



WINTERVILLE

A slice of the good life!

MAYOR AND TOWN COUNCIL

DOUG JACKSON, MAYOR

RONALD COOPER, SR.

JOHNNY MOYE

TONY MOORE

VERONICA ROBERSON

MARK SMITH

ADMINISTRATION

TERRI L. PARKER, TOWN MANAGER

JASMAN J. SMITH, TOWN CLERK

KEEN LASSITER, TOWN ATTORNEY

ALAN LILLEY, PLANNING DIRECTOR

ANTHONY BOWERS, FINANCE DIRECTOR

BRYAN BELL, INTERIM IT DIRECTOR

DAVID MOORE, FIRE CHIEF

EVAN JOHNSTON, PARKS & RECREATION DIRECTOR

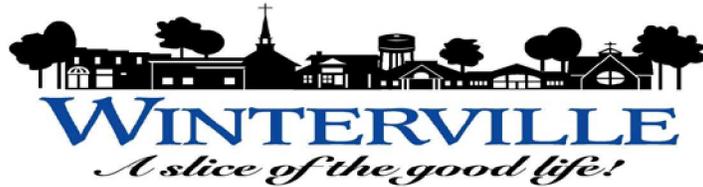
MERVIN TAYLOR, ELECTRIC UTILITY DIRECTOR

TRAVIS WELBORN, PUBLIC WORKS DIRECTOR

RYAN WILLHITE, POLICE CHIEF

MIKE WELDIN, BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

June 9, 2014



TOWN COUNCIL AGENDA

June 9, 2014

7:00 P.M.

WINTERVILLE TOWN HALL ASSEMBLY ROOM

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. WELCOME

V. APPROVAL OF AGENDA

VI. RECOGNITION

VII. INTRODUCTION OF NEW EMPLOYEES:

1. Finance Department : Lynette Smith – Customer Service Representative

VIII. PRESENTATIONS –

IX. PUBLIC HEARINGS:

1. Public Hearing on Lot 32 Ange Plaza
2. Public Hearing on Proposed No Parking Zone West Side of Myrtle Street Between Hammond Street and Boyd Street

X. PUBLIC COMMENT:

The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item.

No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter.

The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.

1. Valerie Tyson – Community Day

XI. CONSENT AGENDA:

The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.

1. Approval of May 12, 2014 Regular Meeting Minutes
2. Award of Contract to Barnhill for Street Resurfacing
3. Adoption of Phase II Stormwater Ordinance & Stormwater Permit Review Fee
4. Approval of Budget Amendment 2013-2014-4

XII. ITEMS REMOVED FROM THE CONSENT AGENDA

XIII. OLD BUSINESS:

1. Consideration of Preferred Alternative for proposed improvements to the intersection of Old Tar Road and Cooper Street/Worthington Road
2. Proposed Portable Temporary Storage Unit Regulations – Status Report

XIV. NEW BUSINESS:

1. Approval of Resolution in Support for Tobacco-Free Parks in Pitt County
2. Appointments to Boards and Commissions
 - a) Planning and Zoning
 - b) Parks and Recreation
3. Approval of No Parking Zone along Bayberry Lane from Rosewood Drive to Old Tar Road

XV. OTHER AGENDA ITEMS

XVI. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS

XVII. REPORTS FROM TOWN ATTORNEY, TOWN MANAGER, AND DEPARTMENT HEADS

XVIII. REPORTS FROM THE MAYOR AND TOWN COUNCIL

XIX. ANNOUNCEMENTS

- XX. CLOSED SESSION § 143-318.11 (a)(5) 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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. 4799 and 4801 Reedy Branch Road; and (2) Gateway Christian Church Property located on Chapman Street.**

XXI. ADJOURN

SPECIAL NOTICE: Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Town Clerk, Jasman Smith at 215-2340, ext. 2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)



Town of Winterville Town Council Agenda Abstract

Item Section: Public Hearings

Meeting Date: June 9, 2014

Presenter: Alan Lilley, Planning Director

Item to be Considered

Subject: Public Hearing on annexation of Lot 32, Ange Plaza, requested by petition.

Action Requested: Hold Public Hearing and Adoption of Annexation Ordinance.

Attachments: Map showing Annexation Area; Annexation Ordinance.

Prepared By: Alan Lilley, Planning Director

Date: 5/27/2014

ABSTRACT ROUTING:

TC JJS-6/3/14

FD _____

TM tlp – 6/4/2014

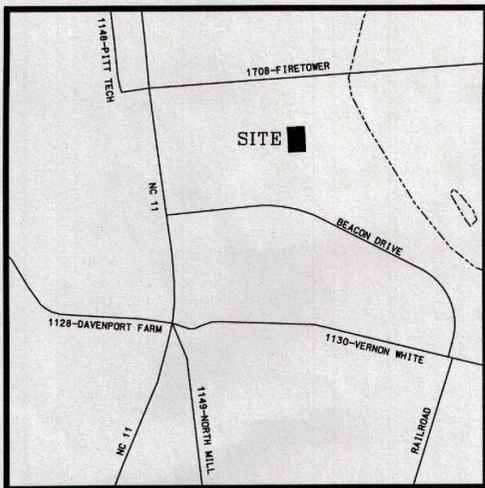
Final tlp – 6/4/2014

Supporting Documentation

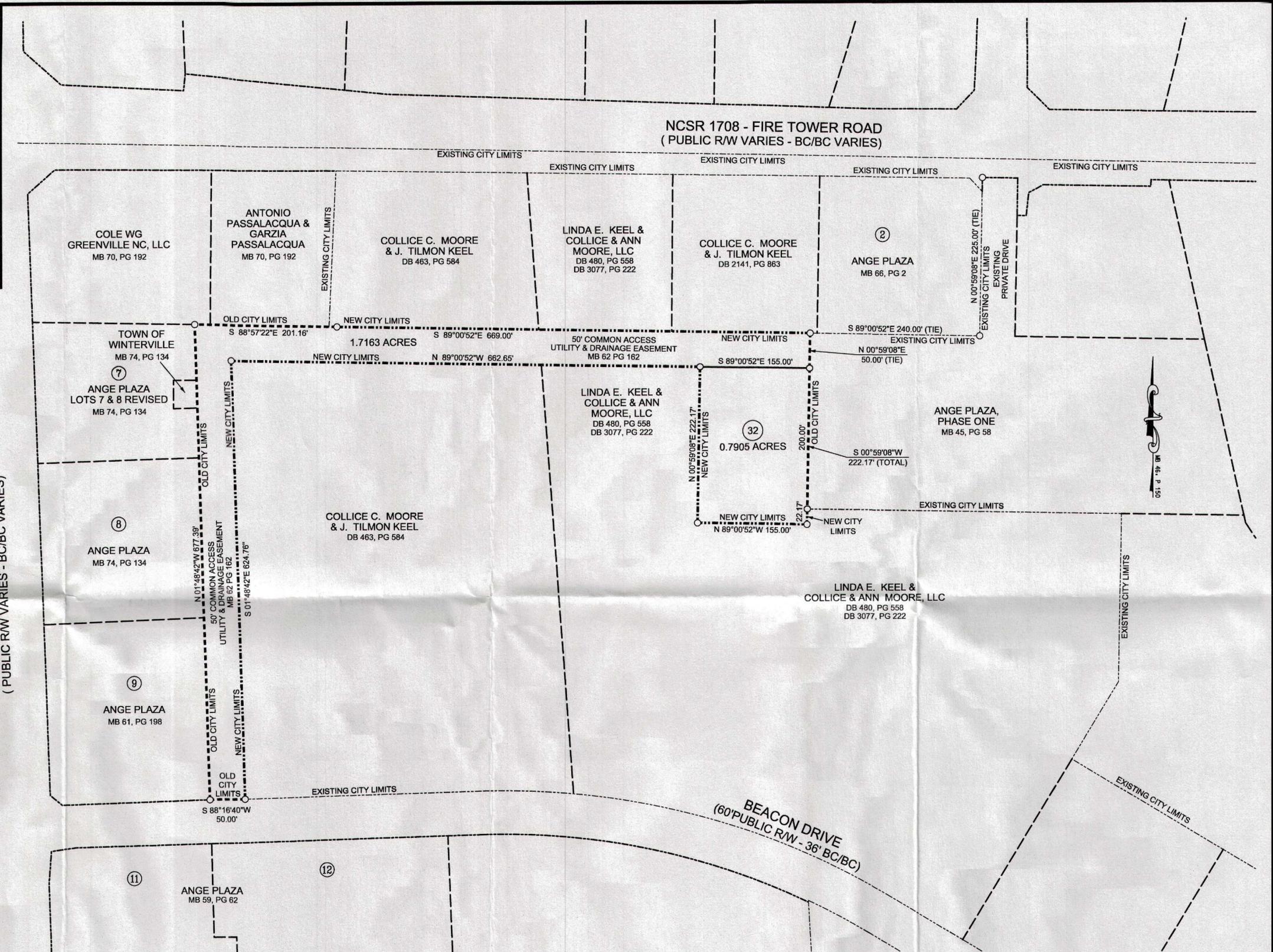
The Town Council received a petition requesting annexation of Lot 32, Ange Plaza at the February 10, 2014 Town Council meeting and adopted a Resolution Directing the Town Clerk to Investigate the Sufficiency of the Petition. The Town Clerk provided a Certificate of Sufficiency at the April 14, Town Council meeting and the Town Council adopted A Resolution Scheduling a Public Hearing on the Question of Annexation. After completing the Public Hearing, the Council may adopt the Annexation Ordinance. Staff recommends an annexation effective date of June 30, 2014.

Budgetary Impact: Annexation will increase tax base.

Recommendation: Adopt the Annexation Ordinance with a June 30, 2014 effective date.



VICINITY MAP
1" = 1000'

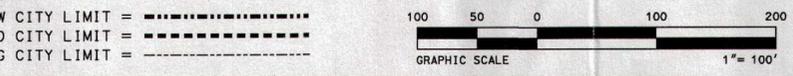


ANNEXATION MAP FOR
**ANGE PLAZA LOT 32 & 50' COMMON ACCESS,
 UTILITY & DRAINAGE EASEMENT**
 REFERENCE MAP BOOK 62, PG 162 & DEED BOOK 480 PAGE
 558 OF THE PITT COUNTY REGISTRY
 WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: ANGE PLAZA PROPERTY OWNERS ASSOCIATION, INC.,
 LINDA E. KEEL & ANN N. MOORE
 ADDRESS: P.O. BOX 7183
 GREENVILLE, NC 27835
 PHONE: (252) 752-1010

MALPASS & ASSOCIATES NC LICENSE NO. C-1289 1645 E. ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780	SURVEYED: CEP	APPROVED: CEP
	DRAWN: WCO	DATE: 12/16/13
	CHECKED: CEP	SCALE: 1" = 100'

MAP NO.	PLATS RECORDED	BOOK	PAGE



MAP SHOWING AREA ANNEXED BY
 THE TOWN OF WINTERVILLE, N.C.
 DATE: _____; ORDINANCE NUMBER: _____; AREA: 2.5068 ACRES
 WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

I, CARLTON E. PARKER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+ THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL
 THIS _____ DAY OF _____ A.D., 2014.
 CARLTON E. PARKER L-2980

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF WINTERVILLE, NORTH CAROLINA
(Ange Plaza, Lot 32)**

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Winterville Town Hall at 7:00 p.m. on June 9, 2014, after due notice by publication on May 28, 2014; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Winterville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Winterville as of June 30, 2014:

Legal Description For
Linda E. Keel & Ann N. Moore
And Ange Plaza Property Owners Associates, Inc.
50' Common Access Easement & Lot 32 Ange Plaza

Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the southern right of way of NCSR 1708 Fire Tower Road said point being the northwest corner of Ange Plaza Phase One as recorded in map book 45 page 58 of the Pitt County Registry, thence from said point of beginning with the western line of Ange Plaza Phase One S 00-59-08 W – 225.00', thence N 89-00-52 W – 240.00' to the northeast corner of a 50' Common Access, Utility and Drainage easement as recorded in map book 62 page 162, the True Point of Beginning, thence S 00-59-08 W – 50.00' to the northeast corner of Lot 32, thence continuing S 00-59-08 W – 222.17', thence N 89-00-52 W – 155.00', thence N 00-59-08 E – 222.17' to the southern line of the 50' Common Access, Utility and Drainage easement, thence with the southern line of the 50' Common Access, Utility and Drainage easement N 89-00-52 W – 662.65', thence S 01-48-42 E – 624.76' to the northern right of way of Beacon Drive, thence with the northern right of way of Beacon Drive S 88-16-40 W – 50.00' to the northern line of the

50' Common Access, Utility and Drainage easement, thence with the northern line of the 50' Common Access, Utility and Drainage easement **N 01-48-42 W – 677.39'**, thence **S 88-57-22 E – 201.16'**, thence **S 89-00-52 E – 669.00'** to the point of beginning containing **2.5068 acres**.

Section 2. Upon and after June 30, 2014, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Winterville and shall be entitled to the same privileges and benefits as other parts of the Town of Winterville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

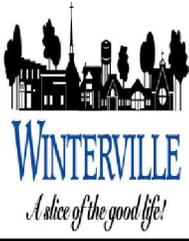
Section 3. The Mayor of the Town of Winterville shall cause to be recorded in the office of the Register of Deeds of Pitt County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 9th day of June, 2014.

Douglas A. Jackson, Mayor

ATTEST:

Jasman J. Smith, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Meeting Date: June 9, 2014

Presenter: Travis Welborn & Ryan Willhite

Item Section: Public Hearings

Item to be Considered

Subject: Proposed No Parking Zone – West side of Myrtle Street between Hammond Street and Boyd Street

Action Requested: Approval of No Parking Zone

Attachments: Schematic

Prepared By: Travis Welborn, Public Works Director

Date: 6/3/2014

ABSTRACT ROUTING:

TC JJS-12/5/13

FD _____

TM tlp – 12/4/13

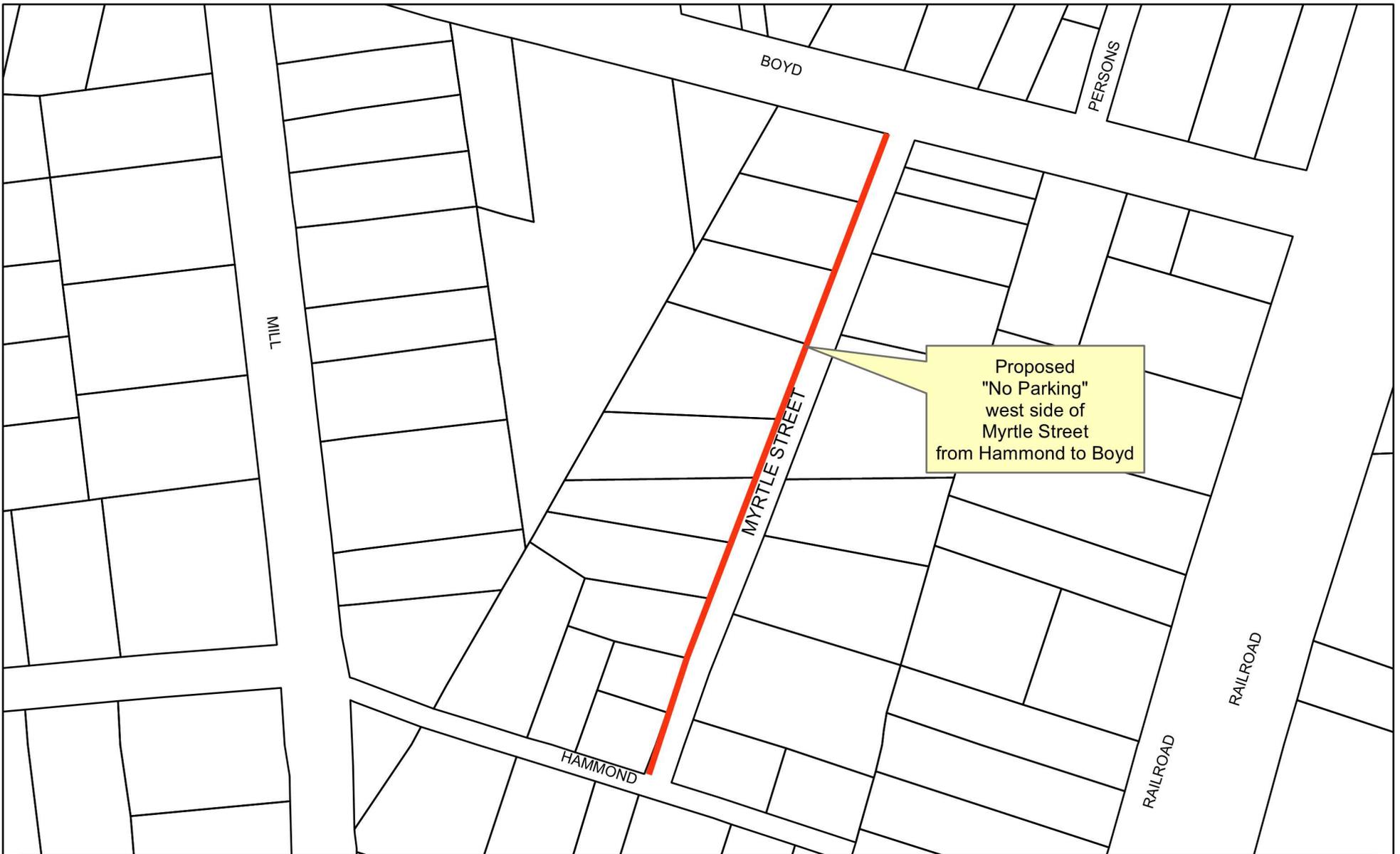
Final tlp – 12/4/13

Supporting Documentation

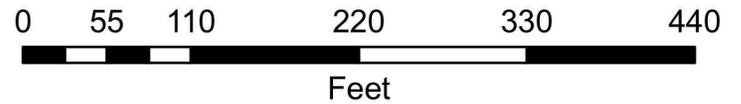
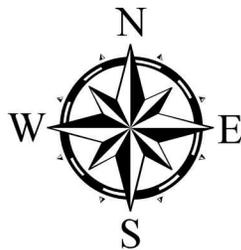
At the May Town Council meeting the Council voted to pursue a “No Parking Zone” on one side of Myrtle Street between Hammond Street and Boyd Street. Staff has evaluated the existing conditions and recommends implementing the “No Parking Zone” on the west side of Myrtle Street between Hammond Street and Boyd Street. Attached is a schematic showing the proposed “No Parking Zone” for Town Council approval and review by the public during the public hearing.

Budgetary Impact: Purchase of No Parking Zone signs would have very little impact to budget as they are inexpensive.

Recommendation: Enact No Parking Zone on west side of Myrtle St. from Hammond St. to Boyd St.



Proposed
"No Parking"
west side Myrtle Street
from Hammond St. to Boyd St.





Winterville Town Council
May 12, 2014 Regular Meeting Minutes

The Winterville Town Council met in a regular meeting on the above date at 7:00 PM in the Town Hall Assembly Room, with Mayor Douglas A. Jackson presiding. The meeting was called to order, followed by the invocation and pledge of allegiance by Boy Scout Stone Clark. The following were present:

Mayor Douglas Jackson
Mayor Pro-Tem Mark Smith
Councilman Tony Moore
Councilman Johnny Moye
Councilman Ronald Cooper, Sr.
Councilwoman Veronica Roberson
Terri L. Parker, Town Manager
Jasman J. Smith, Town Clerk
Keen Lassiter, Town Attorney
Anthony Bowers, Finance Director
Bryan Bell, Interim IT Director
Evan Johnston, Parks and Recreation Director
Alan Lilley, Planning Director
Ryan Willhite, Police Chief
Mike Weldin, Code Enforcement/Building Inspections Officer
Travis Welborn, Public Works Director

APPROVAL OF AGENDA: A motion was made by Mayor Pro-Tem Smith and seconded by Councilman Moye to approve the agenda as presented. Motion carried unanimously.

WELCOME: Mayor Jackson welcomed the public.

PRESENTATIONS:

1. Local Government Credit Union – Desiree White, Membership Development Officer: Membership Development Officer Desiree White presented on the Local Government Credit Union benefits for elected officials. No Action was taken by the Council.
2. Consideration of Preferred Alternative for Proposed Improvements to the Intersection of Old Tar Road and Cooper Street/Worthington Road: Planning Director Alan Lilley presented this item. Town Manager Terri L. Parker advised that Planning Director Alan Lilley would bring this item for discussion at the planning board meeting and will place on the June 9, 2014 Regular Meeting.

PUBLIC HEARINGS: None

PUBLIC COMMENT: Mayor Jackson read the public comment policy aloud.

1. Calvin Henderson – Public Safety Issues: Mr. Henderson spoke on public safety issues in the community.
2. Stephanie Ham – Speed Limits: Mrs. Ham spoke on speeding issues in Cooper’s Pointe and the concerns of children safety. No Action was taken by the Council.
3. Shantel Hawkins – Public Safety Programs: Mrs. Hawkins spoke about public safety programs in the community. No Action was taken by the Council.

CONSENT AGENDA: The items under the consent agenda included:

1. Approval of the Special Meeting Minutes for May 5, 2014. A motion was made by Moore and seconded by Mayor Pro-Tem Smith to approve the May 5, 2014 Special Meeting Minutes. Motion carried unanimously.
2. Approval of Audit Contract. A motion was made by Moore and seconded by Mayor Pro-Tem Smith to approve the May 5, 2014 Special Meeting Minutes. Motion carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

OLD BUSINESS:

1. Approved Amendment to 2014-2015 Budget Calendar: Town Manager Terri L. Parker presented the item. She stated that during the Budget Update held on May 5th, Staff advised Council of a couple of changes that needed to be made to the FY 2014-2015 Budget Calendar: Move the date of DRAFT Budget distribution from May 12th at the Regular Council Meeting to May 19th – Drafts of which will be hand-delivered; Set a date for budget adoption for some time later in June.

A motion was made by Mayor Pro-Tem Smith and seconded by Councilman Cooper to schedule the special meeting for June 19th at 6 pm. Motion carried unanimously.

A motion was made by Councilman Moore and seconded by Councilman Moye to approve the amendment of the 2014-2015 Budget Calendar. Motion carried unanimously.

NEW BUSINESS:

1. Approved Installation of Speed Bumps on Windmill, Cresset, Barrel and Primrose Streets and Speed Limits to be set at 20 mph on all four streets in Cooper's Point Subdivision - Town Manager Terri L. Parker presented the item. She stated that in 2013, the Town installed speed bump devices on Jones Street in an effort to reduce speeding which had become quite a problem in recent history. Since the installation of said speed bumps devices, the Police Department reports that there have been no complaints regarding speeding on Jones Street. Residents in Cooper's Point Subdivision have been complaining about speeding in the subdivision and recently residents on Windmill and Cresset Streets have requested that the Town install speed bumps on these streets in order to reduce speeding as well as reduce the speed limits which is currently 35 miles per hours since there is no speed limit postings to the contrary. Copies of emails from various residents on Windmill and Cresset have been included for information purposes. Staff has received past complaints from residents on Primrose and Barrel as well, though the speed limit postings on those streets are 25 miles per hours respectively. Town Staff recommends that speed bumps be installed on Windmill, Cresset, Barrel and Primrose Streets in Cooper's Point Subdivision and that the speed limits be set at 20 miles per hour on all four Streets. Discussion was held and questions from the Council were addressed.

A motion was made by Mayor Pro-Tem Smith and seconded by Councilman Moore to set Speed Limits to 20 mph on Windmill, Cresset, Barrel and Primrose Streets. Motion carried unanimously.

A motion was made by Mayor Pro-Tem Smith and seconded by Councilman Cooper to Installation of Speed Bumps on Windmill, Cresset, Barrel and Primrose Streets. Motion carried unanimously.

2. Final Plat for WAL DEB HOLDINGS, LLC - Planning Director Alan Lilley presented the item. He stated that the WAL DEB HOLDINGS, LLC property consists of two tracts located on north side of Forlines Road approximately 450 ft. east of Reedy Branch Road. There are four existing facilities located on the subject property, two on each parcel. The plat under consideration divides the subject property into four lots, one for each of the existing facilities, and combines the remainder of the property into open common area. This creates a "Non-Residential Cluster Development" as per Zoning Ordinance Section 6.5, Special Requirement SR 40. The Planning and Zoning Board voted to recommend approval of the plat at the April 21, 2014 meeting (see attached Planning Board Report).

A motion was made by Councilman Moore and seconded by Councilwoman Roberson to approve the Final Plat for WAL DEB HOLDINGS, LLC. Motion carried unanimously.

OTHER AGENDA ITEMS: Listed below are the items requested by Councilman Moore

1. Update On Cemetery's Dump Status: Town Manager Terri replied that she is still working on setting up a meeting for the Council and Pitt County.
2. Funding Non-Town Agencies Request Due To the Needs of the Festival: **A motion was made by Councilman Moore and seconded by Mayor Pro-Tem smith to award thirty-five thousand dollars (\$35,000) to the Watermelon Festival. Members of the Council voting in favor of the motion were Moore and Smith. Members of the Council voting in opposition of the motion were Roberson, Moyer, and Cooper. Motion failed (2, 3).** Further discussion was held on the Watermelon Festival Request. Councilwoman Roberson stated that there are other agencies to fund. Councilman Moyer agreed with Councilwoman Roberson and commented that he would rather the Council wait for the budget meetings to discuss this item further and that and make sure we can accommodate the citizens first.
3. Discussion On Continuing To Receive Rent From County And Then Return To Rescue: Further discussion was held and questions from the Council were addressed. No Action was taken by the Council.
4. Report On Pitt County's New Radios: Further discussion was held and questions from the Council were addressed. No Action was taken by the Council.
5. Discussion On How To Address Having A Representative On Library Board: Councilman Moore directed the Town Manager write a letter to the Sheppard Memorial Library to request for a Winterville Citizen or one of the Winterville Town Council Members as a representative on the Sheppard Memorial Library Board.
6. Report On Vacant Positions And Monies Not Used But In Present Budget. Further discussion was held and questions from the Council were addressed. No Action was taken by the Council.
7. Update On Status Of House That Was Fire Damaged On Mill Street. Further discussion was held and questions from the Council were addressed. No Action was taken by the Council.
8. Update On Josephine Wilson Home On Boyd Street: Further discussion was held and questions from the Council were addressed. No Action was taken by the Council.
9. Cost Estimate On Removing Homes That Are Condemned: Further discussion was held and questions from the Council were addressed. No Action was taken by the Council.

ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

1. Myrtle Street – A motion was made by Councilman Moyer and seconded by Councilwoman Roberson to establish a one-way parking for a year east of Hammond and Myrtle street

REPORTS FROM TOWN ATTORNEY, TOWN MANAGER, AND DEPARTMENT HEADS: None

East Of Hammond Street And Myrtle – **A motion was made by Councilman Moyer and seconded by Councilwoman Roberson to move forward to design a one way parking for East of Hammond Street and Myrtle and directed Town Staff to have a public hearing on this matter.**

REPORTS FROM THE MAYOR AND TOWN COUNCIL:

Councilwoman Roberson commented on the status of Boyd Street. A motion was made by Councilwoman Roberson and seconded by Councilman Moore to approve a resolution for honoring Mr. Robert Blount. Motion carried unanimously.

Councilman Moye thanked the Council for allowing him to attend the NCBEMO Conference. He also inquired about street light outage and the Nobel Canal.

Councilman Cooper commented on Winterville ranking fifth (5th) as one of the safest communities in North Carolina.

ADJOURN

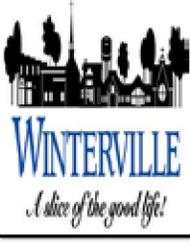
Having no further business to come before the Council, a motion was made by Councilwoman Roberson and seconded by Councilman Moye to adjourn at 9:02 pm. Motion carried unanimously.

Adopted this the 9th day of June 2014

Douglas A. Jackson, Mayor

ATTEST:

Jasman J. Smith, CMC



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: June 9, 2014

Presenter: Travis Welborn, Public Works
Director

Item to be Considered

Subject: 2014 Powell Bill Street Re-Surfacing

Action Requested: Award of Contract including Alternates 1 and 2 to Barnhill Contracting Company

Attachments: Final Bid Tab

Prepared By: Travis Welborn, Public Works Director

Date: 5/27/2014

ABSTRACT ROUTING:

TC JJS-06/3/14

FD _____

TM tlp - 6/4/2014

Final tlp - 6/4/2014

Supporting Documentation

Bids for our annual Powell Bill street resurfacing project were opened on May 20, 2014. This was a second bid opening because there were only 2 bids submitted at the first scheduled bid opening. Both Barnhill Contracting Company and ST Wooten submitted bids. Barnhill was the lowest responsible bidder at \$261,894.30 including the base bid and both alternates.

This project will include milling the edge of pavement and overlaying the entire width of the street with 2" of new asphalt for the full length of Channel Dr., Bayberry Lane, and Walter Circle. The project also consists of two Alternate bids, which consist of the removal of a grassed island in Wedgewood Circle and replacement with asphalt, as well as a subgrade repair and patch at the intersection of Gaylord St. and Linden Lane. Town staff recommends that the contract including both alternates be awarded to Barnhill Contracting Company.

Budgetary Impact: Funds for this project are included in this years approved budget. Funds will come from the Powell Bill account.

Recommendation: Award of contract including Alternates 1 and 2 to Barnhill Contracting Company.

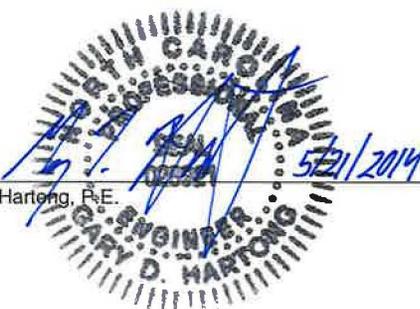
**Town of Winterville
Winterville 2014 Street Resurfacing Project
TWC Project No. 2853-U**

RE-BID DATE: May 20, 2014											
CONTRACTORS	LIC. NO.	CLASS	BID BOND	DBE AFF. A	DBE AFF. B	ADD. 1	BASE BID	ALTERNATE 1	ALTERNATE 2	TOTAL BID AMOUNT	REMARKS
Barnhill Contracting Company Tarboro, NC	3194	U	5%	✓		✓	\$241,710.60	\$8,840.70	\$11,343.00	\$261,894.30	Low Bidder
S. T. Wooten Company Wilson, NC	2835	U	5%	✓		✓	\$251,390.00	\$25,129.60	\$24,391.25	\$300,910.85	
Garris Grading & Paving Farmville, NC	63017	L	5%								No Bid

This is to certify that the bids received herein were publicly opened and read at 3:00 p.m., on the 20th day of May 2014, at the office of the Owner, Town of Winterville, Town Hall, Winterville, North Carolina.



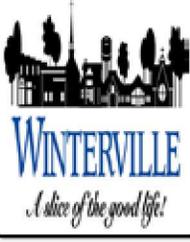
 William A. Larsen, E.I.



 Gary D. Hartong, P.E.

Unit Price Bid Summary
Winterville Street Resurfacing Project
Town of Winterville, NC
Re-Bid Date: May 20, 2014
TWC Project No. 2853-U

Item No.	Description	Est. Quantity	Unit	Barnhill Contracting Company Kinston, NC		S. T. Wooten Corporation Wilson, NC		Average of All Bids	
				Unit Price	Total Extended Price	Unit Price	Total Extended Price	Unit Price	Total Extended Price
Base Bid - Channel Drive, Bayberry Drive and Walter Circle Resurfacing									
1	2" S9.5B Bituminous Overlay	21,425	SY	\$10.25	\$219,606.25	\$10.80	\$231,390.00	\$10.53	\$225,498.13
2	Milling Asphalt Pavement - 2" Depth	5,450	SY	\$3.55	\$19,347.50	\$2.00	\$10,900.00	\$2.78	\$15,123.75
3	Manhole Ring and Cover Adjustment	23	EA	\$85.95	\$1,976.85	\$350.00	\$8,050.00	\$217.98	\$5,013.43
4	Water Valve Adjustment	3	EA	\$260.00	\$780.00	\$350.00	\$1,050.00	\$305.00	\$915.00
Total of Base Bid					\$241,710.60		\$251,390.00		\$246,550.30
Alternate 1 - Traffic Island Removal and Full Depth Patch (Wedgewood Circle)									
1	2" S9.5B Bituminous Overlay	166	SY	\$17.00	\$2,822.00	\$38.90	\$6,457.40	\$27.95	\$4,639.70
2	8" CABC Stone	166	SY	\$13.60	\$2,257.60	\$23.20	\$3,851.20	\$18.40	\$3,054.40
3	Remove Existing Curb and Gutter	140	LF	\$7.20	\$1,008.00	\$13.70	\$1,918.00	\$10.45	\$1,463.00
4	Undercutting for Pavement Patching	138	CY	\$19.95	\$2,753.10	\$93.50	\$12,903.00	\$56.73	\$7,828.05
Total of Alternate 1					\$8,840.70		\$25,129.60		\$16,985.15
Alternate 2 - Full Depth Patch (Linden Lane)									
1	Asphalt Pavement Patching	285	SY	\$28.30	\$8,065.50	\$43.25	\$12,326.25	\$35.78	\$10,195.88
2	Undercutting for Pavement Patching	95	CY	\$34.50	\$3,277.50	\$127.00	\$12,065.00	\$80.75	\$7,671.25
Total of Alternate 2					\$11,343.00		\$24,391.25		\$17,867.13
Total of Base Bid and Alternates 1 and 2					\$261,894.30		\$300,910.85		\$281,402.58



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 9, 2014

Presenter: Travis Welborn, Public Works
Director

Item to be Considered

Subject: Town of Winterville Phase II Stormwater Ordinance

Action Requested: Adoption of Phase II Stormwater Ordinance & Stormwater Permit Review Fee

Attachments: Proposed Ordinance, NPDES General Permit & Requirements

Prepared By: Travis Welborn, Public Works Director

Date: 5/28/2014

ABSTRACT ROUTING:

TC JJS-6/3/14

FD _____

TM tlp – 6/4/2014

Final tlp – 6/4/2014

Supporting Documentation

In order to comply with the regulations adopted by the North Carolina Environmental Management Commission and the Federal Water Pollution Control Act the Town of Winterville was issued a general permit under the National Pollutant Discharge Elimination System (NPDES) to discharge stormwater. The permit requires the Town to adopt and implement a Stormwater Management Plan. As part of that plan, the Town is required to implement an "Illicit Discharge Detection and Elimination Program" and "Post Construction Stormwater Management Program." This proposed Phase II Stormwater Ordinance will address these two portions of the required Stormwater Management Plan and help the Town satisfy the requirements of its NPDES MS4 permit.

The Town will also need to implement a stormwater permit review fee to cover the expense of having the Town's consulting Engineer review the submitted plans for compliance. The State charges a fee of \$505. Staff is proposing a fee of \$500. This will allow for approximately 4 hours of review time by our consulting Engineer for each plan submitted.

Budgetary Impact: Stormwater Permit review fee will be used to offset cost of consulting Engineer's review of proposed projects. Proposed fee of \$500.

Recommendation: Staff recommends adoption of Phase II Stormwater Ordinance as well as review fee of \$500.

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

GENERAL PERMIT NO. NCG230000

TO DISCHARGE STORMWATER IN THE EIGHTY NON-COASTAL COUNTIES UNDER
THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to owners or operators of small municipal separate storm sewer systems located in the eighty non-coastal counties, hereafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage from the Environmental Management Commission to allow the discharge of stormwater to the surface waters of North Carolina via a small municipal separate storm sewer system in accordance with the terms and conditions set forth herein.

The General Permit becomes effective on June 1, 2005.

The General Permit expires at midnight on May 31, 2010.

Signed this day May 18, 2005.

Original signed by Alan Klimek

Alan Klimek, P.E., Director

Division of Water Quality

By the authority of the Environmental Management Commission

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PART I PERMIT COVERAGE

1. During the period beginning on the effective date of the Certificate of Coverage and lasting until expiration of the General Permit, the permittee is authorized to discharge stormwater from a small municipal separate storm sewer system (MS4) to the surface waters of North Carolina.
2. The permittee shall manage all discharges authorized hereby in accordance with the terms and conditions of this General Permit, in accordance with the permittee's approved Stormwater Management Plan, in accordance with any approved modifications to the Stormwater Management Plan, and in accordance with any provisions made by the Director. The permittee's approved Stormwater Management Plan and any subsequent approved modifications are enforceable under this permit.
3. Coverage under this General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree. In any circumstance where any stormwater control requirement under this General Permit conflicts or overlaps with any stormwater control requirement under any other water quality program, the most stringent requirement shall apply. The Director or his designee shall resolve any dispute as to whether there is a conflict or overlap, and shall determine which requirement shall be deemed the most stringent.
4. This General Permit applies to current and future jurisdictional areas of the permittee.
5. This General Permit is not available to the following regulated entities:
 - (a) Regulated entities with MS4s currently subject to an approved TMDL (Permittees that become subject to an approved TMDL while covered under this General Permit shall apply for an individual permit within one year of receipt of notice from DWQ of the approved TMDL.);
 - (b) Regulated entities located in the twenty coastal counties;
 - (c) Regulated entities with MS4s serving greater than 16,500 population;
 - (d) Regulated entities seeking permit coverage combined with another regulated entity;
 - (e) Regulated entities relying on a DLR delegated (municipal or county) program to meet the requirement to reduce the pollutants in stormwater runoff from construction activities.
6. Any other point source discharge to surface waters of the state is prohibited unless it is:
 - (a) permitted by, and in compliance with, another NPDES discharge permit; or

(b) determined to be incidental non-stormwater discharges as defined in Part VIII of this General Permit. The Director may require that non-stormwater flows of this type be controlled by the permittee.

7. The permit requires the development and proper implementation of the Stormwater Management Plan. The purpose of the Stormwater Management Plan is to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the Stormwater Management Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Successive iterations of the Stormwater Management Plan and other components of this permit will be driven by the objective of assuring that discharges do not cause or contribute to the violation of water quality standards, through the expansion and tailoring of management measures within the scope of the Stormwater Management Plan.

PART II REQUIREMENTS FOR PERMITTED DISCHARGES

SECTION A: STORMWATER MANAGEMENT PLAN IMPLEMENTATION

1. The permittee shall develop and maintain adequate legal authorities to implement all parts of this permit, including the approved Stormwater Management Plan. The permittee shall keep the Director advised of the status of development of the necessary legal authorities and shall pursue these in accordance with the schedules established in the Stormwater Management Plan.
2. The permittee shall maintain adequate funding and staffing to implement and manage all provisions of the Stormwater Management Plan.
3. Provisions of the permittee's Stormwater Management Plan which may be found to conflict with the requirements of Session Law 2004-163, or the Stormwater Management Rule, or 40 Code of Federal Regulations 122.30 and following, will be subsequently amended to comply with the law and regulations.
4. The permittee shall develop, implement, and enforce the Stormwater Management Plan such that the discharge of pollutants from the MS4 is reduced to the maximum extent practicable. The permittee shall implement the Stormwater Management Plan with emphasis given to priority areas and to management measures and programs that are most effective and efficient at the several stages of the plan's implementation.
5. The permittee shall implement public education and outreach, and public involvement programs to comply with the requirements of, and to support the objectives of, this stormwater discharge General Permit and the approved Stormwater Management Plan.
6. The permittee shall implement the pertinent components of the approved Stormwater Management Plan to assure that illicit discharges, spills, and illegal dumping into the MS4 are detected and eliminated.
7. In accordance with the provisions of the approved Stormwater Management Plan, the permittee shall develop, implement, and enforce a program to reduce pollution from construction site runoff.
8. In accordance with the provisions of the approved Stormwater Management Plan, the permittee shall implement a post-construction stormwater management program to regulate stormwater runoff from new development and redevelopment by requiring structural and non-structural best management practices to prevent or minimize post-development impacts to water quality. The program must manage stormwater and protect water quality. This program shall include provisions for long-term operation and maintenance of structural BMPs.

9. In accordance with the provisions of the approved Stormwater Management Plan, the permittee shall develop and implement a program for the evaluation, operation, and maintenance of municipal facilities to reduce the potential for stormwater pollution.
10. The permittee shall monitor and assess the performance of the various management programs and management measures as identified in the permittee's approved Stormwater Management Plan on an annual basis.
11. Proposed modifications to the Stormwater Management Plan, including proposed modifications to the schedules contained therein, must be submitted to the Director for approval.

SECTION B: PUBLIC EDUCATION AND OUTREACH PROGRAM

1. Objectives for Public Education and Outreach Program

- (a) Raise public awareness on the causes and impacts of stormwater pollution.
- (b) Inform the public on steps they can take to reduce or prevent stormwater pollution.

2. BMPs for the Public Education and Outreach Program

The permittee shall implement the following BMPs to meet the objectives of the Public Education and Outreach Program.

BMP	Measurable Goals
(a) Establish a Public Education and Outreach Program	Develop a public education program and implement within 12 months of the Certificate of Coverage issue date. Instead of developing its own materials, the permittee may rely on state-supplied Public Education and Outreach materials, as available, when implementing its program. Incorporate outreach elements for significant minority and disadvantaged communities.
(b) Distribute targeted public education materials	Develop and distribute stormwater educational materials targeting select groups such as school children, households, builders and developers, and businesses likely to have a significant stormwater impact. Identify steps that each targeted group can take to reduce stormwater pollution.
(c) Distribute general public stormwater pollution education materials	Distribute written educational material to a wider public audience. For example, through utility mail outs, or at special civic events, or broadcast spots, or at high traffic businesses.

SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM

1. Objectives for the Public Involvement and Participation Program

- (a) Provide opportunities for the public to participate in program development, implementation, and review.
- (b) Reach out and engage major economic and ethnic groups.
- (c) Comply with applicable state and local public notice requirements.

2. BMPs for the Public Involvement and Participation Program

The permittee shall implement the following BMPs to meet the objectives of the Public Involvement and Participation Program.

BMP	Measurable Goals
(a) Administer a Public Involvement Program	Establish a Public Involvement Program. Conduct at least one public meeting to allow the public an opportunity to review and comment on the stormwater management program. Comply with state and local requirements for public notice. Make specific provisions to reach out and engage all economic and significant ethnic groups.
(b) Organize a volunteer community involvement program	Organize and implement annually a volunteer stormwater related program designed to promote ongoing citizen participation.

SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

1. Objectives for the Illicit Discharge Detection and Elimination Program

- (a) Detect and eliminate illicit discharges, including spills and illegal dumping.
- (b) Address significant contributors of pollutants to the MS4. The permittee may require specific controls for a category of discharges, or prohibit that discharge completely, if one or more of these categories of sources are identified as a significant contributor of pollutants to the MS4.

2. BMPs for the Illicit Discharge Detection and Elimination Program

The permittee shall implement the following BMPs to meet the objectives of the Illicit Discharge Detection and Elimination Program.

BMP	Measurable Goals
(a) Develop and implement an Illicit Discharge Detection and Elimination Program	Develop and implement an Illicit Discharge Detection and Elimination Program. Include provisions for program assessment and evaluation.
(b) Establish and maintain appropriate legal authorities	Establish and maintain adequate legal authorities to prohibit illicit discharges and enforce an approved Illicit Discharge Detection and Elimination Program.
(c) Develop a storm sewer system map	Complete the identification of, locations of, and mapping of stormwater drainage system components. At a minimum, mapping components must include outfalls and receiving streams.
(d) Implement illicit discharge detection procedures	Implement an inspection program to detect dry weather flows at system outfalls. Establish procedures for tracing the sources of illicit discharges and for removing the sources. Develop procedures for identification of priority areas likely to have illicit discharges. Address incidental non-stormwater discharges if they are significant contributors of pollutants to the MS4.
(e) Conduct employee cross-training	Conduct training for selected municipal staff on detecting and reporting illicit discharges.
(f) Provide public education	Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
(g) Establish a public reporting mechanism	Establish and publicize a reporting mechanism for the public to report illicit discharges.

SECTION E: CONSTRUCTION SITE RUNOFF CONTROL PROGRAM

1. Objective for the Construction Site Runoff Control Program

Reduce the pollutants in stormwater runoff from construction activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development.

2. BMPs for the Construction Site Runoff Control Program

The permittee shall implement the following BMP to meet the objective of the Construction Site Runoff Control Program.

BMP	Measurable Goals
(a) Implement a program and establish a regulatory mechanism for erosion and sediment control at construction sites	The permittee shall rely exclusively on the NCDENR Division of Land Resources (DLR) Erosion and Sediment Control Program and the requirements of the active NCG010000, the General Permit to Discharge Stormwater Under the National Pollutant Discharge Elimination System associated with construction activities, as administered exclusively by the DLR.

SECTION F: POST-CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

1. Objectives for the Post-Construction Stormwater Management Program

- (a) Manage stormwater runoff from new development projects and redevelopment projects that disturb an acre or more of land, including projects less than an acre that are part of a larger common plan of development or sale.
- (b) Protect water quality.
- (c) Ensure long term operation and maintenance of BMPs.

2. BMPs for the Post-Construction Stormwater Management Program

The permittee shall implement the following BMPs to meet the objectives of the Post-Construction Stormwater Management Program.

BMP	Measurable Goals
(a) Establish a Post-Construction Stormwater Management Program	Develop, adopt by ordinance (or similar regulatory mechanism), implement, and enforce a program to address stormwater runoff from new development and redevelopment. The ordinance must be reviewed and approved by the Director prior to implementation. Ensure that controls are in place to prevent or minimize water quality impacts. This BMP shall be implemented in accordance with the schedule in the Certificate of Coverage.
(b) Establish strategies which include BMPs appropriate for the MS4	Develop and implement strategies that include a combination of structural and/or non-structural BMPs. Ensure adequate long-term operation and maintenance of structural BMPs. Require annual inspection reports of permitted structural BMPs performed by a qualified professional.
(c) Establish a program to control the sources of fecal coliform to the maximum extent practicable	Control the sources of fecal coliform to the maximum extent practicable. Develop and implement an oversight program to ensure proper operation and maintenance of on-site wastewater treatment systems for domestic wastewater. The permittee shall coordinate this program with the county health department.
(d) Establish trout waters (Tr) protection measures (for programs with development or redevelopment draining to Tr waters)	Develop, adopt, and implement an ordinance (or similar regulatory mechanism) to ensure that the best management practices selected do not result in a sustained increase in the receiving water temperature.
(e) Establish nutrient sensitive waters (NSW) protection measures (for programs with development or redevelopment draining to NSW waters)	Develop, adopt, and implement an ordinance (or similar regulatory mechanism) to ensure that the best management practice for reducing nutrient loading is selected. In areas where the Environmental Management Commission has approved a Nutrient Sensitive Water Urban Stormwater Management Program, the provisions of that program fulfill the nutrient loading reduction requirement. Develop and include a nutrient application (fertilizer and organic nutrients) management program in the Post-construction Stormwater Management Program.

3. Post-construction Stormwater Management Program measures

- (a) Those areas within the jurisdictional area of the permittee that are already subject to the existing state stormwater management programs listed herein are deemed compliant with the post-construction stormwater management model practices identified in (b) below. The listed programs are: the Water Supply Watershed protection programs for WS-I – WS-IV waters, the HQW and ORW waters management strategies, the Neuse River Basin Nutrient Sensitive Waters Management Strategy, the Tar-Pamlico River Basin Nutrient Sensitive Waters Management Strategy, and the Randleman Lake Water Supply Watershed program.
- (b) Model Practices. For those areas within the jurisdictional area of the permittee that are not subject to the post-construction stormwater management provisions of one of the existing state stormwater management programs listed in (a) above, the permittee shall implement the following model practices.
 - (i) The permittee may issue a local stormwater management permit to a development or redevelopment project as either a low density project or a high density project.
 - (ii) A project may be permitted as a low density project if it meets the following criteria:
 - (A) No more than two dwelling units per acre or 24% built-upon area;
 - (B) Use of vegetated conveyances to the maximum extent practicable;
 - (C) All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and,
 - (D) Deed restrictions and protective covenants are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.
 - (iii) A project not consistent with the requirements for a low density project may be permitted as a high density project if it meets the following requirements:
 - (A) The stormwater control measures must control and treat the difference between the pre-development and post-development conditions for the 1-year 24-hour storm. Runoff volume drawdown time must be a minimum of 24 hours, but not more than 120 hours;
 - (B) All structural stormwater treatment systems must be designed to achieve 85% average annual removal of total suspended solids;
 - (C) Stormwater management measures must comply with the General Engineering Design Criteria For All Projects requirements listed in 15A NCAC 2H .1008(c);
 - (D) All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and,

- (E) Deed restrictions and protective covenants are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS PROGRAM

1. Objective for the Pollution Prevention and Good Housekeeping for Municipal Operations Program

Prevent or reduce stormwater pollution from municipal operations.

2. BMPs for the Pollution Prevention and Good Housekeeping for Municipal Operations Program

The permittee shall implement the following BMPs to meet the objectives of the Pollution Prevention and Good Housekeeping for Municipal Operations Program.

BMP	Measurable Goals
(a) Develop an operation and maintenance program	Develop an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.
(b) Inspection and evaluation of municipal facilities and operations	Develop an inventory of all facilities and operations owned and operated by the permittee with the potential for generating polluted stormwater runoff. Specifically inspect the stormwater system, the potential sources of polluted runoff, the stormwater controls, and the conveyance systems. Evaluate the sources, document deficiencies, plan corrective actions, and document the accomplishment of corrective actions.
(c) Conduct staff training	Conduct staff training specific for stormwater pollution prevention and good housekeeping procedures.
(d) Review of regulated industrial activities	Conduct an annual review of the industrial activities owned or operated by the permittee that hold a Phase I NPDES stormwater permit. Specifically review the following aspects: the Stormwater Pollution Prevention Plan where one is required, the timeliness of any monitoring reports required by the Phase I permit, and the results of inspections and subsequent follow-up actions at the facilities.

PART III STORMWATER MANAGEMENT PLAN ASSESSMENT AND PERMIT COMPLIANCE ASSESSMENT

1. Implementation of the Stormwater Management Plan shall include documentation of all program components that are being undertaken including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, and enforcement actions. Documentation shall be kept on-file by the permittee for a period of five years and made available to the Director or his authorized representative immediately upon request.

2. The permittee's Stormwater Management Plan shall be reviewed and updated as necessary, but at least on an annual basis. The permittee shall submit a report of this evaluation and monitoring information to the Director. This information shall be submitted each year, within 30 days after the anniversary of the effective date of the permittee's Certificate of Coverage, and it shall cover the previous year's activities as defined by each succeeding anniversary of the Certificate of Coverage effective date. The permittee's reporting shall include appropriate information to accurately describe the progress, status, and results of the Stormwater Management Plan and shall include, as a minimum, the following components:
 - (a) A detailed description of the status of implementation of the Stormwater Management Plan. This shall include information on the development and implementation of all components of the Stormwater Management Plan for the past year and schedules and plans for the year following each report.

 - (b) A description and justification for any proposed changes to the Stormwater Management Plan. This shall include descriptions and supporting information for the proposed changes and how these changes will affect the Stormwater Management Plan (results, effectiveness, implementation schedule, etc.).

 - (c) Documentation of any necessary changes to the programs or the practices for assessment of the management measures implemented through the Stormwater Management Plan. In addition, any changes in the cost of, or funding for, the Stormwater Management Plan shall be documented.

 - (d) A summary of data accumulated as part of the Stormwater Management Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Management Plan.

 - (e) Information on the annual expenditures and budget anticipated for the year following each report along with an assessment of the continued financial support for the overall Stormwater Management Plan.

 - (f) A summary of activities undertaken as part of the Stormwater Management Plan throughout the year. This summary shall include, but is not limited to, information on the establishment of appropriate legal authorities, project assessments, inspections, enforcement actions, continued inventory and review of the storm sewer system, public education, training, and results of the illicit discharge detection and elimination program.

3. The Director may notify the permittee when the permittee does not meet one or more of the requirements of this permit. Within 30 days of such notice, the permittee shall submit a plan and time schedule to the Director for meeting the permit requirements. The Director may approve the corrective action plan, approve a plan with modifications, or reject the proposed plan. The permittee shall provide certification in writing (in accordance with Part IV, Paragraph 2) to the Director that the changes have been made. Nothing in this paragraph shall be construed to limit the Director's ability to conduct enforcement actions for violations of this permit.

4. The Director may request additional reporting information as necessary to assess the permittee's compliance with this permit, including compliance with the elements of the permittee's Stormwater Management Plan.

PART IV REPORTING AND RECORD KEEPING REQUIREMENTS

1. Records

The permittee shall retain records of all information required by this permit for a period of at least 5 years from the date of acquisition. This period may be extended by request of the Director at any time prior to the end of the five-year period.

2. Report Submittals

(a) Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Division of Water Quality
 Surface Water Protection Section
 Stormwater Permitting Unit
 1617 Mail Service Center
 Raleigh, North Carolina 27699-1617

(b) All applications, reports, or information submitted to DWQ shall be signed by a principal executive officer, ranking elected official, or duly authorized representative. A person is a duly authorized representative only if:

- (i) The authorization is made in writing by a principal executive officer or ranking elected official;
- (ii) The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and
- (iii) The written authorization is submitted to the Director.

(c) Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

3. Recording Results

For each activity performed or information collected pursuant to the requirements of this permit, the permittee shall record the following information:

- (a) The dates, exact place, and time of activity or information collected;
- (b) The individual(s) who performed the activity;
- (c) The techniques or methods used; and
- (d) The results of such activity or information collected.

4. Twenty-four Hour Reporting

The permittee shall report to the DWQ central office or the appropriate regional office any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5. Annual Reporting

The permittee shall submit reporting and program monitoring information on an annual basis, concurrent with the annual assessment of the Stormwater Management Plan.

6. Additional Reporting

The Director may request reporting information on a more frequent basis as deemed necessary either for specific portions of the permittee's Stormwater Management Plan, or for the entire Plan.

7. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in applying to be covered under this permit or in any report to the Director, it shall promptly submit such facts or information.

PART V STANDARD CONDITIONS

SECTION A: COMPLIANCE AND LIABILITY

1. Duty to Comply

The permittee shall comply with all conditions of this general permit. Any general permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for certificate of coverage termination, revocation, re-issuance, or modification; or denial of general permit coverage upon renewal application.

- (a) The permittee shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the general permit has not yet been modified to incorporate the requirement.
- (b) The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$11,000 per violation with the maximum amount not to exceed \$137,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- (c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
- (d) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently

\$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

6. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required by this permit.

8. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

10. Permit Actions

Coverage under this permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

SECTION B: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by the permittee to achieve compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

SECTION C: MONITORING AND RECORDS

1. Representative Sampling

When required herein, stormwater samples collected and measurements taken shall be characteristic of the volume and nature of the permitted discharge. Analytical stormwater sampling shall be performed during a representative storm event. These samples shall be

taken on a day and time that is characteristic of the discharge. Where appropriate, all stormwater samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. When specified herein, monitoring points established in this permit shall not be changed without notification to and approval of the Director.

2. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

3. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of any monitoring required by this permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

4. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a MS4, an authorized representative of a municipal operator of the MS4 receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this

permit shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

PART VI LIMITATIONS REOPENER

The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

The permittee shall pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause the Director to initiate action to revoke coverage under the permit.

PART VIII DEFINITIONS

1. Act
See Clean Water Act.
2. Best Management Practice (BMP)
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs can be structural or non-structural and may take the form of a process, activity, physical structure or planning (see non-structural BMP).
3. Built-upon Area
That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.
4. Clean Water Act
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.
5. Common Plan of Development
A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways:
 - (a) In separate stages
 - (b) In separate phases
 - (c) In combination with other construction activities.

It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot. It can include one operator or many operators.

6. Department
Department means the North Carolina Department of Environment and Natural Resources.
7. Division (DWQ)
The Division of Water Quality, Department of Environment and Natural Resources.
8. Director
The Director of the Division of Water Quality, the permit issuing authority.
9. EMC
The North Carolina Environmental Management Commission.
10. Grab Sample
An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored must be taken within the first 30 minutes of discharge.
11. Hazardous Substance
Any substance designated in 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
12. Illicit Discharge
Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit), allowable non-stormwater discharges, and discharges resulting from fire-fighting activities.
13. Industrial Activity
For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.
14. Municipal Separate Storm Sewer System (MS4)
Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
 - (i) Owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved

management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States or waters of the State;

- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

15. Non-stormwater Discharge Categories

The following are categories of non-stormwater discharges that the permittee must address if it identifies them as significant contributors of pollutants to the storm sewer system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, [as defined in 40 CFR 35.2005(20)], uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the definition of illicit discharge and only need to be addressed where they are identified as significant sources of pollutants to waters of the United States).

16. Non-structural BMP

Non-structural BMPs are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance, and spill prevention.

17. Outfall

The point of wastewater or stormwater discharge from a discrete conveyance system. See also point source discharge of stormwater.

18. Permittee

The owner or operator issued this permit.

19. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

20. Redevelopment
Any rebuilding activity other than a rebuilding activity that results in no net increase in built-upon area, and provides equal or greater stormwater control than the previous development.
21. Representative Storm Event
A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.
22. Stormwater Runoff
The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.
23. Total Maximum Daily Load (TMDL)
A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Section 303 of the Clean Water Act establishes the water quality standards and TMDL program.
24. Toxic Pollutant
Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: June 9, 2014

Presenter: Anthony Bowers

Item to be Considered

Subject: Budget Amendment 13-14-04

Action Requested: Adopt the Budget Amendment

Attachments: Budget Amendment 13-14-04

Prepared By: Anthony Bowers

Date: 6/5/2014

ABSTRACT ROUTING:

TC _____

FD _____

TM _____

Final _____

Supporting Documentation

This budget amendment is the final amendment for the 2013-2014 Fiscal Year.

The first item is related to trying to better represent the Ad Valorem taxes collected this year. The levy was higher than estimated so we increased the current year taxes in the amount of \$38,700. We also collected more prior year taxes than estimated, so we increased that amount by \$15,000 combined. We also had additional revenues in building inspections and collected \$49,000 in revenues above what was estimated. This was the first full year. Due to the increased revenues we are reducing the Fund Balance Appropriation by \$57,100.

The second item address revenue shortfalls in Recreation. The recreation fund will see a decrease in \$4,000 and is offset by a reduction in appropriations. The tournament revenue is short by \$16,000. This is due to travel ball tournaments decrease in participation and weather conditions. This reduction in revenue was covered by a reduction in various operating appropriations.

The third item is related to an additional \$9,000 received for Powell Bill Funds.

The fourth item addresses the increase cost of power purchased from Duke Energy. Cost increased due to high demand and problems with the Shearon Harris Nuclear Power Plant.

The fifth item allows for the transfer of \$35,000 contributed by Christ Covenant School to the new Capital Project Fund.

The last item is related sales in the sewer fund being \$75,000 less than what was budgeted. \$15,000 increase in revenue from the Bell Arthur Water Corporation will reduce the need to use Retained Earnings to \$60,000.

Budgetary Impact: The total budget will increase in the amount of \$135,900

Recommendation: Adopt the budget amendment

BUDGET ORDINANCE AMENDMENT 13-14-04

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2014:

SECTION 1. Revenues are to be changed as follows:

LINE ITEM DESCRIPTION	Fund	Increase	Decrease
Taxes Ad Valorem	General	\$ 38,700	
Fund Balance Appropriation	General		\$ 57,100.00
Taxes Prior Year	General	\$ 8,000	
Taxes 2 Prior Years	General	\$ 7,000	
Building Inspections	General	\$ 49,000	
Debt Service Proceeds	General	\$ 800	
Contribution from Electric	General	\$ 5,500	
Fund Raising Contribution	Recreation		\$ 4,000.00
Tournament Revenue	Recreation		\$ 16,000.00
Powell Bill Distribution	Powell Bill	\$ 9,000	
Retained Earnings	Electric	\$ 60,000	
Contribution From Developer	Water	\$ 35,000	
Sewer Charges	Sewer		\$ 75,000.00
BAWC Revenue	Sewer	\$ 15,000	
Retained Earnings	Sewer	\$ 60,000	
Total		\$ 288,000	\$ 152,100

SECTION 2. Appropriations are to be changed as follows:

LINE ITEM DESCRIPTION	Department	Fund	Increase	Decrease
Capital Outlay	1042426000 7150	General	\$ 2,500.00	
Supplies and Materials	6071711000 4230	Electric		\$ 2,500.00
Salaries and Wages	1041412000 4120 Admin	General	\$ 9,000.00	
Salaries and Wages	1041413000 4120 Planning	General	\$ 5,000.00	
Insurance and Bonds	1041950000 5122 Non Departmental	General	\$ 6,100.00	
CSX Crossing Maint	1041950000 5126 Non Departmental	General	\$ 4,500.00	
Utilities	1042426000 4228 Public Buildings	General	\$ 5,000.00	
Street Lights	1042426000 4251 Street Lights	General	\$ 4,500.00	
Contracted Services	1047471000 4233 Sanitation	General	\$ 5,000.00	
Salaries and Wages	1043432000 4120 Salaries and Wages	General	\$ 6,500.00	
Vehicle Purchase	1045451002 4268 Public Works	General	\$ 800.00	
Powell Bill Funds	1645451000 4271	Powell	\$ 9,000.00	
Utilities	1560601000 4228 Recreation	Recreation		\$ 9,000.00
Supplies and Materials	1560601000 4230 Recreation	Recreation		\$ 2,000.00
Contracted Services	1560601000 4233 Recreation	Recreation		\$ 3,000.00
Facility Maintenance	1560601000 4239 Recreation	Recreation		\$ 3,000.00
Football	1560601000 4280 Recreation	Recreation		\$ 1,000.00
Recreation Programs	1560601000 4282 Recreation	Recreation		\$ 1,000.00
Fall Ball	1560601000 4298 Recreation	Recreation		\$ 1,000.00
Purchase For Resale	6071711000 4302 Electric	Electric	\$ 60,000.00	
Contribution to GF	6071711000 9101 Electric	Electric	\$ 5,500.00	
Contribution to CIP	6171711000 9107 Water	Water	\$ 35,000.00	
Total			\$ 158,400	\$ 22,500

Adopted the 9th day of June 2014.

Mayor

Town Clerk



Town of Winterville Town Council Agenda Abstract

Item Section: Old Business

Meeting Date: June 9, 2014

Presenter: Alan Lilley, Planning Director

Item to be Considered

Subject: Consideration of Preferred Alternative for proposed improvements to the intersection of Old Tar Road and Cooper Street/Worthington Road.

Action Requested: Consideration of communicating the Town of Winterville's Preferred Alternative to NCDOT.

Attachments: Planning and Zoning Board Report for May 19, 2014

Prepared By: Alan Lilley, Planning Director

Date: 5/27/2014

ABSTRACT ROUTING:

TC JJS-6/3/14

FD _____

TM tlp – 6/4/2014

Final tlp – 6/4/20/14

Supporting Documentation

At the May 12, 2014 meeting, the Town Council held discussion on two alternatives for improvement of the intersection of Cooper Street/Worthington Road and Old Tar Road. **Alternative A** proposes a “*conventional widening*” design with one let turn lane in all directions; one right turn lane from Old Tar Road to Cooper Street and installation of a traffic signal. **Alternative A2** proposes a “*roundabout design*”. After discussion, the Council directed Planning Department staff to present the item to the Planning and Zoning Board and seek their recommendation. The Planning & Zoning Board held discussion on the item at the May 19, 2014 meeting. After in depth discussion, the Chairman asked for a vote on the alternative preferred by the Planning Board members. Two (2) members voted **Alternative A** – “*conventional widening*” as the preferred alternative. Six (6) members voted **Alternative A2** – “*roundabout design*” as the preferred alternative.

(See attached Planning Board Report for May 12, 2014).

Budgetary Impact: N/A.

Recommendation: If Town Council wishes to communicate a preferred alternative, it would be appropriate to adopt a resolution naming the preferred alternative provide a copy to NCDOT.



Town of Winterville Town Council Agenda Abstract

Item Section: Old Business

Meeting Date: June 9, 2014

Presenter: Alan Lilley, Planning Director

Item to be Considered

Subject: Proposed "Portable Temporary Storage Unit" regulations – status report.

Action Requested: Receive report.

Attachments: N/A

Prepared By: Alan Lilley, Planning Director

Date: 5/27/2014

ABSTRACT ROUTING:

TC JJS-6/3/14

FD _____

TM tlp – 6/4/2014

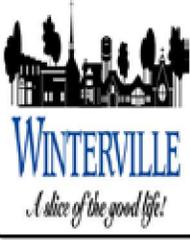
Final tlp –6/4/20/14

Supporting Documentation

At the May 12, 2014 meeting, Town Council held discussion on developing standards for regulation of "Portable Temporary Storage Units". Planning Department Staff has been working with the Planning & Zoning Board drafting a Zoning Ordinance Amendment to incorporate such regulations into the Zoning Ordinance. At their May 19, 2014 meeting, the Planning & Zoning Board gave an in depth review of draft regulations that have been proposed by Staff. A number of questions requiring further research arose and staff was directed to research these issues and report at the next Planning & Zoning Board meeting. Mike Weldin, Winterville Building Inspector, is also in the process of reviewing the draft regulations so that he can give his input and advice.

Budgetary Impact: N/A

Recommendation: Receive report and, if desired, give staff any specific direction agreed upon by the Council.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 9, 2014

Presenter: Evan Johnston, Director of Parks & Recreation

Item to be Considered

Subject: Resolution of Support for Tobacco-Free Parks in Pitt County.

Action Requested: Approve Resolution of Support for Tobacco-Free Parks in Pitt County.

Attachments: Resolution of Support for Tobacco-Free Parks in Pitt County

Prepared By: Evan Johnston, Director of Parks & Recreation

Date: 5/27/2014

ABSTRACT ROUTING:

TC 6/3/2014 JJS

FD _____

TM tlp – 6/4/2014

Final 6/4/2014

Supporting Documentation

The Pitt County Board of Health (PCBH) is considering adoption of a public health rule prohibiting use of tobacco products in all public parks within Pitt County. The prohibition does include (but not limited to) electronic cigarettes. The PCBH has asked Pitt County Recreation Boards and Town Councils to consider attached resolution in an effort to understand whether aforementioned Boards/Councils would support Tobacco-Free Parks in Pitt County.

At their May 13th regular meeting, the Winterville Recreation Advisory Board (RAB) voted to recommend approval of “Resolution of Support for Tobacco-Free Parks in Pitt County” by the Winterville Town Council. RAB recommended approval of Resolution by Town Council with no changes.

At this time the PCBH intends to allow the Tobacco-Free Parks in Pitt County public health rule to be self-enforced by each respective community.

Budgetary Impact: None. Pitt County plans to provide funding for Tobacco-Free Parks signage.

Recommendation: Approve Resolution of Support for Tobacco-Free Parks in Pitt County.

February 26, 2014

Mrs. Jasman Smith, Town Clerk
Town of Winterville
PO Box 1459
Winterville, NC 28590

Dear Mrs. Smith,

The Pitt County Board of Health is considering adoption of a public health rule that would prohibit the use of tobacco products, including electronic cigarettes, in all public parks within Pitt County. Before the Board takes action on this issue, they would like to know whether or not your Board/Commission/Committee would support such an action.

Please read the attached resolution. If you do support this action, please take a vote to approve it, then mail/fax/email the signed document to the following address:

Jennifer Dickerson
Pitt County Deputy Registrar
201 Government Circle
Greenville, NC 27834
Tel: 252-902-2442
Fax: 252-413-1396

jennifer.dickerson@pittcountync.gov

Feel free to change this resolution to fit your need. If you would like any assistance with making these changes do not hesitate to call us.

Communities across the country have improved their public parks by making them smoke-free or tobacco-free. Often municipal officials are concerned about who will enforce such regulations. The Pitt County Board of Health intends to allow this rule to be self-enforced by the community at large. There usually is no need for police intervention. We also plan to use grant funding to purchase attractive signs for your park. These signs will have a positive message that will encourage healthy behavior. We hope that by decreasing tobacco litter, park maintenance cost will actually decrease.

If you have other questions or concerns about this public health rule, I will be happy to discuss it with you.

Sincerely,



John H. Morrow, MD, MPH
Health Director

Resolution of Support for Tobacco-Free Parks in Pitt County

WHEREAS, our parks are established to promote healthy activities and community wellness; especially for children;

WHEREAS, several parks in Pitt County share facilities with, or are located adjacent to public schools, which by law, have 100% tobacco-free campuses;

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in Pitt County, in North Carolina and our nation;¹

WHEREAS, research indicates that during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in proximity to the smoker;²

WHEREAS, children learn by modeling adult behavior and benefit by having positive role models and from positive reinforcement of healthy lifestyles;

WHEREAS, cigarette and tobacco litter is the number one item littered in our parks and creates a health and safety hazard to both small children and wildlife, and distracts from the natural beauty of the environment;

WHEREAS, the United States Food and Drug Administration (FDA) has stated that an analysis of electronic cigarettes or "e-cigarette" samples indicates that they contain not only nicotine but also detectable levels of known carcinogens and toxic chemicals;

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment," North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places";

WHEREAS, the Mission of Pitt County Public Health is to "Protect, Promote and Assure the Health of all People in Pitt County", and the Board of Health has the authority under NC General Statute 130A-39 to adopt rules necessary for that purpose; and these rules apply to the County and all the municipalities within Pitt County;

THEREFORE, be it resolved, that _____ supports the adoption of a Public Health Rule to prohibit use of all tobacco products, including e-cigarettes in all public parks located within Pitt County.

Chairman

Date

¹Centers for Disease Control and Prevention, Smoking and Tobacco Use Fast Facts, <http://www.cdc.gov/tobacco/datastatistics/factsheets/fact/#toll>

² Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-time Measurement of Outdoor Tobacco Smoke Particles*, 57 J. AIR & WASTE MGMT. ASS'N 522, 522 (2007); Neil E. Klepeis, Etienne B. Gabel, Wayne R. Ott, and Paul Switzer, *Outdoor Air Pollution in Close Proximity to a Continuous Point Source*, 43 ATMOSPHERIC ENV'T 3155, 3165 (2009); Jihee Hwang, Kiyoung Lee. *Determination of Outdoor Tobacco Smoke Exposure by Distance From a Smoking Source*, NICOTINE & TOBACCO RESEARCH, 1-7 (2013).



Town of Winterville Town Council Agenda Abstract

Item Section: New Business

Meeting Date: June 9, 2014

Presenter: Alan Lilley, Planning Director

Item to be Considered

Subject: Appointments to Boards and Commissions (*Planning & Zoning Board*)

Action Requested: Make appointment of members to Planning & Zoning Board

Attachments: Applications for membership received or already on file

Prepared By: Alan Lilley, Planning Director

Date: 6/2/2014

ABSTRACT ROUTING:

TC JJS-6/3/14

FD _____

TM tlp – 6/4/2014

Final tlp – 6/4/2014

Supporting Documentation

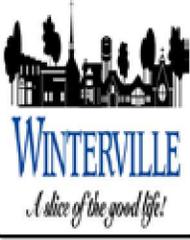
The terms of the following five (5) Planning and Zoning Board members will expire June 30, 2014:

Tim Miller, Douglas Kilian, Margie Crawford, John Demary, & Willie Hines. All positions are “in-town” members appointed by the Town Council. All of these members have requested to be appointed to a new term.

Copies of any new applications for membership that have been received as a result of advertising are attached.

Budgetary Impact: N/A

Recommendation: From the above list of members and any applications received, appoint five persons as regular “in-town” members to a new three (3) year term expiring: June 30, 2017.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 9, 2014

Presenter: Evan Johnston, Director of Parks & Recreation

Item to be Considered

Subject: Recreation Advisory Board Appointment and Re-Appointment.

Action Requested: Re-appoint Recreation Advisory Board members requesting to serve another term.

Attachments: None

Prepared By: Evan Johnston, Director of Parks & Recreation

Date: 5/27/2014

ABSTRACT ROUTING:

TC 6/3/2014 jjs

FD _____

TM tlp - 6/4/2014

Final tlp - 6-4-2014

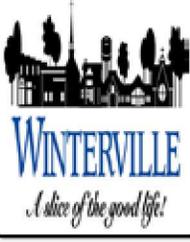
Supporting Documentation

The Recreation Advisory Board has five (5) members whose term expiration is June 30, 2014. Following is a list of members and their membership type: Kirby Bryson (resident), Lela Blount (resident), Randy Bowers (resident), Shonda Bullock (non-resident), and Frederick Pischke (non-resident).

All members with the exception of Lela Blount have asked to be re-appointed for an additional two (2) year term on the Recreation Advisory Board. Lela Blount will be unable to continue serving on the Board after June.

Budgetary Impact: None.

Recommendation: Re-appoint Recreation Advisory Board members requesting to serve another term.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 9, 2014

Presenter: Travis Welborn, Public Works
Director

Item to be Considered

Subject: Proposed No Parking Zone – Craft Winds Subdivision Lift Station

Action Requested: Approval of No Parking Zone

Attachments: Pictures and Schematic

Prepared By: Travis Welborn, Public Works Director

Date: 5/27/2014

ABSTRACT ROUTING:

TC JJS-6/3/14

FD _____

TM tlp – 6/4/2014

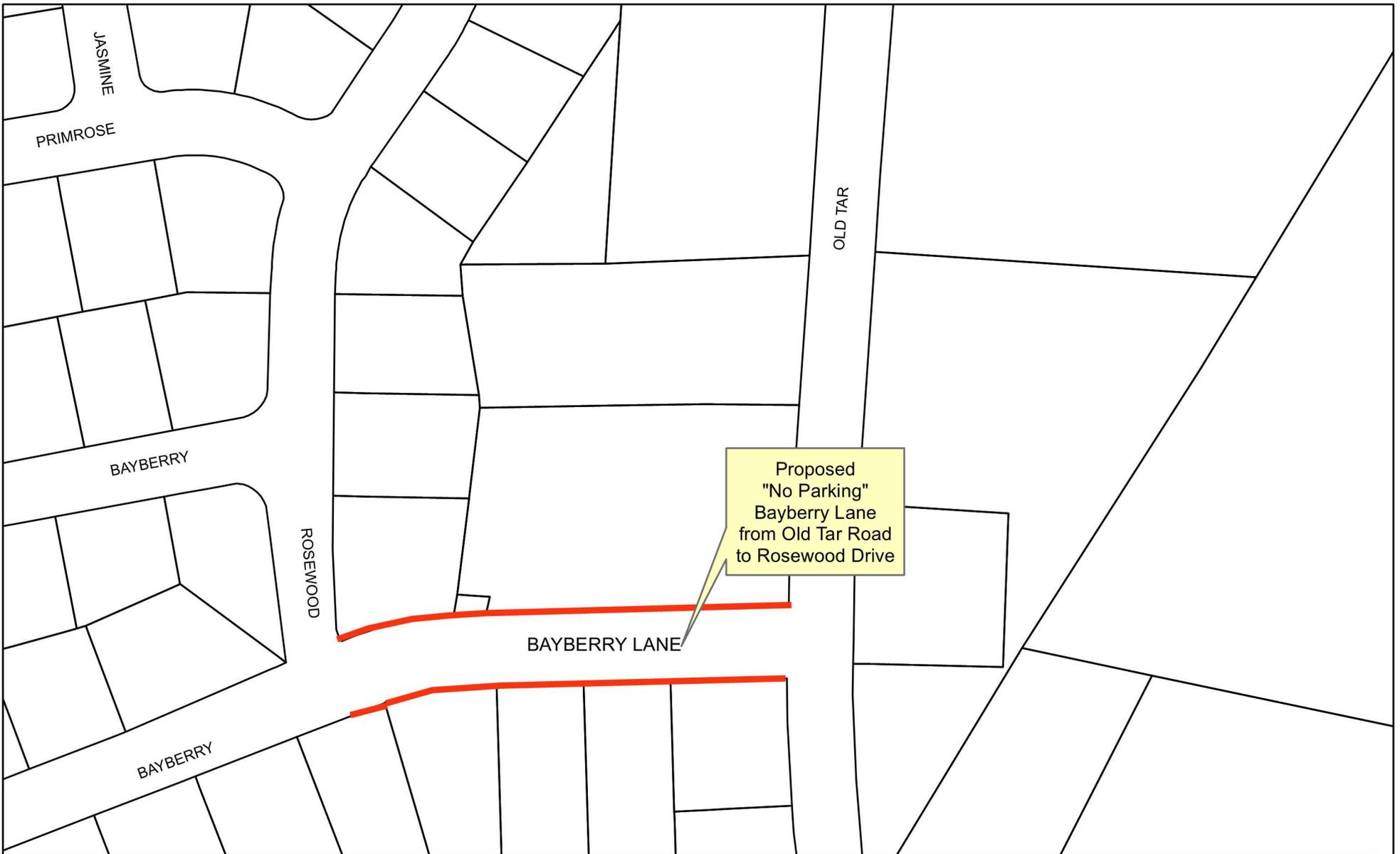
Final tlp – 6/4/2014

Supporting Documentation

The Craft Winds Lift Station is located on Bayberry Lane between Rosewood Drive and Old Tar Road. This lift station has no access for the Towns sewer crane trucks or Vac-Con truck which is used to clean the station and unclog stopped up sewer mains. Because of this, the electric department's line truck has to be used to pull pumps from this lift station. Both the line truck and the Vac-Con truck must be situated in the roadway immediately adjacent to the lift station when repairs are necessary. There have been several instances when repairs are necessary in the middle of the night (as well as during the day) and vehicles are parked in the way preventing access. If the owner of these vehicles is not at home or cannot be located in a timely fashion there is a potential for sanitary sewer overflows. Staff recommends enacting and enforcing a No Parking Zone from Rosewood Drive to Old Tar Road on both sides of Bayberry Lane. This is due to the fact that when the Town equipment is parked in the roadway cars parked on the south side of the road would prevent two-way traffic.

Budgetary Impact: Purchase of No Parking Zone signs would have very little impact to budget as they are inexpensive.

Recommendation: Enact No Parking Zone along Bayberry Lane from Rosewood Drive to Old Tar Road



Proposed
"No Parking"
Bayberry Lane
from Old Tar Road
to Rosewood Drive

BAYBERRY LANE

OLD TAR

ROSEWOOD

JASMINE

PRIMROSE

BAYBERRY

BAYBERRY

Proposed
"No Parking"
Bayberry Lane
from Old Tar Road
to Rosewood Drive



0 55 110 220 330 440
Feet