



**WINTERVILLE TOWN COUNCIL AGENDA
MONDAY, OCTOBER 9, 2023 - 6:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. **CALL TO ORDER.**
- II. **INVOCATION.**
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **APPROVAL OF AGENDA.**
- VI. **RECOGNITION OF NEW EMPLOYEES:**
 1. Angie Fuller, Human Resource Director.
 2. Trickey Finch, Office Manager, Fire ▪ Rescue ▪ EMS Department.
- VII. **PROCLAMATIONS:**
 1. Recognition of Xavier Meacham.
- VIII. **PUBLIC HEARINGS:**
 1. KPMEHRA LLC: Sanjay Mehra and Samuel Sanchez – Rezoning Request.
- IX. **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.*
- X. **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 Council Meeting Minutes.
 2. 2022 Tax Settlement.
 3. 2023 Tax Charge.
 4. Fee Schedule Update.
 5. Sourcewell Purchase Approval.
 6. Stormwater AIA Grant Resolution 23-R-091.
 7. Budget Amendment - 2023-2024-2.

XI. OLD BUSINESS:

1. Human Relations Board By-Law Amendments.
2. Update on Cemetery Expansion Project.

XII. NEW BUSINESS:

1. Zoning Ordinance Amendment Consideration: Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products.
2. Zoning Ordinance Amendment Consideration: Internet Sweepstakes.

XIII. OTHER AGENDA ITEMS.

XIV. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

1. Downtown Beautification - Thursday, October 12, 2023, 5:00 pm to 6:30 pm - Town Hall Assembly Room.
2. Multi-Purpose Facility - Thursday, October 19, 2023, 5:00 pm to 7:00 pm - Town Hall Assembly Room.

XV. ANNOUNCEMENTS:

- *Police Educating the Public Program: Wednesday, October 11, 2023 - Winterville Community room.*
- *Council Workshop - Downtown Beautification: Thursday, October 12, 2023 - 5:00 pm to 6:30 pm - Town Hall Assembly Room.*
- *Planning and Zoning Board Meeting: Monday, October 16, 2023 @ 7:00 pm - Town Hall Assembly Room.*
- *Board of Adjustment Meeting: Tuesday, October 17, 2023 @ 7:00 pm - Town Hall Assembly Room.*
- *Council Workshop - Multi-Purpose Facility: Thursday, October 19, 2023 - 5:00 pm to 7:00 pm - Town Hall Assembly Room.*
- *Coffee with a Cop: Friday, October 20, 2023 @ 9:30 am - Winterville Depot.*
- *Recreation Advisory Board: Tuesday, October 24, 2023 @ 6:30 pm – Operation Center.*
- *Human Relations Board Meeting: Thursday, October 26, 2023 @ 7:00 – Executive Conference Room.*
- *Winterville Fright Fest: Sunday, October 29, 2024 - 4:00 pm to 7:00 pm - Downtown Winterville.*
- *Agenda Review Meeting: Thursday, November 9, 2023 @ 4:00 pm – Town Hall Executive Conference Room.*
- *Regular Town Council Meeting: Monday, November 13, 2023 @ 6:00 pm - Town Hall Assembly Room.*
- *Christmas Activities Day: Saturday, December 9, 2023.*

XVI. QUARTERLY REPORTS FROM DEPARTMENT HEADS.

XVII. REPORTS FROM THE TOWN ATTORNEY, MAYOR AND TOWN COUNCIL, AND TOWN MANAGER.

- XVIII. CLOSED SESSION: NCGS § 143-318.11. (a) (3) and (a) (5). (a) (3)** To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

(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 (Potential Acquisition of Real Property and Attorney Client Privilege).

XIX. ADJOURN.

SPECIAL NOTICE: *Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Terri L. Parker at (252) 756-2221 ext. 2341 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: September 11, 2023

Presenter: Stephen Penn, Planning and Economic Development Director

Item to be Considered

Subject: KPMEHRA LLC: Sanjay Mehra and Samuel Sanchez – Rezoning Request (Parcels 24507, 42578, 50256).

Action Requested: Hold the Public Hearing.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification of Rezoning, Certified Notice to Adjacent Property Owners, Notice of Public Hearing, and Staff Report.

Prepared By: Stephen Penn, Planning and Economic Development Director

Date: 8/29/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

Applicant: KPMEHRA LLC: Sanjay Mehra and Samuel Sanchez (Owners of the properties).

Location: Northeastern Corner of Highway 11 and Vernon White Road: 139 Vernon White Road, 4319 Winterville Parkway.

Parcel Numbers: 24507, 42578, and 50256.

Site Data: 12.46 acres.

Current Zoning District: Agricultural Residential (AR).

Proposed Zoning District: General Business (GB).

- ❖ For the P&Z Meeting, adjacent property owners were mailed notification of the rezoning request on May 25, 2023.
- ❖ Notification was posted on the site on May 23, 2023.
- ❖ The Notice of the Rezoning was mailed to adjacent property owners and those within 100' of the property on August 29, 2023.
- ❖ Notice was published in the Daily Reflector on August 23, 2023 and August 30, 2023.
- ❖ Planning and Zoning Board recommended approval of the rezoning request unanimously June 13, 2023.

Budgetary Impact: TBD.

Recommendation: Staff recommends approval of the rezoning request for the 12.46 acres from AR to General Business (GB).



**REZONING APPLICATION
TOWN OF WINTERVILLE**
2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Sanjay Mehra

Address: 738 Lexington Drive, Greenville, NC 27834

Phone #: 352-615-2727

Owner: KPMEHRA LLC

Address: 738 Lexington Drive, Greenville, NC 27834

Phone #: 352-615-2727

PROPERTY INFORMATION

Parcel #: 24507 Area (square feet or acres): 8.43 acres

Current Land Use: Single Family Residence

Location of Property: Vernon White Rd. & Winterville Parkway

ZONING REQUEST

Existing Zoning: AR - Agricultural-Residential Requested Zoning: GB - General Business

Reason for zoning change: The requested General Business zoning (GB) will allow for a higher density urban development in close proximity to existing commercial development with access to a major thoroughfare (NC Highway 11) and is in general conformance with the Land Use Plan. The requested zoning also matches the existing zoning located immediately to the north of the property along Beacon Drive.

This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER/AGENT STATEMENT

I, Sanjay Mehra, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 06 / 19 / 2023.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

Signature  Date 5/12/2023

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, _____, being the Owner of the property described herein, do hereby authorize _____ as agent for the purpose of this application.

Signature _____ Date _____

Sworn to and subscribed before me, this _____ day of _____, 20____.

Notary Public

My Commission Expires:



**REZONING APPLICATION
TOWN OF WINTERVILLE**
2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Samuel Sanchez

Address: 4319 Winterville Parkway, Winterville NC 28590

Phone #: 252-412-8397

Owner: Samuel Sanchez and Lorena Sanchez

Address: 4319 Winterville Parkway, Winterville NC 28590

Phone #: 252-412-8397

PROPERTY INFORMATION

Parcel #: 42578 & 50256 Area (square feet or acres): 4.03 acres

Current Land Use: Single Family Residence

Location of Property: Vernon White Rd. & Winterville Parkway

ZONING REQUEST

Existing Zoning: AR - Agricultural-Residential Requested Zoning: GB - General Business

Reason for zoning change: The requested General Business zoning (GB) will allow for a higher density urban development in close proximity to existing commercial development with access to a major thoroughfare (NC Highway 11) and is in general conformance with the Land Use Plan. The requested zoning also matches the existing zoning located immediately to the north of the property along Beacon Drive.

This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER/AGENT STATEMENT

I, Samuel Sanchez & Lorena Sanchez, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 06 / 19 / 2023.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

 6/8/23
Signature Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

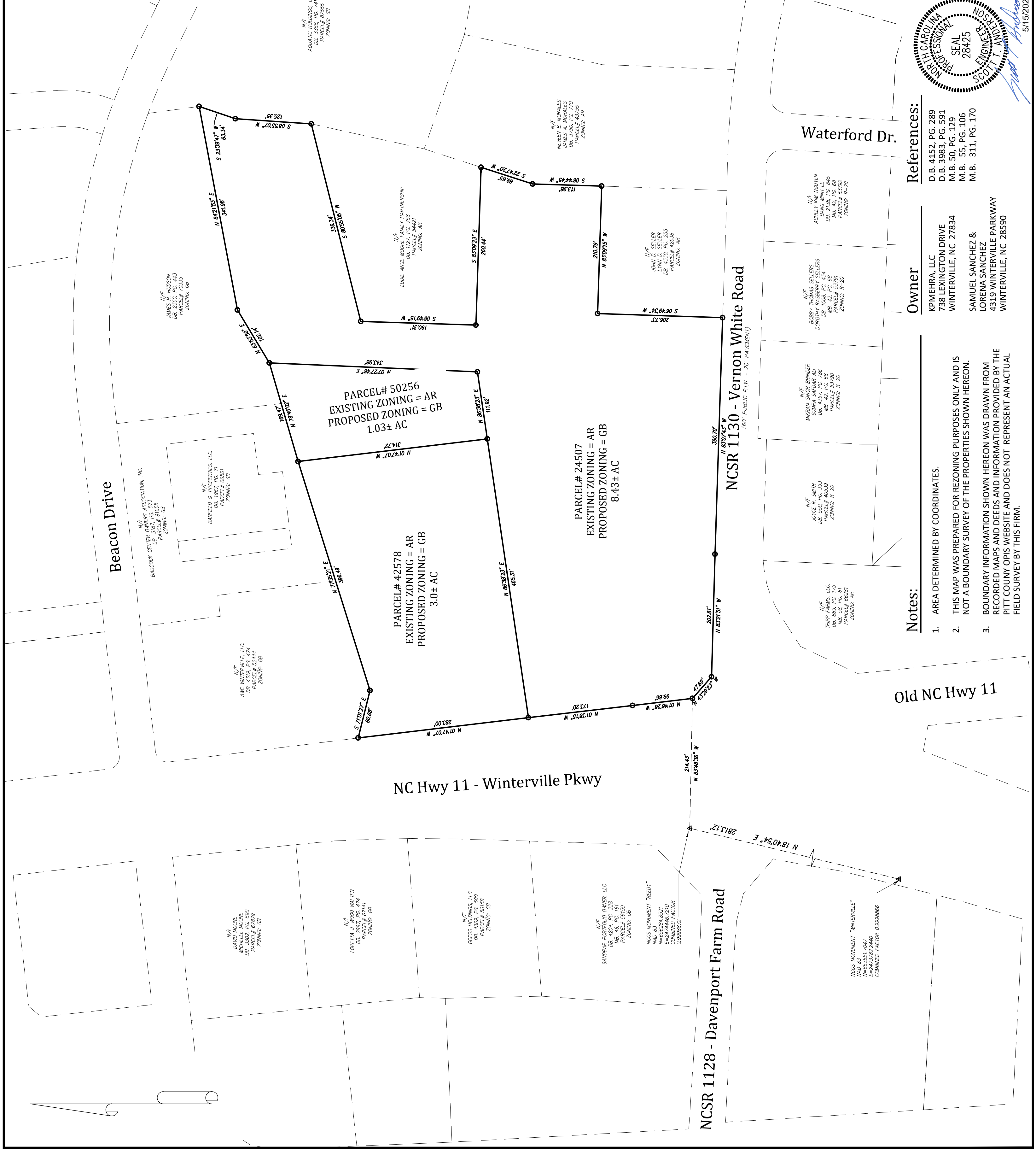
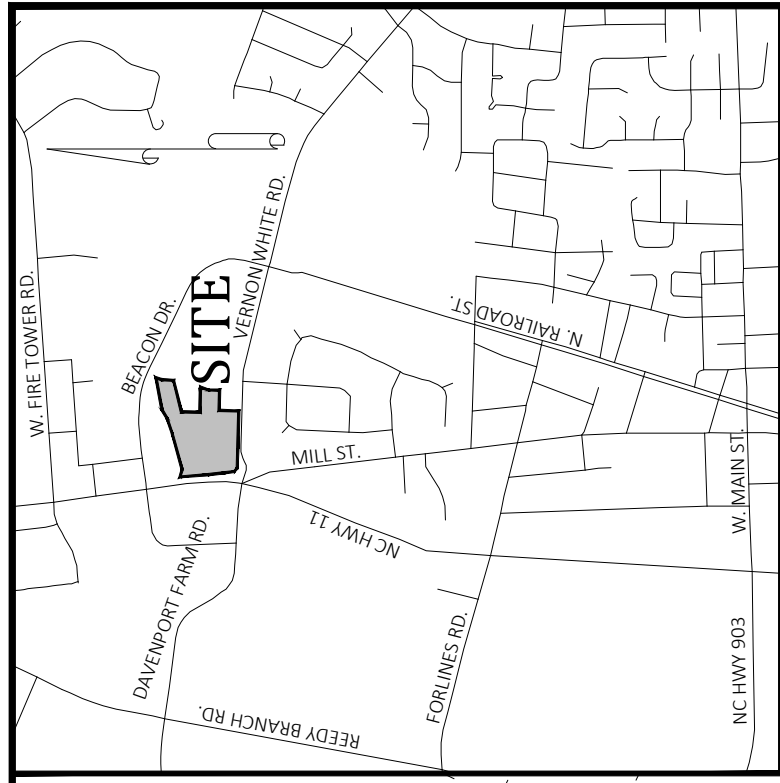
I, _____, being the Owner of the property described herein, do hereby authorize _____ as agent for the purpose of this application.

Signature Date

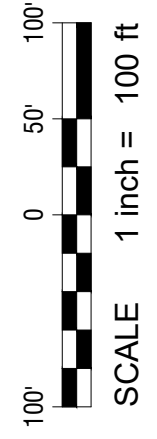
Sworn to and subscribed before me, this _____ day of _____, 20____.

Notary Public

My Commission Expires:



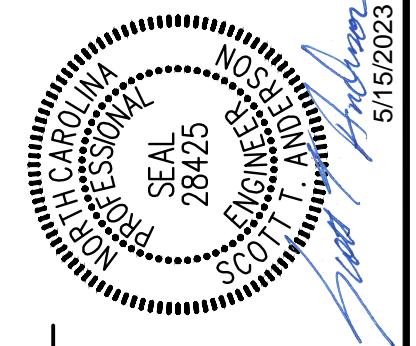
TOTAL AREA TO BE REZONED = 12.46± AC



ARK CONSULTING GROUP, PLLC
CONSULTING ENGINEERS & SURVEYORS
WWW.ARKCONSULTINGGROUP.COM

REZONING MAP FOR
KPMEHRA, LLC & SAMUAL SANCHEZ
PITT COUNTY PARCEL NO. 24507, 42578 & 50256
TOWN OF WINTERVILLE, PITT COUNTY, NC

SCALE 1" = 100'
DATE 5-15-2023
SHEET 1 of 1



References:
D.B. 4152, PG. 289
D.B. 3983, PG. 591
M.B. 50, PG. 129
M.B. 55, PG. 106
M.B. 311, PG. 170

Owner
KPMEHRA, LLC
738 LEXINGTON DRIVE
WINTERVILLE, NC 27834
SAMUEL SANCHEZ &
LORENA SANCHEZ
4319 WINTERVILLE PARKWAY
WINTERVILLE, NC 28590

Notes:

1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN FROM RECORDED MAPS AND DEEDS AND INFORMATION PROVIDED BY THE PITT COUNTY OPIS WEBSITE AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM.

5/15/2023

REZONING MAP

FOR

KPMEHRA, LLC & SAMUEL SANCHEZ
PITT COUNTY PARCEL NOS. 24507, 42578, & 50256

Lying and being in Winterville Township, Pitt County, North Carolina lying East of NC Hwy 11 and being bounded on the South by NCSR 1130 (Vernon White Road) and beginning at NCGS Monument "Winterville" located in the western right- of way of NC Hwy 11 thence North 18-40-54 East 2,813.12 feet to NCGS Monument "Reedy" located at the intersection of NC Hwy 11 and NCSR 1128 (Davenport Farm Road); thence South 83-48-36 East 214.43 feet to an existing concrete monument located in the eastern right of way of NC Hwy 11, the true POINT OF BEGINNING. From said POINT OF BEGINNING and following the eastern right of way of NC Hwy 11 North 01-46-26 West 99.66 feet to an existing concrete monument; thence following the eastern right of way of NC Hwy 11 North 01-38-15 West 173.20 feet to an existing iron pipe, thence following the eastern right of way of NC Hwy 11 North 01-47-07 West, 283 feet to a point in the center of a ditch; thence leaving the right of way of NC Hwy 11 and with the center of said ditch South 71-01-27 East 80.68 feet; thence North 77-35-21 East 396.49 feet; thence North 78-45-02 East 169.47 feet; thence North 63-53-50 East 102.14 feet; thence North 84-21-53' East 341.98 feet to a corner; thence South 23-39-47 West 63.34 feet; thence South 08-55-07 West 125.35 feet to a corner; thence South 80-55-05 West 336.34 feet to an existing iron pipe, a corner; thence South 06-49-15 West 190.31 feet to an existing iron pipe, a corner; thence South 83-09-23 East 260.44 feet to a corner; thence South 22-47-20 West 89.65 feet to an existing iron pipe; thence 06-44-45 West 113.98 feet to an existing iron pipe, a corner; thence North 83-09-15 West 210.79 feet to an existing iron pipe, a corner; thence South 06-49-34 West 206.73 to an existing iron pipe located in the northern right of way of NCSR 1130 (Vernon White Road), a corner; thence following the northern right of way of NCSR 1130 (Vernon White Road) North 83-07-43 West 390.70 feet to an existing concrete marker located in the northern right of way of NCSR 1130 (Vernon White Road); thence following the northern right of way of NCSR 1130 (Vernon White Road) North 83-21-51 West 202,61 feet to an existing concrete marker located in the northern right of way of NCSR 1130 (Vernon White Road), a corner; thence North 43-29- 23 West 47.69 feet to the POINT OF BEGINNING and containing 12.46 +/- acres.

Notice of Public Hearing Town of Winterville

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, September 11, 2023 at 6:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to consider the following request:

The Town of Winterville has received an application to rezone 4319 Winterville Parkway and 139 Vernon White Road (parcels 24507, 42578 & 50256 (12.46 Acres)), from Agricultural Residential (AR) to General Business (GB).

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting stephen.penn@wintervillenc.com or the Winterville Planning Department at (252) 756-2221; ext. 2360 or at www.wintervillenc.com.

The meeting is open to the public and will be available electronically. The public is encouraged to attend the meeting or watch the meeting live on YouTube (www.wintervillenc.com/videos). Persons having an interest in this matter and desiring to speak either for or against are encouraged to submit comments in writing prior to the meeting to stephen.penn@wintervillenc.com. Details on how to participate or view the meeting will be posted on the Town website. For further information, contact the Winterville Planning Department at (252) 756-2221; ext. 2360. The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

Notes to Publisher:

Legal Advertisements
legals@apgenc.com
(252) 329-9521

Subject: Winterville Public Hearing – Sanchez & Kpmehra Rezoning.

Please place the above legal advertisement in the Daily Reflector on Wednesday, August 23, 2023 and Wednesday, August 30, 2023. Should you have any questions please contact me.

Please forward the invoice and Affidavit of Publication to me to assist with payment.

Thanks,

Donald Harvey, NCCMC
Town Clerk
Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 756-2221 ext. 2344 – Phone
don.harvey@wintervillenc.com

(KPMEHRA, LLC & SAMUAL SANCHEZ – Parcel 24507, 42578, 50256)
Town Council Public Hearing-Rezoning

STATE OF NORTH CAROLINA
PITT COUNTY

I, Stephen Penn, Director of Planning and Economic Development of the Town of Winterville, North Carolina, do hereby certify that copies of the attached notice and map were mailed, this day by first class mail, postage prepaid, to the owner of the parcel under consideration and to the owners, as shown on the Pitt County Tax Records, of all abutting parcels. A list of these property owners is also attached hereto.

WITNESS my hand this the 29th day of August, 2023.

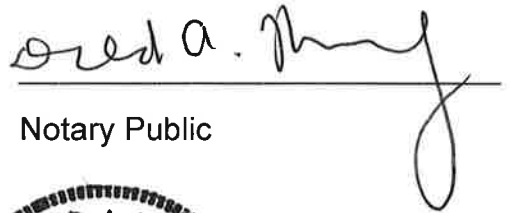


Director of Planning & Economic Development

STATE OF NORTH CAROLINA
PITT COUNTY

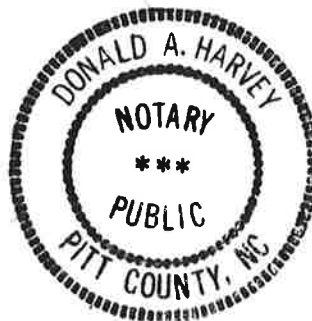
I, Donald A. Harvey, a Notary Public, do hereby certify that Stephen Penn, Director of Planning & Economic Development, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this 29th day of August, 2023.



Notary Public

My Commission Expires June 8, 2025



Sent on 8.29.23
-SDP



WINTERVILLE

A slice of the good life!

2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252) 756-2221; ext 2360

www.wintervillenc.com

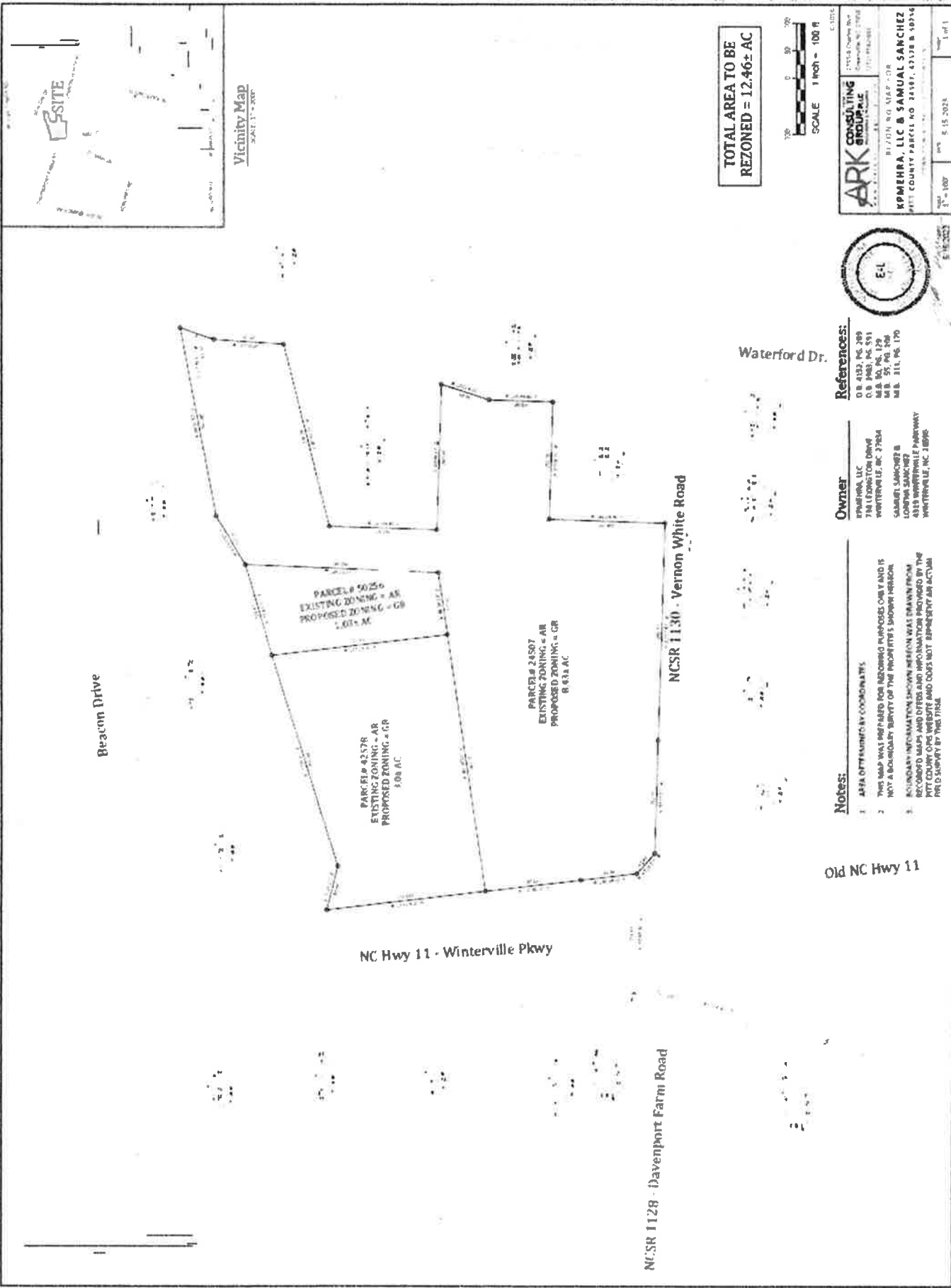
**Town Council
Rezoning Request
Public Hearing**

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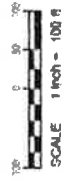
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TOTAL AREA TO BE
REZONED = 12.46± AC



ARK CONSULTING GROUP, LLC
1705 S. W. 10th St.
Winterville, NC 28588
(717) 944-8811

PROJECT: NCSR 1130 - VERNON WHITE ROAD
CLIENT: KPMHERRA, LLC & SAMUAL SANCHEZ
PITT COUNTY PARCEL NO 24507, 43578 & 50256

DATE: 5-15-2024
DRAWN BY: [Signature]
SCALE: 1" = 100'



References:
O.B. 4352, PG. 299
O.B. 4365, PG. 591
M.B. 50, PG. 129
M.B. 55, PG. 268
M.B. 111, PG. 170

Owner:
KPMHERRA, LLC
794 EDWINSON DRIVE
WINTERVILLE, NC 27784

OWNER'S AGENT:
SAMUEL SANCHEZ
4359 WINTERVILLE PARKWAY
WINTERVILLE, NC 27784

Notes:

- AREA OFFICINALLY COORDINATED.
- THIS MAP WAS PREPARED FOR RECORD PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.
- EXISTING OPERATIONS LOCATIONS WERE NOT DRAWN FROM RECORDS MAPS AND THEREFORE ARE SHOWN AS APPROXIMATE. PITT COUNTY GIS WEBSITE AND DOES NOT REPRESENT AN ACTUAL PRE-D SURVEY BY THIS FIRM.

Old NC Hwy 11

NCSR 1128 - Davenport Farm Road

NC Hwy 11 - Winterville Pkwy

NCSR 1130 - Vernon White Road

Beacon Drive

Waterford Dr.

Vicinity Map
SCALE: 1" = 200'

SITE



Sent on 8.29.23
- SPP

KPMEHRA LLC

2204 TROTTERS RIDGE CT
GREENVILLE NC 27858

**BADCOCK CENTER OWNERS
ASSOCIATION INC**

PO BOX 188
SIMPSON NC 27879

AQUATIC HOLDINGS LLC

556 THIRD ST
AYDEN NC 28513

John & Lynn Seyler

173 VERNON WHITE RD
WINTERVILLE NC 28590

**Vikram Singh Bhinder & Sumra
Safdar Ali**

148 VERNON WHITE RD
WINTERVILLE NC 28590

SANDBAR PORTFOLIO OWNER LLC

160 MINE LAKE CT STE 200
RALEIGH NC 27615

KP Mehra LLC

738 Lexington Dr
Greenville NC 27834

Samuel & Lorena Sanchez

4319 WINTERVILLE PW
WINTERVILLE NC 28590

PEK3B LLC

391 CLAREDON DR
GREENVILLE NC 27858

**LUDIE ANGE MOORE FAMILY
PARTNERSHIP**

PO BOX 1207
WINTERVILLE NC 28590

TRIPP FARMS LLC

105 MARION DR
GREENVILLE NC 27858

Bobby & Dorothy Sellers

162 VERNON WHITE RD
WINTERVILLE NC 28590

GOESS HOLDINGS LLC

3615 MEMORIAL DR
GREENVILLE NC 27834

Samuel BARFIELD G PROPERTIES LLC

PO Box 188
Simpson NC 27879

AWC WINTERVILLE LLC

101 NASHVILLE RD
ROCKY MOUNT NC 27803

JAMES HUDSON

2875 LANDING CIR
GRIMESLAND NC 27837

James & Neveen Morales

181 VERNON WHITE RD
WINTERVILLE NC 28590

Joyce Smith

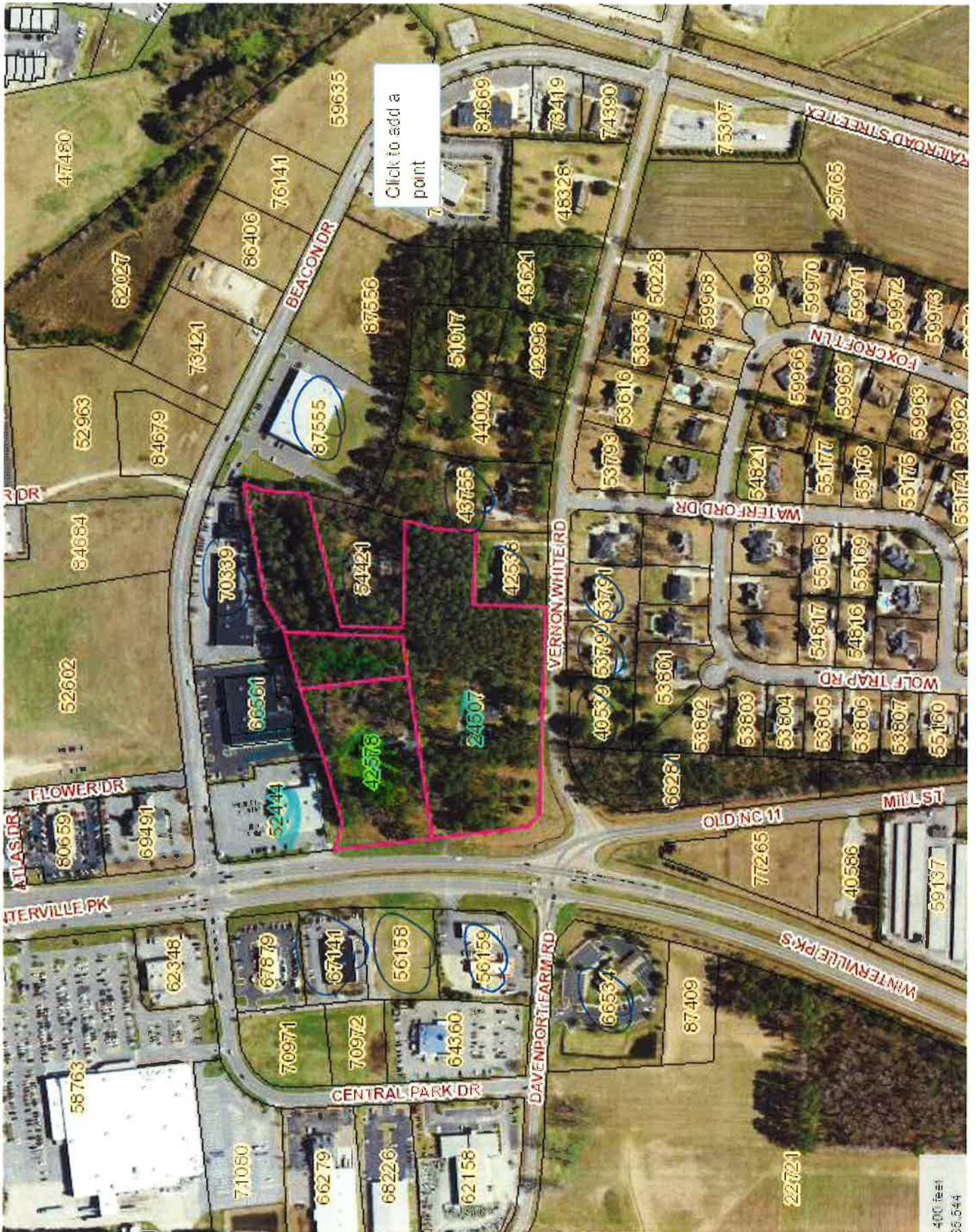
PO BOX 2323
GREENVILLE NC 27836

STATE EMPLOYEES CREDIT UNION

PO BOX 26807
RALEIGH NC 27611

Loretta Wood Walter

94 FEATHER LN
BONNY DOON CA 95060



Click to add a point

400 feet
36.544

Notice of Public Hearing Town of Winterville

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, September 11, 2023 at 6:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to consider the following request:

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Notes to Publisher:

Legal Advertisements
legals@apgenc.com
(252) 329-9521

Subject: Winterville Public Hearing – Sanchez & Kpmehra Rezoning.

Please place the above legal advertisement in the Daily Reflector on Wednesday, August 23, 2023 and Wednesday, August 30, 2023. Should you have any questions please contact me.

Please forward the invoice and Affidavit of Publication to me to assist with payment.

Thanks,

Donald Harvey, NCCMC
Town Clerk
Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 756-2221 ext. 2344 – Phone
don.harvey@wintervillenc.com



**Town of Winterville Planning Department
Zoning Staff Report**

GENERAL INFORMATION

APPLICANT	Samuel Sanchez & Sanjay Mehra (Kpmehra LLC).- Owners
HEARING TYPE	Rezoning Request
REQUESTED ZONING DISTRICT	General Business (GB)
CURRENT ZONING DISTRICT	Agricultural Residential (AR)
LOCATION	North-Eastern Corner of Highway 11 and Vernon White Road: 139 Vernon White Road & 4319 Winterville Parkway.
PARCEL ID NUMBER(S)	24507, 42578, & 50256.
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on May 25, 2023. Notification was posted on site on May 23, 2023. 18 properties were mailed notification.
TRACT SIZE	12.46 +/- acres
TOPOGRAPHY	Flat
VEGETATION	Pine Trees and other evergreen trees and shrubs dominate the property.

SITE DATA

EXISTING USE	Residential & Bed and Breakfast.
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ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	General Business (GB)	Commercial-Retail, service, office.
W	General Business (GB)- Across from Highway 11.	Commercial- Restaurants, gas stations, retail, automotive shop.
E	General Business (GB)/ Office and Institutional (O&I), and Agricultural-Residential (AR).	Commercial- Aquaventure: Service/Office Use. Residential- three single family homes.
S	General Business (GB), Agricultural-Residential (AR), and R-20.	Single Family Residential dominates the southern portion of this property, on the other side of Vernon White Road. Vacant Commercial site is located at the 'triangle' at Vernon White Road, Old NC 11, and Highway 11.



ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	AR	GB
MAX DENSITY	2 per acre (Residential Units)	NA.
TYPICAL USES	AR - Low-density residential and agricultural uses; where urban development is expected.	Commercial uses: Business, Professional, Office, and Service Uses. Retail and Wholesale Uses.

SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	N/A
FLOODPLAIN	N/A
STREAMS	N/A
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit.
SITE PLAN REQUIREMENTS	Subdivision plan or Construction Drawings will be required depending on proposed use in the future.

**These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

LANDSCAPING & BUFFER REQUIREMENTS

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

N	Bufferyard would likely not be required due to the existing non-residential use.
W	Street Vegetation would be required per the Winterville Zoning Ordinance.
E	A bufferyard would be required against adjacent residential properties.
S	A bufferyard would be required against adjacent residential properties.



TRANSPORTATION

STREET CLASSIFICATION	<p>NC Highway 11/Winterville Parkway – NCDOT Road- Classified as a Boulevard/Major Thoroughfare.</p> <p>Vernon White Road – NCDOT Road- Classified as a Minor Thoroughfare.</p> <p>Old NC 11/Mill St. – NCDOT Road- Classified as a Minor Thoroughfare.</p>
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS- 2021 (per NCDOT Annual Average Daily Traffic Map)	<p>NC Highway 11– 35,000</p> <p>Vernon White Road – 5,400</p> <p>Mill Street - 8700</p>
TRIP GENERATION	N/A
SIDEWALKS	TBD
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	TBD
OTHER	N/A

IMPACT ANALYSIS

Land Use Compatibility

The proposed General Business (GB) zoning districts would allow land uses that are compatible with the general character of the area.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as a Neighborhood Center character area and a Regional Center character area. The requested **GB** zoning district is consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Neighborhood Center:

- General Character: These centers have small-scale retail, restaurants and offices that are local landmarks and serve the surrounding neighborhoods. Other, more high intensity land uses may be attracted to these activity areas. Residential uses



could include patio homes, attached units and some multi-family structures.

- Potential Zoning Districts: GB, NC, O&I, IC, Possibly C-B, R-8, R-6 or M-R.
- Uses: Neighborhood-serving commercial uses (grocery store, retail/service, restaurant, etc.) serve as the anchor of this land use type, with multi-family and other residential mixed in and supporting the commercial center.

Regional Center:

- General Character: These larger, auto-oriented commercial areas serve a regional market, and are high-intensity shopping centers. With good design, they can provide a pleasant outdoor and indoor shopping experience that compliments the surrounding community as a commercial/retail/service activity center.
- Potential Zoning Districts: GB, Possibly NC, O&I, IC, or M-R.
- Uses: Commercial uses of a regional nature, including big box stores, chain restaurants, and other highway-oriented uses. Hotels and multi-family uses could also be appropriate.

(Land Use) Policy 1: Encourage a balanced tax base while managing growth:

Strategy 1.1: Utilize the Future Land Use Map and character areas when considering land use decisions.

Strategy 1.2: Encourage non-residential growth in the form of retail restaurants, professional offices and industrial development in areas designated as such on the Future Land Use Map.

(Economic Development) Policy 1: Continue to Implement Previous Plans.

Strategy 1.3: Emphasize retail, office, light industrial and other commercial development especially along Winterville Parkway and other appropriate areas.

(Economic Development) Policy 2: Improve Self-Sufficiency and Reduce Retail Leakage.

Strategy 2.1: Support Winterville's transformation from a bedroom community into a neighboring community of Greenville.

Strategy 2.2: Discourage rezonings to residential zoning districts in high visibility corners with good access and parcels within Office & Employment



Future Land use areas.

(Economic Development) Policy 6: Focus on business recruitment, expansion and retention.

Strategy 6.2: Encourage and support local businesses, especially in expansion efforts.

STAFF ANALYSIS AND RECOMMENDATION

Staff Analysis

The 12.46-acre properties are currently underutilized for their locations. The single-family residential home and the Bed and Breakfast (permitted for up to 6 bedrooms) have access and frontage onto Highway 11, a boulevard classified street with one of the highest traffic counts and visibility in the Winterville/Greenville Metro. It's location has high commercial value and is prime to improve Winterville's self-sufficiency, by encouraging commercial development.

Though there is adjacent single-family residential, the Zoning Ordinance's bufferyard requirements were established to protect and preserve the appearance, character and value of adjacent properties with incompatible land uses and intensities. Furthermore, Section 154.21 of the Subdivision Ordinance expressly prohibits direct residential driveway access onto Major Thoroughfares and thus would not allow this design, if it were proposed today.

The General Business (GB) rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan, and is compatible with the existing development and trends in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 12.46 acres from AR to General Business (GB).



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: September 11, 2023

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: Council Meeting Minutes.

Action Requested: Approval of Minutes.

Attachment: Draft Minutes of the Council meetings listed below.

Prepared By: Donald Harvey, Town Clerk

Date: 8/30/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

Approval of the following set of Council Meeting Minutes:

- ❖ August 7, 2023 Regular Meeting Minutes.

Budgetary Impact: NA.

Recommendation: Staff recommends Council approve Minutes.



**WINTERVILLE TOWN COUNCIL
MONDAY, AUGUST 7, 2023 – 6:00 PM
REGULAR MEETING MINUTES**

The Winterville Town Council met in a Regular Meeting on the above date at 6:00 PM in the Town Hall Assembly Room, with Mayor Richard E. Hines presiding. The following were present:

Richard E. Hines, Mayor
Johnny Moye, Mayor Pro Tem
Brandy Harrell, Councilwoman
Tony P. Moore, Councilman
Paul A. Rice, Councilman
Veronica W. Roberson, Councilwoman
Keen Lassiter, Town Attorney
Terri L. Parker, Town Manager
Anthony Bowers, Assistant Town Manager
Chris Williams, Police Chief
David Moore, Fire Chief
Cliff McGuffin, Public Works Director
Jessica Manning, Finance Director
Evan Johnston, Building Inspector/Code Enforcement Officer
Diane White, Parks and Recreation Director
Stephen Penn, Planning and Economic Development Director
Donald Harvey, Town Clerk

CALL TO ORDER: Mayor Hines called the meeting to order.

INVOCATION: Councilman Moore gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Hines led everyone in the Pledge of Allegiance.

WELCOME: Mayor Hines welcomed the public.

APPROVAL OF AGENDA:

Town Manager Parker requested an item relating to the purchase of the Gateway Property be added under the Other Agenda Items section and discussion of Rule 20 changes to be discussed under Attorney Lassiter's report.

Motion made by Mayor Pro Tem Moye and seconded by Councilwoman Harrell to approve the amended agenda. Motion carried unanimously, 5-0.

RECOGNITION OF NEW EMPLOYEES:

1. Diane Barnes White, Parks and Recreation Director.


2. Shawna T. Wooten, Accounting Operations Manager.

PRESENTATIONS:

1. Chena Cayton, Principal, South Central High School.

PROCLAMATIONS: Town Clerk Harvey presented the Proclamation.

1. Watermelon Festival.



PROCLAMATION
WINTERVILLE WATERMELON FESTIVAL

WHEREAS, the first Winterville Watermelon festival was held in 1986 by the Winterville Jaycees at the A.G. Cox School and at its conception was the only Watermelon Festival held in the State of North Carolina and now there are three; and

WHEREAS, the festival has moved throughout the Town of Winterville since its conception to across from the Riley Cox property; then to downtown Winterville in front of the police station; then down to the present day library location; and then to the Winterville Recreation Park, where it has called home; and

WHEREAS, from the first committee to the group became known as the Winterville Watermelon Festival Committee, with numerous members who serve on the committee; and

WHEREAS, the dedication and sacrifices made by the Winterville Watermelon Festival Committee has placed Winterville, North Carolina on the map as a community that is truly "a Slice of the Good Life"; and

NOW, THEREFORE, BE IT RESOLVED, I, Richard E. Hines, Mayor and the Town Council of the Town of Winterville, recognize the contribution the Watermelon Festival Committee has made to the Town of Winterville and are proud to be partners of this great festival which is recognized throughout the nation and state of North Carolina.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 7th day of August 2023.

Richard E. Hines, Mayor

Attest:

Donald Harvey, Town Clerk

PUBLIC COMMENT: None.

CONSENT AGENDA:

Items included in the Consent Agenda:

1. Approval of Council Meeting Minutes.
2. Budget Amendment 2023-2024-1
3. Reedy Branch Farms Final Plat.
4. Kpmehra, LLC & Samuel Sanchez Rezoning: Schedule Public Hearing for September 11, 2023.
5. Watermelon Festival Permissions.
 - a) Parade Permit and Fee Waiver.
 - b) Traffic and Parking.
 - c) Park Hour.
 - d) Signs and Banners.
 - e) Request for Bathroom Use.
 - f) Noise Ordinance Exemption and Fee Waiver.
6. Safe Routes School Grant Fund Ordinance (23-O-081).
7. Equipment Purchase Reimbursement Resolution (23-R-081).
8. Approval of Sourcewell Purchasing Cooperative.

Motion made by Councilwoman Roberson and seconded by Councilman Moore to approve the consent agenda Motion carried unanimously, 5-0.

OLD BUSINESS:

1. Human Relations Board Appointments.

The Human Relations Board consists of six (6) Members. At the present time there are three (3) vacancies. There are three (3) appointments that need to be made to the Winterville Human Relations Board by Mayor Pro Tem Moye, Councilwoman Harrell, and Councilwoman Roberson.

Mayor Pro Tem Moye nominated Stephanie Ham for a term to expire June 30, 2026.

Councilwoman Harrell nominated Kathryn Hill for a term to expire June 30, 2026.

Councilwoman Roberson nominated Dennis Bottoms for a term to expire June 30, 2025.

Motion made by Councilman Moore and seconded by Mayor Pro Tem Moye to approve Stephanie Ham, Kathryn Hill, and Dennis Bottoms to the Human Relations Board. Motion carried unanimously, 5-0.

NEW BUSINESS:

1. Award Contract for Engineering Service: Sewer Master Plan.

Staff formally advertised and Solicited Request for Qualification (RFQ) for engineering services. The RFQ was advertised in The Daily Reflector on Saturday July 1st, 2023 and it was also posted on the Town's web site. We received two bids from qualified engineering firms. They were scored on the following criteria. Qualifications and Experience (50 Points), Project Approach (30 points), Completed Projects (20 Points). Rivers and Associates scored the highest among the submittals. The Rivers and Associates have considerable knowledge of the Town's sewer infrastructure and have completed several studies for the town already. Based on the analysis, staff is recommending Rivers and Associates be awarded the contract. This project is funded with a grant from NDDEQ.

Motion made by Councilman Moore and seconded by Mayor Pro Tem Moye to award the contract for Engineering Service: Sewer Master Plan to Rivers and Associates with a ceiling cost of \$150,000. Motion carried unanimously, 5-0.

2. Award Contract for Engineering Service: Stormwater Asset Inventory Assessment.

Staff formally advertised and Solicited Request for Qualification (RFQ) for engineering services. The RFQ was advertised in The Daily Reflector on Saturday July 1st, 2023 and it was also posted on the Town's web site. We received five bids from qualified engineering firms. They were scored on the following criteria. Qualifications and Experience (50 Points), Project Approach (30 points), Completed Projects (20 Points). Rivers and Associates scored the highest among the submittals. The Rivers and Associates have considerable knowledge of the Town's stormwater infrastructure and have completed several studies for the town already. Based on the analysis, staff is recommending Rivers and Associates be awarded the contract. This project is funded with a grant from NCDEQ.

Motion made by Councilman Moore and seconded by Councilwoman Harrell to award the contract for Engineering Service: Stormwater Asset Inventory Assessment to Rivers and Associates with a ceiling cost of \$400,000. Motion carried unanimously, 5-0.

3. Chapter 51: Garbage and Refuse § 51.07 Hours and Placement of Cans Amendment.

Town Ordinance 51.07 states containers should be placed by the curb at or before 7:00 am on the day scheduled for removal. The Town website states containers should be put out the night before scheduled pick up which most residents do but not all. It has been noted that GFL starts running routes as early as 5:00 am in town so some residents' cans are being missed because they are placed out by 7:00 am.

§ 51.07 HOUR AND PLACEMENT FOR CANS.

Garbage and recycle containers shall be placed behind the curb or off the street surface the night before your scheduled service day. Place containers 3 feet apart and at least 10 feet away from: mailboxes; vehicles; streetlights; and electrical poles to prevent damage to property. The container must face the street with the handles and wheels facing your home.

Staff recommends Ordinance 51.07 be modified to say the night before scheduled pick-up as the website does.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve Ordinance 23-O-082 amending Chapter 51 § 51.07 Hour and Placement of Cans. Motion carried unanimously, 5-0.

OTHER AGENDA ITEMS:

1. Estimate to add additional parking lot across from Public Safety Building. (Councilman Moore).
5. Estimate for new lights downtown and extend to include the front of Town Hall on both sides of CSX Railroad Track to Cooper Street. (Councilman Moore).
6. Estimate to have Brick Crosswalks Downtown. (Councilman Moore).
7. Discussion of Traffic Pattern for Street behind Public Safety Building and Town Hall. (Councilman Moore).

A work session will be scheduled to discuss the above items relating to downtown beautification.

2. Estimate of costs for paving the Parking area at Winterville Park. (Councilman Moore).
3. Estimate costs for repairs to Walking Trail at Winterville Park. (Councilman Moore).

Staff is working on the above items and will bring back additional information at a future meeting.

4. Estimate to repair steps for Library. (Councilman Moore).

A temporary solution has been completed and a long term solution is being investigated and will be undertaken when determined.

8. Cleanup status along CSX Railroad Tracks. (Councilman Moore).

Above item has been completed including a contract with the CSX Railroad paying the Town to undertake future work.

9. Gateway Property.

Town Attorney Lassiter briefed Council on the previous discussions concerning purchasing the Gateway Property. The property is a 11.636 acre parcel and the Town will pay \$35,000 per acre for a total of \$407, 260. Council discussed the purchase and Mayor Hines asked for any further discussion or any more questions. Hearing none what is Council's pleasure.

Motion made by Councilman Moore and seconded by Mayor Pro Tem Moye to approve the purchase of the Gateway Property of 11.636 acres at \$35,000 per acre for a total of \$407, 260. Motion carried unanimously, 5-0.

ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS:

Set a date for a work session to discuss the following:

- Downtown Beautification Improvement Project.
- Multipurpose Building.

REPORTS FROM DEPARTMENT HEADS:

- Stephen Penn, Planning and Economic Development Director:
 - There were 23 new homes built hi the 2nd quarter which totaled 47 for the year.
 - There were two new businesses (2nd quarter) which totaled eight for the year. And that there is very limited commercial space that is available at the moment.
 - The Town had four annexations in the 2nd quarter as well.
- Cliff McGuffin, Public Works Director:
 - CSX Railroad track is cleaned Firetower Road to Park Street.
 - Ditch maintenance is on-going and nearing completion.
 - Residents putting grass in the street is a problem.
 - Lowes Foods hook-ups progressing.
 - Library steps repaired.
 - Watermelon Festival preparation.
- Anthony Bowers, Assistant Town Manager:
 - Closing on Gateway Property.
 - Utility easements electric and sewer.
 - ElectriCities Conference next week.
 - Railroad Street paving.
 - Pump Station engineering.
 - Electric engineering on Tar Road expansion.
- Jessica Manning, Finance Director:
 - We are preparing for the 2023 year end Audit and that is scheduled for the week of September 11th.
 - Reminder that the Power Cost Adjustment was reduced from 2.5 cents per KW down to 1.5 cents per KW and will be reflected on the bills that will be due in August for July's usage.

- Also, a reminder that Greene Lamp is still accepting applications for the \$85 one-time assistance program and a representative is still at the Town Hall every Tuesday from 10:00-3:00 for the time being. So far, we have had around 94 applications approved.
- \$7,990 approved for utility bill assistance so far. Total Fee was \$3,750 - \$21,250 originally available - \$13,260 available now.
- Chris Williams, Interim Police Chief:
 - Filling vacant positions.
 - New vehicles with a new look.
 - Successful National Night Out.
 - Agreement with CSX Railroad to expedite reporting.
- Diane White, Parks and Recreation Director:
 - Partnered for the National Night Out. 160 book bags handed out.
 - Softball tournaments past two weekends.
 - Dakota Blue concert.
 - Upcoming movies and concerts.
- Evan Johnston, Building Inspector/Code Enforcement Officer:
 - Growth occurring; residential, Lowes Foods, and Aces for Autism.
 - Staff attending classes for certifications.
- Ron Mills, Electric Systems Superintendent:
 - Work at 11 Main; Copper Creek; and Brookfield.
 - Maintenance work and tree trimming.
 - Watermelon Festival preparation.
- David Moore, Fire Chief:
 - Live fire training at Villa Grande completed.
 - Two upcoming trainings in September. Four additional trainings in the pipeline.
 - Office Manager hired, two additional positions working to fill.

ANNOUNCEMENTS: Town Clerk Harvey gave the following announcements:

- ElectricCities Conference: Monday, August 14 – Wednesday, August 16, 2023 – Myrtle Beach, SC
- Board of Adjustment Meeting: Tuesday, August 15, 2023 @ 7:00 pm - Town Hall Assembly Room. **(Cancelled)**
- Planning and Zoning Board Meeting: Monday, August 21, 2023 @ 7:00 pm - Town Hall Assembly Room.
- Recreation Advisory Board: Tuesday, August 22, 2023 @ 6:30 pm – Operation Center. **(Cancelled)**
- Watermelon Festival: Thursday, August 24 – Sunday, August 27, 2023 - Winterville Recreation Park.
- Human Relations Board Meeting: Thursday, August 24, 2023 @ 7:00 – Executive Conference Room.
- Labor Day Holiday - Town Offices Closed: Monday, September 4, 2023.
- Agenda Review Meeting: Thursday, September 7, 2023 @4:00 pm – Town Hall Executive Conference Room.
- 911 Day of Remembrance: Monday, September 11, 2023
- Regular Town Council Meeting: Monday, September 11, 2023 @ 6:00 pm - Town Hall Assembly Room.

REPORTS FROM THE TOWN ATTORNEY, MAYOR, AND TOWN COUNCIL, AND TOWN MANAGER:

Attorney Lassiter:

- Real estate closing on Friday.
- Watermelon Festival opening ceremonies on Friday, August 25, 2023 at 6:00 pm in front of main stage.

Town Attorney Lassiter recapped and opened discussion on Rule 20 of the Rules of Procedure. Council discussed different options, wording, and timeframe.

Motion made by Mayor Pro Tem Moye and seconded by Councilman Moore to approve the amended Rule 20 as sated below.

Rule 20. Vacancy on the Board

When a vacancy occurs on the board, the seat will be filled by the candidate from the previous municipal election with the next highest number of votes who is eligible and willing to serve. The person will be appointed by the board. The oath of office will be administered at the next regular board meeting.

If there is not a candidate from the previous election eligible and willing to serve, the board will follow the same procedures used to appoint members to its volunteer boards and commissions. Notice of vacancy advertisement will be placed in the local newspaper, newsletter, and town board. Applications for consideration of appointment will he received from the board, using the same application as provided to citizens who apply for Its volunteer boards and commissions. The board will then make nominations and vote on each nomination, the applicant with the highest number of affirmative votes shall be appointed to serve until the next election.

Motion carried, 4-1. Councilwoman Harrell opposed.

Councilwoman Harrell:

- Thank you to Principal Chena Cayton for her hard work at South Central High School to make improvements.

Mayor Pro Tem Moye:

- Welcome to County Commissioner Mark Smith.
- Welcome to youth that have come out to view the meeting and good luck.

Councilman Rice:

- Welcome to everyone back from last month.
- Take a chance to view the mural at The Dollar General.

Councilwoman Roberson:

- Thank you to all for the well wishes while she was down with surgery.
- Everyone come out to the Watermelon Festival.
- Everyone be careful as school will open up and busses will be on the road the end of the month.

Councilman Moore:

- Fond words to Mayor Doug Jackson for being such a strong fighter.
- Thank you to staff for their hard work each and every day.
- Thank you to the Council and all they have done through the years.
- Thank you to Principal Chena Cayton at South Central High School.
- Look forward to all having a good time at the Watermelon Festival,

Manager Parker:

- Advertisement for Police Chief closed on July 31st.
- Human Resource Director will start August 15th.
- Progress is being made on the remaining open positions.

Mayor Hines:

- Thank you to Town Council and Town Manager Parker for their hard work.
- Welcome to the youth attending tonight's meeting.
- Congratulations to the teams that have or had competing.

ADJOURN:

Motion made by Councilman Moore and seconded by Councilwoman Roberson to adjourn the meeting. Motion carried unanimously, 5-0. Meeting adjourned at 7:21 pm.

Adopted this the 9th day of October 2023.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: September 11, 2023

Presenter: Jessica Manning, Finance Director

Item to be Considered

Subject: Tax Settlement 2022-2023.

Action Requested: Accept the tax settlement for 2022-2023 fiscal year.

Attachment: Certified Tax Settlement.

Prepared By: Jessica Manning, Finance Director

Date: 8/28/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

The State of North Carolina requires that each year the tax collector of a given municipality provide a settlement to the Governing Board. The settlement statement gives the Town Council a look at the collection, discoveries, and adjustment for the previous year.

Budgetary Impact: None.

Recommendation: Staff recommends Council accept the Tax Settlement.

**Town of Winterville
Tax Settlement
2022-2023
As of June 30, 2023**


Charges to The Tax Collector

Original Levy	\$4,067,038.36
Discoveries	\$14,328.72
Interest	\$7,150.85
Total	\$4,088,517.93


Credit to Tax Collector

Revenues From Taxes	\$4,087,120.79
Releases	\$3,108.75
Uncollected/Insolvent	\$35,411.97
Overpayment/Refunds	(\$37,123.58)
Total	\$4,088,517.93

Respectfully Submitted,


Kiesha B. Gardner, Tax Collector

Sworn to and subscribed before me, this 30th day of July 2023.


Notary Public

June 23, 2024

My Commission Expires:





**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: September 11, 2023

Presenter: Jessica Manning, Finance Director

Item to be Considered

Subject: Charge the tax collector with collection of the 2023-2024 Tax Levy.

Action Requested: Charge the Tax Collector of the 2023-2024 Tax Levy.

Attachment: NA.

Prepared By: Jessica Manning, Finance Director

Date: 8/28/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

The State of North Carolina requires that each year the Tax Collector be charged with the collection of the tax levy for taxes. This year the levy is \$4,199,367.76.

Budgetary Impact: \$4,199,367.76.

Recommendation: Staff recommends Council Charge the Tax Collector with collection of the 2023-2024 Tax Levy.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: September 11, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Amended Fee Schedule.

Action Requested: Approve the amended Fee Schedule.

Attachment: Amended Fee Schedule 2023-2024.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 8/29/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

This amended fee schedule addresses three items:

The first item cleans up the fee schedule so that staff can provide better customer service to customers who wish to purchase a new meter or have a tap installed. It also adjusts the price of the service to ensure that we are covering the cost of providing the service and meter. Cost increase are \$700, \$550, and 500 for in-town meters. Out-of-Town are an additional \$1,000.00

The second item addresses sewer taps that increased \$500 per tap for in-town and \$1,000 for out-of-town.

The third item clarifies cost associated with our System Development Fee for 5/8ths and 3/4 inch meters. These sizes are used interchangeably in the field. To reduce the chance of error and confusion, we are recommending that we simply increase the cost of the 5/8th inch meter to match the 3/4 inch meter. This rate is well within the allowable amount per the study calculations. The increase is \$360 for water and \$720 for sewer. The actuality is that we will rarely have a request for a 5/8ths inch meter. They will be the 3/4th inch meter, as that is the industry standard for a residential service.

Budgetary Impact: Increase tap fees will generate additional revenue. The impact on the budget will be negligible for the SDF as we do not sell 5/8th-inch meters.

Recommendation: Staff recommends Council adopt the amended Fee Schedule 2023-2024.

Town of Winterville Fee Schedule



WINTERVILLE

A slice of the good life!

Effective Date
October 9, 2023

As Certified by the
Assistant Town Manager
Anthony B. Bowers

Town of Winterville Fee Schedule Fiscal Year 2023-2024

BE IT ORDAINED by the Governing Board of the Town of Winterville, North Carolina that the following fees be enacted for the 2023-2024 fiscal year:

Utility Department:

Residential Utility Deposits:

- Electric..... \$225.00 or a letter of good credit from a previous utility company.
- Water..... \$20.00 or a letter of good credit from a previous utility company.
- Sewer \$55.00 or a letter of good credit from a previous utility company.

Commercial Utility Deposits:

- Electric..... \$225.00
 - Water..... \$20.00
 - Sewer \$55.00
- All commercial accounts are required to pay a two (2) month deposit of \$600.

Service Charge:

- Cut on fee..... \$25.00
- Delinquent fee \$25.00 plus two-month deposit before reconnection.
(\$150.00 if initial deposit was made; \$300 if not)
- Returned Check Charge \$25.00

Late Penalties: \$2.00

Meter Tampering (All Utilities)..... \$100.00 fine plus estimated non-metered usage, as well an additional deposit of \$100.00, and cost of the new meter if damaged.

Water Tap Fee:

The following fees are the minimum amount due. The Tap fee includes Meter, Setter, Meter Box, ERT and labor for the install. Any and all additional cost will be determined on a case by case basis by the town representative. The estimate will be based on the use of material and labor.

Meter Size	In Town	Out of Town
3/4"	\$1,200.00	\$2,200.00
1"	\$1,350.00	\$2,350.00
2"	\$3,000.00	\$4,000.00

New Subdivisions where the developer installs the lines. This only applies to residential service meters; any irrigation meter will be based on meter size. - \$250.00

Water Meter:

Meter Size	Cost
3/4"	\$250.00
1"	\$325.00
2"	\$1,000

Temporary Service
at Fire Hydrant \$100.00

Sewer Access Fee:

The following fees are the minimum amount due. Any and all additional cost will be determined on a case by case basis by the town representative. The estimate will be based on the use of material and labor.

In Town	Out of Town
\$1,000.00	\$2,000.00

There will be no sewer access fee for new subdivisions where developers install the lines. For developers who opt for the Town to install the lines, the sewer access fee must be paid in addition to the cost of the installation of said lines. The sewer access fees must be paid before approval of the final plat of subdivision.

Frontage Fee Gravity Feed Line\$35.00 per foot
 Pressure Feed Line\$25.00 per foot

The frontage fee is applied to a customer who resides in our service area but has not tapped on to the Town's sewer system. This is normally used when a customer switches from Septic to Sewer.

System Development Fee:

Meter Size, inches	Water Meter SDF	Sewer Meter SDF	Combined Total
5/8	\$1,081.67	\$2,163.33	\$3,245.00
3/4	\$1,081.67	\$2,163.33	\$3,245.00
1	\$1,803.33	\$3,606.67	\$5,410.00
1-1/2	\$3,608.33	\$7,216.67	\$10,825.00
2	\$5,773.33	\$11,546.67	\$17,320.00
3	\$11,548.33	\$23,096.67	\$34,645.00
4	\$18,045.00	\$36,090.00	\$54,135.00
6	\$36,090.00	\$72,180.00	\$108,270.00
8	\$57,743.33	\$115,486.67	\$173,230.00
10	\$83,006.67	\$166,013.33	\$249,020.00
12	\$155,186.67	\$310,373.33	\$465,560.00

CMSD:

Residential

Charges associated with the Contentnea Metropolitan Sewer District are in the amount of \$1,000.00. This is regulated by CMSD and the charge is per unit. Duplex homes are required to pay two fees.

Commercial

For commercial properties the property owner and the town will contact CMSD to determine the rate.

Electric:

Temporary Service.....\$35.00
 Underground\$225.00
 Commercial Underground\$500.00 per point of delivery
 New Subdivisions.....\$325.00 Per dwelling unit, paid prior to the recording of the final plat.
 Meter cost\$60.00 minimum or actual cost of meter if > \$60.00
 Old Poles.....\$.40 per foot.
 Yard Light W/ Underground\$85.00 minimum or \$3.00 per foot after 150 feet

Electric Line Extension:

Overhead Construction cost of labor and materials plus 20%

Underground Construction cost of labor and materials plus 20%

Convert Overhead to Underground

Residential\$225.00 plus any abnormal cost and
.....\$3.00 per foot after 150 feet.

Non-residential\$500.00 plus any abnormal cost and
.....\$3.00 per foot after 150 feet.

Solid Waste Collection:

Residential Customer\$11.50 Per Container per month.

Non-Profit

Religious Organization\$11.50 Per Container per month.

Commercial

Commercial accounts will not be serviced by the
Town of Winterville or a contractor thereof.

General:

Cemetery Plots

In Town	In the ETJ	Out of Town*
\$800.00	\$1,200.00	NA*

*Cemetery plots are **not** available for purchase by Out of Town residents.

Opening and closing cemetery plots \$500.00.
Cremation Opening \$200.00.
After-hour arrangements (opening/closing/locating) \$150.00 additional.

Cable TV Franchise Application \$5,000.00 (non-refundable).

Taxicab Initial Franchise Application Fee \$30.00
Taxicab Renewal Franchise Application Fee \$19.00
Taxicab Annual Inspection Fee \$20.00
Taxicab Drivers Permit Application Fee \$15.00

Solicitation Permit \$10.00

Driveways and Curb Cutouts Cost of material or \$200.00 minimum.

Community Building Rental

In Town	Out of Town
\$125.00	\$200.00

Refundable Deposit of \$100 required.

Operation Center Room Rental

In Town	Out of Town
\$125.00	\$200.00

Refundable Deposit of \$100 required.

Police Department:

Cost of Service (AOC) \$5.00
Incident Report copies \$13.00 (Department uses an outside company)
Police Accident Report copies \$5.00
Finger Printing Copies \$10.00

Planning and Zoning:

Site Development Plans (both residential and non-residential)

Submittal Fee \$500.00
Resubmittal Fee (Charged at 3rd Re-submittal)** Additional Base Fee.

***Charged when re-submittal due to project designer's failing to address city comments/requirements.

Zoning Ordinance Amendment Filing Fees

Text Amendment \$500.00 flat fee
Map Amendment \$550.00 + \$50 per acre not to exceed \$1,000.00.

Subdivision Plat Review Fee/Filing Fee

Preliminary Plat \$350.00 base fee plus \$50.00 per acre not to exceed \$1,000.00.

Final Plat \$250.00 base fee plus \$50.00 per acre not to exceed \$1,000.00.

Stormwater Review Fee \$1,000.00 per project.

Zoning Compliance Certificate Fee

Residential New construction or addition \$50.00
 Remodeling, no addition \$40.00
 Accessory building \$30.00

Non-Residential New construction or addition \$75.00
 Remodeling, no addition \$60.00
 Accessory building \$50.00

Signs \$50.00

Conditional Use Permit Application Filing Fee \$500.00

Variance Application Filing Fee \$500.00

Zoning Appeal Filing Fee \$500.00

Copy of Zoning Ordinance \$30.00

Copy of Subdivision Ordinance \$20.00

Copies of Maps

E Size Plot Map \$40.00
D Size Plot Map \$30.00

Recreational Payment in Lieu of Dedication

Current assessed market value of the land to be subdivided multiplied by the number of acres to be dedicated.

Recreation:

2023-2024 Fee Structure for Facility Rentals

Facility Rentals

Facility	Description	Hour	Half Day	Full Day	Full Day - Weekend
Picnic Shelter	Resident	\$10.00	\$25.00	\$35.00	
	Non-Resident	\$15.00	\$35.00	\$50.00	
	Electricity			\$20.00	
Tennis Courts	Court	\$5.00			
	Lights	\$15.00	If outside normal operating hours		
Athletic Fields	Bambino				
	Ruritan	\$25.00	\$50.00	\$100.00	\$150.00
	Kiwanis	\$25.00	\$50.00	\$100.00	\$150.00
	Smith	\$25.00	\$50.00	\$100.00	\$150.00
	Lights	\$35.00			
	Tournament	\$200.00 per field per day. Includes use of lights.			
Amphitheater	Category 1	\$200 per performance No charge for rehearsals			
	Category 2	\$250 per performance \$25 per hour for rehearsals			
	Category 3	\$500 per performance \$25 per hour for rehearsals			
	Category 4	\$150 no performance			
	Category 5	Reimbursement of employee cost if applicable			

Notes:

Half day rental represents 4 hours
Electricity at pavilion is \$20.00 per day.

Pavilions are free of charge and on a first come first serve basis unless someone has reserved the pavilion under the above fee structure.

Field Lights: \$35.00 per hour (any field)

If staff is needed for dragging and marking the fields, \$50 per hour (min 2 hours). Renter is responsible for repair costs beyond what is considered normal wear and tear.

Program & Event Fee Structure

Program	Resident	Non-Res
Cal Ripken Baseball	\$50.00	\$65.00
T-Ball & Pee Wee	\$35.00	\$45.00
Babe Ruth Baseball	\$50.00	\$65.00
Fall Baseball	\$30.00	\$45.00
Tackle Football	\$50.00	\$70.00
Flag Football	\$30.00	\$45.00
Softball	\$10.00	\$20.00
Soccer	\$30.00	\$45.00
Cheerleading	\$30.00	\$45.00
Adult Kickball	\$30.00	\$45.00
Dances	\$15.00	\$25.00

Sponsorship Fees

Program	Fee
Men's Softball	\$400.00
Women's Softball	\$350.00
Co-Ed Softball	\$400.00
Soccer	\$200.00
Cal Ripken Major, Minor, Rookie	\$325.00
T-Ball & Pee Wee	\$250.00
Fall Baseball	\$250.00
Babe Ruth	\$325.00
Flag Football	\$200.00
Tackle Football	\$325.00

PCC Softball Agreement: \$2,300 (total) flat rental rate for spring and fall season.

Fire Services Fees:

Fire Inspection (First Visit) first or a minimum of 3000 square feet	In Town \$60.00
.....	ETJ \$90.00
Each additional 1,000 square feet	In Town \$3.00
Each additional 1,000 square feet	ETJ \$4.50
Fire Inspection (Re-inspection for Violations)	In Town \$30.00
.....	ETJ \$45.00
Each additional 1,000 square feet	In Town \$1.50
Each additional 1,000 square feet	ETJ \$2.25
Foster Home Inspection	In Town \$60.00
.....	ETJ \$90.00
Plan Review (Per Building) up to 3000 square feet	In Town \$100.00
.....	ETJ \$150.00
Each additional 1000 square feet	In Town \$3.00
Each additional 1000 square feet	ETJ \$4.50
Site Plan Review	In Town \$100.00
.....	ETJ \$150.00
Fire Alarm Plan Review & Test	In Town \$75.00
.....	ETJ \$112.50
Each additional 1000 square feet	In Town \$1.50
Each additional 1000 square feet	ETJ \$2.25
Fire Alarm Additional Field Test (Retest)	In Town \$75.00
.....	ETJ \$112.50
Each additional 1000 square feet	In Town \$3.00
Each additional 1000 square feet	ETJ \$4.50
Sprinkler Plan Review and Field Test	In Town \$75.00
.....	ETJ \$112.50
Each additional 1000 square feet	In Town \$3.00
Each additional 1000 square feet	ETJ \$4.50
Sprinkler Review and Field Re-Test or Additional Site Visits	In Town \$75.00
.....	ETJ \$112.50
Each additional 1000 square feet	In Town \$1.50
Each additional 1000 square feet	ETJ \$2.25
Hood and Suppression Plan Review	In Town \$50.00
.....	ETJ \$75.00
Hood & Suppression Field Test & Additional Site Visits	In Town \$50.00
.....	ETJ \$75.00
Re-piping Permit	In Town \$100.00
.....	ETJ \$150.00
Burn Permit	In Town \$50.00
.....	ETJ \$75.00

Private Hydrant Permit	In Town \$100.00
.....	ETJ \$150.00
Display & Exhibits Permit	In Town \$50.00
.....	ETJ \$75.00
Fair and Carnivals Permit.....	In Town \$100.00
.....	ETJ \$150.00
Tent Permit.....	In Town \$50.00
.....	ETJ \$75.00
Fumigating & Fogging Permit.....	In Town \$50.00
.....	ETJ \$75.00
Pyrotechnics / Explosives (+ Hourly Fee for Inspectors)	In Town \$50.00
.....	ETJ \$75.00
Miscellaneous and Other Permits	In Town \$50.00
.....	ETJ \$75.00

Fire Reports.....	\$5.00
Tank Installation Permit.....	In Town \$150.00
.....	ETJ \$225.00
Tank Extraction Permit.....	In Town \$150.00
.....	ETJ \$225.00
Tank Abandonment.....	In Town \$150.00
.....	ETJ \$225.00
Tank Follow-up Inspection	In Town \$50.00
.....	ETJ \$75.00
ABC License	\$100.00
Fire Prevention Ordinance Violation	\$50.00 - \$500.00
Hazardous Material Spills (Per Man Hour)	\$30.00

Building Inspections Department Permit Fees:

Building Permits

Residential New Construction – Additions - Alterations / Renovations
Permit Fee: \$0.18 per Total Square Feet (Minimum Fee: \$125.00)

Detached Storage Buildings - Detached Garages and Carports
Permit Fee: \$0.17 per Total Square Feet (Minimum Fee: \$125.00)

Home Recovery Fund fee of \$10.00 will be assessed to all residential permits obtained by licensed contractor.

Commercial – New Construction - Additions - Alterations / Renovations
Permit Fee: \$0.20 per Total Square Feet (Minimum Fee: \$200.00)

Manufactured Homes – New and Used
Single Wide - \$125.00
Double Wide - \$175.00

Modular Offices and Classrooms - \$200.00

Demolition Permits
Residential - \$100.00
Commercial - \$150.00

Insulation \$50.00
Daycare / Group Homes \$100.00
Change of Occupancy..... \$75.00
Roofing Permit \$50.00
ABC Permit \$50.00
Swimming Pool \$125.00
Signs – Wall and Freestanding \$100.00/sign

Re-inspection Fee: \$100.00 first time; \$150.00 each time thereafter under same inspection.

Penalty for Beginning Work Without A Permit: \$200.00 Fee Plus the Cost of the Permit.

Electrical Permits

Residential – New Construction - Additions
Permit Fee - \$0.07 per Total Square Feet (Minimum Fee - \$75.00)

Commercial – New Construction - Additions
Permit Fee - \$0.09 per Total Square Feet (Minimum Fee - \$75.00)

Alterations – Adding Outlets – Commercial and Residential
Permit Fee - \$75 / 20 Outlets

Temporary Construction Service Poles - \$60.00

Swimming Pools - \$100.00

Change of Electrical Service
\$100.00 Up To 400 Amps
\$200.00 More Than 400 Amps

Mobile Homes - \$75.00

Electric Signs - \$50.00 per sign

Residential Generators - \$100.00

Commercial Generators - \$150.00

Temporary Power Residential for Electrical Power before Issuance of C/O - \$125.00

Temporary Power Commercial for Electrical Power before Issuance of C/O - \$150.00

Mechanical Permits

Residential– New Construction – Additions - Alterations
Permit Fee - \$0.07 per Heated Square Feet

Commercial – New Construction – Additions - Alterations
Permit Fee - \$0.09 per Heated Square Feet

Change outs - \$90.00 Unit

Ductwork Only – Adding or Replacing \$65.00

Refrigeration - \$50.00 Unit

Commercial Kitchen Hood Fans – \$100.00 Hood

Paint Spray Booths - \$100.00 Unit

Gas Logs / Fireplace – \$80.00 Unit

Gas Lines - Residential - \$50.00

Gas Lines - Commercial - \$80.00

Plumbing Permits

Residential– New Construction – Additions - Alterations
Permit Fee - \$0.07 per Heated Square Feet (Minimum Fee - \$60.00)

Commercial – New Construction – Additions - Alterations
Permit Fee - \$0.09 per Heated Square Feet (Minimum Fee - \$60.00)

Service Water Line Only - \$40.00

Sewer Line Replacement - \$40.00

Irrigation Water Service - \$50.00

Manufactured Homes / On Frame Modular - \$60.00

Adopted this the 9th day of October 2023.

Richard E. Hines, Mayor

ATTEST:

Terri L. Parker, Town Manager



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: September 11, 2023

Presenter: Cliff McGuffin, Public Works Director

Item to be Considered

Subject: Purchase of Town Equipment.

Action Requested: Approve Purchase of Town Equipment via Sourcewell Purchasing Cooperative.

Attachment: Sourcewell Quotes for Tractor, Jetter Trailer, and Knuckleboom Truck.

Prepared By: Cliff McGuffin, Public Works Director

Date: 9/1/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

The 2023-2024 Public Works Budget allocated monies for the purchase of several pieces of equipment over \$30,000. Staff received the following quotes of \$42,245.59 for the requested tractor from Mitchell Tractor & Equipment Company, \$76,860.09 for the requested jetter trailer from Jet-Vac Equipment Company, and \$203,372.12 for the requested International knuckleboom truck from Amick Equipment. These quotes were secured using the purchasing cooperatives Sourcewell rather than the state purchasing contract. The vendors supplying the quotes were awarded the contract through Sourcewell. Similar to the award of state purchasing contracts, Contracts were only received after Sourcewell performed a thorough vetting process of several vendors. This process is similar to the state contract process but is performed at a national scale for purchases versus state level.

Budgetary Impact: No change in approved budget.

Recommendation: Staff recommends approval the Use the above reference Purchasing Cooperative.

Quote Provided By
 MITCHELL TRACTOR & EQUIP. CO.
 J.R. Boyd
 301 N BRIDGE ST.
 WASHINGTON, NC 27889
 email: jr@mitchelltractorco.com
 phone: 2524028537

-- Standard Features --

-- Custom Options --



Loader / Landscaper Series B26TLB

*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model # D1105
 Tier IV Certified
 3 Cylinder
 68.5 cu. in.
 24.3 Gross HP ^
 23.1 PTO HP ^
 @ 2800 Engine RPM
 Charging output 40 Amps
 12 V - 36 Amp Hour Battery
 Dual Element Air Cleaner

FLUID CAPACITY

Fuel Tank 8.2 gals.
 Crankcase 3.2 qts.
 Eng. Coolant 4.7 qts.
 Fr. Axle Gear Case 4.7 qts.

POWER TAKE OFF

Live Independent Rear PTO
 540 rpm @ 2768 Eng. RPM
 SAE - 1-3/8, 6 splines

HYDRAULICS

Open Center - Gear Type
 Total Pump Capacity 11.2 gpm
 Includes Power Steering
 Front / Rear Remotes 7.0 gpm

SAFETY EQUIPMENT

Four Post ROPS / FOPS
 Deluxe Seat w/retractable Seat Belt
 Spark Arrestor Muffler
 Safety Start Switches
 Electric Key Shut-Off
 Hazard Lamps
 SMV Sign

CAT I 3-Point Hitch

Lift Capacity
 @ 24" behind 1,676 lbs.
 Position Control - Standard
 3-point linkage storage standard
 3-point linkage optional

DIMENSIONS

Transport Length 16' 5"
 Width 54.0"
 Height to ROPS top 89.5"
 Wheelbase 62.2"
 Ground Clearance 13.8"

FRONT AXLE

Bevel-Gear, 4 WD
 Hydrostatic Power Steering
 Cast Iron - Heavy Duty
 Tread spacing, Non-adjustable

LIGHTING

2 Headlights
 2 Rear Work Lights
 2 Taillights / Turn Signals

^ Manufacturer Estimate

REAR AXLE

Heavy Duty Axle w/ Differential Lock
 Planetary Final Drives
 Multiple Wet Disc Brakes

INSTRUMENTS

Hour meter / Tachometer
 Coolant Temp. Gauge
 Fuel Gauge

DRIVE TRAIN

3 Range HST
 Low-Medium-High
 Maximum Travel Speed 11.1 mph
 Rear Differential Lock
 No Clutch
 Wet Disk Brakes
 4 Wheel Drive

SELECTED TIRES

ABR8726 & BR8749
 FRONT - 23x8.50-14 R4 Titan Trac Loader
 REAR - 12.4-16 R4 Goodyear Sure Grip Lug

B26TLB Base Price: \$46,517.00

(1) 18" PIN ON TRENCHING BUCKET	\$830.00
<small>BT1963A-18" PIN ON TRENCHING BUCKET</small>	
(1) 60" HEAVY DUTY QUICK ATTACH BKT	\$1,072.00
<small>TL2142-60" HEAVY DUTY QUICK ATTACH BKT</small>	
(1) FRONT LOADER FOR B26	inc.
<small>TL500-FRONT LOADER FOR B26</small>	
(1) BACKHOE	inc.
<small>BT820-BACKHOE</small>	
Configured Price:	\$48,419.00
Sourcewell Discount:	(\$10,652.18)
SUBTOTAL:	\$37,766.82
Factory Assembly:	\$530.00
Dealer Assembly:	\$27.50
Freight Cost:	\$850.00
PDI:	\$400.00
sales tax	\$2,671.27

Total Unit Price: \$42,245.59

Quantity Ordered: 1

Final Sales Price: \$42,245.59

Final pricing will be based upon pricing at the time of final delivery to Sourcwell members. Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting dealer

**Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.*



FLORIDA SHERIFFS
ASSOCIATION



JET-VAC
Equipment Company, LLC

Date: 07/13/2023

Quoted To:

Town of Winterville
Attn: Accounts Payable
PO Box 1459
WINTERVILLE NC 28590

Location: SUMTER

Quote Number: Q00763

Expiry Date: 07/19/2023

Salesperson: Callie Hodge

callie@jet-vac.com

Responsible: AMBER WILLIAMS

(803) 848-1138

amber@jet-vac.com

Attention: TODD BESS

We propose to furnish the equipment described herein in accord with the specification, terms, and conditions outlined.

New HARBEN INC DTK 375 MANU DTK 375 E180 MANUAL CONTROL 66,350.25

UNIT INCLUDES:
KUBOTA TIER 4 FINAL DIESEL ENGINE
MANUAL CONTROLS
10 GAL ANTIFREEZE TANK SYSTEM W/
3 WAY VALVE
JUMP JET PULSATION SYSTEM
FLOW CONTROL VALVE KIT
LED STROBE LIGHT
WORKSTATION LIGHT
12 VOLT AUX OUTLET
HOSE REEL SELECTOR VALVE W/ SPEED
CONTROL AND DETENT
CHROME RIMS (2)
2" TIGER TAIL W/ RING&ROPE
9" DRAIN EXTENSION
10' LEADER HOSE
HOSE FEED GUIDE
KUBOTA ENGINE MANUAL
OPERATION AND SAFETY MANUAL
HARBEN MANUALS
TRAINING COURSE
COLOR: STANDARD HARBEN BLUE

Additional Charges

HOSE 1/2" BLUE

1,544.25

HE JET 3R1F	176.15
HE JET 6R1F	176.15
1/4" MINI JET	300.00
MINI HOSE REEL	741.25
MINI REEL MNT	166.00
SA ALUM TOOLBOX	505.88
MK2 GUN	1,336.36
TIP, FAN GUN	23.75
TIP, HV GUN	35.68
MK2 GUN HLDR	148.00
HOSE FEED GUIDE	228.98
MANHOLE PKG	99.15

Comments

TO UPGRADE THE UNIT TO A 4018 750 ET180 THE AMOUNT WOULD BE \$10,050.

Selling Price:	71,831.85
Tax:	5,028.24
Net Selling Price:	76,860.09

Accepted by:

Prepared by:

Quote

AMICK EQUIPMENT
2040 S. THIRD ST.
MEBANE, NC 27302



Quote No	Quote Date	Page
20231651	9/1/2023	1

Sourcewell No. #040621-PII

Bill To

TOWN OF WINTERVILLE
2916 CHURCH ST. EXT.
WINTERVILLE, NC 28590

Ship to

TOWN OF WINTERVILLE
2916 CHURCH ST. EXT.
WINTERVILLE, NC
28590

END USER: Winterville, Town of (NC)

Customer No	Slspn	Payment terms
14	MATT G	Net 30

Loc	PPD/COL	Ship via	Ship Date	Delivery Date: 90 Days After CHASSIS Receipt
LW		DRIVE AWAY	9/1/2023	

Qty Ordered	UOM	Item No	Unit price	Disc	Extended price
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1.00	EA	LOADER AS CONFIGURED BELOW	2.00 66,149.00		64,826.02
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Feature/Kit Components- LOADER

1.00	EA	0.TL3 MODEL TL3 BASE LOADER	1.00		65,147.00
1.00	EA	03.11SAI HEAVY DUTY SWING MOTOR	1.00		0.00
1.00	EA	03.12 STD HT PED STANDARD HEIGHT PEDESTAL	1.00		0.00
1.00	EA	10.16 HDHI HDHI OUTRIGGER STROBE	1.00		592.00
1.00	EA	07.10SB60 STANDARD BUCKET 60"	1.00		0.00
1.00	EA	10.04 BUWL BOOM-UP WARNING LIGHT/AUDIBLE ALARM	1.00		0.00
1.00	EA	12.05 HG HOSE GUARDS- HEAD & VALVE BANK	1.00		410.00
1.00	EA	12.36 HD HD CONTROL BOX THROTTLE ENGINE KILL & HORN	1.00		0.00
1.00	EA	12.02 TP TANDEM PUMP IN LIEU OF SINGLE 18 GMP	1.00		0.00
1.00	EA	11.02 LBPIO LOADER SINGLE COLOR PI ORANGE	1.00		0.00

1.00	EA	8.0 DUMP BODY AS CONFIGURED BELOW	38,530.00	2.00	37,759.40
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Feature/Kit Components- 8.0 DUMP BODY

1.00	EA	8.28 1824-HDX MODEL HDX-1824 HARDOX BODY 1/8" SIDES, 3/16" FLOOR	1.00		36,747.00
1.00	EA	8.36 PISWLCD PI SELF-WINDING LOAD COVERING DEVICE (ADD-ON)	1.00		1,353.00
1.00	EA	8.40 S-BD STANDARD BARN DOORS FOR BODY	1.00		0.00
1.00	EA	8.47 WL-BW WIRE LOOM FOR BODY WIRING	1.00		0.00
1.00	EA	10.09 LED LED TYPE BODY LIGHTS, 15 EA.	1.00		0.00
1.00	EA	10.10 LED FLASH AMBER LED FLASHERS IN REAR CORNER POST	1.00		430.00

Quote

Quote No	Quote Date	Page
20231651	9/1/2023	2

Sourcewell No. #040621-PII

Bill To

Ship to

END USER: Winterville, Town of (NC)

Customer No	Slpsn	Payment terms
14	MATT G	Net 30

Loc	PPD/COL	Ship via	Ship Date	Delivery Date:
LW		DRIVE AWAY	9/1/2023	90 Days After CHASSIS Receipt

Qty Ordered	UOM	Item No	Unit price	Disc	Extended price
		1.00 EA 8.77ANSI	1.00		0.00
		ANSI Z245 PACKAGE			
		1.00 EA 11.02B	1.00		0.00
		BODY COLOR: BLACK			
1.00	EA	CHASSIS-OTHER	97,165.00	2.00	95,221.70
		CHASSIS, FOR NEW LOADER			
		2024 International MV			
		Cummins B6.7 300 HP 660 LB/FT Torque			
		Allison 3500 RDS Automatic			
		33,000 GVWR			

		Vin - 436164			
		Chassis ETA to Petersen - 1/12/24			
1.00	EA	NI-EQP MISC	3,450.00	2.00	3,381.00
		DEALER PDI/DELIVERY			

Signature Date

THE QUOTE TOTAL MAY NOT REFLECT MISCELLANEOUS CHARGES, FREIGHT OR SALES TAX

SubTotal	201,188.12
Delivery	2,184.00
Tax	0.00
Total Quote	203,372.12

3% Surcharge if paid by Credit card	Credit Card Total	209,473.28
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**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: September 11, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Acceptance of the Stormwater AIA Grant.

Action Requested: Adopt the Resolution 23-R-091.

Attachment: Resolution 23-R-091.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 8/30/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

NCDEQ has requested that the Town of Winterville accept the grant offer of \$400,000 for the purpose of assessing and inventorying the Town's Stormwater assets with the adoption of this resolution.

This grant will help the town evaluate our current system and determine areas that need attention. This will enable us to develop a Capital Improvements Program for future funding opportunities.

Budgetary Impact: Grant funding in the amount of \$400,000.

Recommendation: Staff recommends Council Adopt Resolution 23-R-091.

RESOLUTION

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and,

WHEREAS, the North Carolina Department of Environmental Quality has offered LASII ARPA funding in the amount of \$400,000 to perform the work detailed in the submitted application, and,

WHEREAS, the Town of Winterville intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winterville:

That the Town of Winterville does hereby accept the ARPA grant offer of \$400,000; and

That the Town of Winterville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That Terri L. Parker, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 9th day of October 2023.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified Town Clerk of the Town of Winterville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the 11th day of September 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF,

I have hereunto set my hand this the 9th day of October 2023.

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: October 9, 2023

Presenter: Jessica Manning, Finance Director

Item to be Considered

Subject: Budget Amendment 2023-2024-2.

Action Requested: Approval of the Amendment.

Attachment: Budget Amendment.

Prepared By: Jessica Manning, Finance Director

Date: 9/27/2023

ABSTRACT ROUTING:

TC: _____

TM: 10/4/2023

Final: 10/4/2023

Supporting Documentation

This is the second budget amendment for the 2023-2024 Fiscal Year.

The first item addresses the need to reimburse the Emergency Medical Services department for the funds in the EMS Reserve Account in the amount of \$145,715, now that the Town is no longer collecting rent from that department.

The second item addresses the need to increase the Debt Service Expense and Interest Expense line items in the General, Electric, and Water funds to cover prior year debt service payments that were not drafted until July.

The third item addresses the need to cover the purchase of a truck in the amount of \$50,543 for the Water Department that needed to be carried over from the previous fiscal year.

The fourth item addresses the increase in Grant Proceeds for the AIA Grants in the Sewer and Stormwater Funds.

The fifth item is needed to cover the cost of Storm Repairs on Little Drive and an Asphalt Patch on Church Street in the amount of \$29,000.

The final item is needed to cover the Engineering for the new Recreation Building in the amount of \$17,500.

Budgetary Impact: The total budget amendment will increase the budget in the amount of \$936,561.

Recommendation: Staff recommends Council approve the amendment.

BUDGET ORDINANCE AMENDMENT 23-24-2

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, 2024:

SECTION 1. Revenues are to be changed as follows:

LINE ITEM DESCRIPTION	Fund	Account	Increase	Decrease
Fund Balance Appropriation	General	10-0000-00 3831	158,713	
Fund Balance Appropriation	General	60-0000-00 3831	98,114	
Fund Balance Appropriation	Sewer	62-0000-00 3831	32,691	
Fund Balance Appropriation	Water	61-0000-00 3831	50,543	
Grant	Sewer	62-0000-00 3415	150,000	
Misc Grant	Stormwater	63-0000-00 3420	400,000	
Fund Balance Appropriation	Stormwater	63-0000-00 3831	29,000	
Fund Balance Appropriation	Recreation	15-0000-00 3831	17,500	

Total 936,561 \$ -

SECTION 2. Appropriations are to be changed as follows:

LINE ITEM DESCRIPTION	Account	Department	Fund	Increase	Decrease
Supplies and Materials	10-4330-00	4230	Emergency Medical Service	General	145,715
Debt Service Expense	10-4260-00	5132	Public Buildings	General	11,400
Interest Expense	10-4260-00	5133	Public Buildings	General	1,598
Debt Service Expense	60-7110-00	5132		Electric	91,108
Interest Expense	60-7110-00	5133		Electric	7,006
Debt Service Expense	62-7320-20	5132		Sewer	26,020
Interest Expense	62-7320-20	5133		Sewer	6,671
Capital Outlay	61-8010-00	7150		Water	50,543
AIA Grant	62-7320-20	6101		Sewer	150,000
AIA Grant	63-7420-00	6101		Stormwater	400,000
Capital Outlay	63-7420-00	7150		Stormwater	29,000
Capital Outlay	15-6010-00	7150		Recreation	17,500

Total 936,561 -

Adopted the 9th day of October 2023.

Mayor

Terri L. Parker, Town Manager



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: September 11, 2023

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Amended Human Relations Board By-Law Amendments.

Action Requested: Approve Amended Draft By-Laws or Direct Staff with Changes.

Attachment: DRAFT Amended By-Laws.

Prepared By: Terri L. Parker, Town Manager

Date: 9/6/2023

ABSTRACT ROUTING:

TC: 9/6/2023

TM: 9/6/2023

Final: tlp - 9/6/2023

Supporting Documentation

In accordance with the recent changes to the process for filling vacancies on the Winterville Human Relations Board (WHRB), the By-Laws have been amended accordingly. Please see attached DRAFT where the changes are highlighted in yellow for your information.

Budgetary Impact: TBD.

Recommendation: NA



Winterville Human Relations Board

Approved by Town Council on Monday, September 11, 2023.

Section I - Purpose of the Board.

The Winterville Human Relations Board (hereinafter referred to as the WHRB) is devoted to:

- The study of problems in the area of human relations;
- The promotion of equity for all citizens;
- The promotion of understanding, respect, and goodwill among all citizens;
- The provision of channels of communication among diverse groups;
- Encouraging the employment of qualified people without regard to race, color, religion, gender, sex, age, national origin, disability or genetic information.
- Encouraging youth to become better trained and qualified for employment.

Section II - Membership and Attendance.

Membership:

The WHRB shall be selected for membership in the following manner:

- The Mayor shall nominate one (1) member;
- Town Council members will make the additional five (5) nominations; and
- All nominees must reside within the Town of Winterville.

In filling vacancies caused by resignations of existing members, the Council will make nominations and appoint members for the respective seats that are vacant or are scheduled to become vacant. The same application process used to select members for other volunteer boards of the Town will be used for filling vacancies of the WHRB.

The Town Council will endeavor to create a composition for the WHRB that fairly represents the social, economic, gender, and ethnic composition of the population of the Town. The Town Council may in its discretion appoint up to two (2) high school and two (2) college/university student representatives from high schools and/or colleges and universities located which serve the Town of Winterville. Such student representatives will be non-voting members of the WHRB. Town Council shall appoint one (1) member of Town Council to act as the liaison to the WHRB. The appointed liaison shall attend the WHRB meetings and keep Town Council informed as to the activities of the WHRB. The Town Clerk shall serve as the Staff liaison to the WHRB.

Terms:

The term of office for each WHRB member shall be as follows:

- All members will serve a two-year staggered term;
- No member shall serve more than three (3) consecutive terms;
- Each member shall hold office until the qualification and appointment of his/her successor or until one (1) year has lapsed since the expiration of the term for which the member was appointed, which first occurs; and
- In order to establish staggered terms, the original voting members of the WHRB shall be appointed as follows:
- Two members for a one-year term.

- Two members for a two-year term.
- Two members for a three-year term.
- Thereafter, each newly appointed voting member shall serve for a two-year term.

Attendance:

Members are expected to attend regular WHRB meetings as required. After review, the Executive Committee may recommend to Town Council whether a member should be retained or removed from the WHRB. The recommendation will be determined by the following:

- Three (3) consecutive absences from regularly scheduled meetings if notification of any such absence has not been submitted to the Chairperson or Staff liaison prior to the meetings where the absence occurred.
- Five (5) absences from regularly scheduled meetings of the WHRB in any calendar year if notification of any such absence has not been submitted to the Chairperson or Staff liaison prior to the meetings where the absence occurred
- If a vacancy occurs by reasons stated in this Section II, the Chairperson of the WHRB shall immediately notify the Town Council liaison, so that the vacancy can be filled in accordance with the By-Laws of the WHRB.
- Members may also be removed from the WHRB by breach of Section III of the By-Laws governing general conduct of WHRB members.

Section III - General Conduct.

Government appointees are expected to meet high standards of conduct, which enhance and maintain public confidence in the operation of the WHRB. In order to instill public confidence in the actions and decisions of the WHRB, members will adhere to the following:

- Be cognizant of your individual actions as a member of the WHRB.
- WHRB members are always expected to act with integrity demonstrating good faith, honesty, and due diligence on behalf of the public interest.
- WHRB members are expected to participate, prepare, and regularly attend meetings in order to adequately carry out the duties expected of them.
- The public conduct and language of WHRB members must be free of discrimination, harassment, and hate acts prohibited by local, state, and federal laws. Conduct should reflect social standards of courtesy, respect, and dignity.
- WHRB members must not reveal or divulge information deemed confidential by the WHRB or liaisons received in the course of their duties. Confidential information must not be used for any purpose outside that of undertaking the work of the WHRB to which they have been appointed.
- WHRB members must comply with the public comment protocols established by the Town or the WHRB. If none exist, WHRB members must refer to the Chairman for guidance before making public comment on WHRB matters.
- WHRB members may not make individual personal statements, editorials, speeches, appearances, or requests for information on behalf of the WHRB.
- WHRB members' work or endeavors should not result in any financial or other substantive gain for personal increase and/or profit, or for organized entities to which the WHRB may have membership or affiliation. (Private gain does not include honoraria for service on other agencies, boards or commissions).

- WHRB members must inform the Chairman or Staff liaison of any circumstance that may have a negative or harmful impact on their respective abilities to perform the duties required of their appointments or that could reflect negatively upon the WHRB.

Section IV - Conflict of Interest.

WHRB members must avoid any activity that might impair or impugn the independence, integrity or impartiality of the WHRB. There must be no apprehension of bias, based on what a reasonable person might perceive.

WHRB members who are in any doubt must disclose their circumstances and consult with the Chairman or Staff liaison. In practical terms, WHRB members should ensure that:

- All personal financial interests, assets, and holdings are distinct from and independent of any decision, information or other matter that may be heard by or acted upon by the WHRB.
- Activities undertaken as a private citizen are kept separate and distinct from any responsibilities held as a member of the WHRB.
- Activities undertaken individually as a member of other agencies, boards, or commissions are kept separate and distinct from the WHRB.
- Recusal is expected when agencies, organizations, boards, and commissions you are affiliated with come before the WHRB for action.
- WHRB members may not receive any form of payment for products, services, or acts done as a part of WHRB sponsored or supported events.
- Other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of performing their duties as public appointees. Actions taken in the course of performing duties as public appointees neither cause nor suggest the reality or perception that their ability to perform or exercise those duties has been or could be affected by private gain or interest.

Section V - Election, Tenure, and Duties of the Chair & Vice Chair.

The WHRB shall elect from its membership a Chair and Vice Chair, each for a one-year term and they will be eligible for re-election. Their duties shall be those generally assigned by the nature of their offices. Interim elections may be held if any such office is vacated.

Section VI – Committees.

In accordance Town ordinance, Town Council may, as necessary and upon request from the WHRB, appoint or approve the appointment of committees related to specific human relations issues. These committees shall be composed of adult residents of the Town that are not members of the WHRB and chaired by a member of the WHRB.

Standing Committees of the WHRB shall be appointed by vote of Town Council after suggestions by the WHRB and discussion by Town Council. Each committee shall be chaired by a current WHRB member. Ad hoc committees will be formed as needed. The following shall constitute the Standing Committees:

- Executive
- Interfaith
- Youth Council Advisory

Section VII - Conduct of Business.

- Quorum - A quorum for the official conduct of business shall consist of a simple majority of voting WHRB members.
- Business shall be conducted in accordance with Robert's Rules of Order or Rules of Procedures approved by Town Council.
- Meeting Time shall be at 7:00 pm in the Town Hall Executive Conference Room.
- The WHRB shall hold monthly meetings, which shall be conducted on the 4th Thursday of each month.
- Meeting times or location can be changed by a majority vote or in case of emergency by the Chair.
- Additional meetings as needed shall be called by the Chair, Vice Chair, or any three (3) WHRB members.
- The WHRB shall hold an annual planning session in November.
- Time Commitment - members have agreed to a minimum time commitment of one (1) hour per month (this is inclusive of regular WHRB and committee meetings).
- Meetings are open to the public.

Section VIII – Work Plan.

The WHRB shall submit a work plan to Town Council in March of each year. The work plan should list the proposed activities of the WHRB and any associated budget requests.

Section IX – Changes and Amendments.

The By-Laws may be changed and/or amended by motion passed by three-fourths of the entire WHRB, which includes all voting members, provided written notice of the proposed amendment(s) is mailed to all WHRB members at least then (10) days prior to the meeting which action proposed is to be taken. The changes are then submitted to Town Council for approval.





**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: September 11, 2023

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Update on Cemetery Expansion Project.

Action Requested: Accept Report.

Attachment: NA.

Prepared By: Terri L. Parker, Town Manager

Date: 9/6/2023

ABSTRACT ROUTING:

TC: 9/6/2023

TM: 9/6/2023

Final: tlp - 9/6/2023

Supporting Documentation

The Town Manager will be giving an update on the Cemetery Expansion Project.

Budgetary Impact: TBD.

Recommendation: NA.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: September 11, 2023

Presenter: Stephen Penn, Planning and Economic Development Director

Item to be Considered

Subject: Zoning Ordinance Amendment Consideration. “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products.”

Action Requested: Consider Ordinance Amendment and Direct Staff.

Attachment: Preliminary/Example Ordinance Amendment Language Proposal.

Prepared By: Stephen Penn, Planning and Economic Development Director

Date: 8/30/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

Tobacco Stores Zoning Amendment Proposal.

“Tobacco Stores” as currently listed within the Zoning Ordinance’s Table of Permitted and Special Uses is out of date and too ambiguous.

1. Staff recommends amending the “Tobacco Stores” permitted uses within the Zoning Ordinance to include “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”.
 - i. Definition: “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”-- A retail outlet, service business, or establishment that sells vape products, e-cigarettes, components, products, or related products. This shall include all establishments, stores, or convenience stores that sell tobacco products, smoking products, smokables, e-cigarettes, smoke shops, smoke lounges, cigar stores, head shops, pipe and smoking apparatuses. This shall also include any products that are naturally or non-naturally enhanced food, beverages, tablets, lozenges or capsules with chemicals intended for recreational or medical use. This shall not include “Drug Store & Pharmacies” that employ licensed pharmacist, or “Service Stations, Gasoline”, that sells gasoline and sell the products above as a non-primary source of revenue. This shall not include “Grocery Stores” or “Department & Variety Stores” in which the heated square-foot of the building is 8,000sf or larger and sells the products above as a non-primary source of revenue.
2. Staff is also recommending that the Town consider amending the Zoning Districts in which such establishments are permitted while adding ‘Separation Requirements’ as a Special Requirement for proposed establishments.
3. Staff has included Preliminary/Example Ordinance Amendment Language Proposal to this Abstract.
4. If Council wishes for staff to move forward, Staff will take the Ordinance Amendment Language Attached (or similar language) to the Planning and Zoning Board for a recommendation to Town Council. Town Council will ultimately schedule a Public Hearing in order to consider the proposal.

Budgetary Impact: TBD.

Recommendation: Direct Staff on Ordinance Amendment Consideration.

Chapter 155 of the Zoning Ordinance Suggested Amendments

Proposed Ordinance Changes: Updating the Zoning Ordinance Amendment's "Tobacco Stores" Use.

1. Tobacco Stores: Table of Permitted and Special Uses

- a. Under "Retail Trade".
- b. Currently Labeled "Tobacco Stores" Use Type.
- c. Proposal: Change name/Use Type: "Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products"-
 - i. Definition: "Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products"-- A retail outlet, service business, or establishment that sells vape products, e-cigarettes, components, products, or related products. This shall include all establishments, stores, or convenience stores that sell tobacco products, smoking products, smokables, e-cigarettes, smoke shops, smoke lounges, cigar stores, head shops, pipe and smoking apparatuses. This shall also include any products that are naturally or non-naturally enhanced food, beverages, tablets, lozenges or capsules with chemicals intended for recreational or medical use. This shall not include "Drug Store & Pharmacies" that employ licensed pharmacist, or "Service Stations, Gasoline", that sells gasoline and sell the products above as a non-primary source of revenue. This shall not include "Grocery Stores" or "Department & Variety Stores" in which the heated square-foot of the building is 8,000sf or larger and sells the products above as a non-primary source of revenue.
 - ii. Special Requirement (SR): 46.
 1. Separation Requirement:
 - a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any existing "Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products"-nor within one-thousand feet (1,000') from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or existing single-family, attached or detached, dwelling.
 - b. No store may begin to sell the items described within the "Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products"-definition without obtaining an approved Zoning Compliance Certificate that clearly states the intended sale of the products as described within this use.
 - c. Measure of distance separation shall be in a straight line from the closest point of the building at which the "Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products" use is located.
 - d. For approval, of a "Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products" use, the applicant shall provide a current certificate and straight-line drawing prepared by a registered land surveyor demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.
- d. Table of Permitted and Special Uses:
 - i. Currently Language: "Tobacco Stores".

ii.

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Tobacco Stores	3	5993										X	X	X	X	X	

iii. Proposed Language: Districts for “Tobacco, Vape, Smoke Shop, Medical or Recreational Enhanced Food and Beverages Stores”

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
“Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”-	3	0000											X			X	46



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: September 11, 2023

Presenter: Stephen Penn, Planning and Economic Development Director

Item to be Considered

Subject: Zoning Ordinance Amendment Consideration. "Internet Sweepstakes".

Action Requested: Consider Ordinance Amendment and Direct Staff.

Attachment: NA.

Prepared By: Stephen Penn, Planning and Economic Development Director

Date: 8/30/2023

ABSTRACT ROUTING:

TC: 9/5/2023

TM: 9/5/2023

Final: tlp - 9/5/2023

Supporting Documentation

Internet Sweepstakes Zoning Amendment Proposal.

1. Staff recommends amending the "Internet Sweepstakes" Special Requirement (SR) 44:
 - a. Remove Special Requirement 44's existing items "a", "b", and "c".
 - i. "a. The establishment must be a minimum of one thousand (1,000) feet from any building used as a dwelling."
 - ii. "b. The establishment must be a minimum of one thousand (1,000) feet from any other establishment engaging in internet sweepstakes business."
 - iii. "c. The establishment must be a minimum of one thousand (1,000) feet from the property line of any established religious institution, school, daycare center, library, public park, or recreation center.
 - b. Replacing existing items "a", "b", "c". of Special Requirement (SR) 44 with Special Requirement (SR) 44's new item "a":
 - a. "a." No Internet Sweepstakes shall be permitted within a one-half mile radius (2,640 foot) of any existing "Internet Sweepstakes"-nor within one-thousand feet (1,000') from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or existing single-family, attached or detached, dwelling.

Budgetary Impact: TBD.

Recommendation: Direct Staff on Ordinance Amendment Consideration.