



Agenda

Greenville City Council

October 9, 2008
7:00 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. Appointments**
 1. Appointments to Boards and Commissions
- VII. New Business**

Public Comment Period

- The Public Comment Period is a period reserved for comments by the public. Items that were the subject of a public hearing at this meeting shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

Other Items of Business

2. Presentation by Pitt County Development Commission

3. Revisions to the City of Greenville Neighborhood Traffic Calming Guidelines
4. Alternative ways to increase recycling
5. Ordinance amending Section 9 of Chapter 1 of Title 12 of the City Code relating to false alarms
6. Resolution imposing a gross receipts tax on the short-term lease or rental of heavy equipment
7. Agreement for federal lobbying services with The Ferguson Group
8. Lease Agreement with City of Wilson for a portion of Greenville Utilities Commission's Winterville Electric Substation property

VIII. Comments from Mayor and City Council

IX. City Manager's Report

X. Adjournment



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments or reappointments need to be made to the Community Appearance Commission, Human Relations Council, Investment Advisory Committee, Police Community Relations Committee, Sheppard Memorial Library Board, and Youth Council, and a recommendation needs to be made to fill the County vacancy on the Pitt-Greenville Convention and Visitors Authority.

Fiscal Note: No fiscal impact.

Recommendation: To make appointments or reappointments to the Community Appearance Commission, Human Relations Council, Investment Advisory Committee, Police Community Relations Committee, Sheppard Memorial Library Board, and Youth Council, and to make a recommendation to fill the County vacancy on the Pitt-Greenville Convention and Visitors Authority.

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[Appointments To Boards and Commissions](#) [City Council Meetings Agenda Deadline Material 138519](#)

Appointments To Boards and Commissions

October 9, 2008

Community Appearance Commission

Council Liaison: Council Member Larry Spell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Doreen Winston	First term	Did not meet attendance requirements	April 2010

Human Relations Council

Council Liaison: Mayor Pro-Tem Mildred A. Council

Regular Members

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Mary Bragaw	Second term	Ineligible	September 2008
Reginald Watson	Second term	Ineligible	September 2008

Student Representatives from High Schools

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Shampa Panda	Filling unexpired term	Eligible	October 2008
Ben Stephenson	Third term	Eligible	October 2008

Student Representatives from Higher Educational Institutions

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Keisha Staton	Second term	Eligible	October 2008
Stanley Howard	Second term	Eligible	October 2008

Investment Advisory Committee

Council Liaison: Council Member At-Large Bryant Kittrell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
William Wilkerson	Initial term	Eligible	October 2008

Pitt-Greenville Convention and Visitors Authority

Council Liaison: Mayor Pro-Tem Mildred A. Council

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Dawn Cribari (1) (County)	Second term	Ineligible	July 2008

(1) Owners/operators of hotels/motels

Police Community Relations Committee

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Richard Crisp (At-Large)	Filling unexpired term	Eligible	October 2008
Michael McCammon (District 3)	Second term	Ineligible	October 2008
Regina Wallace (District 2)	Second term	Ineligible	October 2008
Dennis Winstead (Mayoral)	Filling unexpired term	Eligible	October 2008

Sheppard Memorial Library

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Jeffrey Coghill	First term	Eligible	October 2008
Don Marr	Second term	Ineligible	October 2008

Youth Council

Council Liaison: Mayor Pro-Tem Mildred A. Council

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Arun Ajmera	First term	Eligible	September 2008
JerNetti Burney	First term	Ineligible 2008 Graduate	September 2008
Matthew Edwards	Second term	Eligible	September 2008

Youth Council (cont.)

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
James Everett	First term	Ineligible 2008 Graduate	September 2008
Jonathan Hand	Third term	Ineligible 2008 Graduate	September 2008
Calvin Horne	First term	Eligible	September 2008
Cameron Horne	First term	Eligible	September 2008
Lena Kilpatrick	First term	Eligible	September 2008
Tracey Lewis	First term	Ineligible 2008 Graduate	September 2008
Elisha Linton	First term	Ineligible 2008 Graduate	September 2008
Ariel Lopez	Third term	Ineligible 2008 Graduate	September 2008
Faiza Mustafa	First term	Eligible	September 2008
Shampa Panda	First term	Eligible	September 2008
Ben Stephenson	Third term	Eligible	September 2008

Applicants for Community Appearance Commission

Justin Mullarkey
1509 East 5th Street
Greenville, NC 27858

Application 1/28/2008

364-1183

Applicants for Human Relations Council

Tawanda Boone 3338 Tobacco Road Greenville, NC 27834	414-2454	Application Date: 12/20/2007
Ronnie Christian 2608 Mulberry Lane Greenville, NC 27858	561-5405	Application Date: 7/2/2008
Joseph P. Flood 1919 Sherwood Drive Greenville, NC 27858	353-9915	Application Date: 7/18/2007
Judith Havermann 2009-A Cambria Drive Greenville, NC 27834	321-1655	Application Date: 11/19/2007
Bari Muhammed 302 Sedgefield Drive Greenville, NC 27834	(301) 367-3690	Application Date: 9/24/2007

Applicants for Investment Advisory Committee

Sam Hylton 3600 Cantata Drive Greenville, NC 27834	756-9927	Application Date: 9/4/2006
Chad Reynolds 104 Marion Drive Greenville, NC 27858	321-6311	Application Date: 9/18/2007
Stuart Rosenstein 407 Winchester Drive Greenville, NC 27834	321-8436	Application Date: 11/18/2006

Applicants (Pitt County)

Applicant Interest Listing

Convention & Visitors Authority

Brayom Anderson III
1624 Black Jack Simpson Road
Greenville NC 27858

Day (252) 439-0555
Evening Phone: (252) 341-2527
Fax:
E-mail: brayom@tie-breakers.com

Gender: M
Race: White
District: 3
Priority:

Applied for this board on: 1/25/2007

Application received/updated: 01/25/2007

Applicant's Attributes: County Planning Jurisdiction
District 3

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	JH Rose High		
Experience	Law enforcement/deputy		
Experience	Tie Breakers Sports Bar & Grill	Owner	
Experience	US Army & Coast Guard		

Joanne Askew
1944 Cornerstone Drive
Winterville NC 28590

Day (252) 756-5601
Evening Phone: (252) 814-6774
Fax:
E-mail: gobills10@suddenlink.net

Gender: F
Race: White
District: 5
Priority:

Applied for this board on: 2/21/2007

Application received/updated: 02/21/2007

Applicant's Attributes: Winterville City Limits
District 5

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	University of Pennsylvania	BS - Business	
Education	Internboro High		

Applicant Interest Listing

Experience	Onslow County	Retired HR Director
Experience	Alamance County	Retired HR Director
Volunteer/Prof. Associations	United Way	
Volunteer/Prof. Associations	Church Committees	
Volunteer/Prof. Associations	NC Symphony Board	
Volunteer/Prof. Associations	Meals on Wheels	

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

Day
Evening Phone: (252) 756-0262
Fax:
E-mail: bajhall@aol.com

Gender: M
Race: White
District: 6
Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6
Greenville ETJ

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		

Convention & Visitors Authority
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Applicant Interest Listing

Volunteer/Prof. Associations State Board of Directors

Boards Assigned To

Industrial Revenue & Pollution Control Authority 3/15/2004 to 3/15/2007

P. C. M. H. Board of Trustees 2/19/2008 to 3/31/2013
District 2

Steve Little

3314 NC 33 W
Greenville NC 27834

Day (910) 608-3724
Evening Phone: (252) 758-2040
Fax:
E-mail: slittle@nashfinch.com

Gender: M
Race: White
District: 2
Priority:

Applied for this board on: 1/5/2007 Application received/updated: 01/05/2007

Applicant's Attributes: District 2
County Planning Jurisdiction
North of the River

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

Boards Assigned To

ABC Board 1/23/2007 to 6/30/2009

Joseph Skinner

P.O. Box 30135

Day (252) 847-6843
Evening Phone: (252) 756-1966

Gender: M
Race: White

Convention & Visitors Authority
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Applicant Interest Listing

Greenville NC 27833

Fax:
E-mail:

District: 4
Priority: 0

Applied for this board on: 12/20/2002

Application received/updated: 12/17/2007

Applicant's Attributes: District 4
Greenville City Limits

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University		
Education	Ralph L Fike		
Experience	S.T. Wooten Construction		
Experience	C.A. Lewis	General Contractor	15 years
Experience	Pitt County Memorial Hospital	Project Manager/Employer	2000
Volunteer/Prof. Associations	Advisory Board @ PCC		
Volunteer/Prof. Associations	University Kiwanis Club		
Volunteer/Prof. Associations	Planning & Zoning		

Boards Assigned To

Development Commission 12/18/2007 to 12/17/2010
Greenville Nominated

Linda Tripp

4817 NC 33 E
105 Oakmont Drive-work-use this one
Greenville NC 27858

Day (252) 355-4700
Evening Phone: (252) 758-3840
Fax: (252) 355-4707
E-mail: ltripp@greenvillenc.com

Gender: F
Race: White
District: 3
Priority: 0

Applied for this board on: 4/25/2003

Application received/updated: 04/25/2003

Applicant's Attributes: District 3

Applicant Interest Listing

Simpson ETJ
GUC Customer
Non Greenville Resident

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	South Georgia College		
Education	East Carolina University	BUED,MAED	
Education	Pitt Community College	Real Estate Broker's License	
Education	Patterson High		
Experience	Carolina Court Reporters, Inc.	President & CEO	1992-present
Experience	State of North Carolina	Division of Water Quality	1972-1979
Experience	Tripp Diet Centers, Inc.	President & CEO	1979-1992
Volunteer/Prof. Associations	East Carolina University	Pirate Club/Vice-President	
Volunteer/Prof. Associations	Pitt Community College		
Volunteer/Prof. Associations	Jockey Club Advisory Board		
Volunteer/Prof. Associations	East Carolina University	Network for Advancement	
Volunteer/Prof. Associations	Various Church Committees &		
Volunteer/Prof. Associations	East Carolina University	Performing Arts/Vice-President	
Volunteer/Prof. Associations	American Heart Association	Gala Chairperson	
Volunteer/Prof. Associations	American Cancer Society	Hope Gala Committee	
Volunteer/Prof. Associations	Greenville Museum of Art	Benefactor	
Volunteer/Prof. Associations	East Carolina University	Art Enthusiasts Committee	
Volunteer/Prof. Associations	East Carolina University	Chancellor's Society	
Volunteer/Prof. Associations	East Carolina University	Friends of Theater-Director	
Volunteer/Prof. Associations	Health Education Foundation		
Volunteer/Prof. Associations	Ironwood Golf Board		

Applicant Interest Listing

Boards Assigned To

Pitt - Greenville Airport Authority
County

7/9/2007 to 6/30/2011

Larry White

1804 Old Mill Court
Greenville NC 27858

Day (252) 328-2315
Evening Phone: (252) 353-2665
Fax: (252) 328-4368
E-mail: whitel@ecu.edu

Gender: M
Race: White
District: 3
Priority:

Applied for this board on: 5/24/2007

Application received/updated: 05/24/2007

Applicant's Attributes: Greenville City Limits
District 3

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	Florida State University	MLS	1993
Education	University of Florida	BA	1988
Education	Wildwood High		
Experience	East Carolina University	Assistant Professor, Library Program	2005-present
Experience	Washington County Public	Library Director	2002-2005
Experience	Levy County Public Library	Director of Library Operations	1999-2000
Experience	Bureau of Library Development	Library Program Specialist	1998-1999
Experience	Leon County Public Library	Library Service Supervisor	1995-1998
Volunteer/Prof. Associations	Association of Library Inf.	Member since 2005	
Volunteer/Prof. Associations	Association of Rural & Small	Member	2005-2006
Volunteer/Prof. Associations	Pitt County Citizens Academy		
Volunteer/Prof. Associations	College of Education	Member	2005-present
Volunteer/Prof. Associations	Library Admin. & Management	Member since 2003	
Volunteer/Prof. Associations	Library Science & Instructional	Member	2005-present

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Applicant Interest Listing

Volunteer/Prof. Associations	Florida Library Association	Member	2000-2002
Volunteer/Prof. Associations	North Carolina Library	Member since 2005	
Volunteer/Prof. Associations	Ohio Library Council	Member	2002-2005
Volunteer/Prof. Associations	Public Library Association	Member since 2003	
Volunteer/Prof. Associations	American Libraries Association	Member since 1993	

Wendy Winstead

140 Farmington Rd.
Grimesland NC 27834

Day (252) 916-8180
Evening Phone: (252) 355-8280
Fax:
E-mail: wenwins@earthlink.net

Gender: F
Race: White
District: 3
Priority: 0

Applied for this board on: 5/2/2003

Application received/updated: 07/12/2006

Applicant's Attributes: District 5
County Planning Jurisdiction
South of the River

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University	BS in Social Studies	
Education	Fuquay-Varian Senior H.S.		
Experience	R.H.Donnallay	Sprint Yellow Pages Account	1995-present
Volunteer/Prof. Associations	Salvation Army Volunteer		
Volunteer/Prof. Associations	Michael Jordan Golf Classic		
Volunteer/Prof. Associations	Dream Factory Committee		
Volunteer/Prof. Associations	CCA-NC East Carolina Chapter		
Volunteer/Prof. Associations	Association Executives of NC		
Volunteer/Prof. Associations	March of Dimes of Eastern NC	Board of Directors, Bid for Bachelors	
Volunteer/Prof. Associations	American Cancer Society	Relay for Life Committee	

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Applicant Interest Listing

Volunteer/Prof. Associations	Greater Greenville Kiwanis Club	Board of Directors,President,Vice-
Volunteer/Prof. Associations	Pitt-Greenveille Chamber of	Ambassador,Chamber Bowling

Boards Assigned To

ABC Board

8/31/2006 to 8/31/2009

Applicants for Police Community Relations Committee

Tawanda Boone 3338 Tobacco Road Greenville, NC 27834	Application Date: 12/20/2007 Home Phone: 414-2454 District: 2
Rodney Coles 411-L15 Beasley Drive Greenville, NC 27834	Application Date: 1/21/2008 Home Phone: 364-1100 District: 1
Terry King 1310 Thomas Langston Road, Unit 7 Winterville, NC 28590	Application Date: 09/10/2007 Home Phone: 321-6996 District: 5
Bari Muhammed 302 Sedgefield Drive Greenville, NC 27834	Application Date: 09/24/2007 Home Phone: 301 367-3690 District: 2
Chad Reynolds 104 Marion Drive Greenville, NC 27858	Application Date: 9/18/2007 Home Phone: 321-6311 District: 5
Mary Rogers 3529 Providence Place Winterville, NC 28590	Application Date: 12/20/2007 Home Phone: 756-9403 District: 5
Wayne Whipple 3102 Cleere Court Greenville, NC 27858	Application Date: 07/18/2007 Home Phone: 321-0611 District: 4

Applicants for Sheppard Memorial Library Board

Tawanda Boone 3338 Tobacco Road Greenville, NC 27834	414-2454	Application Date: 12/20/2007
Jennifer Brezina 608 Winstead Road Greenville, NC 27834	355-5707	Application Date: 8/1/2007
Judith Havermann 2009-A Cambria Drive Greenville, NC 27834	321-1655	Application Date: 11/19/2007
J. Scott Johnson 2008 Pinecrest Drive Greenville, NC 27858	355-0644	Application Date: 7/29/2008
Chad Reynolds 104 Marion Drive Greenville, NC 27858	321-6311	Application Date: 9/18/2007
Stuart Rosenstein 407 Winchester Drive Greenville, NC 27834	321-8436	Application Date: 11/18/2006
Ralph Lee Scott 309 South Library Street Greenville, NC 27858	830-0263	Application Date: 8/21/2007

Applicants for Youth Council

Ayden-Grifton High School:

Brandon Bell 5754 Ernest Taylor Road Ayden, NC 28513	12 th Grade Black/Male 746-3034	Application Date: 9/11/2008
Karen-Nia Edmonds 6569 Dogwood Lane Grifton, NC 28530	10 th Grade Black/Female 524-9887	Application Date: 9/15/2008
Tawanna Franklin 3804 Leland Drive Ayden, NC 28513	10 th Grade Black/Female 746-6439	Application Date: 8/26/2008
Samantha Miller 129 Cedar Lane Ayden, NC 28513	11 th Grade White/Female 746-4138	Application Date: 9/15/2008
Brittany Murphy 4495 South Edge Road Ayden, NC 28513	10 th Grade White/Female 746-2943	Application Date: 9/12/2008
Urban Turnage 801 Second Street Ayden, NC 28513	9 th Grade Male/Black 746-8884	Application Date: 9/10/2008
La'Quoin A. Rogers 3787 Dennis McLawhorn Road Ayden, NC 28513	9 th Grade Male/Black 746-4509	Application Date: 9/10/2008
Semaj Wallace 1737 NC 102 East Ayden, NC 28513	12 th Grade Male/Black 746-2889	Application Date: 9/9/2008

South Central High School:

Neferteria Artis 718 Winterfield Drive Greenville, NC 27858	11 th Grade Black/Female 353-4058	Application Date: 9/9/2008
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Montressa Blount

J. H. Rose High School:

Ajay Ajmera
111 Toby Circle, #B6
Greenville, NC 27834

9th Grade
Asian/Male
367-1377

Application Date: 8/28/2008

Alexis Gajadhar
205 Pinewood Road
Greenville, NC 27858

12th Grade
Asian-White/Female
902-7221

Application Date: 9/5/2008

Karen Hardy

Shaniqua Singleton
3027 Adams Boulevard, Apt. #9
Greenville, NC 27834

12th Grade
Black/Female

Application Date: 7/3/2008

Jacob Subach

Michael Wall



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Presentation by Pitt County Development Commission

Explanation: City of Greenville 2008-2009 Goal #2 "Promote/Strengthen Economic Development Opportunities" includes an Objective B "Coordinate with existing economic development agencies." Action Item #3 under this objective is "Invite the Pitt County Development Commission Director to give an update to City Council." In order to complete this action item, Pitt County Development Commission Executive Director Wanda Yuhas will provide an update to the City Council.

Fiscal Note: No cost to receive this update.

Recommendation: City Council receive an update from Pitt County Development Commission Executive Director Wanda Yuhas.

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City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Revisions to the City of Greenville Neighborhood Traffic Calming Guidelines

Explanation: During its August 14, 2008 meeting, the City Council requested staff to review the Neighborhood Traffic Calming Guidelines, specifically the 10 mph threshold of the 85th percentile speed limit. In accordance with current requirements, traffic volumes and 85th percentile speeds must be a minimum of 1000 vehicles per day and 35 mph respectively.

Staff has reviewed policies and guidelines utilized by other municipalities and based on its research, staff is recommending the proposed revisions presented in the attached document. The guidelines include an evaluation process based on a criteria point system. In addition to measuring the traffic volumes and 85th percentile speed, assessments will include the consideration of crash history and pedestrian volume on streets in the “area of influence.” Details of each criterion are outlined in the revised document.

The North Carolina Statutes adopt the Federal Manual of Uniform Traffic Control Devices (MUTCD) for Streets and Highways. All municipalities in North Carolina are required to follow the standards and guidelines presented in this manual. The national warrants applicable to multi-way stops as defined in the MUTCD state that stop signs should not be used for speed control; therefore, staff is recommending the removal of multi-way stops as a traffic calming measure.

Fiscal Note: No direct cost to implement the new guidelines.

Recommendation: Approve the revised City of Greenville Neighborhood Traffic Calming Guidelines.

Attachments / click to download

 [Traffic Calming Guidelines 102929](#)

City of Greenville

Neighborhood Traffic Calming Guidelines

Presented by:
The City of Greenville
Public Works Department
Engineering Division



Adopted: October 11, 2001
Revised: October 9, 2008

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City of Greenville Neighborhood Traffic Calming Guidelines

Purpose

The City of Greenville continually strives to strengthen and protect its neighborhoods by improving the quality of life in residential areas. Traffic conditions on residential streets can greatly affect neighborhood livability. Speeding traffic and unnecessary through traffic in neighborhoods create safety hazards on residential streets. When traffic problems become a daily occurrence, our sense of community and personal well-being are threatened.

In 1997, the City of Greenville began its *Traffic Calming Pilot Program* to assess the methods of studying, planning with neighborhood residents, and applying traffic calming strategies. The Westhaven, Moyewood, Lynndale/Grayleigh, East Meadowbrook, Brook Valley, and Lake Ellsworth neighborhoods were studied and traffic calming devices were installed. The *City of Greenville Neighborhood Traffic Calming Guidelines* was developed to guide City staff and inform residents about the processes and procedures for implementing traffic calming on residential streets. Under the *Guidelines*, the City's Engineering Division of the Public Works Department will work with residents to identify traffic problems in their neighborhoods and seek appropriate solutions.

The primary purpose of the *City of Greenville Neighborhood Traffic Calming Guidelines* is to describe several important procedures. First, the *Guidelines* outline how citizens can request that their street or streets be added to the list of streets being evaluated by the City. Second, the *Guidelines* describe in detail how the City will evaluate streets and neighborhoods for Traffic Calming. Finally, procedures are outlined to develop and implement a plan for traffic calming in a neighborhood once a traffic calming project has been selected.

The City of Greenville is committed to obtaining significant levels of citizen participation when developing traffic calming projects. Experience in other cities and through the aforementioned *Traffic Calming Pilot Project Program* has shown that traffic calming projects that are implemented without involving the neighborhood are typically unsuccessful, often resulting in the removal of traffic calming measures. The City's goal is to give the people who live and work in the project area the opportunity to become actively involved in the planning and decision-making process. The *City of Greenville Neighborhood Traffic Calming Guidelines* clearly outlines the methodology for including neighborhood residents.

Qualifying Criteria for Traffic Calming Devices

In order to qualify for traffic calming devices under the City of Greenville Neighborhood Traffic Calming Program, the roadway being considered for the traffic calming device(s):

- Must be a City-maintained public street classified as a two-lane standard residential or minor residential street under the City of Greenville's *Manual of Standard Designs and Details (MSDD)*.

- Must have a roadway width of less than or equal to 40 feet (back-of-curb to back-of-curb).
- Must have a posted speed limit of 25 mph.

Traffic Calming for local residential streets within the City of Greenville is determined by the following point system:

Program Warrant	Criteria	Number of Points Possible	Points Awarded
85 th Percentile Speed	1-5 mph	0	
	6-10 mph	3	
	11 mph >	5	
Daily Vehicle Volume	0 - 800	0	
	800-1000	1	
	1000-1499	2	
	1500 - >	3	
Crash Data per Year	1 – 3	1	
	4 - >	2	
Sidewalks	Sidewalks or wide shoulders present	0	
	No sidewalks present	1	
Pedestrian Volume	Pedestrian oriented facility within a ¼ mile of petition area, such as a City Park	1	
	Schools within a ¼ mile radius of petition area	2	
Total Points Awarded (*)			

(*) Minimum of six (6) points is required to be considered for traffic calming devices.

Procedure for Applying for Traffic Calming Devices

1. Residents of the proposed traffic calming project area must initiate the process via a letter from the neighborhood contact person to the City Traffic Engineer. The City Traffic Engineer, with assistance from other staff of the City Engineering Division of the Public Works Department, will determine the “area of influence” affected by the proposed traffic calming devices. This “area of influence” also includes streets that have a potential of being used as detours to avoid the traffic calming devices.

2. After the initial contact, the City Traffic Engineer sends out to the neighborhood contact person:
 - A letter (see Appendix A for a sample)
 - A copy of the *City of Greenville Neighborhood Traffic Calming Guidelines*
 - A copy of the Traffic Calming Request Form (See form in Appendix B)
3. The Traffic Calming Request Form is returned to the City Traffic Engineer.
4. Before the petition process is begun, the City Traffic Engineer will analyze the results of the survey and determine if the area meets the criteria for traffic calming (see “Qualifying Criteria for Traffic Calming Devices” above).
Data to be collected and reviewed is as follows:
 - Roadway classification
 - Roadway width
 - Traffic speed data
 - Traffic volume data
 - Crash data per year
 - Pedestrian volume
5. A letter is sent to the neighborhood contact person(s) notifying them of the outcome of the study. If the data does not meet the above criteria, alternative measures are offered for discussion. If the data meets the criteria, an information package is sent that includes a petition form and a map on which the required petition area (“area of influence”) is indicated.
6. The petition (Appendix C) must be returned to the City Traffic Engineer. The petition must have a minimum of 75 percent of the households and businesses signatures in the “area of influence.” Each household or business is counted as one residence or business in computing the total number of household or businesses, and only one person per household or business is required to sign the petition on behalf of that address (obtaining signature of both owners and renters is desirable but not necessary). If the percentage of signatures does not meet the minimum requirement stated above, the process is stopped. If enough signatures are obtained, a letter from the City Traffic Engineer is sent to the neighborhood contact. See sample letters in response to the petitions in Appendix D and E.
7. The site data and site inspections are used to evaluate the traffic calming device(s) (speed hump, traffic circle, diverter, etc.). An initial traffic calming neighborhood meeting is held with residents and businesses within the “area of influence.” At the meeting, residents and businesses will have the opportunity to present their concerns and ideas. The meeting location, date, and time will be advertised in advance (usually a week to 10 days prior to the meeting) to all residents and businesses (owners and renters) within the “area of influence” via appropriate methods (ex: direct mail, door hangers, a sign at the entrance to the neighborhood). The meeting will also take place when and where it is convenient for most residents.
8. Taking the data and information given by the residents and businesses at the initial traffic calming neighborhood meeting, the City Traffic Engineer, with assistance from the

Engineering Division staff, will develop a preliminary traffic calming plan with devices identified and located. This preliminary plan will be presented at a preliminary traffic calming plan neighborhood meeting to the residents and businesses in the “area of influence.” If necessary, another neighborhood meeting will be held to finalize the plan and details.

9. Once the traffic calming plan is approved (and funds permit), construction will begin to put the devices in place. The City reserves the right to identify the type and location of all traffic calming devices.

Funding

The City will absorb all costs for requests in qualifying areas (see “Qualifying Criteria for Traffic Calming Devices” above). The residents must also agree to maintain any landscaping via an agreement with the City.

Types of Traffic Calming Devices

- Speed Hump: A long platform from 14-22 feet in length. Its main purpose is to reduce the speed of vehicles. They are usually 21 feet in size. See specifications in Appendix F and G.
- Traffic Circle: These are used to reduce vehicle speeds by creating a diversion from a straight-line path to a slight curve around an island. See specifications in Appendix H and I.
- Diverter: A channelized island used to divert traffic away from an area by prohibiting certain vehicular movements.
- Edge Line Pavement Markings: A pair of solid 6-inch white lines 20 feet apart are placed, preferably without a centerline, to slow vehicle speeds. The solid white edge line delineates the travel lanes from the parking area.

Requirements for Specific Traffic Calming Devices

1. Speed Humps
 - The grade of the roadway must be less than or equal to 8 percent.
 - The roadway should have a horizontal radius of less than or equal to 300 feet.
 - If this treatment is recommended by staff, all adjacent property owners must approve the location.
 - The roadway is not the primary emergency vehicle route. The City Traffic Engineer will contact the Police and Fire/Rescue Departments to determine if the speed hump will interfere with the response to emergency calls.
2. Traffic Circles
 - If landscaping is installed, the residents must agree to install and maintain vegetation via an agreement with the City.
 - This must be a 4-way intersection.

3. Diverters
 - If landscaping is installed, residents agree to install and maintain vegetation via an agreement with the City.
 - A documented significant cut-through problem should exist.
4. Edge Line Pavement Markings
 - Streets should have a minimum width of 36 feet (back-of-curb to back-of-curb).
 - On-street parking should show underutilization.
 - The marking should be a maximum of 8 feet from edge line to face of curb (or 6 feet from edge of pavement) to prevent confusing the outside area with a travel lane.

Placement of Traffic Calming Devices

1. Speed Humps
 - Humps should be placed at least 400 feet apart.
 - The stopping sight distance should be greater than or equal to 200 feet.
 - Speed humps should be at least 200 feet from an intersection.
 - They should be as close to property lines as possible.
 - If possible, the humps should be placed under streetlights for greater visibility.
 - They should be placed at least 10 feet from driveways.
2. Traffic Circles
 - The typical placement of a traffic circle is in the middle of a four-way intersection. The size of the intersection determines the exact placement and size of the traffic circle.
3. Diverters
 - The typical placement of diverters are at intersections. The size and shape of the diverter will depend on the vehicular movements being prohibited at the intersection.
4. Edge Line Pavement Markings
 - White solid edge lines are spaced 20 feet apart, preferably without a centerline.
 - The width of the line is 6 inches.
 - The shoulder width from the edge of pavement to the center of the edge line shall be no greater than 6 feet.
 - The shoulder area is intended to primarily separate parking areas from travel lanes.

Appendix A

Sample Letter from City Acknowledging Traffic Calming Request

Date

Name

Address

City, State, Zip

Dear <Name>

This is in reference to your recent letter regarding traffic concerns in the <name of neighborhood> neighborhood.

The Greenville Public Works Department is currently reviewing requests for traffic calming devices on a first-come first-serve basis. The requested neighborhood has been added to our request list and will be evaluated for traffic calming devices in accordance with our ***Neighborhood Traffic Calming Guidelines***. We expect to collect traffic count data <insert date>. Once we have completed our initial analysis, we will notify you of our findings.

Enclosed is an information package to be used in formally applying for traffic calming devices. Included is a copy of the City of Greenville Neighborhood Traffic Calming Guidelines and a traffic calming request form. Please complete the traffic calming request form and return to me at the enclosed address.

We appreciate your concern for roadway safety. Should you have any further questions or need additional information, please contact me at 329-4678.

Sincerely,

<Name>

City Traffic Engineer

Enclosures

Appendix B

Traffic Calming Request Form

This section is to be filled out by the Neighborhood Contact Person:

Name: _____

Address: _____

Zip Code: _____ Telephone (day): _____

Fax: _____ E-mail: _____

Neighborhood: _____

Street: _____

What is the Nature of the problem and where is it occurring? _____

Qualifying Criteria Checklist (this section is to be verified and filled out by the City Traffic Engineer):

- This street is a City-maintained public street classified as a two-lane standard residential or minor residential under the City of Greenville's *Manual of Standard Designs and Details (MSDD)*.
- This street has a roadway width of less than or equal to 40 feet (back-of-curb to back-of-curb).
- The street has a posted speed limit of 25 mph.
- The street obtains a minimum of six (6) points on the criteria chart.

Note: This is a request for the consideration of installing a traffic calming device on the street noted. The criteria for placement of these devices must be met before installation can occur. This form does not guarantee that a device will be placed in the above-mentioned area.

Appendix C

Sample Petition

We, the undersigned residents or business owners, do respectfully petition the City of Greenville for traffic calming devices in the neighborhood/intersection of _____
_____. The reasons for the petition are:

*****Please note any additions, corrections, or vacancies to the attached map*****

Contact Person: _____

Phone Number: _____

Signature	Name Printed	Address	Apt. No

Appendix D

Sample Insufficient Number of Signatures on Petition Letter

Date

Name

Address

City, State, Zip

Dear <Name>

Thank you for your petition for traffic calming devices in the <name of neighborhood> neighborhood. We have reviewed the petition to determine the support rate.

Our review showed that you collected signatures from ___ households/businesses inside the valid petition area (“area of influence”). Our records indicate that there are ___ households and businesses in this area. You obtained a ___ percent support rate for the proposed device(s). We require that the petition support be at least 75 percent. This means that you need to obtain signatures from at least ___ additional households or businesses for this neighborhood to be considered for traffic calming devices. Each unit in an apartment building is counted as a household. Only one signature per household or business is needed.

I have enclosed, for your convenience, an additional petition form and a list of the households that have already been included in your original petition. You only need to collect new signatures for this additional petition. We need this additional petition no later than <insert date> to complete the petition process.

Should you have any further questions or need additional information, please contact me at 329-4678.

Sincerely,

<Name>

City Traffic Engineer

Enclosures

Appendix E

Sample Petition Acceptance Letter

Date

Name

Address

City, State, Zip

Dear <Name>

Thank you for your petition for traffic calming devices in the <name of neighborhood> neighborhood. You obtained the necessary support rate, and I am pleased to include your neighborhood for traffic calming devices.

We will be in contact with you soon to schedule a public meeting with the residents of the <name of neighborhood> neighborhood in order to gather input for development of a traffic calming plan. Notices will be mailed to all residents of the neighborhood inviting them to attend the public meeting.

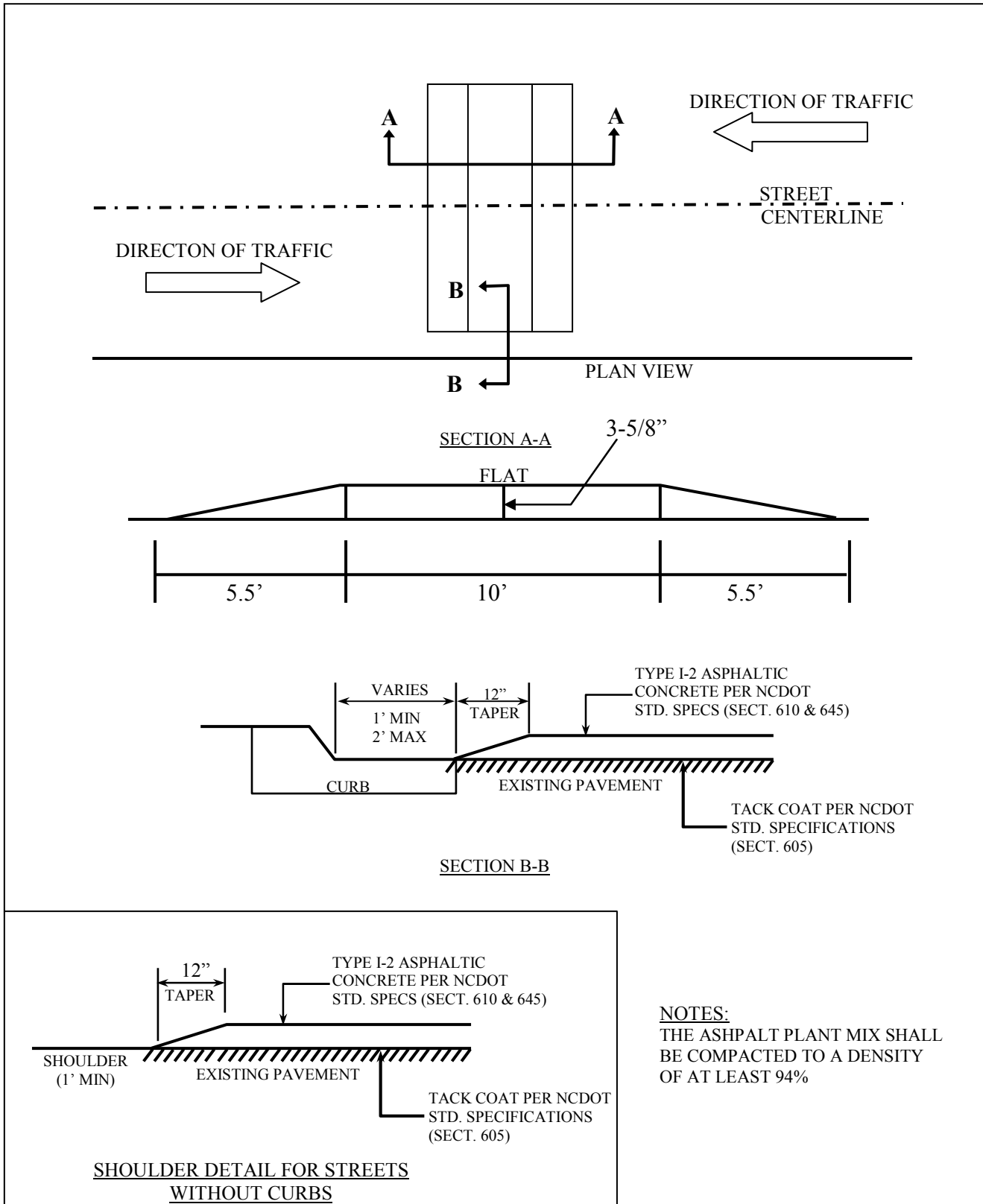
Thanks again for circulating the petition. Should you have any further questions or need additional information, please contact me at 329-4678.

Sincerely,

<Name>

City Traffic Engineer

Appendix F
21-Foot Speed Hump Specifications

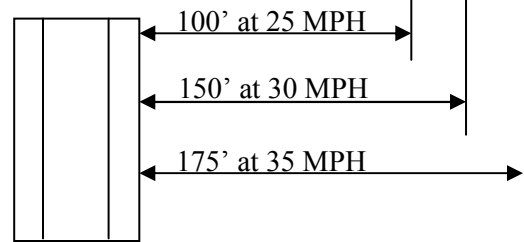


Appendix G
Speed Hump Signs & Markings

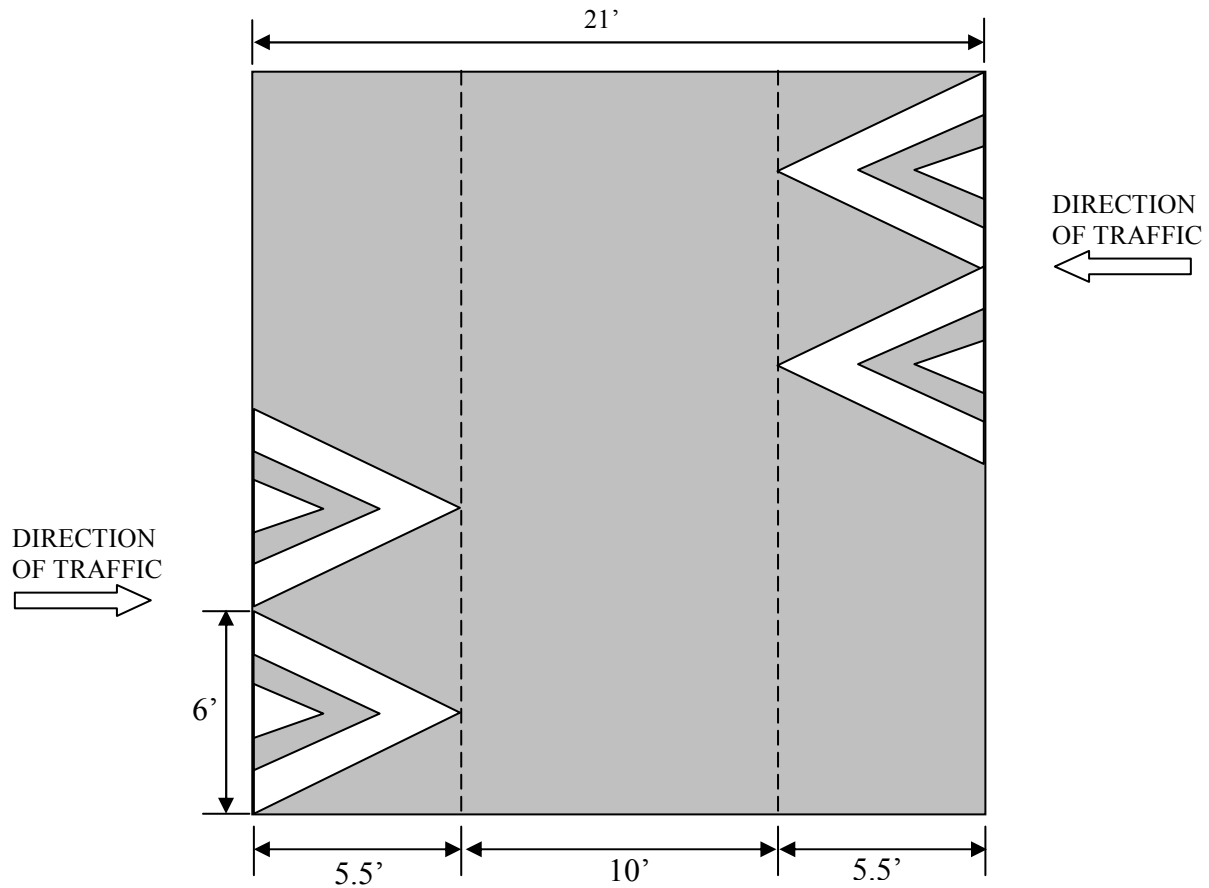
SIGNAGE
ONE SIGN
EACH DIRECTION



ROAD SPEED AND SIGN PLACEMENT



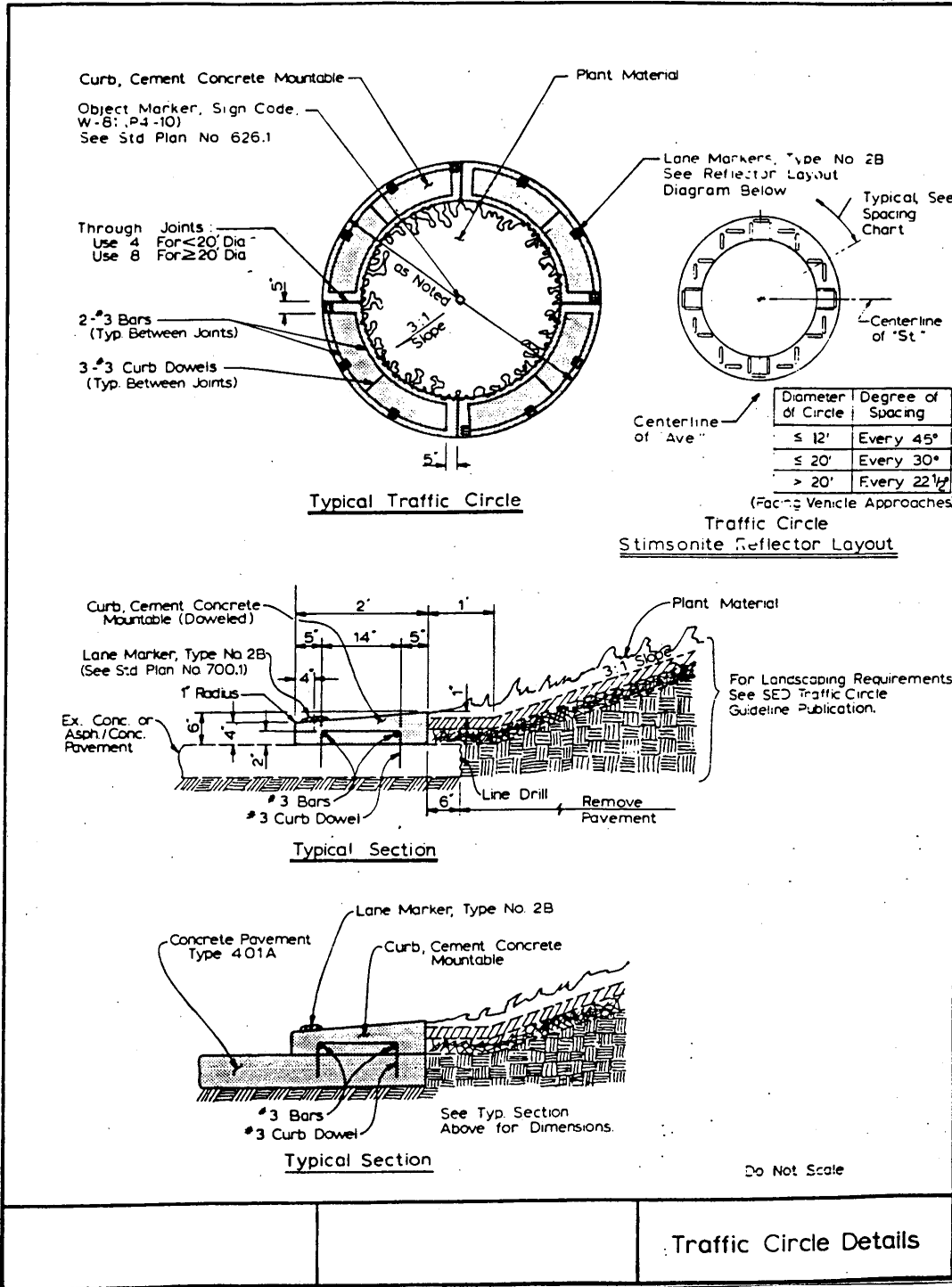
TYPICAL PAVEMENT MARKINGS



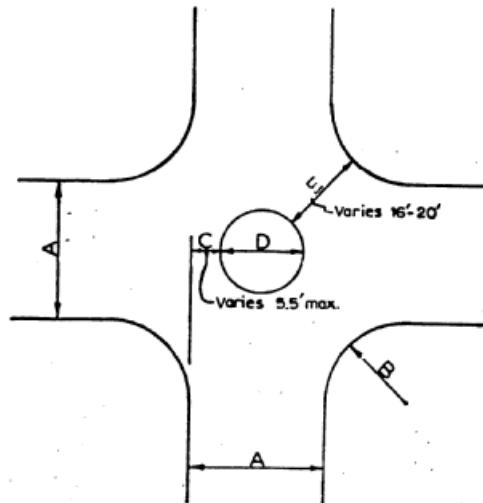
Appendix H
Traffic Circle Specifications

Exhibit 9

Standard Plan No. 415.1



Appendix I
Placement of a Traffic Circle



INTERSECTION DIAGRAM

Legend :

- A Street Width
- B Curb Return Radius
- C Off-Set Distance
- D Circle Diameter
- E Opening Width

OPTIMUM CRITERIA

Off-Set Distance	Opening Width
5.5' max	16' min
5.0'	17' ±
4.5'	18' ±
4.0'	19' ±
3.5' or less	20'



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Alternative ways to increase recycling

Explanation: The 2008-2009 City Council Goals and Objectives include an objective to increase recycling. An action item under that objective is for the Public Works Department to provide a comprehensive report to City Council on alternative ways to increase recycling. That report is attached and will be reviewed by staff at the City Council meeting.

Present collection methods make it easy for citizens to recycle; however, the present diversion rate of 10% is below the desired level. The diversion rate, which was 6% in 2000, is increasing at a slow rate. The intent of the recommendations presented in this proposal are to increase the recycling rate faster. The proposed goal is to divert 20-25% of solid waste by 2012 and 30-35% by 2015.

City staff has studied cities in North Carolina and a sampling of cities from across the United States with concentration on cities on the east coast. Results of this study are shown in the report.

Staff's recommendations for alternative ways to increase recycling are implemented over a three-year period. The recommendations to implement or study alternatives to increase recycling and diversion rate in the City of Greenville are as follows:

FY 2009-10 -- Develop an ordinance to make recycling mandatory for single-family households and require all multi-family complexes to provide centralized recycling centers at a rate to be determined with a minimum of one (1) recycling center per complex.

Establish a Block Leader Program to assist in dissemination of recycling promotional material, distribution of recycling information to new residents, and citizen help with answering questions related to Sanitation services. The Sanitation Division will in most cases work through existing neighborhood and owners' associations and our City Neighborhood Liaison. Implement an

enhanced recycling promotion program including a promotion for our citizens to buy recycling products.

FY 2010-11 -- Develop a Commercial Mandatory Recycling Ordinance to require each commercial establishment to recycle certain materials. As a part of this recommendation, the City will establish a Business Recycling Evaluation Service to assist businesses in setting up recycling programs that maximize recycling opportunities and minimize cost. Develop a Composting Education Program, which will not increase our recycling tonnage but will create an increase in our diversion rate. The composted product will be a valuable recycling product to be reused by each citizen in the home or by a community.

FY 2011-12 -- Develop a Recycling Task Force to study the feasibility of implementing a Pay-As-You-Throw Collection Program at a future date either in a pilot area(s) or throughout the City. The Pay-As-You-Throw Program that will be studied is a modified system. The fee structure studied would include a rate for collection of 32-gallon backyard, 32-gallon curbside, 64-gallon curbside, and 96-gallon curbside containers. Recycling would be at no charge. The fee structure would be set to cover the cost of the Sanitation Enterprise Fund. The recommendation of the Recycling Task Force will be presented to City Council for consideration by December 2010. Develop an ordinance to require certain C&D materials to be recycled or reused by builders and developers. Many materials presently disposed of could be reutilized or recycled if the plan is in place.

These recommendations are proposed to establish a plan for faster growth in Greenville's recycling and diversion rate. The proposed goals are lofty, but can be met with citizen participation and support of these proposals. There are other alternatives discussed in the report that can be incorporated in a plan, but are not recommended at this time. These alternatives are either difficult to maintain or they would not provide a long-term increase in recycling rates.

Fiscal Note:

Funds for these recommendations are not included in the FY 2008-09 or FY 2009-10 budgets. Estimated budgetary costs for implementation of these recommendations would be as follows (assumes present level of service):

FY 2009-10

Residential Mandatory Recycling

Two additional recycling crews	\$270,000
One Code Enforcement Officer	\$ 50,000
Two additional refuse trucks	\$110,000
One additional vehicle for code enforcement	\$ 18,000
Indirect costs	\$ 24,500
Additional operating fund	<u>\$ 40,000</u>

Total for Residential Mandatory Recycling	\$513,500
Block Leader Program - No additional cost	
Enhanced Recycling Promotion Program	
Advertising	\$ 15,000
Printing	\$ 5,000
Promotional Items	\$ 5,000
Mailing costs	\$ 6,000
Total for Program	\$ 31,000

FY 2010-11

Commercial Mandatory Recycling	
One additional Code Enforcement Officer	\$ 52,000
One additional vehicle for Code Enforcement	\$ 18,000
Indirect costs	\$ 4,500
Advertising, postage, promotional material	\$ 20,000
Total Budgetary Increase Per Year	\$ 94,500

Composting Education Program -- Incorporated into Recycling Promotion Program funding.

FY 2011-12

Pay-As-You-Throw Collection Program -- To be determined based on Recycling Task Force recommendations.

Mandatory C&D Recycling -- This will not increase City cost to implement assuming additional Code Enforcement Officers in previous recommendations are approved and builders and developers are required to contract the delivery of recycling material to designated locations.

Recommendation: Reviw the plan to increase the City's recycling and diversion rate, and provide policy guidance to staff.

Attachments / click to download

 [Plan_for_Recycling_774753](#)

ALTERNATIVES TO INCREASE RECYCLING IN THE CITY OF GREENVILLE, NC

September 2008

The 2008 City Council Goals and Objectives include a goal to increase recycling to reduce the per capita volume of solid waste being disposed of in landfills. Present collection methods make it easy for our citizens to recycle; however, our diversion rate, which is presently at 10%, is increasing at a slow pace (6% in 2000)(increase approximately ½ % per year).

Our current weekly recycling collection system occurs through curbside or backyard collection for single-family, centralized recycling centers for multi-family complexes, and one (1) drop off collection area. These voluntary recycling collection methods make it easy for citizens to recycle. We have promoted recycling through G-TV, school and university education programs, events, City page, and presentations to various homeowner and civic groups.

Public Works Department staff has researched and evaluated recycling programs in other North Carolina cities, and a sample of other national recycling programs. Based on staff's evaluation of research, the following are possible options considered to increase our recycling volume:

OPTION 1

MAINTAIN EXISTING METHODS OF COLLECTION AND PROMOTION OF VOLUNTARY RECYCLING WITHOUT UTILIZING ADDITIONAL INCENTIVES

PROS:

- Most citizens and Sanitation workforce are comfortable with this system
- Easy for a citizen to voluntarily recycle
- Method utilized by the greatest percentage of cities researched

CONS:

- Slow growth of recycling diversion rate
- Does not support City Council's goal of increasing recycling

OPTION 2

RECYCLING REWARD PROGRAM: THIS PROGRAM WOULD REWARD CITIZENS WHO EITHER REGISTER AS AN ACTIVE RECYCLER OR ARE PICKED RANDOMLY ON A WEEKLY, MONTHLY, QUARTERLY, OR OTHER PREDETERMINED PERIOD AND DURATION OF TIME. THE RECYCLER WOULD RECEIVE A MONETARY REWARD IF OBSERVED ON THEIR COLLECTION DAY PROPERLY RECYCLING.

PROS:

- Would promote recycling and build case studies of successful recyclers
- Would provide an opportunity to reward some citizens who recycle properly
- Low financial cost to implement
- Could be managed by volunteers
- Could seek sponsorship for rewards

CONS:

- May not provide sustained or significant growth in recycling volume
- Would create challenges to manage and promote program
- Could not be implemented equally in multi-family complexes unless someone is posted at a recycling center

Fiscal Impact: \$25,000 + per year depending on reward structure and duration of program each year

OPTION 3

FEE CREDITS - THIS PROGRAM WOULD GIVE A REFUSE FEE CREDIT TO A HOUSEHOLD WHOSE RESIDENT REGISTERS AS A RECYCLER AND PROPERLY RECYCLE.

PROS:

- Would develop a positive, tangible promotion program for recycling
- Would reward registered active recyclers
- Should increase volume of recycling and thus increase diversion rate
- Would build case studies of successful recyclers
- Would provide long-term increase in recycling volume

CONS:

- **Cost:** If all 16,100 single-family households recycle, each \$1.00 of credit would equal \$193,200 of lost revenue.
- **Would be difficult to properly manage**
- **Occasional recyclers would not qualify**
- **Difficult to keep up with citizens that sign up and later stop recycling**
- **Would not work with multi-family complexes within our present system**
- **Creates billing issues with Greenville Utilities**
- **Would require additional crew(s) and management personnel**
- **Technology for recycling systems**
- **Not utilized by many cities across the state and nation**

Fiscal Impact: \$400,000 + per year

OPTION 4

MODIFIED PAY-AS-YOU-THROW PROGRAM - THIS PROGRAM REQUIRES A CITIZEN TO BUY BAGS, TICKETS, OR STICKERS FOR GARBAGE IN EXCESS OF A BASE AMOUNT OF GARBAGE. RECYCLING WILL BE PICKED UP AT NO ADDITIONAL CHARGE. THE CITIES STUDIED THAT UTILIZE A MODIFIED PAY-AS-YOU-THROW SYSTEM CHARGE A BASE RATE FOR EACH CONTAINER SIZE WITH ANY ADDITIONAL REFUSE REQUIRING A PURCHASED BAG, TICKET, OR STICKER. MULTI-FAMILY HOUSEHOLDS WOULD CONTINUE TO PAY A SET RATE FEE BASED ON THE APPROVED CITY MANUAL OF FEES.

PROS:

- **Would increase recycling volume and diversion rate**
- **Garbage bag, ticket, or sticker sales could reduce loss of refuse fees**
- **Citizen pays for volume produced**
- **Long-term growth of recycling volume**

CONS:

- **Would create a need for an increase in management and recycling personnel**
- **Would be a major adjustment for citizens and Sanitation personnel**
- **May create a volume increase at nearby County Convenience Centers**

- Dealing with garbage bags at homes placed out for collection without tickets
- Code enforcement challenges
- Difficulty in dealing with multi-family complexes
- Increase in illegal dumping
- Need to establish infrastructure for sale of tickets (Public buildings, grocery stores, etc.)

Fiscal Impact: A Cost Analysis would be necessary to determine fiscal impact.

OPTION 5

MANDATORY RESIDENTIAL RECYCLING PROGRAM - CITY ORDINANCE WOULD BE AMENDED REQUIRING ALL CITIZENS, CONSTRUCTION COMPANIES, AND/OR BUSINESSES TO RECYCLE OR EITHER REQUIRE THAT A CITIZEN/BUSINESS MUST NOT PUT RECYCLING IN THEIR GARBAGE RECEPTACLE.

PROS:

- Would be a strong commitment to increase our recycling rate
- Will increase volume of recycling and diversion rate
- Long-term solution
- Would develop recycling streams that are not presently active

CONS:

- Difficult to enforce
- Need to increase Code Enforcement staff
- Difficulty to enforce in multi-family complexes unless requirement is simply to require recycling centers at each complex
- Would require increase in recycling collection personnel
- Would require inspection of commercial property collection system if commercial businesses are included in ordinance

Fiscal Impact: Estimated \$ 513,500 per year for residential mandatory recycling and \$94,500 per year for business mandatory recycling

OTHER RECYCLING PROGRAMS TO CONSIDER:

- *Neighborhood Associations/Block Leader Program* - Establish community leaders to promote recycling and waste reduction within their community. Assist community leaders with educational material to distribute in their community.

- ***Speaker's Bureau*** - Develop PowerPoint presentation to be used by those individuals who sign up to be a part of a Speaker's Bureau
- ***Buy Recycling Promotion Program***- Promote purchasing recycling projects to citizens and businesses within the city.
- ***Business Recycling Evaluation Service***- Provide a City service to businesses within the city to provide technical assistance to develop recycling practices for the business to utilize.
- ***Composting Promotion Program***- Provide education to citizens as to benefits and proper methods of composting yard debris and other items at their home. Demonstration areas are developed to assist with educating the public.
- ***C&D Recycling Program*** - Require or assist builders in recycling building and construction debris

RECOMMENDATION:

The recommendation of the Public Works Department Sanitation Division is to enhance our recycling program in the following phases:

Phase 1 - Recommended Effective Date - July 2009

- **Develop an ordinance to make recycling mandatory for all single-family households and require all multi-family complexes to provide centralized recycling centers at a rate to be determined with a minimum of one recycling center per complex.**

Fiscal Note: This recommendation will create added costs for our operation to include the following: (added costs are per year)

- Two additional recycling crews	\$ 270,000
- One Code Enforcement Officer	\$ 50,000
- Two additional Refuse Trucks	\$ 110,000
- One additional vehicle for code enforcement	\$ 18,000
- Additional indirect costs	\$ 24,500
- Additional operating funds	<u>\$ 40,000</u>

Total additional cost to implement recommendation	
per year	\$ 513,500

Note: The Cost is based on present level of service. The cost can be reduced by reducing frequency of collection

- **Establish a Block Leader Program to assist in dissemination of recycling promotional material, distribution of recycling information to new residents, and citizen help with answering questions related to Sanitation services within the block area. The Sanitation Division will, in most cases, work through existing neighborhood homeowner association contacts and our City Neighborhood liaison.**

Fiscal Note: This recommendation will not create any additional expense if Recycling Promotion Program funding is approved. This program will require time allocation from existing staff.

- **Implement an enhanced Recycling Promotion Program including a promotion to buy recycling products.**

Fiscal Note: This recommendation will require additional budgetary or donated funding for advertising, printing, promotional items, and mailing costs by the following amounts per budget year:

Advertising	\$15,000
Printing	\$ 5,000
Promotional items	\$ 5,000
Mailing costs	<u>\$ 6,000</u>
Total additional cost to implement recommendation	\$31,000

Phase 2 - Recommended Effective Date - July 2010

- **Develop a Commercial Mandatory Recycling Ordinance to require each commercial establishment to recycle certain materials. Each commercial property will still be required to contract for delivery of recyclables to the appropriate location. As a part of this recommendation, the City will establish a Business Recycling Evaluation Service to assist businesses with setting up a recycling program.**

Fiscal Note: This recommendation will require the following additions to the Sanitation Budget per budget year:

One additional Code Enforcement Officer	\$ 52,000
One additional vehicle for code enforcement	\$ 18,000
Additional indirect costs	\$ 4,500
Advertising, promotional material, postage	<u>\$ 20,000</u>
Total budgetary increase per budget year	\$ 94,500

- **Develop a Composting Education Program - This program will not increase our recycling tonnage but will create an increase in our diversion rate. The composted product will be a valuable recycling product to be reused by each citizen in the home or by a community.**

Fiscal Note: This will not increase cost to implement unless we supply composting bins. All promotional material for this program will be incorporated within the Recycling Promotion Program.

Phase 3 - Recommended Effective Date - July 2011

- **Develop a Recycling Task Force to study the feasibility of implementing a Pay-As-You-Throw Collection Program at a future date either in a pilot area(s) or throughout the City. The Task Force will present its recommendation to City Council by December 2010. The Pay-As-You-Throw Program that will be studied for implementation is a modified system. The fee structure to be studied for Pay-As-You-Throw collection would include 32-gallon backyard, 32-gallon curbside, 64-gallon curbside, and 96-gallon curbside containers. Additional fees will be studied to cover the cost of bulky item collection.**

Fiscal Note: The intent of this program if recommended would be to collect fees and other revenue at a rate to cover the costs of the Sanitation Enterprise Fund.

- **Develop an ordinance to require certain C&D materials to be recycled or reused by builders and developers.**

Fiscal Note: This will not increase City costs to implement assuming additional Code Enforcement Officers are allocated for previous recommendations, and the builders and developers are required to contract to deliver recycling material to designated locations. The printing for this program will be incorporated within the Sanitation budget.

These recommendations are proposed to establish a plan for a faster rate of growth in our Recycling Program and diversion rate. Methods discussed in this document, but not recommended, would either only increase recycling at slow increments or would be difficult at this time to implement in our City.

Examples from Other Programs

July 2009 Recommendations:

- **Mandatory Recycling:**

- Durham - Requires by ordinance that certain recyclables are not placed in the garbage for collection (ie: aluminum and steel Cans, glass bottles and jars, newspapers, and cardboard). Fines are associated with not complying with the code.
- Goldsboro - Requires citizen to recycle at least one time per month or the citizen will be assessed \$25.00 on the utility bill
- Ft. Lauderdale, Fla.- Requires multi-family complexes to provide on site recycling service for residents.
- Pittsburgh, Pa. - Requires citizens and businesses to recycle. The state of Pennsylvania requires all cities to recycle.

Other programs reviewed with Mandatory Recycling:
Cambridge, Mass.

- **Buy Recycling Promotion Program:**

- Cary - Lists on website a list of vendors to purchase recyclable made products
- Raleigh - Promotes Closing the Loop and buying recycling products
- Winston-Salem Promotes Closing the Loop and buying recycling

- **Block Leader Program:**

- Raleigh- The Block Leader Program in Raleigh is designed to promote recycling through the block leader providing information to citizens such as collection dates, materials accepted, benefits of recycling, and recycling events. Nearly 200 residents of Raleigh have signed up.

July 2010 Recommendations:

- **Commercial Mandatory Recycling**

- Lee County, Fla. - County requires businesses to recycle.
- Seattle, Wa. - Requires businesses to recycle paper, cardboard, and yard debris
- State of NC - Requires recycling of bottles (ABC Permit Holders)

- Pittsburgh, Pa. - Requires businesses to recycle office paper, plastic bottles, cardboard, and leaf waste. Businesses must report recycling tonnage to the City. All Pennsylvania is mandatory.**
- Columbia, SC - Operates a commercial recycling collection program for all businesses.**

**Other Programs reviewed with Commercial Mandatory Recycling:
Montgomery Co., Maryland**

• **Composting Promotion Program:**

- Apex - Offers compost bins for sale (\$65) and provides education on how to compost on website**
- Durham - Has educational material available on the website and promotes the positive impact of composting**
- Cary - Offers educational information on the website**
- Orange Co., NC - Offers composting education and has demonstration sites for citizen education. Offers assistance for setup of composting sites at interested organizations, schools, or businesses. Offers recycling bins for sale at one day events in the spring.**
- Nashville, Tenn - City provides composting classes once per year to residents. A Master Composter Certificate is given to participants. The City also has demonstrations that are presented at public events. Compost bins are available through the City for \$40 and \$100 depending on type and size.**
- Tampa, Fla. - Promotes composting and operates a City-wide yard waste collection program. Yard waste is taken to a private facility and composted. Composted product is processed into mulch and sold for commercial use.**

Other Cities with Composting Programs:

- Atlanta, Ga.**
Austin, Tex.
Portland, Oreg.
Seattle, Wash.

- **Business Recycling Evaluation Service:**

- Gainsville, Fla. - Provides a business evaluation service where by request the City staff will provide businesses information and technical assistance in recycling, reducing waste and saving money on disposal cost**
- Hickory - Provides commercial and institutional recycling pickup and assistance for office paper, plastic containers, aluminum containers, mixed paper, scrap metal, and cardboard**
- Nashville, Tenn. - Offers educational information to businesses**
- Orange Co., NC - Offers free waste assessments for schools, businesses, civic groups and other organizations to determine elements of the waste stream that can be reduced, reused, or recycled. Detailed guides for recycling topics are also available.**
- Seattle, Wash. - Provides free recycling technical assistance to City businesses**

July 2011 Recommendations:

- **Feasibility Study for Pay-As-You-Throw Collection**

- Craven Co. - County has utilized Pay-as-you-Throw (PAYT) system since the late 1990s. The County charges an annual fee on the tax bill to households and small businesses for recycling (County-wide curbside collection). New Bern, Dover, and Vanceboro provide residents municipal service. All garbage in the County requires a sticker for each bag or a subscription service with a private hauler. 15 other counties have a PAYT system.**
- Eden, NC - Variable rate fee for collection based on City staff's estimate of average weight disposal amount. Drop-off centers provided for recycling. Program designed to cover 87% of costs. Color-coded stickers on roll-out containers are used to determine allowable garbage each week for each customer so new roll-out containers would not have to be purchased.**
- New Bern- The City collects 64-gallon containers for a base fee with any garbage above this amount requiring a purchased sticker to be collected. Recycling collection is no charge.**
- Wilmington Has two (2) roll-out container pricing structure. Extra bags must have a purchased sticker.**

Other Cities with PAYT in NC:

Bailey
Dover
Hendersonville
Turkey

Other Cities nationally with PAYT programs

Austin, Tex.
San Francisco, Calif.
Seattle, Wash.
Portland, Oreg.

• **Mandatory Construction and Demolition Debris Recycling:**

Orange Co. - Requires certain C&D Materials must be recycled and haulers of C&D recycling materials must be licensed. Penalties are assessed for non-compliance. Companies involved in C&D projects must also establish a waste management plan for each project. Includes cities within Orange County.

Chicago, Ill. - Assesses a penalty on projects that recycle less than 50% of material generated on project

Lee Co., Fla.- Construction projects must establish a goal for each project and submit documentation at end of project. If goal is not met, a diversion fee is assessed.

Other Recycling Program Ideas Not In Our Recommendations:

• **Reward Programs:**

Asheville - Feed the Bin and Win Program - Runs from February 4th of each year for 16 weeks. Citizen completes enrollment card and mails to City. Each week one enrollment card is drawn and if recycling is set out appropriately, the citizen wins \$100.

Morehead - \$50.00 credit vouchers for a citizen selected each month and City successfully recycles. The 12 winners per year are then placed into a box and the one drawn per year gets a \$500 cash prize donated by the county waste collection contractor.

Winston - Feed the Bin and Win Program – Starts April 16th and is Salem otherwise like Asheville’s program.

Ft. Lauderdale, Fl- Give cash awards to neighborhood groups based on recycling revenue. Neighborhoods track participation in City Events and Recycle Corp meetings, projects /events/ activities sponsored in the neighborhood, articles published in the neighborhood newsletter, and participation and sponsorship of the Hungry Green school recycling program. Based on the

points earned for involvement, the community will receive a monetary reward. Some neighborhoods have received \$1,000 for a one-year period.

- **Incentive Programs:**

Hendersonville - Charges a PAYT 96-gallon containers of \$12.50 and, if you Recycle, the rate for a 96-gallon container is \$8.00. A 32-gallon container is \$10.50 and, if you recycle, the 32-gallon container rate per month is \$6.00

Cities Nationally with Incentive Programs:

**Minneapolis, Minn.
Philadelphia, Penn.**



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Ordinance amending Section 9 of Chapter 1 of Title 12 of the City Code relating to false alarms

Explanation: City staff has prepared amendments to the False Alarm Ordinance to reflect those changes recommended by the Chief of Police and endorsed by the City Council on August 11, 2008. The proposed changes, if approved, would become effective November 1, 2008.

A second part of the recommendations endorsed by the City Council involved the City taking over responsibility for false alarm billing from the outside contractor. City billing will require cancelling the contract with AOT Public Safety Corporation and hiring one full-time collections officer in Financial Services and a half-time position in Police. The transition in billing is planned for January 1, 2009, but could be delayed depending on technical issues.

Fiscal Note: Changes to the fines and fees as proposed will reduce revenues collected by the City by an undetermined amount. Revenues collected are still anticipated to be sufficient to cover administration of the false alarm reduction program.

Recommendation: Approve the attached ordinance. Authorize the hiring of one full-time and one part-time position. Authorize termination of the services contract with AOT Public Safety Corporation.

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

Attachments / click to download

ORDINANCE NO. 08-

AN ORDINANCE AMENDING SECTION 9 OF CHAPTER 1 OF TITLE 12
GREENVILLE CITY CODE, RELATING TO FALSE ALARMS

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

Section 1. That Section 12-1-9(g) of the Code of Ordinances, City of Greenville, be
and is hereby amended by rewriting subsection (g) to read as follows:

- (g) Enforcement of provisions.
 - (1) Responsibility for false alarms shall be borne by the alarm user.
 - (2) The following civil penalty shall be required for each false alarm per alarm system within one permit year:
 - (a) First false alarm: no civil penalty;
 - (b) Second false alarm: \$25.00; however, if the alarm operator has a valid alarm permit, then there is no civil penalty for the second false alarm;
 - (c) Third and fourth false alarms: \$25.00 each;
 - (d) Fifth and sixth false alarms: \$50.00 each;
 - (d) Seventh and above false alarms: \$100.00 each;
 - (f) In addition to the foregoing fines, an additional civil penalty for false alarms from a non-permitted alarm system is \$200.00. The additional civil penalty will be waived if the alarm system is permitted within forty five (45) days of the false alarm.
 - (3) For any violation of the provisions of this section other than a false alarm, a violator shall be subject to a civil penalty in the amount of \$50.00.
 - (4) The city may offer an alarm awareness class to alarm users. Information on the opportunity to attend an alarm awareness class will be provided to alarm users after the first false alarm in a permit year.
 - (5) After responding to an alarm and determining that the alarm was false, the city shall leave written notice at the alarm site that there was a false alarm. The notice shall include the identity of the officer and time of response.

(6) The alarm user shall not be liable for a false alarm that occurs at an alarm site for which the alarm user has previously given a written disconnection notice to the alarm systems business or monitoring service.

(7) Payment of civil penalties. Civil penalties shall be paid within 30 days from the date of the citation. Violators shall be issued a written citation which must be paid within 30 days of the citation date. If not paid within the 30-day period, then an additional fifty dollars (\$50.00) delinquency charge shall be assessed for each 30-day period thereafter upon nonpayment until paid in full. The city attorney, or designee, is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the chief of police, or his designee, is authorized to verify and sign complaints on behalf of the city in such suits. A police officer or other employee authorized by the city manager to enforce the false alarm ordinances may issue a citation for violations of this chapter. If litigation is required to recover the penalties and delinquency charges, the city attorney or designee in addition to the penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

(8) Equitable remedy. The city may enforce the provisions of this section by applying to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

(9) Noncriminal violation. A violation of any of the provisions of this section shall not constitute a misdemeanor or infraction punishable pursuant to G.S. 14-4.

Section 2. That Section 12-1-9(i) of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting subsection (i) to read as follows:

(i) Appeals.

(1) Assessments of civil penalties and other enforcement decisions made under this section may be appealed by filing a written notice of appeal with the alarm administrator within 20 days after the date of notification of the assessment of civil penalties or other enforcement decision (suspension or revocation). The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decision. Proper notification of the alarm administrator shall stay the imposition of a penalty, suspension or revocation until adjudication. The alarm administrator shall conduct an informal hearing and consider evidence presented by the alarm user. Faulty or overly sensitive equipment, user error, or failure to renew the alarm permit shall not be sufficient basis to grant an appeal.

(2) If the alarm user is not satisfied with the ruling of the alarm administrator, then the alarm user may appeal to the alarm appeal board as constituted in accordance with the provisions of subsection (4). The request for an appeal to the alarm appeal board must be provided to the alarm administrator, on a form provided by the city, within 20 days from the date of the alarm administrator's ruling. Proper notification shall stay the imposition of a penalty, suspension or revocation until adjudication. The alarm appeal board shall conduct a hearing and consider evidence presented by the alarm user and by other interested persons. Faulty or overly sensitive equipment, user error, or failure to renew the alarm permit shall not be sufficient basis to grant an appeal. The alarm appeal board shall make a decision based on the preponderance of the evidence standard, and provide a decision within 30 days. The decision of the alarm appeal board is the final administrative remedy as to the city.

(3) Appeal standard. The alarm appeal board shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the alarm appeal board shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

(4) The alarm appeal board shall be constituted of three (3) members who shall be a member of the police department designated by the chief of police, a person associated with an alarm system business designated by the city manager from nominations received from alarm system businesses, and a person designated by the city manager from nominations received by the Neighborhood Advisory Council. In the event nominations are not received from the alarm system businesses or the Neighborhood Advisory Council or the city manager determines to not designate a member from the nominations received, the city manager shall designate a person to serve on the alarm appeal board until a nomination is received by the city manager and the person is designated by the city manager as a member of the alarm appeal board. Members of the alarm appeal board will be designated for a term consisting of one (1) calendar year from January to December, members may serve unlimited consecutive terms, and a vacancy shall be filled for the unexpired term.

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

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

Section 5. This ordinance will become effective _____, 2008.

This the _____ day of _____, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Resolution imposing a gross receipts tax on the short-term lease or rental of heavy equipment

Explanation: Session Law 2008-144 repeals the property tax on heavy equipment owned and used for short-term rental or lease by a person whose principal business is the short-term lease or rental of heavy equipment at retail. The Session Law also authorizes the City to enact in the place of property tax a local option gross receipts tax on the short-term heavy equipment rentals. City Council approval must occur two months before the first date of the calendar quarter in which the taxes will be effective. The first date the tax can be effective is January 1, 2009.

The rate of gross tax allowed by this law is .8% for cities. Pitt County will be imposing the gross tax allowed for counties at 1.2%.

Fiscal Note: This tax may generate approximately \$10,000 in annual revenue for the City. As a local option tax, the State's Fiscal Research has calculated this to be revenue neutral when applied to the gross receipts from the rental of heavy equipment. Even though the tax rate is revenue-neutral, the share of the total revenue received by a city may change. The tax will be paid to the City if the place of business from which the heavy equipment is delivered is located in the City.

Recommendation: Approval of the attached resolution to levy .8% gross receipts tax on the short-term rental of heavy equipment.

Attachments / click to download

 [General Assembly Session Law 2008-144 SB 1852](#)

 [CAO Version RESOLUTION IMPOSING A GROSS RECEIPTS TAX ON HEAVY EQUIPMENT IN LIEU OF PROPERTY TAX 788331](#)

RESOLUTION NO. 08-_____

RESOLUTION IMPOSING A GROSS RECEIPTS TAX ON THE
SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

WHEREAS, North Carolina General Statute 105-275(42a) designates Heavy Equipment on which a gross receipts tax may be imposed under 160A-215.2 as a special class of property which is exempted from property taxation and shall not be listed, appraised, assessed or taxed after July 1, 2009; and

WHEREAS, in lieu thereof, North Carolina General Statute 160A-215.2 authorizes a City by resolution to impose a tax at the rate of eight tenths percent (0.8%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; and

WHEREAS, this tax provides an alternative to a property tax on the equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby impose, pursuant to North Carolina General Statute 160A-215.2 and effective on January 1, 2009, a tax at the rate of eight tenths percent (0.8%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail.

This the 9th day of October, 2008.

[SEAL]

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc #788331

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-144
SENATE BILL 1852

AN ACT TO RESOLVE PROBLEMS WITH APPLYING PROPERTY TAX TO HEAVY EQUIPMENT RENTED ON A SHORT-TERM BASIS BY REPLACING THE PROPERTY TAX ON THIS EQUIPMENT WITH A TAX ON THE GROSS RECEIPTS FROM RENTING THE EQUIPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-275 is amended by adding a new subdivision to read:

"§ 105-275. Property classified and excluded from the tax base.

The following classes of property are hereby designated special classes under authority of Article V, Sec. 2(2), of the North Carolina Constitution and shall not be listed, appraised, assessed, or taxed:

...

(42a) Heavy equipment on which a gross receipts tax may be imposed under G.S. 153A-156.1 and G.S. 160A-215.2."

SECTION 2. Article 7 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-156.1. Heavy equipment gross receipts tax in lieu of property tax.

(a) Definitions. – The following definitions apply in this section:

(1) Heavy equipment. – Earthmoving, construction, or industrial equipment that is mobile, weighs at least 1,500 pounds, and meets any of the descriptions listed in this subdivision. The term includes an attachment for heavy equipment, regardless of the weight of the attachment.

a. It is a self-propelled vehicle that is not designed to be driven on a highway.

b. It is industrial lift equipment, industrial material handling equipment, industrial electrical generation equipment, or a similar piece of industrial equipment.

(2) Short-term lease or rental. – Defined in G.S. 105-187.1.

(b) Tax Authorized. – A county may, by resolution, impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail. The heavy equipment subject to this tax is exempt from property tax under G.S. 105-275, and this tax provides an alternative to a property tax on the equipment. A person is not considered to be in the short-term lease or rental

business if the majority of the person's lease and rental gross receipts are derived from leases and rentals to a person who is a related person under G.S. 105-163.010.

The tax authorized by this section applies to gross receipts that are subject to tax under G.S. 105-164.4(a)(2). Gross receipts from the short-term lease or rental of heavy equipment are subject to a tax imposed by a county under this section if the place of business from which the heavy equipment is delivered is located in the county.

(c) Payment. – A person whose principal business is the short-term lease or rental of heavy equipment is required to remit a tax imposed by this section to the county finance officer. The tax is payable quarterly and is due by the last day of the month following the end of the quarter. The tax is intended to be added to the amount charged for the short-term lease or rental of heavy equipment and paid to the heavy equipment business by the person to whom the heavy equipment is leased or rented.

(d) Enforcement. – The penalties and collection remedies that apply to the payment of sales and use taxes under Article 5 of Chapter 105 of the General Statutes apply to a tax imposed under this section. The county finance officer has the same authority as the Secretary of Revenue in imposing these penalties and remedies.

(e) Effective Date. – A tax imposed under this section becomes effective on the date set in the resolution imposing the tax. The date must be the first day of a calendar quarter and may not be sooner than the first day of the calendar quarter that begins at least two months after the date the resolution is adopted.

(f) Repeal. – A county may, by resolution, repeal a tax imposed under this section. The repeal is effective on the date set in the resolution. The date must be the first day of a calendar quarter and may not be sooner than the first day of the calendar quarter that begins at least two months after the date the resolution is adopted."

SECTION 3. Article 9 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-215.2. Heavy equipment gross receipts tax in lieu of property tax.

(a) Definitions. – The following definitions apply in this section:

(1) Heavy equipment. – Defined in G.S. 153A-156.1.

(2) Short-term lease or rental. – Defined in G.S. 105-187.1.

(b) Tax Authorized. – A city may, by resolution, impose a tax at the rate of eight tenths percent (0.8%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail. The heavy equipment subject to this tax is exempt from property tax under G.S. 105-275, and this tax provides an alternative to a property tax on the equipment. A person is not considered to be in the short-term lease or rental business if the majority of the person's lease and rental gross receipts are derived from leases and rentals to a person who is a related person under G.S. 105-163.010.

The tax authorized by this section applies to gross receipts that are subject to tax under G.S. 105-164.4(a)(2). Gross receipts from the short-term lease or rental of heavy equipment are subject to a tax imposed by a city under this section if the place of business from which the heavy equipment is delivered is located in the city.

(c) Payment. – A person whose principal business is the short-term lease or rental of heavy equipment is required to remit a tax imposed by this section to the city

finance officer. The tax is payable quarterly and is due by the last day of the month following the end of the quarter. The tax is intended to be added to the amount charged for the short-term lease or rental of heavy equipment and paid to the heavy equipment business by the person to whom the heavy equipment is leased or rented.

(d) Enforcement. – The penalties and collection remedies that apply to the payment of sales and use taxes under Article 5 of Chapter 105 of the General Statutes apply to a tax imposed under this section. The city finance officer has the same authority as the Secretary of Revenue in imposing these penalties and remedies.

(e) Effective Date. – A tax imposed under this section becomes effective on the date set in the resolution imposing the tax. The date must be the first day of a calendar quarter and may not be sooner than the first day of the calendar quarter that begins at least two months after the date the resolution is adopted.

(f) Repeal. – A city may, by resolution, repeal a tax imposed under this section. The repeal is effective on the date set in the resolution. The date must be the first day of a calendar quarter and may not be sooner than the first day of the calendar quarter that begins at least two months after the date the resolution is adopted."

SECTION 4. G.S. 105-259(b) reads as rewritten:

"§ 105-259. Secrecy required of officials; penalty for violation.

(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State may not disclose the information to any other person unless the disclosure is made for one of the following purposes:

...

(5d) To provide the following information to a county or city on an annual basis, when the county or city needs the information for the administration of its local prepared food and beverages ~~tax or room occupancy tax~~, room occupancy tax, vehicle rental tax, or heavy equipment rental tax:

- a. The name, address, and identification number of retailers who collect the sales and use taxes imposed under Article 5 of this Chapter and may be engaged in a business subject to ~~a local prepared food and beverages tax or room occupancy tax~~ one or more of these local taxes.
- b. The name, address, and identification number of a retailer audited by the Department of Revenue regarding the sales and use taxes imposed under Article 5 of this Chapter, when the Department determines that the audit results may be of interest to the county or city in the administration of ~~its local prepared food and beverages tax or room occupancy tax~~ one or more of these local taxes.

...."

SECTION 5. Section 1 of this act is effective for taxes imposed for taxable years beginning on or after July 1, 2009. The remainder of this act is effective when it

becomes law. A tax imposed under G.S. 153A-156.1 or G.S. 160A-215.2, as enacted by this act, may not become effective before January 1, 2009.

In the General Assembly read three times and ratified this the 8th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 8:06 p.m. this 2nd day of August, 2008



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Agreement for federal lobbying services with The Ferguson Group

Explanation: Since 2002, the City has contracted on an annual basis with The Ferguson Group to act as the City's representative with the federal government in Washington, DC. The current agreement expires on October 31, 2008. The attached proposed agreement extends the services of The Ferguson Group for another year to October 31, 2009 under the same terms and conditions as contained in the current agreement except for an increase in the fee for services as explained in the fiscal note.

Attached also is a letter from The Ferguson Group describing the services provided and requesting an increase in the annual fee.

Fiscal Note: The annual cost to the City for the services of The Ferguson Group included in the proposed agreement is \$94,500 payable in monthly installments of \$7,875. This amount represents a five percent increase compared to the amount of \$90,000 in the current agreement. Except for 2005-2006 when the City and Pitt County prepared a joint federal agenda and the agreement amount was \$63,000, the \$90,000 amount has remained the same with no increase since the original agreement was signed in 2002.

The 2008-2009 Mayor and City Council budget contains \$90,000 for this agreement. The \$4,500 increase amount is available in the General Fund Contingency Account (current balance is \$121,293.)

Recommendation: The City Council approve the attached agreement with The Ferguson Group.

Attachments / click to download

 [Ferguson Agreement](#)

 [Ferguson Letter](#)

AGREEMENT
CITY OF GREENVILLE, NORTH CAROLINA AND
THE FERGUSON GROUP, L.L.C.

Pursuant to this Agreement, the City of Greenville, North Carolina (hereinafter referred to as "the City ") and The Ferguson Group, L.L.C. (hereinafter referred to as "the Washington Representative"), agree to assume the following obligations:

1. OBLIGATIONS OF THE FERGUSON GROUP

- A. The Washington Representative will act as the representative of the City in Washington, D.C.
- B. The Washington Representative will confer with the City Manager and such other personnel as the City Manager may designate at the times and places mutually agreed to by the City Manager and the Washington Representative. This will be done on all organizational planning and program activity that has a bearing on the ability of the City to make the best use of federal programs and develop strategies consistent with federal agendas for accomplishing the City's goals and objectives. In addition, the Washington Representative will coordinate with the City to develop a joint, comprehensive strategic plan for legislative appropriations and other federal issues.
- C. The Washington Representative will review federal executive proposals, legislation under consideration, proposed and adopted administrative rules and regulations and other Washington developments for the purpose of advising the City, on the representative's own initiative, of those items that may have a bearing on the City's policies or programs. And, the Washington Representative will notify the City in advance of opportunities for federal funding prior to formal publication and obtain applications upon request.
- D. The Washington Representative will secure and furnish such detailed information as may be available on federal issues in which the City indicates an interest.
- E. The Washington Representative will review and comment on proposals of the City, which are being prepared for submission to federal agencies, when requested to do so by the City Manager.
- F. The Washington Representative will maintain liaison with the City's Congressional Delegation and assist the delegation in any matter that is in the best interest of the City and in the same manner as any other member of the City's staff might render assistance.

- G. The Washington Representative will counsel with the City and prepare briefing materials and/or conduct briefings for City representatives who are preparing to meet with Members of Congress, testify before Congressional committees and administrative agencies, and conduct other City business, or attend national conferences.
- H. The Washington Representative will arrange appointments (and accommodations when requested) for City officials to facilitate the efficient and effective performance of City business while in Washington, D.C.
- I. The Washington Representative will contact federal agencies on the City's behalf when applications are under consideration by such agencies and otherwise take whatever steps necessary to obtain the most favorable consideration of such applications.
- J. The Washington Representative will submit periodic reports providing the latest information on issues of interest to the City; and provide an annual report giving an overview of The Ferguson Group's work over the past year and a forecast of issues to be faced in the upcoming year.
- K. In fulfilling the responsibilities under this Agreement, the Washington Representative will act in the name of the City and with the title Washington Representative of the City of Greenville, North Carolina.

2. OBLIGATIONS OF THE CITY OF GREENVILLE, NORTH CAROLINA

- A. The City will contract with the Washington Representative for a period of twelve months.
- B. The contract will be \$94,500 payable in advance in equal monthly installments of \$7,875. This figure includes fees for professional services described under paragraph 1, subparagraphs A-K, and travel expenses, telephone charges, document production costs, and other expenses incurred in the course of conducting the City's business..
- C. The City, through the City Manager, will advise the Washington Representative of the name or names of persons other than the City Manager authorized to request service by the Washington Representative and the person or persons to be kept advised by the Representative.
- D. The City will supply the Washington Representative with a summary of all federal issues in which the City has interests and advise the Washington Representative of any new developments, together with the pertinent details as to the substance of such developments.
- E. The City will supply the Washington Representative with copies of budgets, planning documents and regular reports of the City Manager, the City's agenda and proceedings, newspapers and other materials to assist the Washington Representative in keeping current on the City's policies and programs.

3. THE CITY OF GREENVILLE, NORTH CAROLINA AND THE FERGUSON GROUP CONCUR THAT THE FOLLOWING EXCLUSIONS SHALL APPLY TO THIS AGREEMENT.

The Washington Representative assigned to the City:

- A. will not represent the City before formal congressional committee hearings or in any judicial or quasi-judicial hearing conducted by boards or examiners of federal agencies or commissions; and
 - B. will not perform any legal, engineering, accounting or other similar professional services.
4. Either party may terminate this Agreement at any time by giving the other at least thirty-days notice in writing of such termination. From and after said termination date as herein provided all further monthly installments shall cease notwithstanding the contract amount set out in paragraph 2, subparagraph B.

This Agreement shall take effect on November 1, 2008 and terminate on October 31, 2009.

THE FERGUSON GROUP, L.L.C.

CITY OF GREENVILLE, NORTH CAROLINA

WILLIAM FERGUSON, JR.
Chief Executive Officer

WAYNE BOWERS
City Manager

APPROVED AS TO FORM:

David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION

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

Bernita W. Demery, Director of Financial Services



1130 Connecticut Avenue, NW
Suite 300
Washington, D.C. 20036
202.331.8500
202.331.1598 fax

September 11, 2008

Mr. Wayne Bowers
City Manager
City of Greenville
201 MLK, Jr. Drive
Greenville, NC 27834

Dear Mr. Bowers:

The contract between the City of Greenville and The Ferguson Group (TFG) expires on October, 31 2008. In the past five years during which time TFG has been retained as the City's Washington Representative, TFG has assisted the City in securing over \$11 million in federal funding for projects on its federal agenda. We are currently aggressively advocating for funding for the City's fiscal year 2009 priority projects. We maintain close relationships with staff in all four delegation offices and strongly believe that those relationships benefit the City and its priorities.

In addition to our work on appropriations and authorizing legislation, TFG works to secure additional money for the City through the federal grant process. Most recently, TFG has worked with the City and the North Carolina Department of Transportation to pursue grant funding through the Federal Railroad Administration to relocate the switching yard currently located in the heart of the City.

Finally, TFG monitors legislative issues of importance to the City of Greenville. On the City's behalf, TFG worked with members of the House Committee on Financial Services to amend legislation aimed at stabilizing communities that have been hit hard by foreclosures. The amendment drafted on behalf of the City of Greenville expanded assistance under the bill from the 25 largest cities in the nation to all municipal jurisdictions with a population of 50,000 or more.

As the cost of doing business Washington, DC increases, TFG is forced to increase our minimum retainer fee for new clients, which is now \$10,500 per month. The City of Greenville is currently charged \$7,500 per month, the amount proposed to in 2005. TFG has not asked for an increase in our monthly retainer since that time. As a result of our increased costs, however, we request a five percent increase in our retainer, equaling an increase of \$375 per month. I am enclosing two signed contracts extending our services for one year to October 31, 2009, with an annual contract amount of \$94,500 (\$7,875 per month), and all other contract provisions remain the same.

If you have any questions, please call me. Otherwise, I look forward to receiving one original executed agreement. (The other is for your files.) I look forward to another successful year!

Best regards,

Melissa Hyman

Enclosures



City of Greenville, North Carolina

Meeting Date: 10/9/2008
Time: 7:00 PM

Title of Item: Lease Agreement with City of Wilson for a portion of Greenville Utilities Commission's Winterville Electric Substation property

Explanation: The City of Wilson (Wilson) and Wilson's broadband consultants met with representatives from Greenville Utilities and the City of Greenville on July 16, 2008 to discuss Wilson's need for a point-of-presence internet connection in Greenville. Wilson indicated that AT&T Internet Services has facilities in Greenville and that Wilson desired to connect with AT&T for improved internet service in Wilson.

Subsequently, GUC and Wilson met at the Winterville Substation and determined that space is available on that property for a 40' X 40' fenced site to house the necessary hardware to make this connection (map is attached).

GUC representatives also met with Wilson's broadband management team at the Operations Center in Wilson to further discuss the matter. Wilson indicated that they are quickly running into internet capacity issues and that the AT&T interconnect in Greenville is critical to the retail service they are providing in Wilson.

GUC's Attorney has been working with the Wilson's attorney on a lease agreement. The GUC Board requested that a provision be included in the agreement that prohibits Wilson from selling internet services at the retail level in the Greenville area.

The GUC Board, at its meeting on September 16, 2008 took action to authorize the General Manager/CEO to execute a rental/lease agreement with Wilson for space at the Winterville substation pending a successful contract negotiation with Wilson, proper advertising, and approval by the GUC attorney. Concurrence is also needed by the City Council.

Fiscal Note: No cost to the City of Greenville. The annual rental amount will be determined

prior to execution of the lease by agreement between the City, GUC, and Wilson based on an appraisal of the subject property. The rental payments will be income for the GUC electric system.

Recommendation: Approve leasing to Wilson the 40' by 40' site at the GUC Winterville Substation upon the terms of the attached lease agreement with the amount of the rental payment to be determined by the GUC General Manager/CEO and the City Manager.

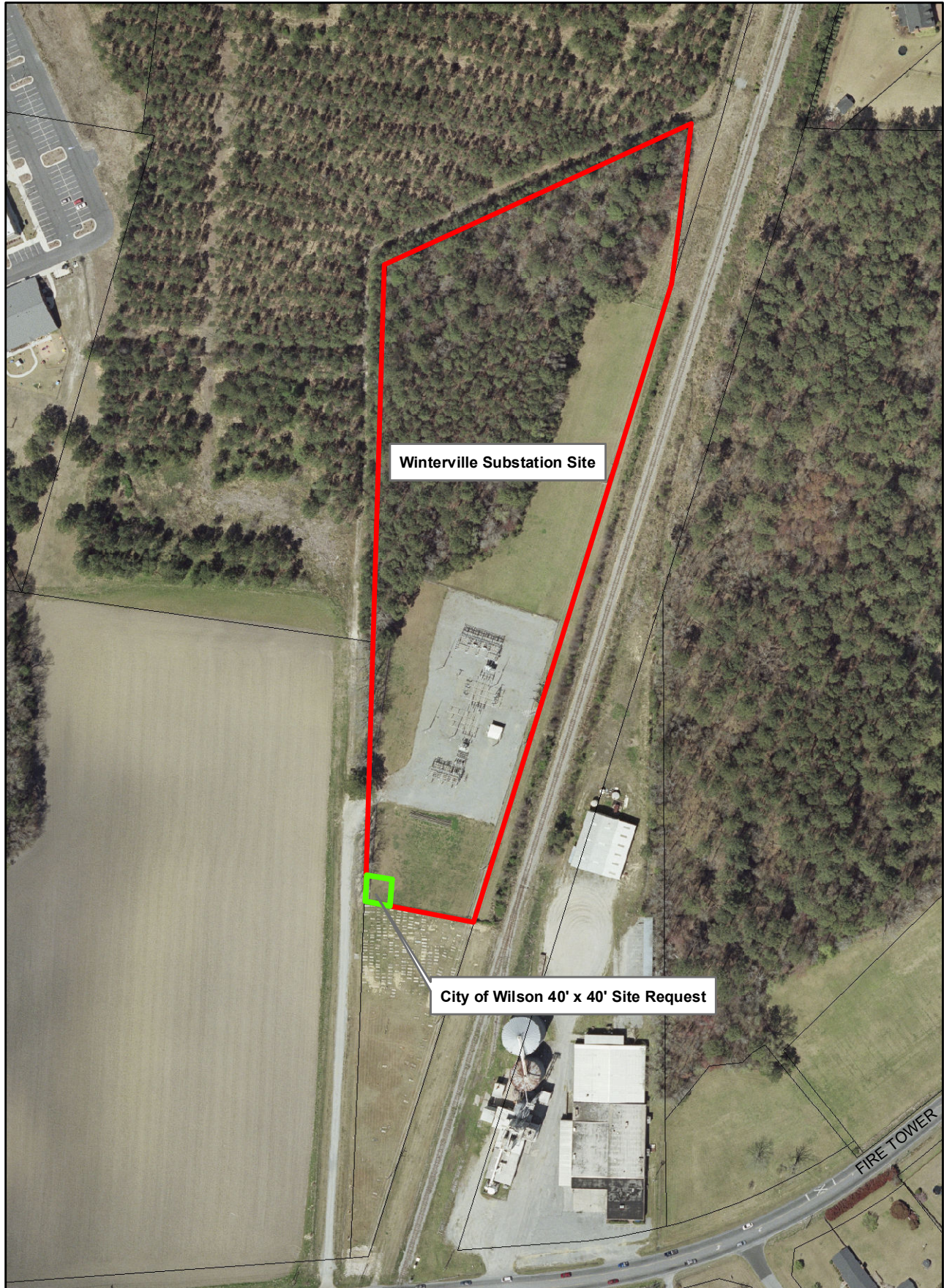
Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Map](#)

 [Lease Agreement](#)

City of Wilson Lease Request



NORTH CAROLINA
PITT COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this ___ day of _____, 2008, by and between CITY OF GREENVILLE (“Greenville”), a body politic and corporate (for the use and benefit of GREENVILLE UTILITIES COMMISSION (“GUC”)), Lessor, and THE CITY OF WILSON (“Wilson”), a body politic and corporate, Lessee;

WITNESSETH:

WHEREAS, the Lessor owns a tract of land consisting of approximately 8.411 acres located in Winterville Township, Pitt County, North Carolina, and more particularly described in that deed dated September 21, 1979 and recorded in Book ___, Page ___, Pitt County Registry, whereupon Lessor currently has constructed within a fenced area an electric utility substation (the “Substation”); and

WHEREAS, Lessee desires to lease as lessee and Lessor agrees to lease as lessor that portion of the Substation located in the southwestern corner of the fenced area, together with ingress and egress thereto, all as more particularly hereinafter described; and

WHEREAS, the parties desire to enter into this written Lease Agreement in order to more definitely set out the respective rights of the Lessor and the Lessee.

NOW, THEREFORE, for and in consideration of the rental and covenants and agreements hereinafter set forth, the Lessor has agreed to lease and does hereby demise and lease unto Lessee, and Lessee has agreed to take and lease and does hereby lease from Lessor those premises located more particularly described in Exhibit “A” attached hereto which is incorporated herein by reference.

The terms and conditions of this Lease are as follows:

1. TERM. This Lease shall be for a term of seven (7) years beginning on the 1st day of October, 2008, and terminating on the 30th day of September, 2015.

2. RENTAL. The rental to be paid by Lessee to Lessor for the leased premises shall be _____ (\$_.__) per year for each and every year of this lease term, said rental payment to be payable in advance on October 1 of each year, or Lessee may, at its option, prepay in a lump sum all of the annual rent due hereunder.

3. OBLIGATION TO MAINTAIN. Lessee agrees to accept the leased premises in their present condition and Lessee agrees during the term of this Lease to maintain said premises in their present condition, except for such improvements as may be allowed by this Lease, ordinary wear and tear excepted. Lessee further covenants and agrees that it will be solely and completely responsible for all maintenance of its facilities and all costs of the additional fencing and gate to be installed surrounding the leased premises.

4. USE AND IMPROVEMENTS. This Lease is entered into with Lessee for the sole purpose of allowing Lessee to have use of a portion of the Substation for placement of Lessee's communications facilities and equipment, and any reasonable and customary uses related thereto; provided however, that no such uses will be permitted by Lessee which seek to provide services by Lessee to the citizens of Greenville or to the customers of GUC, unless expressly authorized by Greenville and GUC in writing.

5. LEGAL AUTHORITY. Lessor specifically authorizes Lessee to take such steps as Lessee may deem necessary to institute and prosecute judicial proceedings against trespassers and any individual or entity making unlawful use of the demised premises or committing any crimes thereon, or in any way interfering with or obstructing Lessee's use of the premises.

6. IMPROVEMENTS. Lessee shall have authority to construct and place a fence around the leased premises and to utilize the Lessor's existing fence along two (2) sides of the leased premises, including installation of a gate therein, and to construct and place any such improvements as it reasonably deems appropriate upon the leased premises so long as the construction and placement of said improvements do not interfere with the operation and function of the Lessor's Substation facilities as determined by Lessor in its sole and absolute discretion. Any such improvements or construction made on the leased premises by the Lessee shall remain the property of the Lessee, and Lessee shall be fully responsible for the maintenance, care and operation of said improvements. The Lessee may remove such improvements and construction from the leased premises at its own expense upon the termination of this Lease, but shall repair any damages caused by the removal and restore the site to its original condition, ordinary wear and tear excepted.

7. INDEMNIFICATION. Lessee hereby covenants and agrees to indemnify and hold Lessor harmless from any liability, claim, or demand, which might be made against Lessor as a result of Lessee's use of the leased premises. Lessee shall not be liable for any injury or damage

arising from the Lessor's use or operation of its Substation and Lessor hereby covenants and agrees to indemnify and hold Lessee harmless from any liability, claim, or demand, which might be made against Lessee as a result of Lessor's use of the leased premises.

8. WARRANTIES. The Lessor warrants that it has the right to enter this Lease and that it is the owner of the leased premises and that, upon paying the rent and performing all other terms of this Lease, that Lessee shall have the use and quiet enjoyment of the leased premises without unreasonable hindrance or molestation. Lessee warrants that it has the right to enter this Lease and that it will obey and comply with all lawful requirements, regulations and ordinances of legally constituted authorities having jurisdiction over the leased premises.

9. ASSIGNMENT. Neither party shall have the right or power to assign or sublet the leased premises or any part thereof or to transfer or assign this Lease in whole or in part without the written consent of the other party, which consent will not be unreasonably withheld, provided that the approved assignee assumes all of the obligations of the assignor hereunder.

10. ENTIRE AGREEMENT. This Lease contains the entire agreement between the parties and may not be changed or modified orally.

11. JOINER. Greenville Utilities Commission of the City of Greenville, N.C. joins in the execution of this Lease Agreement for the purpose of indicating its consent hereto.

IN TESTIMONY WHEREOF, the parties have caused this Lease to be executed the day and year first above written, all by authority duly given.

GREENVILLE UTILITIES COMMISSION

By: _____

CITY OF GREENVILLE

By: Patricia C. Dunn, Mayor

ATTEST:

Wanda Elks, City Clerk
(SEAL)

CITY OF WILSON

By: _____
C. Bruce Rose, Mayor

ATTEST:

Rebecca D. Rose, City Clerk
(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that Wanda Elks, who is personally known by me, came personally before me this day and acknowledged that she is the City Clerk of the City of Greenville, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its City Clerk.

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

Signature: _____

Notary Public

Printed Name: _____

(SEAL)

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF WILSON

I, _____, a Notary Public in and for said County and State, do hereby certify that Rebecca D. Rose, who is personally known by me, came personally before me this day and acknowledged that she is the City Clerk of the City of Wilson, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its City Clerk.

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

Signature: _____

Notary Public

Printed Name: _____

(SEAL)

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity of _____, of The Greenville Utilities Commission.

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

Signature: _____

Notary Public

Printed Name: _____

(SEAL)

My Commission Expires: _____

EXHIBIT "A"

ATTACHED TO AND MADE A PART OF THAT CERTAIN
LEASE AGREEMENT BY AND BETWEEN THE CITY OF GREENVILLE, a body politic and
corporate (for the use and benefit of THE GREENVILLE UTILITIES COMMISSION), Lessor,
and THE CITY OF WILSON, a body politic and corporate, Lessee

A portion of that certain tract or parcel of land lying and being in Winterville Township, Pitt County, North Carolina, and consisting of an area being 40 feet by 40 feet located in the southwestern corner of the Lessor's existing fenced-in electric utility substation property and being bounded on the south and on the west by Lessor's existing security fencing around the substation site; together with the right of access including ingress, egress and regress thereto across Lessor's intervening lands.

This being a portion of the Lessor's property more particularly described in that deed dated September 21, 1979 and recorded in Book ____, Page ____, Pitt County Registry.