



Agenda

Greenville City Council

February 5, 2007
6:00 PM
City Council Chambers
200 Martin Luther King, Jr. Drive

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I. Call Meeting To Order

II. Invocation - Mayor Pro-Tem Council

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes from the January 8 and January 11, 2007 City Council meetings
2. Various tax refunds
3. First reading of an ordinance granting a taxicab franchise to James E. Sherman d/b/a Dick's Cab

VII. New Business

4. Presentations by boards and commissions
 - a. Board of Adjustment
5. Resolution in support of a grant application to the PetSmart Charities to establish an off-leash dog area in the South Tar River Greenway area
6. Fiscal Year 2008 Federal Agenda

7. Ordinance amending Chapter 2, Title 10, Article T, "Controlled Residential Parking Areas," of the City Code of Ordinances to permit residents on both sides of a street with controlled residential parking to be eligible to obtain a parking permit decal
8. Tenth Street Connector Supplemental Relocation Program
9. Ordinance to amend the Manual of Fees to increase the off-duty rate of pay for the Greenville Police Department
10. Ordinance authorizing the Police Department to implement an Auxiliary Police Officer Program
11. Memorandum of agreement with Pitt Community College for use of the Public Safety Training Center
12. Paint scheme for new fire apparatus

VIII. Review of February 8, 2007 City Council agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

13. City Manager Goals and Performance Objectives for 2007

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

<u>Title of Item:</u>	Minutes from the January 8 and January 11, 2007 City Council meetings
<u>Explanation:</u>	Minutes of the January 8 and 11, 2007 City Council meetings have been prepared and are ready to be considered by Council for approval.
<u>Fiscal Note:</u>	None
<u>Recommendation:</u>	Recommend approval

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[January 8 2007 City Council Meeting Minutes](#)

[January 11 2007 City Council Minutes](#)

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 8, 2007

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Larry Spell and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers reported that a closed session needs to be added to the agenda to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Motion was made by Council Member Little and seconded by Council Member Spell to approve the agenda as presented with the addition of a closed session to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Council Member Craft and seconded by Council Member Little to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes from the December 11 and December 14, 2006 City Council meetings
- (2) Various tax refunds

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Susan Wyant Barrett	Vehicle charged in city limits in error	\$109.15

	Honda Lease Trust	Prorate taxes on vehicle	\$125.67
	Tallulah Smith Morrow	Vehicle not taxable in Pitt County	\$131.24
(3)	Resolution accepting dedication of rights-of-way and easements for Bristolmoor Subdivision, Section 2, and Windsor Downs Subdivision, Phase II (Resolution No. 07-01)		

PRESENTATIONS BY BOARDS AND COMMISSIONS

Community Appearance Commission

Mr. Jay Marshall, Chairman of the Community Appearance Commission, stated that there were ten monthly meetings, with several meetings of three subcommittees. The Commission gave three Community Appearance Commission Awards monthly and awarded 10 biennial Community Appearance Commission Awards. The Spring Clean-Up was very successful with 450 loads of vegetation and limbs, 300 loads of bulky trash, 125 batteries and 19 loads of white goods being collected. The next Spring Clean-Up is scheduled for March 24-31. Eight new sections of streets have been included to the Adopt-A-Street Program. Mr. Marshall concluded by thanking the Council and staff for helping the Commission accomplish what they do.

Environmental Advisory Commission

Dr. Ulrich Alsentzer, Chairman of the Environmental Advisory Commission explained the environmental initiatives that have been implemented or that are being worked on to improve the quality of life, such as the tree ordinance, Keep America Beautiful, Cool Cities, reduced exhaust school buses, environmental awareness awards, West Greenville/Brownfields redevelopment, and greenways. Dr. Alsentzer stated that the preservation of mature canopy trees will make the air healthier to breathe for children and senior citizens, create increased property values, save homeowners energy costs, and save communities air and water clean-up costs. The Environmental Advisory Commission is working on a tree ordinance. Also, the Keep Greenville Beautiful program certification is anticipated to be received in Spring 2007, which will provide for litter reduction, recycling and beautification. The Precertification Committee has drafted preliminary bylaws and has conducted a litter survey on significant city streets. Recycling has incredible economic benefits, as it provides for a reduced demand for raw materials. Recycling has decreased the energy demand when it comes to production of final products. The Cool Cities Program is a proclamation made by Mayors, which provides for improved energy efficiency, low emission, and high miles per gallon vehicles, providing decreased energy consumption by municipalities. In cooperation with the Pitt County Board of Health, Pitt County is trying to obtain grant funding for reduced emissions on school buses, which will reduce asthma in school children and reduce cardiovascular death in the elderly. This will be the third year of the Environmental Advisory Commission giving the Environmental Awareness Award, which honors environmentally friendly activities and raises awareness. The West Greenville/Brownfield development has the right ingredients and is fully supported by the Environmental Advisory Commission. It is a mixed use development, with extensive public green space. It provides energy efficient homes, ready access to public transportation, and walkways and bikeways. Greenways are linear parks that are the green lungs of Greenville. Greenways are an alternative to car-based transportation.

Dr. Alsentzer concluded by thanking the Public Works, Community Development, and Recreation and Parks Departments.

Youth Council Report on National League of Cities Conference

Ms. Ariel Lopez thanked the Council for allowing the Youth Council to attend the 83rd National League of Cities conference in Reno, Nevada. The Youth Council raised over \$3,161 to cover the airline tickets. This was a new and challenging experience for some, as they met with different youth councils, shared ideas and attended various workshops. One of the things they learned is that other youth councils share the same issues. Two of the most dynamic sessions were the General Session and a workshop on youth violence. The keynote speaker addressed housing issues. The primary goal of the Youth Council is to participate with City leaders to discuss things that this generation faces. The Greenville Youth Council believes that open forums between elected officials, community leaders and the youth are a great place to start. They believe they should listen to each other and have an open mind. In order to make effective change in the community, it is important that everyone make an equal effort to understand each other's perspective, accept each other's opinions and have an open mind on how to reduce youth violence and other issues that have a negative impact on the community. This community can make any situation better and more beneficial for the citizens. In order to accomplish that goal, they must possess the desire to want to improve the community. The Youth Council is looking forward to many dynamic changes for the City of Greenville. Members of the Youth Council would like to start making positive changes for the City in 2007. Therefore, they would like to challenge the leaders of the City to an open forum to address crime in this community, and a date will be announced later. Youth in this city have an unprecedented voice that will be strong, influential, and heard. She concluded by stating that the Youth Council is looking forward to a positive working relationship with the City Council.

CHANCE AND SECOND CHANCE (MCLOUD COMPUTER SKILLS & TRAINING CENTER) PRE-APPLICATION FOR GOVERNOR'S CRIME COMMISSION GRANT - APPROVED

Mrs. Bernita Demery, Director of Financial Services, stated that this is a CHANCE and Second CHANCE pre-application for the Governor's Crime Commission grant for the fiscal year starting July 2007. This is for a first and second year grant. As a matter of policy, Ms. McCloud has included a five percent administrative fee for the City of Greenville, as the fiscal agent. The City has to verify the information before it is processed. The check from the Governor's Crime Commission goes to the City of Greenville, who in turn pays Ms. McCloud.

Ms. Valerie McCloud thanked the City Council for their support in 2005 and 2006. This new application is for the same program, and two pre-applications are being submitted—one for CHANCE and one for Second CHANCE. CHANCE keeps people from getting involved in the juvenile system. Second CHANCE is for intervention, children who have been suspended from school or who have been in the system. Thus far, 140 families have been impacted by the program, which does things such as helping the youth pass the end of grade testing and improving life skill training. The Second CHANCE helps keep the youth from returning to the juvenile system.

Council Members asked questions of Ms. McCloud regarding the program, and responses were given. She indicated that clients are identified through the school system and teen courts. The success of the program is determined by success on the youth's report card, and attendance is measured as well. The youth do not pay to participate in the program. Under CHANCE, 100 youth have been helped, and under Second CHANCE, 5 have been helped. The youth that are addressed are middle school to high school (ages 10 to 17).

Motion was made by Council Member Little and seconded by Council Member Dunn to authorize (1) the City Manager to negotiate and sign an agreement with McCloud Computer and Skills Training Center to serve as fiscal agent for the proposed grants, and (2) appropriate City staff to execute any documents required by the State. Motion carried unanimously.

BOYS AND GIRLS CLUB PRE-APPLICATION FOR GOVERNOR'S CRIME COMMISSION GRANT - APPROVED

City Manager Bowers informed the Council that this pre-application is similar to the one just discussed. The Boys and Girls Club of Pitt County is planning to submit a pre-application to the Governor's Crime Commission for a grant to provide operating funds for the new Boys and Girls Club to be located north of the Tar River.

Mr. Jay Faron, Executive Director of the Boys & Girls Clubs of Pitt County, Inc., informed the Council that this is the same type of grant that they did several years ago. It is for a new program north of the river. Operating funds are needed, and he will be requesting \$75,000 per year for a two-year period from the Governor's Crime Commission's Juvenile Justice Planning Committee funds. He asked that the Council provide the same kind of arrangement, whereby the City would be the fiscal agent but not contribute dollars.

Council Members asked questions of Mr. Faron regarding the program, and responses were that the Boys & Girls Club north of the river will, hopefully, be operational in July. This will be the only Boys & Girls Club north of the river, and the same program format will be used as is used for other clubs. It will be a 20,000 square foot facility. There is a nominal charge to use the facilities. The Boys and Girls Club works with the schools, and this location will be on the bus route for schools.

Motion was made by Council Member Little and seconded by Council Member Spell to authorize (1) the City Manager to negotiate and sign an agreement with the Boys and Girls Club to serve as fiscal agent for the proposed grant, (2) appropriate City staff to execute any documents required by the State, and (3) the Mayor to send a letter of support for the proposed grant. Motion carried unanimously.

GRANT APPLICATION TO U. S. DEPARTMENT OF JUSTICE FOR GANG RESISTANCE EDUCATION AND TRAINING (GREAT) PROGRAM - APPROVED

Chief of Police William Anderson stated that the Greenville Police Department has applied for a grant that will fund implementation of the Gang Resistance Education and Training (GREAT) program for sixth grade students in Pitt County middle schools. This is a collaborative effort where current Greenville Police School Resource Officers will be trained to teach the curriculum

in the two middle schools located in the City and the Pitt County Sheriff's Deputies will teach in select middle schools throughout Pitt County. The grant will reimburse the officers' time for hours spent teaching. The Pitt County Schools Superintendent has provided a letter of support of the program. This is a national program, and the Police Department is applying for the first time.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to authorize the Police Department to accept funds from the U.S. Justice Department to implement the GREAT program. Motion carried unanimously.

CONTINUANCE OF REQUEST FOR TAXICAB FRANCHISE BY JAMES SHERMAN
D/B/A DICK'S CAB - APPROVED

City Manager Bowers stated that it has been found that the property for this taxicab franchise is not zoned for a taxicab franchise, and further information is being obtained. Therefore, he requested that it be continued until February 5, 2007, with the public hearing to be held on February 8, 2007.

Motion was made by Council Member Dunn and seconded by Council Member Little to continue the request until the February 5 and 8 City Council meetings, with the public hearing to be held on February 8, 2007. Motion carried unanimously.

LEGISLATIVE INITIATIVES FOR THE 2007 SESSION OF THE NORTH CAROLINA
GENERAL ASSEMBLY - APPROVED

City Attorney Holec reported that the General Assembly convenes January 24, and now would be an appropriate time to consider legislative initiatives. The City is not alone in its efforts to secure legislation. The North Carolina League of Municipalities (NCLM) also promotes the common interest of the municipalities and the General Assembly. Some of the proposals dovetail with some of the proposals of the NCLM. Based on the input received from the City Manager and the staff, there are a number of initiatives. Four items he has prepared for the Council to consider are:

(1) Local Option Sales Tax for Education Capital Needs in Pitt County

Support Pitt County in its efforts to secure a local option sales tax for education needs in Pitt County. During the 2005 Session, the House approved legislation (House Bill 947), which provided the authority for 45 counties (including Pitt County) to levy a ½% local option sales tax for school construction subject to a referendum. Although the 2005 Session ended prior to the Senate being able to vote on the bill, the bill was eligible for consideration during the 2006 Session. During the 2006 Session, the Senate referred the bill to the Senate Committee on Finance. The bill was not voted on by the Committee prior to the adjournment of the Session. This was a legislative initiative for Pitt County and City Council in 2005 and 2006. Pitt County has again established this as a legislative goal for 2007.

The consensus of the Council was to bring this back on Thursday night in resolution form for consideration.

(2) Establishment of a School of Dentistry at East Carolina University

Support East Carolina University in its efforts to have a school of dentistry established at East Carolina University. During the 2006 Session, capital planning funds were allocated for the establishment of a school of dentistry at East Carolina University. This action is progress toward the establishment of the school; however, additional legislative action will be necessary in order to provide the final authority for the school to be established. This may occur in the 2007 Session. A school of dentistry at East Carolina University would address the rural and underserved populations of the State in a similar manner as the Brody School of Medicine does. Additionally, there are significant economic impact and benefits to the City of Greenville and its citizens which would be generated by the location of a school of dentistry in Greenville. This includes providing increased employment opportunities and building the healthcare infrastructure which will help attracting jobs and industry. This was a legislative initiative for City Council in 2006.

The consensus of the Council was to bring this back on Thursday night in resolution form for consideration.

Mayor Pro-Tem Council challenged East Carolina University to handle the need for care for indigent, and stated that the students could be used to help.

(3) Minimum Non-Residential Structure Code

Seek authority for the City to adopt a minimum non-residential structure code similar to the authority which the City currently possesses for a minimum housing code. The City currently possesses authority to address major deficiencies in non-residential structures through its abandoned structure ordinance and through the unsafe building provisions of the North Carolina General Statutes. Both of these authorities may be applied to both residential and non-residential structures. However, additional authorities would be helpful to address underutilized non-residential structures particularly in areas where the City is focusing on revitalization efforts. This would be required to be a statewide measure as a result of a North Carolina constitutional provision which limits the subject of local acts.

City Attorney Holec stated that this is similar to the Minimum Housing Code for nonresidential structures. It was referred to a Committee during the 2005 Session and did not come out. This is one of the initiatives that dovetails on what the NCLM is seeking.

The consensus of the Council was to bring this back on Thursday night in resolution form for consideration.

(4) Gang Prevention Legislation

Gang violence and associated activities pose a danger to the safety and citizens of Greenville. Members of street gangs threaten, terrorize, and commit crimes against citizens. During the 2005 Session, the North Carolina Street Gang Prevention Act was introduced; however, it was not approved during either the 2005 or 2006 Sessions. The bill provided additional tools to combat criminal street gang activity. These tools include the establishment of additional

offenses relating to participation in criminal street gang activity and an increased penalty if an offense is committed as a result of criminal street gang activity. Public safety would be enhanced by the enactment of legislation which will provide additional tools for law enforcement in combating gang activity.

Upon being asked why this did not gain support in 2005 and 2006, City Attorney Holec replied that there were several versions introduced, and it just did not get through. This dovetails with what the NCLM is seeking, and it was not identified as an initiative in the past.

Council Member Craft asked for a copy of the act.

Mayor Pro-Tem Council reported that she had heard that it was not strong enough on the preventive side. She talked with a couple of legislators who did not feel it was enough for prevention. It may need to be strengthened on the prevention side.

The consensus of the Council was to bring this back on Thursday night in resolution form for consideration.

REVIEW OF JANUARY 11, 2007 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the January 11, 2007 City Council Meeting agenda and reviewed the appointments to boards and commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Mayor Pro-Tem Council wished everyone a Happy New Year and encouraged citizens to get more involved in the community, particularly as it relates to youth. She thanked the Youth Council for coming forward and sharing their experience at the National League of Cities Conference. Mayor Pro-Tem Council announced the activities that will be taking place during the Martin Luther King, Jr. Day Celebration. Also, the General Baptist Convention of North Carolina will be in Greenville Friday during Martin Luther King, Jr. Weekend. This has been done consistently in Raleigh for years. There will be a women's convention on Saturday.

Council Member Spell thanked the City staff for help this past year. He stated that he has received a lot of good feedback in his neighborhood as a result of code enforcement. He asked that staff provide the Council with a quarterly report on code enforcement activities and stated that he would speak with the Director of Community Development in more detail about that.

Council Member Craft welcomed and thanked Charles Williams, who is filling in for Boyd Lee, retired Recreation and Parks Director.

Council Member Dunn thanked the staff and the new staff who joined last year. She wished everyone a Happy New Year and stated that the Youth Council is off to a good start.

Council Member Glover wished everyone a Happy New Year and stated that she looks forward to getting greater things done for the City next year.

CITY MANAGER'S REPORT

City Manager Bowers reminded the Council of the Planning Session on Saturday, January 27, at 8:00 a.m.

City Manager Bowers thanked the Council for its participation on the new electronic agenda that is being used for the first time tonight, and the Council has no agenda notebooks tonight.

Mayor Parrott stated that the Information Technology Department did a great job of training.

CLOSED SESSION

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to go into closed session which will be conducted in Room 337; at the conclusion of the closed session, if no action is to be taken, Council will return to open session in Room 337 and adjourn the meeting; if action is to be taken in open session, Council will return to the Council Chambers, return to open session and take the action prior to adjourning. The purposes of the closed session are (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law; (2) to discuss matters relating to location or expansion of industries or other businesses in the area served by the public body; and (3) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Council Member Craft and seconded by Council Member Spell to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Little to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk

PROPOSED MINUTES FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 11, 2007

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

Mayor Robert D. Parrott
Mayor Pro-Tem Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
Wayne Bowers, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers stated that a request had been received from Baldwin and Associates to continue the request by DVML, LLC to February 8, 2007 and that a request to continue the taxicab franchise by James Sherman d/b/a Dick's Cab to February 2007 was received. City Manager Bowers reported that Donald Redmond could not be present for a special recognition of his retirement, and the City Manager asked that it be removed from the agenda.

Motion was made by Council Member Dunn and seconded by Council Member Little to approve the agenda with the changes noted by City Manager Bowers. Motion carried unanimously.

SPECIAL RECOGNITIONS

City Manager Bowers announced that Greenville's Financial Services Department had received the Government Finance Officers Association Budget Award. This is an award that has been received in the past for the City's one year budget, and this year the City is receiving the award for the City's first two-year budget. Certificates of Recognition for Budget Preparation were presented to employees in the Financial Services Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Environmental Advisory Commission

Motion was made by Council Member Dunn and seconded by Council Member Little to appoint Owen Burney to fill an unexpired term, expiring April 2009, replacing Rocky Russell, who resigned. Motion carried unanimously.

Firemen's Relief Fund Committee

Motion was made by Council Member Little and seconded by Council Member Craft to reappoint Henry McNeese to a second term, expiring January 2009. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Dunn and seconded by Council Member Craft to appoint Chris Woelkers to a first three-year term, expiring January 2010, replacing Minnie Anderson who is ineligible for reappointment; to reappoint N. Yaprak Sagdic to serve a first three-year term, expiring January 2010; and to reappoint Rick Smiley to a second three-year term expiring January 2010. Motion carried unanimously.

Public Transportation and Parking Commission

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Dunn to reappoint Ashley Fenner to a second three-year term, expiring January 2010, and to appoint Ronald Dunbar to a first three-year term, expiring January 2010, replacing Steven Krpata who is ineligible for reappointment. Motion carried unanimously.

ORDINANCE REZONING COLLICE C. MOORE, ETAL PROPERTY LOCATED SOUTH OF NORTHWOODS SUBDIVISION, NORTH OF WHICHARD ROAD, AND EAST OF GREENVILLE BOULEVARD BEING A PORTION OF LOT 13, LAKEWOOD INDUSTRIAL PARK, FROM RR TO IU - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 and January 1, 2007 setting this time, date and place for a public hearing to consider a request by Collice C. Moore, etal, to rezone 0.9756 acres located 1.225± feet south of the Northwoods Subdivision, 1,430± feet north of Whichard Road, and east of Greenville Boulevard being a portion of Lot 13, Lakewood Industrial Park from RR to IU. The Planning and Zoning Commission, at its December 19, 2006 meeting, voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that the property is located in voting district 1. The property is a small triangle piece of land, less than an acre and is part of an existing lot in Lakewood Industrial Park. The property was annexed in December 2006, and this is an initial zoning of the property. The property is currently vacant with no

multi-family. The Land Use Plan Map illustrates that Lakewood Industrial Park should be used for industrial purposes. This request is in general compliance with the Comprehensive Plan.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Little to approve the ordinance rezoning 0.9756 acres located 1.225± feet south of the Northwoods Subdivision, 1,430± feet north of Whichard Road, and east of Greenville Boulevard being a portion of Lot 13, Lakewood Industrial Park from RR to IU. Motion carried unanimously. (Ordinance No. 07-01)

ORDINANCE ANNEXING COVENGTON DOWNE SUBDIVISION, PHASE II, LOT 3B, LOCATED SOUTH OF THE INTERSECTION OF FIRE TOWER ROAD AND WIMBLETON DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by The Covengton Group, Ltd. to annex Covengton Downe Subdivision, Phase II, Lot 3B, containing 0.91 acres located south of the intersection of Fire Tower Road and Wimbleton Drive. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5 and will be served by Fire Station Number 3. The property is currently vacant and the proposed use is for a 7,000 square foot office building. The current population is 0, and the anticipated population at full development is 0.

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

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to adopt the ordinance annexing Covengton Downe Subdivision, Phase II, Lot 3B, containing 0.91 acres located south of the intersection of Fire Tower Road and Wimbleton Drive. Motion carried unanimously. (Ordinance No. 07- 02)

ORDINANCE ANNEXING WESTHAVEN SOUTH, SECTION 4, LOCATED AT THE SOUTHERN TERMINUS OF BAYWOOD LANE AND WEST OF THE SEABOARD COASTLINE RAILROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by Tommie L. Little to annex Westhaven South, Section 4, containing 15.476 acres located at the southern terminus of Baywood Lane and west of the Seaboard Coastline Railroad. This is a contiguous annexation.

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to excuse Council Member Council from voting on the rezoning and annexation requests by Tommie L. Little due to a conflict of interest. Motion carried unanimously.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5 and will be served by Fire Station Number 5. The property is currently vacant and the proposed use is 24 single family dwellings. The current population is 0, and the anticipated population at full development is 56, with 18 being minority.

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

Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt the ordinance annexing Westhaven South, Section 4, located at the southern terminus of Baywood Lane and west of the Seaboard Coastline Railroad. Motion carried unanimously. (NOTE: Council Member Little was excused from voting on this item.) (Ordinance No. 07- 03)

ORDINANCE ANNEXING SAVANNAH PLACE, SECTION 3, LOCATED AT THE WESTERN TERMINUS OF OGLETHORPE DRIVE AND WEST OF SAVANNAH PLACE, SECTION 1 - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by Homes on the Ange, Inc. to annex Savannah Place, Section 3, containing 17.245 acres located at the western terminus of Oglethorpe Drive and west of Savannah Place, Section 1. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5, and will be served by Fire Station Number 5. The property is currently vacant and the proposed use is 43 single family dwellings. The current population is 0, and the anticipated population at full development is 101, with 25 being minority.

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

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance annexing Savannah Place, Section 3, containing 17.245 acres located at the western terminus of Oglethorpe Drive and west of Savannah Place, Section 1. Motion carried unanimously. (Ordinance No. 07-04)

ORDINANCE ANNEXING CROSS CREEK SUBDIVISION, LOCATED WEST OF THE INTERSECTION OF DICKINSON AVENUE AND SPRING FOREST ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by Vanrack, Inc. to annex Cross Creek Subdivision, containing 27.274 acres located west of the intersection of Dickinson Avenue and Spring Forest Road. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 2, and will be served by Fire Station Number 2 on Arlington Boulevard. The property is currently vacant and the proposed use is 194 town homes. The current population is 0, and the anticipated population at full development is 424, with 221 being minority.

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

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance annexing Cross Creek Subdivision, containing 27.274 acres located west of the intersection of Dickinson Avenue and Spring Forest Road. Motion carried unanimously. (Ordinance No. 07- 05)

ORDINANCE ANNEXING KITTRELL FARMS PATIO HOMES, SECTION 2, PHASE 2, LOCATED EAST OF SIGNATURE DRIVE AND NORTH OF BLUEBILL DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by Rosewood Farms, LLC to annex Kittrell Farms Patio Homes, Section 2, Phase 2, containing 12.763 acres located east of Signature Drive and 100+ feet north of Bluebill Drive. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5, and will be served by Fire Station Number 3. The property is currently vacant and the proposed use is 41 single family dwellings. The current population is 0, and the anticipated population at full development is 96, with 24 being minority.

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

Motion was made by Council Member Craft and seconded by Council Member Spell to adopt the ordinance annexing Kittrell Farms Patio Homes, Section 2, Phase 2, containing 12.763 acres located east of Signature Drive and 100+ feet north of Bluebill Drive. Motion carried unanimously. (Ordinance No. 07-06)

ORDINANCE ANNEXING THE VILLAGES AT GREENVILLE, LOCATED EAST OF BELLS CHAPEL ROAD AND WEST OF SIGNATURE DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by Rosewood Farms, LLC to annex The Villages at Greenville, containing 37.373 acres located east of Bells Chapel Road and west of Signature Drive. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5, and will be served by Fire Station Number. 3. The property is currently vacant and the proposed use is 308 multi-family units with 1,056 bedrooms. The current population is 0, and the anticipated population at full development is 1,056, with 269 being minority.

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

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance annexing The Villages at Greenville, containing 37.373 acres located east of Bells Chapel Road and west of Signature Drive. Motion carried unanimously. (Ordinance No. 07- 07)

ORDINANCE ANNEXING HAMPTON CREEK, PHASE 2, LOCATED SOUTH OF DAVENPORT FARM ROAD AND WEST OF CHRIST'S CHURCH - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by Big East Development, Inc. to annex Hampton Creek, Phase 2, containing 10.024 acres located south of Davenport Farm Road and west of Christ's Church. This is a noncontiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5, and will be served by Fire Station Number 5. The property is currently vacant and the proposed use is 37 duplexes (74 dwelling units). The current population is 0, and the anticipated population at full development is 173, with 44 being minority.

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

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance annexing Hampton Creek, Phase 2, containing 10.024 acres located south of Davenport Farm Road and west of Christ's Church. Motion carried unanimously. (Ordinance No. 07-08)

ORDINANCE ANNEXING FIRE STATION NUMBER 6 PROPERTY OWNED BY THE CITY OF GREENVILLE, LOCATED NORTH OF NC HIGHWAY 33 AND WEST OF COURTHOUSE SQUARE SUBDIVISION - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by the City of Greenville to annex Fire Station Number 6 property owned by the City of Greenville, containing 8.36 acres located north of NC Highway 33 and west of Courthouse Square Subdivision. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 3. The current land use is for a Fire Station. The current population is 0, and the anticipated population at full development is 0.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to adopt the ordinance annexing Fire Station No. 6 property owned by the City of Greenville, containing 8.36 acres located north of NC Highway 33 and west of Courthouse Square Subdivision. Motion carried unanimously. (Ordinance No. 07-09)

ORDINANCE ANNEXING PROPERTY OWNED BY THE CITY OF GREENVILLE LOCATED NORTH OF NORTH CAROLINA HIGHWAY 33, EAST OF NORTH EAST GREENVILLE BOULEVARD, AND SOUTH OF SUNNYSIDE ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 setting this time, date and place for a public hearing to consider a request by the City of Greenville, containing 914.8 acres generally located north of North Carolina highway 33, east of North East Greenville Boulevard, and south of Sunnyside Road. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 1 and 3. The property is currently vacant and annexing the property will not incur any additional expense to the City. The property is tax exempt.

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

Mr. Don Williams, a resident of River Hills Subdivision, spoke in support of the city park located on Tenth Street extension. Mr. Williams stated that it is hoped in the weeks ahead that the City will allocate funds in the budget to increase the park's use by the public and with the expanded sewer lines it will also be possible to create restroom facilities at the park.

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

Motion was made by Council Member Spell and seconded by Council Member Dunn to adopt the ordinance annexing 914.8 acres generally located north of North Carolina Highway 33, east of North East Greenville Boulevard, and south of Sunnyside Road. Motion carried unanimously. (Ordinance No. 07- 10)

ORDINANCE (REQUESTED BY BROOK VALLEY COUNTRY CLUB) AMENDING THE ZONING ORDINANCE TO PERMIT AN ACCESSORY PUBLIC RESTAURANT AS AN ANCILLARY USE TO A REGULTION GOLF COURSE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 25, 2006 and January 1, 2007 setting this time, date and place for a public hearing to consider an ordinance amending the zoning ordinance to permit an accessory public restaurant as an ancillary use to a regulation golf course. The Planning and Zoning Commission, at its December 19, 2006 meeting, voted to approve the request.

Harry Hamilton informed the Council that currently a regulation golf course is allowed in practically all the residential districts in the City of Greenville. The City currently has four golf courses within Greenville's jurisdiction - Ironwood, Brook Valley, Greenville Country Club and Bradford Creek. In addition to golf play, a course typically includes a variety of uses; a restaurant or dining facility being customary. Accessory uses are only available to members and guest and (play) patrons of a golf course. Golf courses are a commercial use and are associated with residential areas many times, so their use is limited in respect to other activities other than golf play. The ordinance as written includes some standards to insure compatibility, especially with the residential areas. A golf course must be an 18-hole regulation length golf course in order to include a public restaurant. Restaurant facilities must be located within the principal use golf course structure and typically that would be the club house. There cannot be a freestanding stand-alone restaurant in association with a golf course. Golf course hours will be limited to the period between 7:00 a.m. to 10:00 p.m. No "restaurant; outdoor activity will be allowed within 300 feet of an abutting lot. As an example, the Brook Valley Country Club is located within the neighborhood and is a fair distance from the closest residential structures. In accordance with the ordinance, no outdoor dining facilities could be located within a 300-foot radius of any adjacent residential lot. Drive-thru facilities would also be prohibited. There are restrictions that go along with signage. Golf course wall signage cannot exceed 20 square feet in total sign surface area. Golf course freestanding signage shall be limited to one sign not larger than 20 square feet. No freestanding signage can advertise any accessory use and that would include the restaurant. Signage can only be illuminated by indirect lighting.

Questions and answers were as follows:

You mentioned that the restaurant could not be a stand alone facility, and it had to be one building.

(Response: The restaurant has to be housed within the principal use structure and it has to be a principal use or an accessory use of the golf course. Someone could not go to Brook Valley Country Club and build a restaurant separate from the golf course principal use structure and open it to the public.)

At Greenville Country Club, there are two structures.

(Response: As long as one of the buildings houses more than a restaurant then that building would probably be considered a principal use structure for that facility. There can be a restaurant within a principal use structure. You are not restricted to just one principal use structure on a golf course site. A free standing restaurant exclusive to itself in a building would not be permitted.)

Are there any concerns about additional traffic?

(Response: There is no limitation on the number of people who might be members and frequent the restaurant. It is staff's opinion that a restaurant located within a golf course facility where there is limited advertisement, signage is limited, and the hours of operation are limited, that there would not be a significant increase in the number of people who would use the facility.)

Is there a limit on the size of the restaurant?

(Response: No, Book Valley already has a dining facility, and it is not anticipated that a golf course would have any increased capacity put in to house this type of facility, but that is always a possibility.)

When a request comes before Council like this does anyone factor in any kind of increase in traffic? It was stated that the homeowners association poured out in large numbers at the previous December meeting because of a rezoning request and one of the issues was traffic.

(Response: That can be done and is something Council should consider. It is staff's opinion that there will not be a significant amount of increase because there will be a smaller percentage of people who use the facility than the golf course members who are already using the facility. It will increase the traffic some but again you are talking about a facility that is a restaurant establishment associated with a club that in most cases is set back in an area that is not on the beaten path. The restaurant is not on Greenville Boulevard or where people are just going to drive by and decide to walk in. The restaurant would not be able to survive without the golf course being there.)

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

Mr. Jim Joseph, a member of the Board of Directors at the Brook Valley Country Club, stated that he was available to answer questions regarding the restaurant issue.

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

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Dunn to adopt the ordinance amending the zoning ordinance to permit an accessory public restaurant as an ancillary use to a regulation golf course. Motion carried unanimously. (Ordinance No. 06-11)

ORDINANCE AMENDING CHAPTER 7 OF TITLE 11 OF THE GREENVILLE CITY CODE,
SAID CHAPTER BEING ENTITLED POLICE-INITIATED TOW SERVICE OPERATIONS -
CONTINUED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on January 8, 2007 setting this time, date and place for a public hearing to consider an ordinance amending Chapter 7 of Title 11 of the Greenville City Code said Chapter being entitled, "Police-Initiated Tow Service Operations".

Assistant City Attorney Little, stated that approximately one year ago, now retired Police Chief Simonowich requested that a study be made of the current Police-Initiated Tow Ordinance regarding how the City of Greenville's ordinance compared with other municipalities looking at streamlining definitions and administration, equitable adjustment in the rate changes, and providing fair and equal opportunity for all operators on the rotation list. A survey was conducted of similar sized municipalities, and there was also a joint effort with the City staff, police department and the tow operators to come up with a comprehensive revision. There were three meetings held concerning the proposed revision. At the first meeting, one tow operator appeared and had some comments; at the second meeting approximately 90% of the tow operators appeared that were on the rotation list at that time. At the second meeting, it was requested that a committee be selected by the operators to come in and address any of the final issues. On November 29, 2007 a committee of the tow operators met with the Police Department and the Assistant City Attorney to hash out any final issues. At that point, staff was able to resolve the outstanding issues to the satisfaction of everyone. The police-initiated tow ordinance applies only to collisions on the streets and non-collisions which are illegally parked in public owned parking lots or public streets. It does not apply to privately owned parking lots or a private residential parking area such as a condominium or an apartment complex. If an accident occurs and a person has their own tow service, then the proposed ordinance would not apply. The rotation list is used for those who desire to be on the list to have an opportunity to respond to either collision or non-collision calls. It is not mandatory for tow operators to be in business in the City of Greenville to be on the rotation list, but if a tow operator volunteers then they have to meet the qualifications to be on the list. Currently there are 16 operators on the rotation list and approximately 36 tow operators that operate in the City and County.

A rate survey was conducted with other cities. Cities such as High Point, Winston Salem and Smithfield provide services on a contract basis and they also have different rates. For example, Highpoint charges \$70.00 for a collision; for storage fees Winston-Salem charges storage fees of \$15.00, \$25.00 and \$50.00, based on the size of the vehicle that is being stored; Chapel Hill has only non-collision police- initiated towing and the vehicles are towed to a city-owned storage lot. The city pays the wrecker service \$100.00 and then collects the fee from the operator. Chapel Hill does not regulate collision tows, which average \$300 to \$350. Some municipalities have a set rate and then allow the tow operator to charge an additional rate per hour.

Assistant City Attorney Little reviewed the old rates and the new rates, stating that the new rates clarified wait time and extraordinary labor to avoid confusion or different rates being charged. The proposed ordinance also requires that the on scene officer approve and certify charges. One of the things that was brought to staff's attention were the complaints that were made about some businesses were not on a level playing field with the others on the tow rotation list. Some operators felt that some businesses had an unfair advantage because they were sharing storage, assets, facilities, and records. Staff proposed that if two people decided to form a cooperating business and wanted to be on the rotation list, they had to have separate facilities, equipment,

employees, storage yard, telephones, and insurance policies and could not forward calls to each other to cover themselves. When two people start sharing assets, storage facilities, office space, and equipment, then they are getting the opportunity to get two calls when another operator gets only one call. No one is being forced off the rotation list. Operators do not have to be on the rotation list to operate a tow service in the City of Greenville. If a brother and sister own two separate businesses, but they file a unified tax return, that is okay as long as their businesses are kept separate.

Questions and answers were as follows:

How many current operators are co-mingling their businesses?

(Response: There are a total 16 operators on the list at this point and 6 of those do not meet the proposed definition.)

Have you gone out and looked at these facilities, and do the operators have to move their facilities or would they be able to change their existing facilities?

(Response: One of the facilities is in an open bay building and will require a petition wall. Another facility shares a common storage lot that will need to be separated by a fence and would also need two separate driveways.)

Do the 6 operators know what has to be done to come into compliance with the ordinance?

(Response: We have not spoken directly with those operators. All the operators have been provided a copy of the proposal and if they have any questions, staff will be happy to answer them. One operator will be here to discuss a grandfather provision.)

With the current laws written, how much time do the operators have to come into compliance and still be allowed to continue?

(Response: The ordinance takes effect immediately upon the approval by City Council. There is not a provision at this point, but a provision could be added which provides a period of time to comply.)

Currently there are 16 operators on the list and, 6 are commingled. If the ordinance is passed that list will drop to 10..

(Response: Three would not be on the list until they come into compliance. Those that are commingled are considered as one tow operator; the two would become one.)

Basically what you have done in this presentation is redefine the rates and restructure the rates.

(Response: That is correct. These operators buy equipment, and they all have to operate and pay for their equipment. And one has advantage over the other, in that they get two calls while one is getting one call and that is not quite fair.)

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

Ms. Lori Wallace informed the City Council that she had been in business for approximately 7 years, has been on the police rotation for 7 years and has provided services for the City of Greenville. Ms. Wallace's husband has been in the towing business for 13 years or more. She

and her husband operate their business in the same building with separate offices and separate fences. Also, Ms. Wallace's tow truck and insurance are in her name. Ms. Wallace stated that the proposed ordinance will significantly affect her business and requested that she be grandfathered indefinitely. The Wallaces work in the same building with separate offices, separate telephone lines, and added two fences on the same lot which are partitions. The Wallaces file joint tax returns.

Questions and answers were as follows:

What would Ms. Wallace need to do to be a separate business?

(Ms. Wallace's response: I answer the phones for both companies.)

Are you incorporated?

(Ms. Wallace's response: I am not incorporated, but my husband is incorporated.)

You only need to get someone to answer the phones for your husband's business?

(Ms. Wallace's response: I don't see why I have to do that. It only takes one person, and I would have to employ another person for no reason when I could do that myself.)

Every other company could go out and do the same thing or put in four lines and add four different names to the company.

(Ms. Wallace's response: Other companies do not have the separation that I have or put forth the effort and money to build separate offices and to add additional fencing. My insurance is completely separate from my husband's office, I have a separate policy, and my trucks are totally in my name. I have done what was required of me when I got on rotation list.)

With Ms. Wallace's particular case, would adding an employee be the only change she would have to make with her business?

(Assistant City Attorney Little's response: What she has described would be the only change.)

Do you have storage?

(Ms. Wallaces's response: We have two separate storage areas.)

To get on the list, prior to this new adoption, were there no parameters?

(Assistant City Attorney Little's response: Basically under the current ordinance a person requests to be on the list, a criminal background check is completed, insurance policies are required, and that is all of the requirements.)

You are saying that the trucks that you have are in your name, you have your own insurance policy, you are or are not in the same building?

(Ms. Wallace's response: We are in the same building with two separate offices. A separate office was built with a separate entrance. I am just asking that the rug not be pulled out from underneath me. I'm a small business female owner and I am requesting to continue as I am.)

Do you have the same employees or are they different employees?

(Ms. Wallace's response: Separate trucks. We only get 7 calls a week, maximum.)

If this proposal is adopted, one of the owners could remain on the rotation list. You would still have two businesses; you just would not get 7 calls.

(Ms. Wallaces's response: The City of Greenville is a big part of my business.)

If you remained on the list and your husband's business went off, you would still get the same number of calls.

(Ms. Wallace's response: No, because of the rotation.)

City Attorney Holec clarified that Ms. Wallace's business would individually get the same number of calls, but the two businesses together would get half the number of calls.

Ms. Wallace stated that she didn't know if all the other operators have done the amount of distinguishing that she has done. She has tried to make their business different. They are two separate businesses.

Are there other businesses similar to Ms. Wallace's business?

(Assistant City Attorney Little's response: I received one inquiry tonight from an operator who said he was sick and could not be present. The operator expressed a concern that he and his son were on the rotation list, and he asked if the proposed ordinance was going to affect their business and my response was identical to what the requirements were, and I did not hear a response back. Ms. Wallace is the only one of the operators who has been vocal to the provision concerning co-mingling).

That still does not answer the question about the other two businesses that are co-mingled. Please explain how those businesses are co-mingled and how they differ from Ms. Wallace's situation.

(Assistant City Attorney Little's response: One shared a storage facility and the other operated the same business under two separate names with the same street location and the same phone numbers. That is the one that will take most of the changes. The business that shared a storage facility would only have to put in a partition, and that would be acceptable.)

Council Member Spell stated that the current ordinance does have a lot of potential for abuse. I would like to see a process in place where current businesses owners who have been working with the city in good faith are afforded the time and ability to transition into compliance.

Mr. Louis Wallace, owner of Wallace Towing and Automotive, stated that reflecting on what Ms. Wallace stated, the office is separate and that is what Highway Patrol required. As far as the drivers, Ms. Wallace had a driver to quit today. We have always run back and forth if we get in a bind. Somebody will take over for somebody else. My daughter can answer my calls. The only reason my wife has been doing it is because my daughter was pregnant. The other issue I see wrong is the towing fees/administration fees because if the money is not turned in within 30 days, the operator is taken off the rotation list or penalized. If an operator does not answer their phone, they can be taken off the rotation list. Collecting the money is fine, but if the money was late or lost in the mail, the operator is taken off the rotation list for 30 days. The operators that I have talked with since Monday said that as far as co-mingling, the ones that are in business could

be grandfathered the way it is because everybody has been operating for so many years just like it has been and if anybody new came on the rotation list after this point forward they would have to meet the new criteria to get on the rotation list.

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

Council Member Craft stated that he was concerned that the co-mingling issues were not adequately addressed, and he was of the opinion that it needed to go back to staff and the co-mingling issue be addressed.

Council Member Dunn questioned if the definition of co-mingling that staff has identified is different from the definition of the State Highway Patrol.

Assistant City Attorney Little replied no, the only provision that he was aware of with the State Highway Patrol dealt with the insurance, which is \$1.0 million, and the requirement if an operator had one community storage fence then a partition would need to be put down it. That was the only two requirements from the State.

Council Member Dunn asked if the requirements proposed here are different from the Highway Patrol's requirements.

Assistant City Attorney Little informed the Council that the requirements were not really different from the Highway Patrol's requirements. Staff is saying if an operator has two businesses on the rotation list, the business would need to be two separate businesses. Staff is not saying that a husband and wife cannot have two businesses, but if both are going to be on the list, then they cannot share employees, vehicles and phone lines.

Council Member Dunn asked if an operator had their calls forwarded to another business who agreed to answer an operator's call while they were out, is that appropriate.

Assistant City Attorney Little replied that if the two businesses have formed a joint venture so that they are getting their calls, it would be like intercepting a call, which has always been prohibited.

Mayor Parrott stated that the whole idea is to treat co-mingled businesses as two separate businesses. Normally, a person would not have the competition answering their calls or loaning employees. The City needs to be fair to everyone that is in the towing business. It is not fair to give one, two or three people advantage over the others.

Council Member Craft stated that he did not know that staff had brought all the information that is needed to address this issue.

Council Member Glover stated that she understood what the City is trying to do, but was concerned that the Wallaces have been in business for 7 years, and the co-mingling has been the factor that has brought this item before Council today. Council Member Glover further stated that she would hate to see someone lose their business if they are willing to come into

compliance and make it a totally separate business. Council Member Glover agreed with Council Member Craft that the Council needed to send the proposal back to staff and get some true definition and true meanings of what Council is trying to do and not put anyone out of business. Council Member Glover felt that staff was asking the Council to do something that is confusing, or not enough information has been given. She agreed that the request should go back to staff, and staff should work on the request more and be considerate of the business owners to make sure that when ordinances are changed that the City enact a Grandfather Clause for the people who are currently working under the particular ordinance.

Assistant City Attorney Little stated that towing inspectors, on an annual basis, go into towing operators' businesses to make sure operators are complying with the ordinance and are truly a separate business. Making sure there is no co-mingling, which was part of the reason the revision was requested because operators who were not co-mingling felt that those who were co-mingling were getting more calls or their cost is reduced because they are sharing employees. When annual inspections are done, the inspector will look at the operator's books, facilities, their lots, equipment, and employees, to make sure that during the past year the operators have complied with the ordinance. There are so many interpretations of how you can co-mingle that it is almost impossible to come up with one true definition.

Council Member Glover stated that she thought there were ways to track and make sure things are done fairly. Council Member Glover asked if operators were on a rotation list for the Highway Patrol.

Assistant City Attorney Little replied yes. There is a rotation for the Highway Patrol; however, the Highway Patrol is getting ready to become more restrictive than they are right now. A lot of operators who are presently on the Highway Patrol list are going to have to drop off. They are starting hearings now in front of the Office of Administrative Hearing which will set their regulations. The Highway Patrol is looking at making their new regulations effective this year.

Council Member Little asked if there was a consistent pattern on how the Highway Patrol identifies a business.

Assistant City Attorney Little replied that he did not know if the Highway Patrol is going to address identifying businesses. Presently the Highway Patrol is looking strictly at their rates.

Mayor Parrott asked if there were too many people in the business, and if that is what causes the problem.

Assistant City Attorney Little replied that he did not think there were ever too many people, but the City could have a number of folks and a limited number of calls. The way that rotation is done, it is strictly the next name on the list and dispatch makes that phone call. If the call is not answered then it goes to the next person on the list. There is no way of determining when dispatch calls and who is answering the calls. That can only be done when an annual inspection is conducted.

Council Member Craft stated that based on the numbers each towing company on the list received two calls per week.

Council Member Dunn stated that there were 36 towing companies in Greenville, and 16 companies have chosen to be on the City's towing list. Everybody is not interested on being on the list. Council Member Dunn felt that the request should be sent back to staff and Council should provide instruction of what it is looking for. Council Member Dunn informed the Council that she would be interested in knowing how the City's policy differs from the new Highway Patrol policy, what each of the owner operators would be required to do to comply with the proposed provision, and how long the Council wants to give the operators to come into compliance.

Motion was made by Council Member Craft and seconded by Council Member Glover to continue the item and for staff to bring some information back to Council with the direction that Council just gave, without having to wait for what the Highway Patrol does, including the three things that Council Member Dunn mentioned—how the City's policy differs from the new Highway Patrol policy, whether the City would want to put the request in line with the Highway Patrol, and how long the Council wants to give the operators to come into compliance. Motion carried unanimously.

Council Member Glover asked that the towing operators be involved in the talks, and Council Member Spell stated that the Committee has looked over this information.

PUBLIC COMMENT PERIOD

Mr. Henry Tyson appeared before the Council and stated that he was concerned about the property located at 1600 Colonial Avenue, which had been a convenience store for approximately 50 years. His aunt had leased the convenience store out to different people in the past, and the last person that leased it had several problems and never reopened the store. Mr. Tyson explained that when he and his aunt took the store back over they were allowed to pay to have the lights and electricity turned on and then a building inspector came out and informed them that under the grandfather clause, if the business has been closed for six months, the store could not be reopened. Mr. Tyson did not understand why no one had notified them earlier.

Ms. Betty Simmons, cousin of Henry Tyson, stated that her store had been in operation for over 50 years. Ms. Simmons did not understand why her store could not be reopened because she had applied for the license and was told she could get the store's lights turned back on if she had a building inspector's and an electrical inspector's approval. Ms. Simmons stated that she had that done and was later called by someone in the City's Planning Department to attend a meeting. Ms. Simmons attended the meeting and was told she could not reopen the convenience store, because it was under a Grandfather Clause. Ms. Simmons stated that she never knew there was a time the business could be closed, and she felt she should have been notified when she paid for the license. Ms. Simmons stated that the City should not have taken her money because she went through the whole process.

Mr. Lee Roy Rodman appeared before the Council and explained his plight that began in the early nineties when he was required to leave the place of business he leased due to the fact that there was no running water, etc. The property was only to be used for dead space. Since that time, Mr. Rodman has been having difficulty making a living, lives in his van, and works in inhumane conditions at Auto Salvage at 700 North Greene Street. He asked to be compensated by the City.

CENTER CITY-WEST GREENVILLE STREETScape MASTER PLAN AND IMPLEMENTATION TIMELINE - APPROVED

Mr. Carl Rees, Urban Development Senior Planner, informed the Council that a streetscape is a makeover of a street to improve aesthetics and to encourage people to walk, shop, chat, etc. A consultant was hired through the Redevelopment Commission and asked to develop a plan for the area covering West Greenville, much of the downtown area out towards Dickinson Avenue and part of what is referred to as the Tobacco Warehouse District. To date staff has completed the public involvement process and the Master Plan process. It was a very intensive public involvement process consisting of two large public meetings that were held at Sheppard Memorial Library and a series of eight smaller group meetings that were distributed throughout the project area. Staff worked in close coordination with utility providers, Greenville Utilities, telephone providers, and cable providers. The completed Master Plan has been presented and adopted by the Redevelopment Commission and the next steps include selection, design and construction pilot projects.

Some of the actual visioning that has been completed to date for some of the potential projects is Evans Street, which will be referred to as the “Avenue of the Arts.” Some of the things that citizens described and thought were important were street trees, underground utilities, lighting and pedestrian safety. The theme “Avenue of the Arts” came forward during the public involvement process and is supported by the Board of Greenville Museum of Art. At some point in the future, the City Council may wish to consider an honor designation as “Avenue of the Arts” for Evans Street. Citizens in parts of the East Fifth/Martin Luther King, Jr. Drive corridor have described a vision that was similar to what is seen in the 300 and 400 block that the City and Uptown Greenville completed several years ago. The Citizens would like a continuation of street trees and utility improvements, street lighting, street furniture etc. Also, in the same area there was a great deal of focus on the Sixth Street/Washington Street parking lot. Currently the parking lot is used for a number of civic activities, particularly Free Boot Friday on the Fridays before East Carolina University football games, and there was a lot of interest from citizens in seeing that civic activity increase. There were some suggestions that were studied and some recommendations from the consultant as to how it might be that Greenville could still have some parking there but increase the usability of that particular spot. Also, under some of the redevelopment planning that occurs, there is also a possibility of having a parking deck at that location.

Cotanche Street is an area that is somewhat limited to what could actually be done, because the area is built out. There are buildings that come right up to the public right-of-way. Staff is looking to improve aesthetics, lighting, street trees, street furniture, etc. Dickinson Avenue is much like the area of Cotanche Street in that it is built out. There are a couple of open pockets

here and there but overall the City will be limited because the right-of-way cannot be expanded, so staff is looking at beautification increases and lighting.

In the “Historic Neighborhoods of West Greenville” which is the Martin Luther King, Jr. Drive area, the vision changed. Improved lighting is very important along with improved transit, bus shelters, access to public transit, and pedestrian safety with more and better sidewalks. Street trees are a lower priority than some of the other areas. Citizens expressed the importance of having a walking community in the West Greenville area.

Some of the additional things heard was concern about taking additional right-of-way in that area so the plan was instead of having bicycle lanes that there be a “share the road” condition where bicycles can safely navigate in the same area as other vehicular traffic. Decorative lighting, wider sidewalks, new bus shelters and not expanding the right-of-way are all very important in that area.

Recommendations also included a civic arts program, which is something the consultants were asked to look at to see if it was timely or if the citizens were interested in the implementation of a civic art program, and the answer was largely yes, the consultants identified a number of ways within the projects that they looked at that the City can incorporate civic art.

Within the plan, projects were identified as short, mid and long term and a project time line was created. Only the first 24 months of the time line through the end of 2008 are what can actually be planned for and have funding for through the Center City-West Greenville Revitalization Bonds that were passed in the fall of 2004. Staff will ask for adoption of the Streetscape Master Plan in 2007. Moving from December 7, staff feels they can complete a wayfinding project as well as complete by January 2008 a design for initial pilot projects both in West Greenville and the Center City, and complete construction by the end of 2008 on projects that have been bid out. Moving through 2009 staff recommends additional design. There will be a variety of funding, whether it comes from federal sources or if staff works through the City’s CIP over the years to establish funding to do design/construction. Staff will try to do another section in 2009-2010 of the Martin Luther King corridor and then in January 2011 finish design on the Evans Street corridor. The timing there is important and ties in with the current scheduling for the Tenth Street Connector Project. It would also be nice for the Evans Street Corridor is completed at the same time the Tenth Street Connector work is completed. This will make a nice gateway at Tenth Street and Evans Street and will be a great way to get traffic that is driving back and forth across the newly constructed Tenth Street and convert the traffic to the City’s Center City. Construction will potentially be complete in January 2012 and then onto design of another section of Martin Luther King construction in 2014, and moving onto design of Dickinson throughout 2014, construction complete through 2015 and finally the last section, Martin Luther King to Reade Circle from the area by Pitt Street all the way over to Reade Street would be the last prioritized project.

Some of the key pilot projects that are recommended include the Martin Luther King Gateway, and then onto the Thomas Foreman Park property and do landscaping there and, perhaps have a civic art opportunity to commemorate or memorialize Mr. Eppes, who was a long time high school administrator in the area.

The other pilot project that may be completed this calendar year is the Center City Wayfinding System which is a way of welcoming visitors and serves as a guide to major destinations such as a neighborhood, parking or to important civic locations such as City Hall, the Courthouse, the medical districts or the stadium at East Carolina University.

The Redevelopment Commission adopted the plan a few days ago and staff feels that should City Council choose to adopt this plan, there will be a number of next steps that would include updating of the City Code, regulations and procedures so that the adoption of this streetscape Master Plan will fit in. There may be some things that need to come back to Council in the future for action in regard to plan, design, bid and construction of the pilot projects that have been recommended. Staff will, over a course of years, be seeking funding, whether it be federal or state funds that are available through the City.

Council Member Glover stated that she had attended most the meetings in the community and the citizens want to have community members remembered in West Greenville such as Dr. Andrew Best, who was an African-American physician in West Greenville for many years and saw most of his patients for free. Also, community members talked about having something for Martin Luther King.

Mr. Rees stated that the next project involved some realignment around Fourteenth Street and Tyson Street. The streets come into Martin Luther King Drive, Jr. Drive at odd angles, so there will need to be some property acquisition in that area so that the intersection can be straightened out.

The other section that has drawn staff's attention is the area along Martin Luther King, Jr. Drive where there are railroad tracks at Albemarle and Elizabeth Streets depending on which way one is going. One of the things staff heard very strongly from the citizens was that the citizens do not care much for traffic circles. It will take some detail engineering study at that intersection to figure out what can be done there. There is a proposal within the Streetscape Master Plan of a possible alignment, but at this point staff did not do any detail surveying or engineering work with this plan. Staff is not sure that concept will work.

Council Member Glover asked if these are the streetscape projects that staff wants to do or if some of the projects could be rethought about.

Mr. Rees replied that there could potentially be some changes. Staff has gone through an intensive public participation process and tried to translate what was heard from citizens and what their vision would look like on the ground. Staff has also tried to provide a palate within the Streetscape Master Plan to get an idea of what types of trees, lighting, and street furniture can be used. If Greenville generally follows the Master Plan over time, then eventually there will be some uniformity throughout the Center City.

Motion was made by Council Member Little and seconded by Council Member Dunn to approve the Center City-West Greenville Streetscape Master Plan and Implementation Timeline. Motion carried unanimously. (Document No. 07-01)

RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 614 FORD STREET TO HABITAT FOR HUMANITY OF PITT COUNTY, INC. - ADOPTED

Sandra Anderson, Housing Administrator, stated that the lot located at 614 Ford Street was acquired by the City of Greenville in 2003. Habitat for Humanity currently owns two adjacent lots and is in the process of constructing a single-family home on one of the lots. Once Habitat for Humanity acquires this lot, then it will seek to combine the City's vacant lot with the Habitat for Humanity-owned lots, and then subdivide into two large lots for single family homes. The City-owned lot has less than the required minimum square footage and is a nonconforming lot of record. The sale of the lots to Habitat for Humanity will help provide additional affordable housing and aid in the revitalization efforts. Value of the lot has been established at \$2,790.00 by the Pitt County Tax Assessor. Staff is recommending that the City convey this lot to Pitt County Habitat for Humanity at the value of \$2,790.00.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt the resolution authorizing conveyance of Parcel #07125 (614 Ford Street) for \$2,790 to Habitat for Humanity of Pitt County, Inc. to construct an owner-occupied house for a low to moderate income homebuyer. Motion carried unanimously. (Resolution No. 07-02)

RESOLUTIONS ESTABLISHING STATE LEGISLATIVE INITIATIVES - ADOPTED

City Attorney Dave Holec reviewed the proposed 2007 legislative initiatives that the Council considered at the January 8 meeting and announced that resolutions had been prepared for each.

(1) Local Option Sales Tax for Education Capital Needs in Pitt County

Support Pitt County in its efforts to secure a local option sales tax for education needs in Pitt County. During the 2005 Session, the House approved legislation (House Bill 947), which provided the authority for 45 counties (including Pitt County) to levy a ½% local option sales tax for school construction subject to a referendum. Although the 2005 Session ended prior to the Senate being able to vote on the bill, the bill was eligible for consideration during the 2006 Session. During the 2006 Session, the Senate referred the bill to the Senate Committee on Finance. The bill was not voted on by the Committee prior to the adjournment of the Session. This was a legislative initiative for Pitt County and City Council in 2005 and 2006. Pitt County has again established this as a legislative goal for 2007.

(2) Establishment of a School of Dentistry at East Carolina University

Support East Carolina University in its efforts to have a school of dentistry established at East Carolina University. During the 2006 Session, capital planning funds were allocated for the establishment of a school of dentistry at East Carolina University. This action is progress toward the establishment of the school; however, additional legislative action will be necessary in order to provide the final authority for the school to be established. This may occur in the 2007 Session. A school of dentistry at East Carolina University would address the rural and underserved populations of the State in a similar manner as the Brody School of

Medicine does. Additionally, there are significant economic impact and benefits to the City of Greenville and its citizens which would be generated by the location of a school of dentistry in Greenville. This includes providing increased employment opportunities and building the healthcare infrastructure which will help attracting jobs and industry. This was a legislative initiative for City Council in 2006.

(3) Minimum Non-Residential Structure Code

Seek authority for the City to adopt a minimum non-residential structure code similar to the authority which the City currently possesses for a minimum housing code. The City currently possesses authority to address major deficiencies in non-residential structures through its abandoned structure ordinance and through the unsafe building provisions of the North Carolina General Statutes. Both of these authorities may be applied to both residential and non-residential structures. However, additional authorities would be helpful to address underutilized non-residential structures particularly in areas where the City is focusing on revitalization efforts. This would be required to be a statewide measure as a result of a North Carolina constitutional provision which limits the subject of local acts. This is similar to the Minimum Housing Code for nonresidential structures. It was referred to a Committee during the 2005 Session and did not come out. This is one of the initiatives that dovetails on what the NCLM is seeking.

(4) Gang Prevention Legislation

Gang violence and associated activities pose a danger to the safety and citizens of Greenville. Members of street gangs threaten, terrorize, and commit crimes against citizens. During the 2005 Session, the North Carolina Street Gang Prevention Act was introduced; however, it was not approved during either the 2005 or 2006 Sessions. The bill provided additional tools to combat criminal street gang activity. These tools include the establishment of additional offenses relating to participation in criminal street gang activity and an increased penalty if an offense is committed as a result of criminal street gang activity. Public safety would be enhanced by the enactment of legislation which will provide additional tools for law enforcement in combating gang activity. This dovetails with what the NCLM is seeking, and it was not identified as an initiative in the past.

Motion was made by Council Member Craft and seconded by Council Member Spell to approve the resolutions which establish the City's legislative initiatives. Motion carried unanimously. (Resolution Nos. 07-03, 07-04, 07-05 and 07-06)

BUDGET ORDINANCE AMENDMENT #5 AMENDING THE 2006-2007 CITY OF GREENVILLE BUDGET - ADOPTED

Motion was made by Council Member Craft and seconded by Council Member Spell to approve budget ordinance amendment #5 to the 2006-2007 City of Greenville budget. Motion carried unanimously. (Ordinance No. 07-12)

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Little thanked City Manager Bowers and the Police Chief for responding to activities/break-ins in Lynndale within the last few months and the aggressive plan that was put into place.

Council Member Spell announced that Chris Mansfield is the new president of the Tar River Neighborhood Association. Council Member Spell also thanked Charlie Ewing, the outgoing president, for all his hard work over the last couple of years. Council Member Spell requested that a discussion on updating the Bicycle Trails Master Plan be placed on the Planning Retreat Agenda.

Mayor Pro-Tem Council stated that she would like further exploration of the Simmons situation regarding their convenience store, and for staff to check and see if there is anything the City can do to help Ms. Simmons. Mayor Pro-Tem Council further stated that she would also like to hear the attorney's comment on Mr. Rodman's situation because Mr. Rodman has been struggling with his battle for years. Mayor Pro-Tem Council informed everyone that Mr. Mills, an attorney in Raleigh, will have a Health Initiative at the Hilton on February 17, 2007. Mr. Mills will be talking about health and wellness. This is an annual event in memory of his sister who died in Greenville a couple of years ago. Mayor Pro-Tem Council announced that she still had some "Attraction" books left to sell, which is for the Pitt County 4-H All Stars Fundraiser to help youth.

Council Member Craft wished his son a happy birthday and also wished Thom Moton, the Deputy City Manager, a happy birthday. Council Member Craft also gave an update on the Sarah Vaughn Field of Dreams stating that over \$100,000 in cash had been raised and over \$100,000 in gifts in-kind have been raised toward the Sarah Vaughn Field of Dreams, which will be located at Elm Street Little League Baseball Park.

Council Member Dunn reminded everyone that Monday is Martin Luther King Holiday.

Council Member Glover read an excerpt from Dr. Martin Luther King, Jr. and announced that the former Mayor of Grimesland had invited everyone to come to Grimesland for Martin Luther King, Jr. Day. Council Member Glover informed everyone of a conference for teachers on March 29, 2007 with guest speaker Dr. Geneva Gay at the City Hotel and Bistro.

CITY MANAGER'S REPORT

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Dunn to cancel the City Council Meeting scheduled for January 22, 2007. Motion carried unanimously.

City Manager Bowers reminded the City Council that the Annual Planning Session will be held on January 27, 2007 at 8:00 a.m. at the Bradford Creek Golf Course.

Mayor Parrott made a presentation to City Attorney Holec on his 10 years of service to the City of Greenville and presented him with a Timex watch and pen.

ADJOURN

Motion was made by Council Member Dunn and seconded by Council Member Spell to adjourn the meeting at 9:25 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg
Deputy City Clerk



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item: Various tax refunds

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

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Wes Consulting Group Ltd.	Prorate taxes on vehicle	\$119.73
Pitt County Tax Collector	Prorate taxes on vehicle	\$320.89
James W. Brewington, Jr.	Prorate taxes on vehicle	\$281.02
Thomas & Karen Chiancone	Prorate taxes on vehicle	\$144.52
Stallings Group Ltd.	Prorate taxes on vehicle	\$231.21

Fiscal Note: The total amount to be refunded is \$ 1,097.37.

Recommendation: Approval of tax refunds by City Council

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Attachments / [click to download](#)



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

<u>Title of Item:</u>	First reading of an ordinance granting a taxicab franchise to James E. Sherman d/b/a Dick's Cab
<u>Explanation:</u>	Mr. James E. Sherman d/b/a Dick's Cab has applied for a taxicab franchise to operate a taxicab business at 1400 West Fourteenth Street. Supporting documentation is attached, which includes a statement giving Mr. Sherman permission to operate the business there. The second reading of the ordinance and public hearing are scheduled to be held on February 8, 2007.
<u>Fiscal Note:</u>	None
<u>Recommendation:</u>	According to the planning, background and financial information received from the various City departments, the proposed location is zoned for a taxicab business and the applicant has no criminal background. The financial report indicates that, even though Mr. Sherman is not indebted to the City, he does owe Pitt County for four years of back taxes on personal property (1996, 1997, 1998 and 1999). Mr. Sherman's application indicates that he has six or seven years of experience driving as a lease driver with a local taxi company.

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Attachments / click to download

- [Dick's Taxi Cab Franchise](#)
 - [Ordinance for a taxicab franchise for James E. Sherman d b a Dick s Cab Company](#)
-

AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO JAMES E. SHERMAN D/B/A DICK'S CAB COMPANY

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

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

WHEREAS, James E. Sherman d/b/a Dick's Cab Company, is an applicant for a franchise permitting the operation of three taxicabs within the City limits; and

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

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

Section 1. A taxicab franchise is hereby issued to James E. Sherman d/b/a Dick's Cab Company to permit the operation within the City of Greenville of not more than three taxicabs.

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

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

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

First reading passed on this the 5th day of February, 2007.

APPLICATION FOR TAXICAB FRANCHISE

To the Mayor and City Council of the City of Greenville

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

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is:
Dick's Cab Company 1400 West 14th Street Greenville NC 27834
3. The Applicant is:
 - A. An individual and sole owner of the taxicab business to be operated under the above name. Dick's Cab Company
 - B. A corporation chartered under the laws of the State of North Carolina in the year 2007, and the officers of the corporation are James Sherman
 - C. A partnership, as shown by articles hereto attached, and the names of partners are:
None sole partner
4. The Applicant operates in the following cities: greenville and surrounding cities
5. The Applicant is requesting franchise to operate 3 taxicabs.
6. In support of this application, the following Exhibits are attached:
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.

HAND PRINT OR TYPE

LAST NAME <u>Sherman</u>		FIRST NAME <u>James</u>		MIDDLE NAME <u>Eisel</u>	
ALIAS OR NICKNAME <u>Dick</u>	SEX <u>m</u>	AGE <u>72</u>	WEIGHT <u>185</u>	HEIGHT <u>6ft</u>	ID NO.
ADDRESS <u>306 Haw Drive</u>	HAIR <u>black</u>	EYES <u>brown</u>	COMPLEXION <u>Black</u>		
OCCUPATION <u>Taxi driver bus driver</u>	DRIVERS LICENSE NO. [REDACTED]		IDENTIFICATION NO. [REDACTED]		
PLACE OF BIRTH	DATE OF BIRTH [REDACTED]		[REDACTED]		

Signature of Applicant James Sherman

Subscribed and sworn to before me this 28th day of December

16 2006
Polly Jones
Notary Public Polly Jones Item # 3

My Commission Expires: August 5, 2011

Exhibit A

This is a need for additional transportation options for the thriving Greenville and surrounding Pitt County area. My current employer lease expense has risen substantially in 2006. It's currently \$800 per month.

Exhibit B

I have one Crown Victoria that can carry 3-4 passengers.

Exhibit C

Current Assets	Current Liabilities	Net Worth
\$232,000.00	\$80,000.00	\$152,000.00

Exhibit D

My taxi cab will be parked at 1400 West 14th Street, Greenville NC.

Exhibit E

See attached document.

Exhibit F

I have six-seven years of experience driving as a lease driver with the local taxi company.

ALADDIN TAXI & TRANSPORT MHP PRICE SCHEDULE 9/1/05

ZONE-(1)-\$4.50 (2)-\$5.00(3)-\$5.25(4)-\$5.75(5)-\$6.00 (6)-\$6.25(7)-\$7.00(8)-\$8.00

1-1-\$4.50 2-1-\$5.00

1-2-\$5.00 2-2-\$5.50

1-3-\$5.50 2-3-\$6.00

1-4-\$6.00 2-4-\$6.50

1-5-\$6.50 2-5-\$7.00

1-6-\$7.00 2-6-\$7.50

1-7-\$7.50 2-7-\$8.00

1-8-\$8.00 2-8-\$8.50

ALL ZONES WILL CROSS AT EVANS AND MLK/5TH
ADDRESES ON EVANS OR 5TH WILL CROSS ALSO
ALL OF FIRETOWER RD WILL BE \$8.00 STANDARD

3-3-\$7.00 4-3-\$7.50 5-3-\$8.00 6-3-\$8.50 7-3-\$9.00 8-3-\$9.50

3-4-\$7.50 4-4-\$8.00 5-4-\$8.50 6-4-\$9.00 7-4-\$9.50 8-4-\$10.00

3-5-\$8.00 4-5-\$8.50 5-5-\$9.00 6-5-\$9.50 7-5-\$10.00 8-5-\$10.50

3-6-\$8.50 4-6-\$9.00 5-6-\$9.50 6-6-\$10.00 7-6-\$10.50 8-6-\$11.00

3-7-\$9.00 4-7-\$9.50 5-7-\$10.00 6-7-\$10.50 7-7-\$11.00 8-7-\$11.50

3-8-\$9.50 4-8-\$10.00 5-8-\$10.50 6-8-\$11.00 8-8-\$11.50 8-8-\$12.00

CLUB VEGAS/BRINDLE CREEK MHP-\$16.00 JJ COUNTRY BAR-\$16.00

HARDEE ACREAS-\$12.00 MISTY BLUE-\$22.00

SILVER BULLET-\$15.00 THE BAR-\$10

MIDGETTE & ANDERSON-\$16.00 DE JA VUE \$20.00

CROSSROADS

BALLARDS X-RDS \$17.00

HADDOCKS X-RDS-\$18.00

HAMS X-RDS-\$24.00

ROUNDTREE X-RDS \$24.00

GALLOWAY X-RDS \$16.00

HELENS X-RDS-\$24.00

TRIPPS X-RDS-\$16.00

TENTERS X-RDS-\$16.00

~~Estimate Sheet~~
MOORE'S BODY SHOP

TELEPHONE:

(252) ~~329-8438~~ 257-3494

WILLIE MOORE
Owner - Operator

1400 WEST 14TH. STREET
GREENVILLE, N.C. 27834

Fax:

(252) ~~329-9992~~ 257-3498

GREENVILLE, N.C.

1-18-07

NAME			ADDRESS			PHONE	DATE
YEAR	MAKE	MODEL	LICENSE No.	SPEEDOMETER		INTR. No.	
INSURANCE CARRIER		TYPE OF INSURANCE		ADJUSTER	PHONE	SER. No.	
						CAR LOCATED AT	

PARTS NECESSARY AND ESTIMATE OF LABOR REQUIRED				PAINT COST ESTIMATE	PARTS COST ESTIMATE	LABOR COST ESTIMATE
<p><i>I Willie Moore, owner of Moore's Body Shop I Have space for Dick's Cobsu to Park and space for office and I gave him permission By Willie Moore Owner</i></p>						
TOTALS						

INSURED PAYS \$ _____ INS. CO. PAYS \$ _____ R.O. NO. _____

5. CHECK PAYABLE TO _____
 The above is an estimate, based on our inspection, and does not cover additional parts or labor which may be required after the work has been opened up. Occasionally, after work has started, worn, broken or damaged parts are discovered which are not evident on first inspection. Quotations on parts and labor are current and subject to change.

ESTIMATE MADE BY _____
 Authorization For Repair. You are hereby authorized to make the above specified repairs to the car described herein.

APPROVED _____ DATE _____ 20__

GRAND TOTAL	
WRECKER SERVICE	
PAINT MATERIAL	
TAX	
TOTAL OF ESTIMATE	Item # 3



FINANCIAL SERVICES MEMORANDUM

TO: Wanda Elks, City Clerk's Office

FROM: Brenda Matthews, Financial Services, Collections

DATE: December 12, 2006

SUBJECT: James Sherman d/b/a/ Dick's Cab

We have checked Collections records for taxes, licenses, citations, parking, rescue transports and miscellaneous receivables owed in the names of James Sherman and/or Dick's Cab. We have not found amounts owed to the City in those names.

If I can provide further assistance, please call

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

Doc # 177282

Seth Laughlin/PCD/COGV
01/18/2007 12:44 PM

To Wanda Elks/CCO/COGV@COGV
cc
bcc
Subject Re: Dick's Cab 

Wanda,

Per our conversation today, taxi or limousine services are a permitted use in the CH (Commercial-Heavy) zoning district. 1402 W. 14th Ave (parcel # 15957), owned by Willie Lee and Alice P Moore is located in a CH zone and therefore is an appropriate location for a taxi service. Thank very much.

Seth Laughlin
Zoning Administrator

Wanda Elks/CCO/COGV



Wanda Elks/CCO/COGV
01/18/2007 12:20 PM

To Seth Laughlin/PCD/COGV@COGV
cc
Subject Dick's Cab

Seth,

Mr Sherman just brought by permission for him to park his cabs at the West 14th Street address, and, interestingly enough, the business is Moore's Body Shop, who uses 1400 West Fourteenth Street as its address.

Wanda T. Elks, MMC
City Clerk
City of Greenville
PO Box 7207
200 Martin Luther King, Jr. Drive
Greenville, NC 27835
Telephone: (252) 329-4422
Fax: (252) 329-4399

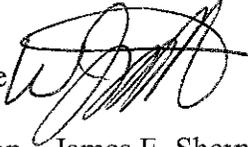


GREENVILLE POLICE DEPARTMENT

MEMORANDUM

January 24, 2007

TO: Wanda Elks, City Clerk

FROM: William J. Anderson, Chief of Police 

SUBJECT: Review of Taxi Franchise Application – James E. Sherman

I have reviewed the application and supporting documentation concerning the application of James E. Sherman for compliance with the provisions of Title 11, Chapter 1, of the Greenville City Code.

While conducting a review of this application request, tax records indicate that there are outstanding personal property taxes for the applicant. This is the only relevant information to report based on the information provided on the franchise application.



Tax Accounts - Balances Due

[Government](#)

[Citizens](#)

[Business](#)

[Visitors](#)

[Employment](#)

Welcome to the Official Website for Pitt County Government

*R = real estate, V = vehicle, and P = personal property

Entity

PT = Pitt County DR = Drainage AD = Ayden
 BT = Bethel FK = Falkland FR = Farmville
 FN = Fountain GF = Grifton GL = Grimesland
 WN = Winterville SI = Simpson GV = Greenville

Search By Name: Sherman, James

Tax accounts receivable announcements last updated 1/25/07 4:36PM

NAME	TAXES BILLED	TAX DUE	ACCT#	PARCEL	LOCATION	TYPE*	TAX YEAR	REAL VALUE	PERSONAL VALUE	ENTITY**
SHERMAN, JAMES	\$167.44	\$62.77	11555180	-	-	P	1996	\$0	\$15,780	PT
SHERMAN, JAMES	\$169.52	\$310.07	11555180	-	-	P	1997	\$0	\$15,350	PT
SHERMAN, JAMES	\$160.36	\$278.77	11555180	-	-	P	1998	\$0	\$14,090	PT
SHERMAN, JAMES	\$153.17	\$253.11	11555180	-	-	P	1999	\$0	\$13,100	PT

Jeff Niebauer, Tax Collector
 Downtown Greenville
 111 S. Washington Street
 Greenville, NC 27834

Phone: (252) 902-3425
 Fax: (252) 830-1935
 Email: pitttaxcollector@co.pitt.nc.us
www.pittcountync.gov/depts/taxcollector/

Mail payments to:
 Pitt County Tax Collector
 PO Box 875
 Greenville, NC 27835



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

<u>Title of Item:</u>	Presentations by boards and commissions a. Board of Adjustment
<u>Explanation:</u>	The Board of Adjustment is scheduled to make its annual presentation to City Council at the February 5, 2007 Council meeting.
<u>Fiscal Note:</u>	No cost to the City
<u>Recommendation:</u>	No action needed. This is for information only.

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City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

Resolution in support of a grant application to the PetSmart Charities to establish an off-leash dog area in the South Tar River Greenway area

Explanation:

The Police Department's Animal Control Division and the Recreation and Parks Department staffs have prepared a \$10,000 grant application for the PetSmart Charities to help establish an off-leash dog area south of River Drive, north of Willow Street, and in the vicinity of North Oak and North Ash Streets. Staff held a public information meeting on January 3, 2007, and over 50 people attended the meeting. Strong support for this project was voiced by those at the meeting.

The Recreation and Parks Commission received a staff report from Bill Twine, Recreation Superintendent, on January 10, 2007, and approved staff's request for support to submit this application. Staff are working to identify and pursue other funding sources to help offset the cost of this project. The off-leash dog area is in its conceptual phase, and a detailed budget will be developed following the design phase.

Staff recommends that any interested citizens be allowed to make public comments during the consideration of this item.

Fiscal Note:

No fiscal impact at this time. A detailed budget will be developed after a final design is accepted.

Recommendation:

Approve the resolution supporting the City of Greenville's PetSmart Charities grant application.

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Attachments / click to download

- [Dog Park Map](#)
- [Resolution of Support Endorsing the City's Pet Smart Grant](#)
- [Off Leash Dog Area](#)

Agenda Briefing

Item # 5

RESOLUTION NO. 07- __

RESOLUTION OF SUPPORT FOR THE CITY OF GREENVILLE'S GRANT APPLICATION
TO THE PETSMART CHARITIES GRANT PROGRAM TO ESTABLISH AN OFF-LEASH
DOG AREA IN THE SOUTH TAR RIVER GREENWAY AREA

WHEREAS, the City of Greenville desires to improve the quality of life for all of its residents and supports the goal of providing recreational opportunities in the community; and

WHEREAS, pet owners love their dogs and many lack adequate space or facilities to allow their dogs to exercise off leash in a safe environment; and

WHEREAS, designated off-leash dog areas are being built throughout the country and are considered to provide valuable social interaction for residents; and

WHEREAS, there is not such a public facility in Greenville or Pitt County; and

WHEREAS, providing an off-leash dog area will enhance the City of Greenville's parks and recreation system;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Greenville does hereby support the City of Greenville's Off-Leash Dog Area Grant application.

Adopted this the 5th day of February, 2007.

Robert D. Parrott
Mayor

Attest:

Wanda T. Elks
City Clerk

MEMORANDUM

TO: The Honorable Mayor and Members of the City Council

FROM: Thom Moton, Assistant City Manager

DATE: January 10, 2007

SUBJECT: Off-Leash Dog Area

On Wednesday, January 3, 2007, staff held an informational meeting inviting members of the public to hear staff's study of an off-leash dog area and to take comments. The meeting was publicized using customary resources and the turn out exceeded our expectations. Approximately 50-60 persons attended the meeting.

The overriding sentiment expressed by those in attendance was that they support the project and urged staff to consider enlarging the proposed site. Attached for your review is an agenda, a summary of the meeting's comments and the attendance registry.

The Recreation and Parks Commission will consider this project at its meeting tonight and will be requested to recommend action for the City Council to consider at the February 5 meeting. If you have any concerns about staff moving forward with preparing the grant applications to help fund this endeavor, please contact me by Friday, January 19 so that I can get an understanding of your concerns and the issues. Unless I hear from you by January 19, staff will prepare the grant applications and resolutions of support for your consideration at the February 5 City Council meeting, assuming the Recreation and Parks Commission's action tonight is to support this project.

/jat

Attachment: Agenda
Attendance Registry
Questions/Comments Survey

cc: Off-Leash Dog Area Committee (Rhonda Conner, Lt. Cheryl Curtis, Tim Langley, Bill Twine and Charles Williams)

#669630

Greenville, North Carolina
January 10, 2007

The Greenville Recreation and Parks Commission met on the above date at the Administrative Building at Jaycee Park. Chairman McDowell officially opened the meeting. The following members were present:

Mr. Jerry Clark	Mrs. Lillian Outterbridge
Mrs. Sue Aldridge	Mrs. Sandy Steele
Mr. Wilson McDowell	Mr. Jimmy Bond
Mr. Wilbur Bennett	Honorable Chip Little
Mr. Gary Hassell	Mrs. Sydney Womack
Mr. Charles Williams, Interim Director	

Motion was made to approve minutes by Mr. Bond, seconded by Mrs. Steele. Motion carried.

Interim Director Charles Williams told commissioners to review the monthly reports and contact him if they had questions.

OLD BUSINESS

Item added to Agenda: Report from Naming Committee for Red Oak/Oakdale Park. Mrs. Outterbridge stated that the Naming Committee (Outterbridge, Steele, McDowell) proposed that the park be named the Andrew A. Best Freedom Park. Motion to accept the proposed name by Mrs. Womack, seconded by Mr. Clark. Motion carried. Motion to recommend Andrew A. Best Freedom Park name to the City Council by Mr. Bond, seconded by Mrs. Womack. Motion carried.

Mr. Little gave an update from the Recreation Ordinance Subcommittee stating that they had met 3 times to discuss the options. Their recommendation is to wait until the Master Plan had been updated and adopted and then set a policy.

NEW BUSINESS

Mr. Williams introduced Bill Twine, Superintendent of Recreation, to give an overview of the Parks and Recreation Trust Fund Grant process. Mr. Twine stated that the city had \$250,000 to match a possible grant to complete Phase II at Bradford Creek Soccer Complex. Mr. Twine stated that the second phase would include a community center, a small playground, an astronomy observation pad, and ensure ADA accessibility for the area. Mr. Bill All, President of the local astronomy club was present and stated that they were using the park presently for their nighttime observations and had been for approximately a year. Motion by Mrs. Womack made a motion to approve the application for the PARTF Grant, seconded by Mrs. Aldridge. Motion carried.

Mark Garner made a request to have a wall section of Guy Smith Stadium to install a display for the 2002 Girls Babe Ruth World Series. Mr. Garner stated that this was a part of history for the city and they wanted to install a plaque to commemorate this event. Motion by Mrs. Outterbridge to accept, seconded by Mr. Clark. Motion carried.

Bill Twine gave an overview of a proposed bark park for the city near the Tar River Apartments area. Mr. Twine stated that a public meeting had been held prior with approximately 60 people attending supporting the park. Mr. Twine stated that the committee was asking for support to apply for a grant from Pet Smart and from Hamburger Helper to help with development of the park. Short discussion was held. Motion to approve for application of the grants by Mrs. Steele, seconded by Mr. Bennett. Motion carried. Mr. Hassell voted in opposition.

Mr. Williams stated that after meeting with the Little League Board, it was felt that a committee between staff, commission, and Little League Board should be formed to meet quarterly. This committee would instill better communication and working agreements. Mr. Bond volunteered to serve on this committee.

A motion to go into a closed session was made by Mr. Bond and seconded by Mrs. Womack. Motion carried.

A motion was made to adjourn regular session. Motion carried.

Respectfully submitted,

Beverly Garrett
Recorder

LEGEND

-  SOUTH TAR RIVER GREENWAY
-  EXISTING PAVEMENT TO BE REMOVED

PROPOSED OFF-LEASH DOG AREA

DECEMBER 21, 2006
 REVISED
 JANUARY 23, 2006

Attachment number 4
 Page 1 of 1

Item # 5





City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

<u>Title of Item:</u>	Fiscal Year 2008 Federal Agenda
<u>Explanation:</u>	Representatives of The Ferguson Group have worked with City staff to develop priority projects for the City's fiscal year 2008 federal agenda. Five appropriations requests and two areas of other interest are recommended for inclusion on the federal agenda. The proposed list of projects is attached. Melissa Hyman of The Ferguson Group will review the proposed federal agenda and discuss federal funding opportunities during the February 5, 2007 City Council meeting.
<u>Fiscal Note:</u>	The total amount of federal appropriation requests for fiscal year 2008 is \$5,950,000. If approved, some appropriations may require local matching funds.
<u>Recommendation:</u>	Hear a presentation from Melissa Hyman of The Ferguson Group and adopt the fiscal year 2008 federal agenda.

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Attachments / click to download

 [FY_2008_Federal_Agenda](#)



**City of Greenville, North Carolina
Fiscal Year 2008 Federal Agenda**

Appropriations Requests

PROJECT	REQUEST	BILL AND PROGRAM	PROJECT DESCRIPTION
Tenth Street Connector	\$5 million	Transportation, HUD, and Related Agencies Transportation and Community and System Preservation Program	Funding will be used to complete construction of the Stantonsburg Road--Tenth Street cross-town connector.
West Greenville Community Center Education Programs	\$250,000	Labor, Health And Human Services, and Education Department of Labor's Employment and Training Administration	Funding will be used for implementation of employment and job training programs for area youth and the elderly.
Law Enforcement Technology Improvements	\$250,000	Commerce, Justice, Science COPS Law Enforcement Technology	Funding will be used for emergency responder interoperability.
24 Hour Mental Health Intake Center	\$250,000	Labor, Health And Human Services, and Education Health Resources Service Administration	Funding will be used to expand mental health services so that they will be available whenever needed.
West Greenville Revitalization	\$200,000	Transportation, HUD, and Related Agencies Economic Development Initiative	Funding will be used to remove blighted structures and to construct recreational amenities, which will revitalize West Greenville.

Other Interests

- Secure Congressional support and funding for the City of Greenville's EPA Community-Wide Assessment Brownfields Grant application.
- Monitor the status of telecommunications legislation.



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

Ordinance amending Chapter 2, Title 10, Article T, "Controlled Residential Parking Areas," of the City Code of Ordinances to permit residents on both sides of a street with controlled residential parking to be eligible to obtain a parking permit decal

Explanation:

Attached for City Council consideration is an ordinance that will amend Chapter 2, Title 10, Article T, "Controlled Residential Parking Areas", of the City Code of Ordinances. Also attached is a strike-through version of the proposed ordinance that highlights the recommended changes. The proposed revisions enable residents on either side of a street where at least one side of the street has been designated as a "Controlled Residential Parking Area" to be eligible to receive one (1) residential parking permit decal for each vehicle which is principally operated by the resident.

The Tar River-University Neighborhood Association (TRUNA) asked staff to modify the City's Controlled Residential Parking Program to enable residents on either side of a street where at least one side of the street has been designated as a "Controlled Residential Parking Area" to be eligible to receive a residential parking permit decal. Under the existing ordinance, only those residents who live on the side of the street that is designated as a controlled residential parking area may obtain a residential parking permit decal. TRUNA's request was made to provide all residents in these areas with the opportunity for on-street parking.

The attached ordinance presents the proposed changes that would address the neighborhood association's request.

Fiscal Note:

Minor increase in fee revenues due to this ordinance change.

Recommendation:

City Council approve the attached ordinance amending Chapter 2, Title 10, Article T, "Controlled Residential Parking Areas", of the City Code of Ordinances.

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Attachments / click to download

 [244 Controlled Residential Parking](#)

 [224 Controlled Residential Parking](#)

ORDINANCE NO. 07-
AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 10
OF THE GREENVILLE CITY CODE BY REWRITING CERTAIN PROVISIONS
RELATING TO CONTROLLED RESIDENTIAL PARKING AREAS

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

Section 1. That Chapter 2 of Title 10 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting Section 10-2-244 to read as follows:

Sec. 10-2-244. Eligibility for permit decal.

A resident who resides on either side of a street where at least one side of the street has been designated as a controlled residential parking area is eligible to receive one (1) residential parking permit decal for each vehicle which is principally operated by the resident. The revenue collector shall verify the residence address of persons obtaining such decals and shall record on the face of the decal the license number of the vehicle and the letter designation of the controlled residential parking area for which issued. As proof of residency, the revenue collector may require utility bills, notarized affidavits of the landlord, auto registration cards, and other documentation deemed necessary naming the permittee and showing an address within the controlled residential parking area. Residential parking permit decals issued for vehicles used by a person who does not reside on either side of a street where at least one side of the street has been designated as a controlled residential parking area or used for purposes of daily commuting to the area or for purposes of storage of nonresidential vehicles are void.

Section 2. That Chapter 2 of Title 10 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting Section 10-2-247 to read as follows:

Sec. 10-2-247. Compliance to signs.

When signs are erected adjacent to streets designated as a controlled residential parking area, no person shall park a vehicle for longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, unless such vehicle has a properly displayed residential parking permit decal for the area in which parked. A residential parking permit shall not guarantee or reserve the holder a parking space within a designated controlled residential parking area.

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 shall become effective upon its adoption.

This the 5th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 07-
AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 10
OF THE GREENVILLE CITY CODE BY REWRITING CERTAIN PROVISIONS
RELATING TO CONTROLLED RESIDENTIAL PARKING AREAS

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

Section 1. That Chapter 2 of Title 10 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting Section 10-2-244 to read as follows:

Sec. 10-2-244. Eligibility for permit decal.

A resident ~~of~~ *who resides on either side of a street where at least one side of the street has been designated as* a controlled residential parking area is eligible to receive one (1) residential parking permit decal for each vehicle which is principally operated by the resident. The revenue collector shall verify the residence address of persons obtaining such decals and shall record on the face of the decal the license number of the vehicle and the letter designation of the controlled residential parking area for which issued. As proof of residency, the revenue collector may require utility bills, notarized affidavits of the landlord, auto registration cards, and other documentation deemed necessary naming the permittee and showing an address within the controlled residential parking area. Residential parking permit decals issued for vehicles used by ~~nonresidents of the~~ *a person who does not reside on either side of a street where at least one side of the street has been designated as a* controlled residential parking area or used for purposes of daily commuting to the area or for purposes of storage of nonresidential vehicles are void.

Section 2. That Chapter 2 of Title 10 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting Section 10-2-247 to read as follows:

Sec. 10-2-247. Compliance to signs.

When signs are erected adjacent to streets *designated as a* ~~in the~~ controlled residential parking area ~~listed in this section~~, no person shall park a vehicle for longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, unless such vehicle has a properly displayed residential parking permit decal for the area in which parked. A residential parking permit shall not guarantee or reserve the holder a parking space within a designated controlled residential parking area.

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 shall become effective upon its adoption.

This the 5th day of February, 2006.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

Tenth Street Connector Supplemental Relocation Program

Explanation:

This is a program designed to assist homeowners who may be subject to relocation in connection with the North Carolina Department of Transportation's Tenth Street Connector project. The City of Greenville will provide land for new home construction or relocation of existing homes owned by residents who desire to continue living in the 45-block revitalization area. In addition, financial assistance from the City of Greenville homebuyer assistance program for income-eligible residents will also be available.

Land will be provided by the City of Greenville in the Fleming, Hudson, Vanderbilt and Bancroft areas of West Greenville in the form of deferred loans and will be secured by a deed of trust and promissory note for a period of five (5) years.

Assistance will be made available under three general categories:

A. Land for Home Relocation - For persons who wish to move their existing home, land for the relocation (moving) of a home acquired by the State of North Carolina Department of Transportation (and purchased back by the homeowner) will be available. Land for the home relocation will be provided to the homeowner at no cost in the form of a deferred loan (grant) that will be forgiven over 5 years as long as the property owner maintains the home as their principal residence. Lot sizes will generally consist of 6,000 to 7,000 square feet and will be valued at approximately \$7,000.

B. Land for New Home Construction - Land for the construction of a new replacement home will be made available for those homeowners who elect not to move a home acquired by the State of North Carolina Department of Transportation. Homes may be built either through the City of Greenville's "Housing Production Program" or by the homeowner on land provided by the City. Homes produced by the City will contain approximately 1,200 square feet or more, with a minimum of 3 bedrooms and 2 bathrooms. Other amenities such as carports or garages may be offered. Under the program, the homeowner will purchase a home with their acquisition

Agenda Briefing

proceeds issued by the North Carolina Department of Transportation. The cost of the land will be reduced from the purchase price and will be provided at no cost to the homeowner in the form of a deferred loan (grant) that will be forgiven over 5 years as long as the property owner maintains the home as their principal residence. Lot sizes will generally consist of 6,000 to 7,000 square feet and will be valued at approximately \$7,000.

C. Homebuyer Assistance - For homebuyers with incomes 80% or less of the area median income as adjusted by family size, mortgage assistance up to \$10,000 may be available from the City of Greenville's Homeownership program. (In 2006, a family of 4 with an annual income of \$39,850 or less qualified for this program.) These funds can be used by an eligible buyer to reduce the mortgage financed by the homebuyer for newly constructed homes. Mortgage rules and qualification standards from the financial institution apply, and mortgage approval must be obtained prior to funds being provided by the City of Greenville.

*For homes relocated, the Homeowner will work with the NC Department of Transportation to insure that the home is set up and made ready for occupancy by the homeowner.

**Tenants who are interested in purchasing homes in the area will be eligible to participate in this program through the homebuyer assistance programs of the City of Greenville. The deferred loans for land identified in this program will be secured by a deed of trust and promissory note with the terms identified. The City of Greenville will make every effort to make sure that the affected residents of the Tenth Street Connector project have choices. This program has been designed to insure that as many residents that desire to remain in the area have that opportunity.

Fiscal Note:

Funds to acquire land and provide downpayment assistance are made available from the CDBG program, HOME Investment Partnership program, and City's bond program.

Recommendation:

Approve the Tenth Street Connector Relocation Program to provide land for home relocation, land for new construction, and homebuyer assistance under the terms outlined and grant staff permission to implement once the Tenth Street Connector corridor has been identified.

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Attachments / [click to download](#)



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

Ordinance to amend the Manual of Fees to increase the off-duty rate of pay for the Greenville Police Department

Explanation:

Off-duty fees are outlined in the Manual of Fees and approved by the City Council annually. Currently, the off-duty rate is \$25 per hour on the weekend and \$18 an hour for weekday hours. The City of Greenville charges an administrative fee of \$3 for each hour worked; thus, police officers receive \$22 and \$15 respectively. Off-duty rates were established in 1998 based upon the average pay rate at that time. The rates have not been increased since then to be comparable to the average pay rates for police officers now. Over the last year, there has been a drastic increase in the number of recurring jobs and total hours. As a result, the Police Department does not have enough resources to meet the demand for off-duty officer assignments.

The average rate of pay for a patrol officer is \$19.90 per hour, a Corporal \$23.79, and a Sergeant \$26.06. The average of all sworn personnel is \$22.37. The current trend is for officers to opt to work extra-duty and be compensated at time and a half rather than accept an off-duty assignment. An off-duty job is voluntary on the part of the officer, and the Police Department does not guarantee an officer. However, the Patrol Division has to absorb the calls for service at locations where an officer would be assigned. The Department has begun to experience backlash by way of negative interactions from business establishments when the Department does not provide an officer and an off-duty contract is in effect. The current contracts are valid for twelve months. GPD staff recommends increasing the fees effective March 1, 2007 to give businesses time to make any cost adjustment or make other arrangements.

Currently, the Pitt County Sheriff's Department charges \$30 per hour, and the deputy receives the entire amount with no administrative fee. Staff proposes the off-duty fees be increased to a flat rate of \$30 per hour and that the City of Greenville maintain the same \$3 per hour administrative fee. This action would require a change to the Manual of Fees and approval from the City Council.

Fiscal Note:

No direct financial impact to the City.

Recommendation:

Approve the attached ordinance amending the Manual of Fees to increase the off-duty rate for the Greenville Police Department to \$30 an hour for all hours and to keep the administrative fee at \$3 per hour, effective March 1, 2007.

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 [Manual of Fees Amendment for Police Off Duty Rate](#)

ORDINANCE NO. 07-___

AN ORDINANCE AMENDING THE MANUAL OF FEES RELATING TO POLICE FEES

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

Section 1. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by amending the Off-Duty Fee contained in the Police Fees to read as follows:

<u>ACCOUNT NUMBER</u>	<u>SERVICE</u>	<u>FEE</u>
010-0000-340-12-16	Off- Duty Fee	Company Charge \$30.00
		Employee Pay \$27.00

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

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

Section 4. This ordinance shall become effective March 1, 2007.

This the 5th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

<u>Title of Item:</u>	Ordinance authorizing the Police Department to implement an Auxiliary Police Officer Program
<u>Explanation:</u>	The Greenville Police Department does not currently utilize reserve officers to supplement the full-time force. These officers would be used for regular patrol duties, special assignments, and staffing special events, which would reduce the amount of overtime currently being expended.
<u>Fiscal Note:</u>	In the initial year, each officer would cost \$3,000 for uniforms and equipment if the officer comes to the program from outside the department. The current plan is to utilize recently retired officers who have expressed an interest in the program, which would lessen the costs for uniforms and equipment.
<u>Recommendation:</u>	Adopt the proposed ordinance granting the Chief of Police the authority to start a Reserve Police Unit of up to 10 officers.

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[Ordinance Authoring Police Reserve Unit](#)

ORDINANCE NO. 07-___

AN ORDINANCE AMENDING ARTICLE A, CHAPTER 1 OF TITLE 5 OF THE GREENVILLE CITY CODE, SAID CHAPTER BEING ENTITLED POLICE DEPARTMENT

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

Section 1. That Article A, Chapter 1 of Title 5 of the Code of Ordinances, City of Greenville, is hereby amended by adding provisions to said chapter to read as follows:

5-1-8 Authority for establishment; supervision by chief of police.

(a) Pursuant to the authority of G.S. 160A-282, the city may organize a reserve police department made up of volunteer members. The term "reserve" as used in this chapter shall refer to and mean the same as the term "auxiliary" in G.S. 160A-282.

(b) The chief of police of the city is hereby authorized to recruit, appoint, train, equip, organize and utilize the services of the reserve police officers who shall be subject to the same supervision and control by the chief of police and subordinate commanding officers as regularly employed police officers while undergoing official training and while performing official duties on behalf of the city.

5-1-9 Powers, duties, privileges and immunities.

Reserve police officers who have been duly appointed and sworn shall, while undergoing official training and while performing official duties on behalf of the city pursuant to orders or instructions of the chief of police or subordinate commanding officers, be entitled to all powers, privileges and immunities afforded by law to regularly employed police officers, including benefits under the North Carolina Worker's Compensation Act, to the same extent that regular employees of the city are entitled to the benefits of such act. For the purposes of determining the basis for worker's compensation payments to reserve police, such payments shall be based upon the entrance salary of a regular police patrol officer of the city at the time of injury to a reserve police officer. Reserve police officers shall not be entitled to any of the benefits provided for regular employees of the city except worker's compensation; provided, that this article shall not in any manner affect the rights of any person to benefits provided by the state or by any act of Congress for civilian defense workers or reserve police officers.

5-1-10 Compensation

Reserve police officers serving or appointed pursuant to this article shall be entitled to compensation from the city at a rate set in the City of Greenville Manual of Fees.

Reserve police officers serving or appointed pursuant to this article shall not be entitled to compensation from the city for the performance of the duties assigned pursuant to this service or

appointment, except under those circumstances where the chief of police with the prior approval of the city manager determines that the duties performed will be of such duration and intensity that it is in the best interests of the city to reimburse the volunteers for the time expended in the performance of such duties and at such rates as set forth in the City of Greenville Manual of Fees.

5-1-11. **Qualifications; regulations for appointment, removal, discipline.**

The chief of police is authorized to determine and establish uniform qualifications and regulations for the appointment, removal, and discipline of reserve police officers.

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

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

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

This the 5th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

Memorandum of agreement with Pitt Community College for use of the Public Safety Training Center

Explanation:

Several years ago, the City Council appropriated just over \$200,000 for a police firing range. Some of these funds have been spent over the years for firing range related expenses. On December 14, 2006, the City Council amended the amount available to \$200,000.

During 2006, Pitt Community College opened a firing range at the College's Public Safety Training Center located north of the city on Highway 11. Representatives of the Greenville Police Department participated in the planning for this firing range. Since the opening of the firing range, the facility has been made available on a regular basis to the members of the Greenville Police Department.

Instead of continuing with plans to build a separate firing range, City staff recommends that the City Council contribute the \$200,000 to Pitt Community College in exchange for a commitment that the Greenville Police Department can use the firing range located at Pitt Community College's Public Safety Training Center. The attached memorandum of agreement between the City and Pitt Community College provides representation for the City on the Public Safety Training Center Committee and commits that the Greenville Police Department will have the same priority status in scheduling and use of the facilities as enjoyed by other governmental entities in Pitt County and the City shall not be required to pay any facility, range, or usage fees for use of the facilities.

Fiscal Note:

The \$200,000 contribution is available in the Capital Reserve Fund.

Recommendation:

The City Council approve the memorandum of agreement with Pitt Community College.

Attachments / click to download

 [Firing_Range](#)

STATE OF NORTH CAROLINA
COUNTY OF PITT

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made this day by and between the CITY OF GREENVILLE, a municipal corporation, organized under the laws of the State of North Carolina and being situate in Pitt County, North Carolina, (hereinafter referred to as the "CITY"); and Pitt Community College, an educational institution organized and operated pursuant to NCGS §115D, and being situate in Pitt County, North Carolina, (hereinafter referred to as the "COLLEGE").

WHEREAS, the COLLEGE desires to develop and operate a public safety training center to provide instruction, training, and firearms training to law enforcement personnel and law enforcement students, fire service training, and emergency medical services training;

WHEREAS, the CITY desires to assist in the construction of classroom and restroom facilities for the public safety training center; and

WHEREAS, the CITY and the COLLEGE desire to enter in this MEMORANDUM OF AGREEMENT (hereinafter referred to as the "AGREEMENT") concerning the development, operation and maintenance of the public safety training center.

NOW THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT AS FOLLOWS:

1. **Operations:** The COLLEGE shall be responsible for the oversight, management, and the establishment and implementation of policies and procedures for the operation of the public safety training center in compliance with all federal, state and local laws and regulations to be constructed on property transferred to the COLLEGE by the Pitt County Board of Commissioners in a deed dated February 4, 2002, and appearing of record in Book 1283, Page 287, Pitt County Public Registry, to which reference is made for a more full, complete and accurate description.
2. **Facilities:** The CITY shall provide to the COLLEGE pursuant to this AGREEMENT, the sum of Two Hundred Thousand and no/100 Dollars (\$200,000.00) for use by the COLLEGE to construct two range observation towers and enclosed storage facilities under the range towers at the public safety training center. The CITY shall provide the stated funds to the COLLEGE when construction of the range towers and enclosed storage facilities has commenced. Further, the CITY and COLLEGE agree that if any of the above stated sum remain after construction of the towers and storage facilities that the COLLEGE may apply such balance to be used for the construction of water and sewer infrastructure to the range towers and enclosed storage facilities.

3. **Committees:** The COLLEGE has established a Public Safety Training Center Committee to assist the COLLEGE, the architect and the design firm in the formation of a master plan for development, construction, and use of the training facility. The CITY and the COLLEGE agree the CITY shall be represented on the Public Safety Training Center Committee and that such representation of the CITY shall be equal to the representation of Pitt County on the committee. Additionally, the COLLEGE has established three advisory committees comprised of representatives from local law enforcement agencies, local fire service agencies, and local EMS agencies. It is further agreed that the CITY shall have at least one representative on each of these advisory committees.

4. **Use of Training Center:** The CITY shall enjoy the use and privileges of the public safety training center facilities including but not limited to any firing or qualification range on the same priority status in scheduling and use of the facilities as enjoyed by other governmental entities in Pitt County and shall not be required to pay any facility, range or usage fees for use of the facilities located on the public safety training center including any firing or qualification range. The CITY agrees that it will schedule training or use of the public safety training center or any portion of the center including but not limited to the qualification or firing range through the COLLEGE or the designated agents, departments, or employees of the COLLEGE. The COLLEGE agrees that the COLLEGE shall be responsible for the scheduling of all training and use of the public safety training center facilities for persons and entities both inside and outside of Pitt County. No change to this responsibility shall occur without written notice and agreement by the CITY and COLLEGE.

5. **Other Conditions:** The funds provided by the CITY to the COLLEGE in paragraph 2 of this AGREEMENT shall be repaid by the COLLEGE to the CITY plus interest at the statutory rate in the event the COLLEGE, within a period of TEN (10) YEARS from the date that construction on the public safety training center is completed, transfers, sells, conveys, gives to any person(s), entity(ies), business(es), partnership(s), venture or any other party(ies), or otherwise ceases to operate the public safety training center or any part thereof including any firing or qualification range.

6. **Notices:** Any notices, changes or other writings required under this AGREEMENT shall be sent by certified mail, return receipt requested, and addressed as follows:

CITY OF GREENVILLE

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

PITT COMMUNITY COLLEGE

President
Pitt Community College
P.O. Drawer 7007
Greenville, NC 27835-7007

7. **Changes:** Any change or amendment to this AGREEMENT shall be in writing, agreed to by the parties, in writing and signed by both parties to this AGREEMENT.

8. **Authority:** The signatories to this agreement by executing this AGREEMENT declare they have the authority to execute this AGREEMENT, their respective governing bodies have approved of this AGREEMENT, and that by signing this AGREEMENT declare the intent of the parties to be bound by the terms and conditions expressed herein.

CITY OF GREENVILLE

City Manager

DATE: _____

Attest: _____
City Clerk

DATE: _____

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

Director of Financial Services

DATE: _____

Approved as to form:

City Attorney

PITT COMMUNITY COLLEGE

President

DATE: _____



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

Paint scheme for new fire apparatus

Explanation:

On December 11, 2006 the City Council approved the purchase of a new fire engine from Triad Fire Equipment. This apparatus will be assigned to Fire-Rescue Station #1, where it will serve the East Carolina University campus on a regular basis. Approval is sought to have the apparatus painted in an East Carolina University paint scheme, with the bulk of the body being ECU purple, along with retro-reflective gold accent striping. Since all other fire apparatus are painted traditional fire department red, City Council approval of this change in tradition is requested.

The concept has gained consensus within the Fire-Rescue Department and has the support of the ECU Chancellor's Executive Council and the Athletic Department. There are no plans to convert the entire Fire-Rescue fleet to this color scheme, nor are there plans to seek any funding from ECU for this initiative. The manufacturer has agreed to this option at no additional costs. The image attached is the concept only, and not intended to be an exact rendition.

Fiscal Note:

The cost of the fire appartaus is \$357,545. There is no additional cost for the purple paint scheme.

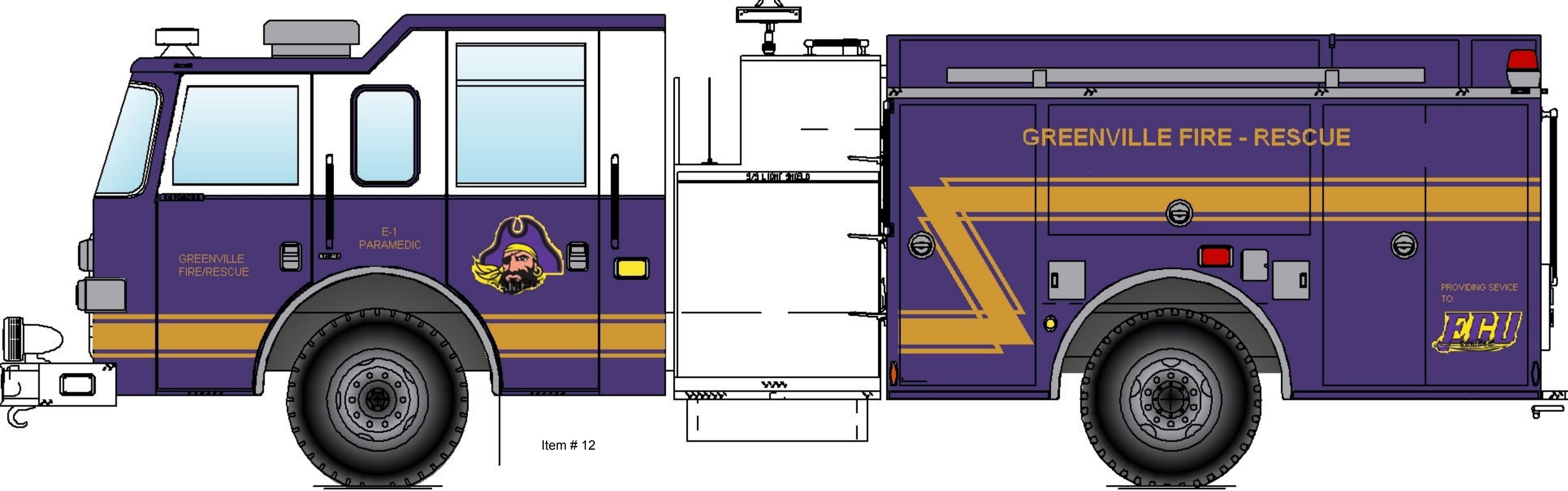
Recommendation:

Support the request and grant approval to proceed.

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

Attachments / click to download

 [Proposed Paint Scheme](#)



Item # 12



City of Greenville, North Carolina

Meeting Date: 2/5/2007
Time: 6:00 PM

Title of Item:

City Manager Goals and Performance Objectives for 2007

Explanation:

The City Manager's employment agreement provides in Section 5(b) that the Council and City Manager shall annually define goals and performance objectives in writing to be used as the basis for an annual City Manager performance evaluation. After individual meetings with the Mayor and all Council Members, a draft list of 15 goals and performance objectives for 2007 has been developed. Some of these objectives have been carried forward from projects continuing from 2006. The list was refined further following the City Council Planning Session on January 27, 2007. A status report on progress made toward completing the approved goals and performance objectives will be prepared in November 2007 and will serve as the basis for the annual performance evaluation.

Fiscal Note:

Approval of the objectives has no fiscal impact. The financial implications of a specific goal will be determined as each is addressed during the year.

Recommendation:

The City Council approve the City Manager Goals and Objectives for 2007.

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

Attachments / click to download

 [City_Manager_Work_Objectives_2007](#)

DRAFT
CITY MANAGER GOALS AND PERFORMANCE OBJECTIVES
2007

1. Continue to facilitate the work of the joint Greenville/Winterville/GUC Committee
2. Coordinate with the City of Washington City Manager to facilitate meetings of the Washington-Greenville Committee
3. Monitor the Airport Economic Stimulus Plan Agreement with the Airport Authority
4. Monitor the redevelopment efforts for the 45 Block Revitalization Program and provide regular status updates to the City Council
5. In consultation with The Ferguson Group develop a FY 2008 federal agenda
6. Work with the Police Chief to develop a strategy and specific programs to further expand community policing efforts
7. Complete the Recreation and Parks Director hiring process by February 1, 2007
8. In coordination with ECU, lease all space in the former St. Gabriel's Church property by April 1, 2007
9. Complete move to the renovated Municipal Building by March 30, 2007 and insure that project is constructed within budget
10. Present to the City Council by May 7, 2007 proposed adjustments to the FY 2007-2008 financial plan as part of the two year budget process
11. Monitor the transition to the state cable television franchise process and insure that the City receives all cable television related funds due from the state
12. Complete installation of the Uptown wi-fi network by June 1, 2007
13. Complete the annexation process for the River Hills Subdivision located on Highway 33 by June 30, 2007
14. Monitor progress on the design of the South Tar River Greenway Project with construction to start by July 1, 2007
15. Working with the Redevelopment Commission try to attract a residential condominium project to the downtown area