MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
February 11, 2010

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 the Municipal Building, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Mercer and the pledge of allegiance to the flag. The following were present.

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

APPROVAL OF AGENDA

City Manager Bowers informed the Council that a request had been received to continue Items 17 and 18, “Ordinance requested by Edwards Community Group to amend the zoning ordinance to establish a new overlay district entitled “Urban Core (UC) Overlay” and standards applicable within the area bound by Tenth Street, the CSXT Railroad, Fourteenth Street, and Greenville Mill Run/ECU Easement” and “Ordinance requested by Edwards Community Development company to rezone 16.14 acres located along the eastern right-of-way of Charles Boulevard, between Tenth and Fourteenth Streets, and west of Rock Spring Subdivision from OR (Office-Residential) to OR-UC (Office-Residential) with a UC (urban core) overlay.”

Motion was made by Council Member Joyner and seconded by Council Member Glover to continue Items 17 and 18 to March 4, 2010. Motion carried unanimously.

Motion was made by Council Member Blackburn and seconded by Council Member Kittrell to approve the agenda as amended. Motion carried unanimously.

SPECIAL RECOGNITIONS

Ms. Kathy Moore, North Carolina State Chapter Director of Honor and Remember, made a presentation to City Council on the Honor and Remember Program. Ms. Moore’s son was killed March 5, 2007 in Iraq and since that time, she has been involved with Honor and Remember, which was founded by George Lutz of Virginia after his son was killed in Iraq in December 2005. Mr. Lutz realized that there was not a national symbol honoring America’s fallen service members, so he designed the Honor and Remember Flag. The purpose of Honor and Remember
is to Establish – Educate – Present. Honor and Remember, Inc. would like to establish the Honor and Remember Flag as a national symbol and to educate the public about the Honor and Remember Flag. It will present personalized flags to families of fallen service members. There is currently a bill in Congress (HR 1034) that, if signed by the President, would make the Honor and Remember Flag a national symbol honoring America’s fallen. Ms. Moore requested that the City adopt both a resolution supporting HR 1034 as well as the flag itself.

The veterans were asked to stand, and 15-20 people in the audience stood. They were thanked for their service.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to add this item to the March 4, 2010 agenda. Motion carried unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Affordable Housing Loan Committee**

Motion was made by Council Member Smith and seconded by Council Member Joyner to reappoint Howard Conner and Melissa Grimes for a first term to expire February 2013. Motion carried unanimously.

**Community Appearance Commission**

Motion was made by Council Member Smith and seconded by Council Member Joyner to appoint Teasha Barrett to fill the unexpired term that expires June 2011, replacing Evon Zell, who resigned. Motion carried unanimously.

**Environmental Advisory Commission**

Council Member Blackburn asked that the replacement for J. Stephen Janowski, who moved out of the City limits, be continued to March 2010.

**Greenville Bicycle and Pedestrian Commission**

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Mitchell Craib for an initial term to expire January 2012 and to appoint Christopher Davis, Rebecca Davis, John Kenney, and Matthew Rosenbaum for a first three-year term to expire January 2013. Motion carried unanimously.

**Historic Preservation Commission**

Motion was made by Council Member Mercer and seconded by Council Member Joyner to appoint Kerry Carlin to fill an unexpired term that expires January 2012, replacing Ashley Wetherington, who resigned. Motion carried unanimously.
Human Relations Council

Council Member Joyner asked that the appointment of the replacements for James Cox, Franchise Pena, Shane Morris, and Keisha Staton be continued until March 2010.

Pitt Greenville Convention and Visitors Authority

Motion was made by Council Member Glover and seconded by Council Member Joyner to nominate Ivory Mewborn to the County for the replacement of Marion Blackburn, who is no longer a member due to being elected as a City Council Member. The term will expire July 2010.

Youth Council

Motion was made by Council Member Glover and seconded by Council Member Joyner to appoint Joseph Wobbleton and Sue Forrest for a term to expire September 30, 2010 to the Greenville Youth Council. Motion carried unanimously.

APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO THE PITTSBURG COUNTY ADVISORY BOARD TO END CHRONIC HOMELESSNESS

Director of Community Development Merrill Flood reminded the Council that the 10-Year Plan to End Chronic Homelessness is a strategy to reduce homelessness and improve the delivery of services to the homeless populations in Greenville and Pitt County. The plan was approved by the City and County in 2009, and the City is a partner with Pitt County and several human service organizations in this initiative. The City Council appointed seven City representatives to the Advisory Board, one of which was the former Mayor Pro-Tem Mildred Council to serve as the City Council representative. Since she is no longer a member of the City Council, another member of the City Council needs to be appointed to fill the vacancy.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to appoint Council Member Glover as the City Council representative on the Pitt County Advisory Board to End Chronic Homelessness. Motion carried unanimously.

APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO THE TAXICAB APPEAL BOARD

City Clerk Wanda Elks informed the Council that Section 11-1-67 of the City Code establishes a Taxicab Appeal Board that is composed of the City Manager or designee, a member from the Greenville Taxicab Association, and a designated member from the City Council. The purpose of the Board is to hear appeals from any decision of the Chief of Police to refuse the issuance of a taxi driver’s permit. Previously, Mayor Pro-Tem Mildred Council was the designated member from the City Council. Since she is no longer on the City Council, a replacement needs to be appointed.
Motion was made by Council Member Blackburn and seconded by Council Member Smith to appoint Council Member Joyner as the City Council’s representative on the Taxicab Appeal Board. Motion carried unanimously.

APPOINTMENT OF TENTH STREET CONNECTOR CITIZEN ADVISORY COMMITTEE MEMBERSHIP REPLACEMENTS

City Manager Bowers stated that on August 11, 2005, City Council appointed the Tenth Street Connector Citizen Advisory Committee to assist staff and consultants with developing the Tenth Street Connector Project. The 18-member committee has met six times as part of the project’s Public Involvement Program. The Committee has provided the project team with valuable feedback and has served as an important link to the community. Committee members’ attendance at these meetings is important to maintaining this link. A review of attendance records determined that some members have only attended a few meetings in the beginning of the project or have not attended at all. A letter was sent to six members inquiring if they wished to maintain an active membership on the project’s Citizens Advisory Committee. It was requested that they contact the City by December 15, 2009 regarding their desire to maintain an active membership. The letters also informed the six members that the City would interpret no response as a desire not to continue participating and that the City would proceed with new appointments. Two of the six responded that they wished to continue their participation on the Committee. In consideration of the non-responses, it is requested that two new members be appointed at this time to fill the vacant positions. Staff anticipates that it will be necessary to conduct two more committee meetings during the remaining time for the project. Mr. William Gorham of Air Mania Custom Printing located at 1307 Fourteenth Street and Pastor Ronald Williams of the Sycamore Chapel Missionary Baptist Church located at 1610 Farmville Boulevard have consented to submit their names in consideration of appointment.

Motion was made by Council Member Glover and seconded by Council Member Blackburn to appoint Mr. William Gorham of Air Mania Custom Printing located at 1307 Fourteenth Street and Pastor Ronald Williams of the Sycamore Chapel Missionary Baptist Church located at 1610 Farmville Boulevard to the Tenth Street Connector Citizen Advisory Committee. Motion carried unanimously.

CONSENT AGENDA

The items listed under the consent agenda included:

1. Minutes of the January 11, 2010 City Council meeting
2. Ordinance adopting the Code of Ordinances of the City of Greenville, North Carolina, revising, amending, restating, codifying and compiling certain existing general ordinances of the City of Greenville dealing with subjects embraced in such Code of Ordinances (Ordinance No. 10-08)
3. Award of bid for three rear-loading refuse trucks
4. Contract award for architectural/engineering services for design/construction/inspection services of the elevator and fire escape project at the Lucille W. Gorham Intergenerational Center Lessie Bass Building (Resolution No. 10-10; Contract No. 1839)
5. Rejection of all bid proposals for the construction contract for HVAC System for City Hall IT Server Room Project
6. Contract award for the South Tar River Greenway Project—Phase II (Resolution No. 10-03; Contract No. 1840)
7. Resolution approving the execution of a municipal agreement with NCDOT for Section 5303 Planning Grant funds (Resolution No. 10-04; Contract No. 1841)
8. Resolution authorizing the Director of Public Works to sign and execute all papers and documents in connection with the FY 2011 application for State aid for mosquito control (Resolution No. 10-05)
9. Ordinance adopting a sewer capital project budget for Greenville Utilities Commission’s Wastewater Treatment Plant Headworks Improvement Project (Ordinance No. 10-09)
10. Ordinance adopting a water capital project budget for Greenville Utilities Commission’s Thomas Langston Road Water Main Extension Project (Ordinance No. 10-10)

Concern was expressed by Council Member Joyner about the bids for the City Hall IT Server Room Project being rebid. He had received an e-mail from someone who bid on the project who felt that the non-collusion clause did not have to be included.

Director of Public Works Wes Anderson informed the Council that the non-collusion clause is a part of the base contract. Three bids were received, only one of which had the information included. Therefore, the two bids were rejected because they were not complete. Staff felt it could save money by rebidding since there was only one complete bid package.

City Attorney Holec stated that documents requested are a part of the bid package and everyone should submit them. He advised that although a non-response could be determined not to be material, in fairness to all bidders, it would be appropriate to consider a non-response to bid documents as a reason to disqualify the bidder. Regardless, the City reserves the right to reject any and all bids and go through the bid process.

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to approve the items under the consent agenda. Motion carried unanimously.

UPTOWN GREENVILLE CONTRACT FOR SERVICES

Director of Community Development Merrill Flood explained that on August 10, 2009, the City Council considered a request to execute a contract for services with Uptown Greenville. After deliberations, the City Council determined that input from the Redevelopment Commission was essential to its decision-making process. The Redevelopment Commission considered the request at its January 5, 2010 meeting and unanimously approved recommending to the City Council that the $25,000 contract be executed. In a July 22, 2009 letter to the Mayor and City Council, Uptown Greenville requested $50,000 in recognition of services provided to the City over the course of one year. Services detailed in a proposed contract include business recruitment and retention, beautification projects, management of special events and promotions, along with organization and management of public input for infrastructure projects in the district. Several letters of support have been received and provided to the Council. Information from the North Carolina Main Street organization shows that at least 40 local governments in North Carolina provide various levels of financial support to organizations like Uptown Greenville.
Annual municipal support ranges from $2,500 to nearly $400,000. The Main Street survey information also reveals that 25 downtown promotion organizations also receive funding from municipal service districts (MSD). North Carolina law allows municipalities to levy a special tax on property located in a defined district for downtown revitalization. An MSD is an available option for future funding of Uptown Greenville revitalization efforts. The proposed contract requires Uptown Greenville to work towards gaining property owner support for the establishment of a downtown MSD. Uptown Greenville has operated without direct local government financial support, but is now requesting that the City provide funds as other municipal governments do because Uptown’s traditional corporate financial support has been significantly reduced over the last two years because of the recession. Additionally, Uptown Greenville’s role in managing events and promoting the Center City has steadily grown.

Mr. Eric Clark informed the Council that Uptown Greenville is a private, nonprofit corporation established to develop plans and implement actions necessary to revitalize and to ensure continued growth of the Uptown Business District of Greenville. It was established by Mayor Nancy Jenkins and the City Council out of recommendations from a Downtown Steering Committee in 1994. Public investment has been made in staff, policy, and capital projects. Private ventures include civic leaders, business risk, volunteers, private investment and funding for public projects. Uptown is valuable to the entire community. One of the programs implemented by Uptown Greenville was the Façade Improvement Grant Program, which was founded in 1995 as a partnership between Uptown Greenville and the City of Greenville. It led to the central business district listing on the National Register of Historic Places. It enables properties within the district to qualify for major federal and state rehabilitation tax credits. Examples of the work of Uptown Greenville include the Jefferson’s Blount Harvey Building, which had a tax value of $206,020 in 2000 and, after renovations, it had a tax value of $1,073,092. Similarly, the former Proctor Hotel (Self-Help Credit Union) had a tax value in 2000 prior to renovations of $231,480. After renovations, in 2009, the tax value was $1,905,197. First Street Place Properties had a tax value of $354,020 before the building was constructed, and, in 2009, the tax value of the property was $12,306,729. Uptown Greenville has contributed to an increase in the tax base in the Uptown District from $36,202,468 in 2000 to $72,226,585 in 2009.
Mr. Clark continued by stating that downtown is valuable to ECU in recruiting staff, faculty and students. There is a lot of missed opportunity for Uptown Greenville because they don’t have the resources to do certain things. It would like to have a contract to do the work that city staff doesn’t have the time to do. If they can’t receive additional funding, they can’t increase the things they want to do. More money allows them to do more initiatives. All organizations started with private funding and then the City began funding them. This is the life cycle for organizations like Uptown Greenville. A contract will enable them to take it to the next level and not plateau.

Mr. Clark informed the Council that over 30 Uptown Greenville events attracted over 40,000 attendees in 2009. Event attendees’ spending at uptown businesses is estimated at $651,000. More tax dollars are generated per acre in the Commercial Business District than anywhere else in the County, with uptown value per acre being $903,623 and Pitt County value per acre being $19,685. Uptown Greenville and Co-Sponsored events in 2009 included Uptown Member socials, Uptown ArtWalks, Uptown Criterium, 3rd Annual PirateFest (Communitywide celebration), Uptown Umbrella Markets, Freeboot Fridays, Uptown Holiday Celebration, and Community stakeholder meetings. The entire community benefits from the efforts of Uptown Greenville. The budget for 2009 was reviewed, which included $18,500 for business recruitment and retention, $12,300 for uptown beautification, $3,500 for guidance for public infrastructure, and $71,100 for community events and promotions. Those numbers do not include staff and volunteer time. The budget for Uptown Greenville, indicating what is being requested to be included in the contract is:

<table>
<thead>
<tr>
<th>BUDGET ITEM</th>
<th>CITY</th>
<th>UPTOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating</td>
<td>$ 2,000</td>
<td>$ 47,865</td>
</tr>
<tr>
<td>Marketing &amp; Promotions</td>
<td>$ 3,000</td>
<td>$ 12,180</td>
</tr>
<tr>
<td>Design</td>
<td>$ 6,500</td>
<td>$  7,100</td>
</tr>
<tr>
<td>Economic Development</td>
<td>$ 2,000</td>
<td>$  4,500</td>
</tr>
<tr>
<td>Membership</td>
<td>$   0</td>
<td>$  3,000</td>
</tr>
<tr>
<td>Events</td>
<td>$11,500</td>
<td>$ 65,300</td>
</tr>
<tr>
<td>Agencies</td>
<td>$   0</td>
<td>$   500</td>
</tr>
<tr>
<td>TOTAL BUDGET</td>
<td>$25,000</td>
<td>$140,445</td>
</tr>
</tbody>
</table>
Mr. Todd Hickey, Vice President of Clinical Services at Pitt County Memorial Hospital and a Board Member for Uptown Greenville asked those in the audience who are in support of the efforts of Uptown Greenville to stand, and about 60 people stood. The contract for services being requested includes business recruitment and retention; uptown beautification; special events, promotions and private support such as PirateFest, Freeboot Friday, and Uptown Umbrella Market, and guidance for public infrastructure projects. Mr. Hickey concluded by stating that everyone comes downtown to get a sense of the community when looking for a place to relocate.

Upon being asked where the funding would come from if approved by City Council, City Manager Bowers stated that it would come from the Community Development Department from the Facade Program budget from funds that will not be needed this year because the Redevelopment Commission had funded another project through bond funds for the Redevelopment Commission.

Upon being asked how many businesses are in uptown Greenville, Ms. Denise Walsh, the Program Manager for Uptown Greenville, stated from last spring’s data, there were 150 businesses listed, 120 of which were viable. There are 246 members that are businesses and individuals, 91 being businesses in Uptown Greenville.

The Council Members discussed how they were appreciative of the events sponsored by Uptown Greenville and of the efforts they put forth. Council asked that activities be planned that would reflect more diversity.

Upon being asked if Uptown Greenville is asking for long-term or one-time funding, Mr. Clark stated that this is a request for services, something that Uptown Greenville foresees going into the future. The group will provide exponential return for the City. Uptown Greenville does not see it as just a 2010 request, and it plans to prove to the Council that the rate of return on the City’s investment will be great.

Upon being asked if Uptown Greenville has thought about doing a co-op and each business paying so much to be a part, which is done in other cities, Mr. Clark stated that there have been times when Uptown Greenville has had a subcommittee, called the Merchants Committee, and it is important for the merchants to take ownership of that committee. That subcommittee helps support the businesses there. Uptown Greenville is willing to do that.

Mr. Hickey stated that Uptown Greenville believes that it provides value and would like to have a contract for multi-years and demonstrate how it provides additional dollars so the Council can see it as an investment. Uptown Greenville follows the Mainstreet Program where they have contracted services.

Mr. Clark stated that Uptown Greenville has accomplished so much with private dollars and is proud of that. It needs to be taken to the next step. Uptown Greenville will be happy to provide a report to Council as often as they request, at a minimum annually.

Upon being asked if they had approached any other organization for funding, Mr. Clark stated that it has for many years and has received support from Pitt County Memorial Hospital, East Carolina University, and other businesses. Responding to the request for more
inclusiveness, Mr. Clark stated that he agreed with having inclusiveness. Citizens need to realize that just because events are titled Piratefest and Freeboot Friday, it does not mean that one has to be a student or support East Carolina University to participate. They are truly community wide events. Uptown Greenville would like for everyone to be a part.

Upon being asked why the 31 businesses that are uptown are not members of Uptown Greenville, Mr. Clark replied that he doesn’t know if there is a specific reason. Uptown Greenville has demonstrated that it provides value and that the businesses get a great return on investment; however, it has only gotten to 75% participation.

Discussion occurred about an annual report, and Mr. Clark informed the Council that Uptown Greenville would be happy to provide a report to Council as often as it requests. The current contract says an annual report; however, that can be changed to reflect semi-annual reports.

Discussion occurred about having an MSD and how long it would take to get the process started. City Manager Bowers stated that it has to be done prior to the beginning of a fiscal year. There are guidelines regarding this, and it takes several months prior to the beginning of a fiscal year.

Ms. Ann Holland requested to speak and encouraged the Council to enter into the agreement with Uptown Greenville, a group of people who are putting their own money towards this. They are very inclusive. Uptown Greenville needs the funding from the City to get them to the next step. They have improved so much and need the help of the Council. Ms. Holland asked the Council to please help Uptown Greenville by entering into the contract.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to enter into the one-year contract for professional services with Uptown Greenville for $25,000, with an amendment requiring a semi-annual update on performance instead of a yearly update. Motion carried unanimously. (Contract No. 1838)

ORDINANCE AMENDING THE ZONING REGULATIONS TO INCLUDE A FIVE HUNDRED FOOT MINIMUM SEPARATION REQUIREMENT BETWEEN PUBLIC OR PRIVATE CLUBS – ADOPTED

Director of Community Development Merrill Flood informed the Council that at the November 9, 2009 City Council meeting and after consideration of various options to improve public safety within the downtown and other areas where in entertainment establishments are permitted, the City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new public or private clubs to be separated by not less than 500 feet as measured between the closest property line. This new requirement will apply to all public or private clubs located both within the downtown commercial district and the rest of the city's zoning jurisdiction. Prior to its November 9, 2009, meeting, the City Council requested and received a report on possible actions to improve public or private club safety from the City Attorney which included the following option: "7) Enact a zoning ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs. The concentration of public or private clubs within an area has an adverse impact from a land use perspective in addition to the adverse impact that the concentration creates for law enforcement purposes. There are sixteen
(16) public or private clubs located in approximately a four (4) block area of the downtown area. Establishment of a separation requirement in the zoning ordinance would disperse these uses and minimize their adverse impact. A separation requirement would apply to the location of new establishments and the expansion of existing establishments. Current establishments would be grandfathered. A separation requirement would not have an immediate impact but it would ensure that additional public or private clubs would not be located in the immediate area." On November 20, 2009, the City Attorney's office mailed notice of City Council's determination to proceed with consideration of ordinances that apply to all public or private clubs to the owners and managers of all clubs. The notice invited the club owners and managers to attend the scheduled meetings of the Planning and Zoning Commission and the City Council when these proposed ordinances would be considered and voice their opinion on these and related proposals if they so desired. Existing clubs in their current location and size are “grandfathered” and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this “grandfather” protection. No new club and no addition to an existing club will be allowed unless the club meets the minimum 500-foot separation requirement and existing clubs in their current location and size are “grandfathered” and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this “grandfather” protection. This proposed spacing requirement is an amendment to the zoning ordinance. Other related ordinances, not involving amendment of the zoning regulations or review and recommendation of the Planning and Zoning Commission, which the City Council has determined to also consider include the following: (1) a prohibition on a public or private club employing a person as a bouncer who has been convicted of certain crimes and a requirement that a public or private club conduct criminal record checks of each person employed as a bouncer and (2) a prohibition on a public or private club employing a person as a bouncer who has not completed a training program for bouncers conducted by the police department within certain time frames and a requirement that a bouncer employed at a public or private club annually complete a training program for bouncers conducted by the police department. The above options (1) and (2) were considered and approved by City Council at its December 10, 2009, meeting. On November 20, 2009, the City Attorney's office provided written notice to the owners and managers of all public and private clubs concerning these proposed amendments to the city code. Although related to the common goal of increased downtown public safety, the City Council's approval of the aforementioned actions is separate from the proposed public or private club spacing requirement.

Director of Community Development Flood continued by stating that at the December 15, 2009, Planning and Zoning Commission meeting, the Commission did not approve a motion to recommend adoption of the original draft ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs in all districts. In addition, the Planning and Zoning Commission approved a motion recommending approval of a substitute ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs located only in the CD (downtown commercial) district. On December 18, 2009, the City Attorney's office mailed notice of the public hearing to consider adoption of the proposed ordinance amending the zoning ordinance to require spacing between public or private clubs to the property owners and the club owners and managers of all clubs. The notice invited the property owners and club owners and managers to attend the public hearing and voice their opinion on this proposal if they so desire. On January 14, 2010, the City Council held and closed the public hearing on the adoption of the subject ordinance. Following the public hearing, the City Council continued the item for
consideration at the February 11, 2010, City Council meeting. In staff’s opinion, both the original draft ordinance and the Planning and Zoning Commission recommended substitute ordinance are in compliance with Horizons: Greenville’s Community Plan. The Planning and Zoning Commission did not recommend approval of the original draft ordinance at its December 15, 2009 meeting. Following Planning and Zoning Commission action on the original draft ordinance, the Commission did recommend approval of a substitute ordinance at its December 15, 2009 meeting that limited the scope of the proposed ordinance to the downtown commercial district. If City Council determines to approve the amendment request that applies to all public or private clubs, a motion to adopt the attached original ordinance will accomplish this. If City Council determines to approve the amendment request as recommended by the Planning and Zoning Commission that applies only within the downtown commercial district, a motion to adopt the revised ordinance will accomplish this. The ordinances include the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest. If City Council determines to deny the amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

Chief of Police William Anderson expressed support of the ordinance and stated that even though he did not feel it would have an immediate impact, it would have a long-term impact.

Upon being asked if there are any other areas that have a concentration of clubs like there is downtown, Director of Community Development Merrill Flood stated that there is not another area that has such a concentration.

It was suggested that the Public Safety Committee look at this prior to it being voted on by Council, and Council Member Glover stated that a committee should not take authority away from the Police Department.

Upon being reminded that in 1992, the Chief of Police liked having the patrons concentrated together and the Council was told that it would not survive a legal challenge, City Attorney Holec stated that there has been a change in the law since 1992. The City Attorney, in 1992, did not say definitely that it would not survive a legal challenge. In 1994, rather than the ABC Commission considering the zoning regulations in place, the language of the Statute was changed to “shall consider” instead of “may consider”.

The Council was reminded that it instructed staff, the Police Chief, and the City Manager to come up with things they felt could help problems downtown. If the Council allows a board to run the Police Department, that would be a terrible injustice to the City, as the Police Department has spent a lot of hours trying to make all of Greenville safe. The Council needs to let the department heads do their job. The Public Safety Committee does not consist of professional police chiefs.
Council Member Kittrell stated that he called past Council Members, and the consensus of the group was that they would be in favor of the ordinance if it was enforceable.

The Council was reminded by Council Member Smith that it needs to consider other changes that need to be made to make the students safe.

Council Member Joyner stated that there has been no study and dialogue with citizens regarding this ordinance. It needs to be pulled because of improper notification, meaning that only bar owners were notified, not necessarily people who own other properties or people who own bars citywide.

Council Member Glover expressed concern about African-Americans not being allowed in nightclubs because of the way they dress. She expressed concern about nightclubs owned by African-Americans being closed, leaving them nowhere to go.

Motion was made by Council Member Mercer and seconded by Council Member Blackburn to adopt the ordinance amending the zoning regulations to include a five hundred foot minimum separation requirement between public or private clubs. Motion carried with a 4:2 vote. Mayor Pro-Tem Kittrell and Council Members Glover, Mercer, Blackburn voted in favor of the motion. Council Members Joyner and Smith voted in opposition. (Ordinance No. 10-11)

ORDINANCE REQUESTED BY THOMAS F. TAFT, SR. MANAGER/PARTNER FOR ATLANTIC AVENUE HOLDING CO., LLC TO REZONE 6.34 ACRES LOCATED ALONG ATLANTIC AVENUE BETWEEN DICKINSON AVENUE AND BONNERS LANE FROM CDF (DOWNTOWN COMMERCIAL FRINGE) AND IU (UNOFFENSIVE INDUSTRY) TO CD (DOWNTOWN COMMERCIAL) – ADOPTED

Planner Chantae Gooby delineated the property on a map and explained the request. In staff's opinion, the request is in compliance with Horizon's: Greenville's Community Plan and the Future Land Use Plan Map. The Planning and Zoning Commission, at its January 19, 2010 meeting, voted to recommend approval of the request.

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

Mr. Thomas F. Taft, Sr. informed the Council that this request is being made so that the adjacent property will support the parking requirements for a large student housing project. The ordinance allows for off-site parking within 1600 feet of the property, and providing it at this site would allow that.

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

Motion was made by Council Member Mercer and seconded by Council Member Glover to adopt the ordinance rezoning 6.34 acres located along Atlantic Avenue between Dickinson Avenue and Bonners Lane from CDF (Commercial Downtown Fringe) and IU (Unoffensive Industry) to CD (Downtown Commercial). Motion carried unanimously. (Ordinance No. 10-12)
ORDINANCE TO ANNEX THE REGGIE SPAIN CONSTRUCTION, LLC PROPERTY, INVOLVING 0.9643 ACRES LOCATED SOUTH OF MACGREGOR DOWNS ROAD APPROXIMATELY 1,052 FEET EAST OF ITS INTERSECTION WITH B’S BARBECUE ROAD, NORTH AND EAST OF CASCADE SUBDIVISION, PHASES 1 AND 2 – ADOPTED

Director of Community Development Merrill Flood informed the Council that notice was placed in The Daily Reflector on February 1, 2010, establishing this time, date, and place for a public hearing on a request to annex the Reggie Spain Construction, LLC property, involving 0.9643 acres located south of Macgregor Downs Road approximately 1,052 feet east of its intersection with B’s Barbecue Road, north and east of Cascade Subdivision, Phases 1 and 2. The property is located in Voting District 1 and is contiguous to the City limits. The property is currently vacant, and the proposed use of the property is four duplexes (eight dwelling units). The population is currently 0, and the anticipated population at full development is 18, with 10 being white and 8 being minority. The property is 1.53 miles from Fire Station #2.

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

Motion was made by Council Member Kittrell and seconded by Council Member Blackburn to adopt the ordinance annexing the Reggie Spain Construction, LLC property, involving 0.9643 acres located south of Macgregor Downs Road approximately 1,052 feet east of its intersection with B’s Barbecue Road, north and east of Cascade Subdivision, Phases 1 and 2. Motion carried unanimously. (Ordinance No. 10-13)

ORDINANCE TO ANNEX GATEWAY WEST, LOT 10, AND A PORTION OF GATEWAY DRIVE, INVOLVING 4.15 ACRES LOCATED SOUTH OF STANTONS BURG ROAD AND EAST OF PARK WEST AND PARK WEST 2 SUBDIVISIONS – ADOPTED

Director of Community Development Merrill Flood informed the Council that notice was placed in The Daily Reflector on February 1, 2010, establishing this time, date, and place for a public hearing on a request to annex Gateway West, Lot 10, and a portion of Gateway Drive, involving 4.15 acres located south of Stantonsburg Road and east of Park West and Park West 2 Subdivisions. The property is located in Voting District 1 and is contiguous to the City limits. The property is and will continue to be a detention pond/road. The current and proposed population of the property is 0. The property is 1.49 miles from Fire Station #2.

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

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to adopt the ordinance annexing Gateway West, Lot 10, and a portion of Gateway Drive, involving 4.15 acres located south of Stantonsburg Road and east of Park West and Park West 2 Subdivisions. Motion carried unanimously. (Ordinance No. 10-14)
Senior Planner Sandra Anderson informed the Council that the HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) funding require all participating jurisdictions to prepare and submit an Annual Action Plan detailing how funds will be spent and for what activities. The Housing Division is in the process of identifying activities for the upcoming 2010-2011 fiscal year in accordance with the City of Greenville Consolidated Plan, which covers fiscal years 2008-2013. An Annual Action Plan must be submitted for each year of the five-year Consolidated Plan. The Annual Action Plan process requires two public hearings to give citizens an opportunity to participate in the plan development process and provide comments. The purpose of the first public hearing is to present a preliminary budget of activities, receive suggestions/comments on other eligible activities, and approve the completion schedule. The proposed completion schedule is as follows:

### 2010-2011 ANNUAL ACTION PLAN
#### PROPOSED COMPLETION SCHEDULE

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 8, 2010</td>
<td>Deadline for Submission of Subrecipient Applications for funding</td>
</tr>
<tr>
<td>February 1 and 8, 2010</td>
<td>Notice of Public Hearing Publication</td>
</tr>
<tr>
<td>February 10, 2010</td>
<td>Subrecipient Organizations present funding request to Affordable Housing Loan Committee</td>
</tr>
<tr>
<td>February 11, 2010</td>
<td>First Public Hearing</td>
</tr>
<tr>
<td>February 12, 2010</td>
<td>Deadline for Submission of Community Housing Development Organization (CHDO) Applications for funding</td>
</tr>
<tr>
<td>March 10, 2010</td>
<td>Continuum of Care Group Review of Draft Annual Action Plan</td>
</tr>
<tr>
<td>March 10, 2010</td>
<td>Affordable Housing Loan Committee Review/Recommendation of Subrecipient Funding</td>
</tr>
<tr>
<td>March 10, 2010</td>
<td>Affordable Housing Loan Committee Review of Draft Annual Action Plan</td>
</tr>
<tr>
<td>March 19, 2010</td>
<td>Draft of Annual Action Plan/Staff review</td>
</tr>
</tbody>
</table>
March 29-April 30, 2010  Thirty (30) Day Public Comment Period

March 29, April 5, 2010  Notice of Public Hearing

April 8, 2010  Second and Final Public Hearing

April 8, 2010  City Council Adoption/Resolution

April 22, 2010  Submission to U.S. Dept. of H.U.D.

The top priorities and goals include the following:

- Owner Occupied Rehabilitation
- Homeownership
- Acquisition & Demolition of Substandard Units
- New construction
- Conversion of Rental units to homeownership
- Development of Commercial Corridor
- Streetscape
- Support Nonprofits
- Eliminate lead-based paint hazards

The program activities include:

<table>
<thead>
<tr>
<th>Activity</th>
<th>HOME Investment Partnership</th>
<th>CDBG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning and Administration</td>
<td>$75,000</td>
<td>$162,000</td>
</tr>
<tr>
<td>Housing Rehabilitation</td>
<td>$250,000</td>
<td>$360,000</td>
</tr>
<tr>
<td>Relocation</td>
<td>$0</td>
<td>$10,000</td>
</tr>
<tr>
<td>Acquisition</td>
<td>$0</td>
<td>$60,000</td>
</tr>
<tr>
<td>New Construction</td>
<td>$175,000</td>
<td>$0</td>
</tr>
<tr>
<td>Downpayment Assistance</td>
<td>$135,000</td>
<td>$0</td>
</tr>
<tr>
<td>Clearance/Demolition</td>
<td>$0</td>
<td>$30,000</td>
</tr>
<tr>
<td>Community Housing Development Corporation</td>
<td>$115,000</td>
<td>$0</td>
</tr>
<tr>
<td>Public Facilities Improvement</td>
<td>$0</td>
<td>$70,000</td>
</tr>
<tr>
<td>Public Service</td>
<td>$0</td>
<td>$122,000</td>
</tr>
<tr>
<td>Program Income</td>
<td>$11,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Total</td>
<td>$761,000</td>
<td>$819,000</td>
</tr>
</tbody>
</table>

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

Motion was made by Council Member Glover and seconded by Council Member Mercer to approve the proposed Annual Action Plan completion schedule. Motion carried unanimously.
Mr. Jeff Lee asked those in the audience who were in support of the bike park to stand, and about 20 people stood. He explained that the bike park is not just a park for Greenville; it brings notoriety nationally and internationally. Fifty riders live in this area. Many people have chosen to come to East Carolina University because of the bike park. He has an 8 and a 10 year old who have been using the park for 2.5 years. The older riders provide support for the younger riders. There has been a tremendous growth of riders, some international. Losing the bike ramp makes it dangerous. Mr. Lee concluded by asking the Council to not look at it as a park for each district, but as a City of Greenville Park. It generates a lot of income for Greenville as people ride, stay in hotels and eat in restaurants. People come from Australia and Europe. It is a benefit to the City of Greenville to keep the park in good condition. If it goes downhill, people will start going elsewhere.

Mr. Clifton Hickman, representing the South Greenville Recreation Coalition, stated that the Recreation and Parks Commission presented a new plan for the expansion of the South Greenville Gym, which was built in 1949. Renovations were done in 1956 and the building has not been touched since then. It has a leaky roof and inadequate meeting spaces. It has been treated less than stepchildren. There are free neighborhood facilities in Greenville, such as Elm Street, South Greenville and Eppes. While South Greenville serves more people had has more programs, it has less space and is in an inadequate building. Over the past 15 years, at least two of the others have had major renovations. Better facilities are needed. In 1998, there was an approved bond referendum for $14.8 million to support such activities as recreation. In 2004, the City approved a $21 million bond referendum for four projects, each being $5 million. He asked the Council to approve funding.

Mr. Rufus Huggins, President of the Southern Christian Leadership Conference spoke in favor of American Legion Post 160, stating that he is a Charter member of that post. It partners with the Jackie Robinson League. Sixty people per month are fed out of that Post. Grants have been received to renovate the building. The Post is struggling with funds, but they are there. The Post is used by many in the community for get togethers, church worship services, weddings, meetings, etc. He would like for them to be able to continue that relationship.

Mr. Dave Mirra stated that the BMX skatepark at Jaycee Park is responsible for his career. He moved here in 1995, and someone had started a park previous to that. The ESPN X-Games started in 1995. Greenville has been given national coverage, as there have been at least 50 pros that have moved here and purchased property. Mr. Mirra stated that he is raising two children here. The BMX riders fully support and give back to Greenville. Jaycee Park has and will continue to create champions around the world. In return, they get people moving into Greenville and inspiring youth who go to the skate park to stay away from drugs and alcohol.

Mr. Cass Wigent, who helped build the skate park, stated that he has been a skateboarder for 26 years and hopes that the youth that are doing it now will be doing so into their 30s and 40s. To do that, they have to have great facilities. He has been to facilities around the world, especially in eastern North Carolina, and Greenville has some room to grow in that regard. He would love to see the facility improve and get back to where it was. The use per dollar spent should be considered, especially the bike and skate park at Jaycee Park. The return on investment for those...
is substantially better than some other investments the City has made. A dozen people ride at one time and then they exchange with another one. Mr. Wigent concluded by stating that there is tremendous support for the bike and skate park.

Mr. Sylvester Hughey stated that anything that can be done to have a safe and enjoyable place for the children is well worth what it takes. Some of the funding is from federal set aside monies, recreational grants, bonds, etc. The recreational center that Mr. Hickman has brought forward will help some of the things they hear about child obesity, etc. Children have little area to play in and have to meet in the street. He asked that the Council consider the facility that is in dire need of renovation.

Mr. Kenneth Battle, representing the North of the River Focus Group, asked the Council to look at the proposals the group put before the Council. What the group is trying to do north of the river is just as important as the other things it is trying to do. North of the river needs the help of the City of Greenville. Mr. Battle stated that he will be speaking during the public comment period on a continual basis, because he feels that dialogue is important. He asked that the Council consider the group and what it is trying to accomplish.

Pastor Tyrone Turnage asked the Council to take into consider the North of the River Focus Group. He listed to Mr. Hickman and prays that the Council will take into consideration all they have put before the Council. People north of the river are saying they don’t know how much money is going around Greenville and around the county, but none is going around in that area. He asked the Council to take into consideration the request that has been made.

Mr. Walt Morehead expressed his support of the American Legion Post 160 being reinstated, as positive things go on in Post 160. The Veterans Council has been important in working for the Veterans Home, and groundwork has been laid for a clinic. This building is an added value to the City of Greenville. Mr. Morehead asked that the Council take into consideration approving the lease.

An unidentified citizen stated that he spends every day after school at the skate park riding. It brings people to Greenville and is something that is needed. It keeps kids off of the street and gives them something active to do.

RESOLUTION AFFIRMING SUPPORT AND PARTNERSHIP WITH THE 2010 CENSUS – ADOPTED

Director of Community Development Merrill Flood informed the Council that activities and events are underway to publicize and promote the 2010 US Census, which will provide important statistical data on the population and make-up of communities across the United States. Locally, the results of community information gathered by the U. S. Census forms are used to determine the revenue sharing distribution done by several programs funded by both federal and state agencies. A complete and accurate residential count is of vital importance to the City of Greenville. Data obtained from the census forms is treated with the highest degree of confidentiality and the data must remain confidential for 72 years. The Census Bureau requests that local communities adopt resolutions in support of the 2010 Census.
Motion was made by Council Member Joyner and seconded by Council Member Blackburn to adopt the resolution affirming support and partnership with the 2010 Census. Motion carried unanimously. (Resolution No. 10-06)

RESOLUTION APPROVING A LEASE AGREEMENT WITH AMERICAN LEGION POST 160 FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHESTNUT STREET AND NORTH SKINNER STREET – ADOPTED

City Attorney Dave Holec informed the Council that American Legion Post 160 has been leasing the old West End Fire Station located on the northeast corner of Chestnut Street and North Skinner Street since 1997. Post 160 uses the building for its meetings and activities and also allows other groups to use it for meetings and functions. Additionally, Post 160 recently allowed a nonprofit corporation to use the location as a food distribution site for persons in need. The annual lease payment is $1, but the Post is responsible for all repairs and maintenance and utilities expense. During the Fall of 2009, the Post invested a substantial amount in accomplishing necessary repairs identified by the City. The most recent lease would have allowed the Post to continue its lease for another five years, but the Post inadvertently failed to provide the required notice to extend the lease term. The proposed lease is for a five-year period under basically the same terms as the previous lease. This has been considered as a good use of the building, which provides a site for community meetings and functions. The required notice of the intent to authorize the lease has been published. The resolution approves the lease agreement with the American Legion Post 160 for the property known as the old West End Fire Station located on the northeast corner of the intersection of Chestnut Street and North Skinner Street for a term of five years commencing on March 1, 2010, and terminating on February 28, 2015, for the annual rental sum of one dollar and further authorizes the City Manager to execute the lease agreement.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adopt the resolution approving a lease agreement with American Legion Post 160 for property located on the northeast corner of Chestnut Street and North Skinner Street. Motion carried unanimously. (Resolution No. 10-07)

MEMORANDUM OF UNDERSTANDING WITH EAST CAROLINA UNIVERSITY RELATING TO THE LUCILLE W. GORHAM INTERGENERATIONAL CENTER – APPROVED

City Attorney Dave Holec informed the Council that the City of Greenville acquired the property in the Fall of 2006, which now comprises the Lucille W. Gorham Intergenerational Center. On September 15, 2006, the City and East Carolina University entered into a memorandum of understanding for the provision of services, lease of a building, and site management of the Intergenerational Center. The memorandum of understanding has expired, and East Carolina University has agreed to continue the cooperative effort with the City of Greenville in order to provide a multidisciplinary community center in an attempt to meet needs that exist in West Greenville. The memorandum of understanding is for a one-year period with a provision that it could be extended for additional terms upon mutual agreement. It provides that the University will lease the first floor of the Lessie Bass Building and will provide services and activities at the Lessie Bass Building and that it will coordinate with a planning team relating to the services and
activities. The planning team consists of persons appointed by the University and members of the Board of Directors of the Lucille W. Gorham Intergenerational Community Center, Inc. (a recently formed nonprofit corporation whose representatives have been working closely with the University in the activities and services at the Lessie Bass Building). The memorandum of understanding recognizes that the second floor of the Lessie Bass Building may be leased to this nonprofit and provides that the University will cooperate with the shared use of the building. The memorandum of understanding also provides that the University will provide site management for the Center by developing regulations relating to the use of the Center by the tenants of the Center. Currently, Pitt Community College and Little Willie Center, Inc. are tenants on the property.

Dr. Velde stated that she represents the University and has been working with a team of five other people. A true partnership has been developed.

Upon being asked if there are any changes from the original lease, City Attorney Holec stated that this is a memorandum of understanding. The lease is another agenda item. There are some changes between this memorandum of understanding and the previous one, mostly with clarifying the involvement of the community and the establishment of a planning team to assist in providing input on the services that are provided. East Carolina University is providing the services and makes decision on services to be provided after receipt of input. There is definite input and requirement that there be input from the community.

Council Member Glover stated that the strategy has been addressed versus where it was three years ago. They have had numerous meetings and have come up with a good partnership with the community and with the University.

Council Member Kittrell asked to hear more about the separate nonprofit being on the second floor.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to approve the memorandum of understanding with East Carolina University relating to the Lucille W. Gorham Intergenerational Center. Motion carried unanimously. (Contract No. 1843)

RESOLUTION APPROVING A LEASE AGREEMENT WITH THE STATE OF NORTH CAROLINA FOR THE FIRST FLOOR OF THE LESSIE BASS BUILDING LOCATED AT 1100 WARD AVENUE – ADOPTED

City Attorney Dave Holec informed the council that the State of North Carolina has been leasing the first floor of the Lessie Bass Building at the Lucille W. Gorham Intergenerational Center since November 2006. The building has been leased for the purpose of East Carolina University offering programs and activities in order to meet the objective of providing a multidisciplinary community center in an attempt to meet needs that exist in West Greenville. The University has been working closely with the community in providing these programs and activities - in particular with the recently formed nonprofit corporation Lucille W. Gorham Intergenerational Community Center, Inc. This nonprofit will be leasing the second floor of the Lessie Bass Building under a separate lease agreement, and both the University and the nonprofit will be working together as set forth in the memorandum of understanding relating to the Lucille W.
Gorham Intergenerational Center. This lease has expired, and the State desires to continue to lease the first floor. The proposed lease is for a one-year term with a provision for an extension for two additional one-year terms upon mutual agreement. The terms and conditions of the previous lease remain basically the same. This includes an annual rental payment to the City in the amount of $24,999. The required notice of intent to authorize the lease has been published. A copy of the lease is attached. The resolution approves the lease agreement with the State of North Carolina for the property located on the first floor of the Lessie Bass Building located at 1100 Ward Avenue, Greenville, North Carolina, for a term of one (1) year with a provision for an extension for two additional one-year terms upon mutual agreement, and for an annual rental payment of twenty-four thousand nine hundred ninety-nine dollars ($24,999), and does further authorize the City Manager to execute said lease agreement. Having the University lease the first floor has been a good arrangement.

Motion was made by Council Member Kittrell and seconded by Council Member Joyner to adopt the resolution approving the lease agreement with the State of North Carolina. Motion carried unanimously. (Resolution No. 10-08; Contract No. 1844)

RESOLUTION APPROVING A LEASE AGREEMENT WITH LUCILLE W. GORHAM INTERGENERATIONAL COMMUNITY CENTER, INC. FOR THE SECOND FLOOR OF THE LESSIE BASS BUILDING LOCATED AT 1100 WARD AVENUE – ADOPTED

City Attorney Dave Holec informed the Council that the Lucille W. Gorham Intergenerational Community Center, Inc. filed its Articles of Incorporation as a nonprofit corporation with the North Carolina Secretary of State on October 7, 2009. The incorporators listed in the Articles of Incorporation are Dr. Tom Irons, Gracie Vines, William Robinson, Rose H. Glover, Mildred Council, Ozie L. Hall, and Howard Conner. This group of citizens, along with other citizens, has been working closely with East Carolina University in providing the programs and activities at the Lessie Bass Building in order to meet the objective of providing a multidisciplinary community center to meet needs that exist in West Greenville. The nonprofit corporation was formed so that the community could more formally become involved in the Center including leasing the second floor of the Lessie Bass Building so that additional areas could be available for some programs and activities. East Carolina University concurs with this arrangement, and the Memorandum of Understanding between the City and the University relating to the Lucille W. Gorham Intergenerational Center recognizes this cooperation. The proposed lease is for a one-year term with a provision for an extension for two one-year terms upon mutual agreement. This term and the other terms and conditions of the lease basically parallel the provisions of the lease with the State for the second floor except that the annual rental amount is a nominal amount of $1. The lease also provides for the nonprofit to cooperate with East Carolina University relating to matters involving the shared use of the Lessie Bass Building. The required notice of the intent to authorize the lease has been published. The resolution approves the lease agreement with the Lucille W. Gorham Intergenerational Community Center, Inc., for the property located on the second floor of the Lessie Bass Building located at 1100 Ward Avenue, Greenville, North Carolina, for a term of one (1) year with a provision for an extension for two additional one-year terms upon mutual agreement, and for an annual rental payment of one dollar, and does further authorize the City Manager to execute said lease agreement.
Upon being asked if there is an elevator in the grant so it can be used by the University in the future, Council Member Glover stated that they have talked about shared space with the University, but it has to happen after the elevator and fire escape have been put in. They have sat down with all parties. This was a dream that Dr. Bass had, to be able to be a partner and bring monies in as well for the community so it would have ownership in the Lucille Gorham community.

Upon being asked to provide a status report a year from now, Council Member Glover stated that it is in the agreement. They are operating the same as all the partners currently at the center. The nonprofit will be operating as a partner and is required to give a report to East Carolina University, which is the lead agency. She was informed that the Council would like to have the report also.

Discussion occurred about the nine rooms on the second floor, two of which are meeting rooms. The second floor is not able to be used except by a nonprofit until the elevator is installed. Also, until the fire escape is installed, only a limited area of the second floor can be utilized.

Council Member Glover stated that all parties have discussed this. They realized that there is a limited space downstairs for the University, so the nonprofit has agreed to be a partner with the University, and if the University needs more space, the nonprofit has no problem with that.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the resolution approving the lease agreement with the Lucille W. Gorham Intergenerational Community Center, Inc. Motion carried unanimously. (Resolution No. 10-09; Contract No. 1845)

FUNDING FOR EMERGENCY REPAIRS AT THE EXTREME PARK - APPROVED

Director of Recreation and Parks Gary Fenton informed the Council that many communities have extreme parks and more will have them in the future. The uniqueness of this is that they have spectator value. The ages that utilize the park range from 14 to 28, which is a difficult age to reach with other sports. The facility has been a catalyst for attracting BMX to the community. There are more BMXers in Greenville than any other city in the world because of the investment Greenville has made in that park. The park leads to amateurs being professionals, and it is hoped that a free flow tour will be hosted by Greenville this summer. Last year, the Parks Division staff anticipated repairs would be needed for a specific element (the "double half-pipe with center spine") within the Extreme Park (the BMX and skateboard facility located at Jaycee Park), and proposed that funds be included within the upcoming capital budget to address this need. Recent inspections, however, determined that the potential for the failure of this element and serious injuries to users required its immediate removal. Appropriation of emergency repair funds in the amount of $41,000 will enable its timely replacement. The Recreation and Parks Commission addressed this last night, and it voted to recommend that Council approve the repairs. It is not about putting one park against another; it is about ensuring that resource continues to make a difference. This request is not about expanding the park, it is about making repairs, a replacement with a steel foundation with a skate light. The entire foundation will be steel instead of wood and that will last for many years. The Extreme Park has served the City's BMX and skateboard community, and was one of several important factors in the City being

The riders were asked to tutor and mentor some youth from the African American youth so that they, too, might become interested in the sport. Staff was also informed that it needs to look at diverse activities, activities that will help the community diversely. The kids in the African American community can play something besides baseball and should be asked if they would like to have something like this in the African American neighborhoods. It was suggested that there be some summer camps to provide instruction to all kids.

Staff was encouraged to see how the City could also meet the recreational needs of other parts of the City, such as north of the river and in the inner city.

Motion was made by Council Member Blackburn and seconded by Council Member Joyner to approve the appropriation of $41,900 from the General Fund contingency account for the replacement of a double half-pipe at the Extreme Park. Motion carried unanimously.

LANDSCAPE MAINTENANCE OF RAILROAD RIGHTS-OF-WAY WITHIN THE CITY OF GREENVILLE – APPROVED

Director of Public Works Wes Anderson informed the Council that the railroad rights-of-way within the City of Greenville are maintained presently by Carolina Coastal Railway (east to west) and CSX (north to south). The railway companies maintain the railway to facilitate safe travel of trains, and for adequate sight distance at intersections. Railroad companies’ maintenance standards are based on safety and function rather than aesthetics. There are several sections of the railroad that are very prominent from roadways within the city. The section of CSX rail line from Dickinson Avenue north to the river is particularly prominent, as it is in the center section of the city. This section not only has vegetative growth that is unattractive but also collects litter and debris that is visually unappealing. The City Council established in their 2009 Goals and Objectives an objective to work with railroad companies to maintain vegetation in the area outside of the flagman zone (25’ from rail center line) but within the right-of-way of the railroad. Public Works staff met with CSX regarding the possibilities of entering into a beautification agreement. CSX supports the agreement, but the City is responsible for costs of maintenance of the area without subsidy from the railroad. At the September 10, 2009 City Council Meeting, staff presented two options for maintaining the railroad rights-of-way. Option 1 was to maintain all railroad rights-of-way within the city, and Option 2 was to maintain only the area between Dickinson Avenue and the Tar River on the CSX line. City Council asked staff to bring back to Council a recommendation that was in between the two options. Public Works staff has prepared an estimate of the cost of the recommended areas of maintenance. The estimate of $32,400 is based on four mowing and litter collection cycles per year of 21,000 lineal feet (~30 acres). The areas recommended for city maintenance are as follows:

- CSX line from Howell Street to West 3rd Street
- CSX line in vicinity of Arlington intersection
- CSX line in vicinity of Greenville Boulevard intersection
- CSX line along N. Greene Street in vicinity of Farmer Street to vicinity of Pactolus Highway intersection
- CSX line along N. Memorial Drive from vicinity of N. Greene Street intersection to vicinity of Highway 903 intersection
- Coastal Carolina Railroad line in vicinity of Greenville Boulevard and 14th Street intersections
- Coastal Carolina Railroad line in vicinity of Dickinson Avenue intersection

The recommended areas to maintain include:

- CSX line from Howell to W. Third Street 3500 lineal feet
- CSX line at Arlington intersection 1500 lineal feet
- CSX line at Greenville Boulevard intersection 1500 lineal feet
- CSX line along N. Greene Street from Farmer Street to Pactolus Highway 3400 lineal feet
- CSX line along N. Memorial Drive from North Greene Street to Highway 903 8800 lineal feet
- Carolina Coastal Railway at Greenville Blvd and 14th Street intersections 1500 lineal feet
- Dickinson Avenue Overpass Area 800 lineal feet
The tasks that will need to be performed include mowing and litter pickup four times per year and selected application of growth retardants two times per year. To do so, the City would need to negotiate a draft maintenance agreement with the railroad(s), gain approval from City Council for maintenance agreements, contract for bid mowing, complete required training for contractors and in-house staff, and to establish a maintenance schedule. The estimated cost per year is $32,000, which is broken down as follows:

- **Contract Mowing (Combination of small mowers, tractor mowers, and side arm mowers)**
  - Estimated $70 per acre (~30 acres) $ 8,400
- **Litter Pickup** $ 5,000
- **Safety Equipment** $ 1,000
- **Application of Growth Retardant** $10,000
- **Required Training (10 people X $400) CSX/NS** $ 8,000

Director of Public Works Anderson requested Council guidance in order to complete development of the departmental budget. If City Council directs staff to pursue maintenance of the railroad rights-of-way, staff must develop landscape maintenance agreement(s) with one or both railroad companies, present to City Council the proposed maintenance agreement(s) for consideration and approval, and establish a maintenance plan for 2010-2011.

Concern was expressed about the portion of the railroad track on Memorial Drive by Abrams Restaurant not being included in the list and the railroad not paying the City back if the City maintains the landscaping, Mr. Anderson stated that the railroad doesn’t have to do any maintenance. There are some properties that they own that fall within the right of way that don’t fall within their rules. He has never been successful at winning a battle with the railroad against the right-of-way.

Staff was asked if community service workers could do the maintenance, and Council was informed that special training is required to operate in the area. There is a 75-foot range that if the City is going into the railroad’s rules, they would have to have the training.

It was suggested that the City Council do a resolution and send it to the railroad.

Motion was made by Council Member Joyner and seconded by Council Member Blackburn to request that the railroad reimburse the City or cooperate with it in this effort to address approving the areas with an extension further to the west of #8 shown on the above map, which would add a couple of more thousand dollars; to approve the staff recommendation to maintain vegetation outside of the 25 foot flagman zone of the aforementioned sections of railroad; and to fund the cost of maintaining the vegetation within those sections of railroad. Motion carried unanimously.

**COMMENTS FROM MAYOR AND CITY COUNCIL**

Mayor Dunn informed the Council that discussion needs to take place on the replacement of the City Clerk, Wanda Elks, who has announced her retirement effective May 1, 2010.
Motion was made by Council Member Mercer and seconded by Council Member Joyner to add to the February 22 agenda the process for selecting a new City Clerk and to direct staff to put together materials for the Council to look at. Motion carried unanimously.

Mayor Dunn informed the Council that Democracy North Carolina has asked that the Council consider passing a resolution to ask the legislature to give authority to cities to finance campaigns if they choose to do so.

City Attorney Holec stated that the City would have the option to opt into the program. If it did so, there would be public funding for the financing campaign that would come from the cities. He will provide information to the Council so it will know what it is voting on.

Motion was made by Council Member Mercer and seconded by Council Member Blackburn to place on the March agenda a resolution asking the legislature to give authority to cities to finance campaigns if they choose to do so. Motion carried with a 4:3 vote. Council Members Smith, Mercer and Blackburn voted in favor of the motion. Mayor Pro-Tem Kittrell and Council Members Glover and Joyner voted in opposition. Mayor Dunn broke the tie by voting in favor of the motion.

Council Member Joyner asked that the Interim Fire Rescue Chief give a report on ISO so he can understand it better.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to have staff obtain information on whether other cities have a policy on City Council Members and City staff serving on the boards of other organizations (non-profits and others). Motion carried unanimously.

Council Member Joyner stated that the City needs to establish a policy regarding demolitions and how a house can be brought back up to code in a timely way. He would like for the owner of the property to not be able to get a building permit in 90 days unless they have a plan, for the City to either not issue a building permit or to issue one but with specific information on what needs to be improved.

City Manager Bowers stated that was listed in the goals and objectives of Council.

City Attorney Holec informed the Council that there are State regulations that have to be abided by.

Lieutenant Earl Phipps informed the Council that he provides a list with specific information on what the property owners need to improve. He had prepared a power point presentation for six properties owned by Saad Rentals LLC--1011 Chestnut Street, 1305 West Third Street, 1311 West Third Street, 1313 West Third Street, 209 Cadillac Street, and 707 Cherry Street. The property located at 707 Cherry Street has had the utilities disconnected since January 29, 2007. The taxes are delinquent in the amount of $259.94. The total value of the property is $15,357, ($2,545 land value and $12,812 building value). The estimated cost to repair the property is $27,144.90. There have been eleven code enforcement cases initiated on this property since 1998 ranging from public nuisance, trash and debris, abandoned junk vehicles, to minimum
housing and abandoned structure. The Greenville Police Department has responded to 114 calls for service at this property since January 2000 for calls ranging from a subject down call to numerous code related issues requiring a law enforcement officer such as unsecured structure and vagrants occupying the dwelling. The first minimum housing case on this property was initiated on March 7, 2001. Additional historical case records show that the first abandoned structure case was established February 5, 2007 with a hearing set for February 15, 2007. The owner failed to appear at this hearing. Multiple six month lights off inspections were conducted through 2007. Communication has been established with the owners by written notification of violations:

- May 22, 2007 Public Nuisance (Josephine Saad)
- Jun 8, 2007 Public Nuisance (Violette Saad)
- Aug 14, 2007 Public Nuisance (Violette Saad)
- Aug 14, 2007 Weeded Lot (Violette Saad)
- Oct 11, 2007 Follow up notification on Public Nuisance (Violette Saad)

Lieutenant Phipps further explained that the utilities were disconnected on March 6, 2008. Minimum housing violation notifications were sent out on August 12, 2008 and again on August 29, 2008. The second notification for abandoned structure was initialed and notification was sent on February 23, 2009. The notice was unclaimed, however the regular mailing notification was not returned. A hearing was scheduled for March 9, 2009 at the Code Enforcement Office. George Saad signed receipt of this notification; however, no one representing the property owner appeared for the hearing. In efforts to establish a working relationship with the property owners, a meeting was scheduled for April 22, 2009. Mr. George Saad Jr. came to this meeting and introduced himself as being newly responsible for the Saad rental properties throughout the city. During this meeting, 85 properties belonging to Saad Rentals were discussed as several had active ongoing code enforcement cases ranging from public nuisance, to minimum housing and abandoned structure. Mr. Saad was asked by staff to prepare and submit a detailed plan of action outlining steps he would be taking to bring each of the properties into compliance with the Minimum Housing Code. No plan was presented to staff by Mr. Saad as requested. Written notification was provided to Mr. George Saad Jr. on August 24, 2009 concerning several properties that became eligible for Council ordinance consideration on August 11, 2009. A meeting concerning this notification was requested by Mr. Saad prior to bring the properties to Council. In efforts to work with Mr. Saad to resolve the numerous properties having issues as a whole without Council intervention, a meeting was held on August 28, 2009 between staff and Mr. Saad. In this meeting, Mr. Saad was once again asked to provide a concrete plan and timeline on bringing each of the properties into compliance. No plan was presented to staff by Mr. Saad as requested. On September 28, 2009, written notification was provided to Mr. George Saad Jr. concerning the first six of his properties being presented to Council for ordinance consideration on October 8, 2009. The six properties that were brought before Council on October 8, 2009 were 209 Cadillac Street; 1313, 1311 and 1305 West Third Street; 707 Cherry Street, and 1011 Chestnut Street. On October 8, 2009, Council adopted ordinances ordering the property owner to repair or demolish each of the properties within 90 days. Written notification was sent out on October 14, 2009 concerning the Council resolutions and was returned signed by George Saad Jr. on October 29, 2009. The deadline for ordinance compliance passed on January 8, 2010. On January 8, 2010, a follow up inspection of the properties was conducted by staff. No discernable work had begun on any of the properties. Additionally, no plan to bring the
properties into compliance had been submitted to Code Enforcement by Mr. Saad or any other representative of his properties. Prior to noon on January 8, 2010, staff noted a generator and paint sprayer on scene at the 209 Cadillac Street property. Further investigation revealed that Mr. Keith Frizelle had hired someone to paint 209 Cadillac Street with an air spray paint gun. The gentleman told staff that he was hired by Mr. Frizelle to spray paint the entire property as quickly as possible. Staff observed that the painter was not repairing any of the deteriorated surfaces of the structure, only painting over them. Staff advised the gentleman to have Mr. Frizelle contact Code Enforcement as soon as possible in order to discuss the location and the covering up of the rotted and deteriorated surfaces throughout the interior and exterior of the property. Mr. Frizelle made contact with staff and was advised of the violations and an agreement was reached to allow him to work over the weekend to repair the property with a follow up inspection to take place by staff on Monday morning. Mr. Frizelle was warned concerning his workers covering up deteriorated/soft, decaying wood with paint and caulk. Additionally, he was advised that in order for staff to hold up on the demolition process on this address he would be required to begin to complete discernable work in a manner that is consistent with the NC building code and the minimum housing standards. Following the contact with Mr. Frizelle on Cadillac Street, Mr. George Saad contacted the Code Enforcement Coordinator and asked to have a 90 day extension to the properties in order to begin to work on them to bring them into compliance. Mr. Saad was advised that, with the passed deadline and no discernable work, the only property being considered for extension was 209 Cadillac Street and that consideration was only if discernable work had began on the structure. During the course of this conversation, Mr. Saad advised staff that he had already called his Council representative prior to our conversation and that he was told that he would be granted a 60 day extension for all of his properties. On the afternoon of January 8, 2010, the Code Enforcement Coordinator received direction from the City Manager’s office to hold off on any demolition proceedings until Monday afternoon. The Code Enforcement Coordinator postponed the decision to initiate the demolition process until Monday afternoon to allow time for direction from upper management. In turn, Mr. Saad agreed to meet staff at 209 Cadillac Street on Monday morning January 11, 2010 to discuss the process. On Monday, January 11, 2010, staff responded to Cadillac Street to meet Mr. George Saad Jr. Mr. Saad did not report to the location as agreed. Instead, Mr. Frizelle was at the location. Mr. Frizelle advised staff that he was handling the properties for Mr. Saad. A walk through was conducted with Mr. Frizelle of the Cadillac Street property. Upon the inspection of Cadillac Street on Monday, January 11, 2010, Mr. Frizelle had begun to remove the exterior rear wall area of the structure. The rear wall was open and the studs and seal were exposed. Several of the exposed studs to the dwelling had soft, deteriorated, decaying wood. The exposed rear seal was deteriorated beyond repair and would need to be replaced as well. A follow up inspection of this property was scheduled for Friday, January 15, 2010. On Friday, January 15, staff met Mr. Frizelle at the Cadillac Street property. Upon inspection, the rear wall was completely enclosed and painted. The interior floors were partially carpeted. The floors remained uneven and at places unsteady during this inspection. When asked if any of the work had been reviewed by the Chief Building Inspector’s staff, Mr. Frizelle confirmed that it had not. Without inspection of the work completed, there is no way to determine if work was completed in a manner that meets the NC Building Code or the minimum housing standards. On January 25, 2010, members of staff met with Council Members Joyner and Smith and Mr. Frizelle at 209 Cadillac Street to review the property. On January 27, 2010, Staff requested via email correspondence that Mr. Saad explain the relationship between Mr. Frizelle and he concerning the properties. Additionally, staff instructed Mr. Saad to provide a
written plan of action with a timeline concerning repairs of 209 Cadillac Street by Friday, January 29, 2010 at 1700 hours. Mr. Saad failed to meet this obligation. On February 1, 2010, Mr. Saad contacted staff via e-mail and advised he would be submitting a plan of action by the end of the week. On February 2, 2010 following approval, the Code Enforcement Coordinator sent via email and certified letter a notification of pending demolition of four of the six properties and the immediate steps necessary to avoid the demolition of 209 Cadillac Street and 1313 West Third Street. On Friday, February 5, 2010 Code staff was instructed to hold off once again on the demolition process by the City Manager’s office. On Wednesday, February 10, 2010, a follow up inspection was conducted at each of the six properties. Photographic evidence of these inspections reveal that no discernable work has been made to any of the properties to bring them into compliance.

Lieutenant Phipps stated that there are 18 active Code Enforcement Division cases on Saad Rentals LLC properties. Out of the 85 properties owned by the Saad’s, 21.17% have an open case against the parcel and/or structure, six of which have active demolition orders. Total back taxes and fees owed on the properties as of January 11, 2010 are $61,735.61 ($12,973.54 to the City and $48,762.07 to the County). Lieutenant Phipps recommended that all six properties (209 Cadillac Street, 1313 West Third Street, 1311 West Third Street, 1305 West Third Street, 707 Cherry Street, and 1011 Chestnut Street) be demolished.

The consensus of the Council was for the City to proceed with the demolition.

Council Member Joyner stated that he has not been given a list of meetings that he can and cannot attend. He made a motion for staff to give guidelines on what other cities are doing and provide a policy to Council for consideration about what meetings the Council can and cannot attend. Motion was seconded by Council Member Kittrell and carried unanimously.

Upon inquiry, City Attorney Holec stated that the meeting Council Member Joyner is referring to was a meeting of staff.

Motion was made by Council Member Smith and seconded by Council Member Glover to add “Consideration for funding of Walking Trail in Greenfield Terrace from the Contingency Fund” to the March 1, 2010 agenda. Motion carried unanimously.

Staff was asked to look into the feasibility of solar panels and if they can be done in a cost effective manner.

Motion was made by Council Member Blackburn and seconded by Council Member Mercer to add to a March or April 2010 agenda “Discussion of steps to take to separate public/private clubs from neighborhoods.” and for staff to provide information on how such an ordinance would look and how it might function. Motion carried unanimously.

CITY MANAGER’S REPORT

City Manager Bowers stated that discussion about the nonresidential building code was scheduled to be on the February 11, 2010 agenda; however, because of an advertising error, it will be on a March agenda.
City Manager Bowers reminded the Council that because the January 30 Planning Session was not held because of the snow, the Council decided to place many of the items on the February 22, 2010 agenda. Tim Ware, the facilitator, will come back to complete Goal #8 (enhance diversity). He informed the Council that the meeting would be in the Chambers unless action is taken to move it to Room 337 in City Hall.

Motion was made by Council Member Kittrell and seconded by Council Member Glover to change the location of the February 22, 2010 meeting to Room 337 of City Hall. Motion carried unanimously.

City Manager Bowers stated that several reports have been added to the February 22 meeting, and he doesn’t think they can be completed at that meeting. He recommended that some of them need to be moved to another meeting. He recommended that the three presentations from Public Works (special assessments, erosion on stream banks and stormwater facilities) be placed on the regular agenda in March. They should go ahead with the update on crime and the crime free rental housing and the finances. The CIP is scheduled for March 1, 2010. He recommended that the OPEB (Other Post-Employment Benefits) and the City Clerk process be placed on the February 22 agenda.

Motion was made by Council Member Joyner and seconded by Council Member Kittrell to proceed with the agenda items as detailed by the City Manager. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Kittrell to adjourn the meeting at 11:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks, MMC
City Clerk