



**TOWN COUNCIL AGENDA**

**OCTOBER 9, 2017 - 7:00 P.M.**

**WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. **CALL TO ORDER.**
- II. **INVOCATION.**
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **APPROVAL OF AGENDA.**
- VI. **PRESENTATIONS:** Presentation of the Greenville Urban Area Metropolitan Planning Organization (GUAMPO) Active Transportation Plan (ATP) – Ben Williams, Assistant Town Manager and Ryan Purtle, MPO Planner.
- VII. **RECOGNITION OF EMPLOYEES:**
  1. Joey Boettger, Parks Maintenance Worker.
  2. Myers Helms IV, Police Officer, Winterville Police Department.
  3. Mike Whaley, Part-time Buyer, Electric Department.
- VIII. **PUBLIC HEARINGS:**
  1. Annexation of 406 Vernon White Road (Parcel 83616).
  2. Carolina Eastern Homes, LLC Rezoning.
- 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. Budget Work Session Minutes May 30, 2017
  2. Budget Work Session Minutes May 31, 2017.
  3. Budget Hearing Meeting Minutes June 5, 2017.
  4. Budget Amendment.
  5. Schedule Public Hearing of One Lot in Summer Winds Subdivision for November 13, 2017.

XI. **OLD BUSINESS:**

1. Permitted & Conditional Use Workshop Changes to Agricultural-Residential (A-R) District.

XII. **NEW BUSINESS:**

1. Laurie Meadows Phase 3 Section B Final Plat.
2. Approval of Contract for Elevated Water Tank Reconditioning.
3. Consideration of the "Brunch Bill" Ordinance.

XIII. **OTHER AGENDA ITEMS:**

1. Discussion of Designation of Space for Council Office in Town Hall (Councilman Moore).

XIV. **ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS.**

XV. **REPORTS FROM DEPARTMENT HEADS:** Update on Projects Currently Underway:

- a. Regional Sewer Pump Station Project
- b. Nobel Canal Drainage Basin Study
- c. Water Tank Rehabilitation Project
- d. NTE Plant Construction Project
- e. Minimum Housing/Code Enforcement
- f. Junk Car Enforcement Project
- g. Urgent Repair Program

XVI. **REPORTS FROM THE TOWN ATTORNEY, MAYOR AND TOWN COUNCIL, AND TOWN MANAGER.**

XVII. **ANNOUNCEMENTS:**

1. Planning and Zoning Board Meeting – October 16, 2017 – 7 pm – Town Hall Assembly Room.
2. Board of Adjustment Meeting – October 17, 2017 – 7 pm – Town Hall Assembly Room.

XVIII. **ADJOURN.**

***SPECIAL NOTICE:*** Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Acting Town Clerk, Amy Barrow at 215-2342 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:** Presentations

**Meeting Date:** October 9, 2017

**Presenter:** Ben Williams, Assistant Town Manager and Ryan Purtle, MPO Planner

**Item to be Considered**

**Subject:** Presentation of the Greenville Urban Area Metropolitan Planning Organization (GUAMPO) Active Transportation Plan (ATP).

**Action Requested:** Adoption of Resolution Accepting the Active Transportation Plan.

**Attachments:** Executive Summary of ATP and Resolution of Adoption.

**Prepared By:** Ben Williams, Assistant Town Manager

**Date:** 10/2/2017

**ABSTRACT ROUTING:**

TC \_\_\_\_\_  FD \_\_\_\_\_  TM tlp – 10/5/2017  Final tlp – 10/5/2017

**Supporting Documentation**

**Adoption of the Greenville Urban Area Metropolitan Planning Organization (GUAMPO) Active Transportation Plan (ATP):**

The Town is a member of the GUAMPO and has been involved in the development of the subject ATP covering the entire MPO jurisdiction. Alta Planning + Design was selected by the MPO to serve as the consultant for developing the update to the 2011 Bicycle and Pedestrian Plan. The update has been entitled the Active Transportation Plan. The purpose of the update was to renew the plan's priorities and add focus on share use trails (greenways). The development of the update was open and participatory with residents providing input through public events, workshops, committee meetings, public comment forms, and an online input map.

The plan contains an analysis of current conditions and public feedback regarding walking, bicycling, and trails in the study area. A comprehensive recommended bicycle, pedestrian, and greenway network, along with top priority project recommendations is included. Also, strategies for bicycle, pedestrian and trail policy, programs, design and implementation were developed and are a component of the Plan.

This document will be utilized by the Town and MPO when developing and budgeting for improvement projects. The Plan will also provide support and justification when seeking funding assistance for design and construction of proposed facilities.

**Budgetary Impact:** N/A.

**Recommendation:** Adopt Resolution Accepting the MPO Active Transportation Plan (ATP)/

# Executive Summary

*"Connectivity is a very important issue. People have to be able to get where they want to go and that involves connecting neighborhoods with shopping, restaurants and schools in a safe and convenient way. This can involve some of the existing roadways but not in their current state. If you make the routes to these desired locations reasonable to navigate by foot or bike people will use them."*

- Public Comment,  
2016



# Executive Summary

The Greater Greenville Area is working together to create better walking and bicycling connections in our communities. In 2016, the City of Greenville and the Greenville Urban Area Metropolitan Planning Organization (MPO) began updating their 2011 Bicycle and Pedestrian Master Plan. The purpose of this update is to renew plan priorities, tools and programs for improving the bicycle and pedestrian environments in the Greenville urban area, which includes the City of Greenville, Town of Ayden, Town of Winterville, Village of Simpson, and portions of Pitt County. Another major update to the plan is the additional focus on shared use trails, or “greenways”. This updated plan for bicycle, pedestrian, and greenway infrastructure, programs, and policies is now known as the MPO’s “Active Transportation Plan”. The vision statement for this Plan (below) captures its main purpose and intent:

## Plan Goals



*Enhance Connectivity*



*Create a Positive Economic Impact*



*Protect the Environment*



*Promote Equity*



*Enhance Health*



*Increase Safety*



*Increase Livability*

## Vision Statement

*“The Greater Greenville Area will offer residents and visitors many options for walking and bicycling, through well-designed and beautifully maintained greenway trails, and through walkable, bicycle-friendly streets. People of all ages, abilities, and incomes will be able to safely and conveniently get to where they want to go.”*

*– Vision Statement from the Active Transportation Plan Steering Committee*

## Planning Process

The development of this Plan was open and participatory, with area residents providing input through public events, workshops, committee meetings, public comment forms, and an online input map. This Plan features:

- A thorough analysis of current conditions and public feedback regarding walking, bicycling, and trails in the MPO
- A comprehensive recommended bicycle, pedestrian, and greenway network
- A strategic list of recommended top priority projects
- Recommended strategies for bicycle, pedestrian and trail policy, programs, design, and implementation.

## Analysis & Public Input

Key Types of Meetings & Public Input (pages 22-31)

- 30+ Project Steering Committee Members
- 5 Steering Committee Meetings
- 200+ Comments through the Online Input Map
- 5 Input Stations Set Up Throughout MPO
- 3 Outreach Sessions at Local Events
- 4 Draft and Final Plan Presentations
- 1,000+ Public Comment Forms
- 3,000+ Average Monthly Visitors to the Project Website

**1,008** Total number of survey respondents

With roughly proportional responses from Greenville, Winterville, Ayden, Simpson, and Pitt County

See Appendix A for full summary of comment form results.

About **75%** of survey respondents



Say it is VERY important to improve walking, bicycling and greenway trail conditions in their community.

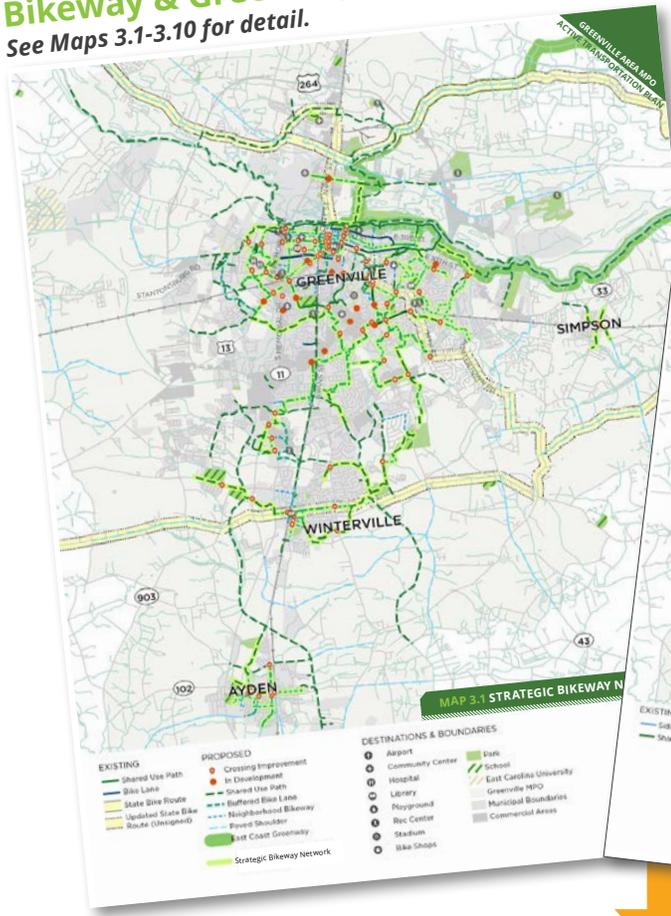
**92** Crashes in Greenville Involving a Bicyclist or Pedestrian In 2016 ALONE

Of the 92 people involved in crashes, 5 people were killed and 37 people were disabled.

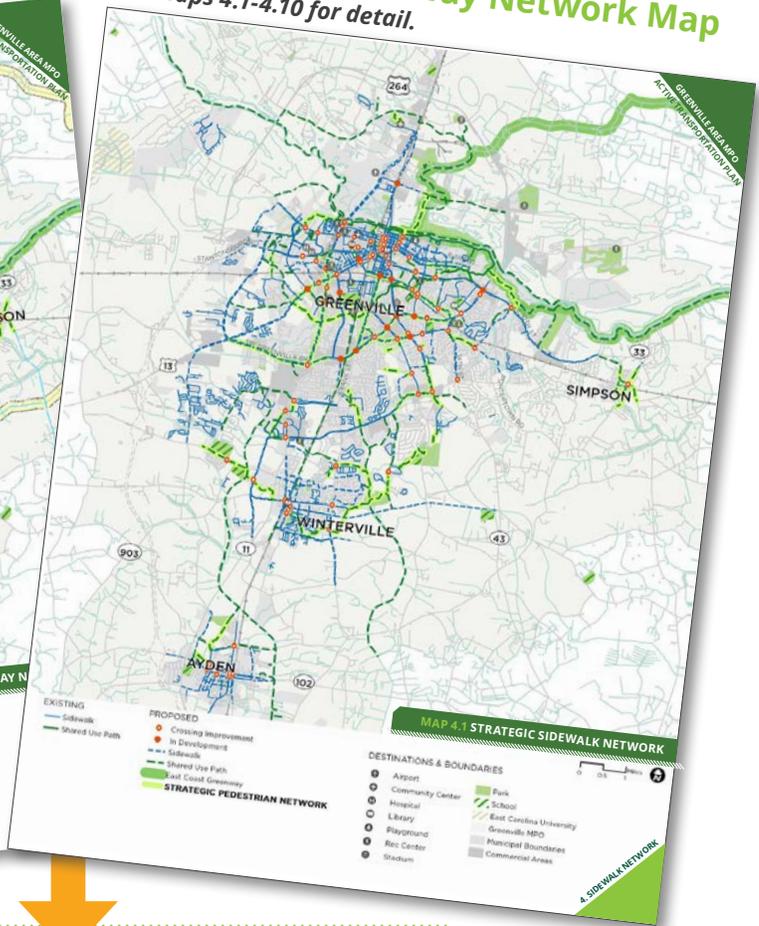
See Chapter 2 for more on this topic and other aspects of existing conditions.

# Recommendations

## Bikeway & Greenway Network Map See Maps 3.1-3.10 for detail.



## Sidewalk & Greenway Network Map See Maps 4.1-4.10 for detail.



# 26 Priority Project Cutsheets

Featuring individual project maps, cost estimates, and other details.  
Chapter 5

The priority projects have the greatest impact in terms of safety and connectivity. Examples include greenways, sidewalks, bicycle lanes, bicycle shared-lane markings, side paths, and similar facilities. These projects have the potential to spur momentum for longer-term projects.

# 39 Implementation Action Steps

Along with detailed recommendations for policies, programs, design, and implementation.  
Chapter 6 & 7

Successful implementation will require a consistent, coordinated effort by local leaders, MPO transportation planners, municipal planners and engineers, multiple NCDOT agencies, private partners, stakeholders, and advocates in the region. The plan's facility design guidelines provide a go-to resource for statewide and national best practices. A combination of federal, state, local and private/non-profit funding sources are recommended to get these projects from planning and design stages to implementation.

**RESOLUTION FOR ADOPTION OF  
THE GREENVILLE NC AREA MPO ACTIVE TRANSPORTATION PLAN**

**WHEREAS**, cities, towns, and regions around the country are increasingly recognizing the benefits that bicycle- and pedestrian-friendly communities offer in terms of quality of life to residents and visitors; and

**WHEREAS**, representatives from the City of Greenville, Town of Ayden, Town of Winterville, Village of Simpson, Pitt County, NCDOT, ECU, PCC, Uptown Greenville, Vidant Health, local community organizations, and multiple local boards and commissions have worked cooperatively for over a year on the Greenville NC Area MPO Active Transportation Plan (the Plan) in order to make bicycling and walking a safe and accessible form of transportation and recreation; and

**WHEREAS**, there were 92 reported crashes in Greenville that involved a bicyclist or pedestrian in 2016 alone, resulting in 37 disabling injuries and five fatalities; and

**WHEREAS**, the Plan will improve the quality and safety of bicycling and walking through new and improved infrastructure, policies and programs; and

**WHEREAS**, the Plan will increase transportation choices by improving connectivity of the bicycle, pedestrian, and greenway trail network, while increasing accessibility to transit and key destinations throughout the MPO region; and

**WHEREAS**, BlueCross BlueShield North Carolina has stated that every \$1 spent on the construction of biking trails and walking paths can save an estimated \$3 in medical expenses; and

**WHEREAS**, the Plan will improve health and wellness by increasing access to bikeways, sidewalks, and greenway trails, thereby offering more opportunities for recreation, active transportation, and physical activity; and

**WHEREAS**, an NCDOT study in the Outer Banks demonstrated the annual return on bicycle facility development is approximately nine times higher than the initial investment; and

**WHEREAS**, an Institute for Transportation Research and Education (ITRE) study in the Triangle Region demonstrated a 154% increase in expenditures on groceries, retail and restaurants after construction of a critical link of the American Tobacco Trail (ATT); and

**WHEREAS**, this Plan included an open and participatory process, with more than 1,000 public surveys, more than 200 online mapping comments, and multiple outreach sessions at public meetings and events; and

**WHEREAS**, 75% of survey respondents said say it is *very* important to improve walking, bicycling and greenway trail conditions in their community; and

**WHEREAS**, it is envisioned that a more bicycle- and pedestrian-friendly region would offer multiple quality of life benefits to residents and visitors by increasing public safety, supporting health and the environment, expanding choices for mobility, and diversifying the strength of tourism; and

**WHEREAS**, this Plan serves as a critical update and improvement to the previously adopted 2011 Bicycle and Pedestrian Master Plan; and

**WHEREAS**, this Plan's Steering Committee unanimously recommended this plan for adoption; and

**WHEREAS**, supporting this resolution does not dedicate specific funding, but rather indicates a willingness to support the Plan's recommended projects and programs over time;

**NOW THEREFORE, BE IT RESOLVED** that the \_\_\_\_\_ hereby adopts the Greenville NC Area MPO Active Transportation Plan.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BY: \_\_\_\_\_  
Name, Title

ATTEST: \_\_\_\_\_  
Name, Title



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** October 9, 2017

**Presenter:** Stephen, Economic Development  
Planner

**Item to be Considered**

**Subject:** Annexation of 406 Vernon White Road.

**Action Requested:** Hold Public Hearing and Approve Annexation.

**Attachments:** Annexation Petition and Annexation Map.

**Prepared By:** Stephen Penn, Economic Development Planner

**Date:** 9/25/2017

**ABSTRACT ROUTING:**

TC

FD

TM 10/5/2017

Final 10/5/2017

**Supporting Documentation**

**406 Vernon White Road Annexation:**

**Council Meeting Steps during an annexation:**

1<sup>st</sup> Meeting (July): Direct Town Clerk to investigate sufficiency of the annexation.

2<sup>nd</sup> Meeting (September): Schedule A Public Hearing.

3<sup>rd</sup> Meeting (October): Hold Public Hearing.

**Petition Requested for Annexation:**

Location: 406 Vernon White Road; Parcel Number 83616.

Zone: Agricultural-Residential.

Size. 0.90 Acres.

\*Letters to property owners within 100' of the property were mailed on 9/25/2017.

**Budgetary Impact:** TBD.

**Recommendation:** Approve Annexation.

PETITION REQUESTING ANNEXATION

Date: \_\_\_\_\_

To the Mayor and Town Council of the Town of Winterville:

1. We the undersigned owners of real property respectfully requested that the area described in Paragraph 2 below be annexed to the Town of Winterville.

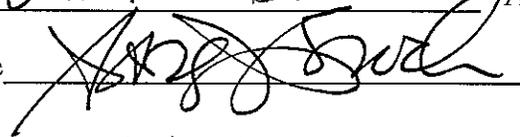
2. The area to be annexed is contiguous to the Town of Winterville and the boundaries of such territory are as follows:

Description

**BEING that same parcel bounded on its north-easterly side by the southerly right-of-way of Vernon White Road, bounded on its south-easterly side by the land of Jack T. Brock, as described in Deed book 46, Page 87 of the Pitt County Registry, bounded on its south-westerly side by the land of Jack T. Brock as shown on the annexation map for Gary J. Brock and wife Ellen R. Brock attached as Exhibit A and herein incorporated by reference, and bounded on its north-westerly side by the land of Jack T. Brock, and further described as follows:**

**LYING AND BEING in Winterville Township, Pitt County, North Carolina and commencing at a point at the intersection of the southerly right-of-way of Vernon White Road, and the westerly right-of-way of Williams Way and running from said beginning point N 45° 07' 15" West 254.70 feet to an existing iron pipe; and running thence N 45° 05' 10" West 189.83 feet to an existing iron pipe, THE TRUE POINT OF BEGINNING; and running thence S 27° 45' 00" West 249.82 feet to an existing iron pipe; thence N 62° 15' 00" West 131.30 feet to an iron pipe set; thence N 27° 45' 00" East 98.79 feet to an iron pipe set; thence N 15° 18' 24" East 162.98 feet to an iron pipe set; thence N 40° 10' 25" East 41.36 feet to an iron pipe set in the southerly right-of-way of Vernon White Road; thence along and with the southerly right-of-way of Vernon White Road S 45° 07' 45" East 164.82 to an existing iron pipe, THE TRUE POINT OF BEGINNING, as shown on the annexation map for Gary J. Brock and wife Ellen R. Brock attached as Exhibit A and herein incorporated by reference.**

Name GARY J. BROCK Address 5922 REEDY BRANCH RD  
WINTERVILLE NC 28590

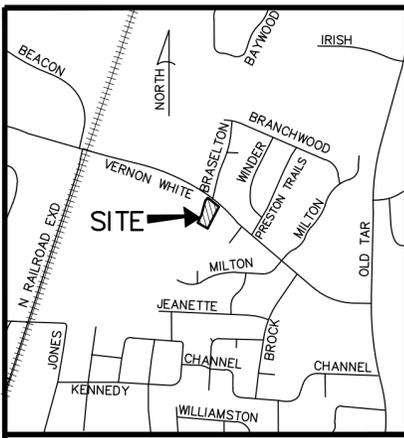
Signature 

Name Ellen R. Brock Address 5922 Reedy Branch Rd  
Winterville, NC 28590

Signature Ellen R Brock

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_



VICINITY MAP  
N.T.S.

ACRAGE

TOTAL ACREAGE..... 0.90 AC.

SOURCE OF TITLE:

DB 3529, P. 776 (TAX PARCEL #83616)

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA; REFERENCE: EFFECTIVE FIRM 3720467500K, DATED 7/7/2014

TOWN OF WINTERVILLE, N.C.  
SUBDIVISION CERTIFICATION:

EXEMPT PURSUANT TO SECTION 154.05 OF THE TOWN OF WINTERVILLE SUBDIVISION ORINANCE.

BY: \_\_\_\_\_ TOWN PLANNER

DATE: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF PITT

\_\_\_\_\_, REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDING.

BY: \_\_\_\_\_ REVIEW OFFICER

DATE: \_\_\_\_\_

PLAN SHEET 1 of 1

ANNEXATION MAP FOR

**GARY J. & ELLEN R. BROCK**

BEING THE PROPERTY DESCRIBED IN DB 3529, P. 776 IN THE PITT COUNTY REGISTRY

WINTERVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: GARY J. & WIFE ELLEN R. BROCK AND JACK T. BROCK

ADDRESS: 5922 REEDY BRANCH RD., WINTERVILLE, NC 28590

PHONE: \_\_\_\_\_

Coastal Carolina Surveyors, PLLC  
LAND SURVEYORS P-0790  
PO Box 2768 . Winterville, NC 28590  
KLB (252) 702-1427  
kenbiggs1@yahoo.com

SURVEYED:	KLB	APPROVED:	KLB
DRAWN:	KLB	DATE:	06/26/17
CHECKED:	KLB	SCALE:	1" = 100'

LEGEND

ACRE	AC
CENTERLINE	C/L
CONTROL CORNER	CC
DEED BOOK	DB
EASEMENT	ESMT
EXISTING	EX
EXISTING IRON PIPE	EIP
IRON PIPE SET	IPS
LINEAR FEET	LF
MAP BOOK	MB
MAG NAIL SET	MNS
NOT TO SCALE	NTS
RIGHT OF WAY	R/W
TOTAL	TOT
TYPICAL	TYP

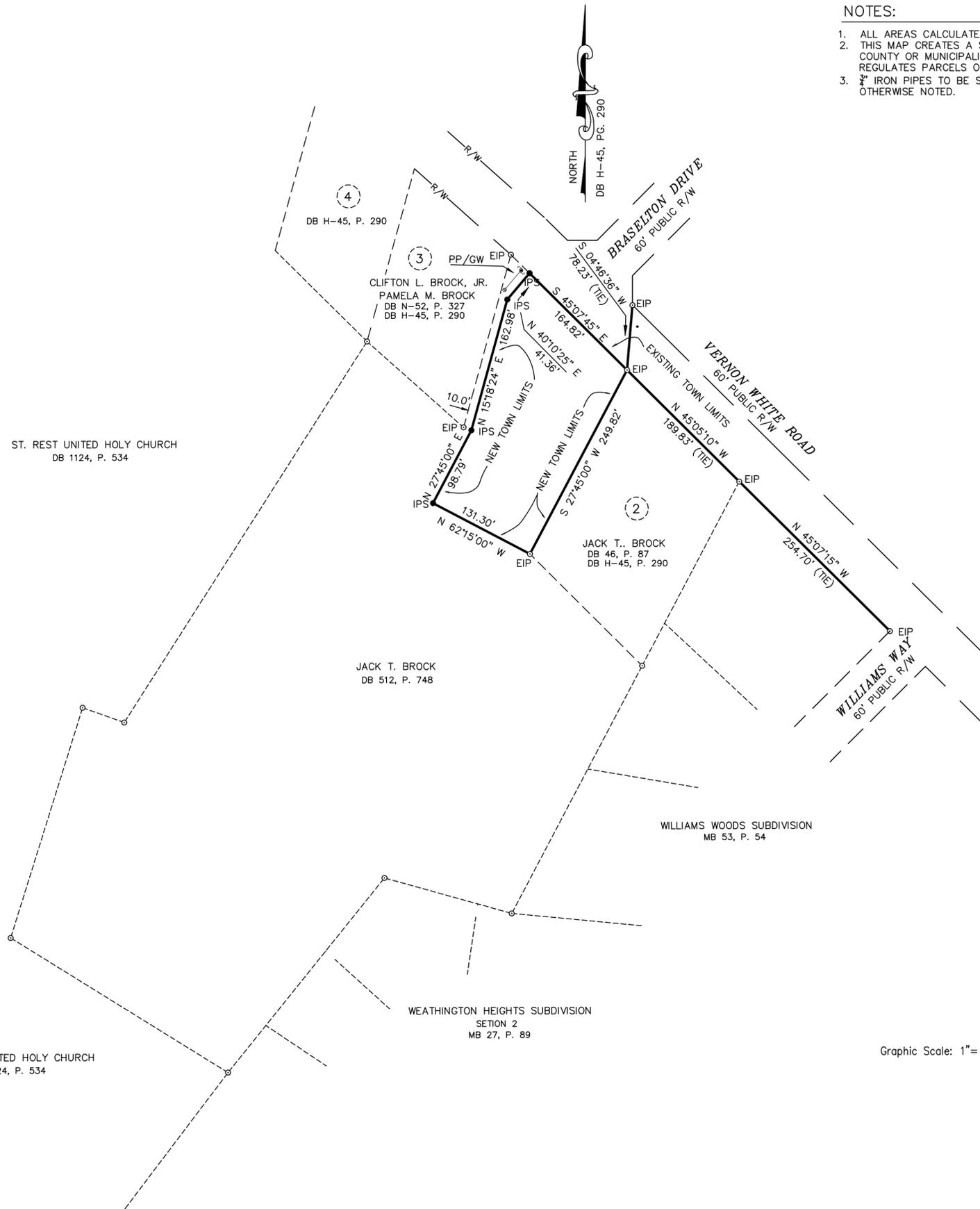
ST. REST UNITED HOLY CHURCH  
DB 1124, P. 534

ST. REST UNITED HOLY CHURCH  
DB 1124, P. 534

JACK T. BROCK  
DB 512, P. 748

WEATHINGTON HEIGHTS SUBDIVISION  
SECTION 2  
MB 27, P. 89

WILLIAMS WOODS SUBDIVISION  
MB 53, P. 54



NOTES:

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. THIS MAP CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
3.  $\frac{3}{4}$ " IRON PIPES TO BE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.



SURVEYOR'S CERTIFICATION

I, KENNETH L. BIGGS, SR., HEREBY CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME FROM DEED DESCRIPTION RECORDED IN DEED BOOK 3529, PAGE 776; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (1) (11) G. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 26TH DAY OF JUNE, A.D., 2017.

KENNETH L. BIGGS, SR., L-3110



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** October 9, 2017

**Presenter:** Stephen, Economic Development  
Planner

**Item to be Considered**

**Subject:** Carolina Eastern Homes Rezoning.

**Action Requested:** Hold Public Hearing and Council Direction if Applicable.

**Attachments:** Rezoning Map, Rezoning Application and Conditional Use District Details.

**Prepared By:** Stephen Penn, Economic Development Planner

**Date:** 9/25/2017

**ABSTRACT ROUTING:**

TC

FD

TM 10/5/2017

Final 10/5/2017

**Supporting Documentation**

**Carolina Eastern Homes, LLC Rezoning:**

Location: Parcel # 07840, 24482 & 07841; Located on the east side of Church Street Extension- south of Laurie Ellis Rd.

Current Zoning: R-12.5 (Parcel #24482) and Agriculture Residential (Parcel #07840 & Parcel #07841)

Size: 27.407 Acres.

Proposed Zoning: R-10 CUD

- Requested Conditions:
- Heated area of houses will be 1,800 sf or greater.
  - Vinyl and brick or stone fronts.

All other zoning regulations will be in accordance to an R-10 Zoning District.

\*Future Land Use Plan proposes Low Density Residential on the majority of the land in subject. There is a very small area proposing Commercial. Adjacent/ Existing land uses entail R-8CUD and C-N(north), R-10CUD and A-R (west), A-R (south), G-B (west across Church St.)

\*\*P&Z Voted to recommend for approval at their July Meeting.

\*\*\*Public Hearing Letters mailed to properties within 100' on 9/25/17.

**Budgetary Impact:** TBD.

**Recommendation:** N/A.



**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: Baldwin Design Consultants, PA

Address: 1700-D East Arlington Blvd, Greenville, NC 27858

Phone #: 252-756-1390

Owner: Happy Trail Farms, LLC

Address: P.O. Box 1863, Greenville, NC 27835

Phone #: 252-916-9028

**PROPERTY INFORMATION**

Parcel #: 07840, 07841, 24482 Area (square feet or acres): 27.407

Current Land Use: Vacant

Location of Property: Off the western right-of-way of Church Street

**ZONING REQUEST**

Existing Zoning: AR Requested Zoning: R-10 CUD

Reason for zoning change: Proposed zoning change would allow property to be developed in harmony with surrounding uses such as the residential uses to the north.

**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.

**TOWN OF WINTERVILLE  
APPLICATION FOR A CONDITIONAL USE DISTRICT  
CONDITIONAL USE PERMIT**

Date Submitted: 6/29/17

To The Mayor and Board of Aldermen:

The undersigned respectfully requests that the Board of Aldermen, pursuant to Section 13.7 of the Zoning Ordinance, authorize the issuance of a Conditional Use Permit for the following use(s) subject to the following conditions:

**USE(S):**

Single Family Residential

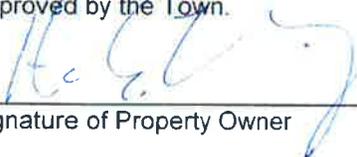
**CONDITION(S):**

- Heated area of houses will be 1800 sf or greater.
- Vinyl and brick or stone fronts

The property is located at NCSR 1714 (Church Street Extension). It is further described as Pitt County Tax Parcel No. 07840, 07841, 24482

The property is owned by Happy Trail Farms, LLC as shown on the attached map.

An application has been duly filed requesting that the property involved in this application be rezoned from R-12.5 to R-10 CUD. It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance. It is further understood and acknowledged that final plans for any development to be made pursuant to such Conditional Use Permit so authorized shall be submitted to the Town for review in the same manner as other Development Plans now required to be approved by the Town.

  
\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Property Owner

P.O. Box 1863, Greenville, NC 27835  
Address

252-916-9028  
Telephone #

Application No. \_\_\_\_\_

**OWNER/AGENT STATEMENT**

I, Michael W Baldwin, 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 07 / 17 / 17.

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] 6/29/17  
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.**

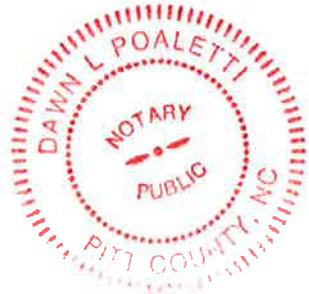
I, H E Whichard, Jr, being the Owner of the property described herein, do hereby authorize Michael W Baldwin as agent for the purpose of this application.

[Signature] 6/29/17  
Signature Date

Sworn to and subscribed before me, this 29th day of June, 2017.

[Signature]  
Notary Public

My Commission Expires:  
03/28/2019



**LEGAL DESCRIPTION OF PROPERTY  
TO BE REZONED FROM R-12.5 TO R-10 CUD  
CAROLINA EASTERN HOMES, LLC PROPERTY  
WINTERVILLE TOWNSHIP, PITT, NC  
JUNE 29, 2017**

Beginning at a point on the curved eastern right-of-way of NCSR 1714 (Church Street Extension) said point being the northwestern corner of the Town of Winterville Property as described in Deed Book 44, Page 390 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

With the curved eastern right-of-way of NCSR 1714 (Church Street Extension) a curve to the right having a radius of 1111.51' and a chord bearing N 36°52'10" E 129.47' to the point of tangency, thence N 40°12'34" E 157.30' to the point of curvature, thence with a curve to the right having a radius of 1169.92' and a chord bearing N 35°17'08" E 200.83', thence leaving the eastern right-of-way of NCSR 1714 (Church Street Extension), S 46°24'14" E 83.35' to a point, thence N 80°42'50" E 121.98' to a point, thence N 52°40'57" E 268.00' to a point, thence S 89°49'54" E 88.82' to a point, thence N 54°26'08" E 73.32' to a point, thence N 50°07'50" W 168.88' to a point, thence N 41°19'20" W 191.81' to a point, thence N 36°12'10" E 96.72' to a point, thence S 68°27'22" E 1011.76' to a point, thence S 06°33'04" W 1029.42' to a point, thence N 70°47'57" W 1548.20' to the point of beginning containing 27.407 acres

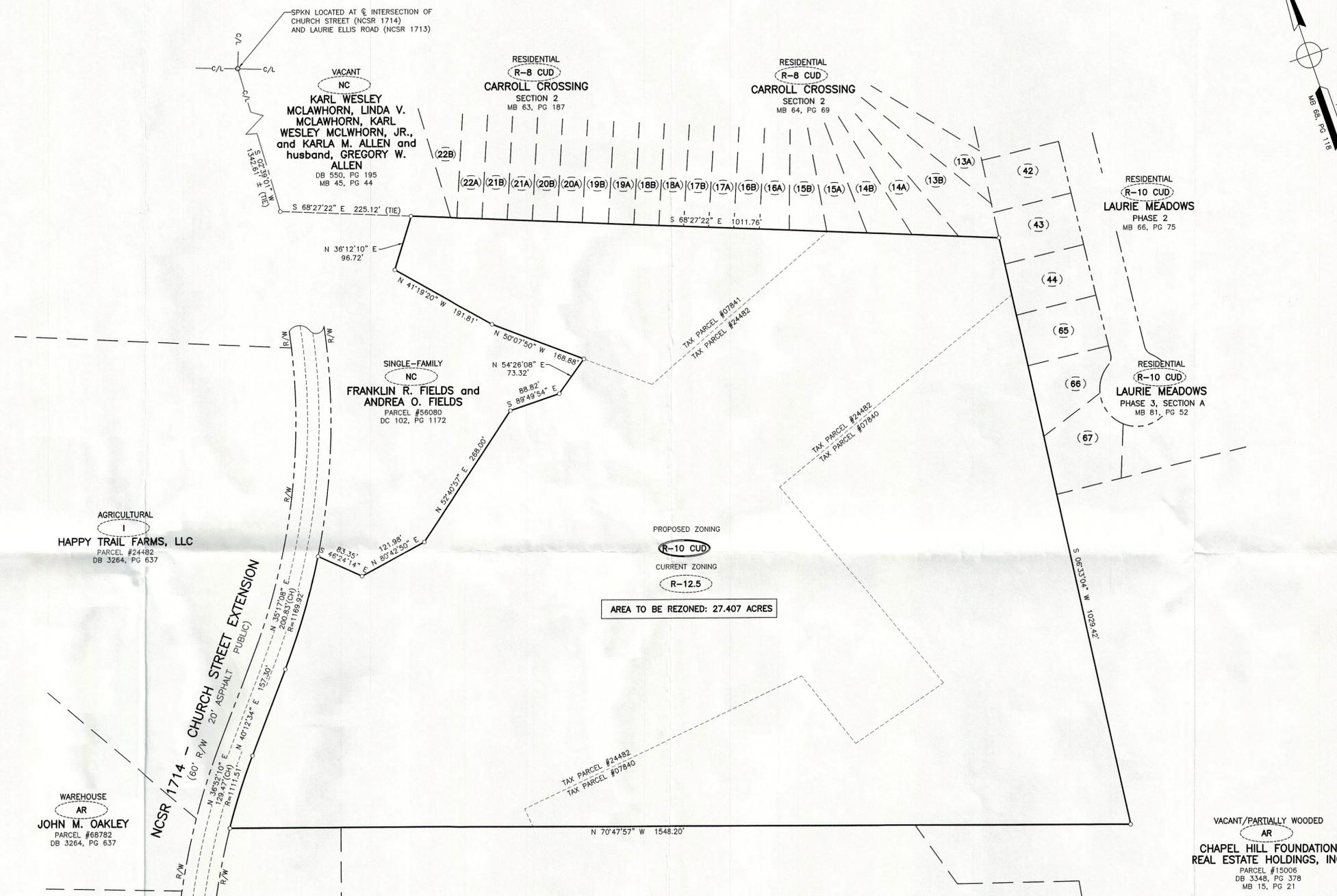


**PROPERTY OWNERS ADDRESSES  
WITHIN 100 FEET OF PROPERTY**

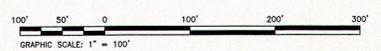
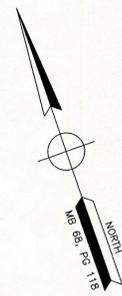
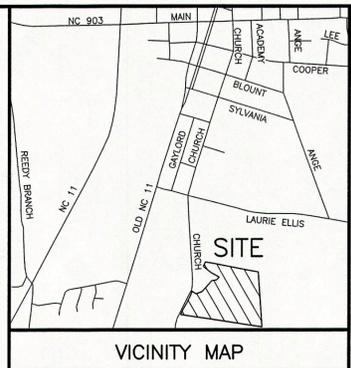
- (22B) KEITH HAIGHT and wife  
DIANA HAIGHT  
226 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (22A) LINDA V. MCLAWHORN  
2351 OLD CREEK ROAD  
GREENVILLE, NC 27834
- (21B) CARMEN ARGUDIN  
238 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (21A) BRIAN JOHN RAVN  
622 EDENBROOK DRIVE  
WINTERVILLE, NC 28590
- (20B) JOHN N. POTTER and wife  
LAURA L. POTTER  
1602 SOUTH OAK LANE  
WINTERVILLE, NC 28590
- (20A) CYNTHIA FAYE SPIVEY  
244 JEREMY LANE, UNIT A  
WINTERVILLE, NC 28590
- (19B) DORENDA K. BRYANT and husband  
ANDRE D. BRYANT  
252 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (19A) MARIE ANDERSON  
252 JEREMY LANE, UNIT A  
WINTERVILLE, NC 28590
- (18B) ERIC BRIDGERS and wife  
CHERYL BYRD BRIDGERS  
258 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (18A) COREY TODD BROWN  
2216 SORREL LANE  
WINTERVILLE, NC 28590
- (17B) JUANA FLOYD  
256 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (17A) ANA KATELYN BARNES  
266 JEREMY LANE, UNIT A  
WINTERVILLE, NC 28590
- (16B) MELANIE J. GUTHRIE  
272 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (16A) DEBORAH H. EBRON  
272 JEREMY LANE, UNIT A  
WINTERVILLE, NC 28590
- (15B) AARON B. DRAKE  
700 CHARLIE BRASWELL ROAD  
GOLDSBORO, NC 27530
- (15A) JUSTIN TYLER WHICHARD  
278 JEREMY LANE, UNIT A  
WINTERVILLE, NC 28590
- (14B) (14A) KRISTIN C. PEREZ  
282 JEREMY LANE, UNIT A  
WINTERVILLE, NC 28590
- (13B) KIMBER LEGGETT  
256 JEREMY LANE, UNIT B  
WINTERVILLE, NC 28590
- (13A) KIMBERLY RENEE WASULA and husband  
ERIC WASULA  
28651 NC 308 SOUTH  
ARAPHOE, NC 28510
- (42) KUHN PROPERTIES, LLC  
4226 DUNHAGEN ROAD  
GREENVILLE, NC 27858
- (43) JAMES T. RICKS and wife  
SUSAN CLARK RICKS  
2976 FOX GLOVE DRIVE  
WINTERVILLE, NC 28590
- (44) BRIAN W. DACEY and wife  
EILEEN M. BRUNE  
2982 FOX GLOVE DRIVE  
WINTERVILLE, NC 28590
- (66) (65) NOLAN COMMERCIAL CONTRACTORS, INC.  
PO BOX 7227  
JACKSONVILLE, NC 28540
- (67) DMS CONSTRUCTION, INC.  
PO BOX 7227  
JACKSONVILLE, NC 28540
- CHAPEL HILL FOUNDATION  
REAL ESTATE HOLDINGS, INC.  
PO BOX 21847  
GREENSBORO, NC 27420
- TOWN OF WINTERVILLE  
PO BOX 1459  
WINTERVILLE, NC 28590
- JOHN M. OAKLEY  
434 SECOND STREET  
AYDEN, NC 28513
- HAPPY TRAIL FARMS, LLC  
PO BOX 1863  
GREENVILLE, NC 27835
- FRANKLIN R. FIELDS and  
ANDREA O. FIELDS  
2947 CHURCH STREET EXT.  
WINTERVILLE, NC 28590
- KARL WESLEY MCLAWHORN,  
LINDA V. MCLAWHORN,  
KARL WESLEY MCLAWHORN, JR.,  
and KARLA M. ALLEN and husband  
GREGORY W. ALLEN  
5111 OLD TAR ROAD  
WINTERVILLE, NC 28590

**NOTES**

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. REFERENCE: MAP BOOK 66, PAGE 188 OF THE PITT COUNTY REGISTER OF DEEDS.



- LEGEND**
- R/W = RIGHT-OF-WAY
  - EIP = EXISTING IRON PIPE
  - EIS = EXISTING IRON STAKE
  - SIP = SET IRON PIPE
  - ECM = EXISTING CONCRETE MONUMENT
  - C/L = CENTERLINE
  - DB = DEED BOOK
  - NPS = NO POINT SET
  - EPKN = EXISTING PARKER KALON NAIL
  - - - = NOT TO SCALE



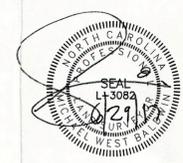
TAX PARCEL #07840  
TAX MAP #4674-55-8362  
A PORTION OF TAX PARCEL #07841  
TAX MAP #4674-55-3958  
A PORTION OF TAX PARCEL #24482  
TAX MAP #4674-45-3983

**CAROLINA EASTERN HOMES, LLC**

REFERENCE: DEED BOOK 3192, PAGE 406 OF THE  
PITT COUNTY REGISTER OF DEEDS

**WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.**

OWNER: HAPPY TRAIL FARMS, LLC  
ADDRESS: P.O. BOX 1863  
GREENVILLE, NC 27835  
PHONE: 252-916-9028



CLDSURE CHECK BOUNDARY		SURVEYED: N/A		APPROVED: MWB	
CHECKED: MAH	DATE: 06/19/2017	DRAWN: MAH	DATE: 06/29/2017	CHECKED: MWB	SCALE: 1" = 100'

Y:\DRAWINGS\2015 Drawings\15-117 CHURCH ST EXT SUBDIVISION REZONING MAP.dwg Thu, Jun 29, 2017, 1:28pm MHERREION



**Winterville Town Council**  
**May 30, 2017**  
**Budget Work Session Meeting Minutes**

The Winterville Town Council met in a Special Meeting on the above date at 6:00 PM in the Winterville Community Room, with Mayor Douglas A. Jackson presiding. The meeting called to order, followed by the invocation by Councilman Tony Moore.

The following were present:

Mayor Douglas A. Jackson  
Councilwoman Veronica Roberson  
Councilman Johnny Moya  
Councilman Tony Moore  
Councilman John Hill  
Terri L. Parker, Town Manager  
Ben Williams, Assistant Town Manager  
Amy P. Barrow, Acting Town Clerk  
Anthony Bowers, Finance Director  
Robert Sutton, Electric Director  
Ryan Willhite, Police Chief  
David Moore, Fire Chief  
Travis Welborn, Public Works Director  
Evan Johnston, Parks and Recreation Director

**APPROVAL OF AGENDA: A motion was made by Councilman Moore and seconded by Councilwoman Roberson to approve the agenda as presented. Motion carried unanimously.**

**ITEMS FOR DISCUSSION: Fiscal Year 2017-2018 Recommended Budget – Town Manager.**

Manager Parker presented the following Unbalanced Draft Budget. Explaining the budget information is being presented a little different than from past meetings, based on the previous Vision Setting Meeting held by Council in January 2017. Council requested Department Heads to talk about some of the department's top priorities in the Vision Setting Meeting. Department Head requests were in the first packet sent for Council to review the details of the department head's request. The second version is more of the draft Council is used to receiving, with all departmental request minus requests for new positions. Salaries and number of positions are the same as at the beginning of the fiscal year; however, Council did take some additional salary money from open positions in the budget this fiscal year to pay for additional part-time fire personnel; salaries have reverted back not to include the additional personnel. The second version includes cuts made by the department heads after request to do so by the manager's office, while prioritizing the larger ticket items requested. Manager's office is seeking the Council's direction on recommendations for the budget. Manager Parker began discussing the Unbalanced Draft Budget Version #2 – FY 2017-2018 handout that was given to Council.

**May 30, 2017**  
**Winterville Community Room**

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**UNBALANCED DRAFT BUDGET VERSION #2 – FY 2017-2018**

May 30, 2017

Mr. Douglas A, Jackson, Mayor  
Mr. Mark Smith, Mayor Pro-Tem  
Dr. John Hill, Councilman  
Mr. Tony Moore, Councilman  
Mr. Johnny Moye, Councilman  
Ms. Veronica Roberson, Councilwoman

**RE: Unbalanced Draft Annual Budget (**Version #2**) for the 2017-2018 Fiscal Year**

Dear Mayor and Members of the Town Council:

Town Staff is pleased to present the **Version #2** of Draft Budget for Fiscal Year 2017-2018, beginning July 1, 2017 and ending June 30, 2018. The Draft Budget has been prepared in accordance with the NC Local Government Fiscal Control Act as required by NC General Statute Chapter 159-11.

Please further keep in mind this Version #2 of the Draft Budget is unbalanced and includes Departmental Requests as they were submitted to Management **minus personnel requests**. The inclusion of these items is for your information only and in no way indicates Management's support or lack thereof for any particular request. The Departments were instructed to reduce their requests based on the deficit in each fund and **Version #2** includes their cuts, except for personnel cuts as I made them.

The Unbalanced Draft Budget – **Version #2**:

- *includes no tax adjustments;*
- *Includes no fee adjustments – **discussion item**;*
- *Includes current level of service to citizens – **discussion item**;*
- *Maintains a high level of benefits for employees. Health Insurance Premiums (Blue Cross/Blue Shield) increased 9.71% and the prescription co-pays which changed in FY 2016-2017 will revert to the lower co-pays of FY 2015-2016 (great news)! There is an increase in the Emergency Room co-pay from \$150 to \$300. Dental Insurance Premiums (Met-Life) increased 3%. Version #2 of this DRAFT Budget has the Town absorbing the increased costs to both employee insurance premiums as well as the percentage in dependent insurance premiums currently paid by the Town.*
- *Includes funding for a 1.5% Cost of Living Adjustment (COLA) for all employees and the institution of a Pay for Performance (Merit) system, which will give a 1% to employees who “meet standard” and 1.5% to employees who “exceed standard.” These increases are budgeted beginning January 1, 2018.*

- includes level funding for Non-Town Agency requests (please see Appendix Tab for details) – *discussion item*;
- includes level funding for the Sheppard Memorial Library request (please see Appendix Tab for details) – *discussion item*;
- includes contributions from the Water, Sewer, Stormwater and Electric funds to the General Fund to compensate for administrative services; and
- contains full departmental requests (minus requests for new positions).

The Unbalanced Draft Budget - **Version #2** does not include:

- funding for three (3) positions. Two (2) were frozen and unfunded in FY 11-12 and one (1) was frozen and unfunded in FY 12/13 due to lack of funds; or
- any new positions.

Below is a brief budgetary summary of point of interests:

### **General Fund:**

All revenues, which comprise the General Fund, have been forecasted in a conservative manner. Staff has reviewed the estimates for state-collected revenues published every year by the North Carolina League of Municipalities, current economic trends for Eastern North Carolina, current nationwide economic trends and historical data from the Town. The proposed budget assumes a 98% collection rate for ad valorem taxes and a slight increase in local option sales tax.

There is no General Fund balance appropriation included, but there is a transfer from the Electric Fund to the General Fund in an amount of \$215,000, which equates to approximately 3.15% of total Electric Revenues.

General Fund departments include the Town Council, Administration, Human Resources, Inspections/GIS, Finance, Information Technology, Planning, Non-Departmental, Public Buildings, Ground and Lawn Maintenance, Police, Fire, EMS, Animal Control, Mosquito Control, Public Works, and Sanitation budgets.

Some highlights (In addition to departmental requests) in the General Fund Departmental budgets include:

- Freezing two (2) positions, which without additional revenue will remain unfunded for FY 2017-2018. The positions which have been frozen are as follows:
  - one (1) Police officer;
  - one (1) Equipment Operator;
- Improving the employee benefits at current levels, which entail a 9.71% increase in health insurance premiums (Blue Cross/Blue Shield) and a 3% increase in dental insurance premiums (Met-Life). Improvements are denoted in the bulleted list above.
- Continued funding for the Summer Worker Program;.
- Non-Town agency allocations as requested (\$115,290) (no cuts have been made). The **cash** allocation requests for Non-Town Agency funding are as follows:

- *Winterville Watermelon Festival* - \$50,000 (Approved in 2016-2017);
- *Boys and Girls Club* - \$5,000;
- *Winterville Chamber of Commerce* - \$20,000;
- *Pitt County Council on Aging (Meals on Wheels)* - \$4,290
- *Rebuilding Together, Pitt County, NC* - \$10,000;
- *Winterville Senior Citizens Club* - \$5,000;
- *Senior Adult Fellowship* - \$3,000;
- *Pitt County Girls Softball* - \$18,000;
- Sheppard Memorial Library has requested a total of \$165,300;
- A General Fund transfer to the Parks and Recreation Fund in an amount of \$778,611; and
- Departmental requests as submitted with cuts, minus requests for new positions.

The General Fund is unbalanced. Revenues are estimated to be \$8,291,598 and expenditures are estimated to be approximately \$9,526,172 – **a deficit of approximately \$1,267,642.**

### **Recreation Fund:**

Recreation revenues and expenditures have been estimated in a manner similar to the General Fund budget. Departmental requests as submitted with cuts, minus requests for new positions are included.

The Recreation Fund is currently shows an approximate **\$513,045 dollar deficit** between revenues available and expenditures requested.

### **Enterprise Funds Summary:**

**Electric Fund** - There is a transfer from Electric Fund to General Fund in the amount of \$215,000 as is done annually to assist in covering the costs of operations.

Departmental requests as submitted with cuts, minus requests for new positions are included.

The Electric Fund is currently showing an approximate **\$57,046 dollar deficit** between revenues available and expenditures requested.

**Water Fund** – Freezing one (1) position, which without additional revenue will remain unfunded for FY 2016-2017. The positions, which have been frozen, are as follows:

- *one (1) Utility Maintenance Mechanic.*

\$372,000 is included for water purchases for resale. This amount covers the water currently purchased from Greenville Utilities. As you may recall, the Town is subject to the Capacity Use rules, which require cities and towns in the Capacity Use area to reduce their reliance on ground water and find other means of water supply. For Winterville, that has entailed purchasing water from Greenville Utilities. The Town is required to reduce their reliance on ground water by 75%. The initial 25% reduction has taken place and the second reduction took place in August 2013.

**The Water Fund is balanced and showing a contingency of \$87,265.**

**Sewer Fund** – As you are aware, the Town is a member of the Contentnea Metropolitan Sewerage District (CMSD) and the District performs the treatment function of our sewer system. The Town pays its share based on a formula, which contains several components. The Town’s appropriation to CMSD decreased by approximately \$100,000 which reflects the first complete year of implementation of the new system for charging member entities based entirely on flow.

Departmental requests as submitted with cuts, minus requests for new positions are included. The Sewer Fund is currently showing an approximate **\$152,126 dollar deficit** between revenues available and expenditures requested.

**Storm Water Fund** – The Storm Water Fund is currently showing an approximate **\$13,680 dollar deficit** between revenues available and expenditures requested.

**Conclusion:**

It is with pleasure caution that Staff presents the FY 2017-2018 Unbalanced Draft Budget Version #2. Staff is pleased with the Town’s progress economically and we hope and plan for that to continue. As you know, the cost of doing business continues to rise and as such, it requires us to assess our current revenue streams and adjust accordingly, while planning for the future.

Staff looks forward to answering any questions you may have.

Thank you.

Sincerely,

*Terri L. Parker*

Terri L. Parker  
Town Manager

*Anthony Bowers*

Anthony Bowers  
Finance Director

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Manager Parker discussed the original increase presented to Staff at a 13%, which our Broker negotiated a lower rate of 9.71%, as well as, reverted back to the smaller copay amounts on prescription drugs. There will be an increase in the Emergency Room co-pay from \$150 to \$300. An addition of an online MD service for employees to use at any time to reduce Emergency Room visits. Town absorbed the health insurance premium increase in the budget for employee and dependents. Metlife dental insurance premium came in at 6.1%, which was negotiated to a 3% increase.

Manager Parker continued with the budget has a 1.5% Cost of Living Adjustment for all employees beginning July 1<sup>st</sup> and a Merit Pay for an employee that meets standards would

receive a 1% merit increase, an employee that exceeds standards would receive a 1.5% increase beginning January 1, 2018. Supervisors will monitor and document an employee's performance throughout the year.

Manager Parker reiterated that the frozen positions remain frozen and no new positions are funded in the budget presented.

Manager Parker asked Council to recommend individuals for the Summer Work Program, as the previous group have either aged out of the program or moved on to different opportunities.

Manager Parker explained to Council that the amount requested in the budget for Winterville Watermelon Festival is only \$35,000 since the Council approved \$50,000 to come out of the 2016-2017 fiscal year budget in April. The \$35,000 would be per Council's suggestion to stay around the same funding amount as previous years, also suggested in this budget to stay ahead to assist the Watermelon Festival with early funding.

Manager Parker explained that \$68,000 is one (1) penny on the tax rate to give an idea of how much one (1) penny on the tax rate it would take to fund the deficit directly from tax money.

Manager Parker reminded Council that General Fund is not designed to make a profit; however, Enterprise Funds do generate profit.

Manager Parker spoke about the Town of Winterville's Council and Staff members that have served and or serving on the CMSD Board. There are three Towns involved with CMSD Winterville, Ayden and Grifton. Explaining that Winterville CMSD Board Members have been trying to change the CMSD charges to entities to a flow based process for many years. Finally approved the flow-based process, with a three (3) year implementation. This will be the first year that flow base will be 100%, which will afford the Town about \$100,000 savings.

Councilman Moore requested the Council start by reviewing the General Fund. Also, questioned the tax revenue on cable franchise fees. Manager Parker informed Council that the cable franchise fee no longer exists.

Councilman Moore stated Building Inspections is up \$10,000 and wanted to know about the individual being trained. Manager Parker reminded Council that the individual being trained currently works on the Town's GIS projects and would be assisting Building Inspections to help speed up the process. Councilman Moore spoke about the Building Inspection fees being raised. Mayor Pro-Tem Smith had conversations with builders that are not opposed to the increase in fees for Building Inspections if that would allow an additional inspector to speed up the process. Manager Parker reiterated that the Town's fees for inspections does need to be reviewed.

Councilman Moore asked about Zoning Compliances going up from \$500 to \$2,000 from previous budget. Manager Parker explained that the number was based on the amount of money collected on Zoning Compliances. The increase is due to more zoning compliances being requested and management of the process.

Councilman Moore wanted to know why the Court Fees were down from \$4,000 to \$2,500. Finance Director Anthony Bowers explained that the Town receives a check from the Courthouse once a month for court fees and the amount received last year were lower. Lieutenant Raby stated that court fees come from the number of citations written by the officers and the number of citations has dropped due to officers issuing warnings over citations.

Councilman Moye questioned revenue line item 3863 Police Event Pay, and why the Town is funding almost \$20,000 that was not in last year's budget. Manager Parker informed Council that the change in the revenue is from the Town reworking the process for Police Off-duty work. Police Off-Duty pay and process will now come through the town for payment and processing.

Councilman Moore inquired about the Vehicle Replacement Fund being an item in the 2017-2018 FY Budget. Manager Parker noted that the only thing that comes out of the Vehicle Replacement Fund is debt service on current vehicles. Anthony Bowers the Vehicle Replacement Fund is multidepartment purchase on vehicles then the funds would be placed in the vehicle replacement fund line item, single purchases are just added to the department for which the vehicle is being purchased.

Councilman Moore went on to the Water Fund to ask when the Water Interconnect project would be complete. Public Works Director Travis Welborn explained that the project is complete just the final payments and paperwork are being completed.

Councilman Moore questioned the Electric Fund cost increase of \$160,000 since the new contract will decrease the amount of money the Town will be paying. Finance Director Bowers informed Council that the numbers are based on a slight reduction for six (6) months while maintaining the continued growth of Winterville. Manager Parker reiterated that a discussion has not been had concerning the rates once the new contract begins in January 2018, and ask that Council not to make a decision on the actual electric rates until the Town has been in the new contract for a while.

Councilman Moyer wanted an explanation of account 3933 under the Sewer Fund. Manager Parker explained that Bell Arthur Water Corporation collects Sewer Fees for the Town from their water customers.

Councilman Moore spoke about the Town Council receiving a raise in salary. Councilman Hill exclaimed he would quit before voting for a raise for the Council. Councilman Moore questioned the raise proposed by Manager Parker to be in affect and how much. Manager Parker informed Council that the proposed raise for employees in the current budget document is for a 1.5% Cost of Living beginning July 1<sup>st</sup> and a Merit system to be implemented for 1% meets standards and 1.5% exceeds standard to begin January 1<sup>st</sup>. Councilman Roberson stated there should be a longevity for Council Members that have served on the Council for a long time. Mayor Jackson recalled that the Council currently has a life insurance policy in place for members that pass during their term with the Town of Winterville. Councilman Moore asked about Ipad replacement. Manager Parker stated that money is allocated under small equipment in the IT Budget, and would look into getting upgrades for Council members. Councilwoman Roberson continued with ideas for the longevity, such as taking the insurance policy with the member if they served at least two (2) terms on the Council, to compensate for the member's time and service on the Council. Manager Parker exclaimed that if the Council is interested in the insurance, she would look into what other entities offer.

Councilman Moore began talking about the Administration budget. Manager Parker explained that the new expenditures have an amount added for the Assistant Town Manager to receive a car allowance. Councilman Moyer questioned why the Manager and Assistant Manager did not have vehicles, since all the department heads have vehicles. Manager Parker stated that the car allowance was in her contract and Assistant Manager Williams drives his vehicle most places.

Councilwoman Roberson asked if there was an error in the line item 4127 Town Council Life Insurance since last year was \$1200 and this budget only has \$120. Manager Parker and Finance Director Bower felt there was an error and would review; however, Finance Director Bowers thought the \$120 was the correct amount.

Councilman Moyer wanted a breakdown on line item 4260 Departmental Improvements. Finance Director Bowers explained that line item is used for items under \$5,000, such as software and lock box fees for finance department.

Councilman Moore asked how many houses would be demolished with money in line item 4233 under inspections for demolition of houses. Building Inspector Mike Weldin spoke up and stated three (3) houses would be demolished for the amount allotted. Councilman Moore questioned how many where demolished in the 2016-2017 FY Budget. Building Inspector

Mike Weldin explained that no houses were demoed this fiscal year; however, there were three (3) in the 2015-2016 FY Budget that were demoed.

Councilman Moore commented about the Daily Drum pricing being higher than the Daily Reflector pricing. Manager Parker did not have an answer, just a thought that since the Daily Drum is a free publication pricing may be higher to pay for circulation.

Councilwoman Roberson wanted to know if the Town held a bid process for background checks, since there is a new company in town for background checks. Manager Parker informed Council that staff would look into the new company, as based on Federal Laws Castlebranch was a popular choice with other Municipalities.

Councilman Moyer questioned the savings in the IT Budget since switching to an outside agency. Manager Parker reiterated that since there is no salary in the IT Budget staff would need to verify numbers and get back with Council on the significant savings.

Councilman Moyer asked why there was a difference in the cable TV fee for Town Hall and the Public Safety Building. Manager Parker stated staff would research to find an answer and get back with Council.

Councilman Moore under planning 4120 Salaries has increased. Manager Parker explained that the increase is based off anticipated increase, as well as, an intern salary to handle a stormwater project. Councilman Hill questioned the increase including the salary for the possible director position and an intern, and is the salary for the director comparable to others jurisdictions. Manager Parker stated the salary is comparable to others in the area or at least close.

Councilman Moore began talking about Non-Departmental Civic contributions.

Boys & Girls Club	\$5,000
Pitt County Council on Aging	\$4,290
Senior Adult Fellowship	\$3,000
Winterville Chamber of Commerce	\$20,000
Winterville Historical & Arts Society	
Depot	In-Kind Services
Museum	In-Kind Services
Winterville Senior Citizens Club	\$5,000
Winterville Watermelon Festival	\$35,000
Rebuilding Together Pitt County, NC	\$10,000
<u>Pitt County Girls Softball</u>	<u>\$18,000</u>
Total Requested	\$100,290

Councilman Moore questioned the amount allotted for the two (2) softball teams, \$5,000 for the two (2) Junior Babe Ruth teams. Parks and Recreation Director Johnston was unsure of the exact amount; however, thought the number was close. Mayor Pro-Tem stated the money should stay with the Winterville Recreation Leagues.

Mayor Jackson received a complaint about the Town funding a church affiliate, Senior Adult Fellowship. Councilman Hill suggested having more information on the Non-Town Agency Funding applications, such as, how many Winterville residents are served by the funding. Manager Parker informed Council that there is such verbiage on the application that is submitted, as well as, the comprehensive report that is submitted by the agencies that have previously received the funding. Manager Parker wanted to research the Senior Adult Fellowship program, as she felt the meetings were held at the Church; however, not affiliated with the Church. Councilman Hill stated that during visits to the Senior Adult Fellowship meetings he has gone around and spoke with several of the attendees to find out where the attendees are living; which are from different areas in the County such as Ayden, Grifton and Greenville along with Winterville. Also, Councilman Hill mentioned that the Board members for the Senior Adult Fellowship are mostly members of Emmanuel Church, where the meetings are held. Councilman Moye felt the Council should give the seniors groups the amount requested. Councilwoman Roberson thought it would be best to give each group the same amount of funding.

Manager Parker asked that the Council go through the Non-Town Agency Funding requests and make recommendations for each group.

**Motion was made by Mayor Pro-Tem Smith and seconded by Councilman Hill to grant \$2,500 to the Winterville Senior Citizens Club and \$2,500 to the Senior Adult Fellowship. Councilman Moye opposed the motion, motion carried 4-1.**

**Motion was made by Mayor Pro-Tem Smith and seconded by Councilman Hill to grant \$3,000 to the Council on Aging. Councilman Moye and Councilwoman Roberson opposed the motion, motion carried 3-2.**

Councilwoman Roberson felt the Meals-on-Wheels program helps residents in Winterville with meals and the personal contact and should receive \$4,000.

**Motion was made by Mayor Pro-Tem Smith and seconded by Councilman Hill to grant \$20,000 to the Winterville Chamber of Commerce, along with the in-kind services. Councilman Moye opposed the motion, motion carried 4-1.**

Councilman Moyer questioned if the Town had staff that would be able to take over the duties of the Chamber. Manager Parker explained to the Council that the Town does not have any staff members currently that would be able to take on the responsibilities of the Chamber. The Chamber handles ribbon cuttings and events to support local businesses. The Town's Economic Development Planner promote and market Winterville for new businesses and expansion, as well as, fills in on Planning Department functions.

**Motion was made by Councilwoman Roberson and seconded by Councilman Moyer to grant \$5,000 to the Winterville Boys and Girls Club. Motion carried unanimously.**

**Motion was made by Councilman Moore and seconded by Mayor Pro-Tem Smith to grant \$35,000 to the Winterville Watermelon Festival. Councilman Moyer stepped out of the meeting for a moment, which is an automatic affirmative motion. Councilman Hill opposed the motion, motion carried 4-1.**

Mayor Pro-Tem Smith inquired about the \$50,000 that had already been approved for the Watermelon Festival in the April Council meeting. Manager Parker explained that the \$35,000 would be for the 2018 Watermelon Festival to assist the festival committee with the money in advance to pay for deposits to be dispersed before the 2018-2019 Fiscal Year begins. Councilwoman Roberson commented that the Town puts more funding into the festival than the surrounding municipalities.

**Motion was made by Councilwoman Roberson and seconded by Councilman Hill to grant \$5,000 to Rebuilding Together Pitt County, NC. Councilman Moyer stepped out of the meeting for a moment, which is an automatic affirmative motion. Councilman Moore opposed the motion, motion carried 4-1.**

**Motion was made by Councilman Moore and seconded by Councilman Moyer to grant \$5,000 to the Pitt County Girls Softball League. Mayor Pro-Tem Smith, Councilman Hill and Councilwoman Roberson opposed, motion **not** carried 2-3.**

Mayor Pro-Tem Smith stated if the Town was going to appropriate funds, it should be in the Town's recreation program and not an outside entity. Councilman Moore explained that the Town does not have a program for girls 9-12 and some of the girls on the teams are Winterville residents. Mayor Pro-Tem Smith reminded Council that a program for girls softball with the Town previously was not successful. Councilwoman Roberson agrees with Mayor Pro-Tem Smith that since the Town is not funding any new employee positions, the money could be used to fund the Town's current programs. Councilman Moyer wanted to know what the money would be used for if granted to the Pitt County Girls Softball League. Councilman Moore stated the funding would be necessary to run the program.

**Motion was made by Councilwoman Roberson and seconded by Councilman Moye to fund the Urgent Repair Fund at \$20,000. Councilman Moore and Mayor Pro-Tem Smith opposed the motion, motion carried 3-2.**

Councilwoman Roberson commented that the program partnership has pulled the community together. Repairs to seniors' homes increase the value of the property, as well as, creating relationships with the community through the volunteers working with the program.

Councilman Moye also felt the program was giving back to our senior citizens that have been giving to the Town of Winterville for many years. Mayor Pro-Tem Smith explained the reason he is opposed to the program, feels that tax dollars should not be used to repair someone's home.

**Motion was made by Councilwoman Roberson and seconded by Councilman Moye to fund the Christmas Parade at \$10,000. Councilman Moore opposed the motion, motion carried 4-1.**

Councilman Moore felt the Chamber or some other organization should be responsible for the Christmas Parade since it is a religious function. Manager Parker asked Parks and Recreation Director Johnston how much of the funding was actually allocated for the parade. Recreation Director Johnston stated the floats are about \$350 each with three (3) floats each year; bands two (2) at \$200-300; Shrine brigades three (3) at \$300 each; candy for a total of about \$2400. Manager Parker reiterated that the tree lighting ceremony expenses are paid out of the Christmas Parade Fund. Mayor Pro-Tem Smith stated the Town has been trying for several years to get the Chamber to take over the parade to no avail, if the Town does not handle the festivities then there will not be a parade. Councilwoman Roberson agreed that the Town does need the parade and festivities to bring the community together. The tree lighting ceremony is a success thanks to hard work from staff and the community really enjoys the festivities.

**Motion was made by Councilman Moye and seconded by Councilwoman Roberson to fund the Municipal Elections at \$13,885.09. Motion carried unanimously.**

Manager Parker explained to Council that the money recommended for the Municipal Election line item 5105 for \$13,885.09 came straight from the Board of Elections for the Municipal Election and the One-Stop Voting. Councilman Moore questioned whether the Town could handle the election or if the County has to handle the election process. Manager Parker was not sure, would find out if it was possible for the Town to run the election.

Discussion concerning Town Attorney line item, Manager Parker explained that Attorney Lassiter had not asked for an increase in fees in years, and to reiterate that the current rates are very low compared to most in the area. No motion made.

**Motion was made by Councilwoman Roberson and seconded by Councilman Moyer to fund Sheppard Memorial Library at \$165,300. Motion carried unanimously.**

Mayor Jackson asked about Community Expenses line item, and if that was for the Community Day Event. Manager Parker explained that Community Expense is for various expenses that Staff has to purchase. Manager Parker reiterated that Council does not usually go down each line item and vote; however, some items such as Civic Contributions the Council usually takes a vote on due to amount changes. Councilman Moore questioned line item 5113 updates on the Code Book. Manager Parker stated the codification has not been updated since the clerk left; however, staff will be working on codification in the near future.

Councilman Moore wanted to know about line item 5135 concerning \$2500 adopted with an amended amount of \$10,000. Manager Parker explained that the Town Clock cost was taking out of that line item.

Councilman Moore asked about the Façade Grant Program increase from \$20,000 to \$30,000. Manager Parker stated would review possible error should be \$20,000.

Manager Parker explained that depending on what the Council votes on for the Recreation Budget, the allocation for Recreation Fund is subject to change. Currently the recreation fund is \$500,000 in the negative with revenues and request made by the Recreation Director's budget. Councilwoman Roberson wanted to know if any grant funding was a possibility for the requested items, such as playground equipment. Recreation Director Johnston informed Council that the money requested would be direct funding for the new playground equipment; however, Staff is looking for grants to assist the Recreation department. Councilwoman Roberson throughout some possible grant funding companies to check with, such as PARTIF Grant and Trillium. Recreation Director Johnston reiterated that the Trillium funding was a one-time only unless the company comes up with additional funding this year. Also applied for the Connect North Carolina Bond Grant (CNCB), which the Town was not awarded the grant. Money including in the budget for a site specific plan PARTIF application for walking trails; however, can't apply for a number of PARTIF's in one year. Councilwoman Roberson stated there are some USDA wellness grants, small grants that may help out the budget.

Councilman Moyer wanted to know if Operations Center Equipment Building 7150 under Public Buildings was a project that had already been started. Public Works Director Welborn explained to Council that the \$306,200 is for a new shelter for the equipment that stays

outside. The building project from last year was a new roof and new siding on the existing building, as well as, upgraded the bathrooms. Maintenance building for Public Works is out of space for storing equipment and this will be a shared building for Electric equipment. Councilman Moore reminded the Council that the budget needs to be cut and the project is pricey. Manager Parker reiterated that the building may be needed; however, this is a large cost item.

Councilman Moore made a motion to delete the \$306,200 building from the budget. No second.

Mayor Pro-Tem Smith asked what equipment is out in the elements currently that would go under the shelter. Public Works Director Welborn stated dump trucks, some generators that are under a shelter that need to be in a heated shelter, backhoe, excavator, in the maintenance shop there needs to be some items taken out for space to work on items. Councilman Hill questioned if there was an option to carry some of the money requested for the building forward to next year's budget under capital outlay fund and then fund the project next year. Finance Director Bowers explained the process would be setting up a reserve fund ordinance and establishes the purpose of the fund, with whatever criteria is set by the Council example \$100,000 over 3 years. Councilman Moye wanted clarification on how the fund would work; the money could be used for any large project the Council decided to choose. Finance Director Bowers reiterated that the funds could be used based on the criteria the Council set; Council could chose to design the account for large capital projects. Manager Parker requested Council not take a vote on the one item, as there are several large request in the budget, and come back to the Operations Building before a decision is made to put money in a capital reserve fund. Council agreed to revisit the item. Public Works Director Welborn informed Council that a master plan is being designed concerning the maintenance buildings and operations center, as the space is limited for parking and equipment as the Town grows and needs additional equipment and staff parking. Councilwoman Roberson agreed that during a previous walk through seeing equipment out in the elements, which could be costly to the Town in the long term. Electric Director Sutton stated with the new equipment requested in the electric budget, there will not be enough clearance in the current building to house the line truck that has been requested. Councilwoman Roberson questioned the extra money currently in the electric fund. Manager Parker explained that the budget in questions has a slight deficit of about \$50,000. Councilwoman Roberson stated the current budget has about \$500,000 in the fund balance. Finance Director Bowers chimed in with over \$5 million.

Councilman Moye inquired about the \$10,000 request for the Police Department improvements. Electric Director Sutton explained that the money is for the interview room and the evidence room door repairs and to upgrade the electric in the new detective office.

Councilwoman Roberson wanted to know if the money in the current budget could be used to fund the building project. Manager Parker agreed that the funds could be used by doing a direct transfer from the electric fund to the general fund. Councilman Hill want a plan for how the transfer will take place, what process will be used to fund the project.

Councilman Moore asked about the fire department needing new bay doors. Manager Parker explained that the rear bay doors are in need of repairs.

Electric Director Sutton informed Council that the \$42,000 repairs for HVAC at the Town Hall are for six (6) furnaces that are 20 something years old and some of the parts are obsolete.

Mayor Pro-Tem Smith questioned whether the large tickets items would be paid out of the budget or would some of the items be financed. Manager Parker explained that the budget would still have to reflect the full in and full out amount in the first year. Mayor Pro-Tem Smith asked Finance Director Bowers what kind of low interest loans are there for such projects. Finance Director Bowers stated currently there are some 3% loans available, which depends on the terms of the financing and amounts, as well.

**Motion to adjourn was made by Councilman Moye and seconded by Councilman Moore and to reconvene on Wednesday, May 31, 2017 at 6:00 pm. Motion carried unanimously.**

Adopted this the 11th day of September, 2017.

\_\_\_\_\_  
Douglas A. Jackson, Mayor

ATTEST:

\_\_\_\_\_  
Amy P. Barrow, Acting Town Clerk



**Winterville Town Council**  
**May 31, 2017**  
**Budget Work Session Meeting Minutes**

The Winterville Town Council met in a Special Meeting on the above date at 6:00 PM in the Winterville Community Room, with Mayor Douglas A. Jackson presiding. The meeting called to order, followed by the invocation by Councilman Johnny Moyer.

The following were present:

Mayor Douglas A. Jackson  
Councilwoman Veronica Roberson  
Councilman Johnny Moyer  
Councilman Tony Moore  
Councilman John Hill  
Terri L. Parker, Town Manager  
Ben Williams, Assistant Town Manager  
Amy P. Barrow, Acting Town Clerk  
Anthony Bowers, Finance Director  
Robert Sutton, Electric Director  
Ryan Willhite, Police Chief  
David Moore, Fire Chief  
Travis Welborn, Public Works Director  
Evan Johnston, Parks and Recreation Director

**APPROVAL OF AGENDA: Motion made by Mayor Pro-Tem Smith and seconded by Councilwoman Roberson to approve the agenda as presented. Motion carried unanimously.**

**ITEMS FOR DISCUSSION: Fiscal Year 2017-2018 Recommended Budget.**

Councilman Moore began the discussion with Town employee raises. Recommending a 1.5% Cost of Living Adjustment (COLA) for all employees to include the Council and part-time employees beginning on July 1, 2017 and a Merit pay for performance based on 1% meets standards and 1.5% exceeds standards to begin on January 1, 2018. Councilman Hill stated if the raise for Council was removed from the motion he would second the motion.

Mayor Jackson informed Council that the Board had not received an increase since 2005.

Councilman Moyer spoke about Merit pay being a great program and opportunity for some that go above and beyond or do we only exceed when someone is around. If we have employees that are not meeting standards then the employee should have a discussion on what improvements need to be made. Against this program and think, all should receive a raise as a group. Councilwoman Roberson asked about longevity rewards. Manager Parker discussed the Town's longevity program, employees working with the Town prior to 2006 receive a percentage of their salary, while others receive a set amount. The amounts are based on the Personnel Policy adopted by the Board in 2006. Mayor Pro-Tem Smith agrees with the merit

pay system to reward those that go above and beyond in their job performance. Councilwoman Roberson wanted to know if all employees would receive a performance evaluation every year for the merit performance program. Manager Parker explained that the MAPS Group has a program that would assist with performance evaluations that would be used by staff to determine whether an employee meets standards or exceeds standards. Councilwoman Roberson does not agree with a merit pay system; however, agree with some kind of reward for staying with the Town on the job and have noticed other towns giving merit and longevity. Manager Parker reiterated that not everyone gives the same effort and that it takes a team to get things done; however, some individuals exceed where others are standard. Council would review the merit pay for performance policy before the program is to be implemented. Councilman Hill stated that most jobs he has held have been based on the merit system. Councilwoman Roberson agrees with the meets standards, as all employees should meet standards and receive a raise. Manager Parker agreed and stated that if an individual is not meeting standards there should be sufficient documentation along with communication between the employee and their supervisor on what needs to be done to meet standards.

**Motion made by Councilman Moore and second by Councilman Hill to give all employees including part-time a 1.5% Cost of Living Raise, minus the Council beginning July 1, 2017 and a merit pay for performance based on 1% meets standards and a 1.5% exceeds standards to begin on January 1, 2018. Councilman Moye opposed, motion carried 4-1.**

Manager Parker in an effort to assist with the discussion, each fund with larger requested items in the presentation provided along with a memorandum from Fire Chief David Moore giving a breakdown of items requested that were part of Fire's Master Plan, as some of the items requested are fire specific. Wanted to give the Council a better idea of what the items are used for to assist with Council's decision.

**From:** David Moore

**Sent:** Wednesday, May 31, 2017 5:49 PM

**To:** Terri Parker <[terri.parker@wintervillenc.com](mailto:terri.parker@wintervillenc.com)>

**Cc:** Mayor and Town Council <[MayorandTownCouncil@wintervillenc.com](mailto:MayorandTownCouncil@wintervillenc.com)>; Ben Williams <[Ben.Williams@wintervillenc.com](mailto:Ben.Williams@wintervillenc.com)>

**Subject:** RE: Explanation of Budget Requests

Terri:

Please see the answers to each question below.

- (1) Total report on status of turnout gear – how many do we have? How many were purchased in 15-16; 16-17? How many are planned for with \$39,495?

This \$39,495 will purchase 15 sets. We have ordered 15 sets this year (16-17), and (5) sets in 15-16. By purchasing (15) sets in 17-18 fiscal year we will be back on track with our turnout

gear program. This includes buying (10) sets per year. We currently have approximately 15+ sets that cannot be issued to firefighters and approximately (10) members that have not been issued turnout gear.

(2) Why \$6,000 in exercise equipment when you just purchased some?

This will complete our health and fitness equipment. We have installed various strength training equipment but we have not purchased cardio workout equipment. This request is for a stair-climbing machine. The most recent quote actually came in less than projected at \$4,200.

(3) What small equipment is included in the \$23,513 request?

- (2) K-12 Saws- (\$2,500, we currently have a 1991 and 2001 model to replace)
- (2) Chainsaws- (\$2,000, we currently have one that is approximately a 1996 model and one truck without a chainsaw)
- Replacement positive pressure fan- (\$2,200, we began converting these from gas powered to electric. This is will be the third year of a four-year program.)
- Ladders-we always include \$2,500 for replacing ladders in case we have ladders that fail the annual service test.
- (10) Helmets- (\$3,000, for helmets that break or expire)
- (10) Boots- (\$3,000, for boots that wear out or expire)
- RIT Pack-(\$4,500, this is used in times of rescue to supply breathing air to victims or firefighters)
- Hand tools-(\$1,500, this may include hooks, axes, shovels, etc.)
- SCBA mask-(\$2,313, replacement mask, fittings, adapters, nozzles, hand tools, or other small equipment as needed)

(4) What is included in the \$3,500 request for the kitchen?

This is contingency in case appliances fail or other kitchen items are needed. We have replaced several small items with this money in previous years. Examples may include refrigerator, freezer, or stoves, pots & pans, etc.

(5) What are escape kits? How many will be purchased with \$4,000?

Escape kits are firefighter safety equipment designed for firefighter emergency escape in situations such as bailing out windows. This will purchase (10).

(6) What does the “duty crew” amount of \$38,480 encompass in member benefits?

This \$38,480 includes the program in which we offer incentive for volunteers to standby at the station. The goal of the program is to have three volunteers in the station at all times.

(7) In your capital outlay request of \$1,049,300, what is a TIC? What are you purchasing for confined space? What are you purchasing for trench rescue?

The capital outlay request is \$26,300. A TIC is a thermal imaging camera and we have one in Engine 1, Squad 1, and Rescue 1. (We have three thermal imaging cameras. One was replaced in 2013/and again this current year, one was purchased in 2009, and the third was purchased sometime prior to 2007.) We also had plans to install in-mask thermal imaging in SCBA masks.

For confined space rescue, we plan to purchase two 60 minute air cylinders and two additional supplied air lines with masks and regulators so that we can assemble (3) two-person teams.

For trench rescue, we plan to purchase two small low-pressure airbags to use for backfilling during rescue incidents. We have two large bags and these small bags will round out that cache. The small bags will be used with the large bags in situations that require the backfilling of void spaces or lifting. We also plan to purchase additional stabilization equipment.

If this is the Contribution to Capital Outlay account, the request is for \$1,023,000. Of this amount, \$47,800 is for the debt service on the SCBA project and \$975,200 is for the aerial apparatus.

Please include the price for an engine comparable to what we have now. Preliminarily, \$500,000-\$550,000.

Also please give a report on status of SCBA equipment – how many do we have?

We currently have (29) SCBA.

How many were purchased in 15-16; 16-17? How many are planned for with \$47,800?

No SCBA purchases are planned. In 2015, we purchased 17 new SCBA and we retrofitted 12 SCBA. We paid for this \$150K project by financing it. The amount in the budget (\$47,800 for three years) is the debt service on those.

Thank you,

David Moore



\$ \$	<u>General Fund</u>	\$ \$
• Operations Equipment Building	\$ 306,200 requested	
• Town Hall HVAC repairs	\$ 42,000 requested	
• Fire Department Bay Door Replacement	\$ 35,000 requested	
• Fire Department New Equipment	\$ 63,230 requested	
• Fire Department Capital Outlay	\$1,049,000 requested	
• PW Dump Trailer	\$ 35,000 requested	
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TOTAL	\$1,530,430 requested	

Manager Parker asked Council for direction on how to proceed with the General Fund items.

- Council discussed the Operations Equipment Building and decided to wait to make a final decision.
- Town Hall HVAC is for six (6) units to be repaired that have continued to cost the Town money for minor repairs.
- Fire Department Bay Door replacement will be discussed by Fire Chief Moore.
- Fire Department new equipment items are notated in the email sent by Chief Moore.
- Fire Department Capital Outlay account 9112 Chief Moore had \$47,000 for Self Contained Breathing Apparatus (SCBA) and \$975,200 for a new aerial truck. The SCBA's have already been purchased and the money is being paid back to the General Fund, so the \$47,000 should remain in contribution of capital reserves. The balance of that will be found in the 7150 capital outlay account with a total of \$1,002,000.
- Public Works is requesting a dump trailer in the amount of \$35,000.

A total of \$1,483,430 for the General Fund capital outlay fund.

Councilman Moore wanted to know if the clerical positions were included in the request. Manger Parker explained that all personnel request were cut from the budget presented. Councilman Moore suggested the purchase of a basic pumper truck at a cost of \$500,000. Chief Moore spoke about the truck currently being used is a 1994 model and another truck the fuel gage and speed-o-meter does not work; however, thankful for what the Council approves.

**Motion made by Councilman Moore to reduce the truck amount from \$975,200 to \$500,000 reducing the general fund fire department capital outlay amount to \$526,800. No second.**

Councilman Moore wanted to know the price of a 24 hour clerical position for the fire department. Manager Parker stated the previous budgeted amount for six (6) months was \$50,000, so a yearly budget would be \$100,000.

**Motion made by Councilman Moore and seconded by Mayor Pro-Tem Smith to reduce the truck amount from \$975,200 to \$500,000 and to finance the fire truck and the OPS Equipment Building.**

Councilwoman Roberson questioned why the OPS Equipment Building could not be paid for out of the Electric Fund. Manager Parker asked Electric Director Sutton and Public Works Director Welborn how many bays the OPS Equipment Building would have once completed. Electric Director Sutton stated seven (7) bays, which would include two (2) bays for Electric Department and five (5) bays for the Public Works Department. Manager Parker explained that the proportionate share of the building should match where the funds are taken. Councilwoman Roberson wanted to know if Public Works had the funds necessary to pay the appropriate share of the building cost. Public Works Director Welborn stated Public Works consists of Water, Sewer, Stormwater and Sanitation, which the money could come from either Water or Sewer fund. Finance Director Bowers reiterated that using one of the two (2) funds suggested would take some burden off of the general fund balance. Manager Parker stated Electric and Water Funds could easily pay for themselves, if Council wants to finance externally or internally, staff can work that out and bring back before Council for the approval process. Councilwoman Roberson did not want to borrow money from an outside source while the Town has the money available already. Manager Parker reminded Council that the Town could borrow from the Town and pay back the Town's fund. Finance Director Bowers explained that the funds would come out of the fund balance and would be a line item like the SCBA equipment that were purchased last year. Essentially the Town borrowed money from Town funds and will pay back over 3-5 years. Councilman Hill requested the current debt service on the Fire Department. When will the Fire Department be out of the debt that is currently owed. Finance Director Bowers stated the debt service on the Pierce fire truck current budget year and ending in 18-19 and then the air packs is reimbursing the general fund all within two (2) years. Councilman Hill stated that if we ordered a truck it would be a year

before the truck gets here and then a year before payments begin, meaning the other debt services for the Fire Department equipment will be paid off by the time the new payments begin. Wanted to know how the payments on a platform truck versus a regular truck would compare to the current payments. Finance Director Bowers explained that the numbers presented in the budget of \$975,200 if financed for ten (10) years the debt service payment would be \$112,428 and at fifteen (15) years the debt service payment would be \$82,000. The current Pierce Fire Truck is at \$84,000, was purchased for \$255,000 and was financed for five (5) years. Mayor Pro-Tem Smith questioned what would happen with the 1994 model fire truck. Chief Moore stated the truck would probably not bring a lot of money and the department would park the unit and use as a reserve; would be hesitant about pawning it off on another department. Manager Parker reiterated that the unit could be sold if someone desired to purchase as long as all disclosures were given at the time of purchase. Councilman Hill expressed that the fire department employees have asked for a platform truck and that was the commitment and vote from Councilman Hill; however, if \$500,000 is all the department can get then he will support the department either way. Councilman Moyer wanted to know if the new truck would help the departments ISO rating. Chief Moore explained that both trucks would help with ISO points; however, a ladder truck would give more ISO points. Councilman Moore expressed that personnel for the fire department would give more ISO points than either truck. Mayor Pro-Tem Smith reiterated that he would love to have a ladder truck; however, not willing to explain to the tax payers the large amount spent on a ladder truck.

**Motion made by Councilman Moore and seconded by Mayor Pro-Tem Smith to reduce the truck amount from \$975,200 to \$500,000 and to finance the fire truck and the OPS Equipment Building. All in favor, motion carried.?**

Manager Parker moved on to handle the remainder of items to be approved in the General Fund Budget, asked that Fire Chief Moore discuss the bay door replacement for the fire department. Fire Chief Moore suggested Council take a break and go look at the doors. Mayor Pro-Tem Smith stated if the Fire Chief says bay doors are needed then the we need bay doors. Councilman Moore reiterated that another \$1 million needed to be cut from the budget. Manager Parker reminded Councilman Moore that personnel still needed to be discussed, as all personnel request has been removed from the presented budget.

**Motion made by Mayor Pro-Tem Smith and seconded by Councilman Hill to approve all remaining items in the General Fund Budget. All in favor, motion carried.**

Manager Parker asked Councilman Moore if a discussion needed to be had concerning personnel. Councilman Moore stated would like to see personnel; however, willing to just move on with the budget.

 <b>Parks &amp; Rec Fund</b> 	
• Engineering for Greenway	\$ 90,000 requested
• Site Specific Plan/PARTF App.	\$ 40,000 requested
• Departmental Improvements	\$ 32,000 requested
• Capital Outlay	\$ 487,600 requested
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<b>TOTAL</b>	<b>\$ 649,600 requested</b>

7/31/2017

Manager Parker went over the large ticket items requested in the Parks & Recreation Fund including an explanation on the capital outlay for \$400,000 to replace playground equipment for both parks. Departmental Improvements included picnic tables, benches and batting cage improvements. Parks Director Johnston addressed the playground equipment in the amount of \$400,000 would be to replace and completely redo the playground at Hillcrest Park and the Winterville Recreation Park. The Hillcrest Park playground equipment is 20+ years old, which has been at the park since it was constructed. The Winterville Recreation Park playground equipment is even older and is at least 30+ years old, which is well beyond the recommended life cycle of playground equipment of 15 – 20 years. This would include play structures along with freestanding equipment, other playground surface replacement. Currently use cedar chips for surfacing, which meets certain requirements for accessibility; however, do not feel that the playgrounds are ADA accessible. Mayor Pro-Tem Smith reiterated that Winterville has the worst playground in Pitt County and needs to be replaced. Manager Parker questioned Finance Director Bowers on whether this was an item that could be financed internally and be paid back to the Town. Finance Director stated already at 1/2 million. Parks Director Johnston explained that the remainder of the capital outlay money would be used to purchase a vehicle for staff, new mower and keep the current mower in service until need to surplus.

**Motion made by Mayor Pro-Tem Smith and seconded by Councilman Moore to approve all items in the Parks & Recreation Fund Budget without the van for \$30,000.**

Councilman Moyer wanted to know more information about the Greenway Engineering. Parks Director Johnston explained that the money is not for the actual construction of the Greenway just the engineering and site specific plan required for the framework of the project and to assist with grant applications.

Councilwoman Roberson wanted to add the van back to the budget, as a van could be used by multiple departments including youth council and senior programs.

Councilman Moyer wanted to remove the \$90,000 Greenway plan. Mayor Pro-Tem Smith stated not willing to remove the Greenway project, as have several citizens request the Greenway. Councilwoman Roberson explained that we have done several plans and studies in the past and do not follow through with the plans. Assistant Manager Williams in the Parks and Recreation Master Plan has the Town at a 3.8 mile deficit in greenways and trails. Had a meeting in Raleigh and identified a funding source that could match the \$90,000 to get another \$90,000 would mean additional money for engineering and scoping along with property acquisition to fill in the gaps from some property the Town does not own. The \$90,000 could be used in conjunction with PARTIF money, Land Water Conservation Fund (LWCF) money, as well as, State Trails money to be possibly turned into \$900,000 from the \$90,000 by developing partnerships. The Town has to put some money in to show interest and commitment. Councilwoman Roberson inquired about the capital outlay for the playground equipment receiving some grant funding instead of the Town paying the full amount. Assistant Manager Williams explained that the Parks department did apply for Connect NC Bond Money and were denied; however, that is not going to keep staff from pursuing additional grant funding. There is a plan that has a line on a map that cost \$35,000 that covers our entire town. The detailed engineering and scoping that would go into making the project happen. Mayor Pro-Tem Smith reiterated that the Town cannot develop the greenway until the project has been engineered. Assistant Manager Williams staff wants a detailed plan on the construction before moving forward on a large project. Councilman Moyer questioned the matching grant and what happens if the Town does not receive the grant. Parks Director Johnston explained that to apply for a grant the plan needs to be in place and all engineering and scope needs to be provided to the grant funding group before being considered for the grant, also even if not applying for a grant the same information would need to be obtained before beginning the project. Councilwoman Roberson wanted to know the difference in the Site Specific Plan and the PARTIF Application. Parks Director Johnston stated a discount is usually given for the Site Specific Plan and the PARTIF Application if the Town uses the same firm, since the firm would already be familiar with the plan. Manager Parker reiterated that the Town could not apply for multiple PARTIF grants within the same year. Mayor Pro-Tem Smith wanted to know if the money could be taken out of the General Fund. Finance Director Bowers discussed the General Fund items that had been approved already HVAC repair, Bay Doors, new equipment and the dump trailer would come from the General Fund and not to be financed puts the total at \$175,000; if adding these projects the total would about \$790,000 from fund balance. Councilman Moyer wanted to know if the Town could apply for the grant without doing the engineering. Parks Director Johnston stated that even if the Town applies for the grant assuming that you are awarded the grant, a lot of the cost for engineering and planning will be covered by the grant. The Town would have to front the money and then the grant will cover

the cost, so the Town will be reimbursed for the funds. Councilman Moyer if the Town does not get the grant and still completing the study, what happens at that point. Assistant Manager Williams chimed in that the Town would just apply for more grants, and if that did not work the project would just be phased in over time pending funding. Currently staff is looking at partnerships to assist with funding. Councilman Moyer would like to apply for the grant before we spend the money. Assistant Manager Parker explained that the current grant that the Town is looking into would be a matching grant for the \$90,000, which the Town would have to match. Councilman Moyer wanted to hold the money in a fund to see if the grant could be obtained before spending the money on engineering. Assistant Manager Williams mentioned the term “Shovel Ready Project” is what the funding agencies are looking for when issuing grant funds.

**Motion made by Mayor Pro-Tem Smith and seconded by Councilman Moore to approve all items in the Parks & Recreation Fund Budget to include the van for \$30,000. Opposed by Councilman Moyer and Councilman Hill. Motion carried 3-2.**

Electric Fund	
• Capital Outlay	\$ 515,000 requested
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TOTAL	\$ 515,000 requested

7/31/2017

Councilwoman Roberson stated the electric fund has the money to buy both vehicles, why wouldn't the Town just fund both trucks. Councilman Moore discussed the payout to Duke would also come out of the Electric Fund. Manager Parker spoke about the Electric Fund deficit of \$57,046, expressing that if both trucks were purchased there may be a need to transfer funds. Finance Director Bowers chimed in there is a ratio of how much the Town is able to transfer from the Enterprise Fund to the General Fund.

**Motion made by Councilman Moore and seconded by Mayor Pro-Tem Smith to approve the line truck at \$265,000 for Electric. Opposed by Councilwoman Roberson. Motion carried 4-1.**

\$ \$	<u>Sewer Fund</u>	\$ \$
• Capital Outlay		\$ 249,000 requested
<hr/>		
TOTAL		\$ 249,000 requested

7/31/2017

Public Works Director Welborn spoke about the three (3) projects in capital outlay. Replace control panel at the Church Street Lift Station \$124,000; force main from lift station to CMSD \$25,000 for materials, which State has indicated this item needs to be replaced; Church Street Gravity Sewer project for \$100,000.

**Motion made by Mayor Pro-Tem Smith and seconded by Councilman Hill to approve the Sewer Fund Capital Outlay for \$249,000. Opposed by Councilman Moye. Motion carried 4-1.**

\$ \$	<u>Stormwater Fund</u>	\$ \$
• Contracted Services		\$ 76,500 requested
<hr/>		
TOTAL		\$ 76,500 requested

7/31/2017

Manager Parker stated contracted services has some large items and remind Council where staff is on the Nobel Canal Drainage Study and how we hope to move forward with the project. Public Works Director Welborn spoke about the Stormwater Fund having the same amount to work with every year. Budgeted to do a pipe replacement between Ange Street and Forbes

Avenue, as we have a pipe that is failing. Surveyor came out and the Town does not have an easement on the pipe, so staff has to get sixteen (16) easements before work can be done on the pipe. Attorney Keen Lassiter is working on the agreements and the easement maps have already been prepared. Reallocated that money to another pipe job since the project would not be done this year. Next fiscal year budgeted what should be left over money to contracted pipe replacement, as we do one to three pipe replacements a year. Stormwater rates would be the largest concern. Nobel Canal Drainage Study is broken-out into five (5) to six (6) phases from Hwy 11 up to Jones Street and is about \$6 million. The project will take a long time to complete with only \$63,000 each year. Staff has applied for grant funding unfortunately the Town was declined. Everyone is aware of the drainage problems on Railroad Street just that project only is over \$1 million. Assistant Manager Williams spoke about the grant funding being denied, the project would have fixed the Railroad Street deteriorated asphalt and curb and gutter sections, increased the crossing under Railroad tracks and replace some piping at Credle's Store. Council approved the match of \$1.2 million on the project to receive the grant for \$1.8 million; however, due to the lack of some green components, wetlands, restoration, or some BMP stormwater retention facility in the project therefore, the grant was denied. There are still other areas that are flooding around town, such as Sylvania Street that need to be addressed. Stormwater fee of \$2 per ERU is not enough to fund all of the projects. Mayor Jackson questioned how much the fee is for non-residential customers. Finance Director stated the fee is per 2000sqft based on the impervious surface, which is one reason an intern in Planning would assist in updating what we are charging and comparing with aerial photos and onsite visits to make sure are system is up to date. Staff is recommending increasing the stormwater fee.

**Motion made by Councilman Hill and seconded by Mayor Pro-Tem Smith to revisit the stormwater fee increase after the intern has completed the stormwater audit. All in favor, motion carried.**

Councilman Moore wanted to know how much the budget is for the summer worker program. Finance Director Bowers reviewed the budget and reported roughly \$29,000 for the summer worker program. Councilwoman Roberson would like the summer work program to be expanded to include some clerical positions. Summer work program is a great program and assists our employees with a heavy workload along with helping our youth. Councilman Moore explained that the reason for the suggestion about the money for the summer work program is to use the funds for fire department personnel to increase the ISO rating. Manager Parker stated there would still be personnel in the fire department; however, the personnel would revert to five (5) days a week twelve (12) hours a day 7am -7pm.

Manager Parker brought up the discussion concerning the Town Attorney's fees possibly increasing. Councilman Moore asked how much of the Attorney budget has been spent this

year. Manager Parker explained that currently only about \$45,000; however, the attorney's billing is not up to date and will have some more bills come in this year's budget. Due to ongoing cases and lots of easement work, the remainder of the budget will be depleted.

Manager Parker discussed the IT history to answer a question by Councilman Moye in the previous meeting. IT history from 2010 – 2014 IT Director Brad Black left in Sept 2013, took 4.5 years with IT Director averaging a budget of \$507,679 a year. IT Director Brad Black left employment in September 2013 and Bryan Bell left in November 2014 calculated the difference between two (2) employees in the IT department and the difference was \$46,048; fiscal year 2015-2016 the Town went to contracted services with VC3 with a savings of \$70,817.33; fiscal year 2016-2017 a savings of \$113,887; and the anticipated savings of \$133,571 for the upcoming budget year 2017-2018. The current phone system is not a user friendly system, staff is in the process of talking with some contractors about an internal system. Hopefully, there will be some savings and a message that people will not have to go through so many levels to reach a staff member.

**Motion to adjourn was made by Councilman Moore and seconded by Councilwoman Roberson. Motion carried unanimously.**

Adopted this the 11th day of September, 2017.

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Douglas A. Jackson, Mayor

ATTEST:

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Amy P. Barrow, Acting Town Clerk



**Fiscal Year Budget 2017-2018 Public Hearing  
June 5, 2017  
Budget Hearing Meeting Minutes**

The Winterville Town Council met in a Regular Meeting on the above date at 7:00 PM in the Town Hall Assembly Room, with Mayor Douglas A. Jackson presiding. The meeting was called to order, followed by the Invocation by Councilwoman Roberson, which was followed by the Pledge of Allegiance. The following were present:

Mayor Douglas A. Jackson  
Councilwoman Veronica Roberson  
Councilman Johnny Moya  
Councilman Tony Moore  
Councilman John Hill  
Mayor Pro-Tem Mark Smith  
Terri L. Parker, Town Manager  
Ben Williams, Assistant Town Manager  
Ryan Willhite, Police Chief  
David Moore, Fire Chief  
Travis Welborn, Public Works Director  
Robert Sutton, Electric Director  
Evan Johnston, Parks & Recreation Director  
Anthony Bowers, Finance Director  
Amy P. Barrow, Acting Town Clerk

**WELCOME:** Mayor Jackson welcomed the public.

**APPROVAL OF AGENDA:** Mayor Jackson requested approval of the agenda. Town Manager Parker requested Public Comment be removed from the agenda before approval of the agenda. **Motion was made by Mayor Pro-Tem Smith and seconded by Councilman Moya to approve the agenda with the removal of Public Comment. Motion carried unanimously.**

**PUBLIC HEARINGS:**

**Fiscal Year 2017-2018 Budget.**

Mayor Jackson declared the public hearing is now open; would anyone like to speak in favor.

Manager Parker discussed briefly the previous meeting held on May 31, 2017 concerning the unbalanced budget at the adjournment of the meeting, with clear direction from the Council on how to move forward with balancing the budget. Brought before the Council tonight a balanced budget with new revenue and expenditure sheets, new benefit highlights outlined with new rates along with an updated balance budget draft message. Available to explain any changes should Council so choose. Council made no comments.

Mayor Jackson again declared the Public Hearing open and asked if anyone wanted to come forward and speak.

Beau Batts spoke on behalf of the Pitt County Girls Softball League (PCGSL). Been involved with PCGSL since 1984 and seen over 10,000 young ladies ages 4-18 come through the program and for

the past twenty (20) years the games have been held at the Sara Law Memorial Softball Complex on Reedy Branch Road in Winterville, NC. The Complex is named after Sara Ann Law one of the earliest members of PCGSL until her untimely passing in 1995. Complex was completed in three (3) years using all private funds and in-kind services. The Complex has been maintained and updated annually through private funds and various fund raisers. Annual operating budget averages around \$280,000 and has been achieved by no funding from governmental sources. Over the past 20 years 100's of travel tournaments have been played along with numerous State and Regional Tournaments that bring in millions of dollars to the League, Winterville and Pitt County. Visitors visit area restaurants and businesses, which the League feels gives back to the local businesses that support the League. The League has proudly brought ten (10) Babe Ruth Softball World Series Titles to Winterville, and one (1) National Championship Title since 2000. The League is called the Pitt County Girls Softball League; however, since 1998, 4799 Reedy Branch Road Winterville NC has been the League's home. PCGSL for twenty-five (25) years have provided girls in Pitt County cost free to them softball games and training in a first class facility. Please consider our request for support in the amount of \$18,000, and understand that no town could put out the softball product that the League does for \$18,000.

Junior Johnson PCGSL board member. Previous East Carolina University Football player many years ago and understand athletics; however, the bigger picture is the type of young ladies that the League is working with through the program. How the young ladies are maturing through the system and becoming members of society. Every single young lady are expectations that they are going to be champions in life. Hope that you consider the request, as the program is building strong young women.

Ann Law Sara Law's mother. Husband Jerry and I have been involved with the PCGSL since the beginning. Sara loved softball and when she passed the decision was made to name the complex after Sara. Each year there is a Sara Law Award given each year for certain traits Sara thought were important in softball; dedication, contribution and helping the League earn money, and playing softball. When the league was first formed we had to fight for places to play and Winterville was very accommodating and provided the League with fields to play on occasions; however, most games were played all over Pitt County, as baseball took precedence over girls softball. The League has worked hard to build the complex by raising the money. Would love for this program to be available for many years. Complex is a safe place for the girls to play ball patrolled by Winterville Police. Husband has passed and I continue to be involved with the League as a volunteer. The PCGSL is a real opportunity for the girls in Pitt County. Council's consideration would be greatly appreciated.

Councilwoman Roberson asked Beau Batts if the League is requesting funding from the County Board of Commissioners as well since the league covers all of Pitt County. Beau Batts stated the League has not made a request to the County. In the past request have been made to the County and no money was offered to the League or any other recreation programs. Councilwoman Roberson stated the County puts money into the Alice P. Keen Park and there has been a lot of talk about other recreation facilities in Pitt County. Since the PCGSL benefits all of Pitt County girls why would the County not fund the program. Would also like to know how the girls are chosen to play in the league. Ann Law and Beau Batts explained that the girls do tryout for the teams just like in baseball; however, all girls get to play no one is turned away. Beau Batts reiterated that PCGSL sends out 12,000 forms to each school to get the word out about the program, and holds registration open for two (2) months and three (3) months before teams are put together. The League tries to be available for all young ladies age 4-16 years old. Councilwoman Roberson questioned the police patrols, are they just regular patrols or special patrols. Police Chief Willhite explained that the complex is in the town limits and there are sometimes Sheriff cars parked at the complex since there are a lot of people out there, not necessarily to patrol the area just a central location for County cars to park. Winterville police patrols may stop at the complex from time to time to speak with a County Deputy as Winterville Police patrol the area on a

regular basis. Councilwoman Roberson reiterated that she is not against the Officers patrolling the area, as it is a great idea with so many people gathered in one place. Junior Johnson stated the Sara Law Complex is the only area in Pitt County that he feels comfortable not having his eyes on his girls at all times. Have the ability to interact with their friends, which teaches the girls to grow and become champions. The interaction with the older girls and the younger girls is almost like passing the torch, great atmosphere. Councilwoman Roberson questioned whether part of the facility is being rented to someone. Beau Batts two (2) years ago the Community schools were renting the facility and now that Community Schools has the Alice P. Keene Complex our complex is now being rented to a private entity. Wes Taylor, President PCGSL stated that Premier Sports Academy is the name of the group renting the facility, which is being used for mentoring youth in sports. Mayor Pro-Tem Smith wanted to know if the League had ever approached the County Commissioners directly concerning funding for the program. Beau Batts explained that the League had not spoken with the Council directly, that communication was going through Community Schools to the Commissioners. Mayor Pro-Tem questioned whether the League had ever received any funding from any other municipality in Pitt County. Beau Batts stated that the League has requested money from Greenville in the past only to be told that the complex is in Winterville, too which I informed that Boyd Lee Park is also in Winterville and Greenville funds Boyd Lee Park. Wes Taylor explained that the League has reached out to the Andrews group to partner up on some tournaments, which is still an ongoing effort and probably the only thing the county has given to the program. Beau Batts stated the PCGSL has been chosen to host the state tournament, which will bring in forty (40) teams to Winterville for up to five (5) days. Councilman Moore thanked the group for coming out to speak and wanted to let them know that he would make a motion at the regular meeting Monday, June 12, 2017 to give some funding to the PCGSL. Reminded Council that four (4) out of five (5) of the individuals that use the Library are not from Winterville and the Town funds \$165,000 for the Library. Councilwoman Roberson reiterated that the PCGSL program is a great program; however, the Town has a Recreation Program and should not fund another recreation program. PCGSL is a great program with the girls winning all the titles and the Town's recognition of the girls proves such. Councilman Moore stated the Town did appropriate money to the group years ago when the group won a title. Beau Batts explained that the Town did support the League in 2012 with \$4,300 - \$5,000 for the Regional Tournament. Wes Taylor reiterated that the League does not have salaried employees, have a few hourly employees that mow the grounds; however, the program runs mostly on volunteers. Mayor Pro-Tem Smith exclaimed the PCGSL is an outstanding program. This is an extremely tough year as the Town has to replace \$400,000 for playground equipment for the Town's Recreation Program along with additional needed equipment. Would encourage the League to ask for funding in the future if not given the funding this year. Difficult budget year for the Town purchasing equipment that the departments have needed.

Mayor Jackson asked if anyone else would like to speak in favor or opposed. Hearing none, close the public hearing.

### **ANNOUNCEMENTS:**

Manager Parker went over announcements. Announcing the Market on the Square Thursday, June 8, 2017 from 4 – 8pm. Mayor Jackson questioned how many vendors were at the last event. Assistant Manager Williams stated about 16 – 20 vendors. Councilman Moore reiterated that thirty-one (31) vendors have signed up all together and the South Central Band did a fantastic job at the last event.

**ADJOURN: Having no further business to come before the Council the meeting adjourned. Motion was made by Councilman Moore to adjourn and seconded by Councilwoman Roberson to adjourn. Motion carried unanimously.**

Adopted this the 11th day of September, 2017.

\_\_\_\_\_  
Douglas A. Jackson, Mayor

ATTEST:

\_\_\_\_\_  
Amy P. Barrow, Acting Town Clerk

DRAFT



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** October 9, 2017

**Presenter:** Anthony Bowers, Finance Director

**Item to be Considered**

**Subject:** Budget Amendment 2017-2018-03.

**Action Requested:** Approve the Budget Amendment.

**Attachments:** Budget Amendment 17-18-03.

**Prepared By:** Anthony Bowers, Finance Director

**Date:** 10/3/2017

**ABSTRACT ROUTING:**

TC

FD

TM tlp – 10/5/2017

Final tlp – 10/5/2017

**Supporting Documentation**

This is the third budget amendment for the 2017-2018 Fiscal Year.

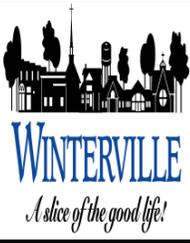
This amendment addresses two items. The first item will provide funds for the purchase of two parcels of land. One on Railroad St. in the amount of \$23,000 and one parcel for the expansion of the Reedy Branch Rd cemetery. The purchase price is \$80,000. However, we will be paying \$50,000 down and finance the remainder over two years with equal payment of \$15,000 per year. The total fund balance needed is \$73,000

The second item is to correct an error that occurred when we rolled the prior year encumbrances to the current year. Staff inadvertently left out a purchase order that was approved in the prior fiscal year. This will allow for the completion of the work that was previously authorized. The amount of the PO was \$20,000.

**Budgetary Impact:** The total budget amendment is \$93,000.

**Recommendation:** Approve the Budget Amendment.





**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** October 9, 2017

**Presenter:** Stephen, Economic Development  
Planner

**Item to be Considered**

**Subject:** Summer Winds Rezoning of One Lot.

**Action Requested:** Schedule A Public Hearing for November 13, 2017.

**Attachments:** Rezoning Map and Rezoning Application.

**Prepared By:** Stephen Penn, Economic Development Planner

**Date:** 9/25/2017

**ABSTRACT ROUTING:**

TC

FD

TM tlp – 10/5/2017

Final tlp – 10/5/2017

**Supporting Documentation**

**Summer Winds Rezoning: Bill Clark Homes of Greenville LLC.**

Location: Parcel # 73274. Summer Winds is an existing subdivision located off of Reedy Branch Road. The proposed lot to be rezoned is to be located on Crimson Drive as shown in the attached map.

Size: Roughly half of the proposed, 15,215 square foot proposed lot- details shown on attached map.

Current Zoning: The area in which this lot is proposed is zoned R- 12.5 Conditional Use District (CUD) and R-15. The R-12.5 CUD's conditions are that the minimum side setback requirements are 10' rather than 12.5' as it would be required in that zoning district.

Proposed Zoning: R-15.

This rezoning will prevent the lot from having two different zoning classifications/split zoning. This will allow for a final plat to be approved in the future and for the lot to be a buildable lot in the future.\

\*Future Land Use Plan- Proposes "Medium Density Residential" (R-10 or R 12.5) in this district. This Rezoning is proposing R-15, which is considered a Low Density Residential. Adjacent existing zones entail R-15, R-12.5 and R-12.5 CUD.

\* The adjacent lot to the east is zoned R-15. The adjacent lot to the west is zoned R-12.5. The adjacent lots to the north, in Copper Creek are zoned R-12.5

**Budgetary Impact:** TBD.

**Recommendation:** Schedule Public Hearing for November 13, 2017.



**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: BILL CLARK HOMES OF GREENVILLE, LLC

Address: 200 E. ARLINGTON BLVD. STE. "A"  
GREENVILLE, NC 27858

Phone #: (252) 355-5805

Owner: SAME

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

**PROPERTY INFORMATION**

Parcel #: 73274                      Area (square feet or acres): 15,215 SF

Current Land Use: VACANT

Location of Property: 95' WEST OF REEDY BRANCH RD AND 225' NORTH OF SUNRISE DR

**ZONING REQUEST**

Existing Zoning: R-12.5                      Requested Zoning: R-15

Reason for zoning change: TO REMOVE SPLIT ZONING FROM FUTURE SUBDIVISION LOT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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, David Koch, 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 \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

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.

David Koch Signature Date 8/18/17

**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:  
\_\_\_\_\_

**Staff Use Only**

Appl. #: \_\_\_\_\_ Fee Amount \_\_\_\_\_ Date Paid \_\_\_\_\_

Planning Board Recommendation: APPROVED Meeting Date: \_\_\_\_\_

DENIED

Conditions/Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Town Council Decision: APPROVED Meeting Date: \_\_\_\_\_

DENIED

Conditions/Comments: \_\_\_\_\_

\_\_\_\_\_

Legal Description For  
Bill Clark Homes of Greenville, LLC  
A Portion of Tax Parcel 73274

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

Beginning at a point in the northern line of the Bill Clark Homes of Greenville, LLC property as recorded in deed book 3205, page 860 of the Pitt County Registry said point being located N 02-41-12 E – 70.71', thence N 05-26-36 W – 4.95', thence N 05-34-05 W – 288.93', thence S 85-42-45 W 95.24' from the intersection of the western right of way of NCSR 1131 – Reedy Branch Road and the northern right of way of Sunrise Drive, thence from said point of beginning leaving the northern line of the Bill Clark Homes of Greenville, LLC property S 23-18-50 W – 167.12', thence **50.65' along the arc of a curve said curve being to the left having a radius of 70.00' and a chord bearing N 87-24-47 W – 49.55'**, thence N 18-08-23 W – 146.43' to the northern line of the Bill Clark Homes of Greenville, LLC property, thence with the northern line of the Bill Clark Homes of Greenville, LLC property N 85-42-45 E – 161.68' to the point of beginning containing **15,215 square feet.**

**COPPER CREEK SUBDIVISION**  
MB 79, P.196

PAUL A. SANTIAGO  
DB 3527, 662

PHILIP N. JUSTICE  
DB 3530, P.221

JUSTIN HARDY  
DB 3558, P.199

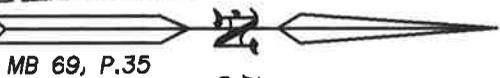
NOLAN COMMERCIAL  
CONTRACTORS, INC.  
DB 3547, P.617

④

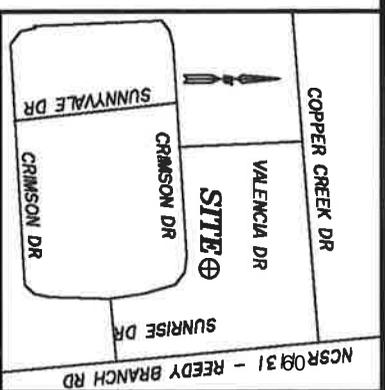
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MB 69, P.35



BILL CLARK HOMES  
OF GREENVILLE, LLC  
DB 3205, P.860

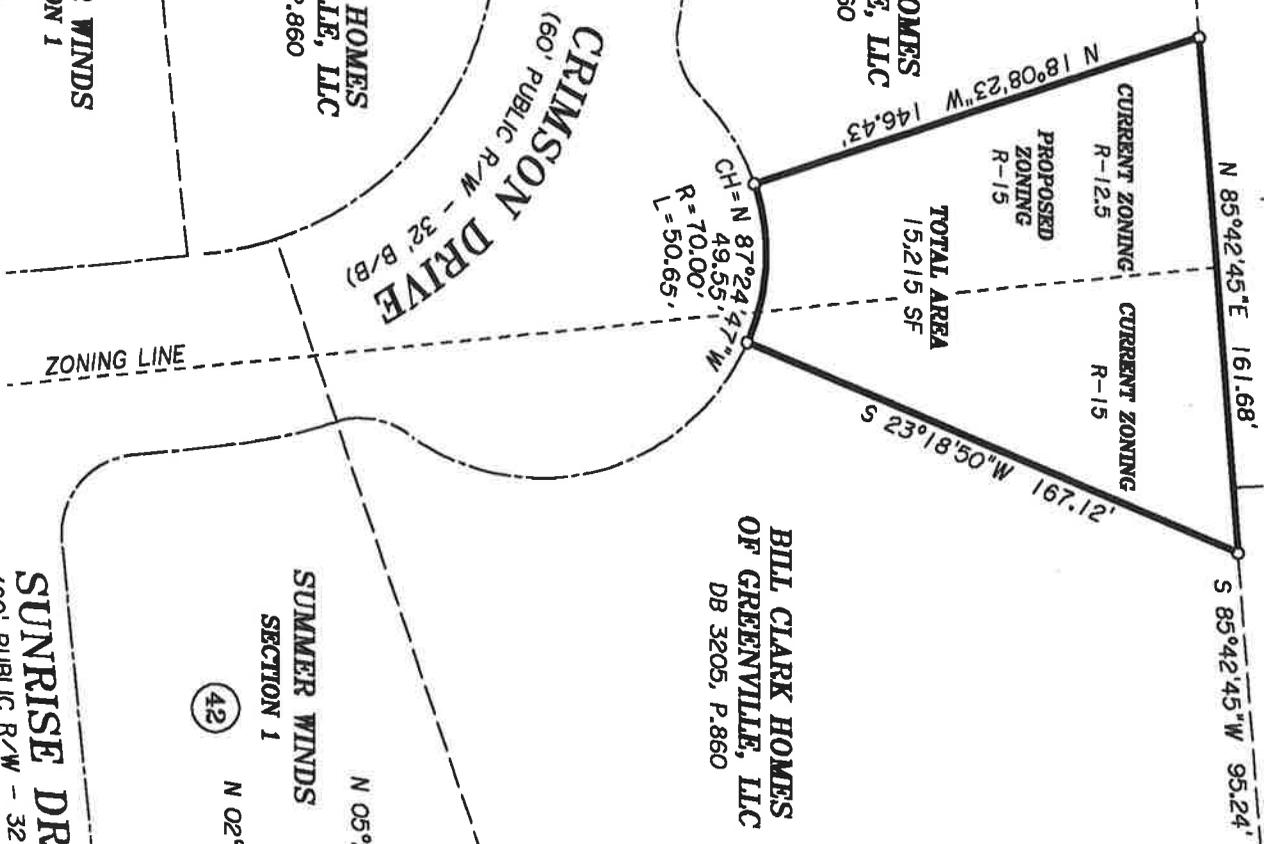
BILL CLARK HOMES  
OF GREENVILLE, LLC  
DB 3205, P.860

BILL CLARK HOMES  
OF GREENVILLE, LLC  
DB 3205, P.860

SUMMER WINDS  
SECTION 1  
⑤B

④2

SUNRISE DRIVE  
(60' PUBLIC R/W - 32' B/B)



NCSR 1131 - REEDY BRANCH ROAD  
(60' R/W - 20' PAVEMENT)



**REZONING MAP FOR  
BILL CLARK HOMES  
OF GREENVILLE, LLC**

A PORTION OF THE PROPERTY RECORDED IN DEED BOOK 3205,  
PAGE 860 OF THE PITT COUNTY REGISTRY  
WINTERVILLE, WINTERVILLE TWP, PITT COUNTY, NORTH CAROLINA  
AUGUST 15, 2017  
SCALE 1" = 60'

OWNER: BILL CLARK HOMES OF GREENVILLE, LLC  
ADDRESS: 200 E. ARLINGTON BLVD. STE. "A"  
GREENVILLE, NC 27858  
TELEPHONE: (252) 355-5805

PARKER AND ASSOCIATES LAND SURVEYING, PA  
1645 E. ARLINGTON BLVD. STE "D"  
GREENVILLE, NC 27858  
(252) 355-3055

C 1370



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Old Business

**Meeting Date:** October 9, 2017

**Presenter:** Stephen, Economic Development  
Planner

**Item to be Considered**

**Subject:** Permitted & Conditional Use Workshop Changes to Agricultural-Residential (A-R) District.

**Action Requested:** Schedule Public Hearing to Consider Permitted and Conditional Use Changes to A-R Zone.

**Attachments:** A-R Compiled Motions During Workshop.

**Prepared By:** Stephen Penn, Economic Development Planner

**Date:** 9/25/2017

**ABSTRACT ROUTING:**

TC

FD

TM tlp – 10/5/2017

Final tlp – 10/5/2017

**Supporting Documentation**

The Winterville Planning and Zoning Board (P&Z) met with the Winterville Town Council to discuss changes to the A-R district. P&Z passed several motions as a recommendation for council to change selected A-R Permitted and Conditional Uses. The list below gives a quick overview of the changes. The attached document supplies a more detailed description. P&Z gave final overview of the list below at their April meeting and passed a motion as a recommendation to council.

Permitted Use Changes:

1. It is recommended that the “Class A Single Family” permitted use be removed as a permitted use within the A-R district.
2. It is recommended that the “Class B Single Family” permitted use be removed within the A-R district.
3. It is recommended that the “Shooting Ranges, Outdoor, Local Government Only” permitted use be removed within the A-R district.
4. It is recommended that the “Landscaping Services, Farm Supplies and Stables” permitted uses be removed within the A-R district- these uses are part of the “Farm Related Enterprises” category of uses.

Conditional Use Changes:

5. It is recommended that the “Class A Single Family” use be added as a conditional use within the A-R district. Special Requirement 3 will still apply.
6. It is recommended that the “Refrigerator or Large Appliance Repairs” conditional use be removed as a use within the A-R district.

**Budgetary Impact:** TBD.

**Recommendation:** N/A.

## Planning & Zoning and Town Council Workshop

February 21, 2017 @ 6:30.

The Winterville Town Council met with the Winterville Planning and Zoning Board (P&Z) on February 21, 2017 to discuss the Agricultural-Residential (AR) Zoning Districts Permitted and Conditional Uses. The following six (6) items were voted upon and were passed by the Planning and Zoning Board after discussion with the Winterville Town Council- these items serve as a recommendation for adoption by Town Council. The compiled list, below, along with any special requirements was presented to the Planning and Zoning for final approval at their April 17, 2017 Planning and Zoning Meeting. The Following received final approval from the P&Z Board for recommendation to council.

### Permitted Use Changes: (4 Changes)

- 1.** It is recommended that the “Class A Single Family” permitted use be removed as a permitted use within the A-R district.
- 2.** It is recommended that the “Class B Single Family” permitted use be removed within the A-R district.
- 3.** It is recommended that the “Shooting Ranges, Outdoor, Local Government Only” permitted use be removed within the A-R district.
- 4.** It is recommended that the “Landscaping Services, Farm Supplies and Stables” permitted uses be removed within the A-R district- these uses are part of the “Farm Related Enterprises” category of uses.

### Conditional Use Changes: (2 Changes)

- 5.** It is recommended that the “Class A Single Family” use to be added as a conditional use within the A-R district. Special Requirement 3 will still apply.

Special Requirement 3: (This Special Requirement Already Exist Within our Zoning Ordinance.)

#### SR 3. Class A Mobile Home on Individual Lot:

- a. The mobile home shall have a length not exceeding four times its width.
- b. The mobile home shall be at least 20 feet side.
- c. The pitch of the mobile home’s roof shall have a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2’ in 12’) and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- d. The exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

- e. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, shall be installed under the mobile home.
  - f. The tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement.
  - g. The mobile home shall be placed on land owned by the owner of the mobile home. The mobile home shall be listed and taxed as real property.
  - h. The mobile home shall be oriented so that the longest measurement shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the mobile home shall face the front property line. The front of the mobile home is that side which has an entrance door leading to a living room, foyer, or hall and is the longer dimension of the mobile home's sides.
- 6.** It is recommended that the "Refrigerator or Large Appliance Repairs" conditional use be removed as a use within the A-R district.

Definitions: These already exist within our Zoning Ordinance

**Mobile Home.** A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width.

**Mobile home, class "A".** A multi-sectional mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the additional criteria for Class "A" mobile homes contained in Article IX.

**Mobile home, class "B".** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect as the time of construction.

**Mobile Home, class “C”.** A mobile home which does not meet the Class “A” or Class “B” definitions.

**Mobile home park.** A lot(s) or tract(s) of land used or intended to be used, leased or rented for occupancy by mobile homes in conformity with the mobile home park provision of this Ordinance.

**Mobile home park, non-conforming.** A lot(s) or tract(s) of land used or intended to be used, leased or rented for occupancy by two (2) or more mobile homes sharing common ownership and/or facilities and which do not qualify as individual mobile homes on individual lots and which park is not in conformance with all the requirements for the initial establishment for a mobile home park as defined above.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** October 9, 2017

**Presenter:** Stephen, Economic Development  
Planner

**Item to be Considered**

**Subject:** Laurie Meadows Phase 3 Section B Final Plat.

**Action Requested:** Approval of Final Plat.

**Attachments:** Final Plat Map, Supporting Documentation & Laurie Meadows Conditional Use District Details.

**Prepared By:** Stephen Penn, Economic Development Planner

**Date:** 9/29/2017

**ABSTRACT ROUTING:**

TC

FD

TM tlp – 10/5/2017

Final tlp – 10/5/2017

**Supporting Documentation**

See the following page for all supporting documentation.

**Budgetary Impact:** TBD.

**Recommendation:** Approve Final Plat.

### **Laurie Meadows Phase 3, Section B:**

**Location:** Parcel #36357 & #22753; Located in the rear portion of Laurie Meadows. Between Laurie Meadows and Mellon Downs.

**Current & Proposed Zoning:** Parcel Number #22753 is zoned R-10 CUD. Parcel #36357 is currently zoned R-12.5 but going through a rezoning to conform to the rest of the subdivision.

**Size:** 8.77 acres.

#### **Details:**

The final plat will create 17 buildable lots. There are two additional lots that do not meet our Zoning Ordinance in which a variance is to be requested if the builder desires to build on these lots. The previous owners and developers final platted the sections in ways that make two lots not meet the Dimensional Requirements:

Laurie Meadows Phase 3, Section B Final Plat has two lots that do not meet the ordinance requirements of Laurie Meadows.

Laurie Meadows is zoned R-10 CUD. Among the requirements of the Conditional Use district, one of the conditions is: "The minimum lot size within the subject property shall be 12,500 Square Feet".

Issue Lots: (Per Laurie Meadows Phase 3, Section "B" Final Plat lot Numbering).

- Lot 93: (Square foot doesn't meet 12,500)
  - The Final Plat of Laurie Meadows Phase 1 in 2004 landlocked this parcel.
  - 12,353 Square Feet (Does not meet the 12,500 sf required minimum).
  - Preliminary Plats: (shows that the previous developers/ engineers thought that it had 12,500 sf remaining for that lot)
    - (Original Preliminary Plat) 10-27-2003: H.C. Harris Engineers. Designed the Prelim.
    - Revised Preliminary Plat 13-10-2004: H.C. Harris Engineers Shows the lot to have 12,507.67 Square Feet.
    - New Preliminary Plat of Phase 3; January 2015: Rivers and Associates shows the lot to have 12,500 Square Feet.
    - Revised Preliminary Plat of Phase 3: (Revised to show phasing) Thomas Engineering found out that there was actually only 12,353 Square Feet.
  - Landlocked Corner Parcel: Has houses on two sides and a road on two sides. There is no way for them to get more land out of the area.
  - A variance would be required to build on this lot.
- Lot 79: (Minimum Lot Width does not meet 80'- Lot width is measured at the minimum front yard setback line.)
  - The Final Plat of Laurie Meadows Phase 2 in 2006 landlocked this parcel on two sides.
  - Prelim Dimensions: (using engineer scale as rough measurement)
    - 2003 Showed roughly 79' width.
    - 2004 showed roughly 79'
    - 2015 showed roughly 77'
    - 2016 shows roughly 79'.
    - Thomas Engineers, using a CAD software showed 79.91' on July 11, 2017.

- Corner Lot- Western-side property line is abutted against an existing house. Front and side property line are against roads. The rear property line is touching an empty lot that will be platted during this Final Plat. This lot cannot be reconfigured to at this point.
- A variance would be required to build on this lot.

Laurie Meadows R-10 CUD is attached (the original CUD was issued in 2006) . The following items will be subject to the new rezoned parcel #36357:

1. The minimum lot size within the subject property shall be 12,500 square feet;
2. A minimum of thirty percent (30%) of the residences to be constructed shall be not less than 1,500 sq. ft. heated space; a minimum of thirty percent (30%) of the residences to be constructed shall be not less than 1,600 sq. ft. heated space; a minimum of thirty percent (30%) of the residences to be constructed shall be not less than 1,700 sq. ft. heated space;

All other zoning regulations will be in accordance to an R-10 Zoning District.

\*P&Z recommended approval of the Final Plat at their August meeting.

**Town of Winterville  
Conditional Use District  
Conditional Use Permit CUD-02-031003**

This permit is issued under the terms of Article XIII, Section 13.7 and all other applicable provisions of the Zoning Ordinance of the Town of Winterville.

This Permit was authorized by Ordinance No. 03-0-06 adopted by the Winterville Board of Aldermen on March 10, 2003.

Applicant: Karl W. McLawhorn

Zoning Classification: R-10 Conditional Use District

Property Description:

All of that parcel of land lying and being in Winterville Township, Pitt County, North Carolina and being further located as follows:

Commencing at a tie point, an NCGS monument referenced as "Winterville" and having coordinates of N = 653,551.7047 and E = 2,473,782.2440; thence South 21 degrees 33 minutes 03 seconds East, 6,701.58 feet to a P.K. Nail set in the centerline of NCSR 1713-Laurie Ellis Road; thence South 01 degrees 01 minutes 04 seconds West, 30.08 feet to a Re-bar set in the southern right of way of NCSR 1713-Laurie Ellis Road, being the Point of Beginning and being a corner of Karl W. McLawhorn property and the northeast corner of Linwood E. Wetherington property as recorded in deed book 860, page 816; thence continuing along the southern right of way of NCSR 1713-Laurie Ellis Road with a curve of having a radius of 1,078.39 feet, a chord bearing of South 86 degrees 51 minutes 30 seconds East, a chord distance of 74.28 feet and an arc length of 74.29 feet to a Re-bar set in the southern right of way of NCSR 1713-Laurie Ellis Road; thence continuing along the southern right of way of NCSR 1713-Laurie Ellis Road South 88 degrees 49 minutes 55 seconds East, 445.02 feet to a Re-bar set in the southern right of way of NCSR 1713-Laurie Ellis Road; thence continuing along the southern right of way of NCSR 1713-Laurie Ellis Road with a curve of having a radius of 2,970.06 feet, a chord bearing of South 85 degrees 36 minutes 31 seconds East, a chord distance of 334.01 feet and an arc length of 334.18 feet to a Re-bar set in the southern right of way of NCSR 1713-Laurie Ellis Road, being the corner of Karl W. McLawhorn property and northwest corner of Pearlle W. Rogerson property as recorded in deed book B-38, page 237; thence leaving the southern right of way of NCSR 1713-Laurie Ellis Road and continuing with Pearlle W. Rogerson property line South 01 degrees 10 minutes 58 seconds West, 212.78 feet to a Re-bar set, being the corner of Karl W. McLawhorn property and southwest corner of Pearlle W. Rogerson property; thence continuing with Pearlle W. Rogerson property line South 88 degrees 44 minutes 02 seconds East, 100.00 feet to a Re-bar set, being the corner of Karl W. McLawhorn property and southeast corner of Pearlle W. Rogerson property and a corner of the James D. Mellon, Jr. ET. AL. property as recorded in deed book 1048, page 478; thence continuing with the James D. Mellon, Jr. ET. AL. property line South 01 degrees 10 minutes 58 seconds West, 1,502.76 feet to an existing iron pipe, being the corner of Karl W. McLawhorn property and the southwest corner of the James D. Mellon, Jr. ET. AL. property and a corner of the Roy C. Mills

property as recorded in deed book M-37, page 440; thence continuing with the Roy C. Mills property line North 89 degrees 58 minutes 33 seconds West, 1,012.63 feet to an existing concrete monument, being the corner of Karl W. McLawhorn property and the northwest corner of the Roy C. Mills property and a corner of the Theradline H. Forbes property as recorded in will book 99E, page 121; thence continuing with the Theradline H. Forbes property line, then the Patricia H. White property line, and then the Earl W. McLawhorn property line North 01 degrees 02 minutes 52 seconds East, 451.17 feet to an existing iron pipe, being the corner of Karl W. McLawhorn property and the northeast corner of Earl W. McLawhorn property as recorded in deed book 550, page 195 and the southeast corner of the R.T. Development property as recorded in map book 58, page 67; thence continuing with the R.T. Development property line North 00 degrees 46 minutes 36 seconds East, 590.00 feet to a Re-bar set, being a corner of Karl W. McLawhorn property and R.T. Development property; thence continuing with the R.T. Development property line North 89 degrees 28 minutes 33 seconds West, 33.00 feet to a Re-bar set, being a corner of Karl W. McLawhorn property and R.T. Development property; thence continuing with the R.T. Development property line and then the Williams & Hill Builders, LLC property line North 01 degrees 01 minutes 04 seconds East, 527.93 feet to a Re-bar set, being a corner of Karl W. McLawhorn property, the Williams & Hill Builders, LLC property as recorded in deed book 1410, page 804 and the Linwood E. Wetherington southwest corner; thence continuing with the Linwood E. Wetherington property line South 88 degrees 58 minutes 56 seconds East, 100.00 feet to a Re-bar set, being a corner of Karl W. McLawhorn property and the Linwood E. Wetherington southeast corner; thence continuing with the Linwood E. Wetherington property line North 01 degrees 01 minutes 04 seconds East, 188.28 feet to the Point of Beginning, containing 40.23 acres more or less, all as being shown on map by H.C. Harris, Jr. Engineering & Surveying, P.A., Project Number 02076, dated January 24, 2003.

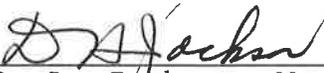
**The USES authorized under this permit are as follows:**

Single Family Residential

**The CONDITIONS to which this permit is subject are as follows:**

- a) The minimum lot size within the subject property shall be 12,500 square feet;
- b) A minimum of thirty percent (30%) of the residences to be constructed shall be not less than 1,500 sq. ft. heated space; a minimum of thirty percent (30%) of the residences to be constructed shall be not less than 1,600 sq. ft. heated space; and a minimum of thirty percent (30%) of the residences to be constructed shall be not less than 1,700 sq. ft. heated space;
- c) Final development shall be in basic compliance with the preliminary site plan submitted with the application, however, the subdivision plan shall be revised such that no lot is less than 12,500 square feet in area and a street connector shall be provided for connection to the adjoining property to the west of the subject property;
- d) A buffer berm shall be installed between the subject property and the road frontage of Laurie Ellis Road and the adjoining Pearlle W. Rogerson Property and the adjoining Linwood E. Wetherington Property; The berm shall be

constructed in accordance with the minimum standards set out in the Zoning Ordinance.

  
\_\_\_\_\_  
D. A. Jackson, Mayor

ATTEST:

  
\_\_\_\_\_  
Tangi Williams, Town Clerk

Permit No. CUD-02-031003

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (WE) CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, THAT THE PROPERTY IS WITHIN THE SUBDIVISION JURISDICTION OF THE TOWN OF WINTERVILLE AND THAT I (WE) HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY (OUR) FREE CONSENT; ESTABLISH ALL LOTS, EASEMENTS, SETBACKS, AND OTHER ASPECTS OF THE SUBDIVISION; AND DEDICATE ALL STREETS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER: NSD COMPANY, INC.

SIGNED: *John W. Wolfe* DATE: 7/10/17

**NOTARY PUBLIC**

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT THE OWNER(S) LISTED PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 10 DAY OF July, 2017.

*Maria Coble*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 8/12/2020

**CERTIFICATE OF APPROVAL BY THE PLANNING BOARD**

I HEREBY CERTIFY THAT THIS FINAL PLAT WAS RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD OF THE TOWN OF WINTERVILLE ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CHAIRMAN, WINTERVILLE PLANNING BOARD \_\_\_\_\_ DATE \_\_\_\_\_

TOWN PLANNER, WINTERVILLE PLANNING BOARD \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATE OF FINAL APPROVAL**

APPROVED FOR RECORDING BY THE TOWN COUNCIL OF THE TOWN OF WINTERVILLE, NORTH CAROLINA ON THIS DAY OF \_\_\_\_\_, 20\_\_.

PURSUANT TO AUTHORITY OF SECTION 154.13 OF THE SUBDIVISION REGULATIONS. PLAT MUST BE RECORDED WITHIN THIRTY (30) DAYS OF THIS DATE.

MAYOR, TOWN OF WINTERVILLE \_\_\_\_\_ DATE \_\_\_\_\_

**SOURCE OF TITLE**

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLES(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK 3512 PAGE 588

DEED BOOK 3279 PAGE 425

DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

*Herbert J. Nobles, Jr.*  
N.C. REG. NO. L-2703

**STATE OF NORTH CAROLINA  
PITT COUNTY**

I, \_\_\_\_\_, REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

**CERTIFICATION OF REGISTRATION BY REGISTER OF DEEDS  
PITT COUNTY NORTH CAROLINA**

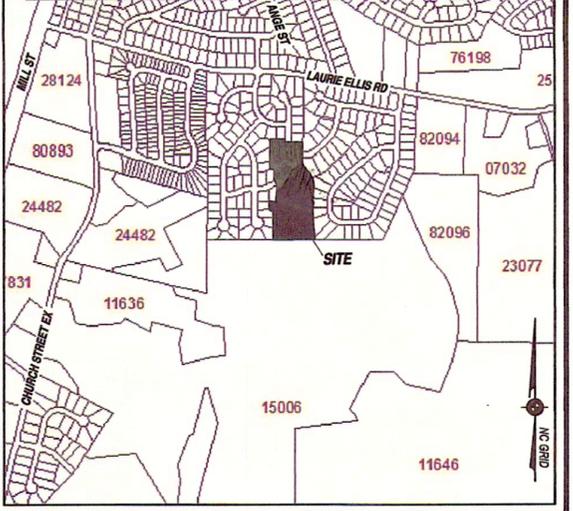
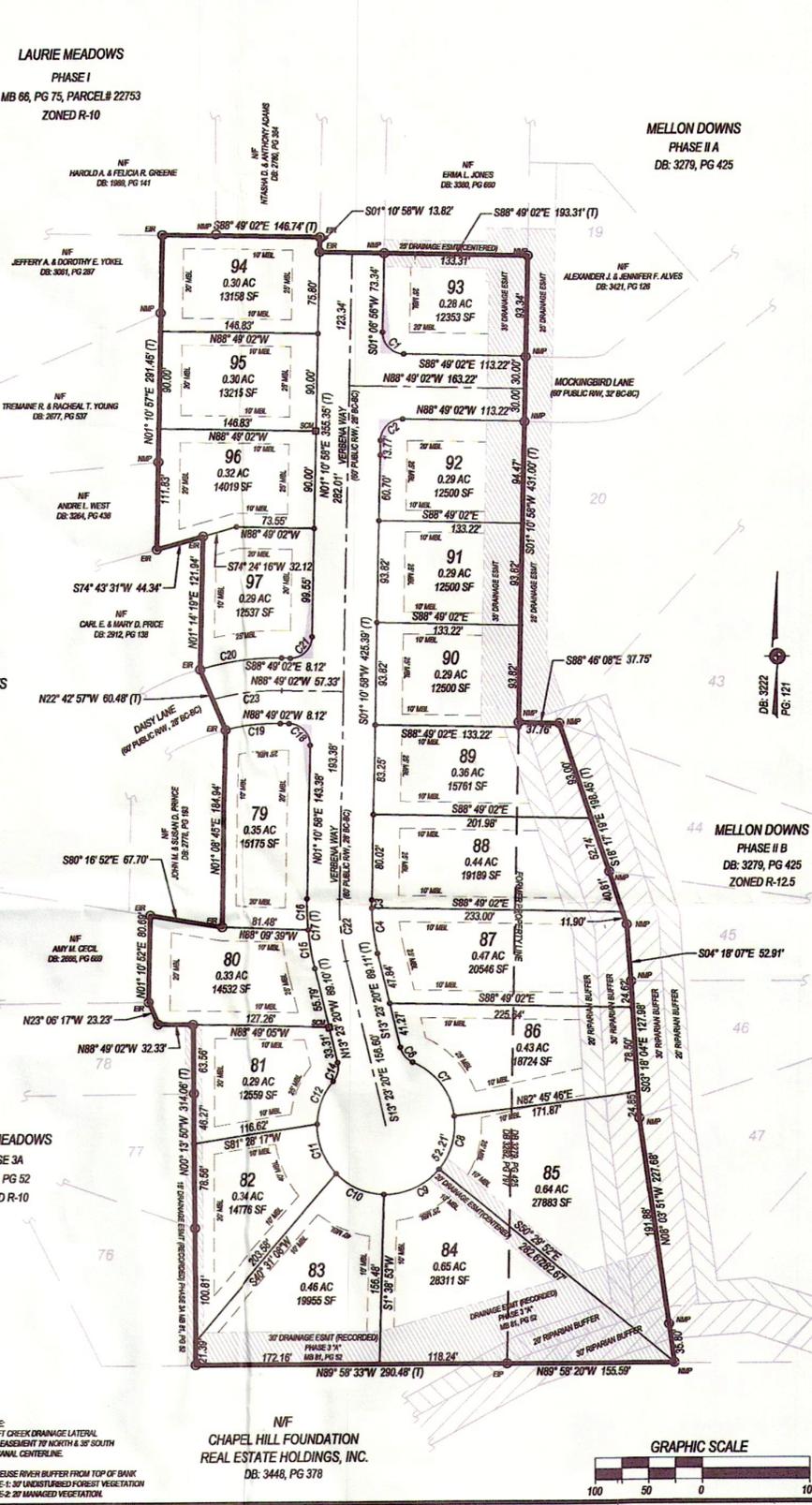
THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017 A.D. AT \_\_\_\_\_ (AM/PM) AND DULY RECORDED IN PLAT CABINET \_\_\_\_\_ SLIDE(S) \_\_\_\_\_ AND BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

REGISTER OF DEEDS \_\_\_\_\_

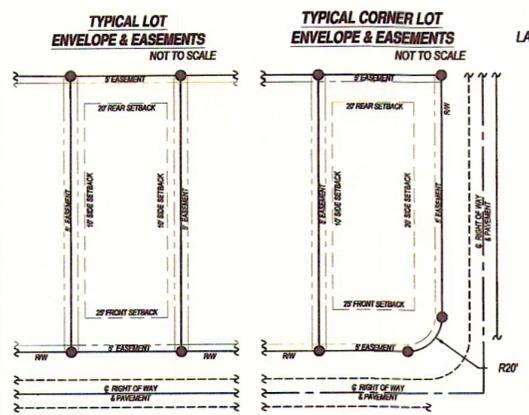
ASST. REGISTER OF DEEDS \_\_\_\_\_

**CURVE DATA**

CURVE #	ARC L	RADIUS	CHD BEARING	CHD L
C1	31.42	20.00	S43° 49' 02"E	28.28
C2	31.42	20.00	S46° 10' 58"W	28.28
C3	8.18	200.00	S07° 00' 38"W	8.18
C4	42.68	200.00	S7° 16' 31"E	42.68
C5	50.86	200.00	S8° 08' 11"E	50.73
C6	18.65	20.00	S40° 07' 21"E	17.99
C7	66.59	64.00	S37° 02' 05"E	63.63
C8	52.21	64.00	S16° 07' 50"W	50.78
C9	58.24	64.00	S65° 34' 25"W	56.26
C10	49.59	64.00	N05° 59' 44"W	48.69
C11	50.09	64.00	N21° 12' 57"W	48.82
C12	43.45	64.00	N20° 38' 42"E	42.00
C13	320.52	64.00	S76° 36' 52"W	76.19
C14	18.67	20.00	N13° 20' 53"E	18.00
C15	38.07	260.00	N9° 21' 22"W	36.57
C16	28.52	260.00	N2° 04' 13"W	28.51
C17	66.12	260.00	N6° 06' 11"W	65.99
C18	31.42	20.00	N43° 49' 02"W	28.28
C19	52.48	200.00	S83° 39' 59"W	52.33
C20	77.53	260.00	N82° 38' 24"E	77.28
C21	31.42	20.00	N46° 10' 58"E	28.28
C22	58.49	230.00	S8° 06' 11"E	58.34
C23	65.79	230.00	S83° 11' 12"W	65.50



- VICINITY MAP** 1"=100'
- GENERAL NOTES**
- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS, NO GRID FACTORS APPLIED.
  - BOUNDARY INFORMATION IS AS PROVIDED ON THE "ANNEXATION MAP - A. SYDES CONSTRUCTION, INC.", AS PREPARED BY HERBERT J. NOBLES, JR., PLS (L-2703), AND DATED SEPTEMBER 1, 2016.
  - DEED REFERENCES: DEED BOOK 3512, PAGE 588 AND DEED BOOK 3279, PAGE 425.
  - PARCEL ID# 467460015.
  - CURRENT ASSIGNED PROPERTY ADDRESS IS 347 DAISY LANE.
  - ZONING IS R-10 CUD.
  - THIS PROJECT SCALES WITHIN ZONE "X" AS PER FLOOD INSURANCE RATE MAPS # 3720467001, DATED JANUARY 01, 2014 AS ESTABLISHED BY FEMA. THIS FLOOD IN NO WAY SUPERCEDES THE ABOVE MENTIONED FIRM.
  - THE PROJECT AREA IS WITHIN THE TOWN OF WINTERVILLE FIRE DISTRICT.
  - STREETS IN THIS SUBDIVISION SHALL BE PUBLIC AND BE CONSTRUCTED TO TOWN OF WINTERVILLE STANDARDS AS REQUIRED BY TOWN OF WINTERVILLE SUBDIVISION REGULATIONS. STREETS SHALL BE OWNED AND MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THE ROADS ARE DEEDED TO THE HOMEOWNERS ASSOCIATION OR ACCEPTED FOR MAINTENANCE BY TOWN OF WINTERVILLE.
  - APPROVAL OF THIS SUBDIVISION PLAT DOES NOT ADDRESS THE ISSUE OF THE EXISTENCE OR NONEXISTENCE OF WETLANDS WITHIN THE SUBDIVISION. THE ENFORCEMENT OF WETLAND REGULATIONS UNDER THE SECTION 404 OF THE CLEAN WATER ACT OF 1989 IS WITHIN THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. INQUIRES CONCERNING THAT MATTER SHOULD BE ADDRESSED TO THAT AGENCY.
  - NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE, PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENROACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE TOWN OF WINTERVILLE.
  - OPERATION AND MAINTENANCE OF ANY STORMWATER BEST MANAGEMENT PRACTICE, DRAINAGE EASEMENTS, AND/OR COMMON AREA IS TO BE THE RESPONSIBILITY OF THE DEVELOPER OR HOMEOWNERS ASSOCIATION.
  - THE DESIGNATION OVER WATER, SANITARY SEWER, DRAINAGE, AND ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, DRAINAGE, AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
  - ALL UTILITY AND DRAINAGE EASEMENTS ARE CENTERED ON LINES AS INSTALLED UNLESS OTHERWISE NOTED.
  - DRAINAGE SWALES & STORMWATER POND TO BE MAINTAINED BY HOMEOWNER'S ASSOCIATION.
  - DRAINAGE AND UTILITY EASEMENTS ARE AS FOLLOWS:
    - A. 5 FOOT UTILITY AND DRAINAGE EASEMENTS IS RESERVED ALONG ALL FRONT, SIDES AND REAR PROPERTY LINES.
    - B. 10 FOOT SIDE SETBACKS.
    - C. 20 FOOT REAR SETBACKS.
    - D. 20 FOOT ON CORNER LOTS SIDE SETBACK.
    - E. OTHER SETBACKS AS SHOWN.
  - AREA TABULATION FOR LAURIE MEADOWS - PHASE 3 SECTION "B":
    - RIGHTS OF WAY: 1.65 ± ACRES
    - LOTS: 7.12 ± ACRES
    - TOTAL AREA: 8.77 ± ACRES
  - THE TOTAL NUMBER OF LOTS IN LAURIE MEADOWS - PHASE 3 SECTION "B" IS 19.
  - THE AVERAGE LOT SIZE IN LAURIE MEADOWS - PHASE 3 SECTION "B" IS 16,327 SQ.FT.
  - MINIMUM LOTS SIZE IS 11,750 SF.
  - THE TOTAL LENGTH OF STREETS IS 1,100 LF.
  - ALL PROPOSED CORNERS ARE TO BE MARKED WITH IRON PIPES.
  - THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
  - SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF CONDITIONAL USE PERMITS CUD-02-011003, ISSUED BY THE WINTERVILLE TOWN COUNCIL ON MARCH 14, 2003.
  - THE MAXIMUM ALLOWABLE BUILT-UPON AREA PER LOT IS 4,826 SQUARE FEET. THIS ALLOTTED AMOUNT INCLUDES ANY BUILT-UPON AREA CONSTRUCTED WITHIN THE LOT PROPERTY BOUNDARIES, AND THAT PORTION OF THE RIGHT-OF-WAY BETWEEN THE FRONT LOT LINE AND THE EDGE OF PAVEMENT. BUILT UPON AREA INCLUDES, BUT IS NOT LIMITED TO, STRUCTURES, ASPHALT, CONCRETE, GRAVEL, BRICK, STONE, SLATE, COQUINA AND PARKING AREAS, BUT DOES NOT INCLUDE RAISED, OPEN WOOD DECKING, OR THE WATER SURFACE OF SWIMMING POOLS.



**TYPICAL ELEMENT SYMBOLOLOGY**

○ EIP	EXISTING IRON PIPE	WM	WATER METER
○ EIR	EXISTING IRON ROD	WV	WATER VALVE
○ SIP	SET/NEW IRON PIPE	SMH	SEWER MAIN/HOLE
△ EMAG	EXISTING "MAG" NAIL	SC	SEWER CLEAN-OUT
△ SMAG	SET/NEW "MAG" NAIL	SV	SEWER VALVE
△ EPK	EXISTING "PK" NAIL	AD	AREA DRAIN
△ SPK	SET/NEW "PK" NAIL	CB	CATCH BASIN
□ ECM	EXISTING CONCRETE MONUMENT	GVGM	GAS VALVE/MARKER
□ SCM	SET/NEW CONCRETE MONUMENT	P	UTILITY POLE
□ CC	CONTROL CORNER	PED	UTILITY PEDESTAL
□ NMP	NON-MONUMENTED POINT	OHU	OVERHEAD UTILITIES
(T)	TOTAL DISTANCE	TBR	TO BE REMOVED
ESMT	EASEMENT	SOFT	SQUARE FEET
R/W	RIGHT OF WAY	AC	ACRES
CL	CENTERLINE	Lf	LINE TABLE
PL	PROPERTY LINE	Cf	CURVE TABLE
MBL	MINIMUM BUILDING LINE	CP	10' x 70' SIGHT TRIANGLE
MBL	DRAINAGE & UTILITY EASEMENT	---	PROPERTY BOUNDARY LINE
CDS	CUL-DE-SAC	---	PARCEL LINE
HYD	FIRE HYDRANT		

**SURVEYOR'S CERTIFICATION**

I, HERBERT J. NOBLES, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:15,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL, THIS 10 DAY OF July, A.D. 2017.

*Herbert J. Nobles, Jr.*  
HERBERT J. NOBLES, JR., PLS - L-2703

**SEAL**  
NORTH CAROLINA  
PROFESSIONAL  
LAND SURVEYOR  
L-2703  
HERBERT J. NOBLES, JR.

**FINAL PLAT**

**LAURIE MEADOWS  
PHASE 3  
SECTION "B"**

TOWN OF WINTERVILLE PITT COUNTY NORTH CAROLINA

OWNER  
NSD COMPANY, INC.  
P.O. BOX 7122  
JACKSONVILLE, NC 28546 (910) 455-6956

SCALE: 1" = 100' DATE: 09/23/2017  
PROJECT #: 2016\_016 SHEET: 1 of 1

P. O. Box 1309, New Bern, NC 28563  
www.ThomasEngineeringPA.com  
Office: 252.637.2727 Fax: 252.636.2448

**THOMAS ENGINEERING, PA** est 1983  
civil engineering • land development • project management



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** October 9, 2017

**Presenter:** Travis Welborn, Public Works  
Director

**Item to be Considered**

**Subject:** Approval of Contract for Elevated Water Tank Reconditioning.

**Action Requested:** Approve Contract with Utility Service Co., Inc. for Base Bid and Alternate #1.

**Attachments:** Letter of Recommendation & Final Bid Tab.

**Prepared By:** Travis Welborn, Public Works Director

**Date:** 10/2/2017

**ABSTRACT ROUTING:**

TC

FD

TM tlp - 10/5/2017

Final tlp - 10/5/2017

**Supporting Documentation**

Bids were received for the Elevated Water Tank Reconditioning project on Friday, September 22, 2017. Utility Service Co., Inc. was the low bidder with a total bid of \$487,200.00. This price includes the base bid, Alternate #1, and Alternate #2.

Staff proposes to proceed with the base bid and Alternate #1. The base bid includes sand blasting and repainting the interior and exterior of the existing 500,000 gallon elevated water tank. It also includes some minor repairs to the structure as well as the level indicator. The base bid price was \$338,500. Alternate #1 is for the repainting of the Town's logo once the elevated tank is repainted and is \$7,600. Alternate #2 was for the purchase of a new standby generator for the Town's wells and would have cost \$141,100. Since the time that this project was designed the Town has obtained grant money to install a generator at a lift station which will free up the portable generator used at that station and allow it to be used at the wells exclusively. Therefore Alternate #2 is not included in the proposed scope.

The base bid and Alternate #1 includes the total contract cost is **\$346,100**. Staff recommends award of the contract for the base bid and Alternate #1.

**Budgetary Impact:** Total proposed contract cost is \$346,100. Funds for this project will come from a low interest loan obtained from the NC Division of Water Infrastructure and a capital project fund has already been established. This fund is also set up to cover the costs associated with replacing the water main on Sylvania Street. With the removal of the proposed generator the project should come in well under budget.

**Recommendation:** Approval and award of contract to Utility Service Co., Inc. for base bid and Alternate #1.



September 21, 2017

Ben Williams, Assistant Town Manager  
Town of Winterville  
2571 Railroad Street  
Winterville, NC 28590

RE: Recommendation for Construction Contract Award  
500,000 Gallon Elevated Water Tank Reconditioning Contract 2  
Winterville, NC  
TWC No. 2853-AC

Dear Mr. Williams:

Construction bids for the above referenced project were received on Friday, September 22, 2017. One (1) bid was submitted in the amount of Four Hundred Eighty Seven Thousand Two Hundred Dollars (\$487,200.00) as a Unit Price contract.

Base Bid:	<u>\$338,500.00</u>
ALT 1 (Logo):	<u>\$ 7,600.00</u>
ALT 2 (Generator):	<u>\$141,100.00</u>
TOTAL:	<u>\$487,200.00</u>

It is our understanding the Town of Winterville no longer requires the item in Alternate 2, therefore, we are recommending award of the construction contract to Utility Service Co., Inc. in the amount of Three Hundred Forty Six Thousand One Hundred Dollars (\$346,100.00). The contractor meets the obligation of being the lowest responsive, responsible bidder.

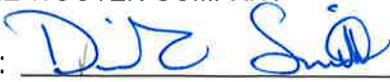
If the Winterville Town Council is in agreement with our recommendation, please sign and date all four (4) copies of the enclosed Notice of Award to Utility Service Co., Inc., and return all copies to our office at your earliest convenience.

A copy of the Certified Bid Tabulation is also enclosed for your records.

If you have any questions, please contact our office.

Best Regards,

THE WOOTEN COMPANY

By:   
Derrick C. Smith, P.E.

Enc: Certified Bid Tabulation  
Notice of Award

301 West 14<sup>th</sup> Street  
Greenville, NC 27834

252.757.1096  
Fax 252.757.3221



# Notice of Award

Project: <b>500,000 Gallon Elevated Water Tank Reconditioning</b>	Owner: <b>Town of Winterville</b>	Date: <b>9/22/17</b>
Contract: <b>2</b>	Engineer's Project No.: <b>2853-AC</b>	
Bidder: <b>Utility Service Co., Inc.</b>		
Bidder's Address: (send Certified Mail, Return Receipt Requested) <b>535 Courtney Hodges Blvd.</b>		
<b>Perry, GA 31069</b>		

You are notified that your Bid received September 22, 2017 for the above Contract has been considered by the Owner. You are the Successful Bidder and are awarded a Contract for the following:  
500,000 Gallon Elevated Water Tank Reconditioning Contract 2

The Contract Price of your Contract is Three Hundred Forty Six Thousand One Hundred Dollars (\$346,100.00).

4 copies of each of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within 10 days of the date you receive this Notice of Award.

1. Deliver to the Owner fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract Bonds as specified in the Instructions to Bidders, General Conditions Paragraph 5.01, and Supplementary Conditions Paragraph SC-5.01.
3. Other conditions precedent:

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Town of Winterville  
Owner  
By: \_\_\_\_\_  
Authorized Signature  
\_\_\_\_\_  
Title

Copy to Engineer

### Acceptance of Notice

Receipt of the above Notice of Award is hereby acknowledged by \_\_\_\_\_  
this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_

Title: \_\_\_\_\_

TOWN OF WINTERVILLE  
 ELEVATED WATER TANK RECONDITIONING  
 TWC PROJECT NO.: 2853-AC



THE WOOTEN COMPANY

300 West 14th Street, Greensboro, NC 27404  
 252.757.1000 Fax: 252.757.5023  
 License No. F-0115

September 22, 2017 @ 10:00 am

	CONTRACTORS	LIC. NO	CLASS	BID BOND	DBE AFF. A OR B	TOTAL BASE BID	ALT 1	ALT 2	TOTAL BID	REMARKS
1	Utility Service Co., Inc	52520	U/Bldg/ PU	5%	A	\$338,500.00	\$7,600.00	\$141,100.00	487,200.00	Low Bidder

This is to certify the bids received herein were publicly opened and read at 10:00 am on September 22, 2017 at 2571 Railroad Street, Winterville, NC

*Derrick C. Smith*  
 33203  
 9/22/2017  
 NORTH CAROLINA PROFESSIONAL SEAL  
 DERRICK C. SMITH  
 ENGINEER  
 33203  
 9/22/2017

Derrick C. Smith, PE

STATE OF NORTH CAROLINA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 DIVISION OF WATER INFRASTRUCTURE

**Funding Award Offer and Acceptance**

**Legal Name & Address of Award Recipient (Applicant):**

Town of Winterville  
 Post Office Box 1459  
 Winterville, NC 28590

**Account:**

- Drinking Water State Revolving Fund (SRF)
- Clean Water State Revolving Fund (SRF)
- State General Loan (SRL)
- State Emergency Loan (SEL)
- High Unit-Cost Grant (HUC)
- Technical Assistance Grant (TAG)

**State Project Number:** H-LRX-F-16-1908  
**Federal Project Number:** WIF-1908  
**CFDA Number:** 66.468

Amendment	Date	Additional Amount
Original	--	--
1	--	--
2	--	--

**Project Description:**

*Rehabilitation (Int/Ext) of ex. 500-kGal Elevated Tank (ET);  
 Install altitude (control) valve and valve vault at the ex. ET site;  
 Install proposed 130-kW generator for well-pump operation  
 during emergencies; Replace approx. 700 LF of ex. 2-inch W/L  
 along Sylvania Street (b/w Railroad & Church Streets) w/proposed  
 6-inch W/L, and; Install approx. 150 LF of 6-inch W/L along  
 Sylvania St. to connect to the ex. 6-inch W/L on Ange Street.*

**Total Financial Assistance Offer:**

**\$723,400**

- Principal Forgiveness: **\$ - 0 -**
- Total Project Cost: **\$723,400**
- Interest Rate (Per Annum): **1.53%**
- Maximum Loan Term: **20 Years**
- Estimated Closing Fee (2% of loan): **\$14,468**

Pursuant to North Carolina General Statute 159G:

- The Applicant is eligible under Federal and State law;
- The Project is eligible under Federal and State law; and
- The Project has been approved by the Department of Environmental Quality (DEQ) as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Kim H. Colson, P.E., Director, Division of Water Infrastructure  
 North Carolina Department of Environmental Quality**

.....  
*Signature* 10/14/16  
 .....  
*Date*

On Behalf of: **Town of Winterville**  
 Name of Representative in Resolution: **Terri Parker**  
 Title (Type or Print): **Town Manager**

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and make the Assurances and accept the Standard Conditions.

.....  
*Signature* 11/16/2016  
 .....  
*Date*



**Town of Winterville  
Town Council  
Agenda Abstract**

**Meeting Date:** October 9, 2017  
**Presenter:** Terri L. Parker, Town Manager

**Item Section:** New Business

**Item to be Considered**

**Subject:** Adoption of "Brunch Bill" Ordinance.

**Action Requested:** Discussion of Adoption of Ordinance and Council Direction.

**Attachments:** Request for Council to Consider Enacting the "Brunch Bill," Information of the "Brunch Bill," Bill Verbiage, and Copy of NCLM Draft Ordinance.

**Prepared By:** Terri L. Parker, Town Manager

**Date:** 10/5/2017

**ABSTRACT ROUTING:**

TC \_\_\_\_\_  FD \_\_\_\_\_  TM tlp - 10/5/2017  Final tlp - 10/5/2017

**Supporting Documentation**

As you are aware, the NC General Assembly pass the "Brunch Bill" which allows places which sell and serve alcohol on Sundays to be able to begin selling/serving alcohol at 10 am instead of Noon (which is currently the law). The Town has received a request to move forward and enact this Bill.

Winterville would have to enact an ordinance in order for this to take effect and I have attached one the NCLM provided to go by should Council desire to move forward.

**Budgetary Impact:** TBD.

**Recommendation:** N/A.



**Coastal Carolina Division/Licensing**

1100 Situs Court, Suite 100

Raleigh, NC 27606

Phone: 919-774-6700

Fax: 919-816-9202

August 22, 2017

Mayor Douglas A. Jackson  
Town of Winterville  
2571 Railroad Street  
First Floor-Town Hall  
Winterville, NC 28590

**In Matter of: Sunday Brunch Bill**

Dear Mayor Douglas A. Jackson,

Pursuant to the passing of NC Senate Bill 155, "Brunch Bill", on June 30, 2017, on behalf of Circle K Stores, Inc., I would like to request the city consider adopting this ordinance allowing the sale of alcoholic beverages in our stores beginning at 10:00 am on Sundays.

If you have any questions or concerns please contact me @ 919-774-6700 X6099

With regards,

A handwritten signature in black ink, appearing to read "Will Rice".

Will Rice  
Vice President of Operations  
Coastal Carolina Division

# Sunday Brunch Ordinances – Cheers!

This entry was posted on July 8th, 2017 and is filed under General Local Government (Miscellaneous).



In the waning days of the 2017 legislative session, the General Assembly passed an omnibus bill affecting a number of state laws regulating alcoholic beverages (SL 2017-87 (S155) ). Section 4 of the bill – commonly known as the “Brunch Bill” – enacts new statutes authorizing cities and counties to adopt ordinances

allowing the sale of alcoholic beverages beginning at 10:00am on Sundays (in the absence of such an ordinance, state law prohibits the sale or consumption of alcoholic beverages before 12:00 noon on Sundays). The new law’s authorization to imbibe

mimosas and Bloody Marys on Sunday morning has generated a great deal of interest among cities and counties, not to mention their local restaurants. Passed by the General Assembly on June 28<sup>th</sup>, the Brunch Bill became effective as soon as Governor Cooper signed it on June 30<sup>th</sup>. Local government interest in adopting ordinances to allow “Sunday brunch” alcohol sales began quicker than you can say “Shaken, not stirred.” The Town of Carrboro’s Board of Aldermen became the first local government in the state to take advantage of the new law, adopting its Sunday brunch ordinance on July 3<sup>rd</sup>. The Raleigh City Council and Surf City followed suit two days later. By the end of the week, Atlantic Beach and Hendersonville also took action. As cities and counties across the state gin up to consider whether to adopt their own Sunday brunch ordinance, the questions have been pouring in.

## About the author

**Norma Houston**



[View Other Posts](#)

### ***What does the Brunch Bill authorize?***

State law has long prohibited the sale and consumption of alcoholic beverages on a licensed premises before 12:00 noon on Sunday (GS 18A-1004(c) ). Since 1963, cities and counties have had the option of extending the hours of this prohibition from noon on Sunday until 7:00am the following Monday morning (GS 18A-1004(d) ; SL 1963-426, s. 9 ). With the enactment of SL 2017-87 , cities and counties now have a second local option that allows them to *expand* rather than *restrict* the time frame during which alcohol may be sold by a licensed premises on Sunday (this distinction between expansion and restriction is significant for cities as I will explain later in this post). The governing boards of cities and counties now have the authority under new GS 153A-145.7 (counties) and GS 160A-205.3 (cities) to adopt an ordinance allowing the sale of alcohol – specifically, malt beverages, unfortified wine, fortified wine, and mixed beverages – on a licensed premises on Sunday beginning at 10:00am.

### ***What are the procedures for adopting a “Sunday brunch” ordinance?***

Because the Brunch Bill does not specify any particular procedures a county or city must follow in adopting a Sunday brunch ordinance, the general ordinance statutes apply. For counties, GS 153A-45 is the operative statute. Under the county ordinance statute, a county board may adopt an ordinance at the first meeting at which it is introduced only by unanimous vote of all members of the board. If the ordinance does not receive a unanimous vote at the meeting of its introduction (but is not defeated), it *must* be considered at the board’s next regular meeting. At that meeting or any subsequent meeting within 100 days of the date of introduction, the

board may adopt the ordinance by a simple majority of those present and voting. No special public notice of the ordinance or public hearing is required, although the county board may choose to do either or both if it wishes.

For cities, GS 160A-75 is the general law for adopting ordinances. Under this statute, a city council may adopt an ordinance on the date of introduction by a 2/3 majority of the actual membership of the council. Lacking a 2/3 majority on the date of introduction and assuming the ordinance is not defeated, the ordinance can be adopted by a simple majority of those present and voting at a subsequent council meeting. Note that, for counties, the initial subsequent meeting must be the next *regular* meeting of the board; since this requirement does not apply to cities, the subsequent meeting could be a special meeting called for that purpose or a regular meeting and, in either case, it does not have to be the *next* meeting. In addition, cities are not restricted to reconsideration of the ordinance within 100 days of its introduction as is required for counties. As for public notice and public hearing, the rule for cities is the same as that for counties – no public hearing or special public notice of the ordinance is required, unless a particular city's charter requires it for all ordinances. Of course, the council may choose to do either or both if it wishes. For a more detailed discussion of the voting rules for adopting ordinances, see Frayda Bluestein's blog post [Voting Rules for Adopting Ordinances](#).

***Wait, did you really say that public notice and public hearings are not required before adopting a Sunday brunch ordinance?***

Yes, I did. Despite popular belief (and many local board practices and policies), the default rule is that city and county governing boards are not statutorily required to give public notice of or conduct public hearings on adopting ordinances. It is only when the ordinance's subject matter triggers notice or hearing requirements under a specific statute that these requirements apply (and, for cities, if the city's charter imposes these requirements). David Lawrence authored a blog post on public hearings, [When Are Public Hearings Required](#), which includes a list of measures for which public hearings are statutorily required. An updated list of required public hearings is incorporated into the new edition of the SOG's publication *Open Meetings and Local Governments in North Carolina: Some Questions and Answers*, 8<sup>th</sup> ed. (2017).

***But doesn't GS 160A-191 impose notice and hearing requirements on city Sunday-closing ordinances? Why don't those requirements apply to a city's Sunday brunch ordinance?***

My colleague Trey Allen and I don't think so. GS 160A-191, titled "Limitations on enactment of Sunday-closing ordinances," requires cities – and only cities (this statute does not apply to counties) – to give public notice once a week for four consecutive weeks and conduct a public hearing on an ordinance "regulating or prohibiting business activity on Sunday." We read GS 160A-191 to apply to city ordinances that *restrict* business activities on Sundays, not those which *expand* them. The text of GS 160A-191 makes this point obvious by describing ordinances covered by the statute as "Sunday-closing ordinances." Far from restricting business activity, a Sunday brunch ordinance authorized under the new GS 160A-205.3 allows the sale of alcoholic beverages on a licensed premises during hours when such activity would otherwise be prohibited by state law. Because it *expands* rather than *restricts* the hours during which a particular type of business activity may occur on Sundays (in this case, the sale of alcoholic beverages), a Sunday brunch ordinance falls outside the scope of GS 160A-191. Thus, the distinction between expansion and restriction mentioned earlier in this post is indeed significant for cities.

The distinction between expansion and restriction is also significant if a city chooses to *repeal* a Sunday brunch ordinance that it previously adopted. In this instance, the city would be *restricting* a business activity because the effect of the ordinance repeal would be to prohibit alcohol sales prior to 12:00 noon on Sundays. Thus, the additional procedural requirements of GS 160A-191 would apply to the *repeal* of a Sunday brunch ordinance.

***Does a county's Sunday brunch ordinance automatically apply within the jurisdictional limits of a city that lies within the county?***

No. The general rule under GS 153A-122(a) is that a county ordinance is *only* applicable within the unincorporated areas of the county. Nothing in the Brunch Bill (S155) alters this rule. So, a county's Sunday brunch ordinance does not – and indeed, cannot – apply within a city, although it can be extended into a city by resolution adopted by the city council (see next question for further discussion of extending a county ordinance into a city).

***May a county's Sunday brunch ordinance be extended to apply within a city that lies within the county?***

Yes, but only if the city council adopts a resolution making the county's ordinance enforceable within the city's limits (GS 153A-122(b) ). Absent this action by the city council, the county's ordinance does not apply within the city.

***If the county chooses not to adopt a Sunday brunch ordinance, may a city still do so?***

Yes. The Brunch Bill (S155) directly authorizes cities and counties to adopt Sunday brunch ordinances, and the authority for each is independent of the other. So, a city may adopt a Sunday brunch ordinance even if the county does not, and vice versa.

***Where can I find an example of a Sunday brunch ordinance?***

The North Carolina Association of County Commissioners and the North Carolina League of Municipalities have already developed model Sunday brunch ordinances which are available on their websites: NCACC model ordinance (for counties); NCLM model ordinance (for cities). The City of Raleigh's ordinance and the Town of Carrboro's ordinance are also available on their websites.

ORDINANCE NO. 2017- \_\_\_\_

**An Ordinance To Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises**

**WHEREAS**, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

**WHEREAS**, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; and

**WHEREAS**, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

**WHEREAS**, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

**WHEREAS**, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

**WHEREAS**, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

**WHEREAS**, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of \_\_\_\_\_, North Carolina that:

**Section 1.** Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of \_\_\_\_\_ and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.

**Section 2.** All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

**Section 3.** This ordinance is effective on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

\_\_\_\_\_, Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_, City Clerk

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**SESSION LAW 2017-87  
SENATE BILL 155**

AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE  
CONTROL COMMISSION LAWS.

The General Assembly of North Carolina enacts:

**DISTILLERY PERMIT AMENDMENTS**

**SECTION 1.(a)** G.S. 18B-1105 reads as rewritten:

**"§ 18B-1105. Authorization of distillery permit.**

- (a) Authorized Acts. – The holder of a distillery permit may do any of the following:
- (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor.
  - (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations.
  - (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.
  - (4) Sell spirituous liquor distilled at the distillery in closed containers to visitors who tour the distillery for consumption off the premises. Sales under this subdivision are allowed only in a county where the establishment of a county or municipal ABC store has been approved pursuant to G.S. 18B-602(g) and are subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor sold under this subdivision shall (i) be listed as a code item for sale in the State, (ii) be sold at the price set by the Commission for the code item pursuant to G.S. 18B-804(b), and (iii) have affixed to its bottle a sticker that bears the words "North Carolina Distillery Tour Commemorative Spirit" in addition to any other labeling requirements set by law. Consumers purchasing spirituous liquor under this subdivision are limited to purchasing, and the selling distillery is limited to selling to each consumer, no more than ~~one bottle~~ five bottles of spirituous liquor per 12 month period. The distillery shall use a commonly adopted standard point of sale system to maintain searchable electronic records captured at the point of sale, to include the purchaser's name, drivers license number, and date of birth for at least 12 months from the date of purchase. The Commission shall adopt rules regulating the retail sale of spirituous liquor under this subdivision.
  - (5) Conduct consumer tastings in accordance with G.S. 18B-1114.7.
- (b) Distilleries for Fuel Alcohol. – Any person in possession of a Federal Operating Permit pursuant to Title 27, Code of Federal Regulations, Part 19 (April 1, 2010 Edition), shall obtain a fuel alcohol permit before manufacturing any alcohol. The permit shall entitle the permittee to perform only those acts allowed by the Federal Operating Permit, and all conditions of the Federal Operating Permit shall apply to the State permit."

**SECTION 1.(b)** G.S. 18B-804 is amended by adding a new subsection to read:



**"§ 18B-804. Alcoholic beverage pricing.**

(a) Uniform Price of Spirituous Liquor. – The retail price of spirituous liquor sold in ABC stores and permitted distilleries shall be uniform throughout the State, unless otherwise provided by the ABC law.

(b) Sale Price of Spirituous Liquor. – The sale of spirituous liquor, including antique spirituous liquor, sold at the uniform State price shall consist of the following components:

- (1) The distiller's or the antique spirituous liquor seller's price.
- (2) The freight and bailment charges of the State warehouse as determined by the Commission.
- (3) A markup for local boards as determined by the Commission.
- (4) The tax levied under G.S. 105-113.80(c), which shall be levied on the sum of subdivisions (1), (2), and (3).
- (5) An additional markup for local boards equal to three and one-half percent (3 1/2%) of the sum of subdivisions (1), (2), and (3).
- (6) A bottle charge of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters.
- (6a) The bailment surcharge.
- (6b) An additional bottle charge for local boards of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters.
- (7) A rounding adjustment, the formula of which may be determined by the Commission, so that the sale price will be divisible by five.
- (8) If the spirituous liquor is sold to a mixed beverage permittee for resale in mixed beverages, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.
- (9) If the spirituous liquor is sold to a guest room cabinet permittee for resale, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.

(b1) Price of Spirituous Liquor Sold at Distillery. – When the holder of a distillery permit sells spirituous liquor distilled at the distillery pursuant to G.S. 18B-1105(a)(4), the retail price of the spirituous liquor shall be the uniform State price set by subsection (a) of this section. However, the holder of the distillery permit shall not be required to remit the components of the price set forth by subdivisions (2), (3), (5), (6), (6a), (6b), and (7) of subsection (b) of this section.

(c) Sale Price of Fortified Wine. – The sale price of fortified wine shall include the tax levied by G.S. 105-113.80(b), as well as State and local sales taxes.

(d) Repealed by Session Laws 1985, c. 59, s. 2."

**SECTION 1.(c)** G.S. 18B-800 reads as rewritten:

**"§ 18B-800. Sale of alcoholic beverages in ABC stores.**

(a) Spirituous Liquor. – Except as provided in ~~Article 10~~ Articles 10 and 11 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards.

....."

**SECTION 1.(d)** The Alcoholic Beverage Control Commission shall adopt temporary rules to amend its rules consistent with this section.

**SECTION 1.(e)** This section becomes effective July 1, 2017.

**CREATE SPIRITUOUS LIQUOR SPECIAL EVENT PERMIT TO ALLOW DISTILLERIES TO GIVE FREE TASTINGS**

**SECTION 2.(a)** G.S. 18B-301 reads as rewritten:

**"§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.**

...

(e) Incident to Sale. – It shall be lawful to possess fortified wine and spirituous liquor at any place, such as an ABC store, where possession is a necessary incident to lawful sale. Consumption at such a place shall be unlawful unless the establishment has a permit authorizing consumption on the premises as well as sale.

(f) Unlawful Possession or Use. – As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

- (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another ~~person~~person at any of the following places:
  - a. On the premises of an ABC ~~store, or store.~~
  - b. Upon any property used or occupied by a local ~~board, or board.~~
  - c. On any public road, street, highway, or ~~sidewalk, sidewalk,~~ unless a consumer tasting authorized by G.S. 18B-1114.7 is being conducted.

...."

**SECTION 2.(b)** G.S. 18B-902(d) is amended by adding new subdivisions to read:

"(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

- (1) On-premises malt beverage permit – \$400.00.
- (2) Off-premises malt beverage permit – \$400.00.
- (3) On-premises unfortified wine permit – \$400.00.
- (4) Off-premises unfortified wine permit – \$400.00.
- (5) On-premises fortified wine permit – \$400.00.
- (6) Off-premises fortified wine permit – \$400.00.
- (7) Brown-bagging permit – \$400.00, unless the application is for a restaurant seating less than 50, in which case the fee shall be \$200.00.
- (8) Special occasion permit – \$400.00.
- (9) Limited special occasion permit – \$50.00.
- (10) Mixed beverages permit – \$1,000.
- (11) Culinary permit – \$200.00.
- (12) Unfortified winery permit – \$300.00.
- (13) Fortified winery permit – \$300.00.
- (14) Limited winery permit – \$300.00.
- (15) Brewery permit – \$300.00.
- (16) Distillery permit – \$300.00.
- (17) Fuel alcohol permit – \$100.00.
- (18) Wine importer permit – \$300.00.
- (19) Wine wholesaler permit – \$300.00.
- (20) Malt beverage importer permit – \$300.00.
- (21) Malt beverage wholesaler permit – \$300.00.
- (22) Bottler permit – \$300.00.
- (23) Salesman permit – \$100.00.
- (24) Vendor representative permit – \$50.00.
- (25) Nonresident malt beverage vendor permit – \$100.00.
- (26) Nonresident wine vendor permit – \$100.00.
- (27) Any special one-time permit under G.S. 18B-1002 – \$50.00.
- (28) Winery special event permit – \$200.00.
- (29) Mixed beverages catering permit – \$200.00.
- (30) Guest room cabinet permit – \$1,000.
- (31) Liquor importer/bottler permit – \$500.00.
- (32) Cider and vinegar manufacturer permit – \$200.00.
- (33) Brew on premises permit – \$400.00.

- (34) Wine producer permit – \$300.00.
- (35) Wine tasting permit – \$100.00.
- (36) Repealed by Session Laws 2005-380, s. 1, effective September 8, 2005, and applicable to wine shipper permit applications submitted on or after that date.
- (37) Wine shop permit – \$100.00.
- (38) Winemaking on premises permit – \$400.00.
- (39) Wine shipper packager permit – \$100.00.
- (40) Malt beverage special event permit – \$200.00.
- (41) Malt beverage tasting permit – \$100.00.
- (42) Spirituous liquor tasting permit – \$100.00.
- (43) Antique spirituous liquor permit – \$100.00.
- (44) Spirituous liquor special event permit – \$200.00.
- (45) Special auction permit – \$750.00."

**SECTION 2.(c)** Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

**"§ 18B-1114.7. Authorization of spirituous liquor special event permit.**

(a) Authorization. – The holder of a supplier representative permit, brokerage representative permit, or distillery permit issued under G.S. 18B-1105 may obtain a spirituous liquor special event permit allowing the permittee to give free tastings of its spirituous liquors at trade shows, conventions, shopping malls, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission.

(b) Limitations. – Any consumer tasting is subject to the following limitations:

- (1) The permit holder or the permit holder's authorized agent shall conduct the consumer tasting and the permit holder shall be solely responsible for any violations of this Chapter occurring in connection with the consumer tasting.
- (2) The spirituous liquor shall be poured only by either (i) the permit holder conducting the consumer tasting or (ii) an employee or authorized agent of the permit holder conducting the consumer tasting who is at least 21 years of age.
- (3) Each consumer shall be limited to one 0.25 ounce tasting sample of any product made available for sampling at the consumer tasting, and the total amount of the tasting samples offered to and consumed by each consumer shall not exceed 1.0 ounce of spirituous liquor in any calendar day.
- (4) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer who is visibly intoxicated.
- (5) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer under the legal age for consuming spirituous liquor. The person pouring the spirituous liquor shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (6) The permit holder shall not charge a consumer for any tasting sample.
- (7) A venue allowing tastings shall designate a tasting area within the venue that enables the permit holder to ensure that the consumer tasting is being conducted in compliance with this section. Consumers shall only be allowed to consume tasting samples within the designated tasting area.
- (8) A consumer tasting shall not be allowed unless the venue is located in a jurisdiction that has approved the sale of mixed beverages.
- (9) The permit holder may provide point-of-sale advertising materials and advertising specialties to consumers at the consumer tasting.

- (10) The permit holder shall maintain for a period of at least one year a record of each consumer tasting conducted. The record shall include the date of the consumer tasting, the time of the consumer tasting, an identification of the venue at which the consumer tasting was held, an identification of the spirituous liquor that was provided for tasting at the consumer tasting, and the name of any person who poured spirituous liquor at the consumer tasting. The permit holder shall allow the ABC Commission to inspect those records at any time."

## **ALLOW SALE OF SPECIFIED ALCOHOLIC BEVERAGES AT AUCTION BY LICENSED AUCTIONEERS**

**SECTION 3.(a)** G.S. 18B-603(f) reads as rewritten:

**"§ 18B-603. Effect of alcoholic beverage elections on issuance of permits.**

...

(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

- (1) Special occasion ~~permits;permits.~~
- (2) Limited special occasion ~~permits;permits.~~
- (3) Brown-bagging permits for private clubs and congressionally chartered veterans ~~organizations;organizations.~~
- (4) Culinary permits, except as restricted by ~~subdivision (d)(5);subdivision (d)(5).~~
- (5) Special one-time permits issued under ~~G.S. 18B-1002;G.S. 18B-1002.~~
- (6) All permits listed in ~~G.S. 18B-1100;G.S. 18B-1100.~~
- (7) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for tourism ABC ~~establishments;establishments.~~
- (8) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for tourism ~~resorts;resorts.~~
- (9) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for historic ABC establishments.
- (10) Special auction permits issued under G.S. 18B-1002.1."

**SECTION 3.(b)** G.S. 18B-1002(a)(4) reads as rewritten:

"(a) Kinds of Permits. – In addition to the other permits authorized by this Chapter, the Commission may issue permits for the following activities:

...

- (4) A permit may be issued to a collector of ~~wine or wine,~~ decorative decanters of spirituous ~~liquor—liquor,~~ or antique spirituous liquor authorizing that person to bring into the State, transport, or possess as a collector, a greater amount of those alcoholic beverages than is otherwise authorized by this Chapter, or to sell those alcoholic beverages in a manner prescribed by the Commission."

**SECTION 3.(c)** Article 10 of Chapter 18B of the General Statutes is amended by adding a new section to read:

**"§ 18B-1002.1. Special auction permit.**

(a) Permit Authorized. – A permit may be issued upon application to an auction firm or auctioneer licensed by the North Carolina Auctioneers Commission pursuant to Chapter 85B of the General Statutes to allow the licensed auction firm or auctioneer to sell at auction items described in G.S. 18B-1002(a)(4). An auction held under this section may receive competing bids that are in person or by telephone, fax, or online.

(b) Conditions of Permit. – A permit issued under this section is valid only for the auction specified in the permit. Any sales under this permit are subject to the purchase restrictions in G.S. 18B-303.

(c) Administrative Procedure. – Denial or revocation of a permit under this section does not entitle the applicant or permittee to a hearing under Chapter 150B of the General Statutes."

**SECTION 3.(d)** This section becomes effective October 1, 2017.

**ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS, SUBJECT TO LOCAL GOVERNMENT APPROVAL**

**SECTION 4.(a)** G.S. 18B-1004(c) reads as rewritten:

**"§ 18B-1004. Hours for sale and consumption.**

...

(c) Sunday Hours. – ~~Except as authorized pursuant to G.S. 18B-112(b1), 153A-145.7, or 160A-205.3, it shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day.~~"

**SECTION 4.(b)** Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-145.7. Hours of certain alcohol sales.**

In accordance with G.S. 18B-1004(c), a county may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

**SECTION 4.(c)** Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-205.3. Hours of certain alcohol sales.**

In accordance with G.S. 18B-1004(c), a city may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

**SECTION 4.(d)** G.S. 18B-112 is amended by adding a new subsection to read:

**"(b1)** In accordance with G.S. 18B-1004(c), the Eastern Band of Cherokee Indians tribe may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under the authority of G.S. 18B-112(d)."

**AUTHORIZE SALE OF CROWLERS BY RETAIL PERMITTEES**

**SECTION 5.(a)** G.S. 18B-1001 reads as rewritten:

**"§ 18B-1001. Kinds of ABC permits; places eligible.**

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

- (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

- a. ~~Restaurants;~~ Restaurants.
- b. ~~Hotels;~~ Hotels.

- c. ~~Eating establishments;~~establishments.
  - d. ~~Food businesses;~~businesses.
  - e. ~~Retail businesses;~~businesses.
  - f. ~~Private clubs;~~clubs.
  - g. ~~Convention centers;~~centers.
  - h. ~~Community theatres;~~theatres.
  - i. Breweries as authorized by G.S. 18B-1104(7) and (8).
- (2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
- a. Restaurants.
  - b. Hotels.
  - c. Eating establishments.
  - d. Food businesses.
  - e. Retail businesses.
  - f. The holder of a brewing, distillation, and fermentation course authorization under G.S. 18B-1114.6. A school obtaining a permit under this subdivision is authorized to sell malt beverages manufactured during its brewing, distillation, and fermentation program at one noncampus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee.
- (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items

transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. ~~Restaurants;~~Restaurants.
  - b. ~~Hotels;~~Hotels.
  - c. ~~Eating establishments;~~Eating establishments.
  - d. ~~Private clubs;~~Private clubs.
  - e. ~~Convention centers;~~Convention centers.
  - f. ~~Cooking schools;~~Cooking schools.
  - g. ~~Community theatres;~~Community theatres.
  - h. ~~Wineries;~~Wineries.
  - i. Wine producers.
- (4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another off-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by off-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The permit may also be issued to the holder of a viticulture/enology course authorization under G.S. 18B-1114.4. A school obtaining a permit under this subdivision is authorized to sell wines manufactured during its viticulture/enology program at one non-campus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee. The permit may also be issued for a winery or a wine producer for sale of its own unfortified wine during hours when the winery or wine producer's premises is open to the public, subject to any local ordinance adopted pursuant to G.S. 18B-1004(d) concerning hours for the retail sale of unfortified wine. A winery obtaining a permit under this subdivision is authorized to sell wine manufactured by the winery at one additional location in the county under the same conditions specified in

G.S. 18B-1101(5) for the sale of wine at the winery; provided, however, that no other alcohol sales shall be authorized at the additional location. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision.

- ...
- (16) Wine Shop Permit. – A wine shop permit authorizes (i) the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages or unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) wine tastings on the premises conducted and supervised by the permittee in accordance with subdivision (15) of this section. It also authorizes the holder of the permit to ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of wine. The holder of the permit is authorized to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The holder of a wine-tasting permit not engaged in the preparation or sale of food on the premises is not subject to Part 6 of Article 8 of Chapter 130A of the General Statutes.

....."

**SECTION 5.(b)** The Alcoholic Beverage Control (ABC) Commission shall adopt rules to implement the provisions of this section by no later than 120 days after this act becomes law. The ABC Commission may adopt temporary rules to comply with the deadline set in this subsection. Any temporary rules adopted in accordance with this subsection shall remain in effect until permanent rules that replace the temporary rules become effective.

#### **AUTHORIZE OFF-SITE STORAGE LOCATION FOR BREWERIES, WINERIES, AND DISTILLERIES**

**SECTION 6.** Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

**"§ 18B-1120. Noncontiguous storage locations.**

A brewery, winery, or distillery may store any alcoholic beverages it manufactures pursuant to a permit issued under this Article at a noncontiguous storage location approved by the Alcohol and Tobacco Tax and Trade Bureau. The permittee must notify the Commission of any storage location used pursuant to this section. Any storage location used pursuant to this section shall be considered part of the premises of the brewery, winery, or distillery manufacturing the alcoholic beverages."

#### **AUTHORIZE SALE OF UNFORTIFIED WINE ON PREMISES BY RETAIL BUSINESSES**

**SECTION 7.** G.S. 18B-1001(3), as amended by Section 5 of this act, reads as rewritten:

"(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

...  
j. Retail businesses."

#### **AUTHORIZE TASTINGS DURING BREWERY TOURS**

**SECTION 8.** G.S. 18B-1104(6) reads as rewritten:

##### **"§ 18B-1104. Authorization of brewery permit.**

The holder of a brewery permit may:

...  
(6) Give its products to ~~its employees and guests~~ customers, visitors, and employees for consumption on its premises. Nothing in this subdivision shall be construed as excluding customers and visitors at the brewery as part of a paid or complimentary tour of the brewery."

#### **AUTHORIZE CERTAIN PERSONS TO SAMPLE ALCOHOLIC BEVERAGES FOR PURPOSES OF SENSORY ANALYSIS, QUALITY CONTROL, OR EDUCATION**

**SECTION 9.** Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

##### **"§ 18B-1121. Authority to sample for sensory analysis, quality control, or educational purposes.**

Except as otherwise prohibited under Article 3 of this Chapter, a commercial permittee licensed under this Article, or its agent or employee, may consume samples of alcoholic

beverages it is licensed to sell, free of charge, on its premises for purposes of sensory analysis, quality control, or education."

## **AMEND HOMEBREWING LAWS**

**SECTION 10.** G.S. 18B-306 reads as rewritten:

**"§ 18B-306. Making wines and malt beverages for private use.**

(a) Authority. – An individual may make, possess, and transport ~~native~~ wines and malt beverages for ~~his~~ the individual's own use and for use, the use of ~~his~~ the individual's family and guests. ~~Native wines shall be made principally from honey, grapes, or other fruit or grain grown in this State, or from wine kits containing honey, grapes, or other fruit or grain concentrates, and shall have only that alcoholic content produced by natural fermentation. Malt beverages may be made by use of malt beverage kits containing grain extracts or concentrates.~~ guests, or the use at organized affairs, exhibitions, or competitions. For purposes of this section, the term "organized affairs, exhibitions, or competitions" includes homemaker's contests, tastings, and judgments.

(b) Selling Prohibited. – Wines and malt beverages made pursuant to this section may not be sold or offered for sale.

(c) Kits. – Wine kits and malt beverage kits may be sold in this State.

(d) Permit. – No ABC permit is required to make wines or malt beverages pursuant to this section."

## **CLARIFY LAW GOVERNING RELATIONSHIP BETWEEN BREWERIES AND AFFILIATED RETAILERS**

**SECTION 11.** G.S. 18B-1116(a) reads as rewritten:

"(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

- (1) Require that an alcoholic beverage retailer purchase any alcoholic beverages from that person to the full or partial exclusion of any other alcoholic beverages offered for sale by other persons in this State; or
- (2) Have any direct or indirect financial interest in the business of any alcoholic beverage retailer in this State or in the premises where the business of any alcoholic beverage retailer in this State is conducted; or
- (3) Lend or give to any alcoholic beverage retailer in this State or his employee or to the owner of the premises where the business of any alcoholic beverage retailer in this State is conducted, any money, service, equipment, furniture, fixtures or any other thing of value.

A brewery qualifying under ~~G.S. 18B-1104(8) to act as a wholesaler or retailer of its own malt beverages~~ G.S. 18B-1104(7) or (8) is not subject to the provisions of this ~~subsection~~ section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery's transactions with the retail business on its ~~premises~~ premises or other retail locations allowed under G.S. 18B-1104(8). The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers."

## **AUTHORIZE BREWERY TAPROOMS TO SELL OTHER ALCOHOLIC BEVERAGES UPON RECEIVING THE APPROPRIATE PERMIT**

**SECTION 12.** G.S. 18B-1104(7) reads as rewritten:

"(7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell

the at the brewery, and any additional retail location authorized under subdivision (8) of this section, any or all of the following:

- a. The brewery's malt beverages or malt beverages that have been approved by the Commission for sale in North Carolina.
- b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1).Carolina.
- c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area."

### **AUTHORIZE BREWERIES WITH PRODUCTION FACILITIES IN OTHER STATES TO DISTRIBUTE TO WHOLESALERS**

**SECTION 13.** G.S. 18B-1104(4) reads as rewritten:

- "(4) Receive malt beverages manufactured by the permittee in some other state for transshipment to (i) dealers in other states-states or (ii) wholesalers licensed under this Chapter as authorized by the ABC laws."

### **AUTHORIZE FARM BREWERIES**

**SECTION 14.** G.S. 18B-1104 is amended by adding a new subdivision to read:

- "(7a) In an area where the sale of malt beverages has not been authorized, a brewery that produces agricultural products, including barley, other grains, hops, or fruit, used by the brewery in the manufacture of malt beverages may sell the malt beverages owned by the brewery and approved by the Commission for sale in North Carolina at the brewery for on- or off-premise consumption upon (i) obtaining the appropriate permit under G.S. 18B-1001 and (ii) receiving approval from the governing body of the city where the brewery is located or, if the brewery is not located in a city, the governing body of the county where the brewery is located. Approval may be granted only pursuant to a resolution of the governing body adopted at a regular meeting. Before adopting a resolution approving the sale of malt beverages under this subdivision, a governing board shall hold a public hearing. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice of the public hearing shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included."

### **AMEND LAW GOVERNING BREWERY SALES AT ADDITIONAL RETAIL LOCATIONS**

**SECTION 15.** G.S. 18B-1104 reads as rewritten:

#### **"§ 18B-1104. Authorization of brewery permit.**

The holder of a brewery permit may:

- ...
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it

per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the ~~brewery~~ brewery, and malt beverages produced under subdivision (6a) of this section, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

## TAX COMPLIANCE AND REPORTS

**SECTION 16.(a)** G.S. 18B-1104, as amended by this act, reads as rewritten:

### "§ 18B-1104. Authorization of brewery permit.

(a) Authorized Acts. – The holder of a brewery permit may:

...

(6a) Receive, in closed containers, and sell at the brewery, malt beverages produced inside or outside North Carolina under contract with a contract brewery. The contract brewery that manufactures the malt beverages shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. The contract malt beverages may be sold also at affiliated retail outlets of the brewery physically located on or adjacent to the brewery. Any malt beverages received from a contract brewery under this subdivision shall be made available for sale by the brewery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the malt beverages were being imported by the brewery. Contract brewing is authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to ~~G.S. 18B-1104(8)~~ subdivision (8) of this subsection where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b).

(7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell at the brewery, and any additional retail location authorized under subdivision (8) of this ~~section~~, subsection, any or all of the following:

- a. The brewery's malt beverages that have been approved by the Commission for sale in North Carolina.
- b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina.
- c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area.

...

(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The

authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 ~~barrels, as defined in G.S. 81A-9,~~ barrels of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under subdivision (6a) of this ~~section, subsection,~~ at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.

(b) Sales or Gifts. – A sale or gift under subdivision (5) or (6) of subsection (a) of this section shall not be considered a retail or wholesale sale under the ABC laws.

(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm that the holder of a brewery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's brewery permit until the Commission receives notice from the Department of Revenue that the person is in compliance.

(d) Sales Report Upon Commission Request. – Within 60 days of a request by the Commission, a holder of a brewery permit who obtains a malt beverage wholesaler permit pursuant to subdivision (8) of subsection (a) of this section shall provide a sales report to the Commission. The report shall list separately all of the following for the 12-month period preceding the date of the request:

- (1) The number of barrels of malt beverages sold by the permit holder that were produced by the permit holder.
- (2) The quantity and dollar amount of malt beverages sold by the permit holder under subdivision (7) of subsection (a) of this section.
- (3) The quantity and dollar amount of malt beverages sold on-premises under subdivision (8) of subsection (a) of this section.
- (4) The quantity and dollar amount of malt beverages sold off-premises under subdivision (8) of subsection (a) of this section.
- (5) The quantity and dollar amount of malt beverages sold under G.S. 18B-1114.5.
- (6) The quantity and dollar amount of malt beverages destroyed, spoiled, or otherwise rendered unsalable.

The Commission shall not request more than one sales report from a brewery within a 12-month period. The Commission shall keep all information provided pursuant to this subsection confidential except as required by law or requested by the Department of Revenue. The information shall not be a public record under Chapter 132 of the General Statutes.

(e) Definition. – For purposes of this section, the term "barrels" is as defined in G.S. 81A-9."

**SECTION 16.(b)** G.S. 18B-1105 is amended by adding a new subsection to read:

"(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm the holder of a distillery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's distillery permit until the Commission receives notice from the Department of Revenue that the person is in compliance."

**SECTION 16.(c)** G.S. 18B-903(c1) reads as rewritten:

"(c1) Construction of Change in Ownership. – Nothing in subsection (c) of this section shall be construed to limit alternating brewery proprietorships in which the holder of a brewery permit leases or otherwise makes available its facility to another holder of a brewery permit. In this arrangement, the tenant brewery shall maintain title to the malt beverages at all states of the brewing process and shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. Alternating brewery proprietorships are authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to ~~G.S. 18B-1104(8)~~ G.S. 18B-1104(a)(8) where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b)."

**SECTION 16.(d)** G.S. 18B-1001(1)i. reads as rewritten:

"i. Breweries as authorized by ~~G.S. 18B-1104(7) and (8)~~ subdivisions (7) and (8) of G.S. 18B-1104(a)."

**SECTION 16.(e)** G.S. 18B-1114.5(a) reads as rewritten:

"(a) Authorization. – The holder of a brewery permit, a malt beverages importer permit, a brewing, distillation, and fermentation course authorization, or a nonresident malt beverage vendor permit may obtain a malt beverage special event permit allowing the permittee to give free tastings of its malt beverages and to sell its malt beverages by the glass or in closed containers at trade shows, conventions, shopping malls, malt beverage festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission. Except for a brewery operating under the provisions of ~~G.S. 18B-1104(8)~~, G.S. 18B-1104(a)(8), all malt beverages sampled or sold pursuant to this section must be purchased from a licensed malt beverages wholesaler."

**SECTION 16.(f)** G.S. 18B-1116(a), as amended by this act, reads as rewritten:

**"§ 18B-1116. Exclusive outlets prohibited.**

(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

...

A brewery qualifying under ~~G.S. 18B-1104(7) or (8)~~ subdivision (7) or (8) of G.S. 18B-1104(a) is not subject to the provisions of this section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery's transactions with the retail business on its premises or other retail locations allowed under ~~G.S. 18B-1104(8)~~ G.S. 18B-1104(a)(8). The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers."

**SECTION 16.(g)** G.S. 18B-1305(a1) reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to ~~G.S. 18B-1104(8)~~ G.S. 18B-1104(a)(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction."

## **SIMPLIFY LOCAL LICENSING APPLICATIONS**

**SECTION 17.** G.S. 105-113.70 reads as rewritten:

**"§ 105-113.70. Issuance, duration, transfer of license.**

(a) Issuance, Qualifications. – Each person who receives an ABC permit shall obtain the corresponding local license, if any, under this Article. All local licenses are issued by the city or county where the establishment for which the license is sought is located. ~~The information required to be provided and the qualifications for a local license are the same as the information and qualifications required for the corresponding ABC permit. Upon proper application and payment of the prescribed tax, issuance of a local license is mandatory if the applicant holds the corresponding ABC permit. No documentation shall be required of the applicant except as provided in this section.~~ Issuance of a local license is mandatory if the applicant holds the corresponding ABC permit and provides all of the following: (i) a copy of the most recently completed State application form for an ABC permit exclusive of any attachments, (ii) the ABC permit for visual inspection, and (iii) payment of the prescribed tax. No local license may be issued under this Article until the applicant has received from the ABC Commission the applicable permit for that activity, and no county license may be issued for an establishment located in a city in that county until the applicant has received from the city the applicable license for that activity.

(b) Duration. – All licenses issued under this section are annual licenses for the period from May 1 to April 30.

(c) Transfer. – A license may not be transferred from one person to another or from one location to another.

(d) License Exclusive. – A local government may not require a license for activities related to the manufacture or sale of alcoholic beverages other than the licenses stated in this Article."

## **CLARIFY WINERY SPECIAL EVENT LOCATIONS**

**SECTION 18.** G.S. 18B-1114.1 reads as rewritten:

### **"§ 18B-1114.1. Authorization of winery special event permit.**

(a) Authorization. – The holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may obtain a winery special permit allowing the winery or wine producer to give free tastings of its wine, and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, farmers markets, and other similar events approved by the Commission.

(b) Limitation. – A winery special event permit is valid only in a jurisdiction that has approved the establishment of ABC stores or has approved the sale of unfortified wine."

## **RULES**

**SECTION 19.(a)** Except as otherwise provided, the Alcoholic Beverage Control (ABC) Commission shall adopt temporary rules to implement the provisions of this act. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

**SECTION 19.(b)** Any rule or policy adopted by the ABC Commission that does not comply with the provisions of this act shall be null, void, and without effect.

## **EFFECT OF HEADINGS**

**SECTION 20.** The headings to the sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

## **EFFECTIVE DATE**

**SECTION 21.** Except as otherwise provided, this act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June, 2017.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 3:17 p.m. this 30<sup>th</sup> day of June, 2017