

#### WINTERVILLE TOWN COUNCIL AGENDA MONDAY, DECEMBER 13, 2021 - 7:00 PM WINTERVILLE TOWN HALL ASSEMBLY ROOM (LIMITED IN-PERSON ATTENDANCE)

- I. CALL TO ORDER.
- II. INVOCATION.
- III. PLEDGE OF ALLEGIANCE.
- IV. WELCOME.
- V. APPROVAL OF AGENDA.
- VI. PROCLAMATIONS:
  - 1. Debbie Avery, Retiring Chamber of Commerce, Executive Director.

#### VII. PRESENTATIONS:

- 1. FY 2020-2021 Audit Report: Carr, Riggs & Ingram, LLC.
- 2. Introduction of new Chamber of Commerce, Executive Director, Rebecca Caveness.

#### VIII. PUBLIC HEARINGS:

- 1. Sutton Capital Group Rezoning Request. (Intersection of Reedy Branch Road and Davenport Farm Road).
- IX. PUBLIC COMMENT: The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item. No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter. The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.
- X. CONSENT AGENDA: The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.
  - 1. Approval of the following set of Council Meeting Minutes:
    - November 8, 2021 Regular Meeting Minutes.

#### XI. OLD BUSINESS:

1. Update on Revisions to the Noise Ordinance.

#### XII. CLOSED SESSION:

**NCGS § 143-318.11. (a) (5)** To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. (Acquisition of Real Property).

#### XIII. SHORT BREAK.

#### XIV. INSTALLATION AND OATH OF OFFICE OF NEWLY ELECTED TOWN OFFICIALS:

- 1. Mayor Richard E. Hines sworn in by the Honorable Donald G. Davis, Senator.
- 2. Councilman Johnny Moye sworn in by the Honorable Wendy S. Hazelton, District Court Judge.
- 3. Councilman Mark C. Smith sworn in by the Honorable W. Brian DeSoto, District Court Judge.

#### XV. SHORT BREAK.

- XVI. APPOINTMENT OF VACANT COUNCIL SEAT.
- XVII. APPOINTMENT OF MAYOR PRO-TEM.
- XVIII. CONSENT AGENDA: The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.
  - 1. Approval of 2022 Calendars.
    - 2022 Regular Council Meeting Calendar; and
    - 2022-2023 Budget Calendar.
  - 2. Schedule Public Hearing for Monday, January 10, 2022: Kenneth Allen Annexation Request.

#### XIX. NEW BUSINESS:

- 1. Pitt County Human Relations Commission Appointment.
- 2. Wooten Company Task Order No. 34 Risk and Resilience Assessment and Emergency Response Plan.

#### XX. OTHER AGENDA ITEMS:

- Update on Stormwater Workshop.
- 2. Update on Speeding on East Main Street.

#### XXI. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

1. Schedule Vision Setting Meeting 2022-2023.

#### XXII. ANNOUNCEMENTS:

- 1. Planning and Zoning Board Meeting: Monday, December 20, 2021 @ 7:00 pm Town Hall Assembly Room.
- 2. Town Offices Closed: December 23, 24, and 27, 2021 for the Christmas Holiday.
- 3. Town Offices Closed: December 31, 2021 for the New Year Holiday.
- 4. Regular Town Council Meeting: Monday, January 10, 2022 @ 7:00 pm Town Hall Assembly Room.

### XXIII. REPORTS FROM THE TOWN ATTORNEY, MAYOR AND TOWN COUNCIL, AND TOWN MANAGER.

#### XXIV. ADJOURN.

**SPECIAL NOTICE**: Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Town Clerk, Don Harvey at (252) 215-2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)



**Item Section:** Proclamations

Meeting Date: December 13, 2021

Presenter: Donald Harvey, Town Clerk

#### Item to be Considered

Subject: Proclamation - December 2021.

Action Requested: None.

Attachment: Proclamation.

Prepared By: Donald Harvey, Town Clerk Date: 12/1/2021

**ABSTRACT ROUTING:** 

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

#### **Supporting Documentation**

Presentation of the following, attached Proclamation:

• Honoring Debbie Avery.

**Budgetary Impact:** NA.

Recommendation: NA.



## **PROCLAMATION**Honoring Debbie Avery

**WHEREAS**, Debbie Avery began working with the Chamber in November of 2006, raising the membership from 25 members to 126 members, and sending a monthly newsletter to members consistently for 15 years; and

**WHEREAS**, she initiated feeding teachers breakfast at the beginning of each school year to all Winterville area schools, the construction of two Blessing Boxes in our community, assisted families with Thanksgiving dinners, and supplied gift cards to area youth at Christmas; and

**WHEREAS**, she reinitiated the annual Community Awards Banquet recognizing; Citizen of the Year, Business of the Year, Volunteer of the Year, Teacher of the Year, Public Servant of the Year and Youth of the Year, and creation of the Milton and Sue May Scholarship for an area high school senior; and

**WHEREAS**, she began the Community Sculpture project with the Pitt County Arts Council, and assisted with Winterville becoming a recognized NC Retirement Community; and

**WHEREAS**, she held Business After Hours socials for area business owners, held numerous educational membership meetings and seminars with guest speakers, planned Candidate Forums for numerous elections, and Annual Christmas socials for Chamber membership; and

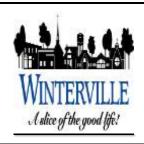
**WHEREAS**, she is a Member of the Winterville Historical and Arts Society, served on the Pitt Community College Small Business Advisory Council, served on the Pitt County Development Commission for 2 terms, and presently serves on the Pitt County Board of Elections; and

**WHEREAS**, she serves with participation by the Chamber in Christmas and Watermelon Festival events and parades, and served on the Winterville Watermelon Festival Committee for 36 years; and

**NOW, THEREFORE**, the Town of Winterville hereby honors the contributions of Debbie Avery to the Winterville Community, A Slice of the Good Life.

**IN WITNESS WHEREOF,** I, Douglas A. Jackson, Mayor, do set my hand, and cause the seal of Winterville to be affixed this 13<sup>th</sup> day of December 2021.

·		
	Douglas A. Jackson, Mayor	
Attest:		
	Donald Harvey, Town Clerk	



**Item Section:** Presentations

Meeting Date: December 13, 2021

Presenter: Anthony Bowers, Finance Director; Michael Jordan, CRI, LLC.

#### Item to be Considered

Subject: Presentation of the 2020-2021 Audit Report.

Action Requested: Accept the Audit Report.

Attachment: Copy of Presentation will be provided at Meeting.

Prepared By: Anthony Bowers, Finance Director Date: 12/1/2021

ABSTRACT ROUTING:

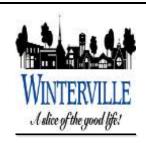
☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

#### **Supporting Documentation**

Mr. Michael Jordan will be here to present the 2020-2021 audit findings. Mr. Jordan is a partner with Carr, Riggs and Ingram LLC. Mr. Jordan is representing CRI from the Goldsboro office. We will provide the Council with the ACFR (Annual Comprehensive Financial Report) once printing has been completed.

**Budgetary Impact:** NA.

**Recommendation**: Motion to accept the Audit Report.



**Item Section:** Presentations

Meeting Date: December 13, 2021

Presenter: Donald Harvey, Town Clerk

#### Item to be Considered

Subject: Introduce New Chamber of Commerce, Executive Director, Rebecca Caveness

Action Requested: Welcome.

Attachment: None

Prepared By: Donald Harvey, Town Clerk Date: 12/1/2021

**ABSTRACT ROUTING:** 

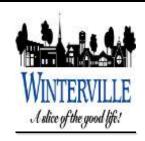
☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

#### **Supporting Documentation**

Introduction of new Chamber of Commerce, Executive Director, Rebecca Caveness.

**Budgetary Impact:** NA.

Recommendation: Welcome.



Item Section: Public Hearings

Meeting Date: December 13, 2021

Presenter: Bryan Jones, Planning Director

#### Item to be Considered

**Subject:** Sutton Capital Group – Rezoning Request (Parcels 12045, 23479, and 38386).

Action Requested: Hold the Public Hearing.

**Attachment:** Rezoning Application, Rezoning Map, Legal Description, Notice of Publication, Notification to Adjacent Property Owners, Traffic Impact Assessment Summary, NCDOT Letter, Staff Report, and Draft Ordinance 21-O-121.

Prepared By: Bryan Jones, Planning Director

Date: 12/2/2021

**ABSTRACT ROUTING:** 

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

#### **Supporting Documentation**

**Applicant**: Sutton Capital Group.

**Location**: Intersection of Reedy Branch Road and Davenport Farm Road.

Parcel Number: 12045, 23479, and 38386.

Site Data: 94.372 acres.

**Current Zoning District**: AR.

Proposed Zoning District: R-10 CD and R-8 CD.

- ❖ Proposed Zoning Districts: R-10 CD (33.773 Acres), R-8 CD (53.192 Acres)
- Notification was posted on the site on October 11, 2021.
- Planning and Zoning Board unanimously recommended approval on October 18, 2021.
- Adjacent property owners were mailed notification of the Public Hearing on November 23, 2021.
- ❖ Public Hearing Notice published in Daily Reflector on December 1, 2021 and December 8, 2021.

Conditions: (1) All lots will be single family residential; (2) 8' Side Setbacks; (3) All homes will be a minimum of 1500 SF (Heated); (4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents; (5) All homes will include a 2 car garage; (6) Dedication of 30' Greenway easement along Swift Creek; (7) Development will include amenity area with pool and cabana; (8) Development will provide Stormwater Control Measures to attenuate the 25 year storm event. Stormwater Control Measures will be inspected annually by a qualified professional; (9) Development will provide sidewalks on both sides of public streets; (10) Developer will install a traffic signal at the intersection of Davenport Farm Road and Reedy Branch Road if approved by NCDOT.

**Budgetary Impact:** TBD.

**Recommendation**: Approval of the Rezoning Request.



## REZONING APPLICATION TOWN OF WINTERVILLE

2571 Railroad St. P O Box 1459 Winterville, NC 28590 Phone: (252) 756-2221

Staff 1	U <b>se Only</b>
Appl. #	

OWNERSHIP INFORMATION:
Applicant: Sutton Capital Group
Address: 1101 South Boulevard #106, Charlotte, NC 28203
Phone #: (704) 226-2588
Owner: H. Jenkins Family, LLC, & Beverly Davison and Eric Uhlenbrock, & Beverly Davison, Etal
Address: 445 Jackie Brinkley Rd, Aulander, NC 27805 & 320 Sea Oats Trail, Southern Shores, NC 27949
Phone #:
PROPERTY INFORMATION  Parcel #: 12045, 23479, 38386 Area (square feet or acres): 94.372 acres  Current Land Use: Vacant
Location of Property: NCSR 1128 (Davenport Farm Road) and NCSR 1311 (Reedy Branch Road)
ZONING REQUEST
Existing Zoning: AR Requested Zoning: R-10 CD and R-8 CD
Reason for zoning change: The proposed residential zoning will allow for the development of Urban  Neighborhood in general conformance with the land use plan. Please see attached document for proposed
conditions of the rezoning.
Γhis application shall be accompanied by the following items:

amendment;

- 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

<sup>-</sup> A legal description of the property;

<sup>-</sup> 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:

<sup>-</sup> A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER	AGENT STATEME	NT.			
I,	Darren Sutton		_, being the Owne	er or Agent (if Agent, com	plete
section b	elow) request that the a	ttached rezoning request	be placed on the a	genda of the Planning and	Zoning
Board me	eeting scheduled for	7 / 19 /	2021		
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Signatur	87A9D72466		Date		
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applicati	-AS		7- Date	16-2021 y ,2021	
Sworn to	o and subscribed before	me, this	day of_Jul	2021	
		Nota	TUA -		
_	nmission Expires:		RUSSELL L. JOY Notary Public, North C Hertford Count My Commission Ex March 23, 202	y pires	

OWNER/AGENT STATEMENT	
I, <u>Darren Sutton</u> , bein	g the Owner or Agent (if Agent, complete
section below) request that the attached rezoning request be place	ed on the agenda of the Planning and Zoning
Board meeting scheduled for 7 / 19 /2021	
I understand that failure to address any item in the zoning zoning ordinance my result in the rezoning request not meeting to be returned to me for revision and resubmission at the next regular	the minimum submission requirements and will
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Signature 243D487A9D72466	Date
NOTE: AGENTS ACTING ON BEHALF OF THE PROP NOTARIZED STATEMENT FROM THE PROP AUTHORITY TO ACT ON THE OWNER'S BEI	ERTY OWNER GIVING THEM THE
I, Beverly Davison, Janet Hare, Joan Neitz, & Eric Ul	lenbrock, being the Owners of the property
described herein, do hereby authorize Darren Sutton & Scott Ar	as agents for the purpose of
Sworn to and subscribed before me, this	7/16/2021 Date
Sworn to and subscribed before me, thisday of	of July 2021.
Notary Publi	- LTgaller
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My Commission Expires:  Aug. 25. 2024	NOTA PLES OF THE STATE OF THE S
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#### OWNER/AGENT STATEMENT Darren Sutton , 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 19 / 2021

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance my 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 87A9D72466...

7/19/2021 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.

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_	200	250	2250	PG2111 111			

\_\_\_\_\_, being the Owner of the property described herein,

do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this

application.

Sworn to and subscribed before me, this

/ day of

**Notary Public** 

My Commission Expires:



#### DocuSign Envelope ID: C163FD87-E02A-48E2-B0E7-4FB472E523C0

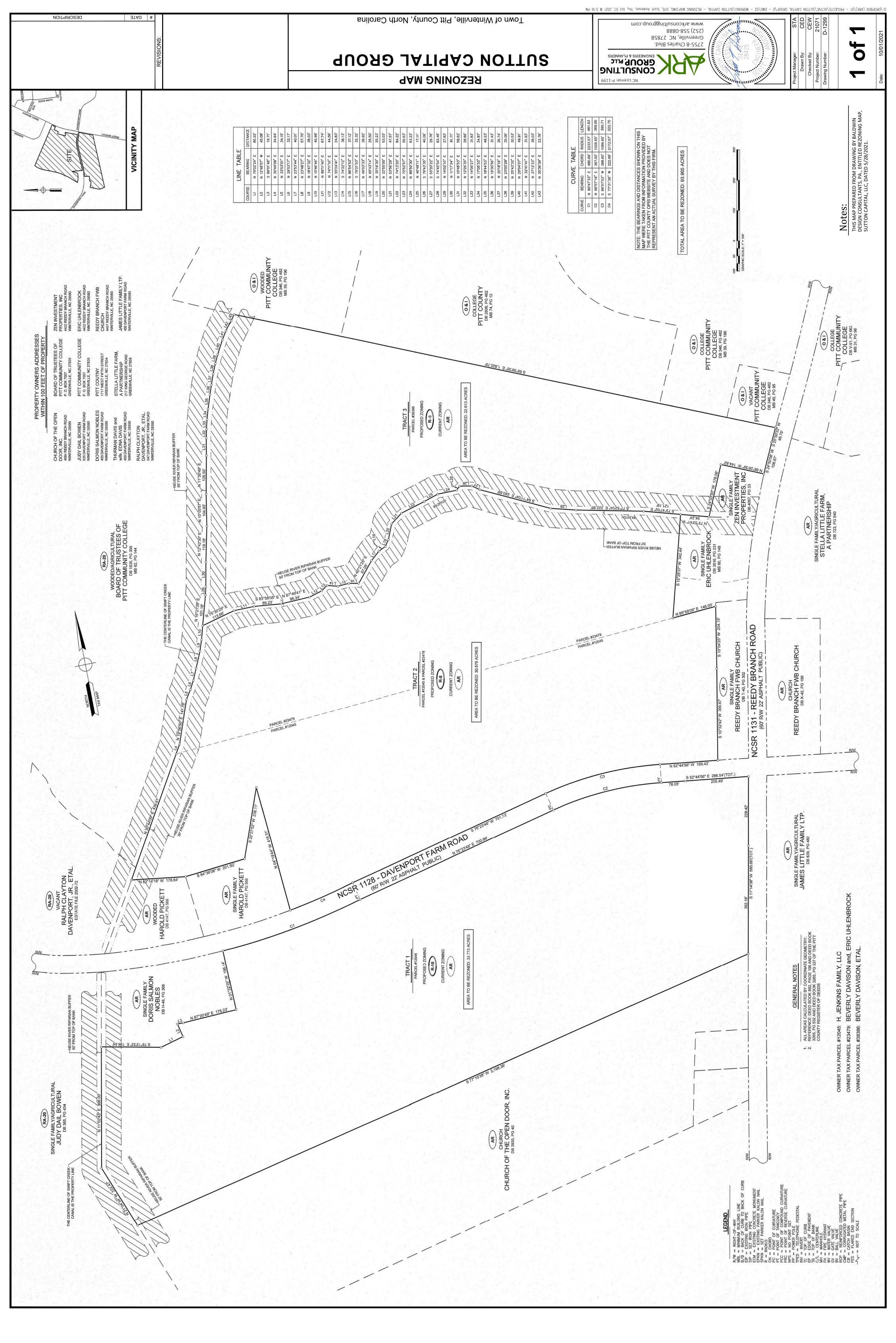
#### **OWNER/AGENT STATEMENT**

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I, _	Beverly Davison, Janet H	Hare, Joan Neitz, & Eric Uhlenbrock, being the Owners of the property
described h	erein, do hereby authorize	<u>Darren Sutton &amp; Scott Anderson</u> as agents for the purpose of
this applica		
	not Have	7-17-2021 Date
Sworn to an	nd subscribed before me, t	this 17 day of July , 2021.
		Lisa ann Bell Notary Public
My Comm	ission Expires:	
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	•	NOTARY PUBLIC 297 NOTARY PUBLIC 297 NY COMMISSION IN INC.

#### **OWNER/AGENT STATEMENT**

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describ	ed herei	n, do hereby au	horize_	Darren	Sutte	on & Scott An	derson	as agents for the purpose of
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# LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM AR TO R-10 CD SUTTON CAPITAL, LLC TRACT 1 WINTERVILLE TOWNSHIP, PITT, NC MAY 28, 2021

Beginning at a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), said point being the northeastern corner of the Church of the Open Door, Inc. Property as described in Deed Book 3930, Page 40 of the Pitt County Register of Deeds, said point also being located S 11°14'38" W 580.60' as measured along the western right-of-way of NCSR 1131 (Reedy Branch Road) from a point where the western right-of-way of NCSR 1131 (Reedy Branch Road) intersects the southern right-of-way of NCSR 1128 (Davenport Farm Road). From the above described beginning, so located, running thence as follows:

Leaving the western right-of-way of NCSR 1131 (Reedy Branch Road) and with the northern line of above referenced Church of the Open Door, Inc. Property, S 77°15'38" W 2,196.36', thence N 21°04'34" W 222.47', thence N 11°02'43" E 398.00', thence S 78°13'33" E 196.64', thence N 75°02'24" E 80.22', thence N 12°48'57" W 45.08', thence S 89°01'48" E 19.71', thence N 87°20'49" E 178.23', thence N 01°22'25" W 198.14' to a point on the curved southern right-of-way of NCSR 1128 (Davenport Farm Road), thence with the curved southern right-of-way of NCSR 1128 (Davenport Farm Road), an arc distance of 481.63', said curve to the left having a radius of 2,233.57' and a chord bearing N 80°47'33" E 480.69' to the point of tangency, thence N 76°23'48" E 700.66' to the point of curvature, thence with a curve to the right an arc distance of 369.00', said curve having a radius of 1,026.65' and a chord bearing N 86°57'16" E 367.02' to the point of tangency, thence S 82°44'56" E 78.05', thence leaving the southern right-of-way of NCSR 1128 (Davenport Farm Road), S 11°11'48" W 228.82', thence S 82°51'42" E 208.33' to a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), thence with the western right-of-way of NCSR 1131 (Reedy Branch Road), S 11°14'38" W 352.18' to the point of beginning containing 32.682 acres and being a portion of the property described in Deed Book 882, Page 199 of the Pitt County Register of Deeds.

# LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM AR TO R-8 CD SUTTON CAPITAL, LLC TRACT 2 WINTERVILLE TOWNSHIP, PITT, NC MAY 28, 2021

Beginning at a point on the northern right-of-way of NCSR 1128 (Davenport Farm Road), said point being the southwestern corner of the Reedy Branch FWB Church as described in Deed Book T-40, Page 302 of the Pitt County Register of Deeds. From the above-described beginning, so located, running thence as follows:

With the northern right-of-way of NCSR 1128 (Davenport Farm Road), N 82°44'56" W 189.42' to the point of curvature, thence with a curve to the left an arc distance of 390.71', said curve having a radius of 1,086.65' and a chord bearing S 86°57'03" W 388.60' to the point of tangency, thence S 76°23'48" W 701.73' to the point of curvature, thence with a curve to the right an arc distance of 222.75', said curve having a radius of 2,173.57' and a chord bearing S 77°31'36" W 388.60', thence leaving the northern right-of-way of NCSR 1128 (Davenport Farm Road), N 04°19'44" W 418.31', thence S 20°27'52" W 238.11', thence S 84°39'36" W 201.92', thence N 82°14'18" W 178.64', thence N 30°44'09" E 439.61', thence N 30°44'09" E 34.64', thence N 19°56'50" E 147.78', thence N 33°03'01" E 34.15', thence N 29°03'17" E 32.17', thence N 23°53'44" E 40.01', thence N 23°48'27" E 57.70', thence N 18°47'32" E 38.03'. thence N 15°46'46" E 45.98', thence N 75°30'25" E 113.66', thence N 89°11'40" E 67.74', thence S 83°58'05" E 89.23', thence N 87°49'41" E 96.34', thence N 74°11'10" E 44.56', thence N 55°24'41" E 24.83', thence S 74°32'12" E 36.13', thence N 86°54'53" E 37.12', thence S 79°21'53" E 32.32', thence N 40°21'25" E 87.05', thence N 49°03'33" E 39.92', thence N 65°43'14" E 25.50', thence N 35°19'30" E 25.23', thence N 22°55'00" E 53.03', thence N 53°56'29" E 47.57', thence N 74°13'20" E 84.22', thence N 72°52'57" E 50.63', thence N 89°50'30" E 63.23', thence N 46°48'11" E 17.11', thence S 79°43'35" E 40.06', thence S 53°20'22" E 29.76', thence S 64°11'04" E 240.69', thence S 74°45'54" E 83.46', thence S 77°52'04" E 222.95', thence S 73°47'02" E 121.19', thence S 15°25'37" W 342.44', thence N 85°58'08" E 146.00', thence S 10°04'25" W 204.15', thence S 10°32'42" W 300.67' to the point of beginning containing 37.579 acres and being a portion of the properties described in Deed Book 3265, Page 532 and Deed Book 882, Page 199 both of the Pitt County Register of Deeds.

#### LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM AR TO R-8 CD SUTTON CAPITAL, LLC TRACT 3 WINTERVILLE TOWNSHIP, PITT, NC MAY 28, 2021

Beginning at a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), said point being the southeastern corner of the Pitt Community College Property as described in Deed Book 346, Page 482 and recorded in Map Book 49, Page 95 both of the Pitt County Register of Deeds. From the above-described beginning, so located, running thence as follows:

With the western right-of-way of 1131 (Reedy Branch Road), S 25°50'32" W 48.75' and S 24°50'56" W 108.87', thence leaving the western right-of-way of NCSR 1131 (Reedy Branch Road), N 66°26'39" W 144.82', thence S 24°03'50" W 176.06', thence N 73°53'34" W 94.24', thence N 73°47'02" W 121.19', thence N 77°52'04" W 222.95', thence N 74°45'54" W 83.46', thence N 64°11'04" W 240.69', thence N 53°20'22" W 29.76', thence N 79°43'35" W 40.06', thence S 46°48'11" W 17.11', thence S 89°50'30" W 63.23', thence S 72°52'57" W 50.63', thence S 74°13'20" W 84.22', thence S 53°56'29" W 47.57', thence S 22°55'00" W 53.03', thence S 35°19'30" W 25.23', thence S 65°43'14" W 25.50', thence S 49°03'33" W 39.92', thence S 40°21'25" W 87.05', thence N 79°21'53" W 32.32', thence S 86°54'53" W 37.12', thence N 74°32'12" W 36.13', thence S 55°24'41" W 24.83', thence S 74°11'10" W 44.56', thence S 87°49'41" W 96.34', thence N 83°58'05" W 89.23', thence S 89°11'40" W 67.74', thence S 75°30'25" W 113.66', thence N 16°21'28" E 101.18', thence N 14°02'10" E 27.83', thence N 11°17'34" E 81.71', thence N 12°42'30" E 118.19', thence N 10°00'57" E 104.93', thence N 11°30'49" E 126.50', thence N 10°48'53" E 58.62', thence N 12°29'35" E 28.89', thence N 14°05'27" E 31.83', thence N 17°05'33" E 34.87', thence N 18°44'53" E 48.23', thence N 19°30'56" E 31.43', thence N 20°18'18" E 36.74', thence N 23°05'28" E 35.06', thence N 25°43'32" E 30.53', thence N 29°04'07" E 49.91', thence N 32°41'41" E 31.93', thence N 37°12'33" E 38.03', thence N 35°36'39" E 22.76', thence S 66°58'35" E 1,820.79' to the point of beginning containing 22.613 acres and being a portion of the property described in Deed Book 3265, Page 537 of the Pitt County Register of Deeds.

### NOTICE OF PUBLIC HEARING Town of Winterville

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, December 13, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

Sutton Capital Group has submitted a rezoning application to rezone Parcels 12045, 23479, and 38386 (94.372 Acres) from Agricultural- Residential (AR) to R-10 CD and R-8 CD Zoning Districts. The R-10 and R-8 Residential Districts are quiet, medium density neighborhoods consisting of single-family residences along with limited home occupations and private and public community uses. The following conditions are proposed for each zoning district: 1) All lots will be single family residential; 2.) 8' Side Setbacks; 3) All homes will be a minimum of 1500 SF (Heated); 4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents; 5) All homes will include a 2 car garage; 6) Dedication of 30' Greenway easement along Swift Creek; 7) Development will include amenity area with pool and cabana; 8) Development will provide Stormwater Control Measures to attenuate the 25 year storm event. Stormwater Control Measures will be inspected annually by a qualified professional; 9) Development will provide sidewalks on both sides of public streets; 10) Developer will install a traffic signal at the intersection of Davenport Farm Road and Reedy Branch Road if approved by NCDOT.

Additional information is available by contacting <a href="mailto:bryan.jones@wintervillenc.com">bryan.jones@wintervillenc.com</a> or the Winterville Planning Department at (252) 756-2221 ext. 2350.

The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. These measures include limiting physical attendance at the meeting, employing social distancing, and implementing remote participation. The meeting is open to the public; however, limited attendance will be allowed to attend in-person due to COVID-19 provisions and the meeting will be available electronically. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos).

The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

#### **Notes to Publisher:**

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

Subject: Winterville Public Hearing – Sutton Capital Group Rezoning.

Please place the above legal advertisement in the Daily Reflector on Wednesday December 1, 2021 and Wednesday, December 8, 2021. Should you have any questions please contact me.

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

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



2571 Railroad Street PO Box 1459 Winterville, NC 28590 Phone (252)215-2358 Fax (252)756-3109 www.wintervillenc.com

### **Town Council Rezoning Request**

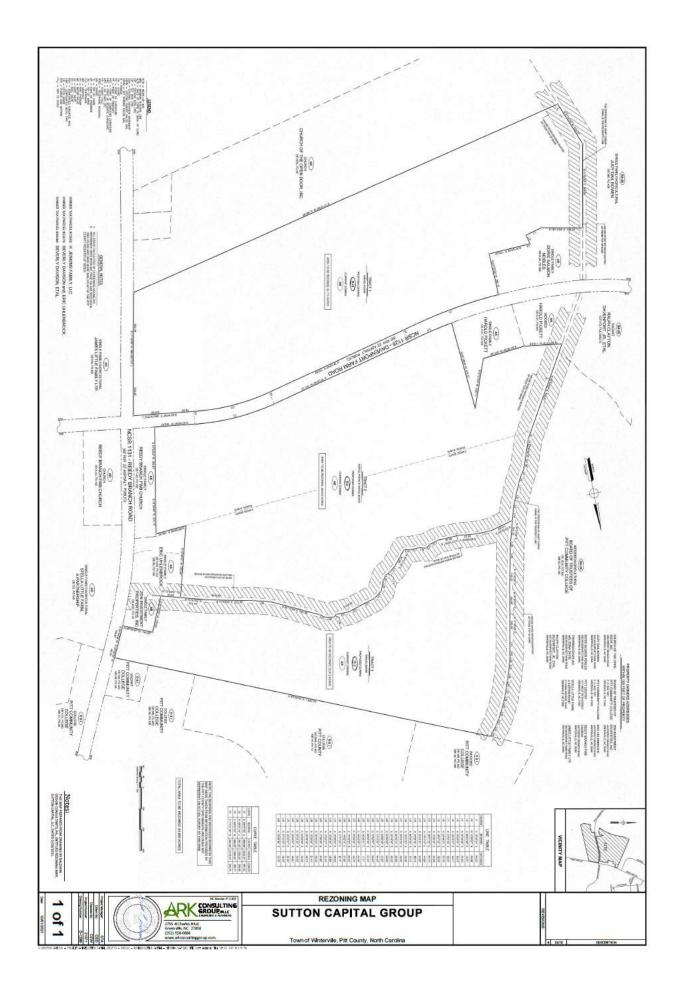
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Sutton Capital Group has submitted a rezoning application to rezone Parcels 12045, 23479, and 38386 (94.372 Acres) as shown on the attached map from Agricultural- Residential (AR) to R-10 CD and R-8 CD Zoning Districts. The R-10 and R-8 Residential Districts are quiet, medium density neighborhoods consisting of single-family residences along with limited home occupations and private and public community uses. The following conditions are proposed for each zoning district: 1) All lots will be single family residential; 2.) 8' Side Setbacks; 3) All homes will be a minimum of 1500 SF (Heated); 4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents; 5) All homes will include a 2 car garage; 6) Dedication of 30' Greenway easement along Swift Creek; 7) Development will include amenity area with pool and cabana; 8) Development will provide Stormwater Control Measures to attenuate the 25 year storm event. Stormwater Control Measures will be inspected annually by a qualified professional; 9) Development will provide sidewalks on both sides of public streets; 10) Developer will install a traffic signal at the intersection of Davenport Farm Road and Reedy Branch Road if approved by NCDOT.

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Tall and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358 or at wintervillenc.com.

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The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.



SUTTON CAPITAL GROUP 1101 SOUTH BLVD # 106 CHARLOTTE, NC 28203	JASON TREMAIN BARNETT JEANNETTE M BARNETT 933 VAN GERT DRI WINTERVILLE, NC 28590	JAMES J FERENCZY CATHY J FERNCZY 4568 REEDY BRANCH ROAD WINTERVILLE, NC 28590
CHURCH OF THE OPEN DOOR 4584 REEDY BRANCH RD WINTERVILLE, NC 28590	JUDY DAIL BOWEN 535 DAVENPORT FARM RD WINTERVILLE NC 28590	DORIS SALMON NOBLES 455 DAVENPORT FARM RD WINTERVILLE NC 28590
RALPH CLAYTON DAVENPORT, JR DARREN ELWOOD DAVENPORT 547 DAVENPORT FARM RD WINTERVILLE NC 28590	PITT COMMUNITY COLLEGE BOARD OF TRUSTEES PO DRAWER 7007 GREENVILLE NC 27835	THURMAN DAVIS EDNA DAVIS 450 DAVENPORT FARM ROAD WINTERVILLE, NC 28590
PITT COUNTY 1717 W FIFTH ST GREENVILLE NC 27834	STELLA LITTLE FARM A PARTNERSHIP 217 KING GEORGE ROAD GREENVILLE NC 27858	REEDY BRANCH FWB CHURCH 4457 REEDY BRACNH RD WINTERVILLE, NC 28590
JAMES LITTLE FAMILY LTP 203 DAVENPORT FARM RD WINTERVILLE NC 28590	BLANIE ALLEN MORE, JR ARDETH L MOYE 237 DAVENPORT FARM RD WINTERVILLE, NC 28590	KEVIN LITTLE 203 DAVENPORT FARM RD WINTERVILLE, NC 28590
TRIPP FARMS LLC 105 MARION DR GREENVILLE, NC 27858	ZEN INVESTMENT PROPERTIES, INC 4422 REEDY BRANCH ROAD WINTERVILLE, NC 28590	ERIC UHLENBROCK 4432 REEDY BRANCH ROAD WINTERVILLE, NC 28590
HAROLD PICKETT 450 DAVENPOTR FARM RD WINTERVILLE, NC 28590	LYNELLE M SMITH 931 STEVENS CREEK CIR FORSYTH, IL 62535	
		22



#### **MEMORANDUM**

To: Mr. Darren Sutton Sutton Capital Group

From: Kevin Dean, P.E.

Kimley-Horn and Associates, Inc.

Date: August 2, 2021

Subject: Davenport Farm Road Residential - Traffic Assessment



Kimley-Horn has performed a Traffic Assessment for the proposed Davenport Farm Road Residential project located on the north and south sides of Davenport Farm Road west of Reedy Branch Road in Winterville, North Carolina. As currently envisioned the project proposes the construction of approximately 215 single family homes with access along Reedy Branch Road and Davenport Farm Road, and project build-out is anticipated in 2027.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the 2027 study year.

#### Study Area

The following intersections were included in this analysis:

- Davenport Farm Road at Reedy Branch Road
- Reedy Branch Road at Site Driveway
- Davenport Farm Road at Site Driveway

**Figure** 1 shows the existing laneage at the intersection of Reedy Branch Road and Davenport Farm Road.

#### **Existing and Background Traffic**

Weekday 13-hour (6:00 AM to 7:00 PM) turning movement counts collected on February 14, 2019 were obtained from the North Carolina Department of Transportation (NCDOT) online traffic count database. Based on discussion with Town staff and NCDOT, a 2% annual growth rate was applied to the count volumes up to the baseline year 2021 to estimate existing year volumes. It should be noted that while these counts were collected prior to the opening of the NC 11 Bypass, these counts were determined to be more appropriate for use in this evaluation than collecting counts in current conditions when schools are not in session.

To calculate projected background traffic volumes, a 2% annual growth rate was applied up to the study year 2027. Town staff indicated that no specific approved development traffic was required for inclusion beyond that background growth.



**Figure 2** shows the existing peak hour traffic volumes and **Figure 3** shows the projected (2027) background peak hour traffic volumes at the study intersections.

#### **Trip Generation and Assignment**

The trip generation potential of the proposed development was determined using the traffic generation data published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017). As shown below in <u>Table 1</u>, the proposed Davenport Farm Road Residential development is expected to generate 2,104 new trips on a typical weekday, with 157 new trips during the AM peak hour and 212 new trips during the PM peak hour. While there is the potential that portions of the project may be developed as age-restricted or "age-targeted" homes, which have been found to generate fewer trips than traditional single family homes, the analysis was performed assuming all single family units in order to be conservative.

Table 1 ITE Traffic Generation (Vehicles)								
Land					AM Pea	ak Hour	PM Pe	ak Hour
Use Code	Land Use	Intensity		Total	ln	Out	In	Out
210	Single Family Detached Housing	215	d.u.	2,104	39	118	134	78

It is our understanding that the current zoning permits the construction of approximately 180 single-family homes, which would be expected to generate approximately 1,786 trips on a typical weekday with 133 trips during the AM peak hour and 179 trips during the PM peak hour. As such, this proposed rezoning is anticipated to result in only 318 additional daily trips, 24 additional AM peak hour trips, and 33 additional PM peak hour trips.

#### **Trip Distribution and Assignment**

The proposed generated trips were assigned to the surrounding roadway network. The directional distribution and assignment were based on land uses and existing travel patterns in the area.

- 40% to/from the east on Davenport Farm Road
- 25% to/from the west on Davenport Farm Road
- 20% to/from the north on Reedy Branch Road
- 15% to/from the south on Reedy Branch Road

Figure 4 shows the site traffic distribution and percent assignment for the new site trips.

#### Site Trip Development and Build-out Traffic

The site-generated trips were added to the projected (2027) background peak hour traffic volumes to obtain the projected (2027) build-out peak hour traffic volumes.

Figure 5 shows the projected (2027) build-out peak hour traffic volumes at the study intersections.



#### **Capacity Analysis**

Capacity analyses were performed using Synchro Version 10 software. Synchro intersection level-of-service (LOS) reports are attached. Table 2 summarizes the LOS for the study intersections.

Table 2 Level-of-Service Summary						
Condition  AM Peak Hour LOS (Delay)  PM Peak Hour LOS (Delay)						
Davenport Farm Road at Reedy Branch Road						
Existing (2021) Traffic – All-Way Stop	F (78.3)	F (89.1)				
Background (2027) Traffic – All-Way Stop	F (140.3)	F (144.6)				
Build-out (2027) Traffic – All-Way Stop	F (182.7)	F (180.8)				
Build-out (2027) Traffic – Signalized	C (28.6)	C (27.4)				
Reedy Branch Road at S	ite Driveway (Unsigna	alized)				
Build-out (2027) Traffic	EB – B (13.6) NBL – A (7.9)	EB – B (13.9) NBL – A (8.4)				
Davenport Farm Road at Site Driveway (Unsignalized)						
Build-out (2027) Traffic	NB – C (17.2) SB – C (23.3) EBL – A (8.1) WBL – A (8.7)	NB – C (20.3) SB – D (30.3) EBL – A (8.6) WBL – A (8.7)				

Analyses indicate that the existing intersection of Reedy Branch Road at Davenport Farm Road currently operates with long delays and queues in the peak hours. Long delays and queues are expected to continue in the future traffic conditions if the intersection remains in the current all-way stop configuration. However, based on the turning movement count data from February 2019, a preliminary traffic signal warrant analysis indicate that the Manual on Uniform Traffic Control Devices 4-hour vehicular volume warrants are currently satisfied at this intersection. The intersection is projected to meet the 8-hour vehicular volume warrants at build-out of the proposed development. With a traffic signal in place, this intersection is expected to operate acceptably at project build-out.

Analyses indicate that the site driveways are also expected to operate at acceptable LOS and with no queuing issues at project build-out.



#### Recommendations

Based on the analysis presented herein, the following improvement is recommended to be performed to address existing network conditions and accommodate anticipated site-generated traffic:

#### Reedy Branch Road at Davenport Farm Road:

Install a traffic signal if warranted and approved by the Town and NCDOT

**Figure 6** shows the future roadway laneage.

Should you have any questions or comments, please do not hesitate to contact me at (919) 678-4185 or <a href="mailto:kevin.dean@kimley-horn.com">kevin.dean@kimley-horn.com</a>.

Attachments: Conceptual Site Plan, Figures 1-6, Traffic Count Data, Trip Generation, Volume

Development Worksheets, Synchro LOS Reports

11/8/21 Mr. Bryan Jones Town of Winterville Planning Director P O Box 1459 Winterville, NC 28590

Mr. Jones,

I would like to take this opportunity to express my appreciation for your efforts to convene a meeting with The Town of Winterville, Sutton Capital Group, Arc Consulting, Kimley Horn Traffic Consultants and NCDOT. I believe our meeting concerning the proposed development of "The Farmstead" located at the intersection of Reedy Branch Road and Davenport Farm Road was very productive. Our meeting resulted in a good plan of action to hopefully alleviate many various groups concerns.

I would like to summarize my understandings from this meeting:

- The Sutton Capital Group is presenting a "concept plan" for the proposed development. This is not a site plan nor construction plan but only the idea that will still consist of coordination between the Town of Winterville, Sutton Capital Group and NCDOT.
- A preliminary Traffic Report had been previously complied by Kimley Horn Consultants. This report, although containing valuable information, was not complete by NCDOT standards. NCDOT will require more input and other intersections to be evaluated. NCDOT will provide the scoping parameters necessary to complete a TIA with full NCDOT requirements. This TIA may include access points as requested by the developer. However, final determination of access points and roadway mitigation will be at the discretion of NCDOT with input from the Town and other resources.
- Upon the TIA being completed by Kimley Horn and accepted by NCDOT, Sutton Capital Group can then be more interactive with Arc Consulting for the development of site plans.
- NCDOT will be a participant in the Winterville TRC Committee for evaluation of those site plans and make any requested changes, as other committee members will, to ensure all parties are heading in the correct direction.

NCDOT is cognizant of the existing conditions of traffic flow within the Town of Winterville's current zoning areas. It is a blessed and cursed situation that The Town of Winterville's jurisdictional area is rapidly growing. I can assure you and others in the Town that NCDOT is not taking this development lightly. We will be diligent in our evaluation of this intersection to make the best choices for our traveling public. I am sure like most progress, it will be welcomed by some and discouraged by others. NCDOT will not make everyone happy when determining the mitigation required to gain acceptable levels of service yet not discouraging beneficial economic growth. It can be a stressful but emotionally fulfilling when due care is exercised to attain a viable solution to situations such at this presents.

I want to assure The Town of Winterville of NCDOT's commitment to find the best solution for the proposal as presented. I look forward as this process continues, to the entire group maintaining the open communication that was started in our meeting. Should you need more information at any time, please let me know.

Thank you sir,

Gene Pittman

#### **Gene Pittman**

Assistant District Engineer Washington District Office

CC: File



# Town of Winterville Planning Department Zoning Staff Report

#### **GENERAL INFORMATION**

APPLICANT	Sutton Capital Group, LLC
HEARING TYPE	Rezoning Request
REQUEST	Agricultural-Residential (AR) to R-10 CD and R-8 CD
CONDITIONS	n/a
LOCATION	Intersection of Reedy Branch Rd. and Davenport Farm Rd.
PARCEL ID NUMBER(S)	12045; 23479; 38386
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request Public Hearing on November 23, 2021. Notification was posted on site on October 11, 2021. 20 properties were mailed notification. Posted in the Daily Reflector on 12/1/2021 and 12/8/2021.
TRACT SIZE	94.372 acres
TOPOGRAPHY	Flat
VEGETATION	Partially Cleared / Agricultural; Partially Wooded

#### **SITE DATA**

<b>EXISTING USE</b> Agricultural / Vacant	
-------------------------------------------	--

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	O&I	PCC/Wooded
E	AR	Single Family/Church
W	AR/RA-20 (Greenville Zoning)	Single Family/Agricultural
S	AR	Church

#### **ZONING DISTRICT STANDARDS**

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	AR	R-10 CD; R-8 CD
MAX DENSITY	n/a	n/a
TYPICAL USES	Low-density residential and agricultural uses; where urban development is expected.	Medium Density; single-family residential; single-family; limited home occupations.



#### **SPECIAL INFORMATION**

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	Potential wetlands
FLOODPLAIN	N/A
STREAMS	(50' Riparian Buffer along tributary off of Swift
	Creek) Stream feature located internally and
	along western property line.
OTHER	If >1 acre is disturbed, site must meet Phase 2
	stormwater requirements and provide Soil
	Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	Subdivision plan required

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

#### **LANDSCAPING & BUFFER REQUIREMENTS**

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

#### **TRANSPORTATION**

STREET CLASSIFICATION	Reedy Branch/Davenport Farm— NCDOT Roads
SITE ACCESS	All access must be designed and constructed to
	meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS	Davenport Farm Rd- 8500
(per NCDOT Annual Average Daily Traffic Map)	Reedy Branch Rd- 6700
TRIP GENERATION	N/A
SIDEWALKS	Required.
TRAFFIC IMPACT STUDY (TIS)	Recommended. (submitted)
STREET CONNECTIVITY	N/A
OTHER	N/A



#### **MPACT ANALYSIS**

#### **Land Use Compatibility**

The proposed R-10 and R-8 zoning districts would allow land uses that are compatible with the general character of the area.

#### **Town of Winterville Comprehensive Land Use Plan Policies**

The Future Land Use Map designates this property as an Urban Neighborhood character area. The requested **R-10 and R-8** zoning districts are generally consistent with this character area as defined by the future land use designation.

#### Comprehensive Land Use Plans - Recommendations & Implementation

#### **Urban Neighborhood - General Character:**

• Somewhat higher density, predominantly single family detached residential housing. This land use type was identified as one that is appropriate and valued. This flexible land use type is appropriate for many parts of the planning area.

#### Land Use – 5.2 Encourage open space and amenities in new development:

• The applicant is proposing an amenity area with pool and cabana (condition 7).

Economic Development – 3.1 Support rezonings to residential uses in the Suburban Residential and Urban Neighborhood areas identified on the future land use map.

#### **Economic Development – Policy 5 – Promote retirement-focused living:**

 The applicant has stated that a portion of the R-8 CD will be retirement age targeted housing.

Infrastructure and Mobility – 1.5 Coordinate with NCDOT and private development to upgrade four-way stop intersections with traffic lights and/or turn lanes as needed.

• The applicant has committed to installing a traffic signal at the four-way intersection located at Reedy Branch Road and Davenport Farm Road (condition 10).

#### Infrastructure and Mobility – 2.4 Require sidewalks in new developments.

• The proposed development will provide sidewalks on both sides of the streets (condition 9).

Parks and Natural Resources – 5.6 Obtain greenway easements wherever possible, including in sewer and public utility corridors; a minimum easement width of 30 feet wide wherever shown on the greenway master plan.



• The applicant is dedicating a 30' Greenway Easement along Swift Creek (condition 6).

#### Parks and Natural Resources - Policy 6: Encourage quality open space.

Conservation subdivision design includes open space and amenities. The applicant is
utilizing a conservation subdivision design and maximizing open space and providing
amenities.

#### STAFF ANALYSIS AND RECOMMENDATION

#### **Community Outreach**

Applicant is encouraged to discuss this proposed rezoning with owners of surrounding properties.

#### **Traffic Impact / Analysis**

The existing traffic patterns on Davenport Farm Road and Reedy Branch Road tend to be congested, especially during peak hours. This is due to the roads being two lane and having a four-way stop at the intersection. The applicant has provided a traffic impact assessment, which recommends the installation of a traffic signal at the intersection of Reedy Branch Road and Davenport Farm Road. The applicant has made this a condition of the rezoning request and plans to install the traffic signal upon NCDOT review and approval.

#### **Staff Analysis**

The 94.372-acre property is currently being used for agriculture. The property North of the request is zoned O&I and is partially wooded but also used for a college campus (PCC). West of the request is zoned AR/RA-20(Greenville Zoning), partially being vacant and partially containing single-family homes. South of the request is zoned AR and is being used as a church campus (Open Door Church). East of the request is zoned AR and is single-family residential.

The R-10 and R-8 rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is generally compatible with the existing development and trends in the surrounding area. The combination of the proposed R-10 and R-8 zoning districts fall within the density recommendations provided within the Urban Neighborhood character area.

#### Staff Recommendation

Staff recommends **approval** of the rezoning request for the 94.372 acres from AR to R-10 CD and R-8 CD.

# AN ORDINANCE TO AMEND CHAPTER 155 ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE TOWN OF WINTERVILLE, NORTH CAROLINA OFFICIAL ZONING MAP

**WHEREAS**, Sutton Capital Group, LLC has requested amendment of the Zoning Ordinance of the Town of Winterville by rezoning of the property described herein of Agricultural Residential (AR) to R-10 CD and R-8 CD; and

**WHEREAS**, a public hearing on the question of this zoning amendment was held, at the Winterville Town Hall at 7:00 p.m. on December 13, 2021, after due notice publication on December 1, 2021 and December 8, 2021; and

**WHEREAS**, due notice of said public hearing was also given by first class mail to the owners of all parcels, as shown on the County Tax Records, adjoining the parcel under consideration, certification of which has been to the Winterville Town Council; and

**WHEREAS**, due notice of said public hearing was also given by posting a rezoning request notice on the subject property;

**WHEREAS**, the Winterville Town Council finds that the proposed rezoning is in compliance with the Town of Winterville's Comprehensive Land Use Plan;

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

**Section 1.** The Town of Winterville Zoning Ordinance, Official Zoning Map, is hereby amended by rezoning the following described track from AR to R-10 CD and R-8 CD with the following conditions:

- (1) All lots will be single family residential;
- (2) 8' Side Setbacks;
- (3) All homes will be a minimum of 1500 SF (Heated);
- (4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents;
- (5) All homes will include a 2 car garage;
- (6) Dedication of 30' Greenway easement along Swift Creek;
- (7) Development will include amenity area with pool and cabana;
- (8) Development will provide Stormwater Control Measures to attenuate the 25 year storm event. Stormwater Control Measures will be inspected annually by a qualified professional;
- (9) Development will provide sidewalks on both sides of public streets:
- (10) Developer will install a traffic signal at the intersection of Davenport Farm Road and Reedy Branch Road if approved by NCDOT.

Sutton Capital Group, a 94.372-acre tract land located on **Reedy Branch Road and Davenport Farm Road.**, **Tax Parcels 12045**, **23479**, **and 38386**, and being more particularly described on the attached legal description provided below.

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

# LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM AR TO R-10 CD SUTTON CAPITAL, LLC TRACT 1 WINTERVILLE TOWNSHIP, PITT, NC

Beginning at a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), said point being the northeastern corner of the Church of the Open Door, Inc. Property as described in Deed Book 3930, Page 40 of the Pitt County Register of Deeds, said point also being located S 11°14′38" W 580.60' as measured along the western right-of-way of NCSR 1131 (Reedy Branch Road) from a point where the western right-of-way of NCSR 1131 (Reedy Branch Road) intersects the southern right-of-way of NCSR 1128 (Davenport Farm Road). From the above described beginning, so located, running thence as follows:

Leaving the western right-of-way of NCSR 1131 (Reedy Branch Road) and with the northern line of above referenced Church of the Open Door, Inc. Property, S 77°15'38" W 2,196.36', thence N 21°04'34" W 222.47', thence N 11°02'43" E 398.00', thence S 78°13'33" E 196.64', thence N 75°02'24" E 80.22', thence N 12°48'57" W 45.08', thence S 89°01'48" E 19.71', thence N 87°20'49" E 178.23', thence N 01°22'25" W 198.14' to a point on the curved southern right-ofway of NCSR 1128 (Davenport Farm Road), thence with the curved southern right-of-way of NCSR 1128 (Davenport Farm Road), an arc distance of 481.63', said curve to the left having a radius of 2,233.57' and a chord bearing N 80°47'33" E 480.69' to the point of tangency, thence N 76°23'48" E 700.66' to the point of curvature, thence with a curve to the right an arc distance of 369.00', said curve having a radius of 1,026.65' and a chord bearing N 86°57'16" E 367.02' to the point of tangency, thence S 82°44'56" E 78.05', thence leaving the southern right-of-way of NCSR 1128 (Davenport Farm Road), S 11°11'48" W 228.82', thence S 82°51'42" E 208.33' to a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), thence with the western right-of-way of NCSR 1131 (Reedy Branch Road), S 11°14'38" W 352.18' to the point of beginning containing 32.682 acres and being a portion of the property described in Deed Book 882, Page 199 of the Pitt County Register of Deeds.

#### LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM AR TO R-8 CD SUTTON CAPITAL, LLC TRACT 2 WINTERVILLE TOWNSHIP, PITT, NC

Beginning at a point on the northern right-of-way of NCSR 1128 (Davenport Farm Road), said point being the southwestern corner of the Reedy Branch FWB Church as described in Deed Book T-40, Page 302 of the Pitt County Register of Deeds. From the above-described beginning, so located, running thence as follows:

With the northern right-of-way of NCSR 1128 (Davenport Farm Road), N 82°44′56" W 189.42' to the point of curvature, thence with a curve to the left an arc distance of 390.71', said curve having a radius of 1,086.65' and a chord bearing S 86°57'03" W 388.60' to the point of tangency, thence S 76°23'48" W 701.73' to the point of curvature, thence with a curve to the right an arc distance of 222.75', said curve having a radius of 2,173.57' and a chord bearing

S 77°31'36" W 388.60', thence leaving the northern right-of-way of NCSR 1128 (Davenport Farm Road), N 04°19'44" W 418.31', thence S 20°27'52" W 238.11', thence S 84°39'36" W 201.92', thence N 82°14'18" W 178.64', thence N 30°44'09" E 439.61', thence N 30°44'09" E 34.64', thence N 19°56'50" E 147.78', thence N 33°03'01" E 34.15', thence N 29°03'17" E 32.17', thence N 23°53'44" E 40.01', thence N 23°48'27" E 57.70', thence N 18°47'32" E 38.03', thence N 15°46'46" E 45.98', thence N 75°30'25" E 113.66', thence N 89°11'40" E 67.74', thence S 83°58'05" E 89.23', thence N 87°49'41" E 96.34', thence N 74°11'10" E 44.56', thence N 55°24'41" E 24.83', thence S 74°32'12" E 36.13', thence N 86°54'53" E 37.12', thence S 79°21'53" E 32.32', thence N 40°21'25" E 87.05', thence N 49°03'33" E 39.92', thence N 65°43'14" E 25.50', thence N 35°19'30" E 25.23', thence N 22°55'00" E 53.03', thence N 53°56'29" E 47.57', thence N 74°13'20" E 84.22', thence N 72°52'57" E 50.63', thence N 89°50'30" E 63.23', thence N 46°48'11" E 17.11', thence S 79°43'35" E 40.06', thence S 53°20'22" E 29.76', thence S 64°11'04" E 240.69', thence S 74°45'54" E 83.46', thence S 77°52'04" E 222.95', thence S 73°47'02" E 121.19', thence S 15°25'37" W 342.44', thence N 85°58'08" E 146.00', thence S 10°04'25" W 204.15', thence S 10°32'42" W 300.67' to the point of beginning containing 37.579 acres and being a portion of the properties described in Deed Book 3265, Page 532 and Deed Book 882, Page 199 both of the Pitt County Register of Deeds.

# LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM AR TO R-8 CD SUTTON CAPITAL, LLC TRACT 3 WINTERVILLE TOWNSHIP, PITT, NC

Beginning at a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), said point being the southeastern corner of the Pitt Community College Property as described in Deed Book 346, Page 482 and recorded in Map Book 49, Page 95 both of the Pitt County Register of Deeds. From the above-described beginning, so located, running thence as follows:

With the western right-of-way of 1131 (Reedy Branch Road), S 25°50'32" W 48.75' and S 24°50'56" W 108.87', thence leaving the western right-of-way of NCSR 1131 (Reedy Branch Road), N 66°26'39" W 144.82', thence S 24°03'50" W 176.06', thence N 73°53'34" W 94.24', thence N 73°47'02" W 121.19', thence N 77°52'04" W 222.95', thence N 74°45'54" W 83.46', thence N 64°11'04" W 240.69', thence N 53°20'22" W 29.76', thence N 79°43'35" W 40.06', thence S 46°48'11" W 17.11', thence S 89°50'30" W 63.23', thence S 72°52'57" W 50.63', thence S 74°13'20" W 84.22', thence S 53°56'29" W 47.57', thence S 22°55'00" W 53.03', thence S 35°19'30" W 25.23', thence S 65°43'14" W 25.50', thence S 49°03'33" W 39.92', thence S 40°21'25" W 87.05', thence N 79°21'53" W 32.32', thence S 86°54'53" W 37.12', thence N 74°32'12" W 36.13', thence S 55°24'41" W 24.83', thence S 74°11'10" W 44.56', thence S 87°49'41" W 96.34', thence N 83°58'05" W 89.23', thence S 89°11'40" W 67.74', thence S 75°30'25" W 113.66', thence N 16°21'28" E 101.18', thence N 14°02'10" E 27.83', thence N 11°17'34" E 81.71', thence N 12°42'30" E 118.19', thence N 10°00'57" E 104.93', thence N 11°30'49" E 126.50', thence N 10°48'53" E 58.62', thence N 12°29'35" E 28.89', thence N 14°05'27" E 31.83', thence N 17°05'33" E 34.87', thence N 18°44'53" E 48.23', thence N 19°30'56" E 31.43', thence N 20°18'18" E 36.74', thence N 23°05'28" E 35.06', thence N 25°43'32" E 30.53', thence N 29°04'07" E 49.91', thence N 32°41'41" E 31.93', thence N 37°12'33" E 38.03', thence N 35°36'39" E 22.76', thence S 66°58'35" E 1,820.79' to the point of beginning containing 22.613 acres and being a portion of the property described in Deed Book 3265, Page 537 of the Pitt County Register of Deeds.

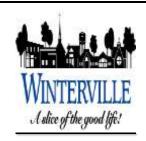
#### End of Legal Description

Section 2. This action shall be shown on the Official Zoning Map.

Section 3. This ordinance shall become effective upon adoption.

Adopted this13<sup>th</sup> day of December 2021.

	Douglas A. Jackson, Mayor
ATTEST:	
Donald Harvey, Town Clerk	



Item Section: Consent Agenda

Meeting Date: December 13, 2021

Presenter: Donald Harvey, Town Clerk

#### Item to be Considered

Subject: Council Meeting Minutes.

Action Requested: Approval of Minutes.

Attachment: Draft Minutes of the Council meetings listed below.

Prepared By: Donald Harvey, Town Clerk Date: 12/1/2021

**ABSTRACT ROUTING:** 

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

# **Supporting Documentation**

Approval of the following set of Council Meeting Minutes:

• November 8, 2021 Regular Meeting Minutes.

**Budgetary Impact**: NA.

**Recommendation**: Approval of Minutes.



# WINTERVILLE TOWN COUNCIL MONDAY, NOVEMBER 8, 2021 – 7:00 PM REGULAR MEETING MINUTES REMOTE VIA ZOOM

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 following were present:

Douglas A. Jackson, Mayor (absent) Richard (Ricky) E. Hines, Mayor Pro Tem Tony P. Moore, Councilman Johnny Moye, Councilman Veronica W. Roberson, Councilwoman Mark C. Smith. Councilman Keen Lassiter, Town Attorney Terri L. Parker, Town Manager Ben Williams, Assistant Town Manager Ryan Willhite, Police Chief David Moore, Fire Chief Vacant, Public Works Director Robert Sutton, Electric Director Evan Johnston, Parks and Recreation Director Bryan Jones, Planning Director Donald Harvey, Town Clerk

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

**INVOCATION**: Councilman Moye gave the Invocation.

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

**WELCOME**: Mayor Pro Tem Hines welcomed the public.

#### **APPROVAL OF AGENDA:**

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

**PROCLAMATIONS**: Town Clerk Harvey read the Proclamation.

Veterans Day – November 11, 2021.



## PROCLAMATION Veterans Day

WHEREAS, our community has a continuing sense of gratitude to those who have given so much in the defense of the freedoms which we all continue to enjoy; and

WHEREAS, on this patriotic occasion, let us all commit ourselves to the great need of fostering a spirit of rededication to the ideals that have served as the foundation of this great country – "One nation, under God, indivisible, with liberty and justice for all."

WHEREAS, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and

WHEREAS, on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's history; and

WHEREAS, on Veterans Day we also remember those whose sacrifice ended in permanent injury or death, yet their spirit remains in continued preservation of our freedoms and the promise of liberty established as an example for all oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principals of freedom and democracy.

NOW, THEREFORE, the Winterville Town Council does hereby proclaim November 11, 2021 as Veterans Day in the Town of Winterville, North Carolina and calls upon our citizens to observe this day with appropriate manners in honor of veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and let our veterans know we appreciate their great sacrifice.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 8th day of November 2021.

	Douglas A. Jackson, Mayor	
Attest:		

#### **PUBLIC HEARINGS**:

Holly Grove, Section 2 Annexation. Planning Director Jones presented the request with the following presentation:



Holly Grove, Section 2 - Annexation

- · Applicant/Petitioner: Carolina Eastern Homes, LLC
- · Location: Church Street Ext south of its intersection with Laurie Ellis Road
- · Site Data: 33 Lots, 13.61 Acres
- Zoning District: R-12.5 CD





Holly Grove, Section 2 - Annexation

#### ANNEXATION PROCESS:

- 1st Council Meeting: Direct Town Clerk to Investigate the Sufficiency of the Annexation (9/13/2021).
- 2nd Council Meeting: Schedule a Public Hearing for the Annexation (10/11/2021).
- · 3rd Council Meeting: Hold Public Hearing on the Annexation (11/8/2021).





#### NOTIFICATIONS:

- Adjacent properties owners were mailed notification of the Public Hearing for annexation on October 26, 2021.
- Notice of the Public Hearing for annexation was published in the Daily Reflector on October 27, 2021 and November 3, 2021.





Mayor Pro Tem Hines declared the public hearing open, asked if anyone would like to speak in favor of the annexation request. No one spoke. Mayor Pro Tem Hines asked if anyone would like to speak in opposition of the rezoning request. No one spoke. Mayor Pro Tem Hines closed the Public Hearing.

Mayor Pro Tem Hines asked for any further discussion or any more questions. Hearing none what is the Board's pleasure.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the Holly Grove, Section 2 Annexation Request. Motion carried unanimously, 5-0.

Zoning Text Amendment – Dimensional Requirements for R-10. Planning Director Jones presented the request with the following presentation:



- A slice of the good life!
- · Applicant: David A. Evans, Jr.
- · Proposed Zoning Text Amendment (per application):

Text Amendment Requested: In the R-10 district, change the minimum lot width from 80 feet to 70 feet, and change the side yard setback from 10 feet to 8 feet. The other dimensional standards would remain the same.

Reason For Text Amendment: The proposed amendment will allow more flexibility in the design of subdivisions in the R-10 district without compromise of lot area, and maximum density. The current ordinance is more conducive to ranch style homes which were in vogue at the time of adoption of the ordinance but are not popular in today's market.

\*\*For consistency, staff would also ask the Town Council to consider reducing the side yard setback in R-8 and R-6 from 10 feet to 8 feet.





#### R-10 - Dimensional Requirements

· Proposed Zoning Text Amendment (per application):

			1077777777	UM LOT ZE	8000000	IMUM YAF	777	
		Districts	Lot Area Square Feet	Lot Width (in feet)	Front yard setback (in feet)	Side yard setback (in feet)	Rear yard (in feet)	Maximum height (in feet)
ĺ	R-10	Single- family	10,000	70	25	8	20	35





#### R-10 - Dimensional Requirements

· Proposed Zoning Text Amendment (Amendment Summary):

	Other Principal Structures	14,500	80	25	17.5	20	35
R-10	Single-family	10,000	89 70	25	10.8	20	35
	Other Principal Structures	12,000	90	25	15	20	35
R-8	Single-family	8.000	70	25	10 8	20	35
	Two-family (4)	10,000	80	25	15	20	35
	Other Principal Structures	10,000	80	25	15	20	35
R-6	Single-family	6,000	50	20	10 5	20	35
	Two-family (4)	8,000	70	20	10	20	35
	Other Principal Structures	8,000	70	20	10	20	35





#### R-10 - Dimensional Requirements

· Examples of Other Municipalities (Ayden):

RR	35 ft.	40,000 sf	150 ft.	1 unit/acre	40 ft.	20 ft.	40 ft.	45 ft.
RA-20	35 ft.	20,000 sf	100 ft.	2 units/acre	30 ft.	12 ft.	30 ft.	35 ft.
R-12	35 ft.	12,000 sf	80 ft.	3 units/acre	25 ft.	10 ft.	25 ft.	30 ft.
R-10	35 ft.	10,000 sf	60 ft.	4 units/acre	20 ft.	8 11.	20 ft.	25 ft.
R-E	35 ft.	8,000 sf	50 ft.	5 units/acre	20 ft.	B ft.	20 ft.	25 ft.
R6-SF	35 ft.	6,000 sf	50 ft.	6 units/acre	20 ft.	8 11.	20 ft.	20 ft.
MF	35 ft.	6,000 sf plus 3,000 sf per every additional unit	N/A	11 units/acre	25 ft.	8 ft.	25 ft.	20 ft.
						LALI Physic		





#### R-10 - Dimensional Requirements

• Examples of Other Municipalities (Wake Forest):

B. LOT STANDARDS			
1. Lot Arna (min)²	n/a	40,000 sq ft	GR3: 10,000 sq ft GR5: 7,500 sq ft GR10: 5,000 sq ft
2. Lot Width at Front Setback (min)*	n/a	60 ft	50 ft
C. PRINCIPAL BUILDING			
1. Principal Front Setback (min)	20 ft	20 ft	20 ft
2. Street Side/Secondary Front Setback (min)	20 ft	20 ft	20 ft
3, Side (from adjacent lot) Setback (min)*	10 ft	10 ft	in Pt
4. Rear Setback (min)	25 ft	25 ft	25 R





#### R-10 - Dimensional Requirements

· Examples of Other Municipalities (Wendell):

	OSC	RA.	RR	15,000 69.Ft	10,000 sq f+	81 (4,000 sqf+	87, NC, CMX, CC, DMX	СН
Lot Width (Minimum) (a)	100 ft.	100 ft.	95 ft.	70 ft.	60 ft.	SO N.	24 ft.	35 ft.
Lot Depth (Minimum)	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	none
Front Setback (Minwourn(/b) (f)	40 ft.	40 ft.	40 ft.	30 ft.	25 ft.	25 ft.	10 ft,	10 ft.
Front Yard Encroachment (c)	none	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	none





- · Examples of Other Municipalities (Farmville, Wilson):
  - · Farmville:
    - 8,0000 sq ft lots
    - · 75' lot width
    - · 8' side yard setbacks
  - Wilson:
    - . Medium and Low Density (4,000 / 6,000 sq ft lots)
    - · 50' lot width
    - · 5' side yard setbacks





R-10 - Dimensional Requirements

#### **Amendment Process:**

- Planning and Zoning Board unanimously recommended approval on September 20, 2021.
- Town Council scheduled the Public Hearing on October 11, 2021.
- Notice of the Public Hearing was published in the Daily Reflector on October 27, 2021 and November 3, 2021.
- . Town Council will now hold the Public Hearing.





R-10 - Dimensional Requirements

#### Staff Recommendation:

- The proposed text amendment is consistent with similar and neighboring municipalities.
- · Planning Staff recommends approval.



Mayor Pro Tem Hines declared the public hearing open, asked if anyone would like to speak in favor of the annexation request. Linwood Stroud, Engineer for the Applicant noted the need to allow flexibility for the type of housing being built now.

Mayor Pro Tem Hines asked if anyone would like to speak in opposition of the rezoning request. No one spoke. Mayor Pro Tem Hines closed the Public Hearing.

Mayor Pro Tem Hines asked for any further discussion or any more questions. Hearing none what is the Board's pleasure.

Motion made by Councilman Moore and seconded by Councilman Moye to approve the Zoning Text Amendment – Dimensional Requirements for R-10. Motion carried unanimously, 5-0.

PUBLIC COMMENT: Mayor Pro Tem Hines read the Public Comment Policy.

Christine Siemion, Robert Siemion, and Paul Frances: Stormwater Concerns.

Robert Siemion spoke on Stormwater Concerns and explained the difference in retention and detention. Christine Siemion continued comments on Stormwater Concerns. Paul Frances continued Stormwater Concerns and recommended the Town look into stronger controls.

Councilman Moore asked Assistant Town Manager Williams to comments on ponds and what could be done. Assistant Town Manager Williams noted the Town could use other methods, noting pumps can fail during to electrical outages, increase other methods, and coordinate on a regional basis saying there is not one solution.

Councilwoman Roberson spoke to Magnolia Ridge where pipes come together. Assistant Town Manager Williams said several come together; Summer Winds, Copper Creek, Phases 1 & 2, and Magnolia Ridge.

Councilman Smith asked would this be the same if located in Greenville, and had we looked at their methods. Mayor Pro Tem Hines said he reached out to NCSU engineer that worked on Greenville Park. Councilwoman Roberson asked if we can get expert to a meeting to allow citizens a chance to hear. Convergence is a problem. Town Manager Parker noted that experts would speak on issues not specific locations.

Motion made by Councilwoman Roberson and seconded by Councilman Moore to schedule a meeting and invite experts to discuss stormwater issues. Motion carried unanimously, 5-0.

Councilman Smith spoke of the Paramore situation. Councilman Moye noted specific concerns, someone from State of North Carolina could see problems and look at concerns. Assistant Town Manager Williams will reach out to Washington Regional Office officials to speak to a variety of reactions, and types of solutions. Town Manager Parker said many factors come into play and it may take multiple meetings.

Melinda Hines, Vidal Harris, and Robert Palmiter: Concerns with NAPM Construction Site and laydown yard.

Melinda Hines of 121 Depot Street spoke to the laydown yard and Depot Street concerns. She had made multiple contacts and noted no controls over the situation. Councilman Moore asked if area is zoned for this use. Planning Director Jones said this use is not controlled by the zoning ordinance. Vidal Harris, 2674 Mill Street noted he had detailed cars, then uncovered trucks came by, he asked for solutions to the problem.

Robert Palmiter of 120 Depot Street said his business has been impacted by the construction company. He noted the Police became involved, but who will see things are done right? Councilman Moore asked if he had been compensated any. Mr. Palmiter said no, not yet.

#### **CONSENT AGENDA**:

Items included in the Consent Agenda:

- 1. Approval of the following sets of Council Meeting Minutes:
  - October 11, 2021 Regular Meeting Minutes.
- 2. Set Public Hearing for December 13, 2021Sutton Capital Group Rezoning Request.
- 3. Direct Town Clerk to Investigate the Sufficiency of Annexation for Kenneth Allen Property at 386 Vernon White Road (Parcel 33103).
- 4. Noise Ordinance Changes: Schedule Public Hearing for December 13, 2021.
- 5. Appointment to Local Firefighter's Relief Fund Board of Trustees.

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

#### **OLD BUSINESS:**

Cemetery Expansion Project Update.

Town Manager Parker presented information on the Cemetery Expansion Project. The expansion behind the existing cemetery is targeting the first of year begin sales. Councils needs to make decisions on costs and regulations. Councilman Moore said Town residents pay in the long term. Town Manager Parker said Staff is ready when Council is prepared to discuss.

Parking Plan and Traffic Flow Update.

Assistant Town Manager Williams presented information on the Parking Plan and Traffic Flow Project. Councilman Moore noted to include the area around Town Hall. Assistant Town Manager Williams said flow, additional parking, and restriping are all a part of the project. Town Manager Parker said items will be brought back to Council in a staged process.

3-Way Stop Sign Ordinance – East Main Street and Brook Lane.

Town Manager Parker presented information on the 3-Way Stop Sign Ordinance at East Main Street and Brook Lane. Mayor Pro Tem Hines noted he asked for this due to the fact it is like a speedway.

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moore to approve the 3-Way Stop Sign Ordinance at East Main Street and Brook Lane. Motion carried unanimously, 5-0.

#### **NEW BUSINESS:**

Blueberry Subdivision – Preliminary Plat. Planning Director Jones presented the information with the following presentation:



# BLUEBERRY SUBDIVISION PRELIMINARY PLAT

Presenter: Bryan Jones, Planning Director





Blueberry Subdivision-Preliminary Plat

#### Site Data:

· Location: Intersection of Church Street Ext and Park Road

· Parcel Number: 70857

· Acreage/Density: 32.51 Acres, 69 Lots

· Zoning: R-8 CD

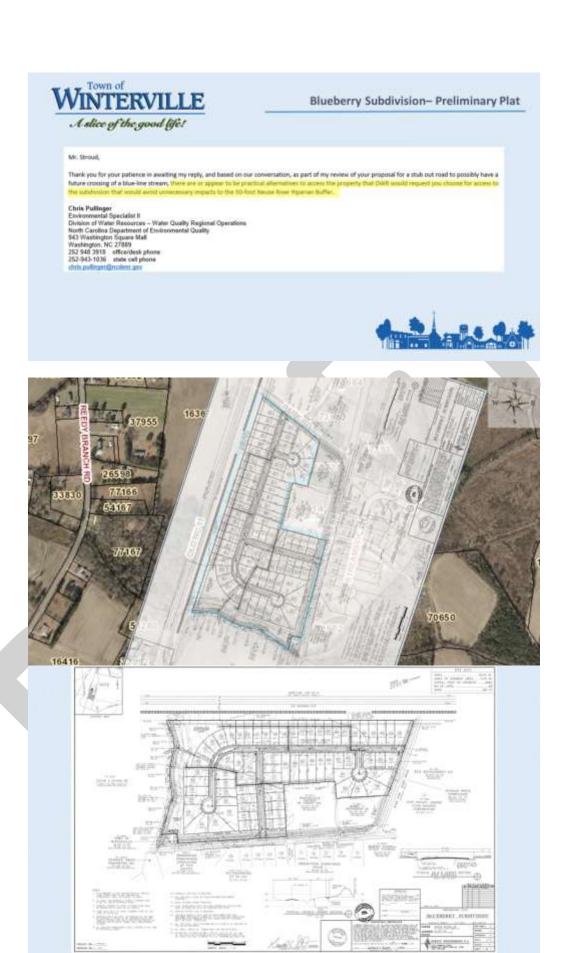














Blueberry Subdivision-Preliminary Plat

- · Site History:
  - Rezoning to R-8 CD was approved December 14, 2020.
  - TRC reviewed Preliminary Plat on October 5, 2021.
  - Planning and Zoning Board unanimously recommended approval October 18, 2021.





Blueberry Subdivision-Preliminary Plat

#### Staff Recommendation:

· Planning staff recommends approval.



Councilman Moore said he talked to Representative Humphrey to get Park Street on the list. Councilman Smith noted NCDOT has no plan, none at this time. Mayor Pro Tem Hines said the plan stubs out to Park Street now. Town Manager Parker noted there is one ingress/egress at this time.

Motion made by Councilman Moore to approve the Blueberry Subdivision – Preliminary Plat. Motion died for a lack of a second.

Councilman Moye asked if there is any concern with Fire equipment access. Chief Moore said it meets the requirements. Councilman Moore said we did not approve one last month. Planning Director Jones said a redesign would be required. Mayor Pro Tem Hines asked that we work out with NCDOT. Chief Moore said after this year, 30 houses limit will increase to 100 houses. Planning Director Jones noted that Park Street is a unicorn and paving by the developer puts it out of the ballpark. They have worked to this point. Linwood Stroud, Engineer for the developer said he contacted NCDOT, provided them a plat, and has received no response. The second entrance will be there when Park Street is paved. Councilwoman Roberson asked what is on NCDOT the priority list. Planning Director Jones said Old Tar Road is the only one. Linwood Stroud noted the stub out would be an interim solution.

Motion made by Mayor Pro Tem Hines and seconded by Councilwoman Roberson to deny due to reservation of access to unpaved Park Road. Mayor. Motion carried, 4-1. Councilman Moore opposed.

Councilman Moore said he opposed due to vote last month. Councilman Moye noted some subdivisions have only one way in one way out.

Wooten Company General Consulting Contract.

Assistant Town Manager Williams presented information on the Wooten Company General Consulting Contract. Councilman Moye asked if Wooten was the only one. Town Manager Parker noted the contract has been ongoing for several years since this has gone out. Councilman Moye suggested it is time to revisit.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the Wooten Company General Consulting Contract. Motion carried unanimously, 5-0.

Renewal of Application/Designation of Certified Retirement Community.

Town Manager Parker presented information on the Renewal of Application/Designation of Certified Retirement Community. She noted this designation has done us well.

Motion made by Councilman Smith and seconded by Councilman Moore to approve proceeding with the Renewal of Application/Designation of Certified Retirement Community including the \$15,000 fee. Motion carried unanimously, 5-0.

#### **OTHER AGENDA ITEMS:**

Write a letter to the Postal Service and Federal Elected Officials requesting another building for the Winterville Post Office. (Councilman Moore).

Councilman Moore asked that a letter be written to the Postal Service and Federal Elected Officials requesting another building for the Winterville Post Office. Councilman Moore noted he had been approached by employees concerning the need. Councilwoman Roberson also said she had heard from employees and citizens.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to write a letter to the Postal Service and Federal Elected Officials requesting another building for the Winterville Post Office. Motion carried unanimously, 5-0.

Crosswalk on Cooper Street at Church Street. (Mayor Pro Tem Hines).

Mayor Pro Tem Hines said he had noticed the need of the crosswalk on Cooper Street and the driveway at the corner creates a sight problem. Assistant Town Manager Williams said he will look into the situation. Mayor Pro Tem Hines said also the area at Blount Street needs paint. Councilman Smith noted the Ainge Street area, Primrose Street need sidewalks in the areas around AG Cox. Assistant Town Manager Williams said he will coordinate with NCDOT to get progress and coordinate with Chief Willhite and Officer Dobra to look at the items that will be needed.

Surplus Extra Money (Councilman Moore).

Motion made by Councilman Moore and seconded by Councilman Smith to approve the use of surplus extra money a one-time bonus at 3% for hourly employees, 1.5% for exempt employees, and sidewalks along Ainge Street at AG Cox.

Councilwoman Roberson wants remaining funds to go into a fund to purchase land for the Multi-Purpose Building. Councilman Moore noted we have funds in other locations that can go to that purpose. Councilman Moye asked what is in Powell Bill, could this be used for the sidewalks and we need to move forward on land for the Multi-Purpose Building. Councilman Smith said we need the sidewalks now.

#### Motion carried, 3-2. Councilwoman Roberson and Councilman Moye opposed.

Additional discussion by Council on sidewalks and use of Powell Bill funds. Assistant Town Manager Williams noted he will check on status of sidewalk application and where they are in the cycle and upcoming priorities.

#### **ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS:**

Town Manager Parker noted we will schedule a Stormwater workshop.

Mayor Pro Tem Hines said the Town must make Board appointments to advisory committees and a Town Council appointment to the Pitt County Human Relations Board replacing Councilman Moore.

#### **ANNOUNCEMENTS**: Town Clerk Harvey gave the following announcements.

- 1. Thursday, November 11, 2021: Town Offices Closed for the Veterans Day Holiday.
- 2. Thursday, November 11, 2021 @ 2:00 pm: Veterans Day Ceremony Flagpole in front of Police Station.
- 3. Monday, November 15, 2021 @ 7:00 pm: Planning and Zoning Board Meeting- Town Hall Assembly Room.
- 4. Tuesday, November 16, 2021 @ 7:00 pm: Board of Adjustment Meeting- Town Hall Assembly Room.
- 5. Tuesday, November 23, 2021 @ 6:30 pm: Recreation Advisory Board- Operation Center.
- 6. Thursday, November 25 and Friday November 26, 2021: Town Offices Closed for the Thanksgiving Holidays.
- 7. Saturday, December 4, 2021Christmas Activity Day.
  - > 1:00 pm 7:00 pm: Market.
  - 2:00 pm: Parade.
  - 6:00 pm: Tree Lighting Ceremony.

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

**Attorney Lassiter**: Noted that the organizational meeting will be at December meeting with new members sworn into office. Reminded of Closed Session.

**Councilman Moore**: Noted the Veterans Day Ceremony.

**Councilwoman Roberson**: Expressed thanks to citizens during the election process.

Councilman Smith: Noted it was an honor to serve again.

**Councilman Moye**: Said thanks to citizens to serve another 4-year term.

**Mayor Pro Tem Hines**: Expressed thanks to citizens for coming out to vote, thanks to Mr. Rice. and Ms. Hawkins and Mr. Moore for running and getting involved with the process.

Manager Parker: None.

Motion made by Councilman Moore and seconded by Councilman Moye to go into Closed Session (NCGS § 143-318.11. (a) (5) (Acquisition of Real Property). Motion carried unanimously, 5-0. Went into Closed Session at 9:12 pm.

#### **CLOSED SESSION:**

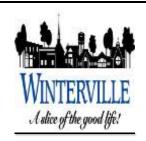
No action to bring forward from Closed Session.

#### **ADJOURN**:

Motion made by Councilman Moore and seconded by Mayor Pro Tem Hines to adjourn the meeting. Motion carried unanimously, 5-0. Meeting adjourned at 9:37 pm.

Adopted this the 13th day of December 2021.

	Douglas A. Jackson, Mayor
ATTEST:	
Donald Harvey, Town Clerk	_
Bonala Harvey, Town Clerk	



Item Section: Old Business

Meeting Date: December 13, 2021

Presenter: Chief Ryan Willhite, Winterville Police.

#### Item to be Considered

Subject: Revisions to the Noise Ordinance-Update. Set Public Hearing for Januarfy 10, 2021.

Action Requested: Accept Report.

Attachment: NA.

Prepared By: Terri L. Parker, Town Manager Date: 12/1/2021

**ABSTRACT ROUTING:** 

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

# **Supporting Documentation**

Chief Willhite and Staff is updating Town's Noise Ordinance. A Public Hearing on the Ordinance is to be scheduled for January 10, 2022.

**Budgetary Impact:** TBD.

Recommendation: Accept Report and Set Public Hearing for January 10, 2022.



2571 Railroad Street P.O. Box 1459 Winterville, NC 28590 Phone: (252) 215-2340 Fax: (252) 215-2450 www.wintervillenc.com

# NORTH CAROLINA PITT COUNTY TOWN OF WINTERVILLE

# **OATH OF OFFICE**

, Richard E. Hines, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor, so help me God.				
Richard E. Hines, Mayor				
Nichard E. Filines, Mayor				
	Donald G. Davis, Senator			
	December 13, 2021 Date			



2571 Railroad Street P.O. Box 1459 Winterville, NC 28590

# NORTH CAROLINA PITT COUNTY TOWN OF WINTERVILLE

# **OATH OF OFFICE**

I, Johnny Moye, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Town Councilman, so help me God.				
Johnny Moye, Town Councilman				
	The Honorable Wendy S. Hazelton District Court Judge			
	December 13, 2021 Date			

Phone: (252) 215-2340

www.wintervillenc.com

Fax: (252) 215-2450



2571 Railroad Street P.O. Box 1459 Winterville, NC 28590

NORTH CAROLINA
PITT COUNTY
TOWN OF WINTERVILLE

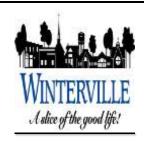
# **OATH OF OFFICE**

I, Mark C. Smith, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Town Councilman, so help me God.				
Mark C. Smith, Town Councilman				
	The Honorable W. Brian DeSoto District Court Judge			
	December 13, 2021 Date			

Phone: (252) 215-2340

www.wintervillenc.com

Fax: (252) 215-2450



Item Section: Consent Agenda

Meeting Date: December 13, 2021

Presenter: Donald Harvey, Town Clerk

#### Item to be Considered

Subject: 2022 Calendars.

**Action Requested**: Approval of Calendars. **Attachment**: Draft Calendars listed below.

Prepared By: Donald Harvey, Town Clerk Date: 12/1/2021

ABSTRACT ROUTING:

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

# **Supporting Documentation**

Approval of the following Calendars for 2022:

- Regular Town Council Meeting Calendar for 2022
- FY 2022-2023 Budget Calendar.

**Budgetary Impact**: NA.

Recommendation: Approval of Calendars.



# TOWN COUNCIL 2022 MEETING CALENDAR

DATE	DESCRIPTION	TIME	LOCATION
Monday, January 10, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, February 14, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, March 14, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, April 11, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, May 9, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, June 13, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, July 11, 2022	NO MEETING	NA	NA
Monday, August 8, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, September 12, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, October 10, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, November 14, 2022	Regular Council Meeting	7:00 pm	THAR
Monday, December 12, 2022	Regular Council Meeting	7:00 pm	THAR

THAR: Town Hall Assembly Room 2571 Railroad Street Winterville, NC 28590

Adopted by Council - 12/13/2021



# **TOWN OF WINTERVILLE** FY 2022-2023 **BUDGET CALENDAR**

DATE	DESCRIPTION	TIME	LOCATION
Monday, January 24, 2022	Town Council Vision Setting Meeting	TBD	THAR
Monday, February 21, 2022	Distribution of Budget Worksheets to Management Team	NA	TMGR OFFICE
Friday, March 25, 2022	Management Team Recommendations Due	NA	TMGR OFFICE
Monday, April 25, 2022	Town Council & Manager Progress Meeting	6:00 p.m.	THECR
May 9-13, 2022	Manager Review with Management Team	N/A	TMGR OFFICE
Monday, May 23, 2022	Hand delivery of the Recommended Budget	N/A	NA
Tuesday, May 24, 2022	Town Council Budget Work Sessions	6:00 p.m.	THAR
Thursday, May 26, 2022	Town Council Budget Work Sessions	6:00 p.m.	THAR
Monday, June 6, 2022	Public Hearing	7:00 p.m.	THAR
Monday, June 13, 2022	Adoption of the FY 2022-2023 Budget Ordinance	7:00 p.m.	THAR
Friday, July 1, 2022	Fiscal Year Begins	NA	NA

#### THAR:

Town Hall Assembly Room 2571 Railroad Street Winterville, NC 28590

#### THECR:

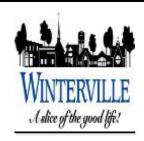
**Executive Conference Room** 2571 Railroad Street Winterville, NC 28590

#### WCR:

2571 Railroad Street Winterville, NC 28590

#### **DEPOT:**

Winterville Community Room Winterville Train Depot Railroad Street Winterville, NC 28590



**Item Section**: Consent Agenda

Meeting Date: December 13, 2021

**Date**: 12/1/2021

**Presenter**: Bryan Jones, Planning Director

#### Item to be Considered

Subject: Kenneth Allen Annexation (386 Vernon White Road).

Action Requested: Schedule the Public Hearing for January 10, 2022.

Attachment: Annexation Petition, Annexation Map, Legal Description, and Certification of Sufficiency.

Prepared By: Bryan Jones, Planning Director

**ABSTRACT ROUTING:** 

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

## **Supporting Documentation**

Kenneth Allen, property owner of 386 Vernon White Road (Parcel 33103), is applying for annexation into the Town limits.

**Location**: Vernon White Road west of its intersection with Old Tar Road.

Size: 0.727 Acres.

Zoned: AR.

#### **Annexation Process:**

- ♦ 1st Council Meeting: Direct Town Clerk to Investigate the Sufficiency of the Annexation (11/8/21).
- ❖ 2nd Council Meeting: Schedule a Public Hearing for the Annexation (12/13/21).
- ❖ 3rd Council Meeting: Hold Public Hearing on the Annexation (1/10/22).

**Budgetary Impact:** TBD.

**Recommendation**: Schedule the Public Hearing for January 10, 2022.

#### PETITION REQUESTING ANNEXATION

Date: _	2	1241	2021	

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** 

SEE ATTACHED LEGAL DESCRIPTION

Name Kenneth Allen Signature Kent Allen	Address 386 Vermon White Rd. Winterville, NC 28590
Name Sally H. Allen Signature Sally H. Ollen	Address 386 Vermen White Pd. Winterville, NC 28590
Name	Address
Signature	





### Kenneth & Sally Allen Property Annexation Legal Description

LYING AND BEING IN WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA NEAR THE INTERSECTION OF VERNON WHITE ROAD (NCSR 1130) AND BRASELTON DRIVE, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE IN THE SOUTHERN RIGHT-OF-WAY OF VERNON WHITE ROAD, SAID POINT LYING S-78-25-06 E 3664.84 FEET FROM N.C.G.S.M. "REEDY" HAVING NAD 83(2001) GRID COORDINATES N (Y) = 656,283.99 E (X) 2,474,446.87; THENCE ALONG SAID RIGHT-OF-WAY S 61-18-22 E 155.00 FEET TO A NEW PK NAIL; THENCE LEAVING SAID RIGHT-OF-WAY S 10-28-18 W 215.00 FEET TO AN EXISTING IRON PIPE; THENCE N 61-25-09 W 154.66 FEET TO AN EXISTING IRON PIPE; THENCE N 10-24-40 E 215.40 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 0.727 ACRES MORE OR LESS.

Corporate Offic

324 Evans St Greenville NC 27858 www.eastgroup.com

Fax 252.830.3954



ENGINEERING

ARCHITECTURE

SURVEYING

TECHNOLOGY

#### **CERTIFICATE OF SUFFICIENCY**

# KENNETH ALLEN ANNEXATION - 386 VERNON WHITE ROAD PARCEL 33103

To the Town Council of the Town of Winterville, North Carolina:

I, Donald Harvey, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described herein, in accordance with NCGS 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Winterville this the 9<sup>th</sup> day of November 2021.

ATTEST:

Donald Harvey, Town Clerk



Item Section: New Business

Meeting Date: December 13, 2021

Presenter: Donald Harvey, Town Clerk

#### Item to be Considered

**Subject**: Pitt County Human Relations Commission Appointment.

Action Requested: Appoint new member.

Attachment: Pitt County Human Relations Commission Ordinance.

Prepared By: Donald Harvey, Town Clerk Date: 12/1/2021

**ABSTRACT ROUTING:** 

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

## **Supporting Documentation**

The Pitt County Board of Commissioners would like to extend the opportunity to the Town of Winterville to appoint a municipal representative to the County's newly created Human Relations Commission (HRC). Of the twenty-one (21) seats created by the Board of Commissioners, ten seats are designated to represent each of Pitt County's municipalities.

Councilman Moore resigned from his position as the Town of Winterville's representative on November 5, 2021. Please appoint a new Council Member to take his place on this commission.

**Budgetary Impact**: NA.

**Recommendation**: Appoint a new member.



BOARD OF COMMISSIONERS
-----ORDINANCE NO. 1

# ORDINANCE ESTABLISHING PITT COUNTY HUMAN RELATIONS COMMISSION

Be it ordained by the County of Pitt, North Carolina, as follows:

Section 1. In Pitt County we seek to strive for a community in which the dignity and worth of each individual is respected on his/her own merits, a community in which genuine equality of opportunity for all persons is a recognizable fact. A Commission is hereby created to identify concerns in the area of human relations, make recommendations regarding these issues and engage in activities which shall effectively; (a) promote equality in such areas as economic, educational, governmental and cultural life of the community for all citizens without regard to race, creed, national origin, sex, age, sexual orientation or disability, and work to eliminate discrimination on any of these bases; (b) encourage fair treatment and mutual understanding and respect among all citizens; (c) discover and seek to counter practices and customs which create animosity and unrest; and (d) make recommendations to the appointing authority for action it deems necessary for harmonious relationships among the citizens.

**Section 2.** There is hereby created a Human Relations Commission for the County of Pitt (HRC). It shall consist of twenty-one (21) members appointed by the Pitt County Board of Commissioners serving without compensation:

Ten (10) representatives, one from each of Pitt County's municipalities,

One (1) representative of law enforcement

One (1) representative of the Department of Social Services

One (1) representative from the Latinx community

One (1) representative from the African American community

One (1) representative from the Asian American Community

One (1) representative from the LGBTQ community

One (1) representative from Public Health

One (1) representative from the faith community

One (1) representative from Pitt County Board of Commissioners

Two (2) members at-large

A majority of seats filled shall constitute a quorum for the transaction of business. Of the twenty-one (21) members first appointed, 7 shall be appointed for one year, 7 for two years, and 7 for three years. Thereafter, all appointments to the HRC shall be for a term of three years. Appointments are subject to the Pitt County Board Appointment Policy. In the event of the death, resignation or removal of any member, his/her successor shall be appointed by the Pitt County Board of Commissioners to serve for the unexpired period of the term for which such member had been appointed, provided however, that all members shall continue in office until their successors shall have been appointed. It is encouraged that members appointed by the Pitt County Board of Commissioners be actively engaged with an organization advancing inclusivity in the community.

Section 3. The HRC at its organizational meeting and each annual meeting thereafter shall elect from its membership: a Chair, Vice Chair; and Secretary for a term of one year. These officers shall have and perform such duties as are commonly associated with their respective titles and shall be and

Ordinance Establishing Pitt County Human Relations Commission Page 1 of 3

constitute the executive committee of the HRC which shall exercise such powers of the HRC between its regular meetings as may be authorized by the HRC. The HRC shall be further authorized to appoint and determine the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties.

- **Section 4.** The Human Relations Commission shall meet at least once each month at such time and place as shall be determined by the HRC in its bylaws. Special called meetings may be called by the Chair and noticed in accordance with law. An emergency meeting may be called by the Chair because of generally unexpected circumstances that require immediate consideration by the Human Relations Commission.
- Section 5. The functions, powers, and duties of the HRC shall be as follows:
  - Study and recommend strategies for the prevention of potential human relations problems and crises and the promotion of good relations.
  - b. Identify, study and document areas of human need (housing, employment, education, transportation, etc.) in the County and recommend strategies for meeting those needs.
  - c. Endeavor to make the Human Relations Commission itself a model of good human relations at work.
  - d. Prepare and submit at least annually a report to the Pitt County Board of Commissioners.
  - e. Cooperate with State, Federal and local governmental agencies.
  - f. Communicate regularly the work, observations and recommendations of the Human Relations Commission to the Pitt County Board of Commissioners.
  - g. Advise the Pitt County Board of Commissioners of recommended actions to aid and carry out the purposes of this Ordinance.
  - h. Promote and provide training/workshops for community advancement.
  - i. Advocate for equal employment opportunity.
  - j. Promote and provide education on equal housing opportunity.
  - k. Perform duties assigned by the Pitt County Board of Commissioners.
  - I. Provide opportunities for meaningful discussion on human relations throughout the community.
  - m. Provide information and referrals related to Human Relations issues.
- **Section 6.** The services of all other county departments and agencies shall be made available to the HRC for the carrying out of the functions herein stated.
- Section 7. If any section of this Ordinance be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately from the remaining provisions of this Ordinance; said section to be completely severable from the remaining provisions of this Ordinance and the remaining provisions of this Ordinance shall remain in full force and effect.
- **Section 8.** That all Ordinances, or the parts of Ordinances, in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

**Section 9.** That this Ordinance shall be effective upon adoption by the County of Pitt from and after its passage.

Adopted this the 11th day of January, 2021.

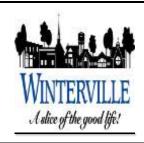
Ann Floyd Huggins, Chairwoman
Pitt County Board of Commissioners

Attest:

Kimberly W. Hines

Kimberly W. Hilles Clerk to the Board





Item Section: New Business

Meeting Date: December 13, 2021

Presenter: Ben E. Williams, Assistant Town Manager

#### Item to be Considered

**Subject**: Wooten Company – Task Order No. 34 – Risk and Resilience Assessment and Emergency

Response Plan.

Action Requested: Approval of Task Order.Attachment: Engineering Services Agreement.

Prepared By: Ben E. Williams, Assistant Town Manager

**Date**: 12/8/2021

#### **ABSTRACT ROUTING:**

☑ TC: <u>12/8/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

# **Supporting Documentation**

Section 2013 of America's Water Infrastructure Act of 2018 (AWIA) requires community water systems that serve more than 3,000 people to complete a risk and resilience assessment and develop an emergency response plan. The subject Task Order No. 34 is for creating the Town's Water System Risk and Resiliency Assessment and Emergency Response Plan for compliance with EPA regulations. The Engineer will provide services to assist the Town with development of written guidance for the required plan.

Budgetary Impact: This work will be done on a lump sum basis with a cost of \$24,850.

**Recommendation**: Staff recommends approval of contract.

#### Task Order No. 34 – Town of Winterville

In accordance with Paragraph 1.01 of the Agreement between Owner and Engineer for Professional Services – Task Order Edition, dated <u>September 10, 2015</u> ("Agreement"), Owner and Engineer agree as follows:

#### 1. Specific Project Data

# A. Title: Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP) for Drinking Water System

B. Description: The Town of Winterville, N.C. (Town) provides potable water service to approximately 5 square miles of service area within and adjacent to the Town limits. The Town utilizes groundwater, via three (3) groundwater wells to compliment 2 system interconnections with GUC to serve the needs of its service area. Water is treated at the wells or by GUC and then pumped throughout the distribution system. The Town has one (1) elevated storage tank, providing a total system storage capacity of 0.500 MG. The distribution system consists of approximately 68 miles of water lines ranging in size from 2 inch to 12 inches.

America's Water Infrastructure Act (AWIA) was signed into law in October 2018. Among its provisions, the law requires drinking water utilities serving more than 3,300 people to develop or update a Risk and Resilience Assessment (RRA) and an Emergency Response Plan (ERP). The RRA and ERP are required to be reviewed and revised every 5 years.

This scope of work outlines tasks The Wooten Company (Wooten)(Consultant) would perform to develop a Risk and Resilience Assessment (RRA) report for the Town. The RRA report will include (1) information on the system and contact information for utility staff responsible for the operation and maintenance of the system, (2) inventory of assets in the water system and brief description of the countermeasures employed by the utility to protect the assets, and (3) a risk assessment summary report generated using the EPA's VSAT WEB 2.0 program. The program helps to assess the utility's resilience by calculating an all-hazards Utility Resiliency Index (URI), which measures the capacity of the utility to respond to and recover from an incident. The program is also used to calculate a quantitative risk (threat x vulnerability x consequence) for various assets and cost/risk reduction comparison for countermeasures to reduce the risks identified.

Upon receiving the information from the Town detailed below, Wooten will utilize the VSAT WEB 2.0 software to conduct the risk and resilience assessment. Upon completion of the RRA report, the deliverable will be sent to the Town for review and approval. The Town will need to perform the EPA on-line certification process

indicating the Town has an RAA completed. Six months after that on-line certification, the Town will need to complete/update their ERP, incorporating RAA information. The ERP will include (1) an introduction that summarizes the RRA and compares it against local emergency plans, (2) information on the system and contact information for utility staff responsible for the operation and maintenance of the system, (3) resilience strategies and resources, (4) emergency plans and procedures and list of critical equipment, (5) mitigative actions and procedures to less the impact of a threat, and (6) threat detection strategies.

RRAs and ERPs are required to be reviewed and updated, if applicable, every five (5) years, and certification of these updates must be submitted to the EPA. It is our understanding that certifications of the RRA report, which can only be submitted to the EPA through a utility employee, is due on June 30, 2021. The certification of the ERP is due on December 30, 2021 but must be completed within six months of the RRA certification. We are pleased to assist the Town in the risk assessment and will prepare the RRA conforming to the 2018 America's Water Infrastructure Act (AWIA) requirements. The following scope of work is proposed for completing this task order.

#### C. Number of Construction Contracts

The Specific Project is anticipated to be constructed under  $\underline{1}$  Construction Contracts.

#### 2. Services of Engineer

☑ Design Services

#### Scope of Services: Risk and Resilience Assessment

#### Kickoff Meeting, System Tours, and Information Gathering

- a. A kickoff meeting will be held between Wooten and the Town to discuss the EPA and State requirements for the RRA and ERP as well as the Town's expectations for the reports. Topics of discussion will include defining the Town's emergency response team members to be listed in the report. The emergency response team is a list of emergency response team members as well as their key roles and responsibilities in these emergencies (emergency response lead, public information, security, etc.). The experience of the staff will also be discussed to evaluate how many of the staff are cross trained in critical operations and maintenance or are available as staff backup. Topics of discussion will also include reviewing existing emergency procedures the Town may have, such as: drought response plan, flooding response plan, power outage response plan, hazardous materials (hazmat) response plan, local hazard mitigation plans, health and safety plans, existing emergency operation and management plans, or any plans related to the 2002 Bioterrorism Preparedness and Response Act.
- b. Wooten will gather information regarding the Town's water system to perform Task 2. To that effort, the scope includes tours of the Town's water facilities, which is estimated to be multiple days of engineering and Town staff effort. Following the tour, Wooten

- will complete a formal request of information from the Town regarding the water system.
- c. Upon receipt of the information from the Town, Wooten and the Town will identify and discuss malevolent and natural hazard threats to the various water system components. As part of this effort, the current ability to respond to these threats in terms of preparation before the threat, active response during the threat, and recovery from the threat will also be discussed. The categories below are used as inputs to the risk assessment detailed in Task 2:
  - Physical Barriers (i.e., fences, locked gates, and doors)
  - Source Water
  - Pipes and Constructed Conveyances, Water Collection, and Intake
  - Pretreatment and Treatment
  - Storage and Distribution Facilities
  - Electronic, Computer, or other Automated Systems (including the security of such systems)
  - Monitoring Practices
  - Financial Infrastructure
  - The Use, Storage, or Handling of Chemicals
  - The Operation and Maintenance of the Utility

Cybersecurity is one of the main threats to be addressed as municipalities and local governments are at high risk of being targets of cyber threats. We will not perform a detail evaluation of the Town's cybersecurity, as this requires outside consultation that exceeds the requirements of 2018 AWIA. Instead, information will be gathered regarding the preventative and reactionary measures the Town employs against cyber threats. Preventative measures may include the presence of network firewalls, user authentication, and regular staff education on cyber threats. Reactionary measures may include antivirus software, backups of critical systems, and emergency procedures in place for if the network is breached by a cyber threat. This information is used in assessing vulnerability in the EPA's VSAT program.

#### Prepare Risk and Resilience Assessment

- a. Based on the information gathered via the previous tasks, Wooten will complete the Vulnerability Self-Assessment Tool (VSAT) tool on the EPA website. This tool will produce a risk assessment summary report that identifies the highest risks to mission-critical operations.
- b. Wooten will prepare the RRA report in the format outlined below. The outline for the RRA report is provided below:
  - i. Introduction
  - ii. System and Contact Information
  - iii. Water System Inventory and Current System Measures
  - iv. Risk Assessment Report from VSAT WEB 2.0
  - v. Report Summary

- c. Wooten will submit the RRA report to the Town and address minor comments.
- d. Upon approval of report, the Town will perform the certification.

#### **Review of Draft by City and Address Comments**

- a. Wooten will submit the RRA report to the Town water utility's staff for review and comments. The RRA report will be revised based on these comments.
- b. Upon approval of report, the Town will perform the certification. At that time, we can further discuss if the Town is looking for assistance on the associated Emergency Response Plan under a future task order.

Completing Tasks 1-3 above will result in an RRA report that meets the minimum requirements as set out by the 2018 AWIA. Additional task to complete the ERP are listed below.

#### Scope of Services: Emergency Response Plan

#### **Information Gathering and Evaluation**

- a. Wooten will identify state regulatory requirements for ERPs, if applicable.
- b. Wooten will utilize information regarding the Town's water system from the RRA tasks for the ERP. Wooten will also complete a formal request of information from the Town regarding the water system to categorize by capability the resources requested, deployed, and used in incidents. This is key in identifying resource gaps.
- c. Areas of significant risk identified in the RRA will be compared against the existing local emergency plans and standard operating procedures (SOPs) that the Town provides. This scope does not include new procedures that cover areas of significant risk from the RRA not currently addressed with existing local plans.
- d. Wooten will identify local emergency planning committees (LEPCs), emergency management agencies, regional mutual aid partners, and other response partners for coordination in Task 6.

#### **Coordinate with LEPCs and Response Partners**

- a. Wooten will coordinate meetings between the Town and LEPCs and other response partners. These meetings will set up procedures and agreements between the attendants and involve discussion of procedures within the ERP.
- b. Partnering with stakeholders like LEPCs allows all parties to understand response processes and procedures used during a drinking water incident. This ensures a utility's ERP includes any chemicals used by the water system and that the water system has access to Tier 2 hazardous chemical inventory data.

#### Write the Emergency Response Plan

- a. Based on the information gathered via the previous tasks, Wooten will prepare the ERP in the format outlined below. The outline for the ERP is provided below:
  - i. Introduction
  - ii. Utility Information
  - iii. Resilience Strategies

- iv. Emergency Plans and Procedures
- v. Mitigation Actions
- vi. Detection Strategies
- b. Wooten will submit the ERP to the Town and address minor comments by the Town, as needed.
- c. Upon approval of report, the Town will perform the certification.

#### Review of Draft by City and Address Comments

- a. Wooten will submit the ERP to the Town water utility's staff for review and comments. The ERP will be revised based on these comments.
- b. Upon approval of report, the Town will perform the certification.
- 3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B, subject to the following: **No modifications.** 

4. Times for Rendering Services

Engineer will present the Survey and Deliverables within two (2) months from the execution of this agreement.

- 5. Payments to Engineer
  - A. Owner shall pay Engineer for services rendered as follows:

Phase No.	Phase Description	<b>Basis of Payment</b>	Fee
Task 1: RRA	Prepare Risk & Resilience Assessment	Lump Sum	\$8,000
Task 2: ERP	Write Emergency Response Plan	Lump Sum	\$16,850
Total:			\$24,850

- B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.
- 6. Consultants: None.
- 7. Other Modifications to Agreement: **None.**
- 8. Attachments: Hourly Rate Schedule
- 9. Documents Incorporated By Reference: None.
- 10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

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The Effective Date of this Task Order is September 9, 2021.

<b>OWNER:</b>		<b>ENGINEER</b> :	
Town of Winter  By (Signature):	·	L.E. Wooten & The Wooten Co  By (Signature):	
Typed Name:	Terri L. Parker	Typed Name:	W. Brian Johnson, PE
Title:	Town Manager	Title:	Vice-President
		Engineer License Certificate No. State of:	e or Firm's  F-0115  North Carolina
DESIGNATED	REPRESENTATIVE FOR	DESIGNATED I	REPRESENTATIVE FOR
TASK ORDE		TASK ORDER	
Typed Name:	Terri L. Parker	Typed Name:	William A. Larsen, PE
Title:	Town Manager	Title:	Project Manager
Address:	P. O. Box 1459 Winterville, NC 28590	Address:	310 W. 14th Street Greenville, NC 27834
E-Mail Address: <b>Ter</b>	ri.Parker@wintervillenc.com	E-Mail Address: wla	rsen@thewootencompany.com
Phone: (252)	756-2221	Phone: (252)	757-1096
Fax: (252)	321-8455	Fax: (252)	757-3221



#### **SCHEDULE OF FEES**

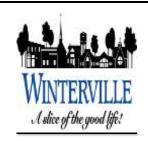
Hourly Rates for Wage Categories

Wage Category	Hourly Billing Rate	
Engineer I	\$	108
Engineer II	\$	137
Engineer III	\$	163
Engineer IV	\$	194
Engineer V	\$	235
Architect II	\$	141
Designer I	\$	75
Designer II	\$	95
Designer III	\$	117
Designer IV	\$	142
Construction Admin I	\$	112
Construction Admin II	\$	170
Construction Admin III	\$	210
Construction Observer / Resident Project Representative	\$	102
Utility Coordinator II	\$	125
Utility Coordinator III	\$	160
Survey Technician I	\$	50
Survey Technician II	\$	65
Survey Technician III	\$	85
Survey Technician IV	\$	120
Surveyor II	\$	110
Surveyor III	\$	129
Surveyor IV	\$	174
GIS Analyst II	\$	83
GIS Analyst III	\$	117
GIS Analyst IV	\$	122
Funding Coordinator I	\$	116
Funding Coordinator II	\$	131
Funding Coordinator III	\$	141
Community Development Coordinator	\$	133
Project Assistant	\$	79

Reimbursables: Mileage will be billed at the current IRS Standard Mileage Rate, Subcontracted Services and other expenses at cost plus 10%.

Annual adjustments are made on July 1st of each year. The above hourly rates reflect current rates for the period through June 30, 2022. Hourly billing rates will change next on July 1, 2022 to reflect Direct Payroll Costs (salaries) being paid at that time.

Effective Rates July 1, 2021 through June 30, 2022



Item Section: Other Items

Meeting Date: December 13, 2021

Presenter: Terri L. Parker, Town Manager

#### Item to be Considered

Subject: Stormwater Workshop Update.

Action Requested: None.

Attachment: None.

Prepared By: Terri L. Parker, Town Manager Date: 12/8/2021

ABSTRACT ROUTING:

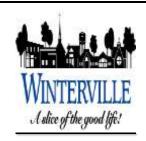
☑ TC: 11/1/2021 ☑ TM: 12/8/2021 ☑ Final: tlp - 12/8/2021

# **Supporting Documentation**

Once the new Council takes office, we will then need to try and look at some times to hold the previously discussed workship.

**Budgetary Impact:** TBD.

Recommendation: None.



Item Section: Future Items

Meeting Date: December 13, 2021

Presenter: Terri L. Parker, Town Manager

### Item to be Considered

Subject: Vision Setting Meeting

Action Requested: Discuss and Set Date.

Attachment: None.

Prepared By: Terri L. Parker, Town Manager Date: 12/7/2021

ABSTRACT ROUTING:

☑ TC: <u>12/7/2021</u> ☑ TM: <u>12/8/2021</u> ☑ Final: <u>tlp - 12/8/2021</u>

# **Supporting Documentation**

Once the new Council is in place, we will need to discuss dates for the Council annual Vision Setting Meeting.

**Budgetary Impact:** TBD.

Recommendation: Council Discussion.