



Agenda

Greenville City Council

January 11, 2010
6:00 PM
City Council Chambers
200 West Fifth Street

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

I. Call Meeting To Order

II. Invocation - Mayor Dunn

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes of the November 9, November 23, December 7, and December 10, 2009 City Council meetings
2. First reading of an ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service
3. Municipal agreement with the North Carolina Department of Transportation for a Safe Routes to School Infrastructure Grant for the construction of sidewalk improvements along the south side of Red Banks Road between Charles Boulevard and Fourteenth Street
4. Municipal agreement with the North Carolina Department of Transportation for the construction of sidewalk improvements along the north side of NC Highway 43 (W. Fifth Street) from Memorial Drive (NC Highway 11-903) to Mattox Road and along the south side from Arlington Boulevard to B's Barbeque Road
5. Ordinance rescinding speed limit ordinances for portions of Fourteenth Street and Memorial

Drive in the City to concur with North Carolina Department of Transportation ordinances

6. Memorandum of Agreement between the North Carolina Geodetic Survey, the City of Greenville, and East Carolina University to facilitate the expansion of the Global Positioning System network of base stations in eastern North Carolina
7. Amendment of water capital projects budget for Greenville Utilities Commission's Solar Powered Mixing System for Eastside Water Tank Rehabilitation Project
8. Resolution authorizing the disposition of one surplus 2005 Harley Davidson motorcycle to the Town of Fountain
9. Budget ordinance amendment #5 to the 2009-2010 City of Greenville General Fund and an ordinance establishing the Energy Efficiency Block Grant Special Revenue Fund
10. Various tax refunds

VII. New Business

11. Presentations by boards and commissions
 - a. Community Appearance Commission
 - b. Environmental Advisory Commission
12. Presentation on interbasin water transfer certificate
13. Ordinance amending Article C of Chapter 3 of Title 2 of the City Code relating to the creation and duties of the Public Transportation and Parking Commission
14. Resolution approving Interlocal Tax Collection Agreement with Pitt County
15. Revisions to the City Investment Policy and submission of certification application

VIII. Review of January 14, 2010 City Council Agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

16. City Manager 2010 Goals and Performance Objectives

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Minutes of the November 9, November 23, December 7, and December 10, 2009 City Council meetings

Explanation: Draft minutes of the November 9, November 23, December 7, and December 10, 2009 City Council meetings have been prepared and are ready for City Council consideration.

Fiscal Note: No direct cost.

Recommendation: Approval of the November 9, November 23, December 7, and December 10, 2009 City Council minutes.

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

Attachments / click to download

- [November 9 2009 City Council Minutes 850825](#)
- [November 23 2009 City Council Minutes 849622](#)
- [December 7 2009 City Council Minutes 850822](#)
- [December 10 2009 City Council Minutes 852380](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
November 9, 2009

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Mayor Dunn and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Council Member Glover stated that regarding the item on the proposed City Council inquiry of the Housing Authority, she would like to have it postponed in light of certain information that she has received, and she made a motion to do so. Motion was seconded by Mayor Pro-Tem Council.

Council Member Spell expressed that this item has been talked about and discussed extensively and that there needs to be some resolution and conclusion.

The motion made by Council Member Glover and seconded by Mayor Pro-Tem Council was then voted on and failed with a 2:4 vote. (Mayor Pro-Tem Council and Council Member Glover voted in favor of the motion. Council Members Mercer, Kittrell, Joyner and Spell voted in opposition.)

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to approve the agenda as presented. Motion carried unanimously.

SPECIAL RECOGNITIONS

Director of Community Development Merrill Flood presented certificates that had been received for Lead Supervisor and Worker training.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Council Member Spell asked that the appointments to the Community Appearance Commission be continued until the December meeting.

Human Relations Council

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to appoint Shane Martin to replace Lori Tripp for an unexpired term that expires September 2011 and to continue the replacement for Franchine Pena and Keisha Staton. Motion carried unanimously.

Public Transportation and Parking Commission

Council Member Joyner asked that the replacements for Don Anderson and Shannon White be continued until the December meeting.

Redevelopment Commission

Upon recommendation by Mayor Dunn, motion was made by Council Member Joyner and seconded by Council Member Kittrell to reappoint Don Mills to the Redevelopment Commission for a first five-year term to expire November 2014. Motion carried unanimously.

RECOMMENDATION OF CITY REPRESENTATIVE TO SERVE ON THE PITT COUNTY DEVELOPMENT COMMISSION

City Clerk Wanda Elks explained that on April 9, 2009, the City Council unanimously voted to recommend Tyree Walker to the Pitt County Commissioners to fill the City representative slot on the Pitt County Development Commission to replace Ruth Leggett, who resigned. He was appointed by the County Commissioners to complete the unexpired term that expires December 2009 and is eligible to serve a first three-year term on the Pitt County Development Commission.

Motion was made by Council Member Joyner and seconded by Council Member Spell to recommend to the Pitt County Commissioners the reappointment of Tyree Walker to a first full three-year term on the Pitt County Development Commission. Motion carried unanimously.

CONSENT AGENDA – APPROVED

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Mercer to approve all the items under consent agenda as listed below. Motion carried unanimously.

1. Minutes of the October 5 and October 8, 2009 City Council meetings - Approved
2. Resolution amending the Board and Commission Policy (Resolution No. 09-55)

3. Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Duplexes, Section 2; August Trails, Section 4, Phase 1; Brook Hollow, Section Three; Relocation of Moye Boulevard; University Medical Park North, Lots 1 and 12; and Brighton Place (Cluster), Section 3, Phase 1 (Resolution No. 09-56)
4. Amendment 5 to the contract with Moser/Mayer/Phoenix Associates for the Intermodal Transportation Center Project
5. Contract award for the Arlington Boulevard Turn Lane Improvements Project
6. Contract award for the Arlington Boulevard Sidewalk Construction Project (Resolution No. 09-58)
7. Contract award for the Charles Boulevard Sidewalk Construction Project (Resolution No. 09-59)
8. Municipal agreement with the North Carolina Department of Transportation for biennial bridge inspections
9. Resolution to support the Washington-Greenville Greenway planning activities (Resolution No. 09-60)
10. Resolutions authorizing the agreement for replacement of the current golf cart fleet at Bradford Creek Golf Course (Resolution Nos. 09-61 and 09-62)
11. Resolution abandoning a Greenville Utilities Commission electrical easement on property located off Oakley Road (Resolution No. 09-63)
12. Water and sewer capital project budget ordinances for Greenville Utilities Commission's Portertown Road Bridge Replacement Project (Ordinance Nos. 09-89 and 09-90)
13. Various tax refunds

Payee	Description	Amount
Bavarian Motor Works Financial Services	Refund of City Taxes Paid	\$111.40
Mable M. Flake Life Estate	Refund of city Taxes Paid	\$433.93

OLD BUSINESS

Status Report on the Ordinance Requiring the Repair or the Demolition and Removal of the Dwelling Located at 609 Wyatt Street – Approved

Lieutenant Earl Phipps updated the Council on the status of the dwelling located at 609 Wyatt Street. The utilities to the dwelling were disconnected June 27, 2000, and a temporary pole was disconnected March 19, 2009. The first minimum housing case on this property was initiated on June 10, 2005. Notification letters were sent to the property owner advising of the case, and a hearing date was set for June 21, 2005. The second notification was sent on June 20, 2005. At the property owner's request, the preliminary hearing was waived. In the second notification letter, it was noted that the cost of repairs required were estimated to be more than 50% of the total value of the home. The findings of fact revealed that the owner agreed to make repairs to the property and confirmed that the property was currently vacant. The finding of fact further ordered the owner of the dwelling to either bring the property into compliance with minimum housing standards or demolish the property by September 20, 2005. On October 7, 2005, the Chief Building Inspector condemned the property. There is no record of any action or attempts for compliance by the property owner during 2006. On February 23, 2007, Code Enforcement

initiated a case for abandoned structure on this property. A hearing date was set for March 19, 2007, and notification was sent to the property owner. The owner failed to appear at this hearing. On March 19, 2007, the finding of fact revealed that the structure violated the minimum standards of fitness and the requirements of Sections 9-1-71 through 9-1-79 of the Greenville City Code by reason of the following conditions existing in and about the structure—the roof had caved in; the exterior walls needed painting, and the house was ruled as unsafe. The owner was ordered by Code Enforcement to bring the structure into compliance by May 23, 2007. The owner did not bring the property into compliance by the May 23, 2007 deadline. On June 14, 2007, the City Council adopted an ordinance requiring the repair or demolition of the property within 90 days. In order for the owners of the property to bring the structure into compliance with the ordinance, the property should have been improved or demolished by September 14, 2007. On June 10, 2008, a building permit was issued for the property, and it expired December 11, 2008. According to the Chief Building Inspector, there have been no requests for inspections for any work conducted on the property. There are currently no active building permits for the property. On March 20, 2009, Code Enforcement conducted a follow-up inspection of this property that revealed the property was still not in compliance as directed by ordinance. On June 8, 2009, City Council instructed the property owner to present a plan outlining how the home would be rehabilitated and to work with Code Enforcement and Community Development to secure the dwelling immediately. The timeframe for presenting the plan to staff was 90 days. On September 2, 2009, Code Enforcement conducted a follow-up inspection of the property that revealed that no discernable work had been completed on the structure in order to comply with the ordinance. The 90-day extension expired on September 10, 2009, and no plan had been submitted by the owner to City Council. During this meeting, Mr. Jeff Savage presented a letter indicating a proposed plan to bring the house into compliance with City codes. Moreover, at the September 10, 2009 City Council meeting, a motion was approved by the Council to continue this item to the November 9, 2009 meeting. Mr. Savage was asked once again to work with staff to come up with a concrete plan. At 9:27 p.m. on Thursday October 1, 2009, the Greenville Police Department responded to an assault call at 1604 Henry. The victim stated he was assaulted by three suspects whom he had observed hanging out and drinking alcohol at 609 Wyatt Street. On October 2 and October 7, 2009 staff met with members of City Council and Mr. Savage at 609 Wyatt Street for an on-site tour of the property. The Chief Building Inspector was on hand to address questions from Mr. Savage and Council Members. No plans to improve the property have been submitted for consideration to either the Code Enforcement Coordinator or the Office of the Chief Building Inspector. No discernable work has been completed on the property. The property was first recorded as vacated on June 27, 2000. Staff has concluded that the property owner has not made any attempt to bring this property into compliance with minimum housing standards. Staff recommends proceeding with the execution of Ordinance No. 07-81 and for immediate demolition as outlined in the ordinance.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to proceed with the execution of Ordinance No. 07-81. Motion carried with a 5:1 vote. (Mayor Pro-Tem Council and Council Members Mercer, Kittrell, Spell and Joyner voted in favor of the motion. Council Member Glover voted in opposition.)

Later in the meeting, Mr. Jeff Savage addressed the Council and asked that this action be reconsidered, as his mother and other relatives are here tonight. The Council indicated that the item had been voted on and that staff would proceed with the execution of the ordinance.)

POTENTIAL ACTIONS TO ADDRESS DOWNTOWN CRIME ISSUES

City Attorney Dave Holec reminded the Council that at its August 24, 2009, meeting, City Council was presented information by City staff on fifteen potential actions to consider in order to address issues resulting from the concentration of public or private clubs in the downtown area. City Council directed that City staff prepare the necessary ordinances for consideration by City Council relating to three of the potential actions and to pursue a fourth potential action of an agreement with the Pitt County ABC Board relating to City law enforcement officers assisting local ABC officers in the enforcement of ABC laws. City Council also directed that City staff solicit input from all of the owners and managers of the public or private clubs located in the city. At its October 5, 2009, meeting, City Attorney Holec reviewed the proposed ordinances. He also advised City Council of the efforts to solicit input from the owners and managers of the public or private clubs located in the city and that the Pitt County ABC Board determined to not enter into a mutual aid agreement with the City. City Council continued until its November 9, 2009 meeting consideration of the proposed ordinances. City Council directed that the owners and managers of the public or private clubs and the East Carolina University Student Government Association be given an opportunity to provide suggestions and comments. City Council established an October 30, 2009, deadline for submitting the suggestions and comments so that they would be available for Council's consideration at the November 9, 2009, meeting. On October 7, 2009, a written request to submit by October 30, 2009 written suggestions and comments was mailed to the owners and managers of the 25 public or private clubs located in Greenville's planning and zoning jurisdiction. A similar request was made to East Carolina University SGA President Brad Congleton. Recommendations were received from both groups. Recommendations contained in the letter from J. J. McLamb representing the downtown bar owners were as follows:

1. The first recommendation is for the deletion of the provision that the criminal record check of bouncers be "based upon fingerprints from the North Carolina State Bureau of Investigation." In the opinion of Police Chief Anderson, an acceptable criminal background check can be completed without it being based upon fingerprints from the North Carolina State Bureau of Investigation.
2. The second recommendation is that there be an alternative method for clubs to provide security. The clubs would have the option of meeting the security requirement by participating in a pool arrangement whereby the City receives payment for the expense of having a certain number of law enforcement officers assigned to the downtown area. In the opinion of City Attorney Holec, an ordinance can be crafted which would make such an arrangement legally defensible. The ordinance would be in substantially the form of the proposed ordinance but would provide another alternative for meeting the security requirement. Each club would have an alternative of, instead of hiring off duty law enforcement or State licensed security officers, participating in a pool arrangement whereby the club pays to a separate entity (not the City) a pre-determined share of the expense of

providing a certain number of law enforcement officers in the downtown area. This separate entity would then contract with the City on behalf of the participating clubs for the provision of a certain number of law enforcement officers in the downtown area. The clubs which chose this optional method of providing security would not be invoiced by the City and their payment would not be made directly to the City. However, if the club stopped making its payment to the separate entity and, therefore, the City does not receive the payment attributable to the club from the separate entity, then the club would be in violation of the ordinance unless it, instead, met its security requirement by hiring security in the form of off duty law enforcement or State licensed security. If the club did not meet the security requirement by either hiring or participating in the pool arrangement, it would be in violation of the ordinance and be subject to citations, fines and injunctive relief.

3. The third recommendation is that the ordinance would read “any establishment that is open for Business after 11:00 p.m. that has live music or amplified sound is required to meet the city ordinance.” Although not specified in the recommendation, it is presumed that this recommendation is meant to apply only to the requirement to provide security and not to the restriction on the hiring of bouncers. Based upon this, this recommendation would result in an expansion of the establishments which are required to provide security. The recommendation would result in the requirement to provide security to apply not only to certain public or private clubs but to any business (including restaurants) that provide amplified sound or live entertainment after 11:00 p.m. The proposed ordinance only requires the provision of security by public or private clubs located in the downtown area and public or private clubs located within 500 feet of residentially zoned property if the club has amplified sound or live entertainment after 11:00 p.m. and the club has an approved occupancy of at least 50 total persons.
4. The fourth recommendation is that any business which hires bouncers or security and has live music or amplified sound should be required to have semi-annual training with the Greenville Police Department at the discretion of the Chief of Police. In the opinion of City Attorney Holec, the training of bouncers and security could be legally required.
5. The fifth recommendation is to have the 500 foot separation ordinance as long as the current owner can sell their business and the new owner has a six month grace period to reopen. It is presumed that this recommendation is a reaffirmation that the standard rules relating to a nonconforming use and the loss of nonconforming status would apply. The proposed ordinance does not alter the standard rules. Therefore, the proposed ordinance would result in existing clubs being allowed to continue as legal nonconforming uses which means that the clubs could be sold and a club would lose its legal nonconforming status only if it ceases activity as a public or private club for a period of six months (willful abandonment rule applies).

The East Carolina Student Government Association presented the following information:

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The Student Government Association at East Carolina University has been evaluating and listening to student concerns about safety in the City of Greenville. After speaking with student

constituencies, groups and individuals, we respectfully submit the following ideas and suggestions.

- Create a standing committee, such as a “downtown safety council”. That is suggested to consist of students from various organizations, owners and/or managers of downtown establishments, and city officials. This would begin a longstanding working relationship to identify issues pro-actively and work on matters as they arise.
- We support a standard for public and private club security training. We should ensure the safety of establishment patrons while being able to effectively handle any issues that occur.
- Continue to make the downtown area more attractive to establishments that deal with the arts and continue to enhance the “welcome” feeling of downtown.
- Increase the lighting down 5th street where pedestrian foot traffic is high. Increased visible cameras downtown will also help with the sense of security students and citizens have while visiting the area.

Bradley Congleton- SGA President
Brad Teasley- SGA Vice President
Tremayne Smith- SGA Treasurer
Kendra Parks- SGA Secretary
Josh Martinkovic- SGA Chief of Staff

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City Attorney Holec reviewed the proposed ordinances. The first proposed ordinance establishes safety regulations for public or private clubs including a requirement that public or private clubs, in certain circumstances, provide security personnel (either off-duty law enforcement or security officers licensed by the State) for the establishment and a requirement that prohibits the employment by public or private clubs of bouncers who have been convicted of certain crimes. The proposed ordinance establishes requirements, in certain circumstances, for public or private clubs located in the downtown area and outside the downtown area. The second proposed ordinance amends the Zoning Ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs and which incorporates the provisions of the ordinance establishing the safety regulations into the Zoning Ordinance. The City Council may determine to not consider the proposed ordinances or direct that modifications be made to them. If Council determines to proceed with consideration of the proposed ordinance relating to a security requirement and employment of bouncers, it is recommended that a public hearing be held in connection with its consideration. Council could also direct that modifications be made to the proposed ordinance which will be the subject of the public hearing. If Council determines to proceed with consideration of the proposed zoning ordinance relating to a separation requirement between public or private clubs, then it could vote to initiate the amendment and refer it to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission would conduct a hearing on the proposed ordinance and a public hearing would be held by City Council. Council could also direct that modifications be made to the proposed ordinance which it refers to the Planning and Zoning Commission.

Council Member Joyner suggested having additional lighting, seeing if there are sufficient cameras and looking at forming a downtown safety commission. He also suggested staff bringing that information back to Council to vote on.

Mayor Dunn suggested making that a part of 19 instead of dealing with it now.

Upon being asked when that one item would come back, Council member Joyner replied that it would be up to staff to see when they could come up with more information. City Manager Bowers stated that could be done in 60 days.

Council Member Kittrell stated that he supported the item on training.

After discussion, motion was made by Council Member Joyner and seconded by Council Member Mercer to have staff prepare an ordinance relating to requiring training of bouncers for consideration at an upcoming Council meeting at a public hearing. Motion carried unanimously.

Motion was made by Council Member Mercer and seconded by Council Member Spell to proceed with the original version of the ordinance requiring criminal background checks of bouncers as amended to include Mr. McLamb's fingerprint recommendation, with this ordinance to be considered at an upcoming meeting at a public hearing. City Attorney Holec stated that this ordinance does not have to be referred to the Planning and Zoning Commission. If Council approves the motion, staff will bring it back to the City Council for a public hearing. For any bar or establishment that hires a bouncer, a criminal background check must be done, and the person must be free of violent crimes. This will be brought back to Council at a later meeting and it would apply to private and public clubs. The motion was then voted on and carried unanimously.

Council Member Joyner requested information on the percentage of all food sales in Uptown Greenville, as there are some restaurants that charge a cover charge. They should follow the same rules. He questioned how the 500-foot rule would make downtown safer.

City Attorney Holec explained how, with the concentration of clubs, there are a lot more people coming out at one time, and there are over 5000 persons in a four-block area at the same time. There are some ill effects associated with that, and there are complaints about noise, additional altercations between patrons, etc.

Motion was made by Council Member Mercer and seconded by Council Member Spell to initiate a proposed zoning ordinance regarding the spacing requirements between clubs of 500 feet and to refer it to the Planning and Zoning Commission for review and recommendation. Motion carried with a 4:2 vote. (Mayor Pro-Tem Council and Council Members Mercer, Spell and Glover voted in favor of the motion. Council Members Kittrell and Joyner voted in opposition.)

Concern was expressed by Council Member Joyner about the restaurants that charge a cover and have bands, while not being held to the same standards as nightclubs. He asked for information

on the capacity of bars versus restaurants. City Attorney Holec was asked to, and he did, define the definition of a restaurant and a public/private club.

Upon being asked to explain Mr. McLamb's suggestion on security, City Attorney Holec stated that Mr. McLamb's suggestion is that there be another alternative for those establishments which are required to provide security. One alternative to meet the security requirement is employment of law enforcement officers, and another is utilizing security licensed by the State of North Carolina. They are saying they want a third alternative that is more acceptable and what a lot would like to do. They would like to participate in a pool arrangement whereby the club pays to a separate entity (not the City) a pre-determined share of the expense of providing a certain number of law enforcement officers in the downtown area. This separate entity would then contract with the City on behalf of the participating clubs for the provision of a certain number of law enforcement officers in the downtown area. The clubs which choose this method of providing security would not be invoiced by the City and their payment would not be made directly to the City. However, if the club stopped making payment to the separate entity and, therefore, the City does not receive the payment attributable to the club from the separate entity, then the club would be in violation of the ordinance unless it, instead, met its security requirement by hiring security in the form of off-duty law enforcement or State licensed security. If the club did not meet the security requirement by either hiring or participating in the pool arrangement, it would be in violation of the ordinance and be subject to citations, fines and injunction relief. City Attorney Holec stated that Mr. McLamb suggested that the requirement to provide security apply to all establishments having late night entertainment, not just clubs.

After discussion about the number of police officers required, what businesses should be impacted by the ordinances, and the cost of police protection downtown, City Manager Bowers stated that the cost of police protection downtown has risen from \$400,000 to \$528,000.

Mayor Dunn informed the Council that when she came on the Council in 2001, the only request the Council was getting repeatedly was to have more police officers downtown to increase safety and that has happened. The usual assignment of police officers in the area was not adequate. There have been requests for additional coverage over the years, which the City has provided. The City needs to ensure safety. There are thousands of people downtown Thursday through Sunday night, and the City wants to ensure safety as much as possible.

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to have staff look at the number of officers which would be funded by the pool arrangement suggested by Mr. McLamb and get specific feedback in writing on what the bar owners would suggest and for staff to then work with the Police Department to attach a dollar figure to it and come back to the City Council with specifics. Motion carried with a vote of 5:1. (Mayor Pro-Tem Council and Council Members Glover, Kittrell, Mercer, and Spell voted in favor of the motion. Council Member Joyner voted in opposition.)

By consensus, City Council asked staff to look at adding additional lighting in downtown, adding additional cameras downtown, and forming a downtown safety council. City Manager Bowers stated that he could provide this information to Council in about 60 days.

CRIME-FREE RENTAL HOUSING PROGRAM – CONTINUED TO JANUARY PLANNING SESSION

City Manager Bowers stated that during the September 10, 2009 City Council meeting, after hearing the presentation from Kathy Harrington concerning the crime-free rental house program, a motion was approved for City staff to review this proposal and meet with Ms. Harrington to come up with a recommendation. A suggestion was made to receive input also from the Greenville Area Property Management Association (GAPMA). A meeting was conducted on October 15, 2009 with Ms. Harrington, City Manager Wayne Bowers, City Attorney Dave Holec, Police Chief William Anderson, Police Captain Ted Sauls, Community Development Director Merrill Flood, and Randy Cox representing GAPMA. The group reviewed the crime-free rental housing program and information from other cities. Specifically, a proposed City of Charlotte ordinance was reviewed. City staff conducted research and could not find a crime-free rental housing program ordinance that has been adopted by a North Carolina city. After discussing the program and reviewing ordinances from cities outside North Carolina, the group identified several policy issues that will require City Council direction before an ordinance or resolution is prepared. The first issue is whether the proposed crime-free rental house program should be voluntary or mandated. The potential components of the program listed below also raise policy issues.

1. Background criminal records check for prospective tenants
2. Not renting to prospective tenants who have been convicted within the past five years of a violent crime, a drug-related offense, or breaking and entering
3. Landlords to include a crime-free lease addendum in all leases
4. Property managers or landlords to attend a training course on crime-free rental housing provided by the Police Department
5. Each property owner to designate a local representative
6. All rental properties to be registered either by completing a form or providing information on the building near the electric meter box. Registration to be required of all rental units or only those where violations have occurred.
7. City charging a registration fee to cover the costs of administering the program
8. Providing a process for revoking the rental registration including an appeal procedure
9. These crime-free rental housing program issues were presented to the GAPMA by the Association's representative Randy Cox during the monthly GAPMA meeting on October 21, 2009

Concern about this was expressed by Council Members, mainly regarding the cost to landlords.

Mayor Pro-Tem Council suggested that the landlords get together with staff, come up with ideas and present them to City Council. Input needs to be sought from people who provide rental housing.

Council Member Spell reminded the Council that this is intended to be a violation-based program that was a recommendation of the Task Force on Neighborhoods and Housing. The cost should be shouldered by the properties causing the issue.

Council Member Joyner requested that this be tabled until the January planning session. He would like for the City to establish a Rental Advisory Council and get input from the Neighborhood Advisory Council.

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to continue this item until the January planning session and for the Neighborhood Advisory Board and property owners to come up with ideas. Motion carried unanimously.

SPECIAL TASK FORCE ON PUBLIC

City Manager Bowers stated that during the September 10, 2009 City Council meeting, after reviewing a letter from the Greenville-Pitt County Chamber of Commerce encouraging the formation of a Special Task Force on Public Safety, a motion was approved for staff, in consultation with the Police Community Relations Committee (PCRC), to come up with a proposal for the make-up of the task force and recommendations on the task force's duties, and to present the proposal as soon as possible. A meeting was conducted on October 21, 2009 with Chamber President Susanne Sartelle, Chamber Senior Vice President Allen Smith, Police Community Relations Committee Chair Diane Kulik, Chief of Police William Anderson, and City Manager Wayne Bowers. This group has proposed a recommendation for a Special Task Force on Public Safety recommendations that includes a mission statement and task force composition.

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Proposed Special Task Force on Public Safety

Mission Statement

The Task Force will be charged with studying crime in Greenville and making recommendations to the City Council to improve public safety in the community. Specifically, the Task Force will:

1. Identify areas that have a high incidence of crime, violence, and quality of life issues utilizing recent crime statistics.
2. Analyze any zoning regulations that may impact crime.
3. Study the perception of crime and how that perception impacts the community's image.
4. Review the alcohol laws that apply in the City.
5. Study crime reduction strategies that have worked in other communities.

Composition

The recommended composition of the Task Force:

1. Two Co-Chairs appointed by the City Council
2. Seven members with the Mayor and each City Council Member making one appointment
3. Eight members selected to represent the following:

Citizens United Against Violence
East Carolina University
ECU Student Government Association
Faith community (2)
Greenville-Pitt County Chamber of Commerce
Neighborhood Advisory Board
Police Community Relations Committee

General Information

Staffing to be provided by the Police Department with resources from other City departments such as Planning to be made available as needed.

The work of the Task Force should be limited to one year. Three quarterly reports should be made to the City Council prior to the final report being completed.

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After discussion about the timeframe and the makeup of the committee (i.e., the ministerial association membership), motion was made by Council Member Kittrell and seconded by Mayor Pro-Tem Council to adopt the concept and to make the appointments in January. Motion carried unanimously.

NEW BUSINESS

Presentation by Recreation and Parks Commission

Chairman Sandy Steele appeared before the Council and reviewed some of the community events that had taken place this year—the Gatorade Free Flow Tour at the Extreme Park, Sunday in the Park during the summer months, the Kid-tastic Dog Show, National Night Out at the Town Common, International Festival at the Town Common, Kidsfest 2009, Hosting of the Greenville Little League 10-11 Year Old State Tournament, Cal Ripken Baseball Clinic, Community Celebration of Black History, Senior Games at Elm Street Park, Second Annual Splash & Dash Kids Triathlon, Hosting of the 2009 NCLM Golf Tournament at Bradford Creek Golf Course, and Family Play Day at the Town Common. Funds were received from the Skip Holtz-Drew Steele Golf Tournament for the Drew Steele Center. Programs offered included the Quick Start Tennis Program at River Birch Tennis Center in Evans Park, Youth Basketball at Boyd Lee Park, Youth Basketball at South Greenville, Adult Basketball at Boyd Lee Park, Greenie League Baseball at Elm Street Park, Jackie Robinson League at Thomas Foreman Park, Adult Softball at Boyd Lee Park, Future Stars Soccer at Bradford Creek Soccer Complex, Youth Flag Football at

Jaycee Park, Open Basketball at Boyd Lee Park, SNAG (Starting New At Golf), Arts Center at Jaycee Park, Eppes PAL Program, PAL Program at South Greenville, a dance class doing the High School Musical, Challenger League at the Sarah Vaughn Field of Dreams, Adult Whiffle Ball at Boyd Lee Park, City Pool Swim Team, fishing at River Park North, school groups visiting the Nature Center, Youth Flag Football, Adult Flag Football, Teen Center Camp, Jaycee Park Camp, Movies under the Stars, Kids Ballet & Tap, Kindermusik at Boyd Lee Park, Aerobics Classes, Greenville Aquatics and Fitness Health Fair, the City Pool, and Special Olympics. Capital Projects include a playground addition at Greenfield Terrace, basketball court improvements at Greenfield Terrace, a memorial plaque at Andrew Best Freedom Park, Eppes Cultural Heritage Center, Playground Replacement at South Greenville, Thomas Foreman Playground Preparations, Thomas Foreman Playground Replacement, landscaping and clubhouse improvements at Bradford Creek Golf Course, access improvements at Elm Street Park, new restroom and storage building at Bradford Creek Soccer Complex, River Birch Tennis Center improvements, South Tar River Greenway, a connector to the South Tar River Greenway, Paramore Park Tot Lot, entry to Fork Swamp Greenway, Fork Swamp Greenway from Paramore Park north to Dunhagan, the Town Common Master Plan. The PGA presented Junior Golf Leader of the Year Award to Bradford Creek Pro and Manager, Mike Cato. Athletics Manager Dennis Vestal received the Young Professional Award from the North Carolina Recreation and Parks Association. Local businessman David Vaughn was recognized with the Special Citation Award by the North Carolina Recreation and Parks Association.

Presentation by Historic Preservation Commission

Mr. Ryan Webb, Chairman of the Historic Preservation Commission, explained the Façade Improvement Program and how the eligible area had been extended during the past year. Also, because of the Landmark District Survey designations, owners of property are now eligible to apply for federal and state tax credits. Owners of income-producing properties can receive up to 20% credit on construction costs from the State and another 20% from the federal government as tax credits. In addition, the State provides another 30% tax credit for the rehabilitation of non-income producing structures. The Blount-Harvey Building was designated as the City's newest local landmark. It was built in 1923 and is located on Fourth and Evans Streets. Seven certificates of appropriateness from the College View Historic District were issued for major exterior changes, and 19 minor works certificates of appropriateness were issued for maintenance or minor repairs to properties. The Historic Preservation Commission Design Review Committee was established to provide helpful suggestions to property owners so they can navigate the process more easily. During 2009, an \$11,000 grant was received to support phase of the strategic planning process. In conjunction with the North Carolina Department of Archives and History, a list was created of properties and potential historic districts in the City that have had little, if any, systematic surveying done in the past. They came up with 10 potential districts and 24 individual properties that merit recordation. The majority of the districts are residential, and the 24 individual properties are a mix of residential, institutional, and commercial buildings. Each of the 24 individual properties will be recorded at the comprehensive level. Staff has applied for another State Historic Preservation Office grant for the design guidelines update which they hope to accomplish next year.

Presentation by the Pitt-Greenville Airport Authority

Pitt-Greenville Airport Manager Jerry Vickers informed the Council that the Airport consists of 1000 acres with three runways, and it can now handle big jets. There are five US Airways Express flights per day to and from Charlotte. The current daily mix is three jets and two turboprops, and it will upgrade to four jets and one turboprop in December. Information was provided on the passenger statistics. Traffic is up 10.3% year to date, and nationally air travel is down 8%. The average fare continues to improve, especially in relation to Raleigh-Durham Airport. The percentage of originating traffic is improving, a good indicator that Pitt-Greenville Airport is better meeting the community's air service needs. One of the major goals of the Pitt-Greenville Airport Authority is to continue to modernize and upgrade the infrastructure. A majority of the projects are funded by FAA Airport Improvement Program funds. The Airport currently has \$11 million of grant funding under contract. Mr. Vickers reviewed the terminal expansion and façade improvements, a \$10 million project that will be paid from ARRA (stimulus) funding in the amount of \$7.6 million and the remainder is FAA AIP funding. It incorporates green technologies such as solar panels and ground source (geothermal) heat pumps. Construction commenced in August 2009, and completion is expected by September 2010. Another project is the entrance road rehabilitation, which is a \$605,000 project that will include drainage improvements, curb and gutter, complete repaving of road surface, entrance monuments and new signage, brick and rail fencing. This project began July 8, 2009 and is complete except for the final landscaping. Mr. Vickers concluded by stating that other capital projects include perimeter fencing improvements along Memorial Drive, an aircraft storage hangar (spring 2010), and parking lot improvements/expansion, which involves adding approximately 60 new spaces, improving lighting, and rerouting the circulation road for improved terminal curbside access.

ORDINANCE REQUESTED BY WLA ENTERPRISES, INCORPORATED (JAMES K. PRICE) TO REZONE 28.9 ACRES LOCATED BETWEEN EAST TENTH STREET (nc 33) AND THE NORFOLK SOUTHERN RAILROAD AND EAST OF PORTERTOWN ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) AND OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL – ADOPTED

Planner Chantae Gooby delineated the property on maps and explained the request. Ms. Gooby stated that the request is in compliance with the Comprehensive Plan and the Land Use Plan. A protest petition has been submitted; however, it is not a valid protest petition.

Mayor Dunn declared the public hearing open and solicited comments from the audience.

Mr. Jim Price, representing WLA Enterprises, Incorporated stated that the request is in compliance with the Land Use Plan of 2000 and 2004. It is an alternate to the site of the original request that was at NC 33 and Port Terminal Road. The project will end up being 200,000 square feet of retail space. The main questions, comments and concerns that have been expressed since he began this endeavor have to do with traffic. He will have to develop the project to address the traffic impact analysis that will be required by the State. For the instance of stormwater and runoff coming to Lake Glenwood, there will be a stormwater management

system incorporated at this location. They will use Best Management Practices and will do what local, state and federal codes require them to do with managing water. He is cognizant and aware of the neighbors and has been made aware of the concerns of the people and the particular problems that are existing now. He will be looking at installing about nine acres into stormwater management and will never release at more than the predevelopment rate and will hold much greater events than will be required. Extensive discussion has taken place with the Lake Glenwood Neighborhood Association President, and Mr. Price told him he would be glad to sit down with him and go through the entire process. Mr. Price stated that he is confident that he can help the situation rather than harm it. He has been working on the project for three years.

City Attorney Holec reminded the Council that it cannot rely on any representation on the manner the property is to be developed, as it can be developed for any use allowed in the zoning classification and in accordance with the development guidelines established by City ordinances.

Mr. Joe Sullivan of 109 Leon Drive stated that he is in the City's extraterritorial jurisdiction and is in favor of the rezoning request. It will add to the economic viability of the City and County and assist in keeping tax rates down and increasing the tax base. Traffic control is needed on Portertown Road before anything is built. Any large development has to have retention for the stormwater runoff and cannot go immediately to the river. If a business today is not aware of what is going on, it doesn't get the support of the community.

Mr. Jon Day spoke in favor of the rezoning request, stating that it is in compliance with the Land Use Plan, which was amended in 2000. There are 10 or 11 acres adjacent to it on Portertown Road and one acre on the east side that are zoned commercial. This request is to fill in with the commercial zoning. The site will be the location of a high quality retail business. Railroad tracks form the southern boundary and Tenth Street is the boundary on the north. The road system can adequately handle traffic of this development at full development. It will provide retail services on the east side of town and will increase the quality of life for the citizens on the east side of town.

Mr. J. T. Williams, who has lived in that neighborhood for 55 years, stated that if there is anything that is needed on that side of town, this is it, as people will not have to drive across town to go to Wal-Mart. Nothing could be more important for the growth of Greenville than this. More businesses are needed. There are 6000 people in that area who could use restaurants and stores.

Mr. Mark Taggart asked the Council to continue this request for at least 90 days to inform those in the vicinity of the request and to seek legal action to protect them. The proposed change will harm the community and irreparably destroy the place they have built homes and families. It will also have an impact on the surrounding neighborhoods such as Oakhurst, Brook Valley, River Hills, Lake Glenwood, Brittany Ridge, Brandywine, Arbor Hills, Harbor Hills, Elkin Ridge, Azalea Gardens, East Pointe, Rolling Meadows, etc. and many undeveloped single-family homes in the area. Thousands of people will be impacted by the decision. The neighbors have no elected representation on the Council; however, Council's action will affect the lives of thousands of people in the community who are powerless to do anything about it. They are not

opposed to light commercial development; however, they don't want to turn their neighborhood into Greenville Boulevard East. They have to trust the government to make proper informed decisions. Mr. Taggart concluded by asking the Council to not let an out-of-town developer come in and take away from their quality of life.

Mr. Jeff Behr, President of the Lake Glenwood Neighborhood Association, stated that a dam was built in the 1970s that is in need of costly upgrades. He asked those in the audience from Lake Glenwood to stand, and about 15 people stood. He showed a video clip of a flooding event that occurred in May 2004 and stated that Lake Glenwood is in the watershed, and the North Carolina Division of Water Quality requires that the Tar-Pamlico River Basin rules be adhered to. The development has drastically changed the lake over the last decade.

Mr. Henry Moonchein of 206 Leon Drive stated that the Council has voiced support of neighborhood support and protection. His is a peaceful crime-free neighborhood, and without adequate planning, that safe environment could be destroyed. The neighborhood adjacent to the current Wal-Mart is no longer safe because of the store. In 2004, it cost local taxpayers \$77 million in increased policing. He questioned the validity of putting another Wal-Mart near a safe and established neighborhood.

Mr. Mike Tart of 209 Leon Drive expressed concern about the increase in traffic. Portertown Road is not prepared for the increased traffic. There is no shoulder on the road, and there would be significant difficulty with traffic entering from Eastern Pines, eight subdivisions, NC 33, etc. There is also a railroad crossing adjacent to the entrance. A Wal-Mart at this location will create major congestion to all areas adjacent to Portertown Road. It will interfere with EMS, people going to work, and there will be a high risk of increased traffic accidents. There will be a risk to emergency response to those areas near the rezoning area if they are built in this predominantly residential area. Mr. Tart asked Council to give consideration to a change in the urban growth that has taken place in the area since the Land Use Plan was created and to consider common sense traffic issues that will impact the surrounding areas.

Mr. Billy Battles of 215 Leon Drive expressed concern about the potential decrease in property values with a commercial development of this size. There is concern about the change in quality of life issues, such as increased noise, light and air pollution, and a large congregation of human noise and exhaust from the 18 wheelers that will arrive at all times of day and night. Also, garbage trucks will come through on a routine basis. Lights will be on throughout the night in the store and in the parking lot, and they will shine in the windows of the nearby homes. Required barriers will not be sufficient. The future use of the neighborhood properties is a concern as well. It is unlikely that single-family dwellings will be built near a commercial development of this size. Apartments can have a detrimental impact on the subdivision. When the earlier proposed site for Wal-Mart was being considered, River Hills was offered a part as a buffer. Mr. Battle expressed hope that his neighborhood will be given the same consideration.

Mr. Rick Walters, who lives in the extraterritorial jurisdiction of Simpson, informed the Council that residents in that area do not want this large industrial complex going there because of the

impact it will have on the neighborhood. He asked that, if approved, the Council consider making sure there is a large enough buffer between the homes and the facility.

Mr. Tom Johnson, a resident and Pitt County Commissioner, stated that the area in question is geographically in the middle of his district, and he has received phone calls about it. He was actively involved with Hurricane/Flood Floyd when the dam at Lake Glenwood was breached. Water ran over the dam, and it was a serious problem. The owners sought to borrow money to fix the dam, and they were later partially reimbursed by FEMA. He was directly involved with Phil Dickerson in trying to handle this problem. Now there is an outlet in case a hurricane is coming so they can lower the level of the lake ahead of time. He asked that the Council give the same consideration to Brittany Ridge and Lake Glenwood as it did to River Hills and Brook Valley.

Mr. Van Brown, a resident of the area since 1965, stated that people in Lake Glenwood will only be protected by the current bufferyard. At the time it was created, nobody envisioned that there would be a project this big in the area that would have 24-hour lighting. The bufferyard regulations are based on deciduous trees. The parking lot of the new development will look like sticks five months of the year. The busiest hours of stores like Wal-Mart are from Thanksgiving to January 1, and there will be no leaves on the trees if they are planted in accordance with the current bufferyard regulations. There is a flaw in the current law that would protect the neighbors from having to deal with a large building. Mr. Brown concluded by asking that the Council grant a continuance on this request.

Mr. Chad Ross of Arbor Hills stated that they don't really know what is going in the location. Wal-Mart is a discriminatory business that is against African-Americans and Hispanics. They don't want to have to look at a business that has hurt their side of town.

Mayor Dunn then closed the public hearing.

After discussion, motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance requested by WLA Enterprises, Incorporated (James K. Price) to rezone 28.9+ acres located between East Tenth Street (NC 33) and the Norfolk Southern Railroad and east of Portertown Road from RA20 and OR to CG. Motion carried with a vote of 5:1. (Mayor Pro-Tem Council and Council Members Glover, Kittrell, Mercer and Joyner voted in favor of the motion. Council Member Spell voted in opposition.) (Ordinance No. 09-91)

ORDINANCE TO ANNEX LYNNDALE EAST, SECTION 8, BLOCK H, LOT 2 – ADOPTED

Director of Community Development Merrill Flood explained that advertisement was run in The Daily Reflector on October 26, 2009 setting this time, date and place for a public hearing for a request to annex Lynndale East, Section 8, Block H, Lot 2. This property is contiguous to the primary city limits and contains 2.831 acres. It is located in Voting District 5. The property is currently vacant, and it is anticipated that, upon annexation, it will contain three office buildings. The current and anticipated population is 0. The property will be served by Station 3, which is

1.16 miles from the location. If approved, the effective date of annexation will be December 31, 2009.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to adopt the ordinance to annex Lynndale East, Section 8, Block H, Lot 2, involving 2.831 acres located north of Stonehenge Office Park, west of Arlington Place at Stonehenge, Sections One and Two, and east of Lynndale East, Section 9. Motion carried unanimously. (Ordinance No. 09-92)

ORDINANCE DIRECTING THE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE NONRESIDENTIAL BUILDING OR STRUCTURE LOCATED AT 1600 SOUTH GREENE STREET – ADOPTED

Director of Public Works Wes Anderson informed the Council that the nonresidential building at 1600 South Greene Street was found to be out of compliance with the Nonresidential Building or Structure Code for the City of Greenville. . The initial Notice of Violation and hearing was sent by certified mail on May 15, 2009 to the property owners informing them of the nonresidential structure violations cited by the enforcement officer. A hearing was held, and Doris, Kizzey and Idrisa Paige were notified of the violations and of the remedies necessary to bring the structure into compliance. Pursuant to the enforcement action of the Nonresidential Building or Structure Code for the City of Greenville, the owner has not performed measures needed to repair or demolish the structure located at 1600 South Greene Street within the time established by the enforcement officer. The current tax value on the property is \$24,076. The building value is \$17,476, and the land value is \$6,600). The estimated cost to repair the property is in excess of \$30,000. The structure has been vacated, closed, and utilities disconnected.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Kittrell and seconded by Council Member Mercer to adopt the ordinance directing the enforcement officer to remove or demolish the nonresidential building or structure located at 1600 South Greene Street. Motion carried unanimously. (Ordinance No. 09-93)

ORDINANCE DIRECTING THE ENFORCEMENT OFFICER TO REPAIR, ALTER, OR IMPROVE OR TO VACATE AND CLOSE THE NONRESIDENTIAL BUILDING OR STRUCTURE LOCATED AT 1500 NORTH GREENE STREET – ADOPTED

Director of Public Works Wes Anderson stated that the nonresidential building at 1500 North Greene Street was found to be out of compliance with the Nonresidential Building or Structure Code for the City of Greenville. The initial Notice of Violation and hearing was sent by certified mail on April 7, 2009 to the property owner(s) informing the owner(s) of the nonresidential

structure violations cited by the Enforcement officer. A hearing was held, and Mr. Don Lancaster, owner's agent, was notified of the violations and of the remedies necessary to bring the structure into compliance. Pursuant to the enforcement action of the Nonresidential Building or Structure Code for the City of Greenville, the owner has not performed measures needed to repair the structure located at 1500 North Greene Street within the time established by the enforcement officer. He has, however, recently begun repairs, and staff will work with him if he continues those repairs. The current tax value of the property is \$49,981. The building value is \$37,690, and the land value is \$11,761. There is an extra feature value of \$530. The estimated cost to repair the property is \$10,000. The structure has been vacated and utilities disconnected.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adopt the ordinance directing the enforcement officer to remove or demolish the nonresidential building or structure located at 1500 North Greene Street. Motion carried unanimously. (Ordinance No. 09-94)

Council Member Glover asked that staff look at the property on Dickinson Avenue, off of Chestnut Street, that needs to be addressed. She stated that the roof on that structure has been deteriorated for more than 40 years.

PUBLIC COMMENT PERIOD

Mr. Raj Jugad of 1105 West Fourth Street informed the Council that the Code Enforcement Officer took a picture of the weeded lot adjacent to his home. The owner before him did not bother to clean the lot up; however, he has removed roots and stumps and it looks better. The portion of the lot that he was cited for belongs to the City, and he has been cleaning it up all this time. The City needs to decide if it wants to keep the portion of the lot that he has been maintaining and, if it doesn't, the lot can be quitclaimed to him and he will continue to maintain it.

Mr. Sterling Edmonds of 107 Christina Drive, Chairperson of the Greenville Housing Authority, read for the record the summary of the HUD review that was recently conducted.

“COPY”

On September 14-16, the Greensboro field office of HUD, along with Mr. Craig Robbins, a financial analyst that is out of the Washington, DC office, conducted a thorough review of GHA affairs as well as GHA relations with GHA staff and residents. HUD conducted this review in response to a letter written with Rose Glover, Council Member, on March 23, 2009, to President Obama alleging GHA malfeasance. Among the allegations are the following as reported from her letter: “The residents and employees also tell me that they believe monies are being misappropriated and or supplanted by the Greenville Housing Authority Director and it appears from our evidence that the GHA Board and its Chairman are acting in concert to mistreat the

residents and employees as well as to misuse funds.” “The GHA Chairman and Board have all resisted any intervention by the elected body of government for the City of Greenville in having proper treatment of residents and employees and the handling of funds investigated.” “The current GHA Board is out of control”. Mayor Dunn and the City Council have been provided a copy of this letter. During its review, the Greensboro HUD Office interviewed 30 of the 47 GHA staff and conducted interviews of 35 to 40 GHA residents. These residents attended a forum in response to an invitation that GHA extended to all residents informing them of the upcoming review and invited them to participate. The GHA Board of Commissioners is happy to announce the results of this review. In the area of misappropriation and/or supplanting of funds, the HUD review team found no evidence or instances to support this allegation. In the area of staff mistreatment, the HUD review team found no evidence of actions that could be interpreted as mistreatment. Although the HUD Office is not prepared to provide a cost figure for the review, we would like you to recognize that it entailed three HUD officials from Greensboro and one from the Washington, DC office. The cost included travel, hotel stay, and accommodations, as well as airfare as the Washington official was on assignment in Arkansas and was required to fly here for the review. The review also involved GHA staff, including the accounting staff, which had scheduled this specific time for annual audit reviews. We can competently state that several thousand dollars of expense and work hours were allocated to this review. The GHA Board would like to convey its great disappointment and disapproval of the way Ms. Glover initiated this inquiry and we strongly condemn the language and allegations put forth in her letter. We believe that her allegations of resident and staff mistreatment were misplaced. Her allegations of fund misappropriation and misuse without any hard evidence are inexcusable. For this, the Board is seeking a public apology from Ms. Glover for the claims that she has used to characterize the former Chairman of our Board, Mr. Cordell Avery, and the entire GHA Board. We also ask that the Council support us, as we believe they do, in denouncing this action.

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Mr. Don Cavellini of 211 South Baywood Lane stated that the report did not exonerate Don Rogers nor the Board of Directors. He called for an independent investigation to ensure that the investigation is conducted properly. He stated that the residents and employees have been mistreated. The claim that the Greenville Housing Authority has been cleared is premature. The Greensboro report calls for internal controls to be improved. The report states that “a lack of communication and respect and placement during the transition to a new structure needs to be addressed”. The citizens do not expect the federal review to be any more rigorous in how the Greenville Housing Authority uses its resources to fund the Greenville Housing Development Corporation or any other housing entity. Greenville Housing Authority programs are for 99% African-Americans. Almost a dozen African-American employees have been terminated by Mr. Rogers unjustly, some nearing retirement. Salaries have been cut during budget shortfalls created by Mr. Rogers. Two staff members were not interviewed, and the questions asked were not sufficient. He concluded by stating that the justice organizations, Citizens Against Racism and the Southern Christian Leadership Conference will continue to work for justice, fair treatment, accountability and transparency.

Mr. Jeff Savage informed the Council that he is here to speak on the proposed demolition of his family's property at 609 Wyatt Street. A local contractor has been secured, and he is prepared to go to work and make all the necessary repairs to secure the building consistent with everything the Chief Building Inspector pointed out that initially needs to be done as it relates to the roof, foundation, and boarding on the exterior. He asked that the Council revisit its earlier position and remove the structure from the demolition list. His mother, sister and niece are here tonight. The contractor was also here along with his chief who was going to be assigned to the project. Mr. Savage informed the Council that its decisions have been stressful on the family and that they will be more than willing to answer any questions.

City Attorney Dave Holec informed the Council that it has taken action to proceed with the demolition and a motion to reconsider this action that would have to be made by a person who voted affirmatively on the motion to take the action and it would have to be a majority vote to do so. Otherwise, action has already been made to proceed with the demolition.

FOCUS GROUP FOR NORTH OF THE RIVER

Mr. Kenneth Battle, Minister of New Covenant Christian Church, stated that the Focus Group for North of the River consists of residents and business owners north of the river who have a vision for what they would like for the area to look like. The group has suggested a walking trail, and Mr. Owen Burney of Burney & Burney Construction has agreed to do the site work for the land, which would reduce the cost to the City and would be a health benefit for people in the area. The group has also spoken to the Recreation and Parks Department about having a recreation site and neighborhood garden in East Meadowbrook near Church and Washington Streets. That would be a good community service for the Boys & Girls Club to work with the seniors in the area. It could also be an area for a playground, which would be less costly than ground pools. The 27 acres of land at Greenfield Terrace Park would also benefit the community, and the focus group would like to see other things out there, such as picnic shelter, grills, and walking trails that would promote year-round activities. He understands that there are plans for a library near the Boys & Girls Club. The focus group also suggested that the mobile home park on Mumford Road that was flooded could be a family recreation multiplex, including walking trails, picnic shelter, RV park, and tennis courts. The benefit to the City is that there would not have to be any land acquisition since the City owns the property, and electrical and sewer is already there. Having rv rentals would be a revenue producer for the City. Mr. Battle concluded by thanking the Council for its consideration of those items.

Mr. Battle and the other members of the Focus Group for North of the River were thanked for their work in trying to make a better community north of the river. They were informed of other services that the group can tap into to help residents in the area, including the Pitt County Agricultural Extension Service.

SEWER SERVICE FOR S & S REALTY PROPERTY – APPROVED

City Manager Wayne Bowers informed the Council that on October 8, 2009, the City received a request from S & S Realty of Pitt County to allow Greenville Utilities Commission to provide sewer service to property located on NC Highway 903 west of Stokes. Service would be

provided from the sewer line being constructed to serve Stokes Elementary School. Section 6 of the Greenville Utilities Commission Charter requires that the City Council must approve any sewer service beyond the City's extraterritorial jurisdiction. This property is located approximately six miles from the City's extraterritorial jurisdiction. The sewer line will be paid for by the Pitt County School system.

Motion was made by Council Member Kittrell and seconded by Council Member Mercer to approve sewer service to the property contingent upon meeting all Greenville Utilities Commission requirements and execution of a future annexation agreement with the City. Motion carried unanimously.

AGREEMENT FOR FEDERAL LOBBYING SERVICES WITH THE FERGUSON GROUP AND CONSIDERATION OF THE CITY'S FY 2011 FEDERAL AGENDA - APPROVED

Ms. Melissa Hyman, a partner of The Ferguson Group, appeared before the Council and informed the Council that The Ferguson Group will keep the terms and conditions of the previous contract with no fee increase. She gave a status report on the FY 2010 appropriations requests.

PROJECT	REQUEST		STATUS		
	Amount	Bill/Account	House	Senate	Final Bill
West Greenville Intergenerational Center's After School Programs	\$250,000	Bill: Labor, Health and Human Services, and Education Account: Department of Education's Fund for the Improvement of Education	\$0	\$0	
24-Hour Mental Health Intake Center	\$250,000	Bill: Labor, Health and Human Services, and Education Account: Health Resources Service Administration	\$0	\$0	
Emergency Operations Center	\$750,000	Bill: Department of Homeland Security Account: FEMA State and Local Programs	\$600,000 (Rep. Butterfield)	\$0	\$600,000 (Rep. Butterfield)
Downtown Revitalization	\$250,000	Bill: Transportation & HUD	\$0	\$0	

		Account: Economic Development Initiative			
Law Enforcement Technology Improvements	\$250,000	Bill: Commerce, Justice, Science Account: COPS Law Enforcement Technology	\$100,000 (Rep. Butterfield)	\$250,000 (Sen. Burr)	
Tenth Street Connector	\$7 million	Transportation, HUD, and Related Agencies Transportation and Community and System Preservation Program	\$500,000 (Rep. Jones)	\$0	

Federal Grant Request

Grant Program	Project	Status
Rail Line Relocation and Improvement Grant	Greenville, NC CSXT Yard Relocation and Associate Track Improvement	NCDOT was awarded \$967,375

Ms. Hyman informed the Council that she has met with staff members and members of the City Council to obtain information on projects for the Fiscal Year 2011 Federal Agenda. Those items included.

PROJECT	REQUEST	BILL AND PROGRAM	PROJECT DESCRIPTION
West Greenville Intergenerational Center's After Sechool Programs	\$250,000	Bill: Labor, Health and Human Services, and Education Account: Department of Education's Fund for the Improvement of Education	Funding will be used to expand afterschool programming offered at the West Greenville Intergenerational Center
Small Business Incubator	\$750,000	Bill: Financial Services Account: Small Business Administration	Funding will be used to construct a small business incubator to serve the catering, construction, and computer industry
Emergency Operations Center	\$750,000	Bill: Department of Homeland Security	Funding will be used to complete construction of a new Emergency

		Account: FEMA State and Local Programs	Operations Center
Tobacco Warehouse Reuse	\$250,000	Bill: Transportation & HUD Account: Economic Development Initiative	Funding will be used to remove or renovate abandoned tobacco warehouses
Regional Family Justice Center	\$250,000	Bill: Commerce, Justice, Science Account: COPS Law Enforcement Technology	Funding will be used to create a regional family justice center to serve victims of domestic abuse, elder abuse, and to provide victim advocacy and emergency shelter services
Go Science/Challenger Learning Center	\$750,000	Bill: Commerce, Justice, Science Account: NASA	Funding will be used to expand Go Science learning initiatives and also for the Challenger Learning Center, in honor of Michael J. Smith
Transportation Request	\$340,000 \$1,000,000 \$2,800,000	East Fifth Street Pedestrian Bridge (Hagan) Tenth Street Connector (Jones & Burr) Streetscape Improvements to 45-Block Area (Butterfield)	

Reauthorization of SAFETEA-LU

Greenways	\$2 million	Greenway expansion and improvement project
Tenth Street	\$18.9 million	Design, engineering, and construction of Tenth Street Connector

Legislative Interests

- Advocate for increase in funding for Land and Water Conservation Fund, Energy Efficiency and Conservation Block Grant and COPS programs
- Support Urban Parks and Recreation Recovery (UPARR) Program
- Senate office in Greenville
- Future funding of fire construction grants

Motion was made by Council Member Spell and seconded by Council Member Glover to approve the agreement for federal lobbying services with The Ferguson Group and to approve the City's Fiscal Year 2011 Federal Agenda. Motion carried unanimously.

GREENVILLE DOWNTOWN INTERMODAL TRANSPORTATION CENTER
MEMORANDUM OF AGREEMENT – APPROVED

Assistant City Manager Thom Moton stated that the proposed site of the Intermodal Transportation Center is in close proximity to Uptown Greenville and inside the Tenth Street Connector with convenient access to the east, west, south and north because of its locality near Tenth, Cotanche and Evans Streets. It is bounded by Evans Cotanche, East Eighth and East Ninth Streets. The intermodal transportation experts chose the site based on industry recognized selection criteria. Assistant City Manager Moton stated that the memorandum of agreement (MOA) is a four-party MOA based on the federal requirements that federally funded projects take steps to mitigate the effect a project may have on historic properties. The Intermodal Transportation Center (ITC) is to be funded using an 80%-10%-10% funding formula, wherein the federal government contributes 80% of the project and the North Carolina Department of Transportation and City of Greenville each pay 10%. The presence of historic properties on the intermodal transportation site or in close proximity of the site triggers the National Historic Preservation Act, Section 106, Part 800.1(a), which requires federal agencies to take into account the effects of their undertakings on historic properties and requires consultation with the Advisory Council on Historic Preservation (ACHP). The ACHP has been consulted and has chosen not to participate in the agreement based on the mitigative efforts addressed in the MOA. City staff and representatives from the U.S. Department of Federal Transit Administration (FTA), NCDOT, and North Carolina State Historic Preservation Officer (SHPO) have worked collectively to mitigate the concerns about the project's effect on historical structures. Those efforts are laid out in the MOA. The Jones-Lee House is listed on the National Register of Historic Places and is situated on the City's chosen site. Two other properties that are near the site have historic value and are within such proximity that they are considered by FTA to be in the area of potential effects. The pre-construction regulatory process is nearing completion. Staff continues to make progress on satisfying all regulatory issues so that construction of the intermodal transportation center may be realized. For the better part of 2009, staff has worked with the City's consultants, Moser/Mayer/Phoenix, and Bill Boyd, NFT Technologies, to prepare and present for the FTA approval of the Environmental Assessment Report. The executed MOA will become part of the City's draft environmental assessment submission to FTA. Staff presented the MOA at the Greenville Historic Preservation Commission's regular meeting on October 27, and it unanimously approved authorizing the Commission's chair to execute the agreement. Staff has met with the owners and/or representatives of the Greenville Museum of Art and the A&B Auto Service Center. Staff received notification from the Greenville Museum of Art expressing its support of the historic preservation assessment work to be done. The owner of A&B Auto is not opposed to the assessment work outlined in the MOA; however, the owner wants to be assured that he is not responsible for any of the related expenses and that his property will not be designated a local landmark.

Concern was expressed about \$3 million being allocated for property acquisition, and Mr. Moton was asked to describe what would be involved in that cost, which Mr. Moton responded to by stating that the figure was a guess, and that the actual cost would be determined by appraisals. The \$3 million includes design work as well and could include such things as the environmental review.

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Council to authorize the City Manager to sign the Memorandum of Agreement between the Federal Transit Administration, North Carolina Department of Historic Preservation Officer, City of Greenville, and the Greenville Historic Preservation Commission. Motion carried unanimously.

PROPOSED CITY COUNCIL INQUIRY OF HOUSING AUTHORITY

City Attorney reminded the Council that on October 8, 2009, City Council approved a motion to have placed on the agenda for the November 9, 2009 City Council meeting the consideration of whether the City of Greenville City Council and Mayor will use the authority granted in NC General Statute 160A-80 to conduct a formal inquiry into the fiscal and financial operations of the Greenville Housing Authority. City Attorney Holec stated that even though the City Council has the authority to conduct a formal inquiry or investigation into the fiscal and financial operations of the Housing Authority of the City of Greenville pursuant to the provisions of NC General Statute 160A-80, there are other options, including:

1. Let the federal review of the Housing Authority serve as the inquiry
2. Seek information from the Housing Authority utilizing requests pursuant to North Carolina public records law
3. Seek information from the Housing Authority residents by allowing public comment to occur either at a public hearing at a City Council meeting or a public forum established for this purpose
4. Seek information from the Housing Authority by requesting the Chair of the Board of Commissioners of the Housing Authority to make a presentation to City Council
5. Seek information from the Housing Authority by having a joint meeting between City Council and the Board of Commissioners of the Housing Authority
6. Seek information from the Housing Authority by requesting that Housing Authority staff meet with City staff

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Council to proceed with the investigation.

Discussion occurred regarding the basis for the investigation, with Council Members expressing that they did not feel it was necessary, that they hadn't heard any allegations or received any phone calls, that the report had concluded that there were some small things that needed to be adjusted, but that the Housing Authority was doing a great job.

Council Member Glover explained that a few years earlier, she was led to believe that there was no wrong doing in the Housing Authority, and she supported that person, which she later found

was not the right thing to do, as millions of dollars had been misused. The current report is not a perfect report, as there are other things that have come to light. Mayor Pro-Tem Council and she have talked with Mr. Williams from HUD in Washington, DC and he didn't ask for more information. Mayor Pro-Tem Council and she represent the majority of the people in the Housing Authority, and they are the people who have gotten the calls and met with the people. She asked the City Attorney to call the Housing Authority to see if the people would talk to them by HUD, and he was told that they would not talk to them. Regarding the cost of having someone from HUD flown here from Arkansas to do some fact finding, there are extensive costs to paying attorney fees to make phone calls and letters to the City Attorney. The letter written to the GHA from HUD said that some things need to be corrected. Any misappropriation of funds or any mistreatments should not be accepted.

Council Member Kittrell stated that he has been the Council liaison to the Housing Authority for two years and as the Council Member At-large, he represents all the residents of Greenville. He has witnessed the Finance Administrator answering all questions about policies, jobs, etc. He has seen nothing to warrant having an investigation conducted.

Mayor Pro-Tem Council stated that she would like for the Housing Authority to have a better relationship with the Districts 1 and 2 Council Members.

Motion was made by Council Member Kittrell and seconded by Council Member Spell to call the question. Motion carried unanimously.

The motion originally made by Council Member Glover and seconded by Mayor Pro-Tem Council to proceed with the investigation was then voted on and failed with a 2:4 vote. (Mayor Pro-Tem Council and Council Member Glover voted in favor of the motion. Council Members Mercer, Kittrell, Spell and Joyner voted in opposition.)

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to have the Mayor draft a letter recognizing the investigation, expressing appreciation to the Housing Authority, and work out issues with the Housing Authority and expressing a desire to have a good working relationship with the Housing Authority. Motion carried unanimously.

2009-2010 CAPITAL RESERVE FUND CALCULATION AND CURRENT DESIGNATIONS - APPROVED

City Manager Bowers stated that the audit is complete, and the computation of General Fund monies available for transfer to Capital Reserve is \$67,922,364. At the 14% transfer rate that the City policy establishes (the State requires 8%), the total balance required is \$9,509,131. The unreserved undesignated fund balance is \$13,033,004, leaving \$3,523,873 available for transfer to Capital Reserve. Budget ordinance amendments for 2009-2010, including this meeting, were \$1,047,578, making the amount available for operating and Capital Improvement needs \$2,476,295. Capital Reserve interest that is unallocated is \$36,939, making the total unallocated funds that may be used for Capital Improvement Projects is \$2,513,234.

City Manager Bowers further stated that last year \$634,104 was recommended to be held for unidentified needs. He is recommending that the City not appropriate \$1.5 million from this year, but that it be allocated for two projects--completion of the air conditioning unit at Eppes Center and the Intermodal Transportation Center projects.

Motion was made by Council Member Glover and seconded by Council Member Spell to approve the 2009-2010 Capital Reserve Fund calculation, retain \$2,513,234 as undesignated Capital Reserve for 2009-2010, and designate 2008-2009 undesignated Capital Reserve funds (\$634,104) for the Eppes air conditioning and Intermodal Transportation Center projects. Motion carried unanimously.

BUDGET ORDINANCE AMENDMENT #4 TO THE 2009-2010 CITY OF GREENVILLE GENERAL FUND, AMENDMENT TO ORDINANCE #05-127 CENTER CITY REVITALIZATION CAPITAL PROJECT FUND, AND ORDINANCE ESTABLISHING THE COPS HIRING RECOVERY PROGRAM GRANT SPECIAL REVENUE PROJECT FUND - ADOPTED

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to approve Ordinance Amendment #4 to the 2009-2010 City of Greenville budget, amendment to Ordinance 05-127 Center City Revitalization Capital Project Fund, and the ordinance establishing the COPS Hiring Recovery Program Grant Special Revenue Project Fund. Motion carried unanimously. (Ordinance Nos. 09-95 and 09-96)

FISCAL YEARS 2010-2011 BUDGET AND 2011-2012 FINANCIAL PLAN SCHEDULE – APPROVED

The proposed FY 2010-2011 Budget and 2011-2012 Financial Plan Schedule was presented to Council.

- | | |
|-----------------------|--|
| November 9, 2009 | Budget and CIP schedule presented to City Council. |
| September 22, 2009 | Revenue projection and CIP request forms distributed to departments at the department/division head meeting. |
| September 29, 2009 | Budget orientation for department supervisors and administrators. |
| October 16, 2009 | CIP request forms due in Financial Services
New position requests due to Human Resources.
IT requests due to Information Technology. |
| October 28 - 29, 2009 | Department Head CIP budget meetings with City Manager, Assistant City Manager, and Financial Services Director |
| November 2, 2009 | Revenue projections and Manual of Fees changes due to Financial Services. |

November 16, 2009	Revenue projections finalized.
November 30, 2009	Department Goals & Objectives due to Financial Services.
December 14, 2009	New position and Information Technology requests due to Financial Services.
December 22, 2009	Budget targets distributed to Departments.
January 20, 2010	City Council planning retreat and Draft CIP presentation finalized.
January 23, 2010	City Council planning retreat.
February 18, 2010	Department budget requests due back to Financial Services.
March 8-12, 2010	Department Head budget meetings with City Manager, Assistant City Manager, and Financial Services Director.
March 9, 2010	CIP presentation to City Council.
April 12, 2010	City Council preview of proposed City budget.
April 16, 2010	Complete work on proposed City budget.
April 19, 2010	Proposed GUC, SML, and CVA budgets due to Financial Services
April 28, 2010	Proposed GUC, SML, and CVA budgets distributed to City Council.
May 10, 2010	Proposed GUC, SML, and CVA budgets presented to City Council.
May 13, 2010	Further discussion of proposed budgets by City Council.
May 24, 2010	City Council budget review.
May 27, 2010	Public display of balanced budgets prior to the Public hearing.
June 7, 2010	Further review of budgets by City Council (if needed).
June 10, 2010	Public Hearing - Fiscal Year 2010 -2011 Budget and 2011 -2012 Plan.
June 21, 2010	Consideration of adoption of the Fiscal Year 2010-2011 Budget

and 2011 - 2012 Plan,

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to adopt the proposed FY 2010-2011 budget and 2011-2012 financial plan schedule. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

Mayor Pro-Tem Council asked that her final comments be made a part of the minutes. They were as follows:

“COPY”

MILDRED A COUNCIL, MSW
Mayor Pro-Tem and Council Member, District #1
A 22-Year Legacy
Served Greenville, North Carolina 1987-2009

The N.C. League of Municipalities held its 101st Conference in Greenville on October 24-27 with the theme of “Wheeling Into The Next Century”. I also served as an Ex-Officio member of the Planning Committee. A marker was unveiled commemorating this event at the convention center. Bringing this convention to Greenville was one of my five-year initiatives and over 1,100 delegates attended totaling \$625,000 estimated to roll over 2.5 times in the local economy (the first ever in Greenville). Greenville is one of 162 cities/towns in North Carolina that had elected officials cited for service. NCLM 2009 Annual Conference program honored 229 elected officials with 20 or more years of municipal service with a service pin. I represented Greenville receiving one for 22 years in 2009 and received the first one in 2007 for my 20th Anniversary.

I hosted along with Council Member Rose Glover, activities for North Carolina Black Elected Municipal Officials, which included a workshop called “Nuts and Bolts: How to Get the Money”; partnered with Pearlie Speller a local artist and member of the Greenville African-American Heritage Museum Committee. He sponsored a tour/reception, which was “Living African American Artists of North Carolina” at the Greenville Museum of Art. A church service was held on Sunday morning at the Philippi Church of Christ. A windshield tour of the African American community, the Medical School and downtown Greenville, ending with a reception at the Taff Office Supply. As Scholarship Chair of NCBEMO, I awarded four \$1000 scholarships during the business meeting. The City of Greenville Planning Committee helped with a \$500 donation, which makes Greenville the first host city ever to provide funding for a fourth scholarship. Two of the recipients are female freshmen at ECU, one male freshman at North Carolina Central University in Durham, and one in Winston-Salem State University female sophomore, who is a resident of Winterville. The NCLM held its Youth Summit at the conference and I helped recruit 40 locals of the 160 students attending and helped to arrange Ephraim Taylor II as the keynote speaker, and the theme was “Empowering Youth to Lead”.

In November of 2008 in Orlando, Florida, the National League of Cities Women in Municipal Government (WIMG) honored me, Mildred A. Council, Mayor Pro-Tem, as the finalist and I won the Women in Municipal Government Leadership Award for outstanding achievements as a local elected official including support of women and minorities and my dedication to children and educational development. "During her 20 years of service to the City of Greenville, Mildred has proven to be a true community leader," said Edna Jackson, Mayor Pro-Tem of Savannah, Georgia and 2008 WIMG President.

As a statewide visitor with Duke University, Joseph and Kathleen Bryan Alzheimer Disease Research Center African American Outreach Program (AACOP), published in their newsletter "Mayor Pro-Tem Council held 2008 Candlelight Reflection in partnership with the Benevolence Corp at the Greenville City Hall". Another candlelight reflection was held in November 2009 around the reflection pool at City Hall to honor patients with Alzheimers Disease and their caregivers.

Never Forget

The blessings that God bestowed upon this community when I, Mildred A. Council, MSW, public servant completed her training with civil rights leaders who had struggled for our freedom right here in Greenville. They worked hard to ensure that various boards and commissions, the City Council, Board of Education, and Pitt County Board of Commissioners had equal representation that reflected the diversity of our Pitt County communities.

I was the first Black female recipient who accomplished representation through the district system for City Council, District 1. I pledged to do my best. Here it is 22 years later and I have been that Champion on issues of the constituents. Thank you, citizens, for electing me to serve you. I will be forever grateful to all of my long term supporters. Your prayers and votes have been greatly appreciated for the past 22 years. I will always be grateful for your support of me and my family. The "village" was always functioning for us, and the investment has paid off in numerous ways. To share with you what you (some have gone to meet their maker) have been responsible for helping me accomplish, many of you provided me with home cooked meals, babysitting services, homemaking services, and free professional services especially when I was a young mother with school aged children. Numerous individuals shared their wisdom, love and prayers for me.

I want to take you on a summarized journey to share what it has been like serving Greenville for over two decades.

Highlights of Accomplishments

- Worked toward seeing diversification in our City and Greenville Utilities staff, resulting in a more inclusive and talented workforce. Also appointed numerous diverse citizens to 17+ City boards and commissions

- Early after my first N.C. League Conference in Asheville, lobbied my first big grant (\$40,000), which went to West Greenville Community Development Corporation to begin building homes in West Greenville
- Introduced Habitat for Humanity to Greenville in late 1980's, and in 2009, they celebrated the building of the 57th new home.
- Co-introduced National League of Cities All Inclusive Community initiative for Greenville, as Greenville is working toward building an all inclusive community
- Facilitated/Initiated numerous projects for Greenville: the new City Hall, renovating Municipal Building, Police/Fire Rescue Building and numerous upgrades to recreation and other City facilities
- Helped plan or voted for numerous sustainable communities throughout Greenville and in District #1 highlights include Ironwood, Westpointe, B's, Treybrook, Best Road public housing and handicapped housing, numerous student housing, Countryside Estates (105 new homes built for 1999 Flood Floyd survivors) and Nathaniel Village Apartments (multi-family housing containing 48 rental units to open January 2010)
- Escorted by Fire/Rescue personnel, rode on a jet ski in eight feet of water in the middle of Highway 264 during Flood Floyd of 1999 from north of the river to Tenth Street/Greenville Boulevard to get Philippi Church to ask for help for flood victims housed at Wellcome Middle Schools shelter. I stayed and counseled numerous flood victims for two weeks and got the Hispanic interpretation done on FEMA.
- Fought for contracts especially for Black contractors who had been denied participation in some projects; therefore, supporting minority participation goals to ensure equity.
- In 2002, helped begin revitalization of West Greenville 45-block area and spent \$8,940,028 to date, 170 substandard properties purchased, 122 structures demolished, 66 owner-occupied rehabbed and 17 new homes built.
- Lobbied over \$16,000,000 through the Ferguson Group. Since 2002 (Federal Lobbying) services \$94,500 a year
- Supported crime prevention initiatives—community policing, helped planned effective District 1 Police Community Relations Committee meetings, Police Athletic League (PAL), Citizens United Against Violence, and explored downtown and citywide crime prevention strategies. Helped pass a youth protection ordinance.
- Strengthened and improved economic development opportunities
- Helped to establish Greenville Convention center

- Revitalized West Greenville and Central Business district. Supported improvements in the Central Business District in downtown Greenville.
- Kept citizens informed through City Council comment period, community meetings, Town Hall meetings, mail-outs to neighborhood association presidents, semi-annual newsletters, neighborhood/community functions, family reunions, school and other community gatherings
- Spearheaded the creation of Shaw University Rocky Mount/Wilson CAPE (Greenville Extension)
- Lobbied to get the construction to improve and reduce the impact of the rail switching yard
- Helped establish Lucille W. Gorham Intergenerational Center
- Introduced National League of Cities Prescription Discount Card saving 20% on medications
- Initiated the process on the intermodal transportation center. In process of property acquisition to be completed in 2010
- Founder of Greenville Youth Council, Ladies of Distinction and Pitt County 4H Allstars Club
- Awarded 3 Mildred Atkinson Council West Greenville Leadership Scholarships to three youth to attend ECU and over \$582,000 in scholarship opportunities to other youth
- Introduced Habitat for Humanity to Greenville
- 1st African American female to be elected and the 4th Black to serve with the longest tenure.
- In 1987, I was elected as the 1st African American female along with the 1st Black Mayor, Edward Carter and the 3rd Black male Council Member, Rufus Huggins. Prior to that, only two others served that is documented in Greenville's history, Reverend Clarence Gray and Reverend John Taylor. In 1999, the 2nd African American female was elected in District 2, and she has been elected to her sixth term
- The City of Greenville Population has doubled from 40,000 plus to 80,000 in 2009
- Served with 11 city councils, four mayors, three City Managers, three City Attorneys , and two City Clerks served during my tenure

Thank you Mayor Pat Dunn, fellow 2007-2009 Council Members, Rose Glover (District 2), Larry Spell (District 3), Calvin Mercer (District 4), Max Joyner (District 5), and Bryant Kittrell (At-Large) for helping make Greenville greater.

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CITY MANAGER'S REPORT

City Manager Bowers stated that the 2009 North Carolina League of Municipalities (NCLM) Annual Conference held in Greenville was very successful. He expressed appreciation to the City Council for its support of this event,

City Manager Bowers informed the Council that the ceremony for the outgoing Council will be held on November 23 at 6:00 p.m. and the installation for the new City Council will be held on December 7 at 6:00 p.m.

ADJOURNMENT

Motion was made by Council Member Joyner and seconded by Council Member Spell to adjourn the meeting at 12:40 a.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
November 23, 2009

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 Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Reverend Bob Hudak and the pledge of allegiance to the flag led by Council Member Larry Spell. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Council Member Joyner and seconded by Council Member Spell to approve the agenda as presented. Motion carried unanimously.

SPECIAL RECOGNITIONS

Mayor Dunn presented acknowledgement of recognition and appreciation to Council Member Spell and expressed appreciation for his service to the City of Greenville. A plaque was also presented.

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RECOGNITION AND APPRECIATION
OF
LARRY SPELL

WHEREAS, Larry Spell has faithfully and honorably served the citizens of Greenville as Council Member from 2005-2009;

WHEREAS, Larry Spell’s major focus during those years has been for good urban planning and for sustainable neighborhoods with greenways, parks, and neighborhood associations;

WHEREAS, as the Council Member for District #3, he has worked diligently to get the

citizens engaged through the creation of neighborhood associations, requesting that staff attend the meetings to assist with challenges;

WHEREAS, Larry Spell was instrumental in the creation of the Neighborhood Advisory Board and the City's newly created Neighborhood Ombudsman;

WHEREAS, at a time in which there was not a City flag, Larry Spell designed one that appropriately expressed the essence of Greenville that includes the City seal in the center, blue through the center representing the Tar River that runs through the middle of Greenville, and green on both sides of the blue to represent the environment and the wholesomeness of our community;

WHEREAS, Larry Spell has maintained relationships with his constituents in many ways, including his annual Town Hall meetings; and

WHEREAS, major accomplishments have taken place during his four-year tenure as Council Member of the City of Greenville,

NOW, THEREFORE, Larry Spell is hereby recognized and commended for providing dedicated public service to the citizens of Greenville during his tenure as Council Member through his commitment, devotion, conscientiousness, thoroughness, good judgment, integrity and concern. Best wishes are extended to him in his future endeavors.

This 23rd day of November, 2009.

/s/ Patricia C. Dunn
Patricia C. Dunn, Mayor

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Mayor Dunn then presented Mayor Pro-Tem Mildred Council with an acknowledgement of recognition and appreciation and a plaque.

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RECOGNITION AND APPRECIATION
OF
MILDRED A. COUNCIL, MSW

WHEREAS, Mildred A. Council, MSW, has faithfully and honorably served the citizens of Greenville with remarkable distinction for 22 years, longer than any Council Member since the inception of the Council-Manager form of government in 1953, having served on the Greenville City Council from 1987-2009 and having served as Mayor Pro-Tem from 1999 to 2001 and 2005 to 2009;

WHEREAS, during her tenure, she has been the recipient of numerous awards and recognitions at the local, state and federal level, including, but not limited to the National League

of Cities' Women in Municipal Government Leadership Award, the bronze level of the National League of Cities Certificate of Achievement in Leadership Program, the North Carolina Black Elected Municipal Officials Member of the Year Award and the Order of the Long Leaf Pine;

WHEREAS, some of the highlights of her tenure include being instrumental in the establishment of the convention center, working to bring the 2009 North Carolina League of Municipalities (NCLM) Conference to Greenville October 24-27, 2009, encouraging the City of Greenville to contract with the Ferguson Group that has helped produce \$16 million in revenue for the City, introducing the National League of Cities prescription discount card program to Greenville, encouraging the creation of a Greenville Youth Council, and being honored by East Carolina University with three scholarships in her name awarded to West Greenville youth;

WHEREAS, one of the major focuses of Mildred A. Council has been on youth; she created groups for youth such as the Pitt County 4-H Allstars Club and the Ladies of Distinction, encouraged the City Council to create the Greenville Youth Council, worked to provide scholarships for youth, encouraged the City of Greenville to participate in KABOOM and become a Playful City, and served as a mentor to youth of all ages;

WHEREAS, as a "Champion" for District 1, she worked diligently on the successful bond referendum for the revitalization of West Greenville and the Center City; and

WHEREAS, the City of Greenville has experienced tremendous growth during the 22-year tenure of Mildred A. Council;

NOW, THEREFORE, Mildred A. Council is hereby recognized and commended for providing unprecedented public service to the citizens of Greenville during her 22-year tenure as Council Member and her six years as Mayor Pro-Tem of the City of Greenville. Best wishes are extended to her in her future endeavors.

This 23rd day of November, 2009.

/s/ Patricia C. Dunn
Patricia C. Dunn, Mayor

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COMMENTS FROM MAYOR AND CITY COUNCIL

Mayor Dunn and Council Members Glover, Kittrell, Mercer and Joyner expressed their appreciation to the outgoing Council Members for their contributions to the City and stated how much they had enjoyed working with them. They indicated that they looked forward to working with the outgoing Council Members as community leaders in the future.

Mayor Pro-Tem Council and Council Member Spell reflected on their tenure as an elected official and expressed appreciation to City staff and others who had been helpful to them.

CITY MANAGER'S REPORT

City Manager Wayne Bowers expressed how the Council-Manager form of government only worked well with a good Council, and this has been a good Council. On behalf of the 700+ City employees, he expressed appreciation to the outgoing Council Members for their leadership. He then invited everyone to a reception being held in honor of the outgoing Council Members that is being held in the gallery area immediately following this meeting.

ADJOURN

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to adjourn the meeting at 6:55 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY THE CITY COUNCIL

Greenville, NC
December 7, 2009

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 the Municipal Building, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by a moment of silence in memory of those who lost their lives at Pearly Harbor on December 7, 1941, and the invocation by Reverend Robert A. Hudak of St. Paul's Episcopal Church. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member-Elect Marion Blackburn
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member-Elect Kandie Smith
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

INSTALLATION CEREMONY

The Fire Rescue Department Honor Guard presented the colors. Dr. Ed Wheatley played the Star Spangled Banner. The Pledge of Allegiance was then led by Ms. Tawanna Boone and Mr. LaQuon Rogers, Chair and Vice-Chair of the Greenville Youth Council. The mission statement for the City of Greenville was read by Ms. Lucille Gorham.

City Manager Wayne Bowers then read the names of the individuals who received the most votes for the seven seats during the November 3, 2009 election, as certified by the Pitt County Board of Elections, as follows:

Patricia C. Dunn - Mayor
Kandie Smith - Council Member, District #1
Rose H. Glover - Council Member, District #2
Marion Blackburn - Council Member, District #3
Calvin R. Mercer - District #4
Max R. Joyner, Jr. - District #5
J. Bryant Kittrell - Council Member At-Large

Judge David A. Leech administered the oath of office to Mayor Dunn, and Judge P. Gwynett Hilburn administered the oath of office to Council Members Smith, Glover, Blackburn, Mercer, Joyner, and Kittrell.

ELECTION OF MAYOR PRO-TEM

The names of Council Members Rose Glover, Calvin Mercer, and Bryant Kittrell were placed in nomination for the Mayor Pro-Tem seat. The vote for Council Member Rose Glover was 2:4, with Council Members Rose Glover and Kandie Smith voting in favor and Council Members Blackburn, Mercer, Joyner and Kittrell voting in opposition. The vote for Calvin Mercer was 2:4, with Council Members Blackburn and Mercer voting in favor and Council Members Smith, Glover, Joyner and Kittrell voting in opposition. The vote for Council Member Kittrell was 3:3, with Council Members Kittrell, Joyner and Blackburn voting in favor and Council Members Glover, Smith and Mercer voting in opposition. The tie was broken by the Mayor, who voted in favor of Council Member Kittrell. Mayor Dunn announced that Council Member Kittrell received a majority vote and was elected as Mayor Pro-Tem.

COMMENTS FROM COUNCIL MEMBERS

The Mayor and Council Members made comments.

ADJOURN

Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Mercer to adjourn the meeting at 6:35 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY THE CITY COUNCIL

Greenville, NC
December 10, 2009

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Joyner and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Bryant Kittrell
Council Member Marion Blackburn
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Calvin Mercer
Council Member Kandie Smith
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers asked that the contract award for the South Tar River Greenway Project, Phase II, be removed from the consent agenda.

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to approve the agenda as presented, with the removal of the contract award for the South Tar River Greenway Project, Phase II, from the consent agenda and the placement on the regular agenda. Motion carried unanimously.

SPECIAL RECOGNITIONS

Mr. Steve Lawler, President of Pitt County Memorial Hospital, appeared before the Council and gave an update on the Hospital.

Fire/Rescue Battalion Chief Eric Griffin was commended for his completion of the Executive Fire Officer's Program.

APPOINTMENTS

Appointments to Boards and Commissions

Community Appearance Commission

Council Member Smith requested that the appointments to the Community Appearance Commission be continued until January 2010.

Human Relations Council

Council Member Joyner requested that the appointments to the Human Relations Council be continued until January 2010.

Pitt-Greenville Convention and Visitors Authority

Council Member Glover requested that the appointment to the Pitt-Greenville Convention and Visitors Authority be continued until January 2010.

Public Transportation and Parking Commission

Motion was made by Council Member Smith and seconded by Council Member Joyner to appoint Steven Kresch to fill the unexpired term of Don Anderson to expire January 2012 and to continue the replacement for Shannon White. Motion carried unanimously.

Tenth Street Connector Citizen Advisory Committee Member Replacement

Motion was made by Council Member Joyner and seconded by Council Member Mercer to appoint Jeannette Cox to the Tenth Street Connector Citizen Advisory Committee to replace Mr. Dennis Buck, who passed away. Motion carried unanimously.

Special Task Force on Public Safety

City Manager Bowers announced that the appointments to the Special Task Force on Public Safety will be considered on January 14, 2010.

CONSENT AGENDA

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to approve the items under consent agenda as follows. Motion carried unanimously.

1. Resolution accepting dedication of rights-of-way and easements for Fieldstone @ Landover, Section 1
2. Contract award for the design of the Lynndale Drainage Improvement Project – Phase 1
3. Resolution authorizing the disposition of one surplus 2005 Harley Davidson motorcycle to the Town of Winterville

4. Reclassification of Benefits Administrator to Benefits Manager and an ordinance amending the Assignment of Classes to Salary Grades and Salary Ranges (Pay Plan)

ORDINANCE ESTABLISHING SAFETY REGULATIONS FOR PUBLIC OR PRIVATE CLUBS – ADOPTED

City Attorney Holec stated that at the November 9, 2009 City Council meeting, Council decided to proceed with the consideration of an ordinance which would establish safety regulations for public or private clubs as follows:

- A prohibition on a public or private club employing a person as a bouncer who has been convicted of certain crimes and a requirement that a public or private club conduct criminal record checks of each person employed as a bouncer; and
- A prohibition on a public or private club employing a person as a bouncer who has not completed a training program for bouncers conducted by the Police Department within certain time frames and a requirement that a bouncer employed at a public or private club annually complete a training program for bouncers conducted by the Police Department

City Council scheduled a public hearing for tonight on the proposed ordinance. Notice of the public hearing was published in The Daily Reflector on November 30 and December 7, 2009. Additionally, information on the proposed ordinance and public hearing was mailed to the 25 owners and managers of all public and private clubs on November 20, 2009. The ordinance establishes an effective date of May 1, 2010, in order to allow sufficient time for the Police Department and the clubs to take the necessary steps so that compliance can be reasonably achieved as of the effective date of the ordinance. It applies to all public or private clubs in the City regardless of location. Although the ordinance requires certain actions if bouncers are employed, it does not require that the clubs hire bouncers. The concerns addressed by this ordinance include the concentration of 16 public and private clubs in a four-block area in the downtown and issues related to resulting crowd noise, public intoxication, altercations, and potential violence. Another concern addressed by this ordinance is the impact of the public/private clubs on nearby neighborhoods and quality of life concerns. The City law enforcement resources required to address issues created by public and private clubs is also a concern addressed by this ordinance. The annual expense the City is incurring currently is in excess of \$500,000 per year. City Attorney Holec reviewed the proposed ordinance.

City Attorney Holec stated that Council also initiated the process for a separation requirement between clubs, and that is scheduled for consideration by the Planning and Zoning Commission. It is expected that will be presented to City Council at the January 14, 2010 City Council meeting. Also not being considered tonight is an ordinance requiring clubs to provide security. Council directed at the November 9 meeting that staff have further discussion with club owners before reporting back to Council.

Staff was asked about the training, and Chief of Police William Anderson stated that the plans are to offer the training monthly. As the numbers decrease, they will make adjustments. The course will be four hours, and there is no cost to the club owners for the training at this point.

City Attorney Holec asked Chief Anderson for clarification on the cost, and the Chief responded that even though there is no cost to the clubs for training, depending on the outlet used by the club owner for fulfilling the requirement that criminal record checks be conducted, there may be a cost to the club owner. City Attorney Holec stated that it would be up to the club owner whether to impose the cost on the applicant.

Mayor Dunn declared the public hearing open and solicited comments from the audience.

Mr. Howard Conner commended the staff for this ordinance and encouraged the Council to adopt it. He stated that this is a great step in improving the safety, as 90% of the problems start with the bouncers and their contact with the customer.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt the ordinance establishing safety regulations for public or private clubs with an effective date of May 1, 2010. Motion carried unanimously. (Ordinance No. 09-98)

Council asked for a status report six months from the May 2010 effective date.

ORDINANCE TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS BY DELETING ARTICLE J IN ITS ENTIRETY AND SUBSTITUTING A NEW ARTICLE J ENTITLED MASTER PLANNED COMMUNITY (MPC) INCLUDING ASSOCIATED STANDARDS AND REQUIREMENTS – ADOPTED

Planner Andy Thomas reminded the Council that at the April 9, 2009 meeting, Council instructed staff to initiate an amendment to the Planned Unit Development regulations to facilitate affordable housing and streamline the PUD development process. This would allow reduced size higher density developments in a wider variety of locations; allow smaller lots and reduced front and side yard setbacks in single-family subdivisions; allow age-based dwelling density exemption; allow limited size senior housing units; require that residential units be constructed to visibility standards; allow mixed uses in a wider variety of areas; require a minimum percentage of multi-family units be suitable for households with children; require linkage fees for commercial and office development to provide for minimum wage “work force” housing; establish a new low density by-right multi-family zone with density bonus allowance for provision of affordable units - % of total; require mandatory percentage of affordable housing units in all residential subdivisions and developments and/or allow payment of a fee in lieu of providing such units; and create or modify a conditional use housing option that includes density bonus options for provision of affordable housing.

Planner Andy Thomas further informed the Council that as a part of its 2009 Goal #5, Keep Planning Ahead of Anticipated Growth, there was an action item to “Revise the PUD development regulations to eliminate the additional zoning district designation requirement and to substitute a performance-based special use permit process”. Staff has prepared information on a Master Plan Community (formerly PUD), which is a conditional use development under single ownership or unified control that is guided by a total design (master land use) plan, including a range of dwelling and non-residential use options, and which allows flexibility and creativity in

site design, lot layout, and building configuration. Characteristics of the Master Plan Community are a reduced lot area and building setback requirements, increased open space and recreation areas, mixed land use (limited project dependent office/commercial component), and site design guidelines. A Master Plan Community is a viable option to accomplish desirable neighborhoods inclusive of a greater variety of housing types, an alternative to the traditional strict separation of use. The current PUD regulations were adopted in 1987 and have remained essentially unchanged. Three locations were rezoned for PUD development. Two of those have been completed (Westpointe and Wesley Commons) and one is undeveloped (Ironwood). The current process for a PUD is to rezone to PUD (action by the Planning and Zoning Commission and City Council required); obtain a special use permit, which involves a public hearing at the Planning and Zoning Commission; and preliminary and final plats and site plan, which is done in-house. The proposed process is for a rezoning only if necessary; a special use permit, which requires a public hearing at City Council; and preliminary and final plats and a site plan done in-house.

Planner Andy Thomas stated that the objectives of the proposed amendment are to eliminate the PUD rezoning requirement to streamline the approval process and improve the development probability and permit MPC as a special use in a variety of standard residential districts (e.g., R6, R6A, R9, R6S and RA20). This will greatly increase the variety of locations available for MPC consideration while retaining final approval authority with City Council (previously a City Council rezoning decision). Other objectives include establishment of a MPC base density (e.g., four units per gross acre) equal to the base density of the lowest density general purpose single-family zoning district (RA-20). This will insure that the MPC residential density will not exceed Horizons Plan base density recommendations as previously established, except as may be achieved via the density bonus provisions specifically designed to accomplish certain public purposes. It is also to provide density bonus options to allow increased density up to a set maximum number of units per gross acre (e.g., 12 units). This will allow an increase in density in exchange for a public benefit or amenity, such as increased common public open space and/or providing dwellings which meet housing diversity goals. The MPC will encourage a wider variety of dwelling types in future neighborhoods built under the proposed MPC ordinance, which will provide a method, with City Council approval, to include detached and attached dwellings in a planned neo-traditional neighborhood setting which can accommodate a greater variety of socio-economic populations. An MPC can provide an affordable housing density bonus option which will provide a viable addition to, and/or alternative to, public construction and/or local public subsidy of affordable housing units for low-and moderate-income households, while allowing the development of a greater number of dwellings above the base density (up to three additional units per acre) as incentive for the private development of affordable housing. This will also provide an additional tool for accomplishing affordable housing goals.

Planner Andy Thomas stated the proposed density bonus areas include common open space (additional), bike paths/greenway systems, solar access site design, large scale development (over 100+ acres), community facilities (e.g., fire/police station sites), public school sites, public transit facilities, and affordable housing. A density bonus will be provided for common open space, bike paths/greenway systems, solar access, 100 acres or more, community facilities, public school site, public transit facilities, and affordable housing. Open space requirements include not less than 25% gross acreage, ½ of required area in one place, not more than 25%

shall be in a floodway, open space dedication required with initial platting minimum of 25% of required open space to be active recreation, and perpetually maintained by the property owners' association. Other features include a 60-foot peripheral boundary setback, zero lot line development allowed, any private recreation area must be setback 100 feet from peripheral boundary, and required accessory storage (attached or detached) for residential use, obtaining a special use permit.

Discussion occurred about the wetlands, size of the lots, and the neighborhood associations.

Director of Community Development Merrill Flood stated that the Neighborhood Ombudsman will have the challenge of making sure the homeowners association stays afloat and makes sure the properties are maintained. With density bonuses and incentives, it will be the incentive of the developer and owner to maintain the property. They will allow for the density bonus and all types of housing and styles instead of there being one income group.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Mercer to adopt the ordinance amending the Planned Unit Development (PUD) regulations by deleting Article J in its entirety and substituting a new Article J entitled Master Planned Community (MPC) including associated standards and requirements. Motion carried unanimously. (Ordinance No. 09-99)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 106 COLUMBIA AVENUE – ADOPTED

Lieutenant Earl Phipps informed the Council that the initial notice of violation was sent by certified mail on April 21, 2009 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the action necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 14, 2009, and it provided notice to the owner that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 10, 2005. There have been 11 code enforcement cases initiated on this property since 1998 ranging from minimum housing to public nuisance and abandoned structure. The Greenville Police Department has responded to 84 calls for service at this property since January 2000. The tax value on the property as of November 19, 2009 was \$17,510. The building value was \$12,610 and the land value was \$4,900. The estimated cost to repair the property is \$26,885.50.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 106 Columbia Avenue. Motion carried unanimously. (Ordinance No. 09-100)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1101 CHESTNUT STREET—ADOPTED

Lieutenant Earl Phipps informed the Council that the initial notice of violation was sent by certified mail on May 15, 2008 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the action necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 14, 2009, and it provided notice to the owner that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since February 28, 2006 for side A and January 16, 2007 for side B. There have been five code enforcement cases initiated on this property since 1998 ranging from minimum housing to public nuisance and abandoned structure. The Police Department has responded to 96 calls for service at this property since January 2000. The tax value on the property as of November 19, 2009 was \$24,129. The building value was \$21,379 and the land value was \$2,750. The estimated cost to repair the property is \$41,326.80.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 1101 Chestnut Street. Motion carried unanimously. (Ordinance No. 09-101)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1114 CHESTNUT STREET

Lieutenant Earl Phipps informed the Council that the initial notice of violation was sent by certified mail on February 24, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the action necessary to bring the structure into compliance. The most recent notice to the owner was sent on October 14, 2009, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since April 3, 2008. There have been 16 code enforcement cases on this property since 1998 ranging from minimum housing to public nuisance and abandoned structure. The Greenville Police Department has responded to 63 calls for service at this property since January 2000. The tax value on the property as of November 19, 2009 was \$30,164. The building value was \$23,864 and the land value was \$6,300. The estimated cost to repair the property is \$46,578.10.

Mayor Dunn declared the public hearing open and solicited comments from the audience.

Mr. Wyatt Murphy, co-owner of the property, informed the Council that the house has been boarded up for awhile because of fire damage that occurred last year, and it is mostly smoke damage. He was unable to keep the property up and other than keeping the grass mowed, he didn't see the property as posing a threat. He is working on another property and doesn't have

the financing to do them both at the same time. He has enlisted the help of the co-owner to do the second one. Once that is completed and the rent is coming in, he can fix this one.

City Attorney Holec reminded the Council that the ordinance provides that owner has 90 days. The owner has 90 days to begin work and have a concrete plan for completion. If the owner is diligently pursuing doing so and gets the required permits to do so, the City will work with him.

Mr. Murphy stated that he has two properties, and he is currently working on the other one and it will be closed out in 90 days. He doesn't believe he would be able to have this one nearly completed by then. He would have it started; however, it would not be near completion.

It was suggested that Mr. Murphy work with Lieutenant Phipps on this.

There being no further comments, Mayor Dunn declared the public hearing closed.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 1114 Chestnut Street. Motion carried unanimously. (Ordinance No. 09-102)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1102 DICKINSON AVENUE—ADOPTED

Lieutenant Earl Phipps stated that initial notice of violation was sent by certified mail on February 18, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the action necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 14, 2009, and it provided notice to the owner that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since August 28, 2009 for Side A and April 6, 2009 for Side B. There have been 18 code enforcement cases initiated on this property since 1998 ranging from minimum housing to public nuisance and abandoned structure. The Greenville Police Department has responded to 48 calls for service at this property since January 2000. The tax value on the property as of November 19, 2009 was \$38,531. The building value was \$22,789 and the land value was \$15,682. The estimated costs to repair the property are \$22,808.90.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 1102 Dickinson Avenue. Motion carried unanimously. (Ordinance No. 09-103)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 510 ROOSEVELT AVENUE – ADOPTED

Lieutenant Earl Phipps stated that initial notice of violation was sent by certified mail on February 5, 2009 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the action necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 9, 2009, and it provided notice to the owner that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since December 18, 2008. There have been six code enforcement cases initiated on this property since 1998 ranging from public nuisance to abandoned structure. The Greenville Police Department has responded to 82 calls for service at this property since January 2000. The tax value on the property as of November 19, 2009 was \$12,399. The building value was \$9,599 and the land value was \$2,800. The estimated cost to repair the property is \$24,334.70.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Mercer to adopt the ordinance requiring the repair or the demolition and removal of the dwelling located at 510 Roosevelt Avenue. Motion carried unanimously. (Ordinance No. 09-104)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF TWO DWELLINGS LOCATED AT 204 AND 206 NEW STREET – ADOPTED

Lieutenant Earl Phipps stated that initial notice of violation was sent by certified mail on December 15, 2006 to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the action necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on November 6, 2009, and it provided notice to the owner that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to 2#204 have been disconnected since October 11, 2005 for Side A and May 31, 2006 for Side B. The utilities for #206 have been disconnected since January 2, 2007 for Side A and June 9, 2006 for Side B. There have been 14 code enforcement cases initiated on this property since 1998 ranging from public nuisance to abandoned structure. The Greenville Police Department has responded to 102 calls for service at this property since January 2000. The tax value on the property as of November 19, 2009 was \$54,742. The building value was \$46,641 and the land value was \$8,100. The estimated cost to repair the property is \$40,373.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance requiring the repair or the demolition and removal of two dwellings located at 204 and 206 New Street. Motion carried unanimously. (Ordinance No. 09-105)

PUBLIC COMMENT PERIOD

No persons expressed a desire to speak during the public comment period.

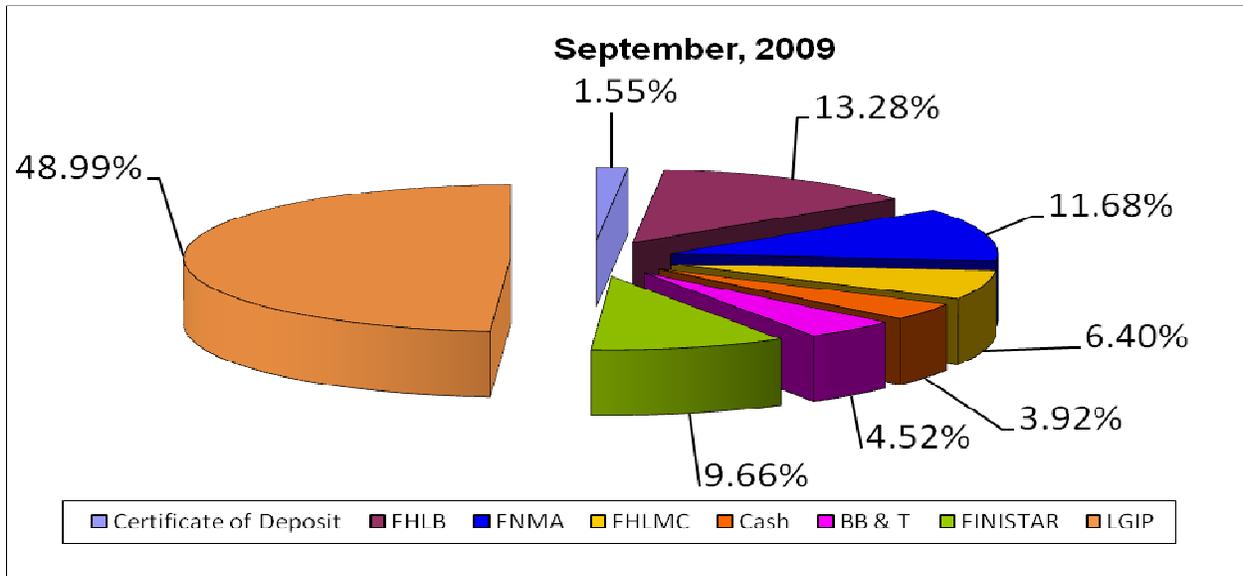
PRESENTATIONS BY BOARDS AND COMMISSIONS

Public Transportation and Parking Commission

Ms. Lisa Faison-Simmons, Vice-Chair of the Public Transportation and Parking Commission explained the purpose and composition of the Commission. . She stated that Robert Thompson and Mike Hammond are excellent spokesmen for people with disabilities. The intermodal transportation project is ongoing. During this past year, site selection and design studies, and the first appraisals on the property have been completed. Two hybrid buses have been ordered and should arrive during March 2011. The buses have been funded with stimulus money and will meet the latest emission requirements. They will be ADA compliant with two wheelchair positions. Two free ride days were held to support community projects--International Festival and PirateFest. During National Night Out, staff distributed bus schedules and information on bus stops. Staff also participated in the MigrantFest in May. Ridership increased by over 27% to 359,263 trips. A new route was added in November 2008 which helped contribute to the increase in ridership. This is an indication that more people are riding the bus. GREAT received the 2008 Safety Award for the fixed route system, the third time in a row. The Public Works Department provides safe and dependable bus service. Public parking continues to be addressed. As the City continues to grow, the Commission is interested in expanding the Commission to include all parking in the City. This information will be provided to the Council in January 2010.

Investment Advisory Committee

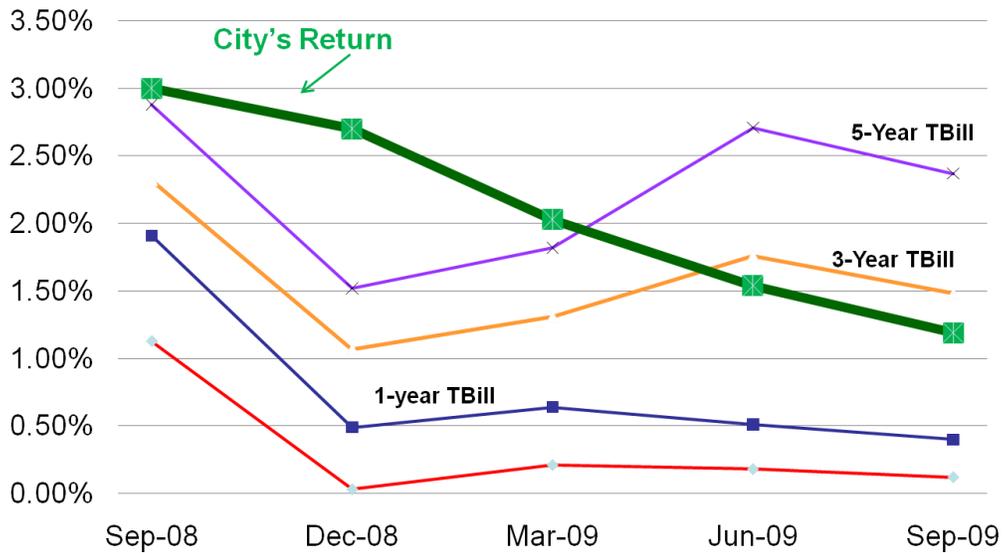
Dr. Rick Niswander, Chairman of the Investment Advisory Committee, reported on the portfolio size of the City for FY 2008-09 as compared to FY 2007-08.



September 2008
\$67,616,277

September 2009
\$70,787,472

He displayed the quarterly comparison of the rates of return for the different investments from September 2008 to September 2009.



Dr. Niswander reminded the Council that investments are restricted by North Carolina General Statute 159.30 and by the City's Investment Policy. Things to consider regarding investments include credit risks of some agencies, diversification, collateralization/securitization, and the economic environment. The City has made significant investment changes by going with Finistar and three to five year treasuries with the C2 Group. The quarterly reporting format has been improved. The C2 Group has monthly consultations with staff. The goal is to match the Merrill Lynch Benchmark. Dr. Niswander concluded by stating that considerations for 2010

include diversification within restrictions, security through volatile times, cash flow model, investment policy update, and budget and management of funds.

NAMING THE FORMER CONVENT AT THE LUCILLE W. GORHAM INTERGENERATIONAL CENTER AS THE LESSIE BASS BUILDING – APPROVED

City Manager Bowers reminded the Council that on July 31, 2009, the City Council received a letter from Jimmie Jones requesting that the former convent building at the Lucille W. Gorham Intergenerational Center be named in honor of the late Dr. Lessie Bass, who was instrumental in establishing the Center in West Greenville. She devoted many hours and extraordinary effort to making the programs at the Center successful. She served as the first director of the Center and had an office in the former convent building from the opening of the Center in January 2007 until her death in January 2009. The memorandum of understanding between the City and East Carolina University for operation of the Center provides that the City has the right to name the Center and the buildings that comprise the Center. It also provides that the City must consult with East Carolina University prior to naming any buildings at the Center. A letter has been received from the Chancellor indicating that the University is very supportive of the proposal and that it would be a fitting tribute to recognize Dr. Bass's leadership and devotion to the Center with this honor.

Motion was made by Council Member Glover and seconded by Council Member Joyner to name the former convent at the Lucille W. Gorham Intergenerational Center as the Lessie Bass Building. Motion carried unanimously.

APPLICATION FOR NORTH CAROLINA PARKS AND RECREATION TRUST FUND GRANT FOR SUPPORT OF THE DREW STEELE CENTER – APPROVED

Director of Recreation and Parks stated that this project would help address some of the needs of the Drew Steele Center. Drew Steele and Skip Holtz have provided leadership in fundraising of almost \$500,000 for the first phase of the project. Some of the funds have been used for the common ground, which is a totally accessible playground. It has been the intent to use PARTF funds for the project. Staff has unsuccessfully applied for the funds twice. There are several ways the grants are judged. Last year there were 85 submissions, and the City of Greenville was 29th in regard to points. The grant application requires support from the Recreation and Parks Commission, and last night, it voted to support the application. There will be a public meeting to receive input on January 6 at 6:00 at the Elm Street Center, and that provides extra points.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to approve the application for the North Carolina Parks and Recreation Trust Fund grant for support of the Drew Steele Center. Motion carried unanimously.

EMERGENCY OPERATIONS PLAN – ADOPTED

Chief of Fire Rescue Mike Burton informed the Council that the current Emergency Management Plan was approved by City Council in 1984, with the last significant revision being in 1992. The tenets of emergency management have shifted significantly since that time, as have the demographics of the City of Greenville. The Emergency Management Plan has been

rewritten in its entirety and is now referred to as the City of Greenville Emergency Operations Plan, or EOP. The rewrite of this EOP has been in the making for greater than three years and has been reviewed by the various department heads that have responsibilities within the EOP. It was restructured to include in each of its sections, the identification of the lead agency/department, the section's purpose, the current situation, the concept of operations, any assumptions, specific actions, the organization and assignment of responsibilities, and the section's administration and logistics. As the City must work closely with Pitt County Emergency Management and the State of North Carolina Emergency Management officials, the EOP works in concert with those agencies to better assure a seamless operation. Deliberate efforts were made to identify assignments and responsibilities based upon job classifications rather than individual names, to reduce the need for updating. The EOP is in concert with the current teachings of the National Incident Management System principles and is built upon the option of a graduated build-up of emergency management resources that meet the needs of the situation at hand, or that which is forecast. There are no proposed changes in the authority levels of the Mayor, City Council, or the City Manager. The EOP is a living document that will require revisions on a periodic basis. Further revisions and updates to this plan can be brought to the City Manager for his/her approval, without the need to return to City Council for such amendments and revisions.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to adopt the Emergency Operations Plan. Motion carried unanimously.

City Manager Bowers informed the Council that this is Chief Burton's last meeting, as he will be leaving his employment with the City of Greenville to go to Florida. He has provided outstanding leadership to the department and will be missed.

PROPOSAL FOR AN ENERGY CONSERVATION STRATEGY – APPROVED

Director of Public Works Wes Anderson stated that as part of the American Recovery and Reinvestment Act (ARRA), Congress funded an existing but unfunded program, the Energy Efficiency and Conservation Block Grant (EECBG) program 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, maximize the 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. Based on its population, Greenville is an entitlement community and is allocated \$777,600. These funds are required to be obligated in 18 months and spent in 36 months. To obtain this funding, the City is required to submit to the Department of Energy, within 120 days from the date of grant approval, the City's Energy Conservation Strategy. There is a \$75,000 cap on administration, \$250,000 cap on revolving loan funds, and \$250,000 cap on subgrants. The core principles of the program are to prioritize energy efficiency and conservation first as the cheapest, cleanest, and fastest way to meet energy demand; link energy efficiency efforts to long-term priorities (community economic development, community stabilization and poverty reduction efforts); programs and projects that create and/or retain jobs and stimulate the economy while meeting long-term energy goals; programs that provide substantial, sustainable and measurable energy savings, job creation and economic stimulus effects; give priority to programs and projects that leverage federal funds with other public and private resources; to the extent possible, develop programs and strategies

that will continue beyond the funding period; ensure oversight, transparency, and accountability for all program activities; enact policies that transform markets, increase investments, and support program goals; and develop comprehensive plans that benchmark current performance and set aggressive goals. Eligible activities include:

- Development of an energy efficiency and conservation strategy (all entities receiving direct formula grants from the Department of Energy are required to submit a proposed strategy for approval)
- Technical consultant services
- Residential and commercial building energy audits
- Financial incentive programs
- Energy efficiency retrofits
- Energy efficiency and conservation programs for buildings and facilities
- Development and implementation of transportation programs
- Building codes and inspections
- Energy distribution
- Material conservation programs
- Reduction and capture of methane and greenhouse gases
- Traffic signals and street lighting
- Renewable energy technologies on government buildings
- Any other appropriate activity

Existing programs the City is involved in to address the issue include the US Mayors' Climate Protection Agreement, NCLM Green Challenge, City council Goals and Objectives; Adoption of the Leadership in Energy and Environment Design (LEED) policy and alternate fuel vehicle policy, Greenville Climate Protection Partnership. The impact to City buildings now and 2015 are that the City will reduce energy consumption by 30%, water use by 20% and outside water use by 50% in new buildings and reduce energy consumption by 20%, water use by 20%, and outside water use by 50% in renovated buildings. The City needs to set the example. The reduction in energy consumption after 2015 will need to be 31% in new buildings and 21% in renovated buildings; after 2020, 32% in new buildings and 22% in renovated buildings; after 2025, 35% in new buildings and 25% in renovated buildings; and after 2030, 40% in new buildings and 30% in renovated buildings. In the interim, the City will enter into a guaranteed energy savings performance contract for \$2.2 million in energy efficiency improvements and over \$230,000 in energy savings per year. This tool can also be used by private organizations. The estimated cost of third party review of the program is \$30,000. The requirements for single-family residential, multi-family, and commercial structures were reviewed, as were the changes that will be made to public streetlights. The cost to implement the program is \$1,139,000, a difference of \$331,430 from what is available; however, that is not an issue as the estimates may not prove out. The requirements are that there be measureable goals and objectives, that the energy use and greenhouse gas emissions be reduced, that the building sector be focused on (75% of electricity, 39% of energy, and 38% of greenhouse gas emissions), and that benefits beyond the grant funding period be sustained, saving energy dollars and reducing the carbon footprint. The recommended strategy:

- Focuses on energy efficiency and conservation programs for buildings and facilities, financial incentive programs, residential and commercial energy audits, and traffic signals and street lighting.
- Reduces energy consumption by 20% in 1000 existing and new residential homes
- 20 LEED buildings—reduce energy consumption by 20% in new multi-family and commercial buildings
- Reduces energy consumption (baseline) by 20% in existing City government facilities
- Energy audits in 40 existing multi-family and commercial buildings.

Implementation will be done through presentations to such groups as Greenville Area Property Management Association, Greenville-Pitt County Home Builders Association, Greenville developers, Neighborhood Advisory Council, neighborhood associations, and non-profit organizations.

City Manager Bowers stated that this is a one-time funding source that is part of the stimulus program. It was not funded before the stimulus program, and it may continue and funding be available that staff is not currently aware of.

After discussion, motion was made by Council Member Mercer and seconded by Council Member Blackburn to approve the energy conservation plan, to approve the strategy, and to authorize the City Manager to approve the final version of the strategy and the grant application. Motion carried unanimously.

FISCAL YEAR 2011 FEDERAL AGENDA

City Manager Bowers stated that Melissa Hyman of The Ferguson Group met with the Mayor, City Council Members, and City staff on November 9 and 10, 2009 to develop priority projects for the City's fiscal year 2011 federal agenda. She presented a proposed list of projects at the November 9, 2009 City Council meeting for review and discussion of federal funding opportunities. City staff has worked with Ms. Hyman to finalize the recommended 2011 federal agenda for City Council consideration.

PROJECT	REQUEST	BILL AND PROGRAM	PROJECT DESCRIPTION
West Greenville Intergenerational Center's After Sechool Programs	\$250,000	Bill: Labor, Health and Human Services, and Education Account: Department of Education's Fund for the Improvement of Education	Funding will be used to expand afterschool programming offered at the West Greenville Intergenerational Center
Small Business Incubator	\$750,000	Bill: Financial Services Account: Small Business Administration	Funding will be used to construct a small business incubator to serve the catering, construction, and computer industry
Emergency Operations	\$750,000	Bill: Department of	Funding will be used to

Center		Homeland Security Account: FEMA State and Local Programs	complete construction of a new Emergency Operations Center
Tobacco Warehouse Reuse	\$250,000	Bill: Transportation & HUD Account: Economic Development Initiative	Funding will be used to remove or renovate abandoned tobacco warehouses
Regional Family Justice Center	\$250,000	Bill: Commerce, Justice, Science Account: COPS Law Enforcement Technology	Funding will be used to create a regional family justice center to serve victims of domestic abuse, elder abuse, and to provide victim advocacy and emergency shelter services
Go Science/Challenger Learning Center	\$750,000	Bill: Commerce, Justice, Science Account: NASA	Funding will be used to expand Go Science learning initiatives and also for the Challenger Learning Center, in honor of Michael J. Smith
Transportation Request	\$340,000 \$1,000,000 \$2,800,000	East Fifth Street Pedestrian Bridge (Hagan) Tenth Street Connector (Jones & Burr) Streetscape Improvements to 45-Block Area (Butterfield)	

Reauthorization of SAFETEA-LU

Greenways	\$2 million	Greenway expansion and improvement project
Tenth Street	\$18.9 million	Design, engineering, and construction of Tenth Street Connector

Legislative Interests

- Advocate for increase in funding for Land and Water Conservation Fund, Energy Efficiency and Conservation Block Grant and COPS programs
- Support Urban Parks and Recreation Recovery (UPARR) Program
- Senate office in Greenville
- Future funding of fire construction grants

Motion was made by Council Member Glover and seconded by Council Member Mercer to adopt the recommended fiscal year 2011 federal agenda. Motion carried unanimously.

2010 CITY COUNCIL MEETING SCHEDULE – ADOPTED

City Clerk Wanda Elks presented the City Council with a proposed 2010 City Council meeting schedule that was prepared listing the dates of the meetings in accordance with Section 2-1-11 of the City Code.

After suggested changes to the schedule presented by the City Clerk, motion was made by Council Member Mercer and seconded by Council Member Glover to adopt the 2010 City Council Meeting Schedule as follows. Motion carried unanimously.

“COPY”

2010 CITY COUNCIL MEETING SCHEDULE
(All Meetings are Held in the Council Chambers Unless Otherwise Noted)

January 11 - 6:00 PM
January 14 - 7:00 PM
January 25 – 6:00 PM
January 29 – 2:00 PM (Annual Planning Session at Bradford Creek Golf Course)
January 30 - 8:00 AM (Annual Planning Session at Bradford Creek Golf Course)

February 11 – 7:00 PM
February 22 – 6:00 PM

March 1 – 6:00 PM
March 4 – 7:00 PM
March 22 – 6:00 PM

April 5 – 6:00 PM
April 8 – 7:00 PM
April 19 – 6:00 PM

May 10 – 6:00 PM
May 13 – 7:00 PM
May 24 – 6:00 PM

June 7 – 6:00 PM
June 10 – 7:00 PM
June 21 – 6:00 PM

August 9 – 6:00 PM
August 12 – 7:00 PM
August 23 – 6:00 PM

September 9 – 7:00 PM
September 20 – 6:00 PM

October 11 – 6:00 PM
October 14 – 7:00 PM

November 8 – 6:00 PM
November 22 – 6:00 PM

December 6 – 6:00 PM
December 9 – 7:00 PM
December 20 – 6:00 PM

CONTRACT AWARD FOR THE SOUTH TAR RIVER GREENWAY PROJECT - PHASE II –
STAFF AUTHORIZED TO READVERTISE FOR BIDS

Director of Public Works informed the Council that this was removed from the consent agenda because it warrants discussion. The low bid did not meet the federal requirements, and staff has been given written authorization to reject bids if the City will save a significant amount of money if rebid. He asked for authorization to readvertise for bids.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to authorize staff to readvertise for bids for Phase II of the South Tar River Greenway Project. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

Mayor Dunn asked that the Council be prepared to make appointments to the Public Safety Task Force in January and to be ready to recommend two co-chairs in addition to the seven people that the Council will appoint.

CITY MANAGER'S REPORT

City Manager Bowers recommended that the Council cancel the December 21, 2009 meeting, as there is no business that needs to be taken care of at that meeting.

Motion was made by Council Member Mercer and seconded by Council Member Smith to cancel the December 21, 2009 City Council meeting. Motion carried unanimously.

CLOSED SESSION

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to go into closed session 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. Motion carried unanimously.

OPEN SESSION

Motion was made by Council Member Smith and seconded by Council Member Blackburn to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Mercer to adjourn the meeting at 10:55 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service

Explanation: Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service has made application for a taxicab franchise to operate one taxicab. The Financial Services, Community Development, and Police Departments have reviewed the application and find no reason not to grant the request. The business is located outside the corporate limits of the City of Greenville; however, a franchise from the City Council must be granted in order for a taxicab to operate in the City limits of Greenville. The public hearing is scheduled for January 14, 2010. Notification of the public hearing has been sent to all taxicab owners.

Fiscal Note: No direct cost to the City.

Recommendation: Approve the ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service on first reading.

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

Attachments / click to download

- [Application](#)
- [Ordinance_for_Earlybirds_Transportation_852413](#)

ORDINANCE NO. 10-_____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO VALENTINE LONG PERKINS
D/B/A EARLYBIRDS TRANSPORTATION AND TAXI SERVICE

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

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

WHEREAS, Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service is an applicant for a franchise permitting the operation of one taxicab within the City limits; and

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

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

Section 1. A taxicab franchise is hereby issued to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service to permit the operation within the City of Greenville of not more than one taxicab.

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

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

First reading passed on the 11th day of January, 2010.

Second reading passed on this the 14th day of January, 2010.

Duly adopted on the 14th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

APPLICATION FOR TAXICAB FRANCHISE

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

To the Mayor and City Council of the City of Greenville

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

- 1 The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs
- 2 The individual, corporate or trade name and business address of the applicant is EARLYBIRDS CAB LLC, 2366 Springhill Rd, Greenville N.C. 27858
252-347-3258
- 3 The Applicant is
 - A An individual and sole owner of the taxicab business to be operated under the above name
 - B A corporation chartered under the laws of the State of North Carolina in the year 2/17/06 and the officers of the corporation are Valentine Perkins
 - C A partnership, as shown by articles hereto attached, and the names of partners are _____
- 4 The Applicant operates in the following cities GREENVILLE N.C. 27858
- 5 The Applicant is requesting franchise to operate 1 taxicabs
- 6 In support of this application, the following Exhibits are attached
 - Exhibit A A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation
 - Exhibit B A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit
 - Exhibit C Financial statement showing assets, liabilities and net worth of applicant
 - Exhibit D Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles
 - Exhibit E Statement of proposed fares for transportation of persons and property
 - Exhibit F Statement of experience of applicant in conducting taxicab business
 - Exhibit G For persons who plan to be a driver Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME <u>PERKINS</u>		FIRST NAME <u>Valentine</u>		MIDDLE NAME	
ALIAS OR NICKNAME <u>Tina</u>	SEX <u>female</u>	AGE <u>57</u>	WEIGHT <u>181</u>	HEIGHT <u>5'8"</u>	ID NO
ADDRESS <u>2366 Springhill Rd, Greenville</u>		HAIR <u>Blk.</u>	EYES <u>Blk</u>	COMPLEXION <u>dark</u>	
OCCUPATION <u>Transporter</u>		DRIVERS LICENSE NO		IDENTIFICATION NO	
PLACE OF BIRTH <u>Pitt County - Ayden N.C.</u>		DATE OF BIRTH		SOCIAL SECURITY NO	

Signature of Applicant Valentine Perkins

Subscribed and sworn to before me this 24th day of November, 2009

My Commission Expires 11/6/11

Wanda J. Clark
 Notary Public

Item # 2

Exhibit A

There are several reasons that I request the operation of Earlybird Cab LLC. first of all and mainly because of a great request from the citizens of Greenville and especially the uptown students of ECU. constantly asking for more service from taxicabs providers, as a transporter I have been called uptown on game nights and Halloween nights to do pick-up service because of the fact that there are not enough cabs running, and they say that they have to wait at long periods of times, and finally ends up having to walk home, because of a lack of cab providers, wherein transporters are not allowed to go into cabbng them without the legal certification, also I have been asked and encouraged to go into cabbng because of the great need, I also feel that there is a greater need for this type of service, there is a greater demand for it, also a more familiar service for other who has relocated to this area that has been used to the cab service in other cities, and it is also a better money market, and cash flow.

Exhibit B:

I will use for cab service a 1996 4 door silver Crown Victoria, will carry up to 5 peoples.

Exhibit C: (will include necessary documents)

I am covered by my business insurance with 1.5 m, I am covered with life and accident insurance with 40,000 Ins. my home is value at at 100,000⁰⁰, I have a bus, not operating (1985) worth about 1,000⁰⁰, a 1997 Dodge Caravan worth 800⁰⁰ not running, a 1994 Chyster Concorde worth 1,400⁰⁰, Ford Taurus 1993 worth 1000⁰⁰

Exhibit D:

My business will be located about 6.0 miles outside the city limit, at my resident where all my automobiles are very well parked in my back yard, and under my carport, there is plenty room for them and are not interfering with any other residents on either side of me.

I Am in compliance with the city of Greenville listings for fares and will comply as follows,

Exhibit F:

I have experience as a former taxicab driver of about 17 months with City Cabs service a well known taxicab service here in Greenville, I was able to get a lot of cabbng experience from my trainer, I also had previous experience of about 25 years of Homehealth traveling as a home health aide from different towns and counties, here in Greenville, with driving, locations informative informations, and dealing with all types of peoples including, Sick, Public, also I started my own transportation service in 2006, and have done well, even through the economy being as it is, but I feel it's time for a change in order to go to fase 2, not leave one business but to add onto the one that is still in existence, I believe the taxicab service along with transportation will only malce the business better,

Exhibit G:

I will be driving as a taxicab driver and will attach my drug screening test results, and a waiver from the physician to release the results to the Greenville Police.



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Municipal agreement with the North Carolina Department of Transportation for a Safe Routes to School Infrastructure Grant for the construction of sidewalk improvements along the south side of Red Banks Road between Charles Boulevard and Fourteenth Street

Explanation: Attached for City Council consideration is a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the construction of sidewalk improvements along the south side of Red Banks Road between Charles Boulevard and Fourteenth Street. In December 2008, the City Council adopted a resolution supporting and endorsing the submission of a Safe Routes to School Infrastructure Grant Reimbursement Program application to NCDOT's Division of Bicycle and Pedestrian to obtain a grant for the purpose of obtaining funds to construct a sidewalk at the identified location. In September 2009, the City was notified that it was awarded a grant in the amount of \$259,782 for this project.

The project will involve the construction of approximately 4,300 linear feet of 5-foot wide sidewalk along the south side of Red Banks Road between Charles Boulevard and Fourteenth Street. It will serve students attending the E.B. Aycock Middle School. Construction of the project is to be completed within 24 months following the execution of the agreement with NCDOT.

Fiscal Note: This grant provides for 100 percent reimbursement of construction costs, which will be reimbursed during the course of project implementation. Funds will be expended from and returned to the City's Powell Bill (gas tax) Fund Balance.

Recommendation: Approve the attached municipal agreement with NCDOT's Division of Bicycle and Pedestrian for the Safe Routes to School Infrastructure Grant for the purpose of obtaining funds to construct a sidewalk along the south side of Red Banks Road between Charles Boulevard and Fourteenth Street.

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

Attachments / click to download

 [Safe Route To School Municipal Agreement](#)

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

PITT COUNTY

DATE: 12/15/2009

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: SR-5001AA

AND

WBS Elements: PE _____

ROW 40924.2.1

CON 40924.3.26

CITY OF GREENVILLE

OTHER FUNDING: _____

CFDA #: 20.205

Total Funds [NCDOT Participation] \$259,782

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

WITNESSETH:

WHEREAS, Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU), establishes Safe Routes to School (SRTS) funds, which require that federal funds be available for certain specified transportation activities; and,

WHEREAS, the City of Greenville has requested federal funding for constructing sidewalk to serve E B Aycock Middle School, hereinafter referred to as the Project, in Pitt County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$259,782 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning and construction of the Project approved by the Board of Transportation.

NOW, THEREFORE, the parties hereto shall execute this Agreement within ninety (90) days of receipt of this Agreement. In the event the Municipality fails to execute said Agreement within ninety (90) days of receipt, the Municipality shall be evaluated by the Department to determine whether forfeiture of funds is warranted.

This Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

AGREEMENT MODIFICATIONS

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented.

Any increases to the funding amount will be agreed upon by all parties by means of a Supplemental Agreement.

SPONSOR TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of construction of approximately 4,300 linear feet of sidewalk along the south side of Red Banks Road from Charles Boulevard to 14th Street, including the installation or upgrading of approximately 19 curb ramps.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Utility Relocation
- Construction

as further set forth in this Agreement.

3. FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of Two Hundred Fifty Nine Thousand Seven Hundred Eighty Two Dollars (\$259,782), as detailed below. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Safe Routes to School	\$259,782	100 %	\$0	0 %
Total Estimated Cost			\$259,782	

4. USEFUL LIFE

The Useful Life of this Project is determined to be twenty (20) years. Any leases or encroachments entered into by the Municipality for this Project shall be for the length of the

Useful Life. If the Project ceases to be used and designated as described in this Agreement, within the period of the Useful Life, the Department will require reimbursement for the amortized value of the Department's initial investment.

5. TIME FRAME

The Municipality, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, within twelve (12) months of execution of this Agreement. The Municipality shall complete the construction of the Project within twenty four (24) months of execution of this Agreement.

The Municipality shall meet milestone dates as stated herein or the Department reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates. The Department may extend the deadline for milestone activities if, in the opinion of the Department, circumstances warrant. Extensions of time granted will be documented in writing.

The Project must progress in a satisfactory manner as determined by the Department or the Department and/or FHWA reserves the right to de-obligate said funding.

6. EVALUATION

The Municipality, and/or its agent, shall monitor the effectiveness of implementing the Project through the collection of data before construction begins and after the Department has received the final project certification. Data should be collected using the Student In-Class Travel Tally and Parent Survey forms following the corresponding instructions available at www.saferoutesinfo.org/data. The Municipality must furnish documentation showing evidence that these data were collected.

7. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering, to develop pre-construction documents, is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

8. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if Preliminary Engineering is an eligible expense.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/leqsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- If the Department is participating in the costs of professional services and the proposed contract exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.
- Reimbursement of construction administration costs cannot exceed fifteen percent (15%) of the total construction contract.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation. These provisions are incorporated into this Agreement by reference www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Professional and Engineering Services required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

9. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

10. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

11. RIGHT OF WAY / UTILITY AUTHORIZATION

The cost of right of way acquisition is not an eligible expense. If the costs of utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up utility funding. Utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

12. PROJECT LIMITS AND RIGHT OF WAY (ROW)

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascritps/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception

that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

13. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. The Municipality shall submit a request, in writing, to all utility owners to relocate or adjust their facilities in accordance with the Right of Way Acquisition Policy contained in Title 23 of the Code of Federal Regulations, Part 710, Subpart B, incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm.

14. ENCROACHMENT AGREEMENT

If any part of the Project is located on State Highway System right of way or property, the Municipality shall secure an Encroachment Agreement with the Department prior to performing any work or improvements on that right of way or property.

15. RIGHT OF WAY CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, shall provide the Right of Way Agent, located at the Department's Local Right of Way Office, all required documentation (deeds/leases/easement/plans) to secure right of way certification from that office. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated.

16. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

17. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 49 of the Code of Federal Regulations, Part 18.36 and Title 23 of the Code of Federal Regulations, Part 633, Subpart A, and Part 635, Subpart A, incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are

incorporated into this Agreement by reference

www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

- Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

- Documenting costs for Force Account are covered under the REIMBURSEMENT section.

18. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

CONSTRUCTION ENGINEERING, SAMPLING, TESTING

The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing.

The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

19. CLOSE-OUT

Upon completion of the construction phase of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

FINAL PROJECT EVALUATION

The Municipality must furnish documentation as evidence that, upon final project certification, the Municipality, and/or its agent, collected the final evaluation data using the surveys and instructions available at www.saferoutesinfo.org/data. Final reimbursement from the Department will be withheld until the project evaluation is complete.

20. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the sidewalk serving the E B Aycock Middle School, or as required by an executed encroachment agreement.

21. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Utility Relocation
- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 (www.fhwa.dot.gov/legregs/directives/fapgtoc.htm) and Office of Management and Budget (OMB) Circulars A-102 (www.whitehouse.gov/omb/circulars/index.html) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm and by Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State,

Local, and Indian Tribal Governments.” Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total federal funding.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department’s Financial Management Division.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **FORCE ACCOUNT REIMBURSEMENT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) “Cost Principles for State, Local, and Indian Tribal Governments.” Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project

partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

▪ PROCEDURE

The Municipality may bill the Department monthly for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

▪ INTERNAL APPROVALS

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

▪ TIMELY SUBMITTAL OF INVOICES

The Municipality shall invoice the Department for work accomplished at least once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

▪ FINAL INVOICE

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

22. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting Project evaluation reports quarterly, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

23. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies 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 any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Safe Routes to School funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

24. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been 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.

ATTEST: CITY OF GREENVILLE
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

Approved by _____ of the City of Greenville as attested to by the signature of _____ Clerk of the _____ on _____ (Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

City of Greenville

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Municipal agreement with the North Carolina Department of Transportation for the construction of sidewalk improvements along the north side of NC Highway 43 (W. Fifth Street) from Memorial Drive (NC Highway 11-903) to Mattox Road and along the south side from Arlington Boulevard to B's Barbeque Road

Explanation: Attached for City Council consideration is a municipal agreement for the construction of sidewalk improvements along the portion of NC Highway 43 (W. Fifth Street) located within the city limits. The North Carolina Department of Transportation (NCDOT) is currently undertaking various roadway improvements along NC Highway 43 from Memorial Drive (NC Highway 11-903) to B's Barbeque Road and widening the road from B's Barbeque Road to US 264. The attached agreement pertains to the NCDOT Project TIP No. 5018B that involves roadway improvements for the segment of W. Fifth Street between Memorial Drive (NC Highway 11-903) and B's Barbeque Road. Per the attached agreement, NCDOT will be responsible for constructing sidewalks within this segment and the City shall participate in the construction costs for this work.

This project will involve the construction of approximately 3,100 linear feet of five-foot wide sidewalk along the south side of NC Highway 43 (W. Fifth Street) from Arlington Boulevard to B's Barbeque Road and approximately 7,000 linear feet from Memorial Drive (NC Highway 11-903) to Mattox Road. The sidewalk portion of the project is estimated to cost \$253,000 of which \$151,800 (60%) will be funded by NCDOT and \$101,200 (40%) will be funded by the City.

Fiscal Note: Funds for the City's portion of these improvements will come from the City's Powell Bill (gas tax) Fund.

Recommendation: Approve the attached municipal agreement with the North Carolina Department of Transportation for the sidewalk improvements associated with the NC

Highway 43 (W. Fifth Street) Widening Project.

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

Attachments / click to download

 [Agreement for W 5th St Sidewalk Improvements](#)

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT – STATE
MUNICIPAL AGREEMENT**

PITT COUNTY

DATE: 11/10/2009

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 41431.3.3

CITY OF GREENVILLE

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

WITNESSETH:

WHEREAS, the parties have agreed to make certain improvements within the Municipality under WBS Element 41431.3.3 in Pitt County in accordance with the plans and specifications approved by the Department; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-66.3, Section 136-18 (24), Section 20-169, Section 160A-296 and Section 297, to participate in the planning and construction of the Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Parties, as of the date of the awarding of the contract for the construction of the above-mentioned Project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF PROJECT

1. The Project consists of the construction of approximately 3100 lineal ft. of sidewalk along the south side of NC 43 (5th Avenue) from Arlington Blvd. to B's Barbeque Road and approximately 7000 lineal feet of 5 ft. sidewalk on the north side of NC 43 from Memorial Drive to Mattox Road (hereinafter the "Project").

PHASES OF THE WORK

2. The Department shall be responsible for all phases of the project including planning, design, right of way, utilities, construction and contract administration. All work shall be done in accordance with the Departmental standards, specifications, policies and procedures.

FUNDING

3. The Municipality shall participate in the costs of the sidewalks as follows:
 - A. Upon completion of the work, the Municipality shall reimburse the Department forty percent (40%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in sixty percent (60%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$253,000.00. The estimated cost to the Municipality is \$101,200.00. Both parties understand that this is an estimated cost and is subject to change.
 - B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.

- C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 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 time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

MAINTENANCE

4. The Municipality, at its own expense, shall be responsible for all liability and maintenance responsibilities for said facility.

ADDITIONAL PROVISIONS

5. It is further agreed that upon completion of the Project, the Department shall be liable and responsible for all traffic operating controls and devices shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and Departmental criteria.
6. It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency. By execution of this Agreement, the Municipality certifies, 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 governmental department or agency.
7. The Municipality will indemnify and hold harmless the Department and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the Project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages claims, which may be initiated by third parties.

8. All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project 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 been 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 City of Greenville by authority duly given.

L.S. ATTEST:

CITY OF GREENVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

Approved by _____ of the City of Greenville as attested to by the signature of

_____, Clerk of the _____ on

_____ (Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Greenville

DEPARTMENT OF TRANSPORTATION

BY: _____
(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Ordinance rescinding speed limit ordinances for portions of Fourteenth Street and Memorial Drive in the City to concur with North Carolina Department of Transportation ordinances

Explanation: Attached for City Council’s consideration is an ordinance rescinding speed limit ordinances for portions of Fourteenth Street (SR 1703) and Memorial Drive (NC Highway 11) in the City of Greenville to concur with the North Carolina Department of Transportation’s (NCDOT) ordinances for the identified roads. The school zone along this segment of Fourteenth Street was identified as not necessary due to the availability of the traffic signal located at the intersection of Fourteenth Street and Elm Street, which includes pedestrian signal heads. NCDOT rescinded the ordinance for NC Highway 11 because it overlaps and conflicts with another that takes precedence. The City must adopt the attached corresponding ordinance to be consistent with the changes made by NCDOT. The following are the locations that will be affected:

Rescinded Speed Limit

<u>Route</u>	<u>Description</u>
Fourteenth Street (SR 1703)	SR 1703, from point 0.45 mile east of SR 1707 (Charles Boulevard), (a point 500 feet west of Berkley Road), eastward to Elm Street, a point 0.73 mile east of SR 1707 (Charles Boulevard), (C.M. Eppes Middle School Zone from 30 minutes before to 30 minutes after school begins and ends on school days only).
NC 11	Memorial Drive (NC-11-903) from SR 1134, northward to US264A (Greenville Boulevard), a distance of 0.81 mile.

Fiscal Note: No direct costs to the City are associated with this request.

Recommendation: Adopt the attached ordinance rescinding speed limit ordinances for portions of Fourteenth Street (SR 1703) and Memorial Drive (NC Highway 11) in the City to concur with NCDOT ordinances.

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

Attachments / click to download

 [Speed Limit Ordinances](#)

 [Rescinding Ordinance for Speed Limits on State Roads 852137](#)

ORDINANCE NO. 10-
AN ORDINANCE RESCINDING AND DECLARING THE SPEED LIMITS
ON VARIOUS STATE-MAINTAINED ROADS

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

Section 1: The State speed limit of 25 miles per hour on the following is hereby
rescinded:

<u>Route</u>	<u>Description</u>
Fourteenth Street (SR 1703)	SR 1703, from a point 0.45 mile east of SR 1707 (Charles Boulevard), (a point 500 feet west of Berkley Road), eastward to Elm Street, a point 0.73 mile east of SR 1707 (Charles Boulevard), (C.M. Eppes Middle School Zone from 30 minutes before to 30 minutes after school begins and ends on school days only).

Section 2: The State speed limit of 45 miles per hour on the following is hereby
rescinded:

<u>Route</u>	<u>Description</u>
NC 11	Memorial Drive (NC11-903) from SR1134, northward to US264A (Greenville Boulevard), a distance of 0.81 mile.

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 11th day of January, 2010.

Patricia C. Dunn, Mayor

Wanda T. Elks, City Clerk

**CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING SPEED LIMIT
MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT
OF TRANSPORTATION:**

I, _____, Clerk of the _____ City _____ of
(City) (Town)

Greenville _____, do hereby certify that the _____
(Governing Body)

of the _____ duly enacted on the _____ day of
(City) (Town)

_____, 20 _____ an ordinance based upon engineering and traffic
investigation pursuant to authority granted by G.S. 20-141(f) declaring the following speed limit
modifications as set forth below on the following described portion of a State Highway System Street:

Declare the Following Speed Limit

<u>Speed</u>	<u>Route</u>	<u>Description</u>
<u>Limit</u>		

Rescind the Following Speed Limit

<u>Speed</u>	<u>Route</u>	<u>Description</u>
<u>Limit</u>		
25	SR 1703	SR 1703, from a point 0.45 mile east of SR 1707 (Charles Boulevard), (a point 500 feet west of Berkley Road), eastward to Elm Street, a point 0.73 mile east of SR 1707 (Charles Boulevard), (C.M. Eppes Middle School Zone from 30 minutes before to 30 minutes after school begins and ends on school days only).

said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book _____ at page _____.

In witness whereof, I have hereunto set my hand and the seal of the _____ of _____, this _____ day of _____, 20 _____.

_____(Seal)

Division Approval: _____ Title: _____ Date: _____

Region Approval: _____ Title: _____ Date: _____

**CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING SPEED LIMIT
MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT
OF TRANSPORTATION:**

I, _____, Clerk of the _____ City _____ of
(City) (Town)
_____ Greenville _____, do hereby certify that the _____ Board of Commissioners _____
(Governing Body)

of the _____ City _____ duly enacted on the _____ day of
(City) (Town)

_____, 20 _____ an ordinance based upon engineering and traffic
investigation pursuant to authority granted by G.S. 20-141(f) declaring the following speed limit
modifications as set forth below on the following described portion of a State Highway System Street:

Declare the Following Speed Limit

<u>Speed</u> <u>Limit</u>	<u>Route</u>	<u>Description</u>
------------------------------	--------------	--------------------

Rescind the Following Speed Limit

<u>Speed</u> <u>Limit</u>	<u>Route</u>	<u>Description</u>
45	NC 11	Memorial Drive (NC11-903) from SR1134, northward to US264A (Greenville Boulevard), a distance of 0.81 mile. (Meets engineering warrants to 45 mph zone)

said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book _____ at page _____.

In witness whereof, I have hereunto set my hand and the seal of the _____ of _____, this _____ day of _____, 20 _____.

_____(Seal)

Division Approval: _____ Title: Division Traffic Engineer Date: _____

Region Approval: _____ Title: Regional Traffic Engineer Date: _____



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Memorandum of Agreement between the North Carolina Geodetic Survey, the City of Greenville, and East Carolina University to facilitate the expansion of the Global Positioning System network of base stations in eastern North Carolina

Explanation: Attached for City Council’s consideration is a Memorandum of Agreement (MOA) between the North Carolina Geodetic Survey (NCGS), the City of Greenville, and East Carolina University (ECU). The purpose of this agreement is to facilitate the expansion of the Global Positioning System (GPS) network of base stations in eastern North Carolina. The system is primarily used by land surveyors to establish fixed positions on the earth’s surface utilizing base stations and survey grade GPS receivers.

Currently, ECU owns and maintains operation of a GPS base station, which broadcasts a GPS correction signal utilized by surveyors. The City owns a Real Time Kinematic (RTK) software license to operate the base station node. NCGS maintains the statewide RTK Network. Upon execution of the MOA by all parties, ECU’s base station will be incorporated into the statewide RTK Network. As part of the agreement, the City will agree to transfer its RTK license to NCGS for a three-year period. In exchange, NCGS will manage and maintain the data generated by the base station, as well as provide the City and ECU access to the NC RTK Network at no cost. The proposed agreement will improve support for surveying in the Greenville area for those organizations that utilize this type of survey equipment, which includes the City.

Fiscal Note: There will be no cost associated with this agreement to the City.

Recommendation: Authorize the City Manager to execute the attached Memorandum of Agreement between the North Carolina Geodetic Survey, the City of Greenville, and East Carolina University.

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

Attachments / click to download

 [Agreement](#)



North Carolina Department of Environment and Natural Resources
Division of Land Resources
North Carolina Geodetic Survey

Beverly Eaves Perdue
Governor

Dee A. Freeman
Secretary

James D. Simons, P.G., P.E.
Director and State Geologist

MEMORANDUM OF AGREEMENT

Between



**North Carolina Geodetic Survey
NC Department of Environment
and Natural Resources**



**City of Greenville
200 W. Fifth Street
Greenville, NC 27834**



**East Carolina University
East Fifth St
Greenville, NC 27858**

I. General Information

1. This Memorandum of Agreement (MOA) is between the North Carolina Geodetic Survey, the City of Greenville, and East Carolina University, hereinafter referred to as NCGS, COG, and ECU, respectively.
2. NCGS is responsible for the establishment and maintenance of the Official Survey Base in North Carolina. NCGS is the lead agency in North Carolina responsible for the coordination of geodetic and other surveying activities among state agencies. NCGS is a semi-receipt funded agency within the Division of Land Resources/Department of Environment and Natural Resources (DENR).
3. COG is the city government for Greenville, which has a population of approximately 72,000 people and is a major industrial and economic center for eastern North Carolina. COG is *“dedicated to providing all citizens with quality services in an open, ethical manner, insuring a community of distinction for the future.”*
4. ECU is a constituent institution of the University of North Carolina dedicated to teaching, research, and service.
5. This MOA is in accordance with the responsibility of NCGS for coordination of geodetic control and related surveys in North Carolina.

II. Purpose

The purpose of this MOA is to expand the network of Global Positioning System (GPS) base stations, which are officially referred to individually as a Continuously Operating Reference Station (CORS), in eastern North Carolina by:

1. Installing a CORS base station site on the campus of ECU (ECU CORS SITE) and incorporating the ECU CORS SITE into the North Carolina (NC) Real Time Kinematic (RTK) Network;
2. NCGS providing technical assistance to ECU and COG in the use of the CORS and RTK networks;
3. ECU submitting the ECU CORS SITE to the National Geodetic Survey (NGS) for inclusion into the National CORS Network;

III. Agency Responsibilities

1. NCGS agrees to:
 - a. Incorporate the ECU CORS SITE into the NC CORS and RTK networks.
 - b. Assist ECU with submitting the ECU CORS SITE to NGS for inclusion into the National CORS Network.
 - c. Store and maintain the raw data files generated by the ECU CORS SITE on the NCGS ftp site and provide the files to NGS for distribution to the public.
 - d. Perform a geodetic survey to connect the ECU CORS SITE to the horizontal and vertical control networks.
 - e. Submit the ECU CORS SITE to NGS for inclusion into the National Spatial Reference System (NSRS).
 - f. Provide COG and ECU access to the NC RTK Network at no cost to either ECU or COG by waiving the network port access cost. This notwithstanding, ECU or COG are responsible for costs incurred, respectively, for obtaining a data wireless service, which is necessary to conduct an RTK survey in the field.
 - g. Provide to ECU and COG at no cost four user slots each for access to the NC RTK Network.
2. COG agrees to transfer the RTK network license node that it acquired in July 2006 to NCGS for its use in connection with the ECU CORS SITE.
3. ECU agrees to:
 - a. Operate and maintain the ECU CORS SITE on its Greenville campus, in a manner and at a location determined in ECU's sole discretion, for the term of this Agreement, unless terminated earlier pursuant to Section VII.
 - b. Submit the ECU CORS SITE to NGS for inclusion into the National CORS Network
 - c. Permit NCGS to stream ECU CORS SITE data to an offsite NCGS server. NCGS agrees to implement and observe commercially reasonable IT security measures relating to this data transfer.
 - d. Allow NCGS to include the ECU CORS SITE in the NC RTK Network
 - e. Allow NCGS to post the ECU CORS SITE data files on the NCGS public accessible computer network
 - f. Data generated by the ECU CORS (CORS DATA) is provided by ECU on an "as-is" basis. ECU makes no representation or warranties in connection with the accuracy, security, or accessibility to CORS DATA, nor to the use or availability of CORS DATA by any person.
 - g. Notwithstanding any other provision of this Agreement, the liability of ECU, as an agent of the State of North Carolina, for any injury or damage arising out of this Agreement or ECU's performance thereof is subject to the limitations of the North Carolina Tort Claims Act, GS§143-291 *et. seq.* The University does not waive any rights or defenses under this Act.

IV. Budgeting, Funding, and Personnel Availability

1. The continued participation of NCGS, ECU, and COG, respectively, as parties to the MOA is contingent upon the availability of funding, personnel, and administrative approval. Any party may withdraw from the MOA if funding, personnel, or administrative approval becomes unavailable.
2. NCGS, ECU, and COG shall consult regarding future priorities for the ECU CORS SITE.
3. Except as otherwise stated in this Agreement, each party is responsible for its own costs, respectively, incurred in the performance of this agreement.

V. Subsidiary Agreements

Additional working agreements regarding specific cooperative efforts, if needed, shall be effected in writing by either of the three entities as the need arises.

VI. Term

The term of this MOA begins on February 1, 2010 and ends on February 28, 2013.

VII. Withdrawal

Any party may withdraw from this MOA with or without cause upon providing sixty (60) calendar days advance written notice to the other parties. If COG withdraws from the agreement, NCGS will retain ownership of the RTK network license node. If NCGS withdraws from the agreement, NCGS will return the RTK network license node to COG.

PARTICIPATING ENTITIES

Dee Freeman, Secretary
NC Department of Environment and Natural Resources

Date

Wayne Bowers, City Manager
City of Greenville

Date

William Everett Bagnell, Associate Vice Chancellor
Campus Operations
East Carolina University

Date

APPROVED AS TO FORM

David A. Holec, City Attorney
City of Greenville

Date

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director
Financial Services
City of Greenville

Date



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Amendment of water capital projects budget for Greenville Utilities Commission's Solar Powered Mixing System for Eastside Water Tank Rehabilitation Project

Explanation: An application for funding under the American Recovery and Reinvestment Act of 2009 (ARRA) was submitted to the North Carolina Department of Environment and Natural Resources (NCDENR) - Public Water Supply Section for the solar powered mixing system as a "Green Stimulus Fund Project" on March 31, 2009. Greenville Utilities was notified of an ARRA loan offer on July 20, 2009.

The ARRA funding total of \$48,962 includes construction, engineering services, and NCDENR loan fees. The ARRA funding consists of a 50% State Revolving Fund (SRF) Principal Forgiveness Loan and a 50% SRF Revolving Loan at 0% interest.

The recommended budget amendment revises the source of funding for the solar mixing equipment from revenue bonds to ARRA funding with no change in the budget amount.

The GUC Board, at their meeting on December 15, 2009, amended the water capital projects budget and recommended similar approval by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached ordinance amending the GUC water capital projects budget for the Solar Powered Mixing System for Eastside Water Tank Rehabilitation

Project.

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 [Ordinance for Water Capital Projects Budget Amendment](#)

ORDINANCE NO. 10-_____
 AMENDING ORDINANCE NO. 08-107
 FOR WATER CAPITAL PROJECT BUDGET
 EASTSIDE WATER TANK REHABILITATION PROJECT

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

Section 1. The Water Capital Project Budget is amended, so that as amended, it shall read as follows:

	Current Budget	Change	Proposed Revised
Revenue:			
Bond Series 2008	\$623,000	(\$48,962)	\$574,038
ARRA Principal Foregiveness	0	24,481	24,481
State Revolving Fund 0% Interest Loan	0	24,481	24,481
Total Revenue	\$623,000	\$0	\$623,000
 Expenditures:			
Project Cost	\$623,000	\$0	\$623,000
	\$623,000	\$0	\$623,000

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 _____, 2010.

 Patricia C. Dunn, Mayor

ATTEST:

 Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Resolution authorizing the disposition of one surplus 2005 Harley Davidson motorcycle to the Town of Fountain

Explanation: The Greenville Police Department leased four BMW motorcycles last year to replace the Harley Davidson motorcycles that were in service. Both the Ayden Police Department and the Winterville Police Department requested one surplus motorcycle. On December 8, 2008, the City of Greenville passed a resolution granting a surplus motorcycle to the Town of Winterville.

Subsequently, the Ayden Police Department decided not to pursue obtaining the motorcycle. The Fountain Police Department has made a written request to the City of Greenville expressing interest in obtaining this second motorcycle.

In 2004 Mr. Craig Goess of Greenville Toyota donated two Harley Davidson motorcycles to the Greenville Police Department. If at all possible, Mr. Goess would like to see the motorcycles continue to serve in the community.

Fiscal Note: The surplus motorcycle was donated to the City of Greenville; therefore, there is no fiscal impact.

Recommendation: Approve the attached resolution authorizing the sale of one surplus Harley Davidson motorcycle to the Town of Fountain for \$1.00.

Attachments / click to download

 [Surplus Resolution Fountain 849185](#)

RESOLUTION NO. 10-
RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING
DISPOSITION OF THE SURPLUS PROPERTY TO THE TOWN OF FOUNTAIN

WHEREAS, the Greenville Police Department has determined that certain property is surplus to the needs of the City;

WHEREAS, the Town of Fountain can put this property to use; and

WHEREAS, North Carolina General Statute 160A-274 permits City Council to authorize the disposition, upon such terms and conditions it deems wise, with or without consideration, of real or personal property to another governmental unit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that the hereinafter described property is declared as surplus to the needs of the City of Greenville and that said property shall be conveyed to the Town of Fountain for one dollar (\$1.00), said property being described as follows:

One 2005 Harley Davidson Motorcycle

This the 11th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Budget ordinance amendment #5 to the 2009-2010 City of Greenville General Fund and an ordinance establishing the Energy Efficiency Block Grant Special Revenue Fund

Explanation: 1) Attached is an amendment to the 2009-2010 budget ordinance for consideration at the January 11, 2010 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 appropriate Controlled Substance funds to purchase a desktop livescan fingerprint system. This system will be used for fingerprinting employees and civilians (Total - \$15,850).

B To appropriate funding awarded by the NC Governor's Crime Commission to outfit four new COPS Recovery Hiring grant officers with initial equipment to include firearms, vests, batons, tasers and uniforms. Monies were allocated in November to fund the salaries for these new officers (Total - \$15,995).

C To appropriate funding awarded by the NC Governor's Crime Commission to expand the Special Victims Unit within the Police Department. The total grant award is \$125,000 over a two-year period. These funds will allow the City to add a victims advocate and an investigator to the Unit. Additionally, funds will enhance case management, collaboration, equipment, and support for victims of violent crimes. The City's match for the first year for this grant is \$15,625, which was appropriated as part of the fiscal year 2009-2010 budget. (Total - \$46,875).

D To appropriate funding awarded by the NC Governor's Crime Commission to promote safer communities in Greenville and Pitt County by reducing the recidivism rate of recently released ex-offenders. The Pitt County based Strive program will offer assistance in obtaining housing, job skills, employment, and other services. The total grant award is \$90,412. The City's match of \$22,603 was

appropriated as part of the fiscal year 2009-2010 budget. (Total - \$67,809).

E To appropriate funding awarded by the NC Governor's Crime Commission to implement the High Point Model strategies and gang prevention best practices in Greenville. These strategies will target violent gang-related crimes and offenders using crime analysis, intensive intelligence, super neighborhoods, and community mobilization. This funding will allow the City to hire a Resource Coordinator and a Crime Analyst. This total award is \$299,909.70 over a two-year period, which includes \$74,977.43 in City cash match funds. The match amount for the first year (\$37,489) will be absorbed by funds allocated for this purpose as a part of the fiscal year 2009-2010 budget. (Total - \$112,466).

F To appropriate fund balance from Powell Bill funds to pay the NCDOT for work completed while installing sidewalks as part of the Fire Tower Road Improvement Project. The municipal agreement was approved by the City Council on June 6, 2006 (Total - \$180,895).

2) Attached is a Special Revenue project budget ordinance to establish a fund for the Energy Efficiency Block Grant awarded by the Department of Energy as part of the American Recovery and Reinvestment Act. This grant was awarded to improve the energy efficiency and conservation in the City of Greenville. The total grant award amount is \$777,600; however, the City has only been authorized to spend \$30,000 for the Study and Report Phase to the Strategy to Reduce Energy Consumption and Carbon "Footprint" project. An amendment will be submitted to City Council at a later date to appropriate the remaining \$747,600.

Fiscal Note:

The budget ordinance amendment affects the following funds: increase General Fund by \$439,890 and increase the Energy Efficiency Block Grant Special Revenue Fund by \$30,000.

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
General Fund	\$ 73,839,301	\$ 439,890	\$74,279,191
Energy Efficiency Block Grant Special Revenue Fund	\$ -	\$ 30,000	\$ 30,000

Recommendation: Approve ordinance amendment #5 to the 2009-2010 City of Greenville Budget and the ordinance establishing the Energy Efficiency Block Grant Special Revenue Project Fund

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[Budget Amendments FY 2009 2010 838154](#)

[Energy Efficiency Block Grant Fund 852096](#)

ORDINANCE NO. 10-_____
 CITY OF GREENVILLE, NORTH CAROLINA
 ORDINANCE (#5) AMENDING ORDINANCE NO. 09-53

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

Section I: Estimated Revenues and Appropriations. General Fund, of Ordinance 09-53, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2009-2010 BUDGET		#5 Amended 1/11/10	Total Amendments	Amended 2009-2010 Budget
<u>ESTIMATED REVENUES</u>					
Property Tax	\$ 29,641,438		\$ -	\$ -	\$ 29,641,438
Sales Tax	13,736,686		-	-	13,736,686
Utilities Franchise Tax	5,338,099		-	-	5,338,099
Other Unrestricted Intergov't Revenue	2,634,640		-	(223,205)	2,411,435
Powell Bill	1,901,793		-	-	1,901,793
Restricted Intergov't Revenues	847,977	A,B,C,D,E	258,995	1,037,102	1,885,079
Building Permits	730,735		-	-	730,735
Other Licenses, Permits and Fees	2,269,768		-	-	2,269,768
Rescue Service Transport	2,409,670		-	-	2,409,670
Other Sales & Services	1,738,944		-	(262,313)	1,476,631
Other Revenues	287,502		-	-	287,502
Interest on Investments	1,464,348		-	-	1,464,348
Transfers In GUC	5,250,135		-	1,606	5,251,741
Other Financing Sources	805,041		-	1,363,847	2,168,888
Appropriated Fund Balance	2,076,906	F	180,895	1,228,473	3,305,379
TOTAL REVENUES	\$ 71,133,682		\$ 439,890	\$ 3,145,509	\$ 74,279,191
<u>APPROPRIATIONS</u>					
Mayor/City Council	\$ 428,288		\$ -	\$ -	\$ 428,288
City Manager	1,086,153		-	51,461	1,137,614
City Clerk	275,445		-	-	275,445
City Attorney	435,459		-	-	435,459
Human Resources	2,101,831		-	-	2,101,831
Information Technology	2,907,322		-	-	2,907,322
Fire/Rescue	12,127,343		-	198,302	12,325,645
Financial Services	2,218,950		-	-	2,218,950
Recreation & Parks	6,197,166		-	73,393	6,270,559
Police	20,677,674	A,B,C,D,E	258,995	528,490	21,206,164
Public Works	9,653,824	F	180,895	203,021	9,856,845
Community Development	1,628,898		-	374,843	2,003,741
Contingency	828,687		-	(241,224)	587,463
Capital Improvements	4,099,961		-	1,627,716	5,727,677
Total Appropriations	\$ 64,667,001		\$ 439,890	\$ 2,816,002	\$ 67,483,003
<u>OTHER FINANCING SOURCES</u>					
Debt Service	\$ 4,270,892		\$ -	\$ -	\$ 4,270,892
Transfers to Other Funds	2,195,789		-	329,507	2,525,296
	\$ 6,466,681		\$ -	\$ 329,507	\$ 6,796,188
TOTAL APPROPRIATIONS	\$ 71,133,682		\$ 439,890	\$ 3,145,509	\$ 74,279,191

Section II: All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section III: This ordinance will become effective upon its adoption.

Adopted this 11th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 10-_____
CITY OF GREENVILLE, NC
ENERGY EFFICIENCY BLOCK GRANT
BUDGET ORDINANCE

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

Section I: Estimated Revenues. It is estimated that the following revenues will be available for the Energy Efficiency Block Grant:

	ORIGINAL 2009-2010 BUDGET
<u>ESTIMATED REVENUES</u>	
Loc / State / Federal Grant	<u>\$ 30,000</u>
TOTAL REVENUES	<u><u>\$ 30,000</u></u>

Section II: Appropriations. The following amounts are hereby appropriated for the Energy Efficiency Block Grant:

<u>APPROPRIATIONS</u>	
Contracted Services	<u>\$ 30,000</u>
TOTAL APPROPRIATIONS	<u><u>\$ 30,000</u></u>

Section III: All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section IV: This ordinance will become effective upon its adoption.

Adopted this 11th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Various tax refunds

Explanation: The Director of Financial Services reports the following tax refunds:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Pitt County Tax Collector	Refund of City Taxes Paid	\$ 101.60
Hazel Bland	Refund of City Taxes Paid	\$ 116.47
Lloyd P. Sloan, Jr. & Nellie Hungate	Refund of City Taxes Paid	\$ 191.65

Fiscal Note: The total amount to be refunded is \$409.72.

Recommendation: Approval of taxes refunded.

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City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

- a. Community Appearance Commission
- b. Environmental Advisory Commission

Explanation: The Community Appearance Commission and the Environmental Advisory Commission will make their annual presentations to City Council at the January 11, 2010 meeting.

Fiscal Note: N/A

Recommendation: For information only; no action recommended

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City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Presentation on interbasin water transfer certificate

Explanation: Mayor Dunn requested that a representative of Greenville Utilities Commission (GUC) make a presentation to the City Council on the interbasin water transfer certificate process.

Fiscal Note: Costs of the certificate process are the responsibility of GUC.

Recommendation: Hear a report from GUC staff on the interbasin water transfer certificate process.

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City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Ordinance amending Article C of Chapter 3 of Title 2 of the City Code relating to the creation and duties of the Public Transportation and Parking Commission

Explanation: The Public Transportation and Parking Commission is currently responsible for investigating, reviewing, and studying the transit needs for the citizens of Greenville and public parking needs in Uptown Greenville. During the process that resulted in the recent change to the City's ordinance on controlled residential parking areas, the Commission determined that neither their Commission nor any other City commission or committee was responsible for reviewing proposed policy changes to on-street public parking outside of the Uptown Greenville area. Thus, there was no opportunity for public input other than staff prior to an action being submitted to City Council. The Commission believed that it was essential that residents have an opportunity to express their positions to a commission of the City Council prior to an action's submission to City Council.

The Commission, in coordination with Public Works Department staff, developed the proposed change (attached) to the ordinance creating the Commission. This change adds to the Commission's purpose statement the task of investigating, reviewing, and studying on-street public parking policy throughout the City. The proposed change does not interfere with Public Works Department staff's ability to implement changes to on-street parking that are within existing policies, ordinances, and laws.

Fiscal Note: There are no direct costs associated with this proposed ordinance change.

Recommendation: Approve the attached ordinance amending Article C of Chapter 3 of Title 2 of the City Code relating to the creation and duties of the Public Transportation and Parking Commission.

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 [Ordinance changes to Ordinance 2_3_24 Public Transportation Parking Commission 851085](#)

ORDINANCE NO. 10-
ORDINANCE AMENDING ARTICLE C OF CHAPTER 3 OF TITLE 2
OF THE GREENVILLE CITY CODE

The City Council of the City of Greenville, North Carolina does hereby ordain:

Section 1. That Section 2-3-21 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting said section so that it will read as follows:

Sec. 2-3-21. Creation.

There is hereby created the public transportation and parking commission for the purpose of investigating, reviewing and studying the transit needs of the citizens of Greenville, on-street public parking policies throughout the city and the parking needs of the Uptown Area. For the purposes of this article, the Uptown Area shall be defined as the geographic area bounded by the Tar River on the north, the CSX Railroad right-of-way on the west, 10th Street on the south, and Cotanche Street and Reade Street on the east.

Section 2. That Section 2-3-24 of the Code of Ordinances, City of Greenville, be and is hereby amended by adding a subsection to be numbered (7), which subsection reads as follows:

- (7) To recommend to city council on matters concerning on-street public parking policy in the city.

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

Section 4. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

This the _____ day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Resolution approving Interlocal Tax Collection Agreement with Pitt County

Explanation: Pitt County has been collecting property taxes levied by the City of Greenville pursuant to an Agreement dated January 28, 1991. The Agreement was renewed by a memorandum between the City Manager and County Manager in 1995 with the renewal being for an indefinite period until either party terminates it by the provision of at least six (6) months notice with a termination to only be effective at the end of a fiscal year. Pitt County has requested that there be a new collection agreement.

Attached is the new Interlocal Tax Collection Agreement. Highlights of the Agreement are as follows:

- (1) County continues to collect property taxes levied by the City. The County Tax Collector is designated as the City Tax Collector and serves in this capacity in the collection of taxes.
- (2) County continues to collect other taxes and fees which it previously collected such as property taxes on motor vehicles, annual license tax on motor vehicles (\$20), and gross receipts tax on short term rentals and heavy equipment.
- (3) County will collect special assessments and a municipal service district tax, if the City levies such.
- (4) County continues to receive one and one-half percent (1 1/2%) of the amount collected as compensation for its services.
- (5) If an annexation is effective on any date other than during the month of June, City will reimburse the County for additional costs relating to prorations and billing for such an annexation.

(6) The Agreement is effective as of January 1, 2010, and continues until June 30, 2020.

(7) The Agreement can be terminated sooner by either the City or County effective on July 1 of any year by the provision of at least 14 months prior notice.

(8) There is a specific provision relating to the manner to treat a different discount rate between the City and County. This issue occurred last year. As a reminder, the discount rate applies if the taxpayer pays the taxes prior to September 1. For FY 2009-10, the County initially reduced its discount rate from 2% to 1% and asked the City to make a similar reduction. At its April 21, 2009, meeting, City Council determined to not reduce its 2% discount rate. Because the County's software would not allow collection at differing rates, the County reverted to the 2% discount rate. By a letter dated May 7, 2009, Deputy County Manager/Chief Financial Officer Melanie Bryant indicated that the County plans on having software which will allow varying discount rates and, once this upgrade is in place, the County plans to revisit its discount rate and potentially reduce it for Fiscal Year 2010-11. Deputy County Manager/Chief Information Officer Mike Taylor advises that the North Carolina Property Tax System (North Carolina Association of County Commissioners collaborative property tax system) is currently writing an upgrade to the software to allow the collection at differing discount rates, and Pitt County has asked for this enhancement to be included in its software. He further advises that it is expected that this will be accomplished, but it is not yet operational and, therefore, he has recently confirmed with the North Carolina Property Tax System that they can do a temporary fix for Pitt County to support multiple discount rates, if necessary. He states that "bottom line, Pitt County can support a different discount rate for the City of Greenville should they decide not to adopt the same discount rate as the County." However, in the event there is an unforeseen occurrence where this is not accomplished, the Agreement has a mechanism to address different scenarios relating to differing discount rates as follows:

(a) If the County has software which allows collection at differing rates, the County will collect at the differing rates and the Agreement continues.

(b) If the County has software which does not allow collection at differing rates and there are differing rates as of March 30, the City has until May 1 to adopt the same rate as the County. If the City adopts the same rate as the County, the Agreement continues. If the City does not adopt the same rate as the County, then the Agreement will terminate as of July 1 (60 days later). In effect, this provision would require the City to adopt the same rate as the County for the first fiscal year to which the changed discount rate will apply since the City would not have sufficient time to hire the personnel and secure the equipment and software to bill and collect the taxes in such a short timeframe. However, for a subsequent fiscal year, the City could decide to terminate the Agreement and collect its own taxes.

(c) If the County has software which does not allow collection at differing rates and there are differing rates adopted after March 30, then the County will collect at the rates in effect the previous year. In effect, this provision would not allow the City or County to change its discount rate after March 30.

The Pitt County Board of Commissioners unanimously approved the Interlocal Tax Collection Agreement at its December 21, 2009, meeting.

Fiscal Note:

The Agreement provides that Pitt County receive one and one-half percent (1 1/2%) of the amount collected as consideration for its services. For fiscal year 2010-11, this is estimated to be \$495,000.

Recommendation:

Adopt the attached resolution which approves an Interlocal Tax Collection Agreement with Pitt County.

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 [County of Pitt Interlocal Tax Collection Agreement Final Version 852060](#)

 [Resolution Approving Interlocal Agreement with Pitt County Tax Collection Agreement 851308](#)

**STATE OF NORTH CAROLINA
COUNTY OF PITT
INTERLOCAL TAX COLLECTION AGREEMENT**

This Agreement is made, this the ____ day of _____, 2010, by and between the City of Greenville (hereafter “City”), a municipal corporation organized under the laws of the State of North Carolina and Pitt County (hereafter “County”), a body politic and corporate;

W I T N E S S E T H:

WHEREAS, the City and County have the power pursuant to North Carolina General Statute § 153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to jointly exercise any function that they have been granted the power to exercise alone, or to contract with the other for the exercise of any function which they have been granted the power to exercise alone, and to enter into contracts or agreements to specify the details of those joint undertakings;

AND, WHEREAS, the Pitt County Board of Commissioners and the Greenville City Council have adopted Resolutions authorizing the County to act as the City’s agent to collect all property taxes imposed by the City and the County has agreed to exercise that function under the terms and conditions set forth herein;

AND, WHEREAS, this Interlocal Tax Collection Agreement sets forth the agreement between the City and County relating to the collection by the County of the property taxes levied by the City.

NOW, THEREFORE, for and in consideration of the promises and mutual covenants of the parties as set forth herein, the City and County agree as follow:

1. LISTING, ASSESSING, BILLING AND COLLECTION OF CITY TAXES:

The City shall annually, by the adoption of its budget ordinance, establish the rate of the tax levy upon property having situs within its corporate limits no later than June 30th of each year. The City shall provide the County written notice of the rate of the tax levy no later than five (5) days after the adoption of the budget ordinance which establishes the rate. The County shall serve as the tax collector for the City in the listing, assessing, billing and collection of all property taxes levied by the City pursuant to North Carolina General Statute §160A-209. The County will not be responsible for the billing and collection of privilege license taxes, grass liens, demolition liens, or any fees or taxes other than property taxes and any other taxes and assessments which the County specifically agrees to collect in accordance with the provisions of this Agreement or any other agreement. The County will be responsible for the collection of delinquent taxes

for years prior to the effective date of this Agreement, but limited to those years for which the County agreed, in a previous agreement, to collect taxes for the City. The City agrees to fully cooperate with the County in the listing, assessing, billing and collection process, including assistance in determining situs issues and in discovering property which should have been listed for taxation pursuant to N.C.G.S. § 105-312

2. MOTOR VEHICLE TAXES:

The County will list, assess, bill and collect taxes on registered motor vehicles as defined in N.C.G.S. § 105-330.3(a)(1) and the County will list, assess, bill and collect taxes on unregistered vehicles, as defined in N.C.G.S. § 105 -330.3(a)(2). The taxes will be remitted to the City in the same manner as property taxes are remitted to the City pursuant to this Agreement. The fee for such services shall be one and one-half percent (1 ½%) of the motor vehicle tax revenue collected. County and City understand that the State has undertaken study of more efficient methods to collect motor vehicle taxes, and if the state modifies the role of local government in the collection of motor vehicle taxes, City and County will modify this agreement to be consistent therewith, in accordance with the modification provisions contained herein.

The County will bill and collect the annual license tax imposed by the City on motor vehicles in accordance with the provisions of N.C.G.S. §160A-213, N.C.G.S. §20-97, and any applicable local act. The taxes will be remitted to the City in the same manner as property taxes are remitted to the City pursuant to this Agreement. The fee for such services shall be one and one-half percent (1½ %) of the license taxes collected.

3. GROSS RECEIPTS ON SHORT TERM RENTALS AND HEAVY EQUIPMENT:

The County shall collect the gross receipts tax on the gross receipts from the short-term lease or rental of vehicles at retail to the general public pursuant to N.C.G.S. §160A-215.1 and of heavy equipment pursuant to N.C.G.S. §160A-215.2. The gross receipts tax will be remitted to the City monthly. The fee for such services shall be one and one-half percent (1 ½%) of the gross receipts tax on the gross receipts from the short-term lease or rental of vehicles at retail to the general public and heavy equipment collected.

4. SPECIAL ASSESSMENTS AND MUNICIPAL SERVICE DISTRICT TAXES:

The County shall bill and collect special assessments levied by the City in accordance with the provisions of Article 10 of Chapter 160A of the North Carolina General Statutes or the Charter of the City of Greenville, North Carolina and municipal service district taxes levied by the City in accordance with the provisions of Article 23 of Chapter 160A of the North Carolina General Statutes. The City shall provide the County written notice of the levy of a special assessment or municipal service district tax no later

than five (5) days after the levy of the special assessment or the municipal service district tax. The special assessments and municipal service district taxes will be remitted to the City in the same manner as property taxes are remitted to the City pursuant to this Agreement. The fee for such services shall be one and one-half percent (1 ½%) of the special assessments and municipal service district taxes collected. Additionally, the County will bill the City for any additional cost associated with billing a special assessment or municipal service district tax and the City will reimburse the County within sixty (60) days.

5. COUNTY AUTHORITY:

The County shall have all of the authority of the City set forth in the Machinery Act (N.C.G.S. § 105-271 through 395.1) in the process of listing, assessing, billing and collecting property taxes levied by the City.

6. ALLOCATION OF RECEIPTS:

At the end of each workday, the County will analyze the daily deposit of funds collected to determine the dollar amount of taxes, including prepaid taxes, which are allocable to the City. On the next business day after receipt as practical, the County will transfer by check or wire to the City or bank account designated by the City the City's estimated share of property taxes, excluding prepaid taxes, which taxes will remain in the County's prepaid tax account. Upon the ultimate determination of the correct amount of taxes which have been prepaid, any excess prepaid taxes shall be immediately paid to the taxpayer by the County from the prepaid account and the balance of said taxes which are allocable to the City will be paid to the City on the next deposit date. Penalties and interest collected, proceeds recovered from tax foreclosures and sales pursuant thereto, and discounts, settlements, or compromises allowed shall be apportioned between the County and the City pro rata in proportion to each taxing unit's share of the principal amount which was the basis of said collections, recoveries, or allowances. The County on the next business day after receipt as practical, will transfer by check or wire to the City or bank account designated by the City the City's pro rata amount. Also any losses, not recovered through the foreclosure process, will be shared proportionately between the City and County.

7. PRIORITY OF ALLOCATION FOR PARTIAL PAYMENTS:

If a partial payment of a tax bill is made, the County will apply that payment in accordance with the requirements of N.C.G.S. §105-358 with the partial payment to be apportioned between the City and the County pro rata in proportion to each taxing units share of the principal amount which was the basis of the collection. Any tax, interest, and penalty due to the City shall be deposited to the benefit of the City in accordance with the provisions of Paragraph 5 above.

8. FEES TO BE PAID BY THE CITY TO THE COUNTY:

The County shall receive, as compensation for its services to the City pursuant to this Agreement, a collection fee of one and one half percent (1 ½ %) of the amount of property taxes, interest and penalties collected by the County on behalf of the City. In addition to the foregoing, all fees collected by the County for additional services (such as garnishment, advertisement and returned checks) shall be retained by the County. The County will withhold the one and one half percent (1 ½%) collection fee from each daily deposit made to the City.

9. CITY ANNEXATION:

The City and County recognize that annexation by the City having an effective date at any time other than during the month of June will create additional burden to the County due to the need of calculations and prorations. Therefore, for annexations that become effective on a date other than during the month of June, the City shall be responsible for all costs related to prorations and additional billing. No later than five (5) days after the adoption of the annexation ordinance, the City will provide notice of the annexation to the County with all property information on the parcel numbers included in the annexation and the effective date for the annexation. For any annexation having an effective date at any time other than during the month of June, the County will bill the City for any additional costs, and the City will reimburse County within sixty (60) days.

10. TERM AND TERMINATION:

This Agreement shall be effective on January 1, 2010, and shall continue until June 30, 2020, unless terminated sooner in accordance with the provisions of this Agreement. The City or County may, in accordance with the provisions of this paragraph, terminate this Agreement effective on July 1st of any year but no sooner than July 1, 2011. The decision to terminate shall be made by either the City Council of the City or the Board of Commissioners of the County. Termination pursuant to the provisions of this paragraph shall not be effective unless Notice to Terminate is given in writing to the other party no later than May 1 of the calendar year prior to the effective date of termination.

11. MISCELLANEOUS:

(a) All decisions involving discoveries, garnishments, attachments, and other collection proceedings are delegated to the County. The County agrees to use its best efforts in accurately listing, assessing, billing and collecting the City taxes. The County will not be held to a higher standard for collecting City taxes than it has for collecting County taxes.

(b) The Tax Collector of the County is, by this Agreement, designated as the Tax Collector for the City. All duties of the Tax Collector for the City for the collection of the property taxes levied by the City to be collected by the County, pursuant to

N.C.G.S. § 105-349 through 378, are transferred to the Tax Collector of the County, including settlements as provided in N.C.G.S. § 105-373.

(c) At the time of the execution of this Agreement, both City and County apply a two percent (2%) discount rate to taxes paid prior to September 1 in accordance with N.C.G.S. §105-360(c). It is understood that City and County have the authority to modify or eliminate the discount, and it is agreed that any modification by City or County shall occur not later than May 1 of each year. Whenever either the City or County modifies or eliminates its discount rate, written notice of the modification or elimination shall be given to the other party within five (5) days. For ease in administration, City is encouraged to offer the same discount rate as County. If the discount rates differ between City and County, County will collect at the differing rates if its software allows. If the discount rates adopted by March 30 of each year differ between City and County and County software will not allow the application of differing discount rates, the County will notify the City in writing prior to April 7 that the County software will not allow the application of differing rates in order to allow the City or County the opportunity to modify or eliminate its discount rate to the same discount rate as the other party and, if the City or County does not modify or eliminate its discount rate to the same discount rate of the other party by May 1, this Agreement will terminate effective July 1 following the adoption of the differing discounts notwithstanding the provisions of paragraph 10. If differing discount rates are adopted by the City or County after March 30 and on or before May 1 and County software will not allow the application of differing discount rates, then the County will notify the City in writing prior to May 15 that the County software will not allow the application of differing rates, the County will apply the discount rate which was in effect the prior year, and either the City or County may terminate this Agreement pursuant to the provisions of paragraph 10.

(d) The City shall have in effect a resolution directing the Tax Collector not to collect minimal taxes pursuant to N.C.G.S. § 105-321(f).

(e) All notices required to be given under this Agreement shall be in writing and shall be deemed sufficiently given either upon delivery, when delivered personally to the notice address of the party, or when deposited in the mail, first-class postage prepaid, and addressed to the respective parties as follows:

City:
City Manager
City of Greenville
200 West Fifth Street
Greenville, NC 27834

County:
County Manager
Pitt County
1717 W. Fifth Street
Greenville, NC 27834

(f) Upon the effective date of this Agreement, the provisions of this Agreement shall supersede and replace the provisions of the previous agreement dated January 28, 1991, between the City and the County relating to the collection by the County of property taxes levied by the City. It is the intent of this Agreement that said previous agreement is terminated as of the effective date of this Agreement.

(g) This Agreement may be amended in writing at any time by mutual agreement of the parties.

This Agreement is executed in duplicate originals as of the day and year first above written by authority duly granted by the City Council of the City of Greenville and the Pitt County Board of Commissioners.

CITY OF GREENVILLE

Attest:

Clerk

By: _____
City Manager

Attest:

PITT COUNTY

Clerk to Board of Commissioners

By: _____
County Manager

Pre-Audit Certificate:

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

Name: _____
Director of Financial Services, City of Greenville

Pre-Audit Certificate:

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

Name: _____
Finance Officer, Pitt County

Approved as to form:

County Attorney

Approved as to form:

City Attorney

RESOLUTION NO. 10- _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
APPROVING AN INTERLOCAL TAX COLLECTION AGREEMENT WITH PITT COUNTY

WHEREAS, the City of Greenville and Pitt County have the power pursuant to North Carolina General Statute § 153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to jointly exercise any function that they have been granted the power to exercise alone, or to contract with the other for the exercise of any function which they have been granted the power to exercise alone, and to enter into contracts or agreements to specify the details of those joint undertakings;

WHEREAS, the City of Greenville and Pitt County each have been granted the power to collect property taxes which it levies in accordance with the provisions of the Machinery Act (N.C.G.S. §105-271 through 395.1);

WHEREAS, Pitt County has been collecting property taxes levied by the City of Greenville pursuant to the provisions of an agreement dated January 28, 1991; and

WHEREAS, the City of Greenville has requested Pitt County to continue to collect the property taxes levied by the City of Greenville, and Pitt County is willing to continue to collect the property taxes levied by the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby approve the Interlocal Tax Collection Agreement with Pitt County and that it does hereby authorize Pitt County to act as the City of Greenville's agent to collect all property taxes levied by the City of Greenville in accordance with the provisions of said Interlocal Tax Collection Agreement.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the City Manager and City Clerk are hereby authorized to execute the Interlocal Tax Collection Agreement for and on behalf of the City of Greenville.

This the 11th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: Revisions to the City Investment Policy and submission of certification application

Explanation: The Financial Services staff reviews the Investment Policy at least annually to ensure continued compliance with state and local regulations. The attached policy as revised will reflect recent changes that further restrict the investments of city funds.

This policy applies to the investment of all operating funds of the City and certain bond proceeds. Where applicable, this revised policy incorporates the Government Accounting Standards Board Statement No. 31 (Accounting and Financial Reporting for Certain Investments and External Investment Pool) and Government Accounting Standards Board Statement No. 40 (Deposit and Investment Risk Disclosure).

After review and approval of this revised investment policy, staff will submit it to the Association of Public Treasurers of the United States and Canada (APTUS&C) for certification. A copy of the APTUS&C Investment Policy Certification Program guide and application is attached.

Fiscal Note: As of November 30, 2009, the City's investment portfolio was approximately \$63 million. The policy certification costs \$300, and funds are available in the Financial Services Department budget.

Recommendation: Approve the attached revised Investment Policy for the City of Greenville and submission of the Policy for certification to the Association of Public Treasurers of the United States and Canada.

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

Attachments / click to download

 [APTUS and Canada Certification](#)

 [City of Greenville Investment Policy 852057](#)

City of Greenville Investment Policy

Authority:	G.S. 159-30: Investment of Idle Funds
Supersedes:	City of Greenville Investment Policy dated March 6, 2006
Review Responsibility:	Investment Committee
Review Schedule:	Annually or as needed
Approval Needed:	City Council
Supersedes:	December 8, 2008
Updated:	January , 2010

PURPOSE

The purpose of this investment policy is to establish guidelines for the City of Greenville for the efficient and prudent management of public funds, in accordance with North Carolina General Statutes.

SCOPE

This policy applies to the investment of all funds of the City of Greenville with the exception of investment of employee's retirement funds, 401K funds and **Other Post Employment Benefits (OPEB)** (which are invested by the State of North Carolina) and certain **restricted bond issues**. **These funds are accounted for in the City of Greenville's Comprehensive Annual Financial Report.** Except for cash in certain restricted and special funds, the City of Greenville will consolidate cash balances from all funds to maximize investment earnings (pooling of funds). The accounting for the individual fund's cash balances will continue to be maintained separately. Investment income will be allocated to the individual funds based on **each fund's** respective participation and in accordance with generally accepted accounting principles. **Greenville Utilities Commission adopted a separate investment policy for the Enterprise Funds (Water, Sewer, Electric, and Gas).** Where applicable, this policy also incorporates the following Government Accounting Standards Board Statements:

- I. GASB Statement No. 31 - *Accounting and Financial Reporting for Certain Investments and External Investment Pools*, implemented July 1, 1997. It should be noted that GASB Statement No. 32 amends No. 31 but only as it applies to Section 457 plans so it is not applicable to the City of Greenville.
- II. GASB Statement No. 40 – *Deposit and Investment Risk Disclosure, effective July 1, 2004.*

OBJECTIVES

The City of Greenville's primary investment objectives, in priority order, shall be safety, liquidity, and yield:

- I. Safety – Safety of principal is the highest objective of this policy. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.
 - a. Credit Risk – The City of Greenville will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - Limiting investments to the safest type of securities
 - Pre-qualifying the financial institutions, advisers, brokers/dealers and intermediaries with which the City of Greenville will do business with (as described under the Suitable and Authorized Investment section of this policy)
 - Diversifying the investment portfolio to minimize the risk of loss resulting from over concentration of assets in a specific maturity, issuer, **financial institution**, or class of securities
 - b. Interest Rate Risk – The City of Greenville will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
 - Evaluating cash flow requirements and structuring the maturity of investments accordingly in order to avoid selling securities on the open market prior to maturity
 - Investing primarily in shorter-term securities, such as bank money market accounts, when long-term rates are less attractive.
- II. Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating and debt service requirements that may be reasonably anticipated. This is accomplished by structuring the maturity of investments to meet the anticipated cash needs. In addition, since all possible cash demands cannot be anticipated, the portfolio will consist largely of securities with active resale markets.
- III. Yield – The portfolio shall be designed with the objective of attaining a **benchmark rate of return throughout budgetary and economic cycles, commensurate with the City of Greenville's investment portfolio constraints and the cash flow characteristics of the portfolio.** Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The investments prescribed in this policy are limited to relatively low risk securities and therefore, it is anticipated they will earn a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security swap would improve the quality, yield, or target duration in the portfolio
- Liquidity needs of the portfolio require that the security be sold
- A security with declining credit may be sold **prematurely** to minimize loss of principal
- **An investment held as part of a portfolio intended to match the return on a benchmark index where the sale of such is essential to matching the benchmark**

STANDARDS OF CARE

- I. Prudent Person Rule – The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. The standard states, “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as, the probable income to be derived.”

Investment Officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided the deviations from expectations are reported in a timely fashion and the subsequent liquidity and sale of securities are carried out in accordance with the terms of this policy.

- II. Responsibility – In accordance with North Carolina General Statute 159-30, the Director of Financial Services is designated as the Investment Officer of the City of Greenville. The Investment Officer will establish and maintain procedures for operation of the investment program which are consistent with this policy. The Director of Financial Services shall have the power to purchase, sell, and exchange securities on behalf of the City Council. In order to promote efficiency of investment duties and related activities, the Director of Financial Services may, at his/her option, designate one or more staff members to perform the functions of cash management and investing. Employees involved in these functions shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy.

In the absence of the Director and those to which she/he has delegated investment authority, the City Manager or his or her designee is authorized to execute investment activities.

- III. Investment Committee – The investment committee will consist of the City Manager, Assistant City Manager, Director of Financial Services, and Financial Services Manager. Members of the investment committee meet every other month to determine general strategies and evaluate results. At which point, the committee

advises the Director of Financial Services on investment options. The committee includes in its deliberations such topics as: economic outlook, portfolio diversification, maturity structure, potential risks to the government's funds, authorized depositories, brokers and dealers, and the investment portfolio's target rate of return.

The investment committee will review the investment policy periodically and recommend approval of changes to City Council. The committee shall perform such other duties as may be assigned to it by this policy or by action of the City Council.

- IV. Investment Advisory Committee – This Advisory Committee will consist of three Greenville, NC residents with qualifications related to investing (i.e. bankers, stock brokers, accountants, economists, etc.). These members will be appointed by City Council and will meet three times a year (normally during April, August and December). At inception, this committee will meet initially with the Investment Committee during November. Initial appointments are staggered and will be for one (1) year, two (2) year, and three (3) year terms. Thereafter, appointments will be for three (3) year terms. Additional appointments of the same members may be made for a maximum of two terms. Members filling a partial term (less than three years) may be appointed for three additional terms. The appointments shall be effective each November 1st and expire on October 31st three years later.

Members of the Advisory Committee will meet to review the City's current portfolio and any recommendations for new investments that the committee has, in order to determine general strategies and monitor results. At which point, it advises the Investment Committee on investment options. The Advisory Committee will receive **three-month (quarterly)** investment reports from the Investment Committee **at the end of each quarter** in order to facilitate discussion topics. Similar to the Investment Committee, this committee includes in its deliberations such topics as: economic outlook, portfolio diversification, maturity structure, potential risks to the government's funds, authorized depositories, brokers and dealers, and the target rate of return on the investment portfolio.

Annually, the Advisory Committee will report to the City Council on investment strategies and accomplishments that have occurred. The committee shall perform such other duties as may be assigned to it by this policy or upon action of the City Council.

- V. Conflicts of Interest – Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions that conduct business with the City of Greenville. They shall further disclose any personal financial/investment positions that could be related to the performance of the

investment portfolio. This disclosure need not include normal banking or brokerage relationships that are at normal market rates and conditions available to the general public.

VI. Investment Procedures – The Director of Financial Services, or delegate, shall establish written investment procedures for the operation of the investment program consistent with this policy. The procedures should include reference to: safekeeping, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director of Financial Services.

SUITABLE AND AUTHORIZED INVESTMENTS

I. Investment Instruments

North Carolina General Statute 159-30 provides the legal limitations of types of investments permitted for local governments. Within these limitations, the following investments are authorized:

- a. United States Treasury Bills, Notes, and Bonds or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There shall be no limit on the percentage of the portfolio invested in these instruments
- b. U.S. Government Agency Securities or U.S. Government Instrumentality Securities – the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Macs); the Federal Home loan Banks; the Federal National Mortgage Association; and others as allowed by state statute
- c. North Carolina Capital Management Trust
- d. Certificates of Deposit with banks and savings and loan associations having their principal office in North Carolina
- e. Banker's Acceptances provided that the accepting bank or its holding company bank is either 1) incorporated in the State of North Carolina or 2) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service
- f. Commercial Paper of the highest quality as defined by the North Carolina General Statute
- g. North Carolina State and Local Bonds of the highest rating

This policy specifically limits the purchase of Stripped Instruments (Derivative Security) and Repurchase Agreements. Although, these are allowed by State Statute, the Stripped Instruments have considerable market risk attached to them and the Repurchase Agreements have strict compliance rules. This exclusion does not apply to permissible Government Agencies.

SELECTION OF INVESTMENTS

The Director of Financial Services or designee will determine which investments will be purchased and sold and the desired maturity date(s) that are in the best interest of the City. The selection of an investment will involve the evaluation of, but not limited to, the following factors: cash flow projections and requirements; current market conditions; and overall portfolio balance and makeup.

Selection of investments will be made in one of two ways. Some investments, particularly Certificates of Deposit, will be selected based on a competitive basis through quotes. Alternatively, electronic information sources (e.g. Bloomberg) may also be utilized to verify a dealer's pricing by accessing real-time market data.

DEALERS AND FINANCIAL INSTITUTIONS

A list will be maintained of financial institutions that are approved for investment purposes. A list will also be maintained of approved security broker/dealers selected by creditworthiness, which will largely be the "primary" dealers or regional dealers that qualify under the Securities and Exchange Commission (SEC) Rule. All financial institutions and brokers/dealers who desire to become qualified for investment transactions with the City of Greenville may be required to submit the following as appropriate:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Proof of state registration
- Completed broker/dealer questionnaire
- Certification of having read and understood and agreeing to comply with the City of Greenville's investment policy.

With the exception of the "primary" dealers/brokers, a periodic review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the Director of Financial Services or designee as deemed necessary. The SEC closely monitors the primary dealers/brokers and hence a review will not be required. In addition, approved financial institution lists supplied by the Local Government Commission or Government Finance Officers Association or other reputable source will not require additional review by the Financial Services Department.

DIVERSIFICATION AND MAXIMUM MATURITIES

- I. Diversification – The investments shall be diversified by:

- With the exception of United States Treasury securities and the North Carolina Capital Management Trust, no more than 40% of the City's total investment portfolio will be invested in a single security type or with a single financial institution.
- The total investment in certificates of deposit (CD) shall not exceed 25% of the City's total investment portfolio and the investments in CD's with a single financial institution shall not exceed \$6,000,000.
- Limiting investment in securities that have higher credit risks,
- Investing in securities with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.
- The Financial Services Director is responsible for monitoring compliance with the above restrictions. If a violation occurs, in a timely manner, the Director shall report such violation to the Investment Committee along with a plan to address the violation.

II. Maximum Maturities – To the extent possible, the City of Greenville shall attempt to match the maturity of investments with anticipated cash flow requirements. Investments will be limited to maturities not exceeding 5 years from the settlement date. However, with specific approval of the Investment Committee, for a specific reserve, project, etc. the maturity may extend beyond 5 years.

SAFEKEEPING AND CUSTODY

I. Internal Controls – The Director of Financial Services or designee is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Greenville are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Development and maintenance of a wire transfer agreement

II. Safekeeping Arrangement – All securities purchased by the City of Greenville shall be held in third party safekeeping by the bank designated as the primary agent. A detailed receipt shall be issued by the primary agent (bank) for each security transaction, as well as, a monthly report detailing all securities held by the Trust Department of this bank.

III. Delivery vs. Payment (DVP) – All trades where applicable will be executed by delivery versus payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds. A third-party custodian as evidenced by safekeeping receipts will hold securities.

IV. Collateralization – In accordance with the Government Finance Officers Association Recommended Practices on the Collateralization of Public Deposits, and as required by state law, full collateralization will be required on checking accounts and non-negotiable certificates of deposit. North Carolina General Statutes allow the State Treasurer and the Local Government Commission (LGC) to prescribe rules to regulate the collateralization of public deposits in North Carolina banks. The method of “pooling investments” transfers the responsibility for monitoring each bank’s collateralization and financial condition from the City to the State Treasurer and LGC. The City will only maintain deposits with institutions using the Pooling Method of Collateralization.

REPORTING AND ANALYSIS

- I. Reporting – The Director of Financial Services, or designee, shall prepare an investment report monthly, which will be provided to the Investment Committee and a quarterly report to be distributed to the Investment Advisory Committee. The report(s) will, at a minimum, include the following:
- Listing of securities held at the end of the reporting period
 - Listing or chart of investments by maturity date
 - Percentage of the total portfolio that each type of investment represents (e.g. Certificate of Deposit, Government Agencies, etc.)
 - Percentage of the total portfolio “of” each issuer (e.g. Federal Home Loan Bank)
- II. Performance Standards and Market – The City of Greenville’s investment strategy is passive. Given this strategy, the basis used by the Director of Financial Services to determine whether market yields are being achieved shall be to identify one or more comparable benchmarks to the portfolio investment duration, (e.g. 90-day T-bill, 6-month T-bill, etc.). Benchmarks will be identified and approved by the Investment Committee with advice from the Investment Advisory Committee. However, undue emphasis will not be placed on achieving any specific return. The safety and liquidity of the funds will remain the primary objectives.
- III. Marking to Market – A report of the market value for the portfolio will also be prepared monthly. The Financial Services Director or designee will use the reports to review the investment portfolio in terms of value and price volatility, as well as for compliance with GASB Statement 31.

POLICY CONSIDERATIONS

- I. Approval and Amendments - The investment policy shall be adopted by the City Council. The policy shall be reviewed annually by the Investment Committee and the Investment Advisory Committee. Any recommended modifications made thereto must be approved by the City Council.
- II. Exemption – Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
- III. Changes in state law incorporated – Changes in the North Carolina General Statutes that are applicable to this policy will be incorporated, with subsequent notification provided to City Council.

Glossary of Terms used in the City of Greenville Investment Policy

Following is a listing and a more detailed definition of the investing terms that appear in the City of Greenville's Investment Policy. This glossary has been adapted from: 1) "Investment Terms for Everyday Use," and an article which was published in the *Public Investor*, April 5, 1996, 2) "Collateralization of Public Deposits in North Carolina," Harlan E. Boyles, State Treasurer, 3) "An Elected Official's Guide to Investing," Government Finance Officers Association.

Agency – A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally sponsored agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of a federal agency is the Government National Mortgage Association (GNMA). An example of an FSA is the Federal National Mortgage Association (FNMA).

Bankers' Acceptances – A time draft drawn on an accepted by a bank to pay a specified amount of money on a specified date. The draft is a primary and unconditional liability of the accepting bank. They are typically created for international trade transactions. They are backed by the issuers' guarantee to pay, the underlying goods being financed, and the guarantee of the accepting bank (triple-barreled guarantee).

Benchmark – A comparative base for measuring the performance or risk tolerance of some or the entire investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

Bid – The indicated price at which a buyer is willing to purchase a security or commodity.

Broker – One who brings buyers and sellers together for a commission.

Certificate of Deposit – A time deposit that bears a specified interest rate, for a specified dollar amount, for a specified time period. They may be issued in negotiable or nonnegotiable form. Nonnegotiable CDS carry penalties for early redemptions and are the least liquid money market instrument available.

Collateralization – Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security. Collateralization of public funds requires the financial institution to pledge government securities sufficient to cover public funds in excess of the FDIC guaranteed amount. There are two methods. The first is the "Dedicated Method," which each public

depositor's deposits are secured separately, and which requires the establishing of a separate escrow account for each public depositor. The second is the "Pooling Method," under which all public depositors' deposits are secured through a single escrow account established by the depository with the State Treasurer for the benefit of the State and the participating units.

Commercial Paper – An unsecured short-term promissory note issued by corporations, with maturities, ranging from 2 to 270 days.

Comprehensive Annual Financial Report (CAFR) – The official annual report for the City of Greenville. It includes five combined statements for each individual fund and is prepared in conformity with Generally Accepted Accounting Principles (GAAP).

Credit quality – The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.

Credit risk – The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Dealer – Makes markets in money market instruments by quoting bid and asked prices at which they are prepared to buy and sell for their own accounts.

Delivery Versus Payment (DVP) – A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

Derivative Security – Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Diversification - A process of investing assets among a range or security types by sector, maturity, and quality.

Fair Value – The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

Government Securities – An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, and Bonds."

Interest Rate Risk - The risk associated with declines or rises in interest rates that cause an investment in a fixed-income security to increase or decrease in value.

Internal Controls – An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

1. **Control of collusion** – Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. **Separation of transaction authority from accounting and record keeping** – By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
3. **Custodial safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.
4. **Avoidance of physical delivery securities** – Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
5. **Clear delegation of authority to subordinate staff members** – Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
6. **Written confirmation of transactions for investments and wire transfers** – Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via FAX if on letterhead and if the safekeeping institution has a list of authorized signatures.
7. **Development of a wire transfer agreement with the lead bank and third-party custodian** – The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

Investment Policy – A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Liquidity – A characteristic of an asset that can be converted easily and quickly into cash.

Local Government Investment Pool (LGIP) – An investment by local governments in which their money is pooled as a method for managing local funds.

Mark-to-market – The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Risk – The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value – The current market price of a security.

Maturity – The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder.

Money Market Mutual Fund – Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mutual Fund – An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the following Securities and Exchange Commission (SEC) disclosure guidelines:

1. Report standardized performance calculations.
2. Disseminate timely and accurate information regarding the fund's holdings, performance, management, and general investment policy.
3. Have the fund's investment policies and activities supervised by a board of trustees, which are independent of the adviser, administrator or other vendor of the fund.
4. Maintain the daily liquidity of the fund's shares.
5. Value their portfolios on a daily basis.
6. Have all individuals who sell SEC-registered products licenses with a self-regulating organization (SRO) such as the National Association of Securities Dealers (NASD).
7. Have an investment policy governed by a prospectus that is updated and filed by the SEC annually.

National Association of Securities Dealers (NASD) – A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Portfolio – The collection of securities held by an investee.

Primary Dealer – A dealer that buys government securities directly from the Federal Reserve Bank (the Fed) and that has met certain minimum financial criteria set by the

Markets Reports Division of the Federal Reserve Bank of New York. To ensure that dealers have sufficient capital to support their activities and manage their risk exposure, the Fed requires primary dealers to maintain a minimum capital adequacy ratio.

Principal – The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prudent Person Rule – An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Repurchase Agreement (Repo or RP) – An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Safekeeping – Holding of assets (e.g. securities) by a financial institution.

Swap – Trading one asset for another.

Treasury Bills – Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three-and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes – Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1 million or more.

Treasury Bonds – Long-term U.S. government debt securities with maturities of ten years or longer and issued in minimum denominations of \$1,000. Currently, the longest outstanding maturity for such securities is 30 years.

Volatility – A degree of fluctuation in the price and valuation of securities.

Yield – The current rate of return of an investment security generally expressed as a percentage of the security's current price.

CITY OF GREENVILLE
INVESTMENT TRADING RELATIONSHIP AGREEMENT

In consideration of and as a prerequisite to conducting investment business with the City of Greenville, North Carolina, the undersigned investment/financial firm (hereafter firm) agrees to the following terms and conditions:

Eligible Investment Securities – The firm acknowledges that it has reviewed and is aware of the North Carolina State Statutes governing the investments that are eligible for purchase by local governments in North Carolina. The firm agrees to offer no investment to the City that does not meet these statutory and regulatory guidelines. A copy of the applicable general statute (NCGS 159-30) is enclosed. The investment/financial firm also certifies that they are a “primary dealer.” The Director of Financial Services will authorize any other financial institution.

Confirmation and Monthly Statements – The firm agrees that it will send or email confirmation on every transaction promptly to the following address:

City of Greenville	-or-	Director of Financial Services
Financial Services Department		bdemery@greenvillenc.gov
P.O. Box 7207		
Greenville, NC 27835		Financial Services Manager
		kbranch@greenvillenc.gov

Delivery Instructions – The firm agrees to deliver securities to the City delivery versus payment.

Financial Statements – The firm agrees to send its annual audited financial statements to the City within 180 days after the end of each fiscal year.

Cancellation – The City or the firm may immediately cancel this agreement upon written notification.

The undersigned authorized representative of the firm agrees, on behalf of the firm, that the provisions of this agreement will be followed and that if the city sustains losses as a result of the firm’s failure to abide by this agreement, then the firm will be liable for the losses and will reimburse the City the amount of those losses. The firm also agrees that any changes to this agreement will not be effective unless authorized in writing by the Director of Financial Services.

Firm

Person Authorized to Bind Firm

Date

APT US&C
Investment Policy Certification Program

Dear Applicant:

Thank you for your interest in APT US&C's Investment Policy Certification Program.

The Investment Policy Certification Program provides professional guidance and assistance in developing or improving existing investment policies in the public sector. Entities may request the Investment Policy Certification Committee to review their policy to determine if they have met the standards set forth by the Association. Those jurisdictions that comply with APT US&C's criteria are presented with the Association's Written Investment Policy Certification.

Enclosed please find the necessary documents to apply for APT US&C's Written Investment Policy Certification — Application Form and APT US&C Model Investment Policy. The application form along with specified documentation must be completed and forwarded directly to APT US&C. The information solicited will assist the assigned reviewers in analyzing your investment policy.

Program Procedures

1. Submit five copies of the application form and appropriate documentation to APT US&C. The program fee is \$200 for APT US&C members (\$300 for non-members). If the first submission is unsuccessful, the application fee will be waived for a second submission. Resubmissions must be made by June 1st of the following year.
2. The submitted investment policy documentation will be forwarded to three reviewers who will evaluate the investment policy and make a recommendation as to certification. Two out of three members must vote in favor of awarding certification in order for the entity to receive APT US&C's Written Investment Policy Certification. To assist the reviewers, please enclose five copies of your investment policy, including your glossary.
3. Approximately six weeks after receipt of submission, notification of certification will be mailed to the individual identified on the application form (Item 15) as well as the treasurer requesting the review. Comments from the reviewers will be forwarded to both successful and unsuccessful applicants.
4. Investment Policy review and certification occur continually throughout the year. However, investment policies must be submitted by June 1st in order for successful applicants and entities to receive recognition and a plaque at APT US&C's annual conference in August.

Should you have any questions about the application or the model investment policy, please contact the Chair of the Investment Policy Certification. We appreciate your comments or suggestions relating to this certification program.

Kelley Noone
Executive Director

Application Form for a Written Investment Policy Certification

Please return this application form along with the program fee of \$200 (\$300 for non-members) to APT US&C, Investment Policy Certification Program, 962 Wayne Avenue, Suite 910, Silver Spring, MD 20910. Enclose five copies of the application form and five copies of your investment policy.

1. Name of government: (as it will appear on your plaque)

Mailing Address: _____

2. Population of government/size of district/retirement system:

3. Size of total investment portfolio: _____

4. Indicate below the composition of the current portfolio:

Treasuries \$ _____ CD's \$ _____

Agencies \$ _____ BA's \$ _____

Govt. Pool \$ _____ Repos \$ _____

Mutual Funds \$ _____ Other \$ _____

5. What is the average maturity of your investment portfolio? _____ days

6. Are you a member of APT US&C? yes _____ no _____

7. Has your investment policy been adopted by the appropriate legislative body?

yes _____ no _____

(Not required prior to submission)

8. Does your state/province or jurisdiction specifically mandate the adoption of an investment policy?

State/Province yes _____ no _____

Jurisdiction yes _____ no _____

9. Does your state/province specifically outline types of authorized investments?

yes _____ no _____

(If yes, attach five copies of the legislation or a typed summary of types of authorized investments).

10. Does your entity have a separate investment procedure manual? yes _____ no _____

(It is not required that you send your procedure manual.)

11. List investment staff by title and telephone number:

_____	_____
_____	_____
_____	_____

12. If the policy permits investment in repurchase agreements, does your entity have a signed Master Repurchase Agreement? yes _____ no _____ n/a _____
If "Yes" – A Master Repurchase Agreement is required for certification.

13. Do you employ an active or passive approach to investing?
Active _____ Passive _____

14. Treasurer requesting review:

Name: _____

Title: _____

Address: _____

Phone number: _____

15. In addition to the Treasurer requesting review (item 14), who should the formal announcement of the awarding of the Written Investment Policy Certification be addressed to?

Name: _____

Title: _____

Address: _____

16. Have you enclosed five copies of the following documents?

- Application Form
- Investment Policy
- Glossary
- State/Province Statutes Listing Authorized Investments

17. Date submitted _____

The APT US&C Model Investment Policy is intended to provide guidance in the formulation of a structure to govern the investment of public funds. It must be implemented in conjunction with a careful reading of and strict adherence to applicable statutes, judicial decisions and legal opinions. It is not a guarantee against loss due to economic and market conditions or human behavior. APT US&C strongly recommends updating your policy at least every five (5) years.

APT use only:

Date Received _____ Reviewers _____

Check # _____

Amount _____

Date Sent for Review _____ Result/Date _____

ASSOCIATION OF PUBLIC TREASURERS' OF THE UNITED STATES AND CANADA

Model Investment Policy

For permission to reprint the Model Investment Policy, call the APT US&C at (301) 495-5560.

1.0 Policy: *(maximum points: 4)*

SAMPLE LANGUAGE:

It is the policy of the (entity) to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all state/province and local statutes governing the investment of public funds.

2.0 Scope: *(maximum points: 7)*

Rationale:

**An investment policy should explain its scope Does the policy apply to all funds held in the custody of the government jurisdiction and all of its offices?*

SAMPLE LANGUAGE:

This investment policy applies to all financial assets of the (entity). These funds are accounted for in the (entity's) Comprehensive Annual Financial Report and include:

2.1 Funds: *(Specifically designate. Following isa sample list.)*

2.1.1 General Fund

2.1.2 Special Revenue Funds

2.1.3 Capital Project Funds

2.1.4 Enterprise Funds

2.1.5 Trust and Agency Funds

2.1.6 Retirement/Pension Funds

2.1.7 *(Any new fund created by the legislative body, unless specifically exempted.)*

3.0 Prudence: *(maximum points: 4)*

Rationale:

**To burden a conscientious professional with personal responsibility for a default on a single item within a diversified portfolio seems unduly severe. (Accordingly, public entities with*

*portfolios of sufficient size are urged to apply the prudence concept to the overall portfolio.)
Following is the prudent person standard:*

SAMPLE LANGUAGE:

Investments shall be made with judgment and care—under circumstances then prevailing—which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.1 The standard of **prudence** to be used by investment officials shall be the “prudent person” and/or “prudent investor” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 Objective: *(maximum points: 10)*

Rationale:

**Every investment policy should contain a concise and clear statement(s) of objectives. The effectiveness of the investment program is set by the caliber of the staff, the procedures used, the working environment and the policy guidance provided by governing officials. Through its statement of objectives, the governing body sets the tone and direction of the policy and investment program.*

SAMPLE LANGUAGE:

The primary objectives, in priority order, of the *entity’s* investment activities shall be:

4.1 **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the *(entity)* shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the *(entity)* will diversify its investments by investing funds among a variety of securities offering independent returns and financial institutions.

4.2 **Liquidity:** The *(entity’s)* investment portfolio will remain sufficiently liquid to enable the *(entity)* to meet all operating requirements which might be reasonably anticipated.

4.3 **Return on Investments:** The *(entity’s)* investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles, commensurate with the *(entity’s)* investment risk constraints and the cash flow characteristics of the portfolio.

5.0 Delegation of Authority:

Delegation of Authority: *(maximum points: 4)*

Rationale:

**After the investment objectives have been identified, the next logical element of an investment policy is an explicit delegation of authority to investment officials responsible for conducting transactions and managing the entity's investment program.*

SAMPLE LANGUAGE:

Authority to manage the *(entity's)* investment program is derived from the following: *(e.g., trading resolutions, code citations, ordinances, statutes, etc.)*. Management responsibility for the investment program is hereby delegated to the *(designated official)* who shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials, and their procedures in the absence of the *(Designated Official)*.

5.1 Investment Procedures: *(maximum points: 4)*

The *(designated official)* shall establish written investment policy procedures for the operation of the investment program consistent with this policy. The procedures should include reference to: safekeeping, PSA repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the *(designated official)*. See appendix to APT US&C's Model Investment Policy entitled APT US&C's Guidelines for an Investment Procedures Manual.

6.0 Ethics and Conflicts of Interest: *(maximum points: 4)*

Rationale:

**Some governments have adopted conflict-of interest legislation that regulates the activities of certain officers and employees. In the investment area, general code provisions, so separate policies may be redundant, may govern certain conflicts. Some jurisdictions, however, may seek to adopt policies regarding ethical behavior and conflicts of interest.*

SAMPLE LANGUAGE:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials

shall disclose to the (*Chief Executive Officer*) any material financial interests in financial institutions that conduct business within their jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the (*entity*).

7.0 Authorized Financial Dealers and Institutions: (*maximum points: 7*)

Rationale:

**The investment policy should require that a set formal process be used to select depositories and brokers/dealers in money market instruments. Because the policy is intended to endure, it should not mention specific firms or depositories. Rather it should provide for a process that will screen out institutions that lack economic viability or whose past practices suggest that the safety of public capital would be impaired if transactions were directed to or through such firms.*

SAMPLE LANGUAGE:

The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained for approved or security broker/dealers selected by credit worthiness that are authorized to provide investment services in the State/Province of (_____). These may include “primary” dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state/province laws. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the treasurer with the following: (*e.g. audited financial statements, proof of National Association of Security Dealers certification, trading resolution, proof of state/province registration, completed broker/dealer questionnaire, certification of having read entity’s investment policy and depository contracts.*)

An annual review of the financial condition and registrations of qualified bidders will be conducted by the Treasurer. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the (*entity*) invests.

8.0 Authorized & Suitable Investments: (*maximum points: 10*)

Rationale:

**The selection of investment instruments to be allowed for investment purposes is a significant policy issue for many governments. Although day-to-day selection of specific instruments should be treated as a management function, the policy should define the general universe.*

From the governing body perspective, special care must be taken to ensure that the list of instruments includes only those allowed by law and those that local investment managers are trained and competent to handle.

SAMPLE LANGUAGE:

The (entity) is empowered by statute to invest in the following types of securities. (*List types of investments authorized by state/province law, ordinance, or charter. Consider appending copies of these specific requirements to the investment policy.*) (*In selecting authorized investments, consideration should be given to credit ratings on commercial paper, bankers acceptance, and collateralization of applicable instruments*)

8.1 Master Repurchase Agreement: (*maximum points: 10*)

If repurchase agreements are legal and authorized by policy, a Master Repurchase Agreement must be signed with the bank or dealer. (*e.g., a PSA Master Repurchase Agreement or equivalent*)

9.0 Investment Pools/Mutual Funds: (*maximum points: 7*)

Rationale:

Governmental sponsored pools and money market mutual funds are excellent short-term cash management facilities. These pools/funds can provide safety, liquidity and yield in a single investment instrument. However, there is a due diligence standard, which applies to the use of pools/funds, as there is no safety net.

If governmental sponsored pools and/or mutual funds are included in Authorized Investments, a section on investigation and due diligence must be included.

SAMPLE LANGUAGE:

A thorough investigation of the pool/fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed which will answer the following general questions:

- A description of eligible investment securities, and a written statement of investment policy and objectives.
- A description of interest calculations and how it is distributed, and how gains and losses are treated.
- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
- A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- A schedule for receiving statements and portfolio listings.
- Are reserves, retained earnings, etc. utilized by the pool/fund?
- A fee schedule, and when and how is it assessed.
- Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

NOTE: The topics listed above are not all encompassing, but only a sampling of what might be covered in a questionnaire. APT US&C will be developing a questionnaire in the near future for use when pools/funds are part of the list of Authorized Investments.

10.0 Collateralization: *(maximum points: 7)*

Rationale:

**Several states require collateralization of all public funds. In these states a collateralization section must be included for any certificates of deposit. In addition, collateralization must be required on any repurchase agreement or reverse repurchase agreement. For these items, the policy should address such points as market valuation responsibility and timing, specific collateral provisions such as type and maturity, safekeeping by a third party, and evidence of ownership.*

SAMPLE LANGUAGE:

Collateralization will be required on two types of investments: certificates of deposit and repurchase (and reverse) agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be (102%) of market value of principal and accrued interest.

The entity chooses to limit collateral to the following: *—(list)—* Collateral will always be held by an independent third party with whom the entity has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the entity and retained. The right of collateral substitution is granted.

11.0 Safekeeping and Custody: *(maximum points: 10)*

Rationale:

**Like private investors, governing officials feel more secure about their entity's investments if they know that the securities are physically safe. Investment policies should include a clause regarding third-party safekeeping and custody of securities and collateral.*

SAMPLE LANGUAGE:

All security transactions, including collateral for repurchase agreements, entered into by the (entity) shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian designated by the Treasurer and evidenced by safekeeping receipts.

12.0 Diversification: *(maximum points: 7)*

*Rationale: *...governments should state the purpose of diversification—to reduce overall portfolio risks while attaining benchmark average rate of return. Diversification should be conceptualized in terms of maturity as well as instrument type and issuer. thus, the diversification concept in a cash management fund should include prohibition against over*

concentration in a specific maturity sector, as well as constraining the reliance on specific risky instruments and issuers.

SAMPLE LANGUAGE:

The (entity) will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the (entity's) total investment portfolio will be invested in a single security type or with a single financial institution.

13.0 Maximum Maturities: *(maximum points: 7)*

Rationale

**To protect public funds from market price losses resulting from rising interest rates, some states and many local governments limit the maximum term to maturity on current operating funds' investments, some limit the maximum term to maturity to current operating funds' investments. Some limit the maximum maturity on cash management funds to 12 months. Others find this unduly restrictive and employ a two-year rule. The latter seems reasonable, provided that only a portion of the assets is invested beyond one year.*

SAMPLE LANGUAGE:

To the extent possible, the (entity) will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the (entity) will not directly invest in securities maturing more than (____) years from the date of purchase. However, the (entity) may collateralize its repurchase agreements using longer-dated investments not to exceed (____) years to maturity. Reserve funds may be invested in securities exceeding (____) years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of the funds.

14.0 Internal Control: *(maximum points: 4)*

Rationale:

**The development of internal controls remains a management function. A statement of investment policy therefore should avoid specific internal control measures. Instead, policy makers should require that a system of internal controls be established. The policy can also provide for periodic reviews and monitoring of the controls. The review of internal controls might be assigned to a committee or to the independent auditor.*

SAMPLE LANGUAGE:

The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

15.0 Performance Standards: *(maximum points: 4)*

*Rationale: *Much of the investment policy focus is directed toward control. Yield objectives are just as important, however. The long-run interests of the jurisdiction go beyond simple prudence and safety of funds. The investment policy should provide a formal evaluation of performance and occasional operational audits.*

SAMPLE LANGUAGE:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

15.1 Market Yield (Benchmark): The entity's investment strategy is (*passive or active*). Given this strategy, the basis used by the Treasurer to determine whether market yields is being achieved shall be to identify a comparable benchmark to your portfolio investment duration, *e.g., 90-day US Treasury Bill, 6-month US Treasury Bill, Average Fed Funds Rate.*

16.0 Reporting: (*maximum points: 10*)

Rationale: Periodic required investment reports to policymakers and elected officials provide necessary written communication regarding investment performance, risk analysis, adherence to policy provisions, as well as other information.

SAMPLE LANGUAGE:

The Treasurer shall provide (*the legislative authority*) quarterly investment reports which provide a clear picture of the status of the current investment portfolio. The management report should include comments on the fixed income markets and economic conditions, discussions regarding restrictions on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies. Schedules in the quarterly report should include the following:

1. A listing of individual securities held at the end of the reporting period by authorized investment category.
2. Average life and final maturity of all investments listed.
3. Coupon, discount or earnings rate.
4. Par value, Amortized Book Value and Market Value.
5. Percentage of the Portfolio represented by each investment category.

NOTE: Depending on the degree of comprehension of those receiving the reports and their desire, or lack thereof, for detail, you may choose to provide the information in executive summary format.

17.0 Investment Policy Adoption: (*maximum points: 4*)

The *(entity's)* investment policy shall be adopted by resolution of the *(entity's)* legislative authority. The policy shall be reviewed annually by the *(legislative authority)* and any modifications made thereto must be approved by the *(legislative authority)*.

18.0 Glossary: *(maximum points: 4)*

*Because this policy is to be available to the public as well as the governing body, it is important that a glossary of related terminology be part of the policy.

**Rationale: Adapted from Investing Public Funds, Girard Miller, 1986*

GLOSSARY

(Note: Entities are encouraged to include a glossary as part of the investment policy. All words of a technical nature should be included. Following is an example of common treasury terminology.)

AGENCIES: Federal agency securities and/or Government-sponsored enterprises.

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BENCHMARK: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the _____. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed

Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date. **DEALER:** A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities

with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DERIVATIVES: (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, *e.g.*, U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, *e.g.*, S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit. **FEDERAL FUNDS RATE:** The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks), which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding

purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FmHA mortgages. The term “pass-throughs” is often used to describe Ginnie Maes.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase—reverse repurchase agreements that establishes each party’s rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers’ acceptances, etc.) are issued and traded.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve’s most important and most flexible monetary policy tool.

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state—the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

STRUCTURED NOTES: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations, which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded

options and shifts in the shape of the yield curve.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Appendix

Guidelines for an Investment Procedures Manual

For permission to reprint the *Guidelines*, call APT US&C at (301) 495-5560

1. Purpose

The purpose of these guidelines is to help create a Procedures Manual to assist Treasury staff with day-to-day investment operations. As each jurisdiction's investment operations are unique, these guidelines are an outline, with individual items to be added or deleted as necessary or appropriate. *Numerical references and subjects at the beginning of each Section refer to elements in APT's Model Investment Policy.*

2. Cash Review

0.0 Policy

1.0 Scope

2.0 Delegation of Authority

The Treasurer or his/her delegate (hereafter referred to as Investment Officer) must review the cash balances and investment portfolio daily, or as needed. Items to be reviewed should include:

- a) Balances, by fund if so deposited, at primary bank.
- b) Balances, by fund if so deposited, at other banks.
- c) Maturing investments (includes Repo's, CD's, Commercial Paper, Bankers' Acceptances and general securities).
- d) Bond sales and other large, periodic receipts.
- e) Bond and coupon payments (debt service) and other large periodic cash disbursements.

3. Investment Selection

3.0 Prudence

4.0 Objective

8.0 Authorized & Suitable Investments

12.0 Diversification

13.0 Maximum Maturities

The Investment Officer determines how much of the cash balance is available for investment and selects the area of the yield curve that most closely matches the required maturity date. In determining the maturity date, the Investment Officer should consider liquidity, cash flow and expected expenditures. A review of some of the following sources should be made to determine whether the investments should be placed to match projected expenditures or shorter, or to take advantage of current and expected interest rate environments:

- a) Wall Street Journal or similar daily business publication.
- b) Input from approved broker/dealers.
- c) Input from depository banks.
- d) Publications on general trends of economic statistics.
- e) Input from data services (Telerate, Bloomberg, Reuters, etc.)

4. Purchasing an Investment

7.0 Authorized Financial Dealers

8.0 Authorized & Suitable

9.0 Investment Pools

10.0 Collateralization & Institutions

11.0 Safekeeping & Custody.

12.0 Diversification Investments

13.0 Maximum Maturities

Establish with whom the jurisdiction is going to transact business. This should be accomplished through the use of a questionnaire, which helps provide the following evaluation:

- a) Financial condition, strength and capability to fulfill commitments.
- b) Overall reputation with other dealers and investors.
- c) Regulatory status of the broker/dealer (providers).
- d) Background and expertise of the individual representative.

Financial (banking) institutions should be selected through the use of a “Request for Proposal (RFP).” The use of a nationally recognized financial institution rating organization (Lace, Sheshunoff, Thompson Bankwatch, etc.) will assist in the evaluation. Contact an appropriate number of institutions, as specified by policy. The Investment Officer should be as specific as possible in requesting the offering. If a particular type of investment or a particular issuing agency is to be excluded due to policy limitations that should be stated to the providers. If collateral is required (i.e. for Repo’s or CD’s), the collateral limitations (excess margin, types of securities, maximum maturity, etc.) should be specified.

The following must be determined *prior* to contacting the providers:

- a) Settlement — cash, regular (next day), corporate (3 business days) or when issued if a new issue.
- b) Amount — either par value or total dollars to be invested.
- c) Type of security to be purchased, or type to be excluded.
- d) Targeted maturity, or maturity range.
- e) Time limit to show offering — 5 minutes, 15 minutes, etc.

If choosing an external pool or fund as the preferred investment vehicle, the following should be available for inspection prior to purchase and at any reasonable time thereafter:

- a) A written investment policy, if a government-run investment pool.
- b) A prospectus for money-market funds, mutual funds or bank-managed funds.
- c) A schedule of the types of reports and the frequency of distribution.
- d) A clear description of how interest rates are calculated (30/360, actual/365, etc.)
- e) A schedule of when and how income is distributed.
- f) Are the pool or fund types of investments restricted to your own legal and policy limits?
- g) Are the pool or fund investments restricted to your own maturity limits?

Before concluding the transaction, the Investment Officer should validate the following:

- a) The security selected for purchase meets all criteria, including portfolio diversification, collateralization (if appropriate) and maturity. If the security has any imbedded options such as call provisions or coupon adjustments, these should also be reviewed.
- b) Yield calculations should be verified.
- c) Total purchase cost (including accrued interest) does not exceed funds available for investment.
- d) Advise the successful provider that their offering has been selected for purchase.
- e) After confirmation of the purchase, as a courtesy, notify the other broker/dealers that you have placed the investment. Best price may be disclosed, if you choose.

After consummation of the transaction, and prior to settlement date, the Investment Officer and the provider should exchange and review the following information to ensure prompt, and uninterrupted settlement:

- a) Name of third-party safekeeping agent.
- b) ABA number of safekeeping agent.
- c) Safekeeping account number.
- d) Reconfirm amount of transaction.
- e) Reconfirm settlement date.
- f) Acquire CUSIP number of security, if applicable.

5. Settlement & Follow-through

5.0 Delegation of Authority

6.0 The Investment Officer should forward to the safekeeping agent a report of the investment transaction. The report may be verbal, but a written form should be sent and acknowledged.

When applicable, the following should be verified:

- a) Provision of receipt or disbursement of funds.
- b) Internal transfer or wiring of funds.
- c) Validation of written “safekeeping receipt”.
- d) Notification of discrepancy prior to acceptance or rejection of the transaction.
- e) Immediate notification if a fail has occurred: by provider if they are responsible, by safekeeping agent if they are responsible.



City of Greenville, North Carolina

Meeting Date: 1/11/2
Time: 6:00 PM

Title of Item: City Manager 2010 Goals and Performance Objectives

Explanation: The City Manager's employment agreement provides in Section 5(b) that the Council and City Manager shall annually define goals and performance objectives in writing to be used as the basis for an annual City Manager performance evaluation. A draft list of 12 goals and performance objectives for 2010 is attached for your review and consideration.

Further refinement and possibly amendments to the goals and performance objectives may be needed following the City Council Planning Session on January 30, 2010 and adoption of the City Council goals in March 2010. Establishing clear goals early in the year at this time, however, is preferred instead of waiting until the spring.

A status report on progress made toward completing the approved goals and performance objectives will be prepared in November 2010 and will serve as the basis for the annual City Manager performance evaluation.

Fiscal Note: Approval of the goals and performance objectives has no fiscal impact. The financial implications of a specific goal or performance objective will be determined as each is addressed during the year.

Recommendation: Approve the City Manager 2010 Goals and Performance Objectives.

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

Attachments / click to download

 [City_Manager_Goals_2010_852486](#)

**PROPOSED
CITY MANAGER GOALS AND PERFORMANCE OBJECTIVES
2010**

1. Continue to monitor the redevelopment efforts for the 45 Block Revitalization Program and provide regular status updates to the City Council
2. Work with the Redevelopment Commission to attract a residential condominium project to the uptown area
3. Prepare for City Council consideration by September 2010 a comprehensive annexation plan to address areas in the ETJ that meet legal requirements for annexation
4. Coordinate with the Police Department staff the deliberations of the Special Task Force on Public Safety throughout 2010
5. Complete the hiring process for Fire Rescue Chief by June 2010
6. Continue to assist the NCDOT with constructing the improvements that will reduce the impact of the railroad switching yard operations on City streets; first phase of construction to be completed by March 2010 and second phase construction started by December 2010
7. Continue process for constructing an Intermodal Bus Transportation Center with:
(a.) completion of the Federal Transit Administration, North Carolina Department of Transportation, and North Carolina Department of State Historic Preservation Office regulatory review and receive authorization to acquire property by May 2010, and (b.) completion of initial property acquisition purchase offers by September 2010
8. Complete construction of the South Tar River Greenway Phase 1 by September 2010
9. Obtain grant funding for construction of the Drew Steele Center at Elm Street Park by June 2010
10. In consultation with The Ferguson Group pursue funding for projects included in the City's FY 2011 federal agenda
11. Present to the City Council by May 5, 2010 proposed budgets with no increase in the property tax rate for 2010-2011 and 2011-2012
12. Monitor the new dual option self funded health insurance program and provide to City Council a status report by October 2010