



# Agenda

## Greenville City Council

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

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**I. Call Meeting To Order**

**II. Invocation - Mayor Dunn**

**III. Pledge of Allegiance**

**IV. Roll Call**

**V. Approval of Agenda**

**VI. Consent Agenda**

1. Minutes from the September 9, 2010 City Council meeting
2. First reading of an ordinance granting a limousine franchise to Patrick Sean Brown, d/b/a The Jolly Trolley
3. First reading of an ordinance granting a taxicab franchise to Hannah Victoria Capps, d/b/a East Carolina Pedicab
4. First reading of an ordinance granting a taxicab franchise to Leonard Lee Horton, d/b/a Easy Ride Taxi Service
5. Ordinance enacting and adopting Supplement #2010-S2 to the City of Greenville's Code of Ordinances
6. Disclosure of family interest conflict related to the structure at 601 Contentnea Street and exception request to HUD's Conflict of Interest Rule
7. Amendment 1 to Contract for Storm Drainage Improvements; Group A - Skinner/Beatty Street

## Area

8. Resolution accepting dedication of rights-of-way and easements for Westhaven South, Section 4; Cobblestone Phase Three Section Two Lots 7-15 and 34-40 Brookville Drive; Green Mill Court; and Arbor Hills South Phases 1&2, Cluster Subdivision
9. Change order to the on-call civil engineering services contract with the East Group
10. Resolution authorizing the disposal of surplus computer equipment to Pitt Community College
11. Budget ordinance amendment #5 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57)

## **VII. Old Business**

12. Ordinance amending *Horizons Plan 2009-2010 Update: Planning and Zoning* Commission recommended change to the Future Land Use Plan Map, Area of Interest 6 located on SW Greenville Boulevard

## **VIII. New Business**

13. Presentations by boards and commissions
  - a. Firefighters' Relief Fund Committee
  - b. Investment Advisory Committee
  - c. Greenville Bicycle and Pedestrian Commission
14. Progress update on the Greenville Urban Area Metropolitan Planning Organization Bicycle and Pedestrian Master Plan
15. Erosion of stream banks located on private properties
16. Railroad crossing agreement with CSX Transportation, Inc. for Thomas Langston Road Extension
17. 2010-2011 Capital Reserve Fund calculation and designations

## **IX. Review of December 9, 2010 City Council Agenda**

## **X. Comments from Mayor and City Council**

## **XI. City Manager's Report**

## **XII. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

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- Title of Item:** Minutes from the September 9, 2010 City Council meeting
- Explanation:** Proposed minutes from the September 9, 2010 City Council meeting are submitted for review and consideration by the City Council.
- Fiscal Note:** No direct cost to the City.
- Recommendation:** Review and approve proposed minutes from the September 9, 2010 meeting of the City Council.
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**Attachments / click to download**

[Proposed Minutes for the September 9 2010 City Council Meeting 883558](#)

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MINUTES PROPOSED FOR ADOPTION  
MEETING OF THE CITY COUNCIL  
CITY OF GREENVILLE, NORTH CAROLINA  
THURSDAY, SEPTEMBER 9, 2010



A regular meeting of the Greenville City Council was held on Thursday, September 9, 2010 in the Council Chambers, located on the third floor at City Hall, with Mayor Patricia C. Dunn presiding. Mayor Dunn called the meeting to order at 7:00 pm. Mayor Pro-Tem Kittrell gave the invocation, followed by the Pledge of Allegiance.

Those Present:

Mayor Patricia C. Dunn; Mayor Pro-Tem J. Bryant Kittrell, III; Council Member Marion Blackburn; Council Member Rose H. Glover; Council Member Max R. Joyner, Jr.; Council Member Calvin R. Mercer; Council Member Kandie Smith

Those Absent:

None

Also Present:

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

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**APPROVAL OF THE AGENDA**

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

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**SPECIAL RECOGNITIONS**

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**Presentation by the Eastern North Carolina Center for Independent Living**

City Manager Bowers introduced Bob Thompson, who works with the Eastern North Carolina Center for Independent Living. Mr. Thompson introduced Helen Pace as the new Executive Director for the Center, and stated that they and other members of the center were there to thank the Council for their help in celebrating the 21<sup>st</sup> anniversary of the Americans with Disabilities Act (ADA). He gave a brief history of the ADA, then members of the group presented the City Council with commemorative t-shirts.



### **Recognition and Presentation of Lead Worker Training Completion Certificates**

Community Development Director Merrill Flood explained the purpose of the program is to train workers in the elimination of lead-based paint. Thus far, 51 individuals have been trained in the proper handling and lead-based paint and 17 new jobs have been created as a result of the grant. The first round of students graduated about six months ago, and the second group is being recognized this evening for successful completion of the course and passing the required exam: Randy Austin, Greg Barrett, William Barrett, Samuel Buford, James Cogdell, Michael Harris, Iben Kornegay, Kirby Thigpen, Lynwood Chance, Michael Joyner and Eliza Wright.

### **Recognition of Bradford Creek Public Golf Course's Junior Golf Team**

Recreation and Parks Director Gary Fenton was joined at the front by members of the Junior Golf Team. Mr. Fenton stated the league began in 1987 with four courses and has since grown to three divisions of nine teams each. He stated that kids must earn the opportunity to compete. At the end of each season, there is a tournament. This year is the fourth time that Bradford Creek team has won the title in the past five years. Mr. Fenton then introduced Mike Cato, who is the President of the League.

Mr. Cato stated none of this would be possible without the assistance of the Bradford Creek staff. He recognized Chris Whitehead, Head Golf Coach, along with Adam Stevenson, Amber Litman, Joe Davis and Renee Skeen for their invaluable support. He then introduced those players who were present: Chance Ritchie, Adam Clark, Will Franklin, Nicholas Lloyd, Nick Brown, Morgan Brown and Ashleigh Pate.

### **Association of Public Treasurers of the United States & Canada Certificate of Excellence Award**

Financial Services Director Bernita Demery asked Mayor Dunn to accept the award on behalf of the Council. She stated the award is presented on behalf of the Association of Public Treasurers of United States and Canada and indicated this is the first time Greenville has received the award on behalf of its investment policy. Ms. Demery read the plaque and presented it to Mayor Dunn. She thanked members of Investment Advisory Committee for their guidance and stated the staff of the Financial Services Department deserved recognition as well.

### **Government Finance Officer Association's Certificate of Achievement**

Mr. Bowers recognized Jeff McCauley, stating he was here as a representative of the Government Finance Officer Association (GFOA), but is also Chief Financial Officer for Greenville Utilities (GUC). Mr. McCauley stated he had the pleasure of presenting the City's Financial Services Department with a Certificate of Achievement for Excellence in Financial Reporting on behalf of the GFOA. To earn this award, the City had to substantially conform to the GFOA's demanding criteria, and quite impressively, this is the 21<sup>st</sup> consecutive year



the City of Greenville has earned this award. Mr. McCauley stated he hopes this award serves to encourage others to follow Greenville's example for high standards. He then presented the award plaque to Ms. Demery and Kimberly Branch, Financial Services Manager.

**(ADDED) Department of Fire and Rescue**

Mr. Bowers invited Sandy Harris, Interim Chief of Fire and Rescue, to come forward. He stated Mr. Harris has been a long time employee of the Fire and Rescue Department, and for the past 8 months, he has gone above and beyond the call of duty serving in the capacity of Interim Chief. He expressed his personal thanks to Mr. Harris for the work he has done, then presented him with a plaque commemorating his service.

Mr. Bowers then introduced William Ale, who began work on September 7<sup>th</sup> as the City's new Chief of Fire and Rescue. Chief Ale stated he is thrilled to be in Greenville and looks forward to being here for many years.

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**APPOINTMENTS**

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**Appointments to Boards and Commissions**

Board of Adjustment

Council Member Blackburn moved to appoint Minnie Anderson as Alternate #3 to serve a first three-year term expiring in June 2013 replacing Sharon Ferris, who was elevated to Alternate #1 on the Board of Adjustment. Council Member Glover seconded the motion, which passed by unanimous vote.

Human Relations Council

Council Member Joyner stated he wished to continue nominations for six appointments to the next meeting.

Pitt-Greenville Convention and Visitors Authority

Council Member Glover stated she wished to continue nomination for this appointment to the next meeting.

Youth Council

Council Member Glover stated she wished to continue nomination for these appointments as well because with school just starting back, applicants are not yet available.

Recreation and Parks Commission

Council Member Blackburn moved to appoint Brian Jacobs to fill an unexpired term ending May 31, 2012, replacing Seth Shoneman, who resigned. Mayor Pro-Tem Kittrell seconded the motion, which passed by unanimous vote.



**Appointment to Special Task Force on Public Safety**

Mr. Bowers stated at its January 14, 2010 meeting, members of the Council each appointed one member to the Special Task Force on Public Safety. Alton Woods, who was appointed by Council Member Smith is no longer able to serve, therefore, Council Member Smith is asked to appoint a replacement.

Council Member Smith appointed Dennis Mitchell to fill the vacancy created by Mr. Woods' resignation.

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**CONSENT AGENDA**  
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Mr. Bowers introduced the following items on the Consent Agenda:

- Minutes from the May 24, June 7 and June 10, 2010 City Council meetings
- Contract award for site planning, design, and contract administration of the Multi-Family Recycling Center Project
- Contract award for the Watershed Inventory and Master Plan – Pilot Study
- Budget ordinance amendment #2 to the 2010-2011 City of Greenville Budget (Ordinance No. 10-57)
- Tax refund
- Report on bids awarded

Council Member Blackburn made a motion to approve all items on the Consent Agenda. Council Member Smith seconded the motion, which passed by unanimous vote.

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**OLD BUSINESS**  
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**Amendment to the Boards and Commissions Policy**

Council Member Joyner stated he'd met with City Attorney Dave Holec recently and Mr. Holec helped him word a motion related to this issue. He then moved to request the City



Attorney prepare an amendment to the Board and Commission Policy for consideration by City Council which, for the Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission, accomplishes the following: (1) replaces the nomination by liaison process for City Council appointments to these boards and commissions with a process in which the Mayor and each Council Member make nominations on a rotating basis with the initial appointment for these boards and commissions, pursuant to this process, being divided equitably among the Council Members and the Mayor, and (2) provides for the elevation first of an alternate member to a vacant regular member position on the Board of Adjustment and Planning and Zoning Commission prior to filling a vacancy on the Board of Adjustment and Planning and Zoning Commission. Motion was seconded by Council Member Glover.

Council Member Blackburn stated she respects and appreciates her colleagues on the Council. Each has the ability to select and nominate members to the City's Boards and Commissions. She said she feels the Liaison to each of those Boards and Commissions is obligated to work hard with their individual groups and to be well-versed in their projects and programs. That working knowledge allows the Liaison to best recommend new membership who can enhance and advance the needs of the group. That understanding is the heart of why the Liaison system works. A system of rotating nominations removes that knowledge and understanding.

Council Member Mercer stated some members of the Council may be inclined to support Council Member Joyner's motion for reasons of diversity. He stated he agrees diversity is a big challenge, not only on the basis of race, but other types of diversity as well. Appointments are often delayed, as some were earlier tonight, due to a lack of applicants. For those who want racial diversity on the City's boards, he stated he wants to work with them. He wants to make that happen in any reasonable and appropriate way. He stated that Council Member Joyner's proposal would not make that happen. He proposed brainstorming to find real ways to achieve that goal and addressing the issue during the January Planning session.

Council Member Mercer stated when Council Member Joyner first raised the issue of making changes in the nomination and appointment process, his interest was focused on Planning and Zoning, Recreation and Parks and the Board of Adjustment. Although others have since been dragged into the discussion, those initial three all have impact on land use within the City, and Council Member Joyner wants individuals on those boards who think like he does.

Council Member Smith asked, if diversity is a goal of Council Member Mercer, why is there no diversity on the Planning and Zoning Board.

Council Member Mercer stated the talent bank currently has no applications from Districts 1 or 2 and he is very open to suggestions from his colleagues on how to get interest from those districts. He added that racial diversity is only one form of diversity and on a board



such as Planning and Zoning, he feels diversity in background is also an important consideration in selecting members. Currently the board includes an individual employed with a home builders' supplier, a local business manager with past work experience in the building industry, a realtor, a small business owner, a financial planner and a construction estimator. He stated those members were on the board when he became involved, and the nominations he has made have included someone with a planning background and a retired engineer. He stated he had discussion with them relative to urban planning prior to making those nominations and he believes them to understand the concept of designing for urban growth.

Council Member Smith stated it is possible to get racial diversity in Districts 4 and 5, but she is concerned about representation from her district on a board that impacts land use. If there is no one from a particular district on that board, then that district does not have a vote in land use.

Council Member Mercer stated he appreciates her concern and promised to do all he could to get members from all districts. He stated he would like to work with fellow Council Members to overcome that. He stated that having the Council work together in that manner would do more to achieve the goals than the motion which is on the table.

Council Member Joyner stated his purpose was not to take away power from the Mayor or any of the Council Members, but rather to get them all equally empowered. He asked Council Member Mercer if the appointments he recommends were reflective of individuals who think the way he does.

Council Member Mercer stated he will work to have people on boards from diverse backgrounds. With regard to land use, one of the tasks of the liaison is to be well-versed in the issues of the commission. As liaison to Planning and Zoning, he wants to know their mission, their history and how they function. He stated it is clear to him that there has been, for many years, a lack of diversity with regard to their commitment to the land use plan. He stated too many controversial proposals which were not in compliance with the land use plan had been recommended by Planning and Zoning with no reason offered for the recommendation. He stated he'd heard some members say they passed a particular item because they knew the Council was the final authority.

Council Member Joyner stated the land use plan is not something that is set in stone. He stated he knew of at least two occasions on which Council Member Mercer voted in favor of projects that went against the land use plan. He stated he wanted to take power from a few Council Members and distribute it equally to all Council Members.

Council Member Mercer agreed the land use plan could change and should change when conditions in the City change. In regard to Council Member Joyner's statement that he'd voted against the land use plan twice, he said he had done so, but when he did he was always very clear in giving his reasons for doing so. As for certain Council Members having power, he stressed that Council Liaisons make nominations to the boards they work with to



fill vacant seats, but the appointment is made by the full Council. If other members of the Council feel a nomination lacks diversity or is otherwise unsatisfactory, it is not only their privilege, but their duty to put forth an alternate nomination for consideration. Someone may claim the liaison's nomination is always rubber-stamped by the Council, but if that is the case, it is because the Council as a whole has chosen to do so. He stated he would not vote in favor of a nomination if he did not truly feel it was in the best interest of the City.

Council Member Glover stated she has not liked the liaison process throughout the ten years and nine months she has been on the Council. Diversity is not only color, but ethnic group, gender and a variety of other things. She said she is concerned that not all Council Members stop to consider they are representing not only their district, but Greenville as a whole. She stated it is sad when a Council Member does not know enough people of varying backgrounds to make these nominations. She stated it is the Council's job to change things when there is a need to do so. Greenville is a city of educated people, but when she looks at the boards referenced in Council Member Joyner's motion, she sees no diversity. She stated it is imperative that people see a board as looking like the City it serves. She stated she isn't suggesting the Council do away with its practice of having liaisons serve on these boards, but merely to give all of the Council Members and the Mayor a voice in who serves on them.

Mayor Dunn said she served as Council Member At Large for six years and is now in her second term as Mayor. She stated that regardless of how board members are selected, she has always found the work they do to be invaluable. She said she reads their minutes and talks to their members, and the information provided was always useful to her in making her votes. She said she would like to express her views on the purpose of the liaison process and the issues she feels are involved in tonight's discussion.

Mayor Dunn stated the Council had voted in 2001 to have the Mayor appoint liaisons to each of its boards and commissions. The mayor at that time asked each Council Member to submit the names of five boards on which they would like to serve based on their personal interests. He then made the appointments. On two occasions, she was asked to serve on boards in which she had little interest, but she felt it was her duty to serve if asked. While serving in the capacity of a liaison, she made minority nominations to the boards she served and if there were no minority applications, she sought them out. With regard to the liaison process, she feels it is important to have people serve in areas where they have an interest so they have an opportunity to make an impact. She said she also feels it is the liaison's duty to keep the Council abreast of issues before these boards and to keep their boards abreast of issues before the Council.

With regard to proposed changes in the nomination process, Mayor Dunn asked whether the real issue is in regard to racial diversity or district representation. If the system is changed to one of rotating nominations, when a Council Member has his or her turn to nominate, are they expected to nominate the best person to fill the vacancy, or to nominate from their own district or perhaps from the district that currently has the fewest members on that board? By precedent, a person who has been appointed to serve on a board or



commission is reappointed at the end of their first term if they have an interest in continuing to serve. Will the Council Member whose turn it is to make a nomination recommend that member for reappointment, or try to nominate someone from his or her own district? The City has about twenty boards and commissions. If rotation of the nomination process is truly important, why is the motion only affecting selected boards rather than all of them?

Council Member Blackburn stated one of the most valuable parts of serving on the Council for her is the opportunity to get to know her colleagues on the Council and the people she works with on the various boards and commissions. She stated she has followed the tradition of recommending the reappointment of members who are eligible to serve a second term, but she has been very actively engaged in representing different points of view in her nominations to fill the open seats.

Council Member Mercer said it is very telling that only certain boards and commissions have been included in the motion under consideration. He expressed concern that the quality of nominations made will suffer if made by individuals who do not follow the activities of a particular board or commission closely and the number of boards and commissions makes it impractical for each Council Member to be as closely involved with each of them as they are with the boards to which they serve as liaison. He stated he would like to formally request that the vote on this matter be taken by a show of hands.

Council Member Smith stated she had recommended the addition of GUC and the Airport Authority to Council Member Joyner's motion after discussion at the previous meeting. She stated the airport is located within her district and has the most impact on the citizens in her district and those in District 2; however no one from either of those districts is on that board.

Mayor Pro-Tem Kittrell expressed his appreciation to all citizens who have given of their time to serve on the City's various boards and commissions. He said he does not necessarily agree that the boards are stacked. He acknowledged that Council Member Mercer had made some good points, but said he saw no harm in trying Council Member Joyner's proposal to insure all council members have a voice in board appointments.

Council Member Mercer stated Council Member Smith has a legitimate concern with regard to the Airport Authority and suggested that concern could be addressed under the current process by suggesting names of individuals who might be interested in serving to that board's liaison (Council Member Joyner). If Council Member Joyner does not support her suggestions, she is free to make her own nomination when a vacancy on the Airport Authority is under consideration.

He then moved to table the motion until the January Planning session. Council Member Blackburn seconded the motion and Mayor Dunn asked for a show of hands on the motion to table. The motion failed by a vote of 2 to 4 with Council Members Mercer and Blackburn casting the only supporting votes.



Council Member Blackburn moved to amend the original motion to remove the Recreation and Parks Commission from the rotation since others under consideration do have some decision making ability. Council Member Mercer seconded the motion and Mayor Dunn asked for a show of hands on the motion. The motion failed by a vote of 2 to 4 with Council Members Mercer and Blackburn casting the only supporting votes.

Council Member Mercer moved to amend the original motion to remove the Planning and Zoning Commission from the rotation. Council Member Blackburn seconded the motion and Mayor Dunn asked for a show of hands on the motion. The motion failed by a vote of 2 to 4 with Council Members Mercer and Blackburn casting the only supporting votes.

Council Member Joyner stated he wanted it known that he is asking the City Attorney to insure he (Joyner) does not get the first nomination to Planning and Zoning. Mr. Holec stated he would bring a proposal to Council for approval if Council Member Joyner's motion to change the nomination process is passed.

Council Member Mercer then moved to extend the original motion to include all of the City's boards and commissions, to the extent that it is legally possible to do so, instead of just the five originally stated. Councilmember Blackburn seconded the motion; however the motion failed by a vote of 2 to 4 with Council Members Blackburn and Mercer voting yes.

Council Member Glover stated no one on the Council has a specific agenda, but they can no longer practice segregation and non-inclusiveness. The City's boards are very important and if the Council does not work to move away from those practices the problems will increase.

Council Member Mercer stated that is why he is so puzzled that the Council would not support an amendment to include all boards and commissions in the proposed change, rather than a select few.

Mayor Pro-Tem Kittrell moved to call the question and stop debate. Council Member Blackburn seconded the motion, which passed by a vote of 5 to 1, with Council Member Mercer casting the dissenting vote.

Mayor Dunn asked the City Attorney to read the motion for consideration, which Mr. Holec did as follows:

Request the City Attorney prepare an amendment to the Board and Commission Policy for consideration by City Council which, for the Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission, and Recreation and Parks Commission, accomplishes the following:

- (1) Replaces the nomination by liaison process for City Council appointments to these boards and commissions with a process in which the Mayor and each



- Council Member make nominations on a rotating basis with the initial appointment for these boards and commissions, pursuant to this process, being divided equitably among the Council Members and the Mayor, and
- (2) Provides for the elevation first of an alternate member to a vacant regular member position on the Board of Adjustment and Planning and Zoning Commission prior to filling a vacancy on the Board of Adjustment and Planning and Zoning Commission.

Mayor Dunn asked all those in favor of the motion to raise their hand. Upon a show of hands, the motion passed by a vote of 4 to 2 with Council Members Blackburn and Mercer voting in opposition.

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**NEW BUSINESS**

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**PUBLIC HEARINGS**

Mayor Dunn explained procedures to be followed for each of the upcoming public hearings.

**Resolution to close portions of Pennsylvania Avenue and Jones Street**

Ken Jackson, Public Works Operations Manager, stated the resolution is to close a portion of Pennsylvania Avenue lying north of Spruce Street and to close a portion of Jones Street upon its relocation to connect to Spruce Street. He further identified the proposed closing using an aerial photograph. He stated the closing was requested by the Pitt County Board of Education as a part of the project to convert Sadie Saulter School to administrative offices and special needs classrooms. All utilities to remain will have easements as reflected on the street closing map. Closure of these portions of these streets would be conditional upon the Board of Education completing the required improvements and the submittal of a final plat to dedicate the new right-of-way of Jones Street and recombine the properties.

Mr. Jackson stated the Resolution of Intent to close the identified street segments was adopted on August 9, 2010 and all necessary advertising requirements were met.

Mayor Dunn declared the public hearing on this matter open at 9:00 pm and invited comment in support of the proposed closing.

Steve Spruill, Surveyor for the project, stated he would be happy to respond to any questions anyone might have related to the project.

Hearing no one else who wished to speak in favor of the project, Mayor Dunn invited comment in opposition to the proposed closing at 9:01 pm.



Susan Henry, owner of the property bordering the part of Jones Street which would be impacted by the change, said she was first introduced to the project by Mr. Spruill and initially believed it was a reasonable project. She has since realized that a gated fence she has along Jones Street will no longer be accessible. The gate was just installed in March and she feels either the City or the School Board should incur the expense of relocating the gate if the street is closed.

Mr. Spruill stated the School Board has indicated its willingness to relocate the gate. He recommended the Council consider approval of the closing resolution, contingent upon the School Board relocating Ms. Henry's gate at the School Board's expense.

Mr. Holec stated the resolution already includes conditions, some of which are related to construction of certain things. If it is the Council's desire, he can add this as a condition so that the closure does not become effective until the gate is moved.

There being no one else who wished to speak in opposition to the proposed closing, Mayor Dunn declared the public hearing closed at 9:12 pm.

Council Member Blackburn moved to adopt the resolution to close portions of Pennsylvania Avenue and Jones Street with the proposed amendment that closure shall not become effective until such time as Ms. Henry's gate has been relocated at the expense of the School Board. Council Member Joyner seconded the motion, which passed by unanimous vote.

### **Approve the submission of the Consolidated Annual Performance and Evaluation Report**

Housing Administrator Sandra Anderson stated that approval of the Consolidated Annual Performance Evaluation Report (CAPER) is a required by the Department of Housing and Urban Development as a condition to receive funding under Federal grant programs. This end of year report outlines the City of Greenville's progress in establishing decent housing and maintaining a suitable living environment, as well as expanding economic opportunities. The 2009-2010 is the second year document of a consolidated plan which represents 2008-2013.

Ms. Anderson discussed the goals of the plan and budget allocations for 2009-2010 by the City toward accomplishing these goals. She then summarized how funding was utilized and progress that has been made toward accomplishing goals. Ms. Anderson recommended that the Council conduct the required public hearing, then approve submission of the report and authorize the Mayor and City Manager to sign required documents.

Mayor Dunn declared the public hearing open at 9:17 pm and invited comment in favor of the report. Hearing none, she invited comment in opposition to said report. Also hearing none, Mayor Dunn closed the public hearing at 9:18 pm.



Council Member Joyner moved to approve submission of the Consolidated Annual Performance and Evaluation Report and authorize the Mayor and City Manager to sign required documents. Council Member Glover seconded the motion and complimented Ms. Anderson on the hard work she and her staff are doing toward improved housing. The motion then passed by unanimous vote.

### **PUBLIC COMMENT**

Mayor Dunn opened the Public Comment period at 9:19 pm and explained procedures to be followed by those wishing to speak. She then invited the first person registered with the City Clerk to come forward.

#### Bennett LaPrade (Pantana Bob's) - 513 Cotanche Street

Mr. LaPrade stated he began working in downtown Greenville in 1977 and has owned businesses in downtown since 1983. Several years ago, the Horizons Plan set aside the downtown area as an Entertainment District and many people, including himself, pinned their hopes and dreams on building a successful future in that area. The tragedy of 2009 has painted the downtown area as a problem area. People are very vocal about what should and should not be done. Loss of life is an important issue, regardless of where it happens. Safety should be the main goal and money should not be the main concern. Bar owners have met with the Mayor, the City Manager and the City Attorney and common sense should prevail.

#### Raj Jagad - 1105 West Fourth Street

Mr. Jagad said he was speaking as a citizen of Greenville, and he felt very fortunate to have the Intergenerational Center as a wonderful neighbor. He said he fully supports what the Center is doing; since Dr. Bass began building there, crime in the area has decreased. Mr. Jagad then referred to Agenda Item 14 and requested an opportunity to view plans for construction of the elevator at the Intergenerational Center so he could determine whether there would be any impact on his property. He stated he would also like to suggest the City have the properties in the 1100 block surveyed as ownership was shady; not concrete.

#### Jane Austen Behan - Art Education Director for Pitt County Schools

Ms. Behan introduced Holly Garriott, Executive Director of the Pitt County Arts Council at Emerge, and Michael Dorsey, Interim Dean of the ECU College of Fine Arts and Communications. She stated that the US Congress passed a resolution in July asking mayors to proclaim Arts in Education Week beginning September 12<sup>th</sup> and she was pleased to report that Mayor Dunn had done so on behalf of the City of Greenville. She and her companions took turns reading the text of the proclamation as follows:

#### Rob Waldron (Club 519) - 519 Cotanche Street

Mr. Waldron stated he wanted to add to Mr. LaPrade's comments. There have been several meetings with various members of the Council to discuss possible solutions to the issues faced in the downtown area. There is an army downtown, and no more is needed.



### Marsha Wyly – 111 Martinsville Road

Ms. Wyly stated that as a member of the Public Transportation and Parking Commission, she feels the Council's decision not to include all boards in changes currently being made is a little unfair because all boards need diversity, not only in the districts represented, but in all the attributes that the board's members can bring to it. She encouraged the Council to revisit the concept at their next Planning Session and look for ways to change how decisions are made on all boards.

There being no one else present who wished to address the City Council, Mayor Dunn closed the Public Comment Period at 9:35 pm.

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### OTHER ITEMS OF BUSINESS

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### Presentations by Boards and Commissions

Diane Kulik, Chair for the Police Community Relations Committee (PCRC), read the group's annual report and stated their purpose is to serve as liaison between the local community and the police department for issues of common interest, to serve as an advocate, to promote positive working relationships, to disseminate information and to assist in community education efforts. She stated the committee's meetings are held in a variety of locations throughout the City in an effort to involve the City, local residents and college students, and also to foster a better understanding of crime and its consequences.

### Financial Audit for the Fiscal Year ended June 30, 2010

Ms. Demery stated she was joined tonight by Auditors Lou Cannon and James Sargeant from McGladrey and Pullen. She offered brief summaries of the General Fund, the City's investment portfolio performance, and its debt position and short-term strategy, then turned discussion over to Mr. Cannon to present audit results.

Mr. Cannon stated it is the audit firm's job to audit records and render an opinion of whether financial data has been fairly stated. He described procedures followed in conducting an audit for a government entity and other requirements resulting from grants the entity had received. He stated there are four possible opinions that can be rendered. Greenville has received an unqualified opinion, which is the highest rating that can be achieved. It is essentially a clean opinion. There were no serious deficiencies or material weaknesses. Mr. Sargeant will address staffing levels in Financial Services.

Mr. Cannon stated certain major programs are tested individually and the City will receive unqualified opinions on those as well. There was one small reporting problem identified, but that issue has been taken care of and no material weaknesses or significant deficiencies were found. Eight programs were tested this year, and the programs tested each year rotate on an annual basis.



With regard to risk, Mr. Cannon stated there are two ways a City can be classified. Greenville is deemed a low-risk auditee, which signifies a history of clean results.

Mr. Sargeant discussed the concept of comparative analytics, which essentially measures Greenville's performance in comparison to similar cities within a reasonable geographic proximity. He stated Greenville had the highest cash-to-total-assets ratio and the lowest ratio for property tax to total revenue, both of which as positive in terms of the comparison. Greenville is doing well in terms of fund balance available and shows good liquidity and good ability to respond to problems.

One thing that Mr. Sargeant did find surprising was that Greenville has the fewest positions in its Finance Department in comparison to similar cities. Absences due to sickness or other causes could result in difficulty of access to financial information, thereby impacting the City's ability to make sound financial decisions. Mr. Sargeant stressed he is not saying that Greenville's Finance staff are not doing their jobs well; they are in fact doing their jobs extremely well. There is a potential concern, although not a problem, in that the lesser number of employees often necessitates that finance employees are often initiating transactions when in fact they should be monitoring the transactions of others. He stated there were no audit adjustments and no difficulties encountered in doing the audit, and that he appreciates the effort shown by the Finance Department, as well as other City departments, toward completion of this year's audit.

Council Member Blackburn asked how many people currently work in Financial Services and whether Ms. Demery feels that number is sufficient. Ms. Demery stated there are currently 20 employees assigned to Financial Services, but she feels 5 additional employees are needed. Council Member Blackburn asked how many of those 5 Ms. Demery feels are crucial. Ms. Demery stated 2 additional employees would allow her to function in a reasonably healthy manner.

Mayor Pro-Tem Kittrell stated the booklets prepared to explain the audit were outstanding; very easy to follow.

Council Member Mercer then moved to accept the audit report. Council Member Blackburn seconded the motion, which passed by unanimous vote.

### **Contract award for construction of an elevator addition to the Lucille W. Gorham Intergenerational Center's Lessie Bass Building**

Ken Jackson, Public Works Operations Manager, stated the addition of an elevator at the Lessie Bass Building was necessary to be able to utilize space on the facility's second floor. He described the bid process and summarized bids received. Mr. Jackson stated the Council approved acceptance of a grant on April 5, 2010 for project design and construction and noted remaining funding would come from the capital reserve project. He



recommended award of a contract to Prime Contracting, LLC, who was the lowest responsible bidder, and appropriating of funding necessary for completion.

Council Member Blackburn asked about Mr. Jagad's requested under Public Comment relative to viewing construction plans. Mr. Jackson stated the plans are public record and if Mr. Jagad would call him at Public Works, he would arrange for viewing.

Mayor Pro-Tem Kittrell asked if the elevator was to be on the exterior of the building and commented that it seemed expensive. Mr. Jackson stated the elevator would be external, adding that it also incorporates a fire escape.

Council Member Glover moved to award the contract as Mr. Jackson recommended and appropriate necessary funding. Council Member Joyner seconded the motion, which passed unanimously.

### **Ordinance repealing Section 7-3-5 of the City Code relating to the process for employment of the Director of Recreation and Parks**

Mr. Holec stated the Council requested at its August 9, 2010 meeting that an ordinance be drafted to delete the requirement that the Recreation and Parks Commission be involved in the hiring process for the Director's position because that requirement makes that position different from all other department head positions. By state law, the City Manager appoints all City employees other than the City Attorney and City Clerk.

Council Member Glover moved to adopt the proposed ordinance, seconded by Council Member Mercer. The motion was then adopted by unanimous vote.

### **Appointment of Joint Pay and Benefits Committee**

Mr. Holec stated a history of the Joint Pay and Benefits Committee, which was formed in 1992, was included in the agenda packet because of Council discussion at its August 23, 2010 meeting about potentially making changes in appointments. Currently, the Committee consists of four members, two from the City and two from the Greenville Utilities Commission. The City's representatives are Mayor Dunn and Council Member Glover. A vote of the Council would be necessary if a change is desired.

Council Member Joyner asked if the Mayor is usually on that Committee. Mr. Holec stated not by design, but she was appointed when she was a Council Member and had remained after being elected Mayor.

Council Member Mercer moved that no action be taken. Council Member Blackburn seconded the motion. Mr. Holec pointed out the motion would mean the City's representation on the Committee would not change.



Council Member Joyner said he had expressed an interest in serving on the Committee at the August 23<sup>rd</sup> meeting and Mayor Dunn had offered to step down.

The Council then voted unanimously to take no action.

### **Private Trespass Agreements enforced by the Police Department**

Council Member Glover stated she requested this item be on the agenda because she had heard from numerous citizens who were concerned about the high volume of resources focused on the downtown area while other areas of Greenville were being neglected. She stated the City needs to develop a strategy for spreading its resources equitably throughout the City so that all residents feel safe. The Police Department has not grown proportionally to the growth of the City and, as a result, its effectiveness has been minimized.

Mayor Pro-Tem Kittrell asked for explanation on what exactly was meant by a trespass agreement.

Council Member Glover stated the agreement allows officers to police parking lots where people are known to congregate. Mr. Bowers said the agreement simply facilitates the removal of people from private property. Mr. Holec clarified it allows arrests for trespassing once people have been notified, or told to move along.

Council Member Blackburn asked if it was customary to display a sign where people are not supposed to trespass.

Mr. Holec stated the law provides three ways in which notice can be accomplished: notice by the owner, notice via posted signage or notice by a person authorized by the owner to give notice. A sign is only required if you are relying on it to give the notice.

Council Member Blackburn stated she feels this item is tied closely to the next item and this discussion really addresses both issues. She emphasized the need to provide equitable protection to all areas of the City, particularly the Center City neighborhoods. When funding is at a premium, the City must find a way to police smarter and better utilize the resources available to make all citizens feel safe. She stressed she is not criticizing the work of the fine officers on Greenville's Police force.

Council Member Joyner said he would like to see a requirement that signs be posted, and then asked if agreements were perpetual.

Police Chief William Anderson stated the agreement is perpetual, but his department has recently implemented an annual review to insure all data is kept current. These agreements actually do incorporate a requirement for signage.



Discussion continued, touching on topics such as the distinctions between clubs and restaurants, the use of cameras and lighting, assistance from ECU and safety inspections in facilities where large numbers of patrons congregate.

Mr. Bowers reminded the Council they had previously directed Chief Anderson, the City Attorney and himself to bring back recommendations and costs for addressing these concerns and said they planned to do so next month.

### **Funds spent for Police Officers to Patrol the Uptown Area**

This item was discussed as part of the previous item.

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

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Council Member Smith reported that the Greenville chapter of Delta Sigma Theta is seeking high school females to participate in a program to address the needs of young African American women, and that Alpha Phi Alpha has a program which provides educational, social and cultural activities to assist young African American men in becoming successful.

Council Member Glover thanked the Police Community Relations Committee for their great meeting the previous evening and Ms. Kulik for her presentation tonight on the committee's activities over the past year.

Council Member Blackburn announced she is hosting a Town Hall meeting on September 22<sup>nd</sup> on campus at ECU beginning at 7:00 pm.

Council Member Mercer stated there would be a public viewing of a video entitled "Save Our Lands, Save Our Towns" at 131 Oakmont Drive starting at 7:30 pm on Monday, September 13<sup>th</sup>. The video addresses civic sprawl, which is a major concern of citizens across the Country. It is a story of hope and logical reasoning, by a Pulitzer Prize winner, and was partially filmed in North Carolina.

Council Mercer then said he would like to discuss reapplication for land use requests and moved to have Staff draft an ordinance for Council consideration which imposes a waiting period on a petitioner's ability to bring a same or similar land use request before the Council. He referenced the existing ordinance which imposes a limit of six months on rezoning requests and stated he would like to see a waiting period of twelve months on land use requests, and possibly consider increasing the waiting period for rezoning requests to twelve months as well.

Council Member Blackburn seconded the motion, upon which Mayor Pro-Tem Kittrell asked for clarification. Council Member Mercer stated his intent was to bring the matter up for Council discussion – not an immediate decision - on the possibility of establishing limitations relative to reapplication for land use requests and potentially increasing the



existing limit on reapplications for rezoning. The motion then passed by a vote of 5 to 1, with Council Member Joyner casting the dissenting vote.

Mayor Dunn announced the First Annual Recovery Walk would be held on September 18<sup>th</sup> at the Town Common. The Walk is sponsored by the Coalition for Substance Abuse.

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**CITY MANAGER'S REPORT**

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Mr. Bowers stated the September 20<sup>th</sup> meeting had been set aside for discussion of the Comprehensive Land Use Plan and would begin at 6:00 pm. He reminded the Council to leave their flash drives so the agenda for that meeting could be loaded and sent to them the next day.

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**ADJOURNMENT**

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Council Member Joyner moved to adjourn the meeting, seconded by Council Member Mercer. There being no further discussion, the motion passed by unanimous vote and Mayor Dunn adjourned the meeting at 11:47 pm.

Respectfully submitted,

Carol L. Barwick, CMC  
City Clerk



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

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**Title of Item:** First reading of an ordinance granting a limousine franchise to Patrick Sean Brown, d/b/a The Jolly Trolley

**Explanation:** Patrick Sean Brown, d/b/a The Jolly Trolley, has made application for a franchise to operate one limousine. The Financial Services, Community Development and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. The business is located outside the corporate limits of Greenville; however, a franchise from the City Council must be granted to allow Mr. Brown to operate his limousine within the city limits. A public hearing on Mr. Brown's request is scheduled for December 9, 2010 and was advertised on The City Page in The Daily Reflector on November 29, 2010 and December 6, 2010. Notification of the Public Hearing was mailed to all current vehicle for hire franchise owners.

**Fiscal Note:** No direct cost to the City.

**Recommendation:** Adopt on first reading the attached ordinance granting a limousine franchise to Patrick Sean Brown, d/b/a The Jolly Trolley.

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

**Attachments / click to download**

[Application Packet from Patrick Sean Brown](#)

[Ordinance Franchise for Patrick Sean Brown The Jolly Trolley 883301](#)

**ORDINANCE NO. 10-87**  
**AN ORDINANCE GRANTING A LIMOUSINE FRANCHISE**  
**TO PATRICK SEAN BROWN**  
**D/B/A THE JOLLY TROLLEY**

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

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

WHEREAS, Patrick Sean Brown, d/b/a The Jolly Trolley, is an applicant for a franchise permitting the operation of   1   limousine within the City limits; and

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

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

Section 1. A limousine franchise is hereby issued to Patrick Sean Brown, d/b/a The Jolly Trolley, to permit the operation within the City of Greenville of not more than   1   limousines.

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

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

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

First reading approved on the 6<sup>th</sup> day of December 2010.

Second reading and final adoption on the 9<sup>th</sup> day of December 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

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

APPLICATION FOR LIMOUSINE FRANCHISE

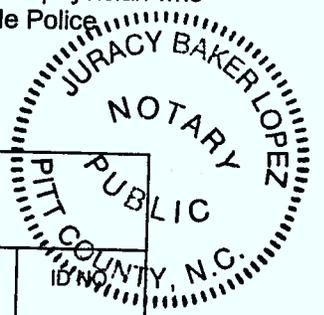
(NOTE: \$30 application fee must be presented with application in order for application to be considered.)

To the Mayor and City Council of the City of Greenville

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

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of limousines.
2. The individual, corporate or trade name and business address of the applicant is:  
The Jolly Trolley 2222 Greaves Court Winterville NC 28590
3. The Applicant is:
  - A. An individual and sole owner of the limousine business to be operated under the above name.
  - B. A corporation chartered under the laws of the State of North Carolina in the year \_\_\_\_\_, and the officers of the corporation are \_\_\_\_\_
  - C. A partnership, as shown by articles hereto attached, and the names of partners are: \_\_\_\_\_
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 1 limousines.
6. In support of this application, the following Exhibits are attached:
  - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
  - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
  - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
  - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
  - Exhibit E. Statement of proposed fares for transportation of persons and property.
  - Exhibit F. Statement of experience of applicant in conducting limousine business.
  - Exhibit G. For applicants who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE



|  |                 |                                 |                      |                            |        |
|--|-----------------|---------------------------------|----------------------|----------------------------|--------|
| LAST NAME<br><u>Brown</u>                              |                 | FIRST NAME<br><u>Patrick</u>    |                      | MIDDLE NAME<br><u>Sean</u> |        |
| ALIAS OR NICKNAME                                      | SEX<br><u>M</u> | AGE<br><u>36</u>                | WEIGHT<br><u>210</u> | HEIGHT<br><u>5' 11"</u>    | ID NO. |
| ADDRESS<br><u>2222 Greaves Ct Winterville NC 28590</u> |                 | HAIR<br><u>Brown</u>            | EYES<br><u>Blue</u>  | COMPLEXION<br><u>White</u> |        |
| OCCUPATION<br><u>Network admin / Trolley Owner</u>     |                 | DRIVERS LICENSE NO.             |                      | IDENTIFICATION NO.         |        |
| PLACE OF BIRTH<br><u>Bettering OHIO</u>                |                 | DATE OF BIRTH<br><u>3-16-74</u> |                      | SOCIAL SECURITY NO.        |        |

Signature of Applicant [Handwritten Signature]

Subscribed and sworn to before me this 19 day of October, 2010.

My Commission Expires January 23, 2012.

Juracy Baker Lopez  
Notary Public # 2



## Exhibit A

### Support of public convenience and necessity of this operation

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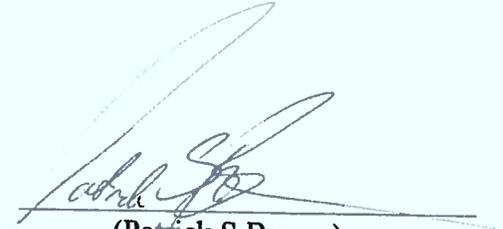
This past summer I purchased a trolley from a gentleman who had bought the trolley from the Winston-Salem transportation commission. He had used the trolley for various wine tours and executive transportation near the city of Wallace NC. Once I saw the trolley I knew that this could possibly be a valuable asset to the city of Greenville and the surrounding areas. I then painted and rehabilitated the trolley to a much improved state than when I received it. Just sitting in the driveway caused people to drive near to catch a glimpse of something that had yet to be seen in Greenville and surrounding areas. The buzz had begun and local people had started to call to see when they could start using the trolley and the services that I was about to offer.

My first contact was from Denise Walsh-Executive Director from the Uptown Greenville Project ([www.uptowngreenville.com](http://www.uptowngreenville.com)). She had been contacted by Don McGlohon Jr., who is my insurance agent, about the trolley and about the ideas that I had brought to his table. He knew, as well as she did now, that my sole purpose was to give another reason for people to explore Greenville and support the local economy. Once meeting with her I was then asked to bring the trolley uptown to the latest meet and greet social for the new business in the uptown Greenville market. Upon driving the trolley, and parking next to the social, various businesses introduced themselves to me and we started to figure ways to use the trolley in order to draw even more people to the uptown area. I knew then that I had made the right decision and that I was going to be able to use the trolley to help this area.

Since then I have used the trolley for the Uptown Greenville various functions including Freeboot Fridays and the Art Walk. I will also be used in the upcoming Freeboot Friday celebrations and well as the Pirate Fest and future Uptown Greenville Art Walks. The Greenville Convention Center would like to use me for their functions as well and we have made the proper arrangements to do so. Other businesses and committees around town have contacted me for various projects ranging from transportation of elderly

people to the downtown area for classes and transporting and entertaining people to various functions in the downtown and ECU area. I have also made booking for birthday parties as well as upcoming weddings in the remainder of this year and next.

This trolley provides a unique experience and transportation service to Greenville and provides a talking point for the local area. It not only provides a solution for transportation issues that arise when a city expands its current market but gives another reason to visit this great city of ours.



(Patrick S Brown)

**MANUFACTURED BY:**

THE MOBILE EQUIPMENT DIVISION OF HENDIRCKSON MOBILE EQUIPMENT  
CORP, LYONS, ILLINOIS 60534

**DATE OF MANUFACTURE:**

5/4/1988

**INCOMPLETE VEHICLE, MANUFACTURED BY:**

HENDRICKSON MOBILE EQUIPMENT SPECIALITY VEHICLE CORP

**DATE INCOMPLETE VEHICLE MANUFACTURED:**

11/24/1988

**GVW:**

30050

**GVWR:**

34550

**GAWR FRONT:**

9000 LBS. WITH 255x70R TIRES, 22.5 x 7.50 RIMS AT 115 PSI COLD SINGLE

**GAWR REAR:**

21050 LBS. WITH 255x70R TIRES, 22.5 x 7.50 RIMS AT 120 PSI COLD DUAL

**THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR  
VEHICLE STANDARDS EFFECT IN 8 MONTH 2010.**

**VEHICLE IDENTIFICATION NUMBER:**

11HFB4279JLZ16798

**VEHICLE TYPE:**

SVC

**VEHICLE MODEL:**

BU

FORM MVR-191

STATE OF NORTH CAROLINA



# Department of Transportation Division of Motor Vehicles



## Certificate of Title of a Motor Vehicle

The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a Certificate of Title to the herein described vehicle has been filed pursuant to the General Statutes of North Carolina

|                              |             |                       |  |                           |      |
|------------------------------|-------------|-----------------------|--|---------------------------|------|
| 1988<br>YEAR MODEL           | SVC<br>MAKE | BU<br>BODY STYLE      | 11HFB4279JLZ16798<br>VEHICLE IDENTIFICATION NUMBER |                           |      |
| 04/29/88<br>TITLE ISSUE DATE | CODE        | 31000<br>GROSS WEIGHT | 6.00<br>LICENSE FEE                                | 811850774<br>TITLE NUMBER | FUEL |

Codes: R--Rebuilt or Reconstructed; M--Motor Change; B--Body Change.

CITY OF WINSTON SALEM  
TRANSIT AUTHORITY  
PO BOX 2511  
WINSTON SALEM, N.C. 27102

PERM 17087R  
PER

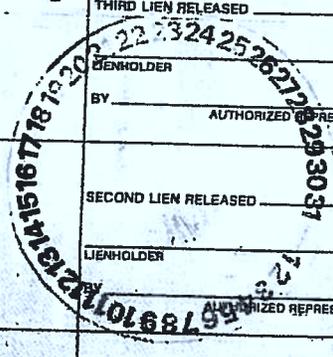
And that the applicant has acted under oath that said applicant is the owner of said motor vehicle and that it is subject to the following liens and none other.

|             |            |      |                      |      |
|-------------|------------|------|----------------------|------|
| Third Lien  | LIENHOLDER | DATE | THIRD LIEN RELEASED  | DATE |
| Second Lien | LIENHOLDER | DATE | SECOND LIEN RELEASED | DATE |
| First Lien  | LIENHOLDER | DATE | FIRST LIEN RELEASED  | DATE |

BY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE

BY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE

BY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE



ADDITIONAL LIENS:

0000000

He does further certify that reasonable diligence has been used in ascertaining whether or not the facts in said application for a certificate of title are true, and he is satisfied that the applicant is the lawful owner of the above described vehicle or is otherwise entitled to have the same registered in his name. Therefore, he does hereby certify that the above named applicant has been duly registered in the office of the Division of Motor Vehicles as the lawful owner of the above described vehicle, or is otherwise entitled to have the same registered in his name, and that it appears upon the official records of the Division of Motor Vehicles that at the date of the issuance of this certificate, said vehicle is subject to the liens hereinbefore enumerated, if any, and none other.

As WITNESS, his hand and seal of this Division the day and year appearing in this certificate as the title issue date.

35203421

William S. Hiatt  
COMMISSIONER OF MOTOR VEHICLES

UNIT -5 6633

252-258-3237  
Patrich S Braon  
called 8-19 ✓  
entired  
SVC BU  
per Lorie

**STATE OF NORTH CAROLINA  
REGISTRATION CARD**

|                   |                 |                |
|-------------------|-----------------|----------------|
| NC LIC NUMBER     | PLT VALID THRU  | INSPECTION DUE |
| VEHICLE ID #      | GROSS WT        |                |
| 11HFB4279JLZ16798 |                 |                |
| MAKE/SERIES       | TITLE #         | EQUIP #        |
| SVC               | 777046102310147 |                |
| SHIPPING WEIGHT   | STYLE           | FUEL           |
|                   | BU              | G              |
| CLASSIFICATION    | YEAR            | TOTAL FEE      |
|                   | 1988            |                |
|                   | BU              |                |
|                   | VEHICLE BRAND   |                |
|                   | CUSTOMER ID #   | OWNER 2        |
|                   |                 | COUNTY         |
|                   |                 | PITT           |

PATRICK SEAN BROWN

2222 GREAVES CT  
WINTERVILLE NC 28590-8323

**NC DIVISION OF MOTOR VEHICLES  
RECEIPT OF FEES PAID**

PATRICK SEAN BROWN  
Title HUT  
1988 SVC BU  
11HFB4279JLZ16798  
777046102310147  
147 08/19/2010 TIC1477

*5.00 notary  
5.00 permit*

TOTAL 299.50 CHCK

INSURANCE COMPANY AUTHORIZED IN NC

POLICY NUMBER

SIGNATURE



## Exhibit C

### Financial Statement

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The Jolly Trolley will be of no cost to the City of Greenville. Per the spreadsheet below you will see that the total cost of ownership pre month has an average cost of less than \$800.00. I have taken an estimate cost of ownership and have averaged the cost over a period of one year giving me more money than needed for extra cost such as advertising, maintenance and website management. This cost will be offset with the jobs that I take on as well as an advertising campaign offered to various business in the local market. Once all slots are sold, on and in the trolley, the cost of my insurance and note payment will be fully covered. This will allow me to upgrade and maintain the trolley making this an even more of a viable business than it already is. This will all be done while never needing to go into the money generated of the salary of my current employer Alliance One International in Farmville NC as a North American Network Administrator, a company that I have been employed at for the past 9 years. The trolley had a purchase price of \$8,500 but after the improvements it worth well over the remaining note due.

| The Jolly Trolley Financial Statement |                  |
|---------------------------------------|------------------|
| Monthly Cost or Average               |                  |
| Note Payment                          | 279.00           |
| Insurance Payment                     | 232.00           |
| Gas Average                           | 100.00           |
| Advertising                           | 50.00            |
| Maintenance                           | 50.00            |
| DMV                                   | 50.00            |
| City Of Greenville Fees               | 5.00             |
| Website                               | 5.00             |
|                                       |                  |
| <b>Sum Monthly Total Cost</b>         | <b>\$ 771.00</b> |

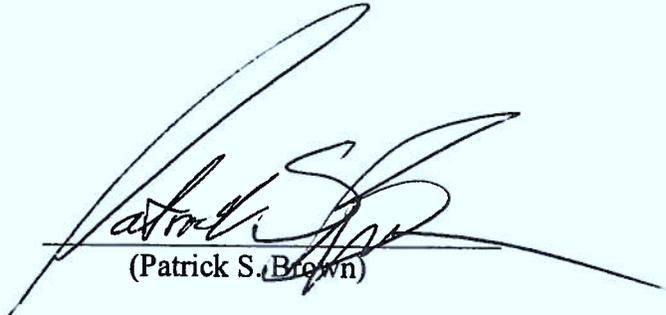
  
 (Patrick S. Brown)

## Exhibit D

### Statement of Off-Street Parking

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1. The trolley will be stored on a farm in Grifton NC. The address is:
  - a. 1095 Hwy 118 East  
Grifton NC 28530
    - i. Grifton is where my mother-in-law lives and she is able to store the trolley in a storage shed to keep it out of the elements.
2. The only time that the Trolley will be close to Greenville is when I am staging and even temporarily in my driveway in Winterville NC. The address of my house in Winterville is:
  - a. 2222 Greaves Court  
Winterville NC 28590
    - i. This would be a temporary location used to decorate and stage the upcoming events. It will be in my driveway during these brief times and out of the general public view.



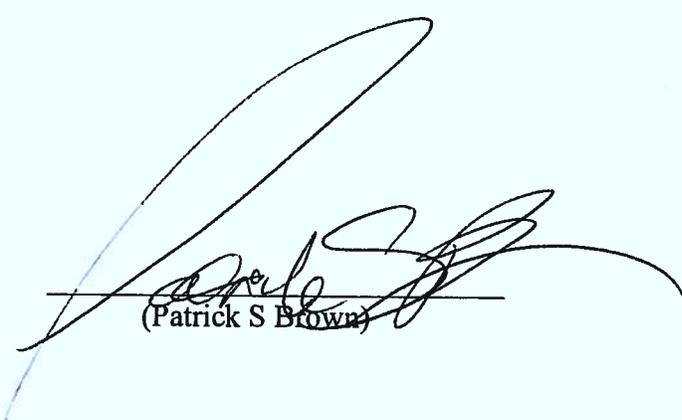
(Patrick S. Brown)

## Exhibit E

### Proposed Fares for Transportation of Persons and Property

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The Trolley will have a set hourly rate. The rate will be \$120.00 per hour two hour minimum required. Advance deposit of the two hour minimum is required to reserve the trolley. Deposit must be received in order to reserve the time requested for the trolley. Until then the renter's initial contact gives that renter the right of first refusal. Upon an inquiry of the renters date from another renter we will contact the first renter to inform them that another renter is requesting the date that they have requested. When contacted the renter must give the deposit within 24 hours or they will forfeit the date requested. Billed hours commence at contracted start time on-site and end when the trolley is released from the site. If the event site is more than 20 miles from the trolley garage, one extra hour, there and back, will be charged as part of the minimum (to equal a total of 4 hours minimum) and must be included in the advance deposit.



(Patrick S Brown)

## Exhibit F

### Statement of Experience in Conducting a Limo Business

I currently have no experience in a Limo Business. I have driven Semi trucks and other large vehicle for my other job in Farmville NC at the Alliance One Tobacco Manufacturing Factory for the past 9 years. I was raised as an entertainer and find it rather easy to drive this trolley. To me it handles like a car and it is not very hard to pay attention to the rules of the road while driving the machine.

I also am a college graduate from both Pitt Community College and East Carolina University. Not only do I have a couple of degrees in science and networking but I have also received my Bachelors degree in Business Education with a GPA of 3.8. This provides with the knowledge to help me succeed in making this a reality for the local economy.

I currently have done some events in the surrounding areas (Winterville, Uptown Greenville, Etc) and have had no complaints. Locally I was known as the Birthday Guy that would sing and entertain in various restaurants. Prior to that, while in college, I toured in theater and did standup comedy on the road. The Jolly Trolley will not only be a transportation company but, if asked for, a form of entertaining while getting to where the patrons need to go. Drawing people from the surrounding areas to the Uptown and local Greenville Market. In fact I have had quite good compliments from what I have done so far. Below are a few examples:

#### **Amy Campbell 8yr old birthday party**

“We had a blast!! You did a great job!! Riley said it was the best party ever!!  
Hope to plan a grown up party soon...”

#### **Denise Walsh Uptown Greenville Executive Director**

“The Jolly Trolley was a hit! There are so many people uptown that think this is a great idea. We are very excited at having you be a part of the Uptown family and cannot wait to use you again!”

Note: I am now being hired for the FreeBoot Fridays, Pirate Fest, Art Walks and all other events used in the Uptown Greenville Board.

**Heather Macy, Head Coach ECU Women Basketball**

“Your trolley idea is fantastic. I also think the trolley will be a good draw to Greenville and ECU....Thanks for the great idea. Hope to see you at the games...go Pirates”



(Patrick S Brown)





4673 N.C. Hwy. 11 South P.O. Box 209  
Winterville, NC 28590  
252-756-3635

CUSTOMER #: 11153

8 3 9 2 9

\*INVOICE\*

PATRICK SEAN BROWN  
2222 GREAVES CT  
WINTERVILLE, NC 28590  
HOME: CONT:N/A  
BUS: CELL:

PAGE 1

SERVICE ADVISOR: 3028 JD GODLEY

| COLOR | YEAR | MAKE/MODEL  | VIN               | LICENSE | MILEAGE IN/ OUT | TAG |
|-------|------|-------------|-------------------|---------|-----------------|-----|
|       | 88   | TRUCK TRUCK | 11HFB4279JLZ16798 |         | 6152/6152       |     |

| DEL DATE   | PROD. DATE | WARR. EXP. | PROMISED      | PO NO. | RATE | PAYMENT | INV. DATE |
|------------|------------|------------|---------------|--------|------|---------|-----------|
| 01JAN88 DD |            |            | 17:00 20AUG10 |        | 0.00 | CASH    | 20AUG10   |

R.O. OPENED READY OPTIONS: DLR:D452

08:32 20AUG10 08:46 20AUG10

| LINE | OPCODE | TECH       | TYPE  | HOURS                      | LIST | NET    | TOTAL  |
|------|--------|------------|-------|----------------------------|------|--------|--------|
| A    | D.O.T. | INSPECTION | TRUCK |                            |      |        |        |
|      |        |            |       | 15 D.O.T. INSPECTION TRUCK |      |        |        |
|      |        |            |       | 3134 CP                    |      | 133.50 | 133.50 |

\*\*\*\*\*

THANK YOU!!!!

WE APPRECIATE YOUR BUSINESS!!!!



TRUCKS

Distributed by  
America, Inc.



AMERICAN TRUCK CENTER  
4673 NC HWY 11 S  
WINTERVILLE, NC 28590

Merchant ID: 3228

Ref #: 0001

Sale

XXXXXXXXXXXX2811

VISA

Entry Method: Swiped

Total:

\$ 133.50

08/20/10

08:48:58

Inv #: 000001

Mer Code: 04586A

Apprvd: Online

Batch#: 000321

8-20-10  
Pd by Visa  
133.50

TERM I herel and ag case i unavai you at highwa is here

Customer Care  
THANK YOU!!

rth to be done along with the necessary material or damage to vehicle or articles left in vehicle in nd your control or for any delays caused by rts by the suppler or transporter. I hereby grant erate the vehicle herein described on streets, g and/or inspection. An express mechanic's lien

agoo on above vehicle to secure the amount of repairs thereto.

| DESCRIPTION            | TOTALS |
|------------------------|--------|
| LABOR AMOUNT           | 133.50 |
| PARTS AMOUNT           | 0.00   |
| GAS, OIL, LUBE         | 0.00   |
| SUBLET AMOUNT          | 0.00   |
| MISC. CHARGES          | 0.00   |
| TOTAL CHARGES          | 133.50 |
| LESS INSURANCE         | 0.00   |
| SALES TAX              | 0.00   |
| PLEASE PAY THIS AMOUNT | 133.50 |

X

CUSTOMER'S SIGNATURE

CUSTOMER COPY

Item # 2

|   |  |
|---|--|
| MOTOR CARRIER OPERATOR<br><i>Patrick Sean Brown</i>   | INSPECTOR'S NAME (PRINT OR TYPE)<br><i>Herold S. Sator</i>   |
| ADDRESS<br><i>2222 Greaves Ct</i>   | THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19.<br><input type="checkbox"/> YES   |
| CITY, STATE, ZIP CODE<br><i>Winterville NC 28790</i>  | VEHICLE IDENTIFICATION (✓ AND COMPLETE) <input type="checkbox"/> LIC. PLATE NO. <input checked="" type="checkbox"/> VIN <input type="checkbox"/> OTHER<br><i>11HFB42795L216798</i> |
| VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input checked="" type="checkbox"/> BUS<br><input type="checkbox"/> (OTHER) | INSPECTION AGENCY/LOCATION (OPTIONAL)  |

| VEHICLE COMPONENTS INSPECTED |              |               |   |    |              |               |  |    |              |               |   |
|------------------------------|--------------|---------------|---|----|--------------|---------------|--|----|--------------|---------------|---|
| OK                           | NEEDS REPAIR | REPAIRED DATE | ITEM  | OK | NEEDS REPAIR | REPAIRED DATE | ITEM   | OK | NEEDS REPAIR | REPAIRED DATE | ITEM  |
|                              |              |               | <b>1. BRAKE SYSTEM</b>  |    |              |               | <b>6. SAFE LOADING</b>   |    |              |               | <b>10. TIRES</b>  |
|                              |              |               | a. Service Brakes   |    |              |               | a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.                               |    |              |               | a. Tires on any steering axle of a power unit.  |
|                              |              |               | b. Parking Brake System   |    |              |               | b. Protection against shifting cargo.  |    |              |               | b. All other tires.   |
|                              |              |               | c. Brake Drums or Rotors  |    |              |               | c. Container securement devices on intermodal equipment.   |    |              |               | <b>11. WHEELS AND RIMS</b>  |
|                              |              |               | d. Brake Hose   |    |              |               |  |    |              |               | a. Lock or Side Ring  |
|                              |              |               | e. Brake Tubing   |    |              |               |  |    |              |               | b. Wheels and Rims  |
|                              |              |               | f. Low Pressure Warning Device  |    |              |               |  |    |              |               | c. Fasteners  |
|                              |              |               | g. Tractor Protection Valve   |    |              |               |  |    |              |               | d. Welds  |
|                              |              |               | h. Air Compressor   |    |              |               |  |    |              |               | <b>12. WINDSHIELD GLAZING</b>   |
|                              |              |               | i. Electric Brakes  |    |              |               |  |    |              |               | Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions). |
|                              |              |               | j. Hydraulic Brakes   |    |              |               | <b>7. STEERING MECHANISM</b>   |    |              |               | <b>13. WINDSHIELD WIPERS</b>  |
|                              |              |               | k. Vacuum Systems   |    |              |               | a. Steering Wheel Free Play  |    |              |               | Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.                                     |
|                              |              |               | <b>2. COUPLING DEVICES</b>  |    |              |               | b. Steering Column   |    |              |               | <b>14. OTHER</b>  |
|                              |              |               | a. Fifth Wheels   |    |              |               | c. Front Axle Beam and All Steering Components Other Than Steering Column  |    |              |               | List any other condition(s) which may prevent safe operation of this vehicle.   |
|                              |              |               | b. Pintle Hooks   |    |              |               | d. Steering Gear Box   |    |              |               |   |
|                              |              |               | c. Drawbar/Towbar Eye   |    |              |               | e. Pitman Arm  |    |              |               |   |
|                              |              |               | d. Drawbar/Towbar Tongue  |    |              |               | f. Power Steering  |    |              |               |   |
|                              |              |               | e. Safety Devices   |    |              |               | g. Ball and Socket Joints  |    |              |               |   |
|                              |              |               | f. Saddle-Mounts  |    |              |               | h. Tie Rods and Drag Links   |    |              |               |   |
|                              |              |               | <b>3. EXHAUST SYSTEM</b>  |    |              |               | i. Nuts  |    |              |               |   |
|                              |              |               | a. Exhaust system leaking forward of or directly below the driver/sleeper compartment.  |    |              |               | j. Steering System   |    |              |               |   |
|                              |              |               | b. Bus exhaust system leaking or discharging in violation of standard.  |    |              |               | <b>8. SUSPENSION</b>   |    |              |               |   |
|                              |              |               | c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle. |    |              |               | a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position. |    |              |               |   |
|                              |              |               | <b>4. FUEL SYSTEM</b>   |    |              |               | b. Spring Assembly   |    |              |               |   |
|                              |              |               | a. Visible leak.  |    |              |               | c. Torque, Radius or Tracking Components   |    |              |               |   |
|                              |              |               | b. Fuel tank filler cap missing.  |    |              |               | <b>9. FRAME</b>  |    |              |               |   |
|                              |              |               | c. Fuel tank securely attached.   |    |              |               | a. Frame Members   |    |              |               |   |
|                              |              |               | <b>5. LIGHTING DEVICES</b>  |    |              |               | b. Tire and Wheel Clearance  |    |              |               |   |
|                              |              |               | All lighting devices and reflectors required by Part 393 shall be operable.   |    |              |               | c. Adjustable Axle Assemblies (Sliding Subframes)  |    |              |               |   |

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: ✓ OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, \_\_\_\_\_ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

## Carol Barwick

---

**From:** Michael Dail  
**Sent:** Monday, November 15, 2010 8:33 AM  
**To:** Carol Barwick  
**Cc:** Merrill Flood; Harry Hamilton  
**Subject:** Taxi Franchise Request By Patrick Brown

Carol,

I have reviewed the application for taxi franchise submitted by Patrick Brown. His office/cab storage location is located outside of our extraterritorial jurisdiction, therefore no zoning regulations apply to his request at this time.

Thanks,

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





## FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: November 8, 2010

SUBJECT: Taxicab Applications for:  
Leonard Lee Horton, Easy Ride Taxicab Service  
And  
Patrick Brown, The Jolly Trolley

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the name above. We did not find any debt owed to the City in any of these names.

All property tax records indicate balances have been paid as well.

If I can provide further assistance, please call.

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

Doc # 177282



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

---

**Title of Item:** First reading of an ordinance granting a taxicab franchise to Hannah Victoria Capps, d/b/a East Carolina Pedicab

**Explanation:** Hannah Victoria Capps, d/b/a East Carolina Pedicab, has made application for a franchise to operate four taxicabs. The Financial Services, Community Development and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. A public hearing on Ms. Capps' request is scheduled for December 9, 2010 and was advertised on The City Page in The Daily Reflector on November 29, 2010 and December 6, 2010. Notification of the Public Hearing was mailed to all current vehicle for hire franchise owners.

**Fiscal Note:** No direct cost to the City.

**Recommendation:** Adopt on first reading the attached ordinance granting a taxicab franchise to Hannah Victoria Capps, d/b/a East Carolina Pedicab.

---

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

**Attachments / click to download**

[Application Packet from Hannah Victoria Capps](#)

[Franchise to Hannah Victoria Capps DBA East Carolina Pedicab 883299](#)

**ORDINANCE NO. 10-\_\_\_\_**  
**AN ORDINANCE GRANTING A TAXICAB FRANCHISE**  
**TO**  
**HANNAH VICTORIA CAPPS,**  
**D/B/A EAST CAROLINA PEDICAB**

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

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

WHEREAS, Hannah Victoria Capps, d/b/a East Carolina Pedicab, are applicants for a franchise permitting the operation of four (4) taxicabs within the City limits; and

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

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

Section 1. A taxicab franchise is hereby issued to Hannah Victoria Capps, d/b/a East Carolina Pedicab to permit the operation within the City of Greenville of not more than four (4) taxicabs.

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

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

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

First reading approved on the 6<sup>th</sup> day of December, 2010.

Second reading and final adoption on the 9<sup>th</sup> day of December, 2010.

ATTEST:

\_\_\_\_\_  
Patricia C. Dunn, Mayor

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



**CITY OF GREENVILLE OFFICIAL RECEIPT**

Match to: 888888 11/18/18 50 Receipt no: 071038

Description Qty Amount Description To Wh  
FALLS REPRESENT V 00000000000000000000 TAXI LICENSE diff 12  
LAWYER DIVISION 01000000000000000000  
WEST GEORGE TOWN FEDERAL

Received in full  
By: [Signature] \$50.00  
Date: 11/18/18 \$50.00  
Total Payment \$50.00

City of Greenville 11/18/18 From: 18:18:22

**Exhibit A:**

East Carolina Pedicab has been successfully operating in Greenville since the latter part of 2009. We have provided a safe, eco-friendly alternative to the Pirate and Greenville community. ECP frequently fills a gap that was in our community by providing transportation for disabled people to and from the tail-gating lots and the stadium. ECP also helps students find their way home from a late night of having fun with friends every weekend. We believe that our presence alone in the University area at night, aids in the prevention of crime and security of the community. East Carolina Pedicab is also helping to stimulate the economy by providing jobs targeted toward the student population. Our operation provides a public convenience and is a necessity for our community for the above reasons.

Below we have attached several testimonies regarding our service:

22:11, Sep 15, Tyler Briley, NC

You know, more than a few of the dudes that operate this service have given me a ride to my house when I had been drinking, and its funny because we always end up giving them more than the average cab fare because they're so much funnier and so much less likely to be arrested than your standard cab driver. Go figure.

04:45, Sep 15, Fenner Hoell, NC

I believe whole heartily that this incident was a result of the generally poorly ran system of law enforcement that we have here in Greenville. It really brings me down to see the police giving this sort of attention to hard working college students.

15:07, Sep 12, Name not displayed, NC

Wow. I cant believe this. And also dont understand why the police would do this to someone helping others.get from point A to point B especially at this type of event. It seems to me like the police have nothing else better to do. How about stoping the people who are driving from the game drunk. In this situation, it just seems so pathetic that police actually waste our tax dollars to make these kind of stops instead of finding someone who is actually breaking a law that causes danger.. Shame on Greenville police.

Pete Lyons said on Sep 17, 2010 9:49 AM

I signed the petition, your service is critical to the safety of ECU students. Keep up the good work.

**Exhibit B:**

We have high end mountain bikes. (Trek, Specialized, Diamondback)

Our Pedicabs are made of steel and seat 3 adults fairly comfortably.

Carrying Capacity: 3-4 adults

Number of Pedicabs: 4

Colors: Purple, Yellow, Black, Purple

Note: some of the items were N/A

**Exhibit C:**

I am currently a student at Pitt Community College. I own no property, but I do currently rent from Annette Parker Butler Agency. I have attached a copy of my lease. I have also attached a copy of my most recent Bank Statement.

**Exhibit D:**

The four Pedicabs will each be kept at a separate location until arrangements are made for a permanent setting. One will be kept at the following addresses: 2508 B east 3<sup>rd</sup> St., 1603 south Elm St., 212 north Library St., and 129 north Harding St.

**Exhibit E:**

East Carolina Pedicab would like to continue being a “tip-based” service. However, if the City of Greenville deems necessary, we will comply with the approved rates of the City of Greenville.

**Exhibit F:**

I have been conducting this business without incident until the City of Greenville’s request for me to obtain a Taxi-Cab franchise license. We have safely operated for approximately a year and work closely with other businesses in the City of Greenville.

**Exhibit G:**

East Carolina Pedicab currently has no employees at this time due to the lack of ability to operate. ECP will comply with the City of Greenville and GPD’s request.

RESIDENTIAL RENTAL CONTRACT

RESIDENT: Hannah V. Capps ("Tenant")

OWNER: Naomi Edwards ("Landlord")

REAL ESTATE MANAGEMENT FIRM: Duffus Realty, In.c ("Agent")

PREMISES: City: Greenville County: Pitt State of North Carolina

Street Address: 2508 B E 3rd Street, Greenville, NC 27858

Apartment Complex: \_\_\_\_\_ Apartment No. \_\_\_\_\_

Other Description (Room, portion of above address, etc.): \_\_\_\_\_

INITIAL TERM: Beginning Date of Lease: 1-1-09 Ending Date of Lease: 12-31-10

RENT: \$ 525.00 PAYMENT PERIOD:  monthly  weekly  yearly  other: \_\_\_\_\_

LATE PAYMENT FEE: \$ 26.25 OR \_\_\_\_\_ % of rental payment, whichever is greater  
(State law provides that the late fee may not exceed \$15.00 or five percent (5%) of the rental payment, whichever is greater.)

RETURNED CHECK FEE: \$ 20.00 (The maximum processing fee allowed under State law is \$25.00.)

SECURITY DEPOSIT: \$ 525.00 to be deposited with: (check one)  Landlord  Agent

LOCATION OF DEPOSIT: (insert name of bank): Select Bank

BANK ADDRESS: 3600 Charles Boulevard, Greenville, NC 27858

FEES FOR COMPLAINT FOR SUMMARY EJECTMENT AND/OR MONEY OWED (See paragraph 16) (NOTE: Landlord may charge and retain only one of the following fees in addition to any court costs):

- COMPLAINT-FILING FEE: \$ 26.25 OR \_\_\_\_\_ % of rental payment, whichever is greater (Fee may not exceed \$15.00 or five percent (5%) of the rental payment, whichever is greater.)
- COURT APPEARANCE FEE: 10 % of rental payment (Fee may not exceed ten percent (10%) of the rental payment.)
- SECOND TRIAL FEE: 12 % of rental payment (Fee may not exceed twelve percent (12%) of the rental payment.)

PETS:  PETS NOT ALLOWED  PETS ALLOWED NONREFUNDABLE PET FEE (if pets allowed): \$ \_\_\_\_\_

TYPE OF PET PERMITTED (if pets allowed): \_\_\_\_\_

PERMITTED OCCUPANTS (in addition to Tenant): \_\_\_\_\_

IN CONSIDERATION of the promises contained in this Agreement, Landlord, by and through Agent, hereby agrees to lease the Premises to Tenant on the following terms and conditions:

1. **Termination and Renewal** EITHER LANDLORD OR TENANT MAY TERMINATE THE TENANCY AT THE EXPIRATION OF THE INITIAL TERM BY GIVING WRITTEN NOTICE TO THE OTHER AT LEAST 30 DAYS PRIOR TO THE EXPIRATION DATE OF THE INITIAL TERM. IN THE EVENT SUCH WRITTEN NOTICE IS NOT GIVEN OR IF THE TENANT HOLDS OVER BEYOND THE INITIAL TERM, THE TENANCY SHALL AUTOMATICALLY BECOME A year (PERIOD) TO year (PERIOD) TENANCY UPON THE SAME TERMS AND CONDITIONS CONTAINED HEREIN AND MAY THEREAFTER BE TERMINATED BY EITHER LANDLORD OR TENANT GIVING THE OTHER 30 DAYS WRITTEN NOTICE PRIOR TO THE LAST DAY OF THE THEN CURRENT PERIOD OF THE TENANCY.

2. **Rent:** Tenant shall pay the Rent, without notice, demand or deduction, to Landlord or as Landlord directs. The first Rent payment, which shall be prorated if the Initial Term commences on a day other than the first day of the Payment Period, shall be due on 1-1-09 12/15/09 (date). Thereafter, all rentals shall be paid in advance on or before the **FIRST** day of each subsequent Payment Period for the duration of the tenancy.



North Carolina Association of REALTORS® Inc.

Tenant Initials HC



STANDARD FORM 410-T  
Revised 10/2009  
© 10/2009

(l) change or wash air conditioning filter monthly. (m) to make themselves aware of and adhere to city ordinances. (n) tenant is responsible for yard maintenance.

**6. Landlord's Obligations:** Unless otherwise agreed upon, the Landlord shall:

- (a) comply with the applicable building and housing codes to the extent required by such building and housing codes;
- (b) make all repairs to the Premises as may be necessary to keep the Premises in a fit and habitable condition; provided, however, in accordance with paragraph 10, the Tenant shall be liable to the Landlord for any repairs necessitated by the Tenant's intentional or negligent misuse of the Premises;
- (c) keep all common areas, if any, used in conjunction with the Premises in a clean and safe condition;
- (d) promptly repair all facilities and appliances, if any, as may be furnished by the Landlord as part of the Premises, including electrical, plumbing, sanitary, heating, ventilating, and air conditioning systems, provided that the Landlord, except in emergency situations, actually receives notification from the Tenant in writing of the needed repairs; and
- (e) within a reasonable period of time based upon the severity of the condition, repair or remedy any imminently dangerous condition on the Premises after acquiring actual knowledge or receiving notice of the condition. Notwithstanding Landlord's repair or remedy of any imminently dangerous condition, Landlord may recover from Tenant the actual and reasonable costs of repairs that are the fault of Tenant.

**7. Smoke and Carbon Monoxide Detectors:** Pursuant to North Carolina General Statutes § 42-42 and 42-43, the Landlord shall provide and install operable smoke detectors, either battery-operated or electrical, having an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval. Effective January 1, 2010, if the Premises has a fossil-fuel burning heater or appliance, fireplace, or an attached garage, the Landlord shall provide and install a minimum of one operable carbon monoxide detector per level in the Premises, either battery operated or electrical, that is listed by a national, OSHA-approved testing laboratory. The Tenant shall notify the Landlord, in writing, of the need for replacement of or repairs to a smoke or carbon monoxide detector. The Landlord shall replace or repair the smoke or carbon monoxide detector within 15 days of receipt of notification if the Landlord is notified of needed replacement or repairs in writing by the Tenant. The Landlord shall ensure that a smoke or carbon monoxide detector is operable and in good repair at the beginning of the Initial Term of the Tenancy. The Landlord shall place new batteries in any battery-operated smoke or carbon monoxide detectors at the beginning of the Initial Term of the tenancy; **the Tenant shall replace the batteries as needed during the tenancy.**

**8. Rules and Regulations:** The Tenant, his family, servants, guests and agents shall comply with and abide by all the Landlord's existing rules and regulations and such future reasonable rules and regulations as the Landlord may, at Landlord's discretion, from time to time, adopt governing the use and occupancy of the Premises and any common areas used in connection with them (the "Rules and Regulations"). Landlord reserves the right to make changes to the existing Rules and Regulations and to adopt additional reasonable rules and regulations from time to time; provided however, such changes and additions shall not alter the essential terms of this lease or any substantive rights granted hereunder and shall not become effective until thirty (30) days' written notice thereof shall have been furnished to Tenant. Tenant also agrees to abide by any applicable homeowners' association regulations as they now exist or may be amended. A copy of the existing Rules and Regulations, and any applicable homeowners' association regulations, are attached hereto and the Tenant acknowledges that he has read them. The Rules and Regulations shall be deemed to be a part of this lease giving to the Landlord all the rights and remedies herein provided.

**9. Right of Entry:** Landlord hereby reserves the right to enter the Premises during reasonable hours for the purpose of (1) inspecting the Premises and the Tenant's compliance with the terms of this lease; (2) making such repairs, alterations, improvements or additions thereto as the Landlord may deem appropriate; and (3) showing the Premises to prospective purchasers or tenants. Landlord shall also have the right to display "For Sale" or "For Rent" signs in a reasonable manner upon the Premises.

**10. Damages:** Tenant shall be responsible for and liable to the Landlord for all damage to, defacement of, or removal of property from the Premises whatever the cause, except such damage, defacement or removal caused by ordinary wear and tear, acts of the Landlord, his agent, or of third parties not invitees of the Tenant, and natural forces. Tenant agrees to pay Landlord for the cost of repairing any damage for which Tenant is responsible upon receipt of Landlord's demand therefor, and to pay the Rent during the period the Premises may not be habitable as a result of any such damage.

**11. Pets:** If pets are not allowed, Tenant agrees not to keep or allow anywhere on or about the Property any animals or pets of any kind, including but not limited to, dogs, cats, birds, rodents, reptiles or marine animals. If pets are allowed, Tenant acknowledges that the amount of the Pet Fee is reasonable and agrees that the Landlord shall not be required to refund the Pet Fee in whole or in part. If pets are allowed, Tenant agrees to reimburse Landlord for any primary or secondary damages caused thereby whether the damage is to the Premises or to any common areas used in conjunction with them, and to indemnify Landlord from any liability to third parties which may result from Tenant's keeping of such pet or pets.

The Tenant shall remove any pet previously permitted within N/A hours of written notification from the Landlord that the pet, in the Landlord's sole judgment, creates a nuisance or disturbance or is, in the Landlord's opinion, undesirable. If the pet is caused to be removed pursuant to this paragraph, the Landlord shall not be required to refund the Pet Fee; however, the Tenant shall be entitled to acquire and keep another pet of the type previously authorized.

Tenant Initials AR

17. **Landlord's Default; Limitation of Remedies and Damages:** Until the Tenant notifies the Landlord in writing of an alleged default and affords the Landlord a reasonable time within which to cure, no default by the Landlord in the performance of any of the promises or obligations herein agreed to by him or imposed upon him by law shall constitute a material breach of this lease and the Tenant shall have no right to terminate this lease for any such default or suspend his performance hereunder. In no event and regardless of their duration shall any defective condition of or failure to repair, maintain, or provide any area, fixture or facility used in connection with recreation or recreational activities, including but not limited to swimming pools, club houses, and tennis courts, constitute a material breach of this lease and the Tenant shall have no right to terminate this lease or to suspend his performance hereunder. In any legal action instituted by the Tenant against the Landlord, the Tenant's damages shall be limited to the difference, if any, between the rent reserved in this lease and the reasonable rental value of the Premises, taking into account the Landlord's breach or breaches, and in no event, except in the case of the Landlord's willful or wanton negligence, shall the Tenant collect any consequential or secondary damages resulting from the breach or breaches, including but not limited to the following items: damage or destruction of furniture or other personal property of any kind located in or about the Premises, moving expenses, storage expenses, alternative interim housing expenses, and expenses of locating and procuring alternative housing.

18. **Removal, Storage and Disposition of Tenant's Personal Property:**

(a) Ten days after being placed in lawful possession by execution of a writ of possession, the Landlord may throw away, dispose of, or sell all items of personal property remaining on the Premises. During the 10-day period after being placed in lawful possession by execution of a writ of possession, the Landlord may move for storage purposes, but shall not throw away, dispose of, or sell any items of personal property remaining on the Premises unless otherwise provided for in Chapter 42 of the North Carolina General Statutes. Upon the Tenant's request prior to the expiration of the 10-day period, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon. If the Landlord elects to sell the property at public or private sale, the Landlord shall give written notice to the Tenant by first-class mail to the Tenant's last known address at least seven days prior to the day of the sale. The seven-day notice of sale may run concurrently with the 10-day period which allows the Tenant to request possession of the property. The written notice shall state the date, time, and place of the sale, and that any surplus of proceeds from the sale, after payment of unpaid rents, damages, storage fees, and sale costs, shall be disbursed to the Tenant, upon request, within 10 days after the sale, and will thereafter be delivered to the government of the county in which the rental property is located. Upon the Tenant's request prior to the day of sale, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon. The Landlord may apply the proceeds of the sale to the unpaid rents, damages, storage fees, and sale costs. Any surplus from the sale shall be disbursed to the Tenant, upon request, within 10 days of the sale and shall thereafter be delivered to the government of the county in which the rental property is located.

(b) If the total value of all property remaining on the Premises at the time of execution of a writ of possession in an action for summary ejection is less than one hundred dollars (\$100.00), then the property shall be deemed abandoned five days after the time of execution, and the Landlord may throw away or dispose of the property. Upon the Tenant's request prior to the expiration of the five-day period, the Landlord shall release possession of the property to the Tenant during regular business hours or at a time agreed upon.

19. **Bankruptcy:** If any bankruptcy or insolvency proceedings are filed by or against the Tenant or if the Tenant makes any assignment for the benefit of creditors, the Landlord may, at his option, immediately terminate this Tenancy, and reenter and repossess the Premises, subject to the provisions of the Bankruptcy Code (11 USC Section 101, et. seq.) and the order of any court having jurisdiction thereunder.

20. **Tenant's Insurance; Release and Indemnity Provisions:** The Tenant shall be solely responsible for insuring any of his personal property located or stored upon the Premises upon the risks of damage, destruction, or loss resulting from theft, fire, storm and all other hazards and casualties. Regardless of whether the Tenant secures such insurance, the Landlord and his agents shall not be liable for any damage to, or destruction or loss of, any of the Tenant's personal property located or stored upon the Premises regardless of the cause or causes of such damage, destruction, or loss, unless such loss or destruction is attributable to the intentional acts or willful or wanton negligence of the Landlord. The Tenant agrees to release and indemnify the Landlord and his agents from and against liability for injury to the person of the Tenant or to any members of his household resulting from any cause whatsoever except only such personal injury caused by the negligent, or intentional acts of the Landlord or his agents.

21. **Agent:** The Landlord and the Tenant acknowledge that the Landlord may, from time to time in his discretion, engage a third party ("the Agent") to manage, supervise and operate the Premises or the complex, if any, of which they are a part. If such an Agent is managing, supervising and operating the Premises at the time this lease is executed, his name will be shown as "Agent" on the first page hereof. With respect to any Agent engaged pursuant to this paragraph, the Landlord and the Tenant hereby agree that: (1) Agent acts for and represents Landlord in this transaction; (2) Agent shall have only such authority as provided in the management contract existing between the Landlord and Agent; (3) Agent may perform without objection from the Tenant, any obligation or exercise any right of the Landlord imposed or given herein or by law and such performance shall be valid and binding, if authorized by the Landlord, as if performed by the Landlord; (4) the Tenant shall pay all rentals to the Agent if directed to do so by the Landlord; (5) except as otherwise provided by law, the Agent shall not be liable to the Tenant for the nonperformance of the obligations or promises of the Landlord contained herein; (6) nothing contained herein shall modify the management contract existing between the Landlord and the Agent; however, the Landlord and the Agent may from time to time modify the management agreement in any manner which they deem appropriate; (7) the Landlord, may, in his discretion and in accordance with any management agreement, remove without replacing or remove and replace any agent engaged to manage, supervise and operate the Premises.

Tenant Initials HC

**DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS**

**Lead Warning Statement**

*Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a federally approved pamphlet on lead poisoning prevention.*

Premises: 2508 B E 3rd Street, Greenville, NC 27858

**Landlord's Disclosure (initial)**

[Signature] (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):  
 Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).  
\_\_\_\_\_

Landlord has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

[Signature] (b) Records and reports available to the Landlord (check one below):  
 Landlord has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).  
\_\_\_\_\_  
\_\_\_\_\_

Landlord has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Tenant's Acknowledgment (initial)**

[Signature] (c) Tenant has received copies of all information listed above.

[Signature] (d) Tenant has received the pamphlet *Protect Your Family from Lead in Your Home*.

**Agent's Acknowledgment (initial)**

[Signature] (e) Agent has informed the Landlord of the Landlord's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. MAKES NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION.

Landlord \_\_\_\_\_ Date \_\_\_\_\_  
Hannah V. Capps 12-18-09  
Tenant Hannah V. Capps Date \_\_\_\_\_  
[Signature] 12/18/09  
Agent \_\_\_\_\_ Date \_\_\_\_\_

Landlord \_\_\_\_\_ Date \_\_\_\_\_  
Tenant \_\_\_\_\_ Date \_\_\_\_\_  
Agent \_\_\_\_\_ Date \_\_\_\_\_





135-02-01-00 74502 0 C 001 08 50 002  
 HANNAH VICTORIA CAPPS  
 1603 S ELM ST  
 GREENVILLE NC 27858-4536

## Your consolidated statement

For 10/14/2010

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

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You can have your paycheck, Social Security benefits and other payments automatically deposited into your checking account at no cost to you.

With Direct Deposit you'll enjoy:

- Funds available the morning of the pay date
- No waiting in line to deposit your check
- No worries about lost or stolen checks
- Security of knowing funds are deposited even when you can't get to the bank

Best of all, it's free! Ask a Relationship Banker for details.

BB&T Member FDIC

## Summary of your accounts

| ACCOUNT NAME                                     | ACCOUNT NUMBER | BALANCE(\$) | DETAILS ON |
|--|----------------|-------------|------------|
| BB&T STUDENT FREE-MM                             |                | 6.02        | page 1     |
| Total checking and money market savings accounts |                | \$6.02      |            |
| PERSONAL REGULAR SAVINGS                         |                | 4.08        | page 3     |
| Total savings accounts                           |                | \$4.08      |            |



### Checking and money market savings accounts

#### ■ BB&T STUDENT FREE-MM (

#### Account summary

|   |            |
|---|------------|
| Your previous balance as of 09/15/2010        | \$182.41   |
| Checks  | - 109.17   |
| Other withdrawals, debits and service charges | - 2,774.25 |
| Deposits, credits and interest                | + 2,707.03 |
| Your new balance as of 10/14/2010             | = \$6.02   |



## Savings accounts

### PERSONAL REGULAR SAVINGS

#### Account summary

|   |          |
|---|----------|
| Your previous balance as of 09/15/2010        | \$15.03  |
| Other withdrawals, debits and service charges | - 15.03  |
| Deposits, credits and interest                | + 4.08   |
| Your new balance as of 10/14/2010             | = \$4.08 |

#### Interest summary

|                                     |        |
|-------------------------------------|--------|
| Interest paid this statement period | \$0.00 |
| 2010 interest paid year-to-date     | \$0.03 |
| Interest rate                       | 0.40%  |

#### Other withdrawals, debits and service charges

| DATE  | DESCRIPTION                                | AMOUNT(\$) |
|---|--|------------|
| 09/16   | BB&T M-APP TRANSFER TRANSFER TO CHECKING I | 5.03       |
| 09/28   | BB&T ONLINE TRANSFER TRANSFER TO CHECKING  | 10.00      |
| Total other withdrawals, debits and service charges |  | = \$15.03  |

#### Deposits, credits and interest

| DATE                                 | DESCRIPTION                                  | AMOUNT(\$) |
|--------------------------------------|--|------------|
| 09/16                                | BB&T M-APP TRANSFER TRANSFER FROM CHECKING I | 4.08       |
| Total deposits, credits and interest |  | = \$4.08   |

### RETURN DEPOSITED/CASHED ITEM FEE CHANGE

EFFECTIVE DECEMBER 1, 2010, BB&T's Return Deposited/Cashed Item fee will be \$12. This fee is assessed to a checking or savings account when an item that you deposit into your account or receive cash for at a banking location is returned to the bank for insufficient funds or any other reason.

### INACTIVE ACCOUNT FEE CHANGE

EFFECTIVE DECEMBER 1, 2010, BB&T's inactive account fee will be \$7.50 per month. An inactive account is defined as having no deposits or withdrawals in 12 months for checking accounts and 24 months for savings accounts.

\*Inactive account fee does not apply for clients under 18 years of age.



BB&amp;T

135-02-01-00 74502 0 C 001 26 50 002  
EAST CAROLINA PEDICAB SERVICE LLC  
1603 S ELM ST  
GREENVILLE NC 27858-4536

## Your account statement

For 10/29/2010

## Contact us



BBT.com

(800) BANK-BBT or  
(800) 226-5228

### Reliable Payroll Services Offered through ADP®

To meet your company's payroll needs, BB&T has partnered with ADP to offer you best-in-class payroll service from the world's largest payroll provider. With over 60 years experience delivering payroll services, ADP offers a comprehensive outsourcing solution to meet the needs of your organization - regardless of your industry or company size.

- Payroll and tax management
- Pre-employment screening and background checks
- Automated time and attendance solutions
- State unemployment insurance management

For more information, visit your local BB&T financial center, contact your Relationship Manager or visit us online at [BBT.com/payrollservices](http://BBT.com/payrollservices).

ADP Logo is a registered trademark of ADP, Inc.

### ■ FREE BUSINESS CHECKING

#### Account summary

|   |          |
|---|----------|
| Your previous balance as of 09/30/2010        | \$3.48   |
| Checks  | - 0.00   |
| Other withdrawals, debits and service charges | - 151.48 |
| Deposits, credits and interest                | + 150.00 |
| Your new balance as of 10/29/2010             | = \$2.00 |

#### Other withdrawals, debits and service charges

| DATE  | DESCRIPTION  | AMOUNT(\$) |
|---|--|------------|
| 10/05   | BB&T CHECK CARD PURCHASE CHINA KING 10-03 GREENVILLE NC 5909                 | 7.18       |
| 10/05   | BB&T CHECK CARD PURCHASE-PIN 10-04-10 GREENVILLE NC 5909 FUSION SURF & SKATE | 18.14      |
| 10/06   | BB&T CHECK CARD PURCHASE BOJANGLES #21 0120 10-04 GREENVILLE NC 5909         | 5.71       |
| 10/06   | BB&T CHECK CARD PURCHASE LANDMARK PICKUP 10-04 GREENVILLE NC 5909            | 5.00       |
| 10/08   | BB&T CHECK CARD PURCHASE ANDYS OF GREENVILL 10-06 GREENVILLE NC 5909         | 7.45       |
| 10/12   | BB&T CHECK CARD PURCHASE WINGS OVER GREENVI 10-10 GREENVILLE NC 5909         | 8.00       |
| 10/20   | BB&T 24 CASH WITHDRAWAL 10-19-10 5909 EVANS STREET GREENVILLE NC             | 100.00     |
| Total other withdrawals, debits and service charges |  | = \$151.48 |



## Questions, comments or errors?

Member FDIC

For general questions/comments or to report errors about your statement or account, please call BB&T Phone24 at 1-800-BANK BBT (1-800-226-5228) 24 hours a day, 7 days a week. BB&T Phone24 Client Service Associates are available to assist you from 6 a.m. until midnight ET. You may also contact your local BB&T financial center. To locate a BB&T financial center in your area, please visit [BBT.com](http://BBT.com).

### Electronic fund transfers

In case of errors or questions about your electronic fund transfers, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt, contact us as soon as possible. You may write to us at the following address:

BB&T Liability Risk Management  
P.O. Box 996  
Wilson, NC 27894-0996

You may also call BB&T Phone24 at 1-800-BANK BBT or visit your local BB&T financial center. We must hear from you no later than sixty (60) days after we sent you the FIRST statement on which the error or problem appeared. Please provide the following information:

- Your name and account number
- Describe the error or transfer you are unsure about, and explain in detail why you believe this is an error or why you need more information
- The dollar amount of the suspected error

We will investigate your complaint/concern and promptly take corrective action. If we take more than ten (10) business days to complete our investigation, your account will be credited for the amount you think is in error, minus a maximum of \$50 if we have a reasonable basis to believe that an unauthorized electronic fund transfer has occurred. This will provide you with access to your funds during the time it takes us to complete our investigation. You may have no liability for unauthorized Check Card purchases, subject to the terms and conditions in the current BB&T Electronic Fund Transfer Agreement and Disclosures. If you have arranged for direct deposit(s) to your account, please call BB&T Phone24 at 1-800-BANK BBT to verify that a deposit has been made.

If your periodic statement shows transfers that you did not make, tell us at once. If you do not inform us within sixty (60) days after the statement was mailed to you, you may not get back any money you lost after sixty (60) days. This will occur if we can prove that we could have stopped someone from taking the money if you had informed us in time. If a good reason kept you from informing us, we will extend the time periods.

### Important information about your Constant Credit Account

Once advances are made from your Constant Credit Account, an **INTEREST CHARGE**

will automatically be imposed on the account's outstanding "Average daily balance." The **INTEREST CHARGE** is calculated by applying the "Daily periodic rate" to the "Average daily balance" of your account (including current transactions) and multiplying this figure by the number of days in the billing cycle. To get the "Average daily balance," we take the beginning account balance each day, add any new advances or debits, and subtract any payments or credits and the last unpaid **INTEREST CHARGE**. This gives us the daily balance. Then we add all of the daily balances for the billing cycle and divide the total by the number of days in the billing cycle. This gives us the "Average daily balance."

### Billing rights summary

#### In case of errors or questions about your Constant Credit statement

If you think your statement is incorrect, or if you need more information about a Constant Credit transaction on your statement, please call 1-800-BANK BBT or visit your local BB&T financial center. To dispute a payment, please write to us on a separate sheet of paper at the following address:

BankCard Services Division  
P.O. Box 200  
Wilson, NC 27894-0200

We must hear from you no later than sixty (60) days after we sent you the FIRST statement on which the error or problem appeared. You may telephone us, but doing so will not preserve your rights. In your letter, please provide the following information:

- Your name and account number
- Describe the error or transfer you are unsure about, and explain in detail why you believe this is an error or why you need more information
- The dollar amount of the suspected error

During our investigation process, you are not responsible for paying any amount in question; you are, however, obligated to pay the items on your statement that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount in question.

### Mail-in deposits

If you wish to mail a deposit, please send a deposit ticket and check to your local BB&T financial center. Visit [BBT.com](http://BBT.com) to locate the BB&T financial center closest to you. Please do not send cash.

### Change of address

If you need to change your address, please visit your local BB&T financial center or call BB&T Phone24 at 1-800-BANK BBT (1-800-226-5228).

| How to Reconcile Your Account  |       | Outstanding Checks and Other Debits (Section A)    |        |              |        |
|--|-------|--|--------|--------------|--------|
|  |       | Date/Check #                                       | Amount | Date/Check # | Amount |
| 1. List the new balance of your account from your latest statement here:   | _____ |  |        |              |        |
| 2. Record any outstanding debits (checks, check card purchases, ATM withdrawals, electronic transactions, etc.) in section A. Record the transaction date, the check number or type of debit and the debit amount. Add up all of the debits, and enter the sum here: | _____ |  |        |              |        |
| 3. Subtract the amount in line 2 above from the amount in line 1 above and enter the total here:   | _____ |  |        |              |        |
| 4. Record any outstanding credits in section B. Record the transaction date, credit type and the credit amount. Add up all of the credits and enter the sum here:  | _____ |  |        |              |        |
| 5. Add the amount in line 4 to the amount in line 3 to find your balance. Enter the sum here. This amount should match the balance in your register.   | _____ | Outstanding Deposits and Other Credits (Section B) |        |              |        |
|  |       | Date/Type  | Amount | Date/Type    | Amount |
|  |       |  |        |              |        |
| For more information, please contact your local BB&T relationship manager, visit <a href="http://BBT.com">BBT.com</a> , or contact BB&T Phone24 at 1-800-BANK BBT (1-800-226-5228).  |       |  |        |              |        |



## FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: November 19, 2010

SUBJECT: Taxicab Applications for:  
Hannah Victoria Capps;  
Matthew White; East Carolina Pedicab

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the name above. We did not find any debt owed in the names of Hannah Victoria Capps or East Carolina Pedicab. There is an EMS transport owed in the name of Matthew White for \$372.

There were no unpaid property tax records in the name and address of the above individuals. If I can provide further assistance, please call.

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

Doc # 177282

## Carol Barwick

---

**From:** Michael Dail  
**Sent:** Thursday, November 18, 2010 3:33 PM  
**To:** Carol Barwick  
**Cc:** Merrill Flood  
**Subject:** East Carolina Pedicab

Hannah Victoria Capps and Matthew White have an approved privilege license to operate an incidental home occupation office for their rickshaw service. If they receive their taxi license from the city they can still operate at their residence as an incidental home occupation office. It is important to note that no employees make work or visit their home regarding company business and only one personal use rickshaw may be stored at the premises.

Thanks,

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



## GREENVILLE POLICE DEPARTMENT MEMORANDUM

November 19, 2010

TO: Chief William J. Anderson

FROM: Officer Corey Barrett *CB*

SUBJECT: Recommendation for Taxi Application

I have conducted a background review on Mr. Matthew White and Ms. Hannah Capps who have submitted a request for a franchise to operate an East Carolina PediCabs, a transportation service. Background inquiries included information obtained from the Pitt County Tax Assessor Office, the North Carolina Department of Motor Vehicles (DMV), and the North Carolina Administrative Office of the Courts as well as a criminal history inquiry.

A check into the driving history of Mr. White revealed that his driver's license is currently suspended in North Carolina. However, a bicycle does not require a valid license to operate. I find no other reason that would preclude Mr. White or Ms. Capps from being granted a taxi franchise within the City of Greenville. It should be duly noted that Mr. White currently has a pending court date in Pitt County for Resisting Public Officer and Failure to Obtain a Privilege License for Taxi Operation. If the franchise is approved, the business must begin operation within 60 days of the issuance of the franchise.

If you have any questions or need additional information, please let me know.



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

---

**Title of Item:** First reading of an ordinance granting a taxicab franchise to Leonard Lee Horton, d/b/a Easy Ride Taxi Service

**Explanation:** Leonard Lee Horton, d/b/a Easy Ride Taxi Service, has made application for a franchise to operate one taxicab. The Financial Services, Community Development, and Police Departments have all reviewed the application packet and find no reason not to grant the applicant's request. The business is located outside the corporate limits of Greenville; however, a franchise from the City Council must be granted to allow Mr. Horton to operate his taxicab within the city limits. A public hearing on Mr. Horton's request is scheduled for December 9, 2010, and was advertised on The City Page in The Daily Reflector on November 29, 2010 and December 6, 2010. Notification of the public hearing was mailed to all current vehicle for hire franchise owners.

**Fiscal Note:** No direct cost to the City.

**Recommendation:** Adopt on first reading the attached ordinance granting a taxicab franchise to Leonard Lee Horton, d/b/a Easy Ride Taxi Service.

---

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

**Attachments / click to download**

- [Application Packet from Leonard Lee Horton](#)
- [Franchise to Leonard Lee Horton DBA Easy Ride Taxi Service 883287](#)

**ORDINANCE NO. 10-\_\_\_\_**  
**AN ORDINANCE GRANTING A TAXICAB FRANCHISE**  
**TO**  
**LEONARD LEE HORTON, D/B/A EASY RIDE TAXI SERVICE**

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

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

WHEREAS, Leonard Lee Horton, d/b/a Easy Ride Taxi Service, is an applicant for a franchise permitting the operation of one (1) taxicab within the City limits; and

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

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

Section 1. A taxicab franchise is hereby issued to Leonard Lee Horton, d/b/a Easy Ride Taxi Service to permit the operation within the City of Greenville of not more than one (1) taxicab.

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

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

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

First reading approved on the 6<sup>th</sup> day of December, 2010.

Second reading and final adoption on the 9<sup>th</sup> day of December, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

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

APPLICATION FOR TAXICAB FRANCHISE

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

To the Mayor and City Council of the City of Greenville

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

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is:  
Easy Ride Taxi Service, 3742 Cameron St, Farmville NC 27828
3. The Applicant is:
  - A.  An individual and sole owner of the taxicab business to be operated under the above name.
  - B.  A corporation chartered under the laws of the State of North Carolina in the year \_\_\_\_\_, and the officers of the corporation are \_\_\_\_\_
  - C.  A partnership, as shown by articles hereto attached, and the names of partners are: \_\_\_\_\_
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 1 taxicabs.
6. In support of this application, the following Exhibits are attached.
  - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
  - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
  - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
  - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
  - Exhibit E. Statement of proposed fares for transportation of persons and property.
  - Exhibit F. Statement of experience of applicant in conducting taxicab business.
  - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

|   |  |                                  |                      |                           |                       |
|---|--|----------------------------------|----------------------|---------------------------|-----------------------|
| LAST NAME<br><u>Horton</u>                            |  | FIRST NAME<br><u>Leonard</u>     |                      | MIDDLE NAME<br><u>Lee</u> |                       |
| ALIAS OR NICKNAME                                     |  | SEX<br><u>male</u>               | AGE<br><u>43</u>     | WEIGHT<br><u>195</u>      | HEIGHT<br><u>5"11</u> |
| ADDRESS<br><u>3742 Cameron St, Farmville NC 27828</u> |  | HAIR<br><u>Black</u>             | EYES<br><u>Brown</u> | COMPLEXION<br><u>Dark</u> |                       |
| OCCUPATION<br><u>Driver</u>                           |  | DRIVERS LICENSE NO.              |                      | IDENTIFICATION NO.        |                       |
| PLACE OF BIRTH<br><u>Maryland</u>                     |  | DATE OF BIRTH<br><u>11/17/66</u> |                      | SOCIAL SECURITY NO.       |                       |

Signature of Applicant X. Leonard Horton

Subscribed and sworn to before me this 27 day of July, 2010

My Commission Expires: January 18, 2015 Luciana T. Godley  
Notary Public

Luciana T. Godley  
Notary Public  
Pitt County  
North Carolina  
My Commission Expires 1/18/2015  
Item # 4

CITY OF GREENVILLE ORIGINAL RECEIPT

\*\*\* CUSTOMER RECEIPT \*\*\*  
Batch ID: BEBRAP      7/28/10 30      Receipt no: 305007

| Description                | Qty | Amount         | Description  | TP  | Sv |
|----------------------------|-----|----------------|--------------|-----|----|
| POLICE DEPARTMENT          | 1   | \$30.00        | TAXI LICENSE | INT | 12 |
| CASH / CASH                |     | 01000002802015 |              |     |    |
| EASY RIDE - LEONARD HORTON |     | 01000001010000 |              |     |    |

Tender details  
By CASH      \$30.00  
Total tendered:      \$30.00  
Total payment:      \$30.00

Trans date: 7/28/10      Time: 13:11:35

## Exhibit A.

### Statement of Facts:

Easy Ride Taxi Service was founded on July 1, 2010 as a response to the need for convenient and cost – efficient transportation in the City of Greenville NC.

There was an occasion where my car broke down in the City of Greenville at which time I attempted to locate a taxi with negative results. At that time I was unable to locate a phone booth to call a taxi or a relative. At that time a sense of loneliness and desperation set in. I was tired and all I could think about was getting home to my comfortable bed. I wandered around trying to flag down any one who could help. An hour or so had passed and I soon had given up at which time an unknown citizen came to my rescue and I was so grateful. Im sure this is one out of eight million stories , I then realize the need for this service.

Additionally, there are still many people who do not drive and rely solely on taxi cabs. The Elderly are in need of reliable transportation to and from their doctor appointments. With the constant growth in population of residents, compounded with visitors that have the need for basic convience and necessities I strongly believe that Easy Ride Taxi Service will provide an outstanding service for its citizens.

Respectfully,

Leonard Horton

## Exhibit B

Motor Equipment:

2000 Ford Crown Victoria

Carrying Capacity: 5 Passenger Unit

### Exhibit C

#### Financial Statement of Applicant:

| Assets               | Liabilities | Net Worth |
|----------------------|-------------|-----------|
| 2000 Ford Crown Vic. | 0           | \$500     |

Exhibit D.

To whom it may concern, I Leonard Horton have made complete arrangements for off-street parking of all motor vehicles. The vehicles will be housed at 3742 Cameron St. Farnville NC., 27828.

Respectfully,

Leonard Horton

## Exhibit E

### Easy Ride Taxi Service

Statement of proposed fares for transportation of persons and property:

# TAXICAB FARES

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

| ZONES | 1    | 2    | 3    | 4    | 5    | 6    | 7    | 8    |
|-------|------|------|------|------|------|------|------|------|
| 1     | 4.00 | 4.35 | 4.70 | 5.05 | 5.40 | 5.75 | 6.10 | 6.50 |
| 2     | 4.35 | 4.35 | 4.70 | 5.05 | 5.40 | 5.75 | 6.10 | 6.50 |
| 3     | 4.70 | 4.70 | 4.70 | 5.05 | 5.40 | 5.75 | 6.10 | 6.50 |
| 4     | 5.05 | 5.05 | 5.05 | 5.05 | 5.40 | 5.75 | 6.10 | 6.50 |
| 5     | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.75 | 6.10 | 6.50 |
| 6     | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 6.10 | 6.50 |
| 7     | 6.10 | 6.10 | 6.10 | 6.10 | 6.10 | 6.10 | 6.10 | 6.50 |
| 8     | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 |

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

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

The following rates are for fares across town:

| ZONES | 1    | 2    | 3    | 4     | 5     | 6     | 7     | 8     |
|-------|------|------|------|-------|-------|-------|-------|-------|
| 1     | 4.00 | 4.60 | 5.20 | 5.80  | 6.40  | 7.00  | 7.60  | 8.20  |
| 2     | 4.60 | 5.20 | 5.80 | 6.40  | 7.00  | 7.60  | 8.20  | 8.80  |
| 3     | 5.20 | 5.80 | 6.40 | 7.00  | 7.60  | 8.20  | 8.80  | 9.40  |
| 4     | 5.80 | 6.40 | 7.00 | 7.60  | 8.20  | 8.80  | 9.40  | 10.00 |
| 5     | 6.40 | 7.00 | 7.60 | 8.20  | 8.80  | 9.40  | 10.00 | 10.60 |
| 6     | 7.00 | 7.60 | 8.20 | 8.80  | 9.40  | 10.00 | 10.60 | 11.20 |
| 7     | 7.60 | 8.20 | 8.80 | 9.40  | 10.00 | 10.60 | 11.20 | 11.80 |
| 8     | 8.20 | 8.80 | 9.40 | 10.00 | 10.60 | 11.20 | 11.80 | 12.50 |

|  |               |       |
|--|---------------|-------|
| Ironwood/Bradford Creek                                    | Standard Fare | 6.50  |
|  | Across Town   | 12.50 |
| Over two persons (per person extra)                        |               | 1.50  |
| Stops en route to destination                              |               | 1.50  |
| Waiting time (per hour)                                    |               | 16.50 |
| Trunks or footlockers (each)                               |               | 2.00  |
| Baggage (each)   |               | 1.25  |
| Rates outside zones unless previously specified (per mile) |               | 2.00  |

Rev. 6/08/00

Exhibit F.

I Leonard Horton am an experienced Passenger-For-Hire driver. I have over 12 years experience driving professionally on the busy highways and bi-ways of Maryland, Washington DC., and Virginia areas. I am now familiar with the streets of the City of Greenville and surrounding areas, and the laws governing Vehicles- For- Hire in Greenville NC. I have transported thousands of people and property safely driving taxi cabs / 15 passenger vans, and I have over 25 years experience in general transportation.

Respectfully,

Leonard Horton

# **EASY RIDE TAXI SERVICE**

**Committed to all your  
transportation needs!**

**“Never Sweat A Ride  
When You Can Have An  
Easy Ride”**

**Leonard Horton  
410-800-1921**

## Carol Barwick

---

**From:** Michael Dail  
**Sent:** Monday, November 15, 2010 8:32 AM  
**To:** Carol Barwick  
**Cc:** Merrill Flood; Harry Hamilton  
**Subject:** Taxi Franchise Request By Leonard Lee Horton

Carol,

I have reviewed the application for taxi franchise submitted by Leonard Lee Horton. His office/cab storage location is located outside of our extraterritorial jurisdiction, therefore no zoning regulations apply to his request at this time.

Thanks,

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





## FINANCIAL SERVICES MEMORANDUM

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

FROM: Brenda Matthews, Financial Services Collections

DATE: November 8, 2010

SUBJECT: Taxicab Applications for:  
Leonard Lee Horton, Easy Ride Taxicab Service  
And  
Patrick Brown, The Jolly Trolley

We have checked Collections records for taxes, licenses, citations, parking fees, rescue transports, and miscellaneous receivables owed in the name above. We did not find any debt owed to the City in any of these names.

All property tax records indicate balances have been paid as well.

If I can provide further assistance, please call.

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

Doc # 177282



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

---

**Title of Item:** Ordinance enacting and adopting Supplement #2010-S2 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. Subsequent to this initial revision and update, American Legal Publishing Corporation maintains the City Code by producing a quarterly supplement to the printed version. In addition, American Legal Publishing Corporation hosts and updates an online version of the City Code.

The City Code was further updated by Supplement #2010-S1, which incorporated all ordinances of a general and permanent nature enacted after the initial printing of the Code through the month of March, 2010.

Supplement #2010-S2 incorporates all ordinances of a general and permanent nature enacted during the months of April, May and June, 2010.

**Fiscal Note:** Cost for production of Supplement #2010-S2 was approximately \$2,500.

**Recommendation:** Adopt the attached ordinance enacting and adopting Supplement #2010-S2 to the City of Greenville's Code of Ordinances.

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**Attachments / click to download**

 [Ordinance Adopting Code Supplement 2010 S2 881746](#)

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ORDINANCE NO. 10-\_\_\_\_\_

AN ORDINANCE ENACTING AND ADOPTING SUPPLEMENT NUMBER 2010-S2 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-S2 to the Code of Ordinances of the City of Greenville, North Carolina, which supplement contains all ordinances of a general and permanent nature enacted during the months of April, May and June 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-S2 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 6th day of December, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

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



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Disclosure of family interest conflict related to the structure at 601 Contentnea Street and exception request to HUD's Conflict of Interest Rule

**Explanation:** The use of Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds requires the disclosure of a family ties conflict when a beneficiary of a CDBG assisted unit and HOME funds is related in any way to a City employee, agent, consultant, officer or elected official. The disclosure is designed to insure that there is no direct financial interest gained by those making decisions about program expenditures and that local and state conflict of interest rules are adhered.

The structure at 601 Contentnea Street was acquired and rehabilitated with CDBG funds in 2006. The City transferred the property to the Greenville Housing Development Corporation to manage a Lease/Purchase Program in August 2009. The structure has been occupied since September 2009 by Thomas and Pattie Daniels. Pattie Daniels is the sister of Council Member Glover's husband, Lee Glover. Mr. and Mrs. Daniels are in the process of purchasing the home from the Greenville Housing Development Corporation. In addition, Mr. and Mrs. Daniels will be requesting downpayment assistance from the City of Greenville's HOME Investment Partnership Program. No influence was utilized on behalf of Mr. and Mrs. Daniels by Council Member Glover or her husband.

The U.S. Department of Housing and Urban Development (HUD) requires this disclosure action. Since the HUD definition of family ties is broad, HUD considers these familial relationships and grants exceptions to the general rule on a case by case basis when HUD determines that such an exception will serve the purposes of the CDBG Program and the HOME Investment Partnership Program and the effective and efficient administration of the City's program or project.

City Attorney Dave Holec has advised that there is no violation of State or local laws relating to conflict of interest as a result of the relationship between Council Member Glover and Mr. and Mrs. Daniels and the home being purchased by Mr.

and Mrs. Daniels being a CDBG assisted unit and HOME funds being utilized to make the home affordable for Mr. and Mrs. Daniels.

**Fiscal Note:**

Downpayment Assistance funds of approximately \$17,000 in HOME Investment Partnership Funds may be available to Mr. and Mrs. Daniels for purchase of the structure at 601 Contentnea Street.

**Recommendation:**

Acceptance of the report of the disclosure of the family interest conflict and request an exception to the U.S. Department of Housing and Urban Development Conflict of Interest rule.

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Attachments / [click to download](#)

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# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

---

**Title of Item:** Amendment 1 to Contract for Storm Drainage Improvements; Group A - Skinner/Beatty Street Area

**Explanation:** The City contracted with Burney & Burney Construction Co., Inc. (Burney) on August 14, 2009, to perform work associated with the Storm Drainage Improvements Project; Group A-Skiner/Beatty Street Area. Burney has requested change orders, and these requests were discussed in a closed session of City Council and direction given as to settlement of the requests. In accordance with the requirements of the Open Meetings Law, the terms of a settlement discussed in closed session are to be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

Attached is Amendment 1 to the contract with Burney which concludes the settlement. It involves the payment to Burney of an additional amount of \$44,906. This additional amount is attributable to the removal and reinstallation of 125 feet of 84" CMP, unsuitable soil conditions during installation of 60" steel casing, and the cost differential for lifting the new top for a junction box into position with a 350-ton crane.

**Fiscal Note:** Funds have been budgeted for this amendment to the contract.

**Recommendation:** No action is required. It is required that the terms of the settlement be reported to City Council and entered into the meeting minutes.

**Attachments / click to download**

 [Amendment 1 - Burney Agreement](#)

---

## AMENDMENT 1

To the contract dated August 14, 2009 with the City of Greenville, General Obligation Bonds  
Storm Drainage Improvements  
Group A – Skinner Street/Beatty Street area

**THIS AMENDMENT** is dated as of the 18<sup>th</sup> day of November in the year 2010 by and between the City of Greenville, NC (hereinafter called CITY) and Burney & Burney Construction Co., Inc. (hereinafter called CONTRACTOR).

1. Background data:

- a. Effective date of the contract: August 14, 2009
- b. City: City of Greenville, NC
- c. Contractor: Burney and Burney Construction Co., Inc.
- d. Project: Storm Drainage Improvements; Group A – Skinner/Beatty Street Area

2. The contract is amended as follows:

a. The following bid line item is changed:

Line Item 22 - 60" steel pipe (Bored and Jacked) Bid sheet B-4 is increased from 145 linear feet to 155 linear feet. (Resolution of Change Order No. 1 dated April 19, 2010). This increases the value of that line of the contract by \$7,250.

b. The following bid line items are added:

Line Item 37 – Removal and reinstallation of 125 feet of 84" CMP (resolution of Change Order No. 2 dated April 19, 2010) with a cost of \$14,345.50

Line Item 38 – Unsuitable soil conditions during installation of 60" steel casing (Resolution for Change Order No. 3 dated May 13, 2010) with a cost of \$9,991.98

Line item 39 – Cost differential of \$13,318.75 for lifting the new top for junction box -8 into position with a 350 ton crane

3. As a result of this Amendment (1), the CITY shall pay the CONTRACTOR an additional amount of \$44,906.
4. The contract is amended to change the completion date to February 3, 2011. Liquidated damages will commence on February 4, 2011, unless the contract completion date is adjusted by change order.
5. It is the intent of this Amendment to fully resolve the requests of the CONTRACTOR for compensation for additional services as stated in letters from Clayton C. Peele dated April 19, 2010, (for Change Order No. 1), April 19, 2010 (for Change Order No. 2), and May 13, 2010 (for Change Order No. 3). The CONTRACTOR agrees that this Amendment will

AMENDMENT 1

To the contract dated August 14, 2009 with the City of Greenville, General Obligation Bonds  
Storm Drainage Improvements  
Group A – Skinner Street/Beatty Street area

constitute a full and complete release of CITY from all claims, demands, and causes of action that the CONTRACTOR has or may have against the CITY relating to those matters connected with the request for Change Orders No. 1, Change Order No. 2, and Change Order No. 3 as stated in the letters from Clayton C. Peele dated April 19, 2010, April 19, 2010, and May 13, 2010. Additionally, the CONTRACTOR agrees that this Amendment will constitute a full and complete release of CITY from all claims, demands, and causes of action that the CONTRACTOR has or may have against the CITY relating to those matters connected with the November 16, 2010, E-mail request (Subject: Change order for the Crane for the Beatty Street Drainage project) for a change order for the additional costs (\$13,138.75) associated with 350 ton crane required to lift junction box- 8 into position.

CITY and CONTRACTOR hereby agree to modify the above-referenced Contract as set forth in this Amendment. All provisions of the Contract not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is \_\_\_\_\_.

CITY:

CONTRACTOR:

By: Wayne Bowers *Wayne Bowers*  
Title: City Manager  
Date  
Signed: 11-22-10

By: Owen Burney Jr.  
Title: President  
Date: 11/18/2010  
Signed: Owen Burney Jr.

APPROVED AS TO FORM:

*David A. Holec*  
\_\_\_\_\_  
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.

*Bernita W. Demery*  
\_\_\_\_\_  
Bernita W. Demery, CPA, Director of Financial Services



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Resolution accepting dedication of rights-of-way and easements for Westhaven South, Section 4; Cobblestone Phase Three Section Two Lots 7-15 and 34-40 Brookville Drive; Green Mill Court; and Arbor Hills South Phases 1&2, Cluster Subdivision

**Explanation:** In accordance with the City's Subdivision regulations, rights-of-way and easements have been dedicated for Westhaven South, Section 4 (Map Book 72 at Page 131); Cobblestone Phase Three Section Two Lots 7-15 and 34-40 Brookville Drive (Map Book 73 at Page 147); Green Mill Court (Map Book 60 at Page 142); and Arbor Hills South Phases 1&2, Cluster Subdivision (Map Book 72 at Pages 183-185).

**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 Westhaven South, Section 4; Cobblestone Phase Three Section Two Lots 7-15 and 34-40 Brookville Drive; Green Mill Court; and Arbor Hills South Phases 1&2, Cluster Subdivision.

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**Attachments / click to download**

- [Westhaven South Section 4](#)
- [Cobblestone Phase Three](#)
- [Green Mill Court](#)

[Arbor Hills South Phase 1 and 2](#)

[December Right of Way Resolution 882868](#)

---

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:

|   |             |               |
|---|-------------|---------------|
| Westhaven South, Section 4  | Map Book 72 | Page 131      |
| Green Mill Court  | Map Book 60 | Page 142      |
| Arbor Hills South Phases 1&2<br>Cluster Subdivision                       | Map Book 72 | Pages 183-185 |
| Cobblestone Phase Three Section Two<br>Lots 7-15 & 34-40 Brookville Drive | Map Book 73 | Page 147      |

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 6<sup>th</sup> day of December, 2010.

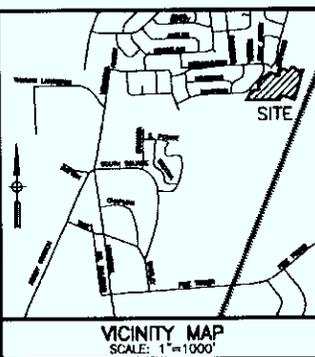
ATTEST:

\_\_\_\_\_  
Patricia C. Dunn, Mayor

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

882868

Item # 8



**GENERAL NOTES**

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, REF: FIRM 3720467900J, DATED JANUARY 2, 2004.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRICAL LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRICAL LINES WITHIN THOSE DESIGNATED WIDTHS.
- NO BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPLE AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THEREON, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, TREES, MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES SHALL EXIST WITHIN ANY DESIGNATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE'S STORMWATER MANAGEMENT PROGRAM.
- THIS PROPERTY IS SUBJECT TO THE CITY OF GREENVILLE'S STORMWATER MANAGEMENT PROGRAM.

**C/L CURVE DATA**

| CURVE "A"   | CURVE "B"  | CURVE "C"  | CURVE "D"   |
|---|--|--|---|
| R = 225.00'<br>Δ = 90°145'<br>L = 227.85'<br>Ch = 174.75'<br>PC = 218.28' | R = 225.00'<br>Δ = 34°00'23"<br>L = 133.54'<br>Ch = 86.80'<br>PC = 151.50' | R = 125.00'<br>Δ = 72°07'23"<br>L = 128.80'<br>Ch = 82.16'<br>PC = 207.83' | R = 175.00'<br>Δ = 72°07'23"<br>L = 188.80'<br>Ch = 121.53'<br>PC = 207.83' |

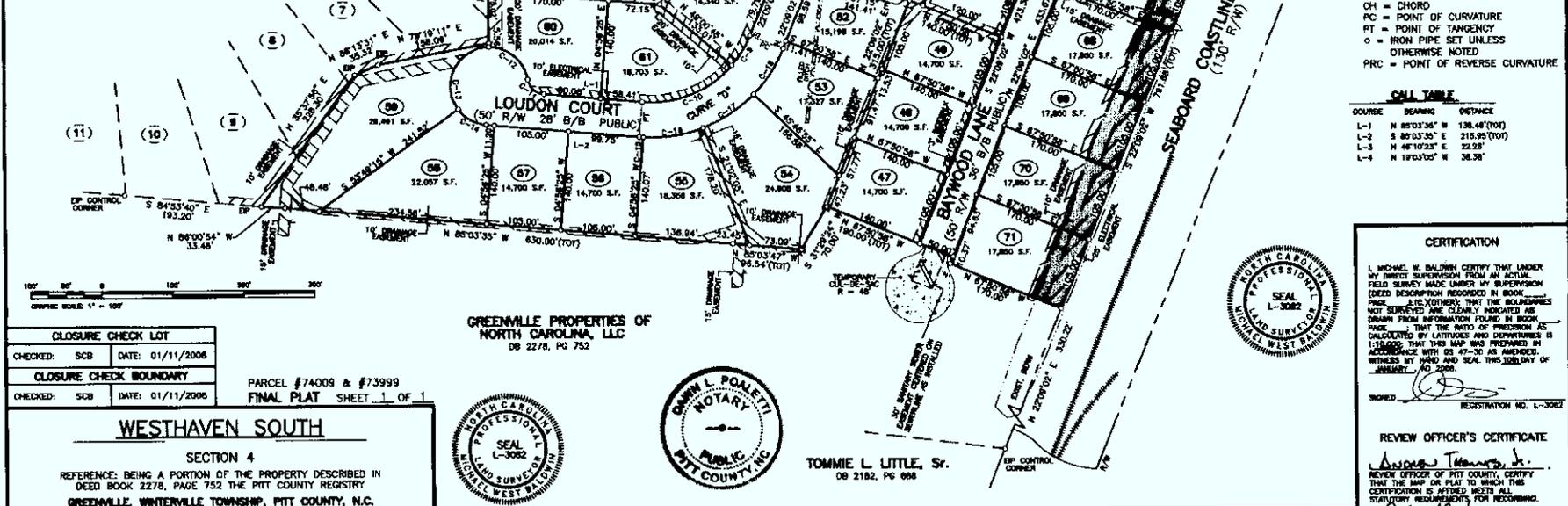
Doc ID: 09162830001 Type: GSP  
Recorded: 09/17/2008 At 10:56:08 AM  
Fee Amt: \$21.00 Page 1 of 1  
Pitt County, NC  
Deborah T Barrington PEG OF DEEDS  
#72 Pg 131

**SITE DATA**

TOTAL AREA . . . . . 15.471 AC.  
NUMBER OF LOTS CREATED . . . . . 25  
AREA IN COMMON AREA . . . . . 97,668 S.F.  
AREA IN PARKS, RECREATION AREAS  
CEMETERIES AND THE LIKE . . . . . 0

**CURVE TABLE**

| CURVE | RADIUS  | CHORD   | CHORD BEARING |
|-------|---------|---------|---------------|
| C-1   | 250.00' | 92.85'  | N 11°58'11"E  |
| C-2   | 250.00' | 54.77'  | N 60°34'11"W  |
| C-3   | 250.00' | 82.37'  | N 02°37'07"W  |
| C-4   | 250.00' | 137.10' | N 26°07'42"E  |
| C-5   | 250.00' | 210.10' | S 21°18'33"W  |
| C-6   | 250.00' | 27.45'  | S 49°42'34"W  |
| C-7   | 150.00' | 48.59'  | S 82°58'40"W  |
| C-8   | 150.00' | 123.83' | S 49°32'58"W  |
| C-9   | 150.00' | 138.09' | S 87°37'48"W  |
| C-10  | 150.00' | 148.59' | S 51°54'07"W  |
| C-11  | 150.00' | 30.82'  | N 47°17'58"W  |
| C-12  | 150.00' | 71.29'  | N 48°57'57"W  |
| C-13  | 150.00' | 87.84'  | S 29°44'38"W  |
| C-14  | 150.00' | 45.51'  | S 80°37'07"W  |
| C-15  | 200.00' | 3.23'   | S 89°48'42"E  |
| C-16  | 200.00' | 64.71'  | N 81°12'33"E  |
| C-17  | 200.00' | 65.71'  | N 37°11'03"E  |
| C-18  | 150.00' | 118.87' | N 56°28'43"E  |
| C-19  | 25.00'  | 36.29'  | S 25°21'08"E  |
| C-20  | 25.00'  | 48.03'  | S 15°15'13"W  |



**CLOSURE CHECK LOT**

CHECKED: SCB DATE: 01/11/2008

**CLOSURE CHECK BOUNDARY**

CHECKED: SCB DATE: 01/11/2008

PARCEL #74005 & #73999  
FINAL PLAT SHEET 1 OF 1

**WESTHAVEN SOUTH**  
SECTION 4  
REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2278, PAGE 752 THE PITT COUNTY REGISTRY GREENVILLE, WAINTEVILLE TOWNSHIP, PITT COUNTY, N.C.

GREENVILLE PROPERTIES OF NORTH CAROLINA, LLC  
DB 2278, PG 752



OWNER: GREENVILLE PROPERTIES OF NORTH CAROLINA, LLC  
ADDRESS: PO BOX 979 GREENVILLE, NC 27855  
PHONE: (252) 355-0884

**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:

**OWNERS STATEMENT**  
THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF

*Tommie L. Little, Sr.*  
SWORN AND SUBSCRIBED BEFORE ME THIS 11th DAY OF March, 2008.

*Doris C. Baloth*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 03/28/09

**APPROVAL**  
THIS FINAL PLAT NO. 08-24 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 8, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 12th DAY OF MARCH 2008.

*Anna Sherrill*  
SIGNED: CITY PLANNER

**DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE A FREE AND SEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

*Tommie L. Little, Sr.*  
SIGNED: ATTEST  
*Doris C. Baloth*

**CERTIFICATION**

I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE 2278) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SHOWN FROM INFORMATION FOUND IN BOOK PAGE . . . . . THAT THE INFO OF FREEDOM AS CALCULATED BY LATITUDES AND DEPARTURES IS LISTED; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED; WITHIN MY HAND AND SEAL THIS 11th DAY OF MARCH, 2008.

SIGNED: *Michael Surver* REGISTRATION NO. L-3082

**REVIEW OFFICER'S CERTIFICATE**

*Anna Sherrill*  
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

SIGNED: *Anna Sherrill* DATE: 3/11/08

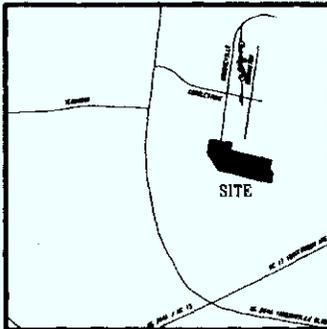
**Baldwin & Janowski**  
ENGINEERING - SURVEYING - PLANNING  
1016 CONFERENCE DR. GREENVILLE, NC 27603 252.796.1360

SURVEYED: DF APPROVED: MWB  
DRAWN: SCB DATE: 01/31/2008  
CHECKED: SCB/MWB SCALE: 1" = 100'

DEED BOOK 2278 PAGE 752  
DEED BOOK PAGE  
DEED BOOK PAGE

NO REGISTRATION NO. L-3082

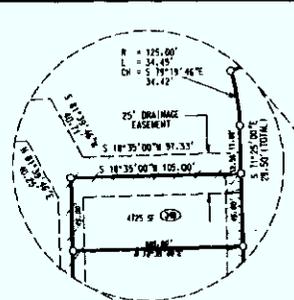
FILE 08-102 CAD FILE Wethaven South/Wethaven South SEC 4 FP  
C&G FILE: 1004Z8 FB 100, PG XXX



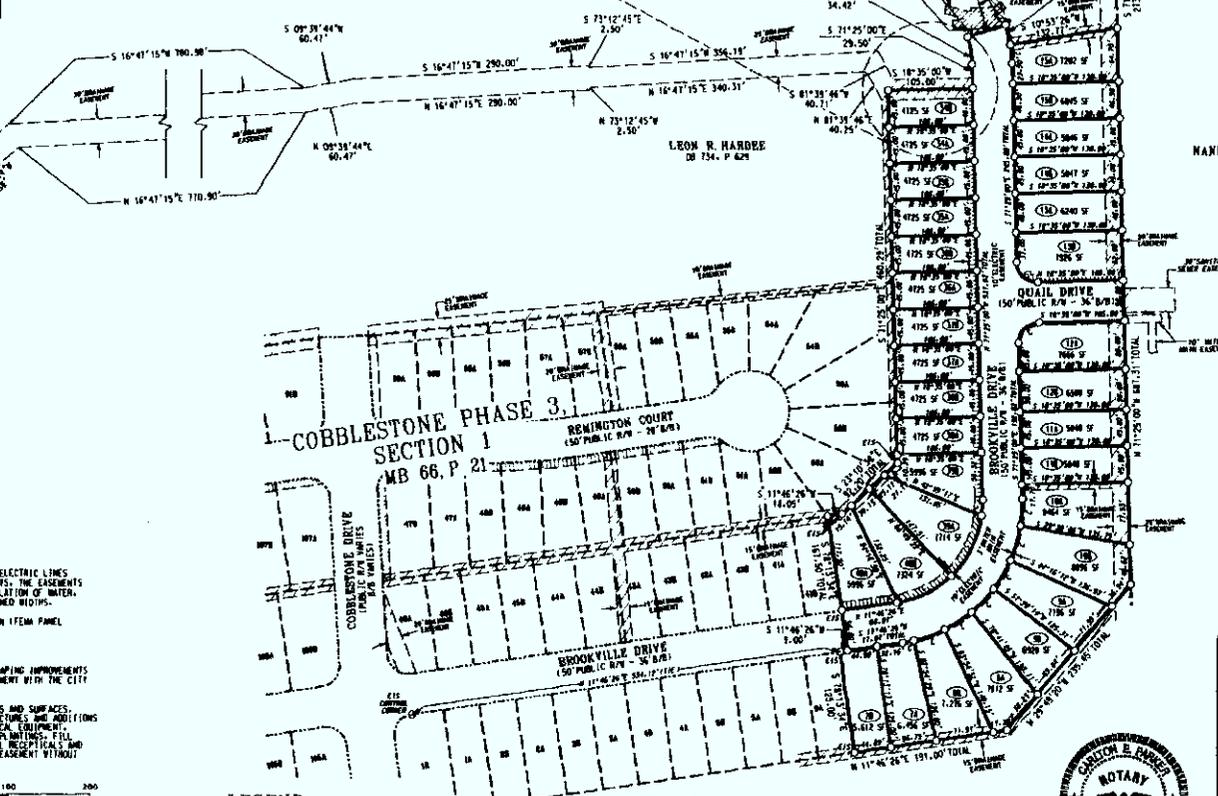
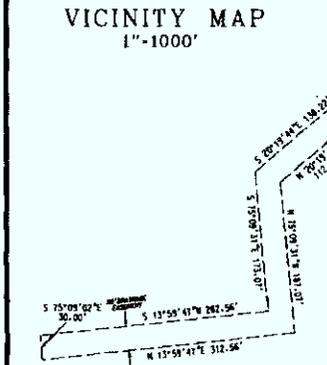
**SITE DATA**  
 AREA IN TOTAL TRACT.....5.6964 ACRES  
 NUMBER OF LOTS CREATED.....152  
 AREA IN COMMON AREA.....0.0 ACRES  
 RECREATION AND THE LIKE.....0.0 ACRES

**LOT CURVE DATA**

| CURVE     | RADIUS | ARC   | CHORD | BEARING       |
|-----------|--------|-------|-------|---------------|
| LOT 7A C  | 175.00 | 14.30 | 14.30 | S 09°25'58" W |
| LOT 8A C  | 175.00 | 40.14 | 40.06 | S 09°51'18" W |
| LOT 9A C  | 175.00 | 40.49 | 40.40 | S 12°40'35" W |
| LOT 10A C | 175.00 | 40.20 | 40.11 | S 25°33'04" W |
| LOT 11A C | 175.00 | 40.52 | 40.43 | S 39°02'51" W |
| LOT 12A C | 175.00 | 44.56 | 44.44 | S 53°01'28" W |
| LOT 13A C | 175.00 | 33.80 | 33.80 | S 53°01'28" W |
| LOT 14A C | 175.00 | 29.00 | 29.00 | S 26°24'40" W |
| LOT 15A C | 175.00 | 39.21 | 39.36 | N 63°55'07" W |
| LOT 16A C | 175.00 | 25.00 | 25.00 | N 63°55'07" W |
| LOT 17A C | 175.00 | 20.00 | 20.00 | N 63°55'07" W |
| LOT 18A C | 175.00 | 17.18 | 17.18 | N 63°55'07" W |
| LOT 19A C | 175.00 | 13.10 | 13.10 | N 63°55'07" W |
| LOT 20A C | 175.00 | 2.01  | 2.01  | N 11°11'50" W |



Doc ID: D104880001 Type: DDP  
 Record #: 09/02/2010 at 08:41:53 PM  
 Fee Amt: \$11.00 Page: 1 of 1  
 Plat County: NC  
 District: 73  
 Instrument REG OF DEEDS  
 BK 73 PG 147



- NOTES:**
- 1) THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS 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 DESIGNED WIDTHS.
  - 2) THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN ITEM PANEL NO. 310191 44672. DATED 1/27/04.
  - 3) ALL EASEMENTS CENTERED ON LINES AS INSTALLED.
  - 4) PROPERTY OWNERS ARE RESPONSIBLE FOR AN IMPROVEMENT OF LANDSCAPING IMPROVEMENTS OF THE WAY OF COBBLESTONE DRIVE AS PER ENFORCEMENT AGREEMENT WITH THE CITY OF GREENVILLE.
  - 5) NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS ON APPLICABLES THERE TO; SIGNS; FENCES; WELLS; OR OTHER EQUIPMENT; CROPPED; MATERIALS; WASTE; DEBRIS; REMOVALS; LANDSCAPE PLANTINGS; FILL MATERIALS; DEBRIS; SOLID WASTE COLLECTION CONTAINERS; OR OTHER DEVIATIONS AND IMPROVEMENTS SURFACES, SHALL EXCEED OR BE IN ANY MANNER VIOLATED WITHOUT WRITTEN APPROVAL OF THE CITY OF GREENVILLE.



**LEGEND**  
 -N- = NEW IRON STAKE  
 -E- = EXISTING IRON STAKE  
 -C- = CONTROL CORNER  
 -S- = EXISTING RAILROAD SPIKE

**MAP FOR RECORD**  
**COBBLESTONE PHASE THREE - SECTION TWO**  
 LOTS 7-15 & 34-40 BROOKVILLE DRIVE

|  |   |  |                |
|--|---|--|----------------|
| GREENVILLE   | ARTHUR TOWNSHIP   | PITT COUNTY                                    | NORTH CAROLINA |
| <b>OWNERS:</b> LEON R. HARDER<br>1156 AUTUMN LAKES DRIVE<br>GREENISLAND, NC 27837<br>(252) 752-7921                    | <b>COBBLESTONE OF GREENVILLE, LLC</b><br>1156 AUTUMN LAKES DRIVE<br>GREENISLAND, NC 27837<br>(252) 752-7921 | <b>SURVEYED:</b> JDC<br><b>APPROVED:</b> CEP   |                |
| <b>MALPASS &amp; ASSOCIATES C-1218</b><br>144 EAST ARLINGTON BLVD<br>SUITE D<br>GREENVILLE, NC 27606<br>(860) 756-1780 | <b>DRAWN:</b> JHT<br><b>DATE:</b> 9/3/09  | <b>CHECKED:</b> CEP<br><b>SCALE:</b> 1" = 100' |                |

**SOURCE OF TITLE**  
 THIS IS TO CERTIFY THAT THE LAST INSTRUMENTS IN THE CHAIN OF TITLES OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:  
 DEED BOOK 724 PAGE 629  
 DEED BOOK 1622 PAGE 830 & 833  
 N.C. REG. NO. L-2980

**OWNER'S STATEMENT**  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF  
 COBBLESTONE OF GREENVILLE, LLC  
 LEON R. HARDER  
 SWORN AND SUBSCRIBED BEFORE ME THIS 19th DAY OF SEPTEMBER 2010  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 1/18/12

**APPROVAL**  
 THIS FINAL PLAT, NO. 09-36 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 23RD DAY OF SEPTEMBER, 2009.  
 SIGNED: [Signature]  
 CITY PLANNER

**DEDICATION**  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER, ALL AREAS AS SHOWN ON AS INDICATED ON SAID PLAT.  
 SIGNED: [Signature]  
 SIGNED: [Signature]  
 ATTEST: [Signature]



I HEREBY CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES SUBDIVISIONS.  
 [Signature]  
 CARLTON E. PARKER

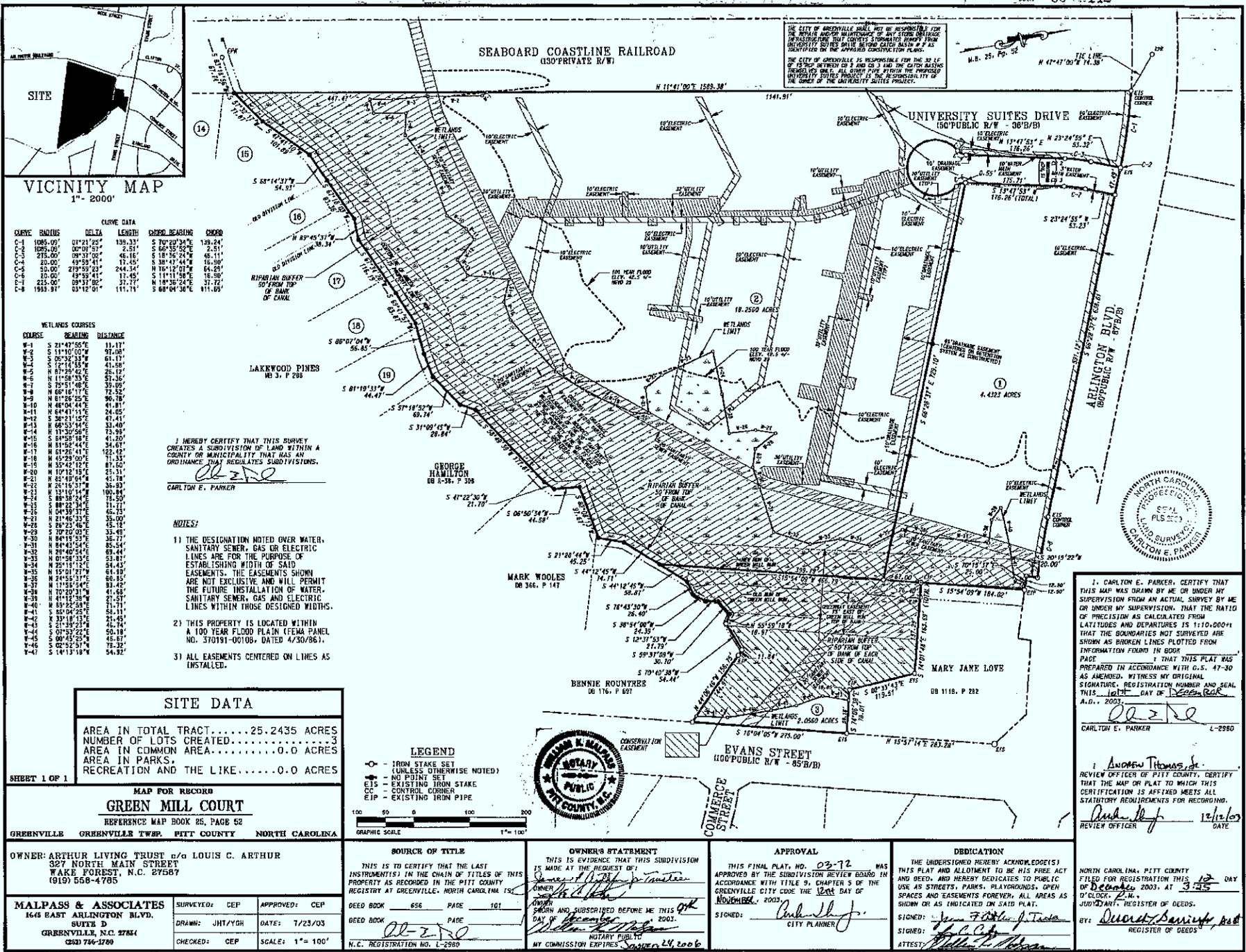
**REVIEW OFFICER'S CERTIFICATE**  
 STATE OF NORTH CAROLINA  
 COUNTY OF PITT  
 I, Arthur Thomas Jr. REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 DATE: September 1, 2010  
 [Signature]  
 REVIEW OFFICER

I, CARLTON E. PARKER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED FROM LATITUDES AND DEPARTURES IS 1:110,000+ THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND AS REFERENCED ON PLAT.  
 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 19th DAY OF SEPTEMBER 2010.  
 [Signature]  
 CARLTON E. PARKER L-2980

PROJECT NO. P-581 DRAWING NO. P581MFRPH3.DGN

MAP BOOK PAGE

Item # 8



VICINITY MAP 1" = 2000'

CURVE DATA

| CURVE | BEARING  | DELTA     | LENGTH  | CHORD BEARING | CHORD   |
|-------|----------|-----------|---------|---------------|---------|
| C-1   | 1085.00' | 01°21'28" | 139.33' | S 70°23'34"   | 136.24' |
| C-2   | 1082.00' | 00°01'51" | 2.51'   | S 05°55'52"   | 2.51'   |
| C-3   | 215.00'  | 09°31'00" | 46.16'  | S 18°36'24"   | 46.11'  |
| C-4   | 13.00'   | 49°53'41" | 17.45'  | S 01°11'44"   | 16.98'  |
| C-5   | 50.00'   | 27°53'23" | 244.14' | N 16°12'01"   | 64.28'  |
| C-6   | 13.00'   | 10°01'00" | 16.98'  | S 18°36'24"   | 16.98'  |
| C-7   | 215.00'  | 09°31'00" | 46.16'  | S 18°36'24"   | 46.11'  |
| C-8   | 1933.91' | 01°12'01" | 111.71' | S 68°04'30"   | 111.65' |

WETLANDS COURSES

| COURSE | BEARING      | DISTANCE |
|--------|--------------|----------|
| W-1    | S 21°47'55"E | 11.17'   |
| W-2    | S 11°10'51"W | 95.08'   |
| W-3    | S 05°32'13"W | 61.17'   |
| W-4    | S 17°12'13"W | 43.58'   |
| W-5    | N 07°28'42"E | 45.12'   |
| W-6    | N 11°58'33"E | 51.36'   |
| W-7    | S 75°11'40"E | 25.16'   |
| W-8    | N 60°16'11"E | 72.52'   |
| W-9    | N 01°26'25"E | 90.18'   |
| W-10   | N 48°04'41"E | 111.11'  |
| W-11   | N 64°47'11"E | 24.65'   |
| W-12   | S 28°17'57"W | 31.41'   |
| W-13   | N 68°53'14"E | 33.40'   |
| W-14   | N 11°30'56"E | 73.90'   |
| W-15   | N 84°03'54"E | 41.20'   |
| W-16   | N 81°52'44"E | 34.67'   |
| W-17   | N 51°32'41"E | 123.79'  |
| W-18   | N 45°23'00"E | 11.35'   |
| W-19   | N 35°42'12"E | 87.50'   |
| W-20   | N 10°12'13"E | 43.31'   |
| W-21   | N 65°49'04"W | 43.18'   |
| W-22   | N 24°07'57"W | 336.02'  |
| W-23   | N 32°19'14"W | 100.84'  |
| W-24   | N 88°38'24"W | 71.50'   |
| W-25   | N 88°22'31"W | 35.00'   |
| W-26   | N 04°39'37"E | 46.73'   |
| W-27   | N 21°05'23"E | 35.00'   |
| W-28   | S 26°23'46"E | 45.12'   |
| W-29   | S 70°20'03"E | 33.49'   |
| W-30   | N 84°18'13"E | 85.54'   |
| W-31   | N 84°43'54"E | 85.54'   |
| W-32   | N 29°49'54"E | 53.44'   |
| W-33   | N 01°58'33"E | 53.81'   |
| W-34   | N 25°13'12"E | 54.43'   |
| W-35   | N 15°01'27"E | 43.79'   |
| W-36   | N 24°55'37"E | 66.85'   |
| W-37   | N 11°51'03"E | 43.79'   |
| W-38   | N 70°20'31"E | 41.68'   |
| W-39   | N 41°12'38"W | 27.37'   |
| W-40   | N 33°22'51"W | 31.71'   |
| W-41   | S 85°04'25"E | 59.11'   |
| W-42   | N 33°22'51"W | 31.71'   |
| W-43   | N 21°39'23"E | 42.54'   |
| W-44   | S 07°57'22"E | 50.18'   |
| W-45   | S 09°45'25"W | 45.72'   |
| W-46   | S 02°52'51"W | 72.37'   |
| W-47   | S 14°13'19"W | 54.92'   |

I HEREBY CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES SUBDIVISIONS.

*Carlton E. Parker*  
 CARLTON E. PARKER

NOTES:

- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS 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 DESIGNED WIDTHS.
- THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PLAIN (FEMA PANEL NO. 570191-00106, DATED 4/30/96).
- ALL EASEMENTS CENTERED ON LINES AS INSTALLED.

SITE DATA

AREA IN TOTAL TRACT.....25.2435 ACRES  
 NUMBER OF LOTS CREATED.....3  
 AREA IN COMMON AREA.....0.0 ACRES  
 AREA IN PARKS, RECREATION AND THE LIKE.....0.0 ACRES

LEGEND

- IRON STAKE SET (UNLESS OTHERWISE NOTED)
- NO POINT SET
- EXISTING IRON STAKE
- CONCRETE CORNER
- EXISTING IRON PIPE



I, CARLTON E. PARKER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION. THAT THE RATIO OF PRECISION AS CALCULATED FROM LATITUDES AND DEPARTURES IS 1:10,000+1 THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK PAGE 1 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 16th DAY OF DECEMBER A.D., 2003.

*Carlton E. Parker*  
 CARLTON E. PARKER C-2980

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

*Andrew Thomas, Jr.*  
 ANDREW THOMAS, JR. 12/16/03  
 REVIEW OFFICER DATE

SHEET 1 OF 1  
 MAP FOR RECORD  
**GREEN MILL COURT**  
 REFERENCE MAP BOOK 25, PAGE 52  
 GREENVILLE GREENVILLE TWP. PITT COUNTY NORTH CAROLINA

OWNER: ARTHUR LIVING TRUST c/o LOUIS C. ARTHUR  
 327 NORTH MAIN STREET  
 WAKE FOREST, N.C. 27587  
 (919) 558-4789

MALPASS & ASSOCIATES  
 1646 EAST ARLINGTON BLVD.  
 SUITE D  
 GREENVILLE, N.C. 27834  
 (252) 746-1789

SURVEYED: CEP APPROVED: CEP  
 DRAWN: JHT/AYH DATE: 7/23/03  
 CHECKED: CEP SCALE: 1" = 100'

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

DEED BOOK 656 PAGE 101  
 DEED BOOK PAGE  
 N.C. REGISTRATION NO. L-2980

OWNER'S STATEMENT  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF:

OWNER  
 SIGNED AND SUBSCRIBED BEFORE ME THIS DAY OF DECEMBER 2003.

NOTARY PUBLIC  
 MY COMMISSION EXPIRES JANUARY 24, 2006

APPROVAL  
 THIS FINAL PLAT, NO. 03-72 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 12th DAY OF NOVEMBER, 2003.

SIGNED: *Andrew Thomas, Jr.*  
 CITY PLANNER

DEDICATION  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER. ALL AREAS AS SHOWN OR AS INDICATED ON SAID PLAT.

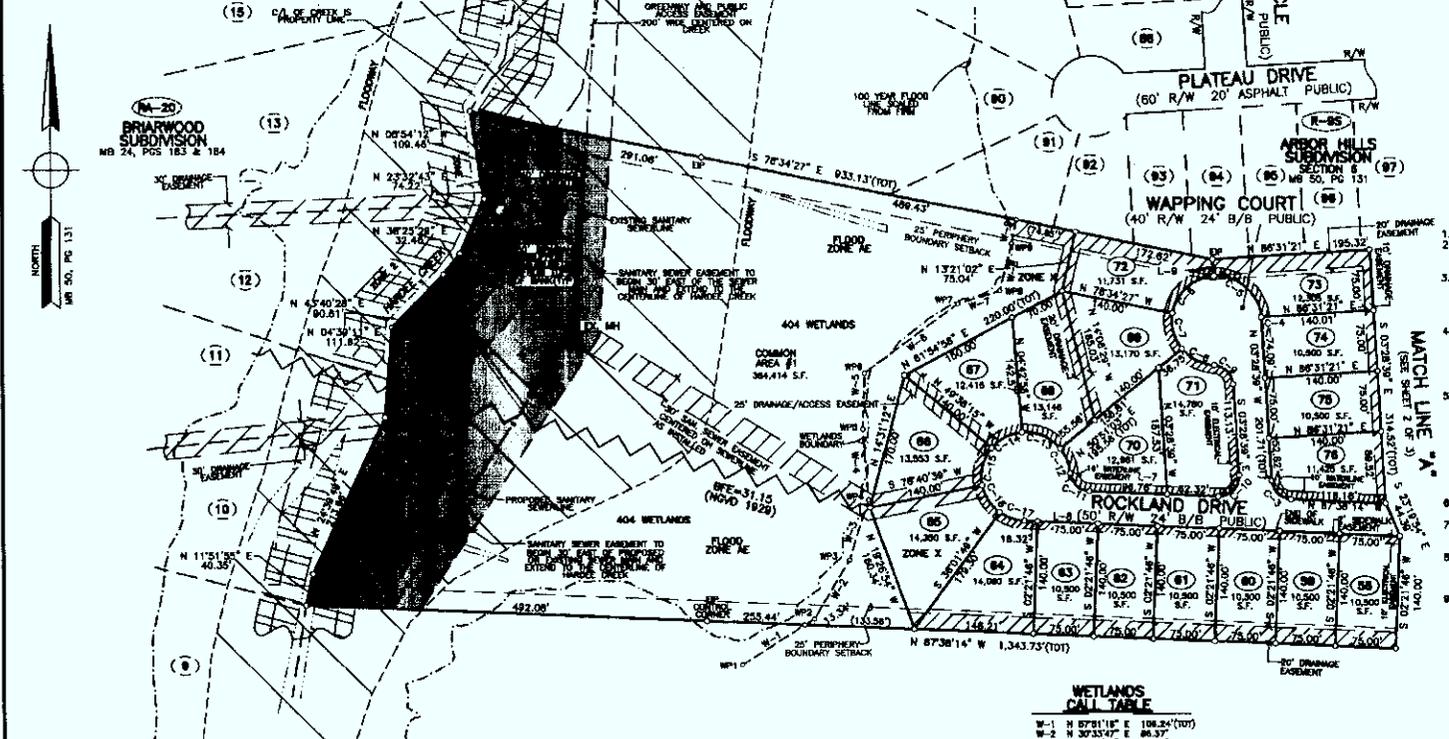
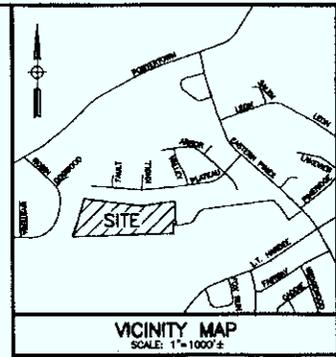
SIGNED: *Carlton E. Parker*  
 ATTEST: *Andrew Thomas, Jr.*

NORTH CAROLINA, PITT COUNTY  
 FILED FOR REGISTRATION THIS DAY OF DECEMBER 2003, AT 3:45 O'CLOCK, P.M.  
 JUDY W. REGISTER, REGISTER OF DEEDS.  
 SIGNED: *Judy W. Register*  
 REGISTER OF DEEDS

| SITE DATA                       |           |
|---------------------------------|-----------|
| TOTAL AREA                      | 28.241 AC |
| NUMBER OF LOTS CREATED          | 59        |
| AREA IN COMMON AREA             | 10.215 AC |
| AREA IN PARKS, RECREATION AREAS |           |
| CEMETERIES AND THE LIKE         | 0         |

Doc ID: 00961408003 Type: CRP  
 Recorded: 12/23/2009 at 11:41:24 AM  
 Fee Amt: \$65.00 Page 1 of 3  
 Pitt County, NC  
 Delegates T. Barrington REG OF DEEDS  
 BK 72 pg 183-185

- LEGEND**
- BFE = BASE FLOOD ELEVATION
  - BM = BENCH MARK
  - EIA = EXISTING IRON AXLE
  - EP = EXISTING IRON PIPE
  - EIS = EXISTING IRON STAKE
  - EPKN = EXISTING PARKER KALON NAIL
  - ERRS = EXISTING RAILROAD SPIKE
  - R/W = RIGHT-OF-WAY
  - SIP = SET IRON PIPE
  - SPKN = SET PARKER KALON NAIL
  - C/L = CENTERLINE



- GENERAL NOTES**
- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
  - THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
  - A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DESIGNATED WITHIN FEDERAL EMERGENCY MANAGEMENT AGENCY, ZONE AE, BFE=31.50(MND 1024) REF: FIRM 372446800 & 372096000 DATED: JANUARY 2, 2004.
  - THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRICAL LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE 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 PRINCIPLE 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 ENCRUMPH WITHIN ANY DESIGNATED WIDTHS WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.
  - COMMON AREAS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
  - ARTICLES OF INCORPORATION FOR A HOMEOWNERS ASSOCIATION FOR THE SUBDIVISION SHALL BE FILED WITH THE NORTH CAROLINA DEPARTMENT OF REVENUE BY STATE.
  - DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE SUBDIVISION SHALL BE FILED IN THE PITT COUNTY REGISTRY WITH THE RECORDING BEING THE OWNER OF THE PROPERTY BEING SUBDIVIDED.
  - A REVISED FINAL PLAT SHALL BE RECORDED WHICH INCLUDES REFERENCES TO THE RECORDS OF INCORPORATION FOR A HOMEOWNERS ASSOCIATION AND DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AS REQUIRED BY THE GREENVILLE CITY CODE PRIOR TO THE ISSUANCE OF ANY LOT INCLUDED IN THE SUBDIVISION.

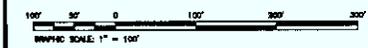
**WETLANDS CALL TABLE**

|     |               |              |
|-----|---------------|--------------|
| W-1 | N 87°31'18" E | 108.24 (TOT) |
| W-2 | N 30°33'47" E | 69.37        |
| W-3 | N 17°23'23" E | 78.20        |
| W-4 | N 01°12'18" W | 87.80        |
| W-5 | N 01°30'02" E | 89.27        |
| W-6 | S 57°27'13" E | 142.80       |
| W-7 | N 72°40'30" W | 141.17       |
| W-8 | N 14°07'43" E | 98.70        |
| W-9 | N 11°20'43" E | 30.44        |

**CALL TABLE**

| COURSE | BEARING       | DISTANCE     |
|--------|---------------|--------------|
| L-7    | N 87°38'14" E | 150.08 (TOT) |
| L-8    | S 87°38'14" E | 468.32 (TOT) |
| L-9    | N 03°43'13" W | 20.92        |

NORA LEE EDWARDS  
 ESTATE FILE: 2007-452



FINAL PLAT SHEET 1 OF 3

**ARBOR HILLS SOUTH**  
 PHASES 1 & 2, CLUSTER SUBDIVISION  
 REFERENCE BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2130, PAGE 341 OF THE PITT COUNTY REGISTRY  
 GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: EASTERN PINES DEVELOPMENT, LLC  
 ADDRESS: 1025 E DIRECTOR COURT GREENVILLE, NC 27856  
 PHONE: (252) 321-7290

**Baldwin & Janowick**  
 ENGINEERING - SURVEYING - PLANNING  
 1015 CONFERENCE DRIVE GREENVILLE, NC 27609 252.704.1300

LICENSED C-1110  
 SURVEYED: JGG APPROVED: MMB  
 DRAWN: SCB DATE: 10/26/2009  
 CHECKED: MMB 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 2130 PAGE 341  
 AND DEED BOOK 2130 PAGE 147

NO REGISTRATION NO. L-3082

**OWNERS STATEMENT**  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF

SWORN AND SUBSCRIBED BEFORE ME THIS 17th DAY OF OCTOBER, 2009.

NOTARY PUBLIC  
 MY COMMISSION EXPIRES: 03/28/2014

**APPROVAL**  
 THIS FINAL PLAT NO. 08-47 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 8, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 22nd DAY OF NOVEMBER, 2009.

SIGNED: [Signature]  
 CITY PLANNER

**DEDICATION**  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLIEMENT TO BE THEIR FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED: [Signature]  
 ATTEST: [Signature]

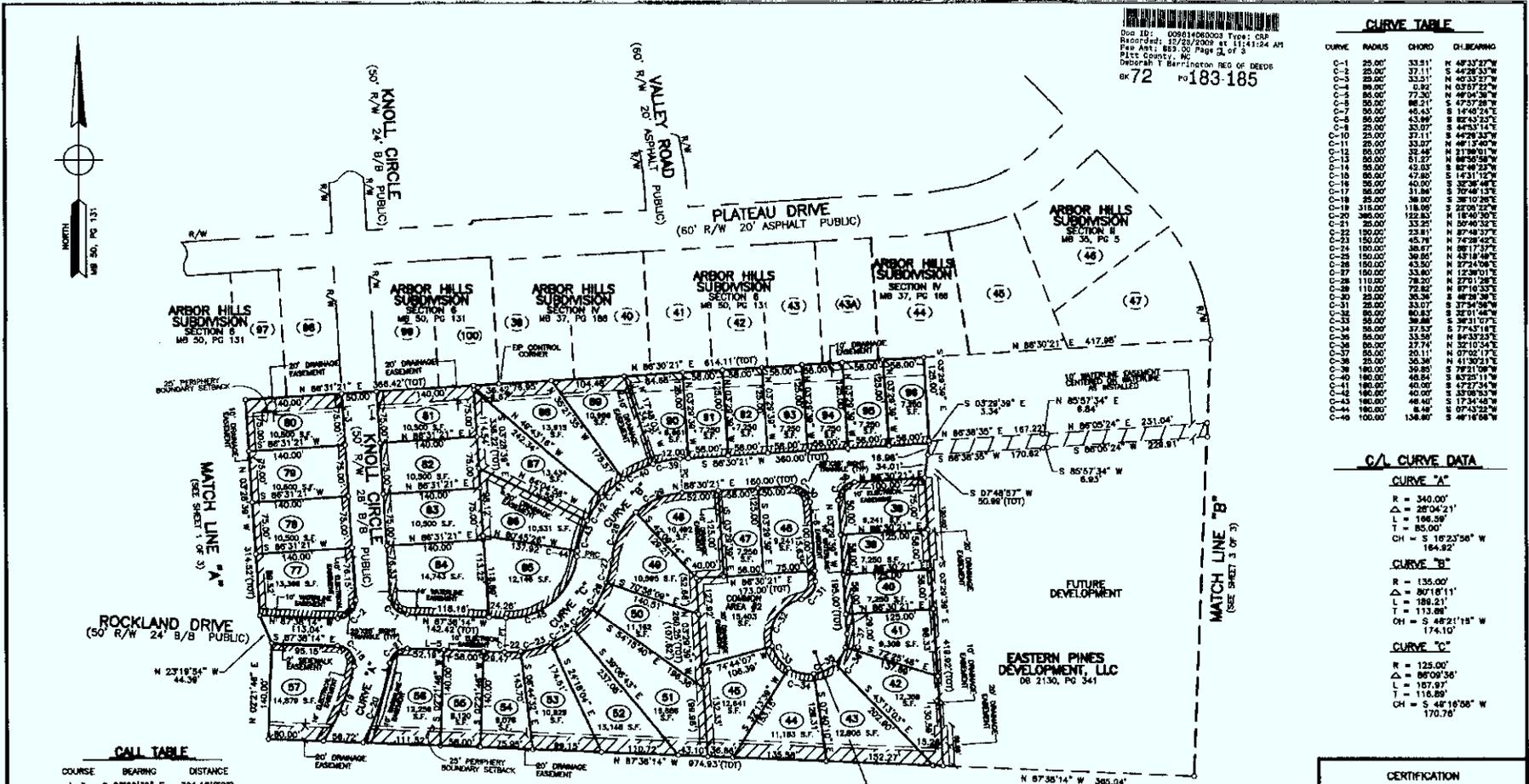
**CERTIFICATION**  
 I, MICHEL W. BLOWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE ETC. (OTHERS)) THAT THE BOUNDARIES NOTED ON THIS MAP ARE CORRECTLY DRAWN FROM INFORMATION FOUND IN BOOK PAGE ETC. (OTHERS) THAT THE CALCULATIONS MADE BY LATITUDES AND DEPARTURES IS 1:10,000 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-20 AS MENETIONED WITHIN AND SEAL THIS 17th DAY OF OCTOBER, 2009.

RESTRICTION NO. C-1082

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

[Signature] 10/23/09  
 REVIEW OFFICER DATE

C & G FILE: 06-034 CAD FILE: ARBOR HILLS SOUTH PH 1 PP

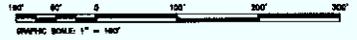


Doc ID: 0091460003 Type: CAP  
 Recorded: 10/23/2009 at 11:41:04 AM  
 Fee Amt: \$63.00 Page 2 of 3  
 Deconar T Barrington REG OF DEEDS  
 BK 72 PG 183-185

| CURVE TABLE |        |       |              |
|-------------|--------|-------|--------------|
| CURVE       | RADIUS | CHORD | CHL/CIRCV    |
| 1           | 25.00  | 33.31 | N 49°32'27"W |
| 2           | 25.00  | 37.11 | S 42°28'33"W |
| 3           | 25.00  | 33.31 | N 40°32'27"W |
| 4           | 25.00  | 37.11 | S 42°28'33"W |
| 5           | 25.00  | 33.31 | N 40°32'27"W |
| 6           | 25.00  | 37.11 | S 42°28'33"W |
| 7           | 25.00  | 33.31 | N 40°32'27"W |
| 8           | 25.00  | 37.11 | S 42°28'33"W |
| 9           | 25.00  | 33.31 | N 40°32'27"W |
| 10          | 25.00  | 37.11 | S 42°28'33"W |
| 11          | 25.00  | 33.31 | N 40°32'27"W |
| 12          | 25.00  | 37.11 | S 42°28'33"W |
| 13          | 25.00  | 33.31 | N 40°32'27"W |
| 14          | 25.00  | 37.11 | S 42°28'33"W |
| 15          | 25.00  | 33.31 | N 40°32'27"W |
| 16          | 25.00  | 37.11 | S 42°28'33"W |
| 17          | 25.00  | 33.31 | N 40°32'27"W |
| 18          | 25.00  | 37.11 | S 42°28'33"W |
| 19          | 25.00  | 33.31 | N 40°32'27"W |
| 20          | 25.00  | 37.11 | S 42°28'33"W |
| 21          | 25.00  | 33.31 | N 40°32'27"W |
| 22          | 25.00  | 37.11 | S 42°28'33"W |
| 23          | 25.00  | 33.31 | N 40°32'27"W |
| 24          | 25.00  | 37.11 | S 42°28'33"W |
| 25          | 25.00  | 33.31 | N 40°32'27"W |
| 26          | 25.00  | 37.11 | S 42°28'33"W |
| 27          | 25.00  | 33.31 | N 40°32'27"W |
| 28          | 25.00  | 37.11 | S 42°28'33"W |
| 29          | 25.00  | 33.31 | N 40°32'27"W |
| 30          | 25.00  | 37.11 | S 42°28'33"W |
| 31          | 25.00  | 33.31 | N 40°32'27"W |
| 32          | 25.00  | 37.11 | S 42°28'33"W |
| 33          | 25.00  | 33.31 | N 40°32'27"W |
| 34          | 25.00  | 37.11 | S 42°28'33"W |
| 35          | 25.00  | 33.31 | N 40°32'27"W |
| 36          | 25.00  | 37.11 | S 42°28'33"W |
| 37          | 25.00  | 33.31 | N 40°32'27"W |
| 38          | 25.00  | 37.11 | S 42°28'33"W |
| 39          | 25.00  | 33.31 | N 40°32'27"W |
| 40          | 25.00  | 37.11 | S 42°28'33"W |
| 41          | 25.00  | 33.31 | N 40°32'27"W |
| 42          | 25.00  | 37.11 | S 42°28'33"W |
| 43          | 25.00  | 33.31 | N 40°32'27"W |
| 44          | 25.00  | 37.11 | S 42°28'33"W |
| 45          | 25.00  | 33.31 | N 40°32'27"W |
| 46          | 25.00  | 37.11 | S 42°28'33"W |
| 47          | 25.00  | 33.31 | N 40°32'27"W |
| 48          | 25.00  | 37.11 | S 42°28'33"W |
| 49          | 25.00  | 33.31 | N 40°32'27"W |
| 50          | 25.00  | 37.11 | S 42°28'33"W |
| 51          | 25.00  | 33.31 | N 40°32'27"W |
| 52          | 25.00  | 37.11 | S 42°28'33"W |

| C/A CURVE DATA |               |
|----------------|---------------|
| CURVE 'A'      |               |
| R =            | 340.00'       |
| Δ =            | 28°04'21"     |
| L =            | 186.59'       |
| T =            | 85.00'        |
| CH =           | S 16°23'50" W |
|                | 164.82'       |
| CURVE 'B'      |               |
| R =            | 135.00'       |
| Δ =            | 80°18'11"     |
| L =            | 188.21'       |
| T =            | 113.89'       |
| CH =           | S 48°21'18" W |
|                | 174.10'       |
| CURVE 'C'      |               |
| R =            | 125.00'       |
| Δ =            | 80°09'36"     |
| L =            | 187.87'       |
| T =            | 116.89'       |
| CH =           | S 48°16'06" W |
|                | 170.78'       |

| CALL TABLE |               |             |
|------------|---------------|-------------|
| COURSE     | BEARING       | DISTANCE    |
| L-3        | S 03°28'36" E | 301.16(TOT) |
| L-4        | N 03°28'36" W | 301.33(TOT) |
| L-5        | S 87°36'14" E | 139.66(TOT) |
| L-6        | S 03°29'36" E | 115.53(TOT) |



NORA LEE EDWARDS  
 ESTATE FILE: 2007-452

FINAL PLAT SHEET 2 OF 3

**ARBOR HILLS SOUTH**  
 PHASES 1 & 2, CLUSTER SUBDIVISION

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2130, PAGE 341 OF THE PITT COUNTY REGISTRY GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: EASTERN PINES DEVELOPMENT, LLC  
 ADDRESS: 1025 E DIRECTOR COURT GREENVILLE, NC 27858  
 PHONE: (252) 321-7290

**Baldwin & Janowski**  
 ENGINEERING - SURVEYING - PLANNING  
 1015 CONFERENCE DRIVE GREENVILLE, NC 27609 252.756.1360



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

DEED BOOK 2130 PAGE 341  
 MAP PAGE 147  
 DEED BOOK 2130 PAGE 341  
 REGISTRATION NO. L-3082

OWNERS STATEMENT  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF

SWORN AND SUBSCRIBED BEFORE ME THIS 11th DAY OF OCTOBER, 2009.

NOTARY PUBLIC  
 MY COMMISSION EXPIRES: 03/28/2014

APPROVAL  
 THIS FINAL PLAT NO. 08-47 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 8, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 22nd DAY OF NOVEMBER, 2009.

SIGNED: [Signature]  
 CITY PLANNER

DEDICATION  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE FREE AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED: [Signature]  
 ATTEST: [Signature]

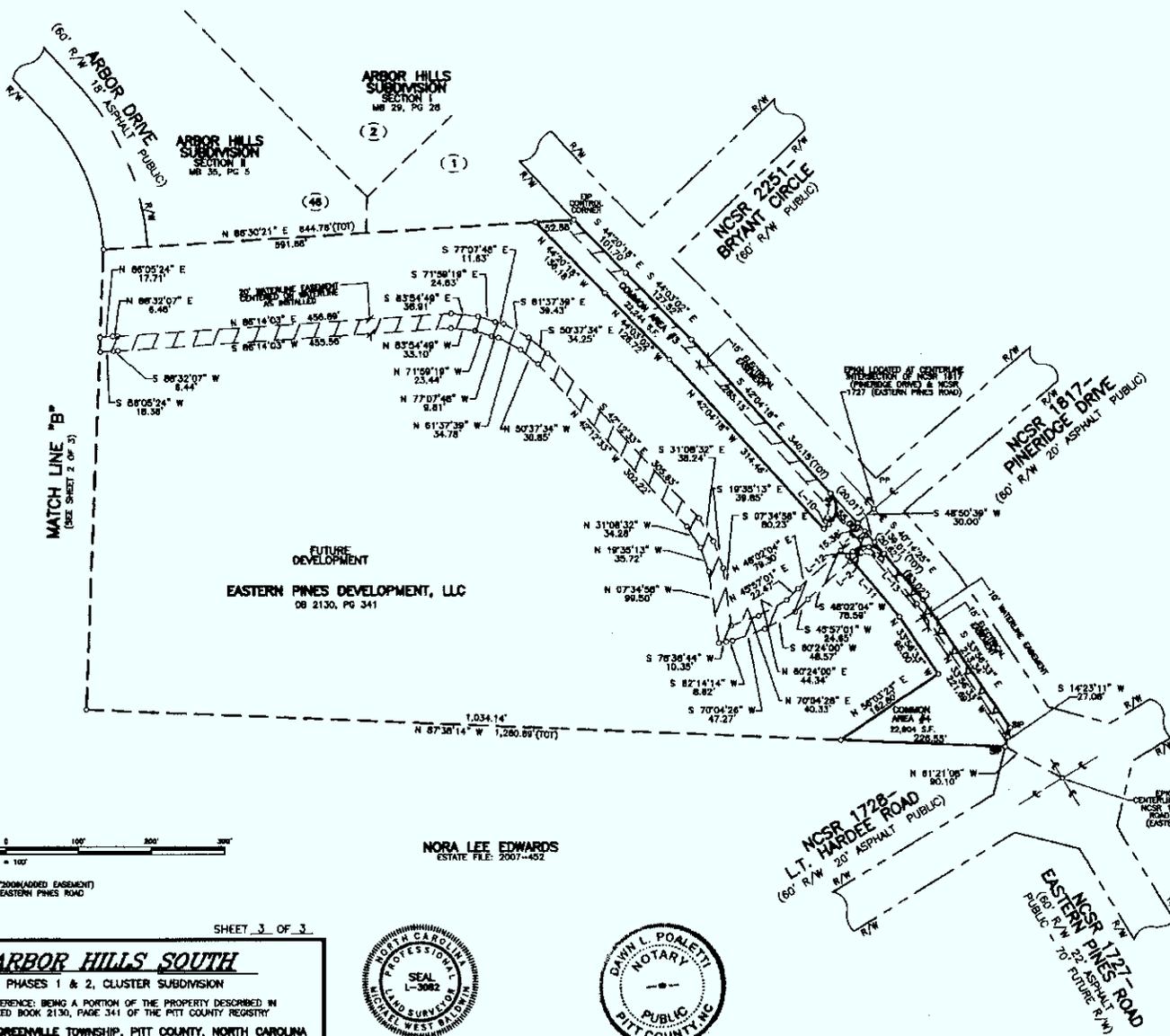
CERTIFICATION  
 I, MICHAEL W. BARNHART, CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE ETC. (OTHER) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SHOWN FROM INFORMATION FOUND IN BOOK PAGE (OTHER) BY LATITUDE AND LONGITUDE IS LISTED THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 41-30 AS IMPROVED. WITNESS MY HAND AND SEAL THIS 11th DAY OF OCTOBER, 2009.

SIGNED: [Signature] REGISTRATION NO. L-3092

REVIEW OFFICER'S CERTIFICATE  
 I, [Signature], REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THIS MAP OR PLAN TO BE REGISTERED IS IN ACCORDANCE WITH THE REQUIREMENTS FOR REGISTERING.

REVIEW OFFICER: [Signature] DATE: [Signature]

Doc ID: 00961400003 Troy, LP  
 Recorded: 12/13/2009 at 11:41:24 AM  
 Fee Amt: \$65.00 Page 3 of 3  
 Pitt County, NC  
 Deedbook 1 BARRINGTON REG OF DEEDS  
 BK 72 PG 183-185



**CURVE TABLE**

| CURVE | RADIUS | CHORD  | CH.BEARING    |
|-------|--------|--------|---------------|
| C-68  | 30.00' | 42.43' | S 07°55'42" W |
| C-67  | 30.00' | 43.10' | S 88°08'21" W |

**CALL TABLE**

| COURSE | BEARING       | DISTANCE |
|--------|---------------|----------|
| L-1    | N 51°25'07" E | 42.48'   |
| L-2    | S 51°25'07" W | 32.47'   |
| L-10   | S 47°55'42" W | 10.00'   |
| L-11   | N 40°14'25" W | 110.00'  |
| L-12   | N 47°55'42" E | 9.05'    |
| L-13   | N 40°14'25" W | 103.38'  |



REVISED: 11/12/2008 (ADDED EASEMENT) ALONG EASTERN PINES ROAD

NORA LEE EDWARDS  
 ESTATE FILE: 2007-452

FINAL PLAT SHEET 3 OF 3

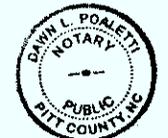
**ARBOR HILLS SOUTH**  
 PHASES 1 & 2, CLUSTER SUBDIVISION

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2130, PAGE 341 OF THE PITT COUNTY REGISTRY GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: EASTERN PINES DEVELOPMENT, LLC  
 ADDRESS: 1025 E. DIRECTOR COURT GREENVILLE, NC 27858  
 PHONE: (252) 321-7290

**Baldwin & Janowska**  
 ENGINEERING - SURVEYING - PLANNING  
 1015 CONFERENCE DRIVE GREENVILLE, NC 27603  
 252-754-1386

LODGED: C-1136  
 SURVEYED: JAG APPROVED: MWS  
 DRAWN: SCB DATE: 10/28/2008  
 CHECKED: MWS 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 2130 PAGE 341  
 DEED BOOK 187 PAGE 147

**OWNERS STATEMENT**  
 THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF:

SWORN AND SUBSCRIBED BEFORE ME THIS 12th DAY OF DECEMBER, 2009.

NOTARY PUBLIC MY COMMISSION EXPIRES: 03/28/2014

**APPROVAL**  
 THIS FINAL PLAT NO. 08-42 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 22nd DAY OF NOVEMBER, 2009.

SIGNED: [Signature] CITY PLANNER

**DEDICATION**  
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE... FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED ON SAID PLAT.

SIGNED: [Signature] ATTEST: [Signature]

**CERTIFICATION**

I, MICHAEL W. BALDWIN CERTIFY THAT UNDER MY DIRECT SUPERVISION BY AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE ETC. (OTHERS)) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE THAT THE METHOD OF PRECISION AS CALCULATED BY LATITUDE AND DEPARTURES IS 1:10,000. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED, WITNESSED BY MY HAND AND SEAL, THIS 28th DAY OF OCTOBER, 2009.

SIGNED: [Signature] LICENSE NO. L-3062

**REVIEW OFFICER'S CERTIFICATE**

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

SIGNED: [Signature] DATE: 12/23/09



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Change order to the on-call civil engineering services contract with the East Group

**Explanation:** In December 2009, the Public Works Department entered into an on-call engineering services contract with The East Group. The purpose of this contract was to provide engineering services that the Department does not have the expertise to perform or could not perform due to workload. The maximum value of this contract is \$30,000. Any work under this contract for The East Group is issued through a work order. The City's purchasing manual states that an architectural or engineering services contract under \$10,000 can be approved by the Department Head. Greater than \$10,000 and less than \$30,000 can be approved by the City Manager, and all contracts for these services greater than \$30,000 are approved by City Council. Public Works uses these procedures for the work orders. Any work order less \$30,000 is approved by either the City Manager or Department Head as appropriate.

Public Works has issued one work order for work developing costs and priorities associated with the stream restoration program that was presented to City Council at their November 8, 2010 meeting. The work order was for \$7,392. Therefore, the total remaining work in the contract that can be awarded is \$22,608. The contract is for two years, and Public Works is planning on issuing a new request for proposals in 2011 to obtain a new agreement for on-call civil engineering services.

Public Works used the established procedures for professional services to select the firm for this contract. A request for proposals was issued in November 2008, and qualifications were received on December 10, 2008. The most qualified firm was determined to be The East Group.

Although the economy has reduced the Engineering Division's work load, the recent departure of several engineers and the time required to train their replacements means that Public Works will continue to use this contract to support City requirements. Anticipated design projects or tasks that may be performed under this contract include the design of a new roof for the Municipal

Building and the design for repairing the Traffic Services Division Building.

Public Works is requesting that the maximum value of this contract be increased to \$120,000. This value provides sufficient authority to meet anticipated design needs as well as any unforeseen needs that are identified between now and the time the contract expires.

**Fiscal Note:** Funds for each work order will come from the Public Works Department's operating or capital budgets.

**Recommendation:** Approve a change order increasing the maximum value of the on-call civil engineering services contract with The East Group to \$120,000.

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

Attachments / click to download

[Change\\_order\\_to\\_the\\_On\\_call\\_Service\\_contract\\_East\\_Group\\_883231](#)

---

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated Dec 22, 2009.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No. 1**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: December 22, 2009
- b. Owner: City of Greenville, NC
- c. Engineer: The East Group
- d. Project: On Call Civil Engineering Services to the City of Greenville, NC

2. *Description of Modifications:*

This amendment increases the maximum value of the contract from \$30,000 to \$120,000.

5. Agreement Summary (Reference only)

- a. Original Agreement amount: \$30,000
- b. Net change for prior amendments: \$0
- c. This amendment amount: \$90,000
- d. Adjusted Agreement amount: \$120,000

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is \_\_\_\_\_.

OWNER:

ENGINEER:

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Owner: \_\_\_\_\_

Engineer: \_\_\_\_\_

By: Patricia C. Dunn

By: Tony Khoury

Title: Mayor

Title: President

Date \_\_\_\_\_

Date \_\_\_\_\_

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Engineer License or Firm's \_\_\_\_\_

C-0206

Certificate No. \_\_\_\_\_

State of: North Carolina

Address for giving notices:

Address for giving notices:

Department of Public Works

The East Group

1500 Beatty Street

324 Evans Street

Greenville, NC

Greenville, NC 27858

Designated Representative (Paragraph 8.03.A):

Designated Representative (Paragraph 8.03.A):

Lisa Kirby

\_\_\_\_\_

Title: Senior Civil Engineer

Title: \_\_\_\_\_

Phone Number: 329-4467

Phone Number: \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

E-Mail Address: lkirby@greenvillenc.gov

E-Mail Address: \_\_\_\_\_



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

---

**Title of Item:** Resolution authorizing the disposal of surplus computer equipment to Pitt Community College

**Explanation:** The Information Technology Department staff replaced several laptops, docking stations and adapters due to functionality and deficient processing capacity during the budget year. For those reasons, this computer equipment has been deemed surplus equipment. Pitt Community College will refurbish the equipment and place the equipment in areas where technological resources are needed.

**Fiscal Note:** Equipment will be sold at the cost of \$1.00 to be paid by Pitt Community College.

**Recommendation:** Approve the resolution authorizing the disposal of surplus computer equipment to Pitt Community College.

---

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

**Attachments / click to download**

- [Resolution Authorizing the disposal of surplus computer equipment to PCC Dec 2010 883084](#)
- [Nov 2010 Surplus Equip PCC Donations 883281](#)

RESOLUTION NO. 10-  
RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS  
AND AUTHORIZING ITS DISPOSITION TO PITT COMMUNITY COLLEGE

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

WHEREAS, Pitt Community College can put this property to use; and

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

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

Twenty-One (21) Panasonic Laptop Computers  
Eleven (11) Dell Laptop Computers  
Eleven (11) Dell Adapters  
Seven (7) Dell Docking Stations and  
Seven (7) Panasonic Adapters

This the 6th day of December, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

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

**SURPLUS EQUIPMENT LIST**

|                     |                        |
|---------------------|------------------------|
| <b>DEPARTMENT</b>   | Information Technology |
| <b>DIVISION</b>     |                        |
| <b>PREPARED BY:</b> | Peggy McNair           |

**DATE SUBMITTED:** 11/22/2010

| Name & Type of Equipment | Manufacturer | Model | Serial #   | Condition | Fixed Asset# | Date of Purchase |
|--------------------------|--------------|-------|------------|-----------|--------------|------------------|
| Laptop                   | Dell         | D810  | B2KTJ71    | Fair      | 6424         | May-05           |
| Laptop                   | Dell         | D810  | J2KTJ71    | Good      | 6425         | May-05           |
| Laptop                   | Dell         | D810  | 60KTJ71    | Good      | 6434         | May-05           |
| Laptop                   | Dell         | D810  | 52KTJ71    | Good      | 6423         | May-05           |
| Laptop                   | Dell         | D810  | 33KTJ71    | Poor      | 6426         | May-05           |
| Laptop                   | Panasonic    | CF_29 | 5BKSA99815 | Good      | 6357         | Mar-05           |
| Laptop                   | Panasonic    | CF-51 | 6FTYA93276 | Good      | NA           | Jan-05           |
| Laptop                   | Panasonic    | CF-29 | 5CKSA03581 | Good      | 6393         | Mar-05           |
| Laptop                   | Panasonic    | CF-29 | 5CKSA03585 | Good      | 6380         | Mar-05           |
| Laptop                   | Panasonic    | CF-29 | 5CKSA99260 | Good      | 6358         | Mar-05           |
| Laptop                   | Panasonic    | CF-29 | 5BK5A99998 | Good      | 6367         | Mar-05           |
| Laptop                   | Dell         | D810  | 22KTJ71    | Good      | 6422         | May-05           |
| Laptop                   | Panasonic    | CF-74 | 6DKSA06328 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6DKSA06383 | Good      | NA           | Jun-06           |
| Laptop                   | Dell         | D810  | H0WDT91    | Good      | 4750         | Oct-00           |
| Laptop                   | Panasonic    | CF-74 | 6DKSA04817 | Good      | NA           | Jun-06           |
| Laptop                   | Dell         | D810  | DS66101    | Good      | 6479         | Aug-05           |
| Laptop                   | Panasonic    | CF-74 | 6DKSA05683 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6EKSA07614 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6DKSA06378 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6EKSA06878 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6EKSA07217 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6EKSA06887 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-74 | 6EKSA07066 | Good      | NA           | Jun-06           |
| Laptop                   | Panasonic    | CF-51 | 4KMTA21372 | Good      | NA           | Aug-02           |
| Laptop                   | Dell         | D800  | 24RFP61    | Good      | 6182         | May-05           |
| Laptop                   | Dell         | D800  | 3WNZX91    | Good      | NA           | May-05           |
| Laptop                   | Panasonic    | CF-29 | 6AKSB01864 | Good      | NA           | Jan-04           |
| Laptop                   | Panasonic    | CF-29 | 5CKSA03600 | Good      | 6369         | Apr-05           |
| Laptop                   | Panasonic    | CF-29 | 3KKYA03950 | Good      | 5782         | Jan-04           |
| Laptop                   | Dell         | D810  | 44RFP61    | Good      | 6183         | Feb-05           |
| Laptop                   | Panasonic    | CF-74 | 6EKSA07255 | Good      | NA           | Jun-04           |
| Dell Adapters (11)       |              |       |            |           | NA           | NA               |
| Dell Docks (7)           |              |       |            |           | NA           | NA               |
| Panasonic Adapters (7)   |              |       |            |           | NA           | NA               |

Item # 10



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Budget ordinance amendment #5 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57)

**Explanation:** Attached is an amendment to the 2010-2011 budget ordinance for consideration at the December 6, 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 below explanation:

**A** To appropriate grant funds to be reimbursed by the US Department of Justice for the Justice Assistance Grant (JAG) 2010 grant. Grant funds expire September 30, 2013. These funds will provide equipment, supplies, and contractual support to prevent and control crime based on the City's needs and conditions. JAG funds are awarded annually using a formula grant process (Total - \$116,565).

**B** To appropriate fund balance from the Stormwater Utility Fund to address emergency repairs needed following the heavy rains and flooding that occurred in early October. The repairs will be for a Willow Run Pipe (\$52,402) replacement and Meetinghouse Branch Erosion (\$10,685). Repairs will include replacing pipes and any incidental damage occurring in the right-of-way as a result of the project (Total - \$61,087).

**C** To appropriate fund balance from the Stormwater Utility Fund to fund a Watershed Inventory and Master Plan - Pilot Study Contract. Funds will be used to address water quality and quantity matters. This contract was awarded during the September 9, 2010 City Council meeting (Total - \$368,255).

**Fiscal Note:** The budget ordinance amendment affects the following funds: increases General Fund by \$116,565 and increases the Stormwater Utility Fund by \$429,342.

|  |                        |                        |                        |
|--|------------------------|------------------------|------------------------|
|  | <b><u>Adjusted</u></b> | <b><u>Proposed</u></b> | <b><u>Adjusted</u></b> |
|--|------------------------|------------------------|------------------------|

| <b>Fund Name</b>        | <b>Budget</b> | <b>Amendment</b> | <b>Budget</b> |
|-------------------------|---------------|------------------|---------------|
| General Fund            | \$ 75,790,403 | \$ 116,565       | \$75,906,968  |
| Stormwater Utility Fund | \$ 4,875,788  | \$ 429,342       | \$ 5,305,130  |

**Recommendation:** Approve attached budget ordinance amendment #5 to the 2010-2011 City of Greenville budget (Ordinance No. 10-57).

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 [Budget Amendments FY 2010 2011 872820](#)

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ORDINANCE NO. \_\_\_\_\_  
CITY OF GREENVILLE, NORTH CAROLINA  
ORDINANCE (#5) AMENDING THE 2010-2011 BUDGET (ORDINANCE NO. 10-57)

**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:

|                                       | <b>ORIGINAL<br/>2010-2011<br/>BUDGET</b> | <b>#5<br/>Amended<br/>1/11/10</b> | <b>Total<br/>Amendments</b> | <b>Amended<br/>2010-2011<br/>Budget</b> |
|---------------------------------------|--|-----------------------------------|-----------------------------|---|
| <b><u>ESTIMATED REVENUES</u></b>      |  |                                   |                             |   |
| 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 116,565                         | 793,666                     | 2,358,704                               |
| 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                                  | -                                 | 500,000                     | 1,289,786                               |
| Appropriated Fund Balance             | 2,983,066                                | -                                 | 813,607                     | 3,796,673                               |
| <b>TOTAL REVENUES</b>                 | <b>\$ 73,799,695</b>                     | <b>\$ 116,565</b>                 | <b>\$ 2,107,273</b>         | <b>\$ 75,906,968</b>                    |
| <b><u>APPROPRIATIONS</u></b>          |  |                                   |                             |   |
| 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                                | -                                 | (75,000)                    | 2,439,736                               |
| Information Technology                | 3,200,339                                | -                                 | -                           | 3,200,339                               |
| Fire/Rescue                           | 12,652,643                               | -                                 | 15,000                      | 12,667,643                              |
| Financial Services                    | 2,285,851                                | -                                 | -                           | 2,285,851                               |
| Recreation & Parks                    | 6,186,925                                | -                                 | -                           | 6,186,925                               |
| Police                                | 22,393,782                               | A 116,565                         | 483,068                     | 22,876,850                              |
| Public Works                          | 8,661,389                                | -                                 | 536,450                     | 9,197,839                               |
| Community Development                 | 1,628,061                                | -                                 | 227,244                     | 1,855,305                               |
| OPEB                                  | 250,000                                  | -                                 | -                           | 250,000                                 |
| Contingency                           | 949,440                                  | -                                 | (22,950)                    | 926,490                                 |
| Capital Improvements                  | 5,141,327                                | -                                 | 352,800                     | 5,494,127                               |
| Total Appropriations                  | \$ 68,085,555                            | \$ 116,565                        | \$ 1,516,612                | \$ 69,602,167                           |
| <b><u>OTHER FINANCING SOURCES</u></b> |  |                                   |                             |   |
| Debt Service                          | \$ 4,021,368                             | \$ -                              | \$ -                        | \$ 4,021,368                            |
| Transfers to Other Funds              | 1,692,772                                | -                                 | 590,661                     | 2,283,433                               |
|                                       | <b>\$ 5,714,140</b>                      | <b>\$ -</b>                       | <b>\$ 590,661</b>           | <b>\$ 6,304,801</b>                     |
| <b>TOTAL APPROPRIATIONS</b>           | <b>\$ 73,799,695</b>                     | <b>\$ 116,565</b>                 | <b>\$ 2,107,273</b>         | <b>\$ 75,906,968</b>                    |

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

|                                  | <b>ORIGINAL<br/>2010-2011<br/>BUDGET</b> |            | <b>#5<br/>Amended<br/>12/6/10</b> | <b>Total<br/>Amendments</b> |           | <b>Amended<br/>2010-2011<br/>Budget</b> |
|----------------------------------|--|------------|-----------------------------------|-----------------------------|-----------|---|
| <b><u>ESTIMATED REVENUES</u></b> |  |            |                                   |                             |           |   |
| Utility Fee                      | \$ 2,942,000                             |            | \$ -                              | \$ -                        | \$        | 2,942,000                               |
| Interest on Investments          | 60,616                                   |            | -                                 | -                           |           | 60,616                                  |
| Appropriated Fund Balance        | 1,730,840                                | <b>B,C</b> | 429,342                           | 571,674                     |           | 2,302,514                               |
| <b>TOTAL REVENUES</b>            | <b>\$ 4,733,456</b>                      |            | <b>\$ 429,342</b>                 | <b>\$ 571,674</b>           | <b>\$</b> | <b>5,305,130</b>                        |
| <b><u>APPROPRIATIONS</u></b>     |  |            |                                   |                             |           |   |
| Debt Service Fund                | \$ 4,733,456                             | <b>B,C</b> | \$ 429,342                        | \$ 571,674                  | \$        | 5,305,130                               |
| Total Expenditures               | \$ 4,733,456                             |            | \$ 429,342                        | \$ 571,674                  | \$        | 5,305,130                               |
| <b>TOTAL APPROPRIATIONS</b>      | <b>\$ 4,733,456</b>                      |            | <b>\$ 429,342</b>                 | <b>\$ 571,674</b>           | <b>\$</b> | <b>5,305,130</b>                        |

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

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

Adopted this 6th day of December, 2010

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

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

#872820



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Ordinance amending *Horizons Plan 2009-2010 Update*: Planning and Zoning Commission recommended change to the Future Land Use Plan Map, Area of Interest 6 located on SW Greenville Boulevard

**Explanation:** On September 20, 2010, the City Council continued its consideration of the Planning and Zoning Commission's recommended change to the Future Land Use Plan Map Area of Interest 6 to the November 8, 2010, City Council meeting. The City Council approved continuing its consideration of this item at the November 8, 2010 City Council meeting until the December 9, 2010, City Council meeting. The continuances were intended to afford additional time for interested persons to evaluate the proposed recommended changes and to determine available options.

The public hearing on this issue was held on September 20, 2010, as part of the *Horizons Plan 2009-2010 Update*, and no additional public hearing is required.

**Fiscal Note:** No direct cost to the City.

**Recommendation:** The Planning and Zoning Commission recommends the Future Land Use Plan Map be amended to reflect the changes to Area of Interest 6 as illustrated in the *Horizons: Greenville's Community Plan 2009-2010 Update*.

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**Attachments / click to download**

- [Horizons Plan Update amendment ordinance 878017](#)
- [Horizons update excerpt PZ minutes Apr20 2010 Area6 879635](#)

ORDINANCE NO. 10-95  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on September 20, 2010 at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending Horizons: Greenville's Community Plan;

WHEREAS, the Horizons: Greenville's Community Plan was adopted on January 9, 1992 by the Greenville City Council per Ordinance 2412; and

WHEREAS, the Horizons: Greenville's Community Plan will from time to time be amended and portions of its text clarified by the City Council; and

WHEREAS, Future Land Use Plans are to be prepared to expand and clarify portions of the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 97-73 adopted the Greenville Future Land Use Plan Map and associated text dated June 4, 1997, as amended, as an amendment to the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 04-10 amended the Horizons: Greenville's Community Plan and Future Land Use Plan Map pursuant to the 2004 Update; and

WHEREAS, the Horizons: Greenville's Community Plan 2009-2010 Update, as amended was adopted on September 20, 2010 by the Greenville City Council per Ordinance No. 10-78; and

WHEREAS, consideration of portions of the Horizons: Greenville's Community Plan 2009-2010 Update, dated September 20, 2010 was continued to the November 8, 2010 City Council meeting; and

WHEREAS, the Planning and Zoning Commission and the City Council have reviewed the Horizons: Greenville's Community Plan and the Future Land Use Plan Map and a public hearing has been held to solicit public comment.

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

Section 1. The Horizons: Greenville's Community Plan 2009-2010 Update dated September 20, 2010, as amended by City Council on September 20, 2010 is hereby amended to

incorporate by reference the recommended change to the Future land Use Plan Map as described under Horizons: Greenville's Community Plan 2009-2010 Update dated September 20, 2010, "Future land use Plan Map: Recommended Changes, Section 2 Areas of Interest, Table X, entitled Area 6", located on SW Greenville Boulevard.

Section 2. That the Director of Community Development is directed to amend the Horizons: Greenville's Community Plan Future Land Use Plan Map in accordance with the subject Future Land Use Plan Map recommended changes in the Horizons: Greenville's Community Plan 2009-2010 Update dated September 20, 2010.

Section 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 6<sup>th</sup> day of December, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

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

DRAFT (EXCERPT)

# Horizons: Greenville's Community Plan 2009 - 2010 Update: Final Report



**Community Development Department,  
Planning Division  
November 8, 2010**

# FUTURE LAND USE PLAN MAP: RECOMMENDED CHANGES

## 1 Purpose

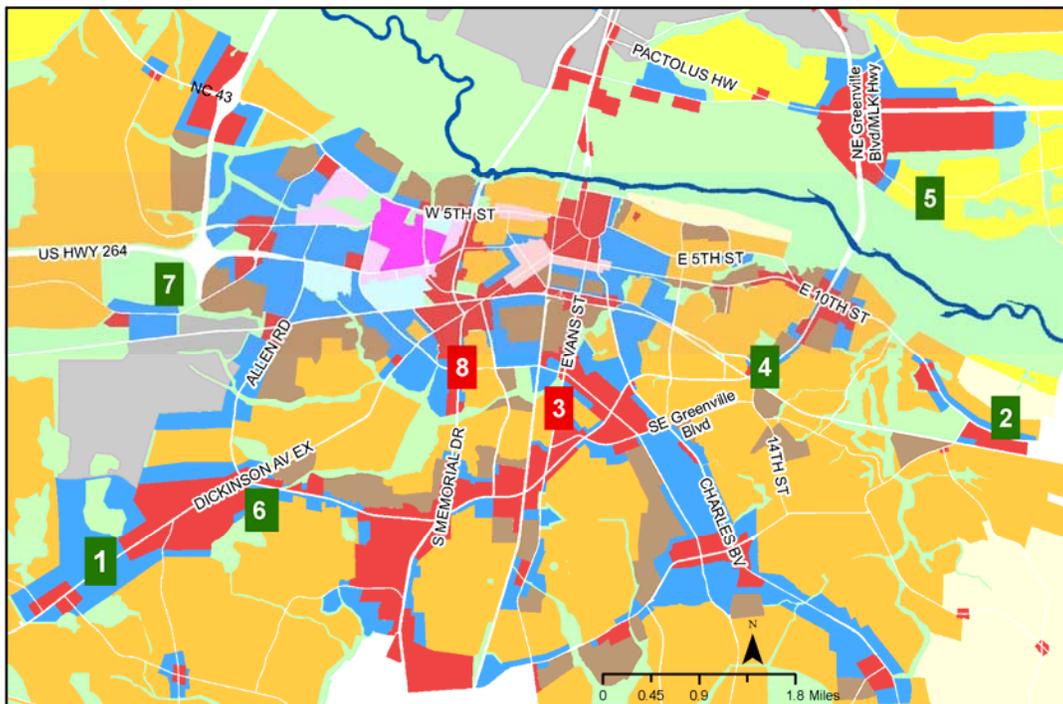
The previous section of this report summarized the City-initiated and private requests to change the Future Land Use Plan Map (FLUPM) since 2004. Private land owners or their representatives can formally petition the City of Greenville to amend the FLUPM for those areas directly affecting their properties. That option will continue to be available going forward.

*Any time* that the planning staff, commissioners, and council members are asked to evaluate the appropriateness of possible FLUPM changes, the subject areas are analyzed with respect to a range of comprehensive planning considerations—including potential impacts on transportation corridors, focus areas, and residential neighborhoods. The five year review process is not a departure from the City's ongoing planning efforts. However, the data and analyses generated by the process presents an advanced opportunity for the community to evaluate multiple future urban growth corridors or areas in the city, and then make targeted changes to the Future Land Use Plan Map, as necessary.

## 2 Areas of Interest

As part the five year review process, the Planning and Zoning Commission invited members of the public to suggest “areas of interest” within the City's planning jurisdiction that the commission might study to determine whether it would be appropriate to amend the Future Land Use Plan Map for those areas. The public had multiple opportunities to make such requests between November 2009 and April 2010.

In response to those requests, the commission agreed to evaluate **eight (8) areas of interest**. The areas are well distributed throughout the city; however, they tend to be located along current or future (anticipated) major growth corridors including E. 10<sup>th</sup> Street, Hwy 264, Greenville Boulevard, and Dickinson Avenue Extension:



The Planning and Zoning Commission held four public hearings between February 3, 2010 and April 20, 2020 to evaluate the areas of interest and consider making recommendations to amend the FLUPM:

Table X: Areas of Interest

| Area | Location                       | Meeting                                       | From                | To   | P&Z recommendation  |
|------|--------------------------------|---|---------------------|------|---|
| 1    | Hwy-13 Dickinson Ave Ext.      | February 3 - workshop                         | OIMF                | C    | Change to C (primary & additional areas)                    |
| 2    | Hwy 33/E. 10th Street          | February 3 - workshop (cont.);<br>February 16 | OIMF                | C    | Change to C (primary area)                                  |
| 3    | Evans Street                   | February 3 - workshop                         | MDR                 | OIMF | No change   |
| 4    | SE Greenville Blvd/14th Street | March 16                                      | OIMF                | C    | Change to C (7 parcels)                                     |
| 5    | Old Pactolus Rd                | March 16 (cont.);<br>April 20                 | C/OS, VLDR,<br>OIMF | C    | Change to C (all of primary area)                           |
| 6    | SW Greenville Blvd             | April 20                                      | OIMF/MDR/COS        | C    | Change portion to C, as per staff recommended configuration |
| 7    | Hwy-264/Old Stantonsburg       | April 21                                      | COS/OIMF            | C    | Change to C (primary area)                                  |
| 8    | S. Memorial Drive              | April 22                                      | OIMF                | C    | No change   |

After evaluating all of the areas of interest, the Planning and Zoning Commission voted to recommend changes to the Future Land Use Plan Map for areas 1, 2, 4, 5, 6, and 7 (black font) and voted not to recommend any changes for areas 3 and 8 (red font). The six recommended changes to the FLUPM are summarized in the remainder of this section.<sup>1</sup>

### 3 Recommended Changes

The Planning and Zoning Commission recommended to the Greenville City Council that the Future Land Use Plan Map be amended to reflect six (6) changes. The City Council held a public hearing on September 20, 2010 to discuss the Planning and Zoning Commission's recommendations to amend the Horizons plan and voted to include four of the six FLUPM recommended changes. The City Council voted to continue the Planning and Zoning Commission's recommendation for Area 6 to the November 8, 2010 City Council meeting (the item was subsequently continued to the December 9, 2010 City Council meeting) and eliminate the recommendation for Area 4, as part of the final version of the Horizons: Greenville's Community Plan 2009 – 2010 Update. The four changes to the Future Land Use Plan Map that the City Council decided to include in this plan, and the continued item (Area 6), are described in the remainder of this section.

Each recommendation in this section includes side-by-side "before" and "after" maps illustrating the relevant sections of the Current Future Land Use Plan Map (on the left) and Proposed Future Land Use Plan Map (on the right). The black lines represent the areas that the Planning and Zoning Commission studied prior to making their recommendations. The solid lines correspond to the primary areas that were

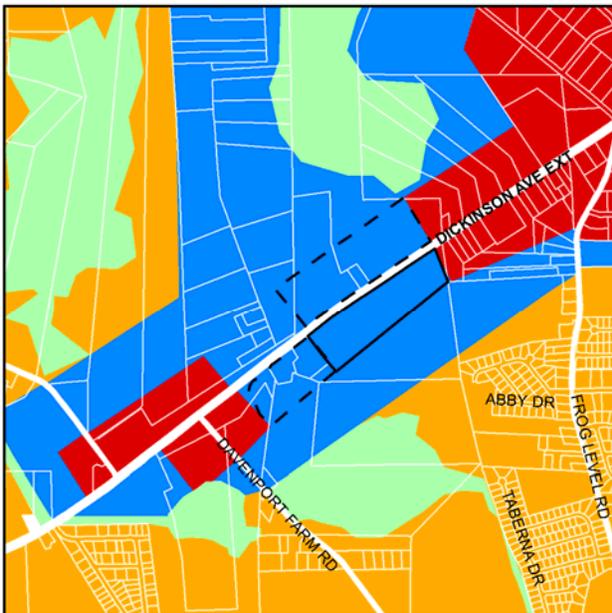
<sup>1</sup> For a detailed review of the staff analyses and Planning and Zoning Commission's discussions and votes for each of the areas of interest, see the public record: Planning and Zoning Commission agendas and minutes, which are available on the City of Greenville, Community Development Department website, [http://www.greenvillenc.gov/departments/community\\_development/information/default.aspx?id=1067](http://www.greenvillenc.gov/departments/community_development/information/default.aspx?id=1067). At the conclusion of all P&Z discussions and votes pertaining to the 2009 – 2010 Comprehensive Plan Review Report, copies of the relevant P&Z agendas and minutes will be included in Appendix A, 5 -Year Comprehensive Plan Review Public Forum Process and Outline, along with other materials documenting the public process involved in the five year review.

under consideration, or those areas of which interested parties asked the Planning and Zoning Commission to consider. The dotted lines on the “before” and “after” maps correspond to the additional areas under consideration. The “additional areas” were specifically highlighted by the City’s planning staff to take into consideration potential impacts from FLUPM changes on adjacent, similarly-situated areas. The planning staff was not necessarily (or even typically) recommending any changes within the additional areas (or within the primary areas, for that matter) and no property owners requested that the Planning and Zoning Commission evaluate the additional areas (dotted lines), only the primary areas (solid lines).

### Area 1 - Highway 13/Dickinson Avenue Ext./SW Bypass

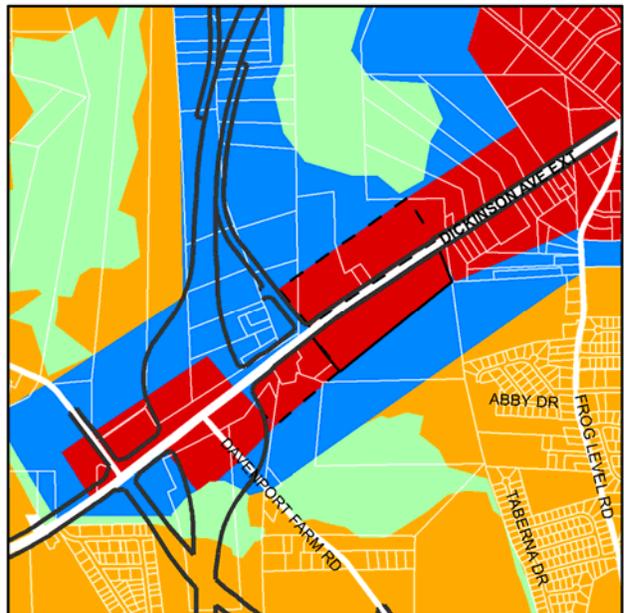
#### **Current Future Land Use Plan Map**

- Office Institutional Multifamily (blue) recommended for both sides of Dickinson Ave Ext corridor, between two commercial focus areas



#### **Proposed Future Land Use Plan Map**

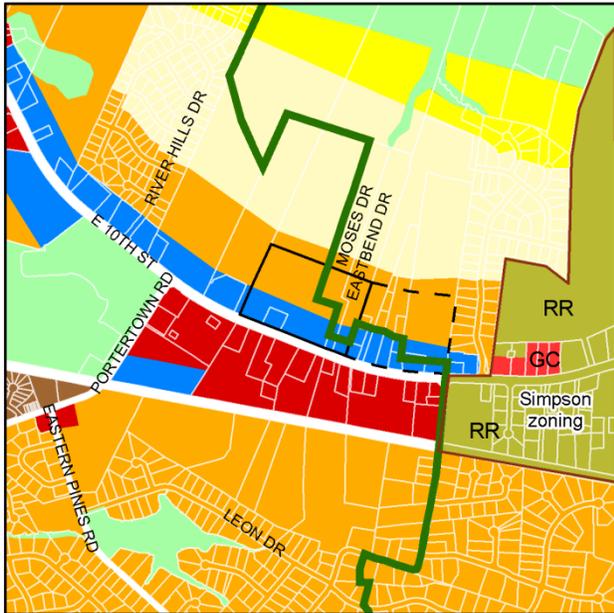
- Amend FLUPM to recommend additional commercial (red) on both sides of Dickinson Ave Ext to replace commercial lost to SW Bypass corridor (outlined in dark gray below)



## Area 2 - Highway 33/East 10<sup>th</sup> Street Extension

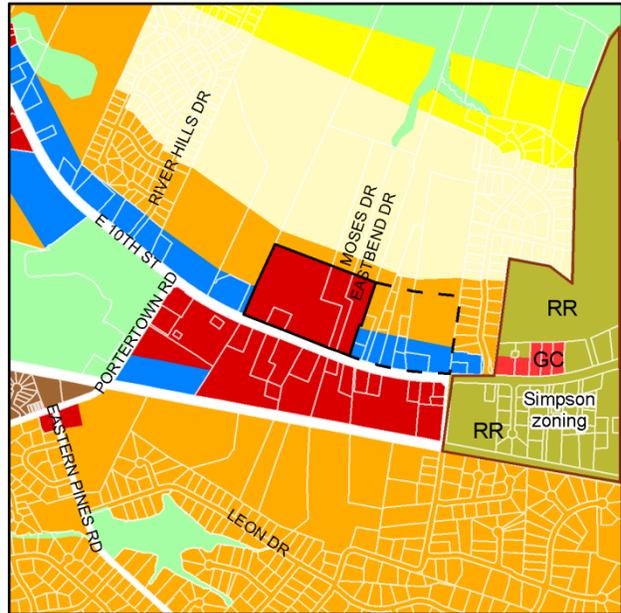
### Current Future Land Use Plan Map

- OIMF (blue) and MDR (orange) recommended for north side of E 10<sup>th</sup> St corridor



### Proposed Future Land Use Plan Map

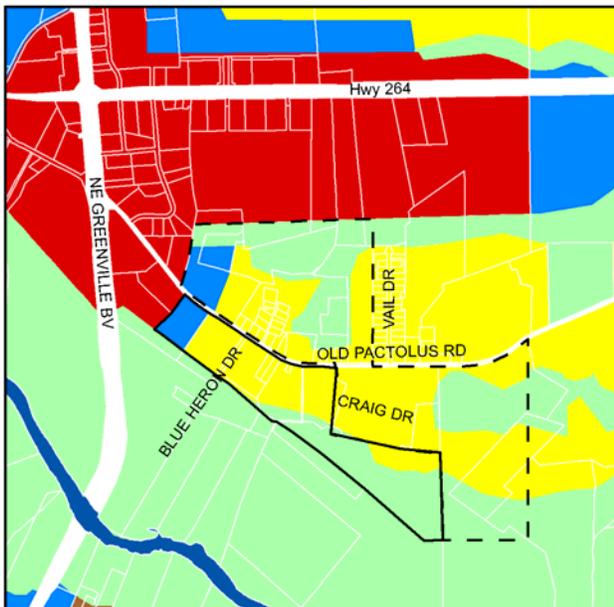
- Amend FLUPM to recommend additional commercial (red) on the north side of E 10<sup>th</sup> St



## Area 5 - Old Pactolus Road

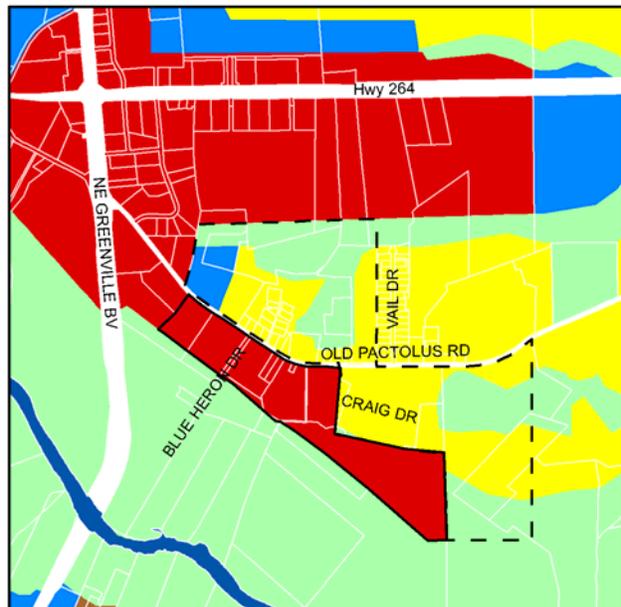
### Current Future Land Use Plan Map

- OIMF (blue), Low Density Residential (yellow), and Conservation/Open Space (green) recommended for both sides of Old Pactolus Rd.



### Proposed Future Land Use Plan Map

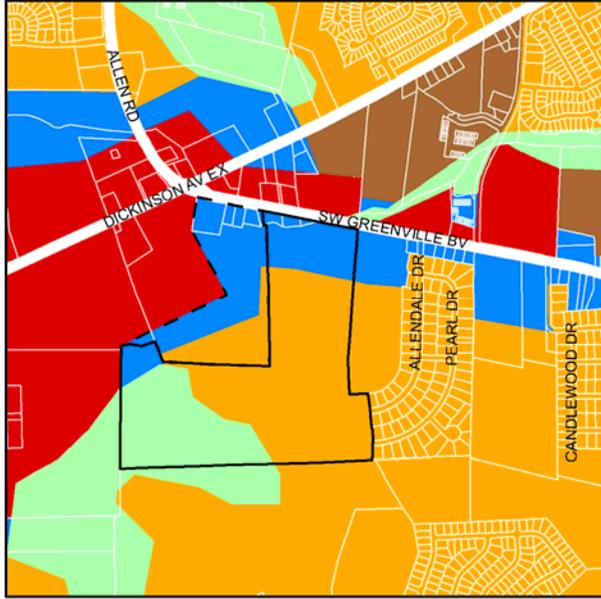
- Amend FLUPM to recommend commercial (red) on south side of Old Pactolus Rd., with expectation that additional commercial in area would have potential to support only lower intensity uses (e.g., outdoor commercial recreation)



**Area 6 – SW Greenville Boulevard**

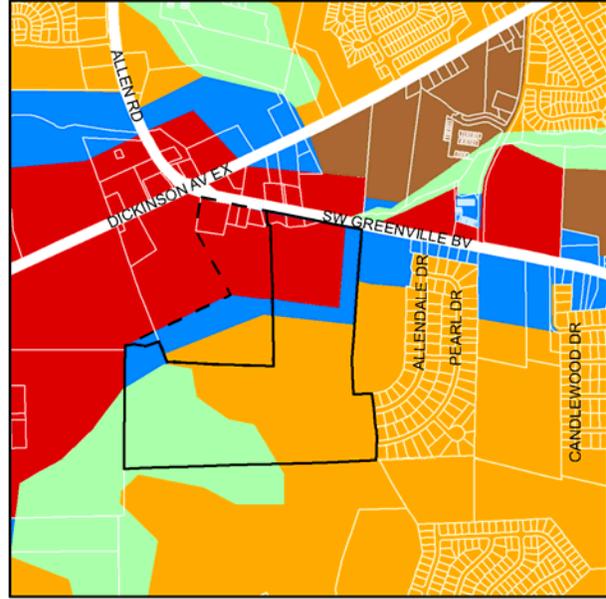
**Current Future Land Use Plan Map**

- OIMF (blue), Medium Density Residential (orange), & Conservation/Open Space (green) recommended on south side of SW Greenville Blvd corridor



**Proposed Future Land Use Plan Map**

- Amend FLUPM to recommend additional commercial (red) along the corridor, with OIMF buffer/transition adjusted accordingly



**Area 7 – Highway 264/Martin Luther King, Jr. Hwy/Old Stantonsburg Road**

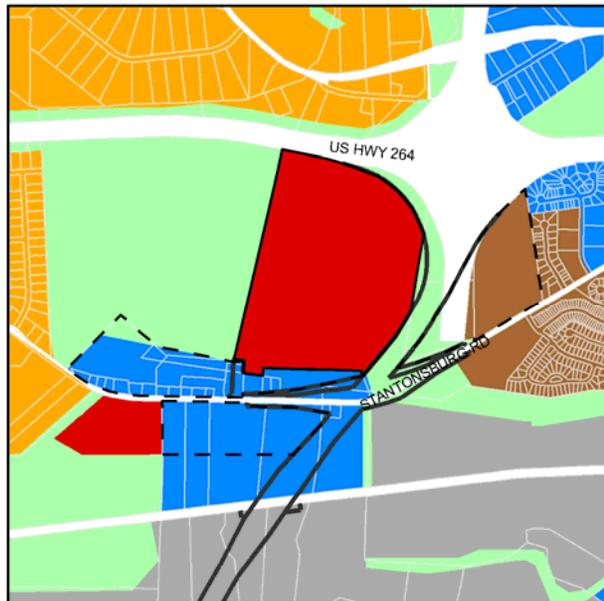
**Current Future Land Use Plan Map**

- C/OS (green) and limited OIMF (blue) recommended for primary area; OIMF recommended for north side of Old Stantonsburg Rd. corridor

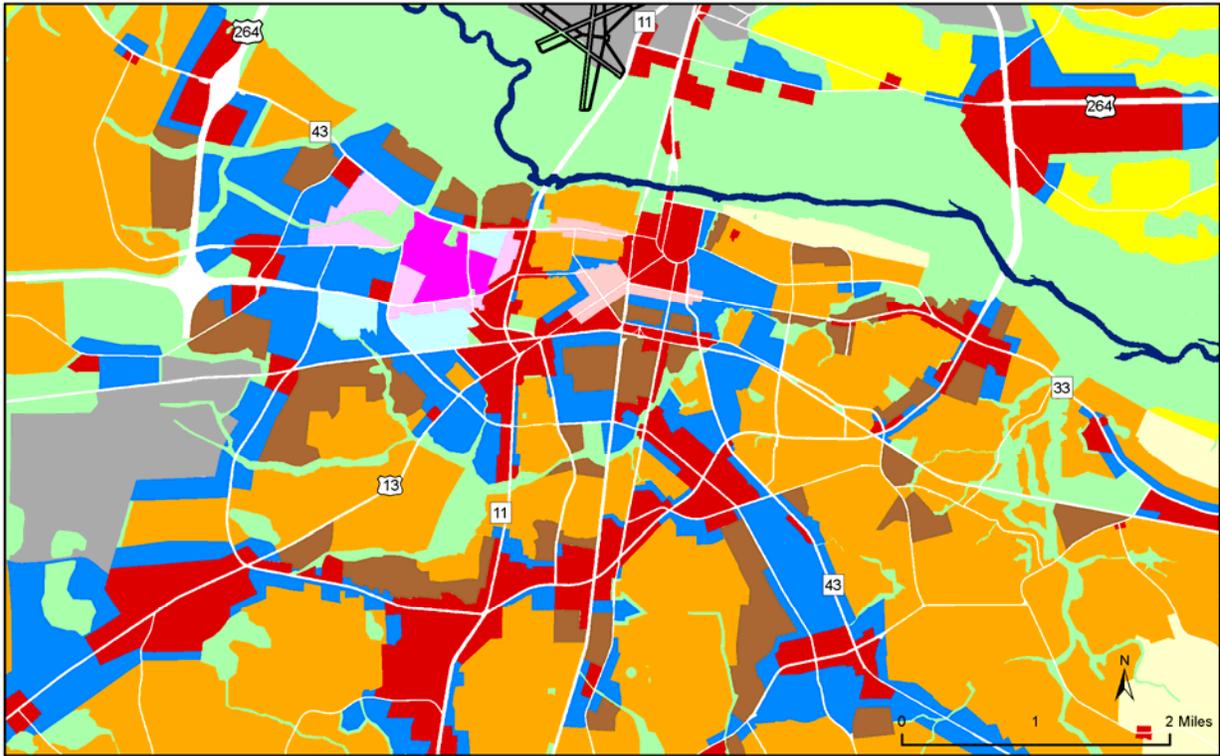


**Proposed Future Land Use Plan Map**

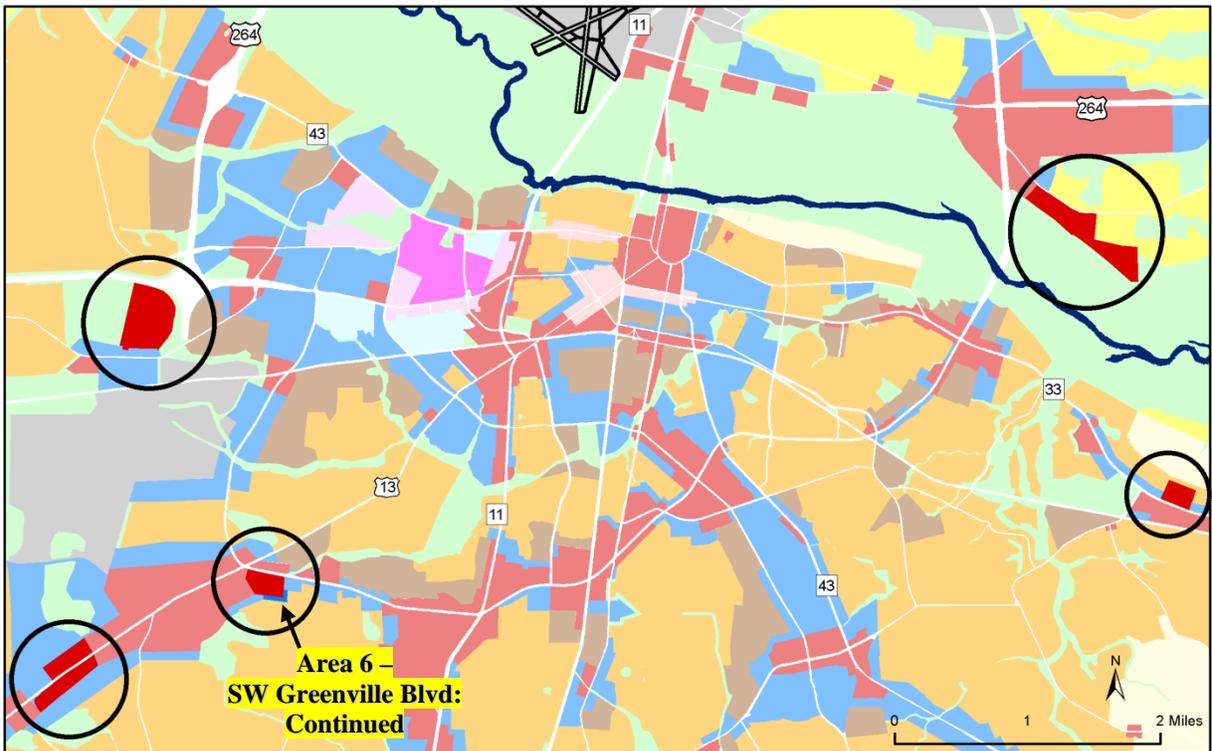
- Amend FLUPM to recommend commercial (red) in primary area, with expectation that it would have potential to support only lower intensity uses



### Current Future Land Use Plan Map



### Proposed Future Land Use Plan Map: All Recommended Changes (circled and in bold colors)



## **Excerpt from the April 20, 2010 Planning and Zoning Commission meeting minutes**

### *Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #6 – SW Greenville Boulevard*

Mr. Wisemiller stated the primary area is on the south side of SW Greenville Boulevard and contains approximately 84.5+/- acres with the additional area including the Greenville Christian Academy and another adjacent area near the corner of SW Greenville Boulevard and Dickinson Ave Ext. (total 48.1+/- acres). He said in 1995 there was a request to rezone 32.6 acres of the primary area from RA20 to O&I, CS and R-6 that was denied. The property is located in Vision Area E of the Comprehensive Plan. SW Greenville Boulevard is a connector corridor and a major thoroughfare. On the south side of SW Greenville Boulevard the FLUPM recommends an OIMF transitional/buffer.

Mr. Wisemiller said the primary area also includes MDR and C/OS. There are two regional focus areas. He said the purpose of the OIMF belt on the south side of SW Greenville Boulevard is for transition of uses, infrastructure management and to minimize “strip” commercial development. Mr. Wisemiller said staff has not identified changed conditions that have impacted the primary area in a manner or to a degree not previously anticipated at the time of adoption of the current FLUPM; therefore, no change appears to be warranted. He said proposed changes to the FLUPM should also meet other consideration criteria. If P&Z recommends that the FLUPM be amended to include commercial in the primary area, staff recommends that any such changes correspond to include a connection to the regional focus area at SW Greenville Boulevard and Dickinson Avenue Extension. The new configuration should include OIMF transitions, as necessary, long-term strategy for managing commercial development in a regional focus area, preservation of the remaining OIMF “belt” on SW Greenville Boulevard, moderately reduced in scope, and should limit “strip” commercial development.

Mr. Randall asked why the church wouldn't serve as the transition from commercial since it is zoned OIMF.

Mr. Wisemiller said it would but you would still want to have some buffer between the commercial on the corridor and the church property.

Mr. Hamilton said the applicant had presented that as a part of their request.

Mr. Jon Day spoke in favor of the request on behalf of the applicant. He said the concerns in the past over rezoning this property dealt with the multi-family component of the request. He said this request was to extend the existing commercial shown on the land use plan. He said they proposed to leave an OR buffer to buffer the commercial from the adjacent church and the medium density residential located to the south. Mr. Day said they had discussed the request with a number of property owners that were in support of the request. He said residents of the Red Oak subdivision were concerned with OR or multi-family zoning adjacent to the neighborhood.

Mr. John Moyer, Jr. spoke in favor of the request. He said he felt these changes would benefit the property as well as the area.

Ms. Rich asked what they planned to develop there.

Mr. Moyer said they didn't have a plan at this time, but they anticipated some type of shopping center.

Mr. Reggie Outerbridge, president of the Red Oak Subdivision, spoke in opposition to the request. He said they were concerned with what would be placed in the area because it could be many things if the

property is rezoned to commercial. He said traffic was already an issue in the area and this could make it worse.

Mr. Ed Tilley, resident of the Red Oak Subdivision, spoke in opposition to the request. He said he was part of the opposition for the multi-family request several years ago. He was concerned with the connectivity of the streets into Red Oak Subdivision.

Mr. Jon Day spoke in favor in rebuttal. He said when they met with the residents of Red Oak they didn't know what would be proposed. He said he explained it would more than likely be a mixture of tenants that would meet their retail needs. He said there was an opportunity to have some interconnectivity around the church, alleviating some of the traffic problems.

Ms. Lillian Outerbridge of the Red Oak Subdivision spoke in opposition in rebuttal. She said she was happy to be able to communicate with Mr. Moye and Mr. Day; however she still has concerns because they haven't been told "what" or "how" any of this would be done.

Motion was made by Mr. Ramey, seconded by Mr. Randall to approve the area as recommended by staff. All but Mr. Parker and Mr. Maxwell voted in favor. Motion carried.

Respectfully submitted,  
Merrill Flood  
Secretary



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

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**Title of Item:** Presentations by boards and commissions

- a. Firefighters' Relief Fund Committee
- b. Investment Advisory Committee
- c. Greenville Bicycle and Pedestrian Commission

**Explanation:** The Firefighters' Relief Fund Committee, Investment Advisory Committee, and Greenville Bicycle and Pedestrian Commission will make their annual presentations to City Council at the December 6, 2010 meeting.

**Fiscal Note:** N/A

**Recommendation:** For information only; no action recommended

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# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Progress update on the Greenville Urban Area Metropolitan Planning Organization Bicycle and Pedestrian Master Plan

**Explanation:** The Greenville Urban Area Metropolitan Planning Organization (MPO) is developing a Comprehensive Bicycle and Pedestrian Plan for the entire MPO region. To aid in that goal, on August 9, 2010, City Council awarded a contract to Greenway's Inc. to develop the plan. Greenway's Inc. is a consultant who specializes in the preparation of such plans. One of the MPO's goals is the creation of a more pedestrian and bicycle-friendly community through a combination of facilities, programs, and policies that address connectivity and safety. Goals include safety, connectivity, education, enforcement, and recreation. The plan will address multi-modal transportation, community health and wellness, and recreation needs.

The purpose of this presentation is to update Council on the progress of the master planning effort. At the time of this presentation, the master plan is approximately 90% complete, and is anticipated to be presented for adoption in February 2011.

Daryl Vreeland, the City's and the Greenville Urban Area MPO's Transportation Planner, and the project consultants will update City Council on the planning process and the results to date.

**Fiscal Note:** The study is funded through MPO planning dollars. The MPO provides 80% of the funds, through reimbursement, for transportation planning studies that are part of the MPO's approved Planning Work Program. The 20% local match for this study is shared among MPO member jurisdictions. Greenville's net cost share for the master plan development will not exceed \$17,850.44 and was included in the current Capital Improvement Program.

**Recommendation:** Receive a presentation from the consultant developing the Bicycle and Pedestrian Master Plan.

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# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

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

**Explanation:** Staff presented to City Council at their November 8, 2010 meeting a follow-up report on stream bank erosion. This report included ranking ten restoration projects (18 locations) and providing cost estimates. The proposed ranking system resulted in the stream running parallel to Nichols Drive in the Eastwood Subdivision (201 Kent Road, 103 Nichols Drive, and 99 Nichols Drive) being the highest priority project for restoration. In contrast, the project that ranked the lowest is the stream running through Woodridge Park off of Allen Road (967 Woodridge Park). The cost of the projects ranged between \$115,865 and \$1,099,195. These estimates were based on a number of assumptions identified during the presentation.

Staff utilized a cost/benefit analysis to determine how bank stabilization projects and stream restoration projects would compare and rank against each other. This resulted in several bank stabilization projects being delayed until funding for restoration projects is acquired. This delay could potentially cause bank stabilization projects to become stream restoration projects. Based on this possibility and other issues discussed during the presentation, staff does not believe it is appropriate to merge stabilization and restoration projects into one prioritization system.

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

City Council's guidance was to develop a program that will address both stabilization and restoration independently. In addition, City Council directed staff to identify several cost share options for the Stream Bank Stabilization Program and analyze the budgetary impacts. Staff looked at the following

funding combinations for the Stream Bank Stabilization Program:

|      |      |         |     |
|------|------|---------|-----|
| CITY | 100% | CITIZEN | 0%  |
| CITY | 90%  | CITIZEN | 10% |
| CITY | 80%  | CITIZEN | 20% |
| CITY | 70%  | CITIZEN | 30% |

Each option was analyzed with a maximum participation by the City of \$20,000/property, \$30,000/100LF, and no maximum. This analysis had 12 different scenarios. The scenario with the lowest cost to the City is the 70/30 cost share with a \$20,000/property maximum participation by the City. The scenario with the highest cost to the City is the 100% funding by the City with no maximum. All options will be presented during the City Council meeting. If City Council adopts any of the options, after paying for operating costs and debt service, staff projects that the Stormwater Utility Fund beginning in FY 2013-14 will no longer generate sufficient funds for capital projects other than bank stabilization and stream restoration on private properties. This will result in the delay of programmed capital improvement projects. A list of the currently planned capital improvement projects is attached.

**Fiscal Note:**

The Stream Bank Stabilization Program is proposed to be funded through the Stormwater Utility. Staff believes based on the criteria discussed at the June 7, 2010 Council meeting, approximately 6 projects will qualify annually.

The Stream Restoration Program is proposed to be funded by the Stormwater Utility and grants.

The projects scheduled for FY 2010-11, FY 2011-12, and FY 2012-13 would not be impacted by establishing these programs. However, stormwater fund balance will be exhausted during FY 2013-14 resulting in several projects identified in the CIP being unmet. Either bonds will have to be acquired or a stormwater fee increase be approved if the City wants to prevent projects from being stretched out over several years.

During the presentation, Public Works staff will update the City Council on options for stormwater utility fee increases and the impacts of the various options on operations and capital improvement projects.

**Recommendation:**

Receive staff's report and provide policy guidance on the preferred program to address erosion of stream banks located on private properties.

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 [Planned Capital Projects](#)

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## CURRENT CIP STATUS

|  | FY 10-11       | FY11-12        | FY 12-13       | FY 13-14       | FY 14-15        |
|--|----------------|----------------|----------------|----------------|-----------------|
|  | AS OF 10/7/10  |                |                |                |                 |
| FUND BALANCE                                     | \$3,115,644.00 | \$1,718,281.20 | \$1,564,883.75 | \$780,821.30   | -\$717,045.63   |
| REVENUE  | \$2,942,000.00 | \$2,951,000.00 | \$2,960,027.53 | \$2,969,082.68 | \$2,978,165.53  |
| OPERATIONAL EXPENSES                             | \$2,357,572.00 | \$2,427,855.00 | \$2,500,233.25 | \$2,574,769.21 | \$2,651,527.21  |
| OPERATIONAL RESERVE                              | \$353,635.80   | \$10,542.45    | \$10,856.74    | \$11,180.39    | \$11,513.70     |
| MEETINGHOUSE BRANCH                              | \$0.00         |                |                |                |                 |
| SKINNER / HOWELL                                 | \$274,900.00   |                |                |                |                 |
| EASTWOOD CONSTRUCTION                            | \$685,000.00   |                |                |                |                 |
| LYNNDALE CONSTRUCTION (PHASE I-Queen Anne pipes) | \$300,000.00   |                |                |                |                 |
| MASTER PLANS                                     | \$368,255.00   |                |                |                |                 |
| LAKWOOD CONSTRUCTION                             |                | \$450,000.00   |                |                |                 |
| LYNNDALE DESIGN (PHASE II)                       |                | \$0.00         |                |                |                 |
| MOYEWOOD RETROFIT DESIGN                         |                | \$16,000.00    |                |                |                 |
| MOYEWOOD RETROFIT CONSTRUCTION                   |                | \$200,000.00   |                |                |                 |
| MASTER PLANS                                     |                |                | \$800,000.00   |                |                 |
| LYNNDALE CONSTRUCTION (PHASE II)                 |                |                | \$0.00         |                |                 |
| SAND, SALT AND EQUIP. STORAGE BUILDING           |                |                | \$400,000.00   |                |                 |
| GREENSPRINGS PARK RETROFIT DESIGN                |                |                | \$33,000.00    |                |                 |
| MASTER PLANS                                     |                |                |                | \$800,000.00   |                 |
| LYNNDALE DESIGN (PHASE III)                      |                |                |                | \$0.00         |                 |
| HAW DRIVE DESIGN AND CONSTRUCTION                |                |                |                | \$700,000.00   |                 |
| GREENSPRINGS PARK RETROFIT CONSTRUCTION          |                |                |                | \$381,000.00   |                 |
| MASTER PLANS                                     |                |                |                |                | \$800,000.00    |
| LYNNDALE CONSTRUCTION (PHASE III)                |                |                |                |                | \$0.00          |
|  |                |                |                |                |                 |
|  |                |                |                |                |                 |
|  |                |                |                |                |                 |
|  |                |                |                |                |                 |
| REMAINING FUND BALANCE                           | \$1,718,281.20 | \$1,564,883.75 | \$780,821.30   | -\$717,045.63  | -\$1,201,921.00 |

WITH THE EXCEPTION OF REPAIR/REPLACE OF THE MAIN OUTFALL (PHASE I - QUEEN ANNE PIPES) FROM LYNNDALE NIEGHBORHOOD THIS PROJECT HAS BEEN PLACED ON HOLD. STAFF WOULD LIKE TO WITNESS HOW THE CURRENT SYSTEM WORKS UNDER SEVERAL DIFFERENT STORM EVENTS. RECENT IMPROVEMENTS TO THE SYSTEM THROUGH THE CHURCH PROPERTY AND TO THE OUTFALL DITCH HAVE PROVEN SUCCESSFUL IN HANDLING THE RECENT FLOODING EVENTS. AS A RESULT THE FUTURE PROJECTS HAVE BEEN ZERO'D OUT.



# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** Railroad crossing agreement with CSX Transportation, Inc. for Thomas Langston Road Extension

**Explanation:** On June 6, 2010, the City Council approved a Municipal and Crossing Closures Agreement with the North Carolina Department of Transportation and three railroads including CSX Transportation, Inc. (CSX). This comprehensive agreement approved several projects including a new street crossing of the CSX railroad line at the location of the new Thomas Langston Road Extension between Memorial Drive and Evans Street in exchange for the City closing three existing street crossings on the CSX line. Section 1 of the Municipal and Crossing Closures Agreement also requires that a separate agreement between the City and CSX be executed describing the specific work involved prior to commencement of the Thomas Langston Road Extension crossing. The proposed site specific agreement being prepared by CSX was not available by the agenda deadline. The proposed agreement will be provided prior to City Council taking action.

**Fiscal Note:** Funds for construction of the Thomas Langston Road Extension were included in the general obligation bonds approved in November 2004.

**Recommendation:** Approve the railroad crossing agreement with CSX Transportation, Inc. for Thomas Langston Road Extension.

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# City of Greenville, North Carolina

Meeting Date: 12/6/2010  
Time: 6:00 PM

**Title of Item:** 2010-2011 Capital Reserve Fund calculation and designations

**Explanation:** Attached is a computation illustrating the General Fund monies available for the annual capital reserve transfer process. Historically, the City Council considers annually following completion of the audit a recommendation to transfer unrestricted and undesignated General Fund balance monies along with recommended capital improvement designations. Because of the continued economic recession, the City Manager recommends that there be no designation of a fund balance transfer for unfunded capital projects this year. That recommendation is consistent with the City Manager's recommendation last year.

Using the June 30, 2010, audit results, the attached report shows \$2,815,546 available General Fund monies that could be used for operating and/ or capital improvement needs. Additionally, there are Capital Reserve Fund interest earnings in the amount of \$51,280.

The following documents are attached:

1. Computation of General Fund Monies Available for Transfer to Capital Reserve – This report was done based on the amount of unreserved/undesignated General Fund balance monies in excess of the 14% reserve requirement established by City Council policy and the approved 2010-2011 General Fund budget expenditures, excluding Powell Bill (gas tax) funds. This amount is the starting point for calculating the available General Fund monies that can be used for operating and/or capital improvement needs. Under ordinary budget conditions, staff recommends transferring the adjusted amount of available funds to the Capital Reserve Fund. The amount of General Fund monies available for transfer to the Capital Reserve Fund has been reduced by the fiscal year 2010/2011 General Fund budget amendments approved through October 2010.
2. Capital Reserve Fund - Detail of Changes in Designations – This report shows the Capital Reserve Fund with the capital project designations the City Council

approved on November 9, 2009, and the project budget changes over the past 12 months. The City Manager does not propose the addition of any new capital projects. Therefore, there is a total of \$2,815,546 and another \$51,280 from Capital Reserve earned interest income that is available for operating and/or capital reserve needs or to address potential 2010-2011 budget revenue shortfalls and/ or other capital projects identified during the 2011-2012 budget process.

**Fiscal Note:**

The calculated transfer from the General Fund into the Capital Reserve is \$2,815,546 and the unallocated Capital Reserve earned interest is \$51,280 (Total = \$2,866,826).

**Recommendation:**

Approve the attached updated Capital Reserve Fund designations for 2010-2011 that includes no new designations.

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 [Capital Reserve Update Caculation 652347](#)

 [Capital Reserve Designations 606168](#)

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**Computation of General Fund Monies Available for Transfer to Capital Reserve  
Fiscal Year 2010-2011**

| 2010-2011**<br>General Fund<br>Budget | Percent | Total<br>Balance<br>Required | Unreserved*<br>Undesignated<br>Fund Balance | Amount Available<br>For<br>Transfer |
|---------------------------------------|---------|------------------------------|---|-------------------------------------|
| 69,541,514                            | 14%     | 9,735,812                    | 13,364,965                                  | 3,629,153                           |

\$ **3,629,153** Amount Available for Transfer to Capital Reserve Fund

(813,607) Budget Ordinance Amendments (2010/2011), including  
November 2010 Meeting

\$ 2,815,546 Amount Available for Operating and Capital Improvement Needs

51,280 Capital Reserve Interest (Unallocated)

\$ 2,866,826 Total Unallocated Funds that May Be Used for CIP

\* 2009-2010 Audit, Exhibit C

\*\* Excluding Powell Bill (gas tax) funds



**Budget Ordinances Impacting Fund Balance**  
**Fiscal Year 2010-2011**  
**City of Greenville**

**Note:** The following information details the amendments to appropriated fund balance for fiscal year 2010-2011

|                  |  |  |
|------------------|--|--|
| <b>August</b>    | 25,368                                   | Carryover unused funds for Dropout Prevention Continuation Grant                       |
|                  | 13,500                                   | To allocated unused funds for the forestry grant from FY 2010                          |
|                  | <u>442,460</u>                           | Pay off the debt of Bradford Creek Golf Course   |
|                  | <u>481,328</u>                           |  |
| <b>September</b> | 73,201                                   | Unused funds transferred into Vehicle Replacement Fund for future replacement vehicles |
|                  | 223,971                                  | To complete construction of an elevation and fire escape at Lessie Bass Center         |
|                  | <b>subtotal</b> <u>297,172</u>           |  |
| <b>October</b>   | 34,402                                   | Payback for dropout grant 2009   |
|                  | <u>705</u>                               | Carryover from the JAG 2010 Grant  |
|                  | <b>subtotal</b> <u>35,107</u>            |  |
|                  | <b>Grand Total</b> <u><u>813,607</u></u> |  |

**CAPITAL RESERVE FUND**  
Detail of Changes in Designations

| Purpose                              | November 9, 2009<br>Approved<br>Designations | Increase          | Decrease            | Proposed Designations<br>November 8, 2010 |
|--------------------------------------|--|-------------------|---------------------|---|
| Parking Deck                         | \$ 1,779,565                                 | \$ -              | \$ -                | \$ 1,779,565                              |
| Transportation                       |  |                   |                     |   |
| Sidewalk Construction - DOT projects | \$ 509,250                                   | -                 | (250,000)           | \$ 259,250                                |
| Highway 43 Widening                  | 250,000                                      | 250,000           | (500,000)           | -   |
| Brownlea Drive Ext. Phase II         | 245,195                                      | -                 | -                   | 245,195                                   |
| Subtotal Transportation              | <u>\$ 1,004,445</u>                          |                   |                     | <u>\$ 504,445</u>                         |
| CSX Railroad Switching Yard          | \$ 264,254                                   | -                 | -                   | \$ 264,254                                |
| Open Space for Land Banking          | \$ 122,153                                   | -                 | -                   | \$ 122,153                                |
| <b>Total</b>                         | <u>\$ 3,170,417</u>                          | <u>\$ 250,000</u> | <u>\$ (750,000)</u> | <u>\$ 2,670,417</u>                       |

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