



Agenda

Greenville City Council

August 9, 2010
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Council Member Mercer

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes from the May 10 and May 13, 2010 City Council meetings and the May 24, 2010 joint City Council/Greenville Utilities Commission meeting
2. Ordinance enacting and adopting Supplement #2010-S1 to the City of Greenville's Code of Ordinances
3. Resolution accepting dedication of rights-of-way and easements for Teakwood Green Subdivision, Phase One
4. Interlocal agreement with Pitt County on a cooperative effort to expand the Feed the Bin Recycling Program to all Pitt County schools
5. Contract award to Greenways, Inc. for the development of a Bicycle and Pedestrian Master Plan
6. Reimbursement resolution for Greenville Utilities Commission's heavy equipment and vehicle purchases through installment loan
7. Resolutions authorizing Greenville Utilities Commission applications under the State Revolving

Fund Loan Program for Sterling Pointe and Westside Regional Wastewater Pumping Stations

8. Water and sewer capital project budget ordinances for Greenville Utilities Commission's NCDOT Highway 43 Water & Sewer Improvements Project - Phase II
9. Budget ordinance amendment #1 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57) and amendment to the Energy Efficiency Recovery Grant Fund (Ordinance No. 10-15), an ordinance establishing the Energy Efficient Revolving Loan Fund, and budget ordinance amendment to the Center City Revitalization Fund (Ordinance No. 05-127) and the West Greenville Revitalization Fund (Ordinance No. 05-50)
10. Various tax refunds
11. Report on bids awarded

VII. New Business

12. Presentations by boards and commissions
 - a. Police Community Relations Committee
13. Local census results
14. Audit update by McGladrey & Pullen, LLC
15. Erosion of stream banks located on private properties
16. Resolution of intent to close a portion of Pennsylvania Avenue and Jones Street
17. Resolution exempting the Drew Steele Center Development Project from the statutory procurement process for architectural and construction manager at risk contractual services
18. Code Enforcement Resources Funding Agreement with East Carolina University
19. Amendment to the Board and Commission Policy

VIII. Review of August 12, 2010 City Council Agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Minutes from the May 10 and May 13, 2010 City Council meetings and the May 24, 2010 joint City Council/Greenville Utilities Commission meeting

Explanation: Draft minutes from the May 10 and May 13, 2010 City Council meetings and the May 24, 2010 joint City Council/Greenville Utilities Commission meeting are attached and ready for City Council consideration.

Fiscal Note: No direct cost.

Recommendation: Review and approve minutes from the May 10 and May 13, 2010 City Council meetings and the May 24, 2010 joint City Council/Greenville Utilities Commission meeting.

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

Attachments / click to download

- [Proposed_Minutes_of_the_May_10_2010_Minutes_872973](#)
- [Draft_Minutes_for_May_13_2010_Council_Meeting_874060](#)
- [May_24_2010_Joint_City_Council_GUC_Minutes_868758](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
May 10, 2010

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 Council Member Joyner and the pledge of allegiance to the flag. The following were present.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA – APPROVED

City Manager Wayne Bowers introduced the following items under the consent agenda.

1. Minutes of the April 5, April 8, and April 19, 2010 regular City Council meetings and minutes of the April 19, April 22, and April 29 special City Council meetings
2. First reading of an ordinance granting a taxicab franchise to Melvin Elam Jr. and Melvin Elam Sr. d/b/a Red White and Blue (Ordinance No. 10-38.1)
3. Ground Lease Agreement with the State of North Carolina for construction of a radio tower on City property at 2805 East 2nd Street (Contract No. 1862)
4. Bid award for the purchase of two ambulances
5. Ordinance amending the Manual of Fees related to the cemetery monument permit fee (Ordinance No. 10-38.2)

6. Ordinance establishing speed limits for State Road 1203 (Allen Road) and State Road 1202 (MacGregor Downs Road) to concur with North Carolina Department of Transportation Ordinances (Ordinance No. 10-39)
7. Municipal Agreement with the North Carolina Department of Transportation to maintain the landscape enhancement on Firetower Road (Contract No. 1857)
8. Supplemental Agreement with the North Carolina Department of Transportation for State Transportation Improvement Project U-5160 involving intersection improvements at Arlington Boulevard and Stantonsburg Road (Contract No. 1858)
9. Supplemental Agreement with the North Carolina Department of Transportation for State Transportation Improvement Project U-5161 BA for construction of a sidewalk on the east side of Arlington Boulevard from Stantonsburg Road to Dickinson Avenue (Contract No. 1859)
10. Supplemental Agreement with the North Carolina Department of Transportation for State Transportation Improvement Project U-5161 BB for construction of a sidewalk on the southwest side of Charles Boulevard from Greenville Boulevard to Red Banks Road (Contract No. 1860)
11. Resolution changing the appointment of the commissioner to the North Carolina Eastern Municipal Power Agency (Resolution No. 10-29)
12. Series resolution authorizing heavy equipment purchases through installment purchase financing for Greenville Utilities Commission (Resolution No. 10-30)
13. Ordinance adopting an electric capital projects budget for Greenville Utilities Commission's Substation Modernization project (Ordinance No. 10-40)
14. Ordinance amending Ordinance #08-121 electric capital projects budget for Greenville Utilities Commission's Business Application Master Plan (Ordinance No. 10-41)
15. Budget ordinance amendment #8 to the 2009-2010 City of Greenville General Fund and amendment to Ordinance #03-60, Administrative Facilities Capital Project Fund (Ordinance No. 10-42)

16. Various tax refunds

Payee	Description	Amount
Pitt County Tax Collector	Refund of City Taxes Paid	\$258.35
Daimler Chrysler Financial Services	Refund of City Taxes Paid	\$ 231.56

17. Report on bids awarded

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
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5/10/2010 Playground Equipment Playworld Carolina \$79,862.55

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Kittrell to approve the items on the consent agenda. Motion carried unanimously.

PRESENTATION BY BOARDS AND COMMISSIONS

Mid-East Commission

Mr. Tim Ware, Executive Director of the Mid-East Commission, informed the Council that the Mid-East Commission has 17 Regional Councils, 5 Counties and 40 Municipalities. The budget has approximately \$10 million per year with dues of \$0.26 per capita. The total dues are \$108,000 per year, including dues used for Matching of Programs. The City of Greenville’s dues are \$18,779.

Executive Director Ware informed the Council that there are three program areas: Area Agency on Aging, Workforce Development, and Planning, Community and Economic Development. Under Area Agency on Aging there are Regional Ombudsman, Caregiver Support, Reverse Mortgage Counseling, Medication Management, Alzheimer's Support, Home and Community Care Block Grant, Senior Center Support and “Not too Hot to Trot Walk and Run” (June 12, 2010). There are also 379 participants from the City of Greenville who have been served through the Community Care Block Grant including in-home aid, transportation, congregate nutrition, home delivered meals, volunteer development and information and assistance. The dollar amount which has benefited Greenville has been \$414,754.

There are also four programs under Workforce Development: adult, dislocated worker, youth and senior employment (Title V). 167 citizens have been served at the Pitt County Job Link Center. The dollar amount which benefited Greenville was \$754,376.

Local Government Planning Services, GIS, Housing Rehabilitation (CDBG), Regional Transportation Planning and Small Business Loans are under Planning, Community and Economic Development.

Services to Greenville/Greenville Utilities Commission are Aquifer Storage and Recovery as follows:

NC Rural Center	\$500,000
EDA	\$703,000
TOTAL	\$1,203,172
TOTAL FOR CITY OF GREENVILLE	
Dues Paid	\$ 18,779
Citizens Served	546

Monies Generated \$2,372,000

Monies Generated for each \$1.00 in dues: 126

RESOLUTION AUTHORIZING THE SALE OF ELECTRIC DISTRIBUTION FACILITIES AND TRANSFER OF CUSTOMERS FROM GREENVILLE UTILITIES COMMISSION TO THE TOWN OF WINTERVILLE – ADOPTED

City Manager Bowers informed the City Council that the Town of Winterville has offered to purchase Greenville Utilities Commission's electric distribution lines along the Laurie Ellis Road and Church Street in Winterville, along with the transfer of 15 residential customers served from the lines. The transfer includes the right of Winterville to serve all future customers in the immediate area of these facilities consistent with the terms of the territorial settlement agreement dated September 21, 1994. Currently, both Winterville and Greenville Utilities have existing distribution lines along these streets.

The sale, the reconfiguration of facilities by Greenville Utilities, and transfer of customers and service territory is in consideration of payment in the amount of \$93,738.07 by Winterville to the Greenville Utilities Commission. This amount is equivalent to the original installed cost of the Greenville Utilities Commission facilities. The facilities were constructed in 1988 (\$60,964.28) and 1994 (\$32,773.79) and are fully depreciated.

Greenville Utilities retained Booth and Associates, Consulting Engineers, to perform analysis and review the proposed sale of the assets and disposition of the customer accounts for the net effect on Greenville Utilities' Electric System.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Kittrell to adopt the resolution authorizing the sale of electric distribution facilities and transfer of customers from Greenville Utilities Commission to the Town of Winterville. Motion carried unanimously.

PRESENTATION OF THE PROPOSED FY 2010-2011 OPERATING BUDGET AND FY 2011-2012 FINANCIAL PLAN FOR:

a. Greenville-Pitt County Convention and Visitors Authority

Ms. Debbie Vargas, Executive Director of the Convention and Visitors Authority, informed the Council of their future goals as follows:

Goal 1: To add a part-time communications position in the coming FY. The part-time position will handle communication duties (promotional material, web site, news releases, etc.) This will be the first new position added in 20 years. The funding will come from reserves and is included in the proposed budget to fund the position in the amount of \$15,000 for FY 2010-2011 and \$28,000 for the FY 2011-2012.

Goal 2: To construct/renovate a building for an office facility in Uptown Greenville. Included in the proposed budget is a \$250,000 site acquisition for FY 2010-2011 and a \$500,000 office facility for FY 2011-2012 with funding coming from reserves.

Goal 3: To explore the possible partnership among community organizations to embark on a rebranding initiative for the community. Included in the proposed budget is a \$18,000 Rebranding Partnership and a \$20,000 Brand Implementation. Funding will come from reserves.

Goal 4: To begin to work towards seeking destination marketing organization accreditation which will be addressed in the Bureau's marketing plan through objectives/strategies.

Goal 5: To focus on the development of a tourism destination asset which will be addressed in the Bureau's marketing plan through objectives/strategies.

Ms. Vargas informed the City Council that revenues in the proposed budget are estimated flat from actual collections in FY 2008-2009 with a total of \$678,121. Because interest income is down significantly, the staff will monitor revenues and manage the expenses. Any shortfall will come from reserve funds. Ms. Vargas further stated that overall, most operating costs have been reduced where possible or remain stable. Several categories include sizable reductions such as printing, travel, and advertising. A buffer for cost of living and merit increases for staff has been included in the expenses but will not necessarily be funded.

Ms. Vargas stated that the Convention and Visitors Authority has been able to reduce expenditures as follows:

1. Negotiating a \$34 car rental rate, which is cheaper than paying mileage reimbursement on longer trips.
2. Arranging to stay at the most economical hotels for out-of-town sales events as opposed to pricey headquarter hotels.
3. Converted 300+ recipients of the quarterly calendar to receive by email.
4. Added the option to send digital files of key printed items to fulfill requests such as the map and the visitors guide.
5. Coordinated with other organizations to combine various initiatives and not duplicate efforts.
6. Transitioned several printed materials to the web.
7. Proactively managed the provision of services to allow supplies to be purchased at discounted prices and take advantage of sales.

8. Phased out expensive name badge cases and substituted recycled shipping materials up-fitted to provide the same function.

Ms. Vargas informed the City Council that the allocation for convention center marketing included project receipts for one cent of the occupancy tax collections which is approximately one-third of the total Convention and Visitors Authority budget. The funds are utilized by Exhibit Hall Managers, LLC to market the facility. The reserve amount as of June 30, 2009 is \$1,348,369. Possible reductions to reserves are as follows:

Supplement 2010-2011 budget - \$12,858, Supplement 2011-2012 budget – \$28,953, Part Time Position - \$43,000, re-branding \$38,000, and new office - \$750,000.

Ms. Vargas further informed the City Council that the proposed budget has been unanimously approved by the Convention and Visitors Authority Executive Committee and now requires the approval of the City Council and Board of Commissioners.

b. Sheppard Memorial Library

Sheppard Memorial Library Board Chairman Rick Ericson, informed the City Council that the Board of Trustees is grateful for the long standing support that the City of Greenville has shown for the Public Library over the years. The past year has been one of sustained growth in all areas for the Sheppard Memorial Library system. The library continues to set new records for use. Nearly every month, new records are set for the number of books borrowed by library users and the number of visitors coming through the doors of the Main Library and its branches. For the second year in a row, more than 500,000 people have visited the Sheppard Memorial Library facilities. This is an increase over last year, which was also a record year for library attendance.

The economic downturn of the past year has caused people to turn to the Public Library more than ever as a reliable source of reading material and a place to get help in searching for jobs and creating resumes. The use of the Library's public computers also reached new heights this year, and the library has added online resources to its website to help the public. The 140 public access computers available at the main library and its branches are in constant use, and the library staff is actively involved in working on a one-to-one basis with the many patrons who come to the public library for assistance.

Programs for children continue to be an important part of the library's services, and the Summer Reading Club continues to be a highlight of the library's service. More than 1,300 children are expected to participate in the summer reading program this year. In addition, programs designed to introduce children to reading at an early age are provided throughout the year.

As always, The Friends of the Library have been an integral part of the library's continued progress during the past year. The Friends of the Library helped fund many library programs, providing matching money for grants and enhanced services throughout the system. The Friends of the Library major fundraiser is the annual book sale, which was held in January 2010. Despite an ice storm on the weekend of the sale, the sale generated the 2nd highest gross sales on record. The Friends of the Library uses these funds to help enhance library services and to pay for things that cannot be paid for through other sources of income.

Mr. Ericson stated that the Library Director, Willie Nelms, will retire at the end of July 2010, after more than 29 years of service. The trustees are now actively involved in the search process to find a successor who can assume the duties of Library Director by the time Mr. Nelms leaves his job.

Mr. Ericson further stated that the Library Board of Trustees is proud of the work of the Public Library and thanked the Greenville City Council for their past support, and looks forward to working with the City in the future.

Mr. Willie Nelms, Sheppard Memorial Library Director, presented an overview of the Library's 2010-2011 budget and the 2011-2012 financial plan, both of which were approved by the Library Board of Trustees at their March 17, 2010 meeting as follows:

- Compile needs.
- Compute cost of needs.
- Figure income from various sources.
Develop the budget based on needs, but within the target amounts of revenue we were told to expect from the City of Greenville; and request a proportionate amount from Pitt County.
- The operating revenue target was a 1% increase from the City of Greenville and a similar amount from Pitt County.
- The amount of money needed to operate the Bethel and Winterville branch facilities is reflected in the revenues requested from each town, and in revenues we project to collect from operations at these facilities.
- Revenues from State Aid are projected at the level last recommended by the State Library.
- Desk/Copier Receipts are based on trends observed in copier use and related receipts.
- Fines and Fees are based on the current year income projection
- Miscellaneous Income includes expected contributions from the Friends of the Library.
- Fund Balance is the amount needed from savings to balance the budget.
- \$1,127,008 is requested from the City of Greenville for 2010-2011.
- \$563,504 is requested from Pitt County for 2010 – 2011.
- Application has been made for a \$24,720 LSTA grant for children's computers.
- Following the City of Greenville's guidelines in budget development, the 2010-2011 budget includes 1.5% for merit. This amount will be adjusted according to the City's final action regarding wages in order to keep library employees on the same pay and classification level as City employees.
- Includes a 2% increase from the City of Greenville and the proportionate amount from Pitt County from operations, plus the cost of reroofing a portion of the main library.
- \$78,741 is included in Building Maintenance to pay to reroof a portion of the main library.

- The amount requested from the City of Greenville to operate the Library for 2011-2012 is \$1,213,759. The amount requested from the County of Pitt for 2011-2012 is \$606,879.

c. Greenville Utilities Commission

Mr. Ron Elks, General Manager/CEO of Greenville Utilities Commission (GUC), stated it was a pleasure to appear before the Council to explain the work of the Commission. He said he'd like to begin with a brief overview of their budget process, which always starts with a review of their mission statement, and to explain their current proposal for a balanced budget. He would then like to discuss their "corporate dashboard," or performance measures, which is what they use to achieve a balance between the financial burden they ask customers to bear and the level of service the Commission provides while maintaining regulatory compliance.

Mr. Elks stated the Commission provides electric, water, sewer and natural gas services to its customers and each utility essentially operates a separate business. Each of these enterprise funds must be self-sustaining and revenues generated in one fund are not utilized to subsidize any other fund.

Referring to their combined revenues and expenditures summary for the entire utility, which incorporates all funds, Mr. Elks stated the Commission is showing an estimated \$273 million in both revenues and expenditures in a balanced proposal for FY 2010-2011. Their Board of Directors has adopted this proposed budget on a preliminary basis, for presentation to the City Council. Mr. Elks stated the Council should notice some standardization in categories between the enterprise funds, and reported that they are making a deposit, for the first time, of \$200,000 into their Other Post-Employment Benefits (OPEB) Reserve for the upcoming year.

He then addressed each of the enterprise funds:

THE ELECTRIC FUND:

The electric fund represents \$201 million of the Commission's total budget, with \$165 million of that being expended for purchased power. It also includes about \$6 million in capital outlay, just over \$3 million in debt service, and the bulk of their projected turnover expense (monies turned over to the City as required by their charter), with some left for OPEB Reserve.

No rate adjustments are included in the upcoming year for electric because the Commission continues to absorb a portion of the wholesale rate increase from February 2009, excepting a small portion which was passed on to customers in October 2009. Since 2002, GUC has absorbed over \$9 million in wholesale electric cost increases which have not been passed on to its customers. In fact, all rate increases since 1991 that have been passed on to GUC customers have been for purchase of electricity; no increases in the cost for supplies and materials have impacted customer rates. This has been made possible by growth of the customer base over which fixed costs can be spread, plus the ability to improve efficiency through the use of technology. One of the ways in which GUC measures its efficiency is by the number of accounts that can be served by each employee.

Mr. Elks then compared how GUC's rate structure compares to other electric systems and how the application of load management credits can impact a customer's bill. As an average, most residential customers within GUC's system use about 1,000 kilowatt hours per month. Some time ago, the GUC Board adopted a policy to keep what its customers pay at or below the median, if possible, of entities to which it compares. As an example, for a wintertime bill, a GUC customer pays about \$114 for 1,000 kilowatt hours. Comparing to the rate structures of surrounding electric providers, the variance ranges from as much as \$150 in Pitt County to as little as \$87 in Fayetteville, although Fayetteville has recently announced a series of planned rate increases. One provider of particular note is Progress Energy, which is GUC's neighbor and its business partner in the 5 generating units that they own. They are a very large system compared to that of GUC. As a 24-month average, a GUC customer pays about \$8 a month more than a Progress Energy customer, but for that, they get a much higher level of service.

Mayor Dunn asked why summertime rates are higher than wintertime rates. Mr. Elks explained that it comes from the way GUC has to purchase electricity and the way that electricity is generated. It is also driven by demand costs.

THE GAS FUND:

Looking at the Revenues and Expenditures sheet for natural gas, Mr. Elks stated that almost \$40 million are forecast in revenues and expenditures for the upcoming year. The fund is balanced with about \$28 million being expended for the cost of purchased gas, a small amount in capital outlay, \$1.5 million in debt service, and the rest going toward either City turnover or OPEB Reserve.

Mr. Elks stated no rate adjustments are planned for the coming year, and the goal of the GUC purchasing strategy is to keep rates stable and competitive by utilizing a risk management plan to purchase gas in advance based on price triggers. Weather forecasts and customer numbers are also considered in the purchasing strategy. Since August 2008, GUC has been able to reduce its rates to customers by 45% by being able to acquire gas at a lesser cost.

THE WATER FUND:

Mr. Elks stated that both water and sewer are very expensive commodities for which to provide service. Both are impacted by growth, or lack thereof, but they are most heavily impacted by regulatory requirements and the means to have both safe and reliable service.

The proposed budget for the water fund is balanced at just over \$15.3 million, with the bulk of the expenditure being in operating costs of \$10.6 million. Nearly \$3.9 million is allocated for debt service and almost \$750,000 goes toward capital outlay, with very modest amounts set aside for transfer to the OPEB Reserve and operating contingencies.

Mr. Elks reminded the Council that GUC water rates have not increased since May 2008, keeping them at a very low median rate for Pitt County and very competitive with other systems. A GUC customer typically uses about 6,000 gallons of water per month. The proposed budget includes a 4.9% rate increase for typical residential customers effective July 1, 2010.

THE SEWER FUND:

Mr. Elks highlighted a few needed sewer infrastructure projects. He explained that GUC sewer systems have been in place for a long time and have been well maintained, but there must be a continuing investment in these systems in order for them to operate properly and avoid overflows from the sanitary sewer system.

The proposed budget for the sewer fund is balanced at around \$16.6 million, with operating costs of \$9.9 million. Nearly \$8 million is allocated for capital outlay, and another \$5.9 million is dedicated to debt service. Again, very modest amounts are set aside for transfer to the OPEB Reserve and to fund operating contingencies.

The proposed budget includes a 9.4% rate increase for typical residential customers effective July 1, 2010. Greenville has a very modern, state-of-the-art treatment plant, yet its customers currently pay a little less than \$30 a month for sewer service while the area median is \$35.60 and many of the surrounding communities are billing the average customer in the \$40-\$50 range per month.

Moving away from the proposed budget, Mr. Elks gave a brief overview of their “corporate dashboard” or performance measurement process, outlining target areas of measurement and factors which are considered in determining the effectiveness of their performance. For example, in evaluating the reliability of GUC’s electric service, during a measurement period they monitor the number of interruptions in service, the duration of each service interruption and response time to outage calls. This data is compared not only to GUC’s data for prior measurement periods, but to other utilities as well. In comparing to one of the largest NC Investor Owned Utilities in 2009, GUC customers experienced less than half the number of outages, and the outages experienced lasted about one-fifth as long as those of the larger utility. Likewise, GUC’s response time to outage calls was about 50% faster.

Mr. Elks concluded his presentation by saying the bottom line to the customer is where their utility dollars go. In the FY 2010-2011 proposed budget, for each dollar a customer pays to GUC, 71¢ goes to purchased power and gas, 12¢ goes to salaries/personnel costs, 9¢ goes to system infrastructure, 6¢ goes to operations and maintenance, and 2¢ goes to City turnover.

Council Member Joyner asked how long debt service runs. Mr. Elks stated most of it is financed for a 30-year period, although some of the state revolving loan fund monies that are obtained at a low interest rate are for shorter periods.

Council Member Joyner then asked what is GUC’s current fund balance. Mr. Elks stated it was about 11% for last month. He pointed out the GUC Board has adopted a policy to grow the fund balance over time to around 14%.

Council Member Joyner asked if the budget proposal includes merit pay or any type of salary increases. Mr. Elks replied that it reflects the 1.5% merit pool and the probationary merit increases that the Pay and Benefits Committee recommended to both GUC and the City. He

stated he will be taking action to revise those numbers based on the action of both the GUC Board and the Council.

Council Member Blackburn asked if Mr. Elks was referring to things like water quality when he spoke of regulatory costs. Mr. Elks said yes, and by mentioning them, he did not mean to imply the costs were not good things. He said he has been in the utility business for many years and he can accurately say that the quality of water provided to customers of any water system is much higher than it was ten years ago.

Council Member Blackburn asked if GUC buys its power through ElectriCities. Mr. Elks replied that GUC is actually a member of the North Carolina Eastern Municipal Power Agency (NCEMPA), which is the result of 32 cities in the east that banded together to buy generating capacity from 5 generating units. There is a similar entity in the western part of the state, called Power Agency #1. ElectriCities is the joint management agency that manages the contracts for both power agencies. GUC is the largest member of NCEMPA. Mr. Elks stated that Mayor Pro-Tem Kittrell is an alternate on the Power Agency board, and that he (Mr. Elks) is a member of the ElectriCities Board. Additionally, GUC's Electric Systems Director, Roger Jones, sits on the rate committee of the Power Agency.

Mayor Pro-Tem Kittrell asked Mr. Elks to comment briefly on the debt that is associated with ElectriCities. Mr. Elks stated that looking back in history, North Carolina did not have enough generation and essentially was losing economic development prospects as a result. Special legislation was passed in the late 70's/early 80's to allow cities and towns to get into the electric business because investor-owned utilities said they didn't have enough money to produce the additional generation. Shearon Harris was under construction, and everything was fine until Three Mile Island. Three Mile Island caused a significant increase in costs for Shearon Harris, which saddled the 32 cities in the east with a lot more debt that they originally anticipated. This debt is much like a mortgage in that much of the cost at the front end goes toward interest, but we are finally at that point where we are beginning to really pay down the principle.

d. City of Greenville

City Manager Bowers summarized the following budget message.

“COPY”

May 10, 2010

Honorable Mayor and Members of the City Council:

In compliance with Section 160A-148 (5) of the North Carolina General Statutes, I submit for your consideration the proposed two-year budget for FYs 2010-2011 and 2011-2012. As required by North Carolina law, the City Council will adopt an ordinance in June approving the 2010-2011 budget. Also in June I will request that you approve the 2011-2012 financial plan that will serve as the basis for the 2011-2012 budget to be adopted next year.

The proposed budget and financial plan includes all City funds: General, Dental Reimbursement, Vehicle Replacement, Debt Service, Stormwater, Sanitation, Bradford Creek Golf Course, Public Transportation, Capital Reserve, Housing, and Fleet Maintenance. The budget document also includes the separate two-year budgets for the Greenville Utilities Commission, Convention and Visitors Authority, and Sheppard Memorial Library. The proposed 2010-2011 budget for all funds is \$376,199,124 and \$382,308,638 for the 2011-2012 financial plan.

The General Fund, the City's primary operating fund, is projected at \$71,776,956 for 2010-2011, a 0.90% increase from the current year and \$73,993,526 for 2011-2012, a 3.09% increase.

As indicated in my budget preview presentation on April 5, 2010, the biggest challenge to presenting a balanced budget has been the impact of the economic recession on most revenue sources. This budget message highlights the areas where declines in revenues have occurred or revenue sources with traditionally high growth have experienced only moderate increases. My goal in preparing the budget has been to preserve the high quality of city services and accommodate continuing population growth, while having fewer financial resources available to meet these needs. The proposed budget recommends continuing to invest in the organization's most valuable resource--our employees. Recommended expenditures include the funds needed to reinstitute probationary salary increases for newly hired and promoted employees. Also, funds have been included for reinstating the merit pay program. An appropriation is included to implement any salary increases recommended in the classification and compensation study that is currently underway.

The proposed budget for 2010-2011 incorporates the implementation of a new internal service fund to address fleet maintenance activity for the City. By establishing this new fund, the direct cost for vehicle maintenance will be charged to the appropriate operating department in all funds. In the past all labor charges and operating costs for vehicle maintenance were absorbed by a division of the Public Works Department. This change continues the process started several years ago of more accurately reflecting the true cost of all City operations. This change in the budget presentation format may make comparisons with previous years more difficult during this budget process, but will eventually allow for better determining the true cost of all departments and the services provided to the citizens of Greenville.

This budget message provides an overview of the entire budget and contains the following sections: General Fund Summary of Revenues and Expenditures, Other Funds, and Summary.

GENERAL FUND REVENUES

General Fund revenues for FY 2010-2011 are projected to be \$71,776,956. This amount represents a net increase of only \$643,274 or less than one percent increase when compared to the 2009-2010 approved budget of \$71,133,682. Projecting the revenue stream for FY 2010-2011 has presented unique challenges. The recent economic downturn has had a direct impact on most of the major revenue sources creating a need for significant adjustments. Responses to the economic downturn at the State level have also impacted local revenues.

Significant revenue sources affected by the economic downturn are property taxes, sales tax, Powell Bill (gas tax), utility franchise and video programming fees, inspection fees, and interest on investments. Due to the lingering impact of the recession and to remain conservative, collections of these major revenue sources are expected to remain flat or show minimal growth over the next two FYs. For 2011-2012 revenues are projected to be \$73,993,526 representing an increase of only three percent over 2010-2011 projections.

Property Tax

Property Tax continues to be the leading revenue source for the City of Greenville, representing 42% of the proposed General Fund budget revenues. Based on collections to date, the current FY projection for June 30, 2010 is estimated to be \$29,904,084. When compared to the adopted budget of \$29,641,438, the projection represents a one percent increase over budget and a 3.6% increase over collections for the prior year. The Pitt County Tax Office assessed value projections for FY 2009-2010 were \$5,714,789,632. The Pitt County Tax Office has recently provided the City with an estimated assessed value of \$5,828,547,624 for all property located in the City. This represents a 1.99% increase over the estimated valuation used for the current FY. This anticipated increase of just over \$100 million is validated by \$97,297,746 of new construction costs reflected in building permits issued in the City during 2009. Based on collections to date, the current year projected growth of 3.6% over the prior year, the increase reflected in the amount provided by the Pitt County Tax Office, and the amount of new construction reported by the Building Inspection Division, the proposed budget projects a two percent growth in the tax base for 2010-2011.

I recommend retention of the current tax rate of 52 cents per \$100 of assessed value. Based on the anticipated two percent growth of the tax base, the 52 cent rate is anticipated to produce property tax revenues of \$30,453,036 in 2010-2011. The two percent increase would produce \$548,952 in additional property tax revenue over the current year projection. Although this is a significant amount of new revenue, it represents a sharp decline from the average \$1,767,680 annual increase for the last five years (average 7.3% growth).

Sales Tax

This revenue source constitutes 18% of total General Fund revenues and continues to be increasingly difficult to project due to changes in the distribution formula that were initiated in prior FYs, but have been implemented in stages impacting several FYs. Projections have also been made difficult by the State payback amounts that were deducted from distributions in 2009 to offset overpayments in 2008.

Historically City sales tax receipts were derived from the Article 40 ½%, Article 42 ½%, Article 44 ½%, and Article 39 1%. In October 2009, the replacement of Article 44 with a hold harmless payment was completed. This swap from Article 44 to hold harmless was due to the state-county Medicaid swap initiated in 2008. Comparative calculations have been made extremely difficult by the elimination of Article 44, the conversion of Article 42 from a per capita to a point of sale distribution, and the creation of the hold harmless payment. Also, there are variations in the distribution patterns created by the State's economic conditions, cash flows, and the timing of

refunds and reallocations that prevent prior year same month distribution from being accurate indicators of current year distributions

In addition to changes in the distribution pattern and formula, North Carolina has experienced a drastic reduction in the construction of new homes which contributed to a significant loss of sales tax revenue. Indications are that this drastic reduction in construction activity is leveling off and limited growth can be expected; however, sales tax revenue will continue to remain below historical levels for an undetermined period of time. Based on advice from the North Carolina League of Municipalities, statewide local sales tax revenue is expected to grow for 2010-2011 by 1% to 2% over 2009-2010 amounts.

Through the first seven months of the current FY (July-January) the City had received \$7,869,628 in sales tax revenues compared to \$8,285,788 for the same period in the prior FY. This reflects a five percent reduction. Much of the decline occurred in the first four months of the FY. The three months of November through January actually realized a small increase when compared to the prior year. Based on the more recent trend, I projected that the final five months of sales tax will be equal to the final five months of the previous year. Based on this formula, sales tax for the full current FY is projected to be \$13,023,638. This would represent a decline of 3.1% when compared to the prior year. Based on this projection for the current FY and using the lower end of the North Carolina League of Municipalities anticipated growth for next year of one percent, the recommended budget contains projected sales tax of \$13,153,874. An additional one percent growth raises the amount to \$13,285,412 for 2011-2012. The amount for each year of the two year budget is less than the amount received in 2008-2009 and, therefore, represents a conservative estimate.

These sales tax projections must, however, be provided with a warning. When the City received the eighth month distribution for February 2010 in April, the amount was only \$686,093 compared to \$1,117,675 for February 2009—a reduction of 39%! An analysis of the distribution quickly revealed that the reduction resulted from a substantial amount of refunds made by the State from the funds allocated by formula to the Pitt County local governments. Pitt County and the other municipalities in Pitt County expressed the same concern about the impact of this significant refund. Contact was made immediately with the North Carolina Department of Revenue and It was determined that a large refund made to University Health Systems and an error in allocating this refund resulted in a major reduction in the amount of sales tax available for distribution to local governments in Pitt County. The Department of Revenue has indicated that this distribution error will be corrected in the June distribution. If this significant reduction is not corrected, an adjustment will be necessary for the current year sales tax projection and thus the subsequent year amounts will need to be revised downward. Recognizing the potential for a downward adjustment, there are funds set aside within the Contingency in order to be better prepared for any adjustment. The sales tax situation will require close monitoring as the City Council conducts its budget deliberations in May and June.

Utilities Franchise Tax

The City's share of the Utility Franchise Tax is based primarily on the actual receipts from electric service sold within the municipal boundaries (a small and declining portion comes from telephone service in the municipality.) The electric component of this revenue source is highly

sensitive to the weather. Cooler than normal summers, in conjunction with, warmer than usual winters, can lead to years with little or no growth in electric receipts. Electric rate increases or decreases also influence collection of this revenue. Since GUC increased rates in 2009 and the winter was very cold, based on collections received to date, the amount projected for the current FY from the Utilities Franchise Tax is \$5,521,866 which would be a six percent increase when compared to the prior FY. For 2010-2011, based on the past trend of increases for this revenue source, a conservative 4.5% projection results in \$5,770,350 for 2010-2011 and \$6,030,016 for 2011-2012.

GUC Turnover

The turnover amount from Greenville Utilities Commission represents 8% of anticipated General Fund revenues in the proposed budget for 2010-2011. These transfers are made based on a formula mandated by state law. The transfer has two components: (1) the fixed amount based on net fixed assets less bonded indebtedness and (2) reimbursement for City street and park lighting expenditures. Based on current projections the amount of the transfer for the first component of the formula is anticipated to be \$4,882,059 for 2010-2011 representing an increase of \$319,490 from the current year amount of \$4,562,569. This increase takes into account the \$89,176 reduction in the formula amount as provided in the 2008 City-GUC agreement to smooth out the impact of the issuance of utility system bonds in June 2008. This will be the final year of the reduction and thus the amount of the formula turnover projected for 2011-2012 will increase significantly to \$5,181,644. The street and parks lighting reimbursement for 2010-2011 is projected to be \$639,447 and \$658,630 for 2011-2012, which represents one half of the anticipated annual expense for the public lighting.

Rescue Billing

Beginning in January 2010 the Fire/Rescue Department now has five ambulance units providing emergency medical transport services. Billable ambulance runs per year are approximately 10,400. The Financial Services staff performs specialized revenue billing and collections working with private insurance companies, Medicare/Medicaid, and self-pays and is projected to generate 2.6 million dollars in revenue during this FY. More restrictive requirements have been imposed for directing the preparation of the annual Medicaid Cost Reimbursement Report which may negatively impact this revenue. Currently revenue is projected for 2010-2011 at \$2,626,000 which is one percent over current FY projections to year end. An additional one percent is projected for 2011-2012 yielding \$2,652,260 in revenue.

Powell Bill (gas tax)

The Powell Bill funds represent the distribution of 1.75 cents of the state gasoline tax to cities on a formula based on population and road miles. These shared revenues can only be used for street and sidewalk construction and maintenance purposes. The Powell Bill distribution is based largely on the volume of motor fuel taxed by the State and on the value of vehicles purchased and titled in North Carolina, both of which are expected to decline during the current FY from last year's levels. Funds are distributed at a ratio of 75% allocated among cities and towns by population multiplied by a rate established by the State. The remaining 25% is allocated among cities and towns based upon the number of city maintained street system miles in each

municipality and a per mile rate established each year by the State. Growth in population and in the size and number of streets helps increase this revenue and consequently growth in other cities and towns diminishes the revenue. Payment is made to the City once each year. The 2010 payment to the City was \$1,975,384. For 2011 the projection is \$1,910,210 representing a 3.3% decrease. The projection for the 2012 payment is \$1,958,858 which would be a 2.55% increase. Prior to the economic turndown, this revenue experienced a mean average growth of 5.23% over the last five years; therefore, projecting this revenue at 2.55% is a conservative approach. Fortunately some of the gas tax money is used for capital projects and funds can be accumulated for this purpose. The Powell Bill account has a fund balance and \$381,948 will be transferred to the operating budget in 2010-2011 for capital projects work.

Video Programming Fees

The video programming fees represent state shared taxes on certain telecommunications services that replaced local government imposed cable television franchise fees in 2007. The City receives these fees in two components: (1) unrestricted revenues and (2) supplemental PEG (public, educational, and governmental) channel support. Revenue from video programming continued to grow during the early part of the recession; but has since leveled off. The proposed budget includes revenue anticipated to be one percent over projected current year revenue of \$888,664. The proposed budget for next year is thus \$897,551 in revenue and \$906,526 for 2011-2012.

The PEG funding is anticipated to be approximately \$40,000 in each of the two budget years. The budget recommends providing one-third of the restricted PEG funds to the public access channel operator (GPAT) and the remainder as a supplement to the City's GTV-9. This revenue is affected by the number of PEG channels that are certified statewide each year.

Inspection Division Permits

In the past year, revenue from Inspection Division Permits and fees have experienced a tremendous negative impact from the current economic conditions as builders and developers have drastically reduced the number of construction projects in the City. The number of permits issued has leveled off and is now experiencing some modest increase. Inspection Division revenue is projected at \$711,300 for the current FY; \$715,570 for 2010-2011 reflecting a one-half percentage point increase; and \$733,701 for 2011-2012 which would be a 2.5% increase. All of these projections contrast significantly when compared to annual permit revenues of \$1,413,950 in 2007-2008.

Business (Privilege) License

Although not to the same extent as building inspection permits, business (privilege) license revenue has been impacted by the recession in that the failure of businesses to either start up or sustain their operations does have a negative impact on this revenue. Business license revenue is projected at \$618,000 for 2010-2011 and \$636,540 for 2011-2012. These numbers represents three percent growth each year over the current year projection. This revenue demonstrated a mean average growth over the five year period prior to the economic turndown of 7.93%.

At this time the business licensing laws allow great leeway in establishing the rates at which a city charges a business for operating within its municipal area. For the past two years the North Carolina General Assembly has been holding the structuring of the business license laws under review with a desire to establish a more equitable application of this tax; however, no action has been taken to date and it remains a topic for committee discussion only.

For the City of Greenville, business licensing revenue based on gross receipts is currently calculated at \$50 for the first \$25,000 in gross receipts and an additional 50 cents per thousand dollars of gross receipts until the maximum of \$2,000 in taxes is owed. Big boxes such as chain retailers and grocery stores would generally fall in the “in excess of the \$2,000” maximum category; however they would not be charged the additional dollars due to the maximum fee of \$2,000. In reviewing the handling of this fee throughout the State, there is a great range of typical charges in the area of gross receipts, ranging from zero charges to charges on all gross receipts with no maximum fixed tax and some retailers paying as much as \$25,000 or more.

An opportunity exists for the City to increase revenue in the business licensing fees and remain within the typical charges of other cities the size of Greenville. An option would be to increase the maximum ceiling tax in \$500 increments beginning with the revenue collected for 2010-2011, making the ceiling \$2,500 and continue these incremental increases over the next four years raising the cap in 2012 to \$3,000; 2013 to \$3,500, and 2014 to \$4,000. If sales remain at a constant level, staff projects that this change in the maximum would generate approximately \$40,000 to \$50,000 in additional revenue at each incremental step up. This option will be discussed as part of the budget deliberations.

Beer and Wine Taxes

After the 2009-2010 budget was approved, the North Carolina General Assembly reduced the beer and wine tax amount distributed to municipalities and counties. The reduction for the City amounted to an anticipated revenue loss of \$229,313. Payment is received in one payment during May each year. This reduction was intended to be a one-time only reduction. Based on information provided by the North Carolina League of Municipalities beer and wine sales are expected to grow by two percent next year following a one percent decline in the current year. Based on these projections and the anticipated restoration of full funding for local governments, the proposed budget projects beer and wine tax revenue of \$348,886 for 2010-2011 and projects a further one percent growth to \$352,375 for 2011-2012. According to the North Carolina League of Municipalities; *“It is possible that the continuing State revenue shortfalls will cause the General Assembly to extend the beer and wine reduction for another year. The League will oppose such an extension, but municipalities should develop their budgets with this possibility in mind.”*

Interest on Investments

During this time of historically low interest rates that have resulted from efforts to soften the impact of the recession, it is no surprise that the rate of return on investments have hit a historical low. Based on performance to date, I expect the City to receive only \$1,846,973 in investment income during the current FY. This represents a decrease of \$365,239 when compared to investment interest of \$2,212,212 in 2008-2009. The amount projected for the upcoming FY is

\$1,865,731 which represents an increase of only one percent compared to the current year. For 2011-2012 interest income of \$1,884,450 is projected.

Appropriated Fund Balance

A final revenue item that should be noted is the appropriated fund balance. This revenue source represents dollars carried over to the next FY from the current FY for specific purposes from previous budget years and dollars to offset any contingency funds that are provided. The proposed 2010-2011 budget contains a total appropriated fund balance of \$721,948. Included in appropriated fund balance is \$381,948 from approved Powell Bill related capital projects that are slated for completion during 2010-2011 as mentioned in the section on Powell Bill (gas tax). The remaining amount includes \$190,000 to be used as a loan to the Sanitation Fund in order to implement the multi-family recycling program as authorized by the City Council on April 8, 2010. The remaining \$150,000 will come from projected 2009-2010 year end fund balance to provide a contingency account for the 2010-2011 budget. Similar anticipated transactions constitute the proposed use of fund balance of \$865,627 in the 2011-2012 financial plan.

GENERAL FUND EXPENDITURES

According to the North Carolina Local Government Budget & Fiscal Control Act, each local government must project an annual balanced budget, assuming all revenues will be used to pay for expenses on a one-to-one basis; therefore, revenues must equal expenses. Consequently, expenditures are expected to increase at the same rates as revenues for each of the next two FYs (approximately one percent and three percent respectively).

Personnel Expenses

Because municipal government is primarily a service delivery function, personnel costs are traditionally the main components of the overall cost of service delivery. Salaries and benefits represent 64.0% of the total General Fund budget. At \$46,132,050 for 2010-2011 personnel expenses are projected to increase by \$1,412,119 compared to the budgeted numbers for FY 2009-2010 (a 3.2% increase.) This increase consists of several components that will be discussed in this section.

Based on the recommendations of the Joint City-GUC Pay and Benefits Committee and recognizing the importance of recruiting and retaining highly skilled employees, the budget includes funds for the reinstatement of the 1.5% merit pool program. For 2010-2011 the total cost of the merit pay program is anticipated to be \$509,530. Along with the reinstatement of the merit program, in order to avoid pay inequities the proposed budget contains funding in the amount of \$234,571 for granting probationary increases to those newly hired or promoted employees who would have been eligible for such raises during 2009-2010. These increases would be granted on July 1, 2010. All probationary salary adjustments were suspended during the current budget year in order to stay consistent with the freeze on merit adjustments.

All City employees participate in the North Carolina Local Government Employees' Retirement System (LGERS.) Due to losses in the investment account of the LGERS, the State has increased the employer contribution rate from 4.80% of payroll to 6.35% for general employees

and from 5.27% to 6.82% for police officers. This increase of 1.55% will cost the City an additional \$499,777 in personnel expenses in 2010-2011.

Seventeen new positions were requested by General Fund departments in their budget proposals. Due to limited revenues as discussed in the preceding pages, only one new position is being recommended by me in the 2010-2011 budget. The one new position is Public Safety Project Manager in the Police Department at a total cost of \$81,930. This position has been filled for the past two years by a contract employee who has been responsible for implementation of the new computer aided dispatch and records management software systems that serve the Police and Fire Rescue Departments. Funds for making this contract employee a City employee will be transferred from a capital improvement program account for this project. General Fund revenues will pay the full costs for the position beginning with the 2011-2012 budget year.

Although not new positions, the 12 firefighters approved as part of the 2009-2010 budget will require more City funding during the next two budget years as the federal SAFER grant funds are gradually reduced. For the current year the federal funds provide \$445,375 for the cost for these employees. The federal share drops to \$416,100 in 2010-2011 and \$260,040 in 2011-2012. For the corresponding years the City costs will increase from approximately \$49,486, to \$113,401 and \$306,527.

Health insurance is an important component of overall personnel costs and is essential to recruiting and retaining a quality workforce. Healthcare costs continue to increase significantly, as has been the case over the past few years. As a result, the City and its employees have experienced for several years substantial increases in health insurance premiums. These increases prompted the City to transition to a self-funded health insurance plan. Due to the cost control measures resulting from this change, the 2011-2012 proposed budget and plan includes premium increases of 5.7% and 8.6% for FYs 2011 and 2012, respectively. Despite the premium percentage increase, health insurance costs remain comparatively stable due to the current year actual premium costs being less than the budgeted amounts.

The cost of retiree health insurance has become a significant personnel expenditure item for the City. As more employees retire from the City and the cost of health insurance continues to rise, this cost will continue to require more funding. The Governmental Accounting Standards Board has established a requirement that each local government determine the future actuarial cost of retiree health insurance. City staff has provided to you in the past the actuarially determined Other Post-Employment Benefits (OPEB) liability for the City. In 2008 the City Council approved annual payments of \$250,000 to the State's OPEB fund. The proposed budget and financial plan both include continuing the annual \$250,000 payment to the OPEB fund. In addition, the 2009-2010 budget contained \$470,592 for retiree health insurance and this amount has been increased to \$667,550 in 2010-2011 and \$792,992 in 2011-2012.

The proposed budget for 2010-2011 increases Police Department overtime to \$330,110 representing a 14% increase from the \$289,000 amount in the current budget. Traditionally the Police Department overtime line item has been overspent, but has been offset by savings in the regular salary account due to position vacancies. For example, in 2008-2009 the Police Department overtime line item was overspent by \$606,120, but this amount was covered by under expenditures in other Police Department accounts. Projections for the current FY indicate

that the Police overtime line item will be overspent by \$823,278. This increase of over \$200,000 is attributed to the cost of additional assignments to the downtown area after the murders that occurred on June 30, 2009. These extra costs will need to be discussed during the budget review process. As directed by the City Council, the City Attorney and I are exploring the possibility of the downtown clubs contributing to the cost of the increased Police overtime expenses.

Operating Expenses and Capital Outlay

Overall the General Fund operating line items are to increase from \$13,781,606 in the 2009-2010 budget to \$14,850,782 in the proposed 2010-2011 budget. This increase is \$1,069,176 or 7.76%.

The most dramatic change in operating expenses is due to the creation of an internal service fund for Fleet Maintenance. In order to show the true cost of vehicle maintenance, Fleet labor charges will be assessed General Fund departments when their vehicles are serviced at the City Garage. A fuel surcharge will also be assessed when vehicles refuel. These costs will off-set the overhead costs of the Fleet Maintenance fund.

Fuel costs have fluctuated during the current FY, from lows of \$1.71 per gallon for unleaded and \$1.66 per gallon diesel to highs of \$2.24 and \$2.32 respectively, but have consistently remained below the price of \$2.30 projected in the budget. Although gallons used are expected to remain stable, an adjustment has been made in the price of fuel for next year. For 2010-2011 unleaded is projected at \$2.40 per gallon and diesel at \$2.55 per gallon. Based on these adjustments, the line items for fuel in the General Fund departments have been increased from a total of \$654,784 in 2009-2010 to \$839,668 for 2010-2011 and \$867,833 for 2011-2012. The dollar amounts of these increases are \$184,884 (28%) for 2010-2011 and \$28,165 (3.35%) for 2011-2012.

The proposed budget includes the following new expense items: \$30,000 in the Mayor and Council budget to hire a consultant to assist with drawing the new Council District lines following receipt of the 2010 Census figures, \$12,500 in the City Clerk budget for City Code supplement service, \$32,400 in the Public Works budget for a contract to maintain railroad rights of way as discussed at the February 11, 2010 City Council meeting, \$25,000 in the Public Works budget to pay for anticipated demolitions under the non-residential building and structures maintenance code, and \$15,000 in the Community Development budget for the Dickinson Avenue façade program.

During the annual planning session the City Council instructed staff to contact each board and commission to determine any budget needs for the coming year. A list of board and commission budget requests has been compiled and will be presented during the budget process for your consideration. Appropriations for additional board and commission funding can probably be covered by the funds in the contingency account above the base amount discussed later in this budget message.

The 2009-2010 budget includes an operating expense of \$100,000 in the Human Resources Department for a classification and compensation study. This study is currently underway and should be completed prior to the end of 2010. The proposed 2010-2011 budget and the 2011–2012 financial plan both contain \$100,000 to implement any recommended salary adjustments resulting from the study.

Due to the establishment of a Vehicle Replacement Fund in 2006, vehicles and other equipment maintained by the Fleet Maintenance Division of the Public Works Department are no longer considered capital outlay and purchased through annual budgetary appropriations. Funds for the purchase of these pieces of equipment are accumulated as annualized payments through the operating expense line item called "fleet service cost fixed." The amount for each department is calculated based on the total cost (replacement fee plus an inflationary rate) of a vehicle divided by its expected useful life. Useful life is determined by the age, mileage, overall condition, and maintenance costs of a particular vehicle. Payments accumulate in the fund to cover replacement at the end of a vehicle's life cycle. Start-up money appropriated from fund balance was used to partially make up for accumulated payments that were due in the first year to cover vehicle service years prior to 2006. For 2010-2011 and 2011-2012, a total of \$1,087,981 in General Fund payments will be made to the Vehicle Replacement Fund in both years.

Total capital outlay expenses for 2010-2011 are \$310,080 and \$204,560 for 2011-2012 compared to \$94,243 in the 2009-2010 budget. Capital outlay items are furniture, equipment, and other fixed assets with a value between \$5,000 and \$35,000. Some examples of capital outlay items in the General Fund are replacement canines and surveillance equipment in the Police Department, new defibrillators for several EMS units in the Fire/Rescue Department, field tarps in the Recreation and Parks Department, and replacement of a building boiler in the Public Works Department. Fixed asset items with a value over \$35,000 are considered capital improvements.

Operating Transfers

Operating transfers from the General Fund to other funds are recommended at \$5,656,013 for 2010-2011 compared to \$6,216,681 for the current FY. Transfers are to be made to the Debt Service Fund, Sheppard Memorial Library, Sanitation Fund, and Housing Fund.

There is a \$249,524 decrease in transfer to Debt Service in the 2010-2011 FY in comparison to 2009-2010. This decrease is partially the result of a refinancing of debt which took effect in 2009-2010 and final payment of two lease purchase obligations during the current FY. The lease purchase decrease has been made possible by discontinuing the use of lease purchase debt to buy new vehicles and conversion to the Vehicle Replacement Fund discussed earlier in this budget message. The total reduction of the two lease purchase payoffs alone is approximately \$380,000. This reduction will be enough to offset the new debt service (half year interest only) on the second installment of the General Obligation Bonds approved by voters in November 2004.

The total transfer to Sheppard Memorial Library is to increase from the 2009-2010 amount of \$1,100,392 to \$1,127,008 in 2010-2011 (2.42% increase) and \$1,213,759 in 2011-2012 (7.70% increase). Also included in the 2011-2012 Library transfer is \$52,576 which is the City's contribution to the Library's roof replacement capital project. This rate of increase is consistent with the five year annual increase in contributions received by the Library from the City. In addition to the transfer to the Library for operations, the City is also responsible for the debt service on capital improvements relating to the Library totaling approximately \$500,000 annually.

The annual transfer to the Housing Fund to match the federal Community Development Block Grant and HOME programs is proposed to be \$317,637 (2010-2011) and \$323,037 (2011-2012).

A new transfer is the \$190,000 loan to the Sanitation Fund to provide funding for the multi-family recycling program as authorized by the City Council on April 8, 2010. This loan will be made in two installments and paid back with interest over four years. The annual re-payments of \$104,920 are recognized as General Fund revenue.

A significant decrease in Transfers is the absence of the annual transfer to the Public Transportation/Transit Fund which has been discontinued over the next two years. The Transit Fund transfer in the current FY was \$317,306. The Transit Fund, however, has developed a substantial fund balance because the State Maintenance Assistance Program (SMAP) funding and indirect cost funds were not considered in prior year local matching fund calculations. The Transit fund balance as of June 30, 2009 was \$1,291,855. I recommend using this fund balance for the next several years to meet the state and federal matching requirements for the bus system. This change in transfer amounts has a significant impact on the General Fund and will be explained further during the budget review process.

Capital Improvements and 5-Year Capital Improvement Plan

As in years past, the City's capital improvement program includes a capital plan representing capital requests submitted by the various departments for the two budget years plus a five-year capital plan. The five-year capital plan is provided in a separate document. The first two years of the plan, 2010-2011 and 2011-2012 are incorporated in the proposed budget. The third through fifth years' plan will serve as a guide for future appropriations. When reviewing projections for the next two years, the budget for FY 2010-2011 of \$3,962,187 is a \$137,774 decrease from the 2009-2010 budget. For 2011-2012 the budget proposal contains \$4,984,981 of capital improvements. Highlights from the capital plan for FYs 2010-2011 and 2011-2012 include; continued support for economic development, street improvements, stormwater drainage projects, the development of an Intermodal Transportation Center, and various recreation and park projects. Specific information for each project is outlined in the capital plan document and a list of the proposed capital improvement projects will be distributed during the budget presentation on May 10, 2010.

Contingency

Contingency funds are used to address unanticipated expenditure items that arise during the year. In addition contingency funds can be used as a reserve for any revenue shortfalls. When the budget was approved for the current year a two part contingency was included. The base contingency was \$200,000 and an additional \$628,687 was set aside to cover any significant revenue shortfalls. On October 5, 2009 after the State budget was approved, the City Council reduced \$223,205 from the contingency to cover the cut in beer and wine taxes discussed in the revenue section of this budget message. The base contingency for unanticipated expenses based on past experience is recommended to be \$150,000 for the first year and \$200,000 for the second year of the proposed budget. The total contingency for years 2010-2011 and 2011-2012 are proposed to be \$615,844 and \$835,902 leaving the amounts of \$465,844 and \$635,902 to address

any revenue shortfalls. These reserve amounts will be particularly important due to the continuing issues with the sales tax distributions.

OTHER FUNDS

Debt Service Fund

As highlighted in the previous General Fund *Operating Transfers* section, total debt service in 2010-2011 will decrease by the net amount of \$249,524 due to a reduction in the City's overall debt load resulting from the completion of two obligations for prior lease purchases and a reduction in other debt obligations due to the upcoming maturity of outstanding debt during 2010-2011. These reductions are offset by the new debt service (half year interest only) on the second installment of the General Obligation Bonds approved by voters in November 2004. At this point, no new debt has been recommended for the next FY; however, there was discussion during the Capital Improvement Plan process about the possibility for a new bond issue based on the unfunded street improvements, Recreation and Parks Master Plan, and future economic development. More discussion will be needed about future debt service during the budget review process.

Stormwater Utility Fund

The Stormwater Utility is an enterprise fund established to implement the City's Stormwater Management Program. Revenues are generated through a Stormwater fee. No fee increases are included in the budget for the Stormwater Utility for either budget year. Total Stormwater Utility Fund revenues and expenses are to be \$4,552,703 in 2010-2011 and \$3,801,201 in 2011-2012. The proposed budget for 2010-2011 includes \$1,625,900 for several stormwater capital improvement projects and \$300,918 in debt service for the stormwater portion of the general obligation bonds authorized in November 2004.

Bradford Creek Golf Course Fund

The Recreation and Parks Department began operating the Bradford Creek Golf Course during the 1999-2000 FY. In the ten years of City operations, expenses have exceeded revenues in every year except the first partial year. These operating deficits have been offset by loans from the General Fund. Through the FY ending June 30, 2009 the accumulated losses totaled \$518,409. The projected deficit for the current budget year is \$172,814. The goal of the Recreation and Parks Department has been to operate the golf course on a break even basis including as an expense item the payment of debt service on the loan taken out to purchase the course. In effect, the golf course in most years has been covering operation costs, but borrowing from the General Fund to pay debt service. In recent years due to the economic recession and other factors the deficits have increased contributing to greater efforts to reduce expenses. Needed improvements to the course have had to be postponed that will eventually lead to the deterioration of the facility and potentially a further reduction in revenue.

To address the problem of continuing losses for the golf course, I recommend that the General Fund purchase the facility from the golf course enterprise fund. The purchase price would be the amount of the cumulative outstanding loans from the General Fund projected to be \$691,223 on

June 30, 2010 and assumption of the outstanding bank loan. As of June 30, 2010, the outstanding balance on the bank loan will be \$360,263. The General Fund would thus pay a total of \$1,051,486 to acquire the golf course and in turn lease the facility back to the golf course enterprise fund for one dollar per year. If in the future the golf course begins to generate positive financial results, the lease payments could be increased.

By (1) relieving the golf course of the obligation to make debt service payments for the next two years that would exceed \$150,000 annually, (2) allowing the Recreation and Parks Department to undertake needed course maintenance work to enhance the course to remain at a competitive level, and (3) instituting a marketing program, I anticipate that the golf course will be able to operate on at least a break even basis with no need for a General Fund subsidy. Near the end of the two year budget, I recommend that the City Council review operations and make a decision on whether (1) to continue the golf course as an enterprise fund or transfer Bradford Creek Golf Course into the General Fund, (2) lease the facility to a private operator, or (3) attempt to sell the course to a new owner.

Further details of this proposal will be provided during the budget review process.

Public Transportation/Transit Fund

Primary funding for the GREAT bus system is provided by state and federal grants. The City is required to match these grants with local funding. As discussed in the previous General Fund *Operating Transfers* section, the Transit Fund has accumulated a positive fund balance that can be used to provide the local matching funds for the next two years. No transfer from the General Fund will be needed to maintain existing service levels. In order to place in operation the new hybrid buses being purchased using federal economic stimulus funds, two new transit operator positions are proposed to be added during 2010-2011. Prior to the arrival of these buses in early 2011, the City Council will be asked to approve a new route or improved service on an existing route.

Housing Fund

The Housing fund is similar to the Public Transportation/Transit Fund in that both are funded in large part by federal grants. The total federal funding anticipated for 2010-2011 from the Community Development Block Grant and HOME Grant is \$1,566,000. The federal funding represents 83% of the Housing Fund revenues. The remainder of the Housing Fund budget needed to match the federal grants and carry out the community development and housing programs is provided by a transfer from the General Fund. The transfer included in the 2009-2010 budget is \$228,091 and this amount has been increased to \$317,637 in the proposed budget for 2010-2011 and \$323,037 for 2011-2012.

Sanitation Fund

During the past year, the City has increased efforts to make customers more familiar with the curbside sanitation service option. As a result, there has been a noticeable decline in the number of customers who have backyard service. As a result of the declining number of backyard service and continued increasing operations costs, the ability for the fund to cover expenses has

become difficult. The proposed budget for 2010-2011 includes the hiring of three refuse collectors and a new truck to insure that the City can properly maintain the current high quality sanitation services. This additional crew was included in the 2009-2010 financial plan adopted by the City Council in June 2008, but delayed last year due to economic conditions and a desire not to increase sanitation fees at that time. The increase in recycling rates further justifies the need for this additional manpower at this time.

Sanitation expenses also will be increasing by \$130,000 per year to cover for the billing expenses charged by Greenville Utilities Commission which have previously been fully absorbed by the Storm water Utility Fund. Also the establishment of the Fleet Maintenance Fund will result in a net increase of \$102,300 for servicing sanitation vehicles. Fuel costs are anticipated to increase by \$48,393.

The impact of these several significant cost increases combined with the addition of the new crew, and salary increases for existing employees raises the overall cost of sanitation services to \$6,673,511. Without adjustment, sanitation revenues will not be sufficient to cover costs in 2010-2011. A 12.9% increase in sanitation fees is needed in order for sanitation fees and other Sanitation Fund revenues to fully cover costs. The proposed 2010-2011 budget includes increased monthly sanitation fees as listed below. No fee increase for 2011-2012 is proposed at this time.

On April 8, 2010 the City Council approved a surcharge of \$.42 per month for all multi-family sanitation accounts to pay for the expanded multi-family recycling program. This surcharge is reflected in the proposed rates below. The General Fund will provide the upfront funding to purchase the multi-family recycling centers via a loan during the next two years (\$190,000/year). Sanitation has budgeted to pay the General Fund back over a course of four years from the new revenue that will be generated by the program.

	<u>2009-2010</u>	<u>2010-2011 (Proposed)</u>
Curbside	\$9.60	\$10.84
Multi-Family	\$9.15	\$10.75
Backyard	\$26.00	\$29.36

Fleet Maintenance Fund

As introduced within the General Fund section of this budget message, the Fleet Maintenance Fund will be established as a new internal service fund effective July 1, 2010. This fund will assist in better tracking and costing out all expenses related to the maintenance of City vehicles. Historically, this function was contained within the General Fund and any losses generated would be absorbed by the General Fund. There were several assumptions used when establishing the Fleet Maintenance Fund. In order to recoup on all costs related to vehicle maintenance, the new Fund implements a \$60/hour labor rate, 25% markup on parts, and a 15 cents per gallon markup on fuel. In light of the charges that will be needed to run the fleet program, rates continue to be competitive with outside vendors who perform similar work.

SUMMARY

The proposed 2010-2011 budget and 2011-2012 financial plan balance revenues with expenditures in accordance with state statutes. The proposed budget and financial plan substantially address the goals and objectives established by the City Council and provide the financial resources necessary to continue the current level of City services, meet the increased demand for services that result from a growing community, pay for a limited number of new initiatives, and address increased costs in such areas as health insurance and retirement. These objectives are accomplished despite the negative impact on revenues caused by the most severe economic recession since the Great Depression and without reducing City financial reserves.

While developing this comprehensive budget, the entire City staff has worked diligently to prepare and put together a recommendation that will meet the needs of Greenville and its citizens. The proposed budget and financial plan are based on the continuation of the property tax rate of \$.52 cents per \$100 of assessed value and only one adjustment in service fees. Although the slowdown in economic activity has negatively impacted several revenue sources, continued monitoring and curtailing of City expenses has helped cover most of the City government's increased operating costs.

I wish to extend appreciation for the hard work of the staff in all departments throughout the organization in preparing this budget proposal. In particular, the Financial Services Department continues to perform dedicated service in coordinating the City's biennial budget process.

I am confident that this two-year budget will assist the City of Greenville in continuing its mission to provide all citizens with quality services in an open, ethical manner, insuring a community of distinction for the future. I invite your questions and comments as we work together to review the budget and financial plan during the remaining weeks of the budget adoption cycle.

Respectfully submitted,

/s/Wayne Bowers

Wayne Bowers
City Manager

“COPY”

Council Member Blackburn stated that the City had a responsibility to the resident of Greenville to make sure that Council is not only doing what must be done but also what should be done to plan for the future. Council Member Blackburn informed the Council that she spent a lot of time visiting the City's parks and as liaison to the Recreation and Parks Commission she heard all the good things that the City was doing, but stated there were also pressing needs and some urgency to meet those needs. Council Member Blackburn further stated that she would like to consider finding more resources to actively move forward on parks projects. The City could begin new parks in areas that are experiencing growth such as east Greenville as well as

addressing older established parks, especially neighborhood parks that need renovations, parking areas, new equipment and landscaping for use by children. There is a chance to do this because the City has retired some of the City's previous debt, giving staff the flexibility to address more park needs. Among the projects in the Master Park Plan the City owns more than 100 acres, environmentally compelling land, on Tenth Street East which is designated for use as a park with walking paths already in place and flat fields are ready for ball games. Council Member Blackburn informed the Council that she attended her first planning meeting in the year 2000 while looking at the City's Capital Improvement Program budget and this park was an unmet need then and remains as an unmet item in the budget through the year 2015. The City's Master Park Plan has many other projects that staff is presently unable to start, such as the Dream Park at Skinner and Chestnut Streets which is underused because it lacks parking and landscaping. There is also a park on Kristen Lane, formally Tobacco Road, where dozens of children play every day but where more and new equipment could bring much happiness. Council Member Blackburn informed the Council that it was her understanding that the City may be eligible for federal funds or other monies for renovations at South Greenville Gym, but some of these funds could be provided sooner as a plan B until other funding is available. The City could also use ramps and practice areas for the City's professional bike riders. The City will also be receiving a State Park and Recreation Trust Fund Grant which will allow the City to begin the Drew Steele Center for people with all abilities, which is an important step for our community and does not require any funding. This is an opportunity to turn to the big picture of parks throughout our city.

Council Member Blackburn asked the Council to consider Certificates of Participation or COPS this budget year to the extent that fits within the budget guidelines. The COPS would allow the City to begin work on critical park needs which have gone unmet, and the City could use the monies to both address the need to jumpstart new parks as well as address lingering needs at the older parks. The City has begun to accomplish several projects over the past two years and given the current pressing needs for parks, Council Member Blackburn asked the Council to consider a proposal for COPS for parks.

Discussion occurred regarding the City's parks and playgrounds, and it was decided that City Manager Bowers would come before Council on Thursday, May 13, 2010, regarding cost and input by the City Council and the Parks Commission.

During the Manager's presentation regarding Bradford Creek Golf Course, he asked Mr. Gary Fenton, Director of Recreation and Parks, to make comments as follows:

Bradford Creek

Mr. Gary Fenton, Director of Recreation and Parks, informed the City Council that it has been the Recreation and Parks Department's desire to make Bradford Creek successful in terms that not only relate to the services it provides, but of the people who enjoy the golf course and its potential for benefiting the City's economy and quality of life. Mr. Fenton stated that he felt that golf is an important component of the services that Recreation and Parks provides and for whatever reason, golf has been considered one of the few forms of recreation that is not deserving of financial subsidy, perhaps because at one time it was thought of as an activity only for the wealthy. Public golf, however, has made it possible for lots of people to take up the sport. Since the beginning of Bradford Creek, the goal has been through fees to recover all of

Bradford Creek's direct operational expenses, as well as an annual debt service payment. Meeting this goal has been challenging and has been particularly true with recent economic conditions on top of extreme weather this past year. The Recreation Department might celebrate a recovery of 90% of the cost of providing any other recreational service, but in golf such a cost recovery of 90% is considered "missing the mark" or "not reaching the goal". Mr. Fenton stated that the budget is close to \$1 million with \$900,000 at times and more than that at times. The goal does remain that staff is targeting to provide the highest level of service for the lowest possible cost.

Mr. Mark Gillespie, Parks Superintendent, stated that he assumed control of the Bradford Creek Public Golf Course in January 2010 and the staff established numerous initiatives designed to enhance customer satisfaction and improve player experience, which would improve the revenue picture. As part of the extensive marketing research effort, staff met with the President of NC Golf Course Owners Association in February to seek advice on trends in the golf course industry. A comprehensive marketing plan was developed for the course, and elements of the plan are as follows:

1. Establish a Golf Course Advisory Committee; seek citizen input on course practices, procedures, outreach programs, and future course renovations and/or developments.
2. Upgrading the Bradford Creek Public Golf Course web site to create a more inviting appearance, publicize events and allow for on-line tee time reservations.
3. Initiating a new Point of Sale System that will facilitate the on-line tee time system, better track the most loyal customers, and market to those customers.
4. Club house enhancements are underway and will promote the golf course's programs and provide for a better customer experience.

Mr. Gillespie stated that with these initiatives Bradford Creek can improve customer satisfaction and improve the revenue picture.

Mr. Michael Cato, PGA Head Golf Professional and General Manager of Bradford Creek Public Golf Course, informed the Council that being at the golf course each and every day he had the opportunity to see and hear from thousands of people who utilize the course and find it is a great asset to the community although rounds of golf, not only locally, but across the country, have fallen off over the past few years. The overall potential for Bradford Creek to be a positive impact in the community is still outstanding. Even in a down economic year, the rounds of golf and the driving range participation equaled over 40,000 participants last year. Also, last month's revenue reported the best month in the history of the course. This proves that people are continuing to come out and enjoy what the golf course has to offer. There are some areas that staff can improve, and staff is continuing to come up with ideas that will help reach the course's full potential. Mr. Cato stated that as a PGA Professional, his major focus and commitment is to the growth of the game and he felt that Bradford Creek had done an excellent job thus far and it is the Club's goal to continue to grow the game in the future by introducing new programs and creating more opportunities for lessons and clinics. Bradford Creek's programs such as Snag Junior Golf, the Bradford Creek Junior program, the PGA Get Golf Ready Days, and the ladies

programs have all seen participation increases in the last few years. Although some of the programs do not immediately affect the bottom line at the course, they will hopefully secure our future in the sport and provide the community with a positive recreational experience. In addition to the growing the game initiative, Bradford Creek is continuing to give back to the community by hosting several golf tournaments and outings per year. Over the 10 years that the City has owned the golf course, staff has held over 140 tournaments with approximately 80% of those tournaments going to charity or fundraising tournaments such as Babe Ruth Baseball, the United Way, Cancer Society, and the Carolina Pregnancy Center to name a few. Mr. Cato stated that in conclusion the Bradford Creek Golf Course is a true asset to the community and with continued support we can show future financial success.

Mr. Fenton stated that seeking input from the Advisory Board, developing and instituting a marketing plan, maintaining high conditions, offering first-rate services, focusing on the customer and tracking that customer as he or she uses the facility in keeping current golfers while attracting newer ones and at the same time eliminating the need for debt service payments. Staff believes that Bradford Creek can continue to be a community benefit to the Greenville community at large.

Council Member Joyner stated that there are three more years left on the City's debt service, and what he sees is a nice golf course that is going down every year. If the City tried to sell the property now, it would not be easy to sell. This is something that the City already had and in order to give the golf course a chance, the City needs to increase the budget to make sure the property is in good shape whether the City sells the property or not.

Mr. Fenton informed the Council that golf courses in America were overbuilt at a time when golf was not growing as fast as the courses were, and that budget tightening and cutting maintenance would further reduce revenues and people would stop going to the golf course. Mr. Fenton further stated that staff needed to foster more development because golf courses fight for the same golfers and there are a huge percentage of golfers that have not made it to the golf course, and staff would like to grow those people in the future.

Mayor Pro-Tem Kittrell stated that he supports Bradford Creek standing on its own because it is not fair to other golf courses in the community who are also suffering. Mayor Pro-Tem Kittrell further stated that he had no problems with trying to save Bradford Creek, but he was against giving a leg up for the City competing with Brook Valley, Ironwood and other golf courses. He was also against taking monies out of the enterprise fund from the concept of measuring the dollars the City is putting in Bradford Creek, and he stated that he did not have any problems if the City Manager wanted to pay off the debt, but if the City started saying the debt as another recreation item then he did not know how the City would track those expenses.

Mr. Fenton informed the Council that the debt would not be merged into other recreation budgets and would stand on its own. The purpose would be to recover any capital improvements that the City has put in the golf course and to cover all the direct cost including salaries, utilities, and equipment.

Upon being asked where the money would come from, Mr. Fenton replied that the money would come from the City by not paying the debt any longer and the increases in marketing. This is

why staff is having these discussions regarding the two-year program in hopes that a good marketing initiative might change the Golf Course.

City Manager Bowers stated that staff is recommending the continuance of the enterprise fund for at least two years and not recommend having an enterprise fund. The only thing being recommended is the general fund would pay back the debt.

Mayor Pro-Tem Kittrell stated that he was for approving the capital but did not want to hear that that the debt had evaporated because the City paid it off.

City Manager Bowers stated that it was his recommendation that the assets would be charged to the General Fund if in the future the golf course generated enough money that it could buy back the assets. The City is not going to be able to pay the debt off if it continues as we are. Staff is trying to give Bradford Creek a chance for the next two years and if it comes back in two years and it has not met the needs, then there might be a different set of alternatives.

EASTERN REGIONAL BASKETBALL TOURNAMENT STATUS REPORT

Mr. Gary Fenton, Director of Recreation and Parks, stated that the City of Greenville has been host to the North Carolina High School Athletic Association Eastern Regional Basketball Tournament for 20 years now and that is long enough for it to be labeled a Greenville tradition. As you know Greenville was recognized in Sports Illustrated as a Sports Town USA for North Carolina, and that makes it extremely fitting that the tournament be hosted in Greenville. This tradition has been made possible through agencies and corporate support that also became traditional over the years. In recent years the corporate support came predominately from the University Health Systems of Eastern North Carolina, and their repeated contributions to this great event have been significant and we are grateful for that. The corporate contributions and commitment have been accompanied by support and involvement with the Pitt County Schools, East Carolina University, Greenville-Pitt County Chamber of Commerce, the Convention and Visitors Bureau, and the City of Greenville. Also in recent years Dr. Jimmy Grimsley has served as the Tournament Director, and he has been a pleasure to work with. The latest contract for the Eastern Regional Tournament expired following this year's event.

Dr. Grimsley stated that for 20 years, 32 teams were brought in every year from Eastern North Carolina, Winston-Salem, Greensboro, and back towards the coast. Every year we bring approximately 12,000 or 15,000 fans, spectators, and players who come to Greenville for this event. Every year the contract with the North Carolina High School Athletic Association provides that the Association receives all the revenues and all the expenses must be paid from local sources here. Now that the University Health Systems has made a corporate decision to stop their major contributions, we are no longer able to support the tournament. Greenville has always been listed in the State High Schools Athletic Association as a City Host Sponsor but at this point and time they gave me a drop-dead period for me to try to get the finances. I was not able to. But I was not hired as a fundraiser but was hired to operate the tournament, and that is where we are now. We are at the point we think it is the perfect venue for a tournament of this sort and I told Mr. Fenton and many people throughout this process that the tournament - because of Rose or Conley and South Central are not in it every year it is much more important to the people of Eastern North Carolina and surrounding areas than it is Greenville because if we

had a team in it every year it would probably be much easier to get financing, but that is the situation we are in so at this point and time if we don't see the financing then the tournament is gone and the State will receive bids from other towns. There are other towns who want it, such as Fayetteville and Raleigh, who has a sports commission that heads up games, Greensboro has a sport commission and they just received a 10-year contract with Greensboro for the western regionals. At this point in time, I have notified the state that we do not have the finances to continue.

Upon being asked what the cost would be, Mr. Grimsley stated that it would cost \$60,000 to \$65,000 per year to operate the tournament for one week. The City would pay all the teams expenses in addition to the officials, which includes travel, meals, hotels, plus all the people that work at both venues. This is a major undertaking for that week. It is a great event.

Mr. Fenton stated that it does not have a high economic impact on our community because most teams do not stay the night because they do not live that far from the tournament. For the whole sports initiative in our community, it is great to have this tournament here. The unfortunate part was we received \$40,000 for several years from the University Health Systems and we have subsidized from our own budget about \$16,000 on top of that. So you are really talking about \$50,000 to \$55,000 but all that goes back to the High School Athletic Association. It is a tough thing to lose after 20 years. If we do lose it, we hope that we will get it back sometime, and we probably will.

Mr. Bowers informed the Council that over the years the City has had a working group and Debbie Vargas was a part of that group as well as representatives of the School System, because we use one of their facilities. ECU has been involved, and we have received a small amount of money from the Convention and Visitors Authority in the past. In our meetings Debbie Vargas has made it clear they did not think they got a lot of people who spent the night here because they were within driving distance.

Council Member Joyner and Council Member Blackburn asked for information from the Chamber of Commerce and the Visitors Authority. City Manager Bowers stated that the Chamber and the Convention and Visitors Bureau both stated that they did not recommend having the tournament in Greenville again.

Council Member Joyner stated that he had gone to tournaments several times and sometimes this is the first time someone sees Greenville because they live 2 to 3 hours away. Council Member Joyner further stated that if the City broke even he would be in favor of the tournament. Council Member Joyner asked staff to get information/detail on the tournament from Debbie Vargas and Susanne Sartelle.

RESOLUTION OF INTENT TO CLOSE PORTIONS OF TWELFTH STREET AND LAWRENCE STREET – ADOPTED

Mr. Wes Anderson stated that this is a resolution of intent to close a portion of Twelfth Street from Charles Street to Lawrence Street and a portion of Lawrence Street from Eleventh Street to Twelfth Street. The City has received a petition from the Board of the Greenville Masonic

Temple on behalf of the Edwards Communities Development Company of Columbus, Ohio, requesting the closure and abandonment of the street segments.

The Edwards Communities Development Company is pursuing the development of a new student living complex in Greenville. Staff does not have any objection to the request for closing the public rights-of-way associated with the identified street segments of Twelfth Street and Lawrence Street. The resolution declaring the intent to close the portions of Twelfth Street and Lawrence Street will be advertised for four consecutive Mondays in The Daily Reflector. Signs will also be posted at locations along the street providing notice of the public hearing. City Council will hold a public hearing on Thursday, June 10, 2010, to consider closing the streets. The order closing the public rights-of-way for the identified street segments of Twelfth Street and Lawrence Street shall become effective when the following condition is met:

The recordation of a final plat in accordance with the Subdivision Regulations for Greenville, North Carolina, which combines the lots, as identified with the Pitt County Register of Deeds Office, consisting of Parcels 32776, 19412, 01661, 24471, 19730, 01428, and the eastern portion of Parcel 29048, so that said lots are one lot of record.

Staff's recommendation is to close a portion of Twelfth Street from Charles Street to Lawrence Street and a portion of Lawrence Street from Eleventh Street to Twelfth Street.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Kittrell to adopt the resolution. Motion carried unanimously. (Resolution No. 10-32)

AUDIT SERVICES CONTRACT - APPROVED

City Manager Bowers referenced the Council's April 19th approval of a contract for auditing services with Martin Starnes & Associates, CPAs, P.A. Award of the contract was conditional in that there must be a different engagement partner from the prior budget year. Martin Starnes has indicated by letter that they are unable to change the engagement partner, and they recommend substituting the Audit Director. Staff recommends, if the Council truly wants someone different in the engagement partner role, that they withdraw the contract with Martin Starnes and consider the next proposal, which was from McGladrey & Pullen, LLP, who does have a designated engagement partner not previously involved in the City's audit.

Motion was made Council Member Blackburn and seconded by Mayor Pro-Tem Kittrell to withdraw the award of the contract for auditing services made at April 19, 2010 meeting due to the inability of Martin Starnes & Associates, CPAs, P.A. to comply with a condition of the award, and to award said contract to McGladrey & Pullen, LLP for an intended engagement period of five (5) years, subject to approval of a contract on an annual basis, with Lou Cannon as the designated engagement partner for the FY 2009-2010 audit. The motion carried by a vote of 5:1, with Council Member Joyner casting the dissenting vote.

REVIEW OF MAY 13, 2010 CITY COUNCIL AGENDA

The Council did a cursory review of the May 13, 2010 City Council Agenda.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council Members made general comments about upcoming and past events.

CITY MANAGER'S REPORT

City Manager Bowers stated that he was trying to schedule a joint meeting with Greenville Utilities at 5:00 PM on the 24th of May, 2010 regarding the Pay and Benefits Plan.

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 in accordance with G.S. 143-318.11(1)(6). Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Smith to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Joyner and seconded by Council Member Smith to adjourn the meeting at 11:45 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg, CMC
Interim City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
May 13, 2010

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 J. Bryant Kittrell III
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Kandie Smith
Council Member Calvin R. Mercer
Council Member Marion Blackburn
Wayne Bowers, City Manager
Patricia A. Sugg, Interim City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers informed the City Council that there were changes to the agenda beginning with Item 1A, which is an item that Council carried over from the Monday meeting. It will be discussed under old business, right after Appointments to Boards and Commissions, topic being the Eastern Regional Basketball Tournament status report. A new item was added to the agenda as Item #10, to discuss appointment of the new City Clerk. It is further recommended that the Closed Session at the end of the agenda be deleted.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to approve the agenda with the changes to the agenda as recommended by the City Manager. Motion passed unanimously.

SPECIAL RECOGNITIONS

Recently Retired City Clerk Wanda Elks was presented a retirement plaque for 27 years of service.

The graduates of the third annual Greenville Citizens Academy were presented graduation certificates.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

Community Appearance

Motion was made by Council Member Smith and seconded by Council Member Blackburn to appoint Valerie Guess to fill an unexpired term expiring July 2011, replacing Teasha Barrett who resigned. Motion carried unanimously.

Environmental Advisory Commission

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to appoint Laura Williamson to fill the slot, "a member of a local environmental group", for a first three-year term expiring April 2013, replacing Jessica Christie who is ineligible for reappointment. Motion carried unanimously.

Historic Preservation

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Allan Kearney to fill an unexpired term expiring January 2011, replacing Minnie Anderson who resigned. Motion carried unanimously.

Housing Authority

Mayor Pro-Tem Kittrell nominated Larry Barbour to be reappointed. Motion was made by Mayor Pro-Tem Kittrell and seconded by Council Member Joyner to reappoint Larry Barbour to a first five-year term expiring May 2015. Motion carried unanimously.

Human Relations Council

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to appoint Heena Shah to fill an unexpired term expiring September 2012 replacing Franchine Pena who is ineligible for reappointment; to appoint Shatka Richardson to fill an unexpired term expiring September 2011 replacing Shane Martin who moved out-of-state; to appoint Gullaume Bagal as the East Carolina University student representative to fill an unexpired term expiring October 2010, replacing T. Neal Lowery who resigned; and to continue the replacements for James Cox and Keisha Staton who resigned. Motion carried unanimously.

Youth Council

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Kittrell to appoint Christine Hong to fill an unexpired term expiring September 30, 2010. Motion carried unanimously.

Planning and Zoning

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Cathy Maahs-Fladung as Alternate #1 to a first three-year term expiring May 31, 2013;

to appoint Charles Garner as Alternate #2 to fill an unexpired term expiring May 31, 2011; to elevate Tony Parker from Alternate #1 to a regular member to serve a first three-year term expiring May 31, 2013, replacing Robert Ramey who did not wish to be reappointed; and to elevate Arthur Maxell from Alternate #2 to a regular member to serve a first three-year term expiring May 31, 2013, replacing Len Tozer who is ineligible for reappointment. Motion carried unanimously.

Public Transportation and Parking Commission

Council Member Smith stated she wished to continue the appointment of a replacement for Mary Fedash, who moved out of the City limits.

Recreation and Parks Commission

Motion was made by Council Member Blackburn, and seconded by Council Member Joyner to appoint Donald Williams to a first three-year term expiring May 31, 2013, replacing James Bond who is ineligible for reappointment; to reappoint Freddie Outterbridge to a second three-year term expiring May 31, 2013; and to continue the replacements for Gary Hassell, who resigned, and Wilson McDowell, who is ineligible for reappointment. Motion carried unanimously.

EASTERN REGIONAL BASKETBALL TOURNAMENT STATUS REPORT

City Manager Bowers reminded the Council that this item is a carryover of Monday's discussion regarding the Eastern Regional Basketball Tournament. Debbie Vargas provided information requested by the Council on the local economic impact, and City Staff provided financial reports for the last four years when the City served as the primary sponsor/administrator for the tournament, and year-to-date figures, which are not yet complete.

City Manager Bowers stated that the contract has expired and unless the City makes a proposal, the High School Athletic Association will put out a bid request to all other communities. The City's recommendation, since no sponsorship has been received to date, is to not make a proposal on behalf of the City. No action was taken by City Council. Therefore, no proposal on behalf of the City will be submitted.

SECOND READING OF AN ORDINANCE GRANTING A TAXICAB FRANCHISE TO MELVIN ELAM JR. AND MELVIN ELAM SR. D/B/A RED WHITE AND BLUE – ADOPTED

Police Chief William Anderson stated that this is a second reading of an ordinance granting a taxicab franchise to Melvin Elam, Jr. and Melvin Elam Sr. d/b/a Red White and Blue. Melvin Elam, Jr. and Melvin Elam Sr. d/b/a doing business as Red White and Blue have requested a franchise to operate a taxicab in the city of Greenville. Upon review of the application by the Financial Services, Police, and Community Development Departments staff recommends approval of the request. The ordinance was considered on first reading at the May 10, 2010 City Council Meeting and a public hearing and second reading of the ordinance are scheduled for May 13, 2010. Notice of the public hearing was advertised in The Daily Reflector on May 3rd, 2010 and notification has been submitted to all taxicab franchisees. Staff recommends that City

Council conduct a public hearing and adopt the attached ordinance on second reading granting a taxicab franchise, for not more than two vehicles, to Melvin Elam, Jr. and Melvin Elam Sr. d/b/a Red White and Blue.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being no comments, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Blackburn to adopt on second reading the ordinance granting a taxicab franchise to Melvin Elam, Jr. and Melvin Elam Sr. d/b/a Red White and Blue. Motion carried unanimously. (Ordinance No. 10-43)

ORDINANCE REQUESTED BY THE REDEVELOPMENT COMMISSION TO AMEND THE SIGN REGULATIONS TO ALLOW WALL PROJECTION SIGNS WITHIN THE CD (DOWNTOWN COMMERCIAL) ZONING DISTRICT SUBJECT TO ORDINANCE REQUIREMENTS AND STANDARDS – ADOPTED

Chief Planner Harry Hamilton stated that this is a request by the Redevelopment Commission to amend the sign regulations to allow small scale projection signs within the CD (Downtown Commercial) zoning district subject to ordinance requirements and standards.

This ordinance is also within the goals and objectives of the Center City plan. Center City is very unique. The downtown area has parking, building setbacks and signage standards that are unique to that area. Within the past year, several businesses have expressed interest in projection signs. Projection signs are signs under the Greenville Code that extend more than a foot beyond the face of the building. Chief Planner Hamilton stated that years ago, Greenville had a lot of these types of signs throughout the downtown area.

A survey of other jurisdictions both in-state and out-of-state was conducted and it found that projection signs, especially downtown, are very common. Almost everyone allows them. Everyone in the CD zoning district can benefit from these proposed standards.

Chief Planner Hamilton informed the Council that currently, no wall sign in any district may project more than 12 inches from the building wall. This requirement was designed to restrict wall signs to flush mount displays. A wall sign requirement of this type is appropriate in areas where buildings are set back from the roadway an adequate distance to afford acute angle visibility of flush mount displays. In areas such as the downtown, where most buildings are located close to or on the right-of-way line, the 12-inch projection rule substantially restricts sign visibility at even modest distances.

The Redevelopment Commission has studied this issue over the last several months and has determined that an increase in the wall sign projection standard is necessary to afford reasonable wall sign visibility in the CD (downtown commercial) district, and that this proposed amendment is in support of the goals and objectives of the Center City Revitalization Plan.

The proposed ordinance does not affect or change the total amount of wall signage area currently allowed. The ordinance provides wall sign projection flexibility as an option to the property owner.

The Redevelopment Commission recommended amendments as follows:

Wall projection signs shall be allowed only in the CD (downtown commercial) district and such signs shall be subject to compliance with all of the following requirements:

- (a) Shall be permanently attached to an exterior wall of a building in a manner approved by the Building Inspector.
- (b) Shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy.
- (c) May project horizontally from the building wall not more than three (3) feet, or two-thirds (2/3) the distance from the building wall to the inside edge of the street curb line as located at the time of sign permit approval, whichever is less.
- (d) The message portion of the sign, including any letters and/or graphics, shall be perpendicular in orientation to the building wall.
- (e) The bottom edge of a projection wall sign shall be parallel to the finished floor of the building.
- (f) There shall not be more than twelve (12) inches between the sign display areas (faces) of a double sided sign. Three-dimensional projection wall signs not composed of flat sign display surfaces shall not be permitted.
- (g) Projection wall signs shall be located on private property, provided however, a projection wall sign may encroach into the street right-of-way in accordance with an encroachment agreement approved by the City, and where applicable, the State Department of Transportation.
- (h) Buildings with two (2) or more stories shall not have projecting signs located higher than the inside finished ceiling of the second story or twenty-four (24) feet, as measured from the finished grade directly below the sign to the highest point of the sign, whichever is less.
- (i) Not more than one (1) projection wall sign shall be allowed per each individual principal use establishment.
- (j) Projection wall signs for individual principal use establishments located in a common building shall not be located closer than eight (8) feet from any other projection wall sign located on the same building.
- (k) All projection wall signs for individual principal use establishments located on a common building facade shall be of equal dimension, including but not limited to, individual sign display area, width, height, horizontal projection. Sign height above grade may vary provided compliance with subsection (m) below.

(l) Projection wall signs shall be considered part of the total wall sign allowance, provided however, no projecting wall sign shall exceed ten (10) total square feet in sign display surface area. A single side of a double-face sign shall be utilized for the sign surface area calculation.

(m) Minimum height of a projection wall sign, as measured from the finished grade directly below the sign to the lowest point of the sign, shall be not less than eight (8) feet, except as further provided. Projection wall signs subject to street right-of-way encroachment agreement approval shall have a minimum height of not less than ten (10) feet, or per encroachment agreement condition, whichever is greater.

(n) If required, all right-of-way encroachment agreement(s) must be granted by the approval authority prior to sign permit application. A copy of any encroachment agreement and any conditions shall be attached to the sign permit application.

Mr. Hamilton delineated the property zoned as CD (downtown commercial) District on the map and explained the request. He stated that the area would be expanded in the future to Tenth Street and in the vicinity of the railroad tracks.

Council Member Joyner stated that he would like to get a report regarding the sign ordinance, the enforcement and the number of violations and ways we can improve the signs.

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

There being no comments, the public hearing was closed.

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to adopt the ordinance. Motion carried unanimously. (Ordinance No. 10-44)

ORDINANCE TO ANNEX DTF, LLC (TRADE/WILCO) PROPERTY, INVOLVING 4.844 ACRES LOCATED AT THE NORTHWESTERN CORNER OF US HIGHWAY 13 (HIGHWAY 264A) AND ALLEN ROAD, EAST AND SOUTH OF NANCY A. BEARDSWORTH SUBDIVISION, SECTION 2, LOTS 1 AND 3 – ADOPTED

Director of Community Development Merrill Flood explained that advertisement was run in The Daily Reflector on May 3, 2010 setting this time and date and place for a public hearing to consider an ordinance annexing the DTF, LLC (Trade/Wilco) property. The property is contiguous to the primary city limits and contains 4.844 acres. The property is located in Voting District 1 and is being annexed since the property seeks sanitary sewer service as part of an expansion and extension of a sanitary sewer line that will be tied into the central sanitary sewer system and as a result it would require annexation. The property is approximately 2.25 miles from the Fire Station, but no population is involved.

As a result of the annexation, it is anticipated that it will contain a new convenience store. The current and anticipated population is 0. The property will be served by Station 5, which is 2.41 miles from the fire station. If approved, the effective date of annexation will be June 30, 2010.

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. Motion carried unanimously. (Ordinance No. 10-45)

RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROEPRTY AT 605 HUDSON STREET TO TYIANA BOND – ADOPTED

Mr. Flood stated this item was brought before City Council at the April 2010 Council meeting, at which staff was authorized to sign the offer to purchase contract.

This is one of the homes built by the City in the 45 block revitalization area. The home is at 605 Hudson Street and the proposed price and previously set fair market value was \$100,000 by City Council action on August 2008. The proposed buyer, Tyiana Bond, would occupy the home as her principal residence. Ms. Bond has met, or is in the process of meeting, all the requirements. Staff recommends approval of the sale of the property to Ms. Bond in the amount of \$100,000.

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 approve the offer in the amount of \$100,000 and to authorize the City Manager or his designee to sign the required documents for the sale of the home to Ms. Tyiana Bond. Motion carried unanimously. (Resolution No. 10-33)

RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROEPRTY AT 903 DOUGLAS AVENUE TO SHAWAN RASCOE – ADOPTED

Mr. Flood stated this property is also located in the 45 block revitalization area at 903 Douglas Avenue. The proposed purchase price will be \$95,000, and the prospective buyer is Shawan Rascoe. This is the price that was set by City Council on August 11, 2008. Ms. Rascoe is in the process of securing a mortgage and all indications are that she will be able to do so. It is recommended the Council approve the offer following public hearing.

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 Mayor Pro-Tem Kittrell to approve the sale of city-owned Property at 903 Douglas Avenue to Shawan Rascoe for 95,500 and to authorize the City Manager or his designee to sign the required documents for the sale. Motion carried unanimously. (Resolution No. 10-34)

PUBLIC COMMENT PERIOD

Mr. Scott Hucks, of 103 Nichols Drive, informed the Council that he came before them in March 2010 regarding a problem with storm water runoff and the erosion caused by inadequate storm drainage. Following the meeting in March, Mr. Hucks stated that he had numerous conversations with several Council Members, City Engineers and a couple of gentlemen who are doing a study of the storm drainage problems. Mr. Hucks stated that their neighborhood has been having problems for a long time and he shared a video of the water going across his property. Mr. Hucks further stated that he had found out today that several options were being discussed by the City regarding the possibility of diverting some of the storm water to alleviate the problem. Mr. Hucks shared a petition with several names on it for the Council's review and stated that he hoped the City would take corrective steps so the amount of erosion will be minimal in the future and the problem would be decreased. Mr. Hucks asked the City Council to try to find funds for the upcoming budget to take care of the repairs and help make the neighborhood beautiful.

Marcus D. Waller, of 204 Kent Road, stated that he had asked the Corps of Engineers about the storm drainage problem and was told that if the neighborhood got an approval by the Corps of Engineers, the problem could be corrected by the City of Greenville.

Evelyn Hinnant, of 201 Kent Road, stated that she has incurred a lot of expense over the years regarding the storm water runoff and is concerned about what is going to happen to her home because she cannot continue to spend the money that it is costing her.

PROPOSED ORDINANCE EXCLUDING PORCHES AND SIMILAR AREAS AS AN APPROVED PARKING AREA - APPROVED

City Attorney Holec stated that the City Council requested, at their April 5, 2010 meeting, that an ordinance be prepared which would prohibit motorcycles being on porches. During discussion on this matter, aesthetic concerns were raised. Additionally, a motorcycle being on a porch poses a safety issue since it involves fueled equipment being located near a building, which is a concern in the event of a fire. The concern is heightened since the location also would likely be near a point of ingress and egress to the building.

Section 9-4-248 of the Zoning Ordinance currently requires that all parking surface areas be constructed of hard surfaced all-weather material. This ordinance is enforced by Code Enforcement by the issuance of a citation when a vehicle is not parked on a hard surfaced all-weather material. The civil penalty for the violation is \$25. Citations are issued when automobiles, trucks, motorcycles, trailers, and similar vehicles are parked. Citations are not issued for bicycles, toys, and similar items.

Extending the coverage of this ordinance by providing an additional restriction could accomplish the desired result of prohibiting the parking of motorcycles on porches. This would be accomplished by defining as a non-qualified approved parking surface or parking area a porch and similar locations (stoops, stairs and landings, roofs, access ramps, fire escapes, decks, balconies, building ledges, improved walkways, sidewalks, greenway easements and exterior

mechanical equipment). There is an ordinance which has been prepared for Council consideration.

In order to determine whether other North Carolina cities have an ordinance which prohibits the parking of motorcycles on porches, inquiries were made on the list serves of Planners, City Clerks, and City Attorneys. None of the inquiries received a response that any North Carolina city had such an ordinance.

City Attorney Holec stated that since this will be a zoning ordinance amendment if council decides to proceed with it, the action would be to initiate the amendment to the zoning ordinance and refer it to the Planning and Zoning Commission for review and recommendation. Following their review, the ordinance would come back to Council for public hearing and final decision.

Motion was made by Council Member Glover and seconded by Council Member Blackburn to initiate the amendment to the Zoning Ordinance and refer it to the Planning and Zoning Commission for review and recommendation back to City Council. Motion carried unanimously.

ORDINANCE PROPOSED TO REQUIRE A SEPARATION REQUIREMENT BETWEEN PUBLIC AND/OR PRIVATE CLUBS AND RESIDENTIAL USES AND RESIDENTIAL ZONING DISTRICTS – ADOPTED

Chief Planner Harry Hamilton reminded the Council of their approval several months prior of an ordinance to establish separation requirements between clubs. After the ordinance was adopted, clubs could not be any closer than 500 feet to another club. Clubs are a special use permit and continue to be within all the zoning districts and commercial districts. However, there is no separation requirement between clubs and residential uses. Clubs tend to be a high impact use, with a lot of late night activity and of course dwellings are very low impact use. There are instances where the City has experienced conflict between the two. The City Council, following the adoption of the separation requirement between clubs, asked staff to bring back an ordinance for consideration as to whether or not they should consider establishing a separation requirement between clubs and residential uses.

The staff conducted a survey in March of 16 cities. Of those cities surveyed, Cary, Garner and Wilson all require a separation requirement between clubs and residential uses. In Cary, they require that if a club has outdoor activities, it has to be located 100 feet from a residential zoning district for those outdoor activities. In Garner, clubs have to be separated by 500 feet from residential dwellings or residential districts. In Wilson, a club cannot be located within 500 feet of a residence. At the time of the survey, Rocky Mount was considering a 100 foot separation requirement between clubs and residential uses, as well as schools, parks and churches. They have no special requirement between clubs, nor do any of the other cities surveyed.

Mr. Hamilton provided a map of zones throughout the City that showed where public and private clubs were permitted. In Staff's opinion the resulting available area would allow reasonable use opportunities for public and private clubs, even with the adoption of this type of ordinance. If the Council chooses to move forward with an ordinance of this type, it would be referred through

the Planning and Zoning Commission for recommendation, then would return to the City Council for a public hearing and final decision.

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to initiate the amendment to the zoning ordinance and refer it to the Planning and Zoning Commission for review and recommendation back to City Council. Motion carried unanimously.

REVIEW OF FISCAL YEAR 2010-2011 PROPOSED BUDGETS AND FISCAL YEAR 2011-2012 FINANCIAL PLANS – APPROVED

City Manager Bowers continued his discussion of budgets presented to the City Council the previous Monday, stating that traditionally the staff tries to provide information in response to Council requests from that meeting, as well as to update them on anything that may have occurred since then which may impact the budget. Questions are welcome, so that the staff can be prepared for more in-depth discussion of the budget at the next meeting, which will be devoted exclusively to the budget. That meeting this year will be on May 24th.

Mr. Bowers stated he had a list of items which were discussed at Monday's meeting, and he would distribute information in response to questions generated. He asked Council to please let him know if he had overlooked anything that required follow-up so that it could be addressed in the discussion on May 24th.

Mr. Bowers said there had been a request to discuss projections based on changes to the contribution rate for the retirement system. City and County Managers across the state have been briefed on the projections for future increases to the North Carolina Retirement System. The rate has been 4.8% for many years, but the Board of Trustees for the Retirement System has approved an increase to 6.35% effective July 1, 2010. They are projecting increases to 7.55% and 8.28% for 2011 and 2012 respectively, but those increases are not yet approved. Mr. Bowers stated the complete report, consisting of 25-30 slides, is available should anyone wish to see it.

Mayor Pro Tem Kittrell asked if the financial plan for FY2012 included the projected increase. Mr. Bowers stated it did not; it includes the 6.35% adjustment for the coming year because the 7.55% is not yet approved and could change.

Mayor Pro Tem Kittrell asked if the City was required to make these changes. Mr. Bower stated that as a participant in the Retirement System, the City must make changes that are approved by the Board.

Mayor Pro Tem Kittrell asked if Council could get a tally of all the benefits paid to City employees, and how those benefits compare to base salaries, perhaps by the next May meeting. He asked if the City does a 401(k) match. Mr. Bower stated that the City does have a 401(k) plan, to which employees may elect to contribute. The City contributes 5% to sworn Police officers as mandated by state law, and \$40 per pay period to other employees. Mr. Bowers said staff can provide the requested summary, and added that the Classification Study will look at the benefit package as part of their report in the Fall.

Council Member Glover stated she'd like to see the report cover a two-year period with employees listed by name, years of service and their history of merit increases and other salary increases. She stated that information would help her in determining whether merit increases are being given equitably.

City Attorney Holec stated that they could provide the requested information to Council, but cautioned that some of the data supplied would be confidential, pursuant to the provisions of the personnel privacy statute.

Council Member Smith questioned why merit raises and 401(k) contributions would not be included in the budget if it's being projected for the next two years.

Mr. Bowers responded that merit and 401(k) are included in the budget; what's not included is the Retirement System's projected increase from 6.35% to 7.55% for FY2012. Mayor Pro-Tem Kittrell expressed concern that not including the projected increase could result in a shortfall of nearly half a million dollars if the projected increase is approved. Mr. Bowers pointed out there is a contingency in the budget of about \$600,000 that could be used to cover something like this if necessary.

Mayor Dunn inquired about fund balance, stating she believed by law the City was required to maintain 8%. Mr. Bowers concurred, adding that the Council's policy is to maintain a minimum of 14%.

Council Member Blackburn observed that the City is currently budgeting for the 6.35% increase in retirement contribution, meaning they are properly funded for FY 2011. While the FY 2012 plan may only include the 6.35%, we will have the opportunity to see the higher increase coming if it is approved and we would then have the opportunity to incorporate it into next year's budget.

Council Member Joyner voiced his concern that, while he believed City employees were deserving of salary increases, in the current economic climate, he felt it was prudent to limit increases at present to those new employees who were due their probationary adjustments. He said he wasn't aware of any agencies in the private sector giving pay increases at the present time.

Council Member Mercer said he is undecided as to his final view on the merit issue. He stated he will not support anything the City can't afford to do. The really big ticket item with regard to employee pay is an across the board pay increase, which we are not doing. What we are looking at is doing something relatively modest for the employees. He referred to various other agencies that he has heard are starting to do increases again, and he is concerned that if we don't do something for the employees, we will dig ourselves into a hole with regard to salaries and we, or a future council, will have to dig our way out. He suggested a compromise, wherein the City holds off on deciding the salary question for a few months until the State's budget picture becomes clear.

Council Member Blackburn stated she is also undecided on the question, recognizing the importance of being fiscally responsible in difficult economic times, but also realizing that part of what makes this City great is the caliber of its employees. She said she is concerned that if merit increases are awarded to probationary employees and not those with longevity, or if it is

done the other way around, it sends a mixed signal. It is important to say that all of Greenville's employees are valued.

Council Member Smith said having to increase taxes or fees in order to give someone some type of merit raise does not, to her, make logical sense. It is difficult to explain to citizens why their stormwater fee is increasing, for example, in order to pay City employees more. She said she feels it is crucial to have all the information so that a logical decision can be made. If someone does not get a merit increase, it in no way means that she does not appreciate the work they are doing.

Mayor Pro Tem Kittrell asked how much the overall Pay and Benefits study is costing. Mr. Bowers replied that for the City, it is about \$100,000, and the Greenville Utilities Commission is paying their share. Mayor Pro Tem Kittrell asked when the study would be available. Mr. Bowers stated it would be available sometime in the fall. Mayor Pro Tem Kittrell said that would be telling in that some classes of employees may be under paid, and others, while he doesn't think so, could be over paid. He stated he would like to see that information, and to see information on employee salaries combined with how much each employee is getting in additional compensation in terms of benefits. Perhaps it is more prudent to look at being less aggressive in terms of pay this year and be more aggressive in the next when we have the pay study done and hopefully know more about what is going on with the economy.

Mayor Dunn stated there is an article this week in the Wall Street Journal that talks about several companies in the private sector that are raising employee salaries, indicating that as a sign that the economy is improving faster than expected. She also reported knowing of a couple cities that are considering a fixed amount in lieu of an increase, and another that is considering a 2% merit. She said she believed that last year, the Hospital, Pitt County and Winterville all did something for its employees, but the City did not. In fact, in the past nine years, there have been two years with no raises for City employees.

Council Member Glover expressed concern about employees who are already in a compression rate now, saying that the longer raises are withheld, the more they go into the compression. If the Manager and the Finance Department see where funding is available for an increase, she feels the City should do it.

Mr. Bowers reminded Council that there will be a joint meeting with the Greenville Utilities Commission because, under their charter, their pay plan must be comparable to the City's. He said he would talk later about trying to schedule that meeting, but suggested that might be an appropriate venue to talk further on pay and benefits.

Mr. Bowers said the next item was a request to provide information on how the total cost for fleet maintenance, as an internal service fund, will be distributed to departments. Costs are allocated onto departments that have vehicles. He then identified the four basic types of charges (parts, labor, fuel and car pool rental), and gave a brief description of the types of things that would be charged under each category, adding that for the first time, there will be a markup charged for parts and fuel to help offset the cost of fleet maintenance operations.

Council Member Joyner asked for a list of other cities who are handling their fleet maintenance costs in a manner similar to this.

Mr. Bowers stated the Council had also requested a list of the undesignated capital reserve fund, which he then distributed. At the end of the year, we look at our financial status and we look at our undesignated fund balance. The City Council policy requires 14% to be held in fund balance, in other words, 14% of the next year's approved budget is to be held as undesignated reserves. The total fund balance that is not designated or a part of that 14% is made available for the Capital Reserve. This is essentially a non-recurring revenue, so we put it into capital projects that are one-time expenses. He cited various projects that have been on the list for extended periods of time, pointing out that the Council opted not to appropriate monies this year due to economic conditions, so the same list has been rolled forward as only Council can make changes to the list. Mr. Bowers stated he continues to recommend that this funding be held in reserve.

Council Member Joyner recommended using some of this funding to avoid the need for fee increases in a year when citizens are suffering financially from current economic conditions. Mr. Bowers cautioned against using non-recurring revenues for recurring expenses.

Mayor Dunn stated when planning a budget, the best estimates of projected revenues and expenditures are utilized. It's not a perfect science. She said she is uncomfortable with taking money from the capital reserve to cover operating expenses when those funds are not replenishing.

Council Member Mercer agrees it is very unsound fiscal policy to use non-recurring monies to operate the City. He feels doing so would set a horrible precedent and would not bode well going forward.

Council Member Blackburn echoed Council Member Mercer's comments, adding that capital reserve funds should be retained for the time when the City is able to pursue those long term capital projects.

Council Member Joyner stated he was concerned about the various tax and fee increases being imposed on Greenville citizens, by the City and by other agencies such as GUC, and said he could not vote in favor of increases when this money was sitting in reserve and not being used for its intended purposes.

Council Member Blackburn said Council Member Joyner makes a very compelling argument to look at these things very responsibly, but reiterated she is not comfortable with dipping into a reserve fund.

Mr. Bowers stated there had been a question about how much remained in the reserve. There was initially \$2.5 million in the fund, and Council approved on April 5, 2010 an expenditure of \$248,608 for the City Hall server room air conditioner. We are proposing another \$200,000 of that be used in the capital improvement program.

For the next item, Mr. Bowers stated that Council Member Blackburn had asked what the debt service would be on a Certificate of Participation, or COPS, which would be used to fund capital projects. He distributed an estimate, based on \$2 million. Assuming a 2.2% issuance cost, and using a little over 5% as interest cost (which could fluctuate), for a period of 20 years, the bottom line for debt service comes out to \$162,944 annually.

Mayor Pro Tem Kittrell asked how much less the cost would be for a General Obligation Bond. Mr. Bowers estimated about half a percent less, adding that a General Obligation Bond had to be approved by the voters.

Mr. Bowers stated that was his last handout, but other things he plans to present on or prior to May 24th are a tax and fee comparison to other cities, a report on technology enhancements suggested by the ECU Student Government Association, cost of providing full garbage collection service to include collection of construction and demolition debris, and not a final list but some potential alternatives to OPEB funding.

APPOINTMENT OF CITY CLERK

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to appoint Carol Barwick as the new City Clerk, effective June 1, 2010, at an annual salary of \$67,500 and at other terms as included on the sheet entitled "Terms of Employment for Carol Barwick as City Clerk." Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

Mayor Pro Tem Kittrell stated the Pitt County Law Enforcement Memorial Service was very nice, and he learned a lot about the history of law enforcement and the untimely deaths of law enforcement officers. He said he would also like to recognize someone who was very important to him, who passed away this week. Bud Phillips, who was his football coach at Rose High and ultimately became the Athletic Director, lived to be 85 and was a real icon within the community. Mayor Pro Tem Kittrell stated Mr. Phillips had done an outstanding job with the athletic program and deserved to be recognized.

Council Member Glover moved to rescind a request approved by Council at its March 22, 2010 meeting for staff to bring back information about people having dogs for fighting. She stated Animal Control has done a lot of work in the last six months and they really are over worked and under staffed. She said it would tie up staff time to address the request and they would not be able to respond to as many calls as they do. Mayor Pro Tem Kittrell seconded Council Member Glover's motion, which passed by unanimous vote.

Council Member Blackburn thanked Scott and Diane Hucks and their neighbors for coming out tonight, stating they'd made a very effective presentation. She stated she appreciates their concern for their neighborhood, adding there are steps in place to address the situation.

Council Member Blackburn further stated she has been reading about some developments in alternative energy that have really drawn her attention. One is that Edgecombe Community College in Tarboro has installed a Windspire wind turbine which is going to power one of its

buildings. The other is that UNC Chapel Hill has announced that it is going to phase out coal power entirely by the year 2020. It will burn biomass in its current boilers, and biomass produces only 8% of the greenhouse gasses of coal. She stated she hopes that Greenville can follow the examples of these organizations and be a pacesetter as well.

Councilmember Blackburn then announced that there will be a groundbreaking for the South Tar River Greenway at noon on May 14th, and on May 15th at 8:00 am the first-ever Recreation and Parks Run. Registration begins at 7:00 am.

Mayor Dunn thanked the staff for the hard work done on the budget, and the Council for the good spirit in the way they've discussed it.

CITY MANAGER'S REPORT

Mr. Bowers reminded everyone that the meeting on the Design Manual the Public Works Department is conducting for stakeholders is scheduled for May 18, 2010 in Room 337 at City Hall.

He then stated that GUC is not available at 5:00 pm on May 24, 2010 for a joint meeting as Council had discussed at their previous meeting, and said they've asked Council to consider an alternate time. GUC has recommended the 19th, 20th or 21st. After some discussion, the Council suggested meeting on the 20th at 7:30 am, with Mr. Bowers letting them know the location after confirming the date.

ADJOURN

There being no further business, motion was made by Council Member Smith and seconded by Mayor Pro Tem Kittrell to adjourn the meeting at 9:43 PM. Motion carried unanimously.

Respectfully submitted

Patricia A. Sugg
Interim City Clerk

Greenville, NC
May 24, 2010

The Greenville City Council held a joint meeting with the Greenville Utilities Commission on the above date at 7:30 AM in the Conference Room 337 of City Hall. Mayor Dunn and Chairman Brown presided over the meeting. The following members were present.

Council Members

Mayor Pat Dunn
Mayor Pro-Tem Bryant Kittrell
Council Member Rose Glover
Council Member Max Joyner, Jr.
Council Member Blackburn
Council Member Calvin Mercer
Council Member Kandie Smith

Commission Members

Chairman Lester Brown
Vice-Chairman Freeman Paylor
Commissioner Wayne Bowers
Commissioner Don Edmonson
Commissioner Julie Carlson
Commission Stan Eakins
Commissioner Vickie Joyner
Commissioner Virginia Hardy

CALL TO ORDER

Mayor Dunn called the City Council to order and ascertained that a quorum was present.

Chairman Brown called the Greenville Utilities Commission Board to order and ascertained that a quorum was present.

APPROVAL OF AGENDA

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

Motion was made by Commissioner Carlson and seconded by Commissioner Joyner to approve the agenda as presented. Motion carried unanimously.

REVIEW OF WAGE TRENDS AND WAGE SURVEY RESULTS

City Manager Wayne Bowers stated that the City of Greenville and Greenville Utilities Commission re-examine annually the competitiveness of their joint pay plan. The objective of the annual review is to maintain an effective pay system for City and GUC employees that is internally equitable and compatible, and is as competitive as possible in relation to the external marketplace. Three factors are generally considered when developing a proposal for a market adjustment and/or allocation for merit funding. City Manager Bowers reviewed the information in these factors which was contained in the memo provided to the City Council and Commission as follows:

1) Wage Comparison of Overall Pay Structure

Despite annual market adjustments, the pay plan for the City and GUC has remained slightly below the average market due to budget constraints in 2001-2003. In the 2004 report for an updated pay program, Derrick Associates modified the proposed pay levels as a result of continuing budget constraints. The final report included a recommendation to increase the pay grades by varying percentage amounts according to market, with an average increase to the pay structure of 4.7% overall. For individual employee salaries, an across-the-board market increase of 3.9% was proposed. Most of the 3.9% increase mirrored market trends (between 3.4% and 3.5%). The remainder served as “catch-up” for the three previous years when pay adjustments at the City and GUC were significantly below the general market. The 2005, 2006, 2007, and 2008 market adjustments reflected a slightly higher amount to help calibrate to market. The cumulative City/GUC increase is 30.50% compared to the cumulative general market of 33.01% (a difference of 2.51%).

2) Wage Growth in the General Marketplace

Wage projections and trends for 2010 have been updated several times in the past few months to reflect changing economic conditions. Data reported in September 2009 by Capital Associated Industries (CAI), which is the survey used in past years, projected an average increase of 1.6% for 2010 and WorldatWork projected a 2.8% increase in February 2010. Information from Mercer indicates that only 14% of employers surveyed were anticipating a salary freeze in 2010 compared to over 50% of employers in 2009. Most cities are now working on their budgets for 2010-2011. Available information indicates that most cities will not be granting market adjustments next year, but some may be considering merit increases. Survey information was provided from other municipalities and the results of a telephone survey of some local employers. Personal contact with representatives from Pitt County Memorial Hospital and Pitt County indicates that PCMH has continued its merit pay program for 2010, but that no decision has been made on a market adjustment; and Pitt County plans to continue its merit pay program in fiscal year 2010-2011, but has made no decision on a cost of living adjustment.

3) Consumer Price Index (CPI)

The CPI measures the average price changes over time for specific goods and services consumed in a specific population area. The Index represents a measure of inflation or economic trends.

For the period of March 2009 to March 2010, the CPI increased by 2.3%. In comparison, the CPI for the March 2008 to March 2009 time frame decreased by 0.4 %. Although the City and GUC do not use the CPI as a pay adjustment factor, it is recognized that, as a practical matter, the net buying power of employees is affected by the CPI.

Mayor Pro Tem Kittrell asked if benefits were included in the Capital Associated Industries (CAI) data that was referenced in the memo relating to the factor of wage growth in the general marketplace. GUC Human Resource Director Patrice Alexander advised that benefits were not included in the information which was referenced in the memo. Mayor Pro Tem Kittrell asked if there was a survey which included this data. GUC Human Resource Director Patrice Alexander advised that Capital Associated Industries (CAI) does have data which includes benefits but the available information is not as current. Mayor Pro Tem Kittrell requested that surveys which contain benefit information as part of the data be provided in the future.

CONSIDERATION OF RECOMMENDATIONS FROM JOINT PAY AND BENEFITS COMMITTEE

City Manager Wayne Bowers summarized the information contained in the memo provided to the City Council and Commission about the recommendation of the Pay and Benefits Committee as follows:

Due to economic conditions and budget constraints, last year the decision was made to grant no market adjustment and suspend the merit pay program. The City Council and GUC Board authorized the City Manager and General Manager/CEO to decide on granting probationary increases to newly hired or promoted employees. Administratively, in order to avoid pay compression, it was decided to also suspend the probationary increases and thus institute a total wage freeze. Based on the gradually improving economic conditions, financial projections for next year, and a developing trend among employers to unfreeze compensation, City Manager Bowers and General Manager/CEO Elks recommend that the City and GUC re-institute the 1.5% merit pool. Also, City Manager Bowers and General Manager/CEO Elks recommend that those employees who were eligible, but did not receive probationary increases during fiscal year 2009-2010 receive the recommended increases effective July 1, 2010. At the April 22, 2010, meeting of the Joint Pay and Benefits Committee, the committee approved these recommendations.

General Manager/CEO Elks stated that he concurred with City Manager Bowers on his summary of their recommendation and the Committee's recommendation. The organizations provide service 24 hours a day, 7 days a week, 365 days of the year. The primary responsibility is service which requires excellent personnel. General Manager Elks explained that there are issues of recruiting and retention of employees. Employees have been understanding due to the economy. However, Greenville Utilities Commission employees have been requested to do more with less as a result of growth of the system and cost saving measures which in effect have amounted to an 8% reduction in force during FY 2009-2010.

Mayor Pro Tem Kittrell stated that benefits should be included when considering compensation. He believes that the City and GUC offer a tremendously rich benefit program.

Council Member Joyner stated that he agreed with Mayor Pre Tem Kittrell that the benefits should be included when considering compensation and that the City and GUC offer an excellent benefit program.

Mayor Dunn stated that health insurance costs have increased while the benefits of health insurance have decreased.

Council Member Blackburn stated that the organizations need to make sure wages are competitive, as service is what we do.

Commissioner Paylor asked about the amount of the probationary increase. General Manager Elks responded up to 5%.

Commissioner Edmonson asked about freezing positions. General Manager Elks responded that GUC's cost saving measures resulted in an equivalent of an 8% reduction in force. These measures include vacant positions and a cap on the number of employees.

Council Member Mercer asked about whether the salary and benefit packages has an impact in competitive situations in terms of recruiting and retention. City Manager Bowers stated it doesn't have an impact on all positions, but there is more of an impact in technical positions. City of Greenville Director of Human Resources Gerry Case stated it becomes evident in market sensitive positions involving specialized skills such as mechanics, IT positions, and engineers. Council Member Joyner asked did this apply to benefits also. Director Case responded that it does.

Mayor Dunn stated that the ratio of benefits to salary relating to health insurance has increased with a decrease in coverage. Salaries have not increased at a rate of health insurance premiums increasing.

Council Member Blackburn stated that information provided stated that the cities that are giving merit will average 3%. The 1.5% merit pool would be under the average of those giving merit.

Council Member Glover stated that she had a problem with merit increases. She would prefer a market adjustment to be given to all employees. Merit increases are sometimes not based on employee performance. A supervisor may not like an employee and not recommend a merit. She further stated that some employees have to work a second job to make ends meet. She also stated that there is a need to address compression issues.

Assistant City Manager Moton stated that 90% of employees get merit raises.

Council Member Blackburn said that City Council had been presented a balanced budget with the City Manager advising that there were funds available for both merit and probationary increases. She thought the budget was fiscally conservative and she had heard compelling arguments for both the merit and probationary increases.

Mayor Pro Tem Kittrell said he looks at the global perspective and is worried whether the City and GUC can deliver what is promised. He cited the OPEB issue. He stated that the State Retirement System is too generous, the City loses employees in their fifties and, therefore, it creates issues of recruiting and retention. He believes there is too much uncertainty in the budgets. He noted that others around Greenville are laying off employees and that people are glad to have a job. He stated that he supports the probationary increase.

Council Member Joyner stated he didn't think the City and GUC could afford these changes. He said he couldn't vote in favor of the merit raises because he doesn't have enough information to make an informed decision. He would rather wait to make the decision until after receipt of the Classification and Compensation Study in the Fall. He stated that he supports the probationary increase.

Commissioner Paylor said he felt that the probationary increase would help the compression issues for the current year.

Mayor Dunn stated that these are tough economic times, it is a conservative budget. She feels the City of Greenville is well managed with an AA credit rating. She summarized the options for Council and the Commission as (1) do nothing, (2) act upon the recommendations, and (3) delay the decision until after receipt of the Classification and Compensation Study.

Commissioner Edmonson stated that he supported the Committee's recommendations. He also sees problems with the benefit package. He recommended that a committee review the benefit package and he volunteered to be on the committee.

Mayor Dunn stated that PCMH, the County, and the Town of Winterville all gave merit last year.

Mayor Pro Tem Kittrell stated he would like to see a solution for OPEB prior to acting on the merit raises. He also stated that he believes the decision should be made after receipt of the Classification and Compensation Study in the Fall.

Council Member Mercer stated he has a big problem with OPEB and that this must be addressed. He stated that we are well managed. He stated that it is a tough call this year but he supports the committee's recommendation.

Council Member Glover stated she supports the Pay and Benefits Committee recommendation. She stated there is a need to stay competitive in salaries. She stated the pay and benefits are two separate issues. She asked how much it would cost to give all employees a 1.5% increase.

City Manager Bowers advised that the cost would be the same as the 1.5% merit increase.

Council Member Joyner stated that there is a difference between what employees deserve versus what we can afford. He stated that he is concerned about having to make a decision without enough information. He said if we don't get a handle on this we will have to have a tax increase. He feels the most reasonable thing to do is to wait until the pay study is done in the Fall. He said water, wastewater and sanitation fees have already been raised.

Commissioner Carlson said retirement benefits are generous and should be revisited. There are many employees doing more with less. Benefits and pay are separate and need to be addressed separately.

Mayor Pro Tem Kittrell noted that the City and GUC are locked into some benefits because of the State Retirement System.

City Manager Bowers said the State has appointed a committee to look at retirement benefits.

Assistant City Manager Moton said the City and GUC are lean organizations – continuing to do more with less and to do more work.

Chairman Brown requested a motion from the Commission.

Motion was made by Commissioner Edmonson and seconded by Commissioner Carlson to approve the recommendation of the Pay and Benefits Committee as presented. Motion carried unanimously.

Mayor Dunn requested a motion from the City Council.

Motion was made by Council Member Blackburn and seconded by Council Member Glover to approve the recommendations of the Pay and Benefits Committee as presented. Council Member Glover, Council Member Blackburn, and Council Member Mercer voted for the motion; Mayor Pro Tem Kittrell, Council Member Joyner, and Council Member Smith voted against the motion; Mayor Dunn voted for the motion to break the tie and the motion was approved by a four to three vote.

City Attorney Holec advised that, with the City Council approving the recommendations of the Pay and Benefits Committee, direction to City Manager Bowers to incorporate these recommendations within the fiscal year 2010-2011 budget would be appropriate. Mayor Dunn asked for and received the concurrence from Council Members that this direction is given to City Manager Bowers.

Chairman Brown noted that, since the funds for these recommendations were already included in GUC's proposed budget for Fiscal Year 2010-2011, this direction to General Manager Elks was not necessary.

UPDATE ON CLASSIFICATION AND COMPENSATION STUDY

GUC Human Resources Director Alexander provided an update on the Classification and Compensation Study. She stated that the study is on schedule. All employees have been involved and provided information on their job duties. The consultant will be interviewing some employees and gathering data from other entities. It is expected that the study will be delivered in November, 2010.

ADJOURN

There being no further business, motion was made by Council Member Mercer and seconded by Council Member Joyner to adjourn the meeting at 8:45 a.m. Motion carried unanimously.

Motion was made by Commissioner Edmonson and seconded by Commissioner Paylor to adjourn the meeting at 8:45 a.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg
Interim City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Ordinance enacting and adopting Supplement #2010-S1 to the City of Greenville's Code of Ordinances

Explanation: In accordance with a Codification Agreement (Contract No. 1757) dated November 14, 2008, between The City of Greenville and the North Carolina League of Municipalities, along with its code contractor, American Legal Publishing Corporation, the Code of Ordinances was fully revised and updated to include all ordinances adopted through October 8, 2009. As a part of said agreement, American Legal Publishing Corporation hosts the online version of the City's Code of Ordinances and produces quarterly supplements to the printed version of the Code.

Supplement #2010-S1 incorporates all ordinances of a general and permanent nature enacted between the initial printing of the Code in December 2009 and the City Council's last meeting in March 2010.

Fiscal Note: Total cost for production of Supplement #2010-S1 was \$2,432.00.

Recommendation: Adopt the attached ordinance enacting and adopting Supplement #2010-S1 to the City of Greenville's Code of Ordinances

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

Attachments / click to download

[ORDINANCE ENACTING AND ADOPTING SUPPLEMENT 2010 S1 TO THE CODE OF ORDINANCES 871679](#)

ORDINANCE NO. 10-_____

AN ORDINANCE ENACTING AND ADOPTING SUPPLEMENT NUMBER 2010-S1 TO
THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed Supplement Number 2010-S1 to the Code of Ordinances of the City of Greenville, North Carolina, which supplement contains all ordinances of a general and permanent nature enacted after October 8, 2009, and on or before March 4, 2010; and

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

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

Section 1. That Supplement Number 2010-S1 to the Code of Ordinances of the City of Greenville, North Carolina, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, be and the same is hereby adopted by reference as if set out in its entirety.

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

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

This the 9th day of August, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

-
- Title of Item:** Resolution accepting dedication of rights-of-way and easements for Teakwood Green Subdivision, Phase One
- Explanation:** In accordance with the City's Subdivision regulations, rights-of-way and easements have been dedicated for Teakwood Green Subdivision, Phase One (Map Book 72 at Page 181). A resolution accepting the dedication of the aforementioned rights-of-way and easements is attached for City Council consideration. The final plat showing the rights-of-way and easements is also attached.
- Fiscal Note:** Funds for the maintenance of these rights-of-way and easements are included within the fiscal year 2010-2011 budget.
- Recommendation:** Adopt the attached resolution accepting dedication of rights-of-way and easements for Teakwood Green Subdivision, Phase One.
-

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

Attachments / click to download

- [Teakwood Green Subdivision Phase One](#)
 - [August Right of Way Resolution 873780](#)
-

RESOLUTION NO. 10- _____

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

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

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

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

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

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

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

Teakwood Green Subdivision, Phase One

Map Book 72

Page 181

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

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

Adopted the 9th day of August, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

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

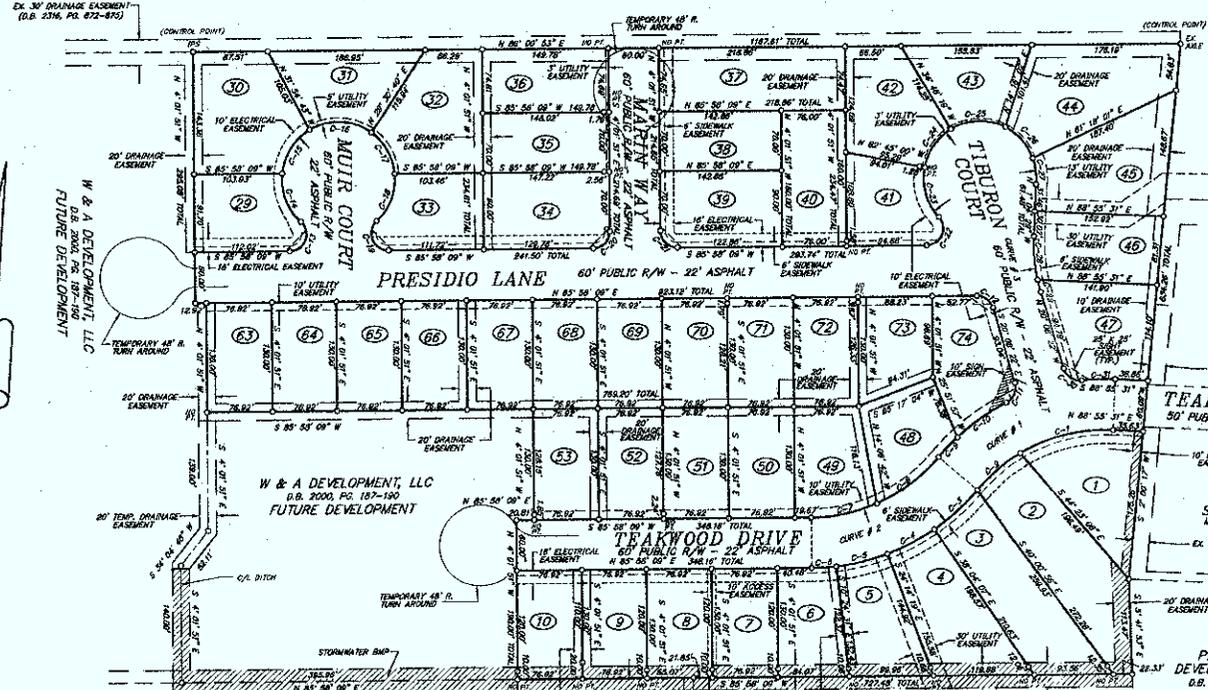
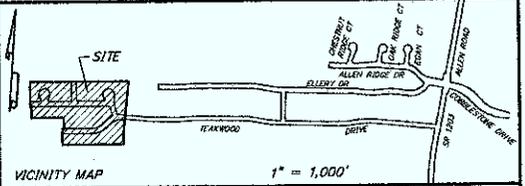
Witness my hand and official seal, this the 9th day of August, 2010.

Notary Public

My Commission Expires: 9/4/2011

Doc ID: 00881910001
 Date: 12/15/2009 at 11:07:00 AM
 File No: 821.00 Page 1 of 1
 315 COUNTY, NC
 Deborah T Barrington REG OF DEEDS
 BK 72 Pg 181

HODGE & MORRIS, LLC
 D.B. 1845, PG. 170



HODGE & MORRIS, LLC
 D.B. 1845, PG. 170

C/L CURVE DATA:

CURVE # 1
 $\Delta = 52^{\circ} 13' 14''$
 TAN = 113.73'
 RAD. = 230.00'

CURVE # 2
 $\Delta = 45^{\circ} 15' 36''$
 TAN = 105.85'
 RAD. = 230.00'

CURVE # 3
 $\Delta = 19^{\circ} 03' 53''$
 TAN = 36.62'
 RAD. = 230.00'

LINE	BEARNG	DISTANCE	RADIUS
C-1	N 72° 20' 16" E	113.19'	200.00'
C-2	N 45° 25' 45" E	67.20'	200.00'
C-3	N 44° 18' 08" E	66.89'	200.00'
C-4	N 50° 50' 27" E	62.91'	200.00'
C-5	S 72° 40' 35" E	62.61'	200.00'
C-6	N 82° 48' 49" E	28.83'	200.00'
C-7	S 78° 33' 29" W	79.15'	200.00'
C-8	S 49° 58' 29" W	21.65'	200.00'
C-9	S 40° 14' 14" W	32.02'	200.00'
C-10	S 51° 31' 25" W	71.50'	200.00'
C-11	S 19° 43' 03" W	25.63'	200.00'
C-12	S 57° 06' 06" E	24.04'	200.00'
C-13	S 17° 02' 51" W	37.31'	200.00'
C-14	S 24° 46' 11" E	60.84'	67.00'
C-15	S 28° 54' 08" W	80.14'	67.00'
C-16	S 85° 01' 58" W	72.90'	67.00'
C-17	N 33° 10' 20" W	53.23'	67.00'
C-18	N 17° 26' 23" E	58.31'	67.00'
C-19	N 20° 08' 24" W	32.21'	200.00'
C-20	S 40° 58' 08" W	28.28'	200.00'
C-21	N 49° 01' 56" W	36.59'	200.00'
C-22	S 19° 34' 38" E	60.47'	67.00'
C-23	S 31° 14' 18" W	30.54'	67.00'
C-24	S 84° 23' 25" W	85.31'	67.00'
C-25	N 45° 10' 12" W	48.59'	67.00'
C-26	N 104° 18' 18" W	30.54'	67.00'
C-27	N 8° 29' 12" W	51.60'	200.00'
C-28	N 18° 01' 08" W	14.60'	200.00'
C-29	N 50° 58' 48" W	25.63'	67.00'
C-30	S 64° 32' 10" W	32.79'	200.00'

NOTES:

- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. COMMUNITY PANEL # 3706000001 EXISTING DATES 1-1-84, CONC 2
- THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THE DESIGNATION OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
- THIS PROPERTY IS SUBJECT TO THE CITY OF GREENVILLE'S STORMWATER MANAGEMENT PROGRAM. NO BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR IMPROVEMENTS THEREON, STORAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCRUMB WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.
- IRON PIPES SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ALL DRIVEWAY PIPES MUST BE INSTALLED TO MATCH PROPOSED ROADSIDE DITCH SLOPE AS SHOWN ON THE APPROVED CONSTRUCTION PLANS.
- THE STORMWATER BMP AREA IDENTIFIED ON THIS EXHIBIT WAS INSTALLED TO MEET THE CITY OF GREENVILLE'S STORMWATER MANAGEMENT PROGRAM REQUIREMENTS.
- PROPOSED SIGN SHALL NOT ENCRUMB INTO ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL BY THE CITY OF GREENVILLE.
- THE RECOGNITION OF THIS PLAT SUPERSEDES THE PLAT ENTITLED TIBURON SUBDIVISION, PHASE ONE AS RECORDED IN MAP BK. 72 PG. 7 OF THE PITT CO. REGISTER.

Bar Scale: 0 100 200

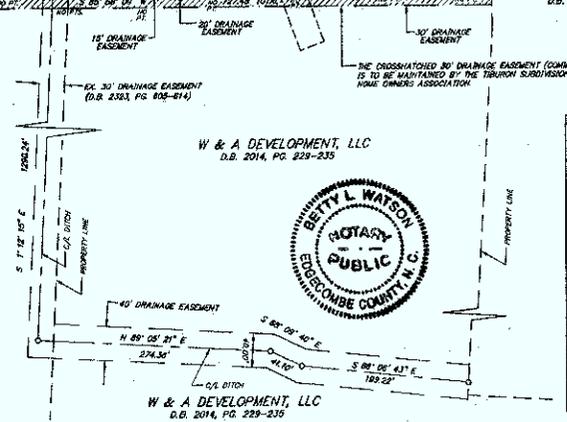
NOVELLA H. MOYE HEIRS
 R.R. 03E, PG. 823

SITE DATA:

NUMBER OF LOTS CREATED - 47
 ACREAGE IN TOTAL TRACT - 16.439 AC
 ACREAGE IN COMMON AREA - 0
 ACREAGE IN PARKS, RECREATION AREAS & THE LIKE - 0

LEGEND:

EIP - EXISTING IRON PIPE
 JIP - IRON PIPE SET
 R/W - RIGHT OF WAY



W & A DEVELOPMENT, LLC
 D.B. 2014, PG. 229-235



LOT AREAS

1 - 13957 Sq.Ft.	43 - 10372 Sq.Ft.
2 - 12184 Sq.Ft.	44 - 16025 Sq.Ft.
3 - 17392 Sq.Ft.	45 - 16529 Sq.Ft.
4 - 12516 Sq.Ft.	46 - 12126 Sq.Ft.
5 - 11334 Sq.Ft.	47 - 30889 Sq.Ft.
6 - 10000 Sq.Ft.	48 - 10446 Sq.Ft.
7 - 10000 Sq.Ft.	49 - 11682 Sq.Ft.
8 - 10000 Sq.Ft.	50 - 10000 Sq.Ft.
9 - 10000 Sq.Ft.	51 - 10000 Sq.Ft.
10 - 10000 Sq.Ft.	52 - 10000 Sq.Ft.
11 - 10000 Sq.Ft.	53 - 10000 Sq.Ft.
12 - 10000 Sq.Ft.	54 - 10000 Sq.Ft.
13 - 10000 Sq.Ft.	55 - 10000 Sq.Ft.
14 - 13041 Sq.Ft.	56 - 10000 Sq.Ft.
15 - 10000 Sq.Ft.	57 - 10000 Sq.Ft.
16 - 11196 Sq.Ft.	58 - 10000 Sq.Ft.
17 - 16216 Sq.Ft.	59 - 10000 Sq.Ft.
18 - 10000 Sq.Ft.	60 - 10000 Sq.Ft.
19 - 12721 Sq.Ft.	61 - 10000 Sq.Ft.
20 - 11610 Sq.Ft.	62 - 10000 Sq.Ft.
21 - 10831 Sq.Ft.	63 - 18119 Sq.Ft.
22 - 13123 Sq.Ft.	64 - 10000 Sq.Ft.
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	73 - 10000 Sq.Ft.
	74 - 18119 Sq.Ft.
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	96 - 10000 Sq.Ft.
	97 - 10000 Sq.Ft.
	98 - 10000 Sq.Ft.
	99 - 10000 Sq.Ft.
	100 - 10000 Sq.Ft.

TOTAL = 716071 Sq. Ft. / 16.439 AC

FINAL PLAT
TEAKWOOD GREEN
SUBDIVISION
PHASE ONE
 (FORMERLY TIBURON SUBDIVISION, PHASE ONE)
 GREENVILLE, ARTHUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER(S) W & A DEVELOPMENT, LLC
ADDRESS 4769 HWY. 33 EAST, GREENVILLE, N.C. 27858
PHONE (252) 752-3319

GM GARY S. MILLER & ASSOCIATES, P.A. LAND SURVEYORS
 1803 South Charles Blvd
 Greenville, N.C. 27608
 Phone (252) 756-1578
 Fax (252) 756-0783

CHECKED: TEM **SCALE:** 1" = 100'

SOURCE OF TITLE
 THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK 2000 PAGE 187-189
 DEED BOOK PAGE
 DEED BOOK PAGE
 MAP BOOK PAGE 7

OWNERS STATEMENT
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF *W & A Development LLC*
 by *Deborah T. Barrington*
 SWORN AND SUBSCRIBED TO BEFORE ME THIS 15th DAY OF DECEMBER, 2009
Betty L. Watson
 NOTARY PUBLIC
 MY COMMISSION EXPIRES 8-26-14

APPROVAL
 THIS FINAL PLAT NO. 08-48, WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 16, CHAPTER 3 OF THE GREENVILLE CITY CODE THE DAY OF _____, 20____.

Archie J. [Signature]
 ATTEST

DEDICATION
 THE UNDERSIGNED HEREBY ACKNOWLEDGE(S) THIS PLAT AND ALLOTMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATE(S) TO PUBLIC USE AS STREETS, PARKS, PLAY-GROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED *W & A Development LLC*
 by *Deborah T. Barrington*
 ATTEST *Archie J. [Signature]*

REVIEW OFFICER
 STATE OF NORTH CAROLINA
 COUNTY OF PITT

L. [Signature]
 REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER *L. [Signature]*
 DATE 11-18-09

REVISIONS

DATE	DESCRIPTION
11-18-09	TO CHANGE SUBDIVISION NAME & TO ADD SIGN EASEMENT

CERTIFICATION
 I, GARY S. MILLER, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY MIKE PHILLIPS. THAT THIS CLOSING AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 18th DAY OF NOVEMBER, 2009, A.D.

SIGNED *Gary S. Miller*
 PROFESSIONAL LAND SURVEYOR NO. L-2562





City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Interlocal agreement with Pitt County on a cooperative effort to expand the Feed the Bin Recycling Program to all Pitt County schools

Explanation: The purpose of this proposed agreement is to establish a cooperative effort between Pitt County and the City in order to extend the Feed the Bin recycling program to all schools operated by the Pitt County School system.

Pitt County Solid Waste applied for and received a grant from the State Division of Pollution Prevention and Environmental Assistance to expand the Feed the Bin Recycling Program to all Pitt County schools. The funding is through the Community Waste Reduction and Recycling Grant Program. Total grant funds awarded to the County is \$38,500. A \$10,995.50 match is required for the grant, which will be made by Pitt County Solid Waste and Eastern Carolina Vocational Center (ECVC).

The City of Greenville will receive funds from the Pitt County grant to purchase 24 roll-out carts and 150 classroom bins. This equipment will enable the three schools in the City that are not in the program to participate. All schools within the City of Greenville will be a part of the Feed the Bin Recycling Program once these three are complete.

Other items within the Interlocal Agreement:

- The County will make available, at their expense, a rear-loading truck with a Feed the Bin Recycling Program paint scheme for City programs and events designated by the City in order to advertise and promote the Feed the Bin Program.
- The City, at no cost to the school district, will pick up recyclables at schools within the City of Greenville. The County will pick up recyclables at all schools outside of Greenville or Winterville. The Town of Winterville will pick up at schools within their town limits.
- The City will be responsible for maintenance of roll-out carts utilized at Pitt County schools within the City of Greenville.
- The term of this agreement will continue in effect until the 30th day of

June, 2011.

Pitt County has already approved the Interlocal Agreement with the City of Greenville for this program.

Fiscal Note:

The recyclables at the three additional schools will be collected utilizing existing recycling crews within the Sanitation Division of the Public Works Department. No additional funds will be requested as a part of this program.

Recommendation:

Approve the attached Interlocal Agreement with Pitt County to enroll the final three public schools in the Feed the Bin Recycling Program.

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

Attachments / click to download

 [Feed the Bin](#)

NORTH CAROLINA
PITT COUNTY

7/13/2010

INTERLOCAL
AGREEMENT

This Agreement is made, this the ____ day of August, 2010, by and between Pitt County, a political subdivision of the State of North Carolina (hereinafter referred to as "County"), and the City of Greenville a municipal corporation organized under the laws of the State of North Carolina (hereinafter referred to as "City");

WITNESSETH:

WHEREAS, the City and the County are authorized to make contracts for and accept grants from the federal and state government and their agencies for performing any function such County or City may be authorized by law to provide or perform, and to agree to any lawful and reasonable condition which are imposed upon such grants, and to make expenditures from any funds so granted;

WHEREAS, North Carolina General Statute 153A-275 authorize the County to operate and contract for the operation of solid waste collection and disposal facilities and North Carolina General Statute 160A-312 authorizes the City to operate and contract for the operation of solid waste collection and disposal facilities; and

WHEREAS, the County has submitted to the North Carolina Division of Pollution Prevention and Environmental Assistance one (1) application for a 2010 Community Waste Reduction and Recycling Grant for the purpose of extending the Feed the Bin recycling program to all of the schools operated by the Pitt County Board of Education and, in order to accomplish this purpose, a cooperative between the City and the County is required;

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

1. Purpose. The purpose of this Agreement is to provide for a cooperative effort between the City and the County in order to extend the Feed the Bin recycling program to all schools operated by the Pitt County Board of Education (hereinafter referred to as "Pitt County Schools")
2. Rear Loading Truck. The County will purchase a rear loading garbage truck for the purpose of collecting recyclables from Pitt County Schools located outside of the corporate limits of the City and outside of the corporate limits of the Town of Winterville. Said truck will be painted in bright colors and have the recycle guys and the logo from Feed the Bin placed upon said garbage truck. The County will make said garbage truck available for programs and events designated by the City in order to advertise and promote the Feed the Bin Program. The County

shall be responsible for all expenses associated with making said garbage truck available for said programs and events including, but not limited to, personnel, operating, repair, and maintenance expenses.

3. Roll Out Containers. Funds from the 2010 Community Waste Reduction Recycling Grant will provide roll-out carts and signage for the recycling centers at each Pitt County School whether located within or outside of the corporate limits of the City. The County will provide for the storage and assembly of all roll-out containers utilized at Pitt County Schools outside the corporate limits of the City. The County will be responsible for all maintenance and repair for said roll-out carts. The City will provide for the storage and assembly of all roll-out containers utilized at Pitt County Schools inside the corporate limits of the City. The City will be responsible for all maintenance and repair for said roll-out carts. The City will provide, using funds from said grant, 24 roll-out carts, signage and 150 classroom bins to complete the remaining schools within the corporate limits of the City. The remaining roll-out carts, signage and bins will be provided by the County, using funds from said grant, for the 21 Pitt County Schools outside the corporate limits of the City.
4. Collection of Recyclables. The County will collect recyclables from Pitt County Schools located outside of the corporate limits of the City and outside of the corporate limits of the Town of Winterville on a weekly basis, or at other reasonable intervals, while the Pitt County Schools are in session. The County shall be responsible for all expenses associated with said collection including, but not limited to, personnel, operating, repair, and maintenance expenses. The City will collect recyclables from Pitt County Schools located inside the corporate limits of the City on a weekly basis while Pitt County Schools are in session. The City shall be responsible for all expense associated with said collection including, but not limited to personnel, operating, repairs, and maintenance expenses. It is anticipated that the Town of Winterville will continue to be responsible for collecting recyclables from Pitt County Schools located within the Town of Winterville on a weekly basis while the Pitt County Schools are in session and that the Town of Winterville will be responsible for all expenses associated with said collection.
5. Funding. It is understood and agreed that the funding to achieve the purpose being accomplished pursuant to this Agreement is to be primarily derived from the 2010 Community Waste Reduction and Recycling Grant. A copy of the grant application is attached as Exhibit A to this Agreement. It is anticipated that Eastern Carolina Vocational Center will provide the required matching funds for the grant. The County shall be responsible for payment of any additional amount necessary to purchase the garbage truck referenced in section 2 of this Agreement in the event the grant funds are not sufficient to pay the full cost for the garbage truck. City and County agree that all expenditures made with grant funds shall be lawful and in accordance with the terms and conditions of said grant.
6. Term. This Agreement shall be effective on the 1st day of July, 2010, and continue in effect until the 30th day of June, 2011. Notwithstanding the

foregoing, this Agreement shall not become effective until and unless the 2010 Community Waste Reduction and Recycling Grant is awarded in accordance with the grant application included as Exhibit A to this Agreement.

- 7. Termination. This Agreement may be terminated at any time before the 30th day of June, 2011, by either party by providing the other party written notice of its intent to terminate with a stated effective date of termination at least thirty (30) days after the date on the notice of termination.
- 8. Notices. 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:

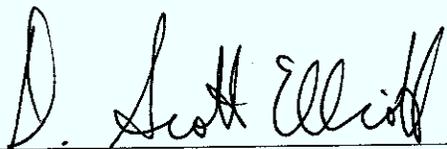
County:
 Director of Solid Waste and Recycling
 Pitt County
 1717 W. Fifth Street
 Greenville, NC 27834

City:
 Operations Manager, Public Works Department
 City of Greenville
 200 West Fifth Street
 Greenville, NC 27834

- 9. Agreements. This Agreement may be amended in writing at any time by mutual agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate originals, as of the day and year first above written, all pursuant to authority duly given.

PITT COUNTY

By: 
 D. Scott Elliott
 County Manager

CITY OF GREENVILLE

By: _____
 Wayne Bowers

City Manager

Pre-Audit Certificate:

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

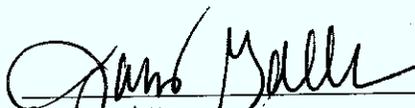
Name: _____
Director of Financial Services, City of Greenville

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

2010 COMMUNITY WASTE REDUCTION AND RECYCLING GRANTS
ATTENTION: SCOTT MOUW / TOM RHODES
DIVISION OF POLLUTION PREVENTION AND ENVIRONMENTAL ASSISTANCE
1693 MAIL SERVICE CENTER
RALEIGH , NC 27699-1639

Contact Information:

Pitt County Solid Waste and Recycling
Paula Clark, Pitt County Recycling Coordinator
3025 Landfill RD
Greenville, NC 27834
(252)902-3353
(252)830-4619
ppclark@co.pitt.nc.us

Eastern Carolina Vocational Center
Susan Daughtry, Marketing Director
2100 N Greene St
Greenville, NC 27834
(252) 317-3134
sdaughtry@ecvcinc.com
(ECVC will be providing the 20% cash match)

Description of Proposed Grant:

Pitt County along with the City of Greenville, Eastern Carolina Vocation Center and the Pitt County Schools implemented a recycling program called "Feed the Bin" in 2007. The program has been growing each year with the addition of schools. Currently, there are 12 schools on board plus 2 private schools. This grant proposal is to add the remaining schools to the "Feed the Bin" program.

All schools in the county, both city and county schools, would then be recycling. "Feed the Bin" has made a sufficient impact on the waste stream with the 14 schools currently participating and with the implementation of this grant the impact would be more than doubled. There will be approximately 24,000 students recycling and reducing waste in Pitt County Schools.

The "Feed The Bin" recycling program began as a pilot program in 2007. The program started with 3 city schools. The schools were provided classroom recycling bins, 96 gallon roll carts, signage, and educational programs to support the recycling in these schools. The classroom bins were for commingled materials including paper, aluminum cans, plastic bottles, magazines, paperboard and tin/steel cans. These collections at the schools addressed the plastic bottle and aluminum can ban as well.

The city added the schools to their multi-family recycling route. To date, there are 14 schools within the corporate limits of the City of Greenville in the "Feed the Bin" program. The initial goal of "Feed The Bin" was to have all of the city and county schools in the program. There are 4 remaining schools located in the City's corporate limits to be added to the "Feed the Bin" program. However, no outlying county schools could be added since there was no effective and affordable way to pick up the recyclables from the county schools. To address this challenge, Pitt County has committed the manpower and labor to run a rear load truck to pick up the outlying county schools. This is a huge commitment of time and effort on the County's part, but the feeling is that it is very important to include all the schools in order to educate every student in the county about reducing waste and increasing recycling. Providing pick up services for the schools would fulfill this and strengthen the sustainability of "Feed The Bin."

The county will be able to maintain the program regardless of the future disposal contracts the schools make with the commercial trash haulers for schools located outside the city. The increase in recycling and reduction of waste for all the schools across the county lowers the disposal cost for each school. This program will not cost the schools any money yet in turn save them dollars in disposal fees while teaching the students a valuable lesson. Therefore we are requesting grant funds for a rear load truck and roll-out carts to serve the remaining schools outside the corporate limits of the City of Greenville and to provide roll carts and classroom bins to include the 4 remaining schools inside the corporate limits.

The rear load truck will be a great addition to the school program. It not only will serve as the transportation for the recyclables but will be a traveling advertisement for "Feed the Bin." The truck will be painted bright colors and display the recycle guys and the logo for "Feed the Bin." This truck can also be used for special collections of recyclables at schools, it could be in parades, parked at special events, etc. .

The grant is in partnership with the City of Greenville and ECVC.

Milestones / implementation dates:

- Purchase truck and bins by July 2010.
- Plan to have the county school recycling in place by August 2010.
- Begin education in schools August 2010.
- Continue to work with the added schools and the existing schools throughout the year to provide support and education.
- Submit final grant report – June 30, 2011

Budget:

Item	State Grant Funds	Pitt County Funds*	Total
Rear Load Truck – Purchase and Paint	\$25,000**	\$7,500	\$32,500
150 96 Gallon Roll Carts - 150 x \$55.97	\$8,395.50		\$8,395.50
Signage for Roll Carts		\$337.50	\$337.50
Classroom Recycling Bins - Price per bin (1150): \$6.75 per bin + Set-up fee and Shipping	\$5,104.50	\$2,658	\$7,762.50
Graphics		\$500	\$500
Total	\$38,500	\$10,995.50	\$49,495.50

* Part of Pitt County's match will be provided by funds from ECVC.

** The county plans to purchase a used rear loaded truck and should the price run over the budgeted amount of \$25,000 the county will pay the difference.



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Contract award to Greenways, Inc. for the development of a Bicycle and Pedestrian Master Plan

Explanation: Attached for City Council's consideration is a contract for service for the development of a Bicycle and Pedestrian Master Plan for the Greenville Urban Area Metropolitan Planning Organization (MPO). The City is the lead planning agency for the MPO. The Master Plan will cover the MPO's entire planning area to include the following jurisdictions: Greenville, Winterville, Ayden, Simpson, and sections of unincorporated Pitt County.

Five engineering firms submitted proposals to conduct the study. A selection committee comprised of representatives of MPO-member jurisdictions selected and interviewed three of the five firms. At the completion of this selection process, the committee determined that Greenways, Inc. was the most qualified consulting firm to provide planning services for the development of the master plan.

The proposed scope of work includes the development of a bicycle and pedestrian design guide, bicycle and pedestrian network plan, analysis of existing conditions, collection of data for a bicycle suitability map, development of a Bicycle-Friendly Community application, along with public outreach efforts to include social networking, a project website, and numerous public meetings.

Staff has budgeted \$140,000 for the development of the Bicycle Master Plan. The contract amount is \$93,130.14. The difference will be used for contingencies and for the completion of the bicycle suitability map, as funds allow. As an MPO-reimbursable item, the planning effort is an 80/20 cost share. NCDOT provides 80% of project cost for plan development, which will not exceed \$112,000. The MPO's share is estimated to be no more than \$28,000. The City of Greenville will initially fund the entire cost of the study and be subsequently reimbursed by NCDOT. Additionally, MPO-member jurisdictions will reimburse the City up to a total of \$10,150 for their portion of plan development. This figure was derived from a population-based cost-share agreement with MPO member jurisdictions. The net cost to the City, after MPO-

member cost-share and NCDOT reimbursements, will be no more than \$17,850.

Fiscal Note:

Funding for this project will be provided through the City's Capital Improvement Program. Net costs to the City, after NCDOT's MPO-reimbursement and payment by MPO-member jurisdictions, will not exceed \$17,850.

Recommendation:

Award a professional services contract to Greenways, Inc. for the preparation of a Bicycle and Pedestrian Master Plan for the lump sum fee of \$93,130.14.

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

Attachments / click to download

 [Bicycle and Pedestrian Master Plan Contract](#)

CONTRACT FOR DESIGN SERVICES RELATED TO BICYCLE AND PEDESTRIAN MASTER PLAN

THIS CONTRACT is made and entered into as of the ____ day of August, 2010, by and between the City of Greenville, a North Carolina municipal corporation, hereinafter referred to as the “City” and Greenways, Inc., a North Carolina corporation, hereinafter referred to as the “Consultant”.

WITNESSETH:

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

1.0 Background and Purpose

The City (as Lead Planning Agency (LPA) for the Greenville Urban Area Metropolitan Planning Organization (MPO)), is developing a Bicycle and Pedestrian Master Plan for the entire Greenville Urban Area MPO Urbanized Area.

It is expected that this master plan will become a strong planning tool for MPO-member jurisdictions and that it will facilitate the orderly development of both pedestrian and bicycle modes of transportation. The plan is expected to:

- Create a lasting pedestrian and bicycle transportation program;
- Identify convenient and on-street and off-street routes for pedestrian walking/jogging and bicycling to important nodes and destinations;
- Identify connections to other nodes of transportation;
- Address the needs of all ability, age and skill levels;
- Promote safe bicycling and enhance bicycle safety

To facilitate this effort, numerous Public Input Sessions and other methods will be employed to collect significant input from interested residents. The intent is to build on this input to develop a master plan that reflects the community’s vision, and establish specific project priorities that can guide future infrastructure development.

2.0 Services to be Performed

The services to be performed by the Consultant are detailed in Exhibit A. The services have been mutually agreed upon between the City and the Consultant. The Consultant shall perform the services set forth in Exhibit A.

In this contract, "Work" means the services that the Consultant is required to perform pursuant to this contract and all of the Consultant's duties to the City that arise out of this contract.

3.0 Work Schedule and Contract Duration

The project schedule for completion of the Work is detailed in Exhibit B. The project schedule has been mutually agreed upon by the City and the Consultant. The Consultant shall complete the Work to the satisfaction of the City no later than April 30, 2011.

4.0 Complete Work without Extra Cost

Except to the extent otherwise specifically stated in this contract, the Consultant shall obtain and provide, without additional cost to the City, all labor, materials, equipment, transportation, facilities, services, permits, and licenses necessary to perform the Work.

5.0 Compensation

The City shall pay the Consultant for the Work as follows:

The Consultant shall be compensated on a monthly basis based on the completed work as outlined below:

Tasks

1. Identify Community Goals and Objectives
2. Existing Conditions Analysis
3. Public Involvement
4. Draft Bicycle and Pedestrian Network
5. Bicycle and Pedestrian Design Guidelines
6. Implementation Plan and Funding Strategies
7. Comprehensive Draft Bicycle and Pedestrian Master Plan
8. Client Review
9. Final Bicycle and Pedestrian Master Plan/Presentations
10. Bicycle-Friendly Application

The payment for each task shall be the fee for each task stated in Exhibit A with a total fee for all of the tasks not to exceed \$87,896.14. In addition to said fee, the Consultant shall be compensated for reimbursable expenses in accordance with rates for rental car, mileage, and printing set forth in Exhibit C with the reimbursable expenses not to exceed \$5,234.00.

The City shall not be obligated to pay the Consultant any payments, fees, expenses, or compensation other than those authorized by this section. The contract amount, including the total fee and reimbursable expenses, shall not exceed \$93,130.14.

6.0 Consultant's Billings to City

The Consultant shall send invoices to the City on a monthly basis for the amounts to be paid pursuant to this contract. Each invoice shall document, to the reasonable satisfaction of the City, such information as may be reasonably requested by the City. Consultant will provide a description of Work accomplished and percentage of each task completed with each monthly billing document. The City shall pay the part of compensation for each task which reflects the percentage of completion attained for that Work less payments previously paid for that completed work. Within sixty (60) days after the City receives an invoice, the City shall send the Consultant a check in payment for all undisputed amounts contained in the invoice.

7.0 Insurance

The Consultant shall maintain the following insurance coverages while performing in accordance with the terms of this contract, subject to the terms and conditions of the policies:

- a. Workers' Compensation: Statutory
- b. Employer's Liability --
 - 1) Each Accident: \$100,000
 - 2) Disease, Policy Limit: \$500,000
 - 3) Disease, Each Employee: \$100,000
- c. General Liability --
 - 1) Each Occurrence (Bodily Injury and Property Damage): \$1,000,000
 - 2) General Aggregate: \$2,000,000
- d. Automobile Liability --Combined Single Limit (Bodily Injury and Property Damage):

Each Accident	<u>\$1,000,000</u>
e. Professional Liability –	
1) Each Claim Made	<u>\$1,000,000</u>
2) Annual Aggregate	<u>\$1,000,000</u>

Consultant will furnish the City with certificates of insurance verifying the above referenced coverages and stating that the insurance carrier will provide the City with 30 days prior written notice of insurance cancellation. The Consultant shall list the City as an additional insured for the General Liability and Automobile Liability insurance.

8.0 Exhibits

The following exhibits are made a part of this contract:

Exhibit A: Scope of Work describing tasks and fee per each task (11 pages).

Exhibit B: Schedule of Work detailing tasks and approximate start and end date for each task.

Exhibit C: Schedule of Fees detailing the hourly cost for consultant staff and reimbursable expenses.

In case of conflict between an exhibit and the text of this contract excluding the exhibit, the text of this contract shall control.

9.0 Termination for Cause

9.1 Procedure. The City or the Consultant may terminate this contract for cause based upon a failure by the other party to fulfill the contract obligations by giving the other party at least 30 days prior written notice that refers to this section. Termination shall be effective at the time indicated in the notice but no sooner than 30 days after the notice is given. The City Manager may terminate under this section without City Council action.

9.2 Obligations. Upon termination, all obligations that are to be performed by each party are discharged except that any right based on a prior breach or the breach which is the subject of the termination survives, and the indemnification provisions shall remain in force. At the time of termination or as soon afterwards as practical, the Consultant shall give the City all Work, including partly completed Work.

9.3 Payment. Within 20 days after termination, the City shall pay the Consultant for all Work performed except to the extent previously paid for. Work shall be paid for in accordance with the method to be used for payment for Work that has been completed as specified in section 6.0. The Consultant shall not be entitled to any

payment except as stated in this section because of termination, whether on the basis of overhead, profit, damages, other economic loss, or otherwise.

10.0 Termination for Convenience ("TFC")

- 10.1 Procedure. Without limiting any party's right to terminate for breach, the City may, without cause, and in its discretion, terminate this contract for convenience by giving the Consultant written notice that refers to this section. TFC shall be effective at the time indicated in the notice. The City Manager may terminate under this section without City Council action.
- 10.2 Obligations. Upon TFC, all obligations that are to be performed by each party are discharged except that any right based on prior breach or performance survives, and the indemnification provisions shall remain in force. At the time of TFC or as soon afterwards as practical, the Consultant shall give the City all Work, including partly completed Work.
- 10.3 Payment. Within 20 days after TFC, the City shall pay the Consultant a one hundred dollar TFC fee and for all Work performed except to the extent previously paid for. Work shall be paid for in accordance with the method to be used for payment for Work that has been completed as specified in section 6.0. The Consultant shall not be entitled to any payment except as stated in this section because of TFC, whether on the basis of overhead, profit, damages, other economic loss, or otherwise.

11.0 Notice

- 11.1 All notices and other communications required or permitted by this contract shall be in writing and shall be given either by personal delivery, fax, or certified United States mail, return receipt requested, addressed as follows:

To the City:
Daryl Vreeland, AICP
Public Works Department
City of Greenville
1500 Beatty Street
Greenville, NC 27834
The fax number is (252) 329-4535

To the Consultant:
Greenways, Inc
5850 Fayetteville Road, Suite 211
Durham, NC 27713

The fax number is (919) 484-3003.

11.2 Change of Address. Date Notice Deemed Given

A change of address, fax number, or person to receive notice may be made by either party by notice given to the other party. Any notice or other communication under this contract shall be deemed given at the time of actual delivery, if it is personally delivered or sent by fax. If the notice or other communication is sent by United States mail, it shall be deemed given upon the third calendar day following the day on which such notice or other communication is deposited with the United States Postal Service or upon actual delivery, whichever first occurs.

12.0 Rights in Deliverables

All deliverables provided by Consultant to the City shall belong to the City. Methodologies and other instruments of service used to prepare the deliverables shall remain the property of the Consultant.

13.0 Indemnification

13.1 To the maximum extent allowed by law, the Consultant shall defend, indemnify, and save harmless Indemnitees from and against all Charges that arise in any manner from, in connection with, or out of this contract as a result of negligent acts or omissions of the Consultant or sub-Consultants or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. In performing its duties under this subsection "13.1," the Consultant shall at its sole expense defend Indemnitees with legal counsel reasonably acceptable to the City.

13.2 Definitions. As used in subsections "13.1" above and "13.3" below – "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements, and expenses (included without limitation within "Charges" are interest and reasonable attorneys' fees assessed as part of any such item). "Indemnitees" means the City and its officers, officials, agents, and employees excluding the Consultant.

13.3 Other Provisions Separate

Nothing in this section shall affect any warranties in favor of the City that are otherwise provided in or arise out of this contract. This section is in addition to and shall be construed separately from any other indemnification provisions that may be in this contract.

13.4 Survival

This section shall remain in force despite termination of this contract (whether by expiration of the term or otherwise) and termination of the services of the Consultant under this contract.

13.5 Limitations of the Consultant's Obligations

If this section is in, or is in connection with, a contract relative to the design, planning, construction, alteration, repair or maintenance of a building, structure, highway, road, appurtenance or appliance, including moving, demolition and excavating connected therewith, then subsection "13.1" shall not require the Consultant to indemnify or hold harmless Indemnitees against liability for damages arising out of bodily injury to persons or damage to property proximately caused by or resulting from the negligence, in whole or in part, of Indemnitees.

14.0 Miscellaneous

14.1 Choice of Law and Forum

This contract shall be deemed made in Pitt County, North Carolina. This contract shall be governed by and construed in accordance with the law of North Carolina. The exclusive forum and venue for all actions arising out of this contract shall be the North Carolina General Court of Justice, in Pitt County. Such actions shall neither be commenced in nor removed to federal court. This section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this section.

14.2 Waiver

No action or failure to act by the City shall constitute a waiver of any of its rights or remedies that arise out of this contract, nor shall such action or failure to act constitute approval of or acquiescence in a breach thereunder, except as may be specifically agreed in writing.

14.3 Performance of Government Functions

Nothing contained in this contract shall be deemed or construed so as to in any way stop, limit, or impair the City from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

14.4 Severability

If any provision of this contract shall be unenforceable, the remainder of this contract shall be enforceable to the extent permitted by law.

14.5 Assignment: Successors and Assigns

Without the City's written consent, the Consultant shall not assign (which includes to delegate) any of its rights (including the right to payment) or duties that arise out of this contract. The City Manager may consent to an assignment without action by the City Council. Unless the City otherwise agrees in writing, the Consultant and all assignees shall be subject to all of the City's defenses and shall be liable for all of the Consultant's duties that arise out of this contract and all of the City's claims that arise out of this contract. Without granting the Consultant the right assign, it is agreed that the duties of the Consultant that arise out of contract shall be binding upon it and its heirs, personal representatives, successors, and assigns.

Notwithstanding the foregoing, it is understood and agreed that the Consultant will retain Kimley-Horn and Associates as a subconsultant to conduct a portion of the Work, said subconsultant arrangement is consented to by the City.

14.6 Compliance with Law

In performing all of the Services, the Consultant shall comply with all applicable law.

14.7 City Policy

THE CITY OPPOSES DISCRIMINATION ON THE BASIS OF RACE AND SEX AND URGES ALL OF ITS CONSULTANTS TO PROVIDE A FAIR OPPORTUNITY FOR MINORITIES AND WOMEN TO PARTICIPATE IN THEIR WORK FORCE AND AS SUBCONSULTANTS AND VENDORS UNDER CITY CONTRACTS.

14.8 EEO Provisions

During the performance of this Contract the Consultant agrees as follows:

14.8.1 The Consultant shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The Consultant shall take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Consultant shall post in conspicuous places, available to employees and applicants for employment, notices setting for these EEO provisions.

14.8.2 The Consultant shall in all solicitations or advertisement for employees placed by or on behalf of the Consultant; state that all qualified applicants will receive consideration for employment with regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.

14.8.3 The Consultant shall send a copy of the EEO provisions to each labor union or representative of works with which it has a collective bargaining agreement or other contract or understanding.

14.8.4 In the event of the Consultant's noncompliance with these EEO provisions, the City may cancel, terminate, or suspend this contract, in whole or in part, and the City may declare the Consultant ineligible for further City contracts.

14.8.5 Unless exempted by the City Council of the City of Greenville, the Consultant shall include these EEO provisions in every purchase order for goods to be used in performing this contract and in every subcontract related to this contract so that EEO provisions will be binding upon such sub-consultant and vendors.

14.9 Amendments

This agreement may be amended by mutual agreement of the parties in writing.

14.10 Dispute Resolution

City and Consultant agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to exercising their rights under law

15.0 No Third Party Rights Created

This contract is intended for the benefit of the City and the Consultant and not any other person.

16.0 Principles of Interpretation and Definitions

In this contract, unless the contract requires otherwise:

16.1 The singular includes the plural and plural the singular. The pronouns "it" and "its" include the masculine and the feminine. References to statutes or regulations include all statutory or regulatory provisions consolidating, amending, or replacing the statute or regulation. References to contracts and agreements shall be deemed to include all amendments to them. The words "include," "including," etc. mean include, including, etc. without limitation.

- 16.2 References to a “Section” or “section” shall mean a section of this contract.
- 16.3 “Contract” and “Agreement,” whether or not capitalized, refer to this instrument.
- 16.4 Titles of sections, paragraphs, and articles are for convenience only, and shall not be construed to affect the meaning of this contract.
- 16.5 “Duties” includes obligations.
- 16.6 The word “person” includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units, and other legal entities.
- 16.7 The word “shall” is mandatory.
- 16.8 The word “day” means calendar day.

17.0 Modifications: Entire Agreement

A modification of this contract is not valid unless signed by both parties and otherwise in accordance with requirements of law. Further, a modification is not enforceable against the City unless the City Manager or a deputy or assistant City Manager signs it for the City. This contract contains the entire agreement between the parties pertaining to the subject matter of this contract. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in this contract.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed in duplicate originals as the day and year first above written.

CITY OF GREENVILLE

GREENWAYS, INC.

BY: _____
Patricia C. Dunn, Mayor

BY: Charles A. Thibe
PRINTED NAME Charles A Thibe
TITLE: President

APPROVED AS TO FORM:

BY: _____
David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION:

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

BY: _____
Bernita W. Demery, CPA, Director of Financial Services

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Greenville Urban Area MPO Bicycle and Pedestrian Master Plan
Scope of Work
(July 15, 2010)

Task 1: Identify Community Goals and Objectives - Project Kickoff Meeting

The Greenways Incorporated (GWI) Team will begin the preparation of the Greenville Urban Area MPO Bicycle and Pedestrian Master Plan with an Advisory Committee kick-off meeting. This would be the first of four Advisory Committee/Project staff meetings in which the GWI Team would be present (we will coordinate the remaining three meetings with other task work). The GWI Team will author and print Committee meeting agendas, develop presentations/boards/handouts, record meeting minutes, provide a digital original of the minutes to the Client in Microsoft Word format so that the Client can distribute the minutes to , and facilitate all meetings.

During the kick-off meeting, the GWI Team will give a Powerpoint presentation that describes the scope of work, deliverables, planning process and discusses next steps. In preparation for this meeting, it is our goal to work with City staff, in advance of the kick-off meeting, to obtain background materials that define current bicycle and pedestrian planning measures throughout the region including GIS base data. Items to be discussed and presented at this kick-off meeting include:

- Develop project vision, goals, and objectives
- Review scope and determine data needs and responsibilities
- Review of existing data
- Define types of facilities and identify existing facilities
- Set goals to achieve bicycle and pedestrian friendly status
- Target areas within the Greenville MPO region (Map work session)
- Public involvement strategies

Deliverables:

- Prepare Powerpoint presentation in advance of meeting
- Prepare base map of GUAMPO boundary study area in advance of meeting
- Develop draft project Vision, Goals, and Objectives
- Prepare and transmit summary of meeting and results to City
- Prepare meeting agenda and meeting minutes; Client to distribute minutes to Committee

Staff Assigned: Flink, Hayes,

Fee: \$1,087.54

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Task 2: Existing Conditions Analysis (Identification of Existing Deficiencies and Need)

This task will consist of a Greenways Inc. conducting a comprehensive inventory and analysis of exiting conditions, programs, policies, and procedures that are related to the preparation of the Greenville Bicycle and Pedestrian Master Plan. This work will include the identification of existing bicycle and pedestrian deficiencies, needs, and opportunities. This task is broken into four sub-tasks: 1) GIS mapping and aerial map review of study area 2) fieldwork, 3) review of existing planning documents and ordinances, and 4) needs assessment.

2.1 GIS Data Collection and Mapping (Including Traffic Crash History)

The GWI Team will collect GIS data from the City of Greenville, GUAMPO, NCDOT, and municipalities in the study area. This will include the most current aerials of the project study area. We will complete an inventory base map of pedestrian and bicycle facilities and a summary of bicycle and pedestrian crash histories within the project study area. The City or other appropriate agency will provide other data to Greenways Incorporated including:

- Locations and dates of proposed roadway reconstruction projects
- Locations of scheduled roadway resurfacing projects.

Greenways Incorporated will compile and assemble the information into a cohesive set of composite GIS-based maps that can assist in defining the opportunities, constraints, and needs for bicycle and pedestrian improvements. The GWI Team will also generate a series of existing conditions maps including crash history, land use, socioeconomic, roadway configuration, and trip attractors. These maps will help identify land use, demographic, and safety issue patterns that will demonstrate potential need in the region. We will utilize ESRI Geographic Information Systems (GIS) version 9.2 as the basis for producing maps.

2.2 Fieldwork*

Once our map development is completed, the GWI Team will begin assessments of the Greenville Urban Area focusing on corridors that support bicycle and pedestrian travel. This will include travel corridors of the study area specified by the staff and Advisory Committee at the Kick-off meeting, schools, public facilities, downtown area, significant points of interest, areas of development, areas of high crash incidences, and conflict areas such as intersections at arterial and collector roads. We will also take this opportunity to map any necessary pedestrian and bicycle facilities and other points of interest. We will utilize aerial maps to complete as much work as possible, and we will also make use of other tools, such as Google Streetview, to complete our assessment work. It will, however, be necessary for the Greenways Inc. team to complete fieldwork to supplement what is understood by virtue of our map and aerial assessment work.

In the field, the GWI Team will complete a more detailed inventory and evaluation of roadway conditions for both bicycle and pedestrian facilities. We will create a key intersection inventory of pedestrian conditions in a spreadsheet for up to 50 intersections. Roadway measurements will be made to verify what we have learned from mapping and aerial evaluation to determine future

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bicycle facility development options. This information will be compiled into a report defining the opportunities and constraints for pedestrian and bicycle improvements.

**Fieldwork description: A two-man GWI team will conduct three complete days of fieldwork with support from a second two-man GWI team who will conduct two complete days of fieldwork. The first team will be assigned to study bicycle facility development options throughout the study area. The second team will be assigned to inventory up to 50 intersections. The results of this fieldwork will be incorporated into the deliverable for this task.*

2.3 Review of Development Regulations and Incorporation of Existing Plans

This task consists of gathering relevant planning, environmental, land use and engineering information and materials needed to develop the Bicycle and Pedestrian Master Plan. This includes all pedestrian and bicycle-related planning and development documents, regulations, and ordinances. The GWI Team will summarize these previously authored planning documents, pulling out key information related to bicycle and pedestrian planning, objectives, and recommendations. Our goal is to be consistent with and expand upon these plans and recommendations. We anticipate that City of Greenville staff and other organizations will provide us with the documents, reports, plans, maps and studies required to complete this task.

The GWI Team will consult with City of Greenville staff and other stakeholders to identify current education, encouragement, enforcement, and outreach programs for increasing bicycling and walking. This information will enable us to make appropriate recommendations for additional programs, as well as enhancements to current bicycle and pedestrian programs.

2.4 Needs Assessment (Identification of Future Needs)

The GWI Team will assess future demand and use for both bicyclists and pedestrians. To accomplish this task, we will collect and map census data such as mode share and vehicle ownership. Using new bicycle and pedestrian demand models, we will estimate the number of bicycle and pedestrian trips daily. These models take into account data from the US Census, including the existing labor force (bicycle/pedestrian commute percentages), college students (who are assumed to be pedestrians daily), and schoolchildren age population, and use national survey data and estimates to model the amount of bicycle and pedestrian trips taken daily within the study area. An understanding of trip attractors, such as universities, schools, and parks, will assist us in producing a demands assessment. We will also assess the distribution of potential benefits and negative impacts both at the plan and project level.

The GWI Team will review existing planning efforts, existing facilities, and assess connectivity issues as part of the needs assessment.

2.5 Bicycle Suitability Map

The GWI Team will develop a Bicycle Suitability Map for arterial and appropriate collector roadways within the Greenville Urban Area to include area specific inserts, as deemed appropriate by the plan advisory group. This will largely be a qualitative analysis with

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quantitative elements. It is assumed that the necessary quantitative, mapped, input data for the model exists (traffic speed, traffic volume, and existing bicycle lanes) and will be made available to the consultant team. The Consultant team will not produce additional quantitative input data as part of this task. The City of Greenville should provide the GWI Team with traffic volume data and traffic speed data in GIS shapefile format. Any additional necessary data will be collected as part of Task 2.2. In order to also conduct the qualitative analysis, the Consultant team will conduct a 2-day field review (with an invitation open to local planning staff) to view the roadway network (This task is in addition to fieldwork that was discussed in section 2.2). The qualitative review will include a window analysis of the overall environment (perceived comfort level for a bicyclist along roadways). This includes such items as number of driveways, roadway configuration/number of lanes and merge lanes, and sight issues. The final map will classify the roads into four categories ranging from most suitable for bicyclists to least suitable for bicyclists principally based on traffic volumes, speeds, and the window qualitative analysis. A short technical memo will also be developed describing the process.

MPO-Member Jurisdictions Deliverables

- Existing GIS and aerials maps data Greenways to provide external hard drive (min 500 GB) and sign and agree to City’s data distribution agreement.
- Existing roadway information (specific list of data will be provided by the City and its partners)
- Relevant previously completed and current planning documents, regulations, and ordinances
- Listing of ongoing bicycle/pedestrian education, encouragement, and enforcement programs
- Locations and dates of proposed roadway reconstruction projects
- Locations of scheduled roadway resurfacing projects.

Deliverables:

- One (1) digital version in Microsoft Word technical memorandum documenting findings from all above analyses
- One (1) digital version in Microsoft Word summary report of fieldwork findings including photo inventory (provided to the Client on compact disk) and descriptions of existing facilities and any deficiencies such as gaps
- One (1) Microsoft Excel spreadsheet that provides intersection inventory table of pedestrian conditions (Up to 50 total intersections)
- Bicycle Suitability Map (digital original) with technical memorandum
- Digital shape files of GIS maps (including crash history and any updated layers).

Staff Assigned: Hayes, Reyes, Peterson, Mylacraine

Fee: \$20,521.98

Task 3: Public Involvement

3.1 Advisory Committee Meetings

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The Greenways Inc. Team will meet with the Bike and Ped Master Plan Advisory Committee a total of four (4) regular meetings (1st of four is the Kick-off meeting). This will allow for project updates to the Advisory Committee and include input from City staff.

This task will also include two meetings that are separate with the Greenville Bike and Pedestrian Commission (GBPC). These will occur on the same day as two of the Advisory Committee meetings to ensure efficient use of consultant time. These two meetings will include GIS-based map input sessions: one input session would occur early in the master plan process as we develop the preliminary bicycle and pedestrian network; a second map input session would occur after we have developed the final bicycle and pedestrian network recommendations.

3.2 Social Networking and Outreach to Lower Income Communities

Greenways Inc. will work with the Advisory Committee to use social networking (Facebook and Twitter) as a means to communication the goals and objectives for the project with the citizens of Greenville. Project updates, announcements, drafts, etc. will be posted as updates on these social media pages and our project website.

As part of this task, we will also work with the City of Greenville to conduct one (1) outreach meeting with low-income and Hispanic representatives. This will involve working with local community leaders who have the means of representing these groups (The City of Greenville will determine appropriate contacts). This meeting will occur during a regularly scheduled visit to maximize the efficient use of consultant time. We will develop one newsletter in Spanish and provide the online comment form in Spanish as well.

3.3 Project Website

Greenways Inc. will host a project website (www.greenways.com/greenvillenc) that provides up to date information about the bicycle and pedestrian master plan, and serves as a method for receiving input from the public. This website will be updated on a regular basis to provide updates about the planning process and upcoming events. It will provide a link to the comment form, project deliverables, meeting minutes, the Facebook and Twitter page, and to “Community Walk” software mapping program that will enable users to provide bicycle and pedestrian network route and alignment input via this online mapping program.

3.4 Project Newsletters

Greenways Inc. will design and publish two Bicycle and Pedestrian Master Plan Newsletters that will provide detailed information about the project. Newsletters will be made available in PDF format and will be posted on the project website and social media as described in sections 3.2 and 3.3. The Client may choose to print and distribute the digital newsletter as it sees fit.

3.5 Comment Form (Online & Hard copy)

Greenways Inc. will prepare comment forms that the City of Greenville can publish and distribute through its municipal water billing service and at public meetings to solicit important information about bicycle and pedestrian master plan. Greenways Inc. will design and publish a hardcopy comment form in Spanish. We will develop an online version that will be made

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available through the project website. We will use the results of these comment forms to better understand bicycle and pedestrian needs and areas of concern.

3.6 Public Meetings #1-5 (Event and Preparation)

Greenways Inc. will facilitate five (5) open house workshops (one within each MPO-member jurisdiction) to share information about the project, gather community input, and generate further support for the plan. The purpose of these meetings will be to educate and engage the public in the planning process. Specifically, these meetings will explain the planning process, provide an update on the work completed to date, solicit input and feedback, and answer questions of concern and interest expressed by local residents and business interests. Project information and education boards, comment forms, and large format maps for citizens to mark up will be provided. These meetings will occur over the course of two back-to-back weeks to maximize consultant efficiency. Greenways Inc. recommends that during week one, three public meetings would occur within the MPO-member jurisdictions, one each on Tuesday, Wednesday and Thursday evenings. For week two, two additional meetings would occur, one each on Tuesday and Wednesday evening.

We will provide easels and foam boards as needed to display project information. GWI will provide the City with text and graphics needed to advertise the meetings, along with flyers and signs directing the public to each meeting location. All five meetings will occur in back to back weeks to maximize public input and make efficient use of time and effort.

3.7 Public Meeting #6 (Event and Preparation)

At the conclusion of the draft master plan, Greenways Inc. will facilitate one (1) final open house workshop to reveal draft plan recommendations and receive input on these recommendations.

Deliverables:

- Project newsletters (2)
- Workshop flyers (up to 6: one for each workshop)
- Project website and online/hardcopy comment form
- Project facebook and twitter page
- “Community Walk” online software mapping program
- Meeting presentations
- Promotional flyers/signs
- Project information and education boards for public workshops
- Six public open house meetings
- Three Advisory Committee meetings

Staff Assigned: Flink, Hayes, Reyes, Peterson

Fee: \$14,543.44

Task 4: Draft Bicycle and Pedestrian Network

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The methodology for developing the preliminary bicycle and pedestrian network will be an assimilation of all above-mentioned inputs with a consideration for need, safety, and cost. We will take into consideration proposed road re-construction projects, previous bike and pedestrian plans and maps, gaps in the network of existing facilities, public identified routes, access to appropriate destinations and neighborhoods, the Greenways Master Plan, and access to high density employment centers. The facilities that are recommended as part of the bicycle and pedestrian network include on-road bicycle facilities (bicycle lane, shoulder, sharrow, signed bicycle routes, etc), sidewalks, multi-use greenways, roadway crossings, and bicycle parking.

The GWI Team will utilize a number of tools in developing the bicycle and pedestrian network. We have developed an on-road bicycle facility decision tree that we will use during this process. Utilizing our field inventory of intersections (developed in Task 2), we will prepare a recommendations table for each studied intersection. We will identify feasible (short-term and long-term) bicycle and pedestrian facilities within the proposed route network. Potential alternative routes will be added to the route network. We will identify regional connections and ensure that these match at jurisdictional boundaries. Finally, we will also recommend end-of-trip facilities such as trailheads and bicycle parking.

Greenways Inc. will work with Kimley-Horn, project subconsultant, to conduct traffic engineering evaluations to better understand the impacts and affects of recommended bicycle and pedestrian improvements on traffic flow, signal timing, capacity and other related automobile travel issues. This work will be completed by examining existing and proposed documents and will not incorporate fieldwork. The work will include analyzing traffic counts, parallel road impacts, and other information to determine compatibility issues associated with bike and ped recommendations. Kimley-Horn will also provide recommendations for bicycyle and pedestrian improvements that are in keeping with the adopted Greenville Urban Area Thoroughfare Plan.

The GWI Team will generate a Bicycle and Pedestrian network map. This map will be submitted to the Advisory Committee and public for review and comment during workshops and committee meetings.

Upon completion Greenways Inc. will prepare a Powerpoint presentation of the draft bicycle and pedestrian route network plan and make a presentation of the draft network plan to the Greenville Bicycle and Pedestrian Commission. This will constitute a review of the 50% completed bicycle and pedestrian plan.

Deliverables:

- Draft Bicycle and Pedestrian Network map (digital and 1 hard copy)
- Intersection Recommendations Table
- Traffic engineering analysis and recommendations
- Powerpoint presentation of the 50% completed plan to the GBPC

Staff Assigned: Flink, Hayes, Peterson, Reyes, Rutkowski, Dagerhardt, Fluitt

Fee: \$15,912.12

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Task 5: Bicycle and Pedestrian Design Guidelines

The GWI team will review current bicycle and pedestrian facility design guidelines of the Greenville Urban Area MPO and recommend a set of guidelines for on-road and off-road corridors. Greenways Inc. will examine discrepancies between local design guidelines and those of NCDOT, AASHTO, MUTCD and FHWA. The guidelines will be prepared in the form of an 8.5” x 11” bound report and submitted to the Client for review and comment. These design guidelines will communicate how to achieve a complete, safe, attractive, and functional bicycle and pedestrian on-road and off-road environment. Greenways Inc. will identify design elements and illustrate facility standards and guidelines along with typical cross sections recommended in the bicycle and pedestrian network (Task 4).

Deliverables:

- Design Guidelines (one draft digital copy for review; 25 printed copies of final guidelines will be bound within the final master plan report)
- Typical Cross Sections (For each major bicycle and pedestrian facility type)

Staff Assigned: Flink, Reyes

Fee: \$4,466.66

Task 6: Implementation Plan and Funding Strategies

Building upon research conducted in previous tasks concerning implementation and funding strategies, Greenways Incorporated will develop implementation, facility development, and funding strategies and recommendations. This will include detailed action steps for priority bicycle and pedestrian projects, and non-infrastructure programming strategies to make the Greenville Urban Area more walkable and bikeable.

6.1 Project Prioritization and Cutsheets

Priority Evaluation (Prioritizing Capital Improvement Projects)

A key element of the Plan will be a prioritized and phased approach to capital improvement infrastructure projects. We realize implementation and development is a long-term process, so Greenways Inc. will provide a phasing strategy that addresses areas in need of bicycle and pedestrian improvements and connections. We will develop a prioritization matrix for future bicycle and facility development projects to determine construction and maintenance priorities. This process ranks bicycle and pedestrian network segments according to weighted criteria that is determined through the project committee and public input.

We will develop construction cost estimates for the short-term projects along with twenty (20) individual map cut sheets with a description of recommended treatments. This will include a cutsheet map with details on facility recommendation and project implementation procedures. Cutsheets will also include the recommended cross-section design. The cutsheets will be

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produced for the top ten (10) bicycle and top ten (10) pedestrian projects for implementation throughout the GUAMPO.

Retrofit Implementation Strategies and Concept Designs

From roadway measurements and analysis, we will determine low cost retrofit solutions that provide significant improvements that support bicycle and pedestrian travel. We will prepare a project development table that includes the method of development for each prioritized pedestrian and bicycle facility segment. This database and mapping will provide guidance on low-cost improvements and retrofit projects. An example of a retrofit project would be a corridor where bicycle lanes can be added through striping or restriping rather than “new construction.”

6.2 Action Steps Table

Greenways Inc. will develop an action steps table that addresses facility development, policy development, programming, evaluation, and maintenance. The comprehensive action steps table will list the task, responsible agency, cooperating agencies, timeline, and task details. A number of these tasks will be generated using criteria from the League of American Cyclists “Bicycle-Friendly Community” application. The table will serve as an implementation guide for the City of Greenville.

6.3 Financing and Funding

Evaluate Existing Funding Strategies and Identify New Funding Opportunities

The GWI Team will examine relevant funding sources and consider financial mechanisms for the Greenville Urban Area to implement recommendations of this Plan. Greenways Inc. will research local, state, regional, and federal resources that can fund both infrastructure and non-infrastructure projects. The team will develop these resources in tabular format with columns describing the funding entity, contact information, and project type.

Deliverables:

- Draft implementation chapter and action steps table (digital)
- Draft project cutsheets (top 10 bicycle and top 10 pedestrian projects)
- Table of recommendations/method of development (stripe, new construction, etc.)
- Funding strategies

Staff Assigned: Flink, Hayes, Reyes, Peterson

Fee: \$8,434.56

Task 7: Comprehensive Draft Bicycle and Pedestrian Master Plan

The GWI Team will prepare the draft Bicycle and Pedestrian Plan compiling the work outlined in the previous tasks including the approved network of facilities and other text and graphics. In addition to the items developed in the previous six tasks, the draft plan will include:

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- Retrofit implementation strategies and concept designs
- Non-infrastructure strategies (education/encouragement/enforcement programs)
- Photo renderings of recommended solutions
- Review of development regulations with recommended new policy ordinances and rewrites for compliance with this master plan
- Appendices including public input summaries, cost estimates, and glossary

Upon completion Greenways Inc. will prepare a Powerpoint presentation and make presentations of the draft Bicycle and Pedestrian Master Plan to the Greenville Bicycle and Pedestrian Commission, and Greenville City Council. This will constitute a review of the 90% completed bicycle and pedestrian plan.

Deliverables:

- Draft Greenville Urban Area bicycle and pedestrian master plan (digital PDF loaded to the project web site, where it can be downloaded and reviewed)
- Powerpoint presentation of the 90% draft plan to the GBPC and Greenville City Council for review and comment.

Staff Assigned: Flink, Hayes, Reyes, Peterson

Fee: \$11,439.12

Task 8: Client Review

We will submit the draft plan to the Advisory Committee, City of Greenville, and the public for review. The final draft plan will be made available in digital form only. Greenways Inc. will place the digital plan on the project web page, in PDF format, for the public to download and review. Public meeting # 6 (referred to in Task 3, will be conducted to present the draft plan and receive public input.

Deliverables: One meeting with Advisory Committee to review Draft Plan

Staff Assigned: Flink

Fee: \$434.58

Task 9: Final Bicycle and Pedestrian Master Plan/Presentations

Based on the comments from the GUAMPO, Advisory Committee and public, Greenways Inc. will make final corrections and changes to the draft plan and produce a final master plan. We will also prepare an 8.5” x 11” Executive Summary of the final plan that highlights the key recommendations of the final plan. The final plan will be provided in 8.5” x 11” printed and bound, and digital, version with all project files such as GIS layers, meeting minutes, photo inventories, intersection inventories, and comment form results.

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Upon completion Greenways Inc. will prepare a Powerpoint presentation and present the final Bicycle and Pedestrian Master Plan to the Greenville Bicycle and Pedestrian Commission, Greenville City Council, and the GUAMPO TCC. This will constitute a review and approval of the 100% completed bicycle and pedestrian master plan.

Greenways Inc. will provide the client with an example letter of endorsement that the MPO member jurisdictions can review and sign to accept and endorse the recommendations defined within the final bicycle and pedestrian master plan. The client will be responsible for presenting the final master plan and securing the endorsement agreements from each of the MPO member jurisdictions.

Deliverables:

- Final Bicycle and Pedestrian Master plan (one digital final draft for review; twenty five (25) bound printed copies)
- Executive Summary (25 copies printed copies)
- Digital originals of all completed work
- Example endorsement agreement for MPO member jurisdictions
- Powerpoint presentation of the Final Plan to GBPC, Greenville City Council and GUAMPO TCC

Staff Assigned: Flink, Reyes, Hayes, Peterson

Fee: \$7,224.26

Task 10: Bicycle-Friendly Application

The GWI Team will develop a Bicycle-Friendly Community application. The GWI Team will contact City of Greenville staff throughout this planning process to assist in answering the questions of this application (which largely focuses on existing conditions such as existing programs, maintenance policies, etc.). The GWI Team will also ask members of the Steering Committee to assist with various questions in this application. The GWI Team will complete portions of the application that can be addressed with information from this planning process (for example, mileage of recommended bike lanes, etc.). With all the information gathered, the GWI team will develop a draft application that the City of Greenville may modify as they see fit.

Staff Assigned: Reyes, Hayes

Fee: \$1,603.84

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Summary of Fees and Expenses

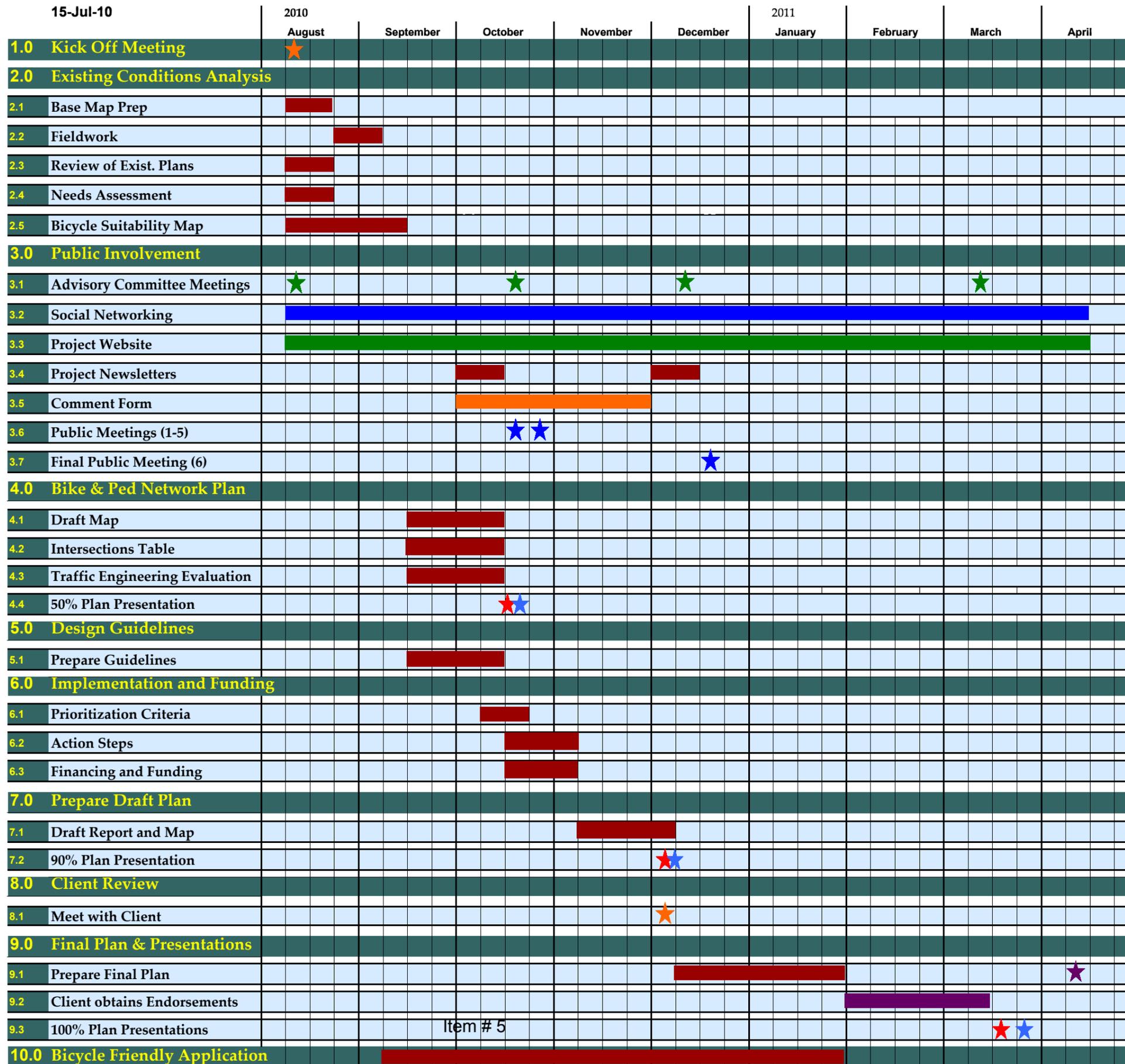
Task 1: Kick Off Meeting	\$1,087.54
Task 2: Existing Conditions Analysis	\$20,521.98
Task 3: Public Involvement	\$14,543.44
Task 4: Draft Bicycle and Pedestrian Network	\$16,509.94
Task 5: Facility Design Guidelines	\$4,466.66
Task 6: Implementation and Funding	\$8,434.56
Task 7: Prepare Draft Master Plan	\$12,471.52
Task 8: Client Review of Draft Plan	\$434.58
Task 9: Final Plan and Final Presentations	\$7,822.08
Task 10: Bicycle Friendly Application	\$1,603.84
Total Fee:	\$87,896.14
Reimbursable Expenses:	<u>\$5,234.00</u>
Total Fee and Expenses:	\$93,130.14

Greenville Urban Area Bicycle & Pedestrian Plan

Milestone Schedule

★ Client Meeting
 ★ Attachment number 1 Advisory Committee
 ★ Public Meeting
 ★ TCC
 ★ GBPC
 ★ City Council

The Greenways Incorporated Team



Item # 5

Fee Estimate - Updated July 15, 2010	Flink	Hayes	Reyes	Peterson	Mylacraine	Rutkowski (KH)	Fluitt (KH)	Dagerhardt (KH)	Blank	Totals
	\$144.86	\$81.62	\$72.03	\$60.02	\$60.02	\$167.71	\$113.86	\$81.55	\$0.00	
Task 1: Kick-off Meeting	3	8	0	0	0	0	0	0	0	\$1,087.54
Task 2: Existing Conditions Analysis										
2.1 GIS Base Mapping	0	8	0	40	0	0	0	0	0	\$3,053.76
2.2 Fieldwork	0	40	24	16	16	0	0	0	0	\$6,914.16
2.3 Review of Development Regulations and Incorporation of Existing Plans	0	4	0	24	0	0	0	0	0	\$1,766.96
2.4: Needs Assessment	1	8	0	0	0	0	0	0	0	\$797.82
2.5 Bicycle Suitability Map	0	8	0	0	0	8	24	40	0	\$7,989.28
Task 3: Public Involvement										
3.1 Steering Committee Meetings (#2-4)	9	24	0	0	0	0	0	0	0	\$3,262.62
3.2 Social Networking and Outreach to Lower Income Communi	0	4	12	0	0	0	0	0	0	\$1,190.84
3.3 Project Website	1	0	12	0	0	0	0	0	0	\$1,009.22
3.4 Project Newsletters (2)	1	0	6	0	0	0	0	0	0	\$577.04
3.5 Comment Form (Online & Hardcopy)	0	0	8	0	0	0	0	0	0	\$576.24
3.6 Public Meetings #1-5 (Event and Preparation)	15	32	20	0	0	0	0	0	0	\$6,225.34
3.7 Public Meeting #6 (Event and Preparation)	3	12	4	0	0	0	0	0	0	\$1,702.14
Task 4: Bicycle and Pedestrian Network										
4.1 Draft Map	4	32	8	32	0	0	0	0	0	\$5,688.16
4.2 Intersection Recommendations Table	1	8	0	16	0	0	0	0	0	\$1,758.14
4.3 Traffic Engineering	1	0	0	0	0	32	8	0	0	\$8,465.82
4.4 50% Plan Presentation	3	2	0	0	0	0	0	0	0	\$597.82
Task 5: Facility Design Guide	1	0	60	0	0	0	0	0	0	\$4,466.66
Task 6: Implementation and Funding										
6.1 Project Prioritization & Cutsheets	1	24	8	40	0	0	0	0	0	\$5,080.78
6.2 Action Steps	1	24	0	0	0	0	0	0	0	\$2,103.74
6.3 Financing and Funding	2	0	0	16	0	0	0	0	0	\$1,250.04
Task 7: Comprehensive Draft Plan	14	50	60	34	0	0	0	0	0	\$12,471.52
Task 8: Client Review	3	0	0	0	0	0	0	0	0	\$434.58
Task 9: Final Plan & Presentations	18	18	32	24	0	0	0	0	0	\$7,822.08
Task 10: Bicycle Friendly Application	0	2	20	0	0	0	0	0	0	\$1,603.84
TOTAL	82	308	274	242	16	32	56	48	0	\$87,896.14
Estimated Expenses										\$5,234.00
TOTAL w/ Expenses (With Bicycle Suitability Map)										\$93,130.14
Breakout		GWI	\$72,238.86	0.821866125						
		KH	\$15,657.28	0.178133875						
			\$87,896.14							
GWI Travel Expenses	Unit	Unit measure	Unit Costs			KH Tr. Expenses	Unit	Unit measure	Unit Costs	
Rental Car	2	days	\$100	\$200		Mileage	250	mile	\$0.50	\$125.00
Mileage (GWI vehicle)	3440	mile	\$0.50	\$1,720		Per Diem	0	man-days	\$50.00	\$0.00
Per Diem	0	man-days	\$50	\$0						
Printing of Draft Maps (Workshops and Committee Meetings	12	map	\$53	\$636						
Printing of Final Plan Report (w/ Design Guide)	25	final plans	\$100	\$2,500						
Printing of Final Maps	1	maps	\$53	\$53						
TOTALS										
		Expenses	Total Lump Sum							
Kimley Horn	\$125	\$15,657.28								
GWI	\$5,109	\$72,238.86								
Grand Total	\$5,234	\$87,896.14								



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Reimbursement resolution for Greenville Utilities Commission's heavy equipment and vehicle purchases through installment loan

Explanation: Greenville Utilities Commission's (GUC) FY 2010-11 budget incorporated the utilization of an installment loan financing as a revenue source for the procurement of vehicles and other heavy equipment necessary to maintain the service level GUC provides to its customers. Plans are to execute an installment loan financing in the Spring of 2011 after all the vehicles and other heavy equipment have been procured.

A reimbursement resolution is needed to enable GUC to reimburse itself for any costs associated with procuring the vehicles and other heavy equipment prior to the execution of the installment loan financing.

The reimbursement resolution in the amount of \$1,310,300 includes \$1,288,100 for the vehicles and other heavy equipment and \$22,200 for projected expenses associated with the financing. Please refer to Exhibit A of the resolution for a detailed analysis of the vehicles, heavy equipment, and ancillary costs associated with the installment loan financing.

The GUC Board, at their meeting on July 20, adopted a reimbursement resolution and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached reimbursement resolution.

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 [Reimbursement Resolution](#)

RESOLUTION NO. 10-__

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN
EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE
ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS**

WHEREAS, the City of Greenville, North Carolina (the "City") has paid, beginning, July 20, 2010, which date is no more than 60 days prior to the date hereof, certain expenditures in connection with the acquisition and construction of certain improvements (the "Improvements") more fully described in Exhibit A attached hereto, consisting of improvements to its electric, gas, sanitary sewer and water systems (collectively, the "System"); and

WHEREAS, the City Council of the City (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof to pay such expenditures in connection with the acquisition and construction of the Improvements (the "Expenditures") are available only on a temporary period and that it is necessary to reimburse the City for the Expenditures from the proceeds of one or more tax-exempt financings (the "Tax-Exempt Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

Section 1. The City Council hereby declares its intent to reimburse the City from the proceeds of the Tax-Exempt Financing for the Expenditures made on and after July 20, 2010, which date is no more than 60 days prior to the date hereof. The City Council reasonably expects on the date hereof that it will reimburse the City for the Expenditures from the proceeds of a like amount of the Tax-Exempt Financing.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to capital account under general federal income tax principles (determined as of the date of the Expenditures), (b) the cost of issuance with respect to the Tax-Exempt Financing, (c) a non-recurring item that is not customarily payable from current revenues of the System, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The principal amount of the Tax-Exempt Financing estimated to be issued to reimburse the City for Expenditures for the Improvements is estimated to be not more than \$1,310,300.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Tax-Exempt Financing to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Improvements are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that

exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

Section 5. The resolution shall take effect immediately upon its passage.

Adopted this the ____ day of _____, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include, but are not limited to, all operating and capital expenditures associated with the Purchase of:

Department	Item	Purchase Type	Amount
Electric	3/4 Ton Pickup 4WD	replacement	\$35,000
Electric	60' Bucket Truck	replacement	\$170,000
Electric	3/4 Ton Pickup	replacement	\$37,000
Electric	75' Tree Bucket Truck	replacement	\$185,000
Electric	Dump Truck	replacement	\$80,000
Electric	1/2 Ton Pickup	replacement	\$30,000
Electric	1/2 Ton Pickup	replacement	\$30,000
Electric	1/2 Ton Pickup	replacement	\$30,000
Electric	1 Ton Pickup	replacement	\$43,000
Electric	Chipper Truck	replacement	\$75,000
Electric	Trencher	replacement	\$53,000
Electric	2 Position Bull-Wheel Tension Machine	new	\$50,000
Electric Total			\$818,000
Water	Compact Ext Cab Truck	new	\$17,400
Water	Compact Ext Cab Truck	replacement	\$17,000
Water Total			\$34,400
Sewer	Dump Truck	replacement	\$73,500
Sewer	Mini Excavator	new	\$28,000
Sewer	Backhoe	new	\$65,000
Sewer Total			\$166,500
Gas	1.5 Ton Utility Truck w/AC	replacement	\$80,000
Gas	Standard Pickup Truck	new	\$21,000
Gas	Service Plow	replacement	\$55,000
Gas Total			\$156,000
Energy Services	Hybrid Truck	replacement	\$29,000
Energy Services	Van	replacement	\$16,200
Energy Services Total			\$45,200
Meter	Compact Pickup	replacement	\$17,000
Meter	Compact Pickup	replacement	\$17,000
Meter	Compact Pickup	replacement	\$17,000
Meter	Compact Pickup	replacement	\$17,000
Meter Total			\$68,000
Total			<u>\$1,288,100</u>
Projected Expenses			
	Bank Loan Origination Fee	\$700	
	Finance Advisory Fee	\$6,500	
	GUC Legal Fee	\$15,000	
		<u>\$22,200</u>	
	Reimbursement Amount		<u>\$1,310,300</u>



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Resolutions authorizing Greenville Utilities Commission applications under the State Revolving Fund Loan Program for Sterling Pointe and Westside Regional Wastewater Pumping Stations

Explanation: With design and easement acquisition now nearing completion, Greenville Utilities Commission (GUC) staff has begun preparation of applications for project funding for both the Sterling Pointe and Westside Regional Wastewater Pumping Stations. The applications are for low-interest loans under the NC State Revolving Fund (SRF) program.

In order to proceed with submittal of the applications, resolutions must be adopted that authorize the General Manager/CEO to act as the designated agent for GUC. The proposed authorizing resolutions (attached) must be included with each respective application.

The GUC Board, at their meeting on July 20, adopted resolutions for this action and recommended similar approval by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached resolutions.

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[Sterling Pointe Resolution](#)

RESOLUTION NO. 10-_____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
STATE REVOLVING LOAN FUND - RESOLUTION OF ASSURANCES, AGREEMENTS AND
AUTHORIZED REPRESENTATIVES

WHEREAS, the Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works and collection system; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville has need for and intends to construct a wastewater treatment works project described as the Greenville Utilities Commission Sterling Pointe Regional Pump Station and Force Main project; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville intends to request state loan assistance for the project and has requested that the City Council of the City of Greenville adopt a resolution relating to this state loan assistance which approves the filing of an application, making the necessary assurances and agreements, and designating authorized representatives;

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

1. That the City of Greenville, in conjunction with the Greenville Utilities Commission, will arrange financing for all remaining costs of the project, if approved for a State loan award.
2. That the City of Greenville, through the Greenville Utilities Commission, will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City of Greenville agrees to include in the loan agreement relating to the State loan award a provision authorizing the State Treasurer, upon failure of the City of Greenville or the Greenville Utilities Commission to make any scheduled repayment of the loan, to withhold from the City of Greenville or the Greenville Utilities Commission any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the City of Greenville, through the Greenville Utilities Commission, will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized to execute and file an application on behalf of the City of Greenville with the State of North Carolina for a loan to aid in the construction of the project described above.

6. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the City of Greenville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this the ____ day of August 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

RESOLUTION NO. 10-_____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
STATE REVOLVING LOAN FUND - RESOLUTION OF ASSURANCES, AGREEMENTS AND
AUTHORIZED REPRESENTATIVES

WHEREAS, the Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works and collection system; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville has need for and intends to construct a wastewater treatment works project described as the Greenville Utilities Commission Westside Regional Pump Station and Force Main project; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville intends to request state loan assistance for the project and has requested that the City Council of the City of Greenville adopt a resolution relating to this state loan assistance which approves the filing of an application, making the necessary assurances and agreements, and designating authorized representatives;

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

1. That the City of Greenville, in conjunction with the Greenville Utilities Commission, will arrange financing for all remaining costs of the project, if approved for a State loan award.
2. That the City of Greenville, through the Greenville Utilities Commission, will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City of Greenville agrees to include in the loan agreement relating to the State loan award a provision authorizing the State Treasurer, upon failure of the City of Greenville or the Greenville Utilities Commission to make any scheduled repayment of the loan, to withhold from the City of Greenville or the Greenville Utilities Commission any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the City of Greenville, through the Greenville Utilities Commission, will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized to execute and file an application on behalf of the City of Greenville with the State of North Carolina for a loan to aid in the construction of the project described above.

6. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the City of Greenville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this the ____ day of August 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Water and sewer capital project budget ordinances for Greenville Utilities Commission's NCDOT Highway 43 Water & Sewer Improvements Project - Phase II

Explanation: The North Carolina Department of Transportation (NCDOT) plans to continue its project to widen and improve the existing NC Highway 43 from Memorial Drive to US 264 Bypass. Phase I, which is being completed now, includes the section from Memorial Drive to B's Barbeque Road. The current Phase II extends from B's Barbeque Road to US 264 Bypass. As a result of the roadway widening and improvements, it will be necessary for NCDOT to relocate certain water and sewer lines located within the street right-of-way that will be in conflict with the proposed new roadway.

In accordance with NCDOT policy, the costs for relocation of these utilities is the responsibility of the utility owner. The costs to Greenville Utilities Commission (GUC) for relocation of the affected water and sewer lines are estimated at \$352,000 for water and \$266,000 for sewer. The actual costs will be computed based on contract quantities at project completion and handled as a reimbursement by GUC to the NCDOT.

The GUC Board, at their meeting on July 20, adopted water and sewer capital project budgets for this work and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville.

Recommendation: Adopt the attached water and sewer capital project budget ordinances.

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 [Water Capital Project Budget Ordinance](#)

 [Sewer Capital Project Budget Ordinance](#)

ORDINANCE NO. 10-_____

FOR WATER CAPITAL PROJECT BUDGET
NCDOT HWY 43 WATER IMPROVEMENTS PROJECT - PHASE II

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

Section 1. Revenues. Revenues of Water Capital Project Budget, NCDOT Hwy 43 Water Improvements Project-Phase II, is hereby established to read as follows:

Revenue:

Long Term Debt	<u>\$352,000</u>	
Total Revenue		<u><u>\$352,000</u></u>

Section 2. Expenditures. Expenditures of the Water Capital Project Budget, NCDOT Hwy 43 \ Improvements Project-Phase II, is hereby established to read as follows:

Expenditures:

Project Cost	<u>\$352,000</u>	
Total Expenditures		<u><u>\$352,000</u></u>

Section 3. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

Adopted this the _____ day of _____, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

ORDINANCE NO. 10-_____

FOR SEWER CAPITAL PROJECT BUDGET
NCDOT HWY 43 SEWER IMPROVEMENTS PROJECT - PHASE II

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

Section 1. Revenues. Revenues of Sewer Capital Project Budget, NCDOT Hwy 43 Sewer Improvements Project - Phase II, is hereby established to read as follows:

Revenue:

Long Term Debt	<u>\$266,000</u>	
Total Revenue		<u>\$266,000</u>

Section 2. Expenditures. Expenditures of the Sewer Capital Project Budget, NCDOT Hwy 43 Sewer Improvements Project - Phase II, is hereby established to read as follows:

Expenditures:

Project Cost	<u>\$266,000</u>	
Total Expenditures		<u>\$266,000</u>

Section 3. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

Adopted this the _____ day of _____, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Budget ordinance amendment #1 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57) and amendment to the Energy Efficiency Recovery Grant Fund (Ordinance No. 10-15), an ordinance establishing the Energy Efficient Revolving Loan Fund, and budget ordinance amendment to the Center City Revitalization Fund (Ordinance No. 05-127) and the West Greenville Revitalization Fund (Ordinance No. 05-50)

Explanation: 1) Attached is an amendment to the 2010-2011 budget ordinance for consideration at the August 9, 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 allocate funds needed for the Dropout Prevention Continuation Grant. This grant was first appropriated in fiscal year 2010. At that time, \$58,333 was included in the budget. This action will allocate the remaining unspent balance of \$25,368 in addition to appropriating the remaining available balance from the grant. The total grant awarded was \$175,000 for the purpose of placing attention and resources on programs and initiatives to keep students in school (Total - \$142,036).

B To carry over unused Forestry grant funds. This grant was first appropriated during prior fiscal year to enhance the sustainability of Greenville's urban forest (Total - \$13,500).

C To appropriate fund balance from the General Fund to liquidate the loan owed by Bradford Creek Golf Course on the facility; approved by City Council as part of the 2010-2011 budget (Total - \$442,460).

D To appropriate funds in the Stormwater Utility Fund to provide emergency stabilization to the streambed in Meetinghouse Branch in the vicinity of the small waterfall in the stream. The velocity and volume of water in the area of the waterfall caused large scale erosion problems and after every storm the waterfall moved further upstream. The nearest address is 2006 Crooked Creek Road (Total -

\$142,331).

E To appropriate additional program income that was earned during fiscal year 2010 to be used for CDBG and HOME expenditures. Staff estimated an amount to be used during this fiscal year; however, an adjustment is required based on the previous year-end results (Total - \$1,676).

F To appropriate additional funding that was released as part of the Energy Efficiency Block Grant awarded by the Department of Energy as part of the American Recovery and Reinvestment Act (ARRA). The City appropriated \$30,000 of this award during prior fiscal year. The total grant award amount is \$777,600. This action will appropriate the remaining balance (Total - \$747,600).

2) Attached is an ordinance to establish a Special Revenue Fund for the Energy Efficient Revolving Loan Fund. The fund will track loans issued to low to moderate income owner occupied residents. Money is available from the grant awarded to the City as part of the American Recovery and Reinvestment Act for energy efficiency (Total - \$275,000).

3) Attached is an amendment to the West Greenville and Center City Revitalization Bond Funds. This amendment has a net zero affect on the funds respectively. The purpose of this action is to reallocate additional funds to the Redevelopment Commission as well as to move available funding to the appropriate accounts. The goal of the Redevelopment Commission is to provide funding to complete projects in accordance with the City Council approved action plan for this fiscal year.

Fiscal Note:

The budget ordinance amendment affects the following funds: increase General Fund by \$597,996; increase the Debt Service Fund by \$442,460; increase the Stormwater Utility Fund by \$142,331; increase the Housing Fund by \$1,676; increase the Energy Efficiency Recovery Fund by \$747,600; and set up the Energy Efficient Revolving Loan Fund.

<u>Fund Name</u>	<u>Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
General Fund	\$ 74,004,144	\$ 597,996	\$ 74,602,140
Debt Service Fund	\$ 4,556,594	\$ 442,460	\$ 4,999,054
Stormwater Utility Fund	\$ 4,733,456	\$ 142,331	\$ 4,875,787
Housing Fund	\$ 1,792,225	\$ 1,676	\$ 1,793,901
Energy Efficiency Recovery Fund	\$ 30,000	\$ 747,600	\$ 777,600
Energy Efficient Revolving Loan Fund	\$ -	\$ 275,000	\$ 275,000

Recommendation: Approve budget ordinance amendment #1 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57) and amendment to the Energy Efficiency Recovery Grant Fund (Ordinance No. 10-15), an ordinance establishing the Energy Efficient Revolving Loan Fund, and budget ordinance amendment to the Center City Revitalization Fund (Ordinance No. 05-127) the West Greenville Revitalization Fund (Ordinance No. 05-50).

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Attachments / click to download

- [Budget Amendments FY 2010 2011 872820](#)
 - [Energy Efficient Revolving Loan Fund Ordinance 873331](#)
 - [WG and Center City Revitalization Budget Amendment RDC 873333](#)
-

ORDINANCE NO. 10-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#1) AMENDING THE 2010-2011 BUDGET (ORDINANCE NO. 10-57) AND
AMENDMENT TO ENERGY EFFICEINCY RECOVERY GRANT BUDGET (ORDINANCE NO. 10-15)

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

Section I: Estimated Revenues and Appropriations. **General Fund**, of Ordinance 10-57, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		#1 Amended 8/9/10	Total Amendments		Amended 2010-2011 Budget
<u>ESTIMATED REVENUES</u>						
Property Tax	\$ 30,453,036		\$ -	\$ -		\$ 30,453,036
Sales Tax	13,125,147		-	-		13,125,147
Utilities Franchise Tax	5,770,350		-	-		5,770,350
Other Unrestricted Intergov't Revenue	2,513,907		-	-		2,513,907
Powell Bill	1,910,210		-	-		1,910,210
Restricted Intergov't Revenues	1,565,038	A	116,668	116,668		1,681,706
Building Permits	715,570		-	-		715,570
Other Licenses, Permits and Fees	2,771,954		-	-		2,771,954
Rescue Service Transport	2,626,000		-	-		2,626,000
Other Sales & Services	976,309		-	-		976,309
Other Revenues	212,085		-	-		212,085
Interest on Investments	1,865,731		-	-		1,865,731
Transfers In GUC	5,521,506		-	-		5,521,506
Other Financing Sources	789,786		-	-		789,786
Appropriated Fund Balance	3,187,515	A,B,C	481,328	481,328		3,668,843
TOTAL REVENUES	\$ 74,004,144		\$ 597,996	\$ 597,996		\$ 74,602,140
<u>APPROPRIATIONS</u>						
Mayor/City Council	\$ 383,212		\$ -	\$ -		\$ 383,212
City Manager	1,091,722		-	-		1,091,722
City Clerk	300,600		-	-		300,600
City Attorney	445,528		-	-		445,528
Human Resources	2,514,736		-	-		2,514,736
Information Technology	3,212,264		-	-		3,212,264
Fire/Rescue	12,666,805		-	-		12,666,805
Financial Services	2,285,851		-	-		2,285,851
Recreation & Parks	6,203,011		-	-		6,203,011
Police	22,453,928	A	142,036	142,036		22,595,964
Public Works	8,709,527	B	13,500	13,500		8,723,027
Community Development	1,628,061		-	-		1,628,061
OPEB	250,000		-	-		250,000
Contingency	949,440		-	-		949,440
Capital Improvements	5,195,319		-	-		5,195,319
Total Appropriations	\$ 68,290,004		\$ 155,536	\$ 155,536		\$ 68,445,540
<u>OTHER FINANCING SOURCES</u>						
Debt Service	\$ 4,021,368		\$ -	\$ -		\$ 4,021,368
Transfers to Other Funds	1,692,772	C	442,460	442,460		2,135,232
	\$ 5,714,140		\$ 442,460	\$ 442,460		\$ 6,156,600
TOTAL APPROPRIATIONS	\$ 74,004,144		\$ 597,996	\$ 597,996		\$ 74,602,140

Section II: Estimated Revenues and Appropriations. **Debt Service Fund**, of Ordinance 10-57, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		#1 Amended 8/9/10	Total Amendments		Amended 2010-2011 Budget
<u>ESTIMATED REVENUES</u>						
Powell Bill Fund	\$ 49,563		\$ -	\$ -		\$ 49,563
Occupancy Tax	535,226		-	-		535,226
Transfer from General Fund	3,971,805	C	442,460	442,460		4,414,265
TOTAL REVENUES	\$ 4,556,594		\$ 442,460	\$ 442,460		\$ 4,999,054
<u>APPROPRIATIONS</u>						
Debt Service Fund	\$ 4,556,594	C	\$ 442,460	\$ 442,460		\$ 4,999,054
Total Expenditures	\$ 4,556,594		\$ 442,460	\$ 442,460		\$ 4,999,054
TOTAL APPROPRIATIONS	\$ 4,556,594		\$ 442,460	\$ 442,460		\$ 4,999,054

Section III: Estimated Revenues and Appropriations. **Stormwater Utility Fund**, of Ordinance 10-57, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		#1 Amended 8/9/10	Total Amendments		Amended 2010-2011 Budget
<u>ESTIMATED REVENUES</u>						
Utility Fee	\$ 2,942,000		\$ -	\$ -		\$ 2,942,000
Interest on Investments	60,616		-	-		60,616
Appropriated Fund Balance	1,730,840	D	142,331	142,331		1,873,171
TOTAL REVENUES	\$ 4,733,456		\$ 142,331	\$ 142,331		\$ 4,875,787
<u>APPROPRIATIONS</u>						
Debt Service Fund	\$ 4,733,456	D	\$ 142,331	\$ 142,331		\$ 4,875,787
Total Expenditures	\$ 4,733,456		\$ 142,331	\$ 142,331		\$ 4,875,787
TOTAL APPROPRIATIONS	\$ 4,733,456		\$ 142,331	\$ 142,331		\$ 4,875,787

Section IV: Estimated Revenues and Appropriations. **Housing Fund**, of Ordinance 10-57, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIGINAL 2010-2011 BUDGET		#1 Amended 8/9/10	Total Amendments		Amended 2010-2011 Budget
ESTIMATED REVENUES						
Annual CDBG Grant Funding	\$ 887,849		\$ -	\$ -	\$	887,849
HUD City of Greenville	575,192		-	-		575,192
Program Income	16,000	E	1,676	1,676		17,676
Transfer from General Fund	313,184		-	-		313,184
TOTAL REVENUES	\$ 1,792,225		\$ -	\$ 1,676	\$	1,793,901
APPROPRIATIONS						
Community Development Housing Fun	\$ 1,792,225	E	1,676	\$ 1,676		1,793,901
Total Expenditures	\$ 1,792,225		\$ 1,676	\$ 1,676	\$	1,793,901
TOTAL APPROPRIATIONS	\$ 1,792,225		\$ 1,676	\$ 1,676	\$	1,793,901

Section V.: Estimated Revenues and Appropriations. **Energy Efficiency Recovery Fund**, of Ordinance 10-15, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ORIG. BUDGET		#1 Amended 8/9/10	Total Amendments		Amended 2010-2011 Budget
ESTIMATED REVENUES						
Recovery Act Grant	\$ 30,000	F	\$ 747,600	\$ 747,600	\$	777,600
Other Financing Sources	-					
TOTAL REVENUES	\$ 30,000	\$ -	\$ 747,600	\$ 747,600	\$	777,600
APPROPRIATIONS						
Contracted Services	\$ 30,000		\$ -	\$ -	\$	30,000
Engineering	-	F	85,000	85,000		85,000
Energy Rebates		F	387,600	387,600		387,600
Transfers to Other Funds		F	275,000	275,000		275,000
Total Expenditures	\$ 30,000		\$ 747,600	\$ 747,600	\$	777,600
TOTAL APPROPRIATIONS	\$ 30,000		\$ 747,600	\$ 747,600	\$	777,600

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

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

Adopted this 9th day of August, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

ORDINANCE NO. 10-____
CITY OF GREENVILLE, NC
ENERGY EFFICIENT REVOLVING LOAN FUND
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 Efficient Revolving Loan Fund:

	ORIGINAL 2010-2011 BUDGET
<u>ESTIMATED REVENUES</u>	
Transfer from Energy Efficiency Recovery Grant	\$ 275,000
TOTAL REVENUES	\$ 275,000

Section II: Appropriations. The following amounts are hereby appropriated for the Energy Efficient Revolving Loan Fund:

<u>APPROPRIATIONS</u>	
Loans Made	\$ 250,000
Administration	25,000
TOTAL APPROPRIATIONS	\$ 275,000

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 9th day of August, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk

ORDINANCE NO. 10-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE AMENDING PROJECT ORDINANCE NO. 05-127, CENTER CITY REVITALIZATION
CAPITAL PROJECT FUND AND ORDINANCE NO. 05-50 WEST GREENVILLE REVITALIZATION
CAPITAL PROJECT FUNDS FOR THE REDEVELOPMENT COMMISSION

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

Section I: Estimated Appropriations. Center City Revitalization Fund, of Ordinance 05-127, is hereby amended by increasing estimated appropriations for the Redevelopment Commission in the amount indicated:

	ADJ. BUDGET	Amended August-10	Total Amendments	Amended 2010-2011 Budget
<u>ESTIMATED APPROPRIATIONS</u>				
Acquisition(R)	\$ 750,000	\$ -	\$ -	\$ 750,000
Demolition (R)	150,000	(69,950)	(69,950)	80,050
Infrastructure (R)	1,809,950	982,906	982,906	2,792,856
Development Financing (R)	150,000	59,895	59,895	209,895
Construction (R)	-	363,019	363,019	363,019
Acquisition	1,500,000	(750,975)	(750,975)	749,025
Demolition	(9,950)	-	-	(9,950)
Infrastructure	-	-	-	-
Business Retention and Relocation	525,000	(525,000)	(525,000)	-
Development Financing	150,000	(59,895)	(59,895)	90,105
Construction	-	-	-	-
TOTAL APPROPRIATIONS (R)	\$ 5,025,000	\$ -	\$ -	\$ 5,025,000

Section II: Estimated Appropriations. West Greenville Revitalization Fund, of Ordinance 05-50, is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	ADJ. BUDGET	Amended August-10	Total Amendments	Amended 2010-2011 Budget
<u>ESTIMATED APPROPRIATIONS</u>				
Acquisition(R)	\$ 650,000	\$ (285,785)	\$ (285,785)	\$ 364,215
Rehab-Owner Occupied (R)	-	-	-	-
Demolition Services (R)	250,000	(250,000)	(250,000)	-
Infrastructure (R)	1,323,153	119,614	119,614	1,442,767
Development Financing (R)	285,000	-	-	285,000
Reocation Costs (R)	150,000	(85,111)	(85,111)	64,889
Construction (R)	20,500	14,780	14,780	35,280
Acquisition	1,979,635	285,785	285,785	2,265,420
Rehab-Owner Occupied	275,000	(47,313)	(47,313)	227,687
Demolition Services	151,847	250,000	250,000	401,847
Infrastructure	18,500	(18,500)	(18,500)	-
Development Financing	15,000	-	-	15,000
Relocation Costs	125,000	85,111	85,111	210,111
Construction	629,256	(68,581)	(68,581)	560,675
Capital Outlay	54,744	-	-	54,744

TOTAL APPROPRIATIONS (R) \$ 5,927,635 \$ - \$ - \$ 5,927,635

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

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

Adopted this 9th day of August, 2010.

Patricia C. Dunn

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Various tax refunds

Explanation: The Director of Financial Services reports the refund of the following taxes:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Pitt County Tax Collector	Refund of City Taxes Paid	\$201.56
Irwin Morgenstern	Refund of City Taxes Paid	\$103.16
General Motors Acceptance Corporation	Refund of City Taxes Paid	\$308.09

Fiscal Note: The total amount to be refunded is \$612.81.

Recommendation: Approve taxes refunded.

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City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Report on bids awarded

Explanation: The Director of Financial Services reports that the following bids were awarded during the months of May and June, 2010.

Date Awarded	Description	Vendor	Amount	M/WBE Yes/No
5/03/10	Crime Analysis Software for Public Safety System	The Omega Group, Inc.	\$70,660	Yes
5/11/10	Police & Fire/Rescue Carpet and Vinyl Baseboard Project	Brock Contract Service, Inc.	\$128,000	No
5/18/10	Panasonic Toughbook Computers-Police Officer's Replacements Note: State Contract Purchase	USAT	\$160,112.74	Yes
5/19/10	Eppes Rec. Center Demolition/Const. HVAC System	Central Heating & Air Conditioning	\$257,740	No
6/30/10	15 ea. 10" Tiger Cam Video Systems & Accessories for Police	Advanced Covert Technology	\$90,237	Yes
6/30/10	VDI Software Project-Citrix Licensing	Microage	\$81,080	No

Fiscal Note: Expenditures of \$787,829.74 were appropriated in the 2009-2010 budget to purchase these items.

Recommendation: Reflect this bid award information in the City Council minutes.

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- [Bid Tabulation for Crime Analysis Software 873048](#)
 - [Bid Tabulation for Carpet and Vinyl Project 857256](#)
 - [Eppes HVAC Bid Tabulation 2nd Bid 867822](#)
 - [Bid Tab Tiger Cam Video Systems 870558](#)
 - [Bid Tabulation VDI Software Project 873101](#)
-

BID TABULATION SHEET
City of Greenville, North Carolina
Financial Services Department

Description: Police & Fire/Rescue Building Carpet and Vinyl Baseboard Project

Bid Opening: February 18, 2010 @3:00 PM

Contractor	Address	Site Visit:	Base Bid	Alternate Bid	Comments
Advanced Flooring Concepts		Yes	\$147,326.01	\$135,261.36	
The Rug Shoppe		Yes	\$149,995.00	\$140,325.00	
J.W. Grand, Inc.		Yes	\$134,000.00	\$131,000.00	
Brock Contract Services		Yes	\$128,000.00	\$117,500.00	*Received Bid Award
Carpet One		Yes	\$145,580.00	\$135,780.00	
Sherwin Williams		Yes	\$137,187.03	\$134,747.03	
East Carolina Carpets and Interiors		Yes	\$229,751.67	\$218,751.67	

Doc#857256

_____ Angelene E. Brinkley, CLGPO, MPA Purchasing Manager

Date: _____

BID TABULATION SHEET
City of Greenville, North Carolina
Financial Services Department

Description: VDI Software Project
 Informal Bid# 2009/10-81

Contractor	Address	Bid Bond	Addendum #1	Base Bid	Comments
CDW Government, Inc.		N/A	N/A	\$66,238.00	
Alphanumeric Systems, Inc		N/A	N/A	\$68,714.00	
Microage		N/A	N/A	\$61,905.00	*Received Bid Award
Note: Bids were received by the IT Dept, and they only got quotes for the Licensing and not the Hardware Failure (\$12,175) or Software Maintenance (\$7,000)					
Purchase Order was for \$81,080.					

Doc#873101

Item # 11

_____ Angelene E. Brinkley, CLGPO, MPA Purchasing Manager

Date: _____



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Presentations by boards and commissions
a. Police Community Relations Committee

Explanation: The Police Community Relations Committee is scheduled to make their annual presentation to City Council at the August 9, 2010 meeting.

Fiscal Note: N/A

Recommendation: For information only; no action recommended

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City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Local census results

Explanation: Ms. Akaliah Ensley, Partnership Specialist with the U.S. Census Bureau, will make a presentation on census return rates and information received to date.

Fiscal Note: No cost associated with the requested action.

Recommendation: Receive the presentation.

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City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Audit update by McGladrey & Pullen, LLC

Explanation: McGladrey & Pullen, LLC was engaged by the City to perform auditing services. Lou Cannon, Partner, and Gary Ridgeway, Director, representatives of the firm, will attend the meeting and provide a presentation on the Statement of Auditing Standards - SAS 114 "The Auditor's Communication With Those Charged With Governance." Attached is a letter that they will cover at the meeting. Mr. Cannon and Mr. Ridgeway will also provide a mid-audit update and answer any questions.

Fiscal Note: On May 10, 2010, City Council awarded a contract for auditing services to McGladrey & Pullen, LLC. The audit fee for the fiscal year ending June 30, 2010 is \$38,180. These funds are available in the 2010-2011 budget.

Recommendation: Receive information from McGladrey & Pullen, LLC.

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[McGladrey and Pullen LLP Letter to Council.pdf 873304](#)



July 22, 2010

Members of the City Council
City of Greenville
Greenville, North Carolina

Attention City Council Members

This letter is intended to communicate certain matters related to the planned scope and timing of our audit of City of Greenville's (the City) financial statements and compliance as of and for the year ended June 30, 2010.

Communication

Effective two-way communication between our Firm and the members of the Council is important to understanding matters related to the audit and in developing a constructive working relationship.

Your insights may assist us in understanding the City and its environment, in identifying appropriate sources of audit evidence, and in providing information about specific transactions or events. We will discuss with you your oversight of the effectiveness of internal control and any areas where you request additional procedures to be undertaken. We expect that you will timely communicate with us any matters you consider relevant to the audit. Such matters might include strategic decisions that may significantly affect the nature, timing, and extent of audit procedures; your suspicion or detection of fraud, or any concerns you may have about the integrity or competence of senior management.

We will timely communicate to you any fraud involving senior management and other fraud that causes a material misstatement of the financial statements, illegal acts, instances of noncompliance, or abuse that come to our attention (unless they are clearly inconsequential), and disagreements with management and other serious difficulties encountered in performing the audit. We also will communicate to you and to management any significant deficiencies or material weaknesses in internal control that become known to us during the course of the audit. Other matters arising from the audit that are, in our professional judgment, significant and relevant to you in your oversight of the financial reporting process will be communicated to you in writing after the audit.

Independence

Our independence policies and procedures are designed to provide reasonable assurance that our firm and its personnel comply with applicable professional independence standards. Our policies address financial interests, business and family relationships, and non-audit services that may be thought to bear on independence. For example, without our permission no partner or professional employee of McGladrey & Pullen, LLP or RSM McGladrey, Inc. is permitted to own any direct financial interest or a material indirect financial interest in a client or any affiliates of a client. Also, if an immediate family member or close relative of a partner or professional employee is employed by a client in a key position, the incident must be reported and resolved in accordance with Firm policy. In addition, our policies restrict certain non-audit services that may be provided by RSM McGladrey, Inc. and require audit clients to accept certain responsibilities in connection with the provision of permitted non-attest services.

The Audit Planning Process

Our audit approach places a strong emphasis on obtaining an understanding of how your entity functions. This enables us to identify key audit components and tailor our procedures to the unique aspects of your operations. The development of a specific audit plan will begin by meeting with you and with management to obtain an understanding of business objectives, strategies, risks, and performance.

We will obtain an understanding of internal control over financial reporting and compliance with laws, regulations, and provisions of contracts and grant agreements to assess the impact of internal control on determining the nature, timing and extent of audit procedures, and we will establish an overall materiality limit for audit purposes. We will conduct formal discussions among engagement team members to consider how and where your financial statements might be susceptible to material misstatement due to fraud or error or to instances of noncompliance.

We will use this knowledge and understanding, together with other factors, to first assess the risk that errors or fraud may cause a material misstatement at the financial statement level. The assessment of the risks of material misstatement at the financial statement level provides us with parameters within which to design the audit procedures for specific account balances and classes of transactions. Our risk assessment process at the account-balance or class-of-transactions level consists of:

- An assessment of inherent risk (the susceptibility of an assertion relating to an account balance or class of transactions to a material misstatement, assuming there are no related controls); and
- An evaluation of the design effectiveness of internal control over financial reporting and our assessment of control risk (the risk that a material misstatement could occur in an assertion and not be prevented or detected on a timely basis by the City's internal control).

Similar assessments will also be made relative to compliance with laws, regulations, and provisions of contracts and grant agreements.

We will then determine the nature, timing and extent of tests of controls and substantive procedures necessary given the risks identified and the controls as we understand them.

The Concept of Materiality in Planning and Executing the Audit

In planning the audit, the materiality limit is viewed as the maximum aggregate amount, which if detected and not corrected, would cause us to modify our opinion on the financial statements. The materiality limit is an allowance not only for misstatements that will be detected and not corrected but also for misstatements that may not be detected by the audit. Our assessment of materiality throughout the audit will be based on both quantitative and qualitative considerations. Because of the interaction of quantitative and qualitative considerations, misstatements of a relatively small amount could have a material effect on the current financial statements as well as financial statements of future periods. At the end of the audit, we will inform you of all individual unrecorded misstatements aggregated by us in connection with our evaluation of our audit test results.

Our Approach to Internal Control and Compliance Relevant to the Audit

Our audit of the financials will include obtaining an understanding of internal control sufficient to plan the audit and to determine the nature, timing, and extent of audit procedures to be performed. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Our review and understanding of the City's internal control is not undertaken for the purpose of expressing an opinion on the effectiveness of internal control.

We will issue reports on internal control related to the financial statements and major programs. These reports describe the scope of testing of internal control and the results of our tests of internal controls. Our reports on internal control will include any significant deficiencies and material weaknesses in the system of which we become aware as a result of obtaining an understanding of internal control and performing tests of internal control consistent with the requirements of the Government Auditing Standards issued by the Comptroller General of the United States, the Single Audit Act, and the U.S. Office of Management and Budget, (OMB) Circular No. A-133.

We will issue reports on compliance with laws, regulations, and the provisions of contracts or grant agreements. We will report on any noncompliance which could have a material effect on the financial statements and any noncompliance which could have a direct and material effect on each major program. Our reports on compliance will address material errors, fraud, abuse, violations of compliance requirements and other responsibilities imposed by state and federal statutes and regulations and assumed contracts; and any state or federal grant, entitlement or loan program questioned costs of which we become aware, consistent with the requirements of the standards and circular identified above.

Timing of the Audit

We have scheduled preliminary audit fieldwork and final fieldwork with your staff. We have completed preliminary audit fieldwork and final fieldwork will begin on August 16, 2010. Management's adherence to its closing schedule and timely completion of information used by us in performance of the audit is essential to meeting this schedule and completing our audit on a timely basis.

Closing

This letter is intended solely for the information and use of the members of the City Council of the City of Greenville and is not intended to be and should not be used by anyone other than the specified parties.

We will be pleased to respond to any questions you have about the foregoing. We appreciate the opportunity to be of service to the City.

Sincerely,

McGladrey & Pullen, LLP



W. Louis Cannon, Partner



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Erosion of stream banks located on private properties

Explanation: At the June 7, 2010 meeting of City Council, staff presented a follow-up report on stream bank erosion and stream degradation. This report identified 61 properties whose owners have requested the City's assistance in repairing property damage caused by erosion of stream banks. Twenty-two (22) of these projects are in the Green Mill Run Watershed, 18 are in the Meetinghouse Branch Watershed, and the remaining occur throughout the City. Staff also provided the following information:

1. Staff contacted 14 communities and gathered information on how they handle erosion of stream banks on private property.
 - Asheville, Concord, and Greensboro do not address erosion on private property nor do they take any measures to prevent erosion from occurring in the future.
 - 5 communities have a cost-share program to address erosion on private property.
 - 6 communities fund erosion projects out of General Fund or through a Stormwater Utility
2. The programs of the five communities that have some form of a cost-share program vary. For example, one municipality has a 50/50 program where the property owner and City equally share in the cost of the design, materials and labor. Another municipality's program functions more like a grant where the city may provide up to 50% of the construction costs, but the property owner is responsible for 100% of design and permitting. Another municipality provides the resources for design, permitting, and labor, but the property owner is responsible for all material costs.
3. Four of the 11 communities that have a program require additional preventative measures to minimize erosion in the future. All four require a larger

buffer along jurisdictional streams. This gives the stream more room to adjust and move as the watershed changes and is built out.

Staff's recommendation was a hybrid approach that would address a number of stream bank stabilization projects on an annual basis, but would be subject to available resources. The City's participation in stream restoration projects would primarily involve seeking and applying for grants and, if necessary, provide a required cost share. Stream restoration projects would be dependent upon available grant opportunities and receipt of adequate grant funds.

In response to staff's presentation, the City Council directed staff to categorize and assess the 61 projects throughout the city, as well as provide preliminary cost estimates on the most severe bank stabilization projects and analyze budgetary impacts. Staff developed a set of criteria all projects must meet before being considered for this potential program. The criteria included:

- Projects must be erosion on private property located on a "blue-line" stream and not maintained by another agency or entity.
- Stream must carry, in whole or in part, runoff from publicly maintained property.
- Stormwater Utility Fees for properties receiving funds must be paid in full (no past-due accounts).
- Property improvements such as in-ground pools, landscaping, fences, parking, etc. do not qualify for protection under this program.
- Structures located in the floodway do not qualify for protection.

Projects created and/or exacerbated by infrastructure installed by the property owner do not qualify. Staff also developed a decision tree to assist in categorizing projects as either bank stabilization or stream restoration. Staff was notified of an additional four projects after the Council presentation on June 7, 2010. This brings the total projects to 65 (a listing of these projects is attached.) The results are summarized below.

BANK STABILIZATION	15
STREAM RESTORATION	18
DOES NOT MEET CRITERIA	20
REPAIRED BY OWNER/DEVELOPER	7
REPAIRED BY GUC	5
TOTAL	65

After determining there were 15 bank stabilization projects that meet the criteria, staff proceeded to rank each project. A point system ranging from 0-200 (200 being the most severe) was used to rank each project. This process assessed the type of project, such as habitable structure, office/commercial structure, outbuildings with a permanent foundation, property access, and loss of land. Points were deducted for the level of difficulty associated with property access,

permitting, and mitigation. There were six projects that received a rating of 160 or higher. Staff developed preliminary cost estimates for these six projects.

Fiscal Note:

Funding the Stream Bank Stabilization Program is proposed to be through the Stormwater Utility. Total estimated cost for the six projects with a rating of 160 or higher is \$116,213. In order to undertake more projects, the City Council may want to establish a cost sharing program requiring the property owner to pay a portion of the project cost.

The stormwater projects already approved in the Capital Improvement Program (CIP) for fiscal year 2010-2011 and fiscal year 2011-2012 would not be impacted by completing the six projects with scores of 160 or higher. Stormwater fund balance will be exhausted during fiscal year 2012-2013, resulting in several projects identified in the CIP being unmet. Either bonds will have to be used to fund existing identified projects or the stormwater fee will need to be increased if the City wants to prevent projects from being stretched out over several years.

Recommendation:

Receive staff report and provide policy direction on addressing erosion of stream banks located on private properties.

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 [Bank Stabilization Projects 873914](#)

Bank Stabilization Projects

(in priority order)

1908 Quail Ridge Drive

21 Scott Street

3705 Cancion Street

812 Peed Drive

3805 Ashcroft Drive

502 Chesapeake Place

829 McLawhorn Drive

1004 Hillside Drive

4108 Bridge Court

110 Laughinghouse Drive

500 Westchester Drive

410 Oxford Road

1990 Allen Road

3904 Frog Level Road

2005 Coleman Drive

Restoration Projects

302 Sedgefield Drive

305 Horseshoe Drive

2201 Jefferson Drive

2506 Madison Circle

124 Fletcher Place

408 Tuckahoe Drive

3119 Cleere Court

2008 Crooked Creek Drive

604 Lancelot Drive

2014 Crooked Creek Drive

2010 Fern Drive

201 Kent Road

103 Nichols Drive

99 Nichols Drive

967 Woodridge Park Road

216 Country Club Drive

3004 Westview Drive

101 Barnes Street

Projects That Do Not Meet Criteria

1112 Fairfax Avenue
1500 Colonial Avenue
8 Palmetto Place
1233 Cross Creek Circle
4000 Sterling Trace Drive
1101 Hayley Court
1810 Summerhaven Drive
800 Heath Street
1713 Morningside Drive
2700 Thackery Road
3816 Forsythe Park Court
3949 Sterling Pointe Drive
3814 Sterling Pointe Drive
3940 Frog Level Road
712 Darrell Drive
303 Ryan Place
4001 Alma Lee Drive
201 Greenbriar Drive
310 Greenfield Boulevard
1605 Fire Tower Road

Projects Repaired by Owner/Developer

109 St. Andrews Drive

2404A Saddleback Drive

928 Dunbrook Drive

1929 Quail Ridge Drive

903 Arlington Boulevard

900 Tenth Street

3209 Camille Drive

Projects Repaired by GUC

1707 Beaumont Drive

1111 Greenville Boulevard

2010 Crooked Creek Drive

2006 Crooked Creek Drive*

3803 Tucker Drive

*Streambed stabilized by the City.



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Resolution of intent to close a portion of Pennsylvania Avenue and Jones Street

Explanation: Attached for the City Council's consideration is a resolution of intent to close a portion of Pennsylvania Avenue located north of Spruce Street and to close and relocate a portion of Jones Street to connect to Spruce Street. The City received the attached petition from Aaron Beaulieu, Associate Superintendent, on behalf of the Pitt County Board of Education, requesting the closure and abandonment of the street segments. Also attached is a proposed preliminary plat prepared by Spruill & Associates identifying the street segments requested to be closed.

The Pitt County Board of Education is in the design process to convert and renovate the Sadie Saulter School for administrative offices and special needs classrooms. The southeast entrance to the property is accessed from a portion of Pennsylvania Avenue located north of Spruce Street. Jones Street connects to this portion of Pennsylvania Avenue. To facilitate planned renovations, the Board of Education is proposing to relocate a portion of Jones Street for direct access to Spruce Street. All existing utilities that remain will have dedicated easements. Closure of the portions of these streets would be conditional upon the Board of Education completing required improvements and the submittal of a final plat dedicating the new relocated right-of-way for Jones Street and recombining the affected parcels.

Based on the proposed plans for the Sadie Saulter School site, staff does not have an objection to the request to close a portion of Pennsylvania Avenue located north of Spruce Street and to close and relocate a portion of Jones Street to connect to Spruce Street.

A copy of this resolution will be published once a week for four (4) consecutive weeks in The Daily Reflector and will be sent by certified mail to the owners of property adjacent to the above described street, as shown on the County tax records. Additionally, a copy of this resolution will be posted in at least two places along the portion of the street to be closed.

The action to close these streets will be brought before City Council

on September 9, 2010.

Fiscal Note:

Upon recordation of a final plat, the City will not be responsible for the maintenance of the identified street segment of Pennsylvania Avenue and will not receive Powell Bill funds for this street segment.

Recommendation:

Adopt the attached resolution of intent to close a portion of Pennsylvania Avenue located north of Spruce Street and to close and relocate a portion of Jones Street to connect to Spruce Street.

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

Attachments / click to download

- [Sadie Salter Map](#)
 - [Petition for Pennsylvania and Jones St](#)
 - [Pennsylvania Ave and Jones Street Street Map](#)
 - [Resolution of Intent to Close portions of Pennsylvania Ave and Jones St. 873508](#)
-

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
DECLARING ITS INTENT TO CLOSE
PORTIONS OF PENNSYLVANIA AVENUE AND JONES STREET

WHEREAS, the City Council has received a petition to close a portion Pennsylvania Avenue and Jones Street; and,

WHEREAS, the City Council intends to close said streets, in accordance with the provisions of G.S. 160A-299;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, that it is the intent of the City Council to close said street rights-of-way, more particularly described as follows:

- To Wit: A Portion of the 50 foot wide right of way of the 300 Block of Pennsylvania Avenue and a portion of the 20 foot wide right of way of the 100 Block of Jones Street as shown on that plat entitled "Street Closing Map for a Portion of Pennsylvania Avenue and Jones Street", prepared by Spruill & Associates Inc. and dated May 11, 2010.
- Location: Lying and being situate in the City of Greenville, Greenville Township, Pitt County, North Carolina, being north of Spruce Street, south of Fleming Street and bounded as follows: on the west and north by the Greenville Board of Education property recorded in Deed Book C-47, Page 369 and Deed Book D-47, Page 805 and the Susan L. Henry and Barbara L. Parke property recorded in Deed Book 2354, Page 386, on the east by Jones Street and the Crudie O. Bradley property recorded in Deed Book 2309, Page 176 and on the south by Spruce Street.
- Description: Commencing at NC Geodetic Monument "Tyson" have North Carolina grid coordinates of N=207855.855 meters and E=755759.591 meters (NAD 83/2001); thence S 20°59'13" E - 1584.46 feet to and existing iron pipe on the northern intersection of the rights of way of Pennsylvania Avenue and Jones Street and being the POINT OF BEGINNING; thence from said beginning point along the northern right of way of Jones Street S 82°19'36" E - 59.81 feet to an existing iron pipe at the southwest corner of the Susan L. Henry and Barbara L. Parke property; thence continuing along said right of way with the southern line of the Henry/Parke property S 82°11'51" E - 72.21 feet to an existing iron pipe; thence leaving said right of way S 07°00'31" W 20.00 feet to a point on the southern right of way of Jones Street and northern line of the Crudie O. Bradley property; thence along said right of way and Bradley line N 82°11'51" W - 77.03

feet to a point on the eastern right of way of Pennsylvania Avenue; thence leaving Jones Street right of way and along said Pennsylvania Avenue eastern right of way S 35°11'04" E - 83.35 feet to an existing iron pipe at the northern corner of the intersection of the rights of way of Pennsylvania Avenue and Spruce Street; thence S 54°12'35" W - 50.00 feet to an existing iron pipe at the western corner of the intersection of the rights of way of Pennsylvania Avenue and Spruce Street and being the southeast corner of the Greenville Board of Education property; thence along the western right of way of Pennsylvania Avenue and the eastern line of the Greenville Board of Education line N 35°11'04" W - 95.10 feet to an existing iron pipe; thence N 82°30'32" W - 10.95 feet to an existing iron pipe; thence N 07°40'24" E - 45.81 feet to the POINT OF BEGINNING containing 0.1827 acre.

BE IT FURTHER RESOLVED that a public hearing will be held in the Council Chamber, City Hall, Greenville, North Carolina, on the 9th day of September, 2010 at 7:00 p.m., to consider the advisability of closing portions of the aforesaid streets. At such public hearing, all objections and suggestions will be duly considered.

BE IT FURTHER RESOLVED that a copy of this resolution be published once a week for four (4) consecutive weeks in The Daily Reflector; that a copy of this resolution be sent by certified mail to the owners of property adjacent to the above described street, as shown on the County tax records, and that a copy of this resolution be posted in at least two (2) places along the portion of the street to be closed.

Duly adopted this the 9th day of August, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol Barwick, City Clerk

VICINITY MAP



**PETITION FOR PROPERTY OWNERS TO CLOSE
A STREET**

We the undersigned owner(s) of real property adjoining a portion of the 300 block of Pennsylvania Avenue and a portion of the 1100 block of Jones Street, do hereby petition the City Council of the City of Greenville, North Carolina to permanently close the streets as described on Exhibit "A" attached.

Signatures of the person(s) requesting the street closing shall be as follows: Property owned by more than one individual shall be signed by all owners. Property owned by husband and wife (tenants in common) both shall sign the petition. Property owned by corporation shall be signed by president or vice president and secretary. Signatures of all remaining property owners should be listed on the attached sheet.

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>PIN</u>
<u><i>Aaron Beaulieu</i></u>	<u>Pitt County Board of Education</u> <u>Aaron Beaulieu</u> (Associate Superintendant)	<u>1717 W. Fifth Street</u> <u>Greenville, NC 27834</u>	<u>28942</u>
_____	_____	_____	_____
_____	_____	_____	_____

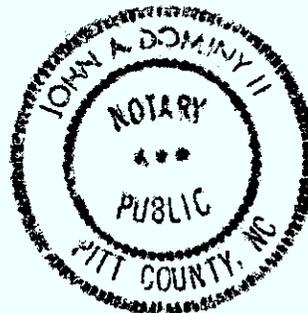
North Carolina
Pitt County

I, John A. Dominy, II, a Notary Public in and for the aforesaid County and State, do hereby certify that Aaron Beaulieu, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 12 day of May, 2010.

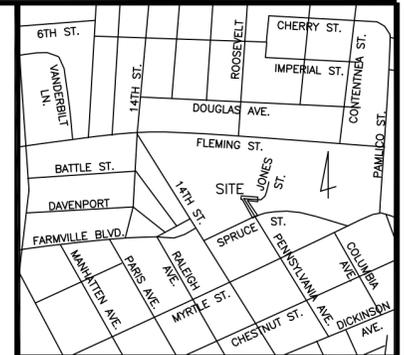
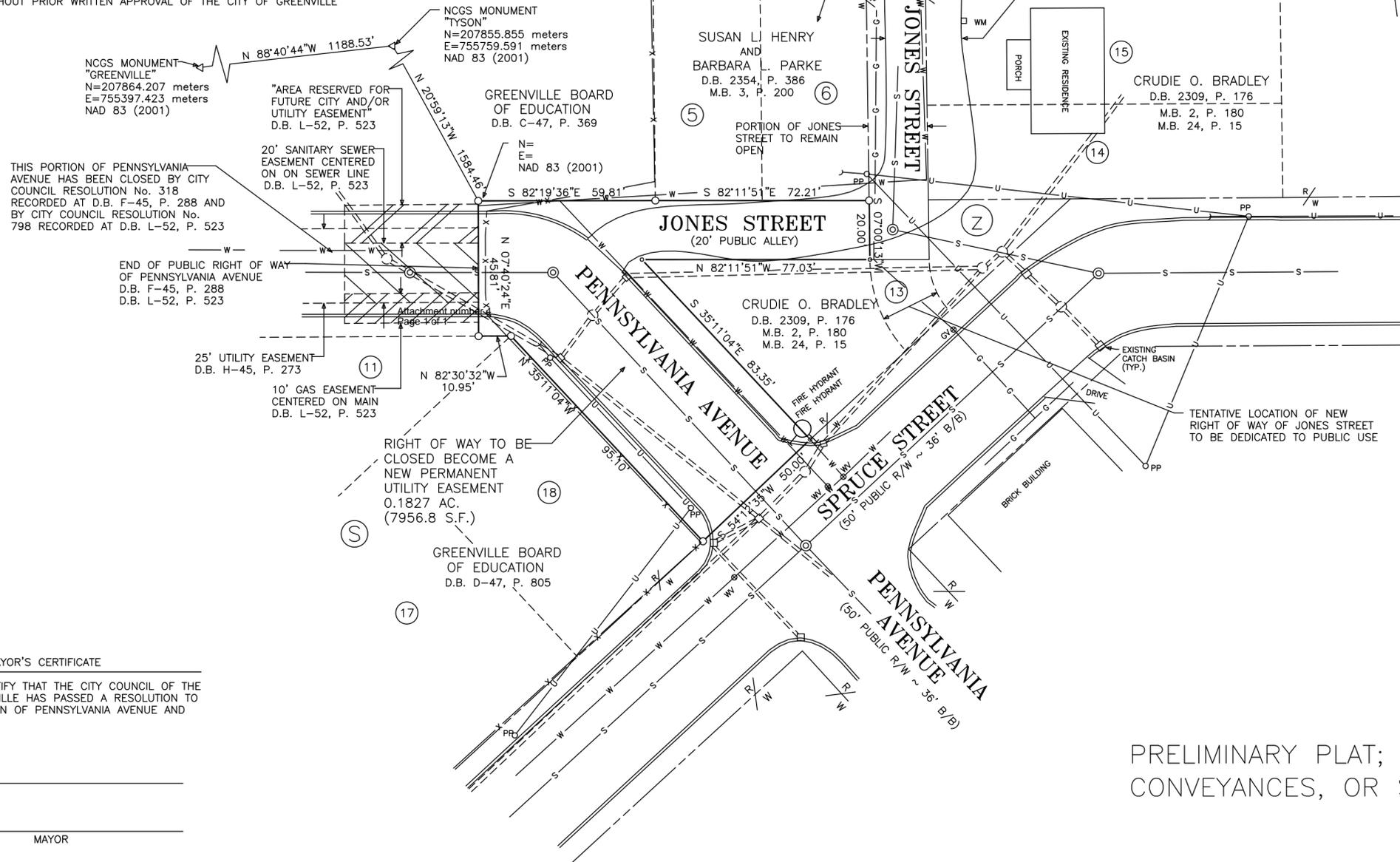
MY COMMISSION EXPIRES
October 12, 2014

John A. Dominy II
NOTARY PUBLIC



NOTES

- ALL DISTANCES SHOWN ARE HORIZONTAL FIELD DISTANCES; NO GRID FACTOR APPLIED
- THE COMBINED NC GRID FACTOR USED FOR COORDINATE CALCULATIONS IS 0.99989470
- AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 3720468800J, DATED JANUARY 2, 2004, THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, AS OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS
- NO BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCR OACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE



VICINITY MAP
SCALE: 1"=1000'

LEGEND

○	EXISTING IRON PIPE
◦	IRON PIPE SET
△	EXISTING CONCRETE MONUMENT
—U—	OVERHEAD UTILITY LINE
—S—	UNDERGROUND SANITARY SEWER
—W—	UNDERGROUND WATER LINE
—G—	UNDERGROUND GAS LINE
⊙	SANITARY SEWER MANHOLE
⊙	STORM DRAIN MANHOLE
PP	POWER POLE
R/W	RIGHT OF WAY

REFERENCES

D.B. H-45, P. 273
D.B. F-45, P. 288
D.B. L-52, P. 523
M.B. 2, P. 180
M.B. 24, P. 15
PITT COUNTY REGISTRY

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF PENNSYLVANIA AVENUE AND JONES STREET.

RESOLUTION No.:

SIGNED: _____
MAYOR

SIGNED: _____
CITY CLERK

STATE OF NORTH CAROLINA
COUNTY OF PITT

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

REVIEW OFFICER: _____
DATE: _____

I CERTIFY THAT THIS SURVEY IS A STREET CLOSURE SURVEY AND IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION IN THE CITY OF GREENVILLE.

STEPHEN N. SPRUILL L-2723
APPROVED;
GREENVILLE SUBDIVISION ADMINISTRATOR

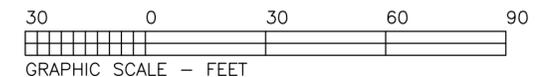
STATE OF NORTH CAROLINA, PITT COUNTY
I, STEPHEN N. SPRUILL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT ANY BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION REFERENCED HEREON; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS DAY OF _____ 2010

PROFESSIONAL LAND SURVEYOR L-2723

PRELIMINARY PLAT; NOT FOR RECORDATION, CONVEYANCES, OR SALES

STREET CLOSING MAP FOR
A PORTION OF
PENNSYLVANIA AVENUE
AND
JONES STREET

GREENVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA
DATE: MAY 11, 2010 SCALE: 1"=30'



Spruill & Associates Inc.

2747 East Tenth Street
Greenville, North Carolina 27858
(252) 757-1200



Firm No.
C-978



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Resolution exempting the Drew Steele Center Development Project from the statutory procurement process for architectural and construction manager at risk contractual services

Explanation: It is the public policy of the State of North Carolina and local governments, per N.C.G.S. 143-64.31, to announce all requirements for architectural, engineering, surveying services and construction managers at risk, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee, and thereafter to negotiate a contract at a fair and reasonable fee with the best qualified firm. However, units of local government, per N.C.G.S 143-64.32, may in writing exempt particular projects from the provisions of the Article at the discretion of the unit of local government, stating the reasons therefore and the circumstances attendant thereto. The Greenville Recreation and Parks Department is requesting that City Council exempt the Drew Steele Center Development Project from N.C.G.S. 143-64.31 and contract directly with Hite Associates, P.C. for professional architectural services and R.R. Miller Construction, Inc. for construction manager at risk services.

Hite Associates, P.C. and R.R. Miller Construction, Inc. were instrumental in the Drew Steele Fund's fund raising campaign that yielded approximately \$500,000 in private donations. Hite Associates, P.C. worked closely with R.R. Miller, Inc. to develop the schematic plans and cost estimates for the Drew Steele Project without requiring compensation from the City. Additionally, R.R. Miller acquired commitments from its subcontractors to provide materials and labor towards the project as in-kind services or at project cost without charging a fee for overhead or profit. Their commitment to the project was undoubtedly a factor in the City being awarded matching grant funding from the North Carolina Park and Recreation Trust Fund (PARTF) in the amount of \$500,000, bringing project funding to \$1,000,000. Hite Associates, P.C. and R.R. Miller Construction, Inc. have committed their continued support and professional services toward the project, where the City would only reimburse the firms for project related expenses up to \$60,000. This agreement would save the City an

estimated 10% of construction cost related to design, construction management, and overhead and profit, an estimated amount of \$100,000; this savings will be applied to the construction cost.

As part of the preconstruction services, R.R. Miller Construction, Inc. will work closely with Hite Associates, P.C. during the schematic, design development and construction documents phase of the project, submitting cost estimates at each design phase to ensure constructibility, budget compliance, and risk management. During this process the City would work with both entities to reconcile cost estimates and implement value engineering to keep the project within the budget, and ensure that design intent is kept intact during implementation. At the completion of the design phase, the City would receive a Guaranteed Maximum Price (GMP) that would not exceed the project budget of \$1,000,000, including the cost of construction and consultants' reimbursable costs. The City would benefit from this process in that all of the risk associated with construction, including cost of overruns, unforeseen conditions, claims and insurance would be passed on to R.R. Miller as the Construction Manager at Risk.

The City's continued partnership with Hite Associates, P.C. and R.R. Miller Construction, Inc. is instrumental in meeting a constrained budget of \$1,000,000 and design and construction schedule of a maximum of three years, both being requirements of the PARTF grant.

Fiscal Note:

The PARTF grant provides \$500,000 for the project. The required local matching amount of \$500,000 brings the project total to \$1,000,000 for Phase I of the Drew Steele Center. Additional utility and staffing costs associated with the new HVAC system and increased building size and expanded services are anticipated.

Recommendation:

Adopt the attached resolution to exempt the Drew Steele Center Development Project from N.C.G.S. 143-64.31 for Architectural and Construction Manager at Risk Contractual Services per N.C.G.S. 143-64.32 and authorize the City Manager to enter into a contract with Hite Associates, P.C. for professional architectural services for an amount of \$30,000 for reimbursable costs and a contract with R.R. Miller Construction, Inc. for construction manager at risk services for an amount not to exceed \$30,000 for reimbursable costs.

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

Attachments / [click to download](#)

[Resolution Exempting the Drew Steele Center Project from the Statutory Procurement Process 873302](#)

RESOLUTION NO. 10-____
RESOLUTION EXEMPTING THE DREW STEELE CENTER DEVELOPMENT
PROJECT FROM THE STATUTORY PROCUREMENT PROCESS FOR
ARCHITECTURAL AND CONSTRUCTION MANAGER AT RISK SERVICES

WHEREAS, the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes establish a process for the procurement of architectural and construction manager at risk services from which particular projects may be exempted in the sole discretion of the unit of local government; and

WHEREAS, it is appropriate to exempt the Drew Steele Center Development Project from the statutory procurement process for architectural and construction manager at risk services since firms which have been already involved in this project are willing to continue their involvement at a substantial savings to the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby exempt the Drew Steele Center Development Project from the statutory procurement process for architectural and construction manager at risk services in accordance with the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes.

This 9th day of August, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Code Enforcement Resources Funding Agreement with East Carolina University

Explanation: In May 2009, several City representatives visited Charlottesville, Virginia, to observe city-university relations in that college town. One of the more successful programs, according to both City of Charlottesville and University of Virginia officials, was an agreement providing for the City to provide an additional property maintenance inspector to work in residential areas near the University. The University of Virginia reimburses the City of Charlottesville for the salary and benefit costs of this position. City of Greenville staff obtained a copy of the Charlottesville agreement.

Mayor Dunn and City Manager Bowers presented a copy of the Charlottesville agreement to East Carolina University Chancellor Steve Ballard with a request that ECU consider a similar arrangement. After review by his staff, Chancellor Ballard has agreed that ECU would provided funding under the terms of the attached agreement.

The agreement defines the area near the ECU campus where the code enforcement officer would primarily operate, prescribes periodic reports that will be provided to ECU, and details other procedural requirements of the services to be provided.

Fiscal Note: ECU will provide up to \$48,500 annually to the City of for three years to pay for the salary and benefits of an additional code enforcement officer. The City will be responsible for providing equipment and transportation for the position.

Recommendation: Approve the attached agreement.

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

Attachments / click to download

 [Proposed ECU Code Enforcement Map](#)

 [Code Enforcment Resources Funding Agreement 873937](#)

Code Enforcement Resources Funding Agreement

This Code Enforcement Resources Funding Agreement ("Agreement") is entered into this the ____ day of _____, 2010, by and between East Carolina University, a constituent institution of the University of North Carolina pursuant to N.C. Gen. Stat. § 116-1, et seq. ("ECU"), and the City of Greenville, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina (the "CITY") (each referred to individually as a "Party" and collectively, ECU and the CITY, as the "Parties", in this Agreement).

WHEREAS, ECU and the CITY have mutual interests in the enforcement of applicable laws, ordinances, regulations, and codes within the area in and around the main campus of ECU, shown on the attached map labeled as Exhibit A, and described as follows: BEGINNING at the north side of the Tar River where the Greene Street Bridge crosses the Tar River, then along Greene Street in a southerly direction to First Street, then along First Street in an easterly direction to the intersection of First Street with Reade Street, then along Reade Street in a southerly direction to the intersection of Reade Street with Reade Circle, then along Reade Circle in a southwesterly direction to Cotanche Street and continuing along Cotanche Street in a southerly direction until it becomes Charles Blvd., then along Charles Blvd. to S.E. Greenville Blvd., then along S.E. Greenville Blvd. in a northerly direction until S.E. Greenville Blvd. becomes N.E. Greenville Blvd across the bridge located on the road currently designated as the Highway 264 Bypass to the north side of the Tar River, then along the Tar River in a westerly direction to the Greene Street Bridge, the point of beginning (the "University Area");

WHEREAS, resulting largely from growth in enrollment and related increase in ECU activities in the University Area, there has been an increase in the need for minimum housing code enforcement inspections and related resources by the CITY;

WHEREAS ECU desires that the CITY assign an additional code enforcement officer ("Officer") to focus on enforcement of the building and property maintenance requirements provided in the minimum housing code and public nuisance ordinances set forth in the Greenville City Code (collectively, the "Code"), with respect to housing occupied in the University Area;

WHEREAS, in order to accommodate the increased need for such inspections and ECU's desire for such action, the CITY needs resources to hire an additional code enforcement officer; and

WHEREAS, with funding provided by ECU, the CITY can and is willing to employ an officer to focus on housing in the University Area for a limited period and both parties agree that the arrangement will be beneficial to ECU and the CITY,

NOW, THEREFORE, for and in consideration of the mutual promises to each other, as hereinafter set forth, the Parties hereto do mutually agree as follows:

1. For purposes of increasing the number and frequency of Code enforcement inspections in the University Area the CITY agrees to recruit, hire, supervise and manage an additional code enforcement officer ("Officer") (said actions on the part of the CITY to be referred to herein as

the "Project"). Further, the CITY agrees to establish a reporting mechanism through which complaints regarding alleged violation of any part of the Code within housing occupied by ECU students in the University Area that is within the CITY's enforcement jurisdiction may be reported and will be investigated by the CITY.

2. In recognition of the CITY's funding constraints, ECU shall provide funding to reimburse the CITY for the actual cost of the salary and benefits associated with employment of the Officer up to a maximum of \$48,500 per year for three (3) years, which may be extended for an additional two (2) years if mutually agreed in writing by the Parties.

3. ECU agrees to obligate funds for the Project in the amount of \$48,500 per year for three years beginning on the date of the Agreement as indicated here above, subject to limitations stated herein. The CITY shall provide a detailed invoice to ECU denoting expenses for salary and benefits incurred for the Officer on a quarterly basis. Invoices submitted and payments rendered shall be directed in accordance with this Agreement. Payment(s) shall be made to the CITY within thirty (30) days of invoice receipt. Any deviations from the approved budget shall be provided in writing by duly authorized representatives of the CITY and ECU and administered in accordance with the terms of this Agreement.

4. The CITY shall provide ECU with a quarterly report of the Officer's Code enforcement activities. At a minimum, the report shall document the number of inspections conducted and violation notices issued by the Officer, and to the extent allowed by law, may include additional information as requested by ECU or as desired by the CITY. In the event applicable law prohibits provision of any such information to ECU at any time during the term of this Agreement, the CITY shall endeavor to provide an appropriate alternative set of data reflective of the intent of this Agreement in achieving the goals of the Parties as stated herein, such as information on all activity by all code enforcement officers during the relevant quarter within the University Area.

5. The CITY shall complete the Project consistent with the following requirements:

5.1. The CITY represents and warrants that it shall comply with all laws, regulations, and policies, applicable to the performance of the Project.

5.2. The CITY shall supply and pay for all labor, transportation, materials, tools, and incidentals necessary for completion of the Project, and shall install, maintain, and remove all equipment, and be responsible for the safe, proper and lawful maintenance and use of the same relating to the Project.

5.3. The CITY shall give all notices and comply with all laws, ordinances, codes, rules and regulations bearing on the performance of the Project. Without limiting the CITY's liability under any other provision of this Agreement, if the CITY agrees that it or its agents perform any work relating to the Project knowing it to be contrary to applicable laws, ordinances, codes, rules and regulations, the CITY shall bear all cost arising therefrom.

5.4. The CITY shall provide all necessary safety measures for the protection of all persons on the job, and shall fully comply with all state laws or regulations and other requirements to prevent accident or injury relating to its completion of the Project.

5.5. The CITY is solely responsible for payments to the Officer. ECU is not responsible for any payments to the Officer for any purpose relating to this Agreement. The CITY shall ensure that all payments to the Officer are made in accordance with law and any applicable contract. The CITY shall settle all disputes with the Officer relating to claims for payment or other compensation.

5.6. The CITY shall provide and maintain, during the life of this agreement, workers' compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$100,000, relating to the Officer. Upon request, the CITY shall provide ECU with satisfactory proof of carriage of the insurance required.

6. Termination.

6.1 In the event the position held by the Officer becomes vacant during the term of this Agreement, the CITY shall notify ECU promptly and the Parties shall evaluate whether to hire a replacement Officer. Absent an agreement by ECU to the contrary, ECU's obligations under this Agreement shall terminate immediately upon the position held by the Officer becoming vacant.

6.2 This Agreement may be terminated without cause by either party upon sixty (60) days written notice to the other Party. All non-cancelable commitments incurred by the CITY but not yet invoiced to ECU shall be billed by the CITY within thirty (30) days of notice of termination of the Agreement; provided, however, that in no event shall ECU be liable for the reimbursement of any costs arising from CITY's employment of the Officer more than sixty (60) days after either Party provides written notice of termination of this Agreement.

6.3 This Agreement may be terminated upon any breach of or default by either Party by providing written notice of such breach or default to the authorized representative of the other Party. Such termination shall become effective thirty (30) days immediately following the provision of such notice, unless during said thirty (30) day period an acceptable cure for such breach or default is provided.

6.4 To the extent and in the manner provided in N.C. Gen. Stats. § 143C-6-8, unless otherwise authorized by the Director of the Budget, this Agreement shall be subject to the availability of appropriated funds or available funds that are not State funds as defined in Chapter 143C of the General Statutes.

6.5 Termination of this Agreement by either party shall not affect the rights and obligations of the Parties accrued prior to the effective date of the termination. The rights and duties under Sections 7 and 8 of the Agreement shall survive termination or expiration of this Agreement.

7. In the event that financial resources provided herein are flowed down from the State of North Carolina such that special accounting of receipts and expenditures are required of ECU, the

CITY agrees to make a good faith effort to provide documentation of the same in the format and within the time restrictions imposed upon ECU. Prior to incurring any extraordinary costs for providing such documentation, the CITY shall notify ECU, which shall then agree to pay such extraordinary costs or the CITY shall be excused from this obligation to provide such documentation.

8. To the extent permitted and limited by the laws of North Carolina, the CITY will indemnify and hold ECU harmless from and against all claims, damages, losses and expenses, including, but not limited to, attorneys' fees, arising out of or resulting from the performance or failure of performance of the Project, including without limitation all aspects of recruitment and employment, or termination thereof, of the Officer, provided that any such claim, damage, loss or expense is caused in whole or in part by any negligent act or omission or the willful misconduct of the CITY and/or the Officer, or any agent or employee of the CITY. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any Party.

9. None of the rights or responsibilities of either Party to this Agreement may be assigned to any third party without the prior written consent of the other Party.

10. This Agreement is made under, and shall be interpreted and construed pursuant to, the Laws of the State of North Carolina. It is agreed, between the Parties, that the place of this Agreement, its status and forum, shall be Pitt County, North Carolina, where all matters whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

11. This Agreement constitutes the entire agreement for the purpose stated herein between the parties and all prior negotiations, representations, understandings and agreements, whether oral or written, are superseded herein. This Agreement may be amended, waived, assigned or delegated in whole or in part only by means of a written document signed by duly authorized representatives of the Parties.

12. The provisions of this Agreement are severable, and in the event that any provisions are determined to be invalid or unenforceable under any controlling body of law, such invalidity or unenforceability shall not in any way affect the validity or enforceability of the remaining provisions herein.

13. The failure of either Party to assert a right herein or to insist upon compliance with any term or condition of this Agreement shall not constitute a waiver of that right or excuse a similar subsequent failure to perform any such term or condition by the other Party.

14. For the purposes of this Agreement the Parties shall be deemed to be independent contractors and not agents or employees of the other Party.

15. Nothing contained herein shall allow either Party to use the names or registered trademarks of the other Party for any purpose without prior written consent by an authorized official of the applicable organization, provided however that organizational names may be used in statements

of fact insofar as such statements are not, nor can be considered, an endorsement of a project, product or service.

16. Any delays in or failures of performance under this Agreement shall not be considered a breach of this Agreement if and to the extent such delays are caused by occurrences beyond reasonable control of the party, including but not limited to Acts of God; acts, regulations or laws of any government; strikes or other concerted acts of workers; fires; floods; explosions; riots; wars; rebellions; and sabotage.

17. All equipment and materials, if any, purchased by the CITY with funds provided pursuant to this Agreement shall become the property of the CITY.

18. Nothing contained herein shall limit the statutory authority of the North Carolina Attorney General to represent, investigate, defend or settle any claims filed against ECU.

19. Notice to either Party under this Agreement shall be as follows:

If to the CITY: City Manager
 City of Greenville
 P.O. Box 7207
 Greenville, NC 27835-7207

If to ECU: Vice Chancellor for Administration and Finance
 East Carolina University
 106 Spilman Building
 Greenville, NC 27858

WHEREFORE, the Parties, acting by and through their respective duly authorized representatives, hereby agree to be bound by the terms and conditions stated within this Agreement and have caused the same to be executed on the date indicated below.

East Carolina University

By: _____ Date: _____
Kevin Seitz
Vice Chancellor for Administration and Finance

City of Greenville

By: _____ Date: _____
Wayne Bowers

City Manager

APPROVED AS TO FORM:

David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services



City of Greenville, North Carolina

Meeting Date: 8/9/2010
Time: 6:00 PM

Title of Item: Amendment to the Board and Commission Policy

Explanation: Currently, the Board and Commission Policy for the City of Greenville (copy attached) provides that appointments to all boards and commissions shall be made following a process that includes the liaison making recommendations to fill vacancies. An exception to this process is made for the Housing Authority and the Police Community Relations Committee.

Council Member Joyner requests that the Policy be amended to include the Board of Adjustment, Planning and Zoning Commission, and Recreation and Parks Commission under the exception from the normal process. Instead of the liaison making a recommendation to fill a vacancy on these boards, the Mayor and each Council Member would make nominations on a rotating basis.

Fiscal Note: No financial impact.

Recommendation: Discuss the board and commission appointment process as requested by Council Member Joyner.

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

Attachments / click to download

[Official Board and Commission Policy as of November 9 2009 844808](#)

BOARD AND COMMISSION POLICY FOR THE CITY OF GREENVILLE

Having citizens to serve on boards and commissions gives them an opportunity to participate in local government. In order to maintain some consistency, a policy has been adopted to aid in the appointment process and in other areas dealing with the boards and commissions. In order to provide all citizens of Greenville with an opportunity to serve on City boards and commissions, this board and commission policy is being established.

Talent Bank

A pool of applicants for the various boards and commissions, called the talent bank, shall be maintained by the City Clerk's Office. This talent bank shall be updated on a biennial basis. Solicitation of applications for this pool of applicants shall be done through such methods as advertising in local newspapers, the City website and the government access channel.

Appointments

City Council Members shall be notified of upcoming appointments to City boards and commissions by the first day of the month preceding the month in which the appointment is to be made. A list of persons who have indicated an interest in serving on the board or commission through the talent bank shall also be provided to the City Council.

The list of upcoming appointments shall be advertised in the local newspaper, on the government access channel, and on the City's website at least four weeks prior to the meeting at which the appointment is to be made in order to provide citizens with an opportunity to indicate their interest in serving.

Prior to the 15th day of the month preceding the month in which the appointment is to be made, City Council Members shall submit any nominations for upcoming vacancies to the City Council liaison to the board or commission. City Council liaisons shall be provided a copy of resumes from citizens for upcoming appointments as they are received by the City Clerk's Office.

During review of nominations for upcoming appointments, City Council liaisons may request the City Clerk's assistance in obtaining the nominees' addresses and any pertinent background information. The City Council liaison shall contact the individual to discuss the applicant's interest in the board and his/her ability to attend the meetings in accordance with this policy.

Several of the boards and commissions have representation from other entities. Also, criteria for the membership is noted in the by-laws or ordinance creating many of the boards and commissions. The criteria and/or appointment process are detailed below.

Affordable Housing Loan Committee. The committee shall have seven regular members and one alternate member. It shall be racially diverse and composed of persons with experience and an interest in housing. The members may be of the following professions: banker, lawyer, realtor, member of the building profession or developer, member of a social service organization, and a member of a local housing group. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Board of Adjustment. The board shall consist of seven regular members and four alternate members. Five of the regular members and three alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the City Council. Two of the regular members and one alternate member shall reside outside of the corporate limits of the city but within the extraterritorial jurisdiction at the time of their appointment and shall be appointed by the Board of Commissioners. City members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The County Commissioners shall appoint county candidates and the appointment letter shall be sent from the County Clerk's Office for those appointments. A copy of the appointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated.

Community Appearance Commission. The commission shall consist of 11 members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Environmental Advisory Commission. The commission shall have seven members that are designated as follows: (A) a lawyer or other person with knowledge of environmental regulations and environmental safety practices; (B) a building contractor, land developer or someone familiar with construction techniques; (C) a member of a local environmental group; (D) an educator of the natural or physical sciences or physician; (E) a professional engineer; (F) an at-large member from the Greenville community; and (G) an at-large member with skills and interest in environmental public health, safety and/or medicine. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The mayor or a member of city council shall be designated as an ex-officio, non-voting member of the commission

Firefighter's Relief Fund Committee. The committee shall consist of five trustees. The firefighters shall elect two members, the City Council shall elect two members, and the Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner.

Greenville Bicycle and Pedestrian Commission. The Commission shall consist of 12 members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The Director of the Recreation and Parks Department and the Director of the Public Works Department shall serve as ex-officio, non-voting advisors

to the Commission. East Carolina University, the Pitt County Planning Department, and the Eastern Carolina Injury Prevention Program shall each designate a representative to serve as a non-voting advisor to the Commission.

Greenville Utilities Commission. The commission shall consist of eight members, one of whom is the City Manager. The charter specifies that the members shall have utilities expertise. Representation should include some members with financial, engineering, environmental, technical, or development backgrounds. Five City members shall be appointed by the City Council in accordance with this policy, and appointment letters for the City members sent by the City Clerk's Office. Two County candidates shall be nominated by the County Commissioners, at which time the County Clerk shall submit to the City Clerk a letter of recommendation. (The two candidates shall be bonafide residents of Pitt County but residing outside the city limits, who shall be customers of Greenville Utilities.) The City Clerk's Office shall then obtain background information on the nominee and provide it along with the letter to the City Council liaison. The information shall be provided to City Council for consideration at a regular City Council meeting. The City Council shall have the right to reject any nominee from the Board of Commissioners and to request additional nominees. If the Pitt County Board of Commissioners fails to recommend a nominee to the City Council within 60 days of the original date requested by the City Council, then the City Council may appoint any individual that meets the residency requirement. The City Clerk's Office shall send a letter of appointment to the new members informing them of the appointment. A copy of the letter for County appointments shall be sent to the County Clerk. Greenville Utilities Commissioners filling the first three-year term shall automatically fill a second three-year term unless the City Council initiates the replacement process.

Historic Preservation Commission. The commission shall consist of ten members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Housing Authority. The authority shall consist of seven commissioners. One commissioner shall be appointed by the Mayor and all other commissioners shall be appointed by City Council. No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. The City Council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the City Council.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed on or after June 30, 2009, (the effective date of Session Law 2009-211). Appointments will be made by City Council unless the appointment is required to be made by the Mayor to ensure that the authority has a commissioner appointed by the Mayor or unless the appointment to be made is the commissioner on the authority appointed as the commissioner

who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members on a rotating basis in the following order: Council Member, At-Large, for the first appointment, Council Member, District One, for the second appointment, Council Member, District Two, for the third appointment, Council Member, District Three, for the fourth appointment, Council Member, District Four, for the fifth appointment, Council Member, District Five, for the sixth appointment, and, thereafter, the rotation shall be repeated. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

At all times, at least one (1) of the commissioners shall have been appointed by the Mayor. Therefore, the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the only commissioner position on the authority who has been appointed by the Mayor. The Mayor shall make the appointment or reappointment in this event by filing with the City Clerk a certificate of appointment or reappointment.

At all times, at least one (1) of the commissioners shall be a person directly assisted by the authority. Therefore, the nomination by a Council Member and the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority. City Council shall confirm the appointment of the person who is elected by other persons directly assisted by the authority after receipt of written notice of the election of this person from the authority whenever the authority's rules require that the person appointed as the person directly assisted by the authority is elected by other persons directly assisted by the authority. City Council shall make the confirmation of the appointment by a motion of appointment. In the event the authority's rules do not require that the person appointed as the commissioner directly assisted by the authority is elected by other persons who are directly assisted by the authority and the appointment to be made is the commissioner on the authority who is appointed as the commissioner directly assisted by the authority, the nomination by a Council Member on the rotating basis will not occur until the next appointment and, instead of a nomination, a recommendation from the authority will be sought. City Council is not required to appoint the person recommended by the authority and may, but is not required to, request another recommendation from the authority in the event the initial recommended person is not appointed. In the event the person recommended by the authority is not appointed and another recommendation from the authority is not requested, any Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council, the nomination of a person to fill the

unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy in a commissioner position which was not appointed by City Council and which is not either the required Mayor appointment or person directly assisted by the authority appointment, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which is either the required Mayor appointment or the person directly assisted by the authority appointment, the procedure to appoint and recommend or elect shall be the same as the procedure to appoint and recommend or elect a person for a full term.

Human Relations Council. The 18-member council shall consist of fifteen citizens, one East Carolina University student, one Shaw University student, and one Pitt Community College student. The fifteen citizens shall reside within the corporate limits of the city. The three students shall reside within the corporate limits of the city during the school year. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Investment Advisory Committee. The three-member committee shall be composed of three members that have a background in investing and money management (i.e., bankers, stock brokers, accountants, economists, etc.). All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters to the members.

Neighborhood Advisory Board. The Neighborhood Advisory Board shall consist of ten board members with two board members being elected from each of the five districts from which Council Members are elected. Each neighborhood association shall appoint a liaison member to the Neighborhood Advisory Board and an alternate liaison member shall serve at the pleasure of the neighborhood association. The alternate liaison member, while attending a meeting of the liaison members or of the Neighborhood Advisory Board in the absence of the liaison member from the same neighborhood association, may serve as the liaison member and shall have and may exercise the powers of the liaison member.

The liaison members of the Neighborhood Advisory Board shall elect, at the initial meeting of the liaison members and annually thereafter, at a meeting of the liaison members established by the Neighborhood Advisory Board for that purpose, ten board members of the Neighborhood Advisory Board with two board members being elected from each of the five districts from which Council Members are elected. The liaison members of the Neighborhood Advisory Board

who represent neighborhood associations of neighborhoods located primarily within a district from which a Council Member is elected shall only be eligible to vote for board members for said district. The board members of the Neighborhood Advisory Board elected from a district from which a Council Member is elected must be a liaison member for a neighborhood association of a neighborhood located primarily within said district. For the purpose of determining eligibility to vote and to serve as a board member, a neighborhood is located primarily within the district if the majority of the residences in the neighborhood served by the neighborhood association are located within said district.

The Neighborhood Liaison/Ombudsman shall serve as an ex-officio, non-voting member of the Neighborhood Advisory Board. The Liaison Members of the Neighborhood Advisory Board shall consist of the liaison members appointed by each neighborhood association. In addition to electing the board members of the Neighborhood Advisory Board, the liaison members shall offer feedback to the board members of the Neighborhood Advisory Board at least twice each year at a meeting of the Neighborhood Advisory Board.

Pitt-Greenville Airport Authority. The authority shall have eight members, four appointed by the City Council and four appointed by the Pitt County Commissioners. The City Council and Pitt County Commissioner liaisons shall serve as voting members of the authority. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent by the City Clerk's Office for City Members. County members shall be appointed by the County Commissioners and appointment letters for those members sent by the County Clerk's Office. A copy of the letter shall be forwarded to the City Clerk's Office, at which time the City records shall be updated.

Pitt-Greenville Convention and Visitors Authority. The authority shall have eleven members as follows: Four owners or operators of hotels, motels, or other taxable accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council; two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council; two residents of Greenville, appointed by the City Council, and two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation; and one individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce. City members of the Convention and Visitors Authority Board shall be appointed by the City Council. Appointment letters shall be sent by the City Clerk's Office for the City appointments. The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The Board of Commissioners has the right to reject any nominee from the City Council and request additional nominees. If the City Council fails to recommend a nominee to the County within sixty days after a written request for nominees is sent by the County to the City, then the Board of Commissioners may appoint any individual meeting the eligibility requirements of the Enabling Legislation. The County Clerk shall be responsible for sending out appointment letters for County members. The

Chamber of Commerce shall appoint one of its members and is responsible for sending out the appointment letter for that appointment and sending a copy of the letter to the City Clerk's Office, at which time the records are updated.

Planning and Zoning Commission. The commission shall be composed of nine regular members and three alternate members. Appointments of members appointed by City Council shall be made to promote the representation of a variety of interests. This representation should include some members with environmental, neighborhood preservation, development and business interests. Seven regular City members and two alternate members shall reside within the corporate limits of the City and shall be appointed by the City Council. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint two regular County members and one alternate member. The appointment letter for County appointees shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letters shall be sent to the City Clerk's Office, at which time the City records shall be updated.

Police Community Relations Committee. The committee shall be composed of seven members (one from each district, one at-large and one appointed by the Mayor). Members are appointed directly by the Mayor and individual Council Members. Members should not hold any elected office.

Public Transportation and Parking Commission. The commission shall be composed of seven members, all of whom shall be citizens and residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Recreation and Parks Commission. The commission shall be composed of nine members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Redevelopment Commission. The commission shall consist of seven members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Sheppard Memorial Library Board. The board shall consist of nine members. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint county candidates, and the appointment letters for County members shall be sent from the County Clerk's Office. A copy of the appointment/reappointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated. The City Council liaison to the Sheppard Memorial Library Board shall serve as a voting ex-officio member of the Board.

Youth Council. The Greenville Youth Council shall be composed of twenty-five members as follows: three representatives from each of the Pitt County public high schools; one

representative from each of the private schools located in Pitt County (Trinity Christian School, Greenville Christian Academy, Calvary Christian Academy, and The Oakwood School); one home schooled student; and two youth members from the Human Relations Council. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2) the Housing Authority, to which either, in accordance with the procedure set forth in the Housing Authority section above, the Mayor makes the appointment or City Council appoints commissioners after receipt of a nomination from Council Members on a rotating basis or City Council appoints a commissioner after receipt of a recommendation from the Housing Authority or City Council confirms the appointment of a commissioner who is elected by other persons directly assisted by the Housing Authority and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a recommendation has not been selected, at which time the appointment shall be continued to the following month.

Appointment to a Board at the Conclusion of Service on a Board

When a citizen completes at least one full term on a board or commission, that person shall be eligible to serve on another as a City member at the completion of the term. However, a one-year waiting period is required in order to serve on the same board or commission.

Alternate Members

On certain boards and commissions, members shall originally be appointed as Alternate Members in order to provide a learning period unless there are more vacancies on the Board than

the number of alternate slots for the Board at the time of appointment (see last sentence of this section). The alternates vote only when a regular member is absent or unable to vote. City alternates shall be provided for various boards as follows:

Affordable Housing Loan Committee	Alternate
Board of Adjustment	Alternate Nos. 1, 2 and 3
Planning and Zoning Commission	Alternate Nos. 1 and 2

Alternates shall move up in rank or to a regular member slot as vacancies become available on the board upon approval by the City Council and in accordance with the following rotation. In the instance of only one alternate, when a vacancy becomes available to replace regular member, the alternate shall move up and a new alternate member appointed. In the instance of two alternates, when a vacancy becomes available to replace a regular member, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, and a new Alternate #2 appointed. In the instance of three alternates, when a vacancy becomes available to replace a regular member, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, Alternate #3 shall be elevated to Alternate #2, and a new Alternate #3 appointed. In the event that there are two elevations at one time, the Alternate members shall move in the order in which they would have normally been elevated.

Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board, City appointees may be reappointed to a second term. The purpose of this exception is to create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. The Housing Authority shall also be excepted.

Resignation of Board or Commission Members Elected to Public Office

Members of City boards or commissions who are elected as Mayor or as a City Council Member shall submit a resignation from the board or commission prior to becoming installed as an elected official.

Service of a Full-Time Employee on a Board or Commission

A full-time employee of the City of Greenville shall not be eligible to serve on a city authority, board, commission or committee as an appointee of the Mayor, City Council or a Council Member. If such a member becomes a full-time employee of the City of Greenville, that shall constitute a resignation from the authority, board, commission or committee upon which he serves, effective upon the date a replacement is appointed. The prohibition established herein shall not apply to any current full-time City employee who is currently serving on an authority, board, commission or committee for so long as said employee serves on the same body until the completion of the current term. The prohibition established herein shall not apply to service resulting from being an ex-officio member.

Serving on Two Boards Simultaneously

With the exception of ad hoc committees, task forces, or other like groups created by the City Council for a specified length of time and for a specified purpose, individuals shall not serve on more than one city board or commission as a City Council appointment at the same time.

Individuals shall not hold more than two appointive offices or more than one appointive office and an elective office concurrently in violation of North Carolina General Statute 128-1.1.

Designation of Liaisons and their Roles and Responsibilities

Designation. The Mayor shall designate City Council Members and the Mayor as liaisons to boards and commissions whose members are appointed by the City. Prior to the designation of the liaisons, the Mayor shall ask Council Members to which boards and commissions they prefer to be designated as liaison. The Council Members shall be provided an opportunity to discuss their choices with the Mayor.

Length of Designation. The liaisons shall serve until the end of their elected two-year term as a City Council Member or the Mayor.

Roles of the Liaisons. The liaison is a communication link between the City Council and the appointed board or commission. The liaison role is not to regularly and actively discuss subjects on the agenda with the board or commission members, but to offer insight into overall City goals and policies that have been adopted by the City Council as it may relate to an issue being considered by the board or commission. The liaison, from time to time as appropriate, shall inform City Council of major activities of the board or commission.

Attendance. The attendance at board or commission meetings is at the discretion of the liaison. While attendance at every meeting is not required, attendance sufficient to understand the subjects before the board or commission is important.

Voting. The liaison is not a voting member of the board or commission and may not make motions at a meeting of the board or commission. The exception to this is the Sheppard Memorial Library Board of Trustees and the Pitt-Greenville Airport Authority where the liaison is a voting member and should participate as a full member.

Appointments. The liaison is to review the applications in the talent bank for vacancies on the board or commission and to make recommendations of persons to City Council to fill the vacancies. The exception to this is Housing Authority and the Police Community Relations Committee.

Attendance of Members

All appointed members of the various boards and commissions are expected to attend all regular meetings. Whenever a member of any board or commission has missed three or more consecutive regular meetings or fails to attend seventy-five percent of all regularly scheduled meetings, the staff liaison to the board or commission shall notify the City Clerk of the member's attendance record. The City Clerk's Office shall send a letter to the member asking to be notified about the person's ability to attend future meetings. A copy of the letter shall be sent to the City Council liaison. If, within 30 days, the member responds that he desires to continue serving and will attend future meetings on a regular basis, the City Clerk's Office will notify the City Council liaison, and the attendance will be monitored for a period of three months, at which time replacement or other appropriate action may occur if the attendance requirements are still not met. However, if the person either fails to respond to the letter within 30 days or indicates that he is unable or unwilling to attend, the City Council liaison will be notified by the City Clerk's Office and the vacancy placed on the next possible City Council agenda for replacement or other appropriate action. The appointment shall be for the duration of the unexpired term of the member whose position has been vacated.

Failure to observe any requirement of this policy shall not affect the validity or legality of any appointment.

This policy adopted by the Greenville City Council via Resolution No. 09-55 on November 9, 2009 replaces previous board and commission policies that have been adopted by the Greenville City Council.