



Agenda

Greenville City Council

May 11, 2009
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Council Member Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Presentation of Riverkeeper Cup - Heather Jacobs Deck, Pamlico-Tar Riverkeeper

VII. Consent Agenda

1. Minutes of the April 6, April 9, and April 21, 2009 City Council meetings
2. Resolution accepting dedication of rights-of-way and easements for Bristolmoor, Section 3; Philippi Church of Christ; and Langston Farms, Phase 10
3. Right-of-way encroachment agreement with Rocky Russell Development, LLC, to allow the construction of a subdivision name entrance sign, landscaping and conduits for electrical lines for the Landover Subdivision along Laurel Ridge Drive
4. Resolution approving an Interlocal Agreement with the Cape Fear Public Transportation Authority for the purchase of buses, and bus equipment and parts
5. Contract award for HVAC design for the Aquatics and Fitness Center and the Eppes Recreation Center gymnasiums

6. Renewable Energy Development and Service Agreement with the North Carolina Eastern Municipal Power Agency
7. Water and sewer capital projects budgets for Greenville Utilities Commission's NC Highway 43 West Improvements Project
8. Budget ordinance amendment #11 to the 2008-2009 City of Greenville budget and an ordinance establishing a special revenue budget for the North Carolina League of Municipalities Conference
9. Report on bids awarded
10. Various tax refunds

VIII. New Business

11. First reading of an ordinance granting a taxicab franchise to Sani Bello and Mamadou Sanogo d/b/a Unity Cab Company to operate two taxicabs
12. Presentation of Fiscal Year 2009-2010 budgets
 - a. Greenville Utilities Commission
 - b. Sheppard Memorial Library
 - c. Convention and Visitors Authority
 - d. City of Greenville

IX. Review of May 14, 2009 City Council agenda

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

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- Title of Item:** Minutes of the April 6, April 9, and April 21, 2009 City Council meetings
- Explanation:** Draft minutes of the April 6, April 9, and April 21, 2009 City Council meetings have been prepared and are ready for consideration by City Council.
- Fiscal Note:** None.
- Recommendation:** Approve the April 6, April 9, and April 21, 2009 City Council meeting minutes.
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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [April 6 2009 City Council Meeting Minutes 823210](#)
 - [April 9 2009 City Council Minutes 825494](#)
 - [April 21 2009 City Council Special Meeting Minutes 825774](#)
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MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
April 6, 2009

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Kittrell and the pledge of allegiance to the flag, which was led by the Girl Scouts. The following were present.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA - APPROVED

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

1. Minutes of the March 2 and March 5, 2009 City Council meetings
2. Agreement Regarding Conduct of Municipal Elections (Contract No. 904C)
3. Extension of banking services contract with Wachovia Bank (Contract No. 1255)
4. Resolution requesting transfer of street maintenance for River Hill Drive, Tanglewood Drive, Sloan Drive, and Syme Circle from the North Carolina Department of Transportation to the City of Greenville (Resolution No. 09-16)
5. Contract award for the 2008-2009 Street Resurfacing Project (Contract No. 1768)
6. Contract award for the 2008-2009 Sidewalk Construction Project (Contract No. 1764)

7. Contract award for Construction of the Convention Center Streetscape - Phase I project (Contract No. 1765)
8. Contract award for the Moyewood Emergency Stormwater Drainage Repair Project (Contract No. 1766)
9. Elimination of Planner I position and approval of an additional Code Enforcement Officer position - Approved
10. Resolutions for Economic Stimulus Funding Under the American Recovery and Reinvestment Act for Greenville Utilities Commission's Thomas Langston Road Water Main Extension and Elevated Tank Water Mixing System (Resolution Nos. 09-17 and 09-18)
11. Series Resolution for State Revolving Fund loan for Greenville Utilities Commission's Wastewater Treatment Plant Electrical System and SCADA Upgrade Project (Resolution No. 09-19)
12. Sewer Capital Projects Budget Ordinance Amendment for Greenville Utilities Commission's Stokes and Pactolus Schools Sewer Extension project (Ordinance No. 09-22)
13. Resolution declaring a ball field drag machine as surplus and authorizing its disposition to the Greenville Little Leagues (Resolution No. 09-20)
14. Resolution declaring certain computer equipment as surplus and authorizing its disposition to Pitt Community College (Resolution No. 09-21)
15. Resolution declaring five police radio console units as surplus and authorizing disposition to the Town of Fairmont, North Carolina (Resolution No. 09-22)
16. Budget ordinance amendment #10 to the 2008-2009 City of Greenville budget, amendment to Ordinance 07-139 Convention Center Expansion/Streetscape Capital Project Fund, and an ordinance establishing the special revenue budget for the Lead-Based Paint Hazard Control Grant (Ordinance No. 09-24 and 09-23)

PRESENTATIONS BY BOARDS AND COMMISSIONS

Human Relations Council

Chairman Franceine Pena presented the annual report to the City Council. She stated that the Human Relations Office received a total of 85 tenant/landlord complaints in 2008. For the month of March 2009, the Human Relations Office received 14 tenant/landlord complaints and one housing discrimination case. There were four complaints from families on Dickinson Avenue. These families are still living in their current situation while the Human Relations Office is attempting to locate decent housing. These tenants are also living with electrical problems, collapsed ceilings, and holes in floors and walls. The Human Relations Office is

attempting to assist these families and is working diligently with the property owners to either reimburse security deposits and/or have prorated rent returned to the tenants. If mediation/negotiation with the landlord/property owner is not successful, the complaints will be filed with the U. S. Department of Justice and/or the North Carolina Human Relations Commission. This process generally takes more than a year due to the backlog of cases.

Ms. Pena stated that the Human Relations Office and the Human Relations Council continue to promote the importance of fair housing. Through education and outreach, most housing providers know it is illegal to discriminate based on race, color, national origin, sex, religion, disability and familial status. Most housing providers go above and beyond what is required to ensure that their organization complies with state and federal Fair Housing Laws. There are, however, those housing providers who taint the entire industry. In recognition of Fair Housing Month, the Mayor has proclaimed the month of April as Fair Housing Month, and two events were implemented by the Human Relations Council, the Greenville Area Property Managers, and the Greenville-Pitt Association of Realtors. The first Fair Housing event occurred on Wednesday, March 21, 2009. The presenter for that event was Attorney William Brownlee of Brownlee Law Firm in Raleigh, North Carolina. The second event is scheduled for Wednesday, April 8th. On April 8, a roundtable discussion will take place in the Council Chambers. Topics for discussion are:

- (1) Feasibility of establishing a local fair housing ordinance;
- (2) Increased foreclosures and the tenant connection;
- (3) Tenant fees – how high can they go without being predatory;
- (4) The why and how to choose property managers; and,
- (5) Homeowner's Associations – how to better serve your tenants.

Ms. Pena stated that the Human Relations Office and the Human Relations Council continue to promote the City's inclusive efforts. The Inclusive Community Breakfast is scheduled for Thursday, September 24, 2009, and the speaker is Dr. Jeff Elwell of East Carolina University. They have partnered with ECU to provide a very exciting city event for Saturday, September 26, 2009, including the Inclusive Community Walk and an inclusive celebration when walkers arrive at the Town Common. Additionally, they are working to continue with public meetings to develop programs, projects and/or activities that promote the City's inclusive efforts. Members of the Human Relations Council participated in the City's Diversity Training Initiative with members of the City Council. It was proposed by the Diversity Training Facilitators that the two Councils schedule and attend a combined meeting to discuss the language in the Mission and Vision statements. The Human Relations Council intends to submit a second date to the City Manager's Office within the week's end to coordinate that meeting.

Ms. Pena further stated that in response to the mandate by the City Council to work toward Building an Inclusive Community, the Human Relations Council held a series of community meetings in 2008 to gather citizens and obtain their input from each of the districts represented by the elected Council Members. At each meeting, it invited participants to share what inclusiveness means to them, what's "working" in the city and the challenges faced. The Human

Relations Council is revisiting the process for obtaining additional information for 2009. The goals are to:

1. Increase awareness of the Inclusive Community Initiative.
2. Have City Council members identify stakeholders and leaders in their respective district.
3. Increase City Council's involvement in programs and services.
4. Expand the Human Relations Council's programs and services.

The Human Relations Council is recommending the following:

Step 1: Greenville Human Relations Council to meet with Greenville City Council (1-hour) to discuss the re-visited process for gaining community support in making Greenville a more inclusive community.

Step 2: Human Relations Council Members to meet with individual City Council members to discuss their district's major issues and concerns and to identify leaders and stakeholders.

Step 3: Human Relations Council meet with identified leaders and stakeholders to prepare for meetings, i.e., date, time, place, etc. The community meetings are to take place between April and September, 2009.

Step 4: Begin community meetings (April through September).

Youth Council

Chairman Shampa Panda informed the Council that in 2008, the Council participated in many activities and service projects that affect youth in the immediate community and beyond. Youth Council members volunteered at the annual National Night Out Against Crime; assisting with the scavenger hunt for children; and at the Million Meals Challenge, an inter-collegiate venture between ECU, NC State and UNC Chapel Hill to bag one million meals for children in third world countries. In November, the Youth Council sponsored a documentary screening of Invisible Children, raising money that was sent to child soldiers in Uganda through the sale of food and merchandise. Four members were able to attend the National League of Cities Conference in Orlando, Florida where they interacted with youth councils from all over the country and attended workshops with elected officials.

Chairman Panda further stated that on March 21, the Youth Council sponsored its second annual "Real World" Youth Leadership Conference, which had such topics as College Life, Gang Activities, Drugs, Alcohol Abuse and Teen Pressures. This year, the Town of Winterville Youth Council, Greenville Police Department, Citizens United Against Violence, TILT Program, Port Human Services, The Daily Reflector and Pitt County Substance Abuse Coalition, Bruegger

Bagels, and Bojangles all served as cosponsors. Seventy-five students participated and the conference was a success. As the year winds down, the Youth Council has three events:

1. The Youth Council is working with the TILT (Tobacco, Intervention, Leadership, Team) a program of Pitt County Substance Abuse Coalition to educate and make citizens aware of the dangers of tobacco use. Youth members have changed the name of the program from TILT to TAPS (Teens Against Public Smoking). Within the next couple of weeks, Council members will launch a campaign to encourage one of our local businesses to create a smoke-free environment.
2. The Youth Council will participate in the International Festival/PirateFest on Saturday, April 18th.
3. The Youth Council will volunteer at KidsFest on Saturday, April 25th, at the Greenville Convention Center.

PRESENTATION ON THE 2010 UNITED STATES CENSUS

Ms. Akilah Ensley, Partnership Specialist with the U.S. Census Bureau, appeared before the Council and presented the efforts by the Census Bureau to work with the community in the count. She explained how census data affects how \$340 billion will be used in the United States and provided to each community. For each person not counted, the community loses \$347. The census campaign started today, and people will be going door-to-door verifying and validating addresses, which will assist them next year when the short forms go out. Confidentiality is a huge issue, and if anyone is found not keeping information confidential, they are subject to a \$250,000 fine and five-years in prison. The census will show where people are as of April 1, 2010. A Complete Count Committee was established today to help ensure that everyone is counted. At the present time, there has been a freeze on hiring; however, in the fall, it is expected that the freeze will be lifted and 1.6 million people will be hired nationwide at that time. They did well above what was expected in Greenville with hiring.

RESOLUTION TO CREATE THE 10-YEAR PLAN TO END CHRONIC HOMELESSNESS ADVISORY BOARD OF PITT COUNTY AND APPOINT MEMBERS TO THE BOARD - ADOPTED

Housing Administrator Sandra Anderson appeared before the Council and stated that the implementation of the 10-Year Plan to End Chronic Homelessness is a substantial undertaking. The Implementation Plan must have a defined structure, clear roles, responsibilities, and a long-term commitment from all partners to achieve the set goals. The proposed Advisory Board will provide insight regarding direction and new efforts needed with homeless prevention and will serve as a base of community support. The Board will be responsible for strategic leadership, policy guidance, and monitoring results. Members of the Board will be appointed by the Greenville City Council and Pitt County Board of Commissioners. It is proposed that the Greenville City Council be responsible for appointments from the following specific agencies and their representative: Continuum of Care (Paulette White), East Carolina University (Kenny Flowers), Greenville City Council (Mildred Council), Homeless person representative (Tamiko

Corey), Law Enforcement (Earl Phipps), Affordable Housing Loan Committee Chairman (Alice Faye Brewington), and Greenville Community Relations Officer (Cassandra Daniels).

Motion was made by Council Member Mercer and seconded by Council Member Spell to adopt the resolution creating the Ten-Year Plan to End Chronic Homelessness Advisory Board and appoint the following persons to serve a three-year term on the Board: Continuum of Care (Paulette White), East Carolina University (Kenny Flowers), Greenville City Council (Mildred Council), Homeless person representative (Tamiko Corey), Law Enforcement (Earl Phipps), Affordable Housing Loan Committee Chairman (Alice Faye Brewington), and Greenville Community Relations Officer (Cassandra Daniels). Motion carried unanimously. (Resolution No. 09-23)

FEDERAL LAW ENFORCEMENT GRANT OPPORTUNITIES UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND THE NORTH CAROLINA JUVENILE CRIME PREVENTION COUNCIL REQUEST FOR PROPOSALS - APPROVED

Chief of Police William Anderson informed the Council that under the American Recovery and Reinvestment Act of 2009, the Greenville Police Department has the opportunity to apply for two funding opportunities as part of the economic stimulus package. The third funding opportunity is through the local council of the State Juvenile Crime Prevention Council.

1. The COPS Hiring Recovery Program is part of the economic stimulus package and provides hiring sworn law enforcement personnel. The grant targets entry-level positions including salaries and benefits for re-hired full-time sworn officer positions that have been laid off or are scheduled to be laid off on a future date as a result of local budget cuts. The Police Department intends to apply for eight sworn officers. Four would be assigned as school resource officers and the other four would be assigned, one to each patrol shift, to increase the overall number of patrol districts by one, thus enhancing the Department's overall Area Policing Plan. There is no local match, and the three-year grant application totals \$1,517,568.
2. The Recovery Act - Edward Byrne Memorial Competitive Grant Program grant is part of the economic stimulus package and focuses on hiring civilian personnel. The Police Department intends to apply for two crime analyst positions to create a Crime Analysis Unit. In the same application, the Department is also applying for a public safety systems administrator. This position would provide computer systems support for both the Police and Fire-Rescue Departments. There is no local match, and the two-year grant application totals \$350,000.
3. The Juvenile Crime Prevention Council Request for Proposals is a state-funded program, and the grant applications are reviewed by the local Juvenile Crime Prevention Council. The Police Department intends to apply for funds to operate the Greenville Police Department Youth Mentoring Program. The program will partner with students from the East Carolina University Criminal Justice Program as well as other student organizations to provide mentors for at-risk youth between the ages of 8 and 17. The grant requires a 20% local match, and the majority of that will be approximately \$70,000.

Upon being asked what would happen at the end of the three years, Chief Anderson replied that the City Council would have to decide whether they would want to continue funding the positions.

City Manager Bowers stated that COPS requires that the City agree to employ the officers for one additional year.

After discussion, motion was made by Council Member Joyner and seconded by Council Member Mercer to apply for the three grants and for the City Manager to see if the City can keep its commitment when the money runs out. Motion carried unanimously.

RESOLUTION STATING THE CITY'S INTENT TO PARTICIPATE IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM - ADOPTED

Director of Human Resources Gerry Case explained that the National League of Cities is sponsoring a program in collaboration with CVS Caremark to provide relief to city residents around the country from the high cost of prescription drugs. There is no cost to the City associated with this program and the city staff time involved will be minimal. The discount cards offer an average savings of 20 percent off the retail price of most prescription drugs; have no enrollment form, membership fee, or restrictions based on the residents' age or income level; and may be used by City residents and their families any time their prescriptions are not covered by insurance.

After discussion, motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to adopt the resolution stating the City's intent to participate in the National League of Cities Prescription Discount Card Program. Motion carried unanimously. (Resolution No. 09-24)

GREENVILLE UTILITIES COMMISSION'S PURCHASE OF THE CREPE MYRTLE PARKING LOT FROM THE CITY OF GREENVILLE - ADOPTED

City Manager Bowers reminded the Council of the Memorandum of Understanding regarding parking and land transfer that the City and Greenville Utilities Commission executed in April 2004. On April 28, 2008, Greenville Utilities notified the City of plans to exercise the option to purchase the remaining spaces in the Crepe Myrtle Lot by April 1, 2009. After the purchase, Greenville Utilities will own the entire lot with a total of 52 parking spaces. The spaces were valued at \$13,500 per space by Ann McRoy of the Appraisal Group. On March 24, 2009, the Greenville Utilities Commission Board adopted a capital projects budget for the purchase of the 13 spaces and recommended similar action by the City Council. The Board also authorized the General Manager/CEO to move forward with executing the required documents for the transfer of the 10 additional parking spaces as outlined in the memorandum of understanding and the purchase of the remaining 13 spaces in the Crepe Myrtle Lot and recommend similar approval by the City Council. Currently the City does not have full ownership of the Crepe Myrtle Lot, as a portion is leased from the adjoining property owner. Since Greenville Utilities is part of the City,

Greenville Utilities can use the property on the same basis as the City. If, for any reason, the adjoining property owner was to terminate the lease, the proposed amendment provides that the City would return to Greenville Utilities a portion of the purchase price to offset the loss of four parking spaces.

Motion was made by Council Member Spell and seconded by Council Member Mercer to adopt the capital projects budget ordinance for Greenville Utilities Commission's purchase of the remaining portion of the Crepe Myrtle Lot (13 parking spaces), approve the amendment to the memorandum of understanding, and authorize the transfer of ownership of the Crepe Myrtle Lot from the City to Greenville Utilities. Motion carried unanimously. (Contract No. 1767; Ordinance No. 09-25)

IDENTITY THEFT DETECTION AND PREVENTION POLICY – APPROVED

City Manager Wayne Bowers stated that the United States Congress enacted Part 681 of Title 16 of the Code of Federal Regulations and Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003. These rules and guidelines became effective January 1, 2008, with a mandatory compliance date of May 1, 2009. The enactment of these rules requires municipalities that use consumer information, such as addresses, social security numbers, phone numbers, credit and debit card numbers, or any other identifying information for recurring billing purposes to establish, adopt, and implement an identity theft detection and prevention program. Staff developed a policy and is implementing strategies to detect, prevent, and mitigate identity theft related to information used in covered accounts by adoption of the policy. The direct purpose of the policy is to communicate to departments and employees their responsibility for protecting sensitive and confidential information pursuant to the Act and to provide a response plan in the event there is a discovered breach of information subject to the Act.

Motion was made by Council Member Spell and seconded by Council Member Joyner to approve the Identity Theft Detection and Prevention Policy. Motion carried unanimously. (Document No. 09-7)

RESOLUTION SUPPORTING THE PARTICIPATION OF CITY FUNDS IN THE LOCAL GOVERNMENT OTHER POST-EMPLOYMENT BENEFITS FUND - ADOPTED

Director of Financial Services Bernita Demery informed the Council that the Governmental Accounting Standards Board (GASB) issued Statement 45 regarding the accounting and reporting requirements for Other Post-Employment Benefits (OPEB) to establish the accounting and reporting requirements for an employer's expenses and liabilities related to its post-employment benefit plan regardless of funding. Beginning with the 2007-08 funding year, the City was required to report the unfunded annual required contribution (ARC) as a liability within the Comprehensive Annual Financial Report. At that time, the City reported an obligation of approximately \$4.3 million for retiree health insurance. As the City continues to operate, hiring new employees and planning for the retirement of others, this obligation will continue to increase. As such, staff is making preparations to initiate contributions into an irrevocable trust that is acceptable to the State to help offset those liabilities. The State Treasurer's Office has

created the Local Government OPEB Fund, which can be used by local governments to fund all or some of its annually required contribution (ARC) for OPEB. Prior to commencing contributions into this fund, governing boards must authorize a Contribution Agreement, which allows for a minimum initial deposit of \$100,000; after the first year, each unit is permitted two withdrawals per year; units will receive a quarterly statement reflecting Fund activity; and Fees will be charged at 15 basis points of funds invested.

Upon being asked, Ms. Demery informed the Council that this is the \$250,000 that has been referenced before, and it has not been sent to the State yet. This resolution would authorize the money to be used to pay retiree health insurance.

City Manager Bowers clarified that this gives the State the opportunity to invest in longer term securities such as the stock market which the city cannot invest in. The funds will be in an irrevocable trust.

Upon being asked if the City Manager has looked at how this will be paid later in the budget, Ms. Demery replied that is easier and better to do in better economic times. Staff is being fiscally responsible and reviewing benefits as it moves forward.

Upon being asked if the \$250,000 is comparable to what other cities are putting into the fund, Ms. Demery replied that some municipalities have put in more and some have put in less. The Local Government Commission will administer this, and that group is under the State Treasurer's Office.

Upon being asked if this is an optional program, Ms. Demery replied that it is optional for the Council to adopt the resolution; however, it is required that the funds be sent to the State.

Concern was expressed about whether the State could use these funds for their own needs instead of sending it back to the cities to be used for its intended purpose.

Staff was asked if it has looked at the documents which establish the irrevocable trust. The City Attorney replied that he has not; however, he has looked at what has been presented to the Council. Because it is an irrevocable trust, the funds cannot be taken away to be used for other purposes. It would be required to be restricted for the use of health insurance for retirees.

Motion was made by Council Member Spell and seconded by Council Member Mercer to adopt the resolution supporting the Participation of City Funds in the Local Government Other Post-Employment Benefits Fund. Motion carried unanimously. (Resolution No. 09-25)

COST ALLOCATION AND FEDERAL A-87 PLANS FOR FISCAL YEAR 2008 - APPROVED

Director of Financial Services Bernita Demery informed the Council that during FY 2008, Financial Services began efforts to implement an updated indirect Cost Allocation Plan and A-87 Plan. The A-87 Plan was prepared in conformance with the United States Office of Management

and Budget Circular A-87. Based on their familiarity with North Carolina municipalities, the City contracted with MGT of America, Inc. to conduct the study. The last study completed for the City was in 1990. The results from this project are for internal use purposes and could assist the City in capturing costs/data regarding the centralized services provided by the general government departmental units to the enterprise funds, certain service fee programs, and applying for reimbursement based on cost of services. Staff will be able to use some of these allocations as part of the budget estimates to be included in the budget numbers beginning with fiscal year 2010-2011. A cost allocation plan is a governmental accounting report that documents the value of indirect costs provided by central service agencies to other government agencies. Indirect costs are incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Once approved, Financial Services will submit the A-87 Plan to a Federal cognizant agency for approval so that the City can use this to establish a federally approved indirect cost rate. This federal regulation establishes principles and standards for determining costs for awards through grants, cost reimbursement contracts, and other agreements. Once these items are approved, the City will update the data every three years to take into consideration all changes in costs that may occur over an extended period of time. Ms. Demery concluded by stating that this will help in reimbursements for transit and other federal grants.

Motion was made by Council Member Kittrell and seconded by Mayor Pro-Tem Council to approve the Cost Allocation and A-87 Plan. Motion carried unanimously. (Document No. 09-8)

REVIEW OF APRIL 9, 2009 CITY COUNCIL AGENDA

The Mayor and City Council did a cursory review of the April 9, 2009 City Council meeting agenda and reviewed appointments to boards and commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council made general comments.

MAYOR'S COMMENTS

City Manager Bowers reported that it is possible that the April 20 meeting will need to stay on the 2009 City Council Meeting Schedule. Also, the Joint City/GUC Pay and Benefits Committee will be meeting on Thursday, April 9, at 2:00 p.m. The Greenville Utilities Commission Board has requested that the annual joint meeting be held at 4:00 p.m. on April 21.

City Manager Bowers stated that he has no budget update; however, he hopes to have one on Thursday. More information is needed prior to his doing so.

Mayor Dunn reported that they may add a presentation by the people running the NC Global Transpark at the May meeting.

ADJOURNMENT

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
April 9, 2009

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

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

APPROVAL OF AGENDA

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

SPECIAL RECOGNITIONS

Mr. David Johnson was presented a retirement plaque, having been employed in the Police Department for 29 years and 5 months.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Council Member Glover asked that the replacement for Leslie Cox, who resigned, be continued until May 14, 2009.

Community Appearance Commission

Council Member Spell asked that replacements for J. Scott Bailey and Paul Brezina, who resigned, be continued until May 14, 2009.

Environmental Advisory Commission

Motion was made by Council Member Mercer and seconded by Council Member Spell to appoint Steve Janowski to the Environmental Advisory Commission for the "professional engineer" slot for a first three-year term to expire April 2012, replacing Durward Tyson, who is ineligible for reappointment. Motion carried unanimously.

Firefighters' Relief Fund Committee

Upon recommendation by City Clerk Wanda Elks, Secretary to the Firefighters' Relief Fund Committee, motion was made by Council Member Joyner and seconded by Council Member Spell to appoint William Franklin to the Firefighters' Relief Fund Committee to replace Henry McNeese, who resigned, for a first two year term to expire January 2011. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Mercer and seconded by Council Member Spell to appoint Roger Kammerer to replace Rick Smiley, who resigned, to fill an unexpired three-year term that expires January 2010. Motion carried unanimously.

RECOMMENDATION TO THE PITT COUNTY COMMISSIONERS OF A MEMBER TO SERVE ON THE PITT COUNTY DEVELOPMENT COMMISSION BOARD

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to recommend to the Pitt County Commissioners the appointment of Tyree Walker, Jr. to replace Ruth Leggett, who resigned, to fill an unexpired three-year term that expires December 2009. Motion carried unanimously.

RESOLUTION APPROVING AN ORDER TO CLOSE ALLEN TAYLOR COURT LOCATED WEST OF ARLINGTON BOULEVARD – ADOPTED

City Engineer David Brown reminded the Council that a resolution of intent to close Allen Taylor Court was adopted on March 2, 2009, establishing a public hearing on April 9, 2009, The resolution of intent was advertised in The Daily Reflector on March 9, 16, 23 and 30, 2009. Signs displaying the notice of a public hearing, the adopted resolution of intent and a site map were posted on March 5, 2009 at two prominent locations on the street section to be closed. The resolution was also delivered by certified mail to adjoining property owners as listed on the Pitt County tax records. A petition requesting the closure of Allen Taylor Court was submitted by Michael G. McLaughlin, Managing Member of Easternrad, LLC, #9 Doctors Park, Greenville, NC 27834. Easternrad, LLC owns all of the property adjacent to Allen Taylor Court. The adjoining property is currently divided into several lots. Upon the closing of the street, the lots will become noncompliant with the City ordinances. Therefore, a recombination plat will be required to address this issue. Utility easements will be maintained if the street is closed. Though

identified as a public right-of-way, Allen Taylor Court is not maintained by the City. Due to surrounding development and cul-de-sac terminus, this street cannot be extended.

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

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to adopt the resolution approving an order to close Allen Taylor Court located west of Arlington Boulevard. Motion carried unanimously. (Resolution No. 09-26)

ORDINANCE REQUESTED BY CELLCO PARTNERSHIP DBA VERIZON WIRELESS TO REZONE PROPERTY LOCATED NORTH OF WEST FIFTH STREET AND WEST OF PALADIN PLACE SUBDIVISION FROM MRS (MEDICAL-RESIDENTIAL-SINGLE-FAMILY) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - ADOPTED

Planner Chantae Gooby explained that this is a request by Cellco Partnership d/b/a Verizon Wireless to rezone 4.92+ acres located north of West Fifth Street and 800+ feet west of Paladin Place Subdivision from MRS to OR. Notice of the public hearing was published in The Daily Reflector on March 30 and April 6, 2009. Ms. Gooby delineated the property on a map and provided details of the request. The request is in compliance with the Comprehensive Plan. The Planning and Zoning Commission voted to recommend approval of the request. A valid protest petition has been submitted for this request.

Upon being asked, Ms. Gooby explained that the proposed cell tower is 120 feet, and the tower will be about 1000 feet from the road. They can go up to 140 feet and still keep within the height restrictions. The only negative impact that the tower will have on the property is aesthetics; however, this property is vacant and is surrounded by vacant properties.

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

Ms. Lisa Goode of the Pennington Law Firm, representing the petitioner, informed the Council that the maximum tower height will be capped at 120 feet. There will be no noise, odor, traffic, etc. The only issue will be an aesthetic issue, and the tower will be a short tower, a monopole, with no guide wires. The intent is to have the least impact on the property owners' property as possible.

City Attorney Holec reminded the Council that they cannot rely upon the representation of what may be on the property when it is considering a rezoning.

Mr. Taylor Tosier, an adjacent property owner, informed the Council that he is concerned about aesthetics. With the City spending money to make this gateway into the hospital, it is not a good idea to have a tower at this location. Mr. Tosier also stated that he is concerned with safety, as planes will be flying over the tower, and they tend to fly low in this area.

Upon being asked if the airport has expressed any concerns, Ms. Gooby replied that if the property is rezoned, the next step would be to turn in a site plan. At that time, the different departments, including the airport, would be asked to provide comments. If the tower is under the 170 foot height limitation, the airport could not prevent the placement of the tower, as it will be a permitted use in the newly zoned area.

Upon being asked if there is a better location, Ms. Goode replied that in the site acquisition efforts and search for property, this particular location was the one that worked best technologically. As far as safety issues, the airport overlay district has set the maximum height and this tower is projected to be 23 feet below that. There are additional approvals that will be required. The tower will be compatible with the surrounding uses and the Land Use Plan. The applicant will still have to go through site plan approval, etc.

Ms. Gooby was asked to clarify whether this conforms with the Comprehensive Plan, and she stated that from a zoning standpoint, the request is fine.

Upon being asked if the tower has to have a FAA permit, City Attorney Holec replied that he is not certain if any other permit is required; however, they would have to comply with the requirements imposed by the FAA, if any, prior to establishing the use.

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

Motion was made by Council Member Spell and seconded by Council Member Kittrell to approve the ordinance requested by Cellco Partnership DBA Verizon Wireless to rezone 4.92+ acres located north of West Fifth Street and 800+ feet west of Paladin Place Subdivision from MRS (Medical-Residential-Single-family) to OR (Office-Residential [High Density Multi-family]). Motion carried unanimously. (Ordinance No. 09-26)

ORDINANCE TO AMEND THE ZONING REGULATIONS TO ESTABLISH A DINING AND ENTERTAINMENT ESTABLISHMENT USE AND ASSOCIATED STANDARDS - ADOPTED

Chief Planner Harry Hamilton reminded the Council that at the February 12, 2009 meeting, it elected to continue the Jeremy Spengeman request to amend the definition of conventional restaurant to reduce the percentage of food sales requirement for restaurants and to initiate an amendment establishing a dining and entertainment use option and associated standards. Staff was instructed to develop a dining and entertainment establishment ordinance that establishes compromise and common ground between the competing interests of the UNK's business and the residential neighborhood, insures the viability of the UNK's business, and protects the neighborhood's residential interests through mitigation of incompatible attributes. The proposed ordinance was forwarded to the Planning and Zoning Commission for review and recommendation in accordance with standard procedure for consideration of zoning ordinance amendments. After review and consideration, the Planning and Zoning Commission recommended approval of the ordinance with amendments. The Planning staff mailed a copy of the draft ordinance, as presented to City Council on February 12, 2009, to the neighborhood

associations currently on file with the Community Development Department, the Chamber of Commerce, and Mr. Spengeman's attorney (Phil Dixon) requesting their review and written comments.

Mr. Hamilton continued by stating that the proposed ordinance includes changes to the original draft distributed to interested persons on October 31, 2008 and included in the agenda material for City Council's December 11, 2008 meeting. The proposed ordinance represents the staff's recommendations after considering all comments received from interested persons. The staff-recommended draft ordinance includes the following:

1. A new definition for “dining and entertainment establishment” including a minimum food sales requirement of 30% of total sales. Uses that serve food and/or beverages would include restaurants, dining and entertainment establishments (new), and public/private clubs. The minimum food sales requirement (as a percentage of total sales) as far as zoning regulations are concerned would be 51% for restaurants with food sales as the principal use, 30% for dining and entertainment establishments, and 0% for public/private clubs. Alcoholic beverages do not qualify as food and a cover charge does not constitute sales.
2. Amended definitions for conventional and fast food restaurants to include a clause for determining the portion of sales that can be attributed to the sale of food. The 50% minimum food sales requirement for all “restaurants” is maintained.
3. Special use permit criteria for those cases where a dining and entertainment establishment is subject to special use permit approval of the Board of Adjustment. Special Use Criteria include (1) a revocation clause for noncompliance with standards and conditions, (2) an annual staff review report requirement, (3) permit rehearing procedures, (4) trash and litter disposal requirements, (5) a business transfer notice requirement, (6) cover charge allowance without date/time limitations, (7) date/time limitations for amplified audio entertainment, (8) a minimum food sales (30% rule) requirement, (9) a one-year food sales records retention requirement, (10) an exterior lighting plan requirement, and (11) a parking plan requirement. The Board of Adjustment may also impose additional site specific conditions on the use when such conditions are determined to be necessary in order for the Board to find in favor of the application.
4. Ordinance imposed criteria for those cases where a dining and entertainment establishment is a permitted (by right) use and is not subject to approval of the Board of Adjustment—includes all criteria except those concerning special use permit review and approval.
5. An amended definition of “outdoor activities” to include amplified outdoor audio sound. The amended “outdoor activities” definition will also continue to apply to all restaurants as well as dining and entertainment establishments. If a restaurant or dining and entertainment establishment wishes to utilize outdoor audio sound and the establishment is located within 300 feet of a residential zoning district, special use permit approval of the Board of Adjustment will be required in advance for such accessory outdoor audio sound or other regulated outdoor activity.
6. A new section requiring all restaurants to maintain food sales records for one year.
7. An amended public/private club parking standard to delete the employee-based parking requirement—parking to be based on defined (measurable) activity area.

8. A driving and entertainment establishment parking requirement—same as public/private clubs.
9. The table of uses will allow dining and entertainment establishments as a permitted use in all districts that currently allow restaurants (General Commercial (CG), Heavy Commercial (CH), Unoffensive Industry (IU), Industry (I), Planned Unoffensive Industry (PIU), Planned Industry (PI). They will be allowed as a special use permit with Board of Adjustment Approval in the Medical-Support (MS), Medical-Office (MO), Medical-General Commercial (MCG), Medical-Heavy Commercial (MCH), Office-Residential (OR), Downtown Commercial (CD), Commercial Downtown Fringe (CDF), and Neighborhood Commercial (CN) zoning districts.
10. A dining and entertainment establishment is proposed as a class 4 use for bufferyard setback and screening purposes—same as required for a public/private club.
11. Establishes a maximum mechanically conditioned floor area requirement of 7,000 square feet for dining and entertainment establishments located in a CN district. This limits the size of the establishment. For reference, UNK's has 6,887 square feet of total mechanically conditioned floor area as indicated by the Pitt County property tax information. Christy's Euro Pub has 1,134 square feet of mechanically conditioned floor area.
12. Establishes a minimum separation requirement of 200 feet between dining and entertainment establishments located in a CD district as measured from the nearest lot line. This will limit impaction of the subject use in any CN district. For reference, the UNK's property boundary and the Christy's Euro Pub property boundary are separated by 242 feet.
13. Allows an admission charge (cover) during any period of operation. This will allow the operator of a dining and entertainment establishment to charge a cover during all regular business days and makes allowance for special events (i.e., comedy night, etc.) during weekdays to compensate for an earlier cut-off time for amplified audio entertainment (i.e., 11:00 p.m. cut-off for Sunday through Thursday).
14. Clarifies the meaning of amplified audio entertainment to specifically not include televisions operating with no amplification other than their internal speakers; televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment, or indoor background music operating at a low amplification and not intended as a principal form of entertainment.
15. Establishes an 11:00 p.m. cut-off for amplified audio entertainment for the period Sunday through Thursday, except as further specified for the "special period of operation". This will minimize adverse activity commonly associated with larger crowds exiting such establishments on week (work) days at late night hours.
16. Establishes a 2:00 a.m. cut-off for amplified audio entertainment on Friday and Saturday. This will allow a dining and entertainment establishment to operate as "a place of entertainment" on a limited basis, provided such extended hours of entertainment (i.e., from 11:00 p.m. to 2:00 a.m.) will require qualified outside security personnel proportionate to the maximum occupancy of the establishment.
17. Extends the amplified audio entertainment cut-off to 2:00 a.m. for the "special period of operation"—December 31 (New Years Eve). This will allow entertainment past midnight as is common for restaurants and similar uses on this day. This is an exemption clause to the 11:00 p.m. amplified audio entertainment cut-of-time (Sunday through Thursday). The

Planning and Zoning Commission recommended amendment to the exemption clause was to add that any additional five holidays or eve of said holidays are to be determined by the owner/operator and may include Cinco de Mayo, Saint Patrick's Day, Halloween, and any other official holiday or other day associated with a community event, celebration, commemoration, or festival at the option of the owner/operator. There will be a limit of five events, and a seven-day notice prior to the event will be made to the Community Development Department and Police Department.

18. Establishes the earliest time permitted for amplified audio entertainment on any day at 11:00 a.m. This will allow entertainment activities to begin at a reasonable time in the morning while allowing church services to begin at typical worship hours at the UNK's establishment, an existing church use of Sunday morning.
19. Establishes a security requirement (i.e., a minimum number of outside security personnel), which applies to all dining and entertainment establishments that are located within 500 feet of a residential zoning district when the establishment provides or utilizes amplified audio entertainment after 11:00 p.m. on any day. This is designed to minimize secondary impacts such as noisy patrons in the parking lot when the establishment is open late hours.
20. Establishes a security personnel requirement for dining and entertainment establishments that are subject to the security requirement. With a maximum occupancy limit of less than 50 person, no outside security officer will be required. With a maximum occupancy limit of 50 or more persons but less than 200, one outside security officer will be required. With a maximum occupancy of 200 or more persons, two outside security officers will be required. The security requirement is designed to require qualified outside security personnel in proportion to the maximum number of persons permitted to occupy the building as determined by the building inspector. Qualified security personnel shall be either uniformed off-duty law enforcement officers or uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes. The security personnel are to patrol the parking lot, to disperse the crowd, and to direct traffic during the period 11:00 p.m. to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment and shall be accessible to law enforcement officers at all times. This requirement shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. The Planning and Zoning Commission recommended an amendment to the staff recommendation so that the number of security personnel would be determined based on the number of persons actually occupying the building at any time, as opposed to the maximum occupancy allowed, which would be one security officer for 50 to 150 patrons, two security officers for 151 to 300 patrons, and three security officers for over 300 patrons.

Mr. Hamilton reiterated that the draft ordinance represents staff's recommendation after considering all comments received from interested persons and the City Council objectives. Staff is of the opinion that the request is in compliance with Horizons: Greenville's Community Plan.

Questions and concerns addressed by Council include:

1. What was the reason for allowing New Year's Eve as an exemption? (Answer: There are few events that happen at midnight. Most holidays occur during the day. A lot of people are off the day after also, and the business wouldn't be disturbing as many people.)
2. Does security have to stay outside? (Answer: Yes)
3. Can the security guards stationed outside be in a car or on foot outside? (Answer: In a vehicle or under a shelter is okay.)

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

Mr. Jeremy Spengeman, co-owner of UNKS, spoke in support of the ordinance as proposed by staff based on input from the community. He stated that he is in support of 99% of the proposed ordinance as amended by the Planning and Zoning Commission. He suggested one amendment to the proposal, that being to allow amplified audio entertainment until 12:00 Tuesday through Thursday instead of 11:00 Sunday through Thursday. He also indicated that outdoor security should only be required when amplified sound is after 12:00 with the number that is in the proposal by the Planning and Zoning Commission. With those changes, he would be in 100% agreement with the ordinance as proposed by staff. He asked the Council to consider that the current ordinance is in direct violation of the State Statutes.

Mr. Spengeman further stated that during the last four years in business, he has been a responsible businessman, and in the past year, he has sought to reach a compromise to keep his business open. He has tried to work with the Tar River Neighborhood Association to discuss issues, but to no avail. There are 2000 houses in the neighborhood, and TRUNA only represents 100 of them. Mr. Spengeman reminded the Council that there are many restaurants in Greenville other than UNKS that are in violation of this ordinance. The closest person that has spoken in opposition to his restaurant lives six blocks away, and people that have spoken in support live next door. All of the noise, etc. is not caused by his business, as the neighborhood is adjacent to a college campus. The crime is not because of his business; it is because the Tar River Neighborhood is a target because it is not well lit. He provides lighting in his parking lot. He has changed the nights and hours he offers music, has changed the name of his business and has made compromises. Mr. Spengeman asked that the Council adopt the ordinance with the amendments he originally spoke about.

Upon being asked about how he will deal with the officers, Mr. Spengeman responded that he has spoken with the Pitt County Sheriff's Department, who will assign officers to him with a one to two week notice at a rate of \$30 per hour. He will base the number of officers needed on the type of band and events he has.

Staff was asked what would need to be done to initiate an amendment, and City Attorney Holec responded that staff, Council, or someone else would have to initiate an amendment, which would then go to the Planning and Zoning Commission for review and recommendation to the City Council. The Council has the ability to make an amendment to the ordinance through the standard amendment process. If someone has secured a special use permit, they would be grandfathered. If the amendment is made more liberal, that would be something that would

potentially be taken care of. If it is made more restrictive, there may be questions about imposing more restrictive requirements on businesses that currently have permits.

Mr. Phil Dixon, attorney for Jeremy Spengeman, stated that this is not a bar, and it is insulting for people from the neighborhood to call it a bar. The hybrid compromise between a bar and restaurant has significant limitations. Staff has crafted a good ordinance that meets the needs of all parties.

Mr. Richard Crisp, representing the Englewood/Elmhurst Neighborhood Association, spoke in favor of staff's version of the ordinance. He stated that he could not support two of the amendments proposed by the Planning and Zoning Commission--changing the security formula and adding five additional holidays.

Mr. Chris Mansfield, President of the TRUNA, stated that the Neighborhood Plan is important because it gives guidance. Years of neglect in the past by the City in terms of code enforcement have driven homeowners out of the neighborhood; however, the current Council has established a goal of preserving old and new neighborhoods. Code enforcement has been placed in the Police Department, and that has made a difference. Mr. Mansfield stated that a CN zoning district is supposed to be a focal point for the neighborhood to include uses like a drug store, pet store, grocery stores, and restaurants. UNKS is not a restaurant, and the Council is being asked to change the rules to accommodate that. Seventy percent of the sales at UNKS are for alcohol, which doesn't make it a restaurant. The neighborhood worked with Mr. Spengeman, Mr. Dixon and the staff to craft this new ordinance. Mr. Spengeman and Mr. Dixon got two out of three things they wanted, and the neighborhood got nothing. Mr. Mansfield went on to say that it is not the volume of people in the establishment; it is the volume of noise. The people spilling out into the neighborhood are a nuisance. The time they spill out does not make a difference. This establishment is in the middle of a neighborhood with residential streets going to and from it. Many, if not most, of the patrons leaving the establishment are under the influence of alcohol, and some create trouble. Mr. Mansfield stated that TRUNA strongly recommends that any ordinance contain provisions that limit the size of the establishment. The hours established in the ordinance are fine. The neighborhood, however, would like to see the holidays during the week removed, as the residents have to go to work. He also asked that security be required based on the occupancy limit, not the occupancy that might be there at any point in time. Mr. Mansfield concluded by informing the Council that there are 100 households in the Tar River neighborhood that are interested in protecting their single-most valuable investment. Those people pay \$200,000 in property taxes, half of which goes to the City. They have paid twice that for improvements to their homes. This is a good economic impact. He asked the Council to consider its own goal of protecting the livability, stability and safety of the neighborhoods. This affects the City as a whole and will have consequences that are not foreseen.

Upon being asked to give an example of people affected by crime as a result of UNKS, Mr. Mansfield referred to a strong armed robbery about two or three months ago, where the tenants were followed home from UNKS. There was also an ECU alert on April 5, 2009 where two females were approached by two young males at the intersection of Summit and Fourth Streets. They were forced to give them the pocketbooks. Mr. Mansfield stated that Greenville doesn't

need any more bars. The one on Fifth Street opens at 10:00 p.m. and closes at 2:00 a.m. There has to be a better place for this.

Mr. John Gresham, who lives 15 blocks from UNKS, stated that it is definitely a bar. He believes that continuing to allow a nightclub in a residential neighborhood will continue to contribute to the decay of the neighborhood, as no person will consider it a proper location to raise a family. Mr. Gresham requested that, if the Council adopts a proposal, that the Council adopt the proposal as recommended by City staff, which does not meet all the wishes of the neighborhood or UNKS.

Ms. Peg Gemperline, who served as the Community Watch Coordinator for TRUNA for nine years, stated that they had concerns when the Main Street Beer Company first located there. At that time, the State's requirement for the alcohol/food ratio was 60/40 and the city's was 51/49. She asked that the Council obtain input from the Police Department on this issue as far as crime statistics, calls for service, etc. go. Ms. Gemperline concluded by stating that she would like to know the Police Chief's feeling about the security required at a business establishment like this.

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

Motion was made by Council Member Kittrell and seconded by Mayor Pro-Tem Council to adopt the ordinance as prepared by staff after consultation with the parties involved.

Council Member Spell stated that the establishment had been operating in violation of the regulations that the City had in place. A pub is appropriate in a neighborhood; however, an establishment the size of UNKS is not. The City needs to draw the line between a pub and a nightclub, and the size of the establishment and the hours can dictate that.

Council Member Spell offered an amendment to the original motion that the occupancy of the operation be limited to 100 people in a dining and entertainment establishment in a CN zoning district at any time. Motion was seconded by Council Member Mercer.

Council Member Joyner stated that trying to create a bar/restaurant business might put UNKS out of business because of the security fees that would have to be paid. There haven't been any noise violations, underage drinking violations, etc. Other businesses have had the same violations; however, they have not come under the same scrutiny as UNKS. UNKS has lighting, the trash in the parking lot is picked up before the employees leave, Mr. Spengeman has made improvements, and the City needs to give that business a chance to survive. The amendment does not give him or other restaurant/bars a chance to survive in a CN zoning district.

Council Member Mercer stated that the characterization of the neighborhood being split on this is not accurate, as the neighborhood has expressed their opinion through the proper channels—the association that represents the neighborhood. The neighborhood is fundamentally against this. The City is making good policy and doesn't need to wait for complaints and then react. There have been complaints about this business and not Christy's Europub; that is the reason the business has been chastised. A pub should get to do business in a neighborhood, and the size of

the business impacts that. It has to do with taking care of a City and neighborhood so they can be viable.

Council Member Glover expressed concern about this business having been a viable business for four years with no complaints and then to have so many. To limit how many people he can have in his establishment when he has capacity to have more is wrong and unfair. The Council has not had an opportunity to think about the amendment that is being proposed and it is not fair to bring it up tonight. She stated that this one establishment cannot be blamed for all that happens in the neighborhood when all the bars close at the same time. This establishment has been singled out, and the owner has spent thousands of dollars trying to do everything the neighborhood has asked to be done.

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

After being asked to restate the amendment, City Attorney Holec clarified that the amendment is to add an additional condition to the requirements and standards where a special use permit is to be obtained so that there is an additional condition listed that no dining and entertainment establishment in the CN district shall have an occupancy at any time of more than 100 patrons. Council Member Spell concurred that this was his motion to amend.

The motion to amend offered by Council Member Spell and seconded by Council Member Mercer failed after a 2:4 vote. Council Members Spell and Mercer voted in favor of the motion. Mayor Pro-Tem Council and Council Members Kittrell, Glover and Joyner voted in opposition.

Council Member Spell stated that he had asked for the limit because of the concentration of patrons. One doesn't know exactly where the people are coming from. He asked the Police Chief to report on the crime.

Chief of Police William Anderson reported that he didn't have the data in front of him.

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

The original motion made by Council Member Kittrell and seconded by Mayor Pro-Tem Council to adopt the ordinance as prepared by staff after consultation with the parties involved was then voted on and carried unanimously. (Ordinance No. 09-27)

ORDINANCE AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN TO INCORPORATE BY REFERENCE THE TAR RIVER/UNIVERSITY AREA NEIGHBORHOOD REPORT AND PLAN - ADOPTED

Planner Chantae Gooby stated that as part of the Task Force on Preservation of Neighborhoods and Housing's recommendations, City Council's 2006-2007 Goals, and Horizons: Greenville's Community Plan recommendations, the Community Development Division has prepared the Tar

River/University Area Neighborhood Report and Plan. This plan is intended to guide policy and investment decisions for the Tar River/University Area. The Planning and Zoning Commission voted to recommend approval of the request. This has been a joint effort between the City (Community Development Department, Greenville Police Department, Fire/Rescue Department, Public Works Department, and Recreation and Parks Department) and Greenville Utilities Commission. Surveys were mailed to each property owner and household that was listed as a property owner on the Pitt County Tax records. There was a neighborhood information meeting on March 5, 2008, and it was considered by the Planning and Zoning Commission on March 17, 2009. It is projected that the Neighborhood Plan will be completed in accordance with the program schedule and funding availability. The goal of the Plan is to create, maintain and enhance a sustainable neighborhood. The objective is to identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies. Included in the Neighborhood Plan is that the City Council and staff will take such actions as necessary for the support and implementation of the neighborhood plan by amending Horizons: Greenville's Community Plan to incorporate the Tar River/University Area Neighborhood Report and Plan by reference; utilizing this plan to guide public policy and investment decisions within the neighborhood; and considering the creation of a Rental Registration Program as recommended by the Task Force on Preservation of Neighborhoods and Housing as per City Council 2006-2007 Goals and Objectives. Ms. Gooby summarized the Neighborhood Plan for the Council.

Upon being asked why the City is just addressing this one area, Ms. Gooby responded that College Court/Coghill, Lake Ellsworth, Tripp Subdivision, and West Greenville were the first neighborhoods to be addressed.

Ms. Gooby stated that implementation of these items will be a long process. Also, approval of the plan by Council is not a wholesale approval of all the items. Those items will be brought back to Council for individual consideration.

Mr. Flood informed the Council that there has been support from the neighborhood for things such as the rental registration program.

Upon being asked when the Council could expect an update, City Manager Bowers stated that the recommendation was for a violation-based rental registration program. Some new data has been put together, and they have information on two years of violations. The Community Development staff has put together a proposed ordinance and hopes to bring that to Council within the next few months.

Ms. Gooby stated that this same item has been in the plans because the other neighborhoods have thought it would be good to manage rental property in the neighborhoods.

Upon being asked how many people have provided feedback, Ms. Gooby stated that there was input from the Planning and Zoning Commission last month. There was also a letter of support from TRUNA. There has not been a lot of input.

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

Mr. Chris Mansfield, President of TRUNA, thanked the staff for the process, which was long. It took five meetings of the TRUNA Board (March through August). They got a good sense of what the neighborhood should be. The meeting in March was open to everyone in the neighborhood. Everything that was mentioned was adequately addressed in the report. They had the opportunity to meet some rental property owners that have the same concerns. It was a very useful activity. The report provides a great deal of information about the University's most immediate neighbor. Also, a lot of the data will be useful for consultants of the University.

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

Motion was made by Council Member Spell and seconded by Council Member Mercer to approve the ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Tar River/University Area Neighborhood Report and Plan. Motion carried unanimously. (Ordinance No. 09-28; Document No. 09-09)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 802 VANDERBILT LANE - ADOPTED

Chief of Police William Anderson informed the Council that the initial notice of violation was sent by certified mail on October 22, 2008 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on March 9, 2009, and it provided notice to the owner that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since April 28, 2005. There have been six code enforcement cases initiated on this property since 1998, ranging from abandoned structure to public nuisance. The Police Department has responded to 16 calls for service at this property since January 2000. Calls range from animal complaints, to disturbing the peace, to physical arrest, to suspicious activity. The tax value on the property as of March 9, 2009 is \$15,123 (building value of \$12,578 and land value of \$2,545). The estimated cost to repair the property is \$17,914.

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

Motion was made by Council Member Joyner and seconded by Council Member Spell to approve the ordinance requiring the repair or the demolition and removal of the dwelling located at 802 Vanderbilt Lane. Motion carried unanimously. (Ordinance No. 09-29)

ORDINANCE REQUIRING THE REPAIR OR THE DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 900 WARD STREET - ADOPTED

Chief of Police William Anderson informed the Council that the initial notice of violation was sent by certified mail on August 27, 2008 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on March 9, 2009, and it provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 17, 2008. There have been 18 code enforcement cases initiated on this property since 1998 ranging from minimum housing to abandoned structure to public nuisance. The Police Department has responded to 54 calls for service at this property since January 2000. Calls range from assault on a female and juvenile, to disputes, to disturbing the peace, to a man with weapon, to violations of controlled substances act. The tax value on the property as of March 9, 2009 is \$34,537 (building value of \$29,541 and land value of \$4,836). The estimated cost to repair the property is \$22,154.50.

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

Motion was made by Council Member Joyner and seconded by Council Member Spell to approve the ordinance requiring the repair or the demolition and removal of the dwelling located at 900 Ward Street. Motion carried unanimously. (Ordinance No. 09-30)

PUBLIC COMMENT PERIOD

No citizens spoke during the public comment period.

INCLUSIONARY ZONING AND PLANNED UNIT DEVELOPMENT REGULATIONS AND DRAFT AMENDMENTS TO ACCOMPLISH RELATED GOALS - APPROVED

Chief Planner Harry Hamilton stated that as part of an overall housing strategy, the Greenville City Council has taken the initiative to develop and encourage affordable and equitable housing options for all citizens. In furtherance of housing goals, the City Council has established and/or implemented a citywide affordable housing production and lending program for first time low- and moderate-income homebuyers, revitalization area partnership programs for affordable rental housing production, homebuyer assistance in neighborhoods near the University's main campus, and federal and state grant programs that provide housing assistance for low income individuals and families. Those programs are administered and managed by the City of Greenville Community Development Department, Housing Division. Mr. Hamilton explained the inclusionary zoning and planned unit development regulations and draft amendments to accomplish the goals and provided examples of developments that would be included in inclusionary zoning with planned unit developments.

Council Members expressed their interest in inclusionary zoning and planned unit development regulations as explained by Mr. Hamilton. Mr. Hamilton was asked to be careful to not lock in things such as requiring a supermajority vote when there are other options (such as a permitted use).

Mr. Hamilton explained that the supermajority is required by law for a special use or conditional use permit. If it is a permitted use, it does not apply, but there is the issue of not being able to add special conditions. Multi-family development would still be an option in other zones, as people are going to want to build attached dwellings. The City will have the opportunity to direct people to the new approach by not zoning property multi-family, which will require the person to take advantage of the new process, where they can achieve the densities they want to in a planned development.

Motion was made by Council Member Kittrell and seconded by Council Member Spell to instruct staff to initiate inclusionary zoning and planned unit development regulations and to draft amendments to accomplish related goals. Motion carried unanimously.

ORDINANCE AMENDING THE COMPOSITION OF THE HUMAN RELATIONS COUNCIL - ADOPTED

Director of Community Development Merrill Flood explained that this ordinance eliminates the “high school students” slots and replaces them with representatives of higher learning (Pitt Community College, Shaw University and East Carolina University), in addition to adding five more positions. This will make a total of 18 members of the Human Relations Council, which is a recommendation of that group.

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Council to approve the ordinance amending the composition of the Human Relations Council. Motion carried unanimously. (Ordinance No. 09-31)

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Members gave general comments, and Mayor Pro-Tem Council distributed to the Council Members information that Council Member Glover and she had received from the National League of Cities Conference in Washington, DC.

CITY MANAGER'S REPORT

City Manager Wayne Bowers explained that he received a letter from the County Manager concerning the County’s proposal to change the discount rate for paying property taxes early from two to one percent, so the meeting on April 20, 2009 will be needed to discuss that issue. The County Commissioners will also be voting on this on April 20, 2009. The Council discussed this issue and decided to have a special meeting to discuss it on April 21 since the County Commissioners would be voting on it on April 20.

City Manager Bowers reported that the Joint City/Greenville Utilities Commission Pay and Benefits Committee met this afternoon and is ready to make a recommendation to the Council and Greenville Utilities Commissioners.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to have a joint meeting with Greenville Utilities Commissioners on April 21, 2009, at 4:00 p.m. in the Greenville Utilities Commission Board Room. Motion carried unanimously.

City Manager Bowers reported that the sales tax figures were just received this afternoon. He gave a brief budget update.

Motion was made by Council Member Kittrell and seconded by Council Member Spell to cancel the April 20, 2009 City Council meeting. Motion carried unanimously.

ADJOURNMENT

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to adjourn the meeting at 10:30 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
April 21, 2009

The Greenville City Council met in a special meeting on the above date at 5:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Mayor Pro-Tem Council and the pledge of allegiance to the flag. The following were present.

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

COUNCIL MEMBERS ABSENT: Council Member Larry Spell

APPROVAL OF AGENDA

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

ORDINANCE AMENDING THE DISCOUNT RATE FOR THE PREPAYMENT OF PROPERTY TAXES – DENIED

City Manager Bowers distributed information showing that Pitt County collects taxes for Greenville, Bethel, Grimesland, Falkland and Simpson. The County would like to reduce the discount rate for the prepayment of property taxes from two percent to one percent and has been told by the Department of Revenue that since the municipalities originally adopted ordinances regarding having a discount rate that the cities now need to adopt an ordinance to reduce the discount rate in order for it to happen. For the current fiscal year, 63% of real property taxpayers took advantage of the discount, which accounted for a \$322,995 discount. Last year, 60% took advantage of the discount, which accounted for a \$264,000 discount. In next year's budget, \$374,000 in discounts have been budgeted. Pitt County took action on this request last night and asked that the City Council adopt a similar ordinance.

Ms. Melanie Bryan, Assistant County Manager/Finance Officer, informed the Council that the County has been discussing this for the past year because of the tough economic posture. Changing the discount rate would provide \$325,000 in additional revenue for the County. Mortgage companies comprise most of the early payers (August), as 52% of the overall levy comes from mortgage companies. The computer system that generates the amount of the

discount can only do one rate. If the City does not lower the rate, neither Pitt County nor the other cities will be able to go with the lower rate. The County will then have to make a decision on what to do next year and in future years. Action has to be taken by April 30.

Upon being asked to clarify that the tax program would not allow for more than one discount rate, Ms. Bryan stated that is because of the way the North Carolina Property Tax System is written. It is anticipated that a future generation of the program will allow for that; however, it is not available now. The discounts started in 1991 and four out of five towns adopted an ordinance because of cash flow.

Upon being asked if it would be more detrimental to the cash flow if fewer people paid their taxes in August because of the decrease in the discount, Ms. Bryan reiterated that the bulk of the people that pay in August are mortgage companies, and it is felt that they will continue to pay because of the banking regulations. Until 1998, the law stated that they “shall pay escrow at the point the taxes are lowest”. In 1998, the legislation was changed to read that they “may but are strongly encouraged to pay escrow at the point the taxes are lowest”. The mortgage companies have continued to take advantage of the two percent discount.

Council Members expressed their concern about the taxpayers not having the opportunity to have a two percent discount, with some Council Members stating that it is “hidden tax”.

Ms. Bryan explained that instead of a hidden tax, it is actually a lost opportunity. However, there will still be an opportunity to get a reduction of one percent. Out of 100 North Carolina counties, only about 40 offer a discount. Counties have predominantly moved away from that practice. Out of those 40 cities, the discount rates range from ½ to 2 percent.

The City Manager explained that it would not be a reduction of money to the City; it would be an increase in what is paid to the City in the amount of \$174,000. That may have to be reduced, because it may not be a net. It is difficult to project whether the City will lose money by not having the money in an interest-bearing account.

Council Members expressed that they do not like to go against what the County has requested.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to not adopt the ordinance. Motion carried unanimously.

RESOLUTION CALLING FOR A PUBLIC HEARING TO REFUND BONDS (SERIES 1998 CERTIFICATE OF PARTICIPATION BONDS) AND THE ISSUANCE OF DEBT FOR STREET IMPROVEMENTS – ADOPTED

Director of Financial Services Bernita Demery informed the Council that the City would see about a \$400,000 savings on the refunding and \$83,000 on new general obligation bonds that the City would not issue as a result of this financing. The maturity is 15 years, which is not being extended with the refunding. The rate is the only thing that is changing.

Mayor Dunn introduced the Resolution Calling A Public Hearing Concerning A Proposed Installment Financing Agreement To Provide For The Refinancing Of Certain Outstanding Certificates Of Participation Series 1998 (City Of Greenville Public Facilities And Equipment Project) And Financing Certain Street Improvements, Making Certain Findings Relating To The Installment Financing Agreement And Authorizing The Director Of Financial Services To File Application For Approval Thereof With The Local Government Commission.

Motion was made by Council Member Kittrell and seconded by Mayor Pro-Tem Council to adopt the Resolution Calling A Public Hearing Concerning A Proposed Installment Financing Agreement To Provide For The Refinancing Of Certain Outstanding Certificates Of Participation Series 1998 (City Of Greenville Public Facilities And Equipment Project) And Financing Certain Street Improvements, Making Certain Findings Relating To The Installment Financing Agreement And Authorizing The Director Of Financial Services To File Application For Approval Thereof With The Local Government Commission, setting the public hearing date for May 14, 2009. Motion carried unanimously. (Resolution No. 09-27)

ADJOURNMENT

Motion was made by Council Member Mercer and seconded by Mayor Pro-Tem Council to adjourn the meeting at 5:45 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks, MMC
City Clerk



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Resolution accepting dedication of rights-of-way and easements for Bristolmoor, Section 3; Philippi Church of Christ; and Langston Farms, Phase 10

Explanation: In accordance with the City's regulations, rights-of-way and easements have been dedicated for Bristolmoor, Section 3 (Map Book 69 at Page 67); Philippi Church of Christ (Map Book 63 at Page 169); and Langston Farms, Phase 10 (Map Book 71 at Page 166). A resolution accepting the dedication of the aforementioned rights-of-way and easements is attached for City Council consideration. The final plats showing the rights-of-way and easements are also attached.

Fiscal Note: Funds for the maintenance of these rights-of-way and easements are included within the FY 2008-2009 budget.

Recommendation: Adopt the attached resolution accepting dedication of rights-of-way and easements for Bristolmoor, Section 3; Philippi Church of Christ; and Langston Farms, Phase 10.

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

Attachments / click to download

- [Bristolmoor](#)
- [Philippi Church](#)
- [Langston Farms Phase 10](#)
- [May Right of Way Resolution 822559](#)

RESOLUTION NO. 09- _____

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:

Bristolmoor, Section 3	Map Book 69	Page 67
Philippi Church of Christ	Map Book 63	Page 169
Langston Farms, Phase 10	Map Book 71	Page 166

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 11th day of May, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, a Notary Public, do hereby certify that Wanda T. Elks, City Clerk, personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and notarial seal this 11th day of May, 2009.

Notary Public

My Commission Expires: 9/4/2011

SITE DATA

TOTAL AREA 9.219 AC.
 NUMBER OF LOTS CREATED 31
 AREA IN COMMON AREA 0
 AREA IN PARKS, RECREATION AREAS
 CEMETERIES AND THE LIKE. 0

C/L CURVE DATA

CURVE "A"
 R= 125.00'
 Δ = 60°20'06"
 L= 131.63'
 T= 72.66'
 CH= S 45°10'02" W
 125.63'

CURVE "B"
 R= 1,475.00'
 Δ = 04°09'48"
 L= 107.18'
 T= 53.61'
 CH= S 17°04'53" W
 107.16'

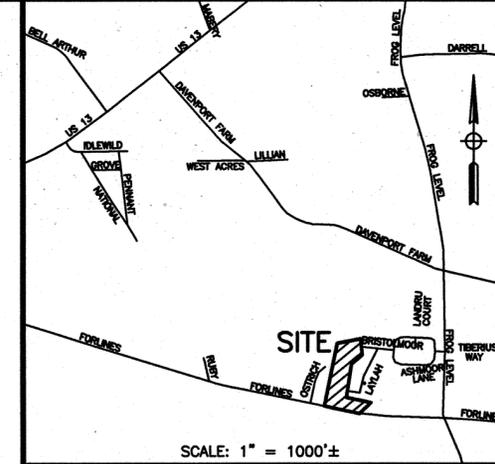


Doc ID: 001580540001 Type: CRP
 Recorded: 11/16/2007 at 04:20:06 PM
 Fee Amt: \$21.00 Page 1 of 1
 Pitt County, NC
 Judy J. Tart Register of Deeds
 BK 69 PG 67

COPY

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.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC 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.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720466500J, DATED 01/02/04.
- MAINTENANCE OF ISLANDS AND MEDIANS IN THE RIGHT-OF-WAY IS THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION.
- NO POINTS SET IN THE CENTERLINE OF SWIFT CREEK CANAL, OR DITCHES.
- NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCR OACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF GREENVILLE.

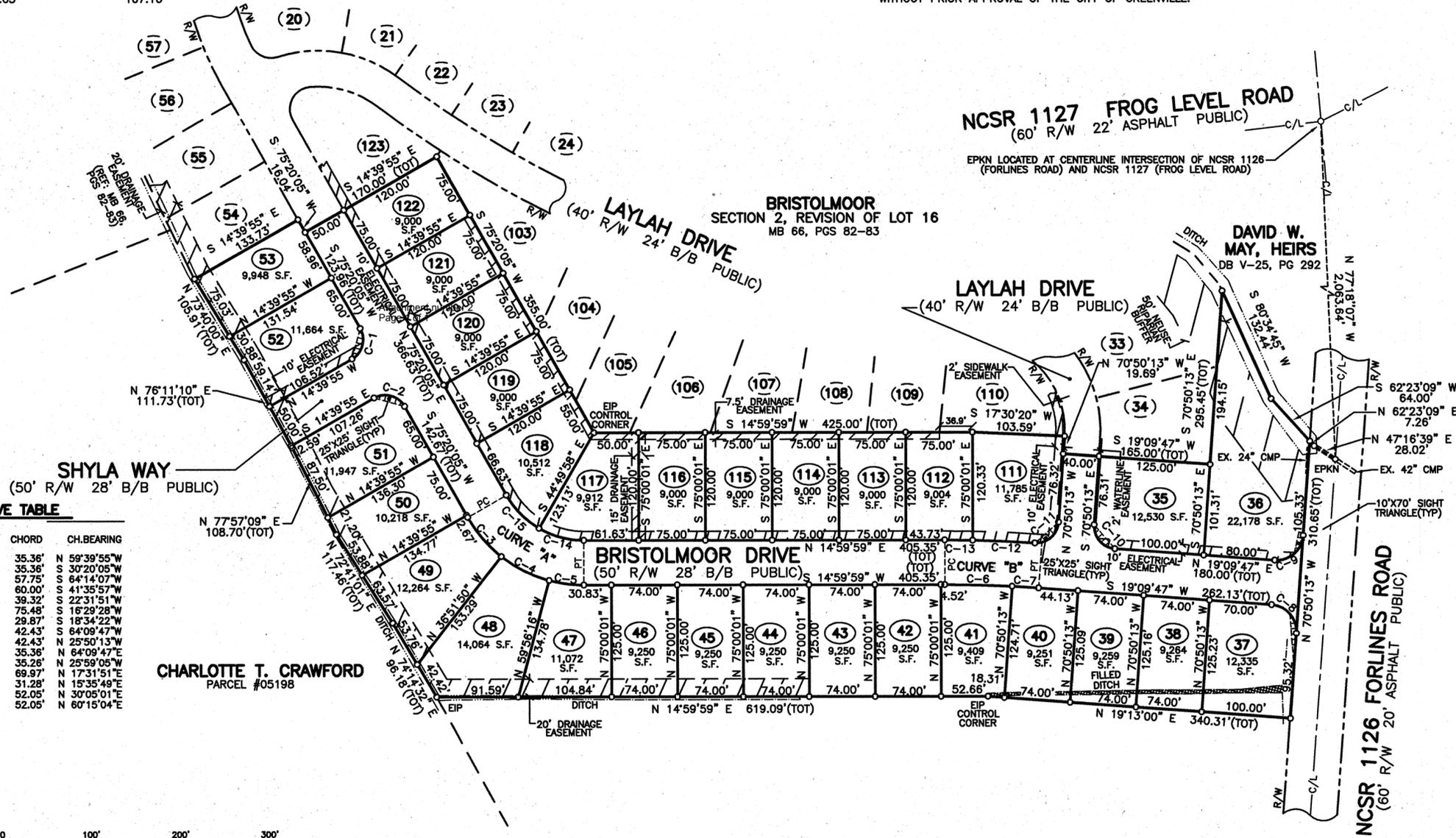


SCALE: 1" = 1000'±

VICINITY MAP

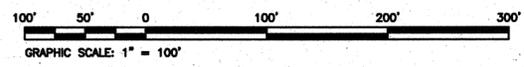
LEGEND

- EIP = EXISTING IRON PIPE
- R/W = RIGHT-OF-WAY
- PP = POWER POLE
- NPS = NO POINT SET
- R = RADIUS
- CH = CHORD
- PT = POINT OF TANGENCY
- PC = POINT OF CURVATURE
- EPKN = EXISTING PARKER KALON NAIL
- /- = NOT TO SCALE
- o = IRON PIPES SET UNLESS OTHERWISE NOTED
- C/L = CENTERLINE



CURVE TABLE

CURVE	RADIUS	CHORD	CH.BEARING
C-1	25.00'	35.36'	N 59°39'55"W
C-2	25.00'	35.36'	S 30°20'05"W
C-3	150.00'	57.75'	S 64°14'07"W
C-4	150.00'	60.00'	S 41°35'57"W
C-5	150.00'	39.32'	S 22°31'51"W
C-6	1450.00'	75.48'	S 18°29'28"W
C-7	1450.00'	29.87'	S 18°34'22"W
C-8	30.00'	42.43'	S 64°09'47"W
C-9	30.00'	42.43'	N 25°50'13"W
C-10	25.00'	35.36'	N 64°09'47"E
C-11	25.00'	35.36'	N 25°59'05"W
C-12	1500.00'	69.97'	N 17°31'51"E
C-13	1500.00'	31.28'	N 15°35'48"E
C-14	100.00'	52.05'	N 30°05'01"E
C-15	100.00'	52.05'	N 60°15'04"E



FINAL PLAT

SHEET 1 OF 1

BRISTOLMOOR SUBDIVISION

SECTION 3

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1435, PAGE 573 OF THE PITT COUNTY REGISTRY.

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: **BRISTOLMOOR, LLC**
 ADDRESS: P.O. BOX 336
 WINTERVILLE, NC 28590
 PHONE: (252) 413-9090

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

APPROVAL
 THIS FINAL PLAT NO. 07-101 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 26th DAY OF SEPTEMBER, 2007.

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 SO INDICATED ON SAID PLAT.

Baldwin and ASSOCIATES
 ENGINEERING, LAND SURVEYING AND PLANNING
 1015 CONFERENCE DRIVE
 GREENVILLE, NC, 27858
 (252) 756-1390

SURVEYED: DF APPROVED: MWB
 DRAWN: SCB DATE: 09/14/2007
 CHECKED: MWB SCALE: 1" = 100'

DEED BOOK 1435 PAGE 573
 DEED BOOK PAGE
 DEED BOOK PAGE
 REGISTRATION NO. L-3082

SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF 2007.
 Notary Public My Commission Expires: 03/28/09

SIGNED [Signature] CITY PLANNER

SIGNED [Signature] ATTEST [Signature]



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 ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE ; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED, WITNESS MY HAND AND SEAL THIS 14th DAY OF SEPT. AD 2007.

SIGNED [Signature] REGISTRATION NO. L-3082

REVIEW OFFICER'S CERTIFICATE

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.

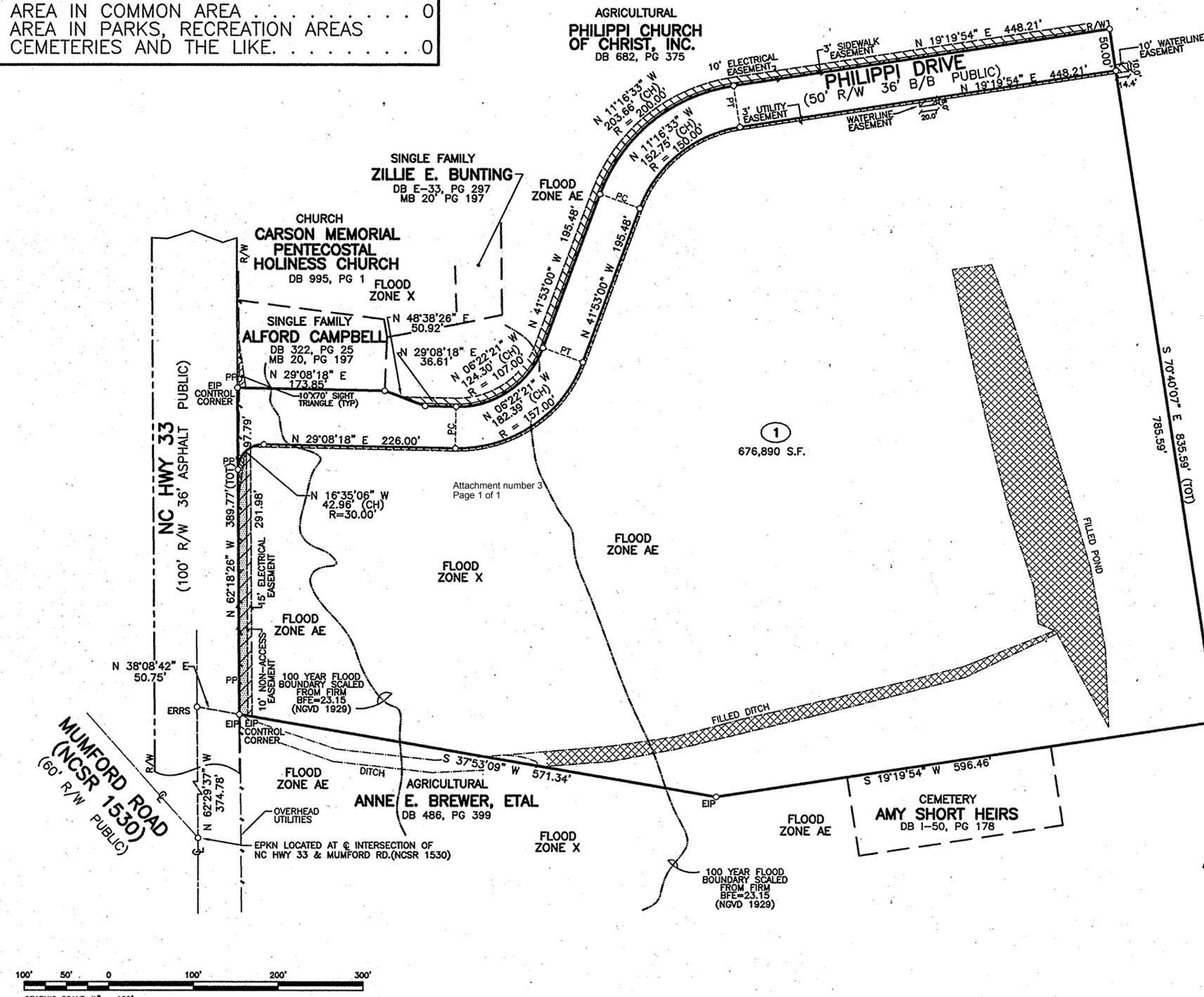
SIGNED [Signature] REVIEW OFFICER DATE

NORTH CAROLINA PITT COUNTY FILED FOR REGISTRATION THIS DAY OF 2006. JUDY TART, REGISTER OF DEEDS

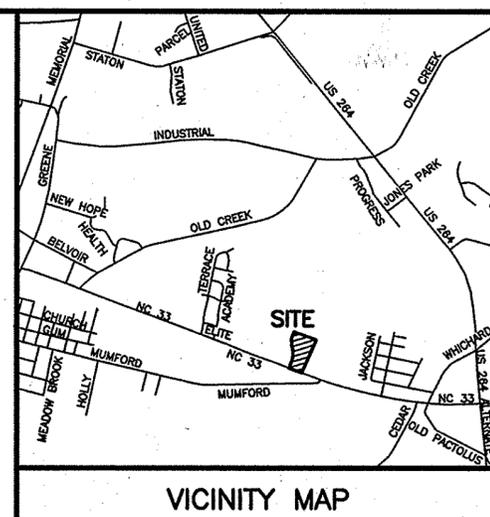
BY: DEPUTY REGISTER OF DEEDS

SITE DATA

TOTAL AREA 17.058 AC.
 NUMBER OF LOTS CREATED 1
 AREA IN COMMON AREA 0
 AREA IN PARKS, RECREATION AREAS
 CEMETERIES AND THE LIKE. 0



Doc ID: 000070430001 Type: CRP
 Recorded: 07/13/2005 at 12:16:18 PM
 Fee Amt: \$21.00 Page 1 of 1
 Pitt County, NC
 Judy J. Tart Register of Deeds
 BK **63** PG **169**



AGRICULTURAL
PHILIPPI CHURCH OF CHRIST, INC.
 DB 682, PG 375

- LEGEND**
- EIP = EXISTING IRON PIPE
 - C/L= CENTERLINE
 - R/W= RIGHT-OF-WAY
 - ERRS = EXISTING RAILROAD SPIKE
 - SIP = SET IRON PIPE
 - = IRON PIPE SET UNLESS OTHERWISE NOTED

- GENERAL NOTES**
1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 2. 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.
 3. A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY. ZONE AE, ELEV.=23.15(NGVD 1929), REF: 3720468800J, DATED JANUARY 2, 2004.
 4. 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.
 5. NO PERMANENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO SUBDIVISION SIGNAGE, FENCES OR STORAGE BUILDINGS, SHALL BE CONSTRUCTED OR LOCATED IN ANY DRAINAGE EASEMENT SHOWN ON THIS PLAT WITHOUT PRIOR APPROVAL FROM THE CITY OF GREENVILLE PUBLIC WORKS DEPARTMENT.
 6. SANITARY SEWER IS TO BE PROVIDED TO THIS PROPERTY BY A PROPOSED PRIVATE PUMP STATION AND COLLECTION SYSTEM. GREENVILLE UTILITIES COMMISSION POINT OF SERVICE WILL BE AN EXISTING MANHOLE LOCATED OFF SITE.

AGRICULTURAL
ANNE E. BREWER, ETAL
 DB 486, PG 399



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 ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE ; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-03 AS AMENDED. WITNESS MY HAND AND SEAL THIS 30th DAY OF JUNE AD 2005.

SIGNED: *[Signature]* REGISTRATION NO. L-3082

REVIEW OFFICER'S CERTIFICATE

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.

SIGNED: *[Signature]* DATE: 7/13/05
 REVIEW OFFICER

NORTH CAROLINA, PITT COUNTY DAY FILED FOR REGISTRATION THIS 20th DAY OF JULY AT O'CLOCK M. JUDY J. TART, REGISTER OF DEEDS
 BY: DEPUTY REGISTER OF DEEDS

FINAL PLAT SHEET 1 OF 1

PHILIPPI CHURCH OF CHRIST

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 682, PAGE 375 OF THE PITT COUNTY REGISTRY

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: PHILIPPI CHURCH OF CHRIST, INC.
 ADDRESS: 1610 FARMVILLE BLVD. GREENVILLE, NC 27834
 PHONE: (252) 752-7205

Baldwin and ASSOCIATES
 ENGINEERING, LAND SURVEYING AND PLANNING
 1015 CONFERENCE DRIVE GREENVILLE NC, 27858
 (252) 756-1390

SURVEYED: DJ APPROVED: MWB
 DRAWN: SCB DATE: 06/30/05
 CHECKED: MWB/SCB 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 682 PAGE 375
 DEED BOOK PAGE
 DEED BOOK PAGE

NC REGISTRATION NO. L-3082

OWNERS STATEMENT

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

Robert E. [Signature]
 SWORN AND SUBSCRIBED BEFORE ME THIS 20th DAY OF July, 2005.
[Signature]
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 03/28/09

APPROVAL

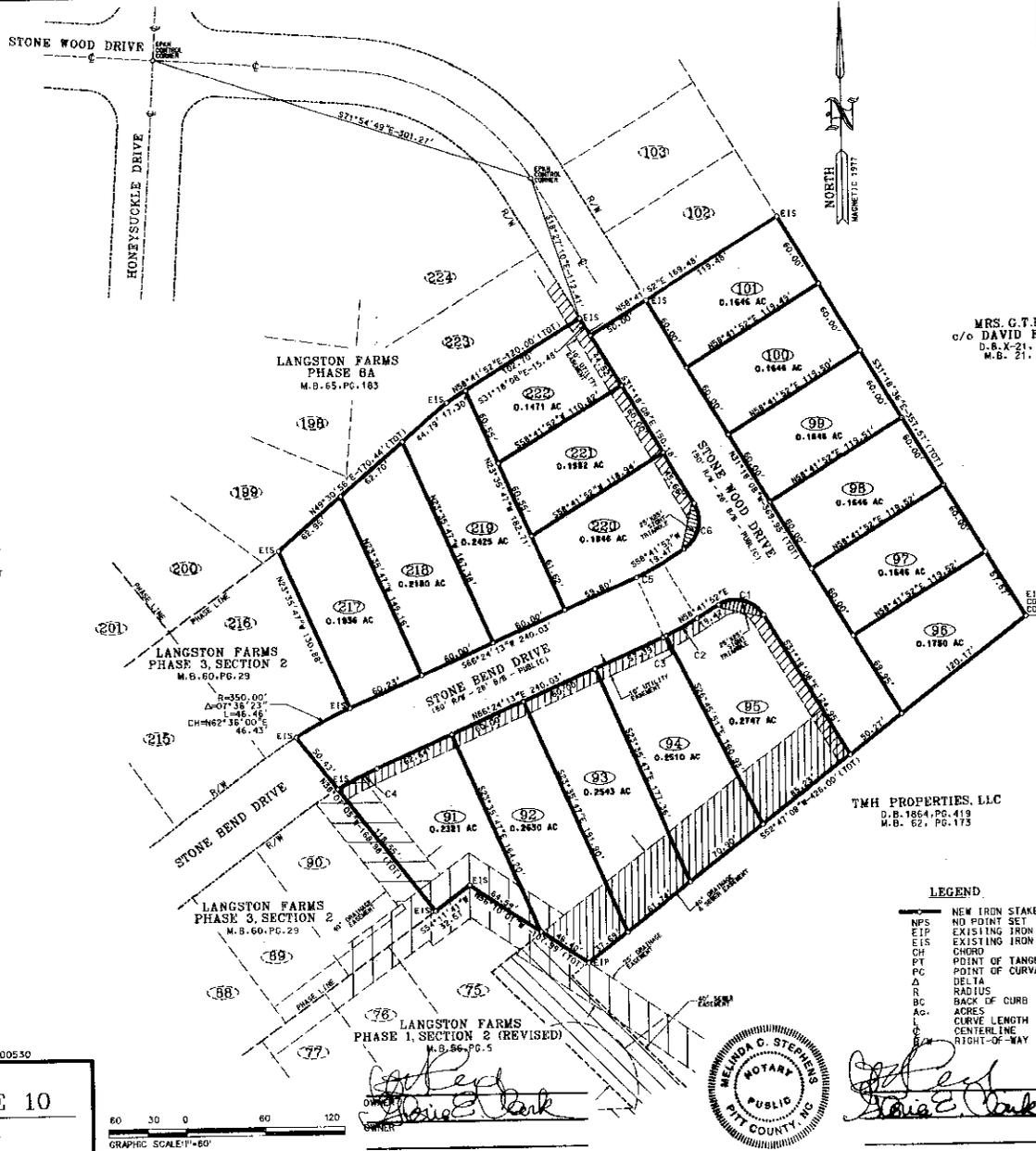
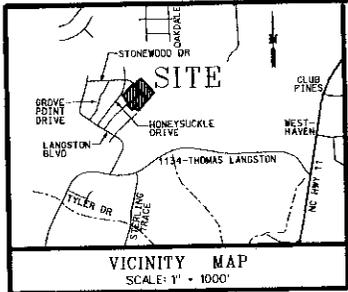
THIS FINAL PLAT NO. 05-A7 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 11th DAY OF May, 2005.

SIGNED: *[Signature]* CITY PLANNER

DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT 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: *Robert E. [Signature]*
 ATTEST: *Dawn Bachlottie*



SITE DATA

NUMBER OF LOTS CREATED.....	17
TOTAL AREA IN TRACT.....	4.2584 AC
AREA IN COMMON AREA.....	0
AREA IN PARKS, RECREATION AREAS AND THE LAKE.....	0

Doc ID: 00884720001 Type: CRP
 Record#: 00272/2508 dt: 02:38:33 PM
 Fee Amt: \$21.00 Page 1 of 3
 Pitt County, NC
 Judy J. Tart, Register of Deeds
 BK 71 PG 166

MRS. G.T. EVANS, Jr.
 o/o DAVID EVANS, Jr.
 D.B. 21, PG. 141
 M.B. 21, PG. 54

COPY

- NOTES:**
1. THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
 2. ALL AREAS CALCULATED BY COORD/NATE GEOMETRY.
 3. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM. FIRM 37204676000, DATED 1-2-04.
 4. IRONS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
 5. SUBDIVISION SIGNAGE SHALL NOT BE LOCATED WITHIN ANY UTILITY EASEMENT.
 6. NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, STORAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCRUSH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.

CURVE 1 (C1) R=25.00' Δ=90°00'00" L=39.28' CH=62°18'08"E 35.36	CURVE 2 (C2) R=220.00' Δ=71°17'53" L=271.64' CH=N62°12'59"E 27.62
CURVE 3 (C3) R=220.00' Δ=00°41'06" L=23.54' CH=S66°04'10"W 33.74	CURVE 4 (C4) R=300.00' Δ=36°28'50" L=271.64' CH=N63°10'48"E 33.74
CURVE 5 (C5) R=25.00' Δ=07°42'23" L=23.54' CH=S62°13'02"E 23.52	CURVE 6 (C6) R=25.00' Δ=90°00'00" L=39.28' CH=N62°13'41'52"W 33.74

SHEET 1 OF 1 PN 00530

MAP FOR RECORD
LANGSTON FARMS, PHASE 10

REFERENCE: A PORTION OF THE PROPERTY RECORDED IN DEED BOOK 954, PAGE 133 OF THE PITT COUNTY REGISTRY

GREENVILLE, WINTERVILLE TWP., PITT COUNTY, NORTH CAROLINA

OWNER: WILLIAM H. CLARK AND GLORIA E. CLARK
 200 E. ARLINGTON BOULEVARD
 GREENVILLE, NC 27858
 (252) 355-5805

STROUD ENGINEERING, P.A.
 107-B COWMERE STREET
 GREENVILLE, NC 27858
 (252) 756-9352

SURVEYED: APPROVED: HOB
 DRAWN: DATE: 7/29/08
 CHECKED: HOB SCALE: 1" = 60'

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 257 PAGE 123

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

APPROVAL
 THIS FINAL PLAT, 08-09 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE DAY OF FEB 09 2009

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

APPROVAL
 THIS FINAL PLAT, 08-09 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE DAY OF FEB 09 2009

DEDICATION
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CERTIFICATION
 I, HOWARD O. BARNUM, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, USED DESCRIPTION RECORDED IN BOOK 257, PAGE 123, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 257, PAGE 123, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:50,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 23RD DAY OF FEBRUARY 2009

HOWARD O. BARNUM, PLS. REGISTRATION NO.

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

DATE: 2/27/09

NORTH CAROLINA PITT COUNTY
 FILED FOR REGISTRATION THIS THE ___ DAY OF _____, 20___ AT _____ O'CLOCK _____ M.

JUDY J. TART, REGISTER OF DEEDS
 BY: [Signature] DEPUTY REGISTER OF DEEDS





City of Greenville, North Carolina

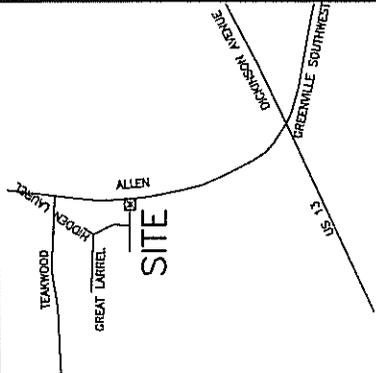
Meeting Date: 5/11/2009
Time: 6:00 PM

-
- Title of Item:** Right-of-way encroachment agreement with Rocky Russell Development, LLC, to allow the construction of a subdivision name entrance sign, landscaping and conduits for electrical lines for the Landover Subdivision along Laurel Ridge Drive
- Explanation:** Attached for City Council's consideration is a right-of-way encroachment agreement for Rocky Russell Development, LLC that establishes the terms permitting the developer to construct a subdivision name entrance sign, place landscaping, and install conduits for electrical lines for the Landover Subdivision along Laurel Ridge Drive. A map presenting the limits of the encroachment is attached to the agreement.
- No adverse comments regarding this encroachment were received through the departmental review process. Staff takes no exception to this request.
- Fiscal Note:** There will be no cost to the City associated with the proposed encroachment.
- Recommendation:** Approve the right-of-way encroachment agreement permitting Rocky Russell Development, LLC to construct a subdivision name entrance sign, place landscaping, and install conduits for electrical lines for the Landover Subdivision along Laurel Ridge Drive.

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

Attachments / click to download

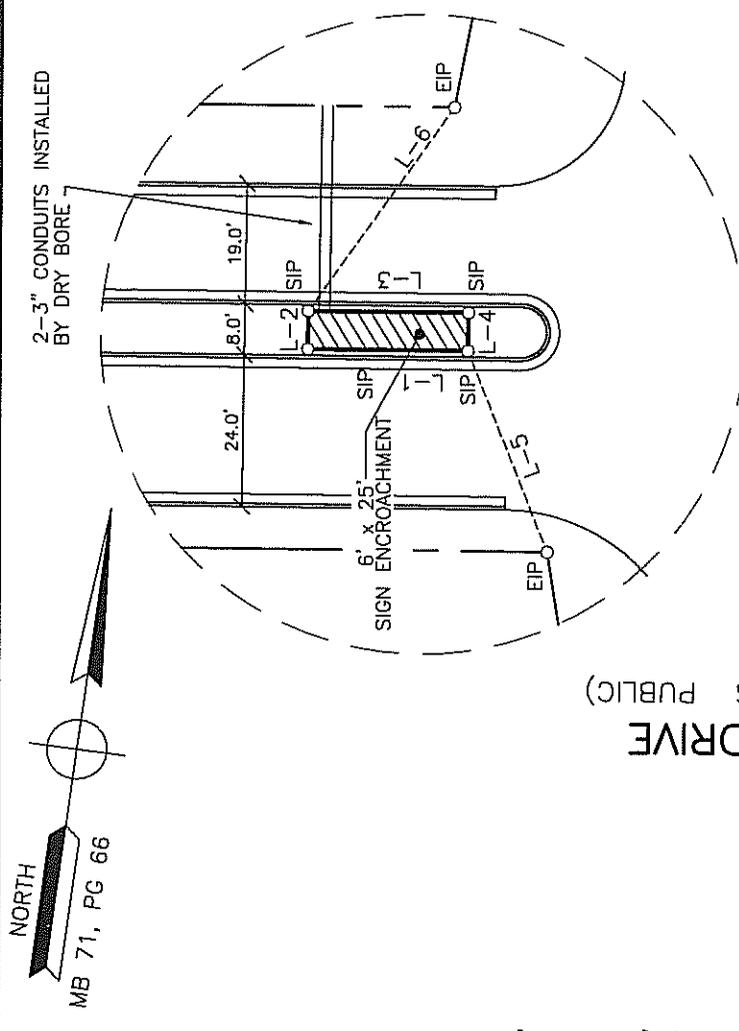
- [Landover Map](#)
- [Encroachment Agreement](#)



VICINITY MAP

CALL TABLE

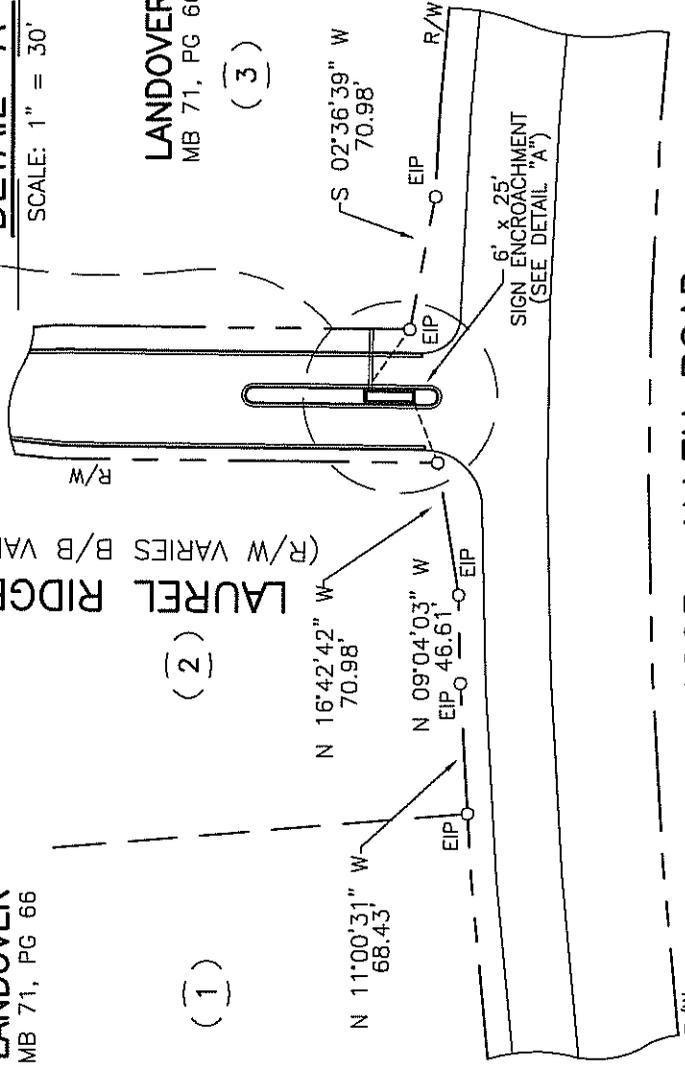
L-1	S 82°57'50" W	25.00'
L-2	N 07°02'10" W	6.00'
L-3	N 82°57'50" E	25.00'
L-4	S 07°02'10" E	6.00'
L-5	N 29°17'26" W	34.15'
L-6	S 28°15'53" W	39.69'



DETAIL "A"
SCALE: 1" = 30'

LANDOVER
MB 71, PG 66

LANDOVER
MB 71, PG 66



NCSR 1203 ALLEN ROAD
(100' R/W 34' ASPHALT PUBLIC)

AREA IN SIGN EASEMENT = 150 S.F.

LEGEND

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

NOTE

THIS MAP IS OF A SURVEY OF ANOTHER CATEGORY.

REVISED 04/30/09 (INCREASE SIZE)
REVISED 04/03/09 (ADD DIMS)

SCB | CAD FILE: 03-139 LANDOVER SIGN ESMT | FILE #03-139

I, STUART C. BARWICK, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND SUPERVISION THAT THE ERROR OF CLOSURE, AS CALCULATED BY LATITUDES AND DEPARTURES, IS 1:10,000.

WITNESS MY HAND AND SEAL THIS 26th DAY OF MARCH, 2009.

STUART C. BARWICK, PLS

L-4461

SIGN ENCROACHMENT MAP FOR

LANDOVER

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN MAP BOOK 71, PAGE 66 OF THE PITT COUNTY REGISTRY

GREENVILLE, PITT COUNTY, N.C.

DATE: MARCH 26, 2009 SCALE: 1" = 100'



Baldwin & Janowska, PA
ENGINEERING - SURVEYING - PLANNING
1015 CONFERENCE DRIVE
GREENVILLE, NC, 27858 252.756.1390

-----[SPACE ABOVE THIS LINE IS RESERVED FOR RECORDATION DATA]-----

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared by: City of Greenville
Mail to: City of Greenville PWD
PO Box 7207
Greenville, NC 27834

Right of Way Encroachment Agreement
Laurel Ridge Drive, Landover Subdivision

THIS AGREEMENT made and entered into this the _____ day of May 2009, by and between the **CITY OF GREENVILLE**, Party of the First Part and hereinafter sometimes referred to as the **CITY**, and **ROCKY RUSSELL DEVELOPMENT, LLC** Party of the Second Party and hereinafter sometimes referred to as the **OWNER**;

WITNESSETH

THAT WHEREAS, the OWNER desires to encroach upon the public right of ways of the public streets designated as Laurel Ridge Drive with the construction of a subdivision entrance sign and associated landscaping as shown on Attachment "A";

WHEREAS, it is to the material advantage of the OWNER to effect this encroachment, and the CITY, in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of ways as indicated on attachment "A", subject to the conditions of this Agreement.

NOW, THEREFORE, in consideration of the execution of this Agreement by the CITY, the benefits flowing to the OWNER, and the covenants and agreements herein contained with respect to the obligations of the OWNER hereunder, the CITY does hereby give and grant unto the OWNER, the right and privilege to make the encroachment, as shown on attachment "A", subject to the conditions contained in this Agreement.

TO HAVE AND TO HOLD said encroachment rights under this Agreement unto the OWNER, provided, however, the OWNER performs and abides by the covenants and agreements herein contained.

The covenants and agreements to be performed by the OWNER as a part of the consideration for this encroachment agreement are as follows:

1. All costs of construction and maintenance of the encroaching structure will be at the sole cost and expense of the OWNER.
2. All damages to the right of ways, including the traveled portion of the street located thereon, or to facilities maintained by Greenville Utilities Commission as a result of the construction or maintenance of the encroaching structure, shall be borne by the OWNER, including but not limited to the following:
 - a. Restoring the traveled portion of the street to good, passable condition for use by the public.
 - b. Repairing any damage to the existing curbing or sidewalks.
 - c. Repairing any damage to facilities maintained by Greenville Utilities Commission
3. Any damage to the OWNER's encroaching structure caused by the CITY's or Greenville Utilities Commission use of its right of ways for construction or maintenance work in the ordinary course of its business, shall be borne by the OWNER.
4. The OWNER shall maintain the encroaching structure so that it does not interfere with the utilization of the right of way by the CITY or utilization by the Greenville Utilities Commission of the right of way or facilities maintained by Greenville Utilities Commission.
5. The OWNER shall install and maintain the encroaching structure in such safe and proper condition that it will not obstruct or interfere with the proper maintenance of the right of way, or facilities maintained by Greenville Utilities Commission and if at any time in the future the CITY shall require the removal of or changes in the location of the encroaching structure, the OWNER shall promptly remove or alter the location of the encroaching structure in order to conform to such requirements without cost to the CITY.
6. The OWNER hereby agrees to indemnify and save the CITY and its officers and employees harmless from all damages and claims for damage that may arise by reason of the installation and maintenance of the encroaching structure.
7. The OWNER agrees to exercise every reasonable precaution during construction and maintenance of the encroaching structures to prevent damage to the right of way or facilities maintained by Greenville Utilities Commission. The OWNER shall comply with all applicable rules, regulations, and ordinances of the CITY as well as those of state and federal regulatory agencies. Whenever any installation or maintenance operation by the OWNER or its contractors disturbs the ground surface, the OWNER agrees to return the area as nearly as possible to its condition prior to disturbance.
8. The OWNER agrees to assume the actual cost of any inspection of the OWNER's work considered to be necessary by the CITY.
9. In the event of noncompliance by the OWNER with any of the covenants and agreements herein contained, the CITY reserves the right to stop all works by the OWNER until the OWNER complies, or to cause the removal of the encroaching structure from its right of way or from City property without cost to the CITY.

10. Notwithstanding any other provision of this Agreement, the CITY may terminate the right, privilege, and easement granted herein by the provision of at least thirty-days (30) written notice to the OWNER.

IT IS UNDERSTOOD AND AGREED that after completion of the construction of the encroaching structures, the OWNER may assign, subject to the conditions contained in this Agreement, the encroachment rights under this Agreement to the Homeowners' Association provided that said assignment is in writing with the association, agreeing to perform and abide by the covenants and conditions to be performed by the OWNER contained in this Agreement and provided that a copy of said assignment is delivered to the CITY within ten (10) days of the execution of the assignment.

IT IS UNDERSTOOD AND AGREED that this Agreement shall become null and void if actual installation of the encroaching structure is not complete within one (1) year from the date of the execution of this Agreement.

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

ROCKY RUSSELL DEVELOPMENT, LLC

Rocky Russell, Manager/Member (Seal)

CITY OF GREENVILLE

By: _____
Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

APPROVED AS TO FORM:

David A. Holec, City Attorney

RECOMMENDED:

Wes Anderson, Public Works Director

I, _____, a Notary Public of Pitt County, North Carolina, do hereby certify that Wanda T. Elks, personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville through and by the City Council, its governing body, the foregoing instrument was signed in its name by the Mayor, Patricia C. Dunn, sealed with corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and Notarial Seal, this the _____ day of May 2009.

_____, Notary Public
(Print or Type Name of Notary Here)

My Commission Expires: _____

I, _____, Notary Public of said Pitt County, North Carolina, do hereby certify that Rocky Russell, personally appeared before me this day and acknowledged he is a managing partner of ROCKY RUSSELL DEVELOPMENT, LLC, and that by authority duly given, he signed the foregoing instrument for and on behalf of said limited liability corporation.

WITNESS my hand and Notarial Seal, this the _____ day of May 2009.

_____, Notary Public
(Print or Type Name of Notary Here)

My Commission Expires: _____



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Resolution approving an Interlocal Agreement with the Cape Fear Public Transportation Authority for the purchase of buses, and bus equipment and parts

Explanation: In an effort to minimize costs, the State has worked with cities scheduled for bus purchases to develop a uniform bus specification allowing for a statewide bid process. The Cape Fear Public Transportation Authority has agreed to be the Lead Procuring Agent for a consortium of several North Carolina cities. In order to participate, the City of Greenville must enter into this Interlocal Agreement for the procurement of buses and bus equipment and parts with the Cape Fear Public Transportation Authority.

Fiscal Note: Two hybrid buses will be purchased with the Federal Transit Administration American Recovery and Reinvestment Act (ARRA) funds allocated to the City of Greenville. These are 100 percent federal funds with no matching required from the City.

Recommendation: Approve the attached resolution authorizing an Interlocal Agreement with Cape Fear Public Transportation Authority relating to the procurement of buses, and bus equipment and parts.

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

Attachments / click to download

[📎 Agreement](#)

[📎 Resolution Approving Interlocal Agreement with Cape Fear Public Transportation Authority 824741](#)

RESOLUTION NO. 09-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
APPROVING AN INTERLOCAL AGREEMENT WITH CAPE FEAR PUBLIC
TRANSPORTATION AUTHORITY RELATING TO THE PROCUREMENT OF BUSES
AND BUS EQUIPMENT AND PARTS

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes empowers the City of Greenville and Cape Fear Public Transportation Authority to enter into an interlocal agreement in order to execute an undertaking whereby a unit of local government exercises any power, function, public enterprise, right, privilege, or immunity either jointly with or on behalf of another unit of local government; and

WHEREAS, North Carolina General Statute 160A-461 provides that an interlocal agreement shall be ratified by resolution of the governing body of each unit spread upon its minutes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that the Interlocal Agreement by and between the City of Greenville and Cape Fear Public Transportation Authority be and is hereby approved and ratified, said Agreement providing for the procurement of buses and bus equipment and parts.

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor and City Clerk be and are hereby authorized to execute the aforementioned Interlocal agreement for and on behalf of the City of Greenville.

This the 11th day of May, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

**INTERLOCAL AGREEMENT
FOR THE PROCUREMENT OF
BUSES AND BUS EQUIPMENT AND PARTS
BETWEEN
CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY
and
City of Greenville**

This **INTERLOCAL AGREEMENT** is entered into this ___ day of _____, 2009, by and between the **CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY**, a North Carolina Public Transportation Authority (the "Procuring Agent") and the **CITY OF GREENVILLE**, a North Carolina entity with the status of a North Carolina Municipal Corporation (the "Principal");

Section 1. Purpose of Agreement. The purpose of this Agreement ("Agreement") is to allow the parties to obtain buses and bus equipment and parts more quickly and less expensively than if they procured them independently.

Section 2. Delegation of Authority. The Principal hereby delegates to the Procuring Agent the authority to conduct a bid procurement for the manufacture and delivery of low floor transit buses, alternate equipment, optional equipment, and identified spare parts (said buses, equipment, and spare parts are referred to hereafter as the "Goods") and to enter into procurement contract(s) for the purchase of the Goods on behalf of the Principal. This Agreement does not obligate the Principal to purchase any of the Goods.

Section 3. Effective Date of Agreement. This Agreement shall become effective _____, ____ 2009.

Section 4. Procurement Procedures. The Procurement shall conform to the terms and Conditions set forth in the March 2009 document entitled "North Carolina Consolidated Bus Procurement - Cape Fear Public Transportation Authority, Lead Agency", except to the extent, if any, that the Procuring Agency finds, after consultation that it is appropriate to vary from that document.

Section 5. Award of Contract. The bids shall be reviewed by the persons designated by the Procuring Agent and the Principal, and they will present a recommendation to the Authority Board of the Procuring Agent for the award of the procurement contract(s). The Authority Board of the Procuring Agent may consider, but is not bound by the recommendation. Once the procurement contract(s) have been executed by the Procuring Agent and the vendor(s), a copy of procurement contract(s) shall be forwarded to the Principal. Upon receipt of the procurement contract(s) the Principal may issue its individual Purchase Order(s) to the vendor(s) that has/have executed the procurement contract(s). The Principal shall thereby buy the Goods from the vendor(s) and not from the Procuring Agency. In no event will the Procuring Agent assume any responsibility for any contract resulting from this agreement between any Principal and any bus or bus equipment provider(s).

Section 6. Record Retention. The Procuring Agent and the Principal agree to retain all documentation relating to the procurement for a period of not less than three years after the date of the last vehicle delivery pursuant to the procurement, except in the event of litigation or settlement of claims arising from the performance of the procurement contract(s), in which case the Procuring Agent and Principal agree to maintain same until all such litigation, appeals, claims or exceptions related thereto have been resolved.

Section 7. Miscellaneous.

(a) Duration. This Agreement shall be perpetual, unless terminated earlier by mutual agreement. The governing body of each party hereto has determined that duration to be reasonable. On such termination, all obligations that are still executory on both sides are discharged but any right based on prior breach or performance survives.

(b) Appointment of Personnel. The Authority Board Chairperson shall designate persons to carry out the Procuring Agent's obligations under this Agreement. The City Manager shall designate persons to carry out the Principal's obligations under this Agreement.

(c) Amendment and Termination. This Agreement may be amended or terminated by agreement of the parties.

(d) Benefit of Agreement. This Agreement is for the benefit of only the parties hereto and not any other person, firm, or corporation.

(e) Nature of Agreement and Transaction. The Procuring Agent's sole responsibilities under this Agreement are to conduct a bid procurement as described in this Agreement and to enter into the procurement contract(s) for the benefit of the Principal, also as described in this Agreement. In performing under this Agreement, the Procuring Agent is acting as the agent for the Principal, provided that the Procuring Agent may also purchase Goods for itself in the same procurement process. The Procuring Agent does not warrant, or give any opinion, that this procedure, by which the Procuring Agent solicits bids and enters into procurement contract(s) on behalf of the Principal, will be successful, lawful, in compliance with regulations, or effective. The Principal shall not hold the Procuring Agent liable for any deficiencies in, or failure of, this procedure. The Procuring Agency shall not be liable for any breach of the procurement contract(s) by the vendor(s) or by the Principal, and the Purchase Order(s) issued by the Principal shall so state. The Principal shall indemnify the Procuring Agent for, and hold the Procuring Agent harmless from, any claim by any person, firm, or corporation regarding this procedure or regarding the sale or purchase of the Goods. The Procuring Agent shall not be considered the buyer or seller of any of the Goods, and the PROCURING AGENT SHALL NOT BE LIABLE TO THE PRINCIPAL ON ANY EXPRESS OR IMPLIED WARRANTIES (INCLUDING BUT NOT LIMITED TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE) with respect to any of the Goods.

Section 8. Governing Law and Forum. This Agreement shall be construed and interpreted in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement that are between the parties to this Agreement shall be the North Carolina General Court of Justice, in New Hanover County. The preceding sentence does not govern actions between the Principal and any person, firm, or corporation other than the Procuring Agent.

Section 9. Cape Fear Public Transportation Authority Policy. The Cape Fear Public Transportation Authority (Wave Transit) is committed to ensuring that no person is excluded from participating in or denied the benefits of any the authority's services on the basis of race, color, national origin, sex, age, disability or socioeconomic status as protected by Title VI of the Civil Rights Act of 1964 and the Executive Order on

Environmental Justice. Anyone believing to have been subjected to discrimination under Title VI by the authority, its employees or agents, are entitled to file a complaint.

This Agreement has been executed by the Principal and the Procuring Agent by and through duly authorized representatives.

CAPE FEAR PUBLIC
TRANSPORTATION AUTHORITY

(seal)

By: _____
William Bryden, Chairman

ATTEST:

George Dolan, Secretary

The City of Greenville

Principal

(seal)

By: _____
Patricia C. Dunn/Mayor

name/title

ATTEST:

Wanda T. Elks/City Clerk

name/title

APPROVED AS TO FORM

Andrew W. Olsen, Legal Counsel

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE
LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT

Catherine C. Beasley, CPA, Finance Director



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Contract award for HVAC design for the Aquatics and Fitness Center and the Eppes Recreation Center gymnasiums

Explanation: Heating, ventilating, and air-conditioning (HVAC) systems in the Greenville Aquatics and Fitness Center (GAFC) and the Eppes Recreation Center (Eppes) gymnasiums are to provide patrons with climate controlled environments that facilitate participation in recreation programs. Currently, programming and functionality are limited because the gymnasiums are not air-conditioned. This contract will address engineering design needs for the mechanical systems related to the proposed HVAC improvements at the GAFC and Eppes gyms. The ultimate goal is to provide the gymnasiums with an energy efficient HVAC system.

In order to accomplish this, the City issued a Request for Qualifications (RFQ) on January 6, 2009 for the GAFC and Eppes HVAC Design. Through the RFQ, the City of Greenville solicited Statements of Qualifications from mechanical engineering firms for the design of the HVAC systems at both project sites.

On February 13, 2009, the City received Statements of Qualifications (SOQ) from twelve engineering firms, and a selection committee of five Parks staff members was assembled. Staff evaluated the SOQ's based on the RFQ criteria, and Stanford White, Inc. was selected by the committee.

Stanford White has submitted a proposal to provide the City of Greenville with professional engineering services that includes HVAC design, bidding assistance, and construction administration for the project.

Fiscal Note: The design fee is \$36,000. The FY 2009-2013 Capital Improvement Program includes \$200,000 in FY 2008-2009 for Gymnasiums HVAC Systems. There will be additional utility costs associated with the operation of the new HVAC systems.

Recommendation: Authorize the City Manager to enter into the attached Contract Agreement with

Stanford White, Inc. for HVAC Design at the Greenville Aquatics and Fitness Center and Eppes Gymnasiums.

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

Attachments / click to download

 [GAFC and Eppes Stanford White Contract 827046](#)

CONTRACT FOR HVAC DESIGN AT GREENVILLE AQUATICS AND FITNESS CENTER
AND EPPES GYMNASIUM

This contract is made and entered into as of the _____ day of _____, 20____, by the City of Greenville, North Carolina (“City”) and Stanford White, Inc. (“Engineer”), a corporation organized and existing under the laws of North Carolina.

Sec. 1. Background and Purpose. The purpose of this project is to design for the mechanical systems related to the HVAC systems for the gymnasiums at GAFC and Eppes. These gymnasiums are not air conditioned which limits programming and functionality. The preparation of bid documents is needed for the installation of new HVAC systems at GAFC and Eppes. The ultimate goal is to provide patrons with climate controlled environments to participate in recreation programs.

Sec. 2. Services and Scope to be Performed. The Engineer shall provide mechanical engineering services to include: Project Scope Definition, Schematic Design, Design Development, Construction Documents, Construction Bidding, Construction Administration, and As-built Drawings in Autocad format. The project scope definition shall include a feasibility analysis to upgrade the existing HVAC systems at each gymnasium for the City’s consideration.

2.1. Service Disciplines: Engineer shall provide design and construction observation services in the following disciplines:

- 1). *Mechanical engineering (heating, ventilating, and air-conditioning, and plumbing).* Plumbing design shall be limited to minor water and waste system modifications to support new HVAC equipment installation. HVAC design shall include air handling and heat transfer system in and around the building structure, and HVAC controls design; Natural gas piping design shall be limited to piping beyond the load side of the meter.
- 2). *Electrical engineering (power, lighting and fire alarm systems).* Electrical design shall be limited to power, lighting and fire alarm modification related to the new HVAC equipment installation.
- 3). *Structural engineering (substructure and superstructure).* Structural design shall be limited to minor structural modifications to support new HVAC equipment installation.

2.2. Project Scope Definition (Study): Engineer shall prepare a study for review and comment by the City. The focus of the study shall be the development of a clear scope of work for the project. As part of the study, the Engineer shall initiate a meeting with the City to discuss the budget, schedule and project scope. The Engineer shall review facility as-built drawings, perform a field survey, and an inventory of major engineering components. The field survey evaluations shall be based on visual observation to determine the overall condition of the facility / equipment. The study shall summarize system needs, propose cost effective solutions, and include an opinion of construction cost for the City’s consideration. If the total projected construction cost exceeds the construction cost budget, the Engineer shall assist the City in value management and revising the project scope such that it fits the construction budget. The determination of the project scope in the proposed study shall form the basis for further design work.

If the scope changes as a result of the findings of the study, the Engineer may: 1) adjust the project team to include sub-consultants (architect, etc); and 2) submit a fee proposal according to the scope revision.

2.2.1 Base Drawings – In the absence of electronic plans of the existing facilities, the Engineer shall generate a set of electronic floor plans as required for this project.

2.3 Schematic Design / Design Development (SD/DD): The Engineer shall prepare a combined Schematic Design/ Design Development (SD/DD) set of documents for review and comment by the City. The design documents shall: 1) indicate locations of major components 2) describe the size, and character of the project as it relates to systems, materials, and other elements; and 3) form the basis for further design work during the subsequent design phase.

2.4 Construction Documents Phase: The Engineer shall prepare Construction Documents consisting of drawings and technical Specifications required for the construction of the project; an opinion of probable construction cost shall be provided with final construction documents. The Engineer shall prepare the Contract(s) for construction, general conditions, supplementary general conditions, bid forms, invitations to bid, and instructions to bidders, for the City's review and approval. Fifteen (15) sets of plans and specifications shall be provided for bidding contractors.

2.5 Construction Phase: The Engineer shall assist the City in bid negotiations and provide a recommendation for awarding construction contracts. The Engineer shall provide administration of the contract(s) for construction, and review Contractor submittals, including shop drawings, product data, samples and other documents required to assure conformance with the design intent and contract documents.

2.5.1. Submittals – The Engineer's review of submittals shall be conducted within ten (10) days of receipt from the Contractor. The Engineer is not required to review partial and is not responsible for any deviations from the contract documents that are not documented in writing by the Contractor, and approved by the City. The Engineer shall provide the City with two (2) copies of all approved and rejected submittals.

2.5.2. Site Visits and Construction Meetings – The Engineer shall conduct site visit and construction meetings to ensure the construction is in compliance with the Contract Documents; the City assumes bimonthly site visits and construction meetings during the active construction period. The Engineer shall document all site visits and construction meetings, and provide the City with copies of documentation.

2.5.3. Rejection of Work – The Engineer shall have authority to reject work which is not in compliance with the Contract Documents. In addition, the Engineer shall have the authority to require additional inspection and or testing of the Work in accordance with the provisions of the Contract Documents.

2.5.4. Request for Information (RFI) – The Engineer shall respond to all RFI's within ten (10) days of receipt to ensure promptness and to avoid project delays. The Engineer shall provide the City with a copy of all correspondence related to responses to RFI's.

2.5.5. Change Orders – The Engineer shall prepare Change Orders and Construction Change Directives for approval and execution in accordance with the Contract Documents. In addition, the Engineer may authorize minor changes in the Work as long as such change does not involve an adjustment in the Contract Sum, an extension of the Contract Time, and as long as the change is consistent with the intent of the Contract Documents.

2.5.6. Applications for Payment – The Engineer shall review the Contractor's Applications for Payments, and certify the amounts requested the Contractor based on site observations and compliance with the Contract Documents.

2.5.7. Closeout Documents – The Engineer shall aide the City in reviewing closeout documents, warranties, and generating the final construction punchlist. As part of the closeout documents, the Engineer shall provide the City with both a reproducible set and an electronic set (in Autocad format) of as-built documents. The as-built documents shall be based on significant

changes in the Work made during construction based on marked-up prints, drawings, and other data furnished by the Contractor.

Sec.3. Requirements of the City. The City, upon written request, shall furnish in writing information related to the project including information and services under the City’s control with reasonable promptness to avoid delay in orderly progress of the work.

3.1 Property Information: The City shall provide all available property information including facility drawings, site surveys, previous studies, testing, and construction scheduling constraints/parameters. Additional surveying and testing shall not be provided unless the Engineer presents evidence through its evaluation that such surveys and testing is required for the design and construction of the Work.

3.2 Defects in Design: The City shall conduct cursory reviews of the design and promptly report any discrepancies and defects to the Engineer for revisions and or clarification.

Sec. 4. Complete Work without Extra Cost. Except to the extent otherwise specifically stated in this contract, the Engineer shall obtain and provide, without additional cost to the City, all labor, materials, equipment, transportation, facilities, services, and licenses necessary to perform the Work.

Sec. 5. Compensation. The City shall pay the Engineer for the Work as follows: The Engineer shall be compensated on a monthly basis based on the completed services outlined below:

<u>PHASE</u>	<u>FEE</u>
Project Scope Definition (Study)	\$3,600
Schematic Design/ Design Development	\$9,000
Construction Documents	\$9,000
Bidding Negotiation	\$1,800
Construction	\$10,800
<u>Closeout</u>	<u>\$1,800</u>
Total Basic Compensation	\$36,000

The City shall not be obligated to pay the Engineer any payments, fees, expenses, or compensation other than those authorized by this section:

Sec. 6. Project Budget. The City of Greenville has established an overall budget for this project in the amount of \$200,000. The project budget shall include design, construction, and project contingencies as shown below:

<u>PROJECT PHASE</u>	<u>FEE</u>
Engineering (Design)	\$36,000
Construction In Progress	\$147,600
<u>Project Contingencies</u>	<u>\$16,400</u>
Total Project Budget	\$200,000

The Engineer shall provide an HVAC design for both project sites within the parameters of the aforementioned budget. The Engineer shall notify the City promptly of any known cost savings or cost overruns related to the construction phase of the project.

Sec. 7. Engineer’s Billings to City. The Engineer shall send invoices to the City on a monthly basis for the amounts to be paid pursuant to this contract. Each invoice shall document, to the reasonable satisfaction of the City completed tasks and deliverables Within twenty days after the City receives an invoice, the City shall send the Engineer a check in payment for all undisputed amounts contained in the invoice.

Sec. 8. Project Schedule. The Engineer shall provide professional services related to the design and construction of the project accordance with the following schedule:

<u>Task</u>	<u>Weeks</u>
Designer Notice-To-Proceed	-
Study	3
SD/DD	4
Construction Documents (Review)	4
Owner review CD	2
Construction Documents (Final)	2
Bid	4
Contractor Notice-To-Proceed	4
Submittal Review Process	3
Procure Equipment/Begin Construction	10
Construction Complete	8
Closeout	2

After a Notice To Proceed has been issued the City will provide the Engineer a revised project schedule in Microsoft Project format with affixed dates for each task based on the initial schedule submitted by the Engineer.

Sec.9. Insurance.

The Engineer shall not commence work under this contract until the Engineer has obtained all insurance required, and such insurance has been approved in writing by the City. Insurance required shall remain in effect through the term of this contract. Failure to maintain the required insurance coverage shall constitute grounds for contract termination.

Insurance requirements are as follows:

1. A. Public Liability and Property Damage:

The Engineer shall take out and maintain during the life of this contract such Public Liability and Property Damage Insurance as shall protect from claims for damage for personal injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operation be by himself or by any sub-consultant, or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall not be less than \$500,000 for injuries, subject to the same limits per person and \$1,000,000 for property damage or otherwise needed to protect the interests of the City. The City of Greenville shall be named as an additional insured on all coverage.

B. Other Insurance:

The Engineer shall furnish such additional insurance as may be required by the General

Statutes of North Carolina, including motor vehicle insurance in amounts not less than statutory limits.

C. Workers Compensation.

Meeting the statutory requirements of the State of North Carolina and Employers Liability - \$100,000 per accident limit, \$500,000 disease per policy limit, \$100,000 disease each employee limit, providing coverage for employers and owners.

D. Cancellation:

Each certificate of insurance shall bear the provision that the policy cannot be altered or canceled in less than ten (10) days after mailing written notice to the assured of such alteration or cancellation, sent by registered mail.

E. Proof of Carriages:

The Engineer shall furnish the City with satisfactory proof of carriage of the insurance required before written approval of such insurance is granted by the City.

F. Sub-Consultants:

If any part of the work under this contract is sublet, the sub-consultant shall be required to meet all insurance requirements set forth in this Agreement. The parties stipulate that the Engineer will maintain each type of insurance set forth above at a coverage level equal to the amount set forth above for such type of insurance. However, nothing contained herein shall relieve the Engineer from meeting all insurance requirements or otherwise being responsible for the sub-consultant.

Sec. 10. Performance of Work by City. If the Engineer fails to perform the Work in accordance with the schedule referred to in section 2 above, the City may, in its discretion, in order to bring the project closer to the schedule, perform or cause to be performed some or all of the Work, and doing so shall not waive any of the City's rights and remedies. Before doing so, the City shall give the Engineer notice of its intention. The Engineer shall reimburse the City for additional costs incurred by the City in exercising its right to perform or cause to be performed some or all of the Work pursuant to this section.

Sec. 11. Attachments. The following attachments are made a part of this contract:

Attachment A –Certificate of Insurance

Attachment B - Non-Collusion Affidavit

Attachment C – Corporate Resolution

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

Sec. 12. Termination for Convenience ("TFC"). (a) *Procedure*. Without limiting any party's right to terminate for breach, the City may, without cause, and in its discretion, terminate this contract for convenience by giving the Engineer written notice that refers to this section. TFC shall be effective at the time indicated in the notice. The City Manager may terminate under this section without City Council action. (b) *Obligations*. Upon TFC, all obligations that are still executory on both sides are discharged except that any right based on prior breach or performance survives, and the indemnification provisions shall remain in force. At the time of TFC or as soon afterwards as is practical, the Engineer shall give the City all Work, including partly completed Work. In case of TFC, the Engineer shall follow the City's instructions as to which subcontracts to terminate. (c) *Payment*. The City shall pay the Engineer an equitable amount for the costs and charges that accrue because of the City's decisions with respect to the subcontracts, but excluding profit for the Engineer. Within 20 days after TFC, the City shall pay the Engineer a one hundred dollar TFC fee and for all Work performed except to the extent previously paid for. Work shall be paid for in accordance with the method (unit prices, hourly fees, etc.) to be used for payment had the Work been completed except to the extent it would be inequitable to either party, and if Work was to be paid for on a lump-sum basis, the City shall pay the part of the lump sum that reflects the percentage of completion

attained for that Work. The Engineer shall not be entitled to any payment except as stated in this section because of TFC, whether on the basis of overhead, profit, damages, other economic loss, or otherwise.

Sec. 13. Notice. (a) All notices and other communications required or permitted by this contract shall be in writing and shall be given either by personal delivery, fax, or certified United States mail, return receipt requested, addressed as follows:

To the City of Greenville:

c/o Greenville Recreation and Parks Department
2000 Cedar Lane
Greenville, NC 27835
The fax number is (252) 329-4062

To the Engineer:

Stanford White
P.O. Box 1994r
Raleigh, NC 27619
The fax number is (919) 832-8118

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

Sec. 14. Indemnification. The Engineer shall, to the extent permitted under North Carolina law, indemnify and hold harmless the City and its officers and employees from and against all liabilities, damages, losses and costs that arise in any manner from, in connection with, or out of this contract as a result of acts or omissions of the Engineer or any sub-consultant or other persons employed or utilized by the Engineer in the performance of this contract except when such liabilities, damages, losses, and costs are proximately caused by or result from the negligence, in whole or in part, of the City or its independent contractors, agents, officers or employees.

Sec. 15. Miscellaneous

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

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

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

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

(e) Assignment. Successors and Assigns. Without the City's written consent, the Engineer shall not assign (which includes to delegate) any of its rights (including the right to payment) or duties that arise out of this contract. The City Manager may consent to an assignment without action by the City Council. Unless the City otherwise agrees in writing, the Engineer and all

assignees shall be subject to all of the City's defenses and shall be liable for all of the Engineer's duties that arise out of this contract and all of the City's claims that arise out of this contract. Without granting the Engineer the right to assign, it is agreed that the duties of the Engineer that arise out of this contract shall be binding upon it and its heirs, personal representatives, successors, and assigns.

(f) Compliance with Law. In performing all of the Work, the Engineer shall comply with all applicable law.

(g) City Policy. THE CITY OPPOSES DISCRIMINATION ON THE BASIS OF RACE AND SEX AND URGES ALL OF ITS ENGINEERS TO PROVIDE A FAIR OPPORTUNITY FOR MINORITIES AND WOMEN TO PARTICIPATE IN THEIR WORK FORCE AND AS SUBENGINEERS AND VENDORS UNDER CITY CONTRACTS.

(h) EEO Provisions. During the performance of this Contract the Engineer agrees as follows: (1) The Engineer shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The Engineer shall take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Engineer shall post in conspicuous places, available to employees and applicants for employment, notices setting forth these EEO provisions. (2) The Engineer shall in all solicitations or advertisement for employees placed by or on behalf of the Engineer, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. (3) The Engineer shall send a copy of the EEO provisions to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding. (4) In the event of the Engineer's noncompliance with these EEO provisions, the City may cancel, terminate, or suspend this contract, in whole or in part, and the City may declare the Engineer ineligible for further City contracts. (5) Unless exempted by the City Council of the City of Greenville, the Engineer shall include these EEO provisions in every purchase order for goods to be used in performing this contract and in every subcontract related to this contract so that these EEO provisions will be binding upon such sub-consultant and vendors.

(j) No Third Party Rights Created. This contract is intended for the benefit of the City and the Engineer and not any other person.

(k) Principles of Interpretation and Definitions. In this contract, unless the context requires otherwise: (1) The singular includes the plural and the plural the singular. The pronouns "it" and "its" include the masculine and feminine. References to statutes or regulations include all statutory or regulatory provisions consolidating, amending, or replacing the statute or regulation. References to contracts and agreements shall be deemed to include all amendments to them. The words "include," "including," etc. mean include, including, etc. without limitation. (2) References to a "Section" or "section" shall mean a section of this contract. (3) "Contract" and "Agreement," whether or not capitalized, refer to this instrument. (4) Titles of sections, paragraphs, and articles are for convenience only, and shall not be construed to affect the meaning of this contract. (5) "Duties" includes obligations. (6) The word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units, and other legal entities. (7) The word "shall" is mandatory. (8) The word "day" means calendar day.

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

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

CITY OF GREENVILLE:

STANFORD WHITE, INC.

BY: _____
Wayne Bowers, City Manager

BY: _____

TITLE: _____

APPROVED AS TO FORM:

BY: _____
David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION:

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control act.

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



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Renewable Energy Development and Service Agreement with the North Carolina Eastern Municipal Power Agency

Explanation: In 2007, the North Carolina Legislature enacted Senate Bill 3, Renewable Energy and Energy Efficiency Portfolio Standards (REPS). This legislation requires all electric utilities, including investor-owned, municipal, and electric cooperatives, to have a certain percentage of renewable energy in their respective portfolios beginning in 2012 (except for a solar requirement that begins in 2010). The law places the obligation to comply on each individual city, not the Power Agency.

The law is complex, and compliance is under the jurisdiction of the North Carolina Utilities Commission (NCUC), who earlier this year issued 250 pages of related rules. The rules require the utilities (including the cities) to submit a “compliance plan” to the NCUC each year by September 1 outlining the planned programs for the remainder of the reporting year together with the next two calendar years. This plan is required to be updated each year thereafter, together with the submittal of a “report” on the past year’s activities. The rules specify all the requirements for the content of the “plan” and the “report”, and hearings and formal testimony may be required for the “reports”.

The law requires a substantial effort on behalf of the Power Agency member cities to be in compliance by 2012. While the Senate Bill 3 obligations are those of the individual member cities and not the Power Agency, the NCEMPA Board of Commissioners in May 2008 directed the ElectriCities staff to proceed with plans to review, coordinate, report and implement a program to meet the REPS standards on behalf of the Power Agency participants should they desire this assistance.

A Renewable Energy Development and Service Agreement was developed by ElectriCities to document the duties and roles for both parties (participant and Power Agency) in the development and implementation of the REPS compliance plan. A summary of the duties and responsibilities of NCEMPA and the participants is as follows:

The role of NCEMPA will be to:

- Assist the Participants in determining, developing, coordinating and administering a coordinated REPS compliance program;
- Obtain, as appropriate, supply-side renewable resources;
- Coordinate, administer and, to the extent necessary, develop demand-side management and energy efficiency measures;
- Integrate, as appropriate, the Participants' current renewable resources, demand-side management and energy efficiency measures with the REPS compliance program;
- Account for and document the Participants' compliance with REPS;
- Prepare and file annual compliance plans and reports, on behalf of the Participants, with the NCUC; and
- If required and recommended by the NCEMPA Rate Committee and approved by the NCEMPA Board of Commissioners and Board of Directors, implement and collect revenues or fees, to be determined with respect to the overall compliance requirements and the individual Participant's compliance activities, in the form of a billing rider (the "REPS Rider") to fund the Participants' compliance efforts necessary to meet the requirements of Senate Bill 3.

The role of each Participant would be to:

- Permit the Power Agency to act on its behalf as described above and to assist the Power Agency in its efforts;
- Permit the Power Agency to allocate the Participant's SEPA resources as the Power Agency deems best to maximize the use of the resource in meeting the Participants' REPS obligations;
- Pay the monthly REPS Rider to the Power Agency (as approved by the Electricities Board of Directors and the NCEMPA Board of Commissioners); and
- Keep and maintain accurate records of information such as number of customers, annual retail sales and REPS compliance costs and provide such information to the Power Agency in a timely manner for purposes of filing annual compliance plans and reports.

Execution of the attached agreement would authorize the NCEMPA to act as Greenville and Greenville Utilities Commission's (GUC) agent in determining, developing, coordinating and administering a REPS compliance program in conjunction with the power supply program. Without the agreement, it will be necessary for Greenville/GUC to independently conduct this work to meet the September 1, 2009 compliance plan and report filing date.

GUC's Board, at their meeting on April 21, voted to execute the attached agreement and recommend similar action by the City Council.

Fiscal Note:

No cost to the City of Greenville.

Recommendation: Adopt the attached Renewable Energy Development and Service Agreement with NCEMPA.

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

Attachments / click to download

 [Renewable Energy Development & Service Agreement](#)

**NORTH CAROLINA
EASTERN MUNICIPAL POWER AGENCY

RENEWABLE ENERGY DEVELOPMENT
AND
SERVICE AGREEMENT**

Witness this Agreement, dated as of the ___ day of _____, 2009, by North Carolina Eastern Municipal Power Agency, a joint agency organized and existing under the provisions of Chapter 159B of the General Statutes of North Carolina ("Power Agency"), and the municipality of the State of North Carolina which has executed this Agreement (the Municipality").

WHEREAS, Power Agency, pursuant to that certain Supplemental Power Sales Agreement between Power Agency and the Municipality, dated as of the 30th day of July, 1981, provides All Requirements Bulk Power Supply (as that term is defined in the Supplemental Power Sales Agreement) to the Municipality; and

WHEREAS, also pursuant to the Supplemental Power Sales Agreement, Power Agency, for purposes of carrying out its rights and obligations under the Supplemental Power Sales Agreement, has been designated and appointed by the Municipality as the Municipality's sole agent to fullest legal extent that such agency may be established for such purposes; and

WHEREAS, in 2007, the North Carolina General Assembly adopted legislation in the form of Senate Bill 3 (codified in N.C.G.S. as §62-133.8 et. seq., and referred to herein as the "Legislation") which, among other things, requires all "electric power suppliers" (as that term is defined in the Legislation) in the State of North Carolina, including, among others, municipalities that sell electric power to retail electric customers, to meet certain Renewable Energy and Energy Efficiency Portfolio Standards ("REPS") set forth in the Legislation; and

WHEREAS, Power Agency believes that the least cost method for all municipalities to whom Power Agency provides All Requirements Bulk Power Supply to comply with the REPS can be accomplished through a program developed and coordinated by Power Agency, together with the input and cooperation of all of such municipalities; and

WHEREAS, the REPS require, among other things, that certain specified percentages of municipalities' retail sales of electric power be supplied, beginning in 2010, in accordance with the provisions of the Legislation, which provisions include, among others, that such electric power be supplied from renewable energy resources (including, but not limited to, wind, solar, animal waste, landfill gas and hydro), from the purchase of renewable energy certificates, or from energy savings through demand-side management and energy efficiency measures; and

WHEREAS, the Legislation also sets forth certain maximum per-account annual charges that electric power suppliers are permitted to charge their respective retail customers for compliance with the REPS, and further provides that the electric power supplier shall be deemed to be in compliance with REPS if the aggregate of the maximum per-account annual amounts is expended by the electric power supplier in a given calendar year; and

WHEREAS, Power Agency is willing to undertake the development, coordination and administration of a REPS compliance program on behalf of each of the municipalities in accordance with the terms and conditions set forth in this Agreement (the “REPS Compliance Program”).

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, and such other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, IT IS AGREED:

1. Power Agency Undertakings.

Power Agency shall:

- i) assist the Municipality in determining, developing, coordinating and administering a REPS Compliance Program for the Municipality;
- ii) obtain, to the extent deemed appropriate by the Board of Directors of Power Agency, supply-side renewable resources, the output of which would be available for sale at wholesale to the Municipality as part of its All Requirements Bulk Power Supply;
- iii) coordinate, administer and, to the extent necessary, develop demand-side management and energy efficiency measures;
- iv) coordinate renewable resources and demand side management and energy efficiency measures owned, operated or undertaken by the Municipality with and into the REPS Compliance Program for the Municipality and for other municipalities entering into a Renewable Energy Development and Service Agreement, to the extent deemed feasible and appropriate by Power Agency;
- v) account for and document the Municipality’s compliance with the REPS;
- vi) prepare and file annual Compliance Plans and Reports, on behalf of the Municipality, required to be filed with North Carolina Utilities Commission (the “NCUC”) pursuant to the rules and regulations promulgated by the NCUC pursuant to the Legislation; and
- vii) impose and collect a monthly fee, to the extent adopted by the NCEMPA Board of Commissioners and Board of Directors, to be determined with respect to the overall compliance obligations of the Participants and taking into account each individual Participant’s compliance activities; in the form of a billing rider (the “REPS Rider”) to carry out its undertakings herein and the Municipality’s obligations under the Legislation.

2. Municipality's Undertakings.

The Municipality shall:

- i) participate in all or a part of the REPS Compliance Program to comply with REPS;
- ii) permit Power Agency to coordinate, and assist Power Agency in its coordination of, renewable resources and demand side management and energy efficiency measures owned, operated or undertaken by the Municipality with and into the REPS Compliance Program for the Municipality and other municipalities entering into a Renewable Energy Development and Service Agreement;
- iii) permit Power Agency to allocate the Municipality's contract SEPA output in the manner deemed most efficient by Power Agency in connection with Power Agency's administration of the least cost REPS compliance on behalf of the Municipality and other municipalities entering into a Renewable Energy Development and Service Agreement;
- iv) timely pay to Power Agency the monthly REPS Rider adopted by the Board of Directors;
- v) report to the Power Agency the number of its residential, commercial and industrial retail electric customer accounts that the Municipality reported to the Energy Information Administration for the previous calendar year not later than April 30 of each year during the term of this Agreement; and
- vi) keep and maintain accurate records of, among other things, its annual retail sales of electric power (in MWhs), its number of residential, commercial and industrial electric customer accounts per year, and the savings (in MWhs) achieved by the Municipality as a result of its use of demand-side management and energy efficiency measures.;
- vii) account for and keep and maintain accurate records of all costs associated with the Municipalities efforts to comply with REPS, including, but not limited to, labor, materials, overhead, expenses and other miscellaneous costs; and
- viii) provide Power Agency with any and all information reasonably requested by Power Agency in connection with Power Agency's obligation to prepare and file the annual Compliance Plans and Reports.

3. Power Agency is the Municipality's Agent.

The Municipality hereby appoints the Power Agency as its agent, to the fullest extent permitted by law, to develop, coordinate and administer a REPS Compliance Plan and to take all acts, on behalf of the Municipality, as are necessary to develop and implement a REPS Compliance Plan that will enable the Municipality to meet the REPS.

4. **Modification and Uniformity of Agreements.**

This Agreement shall not be amended, modified or otherwise changed, or rescinded, except by agreement of the parties hereto. If any other Renewable Energy Development and Service Agreement is amended or replaced so that it contains terms and conditions different from those contained in the Agreement, Power Agency shall notify the Municipality and, upon timely request by the Municipality, shall amend this Agreement to include such similar terms and conditions.

5. **Term.**

The term of this Agreement shall be coterminous with the term of the Supplemental Power Sales Agreement, and the rights of the Municipality and the Power Agency to terminate this Agreement shall be the same as the rights to terminate set forth in the Supplemental Power Sales Agreement.

6. **Applicable Law; Construction.**

This Agreement is made under and shall be governed by the law of the State of North Carolina. Headings herein are for convenience only and shall not influence the construction hereof.

7. **Severability.**

If any section, paragraph, clause or provisions of this Agreement shall be finally adjudicated by a court having jurisdiction over the parties hereto and the subject matter to be invalid, the remainder of this Agreement shall be unaffected by such adjudication and all of the remaining provisions of this Agreement shall remain in full force and effect as though such section, paragraph, clause or provision, or any part thereof so adjudicated to be invalid, had not been included herein. In the event of any such invalidity, the parties hereto shall promptly negotiate in good faith valid and new provisions, if necessary, to restore the agreement to its original intent and effect.

8. **Assignment of Agreement.**

This Agreement shall inure to the benefit of, and shall be binding upon, the respective successors and assigns of the parties to this Agreement; provided, however, that neither this Agreement nor any interest herein shall be assigned or transferred or sold by the Municipality without the written consent of Power Agency.

9. **Entire Agreement.**

This Agreement shall constitute the entire understanding of the parties hereto, superseding any and all previous undertakings, oral or written, pertaining to the subject matter contained herein. No party hereto has relied, or will rely, upon any oral or written representations or oral or written information made or given to such party by any representative of the other party or anyone on its behalf.

10. Greenville Utilities Commission of the City of Greenville, North Carolina, joins in the execution of this Agreement to indicate its consent hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Renewable Energy Development and Service Agreement all by authority of their respective governing bodies duly given.

Executed the ____ day of _____, _____.

Greenville Utilities Commission

By: _____
Lynn W. Evans, Board Chair

ATTEST:

J. Freeman Paylor, Board Secretary

(SEAL)

APPROVED AS TO FORM:

Phillip R. Dixon, Commission Attorney

Executed the ____ day of _____, _____.

City of Greenville, North Carolina (MUNICIPALITY)

By: _____
Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

(SEAL)

Executed the ____ day of _____, _____.

NORTH CAROLINA EASTERN
MUNICIPAL POWER AGENCY
(POWER AGENCY)

By: _____

ATTEST:

Assistant Secretary-Treasurer



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Water and sewer capital projects budgets for Greenville Utilities Commission's NC Highway 43 West Improvements Project

Explanation: The North Carolina Department of Transportation (NCDOT) plans to widen NC Highway 43 North between Memorial Drive and B's Barbecue Road. As a result of the roadway widening and improvements, it will be necessary to relocate certain water and sewer lines located within the street right-of-way that will be in conflict with the proposed new roadway.

In accordance with NCDOT policy, the costs for the relocation of these utilities are the responsibility of the utility owner. The costs to GUC for relocation of the affected utility lines are estimated at \$200,000 for water and \$66,000 for sewer. The actual costs will be computed based on contract quantities at project completion and handled as a reimbursement by GUC to the NCDOT.

The GUC Board, at their meeting on April 21, 2009 adopted Water & Sewer Capital Projects Budgets for this work and recommended similar action by the City Council.

Fiscal Note: No cost to City of Greenville.

Recommendation: Adopt the attached Water Capital Projects and Sewer Capital Projects budget ordinances.

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

Attachments / click to download

 [Water Capital Projects Budget Ordinance](#)

 [Sewer Capital Projects Budget Ordinance](#)

ORDINANCE NO. 09-_____

FOR WATER CAPITAL PROJECT BUDGET
NC HIGHWAY 43 WEST WATER IMPROVEMENTS

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

Section 1. Revenues. Revenues of Water Capital Project Budget, NC Highway 43 West Water Improvements, is hereby established to read as follows:

Revenue:

2008 Revenue Bonds	<u>\$200,000</u>	
Total Revenue		<u>\$200,000</u>

Section 2. Expenditures. Expenditures of the Water Capital Project Budget, NC Highway 43 West Water Improvements, is hereby established to read as follows:

Expenditures:

Project Cost	<u>\$200,000</u>	
Total Expenditures		<u>\$200,000</u>

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

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

Adopted this the _____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 09-_____

FOR SEWER CAPITAL PROJECT BUDGET
NC HIGHWAY 43 WEST SEWER IMPROVEMENTS

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

Section 1. Revenues. Revenues of Sewer Project Budget, NC Highway 43 West Sewer Improvements, is hereby established to read as follows:

Revenue:

Capital Project Fund Balance	<u>\$66,000</u>	
Total Revenue		<u>\$66,000</u>

Section 2. Expenditures. Expenditures of the Sewer Capital Project Budget, NC Highway 43 West Sewer Improvements, is hereby established to read as follows:

Expenditures:

Project Cost	<u>\$66,000</u>	
Total Expenditures		<u>\$66,000</u>

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

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

Adopted this the _____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Budget ordinance amendment #11 to the 2008-2009 City of Greenville budget and an ordinance establishing a special revenue budget for the North Carolina League of Municipalities Conference

Explanation: 1) Attached is an amendment to the 2008-2009 budget ordinance for consideration at the May 11, 2009 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 explanations below:

A To appropriate funds needed to pay the commissions charged by Pitt County Government for city property tax collection. This increase was expected because of the increased collections resulting from the property revaluation. The additional funds needed will be offset by the additional property taxes collected (\$25,000).

B To appropriate funds needed to purchase an additional Sweet Soft/Ortivus software license, which is a program used for rescue billing. The purchase expense will be offset by additional Rescue billing revenue realized (\$4,502).

C To allocate unused Recreation Donations received during prior years for Camp Sunshine. These funds are anticipated to be used by this fiscal year end (\$26,170).

2) Attached is a 2008-2009 project budget ordinance to establish a special revenue fund for the North Carolina League of Municipalities Conference (\$150,000). October 2009 marks the first occasion that the City of Greenville will host this conference. Donations will be generated from partners and sponsors to support conference activities.

Fiscal Note: The budget ordinance amendment affects the following funds: increase the General Fund by \$55,672 and increase to the North Carolina League of Municipalities Conference Fund (\$150,000).

	<u>Current</u>	<u>Proposed</u>	<u>Adjusted</u>
--	-----------------------	------------------------	------------------------

Fund Name	Adjusted Budget	Amendment	Budget
General Fund	\$ 74,559,289	\$ 55,672	\$ 74,614,961
North Carolina League of Municipalities Conference	\$ -	\$ 150 000	\$ 150,000

Recommendation: Approve budget ordinance amendment #11 to the 2008-2009 City of Greenville budget and the ordinance establishing the special revenue project budget for the North Carolina League of Municipalities Conference.

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

Attachments / click to download

[Budget Ordinance Amendments 2008_2009_776865](#)

[Special Revenue Fund NCLM Conference 826395](#)

ORDINANCE NO. 09-___

CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#11) AMENDING ORDINANCE NO. 08-73

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

Section I. Estimated Revenues. General Fund, of Ordinance 08-73, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Property Tax ^A	\$ 28,334,553	\$ 25,000	\$ 28,359,553
Rescue Billing ^B	2,384,810	4,502	2,389,312
Recreation Donations ^C	2,200	26,170	28,370
Total		<u>\$ 55,672</u>	

Section II. Appropriations. General Fund, of Ordinance 08-73, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Financial Services ^{A&B}	\$ 2,176,852	\$ 29,502	\$ 2,206,354
Recreation and Parks ^C	6,087,240	26,170	6,089,240
Total		<u>\$ 55,672</u>	

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

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

Adopted this 11th day of May, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 09-_____

CITY OF GREENVILLE, NORTH CAROLINA
SPECIAL REVENUE PROJECT BUDGET ORDINANCE
NORTH CAROLINA LEAGUE OF MUNICIPALITIES CONFERENCE

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

Section I. Estimated revenues. It is estimated that the following revenues will be available for the North Carolina League of Municipalities Conference:

<u>Account</u>	<u>Original Adopted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Donations	\$ -	\$ 150,000	\$ 150,000

Section II. Appropriations. The following amounts are hereby appropriated for the operation of the North Carolina League of Municipalities Conference:

<u>Department</u>	<u>Original Adopted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Personnel	\$ -	\$ 30,000	\$ 30,000
Contract Services	-	80,000	80,000
Supplies & Materials	-	40,000	40,000
Total		<u>\$ 150,000</u>	

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

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

Adopted this the 11th day of May, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Report on bids awarded

Explanation: The Director of Financial Services reports that the following bids were awarded during the months of March and April, 2009 and are to be included on the City Council agenda for information.

Date Awarded	Description	Vendor	Amount	M/WBE Yes/No
3/31/09	Intermodal Bus Transportation Commercial Appraisal Services	Dozier Appraisal and Realty Co.	\$15,225.00	No
3/26/09	19 ea. Panasonic Toughbook Computers	Computer Geeks	\$74,062.00	Yes
3/30/09	Crime Analysis Software	Space-Time Research PTY, LTD.	\$71,704.85	No
4/17/09	SAN Expansion for Primary and Secondary Site	NWN Corporation	\$81,358.88	No

Fiscal Note: An expenditure of \$242,350.73 was appropriated in the 2008-2009 budget to purchase these items.

Recommendation: That the bid award information be reflected in the City Council minutes.

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

Attachments / click to download

-  [Purchasing Appraisal Bid Tabulation 821195](#)
 -  [Bid Tabulation Panasonic Toughbooks 2009 820474](#)
 -  [Bid Tabulation Crime Analysis Software IT Dept 826178](#)
 -  [Bid Tabulation SAN Expansion 824872](#)
-

**CITY OF GREENVILLE, NORTH CAROLINA
FINANCIAL SERVICES DEPARTMENT**

DESCRIPTION:

**Panasonic Toughbook Computers
IT Department
Informal Bid#2008/09-_____**

March 9, 2009 @ 5:00 P.M.

BID DATE

COMPANY	BASE BID	ALTERNATE BID	DELIVERY DATE	BID BOND
CDW Government, Inc.	\$74,100	.		
Southern Computer Warehouse	\$81,799.75			
Insight Public Sector	\$74,176			
Microage	\$74,597			
*** Computer Geeks	\$74,062			

***This bid was selected.

Purchasing Manager

doc#820474

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

Description: Crime Analysis Software
Proposals Due: March 25, 2009

Contractor	Contact	Bid Bond	Addendum #1	Base Bid	Comments
SAS	Neal Westphalen	N/A	N/A	\$119,000.00	
Space-Time Research PTY, LTD.	Brian Garrett	N/A	N/A	\$71,704.85	**This bidder received the award.
Cognos				No Response	

Doc#826178

Item # 9

_____ Angelene E. Brinkley, CLGPO, MPA Purchasing Manager

Date: _____



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: Various tax refunds

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

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Mercedes-Benz Financial	Refund of City Taxes Paid	\$126.85
Pitt County Tax Collector	Refund of City Taxes Paid	\$125.93
Bavarian Motor Works (BMW) Financial Services	Refund of City Taxes Paid	\$192.27

Fiscal Note: The total amount to be refunded is \$445.05.

Recommendation: Approve recommended tax refunds.

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Attachments / [click to download](#)



City of Greenville, North Carolina

Meeting Date: 5/11/2009
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a taxicab franchise to Sani Bello and Mamadou Sanogo d/b/a Unity Cab Company to operate two taxicabs

Explanation: Sani Bello and Mamadou Sanogo d/b/a Unity Cab Company have requested a taxicab franchise to operate two taxicabs within the City of Greenville. In order for a taxicab franchise to be approved, City Council has to consider it at two meetings. The ordinance has to be approved on first reading, which is scheduled for May 11, 2009, and on second reading, which is scheduled for May 14, 2009 in order for the franchise to be granted.

The Police, Financial Services, and Community Development Departments have reviewed the application and have recommended approval of the request. If approved by Council, the applicants will need to be approved by the Community Development Department as an incidental use prior to beginning operation.

Advertisement of the public hearing was run in The Daily Reflector on May 4, 2009. In accordance with the City Code. Letters have been submitted to other taxicab owners in the City of Greenville informing them of the request and of the public hearing scheduled for May 14.

Fiscal Note: No direct cost.

Recommendation: Approve the attached ordinance on first reading.

Attachments / click to download

 [Application and Departmental Reports](#)

 [First reading of ordinance for Sani Bello and Mamadou Sanogo d b a Unity Cab Company 826864](#)

AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO SANI BELLO AND MAMADOU SANOGO D/B/A UNITY CAB COMPANY

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

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

WHEREAS, Sani Bello and Mamadou Sanogo d/b/a Unity Cab Company, are applicants for a franchise permitting the operation of two 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 Sani Bello and Mamadou Sanogo d/b/a Unity Cab Company to permit the operation within the City of Greenville of not more than two 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.

First reading passed on this the 11th day of May, 2009.

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:
UNITY CAB COMPANY.
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:
SANI BELLO
MAMADOU SANOGO

4. The Applicant operates in the following cities: GREENVILLE.
5. The Applicant is requesting franchise to operate 2 taxicabs. Sanbellco@hotmail.com
6. In support of this application, the following Exhibits are attached.
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.
 - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

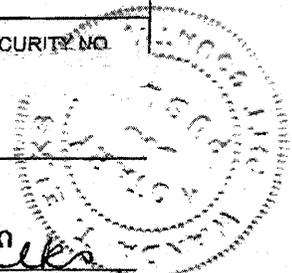
LAST NAME <u>BELLO</u>		FIRST NAME <u>SANI</u>		MIDDLE NAME	
ALIAS OR NICKNAME	SEX <u>M</u>	AGE <u>47</u>	WEIGHT <u>180 lbs</u>	HEIGHT <u>1-70M</u>	ID NO.
ADDRESS <u>704 E 3rd Street 2 Greenville</u>		HAIR <u>BLACK</u>	EYES <u>BLACK</u>	COMPLEXION <u>BLACK</u>	
OCCUPATION <u>TAB DRIVER COURTESY COMPANY.</u>		DRIVERS LICENSE NO.		IDENTIFICATION NO.	
PLACE OF BIRTH <u>PAIKO NIGERIA</u>		DATE OF BIRTH		SOCIAL SECURITY NO.	

Signature of Applicant [Signature]

Subscribed and sworn to before me this 25th day of March, 2009.

My Commission Expires: 11-7-11

Wanda J. Ellis
Notary Public



Revised 9/24/2008

APPLICATION FOR TAXICAB FRANCHISE

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:
UNITY CAR COMPANY
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:
SANI BELLO
MAMADOU SANOGO
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 02 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.
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 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.
 - Exhibit G. For persons who plan to be a driver: Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME <u>SANOGO</u>		FIRST NAME <u>MAMADOU</u>		MIDDLE NAME	
ALIAS OR NICKNAME <u>-</u>	SEX <u>M</u>	AGE <u>51</u>	WEIGHT <u>180</u>	HEIGHT <u>6-00</u>	ID NO.
ADDRESS <u>3296 Colony Court #205 204 E 3rd St #113 Greenville</u>		HAIR <u>Black</u>	EYES <u>Black</u>	COMPLEXION <u>Black</u>	
OCCUPATION <u>CAB DRIVER</u>		DRIVERS LICENSE NO. <u>35345209</u>		IDENTIFICATION NO.	
PLACE OF BIRTH <u>IVORY COAST (DANANE)</u>		DATE OF BIRTH		SOCIAL SECURITY NO.	

Signature of Applicant Mamadou Sanogo

Subscribed and sworn to before me this 23rd day of March, 20 09.

My Commission Expires: 11-7-11

Wanda J. Cles
Notary Public

804 East Third St Apt 2
Greenville NC 27858,
Phone: 252-367-2266 (Cell)
262-753-1677 (Home)
Date: March, 23, 2009.

The Mayor and City Council,
City of Greenville,
North Carolina.

Dear Sir/Madam,

Re: Application for Taxi Cab Franchise/Statement of Exhibits.

We are pleased to provide you with all necessary information regarding our application for Taxi Cab franchise. Herewith are the required information for your perusal and consideration:

Exhibit A: We intend to assist the City in its drive to expand the transport sector necessitated by overwhelming and unprecedented population increase in recent years, thus making the city one of the fastest growing City in North Carolina State. This we would do, by introducing a more and efficient transport system and vehicles.

The largest community in Greenville (East Carolina University) is the fastest growing community in Greenville, with increasing need to cater for their transportation.

The number of registered taxi Cab companies and vehicles are not enough to cater for the transportation needs of the City. Only 30 % of registered Taxi Companies have more than one vehicle in their fleet.

Exhibit B: We have two mini-vans to start with. We also intend to add a Sedan as soon as we are registered. Our vehicles; a Toyota Previa and a Mazda MPV mini-van, both have seating capacity for 8 passengers at any given time.

Exhibit C: We don't have financial liabilities pending or forthcoming whatsoever. That is to say we don't any loan in any way. Our vehicles are all paid for (see attached).

Exhibit D: For the purpose of conveniences in the short run, we have parking spaces in our rental apartments we have been using ever since we started driving for another Company, a year and half now to be precise, with our Taxi registered vehicles.

Exhibit E: We intend to go by the fare schedule provided by the City Office with our experience

Exhibit F: We have enough and adequate experience to carry out Taxi business as owners and drivers. One of us (Sani) has cab driving experience with Courtesy Cab Company for over a

year and half while the partner equally drives for Courtesy Cab Company for a couple of month. We are still actively engaged and drives for Courtesy Cab company at this material time using our privately owned vehicles with the company's logo..

Exhibit G: Attached herewith are our Taxi drivers permit and evidence we are currently cab drivers in the city of Greenville with enough and adequate experience.

We look forward to your favorable consideration and approval in eamest.

Sincerely,

For: Unity Cab Company,


Sani Bello. 03-23-2009.

No. **1339**

**TAXI DRIVERS PERMIT
GREENVILLE, N.C.**

Issued 8/22/2008 Expires 8/22/2009

Name Sani Bello

N.C. Operators No. 36825619

Age 45 Sex M Color B

Residence 804 E. 3rd St., #2, City

Company Name Courtesy Cab



[Signature]
Chief of Police



Item # 11

No. 1345

TAXI DRIVERS PERMIT
GREENVILLE, N.C.

Issued 11/24/2008 Expires 11/24/2009

Name Mamadou Sanogo

N.C. Operators No. 35345209

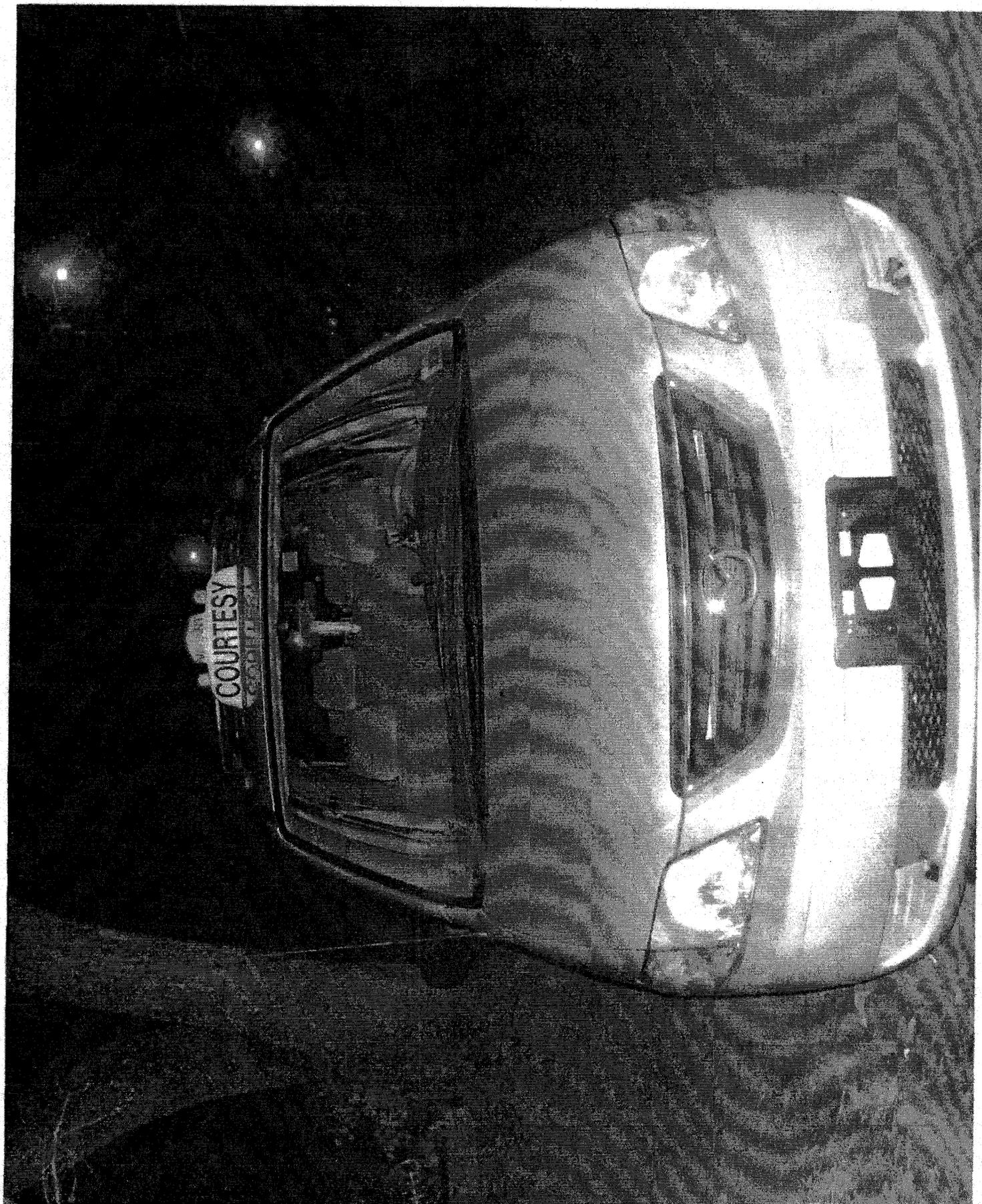
Age 50 Sex M Color B

Residence 1212 Red Banks RD, Apt K-6

Company Name Courtesy Cab


Chief of Police





Item # 11



GREENVILLE POLICE DEPARTMENT

MEMORANDUM

April 14, 2009

TO: William J. Anderson, Chief of Police

FROM: Lt. R.A. Williams

SUBJECT: Attached Request for Taxi Franchise

I have reviewed the attached documentation and the memorandum submitted by Cpl. C. Viverette regarding this application to operate a taxi within the City. This request is to operate two taxis; both of which are already permitted to operate as taxis with a different franchise.

I agree with the findings made by Cpl. C. Viverette regarding this request. As such, I am forwarding the recommendation that this request be approved. If you concur, please forward this packet, along with your recommendation for approval to Ms. Wanda Elks in the City Clerk's Office.

Please contact me if you have any questions regarding this request.

RECOMMEND APPROVAL
W. Williams
4/16/09

Wanda Elks

From: Michael Dail
Sent: Thursday, April 09, 2009 1:46 PM
To: Wanda Elks
Cc: Merrill Flood; Harry Hamilton
Subject: Taxi Service

The applicants property (804 E. 3rd Street) is zoned R6S (Residential Single-Family). A taxi service is not permitted in the R6S zoning district. Mr. Bello or Mr. Sanogo can operate a taxi service as an incidental home occupation at this location as long as the individual operating the service is a permanent resident of the apartment. However, as part of the home occupation rules an incidental home occupation would only allow one person to work at the residence, therefore if they live together and both work for the same company they would no longer qualify as an incidental home occupation. Also only one cab could be parked at the residence and it must be a personal vehicle and not solely a commercial vehicle. The other person could work for the same taxi service but could not live at or work at the residence listed on the privilege license and approved as an incidental home occupation. The other person could not park a commercial vehicle at this location either.

The applicants do not qualify to apply for a special use permit from the Board of Adjustment because the location is an apartment. Special use permits for home occupations can only be granted to applicants living in a single family residence.

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



FINANCIAL SERVICES MEMORANDUM

TO: Wanda Elks, City Clerk's Office

FROM: Brenda Matthews, Financial Services, Collections

DATE: April 3, 2009

SUBJECT: Taxicab Application for Sani Bello and Mamadou Sanogo d/b/a Unity Cab Company

We have checked Collections records for taxes, licenses, citations, parking, rescue transports and miscellaneous receivables owed in the names of Sani Bello, Mamadou Sanogo, and Unity Cab and no debt was found in these records.

The only debt due the City of Greenville is taxes currently due on the Mazda owned by Mr. Sanogo. The amount owed to the City is \$44.86 and owed to the County is \$31.79. The total owed is \$76.65 and is not past due until May 2009.

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: 5/11/2009
Time: 6:00 PM

Title of Item: Presentation of Fiscal Year 2009-2010 budgets

- a. Greenville Utilities Commission
- b. Sheppard Memorial Library
- c. Convention and Visitors Authority
- d. City of Greenville

Explanation: As provided in the approved budget schedule, staff will present proposed changes to the previously adopted fiscal year 2009-2010 financial plan. The presentation will highlight significant budgetary issues, such as major revenue sources that have been impacted by the economic downturn, and major revisions to expenditure items.

Attached are budget reports from GUC, the Library, CVA, and the City Manager.

The proposed budgets will be discussed further during the special budget meeting on June 1, 2009. As required by Section 160A-148(5) of the North Carolina General Statutes, the City Council will conduct a public hearing on June 8 and consider adopting the annual budget ordinance on June 11.

Fiscal Note: The amount of the budgets will be determined by City Council action in June.

Recommendation: The City Council receive presentations on the proposed fiscal year 2009-2010 operating budgets.

Attachments / click to download

 [GUC Budget Info](#)

 [Library Budget Info](#)

 [CVA Budget Info](#)

 [Budget Message](#)

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
ALL FUNDS**

	2007-08 Actual	2008-09 Original Budget	2008-09 Projected	2009-10 Budget
REVENUE:				
Rates & Charges	\$ 232,825,180	\$ 233,911,170	\$ 256,899,780	\$ 264,205,890
Fees & Charges	2,517,102	2,862,334	1,763,271	1,620,053
U. G. & Temp. Ser. Chgs.	507,370	470,000	272,081	236,400
Capacity Fees	-	2,174,733	-	245,000
Acreage Fees	-	-	250,000	255,000
Pitt County	430,438	430,437	430,437	130,437
Miscellaneous	1,251,569	778,692	1,448,268	961,559
Interest on Investments	1,909,174	2,170,000	1,125,000	736,500
Bond Proceeds	4,130,000	4,000,000	3,698,888	-
Equipment Loan	-	-	345,000	1,240,000
Transfer from Cap Projects	-	-	244,937	218,000
Appropriated Fund Balance	-	-	-	120,000
	<u>\$ 243,570,833</u>	<u>\$ 246,797,366</u>	<u>\$ 266,477,662</u>	<u>\$ 269,968,839</u>
EXPENDITURES:				
Operations	\$ 42,007,498	\$ 46,921,426	\$ 45,605,827	\$ 44,939,241
Purchased Power	134,451,922	136,508,891	157,378,127	165,115,520
Purchased Gas	29,607,578	28,334,269	31,119,947	28,788,890
Capital Outlay	15,380,264	15,236,872	12,533,944	8,000,180
Debt Service	11,051,342	12,653,369	12,083,100	13,955,973
City Turnover	4,444,417	4,426,703	4,658,824	4,629,313
Street Light Reimbursement	570,216	591,259	591,259	620,822
Transf to Cap. Projects	334,885	-	-	-
Transf to Designated Reserve	-	500,000	-	-
Operating Contingencies	-	1,624,577	2,506,634	3,918,900
	<u>\$ 237,848,122</u>	<u>\$ 246,797,366</u>	<u>\$ 266,477,662</u>	<u>\$ 269,968,839</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
ELECTRIC FUND**

	2007-08 Actual	2008-09 Original Budget	2008-09 Projected	2009-10 Budget
REVENUE:				
Rates & Charges	\$ 166,967,883	\$ 169,370,166	\$ 187,654,310	\$ 196,646,496
Fees & Charges	706,999	675,000	730,067	725,000
U. G. & Temp. Ser. Chgs.	507,370	470,000	272,081	236,400
Miscellaneous	835,264	485,423	836,658	570,906
Interest on Investments	1,391,592	1,650,000	800,000	525,000
Bond Proceeds	4,130,000	4,000,000	2,083,179	-
Equipment Loan	-	-	345,000	540,000
	<u>\$ 174,539,108</u>	<u>\$ 176,650,589</u>	<u>\$ 192,721,295</u>	<u>\$ 199,243,802</u>
EXPENDITURES:				
Operations	\$19,732,525	\$21,885,796	\$19,804,609	\$18,747,519
Purchased Power	134,451,922	136,508,891	157,378,127	165,115,520
Capital Outlay	11,353,674	10,157,784	8,527,689	4,774,597
Debt Service	2,369,237	2,809,863	2,773,448	3,418,404
City Turnover - General	3,403,110	3,347,474	3,645,935	3,540,084
Street Light Reimbursement	570,216	591,259	591,259	620,822
Transfer to Cap Projects	12,000	-	-	-
Operating Contingencies	-	1,349,522	228	3,026,856
	<u>\$ 171,892,684</u>	<u>\$ 176,650,589</u>	<u>\$ 192,721,295</u>	<u>\$ 199,243,802</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
WATER FUND**

	2007-08 Actual	2008-09 Original Budget	2008-09 Projected	2009-10 Budget
REVENUE:				
Rates & Charges	\$ 12,646,586	\$ 12,721,221	\$ 13,288,046	\$ 13,943,976
Fees & Charges	909,860	1,071,760	508,617	386,756
Capacity Fees	-	956,000	-	130,000
Miscellaneous	157,554	127,923	394,718	159,602
Interest on Investments	137,490	120,000	80,000	54,000
Bond Proceeds	-	-	630,859	-
Transfer from Cap Projects	-	-	114,937	93,000
	<u>\$ 13,851,490</u>	<u>\$ 14,996,904</u>	<u>\$ 15,017,177</u>	<u>\$ 14,767,334</u>
EXPENDITURES:				
Operations	\$8,444,667	\$8,977,517	\$9,793,391	\$9,994,272
Capital Outlay	1,370,832	1,922,213	1,694,384	799,780
Debt Service	2,812,099	3,710,870	3,107,441	3,884,542
Transfer to Cap Projects	320,000	-	-	-
Transf to Designated Reserve	-	200,000	-	-
Operating Contingencies	-	186,304	421,961	88,740
	<u>\$ 12,947,598</u>	<u>\$ 14,996,904</u>	<u>\$ 15,017,177</u>	<u>\$ 14,767,334</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
SEWER FUND**

	2007-08 Actual	2008-09 Original Budget	2008-09 Projected	2009-10 Budget
REVENUE:				
Rates & Charges	\$ 12,458,883	\$ 12,909,990	\$ 13,268,130	\$ 14,029,444
Fees & Charges	686,020	817,769	363,437	367,297
Capacity Fees	-	1,218,733	-	115,000
Acreage Fees	-	-	250,000	255,000
Pitt County	430,438	430,437	430,437	130,437
Miscellaneous	115,293	76,923	99,238	105,906
Interest on Investments	291,071	300,000	175,000	112,500
Bond Proceeds	-	-	861,041	-
Equipment Loan	-	-	-	278,000
Transfer from Cap Projects	-	-	130,000	125,000
Appropriated Fund Bal.	-	-	-	120,000
	<u>\$ 13,981,705</u>	<u>\$ 15,753,852</u>	<u>\$ 15,577,283</u>	<u>\$ 15,638,584</u>
EXPENDITURES:				
Operations	\$7,633,450	\$9,170,686	\$9,217,910	\$9,595,162
Capital Outlay	1,281,538	1,424,629	1,223,027	878,063
Debt Service	4,585,517	4,808,473	4,857,765	5,136,915
Transf to Designated Reserve	-	300,000	-	-
Operating Contingencies	-	50,064	278,581	28,444
	<u>\$ 13,500,505</u>	<u>\$ 15,753,852</u>	<u>\$ 15,577,283</u>	<u>\$ 15,638,584</u>

**GREENVILLE UTILITIES COMMISSION
REVENUE AND EXPENDITURES
GAS FUND**

	2007-08 Actual	2008-09 Original Budget	2008-09 Projected	2009-10 Budget
REVENUE:				
Rates & Charges	\$ 40,751,828	\$ 38,909,793	\$ 42,689,294	\$ 39,585,974
Fees & Charges	214,223	297,805	161,150	141,000
Miscellaneous	143,458	88,423	117,654	125,145
Interest on Investments	89,021	100,000	70,000	45,000
Bond Proceeds	-	-	123,809	-
Equipment Loan	-	-	-	422,000
	<u>\$ 41,198,530</u>	<u>\$ 39,396,021</u>	<u>\$ 43,161,907</u>	<u>\$ 40,319,119</u>
EXPENDITURES:				
Operations	\$6,196,856	\$6,887,427	\$6,789,917	\$6,602,288
Purchased Gas	29,607,578	28,334,269	31,119,947	28,788,890
Capital Outlay	1,374,220	1,732,246	1,088,844	1,547,740
Debt Service	1,284,489	1,324,163	1,344,446	1,516,112
City Turnover	1,041,307	1,079,229	1,012,889	1,089,229
Transf to Cap Projects	2,885	-	-	-
Operating Contingencies	-	38,687	1,805,864	774,860
	<u>\$ 39,507,335</u>	<u>\$ 39,396,021</u>	<u>\$ 43,161,907</u>	<u>\$ 40,319,119</u>



530 Evans Street • Greenville, North Carolina 27858-2398 • (252) 329-4580
Website: sheppardlibrary.org

March 19, 2009

To: Mr. Wayne Bowers, City Manager
Mrs. Bernita Demery, Director of Financial Services

From: Willie Nelms, Director of Libraries

RE: 2009-2010 Sheppard Memorial Library Budget

Attached is the proposed 2009 - 2010 budget request for the public library system. This budget was approved by the Sheppard Memorial Library Board of Trustees, at their regularly scheduled meeting held March 18, 2009.

The amount requested of the City of Greenville for 2009-2010 is \$1,129,540. *This complies with the targets set for the library by the City of Greenville in the budget process and includes the 2% budget reduction planned by the City of Greenville for 2009-2010.*

The budget also includes an application for a \$100,000 Library Services and technology Act (LSTA) Grant to install an RFID system at the main library This grant will be matched by \$25,000 from fund balance.

This budget represents the operating costs for the main library, four branch libraries, and the Pitt County Bookmobile for the upcoming fiscal year. There are several items I would like to highlight concerning this proposed budget.

1. Regarding the budget development, we used much the same process that we have followed in the past. We projected anticipated expenses, and then estimated expected revenues from all sources including the target amounts expected from the City of Greenville and the County of Pitt. The amounts from the City and the County are in the same proportion (two parts City / one part County) that have been used to divide costs over the years.

2. Anticipated revenues from State Aid are set at the levels recommended by the State Library of North Carolina.
3. The amount of money needed to operate the Bethel and Winterville branch libraries is reflected in the revenues requested from each town, plus \$2,000 from the County of Pitt for the Bethel Library and \$4,000 from the County of Pitt for the Winterville Library.

We appreciate the opportunity to submit this budget to the City of Greenville and I will be glad to answer any questions you may have about this budget.

Sheppard Memorial Library
Budget for Fiscal Year
July 1, 2009 - June 30, 2010

REVENUES	2009 Budget	To-Date 4/30/2009	Original 2010	Adjustment	Adjusted 2010
City of Greenville	\$ 1,080,417.00	\$ 900,347.50	\$ 1,133,680.00	\$ (4,140.00)	\$ 1,129,540.00
County of Pitt	\$ 540,208.00	\$ 534,806.00	\$ 566,840.00	\$ (2,070.00)	\$ 564,770.00
Town of Bethel	\$ 25,528.00	\$ 19,146.00	\$ 26,805.00	\$ -	\$ 26,805.00
Town of Winterville	\$ 124,809.00	\$ 124,809.00	\$ 131,050.00	\$ -	\$ 131,050.00
State Aid	\$ 202,448.00	\$ 166,670.00	\$ 202,448.00	\$ -	\$ 202,448.00
Desk/Copier Receipts	\$ 118,774.00	\$ 93,170.41	\$ 123,562.00	\$ -	\$ 123,562.00
Interest Income	\$ 16,000.00	\$ 5,728.16	\$ 16,480.00	\$ -	\$ 16,480.00
Miscellaneous Income	\$ 42,702.00	\$ 40,194.67	\$ 43,983.00	\$ -	\$ 43,983.00
G'ville Housing Authority	\$ 10,692.00	\$ 7,821.00	\$ 10,692.00	\$ -	\$ 10,692.00
Fund Balance	\$ 117,846.00	\$ -	\$ 105,713.00	\$ 25,000.00	\$ 130,713.00
LSTA Grant	\$ -	\$ -	\$ -	\$ 100,000.00	\$ 100,000.00
TOTAL REVENUES	\$ 2,279,424.00	\$ 1,892,692.74	\$ 2,361,253.00	\$ 118,790.00	\$ 2,480,043.00
EXPENDITURES					
Personnel	\$ 1,462,508.00	\$ 1,174,664.35	\$ 1,543,221.00	\$ -	\$ 1,543,221.00
Operations	\$ 796,224.00	\$ 566,174.56	\$ 807,340.00	\$ (6,210.00)	\$ 801,130.00
G'ville Housing Authority	\$ 10,000.00	\$ 6,627.43	\$ 10,692.00	\$ -	\$ 10,692.00
Capital Expense	\$ 10,692.00	\$ 8,900.00	\$ -	\$ -	\$ -
Grant Project	\$ -	\$ -	\$ -	\$ 125,000.00	\$ 125,000.00
TOTAL EXPENSES	\$ 2,279,424.00	\$ 1,756,366.34	\$ 2,361,253.00	\$ 118,790.00	\$ 2,480,043.00
Net	\$ -	\$ 136,326.40	\$ -	\$ -	\$ -



MEMO

DATE: April 28, 2009

TO: Mayor Dunn, Mayor Pro-Tem Council, and members of the Greenville City Council

FROM: Debbie Vargas, CEO, Greenville-Pitt County Convention & Visitors Bureau

RE: 2009-2010 Fiscal Year Budget

The local hospitality industry stands at a challenging point of growth and expansion. In 2002, the doors opened to the Greenville Convention Center. Today, this center stands as a bustling economic incubator for the entire region. The area has also seen substantial growth in retail, restaurant, and more recently-new hotel developments. With the current economic climate competition will be intense. It will be necessary to market aggressively and strategically.

The most recent results of the Convention & Visitors Bureau are from FY 2007-2008. During this period, the Bureau staff was responsible for convincing 87 groups to choose Pitt County as their destination for convention, meetings, and events. These groups are responsible for generating 14,030 room nights and \$6.46 million in local economic impact. Comprehensive services were provided for over 202 groups and over 6,682 requests for visitor information were fulfilled.

Facing the future fiscal year, it is our firm belief that we need to continue to focus our resources on aggressive sales to compete successfully with the growing competition. This will be conducted through one-on-one sales calls, participation in tradeshow and industry events, hosting of promotional events, and targeted advertising as reflected in the budget.

The proposed budget remains relatively in line with expenses of previous years. Although we initially budgeted expecting a five percent increase in revenues, we feel that this will most likely not be the case and that expenses will need to be managed carefully.

The proposed budget also includes the addition of a part-time employee to the current staff of four members. This person would be dedicated to handling the communication functions for the bureau. It will be the first position added in 19 years.

Our budget has been approved unanimously by the Executive Committee and the Convention and Visitors Authority and stands ready for consideration by the Greenville City Council and Pitt County Board of Commissioners.

We look forward to continued success as an organization and as a travel destination and look to your continued support of our endeavors.

BUDGET PREPARATION WORKSHEET
FOR FISCAL YEAR 2010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2007 ACTUALS	2008 ACTUAL	ADJUSTED BUDGET	Y-T-D ACTUAL	2010 PLAN
700-0000-310.07-00	OCCUPANCY TAX	671,494	711,640	494,667	378,087	511,693
700-0000-310.09-00	1% OCCUPANCY TAX	0	0	247,333	83,246	262,173
700-0000-340.12-01	MISCELLANEOUS REVENUE	0	0	0	419	0
700-0000-350.04-00	INTEREST ON CHECKING	37,332	37,120	38,000	11,559	38,000
700-0000-370.37-01	TRANS FROM DEBT SERV.	0	380,954	0	0	0
700-0000-371.07-00	APPROPRIATED FUND BALANCE	0	0	93,377	0	18,759
		=====	=====	=====	=====	=====
		708,826	1,129,714	873,377	473,311	830,625

BUDGET PREPARATION WORKSHEET
FOR FISCAL YEAR 2010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2007 ACTUALS	2008 ACTUALS	ADJUSTED 2009	Y-T-D ACTUAL	2010 PLAN
700-6700-421.02-01	SALARIES-PERMANENT	189,228	209,319	232,064	179,416	238,671
700-6700-421.02-10	CAR ALLOWANCE	3,615	3,615	3,600	3,060	3,600
700-6700-421.03-01	FICA EXPENSE	14,432	15,703	17,068	13,478	17,809
700-6700-421.03-02	GROUP LIFE	699	570	500	445	600
700-6700-421.03-03	RETIREMENT	9,501	10,047	11,151	8,612	11,649
700-6700-421.03-04	HEALTH INSURANCE	29,390	31,476	34,450	27,193	42,895
700-6700-421.03-11	WORKERS COMPENSATION	138	151	165	165	180
700-6700-421.03-16	401K REGULAR EMPLOYEES	3,650	4,176	3,700	3,424	4,162
* PERSONAL SERVICES		250,653	275,057	302,698	235,793	319,566
700-6700-422.01-00	PRINTING	8,221	25,112	38,000	670	38,000
700-6700-422.02-00	TRAVEL	19,102	19,621	26,000	15,138	26,000
700-6700-422.05-00	MAINTENANCE & REPAIR	35	1,411	2,500	2,176	2,500
700-6700-422.07-00	SUPPLIES & MATERIALS	7,453	9,478	10,000	4,541	10,000
700-6700-422.08-01	CONTRACTED SERVICES	20,145	23,397	24,000	15,120	25,000
700-6700-422.08-09	COST OF COLLECTION	10,072	10,675	11,130	6,920	11,798
700-6700-422.09-00	DUES & SUBSCRIPTIONS	3,499	4,897	6,200	3,902	6,400
700-6700-422.13-00	ADVERTISING	50,694	53,210	62,000	42,437	62,000
700-6700-422.15-00	POSTAGE	1,692	3,009	5,000	3,550	5,000
700-6700-422.16-00	TELEPHONE	2,298	2,570	3,500	2,581	3,500
700-6700-422.17-00	UTILITIES	4,565	5,395	5,800	4,150	5,800
700-6700-422.21-00	GENERAL INSURANCE LIAB.	3,060	6,384	3,200	3,200	3,200
700-6700-422.50-09	CONTINGENCY	0	0	1,349	0	1,861
700-6700-422.50-25	CONVENTION CTR MARKETING	259,253	248,663	337,000	252,966	277,000
700-6700-422.50-27	TOURISM DEVELOP. PROJECTS	2,500	6,500	20,000	1,500	20,000
700-6700-422.50-28	CONVENTION PROJECTS	0	0	5,000	0	5,000
* OPERATING		392,589	420,322	560,679	358,851	503,059
700-6700-423.74-01	EQUIPMENT	1,032	1,107	10,000	3,300	8,000
* CAPITAL		1,032	1,107	10,000	3,300	8,000
** CONV & VISITORS BUREAU		644,274	696,486	873,377	597,944	830,625



CITY OF GREENVILLE
Office of the City Manager

May 6, 2009

Honorable Mayor and Members of the City Council:

This memorandum presents for your consideration proposed changes to the FY 2009-2010 financial plan approved by City Council on June 12, 2008. One of the advantages of a two-year budget is usually a reduction in the need to make major budget adjustments when adopting the second year of the biennial budget. Due to significant changes in the national, state, and local economies not anticipated at this time last year, I must recommend numerous changes to the previously approved financial plan for 2009-2010. Each of the major proposed changes in revenue and expense items will be explained in this memorandum. The recommended budget revisions encompass the following funds: General, Debt Service, Sanitation, Stormwater, Bradford Creek Golf Course, Public Transit, and Housing. Revised budgets have also been submitted by the Greenville Utilities Commission (GUC), Convention and Visitors Authority, and Sheppard Memorial Library.

In accordance with the North Carolina Local Government Budget and Fiscal Control Act, these revisions are brought to City Council for consideration and approval. Based on the previously approved budget schedule, the budget revisions will be presented during the May 11, 2009 City Council meeting, discussed during a special City Council budget meeting on June 1, 2009, and a budget ordinance will be adopted on June 11, 2009. Please refer to the printed FY 2008-2009/2009-2010 Financial and Operating Plan or the City website for more detailed base budgetary information.

General Fund Revenues

General Fund revenues for fiscal year 2009-2010 are projected to be \$70,299,166. This amount represents a net decrease of \$1,604,256 or two percent when compared to the FY 2009-2010 financial plan approved last year of \$71,903,422. This estimate of the revenue stream for FY 2009-2010 has presented unique challenges. The current economic downturn has had a direct impact on most of the major revenues creating a need for significant adjustments. Some of the major revenue categories that have been adjusted are Property Tax, Sales Tax, Video Programming Fees, Utilities Franchise Tax, Powell Bill, Inspection Fees, Planning Fees, Interest on Investments, and GUC Transfer.

Property Tax continues to be the leading revenue source for the City of Greenville, representing 42% of the proposed General Fund budget. Based on collections to date, the current fiscal year projection for June 30, 2009 is estimated to be \$28,869,206. When compared to the adopted budget of \$27,767,471, the projection represents a 3.9% increase over budget and a 14.9% increase over collections for the prior year. The Pitt County Tax Office has recently provided the City with an estimated valuation of \$5,714,789,632 for property located in the City. This

represents a 3.3% increase over the estimated valuation used for the current fiscal year. I am recommending a more conservative 2.0% growth in the tax base. Based on current year collections to date, the anticipated 2.0% growth of the tax base, and retaining the 52 cents per \$100 tax rate, projections yield \$29,446,590, for the current year portion of property taxes. This amount is \$290,745 or 1% more than the amount included in the adopted FY 2009-2010 financial plan. Overall, total property taxes for next year including current and prior year collections are projected to be \$29,641,438 representing an increase of \$119,277 or .4% over the original approved financial plan for FY 2009-2010.

Sales Tax proceeds constitute 19.5% of total projected General Fund revenues. This revenue source has become more difficult to project due to changes in the distribution formula as well as errors that have been made by the State during monthly distributions this fiscal year. Year-to-date sales tax revenues as of March 31, 2009 are skewed by an accounting error which originated when Pitt County instituted Article 46, a ¼ cent sales tax. This tax is not shared with the City of Greenville; however, when the State set up the mechanism to pay Pitt County, the City of Greenville was inadvertently paid a portion of those proceeds for several months before the error was discovered by the North Carolina Department of Revenue. The amount of overpayment is estimated to be \$819,512, which covered a nine-month period from April to December 2009 spanning portions of two fiscal years.

The local sales tax is composed of several different components. Prior to October 1, 2008, there were four components. Due to the state-county Medicaid swap, the local sales tax now has five components. When the Medicaid swap is completed on October 1, 2009, there will be six components.

Article 40 is the first component and is a one-half percent sales tax collected on a statewide basis and distributed to each county area on a per capita basis. Based on state population estimates, the City receives approximately 30% of the amount distributed to the Pitt County area. Through eight months of the current fiscal year, the collections received by the City were 1.4% below the amount received for the same eight months of the prior fiscal year. The North Carolina League of Municipalities (NCLM) recommends that cities project a 9% reduction in this component of the sales tax for the remainder of the current fiscal year and a further 1% reduction for FY 2009-2010. Using these guidelines for calculation purposes, the estimated amount for FY 2009-2010 for Article 40 is \$2,817,672.

Article 42 is also a one-half percent sales tax collected statewide and distributed to cities and counties on a per capita basis. State law allows certain adjustments to Article 42 that create differences between the Article 40 distributions. As part of the Medicaid swap, beginning on October 1, 2009, Article 40 will change from a per capita distribution to a point-of-sale basis. Thus, beginning in October 2009, the City will receive a portion of the Article 42 sales tax that is collected within Pitt County. For FY 2009-2010, I projected Article 42 based on three months of per capita distribution and nine months of point-of-sale distribution. The resulting projection for next year is \$2,802,649.

Article 39 is a one cent sales tax distributed to each county based on collections within the particular county. The City receives approximately 30% of the Article 39 tax collected within

Pitt County. Excluding the overpayments, Article 39 collections for the period from September 2008 through February 2009 are 1.7% below the amount received for the same six months of the prior fiscal year. September 2008 appears to be the month when the decline in Pitt County sales tax collections commenced. For my projections, however, I have used a more conservative 3.4% (twice the actual percentage reduction) projected decline for the last four months of the current fiscal year. After projecting the amount for the current fiscal year, I have again used the NCLM recommended further 1% reduction for the next fiscal year. These calculations result in a projection of \$5,603,623 for FY 2009-2010. This amount, however, must be adjusted to account for the \$297,000 that will be withheld by the State for the current year overpayments. The adjusted figure for Article 39 is therefore \$5,306,623.

Article 44, prior to October 1, 2008, was composed of a ¼ percent sales tax collected statewide and distributed to cities and counties on a per capita basis combined with a ¼ percent sales tax distributed to each county area based on collections within the particular county. As part of the Medicaid swap, in October 2008 the per capita portion was phased out and replaced with a hold harmless amount calculated as 50% of the City's Article 40 payment. On October 1, 2009, the point-of-sale portion will be eliminated and replaced with a hold harmless amount calculated as 25% of the City's Article 39 payment. Based on these changes in the formula and my projections already established for articles 40 and 39, I anticipate the City will receive from Article 44 and the two hold harmless amounts a total of \$2,809,742 for the coming fiscal year.

Total projected sales tax to be received from the State for FY 2009-2010 is anticipated to be \$13,736,686. This amount represents a reduction of 1.7% when compared to the projected amount of \$13,980,591 for the current fiscal year and a reduction of 4.1% from the actual collections for FY 2007-2008 of \$14,321,872. The revised projection is \$918,829 (6.3%) less than the amount of \$14,655,515 included in the approved financial plan for FY 2009-2010. This is a significant reduction that will have a serious impact on the proposed budget for next year. My recommendations for this major revenue source are conservative, but could vary significantly due to the complexity of the various components, the changes in the distribution formulas created by the Medicaid swap, and the uncertainty of sales tax collections in the current economic climate.

Video Programming Fees are state collected and distributed revenues that are based on special taxes paid on telecommunication, satellite, and cable television that took effect in April 2008 replacing the local cable television franchise fee. NCLM has given indication that this source will increase between 5.5% and 6.5% for fiscal year 2009-2010. For next year I have, therefore, adjusted this category by 6% above projected 2008-2009 revenues to a new total of \$937,194 representing an increase of \$159,166 (20%) over the original financial plan numbers.

Utilities Franchise Tax is a state collected revenue based on the sale of electricity and telephone service within the city limits. The electricity portion, which represents about 80% of the total revenues from this source, fluctuates based on weather conditions and rate increases. Current year projections are 11% higher than FY 2007-2008. This increase is due to a combination of colder than usual winter months and increased GUC electric rates. The projection for this revenue has been increased to \$5,338,099 or a conservative 4.5% over the projection for the

current fiscal year. The revised projection is \$343,974 (6.9%) greater than the adopted financial plan for FY 2009-2010.

Powell Bill is another state distributed revenue that has been impacted by current economic conditions. This distribution is contingent on the volume of fuel sold and on the value of vehicles purchased and titled within the state. The formula for calculating this source involves using per capita, road mileage, and population estimates. As a result of reduced transportation spending, there has been a decline in the demand for gasoline. As such, the NCLM estimates this resource could be as much as 11% down from 2008 levels. To adjust for this decline in revenue, Powell Bill proceeds are estimated to be \$1,901,793, down \$232,104 from the original financial plan for fiscal year 2009-2010.

Inspection Fees and **Planning Fees** have experienced a tremendous negative impact from the current economic conditions as builders and developers have drastically reduced the number of construction projects in the City. The significant reduction in inspection and planning fees that began near the end of the 2007-2008 fiscal year has continued unabated during the current budget year. Also, I anticipate virtually no growth for these fees during the next year. The revised estimate for inspections fees is \$730,735 representing a decrease of \$767,119 (51.8%) from the amount included in the original FY 2009-2010 financial plan. The new estimate for planning fees is \$132,450, which is a decline of \$163,105 (55%) from the amount included in the FY 2009-2010 financial plan. The FY 2009-2010 inspection fees projection provided by the Chief Building Inspector is based on a 5% increase over current year projections. The projection for planning fees represents no anticipated growth for the coming fiscal year.

During this difficult economic time, it is also no surprise that investment returns have hit a historical low. Although returns are beginning to stabilize in **Interest on Investments**, based on earnings to date I expect the City to receive a decrease of approximately \$202,245 (12%) in the upcoming fiscal year under the amount included in the adopted FY 2009-2010 financial plan. This represents a reduction of \$77,071 (5%) below the current year projection and a \$500,971 (25%) reduction from the actual interest earnings for FY 2007-2008.

The **Greenville Utilities Commission Transfer** represents the return on investment to the City from the city-owned utility system. The formula is established by the GUC charter. The economic recession that has impacted several construction related City revenue sources has also had an impact on the utility system. GUC has not built capital additions to the electric and gas systems due to decreased developer demand. The projected transfer amount for FY 2009-2010 has been adjusted downward from \$5,125,128 in the original financial plan to \$4,821,066 representing a reduction of \$304,062 (6%). The actual amount proposed is reduced further by subtracting \$191,753 per the terms of the City-GUC agreement executed last year that involved an advance of transfer funds for the current fiscal year. The adjusted revised amount is therefore \$4,629,313. The street light reimbursement remains the same as anticipated last year at \$620,822.

There are other revenue categories that have been adjusted to be realigned with current year receipts and updated projections. These other categories do not serve as significant sources as the revenue identified above and have, therefore, been consolidated for discussion. These

changes will be incorporated in the budget ordinance presented for your consideration in June. The net effect of these recommended adjustments when compared to the adopted financial plan numbers for FY 2009-2010 is an increase of \$360,791.

General Fund Expenditures

According to the North Carolina Local Government Budget & Fiscal Control Act, each local government must project an annual balanced budget, assuming all revenues will be used to pay for expenses on a one-to-one basis; therefore, revenues must equal expenses. Consequently, expenditures for FY 2009-2010 must be reduced to offset the net \$1,604,256 (2%) reductions in revenues in order to maintain a balanced budget. The reductions are primarily in the personnel portion of the budget since employee costs represent almost two-thirds of total General Fund expenditures. Other reductions are proposed in the operating line items and the contingency account. Each of the major proposed expenditure reductions is explained in the following paragraphs.

Personnel Costs

In the April 2009 edition of Public Management Magazine in an article entitled “Managing your budget: Making tough decisions in tough times”, Professor Robert Bland noted: “Unlike spending by the federal and even state governments, local budgets are driven by personnel costs—salaries, wages, and benefits. And unlike the federal budget, managers in local governments must balance their budgets, meaning current expenditures for operations must not exceed current revenues, including draws from reserves. As a result, budget contractions inevitably impact the salaries and wages of local government employees.” Many local governments around the nation and state have used layoffs, furloughs, or salary reductions to address budget deficits. To date, the City has not had to employ any of these measures, but must take steps to reduce projected personnel costs in the FY 2009-2010 budget.

Similar to the current fiscal year, as part of the adopted FY 2009-2010 financial plan, the City included a 3% market adjustment pay increase for all employees and a continuation of the 1.5% merit pay program. In response to a recommendation from the Joint City-GUC Pay and Benefits Committee, on April 21, 2009 the City Council approved granting no market adjustment raises for FY 2009-2010 and suspending the merit program for next year (to be revisited in six months based on economic and financial conditions.) These two actions will result in a savings of \$1,638,662 in the coming fiscal year.

Due to the overall reduction in revenues, no new positions are included in the proposed FY 2009-2010 budget. Two adjustments in budgeted positions are recommended. Funds have been reallocated within the Information Technology (IT) Department to support a part-time position (3/4 time position) being upgraded to a full-time position. This Systems Analyst position will be funded within IT’s currently allocated funds for the 2009-2010 budget. The upgrading of this position, therefore, will have a net effect of zero to the overall General Fund proposed budget for next fiscal year. As you are aware, in February 2009 the Fire-Rescue Department was awarded a federal Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$2,845,819, to be disbursed over a five-year period. This grant is to support the hiring and

training of twelve firefighters. Of the total grant award, \$1,568,064 is a required match by the City. In anticipation of this grant, the adopted FY 2009-2010 financial plan includes \$257,644 as matching funds. To reflect the actual terms of the grant award, this amount has been adjusted to \$49,486 to reflect the accurate match amount for the first year of the grant. In addition to this adjustment, the proposed budget had to be revised to include the entire grant funding for the first fiscal year (2009-2010), so to track revenue and expenditures appropriately. This adjustment added a net of \$237,217 to the FY 2009-2010 proposed budget, but resulted in a net savings of \$208,158 for the General Fund.

Effective July 24, 2009, the minimum wage rate will increase from \$6.55 to \$7.25. The system considered this factor when generating the original FY 2009-2010 financial plan numbers. Required adjustments, however, were not made to the Parks Division of Recreation and Parks at that time. An adjustment, therefore, has been made to add \$6,854 to the Recreation and Parks part-time salary budget in anticipation of this increase.

Consistent with prior years, health insurance is another significant component of the City's personnel expenses. The approved FY 2009-2010 financial plan includes a 10% increase for health insurance premium costs. Based on the pending proposal to institute a self-funded health insurance program for 2010, the proposed budget has reduced the increase to 3%, resulting in a net reduction in health insurance costs of \$242,111.

In April 2009, the City Council approved a resolution to establish a fund with the State Treasurer that will be used to pay for Other Post Employment Benefits (OPEB), specifically retiree health insurance. The resolution permitted staff to open the fund with a \$250,000 payment. The Governmental Accounting Standards Board (GASB) issued Statement 45 regarding the accounting and reporting requirements for OPEB. The purpose of this Statement is to establish the accounting and reporting requirements for an employer's expenses and liabilities related to its post-employment benefit plan regardless of funding. Beginning with the fiscal year ending June 30, 2008, the City was required to report the unfunded annual required contribution as a liability within the Comprehensive Annual Financial Report. At that time, the City reported an obligation of approximately \$4.3 million for retiree health insurance. As the City continues to analyze ways of beginning to fund this liability, it is my recommendation that the City Council authorize an additional contribution of \$250,000 for FY 2009-2010. The OPEB liability will be discussed in more detail during the June 1, 2009 budget meeting.

Operating Expenses

Due to the revenue decrease that is estimated for FY 2009-2010 from the original approved financial plan, I am recommending a continuation of the 2% reduction in departmental operating expenses that was first instituted during the current fiscal year. Each department was allowed to recommend decreases in the discretionary portion of its operating budget to meet the 2% requirement. Most reductions were made in travel, supplies, and contracted services. This reduction resulted in an overall budgetary savings of \$148,428.

The reduction in fuel costs also instituted to help balance the current year budget is also recommended for continuation in FY 2009-2010. When the FY 2009-2010 financial plan was approved in June 2008, fuel prices were near an all-time high. The City thus budgeted for fuel

prices to be \$3.50 and \$4.00 per gallon for unleaded and diesel, respectively, in 2009-2010. Fortunately, fuel price changes have moderated during the past year, and I am recommending budgeting fuel accounts based on projected consumption and prices of \$2.30 per gallon for both gasoline and diesel. This revised projection will result in a reduction of \$424,886 for fuel costs.

As discussed in the revenue section for the *Utilities Franchise Tax*, a cold winter and GUC electric rate increases have resulted in higher utility costs for all customers including the City. The Public Works Department utility cost account for City buildings will exceed the budgeted amount for the current fiscal year, and more rate increases are planned for next year. In order to properly fund the utility account, an additional amount of \$143,430 has been proposed for FY 2009-2010.

On January 5, 2009, the City Council approved the Police Department applying for five grants from the Governor's Crime Commission. The five pre-applications were submitted in January, and the Police Department was recently invited to submit applications for three of the grants. The invitation to submit an application usually means that the grants will be approved. In order to insure that the matching funds will be available for these grants, I propose adding \$91,842 to the Police Department budget for FY 2009-2010. This amount is currently included as a designation within the contingency account.

The contingency account included in the adopted FY 2009-2010 financial plan is \$325,556. I am recommending a contingency of \$200,000 for next year. The excess amount of \$125,556 has been used to assist in balancing the budget.

Operating Transfers

Operating Transfers from the General Fund to other funds has been decreased for FY 2009-2010 by \$126,630; \$122,488 to the Debt Service Fund and \$4,142 to Sheppard Memorial Library. The reduction in the Sheppard Memorial Library's transfer is directly related to the 2% cuts that were solicited on discretionary operation expenses. The Transfer to the Debt Service Fund was decreased as a result of the refinancing of the 1998 Certificate of Participation Bonds (COPS) and issuance of new bond funds for Street Improvements. Initial financial plan numbers for FY 2009-2010 included the "old" 1998 COPs debt service amounts, without anticipating a refinancing opportunity. The Plan numbers also included debt service amounts that were estimated based on issuing the Street Improvements funding as a General Obligation Bond in October of 2008, which was not completed. The original FY 2009-2010 budget included anticipated debt service for these two components of \$1,574,150. The updated Debt Service is calculated to be \$1,451,662 representing a savings of \$122,488.

General Fund Summary

In summary, the proposed FY 2009-2010 budget contains the following adjustments from the FY 2009-2010 financial plan adopted by the City Council on June 12, 2008:

Adjustments Proposed for Fiscal Year 2009-2010

Revenues:		Expenditures:	
Property Tax	\$ 119,277	Market Adjustment	\$ (1,090,690)
Sales Tax	(918,829)	Merit Pay	(547,972)
Video Programming	159,166	SAFER Grant	(208,158)
Utilities Franchise	343,974	Minimum Wage	6,854
Powell Bill	(232,104)	Health Insurance	(242,111)
Inspection Fees	(767,119)	OPEB - Designated	250,000
Planning Fees	(163,105)	2% Cut	(148,428)
Investment Earnings	(202,245)	Fuel	(424,886)
GUC Transfer	(304,062)	Utilities	143,430
Other Revenues	360,791	Police Grants - Designated	91,842
		Contingency	(125,556)
		Operating Transfers	(126,630)
		Other Expenditures	(207,366)
		Addition to Fund Balance	1,025,415
Total	\$ (1,604,256)	Total	\$ (1,604,256)

Fiscal Year 2010-2011 Considerations

The dramatic decrease in building inspection permits that has been experienced during the current fiscal year and is expected to continue during FY 2009-2010 will result in very little new construction being added to the property tax roll for January 1, 2010. Property tax collections for FY 2009-2010 will, therefore, not reflect the same level of growth as in previous years. Since the property tax is the largest General Fund revenue source, the average five percent growth in the tax base has made significant dollars available to meet expenditure needs in recent years. For FY 2010-2011, I anticipate less than one percent growth in property tax revenues due to the lack of new construction during calendar year 2009.

Sales tax revenue growth for FY 2010-2011 will also be far below the amount that could have been expected in more normal economic times. As the current recession extends into the next fiscal year, the General Fund's second largest revenue source is expected to lag far behind the sometimes double-digit growth of recent years. The changes in the state distribution formula also create uncertainty about the future of this significant revenue source.

On the expense side of the budget, the local matching amount for the Fire-Rescue Department SAFER grant will begin to increase in FY 2010-2011 and gradually reach the point in five years where the City is paying the full cost of 12 new firefighter positions.

The State Treasurer has notified the General Assembly that due to losses in the stock market incurred by the North Carolina Local Government Retirement System, an increase in the employer contribution rate will be required in FY 2010-2011. The City, therefore, will be facing a certain substantial increase in retirement contributions to the state retirement system in FY 2010-2011

These several major revenue and expenditure impacts on the future of the General Fund budget mandate that I caution you again about a difficult budget situation anticipated for FY 2010-2011. In my opinion, the following budget year will be more constrained than the FY 2009-2010 budget. In anticipation of this future budget problem, I recommend that the City Council take the proactive step of adding to the fund balance during the coming fiscal year and carrying these reserves forward to help balance the FY 2010-2011 budget. The summary above indicates an addition of \$1,025,415 to the fund balance for this purpose

Other Funds

The adopted FY 2009-2010 financial plan for the Sanitation Fund included adding three new employees and the purchase of a truck to provide an additional crew in order to keep up with customer growth in recent years. Hiring the new crew would require an increase in the refuse collection fees. Due to the current economic recession, I recommend that the new truck purchase and additional staffing be postponed. By delaying this new crew, adjusting the budget for no employee salary increases, and lowering the fuel account, no fee increase will be needed in the Sanitation Fund.

Expenses for all other operating funds (Stormwater, Bradford Creek Golf Course, Public Transit, and Housing) have been adjusted to reflect the City Council's directive on employee compensation. To maintain balanced budgets in each fund, a corresponding reduction in revenues has been made. Other than those adjustments, no other revenue or expenditure changes to the adopted FY 2009-2010 financial plan are recommended at this time for these other funds.

Summary

The revisions to the FY 2009-2010 financial plan recommended in this budget message represent needed adjustments and/or modifications to a comprehensive fiscal plan created and developed as part of the more extensive budget process last year. My objectives in these revisions are to recognize changes that have already been acknowledged by the City Council, such as the current economic situation, and make adjustments for needed revenue or expenditure changes beyond the City's control, or enhance and refine the City Council's vision as stated in the City of Greenville 2009 Goals.

The entire City staff has worked diligently in developing and preparing these recommendations. Appreciation is extended to all of the budgeting teams within the various departments who

strategically plan and implement the City Council's Goals and Objectives. Gratitude is also extended to the Financial Services Department who put it all together and ensure the financial stability and growth of the City.

As you consider the proposed adjustments to the FY 2009-2010 financial plan and approval of the budget ordinance for the coming fiscal year, please contact me with any questions or comments. The City staff is prepared to assist in your budget deliberations.

Respectfully submitted,

A handwritten signature in black ink that reads "Wayne Bowers". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Wayne Bowers
City Manager