



Agenda

Greenville City Council

February 18, 2008
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Council Member Mercer

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes of the December 13, 2007; January 7, 2008; January 10, 2008; January 24, 2008; January 25, 2008; and January 26, 2008 City Council meetings
2. Resolution accepting dedication of rights-of-way and easements for Mill Creek Subdivision, Phase One, and Hampton Creek, Phase Two
3. Contract award for the Public Works Facility Storm Drainage Repair/Improvements Project
4. Budget ordinance amendment #7 to the 2007-2008 City of Greenville budget and to ordinance 06-23 South Tar River Greenway Capital Project
5. Property tax refund

VII. New Business

6. Presentations by boards and commissions
 - a. Board of Adjustment

7. First reading of an ordinance granting a limousine franchise to Lavita Whitley d/b/a Kiddie Kab
8. Comprehensive Wayfinding System Design
9. Ordinance creating the Greenville Neighborhood Advisory Council
10. Contract award for the construction of affordable homes within the 45-Block Revitalization Area
11. Extension of and Amendment to Agreement with Greenville Public Access Television Corporation
12. Police Reserves and the Special Separation Allowance
13. Agreement for Financial Advisory Services

VIII. Review of February 21, 2008 City Council agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Minutes of the December 13, 2007; January 7, 2008; January 10, 2008; January 24, 2008; January 25, 2008; and January 26, 2008 City Council meetings

Explanation: Minutes of the December 13, 2007; January 7, 2008; January 10, 2008; January 24, 2008; January 25, 2008; and January 26, 2008 City Council meetings have been prepared and are ready for City Council consideration.

Fiscal Note: None

Recommendation: Approval of the minutes of the December 13, 2007; January 7, 2008; January 10, 2008; January 24, 2008; January 25, 2008; and January 26, 2008 City Council meetings.

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

Attachments / click to download

- [📄 December 13 2007 City Council Minutes 737020](#)
- [📄 January 7 2008 City Council Minutes 737698](#)
- [📄 January 10 2008 City Council Minutes 741528](#)
- [📄 January 24 2008 Joint City Council East Carolina SGA Meeting Minutes 741605](#)
- [📄 January 25 2008 City Council Minutes 741068](#)
- [📄 January 26 2008 City Council Minutes 741653](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
December 13, 2007

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

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

APPROVAL OF AGENDA

City Manager Bowers stated that a request was made to continue the request for G-Vegas Limousine Service to operate two limousines and to continue the Ward Holdings LLC annexation request until January 2008.

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

SPECIAL RECOGNITIONS

Mr. Ken Jackson, who had served as Interim Director of Public Works upon the retirement of Tom Tysinger, was recognized by the City Manager.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Council Member Spell requested that the replacement of Ginger Eckermann and Kishen Rao be continued until January 2008.

Police Community Relations Committee

Council Member Joyner requested that the replacement for John Reed be continued until January 2008.

Redevelopment Commission

Council Member Glover asked that the replacement of Minnie Anderson be continued until January 2008.

CONSENT AGENDA - APPROVED

Motion was made by Council Member Spell and seconded by Council Member Glover to approve the consent agenda. Motion carried unanimously.

- 1) Minutes for the November 5 regular City Council meeting, November 8 special City Council/Greenville Utilities Commission meeting, November 8 regular City Council meeting, November 19 special City Council meeting, and November 19, 2007 regular City Council meeting
- 2) Request from Place Properties for 30 foot easement on First Street property
- 3) Resolution accepting dedication of rights-of-way and easements for Manning Forest Subdivision (Resolution No. 07-64)
- 4) Interlocal Agreement with the City of Kinston for building inspection services (Contract No. 1555B)
- 5) Grant from the United States Environmental Protection Agency for Brownfield Assessment in West Greenville (Contract No. 1650)
- 6) Report on bid awards

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>M/WBE</u> <u>Yes/No</u>
10/31/2007	Installation of Playground at Jaycee Park	Miracle Recreation Equipment Company	\$92,222	No
11/08/2007	Demolition of the Taft Furniture Store	W. A. Powell	\$50,250	No

- 7) Various tax refunds

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Fannie Jenkins	Refund of City Taxes Paid	\$115.64
Irvin Raper	Refund of City Taxes Paid	\$105.94

PRESENTATIONS BY BOARDS AND COMMISSIONS

Investment Advisory Committee

Mr. Rick Niswander, Chairman of the Investment Advisory Committee, informed the Council of the mission and purpose of the Committee. He stated that the fairly new committee was created to provide additional oversight over the general strategies used to invest City funds, to review investment results for the Greenville City Council, to advise the staff Investment Committee, and to report directly to City Council any occurrences that conflict with the City of Greenville Investment Policy. Market considerations that have to be taken into account include volatility and restricted investments. North Carolina G.S. 159-30 provides extremely restrictive ways in

which cities can invest funds—treasury bills, securities from the State of North Carolina, etc. Those options are extremely conservative, and stocks are not permitted. It depends on the credit market as to what can be earned, and that has been volatile. The City has \$60 to \$65 million in cash, and the majority of that has come about because of property tax revenue that recently came in. Interest income will decrease because interest in the market has decreased; however, that may stabilize next year. It was decided that more information is needed prior to making a decision on the bonds. He suggested that investment managers would not provide much more assistance and probably would not provide the City's money's worth. Mr. Niswander suggested some money in the C2 Group Investment Optimizer, which matches Merrill Lynch's interest rates. He stated that they had collapsed a low-interest earning account into something that made more interest. There were some unspent proceeds in leased debt and some of the proceeds were used to get the debt down.

Public Transportation and Parking Commission

Ms. Margaret Gemperline, Chairman of the Public Transportation and Parking Commission, stated that the Public Transportation and Parking Commission approved the Transit Division participation in, and \$200 financial support of, the Disability Resource Fair held in October at the Monroe Conference Center on the campus of Pitt County Memorial Hospital. The fair is sponsored by the Pitt County Committee for the Employment of People with Disabilities (PCCEPD). A GREAT bus was on display to demonstrate its accessibility features. This is the fourth year that GREAT has participated in the Disability Resource Fair. Two new buses which have been approved for purchase will be fully ADA equipped, as are the buses currently in use. Two commission members, Margaret Gemperline and Robert Thompson are on the Intermodal Transportation Center Steering Committee. Mr. Thompson serves as a representative of the Pitt Area Transit Board and also as a member of the Greenville Public Transportation and Parking Commission. Commission members attended public meetings held by consulting firm Moser, Mayer, and Phoenix, which is conducting the Facility Program and Site Selection phase of the project. The Commission held a special called meeting on July 17 to meet with representatives from Moser, Mayer and Phoenix as part of their first visit. Also, the Commission received regular updates on the Regional Transit Feasibility Study from Mr. Tom Tysinger. This working group is studying the possible formation of a Public Transportation Authority.

Ms. Gemperline reported on the marketing and publicity done by the Commission. The Transit Division participated in the Disability Resource Fair in October. The Commission viewed three short video segments that were developed by the City's Office of Public Information to air on the City's government access channel. The videos show people riding on the bus, give information on how to travel around the city, display route maps and timetables, show use of the bicycle rack on the bus, and demonstrate the accessibility features of the bus, such as the wheelchair ramp and kneeling capability. Transit employees will be able to learn basic Spanish as part of a grant-funded project through a program developed by the Colorado Department of Transportation in partnership with Colorado Mountain College. Large print, laminated bus schedules and maps have been developed to be posted in all bus shelters. A "Kids Summer Bus Map" was updated and distributed at City Hall, Carver Library and Sheppard Memorial Library. Advertisements for GREAT are placed regularly in The Daily Reflector, The Community Journal, and The Minority Voice newspapers. Two Free Ride days were held, the first on Saturday, April 14, in conjunction with the International Festival and Pirate Fest. Twice as many people rode as usually

ride on a regular Saturday. The second Free Ride day was held in conjunction with National Night Out in August. GREAT also had a booth at the National Night Out celebration held at the Town Common. GREAT participated in the “Caring is Sharing” food drive November 7 by allowing passengers to ride free when donating two non-perishable food items.

Ms. Gemperline further stated that two new buses have been approved for purchase and are expected to be delivered in May or June of 2008. These buses will meet the latest emissions requirements, will be fully ADA equipped, and will also have surveillance cameras. Route expansions and modifications are being planned for when the new buses are put into service. For the FY 06-07 fiscal year, GREAT ridership increased by over 10%, from 231,909 trips to 256,334 trips. The average number of passengers per day increased from 755 to 837. While this increased ridership may indicate that more people are riding the bus, the committee believes this increase also reflects the good experience the riders have – they come back.

Ms. Gemperline concluded by stating that in June, GREAT received the 2006 Safety Award for small urban fixed route systems from the North Carolina Public Transportation Association. The award is based on miles of service and number of reportable accidents. The City should be proud of its reliable, dependable bus service, and of the drivers who are helpful and courteous to the riders.

Police Community Relations Committee

Mrs. Regina Wallace explained that the Police Community Relations Committee has been having a series of Town Hall meetings to provide a forum for residents from the various neighborhoods to express their opinions about safety concerns. The major concerns expressed were illegal drugs, robberies, violent crimes, etc. Mrs. Wallace provided a report that was prepared summarizing the concerns (Document No. 07-08)

ORDINANCE GRANTING LIMOUSINE FRANCHISE TO G-VEGAS LIMO SERVICE – CONTINUED TO JANUARY 2008

ORDINANCE REZONING THE DAVID HILL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF GREENVILLE BOULEVARD AND BELVEDERE DRIVE FROM R9S AND O TO O AND CG - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by David Hill to rezone 1.6177 acres located at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from R9S and O to O and CG. The Planning and Zoning Commission, at its October 16, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and stated that it was continued at last month’s meeting due to some concerns of homeowners. Staff feels it is in compliance with the Comprehensive Plan. The homeowners and the petitioner have come to some agreement since last month.

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

Mr. Ken Malpass, representing the petitioner, stated that at the request of Council, he had met with the neighborhood association. Mr. Hill has done several developments up and down Greenville Boulevard and would like to have the opportunity to do the same at this location.

Dr. Scott Carter, a resident of Belvedere, stated that he is not specifically against the rezoning; he is concerned about the traffic around the subdivision. He lives across the street from adjoining properties, so he did not receive notice. He hears about what is going on on Greenville Boulevard and can see clearly the intersection of Belvedere Drive and Greenville Boulevard. There is a stoplight at Greenville Boulevard and Bismarck Street that does not impact the traffic coming in and out of this subdivision. It is not a safe environment for people in that subdivision trying to get out. He is concerned about the Council adding something to increase traffic. Additionally, he is concerned about whether there is an opportunity for someone to turn from Belvedere from a parking lot to an exit at the stoplight. That may be a conduit for traffic and for people who will use it for a cut-through. Dr. Carter reiterated that he is not opposed to the rezoning request.

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

Motion was made by Council Member Glover and seconded by Council Member Spell to adopt the ordinance rezoning 1.6177 acres located at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from R9S and O to O and CG. Motion carried unanimously. (Ordinance No. 07- 152)

ORDINANCE REZONING THE ANTONIO AND ELIZABETH PONCE PROPERTY LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF MEMORIAL DRIVE AND NORTH OF PINE STREET FROM R6S TO O - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Antonio and Elizabeth Ponce to rezone 0.24+ acres located along the eastern right-of-way of Memorial Drive and 100+ feet north of Pine Street from R6S to O. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and stated that the property was rezoned to R6S as part of the neighborhood rezonings that were recommended by the Task Force on the Preservation of Neighborhoods and Housing. In staff's opinion, the long-term livability of the dwelling will be diminished over time due to the lots fronting on Memorial Drive. The Office district is the most restrictive nonresidential zone and will serve as a buffer between the thoroughfare street and abutting commercial development and the single-family neighborhood. In staff's opinion, the request is in compliance with the Comprehensive Plan.

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

Mr. Antonio Ponce stated that he asked for this rezoning because his wife has a beauty salon and wants to do business in the house.

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

Discussion occurred about the process for rezoning several of the lots at one time. Mr. Hamilton stated that the City could initiate the request; however, there is not a guarantee that the property owners would do a joint development. All lots qualify for a driveway, and the driveways would be grandfathered in.

Council Member Joyner stated that he would like for the City to look at rezoning all of these lots, and City Manager Bowers stated that he will get a report on that.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Kittrell to adopt the ordinance rezoning 0.24+ acres located along the eastern right-of-way of Memorial Drive and 100+ feet north of Pine Street from R6S to O. Motion carried unanimously. (Ordinance No. 07-153)

ORDINANCE REZONING THE ALVA W. WORTHINGTON PROPERTY LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF COUNTY HOME ROAD AND ADJACENT TO THE BELLAMY APARTMENTS AND KITTRELL FARMS SUBDIVISION FROM RA20 TO R6 AND R6A – CONTINUED TO JANUARY 10, 2008

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Alva W. Worthington to rezone 57.297 acres located along the eastern right-of-way of County Home Road and adjacent to The Bellamy Apartments and Kittrell Farms Subdivision from RA20 to R6 and R6A. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and stated that it is the extension of Signature Drive. Signature Drive will divert some of the traffic in the area. The request is in general compliance with the Comprehensive Plan. A protest petition was submitted; however, it did not have enough signatures of the property owners that it would require a supermajority vote. It was three percent and the requirement is five percent.

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

Mr. Fred Mattox, representing the petitioner, stated that this petition has gone through an extensive review process and it meets the requirements of the Comprehensive Plan. Signature Drive, a minor thoroughfare, serves as an appropriate density transition point. County Home Road is also a minor thoroughfare. The Planning and Zoning Commission held a public hearing and voted to recommend approval of the request. Tract 1 is bounded on the north by R-6 and Tract 2 is bounded by R-6A. Everything else is RA-20. Tract 1 is pie shaped, and the layout of that will be difficult because of the angle of Tract 1. This property has been owned by Mr. Worthington for most of his adult life. He should be able to develop it as he wishes as long as he complies with city ordinances. No work can commence until he has come back to the City with

detailed final construction plans. Wayne Worthington, the petitioners' son, was present to answer questions.

Ms. Meredith Hall, a resident of Kittrell Subdivision, stated that she is the only resident in the adjacent subdivision to the subject property, and her property backs up to the Worthington property. There are concerns regarding environmental issues, stormwater runoff, lighting and paving for multi-family development. As far as Signature Drive is concerned, it is possible that the increase in traffic would max out the capacity of the road because other development will have access to this road. Signature Drive is not a thoroughfare. There are cars parallel parked on both sides of the road. In the Cottages of Kittrell, there will be 95 homes; in Kittrell Farms, there will be 177 units; there is also a condominium complex that will access Signature Drive; Bellamy Apartments will be Greenville's newest student community and it will have at least 1200 cars. They don't need any more multi-family property in this neighborhood. The City needs to take into consideration the safety of students at the school, and people at the Community Schools Building and the Pitt County Council on Aging. The community came together and had a discussion about what it wanted to see. She feels that they were misguided in the numbers they had to have on the protest petition. The reason they missed the percentages is because of the property owned by the Pitt County Council on Aging. Also, nine lots are owned by Bill Clark Homes and they have not been sold. Ms. Hall concluded by stating that she is not opposed to single-family residential at the location; however, she doesn't think it can support any more medium or high density property.

Mr. Dennis Hurley of 127 Berkshire Drive stated that there is severe congestion on Charles Boulevard, Firetower Road, and County Home Road. He asked how the traffic will get out onto 43. He questioned why there was a need to throw more traffic into that area. Logic and common sense should prevail. What makes sense today, tomorrow, five years and ten years from now needs to be considered. There are more rezonings being proposed off of Corey Road and County Home Road, which will add even more to the traffic burden.

Mr. Thomas Atkinson, of County Home Road, stated that he is very much in agreement with the previous two speakers. The trend is already unbearable. All of these apartment buildings are being constructed, and the residents are not going to be able to get out of their driveways onto County Home Road. He is also opposed to this request because of drainage. Holding ponds don't work. His backyard fills up when there is a lot of rain.

Ms. Kelly Hurley stated that this community has mobilized in response to this rezoning request. The agenda stated that this request is in compliance with the Horizons Plan. Between 7:30 and 8:30 a.m., it is difficult to make a left turn out of Windsor Subdivision, and sometimes there is a line of 30 cars at other points of families returning from Wintergreen School. Ms. Hurley encouraged the Council Members to visit residents on County Home Road who have come together regarding this rezoning request. Those people cannot get out of their driveways. There is also an impact on the senior citizens going to the Pitt County Council on Aging. There is a huge amount of construction going on. Not getting the additional percentage of signatures on the protest petition was out of their control.

Mr. Jasper Tyson, who lives on County Home Road, stated that he is opposed to this request. His wife has to leave 45 minutes early in the morning in order to avoid the heavy traffic.

Mr. Charlie Long stated that he is opposed to this request. From 7:00 to 7:45 a.m., the cars are backed up from Firetower Road and he can't get out of his yard.

Having exhausted the 30-minute time limit, the public hearing was closed.

Council Member Spell stated that residential is most appropriate there; however, he has concerns about the density. He made a motion, that was seconded by Council Member Mercer to adopt the ordinance rezoning Tract 1 from RA20 to R6A and Tract 2 from RA20 to R6S.

Discussion occurred about whether the Council can rezone any portion of the property differently than was advertised. Ms. Gooby informed the Council that it can rezone the property to the same or a more restrictive zone, which is the case here.

Upon being asked if the applicants are in favor of an amended request, Mr. Mattox responded that they are in opposition to an amended request, which would be spot zoning. There is no R6S in this area. The Council would be rezoning a person's property to something he didn't request. The petitioner is asking for the identical rezoning that Ms. Hall has on her property. This request has been thoroughly studied. There has been no evidence presented stating that the traffic would be a problem, nor has there been any engineering data to contradict it. They have all said the roads are adequate.

Upon being asked if R6A across the board would work, Mr. Mattox responded that the difficulty is the R6 is under construction adjacent to this property. The normal transition would be a road instead of an artificial line. R6A is appropriate adjacent to R6. R6A is appropriate adjacent to R6A.

Council Member Spell stated that the area along Hilliard Drive may be zoned multi-family; however, it is single-family. Just because the property is zoned a certain way does not mean that is how it is developed. Tract 2 as single-family would match the use.

Mayor Pro-Tem Council stated that there has been a lot of testimony tonight, and the residents have expressed problems with traffic. She tends to side with the majority of the people who live there. Nothing has been done to improve the road.

Upon being asked if the applicants had met with the neighbors and responding that they had not, Mr. Mattox was asked if they would consider meeting with the neighbors. Mr. Mattox stated that they were willing to do so.

Mr. Greg Wilson, who lives in Windsor, stated that a petition was presented to the City that contained names of people in opposition to the request. He asked if Windsor could also be included in the meeting requested by City Council since the request would affect Windsor.

Mr. Mattox responded that he would include them.

Ms. Hall stated that she asked the Council not to consider high density. Her neighborhood is single-family. She will meet with the applicants; however, she feels uncomfortable making decisions for people who don't exist yet.

Motion was made by Council Member Spell and seconded by Council Member Kittrell to table this request until next month and request that the petitioners, adjacent property owners, and people in Windsor meet and come back in a month. Motion carried unanimously.

Council Member Joyner stated that he would like to see the City study the traffic and water problem in the area.

ORDINANCE REZONING THE SPRINGSHIRE RETIREMENT, LLC PROPERTY LOCATED NORTH OF NC HIGHWAY 43 AND WEST OF MARTIN LUTHER KING, JR. HIGHWAY FROM RA20 TO OR - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Springshire Retirement, LLC to rezone 7.990 acres located 1,100+ feet north of NC Highway 43 and 400+ feet west of Martin Luther King, Jr. Highway from RA20 to OR. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map, explained the request, and stated that it is in compliance with Comprehensive Plan.

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

Mr. Durk Tyson, representing the petitioner, stated that the property to the west of this request also belongs to Springshire Retirement, LLC, as it purchased the eight acres to combine with their site. It will be developed along with the property to the west.

Mr. David Ammon from Springshire Retirement, LLC was present to answer questions.

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

Motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance rezoning 7.990 acres located 1,100+ feet north of NC Highway 43 and 400+ feet west of Martin Luther King, Jr. Highway from RA20 to OR. Motion carried unanimously. (Ordinance No. 07-154)

ORDINANCE REZONING THE DONALD R. HATCHER PROPERTY LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF DAVENPORT FARM ROAD AND ADJACENT TO BRIGHTON PLACE SUBDIVISION FROM RA20 TO R6S - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Donald R. Hatcher to rezone 13.78 acres located along the

southern right-of-way of Davenport Farm Road and adjacent to Brighton Place Subdivision from RA20 to R6S. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and stated that there is no multi-family development in the immediate area. She explained the request and stated that it is in compliance with the Comprehensive Plan.

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

Mr. Linwood Stroud was present to answer questions on behalf of the petitioner.

There being no comments, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Spell to adopt the ordinance rezoning 13.78 acres located along the southern right-of-way of Davenport Farm Road and adjacent to Brighton Place Subdivision from RA20 to R6S. Motion carried unanimously. (Ordinance No. 07-155)

ORDINANCE REZONING BILL CLARK HOMES OF GREENVILLE, LLC PROPERTY LOCATED SOUTH OF GREENVILLE BOULEVARD AND ADJACENT TO OAKDALE PARK AND LANGSTON FARMS SUBDIVISION FROM RA20 TO R6S - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Bill Clark Homes of Greenville, LLC to rezone 27.58 acres located 2,000+ feet south of Greenville Boulevard and adjacent to Oakdale Park and Langston Farms Subdivision from RA20 to R6S. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request. She stated that the request is in compliance with the Comprehensive Plan.

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

Mr. Linwood Stroud, representing the petitioner, stated that this is a continuation of Langston Farms subdivision and will be constructed like it.

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 rezoning 27.58 acres located 2,000+ feet south of Greenville Boulevard and adjacent to Oakdale Park and Langston Farms Subdivision from RA20 to R6S. Motion carried unanimously. (Ordinance No. 07-156)

ORDINANCE REZONING THE ALMA PARAMORE HEIRS, SNODIE PARAMORE, JR., THOMAS MOYE, DARWIN PARAMORE, ET. AL. PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EVANS STREET AND FIRE TOWER ROAD FROM RA20 TO CG AND O - DENIED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Alma Paramore Heirs, Snodie Paramore, Jr., Thomas Moye, Darwin Paramore, et. al. to rezone 15.0824 acres located at the northeast corner of the intersection of Evans Street and Fire Tower Road from RA20 to CG and O. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to recommend denial of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that it is not in compliance with the Comprehensive Plan, and the Planning and Zoning Commission recommended denial. It is undesirable to have single-family development adjacent to a commercial area. There is an ample supply of vacant commercial property without rezoning this. Office zoning is a transition area. Staff recommends all Office zoning for this property.

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

Mr. Phil Dixon, representing the 13 property owners, stated that this property has been owned by the family for 70 years, and it was unregulated until 1972 when it was made a part of the extraterritorial jurisdiction as RA-20. In 2003, the family sought to rezone 10 acres as general commercial, which was denied. In 2004, they submitted a second request, which was withdrawn after the Planning and Zoning Commission recommended denial. This is a third proposal, and there is a very substantial reduction in the traffic count. He contacted the Southhall Homeowners Association and told them about the different proposals and stated that they would be willing to provide private restrictions. He met with Chip Little, who owns Treetops, and it was clear they didn't want commercial on this particular corner. The petitioners have made a good faith effort to come up with something that might work. A lot of people are looking at traffic as a real concern. This has a lot of vacant land surrounding it. The design capacity of the road is substantially more than the actual traffic. Mr. Dixon concluded by stating that there is a substantial amount of property to be zoned office that can be a transition. It is not easy with 13 property owners. The petitioners have tried to present a plan that will work and asks for Council support.

Mr. Jack Paramore stated that he has been away for some time and has not been involved in the decision making process. There have been some bad mistakes in the past, and he hopes that the Council will do right by his family as well as the citizens at large. There could be trails, parks, shops, places to relax and enjoy nature on this property. A childhood and family friend led his mother into signing a petition against commercial development many years ago. Mr. Paramore asked the Council to be reasonable and fair. The petitioners are asking for the highest and best use of the property. They have tried to be reasonable and fair with the neighbors and haven't sold the property piecemeal. They have kept it together and kept it from deteriorating so that property values would remain stable. While they have tried to do the right thing, others have worked against them. The Paramore family has had the altruistic spirit while others have had

egotistic spirit. The Paramore family was there first. Mr. Paramore asked the Council to be fair with them, as they have done their best to be fair.

Mr. Mark Meltzer, who has lived in Treetops for 22 years and who is President of the Treetops Homeowners Association, stated that he has spoken against the rezoning requests on this property for the past three time and is still opposed to it. They don't need another shopping center. This is supposed to be a residential corridor. The Planning and Zoning Commission has seen fit to deny this request twice, and he encouraged the Council to deny this request. He would not be opposed to office zoning.

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

Motion was made by Council Member Spell and seconded by Council Member Joyner to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan. Motion carried unanimously.

ORDINANCE REZONING THE SHEILA M. JOHNSON PROPERTY LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF DICKINSON AVENUE, SOUTH OF WESTWOOD DRIVE, AND NORTH OF ARLINGTON BOULEVARD FROM R9 TO O - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by Sheila M. Johnson to rezone 0.399 acres located along the western right-of-way of Dickinson Avenue, 100+ feet south of Westwood Drive, and 250+ feet north of Arlington Boulevard from R9 to O. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request. She stated that the request is in compliance with the Comprehensive Plan.

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

Mr. Phil Dixon, representing the petitioner, stated that this is not part of the original subdivision. The petitioners met with the Community Development staff to see what the best use of this property would be, and Office was suggested. The petitioner has a professional who wants to take the house, change the interior and use it as a professional office. There was only one vote in opposition at the Planning and Zoning Commission. One of the adjoining property owners, the first lot in subdivision, was concerned about somebody tearing down the house. The request would net an increase of eight vehicles per day. Because it is a transition, it will not have a residential future. The person who owns the property behind this is a cousin of the applicant and is supportive of the request.

Ms. Barbara Adams stated that the homes were built in the 1960s. It would be more difficult for a family to live there now, so she feels that Office is the best use of the property.

Mr. Tim Meineke, stated that he lives in the neighborhood and he is not in favor of cherrypicking the lots. The property owners in the neighborhood take care of their property. It is impossible to get in and out of the neighborhood, and if this house on the outskirts of the neighborhood is changed, that will be worse. The other houses will start being offices and soon it won't be a neighborhood any longer. The entire neighborhood is concerned about its fate. This is a southern gateway to the medical district, and there are three major roads encircling it that could have access. Instead of doing it piecemeal, the Council could take the entire thing and develop it in a good way. Rezoning this property will be to everyone's detriment. Most of the people in the neighborhood take care of their property.

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

Mr. Hamilton stated that the lot in question is not part of the original neighborhood. It has exclusive access to Dickinson Avenue. The traffic backs up well past this property. The long-term livability is already diminished. At best, it will be rental property. As such, it will not contribute to the quality of life in the neighborhood. Office is the most restrictive zone, and there are buffers and screens between office and the single-family homes. In staff's opinion, office zoning is better long-term for the neighborhood.

Motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance rezoning 0.399 acres located along the western right-of-way of Dickinson Avenue, 100+ feet south of Westwood Drive, and 250+ feet north of Arlington Boulevard from R9 to O. Motion carried unanimously. (Ordinance No. 07-157)

ORDINANCE AMENDING THE ZONING ORDINANCE RA20 DISTRICT TABLE OF USES BY DELETING THE USE ENTITLED "HOSPITAL" AS A SPECIAL USE AND AMENDING THE MS AND MO DISTRICT TABLES OF USES TO INCLUDE "HOSPITAL" AS A PERMITTED USE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider a request by the Community Development Department to amend the Zoning Ordinance RA20 district table of uses by deleting the use entitled "Hospital" as a special use and to amend the MS and MO district tables of uses to include the use entitled "Hospital" as a permitted use. The Planning and Zoning Commission, at its November 20, 2007 meeting, voted to approve the request.

Mr. Harry Hamilton, Chief Planner, stated that the "Hospital" use is a special use in the RA20 district and a permitted use in the MI district. The Pitt County Memorial Hospital (PCMH) main facility is located entirely within the MI district. The PCMH Heart Hospital is located partially within the MS district. Other PCMH associated facilities, including the Surgicenter, Viquet, ACS McConnell-Raab Hope Lodge, satellite parking lots, Pre-Surgery Testing, and Management Properties are located within the MS and MO districts. The proposed amendment will allow for the continued expansion of existing hospital-related uses in the core area of the medical district (hospital-medical school campus), as well as the establishment of new hospital facilities on properties zoned MI, MS and MO.

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

Motion was made by Council Member Kittrell and seconded by Council Member Glover to adopt the ordinance amending the Zoning Ordinance RA20 district table of uses by deleting the use entitled "Hospital" as a special use and to amend the MS and MO district tables of uses to include the use entitled "Hospital" as a permitted use. Motion carried unanimously. (Ordinance No. 07-151)

ORDINANCE ANNEXING EMERALD PARK, PHASE 1, SECTION 2 LOCATED NORTH OF DAVENPORT FARM ROAD AND WEST OF THOMAS LANGSTON ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3, 2007 setting this time, date and place for a public hearing to consider a request by Emerald Park to annex Phase 1, Section 2 containing 13.3455 acres located north of Davenport Farm Road and west of Thomas Langston Road. This is a contiguous annexation.

Mr. Mike Dail, Planner, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is the development of 61 single-family homes. The current population is 0, and the anticipated population at full development is 143 with 24 being minority. Fire Station #5 is within two miles.

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 Spell and seconded by Council Member Joyner to adopt the ordinance annexing 13.3455 acres located north of Davenport Farm Road and west of Thomas Langston Road. Motion carried unanimously. (Ordinance No. 07-158)

ORDINANCE ANNEXING WARD HOLDINGS, LLC PROPERTY CONTAINING 2.50 ACRES LOCATED NORTH OF THOMAS LANGSTON ROAD AND EAST OF LANGSTON TOWNHOMES – CONTINUED TO JANUARY 10, 2008

ORDINANCE ANNEXING THE TUCKER COMMERCIAL PARK PROPERTY LOCATED EAST OF MEMORIAL DRIVE AND SOUTH OF WHITLEY DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3, 2007 setting this time, date and place for a public hearing to consider a request by Tucker Commercial Park to annex Future Lots 4, 5, 6, and 7 containing 8.53 acres located east of Memorial Drive and south of Whitley Drive. This is a contiguous annexation.

Mr. Mike Dail, Planner, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is commercial development. The current population is 0 and the anticipated population at full development is 0.

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 Mercer and seconded by Council Member Spell to adopt the ordinance annexing Tucker Commercial Park Future Lots 4, 5, 6, and 7 containing 8.53 acres located east of Memorial Drive and south of Whitley Drive. Motion carried unanimously. (Ordinance No. 07-159)

ORDINANCE REQUIRING THE REPAIR OR DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 703 DOUGLAS AVENUE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 3 and December 10, 2007 setting this time, date and place for a public hearing to consider an ordinance requiring the repair or the demolition and removal of the dwelling located at 703 Douglas Avenue.

Ms. Rhonda Jordan, Code Enforcement Coordinator, stated that the initial notice of violation for this property was sent by certified mail on March 30, 1998 to the property owner informing him of the minimum housing code violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Since that date, there have been six certified notices regarding minimum housing violations of the dwelling. Staff has attempted to work with the owner, but no repairs have been made. The most recent mailing to the owner was sent on October 31, 2007, 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. Utility services to the dwelling have been disconnected since March 24, 2004. Taxes on the property are current. The May 2007 Pitt County Tax Assessor's report valued the property at \$11,160 (\$9,160 for the structure and \$2,000 for the land). The cost to repair the property is estimated to exceed \$40,000.

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

Mr. Quincy Gardner, asked that the Council continue this request, as he cannot afford to repair the structure at this time. He is going to try to sell the property and has spoken with the Code Enforcement Coordinator about this. It is his understanding that the City is in the middle of restructuring that area. He asked if there would be an opportunity for Greenville to purchase the property, and was told this could perhaps happen in January. If the Council makes a decision now, it may be that he cannot sell the property before 90 days is up. He does not have the finances to fix the house according to City standards. Mr. Gardner concluding by asking the City to delay making a decision tonight on this request to allow the opportunity for him to sell the property or for the City to make a bid in January.

Upon being asked if the City would purchase the property, Mr. Merrill Flood, Director of Community Development, stated that the property is within the 45-Block Revitalization area. If the City is able to purchase the property, it will be well into the new year. There are several options now. Staff would like to go ahead with the action of Council so that if the City cannot

purchase the property, it will not be in its current state in that neighborhood. The electricity has been off since 2004. There are several houses ahead of this that staff has signed offers on. It may be after the HUD money is approved in May.

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

Motion was made by Council Member Glover and seconded by Council Member Joyner to adopt the ordinance requiring the repair or demolition and removal of dwelling located at 703 Douglas Avenue, giving the property owner six months to repair the property and to give him an opportunity to negotiate with Community Development to purchase the property and the vacant lot he owns next to that since this is in the 45-Block Area. Motion carried unanimously. (Ordinance No. 07-160)

PUBLIC COMMENT PERIOD

No one requested to speak during the public comment period.

ACCEPTANCE OF GIFT OF PROPERTY FROM E. R. LEWIS CONSTRUCTION CO., INC.
- APPROVED

Motion was made by Council Member Spell and seconded by Council Member Joyner to accept this gift of property from E. R. Lewis Construction Co., Inc. Motion carried unanimously.

ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT FOR GREENVILLE
UTILITIES COMMISSION AQUIFER STORAGE & RECOVERY (ASR) PROJECT -
APPROVED

Motion was made by Council Member Spell and seconded by Council Member Joyner to authorize the Mayor to execute the Financial Assistance Award subject to similar approval by the Greenville Utilities Commission Board of Commissioners. Motion carried unanimously. (Contract No. 1650)

NORTH CAROLINA RURAL CENTER GRANT FOR GREENVILLE UTILITIES
COMMISSION AQUIFER STORAGE & RECOVERY (ASR) PROJECT -
ADOPTED/APPROVED

Motion was made by Council Member Spell and seconded by Council Member Joyner to approve the resolution authorizing the Mayor to sign and submit the full grant application on behalf of Greenville Utilities Commission; to authorize the Mayor to execute the Performance Agreement with Pitt County Memorial Hospital for job creation and repayment if specified numbers of jobs are created; and to authorize the Mayor to execute Indemnification Agreement with Greenville Utilities for repayment of any grant funds if the specified jobs are not created by Pitt County Memorial Hospital. Motion carried unanimously. (Resolution No. 07-65; Contract No. 1651 and 1652)

AWARD OF BID FOR TWO 75-FOOT HEAVY-DUTY ALUMINUM PUMPER/LADDER
FIRE TRUCKS - APPROVED

Motion was made by Council Member Spell and seconded by Council Member Joyner to award the bid to Pierce Manufacturing by Triad Fire, Inc. Motion carried unanimously.

AWARD OF CONTRACT FOR DICKINSON AVENUE RELOCATION PROJECT -
APPROVED

Motion was made by Council Member Spell and seconded by Council Member Joyner to award the construction contract for the Dickinson Avenue Relocation Project to HML Corporation, Inc. in the amount of \$345,247.60. Motion carried unanimously. (Contract No. 1653)

BUDGET ORDINANCE AMENDMENT #5 TO THE 2007-2008 CITY OF GREENVILLE
BUDGET AND TO ORDINANCE 97-1 CONVENTION CENTER CAPITAL PROJECT, AND
AN ORDINANCE ESTABLISHING A SPECIAL REVENUE BUDGET FOR THE
COMMUNITY ORIENTED POLICING SERVICES (COPS) LAW ENFORCEMENT
TECHNOLOGY GRANT - ADOPTED

Motion was made by Council Member Spell and seconded by Council Member Joyner to approve budget ordinance amendment #5 to the 2007-2008 City of Greenville budget and to Ordinance 97-1 Convention Center Capital Project, and an ordinance establishing a special revenue budget for the Community Oriented Policing Services (COPS) Law Enforcement Technology Grant. Motion carried unanimously. (Ordinance Nos. 07-161 and 07-162)

2008 CITY COUNCIL MEETING SCHEDULE - APPROVED

After discussion, motion was made by Council Member Spell and seconded by Council Member Kittrell to adopt the 2008 City Council Meeting Schedule as listed below. Motion carried unanimously.

“COPY”

2008 CITY COUNCIL MEETINGS SCHEDULE
(All Meetings are Held in the Council Chambers Unless Otherwise Noted)

January 7—6:00 PM
January 10—7:00 PM
January 26—8:00 AM (Annual Planning Session)

February 18—6:00 PM
February 21—7:00 PM
February 25—6:00 PM

March 10—6:00 PM
March 13—7:00 PM

April 7—6:00 PM
April 10—7:00 PM
April 21—6:00 PM

May 5—6:00 PM
May 8—7:00 PM
May 19—6:00 PM

June 2—6:00 PM (Budget Meeting)
June 9—6:00 PM
June 12—7:00 PM
June 23—6:00 PM

August 11—6:00 PM
August 14—7:00 PM
August 25—6:00 PM

September 8—6:00 PM
September 11—7:00 PM
September 22—6:00 PM

October 6—6:00 PM
October 9—7:00 PM
October 20—6:00 PM

November 10—6:00 PM
November 13—7:00 PM
November 24—6:00 PM

December 8—6:00 PM
December 11—7:00 PM

“COPY”

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council made general comments.

CITY MANAGER'S REPORT

City Manager Bowers stated that the planning session will be held at Bradford Creek Golf Course clubhouse on Saturday, January 26, 2008, and Janice Faulkner has agreed to facilitate the meeting.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Spell to adjourn the meeting at 10:25 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 7, 2008

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 Mayor Pro-Tem Mildred A. 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
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.

CONSENT AGENDA - APPROVED

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

- 1) Minutes for the December 10, 2007 City Council meeting
- 2) Surrender of taxicab franchise by Steven Smith
- 3) Ordinances closing 1998 Bond Series for Greenville Utilities Commission (Ordinance Nos. 08-01 and 08-02)
- 3) Third amendment and renewal of the Police Services Contract with the Greenville Housing Authority (Contract No. 632-O)
- 4) Right-of-way encroachment agreement with Emerald Park Owners Association to construct a subdivision name entrance sign, an unmanned guard house, conduits for irrigation line crossings, and associated landscaping for Emerald Park Subdivision along Garnet Way and Jade Lane (Contract No. 1655)
- 5) Resolution accepting dedication of rights-of-way and easements for Brook Hollow, Section Two, and Tyson Farms Cluster Subdivision, Section 3 (Resolution No. 08-01)
- 6) Various tax refunds

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Tamara L. Person	Refund of City taxes paid	\$ 449.79

	First American Real Est Tax Service	Refund of City taxes paid	\$ 147.48		
	Greenbriar Realty Co., Inc.	Refund of City taxes paid	\$4,528.22		
7)	Report on bids awarded				
	Date			M/WBE	
	<u>Awarded</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	
	<u>Yes/No</u>				
	11/20/07	Six Ford Crown Victorias with Police Pkg. (State Contract Purchase)	Capital Ford	\$131,300.40	No
	12/05/07	One Self Contained Leaf Collector Truck (Document 726675)	Amick Equipment Co.	\$112,316.00	No
	12/05/07	One Self Contained Knuckle Boom Truck (Document 726673)	Volvo and GMC Truck Center	\$103,856.88	No
	12/05/07	One 40 CY Front Loading Refuse Truck (Document 726667)	Mack Truck Sales of Charlotte	\$182,849.00	No
	12/05/07	One 25 CY Rear Loading Refuse Truck (Document 726664)	Volvo and GMC Truck Center	\$118,815.56	No

PRESENTATIONS BY BOARDS AND COMMISSIONS

Community Appearance Commission

Ms. Noria Namaz, Chairperson of the Community Appearance Commission, stated that the Commission is a diverse group from all backgrounds who desire to see Greenville's appearance improve. The City has a great staff that works with the Commission. Code enforcement staff makes suggestions, and they work together to make things happen. Last spring, it participated in the Citywide Spring Clean-Up and picked up 16 loads of vegetation, 220 tires, 50 batteries and 4.5 loads of white goods. The 2008 Spring Clean-Up will be March 29 through April 5. Eight new street sections have been added to the Adopt-A-Street Program. Neighborhood grants were awarded to eight neighborhoods. This program brings a great deal of pride. Three businesses or neighborhoods are selected each month for enhancing the beauty of the business or neighborhood. At the end of every second year, a biennial award (plaque) is presented to the 10 most impressive. Ms. Namaz thanked the Council for having such an interest in the City and for providing the members of the Community Appearance Commission an opportunity to serve.

Environmental Advisory Commission

Dr. Ulrich Alsentzer, Chairman of the Environmental Advisory Commission, explained that Environmental Advisory Commission Awareness Awards were presented this year and the City joined the Keep America Beautiful Program. Dr. Alsentzer spoke about how recycling is voluntary for residents and explained what items can be recycled and the benefits of recycling. He encouraged recycling, stating that it saves money through energy conservation, decreased transportation needs, and lower tipping fee costs. Recycling would also provide local jobs, as East Carolina Vocational Center could employ more people, meaning an increase in local incomes and in local tax revenues. The Bertie County landfill will be full in 20 years. For each ton of items recycled, Pitt County/Greenville residents would save \$26 in tipping fees. Doubling Greenville's recycling could save residents \$500,000 annually in tipping fees and \$2 million in general. Dr. Alsentzer concluded by encouraging Council to strive for a 50% recycling rate.

CONTRACT FOR UPDATE OF 2000 RECREATION AND PARKS COMPREHENSIVE MASTER PLAN - APPROVED

Mr. Gary Fenton, Director of Recreation and Parks, stated that in 2000 the City contracted for the development of a citywide Recreation and Parks Comprehensive Master Plan to determine recreational needs and to guide future capital improvements in parks. The proposed contract will provide an update of that plan that includes the essential elements for receiving point credit in North Carolina's Parks and Recreation Trust Fund (PARTF) grant application process, making approval of future grant requests more likely. A plan or revised plan less than five years old is credited significantly more points during the application process than an older plan. Matching grants of as much as \$500,000 are possible from this program, and to date the City of Greenville has received five grants totaling \$1.25 million. The project will guide future capital decisions through determining the City's current and projecting the City's future recreational needs, and through establishing an inventory of existing public and private parks and recreation facilities currently available to meet those needs. Only two responses were received to the Parks Comprehensive Master Plan RFP. Staff representatives from Public Works, Community Development and Recreation and Parks interviewed the two responders (Site Solutions from Charlotte and the Department of Recreation and Leisure Services at ECU), and Site Solutions was selected as the more qualified firm. Work would begin almost immediately after approval and could be completed by July 2008. Site Solutions is a leader in the comprehensive park planning realm as well as individual park design and construction. The group will inventory all public and private recreation facilities in the area. Citizens will be surveyed, public meetings will be held, etc. The Recreation and Parks Commission will review and adopt the plan prior to presenting it to City Council.

Motion was made by Council Member Spell and seconded by Council Member Mercer to award a professional services contract to Site Solutions in the amount of \$57,000 for an update to the City's Recreation and Parks Comprehensive Master Plan. Motion carried unanimously. (Contract No. 1656)

AWARD OF CONTRACT TO PREPARE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE STUDY - APPROVED

Mr. Merrill Flood, Director of Community Development, stated that as a requirement of a Department of Housing and Urban Development monitoring assessment of the City of Greenville Community Development Block Grant (CDBG) and HOME Investment Partnership grant funding in April 2007, the City solicited proposals from qualified firms to prepare an analysis of impediments to fair housing, which is a comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures and practices. An analysis of impediments to fair housing involves an assessment of how these laws, regulations, policies and procedures affect the location, availability and accessibility of housing and how conditions, both private and public, affect fair housing choice. The City received four proposals—from Ken Weeden & Associates, Inc.; Training & Development Associates, Inc.; J-Quad and Associates; and Holland Consulting Planners, Inc. After review of the proposals by a staff committee, TDA was selected as the best qualified firm based on the its demonstrated prior experience conducting such an analysis; experience meeting with and working with a variety of agencies and governmental bodies; strong background in current conditions data analysis; financial capability; and reasonableness of projected expenses. The staff committee suggested a contract award to Training & Development Associates, Inc. for \$24,000 to provide an Analysis of Impediments to Fair Housing. The funding will come from Community Development Block Grant and HOME funds, and there will be extensive meetings.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to approve the contract award to Training & Development Associates, Inc. for the fixed amount of \$24,000 to provide an Analysis of Impediments to Fair Housing and authorize the City Manager to sign the contract. Motion carried unanimously. (Contract No. 1657)

AWARD OF CONTRACT AWARD TO PREPARE CDBG AND HOME 2008-2013 CONSOLIDATED PLAN - APPROVED

Mr. Merrill Flood, Director of Community Development, stated that the 2008-2013 Consolidated Plan for the Community Development Block Grant and HOME Investment Partnership federal grant programs is designed to be a collaborative process whereby a community establishes a unified vision for community development actions. It offers a local jurisdiction the opportunity to shape the various housing and community development programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context and to reduce duplication of effort at the local level. The Consolidated Plan is a specific course of action for revitalization. It is the means to analyze the full local context and the linkages to the larger region. It builds on local assets and coordinates a response to the needs of the community. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that families and communities can work together and thrive. A plan also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps local governments and citizens keep track of results and learn what works. The Consolidated Plan is a requirement to receive CDBG and HOME funds. The City recently solicited proposals from qualified firms to prepare the City of

Greenville 2008-2013 Consolidated Plan and received two proposals from the following: Holland and Associates Consulting, Inc. and Training & Development Associates, Inc. (TDA). After review of the proposals by the staff committee, TDA was selected as the best qualified firm based on demonstrated prior experience in preparing consolidated plans, experience meeting with and working with a variety of agencies and governmental bodies, strong background in current conditions data analysis, financial capability, and reasonableness of projected expenses. TDA received the higher score. The last study was completed in 2003, and it covered 2003-2008. The City is required to submit a new study by May.

Council Member Mercer requested to see the scoring system used and was informed that staff would provide him with the system.

Motion was made by Council Member Glover and seconded by Council Member Joyner to approve a contract award to Training and Development Associates, Inc., in the amount of \$47,500 to prepare the City of Greenville's Consolidated Plan for fiscal years 2008-2013 and authorize the City Manager to enter into a contract. Motion carried unanimously. (Contract No. 1658)

APPOINTMENT TO THE GREENVILLE URBAN AREA METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION ADVISORY COMMITTEE - APPROVED

City Manager Bowers informed the Council that the Metropolitan Planning Organization is a federally mandated transportation planning committee composed of local elected officials and federal and state transportation representatives. The memorandum of understanding creating the Greenville Urban Area Metropolitan Planning Organization provides that the City of Greenville shall appoint one elected official to the Technical Advisory Committee. Traditionally, this has been the Mayor. Former Mayor Don Parrott served as the City representative for the past six years. City Manager Bowers suggested Mayor Pat Dunn as the appointment.

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to appoint Mayor Pat Dunn to the Greenville Urban Area Metropolitan Planning Organization Transportation Advisory Committee. Motion carried unanimously.

BUDGET ORDINANCE AMENDMENT #6 TO THE 2007-2008 CITY OF GREENVILLE BUDGET AND TO ORDINANCE 06-99 GREENVILLE AQUATICS AND FITNESS CENTER RENOVATION CAPITAL PROJECT - APPROVED

City Manager Bowers stated that this is a standard amendment. One of the major changes is a \$500,000 grant received for the Aquatics and Fitness Center renovation project from the State. The renovation is not totally completed.

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to approve budget ordinance amendment #6 to the 2007-2008 City of Greenville budget and to ordinance 06-99 Greenville Aquatics and Fitness Center Renovation Capital Project. Amendment. Motion carried unanimously. (Ordinance No. 08-03)

AMENDMENT TO THE 2008 CITY COUNCIL MEETING SCHEDULE - APPROVED

Motion was made by Council Member Spell and seconded by Council Member Mercer to amend the 2008 City Council meeting schedule by canceling/rescheduling the March 10 and November 10 and 13 meetings because of a conflict with the National League of Cities meetings. Motion carried unanimously. The revised schedule is shown below.

2008 CITY COUNCIL MEETINGS SCHEDULE
(All Meetings are Held in the Council Chambers Unless Otherwise Noted)

January 7—6:00 PM
January 10—7:00 PM
January 25—6:00 PM (Bradford Creek Golf Course Clubhouse)
January 26—8:00 AM (Annual Planning Session—Bradford Creek Golf Course Clubhouse)

February 18—6:00 PM
February 21—7:00 PM
February 25—6:00 PM

March 13—7:00 PM

April 7—6:00 PM
April 10—7:00 PM
April 21—6:00 PM

May 5—6:00 PM
May 8—7:00 PM
May 19—6:00 PM

June 2—6:00 PM
June 9—6:00 PM
June 12—7:00 PM
June 23—6:00 PM

August 11—6:00 PM
August 14—7:00 PM
August 25—6:00 PM

September 8—6:00 PM
September 11—7:00 PM
September 22—6:00 PM

October 6—6:00 PM
October 9—7:00 PM
October 20—6:00 PM

November 6—7:00 PM
November 24—6:00 PM

December 8—6:00 PM
December 11—7:00 PM

REVIEW OF JANUARY 10, 2008 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the January 10, 2008 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council Members provided comments.

Mayor Dunn asked the Council if they were interested in having an open house the evening of the ArtWalk (February 8) and having new residents to attend a welcoming session from the Council in the Council Chambers at 7:00. The Council Members indicated that they were interested.

CITY MANAGER'S REPORT

City Manager Bowers had nothing to report.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Joyner to adjourn the meeting at 7:25 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 10, 2008

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Rose H. Glover 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

City Manager Bowers reported that a request had been received by James Ward of Ward Holdings LLC to continue the land use plan amendment to February 21, 2008 and to withdraw the annexation request.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to approve the agenda with the following amendments: (1) land use plan amendment requested by James Ward of Ward Holdings LLC to be continued to February 21, 2008 and (2) annexation requested by James Ward of Ward Holdings LLC to be withdrawn. Motion carried unanimously.

SPECIAL RECOGNITIONS

Captain Cecil J. Hardy was presented with a plaque upon his retirement with 30 years and 1 month of service in the Police Department. Mr. Charles Williams was presented with a plaque upon his retirement with 24 years of service in the Recreation and Parks Department. Mr. Julius Carr was presented with a plaque upon his retirement with 30 years and 8 months of service in the Public Works Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to appoint Robert Waddell to fill an unexpired term expiring July 2009 replacing Ginger

Eckermann, who resigned and to continue the other two appointments until February 21, 2008. Motion carried unanimously.

Firemen's Relief Fund Committee

Motion was made by Council Member Spell and seconded by Council Member Joyner to reappoint Wanda Elks for a two-year term expiring January 2010. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Mercer and seconded by Council Member Spell to reappoint Jeremy Jordan and Candace Pearce for a second three-year term expiring January 2011 and to reappoint Dale Sauter and Richard Weir for a first three-year term expiring January 2011. Motion carried unanimously.

Human Relations Commission

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Kittrell to appoint Marvin Arrington to fill an unexpired term expiring September 2009, replacing A. T. Best, who resigned. Motion carried unanimously.

Police Community Relations Committee

Council Member Joyner announced the appointment of Jane Rolfe to represent District 5 for a first two-year term expiring October 2009, replacing John Reed.

Mayor Pro-Tem Council announced the appointment of Norwood Bradshaw to replace Shante Leggett, who did not meet the attendance requirements, to represent District 1, filling an unexpired term that expires October 2009.

Public Transportation and Parking Commission

Council Member Joyner asked that the appointments/reappointments to the Public Transportation and Parking Commission be continued until February 21, 2008.

Redevelopment Commission

Council Member Glover asked that the replacement for Minnie Anderson, who is not eligible for reappointment, be continued until February 21, 2008.

ORDINANCE REZONING ALVA W. WORTHINGTON PROPERTY LOCATED ALONG EASTERN RIGHT-OF-WAY OF COUNTY HOME ROAD AND ADJACENT TO THE BELLAMY APARTMENTS AND KITTRELL FARMS SUBDIVISION FROM RA20 TO R6 AND R6A – CONTINUED TO APRIL 10, 2008

City Manager Bowers stated that a letter had been received from Fred Mattox, representing the petitioners, requesting that this item be continued to April 10, 2008.

Mr. Fred Mattox informed the Council that the petitioners had a positive meeting with about 25 people in the area; however, additional time is needed to see if they can find a middle ground. Because of the complexity of the issues, he requested that it be continued until the April 10, 2008 meeting.

Mr. Dennis Hurley stated that the residents of County Home Road would like for this to be tabled until the April 10 meeting. The residents also would like to thank the Council for taking the initiative to confirm that the County Home Road residents did meet the necessary requirements for a valid protest petition. The residents have formed a committee, which will formulate guidelines for the review and development of the property. It is hoped that they will find common ground regarding traffic issues and the density.

Motion was made by Council Member Spell and seconded by Council Member Joyner to continue the rezoning request by Alva and Lois Worthington until April 10, 2008. Motion carried unanimously.

SECOND READING OF ORDINANCE GRANTING LIMOUSINE FRANCHISE TO G-VEGAS LIMO SERVICE – TABLED; ACTION TAKEN ON NOVEMBER 5, 2007 RESCINDED

City Attorney Holec explained that on October 17, 2007, an application was received from G-Vegas Limo Service for a franchise to operate two limousines in the City of Greenville. Upon review by the Financial Services, Police and Community Development Departments, it was determined that additional information was needed. The item was placed on the agendas for the November 5 and 8, 2007 meetings, in hopes that the information could be provided by the applicant in time for the second reading of the ordinance and the public hearing scheduled for November 8. If the application was not to be considered at the November 5 and 8 meetings, it could not have been considered until January, since there was only one meeting in December in which business was to be conducted. A franchise requires reading approval of the ordinance at two meetings. Also, Section 11-1-35(a) of the Greenville City Code states that each application for a certificate of public convenience and necessity pursuant to this article shall be scheduled for a hearing not later than 30 days after it is filed. After the first reading of the ordinance on November 5, 2007, the applicant informed the City Clerk that the company that made application is in the process of making financial arrangements to allow it to operate as a separate entity. This process will need to be completed in order for the applicant to submit all requested information for the limousine franchise. Not knowing how long this might take, the City Clerk suggested that Council rescind the action taken on November 5, 2007 and to table further consideration of the application without conducting the public hearing until the applicant has finalized its plans and provided the requested information. Upon receipt of the requested information, this will be scheduled for Council consideration at two meetings in accordance with normal procedure.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to rescind the action on the application for a limousine franchise by G-Vegas Limo Service taken on November 5, 2007 and table further consideration of the application without conducting the

public hearing until the applicant has finalized its plans and provided the requested information. Motion carried unanimously.

ORDINANCE AMENDING R6S DISTRICT TABLE OF USES TO INCLUDE THE USE ENTITLED “GUEST HOUSE FOR A COLLEGE OR OTHER INSTITUTION OF HIGHER LEARNING” AS A SPECIAL USE – ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 and January 7, 2008 setting this time, date and place for a public hearing to consider a request by East Carolina University to amend the R6S district table of uses to include the use entitled “Guest house for a college or other institution of higher learning” as a special use.

Mr. Harry Hamilton, Chief Planner, stated that currently, “guest house” is allowed as a special use within the R6 district. The original “university guest house” ordinance was adopted in December 1991, and a special use permit was granted by the Board of Adjustment on March 26, 1992 establishing the first and only university guest house. The existing university guest house is located at 1201 East Fifth Street and is referred to as the West House. Mr. Hamilton stated that the President of The Tar River Neighborhood Association spoke in favor of the amendment at the Planning and Zoning Commission.

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

Mr. Scott Buck of East Carolina University stated that the University has worked hand in hand with the Neighborhood Association so that they can come to an understanding. They have agreed to the conditions.

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

Motion was made by Council Member Glover and seconded by Council Member Spell to adopt the ordinance amending the R6S district table of uses to include the use entitled “Guest house for a college or other institution of higher learning” as a special use. Motion carried unanimously. (Ordinance No. 08-04)

ORDINANCE REQUESTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, AS RECOMMENDED BY THE TASK FORCE ON THE PRESERVATION OF NEIGHBORHOODS AND HOUSING, TO REZONE PROPERTY LOCATED NORTH OF EAST TENTH STREET, ADJACENT TO HOMESTEAD MEMORIAL PARK, AND SOUTH OF TAR RIVER (TRACT 1); ALONG THE NORTHERN RIGHT-OF-WAY OF PACTOLUS HIGHWAY, WEST OF PHILIPPI CHURCH OF CHRIST, AND SOUTH OF OLD CREEK ROAD (TRACT 2); BETWEEN COREY AND COUNTY HOME ROADS AND SOUTH OF OLD FIRE TOWER ROAD (TRACT 3); ALONG THE WESTERN RIGHT-OF-WAY OF COREY ROAD AND ADJACENT TO THE FORMER EVANS MOBILE HOME PARK (TRACT 4); BETWEEN EAST TENTH AND FOURTEENTH STREETS AND WEST OF COLLEGE HILL DRIVE (TRACT 5); NORTH OF BRILEY ROAD AND WEST OF SEABOARD COASTLINE RAILROAD (TRACTS 6, 7, AND 8) FROM RA20, R6, R9 TO R6S AND R9S - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 and January 7, 2008 setting this time, date and place for a public hearing to consider a request by the Community Development Department, as recommended by the Task Force on Preservation of Neighborhoods and Housing, to rezone 440± acres (excluding street rights-of-ways) located 300± feet north of East Tenth Street, adjacent to Homestead Memorial Park, and 1,500 ± feet south of the Tar River (Tract 1); along the northern right-of-way of Pactolus Highway, west of Philippi Church of Christ, and 350± feet south of Old Creek Road (Tract 2); between Corey and County Home Roads and south of Old Fire Tower Road (Tract 3); along the western right-of-way of Corey Road and adjacent to the former Evans Mobile Home Park (Tract 4); between East Tenth and Fourteenth Streets and west of College Hill Drive (Tract 5); north of Briley Road and west of the Seaboard Coastline Railroad (Tracts 6, 7, and 8) from RA20, R6, R9 to R6S and R9S. The Planning and Zoning Commission, at its December 18, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request. The property encompasses 61.19 acres (152 dwelling units) in River Hills; 20.72 acres (81 dwelling units) in Country Squire, 228.75 acres (388 dwelling units) in Windsor, 12.89 acres (30 dwelling units) in Windsor Downs, 20.32 acres (41 dwelling units) in Rock Spring, 6.82 acres (13 dwelling units) in Brookhaven, 8.03 acres (17 dwelling units) in Pinewood Estates, and 17.86 acres (34 dwelling units) in Glenview Terrace. The request is in compliance with the Comprehensive Plan and the Future Land Use Plan Map. There have been 2,019 acres (4,788 lots) rezoned to single-family only zoning districts as part of the recommendations from the Task Force on Preservation of Neighborhoods and Housing.

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 Spell and seconded by Council Member Glover to adopt the ordinance rezoning 440± acres (excluding street rights-of-ways) located 300± feet north of East Tenth Street, adjacent to Homestead Memorial Park, and 1,500 ± feet south of the Tar River (Tract 1); along the northern right-of-way of Pactolus Highway, west of Philippi Church of Christ, and 350± feet south of Old Creek Road (Tract 2); between Corey and County Home Roads and south of Old Fire Tower Road (Tract 3); along the western right-of-way of Corey

Road and adjacent to the former Evans Mobile Home Park (Tract 4); between East Tenth and Fourteenth Streets and west of College Hill Drive (Tract 5); north of Briley Road and west of the Seaboard Coastline Railroad (Tracts 6, 7, and 8) from RA20, R6, R9 to R6S and R9S. Motion carried unanimously. (Ordinance No. 08-05)

ORDINANCE AMENDING THE FUTURE LAND USE PLAN MAP FOR WARD HOLDINGS, LLC PROPERTY LOCATED AT THE SOUTHEAST CORNER OF INTERSECTION OF GREENVILLE BOULEVARD AND FOURTEENTH STREET, ALONG GREENVILLE BOULEVARD FROM "OFFICE/INSTITUTIONAL/MULTI-FAMILY" CATEGORY TO "COMMERCIAL" CATEGORY – CONTINUED UNTIL FEBRUARY 21, 2008

ORDINANCE REZONING THE KEVIN HALTIGAN ET. AL. PROPERTY LOCATED ALONG EASTERN RIGHT-OF-WAY OF ALLEN ROAD, SOUTH OF BRIARCLIFF DRIVE, AND NORTH OF COBBLESTONE TOWNHOMES FROM RA20 TO OR - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 and January 7, 2008 setting this time, date and place for a public hearing to consider a request by Kevin Haltigan et. al. to rezone 0.3581 acres located along the eastern right-of-way of Allen Road, south of Briarcliff Drive, and north of Cobblestone Townhomes from RA20 to OR. The Planning and Zoning Commission, at its December 18, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request.

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

Mr. Ken Malpass, representing the petitioner, was present to answer questions.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to adopt the ordinance rezoning 0.3581 acres located along the eastern right-of-way of Allen Road, south of Briarcliff Drive, and north of Cobblestone Townhomes from RA20 to OR. Motion carried unanimously. (Ordinance No. 08-06)

ORDINANCE REZONING THOMAS F. TAFT, SR. PROPERTY LOCATED BETWEEN EVANS AND COTANCHE STREETS, SOUTH OF READE CIRCLE, AND NORTH OF EAST EIGHTH STREET FROM CDF AND R6 TO CD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 and January 7, 2008 setting this time, date and place for a public hearing to consider a request by Thomas F. Taft, Sr. to rezone 2.79 acres located between Evans and Cotanche Streets, south of Reade Circle, and north of East Eighth Street from CDF and R6 to CD. The Planning and Zoning Commission, at its December 18, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the requesting, stating that it is in compliance with the land use plan and the Center City Revitalization Plan.

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

A representative of Rivers and Associates was present to answer questions.

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

Motion was made by Council Member Kittrell and seconded by Council Member Spell to adopt the ordinance rezoning 2.79 acres located between Evans and Cotanche Streets, south of Reade Circle, and north of East Eighth Street from CDF and R6 to CD. Motion carried unanimously. (Ordinance No. 08-07)

ORDINANCE REZONING ALLEN THOMAS PROPERTY LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF NC HIGHWAY 33, WEST OF ROLLING MEADOWS SUBDIVISION, AND EAST OF PORTERTOWN ROAD FROM RA20 AND RR TO OR (TRACT 1) AND R6A (TRACT 2) - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 and January 7, 2008 setting this time, date and place for a public hearing to consider a request by Allen Thomas to rezone 23.388 acres located along the northern right-of-way of NC Highway 33, west of Rolling Meadows Subdivision, and 1,800± feet east of Portertown Road from RA20 and RR to OR (Tract 1) and R6A (Tract 2). The Planning and Zoning Commission, at its October 16, 2007 meeting, voted to approve the request.

Ms. Chantae Gooby, Planner, delineated the property on a map and explained the request. She stated that rezoning the property would combine the two mobile homes together.

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

Mr. Mike Baldwin, representing the petitioner, stated that they are mirroring what was done on the V-Slew property on the west of this property. This request is in compliance with the land use plan and is compatible with surrounding zoning patterns and future land uses. One good thing regarding public health, safety and welfare is the partnership between the City, Greenville Utilities Commission and V-Slew in installing pump station and gravity sewer. All on septic systems will be coming off of that. In contrast to what is normally done, roads are in place for this development before development gets there. The five-lane major corridor is only at half capacity. The request was unanimously approved by the Planning and Zoning Commission.

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

Motion was made by Council Member Glover and seconded by Council Member Mercer to adopt the ordinance rezoning 23.388 acres located along the northern right-of-way of NC Highway 33, west of Rolling Meadows Subdivision, and 1,800± feet east of Portertown Road

from RA20 and RR to OR (Tract 1) and R6A (Tract 2). Motion carried unanimously. (Ordinance No. 08-08)

ORDINANCE ANNEXING THE REUBEN P. TURNER AND CENTURY FINANCIAL SERVICES GROUP, LLC PROPERTY LOCATED NORTH OF NC HIGHWAY 33 AND WEST OF ROLLING MEADOWS SUBDIVISION - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 setting this time, date and place for a public hearing to consider a request by Reuben P. Turner and Century Financial Services Group, LLC property containing 24.944 acres located north of NC Highway 33 and west of Rolling Meadows Subdivision. This is a contiguous annexation.

Mr. Seth McLaughlin, Planner, delineated the property on a map and stated that the property is located in Voting District 3. The property is currently Holly Brook, East Bend mobile home parks (86 units) and the proposed use is the development of 216 multi-family units. The current population is 229 and the anticipated population at full development is 574 with 156 being minority.

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

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Council to adopt the ordinance annexing 24.944 acres located north of NC Highway 33 and west of Rolling Meadows Subdivision. Motion carried unanimously. (Ordinance No. 08-09)

ORDINANCE ANNEXING THE WESTHAVEN SOUTH, PHASE 1 PROPERTY LOCATED SOUTH OF WESTHAVEN ROAD AND EAST OF SOUTH MEMORIAL DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 setting this time, date and place for a public hearing to consider a request by Emerald Park to annex Westhaven South, Phase 1 containing 29.032 acres located south of Westhaven Road and east of South Memorial Drive. This is a contiguous annexation.

Mr. Seth Laughlin, Planner, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is the development of 61 single-family homes. The current population is 0 and the anticipated population at full development is 143 with 24 being minority.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to adopt the ordinance annexing 29.032 acres located south of Westhaven Road and east of South Memorial Drive. Motion carried unanimously. (Ordinance No. 08-10)

ORDINANCE ANNEXING THE WARD HOLDINGS, LLC PROPERTY LOCATED NORTH OF THOMAS LANGSTON ROAD AND EAST OF LANGSTON TOWNHOMES – WITHDRAWN

ORDINANCE ANNEXING THE SPRINGSHIRE RETIREMENT, LLC PROPERTY LOCATED NORTH OF NC HIGHWAY 43 NORTH AT ITS INTERSECTION WITH ROCK SPRINGS ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 31, 2007 setting this time, date and place for a public hearing to consider a request to annex Springshire Retirement, LLC property containing 1.14 acres located north of NC Highway 43 North at its intersection with Rock Springs Road. This is a non-contiguous annexation.

Mr. Seth Laughlin, Planner, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is the development of a temporary office to serve the retirement center. The current population is 0 and the anticipated population at full development is 0.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to adopt the ordinance annexing 1.14 acres located north of NC Highway 43 North at its intersection with Rock Springs Road. Motion carried unanimously. (Ordinance No. 08-11)

PUBLIC COMMENT PERIOD

No one was present to give public comments.

FISCAL YEAR 2009 FEDERAL AGENDA - ADOPTED

Ms. Melissa Hyman of The Ferguson Group presented the Fiscal Year 2009 Federal Agenda (appropriations requests). This information is based on conversations that she had with the department heads and the City Manager.

PROJECT	REQUEST	BILL AND PROGRAM	PROJECT DESCRIPTION
West Greenville Intergenerational Center's After School Programs	\$250,000	Labor, Health and Human Services, and Education Department of Education's Fund for the Improvement of Education	Funding will be used to expand after school programming offered at the West Greenville Intergenerational Center.

PROJECT	REQUEST	BILL AND PROGRAM	PROJECT DESCRIPTION
24 Hour Mental Health Intake Center	\$250,000	Labor, Health and Human Services, and Education Health Resources Service Administration	Funding will be used to expand mental health services so they will be available whenever needed.
Rail Switching Yard Relocation and Track Reconfiguration	\$3.5 million	Transportation, HUD, and Related Agencies Rail Line Relocation and Improvement	Funding will be used to relocate a rail switching yard from downtown Greenville to an area outside of town and to reconfigure tracks to ensure trains can maneuver through downtown with minimum disruption to motor vehicle traffic.
Tenth Street Connector	\$7 million	Transportation, HUD, and Related Agencies Transportation and Community and System Preservation Program	Funding will be used to complete construction of the Stantonsburg Road-Tenth Street cross-town connector.
Law Enforcement Technology Improvements	\$250,000	Commerce, Justice, Science COPS Law Enforcement Technology	Funding will be used for emergency responder communications

The legislative interests include:

- Monitor and advocate for affordable housing legislation and legislation intended to address issues related to sub-prime lending.
- Advocate for increase in funding for Land and Water Conservation fund and COPS programs.
- Monitor and oppose H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007.
- Support NLC's efforts to ensure counseling services are covered by insurance plans.
- Ask for inclusion of language in FY09 Transportation-HUD spending bill directing the Federal Transit Administration not to reallocate FY06 Bus and Bus Facilities for City's Intermodal Center.

The competitive grants include

- COPS Hiring Grant
- SAFER Act
- FIRE Act
- Green Building Funding

- Small Business Administration Grants

Ms. Hyman stated that \$250,000 was included as an appropriation for the Tenth Street Connector in the Federal Highway Commission. This was supported by Congressman Jones and Senator Dole.

Upon being asked which one would require the most homework on the part of the Council, Ms. Hyman stated that the Tenth Street Connector has always received wide support, which is a definite precedent for that project to receive funding. The other four are equally competitive, as earmarks are becoming increasingly competitive. The Fiscal Year 2009 Federal Agenda, as presented, is for Council review, so that she can say it was approved by the elected officials, which usually helps on Capitol Hill.

City Manager Bowers stated that NCDOT will also be lobbying for the rail switching yard as a priority for the State. It is hoped that a CSX railroad lobbyist will also assist. If the City is not successful in obtaining the earmark, it will be applying for a grant.

Motion was made by Council Member Spell and seconded by Council Member Joyner to adopt the Fiscal Year 2009 Federal Agenda as presented. Motion carried unanimously.

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

Mr. Gary Fenton, Director of Recreation and Parks, requested the Council's approval to apply for a North Carolina Parks and Recreation Trust Fund grant, which is a 50/50 matching grant for the development of parks and recreation facilities. The maximum grant request is \$500,000 for Phase I of the renovation of the Elm Street Gym into the Drew Steele Center. The Recreation and Parks Commission has indicated support for this project in the past and will officially consider the grant application at its meeting on January 9.

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

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council Members expressed comments and made announcements of upcoming events.

CITY MANAGER'S REPORT

City Manager Bowers stated that Joshua Silver will be making a presentation on predatory lending on January 16 in the Council Chambers.

City Manager Bowers reminded the Council that one of the goals for 2007 was a joint meeting with the East Carolina University SGA. He has been working to put this together, and it appears that it could be done on January 24. After Council Members checked their calendars, it appeared

that 5:00 would be the best time. The City Manager stated that he will get back with the Council on the exact time.

City Manager Bowers reminded the Council on the Pre-planning session dinner to be held on January 25 at 6:00 p.m. at Bradford Creek and the planning session that will begin at 8:00 a.m. on January 26.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Spell to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 24, 2008

The Greenville City Council and the East Carolina University Student Government Association met in a special meeting on the above date at 5:00 p.m. in Room 337 of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order and the following were present.

CITY REPRESENTATIVES

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

EAST CAROLINA UNIVERSITY REPRESENTATIVES

Keri Brockett, Student Body President
Brittany Adams, Student Body Secretary
Guillaume Bagal, Student Body Treasurer
Kimberly Bellamy, News Editor, The East Carolinian
Atul Bhula, SGA Judicial Board Member
Brad Congleton, SGA Chief of Staff
Abey Dessie, SGA Attorney General
Andrew Griffin, Student Body Vice President
Ira Lawson, Executive Assistant to the Student Body President
David Travis, SGA Liaison
Ashley Yopp, SGA Speaker of Congress

OVERVIEW OF STUDENT-RELATED CODE ENFORCEMENT ISSUES

Mr. Merrill Flood, Director of Community Development, gave an overview of student-related code enforcement issues such as parking and occupancy requirements. Dialogue took place between the students and Mr. Flood regarding the various issues.

DIALOGUE ON CITY-EAST CAROLINA UNIVERSITY STUDENT RELATIONS

Student Government Association President Keri Brockett informed the Council that the students have been educated well on policies, and she felt this was because of great communication between the City and East Carolina University.

City Manager Bowers explained that there is a cooperative agreement between the City and East Carolina University police departments, particularly in the area between First and Fifth Streets. The number of assaults has gone down because of increased patrols and enforcement initiatives in the area.

Student Government Association Vice President Andrew Griffin praised the university transit system for keeping students from walking through dangerous areas at night. The university transit buses run until 3:00 a.m. transporting students.

Upon being asked about the relationship between the students and the police, the students responded that the policemen seem to be more accessible to students and that the police officers are friendlier to the students than they were several years ago.

Topics discussed among the group included off-campus safety, housing occupancy codes, transit, drugs/alcohol, and opportunities for students to volunteer.

Council Member Spell suggested that the Mayor and Student Government Association President meet to discuss specific items for an agenda for a future meeting.

Mayor Pro-Tem Council suggested that there could be opportunities for students to have internships with the City's elected officials to learn true public policy.

ADJOURN

Motion was made by Council Member Spell and seconded by Council Member Mercer to adjourn the meeting at 6:00 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 25, 2008

The Greenville City Council met in a regular meeting for a preview of its annual planning session on the above date at 6:00 PM at Bradford Creek Golf Course Clubhouse, with Mayor Patricia C. Dunn presiding. 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

The City Manager gave an overview of the agenda for the January 26, 2008 City Council Planning Session and explained the process that would be used for goal setting.

ADJOURN

There being no further business to discuss, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 26, 2008

The Greenville City Council met in a regular meeting on the above date at 8:00 a.m. at Bradford Creek Golf Course Clubhouse. The meeting was called to order by Mayor Patricia C. Dunn. 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 Kittrell and seconded by Council Member Glover to approve the agenda as presented. Motion carried unanimously.

GREENVILLE DEMOGRAPHICS

Mr. Merrill Flood, Director of Community Development provided the City Council with the demographics of Greenville and how they had changed over the past several years. He informed the Council that the last census was done in 2000, and certain types of census information were updated in 2006.

The Council discussed the growth areas, including the benefit/cost of annexing Windsor, Camelot and Cherry Oaks and had a discussion about meeting with the County Commissioners to extend the extraterritorial jurisdiction, either individually or as a group.

2008-2009 GOALS SETTING PROCESS

Ms. Janice Faulkner, facilitator provide the groundrules for the day and asked the Council for items they would like to see happen. The Council was then given five votes and was asked to vote on the five items that they felt were most important. The results were as follows:

- Promote sustainability and livability of both old and new neighborhoods (4 points)
- Aggressive talks with CSX and DOT (State-owned streets) (4 points)
- Crime (3 points)

- Economic development (urban design team, planned unit development, and expanding historic districts) (3 points)
- Enhance economic development opportunities for all citizens (2 points)
- Internationalize the City (2 points)
- Participate in the Sister City Program (2 points)
- Promote diverse economics, housing and cultural entertainment in the downtown area (2 points)
- Land acquisition for City services (parks) (2 points)
- More police substations in high crime areas (2 points)
- Environmental issues (recycling goals, cool cities) (2 points)
- Monitor the Blue Ribbon Committee to end Homelessness within 10 years (1 point)
- Performing Arts Venue (Partnership) (1 point)
- Pay the bills (1 point)
- Revisit alarm ordinance (1 point)
- Prove City services (sanitation) (1 point)
- Create a playful city (Kaboom) (1 point)
- Revisit renaming MLK on the west side back (1 point)
- Create walkable/bikable trails (1 point)
- Passenger rail transportation (1 point)
- Work with ECU to merge bus systems (unified transit system) (1 point)
- Promote cultural activity (1 point)
- Control of growth (0 points)
- Build an inclusive community (0 points)
- Enhance youth and elderly needs/services (0 points)
- Stay focused on our gang/crime prevention units (0 points)
- Major thoroughfare plan (0 points)
- Establish public policy internships for students (0 points)
- Upgrade Greenville Boulevard – safety and more attractive (0 points)
- Intermodal transportation system (0 points)
- Form effective partnerships (0 points)

Ms. Faulkner asked the Council to provide the goals and the objectives for 2008-09. The group was then asked to choose three goal statements and to pick three items under each one that it felt to be the most effective (most urgent) objectives. The results were as follows:

- (1) Promote a safe community (5 points)
 - a. Expand crime prevention activities for youth (4 points)
 - b. Continue to support community policing (4 points)
 - c. Programs/jobs and housing for adult/youth re-entering the community (tracking system) (3 points—two of those were from the same person)
 - d. Strengthen partnerships with the schools (3 points)
 - e. Police substations (2 points)
 - f. Alarm ordinance (1 point)
 - g. Monitor the Blue Ribbon Commission on Homelessness (1 point)
 - h. Victim support (1 point)

- i. Crime control (0 points)
 - j. Gang activity (0 points)
- (2) Promote/strengthen economic development opportunities (4 points)
- a. Promote diverse economic housing and cultural entertainment in the downtown area (5 points)
 - b. Coordinate with existing economic development agencies (4 points)
 - c. Greater participation in economic development events (2 points)
- (3) Promote sustainability and livability of both old and new neighborhoods (3 points)
- a. Create walkable/bikeable communities, including expansion of the greenway system (4 points)
 - b. Expansion of the greenway system (4 points)
 - c. Develop strategies for ensuring more open space and neighborhood parks (4 points)
 - d. Establish a nonprofit to enhance recreation projects/parks (4 points)
- (4) Develop transportation initiatives (3 points)
- a. Upgrade Greenville Boulevard and other State maintained streets within the city (3 points)
 - b. Train that goes to Raleigh (3 points)
 - c. Move the switching yard (2 points)
 - d. Improve pedestrian traffic (2 points)
 - e. Look at merging City/County/ECU transportation systems (2 points)
 - f. Concentrate on hiring a traffic engineer (2 points)
 - g. Improve commercial air service (1 point)
 - h. Work with trains to maintain property (0 points)
 - i. Create ways to finance construction of new streets (0 points)
- (5) Keep planning ahead of anticipated growth (2 points)
- a. Planned unit development (6 points)
 - b. Land acquisition (5 points)
 - c. Urban design assistance team (4 points)
- (6) Enhance cultural and recreational opportunities (2 points)
- a. Better and improved park/recreation facilities in underserved neighborhoods (7 points)
 - b. Sister City concept (4 points)
 - c. Feasible strategies to get a performing arts center in the City (3 points)
 - d. Internationalizing the city (3 points)
 - e. Create a playful city (Kaboom) (1 point)
- (7) Enhance understanding and increase broader citizen participation in City Government (1 point)
- a. Continue to look at ways to improve communication with citizens through the media, primarily GTV-9 (3 points)

- b. Enhance citizens' understanding of predatory lending (3 points—2 from same person)
 - c. Citizens Academy (increase number) (2 points)
 - d. Continue Police Community Relations Committee meetings throughout the districts (2 points)
 - e. Keep promoting the talent bank (increase recruitment) (2 points)
 - f. Enhance help provided to citizens who are appearing before certain boards (1 point)
 - g. Expand opportunities for citizens' suggestions (online) (1 point)
 - h. Continue to monitor and get citizen feedback from the citizen action line (0 points)
- (8) Enhance diversity (1 point)
- a. Enhance race relations (5 points)
 - b. Promote inclusive communities (5 points)
 - c. Diversity training for Council and staff) (4 points)
- (9) Promote effective partnerships (1 point)
- a. Stay engaged with students/groups/SGA in the city/college/university (6 points)
 - b. Address extraterritorial jurisdiction issues (5 points)
 - c. Promote public/private partnerships for economic development (4 points)
 - d. Encourage cooperation of fellow governmental agencies (3 points)
- (10) Promote sound environmental policies (1 point)
- a. Increase recycling in the city (4 points)
 - b. Promote Cool City (4 points)
 - c. EAC recommendations (3 points)
 - d. Monitor air quality situation (3 points)
 - e. Review our role to ensure good air quality (2 points)
 - f. Promote community gardens (Meadowbrook--\$1/year lease), collaborate—ECU Intergenerational Center, partner with citizens in the neighborhood (1 point)

City Manager Bowers explained that staff will put directives or action items on the goals and objectives, and the list will be presented to the City Council in March.

DRAFT CAPITAL IMPROVEMENT PROGRAM

Ms. Bernita Demery, Director of Financial Services, explained the Capital Improvement Program, which includes five years of planned needs. The City focuses more on the first two years in allocating dollars. Capital Improvement items are those items that cost more than \$10,000 and have a useful life of 10 years. Equipment included as Capital Improvements cost more than \$30,000 and have a useful life of five years. The met needs in the Capital Improvement Program are now \$18 million, and the unmet needs are at \$9 million once funding sources available for the program are considered. Ms. Demery reminded the Council that this is a draft document, and a final document will be presented to the Council in March showing what staff is recommending for City allocation for the projects.

REVIEW OF CITY COUNCIL MEETING PROCEDURES

City Attorney Dave Holec reviewed the City Council meeting procedures, which included the rules of order (following Roberts Rules of Order), parliamentary procedure, prayer policy, public hearing policy, public comment policy, and role of liaison policy.

MAYOR AND CITY COUNCIL BUDGET

Ms. Wanda Elks, City Clerk, reviewed the draft 2008-09 and 2009-10 budgets with the City Council, and suggestions for change were made. Direction was given to include \$3000 per elected official in the travel line item.

Specific items asked for during the course of the day included:

- Obtaining reports from the Chamber of Commerce, perhaps semi-annually, on what they are doing to promote economic development.
- Look at the mixed use housing near B's Barbecue Road to see how it is working.
- Get updates from the Committee of 100.
- Have Wanda Yuhas come talk to the Council in an informal setting.
- Take a look at the ordinance relating to the Recreation and Parks Commission's involvement in the selection of the director of the Recreation and Parks Department.

ADJOURN

There being no further business to discuss, the meeting adjourned at 3:00 p.m.

Respectfully submitted,

Wanda T. Elks
City Clerk



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Resolution accepting dedication of rights-of-way and easements for Mill Creek Subdivision, Phase One, and Hampton Creek, Phase Two

Explanation: In accordance with the City's Subdivision regulations, rights-of-way and easements have been dedicated for Mill Creek Subdivision, Phase One (Map Book 67 at Pages 25-26), and Hampton Creek, Phase Two (Map Book 69 at Pages 104-105). 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 easement are also attached.

Fiscal Note: Funds for the maintenance of these rights-of-way and easements are included within the FY 2007-2008 budget.

Recommendation: City Council adopt the attached resolution accepting dedication of rights-of-way and easements for Mill Creek Subdivision, Phase One, and Hampton Creek, Phase Two.

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

Attachments / click to download

- [Hampton Creek Phase Two Map](#)
- [Mill Creek Phase One Map](#)
- [February 2008 Right of Way and Easement Resolution 737952](#)

RESOLUTION NO. 08 _____
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:

Mill Creek Subdivision, Phase One	Map Book 67	Pages 25-26
Hampton Creek, Phase Two	Map Book 68	Pages 104-105

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 18th day of February, 2008.

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 18th day of February, 2008.

Notary Public

My Commission Expires: 9/4/2011

SITE DATA

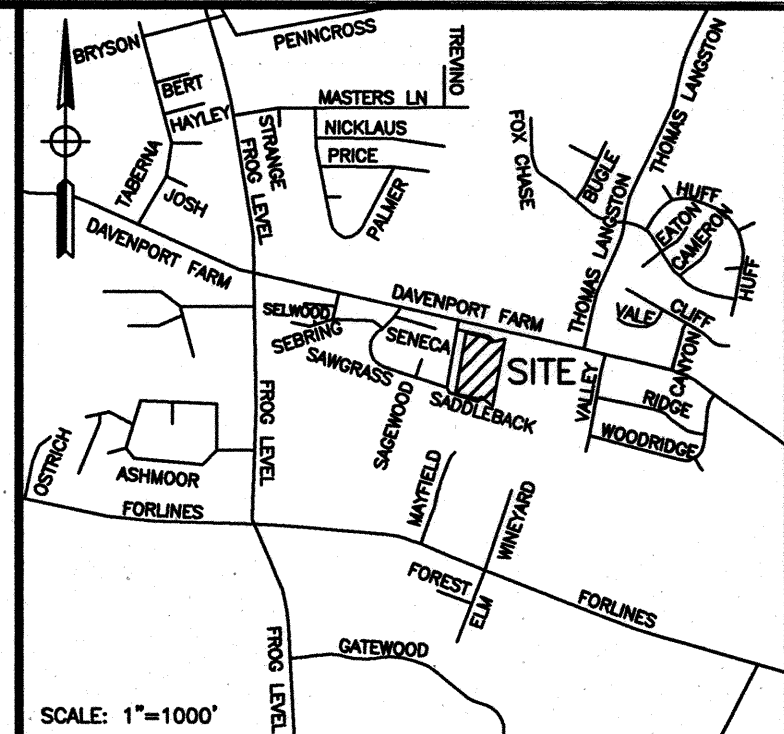
TOTAL AREA 9.977 AC.
 NUMBER OF LOTS CREATED 37
 AREA IN COMMON AREA 0 S.F.
 AREA IN PARKS, RECREATION AREAS
 CEMETERIES AND THE LIKE 0

Doc ID: 00134955002 Type: CRP
 Recorded: 07/13/2007 at 12:15:10 PM
 Fee Amt: \$42.00 Page 1 of 2
 Pitt County, NC
 Judy J. Tart Register of Deeds
 BK 68 PG 104-105

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.
- A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ZONE AE, ELEV. 62.15-63.15(NGVD 29), REF: FIRM 3720466500 J, DATED JANUARY 2, 2004.
- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRICAL LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENT. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
- NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO 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.

HAMPTON CREEK
 REVISIONS OF LOTS
 6A-7B, 19A-20B,
 24A-24B, 26A-26B,
 PHASE ONE
 MB 65, PGS 139-140



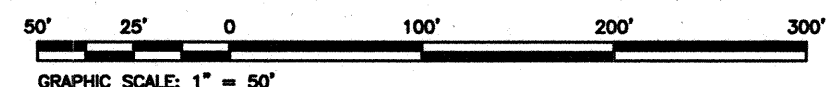
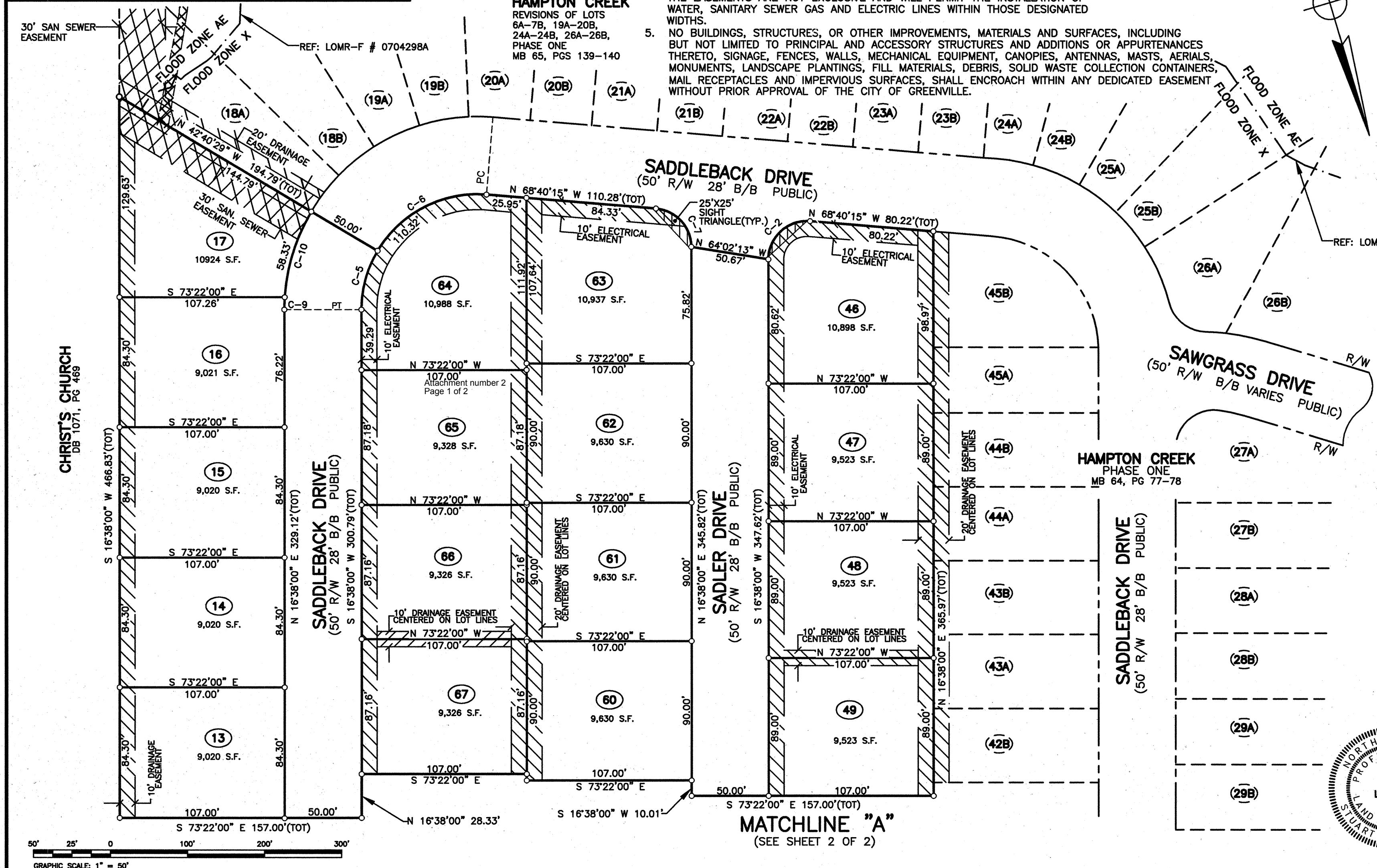
VICINITY MAP
 SCALE: 1"=1000'

LEGEND

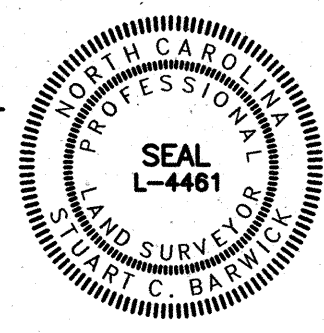
EIP = EXISTING IRON PIPE
 SIP = SET IRON PIPE
 R/W = RIGHT-OF-WAY
 CH = CHORD
 R = RADIUS
 PC = POINT OF CURVATURE
 EPKN = EXISTING PARKER KALON NAIL
 PT = POINT OF TANGENCY
 ○ = IRON PIPE SET UNLESS OTHERWISE NOTED

CURVE TABLE

CURVE	RADIUS	CHORD	CH-BEARING
C-1	25.00'	34.74'	S 27°22'53" E
C-2	25.00'	36.77'	S 63°58'53" W
C-3	25.00'	35.96'	N 62°37'07" E
C-4	75.00'	104.23'	S 27°22'53" E
C-5	75.00'	39.70'	S 31°58'45" W
C-6	75.00'	79.49'	S 79°19'38" W
C-7	25.00'	33.88'	N 26°01'07" W
C-8	125.00'	49.94'	N 05°06'41" E
C-9	125.00'	8.08'	N 18°25'09" E
C-10	125.00'	58.33'	N 33°49'55" E

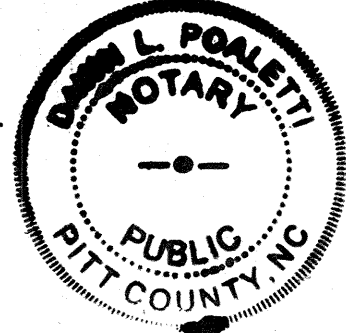
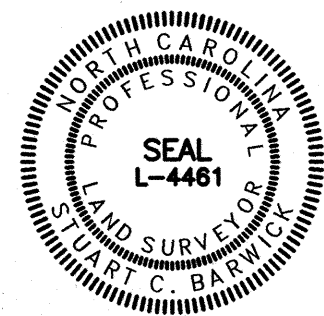


CERTIFICATION
 I, STUART C. BARWICK CERTIFY THAT UNDER MY DIRECT SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE ; THAT THE RATIO OF PRECISION 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 14th DAY OF MAY, AD 2007.



FINAL PLAT SHEET 1 OF 2

HAMPTON CREEK
 PHASE TWO
 REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1789, PAGE 636 OF THE PITT COUNTY REGISTRY
 GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA



OWNER: **BIG EAST DEVELOPMENT, INC.**
 ADDRESS: 3902 BACH CIRCLE GREENVILLE, NC 27858
 PHONE: (252) 355-7812

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

SURVEYED: DF APPROVED: SCB
 DRAWN: JTL DATE: 05/14/07
 CHECKED: MWB/SCB SCALE: 1" = 50'

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 1789 PAGE 636
 DEED BOOK PAGE
 DEED BOOK PAGE

REGISTRATION NO. L-4461

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

SWORN AND SUBSCRIBED BEFORE ME THIS 13th DAY OF May, 2007.

NOTARY PUBLIC
 MY COMMISSION EXPIRES: 03/28/09

APPROVAL
 THIS FINAL PLAT NO. 07-49 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 4th DAY OF May, 2007.

SIGNED: [Signature]
 CITY PLANNER

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

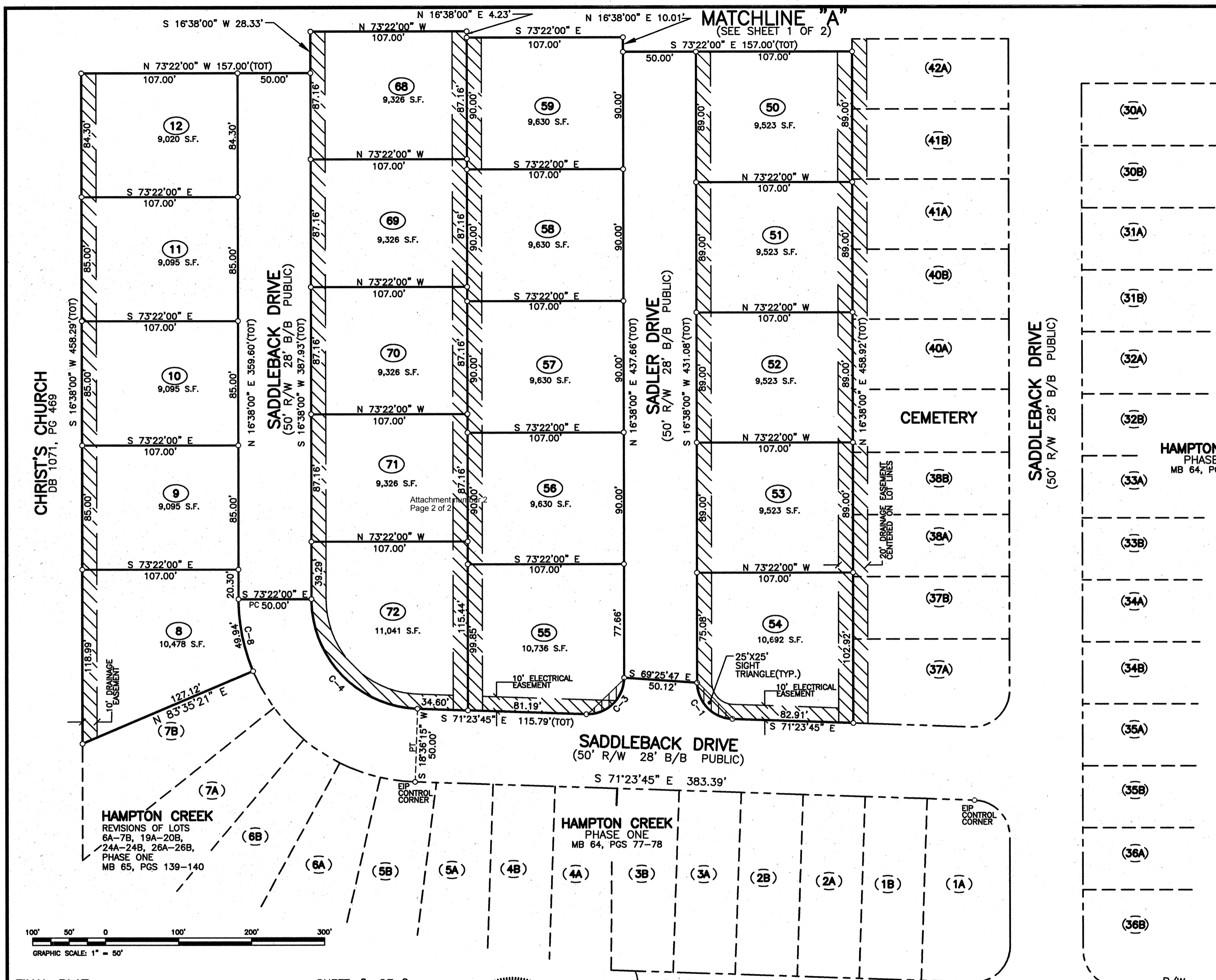
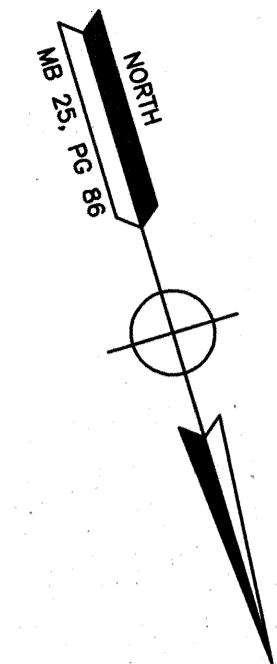
SIGNED: [Signature]
 ATTEST: Dan Poaletti

SIGNED: [Signature]
 REGISTRATION NO. L-3082

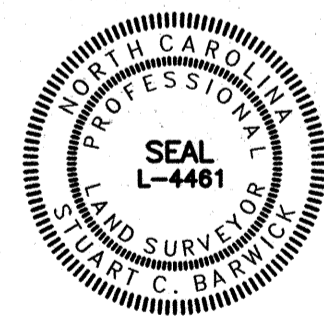
REVIEW OFFICER'S CERTIFICATE
 Andrew Thomas, Jr.
 REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

SIGNED: [Signature] 7/13/07
 REVIEW OFFICER DATE

NORTH CAROLINA, PITT COUNTY
 FILED FOR REGISTRATION THIS 20th DAY OF JULY, 2007, AT 10:00 O'CLOCK A.M.
 JUDY J. TART, REGISTER OF DEEDS
 BY: [Signature]
 DEPUTY REGISTER OF DEEDS



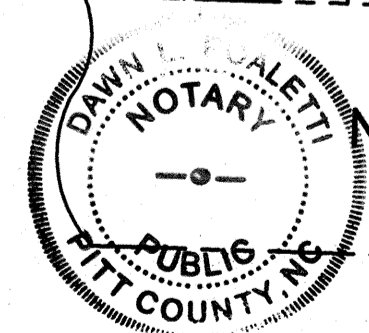
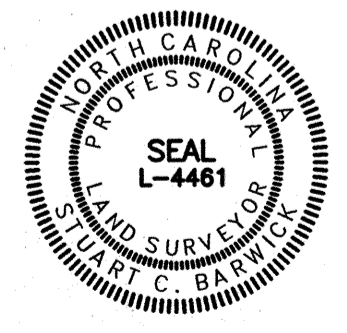
HAMPTON CREEK
 PHASE ONE
 MB 64, PGS 77-78



CERTIFICATION
 I, STUART C. BARWICK 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 (ETC.)(OTHER); 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 14th DAY OF MAY, AD 2007.

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

FINAL PLAT SHEET 2 OF 2
HAMPTON CREEK
 PHASE TWO
 REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1789, PAGE 636 OF THE PITT COUNTY REGISTRY
 GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA



NCSR 1128 DAVENPORT FARM ROAD
 (60'-65' R/W 20' ASPHALT PUBLIC)

OWNER: **BIG EAST DEVELOPMENT, INC.**
 ADDRESS: 3902 BACH CIRCLE GREENVILLE, NC 27858
 PHONE: (252) 355-7812

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

SURVEYED: DF APPROVED: SCB
 DRAWN: JTL DATE: 05/14/07
 CHECKED: MWB/SCB SCALE: 1" = 50'

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 1789 PAGE 636
 DEED BOOK PAGE
 DEED BOOK PAGE

REGISTRATION NO. L-4461

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

[Signature]
 SWORN AND SUBSCRIBED BEFORE ME THIS 14th DAY OF May, 2007.

[Signature]
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 03/28/09

APPROVAL
 THIS FINAL PLAT NO. 07-49 WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 9th DAY OF May, 2007.

SIGNED: *[Signature]*
 CITY PLANNER

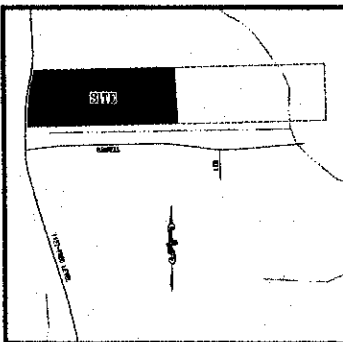
DEDICATION
 THE UNDERSIGNED HEREBY ACKNOWLEDGES THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR SO INDICATED, ON SAID PLAT.

SIGNED: *[Signature]*
 ATTEST: *[Signature]*

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

[Signature] 7/13/07
 REVIEW OFFICER DATE

NORTH CAROLINA, PITT COUNTY
 FILED FOR REGISTRATION THIS 20th DAY OF May, 2007, AT 10:00 O'CLOCK A.M.
 JUDY J. TART, REGISTER OF DEEDS
 BY: _____ DEPUTY REGISTER OF DEEDS



VICINITY MAP
1" = 1000'

SITE DATA

AREA IN TOTAL TRACT.....25.9218 ACRES
 NUMBER OF LOTS CREATED.....75
 AREA IN R/W.....4.0098 AC
 AREA IN COMMON AREA.....0.0 ACRES
 AREA IN PARKS,
 RECREATION AND THE LIKE.....0.0 ACRES
 PARCEL.....0.3117
 TAX MAP.....4666.14

CENTERLINE CURVE DATA				
COURSE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
MILL CREEK DRIVE (C)	500.00'	31.12'	31.12'	S 88°48'29"E

LOT CURVE DATA				
COURSE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
LOT 1 (C1)	150.00'	6.84'	6.84'	N 85°45'22"W
LOT 2 (C1)	61.00'	6.50'	6.50'	N 87°32'21"W
LOT 9 (C1)	30.00'	47.12'	42.43'	S 44°24'31"W
LOT 10 (C1)	30.00'	47.12'	42.43'	S 45°35'30"W
LOT 15 (C1)	30.00'	19.70'	19.35'	N 70°35'40"E
LOT 16 (C1)	30.00'	67.93'	62.83'	N 81°45'54"E
LOT 16 (C2)	30.00'	4.68'	4.68'	N 47°18'39"E
LOT 17 (C1)	30.00'	52.61'	50.22'	S 29°10'02"E
LOT 18 (C1)	30.00'	45.61'	45.12'	S 27°47'51"W
LOT 19 (C1)	30.00'	4.68'	4.68'	N 48°29'37"W
LOT 19 (C2)	40.00'	71.00'	65.18'	N 84°42'11"W
LOT 20 (C1)	30.00'	19.70'	19.35'	N 71°46'28"W
LOT 74 (C)	136.00'	9.22'	9.22'	N 87°27'56"E
LOT 75 (C)	75.00'	9.76'	9.75'	N 89°14'56"W

Doc ID: 00019560002 Type: CDP
 Recorded: 12/22/2006 at 12:33:50 PM
 Fee Amt: \$42.00 Page: 1 of 2
 Pitt County, NC
 Job: Registrar of Deeds
 BK 67 PG 25-26

- L1 S 09°35'49" W 30.40'
- L2 S 12°10'11" W 67.11'
- L3 S 12°41'09" W 56.37'
- L4 S 12°02'27" W 7.07'
- L5 S 12°02'27" W 60.30'
- L6 S 10°29'31" W 64.48'
- L7 S 07°49'50" W 46.65'
- L8 S 07°49'50" W 13.25'
- L9 S 06°18'53" W 39.55'
- L10 S 05°19'54" W 18.69'
- L11 S 03°16'33" W 53.27'
- L12 S 02°50'15" W 134.06'
- L13 S 02°50'15" W 76.44'

NOTES:

- THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNED WIDTHS.
- THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN (FEMA PANEL NO. 3720466000), DATED 01/02/04.
- 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, SOLIDS WASTE COLLECTION CONTAINERS, MAIL RECEPACIALES AND IMPERVIOUS SURFACES, SHALL ENDOURCH WITHIN ANY DESIGNATED EASEMENT WITHOUT PRIOR TO APPROVAL OF THE CITY OF GREENVILLE.



LEGEND

- - IRON STAKE SET (UNLESS OTHERWISE NOTED)
- ⊙ - EXISTING IRON STAKE
- ⊙ - NO POINT SET
- ⊙ - CONTROL CORNER

SHEET 1 OF 2

MAP FOR RECORD
MILL CREEK SUBDIVISION - PHASE ONE
 REFERENCE MAP BOOK 9, PAGE 123
 GREENVILLE ARTHUR TWP. PITT COUNTY NORTH CAROLINA

OWNER: ROBERSON LAND DEVELOPMENT, INC. 3562 STATION MILL ROAD ROBERSONVILLE, NC 27871 (252) 631-0093	SURVEYED: JDO APPROVED: CEP
MALPASS & ASSOCIATES 1645 EAST ARLINGTON BLVD. SUITE D GREENVILLE, N.C. 27854 (321) 744-1760	DRAWN: JHT DATE: 10/11/06
	CHECKED: CEP SCALE: 1" = 100'

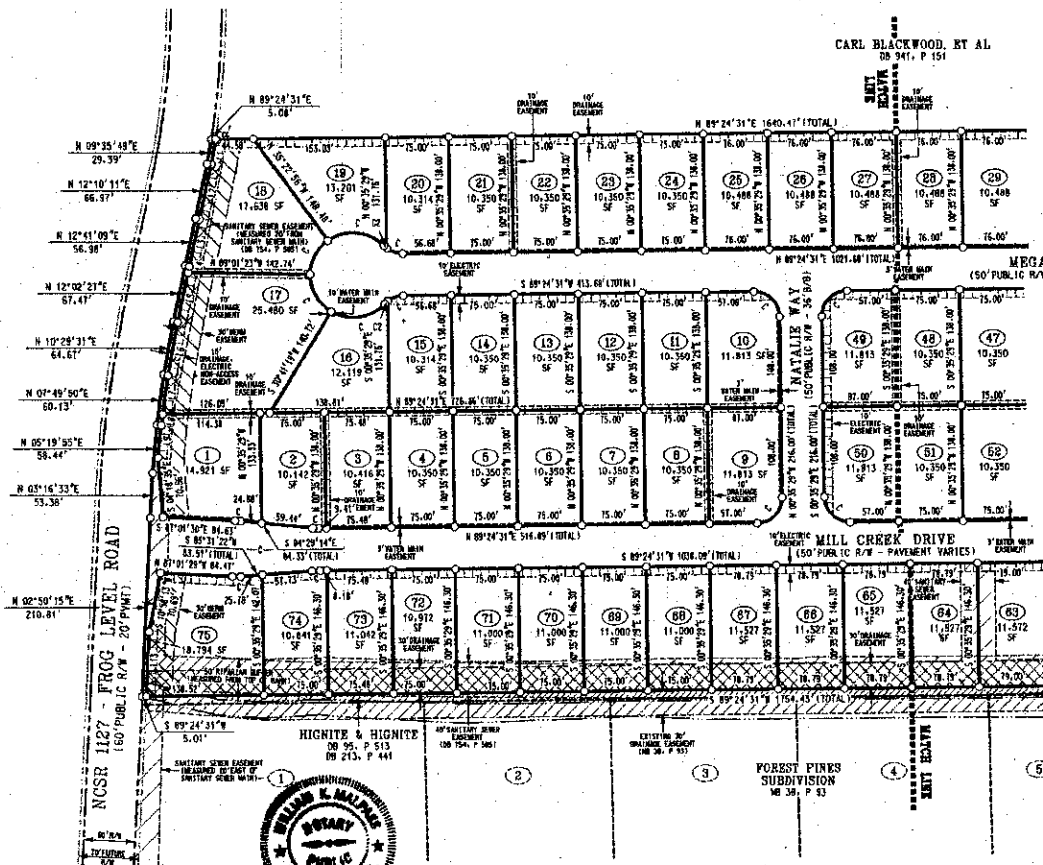
SOURCE OF TITLE THIS IS EVIDENCE THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLES OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS: DEED BOOK 1972 PAGE 211 DEED BOOK 000 PAGE 000

OWNER'S STATEMENT THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF: OWNER: <i>A. Brent Roberson</i> OWNER: <i>A. Brent Roberson</i> SWORN AND SUBSCRIBED BEFORE ME THIS 19th DAY OF <i>October</i> , 2006. NOTARY PUBLIC MY COMMISSION EXPIRES

APPROVAL THIS FINAL PLAT, NO. 06-110, WAS APPROVED BY THE SUBDIVISION REVIEW BOARD IN ACCORDANCE WITH TITLE 9, CHAPTER 5 OF THE GREENVILLE CITY CODE THE 25TH DAY OF <i>OCTOBER</i> , 2006. SIGNED: <i>Carlton E. Parker</i> MAP BOOK PAGE
--

DEDICATION THE UNDERSIGNED HEREBY ACKNOWLEDGE(S) THIS PLAT AND ALLOTMENT TO BE HIS FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS FOREVER. ALL AREAS AS SHOWN OR AS INDICATED ON SAID PLAT. SIGNED: <i>A. Brent Roberson</i> ATTEST: <i>Carlton E. Parker</i>
--

REVIEW OFFICER NORTH CAROLINA, PITT COUNTY FILED FOR REGISTRATION THIS _____ DAY OF _____, 2006, AT _____ O'CLOCK, _____ M., JUDY TART, REGISTER OF DEEDS. BY: _____ REGISTER OF DEEDS



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

A. Brent Roberson
 I, *A. Brent Roberson* CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED FROM LATITUDES AND DEPARTURES IS 1:10,000+1 THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK PAGE _____ THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 19th DAY OF *October*, 2006.

Carlton E. Parker
 CARLTON E. PARKER L-2980

A. Brent Roberson
 REVIEW OFFICER OF PITT COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER: *Carlton E. Parker* 12/22/06 DATE

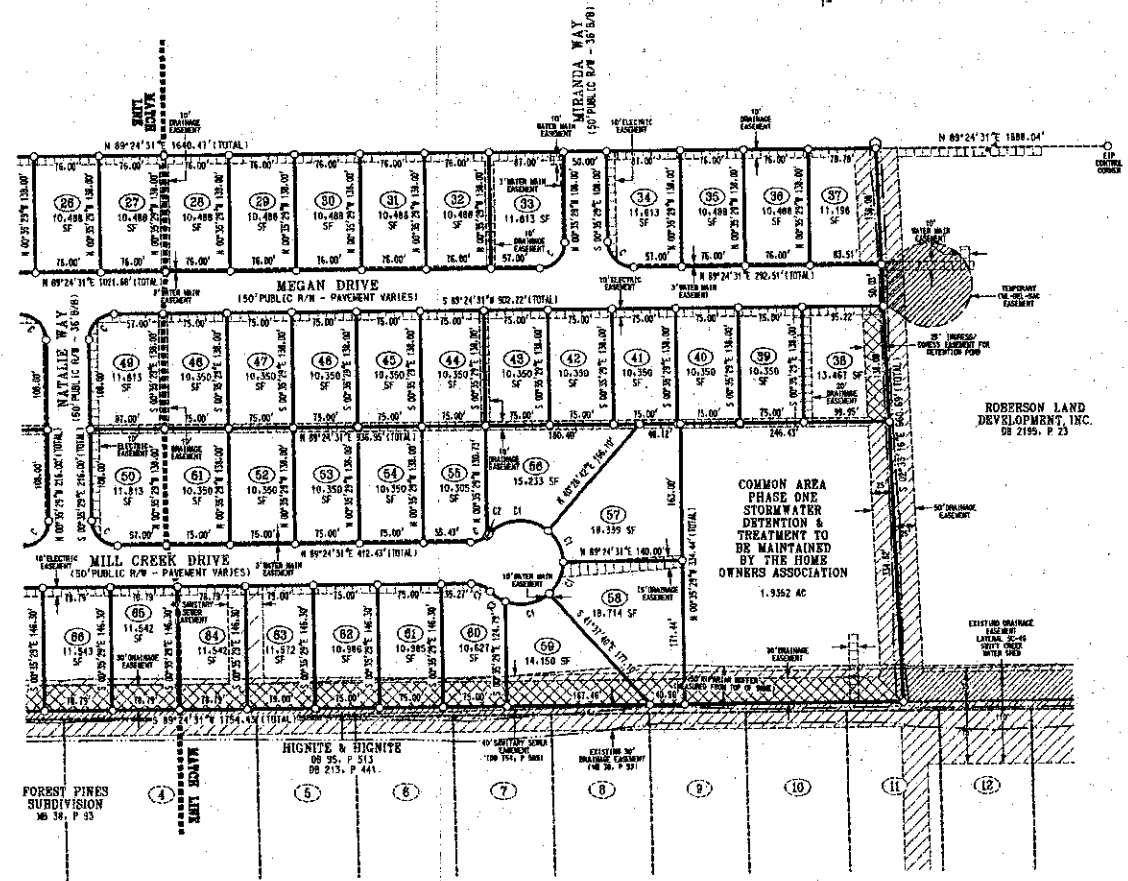
Doc ID: 0069350002 Type: cad
 Recorded: 12/22/2006 at 12:30:50 PM
 Fee Amt: \$42.00 Page 1 of 2
 Pitt County, NC
 Judy J. Tart Register of Deeds
 67 PG 25-26

LOT CURVE DATA				
COURSE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
LOT 33 (C)	30.00'	47.12'	42.43'	S 44°24'31"W
LOT 34 (C)	30.00'	47.12'	42.43'	N 45°35'29"W
LOT 49 (C)	30.00'	47.12'	42.43'	N 44°24'31"E
LOT 50 (C)	30.00'	47.12'	42.43'	N 45°35'29"E
LOT 55 (C)	30.00'	21.32'	20.88'	S 69°02'43"W
LOT 56 (C1)	50.00'	76.48'	69.22'	S 48°58'35"W
LOT 56 (C2)	10.00'	3.08'	3.08'	S 88°45'41"W
LOT 57 (C)	50.00'	42.73'	41.44'	N 25°04'24"W
LOT 58 (C1)	50.00'	42.73'	41.44'	N 23°53'26"E
LOT 59 (C)	50.00'	54.62'	51.14'	N 78°39'54"E
LOT 60 (C1)	30.00'	24.36'	23.72'	S 67°18'28"E
LOT 60 (C2)	50.00'	21.83'	21.66'	S 56°31'59"E

CARL BLACKWOOD, ET AL
 03 941, P 151

NOTES:

- 1) THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
- 2) THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN (FEMA PANEL NO. 3720466800J, DATED 01/02/04).
- 3) NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APURTENANCES THEREOF, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANDIDIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, WALL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCRUCH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR TO APPROVAL OF THE CITY OF GREENVILLE.



LEGEND

- - IRON STAKE SET (UNLESS OTHERWISE NOTED)
- E15 - EXISTING IRON STAKE
- NPS - NO POINT SET
- CC - CONTROL CORNER

SHEET 2 OF 2

MAP FOR RECORD	
MILL CREEK SUBDIVISION - PHASE ONE	
REFERENCE MAP BOOK 0, PAGE 123	
GREENVILLE ARTHUR TWP. PITT COUNTY NORTH CAROLINA	
OWNERS:	ROBERSON LAND DEVELOPMENT, INC. 3662 STATON MILL ROAD ROBERSONVILLE, NC 27871 (252) 531-0083
MALPASS & ASSOCIATES 1408 EAST ARLINGTON BLVD. SUITE D GREENVILLE, N.C. 27804 (252) 756-1766	SURVEYED: JDC APPROVED: CEP DRAWN: JHT DATE: 10/11/06 CHECKED: CEP SCALE: 1"=100'

Item # 2

PROJECT NO. P-796, DRAWING NO. P796MR1.DGN

MAP BOOK _____ PAGE _____

M:\signing\700_67994r196 - Mill Creek Subdivision, Brent Roberson.dgn 12/18/2006 2:01:16 PM



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Contract award for the Public Works Facility Storm Drainage Repair/Improvements Project

Explanation: Bids were advertised and received for the Public Works Facility Storm Drainage Repair/Improvements Project on January 17, 2008. Attached is the bid tabulation. The lowest responsive bid was submitted by Atwell Construction Company, Inc. of Greenville, NC in the amount of \$367,000. This project includes the replacement of 720 linear feet of an undersized and deteriorating 72” corrugated metal pipe (CMP) system with a new 84” CMP system. This storm drainage system serves the Skinner Street area and a portion of the Public Works Facility.

Fiscal Note: Funding for this project will be provided through funds from the City’s Stormwater Utility Fund. The proposed budget for this project is as follows:

Expenditures

Project	\$367,000.00
Contingencies (3%)	\$ 11,000.00
Total Project Costs	\$378,000.00

Revenue

Stormwater Utility	\$378,000.00
Total Project Revenues	\$378,000.00

Recommendation: City Council award a contract for the Public Works Facility Storm Drainage Repair/Improvements Project to Atwell Construction Company, Inc. in the amount of \$367,000.00.

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

Attachments / click to download

 [Bid Bond](#)

STORM DRAINAGE REPAIRS/IMPROVEMENTS - PUBLIC WORKS FACILITY

BID OPENING - THURSDAY JANUARY 17, 2008 AT 10:00 AM

1500 BEATTY STREET, GREENVILLE, NC 27834

CONTRACTOR	LIC NO.	ACK ADD #1	5% BID BOND	MWBE	TOTAL BID	ALTERNATE
Atwell Construction, Greenville	45324	X	X	X	\$ 367,000.00	\$ 1,000.00
Barnhill Contracting, Kinston	3194	X	X	X	\$ 507,571.65	\$ 6,100.00
Burney & Burney, Greenville	30238	X	X	X	\$ 476,649.85	\$ 4,000.00
Carolina Earth Movers, Greenville	38881	X	X	X	\$ 671,063.74	\$ 5,800.00
CSSI, Garner	28963	X	X	X	\$ 545,620.00	\$ 14,700.00
Empire Construction, Winterville	54826	X	X	X	\$ 730,552.00	\$ 18,000.00
Hine Sitework, Goldsboro	52225	X	X	X	\$ 614,408.00	\$ 7,630.00
HML Corporation, Greenville	55210	X	X	X	\$ 511,915.62	\$ 20,000.00
Charles Hughes Cons, LaGrange	46469	X	X	X	\$ 446,441.25	\$ 2,500.00
ER Lewis, Greenville	8361	X	X	X	\$ 414,599.75	\$ 9,275.00
Mid-Atlantic Infra., Durham	47041	X	X	X	\$ 776,019.77	\$ 10,000.00
Triangle Grading/Paving, Burlington	17456	X	X	X	\$ 658,670.00	\$ 13,000.00
Tripp Brothers Inc, Ayden	5247		X	X	\$ 471,822.14	\$ 10,000.00

David T. Brown, PE, City Engineer

David T. Brown

Date

1-17-08



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Budget ordinance amendment #7 to the 2007-2008 City of Greenville budget and to ordinance 06-23 South Tar River Greenway Capital Project

Explanation: Attached is an amendment to the 2007-2008 budget ordinance for consideration at the February 21, 2008 City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

A To allocate Controlled Substance funds to be used to purchase office furniture and equipment for the new police substation. The substation was delivered in January 2008. (Total - \$27,415)

B To allocate Contingency funds for the additional amount needed to update the City's Parks Comprehensive Master Plan. The amount originally budgeted was \$50,000. On January 7, 2008, the City Council awarded a contract for \$57,000 to perform this work. (Total - \$7,000)

C To appropriate Capital Reserve funds to transfer to the newly established Community Oriented Policing Services (COPS) Law Enforcement Fund. During the December 13, 2007 City Council meeting, the City Council approved establishing a special revenue fund for the Community Oriented Policing Services (COPS) Law Enforcement Technology Grant. This transfer represents the City's estimated share of responsibility to the project. (Total - \$661,631)

D To appropriate Capital Reserve funds, designated for Recreation Land Banking, to transfer to the South Tar River Greenway Capital Project Fund. These funds will be used to pay Moore & Piner, LLC for a restricted use appraisal report on the property. (Total - \$1,000)

Fiscal Note: The budget ordinance amendments affect the following funds: increase General Fund by \$27,415 and the South Tar River Greenway Capital Project Fund by \$1,000:

<u>Fund Name</u>	<u>Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
General Fund	\$69,919,117	\$ 27,415	\$69,946,532
South Tar River Greenway Fund	\$ 1,480,000	\$ 1,000	\$ 1,481,000

Recommendation: Approve budget ordinance amendment #7 to the 2007-2008 City of Greenville budget and to ordinance 06-23 South Tar River Greenway Capital Project.

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

Attachments / click to download

 [Budget Amendments 2007 2008 FY 707984](#)

ORDINANCE NO. 08-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#7) AMENDING ORDINANCE NO. 07-93 AND AMENDMENT TO
ORDINANCE 06-23 SOUTH TAR RIVER GREENWAY PROJECT

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

Section I. Estimated Revenues. General Fund, of Ordinance 07-93, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Controlled Substance ^A	-	27,415	27,415

Section II. Appropriations. General Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Police ^A	\$ 18,070,728	\$ 27,415	\$ 18,098,143
Capital Improvements ^B	2,351,137	7,000	2,358,137
Total Appropriations		\$ 34,415	

Section III. Appropriations. General Fund, of Ordinance 07-93, is hereby amended by decreasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Contingency ^B	\$ 39,118	\$ 7,000	\$ 32,118

Section IV. Appropriations. Capital Reserve, of Ordinance 07-93, is hereby amended by decreasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Increase in Reserve ^{C & D}	\$ 4,221,832	\$ 662,631	\$ 3,559,201

Section V. Appropriations. Capital Reserve Fund, of Ordinance 07-93, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer to South Tar River Greenway Fund ^D	\$ -	\$ 1,000	\$ 1,000
Transfer to COPS Law Enforcement Fund ^C	-	661,631	661,631
Total Appropriations		\$ 662,631	

Section VI. Estimated Revenues. South Tar River Greenway Fund, of Ordinance 06-23, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Transfer from Capital Reserve ^D	\$ -	\$ 1,000	\$ 1,000

Section VII. Appropriations. South Tar River Greenway Fund, of Ordinance 06-23, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/ Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Revised Adjusted Budget</u>
Engineering Design ^D	\$ 162,000	\$ 1,000	\$ 163,000

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

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

Adopted this 18th day of February, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Property tax refund

Explanation: The Director of Financial Services recommends a refund of the following tax:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Henry & Elizabeth Kowalski	Refund for taxes overpaid	\$240.18

Fiscal Note: The total amount to be refunded is \$240.18.

Recommendation: Approval of tax refund by City Council.

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

a. Board of Adjustment

Explanation: The Board of Adjustment will make its annual presentation to City Council at the February 18, 2008 meeting.

Fiscal Note: N/A

Recommendation: For information only; no action recommended

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: First reading of an ordinance granting a limousine franchise to Lavita Whitley d/b/a Kiddie Kab

Explanation: An application was received from Lavita Whitley d/b/a Kiddie Kab to operate a limousine franchise. Upon review of the application, comments were received by the City Clerk from the various departments as follows:

(1) The Police Department conducted a background check that revealed that Ms. Whitley had been convicted for felony financial identity fraud in Martin County in 2000 and convicted for simple worthless check in Edgecombe County in 2000. Also, there was a notice of delinquent taxes and a Division of Motor Vehicle Registration Block on a 1995 Jeep that the applicant is requesting to operate as a for-hire vehicle within the City of Greenville. Mrs. Whitley paid these taxes on January 30, and a copy of the receipt is attached. After further review of the application, and upon Ms. Whitley paying the two delinquent bills, the Police Department amended its recommendation of denial and recommended that the application be approved.

(2) The Community Development Department indicated that Ms. Whitley's residence is at 306 Horseshoe Drive, which is zoned R6. R6 does not allow limousine businesses. Therefore, the business would need to be classified as an incidental use in order for Ms. Whitley to operate a limousine business from her home. If approval for the incidental use is given by the Community Development Department, Ms. Whitley would have to be the only employee of the business and she would be unable to bring the children to her home.

(3) The Financial Services Department indicated that there was an unpaid rescue transport billing in the amount of \$225 that had gone to collections. On February 11, 2008, Ms. Whitley paid the rescue transport bill, and a copy of the receipt is attached.

The ordinance will be considered by City Council on Monday, February 18, for first reading. If it is approved by Council on that date, the public hearing and

consideration of the ordinance on second reading will take place on February 21. If Council chooses to approve this request on second reading on February 21, Ms. Whitley will then need to get her driver's permit to drive the cab since no other employees may be used. This is a process that is done through the Police Department. If the Council denies the application on first reading, the applicant will still be entitled to have the ordinance considered on second reading and be entitled to a public hearing on February 21, as has been advertised.

In determining whether the public convenience and necessity requires the franchising of any taxicab/limousine, the City Council shall, among other things, take into consideration the following factors:

- (a) Whether or not the public convenience and necessity requires such proposed or additional taxicab/limousine service within the city;
- (b) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory;
- (c) The number and condition of equipment;
- (d) The number of taxicabs/limousines in operation and the demand for increased service, if any, and whether or not the safe use of the streets by public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking;
- (e) The experience of such applicants in the taxicab/limousine business; and
- (f) Such other relative facts as may be deemed necessary and advisable.

Fiscal Note: None

Recommendation: Based on the information provided by the City departments and the fact that Ms. Whitley has paid her debts to the City of Greenville, it is recommended that this ordinance for a limousine franchise by Lavita Whitley be approved on first reading.

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

Attachments / click to download

 [February 18 Limousine Information](#)

APPLICATION FOR LIMOUSINE FRANCHISE

To the Mayor and City Council of the City of Greenville

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

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of limousines.
2. The individual, corporate or trade name and business address of the applicant is:
Lavita Whitley (Kiddie Kab) Home Address 306 Horseshoe Dr Apt N 27889
3. The Applicant is:
 - (A) An individual and sole owner of the limousine business to be operated under the above name.
 - B. A corporation chartered under the laws of the State of North Carolina in the year 2008, and the officers of the corporation are Lavita Whitley
 - C. A partnership, as shown by articles hereto attached, and the names of partners are:
4. The Applicant operates in the following cities: Greenville
5. The Applicant is requesting franchise to operate 1 limousines.
6. In support of this application, the following Exhibits are attached:
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting limousine business.

HAND PRINT OR TYPE

LAST NAME <u>Whitley</u>		FIRST NAME <u>Lavita</u>		MIDDLE NAME <u>Cherille</u>		
ALIAS OR NICKNAME <u>N/A</u>		SEX <u>F</u>	AGE <u>27</u>	WEIGHT <u>300</u>	HEIGHT <u>5'5</u>	ID NO.
ADDRESS <u>306 Horseshoe Dr Apt N</u>		HAIR <u>Black</u>	EYES <u>Brown</u>	COMPLEXION <u>Brown</u>		
OCCUPATION			DRIVERS LICENSE NO.	IDENTIFICATION NO.		
PLACE OF BIRTH <u>PCMH (Greenville)</u>			DATE OF BIRTH	SOCIAL SECURITY NO.		

Signature of Applicant Lavita Whitley

Subscribed and sworn to before me this 15 day of January, 2008

Polly Jones
Notary Public

Polly Jones

My Commission Expires: August 5, 2011

Item # 7

Dh... 4 271-1882

Lavita Whitley

Exhibit A:

Business Name going forth is Kiddie Kab. This business is being started to help working parents that have children in school. I have talked to many parents and questioned their work schedule and children's transportation convenience. I have found that most times it is not convenient for parents at all. Instead of parents having to drive to drop their children off and pick them up from school; I will be taking that charge for them. My duty exceeds this. My duty would be to drop children off to school as many children don't ride the bus. I will be picking them up from school or afterschool. I will then take them to day care, home, and or if practices. This is a very beneficial business for both parties. It will free up parents to prepare for work or where ever they have to be and not feel the need to rush or leave their jobs to pick their children up from school.

Exhibit B:

List of Motor Equipment:

1. 1995 Jeep Grand Cherokee Laredo/Interior Cargo Capacity: 5

Personal Balance Sheet

Statement of Financial Condition January 15th 2008

Assets	TOTALS	
Cash/Checking and Savings Accounts	\$5025	
Marketable Securities	0	
Nonmarketable Securities	0	
Real Estate/Home	0	
Partial Interest in Real Estate	0	
Automobiles	\$3000	
Personal Property	0	
Personal Loans	0	
Insurance Cash Values	0	
Other	0	
Total Assets	A	\$8025

Liabilities	TOTALS	
Secured Loans	0	
Unsecured Loans	0	
Credit Card/Charge Account Bills	0	
Personal Debts	0	
Current Monthly Bills	\$859	
Real Estate Mortgages	0	
Unpaid Income Tax	0	
Other Unpaid Taxes and Interest	0	
Other Itemized Debts	0	
Total Liabilities	B	\$859
Net Worth (A - B = C)	C	\$7166
Total Liabilities & Net Worth	D	\$8025

Exhibit D:

This vehicle is my personal vehicle. Therefore will be kept in my parking lot.

Exhibit E:

Single Rides (Pay per ride): Price Range: \$8-10 per trip

**Monthly Rate (one-way): Whichever days specified: \$200-\$225 per month
2 days or less per week are counted as single rides**

Monthly Round Trip: \$200-\$350 per month

Exhibit F:

Experience: No exceptional experience beyond driving for 9 years and transporting my children where ever needed.



GREENVILLE POLICE DEPARTMENT

MEMORANDUM

February 12, 2008

TO: Wanda Elks
City Clerk's Office

FROM: William J. Anderson
Chief of Police

SUBJECT: Limousine Franchise Application -- Lavita Chenille Whitley

In accordance with the Code of the City of Greenville, Section 11-1-64; concerning the application for a Permit to Operate a Limousine Service submitted by Lavita Chenille Whitley, an investigation was made and a recommendation of denial was forwarded based on several factors.

However, further review of this application has indicated the following:

- The applicant has paid her taxes on her 1995 Jeep and is no longer delinquent on this account.
- The applicant has reported to the Greenville Police Department and has been fingerprinted as requested.
- The applicant's felony conviction occurred almost eight years ago and the applicant has not been charged with any crime since that time.

Based on these factors, I am amending my earlier memorandum and am recommending that this applicant's application be **Approved**.

Please do not hesitate to contact me should you require any additional information.

Monday, July 9

Wanda Elks

From: Michael Dail
Sent: Tuesday, February 05, 2008 8:58 AM
To: Wanda Elks
Subject: Minor Corrections, Please use this one

Wanda,

I have reviewed the application for Lavita Whitley to operate a limousine franchise from her home located at 306 Horseshoe Drive Apt. N (parcel # 38713). The property is zoned R6 (Residential) and a limousine franchise is not a permitted use in this zoning district. To operate the limousine franchise from this location the applicant would have to qualify as an incidental home occupation. In order for staff to approve the incidental home occupation the applicant would be required to complete a privilege license request and the associated home occupation assessment form for our review. The following rules (in bold) apply to an incidental home occupation:

(v) Home occupations.

(1) Except as otherwise provided, all home occupations shall comply with all of the following standards.

- a. Shall only be permitted within single family dwelling units;
 - b. Shall not be permitted within any detached accessory structure or building;**
- c. Shall constitute an accessory use to the principal use;**
- d. Shall not occupy more than twenty (20) percent of the mechanically conditioned enclosed floor space of the dwelling unit;**
- e. Shall not employ more than one (1) person other than those persons legally residing within the principal use dwelling;
- f. Shall not be visible from any public right-of-way or adjacent property line;**
- g. Shall not involve the on-site sales of products;**
- h. Shall not involve any outside storage of related materials, parts or supplies;**
- i. Shall have signage in accordance with Article N, Signs; and
- j. Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.**

(1.1) The following permitted limited in-home services and/or business activities, shall not constitute a home occupation and shall be construed as an incidental accessory residential use within any dwelling, for purposes of regulation under this chapter, provided that: (i) not more than one (1) person is engaged in the conduct of the listed activity, (ii) the person that is engaged in the conduct of the activity shall be a permanent resident within the subject dwelling, (iii) not more than two (2) customer/clients shall be allowed on the premises at any one time, (iv) no on-site signage shall be displayed in connection with the limited in-home service and/or business activity, and (v) the activity is compliant with characteristics b., c., d., f., g., h., and j. of subsection 1., above:

- a. Music or dance instructor, provided all associated amplified and/or non-amplified sound is not plainly audible, within any adjacent area dwelling unit or beyond the adjacent property line;

Monday, July 9

- b. Educational tutoring;
- c. Accountant, tax and/or financial advisor, stockbroker;
- d. Attorney at Law;
- e. Counseling, including psychologist, marriage and similar professional counselor;
- f. Doctor, physical therapist or other similar health care professional;
- g. Consultant, including public relations, advertising, computer science, engineering, architect and other similar professional consultant;
- h. Clothes alteration seamstress; excluding garment manufacturing, shoe repair and sales of clothing items;
- i. Catalogue ordering sales consultant business wherein retail products are ordered by the end customer from a catalogue and/or by reference to limited samples displayed at off-site locations remote to the business address;
- j. Artist, photographer/videographer, graphic designer, writer;
- k. Real estate broker/realtor;
- l. Real estate/personal property appraiser;
- m. General contractor including building, painting, electrical, plumbing, mechanical, landscape, and cleaning/janitorial service, excluding any on-site: (i) physical display and/or storage of products, and materials, (ii) manufacture or assembly, (iii) storage of construction or service delivery equipment including trucks, trailers, excavators, tractors, and mowers of a type and number uncommon to typical domestic residential use, provided however a personal transportation vehicle customarily associated with residential use, shall be permitted; and
- n. The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages or mail, record or bookkeeping filing, address listing for applicable privilege license or tax identification and other similar activities, which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services.

As part of our interpretation of the rules above staff has determined that for the applicant to qualify as an incidental home occupation the applicant could use only one personal vehicle that is customarily associated with a home such as the Jeep she has listed in the application, but not a bus or large van. Also children/riders could not be brought to her home and the applicant could not have any additional employees or vehicles operated as part of the business.

If you have any question feel free to contact me.

Thanks,

Mike Dail
Zoning Administrator



FINANCIAL SERVICES MEMORANDUM

TO: Wanda Elks, City Clerk's Office

FROM: Brenda Matthews, Financial Services, Collections

DATE: February 4, 2007

SUBJECT: Lavita Whitley d/b/a Kiddie Kab

We have checked Collections records for taxes, licenses, citations, parking, rescue transports and miscellaneous receivables owed in the names of Lavita Whitley and/or Kiddie Kab. There is an unpaid Rescue Transport Billing from 2000 in the amount of \$225. This has been turned over to SCA, Collections. Payment can be made to the City of Greenville or SCA, Collections. We have not found any other amounts owed to the City in those names.

If I can provide further assistance, please call.

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

Doc # 177282



Pitt County Tax Department

www.pittcountync.gov

Pitt County Tax Collector

111 S. WASHINGTON STREET, PO BOX 875 GREENVILLE, NC 27835

**DUPLICATE STATEMENT
02/08/08 13:30 BY USER130**

WHITLEY, LAVITA CHENILLE
306 HORSESHOE DR APT N
GREENVILLE, NC 278346392

ASSessment ID	APPLICANT NUMBER	TAX YEAR RANGE	BILL TYPE	BILL DATE	PRINT DATE	PRINTED BY
60206087	0000105610	2006/2006	000000	05/03/2007	06/01/2007	07/03/2007
Description:	1995 JEEP SW VRC1840 CHEROKEE GRAND LARE	Class:	2	Plate Expiration:	02/29/2008	
Phy. Location:	306 HORSESHOE DR APT N GREENVILLE, NC 27834-6392	Acres:		VIN:	1J4FX58S9SC662972	
Municipality:	Greenville	PIN:		Months Billed:	12	
Fire District:		REID:		Recycle Units:		
Special District(City):						
Special District(Cnty):						

Make	Model	Model Year	Plate	Registration Date
JEEP	CHEROKEE GRAND LAREDO	1995	VRC1840	03/14/2007

ASSESSMENT	APPLICANT NUMBER	TAXING JURISDICTION	AMOUNT BILLED	AMOUNT PAID	REMARKS
Real	0.5600	Greenville	16.86	Greenville	16.86
Deferred		Special District		Special District	
Taxable Real		Late List Penalty		Late List Penalty	
Personal	3,010	Vehicle Fee	20.00	Vehicle Fee	20.00
Exclusion		Total Greenville	36.86	City Interest	3.50
Total Value	3,010	0.7000 Pitt County	21.07	Pitt County	21.07
		Fire District		Fire District	
		Special District		Special District	
		Late List Penalty		Late List Penalty	
		Recycle Fee		Recycle Fee	
		Total	21.07	County Interest	2.00
		Drainage District		Costs	
				Drainage District	
		Total Billed	57.93	Total Paid	63.43

Paid in Full on 1/30/2008

Principal Due	0.00
Interest Due	0.00
Costs	0.00
Total Due	0.00

CITY OF GREENVILLE OFFICIAL RECEIPT

CITY OF GREENVILLE
*** CUSTOMER RECEIPT ***

Receipt no: 299373

Batch ID: NANCYB

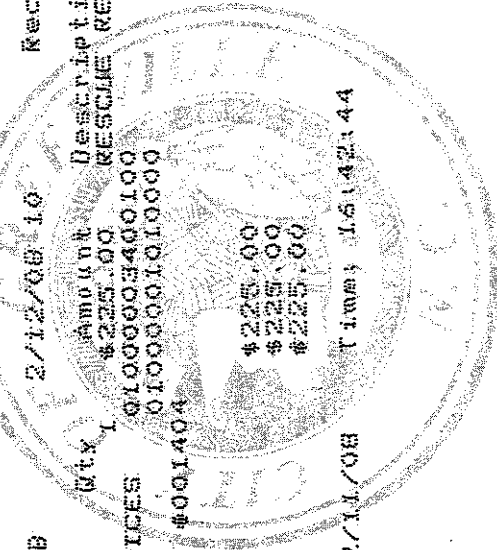
2/12/08 10

Description Qty Amount Description Tp 54
SALES AND SERVICES 01000003400100 RESCUE RECEIPTS R1
CASH / CASH 01000001010000

LAVITA WHITLEY #001404

Tender detail
CA CASH \$225.00
Total tendered: \$225.00
Total payment: \$225.00

Trans date: 2/11/08 Time: 15:42:44



ORDINANCE NO. 08-_____
AN ORDINANCE GRANTING A LIMOUSINE FRANCHISE
TO LAVITA WHITLEY D/B/A KIDDIE KAB

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 limousine businesses within the City to obtain a franchise from the City permitting said operation, and said ordinance sets forth certain requirements and criteria that must be satisfied in order to obtain and maintain the franchise for the operation of a limousine business; and

WHEREAS, Lavita Whitley d/b/a Kiddie Kab is an applicant for a franchise permitting the operation of one limousine within the City limits; and

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

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

Section 1. A limousine franchise is hereby issued to Lavita Whitley d/b/a Kiddie Kab to permit the operation within the City of Greenville of not more than one limousine.

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 18th day of February, 2008.



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Comprehensive Wayfinding System Design

Explanation: As part of the adopted work program of the Redevelopment Commission of Greenville for the 2007-2008 fiscal year, the Commission engaged RMJM Hillier Architecture to design a system of wayfinding signage. The comprehensive system is designed to direct vehicles and pedestrians to and from key destinations throughout Greenville. The scope of the project extends from the Greenville corporate limits to the historic center city and includes key destinations such as Uptown Greenville, the historic neighborhoods of East and West Greenville, the Medical District, and East Carolina University.

Fiscal Note: The Redevelopment Commission has approved a contract with Hillier Architecture for design, programming, construction documentation, and construction administration in the amount of \$110,765 that is being funded from the 2004 General Obligation bond issue's infrastructure expenditures. Hillier Architecture estimates that fabrication and installation of the city-wide system will cost close to \$925,000, which includes approximately \$449,000 for the Center City portion and approximately \$472,000 for the remainder of the City. It is anticipated that Center City wayfinding construction expenses will utilize 2004 General Obligation bond funds, while a line item for construction of the remainder of the system has been included in the City's Capital Improvement Program for consideration and potential funding by the City Council.

Recommendation: There is no action required by the City Council at this time. Based on comments received from the City Council and other stakeholders, it is expected that design and programming of the wayfinding system will be completed by the spring of 2008. At that time, the completed Wayfinding Graphics Standards manual will be submitted to the City Council for adoption.

Attachments / click to download

 [Greenville DD Handout](#)

 [Greenville Preliminary Budget](#)

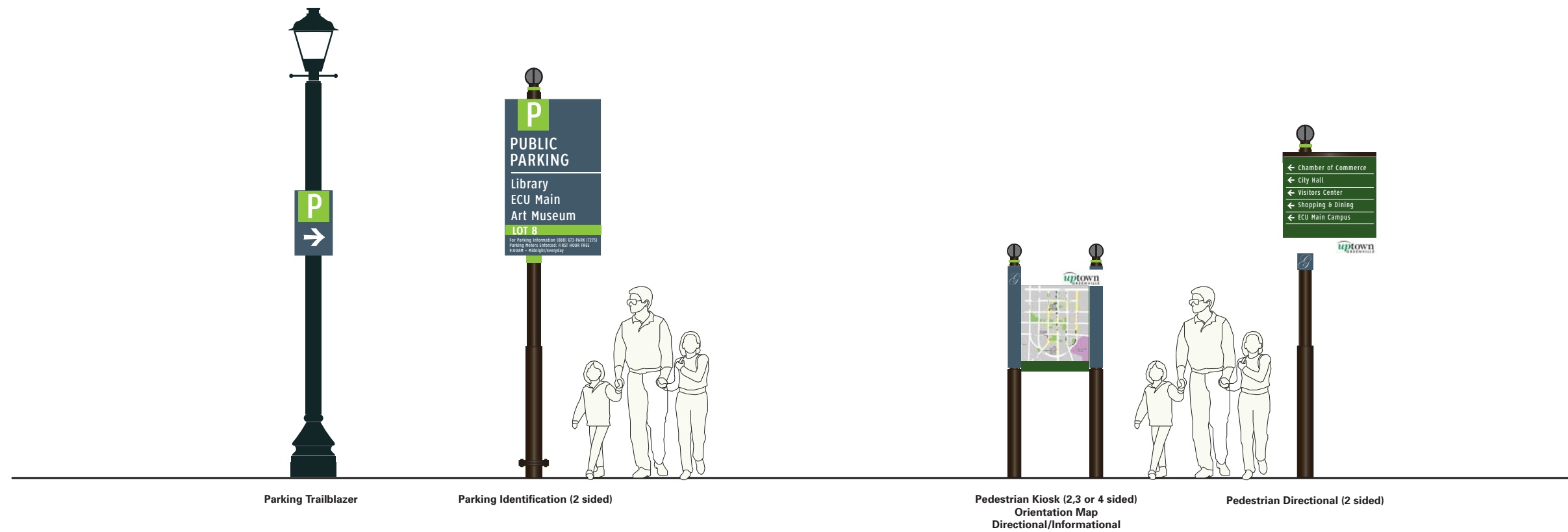
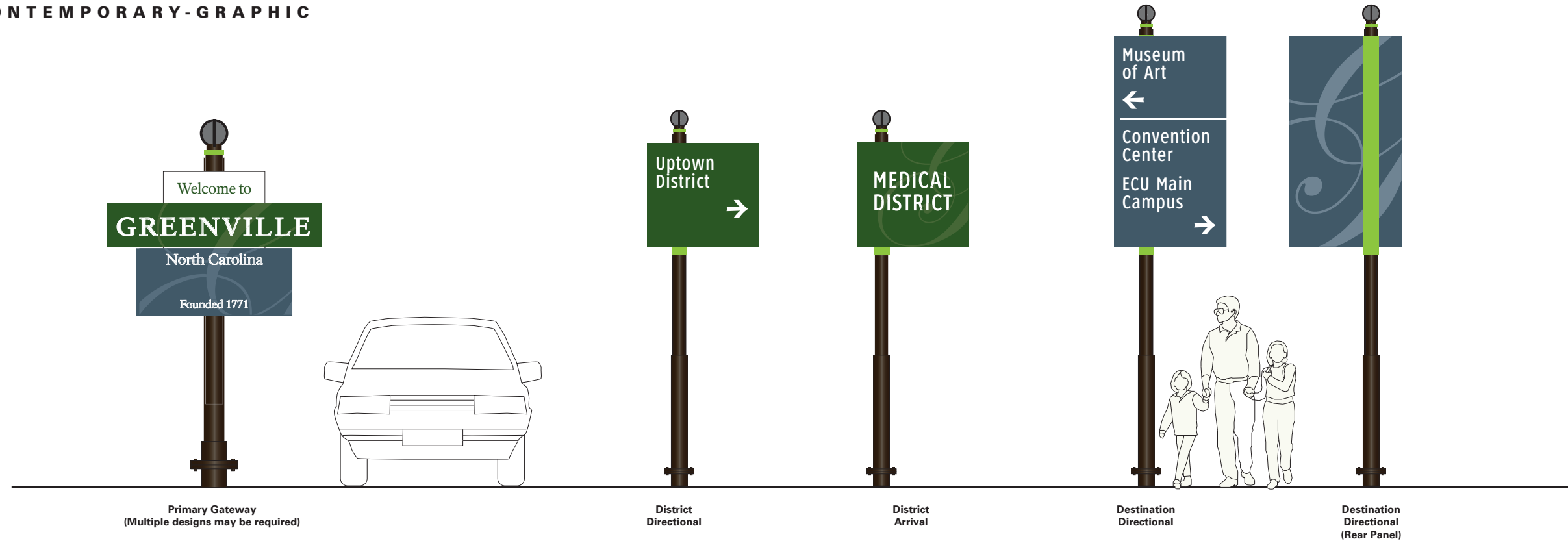
DRAFT
FOR DISCUSSION PURPOSES ONLY

DESIGN DEVELOPMENT
City of Greenville NC
Wayfinding Program
January 8, 2008

RMJM Hillier
One South Penn Square
The Widener Building, Suite 1500
Philadelphia, PA 19107
Tel 215-636-9999
Fax 215-636-9989
www.rmjmhillier.com

SCHEMATIC DESIGN: ORIGINAL OPTIONS 10.2.2007

CONTEMPORARY-GRAPHIC



TRADITIONAL-ICONIC



Primary Gateway
(Multiple designs may be required)

District
Directional

District
Arrival

Destination
Directional

Destination
Directional
(Rear Panel)



Parking Trailblazer

Parking Identification (2 sided)

Pedestrian Kiosk (2,3 or 4 sided)
Orientation Map
Directional/Informational

Pedestrian Directional (2 sided)

INDUSTRIAL-COLOR/MATERIAL



Primary Gateway
(Multiple designs may be required)

District
Directional

District
Arrival

Destination
Directional

Destination
Directional
(Rear Panel)



Parking Trailblazer

Parking Identification (2 sided)

Pedestrian Kiosk (2,3 or 4 sided)
Orientation Map
Directional/Informational

Pedestrian Directional (2 sided)





Primary Gateway
(Multiple designs may be required)

District
Directional

District
Arrival

Destination
Directional

Destination
Directional
(Rear Panel)



Parking Trailblazer

Parking Identification (2 sided)

Parking Identification
(Side View)

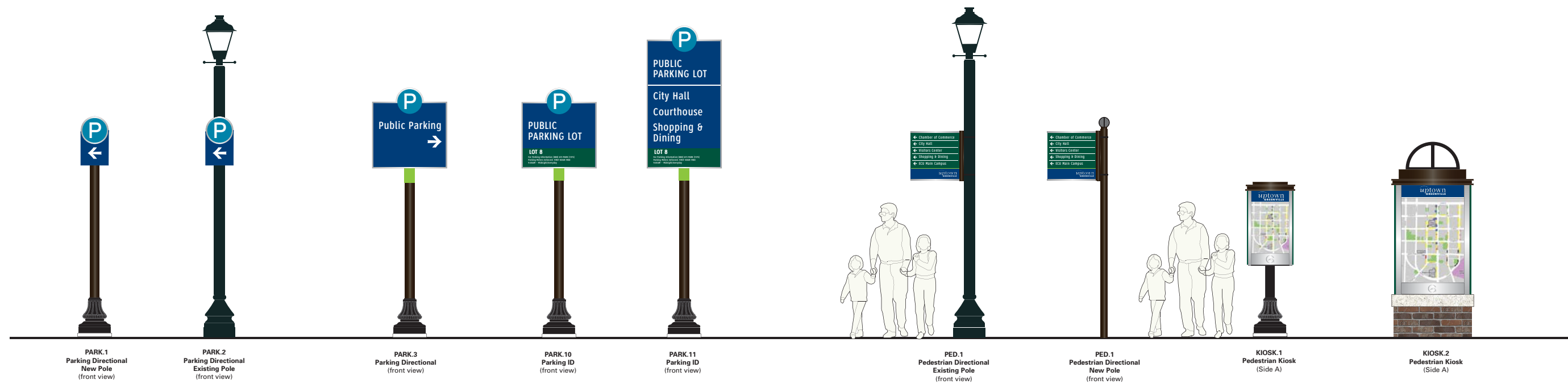
Pedestrian Kiosk (2 sided)
Orientation Map
Directional/Informational

Pedestrian Kiosk (4 sided)
Orientation Map
Directional/Informational

Pedestrian Directional (2 sided)

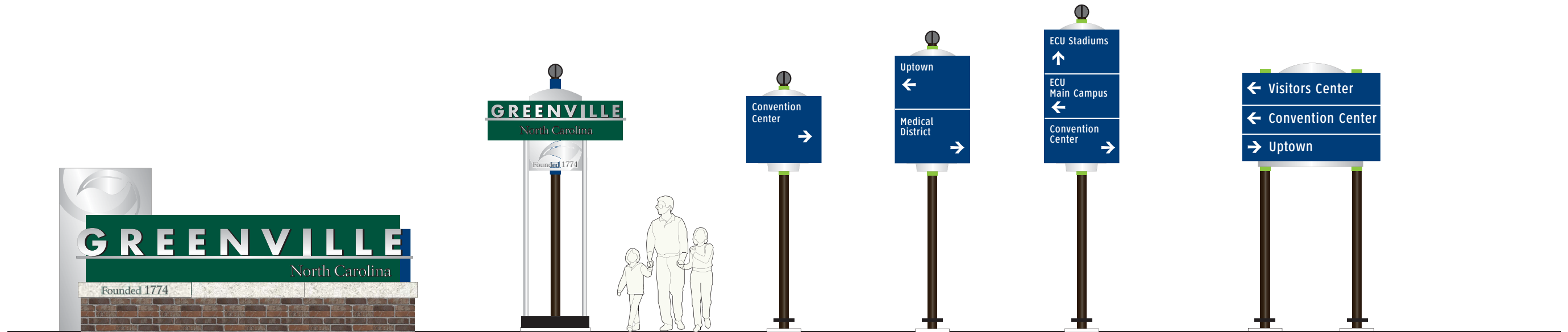


DESIGN DEVELOPMENT: MENU OF SIGN TYPES



SIGN MENU-UPTOWN





GATE.1
City Gateway
(front view)

GATE.2
City Gateway
(front view)

VDIR.10
Vehicular Directional
(front view)

VDIR.11
Vehicular Directional
(front view)

VDIR.12
Vehicular Directional
(front view)

VDIR.13
Vehicular Directional
(front view)



DIST_GATE.2B
District Gateway
(front view)

DIST_GATE.3B
District Gateway
(front view)

DEST_ID.1
Destination ID
(front view)

SERVICE.1
Vehicular Directional
(front view)

SERVICE.2
Vehicular Directional
(front view)

KIOSK.1B
Pedestrian Kiosk
(Side A)

KIOSK.2
Pedestrian Kiosk
(Side A)

SIGN MENU-CITYWIDE



City of Greenville, N.C.
Uptown-Wayfinding Program
Design Development
January 07, 2007



DESIGN DEVELOPMENT: UPTOWN SYSTEM DETAILS

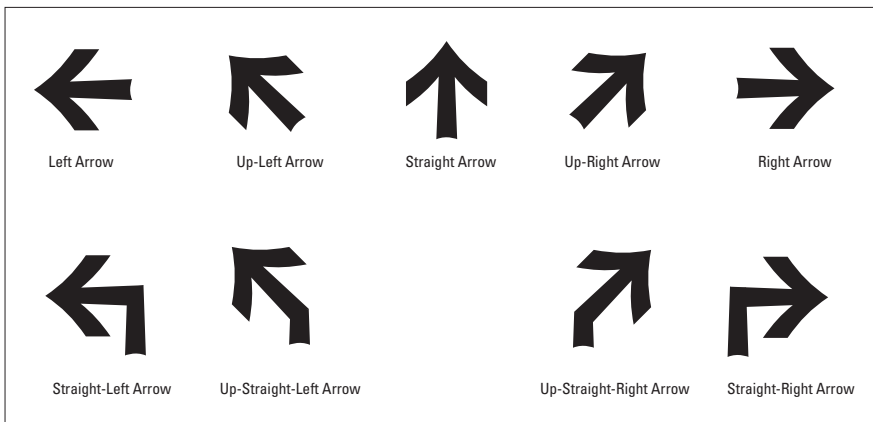
PRIMARY TYPEFACE

Clearview Highway
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890 '!@#\$%^








Amongst the several mechanical Arts that have engaged my attention, there is no one which I have pursued with so much steadiness and pleasure, as that of Letter Founding.

Greenville acceptable	Greenville NOT acceptable	Greenville NOT acceptable
123A acceptable	123A NOT acceptable	123 A NOT acceptable

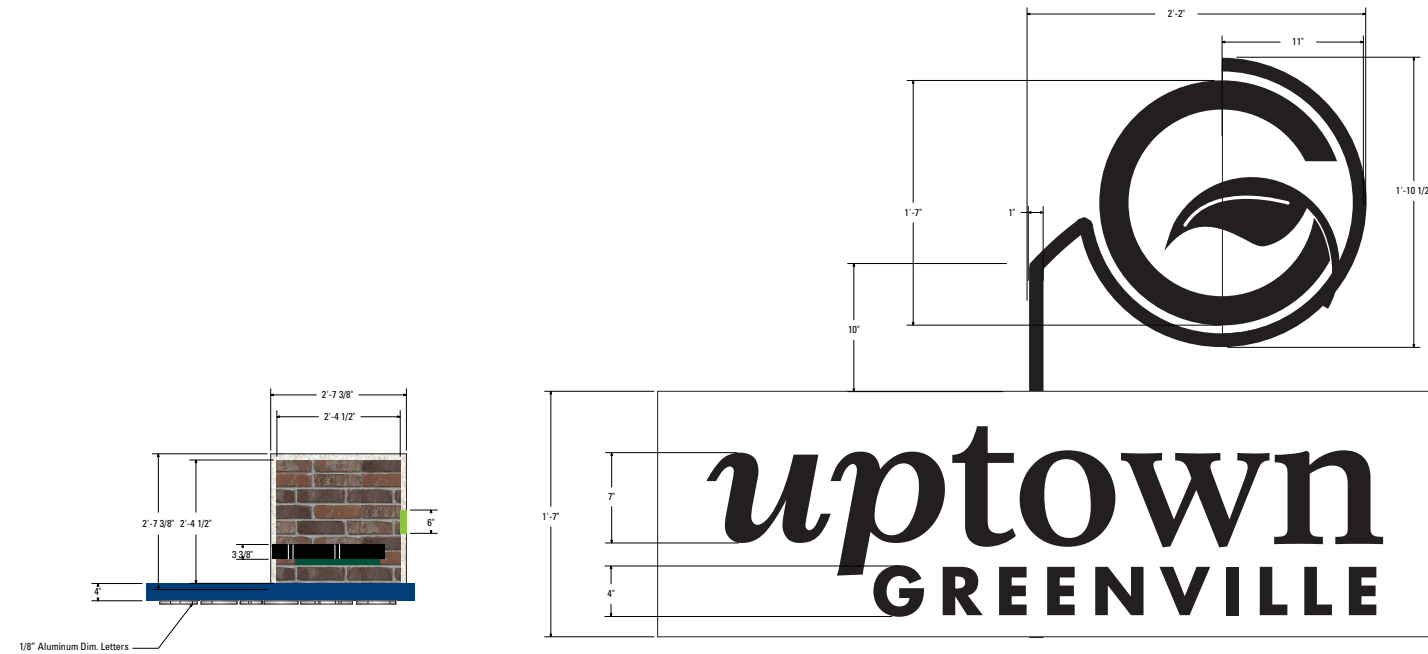
ARROWS



COLOR PALETTE

	Match Pantone 654C
	Match Pantone 554C
	Match Pantone 314C
	Match Pantone 376C
	Matthews Paint Brushed Aluminum
	Matthews Paint 19962
	3M Engineer Grade Reflective Sheeting 3290 White

GRAPHIC STANDARDS



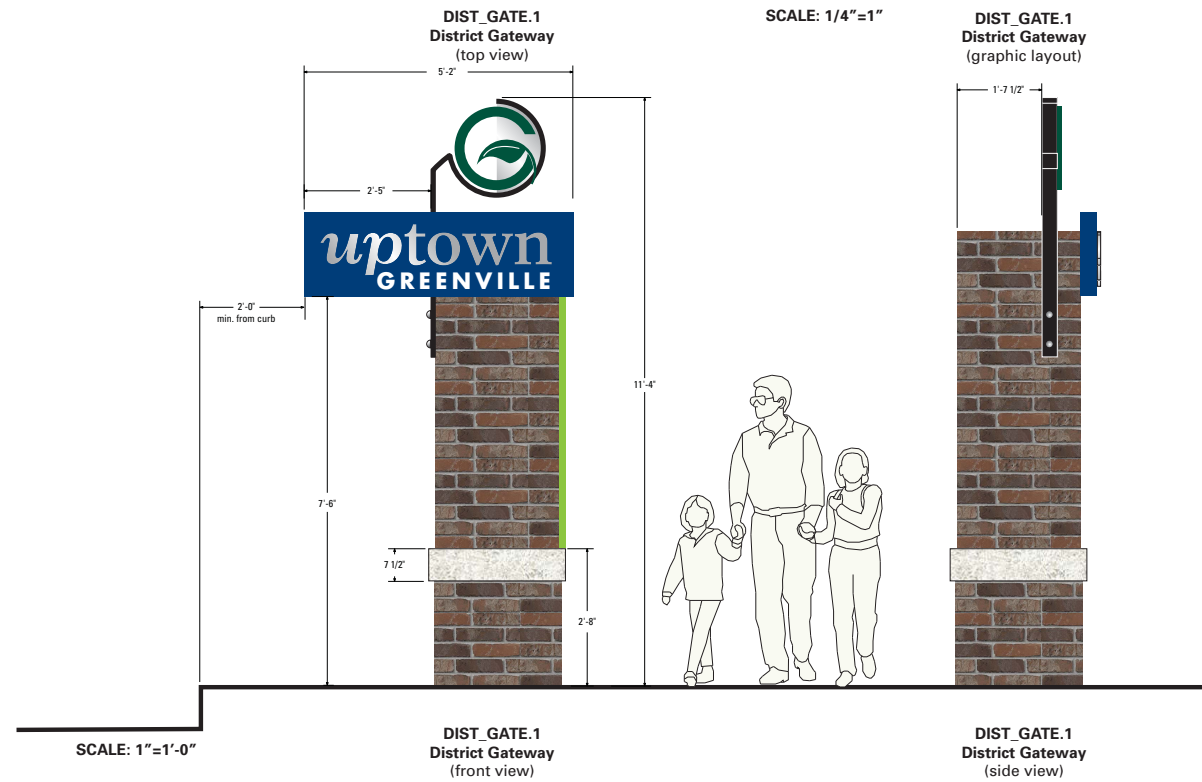
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DIST_GATE.1
District Gateway
(graphic layout)



SCALE: 1/4"=1"

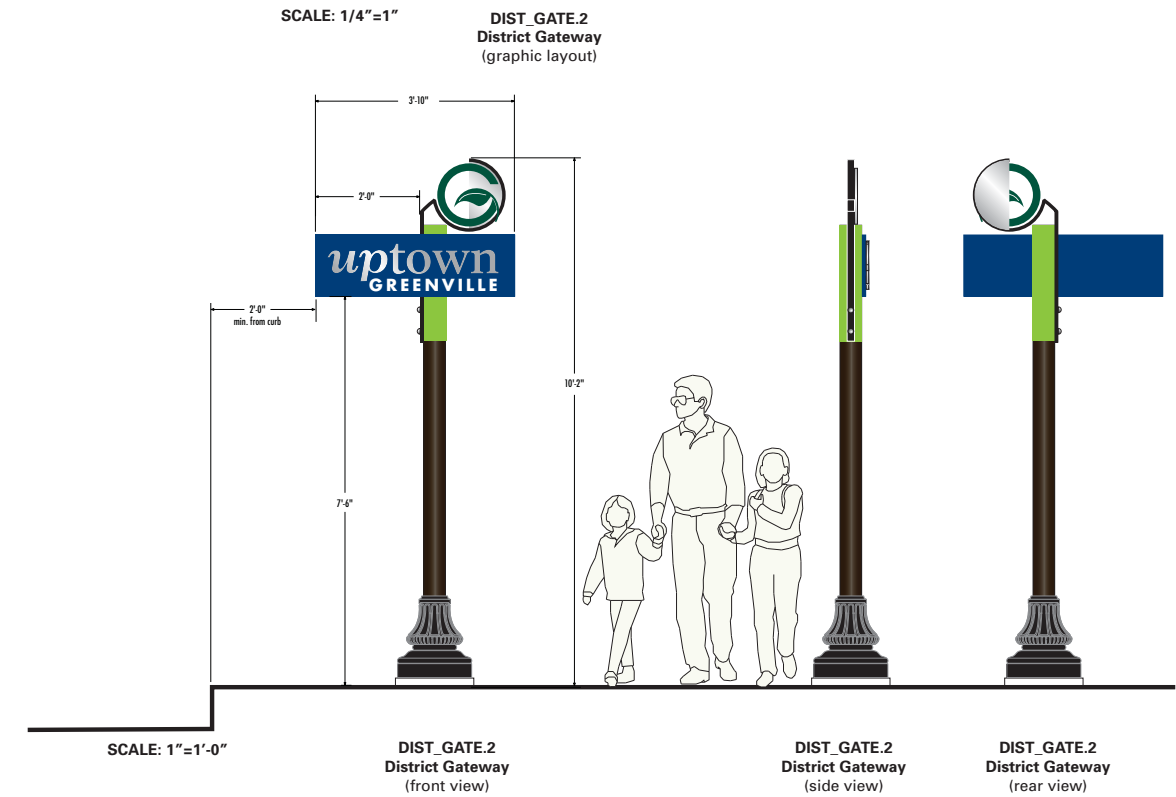
DIST_GATE.2
District Gateway
(graphic layout)



SCALE: 1"=1'-0"

DIST_GATE.1
District Gateway
(front view)

DIST_GATE.1
District Gateway
(side view)



SCALE: 1"=1'-0"

DIST_GATE.2
District Gateway
(front view)

DIST_GATE.2
District Gateway
(side view)

DIST_GATE.2
District Gateway
(rear view)

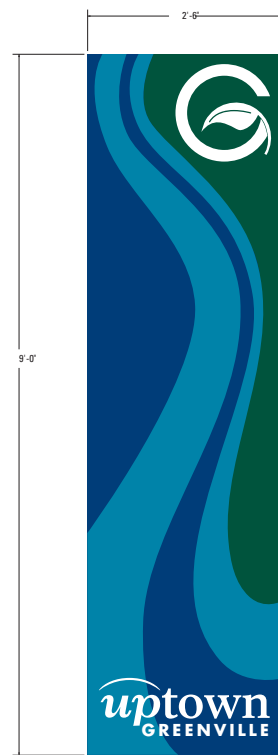
DISTRICT GATEWAYS - UPTOWN



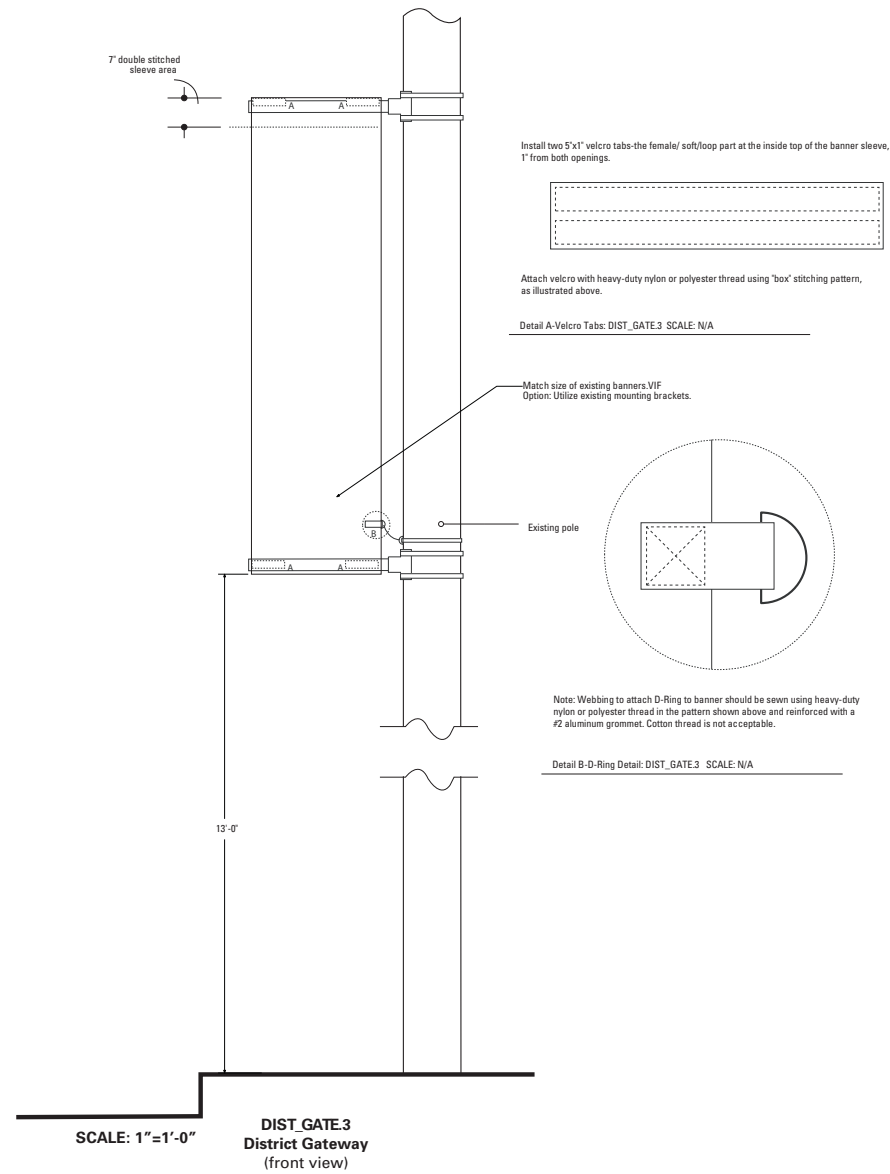
City of Greenville, N.C.
Uptown-Wayfinding Program
Design Development
January 07, 2007



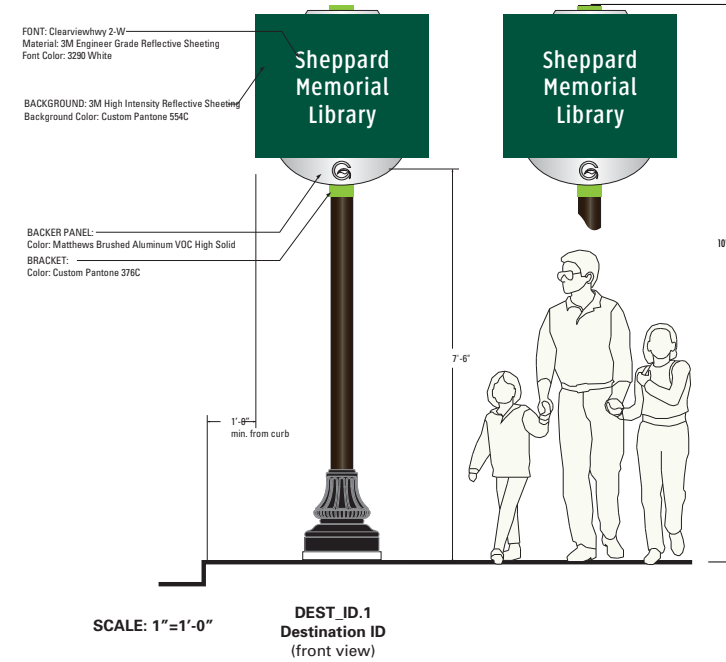
RMJM



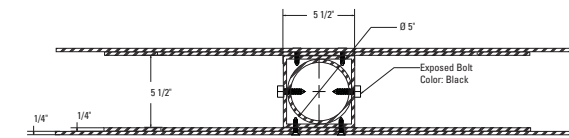
SCALE: 1/8"=1"
DIST_GATE.3
District Gateway
(graphic detail)



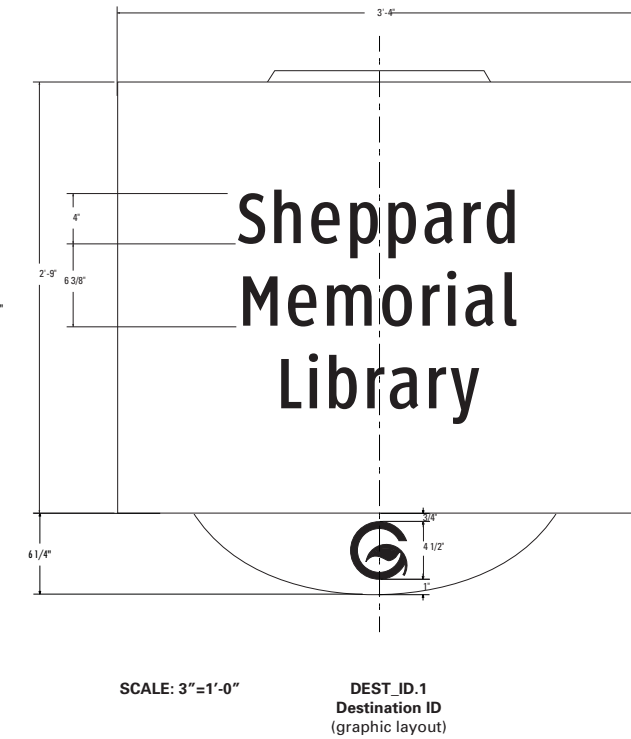
SCALE: 1"=1'-0"
DIST_GATE.3
District Gateway
(front view)



SCALE: 1"=1'-0"
DEST_ID.1
Destination ID
(front view)



SCALE: 1/4"=1"
DEST_ID.1
Destination ID
(section view)



SCALE: 3"=1'-0"
DEST_ID.1
Destination ID
(graphic layout)

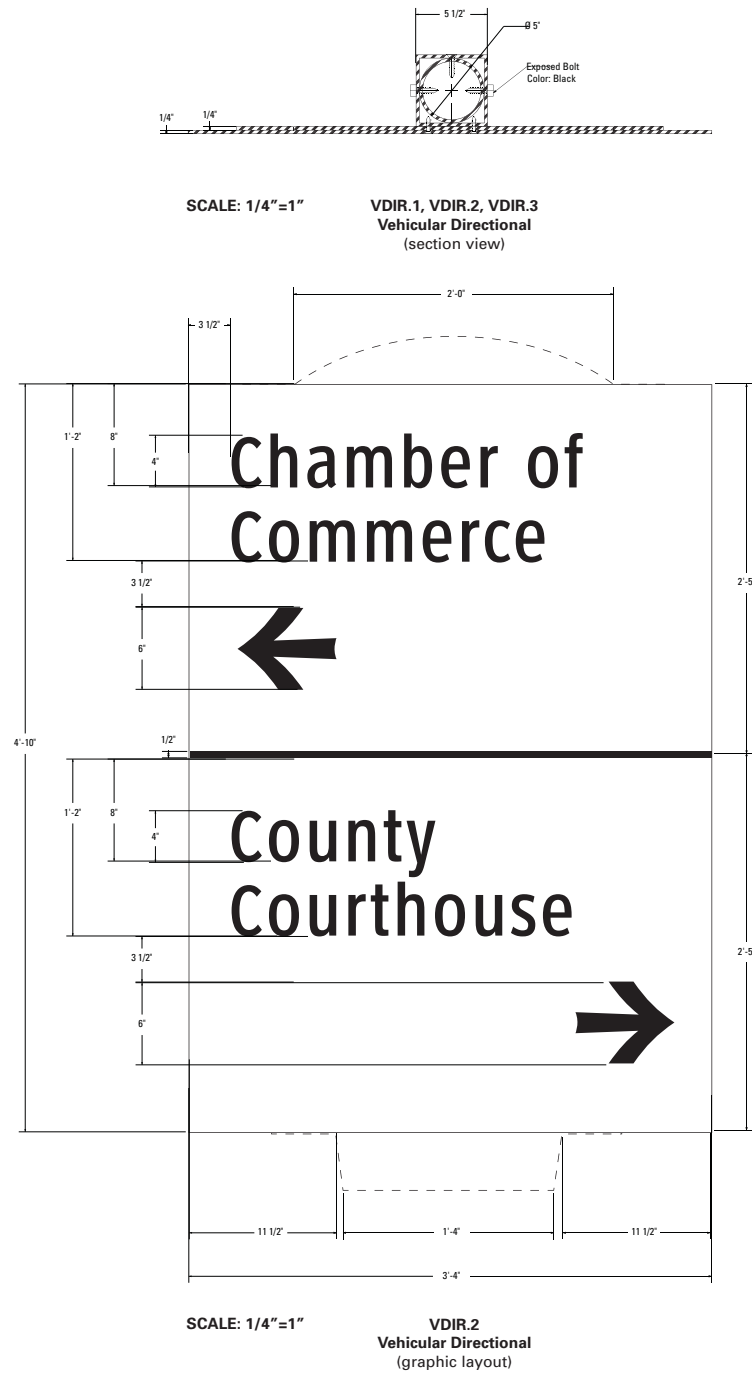
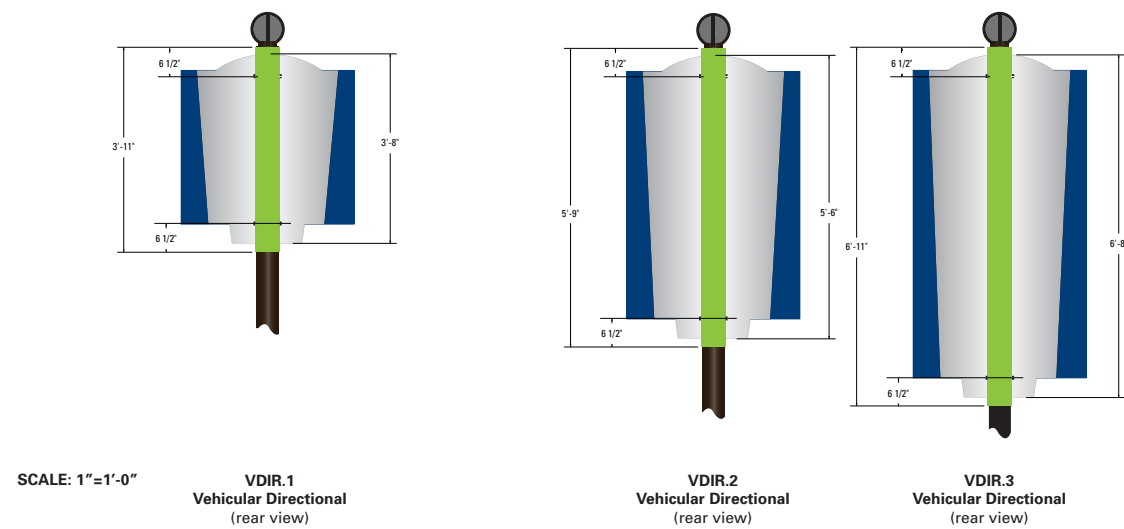
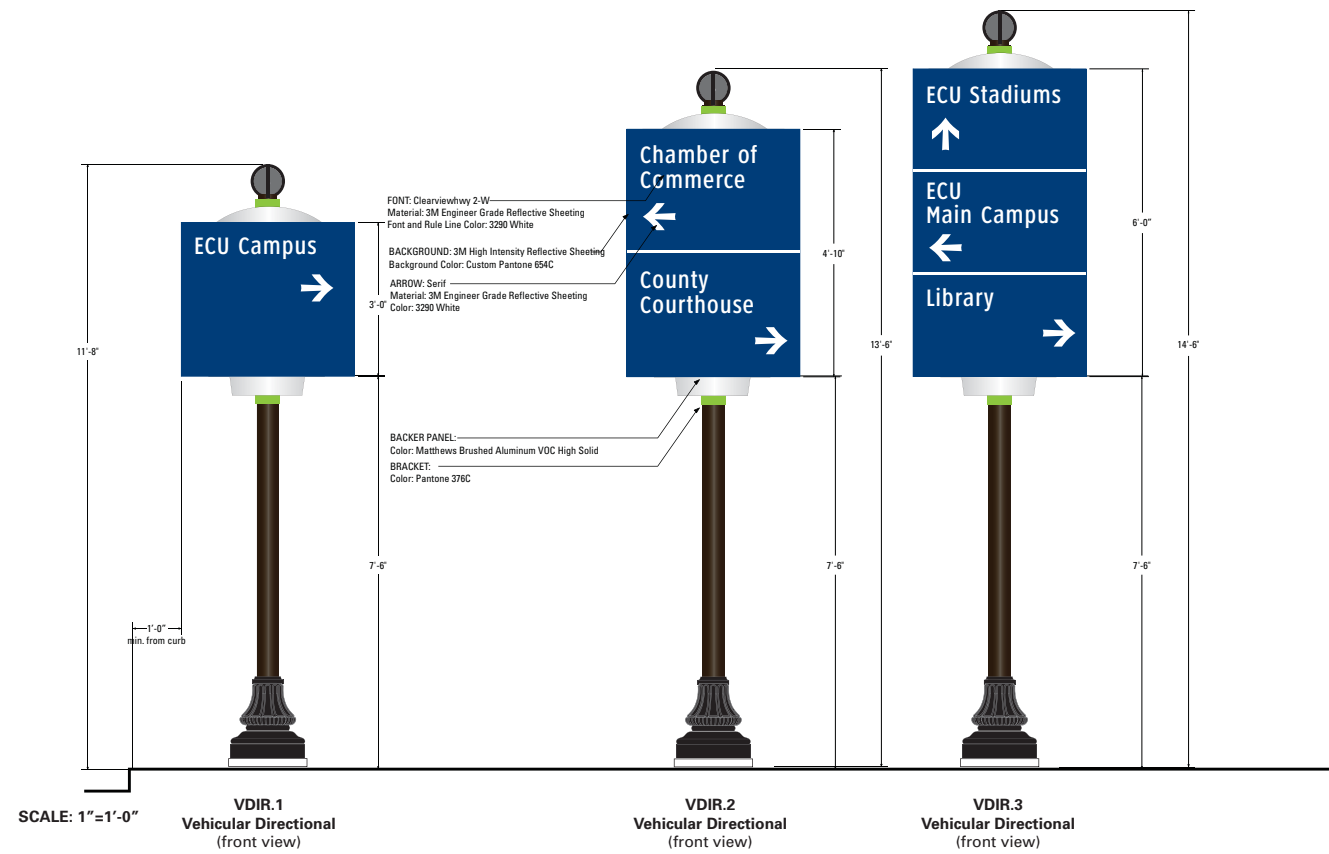
DISTRICT & DESTINATION IDENTIFICATION-UPTOWN



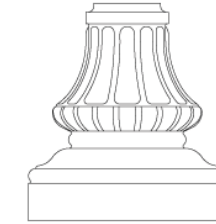
City of Greenville, N.C.
Uptown-Wayfinding Program
Design Development
January 07, 2007



RMJM



5000 Series Wraparound Base (WAB5000) Specification Sheet



Ordering Guide

Example: WAB5000 5 A

Product Code	WAB5000	5000 Series Wraparound Base
Pole Diameter	5	5"
Finish	A	Black

Specifications

Housing:
305 1/4M high-strength, low-copper, proprietary cast aluminum alloy.

Finish:
Thermoplastic powdercoat is electrostatically applied after a five-stage conversion cleaning process and bonded by heat fusion thermosetting. Laboratory tested for superior weatherability and fade resistance in accordance with ASTM B-117-64 and ANSI/ASTM G53-77 specifications. For larger projects where a custom color is required, contact the factory for more information.

Certification:
Manufactured to ISO 9001:2000 Standards.

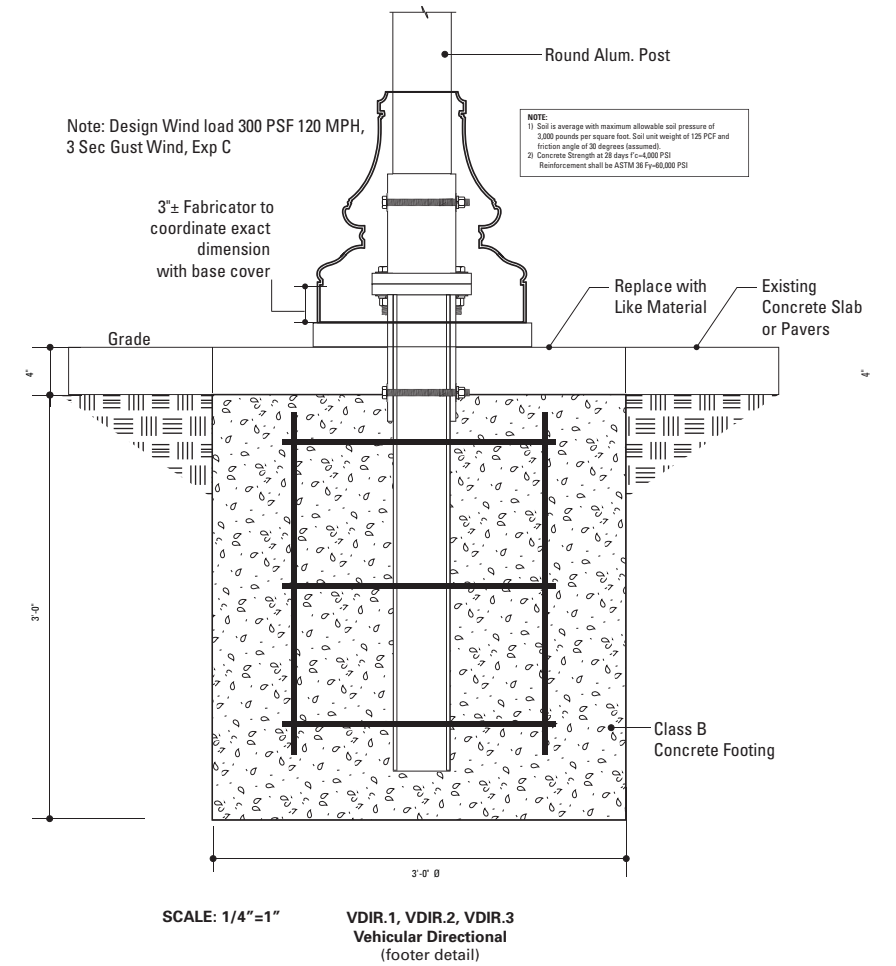
Warranty:
Three-year limited warranty.

Height: 19"

Base Diameter: 17"

Inside Diameter: 16 1/2"

ISO 9001:2000 Registered
HADCO
Note: Hadco reserves the right to modify the above details to reflect changes in the cost of materials and/or production and/or design without prior notice.
100 Craftway Littlestown, PA 17340 tel:(717) 359-7131 fax (717) 359-9289 www.hadco.com Copyright 2006 Genlyte Group LLC, HADCO Division



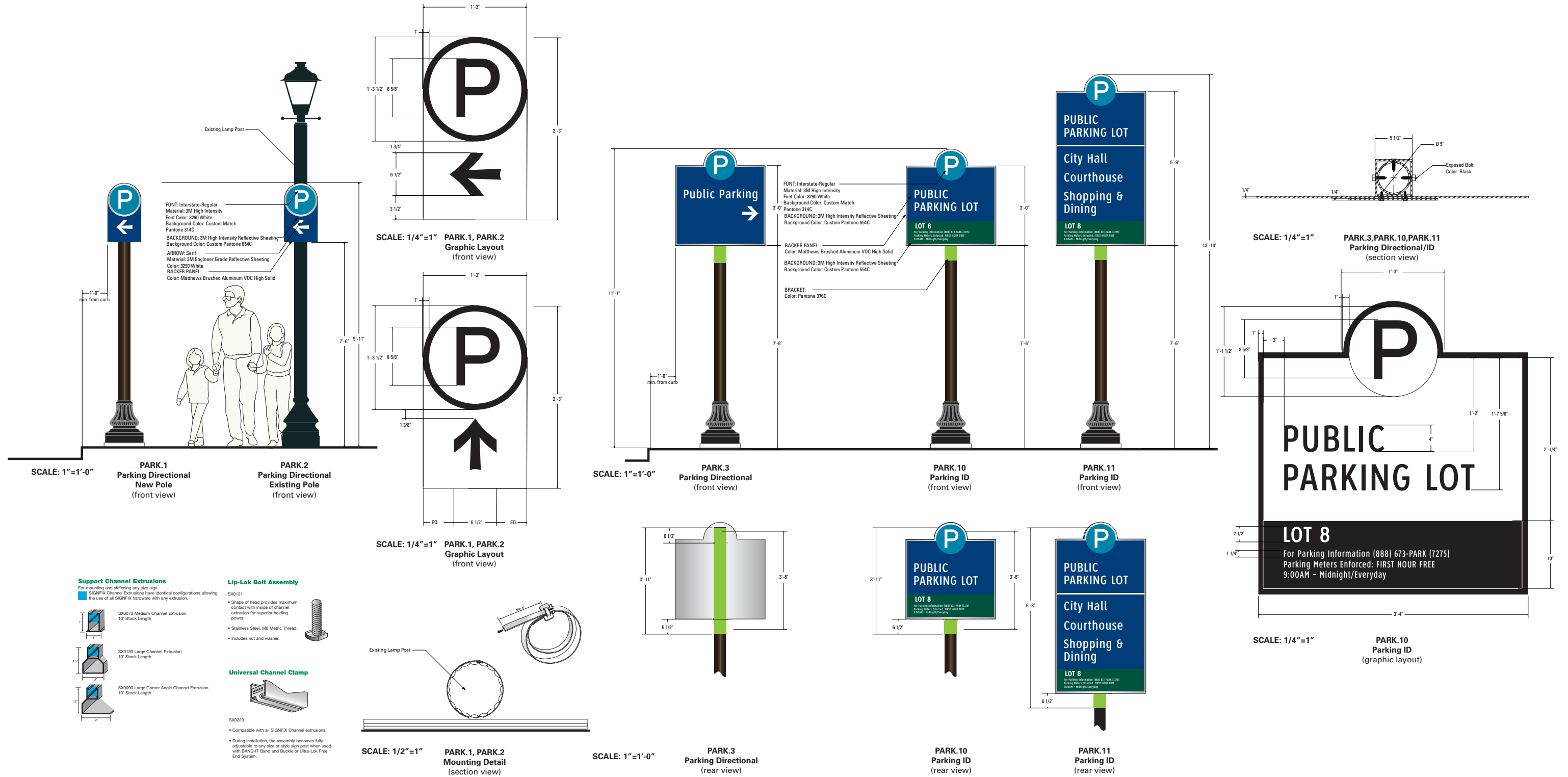
VEHICULAR DIRECTIONAL SIGN TYPES-UPTOWN



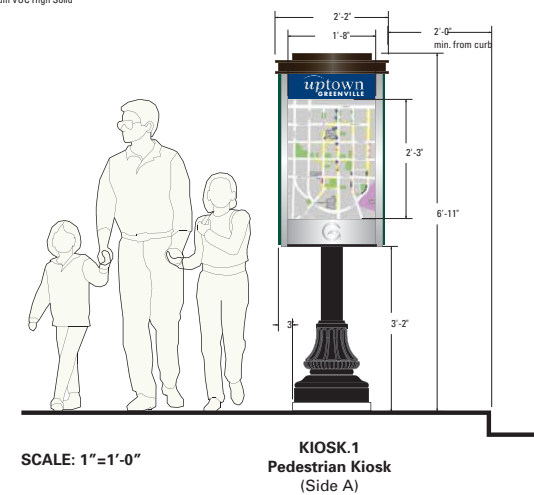
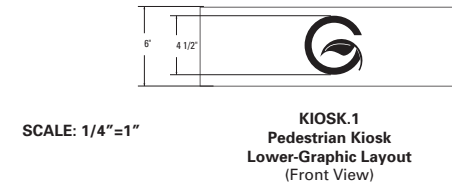
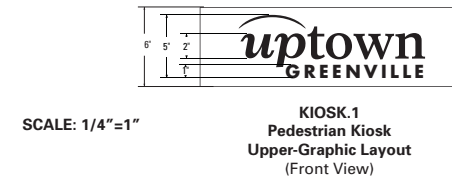
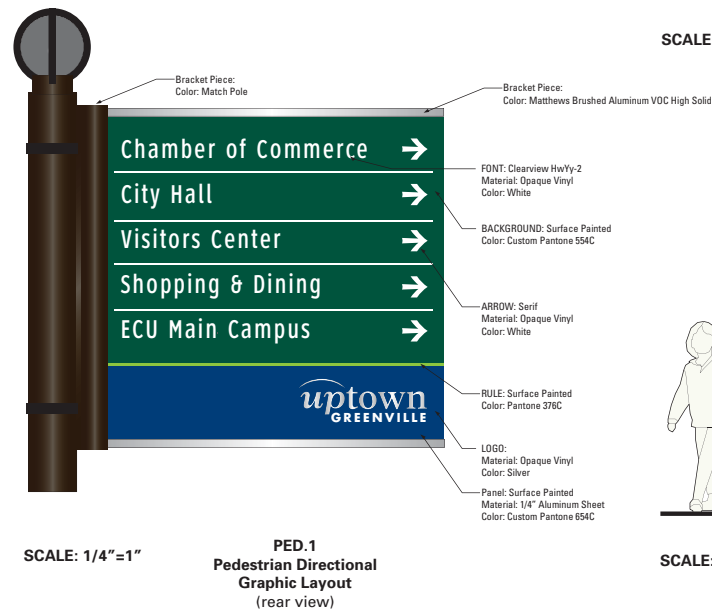
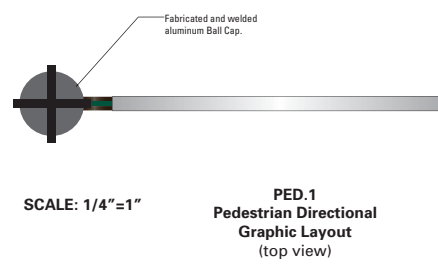
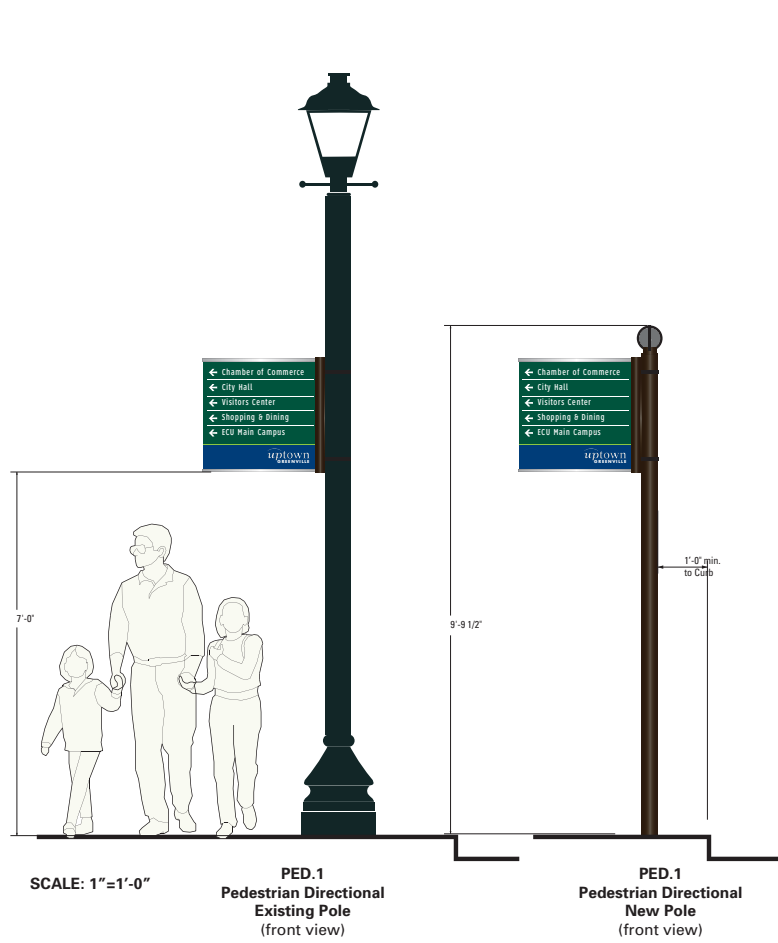
City of Greenville, N.C.
Uptown-Wayfinding Program
Design Development
January 07, 2007



RMJM

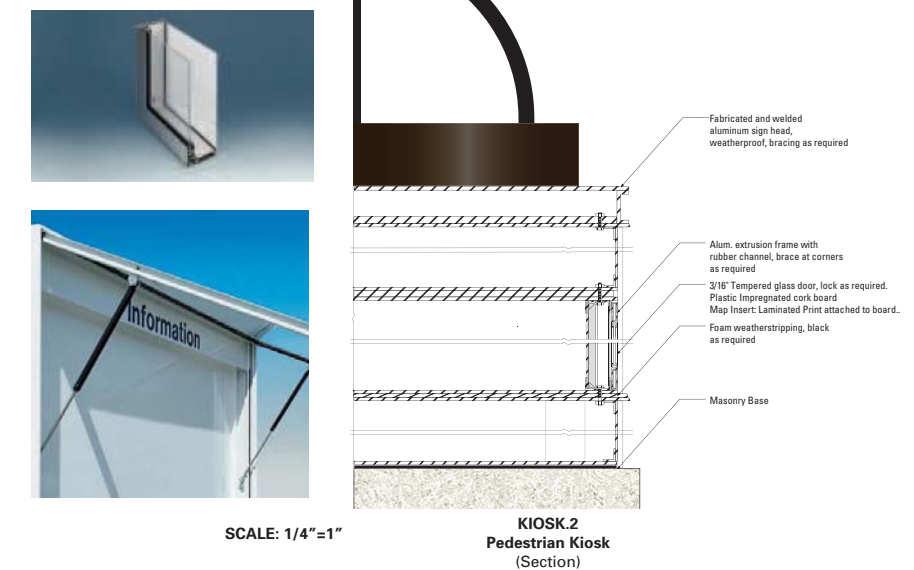
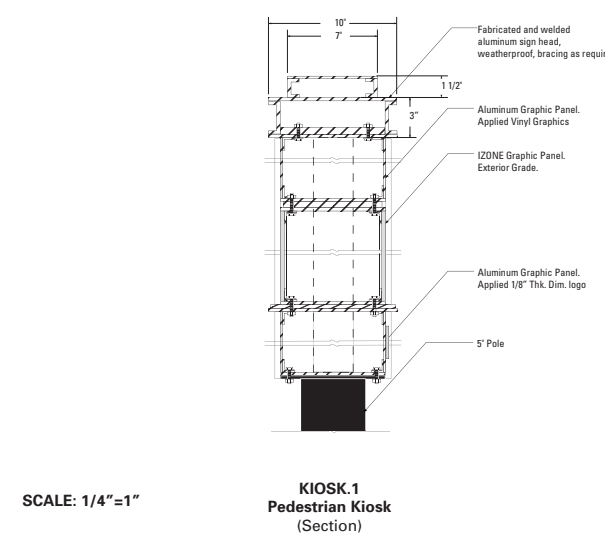
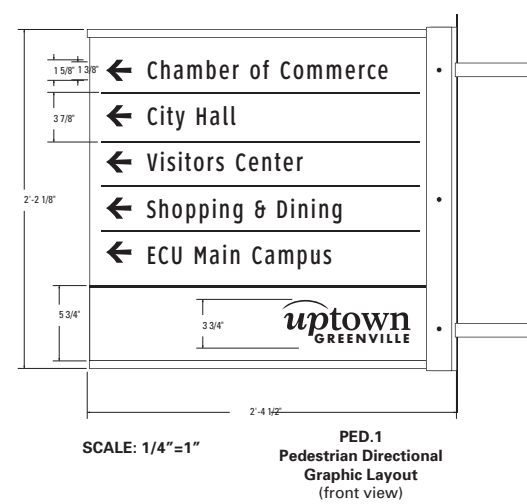
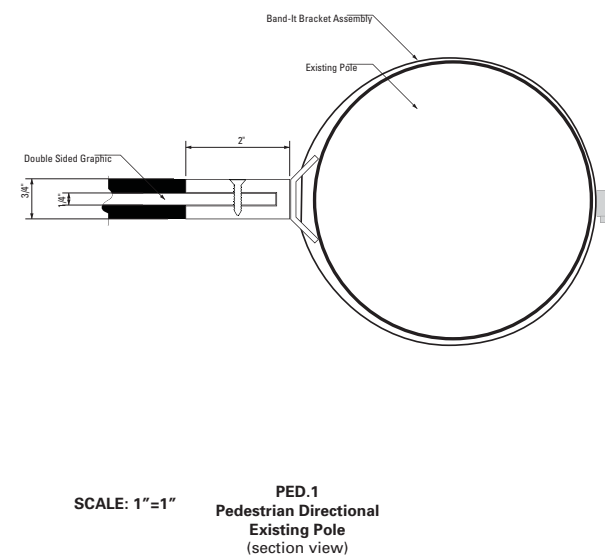
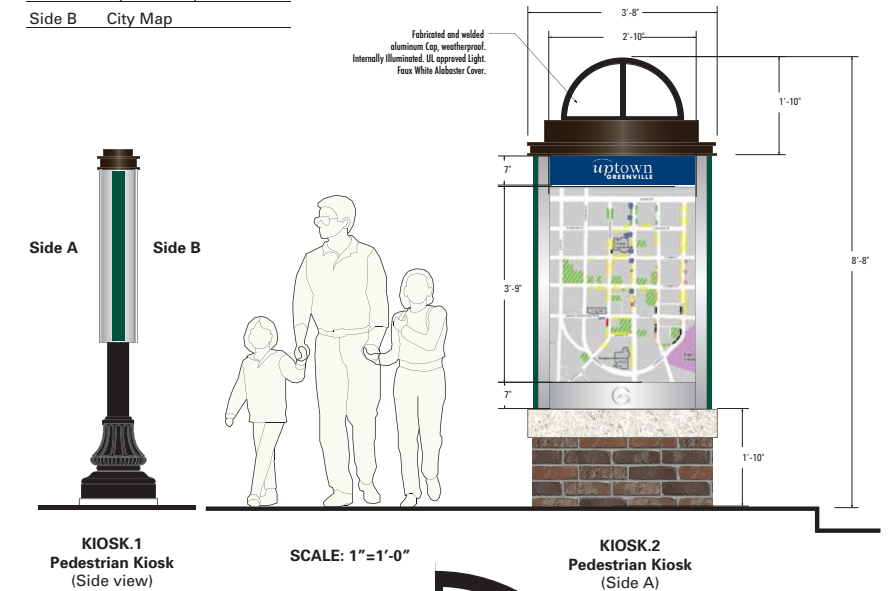
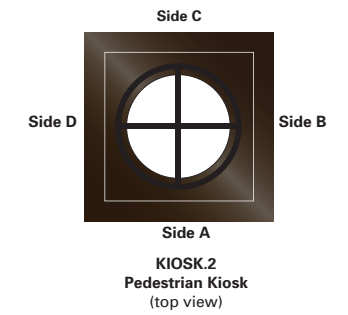


PARKING SIGN TYPES-UPTOWN



- KIOSK.2 Content**
- Side A Uptown Map
 - Side B City Map
 - Side C Bulletin Board
 - Side D Poster / Advertisement

- KIOSK.1 Content**
- Side A Uptown Map
 - Side B City Map



PEDESTRIAN SIGN TYPES-UPTOWN

DRAFT

CITY OF GREENVILLE, NC

PHASE 1-UPTOWN DISTRICT

SIGN TYPES	QTY.	UNIT COST	TOTAL	COMMENTS
District Directional	12	\$ 3,800	\$ 45,600	Estimate = 3X total number of Arrival Routes (4)
District Directional (high speed)	6	\$ 8,000	\$ 48,000	Estimate = 3X total number of Arrival Routes (2)
District ID	6	\$ 3,000	\$ 18,000	Estimate = Quantity of Arrival points into Downtown
Destination Directional	10	\$ 3,800	\$ 38,000	Estimate = 8 destinations X 4 listings / 3 per panel
Destination Directional (high speed)	5	\$ 3,800	\$ 19,000	Estimate = 8 destinations X 2 listings / 3 per panel
Parking Directional	7	\$ 3,800	\$ 26,600	Estimate = Based on number of Parking Lots and Routes leading to them
Parking Trailblazer	28	\$ 750	\$ 21,000	Estimate = 2 X total number of lots (14)
Parking Arrival (ground)	14	\$4,200	\$ 58,800	Estimate = 1 per lot
			\$ 275,000	PHASE 1 TOTAL

PHASE 2 -UPTOWN DISTRICT

SIGN TYPES	QTY.	UNIT COST	TOTAL	COMMENTS
Pedestrian Kiosk (Uptown)	14	\$ 5,000	\$ 70,000	Estimate = Based on Parking Lot Qty. (1 per) and high Ped. traffic areas
Pedestrian Directional (Uptown)	25	\$ 3,000	\$ 75,000	Estimate = Based on Quantity of Downtown Intersections
Pedestrian Map (Uptown)	8	\$ 2,500	\$ 20,000	Estimate = 30% of total number of pedestrian signs
District ID Banner (Uptown)	6	\$ 1,500	\$ 9,000	Estimate = Quantity of Arrival points into District
			\$ 174,000	PHASE 2 TOTAL

PHASE 3 - CITYWIDE

SIGN TYPES	QTY.	UNIT COST	TOTAL	COMMENTS
Primary Gateways	4	\$ 25,000	\$ 100,000	Estimate = 1X Primary Route, does not include, lighting landscaping, etc.
Secondary Gateways	5	\$ 5,000	\$ 25,000	Estimate = 1X Secondary Routes into City of Greenville
District Directional	9	\$ 3,800	\$ 34,200	Estimate = 3X total number of Arrival Routes (3)
District Directional (high speed)	6	\$ 8,000	\$ 48,000	Estimate = 3X total number of Arrival Routes (2)
District ID	6	\$ 3,000	\$ 18,000	Estimate = Quantity of Arrival points into Downtown
Destination ID	15	\$ 3,800	\$ 57,000	Estimate = 15 destinations - Not including Parks & ECU/PCC
Destination Directional	30	\$ 3,800	\$ 114,000	Estimate = 22 destinations X 4 listings / 3 per panel
Destination Directional (high speed)	15	\$ 3,800	\$ 57,000	Estimate = 22 destinations X 2 listings / 3 per panel
Departure - Interstate Trailblazers	16	\$ 750	\$ 12,000	Estimate = 4 X total number of Interchanges (4)
Hospital Trailblazer	10	\$ 750	\$ 7,500	Estimate = 10 X total number of hospitals
			\$ 472,700	PHASE 3 TOTAL
			\$ 921,700	PROJECT TOTAL

The associated information is preliminary only and based on the information and recommendations provided in the Wayfinding Analysis, including quantity of destinations, gateways, parking lots, primary vehicular arrival routes and pedestrian links.

The phasing plan is based on priority wayfinding sign types and cost. The Uptown District Vehicular Signs are included in PHASE 1.

Sign counts are approximate, based on the information presented in the Wayfinding Analysis.

Prices are estimates only and can vary ±20%. Additional budgets will be developed during the Programming and Design phases.

Quantity of signs and complexity of design is the biggest factor in determining cost.

Installation is included in the unit cost.

Unit costs are for the fabrication and installation of the sign only and does not include electrical feeds, landscaping, excavation, road work .



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Ordinance creating the Greenville Neighborhood Advisory Council

Explanation: Action item #3 of Objective E, Goal number 6 of the 2007 Goals of City Council, called for the development of a Neighborhood Commission. Staff has completed this item and submits the following plan for consideration by City Council.

Background

Greenville Neighborhood Advisory Council

Information was gathered from seven cities in the development of a recommendation for the Greenville Neighborhood Advisory Council. The cities consulted were Greensboro, Raleigh, Winston-Salem, and Durham, North Carolina; Hampton and Chesapeake, Virginia; and Spartanburg, South Carolina. A brief summary of the purpose of each committee from the cities surveyed is below.

1. Raleigh, North Carolina

The City of Raleigh's Neighborhood Commission is made up of representatives from geographic districts of the City rather than individual neighborhood association representatives. One representative from each district is appointed to serve on the Commission. These representatives are the liaisons between the city government and the districts. Because the city is divided into districts, there are more diverse needs and concerns versus a single neighborhood that the representative has to address. The Commission provides input to the City of Raleigh on a number of neighborhood issues. Because of the growth of the City of Raleigh, redistricting was slated to occur in January 2008. After the redistricting has occurred, Raleigh's goal is to revise its Commission so that it is based on neighborhoods rather than districts, which are much larger.

2. Winston-Salem, North Carolina

The City of Winston-Salem has a Community Services Division within the Neighborhood Services Department. Community Services staff are assigned to neighborhoods within the city. These employees are responsible for providing

assistance to neighborhoods on planning issues and neighborhood projects under consideration. They also act as liaisons between neighborhoods and specific City Departments/Divisions. The Community Services unit is also responsible for facilitating the Annual Winston-Salem Citywide Neighborhood Conference. There is not a designated neighborhood committee or commission.

3. Greensboro, North Carolina

Committees and commissions in the City of Greensboro are divided by type of board, such as Policy Making and Advisory Boards, Legislative Boards, Administrative Boards, Quasi-Judicial Boards, and Autonomous Boards. The City does not have a designated neighborhood advisory committee or commission. Neighborhood issues are addressed by the City of Greensboro staff based upon the areas that require assistance.

4. Durham, North Carolina

The City of Durham has a neighborhood committee called the Inter-Neighborhood Council. Membership on the Council is composed of neighborhood organizations within the City of Durham. The Inter-Neighborhood Council works to increase the influence of neighborhoods within the city on issues that affect them. The City of Durham's Neighborhood Improvement Services Department's Community Relations unit serves as staff to the Council, which provides services to neighborhoods and works to increase resident involvement in neighborhood improvements initiatives.

5. Hampton, Virginia

The City of Hampton has a Neighborhood Commission that is composed of 10 neighborhood representatives, 3 city representatives, 6 institutional representatives, and 2 youth representatives. The Neighborhood Commission is supported by the Neighborhood Services Division. The Commission assists with organizing and planning neighborhoods, conducting projects, and development of strategic neighborhood action plans. Members are appointed by the Hampton City Council and represent districts rather than specific neighborhoods.

6. Chesapeake, Virginia

The City of Chesapeake has a Neighborhood Services Coordination Division, which is responsible for addressing the needs of neighborhoods. This division provides guidance in accessing city services to address neighborhood needs, generates neighborhood actions on issues related to community needs, disseminates information about city services, and assists with organizing civic leagues and neighborhood associations. The City of Chesapeake does not have a designated neighborhood committee or commission. Many neighborhood issues are addressed through Civic Leagues.

7. Spartanburg, South Carolina

The City of Spartanburg established a Citizens Advisory Council to provide a mechanism where neighborhood groups, associations, neighborhood watch, tenant associations, and other groups that handle neighborhood issues could discuss issues collectively. The Citizens Advisory Council is made up of two groups: a general membership comprised of a member of each recognized neighborhood group/association; and an Executive Committee. The general

membership of the Citizens Advisory Committee meets six times per year and the Executive Committee meets two times per year. Sub-committees are established for special projects of the Council. The Council is considered as an advisory group to the Mayor and City Council.

Recommendations for the Greenville Neighborhood Advisory Council

Based upon the research and analysis performed by staff, a neighborhood council comprised of representatives of recognized neighborhood associations operating could be established by the City Council to provide advice and recommendations to City Council on neighborhood issues. In order for the neighborhood council to be successful and to allow persons to attend and participate in neighborhood meetings, quarterly neighborhood council meetings are recommended. The proposed plan listed below could be established as the Neighborhood Advisory Council's role.

City of Greenville Neighborhood Advisory Council

Mission: To provide a mechanism that allows neighborhood associations to collaborate on issues of mutual interest, provide a forum for communication with city elected officials and staff, empower neighborhoods to actively develop, revitalize and help to maintain healthy, strong and more vibrant neighborhoods.

Membership: Membership on the Neighborhood Advisory Council is open to recognized Greenville neighborhood associations' representatives. One representative from each recognized Neighborhood Association will be invited to serve on the Neighborhood Advisory Council. A recognized neighborhood association is one that 1) has adopted bylaws, 2) holds scheduled meetings (a minimum of two meetings per year), and 3) has officers as required by the association's bylaws. (Required officers for recognized neighborhood associations usually consist of a president, vice-president, secretary and treasurer).

Representation: Representation for the Greenville Neighborhood Advisory Council will be comprised of one representative from each recognized neighborhood association. The Neighborhood Advisory Council will elect a chairperson, vice-chairperson, and secretary. The role of the chairperson will be to conduct the meetings. In the event that the chairperson is unable to attend a meeting or participate, the vice-chairperson will conduct the meeting. The secretary will be responsible for recording minutes of the Neighborhood Advisory Council. The Neighborhood Advisory Council members shall elect officers annually in January of each year. The Neighborhood Liaison of the Community Development Department will serve as an Ex-Officio member of the Neighborhood Advisory Council. The Neighborhood Liaison will determine the eligibility of a neighborhood representative for membership to the council.

Focus of the Greenville Advisory Council

- Provide support and guidance to neighborhoods within the City of Greenville.
- Assist neighborhoods within the city on accessing resources/services available to neighborhoods to address issues.

- Provide information to new neighborhood associations and encourage formation of new neighborhood associations.
- Provide information to Greenville City Council on issues affecting neighborhoods.
- Increase citizens participation in neighborhood revitalization and development.
- Make recommendations to the City Council on neighborhood issues.
- Assist neighbors in developing proactive neighborhood programs, such as a community watch, and neighborhood leadership programs.
- Recommend programs for consideration by the City that will empower citizens to make their neighborhoods better places to live, work and play.
- Review and approve grant applications submitted for funding under the City of Greenville Neighborhood Grant program.

Meetings

The Neighborhood Advisory Council will meet each quarter and once a year at the invitation of the City Council to provide a report of the council's activities. The Neighborhood Liaison of the Community Development Department will provide staff support to the Neighborhood Advisory Council. The Neighborhood Advisory Council may from time to time appoint ad hoc committees necessary to conduct special studies, projects, and programs. Such committees would exist at the discretion of the Neighborhood Advisory Council. The Greenville City Council will establish attendance policies for the Neighborhood Advisory Council and make decisions on other policies needed that will govern the work of the Neighborhood Advisory Council.

Fiscal Note:

There are no known direct costs with the creation of the commission. The Neighborhood Liaison/Ombudsman position approved in the 2007-08 adopted budget will be assigned the responsibility of supporting the Neighborhood Council.

Recommendation:

Approval of the ordinance creating the Neighborhood Advisory Council.

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Attachments / click to download

 [Updated_Neighborhood_Advisory_Committee_Ordinance_743915](#)

ORDINANCE NO. 08-_____

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 2 OF THE CITY CODE BY ADDING AN ARTICLE G WHICH ESTABLISHES A NEIGHBORHOOD ADVISORY COUNCIL

WHEREAS, the City Council has determined there is the need within the City of Greenville for the establishment of a Neighborhood Advisory Council;

WHEREAS, it has been determined that a central forum for neighborhood associations to establish common goals and avenues of mutual interest including communication channels between citizens, elected officials, and city staff is important to improving livability of the City of Greenville;

WHEREAS, it is the desire of the elected officials and staff of the City to assist neighborhood associations in understanding the City of Greenville Code of Ordinances; and

WHEREAS, it is recognized that having an all-inclusive community involves all neighborhoods working together.

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

Section 1: That Chapter 3 of Title 2 of the Greenville City Code be amended by adding a new G entitled "GREENVILLE NEIGHBORHOOD ADVISORY COUNCIL." This article shall read as follows:

.Article G. Greenville Neighborhood Advisory Council

Sec. 2-3-71. Definitions.

Neighborhood shall mean an organized residential area within the corporate limits of the City of Greenville.

Neighborhood association shall mean an organized group of residents within a specific neighborhood within the corporate limits of the City of Greenville and that operates under a formal association by-laws; holds regular meetings; has elected officers; maintains records of meetings; and who has placed on file with the Neighborhood Liaison/Ombudsman a current set of by-laws and amendments, list of current officers, and a current association membership roster. There shall be only one association per neighborhood.

Liaison shall mean individual appointed by a neighborhood association to represent the association on the Neighborhood Advisory Council ("advisory council") to attend meetings of the advisory council, participate in actions of the advisory council, and bring to the attention of elected officials and staff the concerns of the neighborhood association during the regular meetings of the advisory council.

Sec. 2-3-72. Composition.

Each neighborhood association as defined in this chapter shall appoint a liaison member to the

Item # 9

Neighborhood Advisory Council. The liaison shall serve at the pleasure of the neighborhood association. The Neighborhood Liaison/Ombudsman shall serve as an ex-officio member of the Neighborhood Advisory Council.

Sec. 2-3-73. Meetings; officers; records; notices.

The Neighborhood Advisory Council shall hold at least one (1) meeting per quarter. All of its meetings shall be open to the public. Within thirty (30) days of the first meeting, the advisory council will elect a chair, a vice-chair and a secretary. It may create other officers as it determines and shall adopt by-laws to determine responsibilities of the officers. The secretary shall keep the records of who is in attendance and minutes of the meetings, its resolutions, discussions, findings, and recommendations. Such records shall be open to the public. Notices of all regular meetings shall be published not less than seven (7) calendar days in the manner and location prescribed for other public bodies within the City of Greenville.

Sec. 2-3-74. Quorum.

For the purposes of this article, to conduct business, the Neighborhood Advisory Council shall have not less than sixty (60%) percent of the associations listed with the Neighborhood Liaison/Ombudsman.

Sec. 2-3-75. Purpose.

The Greenville Neighborhood Advisory Council as a liaison between the neighborhoods and the City of Greenville and consistent with the intent of the actions of the Advisory Council states that its purpose is:

- (a). To serve as a liaison between the neighborhoods and the City of Greenville over issues of common interest;
- (b). To serve as an advocate for programs, ideas and methods to promote working relationships between the neighborhoods and with the City of Greenville;
- (c). To disseminate information to the neighborhoods and the City of Greenville with regard to issues of healthy, strong and vibrant neighborhoods;
- (d). To assist and promote neighborhood education efforts concerning ways to develop, revitalize, and maintain healthy, strong and vibrant neighborhoods;
and
- (e). To increase citizen participation in neighborhood revitalization and development.

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.

Item # 9

Section 4. This ordinance will become effective on the ____ day of _____, 2008.

This the 18th day of February, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Contract award for the construction of affordable homes within the 45-Block Revitalization Area

Explanation: In an effort to continue the mission of increasing homeownership within the 45-Block West Greenville Revitalization Area, the Housing Division issued a Request for Proposals (RFP) to general contractors for construction of single-family units on eight vacant lots owned by the City. Advertisement of the RFP ran on December 31, 2007 and January 7, 2008. Five general contractors responded to the RFP.

This request is to accept the lowest qualified bid (and to include a 6% contingency) received from the two general contractors listed below. The minimum house size of each home will be 1,200 square feet with three bedrooms and two bathrooms. The City of Greenville will maintain ownership of the properties and pay the contractor in three progress payments for construction work completed.

Six homes are proposed for construction instead of the eight requested in the RFP because the bid received for the seventh home was not in line with bids received for similar home designs and construction of an eighth unit would exceed the amount of available construction funds. Additional homes will be constructed from the proceeds of future home sales.

The contingency funds are included to effectively deal with any unanticipated but required work that may be encountered during construction. The bid tab sheet and house designs are included.

Contractor	Bid Amount	Location	6% Contingency	Total
Charles Hughes	\$91,000	410 Cadillac St.	\$5,460	\$96,460
Charles Hughes	\$91,000	414 Cadillac St.	\$5,460	\$96,460
Charles Hughes	\$91,000	600 Ford St.	\$5,460	\$96,460

G Construction	\$86,624	903 Douglas Ave.	\$5,197	\$91,821
G Construction	\$93,624*	907 Douglas Ave.	\$5,617	\$99,241
G Construction	\$93,624*	909 Douglas Ave.	\$5,617	\$99,241

It is noted that G Construction's original bid submission included a cost of \$86,624, which specified the same house design (the "Myrtle") for three adjacent lots. During discussions with staff, G Construction was informed that a diversity of designs was preferred. G Construction agreed to exchange two lot designs from the "Myrtle" to staff's selection of the "Foxgate" and "Four Square". Those changes will represent an increase in the non-heated square footage and other features at an additional cost of \$7,000 each. The increase in cost does not exceed the bid amount of the next lowest responsible bidder.

During home construction, staff will market the homes for sale to homebuyers who will occupy the properties as their primary residence. Purchase offers, once received, will be presented to the City Council for consideration and acceptance.

Once construction is completed, staff will secure appraisals and request the City Council establish fair market value prior to the acceptance of offers from prospective homebuyers. Staff estimates that the values will be in an amount equal to or greater than the amount of the construction costs. Eligible homebuyers will be offered financial assistance to assist with the purchase.

Fiscal Note:

Funds from the 1992 Affordable Housing Bond and HOME Investment Partnership will be used to construct the homes at a total cost of approximately \$579,683.

Recommendation:

City Council to authorize the City Manager to execute contracts for construction of six single-family units by designated general contractors as presented.

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

Attachments / click to download

- [Bid tab sheet 2](#)
- [Bid tab sheet 3](#)
- [Bid tab sheet 1](#)
- [410_Cadillac_Street_745668](#)
- [414_Cadillac_Street_745664](#)

 [600_Ford_Street_745665](#)

 [903_Douglas_Avenue_745669](#)

 [907_Douglas_Avenue_745670](#)

 [909_Douglas_Avenue_745671](#)



The Hadley - II

410 Cadillac Street



1205 sq. ft.

This single story bungalow style house of 1205 square feet features a large open living and dining area and private master bedroom suite, and includes a total of three bedrooms, two full bathrooms and a laundry area and U-shaped kitchen with a breakfast bar pass-through that opens to the dining room. The Craftsman inspired exterior offers a hip roof with side gables, large covered front porch. At 26 ft in width it is ideally suited for a narrow lot.

Also Available in:

- I - 1080 sq. ft.
- III - 1400 sq. ft.



FLOOR PLAN



The Haywood - II



414 Cadillac Street

1205 sq. ft.

This single story bungalow style house of 1205 square feet features a large open living and dining area with optional vaulted ceiling and a private master bedroom suite, and includes a total of three bedrooms, two full bathrooms and a laundry area and U-shaped kitchen with a breakfast bar pass-through that opens to the dining room. The Craftsman inspired exterior offers a gabled roof, large covered front porch. At 24 ft in width it is ideally suited for a narrow lot.

Also Available in:

- I - 1080 sq. ft.
- III - 1400 sq. ft.



FLOOR PLAN



The Hinton – I

600 Ford Street

House will increase overall by 2' in width to 30' x 44 adding 88 square feet.



1121 sq. ft.

This classic single story bungalow style house of 1121 square feet features a large living and dining area with optional trayed ceilings and a private master bedroom suite, and includes a total of three bedrooms, two full bathrooms, a laundry area and a centralized kitchen that opens to the dining room. The Craftsman inspired exterior offers a simple gabled roof, covered full front porch and side stoop as well as exterior storage.



FLOOR PLAN



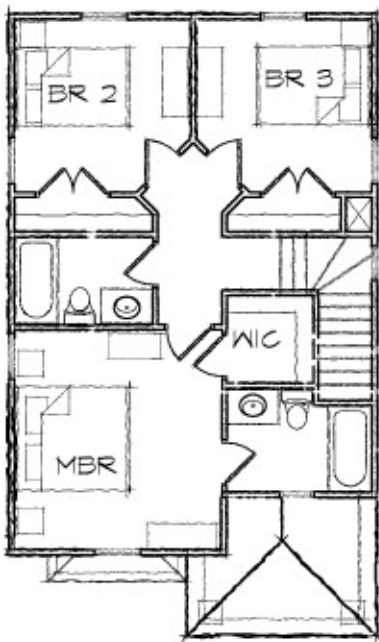
The Myrtle - I

903 Douglas Avenue

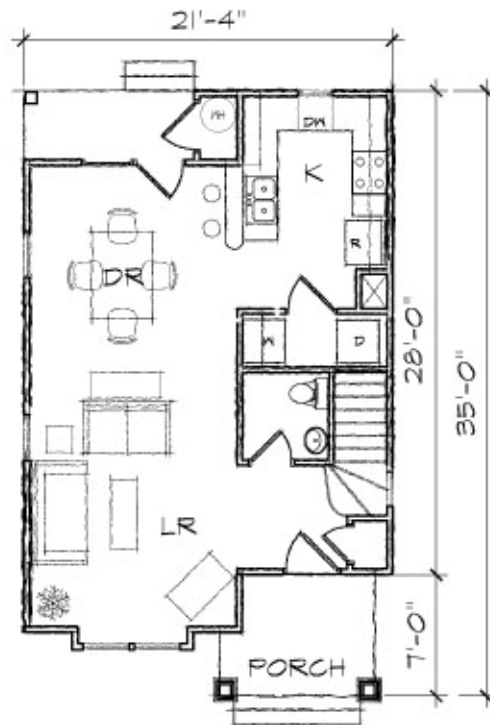


1198 sq. ft.

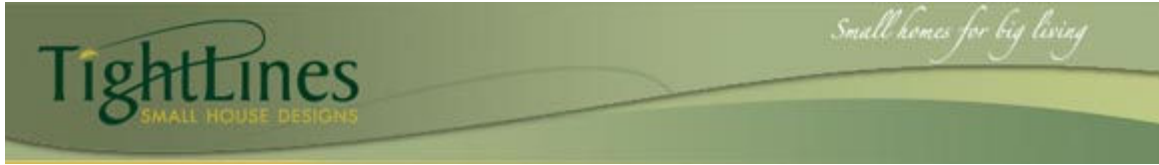
This two story Queen Anne style house of 1198 square feet features a spacious living and dining room area and a private master bedroom suite with a walk-in closet. This open floor plan includes a total of three bedrooms, two full bathrooms and a powder room, laundry room and U-shaped kitchen with a breakfast bar and opens to the dining room. The historically inspired exterior offers a double hip roof, a first floor projecting bay, a covered front and rear porch and exterior storage room. At 21'-4" ft in width it is ideally suited for a narrow lot.



UPPER PLAN



LOWER PLAN



The Four Square - I

907 Douglas Avenue



1167 sq. ft.

This classic two story Prairie style house of 1167 square feet features a large open living and dining area, spacious kitchen, a private master bedroom suite, and includes a total of three bedrooms, two full bathrooms, a laundry room, a powder room and U-shaped kitchen with a breakfast bar that opens to the dining room. The Craftsman inspired exterior offers a hip roof with a dormer, a full front porch covered with a hip roof, a covered rear porch, and exterior storage room. At 23'-4" in width it is ideally suited for a narrow lot.

Move front wall forward 1' to add 47 sq ft = 1214 sq ft



UPPER PLAN

LOWER PLAN



The Foxgate – I

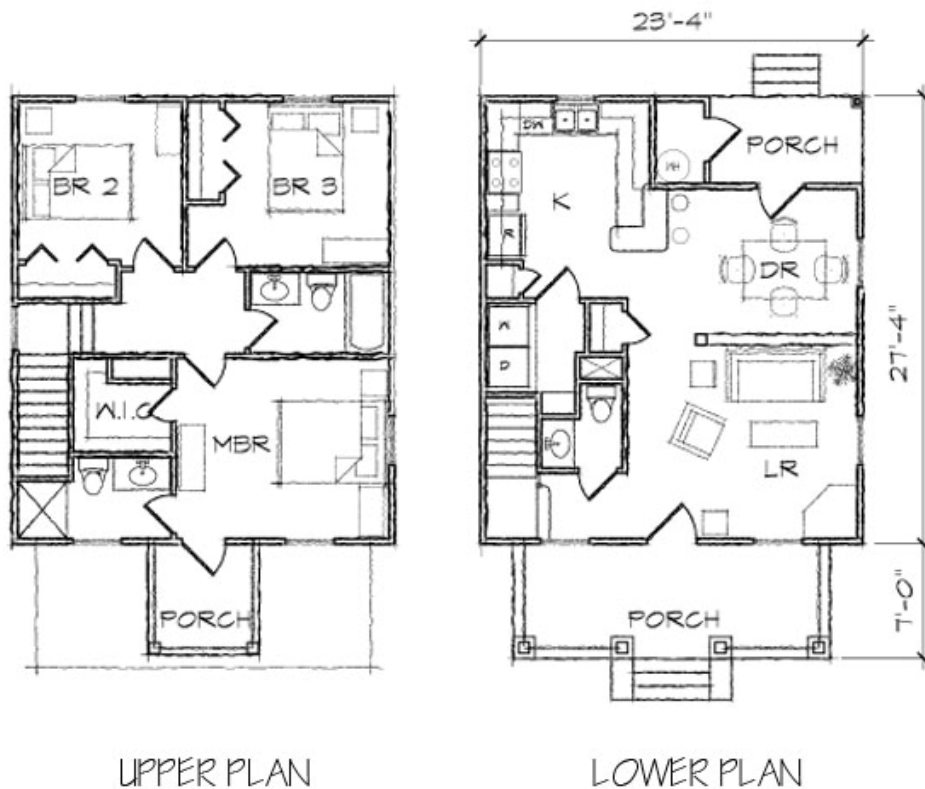
909 Douglas Avenue



1167 sq. ft.

This award winning two story Prairie style house of 1167 square feet features a large open living and dining area, spacious kitchen and a private master bedroom suite with upstairs balcony, and includes a total of three bedrooms, two full bathrooms, a laundry room, a powder room and U-shaped kitchen with a breakfast bar that opens to the dining room. The Craftsman inspired exterior offers a hiproof with a gabled balcony, a full front porch covered with a shed roof, covered rear porch, and exterior storage room. At 23'-4" in width it is ideally suited for a narrow lot.

Move front wall forward 1' to add 47 sq ft = 1214 sq ft



CITY OF GREENVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
HOUSING DIVISION

BID TABULATION SHEET

Date/Time: 2-01-2008 @ 10:00 am

Bid Opening: New Home Construction in the 45 Block Area of Greenville, Pitt County, North Carolina

GENERAL CONTRACTORS	BID AMOUNT	TIME RECORDED	COMMENTS
Fleming Builders	\$105,900.00	10:08	410 Cadillac
" " "	\$99,900.00	10:08	414 Cadillac
" " "	\$168,813.00	10:08	600 Ford
" " "	\$168,813.00	10:08	604 Ford
" " "	\$100,762.00	10:08	903 Douglas
" " "	\$162,339.00	10:08	907 Douglas
" " "	\$100,762.00	10:08	909 Douglas
" " "	\$100,762.00	10:08	706 Imperial

Bid opened and read by: Linda W. Mims

Staff Members Present:

Linda W. Mims, Loan Administrator: Linda W. Mims

Virgil Smith, Housing Rehab. Spec. NA

Mike Watson, Housing Rehab. Spec. Mike Watson

Witness: [Signature]

CITY OF GREENVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
HOUSING DIVISION

BID TABULATION SHEET

Date/Time: 2-01-2008 @ 10:00 am

Bid Opening: New Home Construction in the 45 Block Area of Greenville, Pitt County, North Carolina

GENERAL CONTRACTORS	BID AMOUNT	TIME RECORDED	COMMENTS
Meridian Design/Bld	\$110,000.00	10:13	410 Cadillac
" " "	\$105,000.00	10:13	414 Cadillac
" " "	\$105,000.00	10:14	604 Ford
" " "	\$110,000.00	10:14	600 Ford
" " "	\$110,000.00	10:14	766 Imperial

Bid opened and read by: Linda W. Mims

Staff Members Present:

Linda W. Mims, Loan Administrator: Linda W. Mims

Virgil Smith, Housing Rehab. Spec. N/A

Mike Watson, Housing Rehab. Spec. Mike Watson

Witness: [Signature]

CITY OF GREENVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
HOUSING DIVISION

BID TABULATION SHEET

Date/Time: 2-01-2008 @ 10:00 am

Bid Opening: New Home Construction in the 45 Block Area of Greenville, Pitt County, North Carolina

GENERAL CONTRACTORS	BID AMOUNT	TIME RECORDED	COMMENTS
Charles Hughes	\$ 91,600.00	10:00	410 Cadillac
" "	\$ 91,600.00	10:00	414 Cadillac
" "	\$ 91,600.00	10:00	600 Ford
" "	\$ 91,600.00	10:00	604 Ford
G. Construction	\$ 86,624	10:04	903 Douglas
* " " "	\$ 86,624	10:04	907 Douglas
* " " "	\$ 86,624	10:04	909 Douglas
Chance & Smith	\$ 103,700.00	10:06	706 Imperial
*Original bid submission included a cost of \$86,624, which specified the same design for three adjacent lots. During discussions with staff, G Construction was informed that diversity of designs was preferred. G Construction agreed to exchange two lot designs to "Foxgate and Four Square". Those changes will increase non-heated square footage and other features at an additional cost of \$7000 each.			

Bid opened and read by: Linda W. Mims

Staff Members Present:

Linda W. Mims, Loan Administrator: Linda W. Mims

Virgil Smith, Housing Rehab. Spec. N/A

Mike Watson, Housing Rehab. Spec. Mike Watson

Witness: Mully P. [Signature]



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Extension of and Amendment to Agreement with Greenville Public Access Television Corporation

Explanation: Greenville Public Access Television Corporation (GPAT) operates the public access channel that is cablecast on the cable television system operating within the corporate limits of the City pursuant to an agreement between the City and GPAT dated August 7, 2006. The agreement outlines the services and responsibilities of GPAT in providing public access programming and services. The agreement also provides for quarterly payments by the City to GPAT to be used for public access purposes if City Council approves an amount for this purpose in its annual budget. The approved amount for Fiscal Year 2007-08 was \$33,000 and the amount, if any, for Fiscal Year 2008-09 will be determined by Council in the upcoming budget process.

Extension

GPAT has requested, by the attached letter dated January 18, 2008, that the term of the agreement be extended in accordance with the provisions of the agreement. The agreement provides that GPAT may request an extension for two (2) additional periods of two (2) years each by submitting a letter on or before January 31 in the year in which the agreement is to expire. The letter meets this requirement. If the City agrees to the extension, the extension would be for a two (2) year period commencing on July 1, 2008, and terminating on June 30, 2010. Council approval of the extension is required. The agreement provides that, if the City agrees to the extension, a letter concurring with the extension is to be sent by May 15. If the extension is granted, GPAT can request another two (2) year extension in 2010.

Amendment

GPAT has also requested several amendments to the agreement. One of the provisions of the agreement provides that GPAT is to submit to the City an independent fiscal audit by a certified public accountant and, with its annual report, year-end financial statements audited by an independent certified public

accountant. In arranging to have this accomplished for the first full fiscal year which has been completed since the agreement was entered into, GPAT found that it would be very costly and more than what would be necessary for its small budget. Because of this, GPAT requested that the requirement for an audit be waived and instead, something different be required. City staff concurs that an audit is not necessary and a review and opinion of the financial statements and the filed IRS Form 990 by an independent certified public accountant would be sufficient. This method is consistent with the method applicable to entities of similar size receiving funds from United Way of Pitt County in compliance with United Way's Audit Policy. GPAT also requested a 60-day extension for the submission of this information for its FY 07-08 year and, in the future, having the date for submission of its annual report (including this information) be changed to September 1 rather than February 1 so as to conform to its fiscal year (July 1 to June 30). City staff also concurs that this change is appropriate. Finally, in reviewing the request for extension, the need for a clean-up amendment was discovered so that rather than the City's approval of a request for an extension being required to occur prior "to May 15, 2006", it will be required to occur prior to "May 15 in the year the agreement is to terminate."

In order to accomplish GPAT's request and the clean-up amendment, an amendment to the agreement is required. Attached is the Amendment to Agreement. Also attached is the agreement dated August 7, 2006.

Fiscal Note:

There will be a fiscal impact as a result of the extension of the agreement. The amount of the fiscal impact will be determined by City Council as a component of its budget deliberations for each fiscal year of the agreement.

Recommendation:

In order to extend the term of the agreement and amend the agreement, approval by Council is required. This can be accomplished by approval of a motion to extend the agreement for a two (2) year period commencing on July 1, 2008, and terminating on June 30, 2010 and to amend the agreement in accordance with the attached Amendment to Agreement.

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

Attachments / click to download

[Letter Requesting Amendment and Extension](#)

[August 7, 2006 Agreement](#)

[Amendment to Agreement re Greenville Public Access Television Corporation GPAT 741490](#)

**NORTH CAROLINA
COUNTY OF PITT**

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, made and entered into this the ____ day of February, 2008, by and between the City of Greenville, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter sometimes referred to as the CITY, and the Greenville Public Access Television Corporation, a North Carolina non-profit corporation, Party of the Second Part and hereinafter referred to as GPAT;

WITNESSETH:

WHEREAS, the parties hereto entered into an Agreement dated August 6, 2006, relating to the operation of a public access channel, said agreement being hereinafter referred to as the AGREEMENT; and

WHEREAS, the parties desire to amend the AGREEMENT;

NOW, THEREFORE, the parties hereto agree to amend the AGREEMENT as follows:

1) The AGREEMENT is amended by rewriting Section 12C so that it shall read as follows:

Year-end financial statements with an independent certified public accountant's review and opinion in conformity with Generally Accepted Accounting Principles, said independent certified public accountant to be acceptable to the Director of Financial Services of the CITY.

2) The AGREEMENT is amended by rewriting Section 13C so that it shall read as follows:

GPAT shall submit on an annual basis to the CITY a copy of Form 990 or 990EZ filed with the Internal Revenue Service and an independent certified public accountant's review and opinion in conformity with Generally Accepted Accounting Principles, said independent certified public accountant to be acceptable to the Director of Financial Services of the CITY.

3) The AGREEMENT is amended by rewriting the title of Section 13 so that it shall read as follows:

RECORDS, CPA REVIEW AND OPINION

4) The AGREEMENT is amended by granting to GPAT an extension of sixty (60) days to submit, as a component of the Annual Report to be submitted on February 1, 2008, the information identified in Section 12C and 13C.

5) The AGREEMENT is amended by rewriting Section 21B so that it shall read as follows:

If the CITY agrees to an extension, then the CITY shall respond to GPAT's letter of intent requesting an extension with a letter concurring with the extension on or before May 15 of the year in which the Agreement is to expire.

6) The AGREEMENT is amended by rewriting the first sentence of Section 12 so that it shall read as follows:

Prior to September 1 of each year, GPAT shall submit to CITY an annual report for the preceding fiscal year (July 1-June 30).

7) The amendments to the AGREEMENT set forth in sections 1, 2, 3, 4 and 5 of this Amendment to Agreement shall be effective as of the date of this Amendment to Agreement. The amendment to the AGREEMENT set forth in Section 6 of this Amendment to Agreement shall be effective on July 1, 2008.

8) All remaining terms and conditions of the AGREEMENT not amended by this Amendment to Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Agreement in duplicate originals, one of which is retained by each of the parties, as of the day and year first written above.

CITY OF GREENVILLE

BY: _____(SEAL)
Wayne Bowers, City Manager

GREENVILLE PUBLIC ACCESS
TELEVISION CORPORATION

BY: _____ (SEAL)
Cherie Speller, Chairperson

APPROVED AS TO FORM:

David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services

NORTH CAROLINA
_____ COUNTY

I, _____, Notary Public in and for the aforesaid County and State, do hereby certify that Cherie Speller, Chairperson of Greenville Public Access Television, Corporation, a nonprofit corporation, personally appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal, this the _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

NORTH CAROLINA
PITT COUNTY

I, _____, Notary Public in and for the aforesaid County and State, do hereby certify that Wayne Bowers, City Manager for the City of Greenville, personally appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal, this the _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

Greenville-Pitt Public Access Television
P.O. Box 8087
Greenville, N.C. 27835

January 18, 2008

Steve Hawley
Public Information Office
City of Greenville
P.O. Box 7207
Greenville, NC 27835-7207

Dear Mr. Hawley,

On behalf of the Greenville-Pitt Public Access Television Corporation, Inc., Board of Directors, I want to thank the City of Greenville for its financial support of public access television in Greenville from 2006 to 2008.

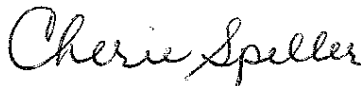
Through the city's annual support of \$33,333, GPAT has been able to lay the foundation for an active community television channel. An office/studio has been established and the channel has the necessary equipment and expertise to create basic local programming and to stay on air 24 hours a day.

As outlined in GPAT's current contract, the GPAT board is requesting that the agreement with the City be extended for two additional periods of two years each to continue to provide the channel for Greenville citizens.

The mission of GPAT, as it was incorporated through the City of Greenville in 1999, is to provide television by and for the residents of Greenville and Pitt County, and with the City's financial support, the channel will continue to meet that goal.

We look forward to the City's continued support as we work to build on this worthwhile endeavor.

Regards,



Cherie Speller
Chairperson

C: Dave Holec, attorney, City of Greenville
Wayne Bowers, manager, City of Greenville

NORTH CAROLINA
PITT COUNTY

AGREEMENT

THIS AGREEMENT, made and entered into this the 17th day of August, 2006, by and between the City of Greenville, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter sometimes referred to as the CITY, and Greenville Public Access Television Corporation, a North Carolina nonprofit corporation, Party of the Second Part and hereinafter sometimes referred to as the GPAT;

WITNESSETH

WHEREAS, the CITY desires to provide support for the use of a public access channel provided pursuant to federal law and the franchise agreement with the company which operates a cable television system within the corporate limits of the CITY; and

WHEREAS, GPAT, has indicated its interest in serving the community by operating the public access channel by providing public access programming and services.

NOW, THEREFORE, for and in consideration of the mutual benefits, covenants, and promises contained herein, the CITY and GPAT agree as follows:

1) **SCOPE OF SERVICES.** In exchange for the funding provided by the CITY to GPAT pursuant to this Agreement, GPAT shall provide the following services:

A. **Operate Public Access Cable Channel.** Operate the public access channel for public access programming purposes, with the primary purpose being to administer, coordinate, and assist those requesting access on a non-discriminatory basis.

B. **Provide Equal Access.** Provide access to the use of the equipment, facilities, channels, and services relating to the public access channel on a non-discriminatory basis to all members of the community for non-commercial programming purposes, whether individuals, groups, or organizations, on a first-come, first-served non-discriminatory basis, pursuant to operating rules promulgated by GPAT.

C. **Develop Operating Policies and Procedures.** Develop policies and procedures for use and operation of the public access equipment, facilities, and channel and file such policies and procedures with the CITY.

D. **Compliance with Laws, Rules, and Regulations.** Administer the public access channel and facilities in compliance with applicable laws, rules, and regulations.

E. Playback/Cablecast. Provide for the playback/cablecasting of programs on the public access channel. Programming must be on the public access channel at all times. Programming includes video and billboard/powerpoint but does not include screen savers. At least fifty percent (50%) of the video programming must originate from the area within Pitt County and at least fifty percent (50%) of said video programming originating from the area within Pitt County must come from nonprofit entities from Greenville or residents of Greenville. A daily schedule of programming on the public access channel will be generated and included as part of the daily billboard portion of the programming on the public access channel.

F. Maintenance of Equipment. Provide regular maintenance and repair of all video equipment purchased with funds received pursuant to this Agreement and/or donated, loaned, or leased to GPAT by the CITY.

G. Promotion. Promote the use and benefit of the public access channel and facilities to cable subscribers, the public, public access users, and nonprofit entities. Particular emphasis will be placed on promotion to nonprofit entities located in Greenville and Pitt County so as to make them aware of GPAT's presence and the benefits of having their videos on the public access channel.

2) **CHANNEL OPEN TO PUBLIC.** GPAT agrees to keep the public access channel open to all potential users regardless of their viewpoint, subject to Federal Communications Commission regulations and other relevant laws. Neither the CITY nor GPAT shall have the authority to control the content of programming placed on the public access channel so long as such programming is lawful. Provided that, nothing herein shall prevent GPAT or the CITY from producing or sponsoring programming, prevent GPAT or the CITY from underwriting programming, or prevent the CITY or GPAT from engaging in activities designed to promote production of certain types of programming or use by targeted groups as consistent with applicable law and rules for use of the channel. GPAT may develop and enforce policies and procedures which are designed to promote local use of the channel and make programming accessible to the viewing public, consistent with such time, manner and place regulation as are appropriate to provide for and promote use of the public access channel, equipment and facilities.

3) **INDEMNIFICATION.** GPAT shall indemnify, defend, and hold harmless the CITY, its officers, agents, and employees and volunteers from and against any and all claims, suits, actions, causes of action, losses, damage, or liabilities of any kind, nature or description,
Item # 11

including payment of litigation costs and attorneys' fees, brought by any person or persons for or on account of any loss, damage or injury to person, property or any other interest, tangible or intangible, sustained by or accruing to any person or persons, howsoever the same may be caused, directly or indirectly arising or resulting from any alleged acts or omission of GPAT, its officers, employees, agents or subcontractors arising out of or resulting from the performance of this Agreement.

GPAT shall indemnify and hold harmless CITY, its officers, agents, employees and volunteers from and against any and all claims or other injury, including costs of litigation and attorneys' fees, arising from or in connection with claims or loss or damage to person or property arising out of the failure to comply with any applicable laws, rules, regulations or other requirements of local, state or federal authorities, for claims of libel, slander, invasions of privacy, or infringement of common law or statutory copyright, for breach of contract or other injury or damage in law or at equity which claims, directly or indirectly, result from GPAT's use of channels, funds, equipment, facilities or staff granted under this Agreement or the franchise agreement.

The CITY shall indemnify, defend, and hold harmless GPAT, its officers, agents and employees from and against any and all claims, losses, liabilities, or damage including payment of reasonable attorneys' fees arising out of or resulting from the performance of this Agreement, caused in whole or part by any act or omission of the CITY.

4) **COPYRIGHT CLEARANCE.** Before cablecasting video transmissions, GPAT shall require all users to agree in writing that they shall make all appropriate arrangements to obtain all rights to all material cablecast and clearances from broadcast stations, networks, sponsors, music licensing organizations' representatives, and without limitation from the foregoing, any and all other persons as may be necessary to transmit its or their program material over the public access channel that is operated and managed by GPAT. GPAT shall maintain for the applicable statute of limitations for CITY's inspection, upon reasonable notice by CITY, copies of all such user agreements.

5) **COPYRIGHT AND OWNERSHIP.** GPAT shall own the copyright of any programs which it may choose from time to time to produce. The copyright of programming produced by the public shall be held by such person who produces said programming.

6) **DISTRIBUTION RIGHTS.**

A. GPAT shall require that all programs produced with funds, equipment, facilities, or staff provided under this Agreement shall be distributed on the channel whose use is

authorized by this Agreement. This requirement shall not be interpreted to restrict other distribution (beyond distribution on the channel authorized by this Agreement), so long as such other distribution is consistent with any pertinent guidelines established in the public access operating policies and procedures.

B. At least at the beginning and end of each day that video programming is cablecast on the public access channel whose use is authorized by this Agreement, GPAT shall display a credit stating that "Partial funding for the operation of this channel is provided by the City of Greenville". Such credit shall also state that opinions expressed in public access programs are the sole responsibility of the program producers.

7) **EQUIPMENT AND FACILITIES.**

A. GPAT shall be responsible for maintenance of all equipment and facilities purchased with funds provided pursuant to this Agreement.

B. GPAT shall own all equipment and facilities acquired by it and purchased with funds received pursuant to this Agreement, except that upon termination or non-renewal of this Agreement all such equipment or facilities purchased with funds received pursuant to this Agreement shall be transferred to the CITY.

C. Upon the dissolution of GPAT, it shall, subject to the approval of the CITY, transfer all assets of GPAT representing equipment and facilities purchased with funds provided pursuant to this Agreement, and/or the proceeds of either to the CITY, or at the CITY's option, to such organizations designated by the CITY to manage access which shall at the time qualify as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue Law).

8) **INSURANCE.** GPAT shall maintain in full force and effect at all times during the term of this Agreement insurance as required by this Section. The cost of such insurance shall be borne by GPAT and may be included in GPAT's annual budget.

A. **Comprehensive Liability Insurance.** Comprehensive liability insurance, including protective, completed operations and broad form contractual liability, property damage and personal injury coverage, and comprehensive automobile liability including owned, hired, and non-owned automobile coverage. The limits of such coverage shall be: (1) bodily injury including death, \$1,000,000 for each person, each occurrence and aggregate; (2) property damage, \$1,000,000 for each occurrence and aggregate.

B. Equipment Insurance. Insurance shall be maintained on all equipment and facilities, including fixtures, funded in whole or in part under this Agreement to replacement cost. The insurance shall include, at a minimum, insurance against loss or damage beyond the user's control, theft, fire or natural catastrophe.

C. Workers' Compensation. Workers' Compensation Insurance and Employer's Liability with limits as required by North Carolina law upon the employment of any individual as an employee of GPAT.

D. Cablecaster's Errors And Omission Insurance. Insurance shall be maintained to cover the content of productions which are cablecast on the public access channel in, at minimum, the following areas: libel and slander; copyright or trademark infringement; infliction of emotional distress, invasion of privacy; plagiarism; misuse of musical or literary materials. This policy shall not be required to cover individual access producers.

E. City as Co-Insured Or Additional Insured. The CITY shall be named as a co-insured or additional insured on all of the aforementioned insurance coverages. The policies shall provide that no cancellation, major change in coverage or expiration may be affected by the insurance company of GPAT without first giving the CITY thirty (30) days written notice prior to the effective date of such cancellation or change in coverage. Any insurance or self-insurance maintained by the CITY, its officers, agents, employees, or volunteers shall be in excess of the GPAT insurance and shall not contribute to it.

F. Notification Of Coverage. GPAT shall file with the CITY proof of insurance coverage as required by the provisions of this Section.

9) NON-DISCRIMINATION IN EMPLOYMENT AND SERVICE.

A. GPAT shall not discriminate against any person, employee or applicant for employment or subcontractor on the basis of race, color, creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap.

B. GPAT shall not discriminate in the delivery of services on the basis of race, color, creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap.

10) INDEPENDENT CONTRACTOR. It is understood and agreed that GPAT is an independent contractor and that no relationship of principal/agent or employer/employee exists between the CITY and GPAT. If in the performance of this Agreement any third persons are employed by GPAT, such persons shall be entirely and exclusively under the control, direction and supervision of GPAT. All terms of employment, including hours, wages, working

conditions, discipline, hiring and discharging or any other term of employment shall be determined by GPAT and the CITY shall have no right or authority over such persons or terms of employment.

11) **ASSIGNMENT.** Neither this Agreement nor any interest herein shall be assigned or transferred by GPAT, except as expressly authorized in writing by CITY.

12) **ANNUAL REPORT.** Prior to February 1 of each year, GPAT shall submit to CITY an annual report for the preceding calendar year (January 1 – December 31). This report shall contain, at a minimum, the following information:

- A. Statistics on programming and services provided including but not limited to the following:
 - 1. Amount of programming (number of programs and total time);
 - 2. Types of programming with a breakdown of the numbers and percentages of each;
 - 3. Breakdown of programming by source type (citizens, nonprofit entities, and location);
- B. Current and complete listing of GPAT's Board of Directors; and
- C. Year-end financial statements audited by an independent certified public accountant.

13) **RECORDS, FISCAL AUDIT.**

- A. GPAT shall maintain all necessary books and records, in accordance with generally accepted accounting principles.
- B. Upon reasonable request from CITY, GPAT shall, at any time during normal business hours, make available all of its records with respect to all matters covered by this Agreement and shall respond to all requests for information relating to all matters covered by this Agreement.
- C. GPAT shall have prepared on an annual basis and submit to the CITY an independent fiscal audit by a certified public accountant, said certified public accountant to be acceptable to the Director of Financial Services of the CITY.

14) **FUNDING AND OTHER RESOURCES.** The CITY agrees to make the following funds and resources available to GPAT:

- A. **Channel Capacity.** Certain channel capacity (spectrum on the cable system) has been dedicated for public access use either pursuant to a franchise agreement or

the provisions of law. The CITY agrees to permit GPAT to manage that channel capacity for public access programming purposes.

B. Funding for Public Access Facilities and Equipment and Public Access Services.

The CITY will provide to GPAT funds which have been approved in the annual budget of the CITY to be provided to GPAT for public access channel purposes. GPAT shall utilize such funds for the purposes delineated in Section 1 of this Agreement in accordance with the provisions of Section 16 of this Agreement. These funds shall be disbursed to GPAT on a quarterly basis, in accordance with the schedule specified in Section 17 of this Agreement.

C. Funding Discretionary. Notwithstanding any other provision of this Agreement, it is understood and agreed that the provision of funds to GPAT pursuant to this Agreement is dependent upon the approval of funds in the annual budget of the CITY to be provided to GPAT for public access channel purposes and that the approval of said funds in the annual budget of the CITY is in the sole discretion of City Council and City Council may or may not approve said funds in the annual budget of the CITY.

D. Government Access Channel Postings. The CITY will assist in soliciting local programming for the public access channel by including information on the government access channel on how to put local videos and community information on the public access channel. The CITY will include information on the government access channel about the schedule of programming on the public access channel.

15) ANNUAL PLAN AND BUDGET. On or before December 31 of each year in which this Agreement is in effect, GPAT shall provide to the CITY an Annual Plan and Budget outlining activities and programs planned for the following fiscal year beginning on July 1 and ending on June 30. Such plan shall contain:

1. A statement of anticipated number of hours of local original public access programming;
2. Training classes to be offered and frequency of classes;
3. Plans for increasing public use of the public access channel;
4. Other access activities planned by GPAT; and
5. A detailed operating and capital equipment and facilities budget.

16) **EXPENDITURE OF FUNDS.** For expenditures by GPAT prior to June 30, 2007, GPAT shall spend funds received from the CITY solely for purposes delineated in Section 1 of this Agreement. For expenditures after June 30, 2007, GPAT shall spend funds received from CITY solely for the purposes listed in its Annual Plan and Budget which are related to the purposes delineated in Section 1 of this Agreement. Funds not expended in the year covered by the Annual Plan and Budget may be carried over by GPAT into succeeding years. Upon termination of this Agreement all funds of any kind received from CITY and not expended by GPAT shall be returned to CITY. GPAT shall provide for such fiscal control and accounting procedures as are necessary to assure property disbursement and accounting for funds received from CITY.

17) **RECEIPT OF APPROVED FUNDING.** Provided that GPAT has complied with the provisions of this Agreement, CITY shall make quarterly payments to GPAT of the funds approved in the annual budget of the CITY to be provided to GPAT for public access channel purposes. Those payments shall be made in quarterly installments of twenty five percent (25%) of said amount approved in the annual budget of the CITY for the applicable fiscal year of the CITY, said quarterly installments to be made on or before August 15, November 15, February 15, and May 15.

18) **FUNDING FROM OTHER SOURCES.** GPAT may, during the course of this Agreement, receive supplemental funds from other sources, including, but not limited to, fundraising activities.

19) **TERM OF AGREEMENT.** This Agreement shall be for a period of two (2) years commencing on July 1, 2006, and ending on June 30, 2008, unless terminated earlier, as provided in this Agreement. This Agreement may be extended, by mutual agreement of the CITY and GPAT, in writing, for two additional periods of two (2) years each in accordance with Section 21 of this Agreement.

20) **TERMINATION OF AGREEMENT.**

A. The CITY shall have the right upon thirty (30) days written notice to GPAT to terminate this Agreement for:

1. Breach of any provision of this Agreement by GPAT;
2. Malfeasance, misfeasance, misappropriation of funds provided to GPAT pursuant to this Agreement;
3. Loss of 501(c)(3) status by GPAT;

4. Loss of dedicated channel capacity for public access programming purposes; or

5. Loss of the authority of the CITY to manage or designate a person or entity to manage the dedicated channel capacity for public access programming.

B. GPAT may avoid termination pursuant to Subsection (A)(1) above by curing any such breach to the satisfaction of the CITY within thirty (30) days of notification or within a time frame agreed to by the CITY and GPAT.

C. GPAT shall have the right upon thirty (30) days written notice to CITY to terminate this Agreement if the CITY approves an annual budget of the CITY for a fiscal year of the CITY during the term of this Agreement in which there are no funds which have been approved in said annual budget to be provided to GPAT for public access channel purposes, said right to terminate shall expire if written notice is not given to the CITY prior to the end of the fiscal year of the CITY in which funds have not been approved to be provided to GPAT for public access channel purposes.

21) **EXTENSION OF AGREEMENT.** This Agreement may be renewed or extended for two (2) additional periods of two (2) years each, pursuant to the following process:

A. If GPAT seeks an extension of this Agreement it shall submit to the CITY a letter of intent requesting extension on or before January 31 of the year in which the Agreement is to expire.

B. If the CITY agrees to the extension, then the CITY shall respond to GPAT's letter of intent requesting extension, with a letter concurring with the extension on or before May 15 of the year in which the Agreement is to expire.

22) **TIME.** Time is of the essence in this Agreement and for the performance of all covenants and conditions of this Agreement.

23) **COOPERATION.** Each party agrees to execute all documents and do all things necessary and appropriate to carry out the provision of this Agreement.

24) **APPLICABLE LAW.** This Agreement shall be interpreted and enforced under the laws of the State of North Carolina.

25) **NOTICES.** All notices and other communications to be given by either party may be given in writing, depositing the same in the United States mail, postage prepaid and

addressed to the appropriate party as follows:

TO:
City Manager
City of Greenville
P.O. Box 7207
Greenville, NC 27835

TO:
Chairperson
Greenville Public Access Television Corporation
P.O. Box 8087
Greenville, NC 27835

Addresses for the purpose of this section can be changed by written notice to the other party.

26) **ENTIRE AGREEMENT**. This Agreement is the entire agreement of the parties and supersedes all prior negotiations and agreements whether written or oral. This agreement may be amended only by written agreement and no purported oral amendment to this Agreement shall be valid.

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.

CITY OF GREENVILLE

BY: Wayne Bowers (SEAL)
Wayne Bowers, City Manager

GREENVILLE PUBLIC ACCESS
TELEVISION CORPORATION

BY: Cherie Speller (SEAL)
Cherie Speller, Chairperson

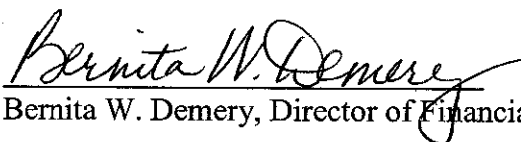
APPROVED AS TO FORM:



David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

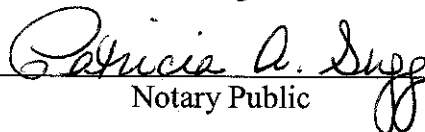


Bernita W. Demery, Director of Financial Services

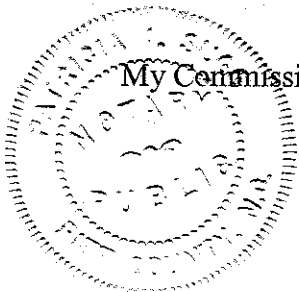
NORTH CAROLINA
Blk COUNTY

I, Patricia A. Sugg, Notary Public in and for the aforesaid County and State, do hereby certify that Cheryl Speller, Chairperson of Greenville Public Access Television, Corporation, a nonprofit corporation, personally appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal, this the 8th day of August, 2006.


Notary Public

My Commission Expires: 9-4-06



NORTH CAROLINA
PITT COUNTY

I, Donna H. Raynor, Notary Public in and for the aforesaid County and State, do hereby certify that Wayne Bowers, City Manager for the City of Greenville, personally appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal, this the 10th day of August, 2006.



Donna H. Raynor
Notary Public

My Commission Expires: 12/25/10



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Police Reserves and the Special Separation Allowance

Explanation: North Carolina General Statute 143-166.42 grants the governing body of each separate unit of local government the ability to determine the eligibility requirements for law enforcement retirees to receive the special separation allowance under the provisions of G.S. 128-27 (a). Currently, the City of Greenville allows retired Greenville Police Officers to be employed by any local government employer other than the City of Greenville without cessation of the payment of the special separation allowance (subject to other retirement system and state statutory eligibility requirements). State law specifically provides that employment with a State government employer does cause cessation of the special separation allowance, and the City cannot alter this statutory provision.

It is recommended that City Council allow retired Greenville Police Officers to provide services to the City of Greenville as a periodic paid reserve or in a temporary part-time capacity without cessation of their special separation allowance. In accordance with the requirements of the local retirement system and state statutes, the maximum annual compensation which a retired law enforcement officer may receive from a local government employer prior to losing eligibility for local government retirement system payments and the special separation allowance is \$28,060 or fifty (50) percent of their compensation, excluding termination payments, of their pay reported to the Retirement System during the twelve (12) months preceding the effective day of their retirement, whichever is greater, and the maximum annual hours worked cannot exceed 1,000 hours. City Council has the authority to further limit this and, currently, any re-employment with the City of Greenville (in a reserve capacity or otherwise) would result in the loss of the special separation allowance while employment with another local government employer up to the allowed maximum amount of compensation and hours worked would not. If City Council approves this recommendation, officers would be allowed to earn and work up to the allowable maximum amounts with the City of Greenville without loss of their special separation allowance. In other words, the same limitation would apply whether the retired law enforcement officer receives compensation from the City of Greenville or any other local government employer.

The Greenville Police Department was authorized the use of reserve officers by the City Council early last year. To date, there are no reserves participating in the program. The program could make use of officers interested in maintaining their certification but not currently employed elsewhere. Generally, these officers are either recently separated from another jurisdiction or recent graduates of Basic Law Enforcement Training. Before any of these officers can be effective, a great deal of training and orientation is required. The greatest source of certified officers that requires no training or orientation is recently retired officers from the Greenville Police Department. Interest in the program has been high among recent retirees. However, these officers are not eligible to receive any compensation for their participation without jeopardizing their special separation allowance.

Retired officers of the Greenville Police Department already possess the level of training and skills in great demand by the Police Department. They also possess knowledge of the Department and City that other reserves and temporary employees lack. These officers in a reserve capacity could provide services to the Department and eliminate the expense of paying the benefits of a full-time employee and alleviate the need to pay overtime at a much higher rate. At present, the rate of pay for a reserve officer has not been established.

Retired reserve officers could provide many valuable services to the City and community. There are positions in the Police Athletic League, including the Executive Director, that these reserves could fill. During special events and operations, the Department could supplement the ranks without incurring expensive overtime costs. Reserves could also supplement general patrol to maintain minimum staffing or provide prisoner transport to maintain officer presence in their assigned area. This would be especially beneficial in conjunction with the downtown deployment plan.

Currently, retired City police officers are taking the training, knowledge, and skills obtained from the City of Greenville and providing them to other local government agencies in the Pitt County area. Pitt County recently passed a similar resolution in an effort to encourage retired deputies to continue to provide services to the County in an as-needed capacity. The City of Greenville and the Greenville Police Department would greatly benefit from a similar arrangement.

Finally, in the ordinance which provided for reserve officers, their potential compensation was to be as set forth in the Manual of Fees. However, the purpose of the Manual of Fees is to set forth the fees paid by outside individuals or organizations for specific services rendered by the City rather than fees paid by the City to individuals. Therefore, it would be more appropriate to have the compensation established by the Chief of Police with the approval of the City Manager rather than by the Manual of Fees. This arrangement also allows more flexibility.

Fiscal Note:

Greenville Police Department reserve officers will be compensated as part of the

existing budget for the Police Department.

Recommendation: City Council approve the attached resolution which will allow retired Greenville Police Officers to provide services to the City of Greenville as a periodic paid reserve or in a temporary part-time capacity without cessation of their special separation allowance and that City Council approve the attached ordinance which provides that the compensation to be paid police reserve officers will be at a rate set by the Chief of Police with the approval of the City Manager.

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

Attachments / click to download

- [RESOLUTION_DETERMINING_THE_ELIGIBILITY_REQUIREMENTS_FOR_THE_SEPARATION_ALLOWANCE_FOR_LAW_ENFORCEMENT](#)
 - [AN_ORDINANCE_AMENDING_SECTION_5_1_10_OF_THE_GREENVILLE_CITY_CODE_RELATING_TO_THE_COMPENSATION_OF_RESEI](#)
-

RESOLUTION NO. 08-

RESOLUTION DETERMINING THE ELIGIBILITY REQUIREMENTS FOR THE
SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS

WHEREAS, Article 12D of Chapter 143 of the North Carolina General Statutes provides that eligible law enforcement officers employed by local government employers receive a special separation allowance;

WHEREAS, North Carolina General Statute 143-166.42 provides that the governing body for each unit of local government is responsible for making determinations of eligibility for their local officers retired under the provisions of G.S. 128-27 (a); and

WHEREAS, a determination as to what constitutes re-employment for the purpose of cessation of the special separation allowance is required;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that, for the purpose of the determination of eligibility for the special separation allowance for law enforcement officers pursuant to the requirements for Article 12D of Chapter 143 of the North Carolina General Statutes, employment by any State department, agency, or institution shall cause the cessation of the payment of the special separation allowance to an individual while employment by any local government employer or the City of Greenville shall not cause the cessation of the payment of the special separation allowance to an individual otherwise qualified to receive the payment of the special separation allowance provided that the employment with the local government employer or the City of Greenville does not cause the individual to no longer qualify for the receipt of local government retirement system payments in accordance with the eligibility requirements established for the local government retirement system.

This the 18th day of February, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 08-___

AN ORDINANCE AMENDING SECTION 5-1-10 OF THE GREENVILLE CITY CODE
RELATING TO THE COMPENSATION OF RESERVE POLICE OFFICERS

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

Section 1. That Section 5-1-10 of the Code of Ordinances, City of Greenville, is hereby amended to read as follows:

Section 5-1-10. Reserve police officers - Compensation

Reserve police officers serving or appointed pursuant to this article shall be entitled to compensation from the city at a rate set by the chief of police and approved by the city manager.

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 upon its adoption.

This the 18th day of February, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/18/2008
Time: 6:00 PM

Title of Item: Agreement for Financial Advisory Services

Explanation: Over the past few months, the City of Greenville and Greenville Utilities Commission (GUC) sent proposals and interviewed several companies in search of a Financial Advisor to serve both entities. In November 2007, as a result of sending a Request For Proposals (RFPs) to 13 companies, six responses were received. First Southwest Company, Defining Emerging Concepts (DEC Associates), Merchant Capital, L.L.C., Public Financial Management, Inc. (The PFM Company), Public Resources Advisory Group & Southeastern Public Advisory Group (PRAG), and Raymond James submitted proposals. These proposals were reviewed by a Staff Selection Committee comprised of management team members from both the City of Greenville and GUC.

Each submitted proposal was evaluated on 1) prior experience, 2) prior experience in North Carolina, 3) organization capacity and structure, 4) responsiveness of the proposal, 5) qualifications of the staff to be assigned, and 6) service costs. Based on individual assessments of the aforementioned factors, the Selection Committee decided to interview four firms: First Southwest Company, DEC Associates, PFM Company, and PRAG.

At the conclusion of the interviews on December 7, 2007, the Selection Committee discussed the responses given and each agency's abilities and limitations. After reviewing each Selection Committee member's evaluation of each firm interviewed, the Committee recommends First Southwest Company and thinks the City and GUC would be best served based on the following:

* Experience/ organizational capacity	*Level of integrity/reputation of references
*Willingness to analyze trades to ensure best pricing	*History with the Local Government Commission
*Ability to provide additional Advisory services beyond the scope of debt issuances	

The GUC Board approved the selection of First Southwest as financial advisor on January 15, 2008.

Fiscal Note:

The services provided by First Southwest will be negotiated and paid from each debt issuance. The amount negotiated will be based upon the size, type, and method of the offering. This process is consistent with what the City and GUC have done in the past. From time to time, the City or GUC may desire additional financial advisory services for matters that are not directly related to pending bond transactions. In such instances, the fees will be based on an hourly rate.

Recommendation:

The City Council approve the attached Financial Advisory Agreement with First Southwest Company to provide financial advisory services for an initial period of three years with an option to extend the contract term for an additional two-year period.

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

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FINANCIAL ADVISORY AGREEMENT

This Financial Advisory Agreement (the “Agreement”) is made and entered into by and between the City of Greenville, North Carolina (the “Issuer”) and First Southwest Company (“FSC”) effective as of the date executed by the Issuer as set forth on the signature page hereof.

The Agreement is a result of the Issuer’s Request for Proposals for Financial Advisory Services, dated October 29, 2007 (the “RFP”) and FSC’s Proposal to Provide Financial Advisory Services, dated November 14, 2007 (the “Proposal”), each of which are attached hereto and incorporated herein by this reference. In the event of a conflict between the RFP and the Agreement or the Proposal and the Agreement, the terms and conditions of the Agreement shall control.

WITNESSETH:

WHEREAS, the Issuer will have under consideration from time to time the authorization and issuance of indebtedness in amounts and forms which cannot presently be determined and, in connection with the authorization, sale, issuance and delivery of such indebtedness, Issuer desires to retain an independent financial advisor; and

WHEREAS, the Issuer desires to obtain the professional services of FSC to advise the Issuer regarding the issuance and sale of certain evidences of indebtedness or debt obligations that may be authorized and issued or otherwise created or assumed by the Issuer (hereinafter referred to collectively as the “Debt Instruments”) from time to time during the period in which this Agreement shall be effective; and

WHEREAS, FSC is willing to provide its professional services and its facilities as financial advisor in connection with all programs of financing as may be considered and authorized by Issuer during the period in which this Agreement shall be effective.

NOW, THEREFORE, the Issuer and FSC, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, do hereby agree as follows:

SECTION I DESCRIPTION OF SERVICES

Upon the request of an authorized representative of the Issuer, FSC agrees to perform the financial advisory services stated in the following provisions of this Section I; and for having rendered such services, the Issuer agrees to pay to FSC the compensation as provided in Section V hereof.

A. Financial Planning. At the direction of Issuer, FSC shall:

1. Survey and Analysis. Conduct a survey of the financial resources of the Issuer to determine the extent of its capacity to authorize, issue and service any Debt Instruments contemplated. This survey will include an analysis of any existing debt structure as compared with the existing and projected sources of revenues which may be pledged to secure payment of debt service and, where appropriate, will include a study of the trend of the assessed valuation, taxing power and present and future taxing requirements of the Issuer. In the event revenues of existing or projected facilities operated by the Issuer are to be pledged to repayment of the Debt Instruments then under consideration, the survey will take into account any outstanding indebtedness payable from the revenues thereof, additional revenues to be available from any proposed rate increases and additional revenues, as projected by consulting engineers employed by the Issuer, resulting from improvements to be financed by the Debt Instruments under consideration.

2. Future Financings. Consider and analyze future financing needs as projected by the Issuer's staff and consulting engineers or other experts, if any, employed by the Issuer.

3. Recommendations for Debt Instruments. On the basis of the information developed by the survey described above, and other information and experience available, submit to the Issuer recommendations regarding the Debt Instruments under consideration, including such elements as the date of issue, interest payment dates, schedule of principal maturities, options of prior payment, security provisions, and such other provisions as may be appropriate in order to make the issue attractive to investors while achieving the objectives of the Issuer. All recommendations will be consistent with the goal of designing the Debt Instruments to be sold on terms which are advantageous to the Issuer, including the lowest interest cost consistent with all other considerations.

4. Market Information. Advise the Issuer of its interpretation of current bond market conditions, other related forthcoming bond issues and general information, with economic data, which might normally be expected to influence interest rates or bidding conditions so that the date of sale of the Debt Instruments may be set at a favorable time.

5. Elections. In the event it is necessary to hold an election to authorize the Debt Instruments then under consideration, FSC will assist in coordinating the assembly of such data as may be required for the preparation of necessary petitions, orders, resolutions, ordinances, notices and certificates in connection with the election, including assistance in the transmission of such data to a firm of municipal bond attorneys (“Bond Counsel”) retained by the Issuer.

B. Debt Management and Financial Implementation. At the direction of Issuer, FSC shall:

1. Method of Sale. Evaluate the particular financing being contemplated, giving consideration to the complexity, market acceptance, rating, size and structure in order to make a recommendation as to an appropriate method of sale, and:

a. If the Debt Instruments are to be sold by an advertised competitive sale, FSC will:

(1) Supervise the sale of the Debt Instruments, reserving the right, alone or in conjunction with others, to submit a bid for any Debt Instruments issued under this Agreement which the Issuer advertises for competitive bids; however, in keeping with the provisions of Rule G-23 of the Municipal Securities Rulemaking Board, FSC will request and obtain written consent to bid prior to submitting a bid, in any instance wherein FSC elects to bid, for any installment of such Debt Instruments;

(2) Disseminate information to prospective bidders, organize such informational meetings as may be necessary, and facilitate prospective bidders’ efforts in making timely submission of proper bids;

(3) Assist the staff of the Issuer in coordinating the receipt of bids, and the tabulation and comparison of submitted bids; and

(4) Advise the Issuer regarding the best bid and provide advice regarding acceptance or rejection of the bids.

b. If the Debt Instruments are to be sold by negotiated sale, FSC will:

(1) Upon request, counsel with the Issuer in the selection of an investment banking firm to serve as manager of an underwriting syndicate for the purpose of negotiating the purchase of the Debt Instruments.

(2) Cooperate with and assist any selected managing underwriter and their counsel in connection with their efforts to prepare any Official Statement or Offering Memorandum. FSC will cooperate with and assist the underwriters in the preparation of a bond purchase contract, an underwriter's agreement and other related documents. The costs incurred in such efforts, including the printing of the documents, will be paid in accordance with the terms of the Issuer's agreement with the underwriters, but shall not be or become an obligation of FSC, except to the extent specifically provided otherwise in this Agreement or assumed in writing by FSC.

(3) Assist the staff of the Issuer in the safekeeping of any good faith checks, to the extent there are any such, and provide a cost comparison, for both expenses and interest which are suggested by the underwriters, to the then current market.

(4) Advise the Issuer as to the fairness of the price offered by the underwriters.

2. Offering Documents. Coordinate the preparation of the notice of sale and bidding instructions, official statement, official bid form and such other documents as may be required and submit all such documents to the Issuer for examination, approval and certification. After such examination, approval and certification, FSC shall provide the Issuer with a supply of all such documents sufficient to its needs and distribute by mail or, where appropriate, by electronic delivery, sets of the same to prospective purchasers of the Debt Instruments. Also, FSC shall provide copies of the final Official Statement to the purchaser of the Debt Instruments in accordance with the Notice of Sale and Bidding Instructions.

3. Credit Ratings. Make recommendations to the Issuer as to the advisability of obtaining a credit rating, or ratings, for the Debt Instruments and, when directed by the Issuer, coordinate the preparation of such information as may be appropriate for submission to the rating agency, or agencies. In those cases where the advisability of personal presentation of information to the rating agency, or agencies, may be indicated, FSC will arrange for such personal presentations, utilizing such composition of representatives from the Issuer as may be finally approved or directed by the Issuer.

4. Trustee, Paying Agent, Registrar. Upon request, counsel with the Issuer in the selection of a Trustee and/or Paying Agent/Registrar for the Debt Instruments, and assist in the negotiation of agreements pertinent to these services and the fees incident thereto.

5. Financial Publications. When appropriate, advise financial publications of the forthcoming sale of the Debt Instruments and provide them with all pertinent information.

6. Consultants. After consulting with and receiving directions from the Issuer, arrange for such reports and opinions of recognized independent consultants as may be appropriate for the successful marketing of the Debt Instruments.
7. Auditors. In the event formal verification by an independent auditor of any calculations incident to the Debt Instruments is required, make arrangements for such services.
8. Issuer Meetings. Attend meetings of the governing body of the Issuer, its staff, representatives or committees as requested at all times when FSC may be of assistance or service and the subject of financing is to be discussed.
9. Printing. To the extent authorized by the Issuer, coordinate all work incidents to printing of the offering documents and the Debt Instruments.
10. Bond Counsel. Maintain liaison with Bond Counsel in the preparation of all legal documents pertaining to the authorization, sale and issuance of the Debt Instruments.
11. Changes in Laws. Provide to the Issuer copies of proposed or enacted changes in federal and state laws, rules and regulations having, or expected to have, a significant effect on the municipal bond market of which FSC becomes aware in the ordinary course of its business, it being understood that FSC does not and may not act as an attorney for, or provide legal advice or services to, the Issuer.
12. Delivery of Debt Instruments. As soon as a bid for the Debt Instruments is accepted by the Issuer, coordinate the efforts of all concerned to the end that the Debt Instruments may be delivered and paid for as expeditiously as possible and assist the Issuer in the preparation or verification of final closing figures incident to the delivery of the Debt Instruments.
13. Debt Service Schedule; Authorizing Resolution. After the closing of the sale and delivery of the Debt Instruments, deliver to the Issuer a schedule of annual debt service requirements for the Debt Instruments and, in coordination with Bond Counsel, assure that the paying agent/registrar and/or trustee has been provided with a copy of the authorizing ordinance, order or resolution.
14. Exercising Calls and Refunding. Provide advice and assistance with regard to exercising any call and/or refunding of any outstanding Debt Instruments.
15. Capital Improvements Programs. Provide advice and assistance in the development of any capital improvements programs of the Issuer.

16. Long-Range Planning. Provide advice and assistance in the development of other long-range financing plans of the Issuer.

17. Post-Sale Services. Subsequent to the sale and delivery of Debt Instruments, review the transaction and transaction documentation with legal counsel for the Issuer, Bond Counsel, auditors and other experts and consultants retained by the Issuer and assist in developing appropriate responses to legal processes, audit procedures, inquiries, internal reviews and similar matters.

SECTION II OTHER AVAILABLE SERVICES

In addition to the services set forth and described in Section I herein above, FSC agrees to make available to Issuer the following services, when so requested in writing by the Issuer and subject to the written agreement by Issuer and FSC regarding the compensation, if any, to be paid for such services, it being understood and agreed that the services set forth in this Section II, prior to the services being performed, require further written agreement as to the compensation to be received by FSC for such services:

1. Investment of Funds. From time to time, as an incident to the other services provided hereunder as financial advisor, FSC may purchase such investments as may be directed and authorized by Issuer to be purchased, it being understood that FSC will be compensated in the normal and customary manner for each such transaction except that any compensation to be received from the Issues, shall be agreed upon in writing prior to the transaction. In any instance wherein FSC may become entitled to receive fees or other compensation in any form from a third party with respect to these investment activities on behalf of Issuer, FSC will disclose to Issuer the nature and, to the extent such is known, the amount of any such compensation so that Issuer may consider the information in making its investment decision. It is understood and agreed that FSC is a duly licensed broker/dealer and is affiliated with First Southwest Asset Management, Inc. ("FSAMI"), a duly registered investment advisor. Issuer may, from time to time, utilize the broker/dealer services of FSC and/or the investment advisory services of FSAMI with respect to matters which do not involve or affect the financial advisory services referenced in this Agreement. The terms and conditions of the engagement of FSC and/or FSAMI to provide such services shall be determined by mutual agreement at the time such services are requested.

SECTION III TERM OF AGREEMENT

This Agreement shall become effective as of the date executed by the Issuer as set forth on the signature page hereof and, unless terminated by either party pursuant to Section IV of this Agreement, shall remain in effect thereafter for a period of three (3) years from such date. Unless terminated by either party pursuant to Section IV of this Agreement, at the end of the initial three (3) year period, Issuer shall have the option to extend the term of this Agreement for an additional two (2) year period.

SECTION IV TERMINATION

This Agreement may be terminated with or without cause by the Issuer or FSC upon the giving of at least thirty (30) days' prior written notice to the other party of its intention to terminate, specifying in such notice the effective date of such termination. In the event of such termination, it is understood and agreed that only the amounts due FSC for services provided and expenses incurred to the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement.

SECTION V COMPENSATION AND EXPENSE REIMBURSEMENT

The fees due to FSC for the services set forth and described in Section I of this Agreement with respect to each issuance of Debt Instruments during the term of this Agreement shall be calculated in accordance with the schedule set forth on Appendix A attached hereto. Unless specifically provided otherwise on Appendix A or in a separate written agreement between Issuer and FSC, such fees, together with any other fees as may have been mutually agreed upon and all expenses for which FSC is entitled to reimbursement, as specified in Appendix A., shall become due and payable concurrently with the delivery of the Debt Instruments to the purchaser.

SECTION VI MISCELLANEOUS

1. Choice of Law. The Financial Advisor shall comply with all applicable laws, orders and codes of the Federal, State, and local Governments as they pertain to this Agreement.

2. Binding Effect; Assignment. This Agreement shall be binding upon and inure to the benefit of the Issuer and FSC, their respective successors and assigns; provided however, neither party hereto may assign or transfer any of its rights or obligations hereunder without the prior written consent of the other party.

3. Entire Agreement. This instrument contains the entire agreement between the parties relating to the rights herein granted and obligations herein assumed. Any oral or written representations or modifications concerning this Agreement shall be of no force or effect except for a subsequent modification in writing signed by all parties hereto.

4. Insurance: The Financial Advisor shall purchase and maintain insurance coverage including General Liability insurance in the amount of \$2 million general aggregate with a \$5 million umbrella and maintain a fidelity blanket bond coverage of \$5 million with \$10 million annual aggregate. The Financial Advisor shall furnish the City with a Certificate evidencing insurance coverage as above and an Endorsement with the City named as an Additional Insured.

5. Equal Employment Opportunity: It is the policy of the Financial Advisor to provide equal employment opportunity to all persons without regard to there age, race, color, religion, sex, national origin, physical disability or handicap. Personnel actions, which include recruiting and hiring, selection for training, compensation, transfer, working conditions, benefits and privileges, promotion and termination, will be administered to all employees without discrimination. In pursuing this policy, it is the Financial Advisor's intention to further the principles of equal employment opportunity by the employment of minority groups and women, within the constraints of availability and appropriate qualifications. Promotion decisions will continue to be made in accord with the principles of equal employment opportunity in all personnel actions aimed at assuring true equality of employment and a work environment without discrimination.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day hereinabove first mentioned.

Approved as to Form

David E. Holec, City Attorney

CITY OF GREENVILLE, NORTH CAROLINA

By: _____
Wayne Bowers, City Manager

ATTEST:

Wanda T. Elks, City Clerk

FIRST SOUTHWEST COMPANY

By: _____
Hill A. Feinberg, Chairman and
Chief Executive Officer

By: _____
Janice T. Burke, Senior Vice President

By: _____
J. Walter Goldsmith, Vice President

Date: _____

ATTEST:

Secretary

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services

APPENDIX A

The fees due FSC will not exceed those contained in our customary fee schedule as listed below.

\$9,000	for the first	\$ 1,000,000	of bonds issued
plus \$ 4.00 per \$1,000	for the next	\$ 4,000,000	of bonds issued
plus \$ 2.00 per \$1,000	for the next	\$ 5,000,000	of bonds issued
plus \$ 1.00 per \$1,000	for the next	\$ 40,000,000	of bonds issued
plus \$.75 per \$1,000	thereafter		

Swap Advisory Services: Fees with respect to the review and evaluation of Swap proposals received by Issuer shall be billed at \$225/hour; Fees with respect to the execution of a competitively bid Swap by Issuer (without a First Southwest Company fair value opinion) shall be billed at \$225/hour; and Fees with respect to the execution of a negotiated Swap by Issuer (with a First Southwest Company fair value opinion) shall be negotiated based on size, structure, complexity, and options included in the Swap.

Bidding Investment Agreement Services: Compensation to FSC for bidding investment agreement services shall be calculated in accordance with the then current Internal Revenue Service safe harbor regulations. Currently the Internal Revenue Service calculation is the lesser of: (a) \$32,000 or (b) 0.2 percent of the securities' computation base (as defined in §1.148-5(e)(2)(iii)(B)(2)) or, if more, \$3,000 and the issuer does not treat more than \$90,000 in brokers' commissions or similar fees as qualified administrative costs with respect to all guaranteed investment contracts and investments for yield restricted defeasance escrows purchased with gross proceeds of the issue.

The payment of charges for financial advisory services described in Section I of the foregoing Agreement shall be contingent upon the delivery of bonds and shall be due at the time that bonds are delivered. The payment of charges for services described in Section II of the foregoing Agreement shall be due and payable in accordance with the mutual agreement therefor between FSC and Issuer.

The Issuer shall be responsible for the following expenses, if and when applicable, whether they are charged to the Issuer directly as expenses or charged to the Issuer by FSC as reimbursable expenses:

- Bond counsel
- Bond printing
- Bond ratings
- Computer structuring
- Credit enhancement
- CPA fees for refunding
- Official statement preparation and printing
- Paying agent/registrar/trustee
- Underwriter and underwriters counsel

The payment of reimbursable expenses that FSC has assumed on behalf of the Issuer shall NOT be contingent upon the delivery of bonds and shall be due at the time that services are rendered and payable upon receipt of an invoice therefor submitted by FSC.