic signal light turns red;

WHEREAS, although the City of Greenville has the authority to implement a red light camera enforcement program, it is not financially viable unless implemented with a program similar to the City of Fayetteville's program that utilizes an interlocal agreement with the Board of Education which includes provisions on cost sharing and reimbursement;

WHEREAS, the implementation of a red light camera enforcement program will result in a decline in red light violations and a correlating increase in the safety of citizens and also allow police officers to engage in other enforcement activities;

WHEREAS, in addition to providing for the protection of public safety, the implementation of a red light camera enforcement program will also benefit the Pitt County Board of Education by providing revenue it would not otherwise receive; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to enact legislation to grant the authority to the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost sharing and reimbursement with the local bill also increasing the civil penalty to one hundred dollars and allowing an assessment of a collection assessment fee;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to enact a local bill which will grant authority to the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost sharing and reimbursement with the local bill also increasing the civil penalty to one hundred dollars and allowing an assessment of a collection assessment fee.

This the 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

RESOLUTION NO. – 16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING  
FUNDING FOR THE URBAN SEARCH AND RESCUE PROGRAM

WHEREAS, North Carolina has seven (7) regional Urban Search and Rescue (USAR) teams which provide disaster response and one of the regional teams is located and provided personnel by the City of Greenville Fire and Rescue Department;

WHEREAS, the primary source of funds for the Urban Search and Rescue Program is decreasing and there is a need for a sustainable funding source;

WHEREAS, it is important for the Urban Search and Rescue Program to have an established sustainable funding source; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will support funding for the Urban Search and Rescue Program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the funding for the Urban Search and Rescue Program and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to support the establishment of a sustainable funding source for the Urban Search and Rescue Program.

This the 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

RESOLUTION NO. – 16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING  
EFFORTS TO MAINTAIN THE AUTHORITY OF CITIES TO IMPLEMENT BUSINESS  
REGISTRATION PROGRAMS

WHEREAS, business registration programs provide a method for cities to collect data on businesses operating within their jurisdiction;

WHEREAS, it is important for cities to have this information for use by employees in areas like police, fire, safety inspections, and zoning compliance; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will maintain the authority of cities to implement business registration programs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the efforts to maintain the authority of cities to implement business registration programs and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to maintain the authority of cities to implement business registration programs.

This the 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

RESOLUTION NO. – 16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
SUPPORTING THE PROMOTION OF ECONOMIC DEVELOPMENT

WHEREAS, the promotion of economic development is beneficial to the City of Greenville and its citizens;

WHEREAS, the Job Development Investment Grant (JDIG) program provides a recruiting tool to promote economic development projects;

WHEREAS, a regional development approach that benefits eastern North Carolina will also benefit City of Greenville; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will promote economic development;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the promotion of economic development to enhance the economic growth of the community and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to promote economic development.

This the 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

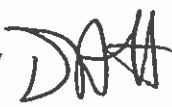
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Carol L. Barwick, City Clerk



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** David A. Holec, City Attorney 

**DATE:** March 16, 2016

**SUBJECT:** Resolution Authorizing Sale of Eighth Street Property by Negotiated Offer, Advertisement, and Upset Bid Method

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At its March 14, 2016, meeting, City Council approved a motion to proceed with the sale of the 0.04 acre tract located on the south side of Eighth Street between Evans Street and Forbes Street by a competitive sale method. Competitive sale methods include (1) public auction, (2) advertisement for sealed bids, and (3) negotiated offer, advertisement, and upset bid. Attached is a resolution which initiates the negotiated offer, advertisement, and upset bid method. If Council determines to initiate this process at this meeting based upon the offer described below, Council will need to:

- 1) Add this item to the agenda; and
- 2) Approve the attached Resolution.

\* \* \* \* \*

Taft-Ward Investments, LLC has offered to purchase the property for \$15,000. The offer for the property is based upon its appraised value. This amount is proposed to be utilized for the negotiated offer, advertisement, and upset bid method of sale. The offer will be advertised and other persons will have the opportunity to submit an upset bid which must increase the offer amount by at least 10% of the first \$1,000 and 5% of the remainder. If a qualifying upset bid is received, it is advertised and the opportunity to submit additional upset bids is provided. This process is continued until there is no qualifying upset bid at which time the highest bid is presented to the City Council for its consideration of whether to accept it.

It is proposed that restrictive covenants be a component of the sale of the property. The restrictive covenants will be included in the deed conveying the property from the City establishing (a) a buffering requirement along the eastern boundary of the property and (b) a prohibition on outdoor lighting, if the property is vacant or being used for an outdoor active or passive recreational or open space use.

cc: Barbara Lipscomb, City Manager  
Carol Barwick, City Clerk

attachment

RESOLUTION NO. - 16  
RESOLUTION AUTHORIZING THE SALE OF PROPERTY BY THE NEGOTIATED  
OFFER, ADVERTISEMENT, AND UPSET BID METHOD

WHEREAS, an offer has been made to acquire property owned by the City of Greenville located on the south side of Eighth Street between Evans Street and Forbes Street; and

WHEREAS, North Carolina General Statute 160A-269 authorizes the City of Greenville to sell property by the negotiated offer, advertisement, and upset bid method;

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

1) That it proposes to accept the offer by Taft-Ward Investments, LLC, to acquire the hereindescribed property and that it authorizes the sale of the hereindescribed property by the negotiated offer, advertisement, and upset bid method.

2) That the property to be sold is described as follows:

Being the property located in the City of Greenville, North Carolina, consisting of approximately 0.04 acres located on the south side of Eighth Street between Evans Street and Forbes Street, and being Tax Parcel #25192

3) That the offer of Taft-Ward Investments, LLC, is to pay FIFTEEN THOUSAND AND no/100ths DOLLARS (\$15,000.00).

4) That Taft-Ward Investments, LLC, shall deposit with the City Clerk five percent of the value of the offer in the form of cash, cashiers check, or certified check, said deposit will be forfeited if there are no qualifying offers at the conclusion of the upset bid procedure, Council accepts the offer, and the terms of the offer are not fulfilled.

5) That the City Clerk shall publish a notice of offer in the amount of FIFTEEN THOUSAND AND no/100ths DOLLARS (\$15,000.00) and request for upset bids. Within ten (10) days of publication of the notice, any person may raise the bid for the purchase of the property by not less than ten percent of the first one thousand dollars and five percent of the remainder. When the bid is raised, the bidder shall deposit five percent of the increased bid in the form of cash, cashiers check, or certified check. The deposit will be forfeited if the bidder withdraws the offer or if the bidder has the highest qualifying offer at the conclusion of the upset bid procedure, Council accepts the offer, and the terms of the offer are not fulfilled. Once a qualifying higher bid has been received, that bid will become the new offer. The procedure shall be repeated until no further qualifying upset bids are received, at which time the City Council may accept the offer and sell the property to the highest bidder.

6) That, for any upset bid which is accepted by City Council, the closing on the sale of the property shall occur no later than thirty (30) days after acceptance of the bid by the City Council with full payment to be made at closing by cash, cashiers check, or certified check. Conveyance of the property will be by a Limited Warranty Deed for the property in fee simple, with the warranties limited to the term of the City's ownership of the property, conveying title to the property subject to restrictive covenants, easements and rights-of-way of public record, noncompliance with local, county, state or federal governmental laws, ordinances, or regulations relative to zoning, subdivision, occupancy, use, construction or the development of the property, if any, and to all matters and things which a current accurate survey may reveal or disclose.

7) Restrictive covenants will be included in the deed conveying the property from the City establishing (a) a buffering requirement along the eastern boundary of the property and (b) a prohibition on outdoor lighting, if the property is vacant or being used for an outdoor active or passive recreational or open space use.

8) That City Council may at any time reject any and all offers.

This 17th day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** David A. Holec, City Attorney



**DATE:** March 16, 2016

**SUBJECT:** Resolution Amending the City of Greenville Local Preference Policy

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At its March 14, 2016, meeting, City Council approved a motion that included a direction that an amendment be prepared to the Local Preference Policy for its consideration relating to a bidder being an eligible local bidder when the qualification is based upon the bidder having an office within a residence. Attached is a resolution which includes a proposed amendment and a red-line version of the amended section demonstrating the amendment. If Council determines to consider this amendment at this meeting, Council will need to:

- 1) Add this item to the agenda; and
- 2) Consider the attached Resolution.

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One of the options which qualifies a bidder to be considered as an Eligible Local Bidder is that the bidder has an office from which all or a portion of the business is directed or managed and which is located within a residence within the corporate limits or extraterritorial jurisdictional area of the City as allowed by the Zoning Ordinance for a period of at least one year. A company can utilize this provision based upon an employee's residence. The intent of this section was to address businesses which operate out of the home of the business owner. An example would be a professional operating out of a home office such as an architect. In order to address this intent, the proposed amendment is to require that the residence be the residence of the owner of the bidder. The proposed amendment provides that it is effective immediately.

cc: Barbara Lipscomb, City Manager  
Carol Barwick, City Clerk

attachments

When the request for bids involves the bidder submitting a price, in order for a bidder to be an Eligible Local Bidder, the bidder must either:

- (a) Have an office or store from which all or a portion of its business is directed or managed and which is located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville consisting of at least 500 square feet of floor area within a building on property having a non-residential zoning classification; or
- (b) Have an office or store located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville and have at least three (3) employees who are based and working out of said office or store; or
- (c) Have an office from which all or a portion of its business is directed or managed ~~for a period of at least one (1) year~~ and which is located within a residence ~~that is the residence of the owner of the bidder and that is~~ within the corporate limits or extraterritorial jurisdictional area of the City of Greenville as allowed by the Zoning Ordinance ~~for a period of at least one (1) year~~. For the purpose of this subsection, the owner of the bidder means a person who has an ownership interest of at least fifty percent (50%) in the legal entity which is the bidder or, if the bidder is an individual person, the individual person.

When the request seeking proposals is based upon qualifications for a service contract without a price being submitted as a bid when the proposal is submitted, in order for a bidder to be considered as an Eligible Local Bidder, the bidder must either:

- (a) Have an office from which all or a portion of its business is directed or managed and which is located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville consisting of at least 500 square feet of floor area within a building on property having a non-residential zoning classification; or
- (b) Have an office located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville and have at least three (3) employees who are based and working out of said office; or
- (c) Have an office from which all or a portion of its business is directed or managed ~~for a period of at least one (1) year~~ and which is located within a residence ~~that is the residence of the owner of the bidder and that is~~ within the corporate limits or extraterritorial jurisdictional area of the City of Greenville as allowed by the Zoning Ordinance ~~for a period of at least one (1) year~~. For the purpose of this subsection, the owner of the bidder means a person who has an ownership interest of at least fifty percent (50%) in the legal entity which is the bidder or, if the bidder is an individual person, the individual person;
- (d) Have an arrangement with one or more firms or companies that qualify as an Eligible Local Bidder pursuant to (a), (b), or (c) above to subcontract with said firms or companies to perform at least twenty five percent (25%) of the dollar value of the work to be performed pursuant to the service contract, if the bidder is awarded the contract.

RESOLUTION NO. - 16  
RESOLUTION AMENDING THE CITY OF GREENVILLE LOCAL PREFERENCE AND  
RETENTION OF PROFESSIONAL AND OTHER SERVICES POLICY

BE IT RESOLVED by the City Council of the City of Greenville that Local Preference and Retention of Professional and Other Services Policy be and is hereby amended, effective immediately, by rewriting section 5 of said Policy so that it shall read as follows:

Section 5. Qualifications.

In order to qualify for the local preference, an Eligible Local Bidder must complete the Bidder's Certification for Local Preference Form and submit it to the Purchasing Manager with or prior to the submittal of the bid or proposal. A Bidder's Certification for Local Preference Form shall be required to be updated by a bidder (i) when matters certified to in the form have materially changed and (ii) when notified by the Purchasing Manager that a periodic update is required. The Eligible Local Bidder must have paid and be current on any applicable City of Greenville property taxes and, if required by law, any applicable City of Greenville privilege license fees.

When the request for bids involves the bidder submitting a price, in order for a bidder to be an Eligible Local Bidder, the bidder must either:

- (a) Have an office or store from which all or a portion of its business is directed or managed and which is located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville consisting of at least 500 square feet of floor area within a building on property having a non-residential zoning classification; or
- (b) Have an office or store located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville and have at least three (3) employees who are based and working out of said office or store; or
- (c) Have an office from which all or a portion of its business is directed or managed for a period of at least one (1) year and which is located within a residence that is the residence of the owner of the bidder and that is within the corporate limits or extraterritorial jurisdictional area of the City of Greenville as allowed by the Zoning Ordinance. For the purpose of this subsection, the owner of the bidder means a person who has an ownership interest of at least fifty percent (50%) in the legal entity which is the bidder or, if the bidder is an individual person, the individual person.

When the request seeking proposals is based upon qualifications for a service contract without a price being submitted as a bid when the proposal is submitted,

in order for a bidder to be considered as an Eligible Local Bidder, the bidder must either:

- (a) Have an office from which all or a portion of its business is directed or managed and which is located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville consisting of at least 500 square feet of floor area within a building on property having a non-residential zoning classification; or
- (b) Have an office located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville and have at least three (3) employees who are based and working out of said office; or
- (c) Have an office from which all or a portion of its business is directed or managed for a period of at least one (1) year and which is located within a residence that is the residence of the owner of the bidder and that is within the corporate limits or extraterritorial jurisdictional area of the City of Greenville as allowed by the Zoning Ordinance. For the purpose of this subsection, the owner of the bidder means a person who has an ownership interest of at least fifty percent (50%) in the legal entity which is the bidder or, if the bidder is an individual person, the individual person;
- (d) Have an arrangement with one or more firms or companies that qualify as an Eligible Local Bidder pursuant to (a), (b), or (c) above to subcontract with said firms or companies to perform at least twenty five percent (25%) of the dollar value of the work to be performed pursuant to the service contract, if the bidder is awarded the contract.

This the 17<sup>th</sup> day of March, 2016.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# Memorandum

**To:** Honorable Mayor and City Council Members  
**From:** Barbara Lipscomb, City Manager *BL*  
**Date:** March 16, 2016  
**Subject:** Local Preference Policy

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At Monday's City Council meeting, there were questions and interest on the impact of the City's Local Preference Program. As such, I am attaching a copy of the full policy on this program. In particular, please take a look at Section 4 which shows the situations when the Local Preference Policy applies.

These provisions reflect Federal and/or State policies related to procurement. Please note under Sections 6 and 7, there is a "price" matching preference and a mechanism to provide additional "points" related to local vendors. Hopefully this background provides additional input related to the limitations on our Local Preference Policy. Staff will have further discussions to determine if there are any other avenues or policy modifications that can be implemented to increase local vendor participation.

Attachment

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RESOLUTION NO. 056-13  
RESOLUTION ADOPTING THE CITY OF GREENVILLE  
LOCAL PREFERENCE POLICY

WHEREAS, the economic development of the City of Greenville will be promoted by the implementation of a Local Preference Policy in the procurement of goods and services in that it supports local business;

WHEREAS, in addition to promoting economic development, a Local Preference Policy provides a benefit to the City of Greenville in that local businesses have the opportunity to be more timely and responsive in providing goods and services; and

WHEREAS, the City Council of the City of Greenville hereby finds and determines that the Local Preference Policy herein adopted accomplishes the aforementioned goals while ensuring fiscal responsibility and the provision of goods and services in a manner which best serves the needs of the City of Greenville;

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

Section 1. That the City of Greenville Local Preference Policy is hereby adopted, said policy to read as follows:

**CITY OF GREENVILLE LOCAL PREFERENCE POLICY**

**Section 1. Purpose.**

The purpose of the Local Preference Policy is to ensure the best overall value in the procurement of goods and services while providing a preference to local businesses to support the City's economic development. The City's economic development is supported by the Local Preference Policy in that the policy supports local business. An additional benefit of a Local Preference Policy is the benefit derived by the City when goods and services are being provided by local businesses which have the opportunity to be more timely and responsive when providing goods and services.

**Section 2. Definitions.**

- (a) Eligible Local Bidder means a bidder that has paid and is current on any applicable City of Greenville privilege license fees and on property taxes in the City of Greenville and who meets the qualifications set forth in Section 5.
- (b) Non-Local Bidder means a bidder that is not an Eligible Local Bidder as defined in subsection (a).

(c) Responsible bidder means the bid or proposal is submitted by a bidder that has the skill, judgment and integrity necessary for the faithful performance of the contract, as well as sufficient financial resources and ability.

(d) Responsive bidder means that the bid or proposal submitted by a bidder complies with the specifications or requirements for the request for bids or request for proposals.

### Section 3. Policy.

The policy of the City of Greenville is to provide a preference to local businesses in the procurement of goods and services for the contracts which the City may apply a local preference when applying federal and state law. When the request for bids involves the bidder submitting a price, a price-matching preference will be given to Eligible Local Bidders on contracts for the purchase of goods and services. The preference will allow an Eligible Local Bidder to match the price and terms of the lowest responsible, responsive bidder who is a Non-Local Bidder, if the Eligible Local Bidder's price is within five percent (5%) or, \$25,000 whichever is less, of the lowest responsible, responsive Non-Local Bidder's price. When the request seeking proposals is based upon qualifications for a service contract without a price being submitted as a bid when the proposal is submitted, a factor in the evaluation of proposals shall be whether the proposal is submitted by an Eligible Local Bidder. Five percent (5%) of the points to be awarded to a bidder in an evaluation of proposals shall be awarded to an Eligible Local Bidder.

### Section 4. Local Preference Eligible Contracts.

The provisions of the Local Preference Policy shall apply when bids or proposals are sought for the following:

- 1) Contracts for the purchase of apparatus, supplies and equipment costing less than \$30,000;
- 2) Contracts for construction or repair costing less than \$30,000;
- 3) Contracts for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services costing less than \$50,000; and
- 4) Contracts for services (other than contracts for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services).

Notwithstanding the foregoing, the provisions of the Local Preference Policy shall not apply to contracts involving a project funded by a federal grant unless the grant has specific language which overrides the prohibition of the Grants Management Common Rule which does not allow local preferences and the provisions of the Local Preference Policy shall not apply (i) when bids or proposals are not sought due to an emergency situation or (ii) in special cases when the required expertise or item is not available locally as determined by

either the Purchasing Manager or Department Head, or (iii) when the purchase involves an expenditure of less than \$10,000 when the purchase is from a business which qualifies as an Eligible Local Bidder.

#### Section 5. Qualifications.

In order to qualify for the local preference, an Eligible Local Bidder must complete the Bidder's Certification for Local Preference Form and submit it to the Purchasing Manager with or prior to the submittal of the bid or proposal. A Bidder's Certification for Local Preference Form shall be required to be updated by a bidder (i) when matters certified to in the form have materially changed and (ii) when notified by the Purchasing Manager that a periodic update is required. The Eligible Local Bidder must have paid and be current on any applicable City of Greenville privilege license fees and on property taxes in the City of Greenville.

When the request for bids involves the bidder submitting a price, in order for a bidder to be an Eligible Local Bidder, the bidder must either:

- (a) Have an office or store from which all or a portion of its business is directed or managed and which is located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville consisting of at least 500 square feet of floor area within a building on property having a non-residential zoning classification; or
- (b) Have an office or store located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville and have at least three (3) employees who are based and working out of said office or store; or
- (c) Have an office from which all or a portion of its business is directed or managed and which is located within a residence within the corporate limits or extraterritorial jurisdictional area of the City of Greenville as allowed by the Zoning Ordinance for a period of at least one (1) year.

When the request seeking proposals is based upon qualifications for a service contract without a price being submitted as a bid when the proposal is submitted, in order for a bidder to be considered as an Eligible Local Bidder, the bidder must either:

- (a) Have an office from which all or a portion of its business is directed or managed and which is located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville consisting of at least 500 square feet of floor area within a building on property having a non-residential zoning classification; or

- (b) Have an office located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville and have at least three (3) employees who are based and working out of said office; or
- (c) Have an office from which all or a portion of its business is directed or managed and which is located within a residence within the corporate limits or extraterritorial jurisdictional area of the City of Greenville as allowed by the Zoning Ordinance for a period of at least one (1) year; or
- (d) Have an arrangement with one or more firms or companies that qualify as an Eligible Local Bidder pursuant to (a), (b), or (c) above to subcontract with said firms or companies to perform at least twenty five percent (25%) of the dollar value of the work to be performed pursuant to the service contract, if the bidder is awarded the contract.

#### Section 6. Process When Bid Involves Price.

Bids will be evaluated in accordance with the award criteria stated in the request for bids to determine the lowest responsible, responsive bid when the request for bids involves the bidder submitting a price. If the lowest responsible, responsive bid is submitted by an Eligible Local Bidder, then there will be no consideration of the price-matching preference. If the lowest responsible, responsive bid is submitted by a bidder who is not an Eligible Local Bidder and there are no submitted bids from an Eligible Local Bidder that is within 5% or \$25,000, whichever is less, of the lowest responsible, responsive bid, then none of the Eligible Local Bidders will qualify for the price-matching preference. The award will be made to the lowest responsible, responsive bidder.

If the lowest responsible, responsive bid is submitted by a Non-Local Bidder and there are one or more Eligible Local Bidders that submit a bid within 5% or \$25,000, whichever is less, of the lowest responsible, responsive bid, then the Bidder's Certification for Local Preference Form of the Eligible Local Bidder(s) shall be reviewed to determine whether the Eligible Local Bidder's certification is compliant. Additional clarification may be sought of the certification and/or information in an Eligible Local Bidder's certification and additional documentation may be requested if necessary. Failure to supply the requested information will result in the Eligible Local Bidder not receiving a price-matching preference.

If only one Eligible Local Bidder qualifies for the price-matching preference, the Eligible Local Bidder will first be offered the contract award and will have two (2) business days to accept or decline the award based on the lowest responsible, responsive bidder's price. If the lowest responsible, responsive Eligible Local Bidder declines to accept the contract award, then the award is made to the lowest responsible, responsive bidder.

If more than one Eligible Local Bidder qualifies for the price-matching preference, then the qualified Eligible Local Bidders shall be prioritized according to their original bids, from lowest to highest, so that the Eligible Local Bidder who submitted the lowest responsible, responsive bid should get the first opportunity to match the quote of the lowest responsible, responsive Non-Local Bidder. The Eligible Local Bidder will first be offered the contract award and will have two (2) business days to accept or decline the award based on the lowest responsible, responsive Non-Local Bidder's price. If the lowest responsible, responsive Eligible Local Bidder declines to accept the contract award, then the contract should be offered to the next lowest responsible, responsive Eligible Local Bidder and will continue in this manner until either a responsible, responsive Eligible Local Bidder within five percent (5%) or \$25,000, whichever is less, of the lowest responsible, responsive bid accepts the contract award or the award is made to the lowest responsible, responsive bidder if no qualified Eligible Local Bidder accepts the award. If two responsible, responsive Eligible Local Bidders qualify for the price-matching preference and both bid the same amount, then the Eligible Local Bidder which will be offered the contract award will be chosen by lot.

At any time, all bids may be rejected.

#### Section 7. Process When Considering Qualifications for Service Contracts.

When the request seeking proposals is based upon qualifications for a service contract without a price being submitted as a bid when the proposal is submitted, the request seeking proposals shall state that being local is a factor to be considered in determining the qualifications of the bidder. The proposals will be evaluated in accordance with an award criteria developed to determine the best qualified responsible, responsive bidder submitting a proposal. The Bidder's Certification for Local Preference Form shall be reviewed to determine whether the Eligible Local Bidder certification is compliant. Five percent (5%) of the points to be awarded to a bidder in an evaluation shall be awarded to each Eligible Local Bidder submitting a proposal. Once the best qualified responsible, responsive bidder submitting a proposal is determined, the price is then negotiated. If an agreement on the price does not occur, then the City will negotiate with the next best qualified responsible, responsive bidder submitting a proposal.

Although being local is a factor in determining the best qualified responsible, responsive bidder submitting a proposal, other factors such as specialized experience and expertise will be a component of the award criteria when determining the best qualified proposal.

At any time, all proposals may be rejected.

#### Section 8. Solicitation of Bids or Proposals.

Whenever bids or proposals are sought by directly contacting bidders for bids or proposals for a contract for which the provisions of the Local Preference Policy apply, the request for bids or proposals shall be posted on the City of Greenville's website. Notification of the request for bids or proposals shall also be provided to potential bidders having an office or store located within the corporate limits or extraterritorial jurisdictional area of the City of Greenville which have submitted a Bidder's Certification for Local Preference Form and which offer the item or service sought.

**Section 9. False or Substantially Inaccurate or Misleading Certifications.**


If at any time during or after the procurement process, the City determines that certifications or information in the Bidder's Certificate for Local Preference Form are false, substantially inaccurate or misleading, the City Manager or designee may:

- (1) Cancel the Eligible Local Bidder's contract and/or purchase order that was awarded based on the preference: The Eligible Local Bidder shall be liable for all costs it incurs as a result of the cancellation and all increased costs of the City that may be incurred by awarding the contract to the next lowest bidder;
- (2) Exclude the bidder from any preference in any future City bidding opportunities for a period of time determined by the City Manager or designee; and/or
- (3) Debar the bidder from doing business with the City for a period of time determined by the City Manager or designee.

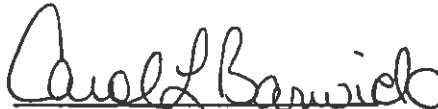
**Section 2.** That all resolutions and clauses of resolutions in conflict with this resolution are hereby repealed.

**Section 3.** That this resolution shall become effective for requests for bids or proposals issued on or after February 1, 2014.

This the 7<sup>th</sup> day of November, 2013.

  
Allen M. Thomas, Mayor

ATTEST:

  
Carol L. Barwick, City Clerk





*Find yourself in good company*

## Memorandum

**To:** Honorable Mayor and City Council Members  
**From:** Barbara Lipscomb, City Manager *BL*  
**Date:** March 16, 2016  
**Subject:** South Greenville Recreation Center

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The Recreation and Parks Department has prepared a status report for the South Greenville Recreation Center renovations; a copy is attached. Information will be updated at various points in the project. You can access the South Greenville Recreation Center Renovations page (link below) under the Recreation and Parks Department tab on the City's website for future updates. The attached report can be found under the "Work Product" tile on the linked page.

<http://www.greenvillenc.gov/government/recreation-parks/south-greenville-park-and-rec-center>

Attachment

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# South Greenville Recreation Center Renovations

## Project Status Report Period Ending: February 2016

**Project Manager:** Lamarco M. Morrison

**Project Description:** Construction for South Greenville Recreation Center and Park

Yes	No	Overall Status – At a Glance
x		Will the project be completed on approved schedule?
	x	Will the project be completed within the approved budget?
x		Will the project deliverables be completed within acceptable quality levels?
x		Are project issues being addressed successfully?
x		Are project risks being successfully mitigated?
x		Are all customer concerns being addressed successfully?
<i>Explanation of items checked 'No' above:</i> <ul style="list-style-type: none"><li>• The renovation to the multi-purpose field was removed from the project scope due to budget overruns for the building; money has not been appropriated in this year's fiscal budget to complete this portion of the project.</li><li>•</li></ul>		
<i>Significant accomplishments this period:</i> <ul style="list-style-type: none"><li>• February 1, 2016 – Stocks &amp; Taylor Construction, Inc. (STI) mobilized temporary facilities and began demolition; the old the recreation center portion of the building and utilities have been demolished.</li><li>• February 15, 2016 – Enviro Assessments East, Inc. completed asbestos abatement.</li><li>• February 25, 2016 – City staff hosted a Cornerstone Ceremony to celebrate the beginning of the new building construction; STI begin construction on the building foundation.</li></ul>		
<i>Significant accomplishments planned for next period:</i> <ul style="list-style-type: none"><li>• March 8, 2016 – STI completed undercut and removal of unsuitable soils for the new building foundation and footings per recommendations from the geotechnical engineers Terracon.</li><li>• March 16, 2016– STI will complete the installation of underground utilities including storm drainage, water and sewer service to the building, and fire utility lines.</li><li>• March 18, 2016 – Building staking, concrete footings, and brick support footings for the existing gymnasium will be complete. STI will begin the erection of structural steel.</li></ul>		

*Major issues, Scope changes, Pending change orders, Risks (impact, resolution):*

- GRPD will have to request CIP funding to complete the construction of the sports field renovations and gravel walking trail. Staff has request funding in the FY17 budget in the amount of \$350,000. If approved the field renovations and trail will be completed on schedule along with the other proposed building renovations.
- Change orders for unsuitable soils and structural fill, and revised utility locations in the amount of \$26,000 has been submitted by the Contractor. STI has been directed to pay for the changes in scope with the allowances already included in the construction contract.
- LEED credits related to the building HVAC air quality monitoring, existing structure to remain and site plan improvements will have to be updated by the design team to ensure the City receives a Silver status. The design team is currently working on revised plans and documentation to submit to the LEED agency.

*Additional comments or highlights not already mentioned:*

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## Project Control Information

### Project Initiation

PROJECT NAME:	Long Meadow Park Renovations
PROJECT MANAGER:	Lamarco M. Morrison
DATE MOU EXECUTED:	
FUNDING SOURCE:	<input checked="" type="checkbox"/> CIP, <input type="checkbox"/> COPS, <input type="checkbox"/> Bond, <input type="checkbox"/> Federal Funds, <input checked="" type="checkbox"/> Other: BB& T Bank Financing
RESPONSIBILITY CODE(S):	060-04-00-00-000-000-532000-SGRV – Construction 060-04-00-00-000-000-531400-SGRV – Construction Administration 060-04-00-00-000-000-528430-SGRV - Contingencies
CLIENT DEPARTMENT:	Greenville Recreation and Parks Department
CLIENT CONTACT:	252-329-4649
PROJECT SCOPE:	<ul style="list-style-type: none"> <li>Design and construction for renovations to the existing gymnasium and recreation center expansions, and park improvements located at 851 Howell St, Greenville, NC 27834 .</li> </ul>

### Design Phase

DESIGN SCHEDULE		DESIGN BUDGET	
ADVERTISE DATE:		ORIG. DESIGN BUDGET:	\$188,000.00
BID DATE:		AUTHORIZED CHANGES:	\$89,000.00
C.C. APPROVAL DATE:		TOTAL DESIGN BUDGET:	\$277,000.00
C.C. AGENDA NUMBER:		DESIGN CONTINGENCY:	\$12,000.00
ARCHITECTURAL FIRM:	Hite Associates, P.C.	PRIOR DESIGN ACTUALS:	\$245,985.00
TELEPHONE NUMBER:	252-757-0333	PERIOD'S DESIGN COSTS:	\$0.00
		TOTAL DESIGN ACTUALS:	\$245,985.00
COMMENTS: (1). City Council approved LEED design and administration in the amount of \$46,245 in August 2015, and Construction Administration in the amount of \$34,644 in December 2015. LEED Administration and Construction Administration will continue through the duration of the construction phase of the project.			

### Construction Phase

CONSTRUCTION SCHEDULE		CONSTRUCTION BUDGET	
ADVERTISE DATE:	August 24, 2015	ORIG. CONSTR. BUDGET:	\$2,612,950
BID DATE:	October 9, 2015	AUTHORIZED CHANGES:	\$31,500
C.C. APPROVAL DATE:	December 8, 2015	TOTAL CONSTR. BUDGET:	2,643,500
C.C. AGENDA NUMBER:	13	CONSTR. CONTINGENCY:	\$27,060
CONSTRUCTION FIRM:	Stocks & Taylor Construction, Inc.	PRIOR CONSTR. COSTS:	\$31,500
TELEPHONE NUMBER:	(252) 975-5855	PERIOD'S CONSTR. COST:	\$0.00
CONTACT NAME:	Bryan Stocks	TOTAL CONSTR. ACTUAL:	\$31,500
COMMENTS: Construction is approximately 6% complete			
CONSTRUCTION IN PROGRESS	PLANNED DATE	FORECAST DATE	ACTUAL DATE
Contract Negotiations	November 11, 2015	December 10, 2016	December 10, 2016
Construction Activities	January 4, 2016	October 11, 2016	
Substantial Completion	August 28, 2016	October 16, 2016	
Create Punch List	September 16, 2016	September 28, 2016	
Project Closeout Procedures	October 16, 2016	October 25, 2016	
Final Completion	October 26, 2016	November 18, 2016	

## Recent Photographs

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**PROJECT - South Greenville Recreation Center Renovations**

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**Report Date – February 30, 2016**

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**Description**

Old building demolition on February 16, 2016.

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**Description**

Cornerstone Ceremony February 25, 2016

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# Memo

**To:** Barbara Lipscomb, City Manager  
**From:** Gary Fenton, Director of Recreation and Parks  
**Date:** March 16, 2016  
**Re:** Work at Town Common



Dr. Charles Ewen, Professor in the Department of Anthropology at ECU, and Director of the Phelps Archaeology Laboratory, has agreed to work with one of his graduate classes to complete ground-penetrating radar work at Town Common. This work will be done in the western end of the park, in the area where Sycamore Hill Memorial Baptist Church and its neighboring cemetery once existed.

The goal of this work is to determine whether any human remains from the original cemetery continue to be present in this area, well before any ground-disturbing activities associated with Town Common improvement projects could impact this region of the park. We are hopeful this effort will uncover some of the church's original foundation, so it might become part of any interpretive / historical display that is eventually developed at Town Common.

Weather permitting, Dr. Ewen and his students will begin ground-penetrating radar work this Thursday afternoon (March 17<sup>th</sup>) and additional remote sensing and limited excavation the following day. NC811 has been contacted and the area has been delineated so it is clear where markings for any underground utilities need to be placed. Dr. Ewen anticipates having any impacted areas of the park back in its previous condition by the end of the day on Friday.

Dr. Ewen recently met with a group from the Sycamore Hill Memorial Baptist Church to keep members informed of the process. He will also notify ECU's Public Information Office about this project and its timeline.

A report of the findings will be shared with City Council at a later date. Please let me know if you have any questions.



*Find yourself in good company*

**TO:** Barbara Lipscomb, City Manager

**FROM:** Merrill Flood, Assistant City Manager 

**DATE:** March 16, 2016

**SUBJECT: Community Development Block Grant (CDBG) Week Activities**

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Attached is a flier announcing the 2016 CDBG week activities by the Housing Division of the Community Development Department. The opening ceremony is scheduled for March 28, 2016, and a Contractors Workshop is scheduled for March 31, 2016.

If you have questions, or are interested in attending, please contact Christine Wallace at 252-329-4481.

## **2016 National Community Development Week**

**March 28 – April 2, 2016**

**You are cordially invited to the following activities**

<p>Monday, March 28 <b>Opening Ceremony</b> Municipal Building 201 W. 5<sup>th</sup> St. Conference Room #329 10:00 AM – 11:00 AM</p>	<p>Thursday, March 31 <b>Contractors Workshop</b> Barnes Ebron Taft Community Building 120 Park Access Rd. 9:00 AM – 11:00 AM <i>*General Contractors only*</i></p>
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**CDBG: 42 Years of Building Strong Communities**

**HOME: 25 Years of Providing Decent, Safe, Affordable Housing**



*Find yourself in good company*

**TO:** Barbara Lipscomb, City Manager  
**FROM:** Merrill Flood, Assistant City Manager  
**DATE:** March 16, 2016  
**SUBJECT:** Center for Family Violence Relocation

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On March 15, 2016, the City Manager's Office received notice from the Center for Family Violence Prevention, that the organization has found a new location for victims of domestic violence and would be relocating. The move is a result of the needs for a larger facility to serve a growing client population base. For almost 30 years the Center for Family Violence has leased a home owned by the City of Greenville at an undisclosed location. The organization plans to move from the location to be in a new location on May 1, 2016.

City staff will assess the condition of the facility once it is vacated and develop a plan for the future of the facility. Staff will make a report in the near future regarding the future of the facility once it a plan has been developed. Representatives of the Center for Family Violence Prevention plan to attend a future meeting of City Council to make a presentation to the City.





CONGRESSMAN **G. K. BUTTERFIELD**  
REPRESENTING NORTH CAROLINA'S FIRST DISTRICT



Please Join Congressman Butterfield for  
**Re-Entry: Ensuring a Successful Return  
to the Community**



Join Congressman Butterfield's office for a discussion on creating opportunities for the formerly incarcerated to successfully return to the community.

**Tuesday, March 29<sup>th</sup>**

10:00-11:30 a.m.

**STRIVE NC**

600 West Third Street  
Greenville, NC



*For more information, contact:*



***Congressman Butterfield's Durham Office at 919-908-0164***

